

## Murdo, Patricia

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**From:** Debby Barrett [grt3177@smtel.com]  
**Sent:** Monday, January 18, 2010 3:21 PM  
**To:** Campbell, Beth  
**Cc:** Murdo, Patricia  
**Subject:** BOL and MEPA Compliance

Pat and Bart,

Under DOL's regulations "action" for the purposes of MEPA compliance/ applicability means a "project", "program", or "activity" directly undertaken by an agency. ARM 32.2.222 (1). The BOL may have termed it an order to attempt to avoid MEPA, but the order is part of DOL's brucellosis program or activities. (they are actually calling it an extension to the Brucellosis Action Plan that just sunset earlier this month) and their reason for the continuation was to fill a regulatory vacuum in their program.

As such, it looks like a livestock producer could challenge it now; before their cattle contract the disease or they suffer any damage from the disease. The affected producers are harmed by the order itself (ie test requirements, stigma on cattle from the affected area, etc.).

Injury should also include procedural injury for failing to comply with MEPA, failure to control the disease in wildlife, and the arbitrariness of the requirements on those within the DSA as opposed to those outside the DSA (equal protection and due process injuries.)

Montana Code 5-5-223 states the economic affairs interim committee has among other authorities, program evaluation, and monitoring functions. Could the economic affairs committee request or demand that the BOL comply with MEPA and draft an environmental assessment and an economic impact statement?

See you Thursday,  
Debby

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