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(7-91)

United States Government **Department of Energy**

memorandum

Western Area Power Administration

DATE: August 15, 2011

REPLY TO ATTN OF: A7400

SUBJECT: Supplement Analysis Environmental Review for the Montana-Alberta Tie Ltd. 230-kV Transmission Line Project (DOE/EIS-0399-SA-1)

TO: T. Meeks, A0000
Administrator
Western Area Power Administration

P. Hoffman
Assistant Secretary, Department of Energy
Office of Electricity Delivery and Energy Reliability

Proposed Action: Modification to relocate four segments of the Montana-Alberta Tie Ltd. (MATL), 230-kV Transmission Line Project Corridor

Proposed by: Montana-Alberta Tie Ltd. and MATL LLP (collectively, MATL)

Background: In 2005, MATL proposed to construct and operate a 230-kV transmission line that would originate at Great Falls, Montana and extend to Lethbridge, Alberta Canada (Project). To construct, operate, maintain, or connect an electric transmission facility at the borders of the United States, an entity must first obtain a Presidential permit (Permit) from the Department of Energy (DOE). The Permit is issued pursuant to Executive Order (E.O.) 10485 (September 9, 1953), as amended by E.O. 12038 (February 7, 1978). DOE may issue a permit if it determines that the permit would be in the public interest and if it obtains favorable recommendations from the U.S. Departments of State and Defense. In deciding whether issuing the Permit is consistent with the public interest, DOE assesses the environmental impacts of the proposed project and reasonable alternatives, the impact of the proposed action on electric reliability, and any other factors that DOE considers relevant to the public interest. In September 2008, DOE, along with the Montana Department of Environmental Quality (MDEQ) as a cooperating agency, completed the MATL 230-kV Transmission Line Final Environmental Impact Statement (DOE/EIS-0399) (EIS), available at http://nepa.energy.gov/Final_EIS-0399.htm. The EIS analyzed the potential environmental impacts of the Project.

On November 17, 2008, DOE issued a Record of Decision (ROD) documenting its decision to issue the Permit for the Project (73 FR 67860). The ROD described the basis for DOE's decision, described Project alternatives, and summarized the environmental effects associated with the decision.

On September 25, 2009, Western Area Power Administration (Western), a power marketing agency in the DOE, issued a ROD on the Project (74 FR 48947). The ROD described Western's decision to finance a portion of the Project in exchange for ownership of 50 megawatts (MW) of southbound capacity on the line and ownership of approximately 18 miles of the line.

In June 2011, MATL filed two Applications to Amend Certificate of Compliance (Applications) with MDEQ proposing modifications to the corridor routing of the transmission line that was analyzed in the EIS. In its Applications, MATL proposed three local reroutes of the transmission line to address landowner concerns. In addition to these proposals, MATL is considering, but has not made a proposal for, an additional reroute requested by a landowner. Portions of each of the reroutes would be outside of the 500-foot corridor that was analyzed in the EIS and selected as the preferred alternative.[1]

Because portions of the proposed reroutes would be outside of the corridor analyzed in the EIS, DOE elected to prepare a Supplement Analysis (SA) to determine whether the proposals constitute "substantial changes in the proposed action that are relevant to environmental concerns" or "significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts" that would require a supplemental EIS (40 C.F.R. §1502.9(c)(1)(i)-(ii)).[2]

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[1] During the construction phase of a large transmission line, there may be changes proposed after the NEPA process is completed. For example, it is not unusual for engineering specifications to be modified during construction or for landowners to request local reroutes and modifications on their property. These reroutes are often proposed to reduce interference with land use or to avoid local resources important to the landowner.

[2] In the Fall of 2010, MATL proposed to use some taller monopole support structures when constructing the transmission line, ranging up to an average of 130-140 feet tall. DOE received public comments on the increased pole height. DOE reviewed MATL's proposed change and determined that the evaluation in the EIS anticipated that structure heights could vary and that the increased heights were bounded by the analysis in the EIS and did not require further NEPA analysis.

