MEPA Overview and Preparing DNRC’s Environmental Checklist

Demi Blythe – MEPA Coordinator for DNRC
Conservation and Resource Development Division (CARDD)
March 16th, 2022
Why? How?
Why is this Necessary?

DNRC is required compliance with the Montana Environmental Policy Act (MEPA) per state law and associated DNRC Administrative Rules (MCA Title 75, Chapter 1; ARM 36.2.523).
Why is this Necessary?

DNRC requires compliance with the Montana Environmental Policy Act "says that Montana should continue to be a wonderful place to live and that development of its resources should be done in such a manner that quality of life will be assured to those who follow".
Why is this Necessary?

MEPA requires state agencies to prepare a detailed statement on any project, program, or activity directly undertaken by the agency; a project or activity supported through a contract, grant, subsidy, loan or other form of funding assistance from the agency; and a project or activity involving the issuance of a lease, permit, license, certificate, or other entitlement for use or permission by the agency (MCA Title 75, Chapter 1).
How?

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- A MEPA decision must be finalized by the DNRC before activities triggering environmental impacts start.
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- All projects with \textit{environmental impacts} are subject to MEPA review

- A MEPA decision must be finalized by the DNRC before activities triggering environmental impacts start.

- Projects cannot go to construction without the final decision notice.
How Does DNRC Use the Information?
Four Main Decision Memos DNRC Implements:

- **NO MEPA NEEDED – ACTIONS OF A SPECIAL NATURE & CATEGORICAL EXCLUSIONS**
- **EMERGENCIES**
- **ADOPTION – OTHER REGULATORY AGENCIES**
- **ENVIRONMENTAL ASSESSMENT**
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Categorical Exclusion (Cat Ex/CE): a class of actions that an agency has determined, after sufficient legal review, do not individually or cumulatively have a significant effect on the human environment and for which, therefore, neither an environmental assessment nor an environmental impact statement is normally required.
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Use the Information Provided in the Environmental Checklist to Help Determine if a CATEX is Applicable!!
Environmental Assessments (EA)

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## I. TYPE AND PURPOSE OF ACTION

A proposed action is a proposal by an agency to authorize, recommend, or implement an action to serve as identified need or solve a recognized problem. An adequate description of the proposed action includes a description of who is proposing the action; what action, specifically, is being proposed; where the action will occur; how the agency proposes to implement the proposed action; when the action will begin; the duration of the action; and why the agency is considering the proposed action.

The purpose and need include five general elements:

1. A description of the proposed action:
   a. Who?
   b. What?
   c. Where? (including maps and graphs)
   d. When?
   e. Why?

2. An explanation of the benefits and purpose of the proposed action

## II. PROJECT DEVELOPMENT

1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

   Provide a brief chronology of the scoping and ongoing involvement for this project. List number of individuals contacted, number of responses received, and newspapers in which notices were placed and for how long. Briefly summarize issues received from the public.

   a. An acknowledgment and explanation of the concerns and issues generated through public and agency comments
   b. Scoping is used to identify potentially significant issues that will need to be analyzed in depth and non-significant issues, which will likely be addressed only briefly in your NEPA document
   c. Response to comments
Environmental Assessments (EA)

III. IMPACTS ON THE PHYSICAL ENVIRONMENT

- **RESOURCES** potentially impacted are listed on the form, followed by common issues that would be considered.
- Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.
- Enter “NONE” if no impacts are identified or the resource is not present.

The affected environment describes those aspects of the existing environment that are relevant to the identified issues. The description of the affected environment should be concise but thorough. The description should emphasize those aspects of the human environment that are relevant to each identified issue. The description of the affected environment serves three purposes: (1) it provides a baseline from which to analyze and compare alternatives and their impacts; (2) it ensures that the agency has a clear understanding of the human environment that would be impacted by the proposed action; and (3) it provides the public with a frame of reference in which to evaluate the agency’s alternatives, including the proposed action.
How Will DNRC Use the Information Provided?

The information provided within the Environmental Checklist will be subject to a MEPA review by DNRC. If this review should result in an Environmental Assessment, please be aware that DNRC will draft the Environmental Assessment. The drafted Environmental Assessment decision will be posted for a public comment period of either two weeks or 30 days dependent on the level of environmental impact. Please note this public comment period does not suffice for the public participation component mentioned above. The MEPA document will then require a final decision by DNRC before funds are awarded.
Public Notices

Administrative Rules

Pursuant to statute, DNRC maintains a list of “interested persons” who are notified when the department proposes to amend or adopt its administrative rules. If you would like your organization to be on this list, please contact dnrc_publicinfo@mt.gov (attention ARM Rules Coordinator). Please provide your name, e-mail address, physical address, and the topics you wish to be notified of: conservation districts and resource development, forestry, oil and gas conservation, trust land management, and/or water resources, or designate All DNRC Rulemaking.

