

# MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

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In the Matter of the Application of  
Montana Alberta Tie Ltd. (MATL) for a  
Certificate of Compliance under the  
Major Facility Siting Act.

Findings Necessary for Certification  
and Certification Determination

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On December 1, 2005, Montana Alberta Tie Ltd. (MATL) submitted an application to the Montana Department of Environmental Quality (DEQ) under the Major Facility Siting Act (MFSA), Section 75-20-101, *et seq.*, MCA, for a Certificate of Compliance for the construction of an international 230 kilovolt (kV) alternating current merchant (private non-utility) transmission line. MATL is a private Canadian corporation owned by Tonbridge Power. Amendments to the application continued through August 6, 2008. The proposed transmission line would 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 proposed line is approximately 130 miles. The proposed line would be part of the Western Interconnection (Western grid).

In addition to certification by the State of Montana under MFSA, MATL also must obtain a Presidential permit from the U.S. Department of Energy (DOE) and a right-of-way grant from the U.S. Bureau of Land Management before constructing the proposed transmission line.

In March of 2007, DEQ and DOE issued a document entitled Draft Environmental Impact Statement which served as a draft environmental impact statement for DEQ and an environmental assessment for DOE. Based on public comments received on this document, DEQ decided to prepare a supplemental environmental impact statement to further assess 1) impacts resulting from construction of the transmission line on the cost of farming in the project area; and 2) socioeconomic impacts following substantial changes to state tax law. Also based on public comments received on the March 2007 document, DOE determined that an environmental impact statement was the proper level of review. In February of 2008, the resulting state Supplemental Draft Impact Statement and federal Draft Environmental Impact Statement were jointly issued. In September of 2008, DEQ and DOE issued the Final

Environmental Impact Statement (EIS) regarding MATL's proposed transmission line. These environmental review documents provide the basis for the following findings. Chapter 2 of the EIS provides a description of the proposed project and alternatives considered by DEQ.

### **Findings**

1. The Basis of the Need for the Facility: In order to determine that there is a need for a proposed electric transmission line, DEQ must make one of the findings listed in Administrative Rules of Montana (ARM) 17.20.1606. Pursuant to subsection (1)(a) of that administrative rule, insufficient power transfer capacity at adequate voltage levels under normal operating conditions may form a basis of need if DEQ finds that the transfer capacity of the proposed facility will be required within two years of the date the proposed facility is to be placed in service.

MATL held Open Seasons in 2005 and 2006 during which bids could be submitted for transmission rights on the proposed 600 MW transmission line. Four developers of proposed wind farms, listed on Table 4.1-1 of the Final EIS, purchased all of the transmission line's shipping capacity. Based on the purchase of the transmission capacity by the developers of proposed wind farms, DEQ finds that there is a need for the proposed transmission line.

2. Nature of the Probable Environmental Impacts: Segments of the transmission line would be constructed across cropland and the following unavoidable impacts would occur. More effort and expense would be required to farm around transmission line structures than if structures were not present. Mechanical irrigation; automated farming methods; use of farming equipment with wide toolbars for fertilizer, pesticide and herbicide application; cultivation; harvesting and crop dusting would also be affected. Areas would be taken out of production around the base of support structures and angle structures. Structures located near but not at the edge of a field may prevent equipment from reaching the edge of the field. Production costs would increase where farmers divert equipment around structures, make additional passes, take additional time to maneuver equipment, skip areas, or reseed, retreat or refertilize areas. The efficiency of some large, differentially corrected global positioning system (DGPS)-guided equipment might be adversely affected due to line interference with satellite communications.

Some rangeland and pastureland vegetation would be unavoidably damaged or removed by the construction of access roads and structures and at construction staging areas. Ground

disturbance and increased vehicular traffic during line construction and maintenance could unavoidably increase the risk of noxious weed spread.

