

Appendix E – Response to Public Comments

Proposal: **Haywood EMC
Herbicide Maintenance Proposal**

Comment	Source(s)	Agency Response
1-1. We recommend that any desirable species of native shrubs or vines that would not interfere with power line operation receive no herbicide application. This includes grapes, hawthorns, elderberry, crab apples, wild plum and any native warm season grasses.	NC Wildlife Resources Commission	This recommendation will be adopted and included in the operating plan issued to Haywood EMC for the use of herbicides on National Forest System Lands (NFS).
1-2. NCWRC Supports the use of herbicides when they are properly used by certified applicators. We recommend that pre-work training sessions for applicators include the identification of native plants and exotic species which need control along with the avoidance of wetland areas and stream buffer zones.	NC Wildlife Resources Commission	This recommendation will be adopted and included in the operating plan issued to Haywood EMC for the use of herbicides on National Forest System Lands.
1-3. We recommend evaluation whether some sections of corridors could be converted to wildlife openings or plots.	NC Wildlife Resources Commission	Although this is outside the scope of the decision, this information will be passed on to Forest Service wildlife program managers for consideration in our annual program of work as developed in cooperation with the NC Wildlife Resources Commission.
2-1. It is unclear to us if heavy equipment will be used during mechanical treatments. The Preliminary Analysis (PA) states on page 18 that “none of the alternatives included in the analysis involve heavy equipment”. If not, how will the mechanical treatments be carried out? Will these treatments be performed on foot with hand tools? In our experience Haywood EMC does use heavy equipment (i.e. bulldozers, etc) and in fact has illegally crossed streams with this equipment in the past. Stephen Novak from WildLaw accompanied fisheries biologist Lorie Stroup to the area shortly after previous mechanized maintenance in 2003 and noticed extensive damage. The damage included but was not limited to obvious machinery crossings of the river, eroded stream banks, and active equipment use in perennial tributaries to the river. We have concerns that over the many miles of rugged terrain that care should be exercised to avoid these types of impacts, especially given the past track record of Haywood EMC in complying with those objectives.	WildLaw/ Wild South	The existing permit does not restrict the use of heavy equipment for the operation and maintenance of powerlines on NFS Lands. Heavy equipment is utilized within the existing utility corridors for the repair of powerlines during storm events. Corridors are accessed by existing road systems that were constructed when the initial powerline were installed. During maintenance activities, light equipment is utilized for brushing and limbing the corridor. The permit also requires compliance with existing laws, in which the 2003 incident was a clear violation of the terms and conditions of their Special Use permit. To ensure that there are no further incidents, we will include in the amendment to the permit an updated operating plan that will improve operations to include advance notification of areas being maintained; signing areas to let work crews know they are entering NFS lands as the majority of their lines are located on private land; training crews on Forest Service permit requirements; and prohibiting the use of all equipment, heavy and vehicular within 100 ft of riparian areas without prior approval of the District Ranger. It should be noted that since the 2003 incident, Haywood EMC has restored the area to its original condition.
2-2: If heavy equipment is used how will HEMC access each of the segments proposed for treatments without crossing perennial streams? At least 20 of the segments cross at least one perennial stream. This is half of the proposed segments. One segment, Segment #34 will cross sixteen perennial streams while Segment # 35 crosses the North Fork of the French Broad three times. The use of BMP’s and riparian buffers is outlined but how will these streams be avoided. Will workers and/or equipment work around these crossings and associated buffer zones? If	WildLaw/ Wild South	As part of the operating plan requirements as noted in Section 2-1, Haywood EMC will not be allowed to operate heavy equipment within riparian areas and streams. All areas that are not accessible by vehicle on existing road systems will have to be accessed by foot. The scope of this decision does not involve permitting additional access to the powerlines currently under permit. As shown in FSM 7712.13 – Exhibit 01, road maintenance is not a management action that necessitates a RAP. The maintenance of

