

# **Exhibit 25**

## **Ascends Elements, Hopkinsville, KY: Tribal Nations and State Historic Preservation Office (SHPO) Consultations Summary**

The following is summary of consultation letters, and communications that U. S. Department of Energy (DOE) conducted with various Tribal Nations and State Historic Preservation Officer (SHPO) to fulfill DOE's responsibilities under Section 106 of the National Historic Preservation Act regulations (36 CFR 800).

### **NETL NEPA Division Consultation Summary:**

#### **May 2, 2022**

DOE posted Funding Opportunity Announcement (FOA) DE-FOA-0002678, Bipartisan Infrastructure Law (BIL) Battery Materials Processing and Battery Manufacturing, inviting applicants to apply for competitive Federal financial assistance awards.

#### **October 13, 2022**

DOE informs Ascend Elements, Inc. (Ascend) that it was selected to begin negotiations to receive a Federal financial assistance award under DE-FOA-0002678.

#### **December 7, 2022**

NETL NEPA division spoke with NETL project manager and confirmed Ascend was conducting ground disturbance activities with private funding.

#### **December 15, 2022**

DOE conducted a meeting with Ascend. During the call, DOE was informed that Ascend had conducted previous ground disturbances on part of the project site (Lot 4). The NEPA process has not been initiated to date.

#### **December 19, 2022**

Ascend to select a NEPA Consultant. Ascend comments that the entire Commerce Park (+-1400 ac.) was coordinated with Kentucky Heritage Council (SHPO) and U.S. Army Corps of Engineers (wetlands) during the Parks' inception.

#### **January 9, 2023**

DOE conducts meeting with Ascend to discuss plans for the upcoming draft Environmental Assessment (EA). DOE provided templates for consultation letters and templates for completed EAs. Consultation letters: discuss the contents for the US Fish and Wildlife, SHPO and Tribal Nations. Tribal Nations would include Cherokee Nation of Oklahoma and the Eastern Band of Cherokee Indians (North Carolina).

### **January 30, 2023**

DOE requests/inquires on telecom with Ascend where are the Historical References and information from the original Hopkinsville Industrial Park 2017 Report.

### **February 2, 2023**

DOE and Ascend conduct kickoff meeting to begin writing the Draft Environmental Assessment (EA). Continue preparations for the consultation letters to the two federally recognized Tribal Nations as mentioned above.

### **February 6, 2023**

DOE and Ascend telecom to discuss coordination with Kentucky SHPO and Cherokee Nation. DOE coordination letters to be sent out.

### **February 7, 2023**

DOE calls Elizabeth Toombs, Cherokee Nation of Oklahoma. Completed initial introductions and provided a brief summary on the project, site location, and informed Ms. Toombs that DOE would be sending the initial Section 106 consultation letter with project details included.

### **February 8, 2023**

DOE sends follow up e-mail to Ms. Toombs, Cherokee Nation of Oklahoma, as a follow up to the phone conversation on February 7, 2023.

### **February 8, 2023**

DOE calls the Kentucky SHPO to introduce the project and to communicate initial consultation letter would be sent detailing the project description and provide maps and site layouts of the planned project. Left a voice message for Craig Potts (Director of SHPO).

### **February 9, 2023**

DOE calls Beau Carroll of the Eastern Band of Cherokee Indians. Completed initial introductions and provided a brief summary on the project, site location and informed Mr. Carroll that DOE would be sending the initial Section 106 consultation letter with project details attached.

### **February 10, 2023**

DOE sends two e-mails to Ms. Toombs, Cherokee Nation of Oklahoma. The emails contained the initial consultation letter and attachments. The attachments were large files, and the files were sent in two emails to ensure receipt.

### **February 13, 2023**

DOE sends follow up e-mail to Ms. Toombs, Cherokee Nation of Oklahoma to verify receipt of consultation letter and attachments.

### **February 14, 2023**

DOE sends two e-mails to Mr. Carroll of the Eastern Band of Cherokee Indians. The emails contained the initial consultation letter and attachments. The attachments were large files, and the files were sent in two emails to ensure receipt.

