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*Via electronic mail and first-class mail*

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**Re: PPL Corporation-PPL Electric Utilities, Water Obstruction and Encroachment Permit Applications No. E40-759 and E45-590 Jenkins-West Pocono 230 kV Line and 138 kV Connector Lines out of West Pocono Substation**

**44 Pa. Bull. 4557-58 (July 19, 2014)**

Dear Mr. White:

We submit these comments pursuant to the receipt by the Department of Environmental Protection (“DEP” or “Department”) of two applications by PPL Electric Utilities Corporation (“PPL”) for two water obstruction and encroachment permits for an electricity transmission line (“Project”) in Luzerne and Monroe Counties (“Applications”). 44 Pa. Bull. 4557-58 (July 19, 2014).<sup>1</sup> Because the two applications are substantively identical and relate to the same project, Citizens for Pennsylvania’s Future (“PennFuture”) submits a single comment letter addressing both Applications.<sup>2</sup> Unless otherwise specified, the comments below apply both to PPL’s Application for Permit Number E40-759 and to PPL’s Application for Permit Number E45-590.

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<sup>1</sup> The Department’s notice in the Bulletin of July 19, 2014 covered only PPL’s application for Permit Number E40-759, and the Department has yet to give notice of PPL’s application for Permit Number E45-590. The Department may not issue Permit Number E45-590 until it has given proper notice of PPL’s application.

<sup>2</sup> In substance, PPL’s applications for Permit Number E40-759 and Permit Number E45-590 are identical, and as far as PennFuture can tell, PPL submitted two applications instead of one because for linear projects that cross county lines, Department policy requires the project sponsor to obtain separate permits for each affected county. If there is another reason that PPL submitted two joint permit applications for a single transmission line project (which project is itself only one part of a larger project, PPL’s “[Pocono Northeast Reliability Project](#)”), PennFuture respectfully requests that the Department explain that reason when it responds to these comments.

PennFuture is an environmental public interest organization whose activities include advocating and advancing legislative action on a state and federal level; providing education for the public; and assisting citizens in public advocacy. PennFuture is concerned with the protection of Pennsylvania's waters and the conservation of its resources for future generations.

The comments that follow were prepared in consultation with Schmid & Company, Inc., a wetland ecology consulting company based in Media, Pennsylvania. Schmid & Company have thirty-five years of experience in wetland delineation, wetland impact assessment, and wetland impact mitigation.

- 1. The Project lacks independent utility and will result in more than one acre of temporary and permanent impacts to waters of the United States; therefore, the Project must be reviewed by the U.S. Army Corps of Engineers as a Category III project to determine its eligibility for coverage under Pennsylvania State Programmatic General Permit-4 (PASPGP-4).*

PPL's Applications acknowledge that the Project is just one part of PPL's Northeast Pocono Reliability Project, or "NEPOC," a major electricity transmission project that includes the construction of approximately fifty-eight (58) miles of new 230 kV transmission line through portions of four Pennsylvania counties (Luzerne, Lackawanna, Monroe, and Wayne); the construction of two new electricity substations (in Covington Township, Lackawanna County and Buck Township, Luzerne County); and the construction of approximately 11.3 miles of new 138/69 kV lines to connect the two new substations to PPL's existing 138/69 kV transmission system in the four Project counties.

In its joint permit Applications for Permit Number E40-759 and Permit Number E45-590, PPL seeks coverage under PASPGP-4 for impacts to wetlands and other waters of the United States associated with approximately one-third of the proposed NEPOC infrastructure. Specifically, PPL seeks authorization for impacts associated with the construction of the West Pocono substation, fifteen (15) miles of new 230 kV transmission line between PPL's existing Jenkins substation and the West Pocono Substation, and approximately three miles of new 69 kV lines between the West Pocono substation and PPL's existing 69 kV network in Tobyhanna Township, Monroe County.

According to PPL, the Project should be authorized separately under PASPGP-4 because it will have permanent and temporary impacts on waters of the United States totaling less than one acre (under PASPGP-4, the upper threshold for coverage of any "single and complete project" that is part of a linear project), and will have independent utility, another PASPGP-4 prerequisite. PPL claims that the Project "has independent utility and will serve to strengthen the electrical delivery system in Luzerne and Monroe Counties." Applications, Cover Letter to Kevin White, May 23, 2014.

One might expect that a linear transmission project traversing some eighteen miles in Luzerne and Monroe Counties – among Pennsylvania’s wettest counties<sup>3</sup> – might have impacts exceeding one acre, especially when, as is the case here, it will clear more than three hundred (300) acres of forest in an area including at least twenty-three (23) perennial or intermittent streams and twenty-three (23) wetlands, the latter covering more than fourteen (14) acres. According to PPL, however, the Project will have almost no impact on streams and wetlands. By PPL’s estimation, there will be only 1,333.67 square feet of temporary impacts and no permanent impacts to jurisdictional streams, and there will be no temporary impacts and 2,487.66 square feet of permanent impacts (from monopoles and a permanent rock construction entrance) on jurisdictional wetlands. Applications, Cumulative Impacts Project Screening Form, at 2. If these numbers are correct, the total stream and wetland impacts of PPL’s eighteen miles of transmission line, in a right-of-way that varies in width from 150 to 250 feet, will total 3,821.33 square feet. This is less than one-tenth (.1) of one acre.

As these comments will explain, PennFuture believes that PPL has drastically understated its impacts on jurisdictional waters – first, by failing to delineate numerous wetlands (as well as at least two streams); second, by discounting or disregarding impacts to the functions and values of many acres of wetlands and riparian buffers that will be deforested or otherwise devegetated; and third, by failing to account for cumulative impacts on streams and wetlands arising from the interaction of the Project with other projects in the area, especially a pending expansion of the Leidy natural gas transmission pipeline operated by Williams Transco. PennFuture believes that if all permanent and temporary impacts of PPL’s Project on jurisdictional waters are properly accounted for, PPL’s total impacts will easily exceed one acre. If this is the case, then the Project would be eligible for coverage under PASPGP-4 only after a Category III review by the Army Corps of Engineers – and only if the Corps concludes that the Project “will have no more than minimal adverse environmental effects.” PASPGP-4, at 11.<sup>4</sup>

Further, it seems doubtful that the Project has “independent utility” within the meaning of PASPGP-4. PASPGP-4 defines “independent utility” as follows:

