



United States  
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Forest  
Service

June 2013



# **Decision Notice and Finding of No Significant Impact**

## **Black Hills Electric Cooperative Rockerville Transmission Line Project**

Mystic Ranger District, Black Hills National Forest  
Pennington County, South Dakota

Legal locations:  
T01SR06ESec13,24,25,36; T01SR07ESec18,19,29,30,31,32;  
T02SR07ESec5,6



# **Decision Notice and Finding of No Significant Impact**

## **BHEC Rockerville Transmission Line Project Environmental Assessment**

**USDA Forest Service  
Mystic Ranger District, Black Hills National Forest  
Pennington County, South Dakota**

### **Introduction**

A Decision Notice (DN) and Finding of No Significant Impact (FONSI) are provided here. The DN documents my decision and provides my explanation of the management and environmental reasons I used to make my decision in selecting an alternative to implement. The FONSI presents the reasons why I find this action will not have a significant effect on the human environment and therefore why an environmental impact statement will not be prepared. The completed BHEC Rockerville Transmission Line Project Environmental Assessment (EA) is incorporated by reference.

Black Hills Electric Cooperative, Inc. (BHEC) is the project proponent. The Black Hills National Forest (BHNF) has completed an EA in response to a proposal by BHEC to construct a new 69kV electrical transmission line, of approximately 5.8 miles in length, across National Forest System (NFS) lands south and east of Rockerville, SD. This route runs from the Rockerville substation to a location where it exits the National Forest boundary just south of Jackson Springs (see attached Figure 1 - Project Area Map). The transmission line is needed to complete a loop in the BHEC electrical transmission system in the area to ensure reliable electrical service for cooperative members now and in the future. This proposal is guided by the BHNF Forest Plan and evaluated in accordance with the National Environmental Policy Act (NEPA) and other agency direction. The proposal is represented as Alternative 1 in the EA.

Three action alternatives in addition to the proposal were developed to address the key issues identified during scoping: 1) Scenery effects; 2) Socio-economic effects; and 3) Travel and access effects. The alternatives address these issues to varying degree. A fifth alternative considered is the no action alternative. Tables 1 and 2 in this Decision Notice provide a comparative summary of the alternatives and are helpful in displaying and assessing differences between the alternatives.

### **Project Summary**

An overview of the issues and alternatives is presented below to provide a better understanding in context of the decision disclosed in this document. A more detailed description of the project can be found in Chapters 1 and 2 of the EA.

## **Issues**

Comments received during the public scoping process were used to help define issues, develop alternatives and mitigation measures, and analyze effects. A total of 60 responses were received via letters, faxes, public meeting transcripts, personal delivery, or email during the formal scoping process. Through review and analysis of scoping comments and input, the Project Analysis Team identified three prevailing or key issues related to BHEC's proposal. These include: scenery or visual impact issue; socio-economic issue; and access and travel management issue. These issues are described in detail in Chapter 1 of the EA.

## **Alternatives Considered**

Five alternatives were considered in detail in the EA. These are briefly discussed below. A more detailed description of all the alternatives can be found in Chapter 2 of the EA.

*Alternative 1 (Proposed Action).* Alternative 1 is the transmission line route proposed by the project proponent. BHEC proposes to construct approximately a 5.8 mile segment of new 69kV transmission line across NFS lands as part of a loop system that would extend from the Rockerville substation to Hermosa. This route runs from the Rockerville substation to a location where it exits the National Forest boundary just south of Jackson Springs (see attached Figure 1 – Project Area Map).

*Alternative 2.* This alternative is the transmission line route developed in response to public comments made during public scoping concerning the prominent visibility of the proposal (Alternative 1) on ridgetops for much of its projected route. The Alternative 2 route roughly parallels Alternative 1, but deviates away from prominent ridgetops along some segments allowing it to run below ridges and in draws to make it less visible on the landscape. It covers approximately 6.1 miles between the Rockerville substation to where it exits the National Forest boundary just south of Jackson Springs at the same location as Alternative 1 (see attached Figure 1 – Project Area Map).

*Alternative 3.* This alternative is the route developed in response to the Forest Service desire to consider a route that is shorter in length on NFS lands, yet still accomplishes loop design objectives, as well as addressing scenery concerns. From the Rockerville substation, the route generally parallels Alternative 2 to the large meadow located roughly in the center of the project area. From there, the route angles southeast down a drainage to the National Forest boundary. This alternative extends across a total of approximately 4.6 miles of terrain with 4.1 miles on National Forest (see attached Figure 1 – Project Area Map).

*Alternative 4.* This alternative route focuses upon staying on private land, as much as possible, along open section lines not closed by other entity rights. This route still maintains loop design objectives. The route covers approximately 4.8 miles between the Rockerville substation to where it exits the National Forest boundary at the same location as Alternative 3. This alternative is routed along approximately 2.6 miles of land that straddles both private lands and NFS lands. The route crosses approximately 2.2 miles of fully private land (see attached Figure 1 – Project Area Map).

*Alternative 5 (No Action).* The National Environmental Policy Act (NEPA) requires the study of the No Action Alternative and to use it as a basis for comparing the effects of the proposed action and other alternatives. The No Action Alternative assumes that no implementation of any elements of the proposed action or other action alternatives, analyzed in this EA, would take place on NFS lands. The theme of this no action alternative would be to not permit the proponent to construct a new 69kV transmission line on National Forest as described in the proposed action or alternative actions. In light of a no action decision, BHEC may choose to construct a new transmission line fully on private lands.