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<p>so, how will the right of ways (ROW's) be traversed when access by road or trail is limited? Does each ROW segment have road access? Will any road maintenance or designation be involved as a part of this project? If so, a Roads Analysis Procedure (RAP) must be carried out.</p>		<p>roads that access the powerline that are not on the Forest Service or State of North Carolina's road system is the responsibility of Haywood EMC. With this, a Road Analysis Procedure (RAP) is not required.</p>
<p>2-3: With such an abundance of streams, perennial and otherwise, why is Alternative C (Alt. C) the preferred alternative? Alternative B (Alt. B) seems to be the obvious choice given that each of the herbicides proposed for use are rated for use in and around aquatic environments. According to the PA it appears that Alt B and C will have similar impacts to the environment and are economically identical. This begs the question of why is the preferred alternative Alt. C when Alt. B uses herbicides that assure minimal risk to aquatic resources. Why not take this extra precaution despite the fact that environmental impacts are presumed to be the same between alternatives?</p>	<p>WildLaw/ Wild South</p>	<p>As stated on page 5 of the analysis: <i>Due to this alternative's desirable effects to the vegetative community within the powerline rights-of-way, reduction of ground-disturbing activity within the project area, reduction of costs associated with right-of-way maintenance, and high safety margin to aquatic resources in the project area, Alternative B is now the Preferred Alternative.</i></p>
<p>2-4: Additionally, recent events on the Davidson River near Brevard show that errors can be made. A contractor for Duke Power performing similar maintenance apparently applied herbicides on and in the riparian zone on the Davidson River, clearly in violation of the permit Duke enjoys from the USFS. How can similar errors or miscalculations be avoided in the proposed Haywood EMC application?</p>	<p>WildLaw/ Wild South</p>	<p>While uncommon, errors in permit implementation are unacceptable. Closer permit administration by USFS personnel and the power company will reduce potential for future errors. We will also include in the amendment to the Haywood EMC permit an updated operating plan that will improve operations to include advance notification of areas being worked in, signing areas to let work crews know they are entering NFS lands, training crews on Forest Service permit requirements, and prohibiting the use of equipment within 100 ft of riparian areas without prior approval of the District Ranger. It should be noted that Duke Power has restored the area and the USFS is in the process of developing standards similar to those noted for Haywood EMC Operating Plan to prevent further violations.</p>
<p>2-5: It is clear from the analysis and the provided maps that the ROW segments cover a wide variety of habitats. The analysis indicates that each of the proposed alternatives will have negligible effects on state and federally listed species or forest species of concern. While cumulatively this may be true we are most concerned about the potential impacts to the integrity of important habitats recognized by the State Natural Heritage Program. Examining impacts at the habitat scale seems appropriate for a project such as this which covers a large amount of the landscape but directly impacts relatively few acres. Because activities are not concentrated impacts may appear to minimal. It is clear from the PA, however, that numerous proposed and designated State Natural Heritage Areas (SNHA's) will be directly impacted by this project. Below is a list of the segments which flank or cross various SNHA's: Segment #7: Bonas Defeat/Tuckasegee Gorge; Segment #9 & #10: Panthertown Valley; Segment #22: Scaly Mountain & the Catstairs; Segment #29: Mount Pisgah; Segment #30: Flat Laurel Gap Bog; Segment #39: Dismal Falls</p>	<p>WildLaw/ Wild South</p>	<p>Mike Shafale with the North Carolina Natural Heritage Program (NCNHP) was mailed the scoping package and did not formally comment on the proposal. To ensure we received his input and that he received the scoping package, we made direct contact with him. During our communication he stated that the NCNHP had no concerns regarding the proposal as it focused on treating existing corridors and did not require any additional openings. We specifically reviewed the proposals regarding the Significant Natural Heritage Areas: 1. Bonas Defeat/Tuckasegee Gorge SNHA; 2. Panthertown Valley SNHA; and 3. Scaly Mountain and the Catstairs SNHA and he had no additional concerns.</p>
<p>2-6: At least one ROW lies adjacent and crosses a designated wilderness area: Segment #26: Shining Rock Wilderness. How will these activities minimize impacts to this federally designated resource? Any encroachment of wilderness areas by proposed actions requires a</p>	<p>WildLaw/ Wild South</p>	<p>Segment 26 is located within the Shining Rock Wilderness – as such, no herbicide would be used on this segment and there is no need for impacts to wilderness to be included in the analysis. It should be noted that construction of many of the powerlines currently under permit began in 1941 and our records indicate this</p>