- Administrative Rules of Montana Website
- Montana DNRC Administrative Rules

MAR 36-22-212 (Proposed Adoption of New Rule I relating to the Categorical Exclusion of the State Revolving Fund Grant Issuance Under the Montana Environmental Policy Act)

Notice of Public Hearing on Proposed Adoption

Notice of Adoption of New Rule relating to Categorical Exclusion of the State Revolving Fund Grant Issuance Under the Montana Environmental Policy Act

How Do I?

Submit an Information Request
Find a publication or press release
Find a public meeting
Get wildfire updates
Get information on water rights
Find oil and gas data

Resources

Public Notices
State Land Board
DNRC Regional Offices
When is a Checklist **NOT** Needed?

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It is also important to note for projects with no environmental impacts, or those that **do not lead directly to construction or any other sort of environmental degradation**, will not be subject to an environmental assessment and the checklist/public participation **does not** need to be completed. Examples of these sorts of activities include, but are not limited to, development of a PER (professional engineering report), planning, and education/informational outreach. Please let us know if there are additional questions on what other projects may fall under this category.
Step-by-Step Instructions
Environmental Checklist Instructions

Purpose of This Document:
All applicants must consider the potential environmental impacts of their projects. Consideration of these impacts on the location, design, or construction actions may help avoid expensive costs. A project will not be eligible for funding if it results in significant environmental degradation.

DNRC requires compliance with the Montana Environmental Policy Act (MEPA) per state law and associated DNRC Administrative Rules (ARM 36.2.523). MEPA requires state agencies to prepare a detailed statement on any project, program, or activity directly undertaken by the agency; a project or activity supported through a contract, grant, subsidy, loan, or other form of funding assistance from the agency; and a project or activity involving the issuance of a lease, permit, license, certificate, or other entitlement for use or permission by the agency (MCA Title 75, Chapter 1). Thus, all project applications will be subject to MEPA review.
Environmental Checklist

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What Does This Mean for Applicants?

- All applicants must complete the Environmental Checklist in its entirety and provide sufficient documentation on public participation.
- Public participation, or scoping, of the project must include stakeholder, landowner, and community engagement. These efforts can be in the form of documented public meetings (e.g., meeting minutes, pdf presentations) or letters of support.
  - The public meeting must be properly noticed (advertised) and the public must be provided with an opportunity at the meeting to comment on the project.
  - Minutes of the meeting should reflect what was discussed about the project, including all comments received from the public.
  - Letters of support must be included from any identified or interested stakeholders.
- Please submit these items with your application.
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1. **Soil Suitability, Topographic and/or Geologic Constraints** (example: soil slump, steep slopes, subsidence, seismic activity)

   - No Impact
   - Beneficial
   - Adverse

   - Direct
   - Indirect
   - Cumulative

   - Permit
   - Mitigation
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   **Current Conditions:**
   **Preferred Alternative Environmental Narrative:**

1. **Impact Code:** In the first column, identify the impact that the preferred alternative will have on each resource (e.g. 1. Soil Suitability, Topographic and/or Geologic Constraints) in the project area. Select from the following impact codes:
   - No Impact: No impact to the resource is anticipated or this is not applicable to this project.
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- **Direct impacts:** Occur at the same time and place as the proposed project.
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[https://www.cleanwateraction.org/features/cumulative-impacts-pollution](https://www.cleanwateraction.org/features/cumulative-impacts-pollution)
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   - Please make sure to include which permits (if any) are required for the particular resource and what mitigation techniques will be used if impacts are to occur.
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</table>

### 3. Permits/Mitigation Required:

- Please select if a permit and/or mitigation is required for the project (e.g., 310, USACE Section 404 Nationwide).
  - Please make sure to include which permits (if any) are required for the particular resource and what mitigation techniques will be used if impacts are to occur.
If Applicable – Some Items to Consider → PERMITS/EASEMENTS

• Proof of Water Right

• DEQ-Specific Permits (i.e., MPDES, 318 Authorization – complete list found here: https://deq.mt.gov/Permitting)

• DOT Encroachment Permits (Utilities Permitting Administration System (UPAS) | Montana Department of Transportation (MDT) (mt.gov))

• Floodplain (FEMA) permit/consultation (complete list of Floodplain Administrators found here: Contacts — Montana DNRC (mt.gov))

