

STATE OF MONTANA DEPARTMENT OF COMMERCE

MONTANA COAL BOARD MEETING

DATE: December 10, 2020 (Applications to be considered for this meeting are due October 26, 2020)

LOCATION: By Conference Call: 1-877-273-4202, Access Code: 437-383-983

WHEN: 8:30 a.m.

December 10, 2020

John Williams (Chair), Colstrip – Impact Area
Sidney Fitzpatrick (Vice Chair), Hardin– Impact Area
Amber Henning, Great Falls – Attorney
Marianne Roose, Eureka – Public Administration

Tim Schaff, Roundup – Education
Sean Smith, Anaconda-Business
Veronica Small-Eastman, Lodge Grass - Education

Notice of Public Meeting

December 10, 2020: The Board will hold a quarterly meeting at 8:30 am, Thursday, December 10, 2020, via telephone conference. For more information or to request reasonable accommodations for a disability, please contact CDD staff at (406) 841-2770 or at DOCCDD@mt.gov before the meeting. Conference call information for this meeting is available on the Coal Board website (<https://comdev.mt.gov/Boards/Coal/Meetings>).

DATE: December 10, 2020 (Applications to be considered for this meeting are due October 26, 2020)

LOCATION: By Conference Call: 1-877-273-4202, Access Code: 437-383-983

WHEN: 8:30 a.m.

Agenda:

1. Call to order
2. Roll call
3. Commerce Updates
 - Housekeeping items
 - Reminder of delay on telephone lines
 - Reminder to identify yourself when speaking
 - Denial letters sent to applicants
 - Reminder Commerce Legislative Communications Policy—Sam Offerdahl, Commerce Communications, 841-2893
 - Reminder to Board Members regarding Board Appointments
4. Opportunity for public comment on items not on the agenda, but within the Board's jurisdiction
5. Approval of Minutes
 - Approval of Meeting minutes (September 10, 2020)
 - *Opportunity for public comment*
 - *Board discussion*
 - *Board action (as applicable)*
6. Budget Status Update
 - *CDD Staff update*
 - *Opportunity for public comment*
 - *Board discussion*
 - *Board action (as applicable)*
7. Project Updates
 - 0742- Town of Lodge Grass-Extension Request
 - *CDD Staff update*
 - *Opportunity for public comment*
 - *Board discussion*
 - *Board action (as applicable)*

- 0787- Crow Tribe-Extension Request
 - *CDD Staff update*
 - *Opportunity for public comment*
 - *Board discussion*
 - *Board action (as applicable)*
- 0830-Northern Cheyenne Tribe-Extension Request
 - *CDD Staff update*
 - *Opportunity for public comment*
 - *Board discussion*
 - *Board action (as applicable)*
- 0846-Hardin Public Schools-Extension Request
 - *CDD Staff update*
 - *Opportunity for public comment*
 - *Board discussion*
 - *Board action (as applicable)*
- 0848-Big Sky Economic Development-Update Letter
 - *CDD Staff update*
 - *Opportunity for public comment*
 - *Board discussion*
 - *Board action (as applicable)*
- 0898-Town of Hysham-Scope of Work Change Request
 - *CDD Staff update*
 - *Opportunity for public comment*
 - *Board discussion*
 - *Board action (as applicable)*
- Open and Closed project status
 - *CDD Staff update*
 - *Opportunity for public comment*
 - *Board discussion*
 - *Board action (as applicable)*
- Contingent Upon Awards (See Table continued on next page)

Applicant #	Applicant	Project Description	Funds Requested	Total Project Costs
0890 (#8 Priority 12/19 Meeting)	Carbon County* *Contract Routing	Complete a PER to stabilize the Bridger Senior Center	\$57,500	\$58,250
0891 (#9 Priority 12/19 Meeting)	City of Colstrip * *Contract Routing	Colstrip Broadband Feasibility Study	\$27,000	\$28,000
0889 (#1 Priority 3/20 Meeting)	Town of Hardin * *Contract Routing	Wastewater Collection System and Treatment Plant Upgrades	\$250,000	\$11,265,000
0898 (#2 Priority 3/20 Meeting)	Town of Hysham	Wastewater System Rehabilitation, Phase 1	\$125,077	\$785,077

0900 (#3 Priority 3/20 Meeting)	Musselshell County	Hawk Creek VFD Concrete and Gutters	\$33,118	\$41,038
0901(#4 Priority 3/20 Meeting)	Colstrip High School	Water Main Replacement Project	\$121,273	\$131,839
		Total Requested:	\$613,968	\$12,309,204

8. Old Business

- 0904-Rosebud County-Withdrawal Letter
 - *CDD Staff update*
 - *Opportunity for public comment*
 - *Board discussion*
 - *Board action (as applicable)*

9. New Business – New Application (See Table Below)

Applicant #	Applicant	Project Description	Funds Requested	Total Project Costs
0911*	Rosebud County	Colstrip Human Services Building HVAC repair	\$250,000	\$318,051
0912*	Big Horn County	Construct New Hospital Admissions Area and Patient Entry Canopy at Big Horn Hospital	\$498,759	\$2,620,537
0913	Big Horn County	Purchase a New Tractor and Construction of a Storage Building for the Fairview Cemetery	\$124,870	\$149,870
0914	Big Horn County	Purchase of Two 4X4 Patrol Vehicles for the Sheriff's Department	\$90,086	\$115,086
0915*	Colstrip Public Schools	Replace Fluorescent Lighting with LED Lighting at Two Schools	\$229,470	\$249,433
		Total Requested:	\$1,193,185	\$3,452,977

*Please note that as the Board reviews the applications, action in the form of an environmental determination may be made by the Board.

10. Application and Manual Review

- *CDD Staff update*
- *Opportunity for public comment*
- *Board discussion*
- *Board action (as applicable)*

11. Opportunity for public comment

12. Board Matters

- Items for the next agenda
- Confirmation of next meeting dates and location
 - March 11, 2021
 - June 10, 2021
 - September 9, 2021
 - December 9, 2021

13. Adjourn

TARA RICE
DIRECTOR



STEVE BULLOCK
GOVERNOR

September 22, 2020

Bob Lewandowski, Superintendent
Colstrip Public Schools
PO Box 159
Colstrip, MT 59323

RE: Montana Coal Board Grant Award Status

Dear Superintendent Lewandowski:

The Montana Coal Board did not approve Coal Impact funding for the Colstrip Public Schools application #0899 for the Colstrip Water Main Replacement and LED Lighting Improvement Project at the September 10, 2020 Coal Board meeting based upon the availability of revenue statutory criteria. Budget updates are provided to the Montana Coal Board and to the public at the regularly scheduled quarterly meetings as well as on the Coal Board website.

For more information about previous and future meetings and materials provided to the Board and public, please visit the Montana Coal Board website:
<https://comdev.mt.gov/Boards/Coal/Meetings>.

If you have any questions, please do not hesitate to contact Community Development Division staff at DOCCDD@mt.gov or 406-841-2770.

Sincerely,

DocuSigned by:

A handwritten signature in black ink that reads "Jennifer Olson".

Jennifer H. Olson

Division Administrator
Community Development Division

TARA RICE
DIRECTOR



STEVE BULLOCK
GOVERNOR

September 22, 2020

George Real Bird III, Commissioner
Big Horn County
121 West 3rd Street
Hardin, MT 59034

RE: Montana Coal Board Grant Award Status

Dear Commissioner Real Bird:

The Montana Coal Board did not approve Coal Impact funding for the Big Horn County application #0905 for the Big Horn Hospital Front Entry Construction and Admission Office Renovation Project at the September 10, 2020 Coal Board meeting based upon the availability of revenue statutory criteria. Budget updates are provided to the Montana Coal Board and to the public at the regularly scheduled quarterly meetings as well as on the Coal Board website.

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<https://comdev.mt.gov/Boards/Coal/Meetings>.

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Jennifer H. Olson

Division Administrator
Community Development Division

TARA RICE
DIRECTOR



STEVE BULLOCK
GOVERNOR

September 22, 2020

Dennis Kopitzke, Mayor
City of Forsyth
247 North 9th Ave
PO Box 226
Forsyth, MT 59327

RE: Montana Coal Board Grant Award Status

Dear Mayor Kopitzke:

The Montana Coal Board did not approve Coal Impact funding for the City of Forsyth application #0906 for the Pool Boiler and Control System Project at the September 10, 2020 Coal Board meeting based upon the availability of revenue statutory criteria. Budget updates are provided to the Montana Coal Board and to the public at the regularly scheduled quarterly meetings as well as on the Coal Board website.

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<https://comdev.mt.gov/Boards/Coal/Meetings>.

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Sincerely,

DocuSigned by:

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JENNIFER H. OLSON

Division Administrator
Community Development Division

TARA RICE
DIRECTOR



STEVE BULLOCK
GOVERNOR

September 22, 2020

George Real Bird III, Commissioner
Big Horn County
PO Box 908
Hardin, MT 59034

RE: Montana Coal Board Grant Award Status

Dear Commissioner Real Bird:

The Montana Coal Board did not approve Coal Impact funding for the Big Horn County application #0907 for the Cemetery District #1 Improvement Project at the September 10, 2020 Coal Board meeting based upon the availability of revenue statutory criteria. Budget updates are provided to the Montana Coal Board and to the public at the regularly scheduled quarterly meetings as well as on the Coal Board website.

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<https://comdev.mt.gov/Boards/Coal/Meetings>.

If you have any questions, please do not hesitate to contact Community Development Division staff at DOCCDD@mt.gov or 406-841-2770.

Sincerely,

DocuSigned by:

A blue ink signature of Jennifer H. Olson, written in a cursive style. The signature is enclosed in a blue rectangular box.
Jennifer H. Olson

Division Administrator
Community Development Division

COMMERCE.MT.GOV | COMDEV.MT.GOV

301 S. PARK AVE. | PO BOX 200523 - COMMUNITY DEVELOPMENT DIVISION | HELENA, MT 59620-0523
P: 406.841.2770 | F: 406.841.2771 | TDD: 406.841.2702

TARA RICE
DIRECTOR



STEVE BULLOCK
GOVERNOR

September 22, 2020

George Real Bird III, Commissioner
Big Horn County
PO Box 908
Hardin, MT 59034

RE: Montana Coal Board Grant Award Status

Dear Commissioner Real Bird:

The Montana Coal Board did not approve Coal Impact funding for the Big Horn County application #0908 for the Sheriff's Office Patrol Vehicles at the September 10, 2020 Coal Board meeting based upon the availability of revenue statutory criteria. Budget updates are provided to the Montana Coal Board and to the public at the regularly scheduled quarterly meetings as well as on the Coal Board website.

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Jennifer H. Olson

Division Administrator
Community Development Division

TARA RICE
DIRECTOR



STEVE BULLOCK
GOVERNOR

September 22, 2020

Gerald Chouinard, Superintendent
Lame Deer Public Schools
PO Box 96
Lame Deer, MT 59043

RE: Montana Coal Board Grant Award Status

Dear Superintendent Chouinard:

The Montana Coal Board did not approve Coal Impact funding for the Lame Deer Public Schools application #0910 for the Purchase of One School Bus at the September 10, 2020 Coal Board meeting based upon the availability of revenue statutory criteria. Budget updates are provided to the Montana Coal Board and to the public at the regularly scheduled quarterly meetings as well as on the Coal Board website.

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If you have any questions, please do not hesitate to contact Community Development Division staff at DOCCDD@mt.gov or 406-841-2770.

Sincerely,

DocuSigned by:

A handwritten signature in black ink that reads "Jennifer Olson".

Jennifer H. Olson

Division Administrator
Community Development Division

Category: Human Resources
Revised: September 2020

Legislative Engagement

The following policy guidelines apply to all Montana Department of Commerce employees; understanding that there may be exceptions if you serve an administratively attached agency that has authority to create its own policy on particular matters contained herein. If you serve at an administratively attached agency and are unsure if there are exceptions that apply to you, please consult your supervisor.

Department of Commerce employees and board members may participate in the legislative process as representatives of the Department or of Boards attached to the Department under specific conditions and direction by the Department.

EMPLOYEE/CITIZEN: Department of Commerce employees have the right to advocate any personal position they have before the Legislature on any issue. Department employees choosing to participate in the legislative process as a citizen must take pre-approved annual leave or compensatory time to do so. It must be clear in their testimony they are not testifying as an employee of the Department of Commerce, but as an individual. At no time are employees allowed to testify or lobby on matters related to the Department of Commerce without prior authorization by the Director or designee.

POLICY: Policy positions are developed by the Director's Office in coordination with division leadership and the governor's office. Staff may not take a policy position on behalf of the Department without prior approval from the supervisor, Division Administrator and Director's Office. This includes signing on to public letters, signing petitions, advocating for or against a policy proposal, or testifying for or against a policy proposal in an official capacity representing the Department.

BOARD MEMBERS: Members of Boards that are administratively attached to the Department may testify on legislation in which the Board has requested the member to comment. For such testimony, the Board Member should identify themselves as a member of the Board and they are testifying at the request of the Board. Board members may testify on legislation as private citizens or in their other professional roles but It must be clear in their testimony they are not testifying as a Board Member.

GENERAL LEGISLATION: Hundreds of bills are introduced independently of the executive branch each legislative session. If a bill is identified through Commerce's normal review process as having an impact on your program, the Division Administrator in concert with the Director's Office will determine when, if, and how the Department will address that legislation.

LEGISLATIVE REQUESTS: If an employee receives a legislative related request from a legislator, legislative staff member, or any member of the public that employee must notify their immediate

supervisor and Division Administrator as soon as possible and wait for further guidance before responding. The Division Administrator must notify the Director's Office as soon as possible by sending an email to DOC Legislature summarizing the request. A response will be crafted under the advisement of the Director's Office through the employee's supervisor and Division Administrator. Such a response should be supported by factual, documented, publicly accessible information. If the request cannot be fulfilled by publicly accessible information (e.g. Commerce's Database), the employee receiving the request must wait to respond and fulfill the request until the Director's Office has approved the response and the fulfillment of the request. If an employee receives a request to provide testimony or an informational presentation during a bill hearing, committee hearing, or interim committee meeting that employee must first receive approval to participate from the appropriate Division Administrator and Director's Office. Presentation materials may be asked to be reviewed in advance.

If an employee is interested in initiating contact with a legislator regarding official Department of Commerce business, that communication must be approved by the Director's Office through the employee's supervisor and/or Division Administrator.

Each Division Administrator is to provide a weekly summary of legislative contacts received by their Division to the Director's Office by noon on Friday of each week.

Current Board Members:

Board Member	Term Start Date	Term End Date	Qualifications
Veronica Small-Eastman	2/15/2019	1/1/2023	District 2, expertise in education
Tim Schaff	2/15/2019	1/1/2023	District 2, expertise in education
Sidney Fitzpatrick	3/10/2017	1/1/2021	District 2 - Impact Area
Sean Smith	5/31/2019	1/1/2021	District 1
Marianne Roose	2/15/2019	1/1/2023	District 1, public administration
John Williams	3/10/2017	1/1/2021	District 2 - Impact Area
Amber Henning	1/26/2018	1/1/2021	Attorney, District 1

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Board Members Present

Chairman John Williams, Vice-Chair Sidney Fitzpatrick, Amber Henning, Marianne Roose, Tim Schaff, Sean Smith, and Veronica Small-Eastman.

Montana Department of Commerce Staff Present

Jennifer Olson, Division Administrator; A.C. Rothenbuecher, Operations Manager; Rachel Young, Administrative Officer; Anita Proul, Executive Assistant; Jessica Blumberg, Attorney.

Public Present

Bill Hodges	Big Horn Hospital Association
Adam Liberty	MSU Billings Foundation
Bob Lewandowski	Superintendent Colstrip Public Schools
Becky Bey	KLJ Engineering
Candy Wells	Administrative Asst. Big Horn County
Brian Mischel	Director, Disaster & Emergency Services Big Horn County
Larry Vandersloot	Commissioner, Big Horn County
Daryl Nordquist	Big Horn County Cemetery District #1
Dianne Lehm	BSED
Patrick Klugman	BSED
Dennis Kopitzke	Mayor, Forsyth
Doris Pinkerton	Clerk Treasurer, Forsyth
Jim Atchison	SEMDC

Welcome – Call to order

Chairman Williams called to order the meeting of the Montana Coal Board at 8:32 a.m.

Roll call

Ms. Young called the roll for board members. The following board members were present: Chairman Williams, Vice-Chair Sidney Fitzpatrick, Amber Henning, Marianne Roose, Tim Schaff, Sean Smith, and Veronica Small-Eastman.

Commerce Updates

Ms. Young updated the Board on the request from the previous meeting to send letters to awardees that had grants awarded contingent upon funds being available and that those letters had been sent out to the following recipients:

- #0890 Carbon County; #0891 City of Colstrip; #0898 Town of Hysham; #0900 Musselshell County; #0901 Colstrip Public Schools

Opportunity for Public Comment

- Bill Hodges, Big Horn Hospital Association – Gave update on phase three Big Horn Hospital remodel, up and functional from about six weeks ago.

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- Adam Liberty, MSU Billings Foundation – Thank you and gave update on project

Approval of Minutes (June 11, 2020)

- Chairman Williams called for a motion to approve minutes.

Action by the Board: Mr. Schaff made a motion to approve minutes. Ms. Roose seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes. Minutes were approved.

Budget Status Update

Ms. Olson - Question was raised at June meeting if a transfer of funds had previously taken place from the Coal Natural Resource Account (CNRA), from which the Coal Board awards funds.

- Thank you to Fiscal staff at Commerce for research.
- Did have a transfer of funds out of CNRA.
 - In 2107 Legislative Session, Representative Keane proposed HB22 and signed by Governor on April 14, 2017.
 - Bill was specifically transferring \$80,000 out of CNRA to provide to the Department of Justice for monies to assist, intervene, and plan for the closure of coal fired generation operation.
- Reminder, the Department of Commerce does not transfer or move money out of the account without legislative authority or approval.
- Transfer did occur and Department of Justice did expend 100% of \$80,000 appropriation.
- That was the only transfer that came out of the CNRA.

Ms. Rothenbuecher discussed the Budget Update and Revenue History reports.

2021 Biennium

• Legislative Appropriation (HB 2 and HB 292):	\$6,961,000.00
• FY 2020 (7/1/19-6/30/20) Appropriation:	\$3,479,000.00
• FY 2020 Revenue Available to Date:	\$2,616,661.44
• FY 2020 Awards Made to Date:	\$3,223,150.00
• FY 2020 Revenue Available to Award:	(\$ 606,488.56)
• FY 2021 (7/1/20-6/30/21) Appropriation:	\$3,482,000.00
• FY 2021 Revenue Available to Date:	\$ 437,493.76
• FY 2021 Awards Made to Date:	\$0.00
• Funds Reverted:	\$0.00
• FY 2021 Revenue Available to Award:	\$ 437,493.76
• 2021 Biennium Awarded:	\$3,223,150.00
• 2021 Biennium Appropriation Remaining to Award:	\$3,482,000.00

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- Revenue Available: \$ 437,493.76
- Revenue Available with Reverted Funds (to award this meeting): (\$ 91,952.00)

- Tribal 7% limitations are being tracked and so far, this fiscal year, the Board has made no awards to State or Tribal projects. Currently the available balance for such is \$243,530.00. Also, Designated vs. Non-Designated funds are being tracked. Statute identifies funds can be spent anywhere but 51% must be in designated impact areas and any other projects must meet statute criteria.

Project Updates

A. Concurrence of contract amendments

- 831-Miles City; 866-Rosebud County; 867-Big Horn County; 854-Northern Cheyenne Tribe; 825 Lame Deer Public Schools; 846-Hardin Public Schools
- Previously approved to extend/amend but not executed by end of fiscal year.
- Need Board's concurrence to continue to amend contracts and roll into this fiscal year.

Action by the Board: Mr. Schaff made a motion to concur to extend contracts to the end of this fiscal year. Ms. Roose seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

B. Applicant #0830 – Northern Cheyenne requesting change of scope to finish using remaining grant funds.

Action by the Board: Vice-Chair Fitzpatrick made a motion to change scope. Ms. Small-Eastman seconded. Discussion from the Board and comments from the public - no discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

C. Applicant #0885 – Town of Broadus requesting change of scope to include grant administration and engineering.

Action by the Board: Mr. Schaff made a motion to change scope. Mr. Smith seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

D. Applicant #0799 – City of Colstrip requesting contract extension to March 31, 2021.

Action by the Board: Ms. Roose made a motion to extend contract to March 31, 2021. Mr. Smith seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes except Chairman Williams abstained. Motion passed.

E. Projects awarded at previous meetings contingent upon revenue and in priority order.

- 0890-Carbon County-Dec; 0891-City of Colstrip-Dec; 0898-Town of Hysham-March; 0900-Musselshell County-March; 0901 Colstrip High School-March.
- Total = \$363,968

F. Open and Closed project status

- Ms. Young reviewed spreadsheets
 - 30 Projects Open

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- Several contracts currently being routed

Old Business

Tabled Applications

Chairman Williams - Tabled items remain tabled until removed from the table unless you go beyond the quarterly meeting, they expire.

- Make recommendation not to take any action on tabled items
 - They will be removed entirely but does not prohibit the applicants from renewing their application when funds become available.

Ms. Rothenbuecher – Provided comment specific to ARM 8.101.302, item #2, “applications shall be considered by the Coal Board during the next scheduled quarterly meeting after receipt of the completed application and either be approved, denied, or tabled, pending submittal of additional information to Coal Board”. Make sure we are following ARM as it suggests an action still has to be taken on these applications.

Chairman Williams asked for discussion/questions/comments from the Board on the action:

- Vice-Chair Fitzpatrick – In favor of re-table and assess priority.
- Ms. Henning – In favor of denying. Does not mean the Board does not support the applications, it is simply due to a lack of funds. Tabling is misused and leaves everybody in limbo.
- Mr. Schaff – Listening to the explanation of the ARM, we do not have a choice, we have to deny.

Public Comments:

- Bill Hodges, Big Horn Hospital Association – As an applicant, would I have to go through the hearing process, environmental checklist, that entire list of protocols to submit a new app, or may I simply change the date and resubmit?
 - Ms. Rothenbuecher – Yes you can change the date/resubmit. Add any updates, to your knowledge, if anything has been changed or modified since the last time you applied. And anything that was commented from the staff reports; anything that was missing or unclear, encourage the applicant to address.
 - Ms. Henning – Recommend to anyone refiling, if you are changing your application substantially from the previous filing, please know that would maybe require you to go through the hearing process, the MEPA process.
- Jim Atchison, SEMDC – As an applicant, numerous grant applications submitted throughout the year and always risk of getting denied. From an applicant stand point, sometimes it’s better to obviously get a yes, but sometimes in my opinion, it’s good to get a no as well, because then we know where we sit with that project, with other match funds, with other grant applications, etc. Sometimes tabling these things is a limbo/gray area and it creates a lot of stress on some of these projects to find money...what if the table does not go through next time, etc. I would appreciate a yes or no when we initially apply, that way the applicant knows where we stand.

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- Bob Lewandowski, Superintendent Colstrip Public Schools – We were tabled in March and June, I certainly appreciate the difficulties you guys have to go through in making difficult financial decisions and availability of funds. And certainly, I also appreciate the opportunity to change dates and resubmit because I know the decision making is tied to the financial needs, have and have not, that you guys are dealing with so I appreciate your position and I wanted to let you that we thank you for what you guys are doing.

Chairman Williams called for a motion to un-table applications #0899, #0904, #0905, #0906, #0907, 0908.

Action by the Board: Mr. Smith made a motion to un-table applications. Mr. Schaff seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

Application #0899 Colstrip Public Schools – LED Lighting **\$229,470**

Action by the Board: Mr. Schaff made a motion to deny application based on lack of available funds. Ms. Roose seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

Application #0904 Rosebud County – Replace HVAC **\$250,000**

- Jim Atchison, SEMDC - Applicant withdrawing application

Action by the Board: Mr. Schaff made a motion to accept withdrawal. Ms. Small-Eastman seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

Application #0905 Big Horn County – Hospital Improvements **\$498,759**

Action by the Board: Mr. Smith made a motion to deny application based on lack of available funds. Mr. Schaff seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

Application #0906 City of Forsyth – Municipal Pool Upgrades **\$95,000**

Action by the Board: Ms. Roose made a motion to deny application based on lack of available funds. Mr. Schaff seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

Application #0907 Big Horn County – Cemetery District No. 1 **\$124,870**

Action by the Board: Mr. Schaff made a motion to deny application based on lack of available funds. Ms. Small-Eastman seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

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Application #0908 Big Horn County – Sheriff’s Dept. Purchase Two 4x4 Patrol Vehicles \$90,086

Action by the Board: Ms. Roose made a motion to deny application based on lack of available funds. Mr. Smith seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

Roll Call – Return from Break

Ms. Young called the roll for board members. The following board members were present: Chairman Williams, Vice-Chair Sidney Fitzpatrick, Amber Henning, Marianne Roose, Tim Schaff, Sean Smith, and Veronica Small-Eastman.

New Business

Application #0910 Lame Deer Public Schools – Purchase One School Bus \$100,000

Action by the Board: Vice-Chair Fitzpatrick made a motion to deny application based on lack of funds. Mr. Smith seconded. Discussion from the Board and comments from the public:

- Mr. Schaff – Noted discrepancy on the Superintendent of Schools on the application. Application signed by Ms. Cobell and the contact information for the Superintendent was their old Superintendent; those need to be made parallel when they reapply.
- Chairman Williams – There were a number of issues addressed in the staff review in regard to the application that should be addressed when they do reapply.

No discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

Application and Manual Review

Ms. Rothenbuecher recapped the steps to date in the process of updating the application and draft Grant Administration Manual. Ms. Rothenbuecher requested, from the board, a discussion and any relevant motions about what to accept or add, then at the next meeting, staff will be able to provide one red-lined version for any other additional board or public comments – “I appreciate your guidance and thoughts about how you would like to do this”.

The Board provided a final motion following various comments, ideas, and suggestions by staff:

Action by the Board: Ms. Henning made a motion directing staff to compile all documentation for one final review at the December meeting. Mr. Schaff seconded. Discussion from the Board and comments from the public – no discussion or comments. Ms. Young called for a vote: all yes. Motion passed.

- Ms. Rothenbuecher inquired if the draft Grant Administration Manual could receive a final review at the December meeting as well?
 - Chairman Williams and Ms. Henning agreed for it to be included to the review at the next meeting.

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Opportunity for Public Comment

- No additional public comment provided.

Board Matters

- Confirmation of next meeting date
 - December 10, 2020 – Telephone Conference
 - March 11, 2021
 - June 10, 2021
 - September 9, 2021

Adjournment

With no other business, Chairman Williams called for a motion to adjourn. Mr. Smith made a motion to adjourn. Mr. Schaff seconded. Meeting adjourned at 10:25 a.m.

Budget Update

December 10, 2020

2021 Biennium

Legislative Appropriation (HB 2 and HB 292):	\$6,961,000.00
FY 2020 (7/1/19-6/30/20) Appropriation:	\$3,479,000.00
FY 2020 Revenue Available to Date:	\$2,616,661.44
FY 2020 Awards Made to Date:	\$3,223,150.00
FY 2020 Revenue Available to Award:	(\$606,488.56)
FY 2021 (7/1/20-6/30/21) Appropriation:	\$3,482,000.00
FY 2021 Revenue Available to Date:	\$409,548.91
FY 2021 Awards Made to Date:	\$0.00
Funds Reverted:	\$0.00
FY 2021 Revenue Available to Award:	\$409,548.91
2021 Biennium Awarded:	\$3,223,150.00
2021 Biennium Revenue Available:	(\$196,939.65)
Revenue Available with Reverted Funds (to award this meeting):	(\$196,939.65)

Tribal/State 7% Limit	
2020 Appropriation Tribal/State Limit of 7%:	\$243,530.00
2020 Fiscal Year Awarded:	\$0.00
2020 Difference:	\$243,530.00
2021 Appropriation Tribal/State Limit of 7%:	\$243,740.00
2021 Fiscal Year Awarded:	\$0.00
2021 Difference:	\$243,740.00

Designated (at least 50%) Available by Fiscal Year	
2020 Designated (at least 50% of 2020 FY Approp.)	\$1,774,290.00
2020 Awards for Designated	\$3,223,150.00
2021 Designated (at least 50% of 2021 FY Approp.)	\$1,775,820.00
2021 Awards for Designated	\$0.00

Non-Designated (not more than 50%) Awarded by Fiscal Year	
2020 Non-Designated (not more than 50% of 2020 FY Approp.)	\$1,704,710.00
2020 Awards for Non-Designated	\$0.00
2021 Non-Designated (not more than 50% of 2021 FY Approp.)	\$1,706,180.00
2021 Awards for Non-Designated	\$0.00

Revenue History

2007-2013

2007 (fund 02511)													Coal Tax Revenue Percent	2.90%
Rev_Exp Amount	Month													
Account	01 (Jul)	02 (Aug)	03 (Sep)	04 (Oct)	05 (Nov)	06 (Dec)	07 (Jan)	08 (Feb)	09 (Mar)	10 (Apr)	11 (May)	12 (Jun)	Total	
510421 Coal Tax		256,454.89		(4,888.43)	304,274.15		187,689.21	107,627.26		294,577.83	0.00		1,145,734.91	
510422 Accrual Coal Production Tax				(259,706.05)								284,720.00	25,013.95	
Total	0.00	256,454.89	0.00	(264,594.48)	304,274.15	0.00	187,689.21	107,627.26	0.00	294,577.83	0.00	284,720.00	1,170,748.86	
2008 (fund 02511)													Coal Tax Revenue Percent	2.90%
Rev_Exp Amount	Month													
Account	01 (Jul)	02 (Aug)	03 (Sep)	04 (Oct)	05 (Nov)	06 (Dec)	07 (Jan)	08 (Feb)	09 (Mar)	10 (Apr)	11 (May)	12 (Jun)	Total	
510421 Coal Tax	266,641.62	1,516.10		339,800.49	2,606.99		336,953.39	3,537.77		29.42	330,559.90	103.05	1,281,748.73	
510422 Accrual Coal Production Tax				(284,720.00)								301,033.22	16,313.22	
Total	266,641.62	1,516.10	0.00	55,080.49	2,606.99	0.00	336,953.39	3,537.77	0.00	29.42	330,559.90	301,136.27	1,298,061.95	
2009 (fund 02511)													Coal Tax Revenue Percent	5.80%
Rev_Exp Amount	Month													
Account	01 (Jul)	02 (Aug)	03 (Sep)	04 (Oct)	05 (Nov)	06 (Dec)	07 (Jan)	08 (Feb)	09 (Mar)	10 (Apr)	11 (May)	12 (Jun)	Total	
510421 Coal Tax	167,905.80	135,373.67		354,750.80	2,950.53		248,126.42	152,105.88		42,801.10	311,600.99		1,415,615.19	
510422 Accrual Coal Production Tax				(301,033.22)								325,023.76	23,990.54	
Total	167,905.80	135,373.67	0.00	53,717.58	2,950.53	0.00	248,126.42	152,105.88	0.00	42,801.10	311,600.99	325,023.76	1,439,605.73	
2010(fund 02511, moved to fund 02445)													Coal Tax Revenue Percent	5.80%
Rev_Exp Amount	Month													
Account	01 (Jul)	02 (Aug)	03 (Sep)	04 (Oct)	05 (Nov)	06 (Dec)	07 (Jan)	08 (Feb)	09 (Mar)	10 (Apr)	11 (May)	12 (Jun)	Total	
510421 Coal Tax		295,705.72		338,615.57	1,017.16		337,886.80	7,493.24		308,943.66	1,011,820.33		2,301,482.48	
510422 Accrual Coal Production Tax				(325,023.76)								538,650.48	213,626.72	
Total	0.00	295,705.72	0.00	13,591.81	1,017.16	0.00	337,886.80	7,493.24	0.00	308,943.66	1,011,820.33	538,650.48	2,515,109.20	
2011 (fund 02445)													Coal Tax Revenue Percent	5.80%
Rev_Exp Amount	Month													
Account	01 (Jul)	02 (Aug)	03 (Sep)	04 (Oct)	05 (Nov)	06 (Dec)	07 (Jan)	08 (Feb)	09 (Mar)	10 (Apr)	11 (May)	12 (Jun)	Total	
510421 Coal Tax	17,863.90	739,751.69		814,596.79	44,854.14		792,126.04	29,742.78	829.28	379,673.08	325,476.25		3,144,913.95	
510422 Accrual Coal Production Tax				(538,650.48)								801,003.18	262,352.70	
Total	17,863.90	739,751.69	0.00	275,946.31	44,854.14	0.00	792,126.04	29,742.78	829.28	379,673.08	325,476.25	801,003.18	3,407,266.65	
2012 (fund 02445)													Coal Tax Revenue Percent	5.80%
Rev_Exp Amount	Month													
Account	01 (Jul)	02 (Aug)	03 (Sep)	04 (Oct)	05 (Nov)	06 (Dec)	07 (Jan)	08 (Feb)	09 (Mar)	10 (Apr)	11 (May)	12 (Jun)	Total	
510421 Coal Tax	478,552.73	229,945.98		518,784.61	398,977.25		562,498.88	325,049.60		715,661.79		5,270.09	3,234,740.93	
510422 Accrual Coal Production Tax				(801,003.18)								529,422.79	(271,580.39)	
Total	478,552.73	229,945.98	0.00	(282,218.57)	398,977.25	0.00	562,498.88	325,049.60	0.00	715,661.79	0.00	534,692.88	2,963,160.54	
2013 (fund 02445)									1/1/13-9/30/13				Coal Tax Revenue Percent	5.80%
Rev_Exp Amount	Month													
Account	01 (Jul)	02 (Aug)	03 (Sep)	04 (Oct)	05 (Nov)	06 (Dec)	07 (Jan)	08 (Feb)	09 (Mar)	10 (Apr)	11 (May)	12 (Jun)	Total	
510421 Coal Tax	609,198.17	8,941.30	76.04	1,016,937.04	6,420.77		781,776.84	23,364.52	(3.77)	657,249.04	59,665.69		3,163,625.64	
510422 Accrual Coal Production Tax				(529,422.79)								701,188.44	171,765.65	
Total	609,198.17	8,941.30	76.04	487,514.25	6,420.77	0.00	781,776.84	23,364.52	(3.77)	657,249.04	59,665.69	701,188.44	3,335,391.29	

As of 12/3/2020

Revenue History

2014-2018

										7/1/13-9/30/13	Coal Tax Revenue Percent		5.80%
2014 (fund 02445)											Coal Tax Revenue Percent		2.90%
Rev_Exp Amount	Month												
Account	01 (Jul)	02 (Aug)	03 (Sep)	04 (Oct)	05 (Nov)	06 (Dec)	07 (Jan)	08 (Feb)	09 (Mar)	10 (Apr)	11 (May)	12 (Jun)	Total
510421 Coal Tax	277,977.82	506,219.60		483,339.81	422,231.90		416,844.61	7,519.67		188,654.13	189,054.27		2,491,841.81
510422 Accrual Coal Production Tax				(701,188.44)								413,705.55	(287,482.89)
Total	277,977.82	506,219.60	0.00	(217,848.63)	422,231.90	0.00	416,844.61	7,519.67	0.00	188,654.13	189,054.27	413,705.55	2,204,358.92
2015 (fund 02445)											Coal Tax Revenue Percent		2.90%
Rev_Exp Amount	Month												
Account	01 (Jul)	02 (Aug)	03 (Sep)	04 (Oct)	05 (Nov)	06 (Dec)	07 (Jan)	08 (Feb)	09 (Mar)	10 (Apr)	11 (May)	12 (Jun)	Total
510421 Coal Tax	118,144.28	228,623.71	84,100.00	274,564.66	210,346.50	1,640.67	446,900.67	8,273.03	122.34	379,966.56	33,379.00	7,300.41	1,793,361.83
510422 Accrual Coal Production Tax				(413,705.55)								401,992.84	(11,712.71)
Total	118,144.28	228,623.71	84,100.00	(139,140.89)	210,346.50	1,640.67	446,900.67	8,273.03	122.34	379,966.56	33,379.00	409,293.25	1,781,649.12
2016 (fund 02445)											Coal Tax Revenue Percent		5.80%
Rev_Exp Amount	Month												
Account	01 (Jul)	02 (Aug)	03 (Sep)	04 (Oct)	05 (Nov)	06 (Dec)	07 (Jan)	08 (Feb)	09 (Mar)	10 (Apr)	11 (May)	12 (Jun)	Total
510421 Coal Tax	339,047.64	78,091.81		417,407.03	494,680.93		639,129.32	123,266.45	(24.48)	251,261.51	402,513.04		2,745,373.25
510422 Accrual Coal Production Tax				(401,992.84)								1,040,779.96	638,787.12
Total	339,047.64	78,091.81	0.00	15,414.19	494,680.93	0.00	639,129.32	123,266.45	(24.48)	251,261.51	402,513.04	1,040,779.96	3,384,160.37
2017 (fund 02445)											Coal Tax Revenue Percent		5.80%
Rev_Exp Amount	Month												
Account	01 (Jul)	02 (Aug)	03 (Sep)	04 (Oct)	05 (Nov)	06 (Dec)	07 (Jan)	08 (Feb)	09 (Mar)	10 (Apr)	11 (May)	12 (Jun)	Total
510421 Coal Tax	247,193.27	693,771.22		755,932.38	101,974.55		648,624.21	80,414.86	(1,551.84)	531,173.29	146,179.43	7,422.78	3,211,134.15
510422 Accrual Coal Production Tax				(1,040,779.96)								591,714.11	(449,065.85)
Total	247,193.27	693,771.22	0.00	(284,847.58)	101,974.55	0.00	648,624.21	80,414.86	(1,551.84)	531,173.29	146,179.43	599,136.89	2,762,068.30
2018 (fund 02445)										Through FY19	Coal Tax Revenue Percent		5.80%
Rev_Exp Amount	Month												
Account	01 (Jul)	02 (Aug)	03 (Sep)	04 (Oct)	05 (Nov)	06 (Dec)	07 (Jan)	08 (Feb)	09 (Mar)	10 (Apr)	11 (May)	12 (Jun)	Total
510421 Coal Tax		740,446.95		332,719.15	629,341.43	580.99	308,187.51	551,400.30		721,648.76	98,316.33	505.97	3,383,147.39
510422 Accrual Coal Production Tax				(591,714.11)								839,846.18	248,132.07
Total	0.00	740,446.95	0.00	(258,994.96)	629,341.43	580.99	308,187.51	551,400.30	0.00	721,648.76	98,316.33	840,352.15	3,631,279.46

As of 12/3/2020

Revenue History

2019-2020

2019 (fund 02445)									Through FY19		Coal Tax Revenue Percent		5.80%
Rev_Exp Amount	Month												
Account	01 (Jul)	02 (Aug)	03 (Sep)	04 (Oct)	05 (Nov)	06 (Dec)	07 (Jan)	08 (Feb)	09 (Mar)	10 (Apr)	11 (May)	12 (Jun)	Total
510421 Coal Tax		918,302.50	(504.39)	519,416.85	439,644.24	0.00	702,308.56	235,857.70	0.00	625,338.13	95,829.81	(505.97)	3,535,687.43
510422 Accrual Coal Production Tax				(839,846.18)		0.00						858,110.40	18,264.22
Total	0.00	918,302.50	(504.39)	(320,429.33)	439,644.24	0.00	702,308.56	235,857.70	0.00	625,338.13	95,829.81	857,604.43	3,553,951.65
2020 (fund 02445)											Coal Tax Revenue Percent		5.80%
Rev_Exp Amount	Month												
Account	01 (Jul)	02 (Aug)	03 (Sep)	04 (Oct)	05 (Nov)	06 (Dec)	07 (Jan)	08 (Feb)	09 (Mar)	10 (Apr)	11 (May)	12 (Jun)	Total
510421 Coal Tax	222,429.42	539,831.96	5,979.51	316,099.35	457,270.54		327,851.56	316,829.05	2,063.81	557,704.92	90,338.94	108,927.02	2,945,326.08
510422 Accrual Coal Production Tax				(858,110.40)								529,445.76	(328,664.64)
Total	222,429.42	539,831.96	5,979.51	(542,011.05)	457,270.54	0.00	327,851.56	316,829.05	2,063.81	557,704.92	90,338.94	638,372.78	2,616,661.44
2021 (fund 02445)											Coal Tax Revenue Percent		5.80%
Rev_Exp Amount	Month												
Account	01 (Jul)	02 (Aug)	03 (Sep)	04 (Oct)	05 (Nov)	06 (Dec)	07 (Jan)	08 (Feb)	09 (Mar)	10 (Apr)	11 (May)	12 (Jun)	Total
510421 Coal Tax	431,312.73	6,181.03	6,181.03	489,138.85	6,181.03								938,994.67
510422 Accrual Coal Production Tax				(529,445.76)									(529,445.76)
Total	431,312.73	6,181.03	6,181.03	(40,306.91)	6,181.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	409,548.91

As of 12/3/2020

Town of Lodge Grass

Established 1927

P.O. Box 255

Lodge Grass, Mt 59050

Phone: (406) 639-2356 Fax (406) 639-9134

November 30, 2020
Community Development Division
Montana Department of Commerce
P.O. Box 200523
301 S. Park Avenue

Dear Montana Coal Board Members and Community Development Division,

On behalf of the Town of Lodge Grass I am respectfully requesting an extension of MT-CB-15-0742 and MT-TSEP-CG-15-741 Lodge Grass Wastewater Improvements Project to a termination date of December 01, 2022.

The Town of Lodge Grass has encountered multiply setbacks since the award date, the following are a list of notable delays.

- As a result of past litigation with Black Canyon Construction the Town of Lodge Grass required time for planning and creating new contracts between Morrison-Merle Inc. and the USDA-Rural Development.
- Regulations set forth between the Town of Lodge Grass and the Environmental Protection Agency Region 8, the Town must meet e. coli limitations. The National Pollutant Discharge Elimination System (Permit Discharge) requires the Town of Lodge Grass to meet a 30-day average effluent limit of 126 #/100 ml of e. coli. Morrison-Merle advised the solution of installing a **UV disinfection facility** to reach these needs. The Town directed Morrison-Merle to amend the new agreement based on the 2014 EJCDC standard agreement form to include the UV disinfection facility.
- Considering the lack of funding for the required UV disinfection facility, USDA-Rural Development advised to seek additional funding from the Community Development Block Grant. The Town of Lodge Grass will need to complete a **Wastewater Preliminary Engineering Report (PER) and Environmental Report for the CDBG Application**. The PER and ER will be included in the new agreement based on 2014 EJCDC standard agreement form.
- On November 9, 2020 Morrison-Merle Inc. delivered a rough draft of the new EJCDC standard agreement to be reviewed by USDA-Rural Development.

The rationale for modifying the contract terms is to allow time to complete the project.

Thank you for your consideration of this request. Please contact me with any questions or need for additional information.

Sincerely,

x 

James Quincy Dabney,
Mayor, Town of Lodge Grass

CROW TRIBE EXECUTIVE BRANCH

Bacheeitché Avenue
P.O. Box 159
Crow Agency (Baaxuwuashé), Montana 59022



Alvin Not Afraid, Jr.

CHAIRMAN

Carlson Goes Ahead

VICE-CHAIRMAN

Rudolph Old Crow, Sr.

SECRETARY

Shawn Backbone

VICE-SECRETARY

September 9, 2020

Jeanette Blize
Montana Department of Commerce
301 S. Park Ave.
PO Box 200505
Helena, MT 59620-0505

RE: Extension Request for Crow Ph 3C Project; # MT-CB-17-0787

Dear Ms. Blize:

On behalf of the Crow Tribe of Indians, I respectfully request an extension of the above-named grant to December 31, 2023. As you know, the grant was intended to help fund the Phase 3C Wastewater Project for Crow Agency. This project includes the relocation and replacement of the East Frontage Road Lift Station, which serves critical facilities including the IHS Hospital. The project also includes the replacement of gravity sewer lines, many of which are clay tile and are having structural issues causing sewage backups in homes, primarily in west Crow Agency and on Two Leggings Avenue. The project is currently under design with a goal of completing design, permitting, obtaining all easements by the end of 2021. Construction is anticipated in 2022 with final project closeout in 2023. The need for extension is attributable to numerous project delays including those related to a Federal Government shutdown in 2019, COVID-19, and Tribal stay at home orders which have made progress more difficult. Other project delays include previously unknown right-of-way issues requiring extensive coordination with the BIA and Tribe, acquisition of easements for the new lift station and sewer main and gravity force main extensions, renewal of existing easements for the existing lift station and gravity sewer mains and force main, obtaining a revocable permit for geotechnical field work, and prepping the process to obtain a revocable permit by the contractor for staging and storage areas for construction. Acquisition of easements includes environmental assessment work (supplement to Environmental Report, Notice of Intent, Notice of Availability, and Finding of No Significant Impact), coordinating appraisals, obtaining property owner consent, and processing of applications by the BIA.

Thank you for considering this request.

Sincerely,



Alvin 'AJ' Not Afraid
Chairman, Crow Tribe of Indians

41877 Hwy 212
P.O. Box 747
Lame Deer, MT 59043

November 12, 2020



Phone: 406.477.6318.6118
Fax: 406.477.6779
Email: ncuc@rangeweb.net

Ms. Rachel Young, Board Officer
MONTANA COMMUNITY DEVELOPMENT DIVISION
DEPARTMENT OF COMMERCE
Helena, MT 59620-0501

In Reference To: #MT-CB-EP-19-0830

Dear Ms. Young,

On behalf of the Northern Cheyenne Utilities Commission I write your office to submit a formal request for an extension of Coal Board Grant #MT-CB-EP-19-0830. If the request is granted it would extend the cut off date from September 30, 2020 and would provide us with additional time to spend the remaining balance of \$6,024.69

The following equipment purchases are needed for lagoon maintenance as we manage, Lame Deer, Busby, Birney, Muddy Cluster, and Ashland lagoons. On an annual basis, the Northern Cheyenne Utilities Commission hire seasonal staff to clean and maintain these lagoons as required by the Environmental Protection Agency.

Equipment to be purchased:

- 1) Outback Brushcutter – 25' Width Billy Goat - \$4,450.00
- 2) Two 24 Inch Chain Saws from Shipton's Big R = \$1,4369.90 (\$719.95 each)
- 3) Oil Supplies and Extra Chains - \$134.79

TOTAL: \$6,024.69

The Northern Cheyenne Utilities Commission has greatly benefitted from the Coal Board Grant #MT-CB-EP-19-0830 in achieving our goals outlined in the grant. By granting the request for an extension Northern Cheyenne Utilities Commission would benefit in keeping our lagoons in compliance with the standards as set forth by the U.S. Environmental Protection Agency Rules and Regulations. If you have any questions or concerns please contact me directly at email: adamspang.ncuc@gmail.com; cell phone: 406.479.0777 or office telephone: 406.477.6318

Best Regards,



Adam L. Spang, MBA
General Manager



Hardin Public Schools

ELEMENTARY DISTRICT 17H & HIGH SCHOOL DISTRICT 1
401 Park Rd
Hardin, MT 59034-2505
Big Horn County
406-665-9307 · Fax: 406-665-9338
Eldon C. Johnson, Superintendent
www.hardin.k12.mt.us

November 30, 2020

To: Members of the Montana Coal Board
From: Eldon C. Johnson, Superintendent Hardin SD 17H & 1
Re: Request for Extension to Sign/Commit to District Fire Suppression Upgrades/Improvement Project Grant #0846

Dear Coal Board Members,

On behalf of Hardin SD 17H & 1, I am writing to respectfully request an extension of the Hardin District Fire Suppression Upgrades/Improvement Project Grant #0846. The grant of \$100K was awarded to the school and amended the fall of 2019 to improve and upgrade our current district-wide fire suppression system; however, due to the COVID-19 global pandemic ...Hardin Schools and the contractors were not able to stay on the proposed timeline for completion. The project is at 100% completion, but due to the fact that the invoices did NOT meet the time requirements, we need the three month extension. All materials for final closure will be submitted by December 31, 2020.

I would respectfully request the Coal Board's support in extending the completion and finalization of the project six (6) months, with all necessary components finished and approved by March 31, 2021.

If you need additional information or would like further clarification, please contact me at the number above or by my cell at 406-320-1662.

Respectfully,

Eldon C. Johnson, Supt
Hardin SD 17H & 1

MSUB Foundation Yellowstone Science and Health Building



Quarterly Update

Construction is currently in progress and on-time. After a late start due to some delays in the bidding process, we are working towards a completion date that will see students utilizing the new classroom and lab space in fall semester 2021. To date, we stand at 60% complete.

As a reference, the initial estimate was \$17.1 million for the building and equipment. The state pledged \$10 million, MSUB Foundation raised \$5 million and student fees covered the remaining \$2.1 million. When the bids came in, they brought the costs to approximately \$18 million. With an additional pledge of \$1,000,000 (bringing MSUB Foundation's total raised to \$6 million), construction began to complete the building.

To date the following construction items have been completed:

- Demolition of the basement of the existing building was completed as a pre-cursor to the plumbing work installed now.
- They demolished the exterior brick on the south side of the building so they can connect the new addition structural steel into the existing building frame.
- They demolished several exterior features in preparation for the new addition.
- The chiller was disconnected and stored offsite.
- The existing transformer was relocated.
- The existing campus waterline was relocated outside the building footprint.
- Asphalt has been removed and the site graded.
- Excavation for the foundation is complete.
- Pile foundation installation.
- Concrete foundations for the new addition.
- Underground plumbing preparation in existing building.
- Structural steel erection.
- Roofing and siding installed.
- New addition enclosed 2020
- Temporary spaces for Science Labs created for September 2020 to allow Science Building vacancy.

Milestones over the last Quarter

- Renovations to existing building begin to be completed by summer 2021.
- Interior finishes to new addition start summer 2020 to be completed by summer 2021.
- Inside Plumbing and Electrical work by October 2020
- Greenhouse by October 2020
- Building of Exterior Wall by November 2020

Milestones to Complete

- Pavement and Site Concrete for October 2020 (Running behind schedule)
- Interior finishes complete by June 2021
- Landscaping substantially complete by June 2021
- Project is substantially complete by June 2021.
- Furniture, Fixtures and Equipment by July 2021
- Occupancy and preparation for classes in August 2021.
- Classes in new building September 2021.

To date, \$11,111,525 has been expended on this project. The following details the expenditures to date.

Administrative & Misc.	
City of Billings	18,842
IR	72
Lee Enterprises	189
Selby's	63
Administrative & Misc. Total	19,166
Architect & Engineering Fees	
CTA Architects	80,398
Dowling Studio Architects	1,738,438
Architect & Engineering Fees Total	1,818,836
Construction Fees	
TW Clark Construction	9,239,216
Construction Fees Total	9,239,216
Planning - Laboratory & Testing	
Northern Industrial Hygiene, Inc.	7,830
Terracon Consultants, Inc.	26,477
Planning - Laboratory & Testing Total	34,307
Total YSAHB costs	11,111,525

The MSUB Yellowstone Science & Health Building project, when completed, will expand and renovate the current Science Building, adding 31,361 square feet, increasing classroom, laboratory, office, and meeting space by nearly 70% in addition to providing critical updates to existing space.

Upon completion of the new building, MSUB will accomplish the following objectives:

1. **Providing 16 labs dedicated solely to teaching and 11 labs dedicated to research in a collaborative space, including a separate athletic training lab and a wellness lab** – This will lead to increased recruitment and enrollment in the Science and Allied Health Professions programs and an increased number of students participating in hands-on laboratory research, thus improving their marketability after graduation.

2. **Providing safe, state-of-the-art facilities in a LEED certified building** – This will include tripled lab hood spaces; labs appropriate for athletic testing; and updated electrical, heating, water, sewer, and IT systems to support undergraduate student research.
3. **Making equipment accessible in an appropriate, centralized space for use by faculty and undergraduates for research and teaching** – This will provide students with the comprehensive lab experience that they would encounter in the workforce, increasing student awareness of and training in equipment use in addition to protecting investments in advanced equipment.

Thank you Coal Board for helping make this project a reality!

November 22, 2020

Montana Coal Board-Montana Department of Commerce
Attn: A.C. Rothenbuecher
301 S. Park Avenue
Helena, MT 59601

RE: Hysham Coal Board Grant- Request of Change of Scope

Dear Ms. Rothenbuecher and Members of the Coal Board,

Please consider this letter a formal request by the Town of Hysham for a change of scope related to Coal Board application #0898 for the Wastewater System Rehabilitation Project, Phase I. This grant was awarded in March of 2020 but continues to be contingent and pending based on available revenues.

At the time of the original grant application and award, Hysham proposed the following scope of work to be supported by the above reference Coal Board Grant:

1. Replacement of Lift Station 1
2. Component replacement of Lift Station 2
3. Further evaluation and rehabilitation of the existing collection system
4. Further quantifying the extent of the lagoon leakage
5. Replacement of control structure lids, repair of leaking valves and repairing of dike deterioration

Total cost was estimated at \$785,077.

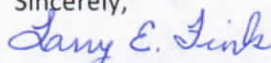
In the course of finalizing estimates and preparing plans for bid, and then going out for bid in the fall of 2020, it was determined that the cost of this work would far exceed the original estimate. As a result, the Town in consultation with the engineer, determined the need to address the most serious and pressing system issues and phase the remaining work as funds became available. Phase I is still estimated at a cost of \$785,077 but entails a reduced scope of work that includes the following:

1. Replacement of Lift Station 1
2. Further Evaluation and rehabilitation of the existing collection system

The remaining work originally scoped as Phase I, has now been delineated into five (5) Phases, of which the Town is hoping to move forward with two (Phase I and Phase IA) in the spring/summer of 2021.

It is requested that Coal Board grant #0898 be awarded to assist with the reduced scope of work as outlined in Phase I. Further explanation of the phases and funding either received or contemplated is attached for further clarification. Thank you in advance for your consideration. Should you have any questions or need additional information, please don't hesitate to contact me.

Sincerely,



Mayor Larry Fink
Town of Hysham

COAL BOARD GRANTS

Grant No.	Grantee:	Project Description:	Direct Award Amount:	Contingent Award:	Amount Spent:		Award Date:	Contract Executed:	Implementation:	Expires:	Status:	Date Closed:	Recaptured:
2015 BIENNIUM													
0742	Town of Lodge Grass	Wastewater Project	\$200,000.00		\$173,461.68	87%	9/27/2013	6/4/2014	4th QTR. 2015	3/31/2021	Open		
2017 BIENNIUM													

0787	Crow Tribe of Indians	Phase 3c WW Collection	\$200,000.00		\$ -	0%	6/16/2016	6/28/2019		3/30/2021	Open		
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0799	City of Colstrip	Water Storage Tank	\$138,000.00		\$138,000.00	100%	6/16/2016	2/14/2017	2nd QTR 2017	3/31/2020	Closed		
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COAL BOARD GRANTS											
Grant No.	Grantee:	Project Description:	Direct Award Amount:	Amount Spent:	% Spent:	Award Date:	Contract Executed:	Expires:	Status:	Date Closed:	Recaptured:
						2019 BIENNIUM					
0825	Lame Deer Public Schools	School Housing Purchase	\$ 120,000.00	\$113,000.00	94%	6/22/2017	4/12/2018	3/31/2021	Open		
0830	Northern Cheyenne Utilities Commission	Water and Wastewater Equipment	\$ 170,356.00	\$164,331.31	96%	6/22/2017	6/25/2019	12/31/2020	Open		
0831	City of Miles City	Airport PER and Snow Removal Equipment purch.	\$ 43,900.00	\$8,500.00	19%	6/22/2017	5/24/2018	7/31/2021	Open		
0839	City of Colstrip	Economic Diversification Strategy Implementation Project	\$70,000.00	\$41,411.87	59%	1/18/2018	6/29/2018	3/31/2021	Open		
0846	Hardin Public Schools	Update Fire Supression	\$100,000.00		0%	3/22/2018	6/28/2019	12/31/2020	Open		
0848	Big Sky Economic Development	MSU Billings Science & Health Building	\$ 500,000.00	\$500,000.00	100%	3/22/2018	8/30/2018	3/31/2021	Open		
0853	Lewistown	Creekside Central Station restroom facility & kiosk	\$ 40,000.00		0%	12/20/2018	5/21/2019	12/31/2020	Open		
0854	Northern Cheyenne Tribe	transportation sand/salt facility	\$ 154,621.00		0%	3/21/2019	6/25/2019	3/31/2021	Open		
0855	Town of Broadus	Wastewater project	\$ 200,000.00	\$50,521.70	25%	12/20/2018	5/6/2019	9/30/2022	Open		
0865	Musselshell County	Bridge replacement	\$ 389,969.00		0%	3/21/2019	5/6/2019	9/30/2022	Open		
0868	Big Horn County	Purchase of front-line ambulance remount	\$ 69,000.00		0%	3/21/2019	5/31/2019	12/31/2021	Open		
0869	Big Horn County	Purchase of management software and completion of a planning document for Lodge Grass Cemetery capital improvements	\$ 18,500.00		0%	3/21/2019	5/28/2019	9/30/2021	Open		
0874	Musselshell County	Purchase materials to upgrade Hawk Creek VFD building	\$ 15,848.00		0%	6/20/2019	6/27/2019	9/30/2021	Open		

COAL BOARD GRANTS											
Grant No.	Grantee:	Project Description:	Direct Award Amount:	Amount Spent:	% Spent:	Award Date:	Contract Executed:	Expires:	Status:	Date Closed:	Recaptured:
0876	Carter County	Initiate use of certified electronic health record system	\$ 4,606.00		0%	6/20/2019	6/28/2019	6/30/2021	Open		
0879	Roundup, City of	Install/replace about five blocks of water lines	\$ 400,000.00	\$385,067.13	96%	6/20/2019	10/17/2019	3/31/2021	Open		

COAL BOARD GRANTS												
Grant No.	Grantee:	Project Description:	Direct Award Amount:	Contingent Award:	Amount Spent:	% Spent:	Award Date:	Contract Executed:	Expires:	Status:	Date Closed:	Recaptured:
2021 BIENNium												
0880	Big Horn County	Construction of additional space for hospital emergency department	\$287,159.00				9/12/2019	4/21/2020	12/31/2020	Open		
0883	City of Colstrip	Marketing study for City	\$25,000.00				9/12/2019	6/29/2020	3/31/2021	Open		
0885	Rosebud County	Development of a PAR and needs assessment for a business center	\$80,000.00				9/12/2019	6/4/2020	9/30/2021	Open		
0886	City of Miles City	Construction of runway and taxiway improvements at airport.	\$275,000.00				9/12/2019	6/4/2020	9/30/2021	Open		
0887	Musselshell County	Replace antiquated equipment and infrastructure at RMH	\$85,500.00				12/12/2019	10/2/2020	9/30/2021	Open		
0888	Musselshell County	PAR for Sheriff's Office	\$45,000.00				12/12/2019	9/25/2020	9/30/2021	Open		
0889	City of Hardin	Upgrade components of the wastewater collection system and treatment plant in order to meet EPA and DEQ standards	\$250,000.00				3/12/2020			Open		
0890	Carbon County	Complete a PER to stabilize the Bridger Senior Center	\$57,500.00				12/12/2019			Open		
0891	City of Colstrip	Colstrip broadband feasibility study	\$27,000.00				12/12/2019			Open		
0893	Rosebud County	Upgrade Rosebud Healthcare Center equipment	\$215,000.00				12/12/2019	9/10/2020	9/30/2021	Open		
0894	Forsyth Public Schools	Forsyth Public Schools bleacher replacement	\$264,160.00				12/12/2019	8/21/2020	9/30/2021	Open		
0895	Treasure County	Purchase seven new computers for the county	\$11,000.00				12/12/2019	9/9/2020	9/30/2021	Open		
0896	Big Horn County	Purchase of one new dump truck and two new graders	\$562,000.00				12/12/2019	9/25/2020	9/30/2021	Open		
0898	Town of Hysham	Wastewater System Rehabilitation, Phase 1	\$125,077.00				3/12/2020					
0900	Musselshell County	Hawk Creek VFD Concrete and Gutters	\$33,118.00				3/12/2020					
0901	Colstrip High School	Water Main Replacement Project	\$121,273.00				3/12/2020					

COAL BOARD GRANTS												
Grant No.	Grantee:	Project Description:	Direct Award Amount:	Contingent Award:	Amount Spent:	% Spent:	Award Date:	Contract Executed:	Expires:	Status:	Date Closed:	Recaptured:
0881	City of Colstrip	Purchase of aerial fire apparatus for fire department	\$350,000.00		\$350,000.00	100%	9/12/2019	7/8/2020	9/30/2021	Closed	8/31/2020	\$0.00
0884	Big Horn County	Purchase of tasers for sheriff's department	\$38,060.00		\$38,060.00	100%	9/12/2019	2/26/2020	9/30/2021	Closed	9/29/2020	\$0.00
0892	Rosebud County	Upgrade arena lighting at the Rosebud County fairgrounds	\$100,000.00		\$100,000.00	100%	12/12/2019	9/25/2020	9/30/2021	Closed	10/22/2020	
0882	Colstrip Public Schools	Construction of ADA improvements at high school gymnasium	\$271,303.00		\$271,303.00	100%	9/12/2019	6/29/2020	9/30/2021	Closed	11/20/2020	\$0.00

P.O. BOX 47
FORSYTH, MT 59327
406-346-2251
FAX 406-346-7551

ROSEBUD COUNTY COMMISSIONERS

Robert E. Lee, Member
Douglas D. Martens, Member
Ed Joiner, Member

September 9, 2020

RE: Colstrip Parks and Recreation District Application

Dear Coal Board Members,

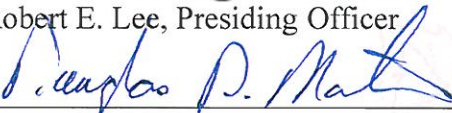
Rosebud County requests to withdraw the application for the Colstrip Parks and Recreation District. This application was written and submitted to the MT Coal Board in March 2020 for \$250,000. The project has been completed using Reserve Funds and the grant is no longer needed. Thank you for your consideration for this project.

Sincerely,

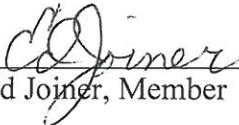
ROSEBUD COUNTY COMMISSIONERS



Robert E. Lee, Presiding Officer



Douglas D. Martens, Member



Ed Joiner, Member

Applications for Consideration

Applicant #	Applicant	Project Description	Funds Requested	Total Project Costs
0911	Rosebud County	Colstrip Human Services Building HVAC repair	\$250,000	\$318,051
0912	Big Horn County	Construct New Hospital Admissions Area and Patient Entry Canopy at Big Horn Hospital	\$498,759	\$2,620,537
0913	Big Horn County	Purchase a New Tractor and Construction of a Storage Building for the Fairview Cemetery	\$124,870	\$149,870
0914	Big Horn County	Purchase of Two 4X4 Patrol Vehicles for the Sheriff's Department	\$90,086	\$115,086
0915	Colstrip Public Schools	Replace Fluorescent Lighting with LED Lighting at Two Schools	\$229,470	\$249,433
		Total Requested:	\$1,193,185	\$3,452,977

Montana Coal Impact Grant Application

Submitted to the Montana Coal Board

By

ROSEBUD COUNTY

For

COLSTRIP HUMAN SERVICES
BUILDING

Date submitted:

10/21/2020

THE COAL IMPACT GRANT APPLICATION FORM
SUBMITTED BY Rosebud County

CERTIFICATION

To the best of my knowledge and belief, the information provided in this application and in the attached documents is true and correct.

