

July 12, 2023

Via E-Filing

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

Revised Application for Preliminary Permit
Chuska Mountain Pumped Storage Project (FERC No. 15293-000)

Dear Secretary Bose:

On December 9, 2022 Nature and People First New Mexico PHS, LLC's (NPFNM) filed an Application for a Preliminary Permit for the proposed Chuska Mountain Pumped Storage Project (Project). The proposed facility is a 9,000 megawatt (MW) pumped storage hydroelectric facility located in San Juan and McKinley Counties, New Mexico. By letter dated April 20, 2023, the Federal Energy Regulatory Commission (FERC) identified deficiencies associated with the application. On June 29, 2023 the Commission rejected the application stating that the application may be resubmitted if the deficiencies are corrected.

NPFNM herein provides a revised application including additional information to address the deficiencies, noting that certain information requested, particularly with regard to existing structures and transmission facilities, is not applicable or is unknown and is intended to be determined as part of feasibility studies proposed to be conducted under the Preliminary Permit process. NPFNM has developed conceptual layouts for the project but requires the Preliminary Permit to support investment partnership that will secure funding for proposed studies identified in the application. Attachment C of the application also included direct responses to the deficiencies identified in the April 20, 2023 letter from FERC.

NPFNM has a keen interest in harnessing and increasing renewable energy production and looks forward to working with the Commission and stakeholders while developing this important new source of clean and sustainable energy storage.

If you require additional information, please contact me at (781) 491-5364 or at Denis.Payre@natureandpeoplefirst.com.

Sincerely,



Denis Payre
President and CEO
Nature and People First New Mexico PHS, LLC
405 Waltham St, Suite 145
Lexington, MA 02421

ATTACHMENT 1

**BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION
UNITED STATES OF AMERICA**

APPLICATION FOR PRELIMINARY PERMIT

CHUSKA MOUNTAIN PUMPED STORAGE PROJECT (PROJECT)

A. Initial Statement – Information Required by 18 C.F.R § 4.81

1. Statement of Application

Nature and People First New Mexico PHS, LLC (Applicant or NPFNM) applies to the Federal Energy Regulatory Commission (FERC) for a preliminary permit for the proposed Chuska Mountain Pumped Storage Project (Project), water power project, as described in the attached Exhibits. This application is made in order that the applicant may secure and maintain priority of application for a license for the project under Part I of the Federal Power Act while obtaining the data and performing the acts required to determine the feasibility of the project and to support an application for a license.

The Project is conceptually designed to meet the long-hours storage required as states and utilities in the region meet their goals to decarbonize electricity, seeking to help replace capacity lost by the closure of coal-fired generation facilities in the area. Photovoltaic panels will cover most of the surface of the reservoirs to reduce evaporation.

The proposed Project is located near Two Grey Hills on the Navajo Nation in northwestern New Mexico.

A preliminary permit with a term of 48 months will allow the Applicant to complete its studies of the site and file a License Application.

2. Project Location

The location of the proposed Project is:

State or territory:	New Mexico
County:	San Juan and McKinley Counties
Nearby Town:	Two Grey Hills
Body of Water:	Project water source under review:
	1. San Juan River

3. Applicant's Contact Information

The exact name, business address, and telephone number of the Applicant are:

Denis Payre, President and CEO
Nature and People First New Mexico PHS, LLC
405 Waltham St, Suite 145
Lexington, MA 02421
Tel: (781) 491-5364

The exact name and business address of each person authorized to act as agent for the Applicant in this application are:

Denis Payre, President and CEO
Nature and People First New Mexico PHS, LLC
405 Waltham St, Suite 145
Lexington, MA 02421
Tel: (781) 491-5364

4. Statement of Authority

NPFNM is a domestic limited liability company and is not claiming preference under section 7(a) of the Federal Power Act (FPA).

5. Term of Permit

The proposed term of the requested preliminary permit is 48 months.

6. Existing Dams or Other Project /Facilities

The proposed project may make use of existing WAPA transmission lines and plans to make use of the existing Shiprock, San Juan generating station, and Four Corners generating station substations.

Tracey LeBeau
Administrator and CEO
Western Area Power Administration
P.O. Box 281213
Lakewood, CO 80228-8213

B. Additional Information Required by 18 CFR § 4.32¹

- 1. Identify every person, citizen, association of citizens, domestic corporation, municipality, or state that has or intends to obtain and will maintain any proprietary right necessary to construct, operate, or maintain the project:**

NPFNM, a domestic limited liability company, intends to obtain and will maintain any proprietary right to construct, operate, or maintain the Project.

