

## CHECKLIST ENVIRONMENTAL ASSESSMENT

<b>Project Name:</b>	NorthWestern Energy Columbus-Rapelje to Chrome Junction 100kV Transmission Line Easement
<b>Proposed Implementation Date:</b>	Fall 2015/Spring 2016
<b>Proponent:</b>	NorthWestern Energy
<b>Location:</b>	Section 36 (less SE¼), Township 4 South, Range 15 East (Common Schools Trust)
<b>County:</b>	Stillwater County

### I. TYPE AND PURPOSE OF ACTION

The Proponent, NorthWestern Energy, is requesting a 60' wide easement, encompassing 10.08 acres, across Trust land described as Section 36-T4S-R15E in Stillwater County for a new 100kV transmission line. The easement request is a part of a larger project for the construction of a new 100kV transmission line that will start approximately 15 miles north of Columbus at the Columbus-Rapelje substation, then head west/southwest to a crossing of the Yellowstone River west of Reed Point and then continue south to its termination at a proposed new substation located approximately five miles south of Nye.

This line will be the first phase of a multi-year five phase system upgrade in Carbon and Stillwater Counties. According to information provided by NorthWestern Energy the project will "...mitigate low voltage violations in the Columbus, Chrome Junction and Red Lodge areas to adhere to NERC [North American Electric Reliability Corporation] Transmission Planning Criteria TPL-001 (requirements for normal operational conditions) and TPL-002 (requirements for the loss of a single bulk system element). This project will address the involuntary load shedding at Stillwater Mine for loss of a single system element (involuntary load shedding is also a violation of TPL-002)." Additionally, the information notes that "... [t]he transmission deficiency consists of voltage violations on the present system when the current Columbus-Absarokee-Chrome Junction line is out of service. As a result of this outage, Stillwater Mine is required to curtail load in order to maintain voltage at an acceptable level on the 50kV system. The curtailment of this load represents a safety issue for Stillwater Mine as they are faced with potential evacuation of many underground mine workers. Furthermore, curtailment of load due to the loss of a single transmission element is a violation of NERC Transmission Policy Planning Standard TPL-002."

The DNRC Southern Land Office (SLO) and NorthWestern Energy have been discussing this proposed new transmission line since March of 2013. NorthWestern provided draft alignments of the entire route to the SLO and the SLO responded with comments and/or concerns regarding the proposed line location on potentially impacted parcels. In addition to parcel in this EA, four previous applications were reviewed and approved by the Land Board in 2014 and those easements have all been executed. There is anticipated to be one additional application on a parcel of Trust land that will be submitted for the project at some point in the future. The remaining easement will be submitted once NorthWestern comes to an agreement with the adjoining landowner(s) on a final alignment. NorthWestern has encountered additional delays in submitting a complete application package to the SLO as it works with our ag and grazing lessees to get signed lessee settlement agreements.

The easement on this particular parcel required extensive discussions with NorthWestern Energy regarding the route location. The original proposal cut through the far northeast corner and SLO staff was concerned that this could limit future options on that portion of the site for non-grazing use. SLO staff proposed an alternate route, which is the route proposed in the submitted application. The most preferred route would have followed the east section line and state highway, but NorthWestern stated that there were too many owners to deal with and other technical challenges with that route.

NorthWestern Energy is trying to build the line under a statutory exclusion from the Major Facility Siting Act (MFSA) found in MCA §75-20-104(8)(a)(i). The exclusion would be triggered if NorthWestern Energy were able to obtain right-of-way agreements or options from more than 75% of the landowners who collectively own more than 75% of the property along the centerline. It currently appears that NorthWestern Energy will be able to meet the requirements for this exclusion from the MFSA.

## II. PROJECT DEVELOPMENT

### 1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

*Provide a brief chronology of the scoping and ongoing involvement for this project.*

NorthWestern Energy has conducted some public notification; one was through a half page public notice that was in the Billings Gazette on 31 January 2013 regarding the proposed transmission line. They also have information regarding the project on their web site and recently mailed an update to landowners along with route.

The DNRC Southern Land Office (SLO) sent a scoping letter to the Crow Tribal Preservation Officer to solicit any comments or concerns regarding all of the parcels potentially impacted by the proposed transmission line. No response was received to the scoping letter or a follow-up email regarding the project and the potentially impacted state Trust lands.

