

*mailed to
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SEPTEMBER 29, 1976

MONTANA ENVIRONMENTAL POLICY PLANNING PROCESS

Background

For the past several months, the Environmental Quality Council and staff have been exploring the problems of state agency implementation of the Montana Environmental Policy Act (MEPA). We have discovered that, while many agencies have developed procedures for preparing environmental impact statements (EISs) to accompany their actions, those procedures have had widely varying degrees of effectiveness. A more fundamental problem is that EISs have served, for the most part, as descriptive documents with little substantive impact on policy or decision making. Furthermore, little progress has been made in developing mechanisms and procedures whereby unquantified and previously slighted environmental values can be given appropriate consideration. Nor has there been much progress in coordination of agency programs. In short, the policies of MEPA have been neither internalized by agencies nor emphasized by the Governor as a focus of executive branch activity as required by MEPA.

There are several reasons for this failure. One is the inherent reluctance of any executive branch agency to modify its goals and policies, i.e., its mission, without explicit direction. Another is the failure of the Governor to provide leadership in defining and coordinating policy. Much more enthusiasm is devoted to creating jobs and stimulating economic development. Those are worthy goals and essential elements of state policy. But MEPA makes environmental quality equally important as an element of state policy, and requires that the nature of our economic development and the manner in which our economy is

stimulated be consistent with the policies and goals of MEPA.

The failure results as well from a reluctance on the part of the Legislature to be more specific in indicating how the goals of the Act are to be implemented. That reluctance, in turn, grows out of an uncertainty as to what the people want done to accomplish MEPA's goals, or indeed how those goals are perceived by the people.

We are all in favor of maintaining and enhancing the quality of our environment, but at what cost? And by what methods? And with what criteria is the environment's quality to be measured? The answers to such questions and the determination to go where the answers lead us may require fundamental reorientation of priorities in the allocation of scarce resources of land, energy and money. Such fundamental reorientation of the state's direction requires that the state's leaders be well informed as to the conditions and needs of the environment, the desires of the people for dealing with those needs, and the institutional structure available to implement those desires.

The Process

The Environmental Policy Planning Process would be designed to provide the information needed to answer such questions and make vigorous pursuit of environmental goals possible. There are at least three arenas in which the generation and exchange of information should be conducted:

I. The Physical Environment.

An analysis should be made of the components of the physical environment; how it works; how its various systems interact; what sorts of things endanger it or interfere with its proper functioning; what needs must be addressed; what

is possible. Montana's scientific and academic resources should be mobilized to present this sort of information to the public and to the government so that those who set goals and policies will be aware of the physical constraints imposed by the environment.

In addition, the present state of the environment must be described and monitored so that we can identify the stresses which exist now. Continuation of the EQC Indicators Project is central to this effort. We must identify information needs and coordinate environmental monitoring in order to produce a comprehensive inventory of the state's environmental resources. Such monitoring is necessary not only to identify the most serious problems requiring priority treatment, but also to measure the effectiveness of our actions.

II. The Human Environment.

Communication with the people of Montana must be fostered in two directions. First, the people must be made aware, and kept aware, of the nature of the problem, as identified through the efforts described above. This is a primary function of environmental impact statements on a project-specific level. Analogous efforts must be made to provide the people with an overview.

Secondly, the policy makers in the legislative and executive branches must be made aware, and kept aware, of the thinking of the people. How do they perceive environmental problems? What sort of environment do they want? What other goals do the people have and how do they complement or conflict with environmental goals? What are their priorities? What would they like to see done? A series of public hearings throughout the state would be a valuable way to focus the public's attention on these matters and to stimulate the needed communication and participation.

III. The Institutional Setting.

The needs of the environment must be addressed and the goals of the people achieved through the agencies of government and other institutions. The structure and functioning of those institutions must be analyzed to understand the mechanisms through which institutional actions affect the environment. Once goals are identified, these institutions must be mobilized to accomplish such goals, so a thorough understanding of the workings of government as it relates to the environment will be essential to making the necessary adjustments.

To achieve these objectives, the Planning Process would include the following elements:

1. A statewide survey of Montana's citizens to identify their perceptions, priorities and preferences.
2. A series of public hearings throughout the state to focus public attention on the issues, and to establish the beginnings of a concensus which can be communicated to government decision makers.
3. An interim report based on (1) and (2).
4. A physical inventory of the environment should be initiated and an analysis made of existing environmental stresses. This process should begin as soon as possible, drawing on expertise from the University System and from government agencies.
5. An analysis of the legal and administrative structure should be made. The Environmental Index will provide the format for this effort.
6. A draft Environmental Policy and Implementation Plan should be presented in EQC's Sixth Annual Report in early 1978. This draft will present findings from the poll, the hearings, and the physical and institutional analyses

and inventories, and will recommend a series of policies and goals for Montana, with suggested methods of implementation.