In accordance with Section 90-6-205, MCA, the applicant is eligible for Coal Board grants and has the statutory authority to make expenditures to provide for the particular service or facility.

Name: Robert E. Lee

Title: Commissioner

Signature: Robert E. Lee

Date: 10-21-2020

SUMMARY INFORMATION

1. NAME OF APPLICANT(S):

ROSEBUD COUNTY

2. TYPE OF ENTITY:

COUNTY GOVERNMENT

3. FEDERAL TAX ID NUMBER:

4. SENATE AND HOUSE DISTRICTS:

Senate 21
House 41

5. AMOUNT OF COAL IMPACT GRANT REQUESTED \$ 250,000.00

6. NAME OF PROJECT:

Replace heating and cooling in the Colstrip human service building

7. TYPE OF PROJECT:

Building repair

8. POPULATION SERVED BY PROJECT:

Rosebud County 9,500

9. NUMBER OF HOUSEHOLDS SERVED BY PROJECT:

Approximately 1,000

10. CHIEF ELECTED OFFICIAL OR AUTHORIZED REPRESENTATIVE:

Robert E. Lee
P.O. Box 47 Forsyth MT 59327
Phone #406-346-2251
Email rcc@rosebudcountymt.com
Fax 406-346-7551

11. PRIMARY ENTITY CONTACT PERSON: Same as above

12.

13. OTHER CONTACT PERSONS:

14. MILLAGE RATES:

FY Year	# of mills	value/mill
FY 2017-2018	75.47	95,126
FY 2018-2019	90.27	90,469
FY 2019-2020	87.26	87,740
FY 2020-2021	92.43	78,627

15. AMOUNT OF COAL GROSS PROCEEDS TAX: FY 19 Coal Gross Proceed \$7,373,964
FY 29 Coal Gross Proceed \$8,164,629. The coal gross proceeds are allocated per Montana
code. We split our share to the various funds and these are used as nontax revenues within our
budget.

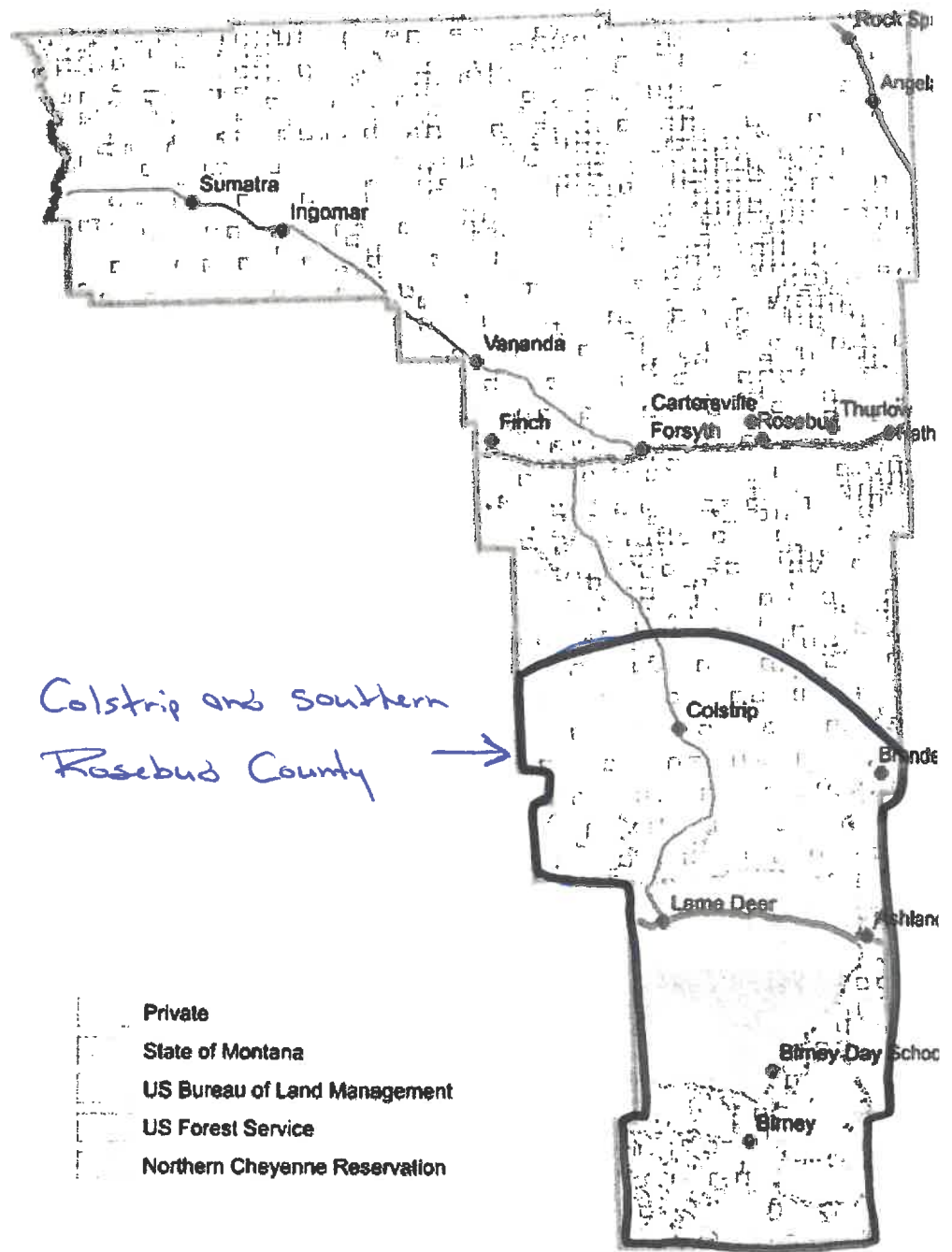
16. IMPACTS FROM COAL INDUSTRY:

Currently there are approximately 300 employees at the power plant and 300 at the coal mine.

17. MAPS:

See attached map

18. BRIEF PROJECT SUMMARY:



PROJECT SUMMARY FOR COLSTRIP HUMAN SERVICE BUILDING

The project is to replace the heating and cooling system in the human service building in Colstrip. The building houses the Colstrip library, senior citizen center, public health, misdemeanor probation, drivers license examiner, and other offices. The building was built in 1985 and the heating and cooling system was a ground source heat pump system. The system has started to fail and it is outdated. We want to replace it with a propane gas furnace system and replace the duct work. The duct work is starting to collapse and a contractor will not guarantee the furnace system if the duct work is not replaced. This will require major demolition of the ceilings and floors. We have hired numerous contractors to try to fix the problems and all have failed. It is time to cut our losses and replace the entire system.

Colstrip Library Human Services
Proposed Construction Cost

	2	Units	Quantity	Unit Price	Sub-Total	Hours	Rate	Sub-Total	Total	M/U (20%)	Budget
Demolition											
Remove Heat Pump - Flr Mtd	Ea		3.0	250.00	750.00	1.5	84.0	378.00	1,128.00	225.60	1,353.60
Remove Heat Pump - Clg Mtd	Ea		4.0	250.00	1,000.00	2.0	84.0	672.00	1,672.00	334.40	2,006.40
Remove Abandon Water Heater	Ea		1.0	100.00	100.00	2.0	84.0	168.00	268.00	53.60	321.60
Remove Heat Pump Piping Equip Rm	Ls		1.0	200.00	200.00	12.0	84.0	1,008.00	1,208.00	241.60	1,449.60
Remove In-Line Circ Pumps	Ea		2.0	150.00	300.00	1.5	84.0	252.00	552.00	110.40	662.40
Remove Corridor Piping	Ls		1.0	200.00	200.00	4.0	84.0	336.00	536.00	107.20	643.20
Relocate Irrigation Piping	Ea		1.0	350.00	350.00	4.0	84.0	336.00	686.00	137.20	823.20
Disconnect Electrical Components	Ea		14.0	50.00	700.00	2.0	84.0	2,352.00	3,052.00	610.40	3,662.40
Tank Remediation	Ls		1.0	5,000.00	5,000.00	0.0	65.0	0.00	5,000.00	1,000.00	6,000.00
Lower Equipment Rm											
Install Upright Furnace	Ea		2.0	4,100.00	8,200.00	10.0	84.0	1,680.00	9,880.00	1,976.00	11,856.00
Gas Piping	Ea		2.0	1,250.00	2,500.00	4.0	84.0	672.00	3,172.00	634.40	3,806.40
Extend OA Ductwork	Ea		1.0	1,200.00	1,200.00	12.0	84.0	1,008.00	2,208.00	441.60	2,649.60
Electrical Connections	Ea		2.0	225.00	450.00	4.0	84.0	672.00	1,122.00	224.40	1,346.40
Condensing Unit Electrical	Ea		2.0	400.00	800.00	4.0	84.0	672.00	1,472.00	294.40	1,766.40
Economizer	Ea		2.0	1,100.00	2,200.00	2.0	84.0	336.00	2,536.00	507.20	3,043.20
Refrigerant Piping	Ea		2.0	250.00	500.00	6.0	84.0	1,008.00	1,508.00	301.60	1,809.60
Flue/Combustion Air Piping	Ea		2.0	350.00	700.00	4.0	84.0	672.00	1,372.00	274.40	1,646.40
Wall Mounted Thermostat	Ea		2.0	160.00	320.00	1.5	84.0	252.00	572.00	114.40	686.40
Equipment Start-Up	Ea		2.0	0.00	0.00	3.0	84.0	504.00	504.00	100.80	604.80
Upper Equipment Room											
Install Upright Furnace	Ea		3.0	4,100.00	12,300.00	10.0	84.0	2,520.00	14,820.00	2,964.00	17,784.00
Gas Piping	Ea		3.0	750.00	2,250.00	16.0	84.0	4,032.00	6,282.00	1,256.40	7,538.40
Extend OA Ductwork	Ea		1.0	450.00	450.00	8.0	84.0	672.00	1,122.00	224.40	1,346.40
Electrical Connections	Ea		3.0	225.00	675.00	4.0	84.0	1,008.00	1,683.00	336.60	2,019.60
Condensing Unit Electrical	Ea		3.0	400.00	1,200.00	4.0	84.0	1,008.00	2,208.00	441.60	2,649.60
Economizer	Ea		3.0	1,100.00	3,300.00	2.0	84.0	504.00	3,804.00	760.80	4,564.80
Refrigerant Piping	Ea		3.0	250.00	750.00	6.0	84.0	1,512.00	2,262.00	452.40	2,714.40
Flue/Combustion Air Piping	Ea		3.0	350.00	1,050.00	4.0	84.0	1,008.00	2,058.00	411.60	2,469.60
Wall Mounted Thermostat	Ea		3.0	160.00	480.00	1.5	84.0	378.00	858.00	171.60	1,029.60
Revise Existing Wall Louver	Ls		1.0	1,600.00	1,600.00	8.0	65.0	520.00	2,120.00	424.00	2,544.00
Equipment Start-Up	Ea		3.0	0.00	0.00	3.0	84.0	756.00	756.00	151.20	907.20
Addition Mechanical Room											
Install Upright Furnace	Ea		1.0	4,100.00	4,100.00	10.0	84.0	840.00	4,940.00	988.00	5,928.00
Gas Piping	Ea		1.0	100.00	100.00	2.0	84.0	168.00	268.00	53.60	321.60
Extend OA Ductwork	Ea		1.0	700.00	700.00	8.0	84.0	672.00	1,372.00	274.40	1,646.40
Electrical Connections	Ea		1.0	225.00	225.00	4.0	84.0	336.00	561.00	112.20	673.20
Condensing Unit Electrical	Ea		1.0	400.00	400.00	4.0	84.0	336.00	736.00	147.20	883.20
Economizer	Ea		2.0	1,100.00	2,200.00	2.0	84.0	336.00	2,536.00	507.20	3,043.20
Refrigerant Piping	Ea		1.0	250.00	250.00	6.0	84.0	504.00	754.00	150.80	904.80
Flue/Combustion Air Piping	Ea		1.0	350.00	350.00	4.0	84.0	336.00	686.00	137.20	823.20
Wall Mounted Thermostat	Ea		1.0	160.00	160.00	1.5	84.0	126.00	286.00	57.20	343.20
Roof Penetration CA	Ls		1.0	1,200.00	1,200.00	4.0	65.0	260.00	1,460.00	292.00	1,752.00
Equipment Start-Up	Ea		1.0	0.00	0.00	3.0	84.0	252.00	252.00	50.40	302.40
General Construction Items											
Concrete Pad for Propane Tanks	Ea		1	2500.00	2,500.00	3.0	84.0	252.00	2,752.00	550.40	3,302.40
500 Gallon propane tanks	Ea		2	1400.00	2,800.00	3.0	84.0	504.00	3,304.00	660.80	3,964.80
Propane tank Piping and Regulator	LS		1	1500.00	1,500.00	3.0	84.0	252.00	1,752.00	350.40	2,102.40
ACCU Pads	Ea		7	350.00	2,450.00	3.0	84.0	1,764.00	4,214.00	842.80	5,056.80
Replacement Ductwork - Alternate No. 1											
Duct Board First Floor (1.5 removal, 6 new)	Sf		4418.0	7.50	33,135.00	0.0	84.0	0.00	33,135.00	6,627.00	39,762.00
Duct Board Second Floor (1.5 removal, 6 new)	Sf		4418.0	7.50	33,135.00	0.0	84.0	0.00	33,135.00	6,627.00	39,762.00
Suspended Ceiling Remove & Reinstall	SF		8836.0	4.00	35,344.00	0.0	84.0	0.00	35,344.00	7,068.80	42,412.80
Sub Total					170,074.00			33,834.00	203,908.00	40,781.60	244,689.60
Location Factor (25% Labor)											11,658.50
Design Contingency(15%)			15%								36,703.44
Construction Cost											293,051.54

18. PROJECT BUDGET AND IMPLEMENTATION SCHEDULE:

A. Project Budget Form:

PROJECT BUDGET FOR ----

Completed by: _____ For: (location) Colstrip, MT Date: _____

ADMINISTRATIVE/ FINANCIAL COSTS	SOURCE: <i>Rosebud County</i>	SOURCE: <i>Coal Board</i>	SOURCE:	SOURCE:	TOTAL:
Grant Administration	*** \$	\$	\$	\$	\$
Office Costs	\$	\$	\$	\$	\$
Professional Services	\$	\$	\$	\$	\$
Legal Costs	\$	\$	\$	\$	\$
Travel & Training	\$	\$	\$	\$	\$
<u>TOTAL ADMINISTRATIVE/ FINANCIAL COSTS</u>	\$	\$	\$	\$	\$
ACTIVITY COSTS:					
Equipment Cost	\$	\$	\$	\$	\$
Construction Cost	\$ 6,348.00	\$250,000.	\$	\$	\$
Architectural/Engineering Design	\$25,000.00	\$	\$	\$	\$
Product Completion (PER's, studies, etc.)	\$	\$	\$	\$	\$
Contingency	\$36703.00	\$	\$	\$	\$
TOTAL ACTIVITY COSTS	\$68,051.00	\$250,000.00	\$	\$	\$
TOTAL PROJECT COSTS	\$68,051.00	\$250,000.00	\$	\$	\$

BUDGET NARRATIVE FOR -----

ADMINISTRATIVE/FINANCIAL COSTS

Personnel Services/Office Costs: \$

Professional Services: \$

Legal Costs: \$

Audit Fees: \$

TOTAL ADMINISTRATIVE/FINANCIAL COSTS \$

ACTIVITY COSTS

Equipment Cost: \$

Construction Cost: Rosebud County is working with Chad Sutter of SDI Architects and Design and Con'eer engineering to determine what it will take and the cost. Please see attached cost estimate. \$256,348.00

Architectural/Engineering Design: \$ 25,000.00

Contingency: \$ 36,703.00

TOTAL ACTIVITY COSTS: \$318,051.00

TOTAL PROJECT COSTS: \$318,051.00

IMPLEMENTATION SCHEDULE FOR -----

	QUARTERS 2021				QUARTERS 2022				QUARTERS 2023			
TASK	1 ST	2 ND	3 RD	4 TH	1 ST	2 ND	3 RD	4 TH	1 ST	2 ND	3 RD	4 TH
<u>PROJECT START-UP</u>												
A. Sign contract with Coal Board	X											
B. Secure approval of other funding	X											
C. Submit progress reports and drawdown request. (Progress reports quarterly if no draws submitted)		X	X									
<u>PROJECT CONSTRUCTION</u>												
A. Architectural Design	X											
B. Conduct pre-construction conference		X										
C. Construction and purchase and installation of equipment		X	X									
D. Monitor Progress		X	X									
E. Final Inspection			X									
<u>PROJECT CLOSE-OUT</u>												
A. Coal Board administrative staff conduct on-site monitoring of the project.			X									
B. Submit project completion report.			X									
C. Include project in audits.			X									

19. DESCRIPTION OF RELATIONSHIP TO COAL BOARD STATUTORY GRANT CRITERIA

A. Need

1. Does a serious deficiency exist in a basic or necessary community public facility or service? Examples include emergency services such as police, fire or ambulance services.

APPLICANT'S RESPONSE:

The Colstrip human service building houses the Colstrip library, which provides library services and computer services for the Colstrip, Lame Deer, and Ashland residents. It houses the Colstrip senior citizen center kitchen and dining room, which provides meals 5 day per week to senior citizens over the age of 60 in the Colstrip area. Rosebud County public health has an office on the second floor. They provide a public health nurse to the Colstrip area. There are several other offices on the second floor such as: misdemeanor probation, WIC, food bank and driver's license examiner.

2. Have serious public health or safety problems that are clearly attributable to a deficiency occurred, or are they likely to occur, such as illness, disease outbreak, substantial property loss, environmental pollution, safety problems, hazards, or health risks? (Describe the nature and frequency of occurrence and provide supporting documentation.)

APPLICANT'S RESPONSE:

The ground source heat pump system puts excess water down the drain, which causes a loud knocking noises that is very disruptive to the employees. The cooling system was not working this summer and the temperature in the building was over 80 degrees. The overall system is outdated and worn out. It must be replaced. Also, the duct work is starting to fail and collapse.

3. Is the entire community, or a substantial percentage of the residents of the community, seriously affected by the deficiency or at risk, as opposed to a small percentage of the residents? (Describe the number or percentage of community residents affected by the problem.)

APPLICANT'S RESPONSE:

Many Colstrip residents use the library on a regular basis. The senior citizen center is used by the senior in the Colstrip area. The public health nurse works 4 days per week. However, with the pandemic she has been working 5 days per week with some overtime.

4. Is there clear documentation that the current condition of the public facility or service (or lack of a facility or service) violates, or may potentially violate, a state or federal health or safety standard (If yes, describe the standard being violated.)? If the proposed project is necessary to comply with a court order or a state or federal agency directive, describe the directive and attach a copy of it.

APPLICANT'S RESPONSE:

No

5. Does the standard that is being violated, or potentially may be violated; represent a significant threat or potential threat to public health or safety?

APPLICANT'S RESPONSE:

No

6. Additional information supporting the NEED for this project.

APPLICANT'S RESPONSE:

Rosebud County has spent over \$20,000.00 to try to fix the noise problem and the cooling problem. It is time to replace the old worn out system.

B. Degree of Severity of Impact from an Increase or Decrease in Coal Development or In the Consumption of Coal by A Coal-Using Energy Complex

1. Describe why the need for the expansion or improvement to the public facility or public service is attributable to coal-related impacts. Additionally, please provide the percentage of the project that is a result of coal impacts.

APPLICANT'S RESPONSE:

A vast majority of Colstrip residents work directly for the coal mine or coal powered electrical plants. Most of the other people in Colstrip provide services to the workers.

2. Name the nearest coal development area or coal-using energy complex to your community and the road miles from your community.

APPLICANT'S RESPONSE:

Westmoreland Rosebud Coal Mine and Colstrip Power plant

3. Additional information supporting the DEGREE OF SEVERITY OF IMPACT FROM AN INCREASE OR DECREASE IN COAL DEVELOPMENT OR IN THE CONSUMPTION OF COAL BY A COAL-USING ENERGY COMPLEX.

The Colstrip area is almost totally dependent on the coal industry.

C. Availability of Funds

1. Amount requested from the Coal Board: \$ 250,000.00
2. Amount of Coal Board funds available at the time of application \$ _____ (#2 will be completed by Coal Board staff)
3. Explain why a coal impact grant is necessary to make the project feasible and affordable

With the closure of Colstrip unit 1 and 2, Rosebud County has seen a \$750,000.00 drop in income from coal gross proceeds, federal mineral royalty money, and property taxes. Over the past 7-8 years our oil royalty income has dropped from \$900,000 to \$53,000 last year.

4. What are the other proposed funding sources for the project?

Federal Mineral Royalty Money

FUNDING SOURCES SUMMARY FOR.....

Source	Type of Fund	Amount	Status of Commitment	Loan Rates & Terms
COAL BOARD	GRANT	\$250,000.00	REQUESTED	
ROSEBUD COUNTY	SAVINGS	\$68,051.00	HAVE FUNDS	

5. If a particular proposed source of funding is not obtained, how will the applicant proceed?

If the coal board funding changes, we will either scale back the project use funds from a capital improvement fund.

D. Degree of Local Effort in Meeting Needs

1. If current millage rates given are lower than the average rates levied during the previous three years, briefly explain why they are lower.

We are levying the maximum taxes per MCA.

2. Describe any local efforts to meet the public facility or public service needs by providing financial contributions to the project to the extent possible, such as local funding, donations of land, absorbing some or all-administrative costs. For non-profit organizations, describe fund- raising efforts or other in-kind assistance to the proposed project as well as usual program fund-raising efforts.

The County will absorb any cost over the estimate and coal board funding.

3. Describe past operation and maintenance budgets and practices over the long-term, including any reserves for repair and replacement.

We budget small amounts each year for miscellaneous repairs. Larger repairs come from grants and savings.

4. If there are indications that the problem is not of recent origin, or has developed because of inadequate operation and maintenance practices in the past, explain the circumstances and describe the actions that management will take in the future to assure that the problem will not reoccur.

The problem has been ongoing for some time. We have tried to fix the various problems, but now realize the system is worn out and needs to be replaced.

5. If the project involves water, wastewater or solid waste, provide the current and projected monthly household user charges, including operation and maintenance:
- What is the current monthly household user charge? \$ _____
 - What is the projected monthly user charge (including operation and maintenance) when the project is complete? \$ _____
6. What are your current debt obligations? None

APPLICANT'S RESPONSE:**CURRENT DEBT SUMMARY FOR ----**

Year Issued	Purpose	Type of Bond/ Security	Amount	Maturity Date (mo./yr.)	Debt Holder	Coverage Required	Annual Payment Amount	Outstanding Balance

7. What are your current assets?

N/A

8. What financial accounting system do you use? MBARS

9. Is the applicant in compliance with the auditing and annual financial reporting requirements provided for in the Montana Single Audit Act, 2-7-501 to 522, MCA? (Tribal governments must comply with auditing and reporting requirements provided for in OMB Circular A-133).

Yes x__ No____ Date of last completed audit or financial report 6/30/2020

10. If there have been audit findings within the last five years, have they been satisfactorily addressed?

Yes

11. Additional information supporting the DEGREE OF LOCAL EFFORT IN MEETING NEEDS.

APPLICANT'S RESPONSE:**E. Planning & Management**

1. Describe how your grant request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems related to coal impacts.

Rosebud County recently adopted a new growth plan. The plan calls for continued upkeep on courthouse buildings.

County

2. Describe how the proposed project is consistent with current plans.

Our growth plan calls for continued local services to be provided to the Colstrip area. This building is essential for the Colstrip library, senior citizen center, and public health programs.

ENVIRONMENTAL REVIEW CHECKLIST

NAME OF PROJECT:	COLSTRIP HUMAN SERVICE BUILDING REMODEL
PROPOSED ACTION:	REPLACE THE HEATING AND COOLING SYSTEM IN THE BUILDING
LOCATION:	<u>COLSTRIP</u> , Montana

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
PHYSICAL ENVIRONMENT		
Key N	1	Soil Suitability, Topographic and/or Geologic Constraints (e.g., soil slump, steep slopes, subsidence, seismic activity)
		<i>Response and source of information:</i>
Key N	2	Hazardous Facilities (e.g., power lines, hazardous waste sites, acceptable distance from explosive and flammable hazards including chemical/petrochemical storage tanks, underground fuel storage tanks, and related facilities such as natural gas storage facilities & propane storage tanks)
		<i>Response and source of information:</i>
Key N	3	Effects of Project on Surrounding Air Quality or Any Kind of Effects of Existing Air Quality on Project (e.g., dust, odors, emissions)
		<i>Response and source of information:</i>
Key N	4	Groundwater Resources & Aquifers (e.g., quantity, quality, distribution, depth to groundwater, sole source aquifers)
		<i>Response and source of information:</i>

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
Key N	5	Surface Water/Water Quality, Quantity & Distribution (e.g., streams, lakes, storm runoff, irrigation systems, canals) <i>Response and source of information:</i>
Key N	6	Floodplains & Floodplain Management (Identify any floodplains within one mile of the boundary of the project.) <i>Response and source of information:</i>
Key N	7	Wetlands Protection (Identify any wetlands within one mile of the boundary of the project.) <i>Response and source of information:</i>
Key N	8	Agricultural Lands, Production, & Farmland Protection (e.g., grazing, forestry, cropland, prime or unique agricultural lands) (Identify any prime or important farm ground or forest lands within one mile of the boundary of the project.) <i>Response and source of information:</i>
Key N	9	Vegetation & Wildlife Species & Habitats, including Fish and Sage Grouse (e.g., terrestrial, avian and aquatic life and habitats) https://sagegrouse.mt.gov <i>Response and source of information:</i>
Key N	10	Unique, Endangered, Fragile, or Limited Environmental Resources, Including Endangered Species (e.g., plants, fish or wildlife) <i>Response and source of information:</i>

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
N		
Key	11	Unique Natural Features (e.g., geologic features)
N		<i>Response and source of information:</i>
Key	12	Access to, and Quality of, Recreational & Wilderness Activities, Public Lands and Waterways, and Public Open Space
N		<i>Response and source of information:</i>
HUMAN ENVIRONMENT		
Key	1	Visual Quality – Coherence, Diversity, Compatibility of Use and Scale, Aesthetics
N		<i>Response and source of information:</i>
Key	2	Nuisances (e.g., glare, fumes)
N		<i>Response and source of information:</i>
Key	3	Noise -- suitable separation between noise sensitive activities (such as residential areas) and major noise sources (aircraft, highways & railroads)
N		<i>Response and source of information:</i>

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
Key	4	Historic Properties, Cultural, and Archaeological Resources
N		<i>Response and source of information:</i>
Key	5	Changes in Demographic (population) Characteristics (e.g., quantity, distribution, density)
N		<i>Response and source of information:</i>
Key	6	General Housing Conditions - Quality, Quantity, Affordability
N		<i>Response and source of information:</i>
Key	7	Displacement or Relocation of Businesses or Residents
N		<i>Response and source of information:</i>
Key	8	Public Health and Safety
B		<i>Response and source of information:</i>

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
		Improve the heating and cooling system within the building. Eliminate noise from water going down the drain
Key	9	Lead Based Paint and/or Asbestos
N		<i>Response and source of information:</i>
Key	10	Local Employment & Income Patterns - Quantity and Distribution of Employment, Economic Impact
N		<i>Response and source of information:</i>
Key	11	Local & State Tax Base & Revenues
N		<i>Response and source of information:</i>
Key	12	Educational Facilities - Schools, Colleges, Universities
N		<i>Response and source of information:</i>
Key	13	Commercial and Industrial Facilities - Production & Activity, Growth or Decline.
N		<i>Response and source of information:</i>
Key	14	Health Care – Medical Services

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
N		<i>Response and source of information:</i>
Key	15	Social Services – Governmental Services (e.g., demand on)
B		<i>Response and source of information:</i> May improve the use of the building
Key	16	Social Structures & Mores (Standards of Social Conduct/Social Conventions)
N		<i>Response and source of information:</i>
Key	17	Land Use Compatibility (e.g., growth, land use change, development activity, adjacent land uses and potential conflicts)
N		<i>Response and source of information:</i>
Key	18	Energy Resources - Consumption and Conservation
B		<i>Response and source of information:</i> Should reduce the amount of electricity used
Key	19	Solid Waste Management
N		<i>Response and source of information:</i>

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
Key	20	Wastewater Treatment - Sewage System
N		Response and source of information:
Key	21	Storm Water – Surface Drainage
N		Response and source of information:
Key	22	Community Water Supply
N		Response and source of information:
Key	23	Public Safety – Police
N		Response and source of information:
Key	24	Fire Protection – Hazards
N		Response and source of information:
Key	25	Emergency Medical Services
N		Response and source of information:
Key	26	Parks, Playgrounds, & Open Space

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
N		<i>Response and source of information:</i>
Key	27	Cultural Facilities, Cultural Uniqueness & Diversity
N		<i>Response and source of information:</i>
Key	28	Transportation Networks and Traffic Flow Conflicts (e.g., rail; auto including local traffic; airport runway clear zones - avoidance of incompatible land use in airport runway clear zones)
N		<i>Response and source of information:</i>
Key	29	Consistency with Local Ordinances, Resolutions, or Plans (e.g., conformance with local comprehensive plans, zoning, or capital improvement plans)
N		<i>Response and source of information:</i>
Key	30	Is There a Regulatory Action on Private Property Rights as a Result of this Project? (consider options that reduce, minimize, or eliminate the regulation of private property rights.)
N		<i>Response and source of information:</i>

ENVIRONMENTAL REVIEW FORM:

- 1) Alternatives: None. The system is worn out and must be replaced
- 2) Mitigation: None
- 3) Is an EA required. No. All work is being done inside the building
- 4) Public Involvement: We are publishing an ad in the Independent Press on Oct. 29 and Nov. 5 with comments to be returned to us by Nov. 10, 2020 at 10:00 A.M. A decision and resolution will be done on November 17th at 10:00 A.M. if there are little or no objections.
- 5) Person responsible for preparing environmental checklist: Robert Lee
- 6) Other Agencies: None

Commissioner

Authorized Representative, Title

10/21/2020

Date

Rosebud County
(Name of) District

Robert Lee

Chairperson

10/21/2020

Date

Coal Board Grant Applicant #0911 Rosebud County

Staff Report / December 2020 Meeting

Applicant: Rosebud County
Project: Colstrip Human Services Building HVAC repair
Coal Board Funds Requested: \$250,000
Total Project Cost: \$318,051

Project Information: The applicant is requesting \$250,000, of a total project cost of \$318,051, in Coal Board funds to replace the heating and cooling system in the human service building in Colstrip, which houses the Colstrip library, senior citizen center, public health, misdemeanor probation, drivers license examiner and other offices. The request to the Board is 78% of the project costs. The purpose of the project is to replace the heating and cooling system. **The applicant is a designated unit.**

Categories:

Need:

- **Applicant:**
 - Applicant states this building houses the Colstrip library, senior citizen kitchen and dining room, Rosebud County public health, misdemeanor probation, WIC, food bank, driver's license examiner and other offices crucial to the community.
 - Applicant states the ground source heat pump puts excess water down the drain, causing loud noises that are disruptive. The cooling system was not working this summer when the temperature in the building was over 80 degrees. The overall system is worn out and must be replaced with duct work that is starting to fail and collapse.
 - Applicant states many Colstrip residents use the library on a regular basis. The senior citizen center is used by the seniors in the Colstrip area. The public health nurse works four days a week, with more time necessary during the pandemic.
 - Applicant states Rosebud County has spent over \$20,000 to try to fix the noise problem and the cooling problem. It is time to replace the old worn out system.
- **Staff Review:**
 - The Human Services building was built in 1985.
 - Several service offices for the Colstrip community are housed in this building.
 - Staff has determined that the environmental process is incomplete.

Degree of Severity of Impact:

- **Applicant:**
 - Applicant states the vast majority of Colstrip residents work directly for the coal mine or coal powered electric plants. Most of the other people in Colstrip provide services to the workers.
 - The Colstrip area is almost totally dependent on the coal industry.
- **Staff Review:**
 - Westmoreland Rosebud Coal Mine and Colstrip Power Plant are both in the Colstrip area.

Availability of Funds:

- **Applicant:**

- With the closure of Colstrip unit 1 and 2, Rosebud County has seen a \$750,000 drop in income from coal gross proceeds, federal mineral royalty money and property taxes. Over the past 7-8 years the oil royalty income has dropped from \$900,000 to \$53,000 last year.
- **Staff Review:**
 - Revenues related to the Coal Natural Resource account are not sufficient to fund the costs associated with this project request.
 - Applicant is a designated unit.

Degree of Local Effort in Meeting Needs:

- **Applicant:**
 - Applicant states they are levying the maximum taxes per MCA.
 - Applicant states the County will absorb any cost over the estimate and coal board funding.
 - Applicant states they budget small amounts each year for miscellaneous repairs. Larger repairs come from grants and savings.
 - Applicant states the problem has been ongoing for some time. We have tried to fix the various problems but realize the system is worn out and needs to be replaced.
 - Applicant states the mill rates are \$92.43.
- **Staff Review:**
 - Millage rates provided by MDOR data demonstrates the average millage rates for the previous three years are higher than the current year millage rates. MDOR data years: 2016-2017, 2017-2018, 2018-2019.
 - Coal Board funds requested are 88% of total project cost.

Planning & Management:

- **Applicant:**
 - The applicant states that upkeep of the county buildings is addressed in the 2019 Rosebud Growth Policy. In addition, the application states “our growth plans for continued local services to be provided to the Colstrip area. This building is essential for the Colstrip library, senior citizen center, and public health programs”.
- **Staff Review:**
 - The proposal also is addressed in the 2019 Colstrip Growth Policy concerning capital improvement plan for infrastructure improvements.
 - Rosebud County does not currently have a CIP. the County growth policy states that if the County pursues a CIP in the future, it should include some of the following information: an on going inventory of existing infrastructure”.
 - The Rosebud County Growth Policy also states that “in conjunction with SEMDC, the County maintains a list of priority infrastructure projects” and “that the growth policy serves as the County's strategy for maintenance and replacement of infrastructure”.

Grant History:

Since 2009, the applicant has been awarded 13 projects totaling \$1,440,632.00.

For more information on Coal Board projects for this or any other applicant, please visit the Commerce Grants Database at <https://commerce.mt.gov/About/FundedProjects>.

Supplemental Documents (not included in this staff report):

Staff Summary:

See engineer memo.

“The applicant must provide documentation of the completed environmental review process and include with the application all documentation of the public review process, including but not limited to, the public notice for and minutes of a public hearing at which the environmental review was discussed, the public comments received, and the final decision on the environmental determination made during a public meeting” (Montana Coal Board Application, pg 27).

The environmental review record in this application is incomplete. The Board may categorically exclude projects from MEPA requirements which apply to Coal Board regulations. The proposed project could fall under a Coal Board categorical exclusion (ARM 8.2.304(5)). Therefore, the board has two options. The board may postpone action on the project for failure to complete the application. Or the board may designate the project as categorically excluded from MEPA review (see ARM 8.101.203) during a public meeting. To facilitate the opportunity for the board to make this decision, the agenda has included public notice concerning this environmental review decision.

Staff does not recommend funding until environmental review record regulations have been met.

Further, staff does not recommend funding due to the statutory criteria: Availability of Funds.

MEMO

To: Coal Board Members and Commerce Staff
From: Division Engineer
Subject: Rosebud Co – Human Services Building
Meeting: December 2020

History – The Colstrip Human Services Building houses the Colstrip library, which provides library services and computer services for the Colstrip, Lame Deer, and Ashland residents. It houses the Colstrip senior citizen center kitchen and dining room, which provides meals 5 day per week to senior citizens over the age of 60 in the Colstrip area. Rosebud County public health has an office on the second floor. They provide a public health nurse to the Colstrip area. There are several other offices on the second floor such as: misdemeanor probation, WIC, food bank and driver's license examiner. The project is to replace the heating and cooling system in the building which was built in 1985. The heating and cooling system is a ground source heat pump system which has started to fail.

Problem – Problems identified in the application included the following:

- The ground source heat pump system puts excess water down the drain which causes loud knocking noises that is disruptive to the employees.
- The cooling system was not working last summer and the temperature in the building was over 80 degrees.
- The overall system is outdated and worn out.
- The duct work is starting to fail and collapse.

Solution – The proposed project includes:

- replacing the heating and cooling system with a propane gas furnace system, and
- replacing the duct work.

The purpose of the project is to replace the heating and cooling system in the Human Services Building. The system is noisy and was unable to cool the building last summer. The duct work is starting to collapse, and a contractor will not guarantee the furnace system if the duct work is not replaced. This will require major demolition of the ceilings and floors. The applicant noted that the County has spent over \$20,000 to try to fix the noise and cooling problems. All efforts have failed.

The Coal Board grant request is for \$250,000. The total cost is \$318,051. A detailed cost estimate was provided by Con'eer Engineering and was included with the application.

An environmental checklist was included with the application. There was no PAR or PER.

Montana Coal Impact Grant Application

Submitted to the Montana Coal Board

By

Big Horn Hospital Association

For

**Big Horn Hospital Front Entry Construction &
Admission Office Renovation**

**Date Submitted
April 24, 2020**

SUMMARY INFORMATION

1. NAME OF APPLICANT(S):

Big Horn County

2. TYPE OF ENTITY:

Acute Care Hospital/Critical Access Designation

3. FEDERAL TAX ID NUMBER:

- 4.

5. SENATE AND HOUSE DISTRICTS: ***Senate District 21 House District: 41 & 42***

AMOUNT OF COAL IMPACT GRANT REQUESTED ***\$498,759.00***

6. NAME OF PROJECT: ***Hospital Front Entry Construction And Admission Office Renovation***

7. TYPE OF PROJECT: ***Hospital Construction And Renovation***

8. POPULATION SERVED BY PROJECT: ***13,141 – 2015 US Census Report***

9. NUMBER OF HOUSEHOLDS SERVED BY PROJECT: ***3,576***

10. CHIEF ELECTED OFFICIAL OR AUTHORIZED REPRESENTATIVE:

George Real Bird III/ Chairman Big Horn County Commissioner

Address: 121 West 3rd St.

Hardin, MT 59034

Phone: 665-9700

cwells@co.bighorn.mt.us

11. PRIMARY ENTITY CONTACT PERSON:

Bill Hodges/Hospital Foundation Director

17 N. Miles Ave.

Hardin, MT 59034

Phone: 665-2310 C Phone: 665-5539 FAX: 665-9238

E Mail Address: bhodges@bighornhospital.org

12. OTHER CONTACT PERSONS:

CTA Architects & Engineers/Mike Glassing-AIA

13 North 23rd Street – Billings, MT.

Phone: 248-7455 – Mike Glassing-AIA

12. MILLAGE RATES:

<u>FISCAL YEAR</u>	<u>MILL WORTH</u>	<u>MILLS LEVIED:</u>	
FY 2016-17	\$23,337.00	107.51	\$2,508,960
FY 2017-18	\$23,776.00	125.96	\$2,994,825
FY 2018-19	\$23,559.00	129.86	\$3,059,372
FY 2019-20	\$23,195.00	164.83	\$3,823.232

AMOUNT OF COAL GROSS PROCEEDS TAX: *In the previous two years, Big Horn County has received \$19,802,134. Gross proceeds tax is less than the previous two years due to reduced coal production. The aforementioned amount is allocated to County Department budgets (approximately 40%) and County schools. (ie 60%) Consequently, because gross proceeds taxes are allocated to governments where mines are located, Big Horn County uses these funds to support county government activities.*

COUNTY FINANCES: *Debt Obligations: Big Horn County has no current debt obligations. Current Assets: Total fixed assets for Big Horn County for fiscal year ending June 30, 2019 is \$40,840.948.*

13. IMPACTS FROM COAL INDUSTRY: *Approximately 520 + community residents (ie Coal Miners) are employed at the three coal mines contained within Big Horn County with an annual payroll exceeding \$44 million. According to the Environmental Quality Council draft report; in calendar year 2016 \$81 million was generated to state and local governments in the form of severance and gross proceeds taxes. The state of Montana generated \$60.4 million from the severance tax in fiscal year 2016, and has historically averaged between \$52.7 million and \$60.4 million since 2011. The coal gross proceeds tax, which is a 5% yearly constant tax imposed on gross proceeds, and collected by local county treasurers and then given proportionally to the taxing entity. In fiscal year 2016, this tax amounted to \$20.8 million. The Federal government collects royalties on tons of coal produced on federal property, and about half are sent to the state of Montana. The funds are then directed to the general fund, with approximately 25% going to an impact account committed to local governments. In fiscal year 2016, Montana mines paid \$20.9 million in federal royalties. Coal production has declined since 2008 when 45 million tons were produced to 35.3 million tons produced in 2017. (eg. Environment Quality Council Report-January 2018 & Montana Coal Council Annual Employment Report)*

14. MAPS: *Blueprints & Architect/Artist Drawings Will Be Included In This Application To Illustrate project scope and design to be located within Preliminary Architectural Report.*

17. BRIEF PROJECT SUMMARY:

Big Horn Hospital Front Entry Construction & Admission Office Renovation

Historical Information: Big Horn Hospital was built in 1959 by Big Horn County as an acute care hospital serving a rural population seeking moderate non emergent healthcare services. But in recent years due to increased volumes of patients seeking emergency treatment - Big Horn Hospital has not been prepared for this emerging patient demand for healthcare. Big Horn Hospital emergency department and ancillary hospital departments have not been renovated for over 40 years causing lack of efficiency and patient treatment outcomes to be less than optimal. Patient emergency visits have increased drastically in the previous three fiscal years to surpass an 8% increase yearly since 2016. This in turn exceeds a monthly average of 430 visits per month. Patient overflow in the Hospital causes the admission department to be congested and compromising patient confidentiality. The admission department renovation will encompass individual reception areas along with an improved lobby area for processing of patient admissions. A drive through covered entry/canopy will be included in the new construction to address the increase in patient volumes and provide an efficient patient delivery which is enclosed and protected from inclement weather.

Problem: **Hospital Emergency Front Entrance/Patient Admissions Has The Following Deficiencies:**

Admissions/Front Entry Is Undersized And Inadequate For Patient Disclosure Of Medical Information.

Patient Congestion With an Undersized Admissions Lobby Causes Patient Anxiety And Delays in Treatment of Patient Medical Symptoms.

Lack of Controlled Patient Access Is Evident Causing Patient Confidentiality To Be Compromised Along With Patient & Hospital Staff Safety.

Proposed Solution:

New Hospital Admissions Area Will Have Separate Admissions Reception Desks Bays That Will Address Emergent Patient Surges In The Admissions Department.

Patient Controlled Access Will Be Safer And Efficient With An Improved Design For Increased Patient Volumes.

Improved Patient Entry With A Covered Canopy Will Assist In Entry To Hospital And Relieve Congestion In The Patient Lobby/Waiting Areas While Protection From Volatile Weather Conditions.

**Big Horn Hospital Front
Entry Construction And
Admission Office
Renovation**

Completed by: Bill Hodges

For: Hardin, MT

Date: April 24, 2020

ADMINISTRATIVE/ FINANCIAL COSTS	SOURCE: Coal Board	SOURCE: BHHA	SOURCE: Big Horn County	SOURCE:	TOTAL:
Grant Administration	\$	\$2,150.00	\$ 935.00	\$	\$3,085.00
Office Costs	\$	\$	\$ 215.00	\$	\$ 215.00
Professional Services	\$	\$	\$	\$	\$
Legal Costs	\$	\$	\$	\$	\$
Travel & Training	\$	\$	\$	\$	\$
<u>TOTAL ADMINISTRATIVE/ FINANCIAL COSTS</u>	\$	\$2,150.00	\$1,150.00	\$	\$3,300.00
ACTIVITY COSTS:					
Equipment Cost	\$	\$	\$	\$	\$
Construction Cost	\$498,759	\$1,779,746	\$	\$	\$2,278,505
Architectural/Engineering Design	\$	\$ 125,163	\$	\$	\$ 125,163
Product Completion (PER's, studies, etc.)	\$	\$	\$	\$	\$
Contingency	\$	\$ 213,569	\$	\$	\$ 213,569
TOTAL ACTIVITY COSTS	\$498,759	\$2,118,478	\$	\$	\$2,617,237
TOTAL PROJECT COSTS	\$498,759	\$2,120,628	\$ 1,150.00	\$	\$2,620,537

BUDGET NARRATIVE FOR: Big Horn Hospital Front Entry Construction And Admission Office Renovation

ADMINISTRATIVE/FINANCIAL COSTS

Office Costs:

Office Costs will be minor in this project. Minimal cleric duties and processing of grant documents for the project \$ 215.00

Grant Administration:

Hospital Association Foundation Director will be the project manager assigned to the grant which will include monitoring work by professional staff along with completion of a final progress report for Coal Board administrative staff. \$ 3,085.00

Professional Services:

Professional Services will be reflected on this project in the costs associated with in design & engineering in the project budget. \$ 0.00

Legal Costs:

No legal fees are anticipated for this project. \$ 0.00

Audit Fees:

Audit fees will not be required for this project. \$ 0.00

TOTAL ADMINISTRATIVE/FINANCIAL COSTS \$ 3,330.00

ACTIVITY COSTS

Equipment Cost:

Not allocated for this funding application \$

Construction Cost:

Construction Cost Related To New Construction? Renovation Along With Contingency Costs. \$ 1,179,746

Architectural/Engineering Cost:

Fees Associated with Front Entry & Admission Office Design Associated Blueprints Including Mechanical & Electrical \$ 125,163

Contingency Costs:

Cost Associated With Concealed Conditions of Project. \$ 213,569

TOTAL ACTIVITY COSTS: \$ 2,617,237

TOTAL PROJECT COSTS: \$ 2,620,537

**IMPLEMENTATION SCHEDULE FOR Big Horn Hospital Front Entry
Construction And Admission Office Renovation**

	QUARTERS 2019				QUARTERS 2020				QUARTERS 2021			
TASK	1 ST	2 ND	3 RD	4 TH	1 ST	2 ND	3 RD	4 TH	1 ST	2 ND	3 RD	4 TH
<u>PROJECT START-UP</u>												
A. Sign contract with Coal Board							X					
B. Secure approval of other funding							X					
C. Submit progress reports and draw Down. (Progress reports.)								X				
<u>PROJECT CONSTRUCTION</u>												
A. Architectural Design							X					
B. Conduct pre-construction conference							X					
C. Construction and purchase and installation of equipment							X					
D. Monitor Progress								X				
E. Final Inspection								X				
<u>PROJECT CLOSE-OUT</u>												
A. Coal Board administrative staff conduct on-site monitoring of the project.								X				
B. Submit project completion report.									X			
C. Include project in audits.									X			

19. DESCRIPTION OF RELATIONSHIP TO COAL BOARD STATUTORY GRANT CRITERIA

A. Need

Does a serious deficiency exist in a basic or necessary community public facility or service? Examples include emergency services such as police, fire, or ambulance services. (Describe the nature and frequency of occurrence and provide supporting documentation.)

APPLICANT'S RESPONSE:

1. **As stated in the application project summary, Big Horn Hospital was built in 1959 for a stable health care patient population seeking only rudimentary healthcare services, but in the last three years, the healthcare consumer in Big Horn County is presenting in higher volumes which in turn necessitates that an improved healthcare facility with more physical space and efficient design concepts be built to address this urgent need for patient healthcare. The current hospital entrance which consists of a small lobby reception area and patient admission is an undersized design causing patients to be congested in a small area, and not conforming to confidential standards of healthcare transmission of patient medical information. An 8% increase in emergency room visits in the preceding three (3) fiscal years is the rationale for improving the admission process to be efficient and professional.**
2. Have serious public health or safety problems that are clearly attributable to a deficiency occurred, or are they likely to occur, such as illness, disease outbreak, substantial property loss, environmental pollution, safety problems, hazards, or health risks?

APPLICANT'S RESPONSE:

The serious public health problem that is apparent with the hospital business admission area is that patient confidentiality is compromised along with lack of control access which allows unfettered access by the patient to a majority of the hospital physical plant.

3. Is the entire community, or a substantial percentage of the residents of the community, seriously affected by the deficiency or at risk, as opposed to a small percentage of the residents. (Describe the number or percentage of community residents affected by the problem.)

APPLICANT'S RESPONSE:

A percentage of the Big Horn County population is at risk with a FY 2020 patient emergency visit average of 436.00 over nine (9) months of hospital operation along with projected visits to all hospital business lines to exceed 10,000 visits in a hospital fiscal year. Consequently, hospital visits would be almost approximately 78% of the City of Hardin population. Therefore, a risk factor could be evident with a patient population that is being delayed due to hospital admission inefficiency in the business office.

4. Is there clear documentation that the current condition of the public facility or service (or lack of a facility or service) violate, a state or federal health or safety standard. If the proposed project is necessary to comply with a court order or a state or federal agency directive, describe the directive and attach a copy of it.

APPLICANT'S RESPONSE:

There is not clear evidence/documentation Big Horn Hospital current physical plant violates state or federal health standards, but recommended hospital industry standards on square footage for "best practice" healthcare treatment with acute medical symptoms is being compromised in the current hospital reception/lobby area of the Hospital.

5. Does the standard that is being violated, or potentially may be violated; represent a significant threat or potential threat to public health or safety?

APPLICANT'S RESPONSE:

The potential for public safety is moderate and not a significant threat to public health/safety. But the potential delay of processing of patients in an inefficient admission office could cause for secondary threats to public safety. The lack of a controlled access point for patients could potentially be considered a mild threat to public welfare.

6. Additional information supporting the NEED for this project.

APPLICANT'S RESPONSE:

Big Horn Hospital in current fiscal year (ie July 1, 2019 – June 30, 2020) will have an estimated hospital visits/encounters exceeding 10,000 in the aforementioned fiscal year 2020. These patient encounters include emergency room visits, laboratory tests along with visits from patients seeking ancillary services such as imaging services which include CT Scans, Mammograms, X-Rays, and MRI's. The physical therapy department which is an aligned business entity of the Hospital Association has experienced increased patient visits in the current and previous fiscal years. All of these patient encounters will need to be processed by the admission/business department of the Hospital. The new design at the admissions office will allow patient reception and collection of patient data to be seamless and private which in turn will increase overall efficiency of operations in the hospital. The new public entrance will be a covered canopy and will be for most patient presentations that are not transported by ambulance. The new entry will allow patients/families to be protected from weather conditions. According to the Community Health Services public survey conducted in May of 2019, approximately 81.5% of survey respondents indicated that "local healthcare services are very important to the economic well-being of the community." In current fiscal year 2020, Big Horn Hospital projected employee payroll will exceed 8 million dollars which has a conversion factor of close to 24 million to the local economy of Big Horn County. Big Horn Hospital Association is providing a viable economic base by employment of close to 200 medical healthcare workers in both Big Horn Hospital, Big Horn Senior Living, and Big Horn County Public Health.

B. Degree of Severity of Impact from an Increase or Decrease in Coal Development or In the Consumption of Coal by A Coal-Using Energy Complex

1. Describe why the need for the expansion or improvement to the public facility or public service is attributable to coal-related impacts. Additionally, please provide the percentage of the project that is a result of coal impacts.

APPLICANT'S RESPONSE:

Due to the medical necessity of coal related activities and economic conditions within Big Horn County approximately 43% of the Hospital renovation and equipment replacement would be coal-related impacts to the general population while about 4% would be direct coal miner job related utilization of the hospital services arena. The aforementioned numerical calculation is the population threshold of households that are impacted by the Hospital project due to an estimated 10,000 annual hospital visits. According to Census 2010, the median income for a household was \$36,550, and the median income for a family was \$41,985. According to a recent publication/report to the Montana Coal Council, total coal production for Montana was about 35.3 million tons in calendar year 2017. The aging workforce of the Big Horn County coal miners and families along with the job related hazards of coal mining causes the Hospital renovation to be a significant influence to coal related activities in Big Horn County. Big Horn County has three (3) coal mines in the County, Cloud Peak/Spring Creek Mine, Westmoreland Resources/Absaloka Mine, Lighthouse Resources/Decker Mine, and one Coal generating station north of Hardin. A computer server north of Hardin was in construction, but has been idled in the last 90 days due to financial constraints of operations

2. Name the nearest coal development area or coal-using energy complex to your community and the road miles from your community.

APPLICANT'S RESPONSE:

The closest coal development area complex to the town of Hardin is Absaloka Mine located 21 miles southeast of Hardin along with coal generating station north of Hardin approximately 1.5 miles, but operations have sporadic in previous calendar years.

3. Additional information supporting the DEGREE OF SEVERITY OF IMPACT FROM AN INCREASE OR DECREASE IN COAL DEVELOPMENT OR IN THE CONSUMPTION OF COAL BY A COAL-USING ENERGY COMPLEX.

APPLICANT'S RESPONSE:

Big Horn Hospital is one of two critical access hospitals in Big Horn County. Big Horn Hospital offers an array of diverse medical services including updated medical equipment and related technology to the County population of 12,800 + residents. A modern renovated business department and new front entrance will provide an efficient and quality medical environment that permits the health care consumer in Big Horn County to be seen locally and treated without delay or transfer to urban hospitals in Billings approximately 50 miles away. According to the 2021 Biennium Coal Impacted Local Governmental Units Designation Report Spring Creek Mine is projected to increase production by more than 1 million tons per year for the remainder of the biennium which has been under speculation due to lack of demand in international markets.

C. Availability of Funds

1. Amount requested from the Coal Board: **\$ 498,759.00 = 19%**
2. Amount of Coal Board funds available at the time of application \$_____ (#2 will be completed by Coal Board staff)
3. Explain why a coal impact grant is necessary to make the project feasible and affordable
APPLICANT'S RESPONSE:

The Coal impact grant is necessary due to Hospital Association previously committed funds for building repairs/capital equipment purchases toward Big Horn Hospital and Big Horn Senior Living Center operated by the Hospital Association. Traditional capital equipment expenses for Big Horn Hospital Association are approximately \$200,000 per fiscal year. The annual debt loan service for the Hospital Association/Big Horn Senior Living is in excess of \$11,705,000. A majority of this debt is associated with Hospital capital improvement campaign. (ie New construction/renovation). Hospital reimbursement is by government payers-Medicaid & Medicare. Reimbursement by these payers is approximately 27% of billable charges. Hospital Association engages in annual grant writing requests to off-set capital equipment purchases, but due to competitive nature of grant funding – funding is often subsidized by the Hospital Association and Big Horn County Inter-governmental grant revenue. The Coal Board grant request is approximately 19% of the total project budget demonstrating the obligation of the Hospital Association to be dedicated to the completion of the front entry/admission office renovation.

Proposed funding sources for the project?

APPLICANT'S RESPONSE:

<u>FUNDING SOURCES SUMMARY FOR Big Horn Hospital Front Entry Construction And Admission Office Renovation Project</u>				
Source	Type of Fund	Amount	Status of Commitment	Loan Rates & Terms
Montana Coal Board	Impact Grant	\$ 498,759.00	Pending	Not Applicable
Big Horn Hospital Association	Direct Contribution Hospital Foundation Hospital Reserves, And MT Finance Loan.	\$2,120,628.00	Pending Public Fundraising Capital Campaign	Loan Secured 20 Year – 4.38 % 5 Year - 4.58%
Big Horn County	In Kind Contribution	\$ 1,150.00	Pending Award	Not Applicable
		\$ 2,620,537		

4. If a particular proposed source of funding is not obtained, how will the applicant proceed?

APPLICANT'S RESPONSE:

If Big Horn Hospital Association is not successful in the quarterly Coal Board meeting in June, alternative avenues to pursue funding would be the following: increase allocation of Hospital Association reserve funds to the project, expand public capital campaign, and finally request additional financial support from Big Horn County in upcoming fiscal years 2021 & 2022.

D. Degree of Local Effort in Meeting Needs

1. If current millage rates given are lower than the average rates levied during the previous three years, briefly explain why they are lower.

APPLICANT'S RESPONSE:

Current millage value have increased in previous fiscal years.

2. Describe any local efforts to meet the public facility or public service needs by providing financial contributions to the project to the extent possible, such as local funding, donations of land, absorbing some or all-administrative costs. For non-profit organizations, describe fundraising efforts or other in-kind assistance to the proposed project as well as usual program fund-raising efforts.

APPLICANT'S RESPONSE:

Local Fundraising efforts have been active in Big Horn County for approximately 17 months. It is projected the community/public campaign phase along with pledges from the Hospital Association Medical Family will offset a portion of project costs. As of this application submission community along with Hospital Family pledges have surpassed \$1,000,000 in capital campaign funding. A Community Development Block Grant application was applied for and funded at \$400,000. A combined total of \$1,457,000 has been secured by this application date towards a campaign goal of \$3,000,000.

3. Describe past operation and maintenance budgets and practices over the long-term, including any reserves for repair and replacement.

APPLICANT'S RESPONSE:

Big Horn Hospital Association historically implements a capital replacement five (5) year plan that outlines and prioritizes equipment attrition/useful life for plant operations. Due to the aging physical plant of the Hospital built in 1959, this 61 year old building is in drastic need of renovations with specific need to the front entry and admission department area that has been absent since inception of the original build date of 1959. The Hospital has minimal reserves for capital repair and replacement and since incurring new debt service obligations towards the hospital master facility update/construction project.

APPLICANT'S RESPONSE:

CURRENT DEBT SUMMARY FOR Big Horn Hospital
Front Entry Construction & Admission Office
Renovation Project

Year Issued	Purpose	Type of Bond/ Security	Amount	Maturity Date (mo./yr.)	Debt Holder	Coverage Required	Annual Payment Amount	Outstanding Balance
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4.If there are indications that the problem is not of recent origin, or has developed because of inadequate operation and maintenance practices in the past, explain the circumstances and describe the actions that management will take in the future to assure that the problem will not reoccur.

APPLICANT'S RESPONSE:

Big Horn Hospital is an acute care critical access hospital, offering hospital services beginning July 1, 1959. Big Horn Hospital is operational 24 hours a day – 7 days a week to the residents of Big Horn County. The business department has undergone only minor cosmetic upgrades since the Hospital was first built in 1959. The new front entry construction will add efficiency and improved access to the Hospital for patients that are self- transporting to seek medical attention. This phased master facility capital improvement project will serve the Big Horn County healthcare consumer well in the future of Big Horn County growth and expansion.

5. If the project involves water, wastewater or solid waste, provide the current and projected monthly household user charges, including operation and maintenance:

Not Applicable to this application/project.

- a
b What is the current monthly household user charge? \$ _____
c What is the projected monthly user charge (including operation and maintenance) when the project is complete? \$ _____

6. What are your current debt obligations? **Total Debt Schedule From June 1, 2019 To June 30, 2020**

Refer To Enclosed Attachment Debt Loan Document.

TOTAL = \$ 11,819,702.27

7. What are your current assets?

APPLICANT'S RESPONSE:

Please refer to attached Big Horn Hospital Association Income Statement for Fiscal 2020.

8. What financial accounting system do you use? **Athena**

9. Is the applicant in compliance with the auditing and annual financial reporting requirements provided for in the Montana Single Audit Act, 2-7-501 to 522, MCA? (Tribal governments must comply with auditing and reporting requirements provided for in OMB Circular A-133).

Yes **X** No___ Date of last completed audit or financial report **February 2020**.

10. If there have been audit findings within the last five years, have they been satisfactorily addressed?

APPLICANT'S RESPONSE:

Yes. No significant audit findings have been recommended for correction in recent audit.

11. Additional information supporting the DEGREE OF LOCAL EFFORT IN MEETING NEEDS.

APPLICANT'S RESPONSE:

The degree of local effort is transparent with yearly capital campaign requests by the Hospital Foundation to seek out community donor requests for the benefit of the Hospital Association along with an annual community "Fish Fry" which has been in existence for 29 years. Big Horn Senior Living offers an annual Alzheimer Walk each spring that assists with activity department budgets at both the long term care facility and Big Horn Hospital. The Hospital coordinated the first Hospital "Showcase" event in October 2019 which was well attended by the public of Big Horn County. Grant writing for funding of capital equipment requests is aggressively pursued based on availability of funding from local & regional sources when capital equipment needs present. Strong support from Hospital Association affiliated auxiliaries have been evident previous fifteen years.

E. Planning & Management

1. Describe how your grant request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems related to coal impacts.

APPLICANT'S RESPONSE:

The Hospital Association engaged in a master facility planning review process almost four years ago on all properties managed by the Hospital Association. The Hospital Association master facility planning committee comprised of hospital staff, medical providers, and members of the general public ranked the hospital renovation with specific references to congested patient traffic flow as an urgent need for improvement. The prioritization of the Hospital construction/renovation project translated into an immediate need along with high probability of positive financial return of investment on construction expenses. Patient safety along with compliance issues for patient confidentiality was a salient reason for addressing the future planning and anticipated growth of issues related to coal impacts. This issue is also addressed in the Preliminary Architectural Report prepared by CTA Architects & Engineering.

Describe how the proposed project is consistent with current plans.

APPLICANT'S RESPONSE:

Big Horn Hospital Association revision of organization mission/vision statements in 2015 indicates the Association – “will provide and individualize the healthcare experience, embodying an organization of people working together, promoting a culture of personal accountability to improve the health and well-being of those we serve.” Big Horn Hospital along with Big Horn Senior Living has adopted the values of

C A R E

Compassion – We treat our patients, communities and colleagues with sensitivity and empathy.

Accountability – We promote individual and organizational responsibility.

Respect – We honor the dignity of our patients, communities and colleagues.

Empowering – We create an environment for individuals to make confident decisions and health choices.

The Hospital Association since 2000 has been an independent operational entity absent of outside managerial consultation. The Hospital Association has established an aggressive/proactive evaluation and replacement of capital equipment with quarterly quality improvement models to evaluate capital equipment replacement projects. The current physical plant design of Big Horn Hospital, does not allow for efficient levels of patient services to be rendered in an appropriate medical industry standard of compliance. Patient emergency encounters in the previous three years have been on an 8% increase driving the necessity of this project to be a significant priority for delivery of healthcare in Big Horn County. To further underscore the sentiments of Big Horn County residents, in a 2019 Community Health Survey Project coordinated by Montana State Bozeman Rural Health staff-71.8% of survey respondents indicated Hardin was a preference for primary care services. A public hearing will be scheduled in May 2020 to address environmental health issues for this project and will be forwarded before June 1st for inclusion into the application packet.

