DOCKET NO. D-2014-023-1

DELAWARE RIVER BASIN COMMISSION

Special Protection Waters

PPL Electric Utilities Corporation
Northeast Pocono Reliability Project

Bear Creek and Buck Townships, Luzerne County, Pennsylvania, Tobyhanna Township, Monroe County, Pennsylvania, Thornhurst, Clifton and Covington Townships, Lackawanna County, Pennsylvania, Lehigh, Sterling, Dreher, Salem and Paupack Townships, Wayne County, Pennsylvania

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by URS Corporation on behalf of PPL Electric Utilities Corporation (PPL) on December 4, 2014 (Application), for review of a proposed electric transmission line project that passes through the Delaware River Basin (DRB) including portions of the Lackawanna State Forest. The Pennsylvania Public Utility Commission (PUC) approved the project on January 9, 2014 (Docket No. A-2012-2340872). The docket holder has also received approvals from the Pennsylvania Department of Environmental Protection (PADEP) as described in this docket.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Luzerne County Planning Commission, Lackawanna County Planning Commission, Monroe County Planning Commission and Wayne County Planning Commission have been notified of pending action on this docket. A public hearing on this project was held by the DRBC on June 9, 2015.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to approve a new electric transmission line project referred to as the Northeast Pocono Reliability Project (NEPOC Project). The project alters greater than 25 acres of wetlands and portions of the project pass through the Lackawanna State Forest (LSF), which is designated in the DRBC's Comprehensive Plan as a recreation project area. In the DRB, the project consists of the construction of approximately 44.5 miles of 230 kV transmission line including a portion of the line (2.9 miles) that passes through the LSF

and approximately 10 miles of 138/69 kV transmission circuit connector line including a portion of this line (0.1 miles) that passes through the LSF and one new electric substation. The transmission line project requires the clearing of new right-of-way along the transmission and conductor line corridors, construction of access roads and temporary work pads for monopole construction and conductor pulling equipment, installation of monopoles and stringing and tensioning conductor.

2. Location. The NEPOC Project consists of the construction of 57 miles of new 230 kV transmission line and 11.3 miles of 138/69 kV transmission line connections associated with two new transmission substations, the West Pocono substation and North Pocono Substation. Approximately 44.5 miles of the 230 kV transmission line, 10 miles of the 138/69 kV lines (5.6 miles of ROW), and the West Pocono Substation are located in the DRB. The remainder of the project noted above is located in the Susquehanna River Basin (SRB).

The new 230 kV line will start at the existing Jenkins 230-69 kV Substation located in Plains Township, Luzerne County. From here, the new 230 kV line will generally extend southeast to the West Pocono Substation, located in in Buck Township, Luzerne County. The line then turns northeast to the North Pocono Substation, located in Covington Townships, Lackawanna County. The line then turns north to connect with the new Paupack 230-69 kV Substation located in Paupack Township, Wayne County.

The 230 kV transmission line is being constructed in three segments based on substation locations. The 15 mile Jenkins to West Pocono segment runs northwest to southeast from the existing Jenkins Substation in Plains Township, Luzerne County (in the SRB) to the West Pocono Substation in Buck Township, Luzerne County, Pennsylvania. Approximately 9.2 miles of this segment is located in Bear Creek and Buck Townships, Luzerne County within the DRB. The West Pocono to North Pocono segment of transmission line begins at the proposed West Pocono Substation and continues northeast for 20 miles through Buck Township, Luzerne County and Thornhurst, Clifton and Covington Townships, Lackawanna County, Pennsylvania. The last 3.9 miles of this segment of transmission line and the North Pocono Substation to which it connects are located in Covington Township in the SRB. Additionally, 2.9 miles of this line crosses the Thornhurst Section of the LSF in Thornhurst Township. The 22 mile North Pocono to Paupack segment connects the North Pocono Substation and the existing Paupack Substation located in Paupack Township Wayne County crossing Covington Townships, Lackawanna County, Pennsylvania, Lehigh, Sterling, Dreher, Salem and Paupack Townships, Wayne County, Pennsylvania. Approximately 2.3 miles of the southernmost portion of this segment is located in the SRB.