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<sup>3</sup> A 1990 report by the U.S. Fish and Wildlife Service determined that Monroe County had more wetlands (on a percentage-by-land-mass basis) than any Pennsylvania County except Pike County, and that Luzerne County ranked eighth among Pennsylvania Counties in terms of land-mass covered by wetlands. U.S. Fish and Wildlife Service, *Pennsylvania’s Wetlands: Current Status and Recent Trends* (December, 1990), available at <http://www.fws.gov/wetlands/Documents/Pennsylvanias-Wetlands-Current-Status-and-Recent-Trends.pdf>

<sup>4</sup> PASPGP-4 conditionally exempts linear projects such as transmission lines from the general one-acre upper threshold: “Overall linear projects that have cumulative permanent and temporary impacts to waters of the United States, including jurisdictional wetlands, which exceed 1.0 acre may still be eligible for PASPGP-4 authorization through a Category III review, provided no single and complete project exceeds the 1 acre threshold (see Part II for definition of single and complete project and acreage calculations). This verification of eligibility will be made by the Corps of Engineers.” PASPGP-4, at 20. As noted below in Section 5 of these comments, PPL’s application for coverage under PASPGP-4 must be reviewed as a Category III project regardless of the total acreage of wetland impacts because PPL has proposed to mitigate its permanent impacts through a contribution to the Pennsylvania Wetland Replacement Project.

A test to determine what constitutes a single and complete project in the Corps regulatory program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

PASPGP-4, at 4. The test for independent utility is not, as PPL suggests, whether a Project could technically function, but whether it would actually be built separate and apart from the rest of NEPOC. PASPGP-4 defines “overall project” to mean “all regulated activities that are reasonably related and necessary to accomplish the project purpose.” PASPGP-4, at 7. By this measure, PPL’s “overall project” within the meaning of PASPGP-4 is clearly NEPOC, not the part-of-NEPOC Project proposed under permit number E40-759 and permit number E45-590, and PPL has provided no evidence that the Project would be built if the rest of NEPOC were not. In the absence of a demonstration of independent utility, the Department should refuse to transmit coverage under PASPGP-4 and direct PPL to obtain an Individual Permit even in the unlikely event that the total impacts of the Project are less than one acre.

2. *PPL’s wetland and stream delineations and statements of impacts are incomplete and inconsistent.*

PennFuture engaged wetlands experts Jim Schmid and Steve Kunz of Schmid & Company to review the wetlands delineations<sup>5</sup> submitted by PPL as part of the Applications. In addition to reviewing PPL’s documents, Schmid & Co. went into the field to determine the accuracy of the some of the information presented by PPL. As discussed in more detail below, Schmid & Co. found that PPL failed to identify several areas that are likely wetlands. PPL also failed to evaluate all of the wetlands and stream impacts likely to result from the proposed Project.

a. *The wetland delineations submitted by PPL are not accurate and should be reviewed and verified by the U.S. Army Corps of Engineers before the Department issues a permit under 25 Pa. Code Chapter 105 or authorizes coverage under PASPGP-4.*

i. *PPL failed to identify areas that are likely wetlands.*

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<sup>5</sup> Schmid & Company observed several inconsistencies in PPL’s Applications:

- Application E40-759 (Luzerne County) lists 28 impacts (13 wetlands and 15 streams). Yet, a total of 31 impacts are shown in Luzerne County on PPL’s five page-size USGS quadrangle maps (15 wetlands and 16 streams).
- URS’s wetland delineation report identifies 23 wetlands (14.35 acres) and 23 waterways. This wetland acreage total is smaller than the 17.13 acres shown on a summary table in PPL’s application.
- In PPL’s Environmental Assessment (Enclosure C), the acreage identified for 6 of 23 separate PPL-acknowledged wetlands differs from the acreage listed for them in the URS Delineation Report on page 9 of Section 3. The discrepancies differ both ways, and cancel out in the total, which is the same in both tables (14.35 acres).

There are more than 26 acres within the PPL project area that are not acknowledged as wetlands but that are mapped as hydric soils and /or as National Wetlands Inventory (“NWI”) wetlands, strongly suggesting<sup>6</sup> that there are additional unacknowledged wetlands (and thus additional wetland impacts). Particular areas where wetlands are likely include:

- In an area north of Wetland W-60A, which *was* delineated and acknowledged as a crossing (Sheet ES-43), Schmid & Company observed another wetland that PPL failed to acknowledge. A section of a large NWI wetland (PFO1E) extends across the ROW in this area, which also is mapped as having hydric soils (Mu and CnB map units). This wetland may have been flagged in the field at one time (flags with W-60B notations were found), but it was not added to PPL’s drawings or counted as being impacted (by proposed clearing of ROW and construction of a puller pad).

- PPL identified Wetlands 42C and 42D (on Sheet ES-27), which encompass separate wetlands totaling 0.52 acres. They are located on both sides of Bear Creek (Stream 42A) and are located in or near mapped hydric soils that encompass 2.93 acres in a continuous area of the ROW. Further, a large NWI wetland encompasses more than 2 acres of the ROW here. Based on those facts, it is likely that the wetlands area in the vicinity of Wetlands 42C and 42D actually is larger than the 0.52 acres acknowledged by PPL. If that is the case, additional impacts associated with the access road and proposed pole #42 have not been acknowledged.

- About 2,000 feet along the ROW to the northwest of stream crossing S-42C (Sheet ES-31) is an NWI-mapped wetland (PSS1E) and mapped soils (OpB, MsB) which, although not hydric per se, are known to have hydric inclusions. An undelineated wetland may exist there in the vicinity of proposed pole #52.

- Within the proposed ROW along the south side of Stream 46 (Sheet ES-33) is a large area of mapped hydric soil (1.12 acres) that is partly within the 150-foot wide riparian buffer. None of this area is acknowledged as wetland (nor documented as non-wetlands), yet an access road and a tensioner pad are proposed within it.

- At a bend in the proposed ROW (Sheet ES-39) is a large area of mapped hydric soil within almost 5 acres of the LOD (limit of disturbance), where a monopole and two large tensioner pads are to be constructed. Mapped NWI wetlands occupy part of this same area. Yet within this area, PPL has acknowledged no wetlands at all (and the questionable areas have not been documented as *not* being wetland).

