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MONTANA ALBERTA TIE LTD. (MATL) CERTIFICATE OF COMPLIANCE AMENDMENT FOR CONSTRUCTION ACTIVITIES IN WETLANDS

ENVIRONMENTAL ASSESSMENT

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

August 24, 2010

EXECUTIVE SUMMARY

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

MATL's proposed amendment would change the language in the Certificate and Environmental Specifications to allow it to conduct construction activities in and within 50 feet of wetlands. Structures would still be located outside wetlands. A 318 permit would be issued by DEQ This permit is an authorization of a short-term narrative standard for turbidity related to construction activities in or near a stream or wetland.

The proposed action and three alternatives were analyzed. DEQ developed two alternatives providing mitigation of wetland disturbances (Alternative 1 and Alternative 2). A no action alternative (Alternative 3) also is examined.

Under Alternative 1, MATL would delineate wetlands along the transmission line and submit the results of this survey along with road and structure drawings to DEQ. Following review of this and other available information, the State Inspector would determine the necessity of field reviews. Field reviews would assess whether there were reasonable alternatives to working in wetlands based on impacts and costs. If reasonable alternatives cannot be identified, MATL would be authorized to disturb the wetland areas and provide compensatory mitigation in the form of a monetary payment to a recognized statewide wetland mitigation bank. Language in the Certificate and Environmental Specifications would be modified.

In addition to the wetland mitigations measured required under Alternative 1, Alternative 2, would widen the approved corridor for the transmission line in three areas to allow a location of the transmission line that would further avoid intermittent streams or wetlands.

Under Alternative 3, the No-Action Alternative, the language in the Certificate and Environmental Specifications would remain unchanged. In this case tall structures and special conductors may be necessary in certain areas to span wetlands. Longer off right-of-way access routes may result as wetland areas are avoided. Construction and access disturbances could be located within cultivated fields in a manner that would interfere with farming practices. These roads and structures may interfere with existing land uses and cultural resources to a greater degree than if construction in or within 50 feet of a wetland were allowed.

DRAFT DEPARTMENT CONCLUSIONS AND RECOMMENDATIONS

In order to determine that an amendment to a certificate should be granted or modified, the Department must find and determine that the amendment will not materially alter the findings that were the basis for granting the certificate. The Department tentatively concludes that MATL's proposed amendment would result in a material increase in an environmental impact of the facility. MATL's current certificate prohibits any construction within 50 feet of a wetland while the proposed amendment would allow temporary disturbance during construction if there were no practical means of avoiding the disturbance. Poles would not be located in delineated wetlands.

The Department also tentatively concludes that the proposed amendment as modified by Alternatives 1 and 2 would not materially alter the findings. MATL would be required to provide compensatory payments to a wetland mitigation bank for the creation of permanent wetlands to offset its disturbances of wetlands and would provide additional latitude to locate the transmission line in specified areas to avoid intermittent streams and wetlands. Poles would not be located in delineated wetlands.

1.0 Introduction

This environmental assessment 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 MDEQ, 2007, 2008a, and 2008b). It also contains the information to support the Department's determination to grant, deny, or modify the proposed amendment. The Department 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. 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 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).

Following publication of a draft environmental impact statement (EIS) (DOE and DEQ, March 2007), a supplemental draft EIS (February 2008), and a final EIS (September 2008), DEQ issued a 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 (DOE and DEQ September 2008) and are incorporated by reference. The EIS relied on information from the National Wetland Inventory to describe impacts expected on wetland resources from construction, operation, and decommissioning of the transmission line.

During the EIS process the agencies had received a comment from the Environmental Protection Agency (EPA) dated March 26, 2008 as follows:

> The DEIS states that there could be alterations to wetland hydrology, wetland plant communities and inadvertent filling of wetlands or sedimentation of wetlands, although no direct filling of wetlands is intended. We recommend that there be a strict prohibition of placement of transmission line pole structures in wetlands, rather than just avoiding placement in wetlands "whenever possible," and that a wetland buffer zone be used to avoid even inadvertent construction impacts to wetlands (e.g., 50 foot wetland buffer zone). We also recommend that wetlands be flagged on the ground to facilitate contractor avoidance and inadvertent wetland impacts. If any wetlands are to be impacted the extent of impacts should be more clearly estimated and disclosed. The final EIS should also more clearly identify and disclose probable wetland impacts, as well as mitigation activities that would compensate for unavoidable impacts to wetlands. (Environmental Protection Agency 2008)

Based on information contained in National Wetland Inventory files and discussions with the applicant, the final EIS concluded that known wetlands could be avoided during construction and therefore DEQ included language in the Certificate requiring MATL to avoid structure placement within 50 feet of wetlands. In addition, as a condition of the Certificate, DEQ also required a more detailed on-the-ground survey of wetlands prior to construction. This survey was to identify wetlands within 500 feet of the centerline of the transmission line.

MATL has presented partial results of this survey for the area north of their Marias River substation. South of the Marias River substation complete results of the wetland surveys have not been provided to DEQ.

2.0 Nature of the Proposed Amendment

On August 11, 2010 Montana Alberta Tie Ltd. and MATL LLP, co-permittees for the Montana Alberta Tie Transmission Line, submitted an application to the Department for an amendment to the Certificate The proposed amendment would change language in the Certificate and attached Environmental Specifications as indicated by deleting existing language in the Certificate (words interlineated) and adding new language (words underlined) as follows:

A. Certificate, Paragraph 3.G.), the fourth sentence of the first full paragraph on page 9, should be amended as follows:

No ~~construction~~ permanent structures would be ~~allowed~~ placed within a delineated ~~50 feet of a~~ stream or wetland. Any construction or maintenance activity (including structure placement) that occurs within a 50 foot buffer zone around a delineated stream or wetland shall be conducted pursuant to the more environmentally protective of: (i) DEQ Environmental Specifications 2.11 and 3.2; (ii) any applicable water quality permit, decision, or order; or (iii) MATL's Proposed Environmental Protection Measures (MFSA Certificate Attachment 1).

Certificate Paragraph 12 (p.13-14), should be amended as follows ~~Construction and operation of the transmission line does not require any air or water quality decision, opinion.~~ Prior to the start of construction, MATL shall obtain all necessary water quality decisions, opinions, or orders. Construction and operation of the transmission line does not require any air quality decision, opinion, or order.

