

National Park Service
U.S. Department of the Interior



Delaware Water Gap National Recreation Area
Middle Delaware Scenic and Recreational River
Appalachian National Scenic Trail

Internal Scoping Meeting Report

Susquehanna to Roseland Transmission Line Proposal And Right-of-Way Request Environmental Impact Statement



October 2009

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Figure 1Location Map for the Parks (Delaware Water Gap National Recreation Area, Middle Delaware Scenic and Recreational River, and Appalachian National Scenic Trail)

Figure 2Study Area Boundary

ACRONYMS AND ABBREVIATIONS

APPA	Appalachian National Scenic Trail
ARPA.....	Archeological Resources Protection Act of 1973
AT	Appalachian Trail
ATC.....	Appalachian Trail Conservancy
ATPO	Appalachian Trail Park Office
ATV	All-Terrain Vehicle
CFR.....	Code of Federal Regulations
CLI	Pocono Forests and Waters Conservation Landscape Initiative
CMP	Comprehensive Management Plan
DEWA.....	Delaware Water Gap National Recreation Area
DOI	Department of Interior
DOE	Department of Energy
EIS.....	Environmental Impact Statement
EPMT.....	Exotic Plant Management Team
ESA.....	Endangered Species Act
FERC.....	Federal Energy Regulatory Commission
GMP	General Management Plan
IPM	Integrated Pest Management
kV.....	Kilovolt
MDSR	Middle Delaware Scenic and Recreational River
MOU	Memorandum of Understanding
NEPA	National Environmental Policy Act of 1969
NERC.....	North American Electric Reliability Corporation
NHPA.....	National Historic Preservation Act of 1966, as Amended
NPOMA	National Parks Omnibus Management Act of 1998
NPS	National Park Service
NRHP	National Register of Historic Places
PEPC.....	Planning Environment and Public Comment
PJM	PJM Interconnection
PPL.....	PPL Electric Utilities Corporation
RMP	Resource Management Plan
ROW	Right-of-Way
RTE.....	Rare, Threatened, and Endangered Species
RTEP.....	Regional Transmission Expansion Plan
RTO.....	Regional Transmission Operator
S-R Line	Susquehanna to Roseland Line
U.S.	United States
USC.....	United States Code

INTERNAL SCOPING REPORT SUMMARY

This internal scoping report summarizes the results of a National Park Service (NPS) internal scoping meeting that was held on September 15-17, 2009. This report provides a review of the intent of this project and what it should accomplish, as well as an overview of the issues identified by the Interdisciplinary Team (IDT). The internal scoping activities provide the basis for developing the purpose, need, and objectives for the Environmental Impact Statement (EIS) and have laid the foundation for the development of alternatives.

Internal scoping refers to the process of designing the scope, content, and schedule of the National Environmental Policy Act (NEPA) document. Internal scoping is done in the initial phase of a project to seek input from a variety of sources. Internal scoping is conducted by the IDT whose goal it is to gain consensus on:

- project decisions that would be supported by the NEPA process,
- purpose and need,
- proposed action,
- preliminary alternatives,
- define issues,
- scope and contents of the NEPA document,
- required depth of analysis, and
- schedule of major milestones.

This internal scoping report is the starting point for the EIS process. This report will be posted on NPS' online planning tool – Planning, Environment, and Public Comment (PEPC) (<http://parkplanning.nps.gov/>). Posting this report on PEPC allows the public to view a summary of the beginning internal steps in the EIS process. Comments from the public on the proposed project will be accepted in the future via numerous venues. Following this report NPS will begin public scoping which will include several forms of public outreach such as public scoping meetings and newsletters. There will also be meetings when the draft EIS is issued for review with a formal public comment period. Public participation in the NEPA process is specifically required in the preparation of an EIS. Public scoping is explained in the Council on Environmental Quality Regulations (10 CRF 1500-1508).

1.0 PURPOSE AND NEED FOR ACTION

1.1 INTRODUCTION

Pursuant to section 101(2)(C) of the National Environmental Policy Act of 1969, as amended (NEPA), the NPS is preparing an EIS for construction and right-of-way (ROW) permits requested from Delaware Water Gap National Recreation Area (DEWA), Middle Delaware National Scenic and Recreational River (MDSR), and Appalachian National Scenic Trail (APPA), by a consortium of power companies, in connection with the proposed Susquehanna (Berwick, Pennsylvania) to Roseland, New Jersey 500,000-kilovolt (500-kV) Transmission Line (the S-R Line) (Figure 1). The consortium proposed the project by PPL Electric Utilities Corporation (PPL) and PSE&G, jointly known as the Applicants. The line would cross the parks in Pennsylvania and New Jersey. This line as proposed would cross the three NPS units in both Pennsylvania and New Jersey.

This Internal Scoping Report will be the starting point for the EIS process. The report summarizes the results of an internal scoping meeting, held September 15-17, 2009 at DEWA, and also presents some background material that will be useful in preparing the EIS. The report addresses the meeting discussion and conclusions about the purpose of and need for action, resource concerns, and objectives. The Applicants' proposal and potential alternatives, as well as issues developed during the internal scoping meeting are also presented.

An existing 230,000-volt (230-kV) power line with approximately 80-ft structures currently located on the ROW would be replaced with new larger tower structures (up to 200 feet high) to co-locate both the existing 230 kV line and a new 500-kV line. This would necessitate widening the existing ROW, and in areas, would require granting additional legal rights beyond the Applicants' current rights. The Applicants' proposed action would also include the construction of new access roads and the rehabilitation and widening of existing roads for accessing the transmission line corridor. The Applicants' stated purpose for the project is to strengthen the reliability of the grid at the direction of the Regional Transmission Operator, PJM Interconnection (PJM). PJM oversees the overall movement of wholesale electricity between many electric utilities throughout a 13 state region. PJM's 2007 load forecast model identified 23 projected reliability criteria violations, starting in 2012 and beyond, that the proposed project is designed to alleviate.

In preparing this EIS, NPS is following the planning process as required by NEPA and as provided for in agency guidance, Director's Order 12 and Handbook. In accordance with that guidance, an internal scoping meeting was held September 15-17, 2009 to discuss the natural, cultural, scenic, and socioeconomic resources that would be affected by this action. NPS will examine a range of feasible alternatives and evaluate potential impacts on these resources in the EIS.

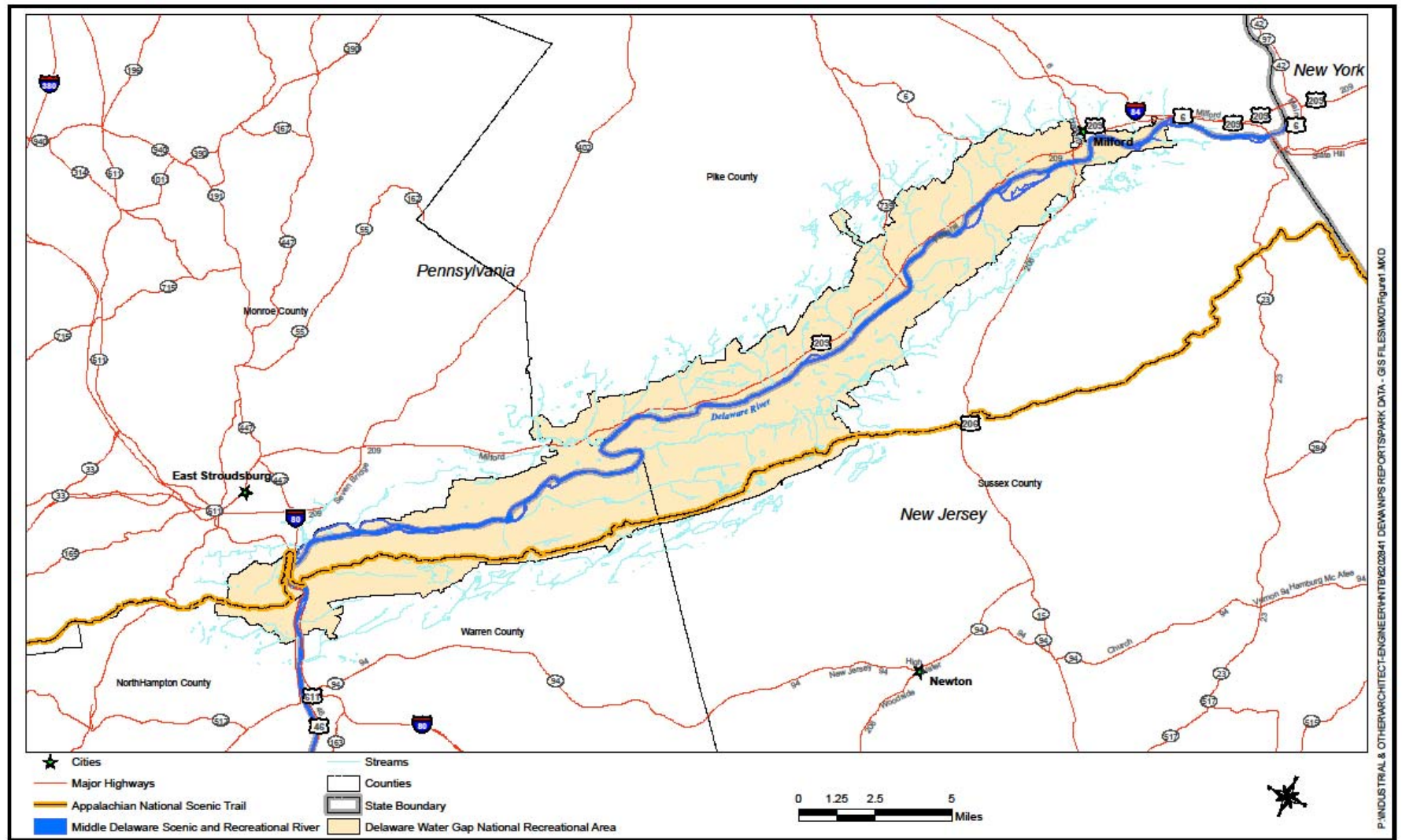


Figure 1. Location Map for the Parks
(Delaware Water Gap National Recreation Area, Middle Delaware Scenic and Recreational River, and Appalachian National Scenic Trail)

1.1.1 Purpose of Action

The Federal action under consideration for this EIS is the Applicants' proposal that the NPS grant the permits it has requested. The NPS's purpose in taking action is to respond to the Applicant's expressed need to expand its current ROW, to access this ROW via existing park natural areas, to construct new and taller power line structures and add an additional 500-kV power line, in light of the purposes and resources of the affected units of the national park system, as expressed in statutes, regulations, and policies.

