

**MONTANA ALBERTA TIE LTD. (MATL)
CERTIFICATE OF COMPLIANCE AMENDMENT
for Diamond Valley South and Bullhead Coulee
North Amendments**

**FINAL
ENVIRONMENTAL ASSESSMENT**

**Montana Department of Environmental Quality
Facility Siting Program
1520 East Sixth Avenue
Helena, MT 59620-0901**

July 22, 2011

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EXECUTIVE SUMMARY

Montana Alberta Tie Ltd. and MATL LLP (MATL) propose to amend the Certificate of Compliance (Certificate) for the construction, operation, and maintenance of an international 230-kV (kilovolt) alternating current merchant transmission line. The Montana Department of Environmental Quality (DEQ) issued the Certificate for the MATL project on October 22, 2008.

The transmission line is approved to originate at the existing NorthWestern Energy (NWE) 230-kV Switchyard near Great Falls, Montana, and extend north to a new substation to be constructed northeast of Lethbridge, Alberta, crossing the U.S.-Canada international border north of Cut Bank, Montana. In Montana, the length of the line is approximately 130 miles. The transmission line will be part of the Western Interconnection (Western grid).

MATL's proposed amendment would change the language in the Certificate and Environmental Specifications to allow the relocation of two segments of the approved facility location to address landowner concerns which were raised after the Certificate had been issued.

The Proposed Action (Certificate Amendment) and No Action Alternative are analyzed in this Environmental Assessment.

Under the proposed amendment, DEQ would modify two portions of the approved location as depicted in Figures 1 and 2. MATL has requested the following conditions to the proposed 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.

Under the No Action Alternative, no changes to the current Certificate would be made.

1.0 Introduction

This Environmental Assessment (EA) provides supplemental analysis of impacts examined in the draft, supplemental draft, and final environmental impact statement for the Montana Alberta Tie Ltd. (MATL) 230-kV Transmission line (DOE and DEQ, 2007, 2008, and 2008a). It also contains the information to support DEQ's determination to grant, deny, or modify the proposed amendment. The DEQ is using the environmental assessment format because the short timeframe required by statute for the determination does not allow sufficient time for preparation of a full or supplemental environmental impact statement and an EA is an appropriate level of environmental review for the proposed amendment. This approach is provided for in ARM 17.4.607(2)(e).

1.1 Project Background

The Montana Alberta Tie transmission line project is jointly owned by Montana Alberta Tie Ltd. and MATL LLP. The 230-kV transmission line is permitted to originate at the existing NorthWestern Energy (NWE) 230-kV Switchyard near Great Falls, Montana, and extend north to a new substation to be constructed northeast of Lethbridge, Alberta, crossing the U.S.-Canada international border north of Cut Bank, Montana. In Montana the length of the line is approximately 130 miles. The transmission line would be part of the Western Interconnection (Western grid).

Following publication of a draft environmental impact statement (EIS) (DEQ and DOE, March 2007), a supplemental draft EIS (February 2008), and a final EIS (September 2008), DEQ issued a Certificate of Compliance (Certificate) for the 230-kV transmission line on October 22, 2008. Descriptions of the transmission line and associated facilities are given in detail in the final EIS (DEQ and DOE September 2008) and are incorporated by reference.

On August 11, 2010, MATL filed a notice of amendment with DEQ allowing construction in and near wetlands (Montana Alberta Tie Ltd. and MATL LLP. 2010). Following publication of an environmental assessment (DEQ 2010), DEQ issued an amendment with conditions on September 22, 2010 that allowed MATL to conduct temporary construction activities in and near wetlands.

2.0 Nature of the Proposed Amendment

On June 16, 2011 Montana Alberta Tie Ltd. and MATL LLP, co-permittees for the Montana Alberta Tie Transmission Line, submitted a second application to DEQ for an amendment to the Certificate. MATL requests the following amendments to the Certificate.

A. Diamond Valley South – Laubach Amendment:

At the Laubachs' request, the transmission line corridor would be modified from milepost 30/2 to 31/4 as depicted in Figure 1. This proposed alignment amendment shifts the transmission line away from a planned, future home site. This proposed alignment amendment 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 Amendment:

At the Swansons' request, the transmission line corridor would be modified from milepost 84/5 to 85/3 as depicted in Figure 2. This proposed alignment amendment 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 amendment also eliminates the need for a guyed structure in a cultivated field at milepost 85/3.

MATL has requested the following conditions to the proposed 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.

- (3) 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.”

If approved, the certificate amendment would allow modification of the location for the line in two areas: a 1.3-mile relocation roughly 8.7 miles east of Dutton, MT (T24N, R2E, sections 6, 7, and 8) and second 1- mile relocation about 6.5 miles northeast of Valier, MT (T30N, R4W, sections 5 and 8).

2.1 Decisions to Be Made

Based on the information submitted by MATL in its notice to amend the Certificate, information presented in the final EIS and additional information presented in this EA, the Department will determine, pursuant to 75-20-219, MCA, whether the proposed amendment:

- would result in a material increase in any environmental impact of the transmission line, or
- would result in a substantial change in the location of all or a portion of the transmission line.

If DEQ finds that the proposed amendment would not result in a material increase in any environmental impact or a substantial change in the location of the transmission line, DEQ is required to automatically grant the amendment either as applied for or upon terms or conditions that the department considers appropriate. If DEQ determines the proposed amendment would result in a material increase in any environmental impact or a substantial change in the location of the transmission line, DEQ is required to grant, deny or modify the amendment with conditions it considers appropriate.

These determinations must be made within 30 days following notice by MATL of an application to amend a Certificate. MATL filed its notice with DEQ on June 16, 2011.

In order for DEQ to determine that an amendment to a certificate should be granted or modified, DEQ must find that the amendment would not materially alter the findings that were the basis for granting the certificate. DEQ’s determination is limited to consideration of effects that the proposed change or addition to the facility may produce.

A person aggrieved by a final decision by DEQ on an application for amendment to a certificate may within 15 days appeal the decision to the Board of Environmental Review.

2.2 Other Agencies

A decision to amend the Certificate may alter the location of the transmission line near a missile silo operated by the United States Air Force (USAF). USAF has a 1,200-foot wide easement around a missile silo south of the proposed location shown in Figure 1. No other known state or federal lands would be affected by the proposed amendment.

2.3 Public Involvement

This EA was posted to DEQ's website and released for public comment. It has been revised based on public comment.

3.0 Alternatives Considered

This section describes the alternatives that DEQ has considered during its review of the proposed amendment. MATL's proposed action and a No Action Alternative are considered.

3.1 Proposed Action

The amendment proposed by MATL described in Section 2.0 would be granted with three modifications. For the Diamond Valley South amendment, the following language from the Environmental Specifications (Appendix A, Land Use) would not apply: "Whenever reasonably possible, structures should be located along field boundaries." In addition, the west side and northern portion of the Diamond Valley South amendment would be entirely located on Ronald and Debbie Laubach's property in the E1/2 of Section 6 and 7 in T24N R2E and the Diamond Valley South amendment would be located within the irregularly shaped corridor depicted in Figure 1; and outside the easement held by the USAF restricting above ground structures near its missile silo unless allowed by the USAF (Wanke 2010). Finally, the Bullhead Coulee North amendment would be located within the irregularly shaped corridor depicted in Figure 2.

3.2 No Action

The No Action Alternative would mean that the language in the Certificate and Environmental Specifications would remain unchanged.

