

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 April 2, 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.

The amendment application sought to allow relocation of the approved transmission line in two areas. DEQ has previously approved the amendment application as it pertained to one of the areas. (See DEQ approval of the Banka Amendment dated May 2, 2012). Remaining before DEQ is the amendment application as it pertains to the second area. This area is located adjacent to NorthWestern Energy's switchyard located across the Missouri River from Giant Springs State Park on property owned by PPL Montana, Western American Retail, Inc., and NorthWestern Corporation (Great Falls Switchyard Amendment).

The proposed Great Falls Switchyard Amendment would widen the transmission line corridor immediately adjacent to the switchyard and would allow relocation of approximately 0.4 mile of the transmission line. The widened corridor would provide the MATL transmission line with a different approach to the switchyard, avoiding a number of existing and planned power lines coming into the same switchyard. Two or three structures would be located outside the currently approved location in rangeland. The proposed Great Falls Switchyard Amendment would require a right-of-way within the northern edge of the Lewis and Clark Heritage Greenway Conservation Easement held by Fish, Wildlife, and Parks (FWP) on the north shore of the Missouri River.

On April 11, 2012 DEQ issued a Draft Environmental Assessment analyzing the proposed Great Falls Switchyard Amendment (Proposed Action). The Proposed Action is depicted in Figure 1 of the Draft Environmental Assessment. DEQ also analyzed an alternative under which the approved location in the Certificate would remain unchanged (No Action Alternative). Under the No Action Alternative, MATL would construct the transmission line within the currently approved corridor. DEQ did not receive any comments on the Draft Environmental Assessment. DEQ issued the Final Environmental Assessment on May 2, 2012.

As previously indicated, the Proposed Action would require a right-of-way on land owned by NorthWestern Energy that is subject to the Lewis and Clark Heritage Greenway Conservation Easement held by FWP. MATL has requested such a right-of-way from NorthWestern Energy. Under the terms of the Lewis and Clark Heritage Greenway Conservation Easement, FWP was entitled to an opportunity to review and comment on MATL's request for the right-of-way.

NorthWestern Energy provided FWP with such an opportunity by letter dated April 17, 2012. Under the terms of the Lewis and Clark Heritage Greenway Conservation Easement, FWP had thirty days to provide comments. MATL has indicated that NorthWestern Energy did not receive any comments from FWP on the requested right-of-way.

Under Section 75-20-219, MCA, DEQ is required to issue a decision on an application for amendment of a certificate of compliance within thirty days after notice of an amendment to a certificate is given. FWP would not have had thirty days to review and comment on the requested right-of-way within the Lewis and Clark Heritage Greenway Conservation Easement if DEQ had issued a decision within the period provided in Section 75-20-219, MCA. Consequently, MATL provided DEQ with a written waiver of the statutory deadline to afford FWP its full opportunity under the Lewis and Clark Heritage Greenway Conservation Easement to review and comment on MATL's requested right-of-way.

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.

When the Proposed Action is compared to the currently approved location, DEQ has determined that the Proposed Action would not result in a material increase in any environmental impact or a substantial change to all or a portion of the facility.

The Proposed Action moves MATL away from existing power lines coming into the same switchyard. The Proposed Action also allows for future development of the switchyard. The No Action Alternative could hinder the approach to the Great Falls Switchyard for planned power lines. While the Proposed Action could result in greater impacts to soils and vegetation without the mitigation measures set forth in the Certificate of Compliance and the Environmental Specifications, these mitigation measures minimize impacts to these resources. Thus, the Proposed Action would not materially increase environmental impacts.

Therefore, DEQ approves the Proposed Action. As allowed by Section 75-20-219, however, DEQ approves the Proposed Action with one modification. In order to minimize the area of land subject to the Lewis and Clark Heritage Greenway Conservation Easement that would be affected by this amendment, DEQ approves the Great Falls Switchyard Amendment as depicted in Figure 3, rather than Figure 1, of the Final EA.

Conditions set forth in the Certificate of Compliance and Environmental Specifications and subsequent amendments remain in full force and effect. DEQ will update and maintain in its files a topographic map having a scale of 1:24,000 showing section lines and the revised approved locations for the facility.

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 31st day of May, 2012.



Richard H. Opper
Director
Department of Environmental Quality