Construction activities such as site clearing, site grading, and development of access roads and staging areas would unavoidably result in a temporary loss of vegetation and wildlife habitat. While a portion of the disturbed areas would be reclaimed upon completion of construction activities, permanent habitat loss would occur within the footprints of structures and access roads. Noise, fugitive dust, and activities associated with site clearing and grading, installation of support structures, construction of access roads and support facilities, and associated equipment could unavoidably disturb and displace wildlife within and adjacent to impact areas. During operation of the transmission line, direct unavoidable impacts to avian species could occur as a result of collisions with the proposed transmission line. MATL would apply *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006* developed by the Edison Electric Institute, the Avian Power Line Interaction Committee, and the California Energy Commission (2006), reducing the potential for avian electrocution. MATL would install line marking devices at stream and wetland crossings to reduce the potential for birds to collide with the overhead ground wire or conductors.

Construction of the transmission line would have varying degrees of unavoidable long-term visual impacts, depending in large part on the viewer's proximity to the transmission line. Structures within the immediate foreground and foreground (1/2 mile) of residences, immediate foreground of recreation sites, within areas of Class B scenic quality as described in the EIS, or within the immediate foreground or foreground of primary use travel corridors would result in a major impact. Structures within the foreground of recreation sites and within the middleground (1/2 to 1 mile) of residences and primary use corridors would result in a minor impact. Views of the transmission line within the middleground and background of recreation sites, within the background of primary use travel corridors, within the background of residences or within the middleground and background of secondary use travel corridors would result in a very minor impact.

Construction of tall buildings or structures or use of tall equipment or other objects within the right-of-way that may interfere with safe operation of the transmission line would be unavoidably restricted. Minimum transmission line clearances are specified in the National Electrical Safety Code.

The probable impacts to all resources (including land use, geology, soils, safety, hazardous material management, electric and magnetic fields, water, wetlands, vegetation, wildlife, fish, special status species, air quality, noise, socioeconomics, paleontological resources, cultural resources, transportation, utilities, and visual resources) are described in Section 3.1 through 3.17 and summarized in Table 3.18-1 of the Final EIS.

3. Minimization of Adverse Environmental Impacts: Construction and operation of the transmission line as proposed with modifications made by DEQ minimizes adverse environmental impacts considering the state of available technology and the nature and economics of the various alternatives. Measures proposed by MATL to minimize adverse environmental impacts are set forth in Attachment 1 that is incorporated by reference as enforceable provisions of this Certificate of Compliance. Environmental specifications developed by DEQ to minimize adverse environmental impacts are set forth in Attachment 2 that is incorporated by reference as enforceable provisions of this Certificate of Compliance. Should there be a conflict between the measures developed by MATL and the environmental specifications developed by DEQ, the more environmentally protective provision would apply.

A.) Reasonable alternatives were considered by DEQ. These alternatives are described in the EIS. Three alternatives were considered in detail along with other alternatives that were not considered reasonable and dropped from detailed consideration. (See Section 2.8 of the EIS). In addition DEQ considered local routing options for line location. (See Section 2.6 of the EIS). Under any of the action alternatives MATL would provide compensation for the impact to farmers by making pole payments for each structure and annual payments to offset the increased cost of farming around the structures.

DEQ did not select Alternative 3 because it crosses more crop and irrigated land diagonally than Alternatives 2 and 4 and Alternative 3 had the lowest general public acceptance based on comments received throughout the review process. In general, Alternative 3, although paralleling an existing 115-kV line and providing the shortest route between Great Falls and Cut Bank, resulted in the greatest estimated costs to farmers because of the estimated high number of H-frame structures that would be located in the interior of cultivated fields. Although Alternative 3 north of Cut Bank is the shortest route, it is not preferred because it does not join with Canada's approved route at the U.S.-Canada border. South of Cut Bank, Alternative 3 was

developed to closely parallel an existing 115-kV line that was built in the 1960s prior to passage of MFSA.

