

Conservation Groups Sue National Park Service

Rock the Earth and a coalition of national, regional and local conservation groups in New Jersey and Pennsylvania filed suit in federal court today challenging the approval by the National Park Service (NPS) of a supersized transmission line that would cut through three popular national parks. The suit against the NPS challenges the agency's approval and environmental review of the 500-kilovolt (kV) Susquehanna-Roseland transmission line through the Delaware Water Gap National Recreation Area, the Middle Delaware National Scenic and Recreational River, and the Appalachian National Scenic Trail (collectively, the "parks").

Despite NPS's governing mandate to protect the National Park System and to prevent impairment to park resources, the NPS has authorized a project that the agency acknowledges will have serious and enduring impacts on the parks.

"This decision by the Park Service will permanently scar the landscape and degrade the visitor experience in some of the most visited national parks in the country," said Hannah Chang, attorney with the public interest environmental law firm Earthjustice, representing the conservation groups in the lawsuit along with the New Jersey based non-profit Eastern Environmental Law Center. "And what's worse, the damage from constructing and operating this 500-kV electric transmission line on nearly 200-foot-tall towers through these treasured places is unnecessary. Serious questions have been raised about the need for this project." Several conservation groups have questioned the need for the transmission line in the still undecided appeal of the New Jersey Board of Public Utilities' approval of the project.

The new transmission line to be built by Public Service Electric and Gas Co. (PSE&G) in New Jersey and Pennsylvania Power and Light Electric Utilities (PPL) in Pennsylvania will largely follow the route of an existing 85-year-old power line, but the new towers will rise more than twice as high as the existing towers and would include clearing substantially more trees and the construction of access roads through the Parks.

"The NPS decision is extraordinarily disappointing. It clearly violates the founding law of national parks, which requires the agency to 'conserve the scenery' and protect park resources from impairment," said Cinda Waldbuesser, Pennsylvania senior program manager for the National Parks Conservation Association. "America's national parks are special places, set aside for inspiration and recreation, and are not blank spots on the map, conveniently set aside for development projects like super-sized transmission lines."

"The Delaware Water Gap is a cherished and irreplaceable public resource," said Mark Zakutansky, Mid-Atlantic Policy Manager for the Appalachian Mountain Club (AMC). "The AMC worked to save this unique natural area from the Tocks Island Dam project over 40 years ago. Our volunteers have invested over 50,000 hours building and maintaining trails there, and each year we introduce over 10,000 people to the area through outdoor programs. Millions of people from New York City and Philadelphia find respite in the area's magnificent views and recreational opportunities. We cannot stand on the sidelines while the Delaware Water Gap is permanently despoiled and we will fight once again to protect it."

The conservation groups are challenging NPS's approval of the transmission line as a violation of the National Park Service Organic Act and the Wild and Scenic Rivers Act. They also point to deficiencies in the agency's required environmental analysis under the National Environmental Policy Act. "We continue to be concerned that the impacts to the scenic values of these national treasures have not been adequately addressed during the environmental review process," said Mark Wenger, Executive Director for the Appalachian Trail Conservancy.

"The National Park Service's Environmental Impact Statement failed to assess fully the total and cumulative impacts outside the parks that will have both direct and indirect effects on the downstream natural resources within the park," said Maya van Rossum, the Delaware Riverkeeper. "The power line will cross over both the Lackawaxen River and Bushkill Creek outside the Delaware Water Gap National Recreation Area. Construction impacts, including clear-cutting forests, filling wetlands, and building roads, will harm water quality and habitat because both of these tributaries flow directly into the Delaware River within the park."

The coalition of groups are asking the court to overturn the NPS decision to permit the transmission line through national park land and to stop construction until the NPS complies with federal law.

The proposed Susquehanna-Roseland transmission line is a 145 mile, 500

kV transmission line from Berwick, Pennsylvania to Roseland, New Jersey that will bring coal-fired and other sources of power from Pennsylvania to urban areas in the mid-Atlantic region.

According to PSE&G and PPL, construction should be completed and the power line operational by the summer of 2015.

“The construction of high-voltage transmission lines like the Susquehanna-Roseland line impedes the development of the renewable energy resources that are our future,” said Dave Slaperud of Stop the Lines. “Running from coal country to the mid-Atlantic states, this transmission line threatens to perpetuate electricity generated from dirty and antiquated coal-fired power plants.”

The 4.3 miles of the transmission line that runs through national park lands crosses unique and sensitive resources.

In a July 2012 environmental impact study conducted for the NPS, the human use and ecological impacts from the project were estimated at \$89 million.

As announced in the Park Service’s October 1 Record of Decision, the utilities have agreed to pay \$56 million in return for damaging the parks. This compensatory mitigation and its underlying methodology and rationale were never previously disclosed or explained by the Park Service during the environmental review process.

“You cannot mitigate for the degradation of a national park or a portion of the Appalachian Trail,” said Marc Ross, Executive Director of Rock the Earth.

