USDA United States Department of Agriculture | Forest Service | Hiawatha National Forest Supervisor's Office | 820 Rains Drive Gladstone, MI 49837 906-428-5800

File Code: 1950
Date: April 20, 2012

Dear Forest User:

I have signed the ATC 6904/6905 Powerline Rebuild Decision Notice and Finding of No Significant Impact, which is enclosed for your information and review. The Response to Comments is also enclosed.

I have selected the Proposed Action, to replace outdated 69 kilovolts (kV) line equipment and upgrade it to be able to carry 138 kV in the future without additional work. This includes:

- Clearing an additional 20 feet of corridor generally to the west of the existing line. Once the project is complete, approximately 40 feet of the corridor on the opposite side from the offset will be abandoned and allowed to naturally re-grow.
- Installing 156 new brown metal poles that are 20-25 feet taller than the current poles. After the line on the new poles is energized 203 of the old poles will be removed.
- Securing electric line to the new poles.
- Brushing and clearing approximately 43 access points across existing forest roads on National Forest lands. Access points will be blocked with gates, boulders or berms.

This decision is subject to appeal in accordance with 36 CFR 215. An appeal maybe filed by individuals and organizations that have provided comments or otherwise expressed interest in the proposed action during the 30-day notice and comment period for this project. The appeal must have an identifiable name attached or verification of identity will be required. A scanned signature may serve as verification on electronic appeals.

To appeal this decision, a written Notice of Appeal must be postmarked or received within 45 calendar days after the date the legal notice of this decision is published in our newspaper of record, *The Evening News* (Sault Ste. Marie, MI). The publication date in *The Evening News* (Sault Ste. Marie, MI) is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source. It is the appellant's responsibility to provide sufficient project-specific or activity-specific evidence and rationale, focusing on the decision, to show why my decision should be reversed. At a minimum, an appeal must include information specified in 36 CFR 215.14(b).

The Notice of Appeal should contain a subject line "ATC Powerline Rebuild Project." Written Notice of Appeal on the project must be delivered (via mail or by hand) to: USDA Forest Service; Gaslight Building, suite 700; ATTN: Appeals Deciding Officer, Charles Meyers; 626 E. Wisconsin Avenue; Milwaukee, Wisconsin 53202. The office business hours for those

submitting hand-delivered appeals are: 7:30 am – 4:00 pm CT, Monday through Friday, excluding holidays. The Notice of Appeal may alternatively be faxed to: 414-944-3963; ATTN: Appeals Deciding Officer Charles Meyers; USDA Forest Service; Eastern Regional Office. The Notice of Appeal may be submitted electronically to: appeals-eastern-regional-office@fs.fed.us, ATTN: Appeals Deciding Officer: Charles Meyers; USDA Forest Service; Eastern Regional Office. Acceptable formats for electronic comments are text or html email, adobe portable document format, and formats viewable in Microsoft Office applications.

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, five business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

Sincerely,

JO REYER
Forest Supervisor

Enclosures

cc: Lyn Hyslop

DECISION NOTICE
and
FINDING OF NO SIGNIFICANT IMPACT
for
ATC ESE 6904-6905 POWERLINE REBUILD

Hiawatha National Forest
Chippewa and Mackinac Counties, Michigan
Sault Ste. Marie and St. Ignace Ranger Districts
USDA Forest Service, Region 9

I. INTRODUCTION

This document describes my decision and the rationale for the implementation of the American Transmission Company 6904-6905 Powerline Rebuild Project (ATC Powerline Rebuild). The decision and finding of no significant impact are based on an environmental assessment (EA) of the Proposed Action and No Action.

The ATC Powerline Rebuild EA was prepared by Stantec, an environmental consulting firm, and reviewed by an interdisciplinary team (IDT) of Forest Service resource specialists as required by the National Environmental Policy Act. It describes the purpose of and need for action, the public involvement process, the alternatives considered, the affected environment, and the potential environmental effects for each alternative.

II. DECISION AND REASONS FOR THE DECISION

A. AUTHORITY

As Forest Supervisor, I am authorized to make site-specific decisions to manage the HNF in accordance with applicable laws and regulations that govern National Forest System lands. This authority includes the power to decide between alternatives for special use authorizations, including powerline rebuilds and the transportation system across National Forest System lands necessary to access the powerline. This authority is delegated to me through agency policy described in Forest Service Manual 1236.51.

B. DECISION

Based on the results of the analysis documented in the ATC Powerline Rebuild EA and comments received during initial scoping and the notice and comment periods, it is my decision to implement the Proposed Action.

No single factor was solely responsible for my decision. I have selected the Proposed Action based on its response to the decision criteria found in Section C below.

C. Rationale for Decision

I weighed numerous factors in making my decision including:

1. The degree to which the No Action and Proposed Action meets the purpose of and need for action,
2. The response of the No Action and Proposed Action to public issues,
3. The level of social, economic, and biological impacts, and
4. Compliance with federal and state laws.

1. The degree to which the No Action and Proposed Action meets the purpose of and need for action.

The purpose of and need for this project is to replace outdated 69 kilovolts (kV) line equipment and upgrade it to be able to carry 138 kV in the future without additional work. Because the ESE 6904-6905 line provides electricity to a substantial portion of the Eastern Upper Peninsula (UP) and no alternate feed is available, there is also a need to complete the upgrade work without taking the existing line out of service or creating unsafe work conditions. (EA, Chapter 1.3, pg. 4).

