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Arizona Pumped Storage Project: Federal Energy Regulatory Commission Addresses Preliminary Permit Application

05/07/2024

The Federal Energy Regulatory Commission ("FERC") addressed in an April 25th Order an application for a preliminary permit submitted by Pumped Hydro Storage LLC ("Pumped Hydro") to study the feasibility of the Big Canyon Pumped Storage Project ("Project"). See 187 FERC 61,037.

The application was submitted pursuant to Section 4(f) of the Federal Power Act. The FERC Order states the proposed Project would consist of various new facilities such as:

- Upper and lower dams
- Impounded reservoir
- Concrete penstocks
- Concrete Powerhouse
- Pump-turbine generators
- Concrete Tailrace
- Water supply wells
- Electric transmission lines
- Appurtenant facilities

The Project would generate an estimated 7,900 gigawatt-hours.

Pumped storage hydropower is a type of hydroelectric energy storage. It will consist of a configuration of two water reservoirs at different elevations that can generate power as water moves from one to the other passing through a turbine. The system also requires power as it pumps water into the upper reservoir. It can store power and then release it when needed.

Various environmental organizations, along with the Navajo Nation, intervened and filed comments. The Arizona Game and Fish Department and United States Department of Interior also filed comments.

The Project would be located entirely on Navajo Nation land in Coconino County, Arizona.

The FERC notes that it had previously established a policy that preliminary permits will not be issued for project proposing to use Tribal lands if the Tribe on whose lands the Project is to be located opposes the permit. The stated rationale for the policy is to be consistent with how the FERC has treated permit applications opposed by federal land managers or similarly affected federal agencies.

The FERC states that to avoid permit denials in such scenarios, potential applicants:



Walter Wright, Jr. wwright@mwlaw.com (501) 688.8839 ... should work closely with Tribal stakeholders prior to filing applications to ensure that Tribes are fully informed about proposed projects on their lands and determine whether they are willing to consider the project development.

A copy of the Order can be downloaded <u>here</u>.