## **Decision**

This Decision Notice documents my decision and rationale with respect to the BHEC Rockerville Transmission Line Project alternatives as presented in the BHEC Rockerville Transmission Line EA. The project's purpose and need provided the focus and scope for the proposed action and alternatives as they relate to Forest and national level policy and direction (EA, Chapter 1). Given the purpose and need, I have reviewed the proposed action (Alternative 1), the issues identified during the public scoping period, the alternatives, and the environmental consequences of implementing the proposed action and alternatives disclosed in the EA. These elements were invaluable to me in weighing management options. Public feedback, the analysis disclosed in the EA, information contained in the project record, and management direction and policy consideration contributed collectively to determining the selected action. Based on this review, **I have decided to implement Alternative 3.**

The Selected Action (Alternative 3) was developed to be less obtrusive on the landscape, provide a shorter route on NFS lands, as well as meet loop objectives. The Selected Action route extends across approximately 4.6 miles of terrain. From Rockerville substation, this route parallels Alternative 2 to a large meadow located roughly in the center of the project area. From there, the Selected Action route diverges to the southeast down a drainage to the National Forest boundary (see attached Figure 1 – Project Area Map). This route extends across approximately 4.1 miles of NFS land and 0.5 miles of private land inholdings. The Selected Action would cover approximately 15.3 acres of transmission line ROW on NFS land and 6.9 acres on private land.

The Selected Action incorporates the design criteria, mitigation measures, and monitoring requirements included in Appendix B of the EA. These design criteria and mitigation measures were identified by Interdisciplinary Team members during project development.

The Scenic Integrity Objectives (SIO) will be changed in locations along this route where they are not being met – in compliance with Forest Plan scenery management Guideline 5602. The modification to the SIO will occur between mile post 0.0 and 1.6 on Neck Yoke Rd. Within these mile markers, approximately 0.4 miles would require a change to the SIO. Because these modifications are being made to a Forest Plan Guideline, a Forest Plan amendment is not needed.

The map on the last page of this Decision Notice displays the location of all the action alternatives (Figure 1). Appendix E of the EA includes a vicinity map and other detailed maps of the project area and activities.

## Rationale for Selected Action

The purpose and need for action as described in the EA, Chapter 1, is to construct a transmission line completing a loop system with existing BHEC transmission lines in the vicinity that facilitates greater reliability of electrical service for cooperative members now and into the future.

The project purpose and need provides the focus and scope for the proposed action and alternatives under direction of the 1997 Revised Black Hills National Forest Land and Resource Management Plan, as amended by the 2006 Phase II Amendment (Forest Plan). Forest Plan direction is summarized in Chapter 1 of the BHEC Rockerville Transmission Line EA. Given the purpose of and need for action, I have reviewed Forest Plan direction, public comments received during scoping, key issues identified from those comments, public response to the Predecisional EA, information contained within the project record, and analysis disclosed in the EA. My decision to permit implementation of Alternative 3 on NFS system land is based on this review.

Five alternatives (four action alternatives and one no action alternative) were analyzed in detail in the EA. I have selected Alternative 3 because I feel it meets the purpose of and need for action, is consistent with the Forest Plan (south of Neck Yoke Road), follows other management direction, and responds well to the public comments received and issues identified. In determining which alternative to select for this project, I first considered whether construction of a new electric transmission line would be appropriate in this area at this time. After reviewing all materials related to the project, including Forest Plan direction, supporting documents, public input and specialist analysis reports, I believe that use of NFS land in this area, for the action selected, is an appropriate use in accordance with US Forest Service multiple use management direction, as well as BHEC Forest Plan direction. Accordingly, I reject Alternative 5 – the No Action alternative.

In comparing the action alternatives, analysis disclosed that none of the Action Alternatives met the High and Moderate Scenic Integrity Objectives (LRMP Guideline 5601 and 5.4-5601) along US Highway 16 and south to Neck Yoke Road. From Neck Yoke Road south to the end of the project, Alternatives 1 and 4 would be the most visible crossing an open slope adjacent to Neck Yoke Road, and not meet the Moderate Scenic Integrity Objective for this area (LRMP Guideline 5601 and 5.4-5601). Overall Alternative 1 and 4 have the greater level of visibility in this segment - 36% and 28% respectively, of their length viewed from Level 1 and 2 road corridors. This situation, characteristic of Alternatives 1 and 4, was influential in my determination to reject Alternatives 1 and 4. Alternative 2 and 3 have a lower level of visibility in this segment, 23% and 22% respectively. Alternative 3 has the potential to have the least impact on Scenery, and the greatest potential to meet LRMP Guideline 8304. I discuss this situation further in the following section: Other Alternatives Considered.

A key consideration in facilitating alternative selection is how each alternative affects the key issues. Key issues were developed by the Project Analysis Team (with my concurrence) in response to the feedback received during public scoping of the proposal. The key issues include: 1) effects on scenery; 2) socio-economic effects; and 3) travel management and access concerns. Chapter 1 of the EA provides a detailed discussion of the issues. Table 1 in this document provides a summary of the effects (in terms of resource measurement indicators) that each alternative has on the key issues. I will briefly discuss those effects here.