1.1.2 Need for Action

In 2007, the Regional Transmission Operator (RTO), PJM, identified a need for a 500-kV transmission line between Susquehanna in Pennsylvania and Roseland in New Jersey as part of the Federal Energy Regulatory Commission (FERC) approved Regional Transmission Expansion Plan (RTEP) process. The 2008 and 2009 PJM RTEPs confirmed the need for the project.

The Federal action by NPS is needed because the Applicants have submitted the required applications and construction plan to expand the size of the current ROW, access the ROW through existing natural areas, to construct new and taller power lines and add an additional 500-kV power line in accordance with 36 CFR part 14 and applicable NPS Management Policies. The NPS therefore has a duty to consider whether, and with what conditions, if any, to issue the requested permits.

1.2 OBJECTIVES IN TAKING ACTION

Objectives were developed in accordance with NPS Director's Order #12: Conservation Planning, Environmental Impact Analysis and Decision-Making (NPS 2001). An objective is a statement of goals to meet the purpose of and need for action. The objectives must be achieved to a large degree for the action to be considered a success. All action alternatives selected for detailed analysis must meet project objectives to a large degree and resolve the purpose of and need for action. Objectives must be grounded in the parks' enabling legislation, purpose, significance, and mission goals, and must be compatible with direction and guidance provided in the park's general management plan (GMP), comprehensive management plan (CMP), strategic plan, and/or other management guidance, including NPS policies.

The following project goals and objectives were developed by the interdisciplinary team represented at the internal scoping meeting for each project issue.

Natural Resources – Overall goal and objective for natural resources would be to avoid or to minimize adverse effects to natural resources.

- *Rare, Threatened, and Endangered (RTE) Species and Habitat* – Threatened and endangered species would be protected such that impacts would be avoided.

Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended and state consultation would be completed.

- *Rare Communities* – The ecological integrity of the rare communities and unique ecosystems would be maintained and no degradation of the communities would occur.
- *Landscape Connectivity* – Any minimal impacts would be mitigated by enhancing landscape connectivity.
- *Wetlands, Floodplains, and Streams* – Existing functions and values of wetlands, floodplains, and streams will be protected such that adverse impacts will be avoided or minimized to an insignificant level.
- *Invasive Species* – Construction and maintenance activities would be managed to avoid or reduce the introduction and spread of invasive species.
- *Migratory Birds* – Adverse effects to migratory birds will be avoided or minimized in accordance with U.S. Fish and Wildlife Service requirements.

Park Operations – The proposed action and alternatives would not adversely affect the parks' fiscal and operating resources, including volunteer organizations.

Socioeconomics/Community Impacts – Construction of or alterations of park and community roads would not adversely affect surrounding land use or visitor experience. Lost use by citizens will be compensated in an acceptable fashion to be determined.

Scenic Resources and Viewsheds – Impacts to scenic resources, viewsheds, and cultural landscapes would be avoided, minimized, or mitigated in significant ways.

Visitor Experience – Maintain existing visitor experiences including preserving key qualities such as primitive, solitary, and pastoral experiences. If impacts are unavoidable, impacts would be mitigated as appropriate, including any lost use due to closures.

Health and Safety of Visitors and Staff – Safety of staff and visitors would not be compromised, including closures of roads, the river, trails and airspace, as necessary.

Cultural Resources – Adverse effects to identified cultural resources would be avoided, minimized, or mitigated.

National Register of Historic Places (NRHP) Eligibility – The eligibility of cultural resources for NRHP nomination would not be compromised.

Paleontological and Geologic Resources – Adverse effects to paleontological and geologic resources would be avoided.

1.3 SCOPE OF THE ANALYSIS AND STUDY AREA

The Record of Decision as a result of this EIS will be to issue the permits requested by the Applicants to expand the ROW or to take no action or a modified proposed action. The Applicants' proposal includes the expansion of the existing ROW, the construction of new access roads, and long-term operation and maintenance activities to maintain the ROW as a newly critical element of the transmission grid. The Applicants submitted a construction plan for the 4.18-mile portion of the S-R Line proposed to traverse DEWA, MDSR, and a section of APPA. Subsequent to the proposed construction plan, the utilities prepared and submitted an ROW application (Form 299) to obtain additional ROW for its proposal within DEWA.

The study area that would be affected by the Applicants' proposal includes the 4.18-mile portion of the S-R Line proposed to traverse the parks, the expanded ROW, and the proposed access roads (Figure 2). The study area also includes areas within the parks affected by the other two alternatives routes considered by the Applicants in their application. The study area will be expanded 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.

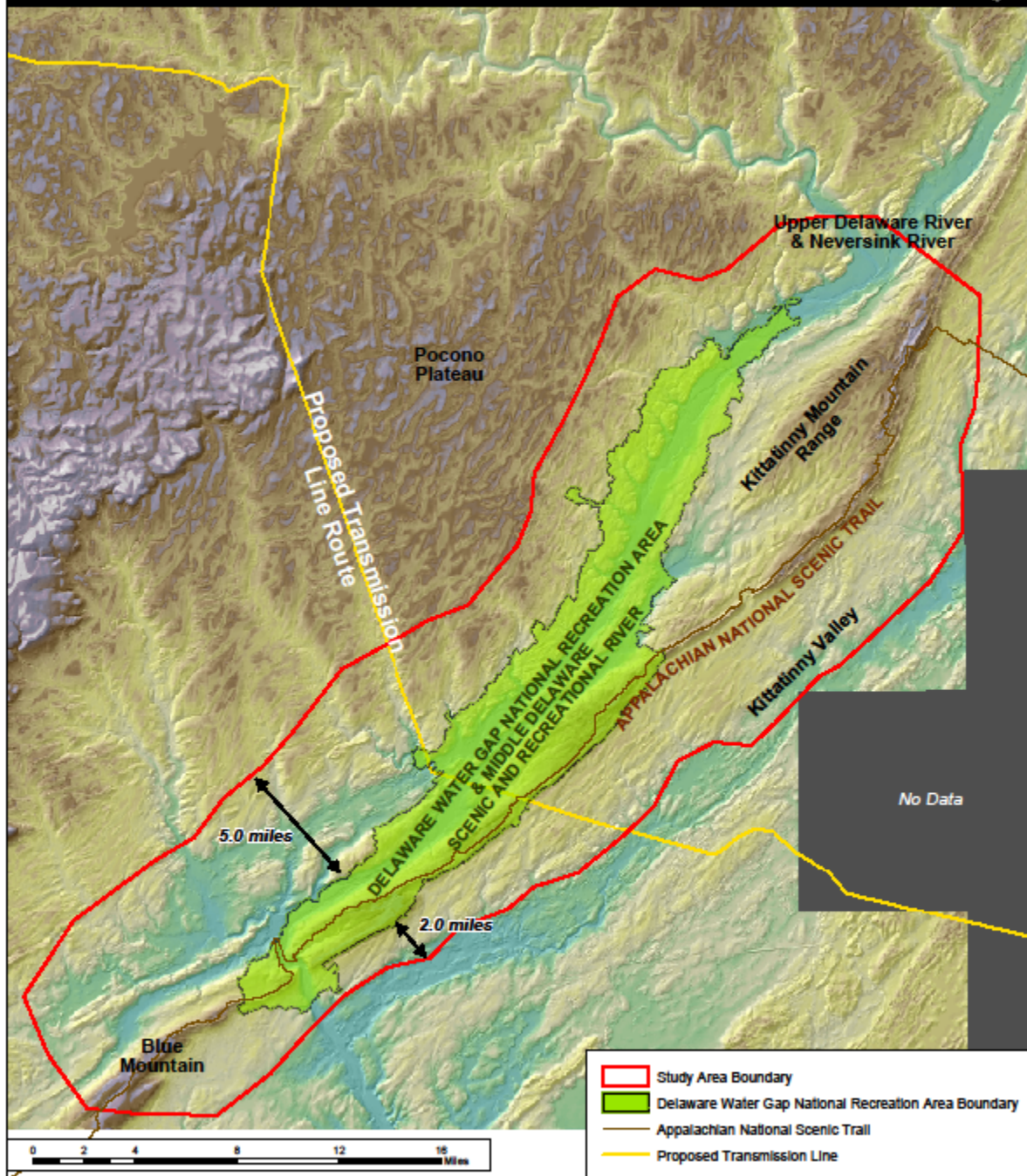
Thus, the study area is not defined only by the boundaries of the Delaware Water Gap National Recreation and Middle Delaware Scenic and Recreational River. The natural, scenic, cultural and socioeconomic resources of the parks do not end at the park boundaries; rather they are components of the regional landscape. They are continuous and as such should be taken into consideration when reviewing the Applicants' proposal.

A number of classification systems were consulted in the development of the study area boundary to help capture common, contiguous resources. These landscape classification systems and methods (examples include: Fines 1968; Litton 1972; U.S.D.A. Forest Service 1974; Robinson et al. 1976; U.S.D.A. S.C.S. 1978; U.S.D.I. B.L.M. 1980) focus on the physical and natural components of the landscape as made up of landform (topography), land cover (vegetation, built form, soil color, water, snow and paving), and atmospheric conditions. Landform can be broadly classified as hills, undulating and flat plains; and land cover as trees, ground cover, water and structures (Shang and Bishop 2000). Thus, the study area reaches beyond the parks boundaries to include adjacent geographic areas that share common physiography of the ridge and valley system within the Appalachian Ridge and Valley Province.

To the east the study area will be bounded by the Kittatinny Valley floor where elevations range from approximately 400 to 700 feet. The Kittatinny Mountain, a broad even crested ridge ranging in elevation from 1600 to 1800 feet in elevation separates the upper Delaware River Valley above the Delaware Water Gap from the Kittatinny Valley. The western boundary is delineated by the edge of the Glaciated Low Plateau defined as rounded and low mountains at the base of escarpments of adjacent uplands (Pocono Plateau). Elevation ranges approximately 1200 to 1400 feet. The boundary to the north is the confluence of the Neversink River and the Upper Delaware. The southern boundary includes Blue Mountain.