In comparing Alternatives 2 and 4, DEQ considered costs to landowners including increased costs to farmers, MATL's proposed landowner compensation package, and costs to MATL. The additional cost to MATL of constructing Alternative 4 over Alternative 2 was found to be greater than the additional cost to farmers of Alternative 2 over Alternative 4. The local routing options do not add significantly to MATL's overall costs. The selected location consists of portions of Alternatives 2 and 4 as modified by local routing options and is indicated on Attachment 3. The selected location minimizes the net present value of costs to MATL and to the public after mitigation measures are considered.

Alternative 1, the No Action Alternative, did not meet the need for the project. Other available alternatives including energy conservation, alternative transmission technologies, or alternative levels of reliability also did not meet the need for the project.

B.) Environmental impacts that could not be quantified in monetary terms were considered. These impacts were not significantly adverse enough to alter DEQ's determination that the selected location and design for the transmission line minimizes the net present value of costs among alternatives.

C.) The costs associated with the mitigation measures included in the environmental specifications for the project (Attachment 2) were considered in DEQ's determination that the selected location and design for the transmission line minimize the net present value of costs among alternatives.

D.) MATL is required to construct the transmission line in the location depicted in Attachment 3. 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.

Beginning at the Great Falls Switchyard at Milepost 0, the selected location includes a 27.3 mile segment of Alternative 4 because it better avoids cultivated and CRP land than Alternative 2. Compared to Alternative 2, this portion of Alternative 4 crosses 5.79 fewer miles of farmland, crosses 7.73 fewer miles of farmland diagonally, and has fewer nearby residences. Overall, this segment is 0.39 miles longer than the corresponding Alternative 2 segment and crosses 2.46 miles less state land. Much of this line segment parallels the Western

Area Power Administration's 230-kV line that was sited during the 1980s to avoid cropland where possible.

From Milepost 27.3 to Milepost 31, DEQ's selected location coincides with Alternative 2. From Milepost 31, DEQ's selected location follows the Diamond Valley South Local Routing Option as far as Milepost 39.2. While the Diamond Valley South option is 1.7 miles longer than the corresponding segment of Alternative 2, it better avoids diagonal crossings of farmland and houses. Compared to the Diamond Valley North Local Routing Option, it parallels fewer miles of field roads, better avoids a grain bin, and has two fewer crossings of NorthWestern Energy's 115-kV line.

At the crossing of the Teton River (Milepost 39.2), DEQ's selected location incorporates the Teton River Local Routing Option because this crossing would remain higher above the river channel than Alternative 2, avoiding potential flood inundation, and largely remains along field edges north of the river.

Between Milepost 48.1 and Milepost 75.5, Alternative 4 is not selected. Compared to Alternative 2 as modified by Local Routing Options, this portion of Alternative 4 is 5.33 miles longer, resulting in additional environmental impacts and construction and maintenance costs. This portion of Alternative 4 also crosses 1.05 miles of additional farmland. Although this portion of Alternative 4 crosses 11.09 fewer miles of farmland diagonally than under Alternative 2 as modified by the Local Routing Options, MATL has committed to working with landowners to place interior structures along field strip boundaries where the landowner farms in strips that are narrower than a full quarter section. About half of this portion of Alternative 2 could be located on range or on field strip boundaries. Finally, DEQ has modified Alternative 2 to require the same use of monopoles wherever cropland and lands enrolled in CRP are crossed as would have been required under Alternative 4.

From the Teton River, DEQ's selected location coincides with Alternative 2 as far as Milepost 56.2. Here, the selected location uses the Southeast of Conrad Local Routing Option that locates the line on rangeland and field boundaries better than Alternative 2. From Milepost 59.2 to Milepost 69.3 the selected location coincides with Alternative 2. Between Mileposts 69.3 and 72.2, the Northwest of Conrad Local Routing Option was selected because it better avoids crossing farmland diagonally by using the range and pasture land available in the area.