The project's 138/69 kV transmission lines will connect the North Pocono and West Pocono Substations to the existing local 138/69 kV transmission system. From the North Pocono Substation three lines, totaling approximately 5 miles will be constructed in a single, approximately 3-mile long ROW in Covington Township, Lackawanna County and Sterling and Lehigh Townships, Wayne County. Approximately 1 mile of the line and 0.4 miles of the ROW is located in the SRB. Additionally, approximately 0.13 miles of the ROW is located in the Freytown Tracts Section of the LSF in the DRB. From the West Pocono Substation, two lines

totaling approximately 6 miles will be constructed within the same 3-mile long ROW in Buck Township, Luzerne County and Tobyhanna Township, Monroe County, Pennsylvania.

The portion of the project located in the DRB is located in the Lehigh and Lackawaxen Watersheds within the drainage areas to the sections of the non-tidal Delaware River known as the Lower and Upper Delaware, which are classified by the Commission as Special Protection Waters (SPW).

3. Area Served. The PPL NEPOC Project will reinforce its existing service area in the northeast Pocono region of Pennsylvania. For the purpose of defining Area Served, the Application is incorporated herein by reference consistent with conditions contained in the DECISION section of this docket.

4. Physical features.

a. Design criteria.

The proposed NEPOC Project is required to resolve violations of PPL Electric's "Reliability Principles & Practices" (RP&P) guidelines and to reinforce the 69 kV systems in Carbon, Lackawanna, Luzerne, Monroe, Pike, and Wayne Counties by bringing a new 230 kV supply into the area.

Currently, the only source of electric supply to the project area is provided by 69 kV transmission lines. It has been approximately 30 years since the last major transmission reinforcement was built in the project area. There has been substantial load growth over time and this load growth is expected to continue. The concern with the transmission facilities in this area is that the 69 kV transmission lines are long in length and serve a significant number of customers. These customers are vulnerable to long duration outages for loss of the transmission line which serves them. The ability to restore service to these customers is limited due to the lack of 230 kV transmission sources in the area. The RP&P violations demonstrate that the local transmission system does not measure up to PPL Electric's reliability standards.

The NEPOC Project involves the development of a new 230 kV transmission line across portions of Luzerne, Lackawanna, and Wayne Counties. Associated with the transmission line development is the construction of two new 230 kV substations (West Pocono and North Pocono) at strategic locations along the route where connection to the 69 kV systems can be efficiently established. Furthermore, the project also involves the development of a new series of 138/69 kV connector lines that will extend from the North Pocono and West Pocono Substations to the local 69 kV network.

b. Facilities.

The West Pocono Substation is located on an approximate 112-acre parcel in Buck Township, Luzerne County, Pennsylvania. Approximately 38 acres was cleared for the construction of the substation and transmission lines. The substation, including a control building will be surrounded by a high fence to prevent entry by unauthorized persons. The

fenced area for the West Pocono Substation is approximately 7.6 acres in size. The control building is not intended for human occupancy and there is no supply of water or sanitary facilities.

The 230-kV transmission line towers and the 138/69 kV transmission line towers are self-weathering tubular steel monopole structures with heights of approximately 145-155 feet and 105-110 feet, respectively. A total of 445 monopoles (403 in the DRB) will be constructed for the project. The towers will be placed on concrete caisson foundations (approximately 10 feet in diameter). The average span (distance between poles) is 1,000 feet for the poles carrying the 230 kV conductor and 650 feet for the poles carrying the 138/69 kV conductor.

With the exception of an approximate 0.4 mile section of the power line adjacent to the West Pocono substation, the new ROW for the 230-kV transmission line is 150 feet in width. The portion of the 230-kV power line near the West Pocono Substation will utilize a 225 foot ROW to accommodate the colocation of two segments of power line. The right of way width for the 138/69 kV transmission lines varies between 100 and 200 feet based on the number of new lines contained in the ROW.

