

Application to Amend Certificate of Compliance

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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 16, 2011  
Notice Dates: June 15 and 22, 2010 (Choteau Acantha); June 16 and 23, 2010 (Conrad Independent Observer)

JUN 16 2011

DEQ  
DIRECTOR'S OFFICE

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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. Amendments 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 two local routing options referred to as "Diamond Valley South" and "Bullhead Coulee North." MATL requests the following amendments to the Certificate.

*A. Diamond Valley South - Laubach Modification:*

At the Laubachs' request, the transmission line corridor would be modified from milepost 30/2 to 31/4 as depicted in Figure A. This proposed alignment modification shifts the transmission line away from a planned, future home site. This proposed alignment modification also reduces the number of drainage crossings and reduces the potential impacts to wetlands and to wildlife habitat associated with unfarmed coulees.

*B. Bullhead Coulee North - Swanson Modification:*

At the Swanson's request, the transmission line corridor would be modified from milepost 84/5 to 85/3 as depicted in Figure B. This proposed alignment modification allows for future pivot irrigation in the southeast quarter of Section 5 in T30N, R4W, by placing the alignment on property boundaries and/or established crop edges. This proposed alignment modification also eliminates the need for a guyed structure in a cultivated field at milepost 85/3.

*C. Conditions to Laubach and Swanson Amendments.*

- (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 17, 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 0.25 to 0.5 mile from the approved corridor, and all lie within an area with the same terrain and habitat conditions as the approved route.

Alignment Modification A reduces the number of drainage crossings, thus resulting in a reduction of potential wildlife habitat and wetland impacts. The modification lies entirely within a longstanding cultivated field, thus minimizing the potential for any increase in anticipated impacts to cultural, biological or other environmental resources. A diagonal crossing of cultivated land is required for this modified alignment due to the proximity of a missile silo on the south end of the subject parcel. This diagonal crossing was proposed by and supported by the affected landowner.

Alignment Modification B eliminates a diagonal crossing as well as the need for a guyed structure in cultivated land, thus reducing impacts to existing and planned agricultural operations. The alignment shift and pole locations are consistent with the conditions of the certificate to construct the transmission line with monopoles wherever crossing cropland and land enrolled in the Conservation Reserve Program, and placing structures along field boundaries where the strips are narrower than a full quarter section.

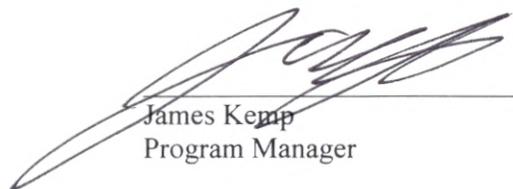
Due to the limited and localized nature of the alignment shifts, there are no material changes in the basis of any finding of public interest, convenience and necessity; need; or minimum impact standards, pursuant to subchapter 16.

Because the proposed amendments do not result in any material increase in the environmental impact of the transmission line and do 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 15th day of June 2011.

**Montana Alberta Tie Ltd.**



James Kemp  
Program Manager

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



John Etchart  
Principal Executive Officer/Director

Figure A:

