



Forest
Service

Northern
Region



Record of Decision

Special Use Permit for the Rebuild of the Libby (FEC) to Troy Section of BPA's Libby to Bonners Ferry 115-kilovolt Transmission Line

**Kootenai National Forest
Lincoln County, Montana**

July 2008



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**Special Use Permit for the
Rebuild of the Libby (FEC) to Troy Section
of Bonneville Power Administration’s
Libby to Bonners Ferry 115-kilovolt Transmission Line Project**

RECORD OF DECISION

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United States Department of Agriculture
Forest Service, Northern Region
Kootenai National Forest
Lincoln County, Montana

I. Introduction

The Bonneville Power Administration (BPA) and the Kootenai National Forest completed their Final Environmental Impact Statement (FEIS) for the Rebuild of the Libby (FEC) to Troy Section of BPA's Libby, Montana to Bonners Ferry, Idaho 115-kilovolt Transmission Line Project in May 2008. On July 25, 2008 BPA issued a decision which selected the Proposed Action with the Kootenai River Crossing realignment option as described in Chapter 2 of the FEIS.

The existing transmission line corridor crosses 63.4 acres of National Forest System (NFS) lands in Montana administered by the Kootenai National Forest (NF).

While the BPA is the lead government agency in this project, the USDA Forest Service is a cooperating agency. As such, personnel from the Kootenai NF assisted BPA in preparation of the FEIS. **The Forest Service is not deciding whether or not to rebuild the powerline. The Forest Service's decision is whether to issue a special use permit to BPA for the Proposed Action or one of the other alternatives described in the FEIS.** In this Record of Decision (ROD), I will describe the mitigation measures, and other requirements that will insure this action complies with direction contained in the 1987 Kootenai Forest Plan. Where it will not comply with Kootenai Forest Plan direction, I will explain the rationale behind the non-significant Forest Plan amendments.

II. Decision

After careful consideration of the potential impacts of the alternatives analyzed and documented in the Rebuild of the Libby (FEC) to Troy Section of BPA's Libby to Bonners Ferry 115-kilovolt Transmission Line Project FEIS, public comments on this project and BPA's Record of Decision (ROD), I have decided to issue a Special Use Permit to BPA for implementation of the Proposed Action with the Kootenai River crossing realignment. This decision includes the authorization of additional corridor clearing and road construction across NFS lands in the Kootenai NF beyond what has previously been granted under the Special Use Permit for the existing transmission line. This decision will allow BPA to rebuild the 17-mile-long Libby-Troy section of the existing transmission line at the same voltage (115 kV) with the same number of circuits (one) as described in Chapter 2 of the FEIS. A total of 171 new structures will be installed, with structures ranging from 60 to 105 feet tall. Approximately 14 miles of existing access roads for the transmission line will be improved, and about 4.5 miles of new access roads will be constructed. BPA will rebuild this section of line using a combination of wood and steel H-frame and single pole structures. BPA will also acquire additional transmission line corridor width through new easements or permitted areas in some sections to bring the corridor up to BPA's minimum width standards for 115-kV transmission line operation. The rebuild will add approximately 5 acres to the total NFS lands currently permitted as the corridor is widened from 60 to 80 feet over approximately 2 miles of existing corridor. Helicopters will be used for constructing the rebuilt line, except in the Big

Horn Terrace and Pipe Creek residential areas, where all construction will occur from the ground. The Kootenai River crossing realignment option will move the Kootenai River line crossing about 0.75 mile east of the existing crossing and require acquisition of new easements and permitted areas. The realignment over the Kootenai River would decrease ownership on NFS lands from 7 acres on the existing corridor to 6 acres on the new corridor.

In authorizing these activities, we will not be able to meet Forest Plan standards for retention of all cavity habitat in Management Area (MA) 10, Big Game Winter Range, and visual quality objectives (VQO) in MA 17, Viewing with Timber. Therefore, I have decided to amend the Forest Plan so that this project is exempt from meeting the following standards:

- MA 10 Wildlife and Fish Standard #3: Existing cavity habitat will be retained.
- MA 17 Recreation Standard #4: The minimum VQO is partial retention.

I will further describe my decision and the reasoning behind it in the Rationale for the Decision section of this ROD.

Project activities will generally occur along the existing transmission line corridor as it follows the Kootenai River canyon from the town of Libby, Montana to the town of Troy, Montana.

III. Background

Historically, BPA has served electrical loads in northwestern Montana and northern Idaho from transmission facilities that extend from Libby Dam east of Libby, Montana to Bonners Ferry Substation in Idaho, and on to Albeni Falls Dam near the Idaho-Washington border. The existing Libby-Troy line is an essential part of the larger 115-kV transmission line loop in the area that provides electrical service to Libby, Bonners Ferry, Sandpoint and many smaller communities. This existing 50-year-old line runs west from Flathead Electric Cooperative's (FEC's) Libby Substation in the town of Libby, Montana, to BPA's Troy Substation, east of Troy, Montana. From the Libby Substation to the end of Kootenai River Road on the west side of the Big Horn Terrace area, the existing line generally follows the alignment of Kootenai River Road. The line then continues along the north side of the Kootenai River, crossing it just east of Kootenai Falls; follows new Highway 2 for a short distance; and climbs to a ridge above the historic Highway 2 before proceeding to Troy Substation.

The condition of the Libby-Troy line had been steadily deteriorating over the years since its construction in the mid-1950's. The transmission line is supported by wooden structures, and many of these structures have passed their ability to withstand required structural loads, including stresses caused by snow and ice build-up during winter. Most of the cross-arms that carry the line on the structures are rotting, and metal parts on the line, such as conductor fittings, are highly corroded. As a result, these fittings have begun to fail, which can cause severe problems. For example, in 2003, one of the conductor fittings along the line failed, which allowed the conductor (the wire that carries the electric current) to fall to the ground and start a fire. These problems have seriously compromised the integrity of the line, and BPA is concerned that the line threatens the reliability of the regional system. I am concerned that additional line failures may result in wildfires that not only threaten National Forest resources, but also private lands and public safety.

The Libby-Troy transmission line provides backup service (redundant load service) to the area if another transmission line is out of service. Without the Libby-Troy line, this level of service would be reduced and the area could lose power if another line failed. BPA has taken steps to prevent the line from failing in the near term, but these measures cannot solve the problem for the long term. In addition, electrical load for the communities served by the Libby Dam-Albeni Falls Dam transmission system is projected to grow at an average of 1 percent per year. Over time this load growth will increasingly strain the existing electrical system.

BPA has a statutory obligation to ensure that its transmission system has sufficient capability to serve its customers while maintaining a system that is safe and reliable. The Federal Columbia River Transmission Act directs BPA to construct improvements, additions, and replacements to its transmission system that are necessary to maintain electrical stability and reliability (16 U.S.C. § 838b(d)). This Act also directs BPA to construct transmission system improvements, additions, and replacements where necessary to provide service to BPA's customers (§ 838b(b)). Rebuilding the Libby-Troy line section of the existing transmission line is needed to ensure that BPA can continue to provide stable and reliable transmission service in northwestern Montana.

Because sections of the transmission line cross land managed by the United States Forest Service, the Kootenai National Forest (NF) must decide whether to grant BPA a permit for additional corridor areas across the Kootenai NF beyond what has been granted under the Special Use Permit for the existing transmission line. The Kootenai NF must also decide whether Forest Plan amendments are necessary to meet the specific purpose and need for this project, and make a determination as to whether those amendments are significant under the National Forest Management Act (NFMA).

The existing Special Use Permit for the Libby to Troy transmission line covers 53.75 acres of NFS lands. The permit is a license for the use of federally owned land and does not grant any permanent possessory interest in real property.

IV. Purpose and Need for Action

BPA needs to take action to ensure that it can continue to provide stable and reliable transmission service along an existing transmission line in northwestern Montana. The purposes identified in the FEIS were used by both the BPA and the Kootenai NF to evaluate the reasonableness of a range of potential project alternatives. Along with BPA, I considered how well the alternatives evaluated in detail in the FEIS met these purposes when making a decision among them. In this case, the alternative selected should:

- Maintain transmission system reliability to industry standards;
- Continue to meet BPA's contractual and statutory obligations;
- Minimize environmental impacts; and
- Minimize costs.

V. Alternatives Considered

BPA considered the Proposed Action of rebuilding the line as a 115-kV single-circuit line, an alternative (Alternative 1) of rebuilding the line as a 230-kV double-circuit line, and the No Action Alternative. In addition, BPA considered three short realignment options at various locations along the existing transmission line. BPA identified the Proposed Action with the Kootenai River Crossing realignment option, the alternative it has decided to implement, as its Agency Preferred Alternative in both the Draft and Final EISs for the proposed project. BPA and the Kootenai National Forest have analyzed and described the effects of these alternatives on the environment in the FEIS.

The alternatives that I considered tier directly to the FEIS. I considered issuing a special use permit for any of the action alternatives involving NFS lands, or not issuing a permit at all. The alternatives are summarized here; refer to Chapter 2 of the FEIS for more information.

Proposed Action

With this alternative, I would issue a Special Use Permit to BPA authorizing them to rebuild the existing 17-mile-long Libby-Troy section of the 115-kV Libby-Bonnars Ferry transmission line on its existing right-of-way corridor at the same voltage (115-kV), with the same number of circuits (one). A combination of wood and steel H-frame and single wood pole and steel pole structures would be used. A

total of 171 new structures would be installed, with structures ranging from 60 to 105 feet tall. Approximately 14 miles of existing access roads for the transmission line would be improved, and about 4.5 miles of new access roads would be constructed. Although the existing corridor would be followed, BPA would acquire additional transmission line corridor width through new right-of-way easements or permitted areas along some segments of the corridor to bring the corridor up to BPA's minimum standards for 115-kV transmission line operation.

In areas where the line is accessible from the ground, such as near residential areas and along local area roads, removal of existing structures and installation of new structures will be undertaken by ground crews working with trucks, cranes, and other construction equipment. For inaccessible portions of the line, such as the portions along historic Highway 2 and some areas along Sheep Range Road, these construction activities will be conducted by helicopter. When installing new conductor once new structures are in place, BPA's normal practice is to string the conductor by using a helicopter. For the Proposed Action, BPA will follow this practice except for in the Big Horn Terrace and Pipe Creek residential areas. In these areas, BPA will instead install the conductor from the ground because of concerns local landowners in these areas have raised regarding use of helicopters to install conductor in populated areas.

As described in the FEIS, BPA would continue its routine inspection patrols of the line (which are conducted separately and independently from the proposed rebuild project) by helicopter, except in the Big Horn Terrace and Pipe Creek residential areas. These areas are being treated as detours for helicopter inspections, and would instead be inspected from the ground.

This alternative would amend the Kootenai Forest Plan to allow the removal of snags (cavity habitat) which present a hazard to the transmission line over approximately six acres of MA 10.

Alternative 1

Under Alternative 1, I would issue a special use permit to BPA to rebuild the Libby to Troy transmission line on its existing right-of-way corridor as a 230-kV double-circuit transmission line for its full 17-mile length. Additional transmission line right-of-way easements and permitted areas would be acquired along most of the right-of-way to accommodate a 230-kV transmission line corridor of 100 feet. This means that BPA would need to acquire an additional 10 to 20 feet from each edge of existing right-of-way easement (on private, county, state, and tribal lands) or permitted area on NFS lands. All structures would be single tubular steel poles. A total of 120 new structures would be installed, with structures ranging from 90 to 110 feet tall. Both sides of each structure would be strung with conductors and connected to operate as a 115-kV single-circuit line until the second circuit was needed. Approximately 14 miles of existing access roads for the transmission line would be improved and about 4.3 miles of new access roads would be constructed. Use of helicopters would be the same as under the Proposed Action.

This alternative would amend the Kootenai Forest Plan to allow the removal of snags (cavity habitat) which present a hazard to the transmission line over approximately 10 acres of MA 10.

No Action Alternative

Under the No Action Alternative, I would not issue a special use permit for any rebuilding of the Libby-Troy transmission line. The existing line would remain permitted in its current location, and activities associated with operating and maintaining the line would be authorized. BPA would continue to attempt to maintain the existing line as it further deteriorates. Current impacts from ongoing maintenance and emergency repair activities would continue. Transmission line failure could result, and cause fires and local power outages. The Kootenai Forest Plan would not be amended with this alternative

Short Realignment Options

BPA also considered the following three potential realignment options that could be implemented under either the Proposed Action or Alternative 1. For each realignment option, a new 80-foot-wide corridor would be required for a 115-kV rebuild, and a new 100-foot-wide corridor would be required for a 230-kV rebuild. Any of the three realignment options would require authorization of a Special Use Permit.

- **Pipe Creek Realignment Option.** This realignment option would relocate about 0.8 mile of the existing line in the vicinity of Pipe Creek from primarily private lands to a new approximately 0.8-mile right-of-way on both private and public lands. This new transmission line right-of-way would be located northeast of the existing right-of-way, away from most residences in the Pipe Creek area. Four existing structures would be removed from the present right-of-way under this realignment option, but the existing structures along Kootenai River Road would remain since they also support an existing electrical distribution line that serves nearby residences. Seven new structures would be installed in the new right-of-way under a 115-kV rebuild, and six new structures would be installed under a 230-kV rebuild. Approximately 0.3 mile of existing access roads would be improved, and about 0.5 mile of new access roads would be constructed. This option would amend the Kootenai Forest Plan to allow reduction of the visual quality objectives over approximately 8 acres of MA 11.
- **Quartz Creek Realignment Option.** This realignment option would relocate about 1.2 miles of the existing line in the vicinity of Quartz Creek from primarily private lands to a new approximately 2.9-mile right-of-way on primarily public lands. This new transmission line right-of-way would be located northeast of the existing right-of-way, away from the Big Horn Terrace residential area near Quartz Creek. Nineteen existing structures would be removed from the present right-of-way under this realignment option. Twenty-two new structures would be installed in the new right-of-way under a 115-kV rebuild and 18 new structures would be installed under a 230-kV rebuild. Approximately 2.2 miles of existing access roads would be improved, and about 1.6 miles of new access roads would be constructed. This option would amend the Kootenai Forest Plan to allow reduction of the visual quality objectives over approximately 28 acres of MA 10.
- **Kootenai River Crossing Realignment Option.** This realignment option would relocate about 0.9 mile of the existing line where it crosses the Kootenai River directly above Kootenai Falls from Kootenai NF and Lincoln County lands to a new approximately 0.9-mile right-of-way on primarily Kootenai NF and Lincoln County lands. This new transmission line right-of-way would be located southeast of the existing right-of-way, which would aid in minimizing visual, cultural, and fish and wildlife impacts in the Kootenai Falls area. Nine existing structures would be removed from the present right-of-way under this realignment option. Eight new structures would be installed in the new right-of-way under the 115-kV rebuild that will be implemented, which is the same number of structures that would be installed under a 230-kV rebuild. Approximately 0.06 mile of existing access roads would be improved, and about 0.2 mile of new access roads would be constructed. This option would amend the Kootenai Forest Plan to allow reduction of the visual quality objectives over approximately 6 acres of MA 17.

Alternatives Considered but Eliminated from Detailed Study

Alternatives that did not meet the stated need and purposes, were not practical or feasible, or would have unacceptable environmental effects were eliminated from detailed study in the EIS. Refer to Section 2.6 of the FEIS for further discussion of these suggested alternatives and the reasons why they were eliminated from analysis. These alternatives were grouped in the following categories:

- Alternative voltage/number of circuits

- Alternative transmission line routes considered in 1993 when work on this line was previously proposed
- Alternative transmission line realignment options
- Undergrounding of the transmission line
- Non-transmission alternatives

VI. Environmentally Preferable Alternative

The Council on Environmental Quality (CEQ) NEPA regulations require that an agency's Record of Decision identify which alternative from its EIS for the proposed action is considered to be the environmentally preferable alternative. *See* 40 CFR 1505.2(b). For similar proposals, the No Action Alternative is often identified as the environmentally preferable alternative because the proposed action being contemplated represents a "new" action – for example, developing a new facility where none existed before, or undertaking a new activity not previously conducted by the agency – and not taking that action would avoid the potential effects to the environment from construction, operation, and other project-related activities.

In the case of the Libby-Troy transmission line, however, the Proposed Action is to rebuild an existing facility that is rapidly deteriorating. As discussed in the FEIS, the No Action Alternative in this case has the potential for several environmental impacts due to the line's deteriorated condition. Because the line would not be rebuilt under the No Action Alternative, ongoing maintenance and emergency repair activities would need to occur frequently. While some of the maintenance activities could be scheduled in advance and designed to minimize or avoid potential environmental impacts, emergency repair activities, by their very nature, generally could not. This is particularly true in the case of the downed lines or structures that would be significantly more likely to occur under the No Action Alternative. Downed lines and structures can present serious and significant hazards to public safety in the local area, cause wildfires, and jeopardize transmission system reliability if not dealt with and corrected immediately.

Depending on their location and timing, emergency repair activities could potentially result in significant impacts to the environment through destruction of vegetation and wetlands, disturbance of wildlife during sensitive periods, compaction of previously undisturbed soils, increased uncontrolled erosion, increased uncontrolled dust and other air emissions, and in-stream work affecting water quality and fish as well as other aquatic species. Negative socioeconomic impacts could also occur from reduced reliability leading to higher energy costs and power outages.

Because of these potential impacts associated with the No Action Alternative, this alternative has not been identified as the environmentally preferable alternative. Instead, the Proposed Action with none of the realignment options is considered, on balance, to be the environmentally preferable alternative because it would involve replacing an existing facility largely within its existing right-of-way. Although impacts would occur from construction activities, such as widening the right-of-way in some locations, improving existing access roads and constructing new access roads, many of these impacts would be localized and temporary. In the long-term, the rebuild would be expected to minimize the on-going and often unplanned repair and maintenance activities and their associated environmental impacts described above. The Proposed Action also is considered to be environmentally preferable over Alternative 1 because of the lesser degree of impacts, mainly from a narrower right-of-way width, associated with the Proposed Action.

Remaining on the existing transmission line corridor for each of the realignment options also is considered to be environmentally preferable. For the Pipe Creek and Quartz Creek realignment options, various levels of impacts would occur mainly from new transmission corridor and road clearing in areas

that are currently largely undisturbed. Primary impacts associated with these realignments involve land use, old growth trees, other vegetation, wildlife, visual resources, and cultural resources. Rebuilding the transmission line in the existing corridor in these areas, on the other hand, would have impacts primarily on the human environment through visual, noise, public health and safety, transportation, and air quality impacts. However, because a rebuild in the existing corridor would simply replace an existing transmission facility with a similar facility, a significant change from currently existing conditions and impacts from such a rebuild would not be expected. On balance and overall, the potential impacts from the Pipe Creek and Quartz Creek realignment options would be greater than potential impacts from rebuilding in the existing corridor in this area.

