

**MONTANA ALBERTA TIE LTD. (MATL)
CERTIFICATE OF COMPLIANCE AMENDMENT
for Salois Amendment**

**FINAL
ENVIRONMENTAL ASSESSMENT**

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

August 4, 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 a segment of the centerline for 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 the portion of the approved location as depicted in Figure 1. 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.

- (2) If the Department approves the amendment and the United States Department of Energy has not issued on or before August 31, 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 (DEQ and DOE, 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 2008a) 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 issued an amendment with conditions on September 22, 2010 (DEQ 2010) that allowed MATL to conduct temporary construction activities in and near wetlands.

On June 16, 2011 MATL filed a second notice of amendment with DEQ proposing to modify the location of the approved location (corridor) for the line in two areas (Montana Alberta Tie Ltd. and MATL LLP. 2011a). The decision on this second amendment was issued on July 22, 2011 (DEQ 2011a).

2.0 Nature of the Proposed Amendment

On June 29, 2011 Montana Alberta Tie Ltd and MATL LLP, co-permittees for the Montana Alberta Tie Transmission Line, submitted a third notice of amendment (application) to DEQ for an amendment to the Certificate (Montana Alberta Tie Ltd. and MATL LLP. 2011b). MATL requests the following amendment to the Certificate.

A. Salois Amendment:

At the Salois' request, the transmission line corridor would be modified from milepost 102/3 to 103/1 on a southwest to northeast diagonal alignment as depicted in Figure 1. This proposed alignment amendment shifts the transmission line away from cultural features located on the Salois property onto cultivated land, reducing the potential for unintentional impacts to the cultural features. The proposed alignment amendment would address the landowner's desire to further minimize the potential for unintentional impacts to individual features within a larger site.

MATL has requested the following conditions to the proposed amendment (Montana Alberta Tie Ltd. and MATL LLP. 2011b):

“(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 31, 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 the following area: a 0.6-mile relocation approximately 1.5 miles southeast of Cut Bank, MT (T33N, R5W, Sections 17, 19 and 20).

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, DEQ 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 DEQ 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 for this third amendment with DEQ on June 29, 2011. On July 20, 2011, MATL requested an extension of the decision frame to August 5, 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

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 the following modifications: The Salois Amendment would be located in a corridor as depicted in Figure 1. The following language from the Environmental Specifications (Appendix A, Land Use) would not apply: "Whenever reasonably possible, structures should be located along field boundaries."

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 July 2011 of the area 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, Wetlands Amendment and Diamond Valley South and Bullhead Coulee North Amendment may be viewed at the following web site:

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

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 the affected area range from rock outcrops to gravelly loams and loams. 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 this area.</p>	<p>Slightly less land may be affected due to a 0.11 mile decrease in the length of the transmission line. Soil compaction is expected to be similar to that along the approved location. With implementation of storm water controls, soil erosion is expected to be minor in this area. Because flatter terrain is crossed, less soil erosion is expected than on 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. Few water quality impacts are expected. One intermittent stream mapped by USGS would be crossed.</p>	<p>Depending on final access road and centerline placement, the proposed Salois amendment could result in crossing one less intermittent stream and potentially associated wetland than the approved location. This could reduce the potential for sediment to reach the stream. Additional water quality impacts are not expected.</p>
<p>3. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I air shed)?</p>	<p>Few air quality impacts are expected.</p>	<p>Additional air quality impacts are not expected.</p>