### **Scenery Issue**

As noted above in this document, additional project analysis discloses that Alternatives 1 and 4 do not contribute toward meeting certain Forest Plan scenery management objectives and guidelines. Specifically, as shown in Table 1, these include Forest Plan Guideline 5601 and Guideline 5.4-5601. Furthermore during analysis, both Alternatives 1 and 4 were subjectively rated as having a high level of impact on scenery resource indicators including: design and construction impacts to scenery, visibility from travel corridors, and visibility from residences and subdivisions.

Although Alternatives 2 and 3 have the same route and resulting effect on scenery north of Neck Yoke Road as Alternatives 1 and 4, Table 1 indicates that Alternatives 2 and 3 do contribute toward meeting the Forest Plan scenery management Guidelines cited in the preceding paragraph south of Neck Yoke Road. Moreover, both Alternatives 2 and 3 were subjectively rated as having a low level of impact on the scenery resource indicators described in the paragraph above – particularly on visibility from residences and subdivisions. From a scenery effects perspective, both action Alternatives 2 and 3 appear reasonable, while Alternatives 1 and 4 do not contribute toward meeting Forest Plan SIO direction south of Neck Yoke Road.

Between Alternative 2 and 3, the Selected Action crosses less NFS lands than Alternative 2, thus has an even less visual effects.

The Scenic Integrity Objectives will be changed in locations along this route where they are not being met (approximately 0.4 miles interspersed along Neck Yoke Rd between mile posts 0.0 and 1.6). This is will be done in compliance with Forest Plan scenery management Guideline 5602.

### **Socio-economic Issue**

As displayed in Table 1, all action alternatives are consistent in contributing toward achieving Forest Plan Goals, Objectives, Standards or Guidelines 8303-8310 relative to utility corridors. Cumulative cost/mile is the same across all action alternatives. Two other socio-economic indicators that help define this issue are: Miles of transmission line within ¼ mile of private land; and Miles of transmission line within ¼ mile of residences. Transmission line within a ¼ mile proximity to private land ranged across the action alternatives from approximately 2.4 miles of line in the Selected Action; 2.9 miles of line in Alternative 1; 3.0 miles of line in Alternative 2; and 4.8 miles of line in Alternative 4. Transmission line within a ¼ mile proximity to residences ranged from approximately 1.5 miles of line in Alternative 2; 1.7 miles of line in Alternative 1; 1.8 miles of line in the Selected Action; and 4.1 miles of line in Alternative 4. Alternative 4 (Route mostly on private lands) has appreciably more miles of line in proximity to private land and residences.

In summary, the Selected Action has the least miles of transmission line within ¼ mile of private land, as well similar miles of transmission line within ¼ mile of residences when compared to Alternatives 1 and 2.

### **Access and Travel Management Issue**

Table 1 indicates that all action alternatives are consistent in contributing toward achieving Forest Plan Goals, Objectives, Standards or Guidelines relative to access and travel management (FP Goal 4, Objectives 420-422, Standards or Guidelines 9101-9109, 9201-9205). Three other access and

travel management issue indicators that help define this issue are: Change in public motorized access (Yes, No); Change in public non-motorized access (Yes, No); and Miles of permanent road constructed. None of the action alternatives would change current public motorized or non-motorized access. No permanent road construction will occur in any of the action alternatives.

### **Summary**

My review of the project record and analysis confirms that both Alternatives 2 and 3 appear to be reasonable and implementable action alternatives. My rationale for selecting Alternative 3 over Alternative 2 are as follows. Having rejected Alternatives 1 and 4 for the reasons cited above, I focused on comparing Alternatives 2 and 3 in terms of the effects to the key issues summarized in Table 1, and the other comparative characteristics of alternatives summarized in Table 2.

Alternatives 2 and 3 are very similar relative to their effects to the key issues (Table 1). Both alternatives would require the Scenic Integrity Objectives to be changed in locations along this route where they are not being met – in compliance with Forest Plan scenery management Guideline 5602. Only two differences are evident. First, Alternative 3 has approximately 2.4 miles of transmission line within ¼ mile of private land. Whereas, Alternative 2 has 3.0 miles of line within ¼ mile of private land. Second, Alternative 2 has 1.5 miles of transmission line within ¼ mile of residences. And Alternative 3 has 1.8 miles of line within ¼ mile of residences. No appreciable differences stand out.

A more pronounced difference between Alternatives 2 and 3 becomes evident when the two alternatives are compared in Table 2. Of the comparative characteristics listed, Alternative 3 is better (or has less potential effect) than Alternative 2: Number of residences within ¼ mile of transmission line (15 in Alt 3 vs. 16 in Alt 2); Total miles of transmission line to National Forest exit (4.6 in Alt 3 vs. 6.1 in Alt 2); Total miles on National Forest (4.1 in Alt 3 vs. 5.6 in Alt 2); Acres of right-of-way (ROW) on NFS land (15.3 in Alt 3 vs. 22.9 in Alt 2); Total ROW acres (22.2 in Alt 3 vs. 29.8 in Alt 2); and Scenic Class Value (14 in Alt 3 vs. 20 in Alt 2 – the lower the value rating the better). Alternative 2 has one comparative characteristic displayed in Table 2 that is better than Alternative 3: Number of residences within 500 feet of transmission line (2 in Alt 2 vs. 3 in Alt 3). And finally, two comparative characteristic are the same for both alternatives: Total miles of transmission line on private land (0.5 miles each); and acres of ROW on private land (6.9 acres each).

