

DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION  
DILLON UNIT OFFICE

RECEIVED

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D.N.R.C.



BRIAN SCHWEITZER, GOVERNOR

STATE OF MONTANA

(406) 683-6305  
FAX: (406) 683-4041

730 NORTH MONTANA STREET  
DILLON, MONTANA 59725-9424

February 2, 2006

DNRC - Trust Land Management Division

Northwestern Energy  
40 East Broadway St.  
Butte, MT 59701

Re: Land Use License No. 8510  
T7S, R12W, Section 36  
Beaverhead County, Montana

Dear Rose,

Enclosed please find Land Use License No. 8510, in duplicate, for the purpose of entering trust land with motorized equipment outside of the granted easement right-of-way to access transmission line pole locations currently hindered by a ditch. The DNRC received the \$25.00 application fee and one-time rental fee of \$100.00 on February 1, 2006. Please sign and return both documents. Upon receipt of the signed documents, I will sign them and an executed copy will be returned to you.

However, be advised that you are not authorized to enter state land until such time as rental fee has been paid and you receive a signed, executed copy of the License. Entry upon state land prior to this constitutes trespass.

Sincerely,

A handwritten signature in cursive script that reads "Richard A. Moore".

Richard A. Moore  
Dillon Unit Manager  
730 N. Montana St.  
Dillon, MT 59725

RECEIVED

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LEGISLATIVE ENVIRONMENTAL  
POLICY OFFICE

Encl.

Cc: Gavin Anderson, CLO  
Scott Frickel, Special Uses Bureau

## CHECKLIST ENVIRONMENTAL ASSESSMENT

<b>Project Name:</b>	Northwestern Energy Dillon/Salmon Bannack Transmission Line Easement
<b>Proposed Implementation Date:</b>	January 2006
<b>Proponent:</b>	Northwestern Energy, 40 East Broadway St., Butte, MT 59701 (406) 497-2535
<b>Location:</b>	E ½ of Section 36, Township 7 South, Range 12 West
<b>County:</b>	Beaverhead

### I. TYPE AND PURPOSE OF ACTION

The Proponent has applied to the DNRC to provide a 40 foot wide by 5322.33 feet long (4.90 acres) right-of-way easement on State land in Section 36-T7S-R12W. The proposed easement is for the construction of an overhead 69kV electric transmission line (please see attached map).

### II. PROJECT DEVELOPMENT

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

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

Dillon Unit Manager Richard Moore conducted a field review in July 2005. Scoping notices were sent to the Montana Fish, Wildlife & Parks (Craig Fager), Finch Ranches LLC (Lessee), DNRC Archaeologist Patrick Rennie, and the Montana Natural Heritage Program.

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

The Beaverhead County Weed Board administers the State weed laws in Beaverhead County.

#### 3. ALTERNATIVES CONSIDERED:

Alternative A: A 40-foot wide by 5332.33 feet long (4.90 acres) easement would be granted to the proponent in Section 36 of T7S-R12W. This easement would be granted for the specific purpose of the construction of and maintenance of an overhead 69kV electric transmission line.

Alternative B: No Action - no easement would be granted. Current non-motorized recreational use, grazing leasing, and wildland fire suppression activities would continue.

### 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 route traverses rolling to gently rolling terrain. Initial transmission line construction activities would require wheeled-equipment making approximately ten trips along the proposed route. After transmission line construction, annual inspections would require travel by foot or by ATV along the transmission line. Should any sign of erosion occur upon the transmission line route, Northwest Energy would be required to install erosion control features where necessary. Minimal impacts are anticipated.

#### 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 transmission line route traverses rolling to gently rolling terrain. Initial transmission line construction activities would require wheeled-equipment making approximately ten trips along the proposed route. After transmission line construction, annual inspections would require travel by foot or by ATV along the transmission line. Should any sign of erosion occur upon the transmission line route, Northwest Energy would be required to install erosion control features where necessary. No significant impacts are expected.

#### 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.*

None.

#### 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.*

Some vegetative disturbance is expected. The disturbance would occur during construction activities on an area approximately a 12' x 5322.33' (1.5 acres) in size. Initial transmission line construction activities would require wheeled-equipment making approximately ten trips along the proposed transmission line route. After transmission line construction, annual inspections would require travel by foot or by ATV along the transmission line. Minimal impacts are anticipated.

