

FINDING OF NO SIGNIFICANT IMPACT

**McCreary County Jct. – Kentucky Utilities Wofford 69 kV Transmission Line
Rebuild Project
Daniel Boone National Forest, Stearns Ranger District
McCreary and Whitley Counties, Kentucky**

**RURAL UTILITIES SERVICE
U.S. Department of Agriculture**

**Prepared by:
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East Kentucky Power Cooperative

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A. INTRODUCTION

East Kentucky Power Cooperative (EKPC) submitted a financing request to the U.S. Department of Agriculture, Rural Utilities Service (RUS) to construct the proposed McCreary County Junction-Kentucky Utilities Wofford 69 kilovolt (kV) Transmission Line Rebuild Project, McCreary and Whitley Counties, Kentucky. The existing electric transmission line section that will be rebuilt is approximately 20.7 miles in length with 8.6-miles located within an existing 100-foot wide right-of-way (ROW) in the Daniel Boone National Forest (DBNF) System lands, Stearns Ranger District (SRD), and private property in south-central Whitley and McCreary Counties, Kentucky. The transmission line reconstruction project will require the United States Forest Service (USFS) to grant an amendment to EKPC's existing Special Use Permit STE4062 (EKPC, Special Use Permit STE4062).

RUS may consider approving this financing request. Prior to taking a federal action (e.g., providing financial assistance), RUS is required to complete an environmental effects analysis in accordance with the National Environmental Policy Act of 1969 (NEPA) (U.S. Code 4321 et seq.), the Council on Environmental Quality's regulations for implementing NEPA (40 Code of Federal Regulations Parts 1500-1508), and RUS's NEPA implementing regulations, Environmental Policies and Procedures (7 CFR Part 1970). RUS is required to prepare an Environmental Assessment (EA) for the proposed project. Because the transmission line reconstruction project is located within National Forest System (NFS) lands and will require the USFS to grant an amendment to EKPC, Special Use Permit STE4062, the USFS is the lead agency for NEPA and Section 106 of the National Historic Preservation Act. RUS participated as a cooperating agency in the preparation of the EA to fulfill its National Environmental Policy Act responsibilities.

After completing an independent analysis of a report prepared by EKPC, RUS concurred with its scope and content. In accordance with 7 CFR § 1970.102(6), RUS and USFS adopted the report and issued it as the agencies' EA for the proposed Project. RUS finds that the EA is consistent with federal regulations and meets the standards for an adequate EA. EKPC published two newspaper notices in a weekly periodical, announcing the availability of the EA for public review, in accordance with 7 CFR §1970.102(6)(ii).

B. PROJECT DESCRIPTION

EKPC is proposing the McCreary County – Wofford transmission line rebuild project to improve system reliability by improving the physical condition of the existing transmission line, including the conductors, static wires, poles, and/or structures.

The proposed project would be approximately 20.7 miles in length. The existing transmission line is located in McCreary and Whitley Counties and roughly parallels KY Hwy 478, between Whitley City and Wofford, Kentucky. The route of the existing transmission line to be rebuilt crosses approximately 12.1 miles of private land, encompassing approximately 146.7 acres, and approximately 8.6 miles of NFS land in the existing 100-foot ROW associated with the Stearns Ranger District of the Daniel Boone National Forest, encompassing approximately 104.2 acres.

Access for the construction of the proposed transmission line would maximize the use of existing public and private roads in the project area, existing USFS roads, and existing EKPC maintenance access roads, but would require the improvement/construction of some access roads. Roughly 16.6 miles of access roads, which would be approximately 15 feet in width, would be improved or constructed for the construction and maintenance of the transmission line. These access roads would cross approximately 5.6 miles of private land, involving approximately 11.7 acres, and approximately 11.0 miles of NFS land, involving approximately 20.0 acres. The design includes the replacement of the existing 200 wood-pole structures with an approximate above ground height of 60 feet and a typical span length of 550 feet with 151 steel-pole structures with an approximate above ground height of 72 feet and a typical span length of 750 feet. Because the new steel poles are not flammable, it would provide additional benefits for the USFS by eliminating the need to pretreat poles prior to cyclical prescribed burns.

These additional benefits would ultimately result in future cost savings for EKPC's Owner-Members and the USFS. One segment of the existing line (approximately 1,250 feet in length) located on private property between structures six and eight would be relocated up to 160 feet to the north to increase the distance from recently built private residences. The use of low-volume, selective herbicide treatment every three to five years would be used to maintain/control woody-

stemmed vegetation in the ROW. Selective herbicide treatment would be performed manually using a foliar application method during the months of May through October. The selective manual foliar method of application utilizes herbicide spray that is applied directly onto the leaves of target vegetation during the growing season when the plants are in full leaf, and not to desired species. The herbicide spray would be delivered by walking the ROW using low volume backpack sprayers fitted with large droplet hose end nozzles. On NFS lands, the herbicide would be applied in accordance with label instructions and USDA approved procedures as stipulated by the standards outlined in the *Forest Plan*. In areas where herbicide use is prohibited (i.e. sensitive habitats) the vegetation would be cut either by mechanical or manual methods.