### **February 14, 2023**

DOE sends two e-mails to Russell Townsend of the Eastern Band of Cherokee Indians. The emails contained the initial consultation letter and attachments. The attachments were large files, and the files were sent in two emails to ensure receipt.

### **February 14, 2023**

DOE sends two e-mails to Mr. Potts (Kentucky SHPO). The emails contain the initial consultation letter and attachments. The attachments were large files, and the files were sent in two emails to ensure receipt.

### **April 10, 2023**

DOE and Ascend telecom determine that Draft EA will target May 7<sup>th</sup> to go out for Public Comment.

### **April 11, 2023**

DOE calls Ms. Toombs, Cherokee Nation of Oklahoma. Discussed the upcoming release of Draft EA and plans to send to her the link. Verified method of preference for receiving Draft EA (electronic means only), to the Cherokee Nation.

### **April 11, 2023**

After completion of the phone call, DOE receives an email from Ms. Toombs, Cherokee Nation of Oklahoma. Attached to the email is a letter from the Cherokee Nation stating they would like to be a consulting party and would like a cultural resources survey completed for the project site. They also request that when the survey is completed, DOE send the SHPO's comments regarding the Survey to the Cherokee Nation of Oklahoma.

### **April 14, 2023**

DOE receives an e-mail from Mr. Carroll of the Eastern Band of Cherokee Indians. Beau states that DOE should be sending the project information to a colleague, Stephan Yerka.

### **April 14, 2023**

DOE sends an e-mail to Mr. Carroll of the Eastern Band of Cherokee Indians. DOE thanked him for the updated information and informed him that DOE had plans to schedule a meeting with Mr. Yerka next week.

### **April 21, 2023**

DOE sends follow up e-mail to Ms. Toombs, Cherokee Nation of Oklahoma, to confirm DOE will send the Phase I Archaeological Survey to them when it becomes available for her review and comments. SHPO will be asked to include their comments on this survey, so the Cherokee Nation of Oklahoma may consider SHPO's findings. Also, a letter addressed to Ms. Toombs and the Cherokee Nation of Oklahoma was attached to the email with the available Draft EA link.

### **April 21, 2023**

DOE sends an e-mail to Mr. Yerka of the Eastern Band of Cherokee Indians. Also, a letter addressed to Mr. Yerka was attached to the email with the available Draft EA link.

### **April 21, 2023**

DOE sends an e-mail to Mr. Townsend of the Eastern Band of Cherokee Indians. Also, a letter addressed to Mr. Townsend was attached to the email with the available Draft EA link.

### **April 21, 2023**

DOE sends an e-mail to Mr. Potts (Kentucky SHPO). Also, a letter addressed to Mr. Potts was attached to the email with the available Draft EA link.

### **May 15, 2023**

Ascend / DOE telecom to find out when Kentucky SHPO was out to make a site visit.

### **May 22, 2023**

Weekly project meeting: Kentucky SHPO joined the call with Ascend and DOE. Kentucky SHPO states that they are on track with "moving forward" with the project.

### **May 23, 2023**

DOE receives email from Nicole Konkol of the Kentucky Heritage Council (Kentucky SHPO). This request asked for clarifying information on the project site. Specifically, whether Lots 3 and 4 were being developed at the same time or whether they would be separate projects with separate funding.

### **May 25, 2023**

DOE sends an e-mail to Ms. Konkol (Kentucky SHPO). Provided the additional information as requested on May 23<sup>rd</sup> from the Kentucky SHPO.

### **May 31, 2023**

DOE sends follow up e-mail to Ms. Toombs, Cherokee Nation of Oklahoma. This notification was to inform Ms. Toombs that Ascend has now made the Phase I survey available. Ascend and NEPA Contractor to send the information to allow access to the SharePoint site to download the Phase I Survey. The file size is large. Asked Ms. Toombs to contact me if she has any issues or problems with gaining access to the SharePoint site and obtaining the Phase I Survey.