The project's ROW will be cleared of all non-compatible vegetation in accordance with PPL's "*Specifications for Initial Clearing and Control of Vegetation On or Adjacent to Electric Line Right-of-Way through Use of Herbicides, Mechanical, and Hand Clearing Techniques*". Grubbing of 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 sites. Once construction activities are completed, vegetation on the ROW will be allowed to regrow and the ROW will be maintained with compatible species of low growing trees, shrubs, and grasses where practicable.

Temporary work areas will be established at each monopole location to facilitate the staging and use of vehicles and equipment. Pulling and tensioning pads will also be constructed every 1 to 2 miles along the ROW. These pads are approximately 1 acre in size. The majority of the pads will be located within the cleared ROW. Additional puller pads will be constructed outside of the ROW at turns in the ROW alignment. Work areas at the monopoles and puller pads will consist of gravel, except where wetlands are present. In wetlands, timber matting will be used instead of gravel. Following construction activities, approximately 4 inches of top soil will be tilled into the gravel work areas and will be reseeded. All timber matting used in wetland areas will be removed following construction activities.

Access roads will be constructed, approximately 14 to 16 feet in width, with a stone surface to support the equipment that will be transporting materials to the monopole sites. The majority of the access roads are located within the ROW; however, some off ROW roads are necessary for access to the ROW. Once built, much of the routine maintenance to the line will be conducted by helicopter or by 4-wheel drive pickup truck. Streams will not be crossed by construction equipment unless no viable alternative route along public roadways is available. Typical stream crossings will consist of pre-fabricated / pre-engineered wood decking with metal stringer supports or a metal bridge. As necessary for long spans (20 – 40 feet), metal culverts may be used beneath bridge deck for support. The stream crossings are temporary and all equipment will be removed following construction activities. Where access roads are required to cross wetlands, they will be temporary and will be removed following monopole construction

activities. Temporary access roads through wetlands will be comprised of timber mats. No gravel will be installed in wetlands to facilitate the crossing of equipment.

The project does not propose any groundwater or surface water withdrawals or discharges to ground or surface water.

Three of the project's permanent monopole structures are located within FEMA mapped floodplains. No permanent structures are located in any floodway.

c. Cost. The overall cost of this project is estimated to be $335,000,000.

d. **Relationship to the Comprehensive Plan**. The project alters greater than 25 acres of wetlands and portions of the project pass through the LSF, which is designated in the DRBC's Comprehensive Plan as a recreation project area. The LSF was included as a recreational area in the Comprehensive Plan via Resolution No. 2000-22, approved on November 15, 2000.

B. FINDINGS

Special Protection Waters

In 1992, the DRBC adopted Special Protection Waters requirements, as part of the DRBC *Water Quality Regulations* (WQR), designed to protect existing high water quality in applicable areas of the Delaware River Basin. One hundred twenty miles of the Delaware River from Hancock, New York downstream to the Delaware Water Gap were classified by the DRBC as SPW. This stretch includes the sections of the river federally designated as "Wild and Scenic" in 1978 -- the Upper Delaware Scenic and Recreational River and the Delaware Water Gap National Recreation Area -- as well as an eight-mile reach between Milrift and Milford, Pennsylvania which is not federally designated. The SPW regulations apply to this 120-mile stretch of the river and its drainage area.

On July 16, 2008, the DRBC approved amendments to its *Water Quality Regulations* that provide increased protection for waters that the Commission classifies as Special Protection Waters. The portion of the Delaware River and its tributaries within the boundary of the Lower Delaware River Management Plan Area was approved for Special Protection Waters designation and clarity on definitions and terms were updated for the entire program.

Article 3.10.3A.2.e.1). and 2). of the *Water Quality Regulations, Administrative Manual - Part III,* states that projects subject to review under Section 3.8 of the Compact that are located in the drainage area of Special Protection Waters must submit for approval a Non-Point Source Pollution Control Plan (NPSPCP) that controls the new or increased non-point source loads generated within the portion of the project's service area which is also located within the drainage area of Special Protection Waters. The project is located within the drainage area to Special Protection Waters. Since this project does entail construction and there are potentially new or increased non-point source loads associated with this approval, the non-point source pollution control plan requirement is applicable.