A complete rebuild of the McCreary County – Wofford transmission line section using steel pole structures was determined to be the most cost-effective long-term solution. Rebuilding this line section with larger conductor will not only improve the physical condition of the line, it would also provide increased conductor thermal rating, increased voltage support for normal and contingency conditions, address reliability concerns, and reduce conductor losses. Rebuilding this line section will also ensure the facility is brought up to date and is compliant with current federal National Electric Safety Code.

C. PURPOSE/NEED

1. Agency Purpose and Need

RUS is authorized to make loans and loan guarantees to finance the construction of electric distribution, transmission, and generation facilities, including system improvements and replacements required to furnish and improve electric service to rural areas, as well as demand side management, energy conservation programs, and on-grid and off-grid renewable energy systems. The Rural Electrification Act of 1936, as amended (7 USC §901 et seq.), generally authorizes the Secretary of Agriculture to make rural electrification and telecommunication loans, including specifying eligible borrowers, references, purposes, terms and conditions, and security requirements.

2. Applicant Purpose and Need

EKPC of Winchester, Kentucky, is a non-profit electric generation and transmission cooperative that provides electric power to 16 Owner-Member Electric Distribution Cooperatives. The distribution cooperatives serve approximately 530,000 homes, farms, and commercial and industrial customers in 87 Kentucky counties located across the central and eastern portions of the Commonwealth. The McCreary County Junction – Kentucky Utilities Wofford 69 kV Transmission Line section (McCreary County – Wofford) is roughly 20.7 miles in length, and was one of EKPC's first transmission lines, constructed circa 1952. The outage probability of this line section is expected to be considerably higher than for other lines on the EKPC system. Due to reliability concerns associated with the deteriorating physical condition of the existing facility, EKPC has identified the need to rebuild this line section as the most cost-effective long-term solution.

D. ALTERNATIVES EVALUATED

1. Action A (Preferred Alternative)

Alternative A (Proposed Action) consists of the USFS amending *Special Use Permit No. 4062* to EKPC for the purpose of rebuilding, operating, and maintaining the McCreary County – Wofford Transmission Line with the use of herbicides on NFS Lands. RUS would also provide the financing assistance for the electric transmission line rebuild project as part of the Proposed Action.

2. Alternative B

Alternative B consists of the USFS amending *Special Use Permit No. 4062* to EKPC for the purpose of rebuilding, operating, and maintaining the McCreary County – Wofford Transmission Line on NFS Lands (as outlined in Section 2.1: *Proposed Action*); however, the use of herbicides to maintain the ROW would not be allowed on NFS land. The ROW would continue to be maintained through manual and mechanical cutting techniques, as currently permitted. This alternative addresses issues of concern regarding the use of herbicides on NFS lands.

3. Alternatives Eliminated from Further Consideration

Because the proposed project would be located completely within the existing 100-foot-wide ROW easement, any alternatives to the current route could potentially affect a larger area, cost

more to construct, affect more property owners, and have greater environmental impacts. Therefore, the proposed route was the only alternative considered in detail for the McCreary County – Wofford transmission line rebuild project.

E. SUMMARY OF ENVIRONMENTAL EFFECTS

Cultural Resources and Historic Properties. EKPC and their consultant, Cultural Resource Analysts, Inc. (CRA) initiated consultation with the Kentucky State Historic Preservation Office (SHPO) by letter dated May 13, 2019, as well as coordination with federally recognized tribes by letter dated May 23, 2019. SHPO concurred with the USFS finding of No Adverse Effect for the aboveground portion of the undertaking in an April 16, 2020 letter following their review of the Cultural Historic Overview Survey report dated October 3, 2019. After the review of the April 13, 2020 Archaeological Survey report, SHPO concurred with the USFS recommended finding of no adverse effects in a letter dated June 10, 2020 except with regards to site 15Wh244. The SHPO letter stated that they could not concur that site 15Wh244 will not be adversely affected by the proposed undertaking due to its close proximity to the access road. However, after SHPO’s review of EKPC’s plans to protect the site by installing a keyed gate at the entrance of the access road, SHPO concurred with a No Adverse Effect to Historic Properties determination for the project via letter dated September 9, 2020.

Threatened and Endangered Species. The effects of the proposed action to endangered or threatened species and their habitat were analyzed in a biological assessment, the results of which are summarized in the EA. The biological assessment identified the potential presence of eight federally listed species, however due to the lack of roosting or foraging habitat and/or the absence of those species in the proposed project area, the U.S. Fish and Wildlife Service (USFWS) concurred with EKPC’s finding of “may affect- not likely to adversely affect “ determination for seven of those species.

