

Appendix I

Agency Consultation

APPENDIX I: AGENCY CONSULTATION

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Note: Section 106 consultation letters are included within Appendix M	

REPRESENTATIVE SCOPING LETTERS



IN REPLY REFER TO:

COPY

United States Department of the Interior

NATIONAL PARK SERVICE

Delaware Water Gap National Recreation Area
Bushkill, Pennsylvania 18324

D5015

FEB 01 2010U. S. Army Corps of Engineers
Philadelphia District
Wanamaker Bldg., 100 Penn Forest East
Philadelphia, Pennsylvania 19107-3390

Dear Sir or Madam:

The National Park Service (NPS) is preparing an Environmental Impact Statement (EIS) to analyze the potential impacts for the proposed construction of a high voltage electric transmission line traversing three NPS units in Pennsylvania and New Jersey: Delaware Water Gap National Recreation Area (DEWA), Middle Delaware Scenic and Recreational River (MDSR), and the Appalachian National Scenic Trail (APPA) (Figure 1).

PPL Electric Utilities Corporation and PSE&G, jointly known as the Applicants, have proposed the expansion of an existing 230,000-volt (230kV) electric transmission line from Susquehanna (Berwick, Pennsylvania) to Roseland, New Jersey (the S-R Line) (Figure 1). The project is based on direction for electric transmission expansion provided by the Regional Transmission Operator, PJM Interconnection, which oversees the overall movement of wholesale electricity between many electric utilities throughout a 13 state region. The Applicants' proposed project includes replacing the existing 80-foot towers with new larger towers (up to 200 feet high) and adding an additional 500,000-volt (500kV) transmission line. This would necessitate widening the existing right-of-way, and in areas, would require granting additional legal rights beyond the Applicants' current rights. The Applicants' proposed project would also include the construction of new access roads and the rehabilitation and widening of existing roads for accessing the transmission line corridor. The current EIS study area, developed by NPS (Figure 2), includes the area affected by the 4.18 mile portion of the S-R Line. The study area has been expanded beyond the right of way to include other areas within the parks affected by alternatives not yet developed by NPS and the surrounding human environment affected directly by the NPS action.

The EIS would compare three routes that have been proposed by the Applicants to determine the alternative that would minimize impacts to the natural and human resources within the parks and surrounding areas. The three routes, Alternatives A, B, and C are displayed in Figure 3.

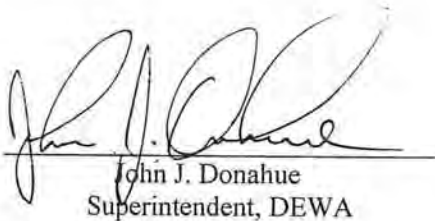
Other alternatives are currently being developed by NPS and may include relocation of the project partially outside of park(s) boundaries; installation of portions of the entire upgraded power line underground; installation of the power line on the bottom of the river; or an alternative that uses direct current from two wires instead of the proposed three to eight wires. Additionally, the No Action Alternative is also being considered, in which the existing power lines running from Susquehanna to Roseland would be kept but the current request for permits would not be granted.

The purpose of this letter is to inform you of the proposed project and to request information you may have on resources potentially affected by the proposed action and suggestions for potential alternatives. Your response within 30 days from the date of receipt of this letter will be greatly appreciated. If you have any questions regarding this request, please write to the address below or contact Amanda Stein by phone at (570) 426-2472 or email at Amanda_Stein@nps.gov. Letters have also been sent to the agencies and tribal governments listed in Enclosure 1.


Please send responses to:

Delaware Water Gap National Recreation Area
HQ 1 River Road, off US 209
Bushkill, PA 18324-9999

Sincerely,



John J. Donahue
Superintendent, DEWA



Pamela Underhill
Superintendent, APPA

Enclosures:

Enclosure 1.	Listing of Agencies and Tribal Governments
Figure 1.	Location Map for the Parks
Figure 2.	Study Area Map
Figure 3.	PPL and PSE&G Proposed Route Map

COOPERATING AGENCY CORRESPONDENCE



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
Delaware Water Gap National Recreation Area
Bushkill, Pennsylvania 18324

D5015

APR 01 2011

Mr. Michael Horne, Refuge Manager
Wallkill River, Cherry Valley, Shawangunk Grasslands
National Wildlife Refuge Complex
1547 County Route 565
Sussex, New Jersey 07461

Dear Mr. Horne:

This letter is in response to your March 14, 2011, correspondence to support the National Park Service (NPS)-led Environmental Impact Statement (EIS) team for the proposed Susquehanna to Roseland Transmission Line. We welcome your support and know that the technical expertise provided by staff at both the ecological services division and the wildlife refuge will contribute greatly towards reaching an important decision regarding the potential impacts to wildlife and habitat within the EIS study area. First, formal consultation, under Section 7 of the Endangered Species Act, 16 U.S.C. Section 1536(a)(2), will help to insure that any action authorized by the NPS is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat. Second, staff of the Cherry Valley National Wildlife Refuge (CVNRW) brings specific technical expertise and invaluable insight on several of the EIS alternatives crossing the Refuge.

We will need to formalize an Interagency Agreement with the purpose of: 1) formally designating the USFWS as a cooperating agency in this process; 2) formalizing and providing a framework for cooperation and coordination between the parties in order to successfully complete the NEPA process in a timely, efficient, and thorough manner; 3) describing the respective roles, responsibilities and expertise of each entity in the process; and 4) developing cost recovery for services rendered by the USFWS staff. We will be sending a letter under separate cover to discuss next steps in developing the interagency agreement.

Additionally, as lead agency we have two procedural requests that we would like you to address:

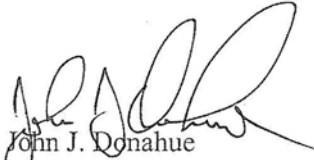
1. Please address all written communications to the Superintendent of the Delaware Water Gap National Recreation Area (DEWA) and the Superintendent of the Appalachian National Scenic Trail (APPA), with a copy for the administrative record to the Denver Service Center. The address is:

Denver Service Center -TIC
Attn: SRLINE EIS
12795 W. Alameda Parkway
Denver, Colorado 80225-0287

2. Please identify the members of your EIS team (including their name, address, email address and phone numbers). Please include your primary point of contact and your EIS project manager (lead), your NEPA specialist, contract specialist, budget analyst, and any other staff person you will have working on this project.

Thank you for your support and your attention to the points above. We expect that the USFWS will bring a great deal of added value to our EIS process as a cooperating agency. If you have any questions please call Superintendent Donahue at (570) 426-2418 or Project Manager, Amanda Stein, at (570) 426-2472.

Sincerely,



John J. Donahue
Superintendent
Delaware Water Gap National Recreation Area &
Middle Delaware National Scenic and
Recreational River
(570) 426-2418



Pamela Underhill
Superintendent
Appalachian National Scenic Trail
(304) 535-6279

cc:

Mr. Marvin Moriarty, Regional Director
Northeast Regional Office
U.S. Fish and Wildlife Service
300 Westgate Center Drive
Hadley, Massachusetts 01035-9587

Mr. Dennis Reidenbach, Regional Director
Northeast Regional Office
National Park Service
200 Chestnut Street, Suite 502
Philadelphia, Pennsylvania 19106



United States Department of the Interior
FISH AND WILDLIFE SERVICE
WALLKILL RIVER NATIONAL WILDLIFE REFUGE COMPLEX
1547 County Route 565
Sussex, New Jersey 07461



March 14, 2011

Mr. John J. Donahue
Superintendent
Delaware Water Gap National Recreation Area and
Middle Delaware National Scenic and Recreational River
Bushkill, Pennsylvania 18324

Ms. Pamela Underhill
Superintendent
Appalachian Trail Park Office
P O Box 50
Harpers Ferry, West Virginia 25425

Dear Mr. Donahue and Ms. Underhill:

Thank you for your February 7, 2011 letter inviting the U.S. Fish and Wildlife Service to become a cooperating agency in the National Park Service's review under the National Environmental Policy Act of the applications submitted to it for the Susquehanna to Roseland 500-IV transmission line project.

As some alternative routes for the project would cross lands within the acquisition boundary of the Cherry Valley NWR, and as FWS also has interests and expertise to offer concerning wildlife and habitat throughout the study area, we are happy to serve as a cooperating agency. We have already been reviewing the drafts of the EIS chapters made available to us.

We understand that the NPS has a cost-recovery agreement with the permit applicants. It would greatly enhance our ability to provide expertise and review capacity to NPS beyond the bounds of our standard ESA consultation if we could execute an Interagency Agreement for the acquisition of the expertise the FWS will provide, for which cost NPS could be reimbursed. This would allow us to devote additional hands to the necessary review.

Sincerely,

Michael Horne
Refuge Manager
Wallkill River, Cherry Valley
and Shawangunk Grasslands NWR

Cc: Marvin Moriarty, Regional Director
Susan McMahon, Deputy Regional Chief
Dennis Reidenbach, Regional Director
Michael Chezik, DOI Office of Environmental Policy and Compliance
Andrew Raddant, DOI Office of Environmental Policy and Compliance
Andrew Tittler, DOI Office of the Solicitor
Eric Davis, U.S. Fish and Wildlife Service
Clint Riley, U.S. Fish and Wildlife Service
Pamela Shellenberger, U.S. Fish and Wildlife Service
Wendy Walsh, U.S. Fish and Wildlife Service
Jennifer McConaghie, National Park Service, NER
✓ Patrick Malone, National Park Service, DEWA
Patrick Lynch, National Park Service, DEWA
Kara Deutsch, National Park Service, DEWA
Amanda Stein, National Park Service, DEWA
Denver Service Center-TIC, attn: SRLINE EIS



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
 Delaware Water Gap National Recreation Area
 Bushkill, Pennsylvania 18324

D5015

FEB 07 2011

Mr. Michael Horne, Refuge Manager
 Wallkill River, Cherry Valley, Shawangunk Grasslands
 National Wildlife Refuge Complex
 1547 County Route 565
 Sussex, New Jersey 07461

Dear Mr. Horne:

We would like to invite the U.S. Fish and Wildlife Service (USFWS) to participate as a cooperating agency in the National Park Service's environmental review of the Susquehanna to Roseland Transmission Line project.

As you are aware, pursuant to the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C), the National Park Service (NPS) is preparing an Environmental Impact Statement (EIS) for the evaluation of construction and right-of-way (ROW) permits requested in relation to the proposed Susquehanna (Berwick, Pennsylvania) to Roseland, New Jersey 500,000 volt (500 kV) Transmission Line project. Construction is proposed for a double circuit 500 kV line, although one line will only be energized to 230 kV at the time of project completion. The applicant, (a consortium of Utilities, PPL and PSE&G), has received qualified project approvals from the respective state utility commissions, the Pennsylvania Public Utility Commission and New Jersey Board of Public Utilities. No environmental permits from regulatory agencies have been issued to date.

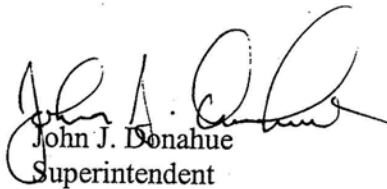
As part of the NEPA process the NPS will seek consultation with the USFWS New Jersey and Pennsylvania Field Offices under Section 7 of the Endangered Species Act of 1973 (16 U.S.C. § 1531 et seq., ESA) and the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e; the Act of March 10, 1934; Ch. 55; 48 Stat. 401), as amended. But the USFWS has additional interests in this review. As proposed, the project would cross lands and waters of the United States in the Delaware Water Gap National Recreation Area (DEWA), the Middle Delaware National Scenic and Recreational River (MDSR), and the Appalachian National Scenic Trail (APPA). Some alternatives, developed as part of the NEPA process, would also cross lands within the designated boundary of the Cherry Valley National Wildlife Refuge (CVNWR).

The Council on Environmental Quality (CEQ) regulations addressing cooperating agencies status (40 C.F.R. §§ 1501.6 & 1508.5) implement the NEPA mandate that federal agencies responsible for preparing NEPA analyses and documentation do so "in cooperation with State and local

governments" and other agencies with jurisdiction by law or special expertise. (42 U.S.C. §§ 4331(a), 4332(2)). Because of your expertise and local knowledge of the resources within the CVNWR we request your participation as a cooperator in the development and review of the EIS. We expect that coordination in this manner will result in improved understanding of each of our respective bureaus' roles and will result in the most informed decision for protecting and preserving the valuable natural, cultural, scenic and recreational resources of these units. In addition, our close association as sister agencies under the same Assistant Secretary makes our close cooperation even more necessary. In this manner USFW can meet its obligations for ecological services and as a land manager.


As part of the project team, the EIS files are available for your review. Because the schedule continues to be an important consideration, we encourage you to arrange a time with our staff to review and make copies of the materials you may need for the environmental review. We look forward to your response. If you have any questions please call Superintendent Donahue at (570) 426-2418 or Amanda Stein, project manager at (570) 426-2472.

