SENATE NATURAL RESOURCES
EXHIBIT NO. 4
DATE 3-18-13
BILL NO. HB 513

Actions Excluded or Exempted from Environmental Review

The agency is not required to prepare an EA or an EIS for the following categories of action:

A. Actions Exempted By Statute

1) Montana Public Service Commission activities (75-1-201(2), MCA);
2) legislation (75-1-201(1)(b), MCA);
3) certain emergency timber sale situations or time dependent access situations involving timber (77-5-201(3)(c), MCA);
4) certain actions that involve minor amendments to a hard-rock mine operating permit (82-4-342(5), MCA);
5) the transfer of permits for portable emission sources (75-2-211(5), MCA);
6) a qualified exemption for reciprocal access agreements on state land (77-1-617, MCA);
7) a transfer of an ownership interest in a lease, permit, license, certificate or other entitlement for use or permission to act by an agency does not trigger review if there is not a material change in terms or conditions of the entitlement or unless otherwise provided by law (75-1-201(1)(d), MCA);
8) Department of Natural Resources and Conservation's (DNRC) issuance of lease renewals (77-1-121(3),MCA);
9) DNRC's or Montana Board of Land Commissioner's (Board) issuance of lease renewals and state leases and licenses subject to further permitting by the Montana Department of Environmental Quality (77-1-121(2), MCA);
10) Nonaction on the part of the DNRC or the Board even though it has the authority to act (77-1-121(3), MCA);
11) DNRC and Board action in relation to and compliance with local government actions concerning planning and zoning (77-1-121(4));
12) Issuance of historic right-of-way deeds across state lands (77-1-130(6), MCA);
13) Transfer of certain coal mine operating permits (82-4-250(4), MCA);
14) Small business licenses under the Montana Small Business Licensing Coordination Act (30-16-103(3)(b), MCA);
15) Emergency energy orders issued by the Governor (90-4-310(6), MCA);
16) Domestic livestock trailing on land owned or controlled by the Department of Fish, Wildlife, and Parks (DFWP) (87-1-303(3)(a), MCA); and
17) When DFWP acts as a snowmobiler area operator or awards funding to a snowmobile area operator if the action/award has previously been subject to environmental review (23-2-657(2), MCA).

B. Actions that qualify for a catégorical exclusion as defined by rule or justified by a programmatic review. In the rule or programmatic review, the agency must identify any extraordinary circumstances in which a normally excluded action requires an EA or EIS (MEPA Model Rule III(5); DEQ, ARM 17.40.318, Montana Department of Fish, Wildlife and Parks, ARM 12.2.454, DNRC, ARM 36.11.447, Montana Department of Commerce, Coal Board, ARM 8.101.203, Montana Department of Transportation, ARM

18.2.261);

C. Administrative actions: routine, clerical or similar functions of a department, including but not limited to administrative procurement, contracts for consulting services and personnel actions (MEPA Model Rule III(5);

D. Minor repairs, operations or maintenance of existing equipment or facilities (MEPA Model Rule III(5);

E. Investigation and enforcement: data collection, inspection of facilities or enforcement of environmental standards (MEPA Model Rule III(5);

F. Ministerial actions: actions in which the agency exercises no discretion, but rather acts upon a given state of facts in a prescribed manner (MEPA Model Rule III(5);

G. Actions that are primarily social or economic in nature and that do not otherwise affect the human environment (MEPA Model Rule III(5); and

H. Actions taken that are immediately necessary to control the impacts of an emergency (MEPA Model Rule XIX).