A known summer habitat for the Northern long-eared bat (NLEB), the eighth endangered or threatened species with the potential presence in the project area, was identified in one kilometer section of the proposed project corridor, but absent in the remainder of the corridor. The USFS

determined that the project may affect the NLEB, but with no effects beyond those previously evaluated in the USFWS's programmatic biological opinion for the NLEB final 4(d) rule dated January 5, 2016. Any taking that may occur incidental to the project would not be prohibited under the final 4(d) rule and therefore, the USFWS determined that the proposed project is not likely to jeopardize the continued existence of the NLEB in correspondence dated May 24, 2019 and August 21, 2020.

Floodplains. Some pole installation will occur in the floodplain. Based on the floodplain data, 24 steel pole structures would replace 33 existing wood-pole structures within the designated floodplains of the project area, which will result in the net loss of nine structures from the designated floodplains. The Floodplain Development General Permit covers activities that have minimal potential to affect floodplains, including development and placement of utility poles, thus, the proposed project shall have automatic coverage under the Floodplain Development General Permit.

Wetlands. Several wetland areas were identified during field surveys of the project footprint; however, due to avoidance and minimization measures that will be implemented during construction no loss of wetlands are anticipated as a result of the project. Based upon the information gathered, the proposed project will have no significant impacts to wetlands or streams.

F. PUBLIC AND AGENCY INVOLVEMENT

The USFS went through a 30-day notice and comment period concurrent with the scoping process that began with the publishing of the proposed action on the Forest Service website. On June 3, 2019, the 30-day Notice and Comment letter and associated maps were e-mailed to 66 interested parties and post-mailed to 2 addresses. The mailing list was compiled from lists that are maintained at the Daniel Boone National Forest's Stearns Ranger Station of interested individuals, agencies, organizations, Tribal Historic Preservation Officers, and political leaders. The USFS also placed a legal notice in the newspaper of record for the project area, the *McCreary County Voice*, on June 6, 2019. The scoping and concurrent comment period

undertaken by the USFS resulted in one comment received via email on June 13, 2019. The commenter requested clarification that the proposed project is the entire line but the proposed USFS action is only on NFS lands, further description of existing roads, how roads will be closed, actions for building new access roads, USFS road management level, and clarification on Pesticide Use Proposal requirements. These comments were addressed in the EA.

G. FINDING OF NO SIGNIFICANT IMPACT

Based on its EA, RUS has concluded that the proposed Project would have no significant adverse effects to water quality, wetlands, the 100-year floodplain, land use, aesthetics, transportation, or human health and safety. RUS has concluded that the proposed Project would have no adverse effects to federally listed threatened and endangered species, candidate species, or federally designated critical habitat. The proposed Project would not disproportionately affect minority or low-income populations.

In accordance with the National Environmental Policy Act, as amended (42 U.S. Code 4321 et seq.), the Council on Environmental Quality Regulations (40 CFR 1500–1508), and RUS’s Environmental Policies and Procedures (7 CFR Part 1970), RUS has determined that the environmental effects of the proposed Project have been adequately addressed and that no significant impacts to the quality of the human environment would result from construction and operation of the proposed Project. Any final action by RUS related to the proposed Project will be subject to, and contingent upon, compliance with all relevant federal and state environmental laws and regulations. Because RUS’s action will not result in significant impacts to the quality of the human environment, an Environmental Impact Statement will not be prepared for the proposed Project.

The USFS determined that the EKPC Special Use Permit STE4062 Amendment Project (aka, McCreary County Junction – Kentucky Utilities Wofford 69 kV Transmission Line Rebuild Project) would not have a significant effect on the quality of the human or biological environment and therefore, an Environmental Impact Statement was not necessary and not prepared. The USFS will grant an amendment to EKPC’s existing Special Use Permit STE4062

(EKPC, Special Use Permit STE4062). The USFS signed their Finding of No Significant Impact (FONSI) on February 2, 2021.

H. RUS LOAN REVIEW AND RIGHT OF ADMINISTRATIVE REVIEW

This FONSI is not a decision on a loan application and therefore not an approval of the expenditure of federal funds. Issuance of the FONSI and its notices concludes RUS's environmental review process in accordance with NEPA and RUS's Environmental Policies and Procedures (7 CFR Part 1970). The ultimate decision as to loan approval depends upon conclusion of this environmental review process in addition to financial and engineering reviews. Issuance of the FONSI and publication of notices will allow for these reviews to proceed. The decision to provide financial assistance is also subject to the availability of loan funds for the designated purpose in RUS's budget. There are no provisions to appeal this decision (i.e., issuance of a FONSI). Legal challenges to the FONSI may be filed in federal district court under the Administrative Procedures Act.

I. APPROVAL

This Finding of No Significant Impact is effective on signature.

Dated:

CHRISTOPHER A. McLEAN
Assistant Administrator
Electric Programs
Rural Utilities Service

Contact Person

For additional information on this FONSI and EA, please contact Ms. Suzanne Kopich, Environmental Protection Specialist, Water and Environmental Programs, USDA Rural Utilities Service, at 202-692-4907; or e-mail: suzanne.kopich@usda.gov