**FIGURE 2.
STUDY AREA BOUNDARY**

Delaware Water Gap National Recreation Area
National Park Service Department of the Interior



Prepared by: National Park Service, Delaware Water Gap National Recreation Area
Data Source: Base cartographic Geographic Information System (GIS) Layers, including 10m Digital Elevation Model (DEM)
Date: 10/30/2009

The study area will likely be expanded to include other areas within the parks affected by alternatives not yet developed by NPS. Meaning, the study area may be different for different impact topics. For instance, the study area may be expanded during the viewshed and visitor experience analyses.

2.0 BACKGROUND

2.1 LEGISLATION AND PLANNING DOCUMENTS OF THE THREE PARKS

Delaware Water Gap National Recreation Area, Middle Delaware Scenic and Recreational River, and Appalachian National Scenic Trail are three separate units of the National Park System. The legislation and planning documents differ for each of the park units. In addition, the Middle Delaware Scenic and Recreational River is part of the Delaware River Water Trail, a unit of the National Recreation Trails Program.

Enabling Legislation

Enabling legislation is the law which has been enacted by Congress to create and define a park unit. The enabling legislation for each of the parks is listed below.

DEWA Enabling Legislation

Public Law 89-158

89th Congress H.R. 89

September 1, 1965

An Act to authorize establishment of the Delaware Water Gap National Recreation Area, and for other purposes. This 1965 legislation refers to Tocks Island Dam and Reservoir, a project that was never implemented and was later de-authorized by Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to further the purposes of the joint resolution approved September 27, 1961 (re Delaware River Basin compact; 75 Stat. 688), and to provide in a manner coordinated with the other purposes of the Tocks Island Reservoir project, for public outdoor recreation use and enjoyment of the proposed Tocks Island Reservoir and lands adjacent thereto by the people of the United States and for preservation of the scenic, scientific and historic features contributing to public enjoyment of such lands and waters, the Secretary of the Interior is authorized, as herein provided, to establish and administer the Delaware Water Gap National Recreation Area, hereinafter referred to as the "area", as part of the Tocks Island Reservoir project, hereinafter referred to as "the project".

MDSR Enabling Legislation

Public Law 90-542

Wild and Scenic Rivers Act (16 USC 1271-1287)

October 12, 1968

In 1968, the Delaware River within DEWA was designated as a scenic and recreational river under the Wild and Scenic Rivers Act. The provisions of the act stipulate that as a scenic and recreational river the Middle Delaware

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

APPA Enabling Legislation

Public Law 90-543 (16 U.S.C. 1241 et. Seq.)

The National Trails System Act established the Appalachian National Scenic Trail and directed the Secretary of the Interior, in cooperation with the Secretary of Agriculture, state and local governments, and private citizens, to protect and administer the Trail. The Act provided the Secretaries of Interior and Agriculture with the authority to relocate the Trail; administer use of and access to the Trail; regulate incompatible uses, including motorized uses, bicycles, and horses; and enter into agreements with state agencies and non-government organizations to protect, manage, maintain, and develop the Trail. It also encouraged state agencies to pass similar legislation and take active steps to protect the Trail; and authorized federal land acquisition as necessary to establish a permanent route and protective corridor surrounding the footpath.

On March 21, 1978, President Carter signed a significant amendment to the National Trails Systems Act. This law re-authorized the Appalachian National Scenic Trail Advisory Council, required a comprehensive management plan for the Trail, and increased the amount of funding for land acquisition. Acquisition of lands by eminent domain was increased to an average of 125 acres per mile, and the Secretaries of Interior and Agriculture were directed to substantially protect the Trail within three years.

On March 28, 1983, President Reagan signed an Act of Congress to amend the National Trails System Act, thus strengthening support for volunteers and volunteer-based organizations, refining the process for designating side and connecting trails, providing authority for administrative transfers of land, authorizing whole tract acquisition with the consent of the landowner, defining trail uses, and clarifying that donated easements qualify as conservation tax exemptions.

2.1.1 Purpose and Significance of the Three Parks

The NPS Organic Act of 1916 created the U.S. National Park Service (NPS) as well as the purpose of the national parks: “The fundamental purpose of the parks is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.” The Organic Act of 1916 is described in more detail below in Section 2.2.1. This law applies equally to all units of the system and any additional responsibilities and mandates created by Congress are done so in full light and knowledge of this Act.

Delaware Water Gap National Recreation Area

The purpose of the park is established in DEWAs enabling legislation, which states “...to preserve the scenic, scientific and historic features contributing to public enjoyment of such lands and waters...”

Purpose: The purpose of the park is to allow use in such a manner that enjoyment does not impair the park’s natural and cultural resources.

- **Park Resource Protection:** Preserve the natural, cultural, and scenic resources contributing to public enjoyment of park lands and waters.
- **River Resource Protection:** Protect and enhance the values that caused the river to be included in the national wild and scenic rivers system.
- **Education:** Foster preservation and educational activities that support natural and cultural resource protection.
- **Research and Conservation:** Protect park resources through research and appropriate resource conservation and restoration practices.

Significance: The park is significant due to the exceptional quality of the Delaware River; it is the last free-flowing river on the eastern seaboard, and provides outstanding recreational and scenic opportunities. The quality and quantity of river water remain in good condition and provide a stable ecological environment. The approximately 40 miles of river within the boundaries of the park have been designated the Middle Delaware Scenic and Recreational River. As one of the largest public open spaces remaining in the northeastern metropolitan corridor, the park provides a broad diversity of exceptional, unique, and close-to-home recreational opportunities for the more than 60 million people who live within a 6-hour drive of the park.

Outstanding geologic and natural features form some of the best-known scenic landscapes in the northeastern United States (U.S.) and illustrate the characteristic landforms and biotic areas of the Appalachian Ridge and Valley Province and the Southern Appalachian Plateau Province, including the world famous Delaware Water Gap.

Open spaces, combined with other regional protection and preservation initiatives, create a multi-state greenway corridor, which preserves essential habitat for the sustained health of plant and animal communities, including existing and potentially endangered and threatened species in the region.

This park has the most significant concentration and diversity of known archeological resources, from prehistoric to historic in the northeastern U.S., as well as outstanding examples of Native American and European settlement manifested by the diverse cultural landscapes. (Delaware Water Gap National Recreation Area Strategic Plan, NPS n.d.; Puniello 1991; Kraft 1986)

Middle Delaware Scenic and Recreational River

In 1968, the Delaware River within DEWA was designated as a scenic and recreational river under the Wild and Scenic Rivers Act. The provisions of the act stipulate that as a scenic and recreational river, the Middle Delaware shall be administered in such manner as to protect and enhance the values which caused it to be included in the wild and scenic rivers system without limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protect the area's aesthetic, scenic, historic, archeological, and scientific features.

Appalachian National Scenic Trail

Purpose: The APPA is administered primarily as a footpath in cooperation with the U.S. Forest Service, the Appalachian Trail Conservancy, and the 14 states encompassing the trail, providing for maximum outdoor recreation potential as an extended trail and for the conservation and enjoyment of the nationally significant scenic, historic, natural and cultural resources of the areas through which the trail passes (NPS 2005a).

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

2.2 LEGISLATION, REGULATIONS, AND POLICIES

Various laws, policies, and regulations by the NPS, the federal government, the States of Pennsylvania and New Jersey, and agencies with neighboring land or relevant management authority are described in this section to show the constraints this EIS will need to operate within and the goals and policies that it must meet.

2.2.1 NPS Acts and Policies

NPS Organic Act of 1916

The Organic Act of 1916 (16 United States Code [USC] 1) commits the NPS to making informed decisions that perpetuate the conservation and protection of Park resources unimpaired for the benefit and enjoyment of future generations. In the Organic Act of 1916, Congress directed the U.S. Department of the Interior and the NPS to manage units of the national park system “to conserve the scenery and the natural and historic objects and wildlife therein and to provide for the enjoyment of the same in such a manner and by such a means as will leave them unimpaired for the enjoyment of future generations” (16 USC 1). Congress reiterated and clarified this mandate in the Redwood National Park Expansion Act, as amended, of 1978.

The Organic Act of 1916 and its amendments afford the NPS latitude when making resource decisions about visitor use and resource preservation. Despite this discretion, courts consistently interpret the Organic Act of 1916 and its amendments to elevate resource conservation above visitor use. (One case, *Michigan United Conservation Clubs v. Lujan*, 949 F.2d 202, 206 [6th Cir. 1991], holds that in enacting the Organic Act of 1916 “Congress placed specific emphasis on conservation.” Another case, *The National Rifle Association of America v. Potter*, 628 F. Supp. 903, 909 [D.D.C. 1986] states, “In the Organic Act of 1916 Congress speaks of but a single purpose, namely, conservation.”) By these acts, Congress “empowered [the NPS] with the authority to determine what uses of park resources are proper and what proportion of the park’s resources are available for each use” (*Bicycle Trails Council of Marin v. Babbitt*, 82 F.3d 1445, 1453 [9th Cir. 1996]). The NPS *Management Policies 2006* also recognize that resource conservation takes precedence over visitor use. The policy dictates, “When there is a conflict between conserving resources and values and providing for enjoyment of them, conservation is to be predominant” (NPS 2006, sec. 1.4.3). The Organic Act of 1916 speaks to enjoyment and use but never speaks to recreation.

While some actions and activities cause impacts, the NPS cannot allow an adverse impact that constitutes resource impairment (NPS 2006, sec. 1.4.3; *Southern Utah Wilderness Alliance v. Dabney*, 7 F. Supp 2d 1205 (DC Utah 1998)). The Organic Act of 1916 prohibits actions that permanently impair park resources unless a law directly and specifically allows for the action (16 USC 1a-1). An action constitutes an impairment when its impacts “harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values” (NPS 2006, sec. 1.4.5). To determine impairment, the NPS must evaluate “the particular resources and values that would be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts” (NPS 2006, sec. 1.4.5). The EIS that will be prepared, therefore, must analyze the effects of the alternatives on the parks’ resources and values and determine if these effects would cause impairment.

NPS Management Policies

NPS *Management Policies 2006* require an analysis of potential effects to determine whether actions would impair park resources (NPS 2006). The fundamental purpose of the national park system is to conserve park resources and values for the use and enjoyment of future generations. NPS managers have the discretion to allow impacts on park resources and values **when necessary and appropriate to fulfill the purposes of a park**, as long as the impacts do not constitute impairment of the affected resources and values. That discretion to allow certain impacts within the park is limited by the statutory requirement that the NPS must leave park resources and values unimpaired, unless a particular law directly and specifically provides otherwise. The prohibited impairment is an impact that, in the professional judgment of the responsible manager, would harm the integrity of park resources or values.