B. Certificate, Attachment 2, Section 2.11.17, should be amended as follows:

2.11.17 To reduce the amount of sediment entering streams a strip of undisturbed ground or vegetation will be provided for 50 feet between areas of disturbance (such as road construction or tower construction) and wetland, stream courses, and around first order or larger streams that have a well-defined stream course or aquatic or riparian vegetation, unless otherwise required by the LANDOWNER or authorized by the STATE INSPECTOR and managing agency. Buffer strip width is measured from the high waterline of a channel or wetland and will be determined by the STATE INSPECTOR. When braided streams with more than one discernable channel (ephemeral or permanent) are encountered, the high waterline of the outermost channel shall be used. In the event that vegetation cannot be left undisturbed, structural sediment containment approved by the STATE INSPECTOR, must be utilized ~~substituted~~ before soil-disturbing activity commences.

C. Certificate, Attachment 2, Appendix A, the section labeled "Wetlands", should be amended as follows:

MATL would delineate wetlands within 500 feet of the alignment of the Agency selected location and no permanent structures ~~construction activities~~ would ~~not~~ be ~~allowed~~ placed within delineated ~~50 feet of~~ streams or wetlands. Any construction or maintenance (including structure placement) that occurs within a 50 foot buffer zone around a delineated stream or wetland shall be conducted pursuant to the more environmentally protective of: (i) DEQ Environmental Specifications 2.11 and 3.2; (ii) any applicable water quality permit, decision, or order; or (iii) MATL's Environmental Specifications.

2.1 Decisions to Be Made

Based on the information submitted by MATL in its Notice to Amend the Certificate 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 the Department 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, the Department is required to automatically grant the amendment either as applied for or upon terms or conditions that the department considers appropriate. If the Department 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, the Department 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 amendment to a Certificate.

In order for the Department 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.

If the Department amends the certificate as proposed or as modified, the public has 15 days to appeal the Department's decision that the project would not result in any material increase in impact or would not be a substantial change in location.

2.2 Other Agencies

The decision whether to amend the Certificate may affect wetlands on State of Montana school trust lands administered by the Department of Natural Resources and Conservation.

2.3 Public Involvement

This environmental assessment is being circulated for public comment. It may be revised based on public comment. Comments may be mailed to:

Tom Ring
Montana Department of Environmental Quality
Facility Siting Program
PO Box 200901
Helena, MT 59602-0901
or emailed to tring@mt.gov
Comments will be accepted no later than September 3, 2010.

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 three alternatives are considered including the No Action Alternative.

3.1 Proposed Action

Under the action proposed by MATL the amendment described in Section 1.0 would be granted without modification.

3.2 Other Alternatives Being Considered

DEQ is considering two alternatives that would provide additional protections to wetlands and streams. Alternative 1 would require compensatory mitigation when wetlands are affected by project construction. Alternative 2 also would widen the approved location in three areas where landowners have suggested locations that would reduce the number of wetland or intermittent stream crossings. Both of these Alternatives would require MATL to obtain a 318 permit from DEQ.

Under Alternative 1 the existing language in the Certificate and Environmental Specifications would be amended as follows:

A. *Certificate, Paragraph 3.G.), the fourth sentence of first full paragraph on page 9, would be amended as follows:*

No ~~construction~~ permanent poles would be ~~allowed~~ placed within ~~50 feet of a~~ a stream or a delineated wetland and no construction disturbance would take place within a delineated wetland without prior approval of DEQ through the State Inspector. The Owners (Montana Alberta Tie Ltd. and MATL LLP) would be required to make a monetary contribution to a recognized wetland mitigation bank or develop replacement wetlands themselves for disturbances within wetlands. MATL would delineate wetlands within 500 feet of the alignment of the Agency selected location. Following the MATL submission of wetland delineation maps and design drawings to DEQ showing structure and preliminary access road locations, the State Inspector would review the information

and determine where field inspections would be needed to determine whether reasonable alternatives exist that would avoid disturbance of a stream or wetland. If field reviews are necessary to verify reasonable alternatives, the State Inspector would invite MATL (or MATL's appointee) to attend the reviews. During the field reviews, DEQ will determine whether there is a reasonable alternative to allowing ground disturbing activities or guy wires that would temporarily or permanently disrupt or cause the loss of wetlands. Consideration would be given to the amount of vegetation and wildlife habitat that would be affected as well as land use, cultural resource, transportation, recreation, and visual impacts. DEQ will also consider the costs to avoid wetland impacts. After consideration of these factors (with or without a field survey) DEQ may identify alternative locations for access routes or guy wires, alternative sites for temporary construction disturbances, or alternative construction timing (e.g. winter construction when the ground is frozen). Consideration would be given for access for maintenance activities as well as construction activities. If environmental impacts at construction sites, access, or guy wire locations, or costs make wetland avoidance unreasonable as determined by DEQ, DEQ would require the MATL to provide compensatory mitigation for the wetland acreage affected.

Compensatory mitigation as a result of temporary construction activities would be calculated at a rate of 0.2 acres for each acre of temporary wetland disturbance while compensatory mitigation for wetland losses for the life of the project would be calculated at a rate of 1.5 acres of mitigation for each wetland acre lost during the life of the project. Such compensatory mitigation would not relieve MATL of its responsibility to reclaim disturbed areas as required by ARM 17.20.1902(10).

The amount of wetland disturbance would be determined by the State Inspector during construction or in the year following construction. MATL would make a monetary contribution to a recognized statewide mitigation bank or develop the permanent wetland replacements within two years following the end of construction.

B. Certificate Paragraph 12 (p.13-14), would be amended as follows:

~~Construction and operation of the transmission line does not require any air or water quality decision, opinion.~~ Prior to the start of construction, MATL shall obtain all necessary state water quality decisions, opinions, or orders. Construction and operation of the transmission line does not require any air quality decision, opinion, or order.

C. Certificate, Attachment 2, Section 2.11.17, would be deleted as follows:

~~2.11.17 To reduce the amount of sediment entering streams a strip of undisturbed ground or vegetation will be provided for 50 feet between areas of disturbance (such as road construction or tower construction) and wetland, stream courses, and around first order or larger streams that have a well-defined stream course or aquatic or riparian vegetation, unless otherwise required by the LANDOWNER or authorized by the STATE INSPECTOR and managing agency. Buffer strip width is measured from the high waterline of a channel or wetland and will be determined by the STATE INSPECTOR.~~

~~When braided streams with more than one discernable channel (ephemeral or permanent) are encountered, the high waterline of the outermost channel shall be used. In the event that vegetation cannot be left undisturbed, structural sediment containment approved by the STATE INSPECTOR, must be substituted before soil-disturbing activity commences.~~

D. Certificate, Attachment 2, Appendix A, the section labeled "Wetlands", would be amended as follows:

~~Wetlands~~

MATL would delineate wetlands within 500 feet of the alignment of the Agency selected location and construction activities~~,~~ and would submit this information to the State Inspector prior to approval to begin construction within 50 feet of a wetland ~~would not be allowed within 50 feet of wetlands.~~

Under Alternative 2 the same changes to language in the Certificate and Environmental Specifications as in Alternative 1 would be adopted. Additionally the approved location for the facility (normally 250 feet on either side of a centerline) would be widened in three selected areas to allow further avoidance of additional wetlands or intermittent streams. Since issuance of the Certificate, landowners in three areas have identified reroutes that could better avoid wetlands or reduce the number of intermittent streams that would be crossed by the facility and cross country access trails. The width of the approved location would be expanded in the three areas as detailed in Figures 1, 2, and 3.