- Beginning near Stream 52, and extending along and within the proposed ROW LOD for more than 2,000 feet southeast and then eastward (Sheets ES-34 to ES-37), is a continuous area of mapped hydric soil that encompasses 7.5 acres. Mapped NWI wetlands occupy about half of this same area. Yet within this area, PPL has acknowledged only three

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<sup>6</sup> An area mapped as hydric soil or identified as wetland on NWI maps is not necessarily a jurisdictional wetland, but those map sources indicate a strong likelihood of wetland conditions (especially where they overlap) and such areas should be checked onsite.

small, separate wetlands (W-52, W-54A, and W-54B) which together total 1.3 acres and entail no impacts other than temporary access roads. If the actual extent of wetlands is coincident with the mapped hydric soils, there will be additional direct impacts from the construction of two monopoles and a large tensioner pad in these areas.

- Outside the proposed ROW is a long proposed access road (on ES-42) from PA Route 115 to the puller pad near proposed pole # 81. That access road crosses through more than 500 feet of areas mapped as hydric soil (Mu) and near several NWI-mapped wetlands, yet no wetlands have been delineated there (and the questionable areas have not been documented as *not* being wetland).

In all, there are 9 transmission line poles, 7 pole pads, 7 puller/tensioner pads, and 16 separate access roads that are proposed in areas of mapped hydric soils that PPL has neither acknowledged as wetlands nor documented as non-wetlands.

ii. *Additional wetlands exist in areas of the ROW currently delineated only as riparian buffers of streams.*

- No wetlands have been delineated at Stream S-46 (Sheet ES-33). However, Schmid & Company observed wetlands alongside this stream and outside the channel at the ROW crossing. Areas of wetlands that clearly meet all three parameters for wetland delineation were observed up to 25 feet from the banks of the stream.

- Likewise, undelineated wetlands were observed adjacent to Little Shades Creek (S-42C on Sheet ES-31). The USGS quadrangle shows wetland symbols along this stretch of Little Shades Creek, and the mapped soils (OpD, WmB) are known to have inclusions of hydric soil. Hydric soils and wetland hydrology were confirmed in the field in areas outside of the stream banks by visual observation of color/mottling as well as by alpha, alpha'-dipyridyl strips; hydrophytes were present as well during the late summer dry-season inspection.

iii. *Additional impacts to wetlands and streams are not acknowledged.*

- Wetland W-WP5a (Sheet ES-49) is listed as having a permanent impact of 0.01 acre (due to the proposed construction of a single monopole). The drawings clearly show that two monopoles (18AE and 17AW) are sited within this EV wetland as currently delineated, making the direct wetland impact at least twice as great as has been acknowledged. Also, the construction of these poles is accompanied by a gravel access road and a puller pad that are within the 150-foot riparian buffer of this UNT to Lehigh River (an EV water). Furthermore, a large area of mapped hydric soil (CnB) is shown in the vicinity of these two poles and extending to the next two poles to the southeast (19AE and 18AW), which suggests that there may be additional wetlands in an area where no wetland has yet been delineated and where the non-existence of wetlands has likewise not been documented.

- A large EV wetland, W-WP5b (Sheet ES-49), is delineated at, and will be impacted by the construction of, pole 15AW. To the south of that pole, another pole (16AW)

is sited abutting the delineated W-WP5b wetland, and the adjacent poles (16AE and 17AE) are very close to the same wetland. That wetland, however, may actually be much larger than what has been delineated, given the very large area of hydric soil (CnB) and soil with hydric inclusions (BrB) mapped there as well as the fact that a large NWI wetland (PSS1/EM5FB) is mapped nearby. A slight increase in the limits of this wetland could mean that the construction of one, or as many as three, additional poles, plus access roads and pads, will result in additional wetland impacts here.

Given the concerns regarding the applicant's delineation of streams and wetlands along the proposed ROW, it is imperative that PPL be required to obtain formal Corps of Engineers Jurisdictional Determination ("JD") confirmation of the limits and extent of regulated waters and wetlands on the project site. The JD process should include careful Corps field inspection of the entire ROW and drawing revisions as appropriate. The area proposed for disturbance (414 acres) is not unreasonably large for a Corps JD application and review. Unless all of the aquatic resources (many of which are Special Protection waters or exceptional value wetlands) are accurately identified, the impacts associated with the proposed project cannot be adequately evaluated. The observations discussed above illustrate the need for a careful Corps jurisdictional review of the proposed wetland delineation.

*b. PPL's failure to delineate all wetlands likely means that PPL has failed to identify numerous wetlands impacts.*

Due to its failure to identify all wetlands, as discussed above, PPL has likely understated the wetlands impacts that will result from the Project. For example:

- Proposed access roads cross 16 areas of mapped hydric soil that are not acknowledged by PPL as wetlands or wetlands impacts.
- Seven of PPL's 15 proposed puller/tensioner pads are entirely or partially within areas of mapped hydric soils that are not acknowledged as wetlands.
- Five monopoles are located within 50 feet of acknowledged wetlands. If any of these wetlands is larger than delineated, the monopoles could represent additional impacts.
- There are nine monopoles identified in areas of mapped hydric soils that are not delineated as wetlands.

When considered in the aggregate, the impacts at these pad sites could be significant. A Corps JD review of PPL's wetlands delineations will help identify additional impacts.

*c. PPL has failed to acknowledge the existence of and impacts to at least two streams that will be crossed by its right-of-way.*

Schmid & Company observed a stream channel that had been delineated by Williams Transco across the existing Williams pipeline ROW (adjacent to the proposed PPL ROW)

just north of proposed Pole #82 (approximately 700 feet north of Buck River Road). This stream extends eastward (toward EV Kendall Creek) into the woods that will be cleared for the PPL ROW (Sheet ES-43). PPL did not identify this EV stream channel or its riparian buffer in the Applications.

Another stream (and impact) apparently missing from the PPL application is on Sheet ES-49. There is a large wetland here (W-WP5B), the crossing of which is acknowledged. But the crossing of the stream that passes through this wetland is not acknowledged. The perennial stream is clearly shown on USGS and NHD map sources, and it is classified as an EV water. Up to four monopoles and pads may be sited within the 150-foot riparian buffer (also not shown on the drawings) of this stream.