The docket holder's erosion and sediment control plans and post construction stormwater management plans for the Jenkins to West Pocono and North Pocono to Paupack segments of the project have been reviewed and approved by the County Conservation Districts and PADEP has issued Individual NPDES Permits for Stormwater Discharges Associated with Construction Activities and Water Obstruction and Encroachment Permits for these two segments. The erosion and sediment control plans, post construction stormwater management plans and a NPDES permit application for the West Pocono to North Pocono segment are currently under review by the County Conservation Districts and PADEP. Commission staff have reviewed the plans and determined that the state-approved plans fulfill the Commission's Non-Point Source Pollution Control Plan requirements. As stated above, the West Pocono to North Pocono segment has not yet been approved by PADEP. The docket holder shall submit a copy of the final Erosion and Sedimentation Plans and Post Construction Stormwater Management plans and copies of the approved PADEP NPDES and Water Obstruction and Encroachment Permits to the Commission within 30 days of the docket holder receiving approval from local County Conservation Districts and PADEP in accordance with Section C.I.f. of this docket.

Project Land and Wetland Disturbance

The Limit of Disturbance areas of the Jenkins to West Pocono, West Pocono to North Pocono and North Pocono to Paupack segments are approximately 398 acres, 394 acres and 523 acres, respectively (a total of 1,315 acres). This area includes the portions of the project that are located in the SRB.

The Rules of Practice and Procedure (RPP) require Commission review for projects that "involve a significant disturbance of ground cover affecting water resources". In determining whether a "significant disturbance" would occur, the DRBC Project Review staff is guided by two other land disturbance thresholds established by RPP section 2.3.5 A: those that, respectively, exclude from review projects involving "[a] change in land cover on major ground water infiltration areas when the amount of land that would be altered is less than three square miles" (RPP § 2.3.5 A.6); and projects that involve "[d]raining, filling or otherwise altering marshes or wetlands when the area affected is less than 25 acres" (RPP § 2.3.5 A.15). In our view, these thresholds indicate the general magnitude of disturbance that the Commission decided warrants basin-wide review. The project's total limit of disturbance area is approximately 2.05 square miles, which does not exceed the 3 square mile threshold. The alteration of wetland associated with the project does exceed 25 acres and as such, is discussed in the following paragraphs.

A total of approximately 81 acres of wetlands are located within NEPOC Project's disturbance area. Approximately 77 acres of this total are located in the DRB. The majority (about 64 acres) of the wetlands delineated in the DRB consist of forested or scrub shrub wetlands. The Commission's Rules of Practice and Procedure, Section 2.3.5 A.15 provides that the Commission will undertake review and action on projects affecting 25 or more acres of wetlands. The review of such projects is guided by the policies provided in the Commission's Water Code, Section 2.350 Wetlands Protection. Section 2.350.4 of the Water Code, provides that the Commission shall exercise its jurisdiction over wetlands in a manner that will assist, supplement and overview actions of agencies signatory to the Delaware River Basin Compact and in a manner that will avoid unnecessary regulatory activity." Project encroachments having

no alternatives and demonstrating an overriding public interest shall be planned, constructed and operated in a manner to safeguard the present and future public interest in the environmental values derived from such areas (Section 2.350.3, Water Code).

As detailed in PPL's Necessity Statement submitted to the PA PUC, the Northeast-Pocono Reliability Project is required to resolve the violations of the RP&P guidelines and to reinforce the existing 138/69 kV transmission system serving Carbon, Lackawanna, Luzerne, Monroe, Pike, and Wayne Counties by bringing a new 230 kV supply source closer to the growing load centers. In his Recommended Decision, David A. Salapa Administrative Law Judge (ALJ) found that the NEPOC Project will address increasing load growth and reliability concerns in the Northeast Pocono Area and will provide needed reinforcement to PPL's existing transmission line system. Thus, the ALJ concluded that PPL has met its burden to prove that its application requesting approval of the siting and construction of the proposed Northeast-Pocono Reliability Project 230 kV and 138 kV transmission lines are necessary or proper for the accommodation, convenience and safety of its patrons, employees and the public.