APPENDIX A

PAR PRELIMINARY ARCHITECTURAL REPORT (PAR) REQUIREMENTS

This Section Is Not Applicable To Big Horn Hospital Front Entry Construction And Renovation Project

A. A PAR MUST BE SUBMITTED AS PART OF A COAL BOARD APPLICATION FOR:

Utilization of a PAR for rehabilitation or construction of Coal Board funded activities for Non-Water/Non-Wastewater community facility projects;

- a. New construction of a Non-Water/Non-Wastewater community facility project;

B. A PAR MUST MEET THE REQUIREMENTS FOR:

- a. Preparation of a PAR as a planning activity

C. GENERAL INFORMATION ON PARs:

- The PAR outline presented here is by no means all-inclusive. The architect should use his or her professional judgment to present sufficient information during preparation of the PAR, taking into account that different projects require varying levels of detail (rehabilitation of an existing building versus construction of a new building) and consideration of reasonable alternatives.
- Architects and project representatives can call Community Development Division staff (406841-2770) to request clarification and guidance regarding this PAR outline.

D. ENVIRONMENTAL CONSIDERATIONS RELATED TO THE PAR

NOTE: All state and Coal Board funded projects are subject to the Montana Environmental Policy Act (MEPA). This law seeks to avoid adverse impacts on the environment by mandating careful consideration of the potential impacts of any development assisted with funds.

- MEPA seeks to avoid or mitigate adverse impacts on the natural and human environment by mandating careful consideration of the potential impacts of any development assisted with state funds or approved by a Montana state agency.

Please refer to enclosed environmental impact checklist.

1. PAR OUTLINE

I. PROBLEM DEFINITION

A. DESCRIBE AND DOCUMENT THE NEED FOR THE PROJECT AND THE PROBLEM(S)

TO BE SOLVED. Describe the need for the project according to the following criteria:

1. Health and Safety - Describe concerns and deficiencies, compliance issues, and relevant regulations such as the International Building Code, (and other codes as listed in "Special Requirements Concerning Code and Standards Enforcement"), asbestos, lead-based paint, handicapped accessibility, zoning ordinances, and other federal, state, local, or tribal requirements concerning the existing facility(ies).

Attach pertinent correspondence to or from appropriate federal, state, and local regulatory agencies, especially information that provides documentation of health and safety concerns and deficiencies.

2. Facility Operation & Maintenance (O&M) - Describe O&M concerns regarding the existing facility(ies) with an emphasis on those with the greatest financial and operational impact.

If the high cost of maintaining the existing facility(ies) is related to a proposal to modify or replace the existing facility, describe and document these concerns and potential cost savings.

3. Growth - Describe the facility's capacity to meet projected growth needs from the completion of construction through the anticipated useful life of the building

Discuss any potential for future expansion, if applicable, or any consideration given to designing for phased construction or incremental expansion of the facility in the future.

Provide both the number of current users served by the facility(ies) and the projected number of users to be served by the proposed project upon completion.

B.IDENTIFY THE PLANNING AND SERVICE AREA, INCLUDING THE EXISTING LOCATION AND POTENTIAL, ALTERNATE LOCATIONS OF THE FACILITY.

Using narrative and drawings, describe the planning and service area and alternate building(s) or sites under review or consideration. The description should include the following information:

1. Location - Indicate legal and natural boundaries, major obstacles, environmental constraints, etc., using maps, photographs, and sketches of the planning and service area, including both the existing location and potential alternate locations for the facility.
2. Growth Areas and Projected Population Trends - Identify specific areas of projected, concentrated population growth and relate these to the forecasted growth in the clientele to be served by the proposed project.

Provide population projections for the project's planning and service area (and for the persons and/or groups the facility will serve) as well as for the projected design period (i.e., the anticipated useful life of the proposed facility).

Base projections for the clientele to be served upon historical records, Census data, or economic projections, citing recognized sources.

B. EVALUATE THE CONDITION OF THE EXISTING FACILITY(IES). Describe the existing facility(ies), including at least the following information:

1. History - Provide a brief history of the facility(ies), including when the structure was constructed, major improvements implemented in the past, and any past problems.
2. Condition of Facilities - Describe the present condition and any problems such as code deficiencies, general structural decay, presence of asbestos, mold or moisture, lead based paint, subsidence issues, overcrowding, or handicapped accessibility. Describe the adequacy or capacity of the existing facility(ies) to meet existing and long-term needs.

II. ALTERNATIVE ANALYSIS

A. DESCRIPTION OF ALTERNATIVE SOLUTIONS. Describe each alternative design, building, or site considered -- i.e., identify and describe existing buildings with potential for rehabilitation or alteration, or alternative building sites considered for new construction.

1. If proposing rehabilitation or alteration of existing buildings - Describe existing buildings within the community that could be modified or rehabilitated to accommodate the proposed facility or need.

Describe the potential benefits and possible deficiencies with each alternative design, building or site considered, including code compliance issues, floor space, handicapped accessibility, and potential for long-term expansion, as applicable.

2. If proposing new construction, describe alternative building sites considered for new construction, any existing structures on the site(s), potential for long-term expansion, proximity to other services, environmental constraints, etc.

B. REGULATORY COMPLIANCE AND PERMITS. Describe issues that need to be addressed concerning compliance (for either a new building or a rehabilitated building) with appropriate regulations such as the International Building Code and other relevant codes, zoning issues, asbestos, lead-based paint, permits, handicapped accessibility (American Disabilities Act and HUD 504 regulations), designated 100-year floodplains, and other applicable federal, state, local or tribal requirements.

C. LAND ACQUISITION ISSUES. Identify sites to be purchased or leased and any easements needed, if applicable. Specify whether these properties are currently owned, to be purchased or leased, and whether options have been obtained, contingent upon receipt of funding.

D. ENVIRONMENTAL CONSIDERATIONS. For the alternative selected for the project, discuss the following:

1. Potential Environmental Impacts - The PAR must include a discussion of environmental resources in the area that might be impacted or that might impact the proposed facility.
2. Mitigation - Evaluate appropriate short and long-term measures to mitigate each potentially adverse impact.

Describe the mitigation measure(s) necessary to minimize potentially adverse impacts upon identified environmental resources. Projects contemplating the renovation of existing structures should thoroughly discuss mitigation measures to address any existing hazards, such as asbestos and lead-based paint, where identified, in accordance with federal and state requirements.

3. Correspondence - Include any environmentally-related correspondence and agency comments (e.g., comments from the State Historic Preservation Office).
4. Exhibits/Maps - Include any exhibits, maps, or drawings as applicable to describe potential environmental impacts.

E. CONSTRUCTION PROBLEMS. Discuss potential concerns such as geological constraints, limited access, underground storage tanks, high water table, asbestos, lead based paint, contaminated soil, noise, odors, or other conditions that may affect cost of construction or long-term operation of the proposed (new or rehabilitated) facility.

F. COST ESTIMATES FOR EACH ALTERNATIVE. For each alternative considered, include both:

1. Project Costs (i.e., administrative, financial, engineering, architecture, and construction costs) and Project Annual Operation and Maintenance Costs

III. SELECTION OF THE PREFERRED ALTERNATIVE

- A. ANALYSIS OF ALTERNATIVE SOLUTIONS.** Provide an analysis of why the preferred alternative (design, building, or location) was selected over other alternatives.
- B. SITE LOCATION AND CHARACTERISTICS.** Discuss the site location of any current or proposed facilities, and why the preferred alternative was selected over other alternatives.
- C. PRELIMINARY ARCHITECTURAL PLANS.** Provide preliminary architectural plans (including a proposed floor plan) for the proposed (new or rehabilitated) facility.

- D. OPERATIONAL REQUIREMENTS.** Discuss the expertise required to operate the facility and any unique operational requirements or benefits of the facility and describe why the preferred alternative was selected over other alternatives.
- E. PROJECT COST SUMMARY / PROJECT COST ESTIMATE.** Provide an itemized estimate of the project cost based on the anticipated period of construction including administrative, development and construction, land and utilities, legal, engineering, interest, equipment, contingencies, refinancing, and other costs associated with the proposed project. See 'II. F Cost Estimates for Each Alternative, above.

CONCLUSIONS AND RECOMMENDATIONS

Provide any other conclusions and recommendations and any additional findings that should be considered in the evaluation of the proposed project and the selected alternative.

Table Of Contents:

APPENDIX Contents:

A. Coal Board Planning Grant Application

ATTACHMENTS:

- ***Certification Statement***
- ***Hospital Association Debt Loan Schedule***
- ***Hospital Association Income Statement***
- ***Hospital Renovation Project Budget***
- ***Community Health Services Report 2019***
- ***Architect Facility Preliminary Report***
- ***Hospital 5 Year Capital Replacement Schedule***
- ***Project Environmental Project Public Notice***
- ***Project Specific Environmental Review Checklist***
- ***Project Specific Environmental Review Narrative***

Coal Board Grant Applicant #0912-Big Horn County Staff Report / December 2020 Meeting

Applicant: Big Horn County

Project: Construct New Hospital Admissions Area and Patient Entry Canopy at Big Horn Hospital

Coal Board Funds Requested: \$498,759

Total Project Cost: \$2,620,537

Project Information: The applicant is requesting \$498,759, of a total project cost of \$2,620,537, in Coal Board funds to perform construction and renovation on the Big Horn County Hospital front entry and admission office. **The applicant is a designated unit.**

Categories:

Need:

- **Applicant:**
 - Applicant states that the admissions/front entry is undersized and inadequate for patient disclosure of medical information.
 - Applicant states that patient congestion due to the undersized admissions lobby causes patient anxiety and delays in treatment of patient medical symptoms.
 - Applicant states lack of controlled patient access is evident causing patient confidentiality to be compromised along with patient and hospital staff safety.
 - Applicant states Big Horn Hospital is an acute care critical access hospital, offering hospital services beginning July 1, 1959 and is operated 24 hours a day, 7 days a week to the residents of Big Horn County.
 - This application was originally submitted in April 2020 for the June 11, 2020 Coal Board Meeting. This resubmission did not include any environmental review documentation.
- **Staff Review:**
 - Staff has determined that the environmental process is incomplete.
 - This project request is part of a larger renovation of the hospital campus. A previous Coal Board grant was reduced in scope to the renovation of the Physical Therapy wing. The Hospital has a current grant open for the renovation of the emergency room. The scope of this application is distinct from the previous grants and limited to the front desk and business offices portion of the renovation. The renovation of this portion of the building appeared to be well underway, per a February 2020 site visit made by Commerce staff for a CDBG Economic Development grant for hospital medical equipment.

Degree of Severity of Impact:

- **Applicant:**
 - Applicant states 43% of hospital renovation and equipment replacement would be coal-related impacts to the general population while about 4% would be direct coal miner job related utilization of the hospital services arena.
 - Applicant states the closest coal development area complex to the town of Hardin is Absaloka Mine located 21 miles southeast of Hardin along with coal generating station north of Hardin approximately 1.5 miles, but operations have been sporadic in previous calendar years.

- Applicant states Big Horn Hospital is one of two critical access hospitals in Big Horn County. It offers an array of diverse medical services including updated medical equipment and related technology to the County population of 12,800 + residents.
- **Staff Review:**
 - Documentation regarding severity of impact included in the narrative responses to Severity of Impact questions in the application.

Availability of Funds:

- **Applicant:**
 - Applicant states the Coal impact grant is necessary due to Hospital Association previously committed funds for building repairs/capital equipment purchases toward Big Horn Hospital and Big Horn Senior Living Center operated by the Hospital Association.
 - Applicant states if Big Horn Hospital Association is not successful, the quarterly Coal Board meeting in June, alternative avenues to pursue funding would be:
 - Increase allocation of Hospital Association reserve funds to the project
 - Expand public capital campaign
 - Request additional financial support from Big Horn County in upcoming fiscal years 2021, 2022.
- **Staff Review:**
 - The applicant is a designated unit.
 - Revenues related to the Coal Natural Resource account are not sufficient to fund the costs associated with this project request.

Degree of Local Effort in Meeting Needs:

- **Applicant:**
 - Applicant states the mill rates are higher than previous years.
 - Applicant states local fundraising efforts have been active in Big Horn County for approximately 17 months, surpassing \$1,000,000 when added to the Hospital Family pledges. A CDBG Economic Development grant of \$400,000 was used for hospital medical equipment
 - Applicant states that Big Horn Hospital Association historically implements a capital replacement five-year plan that outlines and prioritizes equipment attrition and useful life for plant operations.
 - Applicant states Big Horn County has \$0 debt obligations.
- **Staff Review:**
 - Millage rates provided by MDOR data demonstrates the average millage rates for the previous three years are lower than the current year millage rates. MDOR data years: 2017-2018, 2018-2019, 2019-2020.
 - There are two other sources of funding for this project: Big Horn Hospital Association and Big Horn County.

Planning & Management:

- **Applicant:**
 - Applicant states the Hospital Association engaged in a master facility planning review process almost four years ago on all properties managed by the Hospital Association. The hospital renovation with specific references to congested patient traffic flow, was ranked as an urgent need for improvement.
 - Applicant states that Big Horn Hospital Association revision of organization mission/vision statements in 2015 indicates the Association “will provide and individualize the healthcare experience, embodying an organization of people working

- together, promoting a culture of personal accountability to improve the health and well-being of those we serve.”
 - Keeping good primary care in Hardin is important to 71.8% of residents as referenced in a 2019 Community Health Survey Project.
 - Big Horn Hospital and Indian Health Services serve the Big Horn residents.
 - Applicant states it is consistent with the Growth Policy: “Maintaining and improving local services such as law enforcement, fire protection, ambulance, schools, and medical centers.
- **Staff Review:**
 - The applicant has demonstrated a reasonable connection between the Front Entry Construction and Admission Office Renovation project at the Big Horn Hospital, community planning documents, and the Hospital Association Master Plan. The proposed project appears to be consistent with the effort to maintain an adequate health care facility in Big Horn County.

Grant History:

Since 2009, the applicant has been awarded 47 projects totaling \$3,960,331.

For more information on Coal Board projects for this or any other applicant, please visit the Commerce Grants Database at <https://commerce.mt.gov/About/FundedProjects>.

Supplemental Documents (not included in this staff report):

Big Horn Hospital Association (BHHA) Debt Schedule, BHHA Income Statement, BHHA Community Health Services Report, BHHA PAR, BHHA Capital Replacement Schedule

Staff Summary:

See engineer memo.

The resubmission of this application did not include any environmental review documentation.

“The applicant must provide documentation of the completed environmental review process and include with the application all documentation of the public review process, including but not limited to, the public notice for and minutes of a public hearing at which the environmental review was discussed, the public comments received, and the final decision on the environmental determination made during a public meeting” (Montana Coal Board Application, pg 27).

Staff does not recommend funding until environmental review record regulations have been met. Staff does not recommend funding due to the statutory criteria: Availability of Funds. Staff does not recommend awarding contingent upon available revenue as there is insufficient revenue to award projects currently. Staff recommend awarding projects based on revenue received to meet the Availability of Funds statutory criteria.

MEMO

To: Coal Board Members and Commerce Staff
From: Division Engineer
Subject: Big Horn County – front entry renovation
Meeting: June 2020, re-applied Dec 2020

History – Big Horn Hospital was built in 1959 by Big Horn County as an acute care hospital. The front entry and admissions department has not been renovated since initial construction. Patient emergency visits have increased the last three years resulting in a monthly average of over 400 visits per month. Patient overflow in the hospital causes congestion and compromises patient confidentiality.

Problem – Problems identified in the application included the following:

- the admissions/front entry is undersized,
- the admissions/front entry is inadequate for confidentiality of medical information,
- patient congestion causes anxiety and delays in treatment, and
- lack of controlled patient access is unsafe for hospital staff during patient treatment procedures.

<SAME> Solution – The proposed project includes:

- construction of a new hospital admissions area, and
- addition of a covered canopy for patient entry.

The purpose of the project is to create more physical space and an efficient design concept. Patient confidentiality and access control would be greatly improved. The new design at the admissions office will allow patient reception and collection of patient data to be seamless and private which should increase the overall efficiency of the hospital. The new public entrance covered canopy would be utilized by most patients that are not transported by ambulance.

<SAME> The Coal Board grant request is for \$498,759. The total cost is \$2,620,537; the Big Horn Hospital Association is contributing \$2,120,628; and the County is contributing \$1,150.

The applicant indicated the Hospital Association engaged in a master facility planning process nearly four years ago. The proposed project was ranked as an urgent need.

A preliminary architectural report (PAR) was prepared by CTA in June of 2018. That document included an evaluation of a new main entrance, new emergency department addition, new patient bed wing and an education addition. A schematic correlating the recommendations of the PAR to the \$2.6M project associated with this Coal Board application was not found. A

discussion describing how the work scope presented in the Coal Board application was prioritized over other items was not found in the application.

A project budget attachment indicated a cost of \$1,779,746 for the front entry and business office. That figure matched the construction cost portion from the BHHA as noted in the application but was less than the overall construction cost of \$2,278,505. It was not clear if the construction cost balance of \$498,759 is dedicated to any specific component of the overall project.

An environmental checklist was included as a separate attachment.

Date submitted was April 24, 2020 per front cover.

Montana Coal Impact Grant Application



Submitted to the Montana Coal Board

by

Big Horn County

for

Cemetery District No. 1 Improvement Project

Date submitted:

October 26, 2020

**THE COAL IMPACT GRANT APPLICATION FORM
SUBMITTED BY BIG HORN COUNTY**

CERTIFICATION

The chief elected official or executive officer of the applicant must sign the application certifying that to the best of the official's knowledge and belief, the information provided in the application and the attached documents is true and correct.

The chief elected official or executive officer of the applicant must also certify that, in accordance with Section 90-6-205, MCA, the applicant is eligible for a Coal Impact Grant and has the authority to administer and make expenditures to provide for the proposed service or facility.

CERTIFICATION

To the best of my knowledge and belief, the information provided in this application and in the attached documents is true and correct.

In accordance with Section 90-6-205, MCA, the applicant is eligible for Coal Board grants and has the statutory authority to make expenditures to provide for the particular service or facility.

Name:

Title:

Signature:  Date: 10-26-2020

SUMMARY INFORMATION

1. NAME OF APPLICANT(S):

Big Horn County

2. TYPE OF ENTITY:

Local Government

3. FEDERAL TAX ID NUMBER:

4. SENATE AND HOUSE DISTRICTS:

Senate District: 21; House Districts: 42

5. AMOUNT OF COAL IMPACT GRANT REQUESTED: \$124,870

6. NAME OF PROJECT:

Cemetery District No. 1 Improvement Project

7. TYPE OF PROJECT:

Public Service

8. POPULATION SERVED BY PROJECT:

13,141 (2015 American Communities Survey, <http://comdev.mt.gov/Resources/Financial/TargetRate>)

9. NUMBER OF HOUSEHOLDS SERVED BY PROJECT:

3,576 (2015 American Communities Survey, <http://comdev.mt.gov/Resources/Financial/TargetRate>)

10. CHIEF ELECTED OFFICIAL OR AUTHORIZED REPRESENTATIVE:

Mr. George Real Bird III, Chairman
Board of Commissioners – Big Horn County
P.O. Box 908
Hardin, MT 59034
406-665-9700 phone
406-665-9706 fax
cwell@bighorncountymt.gov

11. PRIMARY ENTITY CONTACT PERSON:

Ms. Candy Wells, Administrative Assistant
P.O. Box 908
Hardin, MT 59034
Office: 406-665-9700
Fax: 406-665-9706
Email: cwells@bighorncountymt.gov

12. OTHER CONTACT PERSONS:

Mr. Larry Vandersloot
County Commissioner, District 3
Office: 406-665-9700
Fax: 406-665-9706
Email: lvandersloot@bighorncountymt.gov

13. MILLAGE RATES:

GENERAL LEVY

FY2019-2020: \$23,195 – 1 Mill Value; 164.93 Mills Levied = \$3,825,551.35

FY2018-2019: \$23,559 – 1 Mill Levy; 129.86 Mills Levied = \$3,059,371.74

FY2017-2018: \$23,776 – 1 Mill Value; 125.96 Mills Levied = \$2,994,824.96

FY2016-2017: \$23,337 – 1 Mill Value; 107.51 Mills Levied = \$2,508,960.87

FY2015-2016: \$25,058 – 1 Mill Value; 86.82 Mills Levied = \$2,175,535.56

FY2014-2015: \$25,114 – 1 Mill Value; 74.05 Mills Levied = \$1,859,691.70

General levy which includes general, bridge, fairgrounds, library, public safety, health insurance and weed funds.

14. AMOUNT OF COAL GROSS PROCEEDS TAX:

- **Total amount of Coal Gross Proceeds tax the applicant receives during the last two years**
 - ***The amount received and amount expended for each year*** – In 2017 and 2018, Big Horn County received \$15,558,637 in gross proceeds tax which is 19.37% less than the previous two years (2015 and 2016), \$18,895,203, due to reduced coal production. Approximately 40% is allocated to County Department budgets and the remaining 60% is allocated to County schools.
 - ***Balance of available proceeds that remains*** – There is no available balance that remains unallocated at this time.
- **Description of the process the applicant uses to decide the use of the proceeds** - The Coal Gross Proceeds taxes are distributed based on the 1989 Tax Levy for each fund including appropriations to the general, bridge, medical facilities, refunding bonds, internal health service, road and school funds.

15. IMPACTS TO COAL INDUSTRY:

U.S. News & World Report published an article titled “Western US Coal Miners Laid off Amid Drop in Electricity Use” on April 23, 2020. The following is an excerpt from the article:

“Three hundred miners and other workers are being laid off as the struggling western U.S. coal industry contends with diminished electricity use during the coronavirus pandemic. Seventy-three workers at the Spring Creek mine in southeastern Montana and 57 at the Antelope mine in northeastern Wyoming are losing their jobs, Navajo Transitional Energy Company reports. St. Louis-based Peabody Energy, meanwhile, announced it was laying off 170 at Wyoming’s largest coal mine, North Antelope Rochelle. All three mines are located in the Powder River Basin, which accounts for about 40% of U.S. coal production. Coal demand has declined over the past decade due to competition from natural gas-fired power and renewable energy sources. School and business shutdowns and stay-at-home orders to contain the coronavirus have reduced electricity use over the past month, further dimming the outlook for coal-fired electricity and coal mining.”

With regard to the trend in Big Horn county, there were approximately 149 residents of Big Horn county employed by the coal industry in February 2019. To determine the number of residents, a county representative contacted human resource personnel in nearby coal mines and coal-using facilities. Human resource personnel at the facilities queried their records for employees with zip codes for Busby (59016); Crow Agency (59022), Decker (59025), Garryowen (59031); Hardin (59034); Fort Smith (59035); Lodge Grass (59050); Pryor (59066); Saint Xavier (59075); and, Wyola (59089). When a current employee count was requested of Cloud Peak Energy, the County learned the company had laid off the entire external affairs team. The external affairs team consistently provided the employee count in the past. The company does not intend to hire replacements due to the continued depressed coal markets. Upon making the inquiry, the County was not provided a current contact at the company.

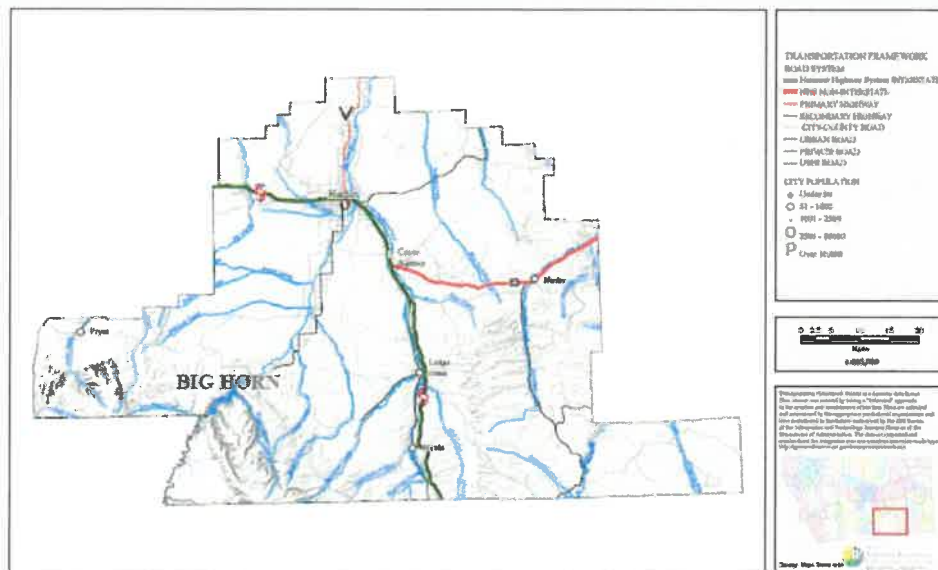
Facility	# of County Residents Employed (February 2019)
Absaloka Mine	118
Decker Mine	no response received
Spring Creek Mine	14
Hardin Generating Station	17
TOTAL	149

Human Resource personnel at Absaloka and Spring Creek Mines provided their data by zip code.

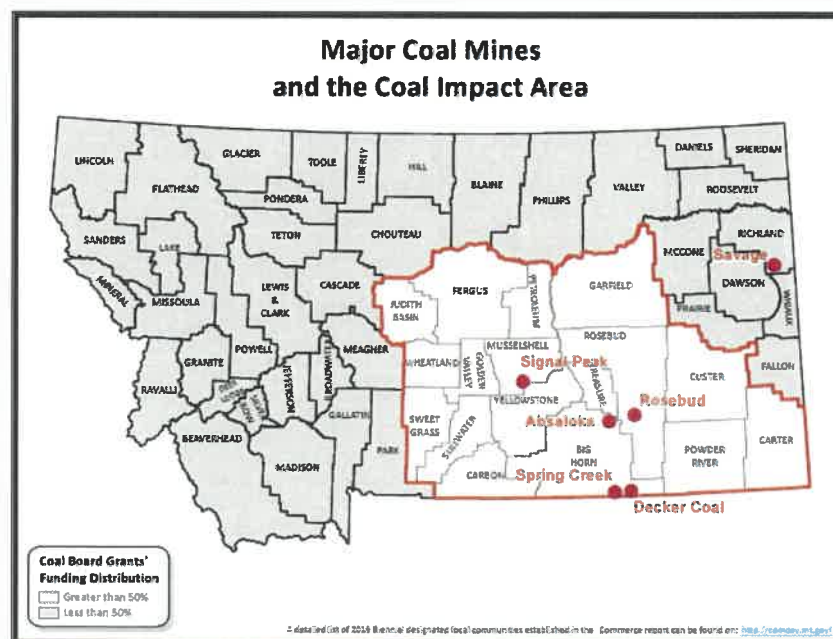
Zip Code/Community	# of County Residents Employed at Absaloka Mine (February 2019)	# of County Residents Employed at Spring Creek Mine (February 2019)
59016 Busby	0	2
59022 Crow Agency	41	1
59025 Decker	0	0
59031 Garryowen	5	2
59034 Hardin	35	4
59035 Fort Smith	3	0
59050 Lodge Grass	20	4
59066 Pryor	2	0
59075 Saint Xavier	4	0
59089 Wyola	8	1
TOTAL	118	14

16. **MAPS:**

Boundary of Big Horn County



Big Horn County's location in the Coal Impact Area



17. **BRIEF PROJECT SUMMARY:**

**PROJECT SUMMARY FOR BIG HORN COUNTY
CEMETERY DISTRICT NO. 1 IMPROVEMENT PROJECT**

Historical Information: Big Horn County Cemetery District No. 1 is governed by a three person board appointed by the Big Horn County Commissioners. The district presides over the operation and maintenance of Fairview Cemetery in Hardin. Fairview Cemetery was established in 1954. The cemetery spans approximately 40 acres: 20 developed and 20 undeveloped. A section of the cemetery is reserved and dedicated to the use and purpose of burying the bodies of veterans and ex-veterans of past and future wars of the United States. Approximately one burial a month occurs at the cemetery. The cemetery has approximately 3,400 grave spaces and half of them are available. Two, of numerous, responsibilities of the district are to (1) purchase, rent, or lease equipment, personal property, and materials necessary to develop and implement an effective program and (2) construct, improve, and maintain new or existing facilities and buildings necessary to accomplish the purposes of the district.

Problem: The current tractor is a 1978 John Deere 310A. The hour gage reads 1,268 hours but it seems the gauge was altered at some point so actual hours are not known. The tractor is kept at county-owned property across the road from the cemetery where the cemetery caretaker resides. The tractor is not stored in a covered structure so it is exposed to sun, rain, and snow; as is the operator. The tractor is used to dig graves, set and align headstones, erect mourners' shelters, set up casket-lowering devices, and maintain the appearance of the surrounding grounds.

Proposed Solution: Purchase a new tractor to replace the current tractor and construct a building to store the tractor and smaller equipment used in the maintenance upkeep of the cemetery.

18. PROJECT BUDGET AND IMPLEMENTATION SCHEDULE:

A. Project Budget Form:

	SOURCE: MT Coal Board	SOURCE: Big Horn County	TOTAL:
Personnel Services/Office Costs	\$ 0	\$0	\$0
Professional Services	\$ 0	\$0	\$0
Legal Costs	\$ 0	\$0	\$0
Travel & Training	\$ 0	\$0	\$0
Audit Fees	\$ 0	\$0	\$0
TOTAL ADMINISTRATIVE/ FINANCIAL COSTS	\$ 0	\$0	\$0
Equipment Cost***	\$96,500	\$0	\$96,500
Construction Cost*** (Concrete pad \$10,917) (Building \$42,453)	\$28,370	\$25,000	\$53,370
Architectural/Engineering Design	\$0	\$0	\$0
Product Completion (PERs, studies, etc.)	\$0	\$0	\$0
Contingency	\$0	\$0	\$0
TOTAL ACTIVITY COSTS	\$124,870	\$25,000	\$149,870
TOTAL PROJECT COSTS	\$124,870	\$25,000	\$149,870

Big Horn County will provide all administrative services as an in-kind contribution to the project.

***Cost estimates for the tractor, concrete pad, and building are provided as **Appendix A**.

B. Project Budget Narrative:

BUDGET NARRATIVE FOR BIG HORN COUNTY CEMETERY DISTRICT NO. 1 IMPROVEMENT PROJECT

ADMINISTRATIVE/FINANCIAL COSTS

Not Applicable – Big Horn County

ACTIVITY COSTS

Equipment Cost: \$96,500

The estimated cost associated with purchasing one tractor. This is an equipment replacement project. Big Horn County obtained cost estimates for the tractor from RDO Equipment (\$89,000); CAT Tractor Equipment Company (\$105,180); and, Titan Machinery (\$95,455), all potential vendors. The proposed cost of the tractor is the average of the three estimates. Copies of the cost estimates are provided as **Appendix A**.

Construction Cost: \$53,370

The estimated cost associated with constructing a building to store the tractor and smaller equipment used in the maintenance upkeep of the cemetery. Big Horn County obtained a cost estimate for a concrete pad from Hardin Concrete and Construction (\$10,917) and a cost estimate on a 30' x 40' x 16' building from SBarS Building Center (\$42,453). Copies of the cost estimates are provided as **Appendix A**.

Architectural/Engineering Design: \$0

Architectural/engineering design costs are not applicable.

Product Completion (PERs, studies, etc.): \$0

Product completion (PERs, studies, etc.) costs are not applicable.

Contingency: \$0

Contingency costs are not applicable.

TOTAL ACTIVITY COSTS: \$149,870

TOTAL PROJECT COSTS: \$149,870

C. Implementation Schedule:

TASK	QUARTERS 2021				QUARTERS 2022			
	1 ST	2 ND	3 RD	4 TH	1 ST	2 ND	3 RD	4 TH
Sign contract with Coal Board			X					
Submit progress reports and drawdown requests			X	X				
Purchase equipment in accordance with County procurement rules			X					
Construct 30' x 40' x 16' building in accordance with County procurement procedures				X				
Coal Board administrative staff conduct on-site monitoring of the project				X				
Submit project completion report					X			
Include project in audits							X	

19. DESCRIPTION OF RELATIONSHIP TO COAL BOARD STATUTORY GRANT CRITERIA

A. Need

- I. Does a serious deficiency exist in a basic or necessary community public facility or service? Examples include emergency services such as police, fire or ambulance services. (Describe the nature and frequency of occurrence and provide supporting documentation.)**

A deficiency exists in a basic community service provided by Big Horn County. Big Horn County Cemetery District No. 1 presides over the operation and maintenance of Fairview Cemetery in Hardin. Fairview Cemetery was established in 1954. The cemetery is approximately 40 acres: 20 developed and 20 undeveloped. A section of the cemetery is reserved and dedicated to the use and purpose of burying the bodies of veterans and ex-veterans of past and future wars of the United States. Approximately one burial a month occurs at the cemetery. The cemetery has approximately 3,400 grave spaces and half of them are available. Two, of numerous, responsibilities of the district are to (1) purchase, rent, or lease equipment, personal property, and materials necessary to develop and implement an effective program and (2) construct, improve, and maintain new or existing facilities and buildings necessary to accomplish the purposes of the district. The cemetery's current tractor is a 1978 John Deere 310A. The hour gage reads 1,268 hours but it seems the gauge was altered at some point so actual hours are not known. The tractor is kept at county-owned property across the road from the cemetery where the cemetery caretaker resides. The tractor is not stored in a covered structure so it is exposed to sun, rain, and snow; as is the operator. The tractor is used to dig graves, set and align headstones, erect mourners' shelters, set up casket-lowering devices, and maintain the appearance of the surrounding grounds.

The current tractor, proposed for replacement, is at the point where the cost of ownership for the equipment exceeds its market value; maintenance costs have begun to escalate; condition of the unit is poor; and reliability of the unit is unpredictable. A picture of the current tractor is below.



- 2. Have serious public health or safety problems that are clearly attributable to a deficiency occurred, or are they likely to occur, such as illness, disease outbreak, substantial property loss, environmental pollution, safety problems, hazards, or health risks? (Describe the nature and frequency of occurrence and provide supporting documentation.)**

The age and condition of the current tractor are a risk to the operator. Research shows that for each year of the machine's age the risk of injury when using it increases by about four percent (Worksafe Victoria, June 2009). The older machine needs to have improvements retrofitted to meet new industry standards of safety, such as improved guarding, a cabin, steps for easier and safer access, better ergonomic seating with a seatbelt, roll over protective structure, warning and advisory signs for operators, and reversing alarm and flashing lights.

- 3. Is the entire community, or a substantial percentage of the residents of the community, seriously affected by the deficiency or at risk, as opposed to a small percentage of the residents? (Describe the number or percentage of community residents affected by the problem.)**

All residents of Big Horn County are affected by the age, usage, condition, and reliability of the tractor proposed for replacement; as well as its maintenance and storage. The tractor is the main piece of machinery used in the maintenance upkeep of the community cemetery.

Cemeteries are very valuable historic resources. They are indicators of various settlement patterns, such as villages, rural communities, urban centers, and ghost towns. Cemeteries tell information about historic events, religions, lifestyles, and genealogy. Fueled by a flood of amateur genealogists seeking their families' roots, there is a resurgence of visitors to cemeteries.

"Cemeteries are fascinating places. They're full of history, they're full of beautiful artwork ... they truly are outdoor museums. You can learn so much about your community by learning about the cemetery. You're going to have the iconic people of that area buried there."

-Minda Powers-Douglas, author of *Cemetery Walk: A Journey Into the Art, History and Society of the Cemetery and Beyond*

- 4. Is there clear documentation that the current condition of the public facility or service (or lack of a facility or service) violates, or may potentially violate, a state or federal health or safety standard (If yes, describe the standard being violated.)? If the proposed project is necessary to comply with a court order or a state or federal agency directive, describe the directive and attach a copy of it.**

The deficiency does not violate or potentially violate a state or federal standard or directive.

- 5. Does the standard that is being violated, or potentially may be violated; represent a significant threat or potential threat to public health or safety?**

All residents of Big Horn County are affected by the age, usage, condition, and reliability of the tractor proposed for replacement; as well as its maintenance and storage. The tractor is the main piece of machinery used in the maintenance upkeep of the community cemetery. The older machine needs to have improvements retrofitted to meet new industry standards of safety, such as improved guarding, a cabin, steps

for easier and safer access, better ergonomic seating with a seatbelt, roll over protective structure, warning and advisory signs for operators, and reversing alarm and flashing lights.

6. **Additional information supporting the NEED for this project.** None

B. Degree of Severity of Impact from an Increase or Decrease in Coal Development or In the Consumption of Coal by A Coal-Using Energy Complex

1. **Describe why the need for the expansion or improvement to the public facility or public service is attributable to coal-related impacts. Additionally, please provide the percentage of the project that is a result of coal impacts.**

Nearly 100% of this project is in response to coal-related impacts. Big Horn County is the largest coal producing County in the State of Montana. The economy of Big Horn County relies on coal. Coal development and coal-using energy complexes in the county heighten the need for reliable, modernized equipment.

In 2017 and 2018, Big Horn County received \$15,558,637 in gross proceeds tax which is 19.37% less than the previous two years (2015 and 2016), \$18,895,203, due to the decline in coal production. In order to off-set revenue lost in coal gross proceeds tax and maintain a balanced budget, Big Horn County has increased revenue received in property tax by levying more mills. The General Levy mill amount has *decreased 7.64%* over the past five years while the number of General mills levied has *increased 122.73%* over the past five years. The change in taxable value, determined by Montana Department of Revenue, reflects the decline in value of coal-producing properties. A coal impact grant is necessary to make the project feasible and affordable for tax payers in Big Horn County.

2. **Name the nearest coal development area or coal-using energy complex to your community and the road miles from your community.**

There are a number of coal mines or coal-using complexes in Big Horn County.

Absaloka Mine	30 miles
Decker Coal Mine	80 miles
Spring Creek Mine	84 miles
Hardin Power Plant	1 mile

3. **Additional information supporting the DEGREE OF SEVERITY OF IMPACT FROM AN INCREASE OR DECREASE IN COAL DEVELOPMENT OR IN THE CONSUMPTION OF COAL BY A COAL-USING ENERGY COMPLEX.**

None

C. Availability of Funds

1. **Amount requested from the Coal Board: \$124,870**
2. **Amount of Coal Board funds available at the time of application \$_____ (#2 will be completed by Coal Board staff)**
3. **Explain why a coal impact grant is necessary to make the project feasible and affordable.**

Coal gross proceeds tax revenue for Big Horn County has been on the decline in recent years. In 2017 and 2018, Big Horn County received \$15,558,637 in gross proceeds tax which is 19.37% less than the previous two years (2015 and 2016), \$18,895,203, due to the decline in coal production.

County Coal Gross Proceeds Tax Revenue Total Collections – Fiscal Years

	2010	2011	2012	2013	2014	2015	2016	2017	2018
Big Horn County	\$8,594,921	\$9,176,021	\$9,965,177	\$10,559,906	\$10,000,360	\$9,402,169	\$9,493,034	\$9,160,210	\$6,398,427
Year of Over % Change	—	6.8%	8.6%	6.0%	-5.3%	-6.0%	1.0%	-3.5%	-30.1%

Source: MT Department of Revenue; Current as of 10/26/2018

In order to off-set revenue lost in coal gross proceeds tax and maintain a balanced budget, Big Horn County has increased revenue received in property tax by levying more mills. The General Levy mill amount has *decreased* 7.64% over the past five years while the number of General mills levied has *increased* 122.73% over the past five years. The change in taxable value, determined by Montana Department of Revenue, reflects the decline in value of coal-producing properties. A coal impact grant is necessary to make the project feasible and affordable for tax payers in Big Horn County.

GENERAL LEVY

FY2019-2020: \$23,195 – 1 Mill Value; 164.93 Mills Levied = \$3,825,551.35

FY2018-2019: \$23,559 – 1 Mill Levy; 129.86 Mills Levied = \$3,059,371.74

FY2017-2018: \$23,776 – 1 Mill Value; 125.96 Mills Levied = \$2,994,824.96

FY2016-2017: \$23,337 – 1 Mill Value; 107.51 Mills Levied = \$2,508,960.87

FY2015-2016: \$25,058 – 1 Mill Value; 86.82 Mills Levied = \$2,175,535.56

FY2014-2015: \$25,114 – 1 Mill Value; 74.05 Mills Levied = \$1,859,691.70

General levy which includes general, bridge, fairgrounds, library, public safety, health insurance and weed funds.

4. What are the other proposed funding sources for the project?

FUNDING SOURCES SUMMARY FOR BIG HORN COUNTY CEMETERY DISTRICT NO. 1 IMPROVEMENT PROJECT				
Source	Type of Fund	Amount	Status of Commitment	Loan Rates & Terms
Coal Board	Grant	\$124,870	Application submitted on April 27, 2020	Not applicable
Big Horn County	Cash	\$25,000	Committed in Letter included as Appendix B	Not applicable
TOTAL		\$149,870		

5. If a particular proposed source of funding is not obtained, how will the applicant proceed?

If Big Horn County does not receive a Coal Impact Grant, the County may re-apply in the next funding cycle while working to identify other potential sources of funding.

D. Degree of Local Effort in Meeting Needs

1. **If current millage rates given are lower than the average rates levied during the previous three years, briefly explain why they are lower.**

In order to off-set revenue lost in coal gross proceeds tax and maintain a balanced budget, Big Horn County has increased revenue received in property tax by levying more mills. The General Levy mill amount has *decreased 7.64%* over the past five years while the number of General mills levied has *increased 122.73%* over the past five years. The change in taxable value, determined by Montana Department of Revenue, reflects the decline in value of coal-producing properties.

2. **Describe any local efforts to meet the public facility or public service needs by providing financial contributions to the project to the extent possible, such as local funding, donations of land, absorbing some or all-administrative costs. For non-profit organizations, describe fund-raising efforts or other in-kind assistance to the proposed project as well as usual program fund-raising efforts.**

Big Horn County has committed \$25,000 in cash or 17% of the total project cost to the project. A letter of commitment is included as *Appendix B*.

3. **Describe past operation and maintenance budgets and practices over the long-term, including any reserves for repair and replacement.**

Past operation and maintenance budgets and practices over the long-term for Big Horn County have been consistent and practicable. Big Horn County will assume all maintenance and operational costs incurred with the new tractor and building.

4. **If there are indications that the problem is not of recent origin, or has developed because of inadequate operation and maintenance practices in the past, explain the circumstances and describe the actions that management will take in the future to assure that the problem will not reoccur.**

Past operation and maintenance budgets and practices over the long-term have been as consistent as practicable. Age and continual use of machinery necessitates its replacement.

5. **If the project involves water, wastewater or solid waste, provide the current and projected monthly household user charges, including operation and maintenance:**
 - a. **What is the current monthly household user charge? \$ _____**
 - b. **What is the projected monthly user charge (including operation and maintenance) when the project is complete? \$ _____**

Not applicable

6. **What are your current debt obligations?**

Big Horn County has no current debt obligations.

7. **What are your current assets?**

Total fixed assets for Big Horn County for Fiscal Year ending June 30, 2018 is \$41,620,535.

8. **What financial accounting system do you use? BARS**

9. **Is the applicant in compliance with the auditing and annual financial reporting requirements provided for in the Montana Single Audit Act, 2-7-501 to 522, MCA?**

(Tribal governments must comply with auditing and reporting requirements provided for in OMB Circular A-133).

Yes X No ___ Date of last completed audit or financial report June 30, 2018

10. If there have been audit findings within the last five years, have they been satisfactorily addressed?

Big Horn County has satisfactorily addressed any audit findings.

11. Additional information supporting the DEGREE OF LOCAL EFFORT IN MEETING NEEDS.

None

E. Planning & Management

1. Describe how your grant request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems related to coal impacts.

The grant request reasonably fits into the contemplated decline of the coal industry in Big Horn County. In order to off-set revenue lost in coal gross proceeds tax and maintain a balanced budget, Big Horn County has increased revenue received in property tax by levying more mills. The General Levy mill amount has *decreased* 7.64% over the past five years while the number of General mills levied has *increased* 122.73% over the past five years. The change in taxable value, determined by Montana Department of Revenue, reflects the decline in value of coal-producing properties.

2. Describe how the proposed project is consistent with current plans.

The proposed project is consistent with the *Big Horn County Growth Policy* (May 2014). The following are excerpts from the growth policy that describe current characteristics and future trends.

Local Services

Local services are important for retaining and attracting residents. The county is quite large and services such as fire protection, ambulance, law enforcement, schools, and medical centers can be distant from the individuals needing the services. Law enforcement has been a historically chronic problem, particularly in areas where jurisdictions among BIA, Tribal governments, county sheriff are confusing and result in long response times and complexities for residents. Schools with high drop-out rates create incentives for residents to school their children elsewhere or leave the area, and they are a disincentive for others with children to relocate to the county. The high proportion of youth creates special needs for services. Increased numbers of older persons will also create increased demands for medical care, transportation, and other services.

Infrastructure

infrastructure that Big Horn County maintains includes county roads, and county buildings, such as the court house, fairgrounds, library, and public health department, and other buildings it supports including the museum, senior center, etc.

Goal: Provide for the long-term infrastructure needs of the county.

Goal Objectives:

- a. A standardized approach to long-term repair/replacement of infrastructure owned by Big Horn County.*

- b. County assistance where possible on provision of other non-county infrastructure, such as community water and sewer.
- c. Non-agricultural semi-trucks pay their fair share of impacts to county roads.

Goal Implementation Strategies:

- a. Big Horn County to develop a Capital Improvements Plan to inventory county-owned infrastructure and major equipment, including current condition, and set a multi-year schedule and budget for major repairs, renovation, and replacement. (Initiate within 2 years.)
- b. Big Horn County to provide grant-writing assistance and match- funding within reasonable limits to support community water, sewer, and storm drainage systems. (Ongoing)
- c. Big Horn County to identify and implement a system to recoup costs to county roads caused from non-agricultural semi-trucks. Begin with an assessment of fees for new approaches onto county roads. (initiate within 2 years)

The proposed project is consistent with the *Big Horn County Capital Improvements Plan* (September 2014). The following is an excerpt from the CIP that summarizes current inventory and need for a new tractor.

“Big Horn County owns a total of 63 public buildings and facilities, ranging from the Courthouse Building and Jail to the Big Horn County Historical Museum. Other facilities, like the Lodge Grass Cemetery, receive financial support from the County but are governed by an outside authority. The Courthouse Building and numerous buildings in the Museum complex, which were built in 1930, are the most antiquated buildings owned by the County. The newest buildings are structures added to the Fairground as a result of an ongoing upgrade to meet a Master Plan that was recently developed. Those structures were added to the public building inventory for Big Horn County in 2012. Most structures are in fair condition, and there are a number of buildings that have had recent renovations.

Tractor – a tractor is required to maintain the roads, parking, and trails in all weather conditions. The tractor currently being used is not adequately appointed for winter weather conditions. The new tractor should have the following features:

1. Enclosed cab with heater/air conditioning
2. Loader
3. Sweeper
4. Mower
5. Snow blade or blower

Estimated Cost: \$45,000-\$50,000”

Environmental Review Checklist

Name of Project:	New Tractor and Equipment Shed for Cemetery #1
Proposed Action:	Purchase of a new tractor and construction of a pole building needed to store, protect, and safeguard heavy and light equipment used at the Big Horn County Cemetery #1.
Location:	Big Horn County, Montana

Key Letter: N – No Impact/Not Applicable B – Potentially Beneficial A – Potentially Adverse
P – Approval/Permits Required M – Mitigation Required

PHYSICAL ENVIRONMENT

<div>KEY</div> <div>N</div>	<p>1. Soil Suitability, Topographic and/or Geologic Constraints (e.g., soil slump, steep slopes, subsidence, seismic activity)</p> <p><i>Comments and Source of Information:</i> Existing ground at the proposed project site is relatively flat, with little to no vegetation. There are two existing buildings near the proposed site, so soil suitability issues are not anticipated.</p>
<div>KEY</div> <div>N</div>	<p>2. Hazardous Facilities (e.g., power lines, EPA hazardous waste sites, acceptable distance from explosive and flammable hazards including chemical/ petrochemical storage tanks, underground fuel storage tanks, and related facilities such as natural gas storage facilities & propane storage tanks)</p> <p><i>Comments and Source of Information:</i> Power lines are adjacent to the project property but are approximately 250-ft from the proposed building location. No hazardous facilities are anticipated on the project property.</p>
<div>KEY</div> <div>N</div>	<p>3. Effects of Project on Surrounding Air Quality or Any Kind of Effects of Existing Air Quality on Project (e.g., dust, odors, emissions)</p> <p><i>Comments and Source of Information:</i> Temporary dust associated with the construction; however, there will be no long-term impacts in regard to the surrounding air quality as a result of the project.</p>
<div>KEY</div> <div>N</div>	<p>4. Groundwater Resources & Aquifers (e.g., quantity, quality, distribution, depth to ground water, sole source aquifers)</p> <p><i>Comments and Source of Information:</i> The proposed project is not anticipated to impact the groundwater resources and/or aquifers. The new building will be slab-on-grade, and minimal excavation is required.</p>
<div>KEY</div> <div>N</div>	<p>5. Surface Water/Water Quality, Quantity & Distribution (e.g., streams, lakes, storm runoff, irrigation systems, canals)</p> <p><i>Comments and Source of Information:</i> The proposed building will be located approximately 50-feet from an existing irrigation canal; however, site grading will prevent surface water from entering the canal. Storm water at the proposed building location will be directed to existing storm water runoff paths.</p>
<div>KEY</div> <div>N</div>	<p>6. Floodplains & Floodplain Management (Identify any floodplains within one mile of the boundary of the project.)</p> <p><i>Comments and Source of Information:</i> There are no identified floodplains within a mile of the proposed project boundary.</p>

<p>KEY</p> <hr/> <p>N</p> <hr/>	<p>7. Wetlands Protection (Identify any wetlands within one mile of the boundary of the project.)</p> <p><i>Comments and Source of Information:</i> No wetlands are present within one mile of the proposed project boundary.</p>
<p>KEY</p> <hr/> <p>N</p> <hr/>	<p>8. Agricultural Lands, Production, & Farmland Protection (e.g., grazing, forestry, cropland, prime or unique agricultural lands) (Identify any prime or important farm ground or forest lands within one mile of the boundary of the project.)</p> <p><i>Comments and Source of Information:</i> Agricultural land surrounds the proposed project site; however, none of the land has been identified as prime or important farm ground. No forest lands lie within one mile of the project boundary. The proposed project will not affect existing agricultural lands.</p>
<p>KEY</p> <hr/> <p>N</p> <hr/>	<p>9. Vegetation & Wildlife Species & Habitats, Including Fish (e.g., terrestrial, avian and aquatic life and habitats)</p> <p><i>Comments and Source of Information:</i> According to the Montana Natural Heritage Program, no vegetation species of concern are located at the proposed project site. There are eleven species of concern listed; however, as the project site is located adjacent to existing buildings, no long-term habitat impacts are anticipated.</p>
<p>KEY</p> <hr/> <p>N</p> <hr/>	<p>10. Unique, Endangered, Fragile, or Limited Environmental Resources, Including Endangered Species (e.g., plants, fish, sage grouse or other wildlife)</p> <p><i>Comments and Source of Information:</i> According to the Montana Natural Heritage Program, no vegetation species of concern are located at the proposed project site. There are eleven species of concern listed; however, as the project site is located adjacent to existing buildings, no long-term habitat impacts are anticipated.</p>
<p>KEY</p> <hr/> <p>N</p> <hr/>	<p>11. Unique Natural Features (e.g., geologic features)</p> <p><i>Comments and Source of Information:</i> No unique geologic features are located within the proposed project vicinity.</p>
<p>KEY</p> <hr/> <p>N</p> <hr/>	<p>12. Access to, and Quality of, Recreational & Wilderness Activities, Public Lands and Waterways (Including Federally Designated Wild & Scenic Rivers), and Public Open Space</p> <p><i>Comments and Source of Information:</i> The proposed project is located on property currently owned by Big Horn County and will not impact access to public lands or public open space.</p>
HUMAN POPULATION	
<p>KEY</p> <hr/> <p>N</p> <hr/>	<p>1. Visual Quality – Coherence, Diversity, Compatibility of Use and Scale, Aesthetics</p> <p><i>Comments and Source of Information:</i> The proposed project will add a new pole building to an existing County facility location. No impacts to visual quality are anticipated.</p>
<p>KEY</p> <hr/> <p>N</p> <hr/>	<p>2. Nuisances (e.g., glare, fumes)</p> <p><i>Comments and Source of Information:</i> There are no anticipated nuisances associated with the proposed project as it will add a new building to an existing County facility location.</p>

<p>KEY</p> <hr/> <p>N</p> <hr/>	<p>3. Noise – suitable separation between noise sensitive activities (such as residential areas) and major noise sources (aircraft, highways & railroads)</p> <p><i>Comments and Source of Information:</i> There may be some temporary noise during construction of the proposed project. However, construction operation hours will be limited to 7:00 AM to 7:00 PM. No other long-term impacts to noise are anticipated upon completion of the project.</p>
<p>KEY</p> <hr/> <p>M</p> <hr/>	<p>4. Historic Properties, Cultural, and Archaeological Resources</p> <p><i>Comments and Source of Information:</i> According to the Montana Cultural Resource Database, there are historical sites and inventoried areas present in the proposed project vicinity. Prior to construction disturbance, Montana SHPO will be contacted to ensure no cultural, historic or archaeological sites are disturbed.</p>
<p>KEY</p> <hr/> <p>N</p> <hr/>	<p>5. Changes in Demographic (population) Characteristics (e.g., quantity, distribution, density)</p> <p><i>Comments and Source of Information:</i> The proposed project is not anticipated to impact demographic characteristics.</p>
<p>KEY</p> <hr/> <p>N</p> <hr/>	<p>6. Environmental Justice – (Does the project avoid placing lower income households in areas where environmental degradation has occurred, such as adjacent to brownfield sites?)</p> <p><i>Comments and Source of Information:</i> This project does not contribute to the location of any lower income households into unacceptable areas.</p>
<p>KEY</p> <hr/> <p>N</p> <hr/>	<p>7. General Housing Conditions – Quality, Quantity, Affordability</p> <p><i>Comments and Source of Information:</i> The proposed project is not anticipated to impact general housing conditions.</p>
<p>KEY</p> <hr/> <p>N</p> <hr/>	<p>8. Displacement or Relocation of Businesses or Residents</p> <p><i>Comments and Source of Information:</i> The proposed project will not require displacement or relocation of businesses and/or residents.</p>
<p>KEY</p> <hr/> <p>N</p> <hr/>	<p>9. Public Health and Safety</p> <p><i>Comments and Source of Information:</i> The proposed project will not affect public health and safety.</p>
<p>KEY</p> <hr/> <p>N</p> <hr/>	<p>10. Lead Based Paint and/or Asbestos</p> <p><i>Comments and Source of Information:</i> The proposed project is not anticipated to involve the handling of any lead-based paint and/or asbestos.</p>
<p>KEY</p> <hr/> <p>N</p> <hr/>	<p>11. Local Employment & Income Patterns – Quantity and Distribution of Employment, Economic Impact</p> <p><i>Comments and Source of Information:</i> There are no anticipated long-term impacts to local employment or income patterns directly attributed to the proposed project. Temporary beneficial impacts could be seen from construction labor employment.</p>
<p>KEY</p> <hr/> <p>N</p> <hr/>	<p>12. Local & State Tax Base & Revenues</p> <p><i>Comments and Source of Information:</i> There are no anticipated impacts to the local and state tax base and revenues directly attributed as a result of the proposed project.</p>

KEY _____ N	13. Educational Facilities - Schools, Colleges, Universities <i>Comments and Source of Information:</i> There is no anticipated impact to the educational facilities as a direct result of the proposed project.
KEY _____ N	14. Commercial and Industrial Facilities – Production & Activity, Growth or Decline <i>Comments and Source of Information:</i> There is no anticipated impact to the growth or decline of commercial or industrial facilities.
KEY _____ N	15. Health Care – Medical Services <i>Comments and Source of Information:</i> There is no anticipated impact to the health care facilities as a direct result of the proposed project.
KEY _____ N	16. Social Services – Governmental Services (e.g., demand on) <i>Comments and Source of Information:</i> There is no anticipated impact to the demand on governmental services.
KEY _____ N	17. Social Structures & Mores (Standards of Social Conduct/Social Conventions) <i>Comments and Source of Information:</i> There is no anticipated impact to social structures as a direct result of the proposed project.
KEY _____ N	18. Land Use Compatibility (e.g., growth, land use change, development activity, adjacent land uses and potential conflicts) <i>Comments and Source of Information:</i> There is no anticipated impact to land use compatibility as a direct result of the proposed project. The proposed pole building will be adjacent to currently existing County facility structures.
KEY _____ N	19. Energy Resources – Consumption and Conservation <i>Comments and Source of Information:</i> There is no anticipated change in energy resources as a direct result of the proposed project.
KEY, _____ N	20. Solid Waste Management <i>Comments and Source of Information:</i> There are no anticipated impacts to solid waste management as a result of the proposed project.
KEY _____ N	21. Wastewater Treatment – Sewage System <i>Comments and Source of Information:</i> There are no anticipated impacts to wastewater treatment as a result of the proposed project.
KEY _____ N	22. Storm Water – Surface Drainage <i>Comments and Source of Information:</i> There are no anticipated impacts to storm water as a result of the proposed project. Storm water runoff will be directed to existing runoff paths.

KEY _____ N	23. Community Water Supply <i>Comments and Source of Information:</i> There are no anticipated impacts to the public water supply as a result of the proposed project.
KEY _____ N	24. Public Safety – Police <i>Comments and Source of Information:</i> There are no anticipated impacts to public safety and/or police as a result of the proposed project.
KEY _____ N	25. Fire Protection – Hazards <i>Comments and Source of Information:</i> There are no anticipated impacts to fire protection as a result of the proposed project.
KEY _____ N	26. Emergency Medical Services <i>Comments and Source of Information:</i> There are no anticipated impacts to emergency medical services as a result of the proposed project.
KEY _____ N	27. Parks, Playgrounds, & Open Space <i>Comments and Source of Information:</i> There are no anticipated impacts as a result of the proposed project.
KEY _____ B	28. Cultural Facilities, Cultural Uniqueness & Diversity <i>Comments and Source of Information:</i> There are no anticipated impacts as a result of the proposed project.
KEY _____ N	29. Transportation Networks and Traffic Flow Conflicts (e.g., rail; auto including local traffic; airport runway clear zones - avoidance of incompatible land use in airport runway clear zones) <i>Comments and Source of Information:</i> There are no anticipated impacts as a result of the proposed project.
KEY _____ B	30. Consistency with Local Ordinances, Resolutions, or Plans (e.g., conformance with local comprehensive plans, zoning, or capital improvement plans) <i>Comments and Source of Information:</i> The proposed project is consistent with all local ordinances, resolutions, and plans, including the Big Horn County Comprehensive Capital Improvements Plan.
KEY _____ N	31. Is There a Regulatory Action on Private Property Rights as a Result of this Project? (Consider options that reduce, minimize, or eliminate the regulation of private property rights.) <i>Comments and Source of Information:</i> There will be no regulatory action on private property as a result of the proposed project.

ENVIRONMENTAL QUESTIONS

On a separate piece of paper, please answer the following as they apply to your proposed project:

1. **Alternatives:** Describe reasonable alternatives to the project.
2. **Mitigation:** Identify any enforceable measures necessary to reduce any impacts to an insignificant level.
3. **Is an EA or Environmental Impact Statement (EIS) required?** Describe whether or not an EA or EIS is required and explain in detail why or why not.
4. **Public Involvement:** Describe the process followed to involve the public in the proposed project and its potential environmental impacts. Identify the public meetings – where and when – the project was considered and discussed, and when the district approved the final environmental assessment.
5. **Person(s) Responsible for Preparing:** Identify the person(s) responsible for preparation of this checklist.
6. **Other Agencies:** List any state, local, or federal agencies that have over-lapping or additional jurisdiction or environmental review responsibility for the proposed action and the permits, licenses, and other authorizations required; and list any agencies or groups that were contacted or contributed information to this Environmental Assessment (EA).



Authorized Representative

4-23-2020

Date

Big Horn County



Chairperson

04.23.2020

Date

1. Alternatives

The current tractor is use at Cemetery #1 is from 1947, and well past its service life. The County proposes to replace this antiquated tractor with a new tractor. The alternative is to keep using the existing tractor, which continually has mechanical issues and is not adequate for the work required.

The new pole building is proposed to house the new tractor. The existing tractor has been used for 73 years, and the County intends to use and maintain the new tractor for at least that same amount of time. The installation of a new storage building to house the tractor will assist with keeping the tractor from deteriorating prematurely and provide safety from theft and tampering. The alternative to a new pole building is to store the new tractor in the outdoors, which will result in premature aging and possible damage by trespassers.

2. Mitigation

Anticipated impacts as a result of the proposed project are both minimal and temporary. Noise impacts will be contained by allowing construction activities only during specified hours of the day. Contractors will take all precautions to provide a safe work environment for the general public.

3. Is an EA or Environmental Impact Statement (EIS) required?

The Montana Environmental Policy Act requires than an environmental review be performed whenever a state agency takes an action; whenever that action is not exempt or excluded from MEPA; and whenever the action may impact the human environment. As the proposed project is to construct a new pole building on existing county property, it is anticipated that the action will result in a Finding of No Significant Impact, and an EA or EIS is not necessary.

4. Public Involvement

The project has been discussed by the Big Horn County Cemetery Board in at public meeting. There were no public present at the meeting, and the project was approved by the Board.

The Draft Environmental Assessment was advertised in the Big Horn County News on April 9 and April 16, 2020, with comments to be received by the Big Horn County Board of Commissioners until 4:00 p.m. on April 21, 2020. Comments were called to be submitted in person, in writing, by telephone, or on the County Facebook Page.

No comments were received, and the EA was approved as written.

5. Person(s) Responsible for Preparing

Kathy Thompson, Project Manager, Stahly Engineering

6. Other Agencies

As the proposed project may involve state funding for construction of a new building located on undisturbed ground, Montana State Historic Preservation Office will be contacted prior to any disturbance.

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LEGAL NOTICE

Big Horn County is submitting two grant applications to the Montana Coal Board on April 27, 2020. One application requests funds to purchase two vehicles for the Sheriff's Department. The other application requests funds to purchase a tractor and equipment shed for Cemetery #1. Environmental Checklists for the projects are being completed and will be available for public review April 10-21, 2020 at Big Horn County Commission Chambers located at 121 West 3rd Street Room 302 in Hardin, Montana, 59034 and online at www.bighorncountymt.gov. Due to the COVID-19 Novel Coronavirus pandemic Big Horn County issued Resolution 2020-7, an emergency proclamation, on March 17, 2020. Due to the pandemic, Big Horn County is soliciting public comment regarding the Environmental Checklists by multiple means: in person at Commissioners' Office during normal business hours; in writ-

ing to cwells@bighorn-countymt.gov; Big Horn County Board of Commissioners, PO Box 908, Hardin MT 59034; or Big Horn County, Montana Facebook page; and/or by telephone at 406-665-9700 Monday thru Friday between the hours of 8:00 a.m. and 4:00 p.m. All comments must be received by 4:00 P.M. on April 21, 2020. Big Horn County Commissioners will review public comment received, hear any additional public comment, and accept the level of environmental finding for the projects at a public meeting on April 23, 2020 at 10:00 a.m. in the Big Horn County Commissioners Office. Individuals can connect via conference call for the public meeting by dialing (406) 665-9711, Conference ID 481# Password 59034#. Big Horn County can provide reasonable accommodations for any known disability that may interfere with a person participating in this public review process. Should you have any questions or require more information, please contact Candy Wells, Administrative Assistant at 406-665-9700 or cwells@bighorncountymt.com.