An impact would be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is:

- Necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park;
- Key to the natural or cultural integrity of the park; or
- Identified as a goal in the park's general management plan, or other relevant NPS planning documents.

Several sections from the NPS *Management Policies 2006* (NPS 2006) are relevant to processing applications for electric power ROWs at the parks, such as Section 4: Resource Management; Section 5: Cultural Resource Management; Section 8.2.5: Visitor Safety and Emergency Response; and Section 8.6.1.1: Requests for Permits. To be noted: this is not the entire list of relevant NPS *Management Policies* sections that will be followed during the analysis of the application.

Redwood National Park Expansion Act, as amended, 1978

All national park system units are to be managed and protected as parks, whether established as a recreation area, historic site, or any other designation. This act states that the NPS must conduct its actions in a manner that will ensure no “derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress.”

36 CFR Parts 1 to 199 (Parks, Forests and Public Property. July 2008.)

- The regulations in this chapter provide for the proper use, management, government, and protection of persons, property and natural and cultural resources within area under the jurisdiction of the National Park Service.

- These regulations will be utilized to fulfill the statutory purposes of the units of the National Park System: to conserve scenery, natural and historic objects, and wildlife, and to provide for the enjoyment of those resources in a manner that will leave them unimpaired for the enjoyment of future generations.

2.2.2 Other Applicable NPS Guiding Laws, Regulations, and Policies

Director’s Order 12: Conservation Planning, Environmental Impact Analysis, and Decision-making

Director’s Order 12 directs the way that the National Park Service complies with the National Environmental Policy Act (NEPA), including all aspects of environmental analysis, public involvement and resource-based decisions. NPS must follow all sources of NEPA guidance, including but not limited to, 40 CFR 1500-1508 and 516 Department Manual. Director’s Order 12 outlines the responsibilities of the parties accountable for ensuring compliance with NEPA, from the director to project managers and contracting officers.

Director’s Order 28: Cultural Resource Management

NPS Director’s Order 28 (NPS 1998) directs the NPS to protect and manage cultural resources in its custody through effective research, planning, and stewardship in accordance with the policies and principals contained in the original NPS *Management Policies 1998*. The NPS management policies document was last updated in 2006, and all guidelines should be followed according to the most recent version. This Director’s Order is carried out through NPS 28, Cultural Resource Management Guidelines, which provides the fundamental concepts of cultural resource management for the NPS. The cultural resource management guidelines address cultural landscapes stating “preservation practices [should be implemented] to enable long-term preservation of a resource’s historic features, qualities, and materials [of a cultural landscape]” (NPS 1998).

Director’s Order 53: Special Park Uses

Special park uses are those that are considered short-term activities; this includes ROWs. Special park uses are not initiated by the park; do not necessarily benefit the park or the public and are managed by the park, to a degree, in order to protect the park resources and public interest. Special park uses usually terminate within 5 years of issuance; a ROW may be issued for a longer period of time. A special permit, Standard Form 299, is required to apply for a ROW. A ROW may be issued by the park if no other alternative is feasible and if the action is approved by Congress. Authority for a utility ROW through parks is found in 16 USC 79 for electric power, telephone and telegraph lines, and water conduits. NPS general regulations regarding ROW permits are located at 36 CFR Part 14. The regulations for NEPA Section 102 and NHPA compliance are located at 40 CFR Part 1500 and 36 CFR Part 60, 63 and 800.

Director's Order 77: Natural Resources Management Guideline (1991)

The *Natural Resources Management Guideline* (1991) provides guidance on implementing laws and regulations relevant to natural resources to park managers for all planned and ongoing natural resource management activities. Managers must follow all federal laws, regulations, and policies. This document provides the guidance for park management to design, implement, and evaluate a comprehensive natural resource management program in accordance with relevant laws.

Director's Order 87D: Non-Park Roads

Director's Order 87D outlines the policies of NPS for responding to requests for use of park land non-park roads. These roads are those that are partially or fully funded under Title 23 of the United States Code. Request for lands for road or highway purposes are subject to compliance with 23 USC 138, Section 4(f), which works to preserve the natural landscapes of countrysides and national parks.

The Integrated Pest Management Program

Integrated Pest Management (IPM) is a decision-making process that coordinates knowledge of pest biology, the environment, and available technology. Current NPS policy requires that each park develop and implement an IPM Program (NPS 2006). All uses of pesticide on lands owned or managed by NPS are required to comply with this policy. All proposed chemical pesticides must first be reviewed and approved by the Park IPM coordinator. The calendar year prior to use, information must be submitted on chemical pesticides anticipated for use; information may be submitted the year of actual use if previously unanticipated pest issues arise. A Pesticide Request Form (or comparable document) should be submitted to the park for approval. The park IPM coordinator is required to obtain approval from the regional IPM coordinator through the NPS Pesticide Use Proposal System prior to pesticide use.

2.2.3 Other Federal Laws, Executive Orders, and Regulations

The NPS is also required to comply with the following laws, Executive Orders, regulations, and policies in developing this EIS.

National Environmental Policy Act of 1969, as Amended

NEPA section 102(2)(c) requires that an environmental impact statement be prepared for proposed major federal actions that may significantly affect the quality of the human environment.

National Parks Omnibus Management Act of 1998

Landmark legislation giving a research mandate to the National Park System was included as part of the National Parks Omnibus Management Act (NPOMA) of 1998(16 USC 5901 et seq.).

NPOMA underscores NEPA in that both are fundamental to NPS park management decisions. Both acts provide direction for articulating and connecting the ultimate resource management decision to the analysis of impacts, using appropriate technical and scientific information. Both also recognize that such data may not be readily available and provide options for resource impact analysis in this case. Title II of NPOMA, “National Park System Resource Inventory and Management,” is the section mandating research in the System and the use of that research to support resource management decisions. NPOMA directs the NPS to obtain scientific and technical information for analysis. The NPS handbook for Director’s Order 12 states that if “such information cannot be obtained due to excessive cost or technical impossibility, the proposed alternative for decision will be modified to eliminate the action causing the unknown or uncertain impact or other alternatives will be selected” (*Management Policies 2001*, section 4.4).

Title 36, Code of Federal Regulations

Title 36 provides the regulations “for the proper use, management, government, and protection of persons, property, and natural and cultural resources within areas under the jurisdiction of the National Park Service” (36 CFR 1.1(a)).

Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as Amended

The Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended, requires an examination of all federally listed threatened or endangered species. NPS policy also requires examination of the impacts on federal candidate species, as well as state-listed threatened, endangered candidate, rare, declining, and sensitive species. Section 7 of the Endangered Species Act requires Federal agencies, through consultation with U.S. Fish & Wildlife Service, to insure that any action authorized, funded or carried out by them is not likely to jeopardize the continued existence of listed species or modify their critical habitat.

The Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c), enacted in 1940, and amended several times since then, prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" bald eagles, including their parts, nests, or eggs. The Act provides criminal penalties for persons who "take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof." The Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb."

For purposes of these guidelines, "disturb" means: “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagle's return, such alterations agitate or bother an eagle to a degree that interferes with or interrupts normal breeding, feeding, or sheltering habits, and causes injury, death or nest abandonment.

Migratory Bird Treaty Act of 1819

The Migratory Bird Treaty Act of 1819 implements various treaties and conventions between the U.S. and Canada, Japan, Mexico, and the former Soviet Union for the protection of migratory birds. Under this act it is prohibited, unless permitted by regulations, to “pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention...for the protection of migratory birds...or any part, nest, or egg of any such bird” (16 USC 703). Subject to limitations in this act, the Secretary of the Interior may adopt regulations determining the extent to which, if at all, hunting, taking, capturing, killing, possessing, selling, purchasing, shipping, transporting, or exporting of any migratory bird, part, nest, or egg will be allowed, having regard for temperature zones, distribution, abundance, economic value, breeding habits, and migratory flight patterns.

Clean Air Act of 1970, as Amended

The Clean Air Act was enacted to regulate and reduce air pollution from area, stationary and mobile sources and to protect the nation’s air resources and public health. Under the Clean Air Act, the U.S. Environmental Protection Agency must provide health-based air quality standards against a variety of pollutants, such as ozone, carbon monoxide, particulate matter, lead, nitrogen oxides and sulfur dioxides. National parks are designated as Class I air quality areas, meaning that they are allowed the small incremental pollution increases above baseline concentrations.

Clean Water Act (Section 404). 33 U.S.C. §1251 et seq. (1972)

Section 404 of the Clean Water Act (CWA) established a program to regulate the discharge of dredged and fill material into waters of the United States, including wetlands. Activities regulated under this program include fills for development, water resource projects (e.g., dams and levees), infrastructure development (e.g., highways and airports), and conversion of wetlands to uplands for farming and forestry.

CWA is administered by EPA and delegated to the Corps of Engineers in PA and NJDEP in NJ. State laws would include laws protecting water and wetlands.

National Historic Preservation Act of 1966, as Amended

Section 106 of this act requires federal agencies to consider the effects of their undertakings on properties listed or potentially eligible for listing on the National Register of Historic Places (NRHP). All actions affecting the park's cultural resources must comply with this law, which is implemented through 36 CFR 800.

Historic Sites, Buildings, and Antiquities Act, 1935

The Historic Sites, Buildings, and Antiquities Act established “national policy to preserve for public use historic sites, buildings and objects of national significance.” It gives the Secretary of the Interior broad powers to protect these properties, including the authority to establish and acquire nationally significant historic sites.

Archeological Resources Protection Act, 1979

The Archeological Resources Protection Act (ARPA) was enacted in order to preserve the archeological resources that are key to the history of America. Archeological resources must be protected because: they are accessible on public lands; they are commercially valuable; and existing Federal laws do not adequately protect them. The ARPA describes the requirements that must be met before Federal authorities can issue a permit to excavate or remove any archeological resource on Federal or Indian lands; the curation requirements of artifacts, other materials excavated or removed, and the records related to the artifacts and materials; and authorizes the Secretary of the Interior to issue regulations describing in more detail the requirements regarding these collections.

Federal Noxious Weed Act, 1975

The Federal Noxious Weed Act (7 USC 2801–2814, January 3, 1975, as amended 1988 and 1994) provides for the control and management of non-indigenous weeds that injure, or have the potential to injure, the interests of agriculture and commerce, wildlife resources, or the public health.