4.0 Existing Environment

Existing environmental conditions were described in the final EIS for the project (DEQ and DOE 2008a). DEQ staff conducted a field review in June 2011 of the two areas proposed for amendment, and found existing conditions described in the final EIS are still considered valid and are incorporated herein by reference. The final EIS may be viewed in DEQ's office at 1520 East Sixth Avenue, Helena, Montana during regular business hours not including holidays. The final EIS, Certificate of Compliance, and Wetlands Amendment also may be viewed at the following web site:

<http://deq.mt.gov/MFS/MATL.mcp.x>.

MATL provided no additional baseline information pertaining to this amendment since publication of the final EIS.

5.0 EA Checklist

Resource	No Action	Proposed Action
<p>1. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE: Are soils present which are fragile, erosive, susceptible to compaction, or unstable? Are there unusual or unstable geologic features? Are there special reclamation considerations?</p>	<p>Soils in these two areas are loams to clay loams derived from glacial till or fine grained alluvial material. As described in the final EIS, soil compaction and rutting would occur during construction. With implementation of storm water controls, soil erosion is expected to be minor in these areas.</p>	<p>Slightly less land may be affected due to an approximate 0.06 mile decrease in the length of the approved location for the Diamond Valley South amendment. For the Bullhead Coulee North amendment, there would be more ground disturbance due to approximately an additional 0.12 mile of line from the proposed amendment.</p> <p>In the Bullhead Coulee North area, access trails or roads along the ROW may be slightly longer than MATL's approved location, due to the presence of the creek and canal. Soil erosion and compaction are expected to be similar to that along the approved location.</p>
<p>2. WATER QUALITY, QUANTITY AND DISTRIBUTION: Are important surface or groundwater resources present? Is there potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality?</p>	<p>As described in the final EIS and the EA for the amendment allowing construction in wetlands, streams and water quality could be affected by streambank alteration and sediment entering streams. Required mitigation would reduce the potential for sediment reaching a stream. Three intermittent streams would be crossed by the line.</p>	<p>The proposed Diamond Valley South amendment would result in crossing one intermittent stream and potentially associated wetland, two fewer intermittent streams than the approved location. This would likely reduce the potential for sediment to reach the stream.</p> <p>The Bullhead Coulee North amendment could result in two additional stream crossings but because of the span lengths, it is likely that these stream crossings would be spanned and that access trails would avoid these additional stream crossings. The corridor is wide enough to allow an alignment that would result in only one stream crossing.</p>

Resource	No Action	Proposed Action
3. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I air shed)?	Few air quality impacts are expected.	Additional air quality impacts are not expected.

Resource	No Action	Proposed Action
<p>4. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be significantly impacted? Are any rare plants or cover types present?</p>	<p>Potential impacts to vegetative species are described in the Final EIS and the EA for construction in wetlands. Mostly common species would be affected along the proposed amendment. No tall growing (tall enough to require removal to satisfy conductor clearance requirements) willow or cottonwood stands are found along the approved corridor in either area under consideration. Wetlands indicated on the National Wetland Inventory maps are shown on revised Figures 1 and 2. In the Diamond Valley South area, the currently approved location includes one small mapped freshwater emergent wetland within the 500-foot corridor and two freshwater emergent wetlands at the edge of the corridor. In the Bullhead Coulee North area a NWI mapped wetland complex is found about 0.2 mi. west of the approved location but none is found in the approved location corridor. Additional wetland or riparian vegetation may be found along the channels of the intermittent drainages in both areas during the required pre-construction wetland inventory.</p> <p style="text-align: center;">9</p> <p>In the Diamond Valley South area the approved corridor includes a small amount (see Table 1) of rangeland at the edge of drainages that have not</p>	<p>On the Diamond Valley South area no mapped wetlands or wind breaks occur along the proposed amendment. Less riparian and wetland vegetation would be potentially impacted by construction and maintenance activities. The Diamond Valley South amendment would be located mostly on cultivated land and less than 0.1 mile of low growing riparian vegetation would be crossed at a single intermittent stream crossing.</p> <p>The Bullhead Coulee North amendment could affect more riparian and potential wetland vegetation along the coulee. A mapped wetland complex just outside the proposed amended location is unlikely to be affected.</p> <p>For the Bullhead Coulee North area, the revised location could span two meanders of Bullhead Coulee that would result in as many as three spans of the creek. However, a close examination of Figure 2 shows that DEQ's proposed corridor is wide enough to allow an alignment that could span the coulee and associated riparian area only once.</p> <p>In the Bullhead Coulee North area, rangeland has been fragmented by farming, irrigation canals, county roads, distribution lines, fences, and farm buildings. The remaining 1.6-mile long by less than 0.3-mile wide patch of rangeland and wetland vegetation between roads would be affected by either alternative. The proposed amendment would cross approximately 0.33-mile of rangeland and 0.64 mile of cropland.</p>

Resource	No Action	Proposed Action
<p>5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds or fish?</p>	<p>The EIS describes the common game species in the area and potential impacts to these species. Sediment production could affect aquatic life despite implementation of best management practices to control storm water runoff. Existing Certificate conditions require the installation of line marking devices to reduce the potential for bird collision within ¼ mile of a wetland.</p>	<p>The same common game species are found in the area and impacts would be similar. Sediment production could affect aquatic life despite implementation of best management practices to control storm water runoff. The Bullhead Coulee North modified location could cross two more streams than the approved location. Therefore more sediment related impacts may occur as a result of construction related disturbances than on the approved location. Existing Certificate conditions require the installation of line marking devices to reduce the potential for bird collision within ¼ mile of a wetland and would apply to the amended location of the line if approved.</p>
<p>6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES: Are any federally listed threatened or endangered species or identified habitat present? Any wetlands? Species of special concern?</p>	<p>Potential impacts to these species are described in the Final EIS and the EA for the amendment allowing construction in wetlands. Potentially more wetland habitat would be affected on the approved location in the Diamond Valley South area. There are no known species of special concern in the affected areas.</p>	<p>Less potential wetland habitat would be affected by the modified location in the Diamond Valley South area compared to the previously approved location. On the Bullhead Coulee North amendment, slightly more rangeland and riparian habitat would be crossed. There are no known species of special concern in the affected areas.</p>
<p>7. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?</p>	<p>A Class III cultural resource inventory was conducted in 2007 (GCM 2010). One NRHP eligible (Criterion A) site was identified, the AN Canal (24PN109). The project will have no adverse effect on the canal with the avoidance of features.</p>	<p>DEQ staff walked the proposed new locations and did not find any additional cultural, archaeological or paleontological resources beyond those described in the final EIS. The AN Canal (24PN109) will still be crossed by the proposed amendment but with no adverse effect on the canal with the spanning of the features and maintaining the integrity of the canal.</p>

