



February 22, 2023

The Honorable Laura Watson
Director
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

Dear Director Watson,

The 15 undersigned conservation organizations strongly urge The Washington State Department of Ecology (Ecology) to deny the 401 Water Quality Certification with prejudice for the Goldendale Pumped Storage Project (Project) in light of Ecology’s issuance of the final Environmental Impact Statement (EIS) which clearly indicates that the Project will result in “unavoidable and adverse impacts to tribal cultural resources.”

Conclusions in the EIS show that Ecology has heard the concerns of the Confederated Bands and Tribes of the Yakama Nation (Yakama Nation), which have been expressly voiced since the Project’s introduction in 2018. In a press release issued on December 23, 2022 (attached), the Yakama Nation states that the proposed site, also known as Juniper Point, or Pushpum, “is a place of extraordinary significance to the Yakama People, including many historic and archaeological properties, cultural and ceremonial importance, and sources of traditional food and medicinal roots.” The Project, if constructed, would violate the Yakama Nation’s inherent sovereignty and rights reserved by the Treaty of 1855. While some mitigation has been proposed by the applicant to address Project impacts to tribal cultural resources, Ecology’s EIS clearly states that no proposed mitigation “would reduce the level of impact to less than significant” and “there is no information available about mitigation proposed by or supported by the Tribes.” The significant and unavoidable impacts, coupled with the lack of available mitigation, should lead Ecology to deny the 401 Water Quality Certification for the Project.

In addition to the significant, adverse impacts to tribal cultural resources, the Project poses risks to water resources in and around the Columbia River and will likely not comply with water quality standards. First, the Project will permanently destroy large sections of two federal-jurisdictional ephemeral streams, important habitat in the semi-arid Columbia Hills; the project will also destroy multiple “waters of the state,” including ephemeral streams and a 0.3 acre pond. Second, the Project will create two reservoirs that are likely to concentrate pollutants and potentially impact groundwater. Third, the Project will consume large quantities of Columbia River water (2.5 billion gallons of water for

initial fill and 117 million gallons of water per year to offset water lost from evaporation and reservoir leakage), exacerbating existing water quantity issues in the Columbia River. With this, Ecology retains authority to deny Rye's 401 certification. Further Project impacts to water quality and water quantity are detailed in comments submitted to Ecology by American Rivers, Columbia Riverkeeper, Washington Environmental Council, Sierra Club, and Friends of the White Salmon on September 30, 2022.

The developer has submitted a final license application for the Project, as well as its second 401 Water Quality Certification application (the first was denied without prejudice in June 2021). Now with the issuance of Ecology's Final EIS, the determination of "unavoidable and adverse impacts to tribal cultural resources," and the likely impacts to water quality and quantity from Project construction and operation, Ecology has more than enough information to deny the 401 application with prejudice.

Finally, the undersigned groups firmly support the need to address our climate crisis and transition away from fossil fuels to cleaner and safer energy sources. This transition must uphold tribal sovereignty and acknowledge the past harms caused by previous energy development. Project-specific review and proper analysis of impacts are critical in ensuring that the state meets both its clean energy goals and its environmental justice and tribal sovereignty requirements. The lack of mitigation supported by the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Bands of the Warm Springs Reservation, and the Nez Perce Tribe indicates that the Goldendale Project stands to disproportionately harm Indigenous communities and should not proceed. Further, the Affiliated Tribes of Northwest Indians (ATNI) passed Resolution #2023 – 15 in January 2023, which states, "the ATNI supports and stands with the Yakama Nation's opposition to proposed pump storage development at Pushpum and the permitting of development that threatens to destroy Traditional Cultural Properties..." We stand with ATNI, and the above Tribes and Nations, in their opposition of the Goldendale Project.

We urge you to deny the 401 Water Quality Certification for the Goldendale Pumped Storage Project with prejudice and honor the sovereignty and treaty-reserved rights of the Yakama Nation.

Sincerely,

Sarah Dyr Dahl
Northwest Regional Director
American Rivers

Sept Gernez
Acting Director
Washington State Chapter Sierra Club

Simone Anter
Staff Attorney
Columbia Riverkeeper

Patricia L. Arnold
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Rogue Climate

David De La Torre
Healthy Climate Program Director
Oregon Physicians for Social Responsibility

Lilliane Ballesteros
Executive Director
Latino Community Fund

Thomas O'Keefe
Pacific Northwest Stewardship Director
American Whitewater

Cc: U.S. Senator Patty Murray (D-WA)
U.S. Senator Maria Cantwell (D-WA)
U.S. Representative Suzan DelBene (D-WA01)
U.S. Representative Rick Larsen (D-WA02)
U.S Representative Marie Gluesenkamp Perez (D-WA03)
U.S. Representative Derek Kilmer (D-WA06)
U.S. Representative Pramila Jayapal (D-WA07)
U.S. Representative Kim Schrier (D-WA08)
U.S. Representative Adam Smith (D-WA09)
U.S. Representative Marilyn Strickland (D-WA10)
The Honorable Jay Inslee, Governor of Washington