

Application to Amend Certificate of Compliance

Applicants: Montana Alberta Tie Ltd. and MATL LLP, Co-Permittees  
Project: Montana Alberta Tie 230 kV International Transmission Line  
Certificate: October 22, 2008, Certificate of Compliance; Montana Alberta Tie Ltd.  
Date: June 29, 2011  
Notice Dates: June 29 and July 6, 2011 (Cut Bank Pioneer Press)

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JUN 29 2011  
DEQ / EMB

The above-referenced Applicants (together "MATL") hereby request to amend the above-referenced Certificate of Compliance ("Certificate") pursuant to Section 75-20-219, MCA. The requested amendment, and the information required to support this request, are set out below and in the included materials.

**1. Amendment Requested.** The October 2008 Certificate of Compliance issued for this project states that "the selected location represents the best balance of preferred location criteria listed in Circular MFSA-2, including avoidance of impacts to farmland, cost, avoidance of houses, public acceptance, paralleling existing corridors, and use of public lands." MATL believes the approved route and required mitigation provide necessary protections for known landowner issues and regulated resources. The introduction of new information and landowner-driven desire to further minimize the potential for unintentional impacts has led MATL to examine modifications to DEQ's Alternative 4, approved as the Preferred Alternative in the FEIS prepared for this project. MATL requests the following amendment to the Certificate.

*A. Salois Modification:*

The transmission line corridor would be modified from milepost 102/3 to 103/1 on a southwest to northeast diagonal alignment, as depicted in Figure A. While the previously-approved corridor and structure locations avoid impacts to cultural features within a large cultural site on the Salois property, this proposed alignment modification shifts the transmission line further away from the cultural site onto cultivated land, thus reducing the potential for unintentional impacts to this resource.

*B. Conditions to Salois Amendment.*

- (1) If the Department approves the amendment and an appeal is timely filed under Section 75-20-223(2), MCA, by any person, then the amendment(s) shall be void and the approved location of the transmission line corridor shall be that set forth in the Certificate as issued on October 22, 2008.
- (2) If the Department approves the amendment and the United States Department of Energy has not issued on or before August 31, 2011, a determination under 10 CFR 1021.314(c)(2)(iii) that no further NEPA documentation is required on account of the requested realignment of the transmission line corridor, then the amendment(s) shall be void and the approved location of the transmission line corridor shall be that set forth in the Certificate as issued on October 22, 2008.

**2. Public Notice of Amendment Request.** Proof that notice of this amendment application was given in accordance with Section 75-20-213(1), MCA, is set forth under **Tab A**.

**3. Background of and Reasons For Amendment Request.** These proposed amendments are intended to mitigate impacts identified by the respective landowner. The proposed realignment shifts are minor as described as follows:

- The proposed transmission line alignment modifications do not create new or increased levels of environmental impact from that disclosed in the FEIS prepared in support of the Certificate issued for this project.
- The proposed transmission line alignment modifications are either entirely contained on the property of the requesting landowner or the requesting landowner has obtained the written agreement (including agreements to grant necessary easements) from all other contiguous landowners that may be affected.
- The proposed transmission line alignment modifications meet tests of engineering, construction, and regulatory feasibility.
- The proposed transmission line alignment modifications do not materially increase structure count or line length.

**4. Requirements.** In respect to the issues addressed in the application and the FEIS, the application requirements set out in ARM § 17.20.801 *et. seq* and DEQ MFSA Circular 2 were satisfied in MATL's prior filings in respect to the Certificate, which to the extent necessary are incorporated herein by this reference. Pursuant to ARM 17.20.802 and .803, twenty (20) copies of this application are submitted in loose-leaf format.

**5. Department decision under Section 75-20-219, MCA.** Under Section 75-20-219(1), MCA, within 30 days after notice of an amendment to a certificate is given, the Department is required to determine whether the proposed amendment would result in a material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of a facility as set forth in the certificate. If the Department determines that the proposed amendment would result in a material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of the facility, the Department shall grant, deny, or modify the amendment with conditions as it considers appropriate.

Under Section 75-20-219(2), MCA, if the Department determines that the proposed amendment would not result in a material increase in any environmental impact or would not be a substantial change in the location of the facility, the Department shall automatically grant the amendment either as applied for or upon terms or conditions that the Department considers appropriate.

The proposed amendments do not result in any material increase in any environmental impact and would not be a substantial change in the location of the transmission line.

While the analysis in the FEIS prepared for this project was limited to a 500-foot corridor width, the alignment modifications requested in this amendment are all less than 0.125 to 0.25 mile from the approved corridor, and all lie within an area with the same terrain and habitat conditions as the approved route.

