



Jefferson County Commission

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Tom Lythgoe, Chair Dave Kirsch, Commissioner Leonard Wortman, Commissioner

May 6, 2010

Richard Opper, Director
Montana Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620

Re: Coordination in regards to Mountain States Transmission Intertie.

Dear Director Opper:

I have received your response to Jefferson County's April 22, 2010 letter. It is apparent that you understand Jefferson County's request to coordinate at the planning level prior to the issuance of any Environmental Impact Statement (EIS) for the proposed Mountain States Transmission Intertie (MSTI). The County has successfully coordinated with other agencies of the State of Montana and likewise requests the same treatment on this issue.

Jefferson County has invested great time and effort into its planning to ensure that the County's citizens, land, resources, and environment are protected from un-planned or unsolicited growth. Jefferson County has developed a Growth Policy that is guided by the Jefferson County Planning Board's goals to **I. Sustain and strengthen the economic well-being of Jefferson County's citizens, II. Protect and maintain Jefferson County's rural character and the community's historic relationship with natural resource development, and III Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Jefferson County's citizens.** Our Growth Policy is the guiding principle towards all planning inside Jefferson County. Within this document, our planning board has emphasized that it is imperative that communication exist between all levels of government and that the local planning process be enjoined within state and federal planning too. Also, you may not be aware that private landowners within the Milligan Canyon/Boulder Valley Zoning District may be affected by the proposed MSTI project. Any impact upon this zoning district requires input at the local planning level. Finally, Jefferson County has passed a Resolution on the Right to Farm that was developed by the planning board

to provide a framework for which to minimize problems between non agricultural and agricultural interests in the County. These fore-mentioned documents and policies are sufficient to require coordination between the County and State and Federal agencies even without an adopted natural resource plan. Any proposed transmission line shall have an impact on Jefferson County planning triggering a requirement of coordination and joint planning. This planning must occur before an EIS is issued.

Jefferson County acknowledges that Northwestern Energy has conducted several public outreach meetings within Jefferson County in regards to possible routes for the MSTI project. However, these meetings were not much more than questions and answers and a simple presentation to the public at large. No effort was made to bring the County into the planning phase of this project. Jefferson County asserts that an agency such as DEQ must keep the County apprised of plans affecting our County and further requires input from the local government. Further, DEQ must assure that consideration is given to local planning when developing the MSTI proposal. Also, DEQ shall provide early notification (prior to public notice) to the County of the development of a specific plan. Coordination requires that the County be given an opportunity for meaningful input into the development of the MSTI proposal. Finally, a practical effort must be made to resolve conflicts between the MSTI project and local policy and reach consistency.

There has been a lack of notification to the County of the specifics of the MSTI project. There has been little if any discussion on a specific route. There has been no involvement on planning. The County asserts that its planning policies are not unreasonable and should be given great consideration in any decision that DEQ makes. To ensure such consideration, true efforts at coordination are required.

Though you argue that the County cannot simply jump in at the eleventh hour and require input, that is what the law requires. The County asserts that we must be provided the opportunity to discuss planning for the MSTI project. Thus, you are again requested to contact the County Commission at 225-4025 to set up an immediate meeting to initiate coordination. Furthermore, if you suggest that a draft EIS has been produced, you are requested to immediately provide a copy to the County for review by the planners prior to public release. You are further requested to delay any such release of a public document until efforts at coordination with Jefferson County have been fulfilled.

Coordination must start at the planning level and the County must be brought in at that phase for consultation in accordance with all adopted County planning documents as well as federal and state regulations and policies already cited in our first letter requesting coordination in April

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2010. Coordination will ensure consistency in planning by the local, state and federal agencies and ensure that the MSTI project does not adversely impact local government planning.

Your immediate response is requested.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tomas E. Lythgoe', written in a cursive style.

Tomas E. Lythgoe
Chairman Jefferson County Commission

COM/ha
CC: County Attorney
reading file