



**NATIONAL ASSOCIATION  
OF TRIBAL HISTORIC  
PRESERVATION OFFICERS**

P.O. BOX 19189  
WASHINGTON, D.C. 20036-9189  
(202) 628-8476  
INFO@NATHPO.ORG  
WWW.NATHPO.ORG

September 23, 2024

Sara Bronin  
Chair  
Advisory Council on Historic Preservation  
401 F Street NW, Suite 308  
Washington, DC 20001

Dear Chair Bronin,

The National Association of Tribal Historic Preservation Officers (NATHPO) has the following comments regarding the termination of Section 106 consultation for the Bureau of Land Management's (BLM) Lava Ridge Wind Project in Idaho.

NATHPO is the only national organization devoted to supporting Tribal historic preservation programs. Founded in 1998, NATHPO is a 501(c)(3) non-profit membership association of Tribal government officials who implement federal and Tribal preservation laws. NATHPO empowers Tribal preservation leaders protecting culturally important places that perpetuate Native identity, resilience, and cultural endurance. Connections to cultural heritage sustain the health and vitality of Native peoples.

We request the Advisory Council on Historic Preservation (ACHP) recommend the BLM block construction of the Lava Ridge Wind Project. While NATHPO recognizes the need to address the climate change crisis, we believe this can be done without harming Tribal Nations' cultural resources.

The Shoshone-Bannock and the Shoshone-Paiute Tribal Nations have said the project would harm sites that are home to their cultural resources, including Wilson Butte Cave, which was home to the Tribes ancestors and remains an important place for the Tribal Nations. In response to concerns, the BLM provided a setback of 0.9 miles from Wilson Butte Cave but also wrote that "non-physical visual and auditory impacts would not be fully avoidable by the project."

The project would also have significant impacts on the habitat of wildlife that are culturally important for the Shoshone-Bannock and the Shoshone-Paiute Tribal Nations. Supporters of the project note that much of the project area has already been altered due to human activity. Such an argument falsely suggests that before Americans of European descent colonized the area, it was unaltered by human activity. These arguments also fail to understand the wildlife that depend on this habitat are a cultural resource for the Tribal Nations.

Finally, allowing the project to go forward would be a clear violation of the Fort Bridger Treaty of 1868. Article IV of the treaty clearly states:

*The Indians herein named agree, when the agency house and other building shall be constructed on their reservations named, they will make said reservations their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right to hunt on the unoccupied lands of the United States so long as game may be found thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts.*

**PROTECTING NATIVE PLACES**

Allowing the project to move forward would violate the treaty by causing a significant impact on Tribal members' ability to hunt on federal lands. For non-Tribal members, hunting may be a sport or a hobby. The hunting permitted under the treaty is culturally important to the Tribal Nations and must be preserved.

As a Tribal organization, NATHPO's main focus is on the impacts that the wind farm would have on Tribal Nations' cultural resources. That said, we would be remiss if we did not mention the harm that the wind farm would cause to descendants of the Japanese Americans who were incarcerated at what is now Minidoka National Historic Site. It is not acceptable to place a wind farm in close proximity to a place that should be treated with reverence and respect.

The Lava Ridge Wind Project is an unfortunate reminder of the inadequacies of the National Historic Preservation Act and other laws that are intended to protect Tribal Nations' cultural resources and sacred places. The laws require consultation with Tribal Nations and the identification of adverse effects, but do not provide a way to truly address Tribal Nations' concerns.

Thank you for considering our comments regarding the termination of Section 106 consultation for the Bureau of Land Management's (BLM) Lava Ridge Wind Project in Idaho.

Sincerely,

A handwritten signature in black ink that reads "Valerie J. Grussing". The signature is written in a cursive style with a large, prominent "V" at the beginning.

Valerie J. Grussing, PhD  
Executive Director