Sincerely,



John J. Donahue
Superintendent

Delaware Water Gap National Recreation Area &
Middle Delaware National Scenic and
Recreational River
(570) 426-2418



Pamela Underhill
Superintendent
Appalachian National Scenic Trail
(304) 535-6279

cc:

Mr. Marvin Moriarty, Regional Director
Northeast Regional Office
U.S. Fish and Wildlife Service
300 Westgate Center Drive
Hadley, Massachusetts 01035-9587

Mr. Dennis Reidenbach, Regional Director
Northeast Regional Office
National Park Service
200 Chestnut Street, Suite 502
Philadelphia, Pennsylvania 19106

Michael Chezik, DOI Office of Environmental Policy and Compliance
Andrew Raddant, DOI Office of Environmental Policy and Compliance
Andrew Tittler, DOI Office of the Solicitor
Eric Davis, U.S. Fish and Wildlife Service
Clint Riley, U.S. Fish and Wildlife Service

Pamela Shellenberger, U.S. Fish and Wildlife Service
Wendy Walsh, U.S. Fish and Wildlife Service
Jennifer McConaghie, National Park Service, NER
Patrick Malone, National Park Service, DSC
Patrick Lynch, National Park Service, DEWA
Kara Deutsch, National Park Service, DEWA
Amanda Stein, National Park Service, DEWA

Denver Service Center - TIC
Attn: SRLINE EIS
12795 West Alameda Parkway
Denver, Colorado 80225-0287



DEPARTMENT OF THE ARMY

PHILADELPHIA DISTRICT CORPS OF ENGINEERS
WANAMAKER BUILDING, 100 PENN SQUARE EAST
PHILADELPHIA, PENNSYLVANIA 19107-3390

AUG 03 2010

Regulatory Branch
Application Section II

SUBJECT: CENAP-OP-R 2008-241-30
Project Name: Susquehanna Roseland Power Transmission Line

Mr. John J. Donahue, Superintendent
United States Department of the Interior
Nation Park Service
Delaware Water Gap National Recreation Area
Bushkill, Pennsylvania 18324

Dear Mr. Donahue:

This is in further response to your agency's letter dated February 1, 2010, regarding the National Park Service's preparation of an Environmental Impact Statement (EIS) to analyze the impacts for the proposed construction of the Susquehanna Roseland Power Transmission Line. The project involves improving an existing 230 kV electric transmission line, and adding a second 500 kV electric transmission line from Susquehanna, Pennsylvania to Roseland, New Jersey.

In a letter dated May 13, 2010, this office indicated that the Corps would be a cooperating agency in the preparation of the EIS under the National Environmental Policy Act (NEPA). The determination by this office to be a cooperating agency was based at the time on the District's understanding of the scope of the project, and the extent of potential regulated work that would require authorization from the Corps.

Since the issuance of our May 13 letter, representatives of the District's Regulatory Branch have met with representatives of both the National Park Service (NPS) and the PPL Electric Utilities Corporation to learn more about the scope of the project. Specifically the District has become more aware of the scope of the project that will be reviewed by both the NPS and the Corps, and the extent of regulated work that will require authorization from the Corps. Preliminarily the District has determined that regulated work may qualify for authorization through applicable Department of the Army (DA) nationwide permits, or Pennsylvania State Programmatic General Permit 3. Both of these are DA general permit processes where an applicable NEPA document has already been prepared, and do not require the Corps to prepare a project specific NEPA document.

-2-

Based upon our preliminary finding regarding permitting requirements for the project and the potential applicability of general permits to authorize regulated activities associated with the project, the District has determined that its continuing role as a cooperating agency in the preparation of the EIS is no longer necessary. The District remains willing to assist the NPS in the identification and delineation of wetlands and waters within the three National Park Service units in Pennsylvania and New Jersey that may be impacted by the project, and would require authorization from the Corps.

A copy of this letter is being furnished to Ms. Pamela Underhill, Superintendant of the Appalachian National Scenic Trail so that she is aware of the District's determination. Should you have any questions regarding this matter please contact Wayne Poppich at (570) 842-1044, or write to the above address.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Frank J. Cianfrani', is written over a light blue horizontal line. The signature is fluid and cursive, with a large, sweeping 'F' and 'C'.

Frank J. Cianfrani
Chief, Regulatory Branch

-3-

Copies Furnished:

Appalachian National Scenic Trail (Pamela Underhill, Superintendant)
CENAP-OP-RG (Poppich)

REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

PHILADELPHIA DISTRICT CORPS OF ENGINEERS
WANAMAKER BUILDING, 100 PENN SQUARE EAST
PHILADELPHIA, PENNSYLVANIA 19107-3300

MAY 13 2010

Regulatory Branch
Application Section IISUBJECT: CENAP-OP-R 2008-241-30 (PASPGP-3)
Project Name: Susquehanna Roseland Power Transmission LineMr. John J. Donahue, Superintendent
United States Department of the Interior
Nation Park Service
Delaware Water Gap National Recreation Area
Bushkill, Pennsylvania 18324

Dear Mr. Donahue:

This is in response to correspondence dated February 1, 2010, regarding the Susquehanna Roseland Power Transmission Line project to construct a 500 kilovolt transmission line from Susquehanna, Pennsylvania to Roseland, New Jersey and the request for cooperating agency status in the preparation of a National Environmental Policy Act (NEPA) document for the proposed project.

The U.S. Army Corps of Engineers, Philadelphia District (Corps) will be a cooperating agency in the preparation of an Environmental Impact Statement (EIS) under NEPA. We look forward to working with your agency as the document is developed to ensure that the information presented in the EIS is adequate to fulfill the requirements of the Corps regulations, the Clean Water Act (CWA) Section 404(b)(1) Guidelines, and the Corps public interest review process.

To meet the requirements of the Corps review process, we request that the following topics be comprehensively evaluated in the EIS:

1) Purpose and need for the project. In order to satisfy Department of the Army regulations, the Corps will need to concur on the purpose and need statement for the project. We would be pleased to work with you and the applicant to develop a purpose and need statement that will satisfy the Department of the Army regulations for review of the project under Section 404 of the CWA and Section 10 of the Rivers and Harbors Act.

2) CWA Section 404(b)(1) Guidelines. The 404(b)(1) Guidelines require an Alternatives Analysis, which addresses how impacts to waters of the United States have been avoided and/or minimized. If impacts to waters of the United States, including jurisdictional wetlands, cannot be avoided, the Alternatives Analysis identifies the compensatory mitigation required to replace lost functions and services of the aquatic resources. Information on the Alternatives Analysis

-2-

and the results of any studies, assessments, and evaluations of the proposed project are needed in the EIS. The range of Alternatives in the Alternatives Analysis will be based on the project purpose, as determined by the Corps, in accordance with established Corps policy on the review of energy projects. The Corps will need to concur on the range of alternatives retained for detailed study in the NEPA document.

3) Corps public interests review factors. The decision to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Among the factors that must be evaluated as part of the Corps public interest review include; conservation, economics, aesthetics, general environmental concerns, wetlands and streams, historic and cultural resources, fish and wildlife values, floodplain values, land use navigation, shore erosion and accretion, recreation, water supply and conservation, energy needs, safety, food and fiber production, mineral needs, water quality, consideration of property ownership, air and noise impacts, and, in general the needs and welfare of the people. Each of the Corps public interest factors must be evaluated comprehensively in the NEPA analysis.

4) Delineation of all wetlands and waters within the project study area. This should include roads of accessibility and staging areas.

5) Quantify impacts (permanent, temporary and secondary) to all waters of the United States (e.g., perennial, intermittent, ephemeral streams, river, lakes and ponds), including wetlands, for each project alternative. For streams and rivers, include both the linear feet of streams/river (measured along the centerline of the stream/river) and acreage of impact. For temporary impacts, quantify any change in wetland classification (e.g., palustrine forested to palustrine emergent, etc.). For secondary impacts or adverse effects from impoundments to open water (changes to the Ordinary High Water Mark (OHWM) or wetland, provide the acreage of the affected area.

6) Cumulative and indirect impacts resulting from the project.

7) Environmental justice, including compliance with the Executive Order 12898 on environmental justice.

8) Describe and locate the disposal options for any excess fill material resulting from the project.

9) Proposed compensatory wetland and/or stream mitigation plans that provide for the replacement/compensation of lost functions and services, in accordance with the Environmental Protection Agency/Corps mitigation rule.

10) Analysis of the project's compliance with Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act, Section 401 of the Clean Water Act, and the Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 04-267) [essential fish habitat (EFH) assessment].

11) Chemical and physical analysis of any dredged or excavated material.

-3-

12) Based on core samples of the chemical/physical composition of any possible sediments to be removed, the method of removal (e.g., mechanical, hydraulic), and the expected resulting conditions in the waterway(s) e.g., flow, currents, circulation patterns, etc.,) describe the maximum expected turbidity plume and any adverse environmental/water quality impacts, both upstream and downstream, and the expected time duration, resulting from the proposed operation. In addition, describe the plans and methods to contain and/or otherwise minimize the deleterious effects of the operation to the aquatic environment.

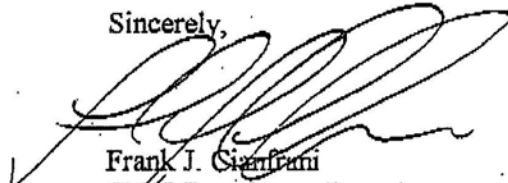
13) Air quality impacts (i.e., Section 176(c) of the Clean Air Act General Conformity Rule Review).

14) Compliance with the Executive Order on floodplains.

15) Project review schedule and NEPA document preparation schedule. Other important milestones (e.g., public hearings, etc.,) should be listed in the NEPA document.

We look forward to working with your agency as the NEPA document is developed and the review of the project proceeds. A copy of this letter is also being furnished to Ms. Pam Underhill, Superintendant of the Appalachian National Scenic Trail (APPA). Should you have any questions regarding this matter, please contact Wayne Poppich at (570) 842-1044 between the hours of 1:00 and 3:30 p.m. or write to the above address.

Sincerely,



Frank J. Cianfrani
Chief, Regulatory Branch

RECEIVED
MAY 20 2010
BY: _____

ENDANGERED SPECIES ACT SECTION 7 CONSULTATION



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

JAN 31 2012

John J. Donahue, Superintendent
Delaware Water Gap National Recreation Area &
Middle Delaware National Scenic and Recreational River
HQ River Road
Bushkill, PA 18324

Pamela Underhill, Superintendent
Appalachian National Scenic Trail
P.O. Box 50
Harpers Ferry, WV 25425

Dear Mr. Donohue and Ms. Underhill:

We have reviewed the Susquehanna to Roseland 500-kV Transmission Line Right-of-Way and Special Use Permit Draft Environmental Impact Statement (DEIS) prepared for the National Park Service (NPS), the lead action agency, to address potential impacts that would occur in the Delaware Water Gap National Recreation Area (DEWA), Appalachian National Scenic Trail (APPA), and Middle Delaware National Scenic and Recreational River (MDSR) in Pennsylvania and New Jersey. The DEIS describes the proposal of PPL Electric Utilities Corporation (PPL) and Public Service Electric and Gas Company (PSE&G), jointly known as the applicant, to construct a portion of the Susquehanna to Roseland 500-kV transmission line (S-R Line) and reconstruct an existing 230-kV line along their current ROW through the parks. The DEIS describes the six alternatives for the route of the transmission line, the resources that would be affected by the alternatives, and the environmental consequences of each alternative.

General Comments

The DEIS analyzes the impacts of the alternatives in detail for geologic resources (including topography and paleontology); floodplains; wetlands; vegetation; landscape connectivity, wildlife habitat, and wildlife; special-status species; rare and unique communities; archeological resources; historic structures; cultural landscapes; socioeconomic; infrastructure, access, and circulation; visitor use and experience; visual resources; soundscapes; wild and scenic rivers; park operations; and health and safety.

As submitted, the DEIS has addressed many of the concerns, formerly expressed in our prior letter, dated May 13, 2010, regarding NOAA trust resources. Moreover, the individual, cumulative, direct and indirect impacts that would be derived from the proposed activity have been discussed fully throughout the document.



Specific Comments

As a steward of our nation's living marine resources, our focus involves the evaluation of potential impacts to NOAA trust resources and establishing protections regarding their conservation and enhancement. Consequently, we have an obligation and a legal mandate to consult with federal agencies that fund, authorize or undertake actions that may affect living marine resources and their habitats. The MSA, FWCA and other mandates require that we provide advice and recommendations, to federal action agencies which serve to avoid, minimize and mitigate for impacts to living marine resources and their habitats.

The Delaware River and its tributaries provide a variety of commercial and recreational fishing including offering a migratory pathway and spawning, nursery, and forage habitat for a number of anadromous and catadromous fishes including American shad (*Alosa sapidissima*), alewife (*Alosa pseudoharengus*), blueback herring (*Alosa aestivalis*), American eel (*Anguilla rostrata*), and striped bass (*Morone saxatilis*). Parts of the watershed are subject to tidal influence the upper limit of which is located at RM 134 in Trenton, NJ. Upstream beyond this point to its origin source, the River is completely freshwater.

