

Major Facility Siting Act (MFSA) Overview

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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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