The No Action would not make changes to the current powerlines. The 69 kV powerlines were installed over 80 years ago and do not have the capacity to handle the electrical loads needed to meet current and anticipated future power requirements. Additionally, there is no alternate power feed, therefore, in the event of a system breakdown, power to the Eastern UP could be lost for days.

The Proposed Action will replace all poles and eventually add an additional line, providing 138 kV capacity to the Eastern UP. ATC will construct a new line within the existing cleared corridor offset about 30 feet west of the existing line. Creating the offset requires clearing an additional 20 feet of forested or shrub covered area on the side of the offset. Once the project is complete, approximately 40 feet of the corridor on the opposite side from the offset will be abandoned and allowed to naturally re-grow. The resulting corridor will be 80 feet wide.

The new poles will be similar to the existing poles, but are 20-25 feet taller to meet clearance requirements of the higher voltage and are brown rather than weathered gray. The additional height allows for wider pole spacing and fewer poles.

Once the new poles are in place and secure, ropes will pull the conductors and shield wires into place, brought up to final sag, and clipped into the conductor clamps. The new line will be energized, the old line will be taken out of service, and the old poles, wires, and other equipment will be removed. Both above and below-ground portions of the old poles will be removed, except in sensitive areas such as Hines emerald dragonfly habitat and buffers as noted in the design criteria (EA, Section 2.2.1.1).

Installation of the poles and wires require approximately 43 access points across existing forest roads on National Forest lands. Access points will be located to avoid, as much as possible, the need for wetland and/or stream crossings. Where wetland and/or stream crossings cannot be avoided, mats, clear span bridges, and best management practices (BMPs) as outlined in the design criteria would be implemented. Upon completion of the project, access points expanded

for construction and other areas identified by the HNF as out of compliance with the Forest Plan would be blocked with gates, boulders or berms. The method of closure would be determined based upon on-ground conditions at each location.

I selected the Proposed Action because it best meets the purpose of and need for this project.

2. The response of the No Action and Proposed Action to public issues.
Two relevant issues were identified and addressed in the EA: Visual Quality and Non-Native Invasive Plants (EA Chapter 1.7, pg. 5-6).

1. **Visual Quality.** Commenters felt that the additional clearing and installation of steel poles would result in degradation of visual quality in areas along the transmission corridor (EA Chapter 1.7, pg. 5). The change in landscape form, line, color and texture and the consistency with the HNF Visual Quality Objectives were analyzed for both the No Action and Proposed Action.

   The No Action would not clear additional corridor or replace any poles as part of this analysis. Therefore, the No Action would not have a change in landscape form, line, color or texture, and would still remain consistent with the HNF Visual Quality Objectives (EA, pg. 89).

   The poles in the Proposed Action, in general, would be spaced further apart and be slightly taller than the existing poles. The diameter of the new poles would appear similar to the existing poles in the foreground. However, the color and additional height of the new poles would be more evident in the mid and backgrounds. Although the new poles would be brown rather than weathered gray, they would still be a color characteristic of most landscapes and would fade some over time (EA, pg. 86).

   Temporarily the corridor in the Proposed Action may appear somewhat wider to observers familiar with the area. However, once the abandoned 40-foot corridor re-grows, the corridor width will be 20 feet narrower than the current corridor width (EA, pg. 86). Once constructed and the visible effects of construction disappear, the rebuilt lines would follow the color, line, form, and texture of the existing corridor.

2. **Non-Native Invasive Plants (NNIP).** Commenters felt that the additional clearing and associated construction activities would promote the spread of non-native invasive plants. The area of potential soil disturbance not protected through design criteria and/or best management practices were analyzed for both the No Action and Proposed Action.

   The No Action would not clear additional corridor or replace any poles as part of this analysis. Because existing NNIP populations are already established within the project area, if left unmanaged, it is likely they would continue to increase and spread to non-infested areas (EA, pg. 51).

   The Proposed Action presents some risk of weeds establishment and spread from the implementation. However, implementation of design criteria and BMPs employed by

construction and maintenance crews and monitored by a Forest Service Botanist will reduce the risk of spreading NNIP (EA, pg. 13-14).

3. The level of Social, Economic, and Biological Impacts.

The EA (pp. 11-14) identifies the design criteria associated with the Proposed Action. The EA, Chapter 3 documents the effects of the Proposed Action – including design criteria. Listed below is a summary of those effects and my findings.

1. **Soils Resource.** I have reviewed the effects to the soils resources that indicate some soil displacement, rutting and compaction, and erosion, may occur (EA, p. 29). The soils will be displaced in new pole locations and replaced by concrete and steel. Soil will be used to fill in the holes left by the removal of the old poles, allowing those areas to slowly develop natural soil profile characteristics (EA, p. 29). Differing degrees of compaction and rutting will occur in areas where heavy equipment is used, but will be lessened due to implementation of design criteria. Grading and clearing practices will result in temporary exposure of soil and loss of vegetative cover in some locations. The associated risk of erosion in these areas will be reduced through implementation of erosion control and soil stabilization methods. It is expected that soil losses would be minimal as a result.