As with the Pipe Creek and Quartz Creek realignment options, impacts from implementing the Kootenai River Crossing realignment option will occur mainly from new transmission corridor and road clearing. Although the Kootenai River Crossing realignment option is not as undisturbed as the other two realignment options, trees and other vegetation will need to be cleared, and a new line crossing of the Kootenai River will be put in place. This realignment will have the beneficial effect of removing the line crossing from the viewshed of the Kootenai Falls area, which is a culturally significant area. This realignment also will avoid the need for construction of a new replacement bridge over China Creek to allow access to a portion of the existing line west of China Creek and north of the Kootenai River. However, this realignment would have adverse impacts including impacts to vegetation, wildlife, amphibians, and visual resources.

On the other hand, rebuilding the transmission line in the existing corridor in the Kootenai River Crossing area would have impacts on wildlife, visual resources, recreation resources, cultural resources, and (from the replacement China Creek bridge) fish and riparian habitat. However, a rebuild in the existing corridor would simply replace an existing transmission facility with a similar facility, and a significant change from currently existing visual and cultural impacts from such a rebuild would not be expected. While there would be increased impacts to fish and riparian habitat from rebuilding in the existing corridor, on balance and overall, the potential impacts from the Kootenai River Crossing realignment option would be greater than potential impacts from rebuilding in the existing corridor in this area.

Overall, the Proposed Action is environmentally preferable; however, the Kootenai River Crossing realignment option is only environmentally preferable with respect to recreation, visual and cultural resources (near Kootenai Falls), wildlife (in Bear Management Unit 10), and fish and riparian habitat (near China Creek). It is not environmentally preferable with respect to visual resources (along Highway 2), wildlife (bald eagle and migratory birds), and amphibians.

VII. Public Involvement

Early in the development of the EIS, BPA solicited input from the public (federal, state and local agencies, Indian tribes with interest in the area, individuals along the project route, and interest groups) to help determine what issues and alternatives should be studied in the EIS. In May 2005, BPA published a Notice of Intent to prepare an EIS in the Federal Register (70 FR 23857) on its proposal to rebuild the 17-mile-long Libby-Troy section. The formal public scoping period for the EIS occurred between May 19, 2005 and October 30, 2005. BPA mailed letters on May 2 and 3, 2005 and September 6, 2005 to about 300 potentially interested and affected persons, agencies, tribes and organizations. These letters provided information about the proposed project, gave notice of the scoping period and BPA's intent to prepare an EIS, and requested public comments on issues to be addressed in the EIS.

BPA also hosted four public scoping meetings to present information and seek comments, including one meeting regarding electric and magnetic fields. Two scoping meetings, conducted in an "open house" format to encourage public participation, were held in May 2005 in Libby; 20 people attended the two scoping meetings and 42 people attended the informational meeting regarding electric and magnetic fields. An additional scoping meeting was held in September 2005 in Libby to hear comments from

landowners in the Big Horn Terrace subdivision area, who were inadvertently left off the original mailing list and did not receive the original notification of the first two public meetings. Thirty people attended this meeting.

BPA received about 387 comments on the proposed project. A summary of the scoping comments received was sent in a letter dated January 9, 2006 to BPA's mailing list, including property owners, interested parties, and tribes. All comments received were posted on the BPA Web site and are found in the Project File.

In July 2007, BPA published a Notice of Availability for the Draft EIS (DEIS) in the Federal Register (72 FR 39808 and 39809). BPA sent notices that the DEIS was available for review to about 200 potentially interested or affected governments, agencies, tribes, organizations, and individuals; about 70 DEISs were distributed. BPA set a 45-day public comment period for the DEIS (ending September 4, 2007), but accepted comments submitted after the comment due date. BPA also held a public meeting on August 15, 2007 in Libby, Montana to explain the project and DEIS and to accept comments; 11 people attended.

BPA received 21 comment letters on the DEIS. These letters, along with comments received at the DEIS public meeting, included about 235 comments on the DEIS. These comments were addressed in the FEIS, which was made available for public review and sent to interested parties in late May 2008. A copy of these comments are found in the Project File. In early June 2008, BPA published a Notice of Availability for the FEIS in the Federal Register (73 FR 32332).

VIII. Comments Received After Final EIS Issuance

When BPA distributed the FEIS, it requested that any comments from the public on the FEIS be submitted to BPA within three weeks of FEIS distribution to ensure consideration in the decision making process for the proposed rebuild project and this ROD. Although NEPA does not require a comment period for a FEIS or written responses to any comments received, BPA wanted to provide such an opportunity given the local interest in this project. This section of the ROD summarizes the comments received by BPA on the FEIS. These comments can be viewed on-line at: <http://www.bpa.gov/applications/publiccomments/CommentList.aspx?ID=37>.

Comments Received During the Final EIS Comment Period

BPA received three comment letters on the FEIS during the three-week comment period. One of these letters was from an individual associated with FEC, and two were from individuals who own property in the Big Horn Terrace area.

The letter from FEC stated that the FEIS adequately addressed alternatives for the proposed rebuild and considered and responded to comments on the DEIS. FEC also expressed support for the Proposed Action with the Kootenai River Crossing realignment option. The letter from one of the property owners, Jerry Gould, suggested having the rebuilt line follow a new alignment that would cross from the north side of the Kootenai River to the south side at a point east of the Big Horn Terrace area and then continue on the south side of the river west to Troy Substation, thereby moving the line out of the Big Horn Terrace area.

As indicated by Mr. Gould's letter, the EIS identifies this suggestion as an alternative that was considered by BPA but eliminated from detailed study in Section 2.6 of the EIS. The EIS explains that there is inadequate room to accommodate the railroad, Highway 2, and a transmission line in the area on the south side of the river directly west of the suggested river crossing. Steep talus slopes and cut rock faces south of Highway 2 and the proximity of the railroad tracks leave inadequate space for a transmission line, making construction impossible in this area. Because it is not technically feasible to construct this realignment option, it was eliminated from detailed evaluation in the EIS.

The letter from the other property owner, Dale Swapinski, raised concerns about electric and magnetic field (EMF) levels at houses near the existing transmission line and potential health effects. Appendix H, Electrical Effects, of the Final EIS describes the methodology that was used to estimate existing magnetic field levels on and off the transmission line right-of-way, as well as at nearby houses.

The magnetic field estimates contained in the EIS represent reasonably accurate estimates because they are based on well-known physical principles. In fact, because these estimates are based on very conservative assumptions (i.e., maximum voltage, maximum current, and minimum conductor height), these estimates are likely higher than actual field conditions.

Regarding notification of residents, BPA is in the process of contacting residents in the Big Horn Terrace and Pipe Creek areas with information regarding EMF. In addition, persons with residences along the transmission line who are interested in receiving EMF information may call Kirk Robinson, BPA Project Manager, at 360-619-6301.

Comments Received After the Final EIS Comment Period

BPA also received correspondence related to the Final EIS after the three-week period during which the agency asked for comments. Letters were received from the Western Montana Electric Generating & Transmission Cooperative (WMTG&T), the U.S. Environmental Protection Agency (EPA), Mr. Gould (his second letter) and another individual who owns property in the Big Horn Terrace area. Additional correspondence was received by U.S. Congressional members from their constituents and forwarded to BPA. BPA received one forwarded letter from an individual who owns property in the Big Horn Terrace area, and one forwarded letter from the Libby Fire Department Fire Chief. BPA also received copies of a postcard mailer with comments; the same postcard was submitted separately by households in the Big Horn Terrace and Pipe Creek areas to their Congressional representative.

The letter from WMTG&T stated the importance that the transmission line rebuild occur as expeditiously as possible in light of the line's deteriorating condition. WMTG&T believes that the rebuild project should be completed as quickly as possible to maintain the reliability of the region's and northwestern Montana's transmission system.

The letter from the EPA stated EPA's support for BPA's Proposed Action with the Kootenai River crossing realignment option. While the EPA expressed concerns about ground disturbance and water quality impacts from the rebuild project, the EPA noted that the Proposed Action and Kootenai River crossing realignment would involve less disturbance to natural resources than Alternative 1 and the other realignments. EPA also stated that it was pleased with mitigation measures identified in the Final EIS.

Like his first letter, Mr. Gould's second letter suggested that BPA should consider placing the line in a new alignment that would cross from the north side of the Kootenai River to the south side at a point east of the Big Horn Terrace area and then continue on the south side of the river west to Troy Substation. Mr. Gould stated that this would avoid impacts along Sheep Range Road and in the Kootenai Falls Wildlife Management Area. Mr. Gould's suggested realignment was an alternative that was considered by BPA but eliminated from detailed study in the EIS.

Mr. Gould also expressed concern about potential impacts of the proposed rebuild project in its current alignment on the bighorn sheep herd in the area. Potential impacts to this species were addressed in Section 3.5 of the FEIS and mitigation is also identified in Section 3.5.3 of the FEIS to minimize disturbance of this species.

Mr. Gould indicated that additional road work would also impact the scenic quality of the Kootenai Falls Wildlife Management Area. The potential for visual impacts in this area was discussed and thoroughly analyzed in Section 3.7 of the FEIS. Some portions of the Sheep Range Road, such as along Black Eagle Rock, will be widened to allow large equipment to pass. Widening the road along the face of Black Eagle

Rock with the use of retaining walls will provide a road base wide enough for large equipment without removing a section of the rock face, an area important to local tribes.

The letter from property owner, Carolyn Fera, suggested that, in making its decision concerning the rebuild project, BPA should consider potential impacts to humans as much as impacts to the natural environment. These potential impacts and others were fully evaluated and discussed in the FEIS, and have been taken into consideration by BPA and the Kootenai NF in reaching a decision on whether to proceed with the rebuild project.

One of the letters forwarded from a Congressional member was written by John Smith, who owns property in Big Horn Terrace. Mr. Smith raised concerns about EMF levels at houses near the existing transmission line and potential health effects. While uncertainty remains concerning these potential health effects associated with EMF, the employees of BPA's transmission design group constantly work to ensure that BPA's transmission lines minimize EMF to the extent possible given current technology.

BPA has considered these potential health effects in both its analysis in the FEIS, as well as in the decision documented in their ROD. Reviews of the various studies concerning EMF health effects in found in Appendix J of the FEIS and was a key source for the analysis of potential health effects related to EMF that is contained in Section 3.10 of the FEIS. BPA believes that on balance, accepted scientific studies, including an international assessment sponsored by the World Health Organization, support that there is not a proven EMF health risk associated with transmission lines.

Mr. Smith also expressed concern that five houses¹ near the existing transmission line have estimated magnetic field levels above 3-4 milligauss (mG). However, the estimated magnetic field levels are not significantly different than levels associated with common household appliances.

Mr. Smith, like Mr. Swapinski, also asked about whether nearby residences with estimated magnetic field levels above 3-4 mG have been notified of these levels and potential EMF health effects. As discussed above, the widely distributed FEIS for the proposed rebuild project provides general notification of potential health effects and general EMF levels.

Mr. Smith also stated that BPA disregards a portion of a report entitled "BioInitiative: A Rationale for a Biologically-based Exposure Standard for Electromagnetic Radiation." This is incorrect. BPA reviewed and considered this report, as indicated in Appendix J of the FEIS. While the opinions of the report's authors are thought-provoking, the report does not follow accepted scientific methodology for determining potential EMF health effects. It is not reasonable to give substantial weight to a report that is not, by its design, comparable to the more rigorous study methodologies employed in the larger body of EMF-related literature independently peer-reviewed by the international scientific community under the sponsorship of the World Health Organization. BPA believes that, on balance, accepted scientific studies support that there is little proven health risk associated with transmission lines.

Finally, Mr. Smith identified a number of potential safety risks associated with transmission lines, and stated that the comment letter of the Libby Fire Chief concerning risks to firefighting equipment was disregarded in the FEIS. BPA is well aware of potential safety risks associated with transmission lines, and all risks identified by Mr. Smith were identified and discussed in the FEIS. Replacing the line on its existing route would not increase any potential hazards to firefighting.

The other letter forwarded from a Congressional member was written by Tom Wood, Libby Fire Department Fire Chief. Mr. Wood's letter regarding fire suppression in rural residential areas such as Big Horn Terrace, and confirmation of downed line de-energization was included as a comment letter

¹ In the Final EIS, BPA indicated that there are six houses near the transmission line where magnetic field levels are above 3-4 mG. BPA subsequently learned that one of these was actually just a concrete pad, so only five houses magnetic field levels above 3-4 mG.

(#LTF0009) that was responded to in the FEIS, along with other comment letters on the DEIS that were received during and after the DEIS public comment period (see Chapter 9 of the FEIS). In addition, BPA's goal is to ensure that fire agencies along its lines know how to contact us in emergencies for the safety of their firefighters and ability to control fires as soon as possible.

Mr. Wood also stated that the Big Horn Terrace area is not currently within the Lincoln County Rural Fire District, and fire suppression in the presence of the transmission line near homes is considered too major of an issue. BPA is aware of the difficulty in reaching certain homes that have been constructed adjacent to the corridor since the transmission line was built. However, as discussed in the FEIS, a rebuild of the existing transmission line in its existing corridor in the Big Horn Terrace area would not change the already existing potential safety risks associated with firefighting equipment. In addition, BPA works with local, state, and Federal fire agencies to help educate firefighters about how to safely conduct fire-fighting activities near transmission lines. BPA will specifically work with the Libby Fire Department to assure that it has accurate information concerning safe handling of fire equipment and operations around our transmission lines.

A postcard mailer was received that asked for Congressional assistance in persuading BPA to select the Quartz Creek and Pipe Creek realignment options. The postcard also stated that the line poses a health (cancer) risk by subjecting some residents to above 3-4 mG magnetic field levels. Analysis that combined the results from many epidemiology studies has found an association between magnetic field exposures above 3-4 mG and childhood leukemia. Such a finding represents a statistical link but does not demonstrate a cause-and-effect relationship between magnetic fields and health effects. References and research on health effects from the electric and magnetic fields from the electric power system are discussed in Appendix J of the FEIS, *Assessment of Research Regarding EMF and Health and Environmental Effects*. As documented there, extensive scientific reviews of the research literature on the effects of such fields have not demonstrated there are field-related health hazards associated with living near high-voltage transmission lines. The potential for electrical shock and even electrocution are recognized hazards of living and working near high-voltage transmission lines, as well as near electrical appliances and power distribution lines. These recognized hazards are why transmission lines are designed to meet safety codes and why certain activities near lines are discouraged.

Finally, the postcard stated that BPA has a moral obligation to move the line away from residential areas so residents are no longer subject to health and safety risks. BPA believes that rebuilding the line in its present corridor in these areas does not change any already existing health and safety risks, and does not present such serious health and safety risks that the line must be moved for these reasons, based on the analysis contained in the FEIS. Based on my review of the FEIS, I would agree with BPA's conclusions on the situation.

IX. Rationale for the Decision

Management of a large and complex land base such as the Kootenai National Forest requires me to make decisions on projects which elicit conflicting desires from the public. Competing demands placed on the Forest Service dictate that I make decisions for the responsible management of ecosystems that fulfill the mission of the Forest Service and meet the requirements of law and regulation. In making these decisions, I utilize comments from the public to guide the project design and analysis. Every effort is made to develop and choose an alternative that best responds to the components of the Purpose and Need, is responsive to public and agency concerns, and maintains key resource values.

My decision to choose the Proposed Action with the Kootenai River Crossing is based upon three principal criteria:

A. Consistency with Forest Plan Goals, Objectives, and Standards. The Forest Plan represents an agreement with the public on the management and use of the Kootenai National Forest. It is a negotiated understanding with a variety of individuals, organizations, agencies, and American Indian

tribes who represent a wide variety of opinions, values and beliefs. I viewed the achievement of Forest Plan goals, objectives, and standards for this area and minimization of effects to National Forest resources as decision criteria.

B. Compatibility with the Purpose and Need Developed for the Project by BPA. BPA reached a decision on July 25, 2008 that implementation of the Proposed Action with the Kootenai River Crossing realignment option would meet these goals or objectives as stated in section IV – Purpose and Need for Action. I evaluated the Alternatives to determine how well they responded to the purpose and need for the project. While all four of the project purposes (discussed below) were used by BPA in reaching a decision on the project, as the Responsible Official for the Kootenai NF it was most appropriate for me to measure the alternatives against the purpose to minimize environment impacts.

1. System Reliability

The Proposed Action and Alternative 1, in contrast to the No Action Alternative, both provide a rebuilt transmission line that would be constructed to industry standards and would maintain system reliability. Both action alternatives ensure that necessary redundant load service to the Libby/Troy area continues to be provided on a reliable basis. Potential line outages would decrease because the line's existing deteriorating wood structures would be replaced with new wood and steel poles (Proposed Action) or steel poles (Alternative 1). Tree clearing for both action alternatives would provide a corridor clear of vegetation and danger trees reducing the potential for electrical flash-over and subsequent outages.

BPA determined that there is no difference in system reliability between the Kootenai River Crossing realignment option and leaving the line in its existing corridor where it crosses the Kootenai River; both would be constructed to industry standards and would maintain system reliability. The same holds true for the other two realignment options.

2. Contractual and Statutory Obligations

The Proposed Action and Alternative 1 both allow BPA to meet its obligations under the Federal Columbia River Transmission Act to replace transmission lines necessary for maintaining electrical stability and reliability and for transmitting electric power to serve its customers. The No Action Alternative does not meet this objective.

Both action alternatives also allow for BPA to continue providing service to its customers reliably and safely. While Alternative 1 would have a greater capacity for meeting future load growth because it would involve a rebuild as a double-circuit 230-kV line, technical studies conducted for the proposed project indicate that rebuilding the line as a single-circuit 115-kV line would meet load service requirements in the area for at least the next 40 years. The Proposed Action, therefore, is expected to be adequate to address load growth and serve BPA's customers for the foreseeable future.

The Kootenai River Crossing realignment option will not have a different effect on BPA's contractual and statutory obligations than the existing corridor that crosses the Kootenai River because the realignment will not result in different electrical stability and reliability and will not change the ability of BPA to serve its customers. The same holds true for the other two realignment options.