• Wetlands – Nationwide Section 404/consultation of U.S. Army Corps of Engineers
If Applicable – Some Items to Consider ➔ Consultations/Comments

• Easements

• Endangered and/or Sensitive Species Consultation (i.e., comments from Montana Fish, Wildlife, and Parks and/or U.S. Fish and Wildlife Service)

• Historic or Archaeological Resources (i.e., Montana State Historic Preservation Office (SHPO), Tribal Historic Preservation Officer (THPO))
### Environmental Checklist

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1. Soil Suitability, Topographic and/or Geologic Constraints (example: soil slump, steep slopes, subsidence, seismic activity)

- [ ] No Impact
- [ ] Beneficial
- [ ] Adverse
- [ ] Direct
- [ ] Indirect
- [ ] Cumulative
- [ ] Permit
- [ ] Mitigation
- [ ] NA

**Current Conditions:**
Click or tap here to enter text.

**Preferred Alternative Environmental Narrative:**
Click or tap here to enter text.

4. **Explanation of Impact to Resource:** In the final column, use the space provided on the Environmental Checklist to summarize the following information:

- **Current Conditions**
  - Describe the current environmental resources of the affected area including the impact of no action. Your description of the current natural resources will provide a baseline to compare all alternatives and their associated environmental impacts.

- **Preferred Alternative Environmental Narrative:**
  - Describe the impact of the preferred alternative or indicate why there is no impact from the project.
  - Identify any reasonable cumulative impacts that may result from implementing the preferred alternative. Cumulative impacts are the collective impacts on the
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**Current Conditions:**
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**Preferred Alternative Environmental Narrative:**
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1. Soil Suitability, Topographic and/or Geologic Constraints (example: soil slump, steep slopes, subsidence, seismic activity)

- No Impact
- Beneficial
- Adverse
- Direct
- Indirect
- Cumulative
- Permit
- Mitigation
- NA

**Current Conditions:**
Click or tap here to enter text.

**Preferred Alternative Environmental Narrative:**
Click or tap here to enter text.

---

4. Explanation of Impact to Resource: In the final column, use the space provided on the Environmental Checklist to summarize the following information:

- **Current Conditions**

  - Identify any reasonable cumulative impacts that may result from implementing the preferred alternative. Cumulative impacts are the collective impacts on the environment when considered in conjunction with other past, present, and future actions related to the proposed project.
  - If a potentially adverse impact is identified for the preferred alternative, the applicant must provide the following:
    - An analysis of the severity, duration, extent, and frequency of the impact.
      - Please specify and describe the following:
        - **Severity:** negligible, minor, or major.
        - **Duration:** short-term or long-term.
        - **Extent:** local, regional, or statewide.
        - **Frequency:** non-recurring or recurring.
    - An explanation of short- and/or long-term measures to mitigate the impact with a discussion on the effects of those mitigative measures on the proposed project.
  - Identify any required permits.
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1. **Soil Suitability, Topographic and/or Geologic Constraints**

- No Impact
- Beneficial
- Adverse

#### Current Conditions:
- Click or tap here to enter text.

#### Preferred Alternative Environmental Narrative:
- Click or tap here to enter text.

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- Identify any required permits.
### 1. Soil Suitability, Topographic and/or Geologic Constraints (example: soil lump, steep slopes, subsidence, seismic activity)

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<td>No Impact</td>
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<tr>
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Land type descriptions are taken from soil survey on the Helena NF and MT NRCS [URL](http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm). The landtype primarily affected by the project activities is landtype 100, which consists of boroll soils occurring in floodplains and low terraces. Streambank protection and sediment stabilization are important management concerns on this landtype. Stream alterations within the project area from past agricultural practices led to simplification of the channel and loss of floodplain connectivity. Erosion and anthropogenic impacts are evident with non-native grasses/smooth brome-a large component of the plant community. This area has not been grazed in over 60 years, however past agricultural practices are still evident on the landscape. No other projects are proposed within this action area.