From Milepost 72.2 to approximately Milepost 74 (the beginning of the Belgian Hill Local Routing Option), the selected location coincides with Alternative 2. From Milepost 74 to Milepost 76.8 the Belgian Hill Local Routing Option was selected to avoid close proximity to several houses.

From Milepost 76.8 to Milepost 79.5, DEQ's selected location coincides with Alternative 2. From Milepost 79.5 to Milepost 81.2, the Bullhead Coulee South Local Routing Option was selected because, at the request of an affected landowner, it would allow construction of a wind turbine that would otherwise be precluded by Alternative 2.

From Milepost 81.2 to Milepost 85.5, the selected location coincides with Alternative 2. From Milepost 85.5 to Milepost 87.2, the Bullhead Coulee North Local Routing Option was selected to reduce the amount of cropland crossed diagonally. From Milepost 87.2 to Milepost 100.5, the selected location coincides with Alternative 2. The preferred alternative would cross BLM-owned land between Milepost 93.4 and Milepost 94.0. Beginning at Milepost 100.5, the selected location uses the South of Cut Bank Local Routing Option because it would locate the line on field boundaries and better avoid a house without a large increase in line length. North of Milepost 103.1, the selected location coincides with Alternatives 2 and 4 to join with Canada's approved route at the border crossing.

MATL shall construct the transmission line using monopoles wherever the transmission line crosses cropland and land enrolled in the Conservation Reserve Program at the time of construction. Currently, approximately 83.6 miles of the 133.5 miles of line in Montana cross cropland and land enrolled in the Conservation Reserve Program.

E.) The location of the transmission line selected by DEQ does not cross any of the following areas: national wilderness areas, national primitive areas, national wildlife refuges and ranges, state wildlife management areas and wildlife habitat protection areas, national parks and monuments, state parks, national recreation areas, corridors of rivers in the National Wild and Scenic Rivers system and rivers eligible for inclusion in the system, roadless areas of 5,000 acres or greater in size managed by federal or state agencies to retain their roadless character, and specially managed buffer areas surrounding national wilderness areas and national primitive areas. The transmission line would cross isolated areas with rugged topography on slopes greater than 30 percent. Vegetation may be destroyed during the construction process and soil may be exposed to erosion on these steep slopes. MATL has proposed a plan to control erosion

during project construction and would be required to implement a Storm Water Pollution Prevention Plan under Montana water quality statutes. MATL shall submit to DEQ the bond(s) identified in the environmental specifications to ensure that areas disturbed during construction are reclaimed and revegetated.

F.) Reasonable alternative locations for the transmission line were considered in selecting the final location.

G.) The final location for the transmission line will result in less cumulative adverse environmental impact and economic cost than siting the facility in any other reasonable location, based on identification of any probable significant adverse environmental impacts, identification of reasonable mitigation for these significant adverse environmental impacts, and adoption of acceptable mitigation and monitoring plans set forth in the environmental specifications included as Attachment 2.

The selected location does not cross 1) state or federal waterfowl production areas; 2) National Natural Landmarks, Natural Areas, Research Natural Areas, Areas of Critical Environmental Concern, special interest areas, Research Botanical Areas, Outstanding Natural Areas designated by the National Park Service, the USDA Forest Service, the USDI Bureau of Land Management (BLM), or the State of Montana; 3) designated critical habitat for state or federally listed threatened or endangered species; 4) habitats occupied at least seasonally by resident state or federally listed threatened and endangered species; 5) municipal watersheds; 6) streams and rivers listed in Montana Fish, Wildlife and Parks' (FWP) river database as being Class I or II streams or rivers; 7) major elk summer security areas; 8) habitats occupied at least seasonally by bighorn sheep and mountain goats; 9) surface supplies of potable water; and 10) any undeveloped land or water areas that contain known natural features of unusual scientific, educational or recreational significance; 11) areas with geologic units or formations that show a high probability of including significant paleontological resources; 12) areas where the presence of the facility would be incompatible with published visual management plans or regulations designed to protect viewsheds adopted by federal, state, or local governments; 13) sage grouse breeding or wintering areas; or 14) winter ranges for elk, moose, mountain goat and bighorn sheep.