3. Environmental Impacts

The Proposed Action minimizes environmental impacts as compared to Alternative 1 and the No Action Alternative. The Proposed Action will replace the existing line in an already developed corridor with the same type of structures and corridor width for most of the project length. Alternative 1 would have resulted in higher impact levels than the Proposed Action, mainly because of the need for a wider cleared corridor and taller structures for the 230-kV line under Alternative 1. For Alternative 1, long-term adverse effects to residential lands, recreation lands, resource management areas, visual resources, and cultural resources would be moderate to high after completion of the project. Clearing trees that screen

the corridor would make the line more visible to residents and would adversely affect the recreational experience. Taller, steel double-circuit structures would be visible from homes and along local area trails and roads. Placement of new steel structures and construction and improvement of access roads within or near prehistoric cultural sites and Traditional Cultural Properties would continue to have a moderate effect on cultural resources. This alternative also would have greater impacts to native plant species from compaction of soils and introduction of noxious weeds during construction.

The No Action Alternative also would have resulted in higher impact levels than the Proposed Action, mainly because of the ongoing maintenance and emergency repair activities that would frequently need to occur. Environmental impacts associated with these activities are discussed in the FEIS and described earlier in this ROD (see the “Environmentally Preferable Alternative” section of this ROD).

Construction of the Pipe Creek realignment option rather than rebuilding on the existing corridor through the Pipe Creek area would have had greater impacts on the following resources (at either voltage): soils and water resources, land use, vegetation (old growth trees and weeds), wetlands and floodplains, wildlife, visual resources (one private parcel and National Forest System land) and cultural resources. While rebuilding the line in the existing corridor in this area would have potentially greater noise, air quality, and public health and safety impacts than the realignment option, the noise and air quality impacts would be temporary in nature and mitigated to the extent feasible, and the potential public health and safety impacts from the rebuilt line would be no different than currently exist today with the existing line. General electrical safety risks would not change, and neither would EMF levels and any associated health effects. In addition, BPA will avoid helicopter use in the Pipe Creek area because of concerns raised by local landowners in this area.

Construction of the Quartz Creek realignment option rather than rebuilding on the existing corridor through Big Horn Terrace would have had greater impacts on the following resources (at either voltage): soils, land use (on National Forest System lands), vegetation (old growth trees and weeds), wildlife, visual resources (Highway 2 travelers and Forest Plan Visual Quality Objectives) and cultural resources. As for the Pipe Creek area, rebuilding the line in the existing corridor in the Quartz Creek area would have potentially greater noise, air quality, and public health and safety impacts than the realignment option. However, the noise and air quality impacts would be temporary in nature and mitigated to the extent feasible. In addition, the potential public health and safety impacts from the rebuilt line would be no different than currently exist today with the existing line, and BPA will avoid helicopter use in the Quartz Creek area because of landowner concerns.

Construction of the Kootenai River Crossing realignment option rather than rebuilding on the existing corridor will have greater impacts on the following resources (at either voltage): wildlife (bald eagle and migratory birds), amphibians, visuals (negative along Highway 2 but positive near Kootenai Falls), and cultural resources (positive).

BPA also has worked to lessen potential environmental and social impacts through the design of the Proposed Action and the development of mitigation measures described in the attached Mitigation Action Plan. With the adopted erosion and sediment control measures, construction impacts to water and soil resources will be short-term and low. Avoidance of sensitive plant populations and old growth stands will minimize impacts. Pressure washing of all equipment and treatment of current noxious weed infestations will reduce weed spread during and after construction.

Acquisition of additional and new right-of-way for the Proposed Action through the Pipe Creek residential area along Kootenai River Road will not change residential land use. Long-term impacts to residents will occur from placement of new structures in view of residences, although to the greatest practical extent the new structures will be placed in the same locations as existing structures, and removal of trees that screen homes. Within the Big Horn Terrace subdivision, new corridor width will not be needed, although some corridor clearing and danger tree removal will occur. Independent of this project and as part of BPA’s ongoing vegetation management program, new standards for clearing require

removal of all vegetation that is growing or could grow within 25 feet of the conductor. Land use will not change. Improvement and construction of roads that cross private lands to access the transmission line will result in a moderate to high impact to residents living adjacent to the corridor. Short-term, low to high impacts to residents living along the transmission line will occur from construction related noise, road closures, and dust generation. The Bighorn Trail will be closed during the day (7:00 am to 7:00 pm) for a two to three month period for construction of the retaining walls at Black Eagle Rock. This closure will result in a high, short-term impact to recreationalists and others who visit the wildlife area west of Black Eagle Rock.

The use of wood pole structures within residential areas will lessen the impact to visual resources because the line will look similar to the existing line except that structures will be about five to ten feet taller. Removal of danger trees, as required by BPA's ongoing transmission system vegetation management program, will make the rebuilt line more visible to residents and from local area roads located along the rebuilt line.

Using steel pole structures in inaccessible areas such as along Sheep Range Road and the old Highway 2 trail will reduce maintenance access into those areas; steel structures need less maintenance than wood pole structures. Additionally the steel structures will be colorized a dark grey to blend with the background as much as possible.

Cultural resources that were identified along the line will be avoided, protected, or further evaluated as necessary. However, impacts to cultural resources will remain low to moderate. Wetlands that occur along the line will be avoided through relocation of structures and construction and improvement of roads outside of wetlands and wetland buffer areas. Activities affecting wetlands and streams that cannot be avoided will be permitted through the U.S. Army Corps of Engineers. Impacts to fish will be minimized by using vegetative buffers and sediment barriers to prevent sediment from moving into water bodies. Wildlife impacts will be lessened by implementing timing restrictions for bald eagle and other Forest Sensitive birds and the grizzly bear. Roads within grizzly bear management zones will be closed or stored to lessen impacts to grizzly bear habitat from use of Sheep Range Road and other access roads. Removal of vegetation throughout the project will be limited to trees and brush that could interfere with the transmission line.

Public health and safety impacts will be minimized by providing notice to the public of construction activities, and securing the site to protect equipment and the general public at the end of each workday. EMF levels from the rebuilt line will not be significantly different from those that exist today with the existing line. After construction, BPA will respond to any complaints, and if necessary, provide assistance to install or repair grounding to mitigate nuisance shocks. Noise impacts during construction will be minimized by limiting construction activities to daytime hours (7:00 a.m. to 7:00 p.m.). Impacts to social and economic resources will be low.

The Kootenai River Crossing realignment will remove the line from the viewshed of the Kootenai Falls area, a popular recreation site and a culturally sensitive area for local area tribes. This will be a positive impact. Although visual resources along the south side of Highway 2 will be negatively impacted, the impact to visual resources within the Kootenai River recreational area will be positive. Impacts to grizzly bear habitat in Bear Management Unit 10 will be removed with the realignment. Placement of conductor in a new location along the Kootenai River could potentially increase the risk of line collision for bald eagles and other migratory birds. Bird flight diverters will be installed on the new river crossing so that birds will be less likely to fly into the wire. Use of the realignment will remove the need for clearing and bridge construction in the floodplain and riparian wetlands of China Creek. There is a risk that Coeur d'Alene salamanders could be displaced from their habitat or suffer direct mortality with use of the realignment or where the existing corridor runs parallel to historic Highway 2. However, adopted mitigation such as avoidance of salamander habitat will limit impacts to individuals.

BPA will continue during maintenance of the line to work with landowners in efforts to lessen impacts as much as possible to private lands, and limit the spread of noxious weeds. BPA considers the Agency Preferred Alternative to be the environmentally preferred alternative, and I would agree with that assessment. A complete list of mitigation measures adopted for the project is in the attached Mitigation Action Plan.

4. Cost

The cost of construction and mitigation was a consideration for BPA in reaching a decision on the project, but was not one of the factors that I used in reaching a decision for the Kootenai National Forest. The Proposed Action with the Kootenai River Crossing realignment option would cost about \$18 million. BPA determined that this a reasonable cost for rebuilding a 17-mile 115-kV single-circuit transmission line in an area such as the project area. Of the two action alternatives, the Proposed Action would best serve to minimize costs in the near-term. Given the expected adequacy of a 115-kV single-circuit rebuild under the Proposed Action to serve existing and future loads for at least the next 40 years, the Proposed Action is the most cost-effective rebuild option for the foreseeable future. While the No Action Alternative could minimize costs over the next couple years, increasing operation, maintenance, and repair costs in the future potentially could cause the No Action Alternative to cost roughly as much as either of the action alternatives and greater socioeconomic impacts.

C. The Relationship To Environmental Issues And Public Comments. Organizations, American Indian Tribes, agencies, businesses, adjacent landowners and the general public submitted comments that identified issues during project development. As a result, I took a hard look at the environmental issues and how they were addressed by each alternative. Public and agency comments helped me identify a reasonable range of alternatives and necessary design criteria and mitigation requirements. Overall, public comments and BPA's response to them, provided me the necessary framework to base my decision.

The issue that generated the most comments was public health and safety. In particular, two specific issues raised have generated the highest level of concern from members of the public that live near the existing transmission line. The first is concern about the effect of electric and magnetic fields (EMF) on health.

Potential health and safety issues and impacts associated with the existing transmission line and proposed rebuilt line are discussed in Section 3.10 of the FEIS. Additional references and research on health effects from the electric and magnetic fields from the electric power system are discussed in Appendices H and J. As documented there, extensive scientific reviews of the research literature on the effects of such fields have not demonstrated there are field-related health hazards associated with living near high-voltage transmission lines. I believe that BPA has given proper consideration of current scientific studies and recommendations made by national and international scientific organizations in their analysis of the existing transmission line. The EIS also considered routing options that would remove the existing transmission line from some landowner's yards, thereby lessening electric and magnetic field strength at their properties.

The second concern related to public safety is the use of helicopters in the vicinity of populated neighborhoods for transmission line construction and routine inspection flights. Section 3.10.2 of the FEIS discusses potential impacts to residents from routine helicopter inspection flights. To mitigate these impacts, BPA will not use helicopters to construct the rebuilt line in the Big Horn Terrace and Pipe Creek residential areas, and instead all construction will occur from the ground.

Summary of Decision Rationale

Each of the alternatives considered has benefits and drawbacks relative to the purpose and need, issues, and public comments. The Proposed Action with the Kootenai River crossing realignment best meets the project's purpose and need and also best addresses issues raised during the analysis process because it limits the extent of new impacts; contains the necessary environmental protection measures; provides the appropriate consideration of electric and magnetic fields; and mitigates the increased risks associated with helicopter line construction. This assures me that human and environmental health will be protected while BPA rebuilds the Libby to Troy transmission line.

Unique to this situation is the age of the line and the advanced degree of deterioration of the support structures. Failure of the Libby to Troy line risks both loss of electrical power to the service area, and fire ignition. Both of these are unacceptable risks to the stability of the local communities. Interruption in electrical service to this isolated portion of Montana can have dire consequences, particularly during severe winter storms. Local residents are highly dependent on electricity for basic needs such as heating and water delivery. This creates a sense of urgency that compels me to select an alternative that provides for quick response. In my role as Forest Supervisor of the Kootenai NF, I also place a high degree of importance on the prevention of catastrophic wildfires. A fire start during the peak of fire season along the Kootenai River canyon has the potential to have serious impacts on national forest, state, county, city, tribal, and private lands and threatens public safety and community infrastructure. Selection of the Proposed Action provides for most of the transmission line rebuild to occur in the existing corridor location. While some new right-of-way would need to be acquired to accommodate the additional corridor width (from 60 to 80 feet), the amount would be less than Alternative 1 and the realignment options. This would help expedite the implementation of the line rebuild.

Based on all of the above considerations, I have chosen to issue a Special Use Permit to BPA for the Proposed Action along with the Kootenai River crossing realignment within the decision area. I believe it is a reasonable and prudent action that considers the associated environmental and social effects, and uses the best information available on the effects to human health and safety.

X. Mitigation

All the mitigation measures described in the DEIS and updated in the FEIS have been adopted. A complete list of these measures is in the attached Mitigation Action Plan. BPA will be responsible for executing all mitigation measures.

XI. Availability of BPA's Record of Decision

BPA's ROD is available from BPA's Public Information Center, P.O. Box 3621, Portland, Oregon, 97208-3621. Copies of the document may also be obtained by using BPA's nationwide toll-free document request line: 1-800-622-4520, or by accessing BPA's project Web site: http://www.efw.bpa.gov/environmental_services/Document_Library//.

XII. Findings Required By Law, Regulation, And Agency Policy

Numerous laws, regulations, and agency directives require that my decision be consistent with their provisions. I have determined that my decision is consistent with all laws, regulations, and agency policy. The following summarizes findings required by major environmental laws:

1. NATIONAL FOREST MANAGEMENT ACT (16 USC 1600 ET SEQ.)

The National Forest Management Act (NFMA) requires the Forest Service to prepare Forest Plans and regulations to guide development in National Forests. The current Kootenai National Forest Plan was

adopted by the Kootenai National Forest in 1987. The following describes provisions NFMA and the current Forest Plan that are applicable to the proposed project:

A. Consistency With Forest Plan (16 USC 1604(i))

The Kootenai Forest Land and Resource Management Plan (Forest Plan) establishes management direction for the Kootenai Forest. This management direction is achieved through the establishment of Forest goals and objectives, standards and guidelines, and Management Area goals and accompanying standards and guidelines. Project implementation consistent with this direction is the process by which we move toward the desired condition described by the Forest Plan. Forest Plan direction provides the sideboards for project planning. In addition, the National Forest Management Act requires that all resource plans are to be consistent with the Forest Plan (16 USC 1604 (i)). The environmental consequences of the alternatives in relation to the Forest Plan standards and guidelines are displayed in the Chapter 3 of the FEIS.

The Forest Plan states "If it is determined during project design that the best way to meet the goals of the Forest Plan conflicts with a Forest Plan standard, the Forest Supervisor may approve an exception to that standard for that project." With this decision I have approved two project specific amendments (Appendix C). I have determined that these are non-significant project specific amendments, because the amendments are for this project only; only apply to the transmission line rebuild project area, and affect a minor number of acres in MAs 10 and 17. With the inclusion of these amendments, this project is consistent with Forest Plan management direction.

(1) I have approved an amendment to the Forest Plan for MA 10, big game winter range, to suspend the requirement for retaining all cavity habitat. As documented in this decision, a variety of factors contributed to this decision, including the need to remove snags that present a hazard to the power transmission corridor, and the small number of acres affected. I have determined that this is a non-significant project specific amendment because additional snags of suitable species and size will be created over time as a result of natural mortality; less than 1% of the total MA 10 allocation on the Kootenai National Forest will be affected; and the goals of this management area would not be changed by allowing the short-term loss of cavity habitat in a small portion of the project area.

(2) I have approved an amendment to the Forest Plan for MA 17, viewing with timber, because the partial retention visual quality objective will not be met by the construction of transmission corridors and installation of transmission structures for the Kootenai River crossing realignment. As documented in this decision, a variety of factors contributed to this decision, including the positive effect of moving the existing crossing out of the viewshed of the Kootenai Falls recreation area, and a culturally sensitive area.; the small number of acres affected; and the realignment also will avoid the need for construction of a new replacement bridge over China Creek to allow access to a portion of the existing line. I have determined that this is a non-significant project specific amendment because of the small number of acres affected by a reduced visual quality; less than 1% of the total MA 17 allocation on the Kootenai National Forest will be affected; and the goals of this management area would not be changed by allowing a limited deviation from the standard for one area; the mitigation measures planned would help minimize visual impacts; and some reduction in visual impacts is expected as disturbed areas are re-vegetated.

Old Growth

Potential impacts to old growth habitat from the proposed project are discussed in Section 3.3, Vegetation, of the FEIS. The Selected Alternative would continue to provide viable habitat for old growth dependent species within the analysis area and would maintain old growth viability across the Forest. By remaining on the existing transmission line corridor and minimizing the corridor width, the Proposed Action would be the alternative that would have the least impact on old growth in the Pipestone planning subunit. It meets Forest Plan direction for management indicator species associated with old growth habitat. Adhering to Forest Plan direction in the form of goals, objectives, standards, and

monitoring would provide for the needs of old growth-associated species. After implementation of the Selected Alternative including project mitigation, the Pipestone Planning Sub-Unit (PSU) will have 10.3 percent designated old growth below 5,500 feet elevation, the Quartz PSU will have 28.8 percent designated old growth below 5,500 feet elevation, and the Sheep PSU will have a minimum of 10.0 percent designated old growth below 5,500 feet elevation.

Activities proposed with this project and other proposed and foreseeable analyses across the Forest within undesignated and designated old growth would maintain old growth above the 10 percent standard specified in the Forest Plan. The Forest Plan Monitoring and Evaluation Report for FY 2007 (Monitoring Report) (USDA Forest Service, 2008) documents the forest-wide status of old growth. Two different data sources are used to evaluate the amount of old growth forest-wide: 1) the Forest Inventory and Analysis (FIA) data, which collects and reports data at the Forest scale and 2) stand-level old growth inventory that is aggregated and summarized at the Forest scale. Forest-wide analysis of old growth, which is disclosed in the FY 2007 Monitoring Report, concludes that at least 10% of the KNF below 5,500 feet is managed as old growth as required in the Forest Plan. Specifically, this report discloses that old growth or replacement old growth on the KNF totals 298,699 acres or 16.0% of acres below 5,500 feet based on the stand-level data. Of this 16.0% of old growth or replacement old growth, 10.69% of acres below 5,500 feet is old growth. As described in the Monitoring Report, the FIA data is summarized forest-wide and does not measure old growth based on the criteria in the Forest Plan. The FIA data estimates effective old growth forest-wide at 9.0% of the Forest, with a 90% confidence interval of 7.2% to 10.9%. The acres of old growth from the stand-level inventory are just within the confidence interval for the FIA data. However, it must be noted the FIA data is measuring a different land base (all lands, not just lands less than 5500 feet). Also, to account for changes from when the FIA data was collected (1993 to 1995), any plots with disturbance (e.g., wildfire) were excluded from consideration as old growth. This is a conservative estimate, since some wildfires may not have affected old growth characteristics.

Cumulatively, the proposed activities in undesignated and designated old growth would not measurably change the amount and distribution of old growth across the Forest.

Visual Quality Objectives

For each management area, the Forest Plan established visual quality objectives (VQOs) based on methods described in The Visual Management System-Landscape Management Handbook Number 462 (USDA Forest Service 1974). These objectives identify standards of visual quality that proposed activities in those areas should meet. The Proposed Action would be consistent with the Forest Plan VQOs for the management areas that it passes through (see page 3-153 of the FEIS). The selected Kootenai River crossing realignment would not meet the VQOs and therefore requires a project-specific Forest Plan amendment. (see pages 3-158 and 3-159 of the FEIS).

Soil and Water Resources

The National Forest Management Act (NFMA) requires that all lands be managed to ensure maintenance of long-term soil productivity, hydrologic function, and ecosystem health. All activities proposed are consistent with this direction.