Also during the Fall of 2010, MATL submitted an Application to Amend Certificate of Compliance to MDEQ related to construction and maintenance activities in and near wetlands. MDEQ reviewed the Application and approved an amendment to the Certificate of Compliance, selecting one of the action alternatives, with conditions. The alternative selected would allow some activities in and near wetlands, but prohibits placing permanent structures and guy wires in wetlands. The alternative selected also requires MATL to delineate wetlands along the transmission line, requires MATL to invite landowners to any on-site field inspections identified by MDEQ to evaluate whether there is a reasonable alternative to temporary construction activity in a delineated wetland, and requires MATL to provide compensatory payments to a wetland mitigation bank to offset any impacts from temporary construction. DOE evaluated the Application, MDEQ's analysis, and the EIS. DOE determined that further NEPA analysis was not warranted because the EIS considered impacts to wetlands, and because the alternative selected by MDEQ, with conditions, is designed to protect wetlands and provide mitigation for potential impacts to wetlands.

Below is a summary and analysis of the proposed corridor modifications.

Summary and Analysis: ***Proposed Transmission Line Corridor Modifications***

MATL submitted two Applications proposing three local modifications to the corridor of the transmission line. Additional information on the Applications and other aspects of the MATL Project is available on the MDEQ website at http://deq.mt.gov/MFS/MATL.mcpx.

Laubach Modification (Diamond Valley South Amendment). On June 16, 2011, MATL submitted to the MDEQ an Application to Amend the Certificate of Compliance for two local reroute requests from landowners (Diamond Valley South Amendment and the Bullhead Coulee North Amendment). At the request of the Laubachs, MATL proposed to modify the transmission line route from structure 30/2 to 31/4. MDEQ analyzed this proposal, and on July 22, 2011, approved a modification of this portion of the corridor. See MDEQ Final environmental assessment (EA) (July 22, 2011); MDEQ Decision on Amendment (July 22, 2011); http://deq.mt.gov/MFS/MATL.mcpx. The Laubach modification analyzed herein is the one approved by MDEQ. See Figure 1 attached. The Laubach modification would involve rerouting approximately 1.35 miles of the corridor analyzed in the EIS, including construction of approximately 8 structures, up to approximately 0.5 mile outside of the corridor analyzed in the EIS. The proposed new corridor would be approximately 1.29 miles long, which is 0.06 mile shorter than the corridor route analyzed in the EIS. According to the Application, the modification was requested to shift the line further away from the Laubach's planned home site.

Swanson Modification (Bullhead Coulee North Amendment). At the request of the Swansons, MATL proposed to modify the transmission line from structure 84/5 to 85/3. MDEQ analyzed this proposal, and on July 22, 2011, approved a modification of this portion of the corridor. See MDEQ Final EA (July 22, 2011); MDEQ Decision on Amendment (July 22, 2011); http://deq.mt.gov/MFS/MATL.mcpx. The modification analyzed herein is the one approved by MDEQ. See Figure 2 attached. The Swanson modification would involve rerouting approximately 0.92 mile of the corridor analyzed in the EIS, including construction of approximately seven structures, up to approximately 0.2 mile outside of the corridor analyzed in the EIS. The proposed new corridor would be approximately 1.04 miles long, which is 0.12 mile longer than the corridor route analyzed in the EIS. According to the Application, the modification would allow for future pivot irrigation and eliminate the need for a guyed structure in a cultivated field.

Salois Modification. In response to the landowner's concerns about the line's impact on cultural resources, on June 29, 2011, MATL proposed to modify another section of the transmission line from structure 102/3 to 103/1. The modification analyzed herein is the one analyzed in MDEQ's Final EA. See MDEQ's Final EA (August 4, 2011); http://deq.mt.gov/MFS/MATL.mcpx and Figure 3 attached. The Salois modification would involve rerouting approximately 0.74 mile of the corridor analyzed in the EIS, including construction of approximately three structures, up to approximately 0.15 mile outside of the corridor analyzed in the EIS. The proposed new corridor would be approximately 0.63 mile long, which is 0.11 mile shorter than the corridor route analyzed in the EIS. The modification is proposed to shift the line further away from a cultural site.