The SLO Area Planner conducted a site visit of the property on 12 June 2014 for the purpose of conducting an on-site inspection of the preferred easement route across the state land.

NorthWestern Energy obtained Lessee Settlement Agreements with both lessees of Trust land.

No other public scoping was conducted by the SLO for this project.

### 2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:

Stillwater County: Encroachment Permit

Montana Department of Transportation: Encroachment Permit

US Forest Service: Easement

US Bureau of Land Management: Easement

### 3. ALTERNATIVES CONSIDERED:

**Proposed Alternative:** Approve the request by NorthWestern Energy to issue a 60' easement for a new 100kV overhead electric transmission line on Section 36-T4S-R15E in Stillwater County.

**No Action Alternative:** Deny the request by NorthWestern Energy to issue a 60' easement for a new 100kV overhead electric transmission line on Section 36-T4S-R15E in Stillwater County.

## III. IMPACTS ON THE PHYSICAL ENVIRONMENT

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" if no impacts are identified or the resource is not present.*

### 4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:

*Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify any cumulative impacts to soils.*

The proposed transmission line would utilize H-shaped structures. The soils in the proposed easement area generally consist of stony well-drained clay loams. Some potential constraints to the powerline construction in these soils include: slope, large stones and unstable excavation. No significant impacts to geology and soil quality, stability and moisture are expected by implementing the proposed action.

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**5. WATER QUALITY, QUANTITY AND DISTRIBUTION:**

*Identify important surface or groundwater resources. Consider the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality. Identify cumulative effects to water resources.*

The proposed overhead transmission line would utilize H-shaped support structures and would span the West Fork of the Stillwater River, but there would be no direct impact to the river. No significant adverse impacts to water quality, quantity or distribution are expected from implementing the proposed action.

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**6. AIR QUALITY:**

*What pollutants or particulate would be produced? Identify air quality regulations or zones (e.g. Class I air shed) the project would influence. Identify cumulative effects to air quality.*

There may be short-term isolated impacts from the construction equipment exhaust that is used to install the new transmission line. No significant adverse impacts to air quality are expected by implementing the proposed action.

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**7. VEGETATION COVER, QUANTITY AND QUALITY:**

*What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify cumulative effects to vegetation.*

The proposed project would cause disturbance of vegetative cover due to the installation of the new H-shaped structures along the new easement route, in addition to the disturbance of the support and construction equipment used during maintenance after the line is completed. A search of the Montana Natural Heritage Program database identified the Small Yellow Lady's-slipper as having been observed southeast of the parcel; however none were noted during the site visit. NorthWestern Energy will be responsible for reclaiming all disturbed areas on the Trust land once installation is complete. No significant long term adverse impacts to vegetative cover, quantity or quality are expected as a result of implementing the proposed alternative.

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**8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:**

*Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify cumulative effects to fish and wildlife.*

A variety of big game (elk, wolf, white-tailed deer and mule deer), small mammals, raptors, and birds use this area. The proposed construction activities could temporarily disrupt wildlife movement and patterns, while the proposed transmission line could cause avian fatalities due to electrocution or collision. One of the standard stipulations in easements issued by the State for overhead electric lines is that they are constructed in compliance with the latest pole construction techniques developed by the industry and the US Fish and Wildlife Service to minimize avian fatalities via electrocution or collision. No significant adverse impacts are expected by implementing the proposed action.

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**9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:**

*Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify cumulative effects to these species and their habitat.*

A proposed project area search of the Montana Natural Heritage Program database identified seven vertebrate animals that are listed as a species of concern or threatened species: Golden Eagle, Peregrine Falcon, Clark's Nutcracker, Veery, Brewer's Sparrow, Hoary Bat and Grizzly Bear.

**Golden Eagles** are protected by the Bald and Golden Eagle Protection Act of 1940 and the Migratory Bird Treaty Act and have been observed in this general area. The particular area that was noted is on the far north end of the section (north of Limestone Road) along the cliffs, which would be prime nesting habitat for Golden Eagles. In addition, the area around the cliffs provides suitable hunting habitat. As noted in above #8, the State has a standard stipulation for overhead electric powerline easements that requires that they be constructed in

compliance with the latest pole construction techniques developed by the industry and the US Fish and Wildlife Service to minimize avian fatalities via electrocution or collision, therefore no significant adverse impacts are anticipated.

