

**PRESS RELEASE
FOR IMMEDIATE RELEASE**

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On Tuesday, May 18, 2010, the Jefferson County Commissioners filed lawsuit against the Montana Department of Environmental Quality (DEQ) in the 5th Judicial District Court in Jefferson County, Montana.

The lawsuit pertains to NorthWestern Energy's proposed power transmission line project, Mountain States Transmission Intertie (MSTI). The proposal is to build and operate a 500kV electric transmission line from Townsend, Montana to Shoshone, Idaho. The path, as proposed, would include crossing portions of Jefferson County, Montana. In order for Northwestern Energy to proceed with MSTI, they filed an application for certificate under the Montana Facility Siting Act with the DEQ in 2008. DEQ is the lead agency in conducting a required Environmental Impact Statement (EIS) jointly with the Bureau of Land Management (BLM) as the lead federal agency. DEQ is required to conduct an EIS under MCA §75-20-217(4), part of the Montana Environmental Policy Act. A draft EIS is due out by early June 2010.

After concerned citizens requested that the Jefferson County Commission become involved in coordination with the Department of Environmental Quality, Jefferson County has attempted to set up meetings with DEQ and BLM in order to coordinate all planning on the proposed project as well as provide meaningful discussions with Jefferson County on all aspects of the project. Jefferson County has passed a resolution in 2008 that mandates coordination between all State and Federal agencies. Coordination per the 2008 resolution recognizes that meaningful local government involvement requires more than the timely exchange of information and places an additional responsibility on Federal and State agencies to incorporate the goals, objectives and policies of local government into Federal and State plans and decisions affecting any area under the County jurisdiction.

A primary concern of constituents and the Jefferson County Commission is the fact that DEQ has not involved Jefferson County in its drafting of an EIS. Without coordinating and consulting County planners and the Board of County Commissioners, DEQ is preparing a document that is deficient of any incorporation of County policies and regulations. One crucial policy that has not been coordinated is a Jefferson County Energy Resolution that requires that any new transmission lines must be placed upon public lands within Jefferson County if the transmission line is to export power outside the State of Montana. If the transmission line is to benefit the public outside of Montana, County landowners should not be burdened. Unfortunately, each proposed route within Jefferson County crosses private lands. 200 foot towers in a swath across a valley would significantly affect private landowners. Jefferson County is able to find a route that crosses almost entirely public lands.

Because of DEQ's failure to perform legal duties, Jefferson County is forced to seek relief from the Court via a writ of mandamus directing the DEQ to comply with Jefferson County's request for coordination. A writ of mandamus would ensure that DEQ recognizes the right of Jefferson County officials to coordinate and ensure that any proposed transmission lines associated with the MSTI project that may traverse Jefferson County are in compliance with and integrate into any draft EIS County policies, regulations, and resolutions. Prior to the writ of mandamus being heard in Court, Jefferson County also seeks a temporary restraining order to prevent further action on drafting the EIS until such time as the writ can be heard. A restraining order is warranted in the present circumstances given the fact that Respondent's actions in finalizing a draft EIS in the next two to four weeks, if not enjoined, renders moot the County's underlying claim in this case as there has been a lack of coordination to this point in time. The County will likely suffer great and irreparable injury should the Respondent be allowed to continue and carry out the EIS study and any draft without coordination with Jefferson County on the local government's policies and regulations.

Attached please find a copy of the writ filed in court.

Sincerely



Matt Johnson

Jefferson County Attorney