The federally endangered shortnose sturgeon (*Acipenser brevirostrum*) and the federal candidate species Atlantic sturgeon (*Acipenser oxyrinchus*), which has been proposed for listing, are known to transit through the project area at certain times of the year. The “shad run,” the annual migration of spawning American shad up the Delaware also passes through DEWA in May and June (NPS 2010).

We have previously consulted with the NPS and advised its technical consultants on essential fish habitat, federally protected species and other NOAA trust resources that are known to occur in the project area and could be impacted by the proposed project. Our Essential Fish Habitat (EFH) letter regarding the project dated May 13, 2010, noted that there are American shad between the Delaware Water Gap and the New York border; and additionally, there may be also be shad in the Philadelphia reach of the river. Given that a more detailed discussion of potential impacts to trust resources and that further information regarding the transmission line crossing of the River was included in the DEIS, additional EFH consultation with HCD by the federal action agency will not be required as part of the federal permit process.

In a letter dated July 22, 2010, it was determined that shortnose sturgeon (*Acipenser brevirostrum*), a federally listed endangered fish species, is the only species known to be present in the project vicinity. NOAA Fisheries further noted that the shortnose sturgeon is present in the Delaware River below Lambertville, New Jersey, more than 90 river miles below DEWA. PRD concluded that because there were no federally listed species within the project area, no further consultation with NOAA Fisheries would be necessary unless project plans or new information became available.

References

U.S. Department of the Interior. National Park Service. 2010. Plan Your Visit. Available [online]: <http://www.nps.gov/dewa/planyourvisit/index.htm> (accessed January 4, 2012)

U.S. Fish and Wildlife Service. 2010. The Delaware River Coordinator's Office. Available at: <http://www.fws.gov/delawareriver/>. (accessed January 4, 2012).



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

John J. Donahue
US Department of the Interior
National Park Service
Delaware Water Gap National Recreation Area
Bushkill, Pennsylvania 18324

JUL 22 2010

RECEIVED
JUL 26 2010

Dear Mr. Donahue,

This is in response to your letter dated July 16, 2010 regarding the National Park Service's (NPS) preparation of an Environmental Impact Statement to analyze the potential impacts for the proposed construction of a high voltage electric transmission line traversing three NPS units in Pennsylvania and New Jersey. Your letter requests information on the presence of species listed by NOAA's National Marine Fisheries Service (NMFS) in the project area.

NMFS has reviewed the seven alternatives presented in your letter, all of which involve a crossing of the Delaware River. However, while a population of endangered shortnose sturgeon (*Acipenser brevirostrum*) occurs in the Delaware River, the best available information indicates that the species is limited to the area downstream of Lambertville, New Jersey, which is well downstream of the NPS project area. As no listed species occur in the action area, no further coordination with NMFS Protected Resources Division (PRD) regarding the proposed project is necessary. Should project plans change or new information become available that changes the basis for this determination, further coordination should be pursued. If you have any questions regarding these comments, please contact Julie Crocker of my staff at (978)282-8480 or by e-mail (Julie.Crocker@Noaa.gov).

Sincerely,

Mary A. Colligan
Assistant Regional Administrator
for Protected Resources

File Code: Sec 7 No Species Present 2010

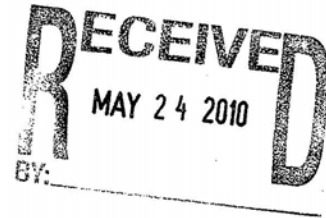




UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
 NATIONAL MARINE FISHERIES SERVICE

Habitat Conservation Division
 James J. Howard Marine
 Sciences Laboratory
 74 Magruder Road
 Highlands, NJ 07732

May 13, 2010



John J. Donahue, Superintendent
 Delaware Water Gap National Recreation Area
 National Park Service,
 Bushkill, PA 18324

ATTN: Amanda Stein

Dear Mr. Donahue:

This responds to your letter dated April 9, 2010 concerning the preparation of an environmental impact statement (EIS) to analyze the potential effects of the proposed construction of a high voltage electric transmission line traversing three National Park Service (NPS) units in Pennsylvania and New Jersey: Delaware Water Gap National Recreation Area (DEWA), Middle Delaware National Scenic and Recreation River (MDSR) and the Appalachian National Scenic Trail (APP). PPL Electric Utilities Corporation and PSE&G have proposed to upgrade and to expand the existing 230 kilovolt (kV) power transmission line that currently passes through these three NPS units. The existing line would be replaced with new larger towers to co-locate both the existing 230 kV and a new 500 kV line. This would require the widening of the existing right-of-way and the construction of new access roads and the rehabilitation and widening on existing access roads. The applicant's stated project purpose is to strengthen the reliability of the of the grid at the direction of the Regional Transmission Operator, PJM Interconnection.

The Delaware River and its tributaries provide a migratory pathway, spawning, nursery and forage habitat for anadromous fishes such as American shad. American shad usually enter the Delaware River in mid-March and move past the tidal section below Trenton to the primary spawning reach from the Water Gap (I-80 crossing) up to the New York border. In recent years, some American shad may be spawning in the Philadelphia reach due to improved water quality.

From the information available, it is unclear how the proposed project would cross the Delaware River. If any in-water work within the Delaware River is proposed, or if any work adjacent to the river and its tributaries which would degrade the water quality or habitat values of the Delaware River is planned, NMFS' Habitat Conservation Division should be consulted under the provisions of the Fish and Wildlife Coordination Act.

In addition, the Delaware River Basin Fish & Wildlife Management Cooperative, (Co-op), comprised of the (1) U.S. Fish & Wildlife Service, (2) the National Marine Fisheries Service, (3) the Delaware Division of Fish and Wildlife, (4) the Pennsylvania Fish and Boat Commission, (5) the New York Division of Fish, Wildlife, and Marine Resources, and (6) the New Jersey Division of Fish and Wildlife has developed recommended seasonal work restrictions to protect a variety of important aquatic species found in the Delaware River including American shad, alewife, blueback herring, striped bass, hickory




shad and freshwater species such as large mouth bass, small mouth bass, bluegill, trout and others. These timing restrictions should be incorporated into the project schedule for any work proposed in the Delaware River and its tributaries.

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires federal agencies including the NPS to consult with NMFS regarding any action or proposed action authorized, funded, or undertaken by the agency that may adversely affect essential fish habitat identified under the MSA. The EFH regulations, 50 CFR Section 600.920, outline that consultation procedure and, further, enable federal agencies to use existing consultation/environmental review procedures to satisfy the MSA consultation requirements when appropriate. Included in this consultation process is the preparation of a complete and appropriate EFH assessment to provide necessary information on which to consult.

No EFH has been designated within the project area. As a result, an EFH consultation by NPS will not be required for the actions proposed. However, should project plans change or if new information becomes available that would change the basis for this determination, consultation should be initiated.

If you have any questions regarding these comments, please contact Karen Greene at 732 872-3023.

Sincerely,


Stanley W. Gorski
Field Offices Supervisor

cc: PRD – J. Crocker
FWS DRC – J. Mohler



IN REPLY REFER TO

D5015

United States Department of the Interior

NATIONAL PARK SERVICE
Delaware Water Gap National Recreation Area
Bushkill, Pennsylvania 18324

MAY 21 2012

Mr. Eric Davis
U.S. Fish and Wildlife Service
927 North Main Street, Building D
Pleasantville, New Jersey 08232-1454

Mr. Clint Riley
U.S. Fish and Wildlife Service
315 South Allen Street, Suite 322
State College, Pennsylvania 16801-4850

Dear Mr. Davis and Mr. Riley:

In accordance with the requirements of Section 7 of the Endangered Species Act, the National Park Service (NPS) is seeking concurrence from the U.S. Fish and Wildlife Service that the preferred alternative to issue a special use and construction permit to the applicant (PPL Electric Utilities and PSE&G) for their proposal to upgrade and expand the electric transmission line (Susquehanna to Roseland 500kV Transmission Line) across park lands may affect but is not likely to adversely affect the following listed species:

Bog Turtle (*Clemmys [Glyptemys] muhlenbergii*)
Indiana Bat (*Myotis sodalis*)

There is no designated critical habitat for any species within the National Park Service study area; thus, the preferred alternative would not result in adverse modification of any designated critical habitat.

To assist in completing informal consultation, please find enclosed the **Biological Assessment for Indiana Bat (*Myotis sodalis*) and Bog Turtle (*Glyptemys muhlenbergii*)**.

If you have questions or require additional information, please contact Morgan Elmer at (303) 969-2317 or by email at morgan_elmer@nps.gov. We are looking forward to your reply and thank you in advance for your cooperation in this matter.

Sincerely,

John J. Donahue
Superintendent
Delaware Water Gap National Recreation Area &
Middle Delaware National Scenic and
Recreational River
(570) 426-2418

Pamela Underhill
Superintendent
Appalachian National Scenic Trail
(304) 535-6278

Enclosure

Cc:

Andrew Tittler, DOI Office of the Solicitor
Kara Deutsch, National Park Service, DEWA
Amanda Stein, National Park Service, DEWA
Brent Allen, National Park Service, APPA
Steven Culver, National Park Service, DSC
Morgan Elmer, National Park Service, DSC
Jennifer McConaghie, National Park Service, NER

Pamela Shellenberger, U.S. Fish and Wildlife Service, PAFO
Wendy Walsh, U.S. Fish and Wildlife Service, NJFO

Denver Service Center - TIC
Attn: SRLINE EIS
12795 W. Alameda Parkway
Denver, Colorado 80225-0287



United States Department of the Interior

FISH AND WILDLIFE SERVICE



In Reply Refer To:

2008-I-0319

New Jersey Field Office
Ecological Services
927 North Main Street, Building D
Pleasantville, New Jersey 08232
Tel: 609/646 9310
Fax: 609/646 0352

<http://www.fws.gov/northeast/njfieldoffice/>

JAN 31 2012

Mr. John J. Donahue, Superintendent
Delaware Water Gap National Recreation Area and
Middle Delaware National Scenic and Recreational River
Bushkill, Pennsylvania 18324

Ms. Pamela Underhill, Superintendent
Appalachian Trail Park Office
P.O. Box 50
Harpers Ferry, West Virginia 25425

Dear Mr. Donahue and Ms. Underhill:

As a cooperating agency for the National Park Service's (NPS) Susquehanna to Roseland 500 kV Transmission Line (SRLINE) Environmental Impact Statement (EIS), the U.S. Fish and Wildlife Service (FWS) has reviewed the December 2011 Draft EIS (DEIS). The FWS Pennsylvania and New Jersey Field Offices (PAFO and NJFO, respectively) provide the following comments pursuant to the National Environmental Policy Act of 1969 as amended (83 Stat. 852; 42 U.S.C. 4321 *et seq.*) (NEPA); Section 7 the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) (ESA); the Bald and Golden Eagle Protection Act (54 Stat. 250; 16 U.S.C. 668-668d) (Eagle Act); and the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703-712) (MBTA).

The project proponents, PSE&G and PPL Electric (jointly, the applicant), have applied to NPS to construct a portion of the Susquehanna to Roseland 500kV transmission line and reconstruct an existing 230-kV line along their current Right of Way through three NPS units: the Appalachian National Scenic Trail, the Delaware Water Gap National Recreation Area (DWGNRA), and the Middle Delaware National Scenic and Recreational River. FWS is committed to assisting NPS in meeting its EIS schedule and fulfilling its responsibilities under Federal wildlife laws.

ALTERNATIVES

The FWS appreciates the cooperation of NPS in considering impacts to Cherry Valley National Wildlife Refuge (NWR) in its evaluation of alternatives. Alternative 6/7 has been dropped, in part, to avoid impacts to the NWR. FWS staff will continue to assist NPS and the companies to evaluate alternatives and select a feasible alternative with the least impact on fish and wildlife.

FEDERALLY LISTED SPECIES**Bog Turtle (DEIS page 183)*****Within NPS Units***

Alternatives 2 and 2b: In a letter dated January 27, 2010, PAFO provided comments on impacts to the federally listed (threatened) bog turtle (*Clemmys [Glyptemys] muhlenbergii*). These comments pertained to Alternatives 2 and 2b and were based on information that had been provided to FWS at that time. As discussed in that letter, there is one known bog turtle site on NPS lands that may be affected by Alternatives 2 and 2b, depending on the specific access route chosen in this area. As indicated in that letter, if the southern route option is used for access, impacts can be avoided and minimized by using a time of year restriction or having a recognized, qualified bog turtle surveyor on-site during construction. Therefore, the January 27, 2010 letter recommended that the southern route be used to minimize impacts to this species. On the other hand, if the northern route is used for access, direct impacts to the bog turtle could occur and formal consultation through Section 7 of the ESA would likely be necessary.

