

Coalition of Organizations Opposing Cuffs Run Pumped Storage Project Files a Petition for Rehearing

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Washington, D.C./Chanceford Township, Pa. – Today a coalition of conservation, recreation, and environmental organizations filed a petition for rehearing as a first step in its challenge to the decision of the Federal Energy Regulatory Commission (FERC) on Nov. 21, 2024, to grant York Energy Storage a preliminary permit to again study the construction of a pumped storage facility at Cuffs Run along the Susquehanna River in York County. The Lancaster Conservancy, Susquehanna National Heritage Area, Lower Susquehanna Riverkeeper Association, Farm & Natural Lands Trust of York County, and Chesapeake Bay Foundation joined together in this legal effort to show FERC the region’s vehement, unified opposition to this project.

“Lancaster Conservancy strongly believes that FERC erred by granting York Energy Storage a preliminary permit for the Cuffs Run pumped storage project despite opposition from numerous organizations, public officials, community members, and even existing dam owners. This petition for rehearing is the next step in our firm commitment to fight this destructive project that would harm our Susquehanna Riverlands and our community,” said Fritz Schroeder, Lancaster Conservancy’s president and CEO.

In the petition, the coalition of organizations requests that FERC reverse its order granting York Energy a preliminary permit. The organizations list 11 separate errors that FERC made in its Nov. 21 decision. FERC now has 30 days to decide what to do with the filed petition for rehearing.

“FERC made a big mistake when they issued a permit for the Cuffs Run Project,” said Ted Evgeniadis, Lower Susquehanna Riverkeeper. “FERC not only violated their own basic set of permitting rules, but they did not take into consideration the potential impacts and the comments filed by families and individuals who would be affected by the project. We are grateful to be joined by our partners in challenging this permit and will continue to fight for the Susquehanna River and the prime farmland that could be lost forever.”

The coalition of organizations opposing this project strongly believes that FERC erred by granting York Energy Storage a preliminary permit for the Cuffs Run Pumped Storage Project – a project that has been in some form of existence since 1990 and had been the subject of four separate preliminary permit applications over the past 34 years. They believe FERC’s Nov. 21 order shows that FERC operates under the assumption that any preliminary permit application is good and should be granted virtually every time, no matter how impactful, incomplete, unverified, repetitive, or abusive.

“The Farm & Natural Lands Trust of York County stands with our partner organizations in opposition of this project, which has continually unfairly targeted this area that includes protected lands of agricultural and environmental importance, as well as areas of recreational significance,” said Sean Kenny, executive director of the Farm & Natural Lands Trust of York County.

The \$2.3 billion project proposed by York Energy Storage LLC would involve construction of a 1.8-mile dam and power turbine pumped storage facility at Cuffs Run ravine and creek, a tributary to the Susquehanna River. The proposed facility would displace over 40 residents and destroy

preserved farms as well as forested lands that are critical to ensuring the ecological health of the Susquehanna Riverlands Conservation Landscape and waterways. Additionally, it would impact a scenic section of the Mason-Dixon Trail, a designated National Recreation Trail in York County; the viewshed from the popular multimodal Enola Low Grade Trail in Lancaster County; and the lower section of the Susquehanna River Water Trail, which is part of the Captain John Smith Chesapeake National Historic Trail.

York Energy Storage initially requested a permit for the project on Feb. 10, 2023. Following a series of deficiency letters from FERC, a rejection of its original application and a permit resubmission by York Energy Storage, FERC accepted the preliminary permit application for filing on Feb. 1, 2024. This started the clock on a 60-day period to file comments or interventions with FERC on the project, during which time the Conservancy and a coalition of conservation, recreation, and environmental organizations filed a formal legal pleading strongly opposing the pumped storage facility proposed for Cuffs Run. This pleading explained several different reasons why FERC should deny the application for a preliminary permit. Hundreds of comments were also filed by community members, elected officials, and local organizations, virtually all of which expressed opposition to the project. On April 1, 2024, Brookfield Renewable, which manages the Safe Harbor and Holtwood dams, also filed a legal pleading asking that the preliminary permit be denied.

If FERC does not change its Nov. 21 decision to grant a preliminary permit for the pumped storage project at Cuffs Run in response to the petition for rehearing, York Energy Storage will have at least four years to complete multiple studies about the project.

“This is a phenomenal natural area, and this facility is the wrong project, in the wrong place, at the wrong time,” said Paul Small, vice president for litigation and general counsel at the Chesapeake Bay Foundation. “Make no mistake about it, we remain committed in the long term to opposing this project.”

Learn more by visiting lancasterconservancy.org/protect-cuffs-run.

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