
DECISION NOTICE
OTERO COUNTY ELECTRIC COOPERATIVE TRANSMISSION LINE
U.S. FOREST SERVICE
LINCOLN NATIONAL FOREST
SMOKEY BEAR RANGER DISTRICT
LINCOLN COUNTY, NEW MEXICO

DECISION

Based upon my review of the Otero Country Electric Cooperative Transmission Line Environmental Assessment (EA), I have decided to implement Alternative 2—Proposed Action, which includes issuing a right-of-way for the construction of approximately 9 miles of new transmission line from near Ruidoso Downs to near Alto, New Mexico. A new 10 MVA, 115kV-24.9/14.4kV substation will be constructed at the north end of the project area near Alto. The substation will cover up to 2 acres of a 5-acre parcel owned by OCEC. The total amount of disturbance for the proposed project will be up to 60 acres. Approximately 24 acres of disturbance will occur on National Forest System (NFS) lands, and 36 acres of disturbance will occur on private lands. The transmission line will be constructed using single poles approximately 80 feet in height. An easement across NFS land will also be authorized for private land access. Specific project information regarding the precise number of power poles to be installed is unknown at this time and will be determined to meet engineering specifications while meeting mitigations outlined in the EA. The Forest Service action for this project is the approval of a right-of-way permit for the proposed electric line and for an easement for private land access through the Lincoln National Forest.

DECISION RATIONALE

The capacity of the current electrical transmission system serving the communities of Alto, Ruidoso Downs and surrounding areas is insufficient to meet demand. Currently, the Biscuit Hill substation serving the area is overloaded as a result of area population growth. Overload of the substation has led to power outages and unsafe conditions for area residents and businesses. There is a need to supplement area electrical service in order to ensure reliability and redundancy of the power supply in the area. The project will reduce the current overloading of the Biscuit Hill substation.

The proposed action alternative fulfills regulatory requirements, accepted policies and agreements. The Energy Policy Act includes provisions for providing adequately reliable electrical transmission to consumers (Title XII, Electricity) (US Department of Energy 2005). Reliable electrical transmission throughout the country is based on the enactment of the

Energy Policy Act of 2005 (Public Law 109-58). The proposed action would also fulfill requirements under the Alaska National Interest Lands Conservation Act of 1980 (P.L. 96-487).

The proposed action alternative addresses the goals and objectives outlined in the Lincoln National Forest Land and Resource Management Plan (Forest Plan) in responding “to changing conditions of land and other resources and to changing social and economic demands of the American people” (United States Department of Agriculture Forest Service Southwestern Region 1986, page 2) by issuing a right-of-way and authorizing the construction of a 115kV transmission line on National Forest System (NFS) lands.

Alternative 1—No Action was also considered in detail. However, this alternative fails to meet the purpose and need of the project as described above as it does not authorize a right-of-way that will allow OCEC to supplement electrical service in the Ruidoso Downs and Alto communities to increase reliability and redundancy of the system. Therefore, alternative 1 was not selected.

ANALYSIS SUMMARY

A Finding of No Significant Impact (FONSI) and EA were considered. I determined these actions will not have a significant effect on the quality of the human environment, and an Environmental Impact Statement (EIS) will not be prepared.

Implementation of this action – issuing a right-of-way for the construction of a transmission line and a new substation to increase area electrical service and issuing an easement for private land access – will affect environment resources including impacts to soils and vegetation for construction and maintenance activities. Small portions of habitat for wildlife would also be affected by the removal of trees and other vegetation. Construction of the proposed project would result in visual impacts within the vicinity of the project area. Electrical service to nearby landowners and communities would increase and become more reliable. The environmental consequences to these affected environments are evaluated in the EA. Project design features and mitigations are incorporated into the proposed action alternative to ensure that negative impacts on valued resources are minimized to a level that is less than significant.

The Otero County Electric Cooperative Transmission Line EA documents the environmental analyses and conclusions upon which this decision is based. Discussions of impacts evaluate the maximum possible impact anticipated to occur as a result of the proposed project. The analysis shows that project design features and mitigations implemented during project implementation will minimize potential environmental and socioeconomic effects to a level that is less than significant.

PUBLIC INVOLVEMENT

The proposal was provided to the public and other agencies for comment during scoping beginning February 13, 2012. The EA lists agencies and people consulted on page 28. Letters were sent to local and state agencies including a brief project description and project map. In

addition, as part of the public involvement process, the OCEC individually contacted all private land owners who have property within the project area. A 30-day scoping solicitation was also placed in the *Ruidoso News* on February 29 and March 14, 2012. Responses from the U.S. Fish and Wildlife Service and the New Mexico Department of Game and Fish were received; neither agency expressed concern regarding the project proposal. Two public comments were also received during the scoping period. One comment is strongly in support of the project. The second comment expressed support for the project as well as concerns regarding the removal of large trees and littering by workers during project implementation. Tree removal would be incidental for project implementation, occurring only within the 100-foot right-of-way and only when necessary for project construction or maintenance; project design includes retention of all trees where feasible within the project area. The harvest of large trees is beyond the scope of the proposed action alternative; however, monitoring during project implementation will ensure that provisions of special use permit are followed. Concerns about littering are also beyond the scope of the proposed action; however, observations of littering during periodic monitoring will be documented and passed on to OCEC as appropriate.