   I find while some soil displacement, rutting and compaction, and erosion is unavoidable, the design criteria will protect the soils resources adequately under the Proposed Action (EA Section 2.2.1.1, Riparian and Water Body Protection, pg. 11). Therefore, implementation of the Proposed Action will have minimal effect on the Soil resource.

2. **Hydrology, Watershed, and Water Quality.** The Proposed Action will not involve in-stream structures or in-stream work, will not affect stream water sources, will not alter floodplain characteristics, and will not affect in-stream processes. In wetlands, the amount and type of fill required to install the new structures is insufficient to modify the internal hydrology of the affected wetlands or their recharge/discharge characteristics. Where poles are located in wet areas there will be some small scale, local alterations of flows and water quality (EA, pg. 33).

   I find that implementation of the Proposed Action including design criteria will have minimal effect on the Hydrology, Watershed and Water Quality resources.

3. **Wetlands.** I have reviewed the effects to wetlands. Installation of new structures and the shift in the corridor will result in the conversion of 25 acres of forested or shrub wetland to herbaceous wetland. However, removal of existing poles and abandonment of part of the corridor due to the shift will result in regeneration of 39 acres of wetlands. The Proposed Action will have a net increase in the amount of regenerated wetland areas by 14 acres (EA, Tables 3.5-2 and 3.5-3). The design criteria will protect the wetland resource adequately (EA, p.11).

   I find the design criteria will protect the wetland resources adequately under the Proposed Action (EA Section 2.2.1.1, Riparian and Water Body Protection, pg. 11).

4. **Vegetation.** I reviewed the effects to the vegetation. The Proposed Action will remove the vegetation on approximately 20 feet to the west of the existing corridor. Thirty-two acres will be cleared, including stands of white cedar-aspen-paper birch, quaking aspen, white cedar, swamp conifer, red pine, red maple, lowland shrubs, and black spruce. Two old growth cedar stands will have approximately 2 acres of trees removed. Upon completion of the project, approximately 40 feet (64 acres) of the existing corridor will be abandoned and allowed to regenerate (EA, p. 42). In addition, approximately 7 acres of current powerline corridor within nine old growth stands will be abandoned and allowed to re-grow (EA, p. 46).

   I find the Proposed Action will require less cleared corridor and result in more land to revert back to native plant communities, including lands in old growth.

5. **Non-native Invasive Plants (NNIP).** I have reviewed the effects of NNIP and understand there is some risk of additional weeds establishment and spread from the implementation of the Proposed Action. Existing NNIP populations are already established within the project area. Project-related activities, including canopy removal, temporary access road construction and installation of poles and wires are vectors for transportation and subsequent introduction of NNIP into non-infested areas (EA, pg. 48). Implementation of design criteria such as equipment cleaning will help reduce the spread of new species into the project area, and will help reduce the spread of existing species within the project area from one location to another (EA, pg. 13-14).

   I find the Proposed Action has an acceptable risk of NNIS becoming established.

6. **Threatened, Endangered, and Sensitive (TES) Plants.** I have reviewed the effects to TES plants, including the Biological Assessment (BA) and the Biological Evaluation (BE). Three Regional Forester Sensitive Species (RFSS) have been documented to occur within the project area boundary. They are limestone oak fern, pine drops and mat muhly, all of which will be avoided by the implementation of design criteria, and all of which have a "not likely to cause a trend to federal listing or loss of viability" determination (EA, Table 3.8-3). An additional 45 RFSS were identified to have suitable, but unoccupied habitat. All 45 have a "not likely to cause a trend to federal listing or loss of viability" determination (EA, Table 3.8-3). The remaining RFSS with no suitable habitat within the project area have a "no impact" determination (EA, Table 3.8-3).

   One federally listed species, Houghton's goldenrod, was identified as having occupied habitat within the corridor. Design criteria are in place to avoid or minimize impacts to the plant (EA, pg. 13-14). The Proposed Action, including the design criteria, has a "Not Likely to Adversely Affect" determination for this species (BA, p. 22). Suitable habitat within the project corridor also exists for Michigan monkeyflower and dwarf lake iris. The Proposed Action, including the design criteria, has a "Not Likely to Adversely Affect" determination for these three species as well (BA, pg. 20-21). The USFWS concurred with the BA in their January 11, 2012 letter (project file).

I find the Proposed Action provides adequate protection for TES plant species.

7. **Wildlife.** I have reviewed the effects to wildlife, including the BA and BE. Six RFSS have been documented to occur within the project area boundary. They are gray wolf, bald eagle, delicate vertigo (snail), eastern flat-whorl (snail), and two unnamed land snails. All six of these species will be avoided by the implementation of the design criteria, and all have a "not likely to cause a trend to federal listing or loss of viability" determination (EA, Table 3.8-3). An additional 13 RFSS were identified as having suitable, but unoccupied habitat. These 13 species all have a "not likely to cause a trend to federal listing or loss of viability" determination (EA, Table 3.8-3). The remaining RFSS with no suitable habitat within the project area have a "no impact"determination (EA, Table 3.8-3).

   One federally listed species, Hine's emerald dragonfly, was identified as having occupied habitat within the corridor. Design criteria are in place to avoid or minimize impacts to the Hine's emerald dragonfly (EA, p. 12). The Proposed Action, including the design criteria, will result in a "Not Likely to Adversely Affect" determination for the Hine's Emerald dragonfly (EA, Table 3.8-1). The USFWS concurred with the BA in their January 11, 2012 letter (project file).