**Peregrine Falcon** is listed as a sensitive species and was de-listed from the Endangered Species Act in 1999. They have been observed in this general area, particularly on the far north end of the section along the cliffs, which would be prime nesting habitat for the Peregrine Falcon. In addition, the area around the cliffs provides suitable hunting habitat. As noted in above #8, the State has a standard stipulation for overhead electric powerline easements that requires that they be constructed in compliance with the latest pole construction techniques developed by the industry and the US Fish and Wildlife Service to minimize avian fatalities via electrocution or collision, therefore no significant adverse impacts are anticipated.

**Clark's Nutcracker** is listed as a species of concern and has been observed east of the proposed project area, in the forested/riparian areas along the West Fork of the Stillwater River. The project as proposed would require the removal of some trees at its crossing of the river, but there is no other vegetative impacts proposed. No significant adverse impacts are anticipated.

**Veery** is listed as a species of concern and has been observed east of the proposed project area, near Nye. The parcel does contain suitable habitat, riparian forest and the proposed project route will require the removal of some trees at its crossing of the West Fork Stillwater River, but the number of trees removed will be fairly limited. No significant long term adverse impacts are anticipated by implementing the proposed action.

**Brewer's Sparrow** is listed as a species of concern and is in Montana from approximately mid-April to late October and has been observed over one mile west of the subject parcel. According to the Montana Field Guide, the brewer's sparrow prefers nesting in large sagebrush, which is not common within the proposed easement area.

**Hoary Bat** is listed as a species of concern. The Montana Field Guide lists the preferred habitat as roosting in trees and potentially in other wooden structures. The Hoary Bat has been observed southwest of the Trust land and the potentially suitable areas for roosting would be in the riparian area along the West Fork of the Stillwater River. The construction of the transmission line will require the removal of some trees where it crosses the river. No significant adverse impacts are expected by implementing the proposed action.

**Grizzly Bear** is listed as a species of concern and has been observed southwest of the proposed project. The subject parcel could certainly be used for forage and a grizzly could travel across the parcel. No significant adverse impacts are anticipated by implementing the proposed action.

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## 10. HISTORICAL AND ARCHAEOLOGICAL SITES:

*Identify and determine effects to historical, archaeological or paleontological resources.*

On 12 June 2014, SLO Land Use Planner Jeff Bollman performed a site inspection of the proposed project area. The proposed easement route was walked in its entirety and no historic or cultural resources were noted during the field inspection. Additionally, in reviewing records in TLMS the only noted cultural resource was the Tandy Ditch (a.k.a. Countryman Ditch) which runs along Limestone Road and the proposed project will not disturb the ditch. No significant adverse impacts to historic or archaeological sites are expected as a result of implementing the proposed alternative.

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## 11. AESTHETICS:

*Determine if the project is located on a prominent topographic feature, or may be visible from populated or scenic areas. What level of noise, light or visual change would be produced? Identify cumulative effects to aesthetics.*

The proposed overhead transmission line would be constructed utilizing H-shaped structures and would create a new feature along its route. In reviewing the initially proposed route, various alternatives were discussed with NorthWestern, some of which would have involved the line being located off of the Trust land. However, none of these routes were feasible for a variety of reasons, so the SLO came up with the proposed route which would

minimize impacts to the Trust land and tries to lessen any aesthetic or visual impacts. Implementation of the proposed alternative is not expected to have a significant adverse impact to aesthetics.

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**12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:**

*Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify cumulative effects to environmental resources.*

No significant adverse impacts to environmental resources of land, water, air or energy are expected to occur as a result of implementing the proposed alternative.

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**13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:**

*List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.*

The proponent will likely submit one additional easement application for this same transmission line project for a parcel of Trust land to the northeast in Stillwater County, depending on negotiations with surrounding landowners and the state grazing lessee. Four previous applications for this transmission line were reviewed and approved by the Land Board in 2014 and those easements have all been executed. A separate EA will be prepared for the remaining potential application once a complete package is submitted and field reviews are completed.

