

Environmental Review

Tool Kit Guidance



Environmental Review

- o Montana Environmental Policy Act (MEPA)
- o Intends to avoid or mitigate adverse impacts on environment before a project is funded and approved
 - o Three levels specified in MEPA
 - o Statutory or Categorical Exemptions
 - o Environmental Assessment (EA)
 - o Environmental Impact Statement (EIS)
- o Other Environmental Law and Permits also apply
- o See *A Guide to the Montana Environmental Policy Act*, and *A Citizen's Guide to Public Participation in Environmental Decision-making*
 - o <http://leg.mt.gov/css/Services%20Division/Lepo/mepa/default.asp>



Statutory or Categorical Exemptions

- o **Certain actions qualify**
 - o Administrative actions
 - o Minor Repairs, operations, maintenance existing equipment or facilities
 - o Investigation, enforcement, data collections, inspection
 - o Ministerial actions (in which the agency exercises no discretion and rather acts upon a given state of facts in a prescribed manner);
 - o Social or economic actions and that do not affect the human environment;
 - o TSEP projects are NOT usually excluded

Environmental Assessment(EA)

- o Written analysis of proposed action to determine if EIS required
- o Environmental Checklist – examines and documents effects of proposed action on environment
- o Determine significance of impacts
- o Describe alternatives and proposed mitigation
- o Provides for public review – public disclosure and comment, amount of review should match project complexity and depth of environmental issues and public interest
- o If no significant impact, approve final EA
 - o An action taken by the grantee and documentation of final action
- o If significant impact, begin full EIS
- o Documentation of EA process must be provided to Commerce



Environmental Impact Statement

- o Required if EA determines significant adverse impacts to human environment
- o Specific requirements in law for content of draft and final EIS
- o Draft EIS must be provided to Governor, EQC, Commerce and all interested parties, minimum 30 days
- o Federal Agency involved? Joint EIS may apply
- o Wait 15 days after transmittal to above parties before making final decision on action

Supplemental Review

- o Final EA or EIS approval, project may begin with mitigation as determinations made in EA or EIS
- o Substantive Changes to the Scope of Project affecting the original EA – Additional or updated EA review will be necessary
- o If scope necessitates additional review, follow same process
- o TSEP will suspend payments or further progress until updates are completed



Other laws and permits

- o **Additional environmental laws may apply to your project**
 - o Please check other agencies' requirements and permit requirements
 - o Stream Protection Act (SPA 124 permit) – FWP
 - o Floodplain Management Act (floodplain permit) – DNRC or local
 - o Clean Water Act (404 Permit) – US Army Corps of Engineers
 - o Water Quality Act (318 Authorization) – DEQ
 - o Water Rights – DNRC
 - o Stormwater Discharge (MPDES Permit) – DEQ
 - o State Antiquities Act (Cultural Resources Survey) – SHPO
 - o Other

Questions?

See additional tool kit guidance on TSEP website at

<http://comdev.mt.gov/TSEP/tsepapplyingforgrants.mcp>

Call us, we are here to help

DOCTSEP@mt.gov

(406) 841-2770