Diamond Valley South – Laubach Modification

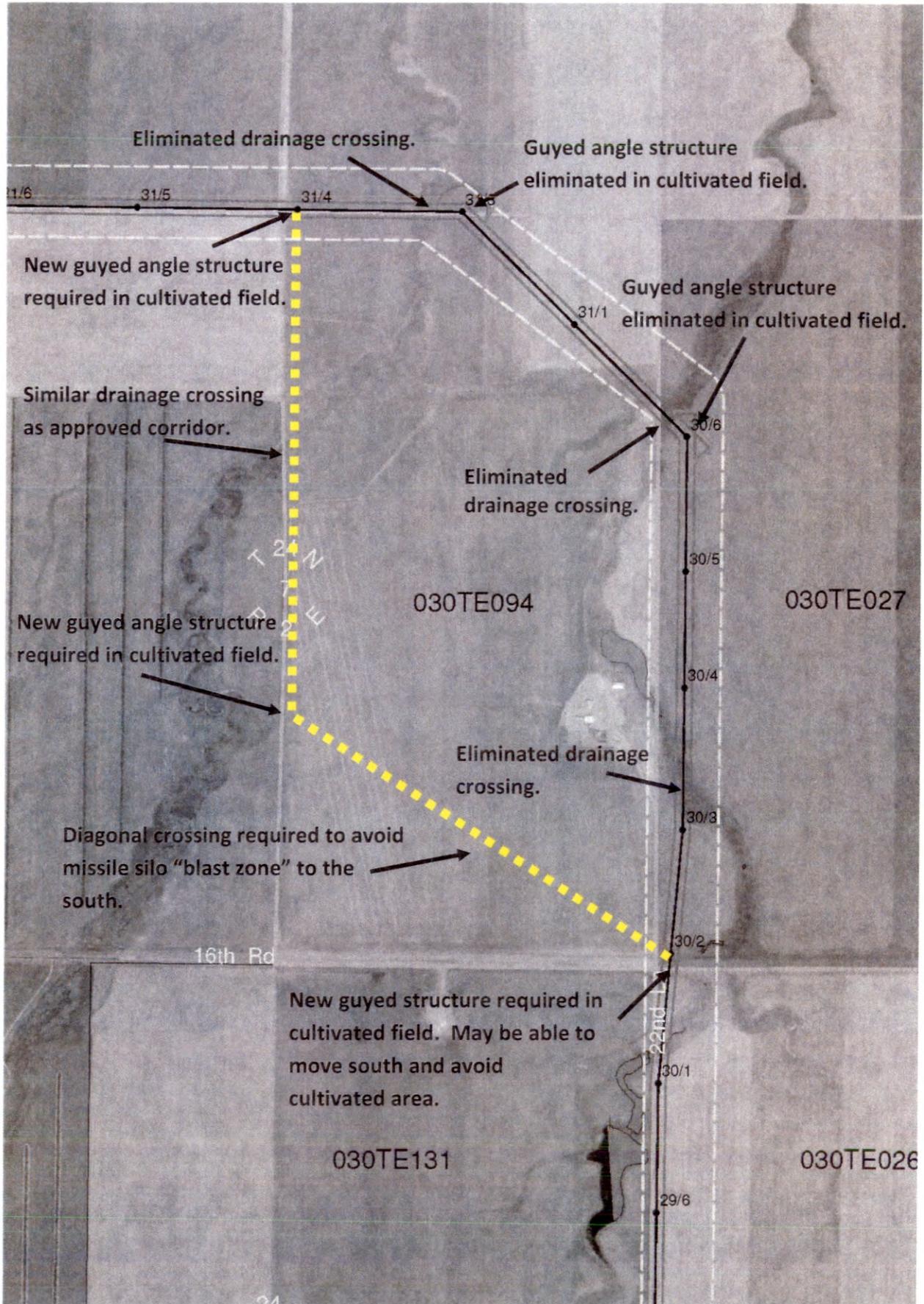
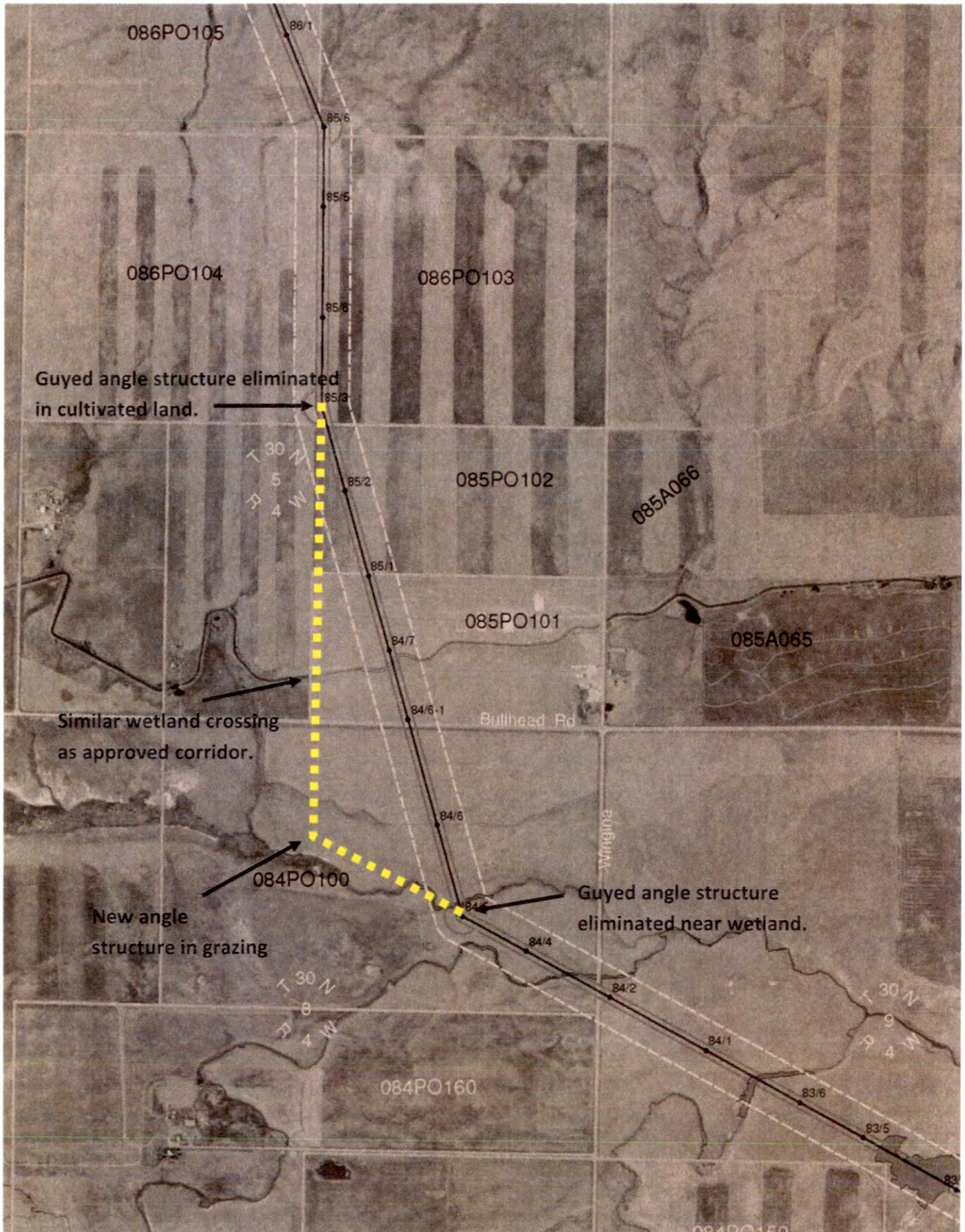


