

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Coyote Wind, LLC Land Use License #6211
Proposed Implementation Date:	November 2012
Proponent:	Coyote Wind, LLC
Location:	Section 36, Township 1 North, Range 12 East (Common Schools Trust)
County:	Sweet Grass County

I. TYPE AND PURPOSE OF ACTION

Coyote Wind, LLC is requesting a Land Use License (LUL) on Section 36, T1N, R12E in Sweet Grass County for the purpose of allowing the placement of meteorological towers and to conduct avian and environmental studies. The DNRC issued a similar LUL in 2008 and it was cancelled in 2010 after the Land Board approved a commercial lease for a wind farm. The state was sued over this lease and it was ultimately terminated by the District Court in Sweet Grass County on 5 October 2011. Since that judgment the meteorological tower remained on the Trust land and this LUL will permit it to remain along with giving Coyote Wind the ability to collect avian and other environmental data on the Trust land.

If a new commercial lease is proposed on the Trust land for wind energy development, it will be reviewed under a separate environmental review through an EA or EIS. This EA is not intended to analyze the impacts of a wind farm. Its scope is limited to the activities listed above that will be granted with the issuance of the LUL.

II. PROJECT DEVELOPMENT

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

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

The Southern Land Office did not conduct any formal scoping for the project with the exception of discussions with the proponent.

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

None

3. ALTERNATIVES CONSIDERED:

Proposed Alternative: Issue a Land Use License to Coyote Wind, LLC to allow meteorological, avian and other environmental data gathering.

No Action Alternative: Deny the request by Coyote Wind, LLC to issue a Land Use License.

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 Land Use License will permit an existing meteorological tower to remain along with collecting avian and other environmental data. This data would be utilized if there is a new request for a commercial lease for wind energy on the Trust land. The temporary met towers are not structurally reliant on the underlying soils. Also, the LUL will require prior SLO approval before the placement of any new tower(s) and a more specific review will be conducted at that time to ensure that there are no significant adverse impacts to geology and soils. In addition, the LUL will require that any environmental analysis that requires driving on the Trust land must have the route pre-approved by the SLO to minimize surface disturbance.

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.

There is a small water reservoir in the SE¼NW¼ of the section. The License will require that the Coyote Wind obtain prior written approval from the Southern Land Office (SLO) before engaging in activities such as erecting any new anemometers. In this review process the SLO will ensure that there is no significant adverse impact on water quality, quantity or distribution. If the location proposed by the licensee could have an adverse impact, the SLO will require measures to mitigate any anticipated impacts or a new location.

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.

No significant adverse impacts to air quality are expected by implementing the proposed alternative.

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.

A search of the Montana Natural Heritage Program database indicated that no plant species of concern are located on the subject section. The actual footprint of the areas that could be disturbed by the actions permitted in this LUL is relatively small. Additionally, the LUL will require that any area that is disturbed be rehabbed by the Licensee.

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. The LUL would permit the existing met tower to remain as well as other environmental studies to be conducted. Based on the uses proposed, no significant impacts to terrestrial, avian and aquatic life and habitats are expected to occur as a result of implementing the proposed alternative.

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 search of the Montana Natural Heritage Program database indicated that no endangered, threatened or sensitive species are located on the subject section.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

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

In September of 2005, the DNRC staff archaeologist completed an inventory of cultural and paleontological resources of Section 36-T1N-R12E. No antiquities were identified during that inspection. It is anticipated that there should be no effect to heritage properties with the proposed wind energy generation exploration on the subject Trust land.

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 action would permit the temporary erection of one or more meteorological towers on the property. There is currently one met tower on the property and it has been there for over 5 years and it has not generated any comments to the Southern Land Office. No significant adverse impacts are expected to aesthetics.

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 impacts to environmental resources of land, water, air or energy are expected to occur as a result of implementing the proposed alternative.

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 purpose of this Land Use License is to allow the placement of meteorological towers and to conduct avian and environmental studies. There are no other known state or federal environmental reviews taking place on the subject Trust land.

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

14. HUMAN HEALTH AND SAFETY:

Identify any health and safety risks posed by the project.

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

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

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

The issuance of the proposed Land Use License will allow the licensee to conduct further data gathering and exploration related to a possible wind generation facility on the Trust land and adjoining private lands. No significant impacts to agricultural, industrial or commercial activities are expected to occur as a result of issuing a Land Use License.

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 implementation of the proposed action is not expected to create any new jobs. The proposed action is not expected to have a significant impact on employment.

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.

No Impact. However, if the data gathered through the issuance of this LUL is positive, it could lead to the construction of a wind farm on the Trust land and adjoining private land. The tax revenue impact of this project would be more specifically analyzed in a separate future E/AEIS for that project.

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 will not generate an increase in demand for government services.

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.

Sweet Grass County does have an adopted Growth Policy that covers the entire County and the proposed alternative does not conflict with the Growth Policy. Also, the subject section has not been zoned by Sweet Grass County.

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 subject Trust land does not currently have legal public access. The ability of the general public to recreate on this tract would be limited to those persons who were able to obtain permission from the adjoining private landowners to cross their land and access the State section. The implementation of the proposed action will not have an adverse effect on the recreation or hunting activity on the section.

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.

The proposed alternative would have no adverse effect on density and distribution of population and housing.

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.

23. CULTURAL UNIQUENESS AND DIVERSITY:

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

The proposed alternative is not expected to adversely impact cultural uniqueness or diversity.

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 rental fee from Coyote Wind, LLC of \$960.00/year. This Land Use License would allow meteorological, avian and other environmental data gathering;

EA Checklist Prepared By:	Name: Jeff Bollman, AICP	Date: 16 November 2012
	Title: Area Planner, Southern Land Office	

V. FINDING

25. ALTERNATIVE SELECTED:

The proposed alternative has been selected and it is recommended that a Land Use License (LUL) be issued to Coyote Wind, LLC. This LUL would permit Coyote Wind to gather meteorological, avian and other environmental data.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

The potential for significant impacts from the proposed action is minimal based on the type of action proposed. All identified potential impacts will be avoided or minimized by utilizing the mitigations listed below and no significant impacts are expected to occur as a result of implementing the proposed alternative.

The mitigation measures that will be required by the issuance of the Land Use License include:

- The location of wind measurement devices or towers or other meteorological structures must be approved in writing by the Southern Land Office prior to their placement.
- All motorized travel routes must be approved by the Southern Land Office to reduce impact on the Surface Lessee.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

EIS More Detailed EA No Further Analysis

EA Checklist Approved By:	Name: Gary Brandenburg	
	Title: Land Use Specialist, Southern Land Office	
Signature: /s/ Gary Brandenburg		Date: 11-21-12