The NJFO addressed the bog turtle via letter dated October 21, 2010. The NJFO subsequently reviewed bog turtle survey reports for NPS lands along Alternatives 2 and 2b. Via comments transmitted July 12, 2010, NJFO concurred with the June 17, 2010 Bog Turtle Habitat Assessment for Wetlands NPS 025A, 025B, and 010, and with the September 10, 2010 Phase 2 Bog Turtle Survey Report. No bog turtles were found. However, if Alternative 2 or 2b is selected, FWS will work with NPS and the applicant to determine if any Conservation Measures are necessary in this area based on proximity to a known bog turtle occurrence and the specific project activities proposed in and near suitable habitat.

No further bog turtle surveys are recommended within NPS units along Alternatives 2 or 2b. If additional information about possible impacts of Alternatives 2 and 2b (e.g., blasting) has become available since our previous review, FWS may reconsider our previous recommendations and/or determinations.

Alternatives 3-5: FWS understands that NPS is undertaking Phase 1 bog turtle surveys along Alternatives 3, 4, and 5 within NPS units. All wetlands within 300 feet of these various alignments should be surveyed by a recognized, qualified surveyor following FWS survey guidelines.¹ The Phase 1 survey reports should be evaluated by the agencies before initiating any presence/absence (Phase 2) surveys. Phase 2 surveys need to be conducted between April 15 and June 15, with at least 2 surveys occurring in May.

If properly implemented species surveys are negative, then the project activities along these routes within NPS units would be considered “not likely to adversely affect” the bog turtle. If surveys reveal presence of this species, then FWS will work with the NPS and applicant to develop Conservation Measures to avoid impacts (e.g., move tower locations). If impacts cannot be fully avoided, formal consultation may be necessary; in this case, FWS would work to expedite issuance of a BO in recognition of NPS’ firm schedule to complete the NEPA process.

¹ <http://www.fws.gov/northeast/njfieldoffice/pdf/bogturtlesurvey.pdf>

Outside NPS Units

Alternatives 2 and 2b: Bog turtle survey work along Alternatives 2 and 2b has been conducted by the applicant, and Conservation Measures have been developed with FWS input. Outside NPS units, the FWS does not anticipate adverse effects to the bog turtle from Alternatives 2 or 2b; however, our analysis of this route is not yet complete (e.g., there are a few outstanding survey reports, Conservation Measures need to be finalized, and blasting has not yet been considered).

Alternatives 3-5: If Alternative 3, 4 or 5 is selected, Phase 1 bog turtle surveys should be conducted for any wetlands within 300 feet of the proposed project route in New Jersey, and in Monroe and Northampton Counties, Pennsylvania, for all portions of the selected route that were not already covered by surveys for Alternative 2 and 2b. FWS and NPS are currently working out a process by which impacts to federally listed species outside NPS units can be evaluated.

Indiana bat (DEIS page 186)

Within NPS Units

Alternatives 2 and 2b: Comments regarding the federally listed (endangered) Indiana (*Myotis sodalis*) bat were included in PAFO's January 27, 2010 letter and NJFO's October 21, 2010 letter. For Alternatives 2 and 2b, surveys for this species were carried out between May 27 and August 12, 2009 in accordance with the FWS Indiana bat mist-net survey guidelines. No Indiana bats were found. Portal searches in these areas, conducted between May 5 and May 9, 2009, also revealed no Indiana bats. Consequently, Alternatives 2 and 2b would not be likely to adversely affect Indiana bats within NPS units.

No further Indiana bat surveys are recommended within NPS units along Alternatives 2 or 2b. If additional information about possible impacts of Alternatives 2 and 2b (e.g., blasting) has become available since our previous review, FWS may reconsider our previous recommendations and/or determinations.

Alternatives 3-5: FWS understands that NPS is undertaking Indiana bat habitat assessments along Alternatives 3, 4, and 5 within NPS units. Results of the habitat assessments should be evaluated by the agencies prior to initiating presence/absence surveys. FWS will likely recommend mist-net surveys and portal searches, to be carried out by a recognized, qualified Indiana bat surveyor for all areas of suitable habitat not covered by the previous surveys. Mist-net surveys should be carried out in forested portions of these alternatives, while portal searches should be carried out along the entire length (if not previously surveyed). Mist-net surveys for this species need to be carried out between May 15 and August 15.²

If properly implemented species surveys are negative, then the project activities along these routes within NPS units would be considered "not likely to adversely affect" the Indiana bat. If surveys reveal presence of this species, then FWS will work with the NPS and applicant to

² <http://www.fws.gov/northeast/njfieldoffice/pdf/Ibatsurvey.pdf>
<http://www.fws.gov/northeast/njfieldoffice/pdf/IbattelemetryNJ.pdf>

develop Conservation Measures to avoid impacts (e.g., move tower locations). If impacts cannot be fully avoided, formal consultation may be necessary; in this case, FWS would work to expedite issuance of a BO in recognition of NPS' firm schedule to complete the NEPA process.

Outside NPS Units

Alternatives 2 and 2b: Indiana bat survey work along Alternatives 2 and 2b has been conducted by the applicant and Conservation Measures developed with FWS input. Outside NPS units, the FWS does not anticipate adverse effects to the Indiana bat from Alternatives 2 or 2b; however, our analysis of this route is not yet complete (e.g., there are a few outstanding survey reports, Conservation Measures need to be finalized, and blasting has not yet been considered).

Alternatives 3-5: If Alternative 3, 4 or 5 is selected, mist-net surveys and portal searches should be conducted by a recognized, qualified Indiana bat surveyor for all areas of suitable habitat not covered by the previous surveys. FWS and NPS are currently working out a process by which impacts to federally listed species outside NPS units can be evaluated.

BALD EAGLE

As described in the DEIS, several alternatives under consideration have the potential to impact nesting and/or wintering bald eagles (*Haliaeetus leucocephalus*). The Kittanny Ridge and an important eagle wintering area along the Delaware River are of particular concern. As noted in the DEIS, FWS recommends adherence to the National Bald Eagle Management Guidelines³ to minimize impacts to this species, and ensure compliance with the Eagle Act. The FWS is working with NPS to evaluate the need for any permit(s) under the Eagle Act for the various alternatives under consideration.

OTHER MIGRATORY BIRDS

The FWS is the principal Federal agency charged with protecting and enhancing populations and habitat of migratory bird species. The MBTA prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Department of the Interior. While the MBTA has no provision for authorizing incidental take, the Service recognizes that some birds may be killed even if all reasonable measures to avoid take are implemented. Unless the take is authorized, it is not possible to absolve individuals, companies or agencies from liability even if they implement avian mortality avoidance or similar conservation measures. However, the Office of Law Enforcement focuses enforcement action on those individuals, companies, or agencies that take migratory birds with disregard for their actions and the law.

As discussed in the DEIS, the potential exists for avian mortality from electrocutions or collisions with power lines as well as direct impacts from habitat loss for wintering, migrating, and breeding migratory birds and indirect impacts from fragmentation, site avoidance, and disturbance of birds within the project boundaries. Electrocutions from power lines are of particular concern to raptors, as their size, hunting strategy, and nesting preferences make them

³ <http://www.fws.gov/migratorybirds/CurrentBirdIssues/BaldEagle/NationalBaldEagleManagementGuidelines.pdf>

particularly vulnerable. Other species, such as corvids (crows and ravens) and cormorants also show an affinity for nesting on power lines. Collisions are most common at night, or under low visibility conditions, because migratory birds and land birds either cannot see the utility lines, or they lack the ability to negotiate obstacles quickly enough to avoid them. Site-specific factors that should be considered in project siting to avoid and minimize the risk to birds include avian abundance; the quality, quantity, and type of habitat; geographic location; type and extent of bird use (*e.g.*, breeding, foraging, migrating); and landscape features.

The Avian Power Line Interaction Committee (APLIC⁴) and the Service⁵ have developed guidelines for power lines to minimize impacts from existing facilities and in the construction of new utility and energy systems and associated infrastructure. According to the DEIS, any “build” alternative selected by NPS would be constructed according to APLIC standards, and the best available deterrence technology would be used.

In addition to following the APLIC standards, we offer the following recommendations to avoid and minimize impacts to migratory birds within and around the project area.

1. Work with FWS to revise and finalize the draft Avian Protection Plan (APP) previously developed by PSE&G to minimize the risk of electrocution, collision, disturbance and habitat impacts for migratory birds. The APP should apply minimum standards along the length of the line, with enhanced protections in sensitive areas.
2. Report bird mortalities and injuries resulting from electrocutions or collisions on the Service’s online Bird Fatality/Injury Reporting Program⁶ (Bird Report program). The Bird Report program was designed, with significant industry input and feedback, to provide a user-friendly, easily-accessed, method of allowing members of the electric utility industry to voluntarily report bird mortalities and injuries resulting from electrocutions or collisions with electrical utility equipment. Collecting information about the locations and circumstances under which birds are killed or injured on power equipment serves the primary purpose of determining how to prevent future bird interactions. The database is intended for use by utilities to see which structures and equipment are hazardous to birds, and under what conditions, and assists in evaluating and enhancing the effectiveness of retrofitting.
3. Minimize land and vegetation disturbance and reduce habitat fragmentation during project design and construction, especially if habitat cannot be fully restored after construction. Where practicable, concentrate construction activities, infrastructure, and man-made structures (*e.g.*, poles, roads) on lands already altered or cultivated, and away from areas of intact and healthy native habitats. Co-locate roads, staging areas, and other infrastructure in or immediately adjacent to already-disturbed areas (*e.g.*, existing rights-of-way, agricultural fields). If co-location is not feasible, select fragmented or degraded habitats rather than relatively intact areas.

⁴ www.aplic.org

⁵ <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/BirdHazards.html>

⁶ <https://birdreport.fws.gov/>

4. Where disturbance is necessary, clear natural or semi-natural habitats (*e.g.*, forests, woodlots, reverting fields, shrubby areas) between September 1 and March 14, which is outside the nesting season for most native bird species. Without undertaking specific analysis of breeding species and their respective nesting seasons on the project site, implementation of this seasonal restriction will avoid take of most breeding birds, their nests, and their young (*i.e.*, eggs, hatchlings, fledglings).
5. Avoid permanent habitat alterations in areas where birds are highly concentrated or where sizable prey bases exist. Avoid establishing sizable structures along known bird migration pathways or known daily movement flyways (*e.g.*, between roosting and feeding areas). Examples of high concentration areas for birds are wetlands, State or Federal refuges, Audubon Important Bird Areas, private duck clubs, rookeries, roosts, and riparian areas.
6. Develop a habitat restoration plan for the proposed site that avoids or minimizes negative impacts on vulnerable wildlife. Use only plant species that are native to the local area for revegetation of the project area.
7. Work with FWS to include protective measures for migratory birds into the Vegetation Management Program for each State.

CONCLUSION

The FWS appreciates the opportunity to review the DEIS. FWS will continue working cooperatively with NPS through finalization of the EIS and completion of consultation under Section 7 of the ESA. Please contact Wendy Walsh at (609) 383-3938, extension 48, if you have any questions about the above comments, or require further assistance regarding federally listed threatened or endangered species.

Sincerely,



J. Eric Davis Jr.
Field Supervisor

Enclosure: Specific comments on language in the DEIS

cc: RO, Alex Hoar, Glenn Smith, Paul Phifer, Scott Kahan
PAFO, Pam Shellenberger, Clint Riley
Wallkill NWR, Mike Horne

Amanda J. Stein, Biologist/Project Manager
Delaware Water Gap National Recreation Area
1 River Road
Bushkill, Pennsylvania 18324-9999

National Park Service Denver Service Center – TIC
Attn: SRLINE EIS
12795 W. Alameda Parkway
Denver, Colorado 80225-0287

Susquehanna to Roseland Transmission Line EIS – DEWA Internal Review Comment Form
Draft EIS (November 21, 2011 to January 31, 2012)

Reviewer's Name (Initials) :

	Initials	Page #	Section, paragraph, line #	Your Comment / Proposed Revision	For Consultant's Response / Resolution
1.	w/w	181	Golden-winged warbler	Please change this statement, "The species is federally listed as a species of special concern..." to read, "USFWS is conducting a status review of the golden-winged warbler in response to a petition to list this species under the ESA...."	
2.	w/w	186	small-footed bat	Please change this statement, "The species is federally listed as a species of special concern..." to read, "USFWS is conducting a status review of the small-footed bat in response to a petition to list this species under the ESA...."	
3.	w/w	187	Northern myotis	Please to read, "USFWS is conducting a status review of the Northern myotis in response to a petition to list this species under the ESA. This species is also listed as a species of special concern in Pennsylvania."	
4.	w/w	436	Consultation	NPS is currently preparing a BA for this project, consistent with policy that requires a BA for all "major construction activities" that "may affect" listed species. Please revise this section in the FEIS to reflect the current status of the consultation at that time.	
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United States Department of the Interior

FISH AND WILDLIFE SERVICE



In Reply Refer To:

2008-I-0319

New Jersey Field Office
Ecological Services
927 North Main Street, Building D
Pleasantville, New Jersey 08232

Tel: 609/646 9310

Fax: 609/646 0352

<http://www.fws.gov/northeast/njfieldoffice/>

Mr. John J. Donahue, Superintendent
Delaware Water Gap National Recreation Area and
Middle Delaware National Scenic and Recreational River
Bushkill, Pennsylvania 18324

Ms. Pamela Underhill, Superintendent
Appalachian Trail Park Office
P.O. Box 50
Harpers Ferry, West Virginia 25425

Dear Mr. Donahue and Ms. Underhill:

The U.S. Fish and Wildlife Service (FWS) has reviewed the National Park Service's (NPS) "Draft Biological Assessment [BA] for Indiana Bat (*Myotis sodalis*) and Bog Turtle (*Glyptemys [Clemmys] muhlenbergii*)," received via e-mail on November 16, 2011. The BA was prepared pursuant to Section 7 the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) (ESA) for the Susquehanna to Roseland 500 kV Transmission Line (SRLINE) project. Specific comments on the draft BA from the FWS New Jersey Field Office were transmitted by e-mail. The FWS Pennsylvania Field Office participated in the preparation of this letter.

