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January 31, 2012

National Park Service
Denver Service Center - Planning Division
Attn: Morgan Elmer
12795 W. Alameda Parkway
P.O. Box 25287
Denver, CO 80225-0287

**Re: Comments to Draft Environmental Impact Statement for the
Susquehanna to Roseland 500- kilovolt Transmission Line, 76
FR 72001 (November 21, 2011).**

Dear Mr. Donahue:

The members of Rock the Earth, a national nonprofit corporation, hereby submit comments in response to the November 21, 2010 Federal Register Notice of the publication of the National Park Service's (NPS) Draft Environmental Impact Statement (DEIS) for a construction and right of way permit contemplated in the proposed plan from Pennsylvania Power and Light Electric Utilities (PPL) and Public Service Electric and gas Company (PSE&G) (hereinafter, "the utilities") for a 500kV transmission line crossing the Delaware Water Gap National Recreation Area (DEWA), the Middle Delaware National Scenic and Recreational River (MDSR) and the Appalachian National Scenic Trail (AT or APPA) in Pennsylvania and New Jersey (jointly, "the Park Units").

I. Rock the Earth

Rock the Earth ("RtE") is a Pennsylvania nonprofit corporation with a national membership of concerned citizens who regularly utilize the national park system, year-round, for recreational activities. Our members regularly seek the peace, quiet and solitude of the National Park system for reflection, spiritual inspiration, and exercise, while engaging in recreational activities which include hiking, camping, photography, meditation, snow-shoeing, cross-country skiing and non-motorized water sports. RtE members will be directly affected by the proposed project for the construction of the power line through the Park Units in that such

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construction will destroy the natural beauty and character of the landscape of these remarkable and protect areas and, therefore, will diminish visitors'/members' ability to experience the Park Units in their natural state, thereby reducing visitor enjoyment. RtE members have several grounds for concern. These particular Park Units are prominent among the meager segment of areas in the Northeastern United States that remain for the activities we as individuals revere. It is our collective conclusion that as informed citizens, it is our responsibility to protect these treasured fragments of the Earth. Expanded use of these areas for activities not in harmony with both the current law as well as the legislative intent when these areas were set aside as Park Units and will devastate the naturally wild environment. Therefore, we find it not only our right, but also our responsibility to be concerned.

II. The Park Units Are Significant Resources that Require Protection

As is recognized by the NPS, these particular Park Units are spectacular in their scenic, scientific and historic features. The DEWA is significant due to the exceptional quality of the Delaware River; it is the last free-flowing river on the eastern seaboard, and provides outstanding recreational and scenic opportunities. The quality and quantity of river water remains in good condition and provides a stable ecological environment. As one of the largest public open spaces remaining in the northeastern metropolitan corridor, the park provides a broad diversity of exceptional, unique, and close-to-home recreational opportunities for the more than 60 million people who live within a 6-hour drive of the park. In addition, the population of the region has boomed. There are not that many places remaining in this region to see wildlife and to experience the kind of tranquility one has in this river valley. Outstanding geologic and natural features form some of the best-known scenic landscapes in the northeastern United States (U.S.) and illustrate the characteristic landforms and biotic areas of the Appalachian Ridge and Valley Province and the Southern Appalachian Plateau Province, including the world famous Delaware Water Gap.

Meanwhile, the AT is similarly significant. The AT is a way, continuous from Maine to Georgia, for travel on foot through the wild, scenic, wooded, pastoral, and culturally significant lands of the Appalachian Mountains. It is a means of sojourning among these lands, such that visitors may experience them by their own unaided efforts. The body of the trail is provided by the lands it traverses, and its soul is in the living stewardship of the volunteers and partners of the Appalachian Trail Cooperative Management System (NPS 2005a).

