

**DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT  
EAST KENTUCKY POWER COOPERATIVE SPECIAL USE PERMIT  
STE4062 AMENDMENT  
MCCREARY COUNTY JCT. – KU WOFFORD 69 KV TRANSMISSION  
LINE REBUILD PROJECT  
U.S. FOREST SERVICE  
DANIEL BOONE NATIONAL FOREST, STEARNS RANGER DISTRICT  
MCCREARY AND PULASKI COUNTIES, KENTUCKY**

**DECISION**

I have decided to implement Alternative A of the environmental assessment (EA) conducted for the East Kentucky Power Cooperative Special Use Permit STE4062 (EKPC, SUP STE4062) Amendment, McCreary County Jct.-KU Wofford 69 KV Transmission Line Rebuild Project. Based upon my review of the EA, this amendment will authorize EKPC to reconstruct, operate, and maintain their McCreary County Junction – KU Wofford (McCreary County – Wofford) 69 kV transmission lines within their existing 100-foot wide right-of-way (ROW) on National Forest System (NFS) lands in south-central Whitley and McCreary Counties, Kentucky. The existing transmission line section that will be rebuilt is approximately 8.6-miles in length.

Access for the reconstruction of the transmission line will maximize the use of existing public and private roads in the project area, existing USFS roads, and existing EKPC maintenance access roads, but will require the improvement/construction of some access roads.

Approximately 11.9 miles of access roads on NFS land, approximately 15 feet in width, will be improved or constructed for the construction and maintenance of the transmission line and involve approximately 20.0 acres.

The project will consist of removing the existing transmission line and associated wood pole structures, and construction of the new line in its place within the existing 100-foot-wide ROW easement. Based on the engineering design, 50 steel-pole structures on NFS land with an approximate above ground height of 72 feet and a typical span length of 750 feet will be used to construct the new line. This will replace the existing 76 wood-pole structures that have an approximate above ground height of 60 feet and a typical span length of 550 feet. Three electrical conductors supported by the steel-pole structures will transmit electric power along the rebuilt transmission line. Most of these new support structures will be steel single-pole and two-pole H-frame type structures with a few three-pole structures required based on engineering design constraints. Two static wires will be located extending along the top of the support structures to protect the electric conductors from lightning strikes.

Once constructed, the new transmission line will be aerially inspected three times a year and will be ground inspected once every four years by walking the ROW. The minimum electrical

clearances maintained from the transmission line conductors and the ground surface within the ROW will be 24 feet.

Woody-stemmed vegetation will be maintained and controlled within the ROW through the use of low-volume, selective herbicide treatment every three to five years, depending on the rate of vegetation growth. Selective herbicide treatment will 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 will be delivered by walking the ROW using low volume backpack sprayers fitted with large droplet hose end nozzles. The low volume backpack sprayers may be replenished by nurse vehicles composed of larger volume tanks carried by all-terrain vehicles or small all-wheel drive trucks.

On NFS lands, the herbicide will 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 will be cut either by mechanical or manual methods. Vegetation may also be cut in order to bring it back to the size where it can be effectively treated with herbicides should an area be missed during the maintenance cycle or should excessive vegetation growth take place between the maintenance cycles. In addition, during the maintenance cycles any brush and woody-stemmed vegetation growing within the gated access roads used for the construction of the transmission line will be selectively treated with one of the proposed herbicides using a manual foliar application, or cut from the roadbeds. Dead or living trees outside the transmission line ROW that could fall within five feet of a point underneath the outside conductor (danger tree) will also be cut to protect the line from electrical outages caused by falling trees and branches during high wind and storm events.

## **DECISION RATIONALE**

The McCreary County Junction – Kentucky Utilities (KU) 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. 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.