The Northeast-Pocono Reliability Project siting study prepared by PPL evaluated alternative routes for the project. The evaluation criteria included the following considerations: providing the necessary substation connections, minimizing potential social, cultural, and natural environmental impacts and the technical feasibility to construct. The ultimate goal of the Northeast-Pocono Reliability Project siting study was to identify an overhead electric transmission line alignment that minimizes the impact to the built and natural environments to the maximum extent practicable, while still maintaining the technical and economic viability of the Project.

Wetland avoidance strategies were incorporated throughout the siting and engineering phases of the project to minimize permanent wetland impact. The individual wetlands crossed by the project range from approximately 0.1 acres to approximately 6.2 acres in size. The Commission review threshold is 25 acres. The combined wetlands area affected by the project is greater than 25 acres. The majority of the wetlands crossed by the project involve aerial crossings by the transmission line. Monopoles were positioned to avoid wetland as much as possible. A total of 14 of the 403 monopoles in the DRB are located within a wetland and resulted in total of 0.065 acres of permanent wetland impacts in the DRB.

The wetlands clearing associated with the project will not result in a decrease in wetland size, but will result in a conversion of the cover type. During construction, timber matting used for access roads and work pads will temporarily impact approximately 3.7 acres of wetlands. As indicated earlier the project will result in 0.065 acres of permanent wetland impacts within the DRB as a result of the placement of 14 monopoles within wetlands. To mitigate for these impacts, PPL will contribute money into the Pennsylvania Wetland Replacement Project. Due to the limited permanent impacts, no wetland mitigation was required by the USACE.

The Commission's policy also calls for the preventing of the excessive addition of pesticides, salts or toxic material arising from non-point source wastes. While herbicides are a key component of PPL's vegetation management program to effectively manage undesirable vegetation conditions within rights of way. PPL does not use any aerial herbicide application

techniques. Herbicides are applied manually by trained professionals. PPL will only use watershed/aquatic approved herbicide near watershed areas, and will comply with all federal and state requirements regarding the use of herbicides, including in areas near EV streams, EV wetlands, and vernal pools. The access roads will not require any winter salt treatment.

Commission staff find that while the cumulative wetlands affected are greater than 25 acres, the vast majority are disparate wetlands that are significantly less than 25 acres. The project sponsor has demonstrated an overriding public interest, has conducted an alternatives analysis and took steps to minimize the impact on wetlands. In addition, appropriate state and federal reviews, permits and determinations are in place to regulate the construction and maintenance of the project. Based on our review, Commission staff recommend that the Commission find that the project is in compliance with the Wetlands Policy.

Stream Crossings

A total of 55 stream crossings are located in NEPOC transmission line ROW and will be spanned by the transmission lines. Temporary access roads were constructed across a total of 17 of these streams. Streams crossed by the transmission line in the DRB are presented in the following tables.

AERIAL CONDUCTOR LINE STREAM CROSSINGS
JENKINS TO WEST POCONO

Stream Name	Chapter 93 Classification	Riverine Classification	Stream Width (feet)
Bear Creek *	HQ-CWF	Perennial	32
UNT to Bear Creek *	HQ-CWF	Intermittent	<10
Meadow Run	HQ-CWF	Perennial	27
Little Shades Creek *	HQ-CWF	Perennial	9
UNT to Shades Creek *	HQ-CWF	Perennial	14
Shades Creek	HQ-CWF	Perennial	16
UNT to Shades Creek *	HQ-CWF	Intermittent	6
Kendall Creek	EV	Perennial	20
Kendall Creek *	EV	Perennial	13
Lehigh River	EV	Perennial	115
UNT to Lehigh River	EV	Intermittent	10
UNT to Lehigh River	EV	Intermittent	6

