

MAIN STREET MONTANA PROJECT

A BUSINESS PLAN *For Montana by Montanans*

**Energy and Utilities KIN / Montana Facility Siting Act (MFSA)
Mile-wide Corridor Discussion Group
August 27, 2015
2:00 p.m.**

KIN Members

Dan Berube
Niles Hushka
Alan Olson
Darryl James (fill-in for Rob McFarlane), Enbridge
Michael Cashell (fill-in for Bob Rowe), Northwestern Energy

DEQ Staff

Tom Livers, Director
Craig Jones, MEPA/MSFA Coordinator
Kristy Ponozzo, Public Policy Director
James Strait, Environmental Specialist
Ed Hayes, Attorney

Commerce Staff

Mary Craigle
Tom Kaiserski
Janice Wannebo
Michaela Wolfinger

Tom Kaiserski began the meeting with roll call and explained this call is a follow-up call from the July 6th meeting and we anticipate this to be the first of three discussion groups (1-mile-wide corridor; 2-determination of need, alignment of EIS & MFSA certification, eminent domain; 3-Discussion of process).

Mary Craigle stressed the point of an end goal, which would be a recommendation for the 2017 session.

Livers indicated that if DEQ were to submit a proposal/recommendation it would be best to run through the Montana Environmental Quality Council, which meets in July 2016.

During the July 6th meeting, DEQ identified several possible options/approaches to consider regarding the MFSA requirements:

- #1. Exempt pipelines from the 1-mile wide corridor requirements.
- #2. Reduce the 1-mile wide for pipelines (half a mile or less). This way there is still an expanded corridor but the effect to analyze is more reasonable.
- #3. Repeal the 1-mile wide requirement. DEQ would recommend replacing the 1-mile study corridor with a requirement that the project proponent's engineers and DEQ staff work to identify areas where the approved location may need to be larger than the 500 feet wide minimum requirement. This should be done before the release of the draft EIS.

#4. Modify 1-mile requirement as it applies to urban areas.

Livers recommends, at a minimum:

- Address pipelines, they are problematic and not flexible with mile-wide corridor (have the cost and hassle with no benefits);
- Urban areas (also problematic).

The majority of the participating KIN members like option #3. Hushka asked if the provisions apply to both power lines and pipelines. Livers responded that they apply to both. The general consensus is to try and preserve intent of mile wide corridor legislation but address the pitfalls.

Darryl James discussed MATL siting problems - which he felt were the fault of all parties involved including the developer as well as the Feds and State regulators - noting that the mile wide corridor legislation was adopted in response to route realignments intended to adjust to unanticipated changes in project alignment which threatened to open up the entire certificate process to further review and delays.

Livers noted that MATL was an atypical transmission project and cautioned modeling legislation after only one project.

Darryl said he doesn't think #3 would work unless it addresses the underlying issue behind the mile wide corridor legislation - changes made by regulators to project alignment that he feels are unilateral and done without the consultation of the project's engineers.

Livers agreed to draft statutory language to replace mile-wide corridor (may be potential ARM to be adopted). Livers will initiate contact with Senator Llew Jones, who was instrumental in drafting the mile wide corridor bill, and committed to work with Darryl and Rob McFarlane to understand and reflect the concerns that prompted the initial mile-wide corridor legislation.

The goal is to have meeting on 1st draft of language with Darryl James and Llew Jones toward the end of September 2015.

Meeting adjourned at 2:33 p.m.