### **May 31, 2023**

DOE sends follow up e-mail to Mr. Yerka and Mr. Townsend of the Eastern Band of Cherokee Indians. This notification was to inform Mr. Yerka and Mr. Townsend that Ascend has now made the Phase I survey available. Ascend and NEPA Contractor to send the information to allow access to the SharePoint site to download the Phase I Survey. The file size is large. Asked Mr. Yerka and Mr. Townsend to contact me if they have any issues or problems with gaining access to the SharePoint site and obtaining the Phase I Survey.

### **June 5, 2023**

Ascend sends e-mail to Ms. Toombs, Cherokee Nation of Oklahoma, to gain access to the Phase I Archaeological Survey.

### **June 5, 2023**

Ascend sends e-mail to Mr. Townsend of the Eastern Band of Cherokee Indians to gain access to the Phase I Archaeological Survey.

### **June 5, 2023**

DOE sends follow up e-mail to Mr. Townsend of the Eastern Band of Cherokee Indians and notifies Mr. Townsend the Survey is available and to confirm access.

### **June 5, 2023**

DOE sends follow up e-mail to Ms. Toombs, Cherokee Nation of Oklahoma, notifying Ms. Toombs the Survey is available and to confirm access.

### **June 5, 2023**

DOE receives an e-mail from Ms. Toombs, Cherokee Nation of Oklahoma, stating she had issues with gaining access to the Survey.

### **June 5, 2023**

DOE sends follow up e-mail to Ms. Toombs, Cherokee Nation of Oklahoma. DOE and Ascend to divide the Phase I Archaeological Survey into separate, and smaller file sizes. The Survey files would be sent in separate emails to remedy her access issues.

### **June 5, 2023**

DOE receives an e-mail from Ms. Toombs, Cherokee Nation of Oklahoma. Ms. Toombs thanked DOE for assisting her and solving the access issue to the Survey.

### **June 5, 2023**

DOE sends follow up e-mails to Ms. Toombs, Cherokee Nation of Oklahoma. DOE sends Ms. Toombs three separate emails with three smaller attachment files of the Survey. This was the quickest solution to remedy the access issue Ms. Toombs had with the SharePoint site.

### **June 6, 2023**

DOE sends follow up e-mail to Mr. Yerka and Mr. Townsend of the Eastern Band of Cherokee Indians. DOE sends Mr. Yerka and Mr. Townsend three separate emails with three smaller attachment files of the Phase I Archaeological Survey. This was to ensure they received the Survey without any delays.

### **June 12, 2023**

DOE receives email from Ms. Konkol (Kentucky SHPO). This request asked for additional information on the project site. There is apparent confusion with information in the 2017 Report and also a Tennessee Valley Authority Report.

### **June 12, 2023**

DOE sends email to Ms. Konkol (Kentucky SHPO). DOE invites SHPO to join the next project meeting to provide any additional information the SHPO may need.

### **June 12, 2023**

DOE receives email from Ms. Konkol (Kentucky SHPO). This request asked for a phone discussion with the SHPO.

### **June 13, 2023**

DOE sends email to Ms. Konkol (Kentucky SHPO). DOE invites SHPO to join the next project meeting on June 20, 2023.

### **June 13, 2023**

SHPO emailed Ms. Anne Bader, Principal Investigator from Corn Island Archaeology LLC (Phase I Survey contractor) accepting the Phase I Archaeological Survey results. SHPO copied Ms. Toombs and DOE on its email to Ms. Bader.

### **June 14, 2023**

DOE sends follow up e-mail to Mr. Yerka and Mr. Townsend of the Eastern Band of Cherokee Indians. DOE sends Mr. Yerka and Mr. Townsend an attached letter from the Kentucky SHPO accepting the Phase I Archaeological Survey results.

### **June 20, 2023**

DOE / Ascend / SHPO joint telecom. SHPO (Ms. Konkol) requests that mitigation of some sort is needed for “previous impacts.” SHPO also requests an MOA be developed. SHPO indicated that it cannot comment on just a portion of the project site, but the whole undertaking.

### **June 22, 2023**

DOE receives email from Ms. Konkol (Kentucky SHPO). This email thanked DOE for including SHPO in the meeting. SHPO provided some additional information and provided DOE and Ascend mitigation options.