We have been informed by our Northeast Regional Office that NPS has requested advice by November 23, 2011 on whether formal consultation is necessary. Due to lack of information, the FWS cannot provide such advice at this time. The draft BA does not demonstrate that formal consultation is necessary, and we continue to expect that consultation can likely be concluded informally with a determination of "not likely to adversely affect" (NLAA). However, both the NPS and the FWS must substantiate that determination with information about anticipated effects to listed species. This information is not yet available because NPS has not yet identified the route that it will authorize, if any.

The NPS has also asked the FWS to commit to completion of consultation by May 2, 2012. The NPS is not scheduled to select a preferred alternative until early March 2012. Even after selection of its preferred alternative, NPS is not planning to provide FWS with information about the project route outside of NPS jurisdiction (unless Alternative 2 or 2b is selected). Habitat assessments along Alternatives 3-5 are currently underway within NPS units, but species presence/absence surveys – should any be necessary – cannot be completed until spring. At this time, therefore, FWS cannot commit to completing consultation by May 2, 2012, as requested. Below, we discuss off-park impacts, and offer various options by which NPS can complete consultation prior to its discretionary Federal action (*i.e.*, issuance or denial of the permit requested by the utility companies), which is scheduled for fall 2012.

While we cannot guarantee that consultation will be concluded informally or that consultation will be completed by May 2, 2012, we offer three alternatives to the consultation process that we believe will satisfy both our agencies.

OFF-PARK IMPACTS

Per the Consultation Handbook,¹ and a Department of Interior solicitor's memo dated August 10, 2011, FWS must consider the effects of construction of the entire SRLINE project (*i.e.*, including off-park impacts), but is entitled to make reasonable assumptions about the impacts on those areas in which the line route is uncertain. The memo continues, "If the actual construction deviates from those assumptions, FWS can retain the right to demand alterations, either from NPS under Section 7, as appropriate, or via [Habitat Conservation Plan (HCP)] with [the utility companies] if outside NPS boundaries. Any document resulting from consultation should be explicit about the assumptions made and the degree of take being contemplated, noting that take beyond that is not authorized."

The solicitor's memo supports the HCP option – if off-park take cannot be avoided – because minimization of adverse off-park effects cannot be accomplished through conditions of the NPS permit. However, because the HCP process is often time-consuming, FWS is concerned that this approach could cause project delays after issuance of the NPS' Record of Decision (ROD). The FWS Washington Office has asked the Field Offices to work towards completion of our ESA review prior to or concurrent with the NPS ROD. Therefore, we suggest in this letter other options for concluding consultation. Based on our previous technical assistance to the utility companies, and other review authorities (*e.g.*, wetland permits), FWS anticipates that off-park impacts can be avoided under any of the options presented below. All three options would evaluate off-park impacts through the consultation with NPS, to avoid potential project delays that could be associated with an HCP.

OPTIONS FOR CONCLUDING CONSULTATION

Option A: Traditional Consultation Process

This option would best ensure that adverse effects to listed species are avoided and would best preserve the integrity of the Section 7 process as outlined by regulation and in the Consultation Handbook. This option would work as follows.

1. NPS informs FWS of its preferred alternative, and formally requests that the utility companies provide FWS with their intended off-park route. Selection of the preferred alternative is scheduled for early March 2012.
2. Working with FWS, NPS and the utility companies evaluate the need for, and carry out, field surveys for listed species in spring 2012.
3. FWS works with NPS and the utility companies to evaluate and minimize (through conservation measures) adverse effects to listed species both on and off NPS lands. We anticipate this can be completed in informal consultation by the fall 2012 ROD unless unforeseen circumstances (*e.g.*, discovery of a previously unknown species occurrence) make it impossible to avoid adverse effects to one or more listed species.

¹ http://www.fws.gov/endangered/esa-library/pdf/esa_section7_handbook.pdf

4. The NPS permit (if one is issued) includes a condition to comply with all conservation measures within NPS units, and a statement that further consultation between NPS and FWS will be necessary – and that construction within NPS units could be delayed – if the companies fail to implement agreed-upon conservation measures outside NPS units.

Option B: Assumptions about Off-Park Impacts

Under this option, NPS and FWS would make assumptions about off-park impacts. Although not preferred, this option is supported by the solicitor's memo. This option should be followed only if NPS and FWS are unable to obtain information about the utility companies' intended off-park route. This option would work as follows.

1. NPS informs FWS of its preferred alternative in early March. After formal requests, neither NPS nor FWS is able to obtain information about the utility companies' intended off park route.
2. Working with FWS, NPS evaluates the need for, and carries out, field surveys for listed species (in NPS units only) in spring 2012.
3. FWS works with NPS to evaluate and minimize (through conservation measures) adverse effects to listed species in NPS units only. We anticipate this can be completed in informal consultation by the fall 2012 ROD unless unforeseen circumstances make it impossible to avoid adverse effects to one or more listed species.
4. The NPS permit (if one is issued) includes a condition that, prior to any construction in NPS units, the companies obtain written FWS concurrence that adverse effects to listed species will be avoided outside of NPS units. FWS will provide technical assistance to the companies, both directly and through other review authorities (*e.g.*, wetland permits), to make this determination. The NPS permit also includes a statement that further consultation between NPS and FWS will be necessary – and that construction within NPS units could be delayed – if the companies fail to obtain this FWS concurrence regarding off-park impacts.

Option C: Generalized Conservation Measures

Under this option, NPS would work with FWS to develop and adopt a broad set of generalized conservation measures that would apply to any alternative selected (other than no-action), both within and outside of NPS units. Preliminary FWS recommendations for generalized conservation measures are enclosed. This option would work as follows.

1. NPS works with FWS to refine and adopt generalized conservation measures that would avoid all adverse effects to listed species both within and outside of NPS units for any alternative selected. This can be completed at any time. FWS issues a NLAA concurrence letter within 30 days of NPS adopting adequately protective generalized conservation measures.

2. Working with FWS, NPS and the utility companies carry out field surveys for listed species as may be necessary to ensure full implementation of the generalized conservation measures. This work would be done in spring 2012.
3. Prior to the ROD, the NPS and the utility companies work with FWS to make any site-specific refinements to the generalized conservation measures that may be necessary based on the selected project route and the results of the field surveys.
4. The NPS permit (if one is issued) includes a condition to comply with all site-specific and generalized conservation measures within NPS units, and a statement that further consultation between NPS and FWS will be necessary – and that construction within NPS units could be delayed – if the companies fail to implement agreed-upon conservation measures outside NPS units.

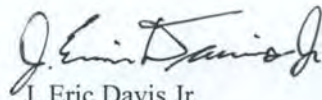
CONCLUSION

The FWS appreciates the opportunity to review the draft BA. Due to lack of information, we are unable to advise you at this time if formal consultation will be necessary, or to commit to your requested deadline for completing the consultation process. However, we offer several options for completing consultation. Please let us know which option NPS would like to use to conclude Section 7 consultation for the SRLINE project.

We continue to expect that informal consultation can be concluded with a determination of NLAA, but both NPS and FWS must substantiate this determination with information regarding likely effects to listed species. If formal consultation becomes necessary, please note the standards for a complete initiation package are found at 50 CFR 402.14(c). This information standard to initiate formal consultation has not been met by the draft BA or other information provided by NPS to date.

FWS staff will continue working cooperatively with NPS through completion of consultation. Please contact Wendy Walsh at (609) 383-3938, extension 48, if you have any questions or require further assistance regarding federally listed threatened or endangered species.

Sincerely,



J. Eric Davis Jr.
Field Supervisor

cc: RO, Glenn Smith, Paul Phifer
PAFO, Clint Riley, Pam Shellenberger
Wallkill NWR, Mike Horne

Amanda J. Stein, Biologist/Project Manager
Delaware Water Gap National Recreation Area
1 River Road
Bushkill, Pennsylvania 18324-9999

Dennis Reidenbach, Director
Northeast Region, National Park Service
200 Chestnut Street, Suite 502
Philadelphia, Pennsylvania 19106

National Park Service Denver Service Center – TIC
Attn: SRLINE EIS
12795 W. Alameda Parkway
Denver, Colorado 80225-0287

**PRELIMINARY FWS RECOMMENDATIONS FOR
GENERALIZED CONSERVATION MEASURES
FOR THE SRLINE PROJECT**

Indiana Bat (*Myotis sodalis*)

- The Service will be provided information on tree clearing (acreages, locations, and habitat quality) to ensure that site-specific and cumulative impacts do not rise to the level of harm (a form of take) from habitat loss. If habitat losses may constitute harm, the project will be modified to reduce tree clearing and/or increase compensatory mitigation.
- Mist net, acoustic surveys and/or hibernacula surveys will be conducted at the Service's recommendation to determine presence/absence of Indiana bats, or to assess this species' current usage of previously documented habitats.
- In areas of potential habitat, clearing of trees over 5" in diameter at breast height (dbh) will be seasonally restricted from April 1 to September 30 (restricted season) unless a negative mist net was completed within the past 2 years. (This recommendation may be superseded by new Service guidance for Indiana bat, currently in development.)
- In known maternity habitat, clearing of trees over 5" dbh will be seasonally restricted from April 1 to September 30 (restricted season). No known roost trees will be cut.
- In foraging habitat associated with known hibernacula, clearing of trees over 5" dbh will be seasonally restricted from April 1 to November 15 (restricted season). No trees will be cleared within 0.25 mile of known hibernacula unless the Service concurs in writing. No project activities will occur within or at the entrance to known hibernacula.
- In known maternity habitat and hibernacula foraging areas, no permanent structures will be installed within 300 feet of wetlands or open waters, and no tree clearing will occur within 150 feet of wetlands or open waters.
- Trees with characteristics of high-quality roosts (see attached) will be flagged in the field and preferentially preserved during construction.
- In areas of potential habitat, compensatory mitigation for habitat loss will be provided by planting tree species likely to become suitable roosts (see attached). This mitigation can be combined with mitigation required under other authorities (*e.g.*, for wetland impacts).
- In known maternity habitat and hibernacula foraging areas, compensatory mitigation for habitat loss will be provided via monetary contribution (Pennsylvania) or habitat creation/enhancement (New Jersey) in an amount and type to be developed with the Service.

Bog Turtle (*Clemmys [Glyptemys] muhlenbergii*)

- All wetlands within 300 feet of project activities (including access roads and temporary work spaces) will be evaluated for bog turtle habitat by a recognized, qualified surveyor using the Service's Phase 1 survey guidelines.
- For each wetland containing suitable bog turtle habitat, the following measures will be implemented unless the Service has concurred in writing with a negative Phase 2 (visual) and/or Phase 3 (trapping) survey report for that wetland. All survey work plans and survey reports will be coordinated and approved by the Service.
 - No vegetation, ground disturbance, or motor vehicle use will occur within 150 feet of wetlands that contain suitable bog turtle habitat.
 - No vegetation or ground disturbance will occur within 300 feet of wetlands that contain suitable bog turtle habitat unless the Service concurs in writing. No permanent structures will be installed within 300 feet of such wetlands.

Dwarf Wedgemussel (*Alasmodonta heterodon*)

- No instream work will occur in the Delaware River, the Pequest River, or any of their direct tributaries.
- No vegetation or ground disturbance will occur within 150 feet of the Delaware River, the Pequest River, or any of their direct tributaries.
- No vegetation or ground disturbance will occur within 300 feet of the Delaware River, the Pequest River, or any of their direct tributaries, unless the Service concurs in writing. No permanent structures will be installed within 300 feet of these waters.

Characteristics of Indiana Bat Summer Habitat

Potential summer habitat for Indiana bats features at least 16 suitable roost trees per acre. Tree characteristics such as loose or shaggy bark, crevices, and hollows are more important than tree species. Suitable roost trees include any of the following:

- live shagbark hickories (*Carya ovata*) over 9 inches in diameter at breast height (dbh);
- lightening-struck trees over 9 inches dbh;
- dead, dying, or damaged trees of any species over 9 inches dbh with at least 10 percent exfoliating bark;
- den trees, broken trees, or stumps over 9 inches dbh and over 9 feet in height; and
- live trees of any species over 26 inches dbh.

