

April 9, 2021

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, DC 20426

Re: Motion to Intervene of the Appalachian Mountain Club on the Application for a preliminary permit for the Ashokan Pumped Storage Project by Premium Energy Holdings, LLC, FERC Docket Number P-15056-000

Dear Secretary Bose,

Enclosed is a Motion to Intervene to the Application as filed for the above captioned project by the Appalachian Mountain Club pursuant to Rule 214 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214.

Sincerely,

Mark Zakutansky  
Director of Conservation Policy Engagement  
Appalachian Mountain Club  
45 Jordan Rd.  
Albrightsville, PA 18210-0527  
Phone: 551-427-0974  
[Mzakutansky@outdoors.org](mailto:Mzakutansky@outdoors.org)

CC: Service List

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Premium Energy Holdings, LLC

Docket No. P-15056-000

**MOTION TO INTERVENE  
OF THE APPALACHIAN MOUNTAIN CLUB**

By notice dated February 11, 2021, the Federal Energy Regulatory Commission's (FERC or Commission) solicited comments and motions to intervene on Premium Energy Holdings, LLC (applicant) application for a Preliminary Permit for the Ashokan Pumped Storage Project, FERC Project No. P-15056-000. Pursuant to Rules of Practice and Procedure, 18 C.F.R. § 385.214, the Appalachian Mountain Club (AMC) hereby files a "Motion to Intervene" (Motion) in this proceeding. In support of this Motion, AMC states as follows:

**1. Communications and Correspondence**

AMC requests that the following names be placed on the official service list maintained by the Commission for this proceeding with electronic service preferred:

Mark Zakutansky  
Director of Conservation Policy Engagement  
Appalachian Mountain Club  
45 Jordan Rd.  
Albrightsville, PA 18210-0527  
Phone: 551-427-0974  
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**2. Description of movant**

The Appalachian Mountain Club, headquartered at 10 City Square, Boston, MA 02129, is a private, non-profit organization whose mission is to "*promote the protection, enjoyment, and understanding of the mountains, forests, waters, and trails of the Appalachian region*" [italics added]. We encourage public respect for the natural environment, provide research and leadership in its protection, and offer recreational and educational programs and facilities for the enjoyment and wise stewardship of the outdoors. The AMC was founded in 1876, one of the first conservation organizations in the United States that promoted outdoor recreation and conservation.

Our 100,000 members, supporters, and advocates reside largely in the Mid-Atlantic and Northeast, including 30,000 members in our Delaware Valley and New York – North Jersey Chapters, as well as many others who visit the Catskill Mountain region of New York on a regular basis to participate in outdoor recreational activities. AMC has a regional and statewide constituency with interests in the enjoyment, management and protection of the resources of the Catskill Mountain region and will be directly affected

by the Commission's decision in this matter. Members of our group use the lands and waters that will be evaluated under this preliminary permit by the applicant.

### **3. Grounds for Intervention**

AMC will be directly impacted by the outcome of this proceeding. The Catskill Mountains provide unique and cherished resources for the public, including hiking, camping, whitewater boating, fishing and other recreational, aesthetic, and environmental benefits. For its proximity to metropolitan areas of New York and New Jersey, the Catskill Mountains provide unique access to the outdoors for tens of millions of people, including AMC members. The loss of areas in the Catskill Mountains and the potential diversion of water from the Esopus Creek, a popular whitewater paddling river, will directly impact the recreating public and AMC members.

The applicant notes the proposed project, if constructed, would impact lands managed by the New York City Department of Environmental Protection and other New York State Lands, including lands managed by the New York State Department of Conservation. These lands include, are adjacent to and near Indian Head Wilderness, Phoenicia-Mt Tobias Wild Forest, Hunter-west Kill Wilderness, Shandaken Wild Forest, Slide Mountain Wilderness, and Sundown Wild Forest. New York's state lands such as Forest Preserves and Wild Forests are protected by Article XIV of the New York State Constitution, which includes clear language that these lands shall not be converted to non-conservation uses. Article XIV begins with the following language: "Section 1. The lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed."

AMC requests intervenor status to participate in the proceedings. AMC anticipates providing timely comments on the applicant's proposed activities outlined in Table 6 of the application, including, but not limited to: initial scoping and consultation; environmental and cultural impact study; and devising of water supply plan.

### **4. Statement of Position**

AMC does not take a position on the application currently. AMC believes that the project evaluation proposed under this preliminary permit should only proceed to license proposal if the proposed studies can show that the licensee will maintain or enhances the recreational, aesthetic, and ecological benefits of the Catskill Mountain, such that there will be no net loss in these values and such that the project will not violate the protections for public lands provided by Article XIV of the New York state constitution. Should the studies find that there will be negative impacts of the project that are not avoided, minimized or unmitigated and the applicant proposes to proceed with a licensing proposal, AMC may choose to take a position in opposition at that time.

Participation in this proceeding will ensure that the interests of the public are represented during the assessment of feasibility for this project.

## **5. The Movant's Participation in the Public Interest**

AMC represent a large constituent base that uses the impacted resource and are not-for-profit organizations. All existing parties and commenters to the proceedings are either for-profit companies, public entities, individuals, or non-profit organizations with a different mission. AMC's interests cannot adequately be represented by any single other party. As such, AMC's participation is relevant and in the public's interest.

For the foregoing reasons, the AMC request intervention status in this proceeding with full rights as an intervener.

Dated: April 9, 2021

Respectfully submitted,

Mark Zakutansky  
Director of Conservation Policy Engagement  
Appalachian Mountain Club  
45 Jordan Rd.  
Albrightsville, PA 18210-0527  
Phone: 551-427-0974  
[Mzakutansky@outdoors.org](mailto:Mzakutansky@outdoors.org)

### **CERTIFICATE OF SERVICE**

I hereby certify that on this day I have caused to be served electronically a copy of the foregoing Motion to Intervene of AMC on all parties listed on the official service list compiled by FERC in this proceeding in accordance with the applicable FERC regulations.

Dated at 9 April, 2021

A handwritten signature in dark ink, appearing to read 'Mark Zakutansky', with a long horizontal flourish extending to the right.

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Mark Zakutansky