### Preferred Alternative Environmental Narrative:

Proposed actions such as the reconstruction of 0.7 miles of channel and approximately six acres of floodplain and wetland construction would improve stream and riparian condition by adding significant diversity and expanding the riparian corridor. These actions provide direct and indirect soil benefits with the immediate expected benefits to wetland areas and floodplain expansion. Adverse short term effects of disturbance arising from this project is expected to resolve after a relatively short period 5-10 years with an overall result of local soil improvements or an expansion and extent of riparian areas. This will be at the expense of a relatively small area of disturbed vegetation, which, with the influence of newly established hydro-vegetation. Other direct adverse impacts include construction activities such as displacement and rutting of soils on access roads with heavy equipment. Soil effects would be localized to the construction area, with construction from September-November. To mitigate impact, areas that have been impacted by project implementation would be disturbed and seeded. All temporary areas will be obliterated after use. Protecting and stockpiling of topsoil will be reused to improve soil recovery and revegetation. Mulching of areas with native slash, doff material is important to reduce erosion and help maintain microflora and reestablish soil cover. Areas of bare soil that are exposed over the winter should be put into "storage" by stockpiling and protecting from winter erosion control measures such as brooks, conservation practices, and application of erosion control fabric.
Example –
Beaver Creek Restoration Project

Preferred Alternative Environmental Narrative:

Proposed actions such as the reconstruction of 0.7 acres of floodplain and wetland areas, and the improvement of stream and riparian conditions by adding diversity and expanding the riparian corridor. They will directly and indirectly benefit the adjacent wetland areas and floodplain expansion. Direct impacts arising from this project are expected to be a relatively short period of 5-10 years with overall soil improvements or an expansion and extent of habitat. This will be at the expense of a relatively small area of disturbance, which, over time, will experience conversion to unforeseeable areas and newly established vegetation. Other direct adverse impacts include the displacement and rutting of soils on access roads and heavy equipment. Soil effects would be localized to the construction from September-November. To reduce impacts, design features and erosion control measures will be implemented in the project. Impacted areas will be decomposed, seeded, and/or revegetated. All impacted areas will be obliterated after use. Protecting or stockpiling soil to improve soil recovery and revegetation, areas with native slash, and hoof material is important. Microbial and reestablish soil cover. Areas of bare ground exposed over the winter should be put into "storax" material. Installation of erosion control measures such as biodegradable application or erosion control fabric.
1. Soil Suitability, Topographic and/or Geologic Constraints (example: soil lump, steep slopes, subsidence, seismic activity)

| No Impact | Beneficial | Direct | Indirect | Adverse | Cumulative |

Current Conditions:
Land type descriptions are taken from soil survey on the Helena NF and MT NRCS (http://websoilsurvey.nrcs.usda.gov/) 2001. The landtype primarily affected by the project activities is landtype 100, which consists of borelli soils occurring in floodplains and low terraces. Streambank protection and sediment stabilization are important management concerns on this landtype. Stream alterations within the project area from past agricultural practices have led to simplification of the channel and loss of floodplain connectivity. Grazing and anthropogenic impacts are evident with non-native grasses-smooth brome-a large component of the plant community. This area has not been grazed in over 60 years, however past agricultural practices are still evident on the landscape. No other projects are proposed within this action area.

Preferred Alternative Environmental Narrative:
Proposed actions such as the reconstruction of 0.7 miles of channel and approximately six acres of floodplain and wetland construction would improve stream and riparian condition by adding sinuosity and channel diversity and expanding the riparian corridor. These actions would have direct and indirect soil benefits with the immediate expansion of wetland areas and floodplain expansion. Adverse short-term soil disturbance arising from this project is expected to recover within a relatively short period 5-10 years with an overall result being long-term soil improvements or an expansion and extent of riparian/wetland soils. This will be at the expense of a relatively small area of upland soil disturbance, which will experience conversion to riparian/wetland soils over time with the influence of newly established hydrology and vegetation. Other direct adverse impacts include compaction, displacement and rutting of soils on access roads with mobilization of heavy equipment. Soil effects would be localized to the project area with construction from September-November. To mitigate these impacts design features and erosion control measures will be in place, reference full soils report (Torres, USFS 2019). Specifically, any areas that have been impacted by project implementation will be decompacted/seeded and/or revegetated. All temporary access routes will be obliterated after use. Protecting or stockpiling topsoil, should be reused to improve soil recovery and revegetation. Mulching disturbed areas with native slash, duff material is important to inoculate soil microbota and reestablish soil cover. Areas of bare soil that will be exposed over the winter should be put into "storage" with the installation of erosion control measures such as broadcast seed/mulch, application or erosion control fabric.
Summary
We’re Here to Help!

• Please fill out the checklist as **complete** as possible
We’re Here to Help!

- Please fill out the checklist as complete as possible
- If applicable, please contact necessary agencies with specialized experience
We’re Here to Help!

• Please fill out the checklist as complete as possible
• If applicable, please contact necessary agencies with specialized experience

• We can help you fill out a checklist!
We’re Here to Help!

• Please fill out the checklist as complete as possible
• If applicable, please contact necessary agencies with specialized experience
• We can help you fill out a checklist!

