



United States
Department of
Agriculture

Forest
Service

Southwestern
Region

517 Gold Avenue, SW
Albuquerque, NM 87102-0084
FAX (505) 842-3800
V/TTY (505) 842-3292

File Code: 1570-1
2720

Date: July 31, 2000

Mr. H. Barry Holt
Gust Rosenfeld P.L.C.
201 North Central Ave., Suite 3300
Phoenix, AZ 85073-3300

CERTIFIED MAIL - RRR
Z-095-964-366

Re: Appeal #00-03-00-0083-A215, McGuireville 69kv Powerline, Sedona Ranger District,
Coconino National Forest

Dear Mr. Holt:

This is my review decision concerning the appeal you filed regarding the Decision Notice and Finding of No Significant Impact which authorizes construction of the McGuireville 69kV powerline and substation on and across the Prescott and Coconino National Forests.

indicates informal resolution was not reached. The letter you sent after the June 28th meeting does not raise any issues which were not discussed at the meeting. The new alternative presented at the June 28th meeting was not submitted in time for consideration during the NEPA process; however, alternative M6 addresses the proposal except for changes to links 90 and 100. The Responsible Official did consider a reasonable range of alternatives.

My review of this appeal has been conducted in accordance with 36 CFR 215.17. I have thoroughly reviewed the appeal record and the recommendation of the Appeal Reviewing Officer. My decision incorporates the appeal record.

APPEAL REVIEWING OFFICER'S RECOMMENDATION

The Appeal Reviewing Officer has recommended the Responsible Official's decision be affirmed and your request for relief be denied. The evaluation concluded: (a) decision logic and rationale were generally clearly disclosed; (b) the benefit of the proposal was identified; (c) the proposal and decision are consistent with agency policy, direction, and supporting information;



(d) public participation and response to comments were adequate; and (e) all of the major issues raised by the appellants were adequately addressed in the project record.

APPEAL DECISION

After a detailed review of the record and the Appeal Reviewing Officer's recommendation, I affirm the Responsible Official's decision concerning the approval of the McGuireville 69 kV powerline and substation with the following instructions:

By copy of this letter, the Responsible Official is instructed to assure that appropriate mitigation requirements are applied relating to pole height on links 34 and 36 and self-weathering poles, during the implementation of the project.

My decision constitutes the final administrative determination of the Department of Agriculture [36 CFR 215.18 (c)].

Sincerely,

/s/ James T. Gladen
JAMES T. GLADEN
Appeal Deciding Officer
Deputy Regional Forester

cc:
Forest Supervisor, Coconino NF
Forest Supervisor, Prescott NF
District Ranger, Sedona RD
L&M Staff, R3
Appeals & Litigation Staff, R3
Mr. and Mrs. Kenneth Fread
Ms. Charlene J. Tucker
Mr. Eric John Strathmere

REVIEW AND FINDINGS

of the

Charlene J. Tucker Appeal #00-03-00-0076 A215

And

Eric J. Strathmere Appeal #00-03-00-0081-A215

And

H. Barry Holt Appeal #00-03-00-0083-A215

And

Kenneth Fread Appeal #00-03-00-0084-A215

Regarding

A Proposal To Construct a New Electrical Transmission Line To McGuireville

ISSUE 1 (Holt, Strathmere, Fread): The decision should require use of an existing utility corridor.

Contention: The decision should require the use of an existing utility corridor and should consolidate utilities in the existing corridor. Therefore, the decision is inconsistent with policy and planning requirements. Designation of new utility corridors requires Forest Plan amendments.

Response: Neither Forest Plan requires the use of an existing utility corridor.

The Coconino National Forest (CNF) Plan states as follows: “Use existing corridors to capacity with compatible utilities where additions are environmentally and visually acceptable before evaluating new routes”. A Forest Plan amendment is not needed to approve new utility corridors on the Coconino National Forest.

The Prescott National Forest (PNF) Plan states that “Utility corridors may be authorized after an EIS and/or Plan revision (first)...” This decision amends the Prescott National Plan to designate route segment QS3 as a utility corridor (DN/FONSI, pg 5, Item E).