Figure B:

Bullhead Coulee North – Swanson Modification



**Tab A**

**Proof of Public Notice**

# AFFIDAVIT OF PUBLICATION

IN THE

CHOTEAU



Weekly Newspaper, Choteau, Montana

STATE OF MONTANA }  
County of Teton } ss.

Jeff O. Martinsen, being duly Sworn, upon oath deposes and says:

(1) That he is the publisher of THE CHOTEAU ACANTHA, a newspaper of general circulation published weekly at Choteau, Teton County, Montana.

(2) That the notice hereunto attached was published in the said CHOTEAU ACANTHA once each week for ONE (1) successive weeks.

(3) That the first publication of said notice was on the 15<sup>TH</sup> day of JUNE, 11, and that the last publication was on the 15<sup>TH</sup> day of JUNE, 11.

(4) That the said notice was published in the regular and entire issue of every number of the said CHOTEAU ACANTHA during the period and time of said publication, and in the newspaper, proper, and not in supplement thereof.

Jeff O. Martinsen

State of Montana  
County of Teton

Signed and sworn to before me this 15<sup>th</sup> day of June, 2011,  
by Jeff O. Martinsen.

Melody Martinsen

**Melody Martinsen,**  
Notary Public  
for the State of Montana,  
residing at Choteau,  
Montana.  
My Commission  
expires Oct. 15, 2012.

## 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 15, 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 (language proposed to be deleted is interlineated, language proposed to be added is underlined):

A. Certificate, Paragraph 3.D., new paragraph after the first full paragraph on page 6 should be inserted as follows:

At the impacted landowner's request, a minor alignment shift from milepost 30/2 to 31/4 is incorporated as a local routing option for Alternative 2, as depicted in Figure A. This local routing option shifts the line away from a planned, future home site. This local routing option also reduces the number of drainage crossings and potential wetland impacts, and reduces the potential for impact to wildlife habitat associated with the unfarmed coulees on this parcel.

B. Certificate, Paragraph 3.D., insert the following after the first sentence in the third paragraph on page 7:

At the impacted landowner's request, a minor alignment shift from milepost 84/5 to 85/3 is incorporated as a local routing option for Alternative 2, as depicted in Figure B. This local routing option allows for future pivot irrigation in the southeast quarter of Section 5 in T30N, R4W, by placing the alignment on property boundaries and/or established crop edges. This alignment also eliminates the need for a guyed structure in a cultivated field at milepost 85/3.

A full copy of Malt'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 June 29, 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

1 Pub.: June 15, 2011

# Affidavit of Publication

State of Montana)  
County of Pondera) ss,

Patricia J. Lee

being only sworn upon her oath says: That she is the Publisher of "The Independent-Observer", a weekly newspaper of general circulation, published weekly at Conrad, in the County of Pondera, State of Montana.

That the notice hereunto attached was published in the said "Independent-Observer" once each week for 1 successive week(s).

That the first publication of said notice was on the 16 day of June, 2011

That the last publication of said notice was on the 16 day of June, 2011

That the said notice was published in the regular and entire issue of every said "Independent-Observer" during the period and time of said publication, and in the newspaper proper, and not in a supplement.

Patricia J. Lee  
Title: Publisher

Sworn to and subscribed before me this 16 day of June, 2011

Julie Beaman  
Julie Beaman

Notary Public for the State of Montana, residing at Conrad, Montana. My commission expires

July 21, 2012

## Legal Notice

### LEGAL NOTICE

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B. Certificate, Paragraph 3.D., insert the following after the first sentence in the third paragraph on page 7:

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30 West 14th, Suite 204  
Helena, Montana, 59601  
(406) 443-6430

Published June 16, 2011

