

DECISION MEMO
Glade Substation Upgrade Project

USDA-Forest Service, Region 9, Allegheny National Forest
Bradford Ranger District
Warren County, Pennsylvania

I. DECISION TO BE IMPLEMENTED

A. Description of Decision

My decision is to approve Pennsylvania Electric Company's (Penelec), a FirstEnergy Company, Glade Substation Upgrade project through the issuance of an amendment to an existing Special Use Permit (BRD401806). It includes installing approximately 8,625 feet of new electric transmission line primarily located along the existing permitted area and supported on modified structures of an existing transmission line located within the Allegheny National Forest (ANF), Warrants 2837, 2978, and 2428, Mead Township, Warren County (see the attached Vicinity and Project Area maps). Twelve wood poles will be modified by increasing their heights up to thirty-nine feet, and adding a second cross arm to support the new transmission line circuit. In addition, five new poles will be added and approximately three acres of vegetation along the South and East sides of the existing Glade Substation will be removed. The existing structures are currently up to eighty-four feet above ground; the modified structures will be eighty-three feet to one hundred ten feet above ground

The Project facilitates reconfiguring the existing Forest-Glade-Lewis Run 230 kV Transmission Line, which is currently connected to three substations, into two transmission lines, the Forest-Glade 230 kV Transmission Line and the Glade-Lewis Run 230 kV Transmission Line, which will be connected to two substations. The existing transmission line will be the top circuit on the modified poles and will be used for Forest-Glade 230 kV Transmission Line. The new transmission line will be the bottom circuit on the modified poles and will be used for the Glade-Lewis Run 230 kV Transmission Line.

Implementation would begin Fall 2009.

The project will use the existing Northeast right-of-way for the Forest-Glade-Lewis Run 230 kV Transmission Line for approximately 7,275 feet (1.38 mile) from the connection point leading to the Forest and Lewis Run Substations before turning to the Southeast for approximately 100 feet. It will continue to the Northeast for approximately 1,100 feet (.21 mile), before turning back to the Northwest for approximately 150 feet, and then turns to the Southwest and enters the Northeast side of the existing Glade Substation. The new Forest-Glade 230 kV Transmission Line will be located within the existing fence line of the Glade Substation to minimize tree cutting. In the vicinity of the Glade Substation the project will require an additional 140 feet of right-of-way making the total right-of-way approximately 390 feet, beginning approximately 700 feet Southwest of the existing Glade Substation and continuing for approximately 1,100 feet along the Southeast side of the existing Glade Substation. The project includes a 75 foot wide

right of way adjacent to the Southeast side of the existing Glade Substation of which 45 feet would be cleared. On the remaining 30 feet, only trees that have the potential to fall onto the transmission line or structures would be selectively removed. The project will also need an additional right-of-way along the northeast side of the existing Glade Substation; this section will be approximately 140 feet long by approximately 120 feet wide.

My decision will be implemented through issuance of a Special Use authorization that meets the requirements of the decision and Forest Service regulations. Forest Service regulations require the applicant to: submit (or resubmit) an operation and maintenance plan that complies with the decision requirements; pay any necessary fees; post any necessary bonds and secure any state or federal permits or authorization required by law.

It is my decision that a Special Use Fee will be charged for this Special Use Permit because Penelec does not qualify for a fee waiver in accordance with Code of Federal Regulations Title 36 part 251, section 57(b)(1) (CFR 251.57(b)(1)) because they charge a fee for services provided.

My decision includes the following Design Criteria:

Construction:

- Any significant change or modification to the reviewed work plan for these sites must be reviewed again by the Special Use Coordinator and the Planning Team Leader.
- Do not side cast disturbed soils and avoid accumulating or spreading these materials in upland draws, depressions, intermittent streams, springs or seeps.
- The proposed work will be completed in a timely manner to reduce disturbance to and displacement of fish and wildlife species.
- Prior to project implementation, a sedimentation and erosion control plan meeting state standards should be developed, reviewed and approved by qualified erosion and sedimentation technicians. This plan, with appropriate controls, should be implemented prior to beginning any work. Erosion control barriers should remain in place until the project is completed.
- The area of disturbance (e.g., the volume of vegetation removed and soil disturbed) should be minimized to the extent practicable. Native vegetation should be preserved wherever possible.
- The contractor must have an approved contaminant spill response plan and necessary containment equipment/supplies on site to immediately implement emergency spill response procedures.
- The contractor shall immediately notify the Bradford District Ranger or his representative in the event of a contaminant spill.

