

The Great Spirit created Man and Woman in his own image. In doing so, both were created as equals. Both depending on each other in order to survive. Great respect was shown for each other, in doing so, happiness and contentment was achieved then, as it should be now.

The connecting of the Hair makes them one person; for happiness or contentment cannot be achieved without each other.

The Canyons are represented by the purples in the middle ground, where the people were created. These canyons are Sacred, and should be so treated at all times.

The Reservation is pictured to represent the land that is ours, treat it well.



The Reservation is our heritage and the heritage of our children yet unborn. Be good to our land and it will continue to be good to us.

The Sun is the symbol of life, without it nothing is possible - plants don't grow - there will be no life - nothing. The Sun also represents the dawn of the Hualapai people. Through hard work, determination and education, everything is possible and we are assured bigger and brighter days ahead.

The Tracks in the middle represent the coyote and other animals which were here before us.

The Green around the symbol are pine trees, representing our name Hualapai - PEOPLE OF THE TALL PINES -

HUALAPAI TRIBE
OFFICE OF THE CHAIRPERSON

Damon R. Clarke, Ed.D.
Chairman

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Philbert Watahonigiz, Sr.
Vice Chairman

August 3, 2020

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

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

Dear Secretary Bose:

On behalf of the Hualapai Indian Tribe of Arizona, we write to express our concerns regarding the application for a preliminary permit submitted by Pumped Hydro Storage, LLC, pursuant to section 4(f) of the Federal Power Act (FPA), to study the feasibility of the Big Canyon Pumped Storage Project, located on the Navajo Nation in northern Arizona. A notice for the application for this preliminary permit was published by the Federal Energy Regulatory Commission (FERC) in Federal Register notice 35300, Vol. 85, No. 11, dated June 9, 2020.

The proposed project is located within Big Canyon, a large tributary canyon of the Little Colorado River, which in turn is a major tributary to the Colorado River where it joins within Grand Canyon National Park. The land jurisdiction for the specific footprint of the proposed project is the Navajo Nation; however, it is within the ancestral territory of numerous other Native American tribes in the area. Thus, the proposed undertaking necessitates *meaningful* government-to-government consultation with all potentially affected tribes, as required under Section 106 of the National Historic Preservation Act (NHPA). The scale, types of resources affected, and the overall geographic scope of the effects of the proposed undertaking has the potential to affect tribal resources well beyond its stated footprint, including those of the

Hualapai Indian Tribe. The Little Colorado River and its entire watershed comprise an ecosystem and cultural landscape that is integral to the well-being of Native American tribes historically, spiritually, and economically, as it and its associated aquifers supply critical water resources to all peoples who live in the area and downstream. FERC should have already initiated its consultation obligations.

FERC is considering issuing a preliminary permit to Pumped Hydro Storage LLC for this project. However, as stated in the Federal Register notice, “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.”

This statement raises two issues. Firstly, it is obviously a brazen attempt by Pumped Storage LLC to imply that the Navajo Nation is somehow a partner in this undertaking and the public should view this favorably because it is a tribal initiative within their sovereign boundaries. We find this to be cynical exploitation of a tribal nation without prior consent.

Secondly, the fact that FERC is considering this application without involvement or consent from the Navajo Nation, without prior consultation, is an affront to tribal sovereignty. Would this mean that FERC would preemptively issue such permits on sovereign tribal lands anywhere in the United States, regardless of the wishes of tribal nations? The implications for federal government overreach and disregard for the sovereignty and rights of Native American peoples and their governments are disturbing, to say the least, especially for undertakings located wholly on tribal lands.

We note that in the permit application, under Section (2), there are two items that deserve mention. Subsection (2)(iv) pertains to “other political subdivisions in the general area of the project that there is a reason to believe would likely be interested in, or affected by, the application.” Subsection (2)(v) pertains to “Indian tribes that may be affected by the project.” Both considerations certainly should be considered relevant to the interests and potential affects to a number of regional tribes, regarded as sovereign nations by the US government, including the Hualapai Nation. Aside from the Navajo Nation, why are only federal and state agencies and utilities only considered to be “interested in, or affected by” the proposed actions?

Subsection (2)(v) in particular is blatantly false and offensive, as it was already well-established in the various tribes’ responses to the applicant’s previous application for similar projects on the Little Colorado River’s main stem (Docket Nos. P-14992 and P-14994) that multiple tribes “may be affected by the project” in important ways. In an article published by the Arizona Republic newspaper on May 26, 2020, the applicant is quoted as saying, “I’m just concerned with the Navajo. It’s Navajo ground. It’s not Hualapai ground and it’s not Hopi ground.” This statement demonstrates ignorance of laws and policies that require meaningful consultation with all tribes that may be affected by a proposed undertaking when federal resources or federal participation (including permitting) is involved.

Further, the statement is offensive because it demonstrates disdain for tribal concerns for their spiritual and cultural places and their inherent sense of stewardship in caring for water and other resources that extend back since time immemorial. In the same Arizona Republic article, a Hopi clan leader expressed his concern for the survival of springs in the area, as just one example.

This concern is well-founded, since the vast amounts of groundwater that will need to be pumped to supply the project is very likely to be detrimental to area aquifers and will be unsustainable over the long term. For FERC to permit proposals like these, submitted by speculators, over the knowledge and experience of people who have lived in this land for thousands of years, is beyond reason.

Although it is unclear in the application or in the Federal Register notice what the total amount of water that will be impounded will be, it is clear that it will include several tens of thousands of acre feet of pumped groundwater (perhaps over 74,000 acre feet) from beneath a fragile desert environment already stressed by decades of drought. The depletion of groundwater at such a scale will undoubtedly impact springs and other water sources vital to this desert environment, and will affect the ecosystem of the Little Colorado and Colorado Rivers, the lifeblood of the Hualapai Indian Tribe and other tribes throughout the region, as well as cities and communities downriver to Mexico.

We note that in response to the applicant's previous application for their proposed projects on the Little Colorado River's main stem (Docket Nos. P-14992 and P-14994), numerous concerns were raised by tribes, government agencies, and scientists, which included considerable expert information about the various potential effects that would occur if the undertaking were to come to fruition. Yet FERC granted their application, apparently deciding that this information, based on knowledge, experience, and scientific data, was "premature." We are certain that similar kinds of information is forthcoming in response to this application currently under consideration, which is equally ill-conceived.

We therefore urge the Federal Energy Regulatory Commission to listen to those with intimate and long-standing knowledge of the area, and reject the preliminary application at this early stage, as surely future efforts, including a National Environmental Policy Act (NEPA) analysis, will only serve to highlight these and other insurmountable issues. Thank you for your consideration.

Sincerely,



Dr. Damon R. Clarke
Chairman



Mr. Peter Bungart
Tribal Historic Preservation Officer