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 the amendment allowing construction in wetlands. Mostly common rangeland species would be affected along the proposed alignment. Although a wetland exists in the approved corridor, it could easily be avoided.</p>	<p>Along the Salois amendment, mostly common species planted on land enrolled in the Conservation Reserve Program (CRP) would be affected by ground disturbance. The Salois amendment would be located mostly on land enrolled in CRP, affecting less rangeland.</p>
<p>5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds or fish?</p>	<p>Sediment production could affect aquatic life despite implementation of best management practices to control storm water runoff.</p>	<p>Depending on final centerline and access road and trail location, the Salois amendment may cross one less USGS intermittent stream. If the stream is avoided, less sediment related impacts would occur as a result of construction related disturbances than on the approved location.</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. There are no known species of special concern in the affected area.</p>	<p>There are no known species of special concern in the affected area.</p>
<p>7. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?</p>	<p>DEQ used the Class III cultural resource inventory conducted by MATL's contractor in 2007 (GCM 2010) when it sited the transmission line. That inventory identified the Salois Ring Site (24GL1340) and indicated approximately three features within the construction corridor at the Salois property. The</p>	<p>A field visit to the Salois property was conducted on July 6, 2011 by MFSA staff archaeologist James Strait. No cultural resources will be affected under the proposed Salois Amendment. The cultural resources identified in the Class III cultural resource inventory (GCM 2010) and those identified on July 6, 2010 would be avoided. Whereas the currently approved corridor crosses rangeland, the proposed Salois amendment crosses a plowed field</p>

Resource	No Action	Proposed Action
	<p>site is currently unevaluated for National Register of Historic Places (NRHP) eligibility. Under Federal regulations (36CFR800; Section 106), the report was provided to the Department of Energy for review, then submitted to the State Historic Preservation Office to either concur or not concur with the findings. Since federal laws protecting cultural resources take precedence, DEQ relied on the review by DOE and subsequent federal process to evaluate the accuracy of the data collected in evaluating the project's potential impact on cultural resources.</p> <p>At the time the Certificate was issued to MATL, DEQ understood that not all cultural resources may have been identified. Thus, the Specifications to the Certificate require the presence of archaeological and tribal monitors during construction to identify additional cultural features. The Specifications also require monitoring of all cultural resources initially identified by MATL's consultant or in the field by the monitors at the time of construction.</p> <p>During a field visit</p>	<p>that is currently in CRP. The potential for intact archaeological features in a plowed field is minimal.</p>

Resource	No Action	Proposed Action
	<p>conducted by a DEQ staff archaeologist and Blackfeet tribal representatives on July 6, 2011, numerous additional ring features, two surface tools (a hammer stone and shaft abrader) and a hearth feature were identified. The presence of a hearth feature, as well as the tools, suggests that additional information could be obtained through archaeological excavation. Therefore the site is recommended by DEQ as eligible to the NRHP under Criterion D.</p> <p>Should the No Action alternative be selected, the location and arrangement of some of the newly identified features indicate that construction activities have an increased potential to impact visible surface features. A testing program would need to be implemented as well as a series of additional stringent avoidance measures to mitigate potential impacts. Should the testing program determine the site to be eligible for the NRHP, then additional mitigation measures, including data recovery may need to be employed. See Section 5.1 which follows this checklist.</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. The nearest residence is located approximately 0.5 mile from the approved location. No noise impacts are expected beyond those described in the final EIS.</p>	<p>The same nearest residence would be located approximately 0.5 mile from the proposed modified location.</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 modified location for the Salois amendment would be 0.11 mile shorter than the currently approved location.</p>
<p>10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: Are there other activities nearby that will affect the project?</p>	<p>No other impacts are expected beyond those described in the final EIS and EA prepared for the amendment addressing construction activities in wetlands for MATL's approved location.</p>	<p>The impacts to other environmental resources would be similar to those described for MATL's approved location.</p>
<p>11. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?</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>The impacts would be similar to those generally described in the final EIS.</p>