Energy Policy Act of 2005

The Energy Policy of 2005 requires the DOE to designate National Interest Electric Transmission Corridors in areas where electrical transmission limitations adversely affect U.S. citizens. Under the provisions of the Energy Policy Act of 2005, the DOE may become the lead agency for purposes of coordinating all necessary federal permits and conducting a single federal environmental analysis under NEPA (See 16 USC § 824p). Pursuant to this act, the DOE entered into a Memorandum of Understanding (MOU) with the Department of the Interior and other agencies concerning such coordination. This was the MOU on Early Coordination of Federal Authorizations and Related Environmental Reviews in Order to Site Electric Transmission Facilities (August 8, 2006). In this memorandum, the agencies agreed to the

following: (1) within a week of receiving a proposal which the agency believes will require a federal authorization, each agency will assess its role and contact DOE and other affected agencies; (2) adhere to DOE deadlines; (3) provide information to applicants and each other; and (4) generally cooperate, coordinate, and communicate with one another. The NPS consulted with the DOE and complied with all the mandated procedures of the Energy Policy Act of 2005. The DOE has not promulgated regulations relevant to these agreements and authorities to date.

Authority for Authorizing Construction Permit

The Supreme Court has repeatedly held the power of Congress over public lands under the Property Clause of the Constitution is “without limitations” (U.S. Const., Art IV, § 3, cl.2; See, e.g. *Kleppe v. New Mexico*, 426 U.S. 529, 539 [1976]). That power over lands owned by the federal government is expressed, with respect to the national park system, in the NPS Organic Act of 1916, which grants to the Secretary of the Interior the power to make such rules and regulations for the use and management of the national park system as he may deem necessary and proper for its use and management (16 USC § 2). Pursuant to that delegated authority, the regulations of the NPS are made generally applicable on lands within the national park system in which the United States owns a partial interest or a fee interest subject to an easement (36 CFR § 1.2). Construction within the national park system is generally forbidden without a permit (See 36 CFR §§ 5.7, 1.6).

Executive Order 11593, Protection and Enhancement of the Cultural Environment

This executive order directs the NPS to support the preservation of cultural properties and to identify and nominate to the NRHP cultural properties within the park and to “exercise caution to assure that any NPS-owned property that might qualify for nomination is not inadvertently transferred, sold, demolished or substantially altered.”

Executive Order 11988, Floodplain Management

This executive order directs federal agencies to avoid, to the extent possible, long- and short-term impacts associated with occupying and modifying floodplains through development, where a practicable alternative exists. NPS complies with this executive order through the guidance outlined in Director’s Order 77.

Executive Order 11990, Protection of Wetlands

Executive Order 11990 directs federal agencies to avoid, to the extent possible, the long- and short-term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative. NPS complies with this executive order through the guidance outlined in Director’s Order 77.

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

The NPS must address, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities, including planning projects, on minority populations and low-income populations.

Executive Order 13112, Invasive Species

This executive order requires the NPS to prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause.

Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds

Executive Order 13186 was established on the premise that migratory birds contribute to biological diversity, bring enjoyment to millions of Americans, and are of great ecological and economic value to this country and to other countries. Under this order, federal agencies taking actions that have, or are likely to have, a measurable negative effect on the migratory bird population are directed to develop and implement an MOU with the U.S. Fish and Wildlife Service that promotes the conservation of migratory bird populations. This executive order also requires that the environmental analysis of federal actions required by NPS or other established environmental review processes evaluate the effects of the action and agency plans on migratory birds, with an emphasis on species of concern.

Executive Order 13424, Further Amendment to Executive Order 13285, Relating to the President's Council on Service and Civic Participation

Executive Order (EO) 13424 is an amendment of EO 13285, which established the President's Council on Service and Civic Participation. This council was created to encourage volunteer service, especially among the youth of America. The council's responsibility is to create and promote volunteer programs. EO 13424 extended the expiration date of the EO to November 30, 2008.

Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance

The focus of EO 13514 is to require Federal agencies to take steps to increase energy efficiency; reduce greenhouse gas emissions; conserve and protect water resources; eliminate waste, recycle and prevent pollution; and support sustainable products, buildings and technologies. Under this EO, Federal agencies are responsible for assessing and reporting greenhouse gas emissions and must present goals for reduction of greenhouse gas emissions by 2010. Federal government agencies are also required to increase water efficiency by 26 percent by 2020 and increase recycling and waste reduction by 50 percent by 2015.

2.2.4 State and Local Laws, Plans, Regulations, and Policies

Pennsylvania State Environmental Laws

Wild Resources Conservation Act, PA Act 170, 1982

Created to protect Pennsylvania's plants and animals including endangered or threatened species.

Pocono Forests and Waters Conservation Landscape Initiative

The Pocono Forests and Waters Conservation Landscape Initiative (CLI) will conserve the natural environment and enhance the quality of life by sustaining vital natural resources.

Overall Goals of the Pocono Forest and Waters CLI are to:

- Identify and conserve important landscape areas for acquisition and easements to increase the public and private land base under conservation.
- Facilitate local government decision making to conserve land and revitalize communities.
- Engage the business sector to leverage financial resources and political will to enhance and conserve natural and recreational resources.
- Improve community awareness of and engagement in conservation and restoration of local natural resources.
- Increase cooperation among various state and local governmental agencies and private entities with an interest in conserving natural resources and sustainable development.

Pennsylvania Code 58 Pa. Code Chapter 75

Protects any species that are listed on the Pennsylvania Threatened Species List and the Pennsylvania Endangered Species List. Section 75.1 of Pa Code states that "...The catching, taking, killing, possessing, importing to or exporting from this Commonwealth, selling, offering for sale or purchasing of any individual of these species, alive or dead, or any part thereof, without a special permit from the Executive Director is prohibited."

Pennsylvania Public Utility Commission

The Pennsylvania Public Utility Commission (PUC) was created by the Pennsylvania Legislative Act of March 31, 1937 (and the Public Utility Law of May 28, 1937). The Pennsylvania PUC balances the needs of consumers and utilities to ensure safe and reliable utility service at reasonable rates; protect the public interest; educate consumers to make independent and informed utility choices; further economic development; and foster new technologies and competitive markets in an environmentally sound manner (PUC website 2008).

New Jersey State Environmental Laws

New Jersey Endangered Plant Species List Act, (N.J.S.A. 13), 1989

The Endangered Species List Act was enacted to direct the New Jersey Division of Parks and Forestry to create the State's first official list of plant species endangered in New Jersey. Under this Act, endangered plants were defined as native species whose survival in the State or nation is in jeopardy, including plant species listed, proposed or under review by the federal government as endangered or threatened in the U.S., any species known or believed to be rare throughout its worldwide range, and any species having five or fewer extant populations with the State. The DEP, through its Natural Heritage Database, is responsible for monitoring the status of many additional plant species that are not included on the official Endangered Plant Species List. The list of Plant Species of Concern includes those listed as endangered by whose status are monitored by the National Heritage Database. By combining the lists of Endangered Plant Species and Plant Species of Concern, this present list includes all plant species that are considered to be of conservation concern in New Jersey.

New Jersey Board of Public Utilities

The New Jersey Board of Public Utilities (NJBPUB) is a regulatory authority with a statutory mandate to ensure safe, adequate, and proper utility services at reasonable rates for customers in New Jersey. Accordingly, the NJBPUB regulates critical services such as natural gas, electricity, water and telecommunications and cable television. The NJBPUB addresses issues of consumer protection, energy reform, deregulation of energy and telecommunications services and the restructuring of utility rates to encourage energy conservation and competitive pricing in the industry. The NJBPUB also has responsibility for monitoring utility service and responding to consumer complaints (NJBPUB 2008).

Delaware River Basin Commission

Delaware River Basin Water Code, 18 CFR Part 410, September 2008

This water code outlines policies of the General Delaware River Basin Commission, and sets guidelines for the conservation, development and utilization of the Delaware River Basin water resources. The code also sets water quality standards and pollutant minimization plans for toxic pollutants.

2.3 RELATIONSHIP TO OTHER PLANS, POLICIES AND ACTIONS

2.3.1 Regional Plans

Regional Transmission Expansion Plan

PJM Interconnection is a regional transmission organization that coordinates the movement of wholesale electricity in all or parts of 13 states and the District of Columbia. In its Regional

Transmission Expansion Plan, PJM identified transmission system additions and improvements needed to maintain a reliable electric grid in its service area. Studies are carried out based on mandatory national standards and PJM regional standards to provide accurate statistics on weaknesses in the electric grid or where improvements are needed. These studies model electric load, voltage limitations, and reliability issues 15 years into the future (PJM 2008).

2.3.2 The Parks Plans, Policies, and Actions

Delaware Water Gap National Recreation Area, General Management Plan, 1987

The General Management Plan guides the overall management and use of the area's resources and helps to ensure the perpetuation of the area's natural and cultural resources and the scenic setting for present and future public enjoyment. The plan also provides the foundation for subsequent detailed implementation plans, programs, and operations. The General Management Plan outlines the following strategies:

- Public outdoor recreation benefits;
- Preservation of scenic, scientific, and historic features contributing to public enjoyment; and,
- Such utilization of natural resources as in the judgment of the Secretary of the Interior is consistent with, and does not significantly impair, public recreation and protection of scenic, scientific, and historic features contributing to public enjoyment.

Delaware Water Gap National Recreation Area, Research and Resource Planning Strategic Plan, 2006-2010

The DEWA strategic plan outlines primary work elements currently undertaken by the Division of Research and Resource Planning (R&RP) at DEWA and the role and function of R&RP for projects to be worked on for the duration of the plan, from 2006 to 2010. The plan identifies goals, objectives and work targets that support overall park management and operations. The R&RP staff collectively synthesized existing management documents to form a logical basis for developing this strategic plan in order to re-focus staff time and energy. This plan does not supersede or take the place of any other "required" document for the management of the park's resources.

Delaware Water Gap Landscape Scale Connectivity Proposal, 2009

In many areas of the country there are NPS administered lands that are geographically and ecologically related to nearby lands owned or administered by other federal, state, county, municipal, or non-profit organizations. While these various units may have different missions, jurisdictions, ownership patterns and uses, their overall contiguous nature creates a much greater ecological whole than the sum of their individual parts. This biological principle is well understood and accepted in the scientific community. A few of the overarching goals in this

effort are to identify and design resiliency networks and corridors through collaborative efforts that enhance ecological integrity and biodiversity, to increase native species capacity to recover and retain native biodiversity, and to determine how to define success (NPS 2009).