**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, small mammals, raptors, songbirds, and grouse use this area. Construction activity in the proposed project area could disrupt wildlife movement and patterns during the construction period. Minimal impacts are anticipated.

**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.*

The Montana Natural Heritage Program identified five vertebrate animals species of concern near the proposed project area: greater sage-grouse, great basin pocket mouse, black-tailed jack rabbit, westslope cutthroat trout, and ferruginous hawk. Also identified are six vascular plant species of concern: taper-tip desert-parsley, chicken sage, beautiful bladderpod, hoary phacelia, bitterroot milkvetch, and slender thelypody.

**Greater sage-grouse** are known to inhabit the proposed project area. A greater sage-grouse lek has been identified approximately 3/8 of a mile to the north of the proposed project area in Section 25-T7S-R12W. Construction of the proposed transmission line and subsequent routine maintenance will be prohibited from March 25 through May 7 to minimize any potential impacts with lek activities. No impacts are anticipated.

The **great basin pocket mouse** and **black-tailed jack rabbit** are known to inhabit the proposed project area. Due to the relatively small disturbance area and short construction duration, no impacts are anticipated.

**Westslope cutthroat trout** are found in Taylor Creek, located approximately 3/4 of a mile to the northwest of the proposed project area. Due to the distance from the proposed project, short construction duration, relatively level topography, and minimal soil disturbance, no impacts are anticipated.

**Ferruginous hawks** are known to inhabit the proposed project area. Badland habitats and areas with small buttes and bluffs that are preferred nesting sites for ferruginous hawks do not occur in the project area. Due to the relatively small disturbance area, short construction period, and with construction and future routine maintenance prohibited from March 25 through May 7 (a portion of the hawks nesting period), no impacts are anticipated.

**Taper-tip desert parsley, chicken sage, beautiful bladderpod, hoary phacelia, and bitterroot milkvetch** are found approximately one and one-half miles to the southeast of the proposed project area. Due to the small disturbance area and distance from the proposed project, no impacts are anticipated.

**Slender thelypody** has been located in the project area. Due to the relatively small disturbance area, minimal impacts are expected.

**10. HISTORICAL AND ARCHAEOLOGICAL SITES:**

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

Northwest Energy contracted with Legacy Consulting Services and Renewable Technologies, Inc for a cultural resource inventory of the proposed project area. Please see the attached report. No significant impacts are anticipated.

**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 project area is located in a sparsely populated area. The proposed project is a reroute of an existing transmission line. The existing overhead transmission line will be removed upon completion of construction of the new overhead transmission line. Due to the remoteness of the project area and no increase in the total amount of overhead transmission lines, aesthetics should not be adversely affected.

**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.*

None.

**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 Dillon Unit conducted a DNRC range evaluation on Section 36-T7S-R12W in 2000.

**IV. IMPACTS ON THE HUMAN POPULATION**

- *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.*

**14. HUMAN HEALTH AND SAFETY:**

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

None.

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

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

None.

**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.*

None.

**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.*

None.

**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.*

None.

**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.*

The DNRC Administrative Rules for State Land Leasing ARM 36.25.101 through 36.25.141.

**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.*

The proposed project area is currently closed to all forms of motorized recreation. The proposed project would not affect recreational access. No impacts are anticipated.

**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.*

None.

**22. SOCIAL STRUCTURES AND MORES:**

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

None.

**23. CULTURAL UNIQUENESS AND DIVERSITY:**

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

None.

**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 proposed action has provided \$50 via an easement application fee and would provide approximately \$1470 (4.90 acres x \$300/acre) fair market value for the land associated with the easement. Existing grazing leases in Section 36 would continue to provide \$857 annual revenue to the Trust (2005 rates).

<b>EA Checklist Prepared By:</b>	<b>Name:</b> Richard A. Moore	<b>Date:</b> November 9, 2005
	<b>Title:</b> Dillon Unit Manager	

V. FINDING

25. ALTERNATIVE SELECTED:

Alternative A: Grant a 40-foot wide by 5332.33 feet long (4.90 acres) easement would be granted to the proponent in Section 36 of T7S-R12W. This easement would be granted for the specific purpose of the construction of and maintenance of an overhead 69kV electric transmission line.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

The noted impacts are short term in nature and have been addressed by the following mitigation measures.