   Sharp-tailed grouse, spruce grouse and American marten are terrestrial management indicator species (MIS) that represent various habitats on the HNF. Implementation of the project will create a minimal expansion of existing sharp-tailed grouse habitat along the corridor (EA, p. 66). The clearing of young aspen stands will result in a slight decrease in habitat for the ruffed grouse; however, regeneration of aspen in some abandoned portions of the existing right-of-way (ROW) will increase habitat (EA, p. 66). Tree clearing activities in mature forest stands during construction will affect the American marten and other species requiring snags and woody debris habitat characteristic of late successional forest communities by slightly reducing this habitat. Removal of trees and loss of marten habitat will be permanent; however, the total area affected will be limited to the approximate 20-foot wide new ROW (EA, p. 66).

   I find the Proposed Action provides adequate protection for TES animal species.

8. **Fisheries.** I have reviewed the effects to fisheries and the lake sturgeon is the only fish species identified as an RFSS. Since there is no occupied or suitable habitat within the project area, there is "no impact" to the lake sturgeon (EA, Table 3.8-3).

   There are no federally listed fish species on the HNF.

   Cold water habitat for brook trout, an MIS, is within the project area. While there is no proposed in-stream activities associated with this project, there are activities proposed near these cold water streams. Implementation of the project design criteria including BMPs will reduce impacts to brook trout habitat (EA, p. 70).

   I find the Proposed Action provides adequate protection for fisheries.

9. **Recreation Resource.** I have reviewed the effects of the Proposed Action to the recreation resource. Project activities and associated traffic may displace some visitors and restrict access to certain recreation opportunities. However, displacement or disruption of recreation activities will be temporary and would not be expected to have any lasting effects on recreation in the area (EA, p. 75). Project implementation will also aid in reducing illegal off-highway vehicle use within the project area by blocking 43 new access to the ROW corridor and new access onto the HNF from private lands with gates, boulders, or berms (EA, p. 76). Visitors to Horseshoe Bay Wilderness may experience increased noise levels during portions of the 12-15 month implementation period (EA, p. 77).

   I find the temporarily impact to recreation users within and adjacent to the project area is acceptable.

10. **Heritage.** I have reviewed the effects of the Proposed Action to the heritage resource. Archaeological investigation discovered one, previously undocumented, archaeological site within the project area. Further testing of the site determined that it is not eligible for listing in the National Register of Historic Places (NRHP). In addition one archival archaeological site is on record as potentially present within the project area. However, this site has never been field verified and the archaeological field investigation failed to locate any evidence of this site. It is possible the site has already been destroyed or was misreported in the record and is located on private lands immediately outside the project area. Furthermore, since the entire corridor within the HNF has been surveyed for cultural sites, it is unlikely that undocumented sites or the archival site occur within the area that will be disturbed (EA, p. 79).

    I find the Proposed Action and associated design criteria will adequately protect the heritage and cultural resources.

11. **Transportation.** I have reviewed the effects to the transportation system and find construction activities will have a temporary impact on road travel due to temporary closures. These closures and reroutes will be limited to the time necessary to get equipment and materials moved (EA, p. 82).

    I find the Proposed Action manages an efficient transportation system, and provides user and worker safety.

12. **Visual Quality.** I have reviewed the effects to the visual resource. The poles in the Proposed Action, in general, would be spaced further apart and be slightly taller than the existing poles. The diameter of the new poles would appear similar to the existing poles in the foreground. However, the color and additional height of the new poles would be more evident in the mid and backgrounds. Although the new poles would be brown rather than weathered gray, they would still be a color characteristic of most landscapes and would fade some over time (EA, pg. 86).

Temporarily the corridor in the Proposed Action may appear somewhat wider to observers familiar with the area. However, once the abandoned 40-foot corridor re-grows, the corridor width will be 20 feet narrower than the current corridor width (EA, pg. 86). Once constructed and the visible effects of construction disappear, the rebuilt lines would follow the color, line, form, and texture of the existing corridor.

I find that, while the proposed activities provide a change in the landscape, they are minor in nature, and would still meet the corresponding Visual Quality Objective.

13. **Wild and Scenic Rivers.** I have reviewed the effects to the Carp Wild and Scenic River. The nearest pole to the north would be placed approximately 340 feet from the river bank and the nearest pole to the south would be about 175 feet away. Both of these poles are a further distance from the river than the existing poles. Access for construction would be from Riverline Road on the south side and from private land on the north side. Boaters and people wading the river may temporarily notice a slightly enlarged corridor but after 2-3 years, the effects of construction should be obscured by new growth and not be apparent. No work would occur within the river itself, so no direct or indirect effects to river flows, water quality, or aquatic resources are expected. Travel along the Carp River may be halted for a very short period while the new wires are strung. There would be no other work below the river banks so no other restrictions on river travel would occur. All the resource impacts identified within the river corridor are minor and short-term and the character of the transmission line crossing will be essentially unchanged once the rebuild is completed (EA, p. 100).

    I find the implementation of the Proposed Action will not impede the river's flow, will not diminish any of the river's outstandingly remarkable values and is consistent with the management of the recreational river segment.

