

The Office of Electricity Delivery and Energy Reliability, OE-20
U.S. Department of Energy
1000 Independence Avenue SW
Washington, DC 20585.

July 6, 2007

Attn: Docket No. 2007-OE-01

Dear Secretary Bodman:

I am writing in behalf of the Appalachian Trail Conservancy pursuant to the Department of Energy's recent request for comments regarding its draft proposal to designate a Mid-Atlantic Area National Electric Transmission Corridor.

The Appalachian Trail Conservancy (ATC) is a private, nonprofit, educational organization founded in 1925 to coordinate the efforts by both public agencies and private individuals and organizations to design, construct, maintain, and conserve the Appalachian National Scenic Trail (A.T.), a unit of the National Park System authorized by the National Trails System Act (16 U.S.C. §1242).

ATC has a membership base of approximately 42,000 individuals and also is a federation of 30 hiking and outing organizations (with a combined membership of more than 180,000), each of which maintains and manages an assigned segment of the Appalachian Trail. In total, about 5,500 volunteers annually contribute approximately 200,000 hours of labor along the trail.

Our mission is to conserve the natural lands, pristine waters, and forested and pastoral landscapes that surround and border the Appalachian National Scenic Trail footpath—our nation's first and foremost national scenic trail. The trail is a continuous, 2,175-mile footpath extending across 14 states from Maine to Georgia. Following passage of the National Trails System Act, federal and state agencies launched one of the most ambitious land-conservation efforts in our nation's history—including the acquisition of more than 3,000 parcels of land and 180,000 acres. Today, those efforts, spanning more than 28 years, have formed a publicly owned “greenway” connecting eight national forests, six other national parks, and more than 60 state parks, forests, and game-management units. Those lands are remarkable not only for their scenic qualities but also their extraordinary diversity of natural and cultural resources. Indeed, based on extensive natural-resource inventories, we now know that more than 2,000 occurrences of state- or federally listed rare, threatened, or endangered species at more than 500 discrete sites are found on lands associated with the A.T.—ranking the A.T. among the most biologically diverse units of the National Park System. Similarly, recent inventories of cultural resources in selected states suggest that those same lands possess an equally rich assortment of significant historical and cultural resources. With an estimated four million visitors each year, the trail also ranks among the most heavily visited units of the National Park System.

Given our long-term stewardship of the above-described resources, we are deeply concerned with the proposed mid-Atlantic Area National Interest Electric Transmission Corridor designation, which would encompass all or major portions of eight eastern states and the District of Columbia. Almost 400 miles, or about 20 percent of the entire length of the Appalachian National Scenic Trail, would be encompassed by this designation. In our earlier October 2006 comments on the DOE Congestion Study, we suggested individualized corridor designations ranging from 75-to-100 miles wide to allow state public utility commissions (PUCs), municipalities and FERC flexibility to route power lines with sensitivity to local conditions. But, DOE's currently proposed

“corridor” is so broad and inclusive as to be virtually meaningless—unless, of course, the real agenda is to provide maximum flexibility to energy-project proponents to pursue almost any location they choose. In our view, especially in light of the special authorities granted to FERC under the 2005 Energy Policy Act, such a broad delineation represents a potentially very significant usurpation by the Federal government of the traditional roles of states and municipalities in regulating electricity generation, transmission and rates. Our understanding is that concerns have been expressed by a number of states and localities within the proposed corridor, and we find such concerns neither surprising nor lacking in merit.

Given the scope of the proposed Mid-Atlantic Area National Electric Transmission Corridor, ATC reiterates its recommendation to the Department that it pursue a full, regional, programmatic Environmental Impact Statement (PEIS) as required by the National Environmental Policy Act of 1969 (NEPA) before designation of the Corridor. ATC strongly disagrees with the Department’s contention that NEPA applies only later, at the project-level phase, when FERC makes a decision to grant or deny a specific permit application. Such a position ignores the very real possibility that multiple projects may be proposed within a given Corridor area that, taken together, could have significant, adverse, cumulative impacts—particularly on linear resources such as the Appalachian National Scenic Trail—that may be overlooked at the individual project level. The Council on Environmental Quality regulations for implementing the National Environmental Policy Act specifically prohibit the segmentation of projects: “Proposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action” are to be evaluated in a single NEPA document (CEQ regulations at 1502.4). The environmental analysis for the project cannot be segmented or divided into smaller parts, unless each component has independent utility.

Accordingly, under Federal regulations implementing the provisions of the National Environmental Policy Act, we believe that the designation of the entire proposed Mid-Atlantic Area National Electric Transmission Corridor most certainly constitutes a “major Federal action affecting the quality of the human environment.” This is all the more so given the unprecedented new authorities granted to the Federal Energy Regulatory Commission in the 2005 Energy Policy Act.

In August, 2006, in DOE’s National Electric Congestion Study, DOE contended that “congestion solutions will be based on a thorough review of generation, transmission, distribution and demand-side options, and that such options will be evaluated against a range of scenarios concerning load growth, energy prices, and resource development patterns to ensure the robustness of the proposed solutions.” ATC does not believe that DOE has met this requirement particularly with regard to demand-side options, load growth and resource development patterns. Energy efficiency, perhaps the greatest area where significant improvement in demand-side management could be made, and an area where states and localities are now making major advancements, has received only scant attention. Until more rigorous analyses are completed, preferably in the context of a regional, programmatic EIS, designation of the proposed Mid-Atlantic Area National Corridor is, in our view, premature.

With regard to specific proposals, once those become clearer, ATC’s position is already well charted: We will continue to seek to minimize the visual and audible impacts of utility corridors, as well as the physical impacts of such corridors, to achieve the highest level of protection for the footpath, associated resources, and the experience of Appalachian National Scenic Trail visitors. ATC has longstanding policy direction to oppose construction of any new utility or transmission corridor lines along or across the Appalachian Trail, unless it can be demonstrated that: (1) the proposed project is of overriding public benefit; (2) locating the proposed project along or across

the A.T. is the only feasible and prudent alternative; (3) new impacts can be isolated to the area of a single crossing; *and* (4) adverse impacts to the scenic, historic, cultural, and natural resources of Appalachian Trail corridor lands will be adequately mitigated. We believe similar policies should be applied to any national, regional, state, or local utility project affecting the Appalachian Trail.

With respect to mitigation, the Conservancy believes that a “no-net-loss” approach should be established as the minimum threshold for approval of any utility line that crosses the Appalachian Trail. In other words, if it is determined that it is in the public interest for a utility line to cross the A.T., then sufficient mitigation must be incorporated into the proposed project so that there is no net loss of significant natural, scenic, historic, or cultural values. Such values include the sense of remoteness and connection to the primitive environment of the Appalachian Mountains that the trail typically provides as well as the integrity of the wooded and pastoral landscapes that border it.

Thank you for this opportunity to comment on this important issue.

Sincerely,

David N. Startzell
Executive Director
Appalachian Trail Conservancy