



AN ACT REVISING ENVIRONMENTAL REVIEW LAWS RELATED TO ENERGY DEVELOPMENT PROJECTS; LIMITING THE SCOPE OF ENVIRONMENTAL REVIEW UNDER THE MONTANA ENVIRONMENTAL POLICY ACT FOR CERTAIN ENERGY DEVELOPMENT PROJECTS ON STATE LANDS; AMENDING SECTION 77-1-121, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

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

Section 1. Environmental review of energy development projects on state land. (1) Except as provided in subsection (2), the scope of any environmental review under Title 75, chapter 1, parts 1 and 2, for a proposed action on state land is limited to the impacts of the proposed action within the boundaries of the state land parcel or parcels in which the proposed state action is taking place if the:

(a) board or the department, pursuant to Title 77, is proposing a sale or exchange or to issue a right-of-way, easement, placement of improvement, lease, license, or permit or if the department or board is acting in response to an application for an authorization for a proposal; and

(b) state action is part of a larger energy development project that includes private or federal land that is not subject to permitting or certification under Title 75 or Title 82.

(2) If more than 33% of the total land area physically occupied by the proposed energy development project provided for in subsection (1) is state land, then the scope of the environmental review under Title 75, chapter 1, parts 1 and 2, for the proposed action must include the total land area, including federal and private land, that will be occupied by the proposed energy development project.

Section 2. Section 77-1-121, MCA, is amended to read:

"77-1-121. Environmental review compliance -- exemptions. (1) Except as provided in [section 1] and subsection (2) of this section, the department and board are required to comply with the provisions of Title 75, chapter 1, parts 1 and 2, when implementing provisions within Title 77 only if the department is actively proposing to ~~issue~~ a sale; or exchange; or to issue a right-of-way, easement, placement of improvement, lease,

license, or permit; or is acting in response to an application for an authorization for ~~such~~ a proposal.

(2) The department and board are exempt from the provisions of Title 75, chapter 1, parts 1 and 2, when issuing any lease or license that expressly states that the lease or license is subject to further permitting under any of the provisions of Title 75 or 82.

(3) Except for rulemaking and as provided in subsection (1), the department and board are otherwise exempt from the provisions of Title 75, chapter 1, parts 1 and 2, when implementing provisions within Title 77, including but not limited to the issuance of lease renewals. The department and board do not have an obligation to comply with the provisions of Title 75, chapter 1, parts 1 and 2, when implementing provisions within Title 77 if the department or board chooses not to take any action, even though either may have the authority to take an action.

(4) The department and board are exempt from the provisions of Title 75, chapter 1, parts 1 and 2, when taking actions, including preparing plans or proposals, in relation to and in compliance with the following local government actions:

- (a) development or adoption of a growth policy or a neighborhood plan pursuant to Title 76, chapter 1;
- (b) development or adoption of zoning regulations;
- (c) review of a proposed subdivision pursuant to Title 76, chapter 3;
- (d) actions related to annexation;
- (e) development or adoption of plans or reports on extension of services; and
- (f) other actions that are related to local planning."

Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 77, chapter 1, part 1, and the provisions of Title 77, chapter 1, part 1, apply to [section 1].

Section 4. Effective date. [This act] is effective on passage and approval.

Section 5. Applicability. [This act] applies to environmental reviews pursuant to Title 75, chapter 1, part 2, initiated on or after [the effective date of this act].

- END -

I hereby certify that the within bill,
HB 0529, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2009.

President of the Senate

Signed this _____ day
of _____, 2009.

HOUSE BILL NO. 529
INTRODUCED BY JONES

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