The Delaware Water Gap National Recreation Area, the Delaware River that flows through it, and the famed Appalachian Trail that traverses its ridges attract more than 5.2 million visitors a year who want to enjoy the recreational opportunities of the Delaware’s clean, free-flowing waters and the park’s spellbinding waterfalls and diverse wildlife that include bald eagles, peregrine falcons, and black bears. The National Recreation Area was named a Top 10 most-photogenic national park nationwide for

fall foliage. The Delaware River is the last free-flowing river east of the Mississippi. The Appalachian Trail, completed 75 years ago and designated as the nation's first national scenic trail in 1968, is enjoyed by nearly three million people each year. Together, these national parks offer the very best outdoor recreational opportunities for those living in the mid-Atlantic region.

"Trail Conference volunteers built the Appalachian Trail along the Kittatinny ridgeline to take advantage of the glorious views," said Ed Goodell of New York–New Jersey Trail Conference. "Now, 50 or more transmission towers will blight the viewpoints along 20 miles of Appalachian Trail."

"We have no recourse but to take this issue to the courts. We will fight for the integrity of our parks even if the National Park Service won't," said Jeff Tittel, director of the New Jersey Sierra Club. "What's at stake is the protection of valuable public lands cherished by millions of outdoor enthusiasts and nature lovers. If they can do this here, what's next – the Everglades, Yosemite, Yellowstone?"

The lawsuit was filed by Earthjustice and Eastern Environmental Law Center on behalf of the Appalachian Mountain Club, Appalachian Trail Conservancy, Association of New Jersey Environmental Commissions, Delaware Riverkeeper Network, New Jersey Highlands Coalition, New York–New Jersey Trail Conference, National Parks Conservation Association, Rock the Earth, Sierra Club, and Stop the Lines.

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About the Appalachian Mountain Club (AMC): AMC is a non-profit organization whose mission is to promote the protection, enjoyment, and understanding of the mountains, forests, waters, and trails of the Appalachian region. With 100,000 members and supporters, AMC has a long history of recreation and stewardship in the Delaware Water Gap National Recreation Area, including the maintenance of over 30 miles of trails within the park. For more information, please

visit www.outdoors.org.

About the

Appalachian Trail Conservancy (ATC): ATC represents 43,000 members and 31 Appalachian Trail maintaining clubs in pursuing its mission to preserve and manage the Appalachian Trail. In 1925, ATC initiated the creation of the Appalachian Trail, and today, it supports the management of the Trail under a formal cooperative management agreement with the National Park Service and agreements with its Trail maintaining clubs. For more information, please visit www.appalachiantrail.org.

About the

Association of New Jersey Environmental Commissions (ANJEC): ANJEC is a non-profit educational organization whose mission is to achieve sustainable use of New Jersey's natural resources through leadership, education, and support of environmental commissions and other local boards, public officials, environmental organizations, and concerned citizens. ANJEC has over 2,700 members, including municipal environmental commissioners. For more information, please visit www.anjec.org.

About the Delaware

Riverkeeper Network (DRN): DRN is a non-profit organization established to champion the rights of communities to a free-flowing, clean, and healthy Delaware River. DRN's staff and volunteers work throughout the Delaware River watershed to protect and restore the ecological, recreational, commercial, and aesthetic qualities of the Delaware River and its tributaries, ecosystems, and habitats. For more information, please visit www.delawareriverkeeper.org.

About the National

Parks Conservation Association (NPCA): Since 1919, the nonpartisan National Parks Conservation Association has been the leading voice of the American people in the fight to safeguard our National Park System. With more than 750,000 members and supporters, NPCA is the largest independent membership organization dedicated to protecting our nation's natural, historical, and cultural heritage for our children and grandchildren. For more information, please visit www.npca.org.

About the New

Jersey Highlands Coalition: The New Jersey Highlands Coalition is a local non-profit organization that represents both individual members and a diverse network of 72 local, regional, state, and national organizations in pursuing the goal of protecting, enhancing, and restoring the New Jersey Highlands and preserving the quality and quantity of drinking water from the Highlands region on which millions in the surrounding area depend. For more information, please visit www.njhighlandscoalition.org.

About the New

York–New Jersey Trail Conference (TC): The TC is a non-profit federation dedicated to developing and maintaining hiking trails; protecting trail lands; and educating the public in the responsible use of trails and the natural environment. In the 1920's, the TC built the Appalachian Trail through New Jersey and New York and continues to maintain the Trail in collaboration with ATC and the National Park Service. For more information, please visit www.nynjtc.org.

About Rock the

Earth: Rock the Earth is a Pennsylvania nonprofit conservation organization with approximately 2,000 members whose mission is to protect America's natural resources through partnerships with the music industry and the world-wide environmental community. Rock the Earth serves as an advocate to ensure a sustainable and healthy environment for communities across the country. For more information, please visit www.rocktheearth.org.

About the Sierra

Club: Founded in 1892, the Sierra Club is a national conservation organization dedicated to exploring, enjoying, and protecting the wild places of the earth and to practicing and promoting the responsible use of the earth's ecosystems and resources. The Sierra Club's New Jersey Chapter has approximately 20,000 members, and its Pennsylvania Chapter has approximately 24,000 members. For more information, please visit www.sierraclub.org.

About Stop the

Lines: Stop the Lines is a New Jersey-based grassroots organization dedicated to raising awareness about the Susquehanna-Roseland Line. Stop the Lines and its 440 members engage in

citizen education and political action to raise public awareness about the harms that would be caused by the construction of the transmission line and the lack of need for this costly and intrusive infrastructure project. For more information, please visit www.stophelines.com.