- 2. For a preliminary permit or a license, identify (providing names and mailing addresses):**

- (A) Every county in which any part of the project, and any Federal facilities that would be used by the project, would be located:**

Mike Stark
County Manager
San Juan County
100 South Oliver
Aztec, NM 87410

Anthony Dimas, Jr.
County Manager
McKinley County
P.O. Box 70
Gallup, NM 87301

Ryan Patterson
County Manager
Apache County
57 West Cleveland
St. Johns, AZ 85936

¹ Code of Federal Regulations. Title 18. Chapter I, Subchapter B, Part 4. Acceptance for filing or rejection; information to be made available to the public; requests for additional studies.
[eCFR :: 18 CFR Part 4 -- Licenses, Permits, Exemptions, and Determination of Project Costs](#)

3. Every city, town, or local political subdivision:

(A) In which any part of the project, and any Federal facilities that would be used by the project, would be located:

Devon Begay
Chapter President
Tsaile/Wheatfields/Black Rock
Chapter, Navajo Nation
P.O. Box C18
Tsaile, AZ 86556

Patricia Slim
Chapter President
Crystal Chapter, Navajo Nation
P.O. Box 775
Navajo, NM 87328

Jeanne Haskie
Chapter President
Tse Alnaozti'i Chapter, Navajo
Nation
P.O. Box 219
Sanostee, NM

Roberta J. Becenti
Chapter President
Mexican Springs Chapter, Navajo
Nation
P.O. Box 689
Tohatchi, NM 87325

Kerby Johnson
Chapter President
Toadlena/Two Grey Hills Chapter,
Navajo Nation
P.O. Box 7894
Newcomb, NM 87455

Harry "Sonny" Moore Jr.
Chapter President
Tohatchi Chapter, Navajo Nation
P.O. Box 287
Tohatchi, NM 87325

David Randolph, Sr.
Chapter President
Newcomb Chapter, Navajo Nation
P.O. Box 7946
Newcomb, NM 87455

Rhonda R. Herbert
Commission President
Naschitti Chapter, Navajo Nation
Drawer D
Sheep Springs, NM 87364

Brian T. Yazzie
Chapter President
Tooh Haltsooi Council of Naataanii
Chapter, Navajo Nation
P.O. Drawer I
Sheep Springs, NM 87364

Nevina Kinlahcheeny
Chapter President
Shiprock Chapter, Navajo Nation
P.O. Box 3810
Shiprock, NM 87420

(B) That has a population of 5,000 or more people and is located within 15 miles of the project dam:

There are no cities, towns, or local political subdivisions with a population of 5,000 or more people located within 15 miles of the project dam.

4. Every irrigation district, drainage district, or similar special purpose political subdivision:

(A) In which any part of the project, and any Federal facilities that would be used by the project, would be located; or

There are no irrigation districts, drainage districts, or similar special purpose political subdivisions where the project would be located.

(B) That owns, operates, maintains, or uses any project facilities or any Federal facilities that would be used by the project:

Tracey LeBeau
Administrator and CEO
Western Area Power Administration
P.O. Box 281213
Lakewood, CO 80228-8213

5. Every other political subdivision in the general area of the Project or proposed Project that there is reason to believe would be likely to be interested in, or affected by, the notification:

Arizona Department of
Transportation
206 S. 17th Ave., Mail Drop 100A
Phoenix, AZ 85007

Bureau of Land Management
New Mexico State Office
301 Dinosaur Trail
Santa Fe, NM 87508

New Mexico Department of
Transportation, General Office
P.O. Box 1149
Santa Fe, NM 87504-1149

Bureau of Indian Affairs
Navajo Region
301 West Hill Street
Gallup, NM 87301

6. All Indian tribes that may be affected by the project.

Jonathan Nez
Incumbent Navajo Nation President
Buu Nygren
Incoming Navajo Nation President
Navajo Nation
P.O. Box 9000
Window Rock, AZ 86515

THE FOLLOWING EXHIBITS ARE FILED HEREWITH AND ARE HEREBY MADE A PART OF THIS APPLICATION:

- Exhibit 1: Description of the Proposed Project
- Exhibit 2: Description of the Studies to be Conducted and Statement of Costs and Financing
- Exhibit 3: Project Location and Features

EXHIBIT 1

DESCRIPTION OF THE PROPOSED PROJECT

The proposed Project and associated facilities are located in San Juan and McKinley Counties, New Mexico.

PROJECT DESCRIPTION UNDER 18 C.F.R. § 4.81(b)

Project Features:

- 1. The number, physical composition, dimensions, general configuration and, where applicable, age and condition, of any dams, spillways, penstocks, powerhouses, tailraces, or other structures, whether existing or proposed, that would be part of the project.**

The proposed Chuska Mountain Pumped Storage Project (Project) would be located on the Navajo Nation in northwestern New Mexico. The project concept envisions the construction of new water storage reservoirs, water conveyance conduits, and generation facilities at off-channel locations where no such facilities exist at this time, comprising a closed-loop pumped storage power plant facility with capacity of 9,000 MW. The project proposes to use three new reservoirs, the Upper Reservoir North, Upper Reservoir Center, and Upper Reservoir South as the upper pools and four new reservoirs, the Lower Reservoir North 1 and 2, Lower Reservoir Center, and Lower Reservoir South, as the lower pools. The powerhouses would be located underground between the three upper reservoirs and the four lower reservoirs.

