

DEQ MEPA Work Group – Subgroup on Public Engagement & Education
Draft Problem Statements – 3/4/2024

1. Robust Public Engagement

Montana’s Constitution affords all citizens robust rights to participate in their government’s decision-making and acknowledges the need to have access to information to perfect those rights. Implementing MEPA is a tool by which those constitutional rights are afforded, and **better is possible** in how adequate notice of decisions, access to information and documents, opportunities to comment are provided by DEQ.

Specifically:

- We are not making best use of available tools and technology in soliciting public engagement.
- We are not adequately communicating to the public the intent and purpose of MEPA and MEPA documents, as well as the intent and purpose of permitting statutes.
- We are not providing the public easily accessible and understandable explanation of MEPA and MEPA processes.
- We are not providing the public with information on public meeting requirements for different types of actions.
- It is unclear whether there are any changes needed in rule or statute to improve public engagement?
- Public meetings and comment processes provided through the MEPA process are inadequate and can be better structured to increase shared learning, facilitate more substantive comments, and decreasing public debate/fights.
- It is unclear what discretion agencies have for engaging the public and how it varies by agency and why?
- There is inadequate notice to the public on MEPA reviews and opportunity to comment.
- The public is unclear on how best to comment on a MEPA document to ensure their comments are as impactful as possible.

2. Education and Outreach

Most Montanans (i.e. members of the public, decision-makers, legislators) lack understanding of what MEPA is, what it does, what it requires, what it does not do or require, and how to be involved in decision making processes within the law. It is unclear currently whose role it is to provide that education (acknowledging that statute references EQC, but that EQC may have constraints in capacity).

Further, there is a lack of basic uniform training for the implementation of MEPA across state government agencies. This leads to mismatched applications of the same law depending on what agency is completing the analysis. Again, it is unclear whose role it is to provide that training (same situation as above with EQC).