Trees as small as 5 inches dbh have been used as maternity roosts and trees as small as 3 inches dbh have been used by roosting males; therefore, smaller dbh trees with the aforementioned characteristics should be retained if larger dbh trees are not present.

The following are examples of native tree species that should be included in planting plans designed to provide suitable roosts for Indiana bats in New Jersey.

Red maple	<i>Acer rubrum</i>
Silver maple*	<i>Acer saccharinum</i>
Sugar maple *	<i>Acer saccharum</i>
Yellow birch	<i>Betula alleghaniensis</i>
Gray birch	<i>Betula populifolia</i>
Bitternut hickory	<i>Carya cordiformis</i>
Sweet pignut hickory	<i>Carya ovalis</i>
Shagbark hickory *	<i>Carya ovata</i>
White ash	<i>Fraxinus americana</i>
Green ash*	<i>Fraxinus pennsylvanica</i>
White pine	<i>Pinus strobus</i>
Eastern cottonwood*	<i>Populus deltoides</i>
White oak*	<i>Quercus alba</i>
Pin oak	<i>Quercus palustris</i>
Northern red oak	<i>Quercus rubra</i>
Post oak	<i>Quercus stellata</i>
American elm*	<i>Ulmus americana</i>
Slippery elm	<i>Ulmus rubra</i>

* preferred roost tree species

Revised 12/17/2008



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
 Northeast Region
 United States Custom House
 200 Chestnut Street
 Philadelphia, PA 19106

NOV 16 2011

D18 (NER)

Ms. Wendi Weber
 Northeast Regional Office
 U.S. Fish and Wildlife Service
 300 Westgate Center Drive
 Hadley, MA 01035-958

Dear Ms. Weber:

The National Park Service has prepared a Draft Biological Assessment according to the Endangered Species Act to evaluate the potential effects of the proposed Susquehanna to Roseland 500-kV Transmission Line action on federally listed species occurring within and near the range of alternatives' project area on federal lands. The *Susquehanna to Roseland 500-kV Transmission Line Right-of-Way and Special Use Permit Draft Environmental Impact Statement (EIS)* is also ready to be released for public comment in the Federal Register at the end of the month.

Both documents may be accessed via the following links:
<ftp://ftp.den.nps.gov/incoming/DEWA/SR%20LINE%20PP%26%20L/>

Files names are :

Draft_Biological_Assessment_November_2011_EA.docx - ftp
 Draft_Biological_Assessment_November_2011_EA Figures 1-8.pdf -
 DEWA_DEIS Volume 1.pdf
 DEWA_DEIS Volume 2.pdf

The Draft Biological Assessment linked above represents the last step in our informal Section 7 process under which the FWS has been a valued cooperating agency. As you are aware, this project is on an accelerated schedule; therefore, we would greatly appreciate receiving your comments and advice on whether formal consultation is necessary by **November 23, 2011**. We would be available for a teleconference November 18, 2011. Please let us know if you are available and would like us to set this teleconference up.

If you have any questions regarding the Biological Assessment or Draft EIS, please contact Morgan Elmer at 303-969-2317 or morgan_elmer@nps.gov.

Sincerely,

A handwritten signature in dark ink that reads "Dennis R. Reidenbach". The signature is written in a cursive style with a large, stylized 'D' and 'R'.

Dennis R. Reidenbach
Regional Director



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
Delaware Water Gap National Recreation Area
Bushkill, Pennsylvania 18324

D5015

JAN 10 2011

Mr. J. Eric Davis Jr., Supervisor
U.S. Fish and Wildlife Service
New Jersey Field Office, Ecological Services
927 North Main Street, Building D
Pleasantville, New Jersey 08232

Dear Mr. Davis:

Thank you for your letter of October 21, 2010, (Reference 2008-I-0319) responding to our July 2010, data request. We have reviewed it and appreciate the information you provided therein. We are writing because we would like to clarify the scope of our current analysis and request additional information.

The National Park Service is currently developing the Susquehanna to Roseland Transmission Line Environmental Impact Statement to analyze whether to grant permits to the applicant (PPL and PSE&G) to construct a transmission line and expand the current right-of-way within three units of the National Park System: the Appalachian National Scenic Trail, Delaware Water Gap National Recreation Area, and Middle Delaware National Scenic and Recreation River. Our permitting authority is limited to the line's crossings within these three park units, therefore our analysis of direct effects is focused impacts accruing within the parks' boundaries. We will also be evaluating indirect and cumulative effects outside the parks, but it is critical that we have data to evaluate direct effects inside the three NPS units.

While the October 21, 2010, letter provided information on areas outside the park units, it did not provide information for areas within the park units. Therefore, we would like to request any information you have on federally listed species in the vicinity of the proposed alternatives within the park units.

If you have additional questions regarding this request or need additional maps of the alternative routes please feel free to contact me or the Project Manager, Amanda Stein at phone 570-426-2472 or by email amanda_stein@nps.gov. Thank you for your time and assistance in this matter.

Sincerely,

John J. Donahue
Superintendent
Delaware Water Gap National Recreation Area &
Middle Delaware National Scenic and
Recreational River
(570) 426-2418

Pamela Underhill
Superintendent
Appalachian National Scenic Trail
(304) 535-6279

Cc:

Michael Chezik, DOI Office of Environmental Policy and Compliance
Patrick Lynch, National Park Service, DEWA
Kara Deutsch, National Park Service, DEWA
Amanda Stein, National Park Service, DEWA
Patrick Malone, National Park Service, DSC
Jennifer McConaghie, National Park Service, NER

Clint Riley, U.S. Fish and Wildlife Service
Pamela Shellenberger, U.S. Fish and Wildlife Service
Wendy Walsh, U.S. Fish and Wildlife Service

Denver Service Center - TIC
Attn: SRLINE EIS
12795 W. Alameda Parkway
Denver, CO 80225-0287



In Reply Refer To:
2008-I-0319

United States Department of the Interior

FISH AND WILDLIFE SERVICE

New Jersey Field Office
Ecological Services
927 North Main Street, Building D
Pleasantville, New Jersey 08232
Tel: 609/646 9310
Fax: 609/646 0352
<http://www.fws.gov/northeast/njfieldoffice/>



OCT 21 2010

Amanda J. Stein, Biologist/Project Manager
Delaware Water Gap National Recreation Area
1 River Road
Bushkill, Pennsylvania 18324-9999

Dear Ms. Stein:

The U.S. Fish and Wildlife Service (Service) has reviewed the preliminary alternative routes identified by the National Park Service (NPS) in your July 2010 newsletter for the proposed Susquehanna to Roseland Transmission Line project to be located in Morris, Sussex, and Warren Counties, New Jersey. The NPS identified these alternative routes for analysis in an Environmental Impact Statement you are preparing to evaluate impacts from the proposed project to three park units: the Appalachian National Scenic Trail, the Delaware Water Gap National Recreation Area (DWGNRA), and the Middle Delaware National Scenic and Recreational River. The project proponent in New Jersey, PSE&G, proposes to upgrade an existing overhead electric transmission line from 230 kV to 500 kV between the existing Roseland Switching Station and the Delaware River. The project may also involve construction of a new switching station and expansion of the Roseland Switching Station. Additional project segments are proposed in Pennsylvania by PPL Electric. Separate comments may be provided by the Service's Pennsylvania Field Office regarding portions of the project located in Pennsylvania.

AUTHORITY

This response is pursuant to Section 7 the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) (ESA); the Bald and Golden Eagle Protection Act (54 Stat. 250; 16 U.S.C. 668-668d) (Eagle Act); and the National Environmental Policy Act of 1969 as amended (83 Stat. 852; 42 U.S.C. 4321 *et seq.*). These comments do not preclude separate review and comments by the Service pursuant to the Fish and Wildlife Coordination Act (48 Stat. 401; 16 U.S.C. 661 *et seq.*), if any permits are required from the U.S. Army Corps of Engineers pursuant to the Clean Water Act of 1977 (33 U.S.C. 1344 *et seq.*); or the December 22, 1993 Memorandum of Agreement among the U.S. Environmental Protection Agency, New Jersey Department of Environmental Protection (NJDEP), and the Service, if project implementation requires a permit from the NJDEP pursuant to the New Jersey Freshwater Wetlands Protection Act (N.J.S.A. 13:9B *et seq.*).

FEDERALLY LISTED SPECIES

Indiana Bat

Alternative 2

The Service has been working with PSE&G since 2008 to evaluate impacts to the federally listed (endangered) Indiana bat (*Myotis sodalis*) from Alternative 2. Via our June 11, 2010 letter to the NJDEP (enclosed), the Service concurred that the eastern segment of Alternative 2 (from the proposed Hopatcong Switching Station to the Roseland Switching Station) is not likely to adversely affect the Indiana bat, based on PSE&G's adoption of several conservation measures. The Service recommends continued refinement and eventual implementation of these and/or other appropriate project-wide conservation measures, regardless of which alternative is selected. We will review and comment on the revised conservation measures (as detailed in PSE&G's *Construction and Restoration Standards for the Susquehanna-Roseland Transmission Project*) after PSE&G and NPS have selected a preferred alternative route through New Jersey.

Among the previously adopted conservation measures for Alternative 2 are buffers on wetlands and open waters within those right-of-way spans identified by the Service as foraging habitat associated with known Indiana bat hibernacula and/or maternity colonies. In such spans, PSE&G will not install any permanent structure (e.g., access road, tower) within 300 feet of wetlands or open waters, and will not clear trees or locate temporary work spaces within 150 feet of wetlands or open waters. If these or any other project-wide conservation measure cannot be implemented for any particular span, PSE&G has agreed to work with the Service to develop alternative site-specific conservation measures sufficient to avoid adverse effects to the Indiana bat. If Alternative 2 is selected, the Service will request an analysis of which spans west of the proposed Hopatcong Switching Station may require alternative site-specific conservation measures. This analysis was already completed for the spans between the Hopatcong and Roseland Stations.

The Service also requests a copy of any survey results that were not previously submitted for the Indiana bat or its habitat in New Jersey (e.g., any Indiana bat surveys conducted within the New Jersey portion of DWGNRA).

Alternatives 3 Through 7

The New Jersey portions of Alternatives 3 through 7 are all located within the geographic range of the Indiana bat. The eastern portions of Alternatives 5 and 6/7 also cross known migratory corridors, swarming habitat associated with known hibernacula, and foraging habitat associated with known maternity colonies. Tree clearing could disturb or injure any roosting bats, and could destroy or degrade roosting sites. To minimize impacts, the Service generally recommends a seasonal restriction on tree clearing from April 1 to November 15 within 10 miles of known hibernacula, and from April 1 to September 30 in other parts of the species' range in New Jersey.

To evaluate potential impacts to Indiana bat habitat, the Service requests information regarding the estimated number of acres of tree clearing associated with the New Jersey portion of each Alternative 3 through 7, including for access roads and temporary work spaces. For Alternative 5, please provide a separate subtotal for the portion of the alignment east of Route 206 (where it intersects Route 80 in Mount Olive Township). For Alternative 6/7, please provide a separate subtotal for the portion of the alignment east of Mount Olive Township. Based on the estimated acres of tree clearing, the Service may request habitat characterizations and/or mist net surveys to determine if further conservation measures are necessary in certain areas.

Bog Turtle

Alternative 2

The Service has been working with PSE&G since 2008 to evaluate impacts to the federally listed (threatened) bog turtle (*Clemmys muhlenbergii*) from Alternative 2. Via our June 11, 2010 letter to the NJDEP (enclosed), the Service concurred that the eastern segment of Alternative 2 (Hopatcong Station to Roseland Station) is not likely to adversely affect the bog turtle, based on PSE&G's adoption of several conservation measures. The Service recommends continued refinement and eventual implementation of these and/or other appropriate project-wide conservation measures, regardless of which alternative is selected. We will review and comment on the revised conservation measures (as detailed in PSE&G's *Construction and Restoration Standards for the Susquehanna-Roseland Transmission Project*) after PSE&G and NPS have selected a preferred alternative route through New Jersey.

Among the previously adopted conservation measures for Alternative 2 are buffers on bog turtle habitat, which includes all wetland areas confirmed as bog turtle habitat through field surveys and/or the NJDEP's Landscape Project mapping, or that are treated as such in the absence of a Phase II survey. PSE&G has agreed that no permanent structures (including but not limited to tower footings and new or improved access roads) will be located within 300 feet of bog turtle habitat. Also, no temporary disturbances (including but not limited to removal of existing towers or other structures, use of motorized equipment, earth disturbance, and equipment/materials storage areas) will take place within 150 feet of bog turtle habitat. If these or any other project-wide conservation measure cannot be implemented for any particular span, PSE&G has agreed to work with the Service to develop alternative site-specific conservation measures sufficient to avoid adverse effects to the bog turtle. If Alternative 2 is selected, the Service will request an analysis of which spans west of the proposed Hopatcong Switching Station may require alternative site-specific conservation measures. This analysis was already completed for the spans between the Hopatcong and Roseland Stations.