AERIAL CONDUCTOR LINE STREAM CROSSINGS
WEST POCONO to NORTH POCONO

Stream Name	Chapter 93 Classification	Riverine Classification	Stream Width (feet)
Kendall Creek	EV	Intermittent	17

UNT to Choke Creek	EV	Perennial	32
Choke Creek	EV	Perennial	78
Sand Spring Creek	EV	Perennial	15
UNT to Sand Spring Creek *	EV	Intermittent	1
UNT to Pond Creek	EV	Intermittent	1
Pond Creek	EV	Perennial	81
UNT to Pond Creek *	EV	Perennial	3
UNT to Pond Creek *	EV	Perennial	17
Buckey Run *	EV	Perennial	10
Spruce Run	EV	Perennial	16
Fenner Mill Run	EV	Perennial	14
Ash Creek	EV	Perennial	19
UNT to Ash Creek	EV	Intermittent	50
Silver Creek	EV	Perennial	14
UNT to Silver Creek	EV	Perennial	22
UNT to Silver Creek	EV	Intermittent	19
UNT to Silver Creek	EV	Intermittent	18
Rucks Run *	EV	Perennial	50
UNT to Rucks Run *	EV	Perennial	33
Meadow Brook	EV	Perennial	20
AERIAL CONDUCTOR LINE STREAM CROSSINGS NORTH POCONO to PAUPACK			
Stream Name	Chapter 93 Classification	Riverine Classification	Stream Width (feet)
UNT Butternut Creek	HQ-CWF	Perennial	81
UNT to Butternut Creek	HQ-CWF	Intermittent	15
Butternut Creek	HQ-CWF	Perennial	20
UNT to Rock Port Creek	HQ-CWF	Intermittent	17
UNT to Wallenpaupack Creek*	HQ-CWF	Intermittent	15
UNT to Rock Port Creek	HQ-CWF	Intermittent	41
UNT to Wallenpaupack Creek	HQ-CWF	Intermittent	58
West Branch Wallenpaupack Creek	HQ-CWF	Perennial	251
UNT to Wallenpaupack Creek *	HQ-CWF	Intermittent	6
UNT to Wallenpaupack Creek	HQ-CWF	Perennial	46
UNT to Wallenpaupack Creek	HQ-CWF	Perennial	13
Ariel Creek	HQ-CWF	Perennial	33
UNT Ariel Creek	HQ-CWF	Perennial	5
UNT to Wallenpaupack Creek	HQ-CWF	Perennial	25
UNT to Wallenpaupack Creek	HQ-CWF	Perennial	6
UNT to Wallenpaupack Creek	HQ-CWF	Perennial	82
Purdy Creek	HQ-CWF	Perennial	27
UNT Purdy Creek *	HQ-CWF	Intermittent	9
UNT Purdy Creek *	HQ-CWF	Intermittent	18
West Fork Lehigh River	EV	Perennial	3

UNT to Lehigh River *	EV	Intermittent	7
Lehigh River	EV	Perennial	28

*Denotes temporary construction access road stream crossing within ROW

Lackawanna State Forest Details

PPL Electric has reviewed and incorporated information provided in DCNR's *Guidelines for Right-of-Way Development on Pennsylvania State Forest and State Park Lands* into the decision making process. This was accomplished during preliminary siting procedures that identified the initial alternatives through the State Forest and through communications with State Forest officials to review the proposed alignments for potential problem and opportunity areas. Feedback provided by State Forest officials were incorporated into the alignments of the various sections of the Selected Route that cross State Forest property. A fully-executed License for Right of Way Agreement (Agreement No. 10108) was issued by the DCNR on August 20, 2014 authorizing PPL to construct the overhead transmission line across state forest.