Publish: April 10 & 18, 2020

MNAXLP

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***BOARD OF COMMISSIONERS
BIG HORN COUNTY, MONTANA***

**AGENDA
APRIL 23, 2020
THURSDAY**

8:30

9:00 Sheriff Big Hair

9:30

10:00 Coal Board Applications – Environmental Assessment Determination
Sheriff Office Vehicle purchase
Cemetery District #1 tractor and equipment shed purchase

10:30

11:00

11:30

1:00

1:30

2:00

2:30

3:00

3:30

4:00

PUBLIC COMMENT AND DISCUSSION IS ENCOURAGED FOR EACH ITEM LISTED

RESOLUTION 2020 - 16

**RESOLUTION TO ACCEPT THE DETERMINATION THAT A FINDING OF NO SIGNIFICANT
IMPACT IS APPROPRIATE FOR THE NEW TRACTOR AND EQUIPMENT SHED FOR
CEMETERY #1**

WHEREAS, Big Horn County has completed an assessment to identify potential environmental impacts from the construction of a new equipment shed;

WHEREAS, the draft Environmental Assessment was made available for public comment and the findings were presented and reviewed at a public meeting;

WHEREAS, no substantive public comment was received;

WHEREAS, Big Horn County has determined that the equipment shed project will not significantly affect the quality of the human environment and accordingly that Big Horn County has determined an Environmental Impact Statement is not necessary;

NOW THEREFORE BE IT RESOLVED by the Commissioners of Big Horn County:

Big Horn County, Montana adopts the final Environmental Assessment for the *New Tractor
+ Equipment Shed For Cemetery District #1*.

Dated this date of April 23, 2020, in Hardin, Montana.

BOARD OF COMMISSIONERS
BIG HORN COUNTY, MONTANA



George Real Bird III
Chairman


Sidney Fitzpatrick
Member
Larry Vandersloot
Member

ATTEST:


Clerk and Recorder

Appendix A

Cost Estimates



JOHN DEERE

Investment Proposal (Quote)

RDO Equipment Co.
5221 Midland Road
Billings MT, 59101

Phone: (406) 259-5536 - Fax: (406) 256-2269

Proposal for:
BIG HORN COUNTY
CEMETERY DIST 1
PO BOX 318
HARDIN, MT, 590340318
BIG HORN

Investment Proposal Date: 1/14/2020
Pricing Valid Until: 2/13/2020
Deal Number: 1276038
Customer Account#: 1201019
Sales Professional: Matt Eaton
Phone: (406) 259-5536
Fax: (406) 256-2269
Email: MEaton@rdoequipment.com

Equipment Information

Quantity	Serial Number Stock Number	Hours (approx.)	Status / Year / Make / Model Additional Items	Cash Price
1	TBD TBD	0	New 2020 JOHN DEERE 310L	\$85,500.00
			Warranty -John Deere Comprehensive-36 Months, 3000 Hours,Deductible: 200, Exp Date: 1/14/2023	\$2,000.00
1	TBD TBD	0	New 2020 JRB 30" BELLHOLE BUCKET	\$1,500.00

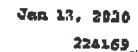
NOT included

Equipment Subtotal: \$89,000.00

Purchase Order Totals

Balance: \$89,000.00
Tax Rate 3: (0%) \$0.00
Sales Tax Total: \$0.00
Sub Total: \$89,000.00
Cash with Order: 50.00
Balance Due: \$89,000.00

P.002



S O L D	PURCHASER	STREET ADDRESS		CITY/STATE		POSTAL CODE		COUNTRY		PHONE NO.		FAX NO.		EQUIPMENT		PRODUCT SUPPORT		CUSTOMER CONTACT:		INDUSTRY CODE:		PRINCIPAL WORK CODE		FOB AT		WILLING TO																																																																																																			
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<div style="display: flex; justify-content: space-between;"> <div> <p>MAKE CATERPILLAR</p> <p>MODEL: 420F2 STC</p> <p>420F2 DML UT, TIER 4, HRC</p> <p>LAST 3 ORDER</p> <p>STICK, EXTENDABLE, 14FT</p> <p>ENGINE, 74.5KW, C4.4 ACERT, TAP</p> <p>HYDRAULICS, MP, 6PCN/80WK, GT</p> <p>EXCAVATOR, CELLULAR, P4411</p> <p>CAB, DELUXE</p> <p>WORK/LIGHTS (5) HALOGEN LAMP</p> <p>SEAT, DELUXE FABRIC</p> <p>REAR, 9MAT, 2' SUSPENSION</p> <p>AIR CONDITIONER, 74</p> <p>TIRRS, 12.5 90/19.5R24, P9</p> <p>COUNTERWEIGHT, 1015 LBS</p> <p>STABILIZER, VADR, FLIP-OVER</p> <p>INSTRUCTIONS, ANSI</p> </div> <div> <p>DESCRIPTION OF EQUIPMENT ORDERED / PURCHASED</p> <p>450-0448</p> <p>450-0730</p> <p>450-6757</p> <p>450-8530</p> <p>447-0049</p> <p>450-8603</p> <p>471-6734</p> <p>431-4806</p> <p>206-1447</p> <p>450-0715</p> <p>140-0961</p> <p>337-2696</p> <p>PR-6007</p> <p>430-9044</p> </div> <div> <p>SERIALIZED TECHNICAL MEDIA KIT</p> <p>LINFS, COMBINED AUX, 8-STICK</p> <p>SEASON, MAGNETIC MOUNT, STORAGE</p> <p>PLANT GROUP - ROOM HEAR</p> <p>PACK, DOMESTIC TRUCK</p> <p>RUST PREVENTATIVE APPLICATOR</p> <p>RIDE CONTROL</p> <p>COUPLED, PG. MAN.D LOCK, DML</p> <p>GUARD, STABILIZER</p> <p>SKIPPING/STORAGE PROTECTION</p> <p>POWERTRAIN, 4WD, POWERSHIFT</p> <p>ENG SW WINGLO191 HSO 3MUCK</p> <p>BUCKET - 19W1025BT</p> <p>BUCKET - 19W1026BT</p> <p>BUCKET - 19W1027BT</p> </div> <div> <p>YEAR: 2019</p> <p>421-8926</p> <p>398-2853</p> <p>433-0154</p> <p>421-7607</p> <p>8P-0210</p> <p>462-1813</p> <p>398-2681</p> <p>444-7500</p> <p>353-1389</p> <p>461-6339</p> <p>547-6095</p> <p>19W10-25BT</p> <p>19W10-26BT</p> <p>19W10-27BT</p> </div> </div>																																																																																																																													
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<p>ALL TRADE-IN ARE SUBJECT TO EQUIPMENT BEING IN "AS INSPECTED CONDITION" BY VENDOR AT TIME OF DELIVERY OF REPLACEMENT MACHINE PURCHASE ABOVE</p> <p>PURCHASER HEREBY TELLS THE TRADE-IN EQUIPMENT DESCRIBED ABOVE TO THE VENDOR AND WARRANTS IT TO BE FREE AND CLEAR OF ALL CLAIMS, LIENS, MORTGAGES AND SECURITY INTEREST EXCEPT AS SHOWN ABOVE.</p> <p><input type="checkbox"/> CATERPILLAR EQUIPMENT WARRANTY</p> <p><input type="checkbox"/> USED EQUIPMENT WARRANTY</p> <p>The customer acknowledges that he has received a copy of the Caterpillar Warranty and has read and understood said warranty. Warranty applicable including expiration date where necessary:</p> <p>As used equipment is sold "as is" where in and no warranty is offered or implied except as specified here:</p> <p>Warranty applicable:</p>																																																																																																																													
<p>CRS:</p> <p>NOTES: Included in quote: P&T fuel and freight.</p> <p>ORDER RECEIVED BY: John Gentry</p> <p>THIS AGREEMENT IS SUBJECT TO THE TERMS AND CONDITIONS ON THE REVERSE</p> <p>REPRESENTATIVE: APPROVED AND ACCEPTED ON BEHALF OF MORTGARY</p> <p>PURCHASER:</p>																																																																																																																													

TITAN

MACHINERY

1728 Old Hardin Road
Billings, MT 59101

Phone: 406-259-5500
Fax: 406-259-8559

January 13, 2020

Bullis Mortuary
507 N. Central Ave
Hardin, MT 59034

Darrel,

Thank you for the opportunity to quote your equipment needs. Below is a quote for a CASE 580SN Tractor Loader Backhoe. I priced this as a governmental deal.

Model: CASE 580SN

18,500-pound operating weight
95 hp 3.4L diesel engine
Enclosed Cab with heat and AC
Powershift Transmission
Extendahoe
Pilot Controls (switchable between Deere and Cat)
Power Lift
Flip Over Stabilizer Pads
82" 1.1 cubic yard bucket with bolt-on cutting edges
24" Universal backhoe bucket
Air Ride Suspension Seat
LED Work light package
Severe Cold Start Package
19.5 Lx24 10 ply Tires - Rear
12.5x16.5 10 ply Tires - Front

CASH Pricing:

\$ 95,455.00

This model is currently in stock at our Billings store. These machines come with a 12-month / unlimited hour factory warranty for the full machine. The engine is covered with an additional 12 months or up to a total of 2000 machine hours.. We can look at extended warranties if you desire.

Sincerely,

David Weller

Equipment Sales Consultant

Hardin Concrete & Const LLC
RR 1 box 1217
Hardin, MT 59034 US
406 679 3231
Hardinconcrete17@yahoo.com

ADDRESS

Big Horn County Cemetery
Hardin MT 59034

ESTIMATE # 1028

DATE 03/24/2020

EXPIRATION DATE 04/24/2020

Week starting 03/22/2020

Services

Set, pour and finish 30x40 mono slab. 1'x1' thick end edge 5" center. #4 rebar 2' centers
District 1

10,917.00

TOTAL

\$10,917.00

Accepted By

Accepted Date

From: Mike Jones mikej@s-bar-s.com
 Subject: Preliminary Estimate
 Date: March 20, 2020 at 3:45 PM
 To: bullismortuary@icloud.com
 Cc: ryans@s-bar-s.com, brendah@s-bar-s.com, mikej@s-bar-s.com

Daryl,

We appreciate the opportunity to provide the attached preliminary estimate to you for your review. Please let us know either way what we can do to design this building to meet your specific needs. We look forward to working with you on this project in the near future.

Thank you,

Mike Jones
 Sales
 S-Bar- S Building Center
 406-259-3391
 mikej@s-bar-s.com



2032 Old Harden Road
 Billings, MT 59101-6584
 Phone (406) 259-3391
 Toll Free (800) 932-5106
 www.s-bar-s.com

Preliminary Estimate

Customer Name:	<u>Big Horn County Cemetery #1 POC Dar</u>	Phone:	<u>406-679-1621</u>
Address:	<u>Van Zant Road</u>	E-mail:	<u>bullismortuary@icloud.com</u>
	<u>Hardin, MT</u>	Date:	<u>03/20/20</u>

Building Size: 30'x40'x16' Turned Girt Pole Building

Standard Specifications:

Poles: 3-Ply 2 x 6 S4S, Bottom Treated, Set 10' o/c
 Girts: Lower - 2 x 6 CA Treated; Intermediate - 2 x 6 set 30" o/c; Header - Glu-lam.
 Trusses: 30# Snow Load; 4/12 Pitch set 4' o/c attached to header with Steel Plates.
 Siding: 29 gauge colored high tensile steel attached with 1" Screws with Neoprene Washers.
 Roofing: 29 gauge colored high tensile steel attached with 1-1/2" Screws with Neoprene Washers.
 Purlins: 2 x 4 set 24" o/c of sufficient length so that no two consecutive joints fall on the same truss.

Accessories:	Qty	Other Description
Walk Door	1	
12'x14' Insulated Overhead Door	1	
6" Concrete Floor Slab	1200	
Gravel	24	
Metal Ceiling Under	1200	
Poles in Concrete	14	
	0	0
	0	0
	0	0
	0	0
	0	0
	0	0
	0	0
	0	0
	0	0
	0	0

1 of 2

	0	0
	0	0

Project Total: \$ 42,453.00
 Building Site Location: Hardin, Montana

ALTERNATES

Alt #1	MT-50-11-U - 14' Opener		Add	\$	1,021.00
Alt #2	Insulation R38 Ceiling, R19 Walls			\$	4,718.00
Alt #3		0		\$	-
Alt #4		0		\$	-
Alt #5		0		\$	-
Alt #6		0		\$	-
Alt #7		0		\$	-

2nd 2

Appendix B

Letter of Cash Commitment

**CEMETERY DISTRICT NO. 1
BIG HORN COUNTY
P.O. BOX 908
HARDIN, MT 59034**

Fax (406) 665-9706

(406) 665-9700

E-mail to: cwells@bighorncountymt.gov

April 23, 2020

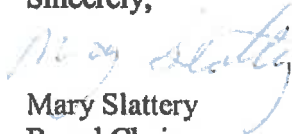
Montana Coal Board
Community Development Division
Department of Commerce
PO Box 200523
Helena MT 59620-0523

**RE: Funding to replace tractor and construct new equipment building for Cemetery
District No. 1**

Dear Montana Coal Board Members,

On behalf of Cemetery District No. 1, we are pleased to commit \$25,000 to the Cemetery District No. 1 equipment replacement purchase and new equipment shed. This commitment of funds is approximately 20% of the total project cost.

Sincerely,



Mary Slattery
Board Chair
Cemetery District No. 1

Coal Board Grant Applicant #0913 Big Horn County

Staff Report / December 2020 Meeting

Applicant: Big Horn County

Project: Purchase a New Tractor and Construction of a Storage Building for the Fairview Cemetery

Coal Board Funds Requested: \$124,870

Total Project Cost: \$149,870

Project Information: The applicant is requesting \$124,870, of a total project cost of \$149,870, in Coal Board funds to purchase a new tractor to replace the current tractor and to construct a building to store the tractor and smaller equipment used in the maintenance upkeep of the cemetery. **The applicant is a designated unit.**

Categories:

Need:

- **Applicant:**
 - Applicant states that a deficiency exists in a basic community service provided by Big Horn County.
 - Applicant states the age and condition of the current tractor are a risk to the operator.
 - Applicant states all residents of Big Horn County are affected by the age, usage, condition and reliability of the tractor proposed for replacement as well as its maintenance and storage.
 - Applicant provided an environmental checklist, environmental review form, documentation from the newspaper notifying the public of the meeting where the environmental would be discussed, an agenda, minutes documenting that the environmental determination was made at a public meeting, and a signed resolution.
- **Staff Review:**
 - Staff has determined that the environmental process is complete.
 - The current tractor is at the point where the cost of ownership for the equipment exceeds its market value and the machine does not meet industry standards. The tractor is not stored in a covered structure, so it is exposed to sun, rain, and snow.

Degree of Severity of Impact:

- **Applicant:**
 - Applicant states nearly 100% of this project is in response to coal-related impacts.
 - Applicant states there are a number of coal mines or coal-using complexes in Big Horn County.
- **Staff Review:**
 - Documentation regarding severity of impact included in the narrative responses to Severity of Impact questions in the application.

Availability of Funds:

- **Applicant:**
 - Applicant states that coal gross proceeds tax revenue for Big Horn County have been on the decline in recent years.

- Applicant states that if Big Horn County does not receive a Coal Impact Grant, they may re-apply in the next funding cycle while working to identify other potential sources of funding.
- **Staff Review:**
 - Applicant is a designated unit.
 - Revenues related to the Coal Natural Resource account are not sufficient to fund the costs associated with this project request.

Degree of Local Effort in Meeting Needs:

- **Applicant:**
 - Applicant states in order to off-set revenue lost in coal gross proceeds tax and maintain a balanced budget; Big Horn County has increased revenue received in property tax by levying more mills.
 - Applicant states the county has committed \$25,000 in cash or 17% of the total project cost.
 - Applicant states that Big Horn County has no current debt obligations.
 - The applicant states the mill rates are \$164.93.
- **Staff Review:**
 - Millage rates provided by MDOR data demonstrates the average millage rates for the previous three years are lower than the current year millage rates. MDOR data years: 2019-2020, 2019-2018, 2018-2017.

Planning & Management:

- **Applicant:**
 - Applicant states the grant request reasonably fits into the projected decline of the coal industry in Big Horn County.
 - Applicant states the proposed project is consistent with the Big Horn County Growth Policy (05/2014).
- **Staff Review:**
 - The applicant has demonstrated a reasonable connection between purchase of a new tractor and construction of storage for the new tractor with community planning. The proposed project appears to be consistent with the effort to maintain adequate community facilities in Big Horn County as referenced in the 2014 Big Horn County Growth Policy goal to “provide for the long-term infrastructure needs of the county”.
 - There is a 2014 Big Horn County CIP and an updated CCIP spreadsheet. Although there are tractor purchases outlined in these documents, it is unclear if any of them are for the cemetery.

Grant History:

Since 2009, the applicant has been awarded 47 projects totaling \$3,960,331.

For more information on Coal Board projects for this or any other applicant, please visit the Commerce Grants Database at <https://commerce.mt.gov/About/FundedProjects>.

Supplemental Documents (not included in this staff report): None

Staff Summary:

See engineer memo.

The applicant provided an environmental checklist, environmental review form, documentation from the newspaper notifying the public of the meeting where the environmental would be discussed, an agenda, minutes documenting that the environmental determination was made at a public meeting, and a signed resolution. Staff has determined that the environmental process is complete.

“The applicant must provide documentation of the completed environmental review process and include with the application all documentation of the public review process, including but not limited to, the public notice for and minutes of a public hearing at which the environmental review was discussed, the public comments received, and the final decision on the environmental determination made during a public meeting” (Montana Coal Board Application, pg 27).

Staff does not recommend funding due to the statutory criteria: Availability of Funds. Staff does not recommend awarding contingent upon available revenue as there is insufficient revenue to award projects currently. Staff recommend awarding projects based on revenue received to meet the Availability of Funds statutory criteria.

MEMO

To: Coal Board Members and Commerce Staff
From: Division Engineer
Subject: Big Horn County – cemetery project
Meeting: June 2020, re-applied Dec 2020

History – Fairview Cemetery in Hardin was established in 1954. The cemetery is governed by a three-person board appointed by the Big Horn County Commissioners. A section of the cemetery is reserved for the purpose of burying the bodies of veterans and ex-veterans of past and future wars of the United States. About one burial a month occurs at the cemetery. The 40-acre cemetery has about 3,400 grave spaces and half of them are available. A 1978 John Deere tractor is used to dig graves, set and align headstones, erect mourners' shelters, set up casket-lowering devices, and maintain the appearance of the surrounding grounds.

Problem – Problems identified in the application included the following:

- tractor is old; and
- tractor is not stored in a covered structure, so it is exposed to sun, rain, and snow.

<SAME> Solution – The proposed project includes the

- purchase of a new tractor, and
- construction of a storage building.

The purpose of the project is to replace equipment. The current tractor is at the point where the cost of ownership for the equipment exceeds its market value; maintenance costs have begun to escalate; condition of the unit is poor; and reliability of the unit is unpredictable. The older machine does not meet new industry standards of safety, such as improved guarding, a cabin, steps for easier and safer access, better ergonomic seating with a seatbelt, roll over protective structure, warning and advisory signs for operators, and reversing alarm and flashing lights.

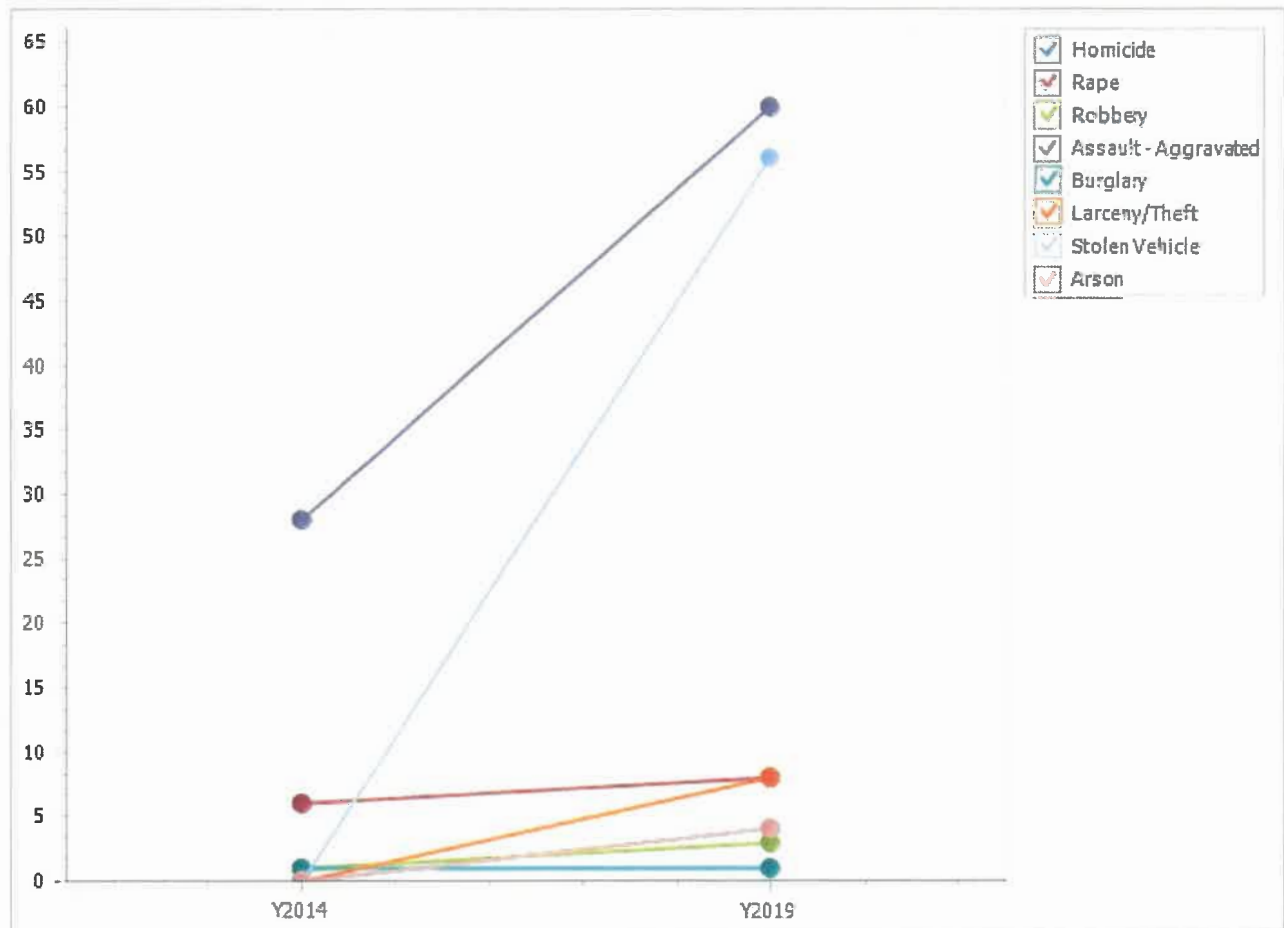
<SAME> The Coal Board grant request is for \$124,870. The total cost is \$149,870; the County is contributing \$25,000.

The source of the cost estimate for the tractor were quotes from RDO Equipment, Tractor & Equipment Co, and Titan Machinery, all out of Billings. The cost estimates for the concrete pad and for the storage building were obtained from Hardin Concrete & Construction from Hardin and from S Bar S Building Center from Billings.

The implementation schedule included a line that indicated the following: *purchase equipment in accordance with county procurement rules.*

An environmental checklist and review form were included with the application.

Montana Coal Impact Grant Application



Source: Big Horn County Sheriff's Department credits the FBI on collecting statistics in major crime categories (Part 1 Crimes).

Submitted to the Montana Coal Board

by

Big Horn County

for

Sheriff's Office Patrol Vehicles

Date submitted:

October 26, 2020

**THE COAL IMPACT GRANT APPLICATION FORM
SUBMITTED BY BIG HORN COUNTY**

CERTIFICATION

The chief elected official or executive officer of the applicant must sign the application certifying that to the best of the official's knowledge and belief, the information provided in the application and the attached documents is true and correct.

The chief elected official or executive officer of the applicant must also certify that, in accordance with Section 90-6-205, MCA, the applicant is eligible for a Coal Impact Grant and has the authority to administer and make expenditures to provide for the proposed service or facility.

CERTIFICATION

To the best of my knowledge and belief, the information provided in this application and in the attached documents is true and correct.

In accordance with Section 90-6-205, MCA, the applicant is eligible for Coal Board grants and has the statutory authority to make expenditures to provide for the particular service or facility.

Name:

Title:

Signature:  Date: 10-26-2020

SUMMARY INFORMATION

1. NAME OF APPLICANT(S):

Big Horn County

2. TYPE OF ENTITY:

Local Government

3. FEDERAL TAX ID NUMBER:

4. SENATE AND HOUSE DISTRICTS:

Senate District: 21; House Districts: 42

5. AMOUNT OF COAL IMPACT GRANT REQUESTED: \$90,086

6. NAME OF PROJECT:

Sheriff's Office Patrol Vehicles

7. TYPE OF PROJECT:

Public Service

8. POPULATION SERVED BY PROJECT:

13,141 (2015 American Communities Survey, <http://comdev.mt.gov/Resources/Financial/TargetRate>)

9. NUMBER OF HOUSEHOLDS SERVED BY PROJECT:

3,576 (2015 American Communities Survey, <http://comdev.mt.gov/Resources/Financial/TargetRate>)

10. CHIEF ELECTED OFFICIAL OR AUTHORIZED REPRESENTATIVE:

Mr. George Real Bird III, Chairman
Board of Commissioners – Big Horn County
P.O. Box 908
Hardin, MT 59034
406-665-9700 phone
406-665-9706 fax
cwells@bighorncountymt.gov

11. PRIMARY ENTITY CONTACT PERSON:

Ms. Candy Wells, Administrative Assistant
P.O. Box 908
Hardin, MT 59034
Office: 406-665-9700
Fax: 406-665-9706
Email: cwells@bighorncountymt.gov

12. OTHER CONTACT PERSONS:

Captain Michael Fuss
Detectives Unit Violent Crimes
Office: 406-665-9803
Email: mfuss@bighorncountymt.gov

13. MILLAGE RATES:

GENERAL LEVY

FY2019-2020: \$23,195 – 1 Mill Value; 164.93 Mills Levied = \$3,825,551.35

FY2018-2019: \$23,559 – 1 Mill Levy; 129.86 Mills Levied = \$3,059,371.74

FY2017-2018: \$23,776 – 1 Mill Value; 125.96 Mills Levied = \$2,994,824.96

FY2016-2017: \$23,337 – 1 Mill Value; 107.51 Mills Levied = \$2,508,960.87

FY2015-2016: \$25,058 – 1 Mill Value; 86.82 Mills Levied = \$2,175,535.56

FY2014-2015: \$25,114 – 1 Mill Value; 74.05 Mills Levied = \$1,859,691.70

General levy which includes general, bridge, fairgrounds, library, public safety, health insurance and weed funds.

14. AMOUNT OF COAL GROSS PROCEEDS TAX:

- **Total amount of Coal Gross Proceeds tax the applicant receives during the last two years**
 - ***The amount received and amount expended for each year*** – In 2017 and 2018, Big Horn County received \$15,558,637 in gross proceeds tax which is 19.37% less than the previous two years (2015 and 2016), \$18,895,203, due to reduced coal production. Approximately 40% is allocated to County Department budgets and the remaining 60% is allocated to County schools.
 - ***Balance of available proceeds that remains*** – There is no available balance that remains unallocated at this time.
- **Description of the process the applicant uses to decide the use of the proceeds** - The Coal Gross Proceeds taxes are distributed based on the 1989 Tax Levy for each fund including appropriations to the general, bridge, medical facilities, refunding bonds, internal health service, road and school funds.

15. **IMPACTS TO COAL INDUSTRY:**

U.S. News & World Report published an article titled "Western US Coal Miners Laid off Amid Drop in Electricity Use" on April 23, 2020. The following is an excerpt from the article:

"Three hundred miners and other workers are being laid off as the struggling western U.S. coal industry contends with diminished electricity use during the coronavirus pandemic. Seventy-three workers at the Spring Creek mine in southeastern Montana and 57 at the Antelope mine in northeastern Wyoming are losing their jobs, Navajo Transitional Energy Company reports. St. Louis-based Peabody Energy, meanwhile, announced it was laying off 170 at Wyoming's largest coal mine, North Antelope Rochelle. All three mines are located in the Powder River Basin, which accounts for about 40% of U.S. coal production. Coal demand has declined over the past decade due to competition from natural gas-fired power and renewable energy sources. School and business shutdowns and stay-at-home orders to contain the coronavirus have reduced electricity use over the past month, further dimming the outlook for coal-fired electricity and coal mining."

With regard to the trend in Big Horn county, there were approximately 149 residents of Big Horn county employed by the coal industry in February 2019. To determine the number of residents, a county representative contacted human resource personnel in nearby coal mines and coal-using facilities. Human resource personnel at the facilities queried their records for employees with zip codes for Busby (59016); Crow Agency (59022), Decker (59025), Garryowen (59031); Hardin (59034); Fort Smith (59035); Lodge Grass (59050); Pryor (59066); Saint Xavier (59075); and, Wyola (59089). When a current employee count was requested of Cloud Peak Energy, the County learned the company had laid off the entire external affairs team. The external affairs team consistently provided the employee count in the past. The company does not intend to hire replacements due to the continued depressed coal markets. Upon making the inquiry, the County was not provided a current contact at the company.

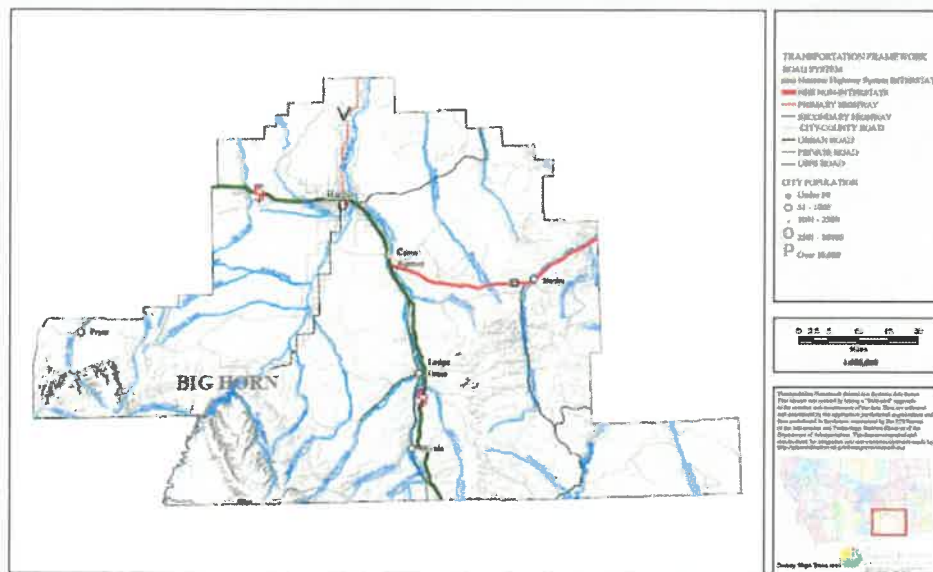
Facility	# of County Residents Employed (February 2019)
Absaloka Mine	118
Decker Mine	no response received
Spring Creek Mine	14
Hardin Generating Station	17
TOTAL	149

Human Resource personnel at Absaloka and Spring Creek Mines provided their data by zip code.

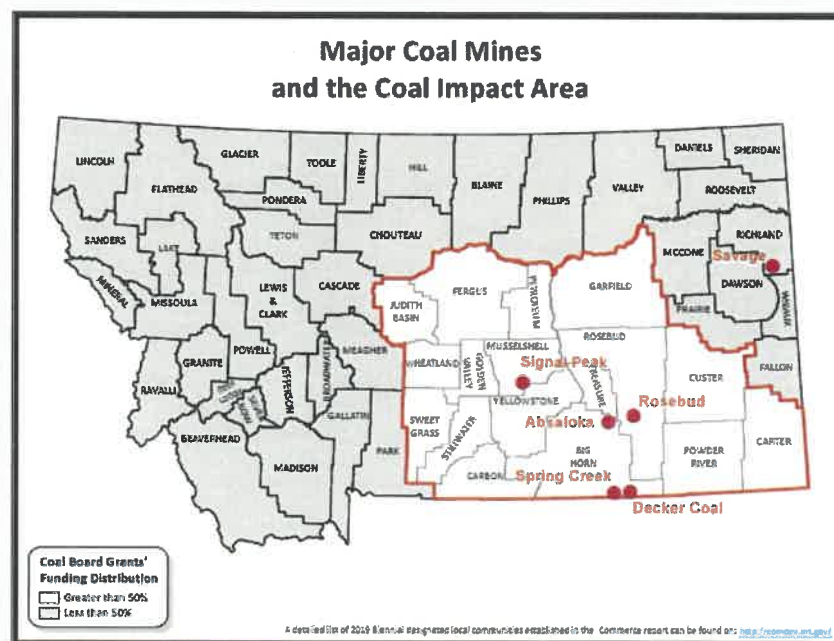
Zip Code/Community	# of County Residents Employed at Absaloka Mine (February 2019)	# of County Residents Employed at Spring Creek Mine (February 2019)
59016 Busby	0	2
59022 Crow Agency	41	1
59025 Decker	0	0
59031 Garryowen	5	2
59034 Hardin	35	4
59035 Fort Smith	3	0
59050 Lodge Grass	20	4
59066 Pryor	2	0
59075 Saint Xavier	4	0
59089 Wyola	8	1
TOTAL	118	14

16. **MAPS:**

Boundary of Big Horn County



Big Horn County's location in the Coal Impact Area



17. **BRIEF PROJECT SUMMARY:**

**PROJECT SUMMARY FOR BIG HORN COUNTY
SHERIFF'S OFFICE PATROL VEHICLES**

Historical Information: Big Horn County provides law enforcement services (i.e., safeguarding lives and property and protecting individuals) throughout the county. Two patrol vehicles need to be replaced in the Sheriff's fleet. The patrol vehicles proposed for replacement have been pulled from the fleet because they exceeded mileage and age thresholds.

Problem: Two patrol vehicles need to be replaced in the Sheriff's fleet.

Proposed Solution: Purchase two 4x4 pickup trucks.

18. PROJECT BUDGET AND IMPLEMENTATION SCHEDULE:

A. Project Budget Form:

	SOURCE: MT Coal Board	SOURCE: Big Horn County	TOTAL:
Personnel Services/Office Costs	\$ 0	\$0	\$0
Professional Services	\$ 0	\$0	\$0
Legal Costs	\$ 0	\$0	\$0
Travel & Training	\$ 0	\$0	\$0
Audit Fees	\$ 0	\$0	\$0
TOTAL ADMINISTRATIVE/ FINANCIAL COSTS	\$ 0	\$0	\$0
Equipment Cost**	\$90,086	\$25,000	\$115,086
Construction Cost	\$0	\$0	\$0
Architectural/Engineering Design	\$0	\$0	\$0
Product Completion (PERs, studies, etc.)	\$0	\$0	\$0
Contingency	\$0	\$0	\$0
TOTAL ACTIVITY COSTS	\$90,086	\$25,000	\$115,086
TOTAL PROJECT COSTS	\$90,086	\$25,000	\$115,086

Big Horn County will provide all administrative services as an in-kind contribution to the project.

A cost estimate for the vehicles is provided as **Appendix A.

B. Project Budget Narrative:

BUDGET NARRATIVE FOR BIG HORN COUNTY SHERIFF'S OFFICE PATROL VEHICLES

ADMINISTRATIVE/FINANCIAL COSTS

Not Applicable – Big Horn County

ACTIVITY COSTS

Equipment Cost:	\$115,086
The estimated cost associated with purchasing two 4x4 pickup trucks. This is a vehicle replacement project. Big Horn County obtained a cost estimate for the trucks from Veto Enterprises. A copy of the cost estimates is provided as Appendix A .	
Construction Cost:	\$0
Construction costs are not applicable.	
Architectural/Engineering Design:	\$0
Architectural/engineering design costs are not applicable.	
Product Completion (PERs, studies, etc.):	\$0
Product completion (PERs, studies, etc.) costs are not applicable.	
Contingency:	\$0
Contingency costs are not applicable.	
TOTAL ACTIVITY COSTS:	\$115,086
TOTAL PROJECT COSTS:	\$115,086

C. Implementation Schedule:

TASK	QUARTERS 2021				QUARTERS 2022			
	1 ST	2 ND	3 RD	4 TH	1 ST	2 ND	3 RD	4 TH
Sign contract with Coal Board			X					
Submit progress reports and drawdown requests			X	X				
Purchase vehicles in accordance with County procurement rules				X				
Coal Board administrative staff conduct on-site monitoring of the project				X				
Submit project completion report				X				
Include project in audits							X	

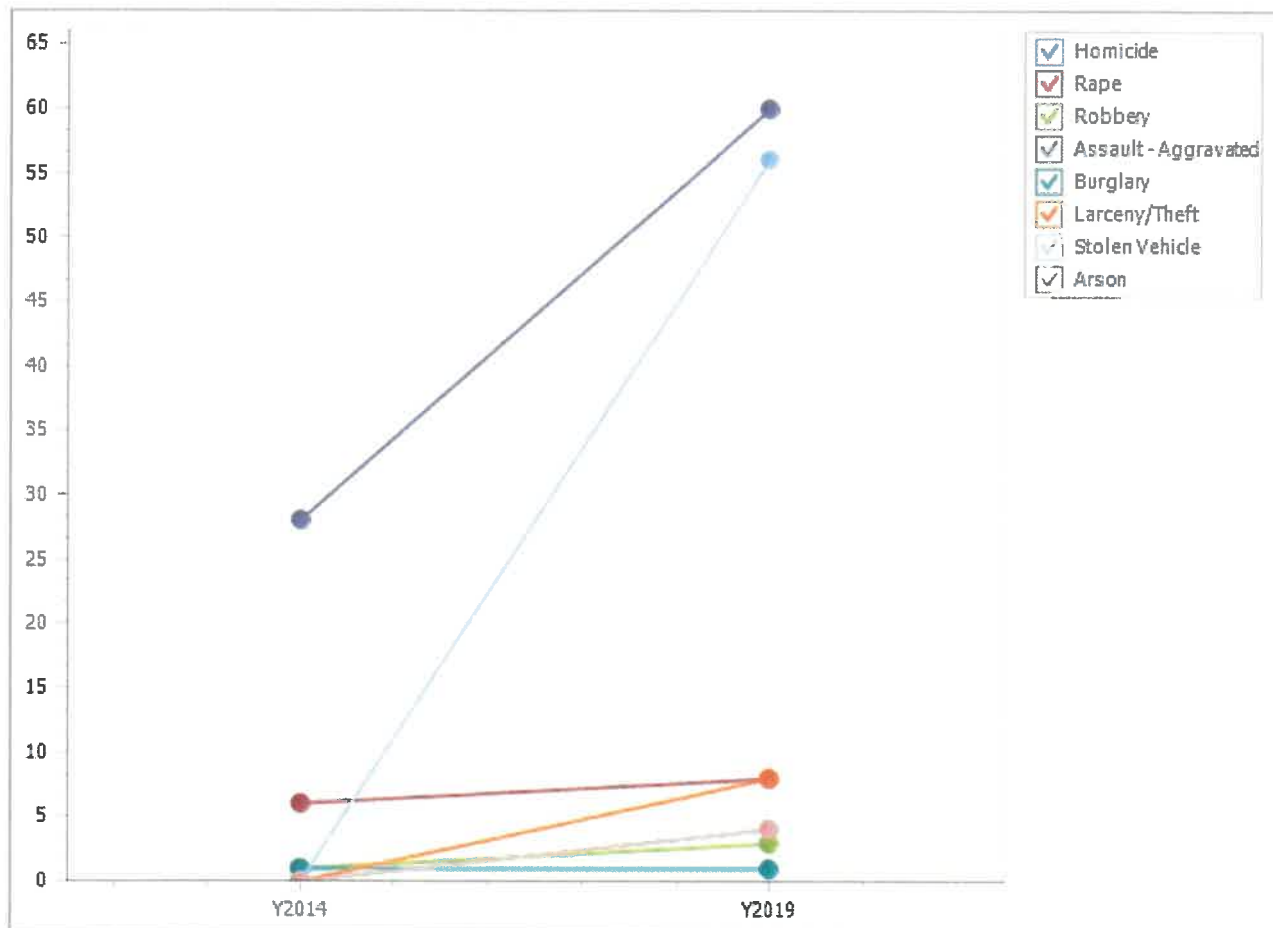
19. DESCRIPTION OF RELATIONSHIP TO COAL BOARD STATUTORY GRANT CRITERIA

A. Need

- I. Does a serious deficiency exist in a basic or necessary community public facility or service? Examples include emergency services such as police, fire or ambulance services. (Describe the nature and frequency of occurrence and provide supporting documentation.)

A deficiency exists in a basic community service provided by Big Horn County. Big Horn County provides law enforcement services (i.e., safeguarding lives and property and protecting individuals) throughout the county. Two patrol vehicles need to be replaced in the sheriff's fleet. The patrol vehicles proposed for replacement have been pulled from the fleet because they exceeded mileage and age thresholds.

An escalation of crime, between 2014 and 2019, in Big Horn County further evidences the need for the project. The FBI collects statistics on the following major crime categories (Part 1 Crimes).



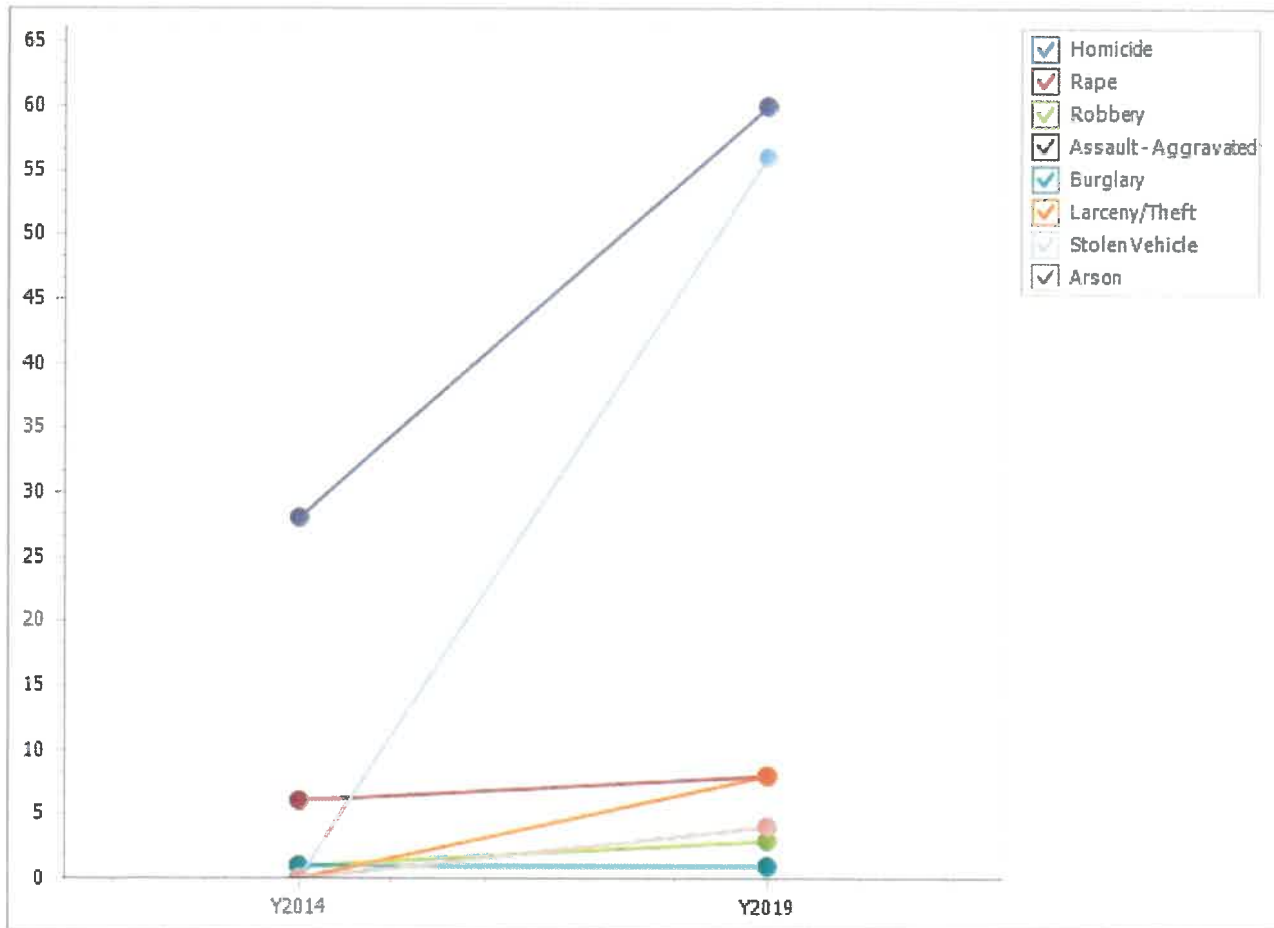
Year	Homicide	Rape	Robbery	Assault-Aggr	Burglary	Larc/Theft	Stolen Veh	Arson
2014	0	6	1	28	1	0	0	0
2019	4	8	3	60	1	8	56	4

2. **Have serious public health or safety problems that are clearly attributable to a deficiency occurred, or are they likely to occur, such as illness, disease outbreak, substantial property loss, environmental pollution, safety problems, hazards, or health risks? (Describe the nature and frequency of occurrence and provide supporting documentation.)**

Serious public safety problems can be attributed to unreliable and/or inadequate law enforcement or emergency response vehicles. Vehicles are used by law enforcement for transportation during patrols and to respond to incidents and chases. Vehicles transport officers so they can reach the scene of an incident quickly, transport and temporarily detain suspects in the back seats, as a location to use their police radio or laptop or to patrol an area, all while providing a visible deterrent to crime.

3. **Is the entire community, or a substantial percentage of the residents of the community, seriously affected by the deficiency or at risk, as opposed to a small percentage of the residents? (Describe the number or percentage of community residents affected by the problem.)**

One hundred percent (100%) of Big Horn County residents are affected by the lack of unreliable and/or inadequate law enforcement or emergency response vehicles. The deficiency impacts all residents as evidenced by the escalation of crime in the county. An escalation of crime, between 2014 and 2019, in Big Horn County further evidences the need for the project. The FBI collects statistics on the following major crime categories (Part 1 Crimes).



Year	Homicide	Rape	Robbery	Assault-Aggr	Burglary	Larc/Theft	Stolen Veh	Arson
2014	0	6	1	28	1	0	0	0
2019	4	8	3	60	1	8	56	4

4. **Is there clear documentation that the current condition of the public facility or service (or lack of a facility or service) violates, or may potentially violate, a state or federal health or safety standard (If yes, describe the standard being violated.)? If the proposed project is necessary to comply with a court order or a state or federal agency directive, describe the directive and attach a copy of it.**

The deficiency does not violate or potentially violate a state or federal standard or directive.

5. **Does the standard that is being violated, or potentially may be violated; represent a significant threat or potential threat to public health or safety?**

Unreliable and/or inadequate law enforcement vehicles jeopardize human health and safety. Two patrol vehicles need to be replaced in the Sheriff's fleet. The patrol vehicles proposed for replacement have been pulled from the fleet because they exceeded mileage and age thresholds. Replacement of the vehicles is necessary to transport officers to the scene of an incident quickly, transport and temporarily detain suspects in the back seats, use as a location to use their police radio or laptop or to patrol an area, all while providing a visible deterrent to crime.

6. **Additional information supporting the NEED for this project.** None

B. Degree of Severity of Impact from an Increase or Decrease in Coal Development or In the Consumption of Coal by A Coal-Using Energy Complex

1. **Describe why the need for the expansion or improvement to the public facility or public service is attributable to coal-related impacts. Additionally, please provide the percentage of the project that is a result of coal impacts.**

Nearly 100% of this project is in response to coal-related impacts. Big Horn County is the largest coal producing County in the State of Montana. The economy of Big Horn County relies on coal. Coal development and coal-using energy complexes in the county heighten the need for reliable, modernized equipment.

In 2017 and 2018, Big Horn County received \$15,558,637 in gross proceeds tax which is 19.37% less than the previous two years (2015 and 2016), \$18,895,203, due to the decline in coal production. In order to off-set revenue lost in coal gross proceeds tax and maintain a balanced budget, Big Horn County has increased revenue received in property tax by levying more mills. The General Levy mill amount has *decreased 7.64%* over the past five years while the number of General mills levied has *increased 122.73%* over the past five years. The change in taxable value, determined by Montana Department of Revenue, reflects the decline in value of coal-producing properties. A coal impact grant is necessary to make the project feasible and affordable for tax payers in Big Horn County.

2. **Name the nearest coal development area or coal-using energy complex to your community and the road miles from your community.**

There are a number of coal mines or coal-using complexes in Big Horn County.

Absaloka Mine	30 miles
Decker Coal Mine	80 miles
Spring Creek Mine	84 miles
Hardin Power Plant	1 mile

3. Additional information supporting the DEGREE OF SEVERITY OF IMPACT FROM AN INCREASE OR DECREASE IN COAL DEVELOPMENT OR IN THE CONSUMPTION OF COAL BY A COAL-USING ENERGY COMPLEX.

None

C. Availability of Funds

- 1. Amount requested from the Coal Board: \$90,086**
- 2. Amount of Coal Board funds available at the time of application \$_____ (#2 will be completed by Coal Board staff)**
- 3. Explain why a coal impact grant is necessary to make the project feasible and affordable.**

Coal gross proceeds tax revenue for Big Horn County has been on the decline in recent years. In 2017 and 2018, Big Horn County received \$15,558,637 in gross proceeds tax which is 19.37% less than the previous two years (2015 and 2016), \$18,895,203, due to the decline in coal production.

County Coal Gross Proceeds Tax Revenue Total Collections – Fiscal Years

	2010	2011	2012	2013	2014	2015	2016	2017	2018
Big Horn County	\$8,594,921	\$9,176,021	\$9,965,177	\$10,559,906	\$10,000,360	\$9,402,169	\$9,493,034	\$9,160,210	\$6,398,427
Year of Over % Change	---	6.8%	8.6%	6.0%	-5.3%	-6.0%	1.0%	-3.5%	-30.1%

Source: MT Department of Revenue; Current as of 10/26/2018

In order to off-set revenue lost in coal gross proceeds tax and maintain a balanced budget, Big Horn County has increased revenue received in property tax by levying more mills. The General Levy mill amount has *decreased* 7.64% over the past five years while the number of General mills levied has *increased* 122.73% over the past five years. The change in taxable value, determined by Montana Department of Revenue, reflects the decline in value of coal-producing properties. A coal impact grant is necessary to make the project feasible and affordable for tax payers in Big Horn County.

GENERAL LEVY

FY2019-2020: \$23,195 – 1 Mill Value; 164.93 Mills Levied = \$3,825,551.35

FY2018-2019: \$23,559 – 1 Mill Levy; 129.86 Mills Levied = \$3,059,371.74

FY2017-2018: \$23,776 – 1 Mill Value; 125.96 Mills Levied = \$2,994,824.96

FY2016-2017: \$23,337 – 1 Mill Value; 107.51 Mills Levied = \$2,508,960.87

FY2015-2016: \$25,058 – 1 Mill Value; 86.82 Mills Levied = \$2,175,535.56

FY2014-2015: \$25,114 – 1 Mill Value; 74.05 Mills Levied = \$1,859,691.70

General levy which includes general, bridge, fairgrounds, library, public safety, health insurance and weed funds.

4. What are the other proposed funding sources for the project?

FUNDING SOURCES SUMMARY FOR BIG HORN COUNTY SHERIFF'S OFFICE PATROL VEHICLES				
Source	Type of Fund	Amount	Status of Commitment	Loan Rates & Terms
Coal Board	Grant	\$90,086	Application submitted on April 27, 2020	Not applicable
Big Horn County	Cash	\$25,000	Committed in Letter included as Appendix B	Not applicable
TOTAL		\$115,086		

5. If a particular proposed source of funding is not obtained, how will the applicant proceed?

If Big Horn County does not receive a Coal Impact Grant, the County may re-apply in the next funding cycle while working to identify other potential sources of funding.

D. Degree of Local Effort in Meeting Needs

1. If current millage rates given are lower than the average rates levied during the previous three years, briefly explain why they are lower.

In order to off-set revenue lost in coal gross proceeds tax and maintain a balanced budget, Big Horn County has increased revenue received in property tax by levying more mills. The General Levy mill amount has *decreased 7.64%* over the past five years while the number of General mills levied has *increased 122.73%* over the past five years. The change in taxable value, determined by Montana Department of Revenue, reflects the decline in value of coal-producing properties.

2. Describe any local efforts to meet the public facility or public service needs by providing financial contributions to the project to the extent possible, such as local funding, donations of land, absorbing some or all-administrative costs. For non-profit organizations, describe fund-raising efforts or other in-kind assistance to the proposed project as well as usual program fund-raising efforts.

Big Horn County has committed \$25,000 in cash or 22% of the total project cost to the project. A letter of commitment is included as **Appendix B**.

3. Describe past operation and maintenance budgets and practices over the long-term, including any reserves for repair and replacement.

Past operation and maintenance budgets and practices over the long-term for Big Horn County have been consistent and practicable. Big Horn County will assume all maintenance and operational costs incurred with the new vehicles.

4. If there are indications that the problem is not of recent origin, or has developed because of inadequate operation and maintenance practices in the past, explain the circumstances and describe the actions that management will take in the future to assure that the problem will not reoccur.

Past operation and maintenance budgets and practices over the long-term have been as consistent as practicable. Age and continual use of the vehicles necessitate their replacement.

5. If the project involves water, wastewater or solid waste, provide the current and projected monthly household user charges, including operation and maintenance:
- What is the current monthly household user charge? \$ _____
 - What is the projected monthly user charge (including operation and maintenance) when the project is complete? \$ _____

Not applicable

6. What are your current debt obligations?

Big Horn County has no current debt obligations.

7. What are your current assets?

Total fixed assets for Big Horn County for Fiscal Year ending June 30, 2018 is \$41,620,535.

8. What financial accounting system do you use? BARS

9. Is the applicant in compliance with the auditing and annual financial reporting requirements provided for in the Montana Single Audit Act, 2-7-501 to 522, MCA? (Tribal governments must comply with auditing and reporting requirements provided for in OMB Circular A-133).

Yes X No ____ Date of last completed audit or financial report June 30, 2018

10. If there have been audit findings within the last five years, have they been satisfactorily addressed?

Big Horn County has satisfactorily addressed any audit findings.

11. Additional information supporting the DEGREE OF LOCAL EFFORT IN MEETING NEEDS.

None

E. Planning & Management

1. Describe how your grant request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems related to coal impacts.

The grant request reasonably fits into the contemplated decline of the coal industry in Big Horn County. In order to off-set revenue lost in coal gross proceeds tax and maintain a balanced budget, Big Horn County has increased revenue received in property tax by levying more mills. The General Levy mill amount has decreased 7.64% over the past five years while the number of General mills levied has increased 122.73% over the past five years. The change in taxable value, determined by Montana Department of Revenue, reflects the decline in value of coal-producing properties.

2. Describe how the proposed project is consistent with current plans.

The proposed project is consistent with the *Big Horn County Growth Policy* (May 2014) and *Capital Improvements Plan (CIP)* (September 2014) objectives of monitoring, maintaining, and improving local services and public health and safety. Big Horn County defines local services as any and all services or facilities local

government is authorized to provide, such as water supply, sewage disposal, law enforcement, fire protection, ambulance services, transportation system, and educational system. The following is an excerpt from the growth policy that describes the projected future trend of local services.

“Local services are important for retaining and attracting residents. The county is quite large and services such as fire protection, ambulance, law enforcement, schools, and medical centers can be distant from the individuals needing the services. Law enforcement has been a historically chronic problem, particularly in areas where jurisdictions among BIA, Tribal governments, county sheriff are confusing and result in long response times and complexities for residents. Schools with high drop-out rates create incentives for residents to school their children elsewhere or leave the area, and they are a disincentive for others with children to relocate to the county. The high proportion of youth creates special needs for services. Increased numbers of older persons will also create increased demands for medical care, transportation, and other services.”

Big Horn County defines public health and safety as a condition of well-being, reasonably free from danger, risk, or injury for a community at large, or for all people, not merely for the welfare of a specific individual or a small class of persons. The county must consider effects on local services and public health and safety, as well as other criteria, when reviewing subdivisions. Below are examples of items considered when evaluating the impact on local services and public health and safety.

Effect on local services:

- increased demand on services and need to expand services;
- ability to provide services to subdivision;
 - ◆ response times
 - ◆ conditions of roads, bridges, and railroad crossings
 - ◆ physical barriers
- provision of adequate local services and public facilities simultaneous or prior to onset of impact; and,
- any special or rural improvement districts that would obligate local government involvement fiscally or administratively.

Effect on public health and safety:

- creation of potential man-made hazards (e.g., unsafe road intersection, development in wildland residential interface fire areas);
- natural hazards (e.g., wildfire, flooding, steep slopes);
- existing potential man-made hazards (e.g., high pressure gas lines, lack of fire protection, cumulative impacts);
- traffic safety;
- emergency vehicle access;
- emergency medical response time;
- cumulative impacts on groundwater from individual sewage disposal systems and/or individual wells; and,
- any other item that endangers public health and safety.

The CIP acknowledges the Sheriff's responsibility for law enforcement throughout the county and management of the jail for prisoners serving time for crimes committed within the county.

ENVIRONMENTAL REVIEW CHECKLIST

NAME OF PROJECT:	Sheriff's Department Patrol Vehicles
PROPOSED ACTION:	Two patrol vehicles need procured for the Sheriff's Office.
LOCATION:	Big Horn County

Key Letter:

N: No Impact; **B:** Potentially Beneficial; **A:** Potentially Adverse; **P:** Approval/Permits Required;
M: Mitigation Required

PHYSICAL ENVIRONMENT

Key	1	Soil Suitability, Topographic and/or Geologic Constraints (e.g., soil slump, steep slopes, subsidence, seismic activity)
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	2	Hazardous Facilities (e.g., power lines, hazardous waste sites, acceptable distance from explosive and flammable hazards including chemical/petrochemical storage tanks, underground fuel storage tanks, and related facilities such as natural gas storage facilities & propane storage tanks)
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	3	Effects of Project on Surrounding Air Quality or Any Kind of Effects of Existing Air Quality on Project (e.g., dust, odors, emissions)
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	4	Groundwater Resources & Aquifers (e.g., quantity, quality, distribution, depth to groundwater, sole source aquifers)
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
Key	5	Surface Water/Water Quality, Quantity & Distribution (e.g., streams, lakes, storm runoff, irrigation systems, canals)
N		<i>Response and source of information:</i>
		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	6	Floodplains & Floodplain Management (Identify any floodplains within one mile of the boundary of the project.)
N		<i>Response and source of information:</i>
		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	7	Wetlands Protection (Identify any wetlands within one mile of the boundary of the project.)
N		<i>Response and source of information:</i>
		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	8	Agricultural Lands, Production, & Farmland Protection (e.g., grazing, forestry, cropland, prime or unique agricultural lands) (Identify any prime or important farm ground or forest lands within one mile of the boundary of the project.)
N		<i>Response and source of information:</i>
		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	9	Vegetation & Wildlife Species & Habitats, including Fish and Sage Grouse (e.g., terrestrial, avian and aquatic life and habitats) https://sagegrouse.mt.gov
N		<i>Response and source of information:</i>
		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	10	Unique, Endangered, Fragile, or Limited Environmental Resources, Including Endangered Species (e.g., plants, fish or wildlife)
N		<i>Response and source of information:</i>
		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
Key	11	Unique Natural Features (e.g., geologic features)
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	12	Access to, and Quality of, Recreational & Wilderness Activities, Public Lands and Waterways, and Public Open Space
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
HUMAN ENVIRONMENT		
Key	1	Visual Quality – Coherence, Diversity, Compatibility of Use and Scale, Aesthetics
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	2	Nuisances (e.g., glare, fumes)
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	3	Noise -- suitable separation between noise sensitive activities (such as residential areas) and major noise sources (aircraft, highways & railroads)
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required;		
M: Mitigation Required		
Key	4	Historic Properties, Cultural, and Archaeological Resources
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	5	Changes in Demographic (population) Characteristics (e.g., quantity, distribution, density)
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	6	General Housing Conditions - Quality, Quantity, Affordability
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	7	Displacement or Relocation of Businesses or Residents
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	8	Public Health and Safety
		<i>Response and source of information:</i>
B		The project benefits public health and safety by providing law enforcement with reliable transportation to reach incidents quickly, transport and temporarily detain suspects, work remotely or out of the squad room, and provide a visible deterrent to crime.

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
Key	9	Lead Based Paint and/or Asbestos
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	10	Local Employment & Income Patterns - Quantity and Distribution of Employment, Economic Impact
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	11	Local & State Tax Base & Revenues
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	12	Educational Facilities - Schools, Colleges, Universities
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	13	Commercial and Industrial Facilities - Production & Activity, Growth or Decline.
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	14	Health Care – Medical Services
		<i>Response and source of information:</i>
B		The project benefits public health and safety by providing law enforcement with reliable transportation to reach incidents quickly, transport and temporarily detain suspects, work remotely or out of the squad room, and provide a visible deterrent to crime.

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
Key	15	Social Services – Governmental Services (e.g., demand on)
		<i>Response and source of information:</i>
B		The project benefits public health and safety by providing law enforcement with reliable transportation to reach incidents quickly, transport and temporarily detain suspects, work remotely or out of the squad room, and provide a visible deterrent to crime.
Key	16	Social Structures & Mores (Standards of Social Conduct/Social Conventions)
		<i>Response and source of information:</i>
B		Everyone is entitled to enjoy, on an equal basis, the improved law enforcement services the new patrol vehicles will provide.
Key	17	Land Use Compatibility (e.g., growth, land use change, development activity, adjacent land uses and potential conflicts)
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	18	Energy Resources - Consumption and Conservation
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	19	Solid Waste Management
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
Key	20	Wastewater Treatment - Sewage System
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	21	Storm Water – Surface Drainage
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	22	Community Water Supply
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	23	Public Safety – Police
		<i>Response and source of information:</i>
B		The project benefits public health and safety by providing law enforcement with reliable transportation to reach incidents quickly, transport and temporarily detain suspects, work remotely or out of the squad room, and provide a visible deterrent to crime.
Key	24	Fire Protection – Hazards
		<i>Response and source of information:</i>
B		The project benefits public health and safety by providing law enforcement with reliable transportation to reach incidents quickly, transport and temporarily detain suspects, work remotely or out of the squad room, and provide a visible deterrent to crime.
Key	25	Emergency Medical Services
		<i>Response and source of information:</i>
B		The project benefits public health and safety by providing law enforcement with reliable transportation to reach incidents quickly, transport and temporarily detain suspects, work remotely or out of the squad room, and provide a visible deterrent to crime.
Key	26	Parks, Playgrounds, & Open Space
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
Key	27	Cultural Facilities, Cultural Uniqueness & Diversity
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	28	Transportation Networks and Traffic Flow Conflicts (e.g., rail; auto including local traffic; airport runway clear zones - avoidance of incompatible land use in airport runway clear zones)
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).
Key	29	Consistency with Local Ordinances, Resolutions, or Plans (e.g., conformance with local comprehensive plans, zoning, or capital improvement plans)
		<i>Response and source of information:</i>
B		The project conforms to the <i>Big Horn County Growth Policy and Capital Improvements Plan</i> (CIP) objectives of maintaining and improving local services such as law enforcement, fire protection, ambulance, schools and medical centers.
Key	30	Is There a Regulatory Action on Private Property Rights as a Result of this Project? (consider options that reduce, minimize, or eliminate the regulation of private property rights.)
		<i>Response and source of information:</i>
N		The project primarily involves the acquisition of capital equipment so it is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).

