

Decision Notice
& Finding of No Significant Impact
Midstate Electric Cooperative, Inc.
Power Line Relocation
USDA Forest Service
Bend-Ft. Rock Ranger District, Deschutes National Forest
Deschutes County, Oregon
T. 18 S., R. 11 E.

Decision and Reasons for the Decision

BACKGROUND

The Midstate Electric Cooperative, Inc. Power Line Relocation Environmental Assessment project (hereinafter referred to as the EA) is designed to analyze effects of relocating the power line from the existing location to locations that lie north and west of the present route (Maps 2 to 6). It addresses the effects of rerouting the existing power line, and the character and function of the power line corridor in regards to past, present and future use as public land. The existing power line serves as a back up loop to other portions of the Midstate infrastructure and does not remain charged at all times.

The Bend-Fort Rock Ranger District of the Deschutes National Forest is analyzing vegetation within the Midstate Electric Cooperative, Inc. Power line Relocation project area, as it occurs within the East Tumbull planning area. The project area lies outside the area of the Northwest Forest Plan (NWFP) boundaries. There are no wetlands or fisheries within the project area. There are no inventoried roadless areas within or adjacent to the project area. There would be no change to the unroaded or undeveloped character as defined by the current proposed rule for roadless areas. The project area has been previously roaded, logged, and has existing skid trails and landings.

The majority of the project area is closed to vehicles during winter, as part of a Memorandum of Understanding with the Oregon Department of Fish and Wildlife. This cooperative agreement is designed to reduce vehicular harassment of wildlife and provide resource protection and will continue to be enforced.

There are no known Threatened, Endangered or Sensitive species in the project area.

LOCATION

The project area is located just north of the Cascade Lakes National Scenic Byway (Highway 46), near the Inn of the Seventh Mountain, approximately three miles southwest of Bend, Oregon (see Vicinity Map). The project lies within portions of Township 18 South, Range 11 East, Sections 10, 11, 14, 15 & 22 Willamette Meridian (see Alternative 1 No Action). The proposed project area is located in Scenic Views Management Area 9, Deer Habitat Management Area 7 and Intensive Recreation Management Area 11, as designated under the LRMP. The project area boundaries are Road 4610 to the west, Road 4601 to the north, the Forest boundary to the east, and Highway 46 and existing power line to the south and includes approximately 4,900 acres. The area is located east of the Northwest Forest Plan boundary line and lies outside the range of the northern spotted owl.

PURPOSE AND NEED FOR ACTION

The Bend-Fort Rock Ranger District received an “Application for Transportation and Utility Systems and Facilities on Federal Lands” from Midstate, who had received a request to remove their line from private lands. This application proposes to reroute a portion of an existing 69 kilovolt power line. The power line currently crosses NFS lands and two separate parcels of private land. Additionally, this power line is over 50 years old, and poles need to be replaced in the near future, as it was originally designed to function reliably for 30 years.

The primary purposes for relocating the power line are to replace the infrastructure on this portion of the line in anticipation of future upgrades of this line; and to reduce the number of highway crossings and upgrade the scenic views along Highway 46.

Alternative locations across the Deschutes National Forest were reviewed and considered for this project. Field reconnaissance in 2004 identified four routes that fit most of the above criteria. These routes are all within the same general area; however, there are some differences in specific locations between routes (see attached Alternatives 2 to 5 maps).

ENVIRONMENTAL ASSESSMENT

The Midstate Electric Cooperative, Inc. Power Line Relocation Environmental Assessment (EA) dated October 2005 documents the analysis of four alternatives to meet this need. The assessment also documents the analysis of the No Action alternative. The EA can also be viewed at the Deschutes National Forest website:

www.fs.fed.us/r6/centraloregon/projects/units/bendrock/index.shtml or at following locations: 1) the Forest Supervisor’s Office located at 1001 SW Emkay, Bend, Oregon, and 2) the Bend-Fort Rock District Ranger’s Office located at 1230 N.E. Third Street, Suite A-262, Bend, Oregon.

DECISION

Alternative 4 is the preferred alternative that was identified in the 30-day public review and comment period notice, published November 1, 2005 in the local Bend newspaper *The Bulletin*. Based on my review of all alternatives, I have decided to implement **Alternative 4** (preferred alternative).

RATIONAL FOR DECISION

In making this decision, I have reviewed the Environmental Assessment and associated specialist information that has been disclosed in the analysis to make a reasoned choice and no significant impacts on the quality of the human environment have been identified. Based on my review of the above documents, I have decided that implementing an action alternative is preferred rather than not providing for the requested relocation of the power line. The No Action very likely will result in a much degraded scenic view by placing two (2) angle point towers on private land (Section 11, southeast corner) within the scenic corridor. Rational of the decision to implement Alternative 4 is presented below.

Of the five alternatives evaluated, Alternative 4 provides the best solution for meeting the Midstate Electric Cooperative, Inc. request. This alternative better addresses public comments.

