

## DEQ MEPA Workgroup Meeting Group #4

April 29, 2024 | 3:00 – 4:30 pm | In-Person and Zoom  
Metcalf Building, room 111 (1520 E 6<sup>th</sup> Ave, Helena)

Zoom Registration: [https://mt-gov.zoom.us/webinar/register/WN\\_bzAD0cqVT1aicca7Und6Nw](https://mt-gov.zoom.us/webinar/register/WN_bzAD0cqVT1aicca7Und6Nw)

### 3:00-3:15 Welcome and Roll Call

- Updates from Director Dorrington (DEQ)
- Process Updates & Next Steps (DEQ)

### 3:15-4:15 Review and Discussion of Recommendations

- Presentation on the process of identifying challenges and developing recommendations within subtask groups. (Co-Leads)
- Facilitated discussion of draft recommendations. (Co-Leads)

#### Climate Analysis

- **Recommendation 1:** DEQ should draft an interim process that describes the steps to be taken to conduct a climate analysis under MEPA, and send it to EQC for review and to Legislators for rulemaking.
- **Recommendation 2:** DEQ should draft an interim study bill that would task the EQC to examine different climate analysis models, economic impacts, and a predictable Montana statutory framework that can be compatible with the outcome of the Montana Supreme Court's decision in the Held case.
- **Recommendation 3:** DEQ should use its discretion to establish a threshold of when a detailed climate analysis must be completed and consider specific factors in making this determination. Projects with low CO<sub>2</sub>e emissions could be eligible for a comprehensive Programmatic EIS and updated as needed. The detailed climate analysis must take into consideration the full life cycle of emissions from an agency action in order to take a "hard look" under MEPA.
- **Recommendation 4:** DEQ should use the Social Cost of Carbon (SCC) analysis tool to characterize and describe potential impacts. The analysis should also recognize and consider Montana-specific impacts that are not part of SCC.
- **Recommendation 5:** DEQ should examine its authority under permitting statutes to implement mitigation or prevention measures for climate impacts.

- **Recommendations 6:** During the interim period before Montana Supreme Court’s decision in the Held and the next Legislative Session, DEQ should follow the guidance currently proposed by [CEQ’s “National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change,”](#) adapting the guidance to fit the Montana statutory context.

### Process & Applicability

- **Recommendation 1:** There are inconsistencies in Montana Environmental Policy Act (MEPA) timelines and individual permitting timelines. There are opportunities to present legislation in the 2025 Legislative Session that provides one time only funds to hire a contractor to develop programmatic EAs for certain state actions.
- **Recommendation 2:** There are instances where the parameters and requirements for when categorical exclusions, programmatic environmental assessments, and environmental impact statements should be clarified under MEPA.
- **Recommendation 3:** Because there is a lack of understanding of MEPA’s core intent, there are opportunities to provide additional transparency in the existing act regarding its intent.
- **Recommendation 4:** There is a lack of clarity in some definitions within MEPA and there are opportunities to revisit and update some of those definitions.

### Public Engagement & Education

- **Recommendation 1:** DEQ should include with all initial public notices a brief overview of the anticipated public process and how/when the public will have an opportunity to engage.
- **Recommendation 2:** MEPA statute or rules should more clearly identify when and how public meetings shall occur for proposed projects while allowing for flexibility in the type of meeting required.
- **Recommendation 3:** DEQ should develop guidance on what makes something a substantive comment and why such comments are important for the decision-making process.
- **Recommendation 4:** DEQ should review its public notice mechanisms to ensure they are accessible and the agency is making good use of available tools and technology.
- **Recommendation 5:** There should be a review of the Environmental Quality Council’s resources to ensure EQC is able to follow through on responsibilities related to MEPA education.

### 4:15-4:30 Public Comment

- Review comments received through portal
- Call for in-person and online public comments

*Scan QR code with your phone’s camera to access meeting materials on DEQ’s website.*

