45th Legislature

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1		A H BILL NO. 592
2	INTRODUCED	EY
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A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE MONTANA ENVIRONMENTAL POLICY ACT; SPECIFIING THE DUTIES OF THE GOVERNOR CONCEBNING ENVIRONMENTAL AFFAIRS; AMENDING SECTION 69-6504, R.C.H. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF BONTANA:

10 Section 1. Environmental affairs — duties of 11 governor. The governor shall:

- 12 (1) cooperate with the environmental quality council
 13 in reviewing the implementation of the environmental policy
 14 of the state:
 - (2) coordinate systematic, interagency analyses and reviews of the policies, programs, and activities of state government for the purpose of coordinating, integrating, and implementing a comprehensive and consistent environmental policy designed to accomplish the goals set forth in the Montana Environmental Policy Act;
- (3) be responsible for coordinating the environmental
 review of state agency decisions.
- 23 Section 2. Fravironmental impact statements. (1) All 24 agencies of the state shall include in every recommendation 25 or report on proposals for projects, programs, and other

- major actions of state government significantly affecting the quality of the human environment, a detailed environmental impact statement discussing:
- (a) the environmental impact of the proposed action;
- 5 (b) any adverse environmental effects which cannot be 6 avoided should the proposal be implemented:
- (c) alternatives to the proposed action;

- 6 (d) the relationship between local short-term uses of
 9 man's environment and the maintenance and enhancement of
 10 long-term productivity; and
- 11 (e) any irreversible and irretrievable commitments of 12 resources which would be involved in the proposed action 13 should it be implemented.
- 14 (2) Prior to making any detailed environmental impact
 15 statement, the responsible state official shall send a
 16 preliminary report to the governor and may include in this
 17 report a request for technical and other assistance in
 18 conducting the environmental review.
- 19 (3) The governor shall determine the need for
 20 interagency review of the proposal and shall coordinate the
 21 participation of the appropriate agencies having
 22 jurisdiction by law or special expertise over the
 23 environmental factors affected by the proposal.
- 24 (4) Each such consulted agency shall report to the 25 governor its findings on the impacts, if any, which the

proposed action may have on those factors over which the agency has jurisdiction and shall make recommendations based on those findings.

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- (5) The governor shall compile these reports and findings and shall make his own finding whether the proposal is compatible with the policies and goals of the Montana Environmental Policy Act. If the proposal is found to be incompatible therewith, the governor shall recommend for or against the proposal or shall recommend a modification of the proposal. This recommendation shall be based upon a consideration of the statutory authorizations and duties of the lead agency, the findings and recommendations of the consulted agencies, and the policies and goals of the Montana Environmental Policy Act. The governor shall then transmit these reports, findings, and recommendations to the lead agency.
- (6) Upon receipt of these reports, findings, and recommendations the responsible official shall compile a final environmental impact statement which shall include the findings made by the governor and the consulted agencies. Copies of such statement and the comments and views of the appropriate state, federal, and local agencies and of interested members of the public shall be made available to the environmental quality council, the governor, and the public and shall accompany the proposal through the existing

- agency review process.
- 2 (7) If the agency's final decision on the proposal is 3 in conflict with the recommendation of the governor, the 4 burden shall be on the agency to justify its decision based 5 on some other essential consideration of state policy.
- (8) If the proposal involves an application for a permit, license, or other entitlement from the lead agency and a consulted agency determines that the proposal will involve or lead to activities or impacts over which that 9 agency has regulatory authority, the report submitted to the 10 governor by the consulted agency shall include that finding 11 and a copy of all permit application forms which the 12 consulted agency will require the applicant to complete. The 13 governor shall report the findings to the applicant and transmit the appropriate application forms to him. It is the 15 responsibility of the applicant to contact the consulted 16 agency and to apply for the necessary persits or licenses. 17 Any environmental review which is found to be necessary for 18 the granting of such additional permits and licenses shall 19 be coordinated with the lead agency's environmental review 20 and the governor shall send his rejects, findings, and 21 recommendations to all consulted agencies with permit 22 responsibilities. All such agencies shall jointly prepare 23 and circulate the final environmental impact statement, and 24 each such agency shall bear the burden of justifying any 25

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- final decision which conflicts with the recommendations of the qovernor.
- 3 Section 3. Section 69-6504, B.C.B. 1947, is amended to read as follows:
- 5 w69-6504. General directions to state agencies. The 6 legislative—assembly legislature authorizes and directs that, to the fullest extent possible—:
- 8 (a) The policies, regulations, and laws of the state
 9 shall be interpreted and administered in accordance with the
 10 policies set forth in this act, and
 - (b) all agencies of the state shall:

