

DOI/NPS/PPL/PSE&G
Susquehanna to Roseland
Dec. 13, 2011, 10:00am-12:00pm
Main Interior Building, Room 2346
Draft Agenda

Attendees:

PPL/PSE&G: Dave DeCampi, Dave Bonenberger, Greg Smith, Ron Reybitz, Paul Wirth, Paulette Pidcock, Kim Hanneman, Rob Pollack, John Robardo, Gerri Smith, Tom Jensen, John Lain

DOI/NPS: Rachel Jacobson, Steve Black, Ruchi Sadhir, Jon Jarvis, Bert Frost, Beth Johnson, Martha Williams, Rob Eaton, Andrew Tittler, John Donahue, Pam Underhill, Gay Vietzke, Lee Dickinson

- I. Summary of DEIS status/schedule (NPS- 5 minutes)**

- II. List of consultation and permits to be undertaken if one of the action alternatives is selected**
 - A. Status of ESA consultation process with FWS (NPS 10 minutes)**

 - B. List/Status of other necessary consultation/permits under the action alternatives and conceptual timeline and responsible party for completion (SHPO, EPA, USACE, other federal regulatory approvals) (NPS 20 minutes)**

- III. Discussion of concerns regarding applicant and NPS feasibility analyses**
 - A. Applicant has no plans to rework the 230kv system nor the regional transmission grid except as described in their proposal (PPL PSEG 10 minutes)**

 - B. NPS contractor (DEA) is preparing a report on technical feasibility of action alternatives limited to electrical capability of alternate routes (NPS 10 minutes)**

- IV. Opportunity for companies to raise additional issues (PPL PSE&G 30 minutes)**

- V. Update from companies on their views for Conservation/Mitigation measures for action alternatives (PPL PSEG) (30 minutes)**

Susquehanna to Roseland Meeting - December 13, 2011

(At the Table) – Greg Smith (PPL since 2007), John Donahue, Pamela Underhill, Dave DeCampi (PPL), Tom Jensen, Kim Hanemann (PSEG), Steve Black, Bert Frost Pual Wirth (PPL), Beth Johnson, Martha Williams, Eileen Sobeck, Dan Saviza (PPL), Lee Dickinson, Robert Eaton, Amanda Stein, Brent Allen, Andrew Tittler, Jason Waanders

Agenda

- I. Summary of DEIS status, milestones and applicant/NPS feasibility analyses (NPS)
- II. Update from companies on their views for Conservation/Mitigation measures for action alternatives and discussion (PPL, PSEG and NPS)
- III. List of consultation and permits to be undertaken if one of the action alternatives is selected:
 - A. Status of ESA consultation process (FWS)
 - B. List/status of other necessary federal regulatory approvals, consultations, permits under the action alternatives (PPL, PSEG and RRTT)
- IV. Opportunity for companies to raise additional issues / comments (PPL, PSEG)

Opening Comments

- ❖ (Steve)
 - Thanks Rachel / Jon
 - Commitment from KLS – exchange of info
 - In public comment period – record of the meeting needed / sign in sheet
 - Not negotiation session / mitigation
 - Common understanding for options / facts on the ground
 - Pilot project – admin priority – one of seven lines
 - Lessons learned for transforming the way the transmission is permitted
- ❖ (Rachel)
 - Comment period – listening to prelim comments
 - Talk about process generally & listening session
 - No preferred alternative until ROD
 - Continue to have discussion
- ❖ (Dave Campbell)
 - Acknowledge DEIS work & NPS/FWS – on/ahead of schedule
 - ROD
 - Importance of powerline for Mid-Atlantic regional project for reliability reasons
 - Emerging constraints in 2012
 - Share obligation w/regional operator
 - Committed to mitigation package
 - High bar set by DOI

- All 2 & 2A – detailed mitigation
- Will file detailed comments on mitigation

- ❖ Kim
 - Share sentiments as PPL
 - Solid mitigation package
 - Demonstrated on other

- ❖ Tom
 - Process – before Nov 23, all part of the record
 - Document 1 – mitigation
 - Dan S – consultant for conservation / mitigation potentials
 - Maps / documents = potential txns (\$ figures)
 - Practical – mitigation is down the road