The first area is located in all or portions of Township 23 North, Range 2 East, Sections 5, 8, 16, 17, 20, and 21 as indicated in Figure 1. The expansion would allow location of the transmission line so that it would cross one less intermittent stream and avoid wetland areas identified by an area landowner (Attachment 1). Wetland delineations have not been submitted to DEQ for this area and MATL would be required to do so before DEQ could grant approval to begin construction in this area.

The second area is located in Township 24 North, Range 2 East, Section 7 on the Laubach property (Figure 2) and was suggested by Mr. Laubach. This expanded approved location area would allow a location that avoids two additional crossings of an intermittent stream. Wetland delineations have not been submitted to DEQ and MATL would be required to do so before requesting DEQ approval to begin construction in this area.

The third area is located in Township 33 North, Range 5 West, Sections 17 and 20 on the Salois property (Figure 3) and was conceptually suggested by Mr. Salois. The expanded approved location would allow avoidance of an intermittent stream, thereby reducing by one the number of intermittent streams crossed. MATL would be required to submit a wetland delineation of this expanded approved location to DEQ.

3.3 No Action

The No Action Alternative (Alternative 4) would mean that the language in the Certificate and Environmental Specifications would remain unchanged. In this case redesign of the line might be necessary and might include extra tall structures and special conductor to span large wetlands areas and longer off right-of-way access routes and increased construction travel time as wetland areas are avoided. Some structures and guy wires could be located within cultivated areas in a manner that would interfere with farming practices. These structures, guy wires, and access routes may affect cultural resources to a greater degree than if construction within 50 feet of a wetland were allowed. Construction activities would not take place within 50 feet of wetlands or if they do, DEQ could impose the penalties provided in 75-20-408, MCA.

4.0 Existing Environment

Existing environmental conditions were described in the final EIS for the project (DOE and DEQ 2008b). With the exception of wetlands, these conditions are generally still considered valid and for the sake of brevity are not repeated here. 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 and the Certificate of Compliance also may be viewed at the following web site: http://deq.mt.gov/MFS/MATL.mcpx. Additional wetland information has been received by DEQ from MATL since publication of the final EIS. This information is mostly for the area north of the Marias River Substation which is located about 9.5 miles southeast of Cut Bank, Montana. Complete wetland delineations have not yet been submitted to DEQ for most areas south of the Marias River. MATL is not allowed to commence construction south of the Marias River Substation until these surveys are complete and forwarded to DEQ for review.

5.0 EA Checklist

Resource	**MATL's Proposed Action** to allow construction activities in or within 50 feet of delineated wetlands.	**Alternative 1.** Wetland Construction with Compensatory Mitigation.	**Alternative 2.** With Additional Approved Location Width in Selected Areas Allowing Further Avoidance of Intermittent Streams and Wetlands plus Alternative 1 Compensatory Mitigation.	**Alternative 3.** No Action
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?	Wetland soils would be affected during construction through compaction and disturbance and during placement and removal of timber matting. Revegetation may take more than five years in saline wetlands.	Wetland soils would be affected during construction through compaction and disturbance and during placement and removal of timber matting. Revegetation may take more than five years in saline wetlands. Short and long-term impacts would be mitigated through development of wetlands in other areas.	Wetland soils would be affected during construction through compaction and disturbance and during placement and removal of timber matting. Revegetation may take more than five years in saline wetlands. Short and long-term impacts would be mitigated through development of wetlands in other areas. In each of the three areas with an expanded approved location the number of intermittent streams and wetlands could be reduced.	No construction in wetlands would be allowed.

Resource	**MATL's Proposed Action** to allow construction activities in or within 50 feet of delineated wetlands.	**Alternative 1.** Wetland Construction with Compensatory Mitigation.	**Alternative 2.** With Additional Approved Location Width in Selected Areas Allowing Further Avoidance of Intermittent Streams and Wetlands plus Alternative 1 Compensatory Mitigation.	**Alternative 3.** No Action
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?	Construction in intermittent streams or wetlands with water present or nearby could increase the amount of sediment reaching state waters despite implementation of best management practices to control storm water runoff. A 318 authorization would be required.	Construction in intermittent streams or wetlands with water present or nearby could increase the amount of sediment reaching state waters despite implementation of best management practices to control storm water runoff. A 318 authorization would be required.	Construction in intermittent streams or wetlands with water present or nearby could increase the amount of sediment reaching state waters despite implementation of best management practices to control storm water runoff. A 318 authorization would be required. In each of the three areas with an expanded approved location the number of intermittent streams and wetlands could be reduced.	No construction would be allowed within 50 feet of a wetland leaving a larger strip of undisturbed land to act as a settling area for sediment produced during construction.
3. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I air shed)?	Additional air quality impacts are not expected.	Additional air quality impacts are not expected.	Additional air quality impacts are not expected.	Additional air quality impacts are not expected.

Resource	**MATL's Proposed Action** to allow construction activities in or within 50 feet of delineated wetlands.	**Alternative 1.** Wetland Construction with Compensatory Mitigation.	**Alternative 2.** With Additional Approved Location Width in Selected Areas Allowing Further Avoidance of Intermittent Streams and Wetlands plus Alternative 1 Compensatory Mitigation.	**Alternative 3.** No Action
4. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be significantly impacted? Are any rare plants or cover types present?	Wetland vegetation communities could be affected by placement and removal of timber matting during construction. Wetland vegetation, especially in saline wetlands may take more than five years to recover. Precise acreage cannot be calculated until wetland delineation and access trail locations are determined.	Wetland vegetation communities could be affected by placement and removal of timber matting during construction. Wetland vegetation, especially in saline wetlands may take more than five years to recover. Precise acreage cannot be calculated until wetland delineation and access trail locations are determined. Short and long-term impacts would be mitigated through development of wetlands in other areas.	Wetland vegetation communities could be affected by placement and removal of timber matting during construction. Wetland vegetation, especially in saline wetlands may take more than five years to recover. Precise acreage cannot be calculated until wetland delineation and access trail locations are determined. Short and long-term impacts would be mitigated through development of wetlands in other areas. No tall vegetation that would require clearing is present in the areas potentially affected by the expanded approved location with the exception of wind breaks around the unoccupied house on the Laubach property. These trees and tall shrubs could be avoided.	No construction in wetlands would be allowed.