Environmental Review Form

1. Alternatives: Describe reasonable alternatives to the project.

No reasonable alternatives were identified. Two patrol vehicles need replaced in the Sheriff's Office fleet. The patrol vehicles proposed for replacement exceed mileage and age thresholds. The project benefits public health and safety by providing law enforcement with reliable transportation to reach incidents quickly, transport and temporarily detain suspects, work remotely or out of the squad room, and provide a visible deterrent to crime.

2. Mitigation: Identify any enforceable measures necessary to reduce any impacts to an insignificant level. No enforceable measures were identified.

3. Is an EA or Environmental Impact Statement (EIS) required? Describe whether or not an EA or EIS is required, and explain in detail why or why not.

An EA or EIS is not required because the project primarily involves the acquisition of capital equipment. The acquisition of capital equipment is categorically exempt from Montana Environmental Policy Act (MEPA) review under Administrative Rules of Montana (ARM) 8.2.328(2).

4. Public Involvement: Describe the process followed to involve the public in the proposed project and its potential environmental impacts. Identify the public meetings – where and when – the project was considered and discussed, and when the applicant approved the final environmental assessment.

An Environmental Checklist for the project was completed and available for public review and comment available for public review April 10-21, 2020 at Big Horn County Commission Chambers located at 121 West 3rd Street Room 302 in Hardin, Montana, 59034 and online at www.bighorncountymt.gov. Due to the COVID-19 Novel Coronavirus pandemic Big Horn County issued Resolution 2020-7, an emergency proclamation, on March 17, 2020. Due to the pandemic, Big Horn County solicited public comment regarding the Environmental Checklists by multiple means: in person at Commissioners' Office during normal business hours; in writing to cwells@bighorncountymt.gov; Big Horn County Board of Commissioners, PO Box 908, Hardin MT 59034; or Big Horn County, Montana Facebook page; and/or by telephone at 406-665-9700 Monday thru Friday between the hours of 8:00 a.m. and 4:00 p.m. All comments had to be received by 4:00 P.M. on April 21, 2020. Big Horn County Commissioners reviewed public comment received, heard any additional public comment, and accepted the level of environmental finding for the projects at a public meeting on April 23, 2020 at 10:00 a.m. in the Big Horn County Commissioners Office. Individuals were able to connect via conference call for the public meeting by dialing (406) 665-9711, Conference ID 481# Password 59034#.

5. Person Responsible for Preparing: Lori Benner, Contracted Grant Writer

6. Other Agencies: List any state, local, or federal agencies that have over-lapping or additional jurisdiction or environmental review responsibility for the proposed action and the permits, licenses, and other authorizations required; and list any agencies or groups that were contacted or contributed information to this Environmental Assessment (EA). No other agencies were contacted.

George Real Bird III, Chairman
Authorized Representative, Title

4-26-2020
Date

A. ROBLOM
Signature of Authorized Representative

.....

LEGAL NOTICE

Big Horn County is submitting two grant applications to the Montana Coal Board on April 27, 2020. One application requests funds to purchase two vehicles for the Sheriff's Department. The other application requests funds to purchase a tractor and equipment shed for Cemetery #1. Environmental Checklists for the projects are being completed and will be available for public review April 10-21, 2020 at Big Horn County Commission Chambers located at 121 West 3rd Street Room 302 in Hardin, Montana, 59034 and online at www.bighorncountymt.gov. Due to the COVID-19 Novel Coronavirus pandemic Big Horn County issued Resolution 2020-7, an emergency proclamation, on March 17, 2020. Due to the pandemic, Big Horn County is soliciting public comment regarding the Environmental Checklists by multiple means: in person at Commissioners' Office during normal business hours; in writ-

ing to cwells@bighorncountymt.gov; Big Horn County Board of Commissioners, PO Box 908, Hardin MT 59034; or Big Horn County, Montana Facebook page; and/or by telephone at 406-665-9700 Monday thru Friday between the hours of 8:00 a.m. and 4:00 p.m. All comments must be received by 4:00 P.M. on April 21, 2020. Big Horn County Commissioners will review public comment received, hear any additional public comment, and accept the level of environmental finding for the projects at a public meeting on April 23, 2020 at 10:00 a.m. in the Big Horn County Commissioners Office. Individuals can connect via conference call for the public meeting by dialing (406) 665-9711, Conference ID 481# Password 59034#. Big Horn County can provide reasonable accommodations for any known disability that may interfere with a person participating in this public review process. Should you have any questions or require more information, please contact Candy Wells, Administrative Assistant at 406-665-9700 or cwells@bighorncountymt.com.

Publish: April 10 & 16, 2020

MNAXLP

.....

***BOARD OF COMMISSIONERS
BIG HORN COUNTY, MONTANA***

**AGENDA
APRIL 23, 2020
THURSDAY**

8:30

9:00 Sheriff Big Hair

9:30

10:00 Coal Board Applications – Environmental Assessment Determination
Sheriff Office Vehicle purchase
Cemetery District #1 tractor and equipment shed purchase

10:30

11:00

11:30

1:00

1:30

2:00

2:30

3:00

3:30

4:00

PUBLIC COMMENT AND DISCUSSION IS ENCOURAGED FOR EACH ITEM LISTED

Resolution 2020- 15
to accept the determination that a Categorical Exemption is appropriate for the
Sheriff's Office Patrol Vehicles Project

WHEREAS, Big Horn County has completed an assessment to identify potential environmental impacts to the Sheriff's Office Patrol Vehicle Project;

WHEREAS, the draft Environmental Assessment was made available for public comment and the findings were presented and reviewed at a public meeting;

WHEREAS, no substantive public comment was received;

WHEREAS, Big Horn County has determined that the Sheriff's Office Patrol Vehicle Project will not significantly affect the quality of the human environment and accordingly Big Horn County has determined an Environmental Impact Statement is not necessary;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners, Big Horn County, Montana, as follows;

Big Horn County, Montana adopts the final Environmental Assessment for the Sheriff's Office Patrol Vehicle Project.

DATED THIS 23rd day of April, 2020, in Hardin, Montana.

BOARD OF COMMISSIONERS
BIG HORN COUNTY, MONTANA


George Real Bird III
Chairman


Sidney Fitzpatrick
Member


Larry Vandersloot
Member

ATTEST:


Clerk and Recorder

Appendix A

Cost Estimate



Veto Enterprises



1969 - 2019

Celebrating 50 years!!

Thank You!

212 W. Exchange St.
Sycamore, IL 60178

Outside Illinois
800-523-4733

Phone: 815-895-9755
Fax: 815-895-8719

www.vetoenterprises.com

Police Car Sales & Equipment Specialists

Thursday, April 23, 2020

Big Horn Sheriff Dept
121 W 3rd St
Hardin MT 59034

Attn: Sheriff Big Hair
Captain Fuss

Ref: Quote 20.1

Dear Sheriff Big Hair,

As per your request, we are pleased to submit to you our quotation on the following vehicles with equipment:

(2) 2020 Ford F150 SuperCrew Pickup

As per attached specs

Price: \$35,475 each

With the following equipment installed:

Pair of white LEDs for front corners

Tail light flasher

Pair of Sound Off MPower LED lightheads, pushbar mounted, 1-red, 1-blue

Unity 6" driver's side spotlight

Pair of Sound Off Intersector LED lightheads, mounted under outside mirrors, 1-red, 1-blue

Whelen® Legacy™ or Liberty™ LED lightbar, with alleys & takedowns, red & blue

Pair of Sound Off MPower LED lightheads, tailgate mounted, 1-red, 1-blue

Streamlight rechargeable LED flashlight system with wand

Red/white LED domelight

100 watt siren speaker

Havis equipment mounting console, with all mounting brackets, heavy duty armrest, recessed cupholder, and built in accessory outlet plugs
 Magnetic Mic mount clip bracket
 Mounts for your laptop & dock, & power
 Whelen® 295SLSA6 siren/switching center
 Battery run-down protection (Chargeguard timer with relay/solenoid)
 AOI airbag cutoff switch
 Ignition override lockout system
 Ranchhand Summit full front bumper replacement with load leveling kit
 Setina 10-VSRP prisoner screen with sliding polycarbonate window and recessed panel cutout for gunrack
 Dual gunrack, mounted in recess of cage
 Antenna with cable, high gain type
 Full decals, reflective only on rear portion
 Line-X spray in bedliner
 Labor to install all above equipment, including your XTL radio, radar, in-car video, laptop & dock
 Delivery to your department

Price: \$ 14,193 each

With the following options:

MPH Bee III dual antenna moving Ka band radar

Price: \$2,375

WatchGuard 4RE in car video system

Price: \$5,500

Breakdown:

2020 Ford F150	\$35,475
Equipment	<u>14,193</u>
Sub-total:	\$49,668
Radar & Video	<u>7,875</u>
Total Price:	\$57,543 each, total \$115,086

All prices are good for 30 days. Some items may be subject to their various lead times at their respective factories beyond our control. Vehicles themselves will be supplied by Morrow Ford, and have a current factory order cutoff date of May 28th. Once vehicle(s) and all equipment is received by us, lead time to return to you would be approximately 2-3 weeks, not including transport. **Please note new payment terms: **All orders that include new vehicles and/or equipment will be required to pay 50% within 21 days of order.**

Please feel free to contact us at 800.523.4733 should you have any further questions or need additional information. We are looking forward to working with your department in the near future.

Very Truly Yours,

Veto Enterprises, Inc.

A handwritten signature in black ink, reading "Robert A. Veto". The signature is fluid and cursive, with a large initial 'R' and a stylized 'V'.

Robert A. Veto
President

RAV/tf

Appendix B

Letter of Cash Commitment

**BOARD OF COMMISSIONERS
BIG HORN COUNTY
P.O. BOX 908
HARDIN, MT 59034**

Fax (406) 665-9706

(406) 665-9700

E-mail to: cwells@bighorncountymt.gov

April 23, 2020

Montana Coal Board
Community Development Division
Department of Commerce
PO Box 200523
Helena MT 59620-0523

RE: Funding Commitment to replace two Sheriff's Office Patrol Vehicles

Dear Montana Coal Board Members,

On behalf of Big Horn County, we are pleased to commit \$25,000 to the Big Horn County Sheriff's Office patrol vehicle purchase. This commitment of funds is approximately 25% of the total project costs.

Sincerely,

BOARD OF COMMISSIONERS
BIG HORN COUNTY, MONTANA



George Real Bird III
Chairman



Sidney Fitzpatrick
Member



Larry Vandersloot
Member

Coal Board Grant Applicant #0914 Big Horn County Staff Report / December 2020 Meeting

Applicant: Big Horn County

Project: Purchase of Two 4X4 Patrol Vehicles for the Sheriff's Department

Coal Board Funds Requested: \$90,086

Total Project Cost: \$115,086

Project Information: The applicant is requesting \$90,086, of a total project cost of \$115,086, in Coal Board funds to replace two patrol vehicles for the Big Horn County Sheriff's Office. The applicant is a designated unit.

Categories:

Need:

- **Applicant:**
 - Applicant states a deficiency exists in a basic community service provided by Big Horn County due to two vehicles exceed mileage and age thresholds.
 - Applicant states that serious public safety problems can be attributed to unreliable and/or inadequate law enforcement or emergency response vehicles.
 - Applicant states 100% of Big Horn County residents are affected by the lack of reliable and/or adequate law enforcement or emergency response vehicles.
 - Applicant states that unreliable and or inadequate law enforcement vehicles jeopardize human health and safety.
 - Applicant provided an environmental checklist, environmental review form, documentation from the newspaper notifying the public of the meeting where the environmental would be discussed, an agenda, minutes documenting that the environmental determination was made at a public meeting, and a signed resolution.
- **Staff Review:**
 - Staff has determined that the environmental process is complete.
 - Big Horn County has retired two vehicles from its fleet due to exceeding mileage and age thresholds.
 - Coal Board funds have been granted to this applicant in the past for vehicle upgrades totaling \$73,000 for the purchase of two new vehicles.
 - Coal Board funds have been granted this applicant in the past for two modular homes to be used as remote Sheriff Department staff offices totaling \$100,000.

Degree of Severity of Impact:

- **Applicant:**
 - Applicant states that nearly 100% of this project is in response to coal-related impacts.
 - Applicant states that there are a number of coal mines or coal-using complexes in Big Horn County.
- **Staff Review:**
 - Documentation regarding severity of impact included in the narrative responses to Severity of Impact questions in the application.

Availability of Funds:

- **Applicant:**
 - Applicant states that coal gross proceeds tax revenue for Big Horn County has been on the decline in recent years.
 - Applicant has committed \$25,000 cash to this project.
- **Staff Review:**
 - Applicant is a designated unit.
 - Revenues related to the Coal Natural Resource account are not sufficient to fund the costs associated with this project request.

Degree of Local Effort in Meeting Needs:

- **Applicant:**
 - Applicant states the mill rates are \$164.93.
 - Applicant states that Big Horn County has committed \$25,000 in cash or 22% of the total project cost.
 - Applicant states that past operation and maintenance budgets and practices over the long-term for Big Horn County have been consistent and practicable.
 - Applicant states Big Horn County has no current debt obligations.
- **Staff Review:**
 - Millage rates provided by MDOR data demonstrates the average millage rates for the previous three years are lower than the current year millage rates. MDOR data years: 2019-2020, 2018-2019, 2017-2018.

Planning & Management:

- **Applicant:**
 - Applicant states the grant request reasonably fits into the contemplated decline of the coal industry in Big Horn County.
 - Applicant states that the proposed project is consistent with the Big Horn County Growth Policy (05/2014) and Capital Improvements Plan (CIP) (09/2014) objectives of monitoring, maintaining and improving local services and public health and safety. Sheriff vehicles are not called out specifically in the CCIP spreadsheet of 2017 or the 2014 CIP.
- **Staff Review:**
 - The applicant has demonstrated a reasonable connection between purchase of two new trucks for the Sheriff's Department with community planning. The proposed project appears to be consistent with the effort to maintain adequate community facilities in Big Horn County as referenced in the 2014 Big Horn County Growth Policy goal to "provide for the long-term infrastructure needs of the county". It is also consistent with the CIP and Growth Policy: "Maintaining and improving local services such as law enforcement, fire protection, ambulance, schools, and medical centers.
 - There is a 2014 Big Horn County CIP and an updated CCIP spreadsheet. Sheriff vehicles are not called out specifically in the CCIP spreadsheet or the 2014 CIP.

Grant History:

Since 2009, the applicant has been awarded 47 projects totaling \$3,960,331. For more information on Coal Board projects for this or any other applicant, please visit the Commerce Grants Database at <https://commerce.mt.gov/About/FundedProjects>.

Supplemental Documents (not included in this staff report): None

Staff Summary:

See engineer memo.

The applicant provided an environmental checklist, environmental review form, documentation from the newspaper notifying the public of the meeting where the environmental would be discussed, an agenda, minutes documenting that the environmental determination was made at a public meeting, and a signed resolution. Staff has determined that the environmental process is complete.

Staff does not recommend funding due to the statutory criteria: Availability of Funds. Staff does not recommend awarding contingent upon available revenue as there is insufficient revenue to award projects currently. Staff recommend awarding projects based on revenue received to meet the Availability of Funds statutory criteria.

MEMO

To: Coal Board Members and Commerce Staff
From: Division Engineer
Subject: Big Horn County – Sheriff’s patrol vehicles
Meeting: June 2020, re-applied Dec 2020

History – Big Horn County provides law enforcement services throughout the county as well as contracted services to City of Hardin. Two patrol vehicles need to be replaced.

Problem – Problems identified in the application included two patrol vehicles pulled from the fleet because they exceed mileage and age thresholds.

<SAME> Solution – The proposed project includes the purchase of two 4x4 pickup trucks.

The purpose of the project is to replace two vehicles that needed to be retired. Replacement of the vehicles is necessary to transport officers to the scene of an incident quickly, transport and temporarily detain suspects in the back seats, use as a location to use their police radio or laptop or to patrol an area, all while providing a visible deterrent to crime.

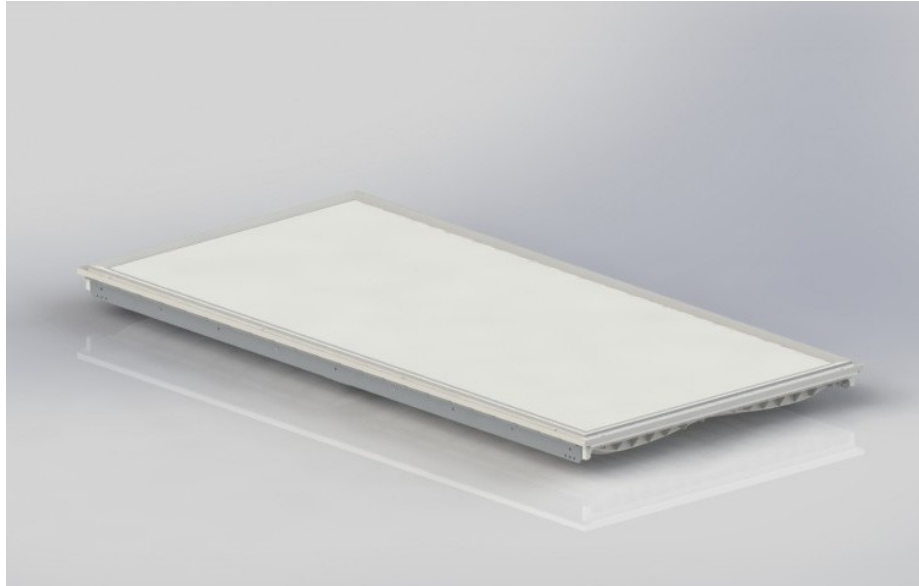
<SAME> The Coal Board grant request is for \$90,086. The total cost is \$115,086; the County is contributing \$25,000.

Appendix A of the application contained a price quote from Veto Enterprises out of Illinois.

The implementation schedule included a line that indicated the following: *purchase vehicles in accordance with county procurement rules.*

An environmental checklist and review form were included with the application.

Montana Coal Impact Grant Application



**Submitted to the Montana Coal Board By
Colstrip Public Schools**

**For
Colstrip Public Schools LED Lighting Project**

Date submitted: October 26, 2020

Former Submission: January 27, 2020

SUBMITTED BY COLSTRIP PUBLIC SCHOOLS

CERTIFICATION

To the best of my knowledge and belief, the information provided in this application and in the attached documents is true and correct.

In accordance with Section 90-6-205, MCA, the applicant is eligible for Coal Board grants and has the statutory authority to make expenditures to provide for the particular service or facility.

Name: Bob Lewandowski

Title: Superintendent of Colstrip Public Schools



Signature

Date: October 26, 2020

SUMMARY INFORMATION

1. NAME OF APPLICANT(S):

Colstrip Public Schools (SD19)

2. TYPE OF ENTITY:

Public school system

3. FEDERAL TAX ID NUMBER:

4. SENATE AND HOUSE DISTRICTS:

Senate District 20 and 21
House Districts 39 and 41

5. AMOUNT OF COAL IMPACT GRANT REQUESTED: \$229,470

6. NAME OF PROJECT:

LED Lighting Improvement Project

7. TYPE OF PROJECT:

Public school repair and maintenance

8. POPULATION SERVED BY PROJECT:

Population estimate of Colstrip in 2017 was 2,311. Colstrip is the largest city in Rosebud County with 24% of the total population. 2018 Fall student enrollment in Colstrip Public Schools was 536.

9. NUMBER OF HOUSEHOLDS SERVED BY PROJECT:

863.

10. CHIEF ELECTED OFFICIAL OR AUTHORIZED REPRESENTATIVE:

Mr. Bob Lewandowski
Superintendent
Colstrip Public Schools
P.O. Box 159
Colstrip, MT 59323

11. PRIMARY ENTITY CONTACT PERSON:

Mr. Bob Lewandowski
Superintendent
Colstrip Public Schools
P.O. Box 159
Colstrip, MT 59323

Bob.lewandowski@colstrip.k12.mt.us
406.748.4699

12. OTHER CONTACT PERSONS:

Mr. Tyler Bush
Project Manager
100 N 27th St / Suite 210
Billings, MT 59102

tylerb@mckinstry.com
406.426.0079

13. MILLAGE RATES:

FY17

Mill Value - 81,329.82

- Elem GF - 6.52
- HS GF - 8.76

Total mills levied (all funds):

- Elem - 13.59
- HS - 18.55

FY18

Mill Value - 83,491.61

- Elem GF - 16.06
- HS GF - 9.91

Total mills levied (all funds)

- Elem - 21.10
- HS - 16.32

FY19

Mill Value - 79,523.58

- Elem GF - 11.21
- HS GF - 9.86

Total mills levied (all funds)

- Elem - 16.50
- HS - 17.82

14. AMOUNT OF COAL GROSS PROCEEDS TAX:

FY17

Elementary District total rec'd - 1,319,774

- General Fund 101 - 1,035,283
- Transportation Fund 110 - 22,890
- Bus Depreciation Reserve Fund 111 - 97,446
- Technology Fund 128 - 58,861
- Building Reserve Fund 161 - 105,294

High School District total rec'd - 799,131

- General Fund 201 - 426,916
- Bus Depreciation Reserve Fund 211 - 72,798
- Adult Education Fund 217 - 48,943
- Technology Fund 228 - 118,040
- Building Reserve Fund 261 - 132,434

FY18

Elementary District total rec'd - 1,350,701

- General Fund 101 - 648,019
- Transportation Fund 110 - 67,585
- Bus Depreciation Reserve Fund 111 - 176,912
- Technology Fund 128 - 305,125
- Building Reserve Fund 161 - 153,060

High School District total rec'd - 817,857

- General Fund 201 - 386,222
- Transportation Fund 210 - 35,272
- Bus Depreciation Reserve Fund 211 - 85,973
- Adult Education Fund 217 - 39,681
- Technology Fund 228 - 135,355
- Building Reserve Fund 261 - 135,355

The District is on track in **FY19** for the Elementary District to receive a total of \$1,219,932 and the High School. District to receive \$738,676 across ten levied funds.

Coal Gross Proceeds follow the mills levied in a fund in the previous year. This produces a see-saw effect which can prove challenging especially in the general funds. In the general funds, coal flows into the underbase and then into the overbase, lowering the number of mills necessary to meet the maximum adopted budget.

Use of coal gross proceeds in each fund is dependent on what is allowed for expenditures from that fund.

- The general fund is the chief operating fund of the district and is used to account for all financial resources of the school district except for those required to be accounted for in another fund.
- The transportation fund may be used only to support costs of home-to-school transportation.
- The bus depreciation reserve fund exists for the purpose of financing the replacement of buses and two-way radio equipment owned by the school district.
- The adult education fund allows the school district to provide outreach education to those older than sixteen and no longer enrolled in the school system.
- The technology fund allows for purchase, rent, repair, and maintenance of technological equipment and to provide training for district personnel.
- The building reserve fund is for the purpose of financing voter approved building or construction projects funded with district mill levies.

15. IMPACTS FROM COAL INDUSTRY:

The workforce total in the Colstrip community is 1,229.

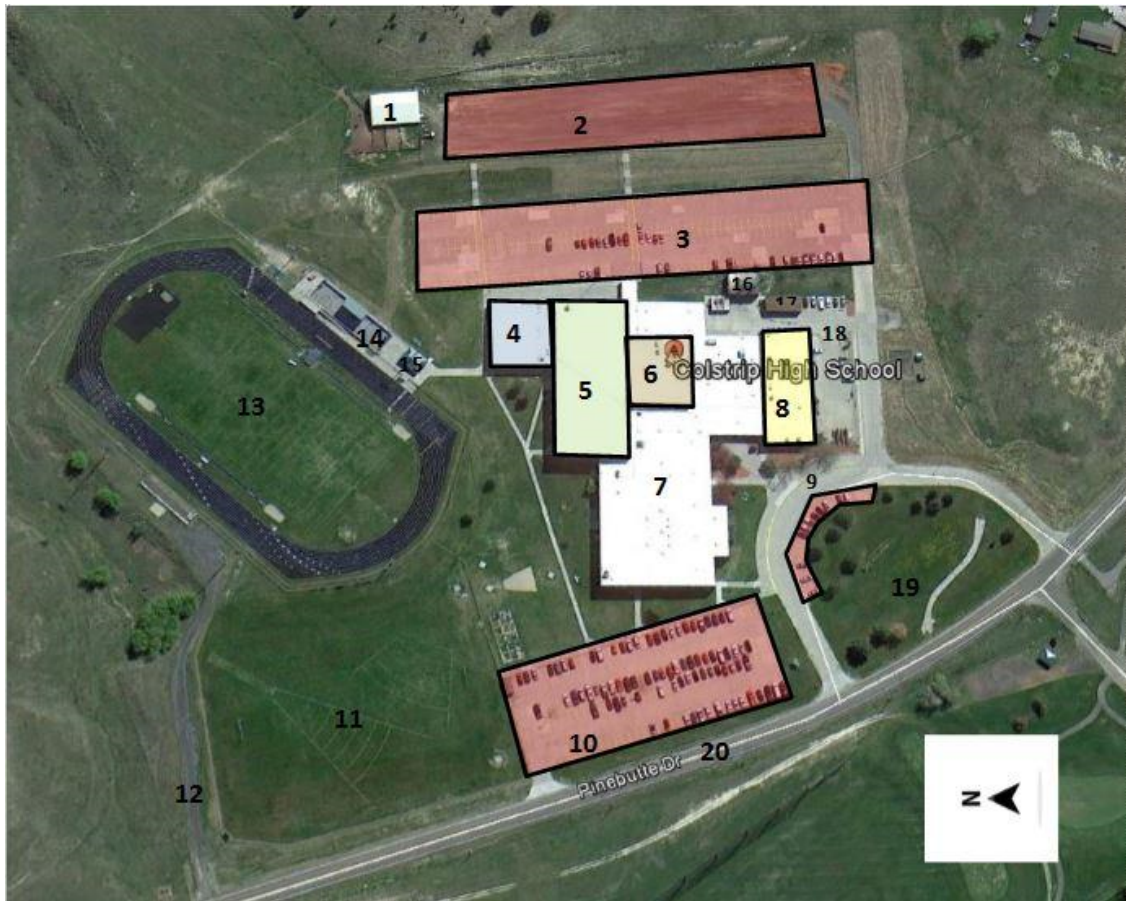
Westmoreland's Rosebud Coal Mine, Colstrip MT - 362 Employees

Talen Energy Power Plant, Colstrip, MT - 320 Employees

The four unit power plant located in Colstrip, MT is the second largest coal fired power plant west of the Mississippi river. Colstrip is dramatically impacted by the coal industry - both in the mining and power generation sectors.

16. MAPS:

Colstrip High School Grounds



1. Ag Barn	2. Ag Parking Lot	3. Upper Parking Lot	4. Pool
5. Gym	6. Auditorium	7. Classrooms	8. Career Tech Ed (CTE)
9. Roundabout	10. Lower Parking Lot	11. Practice Field	12. Emergency Access Road
13. Football Field/ Track	14. Stadium	15. Concessions	16. Coal Port
17. Freezer	18. Access Delivery	19. Grassy Knoll	20. Pine Butte Drive



Pine Butte Elementary



1. Main Parking Area	2. Upper Parking Area	3. Bus Barn
4. Pine Butte School	5. Main Playground Area	6. Front Playground Area
7. Pine Butte Drive	8. Durango Drive	

17. **BRIEF PROJECT SUMMARY:**

This project is to replace remaining fluorescent lighting with LED lighting at Pine Butte Elementary and Colstrip High School in the following areas.

- Colstrip High School Classrooms
- Colstrip High School Gymnasium
- Pine Butte Elementary Classrooms

Historical information:

Colstrip High School was constructed in 1983. Coal Bonus funds were used to build the facility in a fast growing community that was being impacted by coal development and power plant construction.

The Colstrip School System extends itself beyond the school district borders. The transportation department has one of the largest Class B fleets in the State. This is due to bussing students who wish

to attend Colstrip, but are out of district. Colstrip Public Schools have an annual transportation agreement with surrounding schools at Lame Deer, Hardin, Ashland, Powder River County, and Custer County schools.

Colstrip Public Schools serve a diversified enrollment and have extended relationships with the Northern Cheyenne Indian Reservation and the Crow Reservation. Both reservations play critical roles in coal country and are impacted accordingly. The Colstrip enrollment includes 51% White, 36% American Indian 4% Hispanic/Latino and 9% other.

For the past 15 years, the voters of Colstrip have consistently passed annual levies to support its educational system and facilities in Colstrip. Colstrip has seen times of tremendous growth in which it was difficult for the school district to financially keep up with its student population and therefore resulted in the construction of new buildings for kids. Because of coal, Colstrip grew and was classified as a Class A school district by the MHSA, but with restricted demands for coal, Colstrip has dropped to a Class B school with Class A facilities of size and scope. Maintaining buildings and grounds has become a difficult task with fewer students and state funding. The voters of Colstrip have taken on this responsibility and passed a 4-year building reserve levy in May 2015 for half a million dollars (\$125,000 annually) in the Elementary District and \$1M (\$250,000 annually) in the High School District. Those funds were designated for repair of infrastructure needs that were linked to roof repair and heating and ventilation problems. At the same time deferred maintenance continues to become an insurmountable issue without the help of the Coal Board to address the District's Deferred Maintenance which is estimated at over \$5 million dollars.

The project presented prepares the district for the future by reducing future maintenance costs and improving the learning environment. Having to pay for this project with the current budget will have a significant impact on student resources.

Problem:

Like most schools that were built over 30 years ago, Colstrip Public School buildings were constructed with fluorescent lighting to light their classrooms and hallways. The current fluorescent lighting tubes last approximately 3-5 years and the ballast that run those tubes at Colstrip Public Schools have reached their lifecycle and are burning out. Replacement is costly, both in time and materials. The School District has been replacing its fluorescent lighting with LED light fixtures in its classrooms for the past three years. The District has invested over \$150,000 in LED lighting, one classroom at a time. Please see the **Appendix A** of maps that identify current areas addressed with LED lighting as well as needed areas to be addressed. This has been a slow process due to the expense involved. The problem is not only financial, but the District believes that the benefits of LED lighting are crucial for the following reasons: **1. Improved Student Concentration and Performance; 2. Energy Savings; 3. Health Benefits; 4. Reduced Maintenance Costs**

1. Improved Concentration and Performance:

Lighting is a dominant factor in the brain's ability to focus. Studies show that learners in brightly lit environments got higher grades than those in dimly lit classrooms. It seems that the poor lighting reduces the effectiveness of the brain's power to gather data as well as having social

and emotional effects on the human condition. Light-emitting diode (LED) lights provide energy efficiency, durability, flexibility, and improved overall light quality. In particular, K-12 schools often see improvements in academic performance after upgrading to LED lights. If you work at a school and are looking for a cost-effective way to improve your students' learning experience, LED lights represent a crucial pathway for meeting these goals.

Lighting within the built environment is an important factor on human development and functioning. Research has shown that daylight can impact human mood, performance, and well-being; include children in schools. According to Wurtman "Light is the most important environmental input, after food and water in controlling bodily functions." (Wurtman, 1975) However, daylight must be supplemented with artificial lighting and today's society is exposed to more artificial light than daylight. (Veitch, 1995) Our children are expected to attend school to learn and perform at optimum levels. Energy conservation requirements have forced schools to implement energy efficient lighting solutions. For many years fluorescent lighting has been the solution to provide energy efficiency and high illuminance for school environments; and have evolved to include full-spectrum lamps that simulate daylight. Recently, LED (light-emitting diodes) have come to the forefront due to their efficiency, longevity, and ability to provide a full, smooth, and unbroken spectrum. The downside has been the cost to retrofit or implement LED lamps within the school environment, and most studies examining the benefits to student behavior and performance have been based on fluorescent lamps. It's imperative to provide artificial lighting that enhances the classroom experience for children and teachers that enables strong cognitive function and supports positive behavior. LED lamps are the next step in the evolution of lighting interior environments to ensure a positive effect on human performance and well-being (**Morrow, Brenda & Kanakri, Shireen. (2018). The Effect of LED and Fluorescent Lighting on Children in the Classroom**).

Dr. Michael Shulte-Markwork, who worked at the University Medical Centre Hamburg-Eppendorf as the Director of the Clinic for Psychosomatics in Children and Juveniles. In his year-long experiment, he set out to determine the benefits of light on students' learning behavior. His study involved 18 teachers and 166 children, with ages ranging from 8 to 16, from the Grundschule in der Alten Forst elementary school located in Hamburg, Germany. His research indicated the following results:

- **Improved Reading Speed:** The students increased their reading speed by 35%.
- **Improved Concentration:** The students reduced their errors by 45%.
- **Reduced Hyperactivity:** When teachers gave students mathematical problems to solve, they used the Calm lighting scheme, which reduced the students' hyperactivity by an astonishing 76%.

2. Energy Savings:

Schools that choose to install LEDs won't just see increased academic performance — they'll also enjoy decreased energy bills. Unlike fluorescent lights, LEDs are free of mercury and completely recyclable, which make them the most environmentally friendly lighting option. LEDs consume less energy than any other type of lighting available on the market, meaning that your energy and maintenance costs will be substantially reduced.

According to the U.S. Department of Energy, switching to LEDs can reduce your lighting energy consumption by 75 to 80 percent. By adding reflectors, sensors, lenses, timers, and other options, your school can increase its savings even more.

Education facilities in the United States that continue to operate with fluorescent or

incandescent bulbs spend more money trying to compensate for the heat produced by these outdated lights than they do on the lights themselves. By upgrading to LED lights, the savings generated by these avoided expenses can be relegated toward other parts of your facility that require more attention.

LED light bulbs use roughly half the wattage of fluorescent lighting. LED bulbs also last longer and use less energy than fluorescent bulbs. That means financial savings in the long run by cutting down on replacements.

4. Health Benefits

Fluorescent bulbs aren't just wasteful — they can also harm your health and wellbeing. Replacing fluorescent lights with LED lighting in educational environments is associated with the following health benefits:

Installing LED light fixtures can lower the risk of exposure to harmful contaminants like Polychlorinated Biphenyls (PCBs). The U.S. Environmental Protection Agency defines PCBs as carcinogens that can harm the nervous, immune, and endocrine systems and are often found in the T12 fluorescent ballasts. While all of these ballasts have the potential to leak or rupture, some of them are also known to emit small amounts of PCBs during their normal use. The EPA also released an announcement that schools in the U.S. built before 1979 may still have some T12s that contain PCB. You can be exposed to the contaminants if you breathe contaminated air or touch contaminated materials following a rupture or leak. People exposed to high levels of PCBs may show signs of rashes or acne and, in some cases, even lung and liver problems. Researchers are continuing to conduct studies to better determine the adverse health effects of PCBs.

Outdated lighting technology contains another, more familiar contaminant — mercury. Fluorescent lighting contains a combination of inert gases and mercury when the current passes through the glass containment tube. Depending on how you're exposed to the contaminant, it can enter your body through the skin or lungs. If a fluorescent tube shatters, anyone nearby is at risk of mercury contamination, which makes fluorescent tubes a serious safety hazard in schools. Mercury is also hazardous because it produces UV light. UV radiation can damage tissues in our skin and eyes, and if exposed to it for too long, cataracts can form and macular degeneration — the most common cause of blindness — can also occur.

Some other ways that LED lighting can make the school environment healthier and more comfortable for students include:

Improvement in Visual Performance and Comfort: Glare and flicker are two issues associated with outdated lights and can affect the teachers as well as the students. Glare often causes you to blink, squint or look away and can be caused by one of two things — excessively high luminance or excessively high luminance ratios. In both scenarios, the students' visual performance will decline as their comfort levels decrease. Two types of glare exist — disability and discomfort glare. Discomfort glare refers to the pain associated with viewing glare, whereas disability glare reduces visibility. Disability glare occurs when light is scattered throughout the eye, which then reduces the retinal image's luminance contrast.

Less Irritation for Autistic Students: Autistic students are especially susceptible to the harmful effects of fluorescent lighting, including an increased sensitivity to direct fluorescent lighting's sub-visible flicker. This can lead to eyestrain, headaches, and an increase in repetitive/compulsive behavior. LEDs, on the other hand, are resistant to the

flicker-effect when they are completely dimmed, which makes them an excellent choice for special education student bodies.

Reduction in Hyperactivity: Color temperature has also been shown to play an important role in students' health/performance. Studies show that cool color temperatures can improve the behavior of students with learning disadvantages or hyperactivity disorder. This cool light color allows them to concentrate on projects and tasks more effectively. Hyperactivity is related to stress conditions, which can be aggravated by the radiation produced by the fluorescent lights. When exposure to this radiation is decreased, performance and behavior improve.

Improvement in Circadian Rhythms: The optimal function of the body's circadian rhythm depends on the right kind of light. This vital process helps your body determine when you should wake up, go to bed, and even focus and relax. If students are regularly exposed to lighting that doesn't match their circadian rhythm, it can disrupt their sleep-wake cycle. And students who aren't getting enough sleep are at increased risk of focus and performance related issues.

Improvement in Mental Cognition: Exposure to cooler color temperatures during the morning hours is known to help with morning wakefulness, contributing to improved concentration and performance in school.

Improvement in Mood: Light levels are also important in the classroom, and bright lights are used to treat several types of depression, including Season Affective Disorder (SAD). SAD affects people during the coldest months of the year when people don't get enough sunlight exposure during the day and is a common problem in schools and offices. If you spend too long in a room that's dimly lit, it can affect your mood and lead to depression.

4. Reduced Maintenance Cost:

The current fluorescent lighting tubes last approximately 3-5 years and the ballast at Colstrip High School and Pine Butte Elementary have reached their lifecycle and are burning out. Replacement is costly and time prohibitive. Every classroom, hallway, bathroom, and office needs sufficient lighting, and the number of bulbs maintenance workers must replace can number in the thousands. If a school uses fluorescent bulbs, maintenance crews may spend a significant portion of their working hours replacing lights, especially when those lights are not easily accessible, like those found in gyms, auditoriums and other spaces with high ceilings. However, since LED lights have a significantly longer lifespan, your crew can spend less time maintaining/replacing bulbs when you switch to LED.

Proposed Solution:

The School District has been replacing its fluorescent lighting with LED lighting for the past three years. Floor plans identifying both areas that have been retrofitted and areas that remain to be retrofitted are included as a reference. The proposed solution is to install LED flat panel lighting in the areas that have not been updated during the summer of 2020 to avoid impact on the student educational environment. Included in the floor plan appendix is the proposed cut sheet of the replacement LED lighting. Estimated savings associated with electrical consumption cost for lighting are in excess of 30%. The district is confident that this solution will reduce maintenance cost and improve the educational environment.

PROJECT BUDGET AND IMPLEMENTATION SCHEDULE:A. Project Budget Form:

<u>PROJECT BUDGET FOR:</u> <u>Colstrip Public Schools LED Lighting Replacement Project</u>					
Completed by: CPS Superintendent of Schools For: Colstrip Public Schools, MT Date 1.24.20					
ADMINISTRATIVE/ FINANCIAL COSTS	SOURCE: Coal Board Grant	SOURCE: CPS District	SOURCE:	SOURCE:	TOTAL:
Grant Administration	\$0	\$0	\$0	\$0	\$0
Office Costs	\$0	\$0	\$0	\$0	\$0
Professional Services	\$4,172	\$0	\$0	\$0	\$4,172
Legal Costs	\$0	\$0	\$0	\$0	\$0
Travel & Training	\$0	\$0	\$0	\$0	\$0
TOTAL ADMINISTRATIVE/ FINANCIAL COSTS	\$4,172	\$0	\$0	\$0	\$4,172
ACTIVITY COSTS:	\$0	\$0	\$0	\$0	\$0
Equipment Cost	\$0	\$0	\$0	\$0	\$0
Construction Cost	\$208,609	\$0	\$0	\$0	\$208,609
Architectural/Engineering Design	\$16,689	\$0	\$0	\$0	\$16,689
Product Completion (PER's, studies, etc.)	\$0	\$0	\$0	\$0	\$0
Contingency	\$0	\$19,963	\$0	\$0	\$19,963
TOTAL ACTIVITY COSTS	\$225,298	\$19,963	\$0	\$0	\$245,261
TOTAL PROJECT COSTS	\$229,470	\$19,963	\$0	\$0	\$249,433

B. Project Budget Narrative:

Colstrip Public Schools LED Lighting Replacement Project		
ADMINISTRATIVE/FINANCIAL COSTS		
Personnel Services/Office Costs:		\$0.00
There will be no personnel services required on this project as an employee's salary is accounted for in the annual budget.		
Professional Services:		\$4,172.00
The district has hired McKinstry as the design builder for the project. Their project manager will assist with the project design, development, and administration throughout the project.		
Legal Costs:		\$0.00
No legal costs are anticipated or budgeted for in this project.		
Audit Fees:		\$0.00
Audit fees will not be necessary with this project.		
TOTAL ADMINISTRATIVE/FINANCIAL COST		\$4,172.00
ACTIVITY COSTS		
Equipment Cost:		\$0.00
There is no equipment breakout for equipment. All materials included in construction line item.		
Construction Cost:		\$208,609.00
Construction cost is the total construction including inspection fees for the lighting replacement in Colstrip High School / CHS Classrooms (\$116,162), Pine Butte Elementary School / PBES (\$23,750), and CHS Gymnasium (\$68,697).		
Architectural Design:		\$16,689.00
This cost is for architectural and design fees related to the design and electronic documentation of the project.		

Project Study/ Permit		\$0.00
This cost is for the initial permit for the construction scope.		
Contingency:		\$19,963.00
Contingency cost is approximately 8.7% of the construction budget. Percentage is within the industry standard for projects as recommended by the architect/ consultant.		
TOTAL ACTIVITY COSTS		\$245,261.00
TOTAL PROJECT COSTS		\$249,433.00

C. Implementation Schedule:

IMPLEMENTATION SCHEDULE FOR: CPS Lighting Improvement Project								
	QUARTERS 2021				QUARTERS 2022			
TASK	1ST	2ND	3RD	4TH	1ST	2ND	3RD	4TH
PROJECT START-UP								
A. Sign contract with Coal Board	X							
B. Secure approval of other funding	X							
C. Submit progress reports and drawdown request. (Progress reports quarterly if no draws submitted)		X	X	X				
PROJECT CONSTRUCTION								
A. Architectural Design	X							
B. Conduct pre-construction conference		X						
C. Construction and purchase and installation of equipment		X	X					
D. Monitor Progress		X	X					
E. Final Inspection				X				
PROJECT CLOSE-OUT								
A. Coal Board admin staff conduct on-site monitoring of the project.				X				
B. Submit project completion report.				X				
C. Include project in audits.					X			

18. DESCRIPTION OF RELATIONSHIP TO COAL BOARD STATUTORY GRANT CRITERIA

A. Need

1. Does a serious deficiency exist in a basic or necessary community public facility or service? Examples include emergency services such as police, fire or ambulance services.

APPLICANT'S RESPONSE:

Light-emitting diode (LED) lights provide many benefits for homes and businesses, such as energy efficiency, durability, flexibility, and improved overall light quality. In particular, K-12 schools often see improvements in academic performance after upgrading to LED lights. If you work at a school and are looking for a cost-effective way to improve your students' learning experience, LED lights represent a crucial pathway for meeting these goals.

2. Have serious public health or safety problems that are clearly attributable to a deficiency occurred, or are they likely to occur, such as illness, disease outbreak, substantial property loss, environmental pollution, safety problems, hazards, or health risks?

APPLICANT'S RESPONSE:

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Improvement in Mood: Light levels are also important in the classroom, and bright lights are used to treat several types of depression, including Season Affective Disorder (SAD). SAD affects people during the coldest months of the year when people don't get enough sunlight exposure during the day and is a common problem in schools and offices. If you spend too long in a room that's dimly lit, it can affect your mood and lead to depression.

3. Is the entire community, or a substantial percentage of the residents of the community, seriously affected by the deficiency or at risk, as opposed to a small percentage of the residents?

APPLICANT'S RESPONSE:

There are approximately 563 students in the district that are all affected at the high school and elementary school. There are a total of 2,311 people in the Colstrip community. Therefore, the student population equates to approximately 24% of the entire community. CPS district lighting liability will be shared by the community.

4. Is there clear documentation that the current condition of the public facility or service (or lack of a facility or service) violates, or may potentially violate a state or federal health or safety standard? If the proposed project is necessary to comply with a court order or a state or federal agency directive, describe the directive and attach a copy of it.

APPLICANT'S RESPONSE:

Upon examination of the exposed ballast there is certainly a concern for possible violations of state, federal health and safety standards.

5. Does the standard that is being violated, or potentially may be violated; represent a significant threat or potential threat to public health or safety?

APPLICANT'S RESPONSE:

There are concerns that the educational quality and delivery are compromised by the current lighting delivery system by all who use the school facility.

6. Additional information supporting the NEED for this project.

APPLICANT'S RESPONSE:

There are future improvements planned for Colstrip Public Schools that will be put on hold despite the educational or facility needs that require updates or being brought up to current code.

B. Degree of Severity of Impact from an Increase or Decrease in Coal Development or In the Consumption of Coal by A Coal-Using Energy Complex

1. Describe why the need for the expansion or improvement to the public facility or public service is attributable to coal-related impacts. Additionally, please provide the percentage of the project that is a result of coal impacts.

APPLICANT'S RESPONSE:

The needs for the LED Lighting Project are issues of safety and functionality, specifically for those that work, live and stay in coal country and the community of Colstrip. The impact of the coal economy directly affects the Colstrip School District's ability to provide the needed maintenance for facilities that were built with coal funding. The current uncertainty in the coal industry has resulted in declining enrollments and funding. The current economic situation in Colstrip is 100% a result of coal impacts and an uncertainty in the power industry. Colstrip was initially a company town formed to provide housing to employees of the coal mine and later the power generation facility. The majority of households in Colstrip have a member of the household that works in the coal industry. Even families that attend Colstrip from the surrounding area contribute indirectly or directly to the coal industry. At present there are over 650 persons employed.

2. Name the nearest coal development area or coal-using energy complex to your community and the road miles from your community.



APPLICANT'S RESPONSE:

- A. Talen Energy Coal-fired Electric Plant - Four Unit 2,100 MW power station: Employs 320 and is located with the City of Colstrip.
- B. Westmoreland Company's Rosebud Coal Mine: Employs 362 and produces 12.3 million tons of coal; has 25,000 acres adjacent to the City of Colstrip.
- C. Westmoreland's Syncoal Advanced Coal Conversion Plant producing 300,000 tons of coal per year was located adjacent to the unit train loadout facility at WECO's Rosebud mine and was in production from 1992 to 2001 when it was permanently closed.
- D. Peabody Group's Big Sky Coal Mine located just six miles south of Colstrip closed in 2004-05 and was listed as one of Rosebud County's top 10 private employers in 1997.
- E. Rosebud Power generation station is north of town within seven miles of the City limits.
- F. Westmoreland's Sarpy Creek mine is 25 miles west of Colstrip.
- G. Decker Mine is located 85 miles to the south of Colstrip.

3. Additional information supporting the DEGREE OF SEVERITY OF IMPACT FROM AN INCREASE OR DECREASE IN COAL DEVELOPMENT OR IN THE CONSUMPTION OF COAL BY A COAL-USING ENERGY COMPLEX.

APPLICANT'S RESPONSE:

Colstrip is a community built and centered around the production of coal fired electricity. Residents that come into the community are employed by or supported directly or indirectly by the Rosebud Power Plant, Western Energy Coal Mine and the Talon Energy generated power plant. The majority of households in Colstrip have at least one person directly employed in the coal industry. In the advent of the shut-down of two of the four power units located in Colstrip that provide a significant tax structure for community and educational operations, economic uncertainty has rippled through the Colstrip community. The effects from the uncertainty alone have significantly impacted our community and those that choose to live and raise their families in coal country.

C. Availability of Funds

- 1. Amount requested from the Coal Board: \$ 229,470

2. Amount of Coal Board funds available at the time of application \$ TBD
3. Explain why a coal impact grant is necessary to make the project feasible and affordable

APPLICANT'S RESPONSE:

The Coal Impact Grant is vital to this project. Public school funding is determined by formula in the state of Montana and directly related to "average number belonging" (ANB) and support of local taxpayers. With the pending closure of Colstrip Units 1 & 2, the District has experienced enrollment changes that affect the funding in the General Budget. Any negative shifts in enrollment lead to greater tax burden on the individual taxpayer to maintain current budgets. In addition, as taxable valuation diminishes and less coal is mined, resulting in reduced in coal gross proceeds, the individual property taxpayer will be under greater burden to shoulder any difference.

Natural demographic changes leading to staff retirement coupled with uncertainty of future employment opportunities, because of the closure of Units 1 & 2, have created challenges to recruitment and retention of qualified staff.

The Coal Impact Grant is instrumental in offsetting the burden that taxpayers have in maintaining the facilities that were built for our coal producing community with coal funds. This grant will help a coal reliant community offset its obligation to provide a safe facility for students, staff, and community.

4. What are the other proposed funding sources for the project?

APPLICANT'S RESPONSE:

The Colstrip community has supported the requests of the Colstrip School District for funding for over three decades. As such, it has diminished its reliance on outside sources. Colstrip Schools has committed over \$19,963 to fund project contingency (in excess of 8% of the project); however, the District has already installed and funded over \$150,000 in LED lighting that has been installed. The district is seeking assistance from the coal board to fund the remainder of the project.

5. If a particular proposed source of funding is not obtained, how will the applicant proceed?

APPLICANT'S RESPONSE:

If grant funding is not obtained, it is anticipated that the majority of the project may not proceed.

D. Degree of Local Effort in Meeting Needs

1. If current millage rates given are lower than the average rates levied during the previous three years, briefly explain why they are lower.

APPLICANT'S RESPONSE:

In 2019, the general fund millage rate is greater than the three year average millage rate.

2. Describe any local efforts to meet the public facility or public service needs by providing financial

contributions to the project to the extent possible, such as local funding, donations of land, absorbing some or all-administrative costs. For non-profit organizations, describe fund-raising efforts or other in-kind assistance to the proposed project as well as usual program fund-raising efforts.

APPLICANT'S RESPONSE:

Colstrip Public Schools plans to absorb over \$19,963 of the total project cost. These costs are primarily related to contingency cost; however, the district has already absorbed an extensive amount by installing over \$150,000 of LED lighting over the past three years.

3. Describe past operation and maintenance budgets and practices over the long-term, including any reserves for repair and replacement.

APPLICANT'S RESPONSE:

Colstrip Public Schools has over \$5 million in deferred maintenance. The district prioritizes the annual list according to the following criteria: 1) Safety and Security 2) Degree of wear 3) Insufficiency and Cost Prohibitive 4) Condition. This grant application addresses the district's highest grading criteria. The taxpayers have generously supported all levy requests put before them for general funds as well as several building reserve levy requests thereby showing its commitment for the well-being of the school district.

4. If there are indications that the problem is not of recent origin, or has developed because of inadequate operation and maintenance practices in the past, explain the circumstances and describe the actions that management will take in the future to assure that the problem will not reoccur.

APPLICANT'S RESPONSE:

N/A

5. If the project involves water, wastewater or solid waste, provide the current and projected monthly household user charges, including operation and maintenance:

What is the current monthly household user charge? \$ N/A

a. What is the projected monthly user charge (including operation and maintenance) when the project is complete? \$ N/A

6. What are your current debt obligations?

784442000
784442006 9999JD9C1

BOARD OF INVESTMENTS
ANNUAL AJUSTABLE RATE TENDER OPTION
MUNICIPAL FINANCE CONSOLIDATION ACT BONDS
(INTERCAP REVOLVING PROGRAM) SER 2004

MUNICIPALITY: COLSTRIP HS DISTRICT#19
TOTAL LOAN COMMITMENT: \$ 500,000.00
TOTAL DRAWS TO DATE: \$ -
THIS DRAW DOWN: \$ 500,000.00
REMAINING LOAN COMMITMENT: \$ -
PROJECT: BUILDING REMODEL

0
FINAL LOAN PAYMENT: 6/15/2021
TOTAL # OF LOAN PAYMENTS: 10
LOAN/DRAW NUMBER: 2719-01
DATE OF THIS DRAW 9/30/2016
DATE OF LOAN AGREEMENT: 9/30/2016

PAYMENT DUE	INTEREST RATE	# DAYS DUE	INTEREST PAYMENT	PRINCIPAL PAYMENT		O/S LOAN BALANCE	TOTAL AMOUNT OF PAYMENT
* BEGINNING BALANCE *						500,000.00	
2/15/2017	1.550%	138	2,922.13	50,000.00	ex princ pd	450,000.00	\$52,922.13
8/15/2017	2.500%	181	5,563.52	48,691.20		401,308.80	\$54,254.72
2/15/2018	2.500%	184	5,057.59	49,020.22		352,288.58	\$54,077.81
8/15/2018	3.150%	181	5,502.94	49,448.13		302,840.45	\$54,951.07
2/15/2019	3.150%	184	4,808.94	49,789.62		253,050.82	\$54,598.56
8/15/2019	3.370%	181	4,228.86	50,210.90		202,839.92	\$54,439.76
2/15/2020	3.370%	184	3,445.94	50,571.00		152,268.92	\$54,016.94
8/15/2020	0.000%	182	0.00	50,982.29		101,286.63	\$0.00
2/15/2021	0.000%	184	0.00	51,366.67		49,919.96	\$0.00
6/15/2021	0.000%	120	0.00	49,919.96		0.00	\$0.00

7. What are your current assets?

APPLICANT'S RESPONSE: From the management, discussion, and analysis section of the FY 2018 of the Financial Compliance Report:

NET POSITION			Activities	
	2018	2017	\$ Change	% Change
Current assets	8,135,040	7,040,576	1,094,464	15.55%
Capital assets, net	9,835,306	10,593,603	-758,297	-7.16%
Total assets	17,970,346	17,634,179	336,167	1.91%
Deferred outflows of resources	848,455	1,204,472	-356,017	-29.56%
Current liabilities	161,869	148,104	13,765	9.29%
Long term liabilities	8,834,542	8,755,379	79,163	0.90%
Total liabilities	8,996,411	8,903,483	92,928	1.04%
Deferred Inflows of Resources	343,616	329,840	13,776	4.18%
Net Position:				
Invested in capital assets net of related debt	9,483,017	10,593,603	-1,110,586	-10.48%
Restricted	4,719,006	4,011,573	707,433	17.63%
Unrestricted	-4,723,249	-	276,599	-5.53%
Total net assets	9,478,774	9,605,328	-126,554	-1.32%

8. What financial accounting system do you use? _____

APPLICANT'S RESPONSE

Generally accepted accounting principles as adopted by the governmental accounting board and the State of Montana. The district utilizes Tyler Technologies' Infinite Visions software.

9. Is the applicant in compliance with the auditing and annual financial reporting requirements provided for in the Montana Single Audit Act, 2-7-501 to 522, MCA? (Tribal governments must comply with auditing and reporting requirements provided for in OMB Circular A-133).

Yes X No _____

Date of last completed audit or financial report: Year ending June 30, 2018, audit finalized by Strom & Assoc., P.C. March 19, 2019, and approved by Colstrip Board of Trustees on April 8, 2019

10. If there have been audit findings within the last five years, have they been satisfactorily addressed?

APPLICANT'S RESPONSE:

Yes

11. Additional information supporting the DEGREE OF LOCAL EFFORT IN MEETING NEEDS.

APPLICANT'S RESPONSE:

Colstrip Schools has committed over \$19,963 to fund project contingency (in excess of 8.% of the project); however, the District has already installed and funded over \$150,000 in LED lighting. The district is seeking assistance from the coal board to fund the remainder of the project. See Appendix A for details.

E. Planning & Management

1. Describe how your grant request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems related to coal impacts.

APPLICANT'S RESPONSE:

The District has invested in the future by completing a Centralization Project Study. It is anticipated that there will be substantial decreases to the district's student population and budget with the closure of Units 1 and 2 at the Colstrip Power Plant. The district has proactively explored multiple scenarios reviewing how they can best accommodate declining enrolment and reduced budget dollars. A recommendation from the study was to reduce the facility footprint for the district. Both Colstrip High School and Pine Butte Elementary School will be the anchor facilities when a reduction in facility footprint is needed.

2. Describe how the proposed project is consistent with current plans.

APPLICANT'S RESPONSE:

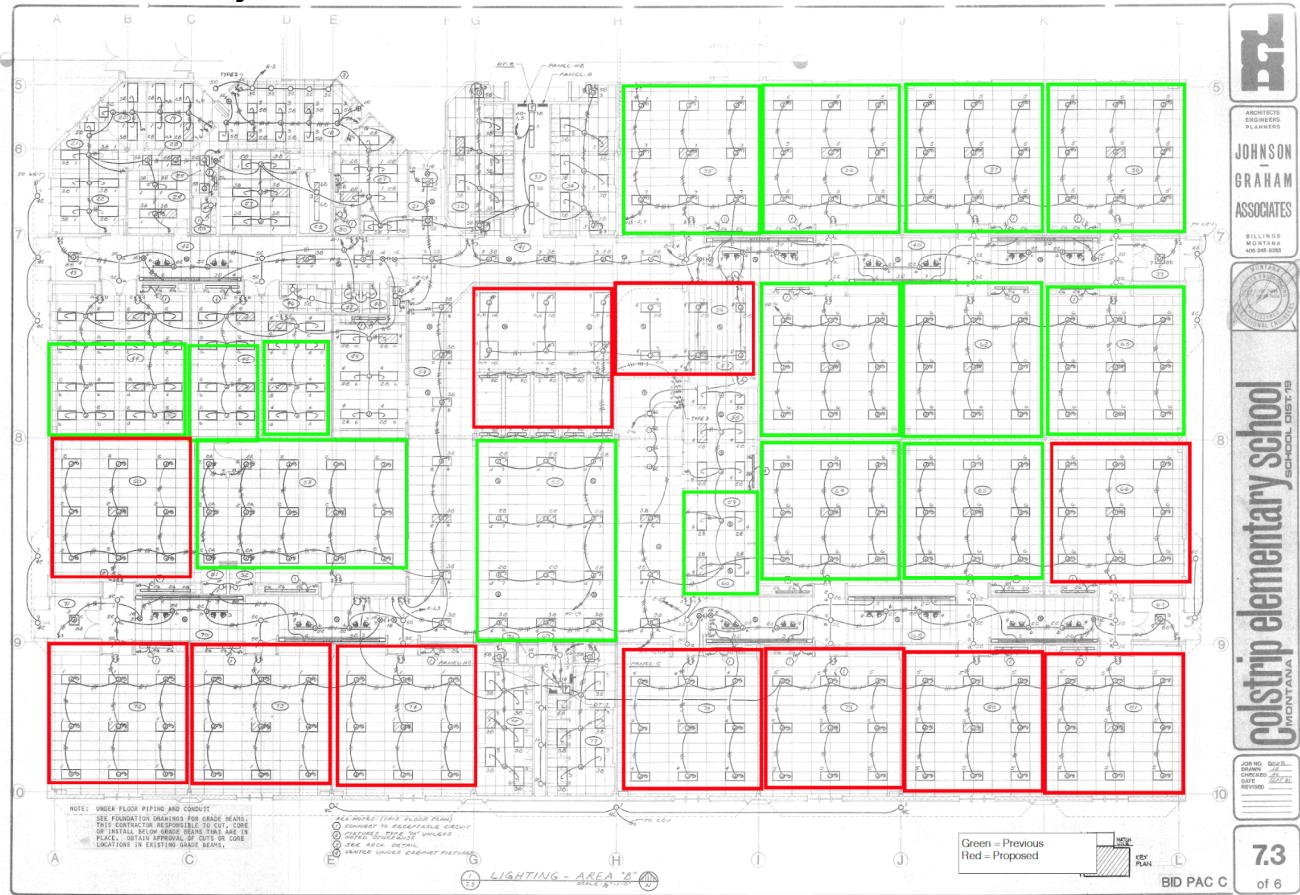
Completing this project is critical to the needs of the community and district. Replacing current fluorescent fixtures are part of the deferred maintenance list. The District is in its fourth phase of replacing fixtures in all academic areas in both the high school and elementary.

APPENDIX A

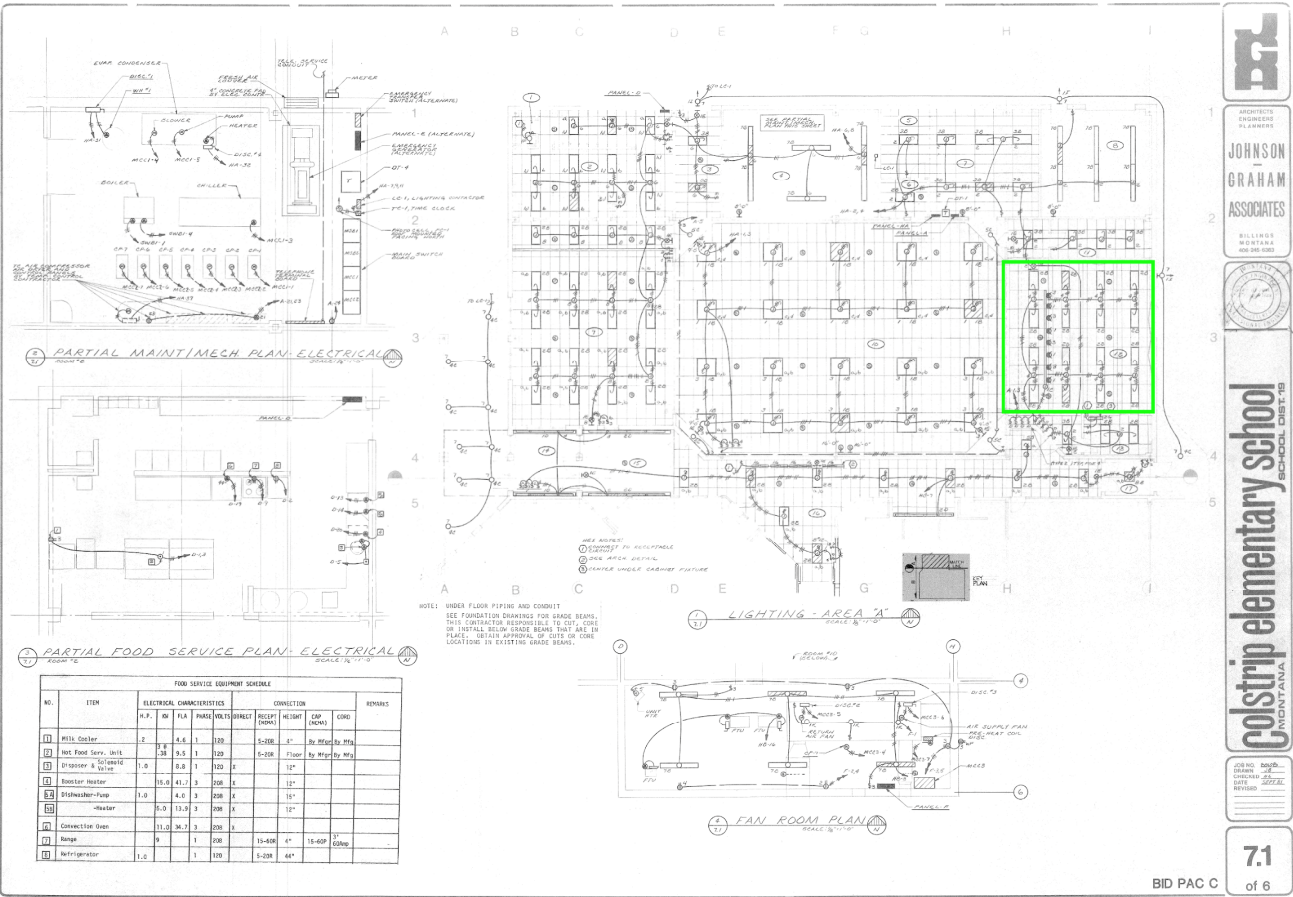
LED Lighting Maps

Areas (Classrooms) that have already been addressed by the District are outlined in GREEN.
Requested areas that need new LED fixtures are outlined in RED.