The record shows that the Responsible Official evaluated alternatives which considered the use of existing utility corridors and new corridors. The weighing of environmental effects between alternatives ultimately resulted in the selection of alternative segments QS3 and M5.

Finding: This decision appropriately amends the Prescott National Forest Management Plan and approves a new utility use outside an existing corridor designated in the Coconino National Forest. The Responsible Official's decision complies with policy and planning requirements. Any future proposals to either add uses or changes uses within this corridor will be subject to the formal requirements of NEPA.

ISSUE 2 (Holt, Tucker, Strathmere): The decision violates policy and planning requirements for visual resources.

Contention: The decision is not consistent with policy and planning requirements because it visually affects high-density residential areas and degrades visual resources.

Response: The Forest Land Management Plans for the Coconino National Forest and the Prescott National Forest that were completed in 1987, established Visual Quality Objectives (VQO's) (EA page 3-19) that are the standards and guidelines for visual resource management.

VQO's establish the standard or objective for the visual management of all National Forest lands and the degree of acceptable alteration of the natural landscape based upon the importance of esthetics. The VQO's are established by considering the inherent scenic attractiveness of the landscape (Variety Classes-EA page 3-19 & 20), the publics' concern for scenery (Sensitivity Levels), and landscape visibility (Distance Zones) (EA pages 3-21 & 22).

The Responsible Official required that the Arizona Public Service's consultant update the VQO's for the project area to reflect current conditions. The new conditions are more restrictive than those that were in the original Forest Plans (EA page 3-19 & Figure 10 page 20 and PR 48, 52, 64, & 67). The DN (page 5) amends both Forest Plans with the updated VQO's. The updated VQO's (EA page 20 Table 10) establish the minimum acceptable visual threshold that alternatives must meet to be in compliance with Forest Plan standards and guidelines.

All of the alternatives affect residential areas and visual resources to some extent (EA Table 7 pages 2-20 & 2-210). Washington Office Amendment 2300-90-1 effective 6/1/90 Chapter 2380 – Landscape Management of the Forest Service Manual, contains the policy and planning requirements for managing the visual resource. It does not prohibit activities that have affects on viewers or visual resources.

Alternatives QS1, QS2, QS3, QS5, M1, M4, and M5 are in compliance with the updated VQO's (EA pages 3-24 thru 3-32). Alternatives QS4 (Link 32 - EA page 3-28), M2 (Link 180 - EA page 3-29), and M6 (Link 90 - EA page 3-31) are not in compliance with the updated VQO's

Finding: The selected alternative segments QS3 and M5 are in compliance with Forest Plan standards and guidelines and with national policy regarding management of visual resources.

ISSUE 3 (Fread): The transmission line should be buried.

Contention: An existing Improvement District requires that utilities be buried. Buried lines would avoid the visual impacts.

Response: The topic of underground construction is addressed in the EA at pg. 2-4 and in the DN/FONSI on pg. 9 in the section entitled “Visual Impact To Residents...”. Burying the line would avoid visual impacts, but the VQO’s for the proposal can be met with an aerial transmission line.

Finding: Since the transmission line can be constructed above ground across the National Forests and meet the visual quality objectives identified in the Forest Plans, it is not necessary to bury the lines.

ISSUE 4 (Fread): The EA did not contain enough information for residents to make decisions. The visual mitigation measures are vague and inadequate.

Contention: Appellants allege that residents can not make an informed decision without knowing the final design specifications. Reduced pole height mitigation standards should be applied to links 34 and 36 in alternative segment QS3. The exact height for the reduced pole height standard should be specified. The end result objective for the self-weathering steel poles should be more specific.

Response: Design parameters are described in the EA starting on pg. 2-6 and the generic mitigation measures are listed starting on pg. 2-8. Alternative specific mitigation measures for segment QS3 are listed on pg. 3-27, and for M5 starting on pg. 3-30.

The concerns for visual mitigation standards are directed towards implementation and will be addressed in the implementation plan referenced on DN/FONSI pages 4, part B, paragraph 2 and A-4 at the top of the page.

The record does not include information needed to address the issue of appropriate pole height mitigation measures for link 34. However, this problem, by itself, is not a significant enough reason to change or delay the decision. This problem can be addressed adequately by directing the Responsible Official to coordinate with appellants to assure that the appropriate pole height mitigation measures are applied to links 34 and 36 and to include the resulting mitigation measures in the implementation plan.

