

STATE-LOCAL INFRASTRUCTURE PARTNERSHIP ACT ENVIRONMENTAL REVIEW CATEGORIAL EXCLUSIONS

Projects that are awarded SLIPA funds may be subject to the requirements of the Montana Environmental Policy Act (“MEPA”). All Grantees must complete and submit to Commerce the SLIPA Environmental Review Form and identify whether the proposed project meets the criteria for a categorical exclusion. Proposed projects that do not meet a categorical exclusion must complete additional environmental review as required by MEPA. Appropriate MEPA documentation must be submitted to Commerce to receive reimbursements.

MEPA specifies three different levels of environmental review, based on the significance of the potential impacts. The levels are: (1) exempt or excluded from MEPA review; (2) environmental assessment (“EA”), and (3) environmental impact statement (“EIS”).

The Department’s categorical exclusions are established by Admin. R. Mont. 8.2.328(2). The following actions relevant to SLIPA **may meet the criteria** for categorical exclusions and will not normally require preparation of either an environmental assessment or an environmental impact statement for submission to Commerce:

- (1) Projects that involve only minor repairs or rehabilitation to an existing facility, including functional replacement of an existing facility or facility components;
- (2) Projects where the footprint of the proposed structures, pipelines, or other infrastructure would be substantially unchanged from existing conditions, and there is no increase in the population served by the facility;
- (3) Projects relating to existing infrastructure systems such as sewer systems, drinking water supply systems, and stormwater systems, including combined sewer overflow systems that involve:
 - (i) minor upgrading;
 - (ii) minor expansion of system capacity;
 - (iii) rehabilitation (including functional replacement) of the existing system and system components. *See* Mont. Admin. R. 8.2.328(2).

Above projects **are not eligible** for a categorical exclusion for any of the reasons established by Admin. R. Mont. 8.2.328(3), including if:

1. The proposed project involves substantial public controversy over the project's potential effect on the quality of the human environment;
2. The proposed project might have a significant effect on the quality of the human environment;
or;
3. The proposed project might affect sensitive environmental or cultural resource areas or endangered or threatened species and their critical habitats. *See* A.R.M 8.2.328(3).