Mitigation measures:

1. No construction activities or routine inspection activities will be allowed from March 25 – May 7 to minimize potential impacts to greater sage-grouse lek activities and nesting ferruginous hawks.
2. All disturbed areas will be seeded with a native grass mixture and erosion control features will be installed should the DNRC determine as necessary.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

EIS                     
  More Detailed EA                     
  No Further Analysis

EA Checklist Approved By:	Name:	Gavin Anderson
	Title:	CLO Forest and Lands Manager
Signature:	<i>Gavin Anderson</i>	
	Date:	11-28-05

LAND USE LICENSE NO. 8510

The STATE OF MONTANA, DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION, herein grants Northwestern Energy, 40 East Broadway, Butte, MT 59701 Phone: 406-497-3399 herein called Licensee, a LAND USE LICENSE to occupy and use lands administered by the DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION, subject to all of the terms and conditions hereof.

1. DESCRIPTION

A tract or strip of land described as follows:

NESE, SENE, NENE Section 36-T7S-R12W Beaverhead County

See attached map.

2. FILING FEE

A fee of Twenty-five and No/100 Dollars (\$25.00) has been paid to the Licensor prior to issuance of this Land Use License.

3. RENTAL

Beginning upon acceptance of this License, and for the term of this License, the Licensee agrees to pay in advance, a one-time fee of \$100.00. The Dillon Unit received this one-time rental fee on February 1, 2006.

4. DURATION

This License shall take effect upon signature of the Unit Manager, Dillon Unit Office and remain in full force and effect up to and including July 31, 2006, unless terminated in accordance with Section 13 of this license.

5. LICENSED ACTIVITY

The purpose of this Land Use License is to allow Northwestern Energy motorized equipment access on the east boundary of the Dillon-Bannack 69kV transmission line project to set seven (7) structures. Motorized equipment are allowed minimal access outside of and parallel to the granted right-of-way easement during initial line construction.

6. RECLAMATION OF THE LAND

The Licensee shall take all reasonable precautions to prevent or minimize damage to natural (i.e., vegetation, soil, water, wildlife), and cultural resources within the areas of the Land Use License. Upon cancellation of this License by either party to this agreement, or upon final expiration of agreement, the Licensee shall reclaim the area to the specifications of the Licensor. Such reclamation shall include, but not be limited to the elimination of all trace of disturbances, compaction, and movement of construction equipment. Licensee shall be required to reseed all disturbed areas with native species of grasses, unless other arrangements are agreed upon between the Licensor and the Licensee in writing. When any action

requires disturbance, all soil materials shall be salvaged, safeguarded from loss due to wind or water erosion or machinery activity, and shall be replaced on all disturbed areas.

7. MONITORING SITES

The Licensee will maintain the area within the Land Use License in a neat and orderly manner and will allow no waste or debris to accumulate thereon.

8. WEATHER CONDITIONS

The Licensor reserves the right to restrict or preclude any surface activity during periods of adverse weather and other conditions which may contribute to accelerated erosion, fire hazard, disruption of seasonal wildlife, or any other condition which in the opinion of the Department may have an adverse effect on Trust land. Prior to commencing permitted activities, the Licensee will contact the appropriate Area Office.

9. NOXIOUS WEEDS

The Licensee shall be responsible for controlling any noxious weeds introduced by Licensee's activity on state-owned land. The Licensee's methods of control must be reviewed by the Department of Natural Resources and Conservation Area Field Office that has jurisdiction for that locale. The Licensee shall comply with the Montana County Noxious Weed Management Act, Section 7-22-2101 et.seq., as follows:

The Licensee shall notify the local weed board that is responsible for that geographical area in which the project is located. If the Licensee disturbs vegetation for any reason, Licensee shall be required to revegetate the disturbed area. The Licensee shall submit to the local weed board a written plan specifying the methods to be used to accomplish revegetation. The plan must describe the time and method of seeding: fertilization, recommended plant species, use of weed-free seed, and the weed management procedures to be used. This plan is subject to approval by the local weed board, and therefore must be signed by the chairman of the board. Failure to abide by these provisions may result in the cancellation of the License.