Delaware Water Gap National Recreation Area Land Protection Plan (LPP) of 1984, and its 1992 revision

The Delaware Water Gap National Recreation Area Land Protection Plan details the minimum actions needed to assure resource protection and provide essential public access to and use of federal lands with the NRA, and determined priorities for those actions.

Delaware Water Gap National Recreation Area Resource Management Plan, 1997

The DEWA Resource Management Plan (RMP) documents the parks natural and cultural resources, provides direction and continuity, and establishes priorities for the protection and preservation of these resources. It defines resource management issues and describes current management, research, and monitoring actions as well as issues or problems that require future action or research to protect park resources, to implement recommendations, or to restore damaged resources. In some cases, this plan recognizes the need for preparation of action plans that deal with specific resource management issues.

Delaware Water Gap National Recreation Area Business Plan of 2003

The Delaware Water Gap National Recreation Area Business Plan is a tool for the park to communicate its financial status with principal stakeholders. The Business Plan provides information on the business of the park unit and the funding necessary to operate the park unit within appropriate standards.

Comprehensive Plan for the Protection, Management, Development and Use of the Appalachian National Scenic Trail: 1981, Abridged Version Published in 1987

The Comprehensive Plan describes the unique management approach to maintaining the scenic and recreational aspects of APPA. One of the main goals of this plan is to provide Congress with the information it needs to adhere to its oversight responsibility for the Appalachian Trail (AT). Further, the plan organizes policy directions and guidelines in relation to the administration of the Appalachian Trail regarding private, state, and federal organizations that manage the operation of the Trail (NPS 1987). The management approach set forth in the Comprehensive Plan establishes nine main management philosophies:

- 1) The NPS, state, local, and private organizations will form a cooperative management system with the goal of maintaining and preserving the Appalachian Trail.

- 2) The Appalachian Trail will be managed in such a way as to “...lie lightly on the land” (NPS 1987) to maintain the Trail as a simple footpath, preserving the natural environment.
- 3) Diversity in the character and use of the Trail should be maintained.
- 4) Trail design, maintenance, and construction are to follow guidelines in the Appalachian Trail Conference manual.
- 5) Hikers along the Trail are responsible for their own safety and comfort; they shall be unaided in their efforts to hike the Trail.
- 6) All management organizations are to have an unregimented atmosphere and encourage self-reliance to Trail users, with guidance coming only from guidebooks and maps distributed off the Trail and from signs located on the Trail.
- 7) Management activities and law enforcement would be put in place by local, state, and federal governments to discourage any activities that would degrade the Trail’s natural or cultural resources or social values.
- 8) The use of any motorized vehicles on the Trail is strictly prohibited from the footpath, unless in an emergency situation.
- 9) The Trail will remain a free and open natural resource to all who choose to enjoy it.

The Comprehensive Plan does not specifically describe how projects should be carried out or prioritized and is not intended to be a substitute for more detailed plans, nor does it dictate precisely what other plans must cover. Rather, it is the one document that bridges management and protection topics related to the Appalachian Trail.

Appalachian National Scenic Trail: Resource Management Plan

The Park Resource Management Plan (RMP) documents APPA’s natural and cultural resources and describes and set priorities for management, monitoring, and research programs aimed to ensure the best use for those resources. This plan provides a 10-year guide to resource management activities conducted by the NPS-Appalachian Trail Park office (ATPO) and the Appalachian Trail Conservancy (ATC), as well as other organizations who wish to participate. Further, the plan addresses ways to establish priorities for project funding and the need for preparation of future actions regarding specific resource management issues (NPS 2008). Management objectives are consistent with the Appalachian Trail Comprehensive Plan, the Appalachian Trail Statement of Significance, and the Appalachian Trail Strategic Plan. The plan also presents the current status of resources, including:

- geology and soils
- biological resources
- air resources

- water resources
- cultural resources

The plan describes current resource management capabilities, issues, threats, and program needs for Trail-wide resource management programs and site-specific resource management needs and issues of land administered by the NPS-ATPO (NPS 2008).

Appalachian Trail Park Office Strategic Plan

Developed by the NPS-ATPO, this plan focuses on the four NPS Service Goal Categories:

1. Preserve park resources;
2. Provide for the public enjoyment and visitor experience of parks;
3. Strengthen and preserve natural and cultural resources and enhance recreational opportunities managed by partners; and,
4. Ensure organizational effectiveness.

The NPS-ATPO's mission and long-term goals focus on the Cooperative Management System Partner Satisfaction. This goal tracks the overall satisfaction of the local, state, federal, and private organizations that support the NPS-ATPO in managing the Appalachian Trail. NPS continues to collect information related to partners' satisfaction of the Cooperative Management System.

Appalachian Trail Conservancy: 2009 Local Management Planning Guide, Chapter 4(f) Roads and Utilities

In 1983, the Forest Roads Task Force convened and produced a one-page statement—the first ATC policy on roads. In November 1988, the ATC Board of Managers adopted a policy statement on utilities and communications facilities. That policy was first amended in 1992 to address utility-line maintenance practices, amended again in April 1994 to include criteria for proposed utility-line crossings of the Appalachian Trail, and a third time in April 1996 to address the more specific impacts of communications sites, airport beacons, wind-generation towers, and other mountaintop facilities. In 2000, the Board adopted a policy on roads and utility developments that replaces both previous policies, but retains many of the previous provisions.

It is the policy of ATC to oppose construction of any such facilities on Appalachian Trail corridor lands or those facilities on adjacent lands that could have an adverse impact on the viewshed of the Trail, unless they meet all of the following criteria:

- The proposed development represents the only prudent and feasible alternative to meet an overriding public need, as demonstrated in a thorough and detailed analysis of alternatives;

- Any new impacts associated with the proposed development shall coincide with existing major impacts to the Trail experience;
- Any proposed development of linear facilities shall be limited to a single crossing of the Appalachian Trail corridor;
- Any adverse impacts of a proposed development shall be sufficiently mitigated so as to result in no net loss of recreational values or the quality of the recreation experience provided by the Appalachian Trail. To the extent practicable, mitigation shall occur onsite; and
- The proposed development shall avoid, at a minimum: (a) wilderness or wilderness study areas; (b) NPS natural areas; (c) U.S. Forest Service semi-primitive non-motorized or designated backcountry areas; (d) natural heritage sites; (e) cultural resource sites; (f) Trail-related facilities such as shelters and campsites; and (g) alpine zones, balds, and wetlands.

After construction, all impacted areas would be restored to the extent feasible. Restoration measures could include installation of permanent erosion control and planting of native vegetation.

Fire Management Plan for the Appalachian National Scenic Trail

The plan is guided by Director's Order 18 which requires that all park units with vegetation capable of sustaining fire develop a Fire Management Plan. Appalachian National Scenic Trail Office management will work with partner agencies to aggressively suppress all wildland fires, taking into account the safety of firefighting personnel, the visiting public, and protection of all resources at risk on the unit (NPS 2005b).

The Appalachian Trail Fire Management Plan covers only those portions of the Trail corridor that are managed by the NPS-ATPO. These lands total approximately 80,000 acres, and are frequently interspersed with lands administered by other agencies (NPS 2005b).

3.0 ISSUES AND IMPACT TOPICS

The issues and potential impacts to natural, scenic, cultural, and socioeconomic resources associated with the S-R Line upgrade are discussed in the following sections. The rationale for determining the anticipated impact will be presented in the EIS for the project. Decisions regarding the anticipated impact are subject to change as the planning process continues.

3.1 PHYSICAL RESOURCES

Geologic Resources (Soils, bedrock)

There is a potential for impacts to geology and soils from anticipated construction activities. The foundations for the new towers may go below grade 6 feet or more. Blasting activities and tower foundations would impact geological resources, especially the Arnott Fen Area. Soil borings are required for verification of substrate type, and may extend up to 20 feet below soil surface.

Geohazards

More information is needed to determine if construction activities could cause geohazards (rock slides, fracturing, etc). Rockslides are possible due to construction blasting activities.

Air Quality

Construction and maintenance activities would impact air quality.

Viewsheds

The new transmission lines and associated roadways would affect the visual viewshed. Viewshed impacts would be permanent. A separate viewshed analysis should be done for scenic and visual impacts. A comprehensive list of the viewsheds at DEWA does not exist at this time. However, the APPA is considered a scenic viewshed. The baseline conditions are represented by the current viewshed, which has not yet been evaluated.

Soundscapes

Short-term noise impacts are expected from construction activities and possibly from maintenance activities. A corona affect from the proposed new lines (audible noise) may increase in the long-term.

Climate Change/Greenhouse Gases

How the project contributes to the production of greenhouse gases and climate change, as well as how climate change would impact the project and park resources must be addressed in the EIS.

3.2 NATURAL RESOURCES

Water Quality

Construction activities including ROW and access road clearing has the potential to adversely affect water quality.

Aquatic Systems (Streams and Rivers)

There are potential long-term impacts to streams/rivers and their functionality from the proposed project. Opening up canopies would affect streams, especially their water temperature. Pockets of limestone that create unique habitat may be disturbed. Some streams within the project area are prime habitat for trout.

Streamflow Characteristics

Short and long-term effects to streamflows may occur due to temporary and permanent access roads (i.e., crossing streams, discharges to streams).

Wetlands

There are potential long-term impacts to wetlands, including Arnott Fen, and their functionality from the proposed project. Wetland delineations and assessment of functions and values for wetlands will be needed. An NPS Wetlands Statement of Findings may be required.

Floodplains

There are potential long-term impacts to floodplains and their functionality from the proposed project. Impacts to floodplains and the riparian buffers along the Delaware River and the Van Campens Brook may occur. An NPS Floodplain Statement of Findings may be required.

Vegetation

Impacts to vegetation within the ROW and proposed access roads are expected.

Landscape Connectivity

The proposed project would cause land use/habitat fragmentation. Fragmentation would be caused by increasing the width of the ROW, clearing heavily forested areas within the ROW and clearing along proposed access roads. Existing land use and habitat should be protected such that fragmentation would be avoided or minimized.

Invasive Species

The clearing of the ROW and access roads could introduce invasive species into those cleared areas. Additionally, invasive species could spread to non-cleared areas throughout the park.

