



Timothy L. Nuvangyaoma
CHAIRMAN

Clark W. Tenakhongva
VICE-CHAIRMAN

July 20, 2020

Kimberly D. Bose, Secretary
Department of Energy, Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, D.C. 20426

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 SECRETARY OF THE

Re: Docket No. P-15024-000 Pumped Hydro Storage LLC: Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions to Intervene and Competing Applications

Dear Secretary Bose,

This missive is in response to the June 2, 2020, letter regarding the Federal Energy Regulatory Commission (FERC) Project, pursuant to the Federal Power Act, No. 14992-000 for Pumped Hydro Storage LLC and the Big Canyon Pumped Storage Project—Notice of a Preliminary Permit Application. This Application was accepted for Filing and the soliciting of comments, Motions to Intervene and Competing Applications.

The Hopi Tribe claims cultural affiliation to earlier identifiable cultural groups in the Southwest and the Hopi Cultural Preservation Office supports the identification and avoidance of the Hopi Tribe's ancestral sites. Consequently, we consider the prehistoric archaeological sites of our ancestors to be "footprints" and Traditional Cultural Properties. The Grand Canyon, Salt Canyon and Salt Trail (known in Hopi as *Öngtupqa*) as well as the Hopi place of Emergence (*Sipàapuni*), the Colorado River (*Pisisvayu*), and Little Colorado River (*Palavayu*) are also Traditional Cultural Properties of the Hopi Tribe. Therefore, we request consultation on any proposal in Arizona with the potential to affect these types of prehistoric cultural resources.

In light of the current COVID-19 pandemic and the devastation that is currently being inflicted upon the same indigenous communities who will be effected by this notice, we strongly implore you to reconsider the decision to press forward with the impending deadline of August 3, 2020 and request an extension of the deadline for the comment period on this notice.

Furthermore, the main text of the notice states that "the proposed project would be located entirely on the Navajo Nation land, while a footnote states:

In its application, Pumped Hydro Storage named the project the Navajo Nation Big Canyon Pumped Storage Project. We note that the proposed project is not in any way affiliated with the Navajo Nation and the Navajo Nation has not had any role in Pumped Hydro Storage's pursuit of this project. To avoid any

confusion as to the identity of the project proponent, we have omitted "Navajo Nation" from the project name.

This note of clarification bears little weight as how can the proposed project be located entirely on Navajo Nation land and simultaneously not be affiliated in any way with the Navajo Nation? While the Hopi Reservation is surrounded by the Navajo Nation, this proposed development and location is simply unacceptable to Hopi religious leaders, practitioners and the Hopi people as it will significantly and forever adversely impact sacred places to which Hopis have aboriginal title and use, and title and use through the Intergovernmental Compact between the Navajo Nation and the Hopi Tribe.

Therefore, the Hopi Tribe hereby requests FERC not approve any preliminary permits on the Hopi Reservation to unknown Applicants who have not consulted with the Hopi Tribe on their application and who are not in any way affiliated with the Hopi Tribe.

Pumped Hydro Storage LLC Project No. 14992-000 and 14994-000

On May 21, 2020, the FERC released Orders Issuing a Preliminary Permit and Granting Priority to File License Applications for Pumped Hydro Storage LLC Project No. 14992-000 and 14994-000. These Orders were released subsequent to Hydro Pumped Storage LLC's March 11, 2020 application and accepted by FERC on June 2, 2020.

The Hopi Tribe provided comments on these proposals in the enclosed letter dated October 23, 2019, received and cited in the Orders as of November 1, 2019. These Orders dismiss the Intervenor's comments including those of the Hopi Tribe as "premature", "because a permit does not authorize a permittee to undertake construction" and "should the permittee file a license application, the issues raised can be addressed in the licensing process."

In light of this June 2, 2020 Notice, the Applicant has publicly stated that they would withdraw Project Nos. 14992-000 and 14994-000. Which begs the question, will FERC now withdraw its May 21, 2020 Orders which states, "This order constitutes final agency action"?

Pumped Hydro Storage LLC Project No. 15024-000

The June 2, 2019 Notice for a new preliminary permit application aims to study the feasibility of a proposed Big Canyon pumped storage project on Navajo land where Big Canyon joins the Little Colorado River. The Applicant purports that "The project will alleviate the stress being placed on the Southwest electrical generating system due to renewable energy ... " The project would consist of the construction of four dams and reservoirs, water conveyance and power generation facilities, an access road, and transmission lines. Groundwater would be drawn from wells drilled into the same aquifer that feeds the aquamarine springs scattered throughout the 13-mile stretch of the Little Colorado River before it merges with the Colorado River at the Confluence in the Grand Canyon. It takes millennia for this ancient groundwater to emerge as springs, including the spring located at the Hopi Place of Emergence (*Sipaàpuni*), along the Little Colorado River.

The proposal would pump 44,000-acre feet of groundwater to fill and refill the reservoirs, with an additional estimated 10,000 to 15,000-acre feet of groundwater per year for evaporative

losses. However, the Applicant fails to consider losses due to leakage from the reservoirs built on fissured and faulted limestone, as a result the project could potentially consume a significant portion of the Little Colorado River's total annual flow which would in turn cause irreparable damage to sacred Hopi Cultural Properties.

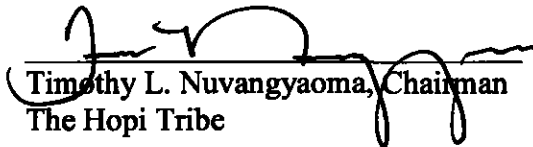
Furthermore, the Notice acknowledges a "lack of access to the project site for studies which could preclude the preparation of an adequate application." Consequently, If FERC is to comply with the requirements of the law during its review of licensing applications, it cannot dismiss as "premature" comments relevant to the project location on Native American land and the law during its review of permit applications.

The Hopi people hold all of the Grand Canyon (*Öngtupqa*) as one of the most culturally significant places in all of Hopi culture and history, as the Grand Canyon is the place from which the Hopi people believe that they emerged and the place to which they believe they ultimately return in the end.

In closing, the Hopi Tribe does not support FERC delegating its government to government consultation responsibilities to the applicant. Therefore, the Hopi Tribe hereby requests FERC deny the request by Pumped Hydro Storage LLC regarding the planned feasibility study on the proposed developments within the Big Canyon, a tributary of the Little Colorado River Gorge.

Moreover, the Hopi Tribe hereby files these comments and a motion to intervene, while reiterating that government to government consultation meetings with FERC regarding these applications are required. To schedule a consultation meeting or should you have any questions or require additional information, please contact us. Thank you for your consideration.

Respectfully,


Timothy L. Nuvangyaoma, Chairman
The Hopi Tribe


Clark W. Tenakhongva, Vice-Chairman
The Hopi Tribe

Enclosure: October 23, 2019 letter received and cited by FERC as November 1, 2019

Xc: Navajo Nation
Havasupai Tribe
Paiute Tribe
Hualapai Tribe
Zuni Tribe
Grand Canyon Trust
Sierra Club
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**Kaibab National Forest
Arizona State Historic Preservation Office**

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