Although the differences between the Selected Action and Alternative 2 are not vast, the Selected Action does stand out as having less effect than Alternative 2. When I focus in on which of these two alternatives leaves the smallest “footprint” on NFS lands, as well as the least effect to the scenery resource, I conclude that the Selected Action has those characteristics. Therefore, I have selected Alternative 3 for implementation.

### **Other Action Alternatives Considered**

In addition to the Selected Action (Alternative 3), I considered four other alternatives briefly mentioned in the previous discussion (Alternatives 1, 2, 4, and 5). More detail regarding these alternatives is presented below. Further information on all the alternatives can be found in Chapter 2 of the EA and in Appendix E, Maps.

### **Alternative 1 – Proposed Action**

Alternative 1 is the proposed action. This alternative was the proponent's proposal and was presented to the public during scoping. Chapters 1 and 2 of the EA provide a detailed description of this alternative. Alternative 1 routes the transmission line along several ridgetops. This route extends across approximately 5.3 miles of NFS land and 0.5 miles of private land inholdings. The alternative would cover approximately 25.8 acres of transmission line ROW on NFS land and 2.5 acres on private land. Public response to this alternative, generated during the scoping period and during the public comment period on the Predecisional EA, was mixed. However, the majority of comments opposed this route due to its visibility. Also related to the effect on the scenery resource, this alternative did not contribute toward meeting certain Forest Plan Scenic Integrity Objectives (SIO) (see Table 1) along a segment of the proposed route just south of Neck Yoke Road. Consideration of these two characteristics of Alternative 1, and the analysis findings that Alternatives 2 and 3 meet the purpose and need for action, as well as Forest Plan direction, were influential determining factors in my decision to not select this alternative.

### **Alternative 2 – Route Responsive to Scenery Concerns**

Alternative 2 was designed to lessen the effect on scenery relative to Alternative 1 (the BHEC proposal) and still meet loop objectives. Alternative 2 is a transmission line route (approximately 6.1 miles long) developed in response to public comments expressing concern for the prominent visibility of Alternative 1. The Alternative 2 route roughly parallels Alternative 1, but deviates away from prominent ridgetops along some segments (see attached Figure 1 – Project Area Map). These route adjustments allow Alternative 2 to run below ridges and in draws to make it less visible on the landscape than Alternative 1. This route extends across approximately 5.6 miles of NFS land and 0.5 miles of private land inholdings. The alternative would cover approximately 22.9 acres of transmission line ROW on NFS land and 6.9 acres on private land. This alternative received close consideration for selection along with Alternative 3 (the Selected Action), but I rejected it for reasons discussed earlier, including greater length of line across NFS lands. See discussion under Decision Rationale above.

### **Alternative 4 – Mostly private land route**

The focus of this alternative route is to minimize routing on NFS lands and remain on private land, as much as possible, along open section lines. The EA Chapter 2 provides a detailed description of this alternative. The route parallels Alternative 1 to a point ¼ mile south of Neck Yoke Road where it turns eastward onto private land. This route extends across approximately 2.6 miles of NFS land and 2.2 miles of private land. The alternative would cover approximately 4.2 acres of transmission line ROW on NFS land and 19.3 acres on private land. Public response to this alternative, generated during the scoping period and during the public comment period on the Predecisional EA, was again mixed. Many felt impact to private lands should be minimized and others supported maximizing routing the line on private land. Alternative 4 also did not contribute toward meeting certain Forest Plan SIOs along a segment of the proposed route just south of Neck Yoke Road. I did not select Alternative 4 because it does not meet the Forest Plan SIOs, and due to the fact that two other action alternatives, analyzed in detail, fully met Forest Plan direction as well as the purpose and need for action.

### **Alternative 5 – No Action**

The National Environmental Policy Act (NEPA) requires the study of the No Action Alternative and to use it as a basis for comparing the effects of the proposed action and other alternatives. The No Action Alternative assumes that no implementation of any elements of the Proposed Action or other action alternatives would take place. This alternative represents no attempt to actively respond to the purpose and need for action for this project. I rejected this alternative for reasons described earlier. See Rationale for Selected Action.

### **Alternatives Not Considered in Detail**

A broad range of alternative transmission line routes suggested by the public during the public scoping period or generated by the Interdisciplinary Team that address the purpose and need, were considered during environmental analysis. Maps of these routes are held in the project file. The EA, Chapter 2 provides more specific discussion of the alternative routes considered and reasons for eliminating them from detailed study. Generally, reasons for alternative dismissal included one or more of the following: route(s) did not resolve the need for a loop system; significant topographic construction and maintenance challenges; traverse higher density of private land development; would incur additional costs on routes no better than those already being considered in detail; would require access through closed section lines; were within/abutting peoples' improved spaces. Also considered was an underground (buried) transmission line on NFS lands. Burying the transmission line for the length of any of the action alternatives on NFS lands would create greater ground disturbance and higher cost than overhead lines. Analysis indicated that overhead transmission line alternative routes on NFS lands would create less ground disturbance during construction and subsequent maintenance and would still meet Forest Plan direction (even regarding scenery effects). These alternatives were considered by the Project Analysis Team, but eliminated from detailed study and not carried forward through the analysis. I concurred with this determination.