Burgmaier Modification. MATL is considering one other landowner request for a local reroute. At this time, the request has not been submitted to MDEQ in an Application to Amend Certificate of Compliance.[3] The Burgmaier modification would modify the transmission line route from structure 18/5 to 19/6. The modification would place an angle structure outside the EIS corridor to eliminate the diagonal crossing of potential cropland. See Figure 4 attached. Most of the line under the proposed modification would occur within the 500-foot wide corridor analyzed in the EIS, but approximately one to four structures may be constructed up to approximately 0.1 mile outside the EIS corridor, and 0.34 mile of the corridor would be rerouted. The proposed new corridor would be approximately 0.4 mile long, which is 0.06 mile longer than the corridor route analyzed in the EIS.

Analysis of the Environmental Impacts of the Proposed Transmission Line Corridor Modifications

The proposed corridor modifications would involve rerouting approximately 3.35 total miles of the corridor and construction of approximately 19 total structures outside of the 500-foot corridor analyzed in the EIS. To evaluate the impacts of these proposed modifications, DOE considered: information in the EIS and RODs, MATL's proposed changes and refinements to the Project since the EIS and RODs were issued, relevant changes identified by MDEQ in the conditions in the areas of the proposed changes, available current aerial photography, landowner input related to the requests for reroutes, MDEQ's analysis, and available public comment letters on the relevant MDEQ EAs.[4] DOE found that the resources that would potentially be affected by the proposed corridor modifications are land use, Conservation Reserve Program (CRP) land, rangeland, streams and wetlands, recreational areas, wildlife, habitats and vegetation, and visual and cultural resources. The environmental impacts of the reroutes would not be substantially different from the impacts analyzed in the EIS. Below is a summary of the potential effects on specific resource areas.

- **Land use, geology, soils:** Land use, geology and soils along the transmission line corridor in the vicinity of the requested reroutes have generally remained the same since they were analyzed in 2008. The local modifications were requested by landowners to accommodate the existing and planned uses of their property and would result in impacts comparable to those analyzed in the EIS.

Laubach Modification. According to information from MDEQ, less land will be affected by the Laubach modification because the modified route would be slightly shorter than the route analyzed in the EIS. There would be a slight increase (0.04) in miles of non-irrigated cropland/CRP land crossed; however, the affected landowner supports this change. There would be a slight decrease (0.07) in miles of rangeland crossed. The modification would remove several structures from a neighbor's land to prevent interference with farming, and the modification would move the corridor further away from the Laubach's proposed house site, but

[3] DOE is analyzing this potential proposal for purposes of completeness, but is aware that MATL may not submit this proposal or that the proposal could change.

[4] MDEQ received some public comments on the proposed corridor modifications. DOE took these into consideration as it prepared the SA.

closer to the proposed home site of another landowner. The modification would remain outside the Air Force missile site easement.

Swanson Modification. MDEQ indicates that there will be more ground disturbance due to the Swanson modification because it is 0.12 mile longer than the EIS route. Slightly longer access roads may result in some additional disturbance. Approximately 0.16 additional miles of rangeland are crossed by the modification, but there is a slight decrease (0.08 mile) of non-irrigated cropland/CRP land crossed. The modification would allow for installation of a center pivot irrigation system.

Salois Modification. Slightly less land may be affected by the reroute because it would be approximately 0.11 mile shorter than the approved route. Also, the terrain is slightly flatter, which may reduce the likelihood of erosion over the EIS route. The modification is mostly located on CRP lands (0.47 mile for the modification versus 0.1 mile for the EIS route) so less rangeland would be affected (0.16 mile for the modification versus 0.64 mile for the EIS route). Under the proposed modification, the route could cross an oil waste land-farm (which may be spanned) and run near a temporarily abandoned injection well. According to MDEQ, the land-farm will likely be spanned, and the well can be avoided.

Burgmaier Modification. There would be a minor increase in the length of the line that would result in small additional disturbance. The modification would occur in the same land use type as the EIS corridor.

- **Water Quality**: Surface and groundwater resource impacts would be comparable to those analyzed in the EIS, and in some cases, impacts would be decreased.

Laubach Modification. Fewer drainages or intermittent streams are crossed by this modification, and the modification is expected to reduce impacts to wetlands.

Swanson Modification. Two additional stream crossings would occur under the proposed modification, but it is expected that the transmission line would span these streams, and that access trails could avoid the crossings. The modification could affect slightly more riparian (.03 mile) and potential wetland vegetation, but would avoid a known wetland area.

Salois Modification. The proposed modification may result in one less crossing of an intermittent stream and associated wetland.