The ROW of the NEPOC Project will traverse a total of 4.2 miles of LSF property in Lackawanna County. Of this total, 2.9 miles will consist of a 150-foot wide 230 kV ROW within the Thornhurst Section, 1.0 mile of 150-foot wide 230 kV ROW within two portions of LSF in the Freytown Tracts Section, and an additional 0.3 mile of 200-foot wide 138/69 kV ROW within a third portion of the Freytown Tracts Section. Cumulatively, these activities will permanently affect 52.8 acres of the Thornhurst Section and 25.8 acres of the Freytown Tracts Section (total 78.6 acres). In addition, permanent access roads will be developed to provide access to each pole location during construction and for long-term maintenance of the structures and ROW. For most of the alignment through LSF, the Project will use 4.22 miles of existing forest roads and build 3.22 miles of access road within the proposed ROW, but approximately 0.38 mile (0.6 acre) of new access roads outside of the ROW will be developed within LSF.

Construction of the new transmission line will also require the development of temporary puller and tensioner pads at strategic locations along the proposed alignment. These pads are used to install the new conductor wires to the required tension and will generally be located within the ROW at turns in the alignment, but some will need to be developed outside the ROW. The pad areas outside of the ROW, which may account for an additional 7.5 acres of LSF land, will be revegetated with native tree species upon completion of the task. Cumulatively, these activities will result in the permanent removal of 79.2 acres of forest and the temporary impact of 7.5 acres of forest cover in the LSF.

The 2.9 mile 230 kV transmission line ROW in the Thornhurst Section and approximately 0.13 miles of the 138/69 kV transmission line ROW in the Freytown Tracts Section is located in the DRB portion of the LSF. The remainder of the project (1.0 miles of 230 kV transmission line and 0.17 miles of 138/69 kV transmission line in the Freytown Tracts Section of the LSF is located in the SRB. Therefore the total acreage of land disturbance within the DRB is less than the values listed in the preceding paragraph. DRBC staff reviewed the constructability drawings and estimated that approximately 22 acres of 230 kV and 138 kV transmission line ROW, 0.5 acres of off-ROW tensioner pads, and 0.2 miles of the new

permanent access roads outside of the ROW are located in the SRB portion of the LSF Freytown Tracts Section.

A total of 2.75 acres of wetlands was delineated within the 230 kV ROW in the DRB portion of the LSF. No permanent wetland impacts will occur as a result of the project; however, the majority of the wetlands are classified as forested wetlands and these wetlands will be permanently converted to shrub-dominated wetlands. In the DRB portion of the LSF, the project transmission lines will cross a total of 5 streams. One of the streams will be temporarily impacted during construction as a result of a temporary access road crossing.

Floodplain Regulations

Section 6.3.4 of the Commission's Floodplain Regulations allows certain uses, including the construction of utility transmission lines within the floodway and flood fringe when authorized by special permit. No monopole structures will be located in a floodway. In the DRB, three of the monopoles are located within the FEMA mapped floodplains of Meadow Brook and Butternut Creek. This docket constitutes a special use permit for the project in accordance with Section 6.3.4 of the Commission's Flood Plain Regulations for utility transmission lines within floodway and flood fringe areas.

Required Project Approvals

The following tables lists the required approvals related to water resources in the DRB for the NEPOC Project, and their statuses:

Agency	Approvals, Licenses or Permits	Status of Approval
PA Public Utility Commission (PUC)	Application for permission to site & construct transmission line	Docket No. A-2012-2340872 approval received January 9, 2014
PADEP / County Conservation Districts -Monroe -Luzerne, -Lackawanna and -Wayne	Individual NPDES permit for Stormwater Discharges Associated with Construction Activities and Post Construction Stormwater Management Plans (PCSM) (Chapter 102)	PAI024014003 – Jenkins to West Pocono, approval received January 5, 2015. PAI026413003 – North Pocono to Paupack, approval received April 4, 2014. PAI023514002 – West Pocono to North Pocono approval pending
PADEP	Water Obstruction and Encroachment Permits (Chapter 105) Water Quality Certification Under Section 401 of the Federal Water Pollution Control Act.	E40-759 – Jenkins to West Pocono – Luzerne County Portion approval received January 23, 2015. E-45-590 - Jenkins to West Pocono – Monroe County Portion approval received January 23, 2015. E-35-447 North Pocono to Paupack – Lackawanna County approval received April 11, 2014.