### **June 30, 2023**

DOE receives email from Ms. Konkol (Kentucky SHPO). SHPO asked if DOE received any information from the Tribal Nations to date. Also, SHPO provided some mitigation options.

### **July 3, 2023**

DOE / Ascend telecom. Ascend informs DOE that it has contacted the Trail of Tears Commission to develop a possible plan that addresses the SHPO’s mitigation concerns.

### **July 10, 2023**

DOE left a voice message for Ms. Toombs, Cherokee Nation of Oklahoma, regarding the Trail of Tears Commission donation that Ascend is proposing to address the SHPO’s mitigation concerns.

### **July 12, 2023**

DOE sends follow up e-mails to Ms. Toombs, Cherokee Nation of Oklahoma. DOE sends email listing items that were previously sent to Ms. Toombs: 1) Phase I Archaeological Survey, 2) the Kentucky SHPO directly sending Elizabeth a letter (Phase I comments) on June 13, and 3) the DOE voice message left on July 10. Also, attached to this email, a DOE letter to the Cherokee Nation of Oklahoma detailing the planned donation to the Trail of Tears Commission.



### **July 13, 2023**

DOE sends follow up e-mail to Mr. Townsend of the Eastern Band of Cherokee Indians. DOE sends email to Mr. Townsend with an attached letter describing Ascend's draft proposed mitigation measures related to any impacts to cultural resources for this project to address the SHPO's concerns.

### **July 13, 2023**

DOE receives a phone call from Ms. Toombs, Cherokee Nation of Oklahoma. Ms. Toombs states she did not receive the Phase I survey from DOE (sent on June 5) and did not have the comments from the SHPO office on this Survey. (The SHPO sent their comments directly to Ms. Toombs.) During the phone conversation with Ms. Toombs, I re-sent the above documents/information to her.

### **July 17, 2023**

DOE receives an email from Ms. Toombs, Cherokee Nation of Oklahoma with the Cherokee Nation's response. Attached to the email was a letter addressed to DOE and copied to the Kentucky SHPO. The letter was requesting additional information regarding a previous cultural resources survey conducted in 2017. There was also confusion as to why there was proposed "mitigation" when there are no historic properties or adverse effects to historic properties identified. The National Historic Preservation Act (NHPA) addresses mitigation measures only when there is a finding of an adverse effect. 36 C.F.R. § 800.

### **July 17, 2023**

DOE sends follow up e-mails to Ms. Toombs, Cherokee Nation of Oklahoma. DOE sends email acknowledging receipt of the letter from the Cherokee Nation.

### **July 21, 2023**

DOE sends an e-mail to Mr. Potts (Kentucky SHPO) and attaches its letter with a finding of "no historic properties affected." The letter was dated July 20, 2023, addressed to Mr. Potts, and attached to the email from DOE in regard to DOE's plans, and a copy of the DOE letter addressed to the Cherokee Nation of Oklahoma.

### **July 21, 2023**

DOE sends follow up e-mails to Ms. Toombs, Cherokee Nation of Oklahoma. The email was a response to the Cherokee Nation of Oklahoma from their July 17, 2023, email and letter. Also, this email contained two attachments: 1) a DOE letter addressed to the Cherokee Nation of Oklahoma and 2) a copy of a letter addressed to SHPO from DOE in regard to DOE's plans.

### **July 21, 2023**

DOE sends follow up e-mail to Mr. Yerka, Mr. Townsend, and Mr. Carroll of the Eastern Band of Cherokee Indians. DOE copies Mr. Yerka, Mr. Townsend, and Mr. Carroll a letter addressed to SHPO from DOE in regard to DOE's plans.

### **July 31, 2023**

DOE receives letter from SHPO stating that it cannot concur with DOE's determination of "No Historic Properties Affected" and desire to develop a Memorandum of Agreement (MOA) that includes mitigation measures and an Inadvertent Discovery Plan.

