

PA Conservation Groups Challenge U.S. Department of Energy over Federal Condemnation for Transmission Lines

For Immediate Release

Harrisburg (January 15, 2008) Eleven organizations are suing the U.S. Department of Energy (DOE) over DOE's designation of an eight-state area where federal eminent domain can be used to fast track new high-voltage transmission lines.

The Pennsylvania Land Trust Association, Brandywine Conservancy, Natural Lands Trust and Clean Air Council filed suit in federal court on 1/14/08, asking the Middle District of Pennsylvania to find the designation invalid due to DOE's failure to study the potential impacts of the designation on air quality, wildlife, habitat and other natural resources. Also participating in the action are the Piedmont Environmental Council, National Wildlife Federation, Sierra Club, National Parks Conservation Association, Environmental Advocates of New York, Civil War Preservation Trust, and Catskill Mountainkeeper.

The designated area for facilitated federal condemnation is called the mid-Atlantic National Interest Electric Transmission Corridor (NIETC). It covers 116,000 square miles including 52 of Pennsylvania's 67 counties, all of New Jersey and Delaware, and portions of New York, Ohio, Maryland, West Virginia and Virginia. Hundreds of thousands of acres of important natural and recreational lands are threatened by the NIETC.

"Over 600,000 acres of open space have been permanently preserved in Delaware and Pennsylvania. It is absolutely critical that we fight for the permanent protection of open space that our conservation easements were thought to have already achieved," said Sherri Evans-Stanton of the Brandywine Conservancy.

"Open space conservation in this region is an extraordinary public policy success story. Time and again, citizens have gone to the polls to support continued funding to preserve the environment and enhance their quality of life. Through NIETC, there is a real risk that utilities will seek to build new power lines across the lands we have all worked so hard to preserve. We must not allow the tangible investments we are making in our environmental future to be condemned by private interests," said Molly Morrison, president of Natural Lands Trust.

"As a conservation organization, not an advocacy group, Natural Lands Trust rarely engages in suits such as this," Morrison noted. "However, as permanent stewards of more than 38,000 acres of open lands in the region, we feel it is imperative to act to ensure that they remain the natural and scenic treasures they are today."

The eleven organizations are asking the U.S. District Court to compel DOE to perform an environmental impact statement on the corridor and consult with U.S. Fish and Wildlife Service over impacts to endangered species as required by law. Also, because the current designation would rely on some of the country's oldest and dirtiest coal-fired power

plants to service the region's power demands, the groups are asking that DOE go back and consider more environmentally-friendly alternatives.

PJM Interconnection, LLC, a creation of the region's power companies, has been promoting the NIETC designation in order to create a transmission "super-highway" to expand use of coal-fired resources (*see* PJM testimony to the Federal Energy Regulatory Commission, 5/13/05). New transmission lines would enable ancient, highly polluting coal-fired powerplants in the midwest transport cheap electricity to more expensive markets on the east coast.

"While there is nothing wrong in seeking new markets, it is unjust to do so at the expense of landowners, who would see their land condemned, and communities, who would have their scenic landscapes destroyed," said Andy Loza, Executive Director of the Pennsylvania Land Trust Association. "The NIETC designation is unfair to ratepayers, who would have to subsidize transmission lines for coal when their payments would be better spent on modern technologies. The designation is unfair to the public, who would be subjected to worsening air quality."

"Supporters of so-called 'national interest corridors' should have to demonstrate that new transmission lines are the only reasonable solution to meeting energy needs before condemnation of property is considered," Loza continued. "We need an energy plan that both addresses our 21st century challenges and takes advantage of 21st century technologies. Local generation, demand-response and energy efficiency most likely can meet our energy needs faster and more cheaply than huge new power lines. And these technologies can meet our needs without harming communities."

For more information, visit <http://conserveland.org> or contact:

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