

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of the Application of:

Scout Clean Energy, LLC, for
Horse Heaven Wind Farm, LLC,
Applicant

Docket No. EF-210011

PREFILED DIRECT TESTIMONY OF
JERRY MENINICK

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DISCLOSURE UNDER: RCW 42.56.300**

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Q Please state your name and tribal affiliation.

A My full name is Johnny Jerry Meninick. I am an enrolled member of the Confederated Tribes and Bands of the Yakama Nation (“Yakama Nation”).

Q What is your position with Yakama Nation?

A I am the Deputy Director of Culture.

Q What does your position entail?

A I oversee multiple programs that are part of the Tribal Government, including Yakama Nation’s Language and Cultural Resource Programs.

Q How did you come to hold your position as Deputy Director of Cultural Services?

A I lived off the Yakama Reservation for over 20 years as a commercial fisherman on the Columbia River. Then I was on the Pacific Crest Trail working for the United States Forest Service in Hood River, which is when Yakama Nation contracted me to monitor timber

sales part time. Then I was nominated and elected to Tribal Council, first as an alternate and then as a full member. So depending on how you count it, I was on Tribal Council for 19-21 years. For most of that time I was chair of the Legislative Committee as well as the Fish & Wildlife-Law & Order Committee. When I became a member of the Executive Committee, including my time as Yakama Nation Chairman (1992-1994, 1996-2004) I often traveled as a delegate for Tribal Council to National Congress of American Indians, Affiliated Tribes of Northwest Indians, the Inter-Tribal Monitoring Association, and other co-Tribal organizations both regionally and nationally. It was a beautiful experience to be a part of that. After serving on Council, I was a Student Counselor at Heritage University and worked on a curriculum for Native American Studies at Heritage University. I came back to work for Yakama Nation's Language Program before being hired as Deputy Director of Culture.

Q How does your experience on Yakama Nation Tribal Council inform your testimony in this proceeding?

A The most educational part of being on Tribal Council was learning what the Treaty really meant for how we live today. The elder councilmembers understood the Treaty as a serious covenant. The only one who can make a determination regarding the land and our resources is the Creator and the Treaty is understood to acknowledge our covenant with the Creator to protect the land. When the Treaty was negotiated, our people felt that the government's acceptance of the Treaty was an acknowledgement and understanding of the Creator's law—that covenant I was speaking about. What they did not know was that Governor Stevens didn't know how to interpret what they were trying to convey from our

culture. Through the negotiations they could not achieve an interpretation that was satisfactory to all involved. Our people would talk to the interpreter, who would convey what was said, but it would not be exactly what our people tried to say. They went over and over this in the negotiation. The key that our people told them was that they were reserving rights unto themselves in reflection of the cultural covenant with the Creator.

Q What family groups or bands are you a part of?

A I am Palouse. When my family way back from generations ago moved here they became part of the Wanapum band. My heritage is also from Skín, Návawí, Níšxt, and Qmíł. My paternal great grandma was half Wanapum and half from Alderdale [Návawí]. My maternal grandfather used to tell me stories about her, her lineage, the land itself, and the different ceremonies and promises so that I could separate the stories that belonged to different parts of my family.

Q Who has passed down traditional knowledge to you?

A My schooling came from my grandparents and the different ceremonies that we conducted in our language. I was also taught by Levi George and Victor George and I conducted ceremonies with them. At that time I lived on the [Columbia] River, and they lived in Georgeville. They would call and ask me to join them. I would go and pick them up and drive for them. While we were driving they would tell me about the family we were going to do a ceremony for, where they came from, and what specifics songs that family used for ceremonies. Levi and George are related to me through marriage. Levi was married to my sister and Victor was married to my aunt.

I also learned from Nelson Moses, a Wishxam. I could understand his language but not speak it. I knew Nelson through my dad. Nelson taught me many things during my time working on issues pertaining to the National Scenic Area Act—at that time that’s what we called it. Nelson was the one who worked with me in those areas. He would point out areas as we would drive along. He would explain to me, like the elders did, what monuments were there and why they were there. Many of the elders knew how to interpret pictographs and petroglyphs. They could look at them and say what the story was.

Q How is your family connected to the area where the Horse Heaven Hills Wind and Solar Project (“Project”) is proposed to be located?

A I have shared the stories with Jessica [Lally] about the stories and legends that are tied to that area. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q Why did you live with your grandfather as a child?

A My father passed away when I was around four years old and my mother remarried a man who used to work at the Dalles and John Day Dams so they moved to the river. My family volunteered to keep me in Granger because I was going to school and my grandfather, who lived in a separate house on the property, was getting older so I was sent to live with him for about five years. He shared stories with me every day to teach me. He raised me speaking our language. When my step dad began working for Wapato Irrigation Project my mom moved back up and took me to live with them again.

Q Would you say that most of what you know about the Horse Heaven Hills area is what you were taught by your grandfather?