It is not reasonable to require that each pole be custom made. A range of sizes is routinely manufactured. Where visual quality is the issue, there is a tradeoff between pole height and pole spacing. Shorter poles generally require closer spacing. The implementation plan will apply the best combination of height and spacing to minimize visual impacts.

Finding: The EA contained sufficient information to evaluate and disclose visual effects. The Responsible Official used that information to specify appropriate mitigation measures to minimize the effects on visual resources.

ISSUE 5 (Holt): The decision picks the most damaging route.

Contention: The decision rejects better alternatives in favor of the most environmentally damaging route. Appellant claims that alternative segment M1 should have been selected.

Response: The Responsible Official made a decision that considered a number of different issues and alternatives. There is no one alternative that would please all parties. An appellant alludes to the relative comparisons between alternatives in EA Table 6. Although Table 6 provides a means to compare alternatives, it does not indicate that the effects on a given criterion are automatically unacceptable. The decision rationale is adequately explained starting on page 5 of the DN/FONSI in the section entitled “Rationale For The Decision”.

Visual effects are one of the most significant points of appeal. Just as the Lower Oak Creek Estates (L.O.C.E.) residents object to route segment M5, the Cornville residents object to M1 which one appellant asserts should have been selected. The Responsible Official selected alternative segment M5 over M1 because M5 affects fewer residents. The rationale for that decision is cited in the response to issue 7.

The rationale for the decision with regard to land use impacts is discussed on page 6 of the DN/FONSI. The relative differences between the “M” alternative segments are not that significant. Alternative segment M1 is rated as the best option with M5 being rated as the next best option. However, there are not any land use factors which would make the selection of M5 unacceptable. EA page 3-16 summarizes the effects of M5.

Consolidation of utilities into existing corridors was an issue for one appellant. Among the “M” segments, M1 accomplishes this goal best and M5 performs the worst. The topic is addressed in the response to Issue 1 of this document.

With respect to special status plant and animal species, the EA and Biological Assessment identified the special status species, described their habitats, and analyzed the effects of the proposed action. The determination was that the proposed action may impact individuals of some species, but would not adversely affect these species.

Finding: Given the complexity of the issues involved, the Responsible Official appropriately balanced the advantages and disadvantages of the alternatives and selected an environmentally acceptable route that complies with policy and Forest Plan guidelines.

ISSUE 6 (Holt, Tucker): The discussion about property values is inadequate.

Contention: The decision could adversely affect property values, and the issue should have been addressed more thoroughly in the analysis.

Response: As noted in the EA (pg. 3-47), the most meaningful determinants of the effects of transmission lines on property values would be actual market data comparisons (sales data). More specifically, such comparisons would measure changes in value that have occurred since the powerlines were built – a before construction and after construction comparison. Since construction has not yet occurred, it is not possible to develop site specific, value change information for this project. Therefore, it is reasonable to look elsewhere for data on possible value relationships. The EA describes information on the data search, specifically citing a 1995 study. The appellants have not presented any data contrary to the information presented in the EA.

Possible effects on property value are only one of the many issues which must be considered when making a decision such as this. The Responsible Official did consider a reasonably obvious evaluation criterion related to property value effects. That reference appears on page 10 of the DN/FONSI as the number of residents affected.

Finding: The Responsible Official adequately discussed and disclosed the issue of potential impacts on property value. The Responsible Official has made a reasonable effort to incorporate information about possible value effects into his decision by choosing the alternative which directly impacted the fewest number of property owners.

ISSUE 7 (All): There were not enough alternatives considered to address the issues which were raised.

Contention: There are four subparts to this issue. They are as follows: A) There should have been an alternative which included link 190; B) Valid reasons were not given for the failure to use the APS preferred alternative; C) The input from the Cornville area residents was given too much weight in the analysis; and, D) Decision rationale was not explained.

Response: This response begins with an introduction which describes how alternatives were formulated and compared. Contention subparts A through C will be split out separately by title. Decision rationale is explained for each subpart.