This alternative reduces the amount of new power line corridor construction on National Forest System lands from that proposed in Alternative 2 (Proposed Action).

The actions under this alternative would be the same for Alternatives 2 & 3; however, relatively few trees would need to be removed, as the area is sparsely treed. The corridor to be constructed is within the Awbrey Hall fire (1990) area and would require a very few trees to be cut. Trees that may be removed as a result of this project may be made available for stream restoration projects in Tumalo Creek. Additionally, the majority of the new line would still be located on privately owned land that is along the Forest boundary in Section 11 and west of Section 12.

In the short-term (0 to 5 years) some vegetation disturbance will be visible, but in the long-term (5 to 10 years) as vegetation grows the disturbance will become less noticeable. Construction of the new corridor will not change the existing use of the area because hikers and mountain bikers currently travel the existing right-of-way.

OTHER ALTERNATIVES CONSIDERED

Alternative 1 (No Action): The No Action Alternative is a baseline by which to measure relative changes that would result from implementation of the action alternatives. Under this alternative, the proposed project would not take place. A new route would not be developed at any other location. (see attached Alternative 1 map) The power line location north of the Cascades Lakes Highway on private land is still intended to be moved adjacent to Forest Service land. Therefore, this alternative very likely will result in the construction of two (2) large angle point (turn) towers next to Forest Service land within the scenic corridor.

Alternative 2 (Proposed Action): This route is shown in Map 2. It begins on the south side of Highway 46 and terminates at a location to the north in Section 11. This route diverges from the existing route just south of Highway 46 in the southwest corner of Section 22.

This action would consist of constructing a power line corridor for approximately 3.5 miles. Heavy equipment needed would include: a grapple piler, a bulldozer, large trucks for removing logs and hauling power poles, line truck for power auger, and flatbed truck to haul conductor line and supplies. The right-of-way will be 30 feet wide. Trees would be removed from approximately 12.6 acres. Construction would consist of: clearing trees, drilling 10-foot deep holes to install wooden utility poles (average height of pole is 70 feet), and installation of the conductor wire. Maintenance access would be limited to a primitive road for a pick-up truck to patrol the right-of-way. The line would be single pole construction with no cross arms. Guy wires would be needed at angel points (estimated to be two locations). Additionally, approximately 3.5 miles of existing power line would be removed from federal and private land.

No permanent system roads would be created.

Alternative 3: A route was identified that would result in fewer impacts to recreation trails than the proposed action. This route is shown in attached Alternative 3 map. It begins on the north side of Highway 46 and terminates to the north in Section 11. This route diverges from the existing route, just north of Highway 46 in the northeast corner of Section 22.

The actions under this alternative would be the same as Alternative 2, except the line would be placed about ¼ mile east of Alternative 2. It entails 2.8 miles of new line construction and 2.8 miles of line removed.

Alternative 5: This route is shown in attached Alternative 5 map. Most of the existing power line located on National Forest System lands would remain. Approximate 2,000 feet of line would be rerouted, all within the northeast corner of Section 14.

This alternative is the same as Alternative 4, except that the power line crossing Highway 46 would be underground. This would entail burying the power line from the point where it diverges from the existing line, and continue below ground until it connects with the private property-Forest boundary (about 2,000 feet of underground line). This would entail using heavy equipment and blasting to dig the ditch and bury the line.

PUBLIC INVOLVEMENT

A public scoping letter describing a proposal to relocate power line was mailed out on November 19, 2004 and comments were requested by December 15, 2004. The proposal was listed in the Schedule of Proposed Actions beginning in the Fall of 2004. In addition, as part of the public involvement process, the agency solicited comments of the preferred alternative (Alternative 4) during a 30-day comment period beginning November 1, 2005 and ending November 30, 2005.

Government-to-government consultation occurred with the Tribes (Klamath Tribes, Confederated Tribes of Warm Springs, and the Burns Paiute Tribe) in the format of the scoping letter, which described the project area and proposed action, and the letter requesting public comment on the proposed action. Through each letter, the Tribes were invited to comment on the project. No special concerns about tribal resources were identified.

Two (2) commenters responded during the 30-day comment period. The following concerns were raised:

Comment: “I favor the concept in Alternative 5 to bury the line crossing the Cascade Lakes Highway. . . Perhaps only the span over the highway is all that needs to be buried to retain the scenic view, not the entire 0.4 mile of new line”.

Response: Alternative 5 was cost prohibitive and the Landscape Architect (LA) report showed that the new crossing of the highway by the powerline is not of visual concern.

The LA report states that “The proposed new route, new overhead crossing over Highway 46, and new power line corridor along USFS boundary, are expected to result in a short-term (landscape term of 0 to 5 years) affect on visual quality. As the result, the short-term impact on scenic quality is not expected to meet the Deschutes NF LRMP stands and guidelines from scenic views.” . . . However, long-term (5 years and beyond) scenic quality is expected to be enhanced under this alternative after the scarring has been healed.”