The Forest Plan states that project plans for activities requiring the use of ground-based equipment will establish standards for the area allocated to skid trails, landings, temporary roads, or similar areas of concentrated equipment use (USDA Forest Service 1987a). None of the transmission corridors would exceed the Regional Soil Quality Standards for detrimentally disturbed soils (FSM R1 Supplement 2500-99-1).

The proposed project is consistent with the goals, objectives, and standards for soil and water resources set forth in the Kootenai Forest Plan because project mitigation and BMPs have been included to protect soil and water resources. The BMPs include Soil and Water Conservation Practices at a minimum to control non-point source pollution and protect soil and water resources from permanent damage. The

2002 KNF Monitoring Report (USDA Forest Service 2003) states that monitoring between 1990 and 2002 shows that 94 percent of the BMPs implemented during that time were effective. Each of the alternatives would follow INFS standards and guidelines for any activities in riparian areas.

Plants and Animals

Guidelines for Forest Plans shall “provide for the diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives, and within the multiple-use objectives of a land management plan adopted pursuant to this section, provide, where appropriate, to the degree practicable, for steps to be taken to preserve the diversity of tree species similar to that existing in the region controlled by the plan.” (16 USC 1604(g) (3)(B)).

Sensitive species are managed under the authority of the NFMA and are administratively designated by the Regional Forester (FSM 2670.5). In making my decision, I have reviewed the analysis and projected effects on all sensitive species listed as possibly occurring on the Kootenai National Forest. I concur with the findings documented for these species.

The statement of findings for this project, as found in Appendix F of the FEIS, are as follows:

- **No impact** on the, redband trout, and westslope cutthroat trout.
- **May impact individuals or habitat, but will not likely contribute to a trend towards federal listing or loss of viability to the population or species** for the gray wolf, bald eagle, peregrine falcon, flammulated owl, harlequin duck, Coeur d’Alene salamander, boreal toad, northern leopard frog, *Botrychium ascendens* (Upswept Moonwort), *Botrychium crenulatum* (Wavy Moonwort), *Botrychium pedunculosum* (Stalked Moonwort), *Clarkia rhomboidea* (Common clarkia), and *Lomatium geyeri* (Geyer’s biscuit-root). This determination was also made for the northern goshawk, due to the Kootenai River crossing realignment. However, the northern goshawk is no longer listed as a Sensitive Species in the Northern Region.

Potential occurrences of special status plant, animal, and fish species and their habitat and potential impacts to these species from the proposed project are discussed in Sections 3.3, Vegetation, 3.5 Wildlife, and 3.6 Fish, Amphibians, and Reptiles of the FEIS. In cooperation with the Kootenai National Forest, BPA has incorporated recommendations to be consistent with NFMA and FMS provisions to avoid and minimize impacts to fish, wildlife, and plants under federal jurisdiction. Possible impacts of the action alternatives and short realignment options, along discussions of Forest Plan consistency, are found in Chapter 3 of the FEIS. Mitigation measures designed to minimize impacts to fish, wildlife, plants, and their habitat are listed in Chapter 3 of the FEIS.

Timber Harvest

The existing corridor located on Kootenai National Forest would be widened from 60 to 80 feet to accommodate the Proposed Action. About 5 acres would be converted from forest to transmission line corridor resulting in a low to moderate impact to land used for timber. Acres cleared of trees and maintained in that condition would be effectively removed from forest production for the life of the transmission line. In addition, on either side of both the existing and new corridor, danger trees that pose a hazard to construction activities and reliable operation of the transmission line would be removed (see Section 3.2.2 of the FEIS).

NFMA requirements dealing with timber harvest on National Forest System lands, including 16 USC 1604(k) and 16 USC 1604(g)(3)(E) are applicable only to projects in which the primary purpose is timber production. For the transmission line, timber removal is incidental to the primary purpose which is construction and maintenance of an electric transmission corridor. Therefore, findings related to NFMA requirements are not appropriate.

2. THE CLEAN WATER ACT AND STATE WATER QUALITY STANDARDS

Most impacts water quality would be from construction activities, and thus would be short-term in nature. Impacts would be greatest during and immediately after construction until revegetation, drainage, and erosion controls are established. Longer-term impacts to water quantity would occur from increased runoff due to vegetation removal and the presence of proposed project facilities such as access roads. Mitigation (FEIS, section 3.1.3) would reduce both short- and long-term impacts and the effect of erosions, and sedimentation on water quality.

No surface water quality problems are reported in the perennial and ephemeral streams that cross the corridor except for Bobtail Creek (near structure 18/6) and Quartz Creek (near structure 20/3). These creeks are included as Water Quality Limited Streams (WQLS) on the State of Montana's 1996 - 2004 303(d) list of impaired water bodies (305(b) Report). They are listed as partially supporting aquatic life and cold-water fisheries. Probable causes of the impairments are listed as habitat alterations, flow alterations, suspended solids, and siltation. Sources of impairment are listed as agriculture, silviculture, and removal of riparian vegetation. Bobtail Creek has an approved Total Maximum Daily Load (TMDL) but Quartz Creek does not. Due to the minimal amount of vegetation to be cleared within the riparian areas, impacts to water quality are expected to be low. The use of best management practices would reduce potential sedimentation in Bobtail and Quartz preventing further degradation of these water quality listed streams.

Under section 402 of the Clean Water Act, BPA would issue a Notice of Intent to obtain coverage under the MDEQ general permit for federal facilities for stormwater discharges related to construction activities and would prepare a Storm Water Pollution Prevention Plan (SWPP). The SWPP Plan will address stabilization practices, structural practices, stormwater management, and other controls (see Section 3.1 Geology, Soils, and Water Resources in the FEIS).

As discussed in Section 3.4 Wetlands and Floodplains of the FEIS, the proposed project may impact some wetland areas. Under Section 404, BPA is coordinating with the U.S. Army Corps of Engineers, which is a cooperating agency for the EIS, concerning the proposed project and its potential impacts to waters of the U.S. and wetlands.

In summary, I believe that the selected alternative complies with applicable Clean Water Act and Montana State Water Quality standards and maintains beneficial uses through the application of BMPs and other mitigation measures as listed in the attached Mitigation Action Plan.

3. THE CLEAN AIR ACT

Upon review of the FEIS (Section 3.13), I find that the selected alternative will be coordinated to meet the requirements of the State Implementation Plans, and Federal air quality requirements.

The proposed Libby to Troy transmission line rebuild project lies entirely in Lincoln County, Montana. As discussed in Section 3.13, Air Quality of this EIS, the county is an attainment area—within the NAAQS—for ozone, carbon monoxide (CO), lead, nitrogen dioxide, and sulfur dioxide. It is a non-attainment area for PM-10, and in March 2006 was designated a non-attainment area for PM-2.5 (EPA 2006d).

Montana submitted its PM-10 Attainment Plan for Libby, among other Montana cities, to the EPA in 1992, amended it in 1994, and the EPA approved the amended PM-10 State Implementation Plan (SIP) in 1995 (EPA 2006a). Montana DEQ is currently creating a SIP for PM-2.5; it is expected the SIP will be submitted to the EPA by December 2007 (Bob Habeck, Montana Department of Environmental Quality—Air Quality Policy and Planning, personal communication, August 16, 2006.)

The General Conformity Requirements of the Code of Federal Regulations require that federal actions do not interfere with state programs to improve air quality in non-attainment areas. Because the estimated

annual PM-10 emissions are lower than the 70 tons per year for conformity in a non-attainment area, and proportionally, PM-2.5 emissions are below 7 tons per year, BPA's proposed activities conform with state and federal Clean Air Act regulations.

4. THE ENDANGERED SPECIES ACT (16 USC 1531 ET. SEQ.)

Section 7 of the ESA requires federal agencies to ensure that the actions they authorize, fund, and carry out do not jeopardize endangered or threatened species or their critical habitats. A federal agency also is required to consult with USFWS and/or NOAA Fisheries if it is proposing an action that may affect listed species or their designated critical habitat.

A current list of the threatened and endangered fish and wildlife species occurring within the vicinity of the proposed project was obtained from the USFWS on September 19, 2007. The USFWS identified nine species (Kootenai River population of white sturgeon, gray wolf, bald eagle, grizzly bear, Canada lynx, bull trout, Spalding's campion, water howellia, and slender moonwort) as potentially occurring within the project vicinity (letter from R. Mark Wilson, June 22, 2005; see FEIS, Appendix C -ESA-letter). The bald eagle was officially removed from the threatened species list on August 8, 2007. The gray wolf was officially removed from the threatened species list on March 27, 2008. Both species were immediately placed on the sensitive species list (Forest Service Northern Region) for a period of five years, after which a status review will be made to determine the need to remain on or be removed from that list. On July 18, 2008, Judge Donald W. Molloy for the United States District Court of Montana ordered Endangered Species Act protections reinstated for the gray wolf. The Canada lynx is not considered to be present in this corridor, as this species is a resident of the Kootenai NF in high elevation montane spruce/fir forests, and this habitat is not present within or close by the transmission line corridor (FEIS, page 3-61).

Field surveys of the project corridor were conducted during the summers of 2005 and 2006. The potential for occurrences of threatened and endangered plant, animal, and fish species and their habitat and potential impacts to these species from the proposed project are discussed in Sections 3.3 Vegetation, 3.5 Wildlife, and 3.6 Fish, Amphibians, and Reptiles of the FEIS.

Two informational consultation meetings with USFWS and Kootenai National Forest biologists were held on October 19, 2006, and February 21, 2007. Consultation with USFWS has focused primarily on potential impacts to grizzly bear recovery zone and bald eagle habitat and possible mitigation measures to minimize impacts. In addition to the meetings, further consultation was conducted through phone conversations with USFWS specifically regarding bald eagle and grizzly bear habitat mitigation. As required by the Endangered Species Act, a biological assessment was prepared for the proposed project and submitted to the USFWS on October 18, 2007. The biological assessment determined that the proposed action would have **no effect** on the bull trout, white sturgeon, water howellia, Spaulding's catchfly, and linearleaf moonwort; and **may affect, but not likely to adversely affect** gray wolf, grizzly bear. Concurrence was given on November 13, 2007 for BPA and the Kootenai NF's determination of **may affect, but not likely to adversely affect** the grizzly bear and gray wolf.

5. NATIONAL HISTORIC PRESERVATION ACT, AMERICAN INDIAN RELIGIOUS FREEDOM ACT AND NATIVE AMERICAN GRAVE PROTECTION ACT

BPA undertook the consultation process as required under Section 106 of the National Historic Preservation Act (NHPA) for this project with the Kootenai National Forest, the Montana State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation (ACHP), and the affected Native American tribes. The Confederated Salish and Kootenai Tribes (CSKT) and the Kootenai Tribe of Idaho were consulted for this project. BPA and the Kootenai National Forest also consulted with these Tribes under applicable laws and trust responsibilities. The CSKT also have prepared a Traditional Cultural Properties (TCP) report for this project (see Sections 3.8 and 4.9 of the FEIS).

Construction and maintenance of the transmission line and related facilities could potentially affect historic properties and other cultural resources. Both the CSKT and Kootenai Tribe of Idaho have expressed concerns pertaining to areas known to be sensitive within the project vicinity. A cultural resources survey of the corridor was conducted to determine if any cultural resources are present and would be impacted (see Section 3.8 Cultural Resources of the FEIS). Several prehistoric and historic sites have been identified.

Through the design process, BPA will seek to avoid all known cultural resources sites. If some sites cannot be avoided, BPA will consult with federal and state agency landowners and the Montana SHPO to determine if those sites are eligible for a listing under the National Register of Historic Places (NRHP). If they are, then in consultation with the appropriate federal and state agency landowners, SHPO, and/or the CSKT Tribal Historic Preservation Officer (THPO), effects will be evaluated and appropriate mitigation applied.

If, during construction, previously unidentified cultural resources that would be adversely affected by the proposed project are found, BPA would follow all required procedures set forth in the National Historic Preservation Act (NHPA), Native Graves Protection and Repatriation Act (NAGPRA), Archaeological Resources Protection Act (ARPA), and the American Indian Religious Freedom Act.

6. GOVERNMENT TO GOVERNMENT RELATIONS

The Salish (Flathead), Kootenai and Upper Pend d'Oreilles have rights under the Hellgate Treaty of 1855 (July 16, 1855). These rights include the "right of taking fish at all usual and accustomed places, in common with citizens of the Territory, and of erecting temporary buildings for curing; together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land." The federal government has trust responsibilities to Tribes under a government-to-government relationship to insure that the Tribes reserved rights are protected.

Throughout the EIS process, BPA along with the Kootenai National Forest have worked to involve and consult with the potentially affected tribes in the proposed project area: the Kootenai Tribe of Idaho and the Confederated Salish and Kootenai Tribes (FEIS, Section 1.7 and Appendix A). The tribes did not request formal government-to-government consultation meetings. BPA updated tribal technical and policy representatives on project progress (both formally and informally) on an ongoing basis. BPA also met frequently with the Confederated Salish and Kootenai Tribes Preservation Office as part of NHPA requirements and to coordinate with staff, who are under contract to assist BPA in conducting a Traditional Cultural Properties Study for the proposed project, including an oral history.

7. ENVIRONMENTAL JUSTICE

I have considered the effects of this project on low income and minority populations and concluded that this project is consistent with the intent of the Environmental Justice Act of 1994 (EO 12898). The proposed project was evaluated for disproportionately high environmental effects on minority and low-income populations; see Section 3.11, Social and Economics Resources, and Section 4.24 of the FEIS. Neither the action alternatives nor the short realignment options would result in disproportionately high and adverse effects to minority or low income groups.

BPA considered all input from persons or groups regardless of race, income status, or other social and economic characteristics. Potentially affected minority populations include American Indian tribes with an interest in the federal lands that could be affected. BPA, along with Kootenai NF as a participant, consulted with the Confederated Salish and Kootenai Tribes regarding the potential impacts of the Proposed Action alternatives and short realignment options. For more information on these consultations, see Section 4.9, as well as Section 3.8, Cultural Resources in the FEIS.

8. MIGRATORY BIRD TREATY ACT

On January 10, 2001, President Clinton signed an Executive Order outlining responsibilities of federal agencies to protect migratory birds. Potential impacts to migratory birds as a result of the proposed project are discussed in the Section 3.5 Wildlife of the FEIS. Upon review of the effects analysis regarding migratory birds, I find that the selected alternative complies with this Executive Order.

Although the proposed project would not be expected to result in a take or killing of migratory bird species within the meaning of the Act, impacts to migratory birds could occur through temporary disturbance during construction and removal of some potential nesting habitat. BPA would ensure appropriate mitigating measures are employed to minimize and avoid impacts to migratory birds.

9. ADMINISTRATION OF THE FOREST DEVELOPMENT TRANSPORTATION SYSTEM – ROADS POLICY – 36 CFR PART 212 ET AL. (PUBLISHED IN THE FEDERAL REGISTER ON JANUARY 12, 2001).

A travel route analysis report has been prepared for the Libby – Troy Transmission Line Rebuild analysis area (see Transportation Section of the project file). I have determined that the selected alternative, which includes the construction of approximately 4.5 miles of new access road and the improvement of 14 miles of existing access roads on and off the existing corridor, complies with the Roads Policy.

10. MONTANA MAJOR FACILITY SITING ACT

The Montana Major Facility Siting Act (MFSA), Title 75, chapter 20, Montana Code Annotated (MCA), was enacted by the State of Montana in 1973 to provide a certification process for the location, construction, and operation of certain energy facilities, including pipelines, electric transmission lines, and geothermal facilities. Due to federal supremacy, BPA is not required to obtain MFSA certification for the proposed project from the State. However, BPA is required to comply with specific substantive provisions for environmental protection that may be identified by the State under the MFSA for portions of the proposed project that would be located on federal lands, pursuant to the requirements of the Federal Land Policy Management Act (FLPMA), 43 U.S.C. §1701 *et seq.*

Montana Department of Environmental Quality (DEQ) is a cooperating agency for this project and has assisted BPA in the identification of applicable state substantive environmental protection standards. DEQ has evaluated the proposed rebuild to ensure that substantive state standards of the FLPMA are met. Based on information presented in the FEIS, DEQ has made a determination that the proposed project would comply with the substantive standards of MFSA if BPA rebuilds, maintains, and operates the transmission line in compliance with their document entitled: *Conclusions and Determination of Substantive Compliance with the Montana Major Facility Siting Act for the Bonneville Power Administration (BPA) Proposed Rebuild of the Libby (Flathead Electric Cooperative) to Troy Section of the Libby to Bonners Ferry 115-kilovolt Transmission Line.*

11. OTHER LAWS AND REGULATIONS

BPA has complied with other applicable laws or regulations governing a project of this type and location, as described in Chapter 4 of the FEIS.

XIII. Appeal Provisions And Implementation

1. APPEAL PROVISIONS

This decision is subject to appeal pursuant to 36 CFR 215.11. A written appeal must be submitted within 45 days following the publication date of the legal notice of this decision in the *Daily Inter Lake*, Kalispell, Montana. It is the responsibility of the appellant to ensure their appeal is received in a timely manner. The publication date of the legal notice of the decision in the newspaper of record is the *exclusive* means for calculating the time to file an appeal. Appellants should not rely on date or timeframe information provided by any other source.

Paper appeals must be submitted to:

USDA Forest Service, Northern Region	or	USDA Forest Service, Northern Region
ATTN: Appeal Deciding Officer		ATTN: Appeal Deciding Officer
P.O. Box 7669		200 East Broadway
Missoula, MT 59807		Missoula, MT 59802

(Office hours: 7:30 a.m. to 4:00 p.m.)

Electronic appeals must be submitted to: appeals-northern-regional-office@fs.fed.us

Faxed appeals must be submitted to: FAX: (406) 329-3411

In electronic appeals, the subject line should contain the name of the project being appealed. An automated response will confirm your electronic appeal has been received. Electronic appeals must be submitted in MS Word, Word Perfect, or Rich Text Format (RTF).

It is the appellant's responsibility to provide sufficient project- or activity-specific evidence and rationale, focusing on the decision, to show why my decision should be reversed. The appeal must be filed with the Appeal Deciding Officer in writing. At a minimum, the appeal must meet the content requirements of 36 CFR 215.14, and include the following information:

- The appellant's name and address, with a telephone number, if available;
- A signature, or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
- When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request;
- The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
- The regulation under which the appeal is being filed (36 CFR 215);
- Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
- Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
- Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and
- How the appellant believes the decision specifically violates law, regulation, or policy.