III. The Proposed Plan from the Utilities is Contrary to NPS Mandates and Congressional Intent for the Park Units

The NPS is guided by the United States Constitution, public laws, treaties, proclamations, Executive Orders, regulations, directives of the Secretary of the Interior and Assistant Secretary for Fish and Wildlife and Parks, as well as NPS guidance documents. The fundamental purpose of the National Park System as set forth in the Organic Act, 16 U.S.C. 1, 2-4, and reaffirmed by the General Authorities Act, 16 U.S.C. 1a-1 through 1a-8, as amended

(“Organic Act”), mandates the conservation of park resources and values. The Organic Act of 1916, as amended, states in Section 1:

The Service thus established shall promote and regulate the use of the Federal areas known as the National Parks...by such means and measures as to conform to the fundamental purposes of the said Parks...which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations.

16 U.S.C. 1, 2-4. Likewise, the General Authorities Act, as amended by the Redwood Act (March 27, 1978, P.L. 95-250, 92 Stat. 163, 16 U.S.C. 1a-1) (“General Authorities Act”), affirms the basic tenets of the Organic Act and provides additional guidance on National Park System management:

The authorization of activities shall be construed, and the protection, management and administration of these areas shall be conducted in light of the high public value and integrity of the National Park system and shall not be exercised in derogation of the values and purposes for which these various areas have been established.

The restatement of these principles in the Redwood Act is intended to serve as the basis for any judicial resolution of competing private and public values. In the Redwood Act, Congress provided that when there is a conflict between conserving resources and values and providing for the enjoyment of them, conservation is to be the primary concern. 16 U.S.C. 1a-1.

National Park Service guidance documents and policy interpreting the laws, regulations and Executive Orders also support a rejection of the proposed plan. NPS Management Policy 1.4.3 contains an NPS obligation to “conserve and provide for enjoyment of park resources and values.” Contained within this management policy is the mandate that the NPS managers “must always seek ways to avoid, or to minimize to the greatest degree practicable, adverse impacts on park resources” and “when there is a conflict between conserving resources and providing for enjoyment of them, conservation is to be predominant.” See NPS Management Policy 1.4.3.

The NPS Management Policies also prohibit the impairment of park resources and values, thus ensuring that the parks will continue to exist in a condition that “will allow the American people to have present and future opportunities for enjoyment of them.” See NPS Management Policy 1.4.4 (The Prohibition on Impairment of Park Resources and Values); 2004 EA at 12 and NPS Management Policy 1.4.3 (NPS Obligation to Conserve and Provide for Enjoyment of Park Resources and Values).

Other substantive NPS Management Policies that support the basis for this comment letter can be found in NPS Management Policies 4.7.1 (Air Quality), 4.9 (Soundscape Management), and 8.2 (Visitor Use).

Further and specifically, the enabling legislation for the DEWA states as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to further the purposes of the joint resolution approved September 27, 1961 (re Delaware River Basin compact; 75 Stat. 688)... for public outdoor recreation use and enjoyment ...and for preservation of the scenic, scientific and historic features contributing to public enjoyment of such lands and waters, the Secretary of the Interior is authorized, as herein provided, to establish and administer the Delaware Water Gap National Recreation Area.

PL 89-158 (September 1, 1965); NPS Internal Scoping Meeting Report, Susquehanna to Roseland Transmission Line Proposal and Right-of-Way Request, Environmental Impact Statement (October 2009) (hereinafter, "2009 Internal Scoping Meeting Report"), at 9.

Similar protection was provided for by Congress in establishing the MDSR. In 1968, the Delaware River within DEWA was designated as a scenic and recreational river under the Wild and Scenic Rivers Act. The provisions of the act stipulate that as a scenic and recreational river the Middle Delaware:

[S]hall be administered in such manner as to protect and enhance the values which caused it to be included in [the wild and scenic rivers] system without...limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protect [the area's] esthetic, scenic, historic, archeological, and scientific features.

PL 90-542 (October 12, 1968); 2009 Internal Scoping Meeting Report, at 10.