This section identifies the conceptual layout of the Chuska Mountain Pumped Storage Project and assumes construction of new dams, penstocks (power conduits), and powerhouses. No dams, spillways, or other structures are known to currently exist that would be associated with the project. The preliminary dimensions of penstocks (conduits), powerhouses, and tailraces (lower conduits) are identified in Section 1 of Exhibit 1. Because the Preliminary Permit is intended to enable NPF to conduct studies that would inform preliminary designs including configuration, composition, height, or length for any of the proposed dams or spillways such details are currently unknown and would be determined through feasibility studies under a preliminary permit. Consistent with 4.81(b), NFP has provided conceptual project description "to the extent possible."

PROPOSED PROJECT FEATURES	PHYSICAL COMPOSITION	DIMENSIONS/ADDITIONAL INFORMATION
Power conduit to North Powerhouse 1	Concrete lined tunnel	30 foot diameter 39,800 feet long
North Powerhouse 1	Subterranean	60 feet wide 700 feet long 100 feet high
North Powerhouse 1 Lower Conduits	Seven concrete lined draft tube tunnels discharging into Lower Reservoir North 1	12 foot diameter 1,000 feet long
Power Conduit to North Powerhouse 2	Concrete lined tunnel	30 foot diameter 19,800 feet long
North Powerhouse 2	Subterranean	60 feet wide 700 feet long 100 feet high
North Powerhouse 2 Lower Conduits	Seven concrete lined draft tube tunnels discharging into Lower Reservoir North 2	12 foot diameter 1,000 feet long
Power Conduit to Center Powerhouse	Concrete lined tunnel	30 foot diameter 43,300 feet long
Center Powerhouse	Subterranean	60 feet wide 700 feet long 100 feet high
Center Powerhouse Lower Conduits	Seven concrete lined draft tube tunnels discharging into Lower Reservoir Center	12 foot diameter 1,000 feet long
Power Conduit to South Powerhouse	Concrete lined tunnel	45 foot diameter 30,300 feet long
South Powerhouse	Subterranean	60 feet wide 1400 feet long 100 feet high
South Powerhouse Lower Conduits	Fifteen concrete lined draft tube tunnels discharging into Lower Reservoir South	12 foot diameter 1,000 feet long

2. The estimated number, surface area, storage capacity, and normal maximum surface elevation (mean sea level) of any reservoirs, whether existing or proposed, that would be part of the project.

UPPER RESERVOIR NORTH	SURFACE AREA	STORAGE CAPACITY
	15,800 acres at elevation 8,800 feet msl (normal operating)	500,000 acre-feet at elevation 8,810 msl (maximum live storage)
UPPER RESERVOIR CENTER		
	7,400 acres at elevation 8,800 msl (normal operating)	235,000 acre-feet at elevation 8,810 msl (maximum live storage)
UPPER RESERVOIR SOUTH		
	16,300 acres at elevation 8,800 msl (normal operating)	510,000 acre-feet at elevation 8,810 msl (maximum live storage)
LOWER RESERVOIR NORTH 1		
	9,000 acres at elevation 6,000 feet msl (normal operating)	385,000 acre-feet at elevation 6,010 feet msl (maximum live storage)
LOWER RESERVOIR NORTH 2		
	2,700 acres at elevation 6,000 feet msl (normal operating)	115,000 acre-feet at elevation 6,010 feet msl (maximum live storage)
LOWER RESERVOIR CENTER		
	2,900 acres at elevation 6,000 feet msl (normal operating)	235,000 acre-feet at elevation 6,010 feet msl (maximum live storage)
LOWER RESERVOIR SOUTH		
	3,200 acres at elevation 6,000 feet msl (normal operating)	510,000 acre-feet at elevation 6,010 feet msl (maximum live storage)

3. The estimated number, length, voltage, interconnections, and, where applicable, age and condition, of any primary transmission lines whether existing or proposed, that would be part of the project.

The proposed project intends to make use of existing transmission lines where possible, with new transmission lines to tie in where necessary to interconnect at Shiprock, San Juan generating station, and Four Corners generating station substations.

New Interconnections:

Number: 3
Length: approximately 100 total miles of transmission line
Voltage: 345 kV
Substations: Shiprock, San Juan, Four Corners

Expansion of the chosen substation(s) may be required to accommodate the additional power.

NPF intends to utilize existing transmission facilities to the extent possible, but similar to locations, layouts, and composition of project structures, NPF would conduct feasibility investigations under a Preliminary Permit to determine if existing transmission infrastructure could be utilized and the extent of which new transmission infrastructure is necessary. Information regarding the age and condition of existing transmission lines associated with Shiprock, San Juan generating station, and Four Corners generating station substations is not readily available to the general public and would need to be obtained and assessed, to the extent possible, as part of feasibility studies. Consistent with 4.81(b), NFP has provided conceptual project description “to the extent possible”, including identification of anticipated number, length, and voltage of new interconnections.