Resource	No Action	Proposed Action
<p>8. AESTHETICS: Is the project on a prominent topographic feature? Will it be visible from populated or scenic areas? Will there be excessive noise or light?</p>	<p>The project is located in a rural agricultural area. In the Diamond Valley South area, the approved location is adjacent to a planned home site near a vacant farm house and associated outbuildings.</p> <p>At the north end of the Diamond Valley South area the approved location crosses an area used for recreational hunting and a structure is planned for the middle of this recreational use area. Aesthetics of the planned house site and recreational hunting area would be adversely affected if the project were built as proposed.</p> <p>In the Bullhead Coulee North area the approved location traverses agricultural land, and is located within approximately 0.26 mile of a residence.</p>	<p>In the Diamond Valley South area the proposed amendment would reduce aesthetic impact to a planned home site on the east edge of Section 7 by being located approximately 1000 feet away. However, the proposed amendment would increase visual impact to a planned home site in the west half of Section 7 (see Figure 1). While the proposed amendment would avoid crossing one area where recreational hunting occurs, it would also be east of another area used for recreational hunting.</p> <p>In the Diamond Valley South area, the proposed amendment would replace a tangent structure with an angle structure where the proposed alignment rejoins the currently approved location near State Highway 379. The replacement of the tangent structure with the angle structure could result in a slight increase in visual impact to some travelers on State Highway 379.</p> <p>In the Bullhead Coulee North area the proposed amendment would move the alignment farther from the nearest residence from an approximate distance of 0.26 mile to a distance of 0.41 mile.</p>
<p>9. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY: Will the project use resources that are limited in the area?</p>	<p>Impacts on land, water, air, and energy are described in the final EIS and EA prepared for the amendment addressing construction activities in wetlands for MATL's approved location.</p>	<p>The Diamond Valley South amendment would be approximately 0.06 mile shorter than the currently approved location.</p> <p>The Bullhead Coulee North amendment would be 0.12 mile longer than the approved location.</p>

Resource	No Action	Proposed Action
10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: Are there other activities nearby that will affect the project?	No impacts are expected beyond those described in the final EIS and EA prepared for the amendment addressing construction activities in wetland for MATL's approved location.	The impacts to other environmental resources would be similar to those described for MATL's approved location.
11. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?	Impacts would be the same as those described in the final EIS and EA prepared for the amendment addressing construction activities in wetlands for MATL's approved location.	The impacts would be similar to those generally described in the Final EIS.
12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?	Impacts would be the same as those described in the final EIS and EA prepared for the amendment addressing construction activities in wetlands for MATL's approved location.	See the more detailed discussion of potential land use impacts that follows this table in Sections 5.1 and 5.2.
13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number.	Impacts would be the same as those described in the final EIS and EA prepared for the amendment addressing construction activities in wetlands for MATL's approved location.	No substantial change is expected in the employment numbers described in the Final EIS.
14. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue?	Impacts would be the same as those described in the final EIS and EA prepared for the amendment addressing construction activities in wetlands for MATL's approved location.	No substantial change is expected in the tax base or tax revenue from that described in the Final EIS.

Resource	No Action	Proposed Action
<p>15. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc.) be needed?</p>	<p>Impacts would be the same as those described in the final EIS and EA prepared for the amendment addressing construction activities in wetlands for MATL's approved location.</p>	<p>There would be no substantial change to the need for government services for fire, police, or schools from those described in the final EIS and the EA prepared for the amendment addressing construction activities in wetlands.</p>
<p>16. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?</p>	<p>Impacts would be the same as those described in the final EIS and EA prepared for the amendment addressing construction activities in wetlands for MATL's approved location.</p>	<p>No changes to plans or goals are expected from those described in the Final EIS.</p>
<p>17. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES: Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational potential within the tract?</p>	<p>Impacts would be the same as those described in the final EIS and EA prepared for the amendment addressing construction activities in wetlands for MATL's approved location. At the north end of the Diamond Valley South area the approved location crosses an area used for recreational hunting and a structure is planned for the middle of this recreational use area.</p>	<p>Along the approved location in the Diamond Valley South, an affected landowner has indicated that a structure would be located in an area used for recreational hunting. This area would be avoided by the proposed amendment. While the proposed amendment would avoid crossing one area where recreational hunting occurs, it would also be east of another area used for recreational hunting.</p> <p>No change to recreation is expected along the proposed Bullhead Coulee amendment.</p>
<p>18. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require additional housing?</p>	<p>Impacts would be the same as those described in the final EIS and EA prepared for the amendment addressing construction activities in wetlands for MATL's approved location.</p>	<p>No population changes are expected beyond those described in the Final EIS.</p>

Resource	No Action	Proposed Action
19. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?	Impacts would be the same as those described in the final EIS and EA prepared for the amendment addressing construction activities in wetlands for MATL's approved location.	No changes are expected beyond those described in the Final EIS.
20. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?	Impacts would be the same as those described in the final EIS and EA prepared for the amendment addressing construction activities in wetlands for MATL's approved location.	No changes are expected beyond those described in the Final EIS.
21. PRIVATE PROPERTY IMPACTS: Are we regulating the use of private property under a regulatory statute adopted pursuant to the police power of the state? (Property management, grants of financial assistance, and the exercise of the power of eminent domain are not within this category.) If not, no further analysis is required.	On those areas where MATL has obtained easements, the proposed amendment could affect MATL's property rights.	On those areas where MATL has obtained easements, the proposed amendment could affect MATL's property rights.
22. PRIVATE PROPERTY IMPACTS: Does the proposed regulatory action restrict the use of the regulated person's private property? If not, no further analysis is required.	No changes are expected from those effects described in the Final EIS.	Selection of the Proposed Action would not result in any additional regulation of MATL's private property rights. The regulatory restrictions set forth in MATL's current Certificate of Compliance would remain in effect.

Resource	No Action	Proposed Action
<p>23. PRIVATE PROPERTY IMPACTS: Does the agency have legal discretion to impose or not impose the proposed restriction or discretion as to how the restriction will be imposed? If not, no further analysis is required. If so, the agency must determine if there are alternatives that would reduce, minimize or eliminate the restriction on the use of private property, and analyze such alternatives.</p>	<p>No further analysis is required.</p>	<p>No further analysis is required.</p>
<p>24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:</p>	<p>Since the Certificate of Compliance was approved, DEQ met with landowners at their request and learned about concerns over facility location that had not been raised in comments on the draft or supplemental draft EIS. DEQ staff subsequently met with representatives from MATL and relayed these concerns. Mr. Laubach made it clear that he supported MATL's proposed amendment in the Diamond Valley South area.</p>	

5.1 Diamond Valley South Amendment

The Proposed Action would potentially double the distance to Mr. Laubach's planned house site compared to the existing approved location, but would decrease the distance to Mr. McRae's planned house site (see Figure 1). The Diamond Valley South Amendment would be about 0.2 mile away from the Laubach house site whereas the approved location corridor is about 0.1 mile away. However, the Diamond Valley South amendment would be just over 0.1 mile from the McRae planned house site.

The amendment would utilize slightly more non-irrigated cropland/Conservation Reserve Program (CRP) land and less rangeland than the approved location. Both the proposed amendment and the approved location would diagonally cross cultivated land and cross cultivated land parallel to the cropping pattern. The diagonal crossing of cropland on the amendment would be done at the request of the affected landowner. As indicated on Figure 1, structures 30/2 to 30/6 in the approved location on the Dahlman property would be sited on cultivated land where the Dahlmans oppose all structures on their property because they would interfere with farming.

The existing approved location avoids the easement that precludes above ground structures around the Air Force missile site located south of this parcel. The USAF holds a 1,000-foot easement that restricts all above ground structures and an additional easement extending 200 feet beyond in which above ground structures are allowed only with USAF approval. The proposed corridor would overlap the 200-foot zone, but is wide enough to locate a right-of-way to avoid the easement. In addition, the amendment is slightly shorter in overall length by 0.06 mile. Overall, the Diamond Valley South Amendment would result in a small increase of non-irrigated cropland/CRP crossed and uses less rangeland (Table 1). Land use information from MATL's application also is presented in Table 2. This information relating to land use is presented because MATL referenced this information in this notice to amend.