3. *PPL has understated the impacts that its monopoles and access roads will have on the functions and values of wetlands in the Project corridor, failed to account for impacts associated with the clearing of vegetation in wetlands, especially forested wetlands, and failed to account for potential invasive species impacts.*

In recognition of the important ecological services that wetlands provide, the Department's regulations define the term "wetland functions" in 25 Pa. Code Chapter 105. Wetland functions include, among other things, serving natural biological functions, including food chain production and habitat for aquatic or land species; providing areas for study of the environment or as sanctuaries or refuges; maintaining natural drainage characteristics, sedimentation patterns, and natural water filtration processes; shielding other areas from erosion or storm damage; serving as a storage area for storm and flood waters; providing a groundwater discharge area that maintains minimum baseflows; serving as a prime natural recharge area where surface water and groundwater are directly interconnected; preventing pollution; and providing recreation. 25 Pa. Code §105.1.

By law, an application for a project that may affect an exceptional value wetland or one or more acres of non-EV wetland, must include an assessment of wetland functions and values using a methodology accepted by the Department. 25 Pa. Code §105.13(e)(3). The Department may not issue a permit for a water obstruction or encroachment in a non-exceptional value wetland unless the applicant affirmatively demonstrates (among other things) that "[a]dverse environmental impacts on the wetland will be avoided or reduced to the maximum extent possible." 25 Pa. Code §105.18a(b). For projects in exceptional value wetlands, the Department may not issue a permit unless the project "will *not* have an adverse impact on the wetland, as determined in accordance with §§ 105.14(b) and 105.15 (relating to review of applications; and environmental assessment)." 25 Pa. Code §105.18a(a)(1) (emphasis added). In determining whether a project will have an adverse impact on a wetland, the Department must specifically consider the impact on the wetland values and functions. 25 Pa. Code §105.14(b)(13).

PPL's wetland determination data forms provide some information about the EV and non-EV wetlands that would be affected by the Project, including data about soil and vegetation types and hydrology. PPL's Environmental Assessments (Enclosure C in each Application) provide additional information concerning the functions and values of these

wetlands, but PPL does not identify what methodology it used to assess the functions and values of the wetlands that it identified. (Again, section 105.13(e)(3) of the Department's regulations requires that the methodology used be "accepted by the Department.") Nor do PPL's Environmental Assessments make any function-and-value distinctions between EV and non-EV wetlands.

PPL's Environmental Assessments state that wetlands in the Project right-of-way consist of "vegetative cover ranging from trees to dense growths by herbaceous plants," and that "these plants provide the foundation for a variety of primary consumers and decomposers that in turn provide a food source for higher level organisms." Applications, Enclosure C, at 6. Wetlands in the right-of-way "consist of a diversity of plant communities ranging from expansive herbaceous to dense forested wetlands. Most of the wetlands consist of a high degree of plant community structure and species diversity. These characteristics provide a high potential for wildlife habitat as they offer optimal cover and food sources for a variety of animals." Enclosure C, at 8. PPL notes that habitat for several protected plant resources, as well as the timber rattlesnake and eastern small-footed bat, is located within its proposed right-of-way, and, as previously noted, that three of the wetlands it has delineated are EV due to presence of protected species in such habitat. Enclosure C, at 9. PPL acknowledges that several wetlands in its proposed right-of-way "are situated in topographical depressions that retain direct precipitation and overland flow and function as natural recharge areas for groundwater and surface water when the water tables are low." Enclosure C, at 15. Finally, PPL notes that sediment-trapping and nutrient-uptaking function of wetlands in its proposed right-of-way, particularly south of Bald Mountain, in the Lehigh River watershed: "Wetlands along the Project alignment south of Bald Mountain are located at various positions within the landscape and provide a protective barrier between upland land uses and local aquatic stream systems. The pollution prevention function of these wetlands is highly effective and they are a principal factor in maintaining the relatively high level of water quality in this portion of the Project Study Area." Enclosure C, at 16-17. Similarly, PPL acknowledges that wetlands along the Project corridor filter stormwater and other overland flow. Enclosure C, at 18.

It is not clear whether PPL used a Department-accepted methodology to assess wetlands functions and values, nor to what extent PPL's wetland assessments were site-specific. This calls into question the accuracy of PPL's Impact Assessments, which in any case have other shortcomings.

- a. *In its Impact Assessments, PPL understates the impacts that its monopoles, access roads will have on the functions and values of wetlands in the Project corridor.*

PPL acknowledges that its monopoles and access roads (including rock construction entrances) will have permanent impacts, but mostly dismisses their potential to affect wetland functions and values in any significant way. The clearing of PPL's right-of-way will have "a very limited impact" on food chain production, PPL says, because PPL's long-term vegetation management plan "will allow compatible tree, shrub, and herbaceous species to remain, thus re-establishing the riparian and wetland vegetation." Consequently, "any

permanent impacts are negligible in overall food chain production.” Applications, Enclosure D, at 6. PPL does not explain how the fact that replacement vegetation will be compatible with its vegetation management plan will guarantee the same food chain values, and PPL’s statement that permanent impacts will be “negligible” is unsupported and conclusory.

In general, PPL’s discussion of the impacts of monopoles and access roads suffers from a lack of substantive analysis. PPL acknowledges the possibility of habitat impacts, but states that its long-term vegetation management plan “will allow for suitable woody and herbaceous species to re-establish,” and that while “canopy vegetation” may be permanently lost, birds and bats “will not be adversely affected as adequate intact forest habitat will remain in the immediate surroundings.” Enclosure D, at 7. Adequate for what birds? Migratory songbirds? Or only edge-dwelling species like robins and bluejays? PPL admits that clearing in its right-of-way will change the vegetative cover and that this “may result in minor increases in the rate of change and flushing flow duration for some of the local streams,” but PPL assures us that “this increase will be localized and not have ramifications for the entire watershed.” Enclosure D, at 7-8. No support is offered for this conclusion. PPL acknowledges that its access roads and monopoles will increase impervious surfaces, with a resulting reduction in the volume of groundwater being discharged as baseflow and in storm and floodwater storage and control. Enclosure D, at 9. But unaffected wetland areas “will compensate for the minimal reduction in groundwater discharge for baseflow” and the reduction in stormwater storage will be “slight.” *Id.* How did PPL arrive at these conclusions? What models, assumptions, and calculations did PPL use, make, and run?

In a number of instances, PPL cites its 2010 Vegetation Management Plan in support of its no-significant-impact assessment, suggesting that measures taken pursuant to the plan will prevent or mitigate impacts. Presumably, by “2010 Vegetation Management Plan” PPL means the document that it describes more fully as *Specification For Initial Clearing and Control Maintenance Of Vegetation on Or Adjacent To Electric Line Right-of-Way through Use Of Herbicides, Mechanical, And Handclearing Techniques* (PPL 2010).<sup>7</sup> If so, it is unclear how PPL arrived at the conclusion that implementation of the plan – which includes the use of herbicides – will prevent and mitigate impacts to wetland values. The plan mentions wetlands only three times, and only to note that cut vegetation will not be chipped or disposed of in wetland areas, and that access road construction in wetland areas should be in accordance with another PPL document titled *Specification for Soil Erosion and Sedimentation Control on Transmission Line Rights-of-Way (A- 118231)*.