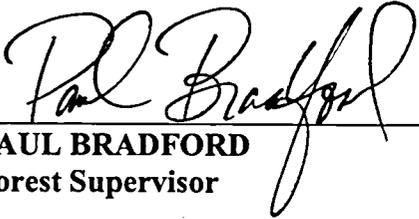
If an appeal is received on this project there may be informal resolution meetings and/or conference calls between the Responsible Official and the appellant. These discussions would take place within 15 days after the closing date for filing an appeal. All such meetings are open to the public. If you are interested in attending any informal resolution discussions, please contact the Responsible Official or monitor the following website for postings about current appeals in the Northern Region of the Forest Service: http://www.fs.fed.us/r1/projects/appeal_index.shtml.

For further information on this decision, contact John Gubel, Forest Environmental Coordinator, at (406) 283-7774 or Leslie McDougall, Libby Ranger District Environmental Coordinator, at (406) 283-7568.

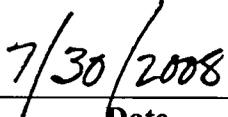
2. IMPLEMENTATION

If no appeal is received, implementation of this decision may occur on, but not before, five business days from the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 days following the date of appeal disposition.

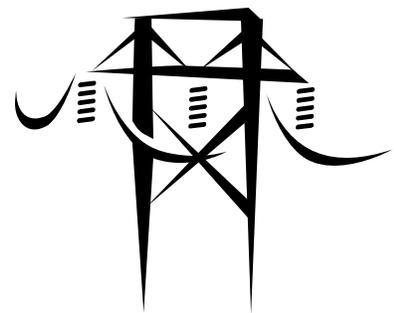
Construction on the transmission line would occur during two seasons, the first would be between July and November 2008, and the second would be between May and November 2009 (FEIS, page 2-12). The Special Use Permit to be issued by the Kootenai NF to authorize the additional activities associated with rebuilding the Libby to Troy Transmission Line would be for a period of 30 years.



PAUL BRADFORD
Forest Supervisor



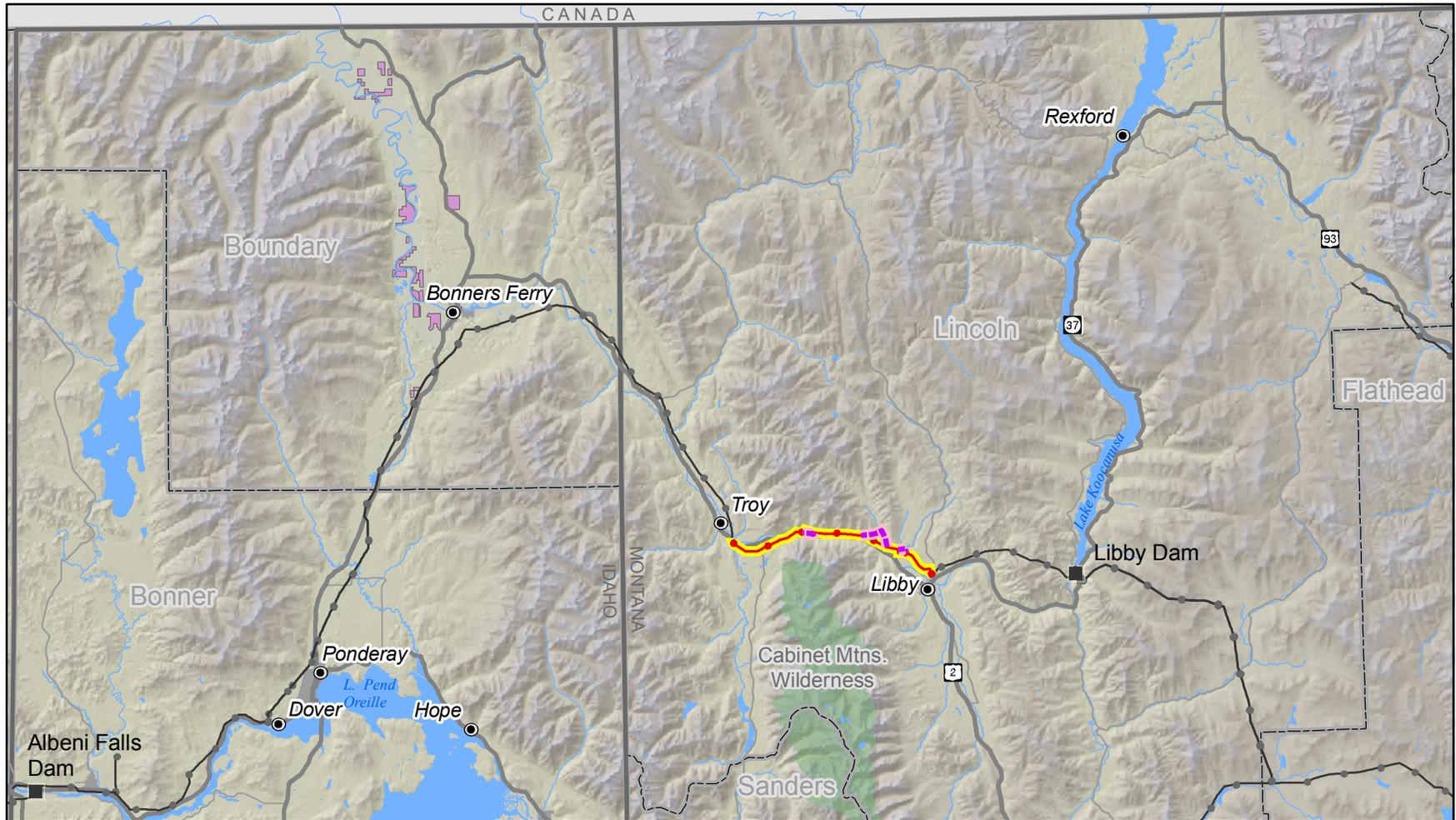
Date



Appendix A

Vicinity and Project Location Maps

REBUILD OF THE LIBBY TO TROY SECTION OF BPA's LIBBY TO BONNERS FERRY 115-KILOVOLT TRANSMISSION LINE PROJECT VICINITY MAP



0 5 10
Miles

Legend

- Town
- Potential Realignment
- Proposed Rebuild Section
- Other Transmission Lines
- Major Highway
- Major Road
- County Boundary
- Tribal Reservation
- Cabinet Mtns. Wilderness

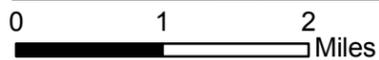
Data Source: Bonneville Power Administration
Regional GIS Database. All Data Is Best
Available, 12/1/2006



Figure 1-1

REBUILD OF THE LIBBY TO TROY SECTION OF BPA'S LIBBY TO BONNERS FERRY 115-KILOVOLT TRANSMISSION LINE

PROJECT LOCATION MAP

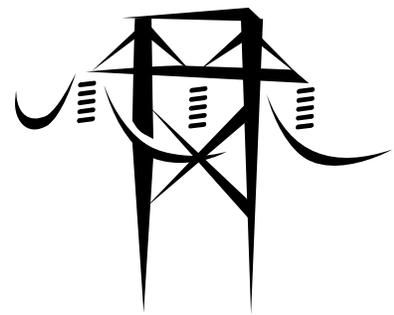


- Legend**
- ▲ Substation
 - Corridor Mile Marker
 - Proposed Rebuild Section
 - Potential Realignment
 - Other Transmission Lines
 - Major Road
 - Major Highway
 - Railroad
 - Cabinet Mtns. Wilderness

Data Source: Bonneville Power Administration
Regional GIS Database. All Data Is Best
Available, 12/1/2006



Figure 2-1



Appendix B

Mitigation Action Plan

Mitigation Action Plan
for the
Rebuild of the Libby (FEC) to Troy Section of
Bonneville Power Administration's
Libby to Bonners Ferry 115-kilovolt Transmission Line Project

Mitigation Measure	Time of Implementation
Geology, Soils and Water Resources	
<ul style="list-style-type: none"> Prepare and implement a Stormwater Pollution Prevention Plan (SWPP) to lessen soil erosion and improve water quality of stormwater run-off. SWPP Plans are developed to prevent movement of sediment off-site to adjacent water bodies during short-term or temporary soil disturbance at construction sites. The plans address stabilization practices, structural practices and stormwater management. 	Prior to construction
<ul style="list-style-type: none"> Comply with the terms and conditions of the permit issued under Section 404 of the Clean Water Act for discharge of dredged and fill material into waters of the United States. 	During construction
<ul style="list-style-type: none"> Comply with the terms and conditions of State of Montana permits for discharge of solid material, including building materials, into waters of the United States including a 318 Authorization under Montana's Water Quality Act and a Montana Streambed Preservation Act 124 permit. 	During construction
<ul style="list-style-type: none"> Design access roads to control runoff and prevent erosion by using low grades, out-sloping, intercepting dips, water bars, ditch-outs, or a combination of these methods. 	During design
<ul style="list-style-type: none"> Properly space and size culverts, cross-drains, and water bars using methods described in the Kootenai National Forest Hydraulic Guide (USDA Forest Service 1990). 	During design
<ul style="list-style-type: none"> Construct during the dry season (summer-fall) to minimize erosion, sedimentation, and soil compaction. 	During construction
<ul style="list-style-type: none"> Minimize construction equipment use within 150 feet of a water body (stream, river or wetland). 	During construction
<ul style="list-style-type: none"> Armor ditches, drain inlets and outlets with rock where needed for erosion control. 	During construction
<ul style="list-style-type: none"> Conduct pre-construction assessments with construction personnel to determine appropriate site-specific mitigation approaches to help reduce erosion and runoff, and to stabilize disturbed areas. 	Prior to construction
<ul style="list-style-type: none"> Surface all access roads with rock to help prevent erosion and rutting of road surfaces and to support vehicle traffic. 	During construction
<ul style="list-style-type: none"> Avoid construction on steep, unstable slopes if possible. 	During construction
<ul style="list-style-type: none"> Deposit all unused excavated material in upland areas and stabilize. 	During construction

Mitigation Measure	Time of Implementation
<ul style="list-style-type: none"> Avoid and minimize placement of excavated material in environmentally sensitive areas such as streams, riparian areas, or wetlands. 	During construction
<ul style="list-style-type: none"> Save topsoil removed for structure and new access road construction for onsite restoration activities to promote regrowth from the native seed bank in the topsoil. If contaminated, follow-up weed control will be needed. 	During construction
<ul style="list-style-type: none"> Cover exposed piles of soil with plastic or similar material to reduce erosion potential if there is a threat of rain. 	During construction
<ul style="list-style-type: none"> Limit grubbing to the area around structure sites to lessen the impact on the roots of low-growing vegetation, so they may re-sprout. 	During construction
<ul style="list-style-type: none"> Avoid vegetation clearing at sides of existing access roads to the extent possible, to minimize impacts to adjacent forested areas. 	During construction
<ul style="list-style-type: none"> Cut or crush vegetation, rather than blade, in areas that will remain vegetated in order to maximize the ability of plant roots to keep soil intact and prevent sediment movement offsite. 	During construction
<ul style="list-style-type: none"> Install erosion control measures such as silt fence, straw mulch, straw wattles, straw bale check dams, and other soil stabilizers. 	Prior to and during construction
<ul style="list-style-type: none"> Revegetate or reseed all disturbed areas with a native (where possible) plant/grass seed mixture suited to the site, to promote vegetation that will hold soil in place. 	After construction
<ul style="list-style-type: none"> Till or scarify compacted soils before reseeded where necessary as determined by applicable agencies. 	After construction
<ul style="list-style-type: none"> Monitor erosion control Best Management Practices to ensure proper function and nominal erosion levels. 	During and after construction
<ul style="list-style-type: none"> Monitor revegetation and site restoration work for adequate growth; implement contingency measures as necessary. 	After construction
<ul style="list-style-type: none"> Minimize construction equipment access near Kootenai River and other stream bank areas. 	During construction
<ul style="list-style-type: none"> Inspect and maintain project facilities, including the access roads, to ensure erosion levels remain the same or less than current conditions. 	After construction
<ul style="list-style-type: none"> Inspect and maintain tanks and equipment containing oil, fuel or chemicals for drips or leaks and to prevent spills onto the ground or into state waters. 	Prior to and during construction
<ul style="list-style-type: none"> Maintain and repair all equipment and vehicles on impervious surfaces away from all sources of surface water. 	During construction
<ul style="list-style-type: none"> Refuel and maintain equipment at least 25 feet from any natural or manmade drainage conveyance including streams, wetlands, ditches, catch basins, ponds, and pipes, and provide spill containment and cleanup. Utilize pumps, funnels and absorbent pads for all equipment fueling and maintenance operations. 	During construction
<ul style="list-style-type: none"> Provide spill prevention kits at designated locations on the project site and at the hazardous material storage areas. 	During construction

Mitigation Measure	Time of Implementation
<ul style="list-style-type: none"> Remove all structures completely and fill the holes with appropriate backfill within Montana Department of Transportation right-of-way and other areas. Compact the backfill to prevent settling and revegetate the disturbed area to match the existing surrounding area. 	During construction
<ul style="list-style-type: none"> Minimize the number of road stream crossings. 	During design
<ul style="list-style-type: none"> Stabilize cut and fill slopes. 	During construction
<ul style="list-style-type: none"> Properly size culverts to handle flood events, pass bedload and woody debris, and reduce potential for washout. 	During design
Land Use	
<ul style="list-style-type: none"> Compensate landowners at market value for any new land rights required for clearing and right-of-way easements, or to construct new, temporary or permanent access roads. (Mitigation measure also listed under Social and Economic Resources.) 	Prior to construction
<ul style="list-style-type: none"> Compensate landowners for damage to property during construction and maintenance. 	After construction
<ul style="list-style-type: none"> Minimize or eliminate public access to project facilities through postings and installation of gates and barriers at appropriate access points and, at the landowner's request, on private property. 	After construction
Vegetation	
<ul style="list-style-type: none"> Threatened and Endangered and Forest Sensitive Species: <ul style="list-style-type: none"> ➤ Cut or crush vegetation rather than blade, in areas that will remain vegetated in order to maximize the ability of plants to resprout. (Mitigation measure also listed in Geology, Soils, and Water Resources Section.) ➤ Limit soil disturbance and mineral soil exposure during construction activities. ➤ Flag populations of Geyer's biscuit-root for avoidance during construction. ➤ Apply herbicides after Geyer's biscuit-root has completed blooming and is dormant. This usually occurs by early summer. ➤ Spot spray herbicide rather than broadcasting herbicide near or within the identified biscuit-root populations to avoid applying herbicide to the plants. ➤ Use an herbicide (possibly Chlopyralid) that has a low impact on biscuit-root. 	Prior to and during construction

Mitigation Measure	Time of Implementation
<ul style="list-style-type: none"> ● Old Growth: <ul style="list-style-type: none"> ➤ Implement timing restrictions as described in Section 3.5.3 Wildlife/Mitigation to minimize disturbance and limit destruction of nests of birds that use old growth habitat and within bald eagle Nest Site Management Zones. ➤ Mitigate for impacts to designated and undesignated old growth stands by purchasing private lands or conservation easements on private lands with old growth characteristics that may otherwise be developed or cleared for other purposes. BPA would purchase the lands prior to clearing in old growth areas. Any lands acquired for bald eagle mitigation that meet the definition of old growth habitat will also be acceptable for meeting mitigation objectives for old growth habitat. 	<p>During and after construction</p>
<ul style="list-style-type: none"> ● Noxious Weeds: <ul style="list-style-type: none"> ➤ Comply with federal, state and county noxious weed control regulations and guidelines. Kootenai National Forest (NF) specialists will review project weed treatment procedures prior to construction. ➤ Implement Forest Service Manual (FSM) 2080 Noxious Weed Management Prevention and control measures on all Kootenai NF lands. See Appendix E. ➤ Use certified weed-free forage/mulch if available on all Kootenai NF lands in Montana (36 FR 261.50). ➤ Pressure or steam wash all equipment before entering the project area and when leaving discrete patches of noxious weeds. ➤ Flag or map noxious weed populations prior to construction for avoidance. Clean vehicles after leaving those areas to avoid spread of noxious weeds. ➤ Seed and fertilize newly constructed and restored roads after use with seed that meets the requirements of federal, state, and county noxious weed control regulations and guidelines. ➤ Use certified weed-free straw for erosion control for all construction, reconstruction and restoration activities. ➤ Treat and sign sites if new invaders are located and defer ground disturbing activities within those sites until the weed specialist from Lincoln County or the Kootenai NF determines the site is no longer a threat, and approves those activities. ➤ Follow site-specific guidelines for noxious weed treatments within or adjacent to known sensitive plant populations. All future treatment sites will be evaluated for sensitive plant habitat suitability; suitable habitats will be surveyed as necessary prior to treatment. ➤ Use the 1000 cubic yards of excess excavated material from structures 15/4 – 15/7 contaminated with spotted knapweed seed and other noxious weed seeds in areas that have the same noxious weed species. This material will not be used at sites relatively free of these species, such as the Kootenai River Crossing realignment. ➤ Treat the Dalmatian toadflax populations located east of structure 21/3 and at the Troy Substation on the Lake Creek road with herbicide prior to any activity, to reduce the potential for plants producing seed to be carried elsewhere. ➤ Cooperate with Lincoln County for the treatment of the common tansy population from structures 26/1 to 26/4 with herbicide prior to any motorized travel to reduce the chance of spreading this species. ➤ Wash All Terrain Vehicles and other off-road vehicles before bringing them into the historic Highway 2 area. 	<p>Prior to, during and after construction</p>