Mr. Laubach and Mr. McRae both noted the general area as being used for hunting. It included the area along the coulee that would be crossed by both the approved location and proposed amendment, and shelterbelts north and west of the planned house site.

DEQ acknowledges that the Diamond Valley South amendment could result in more guyed structures on cropland or land enrolled in the Conservation Reserve Program. However, the affected landowner supports the proposed change (see the June 28, 2011 letter from Ron Laubach.) No guyed structures would be located on the McRae property.

5.2 Bullhead Coulee North Amendment

The proposed amendment for Bullhead Coulee North would allow for the development of a center pivot irrigation system in the southeast quarter of Section 5 in T30N, R4W. It could eliminate a diagonal field crossing and instead could place structures along the edge of a field strip. The existing approved location could prevent the development of the center pivot irrigation system at this location. The amendment would cross more rangeland and

less non-irrigated cropland/CRP in comparison to the existing approved location. Both alignments would cross the same road and canal but at different locations. The Bullhead Coulee North Amendment would be about 0.12 mile longer than the approved location.

Table 1. Land Use as Calculated by DEQ

Types of Land Use Crossed by Alternatives Calculated by DEQ in 2011 (Approximate Miles)					
	Existing Corridor	Diamond Valley South		Existing Corridor	Bullhead Coulee North
Irrigated cropland	0.00	0.00		0.00	0.00
Non-irrigated cropland/CRP	1.18	1.22		0.72	0.64
Rangeland	0.1	0.03		0.16	0.33
Riparian	0.07	0.04		0.01	0.04
Road/ROW	0.00	0.01		0.02	0.02
Water	0.00	0.00		0.01	0.02
Total Miles	1.35	1.29		0.92	1.04

Source: 2009 NAIP Imagery, 2011 field checking.

Table 2. Types of Land Use provided by MATL.

Types of Land Use Crossed by Alternatives Using Data from MATL's MFSA Application (Approximate Miles)					
	Existing Corridor	Diamond Valley South		Existing Corridor	Bullhead Coulee North
Mechanically Irrigated	0.00	0.00		0.40	0.58
Dryland Cropland	0.00	0.00		0.26	0.46
Grassland/Rangeland	0.00	0.00		0.00	0.00
Conservation Reserve Program	1.35	1.29		0.26	0.00
Total Miles	1.35	1.29		0.92	0.92

Source: MATL's MFSA Application, 2005.

6.0 Cumulative Impacts

Cumulative impacts would be similar to those described in the final EIS.

6.1 Unavoidable Adverse Impacts

Except for the changes indicated in the EA checklist and Sections 5.1 and 5.2, unavoidable adverse impacts would be similar to those described in the final EIS. There would be no change in unavoidable adverse impacts under the No Action Alternative.

6.2 Irreversible and Irretrievable Impacts

Except for the changes indicated in the EA checklist and Sections 5.1 and 5.2, irreversible and irretrievable impacts would be similar to those described in the final EIS. There would be no change in irreversible and irretrievable impacts under the No Action Alternative.

7.0 List of Preparers

Tom Ring - Environmental Science Specialist
Nancy Johnson – Environmental Science Specialist
Craig Jones – Environmental Science Specialist
James Strait - Environmental Science Specialist

Reviewers:

Warren McCullough – Bureau Chief
Ed Hayes – Attorney

8.0 REFERENCES

Montana Alberta Tie Ltd. and MATL LLP. 2010. Application to Amend Certificate of Compliance for the Montana Alberta Tie 230-kV International Transmission Line. Lethbridge, Alberta – Great Falls, Montana.

Montana Major Facility Siting Act (MFSA) Application Revised August 2006. Montana Alberta Tie Ltd. Project 230-kV AC Power Transmission Line. Lethbridge, Alberta – Great Falls, Montana.

Montana Department of Environmental Quality (DEQ) and United States Department of Energy (DOE). 2007. Draft Environmental Impact Statement for the Montana-Alberta Tie Ltd. (MATL) 230-kV Transmission Line.

Montana Department of Environmental Quality (DEQ) and United States Department of Energy (DOE). 2008. Federal Draft Environmental Impact Statement and State of Montana Supplemental Draft Environmental Impact Statement for the Montana-Alberta Tie Ltd. (MATL) 230-kV Transmission Line.

Montana Department of Environmental Quality (DEQ) and United States Department of Energy (DOE). 2008a. Final Environmental Impact Statement for the Montana-Alberta Tie Ltd. (MATL) 230-kV Transmission Line.

Montana Department of Environmental Quality (DEQ).2010. Decision Amendment 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. September 22, 2010.

USDA/ Natural Resource Conservation Service 2003. Soil Survey of Choteau-Conrad Area; Parts of Teton and Pondera Counties, Montana.

Wanke, Floyd G. 2010. Power line near missile site. Personal Communication between Craig Jones, GIS and Environmental Scientist, Montana DEQ and Floyd G. Wanke, Chief, Missile Engineer at Malmstrom Air Force Base.

