



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20200308

Approval Date: March 13, 2020

YORK HAVEN POWER COMPANY, LLC

Hydroelectric Operations at the York Haven Hydroelectric Project

Section 1. Approval

This project is subject to review pursuant to Article 3, Section 3.10, and Article 10, Section 10.1, of the Susquehanna River Basin Compact (Compact), P.L. 91-575, 84 Stat. 1509 et seq., and 18 CFR § 801.12, relating to electric power generation, and § 806.4, relating to projects requiring review and approval.

The Susquehanna River Basin Commission (Commission) authorizes hydroelectric projects in accordance with the “Comprehensive Plan for the Water Resources of the Susquehanna River Basin” (Comprehensive Plan), as mandated by Article 14 of the Compact. Commission authorization of hydroelectric projects should also be consistent with the annual Water Resources Program as further mandated by Article 14.

Commission staff recommended that the plans, specifications, and supporting documents submitted by the project sponsor as part of its original application should be incorporated herein by reference and become a part of this approval. Staff further recommended that no substantial deviations from approved plans or specifications affecting the river flow, migratory fish passage, recreation, metering, monitoring and reporting, or use of waters should be made without written approval from the Commission.

In accordance with 18 CFR § 801.12, Commission staff reviewed the application considering the direct and indirect effects of the proposed electrical generation project, alteration of natural stream regime, effects on water quality and on the other uses of the river, and evaluated whether the proposal is in accord with the Comprehensive Plan.

Commission staff participated with other resource agencies and with the project sponsor during review of the relicensing application that enabled advance consideration of the possible effects of the project on the water resources of the basin, as required by 18 CFR § 801.12. Other factors considered by Commission staff during the review of the proposed relicensing included, but were not limited to, minimum releases, fish passage, and recreation.

After review of the record, including the technical findings of Commission staff, the Commission has determined that, the project is physically feasible, and does not conflict with or adversely affect the Commission’s Comprehensive Plan as conditioned herein, and accordingly

is approved for inclusion in the Commission’s Comprehensive Plan. Additionally, review and approval of this project is required for the optimum planning, development, conservation, utilization, management, and control of the water resources of the basin and may significantly affect the water resources of the basin. The Commission hereby approves the project described herein in accordance with the conditions set forth below.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP), the Pennsylvania Department of Conservation and Natural Resources (DCNR), the Pennsylvania Fish and Boat Commission (PFBC), the Maryland Department of Natural Resources (MDNR), the United States Fish and Wildlife Services (USFWS), and the Federal Energy Regulatory Commission (FERC) during review of this project.

Section 2. Project Information

Information concerning the project sponsor, water use type, and location are set forth in the table below.

Project Information	
Project Sponsor:	York Haven Power Company, LLC
Facility:	York Haven Hydroelectric Project
Approval Type:	Hydroelectric
Authorized Water Use Purpose:	Operation of a Hydroelectric Generating Facility and Related Incidental Uses
Municipality:	York Haven Borough and Londonderry, Newberry, and Conoy Townships
County:	York, Dauphin, and Lancaster Counties
State:	Pennsylvania

Section 3. Project Features

The York Haven Hydroelectric Project (project) was constructed in 1901 through 1904. The Federal Power Commission issued an original license for the project on November 7, 1944. FERC issued a new major license for the project on August 14, 1980, and the license expired on September 1, 2014. The project sponsor submitted an application to FERC on August 30, 2012, for a new 46-year license for FERC Project No. P-1888-030 (FERC license). The project operated under an annual license pending the disposition of its new license application. The new 40-year FERC license was approved on December 22, 2015, effective December 1, 2015.

As a prerequisite to the issuance of the new FERC license, the project sponsor was required to receive a Section 401 Water Quality Certification – PADEP File No. EA 67-023 (401 Certification), which was issued by PADEP on August 19, 2014. Additionally, a Settlement Agreement, dated January 30, 2014, between the project sponsor and the USFWS, PFBC, MDNR, and the Commission addressing issues pertaining to fish passage and the terms and conditions of the USFWS Modified Prescription for Fishways, was filed to FERC on

February 7, 2014, and corrected on July 15, 2015, pursuant to Section 18 of the Federal Power Act.

Section 4. Current Operations

The project is operated as a 19.65-megawatt (MW) run-of-river hydroelectric generation facility. The project is the most upstream project among a series of five hydroelectric facilities on the lower Susquehanna River. The proceeding downstream projects are: the Safe Harbor Hydroelectric Project, the Holtwood Hydroelectric Project, the Muddy Run Pumped Storage Project, and the Conowingo Hydroelectric Project.