- 4. The total estimated average annual energy production and installed capacity, the hydraulic head for estimating capacity and energy output, and the estimated number, rated capacity, and, where applicable, the age and condition, of any turbines and generators, whether existing or proposed, that would be part of the project works.**

Pump/Turbine Specifications

Number: Thirty-six (seven in each of North Powerhouses 1, 2, and Center Powerhouse, fourteen in South Powerhouse)
Hydraulic Capacity (each): 1,250 CFS at 2,800 feet rated head
Rating (each): 335,000 HP

Generator Specifications

Number: Thirty-six (seven in each of North Powerhouses 1, 2, and Center Powerhouse, fifteen in South Powerhouse)
Rating (each): 250,000 kW

Total plant Capacity: 9,000,000 kW
 Estimated Average Annual energy output: 19,710,000 MWh

5. All lands of the United States that are enclosed within the Project Boundary.

PARCEL OWNERSHIP	ACRES
County	0
Federal	0
Municipal	0
Private	0
Tribal	284,000
Total	284,000

PROJECT FEATURES	ACRES
Upper Reservoir North	15,800
Upper Reservoir Center	7,400
Upper Reservoir South	16,300
Lower Reservoir North 1	9,000
Lower Reservoir North 2	2,700
Lower Reservoir Center	2,900
Lower Reservoir South	3,200
Switchyards and Transmission Corridor	800
Total	58,100

6. Any other information demonstrating in what manner the proposed project would develop, conserve, and utilize in the public interest the water resources of the region.

The Chuska Mountain Pumped Storage Project could potentially be configured to increase local municipal water supply and provide clean drinking water to the people of the Navajo Nation. The Project could also potentially be configured to serve grazing and agricultural uses. The reservoirs will feature floating PV panel arrays on the surface to help protect the water from evaporation. Several leading members of the Navajo Nation have expressed an interest in the Project being configured to serve these uses.

EXHIBIT 2

DESCRIPTION OF STUDIES TO BE CONDUCTED AND A STATEMENT OF COSTS AND FINANCING

DESCRIPTION OF STUDIES TO BE CONDUCTED, PURSUANT TO 18 C.F.R. § 4.81 (c)

1. General requirement. For any proposed project, a study plan containing a description of:

- (i) Any studies, investigations, tests, or surveys that are proposed to be carried out, and any that have already taken place, for the purposes of determining the technical, economic, and financial feasibility of the proposed project, taking into consideration its environmental impacts, and of preparing an application for a license for the project.**

Section 4.81(c)(2) of 18 CFR requires a work plan for development of a project that would require new dam construction but does not stipulate a schedule for the actual dam construction. Section 4.81(c)(2)(ii) specifically requires a proposed schedule for studies where disturbance of lands and waters may occur “which does not exceed the proposed term of the permit”. NPF included a schedule of studies in Table 1 of Exhibit 2 which would be conducted in areas that would include the upper and lower reservoir locations, powerhouse location, and penstock routes. The following is a summary of the completed and planned regulatory actions, studies, investigations, tests or surveys.

Completed regulatory actions, studies, investigations, tests or surveys:

- None to date

Ongoing and planned regulatory actions and studies, investigations, tests or surveys:

Engineering Feasibility

Engineering feasibility studies will be conducted to substantiate technical feasibility and consummate cost estimates for the Project. Preliminary evaluations of the demand and markets for peaking power, pumping energy, and on-peak generation have been conducted. This evaluation and involvement in relevant resource planning procedures will continue throughout the license application process and may result in adjustments to the Project configuration, including the total energy storage capacity, quantity and capacities of the pump turbine units, operating modes, or any other Project characteristics.

Geology

In order to inform feasibility-level designs of the major Project features, geologic mapping will be composed, and a subsurface investigation program will be created and implemented; the information garnered from these studies will be provided as part of the License Application in the Supporting Design Report. Seismic analysis will include calculations of peak ground acceleration (PGA), and will be prepared with consideration of applicable attenuation relationships. During license application development, site seismicity will also be evaluated. Before conducting any ground disturbing activities, an erosion control plan will be prepared. The Applicant will participate in a cooperative effort with the appropriate resource Agencies, Tribal Historic Preservation Officers (THPOs), New Mexico State Historic Preservation Office (SHPO), and Chapter and tribal members to assess any adverse effects on resources pertaining to geology or other effects on resources noted below and appropriate measures to minimize and/or mitigate for such effects.

Water Supply

The source of water supply for the project will be river water resources, with rights of use owned or acquired by the applicant. A potential water supply source has been identified for the Project, the San Juan River. Studies will be conducted to develop a thorough understanding of hydrogeology and important groundwater/surface water relationships, including recharge routes, discharge, groundwater mobility, variability of San Juan River baseflows, and other criteria pertinent to groundwater/surface water interaction within the system, including evaluation of potential impacts to river flows.

Water Quality

Impacts of the Project on water quality are not anticipated but will be assessed to confirm.

Wildlife and Botanical Resources

Work with the appropriate tribal representatives and resource Agencies during the following surveys, to be conducted:

- Identification of aquatic habitats that might be influenced by the Project, both natural and artificial, including wetlands, seeps and springs, and other water sources. For each aquatic habitat identified, the Applicant will assess the condition, size, existing use by vegetation and wildlife, potential effect of the Project, and options for reduction of potential effects.
- Habitat analysis for area within Project boundary.

- Identification of any issues with species of concern, indicator species, and threatened or endangered species within Project boundary.
- Identification of construction and operational particularities including, but not limited to permitting, scheduling, labor resources, construction duration, and other project details which may impact biological resources.