The transmission line would cross prehistoric sites and sites nominated to or designated by the State Historic Preservation Office; or cultural sites for which there has been no

determination of eligibility. MATL is required to conduct a class III cultural resources survey any unsurveyed portions of the line with a high potential for discovery of new cultural resource sites. For all the cultural sites described, MATL is required to construct the line to avoid disturbing the cultural sites by bypassing or spanning over sensitive cultural features. MATL shall also design and construct access roads and pole locations to avoid all identified features at cultural resource sites. For cultural sites identified as 24PN24, 24PN148 and 24PN150 in the EIS and similar sites that may be discovered during survey, MATL shall have an archeologist onsite to monitor line construction. These measures avoid significant adverse effects to cultural resources.

The transmission line would cross streams listed by DEQ as not attaining designated beneficial uses of water (Lake Creek, Teton River, Pondera Coulee, Dry Fork of the Marias River, Marias River, and Old Maids Coulee). Minor short-term adverse impacts to surface water quality could occur by temporarily increasing sources of sediment from the initiation of construction to successful revegetation of the disturbed areas. This impact would be mitigated by avoiding disturbance of water and riparian areas and by implementing a Storm Water Pollution Prevention Plan to reduce sediment transport. No construction would be allowed within 50 feet of a stream or wetland. MATL is required to submit a bond to ensure that areas disturbed during construction are reclaimed.

The transmission line would cross very limited areas of highly erodible soils. MATL would be required to implement a Storm Water Pollution Prevention Plan and to submit a bond to ensure that disturbed areas are reclaimed.

The selected location would cross areas that are used by deer and pronghorn during the winter. Pronghorn and mule deer does with fawns could be displaced by activities during late spring and early summer, but disturbance within a given portion of the line would be temporary, and animals could easily use adjacent habitat during disturbance periods. In the event that activities would occur in the winter, animals could be disturbed and potentially displaced; however, disturbance in a specific area would be temporary. The selected location would cross mule deer winter range, and there would be some permanent loss of habitat as a result of structures and access roads.

The line would cross a portion of one standing water body greater than 20 acres in size, Hay Lake. The area would be spanned and no construction would be allowed within 50 feet of the wetland.

The selected location would cross or be located near sharp-tailed grouse breeding and wintering areas. Impacts on sharp-tailed grouse leks could result from disturbance during the breeding season in April and early May, and to nesting hens during May and early June. However, based on MATL's commitment to curtail construction in any sharp-tailed grouse nesting habitat during the nesting season and to use raptor perch deterrents as appropriate, few impacts to breeding sharp-tailed grouse would be expected. All support structures that would cross within a 2-mile wide buffer area around the documented leks would be fitted with raptor perch deterrents to reduce predation.

The selected location does not cross areas with high waterfowl population densities including prime waterfowl habitat identified through consultation with FWP and other areas identified by FWP or the US Fish and Wildlife Service as waterfowl concentration areas or low-level feeding flight paths. However, DEQ identified areas of waterfowl concentration at several wetlands and ephemeral lakes near the proposed line. Avian collisions would be reduced in these areas because line marking devices would be installed within ¼ mile of these wetlands and lakes. Annual mortality surveys would be conducted within these areas to ensure that the line marking devices are functioning properly. In addition, to ensure that adverse effects would be avoided, MATL would complete an Avian Protection Plan that would outline the elements of the MATL project that would reduce avian risks and mortality.

The selected location is located near sites that have or may have religious or heritage significance and value to Native Americans. In these areas, MATL would include Blackfoot tribal monitors during cultural surveys and establish a Memorandum of Understanding that includes the Blackfoot Tribal Historic Preservation Office. These measures would help avoid significant adverse effects to Traditional Cultural Properties.