Finally, clear intent to protect the AT was also evident in its enabling legislation. The National Trails System Act established the Appalachian National Scenic Trail and directed the Secretary of the Interior, in cooperation with the Secretary of Agriculture, state and local governments, and private citizens, to protect and administer the Trail. The Act provided the Secretaries of Interior and Agriculture with the authority to relocate the Trail; administer use of and access to the Trail; regulate incompatible uses, including motorized uses, bicycles, and horses; and enter into agreements with state agencies and non-government organizations to protect, manage, maintain, and develop the Trail. It also encouraged state agencies to pass similar legislation and take active steps to protect the Trail; and authorized federal land acquisition as necessary to establish a permanent route and protective corridor surrounding the footpath. 2009 Internal Scoping Meeting Report, at 10, referencing PL 90-543 (16 U.S.C. 1241, et seq.).

Additional federal requirements can be found in several National Park Director's Orders, Federal and Pennsylvania and New Jersey State Laws: Director's Order 12: Conservation Planning, Environmental Impact Analysis, and Decision-making; Director's Order 28: Cultural Resource Management; Director's Order 53: Special Park Uses; Director's Order 77: Natural Resources Management Guideline (1991); Director's Order 87D: Non-Park Roads.

A. The Proposed Plan by the Utilities is Inconsistent with Federal and State Mandates

The Utilities propose a dramatic plan that will directly impact the Park Units. In their plan, an existing 230,000-volt (230-kV) power line with approximately 80-ft structures currently located on the current right-of-way would be replaced with new larger tower structures (up to 200 feet high) to co-locate both the existing 230 kV line and a new 500-kV line. This would necessitate widening the existing right-of-way, and in areas, would require granting additional legal rights beyond the Utilities' current rights. The Utilities' proposed action would also include the construction of new access roads and the rehabilitation and widening of existing roads for accessing the transmission line corridor.

These proposed expansions of both the right-of-way and attendant roads for the transmission line corridor will directly impact the Park Units and is directly inconsistent with Federal and State legal mandates. As recognized in the 2009 Internal Scoping Document, the project as proposed will directly impact or has the potential to impact the following:

- Geologic Resources
- Air Quality
- Viewsheds
- Soundscapes
- Greenhouse Gasses/Climate Change
- Water Quality
- Aquatic Systems
- Wetlands
- Floodplains
- Vegetation
- Landscape Connectivity
- Invasive Species
- Rare or Unusual Vegetation
- Unique Ecosystems and Rare Communities
- Unique or Important Wildlife and Wildlife Habitat, including Migratory Birds
- Unique or Important Fish and Fish Habitat
- Species of Federal and State Concern, including federally or state listed endangered or threatened species
- Archeological Resources
- Prehistoric or Historic Structures
- Cultural Landscapes
- Ethnographic Resources

- Socio-economic

2009 Internal Scoping Meeting Report, at 29-33.

The construction of massive transmission infrastructure through the three parks presents a myriad of impacts on wildlife and certain impacts to the resources listed above. Even if minimized, it is clear that construction and maintenance will negatively impact wildlife communication, habitat utilization, and reproductive success. DEIS, Ch. 4, pp. 415-483. The proposal also threatens a rich historical landscape containing 70 significant sites that have been or are being entered on the National Register of Historic Places. These include archaeological sites, sites used for interpretative history and are a fundamental resource for visitors to not only learn about, but experience the past. Some of the most threatened historic locations include Van Campens Glen, the Appalachian National Scenic Trail, Old Mine Road Historic District, Watergate, Delaware View, and Community Drive. DEIS, Ch. 4, pp. 507-524.

These factors alone would violate both federal and state law mandates.