• Timelines so YOU are aware of what is happening on our end after we receive Checklist
Applicant submits checklist – either with application or after approval but prior to contracting
Applicant submits checklist – either with application or after approval but prior to contracting.

1) DNRC Grant Manager Review Checklist with MEPA Coordinator for Completeness.

2)
Environmental Checklist and DNRC MEPA Decision Notice - Timeline

1) Applicant submits checklist – either with application or after approval but prior to contracting.

2) DNRC Grant Manager Review Checklist with MEPA Coordinator for Completeness.

3) DNRC drafts relevant MEPA Decision Memo.
   (**This Decision Memo needs to have a final approval before going to construction!**)
Environmental Checklist and DNRC MEPA Decision Notice - Timeline

1) Applicant submits checklist – either with application or after approval but prior to contracting.

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3) DNRC drafts relevant MEPA Decision Memo. **This Decision Memo needs to have a final approval before going to bid and/or construction!**

- **NO MEPA NEEDED – ACTIONS OF A SPECIAL NATURE & CATEGORICAL EXCLUSIONS**
- **EMERGENCIES**
- **ADOPTION – OTHER REGULATORY AGENCIES**
- **ENVIRONMENTAL ASSESSMENT**

Going to bid and/or construction!**)
Environmental Checklist and DNRC MEPA Decision Notice - Timeline

1) Applicant submits checklist – either with application or after approval but prior to contracting.

2) DNRC Grant Manager Review Checklist with MEPA Coordinator for Completeness.

3) DNRC drafts relevant MEPA Decision Memo (**This Decision Memo needs to have a final approval before going to bid and/or construction!**)

4) DNRC Final MEPA Decision Memo (i.e., approved) – if EA, could be at minimum one month before Final Decision is complete - FYI.
Environmental Checklist and DNRC MEPA Decision Notice - Timeline

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4) DNRC Final MEPA Decision Memo (i.e., approved) – if EA, could be at minimum one month before Final Decision is complete - FYI.

5) Project is ready for construction!
Environmental Checklist and DNRC MEPA Decision Notice - Timeline

It is also important to note for projects with no environmental impacts, or those that do not lead directly to construction or any other sort of environmental degradation, will not be subject to an environmental assessment and the checklist/public participation does not need to be completed. Examples of these sorts of activities include, but are not limited to, development of a PER (professional engineering report), planning, and education/informational outreach. Please let us know if there are additional questions on what other projects may fall under this category.
Resources
Below is a list of electronic resources available for data gathering to aid in the development of the Environmental Checklist:

Abandoned Mines (DEQ): [https://deg.mt.gov/Land/abandonedmines/bluebook](https://deg.mt.gov/Land/abandonedmines/bluebook)


Air Quality
- Nonattainment Areas: [Plan and Rule Development | Montana DEQ (mt.gov)](https://www.deq.mt.gov/air/nonattainment/)


Census Information, MT Dept. of Commerce: [http://cec.mt.gov](http://cec.mt.gov)

Conservation Districts, MT: [http://macdnet.org/](http://macdnet.org/)

Cultural Records

DEQ data search tools: [Montana DEQ's GIS Portal (mt.gov)](https://www.deq.mt.gov/gis/)
- Including Clean Water Act Info Center, Hazardous Waste Handlers, Petroleum Release Fund Claims, Unpermitted Releases, Underground Storage Tanks, Source Water Protection

EPA Enforcement and Compliance History Online [http://ecos.epa.gov/](http://ecos.epa.gov/)


Fish (Also See Wildlife)
- Aquatic Invasive Species: [Montana FWP AIS Surveys Dashboard 2021 (arcgis.com)](https://www.mfwip.mt.gov/)

Floodplain Maps, FEMA: [https://msc.fema.gov/portal](https://msc.fema.gov/portal)

Geographic Information, Natural Resources Information System: [http://nris.mt.gov/gis](http://nris.mt.gov/gis)

Geologic Information - MBMG - Publications - Download Geologic Maps [mttech.edu](http://mttech.edu)

For any questions, please contact DNRC Grant Manager listed on grant application and/or agreement.
EXAMPLE DOCUMENTS

Please visit - Resources and Training — Montana DNRC (mt.gov) – here, you will find the following:

• Beaver Creek Environmental Checklist Example

• Example Environmental Assessment (to see how we use information provided in Checklist)

• Training Video – Steps Through Each ‘Resource’
Questions?

Thank you!

Demi Blythe
406-444-6619
Demitra.Blythe@mt.gov