



Confederated Tribes and Bands
of the Yakama Nation

Established by the
Treaty of June 9, 1855

October 10, 2025

Sent via Electronic Mail

ENERGY FACILITY SITE EVALUATION COUNCIL
comments@efsec.wa.gov

Re: Horse Heaven Hills Wind & Solar Project
Draft Resolution No. 357

Dear Energy Facility Site Evaluation Council,

I write on behalf of the Confederated Tribes and Bands of the Yakama Nation ("Yakama Nation") regarding EFSEC's recently-published draft Resolution No. 357 for the Horse Heaven Hills Wind & Solar Project ("Project").¹ Yakama Nation's position on the draft Resolution is separate and distinct from the participation of Yakama Nation's technical expert in the ongoing Pre-operational Technical Advisory Group ("PTAG") process on narrow biological discussions.

The Council's consideration of Resolution No. 357 at its upcoming meeting compounds the many procedural issues with the unprecedented PTAG process already raised by Yakama Nation in comments to this body as well as its ongoing legal challenge to the Project. One more recent result of the procedural misstep of deferring Project design to the PTAG process is that now, roughly a year after the Site Certification Agreement ("SCA") was approved by Governor Inslee, specific Project design elements are being reviewed and potentially approved by a subset of the EFSEC Council that actually recommended the SCA to Governor Inslee. Yakama Nation is concerned about the decision to exclude councilmember Ed Brost from continued decisions regarding the Project, as well as a lack of clarity regarding how much of the extensive Project record has been reviewed and understood by the three new council representatives from the Washington Depts. of Ecology, Fish & Wildlife, and Natural Resources. We are also concerned with the amount of participation in these ongoing deliberations by Chair Beckett given his past representation of the Project's developer, an contrary to his publicly-stated intent to recuse himself.

Yakama Nation does not have a final Project design in order to evaluate the full impact of Resolution No. 357, and are not sure whether EFSEC has that design under review in order to inform its decision. Resolution No. 357 does not deal with the full spec-5 mitigation

¹ Yakama Nation does not waive, and hereby affirmatively reasserts, all arguments, legal claims, right or remedies related, directly or indirectly, to EFSEC's decision to convene a PTAG for the Project, and/or its delegation of statutory power and responsibilities to the PTAG.

measures and so there is also not sufficient information to inform a comprehensive review of environmental impacts under the State Environmental Policy Act. ESFEC appears to be continuing down a path where the Project's regulatory review is moving forward in the absence of a complete and final Project design. EFSEC should take action to procedurally course correct.

Resolution No. 357 allows the citing of Project components that will have significant negative impacts on Yakama Nation's natural and cultural resources by piecemealing consideration of individual nest locations based solely on habitat considerations by a delegated group of individuals (PTAG). Resolution No. 357 acknowledges the exclusion of turbines from one culturally-sensitive area while continuing EFSEC's inexplicable failure to provide the same protection to other culturally-sensitives areas identified through extensive comment and adjudication testimony. Again, because EFSEC deferred Project layout decisions to after the SCA approval, many of the councilmembers that heard that testimony first-hand are not the councilmembers who will now decide whether to approve Resolution No. 357.

Yakama Nation appreciates EFSEC's consideration of the PTAG's recommendations to protect nest locations in closest proximity to the most recent documented use of a nest by the Ferruginous Hawk. Yakama Nation will continue to advocate for all protective measures for the endangered Ferruginous Hawk and other impacted species, consistent with best available science, which Resolution No. 357 does not achieve. Because it also fails to account for the Project's significant negative impacts of the turbine siting approved by Resolution No. 357 to numerous Yakama Nation Traditional Cultural Properties, it should be denied.

Respectfully,

A handwritten signature in black ink that reads "Gerald Lewis". The signature is written in a cursive style and is positioned above a horizontal line.

Gerald Lewis, Chairman
YAKAMA NATION TRIBAL COUNCIL

cc: Jonathan Thompson, Attorney General for EFSEC
Sonia Bumpus, EFSEC Director
Amí Hafkemeyer, EFSEC Director of Siting and Compliance
Lisa McLean, EFSEC Legislative & Policy Manager
Sarah Reyneveld, Counsel for the Environment