A 30-day legal notice and comment period was also initiated in the *Ruidoso News* beginning April 17, 2013. Letters with the draft EA attached were also sent to those who previously commented or otherwise expressed interest in the project at that time. No comments were received during the notice and comment period.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

The National Forest Management Act (NFMA) requires development of long-range land and resource management plans. The Lincoln National Forest Plan was approved in 1986 and periodically amended as required by the NFMA. This project is in Forest Management Plan Area 1J, Lower Ruidoso, where the primary emphasis is on preserving soil productivity, maintaining range and wildlife habitat improvements, and fuelwood production. This project is consistent with management direction and standards and guidelines documented in the Forest Plan for this management area. This decision is consistent with standards and guidelines contained in the Forest Plan for soil, hydrology, lands, archeology, and wildlife. The proposed project addresses the Forest Plan objectives of responding to changing social and economic conditions in the consideration of economic efficiency within the project vicinity. Impacts to management indicator species are expected to be minimal as the project will not substantially change the habitat conditions for juniper titmouse, pygmy nuthatch and mule deer that currently exist.

Endangered Species Act -- The Endangered Species Act of 1973 (ESA) requires the evaluation of potential impacts on federally listed species and their critical habitat. Prior to the biological field survey, the USFWS and New Mexico Department of Game and Fish (NMDGF) lists of protected, monitored, and sensitive species for Lincoln County, and the Region 3 Forest sensitive species list were reviewed to identify status species that could be impacted by project activities.

Potential impacts to over 80 protected, sensitive, or monitored species were evaluated. Most species were eliminated from further consideration because no suitable habitat is present within the project area. Potential impacts to four species, including Kuenzler's hedgehog cactus, gray vireo, gray-footed chipmunk, and Peñasco least chipmunk were evaluated in detail as they could occur with the project area.

No federally-protected species or species that appear on the Region 3 sensitive species list were observed within the project area during the January 2012 biological resources survey, which is included in the project record.

Project activities in areas where suitable habitat for federally-listed species or species that appear on the Region 3 sensitive species list may exist shall be avoided to the extent practicable. If any federally-listed or Region 3 sensitive species is observed during project implementation, the contractor shall immediately notify the U.S. Forest Service.

Migratory Bird Treaty Act – Suitable habitat is present for neotropical migratory birds. Construction activities may require the removal or disturbance of shrubs and trees. No raptor or other bird nests were identified; however, suitable nesting habitat for migratory bird species is present and nesting may occur during the breeding season (March 1 – August 31). Suitable habitat will be surveyed or monitored as appropriate prior to clearing vegetation to minimize impacts to migratory birds.

Environmental Justice (Executive Order (EO) 12898) -- This EO requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this EO. The project area is located in Lincoln County, New Mexico. Public census data show that the poverty level is lower and average income is higher in Lincoln County than for the state. Additionally, minority populations in Lincoln County are lower than for the state. No residents or businesses would be relocated as a result of the Proposed Action Alternative. Area businesses and residents would benefit from improved electrical service. Based on this information and the low population density near the project area, the proposed action would not adversely impact local minority or low-income populations.

National Environmental Policy Act (NEPA) -- NEPA requires public involvement and consideration of potential environmental effects. This document and the project record provide documentation for this decision which supports compliance with the NEPA.

National Historic Preservation Act (Section 106)—The project area was surveyed for cultural resources and historic properties. No eligible or potentially eligible historic properties were identified within the right-of-way. The SHPO concurred with the findings on January 2, 2013. The project record provides documentation for this determination, which supports NHPA compliance.

ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES

No substantive comments or only supportive comments were received; therefore this decision is not subject to appeal per 36 CFR 215.12.

IMPLEMENTATION DATE

This decision is not subject to appeal pursuant to 36 CFR 215.12. Implementation may begin immediately.

CONTACT

For additional information concerning this decision, contact: the Smokey Bear Ranger District during normal business hours (weekdays, 7:30 a.m. to 4:30 p.m.) at 901 Mechem Drive in Ruidoso, New Mexico: by phone: 575-257-4095; by fax: 575-257-6174; or by mail; 901 Mechem Drive, Ruidoso, New Mexico 88345. For additional information, please contact Christina Thompson, District Recreation, Minerals, and Lands Staff, at the Smokey Bear Ranger District at 575-257-4095.



4/5/13

David M. Warnack

Date

Smokey Bear District Ranger

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.