FIGURES 1 and 2

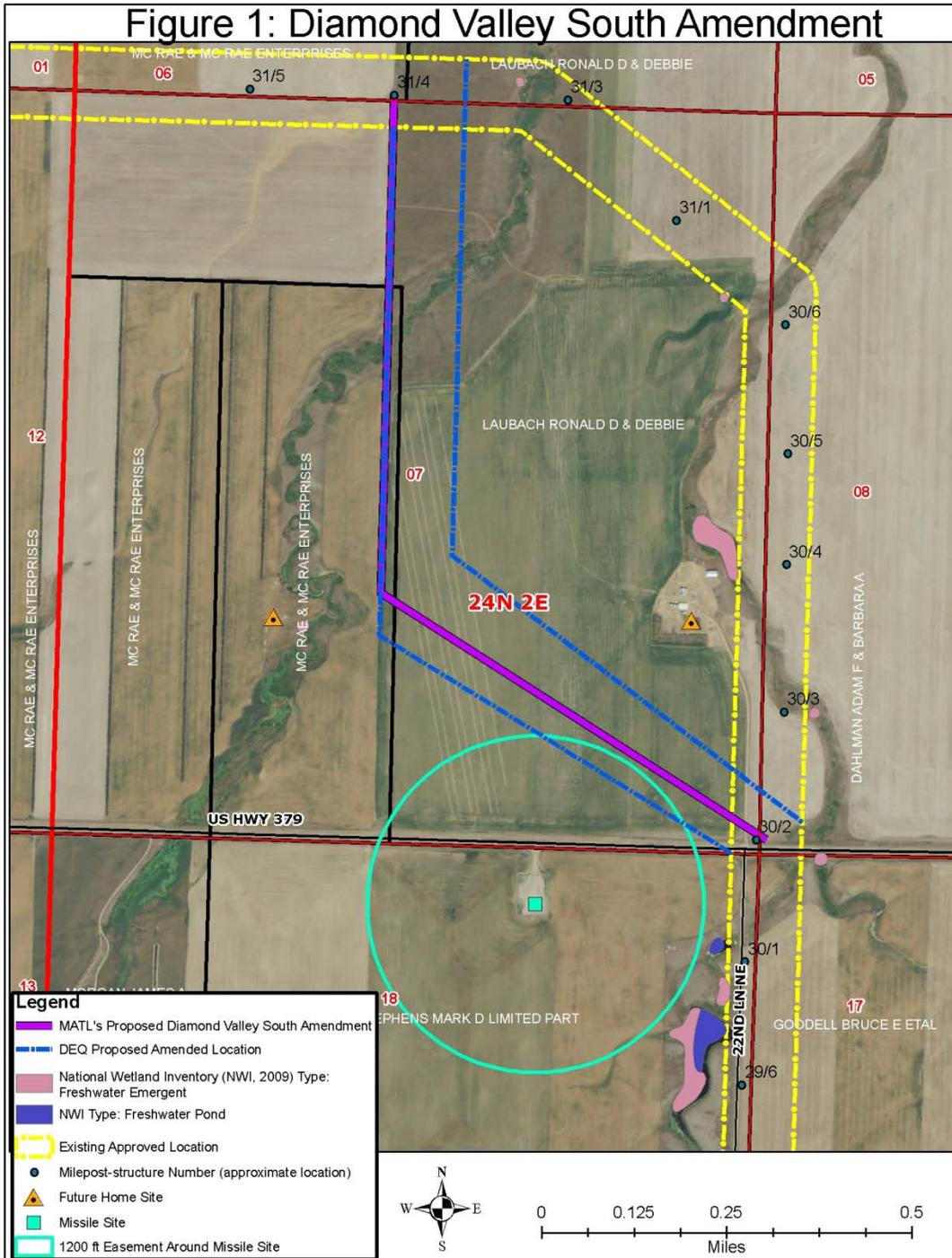
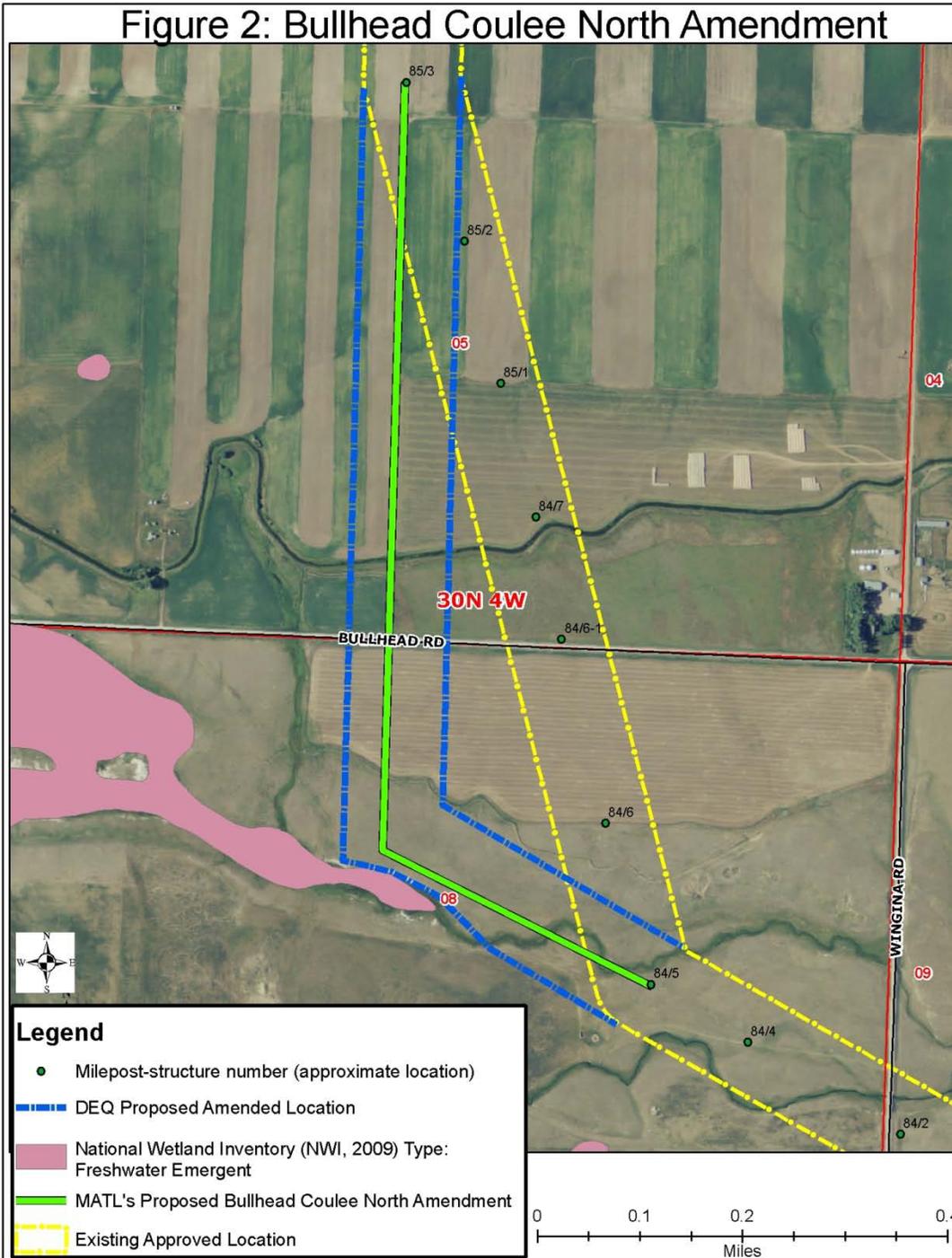


Figure 2: Bullhead Coulee North Amendment



Ring, Tom

From: Debbie Laubach [laubachs@3riversdbs.net]
Sent: Tuesday, June 28, 2011 8:35 AM
To: Jones, Craig

Dear Graig,

We would like you to pursue expanding the corridor on our property at 24 N, 2 E sec. 6 and 7, also known as the Dutton Farm.

We are willing to have all the poles on our property, no more than 52 ft. from our section line except for the ones crossing diagonally. There will be no guy wires on the SE corner or the SW corner, possibly on the NW corner could be acceptable. This will eliminate crossing and working in wet lands, taking poles out of neighbors field and avoiding a homestead.

Comment 1



Thank you,

Ron and Debbie Laubach

Comment 1 Comment noted. Thank you for your comments and offer to host the transmission line on your property for the Diamond Valley South amendment.



6-28-2011

Mr. Tom Ring
Montana Department of Environmental Quality
P.O. Box 200901
Helena, Montana 59620-0901
Re: Dahlman/Laubach Corridor Expansion
Tom:

I am in support of the corridor expansion as long as All poles, guy wires, & transmission lines remain on Laubach property in T24 R2E Sec. 7.

I have personally spoken to MatL Representatives Darryl James & James Kemp prior to & on June 14th, 2011, & have made this perfectly clear of our position!

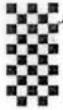

Comment 2

Sincerely,

Steve Dahlman
Dutton, MT 59433

RECEIVED
JUN 28 2011
DEQ / EMB

Comment 2 Comment noted. Mr. Laubach has offered to host all structures for the Diamond Valley South amendment on his property.



6-28-2011

Department of Environment Quality

Re: Proposed Corridor Change
on Laubach Property

As the ~~proposed~~ adjacent property owner, where the original
MATL line was proposed, we have no objection
to the corridor change as Mr. Laubach has
indicated his willingness to have all poles
on his property.

Comment 3

Adam & Barbara Adamson
232 Skyline Drive N.E.
Great Falls, Mt. 59404

Comment 3 Thank you for your comments.

RECEIVED

JUN 28 2011

2 / EMB

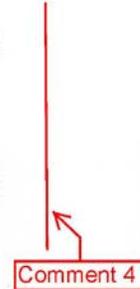
MATL Certificate of Compliance amendment.txt

From: NTIS Art [art.rooney@northerntiersecurity.com]
Sent: Thursday, July 07, 2011 1:04 PM
To: Ring, Tom
Subject: MATL Certificate of Compliance amendment

I have read through the EA on the proposed amendment and I support Alternative # 2 so that MATL can finally be completed. MATL is very important to northern Montana for jobs and increased tax revenue. Wind power will never become a viable energy provider in Montana without the infrastructure needed to export the electricity to the areas of the U. S. that need it.