*b. PPL fails to account for impacts associated with the clearing of vegetation in wetlands, especially forested wetlands, and fails to account for potential invasive species impacts.*

With respect to the clearing of trees and other vegetation in wetlands, the problem is not so much that PPL understates or fails to adequately analyze impacts; it is that PPL does not acknowledge tree-clearing as an impact at all, except with respect to the loss of habitat

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<sup>7</sup> This document is available online on the Pennsylvania Public Utility Commission’s website at <http://www.puc.state.pa.us/pcdocs/1206564.pdf>

for animal species that depend on “canopy vegetation.” Enclosure D, at 7. In its Utility Line Wetland Crossing Table, PPL bluntly states: “timber matting and vegetation clearing were not assessed as impacts.”

PPL’s proposed tree-clearing would be significant, affecting approximately ten (10) acres of wetlands (6.1 acres of palustrine forested wetlands and 3.2 acres of mixed palustrine forested and palustrine shrub-scrub wetlands). PPL describes its clearing plans as follows:

Prior to access road and work area installation, the proposed ROW will be cleared of vegetation as described in PPL's Vegetation Management Plan (PPL 2010). All vegetation will initially be cut at the ground surface and left in place to minimize earth disturbance. Grubbing of the root mat will not occur in the majority of the ROW; grubbing will only occur within, and immediately around, the gravel work areas and monopole location sites.

Once construction activities are completed, the ROW will be allowed to re-grow and be maintained with compatible trees, shrubs, and herbaceous plants as defined in the "Selective Clearing" guidelines described in Section III of the Vegetation Management Plan (PPL 2010). Generally, all non-compatible vegetation (as described in the specification) will be cut at the ground surface and removed but grubbing will not be performed as part of regular vegetation management activities.

Enclosure D, at 3.

In its NPDES stormwater permit application for the Project, PPL claims that the clearing of wetland vegetation does not by itself constitute “earth disturbance” because it does not involve grubbing.<sup>8</sup> PPL also represents that “vegetation clearing within a wetland, if done by hand and with negligible earth disturbance, is not considered an impact.” Applications, Section J. Mitigation Plan, at 1. However, even assuming for the sake of argument that both things are true (PPL cites no authority for the latter proposition, and does not actually state that all of its clearing will be by hand), it does not follow that there will be no temporary or permanent impacts on the functions and values of the forested wetlands where trees will be cleared.

Again, section 105.1 of the Department’s regulations defines (non-exclusively) numerous “wetland functions.” Converting forested wetlands in PPL’s Project area to scrub and herbaceous wetlands will impair their functions *as forested wetlands*. With respect to general habitat and natural biological functions (subsection (i) of section 105.1 definition),

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<sup>8</sup> See PPL application for NPDES PAG-02 Authorization No. PAI02401400 (submitted April 14, 2014). In its request for a riparian buffer disturbance waiver under 25 Pa. Code 102.14(d)(2)(ii) to construct monopoles and access roads within the 150-foot riparian buffer of several streams in the Project right-of-way, PPL states: “The transmission line is being constructed through vegetated areas that will be cleared. Except where required to install a monopole and the associated gravel work area, vegetation will be cut to the ground level and will not be disturbed. These clearing activities without grubbing are not considered earth disturbance activities.” Presumably, the basis of PPL’s position is the definition of “earth disturbance activities” at 25 Pa. Code 102.1; “A construction or other human activity which disturbs the surface of the land, including land clearing and grubbing...”

conversion will, among other things, decrease aboveground biomass, habitat for shade-loving plant species, and the production of mast (e.g., acorns) for wildlife, and will increase exposure to the elements and to localized effects of global warming. Schmid & Company, Inc., *The Effects of Converting Forest or Scrub Wetlands to Herbaceous Wetlands, Prepared for the Delaware Riverkeeper Network* (2014) at 16-17.<sup>9</sup> Concerning natural drainage patterns and water quality (subsection (iii)), conversion will decrease soil stabilization, streambank anchoring, and capacity for nutrient storage. *Id.*, at 19-20. Conversion will increase the volume of groundwater discharge and reduce transpiration (subsection (vi)), and decrease the capacity for erosion and sediment control (subsections (iii) and (vii)). *Id.*, at 21-22. With regard to human recreation (subsection (ix)), conversion will impair landscape aesthetics, decrease interior forest and habitat for plants and animals, and impair the maintenance of cold water temperature for trout. *Id.*, at 22.

The introduction of invasive species by construction activities and other human activity has the potential to compound these impacts by crowding out native species, unless artificial plantings accelerate the establishment of desirable species. Schmid & Company, at 27. Remarkably – especially since the release, earlier this year, of the Pennsylvania Department of Conservation and Natural Resources’s *Shale-Gas Monitoring Report*,<sup>10</sup> PPL’s 2010 Vegetation Management Plan is silent on measures that PPL will take to prevent and mitigate the spread of invasive plant species in its project corridor, during and after construction. The “Environmental Impacts” section of PPL’s joint permit applications (Enclosure D) is likewise silent on potential stream and wetland impacts due to invasive species (and, accordingly, contains no discussion of how such impacts may be mitigated).

