



United States  
Department of  
Agriculture

Forest Service  
Southern Region

April 2013



# **Decision Notice**

and

# **Finding of No Significant Impact**

## **Duke Energy Hankins Transmission Line Rebuild Project**

Grandfather Ranger District  
Pisgah National Forest  
McDowell County, North Carolina

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and  
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**Duke Energy Hankins Transmission Line Rebuild Project**

USDA Forest Service  
Grandfather Ranger District, Pisgah National Forest  
McDowell County, North Carolina

## Decision and Rationale

### Decision

Based upon my review of the alternatives, I have decided to select **Alternative B** of the Duke Energy Hankins Transmission Line Rebuild Project Environmental Assessment (January 2013 EA). The Selected Alternative will:

- Rebuild, operate and maintain approximately 2.1 miles of a 44-kV electric transmission line adjacent to existing corridor.
- Reconstruct and use existing access roads and power line corridor for Project Implementation and Maintenance of the corridor in the future.
- Abandon 34 feet of original corridor after construction by removing 44-kV transmission line support structures and allow this area to revert to its natural state.
- Control of Invasive Species with herbicide within the existing and abandoned corridor.

As a result of comments and review the from Forest Service Timber Staff, I have made the minor modification to Alternative B of removing some cut trees (less than 100 ccf). Route for hauling timber will be within the power line right of way. In the final EA on page 9 it states that trees would only be disposed of by chipping.

### Best Available Science

My decision is based on a review of the project record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk pursuant to 40 CFR 1502.9(b), 1502.22, and 1502.24.

### Rationale

The purpose and need for the proposal is disclosed in Section 1.1, and is to allow Duke Energy to provide reliable electric service to northern McDowell communities of Hankins, Woodlawn, Sevier and North Cove. The rebuilding of the line will allow Duke Energy to meet current load requirements and enhance capacity of the electric line.

In reaching my decision, I reviewed the purpose and need for the project and the alternatives considered in detail in the EA. I then carefully weighed the effects analyses of the alternatives analyzed in detail and the public comments received on the EA. The analysis and surveys of the area was conducted by GAI Consulting. Review, comment and concurrence of the reports and analysis was done by the respective resource professionals for Pisgah National Forest.

I believe the Selected Alternative B will provide the public's need for electricity in this area and is consistent with the Pisgah/Nantahala Management Plan as amended, which allows for this type of use of the Pisgah National Forest when they contribute to public benefit and these needs cannot be met on private land.

## Other Alternatives Considered

In addition to the Selected Alternative B, I considered Alternative A – *No Action*.

### Alternative A – No Action

Under Alternative A, the public's need for reliable current or future electrical needs of these communities were not provided.

## Public Involvement

This proposal was listed in the schedule of proposed actions in October, 2012 and was provided to the public and other agencies for comment on October 5, 2012 through November 9, 2012.

The formal 30-day Notice and Comment was concurrent with the scoping period and a detail proposal and preliminary analysis. A total of six comments were received on the detailed proposed action and preliminary analysis.

I carefully reviewed and weighed all comments received during the development of this decision and used them to guide my decision. Comments are addressed in the EA (see Summary to Comments, Table 2).

## Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action (Chapter 3).
2. There will be no significant effects on public health and safety and implementation will be in accordance with project design features (Section 3.3.8).
3. There will be no significant effects on unique characteristics of the area, because there are no park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas in the project area, nor would it violate local law or requirements imposed for the protection of the environment (Section 3.0).
4. The effects on the quality of the human environment are not likely to be highly controversial because there is no known scientific controversy over the impacts of the project (Section 3).
5. We have considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk (Section 3).
6. The action is not likely to establish a precedent for future actions with significant effects, because the project is site specific and effects are expected to remain localized and short-term (Section 3).
7. The cumulative impacts are not significant (Section 4).
8. The action will have no effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places (Section 3.3.5). The action will also not cause loss or destruction of significant scientific, cultural, or historical resources (Section 3.3.5). A heritage report was completed for this project which found that there were no archeological sites eligible for the National Register of Historic Places. The State Historic Preservation Office (SHPO) concurred on April 1, 2013. The Tribal Historic Preservation Office (THPO) concurred with the report on July 16, 2012.
9. Biological Evaluation (Appendix C, ) concluded:

- A. Botanical - The proposed activity would not affect (directly, indirectly or cumulatively) federally or state listed TES plan species. Further Consultation with U.S. Fish and Wildlife is not required. Also the proposed activity would not impact Regional Foresters' forest concern species.
- B. Wildlife and Aquatic - No risk to population viability of federally or state listed threatened, endangered, or sensitive (TES) species would occur as a result of the implementation of the project. The project would have no effect or impact on TES species or Regional Forester's wildlife or aquatic species within the proposed activity areas.
- C. The USDI Fish and Wildlife Service concurred *with the determinations of effect in a letter dated October 18, 2012.*
10. The action 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. The action is consistent with the Nantahala and Pisgah National Forests Land and Resource Management Plan Amendment 5.

### Findings Required by Other Laws and Regulations

My decision to implement the Selected Alternative is consistent with the intent of the long-term goals and objectives listed on pages III-1 and III-2 of Forest Plan Amendment 5. The project was designed to meet land and resource management plan standards and incorporates appropriate land and resource management plan guidelines.

### Administrative Review and Contacts

This decision is subject to appeal pursuant to 36 Code of Federal Regulation (CFR) 215.11. A written appeal, including attachments, must be postmarked or received within 45 days after the date this notice is published in *The Asheville Citizen-Times*, the Responsible Official's newspaper of record (36 CFR 215.2). The appeal shall be sent to:

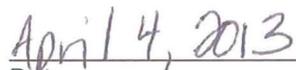
National Forests in North Carolina  
ATTN: Appeals Deciding Officer  
160-A Zillicoa Street  
Asheville, North Carolina 28801

Hand-delivered appeals must be received within normal business hours of 8:00 a.m. to 4:30 p.m. Appeals may be faxed to (828) 257-4263 or mailed electronically in a common digital format to: [appeals-southern-north-carolina@fs.fed.us](mailto:appeals-southern-north-carolina@fs.fed.us). Those who provided comments or otherwise expressed interest in a particular proposed action by the close of the formal notice and comment period may appeal this decision pursuant to 36 CFR 215.13. Appeals must meet content requirements of 36 CFR 215.14. For further information on this decision, contact Steverson Moffat, NEPA Team Leader, at 828-837-5152.

### Implementation Date

As per 36 CFR 215.9, if no appeal is received, implementation of this decision may occur on, but not before, the 5<sup>th</sup> business day following the close of the appeal-filing period (36 CFR 215.15). If an appeal is filed, implementation may occur on, but not before the 15<sup>th</sup> business day following the date of appeal disposition.

  
Kristin Bail, Forest Supervisor National Forests in North Carolina

  
Date April 4, 2013