



HAVASUPAI TRIBAL COUNCIL

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November 15, 2019

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

Re: Pumped Hydro Storage, LLC Notices of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions to Intervene, and Competing Applications for the Projects Associated with Docket Nos. P-14992-000 and P-14994-000.

Dear Madam Secretary:

This comment letter and motion to intervene is being submitted in response to the Federal Register publications made by the Federal Energy Regulatory Commission (“FERC”) soliciting comments and motions to intervene with respect to Pumped Hydro Storage, LLC’s (the “Applicant”) applications for the Navajo Nation Little Colorado River Pumped Storage Project (**Docket No. P-14994-000**) (the “LCR Project”) and the Navajo Nation Salt Trail Canyon Pumped Storage Project (**Docket No. P-14992-000**) (the “STC Project,” and collectively with the LCR Project the “Projects”). Pumped Hydro Storage, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions to Intervene, and Competing Applications, 84 Fed. Reg. 49,723 (September 23, 2019) (regarding Docket No. P-14994-000); Pumped Hydro Storage, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions to Intervene, and Competing Applications, 84 Fed. Reg. 49,721 (September 23, 2019) (regarding Docket No. P-14992-000); Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions to Intervene, and Competing Applications; Pumped Hydro Storage, LLC, 84 Fed. Reg. 54,136 (October 9, 2019) (regarding Docket No. P-14992-000).

The Havasupai Tribe is a federally recognized Indian tribe. 84 Fed. Reg. 1,202 (February 1, 2019). While the Havasupai Reservation is located in the bottom of the Grand Canyon along Havasu Creek and includes portions of the surrounding plateau,¹ the Tribe’s aboriginal homelands are far more expansive. The Havasupai Tribe and its people have lived on the banks of Havasu Creek in the Grand Canyon, on the upper Coconino Plateau, along the Colorado River, and eastward to the Little Colorado River (the “LCR”) since time immemorial, as recognized by the Indian Claims Commission. Havasupai Tribe v. United States, 20 Ind. Cl. Comm. 210 (1968). Indeed, the Havasupai Tribe has historic ties to lands as far east as the junction of the LCR and Moenkopi Wash, approximately three miles northwest of Cameron, Arizona, and as far north as a

¹ The Havasupai Reservation was originally established by executive order in June 1880, and was modified by additional executive orders in November 1880 and March 1882. Additional lands were added to the Reservation in 1944, and in 1975 in the Grand Canyon Enlargement Act.

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line through the center of the LCR westward to its confluence with the Colorado River. See Id. Native plants, animals, springs, and other sites in Havasu Canyon, the adjacent Coconino Plateau, and along the Colorado River and the LCR traditionally have been important to the Havasupai Tribe for subsistence, religious, ceremonial, medicinal and other purposes, and for traditional trails and trading routes. The region along the LCR that the Applicant proposes to build its Projects upon contains a number of these important sacred and historical sites to the Tribe. Tribal members to this day continue to make pilgrimages to these important sites. These sites would be threatened if the Applicant were to proceed with the proposed Projects. The Tribe therefore has direct interests that may be affected by the outcome of this proceeding. Accordingly, the Tribe respectfully requests that FERC grant the Tribe's timely motion to intervene.

Additionally, the Tribe requests a government-to-government consultation with FERC on the applications for these Projects prior to FERC's issuance of the preliminary permits for these Projects. We are also open to having discussions with the Applicant. Please contact me to schedule a consultation at htchair@havasupai-nsn.gov or 928-433-8130.

Respectfully submitted,

A handwritten signature in blue ink that reads "Muriel Uqualla". The signature is written in a cursive, flowing style.

Muriel Uqualla, Chairwoman
The Havasupai Tribe

DECLARATION OF SERVICE

Pumped Hydro Storage LLC's Little Colorado River Pumped Storage Project (P-14994-000) and the Navajo Nation Salt Trail Canyon Pumped Storage Project (Docket No. P-14992-000)

I, John C. Bezdek, declare that I today served the attached "Havasupai Tribal Council's Motion to Intervene and Comments on Pumped Hydro Storage, LLC Notices of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions to Intervene, and Competing Applications for the Projects Associated with Docket Nos. P-14992-000 and P-14994-000," by electronic mail, or by first-class mail if no e-mail address is provided, to each person on the official service list compiled by the Secretary in this proceeding.

Dated: November 15, 2019

By:



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