10. LIABILITIES

The Licensee agrees to assume responsibility for fires that may result from use of the authority given here and shall defend and save the Licensor and Licensor's Surface Lessee(s) [surface lessee and lease number], harmless from all claims and lawsuits that may result from any and all damages, injury or death to persons and/or property that occur upon or about said land caused by or arising out of Licensee's use of the subject area hereunder. The Licensee

further agrees that they will be responsible for any damages to the surface lessee's property or leasehold interests that may be caused when entering, crossing, or leaving state-owned subject land.

11. LIMITATION OF AUTHORITY

Other than for the purposes specifically described in this agreement, the Licensee agrees that it does not, and shall not claim at any time any interests or estate of any kind or extent whatsoever in the premise by virtue of this License or their occupancy or use hereunder.

12. SPECIAL STIPULATIONS

- 1. No construction activities or inspection activities will be allowed from March 25 - May 7 to minimize potential impacts to greater sage-grouse lek activities and nesting ferruginous hawks.
- 2. All disturbed areas will be seeded with a native grass mixture and erosion control features will be installed should the DNRC determine as necessary.

13. TERMINATION OF LAND USE LICENSE

The Licensor reserves the right to terminate the permission hereby granted at any time by giving the Licensee no less than ten (10) days written notice of such termination, except that the Licensor may terminate the permission forthwith at any time, if Licensee fails to comply with, or abide by, each and all of the provisions hereof, or ceases to use the permission hereby granted.

Dated this 3rd day of February, 2006.

BY: *[Signature]*  
Sr. Permit Specialist, NWE  
(Licensee/Authorized Agent)

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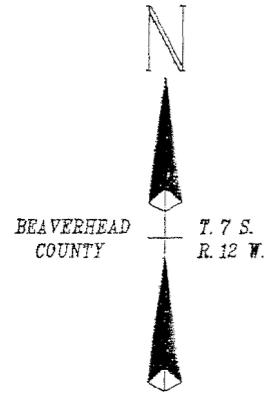
(Department of Natural Resources and Conservation Use Only)