Montana is more than just a pretty place to visit with wide vistas and spectacular views that tourists from elsewhere want to see. We Montanans need to make a living and supplying power by wind generation is one way of creating long term jobs in some of the areas of Montana that need them the most. So by all means, grant the Certificate of Compliance Amendment and get the roadblocks out of the way so MATL can be finished in a timely manner.

Arthur Rooney
142 Hwy 213
Cut Bank, MT 59427



Comment 4

Comment 4 Comment noted. Thank you.



Montana Audubon

P.O. Box 595 • Helena, MT 59624 • 406-443-3949 • mtaudubon@mtaudubon.org

July 6, 2011

Tom Ring
Montana Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901

Dear Mr. Ring,

Please accept the following comments from Montana Audubon regarding the Environmental Assessment (EA) for the *MONTANA ALBERTA TIE LTD. (MATL) CERTIFICATE OF COMPLIANCE AMENDMENT for Diamond Valley South and Bullhead Coulee North Amendments*. Montana Audubon is the coordinating entity for the nine Audubon Society Chapters in the state of Montana. Currently there are approximately 3,800 Audubon members in the state. Our mission is to protect birds and other wildlife, and their habitats. You may receive comments from other members of the Society.

This project proposes to change the location of the MATL transmission line in two locations. Because Montana Audubon's mission is focused on protection of wildlife and wildlife habitat issues, our comments are directed at those impacts/issues. Specifically rangeland, wetlands, and riparian areas are the main wildlife habitats impacted by these proposed transmission line relocations.

Comment 9

To begin, in general, we found the EA inadequate. It lacks any specific information on the size and quality of the rangeland, wetlands, and riparian areas that will be impacted by the proposed transmission relocation, as well as the size and quality of the areas that would no longer be impacted if the 'no action' alternative was enacted. It is hard for us—as well as decision makers—to assess the significance of these proposed amendments without this information. The map included in the EA provides more substantive information than the EA itself. However, the map provides no information about the quality of the natural areas that would be impacted under the amendments. We have been told that the impact to wetlands/riparian areas will be managed by an earlier Certificate of Compliance specific to impacts to wetlands. However, the bottom line is that the EA gives the public almost no information on the impacts – and DEQ staff tell the public to “trust us” when we get more information about the specific proposed route. This scenario makes providing meaningful comment on the EA and the Diamond Valley/Bullhead Coulee Certificate of Compliance difficult, if not impossible.

Comment 5

Comment 6

Comment 7

Comment 8

Comment 10

The EA describes the Diamond Valley South Amendment as having less impact on wetlands and riparian systems. Therefore, this proposal appears to have fewer impacts on wildlife habitat than the 'no action' alternative. However, because the EA is silent on the quality of the wetland/riparian area being impacted, and the mitigation measures that will be required, this assumption may not be true. While we assume that less impact to these areas is generally better, if the wetland/riparian area being impacted by the proposed amendment is much higher quality than that impacted by the 'no action' alternative, this assumption would be wrong. Riparian areas and wetlands make up less than 4% of the state's landscape. These areas also provide the most densely used wildlife habitat in the state. Minimizing the impact to these areas—especially high quality areas—should be the priority of DEQ.

Comment 11

Comment 5 Information has been added to the EA describing the extent and quality of known wetlands, riparian areas, and rangeland.

Comment 6 If DEQ takes no action on the proposed amendment the transmission line would still be constructed in its currently approved location. The EA describes the impacts to resources that would be affected if the amendment is approved as well as impacts to resources that would be affected along the currently approved location if the amendment is not approved.

Comment 7 Comment noted.

Comment 8 The figures included in the EA are part of the EA and should not be viewed as separate documents.

Comment 9 Information has been added to the EA describing the quality of the “natural areas”.

Comment 10 The original Certificate included a condition (in Appendix A of the Environmental Specifications) that MATL would delineate wetlands prior to construction of the line, with the understanding that overhead powerlines, unlike buried pipelines, can often span sensitive features such as wetlands. Conditions in the Certificate were amended on September 22, 2010 to address construction activities in wetlands. These conditions included:

- Permanent guy wire and structure placement would be prohibited in wetlands.
- MATL would be required to invite landowners to any on-site field inspections identified by the Department to evaluate whether there is a reasonable alternative to temporary construction activity in a delineated wetland.
- Upon completion of the field inspection, the Department's State Inspector, MATL and the landowner would each have 7 working days to make recommendations to the Department's director on whether there are any reasonable alternatives to temporary construction activity in a delineated wetland. The recommendations may consider but are not limited to the amount of vegetation and wildlife habitat that would be affected, land use, cultural resources, transportation, recreation, visual impacts, and the costs to avoid or otherwise mitigate wetland impacts. The director would make the final decision whether or not to allow temporary construction activity in a given wetland. For these reasons, DEQ concluded that impacts to wetlands in the areas under consideration in this EA would be minimized and any residual impacts would be mitigated through compensation.

Comment 11 DEQ conditionally approved a location for the facility that was 500 feet wide in the two areas under consideration in this EA (250 feet on each side of the referenced centerline). In these two areas MATL has proposed a change in location. Wetlands indicated on the National Wetland Inventory maps are shown on revised Figures 1 and 2. In the Diamond Valley South area, the currently approved location includes one small mapped wetland within the 500-foot corridor and two at the edge of the corridor. No mapped wetlands occur along the proposed amendment corridor in the Diamond Valley South area.

In the Bullhead Coulee North area both the approved location and the proposed amendment avoid wetlands mapped in the National Wetland Inventory.

Our experience in the area indicates that additional wetland vegetation may be found along the low-lying stream bottoms during the required wetland delineation. There is no tall growing riparian cottonwood or willow vegetation that would require right-of-way clearing on any of the alternatives under consideration in either the Diamond Valley South or the Bullhead Coulee North areas. Close examination of air photos indicates that there is reasonable likelihood that access could be planned that would miss currently mapped and potential wetland/riparian areas along intermittent streams in each area. Where crossing a wetland is unavoidable, compensatory mitigation is required.

On the Bullhead Coulee North section of the relocation, the EA indicates that there would be more impacts to wetlands, riparian areas, and rangeland than in the 'no action' alternative. Specifically, two additional stream crossings would be added, and this amendment "would likely cross more riparian and potential wetland vegetation." Additionally, "slightly more rangeland and riparian habitat would be crossed." Although the fact that the permit will not allow towers and guy wires to be placed directly into a stream or wetland is helpful, the bigger impact stems from habitat fragmentation. For example, for birds, a riparian corridor is considered a body of habitat. The more times that corridor is crossed by transmission lines, the more fragmented that habitat becomes. Additionally, Montana holds the most extensive and most significant grasslands (i.e., rangeland) in the Northern Great Plains. Grassland birds show the most declines of any group of birds monitored by Breeding Bird Surveys; fewer than 30 % of the species show increasing populations. Montana is blessed with relatively healthy numbers of these species, and preserving our prairie grasslands will help to ensure that these species do not become endangered throughout their range. Fragmentation of grasslands by construction of things like transmission lines is a factor responsible for bird population declines. This occurs because many grassland birds do not tolerate towers, which fragment the habitat into smaller and less valuable patches. Towers are avoided by some species; they also introduce edge effects through fragmenting connectivity and by introducing perches for avian predators (raptors and members of the crow family (especially magpies, crows and ravens)). Additionally, fragmentation is caused by road construction associated with construction and maintenance activities.