Roads:

- Use existing roadways, skid trails or travel paths for access to proposed work sites whenever possible. This will minimize disturbance to the hydrologic regime and the canopy.
- A Commercial Road Use Permit will be obtained from the Allegheny National Forest. (Permit will specify road use terms and conditions such as seasonal restrictions, snow removal, etc.)

Scenery:

- The area of primary concern is 3 acres of foreground view of FR160. Maintaining trees and shrubs in this buffer zone would mitigate some of the impacts and help the area meet a moderate Scenic Integrity Level (SIL). This goal can be achieved by either leaving some of the existing vegetation or planting native small trees or large shrubs, such as Mountain Laurel, in the immediate foreground. Maintaining this buffer reduces further impacts to scenery in this area and achieves a moderate SIL for the project area (**Record 6**).
- Maintenance agreements should allow significant re-growth of native vegetation prior to periodic maintenance to reduce the visual impact within the road corridor (**Record 6**).

Wildlife:

- Follow all terms and conditions in regulatory permits and other official project authorizations to eliminate or reduce the potential for adverse impacts to protected, endangered, threatened, or sensitive species or their habitats.
- All work should stop immediately if any Federally proposed or listed species is found or observed on the project sites during the implementation process. The operator should contact a Bradford District Wildlife Biologist who should assess the situation or recommend further mitigative measures.
- Notify the Bradford District Wildlife Biologist if any stick nests are found near or adjacent to any work locations prior to development or during project implementation.

Equipment:

- Equipment, operating supplies of oil, fuel and other such materials must be stored, serviced, and fueled in upland areas away from transport pathways and all aquatic habitats.
- Vehicles will also be properly maintained, periodically checked for leaks throughout the work day.

- All equipment and vehicles brought into the ANF should be washed to the extent practicable prior to entry onto the ANF road system to prevent the accidental introduction of undesirable or non-native invasive species.

Wetlands:

- The wetland will have a zone of limited activity of 100 feet to provide greater protection to amphibian habitat. Also, the wetland should be kept free of, equipment, oil, and other materials or obstructions. (USDA-FS 2007a. pp 34, 74)

B. Purpose of Decision

The proposed project and associated improvements at the existing Glade Substation, a 230 kV Switching Station, would eliminate the consequences of North American Electric Reliability Corporation (NERC) Category B and C outages. A NERC Category B outage of the Forest-Glade-Lewis Run causes a violation of the Glade substation transmission planning criteria and has the potential to cause the interruption of service of approximately 8,000 customers in the Lewis Run area of Pennsylvania. A NERC Category C outage has the potential to cause the interruption of service to approximately 40,000 customers.

Operation of the Seneca Pumped Storage Generating Station, and transmission lines at Glade Substation are required to be fully operational under NERC standards. The loss of one or both 230 kV transmission lines at Glade Substation has happened seventeen times between 1996 and 2006 resulting in outages totaling 14,535 minutes. Outages on the transmission system could cause voltage excursions resulting in loss of customer load or damage to the units at the Seneca Pumped Storage Generating Station.

The project falls within ANF Forest Plan Management Areas (MA) 2.2 and 3.0, respectively (USDA-FS, 2007a. pp37; 110-114). Forest Plan MA direction for Special Uses states: "*Special use permits may be issued by the ANF for communication towers, including cell towers, road rights-of-way, pipelines and utility lines. All existing and established permitted uses of this type will remain suitable and may be renewed during the plan period*" (USDA-FS, 2007a. p 37).

II. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 sections 31.12 or 31.2, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

My conclusion is based on a review of the 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.

I have concluded that this decision is appropriately categorically excluded from documentation in an environmental impact statement or environmental assessment as it is a routine activity within a category of exclusion and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment. My conclusion is based on information presented in this document and the entirety of the record.