PINE BUTTE ELEMENTARY Elementary Academic



Elementary Food Service



JOHNSON & GRAHAM ASSOCIATES



colstrip elementary school MONTANA

DATE: 10/1/00

7.1 of 6

COLSTRIP HIGH SCHOOL

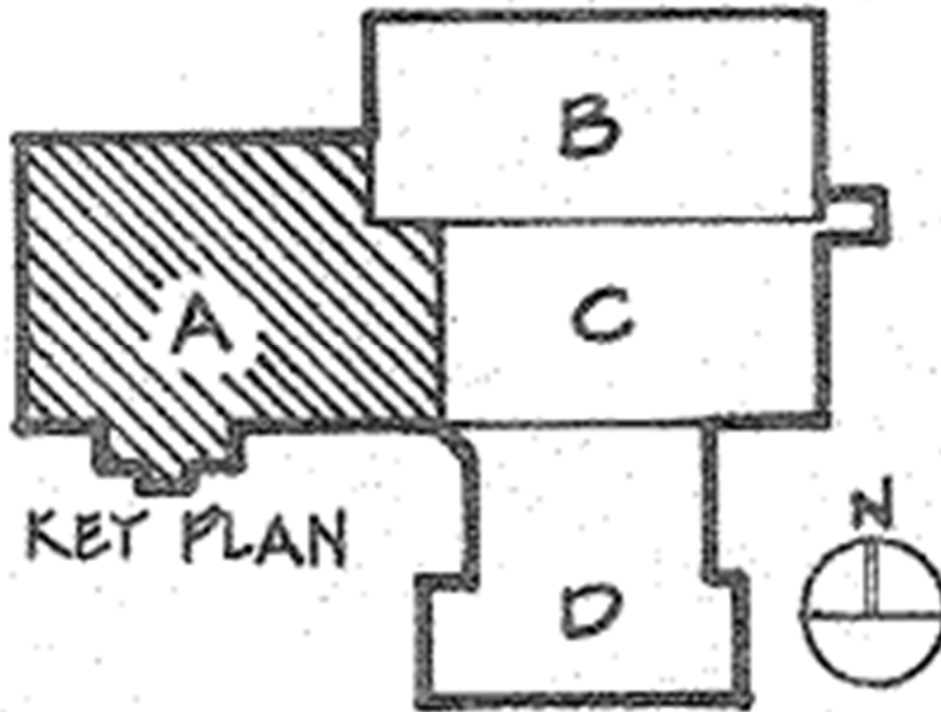
The High School Has been divided into four (4) areas as seen in the illustration below:

A: Academic

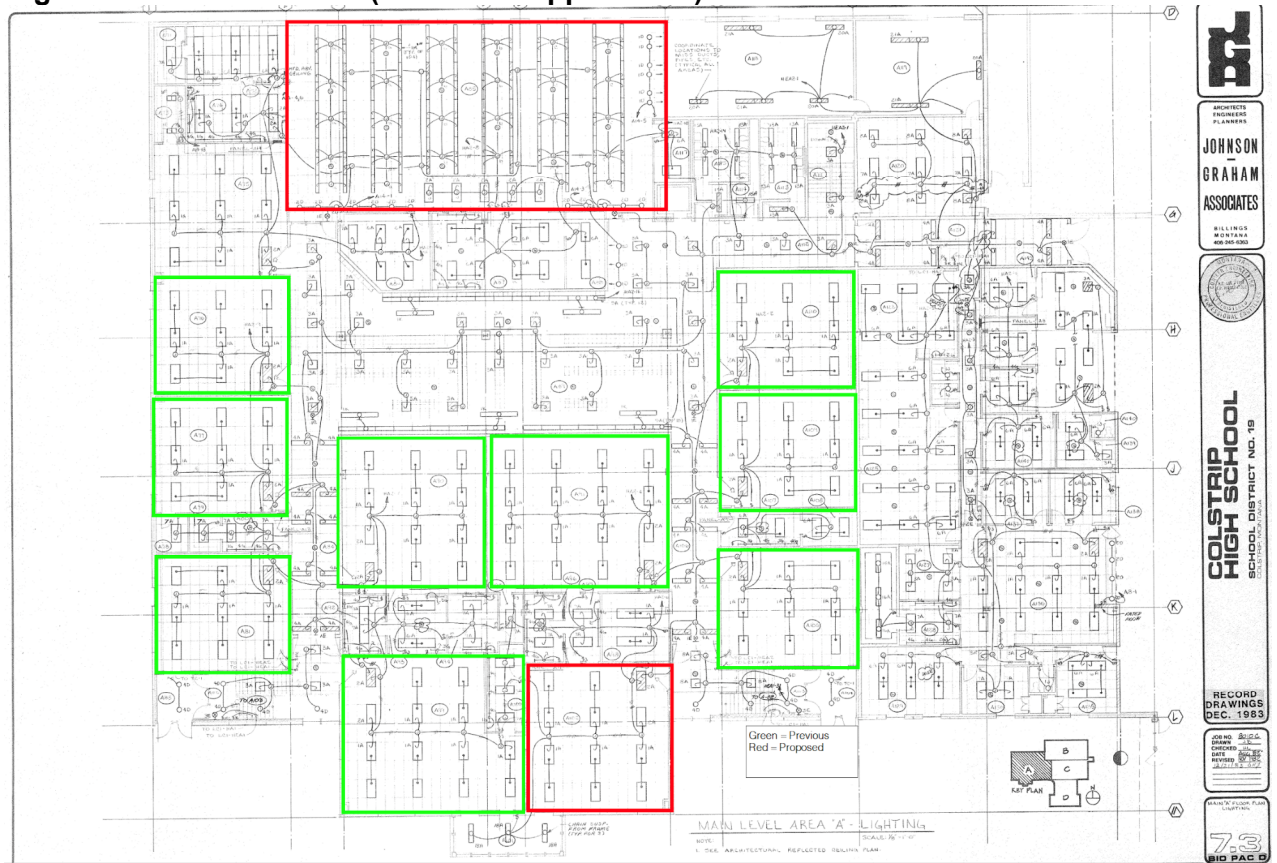
B: Gymnasium

C: Auditorium/Fine Arts

D: Career Technical Education

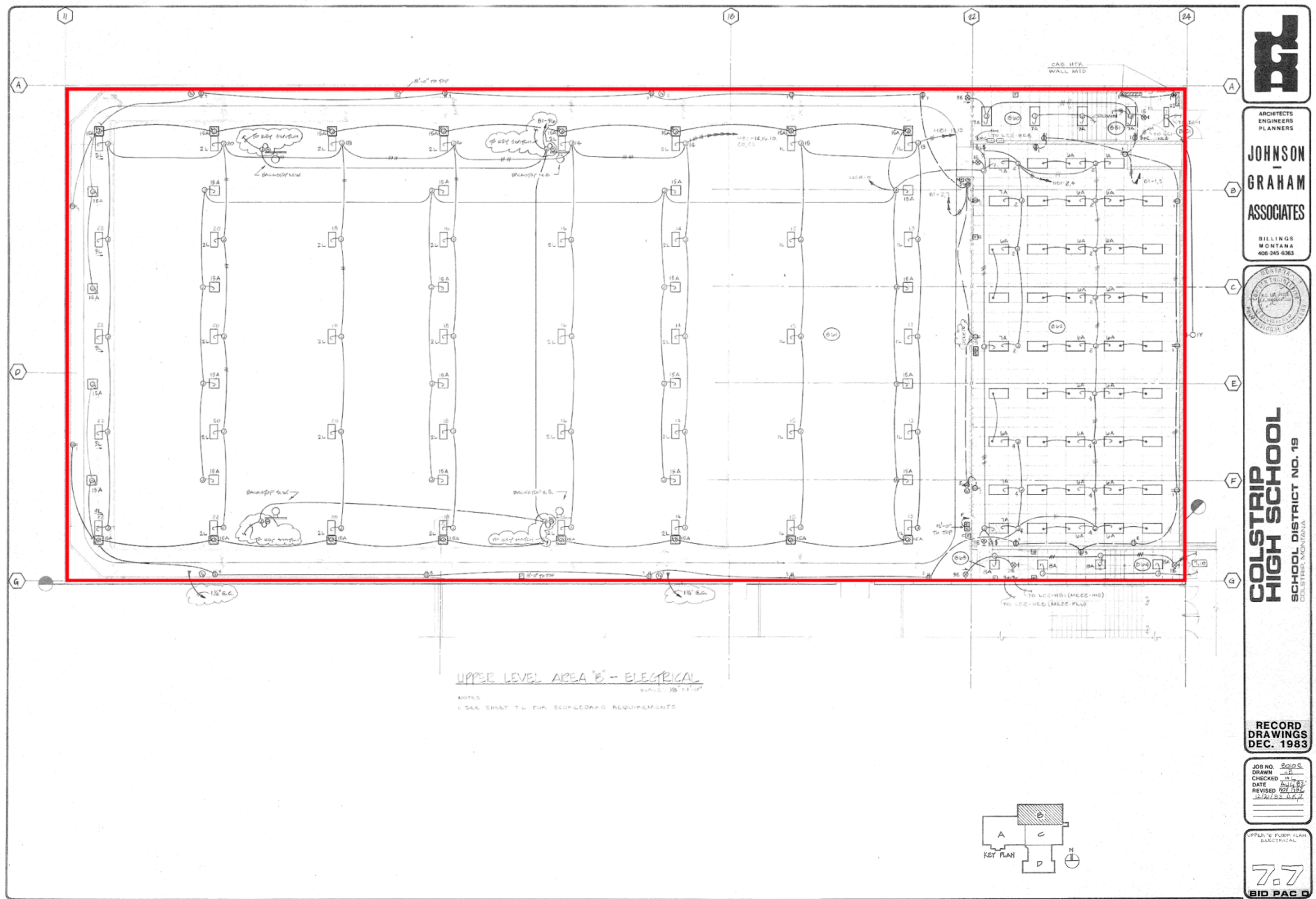


High School KEY PLAN A (Academic Upper Level)

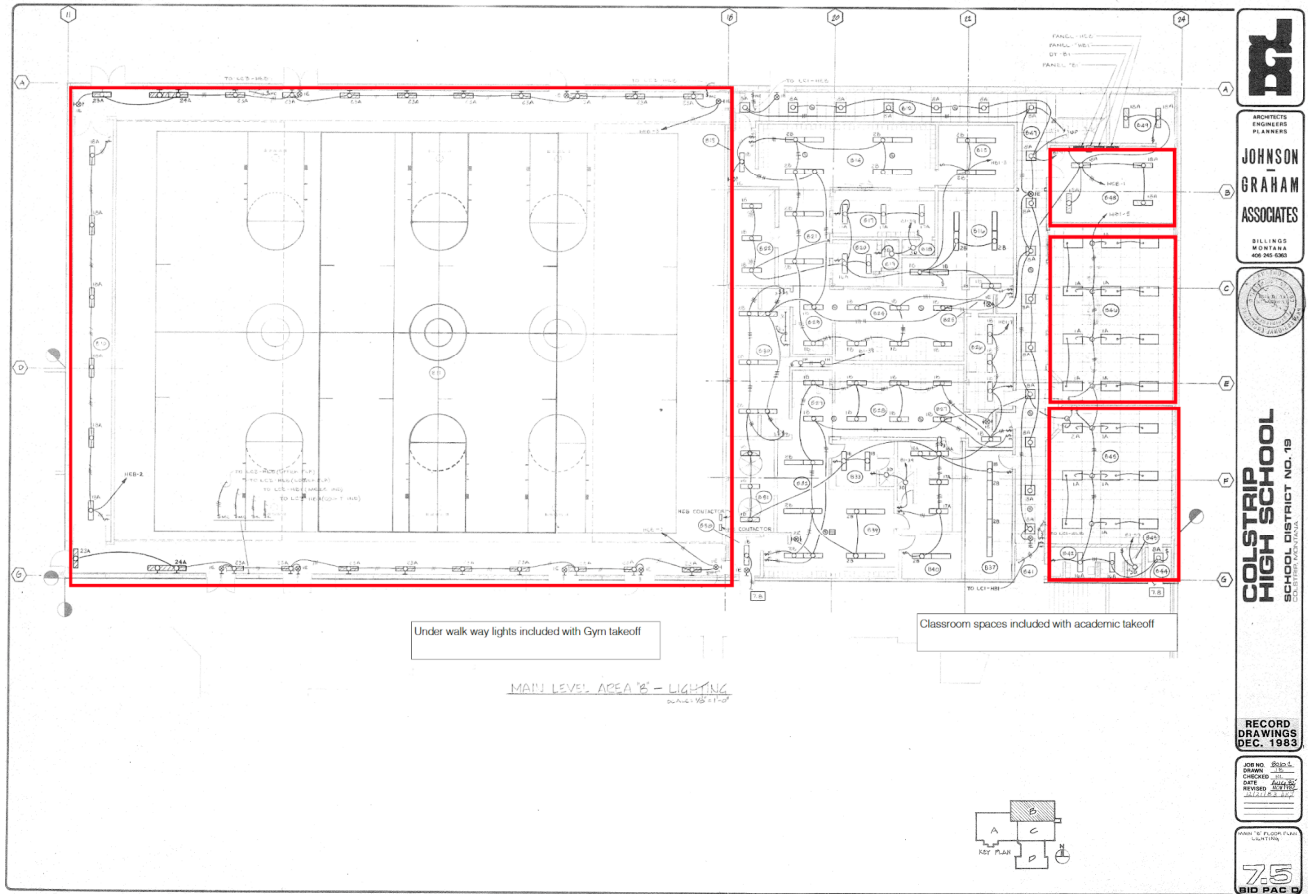


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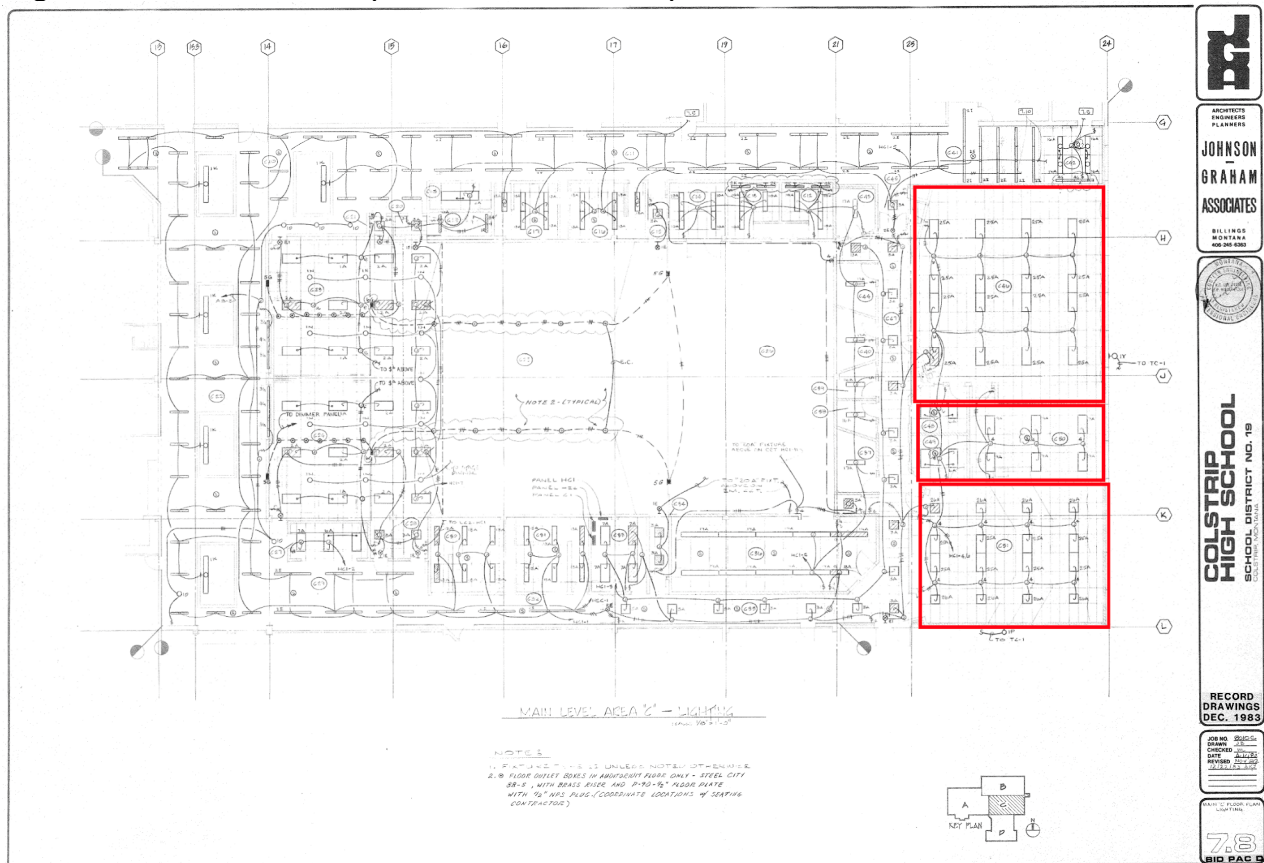
High School KEY PLAN B (Gymnasium Upper)



High School KEY PLAN B (Gymnasium Lower)



High School KEY PLAN C (Auditorium/Fine Arts)



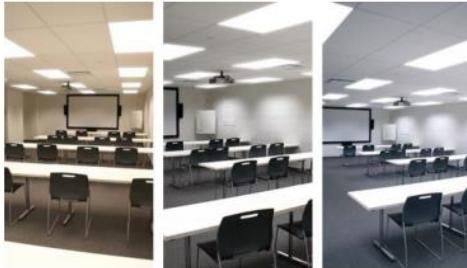
37



44W LED Panel - Color Selectable

Order Code: PN41751

CCT Selectable: 3500K / 4000K / 5000K



3500K

4000K

5000K

Description

Venture Lighting's color temperature selectable LED panels are low profile, lightweight, and designed for long life and low maintenance. These thin luminaires are designed to quickly and easily upgrade existing fluorescent fixtures and be more versatile than other LED panels. The high performance LED source is mounted to ensure proper thermal management of the system. Each fixture is capable of changing CCT with a simple flip of a switch. The CCT Selection method allows for a cost effective method to reduce stocking inventory by 66%.

- Change from 3500K, 4000K or 5000K with just the flip of a switch.
- All CCT Selectable Panel fixtures are preset to 4000K at the factory.

Construction

The high performance LED source is mounted to ensure proper thermal management of the system. The design allows for a cooler running LED chip which leads to longer lifetime, better efficacy, and color consistency.

Optics

Each fixture utilizes a specially engineered optic which is designed to have low glare yet maximize the product performance.

Electrical

The power supply has a range of 120-277V, 50/60 Hz. Driver input voltage terminal block can use 12 to 22 wire gauge. Driver output voltage terminal block can use 16 to 22 wire gauge. 0-10V DC dimming capability is standard.

Mounting

The fixture is designed for replacing fluorescent fixtures in T-grid applications. Fixtures are IC-rated and rated for damp and dry locations.

Product Performance

Wattage	44W		
	CCT	DLC Model#	Lumen Output
Standard	4000K	P124-48N-ANR-C	4740
Field Selectable	3500K	P124-48B-ANR-C	4660
Field Selectable	5000K	P124-48C-ANR-C	5030
Color Rendering Index (CRI)	80+		
Life Hours	50000		
Operating Temperature Range	-13°F to 113°F (-25°C to 45°C)		

Physical Characteristics

Fixture Color	White
Weight	11.0 lbs
Width	23.7"
Length	47.7"
Height	1.9"
Panel Size	2x4

Electrical Characteristics

Amperage Draw (Input Volts/Amps)	120/0.42 208/0.25 240/0.22 277/0.19
----------------------------------	-------------------------------------

Regulatory Qualifications

cULUS Listed

DLC Model# (4000K) P124-48N-ANR-C

DLC Model# (3500K) P124-48B-ANR-C

DLC Model# (5000K) P124-48C-ANR-C

IC-Rated

Accessories

KT18522 2X4 SURFACE MOUNT KIT, WHITE

KT18916 2X4 DRYWALL MOUNT KIT, WHITE

BB23468 BATTERY BACK-UP*

AC25420 - 3/8" 3-WIRE 14/3 600V MAX 6FT FLEX. WHIP

Add suffix "-WP" to order code for a factory installed fixture with a 6ft whip (Part # AC25420)

Add suffix "-PP" to order code for a factory installed fixture with PowPack.

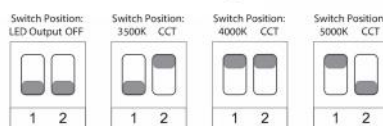
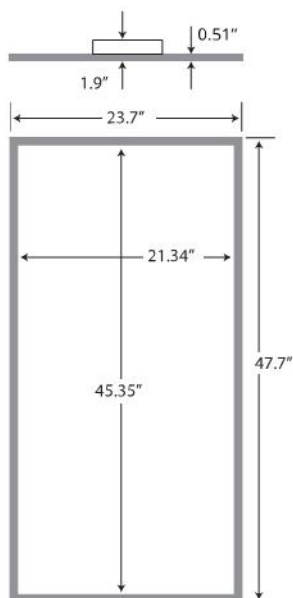
*For a factory installed Battery Backup add "-EM" after order code (Lumens 860) - Temp range for battery backup: (0-45°C)



2451 Enterprise Parkway East, Twinsburg, Ohio 44087 | Tel: 800-451-2606 | Fax: 800-451-2605 | www.venturelighting.com

Venture 44W LED Panel - Color Selectable

44W 2x4 LED Panel



(800) 451-2606
 Fax: (800) 451-2605
 2451 Enterprise Parkway East
 Twinsburg, Ohio 44087 USA
 E-mail: venture@adlt.com
VentureLighting.com



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Lighting Quantity Takeoff and Pricing Estimate for Colstrip Public Schools LED Lighting Replacement Project 2020

Description	Totals per Fixture
Gym 200 Watt UFO	\$519
Gym U-Bent LED Replacement	\$304
Gym 4'x 2'-4" Lamp Wall Lights	\$319
Academic 2' x 2'	\$269
Academix 2' x 4'	\$294
Academic 1' x 4'	\$288
Parabolic Lamp	\$127
Academic Library LED Re-Lamp	\$178

Selected CHS Academic Areas:

250 - 2'X4'

34 - 2' x 2'

8 - 4' Wall Lights

116 - Parabolic lights

114 - 4" LED lamp replacements

9 - 1' x 4'

Subtotal Cost: \$116,162

CHS Gym Area:

90 - UFO high bay lights

31 - Replace U-Bent LED lamps

30 - Wall Lights

Subtotal Cost: \$68,697

Pine Butte Elementary School

50 - 2' x 4'

2 - 2 'x 4'

26 - 1' x 4'

Subtotal Cost: \$23,750

APPENDIX B

Resolution identifying exemption to the MEPA review under ARM 8.2.328(2)

- Project involves only minor repairs or rehabilitation to an existing facility, including functional replacement of an existing facility or facility components;
- Project where the footprint of the proposed structures, pipelines or other infrastructure would be substantially unchanged from existing conditions, and there is no increase in the population served by the facility.

As per Colstrip Public District Policy 1400 Board Meetings, the following agenda was posted in a manner that will receive public attention. It was posted at the Post Office and at all school building main entries (Frank Brattin Middle School, Pine Butte Elementary School and Colstrip High School). This process serves as Colstrip Public Schools public notice. The District also provides public notice using an online service called BoardDocs. Below is the notice and header used.

Special Board Meeting Wednesday, January 22, 2020

Notice is hereby given to the governing Board and general public that the Special Board Meeting of the Governing Board for the Colstrip School District #19 will be held Wednesday January 22, 2020 beginning at 5:00 PM in the District Board Room located in the lower level of the Frank Brattin Middle School. Following is the proposed agenda:

Main Governing Board



View the
Agenda



Print the
Agenda



Add
Minutes

<https://www.boarddocs.com/mt/cpsd19/Board.nsf/vpublic?open>.

Agenda Item Details

Meeting	Jan 22, 2020 - Special Board Meeting
Category	NEW BUSINESS
Subject	Montana Coal Impact Grant Application for Colstrip Public Schools LED Lighting Project
Access	Public
Type	Action
Recommended Action	NOW, THEREFORE, BE IT RESOLVED by the Colstrip Public School District # 19 Board of Trustees as follows: That Colstrip Public School District # 19, in Colstrip Montana adopts the Colstrip Public Schools LED Lighting Project for submission to the Montana Coal Board for a Montana Coal Impact Grant at the March 12, 2020 Coal Board Meeting.

Public Content

WHEREAS: ELIGIBILITY FOR COAL BOARD GRANTS

The governing body of a city, town, county, or school district, any other local or state governmental unit or agency, or the governing body of a federally recognized Indian tribe may apply for a grant to enable it to provide governmental services that are needed as a direct consequence of an increase or decrease of coal development or of an increase or decrease in the consumption of coal by a coal-using energy complex. (90-6-208, Montana Code Annotated)

Under 90-6-209, MCA, the Coal Board may not approve a grant to an Indian tribe unless:

(a) the governing body of the tribe has agreed:

- (1) to waive its immunity from suit on any issue specifically arising from the transaction of a grant obtained under this part; and
- (2) to the adjudication of any dispute arising out of the grant transaction in the district court of the first judicial district of the State of Montana; and
- (b) approval of the transaction has been obtained from the Secretary of the United States Department of the Interior whenever approval is necessary

WHEREAS: CRITERIA FOR AWARD OF COAL IMPACT GRANTS

In accordance with current statute: 90-6-206, MCA Basis for awarding grants:

(1) Grants must be awarded on the basis of:

- (a) need;
- (b) degree of severity of impact from an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex;
- (c) availability of funds;
- (d) degree of local effort in meeting these needs; and
- (e) in addition, State law (90-6-207[5], MCA) requires the Coal Board to give attention "to the need for community planning before the full impact of coal development or decline is realized.

Applicants should be able to show how the request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems." Therefore, pursuant to Sub- Chapter 3 of the Administrative Rules of Montana, 'planning' is an additional criterion the Coal Board will apply when judging applications.

WHEREAS, **Colstrip Public School District #19** has completed a review of its Deferred Maintenance list of \$5 million dollars to identify potential projects for consideration through the Colstrip Board of Trustees Facility Committee for recommendation to the Montana Coal Board to request application for a Montana Coal Impact Grant at the Coal Board Meeting on March 12, 2020.

WHEREAS, The **Colstrip Board of Trustees Facility Committee** is recommending the following project for consideration: **Colstrip Public Schools LED Lighting Project**;

Below is the Agenda and Notice posted.

Special Board Meeting Wednesday, January 22, 2020

Notice is hereby given to the governing Board and general public that the Special Board Meeting of the Governing Board for the Colstrip School District #19 will be held Wednesday January 22, 2020 beginning at 5:00 PM in the District Board Room located in the lower level of the Frank Brattin Middle School. Following is the proposed agenda:

Main Governing Board



View the
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216 Olive Drive • P.O. Box 159 • Colstrip, MT 59323-0159 • 406-748-4699

RE: Colstrip Public Schools LED Lighting Project

WHEREAS, **Colstrip Public School District #19** has completed a review to identify potential environmental impacts to the **Colstrip Public Schools LED Lighting Project**;

WHEREAS, **Colstrip Public School District #19** has held a public meeting to solicit public comments regarding the following: potential for causing a significant effect on the quality of the human environment; potential public controversy over the project's possible effect on the quality of the human environment; and potential to affect sensitive environmental or cultural resource areas or endangered or threatened species and their critical habitats;

WHEREAS, No substantive public comment was received;

WHEREAS, **Colstrip Public School District # 19** has determined that the **Colstrip Public Schools LED Lighting Project**; will not significantly affect the quality of the human environment; a significant public controversy does not exist over the project's potential effect on the quality of the human environment; and the project will not affect sensitive environmental or cultural resource areas or endangered or threatened species and their critical habitats;

WHEREAS, **Colstrip Public School District # 19** has determined an Environmental Assessment and Environmental Impact Statement are not necessary;

NOW, THEREFORE, BE IT RESOLVED by the **Colstrip Public School District # 19 Board of Trustees** as follows:

That **Colstrip Public School District # 19**, in Colstrip Montana adopts the determination that a Categorical Exclusion for **Colstrip Public Schools LED Lighting Project** is appropriate.

Passed and approved on this date of (dated).

Signed:

Date:

Name:

Attested:

Title:

Coal Board Grant Applicant #0915 Colstrip Public Schools Staff Report / December 2020 Meeting

Applicant: Colstrip Public Schools

Project: Replace fluorescent lighting with LED lighting at two schools

Coal Board Funds Requested: \$229,470

Total Project Cost: \$249,433

Project Information:

The applicant is requesting \$229,470, of a total project cost of \$249,433, in Coal Board funds to replace the remaining fluorescent lighting with LED lighting at Pine Butte Elementary and Colstrip High School, which includes classrooms and gym. The request to the Board is 92% of the project costs. The purpose of the project is to address energy inefficiencies, high maintenance costs; and health risks/issues. **The applicant is a designated unit.**

Categories:

Need:

- **Applicant:**
 - The applicant states that the benefits of LED lighting are crucial for improved student concentration and performance, energy savings, health benefits, and reduced maintenance costs.
 - The environmental review documentation included public notice where the environmental determination was discussed. The environmental resolution was not signed, and no meeting minutes were included.
- **Staff Review:**
 - The proposed project is to replace remaining fluorescent lighting with LED lighting at Pine Butte Elementary and Colstrip High School in the following areas:
 - Colstrip High School Classrooms
 - Colstrip High School Gymnasium
 - Pine Butte Elementary Classrooms
 - Procurement documentation was not found in the application.
 - Staff has determined that the environmental process is incomplete.

Degree of Severity of Impact:

- **Applicant:**
 - The applicant discusses the diverse enrollment of the school from the Northern Cheyenne Indian and the Crow Reservations and how the community of Colstrip is centered around the production of coal fired electricity.
 - Direct and indirect impacts from nearby mines and plants are discussed in the application.
- **Staff Review:**
 - Documentation provided for severity of impact included narrative in the application.

Availability of Funds:

- **Applicant:**
 - The applicant details the amount of coal gross proceeds for fiscal years 2017 and 2018 and a projection for fiscal year 2019 and discusses how public school funding is determined and the changes in enrollment.
- **Staff Review:**
 - If applicant does not receive funds, project will not proceed. No other funding sources are proposed
 - The applicant is a designated unit.
 - Revenues related to the Coal Natural Resource account are not sufficient to fund the costs associated with this project request.

Degree of Local Effort in Meeting Needs:

- **Applicant:**
 - The applicant discusses how over the past 14 years, the voters of Colstrip have consistently passed annual levies to support its educational system and facilities in Colstrip.
 - The applicant states that the district has already installed and funded over \$150,000 in LED lighting.
- **Staff Review:**
 - Millage rates provided by MDOR data demonstrates the average millage rates for the previous three years are lower than the current year millage rates. MDOR data years: 2016-2017, 2017-2018, 2018-2019.
 - The applicant proposes contributing \$19,963 of district funds to the project, representing 8% of the project costs.

Planning & Management:

- **Applicant:**
 - The City of Colstrip updated the Growth Policy in 2019. Additional planning documents include a Capital Improvements Plan, Water Master Plan, Trails map and Zoning Regulations.
- **Staff Review:**
 - The community has a strong planning foundation and have been proactive with the local economic development group in anticipation of the closure of Units I and II.
 - Infrastructure needs at Colstrip Public Schools is addressed in the recent Growth Policy.

Grant History:

Since 2009, the applicant has been awarded two projects totaling \$744,853. For more information on Coal Board projects for this or any other applicant, please visit the Commerce Grants Database at <https://commerce.mt.gov/About/FundedProjects>.

Supplemental Documents (not included in this staff report): maps, schools plans for lighting, produce descriptions and price quotes.

Staff Summary:

See engineer memo.

The applicant provided public notice where the environmental determination was discussed. The environmental resolution was not signed, and no meeting minutes were included.

“The applicant must provide documentation of the completed environmental review process and include with the application all documentation of the public review process, including but not limited to, the public notice for and minutes of a public hearing at which the environmental review was discussed, the public comments received, and the final decision on the environmental determination made during a public meeting” (Montana Coal Board Application, pg 27).

The environmental review record in this application is incomplete. The Board may categorically exclude projects from MEPA requirements which apply to Coal Board regulations. The proposed project could fall under a Coal Board categorical exclusion (ARM 8.2.304(5)). Therefore, the board has two options. The board may postpone action on the project for failure to complete the application. Or the board may designate the project as categorically excluded from MEPA review (see ARM 8.101.203) during a public meeting. To facilitate the opportunity for the board to make this decision, the agenda has included public notice concerning this environmental review decision.

Staff does not recommend funding until environmental review record regulations have been met. Further, staff does not recommend funding due to the statutory criteria: Availability of Funds.

MEMO

To: Coal Board Members and Commerce Staff
From: Division Engineer
Subject: Colstrip Schools – LED lighting
Meeting: March 2020, re-applied Dec 2020

History – Colstrip High School was constructed in 1983. The buildings were constructed with fluorescent lighting. The lighting tubes last about 3-5 years and the ballast that runs those tubes have reached their life cycle and are burning out. The District has been replacing its fluorescent lighting with LED fixtures in classrooms for the past three years.

Problem – Problems identified in the application included the following:

- energy inefficiencies,
- high maintenance costs, and
- health risks/issues.

<SAME> Solution – The proposed project includes replacing remaining fluorescent lighting with LED lighting at Pine Butte Elementary (classrooms) and Colstrip H.S. (classrooms and gym).

The purposes of the project are to reduce future maintenance costs and improve the learning environment. Benefits of LED lighting were noted in the application and included the following:

- improved student concentration and performance,
- energy savings,
- health benefits and
- reduce maintenance costs.

<SAME> The Coal Board grant request is for \$229,470. The total cost is \$249,433; the District is contributing \$19,963 in project contingency.

The source of the cost estimates was from a lighting system manufacturer. Catalog cuts were provided. The school has already spent about \$150,000 over the past three years replacing the existing lights with LED lighting. The district has hired McKinstry as the design builder for the project. Procurement documentation was not found. Color coded reflected ceiling plans were provided to show areas already completed (green) and areas that need new LED fixtures (red).

Public notice documentation and the applicant's environmental determination were included with application.

The application noted the district has completed a Centralization Project Study. A recommendation from the study was to reduce the facility footprint for the district. Both Colstrip High School and Pine Butte Elementary School will be the anchor facilities when a reduction in the facility footprint is needed.

Although the work scope and cost estimates are the same, the application was revised slightly from the previous application.



Community Development Division

Montana Coal Board

Project Administration Manual

DOCCDD@mt.gov

<https://comdev.mt.gov/Boards/Coal>

301 South Park Avenue
PO Box 200523
Helena, Montana 59620-0523

Phone: (406) 841-2770
FAX: (406) 841-2771

CHAPTER I

PROJECT START-UP REQUIREMENTS

I. Overview

This chapter offers background information on the Coal Board (the Board) and summarizes the key considerations and important steps each grantee will need to take to start a successful Coal Board grant award project.

Each grantee can incur reimbursable project costs as of the authorized date of the quarterly Coal Board meeting at which the grant was awarded. Those costs will be eligible for reimbursement once the grantee meets all start-up conditions and executes a contract with the Coal Board. If the grantee fails to meet start-up requirements, a contract is not executed, a grant recipient is unable to comply with the terms and conditions of the contract, or costs incurred are not eligible for Coal Board funding, those costs will be the sole responsibility of the grantee. All biennial Coal Board projects must meet conditions and deadlines as set forth in authorizing legislation for project awards, which may impact the obligation or commitment of Coal Board funds.

In order to execute a contract with the Coal Board, the grantee must submit the following items:

- A revised project budget that is acceptable to all of the funding sources identified. The budget should clearly identify the portion of the project being funded by the Coal Board project grant, as described in the grantee's award letter;
- An updated version of the project implementation schedule to reflect current conditions at the time of contract execution;
- Documentation of firm commitment of funds;
- Compliance with Financial and Accounting Standards;

II. Project Budget

The preliminary project budget submitted in the grant recipient's application must be updated to reflect current conditions at the time of contract execution and will be attached to and incorporated by reference into the contract. At the time the project is ready to enter into a contract, an updated budget narrative explaining the amounts listed for each line item that Coal Board will be paying for, will be required to be submitted. It is important that the preliminary project budget at the time of contract execution is acceptable to all the funding sources identified. When the project is ready to begin the construction phase, the project budget will need to be revised to reflect the actual amount in the construction bid. In the event, that the construction bid is less than the budgeted amount, the construction line items must be revised to reflect the reduced costs. For information on the process to follow in amending the project budget after the contract has been executed, see Chapter 2.

If there are any savings upon completion of the project, the Department reserves the right to share proportionately in those savings with all funding sources. The Coal Board grant recipient may request to use the difference between the final actual project costs and the original grant award to fund additional work that further enhances the project. However, the Department will not approve the request until the original project is completed or at least close to completion and the total cost

can be determined. The Coal Board grant recipient should submit a written request to use remaining Coal Board funds for the additional work activities, including full rationale and cost details, for Board review and approval. The decision to allow additional work activities to be funded with remaining Coal Board funds is strictly at the sole discretion of the Board.

III. Project Implementation Schedule

The project implementation schedule submitted in the grant recipient's application must be updated to reflect current conditions at the time of contract execution and will be attached to and incorporated by reference into the contract. The final implementation schedule for the Coal Board contract should identify all key tasks and more precisely define, if possible, when each must be accomplished to complete the overall project.

IV. Obtaining Firm Commitment of Other Funding Sources

As a condition of project start-up, the Coal Board grant recipient must provide adequate documentation of the firm commitment of all non-Coal Board funds. This is to prevent a situation where a project is started but cannot be finished, or payment to contractors is delayed because the necessary project funds are not available.

If the Coal Board grant recipient changes one of its sources of funding after receiving the Governor's Award letter, or if the cost of the project increases substantially after obtaining the firm commitment of non-Coal Board funds and additional funding is required from existing or new sources, the Board may, at its sole discretion, withdraw the award to the grant recipient, suspending distribution of Coal Board funds until there is once again a firm commitment of funds for the project.

V. Established Financial Accounting System

Local government and district grantees must be in compliance with the auditing and reporting requirements provided for in Section 2-7-503, MCA, and demonstrate that they have an established financial accounting system in place that conforms to generally accepted accounting principles (GAAP). Tribal governments must comply with auditing and reporting requirements provided for in OMB Circular A-133.

Program staff will confirm whether a grant recipient is in compliance with the auditing and reporting requirements with the Department of Administration, Local Government Services (LGS) Bureau. A grantee can also view information related to their audit and financial status available at any time on the Department of Administration, Local Government Services website at <http://sfsd.mt.gov/LGSB>.

The LGS Bureau services are available at the request of any local government to help the entity comply with statutory financial and budgetary reporting requirements.

VI. Adherence to Design Standards or Generally Accepted Industry Standards

The grant recipient must demonstrate that the proposed project in final design adheres to all design standards required by applicable regulatory agencies. Recipients of program funds for projects that are not subject to any design standards must demonstrate that the final project design complies with generally accepted industry standards.

VI. The Management Plan

Coal Board grant recipients that are administering a public infrastructure or public housing project, must prepare and submit a signed management plan. A sample management plan is included as Exhibit 7. The management plan will establish how the grantee will allocate responsibility for complying with the Coal Board grant and other state requirements, including but not limited to the proper financial management of Coal Board funds, review of contracts and requests for reimbursements, compliance with labor standards, and completion of environmental review. In all cases, the grantee must maintain effective control over and accountability for all funds.

In the management plan, the grantee may designate an existing or new public employee (such as a planning director, public works superintendent, or clerk) as the Coal Board grant manager; hire a consultant to manage the grant through applicable competitive procedures for procurement of services; or contract with another local government or existing special purpose agency, such as an economic development corporation, to manage a grant. If the grantee will work with any other governmental entity or non-profit organization to manage its Coal Board grant, the grantee must execute an agreement establishing the responsibilities and duties between the two agencies. A sample agreement is included as Exhibit 8. All executed contracts or agreements, including those for engineering services or grant services, and documentation of procurement for applicable services, to be paid for in whole or in part by Coal Board funds must be submitted to the Department. Additionally, Coal Board may request a copy of any contract related to project activities.

VII. Environmental Review

Coal Board grants are a state action subject to the Montana Environmental Policy Act (MEPA). MEPA specifies three different levels of environmental review, based on the significance of the potential impacts. The levels are: (1) exempt or categorially excluded from MEPA review; (2) environmental assessment (EA), and (3) environmental impact statement (EIS). For detailed information on MEPA, see *A Guide to the Montana Environmental Policy Act*, or *A Citizen's Guide to Public Participation in Environmental Decision making*, at <https://leg.mt.gov/committees/interim/eqc/montana-environmental-policy-act/>.

At the time of application to the Department, the environmental review process was completed, and documentation of the process was submitted as part of the application. Please be advised that if project activities are modified to the extent that a new environmental review is required, MEPA processes must be followed before additional work can be completed. For additional information, please see the Coal Board website.

VIII. Coal Board Contract

The executed contract between the grantee and the Coal Board is the legal document that governs the administration of the grant, and will identify the following items:

- the total amount of Coal Board funds to be provided;
- the scope of work;
- a preliminary project budget for the use of Coal Board funds and any other funds involved in the project;
- the implementation schedule for the project;
- any special conditions placed on the grant by the Board or Department; and
- the general terms and conditions associated with the grant.

The process of finalizing the contract will include finalizing the project budget and implementation schedule and incorporating the scope of work to be completed by the grantee. The grantee's application for Coal Board grant funds, as approved by the Coal Board, is incorporated by reference into the contract and the representations made therein are binding upon the Grantee.

The Commerce project liaison will contact the grantee to confirm contract signers and additional contacts before routing the contract electronically through DocuSign.com.

CHAPTER 2

PROJECT MANAGEMENT

I. Overview

This chapter provides information about the management of the project including project administration, budget amendments, scope changes, expenses eligible for reimbursement, ineligible expenses, and what is required to receive your Coal Board funds.

Each grantee is required to comply with all applicable local, state, and federal laws of regulations throughout the project. This includes adherence to all applicable design standards, environmental mitigation requirements, and building codes. Therefore, a copy of all applicable permits that are obtained for the project must be submitted to the Department prior to commencing construction activities.

II. Project Lifespan

For Coal Board construction projects, construction activities must be completed as identified in the project's implementation schedule and the executed contract with the Coal Board. The Board, in its sole discretion, may grant an extension to the scheduled date if the project is near completion, and the grant recipient can demonstrate a good faith effort to complete the project on time and within the original budget.

III. Project Amendment

At some point during the project, the grantee may need to modify the scope, budget, or implementation schedule for the project. The following process should be followed for accomplishing such modifications:

a. Budget

Modifications to the budget of less than \$5,000 to any one-line item of the budget can be submitted as part of the grantee's request for reimbursement request, and Department of Commerce approval of the request for reimbursement will constitute approval of the modification.

For budget amendments of \$5,000 or more to any one line item of the budget, or when the sum of budget adjustments for the project exceeds \$5,000, the Coal Board grantee must provide a written justification to the Board that clearly demonstrates the appropriateness and necessity of the modification. The Board must agree in writing to any significant changes in the budget before such changes may be implemented by the grantee.

Any budget adjustments made during the project should be listed and tracked throughout the project.

The Coal Board grant recipient may request to use the difference between the final actual project costs and the original grant award to fund additional work that further enhance a project. The Coal Board grant recipient should submit a written request to use remaining Coal Board funds for the additional work activities, including full rationale and cost details, for Board review and approval. The decision to allow additional work activities to be funded with remaining Coal Board funds is strictly at the sole discretion of the Board.

b. Implementation Schedule

The grantee may modify the implementation schedule as necessary to reflect the timeline being followed as the project moves forward, so long as the project's completion date as listed in the executed contract is met. The grantee should submit details regarding any changes to the schedule as part of the grantee's next request for reimbursement, and Department approval of the request for reimbursement will constitute approval of the modification.

If the grantee seeks to extend the completion date of its Coal Board project beyond the date designated in the executed contract and implementation schedule, the grantee must request and receive Coal Board approval.

c. Scope of Work

If the grantee seeks to change any part of the scope of work of the project, as identified in the contract with the Board, the grantee must first provide a written justification to the Board that clearly demonstrates the appropriateness and necessity of the modification.

The Department or Board, in their sole discretion, may grant a modification to the project scope of work that does not materially alter the intent or circumstances under which the project was approved for funding.

IV. Eligible and Ineligible Project Expenses

Expenses eligible for Coal Board funding include, but are not limited to:

- Expenses that directly relate to project activities that implement the scope of work identified in the Coal Board contract;
- Professional services that directly relate to design activities that implement the scope of work identified in the Coal Board contract;
- Repayment of interim financing directly related to project activities that implement the scope of work identified in the Coal Board contract;

Expenses that are **not eligible** for Coal Board funding include but are not limited to:

- Costs related to refinancing, servicing, or interest on any existing debt;
- Any unauthorized costs incurred prior to the date identified in the Notice of Award letter; and
- Privately owned service lines.

V. Requests for Reimbursement and Progress Reports

a. Project Requests for Reimbursement

Prior to the first draw request, the following documentation is required:

- Documentation of the firm commitment of other funding sources for the Coal Board project, including adequate documentation if necessary. Acceptable documentation could include a letter assuring the Department that the funding is available in the Grant recipient's budget, an award letter from another grant program, a commitment letter from private donors or trusts, etc.
- Completed and notarized Signature Certification Form for those individuals to be authorized to process and approve requests for grant funds.
- Completed Designation of Depository for Direct Deposit of Coal Board Funds.
- Certificate of liability insurance as required and described in the Commerce contract; and
- Proof of the Grant Recipient's Worker's Compensation Insurance (for more information, refer to the Commerce contract).

Grantees initiate a request for Coal Board funds by preparing and submitting the Request for Reimbursement Form. The grantee can only be reimbursed for project-related, actual costs that have been incurred, and must provide adequate and sufficient documentation supporting each claim for expenses to be reimbursed. Itemized invoices, for the contractor, any subcontractors, consultants, and vendors or suppliers, typically constitute adequate and sufficient documentation for reimbursable expenses, the invoice must include:

- a description of work performed,
- the number of hours worked to accomplish each item,
- the amount being billed for each item;
- work performed date(s) and work items completed, if upon request from Coal Board
- beginning and ending billing period dates;
- a description of any other eligible expenses incurred during the billing period; and
- the total amount being billed.

Lump-sum contracts typically do not provide for adequate and sufficient documentation for reimbursement of project expenses with Coal Board funds and they are generally not allowed for design and construction engineering services. Cost plus or 'multiplier' contracts and expenses are not allowable on Coal Board projects.

If budget modifications are found to be necessary while preparing a draw request, Commerce staff should be notified of the modification prior to the draw being submitted. Please work closely with your project liaison regarding budget modifications.

The Board may retain two percent (2%) of the total authorized grant amount until:

- the project has been completed (certificate of Substantial Completion)
- Final closeout report has been submitted by grantee and approved by the Department.

See Exhibit I and the Coal Board website for the Request for Reimbursement Form.

Project Progress Reports and Photos

Each request for funds must be accompanied by a Project Progress Report, which could be in the form of a document, emailed project update, and/or photographs of the project. There is no specific format of the progress report. In the absence of a draw request regularly submitted, a Project Progress Report should be submitted every 90 days as a project update on activities occurring on the project. Project progress reports can also be provided by the grantee in person at the regularly scheduled quarterly Coal Board meeting. In the project report, the grantee may describe the status of all activities in the scope of work, including: the percentage complete, costs incurred, funds remaining, projected completion date, any significant problems encountered in carrying out the Project and the scope of any necessary modifications the grantee is requesting in the scope of work, budget, or implementation schedule.

Project photos are encouraged to be submitted to the Board at the beginning of the project and at the completion of the project. Photos should evidence the improvements made with Coal Board funds.

b. Uniform Status of Funds Form and Invoice Tracking Spreadsheet

Draw requests for all project types (construction, equipment, planning) for Coal Board funds must also be accompanied by an updated Uniform Invoice Tracking Spreadsheet. The Uniform Invoice Tracking Spreadsheet provides the Board updated information on all cumulative invoices received and paid for on the project, broken out by all funding sources involved in the project.

For construction projects, a Uniform Status of Funds Form is also required. This form provides the Board updated information on the remaining budget for the project and the status of all funding sources involved in the project.

VI. Accounting and Auditing Requirements

Coal Board local government and district grantees must maintain all receipts and expenditures of Coal Board grant funds in accordance with generally accepted accounting principles (GAAP) and be in compliance with the auditing requirements of Section 2-7-503, MCA, as provided for in Section 20-9-213, MCA. Coal Board tribal government grantees must maintain all receipts and expenditures of Coal Board grant funds in accordance with the requirements provided for in OMB Circular A-133.

VII. Records Creation and Retention

The grantee must create and maintain all records of project activities funded with Coal Board grant funds, including but not limited to financial records, supporting documents, and such other records as are required by law or other authority, for five (5) years after either the completion of the project or the conclusion of any claim, litigation, or exception relating to the project taken by the State of Montana or any third party, whichever is later. The grantee must provide the Department, the Legislative Auditor, or their agents access to all project records upon request.

VIII. Ethics and Code of Conduct

Sections 2-2-12, 2-2-201, 7-3-4256, 7-3-4367, 7-5-2106, and 7-5-4109, MCA, govern the code of conduct and conflicts of interest by all local governmental entities and public employees, including elected officials, district board members, and district employees. These laws must always be followed by Coal Board grant recipients, regardless of their participation in the Coal Board grant program.

IX. Procurement Procedures

Title 7, Chapter 5, Parts 23 and 43, MCA govern the procurement of construction and purchasing contracts by Coal Board local government and district grantees. Tribal governments are subject to their own tribal procurement laws. These laws must always be followed by these entities, regardless of their participation in the Coal Board grant program.

Coal Board grantees should be prepared to provide information to the Department about how they intend to procure or procured grant administration, professional services and construction services in accordance with the procurement laws applicable to them, including but not limited to the list of vendors to be or that were solicited, a copy of any advertisements, a copy of the request for proposals, or the information detailing the scope of work if price is the only consideration.

X. Public Notice and Participation

Sections 8 and 9 of Article II of the Montana Constitution, and Sections 2-3-101, 2-3-201, and Title 7, MCA, require Coal Board local governments and district grantees to hold regular and special public meetings, provide public notice of those meetings, and allow the public the opportunity to participate in the grantee's decision-making process. These laws must always be followed by Coal Board local governments and district grantees, regardless of their participation in the Coal Board grant program. Grantees should be prepared to provide information to the Department about the public process for its Coal Board project, including but not limited to a copy of public meeting agendas and any comments submitted by the public and responses provided during administration of the project.

All press releases related to the Coal Board project must be submitted to the Department for review and approval prior to release.

XI. Non-Discrimination Laws

Coal Board grantees must fully comply with all applicable federal, state, or local non-discrimination laws, rules and regulations, including the Montana Human Rights Act, the Civil Rights Act of 1964, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, the Patient Protection and Affordable Care Act ("ACA"), and Section 504 of the Rehabilitation Act of 1973, in performing any project or portion thereof using Coal Board funds. All subcontractors performing work on the project are subject to the same provision. The hiring of all persons to perform work on the project must be made on the basis of merit and qualifications, and the district shall not discriminate based upon the race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin of the persons performing the project.

XII. Prevailing Wage Requirements

Montana's Prevailing Wage Act (Section 18-2-401, et seq., MCA) applies to all public works contracts let by Coal Board local government and district grantees (all construction contracts and non-construction contracts in excess of \$25,000). These laws must always be followed by Coal Board local government and district grantees, regardless of their participation in the Coal Board grant program. Grantees should be prepared to document the payment of prevailing wages in all applicable contracts related to the Coal Board project.

XIII. Project Monitoring

Recipients of Coal Board funding are responsible for administering their Coal Board projects in accordance with all applicable local, state and federal laws. The Board has the responsibility to assist and support grantees in successfully implementing their project activities from start-up through closeout of the project in compliance with these requirements.

To accomplish these goals, in addition to reviewing information submitted with progress reports and requests for Coal Board funds, the Board or Department may schedule a monitoring visit with each Coal Board grantee. A monitoring visit usually involves a visit to the grantee's offices to review records, inspect project activities, and meet with the local officials.

XIV. Project Completion

Project Closeout is the process by which the Board determines that the Coal Board project has been completed in accordance with the terms and conditions of the Coal Board contract.

Within 90 days of the date the certificate of substantial completion for construction projects, completion of planning documentation, or documentation of equipment purchase, the grantee must submit a final Project Completion Report for approval by the Department. The Project Completion Report is included as Exhibit 6. The report provides the Board and the Department with information on the total costs incurred for the Project, the final completion date, and any significant problems encountered in carrying out the Project. Within 30 days of approving the Project Completion Report, the Board will issue a letter approving the project completion. Once the letter is issued, the Coal Board grant project is considered complete and the file is closed. No more requests for reimbursement requests will be accepted on the project after the project is closed.

Exhibit I

Request for Reimbursement Form

Note: This form is available on the COAL BOARD website in Excel format

SECTION I - COAL BOARD RECIPIENT INFORMATION				
COAL BOARD CONTRACT NUMBER:		REQUEST NUMBER:	TOTAL AMOUNT REQUESTED:	
NAME AND ADDRESS RECIPIENT:		PRIMARY CONTACT:		
SECTION II - FINANCIAL INFORMATION				
	A Amount Budgeted	B Amount Expended Prior To This Draw	C Amount Requested	D Balance Remaining After This Draw
1. TOTAL ADMINISTRATION BUDGET				
2. Percent	% of Total Grant	% of Column A		
3. TOTAL ACTIVITY BUDGET				
4. Percent	% of Total Grant	% of Column A		
5. TOTAL COAL BOARD BUDGET				
SECTION III - LOCAL APPROVAL <small>Submit all supporting invoices, reports and other documentation.</small>				
DATE:	SIGNATURE:		TITLE:	
DATE:	COUNTERSIGNATURE:		TITLE:	
SECTION IV -COMMERCE APPROVAL				
REMARKS:			Total Requested	
			Adjustment	
			Adjusted Total	
EXPENDITURES ARE REASONABLE, APPROPRIATE _____ FINANCIAL NUMBERS, SIGNATURES CORRECT _____ CONSISTENT WITH PRECEDING DRAW, SABHRS _____ BUDGET AMENDMENT APPROVED _____			APPROVED BY:	
			TITLE:	
			DATE:	

Exhibit 2
Signature Certification Form

Montana Department of Commerce
Community Development Division - Coal Board
301 S. Park Avenue
PO Box 200523
Helena, Montana 59620-0523

This is to certify that the following officials¹ are authorized to sign requests for reimbursements of Montana Coal Board funds for the {name of grantee: City, Town, or County}, 20__ grant: {Include one or multiple contract numbers}.

- | | | |
|----|--------------|-------|
| 1. | _____ | _____ |
| | Signature | Title |
| | _____ | |
| | Printed Name | |
| 2. | _____ | _____ |
| | Signature | Title |
| | _____ | |
| | Printed Name | |
| 3. | _____ | _____ |
| | Signature | Title |
| | _____ | |
| | Printed Name | |

It is understood that any two of the above signatories must sign each request for reimbursement submitted.

²I hereby certify that I have witnessed the signing of the above-named signatures.

Signature of Witness

Date: _____

Typed Name and Title of Witness

SUBSCRIBED AND SWORN TO, before me, a Notary Public for the State of Montana, on the _____ day of _____, 20__.

(Notary Seal) _____
My Commission expires _____

Notary Public for the State of Montana (type or print name)
Residing at _____

¹Suggested signatories include the chief elected official (Mayor, Chairperson of County Commission, District President, Tribal Chairperson and/or Tribal Council Members), city, county or district clerk or treasurer, or other local officials. Consultants under contract may not be a signatory.

Exhibit 3
Designation of Depository for Direct Deposit of Coal Board Funds

SECTION I (To be completed by Coal Board recipient)

The _____
Name, Address and ZIP Code of Coal Board Recipient's Bank
has been designated as the depository for all funds to be received from the Montana Department of
Commerce resulting from Coal Board Contract No. {Include multiples if applicable}
MT-CB-_____ for deposit to: ☐ checking or ☐ savings

Account Name / Account # / American Bankers Association # (ABA –Routing/Transit)

Name of Grant Recipient

Address

Signature of Chief Elected Official
or Executive Officer

Title of Chief Elected Official
or Executive Officer

Email address for notification of payments made to grantee from Coal Board

Date

Section II (To be completed by the bank)

The account identified in Section I has been established with this bank. All necessary documentation,
including a power of attorney where necessary, which will legally enable this depository to receive state
warrants from the State Auditor's Office for deposit to:

Account Name and/or Number

Name of Bank

Address

The Depository hereby agrees to immediately notify the Recipient when a deposit is made in the above
account.

Signature of Authorized Bank Officer

Title of Authorized Bank Officer

Date

Exhibit 4

Uniform Status of Funds Form

Available at the Coal Board website:

<https://comdev.mt.gov/Boards/Coal>

Exhibit 5

Uniform Invoice Tracking Spreadsheet

Available at the Coal Board website:

<https://comdev.mt.gov/Boards/Coal>

Exhibit 6

Project Completion Report

Available at the Coal Board website:

<https://comdev.mt.gov/Boards/Coal>

Exhibit 7: Sample Management Plan

The management plan adopted by the local government should reflect the actual procedures utilized by the local government and based on the duties assigned to the various people involved in the project.

Note: This sample is provided to help create a plan that is structured upon the actual procedures utilized by the local government and based on the duties assigned to the various people involved in the project. This sample may be modified to fit the actual needs and management responsibilities of the project.

I. Administrative Structure

The City of _____ is an incorporated city with a Mayor-Council form of government. The following persons will have lead responsibility for administering the City's _____ Biennium Coal Board) {project type} project improvements:

Mayor _____, as the City's chief elected official will have responsibility for all official contacts with the Montana Department of Commerce. The Mayor and City Council will have ultimate authority and responsibility for the management of project activities and expenditure of COAL BOARD funds. The approval of all contracts and requests for reimbursement will be the responsibility of the City Council. (Telephone _____ Email _____)

_____, Clerk-Treasurer, as the City's chief financial officer, will be responsible for management of, and record keeping for, the COAL BOARD funds and other funds involved in the financing of the {type} project. (Telephone _____ Email _____)

_____, Director of the City-County Planning Board, will be designated as Grant Manager and be responsible for overall grant management and assuring compliance with applicable federal and state requirements for the COAL BOARD project. The Grant Manager will serve as the City's liaison with Department for the project. One-fourth of this position's time will be devoted to COAL BOARD administration during the term of the project. (Telephone _____ Email _____)

_____, City Attorney, as the City's legal counsel, will review and advise the Mayor and Council regarding any proposed contractual agreements associated with the COAL BOARD project and provide any other legal guidance as requested. (Telephone _____ Email _____)

_____, Project Engineer will be responsible for construction-related activities including preparation of preliminary engineering, final design plans and specifications, as well as construction inspection. Contractor compliance, scheduling, and reimbursement requests will also be subject to the Project Engineer's review and approval. (Telephone _____ Email - _____)

II. Grant Management

- A. The Grant Manager will be responsible for:
1. Compliance with any applicable environmental requirements.
 2. Assisting the Grant Recipient with all requirements related to effective project start-up and implementation and developing a contract with the Department.
 3. Preparing any legal notices required to be published, and processing and conducting any required public hearings or informational meetings.
 4. Establishing and maintaining complete and accurate project files and preparing all documentation and reports incidental to administration of the grant.
 5. Assisting the Grant Recipient with selection of the Project Engineer, in conformance with procurement requirements, including the preparation of requests for proposals for publication or other distribution.
 6. Reviewing all proposed project expenditures or requests for reimbursement to ensure their propriety and proper allocation of expenditures to the COAL BOARD budget.
 7. In cooperation with the Clerk-Treasurer, processing reimbursement requests and preparing requests for reimbursement to the Department, including the Request for Reimbursement, Status of Funds Report, Invoice Tracking Spreadsheet and the Project Progress Report.
 8. Monitoring the contractor selection process, including the bid advertising, tabulation and award process and construction contract provisions in conformance with applicable laws.
 9. Attending the preconstruction conference and monthly construction progress meetings.
 10. Monitoring contractor compliance with applicable requirements.
 11. Assuring compliance with all state labor standards requirements. Responsibilities will include the review of weekly payroll reports to assure compliance with state prevailing wage requirements; periodic visits to the construction site to assure that required equal opportunity, labor standards, and prevailing wage determinations have been posted; and conducting on-site interviews with construction personnel to assure prevailing wage compliance.
 12. Assuring compliance with applicable equal opportunity requirements.

13. Preparing all required performance reports and project completion documents for submittal to the Department.
14. Attending Council meetings to provide project status reports and representing the COAL BOARD project at any other public meetings, as deemed necessary by the local officials.
15. Receiving official project complaints and ensuring that complaints are reasonably addressed in a timely manner.

B. The Project Engineer will be responsible for:

1. Design and construction engineering.
2. Preparation of the construction bid package in conformance with applicable requirements and supervision of the bid advertising, tabulation, and award process, including the preparation of the advertisements for bid solicitation, conducting the bid opening, and issuance of the notice to proceed.
3. Conducting the preconstruction conference, with the assistance of the grant manager.
4. Supervision of construction work and preparation of inspection reports.
5. Reviewing and approving all contractor requests for reimbursement and submitting the approved requests to the Grant Recipient.