Resource	No Action	Proposed Action
<p>12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?</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>The proposed action would increase the crossing of non-irrigated cropland/CRP by 0.37 miles compared to the existing approved location and decrease the crossing of rangeland by 0.48 mile. Additional information is presented in Tables 1 and 2 which follow this checklist.</p> <p>The proposed action could cross an oil waste land-farm which could be spanned. The oil waste land-farm ranges in size from about 100 to 400 feet long. In addition, the proposed action is in close proximity to a temporarily abandoned injection well (DNRC 2011). If DEQ conditionally approves the amendment, the Proposed Amended Location would be wide enough to allow flexibility in structure placement and maintain sufficient distance between the well and line. Additional information is presented in Tables 1 and 2 which follow this checklist.</p>
<p>13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number.</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 substantial change is expected in the employment numbers described in the final EIS.</p>
<p>14. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue?</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 substantial change is expected in the tax base or tax revenue from that described in the final EIS.</p>

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>A rifle target area is located just outside the approved corridor. No impact to the target area or the line is expected. Other 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>The proposed amendment would be about 50 feet further away from the rifle target area. No impact to the target area or the line is expected. No other changes to recreation are expected beyond those described in the final EIS.</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
<p>19. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?</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>The Salois property has not been evaluated as a Traditional Cultural Property (TCP) under Section 106. Based on conversations with Blackfeet tribal members on July 6, 2011, however, aspects of the site may qualify as a TCP. While the currently approved corridor would span the site, thus avoiding the archaeological features, the presence of a transmission line over the site may impact the integrity of any potential TCP aspects of the site (Murray 2011 and Salois 2011).</p>	<p>The Salois amendment could result in minimal disruption to traditional tribal belief systems associated with nearby cultural sites. The Blackfeet have approved of this amendment as a means by which to remove the potential impacts to the Salois Ring Site 24GL1340 (Murray 2011 and Zedeno 2011).</p>

Resource	No Action	Proposed Action
<p>20. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?</p>	<p>At the July 6, 2011 site visitation, Blackfeet tribal representatives indicated the area including the currently approved corridor on the Salois property and the area to the west as a cultural landscape (Murray 2011 and Zedeno 2011). A cultural landscape is generally defined as a distinct geographic area or properties that uniquely represent the combined work of nature and of humans. The Blackfeet see the viewshed to the west as a unique vantage point of their traditional land use areas. The currently approved corridor would impact the viewshed. However, the viewshed area may not qualify as a cultural landscape because of existing modern intrusions.</p>	<p>The Salois amendment would result in less disruption to the cultural landscape. The Salois amendment would help preserve the unique viewshed of the traditional use area as viewed from the Salois Ring Site (24GL1340) by moving the transmission line to the east.</p>
<p>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.</p>	<p>No private property impacts are expected.</p>	<p>No private property impacts are expected.</p>

Resource	No Action	Proposed Action
<p>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.</p>	<p>No changes are expected from those effects described in the final EIS.</p>	<p>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 Certificate would remain in effect.</p>
<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 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. In subsequent meetings and conversations for the area under consideration in this EA, the landowner's representative on the Salois amendment made it clear that he supported MATL's proposed amendment.</p>	

5.1 Salois Amendment

The Proposed Action (Salois Amendment) would potentially avoid direct impacts to the recommended NRHP eligible Salois Ring Site (24GL1340). The Salois Amendment would be about 0.14 mile away from the approximate Salois Ring Site boundary whereas the approved location corridor would cross within the site and potentially impact several surface features. The Blackfeet Tribe have identified the area as having significant importance to the tribe's history and cultural identify, as well as identifying elements of the Salois Ring sites that contain potential TCP value. The proposed amendment is recognized by tribal representatives as an attempt to reduce the potential impacts to these traditional and cultural values.

