



ADMINISTRATIVE RULES OF MONTANA



17.20.1607 LINEAR FACILITIES, MINIMUM IMPACT STANDARD

- (1) In order for the department to find and determine that a linear facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives as required by 75-20-301, MCA:
 - (a) the department finds and determines:
 - (i) that the expected net present value of costs, including monetary costs of construction to the applicant, external monetary costs, and the value of reasonably quantifiable environmental impacts is lower for the proposed facility than for any other available alternative that would meet the need finding required by ARM 17.20.1606. Other available alternatives include transmission alternatives, alternative energy resources and energy conservation, alternative transmission technologies, alternative levels of transmission reliability and the no action alternative;
 - (ii) that unquantified environmental impacts are not significantly adverse to alter the finding required by (1)(a)(i) ;
 - (iii) that all mitigation measures included in the mitigation plan in (1)(a)(vii)(C) have been incorporated in the cost finding required by (1)(a)(i) ;
 - (iv) that the final location for the facility achieves the best balance among the preferred location criteria listed in Circular MFSA-2, section 3.1 considering environmental impact and economic cost;
 - (v) that the final location for the facility will not cross one of the areas listed in Circular MFSA-2, section 3.2(1) (d) (i) and (ii) , unless the legislative or administrative unit of government with direct authority over the area has given the applicant permission to locate the facility there;
 - (vi) that reasonable alternative locations for the facility were considered in selecting the final location, pursuant to Circular MFSA-2, section 3.0;
 - (vii) that the final location for the facility will result in less cumulative adverse environmental impact and economic cost than siting the facility in any reasonable alternative location, based on the following:
 - (A) identification of any probable significant adverse environmental impacts;
 - (B) identification of reasonable mitigation for these significant adverse environmental impacts;

- (C) adoption of an acceptable mitigation plan based on the measures identified in (1)(a)(vii)(B) , including environmental specifications, that will be included in conditions to the certificate; and
 - (D) adoption of an acceptable monitoring plan, including a reclamation plan, that will be included in conditions to the certificate.
- (viii) if in making the finding required by (1)(a)(vii) , the final location for the facility crosses one or more of the areas listed in Circular MFSA-2, section 3.2(1) (d) (iii) through (xi) and section 3.4(1) (b) through (w) for transmission lines and in Circular MFSA-2, sections 3.2(1) (e) and 3.4(2) for pipelines, either that no significant adverse environmental impacts would result in the area(s) ; or
 - (A) that any significant adverse environmental impacts affecting the environmental resources, qualities or characteristics for these areas have been identified;
 - (B) that reasonable mitigation for these significant adverse environmental impacts has been identified;
 - (C) that an acceptable mitigation plan based on the measures identified in (1)(a)(viii)(B), including environmental specifications, has been identified and will be included in conditions to the certificate; and
 - (D) that an acceptable monitoring plan, including a reclamation plan, has been identified, and will be included in conditions to the certificate.
- (2) The department must condition its approval of a facility on the following standards:
 - (a) for electric transmission facilities, that average annual noise levels, as expressed by an A-weighted day-night scale (L_{DN}) will not exceed:
 - (i) 50 decibels at the edge of the right-of-way in residential and subdivided areas unless the affected landowner waives this condition;
 - (ii) 55 decibels at the edge of the property boundaries of substations in residential and subdivided areas.
 - (b) for electric transmission facilities, that appropriate mitigation has been identified to prevent unacceptable interference with stationary radio, television, and other communication systems and will be included in conditions to the certificate;
 - (c) for electric transmission facilities, that the facility will adhere to the national electric safety code regarding transmission lines.
 - (d) for electric transmission facilities, that the electric field at the edge of the right-of-way will not exceed one kV per meter measured one meter above the ground in residential or subdivided areas unless the affected landowner waives this condition.
 - (e) for electric transmission facilities, that the facility will comply with the identification and marking standards established by the federal aviation administration.
 - (f) for pipeline facilities, that compliance with applicable U.S. department of transportation pipeline standards will be achieved.
 - (g) for all linear facilities, that the facility will comply with environmental specifications developed for the facility.

- (h) for all linear facilities, that any other standards the department deems important will be met.

Authorizing statute(s): 75-20-105, MCA

Implementing statute(s): 75-20-105, 75-20-211, 75-20-301, MCA

History: NEW, 1984 MAR p. 1844, Eff. 12/28/84; TRANS, from DNRC, 1996 MAR p. 2863; AMD, 2001 MAR p. 2415, Eff. 12/7/01; AMD, 2005 MAR p. 252, Eff. 2/11/05; AMD, 2024 MAR p. 1879, Eff. 7/27/24.