Rare, Threatened, and Endangered Species

Work with the appropriate tribal representatives and resource Agencies during an examination of the area within the Project boundary and immediately surrounding areas will be conducted to ascertain the presence of special-status species and potential effects of the Project on individuals and populations of any special-status species determined to habituate these areas. The following steps will be taken during this process:

- Reconnaissance surveys to understand the existence and extent of habitat for relevant species.
- Protocol-level surveys for species with existing survey protocols.
- Focused surveys for other special-status species with potential habitat within the Project boundary.
- Focused surveys for other special-status species with potential habitat in the area immediately surrounding the Project boundary that could be affected by Project-related activities.
- Identification of existing and potential threats to special-status species.
- Identification of construction and operational particularities including, but not limited to, scheduling, labor resources, construction duration, and other project details which may impact biological resources.
- Investigation of relevant papers and reports and review of new information not currently available

Recreation

During the licensing process, the Applicant will consider potential impacts of Project development and operation on present recreation resources, facilities, and opportunities, and reduction of potential impacts will be developed where appropriate. Potential recreational resources at the Project will be considered, but will likely be limited due to the pumped storage functionality of the Project and resulting frequent and substantial reservoir elevation fluctuation.

Aesthetic Resources

During the licensing process, the Applicant will participate in a cooperative effort with the appropriate resource agencies, Chapter and tribal members to administer a visual resource survey.

Cultural Resources

The Applicant will participate in a cooperative effort with the New Mexico State Historic Preservation Officer (SHPO), and Tribal Historic Preservation Officers (THPO) to conform with the requirements of Section 106 of the National Historic Preservation Act, and Chapter and tribal members to assess any potential traditional and cultural resources. In order to understand historic and pre-historic cultural resources within the Project area and transmission corridors, a cultural resource inventory will be conducted, especially within sections of the Project area and transmission corridors which are currently un-surveyed. In the un-surveyed sections, cultural resource inventories will be performed by a qualified cultural resource consultant.

Socio-economic Resources

During the licensing process, the economic advantages of the Project to local and regional economies, both due to temporary construction and long term operation, will be examined.

Tribal Resources

During the licensing process, the Applicant will work with the THPOs and New Mexico SHPO and to conform with the requirements of Section 106 of the National Historic Preservation Act. The Applicant will define an Area of Potential Effects in coordination with local Chapter and tribal members, THPOs, and the SHPO as details of the Project, especially the final transmission plan and site design, become better defined. Areas requiring additional surveys will be identified by qualified cultural resource consultants, and the results of these surveys will be documented and provided for review to appropriate stakeholders.

Wetlands

The Applicant believes that there are no navigable waters or jurisdictional wetlands at the proposed reservoir locations, however a wetland survey will take place. In the case that wetlands are discovered at these locations during field explorations, the utmost care will be taken to mitigate impacts due to drilling, test pit excavations, and other activities. Any

potential long-term wetland impacts will be addressed with procedures approved by resource agencies. The full scope of the field exploration activities has not yet been determined.

(ii) The approximate locations and nature of any new roads that would be built for the purpose of conducting the studies.

The Applicant does not anticipate the need to construct any new roads for the purposes of conducting the studies noted above.

2. Work plan for new dam construction. For any development within the project that would entail new dam construction, a work plan and schedule containing:

(i) A description, including the approximate location, of any field study, test, or other activity that may alter or disturb lands or waters in the vicinity of the proposed project, including floodplains and wetlands; measures that would be taken to minimize any such disturbance; and measures that would be taken to restore the altered or disturbed areas.

The locations of major project features, including the upper and lower reservoir locations, powerhouse location, and penstock routes will be investigated by borehole drilling, test pits, sampling, and field and laboratory testing. None of these investigations will take place in wetlands or navigable streams. The drilling will take place only within the identified Project boundary, utilizing permitting. The exact locations and timing of the investigations has yet to be determined.

(ii) A proposed schedule (a chart or graph may be used), the total duration of which does not exceed the proposed term of the permit, showing the intervals at which the studies, investigations, tests, and surveys identified under this paragraph are proposed to be completed.

Upon approval of this Application, NPFNM will continue consulting with the Navajo Nation and will consult with the Bureau of Indian Affairs, and other resource Agencies, conduct preliminary studies, and implement the tasks and schedule listed in Table 1 below.

Table 1 Chuska Mountain Pumped Storage Project, Tasks and Schedule

TASKS	SCHEDULE
Coordinate with Navajo Nation Chapter houses on Project interest and preferred facility location.	Month 0 - 8
Coordinate with landowners, tribal interest holders and grazing permittees for proposed site location. Consult with the resource Agencies on the Project.	Month 0 - 8
Identify points of electrical transmission interconnection, water sources and conveyance, and access roads.	Month 0 - 38
Complete a biological data request and cultural resources records search for site options.	Month 0 - 4
Conduct field surveys for biological, cultural, and surface waters to identify potential avoidance areas and continue to consult with the resource Agencies on these interest areas.	Month 4 - 28
Advance Design Based on Stakeholder input and field survey information	Month 12 - 38
Draft License Application	Month 30 - 40
Final License Application	Month 40 - 48

NPFNM has completed preliminary engineering studies. A number of leading members of the Nation have expressed their interest in the Project. Likewise, similar information has been shared with the Western Area Power Administration, with individuals expressing interest in the Project.