EA Figure A-1 shows an extensive number of initial alternatives. The selection of alternatives for detailed analysis was based on the issues identified in the various public involvement activities (pg 16 of the DN/FONSI). A very detailed summary of public involvement is included with the Project Record (PR 141). Public input helped to define the issues and to guide selection of evaluation criteria.

Ten alternative segments were selected for detailed study (EA pg. 2-14 to 2-17). The segments are sorted into two groups – the “Q” routes and the “M” routes. The “Q” group can be described as being west of the Verde River; the “M” group is east of the river (EA pg. 1-8, Figure 4). Five options for each segment were analyzed in depth. A complete alternative would consist of segments from each group. EA pages 1-13 through 1-16 explain the development process in narrative fashion and Tables 6 and 7 display the results in a tabular format.

A. There should be an alternative which includes link 190.

It was suggested that an alternative could have been constructed to avoid the residents of L.O.C.E. by replacing links 130, 150, and 200 in the selected segment (M5) with links 165 and 190, thus creating a different alternative. The effects on link 165 would have been the primary focus of the suggested alternative. The effects of link 165 were considered in detail as part of alternative segment M2. It was shown in the EA (Table 7, page 2-21) that alternative M2 affected more residents than the selected segment, M5 – 24 residents for M2 versus 18 residents for M5. That information applies to link 165. The Responsible Official explained the decision rationale on page 8 of the DN/FONSI in the section regarding “Visual Impacts to Residents”.

Information about the possible impacts of link 190 was not needed to make this decision since the impacts of link 165 were the determining factors. Therefore, it was not necessary to include an alternative which contained link 190.

B. The alternative preferred by APS should have been selected.

One appellant claimed that the APS preferred alternative should have been selected. The QS3 segment of the selected alternative pair, QS3/M5, was part of the APS alternative. M5 was chosen over M1, the other part of the APS preferred alternative, because M5 affected fewer residents (DN/FONSI pg. 8, item 1, “Visual Impacts To Residents...” and EA Table 7, pg 2-21)

and because M5 avoided new impacts to travelers on Cornville road (DN/FONSI pg. 6, paragraph 3 of “Issue: Visual Resource...” and EA Table 6 on pg. 2-20).

C. Input from the Cornville Residents was given too much weight during analysis.

Another appellant claims that “public preference” or in other words, the opinions of the people in Cornville, is given too much weight in the analysis. The appellant states that the different visual effects evaluation criteria are just different versions of a “not in my backyard” position. Actually, that same position is taken in one form or another by at least three different groups of residents from three different places – Verde Village, Cornville, and Lower Oak Creek Estates. Each group favors a route which would place lines out of their sight, sometimes in the “someone else’s” back yard.

In reality, the input from the various publics was used to develop some quantifiable evaluation criteria for visual resources as shown on EA pg. 14. These criteria are displayed on EA Tables 6 and 7 (pgs. 2-20 and 2-21) and described in narrative fashion starting on pg. 3-22. The view from residences is different than the view for road travelers or for recreational users. Those views can represent entirely different groups of people, not just the people who live in Cornville and who drive the Cornville road. Non-residents use the roads and the recreation areas, and their interests deserve to be considered as well.

Finding: The issues identified in public involvement were adequately reflected in the evaluation criteria and were adequately described and displayed in the EA. The alternatives selected for detailed analysis included an adequate range of alternatives necessary to cover the issues identified. The decision was based on analysis of the evaluation criteria and properly considered the differences between alternatives. Decision rationale was adequately explained in the DN/FONSI.

ISSUE 8 (Holt): An Environmental Impact Statement (EIS) is required.

Contention: This decision has raised enough controversy to warrant that an EIS be prepared.

Response: An EIS is required when it is determined, through analysis, that significant impacts on the environment will or may result from implementation of the project. It is important to note that this reference specifically addresses effects, not the decision in general. The disclosure of effects in the EA is not being disputed by the appellant.

The Responsible Official prepared a FONSI which is supported by the record. This conclusion is documented in the DN/FONSI starting on pg. 17.

Finding: The Responsible Official appropriately disclosed the environmental effects in an EA and concluded that those effects were not significant. Therefore, an EIS is not necessary.