

MONTANA BOARD OF REGENTS OF HIGHER EDUCATION

Policy and Procedures Manual

SUBJECT: PHYSICAL PLANT
Policy 1005.1 – MUS Environmental Review

Effective: _____; Issued: _____:

Purpose

The purpose of this policy is to provide guidance to campuses in their efforts to comply with the Montana Environmental Policy Act, § 75-1-101, et seq.

Board policy

1. Environmental Review. The units of the Montana University System will conduct an environmental review for major actions [hereafter referred to as "proposed actions"] which significantly affect the quality of the human environment as outlined in this policy. Such reviews shall be conducted and maintained by the campus and be available to the public. To determine the type of environmental review to be undertaken for each proposed action, campuses shall apply this policy.

2. Environmental Assessment. In addition to the preparation of mandatory environmental impact statements as set forth in this policy, campuses may conduct environmental assessments (EAs) independently or in conjunction with other agency planning and decision-making procedures as appropriate to:

- a. assist in the evaluation of reasonable alternatives and the development of conditions, stipulations or modifications to be made a part of a proposed action;
- b. determine the need to prepare an environmental impact statement (EIS) through an initial evaluation and determination of the significance of impacts associated with a proposed action;
- c. allow opportunity for public review and comment on proposed actions where the residual impacts do not warrant the preparation of an EIS;
- d. examine and document the effects of a proposed action on the quality of the human environment and provide the basis for public review and comment, if statutory requirements do not allow sufficient time for preparation of an EIS.; and
- e. address proposed actions which are significant enough to warrant an EIS but which are mitigable below the level of significance through design, enforceable controls or stipulations or a combination of these.

3. Mandatory Environmental Assessments. The campus will prepare an EA if:

- a. the action is not excluded under § 6 or § 7 and it is not clear without preparation of an EA whether the proposed action is a major one significantly affecting the quality of the human environment;
- b. the action is not excluded under § 6 or § 7 and, although an EIS is not warranted, the agency has not otherwise implemented an analysis and public review through a similar planning and decision-making process; or
- c. statutory requirements do not allow sufficient time for the agency to prepare an EIS.

4. Mandatory Environmental Impact Statement. The campus will prepare an EIS if:

- a. an EA indicates that an EIS is necessary; or

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b. the proposed action is a major action significantly affecting the quality of the human environment which cannot be mitigated and statutory requirements allow for sufficient time to complete the EIS before the action is required.

5. Statutory exclusions. The campuses are not required to prepare an EA or an EIS for the following statutory exclusions:

- a. administrative actions: routine, clerical or similar functions, including but not limited to administrative procurement, contracts for consulting services, and personnel actions;
- b. minor repairs, operations, or maintenance of existing equipment or facilities;
- c. investigation and enforcement: data collection, inspection of facilities or enforcement of environmental standards;
- d. ministerial actions: actions in which the agency exercises no discretion, but rather acts upon a given state of facts in a prescribed manner;
- e. actions that are primarily social or economic in nature and that do not otherwise affect the human environment.
- f. a transfer of an ownership interest in a lease, permit, license, certificate, or other entitlement for use or permission to act if there is not a material change in terms or conditions of the entitlement or unless otherwise provided by law.

6. Categorical Exclusions. The campuses are not required to prepare an EA or an EIS for the following categorical exclusions:

- a. Exclusion 1: Existing Facilities. Major maintenance, renovations, alterations, improvements, demolition or replacement to existing buildings and site improvements. Examples include but are not limited to:
 - (i) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;
 - (ii) Existing streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities.
 - (iii) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood;
 - (iv) Additions to existing structures.
 - (v) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices;

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(vi) Maintenance of existing landscaping, native growth, and water supply reservoirs

(vii) Subdivision of existing buildings, where no physical changes occur which are not otherwise exempt;

(viii) Demolition and removal of small structures.

(ix) Conversion of auxiliary facilities to office use.

b. Categorical Exclusion 2: Infill Development Projects. New building and site improvement projects, including additions, within the established boundaries of an existing campus or developed site that are compatible with the campus plan provided the work disturbs less than 10 acres, is outside the 100 year flood plain, and complies with all permitting requirements.

c. Categorical Exclusion 3: Small Hazard Mitigation and Habitat Restoration Projects. Projects that reduce exposure to hazardous materials, remediates contamination, restores deteriorated sites, creates biodiversity or restores properties to a more natural setting provided the work disturbs less than 10 acres, and complies with all permitting requirements. Examples include but are not limited to:

(i) Removal of sealed, non-leaking drums or barrels of hazardous waste or substances that have been stabilized, containerized and are designated for a lawfully permitted destination;

(ii) Maintenance or stabilization of berms, dikes, or surface impoundments;

(iii) Construction or maintenance or interim of temporary surface caps;

(iv) Onsite treatment of hazardous wastes provided treatment system meets state and federal requirements;

(v) Excavation and/or offsite disposal of contaminated soils or sludges in regulated units;

(vi) Application of dust suppressants or dust binders to surface soils;

(vii) Controls for surface water run-on and run-off;

(viii) Pumping of leaking ponds into an enclosed container;

d. Categorical Exclusion 4: Inspections, Feasibility and Planning Studies. Facility condition evaluations, data collection and resource evaluation activities, and planning exercises that are not legally binding or which have not been approved or adopted. Individual campuses may elect to conduct an environmental assessment of campus master plans. In so doing, it is recognized that the intent of performing an EA on a campus master plan is to pre-approve the use and future function of the area within the campus master plan and that implementation of individual projects consistent with the campus master plan will not require further review under MEPA.

7. Conditions warranting environmental review. The categorical exemptions listed in § 7 do not apply if the following conditions exist:

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a. **Cumulative Impact.** Exemptions are inapplicable if the cumulative impact on the environment of successive projects of the same type in the same place, over a short period of time is a significant impact on the human environment.

b. **Significant Effect.** A categorical exemption shall not be used for a major action if the proposed action will have a significant effect on the quality of the human environment.

c. **Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

8. **Public Participation.** This policy does not require public hearings before the board of regents on environmental issues. If the campuses determine that a proposed project will significantly affect the human environment, the campuses will be responsible for ensuring public participation in the decision as required under MEPA prior to the final campus decision. If the project requires board of regents' approval the campus shall submit its plan for environmental review of the project or the environmental analysis to the Board as part of the board item.

9. **Campus MEPA Officers.** Each campus will designate a campus MEPA officer and post his or her name and contact information on the campus website.