Comment: “Oregon Department of Fish and Wildlife (ODFW) does not support action that will increase miles of roads on the Deschutes National Forest in the Tumalo Mule Deer winter Range. . . . ODFW supports Alternative 1, no action. . . . The next best Alternative 4 that will create 0.4 miles of new road”.

Response: This statement is correct (0.4 miles of new road) this alternative removes approximately the same miles of line on NF as it creates. The corridor to be constructed will remove a few large trees since the corridor is within the Awbrey Hall fire, which burned in 1990. Also, the area is already used by hikers and mountain bikers who travel the existing right-of-way. Since the new corridor will simply replace the old one the number of people who currently use the area will not increase because of this access.

Finding of No Significant Impact

After considering the environmental effects described in the Midstate Electric Cooperative, Inc. Power Line Relocation 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. The following describes, in part, the basis for this finding.

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. (EA, pages 16 to 43)
2. There will be no significant effects on public health and safety. The construction zones would be thoroughly marked on the ground and posted to inform the public of any cautions. (EA pages 40 and 43)
3. There will be no significant effects on unique characteristics of the area. Within or adjacent to the project area there are no park lands, prime farmlands, wetlands, or wild and scenic rivers to be affected. (EA pages 41, 42, and 43)
4. The effects of implementation of this decision do not rise to the level of scientific controversy as defined by the Council of Environmental Quality. (see EA pages 16 to 43).
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. (see EA pages 16 through 43).
6. The action is not likely to establish a precedent for future actions with significant effects. (see EA pages 16 - 43).
7. The cumulative impacts are not significant. (see EA pages 16 to 43).
8. Following guidelines in the 2004 Regional Programmatic Agreement (PA) among USDA Forest Service, the Advisory Council on Historic Preservation, and the Oregon State Historic Preservation Office, a finding of 'Historic Properties Avoided' under Section 106 of the National Historic Preservation Act (NHPA) has been determined for this project. Surveys were conducted for historic properties, cultural, historic and archaeological sites as well as Native American religious or sacred sites. Historic properties were located and the selected alternative was designed to avoid impacts to them. Consultation has occurred under the Programmatic Agreement with the State Historic Preservation Office (SHPO) and Tribes. All historic properties will be flagged and avoided. (see EA pages 19 to 20)
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.

The Biological Evaluation of Threatened, Endangered, and Sensitive Wildlife determined that the project area contains no known sitings or suitable habitat for Proposed, Threatened, Endangered or Sensitive (PETS) animals (see EA page 25 to 35).

The Final Biological Evaluation of PETS Plants determined that the project area contains no habitat for Threaten, Endangered, or Canidate plant species within the project area. (see EA page 17).

10. The action will not violate relevant federal, state, and local laws, regulations or requirements designed for the protection of the environment. Effects from this action meet or exceed state water and air quality standards. (See EA pages 4, 20, 21, 40, and 42).

Findings Required by Other Laws and Regulations

This decision is consistent with the Deschutes National Forest Land and Resource Management Plan and accompanying Final Environmental Impact Statement, as amended, and as provided by the provisions of 36 CFR 219.35(f) (2005), which addresses Management Indicator Species.

This decision is in compliance with Executive Order 12989 “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”. No minority or low-income populations would be disproportionately affected by the implementation of Alternative 3.

No significant irreversible or irretrievable commitment of resources will occur. There will be some negligible irretrievable losses of dust caused by mechanical operations.

Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

Administrative Review or Appeal Opportunities

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. Notice of Appeal must be filed (regular mail, fax, email, hand delivery, or express delivery) with the Appeal Deciding Officer (Regional Forester, ATTN: 1570 APPEALS) at 333 S.W. First Avenue, P.O. Box 3623, Portland, Oregon, 97208-3623. Appeals can be faxed to (503) 808-2255, sent electronically to appeals-pacificnorthwest-regional-office@fs.fed.us, or hand delivered to the above address between 7:45 AM and 4:30 PM, Monday through Friday, excluding legal holidays.

Electronic appeals must be submitted as part of the actual e-mail message, or as an attachment in rich text format (.rtf), portable document format (.pdf), or Microsoft Word (.doc). 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. E-mails will be rejected if they are submitted to email addresses other than the one listed above, in formats other than those listed, or containing viruses.

Appeals, including attachments, must be postmarked or delivered within 45 days of the publication of the legal notice for this decision in The Bulletin, the Bend newspaper of record. Attachments received after the 45 day appeal period will not be considered. The publication date in the Bend Bulletin, newspaper of record, is the exclusive means for calculating 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.

Individuals or organizations who submitted substantive comments during the comment period specified at 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

Contact

For additional information concerning this decision or the Forest Service appeal process, contact Mark Macfarlane or Linda Carlson, Bend-Ft. Rock Ranger District, 1230 NE Third Street, Bend, Oregon, 97701, (phone 541-383-4000).

LESLIE A.C. WELDON
Forest Supervisor
Deschutes National Forest

12-19-05
Date

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