Resource	**MATL's Proposed Action** to allow construction activities in or within 50 feet of delineated wetlands.	**Alternative 1.** Wetland Construction with Compensatory Mitigation.	**Alternative 2.** With Additional Approved Location Width in Selected Areas Allowing Further Avoidance of Intermittent Streams and Wetlands plus Alternative 1 Compensatory Mitigation.	**Alternative 3.** No Action
5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds or fish?	Sediment production could affect aquatic life despite implementation of best management practices to control storm water runoff.	Sediment production could affect aquatic life despite implementation of best management practices to control storm water runoff.	Sediment production could affect aquatic life despite implementation of best management practices to control storm water runoff. The expanded approved location in Area 1 would allow the line to cross steeper terrain making it more challenging to mitigate increases in soil erosion at construction sites and along cross country access trails. Some additional road construction may be required.	Construction in wetlands would not be allowed.
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?	Potential impacts to these species are described in the Final EIS. Only those species that rely on wetland habitat are potentially affected.	Potential impacts to these species are described in the Final EIS. Only those species that rely on wetland habitat are potentially affected. Short and long-term impacts would be mitigated through development of wetlands in other areas.	Potential impacts to these species are described in the Final EIS. Only those species that rely on wetland habitat are potentially affected. Short and long-term impacts would be mitigated through development of wetlands in other areas.	Construction in wetlands would not be allowed.

Resource	**MATL's Proposed Action** to allow construction activities in or within 50 feet of delineated wetlands.	**Alternative 1.** Wetland Construction with Compensatory Mitigation.	**Alternative 2.** With Additional Approved Location Width in Selected Areas Allowing Further Avoidance of Intermittent Streams and Wetlands plus Alternative 1 Compensatory Mitigation.	**Alternative 3.** No Action
7. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?	Allowing construction in wetlands could allow extra space to avoid historical, archaeological, or paleontological resources. Field surveys of wetlands, historical, cultural, archaeological, and paleontological resources have not been completed in all areas due to access restrictions.	Allowing construction in wetlands could allow extra space to avoid historical, archaeological, or paleontological resources. Field surveys of wetlands, historical, cultural, archaeological, and paleontological resources have not been completed in all areas due to access restrictions.	No other cultural resources are known in the first area. On the Laubach property one historic house site would potentially be affected but the expanded location is large enough to allow it to be avoided and MATL would be required to do so. On the Salois property the expanded approved location would allow avoidance of several stone circles and MATL would be required to avoid these features with structures and access trails.	The width of the approved route (250 feet on each side of the centerline) could be constrained in wetland areas potentially requiring disturbance of historical, cultural, archaeological, or paleontological resources. Mitigating measures were identified in the Final EIS.
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?	The project is located in a rural area and wetlands are typically located in topographically low areas and these may be considered more natural-appearing in a landscape that has largely been cultivated. Construction in wetlands could affect recreation and aesthetics in and near the construction zone.	The project is located in a rural area and wetlands are typically located in topographically low areas and these may be considered more natural-appearing in a landscape that has largely been cultivated. Construction in wetlands could affect recreation and aesthetics in and near the construction zone.	Expanding the approved location in area one (Figure 1) could result in the line being located over a topographic bench rather than a topographically low area potentially making the line visible from a larger area. . Construction in wetlands could affect recreation and aesthetics in and near the construction zone.	Aesthetics of wetlands would not be directly affected by construction activities. Use of tall structures to facilitate spanning wetlands may introduce more noticeable elements to the landscape.

Resource	**MATL's Proposed Action** to allow construction activities in or within 50 feet of delineated wetlands.	**Alternative 1.** Wetland Construction with Compensatory Mitigation.	**Alternative 2.** With Additional Approved Location Width in Selected Areas Allowing Further Avoidance of Intermittent Streams and Wetlands plus Alternative 1 Compensatory Mitigation.	**Alternative 3.** No Action
9. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY: Will the project use resources that are limited in the area?	Wetlands are limited in the area and the proposed action would affect wetlands. Allowing construction in wetlands could reduce the amount of fuel used to transport equipment around the wetland areas.	Wetlands are limited in the area and this alternative would affect wetlands. Allowing construction in wetlands could reduce the amount of fuel used to transport equipment around the wetland areas.	Wetlands are limited in the area and this alternative could reduce the number of intermittent steams crossed by the line and overland access trails. Allowing construction in wetlands could reduce the amount of fuel used to transport equipment around the wetland areas.	By prohibiting construction in wetlands additional fuel would be used to move equipment around these areas.
10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: Are there other activities nearby that will affect the project?	No impacts beyond those described in the final EIS are expected.	No impacts beyond those described in the final EIS are expected.	No impacts beyond those described in the final EIS are expected.	No impacts beyond those described in the final EIS are expected.
IMPACTS ON	**THE HUMAN**	**POPULATION**		
11. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?	Additional health and safety risks beyond those described in the Final EIS are not expected.	Additional health and safety risks beyond those described in the Final EIS are not expected.	Additional health and safety risks beyond those described in the Final EIS are not expected.	By not constructing in wetlands a bit more construction traffic may occur on rural roads slightly increasing the risk of collisions.

Resource	**MATL's Proposed Action** to allow construction activities in or within 50 feet of delineated wetlands.	**Alternative 1.** Wetland Construction with Compensatory Mitigation.	**Alternative 2.** With Additional Approved Location Width in Selected Areas Allowing Further Avoidance of Intermittent Streams and Wetlands plus Alternative 1 Compensatory Mitigation.	**Alternative 3.** No Action
12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?	Construction in wetlands may avoid construction related impacts to cultivated land.	Construction in wetlands may avoid construction related impacts to cultivated land.	Construction in wetlands may avoid construction related impacts to cultivated land. The expanded approved locations in all three areas could result in additional diagonal crossing of farmland or lands enrolled in the Conservation Reserve Program.	Avoiding wetlands may increase the amount of construction disturbance in cultivated land.
13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number.	No substantial change is expected in the employment numbers described in the Final EIS.	No substantial change is expected in the employment numbers described in the Final EIS.	No substantial change is expected in the employment numbers described in the Final EIS.	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?	No substantial change is expected in the tax base or tax revenue from that described in the Final EIS.	No substantial change is expected in the tax base or tax revenue from that described in the Final EIS.	No substantial change is expected in the tax base or tax revenue from that described in the Final EIS.	No substantial change is expected in the tax base or tax revenue from that described in the Final EIS.

