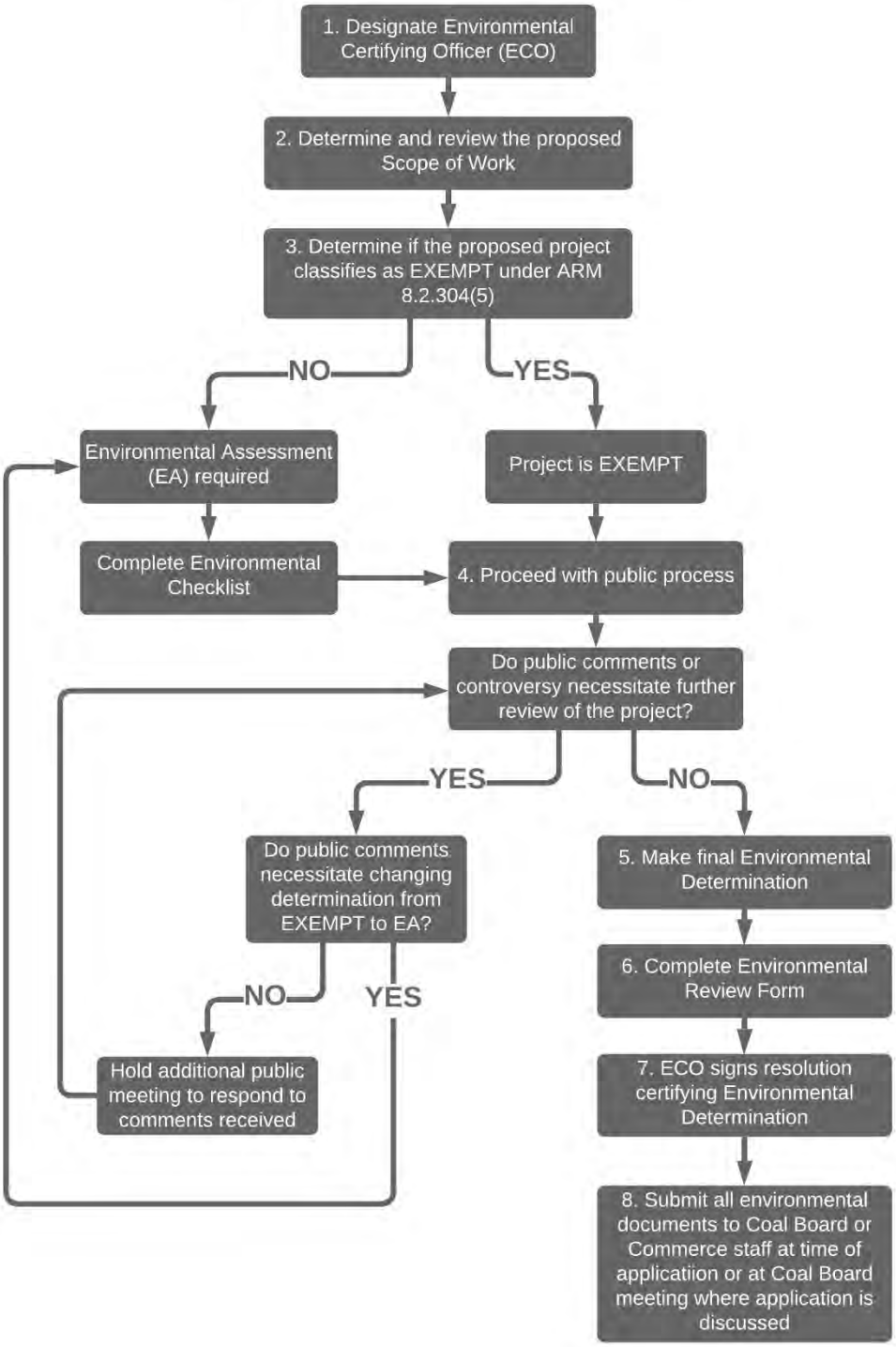
MONTANA COAL BOARD

Environmental Review Process Outline

For Exempt and Environmental Assessment Projects



Environmental Review Process

All applicants are required to complete an Environmental Review of the proposed project to comply with MEPA regulations. This document is intended as an overview of the process and walks through the steps of completing an Environmental Review under MEPA. Additional information and sample forms are available on the Commerce website under Montana Coal Board Grant Program at: https://comdev.mt.gov/Boards/Coal. The primary purpose of MEPA is to ensure environmental impact is fully considered for State funded projects and ensure the public has input. MEPA specifies 3 levels of Environmental Review depending on the scope of a project;

1) Exempt or excluded from MEPA Review,
2) Environmental Assessment,
3) Environmental Impact Statement.

