



CLEAN, FLOWING WATERS FOR WASHINGTON

The Center for
Environmental Law & Policy

March 10, 2020

FILED ELECTRONICALLY

Honorable Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, NE,
Washington, DC 20426

RE: Center for Environmental Law & Policy's Comments on the Draft License Application for the Goldendale Energy Storage Project, FERC Project No. 14861

Dear Secretary Bose:

Thank you for the opportunity to provide FERC with comments on the proposed Goldendale Energy Storage Project (the "Project"). CELP has two primary concerns: first, that the best and most up-to-date studies be used in evaluating the Project's potential effects on wildlife, and second, that the concerns of the Yakama Nation regarding cultural resources be fully addressed and that the Project be constructed so as not to threaten areas important to the Nation.

The Fish, Wildlife, and Botanical section of Appendix E (Environmental Report) refers to studies reporting a large number of terrestrial and bird species in the Project area. Many of the studies cited for presence or location of these species are more than a decade old. For purposes of avoiding impacts to wildlife during construction, or mitigating for unavoidable impacts, the best and most recent scientific data available should be used. For species such as raptors, it may be prudent to conduct a new survey of nesting sites before beginning construction.

CELP also concurs with the Washington Department of Fish and Wildlife that mitigation for compromised habitat should be provided at more than a 1:1 ratio. There are numerous problems associated with providing compensatory habitat, including possible failure of a project or failure to ensure that a project can be maintained for the life of the impact (in this case, CELP believes that the impact of Project construction should be considered essentially permanent). The 2:1 ratio suggested by WDFW would be a prudent approach to ensuring effective mitigation.

Because this Project potentially implicates sites that are important culturally or historically to the Yakama Nation, it is critical that the Tribe be consulted on an ongoing, government-to-government basis. As the Yakama Nation has stated, "only the Yakama Nation can determine what is significant to the Tribe."¹ The Washington Legislature has also recognized the importance of such consultation; the bill recently passed designating the Project as a "project of statewide significance" requires that the

¹ Letter from Lonnie Selam, Yakama Nation to Erik Steimle, Rye Development, February 14, 2018.

Project include a “plan for consultation with affected tribes.” The fact that the cultural resources Report (Appendix H) was filed as “privileged” does not allow CELP and other commenters to determine exactly what resources are present. This should not diminish the attention given to this issue by regulatory agencies. Given that the exact nature of the cultural resources at stake have not been publicly identified, FERC and the Project proponents should also consider the possibility that impacts on cultural resources that cannot be mitigated or avoided might arise, perhaps even presenting a fatal flaw in project implementation.

Thank you again for the opportunity to provide comments.

Sincerely,

A handwritten signature in black ink that reads "Trish Rolfe". The signature is written in a cursive, flowing style.

Trish Rolfe
Executive Director
Center for Environmental Law & Policy