A No. Later on my older brother [*átwai* Johnson Meninick] used to take me down there when there were ceremonies and we would go down there and he would talk to the elders all day. They were so interested in him and another guy Robert Tamalwash because they spoke English and the elders wanted to have their assistance interpreting concerns or issues with non-Indians. The courts could not understand what the Wanapum People were trying to say to them in regards to the Homestead Act—which allowed people in to create homestead claims anywhere, even on tribal allotments. I would join my brother and listen as they talked about the land and their history on the land. They would talk about the area from Wanapum Dam all the way down the river almost to Rock Creek. Their big concern at that time was the Claims Case so they would tell stories about how they were removed from their places along the river. When they told stories about the people they also told stories about the land.

[REDACTED]

My brother Johnson was also involved in U.S. v Oregon. He and two others, Bill Yallup and Louie Cloud were interpreting for the elders what they wished to convey to the government in that case. The elders wanted to tell the court that the Yakama's rights were reserved under the Treaty of 1855—and they wished to invoke that reservation. They were not asking for a decision or permission, they were putting the court on notice that this issue of reserved rights was above the court. In the end, the judge agreed.

Q Can you explain the significance of the Horse Heaven Hills area?

A It is a very significant place. I know that the legal and managerial system would have one heck of a time trying to understand what I share but I will try.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

As my brother Johnson used to say, you should go out there and let the land tell you the story. It's really true. The land was occupied because people understood that that was there. The reason that the land is no longer occupied by our people only because of the Treaty and the removal of people that was in that area to different reservations. They left because they were told that they had to but their identity was changed in the consolidation of people by the treaties.

Only 14 tribes and bands are recognized by our Treaty but there were thousands of families, tribes, and sub bands throughout the region. Things were kind of alright when the British were here but when the United States came they came with the purpose of eliminating us with armies. They also separated us and took our elders to stockades and children to boarding schools. They kept able men to help build new roads, harvest timber, new irrigation ditches, etc. with threats against those that did not participate.

In many different ways that same principle applies here.

When I was on Tribal Council part of what I did was help interpret for the Elders what the various state and federal agencies were trying to do to us. Once they got that message they

stood strong on what they knew. This is how we came to build up our programs for restoring the fisheries and successfully fought to protect our legal Treaty-reserved rights to fish and gather. What allowed us to prevail was our elders that understood what the Treaty meant when it reserved inherent rights to fish and gather.

It is important to understand that Yakama Nation reserved “unto ourselves” the right to maintain these resources. *Our ancestors reserved in the Treaty our inherent under the natural law to engage in our traditional practices as we always have.*

Q Are there any wildlife species that are of specific concern to you or your family members due to their historic presence in this area?

A [REDACTED]

Q What is your reaction when you see the footprint of the full Project on a map?

A Well there’s going to be a number of things that are going to be damaged. [REDACTED]. And what is the plan for disposing of all of this machinery when the Project is over? And the wind doesn’t blow all of the time there, what is the plan for storage or battery capacity? What is the larger plan here? They are not considering the full picture of these impacts.

Q Have you reviewed the professional report created by Archaeologist Jessica Lally regarding the Project's potential impacts to cultural resources?

A Yes.

Q Did you participate in some of the interviews that form the basis of Ms. Lally's professional conclusions regarding the Project's potential impacts?

A Yes.

Q Is there any part of Ms. Lally's professional report that you disagree with?

A No. Her report is well written and I agree with her conclusions.

Q Is there any further information that you would like to add regarding the specific TCP impacts identified within Ms. Lally's professional report?

A [REDACTED]

Q Is there any additional information that you believe EFSEC should have when evaluating the potential impacts of the Project?

A The process so far does not consider the connectedness of the land, its components, the animals, the plants. It has only analyzed them as if they are unrelated and stand alone. I would also add that there is a confusion with this process in that it relies on and encompasses boundaries: private land, state lands, Treaty boundaries, county boundaries—they all have authority. If the resources, and their connectedness, were the focus it would be simpler to determine protections—particularly for the tribe.

Q If EFSEC were to agree to conduct a site visit to this area with you and other Yakama Nation members, are you open to sharing additional information in order to convey the importance of the landscape that will be impacted by the Project?

A I would need to know more information about structure and confidentiality.

Q How would you summarize the impact of having wind turbines or solar arrays directly within or in close proximity to sacred areas?

A I would compare this to what is happening with the Amazon rainforest. This would have the same level of impact when added to the other destruction and development in this area.

[REDACTED]

[REDACTED] The cumulative damage cannot be mitigated and when I use the word “mitigated” I say it with a lot of concern because the losses really cannot be mitigated. It’s really difficult to explain and likely cannot be understood in this forum.

I declare under penalty of perjury that the above testimony is true and correct to the best of my knowledge.


Jerry Meninick

6-9-23
Date