

**OFFICE OF THE GOVERNOR**

The Chickasaw Nation

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GOVERNOR

July 2, 2024

Ms. Debbie-Anne A. Reese, Acting Secretary
Federal Energy Regulatory Commission
888 First Street, NE, Room 1A
Washington, DC 20426

Dear Acting Secretary Reese:

The Chickasaw Nation has received the Commission's June 6, 2024, letter inviting our preliminary comments on the Southeast Oklahoma Power Corporation's proposed pumped-storage hydropower plant on the Kiamichi River (FERC Project No. 14890-005). We have significant concerns with this project and would look forward to direct engagement with the Commission.

The project is proposed for a location in the heart of the Choctaw Nation of Oklahoma's reservation. While it is not our reservation, the Chickasaw Nation has treaty rights appurtenant to the region and, along with the Choctaw Nation, is party to a water rights settlement that applies to the Kiamichi River system. *See* Public Law 114-322, § 3608 (Dec. 16, 2016). Stewardship of the waters that flow in the Kiamichi and which are stored in Sardis Reservoir, a facility operated by the United States Army Corps of Engineers, were central in our settlement talks. Those talks produced mechanisms to address tribal treaty rights, future water use needs, and significant regional ecological and economic concerns. Those mechanisms are now enforceable as a matter of federal law, *see* Notice, United States Department of the Interior, Statement of Findings: Choctaw Nation of Oklahoma and the Chickasaw Nation Water Rights Settlement, 89 Fed. Reg. 14,699 (Feb. 28, 2024), and have direct bearing on this proposal. The Kiamichi River has long been a flashpoint for regional water conflict, but our settlement provides a new framework that supports our sustainable reliance on its resources. Unfortunately, the proposed project appears to put that all at risk.

Our concerns are even more serious in that the project's proponent fails to assess the impact its project would have on our settlement. The proponent also seems to disregard the legal context of proposing a project on a tribal nation's reservation. Particularly in light of those considerations, the proponent's outreach efforts have been far too limited and ineffective. Hydropower plants have deep and lasting impacts on the regions in which they are built, and the outreach accompanying them should reflect a level of seriousness appropriate to such impactful matters.

Acting Secretary Reese

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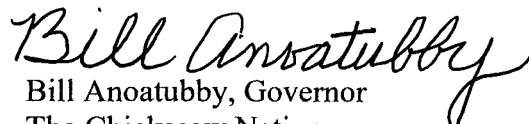
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Those deficiencies notwithstanding, we were heartened that the Commission recognized these issues when it rejected in March the proponent's previously tendered notice of intent. We likewise were heartened when the Commission announced a new policy in February that gives deference to tribal objections to reservation-based projects. Those acts were consistent with the United States' trust responsibilities, and we believe it would be further consistent with those responsibilities for the Commission to reject the proponent's renewed notice of intent and to vacate the previously issued preliminary permit.

In the meantime, we would look forward to direct engagement and consultation with the Commission, and we ask that the Commission allocate such staff and resources to this matter as is appropriate to the task and its ongoing trust responsibilities.

Please direct your correspondence on this matter to my attention at Post Office Box 1548 Ada, OK 74821, with an email copy to Tammy.Gray@Chickasaw.net. And on all such correspondence, please also copy Ms. Kara Berst, Deputy Secretary for Outreach and Services, Chickasaw Nation Department of Commerce, at 2020 Lonnie Abbott Boulevard Ada, OK 74820, with an email copy to Kara.Berst@Chickasaw.net.

Sincerely,


Bill Anoatubby, Governor
The Chickasaw Nation

cc: Kara Berst, CNDC, Deputy Secretary
Kaycie Sheppard, CNOEC, Executive Counsel
Stephen Greetham, Special Counsel
Electronic Filing to FERC docket no. P-14890

Document Content(s)

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