The proposed amendment would cross more non-irrigated cropland/Conservation Reserve Program (CRP) land and less rangeland than the approved location. The proposed amendment would predominantly diagonally cross land enrolled in CRP while the existing corridor would cross both cultivated land and a substantial amount of rangeland (Table 1). The approved location is at the edge of a larger block of rangeland. Some rangeland in this area has been altered and fragmented by past oil and gas well and pipeline development as well as a private rifle target area and other transmission lines, but much of it remains unaltered. The diagonal crossing through CRP on the amendment would be done at the request of the affected landowner. The proposed amendment as conditioned by DEQ is wide enough to avoid the temporarily abandoned injection well. The oil waste land-farm within the proposed amendment is narrow enough that it likely could be spanned

The proposed amendment is unlikely to affect wetlands. One National Wetland Inventory wetland is located near but outside of each alternative. Previously adopted wetland mitigation measures including on-the-ground survey, avoidance where reasonably possible, and contribution to a wetland mitigation bank would apply (DEQ 2010). Riparian willows and cottonwoods are absent. One intermittent stream mapped by USGS is included at the periphery of the proposed amended corridor location, which is unlikely to be affected. The proposed amendment would also avoid one steep to cliff-like coulee with sandstone cliffs, making access less challenging.

The Salois Amendment would result in the avoidance of a potentially NRHP eligible archaeological site and a reduction in potential impacts to a traditional use area. There would be an increase of CRP land crossed, less rangeland, and fewer streams crossed as compared to the existing approved location (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.

Table 1. Land Use as Calculated by DEQ

Types of Land Use Crossed by Alternatives Calculated by DEQ in 2011 (Approximate Miles)		
	Salois Modification	Existing Corridor
Non-irrigated cropland/Conservation Reserve Program	0.47	0.10
Rangeland	0.16	0.64
Total Miles	0.63	0.74

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)		
	Salois Modification	Existing Corridor
Dryland Cropland	0.00	0.00
Grassland/Rangeland	0.00	0.00
Conservation Reserve Program	0.63	0.74
Total Miles	0.63	0.74

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 Section 5.1, unavoidable adverse impacts would be similar to those described in the final EIS and amendment concerning wetlands. 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 Section 5.1, irreversible and irretrievable impacts would be similar to those described in the final EIS and amendment concerning wetlands. 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

GCM Services (GCM). 2010. A Class III Cultural Resource Inventory of the Montana-Alberta Tie LTD., Proposed Transmission Line Selected Route: Glacier, Pondera, Teton, Chouteau and Cascade Counties, Montana. Prepared on behalf of AMEC Earth and Environmental, Helena, Montana and Montana-Alberta Tie., Ltd., Calgary, Canada. May 28, 2010.

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.

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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.

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Montana Department of Natural Resources and Conservation (DNRC). 2011. Montana WebMapper. <http://www.bogc.dnrc.mt.gov/website/mtcbm/viewer.htm> as viewed on 7/7/11.