4. Compliance with federal and state laws.
See "IV. Findings Required by Other Laws and Regulations" below.

D. Other Alternatives Considered

This EA analyzed two alternatives: The Proposed Action and the No Action. Three additional alternative were considered, but eliminated from detailed analysis in the EA (EA Chapter 2.4, pg. 15-18). It is my judgment that this range of alternatives adequately addressed the purpose and need, (EA Chapter 1.3, p. 4), the issues raised during the initial scoping (EA Chapter 1.7, pg. 6-5), and the comments received during the required 30-day notice and comment period (DN Attachment).

Alternative 1 (No Action)
This alternative would not amend the special use permit and would require ATC to operate under the existing operation and maintenance (O&M) plan. The existing powerline and equipment would remain in service and would be managed using informal O&M practices in consultation with HNF staff. New poles, cross members, and associated equipment would be installed on an as-needed basis using existing maintenance procedures. Over the remainder of the existing

special use permit, ATC anticipates these maintenance activities would affect ⅓ to ½ of the corridor on the HNF. In additions, the current 2 to 4 year cutting and mowing cycle would continue to maintain the existing 100-foot ROW.

Alternative 1 was not selected because it does not meet the purpose and need.

III. PUBLIC INVOLVEMENT

A key component in preparing an EA is scoping. This public involvement process is used to determine the relevant issues related to the environmental effects of the proposed action (CEQ 1501.7). ATC announced this project in their April 2010 monthly newsletter to all of their customers in Northeastern Wisconsin and the Upper Peninsula of Michigan. Scoping included a May 19, 2010 mailing of over 1,000 letters describing the proposed action to adjacent landowners and to individuals and organizations on the HNF Eastside mailing list. A legal notice appeared in *The Evening News* (Sault Ste. Marie) on May 19, 2010. In addition, the agency held two open houses. The first in Rudyard, MI on June 9 (about 10 people attended) and the second in St. Ignace, MI on June 10 (about 30 people attended). Comments were collected at each open house. Thirteen written comments were received from eleven different individuals, organizations, and agencies.

The IDT used this public input to develop two relevant issues. They are, Issue 1 – Additional clearing and installation of steel poles would result in degradation of visual quality in areas along the transmission corridor; Issue 2 – Additional clearing and associated construction activities would promote the spread of non-native invasive plants.

The EA was completed and released to the public in accordance with 36 CFR 215.3, on June 2, 2011 for the 30-day notice and comment period. Comments were received from 3 individuals and those comments, along with the Forest Service responses, are included with this Decision Notice as Attachment A.

IV. FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

My decision complies with all applicable laws and regulations. I have summarized some pertinent ones below.

A. National Forest Management Act

The Forest Service is currently operating under the 2000 Planning Rule, adopted in November 2000 at 36 CFR 219 and subsequently interpreted in an Interpretive Rule at 69 Fed. Reg. 58055 (September 29, 2004). This project is planned under the regulations at 36 CFR 219.35 (2000) and the Interpretive Rule of September 29, 2004. As required by 36 CFR 219.35, I considered the best available science in making my decision. The project record demonstrates a thorough review of relevant scientific information, consideration of responsible opposing views, and, where appropriate, acknowledgement of incomplete or unavailable information, scientific uncertainty, and risk.

The National Forest Management Act (NFMA) requires all site-specific project activities be

consistent with direction in the Forest Plan. As required by NFMA Section 1604(i), I find this project to be consistent with the Hiawatha Forest Plan, including the goals, objectives, desired conditions, Forest-wide standards and guidelines (pp. 2-1 to 2-26) and the standards and guidelines for MA 1.2, 4.5, 6.4, and 8.4.2 (Forest Plan, pg. 3-5 to 3-7, 3-17 to 3-19, 3-31 to 3-33, and 3-59 to 3-64).

B. Endangered Species Act

I find that this action will not have any adverse impacts on any threatened or endangered species. The U.S. Fish and Wildlife Service (USFWS) in their letter dated January 11, 2012 concurred with the determinations in the BA (project file).

C. Clean Water Act

The design of the powerline replacement and access points for the Proposed Action is guided by standards, guidelines, and direction contained in the Forest Plan, applicable Forest Service manuals and handbooks and the design criteria in the EA EA Section 2.2.1.1, Riparian and Water Body Protection, pg. 11). Reasonable implementation with site-specific application and monitoring of the State of Michigan's Sustainable Soil and Water Quality Practices on Forest Land (2009) is expected to comply with applicable state water quality standards.

D. Clean Air Act

Effects of the activities to air quality are not expected to have emissions in high enough concentrations to measure.

E. National Historic Preservation Act

Pursuant to 36 CFR 800.2(c-f), the results of the heritage analysis for the ATC Powerline Rebuild EA, along with all cultural resource survey reports covering the areas of potential effects have been submitted to the Michigan State Historic Preservation Officer (SHPO) for review and consultation. Under the authority of Section 106 of the National Historic Preservation Act of 1966, as amended, the Michigan SHPO has concurred that "no historic properties are affected" within the area of potential effects for the ATC Powerline Rebuild as identified in their letter dated October 26, 2011.