APPROVAL OF LICENSE  
BY: *[Signature]*

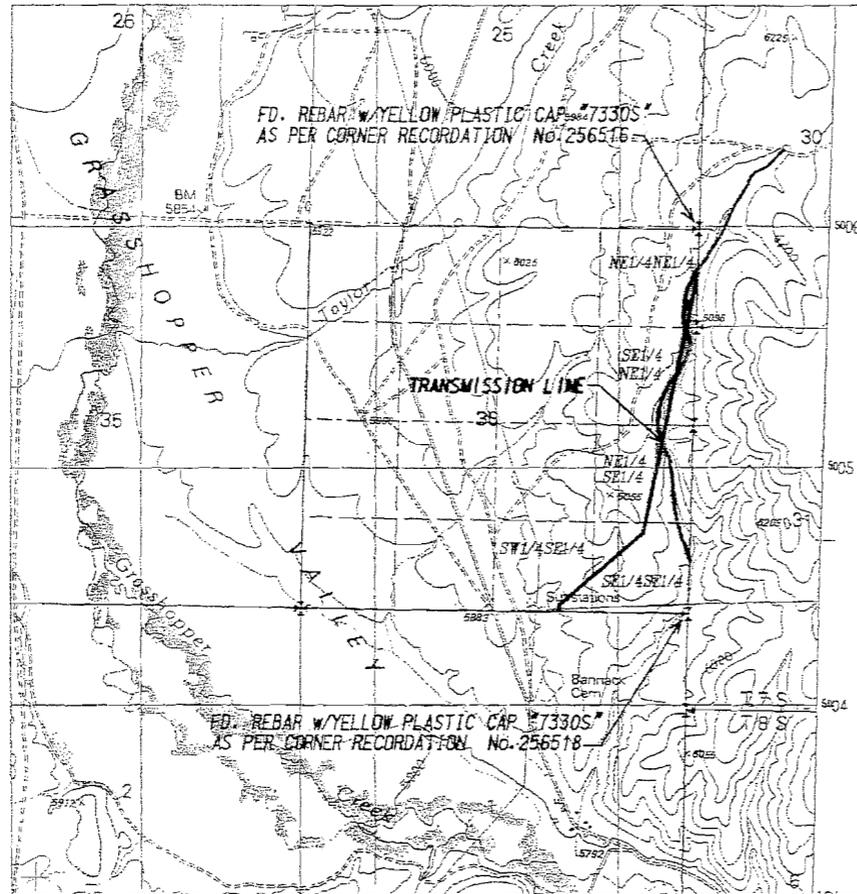
Richard A. Moore, Dillon Unit Manager

2/7, 2006

Date Approved



	NE1/4NE1/4	SE1/4NE1/4	NE1/4SE1/4	SE1/4SE1/4	SW1/4SE1/4
TOTAL ACRES	40.00 ACRES	40.00 ACRES	40.00 ACRES	40.00 ACRES	40.00 ACRES
ACREAGE TAKEN	0.72 ACRES	1.23 ACRES	1.24 ACRES	0.95 ACRES	0.76 ACRES
ACRES REMAINING	39.28 ACRES	38.77 ACRES	38.76 ACRES	39.05 ACRES	39.24 ACRES



**CENTERLINE DESCRIPTION**

The Dillon Salmon - Bannack 69kv electric transmission line crosses State of Montana land located in the E1/2 of Section 36, T. 7 S., R. 12 W., P.M.M., Beaverhead County, Montana, within a 40 foot right-of-way, being 20 feet on each side of the following described centerline:

Beginning at a point on the easterly boundary line of said Section 36; which bears S00°18'00"E 549.15 feet from the northeast corner of said Section 36, said corner is a found rebar with yellow plastic cap, marked "7330S", per Corner Recordation No. 256516; Thence, S10°40'10"W 3,631.75 feet, Thence, S47°15'51"W 1,610.70 feet, Thence, S02°43'27"W 89.88 feet to a point on the southerly boundary line of said Section 36; which bears S89°44'30"W 1,870.01 feet from the southeast corner of said Section 36, said is a found rebar with yellow plastic cap, marked "7330S", per Corner Recordation No. 256516.

Total length of 69kv transmission line crossing State of Montana land in the E1/2 of Section 36, is 5,932.33 feet and contains 4.90 acres within said right-of-way.

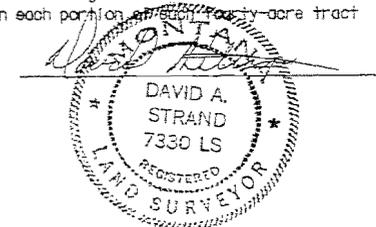
REVISIONS		PROF. ENGR.	DEPT. MGR.	DIRECTOR	DESIGNED	DRAWN	MICROFILM NUMBER	
REV	DESCRIPTION/WORK ORDER						ROLL	FRAME
0	NEW DRAWING ISSUED							DATE

STATE OF MONTANA,

County of SILVER BOW

DAVID A. STRAND

That he is the Prof. Land Surveyor who made the survey of the right of way shown hereon; that the survey was correctly and accurately made. However, due to the use of the combination of field and calculated measurements as controls for this application, the exact location of section lines and interior boundaries may or may not be as shown on this drawing. The tracing or plat thereof is true and accurate and that it correctly shows the quantity of land required for the right of way in each forty-acre tract or government lot and also the amount of land remaining in each portion of each forty-acre tract or government lot.



REFERENCE DRAWING		DRAWING NUMBER	
<b>NorthWestern Energy</b>			
<b>DILLON SALMON - BANNACK 69KV TRANSMISSION LINE CROSSING STATE OF MONTANA LAND IN THE E1/2 SECTION 36, T. 7 S., R. 12 W., P.M.M., BEAVERHEAD COUNTY, MONTANA</b>			
PROF. ENGR.	DATE	SIZE	DWG. NO.
DEPT. MGR.		B	41324-A2-1-0
DIRECTOR		SCALE	1" = 2000'
DESIGNED		SHT	1
DRAWN			