3. Waiver. The Commission may waive the requirements of paragraph (c)(2) pursuant to §385.207 of this chapter, upon a showing by the applicant that the field studies, tests, and other activities to be conducted under the permit would not adversely affect cultural resources or endangered species and would cause only minor alterations or disturbances of lands and waters, and that any land altered or disturbed would be adequately restored.

The Applicant does not plan to apply for a waiver for the requirements of 18 CFR §4.81(c)(2) pursuant to 18 CFR §385.207.

4. Exhibit 2 must contain a statement of costs and financing, specifying and including, to the extent possible:

(i) The estimated costs of carrying out or preparing the studies, investigations, tests, surveys, maps, plans or specifications identified under paragraph (c) of this section.

The Applicant expects that the cost of performing the studies will be approximately \$6,800,000. This cost includes the studies listed in this application, consultations, the PAD, NOI, and preparing the draft and final license applications.

(ii) The expected sources and extent of financing available to the applicant to carry out or prepare the studies, investigations, tests, surveys, maps, plans, or specifications identified under paragraph (c) of this section.

The Applicant can secure sufficient capital to complete the identified studies. The Applicant is in discussions with financing partners for the construction of the project and will secure financing during the course of the studies planned during the preliminary permit.

EXHIBIT 3

PROJECT LOCATION AND FEATURES

As required by 18 C.F.R. § 4.81 (d), this Exhibit 3 includes maps that show the following:

- 1. The location of the Project as a whole with reference to the affected stream or other body of water and, if possible, to a nearby town or any permanent monuments or objects that can be noted on the maps and recognized in the field;**

A regional "location map" is provided as Attachment A. Streams or other bodies of water under review include:

- The San Juan River

- 2. The relative locations and physical interrelationships of the principal project features identified under paragraph (b) of this section;**

A map identifying the referenced features is attached as Attachment B.

- 3. A proposed boundary for the project, enclosing:**

- (i) All principal project features identified under paragraph (b) of this section, including but not limited to any dam, reservoir, water conveyance facilities, powerplant, transmission lines, and other appurtenances; if the project is located at an existing Federal dam, the Federal dam and impoundment must be shown, but may not be included within the project boundary;
- (ii) Any non-Federal lands and any public lands or reservations of the United States necessary for the purposes of the project. To the extent that those public lands or reservations are covered by a public land survey, the project boundary must enclose each of and only the smallest legal subdivisions (quarter-quarter section, lots, or other subdivisions, identified on the map by subdivision) that may be occupied in whole or in part by the project.

A map identifying the referenced features is attached as Attachment B.

4. Areas within or in the vicinity of the proposed project boundary which are included in or have been designated for study for inclusion in the National Wild and Scenic Rivers System; and

None.

5. Areas within the project boundary that, under the provisions of the Wilderness Act, have been:

- (i) Designated as wilderness area;
- (ii) Recommended for designation as wilderness area; or
- (iii) Designated as wilderness study area.

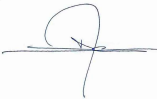
None.

VERIFICATION STATEMENT

This application for a preliminary permit for the proposed Chuska Mountain Pumped Storage Project is executed in the state of New Mexico, Counties of San Juan and McKinley.

By: Denis Payre
President and CEO
Nature and People First New Mexico PHS, LLC
405 Waltham St, Suite 145
Lexington, MA 02421

Being duly sworn, deposes, and says that the contents of this application for a preliminary permit are true to the best of his knowledge or belief. The undersigned applicant has signed the application on this 12th day of July of 2023.



Denis Payre
President and CEO
Nature and People First New Mexico PHS, LLC

This Verification Statement has not been notarized consistent with FERC's July 26, 2021 Supplemental Notice Waiving Regulation (Docket No. AD20-11-000).