The project includes the York Haven Dam and the East Channel Dam. The York Haven Dam extends from the western shore of the Susquehanna River to the western shore of Three Mile Island. The East Channel Dam extends from the eastern shore of Three Mile Island to the eastern shore of the Susquehanna River.

The powerhouse contains 20 turbine-generator units (6 vertical shaft propeller turbines and 14 horizontal Francis turbines). Water flowing into the forebay is directed through the turbines and discharged immediately downstream of the powerhouse. Generating units are brought on-line based on anticipated inflow rates. The facility has a hydraulic capacity of 17,000 cubic feet per second (cfs) and when exceeded, the impoundment elevation rises above the normal pool elevation and excess water overtops the main dam, the East Channel Dam, and headrace walls.

The project impounds the Susquehanna River a distance extending 3.5 miles upstream, creating Lake Frederic.

Section 5. Proposed Construction and Operations

The current FERC license included proposed modifications to improve fish passage and require the construction of a Nature-Like Fishway (NLF), as a requirement of the 401 Certification. The project is proposed to implement the environmental measures to protect aquatic resources and improving upstream fish passage by constructing a NLF in the vicinity of the main dam and Three Mile Island. The conceptual design of the NLF is to appear and operate similar to a natural riffle, with a gradually sloping channel interspersed with rock weirs and pools, and comprising of a fishway with varying width and a supplemental attraction flow channel.

Section 6. Standard Conditions

1. The project sponsor shall comply with all Commission regulations, 18 CFR Parts 801, 806, and 808. This project is subject to the Annual Compliance and Monitoring fee as specified in the Commission's Regulatory Program Fee Schedule, which may be modified over the term of the approval.

2. The project sponsor or any other person representing the project sponsor shall allow authorized employees or agents of the Commission, without advance notice, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed, operated, or maintained, or otherwise exercise all investigative powers authorized under 18 CFR § 808.12.

3. In accordance with 18 CFR § 806.6, if ownership of the project changes or if the project sponsor undergoes a name change, the project sponsor shall submit application for transfer or reissuance of all approvals to the Commission within ninety (90) days of the change in ownership or project sponsor name change.

4. This approval is conditioned on the project sponsor maintaining legal access to the project location for the duration of the approval.

5. If the project sponsor fails to comply with the provisions of the Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the project sponsor is subject to enforcement actions pursuant to 18 CFR Part 808.

6. Commission approval shall not be construed to exempt the project sponsor from obtaining and maintaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. The Commission may modify, suspend, or revoke this approval if the project sponsor fails to obtain or maintain such permits and/or approvals.

7. The Commission may at any time reopen any project approval or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment, pursuant to 18 CFR § 806.32.

8. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

9. This project is approved for inclusion in the Commission's Comprehensive Plan.

Section 7. Special Conditions

10. The project sponsor is required to apply for and obtain approval prior to any significant changes or modifications of the project features or current operation described in the submitted application materials, the FERC license, and the 401 Certification.

11. Conditions of the 401 Certification not inconsistent herewith shall be incorporated into and made part of this approval.

12. The project sponsor shall incorporate the flow management targets established in the 401 Certification and Settlement Agreement.

13. The project sponsor shall implement the fish passage requirements as prescribed in the 401 Certification and the Settlement Agreement.

14. The project sponsor shall implement the following management plans as outlined in the FERC License: a Recreational Management Plan for the operation and maintenance of project recreation facilities; and a Shoreline Management Plan for the management of project shorelines and protection of scenic, recreational, and environmental resources.

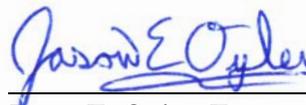
15. In accordance with 18 CFR § 806.30(b)(2), the project sponsor shall report violations of any conditions of this approval within five (5) days of such violation.

Section 8. Term

16. This approval is effective until November 30, 2055. As specified in 18 CFR § 806.31(e), if the project sponsor submits an application on or before May 31, 2055, the project sponsor may continue operation of this project pursuant to the terms and conditions of this approval until such time as the Commission acts on such application, or until otherwise notified by the Executive Director.

CERTIFICATION: I, Jason E. Oyler, Secretary to the Susquehanna River Basin Commission, do hereby certify that the foregoing project docket was approved by the Susquehanna River Basin Commission on March 13, 2020.

Dated: March 16, 2020



Jason E. Oyler, Esq.