Burgmaier Modification. The proposed modification has no additional water-related issues over the EIS route.

- **Parks and recreational areas:** Parks and recreational area impacts would be comparable to those analyzed in the EIS, and in some cases, impacts would be decreased.

Laubach Modification. The proposed modification would avoid placing a structure in and crossing one area of recreational hunting; however, it may affect a second hunting area.

Swanson Modification. No issues identified.

Salois Modification. A rifle target shooting area is located near the EIS corridor. The

modification would move the corridor about 50 feet further away from the rifle shooting area.

Burgmaier Modification. No issues identified.

- **Wildlife, habitat, vegetation:** There are no newly listed threatened or endangered wildlife species in the Project area, including the area of the proposed reroutes. Wildlife, habitat and vegetation impacts would be comparable to those described in the EIS, and in some cases, impacts would be decreased.

Laubach Modification. The same game species are found in the current route and the modified route, so impacts to those species are expected to be similar. The proposed modification would likely reduce the potential for impacts to wetland habitat though, since less potential wetland habitat is expected to be impacted. There are no known species of special concern in the affected areas.

Swanson Modification. Two additional stream crossings would be spanned by the transmission line and there would be a slight increase in the riparian and potential wetland habitat affected. There are no known species of special concern in the affected areas.

Salois Modification. There are no known species of special concern in the affected areas. The modification would impact more non-irrigated cropland, but less rangeland. There is likely one less crossing of an intermittent stream and associated wetland.

Burgmaier Modification. Because this modification is minor, the nature of the surrounding wildlife, habitat, and vegetation is substantially similar to the EIS route.

- **Cultural Resources**: The proposed modifications would not result in additional impacts to cultural resources than those analyzed in the EIS; or in the case of the Salois modification, the modification would result in decreased impacts to cultural resources.

Laubach Modification. No additional cultural resources identified.

Swanson Modification. No additional cultural resources identified.

Salois Modification. The potential for impacts to cultural resources found along the EIS route is the primary reason given by the landowner for the modification. The status of the cultural resources identified during the Class III survey and potential for discovering more along the EIS route was an ongoing concern for which mitigation measures such as monitoring during construction were adopted. An MDEQ staff archaeologist field-reviewed the proposed corridor on July 6, 2011, and determined that no cultural resources would be affected. The modification is expected to decrease impacts to cultural resources, including avoiding known tipi rings (Salois Ring Site) and other resources along the EIS route. The Salois modification would move the transmission line approximately 0.14 mile away from the Salois Ring Site and help preserve the traditional use area viewed from the Salois Ring Site. Although a few cultural resources were identified in the area of the proposed modification, these would be avoided. MATL would be required to implement the mitigation measures in the Certificate of Compliance. According to MDEQ'S Final EA, Blackfeet tribal members support this proposed modification as a means of avoiding impacts to the Salois Ring Site.

Burgmaier Modification. This possible modification has not been surveyed for cultural resources, but it crosses previously cultivated land. If MATL files an Application on this proposal, DOE will consider whether additional investigation related to cultural resources is necessary.

- **Visual Resources and Aesthetics:** The proposed modifications would result in impacts to visual resources comparable to those analyzed in the EIS, and in some cases, impacts to these resources would be decreased.

Laubach Modification. The proposed modification would utilize an angle structure that could result in a minor increase in visual impact to travelers on Highway 379. The modification would move the corridor further away from the Laubach's proposed home site, but closer to the proposed home site of another landowner.

Swanson Modification. The modification would increase the distance of the corridor from the nearest residence by approximately 0.15 mile.

Salois Modification. The nearest residence to the modification is approximately 0.5 mile, which is the same for the EIS route. See the discussion above under Cultural Resources for information on visual impacts related to a cultural site.

Burgmaier Modification. The proposed modification includes the addition of an angle structure just outside of the original EIS corridor. The angle structure permits the transmission line to drop straight south to avoid diagonal crossing of cropland. An additional angle in a transmission line may be associated with additional visual contrast since the straight line will be interrupted; however, the area does not possess unusually sensitive visual resources or vistas.

- There have been no substantial changes to **socioeconomics, public services, and utilities** relevant to the environmental impacts of the Project, and the proposed modifications are not expected to affect these attributes.