The Service also requests a copy of any survey results that were not previously submitted for the bog turtle or its habitat in New Jersey (e.g., Phase II surveys within the New Jersey portion of DWGNRA; surveys requested via the Service's May 21, 2010 electronic mail to PSE&G and NJDEP for specific areas between DWGNRA and the Hopatcong Switching Station).

Alternatives 3 Through 7

The New Jersey portions of Alternatives 3 through 7 are all located within the geographic range of the bog turtle. Alternative 5 includes areas of habitat associated with 4 known bog turtle occurrences. Alternative 6/7 includes areas of habitat associated with 3 known bog turtle occurrences. The locations of known, occupied bog turtle habitat along these alternative routes can be obtained from the NJDEP Landscape Project mapping. Further consultation with the Service will be necessary to evaluate and minimize impacts in areas of known, occupied bog turtle habitat if Alternative 5 or 6/7 is selected.

Alternatives 3 through 7 each include areas of scrub/shrub and emergent wetlands that may provide suitable habitat for the bog turtle. Many areas of New Jersey have not been thoroughly surveyed for endangered and threatened species. If present, bog turtles could be injured or disturbed during construction, and could be adversely affected by any temporary or permanent impacts to wetlands. Therefore, the Service requests that a recognized, qualified surveyor (see enclosed list) evaluate all previously unsurveyed wetlands within and adjacent to each Alternative 3 through 7 for the presence or absence of bog turtle habitat (see enclosed guidance). The survey area should include wetlands in and adjacent to proposed access roads and temporary work spaces as well as the proposed right-of-way. The results of any survey, whether showing presence or absence of bog turtle habitat, must be forwarded to this office for review; please include photographs and the qualifications of the surveyor(s).

Dwarf Wedgemussel

Alternative 4 would cross the Pequest River [redacted] downstream of a known occurrence of the federally listed (endangered) dwarf wedgemussel (*Alasmidonta heterodon*). Alternative 5 would cross the Pequest River [redacted] downstream of a known dwarf wedgemussel occurrence. Alternative 6/7 would cross the Pequest River [redacted] dwarf wedgemussel occurrences located both upstream and downstream of the alignment. The dwarf wedgemussel has also been recorded in the Delaware River [redacted] Alternatives 5 and 6/7.

Text contains sensitive species information

To evaluate potential impacts to the dwarf wedgemussel, the Service requests information for each alternative regarding any proposed in-stream or riparian work along the Delaware River and within the Pequest River watershed. The Service may recommend surveys and/or conservation measures for the dwarf wedgemussel if any permanent or temporary disturbances are proposed within, or within 300 feet of, these open waters.

Swamp Pink

The headwaters of tributaries to the Lamington and Raritan Rivers historically supported several occurrences of the federally listed (threatened) swamp pink (*Helonias bullata*), and one known population still persists in this watershed. Many areas of New Jersey have not been thoroughly surveyed for endangered and threatened species. If present, swamp pink could be adversely affected by any temporary or permanent impacts to its forested wetland habitat. Therefore, the Service requests that a qualified surveyor conduct a survey to determine the presence or absence

of swamp pink (see enclosed guidance). The survey area should include all forested wetlands within [REDACTED] along Alternative 6/7, including access roads and temporary work areas as well as the right-of-way. The results of any survey, whether showing presence or absence of swamp pink, must be forwarded to this office for review; please include photographs and the qualifications of the surveyor(s).

Text contains
sensitive
species
information

BALD EAGLE

Several active nests of the bald eagle (*Haliaeetus leucocephalus*) are located along the eastern terminus of Alternative 2. An active bald eagle nest is also located [REDACTED] of Alternative 3. Important bald wintering areas occur along the Delaware River in the vicinity of Alternatives 2 and 3, and additional wintering habitat is mapped by the NJDEP Landscape Project near the eastern ends of Alternatives 2 and 3. All of the alternatives cross foraging habitat mapped by the NJDEP Landscape Project.

The bald eagle was removed from the Federal List of Endangered and Threatened Wildlife on August 8, 2007. The bald eagle continues to be protected under the Eagle Act and the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703-712). The bald eagle also remains a State-listed species under the New Jersey Endangered and Nongame Species Conservation Act (N.J.S.A. 23:2A *et seq.*), which carries protections under the State land use regulation program. These Federal and State laws prohibit take of bald eagles. For the continued protection of bald eagles, and to ensure compliance with Federal and State laws, the Service recommends managing bald eagles in accordance with the National Bald Eagle Management Guidelines and all applicable State regulations. Links to the Guidelines and additional information about the delisting of the bald eagle are available on the New Jersey Field Office web site at <http://www.fws.gov/northeast/njfieldoffice/endangered>.

OTHER MIGRATORY BIRDS

The Migratory Bird Treaty Act prohibits the take of migratory birds, their parts, nests, and eggs, even when incidental to an otherwise lawful activity. At the Service's recommendation, PSE&G has prepared an Avian Protection Plan (APP) for Alternative 2. The Service recommends adaptation and implementation of the APP for whichever alternative is selected. The Service provided comments on a draft of the APP in June 2010. We will provide further review and comments on the revised APP after PSE&G and NPS have selected a preferred alternative route through New Jersey. In addition, the Service generally recommends a seasonal restriction on tree clearing from March 15 to July 31 to prevent unauthorized take of nests and unfledged chicks.

CONCLUSION

The proposed project may adversely affect the federally listed Indiana bat, bog turtle, dwarf wedgemussel and/or swamp pink. Therefore, further consultation with the Service is necessary pursuant to Section 7 of the ESA. Through the informal consultation process, the Service will continue to work cooperatively with NPS and PSE&G to avoid adverse effects to federally listed

species. We also appreciate your cooperation in evaluating and minimize impacts to the bald eagle and other migratory birds.

Except for the above-mentioned species, no other federally listed or proposed threatened or endangered flora or fauna are known to occur within the vicinity of the proposed project. If additional information on listed and proposed species becomes available or if project plans change, this determination may be reconsidered.

Please refer to our web site at <http://www.fws.gov/northeast/njfieldoffice/endangered/> for current lists of federally listed and candidate species in New Jersey. The web site also provides a link to the National Bald Eagle Management Guidelines, and contacts for obtaining current information regarding State-listed and other species of concern from the New Jersey Natural Heritage and Endangered and Nongame Species Programs.

Please contact Wendy Walsh at (609) 383-3938, extension 48, if you have any questions or require further assistance.

Sincerely,



J. Eric Davis Jr.
Supervisor

Enclosures

cc via email:

DLUR, Tina Wolff, John Heilferty, Diane Dow, Larry Torok
PAFO, Clint Riley
PSE&G, Rob Pollock, David Grossmueller



United States Department of the Interior

FISH AND WILDLIFE SERVICE



In Reply Refer To:

2008-I-0319

New Jersey Field Office
Ecological Services
927 North Main Street, Building D
Pleasantville, New Jersey 08232
Tel: 609/646 9310
Fax: 609/646 0352

<http://www.fws.gov/northeast/njfieldoffice/>

Thomas Micai, Director
Division of Land Use Regulation
New Jersey Department of Environmental Protection
P.O. Box 439
Trenton, New Jersey 08625-0439
Attention: Lou Cattuna

JUN 11 2010

Re: PSE&G Roseland to Susquehanna Electric Transmission Line
NJDEP File Number 0000-08-0010.1

Dear Mr. Micai:

The U.S. Fish and Wildlife Service (Service) has reviewed additional information provided by PSE&G (applicant) on June 8 and 9, 2010 in response to our May 21 and 24, 2010 (e-mail) and June 8, 2010 (facsimile) requests. This additional information was requested by the Service in regard to PSE&G's application to the New Jersey Department of Environmental Protection (NJDEP) for a New Jersey Freshwater Wetlands Protection Act (N.J.S.A. 13:9B *et seq.*) individual permit and other State authorizations (File Number 0000-08-0010.1) to construct the eastern portion of the Roseland to Susquehanna Electric Transmission Line.

The proposed project involves installation of approximately 25 miles of new 500-kV overhead electric transmission lines along an existing 150-foot-wide right-of-way (ROW) from Hopatcong Borough, Sussex County to Roseland Borough, Essex County, New Jersey. The project also involves construction of a new switching station in Hopatcong and an expanded switching station in Roseland.

PSE&G intends to construct a western portion of the project, roughly 20 miles from Hopatcong to the Delaware River, sometime after the spring of 2012. The subject application does not cover the western portion. Additional project segments are proposed in Pennsylvania by PPL Electric.

AUTHORITY

This response is pursuant to the December 22, 1993 Memorandum of Agreement (MOA) among the U.S. Environmental Protection Agency, the NJDEP, and the Service; the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) (ESA); the Bald and Golden Eagle Protection Act (54 Stat. 250; 16 U.S.C. 668-668d); and the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703-712).

FEDERALLY LISTED SPECIES

Indiana Bat

Pursuant to the 1993 MOA, the subject permit has the potential to affect the federally listed (endangered) Indiana bat (*Myotis sodalis*) unless the following permit conditions are implemented.

- All conservation measures recommended by the Service and adopted by PSE&G, as reflected in the enclosed excerpt of PSE&G's revised *Construction and Restoration Standards for the Susquehanna-Roseland Transmission Project*.
- Service concurrence with final compensatory mitigation plans for forest impacts including: (1) preservation, enhancement, and/or restoration of Indiana bat habitat as one component of the 100 to 200-acre Highlands Forest restoration/education pilot site at the Hopatcong Switching Station;¹ and (2) preservation, enhancement, and/or restoration of Indiana bat habitat at a site along the Passaic River. Information regarding Indiana bat habitat requirements is enclosed.

The Service has reviewed the January 29, 2010 Summer Mist Net Survey Report prepared by ESI, Inc., and concurs that no seasonal restriction on tree clearing is necessary at the Hopatcong Switching Station or Fredon Relocation area if work is completed within the next 2 calendar years. The Service has reviewed the June 8, 2010 habitat assessment for the Roseland Switching Station prepared by EcolSciences, Inc., and concurs that no mist net survey is needed for this approximately 2-acre forest.

Via electronic mail dated June 9, 2010, PSE&G agreed to implement Service-recommended conservation measures for the Indiana bat (enclosed), and provided the following estimates of total tree clearing, including rights-of-way, access roads, and temporary work spaces.

	Eastern Portion	Western Portion	Total
Wetland	0.52 acres	0.25 acres	0.77 acres
Transition Area (assumed 150')	6.90 acres	3.04 acres	9.94 acres
Upland	13.60 acres	7.30 acres	20.90 acres
Total	21.02 acres	10.59 acres	31.61 acres

With implementation of the above permit conditions, the Service concurs that, even considering cumulative impacts (*i.e.*, from the western portion), the loss of approximately 21.02 acres of potential Indiana bat summer roosting and foraging habitat from construction of the eastern portion of the project is insignificant based on the following.

- The impacts are spread across a 25-mile linear project.

¹ The Hopatcong forest restoration project is a component of PSE&G's Comprehensive Mitigation Plan, which was part of the basis for NJDEP's January 15, 2010 Highlands Regional Master Plan Consistency Determination.

- The areas with the greatest impacts have been evaluated for Indiana bat habitat (Roseland Switching Station, Picatinny Arsenal) or surveyed using the Service's mist netting guidelines (Hopatcong Switching Station, Fredon Relocation Site).
- In those areas identified by the Service as hibernacula and/or maternity colony foraging habitat, PSE&G will not install any permanent structure (*e.g.*, access road, tower) within 300 feet of wetlands or open waters and will not clear trees or locate temporary work spaces within 150 feet of wetlands or open waters.
- PSE&G will provide compensatory mitigation for forest impacts, as described above.

To minimize cumulative impacts to Indiana bat habitat, additional information, surveys, and/or conservation measures may be necessary for the western portion of the Roseland to Susquehanna Electric Transmission Line project.

With implementation of the above permit conditions, the Service concurs that the risk of disturbance or injury to roosting bats from construction of the eastern portion of the project is discountable based on the seasonal restrictions included in PSE&G's revised *Construction and Restoration Standards for the Susquehanna-Roseland Transmission Project*. Except for the Hopatcong Switching Station and Fredon Relocation area, all portions of the project (including access roads, temporary work spaces, Picatinny Arsenal, and the Roseland Switching Station) will be constructed with seasonal restrictions on tree clearing as specified in the revised *Construction and Restoration Standards for the Susquehanna-Roseland Transmission Project*.

Bog Turtle

Pursuant to the 1993 MOA, the subject permit has the potential to affect the federally listed (threatened) bog turtle (*Clemmys muhlenbergii*) unless the following permit condition is implemented.

