

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

In the Matter of the Application of
Montana Alberta Tie Ltd. and MATL LLP. to Amend their
Certificate of Compliance under the Major Facility Siting Act.

On August 13, 2012 Montana Alberta Tie Ltd. and MATL LLP (collectively referred to as MATL) submitted an application to amend their Certificate of Compliance (the Certificate) issued by the Department of Environmental Quality (DEQ) on October 22, 2008. The Certificate authorizes construction and operation of a transmission line originating at the existing NorthWestern Energy switchyard near Great Falls, Montana, and extending north to a substation to be constructed northeast of Lethbridge, Alberta. On August 15, 2012, DEQ received a copy of the signed easement agreement for this amendment.

During final design and surveying, MATL has modified the location of several structures within the approved 500 foot corridor. On property owned by the Hillcrest Colony, the natural terrain has proved to be problematic for the intended location of at least one structure. MATL is intending to move up to three structures (structures 14/4, 14/6 and 14/7) to improve constructability with minimal change in alignment of the approved transmission line. Structures 14/4, 14/6 and 14/7 would remain within the approved 500 foot corridor. However, the minor shift of these structures would result in placement of two guy anchors for Structure 14/4 outside the previously approved corridor. Thus, MATL is requesting that the approved corridor be expanded to accommodate placement of the two guy anchors.

Specifically, MATL requests the following amendment to the Certificate:

"Hillcrest Colony Modification:

With the consent of the Hillcrest Colony, the structures located from approximately milepost 14/4 to 14/7 would be shifted as follows:

- Structure 14/4 would be moved approximately 69 feet northwest along the existing alignment to bring it out of the center of a drainage to the top of a rounded knob.
- Structure 14/6 would be moved approximately 34 feet southwest to straighten the forward tangent from Structure 14/4 and to place it closer to the fence line on the south edge of a cultivated field.
- Structure 14/7 would be moved approximately 11 feet to modify the line angle and negate the need for guy anchors.

This revision places the back tangent guy anchors for Structure 14/4 outside the currently defined DEQ corridor. The previously-approved 500-foot corridor would be modified as depicted in Figure A. This proposed minor widening would accommodate two guy anchors that will extend beyond the previously-approved 500-foot corridor. The structure will remain within the previously-approved corridor."

The design modification and requested amendment is supported by the Hillcrest Colony. Figure A is attached to this decision document.

DEPARTMENT DECISION

Pursuant to Section 75-20-219(1), MCA, if DEQ determines that the proposed change 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 as set forth in the certificate, DEQ is required to grant, deny or modify the amendment with conditions it considers appropriate. Under Section 75-20-219(2), MCA, if DEQ determines that the proposed change in the facility would not result in a material increase in any environmental impact or a substantial change in the location of all or a portion of the facility as set forth in the certificate, DEQ is required to automatically grant the amendment either as applied for or upon terms or conditions that DEQ considers appropriate. Therefore, whether or not there is a material increase or a substantial change in the location of all or part of the facility, DEQ has the authority to grant and condition its approval of the amendment.

The change proposed by MATL in the amendment application would not result in a material increase in any environmental impact. The relocation of the two guy anchors would be within the same terrain and habitat conditions as the approved corridor. Impacts associated with location of the two anchors for Structure 14/4 outside the previously approved corridor are within the range of impacts anticipated at the time the Certificate was issued. Furthermore, the change proposed by MATL in the amendment application would not result in a substantial change in the location of all or part of the MATL transmission line. The amendment widens the approved corridor in one location by less than 100 feet to accommodate placement of two guy anchors. Structure 14/4 would remain within the previously approved corridor, as would structures 14/6 and 14/7.

Because the change proposed by MATL in the amendment application does not result in a material increase in any environmental impact or a substantial change to all or a portion of the facility, DEQ is required to automatically grant the amendment under Section 75-20-219(2), MCA, either as applied for or upon terms or conditions that DEQ considers appropriate. DEQ approves the proposed change as set forth in the application for amendment submitted by MATL.

Conditions set forth in the Certificate of Compliance and Environmental Specifications and subsequent amendments remain in full force and effect.

A person aggrieved by the final decision of DEQ on an application for amendment of a certificate may within 15 days appeal the decision to the Board of Environmental Review as provided in Section 75-20-223(2), MCA.

Dated this 20th day of August, 2012.



Richard H. Opper
Director
Department of Environmental Quality

Figure A:

Hillcrest Colony Modification