7. A further series of hearings and consultations with technical and scientific experts and government personnel to refine these recommendations.
8. Based on all the above, a final report containing a set of specific legislative recommendations will be presented to the Council in the fall of 1978 for approval and submission to the 1979 Legislative Assembly. This final report would set forth a comprehensive state policy for the environment with goals and priorities expressed as explicitly as possible, providing directions to the Governor and the executive agencies for implementing and coordinating policy.

PROPOSED BUDGET

MONTANA ENVIRONMENTAL POLICY PLANNING PROCESS

	<u>FY78</u>	<u>FY79</u>
Salaries		
Project Coordinator	14,500	15,370
Employee Benefits (15%)	<u>2,175</u>	<u>2,306</u>
Total	<u>16,675</u>	<u>17,676</u>
Research Assistant	12,500	13,250
Employee Benefits (15%)	<u>1,875</u>	<u>1,987</u>
Total	<u>14,375</u>	<u>15,237</u>
Total Salaries & Benefits	<u>31,050</u>	<u>32,913</u>
Contracted Services	20,000	25,000
Travel & Expenses	8,500	15,000
Printing	20,000	30,000
Miscellaneous	<u>3,000</u>	<u>3,500</u>
	\$ <u>82,550</u>	\$ <u>106,413</u>

PROPOSED WORK PLAN

1977

1978

1979

J A S O N D J F M A M J J A S O N D J F M A M J

SURVEY

HEARINGS (GOALS)

INTERIM REPORT

INVENTORY

INDICATORS

INDEX

DRAFT REPORT

HEARINGS

FINAL REPORT

PUBLIC WORKSHOPS

BILL DRAFTING

LEGISLATIVE ASSISTANCE

REVIEW LEGISLATIVE ACTION

PUBLISH PLAN & PROGRAM

AN ACT DIRECTING THE ENVIRONMENTAL QUALITY COUNCIL TO CONDUCT AN ENVIRONMENTAL POLICY PLANNING AND LEGISLATION STUDY; PROVIDING AN APPROPRIATION FOR SUCH STUDY; PROVIDING EFFECTIVE AND TERMINATION DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Statement of Policy. The Legislature recognizes the need to coordinate state policies and programs for the purpose of accomplishing the goals set forth in the Montana Environmental Policy Act (69-6501 et seq., R.C.M. 1947), and the need to develop a clear statement of goals and objectives for the environment so that considerations of environmental quality will receive equal weight with economic, technical, and social considerations in government decision making.

Section 2. Definitions. As used in this act unless the context requires otherwise:

(1) "Council" means the Environmental Quality Council established by 69-6508, R.C.M. 1947.

(2) "Director" means the Executive Director of the Environmental Quality Council.

Section 3. Duties and Responsibilities of the Council and Director. Under the Council's direction, the Director shall develop and implement a program to study environmental problems and develop a comprehensive statewide environmental policy and planning process for Montana. The Director shall:

(1) Within one year of the effective date of this act, conduct a series of opinion surveys and public hearings throughout the state to identify the

opinions and priorities of the people, to focus public attention on environmental issues, and to encourage public participation in the environmental policy formulation process.

(2) Encourage research and studies in ecology and develop methods for integrating the results of such research into government policy making.

(3) Initiate a comprehensive inventory of Montana's physical environment and an appraisal of environmental stresses, and develop methods for integrating the results of such inventories into government policy making.

(4) Conduct a comprehensive analysis of existing laws, regulations, policies and programs relating to or having impact on the environment.

(5) Within one year of the effective date of this act, submit a draft report to the Council setting forth the findings of the foregoing activities, and recommendations for policies, goals and methods of implementation. This draft report shall include, but not be limited to:

- (a) environmental goals for the state;
- (b) policies for critical areas and other environmental values of statewide importance;
- (c) policies to abate pollution and enhance environmental health;
- (d) policies for management of the state's natural resources;
- (e) policies for environmentally sensitive growth, development and planning;
- (f) mechanisms for policy coordination and implementation;
- (g) provisions for a land use and resource information system; and
- (h) provisions for technical assistance to county and local governments for environmentally sensitive planning and development.

(6) Submit a final report to the Council for approval and presentation to the 1979 legislative assembly. The final report shall contain specific legislative recommendations for implementation of the environmental planning process.

(7) Take or initiate any other lawful actions consistent with the purposes of this act.

(8) In all of the above, consult with and obtain the cooperation of the state's scientific, academic and technical communities, agencies of the state, local and federal government, and public and private groups and individuals.

Section 4. Commission on Environmental Quality. The Governor shall direct the Commission on Environmental Quality to cooperate with the Council and Director, and to coordinate the efforts of the executive branch in achieving the purposes of this act.

Section 5. Appropriation. The following moneys are appropriated to the Environmental Quality Council for the biennium ending June 30, 1979 for the purposes set forth in this act:

Fiscal Year Ending <u>6/30/78</u>	Fiscal Year Ending <u>6/30/79</u>
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From the General Fund:

From the Renewable Resources Development Fund:

This appropriation is in addition to any regular appropriation for the normal operations and activities of the Environmental Quality Council.

Section 6. Effective and Termination Dates. This act shall become effective upon passage and approval, and shall terminate July 1, 1979, unless further extended by law.