### **Public Involvement**

#### **Scoping**

The project was entered into the Schedule of Proposed Actions (SOPA) in December of 2009. SOPA contains a list of Forest Service proposed actions that will soon begin or are undergoing environmental analysis and documentation. It provided information so the public can become aware of and indicate interest in specific proposals (located online at [www.fs.fed.us/sopa/](http://www.fs.fed.us/sopa/)).

A detailed scoping letter was mailed on January 12, 2010, to approximately 220 individuals, tribal representatives, groups, government agencies and other interested members of the public. Also, a public meeting was held at the Rockerville Community Hall on February 4, 2010. At this meeting, Forest Service and BHEC representatives presented the project proposal to the public, questions were answered, concerns and issues were solicited and documented for consideration. A total of 60 responses were received via letters, faxes, public meeting transcripts, personal delivery, or email during the formal scoping period and are filed in the project record. Scoping results were used to confirm issues analyzed and identify a reasonable range of project alternatives.

### **Predecisional EA**

The public was provided an opportunity to comment on the BHEC Rockerville Transmission Line Project Predecisional Environmental Assessment during a 30 day comment period. This comment period began when the legal notice was published in the Rapid City Journal on August 31, 2012. The comment period ended on October 1, 2012. The Forest Service received comments from 17 respondents. These comments have been analyzed using a process called content analysis. See Appendix A in the EA for responses to comments. None of these comments generated a need for re-analysis or required major substantive changes in the document, although minor factual corrections and clarifications have been made to the EA in response to these comments, as described in Appendix A of the EA. All public comment letters, forms, or other forms of public response received are contained within the project file.

### **Best Available Science**

Extensive literature citations were reviewed and considered by resource specialists in preparation of the EA as evidence by the literature cited in sections in the specialists reports. In addition, all literature cited by the public during the comment period was reviewed and considered by resource Project Analysis Team.

### **Finding of No Significant Impact**

CEQ regulations define a Finding of No Significant Impact (FONSI) as a document by a Federal agency briefly presenting the reasons why an action, not otherwise excluded (§1508.4), will not have a significant effect on the human environment and for which an Environmental Impact Statement therefore will not be prepared. It shall include the Environmental Assessment or a summary of it and shall note any other environmental documents related to it (§1501.7(a)(5)).

We have combined the FONSI with the EA, thus there will not be a summary of the effects analysis in the Decision Notice. The EA is incorporated by reference and cited where the significance factor is discussed in the analysis (40 CFR 1508.13).

I have evaluated the effects of the project relative to the definition of significance established by the CEQ Regulations. I have reviewed and considered the EA and documentation included in the Project Record, and I have determined that the BHEC Rockerville Electric Transmission Line Project will not have a significant effect on the human environment. As a result, no Environmental Impact Statement will be prepared. My rationale for this finding is as follows, organized by sub-section of the CEQ definition of significance cited above.

### **Context**

The significance of an action must be analyzed in several contexts and varies with the setting. In the case of site-specific actions, significance depends more on the effects in the locale rather than the world as a whole. Both short- and long-term effects are relevant.

This project is local and would affect only the project area. The issues identified during scoping and considered in alternative development and analysis are local in nature. Effects are limited to the vicinity of the planned activities. The selected alternative is consistent with the requirements

of the Forest Plan and contributes to moving toward or meeting the goals and objectives of the Forest Plan. None of the effects disclosed in the EA are different from those anticipated in the FEIS for the Forest Plan.

### **Intensity**

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from the effects analysis of this EA and the references in the Project Record. I have determined that the interdisciplinary team considered the effects of this project appropriately and thoroughly with an analysis that is responsive to concerns and issues raised by the public. They took a hard look at the environmental effects using relevant scientific information and their knowledge of site-specific conditions gained from field visits. My finding of no significant impact is based on the intensity of effects using the ten factors identified in 40 CFR 1508.27(b).

1. Beneficial and adverse impacts of this decision are addressed in Chapter 3 of the EA. No significant impacts were identified. My decision is not biased by the beneficial effects of the actions.
2. There will be no significant effects on public health and safety. No significant public health and safety issues were identified during the analysis process. The topic of electric and magnetic fields (EMF) was discussed in Chapter 3 of the EA, in the Socio-Economics section.
3. There will be no significant effects on unique characteristics of the area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas located in the project area. No significant direct and indirect effects will occur to wetlands, prime farmlands, wild and scenic rivers or ecological critical areas, as they are either not present or will be protected by project design features, as presented in Chapter 3 of the EA. Project design criteria (EA, Appendix B) include measures to protect riparian areas and to protect and monitor cultural resources. Archaeological sites will maintain their National Register characteristics. For these reasons, there will be no significant effects on unique characteristics of the area.
4. The effects on the quality of the human environment are not likely to be highly controversial. The effects on biological diversity, water quality, soils, and other elements of the environment have been described and are well understood. There is no scientific controversy over the effects of this project (EA, Chapter 3).
5. The effects on the human environment are not highly uncertain, and are very unlikely to involve unique or unknown risks. This project is not unlike others that have been proposed here and elsewhere (EA, Chapter 3).
6. The action is not likely to establish a precedent for future actions with significant effects (EA, Chapter 1). The action does not represent a decision in principle about future considerations. Similar projects conducted in the future will have to be evaluated under the National Environmental Policy Act (NEPA) for the significance of the effects of those specific actions.
7. The cumulative actions considered in the environmental analysis are discussed by resource in Chapter 3 and Appendix C of the EA. The cumulative impacts of the proposed action, considered with other past, present, and reasonably foreseeable actions are not significant (see EA, Chapter 3).