Resource	**MATL's Proposed Action** to allow construction activities in or within 50 feet of delineated wetlands.	**Alternative 1.** Wetland Construction with Compensatory Mitigation.	**Alternative 2.** With Additional Approved Location Width in Selected Areas Allowing Further Avoidance of Intermittent Streams and Wetlands plus Alternative 1 Compensatory Mitigation.	**Alternative 3.** No Action
15. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc.) be needed?	Somewhat less traffic would be expected on rural roads as construction vehicles may not have to use as many of these roads to move around wetlands. There would be no substantial change to the need for government services for fire, police, or schools.	Somewhat less traffic would be expected on rural roads as construction vehicles may not have to use as many of these roads to move around wetlands. There would be no substantial change to the need for government services for fire, police, or schools.	Somewhat less traffic would be expected on rural roads as construction vehicles may not have to use as many of these roads to move around wetlands. There would be no substantial change to the need for government services for fire, police, or schools.	By not constructing in wetlands a bit more construction traffic may occur on rural roads.
16. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?	No changes are expected from those affects described in the Final EIS.	No changes are expected from those affects described in the Final EIS.	No changes are expected from those affects described in the Final EIS	No changes are expected from those affects described in the Final EIS.

Resource	**MATL's Proposed Action** to allow construction activities in or within 50 feet of delineated wetlands.	**Alternative 1.** Wetland Construction with Compensatory Mitigation.	**Alternative 2.** With Additional Approved Location Width in Selected Areas Allowing Further Avoidance of Intermittent Streams and Wetlands plus Alternative 1 Compensatory Mitigation.	**Alternative 3.** No Action
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?	The project is located in a rural area and steams and wetlands are typically located in topographically low areas and these areas may be considered more natural-appearing in a landscape that has largely been cultivated. Construction in streams or wetlands could affect recreation and aesthetics in and near the construction zone.	The project is located in a rural area and steams and wetlands are typically located in topographically low areas and these may be considered more natural appearing in a landscape that has largely been cultivated. Construction in streams or wetlands could affect recreation and aesthetics in and near the construction zone. Compensatory mitigation could partially offset changes to the recreational setting.	The project is located in a rural area and steams wetlands are typically located in topographically low areas and these may be considered more natural appearing in a landscape that has largely been cultivated. Construction in streams or wetlands could affect recreation and aesthetics in and near the construction zone. Compensatory mitigation could partially offset changes to the recreational setting.	Aesthetics of wetlands would not be directly affected by construction activities.
18. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require additional housing?	No changes are expected from those affects described in the Final EIS.	No changes are expected from those affects described in the Final EIS.	No changes are expected from those affects described in the Final EIS.	No changes are expected from those affects described in the Final EIS.

Resource	**MATL's Proposed Action** to allow construction activities in or within 50 feet of delineated wetlands.	**Alternative 1.** Wetland Construction with Compensatory Mitigation.	**Alternative 2.** With Additional Approved Location Width in Selected Areas Allowing Further Avoidance of Intermittent Streams and Wetlands plus Alternative 1 Compensatory Mitigation.	**Alternative 3.** No Action
19. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?	No changes are expected from those affects described in the Final EIS.	No changes are expected from those affects described in the Final EIS.	Disruption of traditional lifestyles is possible in all three areas (views in the first area, traditional hunting in the second area, and stone circles and views in the third area).	No changes are expected from those affects described in the Final EIS.
20. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?	No changes are expected from those affects described in the Final EIS.	No changes are expected from those affects described in the Final EIS.	No other cultural resources are known in the first area. On the Laubach property one historic house site would potentially be affected but the expanded location is large enough to allow it to be avoided and MATL would be required to do so. On the Salois property the expanded approved location would allow avoidance of several stone circles and MATL would be required to avoid these features with structures and access trails.	No changes are expected from those affects described in the Final EIS.

Resource	**MATL's Proposed Action** to allow construction activities in or within 50 feet of delineated wetlands.	**Alternative 1.** Wetland Construction with Compensatory Mitigation.	**Alternative 2.** With Additional Approved Location Width in Selected Areas Allowing Further Avoidance of Intermittent Streams and Wetlands plus Alternative 1 Compensatory Mitigation.	**Alternative 3.** No Action
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.	On those areas where MATL has obtained easements, the proposed amendment could affect MATL's property rights.	There would be no effect on MATL's property rights.

Resource	**MATL's Proposed Action** to allow construction activities in or within 50 feet of delineated wetlands.	**Alternative 1.** Wetland Construction with Compensatory Mitigation.	**Alternative 2.** With Additional Approved Location Width in Selected Areas Allowing Further Avoidance of Intermittent Streams and Wetlands plus Alternative 1 Compensatory Mitigation.	**Alternative 3.** No Action
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.	Selection of MATL's proposed amendment would not result in additional regulation of MATL's private property rights than under its current Certificate of Compliance. Rather, construction activities in or within 50 feet of wetlands would be allowed if environmental protections proposed by MATL were met.	Selection of the Wetland Construction with Compensatory Mitigation Alternative would not result in additional regulation of MATL's private property rights more than under its current Certificate of Compliance. Rather, construction activities in or within 50 feet of wetlands would be allowed if environmental protections proposed by MATL and additional mitigation measures developed by DEQ were met.	Selection of the Additional Approved Location Width in Selected Areas would not result in additional regulation of MATL's private property rights more than under its current Certificate of Compliance. Rather, MATL would have greater latitude in selected areas to locate the transmission line in order to avoid impacts to intermittent streams and wetlands.	Selection of the No Action Alternative 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	**MATL's Proposed Action** to allow construction activities in or within 50 feet of delineated wetlands.	**Alternative 1.** Wetland Construction with Compensatory Mitigation.	**Alternative 2.** With Additional Approved Location Width in Selected Areas Allowing Further Avoidance of Intermittent Streams and Wetlands plus Alternative 1 Compensatory Mitigation.	**Alternative 3.** No Action
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.	No further analysis is required.	No further analysis is required.	No further analysis is required.	No further analysis is required.
24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:	The area is largely agricultural. Landowners are likely to be concerned that this amendment process comes during the harvest season when they have little or no time to review and comment on these matters. No other circumstances beyond those described in the Final EIS are known.	The area is largely agricultural. Landowners are likely to be concerned that this amendment process comes during the harvest season when they have little or no time to review and comment on these matters. No other circumstances beyond those described in the Final EIS are known.	The area is largely agricultural. Landowners are likely to be concerned that this amendment process comes during the harvest season when they have little or no time to review and comment on these matters. No other circumstances beyond those described in the Final EIS are known.	The area is largely agricultural. Landowners are likely to be concerned that this amendment process comes during the harvest season when they have little or no time to review and comment on these matters. No other circumstances beyond those described in the Final EIS are known.