ATTACHMENT A

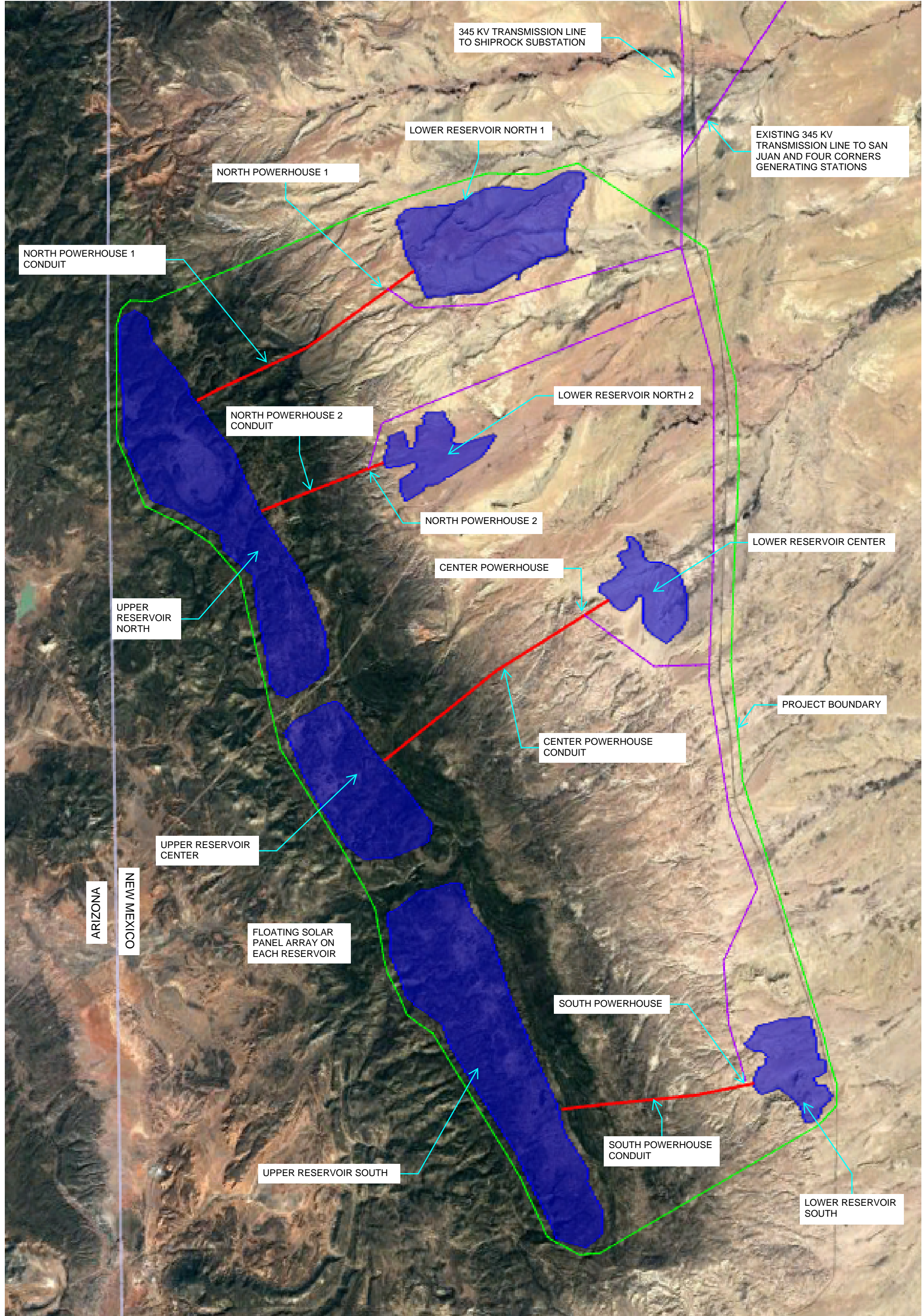
REGIONAL LOCATION MAP

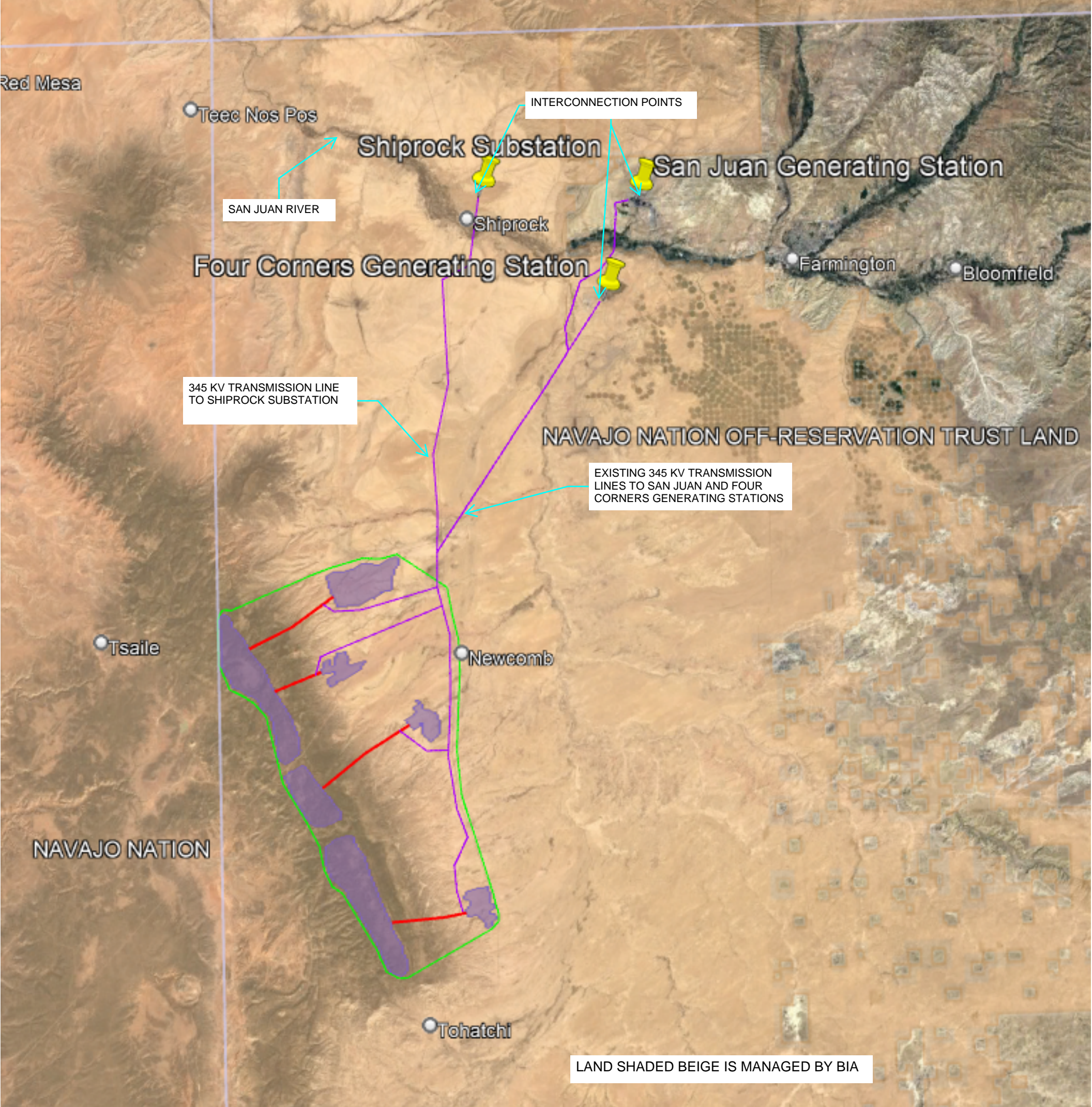


PROPOSED CHUSKA MOUNTAIN PUMPED STORAGE PROJECT
 ATTACHMENT A
 REGIONAL LOCATION MAP

ATTACHMENT B

PROJECT FEATURES AND BOUNDARY





ATTACHMENT C

RESPONSE TO ADDITIONAL INFORMATION REQUESTS

DEFICIENCIES

Pursuant to section 4.32(e)(1) of the Commission's regulations, the following deficiencies have been identified. Please correct the deficiencies within 45 days from the date of this letter.

1. Section 4.81(b)(1) of the Commission's regulations requires that you provide a description of the number, physical composition, dimensions, general configuration and, where applicable, age and condition of any dams, spillways penstocks, powerhouses, tailraces, or other structures, whether existing or proposed, that would be part of the project. Your application does not specify the configuration, composition, height, or length for any of the proposed dams, spillways, penstocks, or tailraces. Please provide this information.

NPF Response: Section 1 of Exhibit 1 identifies the conceptual layout of the Chuska Mountain Pumped Storage Project and assumes construction of new dams, penstocks (power conduits), and powerhouses. No dams, spillways, or other structures are known to currently exist that would be associated with the project. The preliminary dimensions of penstocks (conduits), powerhouses, and tailraces (lower conduits) are identified in Section 1 of Exhibit 1. Because the Preliminary Permit is intended to enable NPF to conduct studies that would inform preliminary designs including configuration, composition, height, or length for any of the proposed dams or spillways such details are currently unknown and would be determined through feasibility studies under a preliminary permit. Consistent with 4.81(b), NPF has provided conceptual project description "to the extent possible."