Mitigation Measure	Time of Implementation
<ul style="list-style-type: none"> ➤ Cooperate with private, county, state, and federal landowners to treat the noxious weeds along the access roads that will be used to bring tree clearing and construction equipment into the Kootenai River Crossing realignment area, to reduce the amount of noxious weed seed that could be available for dispersal. ➤ Wash all vehicles and construction equipment before beginning clearing and construction activities in the Kootenai River Crossing realignment area, to help prevent the transport of noxious weed seeds from areas that are already infested. ➤ Install gates and post signs on access roads to discourage recreational vehicular travel and subsequent noxious weed seed transport. Gates could be installed where the corridor crosses Quartz Creek Road west of structure 19/3. ➤ Apply all herbicides according to the labeled rates and recommendations to ensure the protection of surface water, ecological integrity and public health and safety. Herbicide selection will be based on target species on the site, site factors (such as soil types, distance to water, etc.), and with the objective to minimize impacts to non-target species. ➤ Conduct a post-construction weed survey to confirm whether or not noxious weeds have been spread within the project area, and take corrective action if needed. ➤ Control noxious weeds on fee-owned properties and where appropriate enter into noxious weed control programs with active weed control districts during operation and maintenance of the transmission line. 	
Wetlands and Floodplains	
<ul style="list-style-type: none"> • Obtain and comply with applicable Clean Water Act permits for all work in wetlands or streams. 	Prior to and during construction
<ul style="list-style-type: none"> • Comply with the terms and conditions of applicable State of Montana Water Quality Act and Streambed Preservation Act permits for all work in wetlands and streams. 	During construction
<ul style="list-style-type: none"> • Identify and flag wetlands before construction for avoidance. 	Prior to construction
<ul style="list-style-type: none"> • Locate structures, roads, staging areas and tensioning sites to avoid wetlands and floodplains as much as possible. 	During design
<ul style="list-style-type: none"> • Avoid construction within wetlands and wetland buffers to protect wetland functions and values, where possible. The wetland buffer width on federal land is 150 feet from the wetland boundary and 50 feet from the wetland boundary on all other lands. 	During construction
<ul style="list-style-type: none"> • Avoid mechanized land clearing within wetlands and riparian areas to minimize soil compaction from heavy machinery, destruction of live plants, and potential alteration of surface water patterns. 	During construction
<ul style="list-style-type: none"> • Install erosion control measures such as silt fences, straw mulch, straw wattles, check dams, other soil stabilizers, and reseed disturbed areas as required; a Stormwater Pollution Prevention Plan would be prepared. 	Prior to and during construction
<ul style="list-style-type: none"> • Use herbicides to control vegetation near wetlands in accordance with the Transmission System Vegetation Management Program (BPA 2000) and label restrictions, to limit impacts to water quality. 	During and after construction

Mitigation Measure	Time of Implementation
<ul style="list-style-type: none"> • Use existing road systems, where possible, to access structure locations and for the clearing of the transmission line corridor. 	During design and construction
<ul style="list-style-type: none"> • Deposit all excavated material not reused in an upland area and stabilize. 	During construction
<ul style="list-style-type: none"> • Locate structures to minimize the potential for creating obstructions to floodwaters. 	During design
<ul style="list-style-type: none"> • Recontour and revegetate disturbed areas near floodplains with native and local species. 	During and after construction
Wildlife	
<ul style="list-style-type: none"> • Grizzly bear <ul style="list-style-type: none"> ➤ Implement any mitigation measures for grizzly bear that may be required by the U.S. Fish and Wildlife Service (USFWS) through Section 7 consultations. Measures could include avoidance of certain locations during the den emergence period, restricting construction noise levels in certain areas, and provision of compensation for project effects. ➤ Design actions and the Kootenai River Crossing realignment to reduce grizzly bear mortality risk due to human-bear encounters. All construction and maintenance crews will observe proper storage of food, garbage, and other attractants within grizzly bear habitat as specified in the Kootenai National Forest Food Storage Order (Special Order, Kootenai National Forest, 2001; Occupancy and Use Restrictions and Food Storage for the Cabinet/Yaak Ecosystem). ➤ Implement mitigation for the Proposed Action and Kootenai River Crossing realignment that will increase core habitat and decrease total motorized route density (TMRD) in Bear Management Unit (BMU) 10. The removal of ten gates and the installation of earthen barriers on roads in BMU 10 that are currently closed year round to motorized travel will occur. This work would be done in conjunction with Kootenai NF proposed mitigation for fuels reduction work in BMU 10. Earthen barriers will make access to closed areas more difficult for motorized vehicles, thus increasing core habitat and reducing overall road density. The drainages and USFS roads are as follows: Lost Fork Creek (Roads 6164, 4653 and 4653 D); Big Foot - Seventeen Mile Creek (Roads 4681 B, C, D, E, F and G); and West Fork Quartz Creek (Roads 4690 F, and 4691). USFS Roads 14470, 14471, 14473 and 14474 will be “placed into storage” rather than removing gates, because they are behind other roads where gates would be removed. Placing roads into storage could entail culvert removal and subsequent recontouring of the stream banks. This work also would reduce potential sedimentation and subsequent impacts to fish from eliminating road maintenance. ➤ Remove the gate on the USFS Road 402 D spur (in BMU 1) in Cedar Creek and install an earthen barrier. This spur road is currently closed year round to motorized travel. ➤ Install earthen barriers in the West Kootenai Bear Outside Recovery Zone (BORZ), to close roads currently open to motorized travel equal to the amount of roads opened or constructed in the BORZ. All roads are located in the Quartz Creek drainage and include USFS roads 6145, 6704, 6704 A, and 5222. ➤ Use of high intensity motorized disturbance (such as heavy equipment or 	Prior to and during construction

Mitigation Measure	Time of Implementation
<p>helicopter use) will not occur in BMUs 10 and 1 between April 1 and June 15 during the grizzly bear den emergence and spring period. This includes existing structures 21/5 to 25/8 along Sheep Range Road and the historic Highway 2.</p>	
<ul style="list-style-type: none"> • Bald eagle <ul style="list-style-type: none"> ➤ Although bald eagles are no longer listed as threatened under the Endangered Species Act, measures such as avoidance of certain locations during the nesting periods, restricting construction noise levels in certain areas, and provision of compensation for project effects would be implemented. ➤ Implement mitigation for project activities within the primary use areas of the three nests, by purchasing private lands or conservation easements on private lands that may otherwise be developed or cleared for other purposes. Acres required for compensation would equal 100% of the area to be cleared of all tall growing vegetation, as well as a portion of the area that falls within the edge affected area that currently supports trees suitable for bald eagle perching, roosting, and/or nesting. ➤ Use of high intensity motorized disturbance (such as heavy equipment or helicopter use) will not occur between February 1 and August 15 within the primary use areas of an active nest during the nesting and fledging period. This includes: existing structures 17/6 to 18/3; existing structures 20/9 to 21/5; the Kootenai River Crossing realignment; and existing structures 25/1 to 26/1. A preconstruction survey of the three nests will be done to determine if nests are active. No timing restrictions would apply if nests are not active. 	<p>During and after construction</p>
<ul style="list-style-type: none"> • Peregrine falcon: Use of high intensity motorized disturbance (such as heavy equipment or helicopter use) will not occur between March 15 and August 31 within 0.5 miles of an active nest. This includes the areas between existing structures 26/5 to 27/3. The peregrine falcon nesting area west of Kootenai Falls will be surveyed in April-May 2009 to determine location of nest. If no nest is present timing restrictions would not apply. 	<p>During construction</p>
<ul style="list-style-type: none"> • Pileated woodpecker and flammulated owl: Use of high intensity motorized disturbance (such as heavy equipment or helicopter use) will not occur between April 1 and July 15 within the old growth stands near Bobtail Creek and northwest of the Big Horn Terrace subdivision. 	<p>During construction</p>
<ul style="list-style-type: none"> • Bighorn sheep: Use of high intensity motorized disturbance (such as heavy equipment or helicopter use) will not occur between April 1 and June 30 within the Kootenai Falls Wildlife Management Area during the bighorn sheep lambing period. This includes the areas along Sheep Range Road between existing structures 21/6 to 24/7. 	<p>During construction</p>
<ul style="list-style-type: none"> • Osprey: Use of high intensity motorized disturbance (such as heavy equipment or helicopter use) will not occur between April 1 and August 31 within the primary use area of an active nest. This includes the areas between: existing structures 27/7 to 28/6 (the current nest is located on top of structure 28/2); existing structures 22/1 to 23/1 (the current nest is located near structure 22/4). 	<p>During construction</p>
<ul style="list-style-type: none"> • Report and record bird strikes or electrocutions during regular line maintenance activities as resources and funding permit. 	<p>After construction</p>

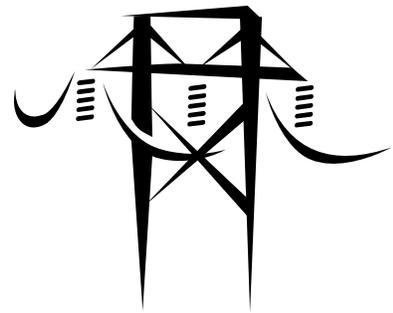
Mitigation Measure	Time of Implementation
Fish, Amphibians, and Reptiles	
<ul style="list-style-type: none"> Implement any mitigation measures for white sturgeon and bull trout that may be required by the USFWS through Section 7 consultations for the Proposed Action. Measures could include provision of buffer zones to avoid sediment generated during construction from entering project area streams and leaving woody debris in certain areas. 	During construction
<ul style="list-style-type: none"> Implement Riparian Habitat Conservation Areas (RHCA) around all project area rivers, streams and wetlands located on Kootenai NF lands. For the following fish bearing streams, 300 feet on each side of the stream would be buffered: Kootenai River, Pipe Creek, Bobtail Creek, Quartz Creek, and China Creek. 	During construction
<ul style="list-style-type: none"> Remove trees within the RHCAs without the use of heavy equipment. 	During construction
<ul style="list-style-type: none"> Leave low growing brush species uncut within the RHCAs, if possible. 	During construction
<ul style="list-style-type: none"> Leave large-diameter trees felled within corridor RHCAs. This would leave recruitable (trees that are ready to fall into the stream) large woody debris within the RHCAs of project area streams. 	During construction
<ul style="list-style-type: none"> Conduct surveys for presence of Coeur d'Alene salamanders during wet weather in May or June during the year when transmission line construction would occur. The areas which have a high probability of occurrence are located on the south side of the Kootenai River in Section 18 (T31N, R32W) for the Kootenai River Crossing realignment and in Sections 13 and 14 (T31N, R33W) for the Kootenai River Crossing realignment and existing corridor. High probability areas would be searched in the immediate area planned for disturbance, such as structure locations. The outer boundary of the habitat areas will be identified, marked on the ground, and avoided. 	Prior to and during construction
Visual Resources	
<ul style="list-style-type: none"> Use existing vegetation and topography whenever possible to limit views of the line and structures. 	During design and construction
<ul style="list-style-type: none"> Preserve vegetation within the 80-foot or 100-foot-wide right-of-way that would not interfere with the conductor or maintenance access needs, such as low-growing shrubs. 	During construction
<ul style="list-style-type: none"> Locate construction staging and storage areas away from locations that would be clearly visible from Kootenai River Road or Highway 2. 	During design and construction
<ul style="list-style-type: none"> Colorize all steel structures a dark gray color. 	During design and construction
<ul style="list-style-type: none"> Use non-reflective conductors. 	During design and construction
<ul style="list-style-type: none"> Use non-reflective insulators (i.e., non-ceramic insulators or porcelain). 	During design and construction
<ul style="list-style-type: none"> Locate access roads within previously disturbed areas, wherever possible. 	During design and construction
<ul style="list-style-type: none"> Revegetate all disturbed areas with approved species. 	After construction

Mitigation Measure	Time of Implementation
<ul style="list-style-type: none"> Require that contractors maintain a clean construction site and that the corridor is kept free of litter after construction. 	During construction
Cultural Resources	
<ul style="list-style-type: none"> Design the transmission line so that structure sites are placed to avoid cultural resources. 	During design
<ul style="list-style-type: none"> Design new access roads to avoid cultural resources. 	During design
<ul style="list-style-type: none"> Place geotextile fabric with rock/gravel overlay on the archaeological sites along Sheep Range Road to reduce or eliminate adverse impacts to those sites from vehicle traffic. 	During construction
<ul style="list-style-type: none"> Improve the existing access road system in a manner that minimizes new roads and avoids cultural resource sites. If improvements are needed on existing access roads, such improvements would be limited to the existing roadbed if near a cultural resource site and would be confined to applying new material. No excavation would occur west of Black Eagle Rock on Sheep Range Road. 	During construction
<ul style="list-style-type: none"> Excavation for roads will not occur within the known boundaries of cultural resource sites. 	During construction
<ul style="list-style-type: none"> Remove the existing structures for the portion of existing transmission line that would be abandoned in the China Creek area by hand cutting off at the base. The remaining portion of the structures will then be removed by helicopter or lopped and scattered on the corridor. 	During construction
<ul style="list-style-type: none"> Consult with the Kootenai NF, Montana State Historic Preservation Officer (SHPO), and the Confederated Salish and Kootenai Tribes (CSKT) Tribal Historic Preservation Officer (THPO) regarding National Register of Historic Places (NRHP) eligibility of cultural sites and Traditional Cultural Properties (TCPs). 	Prior to and during construction
<ul style="list-style-type: none"> Develop an Inadvertent Discovery Plan that details crew member responsibilities for reporting in the event of a discovery during construction. 	Prior to construction
<ul style="list-style-type: none"> Ensure tribal monitors from the CSKT and Kootenai Tribe of Idaho are present during excavation within prehistoric sites or TCPs and the Kootenai NF Archaeologist, if sites are on Kootenai NF lands. 	During construction
<ul style="list-style-type: none"> Prevent unauthorized collection of cultural materials by ensuring a professional archaeologist and tribal monitor are present during any excavation within known sites. 	During construction
<ul style="list-style-type: none"> Prepare a Mitigation Plan to protect sites if final placement of project elements results in unavoidable adverse impacts to a significant cultural resource. 	Prior to construction
<ul style="list-style-type: none"> Stop work immediately and notify local law enforcement officials, appropriate BPA personnel, the Kootenai NF, Montana SHPO, and the CSKT THPO if cultural resources, either archaeological or historical materials, are discovered during construction activities. 	During construction
<ul style="list-style-type: none"> Fall trees within known sites during the winter, on snow, if conditions permit. 	During construction
Recreation Resources	
<ul style="list-style-type: none"> Improve trail surfaces by applying small-diameter compactable crushed rock. 	During construction

Mitigation Measure	Time of Implementation
<ul style="list-style-type: none"> • Monitor gates to assure effectiveness as necessary. 	During and after construction
<ul style="list-style-type: none"> • Develop a foot traffic plan for Bighorn Trail (Sheep Range Road) that minimizes restrictions to recreational use while still providing public safety. 	Prior to construction
Noise, Public Health and Safety	
<ul style="list-style-type: none"> • Install sound-control devices on all construction equipment. 	Prior to construction
<ul style="list-style-type: none"> • Muffled exhaust will be installed on all construction equipment and vehicles except helicopters. 	Prior to construction
<ul style="list-style-type: none"> • Limit construction activities to daytime hours (i.e., only between 7:00 am and 7:00 pm). 	During construction
<ul style="list-style-type: none"> • Notify landowners directly impacted along the corridor prior to construction activities, including blasting. 	Prior to construction
<ul style="list-style-type: none"> • Prepare and maintain a safety plan in compliance with Montana requirements prior to starting construction. This plan will be kept on-site and will detail how to manage hazardous materials such as fuel, and how to respond to emergency situations. 	Prior to construction
<ul style="list-style-type: none"> • Hold crew safety meetings during construction at the start of each workday to go over potential safety issues and concerns. 	During construction
<ul style="list-style-type: none"> • Secure the site at the end of each workday to protect equipment and the general public. 	During construction
<ul style="list-style-type: none"> • Train employees as necessary, in structure climbing, cardiopulmonary resuscitation, first aid, rescue techniques, and safety equipment inspection. 	Prior to construction
<ul style="list-style-type: none"> • Fuel all highway-authorized vehicles off-site to minimize the risk of fire. Fueling of construction equipment that is transported to the site via truck and is not highway authorized will be done in accordance with regulated construction practices and state and local laws. Helicopters will be fueled and housed at local airfields or at staging areas. 	During construction
<ul style="list-style-type: none"> • Ensure that helicopter pilots and contractors take into account public safety during flights. 	During construction
<ul style="list-style-type: none"> • Ensure that safety measures for blasting will be consistent with state and local codes and regulations. All explosives will be removed from the work site at the end of the workday or placed under lock and key. 	During construction
<ul style="list-style-type: none"> • Adhere to BPA's specifications for grounding fences and other objects on and near the existing and proposed rights-of-way during construction. 	During construction
<ul style="list-style-type: none"> • Construct and operate the rebuilt transmission line in accordance with the National Electrical Safety Code, as required by law. 	During and after construction
<ul style="list-style-type: none"> • Restore reception quality if radio or television interference occurs as a result of the rebuilt transmission line. Reception will be as good or better than before the interference. 	After construction
<ul style="list-style-type: none"> • Carry fire suppression equipment including (but not limited to) shovels, buckets, and fire extinguishers on all operation and maintenance vehicles. 	During construction

Mitigation Measure	Time of Implementation
<ul style="list-style-type: none"> • Use established access roads during routine operation and maintenance activities. 	After construction
<ul style="list-style-type: none"> • Clear vegetation according to BPA standards to avoid contact with transmission lines. 	During and after construction
<ul style="list-style-type: none"> • Use pressure treated wood poles or poles treated with preservatives that do not contribute contaminants to nearby water bodies. 	During and after construction
<ul style="list-style-type: none"> ○ Contact the appropriate BPA representative if hazardous materials, toxic substances, or petroleum products are discovered within the project area that would pose an immediate threat to human health or the environment. Other conditions such as large dump sites, drums of unknown substances, suspicious odors, stained soil, etc. will also be reported immediately to BPA. 	Prior to, during or after construction
Social and Economic Resources	
<ul style="list-style-type: none"> • Compensate landowners at market value for any new land rights required for corridor easements or to acquire new, temporary or permanent access roads on private lands. (Mitigation measure also listed under Land Use) 	Prior to construction
Transportation	
<ul style="list-style-type: none"> • Coordinate routing and scheduling of construction traffic with state and county road staff. 	Prior to and during construction
<ul style="list-style-type: none"> • Employ traffic control flaggers and post warning signs of construction activity and merging traffic when necessary. 	During construction
<ul style="list-style-type: none"> • Repair damage to roads caused by the project. 	After construction
<ul style="list-style-type: none"> • Install gates on access roads when requested by property owners to reduce unauthorized use. 	After construction
<ul style="list-style-type: none"> • Spray and seed access roads to reduce erosion and control noxious weeds. 	After construction
<ul style="list-style-type: none"> • Protect cultural resources in the Kootenai River area by using borrowed fill material for road building instead of cut and fill practices. 	During construction
Air Quality	
<ul style="list-style-type: none"> • Use water trucks to control dust during construction operations. 	During construction
<ul style="list-style-type: none"> • Ensure construction vehicles travel at low speeds on gravel roads and at the construction sites to minimize dust. 	During construction
<ul style="list-style-type: none"> • Comply with Montana State tailpipe emission standards for all on-road vehicles. 	During construction
<ul style="list-style-type: none"> • Use low sulfur fuel and subject to availability, ultra low sulfur diesel for all on-road diesel vehicles. 	During construction
<ul style="list-style-type: none"> • Ensure all vehicle engines are in good operating condition to minimize exhaust emissions. 	During construction
<ul style="list-style-type: none"> • Lop, chip, and scatter wood debris on site to decay. No burning of wood debris will occur as a result of the proposed activities. 	During construction
<ul style="list-style-type: none"> • Replant/reseed where needed, as soon as reasonably possible following construction activities. 	After construction

Mitigation Measure	Time of Implementation
<ul style="list-style-type: none"> Use of vehicles will be limited if data collected at Montana’s Department of Environmental Quality Libby Air Quality Monitoring Site indicates that the air quality is in the “Unhealthy” health effect category. Vehicle miles traveled will be limited on unpaved roads to the extent possible and consultation with the Montana DEQ Air Program staff will occur. 	During construction
<ul style="list-style-type: none"> Stabilize construction entrances where construction traffic will access the project sites along Kootenai River Road, Highways 2 and 56 or any other paved roads. 	During construction
<ul style="list-style-type: none"> Prevent tracking of mud and dirt onto paved roads or highways. Visible mud and dirt will be cleaned by hand from vehicle tires and treads using a broom, shovel, or stick as practical before vehicles leave the site. If any sediment is transported onto the paved road surface, it will be cleaned from the road immediately. 	During construction
<ul style="list-style-type: none"> Manage and control dust and fugitive dust at temporary and permanent soil/spoil stockpile areas, construction vehicle travel ways, grading and footing excavation activities, staging and support locations using water or an approved chemical dust palliative. Dust palliatives approved for use must be non-toxic chemical stabilizers or other material that is not prohibited for ground surface or agricultural application by state and federal agencies or any applicable law or regulation. 	During construction



Appendix C

Forest Plan Amendments

File Code: 1920/1950

Date: July 30, 2008

Subject: Rebuild of the Libby (FEC) to Troy Section of BPA's Libby to Bonners Ferry 115-kilovolt Transmission Line Project-Specific Amendment – Timber Harvest and Cavity Habitat Reduction in MA 10

INTRODUCTION

The Rebuild of the Libby (FEC) to Troy Section of BPA's Libby to Bonners Ferry 115-kilovolt Transmission Line Record of Decision (ROD) would suspend the following Forest Plan standards in order to implement the Proposed Action :

Management Area 10 Wildlife and Fish Standard #3

"Existing cavity habitat will be retained."