8. The potential effects on cultural resources have been considered in the analysis. No adverse effects are anticipated. In a letter dated July 13, 2012, the South Dakota State Historic Preservation Officer (SHPO) concurred that the project will have no adverse effect on heritage resources.
9. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973, because federally listed species or designated critical habitat do not occur within the project area (EA, Chapter 3). A determination for Forest Service Region 2 sensitive species for the Alternative selected found that there will be no trend towards Federal listing or loss of viability in the planning area, including fish, wildlife and plants (EA, Chapter 3 and Appendix D). The Biological Assessments/Evaluations are part of the project record and were used in preparation of the EA. In addition, a Management Indicator Species (MIS) analysis for this project was completed and it determined that the alternative actions, and relationship to MIS species and the habitat types they represent, are not expected to impact the viability of these species in the future (EA, Chapter 3)
10. As described in more detail below, the action selected will not violate federal, state, or local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (EA, Chapter 3). All state water quality requirements will be met as well as other federal, state, and local requirements imposed for the protection of the environment. Effects on water quality, floodplains, and wetlands are documented in the EA and project file. Design criteria will be used to protect water quality and to meet standards imposed by the Forest Plan and the State (EA, Appendix B). No violations of environmental laws and requirements were identified through the environmental effects analysis. The action is consistent with the Black Hills National Forest Land and Resource Management Plan.

### **Conclusion**

The effects analysis in the Environmental Assessment (Chapter 3) considered both the context and intensity of the action in determining its significance as outlined in 40 CFR 1508.27. Based upon the analysis, I have determined that the Selected Alternative will not significantly affect the human environment, thus an environmental impact statement will not be prepared.

### **Legal Requirements, Regulation, and Policy**

Another aspect of the process of selecting an alternative is ensuring that the planned action comply with all legal requirements and policy. The Selected Action specifically meets the following legal requirements.

**The National Historic Preservation Act of 1966, as Amended:** Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to consider the potential effects of undertakings on historic, architectural or archaeological resources that are eligible for inclusion on the National Register of Historic Places (NRHP).

Potential impacts to these resources have been evaluated in compliance with Section 106 of the NHPA. Proposed actions and monitoring are a component of the action selected for the purpose of minimizing or avoiding impacts, as described in more detail in the EA. For purposes of

Section 106 consultation, implementation would result in no adverse effect to cultural resources. The South Dakota SHPO concurred with this finding on July 13, 2012. This letter is in the project file. The cultural resource section of the EA and the cultural resources report provide more detail on this determination.

**The National Environmental Policy Act (NEPA), 1969:** The National Environmental Policy Act establishes the format and content requirements of environmental analysis and documentation. The process of preparing the BHEC Rockerville Electric Transmission Line EA and DN was completed in accordance with NEPA.

**The Endangered Species Act, 1973:** The project decision is in compliance with the Endangered Species Act (ESA). There are no threatened, endangered or proposed species with in the BHEC Rockerville Electric Transmission Line Project Area. Therefore, no consultation was required with the US Fish and Wildlife Service. The bald eagle was recently de-listed under ESA. Potential effects to bald eagles and other sensitive species, along with documentation regarding species covered under ESA, were included in a biological assessment/biological evaluation and summarized in Appendix D of the EA.

**The Clean Water Act:** This act establishes a non-degradation policy for all federally proposed projects. There are no perennial streams near the alternative transmission line routes. Battle Creek is the nearest perennial stream - located three miles to the south of the project area. There are several unnamed ephemeral drainages in the area that may flow intermittently due to snowmelt or following heavy or prolonged precipitation. None of the drainages within the project area are listed specifically for other beneficial uses due to the lack of continuous surface water. No water bodies within the project area are currently listed or have previously been listed as impaired.

The Selected Action is not expected to degrade water quality or exceed state specified thresholds. This will be accomplished through planning, application, and monitoring and implementation of design criteria associated with project activities.

**Clean Air Act of 1970:** The Clean Air Act of 1970 and its amendments provide for protecting and enhancing the nation's air resources. Federal and state ambient air quality standards are not expected to be affected or exceeded by implementing the action selected. This action is consistent with the Clean Air Act.

**Executive Orders:** The Selected Action complies with all relevant executive orders, including those related to cultural resources (11593), floodplains (11998), wetlands (11990), environmental justice (12898), aquatic systems and recreational fisheries (12692), Indian Sacred Sites (13007), spread of invasive species (13112), Migratory Bird Treaty Act (13186), and Consultation and Coordination with Indian Tribal Governments (13175).

**Consistency with the Land and Resource Management Plan:** The 1997 Black Hills National Forest Land and Resource Management Plan (Forest Plan) supported by its Final Environmental Impact Statement (FEIS), is the Forest programmatic document required by the rules of implementing the Forest and Rangeland Renewable Act of 1974 (RPA), as amended by the National Forest Management Act of 1976 (NFMA). The Forest Plan was amended by the Phase

II Forest Plan Amendment Record of Decision made in October 2005, and became effective March 2, 2006. This amendment provides revised and new goals, objectives, standards, and guidelines focused on protecting communities, property, and forest values by reducing severe insect and fire hazard; conserving plant and animal species and habitats for the long term supported by the best available science; and designating research natural areas.