B. Visitor Experience Will Be Directly Impacted by the Proposed Project

We have reviewed the DEIS for the Susquehanna to Roseland 500kV Electric Transmission Line (the "Project"). As with many other members of the public, we continue to be concerned about the impacts that the Project will have, including as to natural and cultural resources such as geologic, floodplains, wetlands, vegetation, bird, aquatic and other wildlife. We also are particularly concerned as to the impacts on **Visitor Use and Experience**, and we respectfully provide our following comments in that regard.

As the DEIS makes clear, the Park Units are enjoyed by many members of the public for a variety of activities. A significant value in this regard concerns scenic viewing. "Visitors use a variety of park resources based on personal goals and interests, and the feeling they experience during their visit is the result of multiple actions and encounters.... Although several factors contribute to the quality of the experience, the proposed actions would affect visitor use and experience primarily through visual and noise disruptions.... Aesthetic value is an important consideration in the management of recreation settings, especially where most people expect a natural-appearing landscape with limited evidence of 'unnatural' disturbance of landscape features. Scenic qualities can affect park visitors, residents of the local area or nearby communities, and a broader constituency who may either occasionally visit the parks or simply have an interest in their scenic qualities." (DEIS, Ch. 4, p. 626).

Another important value for Visitor Use and Experience concerns soundscapes. "Inappropriate sound can also adversely affect park visitor experiences. Visitors usually have high expectations regarding a national park experience. The impacts of inappropriate sound on visitor experience are especially evident where visitor expectations include solitude, serenity, tranquility, contemplation (as in wilderness), or a completely natural or historic environment.... To the extent that noise might displace animals from viewing areas ... it could

indirectly impact visitor experience by precluding visitors from enjoying the sights and sounds of wildlife.” (Id.).

The Utilities’ proposal to construct massive transmission towers nearly 200-foot-tall and having a 350-foot-wide right-of-way constitutes a serious degradation to the preservation of both natural and cultural resources. While the current 80-foot-tall transmission towers already rise above the tree canopy and degrade the viewshed and contribute to the fragmentation of the landscape, they are far less obtrusive than that contained within the proposal in question. An AT visitor experience may include 20 miles north and south of the Right-of-Way – this is what a thru-hiker may hike in a day. Construction activities such as tree clearing and blasting would be an impact to visitor experience. In addition, bringing in large construction equipment and the towers via park roads and public roads would affect the visitor experience. Long term impacts to visitor experience may also occur. The visibility of the new towers above the existing tree-line will have an effect on visitors in the long term. Qualities of the existing visitor experience, including key elements such as primitiveness and solitude will be impacted. Some hikers on the AT consider hiking the trail a lifetime experience. Protecting scenic resource values are specified in DEWAs enabling legislation and the APPA legislation provides for a primitive experience along the trail.

In addition to hikers on the AT, both the construction and long term effects of the project will impact ALL visitors to the Park Units – whether it be paddlers on the Delaware River itself, to others who visit the Park Units for solitude and the marked natural soundscapes and beauty – viewshed appreciation, recreational and aesthetic resources in the Park Units will all be impacted by the proposed project.

As set forth in the DEIS, the various Action Alternatives all result in significantly adverse impacts on Visitor Use and Experience, from a variety of sources, including removal of existing structures, and Project construction and components.

In general, as the DEIS demonstrates, the Project will impact significantly on hiking, camping, hunting, fishing, star-gazing, and other non-motorized, as well as aquatic, recreational activities on all of the federal, state and local lands in the project area. The presence of a transmission line and soaring 190’ towers will have a significant impact on the recreational experience of residents and visitors to the area. The Project will adversely affect game species and thereby diminish opportunities for hunting. Hikers and people enjoying the attractions and unspoiled vistas in the gorges, viewing areas, and scenic byways surrounding the area would be faced with visual and acoustic impacts from a large, industrial-scale transmission Project that is fundamentally at odds with non-motorized recreation and enjoyment of the solitude, darkness and relatively unbroken natural experience now available.