Finally, the use of herbicides to maintain PPL’s Project right-of-way has the potential to prolong and exacerbate all of the impacts described above. In its Enclosure D, PPL acknowledges that it will use herbicides, but concerning wetland impacts states only that herbicide application “will be conducted in accordance with PPL Electric’s *Specification For Initial Clearing and Control Maintenance Of Vegetation on Or Adjacent To Electric Line Right-of-Way through Use Of Herbicides, Mechanical, And Handclearing Techniques*, which dictates that application of herbicides will be by hand within 50 feet of a stream as described in the Vegetation Management Plan (PPL 2010).” With respect to wetland impacts, this is cold comfort – not only because it is unclear whether wetlands constitute “water bodies” (the

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9 Schmid & Company’s report is available at

<http://www.delawariverkeeper.org/Documents/Wetland%20Conversion%20Report.pdf>

10 Pennsylvania Department of Conservation and Natural Resources, *Shale-Gas Monitoring Report* (April, 2014), available at [http://www.dcnr.state.pa.us/cs/groups/public/documents/document/dcnr\\_20029147.pdf](http://www.dcnr.state.pa.us/cs/groups/public/documents/document/dcnr_20029147.pdf) Otherwise somewhat wary of acknowledging natural gas development impacts on State Forest lands, the DCNR’s report frankly notes the presence of invasive plant species on most (14 of 18) State Forest well pads assessed for the report. *See Report* at 78. The DCNR did not assess the presence of invasive species on pipeline rights-of-way, but acknowledges that because these rights-of-way typically comprise disturbed grassland or shrub habitat in full sun, they “provide ideal conditions for non-native, invasive plant species.” *Report*, at 80-81. Moreover, “these rights of way can act as a starting point for further movement of invasives established in the right-of-way to forested habitat outside of the existing corridor. The ability for invasives to ‘jump’ from the right of way to adjacent habitats is especially concerning in areas such as stream crossings, timber sales, burned areas, road or trail crossings, wetlands, and other sensitive palustrine ecosystems.” *Id.*, at 81. Obviously, PPL’s Project right-of-way poses all of the same threats.

term used in the plan) for purposes of the plan, but because as noted above, the plan contains virtually no substantive discussion about wetlands. Also, most of the streams in this project area are Special Protection waters with, at present, 150-foot riparian buffers; hand-application of herbicides in such areas at minimum should be done within the entire 150-foot wide riparian area.

In short, the clearing of trees in and near forested wetlands affected by PPL's project, together with ongoing right-of-way maintenance and the likely introduction of invasive species, will permanently affect the wetlands' functions and values. The grubbing that PPL has proposed in at least 3.5 acres of non-forested wetlands will also have temporary, if not permanent, impacts, and the use of timber mats for wetland crossings during construction activities is likely to have temporary impacts, as well.<sup>11</sup> PPL actually alludes to such impacts in its Environmental Assessments (but not its Impact Assessments). Describing site conditions near the PPL Jenkins substation, PPL admits that wetland impacts have occurred in and near its existing right-of-way (which will be expanded by the Project) and in and near the right-of-way of Transco's Leidy pipeline, which is adjacent to several miles of the Project's proposed right-of-way (and which Transco has proposed to expand):<sup>12</sup>

Some of the wetlands along the alignment have been degraded by the maintenance activities of the existing transmission line ROW in Plains Township or the adjacent pipeline ROW in Bear Creek Township and Buck Township. These activities have affected the hydrology and soil composition through earth disturbance and the vegetative structure by removing trees and many shrubs species.

Enclosure C, at 8. Moreover, the wetland impacts in PPL's right-of-way have presumably occurred despite the ongoing implementation of PPL's Vegetation Management Plan.

The Department must assess and properly take into account all of the impacts that PPL has not, and may not issue water obstruction and encroachment permits to PPL unless PPL makes the impact demonstrations required under 25 Pa. Code §105.18a. The Department may not permit impacts on non-EV wetlands unless PPL demonstrates that it is avoiding or reducing impacts to the maximum extent possible, 25 Pa. Code §105.18a(b), e.g., by developing site-specific vegetation management plans that specifically address wetlands and invasive species and prohibit any grubbing in wetlands. The terms of such plans could then be incorporated by reference in PPL's permits. For the EV wetlands in the Project corridor, the Department may not issue a permit unless PPL shows that its activities will have *no* adverse impact. 25 Pa. Code §105.18a(a)(1). Currently, there are at least two EV wetlands

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<sup>11</sup> PPL says that use of timber mats in wetlands is not considered even a temporary impact "per current guidance," Applications Section J, Mitigation, at 1, but does not identify what guidance document it is referring to. The use of timber mats may be a Best Management Practice for wetland construction activities, and can be expected to reduce impacts – but timber mats are unlikely to completely prevent temporary wetland impacts such the compaction of soils and temporary devegetation. And again, without specific measures to prevent invasive species impacts, timber mats will obviously not prevent such permanent impacts.

<sup>12</sup> See Federal Energy Regulatory Commission Docket No. PF13-5. Transco's proposed "Leidy Southeast Project" will be discussed in detail below as a project that will have cumulative impacts in combination with PPL's project.

– W-WP5A and W-WP5B – that would be adversely affected by the construction of Project monopoles. The Department may not permit these impacts.

4. *PPL’s analysis of cumulative environmental impacts does not provide enough information for DEP to adequately analyze the Project site as “part of a complete and interrelated wetland area,” 25 Pa. Code § 105.14(b)(14), or to ensure that the Project will have only “minimal cumulative adverse effect.” 33 U.S.C. § 1344(e)(1); 40 C.F.R. § 230.7 (a)(3). DEP should request additional information about cumulative impacts that may result from this Project.*

*a. Cumulative Impacts Analysis Requirements*

When evaluating a proposed project’s impact on health, safety, and the environment under 25 Pa. Code Chapter 105, the Department must consider “the cumulative impact of this project and other potential or existing projects.” 25 Pa. Code § 105.14(b)(14). As part of that analysis, the Department must consider the potential impacts of “numerous piecemeal changes” on wetland resources and recognize that each wetland site “is part of a complete and interrelated wetland area.” *Id.*

For water obstructions and encroachments that will affect non-exceptional value wetlands, the Department may issue a permit only if “[t]he cumulative effect of this project and other projects will not result in a *major impairment* of this Commonwealth’s wetland resources.” 25 Pa. Code 105.18a(b)(6). (Emphasis added). The term “major impairment” is not defined in Chapter 105; however, since wetlands are subject to the Department’s antidegradation requirements set forth at 25 Pa. Code Chapter 93, the Department may not allow any impairment so “major” that it prevents wetlands from attaining their existing uses, and the Department must protect the level of water quality necessary to protect those uses. 25 Pa. Code § 93.4a(b).<sup>13</sup> Moreover, any wetlands that are impaired must be replaced in accordance with 25 Pa. Code § 105.20a. *See* 25 Pa. Code § 105.18a(b)(7).

When a project will affect exceptional value wetlands, as PPL’s Project will in at least six instances, the Department may not issue a water obstruction and encroachment permit unless “[t]he cumulative effect of this project and other projects *will not result in the impairment* of the Commonwealth’s exceptional value wetland resources.” 25 Pa. Code § 105.18(a)(6) (emphasis added).