6.0 Cumulative Impacts

Cumulative impacts would be similar to those described in the final EIS except that there would be greater disturbance to wetlands during construction if the amendment is approved as proposed. Cumulative impacts could be reduced under Alternatives 1 and 2. There would be no change in cumulative impacts under the No Action Alternative.

6.1 Unavoidable Adverse Impacts

Unavoidable adverse impacts would be similar to those described in the final EIS except that there would be greater disturbance to wetlands during construction if the amendment is approved as proposed but these impacts would be mitigated under Alternatives 1 and 2. Unavoidable adverse impacts could increase under Alternative 2 as more cropland could be crossed diagonally in all three areas and the line could become visible in a wider area where it would cross the bench in area one. There would be no change in unavoidable adverse impacts under the No Action Alternative.

6.2 Irreversible and Irretrievable Impacts

Irreversible and irretrievable impacts would be similar to those described in the final EIS except that there would be greater reversible disturbance to wetlands during construction if the amendment is approved as proposed but these impacts would be mitigated under Alternatives 1 and 2. Reversible adverse impacts could increase under Alternative 2 as more cropland could be crossed diagonally in all three areas and the line could become visible in a wider area where it would cross the bench in area one. These impacts could reverse upon decommissioning. 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
Maps and Figures:
Craig Jones – Environmental Science Specialist
Reviewers:
Warren McCullough – Bureau Chief
Nancy Johnson - Environmental Science Specialist
Ed Hayes – Attorney

8.0 REFERENCES

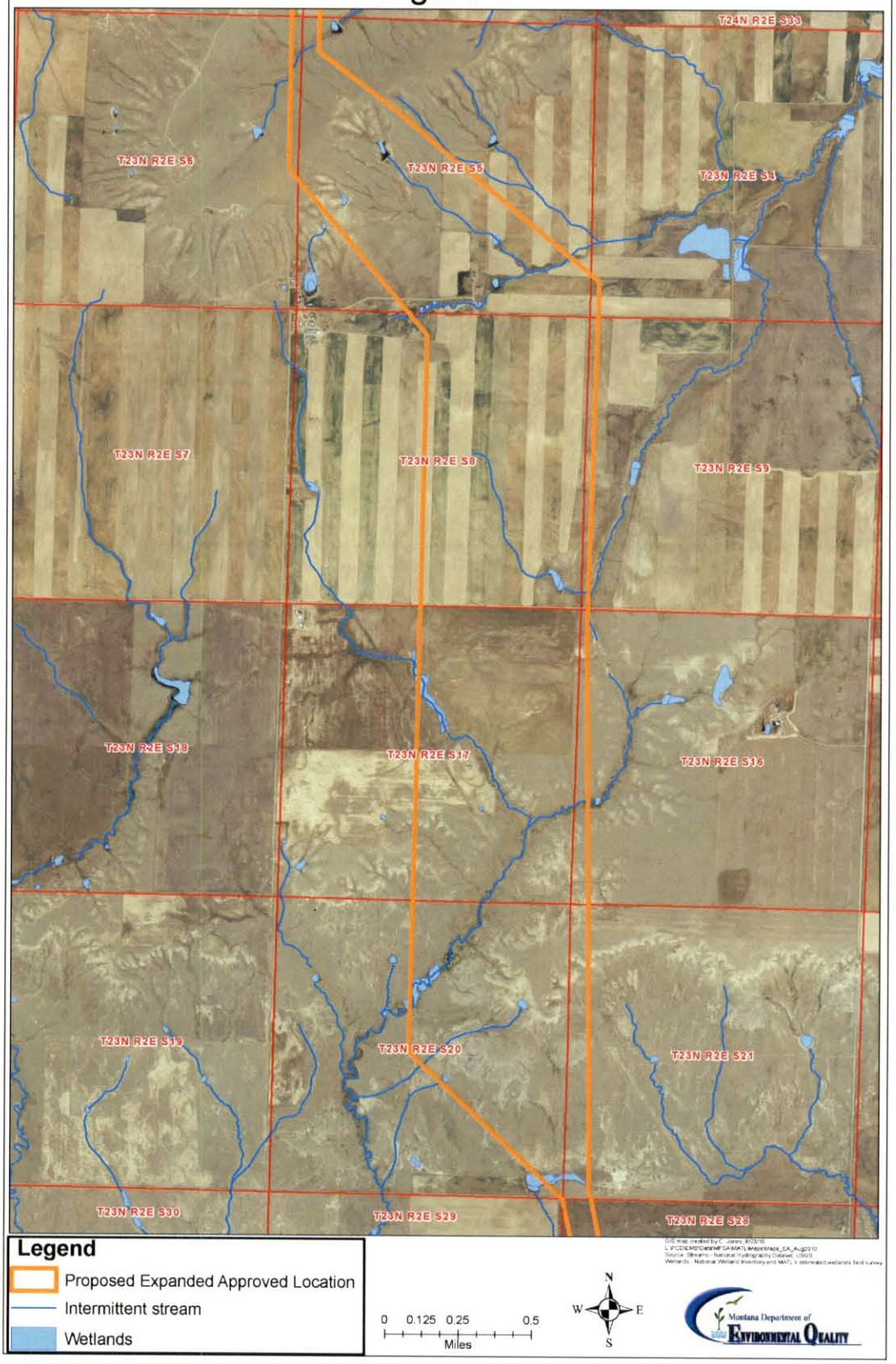
Environmental Protection Agency. 2008. Letter from John Wardell, Director Montana Office, to Tom Ring, Montana Department of Environmental Quality. March 26.