2. Section 4.81(b)(2) of the Commission's regulations requires that you provide the estimated number, length, voltage, interconnections, and, where applicable, age and condition, of any primary transmission lines whether existing or proposed, that would be part of the project. Your application does not specify age or condition of the existing transmission lines. Please provide this information.

NPF Response: As noted in Section 3 of Exhibit 1, NPF intends to utilize existing transmission facilities to the extent possible, but similar to locations, layouts, and composition of project structures, NPF would conduct feasibility investigations under a Preliminary Permit to determine if existing transmission infrastructure could be utilized and the extent of which new transmission infrastructure is necessary. Information regarding the age and condition of existing transmission lines associated with Shiprock, San Juan generating station, and Four Corners generating station substations is not readily available to the general public and would need to be obtained and assessed, to the extent possible, as part of feasibility studies. Consistent with 4.81(b), NPF has provided conceptual project

description “to the extent possible”, including identification of anticipated number, length, and voltage of new interconnections.

3. Section 4.81(c)(2) of the Commission’s regulations requires that you provide a work plan and schedule for new dam construction. Your application does not include any information on new dam construction. Please provide the information required by 4.81(c)(2) as it relates to new dam construction for the proposed project.

NPF Response: Section 4.81(c)(2) requires a work plan for development of a project that would require new dam construction but does not stipulate a schedule for the actual dam construction. Section 4.81(c)(2)(ii) specifically requires a proposed schedule for studies where disturbance of lands and waters may occur “which does not exceed the proposed term of the permit”. NPF included a schedule of studies in Table 1 of Exhibit 2 which would be conducted in areas that would include the upper and lower reservoir locations, powerhouse location, and penstock routes.