(Forest Plan, Volume I, p. III-39)

BACKGROUND

Bonneville Power Administration (BPA) is proposing to rebuild a 17-mile section of the 115-kilovolt (kV) power transmission line that extends from a Flathead Electric Cooperative (FEC) substation near the town of Libby, Montana, to a BPA substation near Troy, Montana. This line section, referred to as the Libby-Troy line, is an integral part of the larger 115-kV transmission loop in the area that provides electrical service to Libby, Montana, Bonners Ferry and Sandpoint, Idaho and many smaller communities in both Montana and Idaho.

The Libby-Troy line has been steadily deteriorating and BPA is concerned that it threatens the reliability of the regional system. The line's cross-arms are rotting and conductor fittings are highly corroded, seriously compromising the integrity of the line. The line is also part of the system that provides redundant load service to the area. BPA needs to rebuild or reinforce the Libby-Troy section of its transmission system to provide redundant load service to northwestern Montana. Without the line, the level of service would be reduced from redundant to radial.

Land potentially affected by the proposed project currently is owned by the Kootenai National Forest (NF), Confederated Salish and Kootenai Tribes, the State of Montana, Lincoln County, the City of Libby, private timber companies, and other private landowners. The existing line crosses about 63.4 acres of Kootenai National Forest lands in the Pipestone, Quartz, Sheep, Treasure, and Lake planning subunits (PSU).

There would be approximately 6 acres of Management Area (MA) 10, Big-Game Winter Range that would be affected by the project. This project requires suspension of Wildlife and Fish Standard #3, to allow incidental loss of snags identified as hazard or danger trees in the transmission line right-of-way.

The Rebuild of the Libby (FEC) to Troy Section of BPA's Libby to Bonners Ferry 115-kilovolt Transmission Line Final Environmental Impact Statement (FEIS) was released in May of 2008.

EXISTING CONDITION

Proposed activities in MA 10, big game winter range, are found primarily in warm, dry habitats. The cavity habitat within the proposed transmission line corridor in MA 10 is described in the Wildlife Section in FEIS and more specifically in the analysis of effects to pileated woodpecker (FEIS, pages 3-75 – 3-77, 3-96, 3-97, 3-120). The pileated woodpecker is designated as a Management Indicator Species for snags and old growth habitat (FEIS p. 3-75).



Flammulated owl is listed as a Forest Sensitive Species and as a Montana Species of Greatest Concern. The analysis area is the Pipestone, Quartz, and Sheep PSUs and the area for determining population trend or viability is the entire Kootenai National Forest. Areas with a mature ponderosa pine/Douglas-fir forest containing larger snags and/or live cull trees with interior heart rot having old pileated woodpecker and/or flicker nest cavities were considered potential nest sites for flammulated owls (FEIS p. 3-77).

The Proposed Action would effect approximately 6 acres in MA 10, resulting in some reduction of cavity habitat on those acres. No effects to snag levels in riparian zones are expected due to the required establishment of riparian habitat conservation areas (RHCA's).

Cavity habitat effectiveness for the Pipestone, Quartz, and Sheep PSUs were recently analyzed (June 2007) as part of the Kootenai River North (KRN) Fuels Reduction Environmental Assessment (EA) (page 3-70). Existing potential population level (PPL) for National Forest System (NFS) lands in the project area were calculated to be 57%, which exceeds the 40% minimum prescribed in the Forest Plan (KRN EA page 3-72).

Cavity habitat effectiveness for the Pipestone, Quartz, and Sheep PSUs was analyzed as part of the Libby-Troy FEIS (Wildlife Section, pages 3-96 – 3-97). Existing potential population index (PPI) for cavity excavators for National Forest System (NFS) lands was calculated to be 14% in the Pipestone PSU, 10% in the Quartz PSU, and 2% in the Sheep PSU (FEIS, Table 3-35). The Proposed Action is not expected to change (either increase or decrease) the potential population index for pileated woodpeckers in the individual PSUs or for the Kootenai National Forest as a result of impacts to old growth or snag habitat. Although adverse effects to some attributes of old growth habitat would be expected within the Pipestone, Quartz, and Sheep PSUs, potential nesting territories of individual birds would not be expected to be rendered ineffective for nesting as a result of project activities.

PROPOSED ACTIVITY

BPA has a need to rebuild or reinforce the Libby to Troy section of its transmission system to provide redundant load service to northwestern Montana. The Kootenai NF must decide whether to grant BPA a permit for additional corridor areas across the Kootenai NF beyond that which has been granted under the Special Use permit for the existing transmission line. In making these decisions, BPA and the Kootenai National Forest considered the following purposes or objectives: maintain transmission system reliability to industry standards; continue to meet BPA's contractual and statutory obligations; minimize environmental impacts; and minimize costs (FEIS page 1-2)

In order to implement this action, which responds to the purpose and need statements listed in the FEIS and above, some loss of snags within the transmission line corridor is likely due to additional right-way-clearing or removal of trees that present a hazard to the transmission line. Therefore, cavity habitat associated with snags would likely be reduced in some portions of the 6 acres in MA 10.

The Proposed Action is a rebuild of the existing 115-kV single circuit. The line would be rebuilt in the same location as the existing line. On some NFS lands, additional areas would be permitted because the existing corridor is not wide enough to accommodate the rebuilt 115-kV line.

ALTERNATIVES CONSIDERED

As part of BPA decision on whether or not to rebuild the Libby-Troy transmission line they considered various alternative voltages and alternative routing options in certain locations, and also considered various measures to mitigate construction and operational impacts.

Both the Proposed Action and Alternative 1 would involve a rebuild of the existing 17-mile-long Libby-Troy section of the 115-kV Libby-Bonnors Ferry transmission line. Under Alternative 1, BPA would rebuild the line

as a 230-kV, double-circuit line. Additional easements and permitted areas would be acquired to bring the corridor up to minimum BPA standards for 230-kV transmission lines.

BPA and the Kootenai NF also considered realignment of the corridor in three locations: Pipe Creek, Quartz Creek, and the Kootenai River Crossing. The line could be built at either 115 kV or 230 kV, depending on whether the Proposed Action or Alternative 1 was selected. These short realignment options were identified to minimize impacts to private properties, and forest resources located along the transmission line corridor. The No Action Alternative was also considered, in which the existing line would not be rebuilt but would continue to be operated and maintained in its current location.

Design features that provide for retention of snags in MA 10 include minimizing additional corridor clearing to that which is required to meet current standards for a 115-kV single circuit line. Outside of the corridor, only taller snags and/or leaning trees that could fall on the transmission line would be removed.

PUBLIC NOTIFICATION

During the development of the EIS, BPA solicited input from the public, agencies, interest groups, and others to help determine what issues should be studied in the EIS. BPA requested comments through publishing notices in the Federal Register (May 5, 2005, Vol. 70, No. 86), mailing letters to about 300 people and agencies requesting comments, holding four public meetings, and meeting with state agencies. The public was notified during the initial scoping period that impacts to sensitive animals were a potential environmental issue for this project. Most scoping comments received by BPA focused on potential impacts to fish, wildlife, visual resources, and cultural resources; public health and safety; residential land use and property values; and proposed realignment options near Pipe Creek, Quartz Creek and across the Kootenai River.

The public was notified in the DEIS on page 3-97, that “the Proposed Action would cross small portions of land designated as MA 10 (Figure 3-6) where the Kootenai NF Plan requires that retention of all existing cavity habitat (snags) occur.”

A total of 13 comment letters, forms, or e-mails were received during the Draft EIS comment period. In addition, verbal comments were logged at the August 15, 2007 public meeting in Libby, Montana. Comments were received from federal, state, and local agencies, and private citizens living along the proposed line route. BPA also received nine letters or e-mails commenting on the Draft EIS after the close of the Draft EIS public comment period.

Comments were in the following areas: noise, public health and safety (24 percent); vegetation (16 percent); land use (12 percent); wildlife (9 percent); transportation (7 percent); general comments (6 percent); geology, soils, and water resources (5 percent); visual resources (5 percent); wetlands and floodplains (5 percent); recreation resources (3 percent); air quality (2 percent); fish, amphibians, and reptiles (2 percent); adverse affects that cannot be avoided (2 percent); social and economic resources (1 percent); and cumulative impact analysis (1 percent). No comments were received regarding the potential loss of cavity habitat in MA 10.

On page 4-4, the FEIS states that “All action alternatives would include a project-specific amendment to suspend the requirement to retain all existing cavity habitat in MA 10 (big-game winter range)”.

EFFECTS ANALYSIS

The Proposed Action would cross approximately 6 acres of land designated as MA 10 (FEIS, Figure 3-6) where the Forest Plan requires that retention of all existing cavity habitat (snags) occur. The Proposed Action would remove snags (or cavity habitat) to provide for additional corridor clearing or to remove trees that present a hazard to the power transmission lines. The Kootenai River Crossing Realignment would not involve lands managed as MA 10. The Proposed Action is expected to have minimal direct effects to snag habitat due to the small number of acres involved.

Based on the potential clearing of trees within 50 feet from either side of the transmission line centerline, the Proposed Action would remove approximately 40 live trees preferred by pileated woodpecker for nesting (greater than or equal to 20" dbh). Actual tree clearing may be less for the Proposed Action since corridor clearing would be expected to occur only up to 40 feet out from the centerline. In addition, no preferred snags (greater than or equal to 20" dbh) would be removed under the Proposed Action. Based on the analysis for pileated woodpecker and old growth habitat, and the KNF Conservation Plan (Johnson 2004), habitat for old growth forest species would be provided in sufficient quality and quantity after project implementation to meet the needs for viable populations. Since sufficient old growth forest would be available, the populations of species using that habitat would remain viable. Accordingly, impacts to pileated woodpecker from the Proposed Action's effect on old growth habitat would be considered low (FEIS p. 3-97).

Potential population levels (PPL) for cavity excavators on NFS lands in the project area are currently at in the the Pipestone, Quartz, and Sheep PSUs would not change from their existing condition of 57% as a result of the project. The current level of 57% exceeds Forest Plan minimum PPL of 40% which is considered to be the minimum level necessary to maintain viable populations of cavity dependant species.

Transmission line right-of-way clearing can reduce nesting and/or foraging habitat for flammulated owl, and removal of large live trees, particularly trees >20" dbh, would decrease the availability of potential nest trees for the owl. For owls, snag removal can also remove suitable nesting habitat. In addition, removal of large ponderosa pine or Douglas-fir trees can decrease the availability of early-season feeding sites, song and roost sites, and trees for snag recruitment in areas already limited in large snag abundance. Although one flammulated owl observation was made on the Kootenai NF during surveys in 2006, no owl nest sites have been identified along the project corridor. The Proposed Action thus would not impact any known flammulated owl nest sites (FEIS p.3-98).

Forest-wide, monitoring results show that overall, a high percentage of compartments on the Forest meet Forest Plan standards for cavity habitat (KNF Forest Plan Monitoring and Evaluation Report, Fiscal Year 2007). Un-harvested area contributes greatly to meeting this standard. The KNF Forest Plan Monitoring and Evaluation Report, Fiscal Year 2007 (pages 37-38), goes on to say:

“Monitoring results to date provide evidence that there are mixed results in providing the minimum desired density of snags in harvest units (Table C-6-1). This is due to several factors including the felling of snags for safety reasons during harvest, lack of available snags to begin with in certain vegetation types, and loss of snags to firewood cutters. Improvement in retaining snags is occurring. With the new OSHA regulations, the emphasis is on leaving snags in clumps or stringers that are not harvested and retaining green replacement trees versus existing snags.

Monitoring that has been completed on a compartment or drainage basis indicates that we are meeting the intent of the Plan by providing cavity habitat at a level sufficient to maintain viable populations of dependent wildlife (40 percent or more of population potential). However, in some drainages the availability of cavity habitat is less than desired (Table C-6-2).

Another consideration is the fact that over 50 percent of the Forest is not within the suitable timber base and will not be logged, plus the fact that much of the suitable timber base has also not yet been logged. This provides assurance that there has not been a Forest-wide reduction in habitat capability approaching 40 percent of potential.

In summary, the available monitoring data indicates the Forest is providing sufficient cavity habitat at a drainage or compartment level. Based on this information, the creation of numerous

snags by wildfires, and the existence of ample cavity habitat in the majority of the Forest that is outside the suitable timber base, this monitoring item is within acceptable limits of the Plan.”

The project area has long been recognized as important for big game during both winter and summer with resident populations of all species and wintering populations of elk and whitetail deer in particular. Almost all canopy removal within the Pipestone, Quartz, and Sheep PSUs would occur within management areas allocated to big game winter range (MAs 10 and 11). Canopy removal within any one of these PSUs would not total more than 2.2 acres under the Proposed Action (Table 3-28). The resulting cover/forage ratio and winter thermal cover percentage would remain essentially unchanged from the existing condition within MAs 10 and 11 in all three PSUs. Even in newly cleared corridor areas, no point within the corridor would be more than 40 feet from hiding or thermal cover, thus maintaining adequate security for elk and white-tailed deer (FEIS, page 3-99).

EVALUATION OF NFMA SIGNIFICANCE

The FSH 1909.12, Land and Resource Management Planning Handbook, 5.32, Process to Amend the Forest Plan, identifies four factors to consider in determining whether a change to the Forest Plan is significant or non-significant, based on NFMA planning requirements. The following documents how these factors were considered for the proposed amendment:

- 1. Timing:** This change to the Forest Plan would occur after the decision is signed and all appeals are resolved. Construction on the transmission line would occur during two seasons, the first would be between July and November 2008, and the second would be between May and November 2009 (FEIS, page 2-12). Both of these periods would be outside of the primary winter use period for wildlife. The amendment would be in place only during the life of the project which is expected to be approximately 50 years. The Special Use Permit issued by the Kootenai NF to authorize the additional activities associated with rebuilding the Libby to Troy Transmission Line would be for a period of 30 years.
- 2. Location and size:** This amendment is for the Libby to Troy Transmission Line Project Area only. Proposed harvest activities related to this project would affect approximately 6 acres of MA 10 lands in the project area, or less than 1% of the total MA 10 allocation on the Kootenai National Forest. Potential reduction in cavity habitat would be minor and short term at the site-specific level. At larger scales, the effects become immeasurable. Forest-wide, monitoring results indicate that 100% of the monitored compartments during the 2003-2007 reporting period meet Forest Plan standards for cavity habitat (KNF Forest Plan Monitoring and Evaluation Report, Fiscal Year 2007, pages 36-38).
- 3. Goals, Objectives, and Outputs:** The goal of MA 10 is to maintain or enhance the habitat effectiveness for winter use by big-game species including elk, moose, sheep, goats, whitetail deer, and mule deer. An additional goal of the MA is to maintain or enhance the viewing resource in areas visible from major travel corridors (Forest Plan Vol. 1, page III-38).

The goals of this management area would not be changed by allowing the short-term loss of cavity habitat in a small portion of the project area. Retention of trees in areas adjacent to the corridor will provide future snags through natural pathways.

- 4. Management Prescription:** This modification is for the Libby to Troy Transmission Line Project Area only. It does not apply to other areas, although other situations have arisen on the Forest where a similar modification was needed. For example, Sheep Range Timber Sale, Wood Rat Timber Sale, and Beaver Creek Ecosystem Mgmt Project of 1998, the Pine Timber Sale of 1999, the Alexander Timber Sale, Spar and Lake Forest Health Project and Troy Beetle projects of 2001, the White Pine Creek project of 2002, the Dead Beaver Project of 2004, the Cow Creek Project of 2005, the Smoked Fish Project of 2006, the Kootenai River North Fuels Reduction Project of 2007, and the Marten Creek Project of 2008 all include Forest Amendments for MA 10 Wildlife and Fish Standard #3. The cumulative effects of

amendments to the Kootenai Forest Plan were analyzed in the *Cumulative Effects of Past Projects on Wildlife* (Johnson 2006) and the findings were considered in evaluating the potential effects of this project-specific amendment.

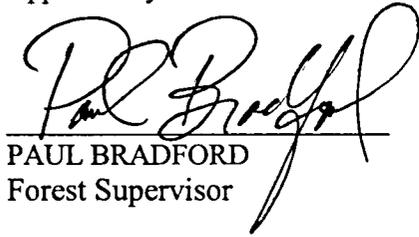
Based upon the four criteria above, I have determined that this is a non-significant project-specific amendment to the Kootenai National Forest Land and Resource Management Plan (Forest Plan).