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

Figure 1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T23N R2E S29
T23N R2E S28
Legend
Proposed Expanded Approved Location
Intermittent stream
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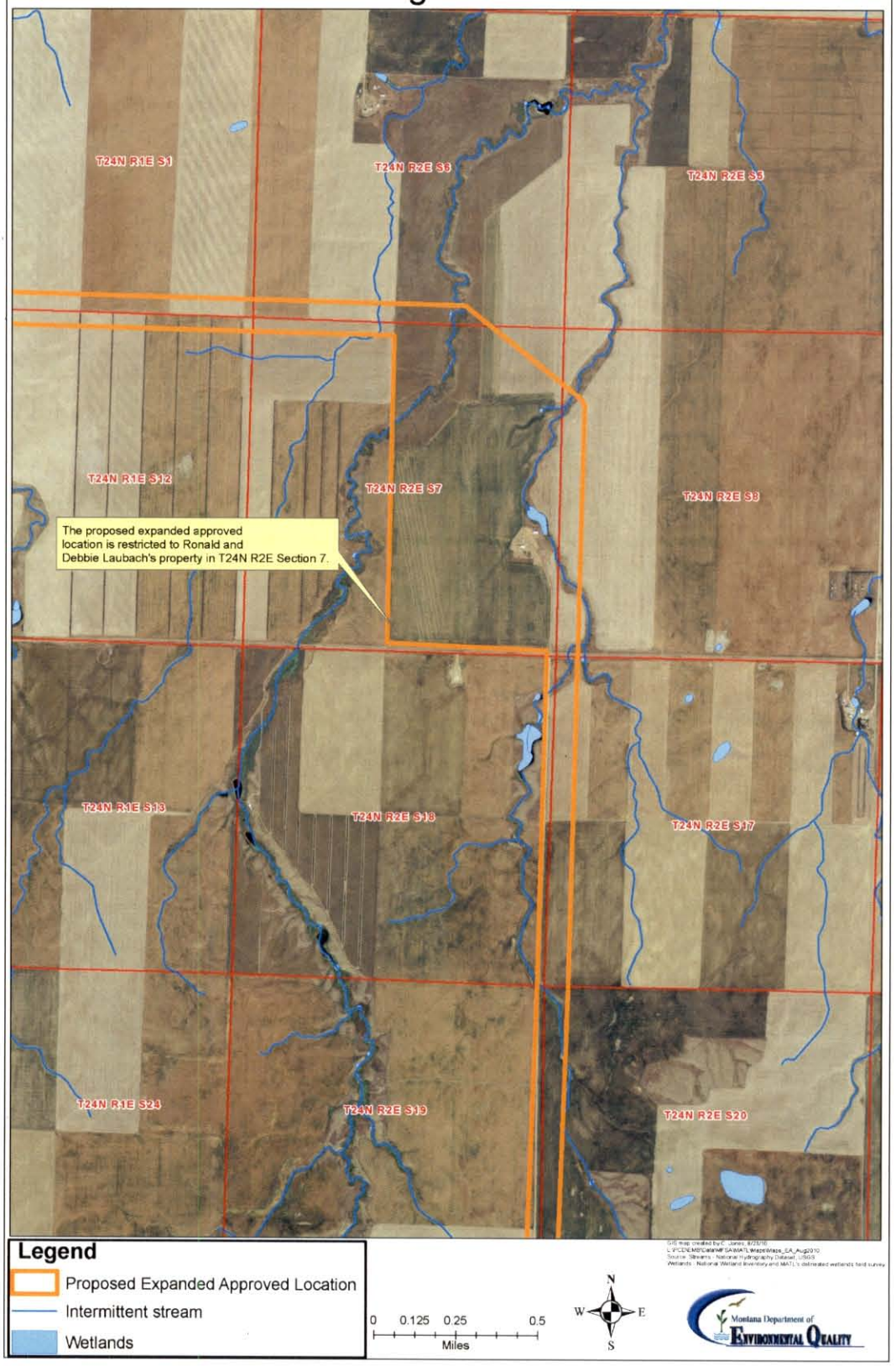
Figure 2


T24N R1E S1
T24N R2E S6
T24N R2E S5
T24N R1E S12
T24N R2E S7
T24N R2E S8
The proposed expanded approved location is restricted to Ronald and Debbie Laubach's property in T24N R2E Section 7.
T24N R1E S13
T24N R2E S18
T24N R2E S17
T24N R1E S24
T24N R2E S19
T24N R2E S20
Legend
Proposed Expanded Approved Location
Intermittent stream
Wetlands
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Miles
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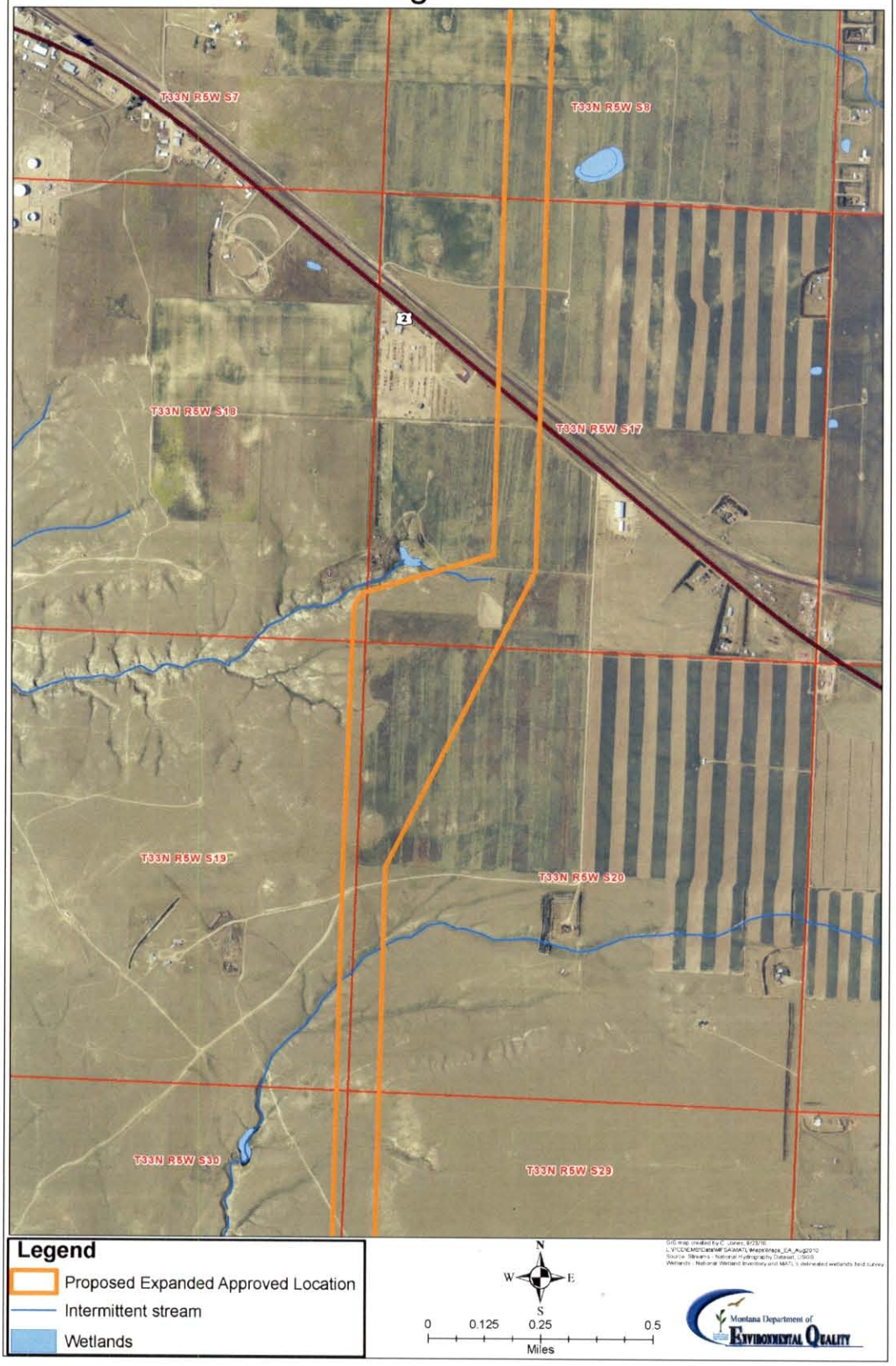
Montana Department of
Environmental Quality