The transmission and generation components of the Project will also adversely impact on the visual and scenic resources, including the daytime viewsheds and the incomparable nighttime darkness currently available in the area. The flares from gas and coal plants, cooling towers from coal plants, and night-time beacons on tensioning towers would alter the current character of the lands where the transmission and generation infrastructure would be built. We have

serious concerns that development of industrial-scale transmission lines in this area would not be compatible with respect to viewshed and scenic resources. The Appalachian Trail is one of the most important scenic locations in the United States presenting unique opportunities to millions of citizens and visitors. This “unique opportunity” will disappear when a large industrial development cuts across the Trail. We believe that it is not feasible to design and operate the proposed transmission and generation facilities to be compatible with the surrounding, unique, and unparalleled scenic characteristics of the Trail.

Silence and a sense of remoteness is another important aspect of scenic quality currently present on the Trail, and in the Water Gap, as well as other areas within the Highlands. Nighttime views of the transmission lines, which may bear several red strobe lights, flashing at frequencies of at least 20 times per minute, will severely impact on an otherwise dark landscape.

More specifically, the DEIS acknowledges the following significant impacts that all Action Alternatives of the Project will have on Visitor Use and Experience in several parts of the Park Units:

1. “During removal and disposal of existing structures, visitors would experience adverse noise and visual impacts from the creation of access roads, the transportation of construction equipment for and from the decommissioning sites, the removal of the crane pads and equipment at wire pulling locations, the removal and disassembly of lattice towers, and grading activities. Possible helicopter use would result in additional noise and visual impacts.” DEIS, Vol. 1, Ch. 4, p. 631.
2. “Adverse impacts would result from the construction of the new facilities, including grading activities to create level pads for tower sites, the construction of foundations, and the construction of steel towers, including wire installation. New pulling and splicing sites, as well as new construction staging locations, would further affect visitors due to noise and visual disruptions. Some existing roads, new access roads, and spur roads would require clearing and grading.... During construction, visitors may also experience temporary road closures or reroutes, which could cause delays or the inability to access and use preferred recreation sites.” Id. Even though some of these road closures and reroutes might be “temporary,” they could nevertheless inhibit visitors from returning at all.
3. While a “portion of the corridor along the ROW would be allowed to revegetate ...[s]uch revegetation would take many years....” Id.
4. “Under all action alternatives, devices placed on transmission line conductors (wires) to deter birds would increase the visibility of the lines by making the conductors more prominent. This could increase the level of adverse impacts where visitors would be visually exposed to these devices.... Visitors relaxing at an overlook along APPA would be more affected, increasing the overall level of impact.” Id.
5. “The addition or improvement of access roads and spur roads called for under all action alternatives could result in ORV and dirt bike use, which is illegal in the parks. Such use would

result in increased noise, which would adversely affect visitor experience. This engine noise would be incompatible with the natural, park-like setting. In addition, visitors could see damage to vegetation and scars from these vehicles, and would potentially see the roads being used in this manner. The presence of these vehicles and their resulting damage would also decrease the possibility of wildlife sightings. These impacts would increase the level of impacts on visitor experience of the parks, and may influence visitors' use of the parks, because they may avoid such areas." Id. at 631-32. Although "an OHV/ATV deterrent plan would be developed," id. at 632, the ability to deter such unauthorized, indeed illegal use is highly suspect.

6. "[M]any river users would pass below the transmission line under all action alternatives.... The presence of the taller towers, thicker lines, and bird diverters ... would be seen not only as boaters pass below the wires, but during the approach from farther upstream.... For these reasons, changes proposed under the action alternatives would adversely affect the visitor experience of many boaters." Id. This is especially the case since, as the DEIS points out, 64% of DEWA visitors surveyed in 2010 acknowledged that "power line expansion through DEWA and MDSR would detract from their park experience." Id.