4. Noise limits: MATL shall construct and operate the transmission line so that average annual noise levels of the transmission line, as expressed by an A-weighted day-night scale ( $L_{DN}$ ), do not exceed 50 decibels at the edge of the right-of-way in residential and subdivided areas unless the affected landowner waives this condition.

5. Radio and television interference: MATL shall investigate and correct unacceptable interference with stationary radio, television, and other communication systems such as GPS and Differential GPS as identified in Section 4.3 of Environmental Specifications for the project.

6. National Electrical Safety Code compliance: MATL shall adhere to the national electrical safety code regarding transmission lines.

7. Electric field strength limits: MATL shall construct and operate the transmission line so that the electrical field at the edge of the right-of-way does not exceed one kV per meter measured one meter above the ground in residential or subdivided areas unless the affected landowner waives this consideration. MATL shall construct and operate the transmission line so that the electric field at road crossings under the facility does not exceed seven kV per meter measured one meter above the ground.

8. Federal Aviation Administration standards: MATL shall consult with the Federal Aviation Administration (FAA) after final design is completed and comply with the identification and marking standards established by the FAA.

9. Undergrounding, regional plans, and reliability: None of the transmission line will be located underground. The transmission line is consistent with regional plans for expansion of the Western transmission system. The transmission line will serve the interest of utility system economy and reliability.

10. Conformance with state and local laws and regulations: Construction of the transmission line in accordance with the Findings set forth in this Certificate of compliance conforms to applicable state and local laws and regulations.

11. Public Interest, Convenience and Necessity: In order for DEQ to find that the proposed transmission line will serve the public interest, convenience and necessity, the Department must find and determine that the discounted net present value of benefits is greater for the transmission line than for any other reasonable alternative. The proposed transmission line would be built to meet the need for additional transfer capacity and transmission access for new wind power generators. The alternative would be that the transmission line is not constructed, potentially delaying the development of wind power generation in the area. Under this scenario, MATL would not accrue profits from the line and potential profits to the developers of wind generation facilities would be delayed. Also, benefits to local residents, the State of Montana and to the Western Grid from the line would not occur. As previously

indicated, the selected location for the transmission line minimizes the net present value of costs. Building the line as described in this Certificate of Compliance maximizes the net present value of benefits of the alternatives examined in the EIS.

The benefits to the public and the State of Montana outweigh the costs to landowners from the line. For example, using the highest estimated 2008 farming costs, farming costs (the main cost to landowners from this line) would be just over \$210,000 per year after compensation. Tax revenue benefits alone would be about \$730,000 per year to the State of Montana. This does not include other benefits discussed below. Other environmental costs that cannot easily be assigned a monetary value, including visual impacts, loss of wildlife habitat, soil erosion, and cultural resource impacts are not sufficiently large to outweigh these benefits.

Benefits to the applicant would be the monetary profit from operating the transmission line. The amount of the expected profit is unknown. Benefits to the State of Montana, and to the public include local tax revenues to counties in which the line is located, state tax revenues from the line, a short-term boost to local economies from construction, access to the grid for future electricity generation, and potentially easier access to new spot electricity markets within which Montana utilities could buy and sell electricity. The Western grid may also operate more efficiently.

Estimated property tax revenue from the line is estimated to be approximately \$730,000. Estimated jobs created from construction of the line would be 55 employees over a six-month period, resulting in about \$4.6 million in income.