Figure 3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T33N R5W S30
T33N R5W S29
Legend
Proposed Expanded Approved Location
Intermittent stream
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Miles
Montana Department of
Environmental Quality

ATTACHMENT 1

August 17, 2010

Mr. Tom Ring
DEQ Environmental Management Bureau
P. 0. Box 200901
Helena, Montana 59601-0901

Dear Tom:

Since last June, I have been trying with no luck, to get MATL to move their power line farther away from our farmstead with four houses and Toney and Mary Lou Grossman's home. No one has a reason this line must go within 1500 feet of our place when there are three miles between us and the next house to the east, but MATL says they will not ask for an amendment to change the line because they can't take a chance of objections slowing down the process. In January, I got statements which I gave to MATL, from everyone who would possibly be affected by this move saying they didn't object, and now MATL has filed an amendment concerning wetlands.

Everyone, including MATL people, think our proposed alternative route is better than the current route, and now with the new emphasis on wetlands, there is even more reason to change. There is a fairly large wetland on Grossman's that the line is scheduled to go through which I have indicated on the enclosed map. This time of year you can tell from the green grass that the wet area is much larger than the area with standing surface water.

On our land, the line is supposed to make a corner right by an alkali spot half way down a steep hill which would necessitate putting two poles close together to keep the wire high enough above ground on the hill. It is hard to tell if the corner post or guy wires would be in the alkali spot now, but they surely would within ten years the way this spot is growing.

I am enclosing a map, which incidentally was drawn by Gene Kammerman of DJ&A, of the proposed change on which I have marked in red the wet areas.

Thank you for your consideration.

Bruce Maurer, Sec.
Maurer Farms, Inc.
Power, Montana 59468

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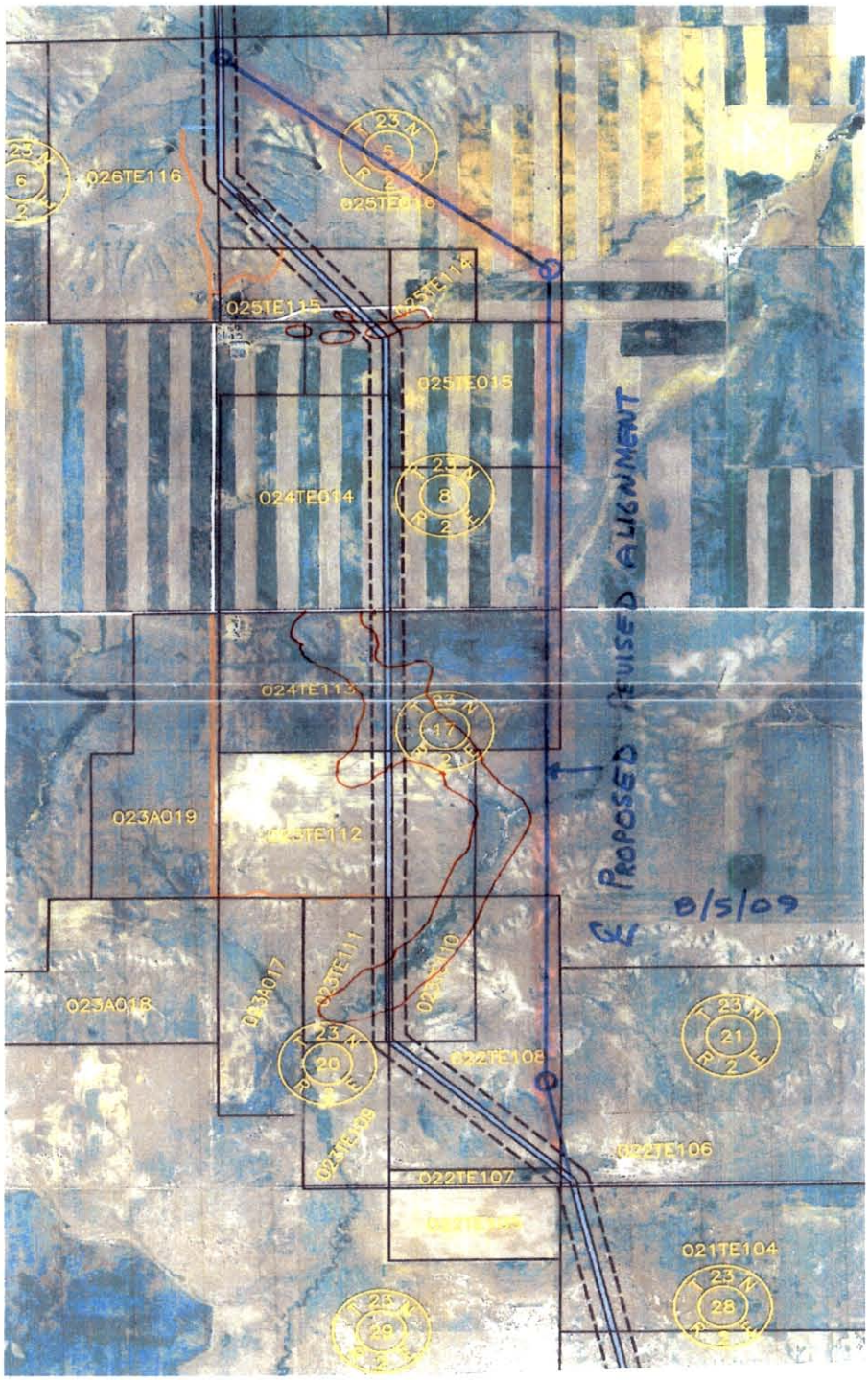
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PROPOSED REVISED ALIGNMENT
8/5/09
Wetland