III. Financial Management

A. The Clerk-Treasurer's financial responsibilities will be as follows:

1. Managing the transfer of COAL BOARD funds from the Department to the grant recipient's bank account and disbursing COAL BOARD funds based on claims and supporting documents approved by the grant manager, project engineer, and contractor.
2. Entering all project transactions into the Grant Recipient's existing accounting system and preparing checks/warrants for approved expenditures.
3. With the assistance of the Grant Manager, preparing the Request for Reimbursement and accompanying reports and documentation to be submitted to Department.
4. With the assistance of the Grant Manager, preparing the final financial reports for project completion.

- B. The Grant Manager and Clerk-Treasurer will review all proposed expenditures of COAL BOARD funds and will prepare requests for reimbursement, which will be signed by the officials named on the signatory form. All disbursements will be handled in accordance with the Grant Recipient's established claim review procedures. Before submitting the claim to the Clerk-Treasurer, the Grant Manager will attach a certification to each claim stating that the proposed expenditure is an eligible expense of the Grant Recipient's COAL BOARD project and consistent with the project budget. The Council will review all claims before approving them.
- C. Financial record keeping will be done in conformance with state law. The original financial documents (claims with attached supporting material) will be retained in the Grant Recipient's offices.
- D. Appropriate documentation of administrative costs will be maintained by the Grant Manager and the Clerk-Treasurer to document all time worked on the COAL BOARD project that will be compensated with COAL BOARD funds.

This management plan has been approved by the Grant Recipient, _____ and the individuals named within have been informed of the responsibilities stated within this plan.

Chief Elected Official or
District President

Signature

Date

Exhibit 8

Sample Agreement

Note: This sample should not simply be copied. It is only provided as a sample to help create an agreement with a governmental entity or sub-recipient that is to be reviewed and approved by all parties and their attorney's.

THIS CONTRACT is entered into by (Insert Name of County) County, herein referred to as "the County", and the (Insert Name of District/sub-recipient), herein referred to as "the District/Center".

WITNESSETH THAT:

WHEREAS, the County is the recipient of a COAL BOARD grant to (describe the Project) owned and operated by the District/Sub-recipient; and

WHEREAS, this Contract between the County and the District/Sub-recipient will enable them to enhance cooperation in implementing the County's COAL BOARD award to accomplish the above-described project; and

WHEREAS, the County, in its capacity as a COAL BOARD grantee, has determined that the District/Sub-recipient can better supervise the design and construction phases of the (water and/or sewer) system; and

WHEREAS, the Montana Department of Commerce has required the County to enter into a contract with the District/Sub-recipient specifying the terms and conditions of the County's delegation of certain COAL BOARD grant management responsibilities to the District/Sub-recipient; and

WHEREAS, both parties to this Contract understand that neither local government involved herein has in any way, expressly or implied, abrogated any of its individual powers, and that this Contract does not create any new organization or legal entity.

NOW, THEREFORE, THE COUNTY AND THE DISTRICT/SUB-RECIPIENT MUTUALLY AGREE AS FOLLOWS:

- I. Responsibilities Delegated to the District/sub-recipient
 - A. The District/sub-recipient will, subject to prior approval by the Board of County Commissioners/Directors, retain the services of a consulting engineering firm to design and supervise the construction of the project.
 - B. The District/sub-recipient will be responsible for all facets of the design and construction phases of the project, including the following:

1. Design engineering;
 2. Construction engineering;
 3. Except as provided by paragraph IV. Administration below, compliance with all applicable state and federal requirements;
 4. Except as provided by paragraph IV. Administration below, compliance with all other state and federal requirements as described in the COAL BOARD Project Administration Manual;
 5. Preparation of construction bid documents; and
 6. Supervision of the bid process, the awarding of construction contracts, and construction of the project. The selection of the project contractor will be subject to the ratification of the County Board of Commissioners/directors and bid solicitation documents will reflect this requirement.
- C. The District/sub-recipient and its consulting engineer will receive, review, and approve all requests for reimbursement for the items contained in paragraph B, above, and prepare and submit such requests to the County Board of Commissioners/directors in a timely fashion in accordance with established procedures.
- D. During the term of this Contract, the District/sub-recipient will maintain reasonable records of its performance hereunder in a manner consistent with generally accepted accounting principles. The District/sub-recipient will allow the County and Department and their authorized representatives access to these records at any time during normal business hours. At the request of the County, the District/sub-recipient will submit to the County, in the format prescribed by the County, status reports on its performance under this Contract.
- E. The District/sub-recipient will provide documentation that the local share of the project that exceeds COAL BOARD funds may be accessed by the County for the project no later than the time of construction bid award.

II. Payment of Design and Construction Costs Incurred by the District/sub-recipient

In consideration of the District/sub-recipient's acceptance of the responsibilities described in paragraph I, above, the County agrees to the following:

- A. Upon receipt of a valid claim for payment from the District/sub-recipient for allowable project costs as specified in the County's contract with Department, a copy of which is appended as Attachment A of this Contract, and which by this reference is made a part hereof, the County will request the required amount of COAL BOARD funds from Department and upon receipt of these funds, the

County will honor the District/sub-recipient's claim and pay the engineer or contractor accordingly.

- B. Each payment for engineering and construction costs will be requested from COAL BOARD and District/sub-recipient funds (if applicable) in amounts that are proportionate to the percentage that such funds represent of the total cost of the project as specified in Exhibit B of Attachment A.
- C. The County will deduct a retainage from each payment request equal to five percent of the request, submitted by the District/sub-recipient for construction costs incurred by the project contractor and hold this retainage until construction is completed, the engineer approves final payment, and the project is accepted, all in accordance with the conditions of the construction contract. (Note: A retainage requirement is optional.)
- D. The County will also withhold one percent of the amount of any claim submitted by the contractor and will forward this amount to the Montana Department of Revenue pursuant to section 15-50-206(2), MCA.
- E. The County may refuse to pay any claim which it deems not valid under the terms of the COAL BOARD contract with Department (Attachment A). Any agreement between a COAL BOARD grantee and a subrecipient, such as a water or sewer district, should include a "Scope of Work" which includes a description of the work to be performed, a schedule for completing the work, and a budget. (These items are standard components of any COAL BOARD grant agreement which is referred to here as an attachment.)

III. Duration of the Contract

- A. This Contract takes effect when the following conditions are satisfied:
 - 1. Department and the County Board of Commissioners/directors have executed the COAL BOARD contract;
 - 2. The County Attorney and the attorney for the District/sub-recipient have approved this Contract as to form and content; and
 - 3. The County Board of Commissioners/directors and the District/sub-recipient's governing body have each reviewed this Contract and agreed fully to its terms and conditions.
- B. This Contract will terminate in accordance with the end date identified in the contract with the Department, or 90 days after the project engineer files a certificate of completion of the project with the Montana Department of Environmental Quality and Department closes out the COAL BOARD project with the County.

IV. Administration

For purposes of implementing the joint undertaking established by this Contract, the County's Board of Commissioners and the District/sub-recipient's Board of Directors hereby agree to coordinate with the County's COAL BOARD contract liaison, the project engineer, and a designated representative of the district/sub-recipient. These individuals may meet on a regular basis during the term of the COAL BOARD project to provide for the efficient and effective implementation of this project.

V. Management of Real Property or Equipment Acquired

The primary purpose of this Contract is to allow the County to delegate responsibility for the design and construction of the District/sub-recipient's project to the District/sub-recipient and to define the procedures by which the County will disburse COAL BOARD funds to pay the costs incurred as a result of these activities. The District/sub-recipient's facilities will be constructed or improved as described in the COAL BOARD contract with Department (Attachment A) and the District/sub-recipient may continue to own and operate those facilities subject to the limitations contained in subparagraph B.

Upon the expiration of this Contract the District/sub-recipient will transfer to the County any COAL BOARD funds on hand at the time of expiration and any accounts receivable attributable to the use of COAL BOARD funds.

VI. Indemnification

The District/sub-recipient waives any and all claims and recourse against the County, including the right of contribution for loss or damage to persons or property arising from, growing out of or in any way connected with or incident to the District/sub-recipient's performance of this Contract except claims arising from the concurrent or sole negligence of the County or its officers, agents, or employees. The District/sub-recipient will indemnify, hold harmless, and defend the County against any and all claims, demands, damages, costs, expenses, or liability arising out of the District/sub-recipient's performance of this Contract except for liability arising out of the concurrent or sole negligence of the County or its officer's agents, or employees.

VII. Suspension and Termination

The County may suspend or terminate this Contract if the District/sub-recipient materially fails to comply with any term of the County's COAL BOARD contract with Department. In addition, the County may terminate this Contract for convenience with reasonable notice.

This Contract has been approved by the County's Board of Commissioners and the District/sub-recipient's Board of Directors.

(Name of County) Commissioners

_____ Chairman

Date: _____

_____ Commissioner

Date: _____

_____ Commissioner

Date: _____



COMMUNITY DEVELOPMENT DIVISION

**Montana Coal Board Impact Grant Program
Application and Guidelines**

Grant Applications Due Quarterly, 45 days before the next regularly scheduled Montana Coal Board Meeting

**Meeting dates and application due dates can be found on the Montana Coal Board website:
<https://comdev.mt.gov/Boards/Coal/Meetings>**

DOCCDD@MT.GOV

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- I. Introduction**
- II. Eligible Applicants**
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- IV. Eligible Funding**
- V. Application Submission**
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- VII. Project Administration**

Appendix A: Montana Coal Board Grant Program Application and Statutory Review Criteria

Appendix B: PAR Requirements

Appendix C: Environmental Review Requirements

Appendix D: Environmental Review Flowchart

I. Introduction

The Montana Coal Board, a governor appointed seven-member board, was created in 1975, along with Montana's Coal Severance Tax, through the passage of Senate Bill 87. The Montana Coal Board, referred to the "Coal Board" hereafter, follows Title 90, Chapter 6, Part 2 of the Montana Code Annotated to carry out its responsibilities. The Coal Board is attached to the Montana Department of Commerce (Commerce) for administrative purposes.

As stated in 90-6-201, MCA, the Board's purpose is to assist local governmental units that have been required to expand the provision of public services as a consequence of large-scale development of coal mines and coal-using energy complexes or as a consequence of a major decline in coal mining or in the operation of coal-using energy complexes, to assist in the construction and reconstruction of designated portions of highways that serve the area affected by the large-scale development, to support county land planning, and to support public schools throughout the state.

The Board considers applications and awards Coal Board Impact grants to counties, communities, school districts, Indian Tribes, or other governmental units to assist them in adequately providing governmental services or facilities that are needed as a direct consequence of an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex. The Board is also responsible to award grants to local government for the purpose of paying part or all the credit that the local governmental unit is obligated to give a major new industrial facility that has prepaid property taxes.

The Board meets at least once each quarter, typically during the third week of the third month of each quarter. Additional meetings may be called by the presiding officer or majority of the members (90-6-204, MCA). The Coal Board awards grants pursuant to 90-6-207, MCA, which provides the priorities for grants to counties, communities, school districts, or other governmental units that, as a result of the impact of coal development, has had or expects to have a net increase or decrease in estimated population. The current Coal Impact Area Report, list of designated units, and a map can be found on the Coal Board website: <https://comdev.mt.gov/Boards/Coal>.

These application guidelines explain how an eligible application can apply for Montana Coal Board funding and includes an application and appendices relevant to program requirements. Montana Coal Board program application and guidelines, project administration manual, other relevant information and resources are available on the Montana Department of Commerce (Commerce), Community Development Division (CDD) website at <https://comdev.mt.gov/Boards/Coal>. Interested persons can also e-mail MHPG program staff at DOCCDD@mt.gov or call staff at (406) 841-2770 regarding any questions they may have about the MHPG Program.

Alternative accessible formats of this document will be provided upon request. If you need this document in an alternative format, such as large print, Braille, audio tape, or computer diskette, please contact the Montana Department of Commerce Community Development Division at (406) 841-2770, TDD (406) 841-2702, or the Relay Services number, 711.

The Department of Commerce does not discriminate on the basis of disability in admission to, access to, or operations of its program, services, or activities. Individuals who need aids or services for effective communications or other disability-related accommodations in the programs and services offered are invited to make their needs and preferences known. Please provide as much advance notice as possible for requests.

II. Eligible Applicants

Applicants eligible to receive financial assistance for the Montana Coal Board include:

- Local governmental units (cities, towns, counties, school districts, water and sewer districts, etc.)
- State agencies
- Governing bodies of federally recognized Indian tribes.

Under 90-6-209, MCA, a grant to an Indian tribe may not be approved by the Coal Board unless:

(a) the governing body of the tribe has agreed:

(i) to waive its immunity from suit on any issue specifically arising from the transaction of a grant obtained under this part; and

(ii) to the adjudication of any dispute arising out of the grant transaction in the district court of the first judicial district of the state of Montana; and

(b) approval of the transaction has been obtained from the secretary of the United States department of the interior whenever approval is necessary.

Under ARM 8.101.306 State Agencies:

(1) An eligible state agency is one that:

(a) is seeking a grant to assist a local governmental unit in providing a service which the local government unit is legally responsible to provide in whole or in part, and such service must be expanded because of coal development or decline impact, and the applicant state agency is either joined in the application by the local governmental unit's governing body or has received letters of support from such authority; or

(b) is applying to provide a direct service to the Coal Board to enable the board to more effectively discharge its statutory responsibilities.

Additional Considerations for Eligible Applicants

Applicants should be familiar with their status of audit compliance and related financial considerations at the time of application, as applicable audit and financial compliance reports are reviewed by Commerce staff as part of the ranking process. Information related to the audit and financial status of a local government applicant is available at any time on the Department of Administration, Local Government Services website at <http://sfsd.mt.gov/LGSB>.

III. Eligible Projects

The Coal Board statutes do not specifically prohibit any type of project from eligibility for Coal Board funds. Eligible projects include any governmental services that are needed as a direct consequence of an increase or decrease of coal development or of an increase or decrease in the consumption of coal by a coal-using energy complex. Project types may be construction, equipment purchases, or developing a planning document.

Applicants must document how the project meets the Coal Board statutory criteria (MCA 90-6-206, 90-6-208). Grants must be awarded based on:

- Need;
- Degree of severity of impact from an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex;
- Availability of funds;
- Degree of local effort in meeting these needs.
 - In determining the degree of local effort, the board shall review the millage rates levied for the present fiscal year in relation to the average millage rates levied during the 3 years immediately preceding the year of application for assistance.

- Millage rates for the present fiscal year that are lower than the average millage rate levied during the 3 years immediately preceding the year of application for assistance must be considered by the board to indicate the lack of local effort. The application under these circumstances may be rejected.
- Further, in determining the degree of local effort, the board shall consider the possibility of requiring that local governmental unit to increase its bonded indebtedness to provide all or part of the governmental service or facility that is needed as a direct consequence of an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex.
- To the extent that funds are needed to evaluate and plan for the impact needs caused by the increase or decrease in coal development or in the consumption of coal by a coal-using energy complex, consideration of bond issues and millage levies may be waived.
- To the extent that the applicant has no history of mill levies, the second and third bulleted items do not apply.
- Planning and Management
 - State law (90-6-207(5), MCA) requires the Coal Board to give attention “to the need for community planning before the full impact of coal development or decline is realized.
 - Applicants should be able to show how the request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems.” Therefore, pursuant to Sub- Chapter 3 of the Administrative Rules of Montana, ‘planning’ is an additional criterion the Coal Board will apply when reviewing applications.

Coal Board grant funds used for the preparation of plans, studies, analyses, or necessary research for the preparation of a preliminary engineering report must meet the requirements of the most current Uniform Application for Montana Public Facility Projects. Coal impact grant funds used for the preparation of a preliminary architectural report must meet the requirements described in Appendix B.

IV. Eligible Funding

Coal Board grant funds are appropriated by the state legislature on a biennial basis. The Montana Coal Board may award Coal Board grants up to, but not more than the amount appropriated by the legislature by fiscal year and biennium. Quarterly fiscal updates are provided to the Board and the public on at least a quarterly basis at regularly scheduled Coal Board meetings.

The Montana Department of Commerce (referred to as “Commerce”, hereafter) is required by statute, Montana Code Annotated (MCA 90-6-207) to biennially designate each county, incorporated city and town, school district or other governmental unit impacted by coal development. The specific criteria for designation are defined in detail within the statute and summarized below. This designation guides the use of funds and directs the Montana Coal Board (referred to as “Coal Board”, hereafter) to award at least 50% of appropriated funds to designated local government units, except as it pertains to MCA 90-6-205(4)(b).

The Coal Board cannot award more than 50% of the funds appropriated to it each fiscal year for non-designated units.

V. Application Submission

To apply for a Coal Board grant, an eligible applicant must complete the required application (Appendix A) and submit by the due date. One hard copy and one electronic copy of the Coal Board application, PER or PAR, if applicable, completed environmental review documentation, and associated documents must be postmarked or delivered to the Department of Commerce, 301 South Park Ave., PO Box 200523, Helena MT, 59620 on or before the application date listed on the Coal Board website: <http://comdev.mt.gov/Boards/COAL>.

It is preferable that electronic copy of application information and documents be transmitted via the file transfer

service at <https://transfer.mt.gov>. Simply create an account in the transfer service, upload the files and email the transfer to DOCCDD@mt.gov prior to or by close of business on the application due date. Please identify your upload(s) to include the name of the grantee in the file name. Please combine application materials into as few files as possible, this will improve the application receipt process for CDD staff.

Applications are due 45 days prior to the Coal Board meeting. Any application not received or postmarked by the application due date, will be reviewed during the subsequent quarter.

Applicants must appear before the Coal Board, in-person or by conference call, when their application is on the agenda for consideration. Applicants will receive a staff review report and an agenda prior to the meeting date. If a representative is not available to speak on behalf of the application request, the application may be tabled until the next board meeting.

Prior to award, the applicant must provide documentation of a complete environmental review. Coal Board grants are a state action subject to the Montana Environmental Policy Act (MEPA). MEPA specifies three different levels of environmental review, based on the significance of the potential impacts. The levels are: (1) exempt or categorically excluded from MEPA review; (2) environmental assessment (EA), and (3) environmental impact statement (EIS). The following outlines the environmental review process that must be completed by the applicant for each project proposed for Coal Board funding. For detailed information on MEPA, see A Guide to the Montana Environmental Policy Act, or A Citizen's Guide to Public Participation in Environmental Decision Making, at <https://leg.mt.gov/committees/interim/eqc/montana-environmental-policy-act/>.

All necessary environmental review of the proposed project must be completed prior to submission of the application for grant funding. Any application received without documentation that the environmental review process has been completed, may be denied or tabled by the Board. Additional documentation may be submitted to the Board within 10 days of the meeting or at the meeting. The applicant will need to request a waiver to the 10-day rule from the Board at the meeting.

The applicant must provide documentation of the completed environmental review process and include with the application all documentation of the public review process, including but not limited to, the public notice for and minutes of a public hearing at which the environmental review was discussed, the public comments received, and the final decision on the environmental determination made during a public meeting. For more information Coal Board website for a webinar on environmental review, sample environmental resolutions, and an Environmental Steps checklist. <https://comdev.mt.gov/Boards/Coal/ProjectGrants/Toolkit>. More information about the environmental review process can be found in Appendices C and D.

The Board may categorically exclude projects from MEPA requirements which apply to Coal Board regulations and will not normally prepare either an environmental assessment or an environmental impacts statement in considering applications for grants to finance projects. This determination is not something Commerce determines; therefore, the staff report includes comments that reflect the completion of the process.

An applicant may submit a Confidentiality and Non-Disclosure Agreement, to protect any information that the applicant does not want public to see. This may be submitted with the application or at any time during the project timeline. This may not be applicable to all applicants or project types. Please contact CDD staff at DOCCDD@mt.gov for the Commerce template.

VI. Award Process

Applications are evaluated as they are submitted at the quarterly Board meeting. The Coal Board may approve, deny or table a grant. The Board may table an application if significant changes or new information are presented during the meeting. The Board may request that an applicant return to the next meeting with additional information and move to table the application until the next meeting. If the application is tabled pending receipt of the requested information, the applicant can make a request that the Board remove the application from the table after submitting further information. The application will be placed on the next Coal Board meeting agenda.

The Board may prioritize projects at each meeting based any availability of funds or other statutory criteria. Once awarded, contracts will be routed for execution with grantees in the order of prioritization, if applicable, and when revenues are sufficient for awards.

VII. Project Administration

Please see the Project Administration Manual on the Commerce website for information on how to administer a Coal Board project.

Appendix A: Coal Board Application

THE COAL IMPACT GRANT APPLICATION FORM SUBMITTED BY (NAME OF APPLICANT)

CERTIFICATION

The chief elected official or executive officer of the applicant must sign the application certifying that to the best of the official's knowledge and belief, the information provided in the application and the attached documents is true and correct.

The chief elected official or executive officer of the applicant must also certify that, in accordance with Section 90-6-205, MCA, the applicant is eligible for a Coal Impact Grant and has the authority to administer and make expenditures to provide for the proposed service or facility.

CERTIFICATION

To the best of my knowledge and belief, the information provided in this application and in the attached documents is true and correct.

In accordance with Section 90-6-205, MCA, the applicant is eligible for Coal Board grants and has the statutory authority to make expenditures to provide for the particular service or facility.

Name:

Title:

Signature:

Date:

SUMMARY INFORMATION

1. **NAME OF APPLICANT(S):**

Enter the name(s) of the entity submitting the application

2. **TYPE OF ENTITY:**

Enter the type of entity. Applicants eligible to receive financial assistance under state law include local governmental units (cities, towns, counties, school districts, water and sewer districts, etc.), state agencies, and governing bodies of federally recognized Indian tribes.

3. **SENATE AND HOUSE DISTRICTS:**

Enter the State Senate and House of Representatives district numbers that the entity is located within.

4. **AMOUNT OF COAL IMPACT GRANT REQUESTED \$** _____

5. **NAME OF PROJECT:**

6. **TYPE OF PROJECT:**

Enter the type of public facility project or service, such as water, wastewater, solid waste, first responder equipment purchase, public building/school/hospital repair or expansion, road repair, planning studies, or other

7. **POPULATION SERVED BY PROJECT:**

Enter the number of people that reside within the area served by the project.

8. **NUMBER OF HOUSEHOLDS SERVED BY PROJECT:**

Enter the number of households within the area served by the project.

9. **CHIEF ELECTED OFFICIAL OR AUTHORIZED REPRESENTATIVE:**

Enter the name and title of the chief elected official or authorized representative of the applicant. Include the mailing address, business telephone, and e-mail address.

10. PRIMARY ENTITY CONTACT PERSON:

Provide the name, mailing address, business telephone, and e-mail address.

number of the person or people within the community designated as the primary contact person for the project. This person should be knowledgeable about the project and be authorized to speak on behalf of the applicant regarding the application.

11. OTHER CONTACT PERSONS:

If applicable and available, provide the name, mailing address, business telephone and

e-mail address of any other appropriate contacts (e.g., Public Works Superintendent, project engineer, grant/loan administrator, legal counsel, bond counsel, clerk/chief financial officer, accountant, etc.)

12. MILLAGE RATES:

Provide the current fiscal year millage rates and those for the 3 years immediately preceding the year of application. Please state the mill value for each of those three years. Specifically list how many mills and each year's total mill value.

13. AMOUNT OF COAL GROSS PROCEEDS TAX:

Please provide the following details:

- Total amount of Coal Gross Proceeds taxes the applicant has received during the last two years
 - o How those monies are allocated (i.e. to general fund, etc.)
- How does the applicant decide the use of the gross proceeds?

14. IMPACTS FROM COAL INDUSTRY:

Number of residents that are currently employed by the coal industry within the applicant's jurisdiction

15. MAPS:

Each application must include a legible map showing the boundaries of the proposed project area and the locations of all proposed project activities, such as land to be acquired or public facilities to be constructed or improved.

16. BRIEF PROJECT SUMMARY:

The project summary should briefly provide some background information including:

- the age of the system, facility, equipment, building;
- the date, type and cost of the last major improvements to the system, facility, equipment, building; and
- whether there are any state administrative orders or other similar requirements to fix or modify the system, facility, equipment, and building.
- The project summary should also clearly state the specific problem(s) with the public facility and how the proposed project will solve the problem(s).

Applications for Coal Board assistance for public services or programs such as community planning, economic development, etc. should provide similar background information regarding the nature of the problem and the proposed solution.

17. PROJECT BUDGET AND IMPLEMENTATION SCHEDULE:

A. Project Budget Form:

The proposed project budget **must** include a breakdown of all major project costs, and a description of the proposed source and use of all funds. Designate the total budget of any proposed project as either “Administrative/Financial Costs” or “Activity Costs: (such as engineering or construction). Administrative Costs may not exceed 10% of the total project cost. Refer to the description of expenditure categories shown below that outline the expenditures that may be part of the budget. The Administrative/Financial Costs cover the expenses of administering a local project, including the cost of local government personnel involved with managing the project; the cost of the local project audit; and other contractual costs for professional services (such as hiring a project manager) that may be associated with administration of the program.

Administrative/Financial Costs must be reasonable and appropriate to ensure cost-effective and proper management of the project.

Any proposed Administrative/Financial Costs must be eligible, fully supported, and adequately explained. Applicants which propose to contract for project management assistance with a consultant or other entity must specifically itemize this amount in the Administrative Budget and explain it.

<div>PROJECT BUDGET FOR ---</div> <div>=</div>					
Completed by: _____ For: (location) _____, MT Date: _____					
ADMINISTRATIVE/ FINANCIAL COSTS	SOURCE:	SOURCE:	SOURCE:	SOURCE:	TOTAL:

Grant Administration	\$	\$	\$	\$	\$
Office Costs	\$	\$	\$	\$	\$
Professional Services	\$	\$	\$	\$	\$
Legal Costs	\$	\$	\$	\$	\$
Travel & Training	\$	\$	\$	\$	\$
TOTAL ADMINISTRATIVE/ FINANCIAL COSTS	\$	\$	\$	\$	\$
ACTIVITY COSTS:					
Equipment Cost	\$	\$	\$	\$	\$
Construction Cost	\$	\$	\$	\$	\$
Architectural/Engineering Design	\$	\$	\$	\$	\$
Product Completion (PER's, studies, etc.)	\$	\$	\$	\$	\$
Contingency	\$	\$	\$	\$	\$
TOTAL ACTIVITY COSTS	\$	\$	\$	\$	\$
TOTAL PROJECT COSTS	\$	\$	\$	\$	\$

B. Project Budget Narrative:

Include a narrative justification for the specific proposed project construction activities and related administrative/ financial costs. Explain the cost estimates for each item in the proposed budget in the narrative.

C. Implementation Schedule:

Each applicant must submit an implementation schedule that describes the overall schedule for project completion.

<u>IMPLEMENTATION SCHEDULE FOR -----</u>												
	QUARTERS 20XX				QUARTERS 20XX				QUARTERS 20XX			
TASK	1 ^S T	2 ^N D	3 ^R D	4 ^T H	1 ^S T	2 ^N D	3 ^R D	4 ^T H	1 ^S T	2 ^N D	3 ^R D	4 ^T H
<u>PROJECT START-UP</u>												
A. Sign contract with Coal Board												
B. Secure approval of other funding												
C. Submit progress reports and drawdown request. (Progress reports quarterly if no draws submitted)												
<u>PROJECT CONSTRUCTION</u>												
A. Architectural Design												
C. Construction and purchase and installation of equipment												
D. Monitor Progress												
E. Final Inspection												
<u>PROJECT CLOSE-OUT</u>												
A.												
B. Submit project completion report.												
C. Include project in audits.												

18. DESCRIPTION OF RELATIONSHIP TO COAL BOARD STATUTORY GRANT CRITERIA

The Coal Board does base its awards on the following four statutory criteria (90-6-206, MCA). In addition, State law (90-6-207(5), MCA) that requires attention be given to the need for community planning before the full impact of coal development or decline is realized.

A. Need

Explain how the assistance that is required to eliminate or reduce a direct and obvious threat to the public health, safety, or welfare that has been caused as a direct result of coal development or decline?" (90-6-206, MCA)

1. Does a serious deficiency exist in a basic or necessary community public facility or service? Examples include emergency services such as police, fire or ambulance services. Describe the nature and frequency of occurrence and provide supporting documentation.
2. Have serious public health or safety problems that are clearly attributable to a deficiency occurred, or are they likely to occur, such as illness, disease outbreak, substantial property loss, environmental pollution, safety problems, hazards, or health risks? Describe the nature and frequency of occurrence and provide supporting documentation.
3. Is the entire community, or a substantial percentage of the residents of the community, seriously affected by the deficiency or at risk, as opposed to a small percentage of the residents? Describe the number or percentage of community residents affected by the problem.
4. Is there clear documentation that the current condition of the public facility or service (or lack of a facility or service) violates, or may potentially violate, a state or federal health or safety standard. If yes, describe the standard being violated. If the proposed project is necessary to comply with a court order or a state or federal agency directive, describe the directive and attach a copy of it.

5. Does the standard that is being violated, or potentially may be violated; represent a significant threat or potential threat to public health or safety?
6. Additional information supporting the NEED for this project.

B. Degree of Severity of Impact from an Increase or Decrease in Coal Development or In the Consumption of Coal by A Coal-Using Energy Complex

Explain why the proposed project or governmental services or facilities “are needed as a direct consequence of an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex” (90-6-205(4)(a), MCA).

1. Describe why the need for the expansion or improvement to the public facility or public service is attributable to coal-related impacts. Additionally, please provide the percentage of the project that is a result of coal impacts.
2. Name the nearest coal development area or coal-using energy complex to your community and the road miles from your community.
3. Additional information supporting the DEGREE OF SEVERITY OF IMPACT FROM AN INCREASE OR DECREASE IN COAL DEVELOPMENT OR IN THE CONSUMPTION OF COAL BY A COAL-USING ENERGY COMPLEX.

C. Availability of Funds

1. Amount requested from the Coal Board: \$_____
2. Amount of Coal Board funds available at the time of application \$_____ (#2 will be completed by Coal Board staff)
3. Explain why a coal impact grant is necessary to make the project feasible and affordable
4. What are the other proposed funding sources for the project?

<u>FUNDING SOURCES SUMMARY FOR.....</u>				
Source	Type of Fund	Amount	Status of Commitment	Loan Rates & Terms

5. If a particular proposed source of funding is not obtained, how will the applicant proceed?

Explain how the funding strategy will change if each proposed funding source is not received. (Discuss how the

loss of each of the proposed funding sources would affect the completion of the project. For instance, will the applicant wait and re-apply to the funding source, will the applicant be willing to increase the amount of debt it will incur, or will the project not move forward?)

D. Degree of Local Effort in Meeting Needs

1. If current millage rates given are lower than the average rates levied during the previous three years, briefly explain why they are lower.

2. Describe any local efforts to meet the public facility or public service needs by providing financial contributions to the project to the extent possible, such as local funding, donations of land, absorbing some or all-administrative costs. For non-profit organizations, describe fund- raising efforts or other in-kind assistance to the proposed project as well as usual program fund-raising efforts.

3. Describe past operation and maintenance budgets and practices over the long-term, including any reserves for repair and replacement.

4. If there are indications that the problem is not of recent origin, or has developed because of inadequate operation and maintenance practices in the past, explain the circumstances and describe the actions that management will take in the future to assure that the problem will not reoccur.

5. If the project involves water, wastewater or solid waste, provide the current and projected monthly household user charges, including operation and maintenance:
- What is the current monthly household user charge? \$ _____
 - What is the projected monthly user charge (including operation and maintenance) when the project is complete? \$ _____

6. What are your current debt obligations?

List current debt obligations. If the applicant is a water, wastewater, solid waste, or other system, which relies on rates and charges for its financial support, only debt related to that system need be entered. If the applicant is a city, county, or district that relies on general taxing authority for its financial support, or is a not-for-profit organization, debt related to the general obligations of the city, county, district, or not-for-profit organization should be entered.

<u>CURRENT DEBT SUMMARY FOR -----</u>								
Year Issued	Purpose	Type of Bond/ Security	Amount	Maturity Date (mo./yr.)	Debt Holder	Coverage Required	Annual Payment Amount	Outstanding Balance

7. What are your current assets?

List all current assets including endowments, cash, investments, certificates of deposit, accounts receivable, and any other current assets not specifically indicated. Indicate whether assets are obligated for a specific purpose and what that purpose is (i.e., Certificate of Deposit, \$100,000 - reserve requirement for SRF loan, Investments, \$200,000 – \$100,000 of it is needed to purchase line inspection equipment in 2005).

8. What financial accounting system do you use? _____
The Board is required to ensure conformity to generally accepted accounting principles. Examples include Quick Books and MBARS.

9. Is the applicant in compliance with the auditing and annual financial reporting requirements provided for in the Montana Single Audit Act, 2-7-501 to 522, MCA? (Tribal governments must comply with auditing and reporting requirements provided for in OMB Circular A-133).

Yes____No____Date of last completed audit or financial report _____

10. If there have been audit findings within the last five years, have they been satisfactorily addressed?

11. Additional information supporting the DEGREE OF LOCAL EFFORT IN MEETING NEEDS.

E. Planning & Management

State law (90-6-207(5), MCA) requires the Coal Board to give attention “to the need for community planning before the full impact of coal development or decline is realized. Applicants should be able to show how the request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems.” Therefore, pursuant to Sub-Chapter 3 of the Administrative Rules of Montana, Planning is an additional criterion the Coal Board will apply when judging applications.

1. Describe how your grant request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems related to coal impacts.

2. Describe how the proposed project is consistent with current plans.
Plans may include a local capital improvements plan, growth policy, transportation plan, comprehensive economic development plan, or any other applicable plan.

APPENDIX B

PAR PRELIMINARY ARCHITECTURAL REPORT (PAR) REQUIREMENTS

A. A PAR MUST BE SUBMITTED AS PART OF A COAL BOARD APPLICATION FOR:

- a. Utilization of a PAR for rehabilitation or construction of Coal Board funded activities for Non-Water/Non-Wastewater community facility projects.
- b. New construction of a Non-Water/Non-Wastewater community facility project.

B. A PAR MUST MEET THE REQUIREMENTS FOR:

- a. Preparation of a PAR as a planning activity

C. GENERAL INFORMATION ON PARs:

- The PAR outline presented here is by no means all-inclusive. The architect should use his or her professional judgment to present sufficient information during preparation of the PAR, taking into account that different projects require varying levels of detail (rehabilitation of an existing building versus construction of a new building) and consideration of reasonable alternatives.
- Architects and project representatives can call Community Development Division staff (406-841-2770) to request clarification and guidance regarding this PAR outline.

D. ENVIRONMENTAL CONSIDERATIONS RELATED TO THE PAR

NOTE: All state and Coal Board funded projects are subject to the Montana Environmental Policy Act (MEPA). This law seeks to avoid adverse impacts on the environment by mandating careful consideration of the potential impacts of any development assisted with funds.

- MEPA seeks to avoid or mitigate adverse impacts on the natural and human environment by mandating careful consideration of the potential impacts of any development assisted with state funds or approved by a Montana state agency.

E. PAR OUTLINE

I. PROBLEM DEFINITION

A. DESCRIBE AND DOCUMENT THE NEED FOR THE PROJECT AND THE PROBLEM(S) TO BE SOLVED. Describe the need for the project according to the following criteria:

1. Health and Safety - Describe concerns and deficiencies, compliance issues, and relevant regulations such as the International Building Code, (and other codes as listed in "Special Requirements Concerning Code and Standards Enforcement"), asbestos, lead-based paint, handicapped accessibility, zoning ordinances, and other federal, state, local, or tribal requirements concerning the existing facility(ies).
2. Attach pertinent correspondence to or from appropriate federal, state, and local

regulatory agencies, especially information that provides documentation of health and safety concerns and deficiencies. Facility Operation & Maintenance (O&M) - Describe O&M concerns regarding the existing facility(ies) with an emphasis on those with the greatest financial and operational impact.

If the high cost of maintaining the existing facility(ies) is related to a proposal to modify or replace the existing facility, describe and document these concerns and potential cost savings.

Growth - Describe the facility's capacity to meet projected growth needs from the completion of construction through the anticipated useful life of the building

Discuss any potential for future expansion, if applicable, or any consideration given to designing for phased construction or incremental expansion of the facility in the future.

Provide both the number of current users served by the facility(ies) and the projected number of users to be served by the proposed project upon completion.

B. IDENTIFY THE PLANNING AND SERVICE AREA, INCLUDING THE EXISTING LOCATION AND POTENTIAL, ALTERNATE LOCATIONS OF THE FACILITY.

Using narrative and drawings, describe the planning and service area and alternate building(s) or sites under review or consideration. The description should include the following information:

1. Location - Indicate legal and natural boundaries, major obstacles, environmental constraints, etc., using maps, photographs, and sketches of the planning and service area, including both the existing location and potential alternate locations for the facility.
2. Growth Areas and Projected Population Trends - Identify specific areas of projected, concentrated population growth and relate these to the forecasted growth in the clientele to be served by the proposed project.

Provide population projections for the project's planning and service area (and for the persons and/or groups the facility will serve) as well as for the projected design period (i.e., the anticipated useful life of the proposed facility).

Base projections for the clientele to be served upon historical records, Census data, or economic projections, citing recognized sources.

C. EVALUATE THE CONDITION OF THE EXISTING FACILITY(IES). Describe the existing facility(ies), including at least the following information:

1. History - Provide a brief history of the facility(ies), including when the structure was constructed, major improvements implemented in the past, and any past problems.
2. Condition of Facilities - Describe the present condition and any problems such as code deficiencies, general structural decay, presence of asbestos, mold or moisture, lead based paint, subsidence issues, overcrowding, or handicapped accessibility. Describe the adequacy or capacity of the existing facility(ies) to meet existing and long-term needs.

II. ALTERNATIVE ANALYSIS

A. DESCRIPTION OF ALTERNATIVE SOLUTIONS. Describe each alternative design, building, or site considered -- i.e., identify and describe existing buildings with potential for rehabilitation or alteration, or alternative building sites considered for new construction.

1. If proposing rehabilitation or alteration of existing buildings - Describe existing buildings within the community that could be modified or rehabilitated to accommodate the proposed facility or need.

Describe the potential benefits and possible deficiencies with each alternative design, building or site considered, including code compliance issues, floor space, handicapped accessibility, and potential for long-term expansion, as applicable.

2. If proposing new construction, describe alternative building sites considered for new construction, any existing structures on the site(s), potential for long-term expansion, proximity to other services, environmental constraints, etc.

B. REGULATORY COMPLIANCE AND PERMITS. Describe issues that need to be addressed concerning compliance (for either a new building or a rehabilitated building) with appropriate regulations such as the International Building Code and other relevant codes, zoning issues, asbestos, lead-based paint, permits, handicapped accessibility (American Disabilities Act and HUD 504 regulations), designated 100-year floodplains, and other applicable federal, state, local or tribal requirements.

C. LAND ACQUISITION ISSUES. Identify sites to be purchased or leased and any easements needed, if applicable. Specify whether these properties are currently owned, to be purchased or leased, and whether options have been obtained, contingent upon receipt of funding.

D. ENVIRONMENTAL CONSIDERATIONS. For the alternative selected for the project, discuss the following:

1. Potential Environmental Impacts - The PAR must include a discussion of environmental resources in the area that might be impacted or that might impact the proposed facility.
2. Mitigation - Evaluate appropriate short and long-term measures to mitigate each potentially adverse impact.

Describe the mitigation measure(s) necessary to minimize potentially adverse impacts upon identified environmental resources. Projects contemplating the renovation of existing structures should thoroughly discuss mitigation measures to address any existing hazards, such as asbestos and lead-based paint, where identified, in accordance with federal and state requirements.

3. Correspondence - Include any environmentally related correspondence and agency comments (e.g., comments from the State Historic Preservation Office).
4. Exhibits/Maps - Include any exhibits, maps, or drawings as applicable to describe potential environmental impacts.

E. CONSTRUCTION PROBLEMS. Discuss potential concerns such as geological constraints, limited access, underground storage tanks, high water table, asbestos, lead-based paint, contaminated soil, noise, odors, or other conditions that may affect cost of construction or long-term operation of the proposed (new or rehabilitated) facility.

F. COST ESTIMATES FOR EACH ALTERNATIVE. For each alternative considered, include both:

1. Project Costs (i.e., administrative, financial, engineering, architecture, and construction costs) and
2. Project Annual Operation and Maintenance Costs

III. SELECTION OF THE PREFERRED ALTERNATIVE

- A. ANALYSIS OF ALTERNATIVE SOLUTIONS.** Provide an analysis of why the preferred alternative (design, building, or location) was selected over other alternatives.
- B. SITE LOCATION AND CHARACTERISTICS.** Discuss the site location of any current or proposed facilities, and why the preferred alternative was selected over other alternatives.
- C. PRELIMINARY ARCHITECTURAL PLANS.** Provide preliminary architectural plans (including a proposed floor plan) for the proposed (new or rehabilitated) facility.
- D. OPERATIONAL REQUIREMENTS.** Discuss the expertise required to operate the facility and any unique operational requirements or benefits of the facility and describe why the preferred alternative was selected over other alternatives.
- E. PROJECT COST SUMMARY / PROJECT COST ESTIMATE.** Provide an itemized estimate of the project cost based on the anticipated period of construction including administrative, development and construction, land and utilities, legal, engineering, interest, equipment, contingencies, refinancing, and other costs associated with the proposed project. See 'II. F Cost Estimates for Each Alternative, above.

IV. CONCLUSIONS AND RECOMMENDATIONS

Provide any other conclusions and recommendations and any additional findings that should be considered in the evaluation of the proposed project and the selected alternative.

APPENDIX C: Environmental Review Requirements

Environmental Review

Coal Board grants are a state action subject to the Montana Environmental Policy Act (MEPA). MEPA specifies three different levels of environmental review, based on the significance of the potential impacts. The levels are: (1) exempt or categorically excluded from MEPA review; (2) environmental assessment (EA), and (3) environmental impact statement (EIS). The following outlines the environmental review process that must be completed by the applicant for each project proposed for Coal Board funding. For detailed information on MEPA, see *A Guide to the Montana Environmental Policy Act*, or *A Citizen's Guide to Public Participation in Environmental Decision Making*, at: <https://leg.mt.gov/committees/interim/eqc/montana-environmental-policy-act/> or <https://leg.mt.gov/content/publications/Environmental/2002mepabrochure1-2.pdf>

All necessary environmental review of the proposed project must be completed prior to submission of the application for grant funding. Any application received without documentation that the environmental review process has been completed may be rejected by Commerce.

The applicant must provide documentation of the completed environmental review process and include with the application all documentation of the public review process, including but not limited to, the public notice for and minutes of a public hearing at which the environmental review was discussed, the public comments received, and the final decision on the environmental determination made during a public meeting.

Statutory or Categorical Exclusions

Certain actions are exempt from MEPA review, either because they have been specifically exempted by the statute or, because of their special nature, do not normally have a significant effect on the environment. The following types of actions are statutorily exempt from MEPA review under ARM 8.2.304(5):

- Administrative actions (routine clerical or similar functions, including but not limited to administrative procurement, contracts for consulting services, or personnel actions);
- Minor repairs, operations, and maintenance of existing equipment or facilities;
- Investigation and enforcement; data collection activities; inspection of facilities or enforcement of environmental standards;
- Ministerial actions (in which the agency exercises no discretion and rather acts upon a given state of facts in a prescribed manner);
- Actions that are primarily social or economic in nature and that do not otherwise affect the human environment;

The following types of actions are categorically exempted from MEPA review under ARM 8.2.328(2):

- Projects that will be partially funded by, or for which the applicant must obtain a permit from, a state or federal agency which, by reason of its funding or permitting function, has primary responsibility to consider the environmental impacts of the project under MEPA or the National Environmental Policy Act;
- Activities which do not involve or lead directly to construction, such as planning studies, scientific research and analysis, surveys, or engineering;
- Projects primarily involving the acquisition of capital equipment;
- Projects that involve only minor repairs or rehabilitation to an existing facility, including functional replacement of an existing facility or facility components;
- Projects where the footprint of the proposed structures, pipelines, or other infrastructure would be substantially unchanged from existing conditions, and there is no increase in the population served by

the facility; or

- Emergency repairs, reconstruction, restoration, retrofitting, or replacement of an existing facility that is in operation or under construction when damaged and the action:
 - (i) occurs within the existing facility footprint and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and
 - (ii) is commenced within six months after the date of the emergency.

If the proposed project qualifies for a categorical exclusion, then the applicant should submit documentation that the environmental process (including public review process) is complete and the applicant has formally approved its determination that the project qualifies for an exemption. An exemption may not be appropriate if significant public controversy exists over the project's potential effect on the quality of the human environment; the proposed project shows some potential for causing a significant effect on the quality of the human environment; or the project might possibly affect sensitive environmental or cultural resource areas or endangered or threatened species and their critical habitats.

Environmental Assessment (EA)

An EA is a written analysis of a proposed action to determine whether an EIS is required or is needed to serve one or more of the other purposes described in ARM 8.2.304(2). Normally, a thoroughly completed Environmental Checklist and responses to the six questions contained in the Environmental Review Form (see Appendix C of these guidelines) will suffice as the draft EA for public review and comment, and may then be revised as necessary to constitute the final EA. Anyone authorized to perform work on behalf of the applicant may prepare the draft EA, using all available information and evidence. The applicant's authorized representative must sign the draft EA, and the final environmental determination must be made by the applicant's representatives or board. Preparation of an EA ensures the fullest appropriate opportunity for public review and comment on a proposed action, including alternatives and planned mitigation, and examines and documents the effects of a proposed action on the quality of the human environment. The EA also allows the project proponent to determine the need to prepare an EIS through an initial evaluation and determination of the significance of impacts associated with a proposed action.

In addition, an applicant may prepare an EA whenever the proposed action is one that might normally require an EIS, but the significant effects of the project appear to be mitigated below the level of significance through design, enforceable controls, and/or conditions imposed by the agency or other government agencies. For an EA to suffice in this instance, the applicant must determine that all of the impacts of the proposed action have been accurately identified, that they will be mitigated below the level of significance, and that no significant impact is likely to occur. The applicant may not consider compensation for purposes of determining that impacts have been mitigated below the level of significance.

An EA is a public document and may be inspected upon request. Any person may obtain a copy of an EA by making a request to the applicant. **The applicant shall submit a copy of each completed EA to the Department as a part of the complete grant application.** The applicant is responsible for providing public review of an EA as necessary to match the complexity and seriousness of environmental issues associated with a proposed action and the level of public interest in the action. Methods of accomplishing public review include publishing a news release or legal notice to announce the availability of an EA, summarizing its content and soliciting public comment; holding public meetings or hearings; maintaining mailing lists of persons interested in a particular action or type of action and notifying them of the availability of EAs on such actions; and distributing copies of EAs for review and comment. Where an action is one that normally requires an EIS, but effects that otherwise might be deemed significant are mitigated in the project proposal or by controls imposed by the applicant, public involvement must include the opportunity for public comment, a public meeting or hearing, and adequate notice. The applicant is responsible for determining appropriate methods to ensure adequate public review on a case-by-case basis.

The applicant shall consider all substantive comments received in response to a draft EA and decide, at a public meeting, that either:

1. that an EIS is necessary;
2. that the EA did not adequately reflect the issues raised by the proposed action and must be revised; or
3. (3) that an EIS is not necessary, and make a final decision on the proposed action (executing the contract with the Department to receive Coal Board funds for the grantee's project).

The applicant must provide a copy of the Final EA to the Department with documentation of public review, opportunity for public comment, and a final decision on the EA at a public meeting.

Any time the applicant proposes substantial changes to the project affecting the original EA, the grant recipient must repeat its environmental review for the revisions to the project, assuring the environmental impacts of the revised project are adequately identified, addressed by the grantee, and any necessary public review provided. When completed, the applicant must follow the original process and again provide environmental documents to Department.

Environmental Impact Statement (EIS)

An EIS is required whenever an EA indicates that an EIS is necessary, or an applicant proposes an action that may significantly affect the quality of the human environment (a "major action").

MEPA and Department's rules require that a draft EIS circulated for public review must contain all of the following:

1. a description of the proposed action, including its purpose and benefits;
2. a listing of any state, local, or federal agencies that have overlapping or additional jurisdiction and a description of their responsibility for the proposed action;
3. a description of the current environmental conditions in the area affected by the proposed action or alternatives, including maps and charts, whenever appropriate;
4. a description of the impacts on the quality of the human environment of the proposed action, including: direct, indirect, and cumulative impacts; potential growth-inducing or growth-inhibiting impacts; irreversible and irretrievable commitments of environmental resources, including land, air, water and energy; economic and environmental benefits and costs of the proposed action; and the relationship between local short-term uses of man's environment and the effect on maintenance and enhancement of the long-term productivity of the environment;
5. an analysis of reasonable alternatives to the proposed action, including the alternative of no action and other reasonable alternatives that may or may not be within the jurisdiction of the agency to implement, if any;
6. a discussion of mitigation, stipulations, or other controls committed to and enforceable by the applicant or other government agency;

7. a discussion of any compensation related to impacts stemming from the proposed action; an explanation of the tradeoffs among the reasonable alternatives;
8. the applicant's preferred alternative on the proposed action, if any, and its reasons for the preference;
9. a section on consultation and preparation of the EIS that includes the names of those individuals or groups responsible for preparing the EIS; a listing of other agencies, groups, or individuals who were contacted or contributed information; and a summary list of source materials used in the preparation of the draft EIS;
10. a summary of the draft EIS; and
11. other sections that may be required by other statutes in a comprehensive evaluation of the proposed action, or by the National Environmental Policy Act or other federal statutes governing a cooperating federal agency.

Following preparation of a draft EIS, the applicant must distribute copies to the Governor; the Department; the Environmental Quality Council; appropriate state and federal agencies; and all persons who have requested copies. The applicant must allow 30 days for public comment on the EIS, which may be extended an additional 30 days at the discretion of the applicant or upon application of any person for good cause. When preparing a joint EIS with a federal agency or agencies, the applicant may also extend this period in accordance with time periods specified in regulations that implement the National Environmental Policy Act.

After the time for public comment and review has expired, the applicant must prepare a Final EIS for approval at a public meeting, which must also contain:

1. a summary of major conclusions and supporting information from the draft EIS and the responses to substantive comments received on the draft EIS, stating specifically where such conclusions and information were changed from those which appeared in the draft;
2. a list of all sources of written and oral comments on the draft EIS, including those obtained at public hearings, and, unless impractical, the text of comments received by the applicant (in all cases, a representative sample of comments must be included);
3. the applicant responses to substantive comments, including an evaluation of the comments received and disposition of the issues involved;
4. data, information, and explanations obtained subsequent to circulation of the draft; and
5. the applicant recommendation, preferred alternative, or proposed decision together with an explanation of the reasons.

The applicant must distribute copies of the Final EIS to the Governor; the Department; the Environmental Quality Council; appropriate state and federal agencies; all persons who submitted comments on or received a copy of the draft EIS; and all other members of the public upon request.

The applicant may not make a final decision on the proposed action being evaluated in a Final EIS (executing the contract with the Department to receive Coal Board funds for the grantee's project) until 15 days from the date of transmittal of the Final EIS to the Governor and Environmental Quality Council. Until the applicant reaches its final decision on the proposed action, no action concerning the proposal may be taken that would have an adverse environmental impact or limit the applicant's choice of reasonable alternatives, including the no-action alternative.

Any time the applicant proposes substantial changes to the project affecting the original EIS, the applicant must repeat its environmental review for the revisions to the project, assuring the environmental impacts of the revised project are adequately identified, addressed by the grantee, and any necessary public review provided.

When completed, the applicant must follow the original process and again provide environmental documents to Department.

Coal Board applicants are responsible for compliance with all applicable state environmental requirements. Some of the other state environmental requirements that *may* apply to Coal Board projects include:

- ☐ Stream Protection Act, Title 87, Chapter 5, Part 5, MCA
- ☐ Montana Solid Waste Management Act, Title 75, Chapter 10, Part 2, MCA
- ☐ Clean Air Act of Montana, Title 75, Chapter 2, MCA
- ☐ Water Quality Act, Title 75, Chapter 5, MCA
- ☐ Public Water Supplies, Distribution and Treatment, Title 75, Chapter 6, MCA
- ☐ Floodplain and Floodway Management, Title 76, Chapter 5, MCA
- ☐ The Montana State Antiquities Act, Title 22, Chapter 3, MCA
- ☐ The Montana Sage Grouse Habitat Conservation Program and Conservation Strategy, Executive Orders 10-2014 and 12-2015 and Chapter 445, Laws 2015 (SB 261) <https://sagegrouse.mt.gov>

Some of the environmental permits that may be required on your project from other state agencies include the following:

- ☐ Asbestos Control Program – contact the Department of Environmental Quality (DEQ).
- ☐ Montana Stream Protection Act (SPA 124 Permit) – contact the Montana Department of Fish, Wildlife and Parks at 444-2449.
- ☐ Montana Floodplain and Floodway Management Act (Floodplain Development Permit) – contact the Montana Department of Natural Resources and Conservation at 444-0860 or the local floodplain administrator.
- ☐ Federal Clean Water Act (404 Permit) – contact the U.S. Army Corps of Engineers in Helena at 441-1375.
- ☐ Short-Term Water Quality Standard for Turbidity (318 Authorization) – contact the Montana Department of Environmental Quality at 444-3080.
- ☐ Montana Water Use Act (Water Right Permit and Change Authorization) – contact the Montana Department of Natural Resources and Conservation at 444-6667 or the local DNRC Water Resources Regional Office. A useful website regarding water rights can be found at http://www.dnrc.mt.gov/wrd/water_rts/default.asp.
- ☐ Stormwater Discharge General Permits and/or Montana Pollutant Discharge Elimination System (MPDES Permit) – contact the Montana Department of Environmental Quality at 444-3080.
- ☐ Please check the DNRC website for a copy of “A Guide to Stream Permitting in Montana.” Their web address is http://dnrc.mt.gov/permits/stream_permitting/default.asp.

- ☐ **Cultural Resource Survey** – You may need to perform a cultural resource survey for your project. The State Historic Preservation Office (SHPO) can be reached at 444-7715 for more information. There is guidance for consulting with SHPO at <http://mhs.mt.gov/shpo/archaeology/consultingwith.asp>.

Environmental Assessment

Each Coal Board applicant must either identify that the proposed project qualifies for an exclusion from MEPA or identify and analyze the environmental impacts of the proposed project.

Any time the applicant proposes substantial changes to the project, after submission of the application but either before or after final ranking by the Department or approval by the Legislature and Governor, the Department will require the applicant to repeat its environmental review as set forth above.

The checklist contained within the *Uniform Application for Montana Public Facility Projects, Tenth Edition*, must be submitted with the Coal Board application. Please use the heading for the environmental assessment as shown below. Letters to the appropriate state and federal agencies must be sent and documented.

It is the requirement to complete the entire environmental review process and include all documentation with the application. The responsibility for completing the environmental assessment rests with the grantee. Please refer to environmental review language for specific details regarding completion of the entire environmental process.

The 'environmental review form' must be completed for Coal Board projects and submitted with the construction grant application. The form must be prepared by someone with a thorough knowledge of the project, expertise in environmental issues, and authority to sign for the applicant.

Please ensure all portions of the environmental process are completed prior to application submission.

- a. Environmental Assessment Checklist
- b. Environmental Review form
- c. Final Action taken by resolution or documented local decision

ENVIRONMENTAL REVIEW CHECKLIST

NAME OF PROJECT:	
PROPOSED ACTION:	
LOCATION:	_____, Montana

Key Letter:
N: No Impact; **B:** Potentially Beneficial; **A:** Potentially Adverse; **P:** Approval/Permits Required; **M:** Mitigation Required

PHYSICAL ENVIRONMENT

Key	1	Soil Suitability, Topographic and/or Geologic Constraints (e.g., soil slump, steep slopes, subsidence, seismic activity) <i>Response and source of information:</i> <div style="height: 100px; border: 1px solid black;"></div>
Key	2	Hazardous Facilities (e.g., power lines, hazardous waste sites, acceptable distance from explosive and flammable hazards including chemical/petrochemical storage tanks, underground fuel storage tanks, and related facilities such as natural gas storage facilities & propane storage tanks) <i>Response and source of information:</i> <div style="height: 100px; border: 1px solid black;"></div>
Key	3	Effects of Project on Surrounding Air Quality or Any Kind of Effects of Existing Air Quality on Project (e.g., dust, odors, emissions) <i>Response and source of information:</i> <div style="height: 100px; border: 1px solid black;"></div>
Key	4	Groundwater Resources & Aquifers (e.g., quantity, quality, distribution, depth to groundwater, sole source aquifers) <i>Response and source of information:</i> <div style="height: 100px; border: 1px solid black;"></div>

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
Key	5	Surface Water/Water Quality, Quantity & Distribution (e.g., streams, lakes, storm runoff, irrigation systems, canals)
		Response and source of information:
Key	6	Floodplains & Floodplain Management (Identify any floodplains within one mile of the boundary of the project.)
		Response and source of information:
Key	7	Wetlands Protection (Identify any wetlands within one mile of the boundary of the project.)
		Response and source of information:
Key	8	Agricultural Lands, Production, & Farmland Protection (e.g., grazing, forestry, cropland, prime or unique agricultural lands) (Identify any prime or important farm ground or forest lands within one mile of the boundary of the project.)
		Response and source of information:
Key	9	Vegetation & Wildlife Species & Habitats, including Fish and Sage Grouse (e.g., terrestrial, avian and aquatic life and habitats) https://sagegrouse.mt.gov
		Response and source of information:
Key	10	Unique, Endangered, Fragile, or Limited Environmental Resources, Including Endangered Species (e.g., plants, fish or wildlife)
		Response and source of information:

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
Key	11	Unique Natural Features (e.g., geologic features)
		<i>Response and source of information:</i>
Key	12	Access to, and Quality of, Recreational & Wilderness Activities, Public Lands and Waterways, and Public Open Space
		<i>Response and source of information:</i>
HUMAN ENVIRONMENT		
Key	1	Visual Quality – Coherence, Diversity, Compatibility of Use and Scale, Aesthetics
		<i>Response and source of information:</i>
Key	2	Nuisances (e.g., glare, fumes)
		<i>Response and source of information:</i>
Key	3	Noise -- suitable separation between noise sensitive activities (such as residential areas) and major noise sources (aircraft, highways & railroads)
		<i>Response and source of information:</i>

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
Key	4	Historic Properties, Cultural, and Archaeological Resources
		<i>Response and source of information:</i>
Key	5	Changes in Demographic (population) Characteristics (e.g., quantity, distribution, density)
		<i>Response and source of information:</i>
Key	6	General Housing Conditions - Quality, Quantity, Affordability
		<i>Response and source of information:</i>
Key	7	Displacement or Relocation of Businesses or Residents
		<i>Response and source of information:</i>
Key	8	Public Health and Safety
		<i>Response and source of information:</i>

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
Key	9	Lead Based Paint and/or Asbestos
		<i>Response and source of information:</i>
Key	10	Local Employment & Income Patterns - Quantity and Distribution of Employment, Economic Impact
		<i>Response and source of information:</i>
Key	11	Local & State Tax Base & Revenues
		<i>Response and source of information:</i>
Key	12	Educational Facilities - Schools, Colleges, Universities
		<i>Response and source of information:</i>
Key	13	Commercial and Industrial Facilities - Production & Activity, Growth or Decline.
		<i>Response and source of information:</i>
Key	14	Health Care – Medical Services

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
		<i>Response and source of information:</i>
Key	15	Social Services – Governmental Services (e.g., demand on)
		<i>Response and source of information:</i>
Key	16	Social Structures & Mores (Standards of Social Conduct/Social Conventions)
		<i>Response and source of information:</i>
Key	17	Land Use Compatibility (e.g., growth, land use change, development activity, adjacent land uses and potential conflicts)
		<i>Response and source of information:</i>
Key	18	Energy Resources - Consumption and Conservation
		<i>Response and source of information:</i>
Key	19	Solid Waste Management
		<i>Response and source of information:</i>

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
Key	20	Wastewater Treatment - Sewage System
		<i>Response and source of information:</i>
Key	21	Storm Water – Surface Drainage
		<i>Response and source of information:</i>
Key	22	Community Water Supply
		<i>Response and source of information:</i>
Key	23	Public Safety – Police
		<i>Response and source of information:</i>
Key	24	Fire Protection – Hazards
		<i>Response and source of information:</i>
Key	25	Emergency Medical Services
		<i>Response and source of information:</i>
Key	26	Parks, Playgrounds, & Open Space

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
		<i>Response and source of information:</i>
Key	27	Cultural Facilities, Cultural Uniqueness & Diversity
		<i>Response and source of information:</i>
Key	28	Transportation Networks and Traffic Flow Conflicts (e.g., rail; auto including local traffic; airport runway clear zones - avoidance of incompatible land use in airport runway clear zones)
		<i>Response and source of information:</i>
Key	29	Consistency with Local Ordinances, Resolutions, or Plans (e.g., conformance with local comprehensive plans, zoning, or capital improvement plans)
		<i>Response and source of information:</i>
Key	30	Is There a Regulatory Action on Private Property Rights as a Result of this Project? (consider options that reduce, minimize, or eliminate the regulation of private property rights.)
		<i>Response and source of information:</i>

Environmental Review Form

On a separate piece of paper, please answer the following as they apply to your proposed project:

1. **Alternatives:** Describe reasonable alternatives to the project.
2. **Mitigation:** Identify any enforceable measures necessary to reduce any impacts to an insignificant level.
3. **Is an EA or Environmental Impact Statement (EIS) required?** Describe whether or not an EA or EIS is required and explain in detail why or why not.
4. **Public Involvement:** Describe the process followed to involve the public in the proposed project and its potential environmental impacts. Identify the public meetings -- where and when -- the project was considered and discussed, and when the applicant approved the final environmental assessment.
5. **Person(s) Responsible for Preparing:** Identify the person(s) responsible for preparation of this checklist.
6. **Other Agencies:** List any state, local, or federal agencies that have over-lapping or additional jurisdiction or environmental review responsibility for the proposed action and the permits, licenses, and other authorizations required; and list any agencies or groups that were contacted or contributed information to this Environmental Assessment(EA).

Authorized Representative, Title

Date

(Name of) District

Chairperson

Date:

**Sample of a resolution
to accept the determination that (level of environment finding) is appropriate for the
(applicant, type of project)**

WHEREAS, the (Name of applicant) has completed an assessment to identify potential environmental impacts to the (describe purpose of project);

WHEREAS the draft Environmental Assessment was made available for public comment and the findings were presented and reviewed at a public meeting;

WHEREAS, no substantive public comment was received, (or public comment was received and responded to);

WHEREAS, The (Name of applicant) has determined that the (type of Project) will not significantly affect the quality of the human environment and accordingly the (Name of Applicant) has determined an Environmental Impact Statement (or Environmental Assessment and EIS if project is Categorical Exclusion); is not necessary;

NOW, THEREFORE, BE IT RESOLVED by the (Council, Board, Commissioners) as follows;

That (Name of Applicant), Montana adopts the final Environmental Assessment for the (type of project).

