

# 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 MEPA is a problem solving tool
  - o First objective: full disclosure of all relevant facts
  - o Second objective: public participation



# Environmental Review

- 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/mepaforpublic.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
  - o MEPA public processes must still be followed
  - o NOTE: This is NOT an all inclusive list of possibilities

# MEPA Public Process

- o Opportunity to consider project components which may have an environmental impact
- o Public provides comments
- o Public hearing or meeting with adequate notice
- o Final determination/acceptance of finding level
- o Public legally still has 30 days from date of decision to challenge the determination

# 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

# Environmental

## Assessment(EA) cont.

- o If no significant impact, approve final EA
  - o An action taken by the grantee at public hearing or meeting 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 (EIS)

- 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

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



# 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 Sage Grouse Habitat Conservation Program & Strategy
  - o Other

# Questions?

See additional tool kit guidance on TSEP  
website at:

<http://comdev.mt.gov/Programs/TSEP/ProjectGrants/Admin/Toolkit>

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... we are here to help