Direct economic impacts due to the proposed transmission line would be minimal at a state level. Construction benefits would be short term. Line maintenance employment benefits and tax benefits would be long term but likely small at both the county and state level except for Pondera County which could earn up to \$240,000 per year in tax revenue. Farmers would experience greater costs from loss of farming acreage and increased difficulty with farming due to structure locations in fields. Some of these costs would be mitigated by payments from MATL. Payments under right-of-way agreements and annual payments made to landowners to compensate for presence of the transmission line (including the additional costs to farm around the transmission line structures) are negotiated between the landowners and MATL. As indicated in the EIS, farmers affected by the transmission line taken as a whole would be expected to come out roughly even based on MATL's proposed compensation and estimated

2007 prices for farming inputs and crop prices. Using estimated 2008 prices, which represent historically high prices, farmers as a whole may not be fully compensated for their additional costs.

In addition, the transmission line is likely to result in indirect benefits and costs due to increased wind farm construction and operation in the area. Construction of wind farms that would utilize the proposed transmission line's capacity would create approximately 530 to 1400 short term jobs for Montanans, with construction workers earning \$20-\$53 million. Over 20 years of operation of these wind farms, Montanans would earn approximately \$2.3-\$6.0 million annually from plant operations and maintenance expenditures. The wind projects would generate another \$2.3-\$8.0 million per year in county revenue from property taxes along with \$1.0-\$2.7 million per year in payments to local landowners who have turbines on their land, bringing the annual operational total economic benefit from wind farms in the area to about \$6-\$16 million. Other indirect jobs related to the purchases of goods and services would also be created or supported. Potential environmental costs include visual impacts, habitat fragmentation, avian mortality, and land use changes due to the operation of wind farms. These environmental costs cannot reasonably be quantified in monetary terms.

Adverse affects to public health welfare and safety will be reduced by the line conforming to the requirements of the National Electrical Safety Code. MATL has committed to raising the minimum conductor height over farmland to 27.2 feet to further reduce risks of accidental shocks and electrocutions. The line would conform to the requirements of the National Electrical Safety Code and DEQ standards for electric field strength in residential or subdivided areas and at road crossings. Sensitive receptors such as residences, schools, and hospitals would be located at distances sufficient that even the most restrictive suggested standards for magnetic fields would be met under normal operating conditions. Structure designs would be used that discourage pole climbing by members of the public. The transmission line would present an obstacle to crop dusters working near the line.

Construction and operation of the transmission line as approved minimizes adverse impacts to soil, water, and aquatic resources.

12. Air and water quality decisions, opinions, orders, and certifications: Construction and operation of the transmission line does not require any air or water quality decision, opinion,

13. Use of public lands: DEQ evaluated the use of public lands for location of the transmission line. MATL's proposed alignment was modified to make better use of land under the jurisdiction of the BLM north of the Marias River. State lands were considered and used where the use of State lands resulted in less environmental impact than the use of private lands. However, in some cases, the transmission line was located on private land rather than State land to reduce impacts to farming and increase distance from residences.

14. Time limits: Unless extended pursuant to Section 75-20-303, MCA, construction of the transmission line must be completed within ten years of the date of this Certificate.

15. Monitoring expenses: Pursuant to Section 75-20-402, MCA, MATL shall pay all expenses related to the monitoring plan contained in the environmental specifications.

**Certificate of Compliance**

Pursuant to Section 75-20-301, MCA, DEQ certifies that the design, location, construction, operation, maintenance and decommissioning of the MATL transmission line in conformance with the provisions set forth herein complies with the requirements of the Major Facility Siting Act. All terms, conditions and modifications set forth above are enforceable provisions of the certificate.

Dated this 22<sup>nd</sup> day of October, 2008.



Richard H. Opper  
Director  
Montana Department of Environmental Quality

AGREEMENT TO COMPLY

We, the undersigned Applicants for a Certificate of Compliance for the Montana Alberta Tie 230-kV Transmission Line agree, as a condition subsequent to the issuance of the Certificate, to comply fully and completely with the requirements of the Major Facility Siting Act set forth in Section 75-20-101, *et. seq.*, M.C.A., and the conditions of the Certificate of Compliance.

MONTANA ALBERTA TIE, LTD

BY John McCreary

POSITION Director

DATED October 22, 2008.