The Salois Alignment Modification eliminates the need to span documented cultural features, thus reducing the potential for unintentional impacts to individual features or the larger site. The modified route lies within a previously cultivated field, thus minimizing the potential for any increase in anticipated impacts to cultural, biological or other environmental resources. This diagonal crossing was proposed by and supported by the affected landowner. The deviation from the previously-approved corridor is approximately 0.5 mile in length and offset by approximately 0.25 mile at most, and would result in approximately three structures outside the previously-approved corridor.

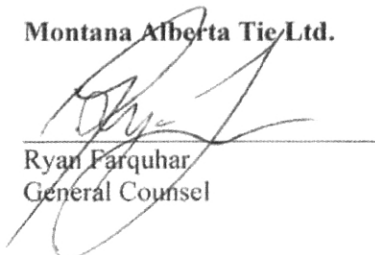
Due to the limited and localized nature of the alignment shift, there is no material change in the basis of any finding of public interest, convenience and necessity; need; or minimum impact standards, pursuant to subchapter 16.

Because the proposed amendment does not result in any material increase in the environmental impact of the transmission line and does not result in a substantial change in the location of the facility, the Department should automatically grant the amendments under Section 75-20-219(2), MCA.

If the Department determines that the corridor should be in a location materially different from that requested in this application, MATL requests that this amendment application be denied. Moreover, the conditions of the proposed amendment set forth above are material to MATL's submission of the amendment application. If DEQ is unable to issue a decision incorporating the conditions, MATL requests that this application be denied.

DATED this 29<sup>th</sup> day of June 2011.

**Montana Alberta Tie Ltd.**



\_\_\_\_\_  
Ryan Farquhar  
General Counsel

**MATL LLP, by Montana Alberta Tie  
US Holdings GP Inc., its general  
partner**



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James Kemp  
Program Manager

**Tab A**

**Proof of Public Notice**

# AFFIDAVIT OF PUBLICATION

STATE OF MONTANA

SS.

County of Glacier

I, Patty Grubb, being duly sworn, deposes and says: That she is the Legals Editor of *The Cut Bank Pioneer Press*, a weekly newspaper of general circulation, printed and published in Cut Bank, Glacier County, Montana, and that the notice annexed:

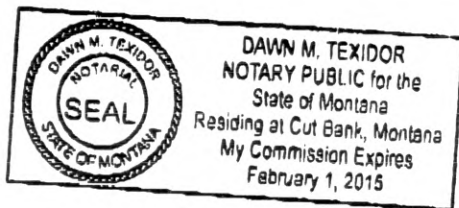
Public Notice  
MATL

has been correctly published in the regular and entire issue of every number of said paper for one (1) consecutive issues, commencing on the 29<sup>th</sup> day of June, 2011 and ending on the 29<sup>th</sup> day of June, 2011.

Patty Grubb

Subscribed and sworn before me this 29<sup>th</sup> day of June, A.D., 2011.

Dawn M. Texidor



### PUBLIC NOTICE

Pursuant to Section 75-20-213(1), MCA, co-permittees Montana Alberta Tie Ltd. and MATL LLP (together MATL) give notice that on June 29, 2011 they will file with the Montana Department of Environmental Quality (DEQ) an application to amend the October 22, 2008 Certificate of Compliance relating to the Montana Alberta Tie International Transmission Line Project, as follows:

The transmission line corridor would be modified from milepost 102/3 to 103/1 on a southwest to northeast diagonal alignment. While the previously approved corridor and structure locations avoid impacts to cultural features within a large cultural site on the Salois property, this proposed alignment modification shifts the transmission line further away from the cultural site onto cultivated land, thus reducing the potential for unintentional impacts to this resource.

A full copy of MATL's application is available at [www.matl.ca](http://www.matl.ca), or by calling (406) 443-6430. A copy of the Certificate of Compliance is available on the DEQ's website at <http://www.deq.mt.gov/MFS/MATL.mcp>.

Pursuant to Section 75-20-219, MCA, DEQ must make a determination on MATL's request within 30 days of the date of this notice. Comments submitted by the public and otherwise affected parties must be received by DEQ by close of business on July 14, 2011. Comments may be submitted by mail to Tom Ring, DEQ, Environmental Management Bureau, P.O. Box 200901, Helena, MT 59620-0901, or electronically at [tring@mt.gov](mailto:tring@mt.gov).

Montana Alberta Tie Ltd./MATL LLP  
30 West 14th, Suite 204  
Helena, Montana, 59601  
(406) 443-6430

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