- All conservation measures recommended by the Service and adopted by PSE&G, as reflected in the enclosed excerpt of PSE&G's revised *Construction and Restoration Standards for the Susquehanna-Roseland Transmission Project*.

The Service concurs, or has previously concurred, with the following survey reports prepared by EcolSciences, Inc.

- July 8, 2008 (Phase 1 right-of-way)
- December 23, 2008 (Phase 1 Delaware Water Gap National Recreation Area)
- June 18, 2009 (Phase 2 for 5 wetlands)
- July 29, 2009 (Phase 1 Hopatcong Switching Station)
- March 23, 2010 (Phase 1 access roads; concurrence for eastern portion only)
- June 8, 2010 (Phase 1 for 11 additional spans)

With implementation of the above permit condition, the Service expects that impacts to the bog turtle from construction of the eastern portion of the project will be insignificant and

discountable. This determination is based on the extensive surveys (listed above) and on the habitat buffers, fencing, and monitoring protocols detailed in PSE&G's revised *Construction and Restoration Standards for the Susquehanna-Roseland Transmission Project*.

Please note that additional bog turtle surveys and information are still needed for the western portion of the project. Based on this information, the Service may recommend additional conservation measures for the western portion.

MIGRATORY BIRDS

The Migratory Bird Treaty Act prohibits the take of migratory birds, their parts, nests, and eggs, even when incidental to an otherwise lawful activity. In response to the Service's recommendation, PSE&G has prepared a draft Avian Protection Plan (APP) dated June 2010. Pursuant to the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act, we recommend that NJDEP include a condition in the subject permit to incorporate Service comments on the draft APP, and to fully implement the final APP.

The Service offers the following preliminary comments on the draft APP.

- The draft APP includes all components recommended in the 2005 *Avian Protection Plan (APP) Guidelines*, and provides a thorough overview of avian issues associated with the project.
- Under "Construction Timing (page 18)," PSE&G proposes to initiate activity in the right-of-way prior to the bird breeding season to discourage nesting and thereby minimize bird mortality and nest failure from vegetation clearing. This section should also mention that the seasonal restriction on tree clearing for Indiana bats (April 1 to September 30 or April 1 to November 15, as specified in PSE&G's revised *Construction and Restoration Standards for the Susquehanna-Roseland Transmission Project*) applies to most work areas and will be effective in avoiding take of nests in trees. Note that the Migratory Bird Treaty Act prohibits all take of nests with eggs or young, and that Service permits are required to relocate such nests (see enclosed fact sheet).
- The seasonal restriction on disturbance within 1,000 feet of bald eagle (*Haliaeetus leucocephalus*) nests during the nesting season (December 15 to August 31) (page 18) is consistent with the National Bald Eagle Management Guidelines.
- The Service requests an opportunity to review the "Project-specific Transmission Right-of-Way Vegetation Management Plan" (page 21), and recommends that the plan reflect all adopted conservation measures for federally listed species as described in PSE&G's October 23, 2009 letter to the Service.

- Change “May” to “April” in the first bullet on page 21 of the APP, in reference to the bird breeding season and time to avoid activities such as mowing and cutting. Also add a reference to PSE&G’s intention to perform the majority of its transmission vegetation maintenance activities between October 1 through March 31, as indicated in its October 23, 2009 letter.
- The Service appreciates PSE&G’s adoption of our guidelines for aviation safety lighting, and supports the choice of the new Obstacle Collision Avoidance System technology to minimize migratory bird collision hazards caused by light entrapment.
- Bald eagle populations in New Jersey are expanding, and the proposed lines will be in place for many decades. The Service recommends that PSE&G implement the “eagle-safe” electrocution standards (first bullet on page 23) in areas of highly suitable (but as yet unoccupied) eagle habitat, not just current nests and foraging habitats.
- The “raptor-safe” electrocution standards (second bullet on page 23) should be adopted as a minimum standard for the entire line, not just the specified spans, as these species may occur across the entire project area. (Of course, the higher standards for eagles and tall birds would apply in the areas specified.)
- The final APP should specify where flight diverters (transmission line marker) will actually be used (fourth bullet on page 23).
- The final APP should specify which avian enhancement opportunities will actually be constructed within project lands, and should add a section describing enhancement efforts outside of project lands (page 28).

CONCLUSION

Pursuant to the 1993 MOA, the subject permit has the potential to affect the federally listed Indiana bat and bog turtle unless the above-listed conditions are included in the permit. The Service also recommends a permit condition to require PSE&G’s full implementation of the final APP.

The Service appreciates the cooperation of PSE&G and NJDEP in evaluating and minimizing adverse effects to federally listed species and migratory birds. Please contact Wendy Walsh at (609) 383-3938, extension 48, if you have any questions or require further assistance regarding federally listed threatened or endangered species.

Sincerely,



Acting Supervisor

cc via email:

DLUR, Tina Wolff, John Heilferty, DÍane Dow, Larry Torok
PAFO, Clint Riley, Pam Shellenberger
PSE&G, Rob Pollock, David Grossmueller



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
Delaware Water Gap National Recreation Area
Bushkill, Pennsylvania 18324

D5015

FEB 02 2011

Ms. Rebecca Bowen
Pennsylvania Department of Conservation and Natural Resources
Bureau of Forestry
Post Office Box 8552
Harrisburg, Pennsylvania 17105-8552

Dear Ms. Bowen:

We are writing to seek clarification regarding letters pertaining to Pennsylvania Natural Diversity Inventory (PNDI) Environmental Receipt Numbers 20098 and 20914. Both PNDI numbers were established in relation to the PPL and PSE&G's (utilities) proposed Susquehanna to Roseland Transmission Line Project. PNDI Number 20098 addresses the utilities' request for clearance along the alignment ("B") as it passes through Lackawanna, Wayne, Luzerne, Pike and Monroe Counties. PNDI Number 20914 addresses the National Park Service's screening request along the utilities' proposal as it crosses the Delaware Water Gap National Recreation Area (DEWA) in Pike and Monroe Counties. The National Park Service (NPS) request (dated July 16, 2010) also sought information on species and resources of concern along the alternative routes created in development of the Environmental Impact Statement (EIS) as required by the National Environmental Policy Act of 1969 (NEPA).

Project clearances issued by the Pennsylvania Department of Conservation and Natural Resources (DCNR) are based on reports (dated August 2009, January 2010, and September 2010) prepared by Richard Mellon for The Louis Berger Group, Inc. (Berger), a consultant for PPL. In review of these reports, as they relate to the proposal's crossing of lands and waters of the United States in Pike and Monroe counties, the NPS determined the reports incomplete because of missing information about the plant survey methodologies and proposed engineering and construction plans.

Specifically, the Berger reports do not provide detailed descriptions of the areas surveyed for rare plants. Areas identified by the utilities as access roads are not existing park roads, rather remnants of old roadbeds and trails. Because of their designation as natural in the park's General Management Plan these areas are managed to revert back to natural conditions. The Berger Reports do not describe widths of the proposed access roads, while the maps in the appendices do not clearly demonstrate that the existing ROW widths vary as they cross the park. Furthermore, we cannot determine if corridors adjacent to the ROW were inspected. Surveying resources adjacent to the ROW is important because of the utilities' vegetation management practice of cutting danger trees outside the deeded ROW. Crane pads and staging areas will also be required for construction, however, none are identified on the maps in the Berger January 2010 and September 2010 reports. Additional areas of concern for the NPS are pulling and splicing locations, typically 200 feet x 200 feet (or larger). Each of these sites would require vegetation cutting or clearing.

Because of our concerns identified above, DCNR's conclusion of no "lasting impacts to species of concern" needs to be reconsidered. Project clearance assumes no impacts to Arnott Fen, a designated

Natural Heritage Area. This may not be accurate. There may be direct impacts from tree cutting. The Basin Graminoid-forb fen, as delineated by The Nature Conservancy in previous study (1991, 1999) contains trees which may need to be cleared under the utilities' construction and maintenance plans. Indirect effects associated with clear-cutting a wider ROW; vegetation management including cutting danger trees outside the ROW; and the establishment of permanent access roads may be long-term and difficult to mitigate.

In addition, the January 2010 report lists eight (8) species reported in or near the project area. The report states that all but two (2) of them are reportedly found in the fen, but makes no specific mention in the results section of searches for these species. As the other two (2) species are found on the Hogback Ridge (east of the fen) where presence of limestone has contributed to the presence of rare and unique plant communities, the report should address all eight (8) species specifically as to searches and results. Although populations may be directly avoided, indirect impacts could occur from activities that cause disturbance such as sedimentation, habitat fragmentation, soil compaction and introduction of invasive species.

We appreciate your continued efforts in identifying and addressing species and areas of special concern within the park as they pertain to the utilities' proposal. We would like to request some of your time to discuss in further detail the concerns identified. Please feel free to contact Amanda Stein, Project Manager, at 570-426-2472 or amanda_stein@nps.gov to arrange a date and time for a conference call or meeting. Thank you.

Sincerely,



John J. Doughue
Superintendent
Delaware Water Gap National Recreation Area &
Middle Delaware National Scenic and Recreational River
(570) 426-2418



Pamela Underhill
Superintendent
Appalachian National Scenic Trail
(304) 535-6278

cc:

Kara Deutsch, National Park Service, DEWA
Amanda Stein, National Park Service, DEWA
Patrick Malone, National Park Service, DSC
Jennifer McConaghie, National Park Service, NER
Pamela Shellenberger, U.S. Fish and Wildlife Service
Wendy Walsh, U.S. Fish and Wildlife Service

Denver Service Center - TIC
Attn: SRLINE EIS
12795 W. Alameda Parkway
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BIOLOGICAL ASSESSMENT



In Reply Refer To

2008-I-0319

United States Department of the Interior

FISH AND WILDLIFE SERVICE

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JUL 6 2012

Mr. John J. Donahue, Superintendent
Delaware Water Gap National Recreation Area and
Middle Delaware National Scenic and Recreational River
Bushkill, Pennsylvania 18324

Ms. Pamela Underhill, Superintendent
Appalachian Trail Park Office
P.O. Box 50
Harpers Ferry, West Virginia 25425

Dear Mr. Donahue and Ms. Underhill:

The U.S. Fish and Wildlife Service (FWS) has reviewed the National Park Service's (NPS) "Final Biological Assessment [BA] for Indiana Bat (*Myotis sodalis*) and Bog Turtle (*Glyptemys [Clemmys] muhlenbergii*)," received June 29, 2012. The BA was prepared pursuant to Section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) (ESA) for the Susquehanna to Roseland 500 kV Transmission Line (SRLINE) project, to be located in Pennsylvania and New Jersey. The FWS previously provided comments on a draft of the BA.

As described in the BA, surveys for the Indiana bat and bog turtle and their habitats have been conducted throughout that part of the action area that occurs within NPS units (Delaware Water Gap National Recreation Area [DEWA], Middle Delaware National Scenic and Recreational River, and Appalachian National Scenic Trail). The surveys were conducted by qualified surveyors in accordance with FWS-recommended survey methods, and FWS has concurred with the results.

No Indiana bats were captured during survey efforts, however, suitable habitat for this species is present in the action area. The BA lists a number of conservation measures that will be implemented for the Indiana bat, including a seasonal restriction on tree clearing.

A known bog turtle population occurs within the action area on the Pennsylvania side of DEWA. An access route has been located to avoid impacts to this population, and potential adverse effects of drilling on the groundwater flows to this wetland habitat have been evaluated and found to be discountable. In addition to the documented bog turtle habitat in Pennsylvania, one wetland area on the New Jersey side of DEWA is considered "confirmed bog turtle habitat," despite a negative Phase 2 (presence/absence) survey, based on the habitat quality and proximity to a nearby known population. The BA lists a number of conservation measures that will be implemented in the vicinity of these two wetlands (one in Pennsylvania, one in New Jersey), including fencing and monitoring during construction.

Based on the information and conservation measures presented in the BA, the FWS concurs that the proposed SRLINE project is not likely adversely affect the Indiana bat or bog turtle within NPS units. Except for the Indiana bat and bog turtle, no other federally listed or proposed threatened or endangered flora or fauna under FWS jurisdiction are known to occur within the NPS portion of the action area. If additional information on listed and proposed species becomes available or if project plans change, this determination may be reconsidered.

As discussed in previous correspondence, FWS must consider the effects of the entire SRLINE project, including off-park impacts, under Section 7 of the ESA. We are currently awaiting final conservation measures from the applicants, PPL and PSE&G, that will apply to off-park portions of the action area in Pennsylvania and New Jersey, respectively. Consultation between NPS and FWS will conclude upon final FWS concurrence with these off-park measures.

The FWS appreciates the cooperation of NPS in evaluating and minimizing potential adverse effects to listed species from the SRLINE project within NPS units. Please contact Wendy Walsh at (609) 383-3938, extension 48, if you have any questions or require further assistance regarding federally listed threatened or endangered species.

Sincerely,



for J. Eric Davis Jr.
Field Supervisor

cc via email:

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