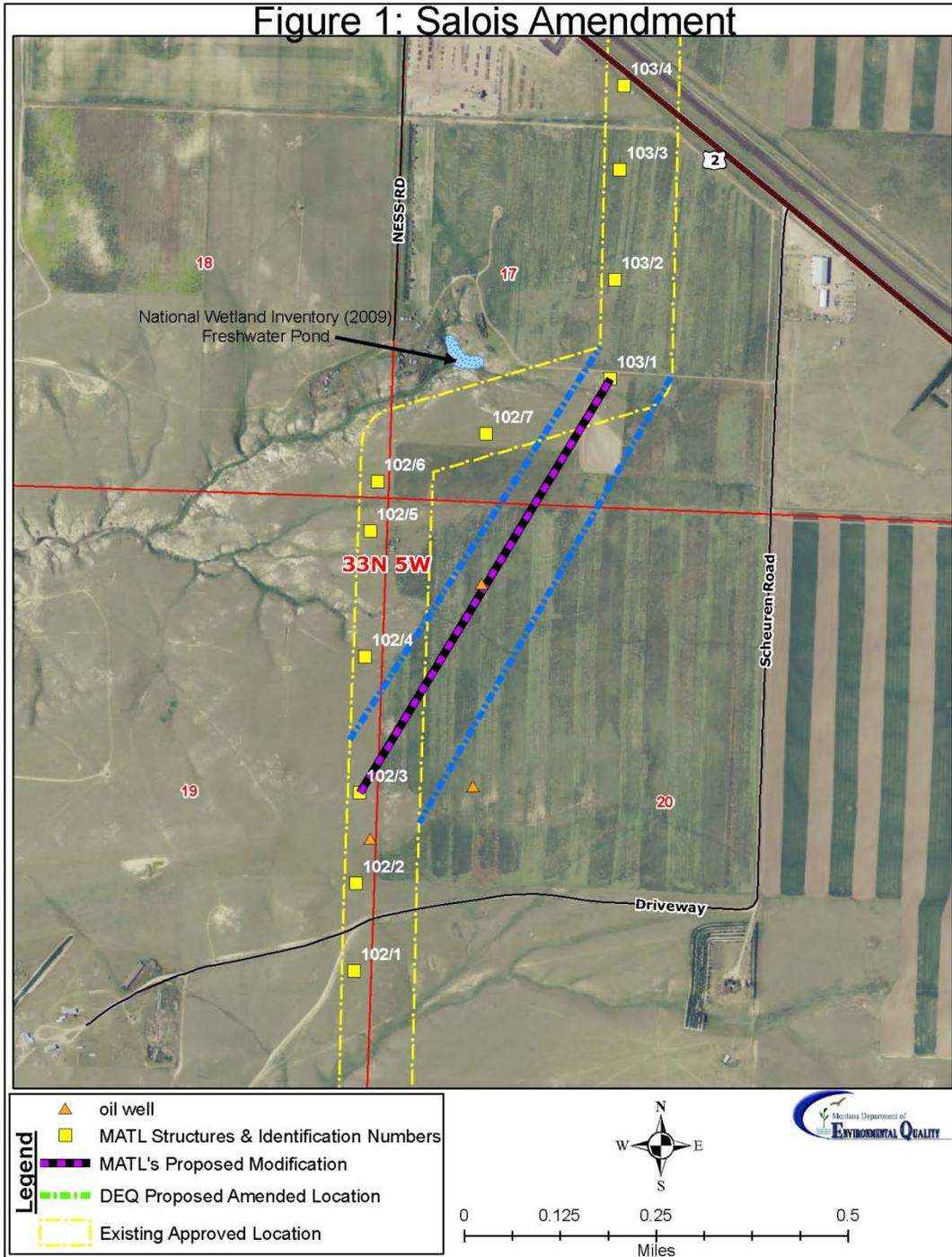
Murray, John. 2011. Personal Communication between John Murray, Blackfeet Tribal Historic Preservation Officer (THPO) and James Strait, DEQ staff archaeologist, during a field visit conducted on July 6, 2011.

Salois, Larry. 2011. Personal Communication between Larry Salois (landowner representative) and James Strait, DEQ staff archaeologist, during a field visit conducted on July 6, 2011.

USDA/ Natural Resource Conservation Service 2003. Soil Survey of Glacier County Area and Part of Pondera County Montana.

Zedeno, Maria. 2011. Personal Communication Maria Zedeno (Blackfeet Tribe Cultural Consultant) and James Strait, DEQ staff archaeologist, during a field visit conducted on July 6, 2011.

Figure 1: Salois Amendment





July 20, 2011

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

Dear Tom:

MATL has continued to negotiate easement agreements with a number of landowners along the line in Montana, and has signed agreements on over two dozen additional parcels just this summer. Most notably, MATL was able to continue to work in good faith with two landowners with the pursuit of route modifications that required an amendment to the MFSA Certificate. MATL is awaiting a final determination from DEQ and DOE, but the landowners have agreed to the proposed alignments and signed their easement agreements.

Comment 1

Comment 1- Comment noted.

With regard to the pending amendment with Mr. Salois, MATL continues to be frustrated by Mr. Salois' refusal to negotiate an easement agreement. For over a year, Mr. Salois has represented to MATL, to DEQ, to the media, and earlier this year to the Legislature, that he was "not against the line or it being on my property. I'd just like to see them put the line where it belongs."