The Environmental Impact Study done for the MATL line repeatedly stated that the corridor used by the transmission line was primarily cropland and that the native grasslands/prairie habitat is fragmented. That said, we support minimizing the amount of habitat fragmentation caused by transmission lines through prairie grasslands—aka rangeland.

Comment 13

We support mitigating the impacts of habitat fragmentation. DEQ should work with Montana Fish, Wildlife and Parks to develop mitigation measures to address habitat fragmentation of native habitats further chopped up from the transmission line.

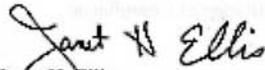
Comment 14

One final point: all construction site restoration work impacting native habitats should be required to use native plant species that occur in the area. DEQ should check areas that are revegetated for up to five years to ensure that revegetation efforts are successful.

Comment 15

Thank you for the opportunity to comment on this project.

Sincerely,



Janet H. Ellis
Program Director

Comment 12

Comment 12 For the Bullhead Coulee North area, the revised location could span two meanders of Bullhead Coulee that would result in as many as three spans of the creek by the amended location centerline submitted to DEQ by MATL. However, a close examination of Figure 2 shows that DEQ's proposed corridor is wide enough to allow an alignment that could span the coulee and associated riparian area only once. In addition, a bridge on Wingina Road may provide an opportunity to move construction equipment over the creek and associated narrow riparian area with few impacts to the creek and associated riparian vegetation. During the required field inspection, the advantages of avoiding disturbance to the riparian area would be weighed against the potential increased impacts to rangeland and cost of construction due to the additional length of off-ROW access across rangeland as opposed to keeping access closer to the centerline. Access from Bullhead Road is another possibility to reduce impacts to the riparian area.

In the Bullhead Coulee North area, rangeland has been fragmented by farming, irrigation canals, county roads, distribution lines, fences, and farm buildings. The remaining 1.6-mile long by less than 0.3-mile wide patch of rangeland between roads would be affected by either alternative. The proposed amendment would cross approximately 0.33-mile of rangeland while the currently approved location crosses 0.16-mile of rangeland. It is important to note that the owner of the rangeland in question recognizes the need for the proposed amendment and had voiced his acceptance of the change.

Comment 13 Your support is noted. Thank you.

Comment 14 Comment noted.

Comment 15 As proposed by MATL, native seed mixes would be used on native grasslands unless otherwise requested by a landowner. DEQ will monitor reclamation as required in ARM 17.20.1902.

Ring, Tom

From: Jerry McRae [mcraefarms@yahoo.com]
Sent: Friday, July 08, 2011 3:03 PM
To: Ring, Tom
Subject: Comments on the Environmental Assessment on the Proposed MATL Amendment

Mr. Ring,

These are our comments on the Diamond Valley South Amendment - Laubach property.

1. We find the Environmental Assessment to be inaccurate page 9, number 8 aesthetics. We disagree that the Amendment will reduce aesthetic impacts. The proposed corridor will negatively affect our recreational hunting area. It will place the line much closer to our planned house site and be much more visible from the state highway.

Comment 16

2. The original corridor had two guy-wired structures which should have been made into a corridor with one guy-wired structure. The new corridor has three guy-wired structures, all in cultivated land. Page 10, Number 12 going from one guy wired structure to three guy-wired structures in cultivated land would cause serious adverse impacts to agricultural activities.

Comment 17

3. Had our family been given the opportunity to participate in the on-going discussions concerning this Amendment or even known that these discussions were going on, we too would have shown you the drive-way that still remains to the house-site which we would someday enjoy using. We could have shown you the seven miles of shelter belt on our property that this Amendment would harm. We would have shown you our recreational hunting sites which this proposed Amendment will harm, instead all we were told was that MATL would never ever propose an amendment.

Comment 18

4. We believe the Amendment would result in a material increase in many environmental impacts and urge the no action alternative.

Comment 19

Jerry McRae

Comment 16 While potential visual impacts on the Laubach and Dahlman properties may be reduced on the proposed Diamond Valley South amendment, visual impacts may increase on the McRae property to the west of the amended location. The amended location would be close to but not overlap with the hunting area and planned home site on Mr. McRae's property. DEQ completed a site visit on July 13, 2011 to confirm location of the recreational hunting area and planned house site on the McRae property. During the meeting with Mr. McRae, DEQ requested to be taken to the home site and Mr. McRae indicated there was no current access and the entire area including the house site was planted in wheat. The landowner did not identify a driveway during that meeting. Mr. McRae located the planned house site on a map as depicted on revised Figure 1.

The landowner identified general area used for hunting. It included the area along the coulee and shelterbelts north and west of the planned house site. The amended location would be east of this area and more visible to Mr. McRae than the current location. However, the amended location would be located further from Mr. Laubach's hunting area.

DEQ acknowledges that the Diamond Valley South amendment could result in more guyed structures on cropland or land enrolled in the Conservation Reserve Program. However, the affected landowner supports the proposed change (see the June 28, 2011 letter from Ron Laubach.) No guyed structures would be located on the McRae property.

Comment 17 Comment noted. The proposed Diamond Valley South amendment is not located on any McRae property.

Comment 18 Your opinion is noted. Thank you for your comment.

Comment 19 Comments noted.

7-8-2011

Montana Department of Environmental Quality
Box 200901
Helena Mt 59602-0901

Dear Mr. Ring:

RE: Proposed corridor change for MATL

As I stated in a fax to you June 28, 2011, I do not oppose the corridor change placing the poles on the Ron Laubach property. Mr. Laubach has consented to take all of the MATL line poles, this is agreeable with me.

However, in the event that this corridor change request is denied, then I would request that the poles to be placed on the property line between Mr. Laubach and the Adam and Barbara Dahlman properties. We then will negotiate the compensation for the placement of poles should, this come to pass.

Thank You for your attention to this matter

Kindest regards,

Adam F. Dahlman
Adam F. Dahlman

Barbara Dahlman
Barbara Dahlman

Comment 20

20

Comment 20 Comment noted.

20. Comments noted.



MATL LLP

A TONBRIDGE POWER INC. AFFILIATE

July 8, 2011

Tom Ring
Montana Department of Environmental Quality
Facility Siting Program
PO Box 200901
Helena, Montana 59602-0901

Dear Tom:

It has become apparent to MATL through public comments on the Application to Amend, as well as individual discussions with affected landowners, that Mr. Laubach's neighbors to the east, the Dahlmans, are averse to the placement of any structures on their property. The previously-approved corridor would place a minimum of five structures on the Dahlman parcel, one of which is a guyed structure in cultivated ground. The proposed Amendment would leave just one angle structure on the Dahlman parcel which lies outside their cultivated field and could be designed as a self-supporting structure to avoid the placement of guy wires in the cultivated field. MATL has and will continue to explore opportunities to mitigate potential impacts that would occur on the Dahlman parcel with either the previously-approved corridor or the amended corridor.

Comment 21

In light of the statements from the Dahlmans, and in deference to the extraordinary efforts undertaken by Mr. Laubach to appease his neighbors, MATL requests that DEQ strike Condition (1) from the June 16, 2011 Application. Rather, if approved, MATL will proceed with final design and construction of the route as defined in the Amendment and negotiate structure placement with the affected landowners in easement negotiations or through an appeal process if they choose to pursue that option.