Based on the identified need to address reliability concerns associated with the poor physical condition of the existing transmission line section, EKPC Design and Maintenance staff performed an analysis to identify the most cost effective, long-term solution to address the identified system issues. For this transmission line section, the potential for continued reliability issues was considered high due to the poor physical condition of the existing conductor. EKPC first evaluated reconductoring the line section; however, it was concluded that the existing support structures, many of which are the original wood pole structures installed circa 1952, are in poor condition and would not be able to support the larger conductor (795 ACSR/TW) currently utilized by EKPC. Therefore, 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 will 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. Furthermore, the new steel poles will not be flammable, which will provide additional benefits when the USFS conducts cyclical prescribe burning and will not need to ensure the existing wooden poles are pretreated prior to burns. These additional benefits will ultimately result in future cost savings for EKPC's Owner-Members and the USFS.

The need for the USFS to amend EKPC's existing permits to authorize this project rests ultimately with the Land and Resource Management Plan for the Daniel Boone National Forest (page 2-15) which states: GOAL 7 - Provide a sustainable mix of desired uses, valued characteristics, and services to improve the long-term benefit to local communities and the public.

The EA for EKPC, SUP STE4062 Amendment for the McCreary County Jct. – KU Wofford 69 kV Transmission Line Rebuild Project provides the environmental analysis and conclusions upon which this decision is based. I believe I am making an informed decision that is lawful and in agreement with our *Land and Resource Management Plan for the Daniel Boone National Forest* (a.k.a. "Forest Plan," 2004), considers all concerns raised, and is the right thing to do for the future of our forest and district. The EA and supporting documentation are available online at <https://www.fs.usda.gov/project/?project=56083>.

#### ALTERNATIVES CONSIDERED

Based on the identified project purpose and need, EKPC proposed the 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. Because the project is located completely within an existing ROW, 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.

- A. **The Proposed Action, Alternative A** (Rebuild, Operate, and Maintain Electrical Transmission Line) is described above. It was determined to be the most effective and practicable alternative through an analysis of multiple alternatives. Herbicide activities under Alternative A are subject to the DBNF Forest Plan, which establishes standards, or requirements, that impose limitations on management activities to protect resources or public safety on NFS lands. These standards will minimize the direct and indirect effects on natural resources from herbicide use. Compared to Alternative B, Alternative A will provide more effective control of woody vegetation within the ROW and will require less frequent maintenance intervals. Through this process, numerous Best Management Practices (BMPs) and conservation measures were designed to avoid impacts to federally listed species, vegetation, jurisdictional waters, and cultural resources and limit impacts to natural habitats while providing the needed improvement and maintenance of the electric transmission line and associated ROW.

- B. **A No Herbicide Alternative (Alternative B)** was also considered and analyzed for environmental impacts. I did not select this alternative because it would provide less effective control of woody vegetation and would require more frequent maintenance intervals.
- C. **No Action:** A No Action Alternative was considered but dismissed from detailed analysis. A No Action Alternative would specify that the USFS would not approve the request for an amendment to Special Use Permit No. 4062 allowing the reconstruction of the McCreary County – Wofford Transmission Line Project over NFS lands. Without the Special Use Permit amendment, the Rural Utility Service (RUS) would not provide financing assistance for the project. As a result, EKPC would not reconstruct the transmission line, maintain the ROW, or improve the physical condition of the existing line. Implementation of a No Action Alternative would result in the McCreary County – Wofford 69 kV Transmission Line Project not being reconstructed which would not meet the requirements of EKPC or the needs of their customers due to the deteriorating physical condition of the existing facility. The outage probability of this line section is expected to be considerably higher than for other lines on the EKPC system that would be rebuilt and maintained properly. Further, a No Action Alternative would not comply with the DBNF Forest Plan GOAL 7, which requires the USFS to “Provide a sustainable mix of desired uses, valued characteristics, and services to improve the long-term benefit to local communities and the public.”

## PUBLIC INVOLVEMENT

This action was originally listed as a proposal on the Daniel Boone National Forest Schedule of Proposed Actions in June 2019 and updated periodically during the analysis. 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 DBNF’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 notice contained the project’s website, a brief description of the proposed project and location, and requested comments on the proposed project within 30 days. The EA lists agencies and people consulted on page 73.