Comment 2

Comment 2- Comment noted.

MATL pursued an Amendment to the MFSA Certificate issued for this project based on the understanding that Mr. Salois would sign an easement agreement on the new alignment he specifically proposed. MATL understands that DEQ and Blackfeet Tribal officials have identified additional cultural resources, potential historic resources, inactive well heads, and a waste oil land farm site on the Salois property during recent field investigations. Only one inactive well head has the potential to conflict with the alignment proposed in the MATL request for amendment, yet Mr. Salois continues to refuse to sign an easement agreement.

Comment 3

Comment 3- Comment noted.

On numerous occasions over the past two weeks, MATL team members have attempted to identify additional routes to address Mr. Salois' concerns. To date, Mr. Salois has continued to refuse to sign an easement agreement based on the proposed alignment revision submitted by MATL on June 29, 2011, or on a more easterly alignment that he has identified as preferable. The range of potential alignments to avoid the cultural site are illustrated in the attached graphic. These alignments are as follows:

Comment 4

Comment 4- The corridor being considered by DEQ is wide enough to allow construction of MATL's transmission line and avoid the wellhead by more than 132 feet as recommended in the measure listed in Appendix A of DEQ's Environmental Specifications for the MATL project. This specification states: "Where feasible, MATL will maintain a minimum distance of 132 feet from wellheads and the edge of an existing pipeline right-of-way ..."

Comment 5

Comment 5- While MATL identifies a range of potential alignments to avoid a cultural site; MATL concludes this comment letter by requesting DEQ continue examining the route proposed in the Application to Amend its Certificate.

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Alignment A is located at the easternmost boundary of the previously-approved corridor, but the easement would spill outside the corridor. This alignment could be constructed without structure placement in the cultural/archeological resource site, and would span an area of the site that contains only potential historical Anglo-American features, but no Blackfeet historical, cultural or archeological features.

Alignment B is a slight modification of Alignment A, located at the easternmost boundary of the previously-approved corridor, but deviates at what would be structure 102/5 and would require one structure outside the corridor. This alignment would be constructed entirely outside the cultural/archeological resource site, and place all structures in cultivated/CRP land.

Alignment C was proposed in the MATL request for Amendment to the Certificate on June 29, 2011. This alignment lies entirely outside the cultural site and places all structures in previously-cultivated/CRP land. During site review meetings conducted by DEQ and the Blackfeet Tribe in recent weeks, an inactive well head was identified along this alignment. Preliminary review indicates that the well head could be spanned and would not affect the alignment; however, a slight modification further to the east would avoid any potential conflict if this well were to be reactivated.

Alignment D is located further to the east, and like Alignment B lies entirely outside the cultural site and places all structures in cultivated/CRP land. This alignment originates at structure 102/3 and travels southwest to northeast to a point south of the waste oil land farm site. The land farm can be spanned and would not be disturbed by this alignment.

Based on Mr. Salois' continued refusal to agree to any of the above alignment options, MATL can only conclude that Mr. Salois' representation of his interest in protecting the cultural resources and intermittent drainages on his mother's property were and continue to be secondary, at best, to his other intentions to stall the project and make additional monetary demands.

At this stage, MATL requests that DEQ continue with the examination of the route proposed in the Application to Amend dated June 29, 2011. With this letter, MATL also requests that DEQ extend the decision timeframe on the alignment to August 5, 2011 to provide additional time to discuss remaining concerns with Mr. Salois.

Thank you for your thorough and expeditious review of this matter.