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thorough and thoughtful analysis. We request that impacts to wilderness be considered in the final analysis for this project.		powerline was installed prior to the designation of Shining Rock Wilderness Area on September 3, 1964 (P.L. 88-557).
2-7: Another concern of significance which was overlooked in the PA was the invasion of exotic plant species. It is known that artificial forest openings such as ROW's often promote the establishment and spread of non-native invasive plant (NNIP) species. The presence of NNIP's were not assessed in the PA. The likely impact that maintaining these ROW's will have on the spread of NNIP was also overlooked. In examining this issue it may be possible to consider applying herbicides to NNIP's as they are encountered. This could easily be accomplished during routine maintenance and would ensure that NNIP's do not begin to invade the forest interior or jeopardize the persistence of native plant communities.	WildLaw/ Wild South	While maintaining corridors with herbicide and manual methods, non-native invasive plant species will be monitored and treated if necessary by Haywood EMC.
2-8: The need for creating and maintaining early successional habitat (ESH) is often the primary purpose of many of the projects carried out by National Forests of North Carolina. While the necessity for a silvicultural approach to creating this habitat is debatable the benefits this habitat can provide are not. Whether created artificially or naturally, ESH can provide a desirable habitat for numerous plants and animals. That said, why is it that a total of 290 acres of permanent ESH is so casually mentioned in the PA. Will these 290 acres be considered and quantified as ESH in future projects? If not, it must be. And why is it that these 290 acres were not considered suitable for MIS such as ruffed grouse, wild turkey, and white-tailed deer? It is hard to understand why the USFS so vehemently defends their rationale for ESH creation on every timber project yet barley assesses it in this project where ESH is an inherent component.	WildLaw/ Wild South	<p>The purpose of the proposal was not to develop ESH (although this is a side benefit), but to allow HEMC to more cost-effectively maintain their permitted r-o-w corridors. That said, there will be ESH benefits realized by the proposal and the 290 acres will be considered in ESH calculations for the two Forests. The MIS analysis considered ESH and the associated species (rufous sided towhee) in Table 6 because the ESH will be less than 10 years in age. Grouse were not considered because the soft mast habitat will not be optimized with the proposal – habitat would be reduced following each treatment.</p> <p>In regards to maintaining permanent grass/forb habitat, as this is a side benefit that is not part of the proposal, this information will be passed on to Forest Service wildlife program managers for consideration in our annual program of work as developed in cooperation with the NC Wildlife Resources Commission.</p>
3-1: The USFWS concurs with the proposed project and that it will not affect federally endangered or threatened species or designated critical habitat given the following protective measures in addition to those described in Section 10.0 of the analysis: no herbicides be applied within 100 feet of perennial streams or lakes or within 30 feet of perennial streams when the riparian area has been delineated on the ground; elimination of segments 2, 17, 26, 29, 30 and 39 as proposed; only treating species capable of interfering with the power lines to include shrub species, mountain laurel, rhododendron, which hazel and alder species with exception to mechanically clearing small paths necessary for worker access; abiding by the April 17, 2000 BO and Forest Plan Amendment 10 with regard to the Indiana Bat, which may occur in or near the proposed project area in Macon County.	U.S. Fish and Wildlife Service	Recommendations will be incorporated in their entirety in the operating plan as part of the terms and conditions of the Special Use permit.
4-1: Supports the use of herbicides to inhibit vegetation growth in powerline corridors as it provides a cost-effective way to improve service and reliability. (Note: comment are from seven form letters from various customers of Haywood EMC)	Haywood EMC Members	Comments Noted