Comment 22

The Swanson's have been equally diligent in working with MATL and their affected neighbors, and all directly affected parties are in agreement with the modifications. Any appeal filed on the Swanson amendment should be addressed in the same manner as outlined above.

Comment 23

Thank you for the opportunity to comment.

Sincerely,
MATL LLP



Harley R. Harris
General Counsel

30 WEST 14TH ST., SUITE 207
HELENA, MONTANA 59601
OFFICE 406-443-6430 FAX 406-443-6432

Comment 21 Comment noted. Your suggested change has been made.

Comment 22 Comment noted. Your suggested change has been made.

Comment 23 Comment noted. Your suggested change has been made.



Travis Kavulla, Chairman
District 1

PUBLIC SERVICE COMMISSION

1701 Prospect Avenue
PO Box 202601
Helena, MT 59620-2601
Telephone: 406-444-6166
FAX #: 406-444-7618
E-MAIL: tkavulla@mt.gov

July 8, 2011

Tom Ring
Montana Department of Environmental Quality
Facility Siting Program
PO Box 200901
Helena, MT 59602-0901

Dear Mr. Ring:

Please count me as a voice in support of the amendment to the Montana Alberta Tie Ltd.'s (MATL's) Certificate of Compliance in relation to the proposed revisions laid forth in your June 28, 2011 summary thereof.

Mr. Ron Laubach and I have talked about this issue on a couple of occasions, and he feels he initially received inadequate notice of the line's extended route. He does not oppose the line's construction—merely the fact that it runs so near structures on his ancestral homestead. I am pleased that MATL has agreed to this and other amendments.

I hope your department will continue its policy of flexibility in adopting such amendments as they are offered by MATL. I understand that the company is attempting to remediate problems it has encountered in its relations with landowners through a series of these amendments. As a fellow regulator, I trust that the personnel of the Major Facility Siting division of the Department of Environmental Quality will be helpful in facilitating what should essentially be bilateral negotiations between MATL and affected landowners whose support is vital to the construction of this important transmission project.

This letter should be read to convey my individual opinion. The full Public Service Commission has not deliberated on the matter.

Sincerely yours,

-tk-

Travis Kavulla

Comment 24

Comment 24 DEQ sent a copy of the supplemental draft EIS for the MATL project to Mr. Laubach. Figure 2.6-2 of that document shows the location of an alternative under consideration at that time close to an existing house on the Laubach property. During the comment period no formal comments were received from Mr. Laubach. This alignment was subsequently approved by DEQ, and Mr. Laubach did not file an appeal of DEQ's certification decision. DEQ and MATL subsequently learned of Mr. Laubach's concern and MATL applied for the amendment now under consideration. Your support of the proposed amendment is noted.

From: Dave Wanzenried [daveew@gmail.com]
Sent: Friday, July 08, 2011 8:59 AM
To: Ring, Tom
Cc: Debbie Laubach
Subject: MATL Relocation Amendment

Dear Mr. Ring:

I am writing to convey my unqualified support for the relocation amendments to the Certificate of Compliance submitted by Montana Alberta Tie Ltd. and MATL LLP (MATL).

The proposed amendments would change the language in the Certificate and Environmental Specifications to allow the relocation of two segments: (1) Diamond Valley South – Laubach Amendment and (2) Bullhead Coulee North – Swanson Amendment.

The relocations outlined as summarized in both amendments in the environmental assessment are reasonable and balanced. Each will allow the landowner to develop his property in the future and protect fragile wetlands, while still allowing for the transmission line to be constructed.

Both landowners have negotiated in good faith and have displayed a willingness to accommodate MATL.

I encourage the Department of Environmental Quality to promptly approve both amendments to the Certificate of Compliance.

Respectfully,

David E. Wanzenried

Comment 25

Comment 25 Your support of the amended location is noted.
Thank you.

--
Montana Senate
Senate District #49
903 Sky Drive
Missoula, Montana 59804-3121

Phone: 406-546-9442

To: Tom Ring
From: Katrina Martin
Date: 8 July 2011
Re: **Comments on MATL's 16 June 2011 Notice of Amendment**

Thank you for the opportunity to comment on the MATL 2011 proposed amendment to its 2008 Certificate.

As to the Diamond Valley South Amendment illustrated in EA, Figure 1, I have two concerns which should not be interpreted as opposition to the proposed change. The discussion in the EA Checklist ¶5.0 is incomplete regarding §§ 8 and 12:

Section 8. AESTHETICS should include recognition that the proposed amended location will increase negative visual impacts in relation to Highway 379 which is the major roadway for most traffic in eastern Teton County. The pole structures will be much more visible to travelers on that road, especially when the structure at 30/2 will now be an angle structure as opposed to what appears to be a monopole structure in the approved location. Such negative visual impacts are important to those of us who travel this highway on a regular basis; the EA should include this analysis.

Comment 26

Section 12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION should include discussion regarding the effects, if any, of the proposed changes on contiguous landowners. Linear facilities cannot be properly analyzed based simply on what happens to one landowner. Any location change affects adjacent property owners, especially when the line turns at new 90° angle. The EA is silent on this matter which does not seem appropriate.

Comment 27

I also have a more general concern upon which I feel compelled to comment. This concerns the "Conditions" which the applicant has set forth in ¶1 C. of its Application to Amend Certificate of Compliance.

What gives any applicant under MFSa the right to engage in this type of "if ..., then" restriction on a statutorily proscribed process of review? It makes lawful environmental review a completely hollow process; the activities of the regulator, which are mandated by statute, become an entirely meaningless exercise.

How can DEQ possibly grant an amendment which is conditioned upon limiting the rights of citizens to question its decision? The right of appeal is guaranteed under state law. An applicant for a certificate should not be able to declare an of the department void. DEQ's actions and decisions are prescribed by statute; it is the function of the judicial branch to determine the validity of the actions of the executive branch if questions of validity arise, not an applicant.

It appears to set an extremely dangerous precedent to allow any party requesting an action from an executive agency to include a "void if ..." clause in its request. That seems especially

Comment 28

Comment 26 Information has been added to Section 5.0 item 8 in the EA describing the effect of the new angle structure next to State Highway 379.

Comment 27 Please see the revised Section 3.1. Based on comments the Diamond Valley South amendment's northern and western segments would be located on Ronald and Debbie Laubach's property in Section 6 and 7 in T24N R2E, including the new 90° angle structure in Section 6 T24N R2E.

Comment 28 MATL has requested that Condition (1) be stricken from its application to amend the Certificate of Compliance. See Comment 22.

true when the “void if” involves restricting the constitutional rights of Montana citizens to meaningfully participate in the government.

As to “void if” in relation to actions by the federal government, the same concerns arise. The DOE has legal responsibilities. An applicant should not be allowed to declare a DEQ action void just because DOE does not do what the applicant wants it to do. This is MATL’s second amendment application; the 2010 wetland amendment made no reference to the DOE. In fact DOE never even made an appearance in that process. The amendment was granted without any input from the federal government if the public record is accurate and complete. What makes this application any different?

Comment 29

The “void if” condition displays an unacceptable arrogance on the part of any applicant. It undermines the entire legal review process and constitutes what can be called “extra-legal” conduct. It is beyond and outside the lawful processes of government. I truly hope DEQ will not accept any “if ..., then” condition such as that proposed by the applicant here.

Comment 30

Katrina Martin
1720 24th Ln. NE
Dutton, MT 59433

Comment 29 DEQ has not included this condition in its approval.

Comment 30 Comment noted.