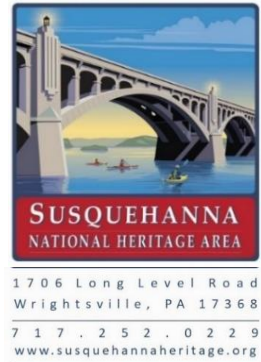


MOTION TO INTERVENE OF SUSQUEHANNA NATIONAL HERITAGE AREA
Approved by Board of Directors - March 19, 2024



Pursuant to Rules 212 and 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“FERC”), 18 C.F.R § 385.212 and § 385.214, the Susquehanna National Heritage Area (“SNHA”) moves to intervene in response to FERC’s February 1, 2024 Notice of Preliminary Application Accepted for Filing and Soliciting Comments, Motions to Intervene, and Competing Applications, FERC Project No. 15332-000 (“Project”).

1. INTRODUCTION

On November 14, 2023, York Energy Storage, LLC (“York Energy”) filed an application for a preliminary permit pursuant to section 4(f) of the Federal Power Act (“FPA”) proposing to study the feasibility of the York Energy Storage Waterpower Project to be located at Cuffs Run, on and adjacent to Lake Clarke on the Susquehanna River, Chanceford Township, York County, PA. The proposed Project is within the boundaries of the Susquehanna National Heritage Area, designated by Congress in 2019. SNHA is the designated coordinating entity for the Susquehanna National Heritage Area. SNHA works in the public interest to preserve, enhance, and promote the state and nationally important cultural and natural resources of York and Lancaster Counties. Pursuant to 18 C.F.R. § 385.214, SNHA has an interest which may be directly affected by the outcome of the FERC proceeding and SNHA’s participation is in the public interest. SNHA files this motion on its own behalf and on behalf of its Board, staff, volunteers, and supporters.

2. SNHA BACKGROUND

SNHA is a non-profit organization incorporated in 2001 as the management entity for the 10th Pennsylvania Heritage Area designated by the Governor of Pennsylvania and including all of York and Lancaster Counties. SNHA was further designated as the coordinating entity for the Susquehanna National Heritage Area, America’s 55th National Heritage Area, established by Congress and the President in 2019, also including all of York and Lancaster Counties. In these dual state and national roles, SNHA collaborates with local, state, and national partners to advance a vision for the Susquehanna National Heritage Area as a national destination for cultural discovery and outdoor adventure. SNHA focuses on placemaking that enhances the quality and appeal of the area’s special places and landscapes and tourism development that increases the visibility and readiness of the area as a visitor destination. As summarized below, since 2001 SNHA has led, supported, and engaged with numerous state and federally supported initiatives focused on conservation of the state and nationally important cultural and natural resources along the Susquehanna River. All these initiatives will be adversely affected by York Energy’s proposed pump storage project, as described below.

3. IMPACT ON IMPORTANT CULTURAL, NATURAL, & RECREATIONAL RESOURCES

Susquehanna National Heritage Area

As the Congressionally designated coordinating entity for the Susquehanna National Heritage Area, SNHA has a Management Plan approved by the National Park Service (NPS) and U.S. Department of the Interior (DOI). SNHA’s designating legislation, the John D. Dingell, Jr. Conservation, Management, and Recreation Act, Public Law No. 116-9, §6001, states that SNHA is to assist “*Federal agencies, the State or a political subdivision of the State, Indian Tribes, regional planning organizations, nonprofit organizations and other interested*

parties” in carrying out the approved Management Plan by implementing programs and projects that recognize, protect, and enhance important resource values (b.2.B.i) and increase public awareness of, and appreciation for, historical, natural, scenic, and cultural resources (b.2.B.iv). The dominant natural feature of the Susquehanna National Heritage Area is the Susquehanna River. Development of York Energy’s Project will directly and adversely impact important scenic viewsheds, historic resources, preserved farms, woodlands, and land and water trails along the river and severely limit SNHA’s ability to effectively carry out our responsibilities under the Dingell Act and our NPS/DOI approved SNHA Management Plan.

Captain John Smith Chesapeake National Historic Trail

In 2006, the Captain John Smith Chesapeake National Historic Trail (CAJO) was established by Congress through federal legislation as part of the National Trails System managed by the National Park Service. CAJO is America’s first water-based National Historic Trail and commemorates the explorations of John Smith and his early contact with Indigenous peoples on the Chesapeake Bay and its tributaries in 1607-1609. In 2012, as authorized by Congress, the Secretary of Interior extended CAJO’s designation to include water trails on four major tributary rivers of the Bay as historic connecting components of the trail, including the Susquehanna River through Pennsylvania. In 2015 SNHA entered into a Cooperative Agreement with NPS to help the public connect to CAJO and the NPS’s Chesapeake Bay Gateways Network through enhanced public access, visitor information, interpretation, and land and water experiences along the Susquehanna River.

To advance this partnership, the Lower Susquehanna River Segment Implementation Plan was prepared by NPS and SNHA in 2018, with support from the Lower Susquehanna Heritage Greenway, a Maryland Heritage Area. The plan is the basis for ongoing implementation initiatives. Section 2 of the Segment Plan covers the Susquehanna Gorge, referenced as River Country at Lake Aldred Focus Area, adjacent to and including portions of the site proposed for York Energy’s Project. The vision for the Susquehanna Gorge includes interpretation emphasizing the Native Susquehannock and Shenks Ferry peoples and their use of the pre-dam river and its shores. Creating connections between trails and access sites and protecting waterways and natural lands in this area is a priority of the Segment Plan. Development of York Energy’s Project will directly and adversely impact implementation of the NPS/SNHA Cooperative Agreement and Segment Plan along the Susquehanna River by eliminating, relocating, building upon, and/or detracting from the inherent value of the resources deemed of significance by NPS and SNHA during the CAJO Segment Plan process.