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. A content analysis was completed by the USFS, which involved reviewing the comments provided in the email and evaluating the concerns and issues raised. The USFS content analysis did not identify any significant issues, with the comments primarily focused on technicalities and verbiage used in the project description. Comments provided included 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 have all been addressed in the project's revised EA.

## **FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS**

This decision is consistent with the *Land and Resource Management Plan for the Daniel Boone National Forest* (Forest Plan). Forest Plan goals and standards relevant to the project are listed below:

- GOAL 7 Provide a sustainable mix of desired uses, valued characteristics, and services to improve the long-term benefit to local communities and the public. (Forest Plan, p. 2-15).
- DB-LAND-2 - Evaluate special use proposals/applications to determine if they are in the public interest. Proposals/applications must:
  - a. Be consistent with Prescription Area Objectives, Standards, and Desired Future Conditions
  - b. Be consistent with other federal, state, and local statutes and regulations
  - c. Not be permitted on DBNF land if they can be reasonably accommodated on private land, even if those locations are more expensive for the applicant. (Forest Plan, p. 2-20).

A Finding of No Significant Impact (FONSI, included below) 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.

## **RIGHT TO APPEAL IMPLEMENTATION OF THIS PROJECT**

This decision is not subject to appeal because only one supportive comment was received during the comment period for this project and no objections were received. Pursuant to 36 CFR 218.12 (c)(2) five business days following the end of the objection filing period have passed, and implementation of this project can begin immediately.

## **FINDING OF NO SIGNIFICANT IMPACT**

The significance of environmental impacts must be considered in terms of context and intensity. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. In the case of a site-specific action, significance usually depends upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity or degree of impact. (40 CFR 1508.27)

## CONTEXT

All land to be impacted by the proposed transmission line reconstruction project is located within the project footprint. The center of the project footprint consists of an existing 100-foot wide transmission line ROW easement that has been in place since circa 1952. At either end of the project, the existing EKPC Whitley City and KU Wofford 69 kV distribution substations have also been in place since circa 1952. The area of influence was considered to be an approximately 1,500-foot corridor (750-feet on either side of the existing ROW).

The predominant land uses within the 1,500-foot corridor are forest, agriculture, and shrub/brush rangeland, although the outskirts of the cities of Whitley City, Goldbug, and Wofford are overlapped by the project's area of influence. This western portion of the project area is located within a region of Kentucky that is remote and predominantly comprised of NFS lands where there is little private development. The project crosses through approximately 8.6-miles of NFS land, encompassing approximately 104.2-acres. One recreational facility within the area of influence is the Laurel Creek Trail, a 4.25-mile trail that runs adjacent to Laurel Creek from County Road 696 (Pigskin Road) to KY 478 (USFS Viewer 2020, USFS Trail). This Decision Notice and special use authorization amendment cover only work conducted on NFS lands. Private, local, and state land ownership is not within the administrative jurisdiction of this project. Major public highways in the vicinity of the project are limited to US 27 at the western terminus and Interstate-75 and US 25W near the eastern terminus.

## INTENSITY

The intensity of effects was considered in terms of the following:

1. **Impacts may be both beneficial and adverse.** A significant effect may exist even if the Federal agency believes that, on balance, the effect will be beneficial. Both beneficial and adverse impacts to various resources are disclosed in Chapter 7 of the project's EA. Detailed specialist reports are available in the project record, at this project's website, and are summarized in the EA. I have determined that effects disclosed in the EA are within the Forest Plan limits and are not at the level of significance.
2. **The degree to which the proposed action affects public health or safety.** There will be no significant effects on public health and safety because employees and contractors are required to use personal protective equipment. Operators will be trained in the safe operation of heavy equipment. Emissions from the exhaust of chainsaws and mechanical equipment could result in exposing operators to a number of carcinogens known to be present in the exhaust of internal combustion. However, the effects to operators will be minimal because the components of exhaust are volatile and will move out of the immediate project area within a short period of time. Hazards to the general public could occur during vegetation clearing activities if individuals were to enter work areas while machinery is operating, and the vegetation is being cut. Individuals of the public present on or near the work sites when the cutting operations are occurring could be struck by falling vegetation, flying wood chips, sawdust, etc. Stubble left on the ROW after cutting operations are completed can also present a hazard to the public by individuals tripping