A. Category of Exclusion

The decision is within the Category of Exclusion CFR 220.6(e)(3) that includes “*Approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land.*”

B. Relationship to Extraordinary Circumstances

1. Threatened and Endangered Species or Their Critical Habitat -

The Endangered Species Act requires that Federal activities not jeopardize the continued existence of any species Federally listed or proposed as threatened or endangered, or result in adverse modification to such species’ designated critical habitat. In accordance with Section 7(c) of this Act, a list of the listed and proposed, threatened or endangered species that may be present in the project area was requested from the U.S. Fish and Wildlife Service. This information indicated that there is no critical habitat for Federally listed T&E species in the project area. As required by this Act, potential effects of this decision on listed species have been analyzed and documented in a Biological Assessment - Evaluation (BAE) (**Record 1**).

The BAE provides determinations by the District Wildlife Biologist of “no effect” for species with suitable, occupied habitat and a “no adverse impacts” determinations for species with unsuitable-unoccupied habitat, or no suitable habitat. It was determined that this decision “may affect, but is not likely to adversely affect” the Indiana Bat (*Myotis soldalis*) and the Small whorled pogonia (*Isotria medeoloides*).

Also, it was determined that this decision will have “no effect” on the NE bulrush (*Scirpus ancistrochaetus*), clubshell (*Pleurobena clava*), N. riffleshell (*Epioblasma torulosa rangiana*), rayed-bean (*Villosa fabalis*), Sheepnose (*Plethobasis cyphus*), or their habitats. A “no effect” determination has been reached for these four listed T&E species (mussels and plants) with “no suitable habitat”. Site specific surveys were conducted for the Small whorled pogonia and none were found (**Record 1**).

Forest Service Manual 2670 provides direction for the analysis of potential impacts to Sensitive Species, species in which the Regional Forester (RF) has identified population viability as a concern. On October 13, 2006, the RF approved the Sensitive Species List for the Eastern Region National Forest Systems Lands (**Record 1**). Potential effects of this decision on Sensitive Species have been analyzed and documented in the BAE for this decision (**Record 1**). Of the current species included on the ANF RFSS list, 11 have suitable habitat in the cumulative effects area of the project, but none were documented in the project area.

A determination of “may impact individuals but is not likely to cause a trend towards federal listing” has been reached for the Bald Eagle (*Haliaeetus leucocephalus*), Osprey (*Pandion haliaetus*), Northern Goshawk (*Accipter gentilis*), Wood Turtle (*Clemmys insculpta*), Timber Rattlesnake (*Crotalus horridus*), Butternut (*Juglans cinerea*), Hooker’s orchid (*Platanthera hookeri*), Mountain wood fern (*Dryopteris campyloptera*), American fever-few (*Parthenium integrifolium*), American ginseng (*Panax quinquefolius*), and Queen-of-the-prairie (*Filipendula rubra*) and “no impact” on the remaining RFSS or their habitats provided the design criteria on page 2 are included as conditions for the project implementation (**Record 1**).

2. Floodplains, Wetlands, or Municipal Watersheds -

Floodplains: Executive Order 11988 is to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, “...the lowland and relatively flat areas adjoining inland and coastal waters including flood-prone areas of offshore islands, including at a minimum, that area subject to a one percent [100-year recurrence] or greater chance of flooding in any one year.”

The project is not located in or near floodplains. This has been validated by map and site-review (**Record 2**). This decision will not affect floodplains.

Wetlands: Executive Order 11990 is to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, “...areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.”

The project area has a wetland along the existing transmission line between structure 10 and 11 at the crossing of Hook Run. This has been validated by map and site review (**Record 2**). The nature and scale of the activity will not have a subsurface effect to the identified wetland. This wetland will not be impacted, as no structures are located in this wetland and it will not be necessary to cross this wetland with equipment. The wetland has been delineated and will be avoided throughout the duration of the project (**Record 2**). To further ensure that wetlands-related impacts are minimized, Best Management Practices are incorporated into the design criteria listed on page 2.

Municipal Watersheds: Municipal watersheds are managed under multiple use prescriptions in land and resource management plans. Municipal watersheds on the ANF are the Big Mill Creek – Ridgway Reservoir municipal watershed and the West Branch Tunungwant – Bradford reservoir municipal watershed. The decision area is not within a municipal watershed (USDA-FS 2007a. p 79) (**Record 2**).

