



ADMINISTRATIVE RULES OF MONTANA



18.2.258 FEES: DETERMINATION OF AUTHORITY TO IMPOSE

- (1) Whenever an application for a lease, permit, contract, license or certificate is expected to result in the agency incurring expenses in excess of \$2,500 to compile an EIS, the applicant is required to pay a fee in an amount the agency reasonably estimates, as set forth in this rule, will be expended to gather information and data necessary to compile an EIS.
- (2) The agency shall determine within 30 days after a completed application is filed whether it will be necessary to compile an EIS and assess a fee as prescribed by this rule. If it is determined that an EIS is necessary, the agency shall make a preliminary estimate of its costs. This estimate must include a summary of the data and information needs and the itemized costs of acquiring the data and information, including salaries, equipment costs and any other expense associated with the collection of data and information for the EIS.
- (3) Whenever the preliminary estimated costs of acquiring the data and information to prepare an EIS total more than \$2,500, the agency shall notify the applicant that a fee must be paid and submit an itemized preliminary estimate of the cost of acquiring the data and information necessary to compile an EIS. The agency shall also notify the applicant to prepare and submit a notarized and detailed estimate of the cost of the project being reviewed in the EIS within 15 days. In addition, the agency shall request the applicant to describe the data and information available or being prepared by the applicant which can possibly be used in the EIS. The applicant may indicate which of the agency's estimated costs of acquiring data and information for the EIS would be duplicative or excessive. The applicant must be granted, upon request, an extension of the 15-day period for submission of an estimate of the project's cost and a critique of the agency's preliminary EIS data and information accumulation cost assessment.

Authorizing statute(s): Sec. 75-1-202, MCA

Implementing statute(s): Sec. 75-1-202, 75-1-203, 75-1-205, 75-1-206 and 75-1-207, MCA

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