over or falling onto cut stumps and stubble causing injury. Recreational facilities within the project area are limited to the Laurel Creek Trail. Therefore, the risk to the general public from ROW clearing operations will be negligible.

The herbicides to be used will not have systemic or reproductive effects on any members of the general public, including sensitive individuals (USFS 1997). Since the transmission line route is located in a rural area and recreational activities within the project area are limited to the Laurel Creek Trail, and little to no vegetation maintenance is expected in the vicinity of these features, the risk of herbicide exposure to the general public from ROW maintenance operations will be negligible. Even though public health risks would be negligible, to mitigate against public exposure to the proposed herbicides on public land, treated areas will be posted as required in the Forest Plan. Potential effects to health and safety from herbicide application will be reduced by adhering to the Forest Plan Standards as listed in the EA (page 68).

Overhead transmission lines produce a magnetic field that peaks underneath the electric conductors and falls off rapidly with distance on either side. The proposed reconstruction project is located on a dedicated ROW where the line has been active since construction circa 1952. In addition, the proposed project is located in a rural area and is not located immediately adjacent to any residences or other occupied buildings. Consequently, no such structures will be located close enough to the proposed transmission line to experience increased electromagnetic field levels.

- 3. Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.** There will be no significant effects on unique characteristics of the area.

Kentucky State Historic Preservation Office (SHPO) concurred with a No Adverse Effect determination of sites eligible for listing under the National Register of Historic Places (NRHP).

Developed recreational facilities within the project area of influence are limited to the Laurel Creek Trail. The proposed reconstruction activities will be limited to the high ground far above Laurel Creek and little to no vegetation clearing is expected in the vicinity of the creek and trail due to their location far below the electric line. Therefore, no direct impacts are expected to these recreational resources as a result of the proposed project.

Because no conversion of agricultural lands (prime, unique, or farmland of local or statewide importance) will occur or be negatively impacted by the proposed undertaking.

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.

No Wild and Scenic Rivers or other ecologically critical areas are present within the area of influence of the project.

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects on the quality of the human environment are not likely to be highly controversial. There is no known credible scientific controversy over the impacts of the proposed action. The best available science was considered in making this decision. The EA and other documents in the project record demonstrate a thorough review of relevant scientific information and risk (EA and specialists' reports).
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** Both the USFS and EKPC have considerable experience with actions like the one proposed. The impacts from the proposed action can be predicted and have been disclosed in the EA. Therefore, the possible effects on the human environment are neither uncertain nor involve unique or unknown risks
6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** Activities proposed are site-specific to this project area, are finite in time and space, and will not set any precedents. A decision to implement these activities will not preclude a proposal for similar action in this or other locations; however, such future proposals would be analyzed as required by NEPA.
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. The cumulative impacts are not significant.** The cumulative impacts of this project are not significant. The combined effects of past, present, and reasonably foreseeable future actions were considered and are summarized in Section 3, pp 17-71 in the EA.
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources. Kentucky State Historic Preservation Office (SHPO) was able to concur with a No Adverse Effect determination of sites eligible for listing under the National Register of Historic Places (NRHP). (See EA pages 36-38)
9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.** 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. Based on that analysis, the proposed action will not adversely affect any proposed, endangered, threatened or sensitive species (PETS) or its habitat that has been determined to be critical under the Endangered Species act of 1973. Concurrence from U.S. Fish and Wildlife Service has been received. (See EA pages 40-41)



10. **Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.** The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Detailed disclosures follow in the next section. After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

## FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

The EKPC, SUP STE4062 Amendment was designed in conformance with the following laws, regulations, and policies:

### **National Forest Management Act (NFMA):**

This decision is consistent with NFMA and the *Resource Management Plan for the Daniel Boone National Forest* (USDA-FS 2004).