Recommended by:


for KIRSTEN KAISER
Forest Planner

7/30/2008
Date

Approved by:


PAUL BRADFORD
Forest Supervisor

7/30/2008
Date

**KOOTENAI FOREST PLAN
LAND AND RESOURCE MANAGEMENT PLAN**

The Rebuild of the Libby (FEC) to Troy Section of BPA's Libby to Bonners Ferry
115-kilovolt Transmission Line Project-Specific Amendment

Within the *Libby to Troy Transmission Line* project area, the Kootenai National Forest Plan, page III-39, in Management Area (MA) 10 is modified for the Wildlife and Fish standard #3, to suspend the requirement that existing cavity habitat be retained. This modification applies only to the project area that is located on the Libby Ranger District and shown on the project location map. This amendment would be in place only during the life of the project, which is expected to be 50 years.

The current standard for Management Area 10, Wildlife and Fish Standard #3 (Forest Plan, Vol. 1, p. III-39) is:

"Existing cavity habitat will be retained."

The Forest Plan states "If it is determined during project design that the best way to meet the goals of the Forest Plan conflicts with a Forest Plan standard, the Forest Supervisor may approve an exception to that standard for that project."

This project specific amendment allows achievement of the overall Forest Plan goal for this Management Area, which is to "maintain or enhance the habitat effectiveness for winter use by big-game species including elk, moose, sheep, goats, whitetail deer, and mule deer. Maintain or enhance the viewing resource in areas visible from major travel corridors." (Forest Plan, Vol. 1, p. III-38). The amendment allows for a potential short term reduction in cavity habitat over a small number of acres in order to meet the needs of Bonneville Power Administration to maintain their existing power transmission line from Libby, Montana to Bonners Ferry, Idaho.

Project-specific amendments must comply with the National Environmental Policy Act procedures. Compliance with these procedures and rationale for this project-specific amendment is contained in the *Rebuild of the Libby (FEC) to Troy Section of BPA's Libby to Bonners Ferry 115-kilovolt Transmission Line* Final Environmental Impact Statement and associated project record. Forest Supervisor's approval is included in the Record of Decision.

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File Code: 1920/1950

Date: July 30, 2008

Subject: Rebuild of the Libby (FEC) to Troy Section of BPA's Libby to Bonners Ferry 115-kilovolt Transmission Line Project-Specific Amendment – Reduction of Visual Quality Objective in MA 17

INTRODUCTION:

The Rebuild of the Libby (FEC) to Troy Section of BPA's Libby to Bonners Ferry 115-kilovolt Transmission Line Record of Decision (ROD) would suspend the following Forest Plan standard in order to implement the Proposed Action and the Kootenai River Crossing Realignment:

MA 17 Recreation Standard #4

“The minimum VQO is partial retention.”
(Forest Plan, Volume 1, p. III-74)

BACKGROUND:

Bonneville Power Administration (BPA) is proposing to rebuild a 17-mile section of the 115-kilovolt (kV) power transmission line that extends from a Flathead Electric Cooperative (FEC) substation near the town of Libby, Montana, to a BPA substation near Troy, Montana. This line section, referred to as the Libby-Troy line, is an integral part of the larger 115-kV transmission loop in the area that provides electrical service to Libby, Montana, Bonners Ferry and Sandpoint, Idaho and many smaller communities in both Montana and Idaho.

The Libby-Troy line has been steadily deteriorating and BPA is concerned that it threatens the reliability of the regional system. The line's cross-arms are rotting and conductor fittings are highly corroded, seriously compromising the integrity of the line. The line is also part of the system that provides redundant load service to the area. BPA needs to rebuild or reinforce the Libby-Troy section of its transmission system to provide redundant load service to northwestern Montana. Without the line, the level of service would be reduced from redundant to radial.

Land potentially affected by the proposed project currently is owned by the Kootenai National Forest (NF), Confederated Salish and Kootenai Tribes, the State of Montana, Lincoln County, the City of Libby, private timber companies, and other private landowners. The existing line crosses about 63.4 acres of Kootenai National Forest lands in the Pipestone, Quartz, Sheep, Treasure, and Lake planning subunits (PSU).

The Rebuild of the Libby (FEC) to Troy Section of BPA's Libby to Bonners Ferry 115-kilovolt Transmission Line Final Environmental Impact Statement (FEIS) was released in May of 2008.

There would be approximately 6 acres of Management Area (MA) 17, Viewing with Timber that would be affected by the project. This project requires suspension of Recreation Standard #4, to exceed the partial retention Visual Quality Objective (VQO).

For each management area, the Forest Plan established VQOs based on methods described in *The Visual Management System-Landscape Management Handbook Number 462* (USDA Forest Service 1974). These objectives identify standards of visual quality that proposed activities in those areas should meet. The Forest Plan, Volume I, pages VI-22-23 define VQOs. A partial retention VQO means that “human activities may be evident, but must remain subordinate to the characteristic landscape.” The Proposed Action would be consistent with the Forest Plan VQOs for the management areas that it passes through



(see page 3-153). However, the proposed Kootenai River crossing corridor realignment option would not meet the VQO and would require a project-specific Forest Plan amendment (see pages 3-156 and 3-157).

EXISTING CONDITION:

The project vicinity is dominated by natural features that range from the Kootenai River corridor with its massive rock outcrops and forested mountain environments to valley bottoms. Open or partially forested areas are found along the gently sloping Kootenai River valley edges. The Kootenai Falls area located west of Libby is a destination for tourists because of its turbulent and rocky scenery.

The existing transmission line crosses primarily through forest, residential neighborhoods, and recently harvested forest. Existing vegetation adjacent to roads and the topography of the project area combine to screen views of the transmission line in much of the project area.

The existing transmission line crosses six management areas with corresponding VQOs. Table 3-46 in the FEIS, shows VQOs established in the Forest Plan for each management area crossed by the existing transmission line. About 66 acres of forest management areas with VQOs are crossed by the existing transmission line, including 12 acres in MA 17.

The existing Kootenai River transmission line crossing is not visible to travelers driving east or west on Highway 2, although it is visible from the eastern viewpoint of Kootenai Falls. As the line crosses the highway at the river crossing, there is a brief view of cleared right-of-way to the north and south but there is no scenic viewpoint off the highway in this location. After the line reaches the historic Highway 2, it is not visible to west-bound travelers on the main highway or from Kootenai Falls. However, the line is visible to east-bound travelers on Highway 2 above a large highway road cut.

PROPOSED ACTIVITY:

BPA has a need to rebuild or reinforce the Libby to Troy section of its transmission system to provide redundant load service to northwestern Montana. The Kootenai NF must decide whether to grant BPA a permit for additional corridor areas across the Kootenai NF beyond that which has been granted under the Special Use permit for the existing transmission line. In making these decisions, BPA and the Kootenai National Forest considered the following purposes or objectives: maintain transmission system reliability to industry standards; continue to meet BPA's contractual and statutory obligations; minimize environmental impacts; and minimize costs (FEIS page 1-2).

The Proposed Action is a rebuild of the existing 115-kV single circuit. The line would be rebuilt in the same location as the existing line. On some NFS lands, additional areas would be permitted because the existing corridor is not wide enough to accommodate the rebuilt 115-kV line.

The Kootenai River crossing realignment is a new corridor location that was identified to minimize visual, cultural, and fish and wildlife impacts to the Kootenai Falls area of the Kootenai River (FEIS, page 2-19). Not only is the existing line visible from a culturally sensitive site near Kootenai Falls, but there is also no access to the existing line between structures 25/6 and 25/8 due to a wash-out in 1996 at China Creek.

Approximately 7 new structures for both the 115-kV and 230-kV would be constructed to accommodate the realignment on new 80- to 100-foot-wide right-of-way. Approximately 300 feet (0.06 mi.) of existing road would need to be improved and about 820 feet (0.2 mi.) of new road would need to be constructed for the Kootenai River Crossing realignment. This new road footage includes new approaches to Highway 2. Approximately 2.6 acres of tall growing vegetation along with individual danger trees would

be cleared to accommodate the transmission line on new right-of-way. This amount is less than the actual right-of-way needed because some areas along the realignment have already been cleared.

In order to implement this action, which responds to the purpose and need statements listed in the FEIS and above, the realignment would not meet the partial retention objective and the current visual setting would change in some portions of the 6 acres in MA 17.

ALTERNATIVES/MITIGATION CONSIDERED:

As part of BPA decision on whether or not to rebuild the Libby-Troy transmission line they considered various alternative voltages and alternative routing options in certain locations, and also considered various measures to mitigate construction and operational impacts.

Both the Proposed Action and Alternative 1 would involve a rebuild of the existing 17-mile-long Libby-Troy section of the 115-kV Libby-Bonnars Ferry transmission line. Under Alternative 1, BPA would rebuild the line as a 230-kV, double-circuit line. Additional easements and permitted areas would be acquired to bring the corridor up to minimum BPA standards for 230-kV transmission lines.

BPA and the Kootenai NF also considered realignment of the corridor in three locations: Pipe Creek, Quartz Creek, and the Kootenai River Crossing. The line could be built at either 115 kV or 230 kV, depending on whether the Proposed Action or Alternative 1 was selected. These short realignment options were identified to minimize impacts to private properties, and forest resources located along the transmission line corridor. The No Action Alternative was also considered, in which the existing line would not be rebuilt but would continue to be operated and maintained in its current location.

The following mitigation measures would help minimize visual impacts:

- Use existing vegetation and topography whenever possible to limit views of the line and structures.
- Preserve vegetation within the 80-foot or 100-foot-wide right-of-way that would not interfere with the conductor or maintenance access needs, such as low-growing shrubs.
- Locate construction staging and storage areas away from locations that would be clearly visible from Kootenai River Road or Highway 2.
- Colorize all steel structures a dark gray color.
- Use non-reflective conductors.
- Use non-reflective insulators (i.e., non-ceramic insulators or porcelain).
- Locate access roads within previously disturbed areas, wherever possible.
- Revegetate all disturbed areas with approved species.
- Require that contractors maintain a clean construction site and that the corridor is kept free of litter after construction.

PUBLIC NOTIFICATION

During the development of the EIS, BPA solicited input from the public, agencies, interest groups, and others to help determine what issues should be studied in the EIS. BPA requested comments through publishing notices in the Federal Register (May 5, 2005, Vol. 70, No. 86), mailing letters to about 300 people and agencies requesting comments, holding four public meetings, and meeting with state

agencies. The public was notified during the initial scoping period that visual resources was a potential environmental issue for this project.

Most scoping comments received by BPA focused on potential impacts to fish, wildlife, visual resources, and cultural resources; public health and safety; residential land use and property values; and proposed realignment options near Pipe Creek, Quartz Creek and across the Kootenai River.

The public was notified in the DEIS on page 3-157, that the Kootenai River crossing "...realignment would create a situation in which the VQO of partial retention would not be met in the area of the realignment, because the transmission line would dominate the landscape along Highway 2, resulting in a substantial alteration of the visual landscape at Viewpoint 7 regardless of voltage option."

A total of 13 comment letters, forms, or e-mails were received during the Draft EIS comment period. In addition, verbal comments were logged at the August 15, 2007 public meeting in Libby, Montana. Comments were received from federal, state, and local agencies, and private citizens living along the proposed line route. BPA also received nine letters or e-mails commenting on the Draft EIS after the close of the Draft EIS public comment period.

Comments were in the following areas: noise, public health and safety (24 percent); vegetation (16 percent); land use (12 percent); wildlife (9 percent); transportation (7 percent); general comments (6 percent); geology, soils, and water resources (5 percent); visual resources (5 percent); wetlands and floodplains (5 percent); recreation resources (3 percent); air quality (2 percent); fish, amphibians, and reptiles (2 percent); adverse affects that cannot be avoided (2 percent); social and economic resources (1 percent); and cumulative impact analysis (1 percent). One comment was received related to visual impacts associated with the Kootenai River crossing realignment as compared to its present location.

On page 4-4, the FEIS states that "Alternative 1, as well as the three realignment options would require project-specific amendments to reduce the Visual Quality Objectives in MA 10, 11 (big-game winter range), and 17 (Viewing with Timber) to allow for construction of corridors and installation of transmission structures".

EFFECTS ANALYSIS

Construction, operation, and maintenance of transmission facilities can affect visual resources for both the long and the short term. Any part of the facility can contribute to visual impacts: structures, conductors, insulators, or aeronautical safety markings. In addition, right-of-way clearing, access roads, clearing at structure sites, and temporary construction disturbance such as pulling and tensioning sites for the conductors can cause long- or short-term impacts.

The effects of the Kootenai River crossing realignment are discussed in the FEIS on pages 3-158 – 3-159. The Kootenai River crossing realignment would eliminate visual impacts from the portion of the existing transmission corridor that would be replaced by this option, but the new alignment would create new visual impacts elsewhere. The viewing sensitivity would be moderate to high for travelers on Highway 2 because steel structures and conductor would be visible adjacent to the south side of the highway. However, this realignment would move the Kootenai River transmission line crossing about 0.75 mile east of the existing crossing and out of the viewshed of the Kootenai Falls recreation area, a positive effect.

The Kootenai River crossing realignment option would move a portion of the transmission line from an area with a VQO designation of retention to an area with a VQO designation of partial retention (see Figure 3-11). This realignment option would also be visible from viewpoint 7, which has a VQO

designation of partial retention (see Figure 3-18). In the removed portion, structures would be removed and the corridor would be allowed to revegetate naturally with tall-growing vegetation, thus obscuring previous management activities. This would be considered a positive effect of the realignment. However, the realignment would create a situation in which the VQO of partial retention would not be met in the area of the realignment, because the transmission line would dominate the landscape along Highway 2, resulting in a substantial alteration of the visual landscape at Viewpoint 7 regardless of voltage option.

Short-term construction activities within the corridor would introduce new shapes, lines, and elements that are incompatible with the visual environment. Access roads would be built or improved as necessary, and staging areas would be designated along the corridor. Materials stockpiled within staging areas such as structures, bolts, conductor reels, insulators, and culverts would add rectangular bulk and linear complexity to the existing visual landscape. Viewers would be most sensitive during construction. Once the line is constructed, all unused material would be disposed of or recycled, equipment removed, and the landscape restored to pre-construction condition.

EVALUATION OF NFMA SIGNIFICANCE:

The FSH 1909.12, Land and Resource Management Planning Handbook, 5.32, Process to Amend the Forest Plan, identifies four factors to consider in determining whether a change to the Forest Plan is significant or non-significant, based on NFMA planning requirements. The following documents how these factors were considered for the proposed amendment:

1. *Timing:* This change to the Forest Plan would occur after the decision is signed and all appeals are resolved. Construction on the transmission line would occur during two seasons, the first would be between July and November 2008, and the second would be between May and November 2009 (FEIS, page 2-12). The amendment would be in place only during the life of the project which is expected to be approximately 50 years. The Special Use Permit issued by the Kootenai NF to authorize the additional activities associated with rebuilding the Libby to Troy Transmission Line would be for a period of 30 years.
2. *Location and size:* This amendment is for the Libby to Troy Transmission Line Project Area only. The realignment would affect approximately 6 acres of designated MA-17 in the Lake and Treasure planning subunits, or less than 1% of the total MA-17 allocation on the Kootenai National Forest. Only one other Forest Plan amendments has been processed for modifying the VQO for MA 17.
3. *Goals, Objectives, and Outputs:* The goal of MA-17 is to maintain or enhance a natural appearing landscape to provide a pleasing view, produce a programmed volume of timber and manage the habitat to provide for viable populations of existing native wildlife species. Allowing a reduction in VQO along Highway 2 for the Kootenai River crossing would not change the goals of this management area. The realignment also allows for the recovery of the existing corridor location near Kootenai Falls, which is culturally sensitive site, to a retention objective. Mitigation measures planned would help minimize visual impacts. Some reduction in impacts is expected as disturbed areas are re-vegetated. The reduction in VQO is for the life of the project is expected by be approximately 50 years.
4. *Management Prescription:* This modification is for the Libby to Troy Transmission Line Project Area only. It does not apply to other areas, although other situations have arisen on the Forest where a similar modification is needed, including the McSwede Timber Sale of 2000 which had a project-specific amendment for VQOs in MA 16 and 11 and the Pipestone Project of 2004 that had

a project-specific amendment for VQOs that would affect 19 acres in MA 17. Cumulatively, less than 1% of the total MA-17 allocation on the Kootenai National Forest have been affected by a reduction in VQOs.

Based upon the four criteria above, I have determined that this is a non-significant project-specific amendment to the Kootenai National Forest Land and Resource Management Plan (Forest Plan).

Recommended by:


for KIRSTEN KAISER
Forest Planner

7/30/2008
Date

Approved by:


PAUL BRADFORD
Forest Supervisor

7/30/2008
Date

**KOOTENAI FOREST PLAN
LAND AND RESOURCE MANAGEMENT PLAN**

The Rebuild of the Libby (FEC) to Troy Section of BPA's Libby to Bonners Ferry
115-kilovolt Transmission Line Project-Specific Amendment

Within the *Libby to Troy Transmission Line* project area, the Kootenai National Forest Plan, page III-74, in Management Area (MA) 17 is modified for the Recreation Standard #4, to suspend the requirement that existing cavity habitat be retained. This modification applies only to the project area that is located on the Libby Ranger District and shown on the project location map. This amendment would be in place only during the life of the project, which is expected to be 50 years.

The current standard for Management Area 17, Recreation Standard #4 (Forest Plan, Vol. 1, p. III-74) is:

"The minimum VQO is partial retention."

The Forest Plan states "If it is determined during project design that the best way to meet the goals of the Forest Plan conflicts with a Forest Plan standard, the Forest Supervisor may approve an exception to that standard for that project."

This project specific amendment allows achievement of the overall Forest Plan goal for this Management Area, which is "to maintain or enhance a natural appearing landscape to provide a pleasing view, produce a programmed volume of timber and manage the habitat to provide for viable populations of existing native wildlife species." (Forest Plan, Vol. 1, p. III-74). The amendment allows for a potential reduction in visual quality over a small number of acres in order to meet the needs of Bonneville Power Administration to maintain their existing power transmission line from Libby, Montana to Bonners Ferry, Idaho.

Project-specific amendments must comply with the National Environmental Policy Act procedures. Compliance with these procedures and rationale for this project-specific amendment is contained in the *Rebuild of the Libby (FEC) to Troy Section of BPA's Libby to Bonners Ferry 115-kilovolt Transmission Line* Final Environmental Impact Statement and associated project record. Forest Supervisor's approval is included in the Record of Decision.

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