

**PROCEEDINGS BEFORE
THE FEDERAL ENERGY REGULATORY COMMISSION**

Preliminary Permits for Hydroelectric Power Projects

Docket. No. RM26-5-000

**COMMENTS OF THE NAVAJO NATION
AND REQUEST TO EXTEND COMMENT DEADLINE**

The Navajo Nation is a federally recognized Indian tribe with sovereign authority within its territorial jurisdiction that includes hydroelectric power projects proposed on its lands and affected by the notice of proposed rulemaking regarding preliminary permits.

At least six (6) developers have applied for preliminary permits from the Federal Energy Regulatory Commission ("FERC") for proposed pumped storage hydropower projects to be located on Navajo Nation lands. In February 2024, FERC announced its policy that it would not issue preliminary permits for projects on tribal lands if the tribe on whose lands the project would be located opposed the project ("2024 Policy"). The 2024 Policy resulted in developers engaging with the Navajo Nation, its political subdivisions, and the local communities where the project would be located; obtaining non-invasive access authorization and permission to survey from the Nation under Navajo law; and reapplying for preliminary permits without opposition. At least two (2) proposed projects are in the feasibility stages of project development.

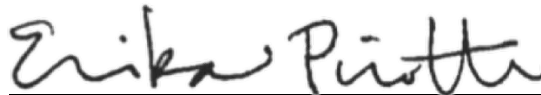
POSITION OF THE NAVAJO NATION

The Navajo Nation's interests would be directly affected by the outcome of this rulemaking. The denial of preliminary permit applications pursuant to the 2024 Policy was not to the detriment of hydroelectric development on Navajo Nation lands. The 2024 Policy facilitated engagement between developers and the Navajo Nation and early project coordination – important components of project success when considering the multi-decade permitting, construction, and operation timelines for large-scale hydroelectric power projects.

The Navajo Nation also requests a thirty (30) day comment deadline extension to December 12, 2025.

Respectfully submitted this 12th day of November, 2025.

NAVAJO NATION DEPARTMENT OF JUSTICE



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Document Content(s)

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