The NFMA law (16 U.S.C. 1604(i)) requires me to ensure that permits, contracts, cooperative agreements, and other activities carried out on the Black Hills National Forest are consistent with the Forest Plan. Accordingly, I have reviewed the components of my decision against Forest Plan direction, and find they are consistent in that:

- Planned activities will contribute to Forest Plan goals and objectives.
- I have reviewed the BBNF FY2009 Monitoring and Evaluation Report and Region 2 Management Indicator Species (MIS) guidance for projects. The effects of planned activities on management indicator species are consistent with the Forest Plan.
- Planned activities are consistent with management area direction.
- Planned activities comply with Forest Plan Standards.
- Planned activities are consistent with the Watershed Conservation Practices Handbook.

**Consistency with the National Forest Management Act:** The 1982 and 2000 planning rules are no longer in effect. Pursuant to the 2012 planning rule (77FR21162) project decisions must be consistent with the Forest Plan (36 CFR 219.17(c)).

The scope of analysis for a Forest Plan's management indicator species is determined by the Forest Plan's management direction, specifically, its standards and guidelines (Chapter II) and monitoring direction (Chapter IV). The Black Hills National Forest, Forest Plan as amended contains no obligation to conduct project-specific monitoring or surveying for management indicator species--Phase II Record of Decision, pages 8 and 20; Forest Plan as Amended, page I-11, Objective 238. The Forest Plan establishes monitoring and evaluation requirements that do not require population monitoring for MIS, but rather employ habitat relationships (Phase II ROD, pp. 20; Forest Plan as Amended, pg. I-11, Objective 238). The project analyzed several management indicator species (black-backed woodpecker, brown creeper, grasshopper sparrow, ruffed grouse, and white-tailed deer) because habitat for these species is available in the project area. Populations of MIS evaluated are likely to persist on the Forest under the action selected; populations would remain stable.

The Selected Action is consistent with the requirements in the Forest Plan because:

- Action is consistent with objective 238a to maintain or enhance habitat for ruffed grouse, white-tailed deer, brown creeper and grasshopper sparrow. See species discussions in Chapter 3 of the EA.
- Action is consistent with objective 238b to maintain habitat opportunities for black-backed woodpeckers. See species discussion in Chapter 3 of the EA.
- Actions are consistent with objective 221 to conserve or enhance habitat for R2 sensitive species and species of local concern. Refer to species discussions in Chapter 3 and

Appendix D of the EA; and to the Wildlife and Fish Biological Assessment/Biological Evaluation.

The action selected is further consistent with the Forest Plan because it meets the following standards:

- 1101, 1102, 1103, 1301 regarding soil productivity, compaction, erosion, disturbance and stream health. Refer to the soil and water resources discussion in Chapter 3 of the EA, as well as design criteria in Appendix B.

## **Administrative Review**

This decision is subject to administrative review (appeal) pursuant to 36 Code of Federal Regulation (CFR) Part 215. Notices of Appeal that do not meet the content requirements of 36 CFR 215.14, as appropriate, will be dismissed.

### **Appeals filed under 36 CFR Part 215**

Appeals filed under 36 CFR Part 215, must be submitted (by regular mail) to: USDA Forest Service Region 2, Appeals Deciding Officer, 740 Simms Street, Golden, CO 80401 or (by fax) to 303-275-5134. The office business hours for those submitting hand delivered appeals are 7:30 a.m. to 4:30 p.m. Monday through Friday, excluding holidays. Electronic appeals must be submitted in .pdf, rich text format (.rtf), or Word (.doc) to [appeals-rocky-mountain-regional-office@fs.fed.us](mailto:appeals-rocky-mountain-regional-office@fs.fed.us). Include the name of the project being appealed in the subject line. Appellants should normally receive automated electronic acknowledgement as confirmation of agency receipt of electronic appeals. If the appellant does not receive an automated acknowledgement of receipt, it is the appellant's responsibility to ensure timely receipt by other means. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Appeals, including attachments, must be filed within 45 days from the publication date of notice of this decision in the Rapid City Journal, the newspaper of record. Attachments received after the 45 day appeal period will not be considered. The publication date in the Rapid City Journal, newspaper of record, is the exclusive means for calculated 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.

To be eligible to appeal this decision on this project, an individual or group must have provided a comment or otherwise expressed interest in this project by the close of the comment period. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

## **Implementation Date**

Implementation of the Selected Action will occur under the authority of this Decision Notice, subject to the appropriate appeal and implementation procedures cited above. Acreages and locations are approximate and may vary slightly during implementation depending on site-specific conditions.

Pursuant to 36 CFR Part 215, if no appeal is filed within the 45-day time period, 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 occur on, but not before, the 15<sup>th</sup> business day following the date of the last appeal disposition.

## Contact Person

For additional information concerning this decision, contact Dave Slepnikoff, Project Leader, Ruth Esperance, Mystic District Ranger, phone (605) 343-1567, or Craig Bobzien, Forest Supervisor, Deciding Official, phone (605) 673-9200. For further information on the Forest Service appeal process, contact Ed Fischer, Environmental Coordinator, Black Hills National Forest, 1019 N. 5<sup>th</sup> Street, Custer, SD, 57730, phone (605) 673-9200.