F. Wild and Scenic River Act

The Michigan Scenic Rivers Act of 1991 (P.L. 102-249) was passed by Congress in March 1992, designating certain segments of five rivers (Indian, Whitefish, Sturgeon, Carp and East Branch Tahquamenon) on the HNF as National Wild and Scenic Rivers. Activities within the Wild and Scenic River corridor must not impede the free-flowing nature of the river; must maintain or enhance the outstandingly remarkable values; and must not diminish the river's classification as wild, scenic or recreation. Analysis of these characteristics of the Carp River has determined that implementation of the Proposed Action will comply with the Wild and Scenic River Act.

G. EXECUTIVE ORDERS

1.) **Executive Order 11990** – This EO requires federal agencies to avoid, to the extent possible, the long- and short-term adverse impacts associated with the destruction or modification of wetlands. Installation of new structures and the shift in the corridor will result in the conversion of 25 acres of forested or shrub wetland to herbaceous wetland. However, removal of existing poles and abandonment of part of the corridor due to the shift will result in regeneration of 39 acres of wetlands. The Proposed Action will actually increase the amount of regenerated wetland areas by 14 acres (EA, Tables 3.5-2 and 3.5-3). The design criteria will protect the wetland resource adequately (EA, p.11).

I find the design criteria will protect the soils and wetland resources adequately under the Proposed Action (EA Section 2.2.1.1, Riparian and Water Body Protection, pg. 11).

2.) **Executive Order 11988** - This EO directs federal agencies to avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of floodplains. The EO was largely intended to reduce the risk of property loss, minimize the impact of floods on human safety, health, and welfare. It is also meant to restore and preserve the beneficial values provided by floodplains. The Proposed Action would not involve in-stream structures or in-stream work, would not affect stream water sources, would not alter floodplain characteristics, and would not affect in-stream processes (EA pg. 33). The design of the proposed activities and the application of the BMPs combine to minimize adverse effects on floodplains (EA pg. 33).

3.) **Executive Order 12898** – This EO directs federal agencies to identify and address the issue of environmental justice, i.e., adverse human health and environmental effects of agency programs that disproportionately impact minority or low-income populations. Forest Service activities must be conducted in a discrimination free atmosphere. Contract work that may be generated from this document will include specific clauses providing for civil rights protection. The Forest Service will enforce these policies. I find that implementation of the Proposed Action will not cause adverse health or environmental effects that disproportionately impact minority and low-income groups (EA pg. 95).

4.) **Executive Order 12962** - This EO requires federal agencies to evaluate the effects of proposed activities on aquatic systems and recreational fisheries. I find that the Proposed Action minimizes the effects upon aquatic systems through project design, application of Forest Plan standards and guidelines, and site-specific design criteria. Recreational fishing opportunities will remain the same because impacts to aquatic habitats are minimized to the extent possible.

V. FINDING OF NO SIGNIFICANT IMPACT

In reaching my determination under 40 CFR 1508.27 that preparation of an environmental impact statement is not needed, I considered the following factors and information developed during the analysis of the proposal and disclosed in the EA:

A. Context

The analysis of the proposal is in a localized area with implications only for the immediate area. The cumulative effects of past management, combined with the current proposal, and reasonably foreseeable future actions are displayed in Chapter 3 of the EA. Because of those effects, I feel the context of this decision, both from a biological and social standpoint, is localized. I feel based on the environmental effects analysis there will not be significant effects. My decision is consistent with the management direction outlined in the Forest Plan, applied at the project scale.

B. Intensity

1. Impacts that may be both beneficial and adverse.

My finding of no significant environmental effects considers both beneficial and adverse effects. Beneficial effects have not, however, been used to offset or compensate for potential adverse effects. Impacts associated with my decision are discussed in Chapter 3 of the EA (pg. 22-101).

There are no direct, indirect, or cumulative impacts that are significant in their effects on resources, as they pertain to relevant issues analyzed in the EA. Impacts from my decision are not unique to this project alone, as previous projects have had similar activities and effects (EA pp. 22-101).

I conclude there will be no significant adverse direct, indirect, or cumulative adverse impacts that are relevant to the issues analyzed in the ATC Powerline Rebuild EA. The overall positive effect is to move the area towards the EA purpose and need.

2. The degree to which the proposed action affects public health or safety.

The project does not involve or have any implications to national defense or security. Temporary road and canoe trail closures or reroutes will ensure safe access to the area during project implementation. Posting signs along roads and the snowmobile trail will ensure the safety of the public during project implementation. Avoiding implementation in the vicinity of the campgrounds during peak use will also ensure public safety. Rebuilding the powerline and increasing the capacity from 69 kV to 138 kV will also provide better electrical service and aid in reducing the amount of power outages.

Based on the environmental analysis and implementation of projects similar to this in the past, I conclude there will be no significant effects to public health or safety.

3. Unique characteristics of the geographic area.

The EA did not identify any impacts to any unique geographic areas. Unique characteristics include *".....proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas."* (40 CFR 1508.27)

There are no park lands or prime farm lands within the project area; therefore, there will be no significant impacts.

Ecologically critical areas are those areas that exhibit unique ecological characteristics or, if altered, may affect the viability of threatened or endangered plant or animal species. Botanical and wildlife surveys were conducted throughout the project area. An evaluation of the existing condition for the Proposed Action determined there are no ecologically critical areas where management activities will occur (EA, pg. 22-101).

