

Montana Code Annotated 2021

TITLE 90. PLANNING, RESEARCH, AND DEVELOPMENT

CHAPTER 2. RESOURCE DEVELOPMENT AND RECLAMATION

Part 11. Reclamation and Development Grants Program

Policy And Purpose

90-2-1102. Policy and purpose. (1) The policy of the state of Montana expressed in the Reclamation and Development Grants Program Act is to provide a state capability to fund projects that indemnify the people of the state for the effects of mineral development on public resources and that meet other crucial needs serving the public interest and the total environment of the citizens of Montana.

(2) The purposes of the reclamation and development grants program are to:

(a) repair, reclaim, and mitigate environmental damage to public resources from nonrenewable resource extraction; and

(b) develop and ensure the quality of public resources for the benefit of all Montanans.

History: En. Sec. 2, Ch. 418, L. 1987.

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Eligibility Requirements

90-2-1112. Eligibility requirements. (1) Except as provided under subsection (2), to be eligible for funding under the reclamation and development grants program, the proposed project must provide benefits in one or more of the following categories:

(a) reclamation of land, water, or other resources adversely affected by mineral development;

(b) mitigation of damage to public resources caused by mineral development;

(c) research, demonstration, or technical assistance to promote the wise use of Montana minerals, including efforts to make processing more environmentally compatible;

(d) investigation and remediation of sites where hazardous wastes or regulated substances threaten public health or the environment; and

(e) research to assess existing or potential environmental damage resulting from mineral development.

(2) If there is a crucial state need to protect Montana's environment, the department may evaluate and the governor may recommend that the legislature approve funding for projects in addition to those described in subsection (1).

(3) To be eligible for funding under the reclamation and development grants program, a project must:

- (a) be technically and financially feasible;
- (b) be the best cost-effective alternative to address a problem or attain an objective;
- (c) comply with statutory and regulatory standards protecting environmental quality; and
- (d) be from an applicant able and willing to enter into a contract with the department for the implementation of the proposed project or activity.

(4) A project is not eligible for funding under the reclamation and development grants program to the extent that the project is eligible for and can reasonably be expected to receive funding from other state or federal reclamation programs or any other program or act that provides funding to accomplish remedial action for environmental damage or if the project is permitted under Title 82, chapter 4 or 11.

(5) A proposed project is not eligible for funding under the reclamation and development grants program if there is a liable party who would be relieved of financial or legal responsibility and who can reasonably be expected to be held responsible.

History: En. Sec. 6, Ch. 418, L. 1987; amd. Sec. 10, Ch. 552, L. 1999.

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Evaluation Criteria -- Priority

90-2-1113. Evaluation criteria -- priority. (1) Except as provided in subsection (2), the department shall consider the following criteria in evaluating eligible applications and in selecting projects to be recommended to the governor for funding:

- (a) the degree to which the project will provide benefits in its eligibility category or categories;
- (b) the degree to which the project will provide public benefits;
- (c) the degree to which the project will promote, enhance, or advance the policies and purposes of the reclamation and development grants program;
- (d) the degree to which the project will provide for the conservation of natural resources;
- (e) the degree of need and urgency for the project;
- (f) the extent to which the project sponsor or local entity is contributing to the costs of the project or is generating additional nonstate funds;
- (g) the degree to which jobs are created for persons who need job training, receive public assistance, or are chronically unemployed; and
- (h) any other criteria that the department considers necessary to carry out the policies and purposes of the reclamation and development grants program.

(2) Subject to the conditions of this part, the department shall give priority to grant requests not to exceed a total of \$800,000 for the biennium for abandoned mine reclamation projects. A grant may not be used for personnel costs or general operating expenses.

History: En. Sec. 7, Ch. 418, L. 1987; amd. Sec. 1, Ch. 430, L. 1993; amd. Sec. 1, Ch. 59, L. 1999; amd. Sec. 11, Ch. 552, L. 1999; amd. Sec. 1, Ch. 239, L. 2003; amd. Sec. 5, Ch. 168, L. 2013; amd. Sec. 3, Ch. 413, L. 2015.