7. "[V]isitors hiking long sections of trails, including APPA from both inside and outside DEWA boundaries, would be exposed to intermittent views of the transmission line during their approach to it. The towers would be taller, the ROW wider (with the exception of alternative 2b), and, in the case of alternatives 3, 4, and 5, two sets of transmission lines would be seen. The transmission lines would be more noticeable than existing conditions, so they would be seen from greater distances during approach and would have a greater impact due to their larger presence." Id.

8. "[H]unting is allowed throughout DEWA and is not concentrated in any particular area in relation to the proposed alternatives. Because hunters enjoy the natural aesthetics of their surroundings, they would experience similar impacts to other visitors." Cleared canopy openings created by the transmission line "are generally not suitable for hunting deer.... [and] waterfowl hunters may not want to fire overhead toward the transmission lines and would therefore avoid these areas. As a result widening the ROW should decrease the area's suitability for hunting. The most extensive impacts would result from deconstruction and construction activities," because the noise would "frighten game from the area and degrade the naturalness of the hunting experience." And the DEIS recognizes that this may lead to "crowding" as hunters choose other parts of DEWA – a problem already identified by 43% of all hunters as "unsatisfactory." Id.

In addition to the above noted severe adverse impacts on Visitor Use and Experience that are common to all action alternatives, the DEIS also identifies several such impacts unique to the different action alternatives.

For example, for applicants' proposed route of Alternative 2, many visitors who use the Delaware River for canoeing, kayaking and tubing, as well as fishing, will be adversely affected in their experience as a result of "a substantial change to views for river users, resulting from higher structures and additional, thicker conductors. Boaters would pass below the transmissionline quickly, but the line would be seen in the distance for some time during the approach, detracting from the naturalness of the setting." Id. at 633. "Corona noise, which is not heard from the existing line, would be heard during bad weather days" and would

adversely impact boaters, including motorboaters whose speeds are limited to 10 mph. “[O]verall visitor satisfaction would begin to decline, because visitors would be aware of the change and the duration of the impact would be prolonged.” Id.

Similarly, this alternative would entail increased congestion on River Road and visual impacts around the small town of Bushkill that provides access to DEWA. “[T]he sight of the large structures [towers of substantial height and three rows of conductors] may diminish visitors’ initial impressions of DEWA Many visitors would be affected by the visual change, which would be continuous and may change some critical characteristics of the desired visitor experience.” Id. The DEIS also notes the substantial visual changes on Old Mine Road, the McDade Trail, Community Drive, and the Watergate Recreation Site,, as well as the Upper Glen trail, where “[v]isual impacts would also be permanent for visitors ... [again] potentially changing some critical characteristics of the desired visitor experience. Visitors would be aware of the change, which may affect their decisions to recreate there.” Id.

IV. Conclusion

As stated in the DEIS, “[t]he NPS is mandated to preserve natural, historic, and scenic resources in perpetuity for the benefit and enjoyment of the public. Adverse impacts resulting from the action alternatives that would endure for the period of analysis would diminish the parks’ ability to meet this mandate. Under all action alternatives, adverse impacts on visitor experience may affect visitors to the extent that they do not return. This may be particularly true if access to a specific destination is closed during deconstruction/construction activities.” Id. at 632-33. The DEIS admits that it cannot even quantify the extent to which this will occur, making this a very serious concern.

Clearly, this Project will have major impacts on the visitor experience and essentially stop or at least significantly inhibit and adversely affect public outdoor recreation use and enjoyment in sections of the Park Units. The primary goal of the Park Units will be inhibited by granting the applicant permits and these impacts should be weighed heavily. Creation and expansion of access roads, increasing the height of the towers, and permanent and even temporary closures of sections of the Park Units will have significant long term impacts on public enjoyment of the Park Units.

In sum, the alternative that does not place the goals of the DEWA in jeopardy must be selected – specifically, the NO ACTION ALTERNATIVE.

Thank you for your consideration.

Gratefully yours,

Marc A. Ross
Executive Director
Rock the Earth