*/s/Craig Bobzien*

*June 21, 2013*

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CRAIG BOBZIEN  
Forest Supervisor  
Black Hills National Forest  
USDA Forest Service

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Date

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**Table 1. Effects to Key Issues by Alternative**

	Alt 1	Alt 2	Alt 3 Selected Action	Alt 4	Alt 5
	Proposal	Visual	Shorter NF Route	Mostly Private	No Action
<b>1. Scenery Issue</b>					
Contributes toward achieving MA 5.4 Scenery Integrity Objectives (SIO) (FP Guidelines 5601 and 5.4-5601) (Yes, No).					
Mile Post 0.0 to Mile Post 1.6 (Neck Yoke Road)	No*	No*	No*	No*	Yes
Mile Post 1.6 (Neck Yoke Road) to End of Project	No	Yes	Yes	No	Yes
Transmission line design and construction effects scenery (Low, Moderate, High level of impact).					
Mile Post 0.0 to Mile Post 1.6 (Neck Yoke Road)	H	H	H	H	NA
Mile Post 1.6 (Neck Yoke Road) to End of Project	H	M	L	L	NA
Visibility from travel corridors (None/Low, Moderate, High).					
Mile Post 0.0 to Mile Post 1.6 (Neck Yoke Road)	H	H	H	H	NA
Mile Post 1.6 (Neck Yoke Road) to End of Project	H	L	L	M	NA
Visibility from residences or subdivisions (1-None/Low, 2-Moderate, 3-High).					
	H	L	L	H	NA
<b>2. Socio-economic Issue</b>					
Consistent with Forest Plan Standards and contributes toward achieving Guidelines relative to utility corridors (FP Guidelines or Standards 8303-8310) (Yes, No).					
	Yes	Yes	Yes	Yes	Yes
Cost (\$/Mile). The cumulative cost of respective alternatives.					
	\$370,000	\$370,000	\$370,000	\$370,000	0
Miles of transmission line within ¼ mile of private land.					
	2.9	3.0	2.4	4.8	0
Miles of transmission line within ¼ mile of residences.					
	1.7	1.5	1.8	4.1	0
<b>3. Access and Travel management Issue.</b>					
Consistent with Forest Plan Standards and contributes toward achieving Goals, Objectives, and Guidelines relative to Access and Travel Management (FP Goal 4, Objectives 420-422, Standards or Guidelines 9101-9109, 9201-9205) (Yes, No).					
	Yes	Yes	Yes	Yes	Yes
Change in public motorized access (Yes, No).					
	No	No	No	No	No
Change in public non-motorized access (Yes, No).					
	No	No	No	No	No
Miles of permanent road constructed.					
	0	0	0	0	0

\* Approximately 0.4 miles interspersed along Neck Yoke Rd between mile posts 0.0 and 1.6 do not meet SIO.

**Table 1. Effects to Key Issues by Alternative**

	Alt 1	Alt 2	Alt 3 Selected Action	Alt 4	Alt 5
	Proposal	Visual	Shorter NF Route	Mostly Private	No Action
<b>1. Scenery Issue</b>					
Contributes toward achieving MA 5.4 Scenery Integrity Objectives (SIO) (FP Guidelines 5601 and 5.4-5601) (Yes, No).					
Mile Post 0.0 to Mile Post 1.6 (Neck Yoke Road)	No*	No*	No*	No*	Yes
Mile Post 1.6 (Neck Yoke Road) to End of Project	No	Yes	Yes	No	Yes
Transmission line design and construction effects scenery (Low, Moderate, High level of impact).					
Mile Post 0.0 to Mile Post 1.6 (Neck Yoke Road)	H	H	H	H	NA
Mile Post 1.6 (Neck Yoke Road) to End of Project	H	M	L	L	NA
Visibility from travel corridors (None/Low, Moderate, High).					
Mile Post 0.0 to Mile Post 1.6 (Neck Yoke Road)	H	H	H	H	NA
Mile Post 1.6 (Neck Yoke Road) to End of Project	H	L	L	M	NA
Visibility from residences or subdivisions (1-None/Low, 2-Moderate, 3-High).					
	H	L	L	H	NA
<b>2. Socio-economic Issue</b>					
Consistent with Forest Plan Standards and contributes toward achieving Guidelines relative to utility corridors (FP Guidelines or Standards 8303-8310) (Yes, No).					
	Yes	Yes	Yes	Yes	Yes
Cost (\$/Mile). The cumulative cost of respective alternatives.					
	\$370,000	\$370,000	\$370,000	\$370,000	0
Miles of transmission line within ¼ mile of private land.					
	2.9	3.0	2.4	4.8	0
Miles of transmission line within ¼ mile of residences.					
	1.7	1.5	1.8	4.1	0
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Consistent with Forest Plan Standards and contributes toward achieving Goals, Objectives, and Guidelines relative to Access and Travel Management (FP Goal 4, Objectives 420-422, Standards or Guidelines 9101-9109, 9201-9205) (Yes, No).					
	Yes	Yes	Yes	Yes	Yes
Change in public motorized access (Yes, No).					
	No	No	No	No	No
Change in public non-motorized access (Yes, No).					
	No	No	No	No	No
Miles of permanent road constructed.					
	0	0	0	0	0

\* Approximately 0.4 miles interspersed along Neck Yoke Rd between mile posts 0.0 and 1.6 do not meet SIO.

Figure 1 – Project Area Map

**Project Area Map: BHEC Rockerville Transmission Line Project**