I. Summary of DEIS status, milestones & applicant / NPS feasibility

- ❖ John Donahue – DEIS (Dec 1 to Nov 23)
 - Public review till January 30th
 - 3 public meetings
 - Jan 24 (fernwood)
 - Jan 25 (Straushouse – Cherry Valley)
 - Jan 26 (NJ farmstead)
 - Be available for comments, explain mitigation (depends on status)
 - 100 – 200 people
 - Public analysis report – April
 - Mar 14 – preferred alternative selected to the public; companies need this sooner rather than later
 - FWS – May 2 – consultation
 - FEIS – Sep 1 (1st time for public) = 30 day no action = Sep 30
 - ROD – regional director signs Oct 1; federal register Oct 16 (formality)
 - Anything can happen between Sep 1 and Oct 1; people could comment
 - No NPS appeal process
 - ROD = final agency decision
 - Special use permit = #3 agenda item = @ the same time of ROD
 - Feasibility analysis – functional equivalence of alternative?
 - Paul Capel – previous misunderstanding
 - Alternative #4?
 - Alternative #4 & #5 – assume removal of some of the lines = likely NERC violation
 - Alternative 5 – DEIS – 230 kV extended from PA & NJ assumption
 - Get technical/feasibility comments in first
 - NERC violation in October meeting, test reinforcements of

- Remove part of line, removes part of grid test system w/o that w/NERC standards for reliability (low voltage, fire) (envisions that it is not removed, but rather relocated)
- Existing substation, bushkill, by the park
- During construction – stage construction for operation plan
- Build new 230KV before removing the old?
- Voltage concerns b/c of distance
- Forthcoming information / preliminary comments

II Mitigation / Conservation

- Document
 - Concept of on-site impacts, e.g. roads – construction plan?
 - Fund – only for impacts that can't be avoided / minimized
 - Linked – conveyance to commencement of construction, intended to be separate
 - Don't expect to commence construction until vegetation plans, etc., are set
 - Wouldn't transfer \$ until the construction
 - If no impacts, no mitigation
 - Build temporary road, then remove – construction budget? Endowment fund?
 - Scope a compensatory fund – unavoidable impacts (non-mitigated compensation for areas where restoration occurred, but need 5-10 years before fully restored - length of time for resource to be full
- ❖ (Pam)
- Page 3 – all permits – Oct 2012 = defer to Agenda #3 Restricting to DE valley, trail might be moved
 - No intent for artificial boundary (Some geographical sense needed – must have nexus)
 - Mid-Atlantic region? Might spill into NY
 - Scaling factor – estimate of mitigation matching impact?
 - Don't have that yet b/c alternatives need to be assessed
 - Alt 2 & 2B = mitigation concept
 - Decision could be something else as practical matter, but companies would have to revisit this issue (among others)
 - Don't expect to build something they haven't proposed
 - Native conservancy / conservation fund – credibility for creating a non-profit
 - How would approach like this work for the DOI & Bureaus?
 - All funds would be available for all 3 items; avoidance
 - Authorities for approval of projects could be delegated
 - Viewshed of trail; also helps FWS

❖ (Dan)

- Conservation Fund – mitigation opportunity in Cherry Valley, trail, DE water gap
- Nature conservation, trust for public land & other trusts & PA/NJ government
- GIS analysis; large unprotected areas on PA
- Landscape level connectivity for wildlife; raptors, bog turtle
- Bushkill Falls & Little Bushkill Falls
- NJ – smaller tracts of land
- Opportunity for Secretary's AGO Program – under the AT
- NPS units (Pam/John) have been researching areas for acquisition – helped to inform list/map
- Wildlife refuge – only own 1 parcel now
- Leverage opportunities/willing sellers
- Could use landscape scale connectivity
- Real impacts will happen; mitigation is core part of plan, not afterthought
- How to scale according to Alternative?
 - Empirical markers depending on DEIS, not paper passing/negotiation
- Decoupling permit & mitigation
 - Need to find right place in process & figure out moment
- Cooperating agency for NEPA – single FWS POC needed
- Rules for making a blasting decision?
- Contingencies for blasting needed – more defensible EIS
- MBTA/BGEPA & ABPP/AFLIC standards = no MBTA permits = process of best standards
- Likely golden eagles
- 3x better than AFUC standards (optical ground wire – mitigative measures)
- Scheduling w/FWS & the 3 processes
 - ESA determination – depends on informal/formal consultation (135 days)
 - Worse case – delay + 135 days to 90 days
- If conservation measures in plan – FWS
- Alt 2 / 2B – wintering bald eagle roost = ECP, APP likely not permit
- Where the lines cross the river – aviation FAA safety vs birds
 - Marker balls – different views by FAA, NPS, FWS (David to check)
 - Kittatiny Ridge – migration routes
- Internal meeting between FWS & NPS for same data on blasting and potential conservation measures for not likely to adversely affect
- Companies – contingency planning in consultation - so what is the rubric for deciding to blast?
- NEPA process vs Alternative 2 & 2B (otherwise back to square 0)
 - Respect for environment & the process
 - Could be prudent to check with PUC = already did this, PA said no
 - Moot point
- RRTT big picture effort – lessons learned w/state commissions siting – so that NPS not put in the corner after state
 - Missed opportunity for early involvement