Potential impacts to TES species such as Hine's emerald dragonfly and Houghton's goldenrod are summarized in the EA (Table 3.8-1) and analyzed in the BA (pg. 11-22). The USFWS concurred with the BA in their January 11, 2012 letter (project file).

Implementing the Proposed Action, including design criteria, will have no impact to the heritage resource (EA, pg. 79). Archaeological investigation discovered one, previously undocumented, archaeological site within the project area; however, it is not eligible for listing in the National Register of Historic Places (NRHP). In addition one archival archaeological site is on record as potentially present within the project area. However, this site has never been field verified and the archaeological field investigation failed to locate any evidence of this site. It is possible the site has already been destroyed or was misreported in the record and is located on private lands immediately outside the project area. Furthermore, since the entire corridor within the HNF has been surveyed for cultural sites, it is unlikely that undocumented sites or the archival site occur within the area that will be disturbed (EA, p. 79).

Wetlands comprise a large portion of the Eastside Unit of the HNF. I realize that maintaining powerlines in wetlands could cause impacts to soil resources and water flow (EA, pp. 50-54). It is my conclusion that there will be no significant environmental effects to wetlands when implementation of the Proposed Action occurs, and, in fact, a net increase in the amount of regenerated wetland areas by 14 acres (EA, Tables 3.5-2 and 3.5-3).

Based upon these considerations, I conclude there will be no significant effects on unique characteristics within the geographic area.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The activities in the Proposed Action will contribute towards reaching the desired condition and goals and objectives outlined by the Forest Plan. I do not believe the effects of my decision represent a scientifically controversial impact upon the *"quality of the human environment."* Based on the comments received, it is my determination there is no scientific controversy with respect to the effects of implementing the Proposed Action. This EA is tiered to the Forest Plan EIS. Forest-wide effects of Forest Plan standards were disclosed in that EIS. All actions are of a similar type and intensity to activities that have occurred in the past throughout the HNF and in this area.

Based upon these considerations, I conclude there will be no significant effects on the quality of the human environment that are likely to be controversial.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The actions included in my decision are similar to many past actions, both in this project area and across the country. The analysis shows the effects are not uncertain and do not involve unique or unknown risks (EA, pg. 22-101). The pole replacement will involve common practices and standard contractual requirements.

The IDT that conducted the analysis used the monitoring of past actions as a frame of reference and combined that knowledge with scientifically accepted analytical techniques and the best available science to estimate effects of the proposal.

I conclude there are no unique or unusual characteristics about the area, which have not been previously encountered, that would constitute an unknown risk upon the human environment.

6. The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.

This is not a precedent setting decision with significant effects to the environment. Similar actions have occurred in the local area. Effects of this project are minor and short term (EA, pg. 22-101).

I conclude this action does not establish precedence for future actions with unknown adverse impacts to the environment.

7. Whether the action is related to other actions with individually insignificant but cumulative significant impacts.

Chapter 3 of the EA discusses the combined effects of this project with other past, present, and reasonably foreseeable future actions. The analysis convinces me there will not be significant cumulative impacts from this action individually or in concert with other related past or present actions or those anticipated in the foreseeable future beyond what has already been disclosed in the Forest Plan FEIS.

Based on the discussion in the EA (pg. 22-101), I conclude there are no significant cumulative impacts.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, or may cause loss, or destruction of significant scientific, cultural, or historical resources.

Implementing the Proposed Action, including design criteria, will have no impact to the heritage resource (EA, pg. 79). Archaeological investigation discovered one, previously undocumented, archaeological site within the project area; however, it is not eligible for listing in the National Register of Historic Places (NRHP). In addition one archival archaeological site is on record as potentially present within the project area. However, this site has never been field verified and the archaeological field investigation failed to locate any evidence of this site. It is possible the site has already been destroyed or was misreported in the record and is located on private lands immediately outside the project area. Furthermore, since the entire corridor within the HNF has been surveyed for cultural sites, it is unlikely that undocumented sites or the archival site occur within the area that will be disturbed (EA, p. 79).

Based upon this information, I conclude this action will not cause loss or destruction of significant scientific, cultural, or historic resources.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

Potential impacts to TES species such as Hine's emerald dragonfly and Houghton's goldenrod are summarized in the EA (Table 3.8-1) and analyzed in the BA (pg. 11-22). The USFWS has concurred with these findings for the federal threatened and endangered species in a letter dated January 11, 2012 (project file). Design criteria to protect threatened and endangered species are included in the EA (p. 12-14).

Based upon the conclusions documented in the BA and concurrence with the USFWS, my decision will not adversely affect species or their habitat determined to be critical under the Endangered Species Act of 1973.

10. Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.

Activities follow direction and standards and guidelines in the Forest Plan. The FEIS and Record of Decision for the Forest Plan indicate the consistency of the Forest Plan with laws or requirements imposed for environmental protection (Forest Plan pg. 1-1 to 1-3). Specific analysis has also been conducted to determine compliance with federal endangered species acts, heritage resource protection laws, and other resource protection requirements. These analyses are documented in the EA and BA and show these activities are in compliance with laws, statutes, and regulations imposed for resource protection.

