

# FISCAL NOTE

**Bill #:** SB0377

**Title:** Revise MEPA

**Primary  
Sponsor:** Duane Grimes

**Status:** Second Reading,

\_\_\_\_\_  
Sponsor signature Date

\_\_\_\_\_  
Chuck Swysgood, Budget Director Date

## Fiscal Summary

	<b><u>FY2002</u></b>	<b><u>FY2003</u></b>
	<b><u>Difference</u></b>	<b><u>Difference</u></b>
<b>Expenditures:</b>	0	0
<b>Revenue:</b>	0	0
<b>Net Impact on General Fund Balance:</b>	<b>0</b>	<b>0</b>

<b><u>Yes</u></b>	<b><u>No</u></b>		<b><u>Yes</u></b>	<b><u>No</u></b>	
	X	Significant Local Gov. Impact	X		Technical Concerns
	X	Included in the Executive Budget		X	Significant Long-Term Impacts
	X	Dedicated Revenue Form Attached	X		Family Impact Form Attached

## Fiscal Analysis

### ASSUMPTIONS:

#### **Department of Environmental Quality**

1. The definition of “environmental review” includes environmental assessments, environmental impact statements (EIS), and checklist environmental assessments that the agency currently does when reviewing, assessing and approving a permit application.
2. Once a complete application is received, all timeline provisions proposed in the bill are immediately triggered.
3. The project sponsor will also provide adequate information at the time the application is deemed complete according to the definition section of this bill. If the project sponsor fails to provide adequate information at

the time of submission of the complete application, or if additional information is identified in the course of conducting the assessments in order to adequately evaluate impacts and mitigation of the project, the department will request such information. If the project sponsor cannot respond within reasonable time frames to allow the agency to meet the statutory timeframes in this bill, the department will have to resort to engaging outside consultants to acquire this information and pass this cost on to the project sponsor.

4. Given the experience with completing EISs on complex and controversial projects, the costs of contracted services to hire multiple contractors to complete the project analysis in the proposed time frames could increase. The project sponsor will reimburse the agency for any additional contracted services that are necessary to complete the EIS within the time frames.
5. A project sponsor or applicant will pay the entire cost to complete an EIS within the proposed time frames, including costs above the fee limits set by MEPA because the department has historically signed a written fee agreement with project sponsors that allowed fees above the MEPA fee schedule limits.
6. Section 1(4) identifies time frames for completing environmental review documents and Section 1(5) authorizes the agency to extend the time limits by notifying the project sponsor on a one-time basis.
7. A project sponsor will request a meeting with the director on one EIS per year.
8. A project sponsor will submit a written request to appear before the Board of Environmental Review (BER) and appear before the BER only once per year.
9. The appearance mentioned in assumption #8 will occur during a regularly scheduled BER meeting.
10. Based upon historical experience with large complex EIS engagements, the department also assumes that with some of these projects, the department will lack adequate information to complete the EIS within the timeframes, even though it is assumed in #3 that the project sponsor will provide adequate information at the time the application is deemed complete. The number and costs of environmental reviews that are not completed within the mandated timelines are not quantifiable at this time.

TECHNICAL NOTES:

1. Certain permitting statutes administered by the Department of Environmental Quality provide more time to review a complete application than is provided by section 1(4) of SB 377 for preparation of the environmental review document.
2. Section 1(11), as amended, provides only for the tolling of the time deadline established in SB 377. Some of the permitting statutes also have time deadlines. SB 377 does not extend these deadlines and the agency may, therefore, not be able to utilize the extension provided for in Section 1(11).