Major Facility Siting Act (MFSA)
Overview

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Session 2
Purpose of MFSA

- Protection of environmental resources
- Minimize significant environmental impacts
- Consideration of socioeconomic impacts
- A chance for citizen participation
- Coordination of all state permits required for regulated facilities
Public Interest, Convenience and Necessity Considerations

- Need Finding

- Benefits to the applicant and the state

- Effects of economic activity resulting from the facility

- Public health, welfare and safety

- Any other factors the DEQ Director considers relevant
MFSA Regulates

- Electric transmission lines greater than 69 kV and more than 10 miles long
- Oil and gas pipelines greater than 25 inches inside diameter and more than 50 miles long
- Geothermal generation more than 50 MW
- Hydroelectric projects more than 50 MW
MFSA Exempts Certain Facilities

• T-Line subject to MFSA size and length

• “75/75 Exemption”:
  • If developer gets 75% of the landowners, who own 75% of the land crossed to sign options or easements.
  • T-Line is exempt from MFSA process.

• Contact DEQ early if developer is considering this process. Project still needs other state permits.
MFSA Does NOT Regulate

- Windfarms
- Substations
- Rebuilds or Upgrades to existing transmission lines
- Distribution or feeder lines
MFSA & Windfarms

- Only the transmission lines may qualify for MFSA
- Electric transmission lines greater than 69 kV and more than 10 miles long
MFSA Timeline for Projects

- 9 months if DEQ is working without a federal agency
- If working with a federal agency, the state and federal decisions can be timed to coincide
- Suggest project developers to contact DEQ early
Other MFSA Considerations

- Eminent domain cannot start without a MFSA Certificate
- Most other state and local laws are preempted by MFSA except:
  - Those pertaining to worker health and safety
  - Those administered by DEQ
  - State agency and local government property rights not affected
MEPA for projects

- Montana Environmental Policy Act (MEPA)
  - Modeled in large part after the National Environmental Policy Act (NEPA)
  - MT is 1 of 20 states with a state level approximation of NEPA
- Purpose of MEPA:
  - Inform public of anticipated impacts of state actions & inform executive agencies’ decision of impacts
  - Public participation component
When does MEPA need to occur?

- **State Action** – an activity that is undertaken, supported, granted, or approved by a state agency
- **Exempt Actions from MEPA** – do not require review under MEPA because of their special nature
  - Administrative
  - Ministerial
  - Investigative
  - Maintenance
  - Socio-economic
  - Specifically exempted by state law
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