Rare or Unusual Vegetation

Impacts to one or more rare plant communities directly and indirectly (by introduction of non-native weeds) is possible. Kittatinny Talus slope which is located just below the AT is within the Kittatinny Mountains, a NJ Priority Natural Heritage Site.

Unique Ecosystems and Rare Communities

The proposed project could have impacts to Hogback Ridge which is a unique ecosystem. The hemlock forest is a Natural Heritage Site and DEWA Outstanding Natural Feature that supports rare species. Night closure of roads in the springtime occurs at the park for amphibian migration, which may impact maintenance operations for the Applicants.

Wildlife

Direct and indirect impacts to wildlife and their habitats within and adjacent to the ROW and proposed access roads are expected.

Unique or Important Wildlife or Wildlife Habitat

The proposed project could affect unique wildlife or their habitats.

Migratory Birds

Construction and presence of the power lines may affect migratory bird species. Bringing in large construction equipment would require road widening and clearing of trees along the roads, which would result in removal and alteration of wildlife habitat. The installation of taller towers with transmission lines above the current tree height could adversely affect migratory birds.

Kittatinny Talus slope which is located just below the AT is within the Kittatinny Mountains, a NJ Priority Natural Heritage Site. Individuals and organizations have petitioned the Secretary of the Interior to designate this area as the Kittatinny-Shawangunk National Raptor Migration Corridor.

Unique or Important Fish or Fish Habitat

The proposed project may impact the Van Campens Brook and its tributaries which are important fish habitat (wild native trout reproduction, etc).

Species of Special Concern

Federal Listed Species

Federal listed species could be impacted by construction, maintenance and use. There is a potential for eagles and other raptors within the project area and there is a known roosting site within DEWA on the Delaware River. No federally listed plant species occur within the project area.

State Listed Species

State listed species could also be impacted by construction, maintenance and use.

3.3 CULTURAL RESOURCES

Pennsylvania has deemed the entire APPA eligible for nomination on the National Register of Historic Places (NRHP). Currently sections of the trail elsewhere are listed on the register.

Archeological Resources

Site surveys are currently on-going by the Applicants for archeological resources around existing and proposed tower structure locations, access roads, crane pad and "harvest impact areas". The river terraces are prime locations for archeology sites. Impacts to archeological resources can be mitigated.

Prehistoric and Historic Structures

River terraces that are located within DEWA are prime locations for prehistoric archeology sites. These areas have the potential to be impacted by the proposed project. Surveys have identified historic structures in Pennsylvania and New Jersey and at DEWA. However, there should be no direct impacts to historic structures from the proposed project.

Cultural Landscapes

Construction activities, and the transmission lines and access roads could affect cultural landscapes. Any cultural landscapes that have been identified should be evaluated. Impacts to cultural landscapes would be permanent. Cultural landscapes studies will likely be necessary for several locations including the Van Campens Glen, Appalachian Trail, Old Mine Road Historic District, Watergate, Delaware View, and Community Drive. The entire park, the river, and the Appalachian Trail are actually cultural landscapes themselves.

Ethnographic Resources

Certain contemporary American Indian and other communities are permitted by law, regulation, or policy to pursue customary religious, subsistence, and other cultural uses of park resources with which they are traditionally associated. An ethnographic evaluation should be completed to determine if any ethnographic resources exist at the parks. Consultation with the THPOs will be needed for this resource. At this time the potential for impacts to this resource cannot be determined.

Museum Collections

An extensive Administrative Record (hardcopy and digital) will need to be catalogued and archived in the parks for any archeological resources discovered. These resources will need to

be archived permanently. The proposed project would require the expansion of park archival and museum collection operation to permanently maintain them.

Other Agency or Tribal Land Use Plans or Policies

Tribal land use plans or policies related to the project area are currently unknown.

3.4 SOCIOECONOMICS

Park Economic Impact on Human Environment

The proposed project could result in changes in the way the park, park resources, and park concessionaires' resources are used, resulting in economic impacts. The expanded ROW and new transmission lines would impact visitor experience, which could cause changes to visitation and/or use of park resources, resulting in potential economic impacts.

Employment, Occupation, and Income Changes

The proposed project would result in short term employment for the local community and businesses during construction activities. Tourism and businesses may also be impacted.

The expanded transmission lines would affect the visitors' experience which could result in visitors choosing to go somewhere else instead of DEWA or APPA. This could have adverse economic impacts on the local community.

Infrastructure, Access and Circulation

Transporting construction equipment and towers would impact public roadways, including traffic and surrounding communities. Impacts would result from widening the one-lane road that leads to Worthington State Forest. Construction equipment would occupy more than one lane and large equipment turn radius would need to be addressed.

Minority and Low Income Populations

More information is needed to determine if the proposed project has the potential to impact minority and low income populations.

Real Estate Values

The proposed project has the potential to impact real estate values for properties along, adjacent to and near the proposed transmission lines.

3.5 VISITOR EXPERIENCE

It is too early in the process to set geographic boundaries for visitor experience. However, for the APPA visitor experience may include 20 miles north and south of the ROW – this is what a thru-hiker may hike in a day.

Construction activities such as tree clearing and blasting may be an impact to visitor experience. In addition, bringing in large construction equipment and the towers via park roads and public roads would affect the visitor experience. Long term impacts to visitor experience may also occur. The visibility of the new towers above the existing tree-line may have an effect on visitors in the long term. Qualities of the existing visitor experience, including key elements such as primitiveness and solitude may be impacted. Some hikers on the APPA consider hiking the trail a lifetime experience. Protecting scenic resource values are specified in DEWAs enabling legislation and the APPA legislation provides for a primitive experience along the trail. Closures to roads, river, and trails are likely for safety and transport needs. Lost use to the public from closures both temporary and permanent could result from this project.

Viewshed Appreciation

The new transmission lines and associated roadways could adversely affect the visitors' appreciation of the visual viewshed. These impacts would be permanent. A separate viewshed analysis should be done for scenic and visual impacts for visitor experience.

Recreation Resources

Construction activities from the proposed project would cause short term impacts to recreational resources at the parks. A temporary AT reroute would be necessary during construction to maintain access and use of the trail. For safety purposes, the use of the river by visitors would potentially be restricted during installation of the power lines. Overall negative impacts to visitors using the trails, river, picnic areas, bird-watching, camping, and hunting would be expected. A visitor use monitoring survey may be needed to assess impacts.

Aesthetic Resources

Construction impacts are expected to be a major impact to the aesthetics resources of the parks. Construction activities including tree clearing and blasting would affect the aesthetics of the park. Construction traffic on park and public roads would affect aesthetics. Long term impacts to aesthetic resources are also expected due to the visual impact of the new larger towers and cleared ROW and access roads.

3.6 ENERGY RESOURCES, CONSERVATION POTENTIAL, AND SUSTAINABILITY

The implementation of the proposed project would not be expected to impact energy resources in the parks. The proposed project is not expected to offer the potential for conservation or sustainability within the parks.

3.7 URBAN QUALITY AND GATEWAY COMMUNITIES

The proposed project is expected to have an effect on urban quality; however, it is likely that the proposed project would impact some gateway communities.

3.8 LONG-TERM MANAGEMENT OF RESOURCES OR LAND/RESOURCE PRODUCTIVITY

Impact to long-term management of the parks resources is expected from the proposed project. Impacts to natural resources and potential mitigation (control of invasive species, soil & erosion control along access roads, fragmentation of habitat) would become a long-term management action necessary by the parks. Also, the reliance of this transmission line by the power companies as a critical corridor would impact the way this area is accessed and maintained in the future. A variety of ramifications are generally associated with power lines, such as illegal All Terrain Vehicles (ATV) use.

3.9 OTHER IMPORTANT ENVIRONMENTAL RESOURCES (GEOTHERMAL, PALEONTOLOGICAL)

No impacts to geothermal resources are expected from the proposed project. However, blasting activities and the placement of the new tower foundations could impact paleontological resources such as fossils.

3.10 PARK OPERATIONS

Construction and operation of the proposed project is likely to negatively affect park operations such as law enforcement and resource management (monitoring and research). The project would require park staff to monitor and oversee continued and more frequent maintenance activities associated with the newly cleared areas. More time would be required of park staff to handle additional long-term resource management responsibilities (control of invasive species, soil and erosion control along access roads, fragmentation of habitat), utility coordination, and law enforcement and maintenance. Museum collections would increase park staff operations. Impacts to operations and maintenance would result from widening the one way road to the state park.

Inappropriate Use

Inappropriate use could become an issue. Opening and clearing of new access areas would likely introduce new areas for unauthorized ATV use and other unforeseen uses which would result in adverse impacts to park operations and sensitive natural and cultural resources.

Volunteers

Volunteers contribute a large effort to the APPA. They monitor vegetation, create ATV barriers, and address trail erosion problems. The project would affect their level of effort. The proposed project has the potential to increase volunteer activities and monitoring during construction and after construction instead of focusing on trail maintenance.

3.11 HEALTH AND SAFETY

The local roads and park roads are narrow and subject to constant maintenance issues. Large, heavy equipment use would be a potential problem. Transporting large construction equipment as well as the new towers on park roads and public roads is a safety concern. Construction equipment would occupy more than one lane, radius turns are a concern, and road closures are very likely to be extensive during construction.

Use of the river would be shut down as necessary during installation of the power lines for visitor safety.

3.12 ISSUES ELIMINATED FROM FURTHER CONSIDERATION

No impact topics or issues were eliminated from further consideration at this time.

4.0 PRELIMINARY ALTERNATIVES

The purpose and need of the Federal action is to determine if the permits and new ROW is justified for the proposed transmission system.

For an alternative to be considered for in-depth analysis in the NEPA process, it must meet project objectives to a large degree. The alternatives must also be developed with environmental resources (rather than cost, e.g.) as the primary determinant. The Council on Environmental Quality (CEQ) has defined reasonable alternatives as those that are economically and technically feasible, and that show evidence of common sense (NPS 2001).

The internal scoping team addressed alternatives including transmission lines to be located outside of the parks, underground lines, reconfigured lines, and have agreed that more information would need to be compiled after review of the alternatives analysis submitted by the Applicants. However, at this time the following alternatives are to be considered:

No-Action Alternative

The Record of Decision would determine that no permits would be issued. The No-Action Alternative would involve keeping the existing power lines running from Susquehanna to Roseland.