Agency	Approvals, Licenses or Permits	Status of Approval
		E-35-456 and E40-761 – West Pocono to North Pocono – Luzerne and Lackawanna Counties approval pending.
USACE	Federal Authorization CENAP-OP-R-2014-1072-65 (PASPGP-4) CENAP-OP-R-2014-148-30 (PASPGP-4)	Federal Authorization letters for the Jenkins to West Pocono and North Pocono to Paupack segments received on February 10, 2015 and August 26, 2014, respectively. Federal authorization for the West Pocono to North Pocono segment pending.
PADCNR – Bureau of Forestry	Threatened and endangered species consultation and approvals; approvals and easements for crossing of Lackawanna State Forest.	PNDI responses received on November 4, 2011. License for ROW Agreement (Agreement No. 10108) executed on August 20, 2014.

Condition C.I.a. in the DECISION section of this docket states that the project approval is contingent upon the docket holder obtaining these approvals and this docket approval is subject to the conditions of these approvals.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

C. DECISION

I. Effective on the approval date for Docket No. D-2014-023-1 below, the project and the appurtenant facilities described in Section A "Physical Features" of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP, PADCNR, USACE and other local agencies (counties, municipalities, etc.) and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission's. Commission approval of the project is contingent on the approval of these permits.

b. The project facilities and operational records shall be available at all times for inspection by the DRBC.

c. The project facilities shall be operated at all times to comply with the requirements of the *Water Quality Regulations* of the DRBC.

d. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

e. Sound practices of excavation, backfill and reseeding shall be followed to minimize erosion and deposition of sediment in streams.

f. The docket holder shall submit copies of the final Erosion and Sedimentation Plans and Post Construction Stormwater Management plans and copies of the approved PADEP NPDES and Water Obstruction and Encroachment Permits for the West Pocono to North Pocono Segment of the project to the Commission within 30 days upon the docket holder receiving approval from local County Conservation Districts and PADEP.

g. Within 10 days of the date that construction of the project has started, the docket holder shall notify the DRBC of the starting date and scheduled completion date.

h. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction Completion Statement ("Statement") signed by the docket holder's professional engineer for the project. The Statement must (1) either confirm that construction has been completed in a manner consistent with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; (2) report the project's final construction cost as such cost is defined by the project review fee schedule in effect at the time the application was made; and (3) indicate the date on which the project was (or is to be) placed in operation. In the event that the final project cost exceeds the estimated cost used by the docket holder to calculate the DRBC project review fee, the statement must also include (4) the amount of any outstanding balance owed for DRBC review. The outstanding balance will equal the difference between the fee paid to the Commission and the fee calculated on the basis of the project's final cost, using the formula and definition of "project cost" set forth in the DRBC's project review fee schedule in effect at the time application was made.

i. This docket approval shall expire three years from date below unless prior thereto the docket holder has commenced operation of the subject project or has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval.

j. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this project.

k. The issuance of this docket approval shall not create any private or proprietary rights in the water of the Basin, and the Commission reserves the right to amend, alter or rescind any actions taken hereunder in order to insure proper control, use and management of the water resources of the Basin.

l. This docket constitutes a special use permit under Section 6.3.4 of the Commission's Flood Plain Regulations for utility transmission lines within flood fringe areas.

m. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

n. Approval of this docket does not resolve violations, if any, by the docket holder that may have occurred prior to issuance of the docket or that may be ongoing ("prior or ongoing violations") of provisions of the Delaware River Basin Compact ("Compact") or of any rule, regulation, order or approval duly issued by the Commission or the Executive Director pursuant to the Compact. The Commission reserves its right to take appropriate enforcement action against the docket holder, including but not limited to recovery of financial penalties consistent with Section 14.17 of the Compact, for any and all such prior or ongoing violations.

o. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

BY THE COMMISSION

DATE APPROVED: June 10, 2015