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5-1: Supports Alternative C as the best choice for both the environment and wildlife. Mountain laurel needs to be eradicated in favor of native grasses and plants to support wildlife. In areas where there is a potential for erosion, Haywood EMC should plant approved seed to prevent erosion. Be sure to prevent contamination of the water systems with herbicides.	Charles Parris	As low growing species such as mountain laurel are targeted to be treated, the utility corridor will serve as early successional habitat for wildlife as discussed in comments 1-1, 1-2, and 1-3. The contamination of water systems will be avoided by not applying herbicides within 100 feet of riparian areas and adhering to manufacturers setbacks regarding potable water supplies.
6-1: I am writing to strongly oppose the use of herbicides by Haywood EMC to maintain power corridors on national forest lands in Jackson and other western North Carolina counties. Herbicides have a devastating effect on ecosystems, from soil microorganisms and worms to bees and birds and other wildlife. Their run-off into waterways is also undesirable...and have a negative impact on the delicate balance of life.	Ellen R. Boyd	The analysis addressed the use of herbicides in accordance with the manufactures use and application guidance for each chemical and found that there would be no effect on the ecosystem. This finding was supported by the U.S. Fish and Wildlife Service as noted in Comment 3-1, above. The No-action Alternative which does not propose to use herbicides was analyzed in detail.
7-2: As long as there will be no ground-disturbing activities, and therefore, no impact on archaeological resources, the Catawba have no immediate concerns with regard to traditional cultural properties, sacred sites or native American archaeological sites within the boundaries of the proposed project areas.	Catawba Indian Nation	Comments Noted
8-1: The United Keetoowah Band of Cherokee Indians in Oklahoma has no objection to the project. However, if any remains, artifacts or other items are inadvertently discovered, please cease construction immediately and contact us.	United Keetoowah Band of Cherokee Indians	Comments Noted
9-1: The Pisgah Chapter of the national Wild Turkey Federation agrees with the proposal as written with some reservations: 1. Trained applicators; 2. distance from running water; 3. supervision of applicators; 4. if aerial application is used, concerns over wind drift; and 5. the amount of herbicide used for mechanical application considering the steepness of the grade.	Pisgah Chapter, National Wild Turkey Federation	The Special Use permit will require the training and supervision of applicators in accordance with the State of North Carolina Standards for herbicide use, a minimum of 100 feet set-back from riparian areas will be required, herbicides will be applied by hand operated equipment in accordance with State Regulations and the manufacturers material safety guidelines; aerial application methods will be prohibited.
10-1: We approve of the use of mechanical/manual methods of herbicide applications, especially utilizing low volume foliar spray and basal treatments noted in Alternative C. The correct herbicide application will target the species needed to control and works to kill the entire plant, including the rootstock. Subsequent years should see drastic reductions in the active ingredient used to control the vegetation in these corridors. And the native low growing vegetation will benefit from the reduced competition for sunlight and nutrients.	National Wild Turkey Federation, Edgefield SC	Comments Noted
10-2: Many companies now utilize Integrated Vegetation management (IVM) to help determine the management on their lines. IVM is controlling vegetation by using a process that balances the use of cultural, biological and chemical treatments to establish and maintain a vegetative cover type that is compatible with the environment, economically feasible and socially acceptable. Utility companies try to	National Wild Turkey Federation, Edgefield SC	Although this is outside the scope of the proposal, this information will be passed on to Haywood EMC for consideration in the management of their powerlines.

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<p>balance this work while trying to obtain their main goal of providing the safe and efficient transmission/distribution of energy to their customers. We have found that utilizing IVM is also more beneficial to wildlife in almost every instance. Having a good IVM plan will also provide all the tools needed to help with the control of invasive species.</p>		