- There has been no change to the **air quality** status of the Project area, and the proposed modifications are not expected to result in additional air quality impacts.

- The modifications would not result in impacts to **human health, safety, or noise** beyond those analyzed in the EIS.

Based on the information described above, DOE has determined that the potential environmental impacts associated with the relocation of four segments of the MATL transmission line corridor would be comparable to those analyzed in the EIS, or for some resource areas, would result in decreased impacts.

Public Involvement: DOE will make this SA and its determination available to the public for information pursuant to 10 CFR §1021.314(c)(3).

circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts" (40 CFR §1502.9(c)(1)(i)-(ii)). Therefore, a supplement to the MATL EIS is not required and will not be prepared by DOE.

Attachments

DATE:

APPROVED: _____
Timothy J. Meeks
Administrator

DATE:

APPROVED: _____
Patricia A. Hoffman
Assistant Secretary, Department of Energy
Office of Electricity Delivery and Energy Reliability

Figure 1: Diamond Valley South Amendment

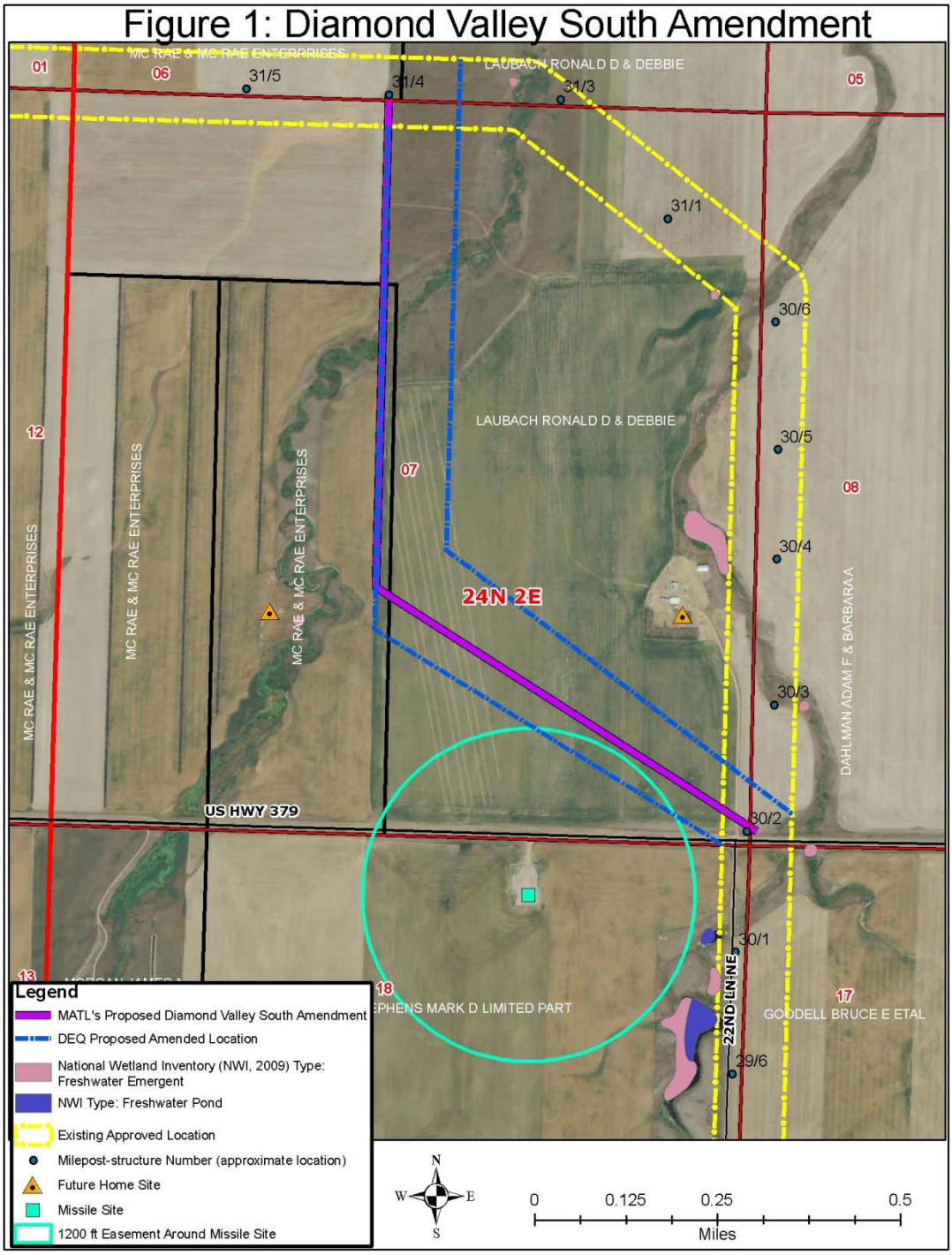

Figure 2: Bullhead Coulee North Amendment

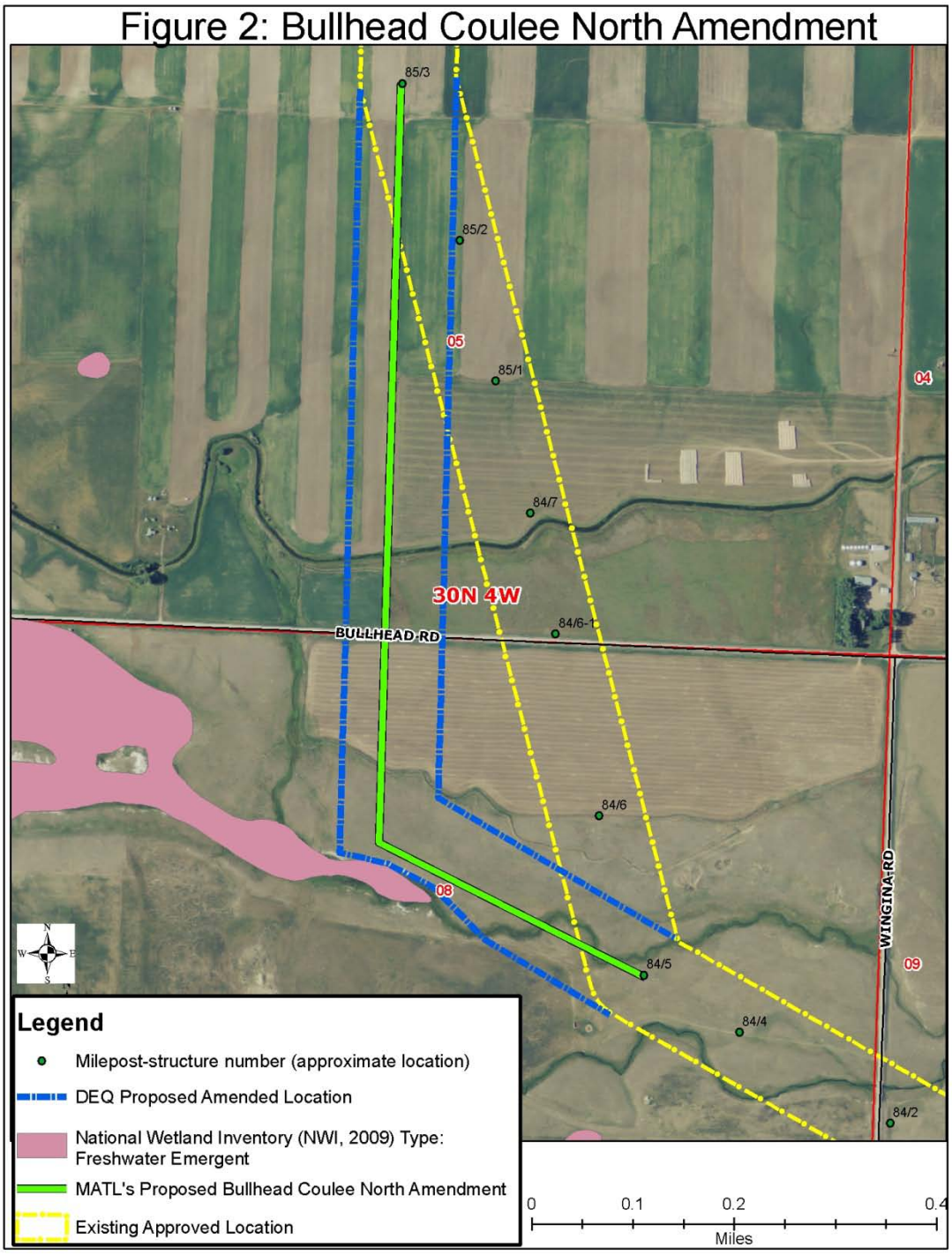

Figure 3 Salois Amendment

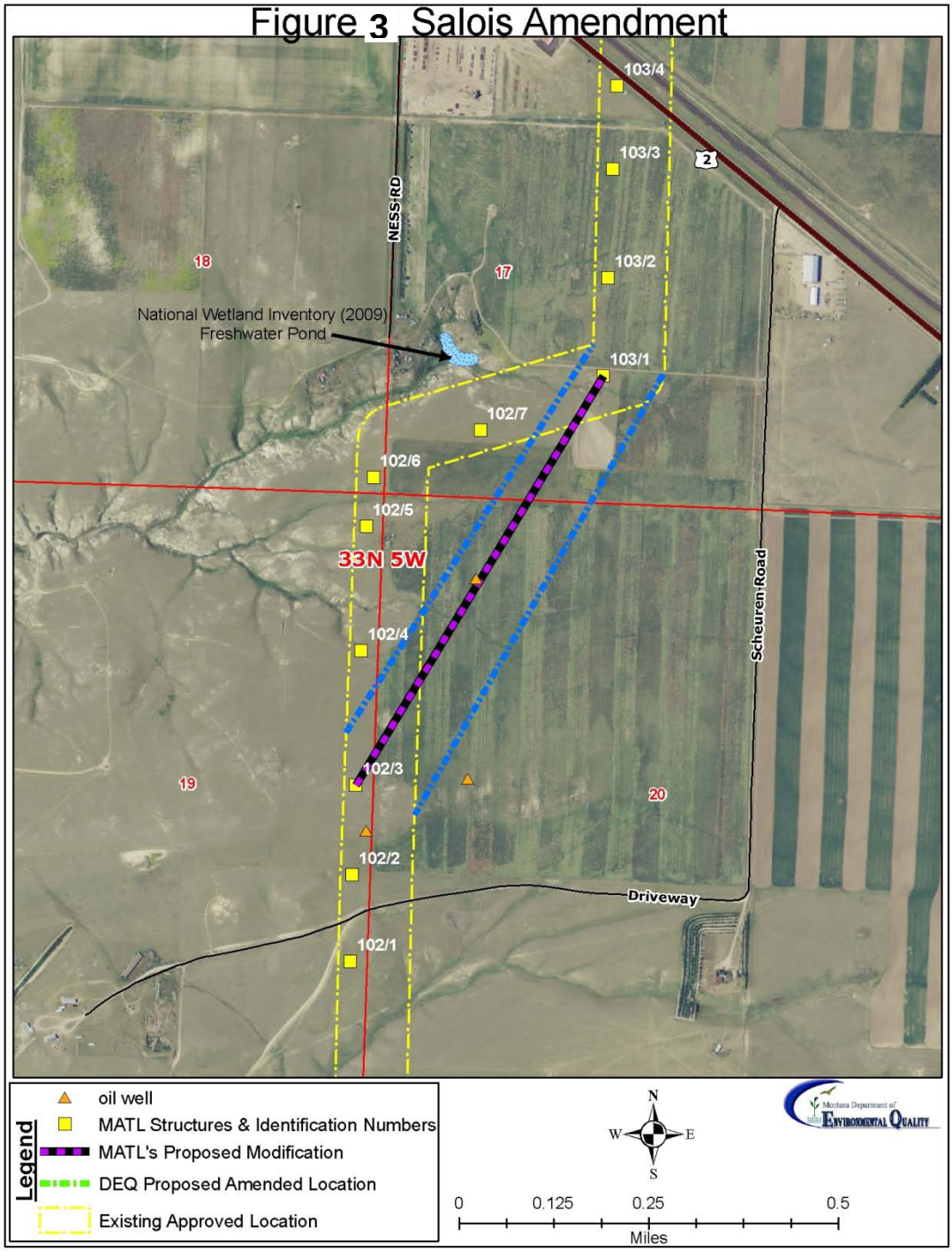

Figure 4:

DEQ Route 4 – Burgmaier Modification