Passes and approved on this date of (date)

Signed: _____

Name: _____

Title: _____

Date: _____

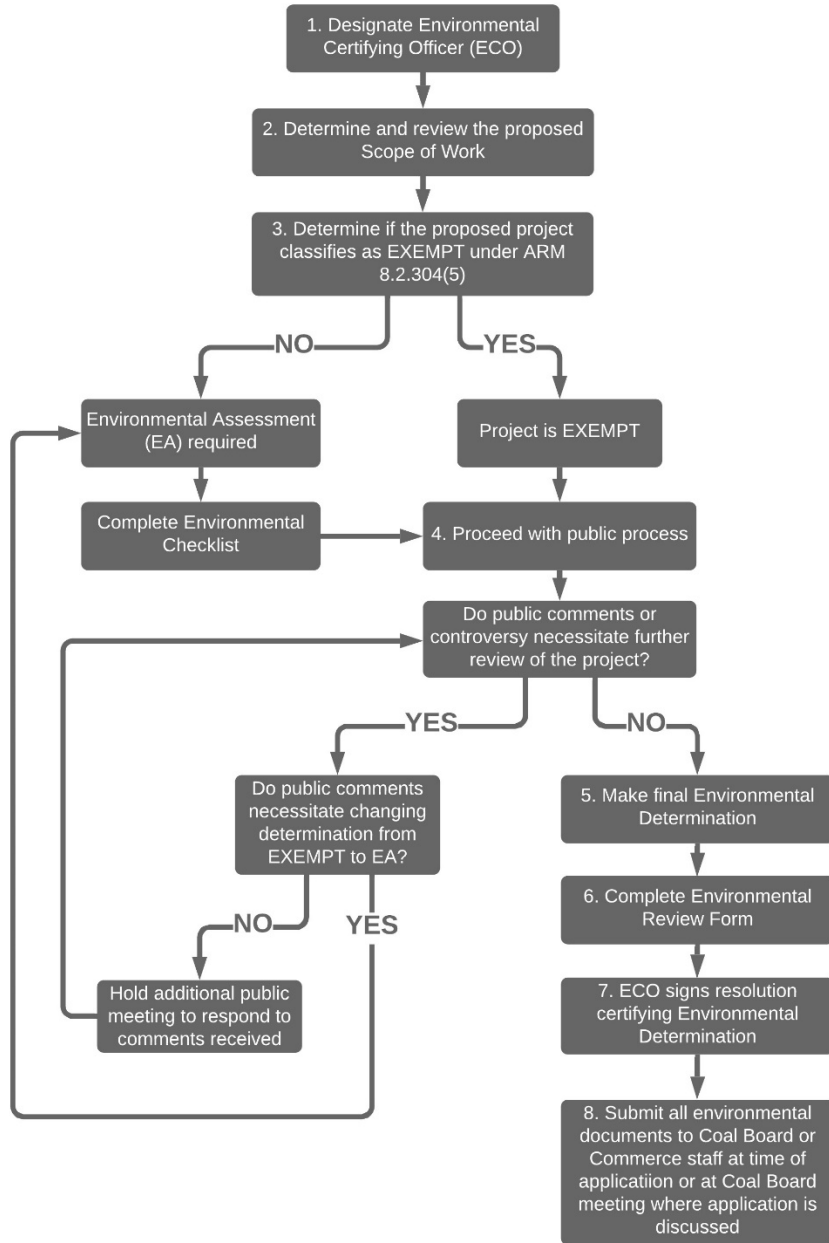
Attested: _____

Appendix D: Environmental Review Flowchart

MONTANA COAL BOARD

Environmental Review Process Outline

For Exempt and Environmental Assessment Projects





COMMUNITY DEVELOPMENT DIVISION

**Montana Coal Board Impact Grant Program
Application and Guidelines**

Grant Applications Due Quarterly, 45 days before the next regularly scheduled Montana Coal Board Meeting

Meeting dates and application due dates can be found on the Montana Coal Board website:
<https://comdev.mt.gov/Boards/Coal/Meetings>

DOCCDD@MT.GOV

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- II. Eligible Applicants**
- III. Eligible Projects**
- IV. Eligible Funding**
- V. Application Submission**
- VI. Award Process**
- VII. Project Administration**

Appendix A: Montana Coal Board Grant Program Application and Statutory Review Criteria

Appendix B: PAR Requirements

Appendix C: Environmental Review Requirements

Appendix D: Environmental Review Flowchart

I. Introduction

The Montana Coal Board, a governor appointed seven-member board, was created in 1975, along with Montana's Coal Severance Tax, through the passage of Senate Bill 87. The Montana Coal Board, referred to the "Coal Board" hereafter, follows [Title 90, Chapter 6, Part 2](#) of the Montana Code Annotated to carry out its responsibilities. The Coal Board is attached to the Montana Department of Commerce (Commerce) for administrative purposes.

As stated in [90-6-201](#), MCA, the Board's purpose is to assist local governmental units that have been required to expand the provision of public services as a consequence of large-scale development of coal mines and coal-using energy complexes or as a consequence of a major decline in coal mining or in the operation of coal-using energy complexes, to assist in the construction and reconstruction of designated portions of highways that serve the area affected by the large-scale development, to support county land planning, and to support public schools throughout the state.

The Board considers applications and awards Coal Board Impact grants to counties, communities, school districts, Indian Tribes, or other governmental units to assist them in adequately providing governmental services or facilities that are needed as a direct consequence of an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex. The Board is also responsible to award grants to local government for the purpose of paying part or all the credit that the local governmental unit is obligated to give a major new industrial facility that has prepaid property taxes.

The Board meets at least once each quarter, typically during the third week of the third month of each quarter. Additional meetings may be called by the presiding officer or majority of the members ([90-6-204, MCA](#)).

The Coal Board awards grants pursuant to [90-6-207](#), MCA, which provides the priorities for grants to counties, communities, school districts, or other governmental units that, as a result of the impact of coal development, has had or expects to have a net increase or decrease in estimated population. The current Coal Impact Area Report, list of designated units, and a map can be found on the Coal Board website: <https://comdev.mt.gov/Boards/Coal>.

These application guidelines explain how an eligible application can apply for Montana Coal Board funding and includes an application and appendices relevant to program requirements. Montana Coal Board program application and guidelines, project administration manual, other relevant information and resources are available on the Montana Department of Commerce (Commerce), Community Development Division (CDD) website at <https://comdev.mt.gov/Boards/Coal>. Interested persons can also e-mail MHPG program staff at DOCCDD@mt.gov or call staff at (406) 841-2770 regarding any questions they may have about the MHPG Program.

Alternative accessible formats of this document will be provided upon request. If you need this document in an alternative format, such as large print, Braille, audio tape, or computer diskette, please contact the Montana Department of Commerce Community Development Division at (406) 841-2770, TDD (406) 841-2702, or the Relay Services number, 711.

The Department of Commerce does not discriminate on the basis of disability in admission to, access to, or operations of its program, services, or activities. Individuals who need aids or services for effective communications or other disability-related accommodations in the programs and services offered are invited

to make their needs and preferences known. Please provide as much advance notice as possible for requests.

II. Eligible Applicants

Applicants eligible to receive financial assistance for the Montana Coal Board include:

- Local governmental units (cities, towns, counties, school districts, water and sewer districts, etc.)
- State agencies
- Governing bodies of federally recognized Indian tribes.

Under 90-6-209, MCA, a grant to an Indian tribe may not be approved by the Coal Board unless:

- (a) the governing body of the tribe has agreed:
 - (i) to waive its immunity from suit on any issue specifically arising from the transaction of a grant obtained under this part; and
 - (ii) to the adjudication of any dispute arising out of the grant transaction in the district court of the first judicial district of the state of Montana; and
- (b) approval of the transaction has been obtained from the secretary of the United States department of the interior whenever approval is necessary.

Under ARM 8.101.306 State Agencies:

- (I) An eligible state agency is one that:
 - (a) is seeking a grant to assist a local governmental unit in providing a service which the local government unit is legally responsible to provide in whole or in part, and such service must be expanded because of coal development or decline impact, and the applicant state agency is either joined in the application by the local governmental unit's governing body or has received letters of support from such authority; or
 - (b) is applying to provide a direct service to the Coal Board to enable the board to more effectively discharge its statutory responsibilities.

Additional Considerations for Eligible Applicants

Applicants should be familiar with their status of audit compliance and related financial considerations at the time of application, as applicable audit and financial compliance reports are reviewed by Commerce staff as part of the ranking process. Information related to the audit and financial status of a local government applicant is available at any time on the Department of Administration, Local Government Services website at <http://sfsd.mt.gov/LGSB>.

III. Eligible Projects

The Coal Board statutes do not specifically prohibit any type of project from eligibility for Coal Board funds. Eligible projects include any governmental services that are needed as a direct consequence of an increase or decrease of coal development or of an increase or decrease in the consumption of coal by a coal-using energy complex. Project types may be construction, equipment purchases, or developing a planning document.

Applicants must document how the project meets the Coal Board statutory criteria (MCA 90-6-206, 90-6-208). Grants must be awarded based on:

- Need;
- Degree of severity of impact from an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex;
- Availability of funds;
- Degree of local effort in meeting these needs.
 - In determining the degree of local effort, the board shall review the millage rates levied for the present fiscal year in relation to the average millage rates levied during the 3 years immediately preceding the year of application for assistance.

- Millage rates for the present fiscal year that are lower than the average millage rate levied during the 3 years immediately preceding the year of application for assistance must be considered by the board to indicate the lack of local effort. The application under these circumstances may be rejected.
- Further, in determining the degree of local effort, the board shall consider the possibility of requiring that local governmental unit to increase its bonded indebtedness to provide all or part of the governmental service or facility that is needed as a direct consequence of an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex.
- To the extent that funds are needed to evaluate and plan for the impact needs caused by the increase or decrease in coal development or in the consumption of coal by a coal-using energy complex, consideration of bond issues and millage levies may be waived.
- To the extent that the applicant has no history of mill levies, the second and third bulleted items do not apply.
- **Planning and Management**
 - State law (90-6-207(5), MCA) requires the Coal Board to give attention “to the need for community planning before the full impact of coal development or decline is realized.
 - Applicants should be able to show how the request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems.”

Therefore, pursuant to Sub- Chapter 3 of the Administrative Rules of Montana, ‘planning’ is an additional criterion the Coal Board will apply when reviewing applications.

Coal Board grant funds used for the preparation of plans, studies, analyses, or necessary research for the preparation of a preliminary engineering report must meet the requirements of the most current Uniform Application for [Montana Public Facility Projects](#). Coal impact grant funds used for the preparation of a preliminary architectural report must meet the requirements described in Appendix B.

IV. Eligible Funding

Coal Board grant funds are appropriated by the state legislature on a biennial basis. The Montana Coal Board may award Coal Board grants up to, but not more than the amount appropriated by the legislature by fiscal year and biennium. Quarterly fiscal updates are provided to the Board and the public on at least a quarterly basis at regularly scheduled Coal Board meetings.

The Montana Department of Commerce (referred to as “Commerce”, hereafter) is required by statute, Montana Code Annotated (MCA 90-6-207) to biennially designate each county, incorporated city and town, school district or other governmental unit impacted by coal development. The specific criteria for designation are defined in detail within the statute and summarized below. This designation guides the use of funds and directs the Montana Coal Board (referred to as “Coal Board”, hereafter) to award at least 50% of appropriated funds to designated local government units, except as it pertains to MCA 90-6-205(4)(b). The Coal Board cannot award more than 50% of the funds appropriated to it each fiscal year for non-designated units.

V. Application Submission

To apply for a Coal Board grant, an eligible applicant must complete the required application (Appendix A) and submit by the due date. One hard copy and one electronic copy of the Coal Board application, PER or PAR, if applicable, completed environmental review documentation, and associated documents must be postmarked or delivered to the Department of Commerce, 301 South Park Ave., PO Box 200523, Helena MT, 59620 on or before the application date listed on the Coal Board website:

<http://comdev.mt.gov/Boards/COAL>.

It is preferable that electronic copy of application information and documents be transmitted via the file transfer service at <https://transfer.mt.gov>. Simply create an account in the transfer service, upload the files and email the transfer to DOCCDD@mt.gov prior to or by close of business on the application due date. Please identify your upload(s) to include the name of the grantee in the file name. Please combine application materials into as few files as possible, this will improve the application receipt process for CDD staff.

Applications are due 45 days prior to the Coal Board meeting. Any application not received or postmarked by the application due date, will be reviewed during the subsequent quarter.

Applicants must appear before the Coal Board, in-person or by conference call, when their application is on the agenda for consideration. Applicants will receive a staff review report and an agenda prior to the meeting date. If a representative is not available to speak on behalf of the application request, the application may be tabled until the next board meeting.

Prior to award, the applicant must provide documentation of a complete environmental review. Coal Board grants are a state action subject to the Montana Environmental Policy Act (MEPA). MEPA specifies three different levels of environmental review, based on the significance of the potential impacts. The levels are: (1) exempt or categorically excluded from MEPA review; (2) environmental assessment (EA), and (3) environmental impact statement (EIS). The following outlines the environmental review process that must be completed by the applicant for each project proposed for Coal Board funding. For detailed information on MEPA, see A Guide to the Montana Environmental Policy Act, or A Citizen's Guide to Public Participation in Environmental Decision Making, at <https://leg.mt.gov/committees/interim/eqc/montana-environmental-policy-act/>.

All necessary environmental review of the proposed project must be completed prior to submission of the application for grant funding. Any application received without documentation that the environmental review process has been completed, may be denied or tabled by the Board. Additional documentation may be submitted to the Board within 10 days of the meeting or at the meeting. The applicant will need to request a waiver to the 10-day rule from the Board at the meeting.

The applicant must provide documentation of the completed environmental review process and include with the application all documentation of the public review process, including but not limited to, the public notice for and minutes of a public hearing at which the environmental review was discussed, the public comments received, and the final decision on the environmental determination made during a public meeting. For more information Coal Board website for a webinar on environmental review, sample environmental resolutions, and an Environmental Steps checklist. <https://comdev.mt.gov/Boards/Coal/ProjectGrants/Toolkit>. More information about the environmental review process can be found in Appendices C and D.

The Board may categorically exclude projects from MEPA requirements which apply to Coal Board regulations and will not normally prepare either an environmental assessment or an environmental impacts statement in considering applications for grants to finance projects. This determination is not something Commerce determines; therefore the staff report includes comments that reflect the completion of the process.

An applicant may submit a Confidentiality and Non-Disclosure Agreement, to protect any information that the applicant does not want public to see. This may be submitted with the application or at any time during the project timeline. This may not be applicable to all applicants or project types. Please contact CDD staff at DOCCDD@mt.gov for the Commerce template.

VI. Award Process

Applications are evaluated as they are submitted at the quarterly Board meeting. The Coal Board may approve, deny or table a grant. The Board may table an application if significant changes or new information are presented during the meeting. The Board may request that an applicant return to the next meeting with additional information and move to table the application until the next meeting. If the application is tabled pending receipt of the requested information, the applicant can make a request that the Board remove the application from the table after submitting further information. The application will be placed on the next Coal Board meeting agenda.

The Board may prioritize projects at each meeting based any availability of funds or other statutory criteria. Once awarded, contracts will be routed for execution with grantees in the order of prioritization, if applicable, and when revenues are sufficient for awards.

VII. Project Administration

Please see the Project Administration Manual on the Commerce website for information on how to administer a Coal Board project.

(a

(2)

(b)

(l)

(a)

(b)

(c)

(d)

(e)



d.

Appendix A: Coal Board Application
THE COAL IMPACT GRANT APPLICATION FORM SUBMITTED BY
(NAME OF APPLICANT)



CERTIFICATION

The chief elected official or executive officer of the applicant must sign the application certifying that to the best of the official's knowledge and belief, the information provided in the application and the attached documents is true and correct.

The chief elected official or executive officer of the applicant must also certify that, in accordance with Section 90-6-205, MCA, the applicant is eligible for a Coal Impact Grant and has the authority to administer and make expenditures to provide for the proposed service or facility.

CERTIFICATION

To the best of my knowledge and belief, the information provided in this application and in the attached documents is true and correct.

In accordance with Section 90-6-205, MCA, the applicant is eligible for Coal Board grants and has the statutory authority to make expenditures to provide for the particular service or facility.

Name:

Title:

Signature:

Date:

SUMMARY INFORMATION

1. NAME OF APPLICANT(S):

Enter the name(s) of the entity submitting the application

2. TYPE OF ENTITY:

Enter the type of entity. Applicants eligible to receive financial assistance under state law include local governmental units (cities, towns, counties, school districts, water and sewer districts, etc.), state agencies, and governing bodies of federally recognized Indian tribes.

3. SENATE AND HOUSE DISTRICTS:

Enter the State Senate and House of Representatives district numbers that the entity is located within.

4. AMOUNT OF COAL IMPACT GRANT REQUESTED \$ _____

5. NAME OF PROJECT:

6. TYPE OF PROJECT:

7. Enter the type of public facility project or service, such as water, wastewater, solid waste, first responder equipment purchase, public building/school/hospital repair or expansion, road repair, planning studies, or other

(specify).

8. POPULATION SERVED BY PROJECT:

Enter the number of people that reside within the area served by the project.

9. NUMBER OF HOUSEHOLDS SERVED BY PROJECT:

Enter the number of households within the area served by the project.

10. CHIEF ELECTED OFFICIAL OR AUTHORIZED REPRESENTATIVE:

Enter the name and title of the chief elected official or authorized representative of the applicant.
Include the mailing address, business telephone, and e-mail address.

11. PRIMARY ENTITY CONTACT PERSON:

Provide the name, mailing address, business telephone, and e-mail address.
number of the person or people within the community designated as the primary contact person for
the project. This person should be knowledgeable about the project and be authorized to speak on
behalf of the applicant regarding the application.

12. OTHER CONTACT PERSONS:

If applicable and available, provide the name, mailing address, business telephone and e-mail address of any other appropriate contacts (e.g., Public Works Superintendent, project engineer, grant/loan administrator, legal counsel, bond counsel, clerk/chief financial officer, accountant, etc.)

13. MILLAGE RATES:

Provide the current fiscal year millage rates and those for the 3 years immediately preceding the year of application. Please state the mill value for each of those three years. Specifically list how many mills and each year's total mill value.

P

14. AMOUNT OF COAL GROSS PROCEEDSTAX:

Please provide the following details:

- Total amount of Coal Gross Proceeds taxes the applicant has received during the last two years
 - How those monies are allocated (i.e. to general fund, etc.)
- How does the applicant decide the use of the gross proceeds?

-

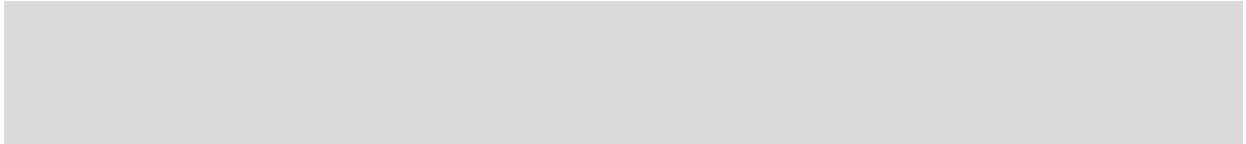
15. IMPACTS FROM COAL INDUSTRY:

Number of residents that are currently employed by the coal industry within the applicant's jurisdiction

-

16. MAPS:

Each application must include a legible map showing the boundaries of the proposed project area and the locations of all proposed project activities, such as land to be acquired or public facilities to be constructed or improved.

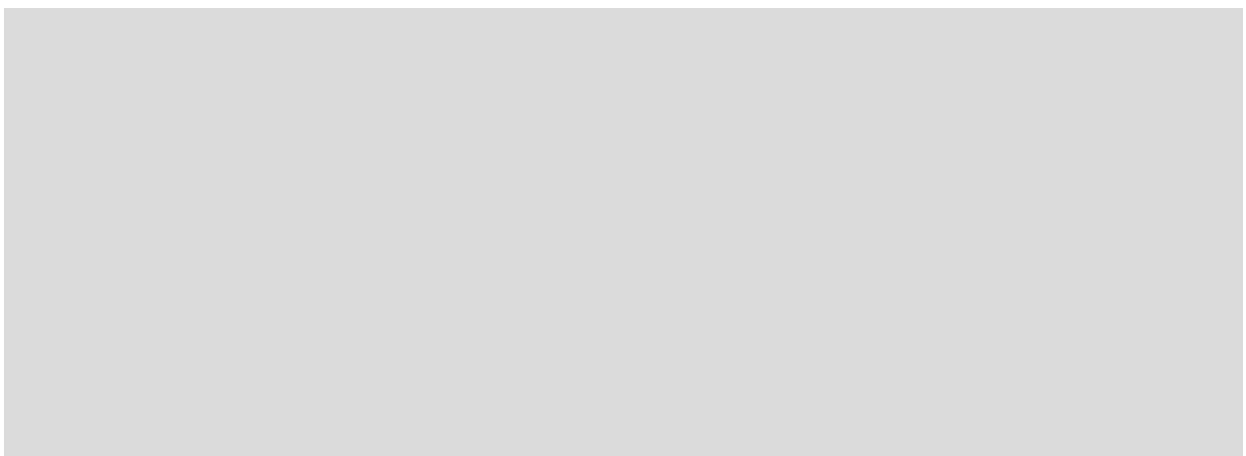


17. BRIEF PROJECT SUMMARY:

The project summary should briefly provide some background information including:

- the age of the system, facility, equipment, building;
- the date, type and cost of the last major improvements to the system, facility, equipment, building; and
- whether there are any state administrative orders or other similar requirements to fix or modify the system, facility, equipment, and building.
- The project summary should also clearly state the specific problem(s) with the public facility and how the proposed project will solve the problem(s).

Applications for Coal Board assistance for public services or programs such as community planning, economic development, etc. should provide similar background information regarding the nature of the problem and the proposed solution.

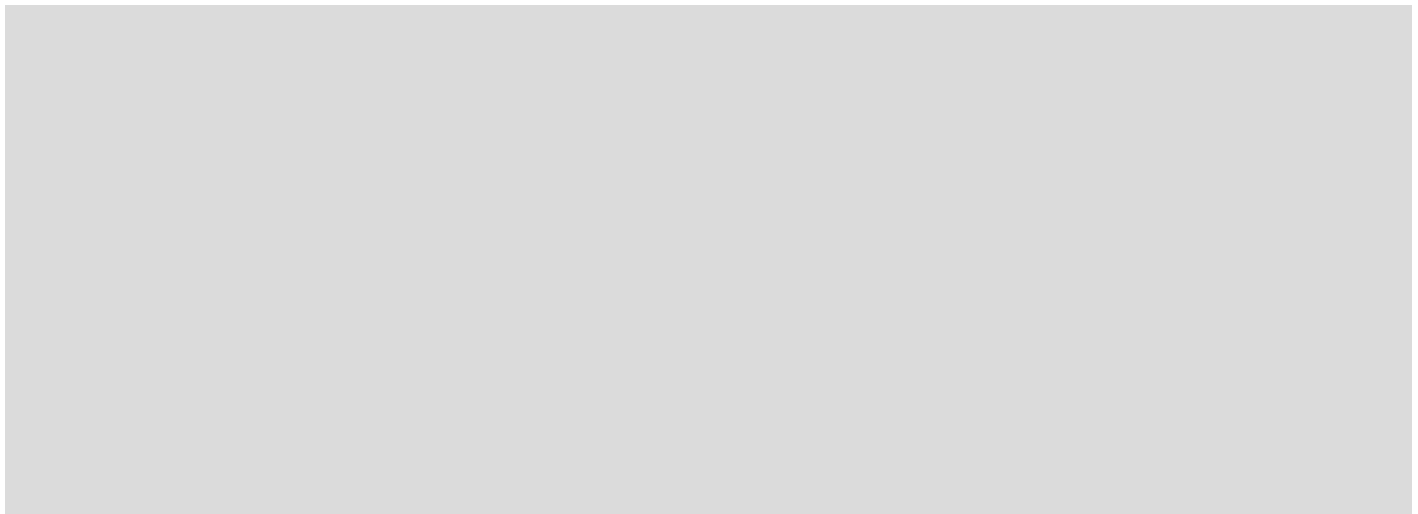


18. PROJECT BUDGET AND IMPLEMENTATION SCHEDULE:

A. Project Budget Form:

The proposed project budget **must** include a breakdown of all major project costs, and a description of the proposed source and use of all funds. Designate the total budget of any proposed project as either “Administrative/Financial Costs” or “Activity Costs: (such as engineering or construction). Administrative Costs may not exceed 10% of the total project cost. Refer to the description of expenditure categories shown below that outline the expenditures that may be part of the budget. The Administrative/Financial Costs cover the expenses of administering a local project, including the cost of local government personnel involved with managing the project; the cost of the local project audit; and other contractual costs for professional services (such as hiring a project manager) that may be associated with administration of the program. Administrative/Financial Costs must be reasonable and appropriate to ensure cost-effective and proper management of the project.

Any proposed Administrative/Financial Costs must be eligible, fully supported, and adequately explained. Applicants which propose to contract for project management assistance with a consultant or other entity must specifically itemize this amount in the Administrative Budget and explain it.



<u>PROJECT BUDGET FOR ---</u>					
=					
Completed by: _____ For: (location) _____, MT Date: _____					
ADMINISTRATIVE/ FINANCIAL COSTS	SOURCE:	SOURCE:	SOURCE:	SOURCE:	TOTAL:
Grant Administration	*** \$	\$	\$	\$	\$
Office Costs	\$	\$	\$	\$	\$
Professional Services	\$	\$	\$	\$	\$
Legal Costs	\$	\$	\$	\$	\$
Travel & Training	\$	\$	\$	\$	\$
<u>TOTAL</u> <u>ADMINISTRATIVE/</u> <u>FINANCIAL COSTS</u>	\$	\$	\$	\$	\$
ACTIVITY COSTS:					
Equipment Cost	\$	\$	\$	\$	\$
Construction Cost	\$	\$	\$	\$	\$
Architectural/Engineering Design	\$	\$	\$	\$	\$
Product Completion (PER's, studies, etc.)	\$	\$	\$	\$	\$
Contingency	\$	\$	\$	\$	\$
TOTAL ACTIVITY COSTS	\$	\$	\$	\$	\$
TOTAL PROJECT COSTS	\$	\$	\$	\$	\$

B. Project Budget Narrative:

Include a narrative justification for the specific proposed project construction activities and related administrative/ financial costs. Explain the cost estimates for each item in the proposed budget in the narrative.

related

emolition of the former X-ray room and all inspection/code fees

<u>IMPLEMENTATION SCHEDULE FOR -----</u>												
	QUARTERS 20XX				QUARTERS 20XX				QUARTERS 20XX			
TASK	1 ^S T	2 ^N D	3 ^R D	4 ^T H	1 ^S T	2 ^N D	3 ^R D	4 ^T H	1 ^S T	2 ^N D	3 ^R D	4 ^T H
<u>PROJECT START-UP</u>												
A. Sign contract with Coal Board												
B. Secure approval of other funding												
C. Submit progress reports and drawdown request. (Progress reports quarterly if no draws submitted)												
<u>PROJECT CONSTRUCTION</u>												
A. Architectural Design												
C. Construction and purchase and installation of equipment												
D. Monitor Progress												
E. Final Inspection												
<u>PROJECT CLOSE-OUT</u>												
A.												
B. Submit project completion report.												
C. Include project in audits.												

19. DESCRIPTION OF RELATIONSHIP TO COAL BOARD STATUTORY GRANT CRITERIA

The Coal Board does base its awards on the following four statutory criteria (90-6-206, MCA). In addition, State law (90-6-207(5), MCA) that requires attention be given to the need for community planning before the full impact of coal development or decline is realized.

A. Need

Explain how the assistance that is required to eliminate or reduce a direct and obvious threat to the public health, safety, or welfare that has been caused as a direct result of coal development or decline?" (90-6-206, MCA)

- I. Does a serious deficiency exist in a basic or necessary community public facility or service? Examples include emergency services such as police, fire or ambulance services. Describe the nature and frequency of occurrence and provide supporting documentation.)

2. (

APPLICANT'S RESPONSE:

3. Have serious public health or safety problems that are clearly attributable to a deficiency occurred, or are they likely to occur, such as illness, disease outbreak, substantial property loss, environmental pollution, safety problems, hazards, or health risks? (Describe the nature and frequency of occurrence and provide supporting documentation.)

4. APPLICANT'S RESPONSE:

5. Is the entire community, or a substantial percentage of the residents of the community, seriously affected by the deficiency or at risk, as opposed to a small percentage of the residents? (Describe the number or percentage of community residents affected by the problem.)

6. APPLICANT'S RESPONSE:

7. Is there clear documentation that the current condition of the public facility or service (or lack of a facility or service) violates, or may potentially violate, a state or federal health or safety standard. (If yes, describe the standard being violated.)? If the proposed project is necessary to comply with a court order or a state or federal agency directive, describe the directive and attach a copy of it.

APPLICANT'S RESPONSE:

8. Does the standard that is being violated, or potentially may be violated; represent a significant threat or potential threat to public health or safety?

APPLICANT'S RESPONSE:

9. Additional information supporting the NEED for this project.

APPLICANT'S RESPONSE:

B. Degree of Severity of Impact from an Increase or Decrease in Coal Development or In the Consumption of Coal by A Coal-Using Energy Complex

Explain why the proposed project or governmental services or facilities “are needed as a direct consequence of an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex” (90-6-205(4)(a), MCA).

1. Describe why the need for the expansion or improvement to the public facility or public service is attributable to coal-related impacts. Additionally, please provide the percentage of the project that is a result of coal impacts.

☐

2. Name the nearest coal development area or coal-using energy complex to your community and the road miles from your community.
3. Additional information supporting the DEGREE OF SEVERITY OF IMPACT FROM AN INCREASE OR DECREASE IN COAL DEVELOPMENT OR IN THE CONSUMPTION OF COAL BY A COAL-USING ENERGY COMPLEX.

C. Availability of Funds

1. Amount requested from the Coal Board: \$_____
2. Amount of Coal Board funds available at the time of application \$_____ (#2 will be completed by Coal Board staff)
3. Explain why a coal impact grant is necessary to make the project feasible and affordable
4. What are the other proposed funding sources for the project?

FUNDING SOURCES SUMMARY FOR.....

Source	Type of Fund	Amount	Status of Commitment	Loan Rates & Terms

5. If a particular proposed source of funding is not obtained, how will the applicant proceed?
Explain how the funding strategy will change if each proposed funding source is not received. (Discuss how the loss of each of the proposed funding sources would affect the completion of the project. For instance, will the applicant wait and re-apply to the funding source, will the applicant be willing to increase the amount of debt it will incur, or will the project not move forward?)

D. Degree of Local Effort in Meeting Needs

1. If current millage rates given are lower than the average rates levied during the previous three years, briefly explain why they are lower.
2. Describe any local efforts to meet the public facility or public service needs by providing financial contributions to the project to the extent possible, such as local funding, donations of land, absorbing some or all-administrative costs. For non-profit organizations, describe fund- raising efforts or other in-kind assistance to the proposed project as well as usual program fund-raising efforts.
3. Describe past operation and maintenance budgets and practices over the long-term, including any reserves for repair and replacement.
4. If there are indications that the problem is not of recent origin, or has developed because of inadequate operation and maintenance practices in the past, explain the circumstances and describe the actions that management will take in the future to assure that the problem will not reoccur.
5. If the project involves water, wastewater or solid waste, provide the current and projected monthly household user charges, including operation and maintenance:
 - a. What is the current monthly household user charge? \$_____
 - b. What is the projected monthly user charge (including operation and maintenance) when the project is complete? \$ _____
6. What are your current debt obligations?
List current debt obligations. If the applicant is a water, wastewater, solid waste, or other system, which relies on rates and charges for its financial support, only debt related to that system need be entered. If the applicant is a city, county, or district that relies on general taxing authority for its financial support, or is a not-for-profit organization, debt related to the general obligations of the city, county, district, or not-for-profit organization should be entered.

APPLICANT'S RESPONSE: <u>CURRENT DEBT SUMMARY FOR -----</u>								
Year Issued	Purpose	Type of Bond/ Security	Amount	Maturity Date (mo./yr.)	Debt Holder	Coverage Required	Annual Payment Amount	Outstanding Balance

7. What are your current assets?
 List all current assets including endowments, cash, investments, certificates of deposit, accounts receivable, and any other current assets not specifically indicated. Indicate whether assets are obligated for a specific purpose and what that purpose is (i.e., Certificate of Deposit, \$100,000 - reserve requirement for SRF loan; Investments, \$200,000 – \$100,000 of it is needed to purchase line inspection equipment in 2005).

8. What financial accounting system do you use? _____
 The Board is required to ensure conformity to generally accepted accounting principles. Examples include Quick Books and MBARS.

9. Is the applicant in compliance with the auditing and annual financial reporting requirements provided for in the Montana Single Audit Act, 2-7-501 to 522, MCA? (Tribal governments must comply with auditing and reporting requirements provided for in OMB Circular A-133).

Yes____No____Date of last completed audit or financial report _____

10. If there have been audit findings within the last five years, have they been satisfactorily addressed?
11. Additional information supporting the DEGREE OF LOCAL EFFORT IN MEETING NEEDS.

E. Planning & Management

State law (90-6-207(5), MCA) requires the Coal Board to give attention “to the need for community planning before the full impact of coal development or decline is realized. Applicants should be able to show how the request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems.” Therefore, pursuant to Sub-Chapter 3 of the Administrative Rules of Montana, Planning is an additional criterion the Coal Board will apply when judging applications.

1. Describe how your grant request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems related to coal impacts.

2. Describe how the proposed project is consistent with current plans.
Plans may include a local capital improvements plan, growth policy, transportation plan, comprehensive economic development plan, or any other applicable plan.

APPENDIX B

PAR PRELIMINARY ARCHITECTURAL REPORT (PAR) REQUIREMENTS

A. A PAR MUST BE SUBMITTED AS PART OF A COAL BOARD APPLICATION FOR:

- a. Utilization of a PAR for rehabilitation or construction of Coal Board funded activities for Non-Water/Non-Wastewater community facility projects;
- b. New construction of a Non-Water/Non-Wastewater community facility project;

B. A PAR MUST MEET THE REQUIREMENTS FOR:

- a. Preparation of a PAR as a planning activity

C. GENERAL INFORMATION ON PARs:

- The PAR outline presented here is by no means all-inclusive. The architect should use his or her professional judgment to present sufficient information during preparation of the PAR, taking into account that different projects require varying levels of detail (rehabilitation of an existing building versus construction of a new building) and consideration of reasonable alternatives.
- Architects and project representatives can call Community Development Division staff (406- 841- 2770) to request clarification and guidance regarding this PAR outline.

D. ENVIRONMENTAL CONSIDERATIONS RELATED TO THE PAR

NOTE: All state and Coal Board funded projects are subject to the Montana Environmental Policy Act (MEPA). This law seeks to avoid adverse impacts on the environment by mandating careful consideration of the potential impacts of any development assisted with funds.

- MEPA seeks to avoid or mitigate adverse impacts on the natural and human environment by mandating careful consideration of the potential impacts of any development assisted with state funds or approved by a Montana state agency.

E. PAR OUTLINE

I. PROBLEM DEFINITION

A. DESCRIBE AND DOCUMENT THE NEED FOR THE PROJECT AND THE PROBLEM(S) TO BE SOLVED. Describe the need for the project according to the following criteria:

1. Health and Safety - Describe concerns and deficiencies, compliance issues, and relevant regulations such as the International Building Code, (and other codes as listed in "Special Requirements Concerning Code and Standards Enforcement"), asbestos, lead-based paint, handicapped accessibility, zoning ordinances, and other federal, state, local, or tribal requirements concerning the existing facility(ies).
2. Attach pertinent correspondence to or from appropriate federal, state, and local regulatory agencies, especially information that provides documentation of health and safety concerns and deficiencies.

Facility Operation & Maintenance (O&M) - Describe O&M concerns regarding the existing facility(ies) with an emphasis on those with the greatest financial and operational impact.

If the high cost of maintaining the existing facility(ies) is related to a proposal to modify or replace the existing facility, describe and document these concerns and potential cost savings.

Growth - Describe the facility's capacity to meet projected growth needs from the completion of construction through the anticipated useful life of the building

Discuss any potential for future expansion, if applicable, or any consideration given to designing for phased construction or incremental expansion of the facility in the future.

Provide both the number of current users served by the facility(ies) and the projected number of users to be served by the proposed project upon completion.

B. IDENTIFY THE PLANNING AND SERVICE AREA, INCLUDING THE EXISTING LOCATION AND POTENTIAL, ALTERNATE LOCATIONS OF THE FACILITY.

Using narrative and drawings, describe the planning and service area and alternate building(s) or sites under review or consideration. The description should include the following information:

1. Location - Indicate legal and natural boundaries, major obstacles, environmental constraints, etc., using maps, photographs, and sketches of the planning and service area, including both the existing location and potential alternate locations for the facility.
2. Growth Areas and Projected Population Trends - Identify specific areas of projected, concentrated population growth and relate these to the forecasted growth in the clientele to be served by the proposed project.

Provide population projections for the project's planning and service area (and for the persons and/or groups the facility will serve) as well as for the projected design period (i.e., the anticipated useful life of the proposed facility).

Base projections for the clientele to be served upon historical records, Census data, or economic projections, citing recognized sources.

C. EVALUATE THE CONDITION OF THE EXISTING FACILITY(IES). Describe the existing facility(ies), including at least the following information:

1. History - Provide a brief history of the facility(ies), including when the structure was constructed, major improvements implemented in the past, and any past problems.
2. Condition of Facilities - Describe the present condition and any problems such as code deficiencies, general structural decay, presence of asbestos, mold or moisture, lead based paint, subsidence issues, overcrowding, or handicapped accessibility. Describe the adequacy or capacity of the existing facility(ies) to meet existing and long-term needs.

II. ALTERNATIVE ANALYSIS

A. DESCRIPTION OF ALTERNATIVE SOLUTIONS. Describe each alternative design, building, or site considered -- i.e., identify and describe existing buildings with potential for rehabilitation or alteration, or alternative building sites considered for new construction.

1. If proposing rehabilitation or alteration of existing buildings - Describe existing buildings within the community that could be modified or rehabilitated to accommodate the proposed facility or need.

Describe the potential benefits and possible deficiencies with each alternative design, building or site considered, including code compliance issues, floor space, handicapped accessibility, and potential for long-term expansion, as applicable.

2. If proposing new construction, describe alternative building sites considered for new construction, any existing structures on the site(s), potential for long-term expansion, proximity to other services, environmental constraints, etc.

B. REGULATORY COMPLIANCE AND PERMITS. Describe issues that need to be addressed concerning compliance (for either a new building or a rehabilitated building) with appropriate regulations such as the International Building Code and other relevant codes, zoning issues, asbestos, lead-based paint, permits, handicapped accessibility (American Disabilities Act and HUD 504 regulations), designated 100-year floodplains, and other applicable federal, state, local or tribal requirements.

C. LAND ACQUISITION ISSUES. Identify sites to be purchased or leased and any easements needed, if applicable. Specify whether these properties are currently owned, to be purchased or leased, and whether options have been obtained, contingent upon receipt of funding.

D. ENVIRONMENTAL CONSIDERATIONS. For the alternative selected for the project, discuss the following:

1. Potential Environmental Impacts - The PAR must include a discussion of environmental resources in the area that might be impacted or that might impact the proposed facility.
2. Mitigation - Evaluate appropriate short and long-term measures to mitigate each potentially adverse impact.

Describe the mitigation measure(s) necessary to minimize potentially adverse impacts upon identified environmental resources. Projects contemplating the renovation of existing structures should thoroughly discuss mitigation measures to address any existing hazards, such as asbestos and lead-based paint, where identified, in accordance with federal and state requirements.

3. Correspondence - Include any environmentally-related correspondence and agency comments (e.g., comments from the State Historic Preservation Office).
4. Exhibits/Maps - Include any exhibits, maps, or drawings as applicable to describe potential environmental impacts.

E. CONSTRUCTION PROBLEMS. Discuss potential concerns such as geological constraints, limited access, underground storage tanks, high water table, asbestos, lead-based paint, contaminated soil, noise, odors, or other conditions that may affect cost of construction or long-term operation of the proposed (new or rehabilitated) facility.

F. COST ESTIMATES FOR EACH ALTERNATIVE. For each alternative considered, include both:

1. Project Costs (i.e., administrative, financial, engineering, architecture, and construction costs) and
2. Project Annual Operation and Maintenance Costs

III. SELECTION OF THE PREFERRED ALTERNATIVE

- A. ANALYSIS OF ALTERNATIVE SOLUTIONS.** Provide an analysis of why the preferred alternative (design, building, or location) was selected over other alternatives.
- B. SITE LOCATION AND CHARACTERISTICS.** Discuss the site location of any current or proposed facilities, and why the preferred alternative was selected over other alternatives.
- C. PRELIMINARY ARCHITECTURAL PLANS.** Provide preliminary architectural plans (including a proposed floor plan) for the proposed (new or rehabilitated) facility.
- D. OPERATIONAL REQUIREMENTS.** Discuss the expertise required to operate the facility and any unique operational requirements or benefits of the facility and describe why the preferred alternative was selected over other alternatives.
- E. PROJECT COST SUMMARY / PROJECT COST ESTIMATE.** Provide an itemized estimate of the project cost based on the anticipated period of construction including administrative, development and construction, land and utilities, legal, engineering, interest, equipment, contingencies, refinancing, and other costs associated with the proposed project. See 'II. F Cost Estimates for Each Alternative, above.

IV. CONCLUSIONS AND RECOMMENDATIONS

Provide any other conclusions and recommendations and any additional findings that should be considered in the evaluation of the proposed project and the selected alternative.

APPENDIX C: Environmental Review Requirements

Environmental Review

Coal Board grants are a state action subject to the Montana Environmental Policy Act (MEPA). MEPA specifies three different levels of environmental review, based on the significance of the potential impacts. The levels are: (1) exempt or categorically excluded from MEPA review; (2) environmental assessment (EA), and (3) environmental impact statement (EIS). The following outlines the environmental review process that must be completed by the applicant for each project proposed for Coal Board funding. For detailed information on MEPA, see *A Guide to the Montana Environmental Policy Act*, or *A Citizen's Guide to Public Participation in Environmental Decision Making*, at: <https://leg.mt.gov/committees/interim/eqc/montana-environmental-policy-act/> or <https://leg.mt.gov/content/publications/Environmental/2002mepabrochure1-2.pdf>

All necessary environmental review of the proposed project must be completed prior to submission of the application for grant funding. Any application received without documentation that the environmental review process has been completed may be rejected by Commerce.

The applicant must provide documentation of the completed environmental review process and include with the application all documentation of the public review process, including but not limited to, the public notice for and minutes of a public hearing at which the environmental review was discussed, the public comments received, and the final decision on the environmental determination made during a public meeting.

Statutory or Categorical Exclusions

Certain actions are exempt from MEPA review, either because they have been specifically exempted by the statute or, because of their special nature, do not normally have a significant effect on the environment. The following types of actions are statutorily exempt from MEPA review under ARM 8.2.304(5):

- Administrative actions (routine clerical or similar functions, including but not limited to administrative procurement, contracts for consulting services, or personnel actions);
- Minor repairs, operations, and maintenance of existing equipment or facilities;
- Investigation and enforcement; data collection activities; inspection of facilities or enforcement of environmental standards;
- Ministerial actions (in which the agency exercises no discretion and rather acts upon a given state of facts in a prescribed manner);
- Actions that are primarily social or economic in nature and that do not otherwise affect the human environment;

The following types of actions are categorically exempted from MEPA review under ARM 8.2.328(2):

- Projects that will be partially funded by, or for which the applicant must obtain a permit from, a state or federal agency which, by reason of its funding or permitting function, has primary responsibility to consider the environmental impacts of the project under MEPA or the National Environmental Policy Act;
- Activities which do not involve or lead directly to construction, such as planning studies, scientific research and analysis, surveys, or engineering;
- Projects primarily involving the acquisition of capital equipment;
- Projects that involve only minor repairs or rehabilitation to an existing facility, including functional replacement of an existing facility or facility components;
- Projects where the footprint of the proposed structures, pipelines, or other infrastructure would be substantially unchanged from existing conditions, and there is no increase in the population served by

the facility; or

- Emergency repairs, reconstruction, restoration, retrofitting, or replacement of an existing facility that

is in operation or under construction when damaged and the action:

- (i) occurs within the existing facility footprint and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and
- (ii) is commenced within six months after the date of the emergency.

If the proposed project qualifies for a categorical exclusion then the applicant should submit documentation that the environmental process (including public review process) is complete and the applicant has formally approved its determination that the project qualifies for an exemption. An exemption may not be appropriate if significant public controversy exists over the project's potential effect on the quality of the human environment; the proposed project shows some potential for causing a significant effect on the quality of the human environment; or the project might possibly affect sensitive environmental or cultural resource areas or endangered or threatened species and their critical habitats.

Environmental Assessment (EA)

An EA is a written analysis of a proposed action to determine whether an EIS is required or is needed to serve one or more of the other purposes described in ARM 8.2.304(2). Normally, a thoroughly completed Environmental Checklist and responses to the six questions contained in the Environmental Review Form (see Appendix C of these guidelines) will suffice as the draft EA for public review and comment, and may then be revised as necessary to constitute the final EA. Anyone authorized to perform work on behalf of the applicant may prepare the draft EA, using all available information and evidence. The applicant's authorized representative must sign the draft EA, and the final environmental determination must be made by the applicant's representatives or board. Preparation of an EA ensures the fullest appropriate opportunity for public review and comment on a proposed action, including alternatives and planned mitigation, and examines and documents the effects of a proposed action on the quality of the human environment. The EA also allows the project proponent to determine the need to prepare an EIS through an initial evaluation and determination of the significance of impacts associated with a proposed action.

In addition, an applicant may prepare an EA whenever the proposed action is one that might normally require an EIS, but the significant effects of the project appear to be mitigated below the level of significance through design, enforceable controls, and/or conditions imposed by the agency or other government agencies. For an EA to suffice in this instance, the applicant must determine that all of the impacts of the proposed action have been accurately identified, that they will be mitigated below the level of significance, and that no significant impact is likely to occur. The applicant may not consider compensation for purposes of determining that impacts have been mitigated below the level of significance.

An EA is a public document and may be inspected upon request. Any person may obtain a copy of an EA by making a request to the applicant. **The applicant shall submit a copy of each completed EA to the Department as a part of the complete grant application.** The applicant is responsible for providing public review of an EA as necessary to match the complexity and seriousness of environmental issues associated with a proposed action and the level of public interest in the action. Methods of accomplishing public review include publishing a news release or legal notice to announce the availability of an EA, summarizing its content and soliciting public comment; holding public meetings or hearings; maintaining mailing lists of persons interested in a particular action or type of action and notifying them of the availability of EAs on such actions; and distributing copies of EAs for review and comment. Where an action is one that normally requires an EIS, but effects that otherwise might be deemed significant are mitigated in the project proposal or by controls imposed by the applicant, public involvement must include the opportunity for public comment, a public meeting or hearing, and adequate notice. The applicant is responsible for determining appropriate methods to ensure adequate public review on a case-by-case basis.

The applicant shall consider all substantive comments received in response to a draft EA and decide, at a public meeting, that either:

1. that an EIS is necessary;
2. that the EA did not adequately reflect the issues raised by the proposed action and must be revised; or
3. (3) that an EIS is not necessary, and make a final decision on the proposed action (executing the contract with the Department to receive Coal Board funds for the grantee's project).

The applicant must provide a copy of the Final EA to the Department with documentation of public review, opportunity for public comment, and a final decision on the EA at a public meeting.

Any time the applicant proposes substantial changes to the project affecting the original EA, the grant recipient must repeat its environmental review for the revisions to the project, assuring the environmental impacts of the revised project are adequately identified, addressed by the grantee, and any necessary public review provided. When completed, the applicant must follow the original process and again provide environmental documents to Department.

Environmental Impact Statement (EIS)

An EIS is required whenever an EA indicates that an EIS is necessary, or an applicant proposes an action that may significantly affect the quality of the human environment (a "major action").

MEPA and Department's rules require that a draft EIS circulated for public review must contain all of the following:

1. a description of the proposed action, including its purpose and benefits;
2. a listing of any state, local, or federal agencies that have overlapping or additional jurisdiction and a description of their responsibility for the proposed action;
3. a description of the current environmental conditions in the area affected by the proposed action or alternatives, including maps and charts, whenever appropriate;
4. a description of the impacts on the quality of the human environment of the proposed action, including: direct, indirect, and cumulative impacts; potential growth-inducing or growth-inhibiting impacts; irreversible and irretrievable commitments of environmental resources, including land, air, water and energy; economic and environmental benefits and costs of the proposed action; and the relationship between local short-term uses of man's environment and the effect on maintenance and enhancement of the long-term productivity of the environment;
5. an analysis of reasonable alternatives to the proposed action, including the alternative of no action and other reasonable alternatives that may or may not be within the jurisdiction of the agency to implement, if any;
6. a discussion of mitigation, stipulations, or other controls committed to and enforceable by the applicant or other government agency;

7. a discussion of any compensation related to impacts stemming from the proposed action;

8. an explanation of the tradeoffs among the reasonable alternatives;
9. the applicant's preferred alternative on the proposed action, if any, and its reasons for the preference;
10. a section on consultation and preparation of the EIS that includes the names of those individuals or groups responsible for preparing the EIS; a listing of other agencies, groups, or individuals who were contacted or contributed information; and a summary list of source materials used in the preparation of the draft EIS;
11. a summary of the draft EIS; and
12. other sections that may be required by other statutes in a comprehensive evaluation of the proposed action, or by the National Environmental Policy Act or other federal statutes governing a cooperating federal agency.

Following preparation of a draft EIS, the applicant must distribute copies to the Governor; the Department; the Environmental Quality Council; appropriate state and federal agencies; and all persons who have requested copies. The applicant must allow 30 days for public comment on the EIS, which may be extended an additional 30 days at the discretion of the applicant or upon application of any person for good cause. When preparing a joint EIS with a federal agency or agencies, the applicant may also extend this period in accordance with time periods specified in regulations that implement the National Environmental Policy Act.

After the time for public comment and review has expired, the applicant must prepare a Final EIS for approval at a public meeting, which must also contain:

1. a summary of major conclusions and supporting information from the draft EIS and the responses to substantive comments received on the draft EIS, stating specifically where such conclusions and information were changed from those which appeared in the draft;
2. a list of all sources of written and oral comments on the draft EIS, including those obtained at public hearings, and, unless impractical, the text of comments received by the applicant (in all cases, a representative sample of comments must be included);
3. the applicant responses to substantive comments, including an evaluation of the comments received and disposition of the issues involved;
4. data, information, and explanations obtained subsequent to circulation of the draft; and
5. the applicant recommendation, preferred alternative, or proposed decision together with an explanation of the reasons.

The applicant must distribute copies of the Final EIS to the Governor; the Department; the Environmental Quality Council; appropriate state and federal agencies; all persons who submitted comments on or received a copy of the draft EIS; and all other members of the public upon request.

The applicant may not make a final decision on the proposed action being evaluated in a Final EIS (executing the contract with the Department to receive Coal Board funds for the grantee's project) until 15 days from the date of transmittal of the Final EIS to the Governor and Environmental Quality Council. Until the applicant reaches its final decision on the proposed action, no action concerning the proposal may be taken that would have an adverse environmental impact or limit the applicant's choice of reasonable alternatives, including the no-action alternative.

Any time the applicant proposes substantial changes to the project affecting the original EIS, the applicant must repeat its environmental review for the revisions to the project, assuring the environmental impacts of the

revised project are adequately identified, addressed by the grantee, and any necessary public review

provided. When completed, the applicant must follow the original process and again provide environmental documents to Department.

Coal Board applicants are responsible for compliance with all applicable state environmental requirements. Some of the other state environmental requirements that *may* apply to Coal Board projects include:

- ☐ Stream Protection Act, Title 87, Chapter 5, Part 5, MCA
- ☐ Montana Solid Waste Management Act, Title 75, Chapter 10, Part 2, MCA
- ☐ Clean Air Act of Montana, Title 75, Chapter 2, MCA
- ☐ Water Quality Act, Title 75, Chapter 5, MCA
- ☐ Public Water Supplies, Distribution and Treatment, Title 75, Chapter 6, MCA
- ☐ Floodplain and Floodway Management, Title 76, Chapter 5, MCA
- ☐ The Montana State Antiquities Act, Title 22, Chapter 3, MCA
- ☐ The Montana Sage Grouse Habitat Conservation Program and Conservation Strategy, Executive Orders 10-2014 and 12-2015 and Chapter 445, Laws 2015 (SB 261) <https://sagegrouse.mt.gov>

Some of the environmental permits that may be required on your project from other state agencies include the following:

- ☐ Asbestos Control Program – contact the Department of Environmental Quality (DEQ).
- ☐ Montana Stream Protection Act (SPA 124 Permit) – contact the Montana Department of Fish, Wildlife and Parks at 444-2449.
- ☐ Montana Floodplain and Floodway Management Act (Floodplain Development Permit) – contact the Montana Department of Natural Resources and Conservation at 444-0860 or the local floodplain administrator.
- ☐ Federal Clean Water Act (404 Permit) – contact the U.S. Army Corps of Engineers in Helena at 441-1375.
- ☐ Short-Term Water Quality Standard for Turbidity (318 Authorization) – contact the Montana Department of Environmental Quality at 444-3080.
- ☐ Montana Water Use Act (Water Right Permit and Change Authorization) – contact the Montana Department of Natural Resources and Conservation at 444-6667 or the local DNRC Water Resources Regional Office. A useful website regarding water rights can be found at http://www.dnrc.mt.gov/wrd/water_rts/default.asp.
- ☐ Stormwater Discharge General Permits and/or Montana Pollutant Discharge Elimination System (MPDES Permit) – contact the Montana Department of Environmental Quality at 444-3080.
- ☐ Please check the DNRC website for a copy of “A Guide to Stream Permitting in Montana.” Their web address is http://dnrc.mt.gov/permits/stream_permitting/default.asp.

- ❑ Cultural Resource Survey – You may need to perform a cultural resource survey for your project. The

State Historic Preservation Office (SHPO) can be reached at 444-7715 for more information. There is guidance for consulting with SHPO at <http://mhs.mt.gov/shpo/archaeology/consultingwith.asp>.

Environmental Assessment

Each Coal Board applicant must either identify that the proposed project qualifies for an exclusion from MEPA, or identify and analyze the environmental impacts of the proposed project.

Any time the applicant proposes substantial changes to the project, after submission of the application but either before or after final ranking by the Department or approval by the Legislature and Governor, the Department will require the applicant to repeat its environmental review as set forth above.

The checklist contained within the *Uniform Application for Montana Public Facility Projects, Tenth Edition*, must be submitted with the Coal Board application. Please use the heading for the environmental assessment as shown below. Letters to the appropriate state and federal agencies must be sent and documented.

It is the requirement to complete the entire environmental review process and include all documentation with the application. The responsibility for completing the environmental assessment rests with the grantee. Please refer to environmental review language for specific details regarding completion of the entire environmental process.

The 'environmental review form' must be completed for Coal Board projects and submitted with the construction grant application. The form must be prepared by someone with a thorough knowledge of the project, expertise in environmental issues, and authority to sign for the applicant.

Please ensure all portions of the environmental process are completed prior to application submission.

- a. Environmental Assessment Checklist
- b. Environmental Review form
- c. Final Action taken by resolution or documented local decision

ENVIRONMENTAL REVIEW CHECKLIST

NAME OF PROJECT:	
PROPOSED ACTION:	
LOCATION:	_____, Montana

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
PHYSICAL ENVIRONMENT		
Key	1	Soil Suitability, Topographic and/or Geologic Constraints (e.g., soil slump, steep slopes, subsidence, seismic activity)
		<i>Response and source of information:</i>
Key	2	Hazardous Facilities (e.g., power lines, hazardous waste sites, acceptable distance from explosive and flammable hazards including chemical/petrochemical storage tanks, underground fuel storage tanks, and related facilities such as natural gas storage facilities & propane storage tanks)
		<i>Response and source of information:</i>
Key	3	Effects of Project on Surrounding Air Quality or Any Kind of Effects of Existing Air Quality on Project (e.g., dust, odors, emissions)
		<i>Response and source of information:</i>
Key	4	Groundwater Resources & Aquifers (e.g., quantity, quality, distribution, depth to groundwater, sole source aquifers)
		<i>Response and source of information:</i>

Key Letter:		
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Key	5	Surface Water/Water Quality, Quantity & Distribution (e.g., streams, lakes, storm runoff, irrigation systems, canals)
		Response and source of information:
Key	6	Floodplains & Floodplain Management (Identify any floodplains within one mile of the boundary of the project.)
		Response and source of information:
Key	7	Wetlands Protection (Identify any wetlands within one mile of the boundary of the project.)
		Response and source of information:
Key	8	Agricultural Lands, Production, & Farmland Protection (e.g., grazing, forestry, cropland, prime or unique agricultural lands) (Identify any prime or important farm ground or forest lands within one mile of the boundary of the project.)
		Response and source of information:
Key	9	Vegetation & Wildlife Species & Habitats, including Fish and Sage Grouse (e.g., terrestrial, avian and aquatic life and habitats) https://sagegrouse.mt.gov
		Response and source of information:
Key	10	Unique, Endangered, Fragile, or Limited Environmental Resources, Including Endangered Species (e.g., plants, fish or wildlife)
		Response and source of information:

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
Key	11	Unique Natural Features (e.g., geologic features)
		<i>Response and source of information:</i>
Key	12	Access to, and Quality of, Recreational & Wilderness Activities, Public Lands and Waterways, and Public Open Space
		<i>Response and source of information:</i>
HUMAN ENVIRONMENT		
Key	1	Visual Quality – Coherence, Diversity, Compatibility of Use and Scale, Aesthetics
		<i>Response and source of information:</i>
Key	2	Nuisances (e.g., glare, fumes)
		<i>Response and source of information:</i>
Key	3	Noise -- suitable separation between noise sensitive activities (such as residential areas) and major noise sources (aircraft, highways & railroads)
		<i>Response and source of information:</i>

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
Key	4	Historic Properties, Cultural, and Archaeological Resources
		<i>Response and source of information:</i>
Key	5	Changes in Demographic (population) Characteristics (e.g., quantity, distribution, density)
		<i>Response and source of information:</i>
Key	6	General Housing Conditions - Quality, Quantity, Affordability
		<i>Response and source of information:</i>
Key	7	Displacement or Relocation of Businesses or Residents
		<i>Response and source of information:</i>
Key	8	Public Health and Safety
		<i>Response and source of information:</i>

Key Letter:		
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Key	9	Lead Based Paint and/or Asbestos
		<i>Response and source of information:</i>
Key	10	Local Employment & Income Patterns - Quantity and Distribution of Employment, Economic Impact
		<i>Response and source of information:</i>
Key	11	Local & State Tax Base & Revenues
		<i>Response and source of information:</i>
Key	12	Educational Facilities - Schools, Colleges, Universities
		<i>Response and source of information:</i>
Key	13	Commercial and Industrial Facilities - Production & Activity, Growth or Decline.
		<i>Response and source of information:</i>
Key	14	Health Care – Medical Services

Key Letter:		
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		<i>Response and source of information:</i>
Key	15	Social Services – Governmental Services (e.g., demand on)
		<i>Response and source of information:</i>
Key	16	Social Structures & Mores (Standards of Social Conduct/Social Conventions)
		<i>Response and source of information:</i>
Key	17	Land Use Compatibility (e.g., growth, land use change, development activity, adjacent land uses and potential conflicts)
		<i>Response and source of information:</i>
Key	18	Energy Resources - Consumption and Conservation
		<i>Response and source of information:</i>
Key	19	Solid Waste Management
		<i>Response and source of information:</i>

Key Letter:		
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Key	20	Wastewater Treatment - Sewage System
		<i>Response and source of information:</i>
Key	21	Storm Water – Surface Drainage
		<i>Response and source of information:</i>
Key	22	Community Water Supply
		<i>Response and source of information:</i>
Key	23	Public Safety – Police
		<i>Response and source of information:</i>
Key	24	Fire Protection – Hazards
		<i>Response and source of information:</i>
Key	25	Emergency Medical Services
		<i>Response and source of information:</i>
Key	26	Parks, Playgrounds, & Open Space

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
		<i>Response and source of information:</i>
Key	27	Cultural Facilities, Cultural Uniqueness & Diversity
		<i>Response and source of information:</i>
Key	28	Transportation Networks and Traffic Flow Conflicts (e.g., rail; auto including local traffic; airport runway clear zones - avoidance of incompatible land use in airport runway clear zones)
		<i>Response and source of information:</i>
Key	29	Consistency with Local Ordinances, Resolutions, or Plans (e.g., conformance with local comprehensive plans, zoning, or capital improvement plans)
		<i>Response and source of information:</i>
Key	30	Is There a Regulatory Action on Private Property Rights as a Result of this Project? (consider options that reduce, minimize, or eliminate the regulation of private property rights.)
		<i>Response and source of information:</i>

Environmental Review Form

On a separate piece of paper, please answer the following as they apply to your proposed project:

1. **Alternatives:** Describe reasonable alternatives to the project.
2. **Mitigation:** Identify any enforceable measures necessary to reduce any impacts to an insignificant level.
3. **Is an EA or Environmental Impact Statement (EIS) required?** Describe whether or not an EA or EIS is required, and explain in detail why or why not.
4. **Public Involvement:** Describe the process followed to involve the public in the proposed project and its potential environmental impacts. Identify the public meetings -- where and when -- the project was considered and discussed, and when the applicant approved the final environmental assessment.
5. **Person(s) Responsible for Preparing:** Identify the person(s) responsible for preparation of this checklist.
6. **Other Agencies:** List any state, local, or federal agencies that have over-lapping or additional jurisdiction or environmental review responsibility for the proposed action and the permits, licenses, and other authorizations required; and list any agencies or groups that were contacted or contributed information to this Environmental Assessment(EA).

Authorized Representative, Title

Date

(Name of) District

Chairperson

Date:

**Sample of a resolution
to accept the determination that (level of environment finding) is appropriate for the
(applicant, type of project)**

WHEREAS, the (Name of applicant) has completed an assessment to identify potential environmental impacts to the (describe purpose of project);

WHEREAS, the draft Environmental Assessment was made available for public comment and the findings were presented and reviewed at a public meeting;

WHEREAS, no substantive public comment was received, (or public comment was received and responded to);

WHEREAS, The (Name of applicant) has determined that the (type of Project) will not significantly affect the quality of the human environment and accordingly the (Name of Applicant) has determined an Environmental Impact Statement (or Environmental Assessment and EIS if project is Categorical Exclusion); is not necessary;

NOW, THEREFORE, BE IT RESOLVED by the (Council, Board, Commissioners) as follows;

That (Name of Applicant), Montana adopts the final Environmental Assessment for the (type of project).

Passes and approved on this date of (date)

Signed: _____

Name: _____

Title: _____

Date: _____

Attested: _____

Appendix D: Environmental Review Flowchart