The Department must also analyze cumulative impacts in deciding whether to authorize coverage of a project under PASPGP-4, Pennsylvania’s general permit for providing federal authorization under Chapter 404 of the Clean Water Act for discharge of dredged or fill material into the waters of the United States. *See* 33 U.S.C. § 1344(e)(1); 40 C.F.R. § 230.7 (a)(3) (requiring permitting authority to find that project “will have only minimal cumulative adverse effect.”)

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<sup>13</sup> The Department’s antidegradation program applies to all “surface waters,” and the term “surface waters” is defined in Chapter 93 to include wetlands. *See* 25 Pa. Code 93.4a(a), 25 Pa. Code 93.1.

b. *PPL's Inadequate Cumulative Impacts Analysis*

A proper cumulative impacts analysis for wetlands will consider the impacts of all existing and reasonably foreseeable future projects that could impact the affected wetlands. Unfortunately, PPL has failed to provide the Department with any information about such projects in either of the two application forms where such information is supposed to be provided. *See Applications, Enclosure D at 13.*

The PASPGP-4 “Cumulative Impacts Project Screening Form” in Section A of the Application and the “Potential Cumulative Impacts” in Section D of Enclosure D of the Applications’ Environmental Assessments do not provide the Department with sufficient information about other potential or existing projects necessary to inform the Department’s evaluation. For example, although PPL’s brief Potential Cumulative Impacts analysis recognizes that “[f]uture corridor projects will likely result in increasing habitat fragmentation” and that “future projects may include more culvert or bridge stream crossings” (Application Enclosure D at 13), it does not identify any other future or current projects or try to quantify their impact. Instead the analysis explains that this particular PPL project is not expected to “spur additional construction” and concludes that no cumulative impacts will be “created by this project.” It does not provide information about “other potential or existing projects” that may be unrelated to this project but would nonetheless contribute to a cumulative environmental impact on wetland resources.<sup>14</sup>

c. *Projects that Should Be Considered in a Cumulative Impacts Assessment*

In order to properly conduct a cumulative impacts assessment required by regulation, the Department will need to take into account information about other existing and foreseeable future projects that could impact the wetlands. To better inform its review of the Application, the Department should use its authority under 25 Pa. Code §§ 105.14(b)(8)(ii) and 105.15(c) to request information from PPL about other existing and reasonably foreseeable projects that may combine to create a major impairment of the affected by the proposed project. Specifically, the Department should request information from PPL about “data regarding estimated development potentials and municipal, county and regional planning related to the affected watershed[s].” *See* 25 Pa. Code §105.14(b)(8)(ii). Using its authority under 25 Pa. Code §105.15(c), the Department should further ask PPL to submit information about any of the following existing or foreseeable projects that have been or will be constructed in, on, or near any of the watersheds affected by PPL’s proposed project:

- Pipelines, including any information about environmental impacts related to the co-

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<sup>14</sup> PPL’s failure to identify such projects is conspicuous because PPL’s Environmental Assessments reveal cumulative impacts due to existing development in the Mill Creek and Gardner Creek watersheds: “Residential and commercial development patterns have removed significant sections of vegetative cover and increased the area of impervious cover. This change has resulted in increases in stormwater volumes entering the streams, which erodes the streambanks and increases sedimentation levels. As previously noted wetlands in this section of the Project Study Area have been similarly affected by the urban development and are providing limited sedimentation control functions.” Enclosure C, at 17. This is exactly the type of development that can be expected to increase in the Lehigh watershed areas of the Project, with increased electricity service capacity.

- location of electric transmission lines and natural gas pipelines
- Bridges or culverts
- Dams
- Retaining walls or other stabilization measures
- Wetland fills
- All other projects in the affected watersheds that could have an impact on health, safety and the environment.

Although PennFuture has not conducted a full cumulative impacts analysis on the Project, we have identified several projects that the Department should consider in its review of cumulative impacts.

Most notably, PPL fails to mention the proposed Leidy Southeast Expansion Project (“Leidy Project”) of Williams Transcontinental (“Transco”) in the context of cumulative impacts in the region. Transco is currently seeking approval for the Leidy Project from the Federal Energy Regulatory Commission (FERC), Docket No. CP13-551. The Leidy Project will affect the same area as PPL’s Project, spanning Luzerne County and extending into Monroe County. For several miles, the PPL Project will run just feet from Transco’s right-of-way; in others, it will not. Because of the nature of the two projects – both long, linear projects that will require significant clearing of forest land – the two projects will have impacts on similar environmental resources. Thus, it is especially important that the Department consider the cumulative impacts of these projects when making a decision about PPL’s Applications.

According to public documents filed with FERC, the Leidy Project would result in the construction of 5.27 miles of a 42-inch natural gas pipeline in the “Dorrance Loop” in Luzerne County and 11.47 miles of 42-inch natural gas pipeline in the “Franklin Loop” in Luzerne and Monroe Counties. The Leidy Project would also include the construction and operation of a compressor station in Buck Township in Luzerne County. The Leidy Project is expected to have the following environmental impacts:

- The Leidy Project would cross ten surface waters and impact sixteen wetlands (3.38 acres) in the Dorrance Loop and an additional thirty-three water bodies and thirty-six wetlands (17.28 acres) within the Franklin Loop. Transco Leidy Project Application (Leidy Project Application), Resource Report 2 at Appendices 2A-2B, *available at* [http://elibrary.ferc.gov/idmws/file\\_list.asp?document\\_id=14149889](http://elibrary.ferc.gov/idmws/file_list.asp?document_id=14149889).
- In total, for the Dorrance Loop, construction will disturb 39.75 of land acres outside of Transco’s previously existing right-of-way; 5.15 acres of that will be continue to be disturbed during permanent operations after construction is complete. Leidy Project Application, Resource Report 1 at 1-15. For the Franklin Loop, 144.58 acres outside of Transco’s previously existing right-of-way will be disturbed during construction; 44.61 acres will be disturbed permanently during operation. *Id.*

- Of that area of disturbance, 6.67 acres in the Dorrance Loop and 35.48 acres in the Franklin Loop will be deciduous forest. Leidy Project Application, Resource Report 3 at 3-14.

This information should have been included in PPL's Applications, and the Department must consider the Leidy Project when assessing cumulative impacts under Chapter 105 and PASPGP-4.