Sincerely,
MATL LLP


James W. Kemp
Program Manager

attachment

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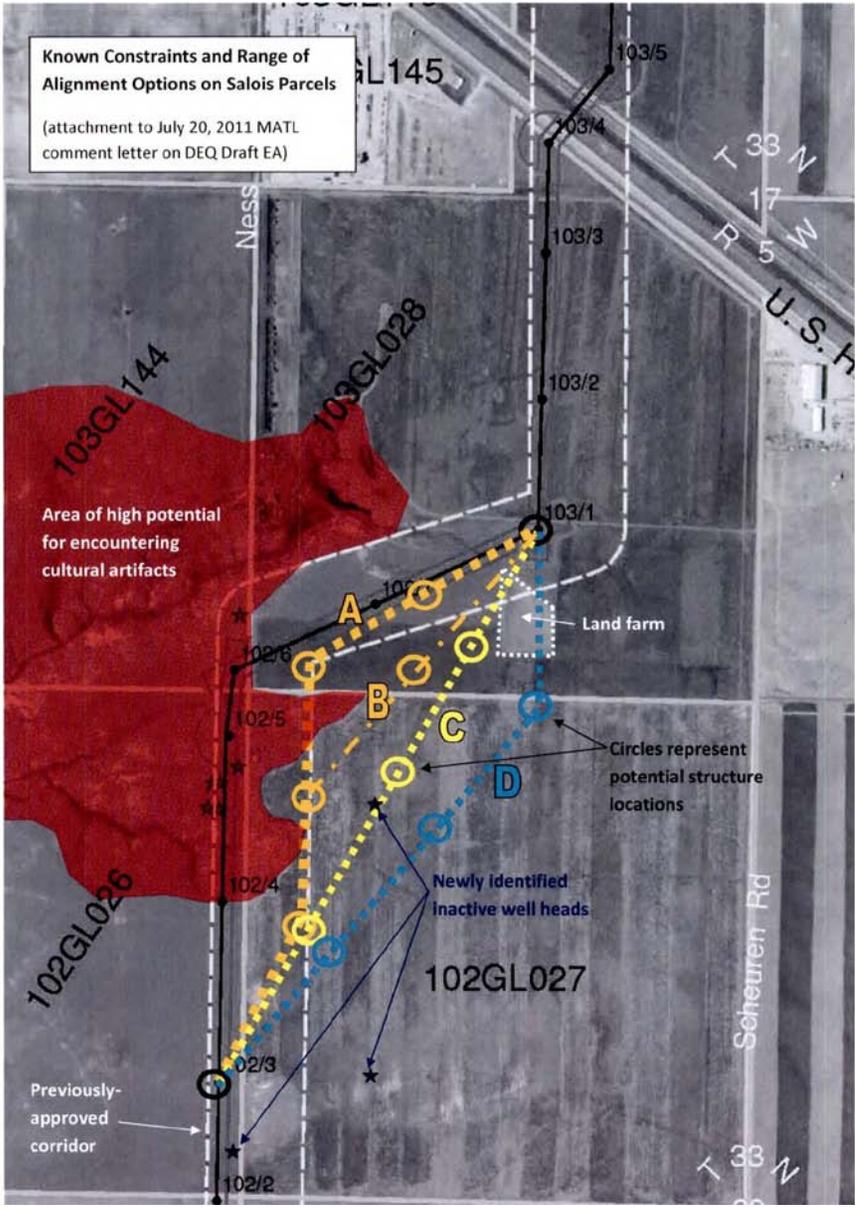
Comment 5
continued

Comment 6

Comment 7

Comment 6- Comment noted.

Comment 7- Comment noted.



From: K_Martins_Salois amendment comment.txt
Sent: Wednesday, July 20, 2011 3:56 PM
To: Ring, Tom
Subject: Salois amendment comment

Comment 8

Tom: I would just like to reiterate my comments on the previous amendment application (Diamond Valley and north of Valier) regarding the "conditions" MATL proposed in its application. Please apply those comments to the Salois EA as well.

Thank you.

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

Comment 8- DEQ is declining to impose the conditions MATL proposed in the Application to Amend its Certificate.