



ADMINISTRATIVE RULES OF MONTANA



18.2.246 TIME LIMITS AND DISTRIBUTION OF ENVIRONMENTAL IMPACT STATEMENTS

- (1) Following preparation of a draft EIS, the agency shall distribute copies to the governor, EQC, appropriate state and federal agencies, the applicant, if any, and persons who have requested copies.
- (2) The listed transmittal date to the governor and the EQC must not be earlier than the date that the draft EIS is mailed to other agencies, organizations, and individuals. The agency shall allow 30 days for reply, provided that the agency may extend this period up to an additional 30 days at its discretion or upon application of any person for good cause. When preparing a joint EIS with a federal agency or agencies, the agency may also extend this period in accordance with time periods specified in regulations that implement the National Environmental Policy Act. However, no extension which is otherwise prohibited by law may be granted.
- (3) In cases involving an applicant, after the period for comment on the draft EIS has expired, the agency shall send to the applicant a copy of all written comments that were received. The agency shall advise the applicant that he has a reasonable time to respond in writing to the comments received by the agency on the draft EIS and that the applicant's written response must be received before a final EIS can be prepared and circulated. The applicant may waive his right to respond to the comments on the draft EIS.
- (4) Following preparation of a final EIS, the agency shall distribute copies to the governor, EQC, appropriate state and federal agencies, the applicant, if any, persons who submitted comments on or received a copy of the draft EIS, and other members of the public upon request.
- (5) Except as provided by ARM 18.2.244(4) , a final decision must not be made on the proposed action being evaluated in a final EIS until 15 days have expired from the date of transmittal of the final EIS to the governor and EQC. The listed transmittal date to the governor and EQC must not be earlier than the date that the final EIS is mailed to other agencies, organizations, and individuals.
- (6) All written comments received on an EIS, including written responses received from the applicant, must be made available to the public upon request.
- (7) Until the agency reaches its final decision on the proposed action, no action concerning the proposal may be taken that would:
 - (a) have an adverse environmental impact; or
 - (b) limit the choice of reasonable alternatives, including the no-action alternative.

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

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