

Make Your Comments Count

A All public comments are welcome, but some will help agencies do their jobs better than others. Remember, MEPA requires agencies to identify the environmental impacts of the proposal and determine their significance. General comments opposing or supporting a project may serve to express an opinion, but they are not helpful in identifying the potential impacts of the project. MEPA itself cannot be used to deny or condition a permit or other approval unless the project sponsor and the agency agree on certain mitigating conditions. The permitting and authorizing statutes and regulations for the proposal will determine whether or not the project will go forward. Potential impacts discovered as a result of the MEPA review may be relevant to the compliance requirements of other permitting and authorizing laws or rules that relate to the project. With the MEPA process, agencies are trying to learn if there are circumstances that have been overlooked, impacts that require further analysis, or assumptions or conclusions that you don't agree with.

Comments submitted in response to an environmental review document should be clear and concise regarding what statements in the report you believe are in error and why. If there are alternatives to the conclusions or assumptions that are made, please suggest them. Agencies are required to consider all substantive comments received in response to an EA and to consider and respond to all substantive comments received in response to an EIS.

What is a substantive comment? A substantive comment is one that is relevant to the specific project under consideration and one that raises a specific concern about the potential impacts of the project based on your knowledge or experience. "I'm concerned about water quality" may suffice for an initial scoping meeting on a project, but "My fifty-foot deep drinking water well is just one-quarter of a mile from the proposed mine tailings pond" is more likely to get a decisionmaker's attention, analysis, and response. "I don't want the landfill next door" may be a legitimate concern, but if the landfill permitting law and local land use planning and zoning ordinances will allow it, an agency could be in violation of state law if it denied the permit on that basis alone. MEPA's purpose to identify significant impacts on the human environment and make better decisions would be better served by comments like "there are two public schools and four child day-care centers along a high speed segment of the proposed haul road to the new landfill." An agency's specific permitting authorities may not address the concerns raised by this comment, but other existing authorities may. The project sponsor may be able to offer alternative solutions. Simply identifying a potential impact before taking an action is the first step in crafting a solution.

Public Participation and the Project Decision

C an MEPA be used to stop a project that you don't agree with? The short answer is "no" if the proposal is in compliance with all of the requirements for receiving the permit, license, or other authorization to proceed and if the agency has conducted an adequate MEPA review. However, MEPA requirements can result in agencies taking a careful look at a project before making a decision. Your comments ensure that agencies are identifying and analyzing the impacts that may result from the approval of the project and identifying the values that are important to you and others.

It is important to remember that MEPA is not a public vote on a project. However, public comments give agencies or a project proponent a better understanding of the public perception and acceptance of a project. Citizen concerns about environmental impacts or the acceptability of a proposal can result in voluntary or, in some cases, enforceable modifications or agreements that ultimately result in better projects. Public comments may result in the implementation of better alternatives than what were originally proposed. Public involvement can force decisionmakers and proponents to consider environmental impacts earlier in the planning of the project. Your comments can provide agencies with information that might not be available through other sources, and they may prevent oversight of other relevant legal considerations, including local ordinances, covenants, or easements. Public participation may show decisionmakers and legislators where there's a need for policy changes. Most importantly, your comments give you a voice in making decisions that affect you and your environment, and they can lead to better decisionmaking by state government.

More information about MEPA, including public participation, copies of the law, agency model rules, and an implementation handbook is available on the EQC website at:

<http://www.leg.state.mt.us/css/lepo/mepa> or <http://www.leg.state.mt.us/textonly/lepo/mepa>.

Project Environmental Review



Donnie Sexton/Travel Montana Paradise Valley

An environmental review is required when state government has been asked to approve a project or is planning a project that may have impacts on the human environment. The term "human environment" includes biological, physical, social, economic, cultural, and aesthetic components of Montana's environment. The impacts of the project may or may not be significant. The Montana Environmental Policy Act (MEPA) requires the agency to identify the impacts that this project may have on the environment and to prepare an environmental review document that analyzes the significance of those impacts. The document may take the form of an environmental assessment (EA) or it may be a more detailed environmental impact statement (EIS) or sometimes both. A decision will be made at the end of the review process after taking into consideration any substantive comments that are received on those projects that require public comment.

"The point of public involvement is that by adding the value-rich perspectives of the public to the information-rich perspectives of the experts, we can create wiser policies."

Adapted from Daniel Yankelovich
The Magic of Dialogue

Public Participation

Public participation is encouraged and, in some cases, formally required under MEPA rules to make certain that agencies consider and evaluate impacts that are important to you. You may have a specific expertise or valuable historic or local knowledge that could be very useful. The agency hopes that you will help it and the project applicant by providing information about this proposal and how you believe that it may impact the human environment.

There are several opportunities for groups, agencies, and individuals to become involved. The MEPA rules require agencies to solicit public comments before an EIS is prepared. Agencies may also solicit comments before preparing an EA. What do you think the scope of the environmental review should include? Do you have concerns about how the project will affect water quality, public safety, wildlife populations, growth, or economic development? Agencies may have their ideas, but they would like to hear what you think as well. You can provide oral or written statements at a public scoping meeting. You may also provide comments in response to written environmental review documents once they become available.



Donnie Sexton/Travel Montana Blackfoot River West of Lincoln

All environmental review documents are available for public review upon request. Agencies will provide opportunities for comment that may include a specific public comment period, public meetings, or public hearings for complex EAs and for all EISs. You may have your name placed on any mailing list that is developed for specific projects having significant interest to the public. Agencies' websites may also include access to current environmental review documents that are available for public comment. The Environmental Quality Council also maintains a link to all available agency MEPA websites at:

<http://www.leg.state.mt.us/css/lepo/mepa>
or <http://www.leg.state.mt.us/textonly/lepo/mepa>.

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