

Environmental Review



Tool Kit Guidance

Montana Environmental Policy Act (MEPA)

- **Intends to avoid or mitigate adverse impacts on environment before a project is funded and approved**
- **MEPA is a problem solving tool**
 - **First objective: full disclosure of all relevant facts**
 - **Second objective: public participation**



Levels of Review

- **Three levels specified in MEPA**
 - **Statutory or Categorical Exemptions**
 - **Environmental Assessment (EA)**
 - **Environmental Impact Statement (EIS)**
- **Other Environmental Law and Permits also apply**
- **See *A Guide to the Montana Environmental Policy Act*, and *A Citizen's Guide to Public Participation in Environmental Decision-making***
 - <http://leg.mt.gov/reference>



Statutory or Categorical Exemptions

- **Certain actions qualify**
 - Administrative actions
 - Minor Repairs, operations, maintenance existing equipment or facilities
 - Investigation, enforcement, data collections, inspection
 - Ministerial actions (in which the agency exercises no discretion and rather acts upon a given state of facts in a prescribed manner);
 - Social or economic actions and that do not affect the human environment;
 - MCEP projects are NOT usually excluded
 - MEPA public processes must still be followed
 - NOTE: This is NOT an all inclusive list of possibilities



Environmental Assessment (EA)

- **Written analysis of proposed action to determine if EIS required**
- **Environmental Checklist – examines and documents effects of proposed action on environment**
- **Determine significance of impacts**
- **Describe alternatives and proposed mitigation**
- **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)

- **If no significant impact, approve final EA**
 - **An action to approve final EA taken by the grantee at public hearing or meeting and documentation of final action**
- **If significant impact, begin full EIS**
- **Documentation of EA process must be provided to Commerce**



Public Process

- **Opportunity to consider project components which may have any environmental impact**
- **Offers the public a chance to provide comments or ask questions**
- **Public hearing or meeting with adequate notice**
- **Final determination/acceptance of finding level**
- **Public legally still has 30 days from date of decision to challenge the determination**



Environmental Impact Statement (EIS)

- **Required if analysis determines significant adverse impacts to human environment**
- **Specific requirements in law for content of draft and final EIS**
- **Draft EIS must be provided to Governor, EQC, Commerce and all interested parties, minimum 30 days**
- **Federal Agency involved? Joint EIS may apply**
- **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 - ARPA changes??**
- **If scope necessitates additional review, follow same process**
- **Reimbursements will be suspended until updated process completed**
- **Other funding sources may have additional steps to undertake to their processes**



Other laws and permits

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



Questions?

Additional guidance on website:

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