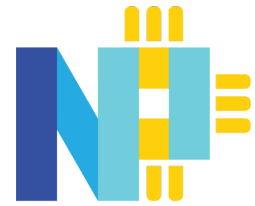


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June 11, 2024

Bonneville Power Administration
905 NE 11th Ave.
Portland, OR 97232
techforum@bpa.gov

Subject: Comments on Site Control Requirements Under the New Large Generator Interconnection Procedures Adopted in the TC-25 Tariff Proceeding

To Whom It May Concern,

Please accept these comments on behalf of Navajo Power, PBC, a public benefits corporation focused on developing utility-scale renewable energy projects on tribal lands. We appreciate the steps Bonneville Power Administration (BPA) is taking to address the interconnection backlog through the implementation of new site control requirements under the Large Generator Interconnection Procedures (LGIP) tariff. However, we believe that a more nuanced approach is necessary when considering projects on tribal lands due to the unique legal, permitting, political, and bureaucratic circumstances involved.

1. The Importance of Site Control Requirements

We recognize that stringent site control requirements are essential to ensuring that interconnection requests are serious and that the projects they represent are likely to proceed. This is particularly crucial in the context of the current interconnection backlog, which hampers the development of new energy projects and the transition to cleaner energy sources. By implementing these requirements, BPA can prioritize projects that have a higher likelihood of reaching completion, thus making more efficient use of limited interconnection capacity.

2. Unique Challenges of Site Control on Tribal Lands

However, the process of securing site control on tribal lands is inherently more complex than on non-tribal lands. Tribal lands are governed by distinct legal frameworks that often require federal approval or adherence to tribal-specific permitting regimes before an option to lease, a lease, a right of way or other legally binding forms of site control can be obtained. These processes can be lengthy and involve multiple layers of approval. For example, land leases on tribal lands often require:

- Approval from the Bureau of Indian Affairs (BIA) and, in some cases, the Secretary of the Interior.

- Compliance with tribal regulations, which may include extensive environmental surveys and tribal environmental agency reviews, cultural resource assessments, and community consent.
- Negotiations and agreements with multiple stakeholders, including tribal councils, community members, and permit holders or individual allottees.

These unique requirements can result in extended timelines for securing site control, which are not reflective of a lack of project viability but rather the necessary due diligence and respect for tribal sovereignty and federal requirements.

3. Recommendations for BPA's Site Control Requirements

Given these complexities, we recommend that BPA adopt a flexible and subjective approach to evaluating site control for projects on tribal lands. Specifically, we propose the following measures:

- **Demonstration of Active Negotiations:** Projects should be able to demonstrate that they are actively engaged in negotiations with the relevant tribal authorities. This can be shown through documentation of meetings, correspondence, and agreements in principle.
- **Letters of Intent and Affidavits:** A letter of intent from the tribe or tribal entity, along with an affidavit attesting to the ongoing negotiations and progress toward securing site control, should suffice as evidence of serious commitment.
- **Consideration of Unique Circumstances:** BPA should consider the specific legal and regulatory context of each tribe, acknowledging that the requirements and processes can vary significantly.

4. Navajo Power's Public and Tribal Benefits Interest

Navajo Power's interest in this matter is derived from our commitment to delivering public benefits and ensuring that tribes receive significant economic and community benefits from renewable energy projects. Our projects aim to provide:

- **Economic Benefits:** Generating facilities on tribal lands offer opportunities for land lease payments, tax revenues, investment returns, and job creation.
- **Community Infrastructure:** Revenue from these projects is critical for investing in essential community infrastructure such as electrification, education, water, and healthcare.
- **Sustainable Development:** Our projects contribute to sustainable development goals by promoting clean energy and reducing reliance on fossil fuels.

Navajo Power's participation in this matter is also in the public interest of tribes whose lands coincide with BPA's service and/or interconnection territory. Tribes who may be receiving land, tax, investment returns, jobs, or other economic benefit from generating facilities sited on their lands may lose the opportunities afforded by these projects, or the opportunities may be significantly delayed. These economic benefits are needed for significant community infrastructure and investments in their people, including electrification, education, water, and health.

4. Conclusion

In conclusion, while we support the need for robust site control requirements to address the interconnection backlog, it is essential that BPA's approach is inclusive of the unique circumstances surrounding projects on tribal lands. By adopting a more flexible and context-sensitive evaluation process, BPA can ensure that these projects are not unduly disadvantaged and can continue to contribute to the broader goals of energy development and sustainability.

We appreciate your consideration of these comments and look forward to working with BPA to develop fair and effective interconnection policies.

Sincerely,

Margaret Tallmadge

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