This action does not violate federal, state, or local laws, regulations, and requirements designed for the protection of the environment, including the National Forest Management Act of 1976 and associated implementation regulations that provide for amendments and revisions of forest plans (IV. Findings of Other Laws and Regulations).

Based on this discussion, I have concluded this project complies with statutes imposed

for the protection of the environment.

C. FINDING

I find, based upon the analysis disclosed in the ATC Powerline Rebuild EA, and my evaluation of the factors described in 40 CFR 1508.27, this is not a major federal action, either individually or cumulatively, that will significantly affect the quality of the human environment; therefore, an EIS is not needed.

VI. APPEAL RIGHTS

This decision is subject to appeal in accordance with 36 CFR 215. An appeal may be filed by individuals and organizations that provided comments or otherwise expressed interest in the proposed action during the 30-day notice and comment period. The appeal must have an identifiable name attached or verification of identity will be required. A scanned signature may serve as verification on electronic appeals.

To appeal this decision, a written Notice of Appeal must be postmarked or received within 45 calendar days after the date of the legal notice of this decision. The publication date in *The Evening News* (Sault Ste. Marie, Michigan), newspaper of record, is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source. At a minimum, an appeal must include information as specified in 36 CFR 215.14(b). The Notice of Appeal should contain a subject line "ATC Powerline Rebuild."

It is the appellant's responsibility to provide sufficient project-specific or activity-specific evidence and rationale, focusing on the decision, to show why the Responsible Official's decision should be reversed. At a minimum, an appeal must include information as specified in 36 CFR 215.14(b).

Written Notice of Appeal on the project must be delivered (via mail or by hand) to USDA, Forest Service; ATTN: Appeals Deciding Officer, Charles Myers; 626 E. Wisconsin Avenue; Milwaukee, Wisconsin 53202. The office business hours for those submitting hand-delivered appeals are: 7:30 am - 4:00 pm CT, Monday through Friday, excluding holidays. The Notice of Appeal may alternatively be faxed to 414-944-3963 Attn: Appeals Deciding Officer, Charles Myers; USDA Forest Service; Eastern Regional Office. The Notice of Appeal may be submitted electronically to appeals-eastern-regional-office@fs.fed.us, Attn: Appeals Deciding Officer, Charles Myers; USDA Forest Service; Eastern Regional Office. Acceptable formats for electronic comments are text or html email, Adobe portable document format, and formats viewable in Microsoft Office applications.

VII. IMPLEMENTATION DATE

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 fifteen days following the date of appeal disposition.

VIII. CONTACT

The detailed planning records for the ATC Powerline Rebuild EA are available for public review at the St. Ignace Ranger District, W1900 West US-2, St. Ignace, MI 49781.

For additional information, contact Lyn Hyslop, Team Leader, at the St. Ignace Ranger District, or at (906)-643-7900 or (906)-643-7611 (TTY).

Jo Reyer

JO REYER
Forest Supervisor

4/13/2012

Date

Appendix A

ATC ESE 6904-6905 Powerline Rebuild Project

Response to Comment

Commenter #1 – Mr. Donald Lawson, 110 North Boundary Road, St. Ignace, MI 49781

Mr. Lawson came to the St. Ignace office to voice his concerns about the ATC powerline crossing his property and cutting trees.

Response: This comment is regarding private property which is outside the scope of this analysis and is not part of the decision being made. Representatives from ATC noted they will contact with Mr. Lawson to work through his issues.

Comment #2 – Ms. Joan Theut, Guard Lake Road, St. Ignace, MI 49781

Ms. Theut was concerned with:
1) spraying of Garlon 4 on her property,
2) electromagnetic field/stray voltage on her property, and
3) why is more power needed, "if it is working, why change it"?

Response: Comments 1) and 2) are regarding private property which is outside the scope of this analysis and is not part of the decision being made. However, ATC representatives noted that field technicians work with landowners to find alternative methods to using Garlon 4.

Comment 3 is addressed in "The Purpose of and Need for Action" in Chapter 1 of the Environmental Assessment (EA) (EA, pg. 3-4).

Comment #3 – Mr. Robert Warren, 23404 Bolender Pontius Road, Circleville, OH 43113-9469

1) The maps do not show private roads that might be impacted although it is apparent that several are being utilized for the rebuild efforts. While there are likely others, there are several just north of the Carp River. There is also one that for which I have an easement, just west of the existing poles (650-653) just south of the Carp River. This road turns northwest I believe just south of existing pole 650, if memory serves me correctly. I would hope that the new poles would be able to avoid it or if not address the situation in a satisfactory manner.

Response: Construction access to the corridor would be provided by a variety of public and private roads. The proposed construction access is shown in a pink/salmon color on the proposed action maps (EA, Appendix A). Existing trails and roads within the project corridor would be utilized. No existing open roads or trails would be permanently closed as a result of this project, although temporary closures or reroutes may be needed (3.13.5 page 82).

2) There does not seem to be a section in the EA or its Appendix B, Operation and Maintenance Plan (proposed) that addresses any deficiencies that might arise in the manner of the completion of the work nor any means of remedying such deficiency.

Response:

The Special Use Permit allowing ATC to occupy National Forest System Lands includes termination, revocation, and suspension clauses for noncompliance. This Special Use Permit will be amended for the proposed action. In addition, 36CFR 261 includes monetary penalties for failing to comply with special use authorizations.