<p style="text-align: center;"><b>IV. IMPACTS ON THE HUMAN POPULATION</b></p>
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| <ul style="list-style-type: none"><li>• <i>RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.</i></li><li>• <i>Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.</i></li><li>• <i>Enter "NONE" if no impacts are identified or the resource is not present.</i></li></ul> |
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**14. HUMAN HEALTH AND SAFETY:**

*Identify any health and safety risks posed by the project.*

No significant adverse impacts to human health and safety are expected to occur as a result of implementing the proposed alternative.

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**15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:**

*Identify how the project would add to or alter these activities.*

No significant adverse impacts to industrial, commercial and agricultural activities and production are expected to occur as a result of implementing the proposed alternative.

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**16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:**

*Estimate the number of jobs the project would create, move or eliminate. Identify cumulative effects to the employment market.*

The proposed action will not have a significant adverse impact on the quantity and distribution of employment.

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**17. LOCAL AND STATE TAX BASE AND TAX REVENUES:**

*Estimate tax revenue the project would create or eliminate. Identify cumulative effects to taxes and revenue.*

The proposed action will not have an adverse impact on tax revenue.

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**18. DEMAND FOR GOVERNMENT SERVICES:**

*Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify cumulative effects of this and other projects on government services*

The implementation of the proposed alternative is not expected to generate any additional demands on governmental services.

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**19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:**

*List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.*

Implementation of the proposed alternative will not conflict with any locally adopted plans.

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**20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:**

*Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify cumulative effects to recreational and wilderness activities.*

This parcel does have legal public access and is used for hunting and also fishing and camping along the West Fork Stillwater River. The proposed action could disrupt recreational use during construction, however, once that is complete, the impacts should be minimal. Implementation of the proposed alternative is not expected to have a significant adverse impact on the recreational use of the subject parcel.

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**21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:**

*Estimate population changes and additional housing the project would require. Identify cumulative effects to population and housing.*

No significant adverse impacts to density and distribution of population and housing would occur as a result of implementing the proposed alternative.

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**22. SOCIAL STRUCTURES AND MORES:**

*Identify potential disruption of native or traditional lifestyles or communities.*

There are no native, unique or traditional lifestyles or communities in the vicinity that would be impacted by the proposed alternative.

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**23. CULTURAL UNIQUENESS AND DIVERSITY:**

*How would the action affect any unique quality of the area?*

The proposed alternative will not have a significant adverse impact on cultural uniqueness or diversity.

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**24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:**

*Estimate the return to the trust. Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify cumulative economic and social effects likely to occur as a result of the proposed action.*

The Common Schools Trust will benefit by getting a one-time fee of \$58,464 (10.08 acres x \$5,800/acre) for the Easement area across the Trust land.

<b>EA Checklist Prepared By:</b>	<b>Name:</b> Jeff Bollman, AICP	<b>Date:</b> 13 May 2015
	<b>Title:</b> Area Planner, Southern Land Office	

**V. FINDING**

**25. ALTERNATIVE SELECTED:**

After review, the proposed alternative has been selected and it is recommended that a 60' easement, encompassing 10.08 acres, be issued to NorthWestern Energy for the purpose of constructing a 100kV overhead electric transmission line across Trust land described as Section 36-T4S-R15E in Stillwater County. This alternative can be implemented in a manner that is consistent with the long-term sustainable natural resource management of the area.

**26. SIGNIFICANCE OF POTENTIAL IMPACTS:**

The potential for significant adverse impacts to the Trust lands listed above are minimal based on the above analysis and the nature of the proposed action which is to grant a 60' wide easement for a 100kV overhead electric transmission line across the above-described Trust land. The routing of the line has been moved to attempt to minimize impacts to the Trust land as much as possible. There are no natural features or species of concern that are expected to be significantly impacted and produce adverse impacts if the proposed action is implemented.

**27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:**

EIS                       More Detailed EA                       No Further Analysis

<b>EA Checklist Approved By:</b>	<b>Name:</b> Matthew Wolcott
	<b>Title:</b> Area Manager, Southern Land Office
<b>Signature:</b> /s/ Matthew Wolcott	<b>Date:</b> May 14, 2015