3. Congressionally Designated Areas -

Wilderness:

This decision does not affect Wilderness. The project is not in or near Wilderness. Wilderness is identified on the Forest as MA 5.1. The project is located in MAs 2.2 and 3.0 (USDA-FS 2007a. pp 116-120). This decision, with impacts limited to the immediate area of activity, will not affect the Wilderness Area (**Record 3**).

Wilderness Study Areas:

There are no Wilderness Study Areas in the decision area. Wilderness Study Areas are identified on the Forest as MA 5.2 (USDA-FS 2007a. pp 121-125). This decision will not affect Wilderness Study Areas (**Record 3**).

National Recreation Areas:

There are three National Recreation Areas identified as MA 8.2 on the Forest: Tracy Ridge, Allegheny Front, and Cornplanter (USDA-FS 2007a. pp 148-152). The project is not located in or near these areas. This decision will not affect the National Recreation Areas (**Record 3**).

National Wild and Scenic Rivers: There are two Wild and Scenic Rivers, the Allegheny and Clarion Wild and Scenic Rivers, identified on the Forest (USDA-FS 2007a. pp142-147). The project is not located on these Rivers. This decision area is adjacent to the Allegheny Wild and Scenic River corridor. This decision will not have impacts on the Allegheny Wild and Scenic River management corridor (**Record 3**).

4. Inventoried Roadless Areas -

There are no inventoried roadless areas (RARE II or Forest Plan) in the decision area. No new road construction will occur as part of this decision. This decision will not affect inventoried roadless areas (**Record 2**).

5. Research Natural Areas -

This decision area is not within a Research Natural Area (**Record 3**). Research Natural Areas are identified on the Forest as MA 8.5. This decision will not affect Research Natural Areas (USDA-FS 2007a. pp 161-164).

6. American Indian and Alaska native religious or cultural sites -

Additionally, the Federal government has trust responsibilities to Tribes under a government-to-government relationship to insure that the Tribes' reserved rights are protected. Consultation with tribes helps insure that these trust responsibilities are met. However, no tribal concerns were identified for this project. Per Attachment A (Exempt Undertakings II. Screened Exemptions B. General) of the ANF Programmatic Agreement with State Historic Preservation

Office (SHPO) and the Advisory Council on Historic Preservation (ACHP), “Activities whose APE is entirely within obviously disturbed contexts, and the disturbance is such that the presence of historic properties is considered highly unlikely”; activities such as those in this project that do not have the potential to affect access to or use of resources by Native American is considered an “exempt undertaking.” (Record 5).

7. Archaeological sites, or historic properties or areas –

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register of Historic Places. Section 106 of the National Historic Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on agency undertakings. The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered on federal lands. It affords protection of archaeological resources and sites that are on public and Indian lands. The Native American Graves Protection and Repatriation Act cover the discovery and protection of Native American human remains and objects that are excavated or discovered in federal lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through “in situ” preservation, but may encompass other actions to preserve these remains and items. This decision complies with the cited Acts. This undertaking will not intrude upon any Native American religious or traditional cultural properties, affect access to any such known location [Attachment A, II H(1)], or result in any anticipated issues or concerns that would be subject to the Native American Graves Protection and Repatriation Act (NAGPRA) (Record 5).

No other extraordinary circumstances related to the project were identified.

III. PUBLIC INVOLVEMENT

Public involvement included listing in the Forest's *Schedule of Proposed Actions* since July 2009, direct mailings, ANF web site posting (May 7, 2009), and a newspaper Legal Notice (*The Bradford Era*, June 10, 2009) (Record 4). On June 2, 2009, one public email was received expressing opinion over the “comments to be received by date June 6, 2009.” Since the legal notice was published June 10, 2009, postmarked comments were accepted through July 10, 2009.

IV. FINDINGS REQUIRED BY AND/OR RELATED TO OTHER LAWS AND REGULATIONS

My decision will comply with all applicable laws and regulations. I have summarized some pertinent ones below.

Federal Land Policy and Management Act - This Act allows the granting of easements across National Forest System Lands. The regulations at 36 CFR 251 guide the issuance of permits, leases, and easements under this Act. Permits, leases, and easements are granted across National Forest System lands when the need for such is consistent with planned uses and Forest Service policy and regulations. This decision is consistent with this Act.

