



ADMINISTRATIVE RULES OF MONTANA



12.2.441 ADOPTION OF AN EXISTING EIS

- (1) The agency shall adopt as part of a draft EIS all or any part of the information, conclusions, comments, and responses to comments contained in an existing EIS that has been previously or is being concurrently prepared pursuant to MEPA or the National Environmental Policy Act if the agency determines:
 - (a) that the existing EIS covers an action paralleling or closely related to the action proposed by the agency or the applicant;
 - (b) on the basis of its own independent evaluation, that the information contained in the existing EIS has been accurately presented; and
 - (c) that the information contained in the existing EIS is applicable to the action currently being considered.
- (2) A summary of the existing EIS or the portion adopted and a list of places where the full text is available must be circulated as a part of the EIS and treated as part of the EIS for all purposes, including, if required, preparation of a final EIS.
- (3) Adoption of all or part of an existing EIS does not relieve the agency of the duty to comply with ARM 12.2.436.
- (4) The same time periods applicable to draft and final EISs apply to the circulation and review of EISs that include material adopted from an existing EIS.
- (5) The agency shall take full responsibility for the portions of a previous EIS adopted. If the agency disagrees with certain adopted portions of the previous EIS, it shall specifically discuss the points of disagreement.
- (6) No material may be adopted unless it is reasonably available for inspection by interested persons within the time allowed for comment.
- (7) Whenever part of an existing EIS or concurrently prepared EIS is adopted, the part adopted must include sufficient material to allow the part adopted to be considered in the context in which it was presented in the original EIS.

Authorizing statute(s): Sec. 2-3-103, 2-4-201, MCA

Implementing statute(s): Sec. 2-3-104, 75-1-201, MCA

History: NEW, 1988 MAR p. 2692, Eff. 12/23/88.