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- (1) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment:
- (2) identify and develor methods and procedures, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations:
- (3)--inGlude--in--every--redommendation--er--report--on

 proposals--fer--projectsy--programs,--logiclation--and-other

 major-actions-of-otate--government--significantly--affecting

 the--quality--of-the-human-environmenty--a-detailed-statement

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2	(i) -the onvironmental impact of the proposed action,
3	(ii) any adverse environmental effects which cannot be
4	avoided-should-tho-proposal-be-implemented,
5	(iii) alternatives to the proposed action,
6	(i7) - the relationship between local-short term uses of
7	mants-cavisonment-and-themaintenanceandenhancementof
8	long-term-productivity, and
9	(7) -any irreversible and irretrievable cossituents of
10	resources which would be involved in the proposed action
11	should-it-be-implemented.
12	Prior-to-making-any-detailed-statementy-the-responsible
13	state-official-shall-consult-with-and-obtain-the-consents-of
14	any-state-agency-shich-has-jurisdiction-by-law-or-special
15	expectise-with-respect to any environmental-impact involved.
16	Gopies-of-sush-statement-and-the-somments-and-tievsofthe
17	appropriatestate,federal,and-less1-agensies,-which-are
18	authorised-to-develop-and-caforceenvironmentalstandards,
19	shall-be-sade-available-to-the-governor, the-savireascatal
20	quality-council and to the public, and chall accompany the
21	proposal-through-the-oristing-agoney-review-processes.
22	44 31 study, develop, and describe appropriate
23	alternatives to recommend courses of action in any proposal
24	which involves unresolved conflicts concerning alternative

uses of available resources;

1 45) (4) recognize the national and long-range character 2 of environmental problems and, where consistent with the policies of the state, lend appropriate support to 3 initiatives, resolutions, and programs designed to maximize national co-operation in anticipating and preventing a decline in the quality of mankind's world environment: 7 (6) (5) make available to counties, municipalities, institutions, and individuals, advice and information useful in restoring, waintaining, and enhancing the quality of the 10 environment; (7) (6) imitiate and utilize ecological information in 11 12 the planning and development of resource-oriented projects; 13 and 14 (8) (7) assist the environmental quality council 15 established by section-8-[69-6508] of this act."

-End-

STATE OF MONTANA

REQUEST	NO.	411-77

FISCAL NOTE

Form	BD-	1	5
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compliance with a written request received February 8 , 19 77 , there is hereby submitted a Fiscal Note
House Bill 592 pursuant to Chapter 53, Laws of Montana, 1965 · Thirty-Ninth Legislative Assembly.
ackground information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members
f the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 592 amends the Environmental Policy Act to specify the duties of the Governor concerning environmental affairs.

ASSUMPTIONS:

- 1. Prior to making any detailed environmental impact statement, agencies will send a preliminary report to the Governor for review and the Governor shall coordinate the participation of agencies having jurisdiction over the environmental factors affected by the proposal.
- 2. The Governor will review all these reports and findings to make sure they are compatible with the policies and goals of the Montana Environmental Policy Act. These findings will then be transmitted to the lead agency.
- 3. The lead agency will write the impact statement and the Governor's Office will coordinate all permits and applications required, and accompany the proposal through the review process.
- 4. State agencies prepared 35 environmental impact statements in FY 76 and reviewed approximately 130 proposals. If the Governor's Office were to have to review and make recommendations on all proposals and statements, at least five (5) additional full-time staff would be necessary.

FISCAL IMPACT:

	<u>FY 78</u>	<u>FY 79</u>
Personal services	\$ 82,490	\$ 84,428
Operating expenses	20,000	20,000
Equipment	5,000_	0
Total additional cost of proposed legisla	ation <u>\$107,490</u>	<u>\$104,428</u>

Office of Budget and Program Planning

Date: 2-14-77

Approved by Committee on Natural Resources

1 H BILL NO. 592
2 INTRODUCED BY WILL
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A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE MOSTANA
5 ENVIRONMENTAL POLICY ACT; SPECIFYING THE DUTIES OF THE
6 GOVERNOR CONCERNING ENVIRONMENTAL AFFAIRS; AMENDING SECTION

7 69-6504, R.C.M. 1947."

