Wind Energy Project Permitting in Montana
Considerations for Developers

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Wind Project Permitting in Montana

- No permits specific to Wind Energy
- Applicable requirements apply to other facilities/projects, not just wind
- Each Project is Unique
  - Location
  - Size
  - Components/Design
  - Site-Specific Issues
Wind Project Permitting in Montana

Notable Factors

- **Location & Land Ownership**
  - Federal Land: 29 percent of the state, not addressed in this presentation
  - State Trust Land: 5 percent of the state
  - Private Land

- **Project Size**
  - <20MW typically require few “environmental” permits or authorizations
  - 20-80MW projects can often avoid many permits
  - 80-160+ MW increases the likelihood of more notable environmental permits
Siting and Permitting are Intertwined

- Consider the purpose of laws and regulations
- Site to avoid impacts to protected resources
- Identify other issues and risk factors
- Take measures to address uncertainty
Successful Permitting

Built from the Bottom Up

- Operate (and Monitor)
- Construct (and Monitor)
- Secure Permits
- **AGENCY REVIEW PROCESSES**
- Apply for Permits
- Develop Feasible Proposal/Design
- Update Constraints and Consider Avoidance Areas
- Conduct Onsite Investigations
- **Develop a Permitting Plan**
- Preliminary Design (updated concept)
- Identify Hard Constraints Based on Existing Data

**START:** Selected Site and Conceptual Project
Successful Permitting

Evolving Projects Demand Dynamic Permitting Plans

- Revisit and revise plans throughout the process
- Start field studies and agency consultation early
- Consider public concerns and opportunities for public involvement
- Roadblocks:
  - Inadequate data collection
  - Incomplete applications
  - Unexpected issues
  - No feasible alternatives
Successful Permitting

Identify Feasible Alternatives & Maintain Flexibility

- Facility Locations
  - Identify hard restrictions early
  - Identify feasible alternatives in the “buildable” area
    - Wind Project Layout
    - Point of Interconnect
    - Transmission Routes
  - Ensure Data Adequacy
- Timing of Construction and COD
Priority Permitting Considerations

Select State Processes

- Montana Sage Grouse Habitat Conservation Program
- Montana Major Facility Siting Act
  - Point of Interconnection & Transmission
  - Site Certificate Required? (“Facility” definition)
- Montana State Trust Land
  - Lease
  - Rights-of-Way / Easements
  - Options to include or avoid?
- Montana Environmental Policy Act
Priority Permitting Considerations

Local Requirements and Issues

- Zoning & Ordinances
- Site Access / Transportation *(MDT, county, city, landowners)*
- Property Restrictions & Conflicting Uses
- Neighbors and Local Concerns
  - Negatives
  - Positives

Local concerns can manifest during public meetings, comment periods or in private lawsuits.
Priority Permitting Considerations

Wildlife Protection

- Greater Sage Grouse Habitat *(evaluate early, revisit and study as needed)*
- ESA-Listed Species
- Eagle Conservation Planning (Nests and Use)
- Other Wildlife Concerns (raptors, other migratory birds, bats, native habitats, etc)
  - Land Based Wind Energy Guidelines
  - Early consultation is recommended

Even where not required, measures taken to address impacts to wildlife are a major consideration for the Wind Industry.

Start Field Studies Early!
Later Considerations for Permitting

Other Regulations & Resources

- Water Resources
  - Waters of the US (and State), Including Wetlands
    - Section 404: Nationwide Permits 12, 14, and 51
    - 401 Cert
  - Perennial Stream Crossings
  - Construction in Floodplains
  - Stormwater Construction Permits

- Cultural Resource Studies?

  *(possibly required earlier, depending on site characteristics and permits)*
Later Permitting Considerations

*Nearer to construction...*

- Open Cut Permit *(potentially substantial, but typically use existing permitted source)*
- Transportation Permit and Agreements *(MDT, County, City)*
- Building Permits
- Public Water Supply
- Septic System Review *(local)*
- Noxious Weed Control Plan *(local)*

Also important, but not discussed:
- FAA Hazard Determination
- Waste Disposal Plans
- Communication Impact Evaluations
- DOD Siting Review
Construction and Operation

*Permitting Is Not Entirely Over*

- Comply with conditions of leases, permits, plans and authorizations
  - Construction Monitoring
  - Post-Construction Monitoring
- Address unexpected or unacceptable impacts
- Implement mitigation
- Obtain carcass collection permits
- Prepare a decommissioning plan (12mo) and submit bond (15yr)

*Thank You For Your Time*