Due to the nature of the project types, most Coal Board grant projects will fall under Exempt or Excluded. All applicants must follow the environmental review process to determine a finding level, discuss the project and finding level at a public meeting, and make a final determination. Projects seldom require an EIS, and if this level is anticipated it is recommended that applicants contact Commerce staff. The Environmental Review Process is outlined as follows:

1. Designate and Environmental Certifying Officer:

This individual will be responsible for ensuring the environmental review is completed and for signing the final environmental determination. For local governments this would be the Chief Executive Officer. An Authorized Representative may complete the Environmental Review process so long as the ECO signs all relevant documents.

2. Determine and review the proposed scope of work:

Clearly define the proposed scope of work for the proposed project and the activities involved, such as exterior repointing, climate or security systems installation, or roof replacement, etc. Consider the larger effects of the entire project, not just of the portion for which Coal Board funds would be directed. For example, an application for climate control systems for a museum expansion should consider the potential environmental impacts of the new construction. Identify any agencies or groups which may have a vested interest in the project or from whom any licenses or permits are required.

3. Determine if the project is considered Exempt from MEPA review under ARM 8.2.304(5):

Projects listed as statutorily or categorically exempt from MEPA review are not required to complete an Environmental Assessment and so do not need to complete the Environmental Checklist. If a typically exempt activity may cause significant public controversy related to its effect on the human environment or may affect sensitive cultural or environmental resources, proceeding with an EA is advised. Typical activities which are exempt under ARM 8.2.304(5) include:

- Administrative actions (routine clerical or similar functions, including but not limited to administrative procurement, contracts for consulting services, or personnel actions);
- Minor repairs, operations, and maintenance of existing equipment or facilities;
- Projects that involve only minor repairs or rehabilitation to an existing facility, including functional replacement of an existing facility or facility components;

Projects which are not listed as exempt under ARM 8.2.304(5) require an Environmental Assessment and the Environmental Checklist.

4. Proceed with the Public Process:

Public involvement is an important part of the environmental review process. All applicants must hold a public meeting regardless of the expected level of review. The meeting can be a stand-alone event or included on the agenda of another meeting such a Council or Board meeting, or public presentation about the proposed project. It is important the public is made aware or the meeting and has a reasonable opportunity to attend.

When advertising for a Public Meeting, applicants should follow their standard processes for engaging the public, should make efforts to ensure the public is made aware of the public meeting. Posting on Facebook, on the applicant's website, and placing ads in the local paper are all ways of ensuring the public is made aware of the meeting. Advertisements should include;

- A description of the project and reason for the meeting,
- The name the applicant,
- The time and location of the meeting,
- Be posted at least 48-72 hours in advance

Meetings should be held at a time and place that facilitates public participation. Holding the meeting at the proposed project site when feasible or at publicly assessible locations such as the library, City Hall, or County Courthouse is encouraged. During the meeting;

- Provide an overview of the proposed project, alternatives, and the preliminary environmental finding.
- Accept public comments regarding the project and environmental process.
- Respond to any comments which can be easily addressed within the meeting timeframe. Including a break within the meeting agenda to allow time to develop responses is suggested.
- Make a final environmental determination. If, after public comment, additional time to respond to comments is needed, or that an EA is needed, proceed accordingly and schedule a second public meeting.
- Take meeting minutes to record all comments and items discussed.

If comments cannot be easily addressed within the public meeting, allow time to respond to comments and schedule a second public meeting. Some public comments may lead to changes to the proposed project to mitigate adverse effects or improve the project. At this second meeting, respond to all comments from the previous meeting, and repeat the public process.

In some cases, a project which was initially thought to be Exempt will require completing an Environmental Assessment to fully address public comments and concerns. This typically happens when the preliminary determination is not in line with the full scope of the project, or when there is significant public controversy over the proposed project.

5. Make a Final Environmental Determination:

Once the Environmental process is complete and any relevant public comments addressed, make a final environmental determination of the proposed projects level of review. For MHPG projects the level will typically be Exempt or Environmental Assessment. If after completing an EA the project is likely to require preparing an Environmental Impact Statement, consult Commerce staff immediately. The need for an EIS is very unlikely with MHPG projects.

6. Complete the Environmental Review Form:

The Environmental Review Form will provide a summary of the proposed project, the environmental determination level, and detail the public process that was followed to arrive at the final determination. The form must be signed by the Environmental Certifying Official (ECO). An authorized representative may assist in completing the form and environmental review, in which case both the representative and ECO should sign the Environmental Review Form.

7. ECO signs resolution certifying the Environmental Determination:

In addition to the Environmental Review Form applicants must sign a resolution certifying the final Environmental Determination. The ECO must sign the resolution. Sample resolutions are available on the Coal Board Program website for both Exempt and Environmental Assessment determinations.

8. Submit all documents to the Coal Board at the time of application:

Submit completed Environmental Review to documents to the Coal Board. A complete environmental Review must include:

- Environmental Review Form,
- Resolution to Accept Determination,
- Documentation of public process including meeting minutes,
- Supporting environmental documentation and;
- Environmental Review Checklist - FOR ENVIRONMENTAL ASSESMENT PROJECTS ONLY