**Clean Water Act:** This project complies with the Clean Water Act. Based on the analysis (EA), this project is consistent with Forest Plan direction for hydrologic resources.

### **Endangered Species Act:**

See the description for #9 above. The proposed actions are consistent with the Endangered Species Act requirements to manage for the recovery of species and the ecosystems they depend on.

### **Environmental Justice in Minority Populations and Low-Income Populations**

(Executive Order 12898): This project is compliant with Executive Order 12898, Federal Action to Address Environmental Justice in Minority Population and Low-Income Populations. Socioeconomics were analyzed in the EA Section 3.15, pp. 69-71.

**Floodplains** (Executive Order 11988): Several floodplains exist throughout the project area, but these areas should not be adversely affected (EA Section 3.3, pp 26-27). Many of the design criteria, herbicide application instructions, and Forest Plan standards are designed to protect the function and values of floodplains.

**Invasive Species (Executive Order 13112):** This project is compliant with Executive Order 13112, which requires the consideration of invasive species in actions taken by Federal agencies.

**Migratory Bird Treaty Act:** The protection of birds is regulated by the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act. The Daniel Boone National Forest analyzed migratory birds during 2004 Forest Planning. Several birds were chosen to represent habitat diversity types. These species were added to the DBNF list of Management Indicator Species (MIS). Based on analysis detailed in the Wildlife Report, there will be no significant direct or indirect effects to the 54 DBNF Conservation Species, and 11 MIS species analyzed in detail, as a result of implementing the project.

**National Historic Preservation Act; Archaeological Resources Protection Act; Native American Graves Protection and Repatriation Act; American Indian Treaty Rights:** See #8 above, "Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources."

**Sensitive Plants and Animals:** The proposed actions are consistent with Forest Service Manual direction to prevent adverse modifications or effects to sensitive plants and animals (Forest Service Manual 2670, 2670.31 (6), 2670.32) and to manage fish and wildlife habitat (Forest Service Manual 2630). Based on analysis detailed in the Wildlife Report, there will be no significant direct or indirect effects to the 15 USFS Sensitive Species as a result of implementing the proposed Alternative A.

**Transportation System Direction:** The transportation system on the Stearns Ranger District was analyzed and documented in the 2016 Stearns Ranger District Transportation Analysis Process Report. The EKPC project will be consistent with the desirable and acceptable conditions outlined in the report. Access for the construction of the proposed transmission line will maximize the use of existing public and private roads in the project area, existing USFS roads, and existing EKPC maintenance access roads, but will require the improvement/construction of some access roads. Roughly 11.7 -miles of access roads, which will be approximately 15 feet in width, will be improved or constructed for the construction and maintenance of the transmission line, which will be approximately 15 feet in width and involve approximately 20.0 acres. Once construction of the proposed transmission line is completed, the new access roads on NFS land will be closed to the public by means of keyed gates placed at the entrance of the roads to block public access and to allow for the future maintenance of the line or otherwise blocked (i.e., bermed) to prevent access.

**Wetlands** (Executive Order 11990): 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.

**Conclusion:**

This FONSI and the project EA are considered for context and intensity of potential impacts. I have determined the EKPC Special Use Permit STE4062 Amendment Project will not have a significant effect on the quality of the human or biological environment. Therefore, an Environmental Impact Statement is not necessary and will not be prepared.

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## CONTACT

For additional information concerning this decision, contact: Tim Reed, District Ranger, Stearns Ranger District, 3320 Hwy 7 N, Whitley City, KY 42653. (606)376-5323.

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H. SCOTT RAY  
Acting Forest Supervisor

Date

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