In addition, as a result of very brief research, PennFuture was able to identify the following land development projects that have been proposed in the last two years in Bear Creek and Tobyhanna Townships in the general area of the project described in the Applications:

Bear Creek Township (Luzerne County):

- Boykidz 207 LLC Subdivision
- Janet M. Maulick Subdivision
- William A. Jacobson Subdivision
- William D. Haas Subdivision
- James and Patricia Lewin Subdivision
- Bear Creek Charter School Land Development
- John and Susan Pontarelli Subdivision

Tobyhanna Township (Monroe County):

- Gearhart Properties, LLC (Moose Crossing self-storage units)
- Sean J. and Laura A. Deane Minor Subdivision
- Creek View Estates Minor Subdivision
- Anthony Morroni Minor Subdivision
- Nicole and Evan Evans Minor Subdivision
- Pocono Pines Dollar General
- Blakeslee Home Improvement Land Development

If any of these projects have the potential to contribute to the cumulative impact on water and wetlands resources affected by the projects described in the Applications, they (along with any other projects that may contribute to water and wetlands impacts) should be explicitly identified by PPL and considered in the Department's review of the Applications.

PPL's current Enclosure C already notes the impacts of extensive development on two streams in the Project corridor, Mill Creek and Gardner Creek. Specifically, PPL states:

Currently, the hydrologic regimes of the streams along the Project alignment southeast of Bald Mountain are relatively natural, but the level of development in the Mill Creek watershed, which includes Gardner Creek, had resulted in increased stormwater runoff (Luzerne County Planning Commission 2000). Effects of this condition include flooding

of downstream communities, erosion and sedimentation problems, reduced groundwater recharge, and reduced water quality. Increased residential and commercial development northwest of Bald Mountain has had some negative effects on the rate of change and the duration of the flushing flows for these streams.

Enclosure C, p. 13.

PPL must consider these existing effects, along with any other unidentified existing effects and the potential effects of the projects PennFuture has identified above. The information about specific projects we provide in this section is not intended to represent all of the information necessary for the Department to conduct a thorough cumulative impacts assessment. It is intended simply as a sample of the current and future projects that the Department should consider in its analysis. The Department should request complete information about relevant projects from PPL.

5. *PPL's proposed contribution of \$500 to the Pennsylvania Wetlands Replacement Fund would be inadequate to mitigate the 0.09 acre of permanent wetland impacts that PPL has acknowledged, and is woefully inadequate to mitigate the more extensive permanent wetland impacts that the Project will actually have.*

PPL acknowledges 0.09 acre of permanent wetland impacts, and has proposed to mitigate these impacts under 25 Pa. Code 105.20a by paying \$500 to the Pennsylvania Wetland Replacement Project established under the Department's Technical Guidance Document Number 363-0200-003, *Pennsylvania Wetland Replacement Project*.<sup>15</sup> There are two problems with this proposal.

First, for projects seeking coverage under PASPGP-4, mitigating permanent impacts to jurisdictional wetlands through contributions to the Replacement Project is no longer lawful, at least absent review by the U.S. Army Corps of Engineers. In 2008, the Corps and the U.S. Environmental Protection Agency issued the Compensatory Mitigation for Losses of Aquatic Resources rule, 30 C.F.R. Parts 325 and 332, better known as the "Mitigation Rule."<sup>16</sup> Under the Mitigation Rule, "in-lieu fee" wetland replacement programs operating under federal approvals made before July 9, 2008 (including Pennsylvania's) expired in June, 2013. Consequently, the Replacement Project "cannot be used by the Corps of Engineers as compensation for impacts associated with Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act authorizations after June 9, 2013." U.S. Army Corps of Engineers Special Public Notice # SPN 13-28 (May 10, 2013).<sup>17</sup> Any project seeking coverage under PASPGP-4 that proposes mitigation through the Replacement Project must be forwarded to the Corps for review as a Category III project under PASPGP-4. Special Public Notice # SPN 13-28, at 2.

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<sup>15</sup> Available at <http://www.elibrary.dep.state.pa.us/dsweb/Get/Version-48802/363-0200-003.pdf>

<sup>16</sup> See 73 Fed. Reg. 19594 (April 10, 2008).

<sup>17</sup> Available at

<http://www.lrp.usace.army.mil/Portals/72/docs/regulatory/publicnotices/PWRP%20expiration%20%28SPN13-28%29.pdf>

Second, and more importantly, for all the reasons stated above, PennFuture believes that the permanent wetland impacts of PPL's Project will significantly exceed 0.09 acre. The Department must require PPL to mitigate all of its permanent impacts in accordance with the criteria in 25 Pa. Code §105.20a; furthermore, given the large acreage of forested wetlands that will be affected, and the number of High Quality and Exceptional Value watersheds at stake, and the fact that PPL's Project will, by greatly increasing electrical service capacity, likely induce much more development in these watersheds in the decades ahead, the Department should consider requiring function-and-value replacement at a ratio exceeding 1:1 pursuant to 25 Pa. Code §105.20a(a)(2).

6. *The Department should request a copy of PPL's impact study to determine the environmental effects of the co-location of transmission lines and natural gas pipelines.*

In its Applications, PPL proposes to run electric transmission lines in close proximity to natural gas pipelines operated by Transcontinental Gas Pipe Line Company, LLC. In a proceeding before the Pennsylvania Public Utility Commission (PUC), Transco raised issues related to safety concerns created by potential electromagnetic interference between the pipelines and the transmission lines. Transco claimed that this interference could cause shock hazards and external corrosion of the pipelines. In resolving this dispute, PPL agreed to fund an "impact study to determine what, if any, impact the proposed transmission lines may have on Transco's natural gas pipelines." 2013 Pa. PUC LEXIS 620, \*227-\*228 (Pa. Public Utility Commission Oct. 8, 2013) (Recommended Decision). We assume this impact study has been completed – and that it concluded either that electromagnetic interference from PPL's project would not have an adverse impact on Transco's pipeline, or that adverse impacts were possible but could be mitigated by engineering measures that were subsequently incorporated into the project. In any case, the Department should request a copy of the impact study to determine whether the potential hazards would have any adverse effect on any local water or wetlands or other natural resources of the Commonwealth, including plants and animals. Assuming for the sake of argument that PPL included project design elements that will protect Transco's pipeline, it does not follow that these elements will also protect natural resources. If there are any potential adverse impacts, the Department should include permit conditions that will prevent the impacts, and should require appropriate mitigation for any impacts that cannot be avoided.

Thank you for your time and consideration. If you have any questions about this letter, please contact us using the information below.

Sincerely,

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