Forest Plan Consistency (National Forest Management Act) - This Act requires the development of long-range land and resource management plans (Plans). The Allegheny National Forest (ANF) LRMP was developed, as required by the Act. The Act requires all projects and activities be consistent with the LRMP. The LRMP has been reviewed in consideration of this project. This decision is responsive to guiding direction contained in the LRMP, as summarized in Section I of this document. This decision is consistent with the standards and guidelines contained in the LRMP.

Endangered Species Act - See Section II, Item B1 of this document **(Record 1)**

Sensitive Species (Forest Service Manual 2670) - This Manual direction requires analysis of potential impacts to sensitive species, those species for which the Regional Forester has identified population viability is a concern. On October 13, 2006, the Regional Forester approved the sensitive species list. Potential effects of this decision on sensitive species have been analyzed and documented in a Biological Evaluation. This decision will have “no impact” on sensitive species **(Record 1)**.

Clean Water Act – The intent of the Act is to restore and maintain the integrity of waters. The Forest Service complies with this Act through the use of Best Management Practices. This decision incorporates Best Management Practices to ensure protection of soil and water resources **(Record 2)**.

Wetlands (Executive Order 11990) - See Section II, Item B2 of this document **(Record 2)**.

Floodplains (Executive Order 11988) - See Section II, Item B2 of this document **(Record 2)**.

Federal Cave Resources Protection Act - This Act is to secure, protect, preserve, and maintain significant caves, to the extent practical. There are no known caves within the affected project area **(Record 2)**.

National Historic Preservation Act - See Section II, Item B7 of this document **(Record 5)**.

Archaeological Resources Protection Act - See Section II, Item B7 of this document **(Record 5)**.

Native American Graves Protection and Repatriation Act - See Section II, Item B7 of this document **(Record 5)**.

Wild and Scenic Rivers Act - None affected **(Record 3)**.

Environmental Justice (Executive Order 12898) - This Order requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this Act. Public involvement occurred for this project, the results of which I have considered in this decision-making. Public involvement did not identify any adversely impacted local minority or low-income populations. This decision is not expected to adversely impact minority or low-income populations.

National Environmental Policy Act - This Act requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act.

V. ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

This decision is not subject to administrative appeal pursuant to 36 CFR 215.12(f).

This decision is subject to appeal pursuant to 36 CFR 251 by those who hold or apply for written authorizations to occupy and use National Forest System lands.

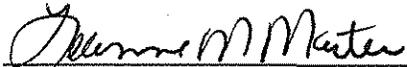
VI. IMPLEMENTATION DATE

This decision may be implemented immediately. I expect that the decision will be implemented in September 2009.

VII. CONTACT PERSON

Further information about this decision can be obtained from Cindy Hervatin during normal office hours (weekdays, 8:00 a.m. to 4:30 p.m.) at the Warren Supervisor's office (Address: 4 Farm Colony Drive, Warren, PA 16365; Phone: voice (814) 363-6077; Fax: (814) 726-1465; e-mail: chervatin@fs.fed.us).

VIII. SIGNATURE AND DATE



LEANNE M. MARTEN
Forest Supervisor
Allegheny National Forest

7/31/09

Date

References:

USDA-FS 2007e. Allegheny National Forest Scenery Implementation Guide (SIG). Warren, PA.

USDA-FS, Agriculture Handbook #701, Landscape Aesthetics A Handbook for Scenery Management, 12/1995.

USDA-FS 2007. Biological Evaluation, Allegheny National Forest. Warren, PA

USDA-FS 2007a. Allegheny National Forest Land and Resource Management Plan. Warren PA.

USDI-FWS 2007. Concurrence letter for the Biological Analysis on the Impacts of Forest Management and Other Activities to the Indiana bat, Small-whorled Pogonia, Northeastern bulrush, Clubshell and Northern Riffleshell on the ANF. USFWS Project #2007-0214. 20 pp.

USDA-FS 2005. Programmatic Agreement among the USDA Forest Service, Allegheny National Forest, the Pennsylvania State Historic Preservation Officer, and the Advisory Council on Historic Preservation. pp 31, 34.

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