### **August 4, 2023**

DOE receives an email from Ms. Toombs, Cherokee Nation of Oklahoma. The email contained three attachments: 1) Timeline from Elizabeth Toombs, 2) Newspaper article on the Ascend project site, and 3) a letter from the Cherokee Nation addressed to DOE outlining their response to the July 21 letter from DOE to the Cherokee Nation. The letter states they have invited the ACHP to review the consultation record for this project. The email was addressed to DOE, SHPO, and ACHP.

### **August 7, 2023**

DOE, Ascend and SHPO: phone call. Kentucky SHPO states that they cannot concur with DOE's "no historic properties affected" determination.

### **August 21, 2023**

DOE / Ascend telecom. Discussion of a 2-year MOA vs. a 1-year MOA as per guidance from Kentucky SHPO's Office. Neither SHPO nor DOE has contacted ACHP yet. SHPO is open to contacting ACHP for their involvement.

### **September 11, 2023**

DOE sends an e-mail to Mr. Potts (Kentucky SHPO) to arrange and schedule a meeting to discuss the MOA. Meeting was confirmed and set for September 14, 2023.

### **September 14, 2023**

DOE, Ascend and Kentucky SHPO meeting: MOA discussion.

### **September 18, 2023**

DOE provides Kentucky SHPO with a draft agreement, including the Inadvertent Discoveries Plan and donation to the Trail of Tears Commission, in an attempt to resolve the disagreement between DOE and the SHPO regarding DOE's finding. DOE discusses calling the agreement a "Memorandum of Understanding" as opposed to an MOA because it is not meant to address adverse effects to historic properties under the NHPA.

### **September 26, 2023**

DOE receives from comments from the Kentucky SHPO regarding the draft agreement.

### **September 29, 2023**

DOE / Ascend telecom. DOE's legal counsel (NETL Office of Chief Counsel) is still reviewing the SHPO's comments regarding the draft agreement. Attorney for Ascend states that closest archeological site is 7-miles away. Decision was made to no longer call the Trail of Tears Commission donation a "Mitigation Plan" and instead call it a "Community Benefits Plan" so as to not confuse the purpose of the plan, when no adverse effects to historic properties have been identified.

### **October 5, 2023**

DOE, Ascend and Kentucky SHPO: meeting.

### **October 11, 2023**

DOE receives email from Kentucky SHPO: SHPO states that it still cannot agree with DOE regarding its finding of No Historic Properties Affected.

### **October 24, 2023**

DOE receives email from Kentucky SHPO. SHPO states that the Trail of Tears Commission must be a signatory to the draft agreement and mentions other language it would like to have included in the agreement.

### **October 25, 2023**

DOE provides Kentucky SHPO an updated version of the draft agreement in an attempt to resolve the disagreement regarding DOE's finding.

### **October 26, 2023**

DOE receives email from Kentucky SHPO. SHPO states: The Trail of Tears Commission, Inc. is being tasked with carrying out a mitigation measure, but they have not formally agreed to this. If they do agree to carry this out, they need to sign as a signatory to the agreement.

### **October 31, 2023**

DOE emails Kentucky SHPO an updated agreement and declines SHPO's request to include the Trail of Tears Commission as a signatory because they would not be carrying out a mitigation measure, as there are no adverse effects to historic properties within the APE identified. DOE requests that the SHPO sign the draft agreement by November 3, 2023.

### **November 1, 2023**

DOE Counsel receives phone call from Kentucky Heritage Council's attorney (for Kentucky SHPO). SHPO attorney asks for time to get up to speed on the project. DOE extends the deadline for a response from the Kentucky SHPO to November 10, 2023.

### **November 20, 2023**

DOE / KYSHPO telecom. Kentucky SHPO attorney emphasizes the importance of the Ascend project is to the Commonwealth of Kentucky. Kentucky SHPO attorney informs DOE that the Kentucky SHPO will not sign the draft agreement as written. The Kentucky SHPO states that DOE must either change its finding of "no historic properties affected" from July 20, 2023, and make the draft agreement an MOA under Section 106 and include the Trail of Tears Commission as mitigation or forward the package on to ACHP for a review of DOE's finding.