8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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- 12 (1) cooperate with the environmental quality council
 13 in reviewing the implementation of the environmental policy
 14 of the state;
- 15 (2) coordinate systematic, interagency analyses and
 16 reviews of the policies, programs, and activities of state
 17 government for the purpose of coordinating, integrating, and
 18 implementing a comprehensive and consistent environmental
 19 policy designed to accomplish the goals set forth in the
 20 Montana Environmental Policy Act:
- (3) be responsible for coordinating the environmental
 review of state agency decisions.
- 23 Section 2. Frwironmental impact statements. (1) All
 24 agencies of the state shall include in every recommendation
 25 or report on proposals for projects, programs, and other

- major actions of state government significantly affecting
 the quality of the human environment, a detailed
 environmental impact statement discussing:
- (a) the environmental impact of the proposed action:
- 5 (b) any adverse environmental effects which cannot be 6 avoided should the proposal be implemented:
- 7 (c) alternatives to the proposed action:
- 8 (d) the relationship between local short-term uses of 9 man's environment and the maintenance and enhancement of long-term productivity; and
- 11 (e) any irreversible and irretrievable commitments of 12 rescurces which would be involved in the proposed action 13 should it be implemented.
- 14 (2) Prior to making any detailed environmental impact
 15 statement, the responsible state official shall send a
 16 preliminary report to the governor and may include in this
 17 report a request for technical and other assistance in
 18 conducting the environmental review.
- 19 (3) The governor shall determine the need for
 20 interagency review of the proposal and shall coordinate the
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 23 environmental factors affected by the proposal.
- 24 (4) Fach such consulted agency shall report to the 25 governor its findings on the impacts, if any, which the

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proposed action may have on those factors over which the agency has jurisdiction and shall make recommendations based on those findings.

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- (5) The governor shall compile these reports and findings and shall make his own finding whether the proposal is compatible with the policies and goals of the Montana Environmental Policy Act. If the proposal is found to be incompatible therewith, the governor shall recommend for or against the proposal or shall recommend a modification of the proposal. This recommendation shall be based upon a consideration of the statutory authorizations and duties of the lead agency, the findings and recommendations of the consulted agencies, and the policies and goals of the Montana Environmental Policy Act. The governor shall then transmit these reports, findings, and recommendations to the lead agency.
- (6) Upon receift of these reports, findings, and recommendations the responsible official shall compile a final environmental impact statement which shall include the findings made by the governor and the consulted agencies. Copies of such statement and the comments and views of the appropriate state, federal, and local agencies and of interested members of the public shall be made available to the environmental quality council, the governor, and the public and shall accompany the proposal through the existing

agency review process.

- 2 (7) If the agency's final decision on the proposal is
 3 in conflict with the recommendation of the governor, the
 4 burden shall be on the agency to justify its decision based
 5 on some other essential consideration of state policy.
- (8) If the proposal involves an application for a 7 permit, license, or other entitlement from the lead agency and a consulted agency determines that the proposal will involve or lead to activities or impacts over which that agency has regulatory authority, the report submitted to the 10 governor by the consulted agency shall include that finding 11 and a copy of all permit application forms which the 12 13 consulted agency will require the applicant to complete. The governor shall report the findings to the applicant and 14 transmit the appropriate application forms to him. It is the 15 16 responsibility of the applicant to contact the consulted agency and to apply for the necessary permits or licenses. 17 18 Any environmental review which is found to be necessary for the granting of such additional permits and licenses shall 19 be coordinated with the lead agency's environmental review 20 and the governor shall send his rejerts, findings, and 21 recommendations to all consulted agencies with permit 22 23 responsibilities. All such agencies shall jointly prepare 24 and circulate the final environmental impact statement, and each such agency shall bear the burden of justifying any 25

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1 final decision which conflicts with the recommendations of 2 the governor.

3 Section 3. Section 69-6504, B.C.M. 1947, is amended to 4 read as follows:

5 "69-6504. General directions to state agencies. The 6 legislative—assembly legislature authorizes and directs 7 that, to the fullest extent possible.

- 8 (a) The policies, regulations, and laws of the state
 9 shall be interpreted and administered in accordance with the
 10 policies set forth in this act, and
- 11 (b) all agencies of the state shall;

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- (1) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment;
- (2) identify and develop methods and procedures, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations;
- 22 (3) -include-in-svery-redemendation-cz report-en
 23 proposals-fer-projects, -programm, legislation-and-other
 24 major-actions of state-government-significantly affecting
 25 the quality-of-the human environment, a detailed-statement

1 2 (i) -- the -environmental -impact - of the -proposed -action, 3 (ii) -- any adverge cavirossental offects which cased he avoided-chowld-the-proposal-be-implemented, (iii) -- alternatives-to-the-proposed-action, (iv) -- the relationship betreen local-short-term wase of san's-caviconsest-asd-the--saintenasse--asd--eshancesest--of long-term-productivity--and 9 (T) -- en 7 -- irreversible-and-irretrievable-consiteents-of 10 reserross which would be involved in the proposed action 11 should-it-be-implemented-12 13

Prior to making any detailed statement, the responsible state of icial shall consult with and obtain the sensests of any state—agency—which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the consents and views—of the appropriate—state,—foderaly—and local agencies, which are authorized to develop and enforce—environmental standards, shall—be—made available to the governor, the environmental quality—secuncil and to the public, and chall—accompany—the proposal-through the existing agency review processes,

alternatives to recommend courses of action in any proposal
which involves unresolved conflicts concerning alternative
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(4) (3) study, develop, and describe appropriate