❖ Pam

- Companies should take alternative in NEPA / process seriously troublesome
 - Land management/natural resources alt are in the scope of NPS; not grid reliability, which is for grid planners
 - Try to minimize the impact to park through the alternatives in DEIS

❖ Bert

- Moot point – companies focus on Alternatives 2 & 2B, that's their risk; but for Federal, have to look at all the alternatives

Agenda Item #13

- Obvious other approvals/reviews – timeline consistent w/NEPA

❖ FWS

- PA/NJ field offices – they have to consider all the line, not just NPS
 - Impacts along the whole line
 - Don't want to do major consultations for all 5 alternatives; FWS would like to do consultation on 1 preferred alternative; willing to look at full range
 - Most of the potential impacts depend on the route
 - General conservation measures – BMPS not likely to adversely affect (informal consultation)
 - Wetlands: bog turtles
 - 5/6 a lot of land in common
- Vegetation maintenance program for bog turtles – already working w/field offices
- Some of the other alternatives – Indian bat impact
 - Contingent on no surprises during field surveys
 - Formally applied to DEP in NJ for 3404; also submitted to FWS
 - Technical assistance
- Discrepancy between procedure – SF44 app – both sides should have some
- Blasting risk: water tables; draft BA; disagrees w/FWS general info/data optimism
 - Site specific; depends on soil hypothetically there – could be more blasting or none
- Some misunderstanding of the data – even though there
 - 2A/2B geology may have better info
- DEP wetlands – never part of application
- Wetlands: CWA 401 & 404 – NJ 404 (DEP); alt for wetlands impacts for 1 & 2a
- Rivers and harbors act b/c river cross
- State SHPO & park are talking
- FWS: on entire length of line, not just park; need pref act

- 3106 ongoing & tribal consultation & historic property (SHPO)
 - Program agreement – suggested to start this now
 - There is a PA for the state but b/c of length of line
- SDWA – in the DEIS – aware of any issued here?
- Corps – likely nationwide permit #12 can't use b/c wild/scenic river unless NPS of w/it
 - Letter? In ROD?
- DOD – pikatinning – taken a pass; whether there are any DOD ops?
- Non-impairment finding – same as wild/scenic river? No
 - New guidance? Only for pref alt
 - 310 review – not in the water
- FAA – aviation safety: how should the line be marked? Invidible/avoid = FWS; markers = FAA
- DE River Basin commission review: app to cross the river
 - Army Corps (colonel) representing NPS
 - Is this a NEPA entity? EDNY case (Marcellus Shale)
- Floodplain EO – existing structure there; incremental change?
- NJ flood zone (stream encroachment) permit
- 5 cubic yard fill ok = NJ needs to do this for all of them
- Appendix F in DEIS: park service approvals
 - Can get these @ anytime during the process; avoid/minimize
 - Before FEIS so the impacts can be taken into account
 - Can be iterative process
- Resolve outstanding issued (vegetation management)
- Proposed permit language? There will be negotiation about the property rights
 - Standard row template (~week) – legal outline and underpinning
 - Pull mitigation language from EIS; appended to the basic condition permit as a condition
 - Find an example for company (PennDet?)
- Land exchange vs. easement = Give up some of the row

Agenda IV: Potential comment areas

- (1a) critical element of grid
 - No regulation/op procedural threshold
 - Size not critical/noncritical
 - Proposing increase access roads?
- 1920s – villages (not dropping on cow)
 - But now, forest regained the old road; EIS = current conditions (roadless or veg road)
- (1b) cost estimates
 - Additional row needed; imprecisely states (portion w/in PA) – 350 feet >amount asked for
- (1c)
 - PA willing to go to 100 feet even though row is 300 ft
 - NJ – 150 feet already but not cleaning any forest at all (80 acres)
 - Help to have more detailed information rather than a notion's bmps
 - Even though no intent to clear 300 ft; but right to clear?
 - Articulate subtle differences between no row or giving up activity on the row
- (1d) preexisting rights – underdescribed in the DEIS
- (1e) replacing existing line – misleading reader
 - Environmental basis – future project and critical for Northern Area
- (1f) row not maintained; 80 foot trees under 80 foot line
 - Current conditions are maintained – case
- (1g) access roads – understated
 - May require formal FWS consultation
- (2a) Overstates Acreage
- (2b) Alt 4 & 5 – not functionally equivalent
 - Highway analogy – secondary roads