National Recreation Trails

York Energy’s application will directly impact two National Recreation Trails traversing the area where the Project is proposed for construction - the Susquehanna River Water Trail and the Mason-Dixon Trail.

- Susquehanna River Water Trail—Lower Section

The Susquehanna River travels for over 400 miles through New York, Pennsylvania, and Maryland. The water trail along its path in Pennsylvania is divided into four sections: North Branch, West Branch, Middle Section, and the Lower Section. The Middle and Lower Sections were certified by NPS as a National Recreation Trail in 2008. They are also key components of CAJO, described above. National Recreation Trails are components of the National Trails System and recognize existing trails that connect people to resources and improve their quality of life. The program is jointly administered by NPS’s Rivers, Trails, and Conservation Assistance Program and the U.S. Forest Service in conjunction with other federal and nonprofit partners.

The water trail’s Lower Section encompasses 53 river miles from Harrisburg to Maryland and is managed by SNHA. There are over 30 access points along the water trail in this area. SNHA produces and distributes a Water Trail Map & Guide for the Susquehanna River Water Trail—Lower Section, which helps paddlers

explore the cultural and natural richness of the Lower Susquehanna River. SNHA also provides safety and interpretive information to help paddlers experience the scenic and historic landscape. As with CAJO, development of York Energy's Project will directly and adversely impact the water trail by eliminating, relocating, building upon, and detracting from the very resources deemed of significance to the National Recreation Trail experience through this area.

- **Mason-Dixon Trail**

The Mason-Dixon Trail is a 200-mile-long land-based hiking route connecting the Appalachian National Scenic Trail in Cumberland County, PA to three PA State Parks and the Susquehanna River, following the river south to Maryland and then eastward to the Brandywine Trail in Chester County, PA. The 30-mile section of the trail that follows the Susquehanna River from Wrightsville through the proposed Project area to the Norman Wood bridge was certified by NPS as a National Recreation Trail in 2010. As with CAJO and the Susquehanna River Water Trail, York Energy's Project will directly and adversely impact the Mason-Dixon Trail through one of its most wild and scenic sections by eliminating, relocating, and building upon the trail and detracting from the very resources deemed of significance to the trail experience in this area.

Conservation Landscape

SNHA has worked with many partners to protect the landscape of the lower Susquehanna River over the past 20+ years. Beginning in 2008, SNHA partnered with Lancaster Conservancy, Pennsylvania DCNR, York County, Lancaster County, The Conservation Fund, utility companies, local municipalities, and other nonprofit organizations to protect thousands of acres of land surrounding the proposed project site through the Susquehanna Riverlands Conservation Landscape, a state designation of all municipalities along the river in York and Lancaster Counties. York Energy's Project is proposed for construction in one of the most wild and scenic parts of this landscape and will directly and negatively impact recreational opportunities in the area.

4. CONCLUSION

FERC Project No. 15332-000 is proposed in one of the most historic, scenic, and ecologically diverse sections of the Susquehanna River and will significantly impact important state and federally designated heritage, outdoor recreation, and natural resources as described above. SNHA opposes York Energy Storage's application for a preliminary permit because the proposed Project would negatively impact these resources in a special place and landscape, reduce opportunities for heritage and outdoor tourism, spoil the scenic value of a rich natural resource area, contradict efforts to expand recreational opportunities, impair views of the scenic and historic landscape for paddlers and hikers, diminish the ability for land and water trail users to connect with the natural environment, and harm efforts to further protect land and water resources along the Lower Susquehanna River and within the Chesapeake Bay watershed. SNHA therefore requests that FERC deny York Energy's application for a preliminary permit.

5. NOTICE AND COMMUNICATIONS

All communications, correspondence, and documents relating to this proceeding should be distributed to the following persons on behalf of SNHA, who should also be placed on the official service list pursuant to the Commission's Rule 2010, 18 C.F.R § 385.214(e):

Mark N. Platts
President & CEO
Susquehanna National Heritage Area
1706 Long Level Rd. Wrightsville, PA 17368
mplatts@susqnha.org
(717) 252-0229 ext. 103

Jonathan Pinkerton
Senior Vice President of Planning & Projects
Susquehanna National Heritage Area
1706 Long Level Rd. Wrightsville, PA 17368
jpinkerton@susqnha.org
(717) 252-0229 ext. 102

6. MOTION TO INTERVENE

Wherefore, SNHA moves to intervene in this proceeding at FERC Docket No. P-15332-000.

Respectfully submitted,



Mark N. Platts, President & CEO
Susquehanna National Heritage Area
1706 Long Level Rd. Wrightsville, PA 17368
mplatts@susqnh.org
(717) 252-0229 ext. 103

CERTIFICARE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 20th day of March 2024.



Mark N. Platts, President & CEO
Susquehanna National Heritage Area
1706 Long Level Rd. Wrightsville, PA 17368
mplatts@susqnh.org
(717) 252-0229 ext. 103