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1 (5) (4) recognize the national and long-range character 2 of environmental problems and, where consistent with the 3 policies of the state, lend appropriate support to 4 initiatives, resolutions, and programs designed to maximize 5 national co-operation in anticipating and preventing a 6 decline in the quality of mankind's world environment; 7 (6) (5) make available to counties, sumicipalities, 8 institutions, and individuals, advice and information useful 9 in restoring, maintaining, and enhancing the quality of the 10 environment; 11 (7) (6) initiate and utilize ecological information in 12 the planning and development of resource-oriented projects; 13 and 14 (8) (7) assist the environmental quality council 15 established by section 8-[69-6508] of this act."

-End-

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1		A.H. BILL BO. 592
2	INTRODUCED BY	
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A BILL FOR AN ACT ENTITLED: "AB ACT TO AMEND THE MONTANA ENVIRONMENTAL POLICY ACT: SPECIFIES THE DUTIES OF THE GOVERNOR CONCERNING ENVIRONMENTAL AFFAIRS: ANEXDING SECTION 69-6504, R.C.B. 1947."

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- 10 Section 1. Environmental affairs -- duties of governor. The governor shall: 11
- (1) cooperate with the environmental, quality council 12 13 in reviewing the implementation of the environmental policy 14 of the state:
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 - (c) alternatives to the proposed action:

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- (d) the relationship between local short-term uses of man's environment and the maintenance and enhancement of 10 long-term productivity; and
- 11 (e) any irreversible and irretrievable commitments of resources which would be involved in the proposed action 13 should it be implemented.
 - (2) Prior to making any detailed environmental impact statement, the responsible state official shall send a preliminary report to the governor and may include in this report a request for technical and other assistance in conducting the environmental review.
- 19 (3) The governor shall determine the need for 20 interagency review of the proposal and shall coordinate the 21 participation of the appropriate agencies having 22 jurisdiction by law or special expertise over the environmental factors affected by the proposal. 23
- 24 (4) Each such consulted agency shall report to the governor its findings on the impacts, if any, which the

proposed action may have on those factors over which the agency has jurisdiction and shall make recommendations based on those findings.

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- 4 (5) The governor shall compile these reports and 5 findings and shall make his own finding whether the proposal 6 is compatible with the policies and goals of the Montana 7 Environmental Policy Act. If the proposal is found to be incompatible therewith, the governor shall recommend for or 9 against the proposal or shall recommend a modification of the proposal. This recommendation shall be based upon a 10 11 consideration of the statutory authorizations and duties of 12 the lead agency, the findings and recommendations of the consulted agencies, and the policies and goals of the 13 Montana Environmental Policy Act. The governor shal' then 14 15 transmit these reports, findings, and recommendations to the 16 lead agency.
 - (6) Upon receipt of these reports, findings, and recommendations the responsible official shall compile a final environmental impact statement which shall include the findings made by the governor and the consulted agencies. Copies of such statement and the comments and views of the appropriate state, federal, and Iccal agencies and of interested members of the public shall be made available to the environmental quality council, the governor, and the public and shall accompany the proposal through the existing

- agency review process.
- 2 (7) If the agency's final decision on the proposal is 3 in conflict with the recommendation of the governor, the 4 burden shall be on the agency to justify its decision based 5 on some other essential consideration of state policy.
- 6 (8) If the proposal involves an application for a permit, license, or other entitlement from the lead agency and a consulted agency determines that the proposal will involve or lead to activities or impacts over which that 10 agency has regulatory authority, the report submitted to the 11 governor by the consulted agency shall include that finding and a copy of all permit application forms which the 12 13 consulted agency will require the applicant to complete. The 14 governor shall report the findings to the applicant and 15 transmit the appropriate application forms to him. It is the 16 responsibility of the applicant to contact the consulted 17 agency and to apply for the necessary permits or licenses. 18 Any environmental review which is found to be necessary for the granting of such additional permits and licenses shall 19 be coordinated with the lead agency's environmental review 20 21 and the governor shall send his reports, findings, and 22 recommendations to all consulted agencies with permit 23 responsibilities. All such agencies shall jointly prepare 24 and circulate the final environmental impact statement, and each such agency shall bear the burden of justifying any 25

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- 5 **69-650%. General directions to state agencies. The 6 logislative—assembly <u>legislature</u> authorizes and directs 7 that, to the fullest extent possible+:
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 - (b) all agencies of the state shall;

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- 12 (1) utilize a systematic, interdisciplinary approach
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7	#48 ¹ 6-027ironsont-ani-thenaintenanceanienhancement
8	long-term-productivity,-and
9	(7) enqinveroratble-and-invetrierable-considerate-e
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-End-

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