Specifically:

- No additional ROW granted to Applicants
- No additional lines or increased voltage are added
- No new construction activity takes place therefore; there would not be any construction activities or tree/vegetation removal only maintenance of existing line
- The existing towers would remain in place
- Limited number of access sites to be determined
- ROW remains a non-critical element of the electrical transmission grid

Action Alternatives

- Alternative that outlines the proposal by the Applicants – Expansion of the existing electric transmission line ROW that crosses the three parks. The single 230 kV power line and towers currently on the ROW would be replaced with new lines and larger towers, and a 500 kV power line would be added. This would necessitate widening the cleared area, and the granting of additional rights to expand the width of the transmission line corridor beyond the current right of way held by the Applicants. The existing non-critical transmission corridor would become the main and critical corridor for transmission. Additional and essential access and new roads would need to be established over time.

- Alternative that outlines the proposal with a framework for mitigation based on a conservation plan being developed in conjunction with The Nature Conservancy.
- Alternative that relocates entire project outside of the park.
- Alternative that relocates the project partially outside of the park.
 - circumvents the Hogback area for example
 - follows line to and across Yards Creek for example
- Alternative that installs the upgraded power line, or portions of the upgraded power line, underground.
- Alternative that locates the power line on the bottom of the river.
- Alternative that uses direct current—just two wires not the proposed three to eight wires.

5.0 AFFECTED ENVIRONMENT

The following information has been collected or will be collected for preparation of the EIS. These documents and other references will be used to prepare the Affected Environment section of the EIS.

Legislation

- Enabling Legislation for each park

The Parks Planning Documents

- Delaware Water Gap National Recreation Area, General Management Plan, 1987.
- Delaware Water Gap National Recreation Area, Research and Resource Planning Strategic Plan, 2006-2010.
- Comprehensive Plan for the Protection, Management, Development and Use of the Appalachian National Scenic Trail: 1981, Abridged Version Published in 1987.
- Appalachian Trail Park Office Strategic Plan.
- Appalachian National Scenic Trail: Resource Management Plan.
- Appalachian Trail Conservancy: 2009 Local Management Planning Guide, Chapter 4(f) Roads and Utilities.
- Fire Management Plan for the Appalachian National Scenic Trail.

Resource Information

- National Park Service, 2008, Delaware Water Gap History and Culture.
- Appalachian Trail Conservancy, 2009, ATC Local Management Planning Guide.
- Appalachian National Scenic Trail Pilot Survey: Draft Report, 2009, Zarnoch, Stanley J. et. al.
- Fragmentation Effects Caused by a Power Line Right-of-way on a Mid-Elevation Forest Bird Community in Central Colombia: Environmental Concerns in Rights-of-Way Management, 2002, Rosselli, Loreta and Susana De La Zerda.
- Avian Power Line Interaction Committee, 2006, Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006.
- Wildlife Response to more than 50 Years of Vegetation Maintenance on a Pennsylvania U.S. Right-of-Way, 2004, Yahner, Richard H.
- U.S. Environmental Protection Agency, 2008, Green Book – Nonattainment Status for Each County by Year Including Previous 1-Hour Ozone Counties.

- United States Federal Highway Administration, 2006, Roadway Construction Noise Model User's Guide .
- Virginia Department of Health, 2000, Monitoring of Ongoing Research on the Health Effects of High Voltage Transmission Lines.
- American Electric Power, 2007, Important Factors Affecting Underground Placement of Transmission.
- California Public Utilities Commission, 2009, Transmission Line Noise Fact Sheet.
- National Institute of Environmental Health Sciences, 2002, EMF: Electric and Magnetic Fields as Associated with Electric Transmission.
- PJM Interconnection, 2006, Regional Transmission Expansion Plan.
- PJM Interconnection, 2008, PJM's Regional Transmission Expansion Plan.
- Benchmarking the Economic Impact of Construction of Electric Power Transmission Lines in Selected Eastern Pennsylvania Counties Baker, 2008, Rose, Matthew Loiacono and David Passmore.
- Fines, K. D. (1968). Landscape evaluation: research project in East Sussex. *Regional Studies*, 2, 41-55.
- Litton, R. B. Jr. (1972). Aesthetic dimensions of the landscape. In J. V. Krutilla, (Ed.), *Natural Environments: Studies in Theoretical and Applied Analysis*. Baltimore: Johns Hopkins University Press, pp. 262-291.
- Robinson, D. G., Aaurie, I. C., Wager, J. F. & Raill, A. L. 1976. *Landscape Evaluation: the Landscape Evaluation Research Project 1970-1975*. Manchester: Centre for Urban and Regional Research, University of Manchester.
- Shang H-D, Bishop I D. 2000. "Visual thresholds for detection, recognition and visual impact in landscape settings" *Journal of Environmental Psychology*. 20. 125 -140.
- U.S.D.A. Forest Service (U.S.F.S.) (1974). *National Forest Landscape Management*. U.S.D.A. Handbook 462, Vol. 2. Washington, DC: U.S. Government Printing Office.
- U.S.D.A. Soil Conservation Service (S.C.S.) (1978). *Procedure to Establish Priorities in Landscape Architecture*. Tech. Release 65, Washington, DC: U.S.D.A., S.C.S.
- U.S.D.I. Bureau of Land Management (B.L.M.) (1980). *Visual Resource Management Program*. Stock No. 0024-011-000116-6, Washington, DC: U.S. Government Printing Office.

6.0 PUBLIC PARTICIPATION, CONSULTATION, AND COMMUNICATION

Public participation and coordination strategies were discussed at the internal scoping meeting. As part of the EIS process, the parks will actively involve the public. Informing the local public about the development of the EIS is an important part of public participation. Based on experience from past EIS planning efforts, there likely will be local interest regarding the EIS for the parks; therefore, the NPS will work to inform interest groups of the planning effort.

A mailing list will be developed for the EIS based on the following lists of agencies, tribal governments, state and local governments, and non-government organizations identified at the internal scoping meeting.

FEDERAL AGENCIES

- U.S. Fish and Wildlife Service (Pennsylvania and New Jersey Offices)
- U.S. Army Corps of Engineers (Pennsylvania and Baltimore Districts)
- U.S. Forest Service
- Department of Defense (Picatinny Arsenal)
- Department of Energy
- Department of Interior, Washington Office of Environmental Policy and Compliance (OEPC) and Regional Environmental Offices (REO)

TRIBAL GOVERNMENTS

- Tribal Historic Preservation Officer
- Delaware Nation
- Delaware Tribe
- Stockbridge-Munsee Community

STATE GOVERNMENTS

- New Jersey:
 - Department of Environmental Protection
 - Division of Fish and Wildlife
 - Division of Parks and Forestry
 - Division of Land Use Regulation
 - Green Acres
 - Historic Preservation Office

- Board of Public Utilities Siting Approval
- Highlands Council
- Department of Transportation
- Pennsylvania:
 - Department of Environmental Protection
 - Department of Conservation and Natural Resources
 - Department of Transportation
 - Game Commission
 - Fish and Boat Commission
 - Historic and Museum Commission
 - Public Utilities
 - Consumer Advocate Office

LOCAL GOVERNMENTS

- Municipalities/Planning Commissions in New Jersey and Pennsylvania
- Conservation Districts

OTHERS

- The Nature Conservancy (PA and NJ Chapters)
- Delaware River Basin Commission
- Appalachian Trail Conservancy
- Delaware River Keeper
- Appalachian Mountain Club – Delaware Valley
- Allentown Hiking Club
- New Jersey Audubon
- Pennsylvania Audubon
- Monroe and Pike Counties Historical Societies
- New York-New Jersey Trail Conference
- Pocono Mountain Visitors Bureau
- Sierra Club

- Pennsylvania Association of Land Trusts
- Concessioners
- Adjacent land owners

Public participation for this process will be guided by the development of a Public Involvement Plan that will be developed for this project. Public involvement at a minimum will include utilizing the NPS online planning tool – PEPC (<http://parkplanning.nps.gov/>). Forms of public outreach will include public scoping meetings and draft EIS review with a formal public comment period. The scoping meeting format will likely be organized as a combination of open house style with presentations.

The various types of announcements will include press releases, websites (PEPC, parks, and ATC), and newsletters. Communication with the public on the project's schedule is planned to occur every 6 months in the form of a newsletter, postcard or some other form of communication.

7.0 REFERENCES

- Kraft, Herbert C. 1986. The Lenape. Newark, New Jersey Historical Society. Pages 22-23.
- National Park Service (NPS). 1987. Comprehensive Plan for the Protection, Management, Development and Use of the Appalachian National Scenic Trail. Accessed online at: <http://www.nps.gov/appa/parkmgmt/planning.htm>.
- National Park Service (NPS). 1998. Cultural Resource Management Guidelines Manual. Accessed via the internet at: http://www.nps.gov/history/history/online_books/nps28/28contents.htm.
- National Park Service (NPS). 2001. Director's Order #12 Conservation Planning and Environmental Impact Analysis and Decision-Making. January.
- National Park Service (NPS). 2003. Understanding the National Park Service's Integrated Pest Management Program. February.
- National Park Service (NPS). 2005a. Strategic Plan for Appalachian National Scenic Trail, Appalachian Trail Park Office. January.
- National Park Service (NPS). 2005b. Fire Management Plan for Appalachian National Scenic Trail. Accessed online at: <http://www.nps.gov/appa/parkmgmt/firemanagement.htm>.
- National Park Service (NPS). 2006. National Park Service Management Policies 2006. Washington, D.C.
- National Park Service (NPS). 2008. Appalachian National Scenic Trail Resource Management Plan.
- National Park Service (NPS). 2009. Presentation at the 2009 George Wright Society Biennial Conference on Parks, Protected Areas and Cultural Sites. Portland, OR."
- National Park Service (NPS). No Date (n.d.). Delaware Water Gap National Recreation Area Research and Resource Planning Strategic Plan 2006-2010.
- PJM Interconnection (PJM). 2008. PJM's Regional Transmission Expansion Plan. Accessed via the internet at: <http://www.pjm.com/planning.aspx>, December 2008.
- Pocono Forest and Waters Conservation Landscape Factsheet.
<http://www.dcnr.state.pa.us/cli/pocono-factsheet.pdf>
- Puniello, Anthony J. 1991. The Reconstruction and Interpretation of Late Woodland Occupations of the Upper Delaware Valley of New Jersey and Pennsylvania. NYU Dissertation (Anthropology). Pages 3-10.