

Hon. Sara C. Bronin
Chair

Jordan E. Tannenbaum
Vice Chairman

Reid J. Nelson
Executive Director



September 6, 2024

Peter J. Ditton
Acting State Director
Bureau of Land Management
Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

Ref: *Lava Ridge Wind Project*
Jerome, Lincoln and Minidoka Counties, Idaho
ACHP Project Number: 016353

Dear Mr. Ditton:

On August 9, 2024, the Idaho State Historic Preservation Office (SHPO) terminated its participation in the Section 106 consultation for the referenced undertaking, citing concerns with the project's overall effects to historic properties. In accordance with 36 CFR § 800.7(a)(2), when a SHPO terminates consultation, the Advisory Council on Historic Preservation (ACHP) may execute an agreement with the agency, in this case, the Bureau of Land Management (BLM). On August 27, 2024, the ACHP received a request from the BLM to execute a two-party Programmatic Agreement (PA) for the undertaking, which would document the BLM's compliance with Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800) for the proposed Lava Ridge Wind Project. However, for the reasons set out below, the ACHP is unable to execute the PA and will be providing comments to the BLM in accordance with 36 CFR § 800.7(c).

Since April 2021, the ACHP has participated in the Section 106 consultation to assist the BLM and the consulting parties in seeking ways to avoid, minimize, or mitigate adverse effects to historic properties that would result from this undertaking. Throughout this period, the ACHP provided numerous recommendations, in writing and in person, emphasizing the importance of involving all parties, including Indian Tribes and the Japanese American descendant community, with an interest in the effects of the project on historic properties, and ensuring these parties are provided with sufficient information to participate meaningfully in the consultation.

We appreciate BLM's attention to these and other recommendations we have provided, and the steps it has taken to improve its consultation with Indian Tribes, Friends of Minidoka, and others. However, we recognize that various stakeholders, including local elected officials, the Idaho State Legislature, Idaho's Congressional delegation, Indian Tribes, and the Japanese American community, continue to express concerns about a variety of potential impacts from the project, including significant effects to numerous historic properties.

Absent the SHPO's local expertise and resources to assist the BLM in implementing the PA's stipulations, including the development and oversight of the Historic Property Management Plan (HPMP) and Historic Property Treatment Plans (HPTPs), it would not be possible for the ACHP to provide the sort of expertise and assistance the BLM would need to implement the PA. The necessary modifications to make it so would result in a PA that does not reflect the undertaking's scale and scope and that would likely lack sufficient mitigation measures to resolve the undertaking's adverse effects on historic properties. Accordingly, the ACHP believes that further consultation in this case would be unproductive and therefore, we are hereby terminating consultation pursuant to 36 CFR § 800.7(a)(4).

In accordance with section 800.7(c), the ACHP will develop and transmit its final comments to the BLM Director by October 21, 2024. With this notice of termination, we are also requesting that BLM and all consulting parties provide any additional views on this undertaking and the proposed resolution of adverse effects to the ACHP by September 23, 2024. This will allow the ACHP the opportunity to consider those views and feedback in developing our comments. Upon receipt of the ACHP's comments, the BLM Director shall take into account our comments and respond to them before reaching a final decision on the undertaking, as required by § 800.7(c)(4).

Should you have any questions or require additional assistance, please contact Rodney Parker Jr., Program Analyst, at (202) 517-0198 or by e-mail at rparker@achp.gov and reference the ACHP Project Number above. Consulting parties may submit their comments to Mr. Parker via email. We look forward to providing our comments to conclude the Section 106 process for this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Reid J. Nelson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Reid J. Nelson
Executive Director