



MONTANA

DEPARTMENT OF COMMERCE

BROADBAND for MONTANA SCHOOLS PROGRAM

APPLICATION GUIDELINES & ADMINISTRATION MANUAL

2019 Biennium

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The Department of Commerce reserves the right to modify, amend, or update the Application Guidelines & Administration Manual of the Broadband for Montana Schools Program. The public will be given notice.

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.

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INTRODUCTION

The 65th Montana Legislature, through HB 390 signed into law by Governor Bullock on May 3, 2017 (§ 20-9-534 *et seq.*, MCA), established funds for a State match to leverage Broadband funds available through the Federal Communications Commission (FCC) E-rate program for Montana’s public K-12 schools. Funds are available for Category One special construction under the Broadband for Montana Schools Program administered by the Department of Commerce (Commerce).

The goal of the program is to assist Montana K-12 public schools have high-speed broadband access required for digital and blended learning. A one-time appropriation of \$2,000,000 was designated for the 2019 Biennium. The Broadband for Montana Schools application process will evaluate proposals to leverage FCC E-rate funds, through the federal E-rate procurement and application process, to achieve the goal of providing broadband access and related technologies to Montana students.

State matching funds are available on a first come, first served basis through the Broadband for Montana Schools Program. If funding is limited, reviews and awards will be based on urban, rural or frontier area, level of poverty, bandwidth per student, and costs of megabytes per second/month (Mbps). Any Montana K-12 public school, school district, or consortium seeking State matching funds for broadband services should submit an application to the Broadband for Montana Schools Program as soon as possible, regardless of their status in submitting an FCC Form 470 for a funding year.

I. APPLICATION PROCESS

Applications can be submitted beginning August 1, 2017 and on a continual basis until May 1, 2019. The applications received list will be updated on the Broadband for Montana Schools Program webpage every 30 days.

An individual school, a school district, or a consortium of Montana K-12 public schools can apply as soon August 1, 2017 even if a Form 471 has not yet been submitted during the FCC application window. Interested K-12 public schools, districts, and consortiums can e-mail staff at DOCBroadband@mt.gov or call (406) 841-2770 regarding any questions they may have about the Broadband for Montana Schools Program.

Once Commerce has received question responses a contract will be sent to the applicant. The distribution of Broadband for Montana Schools funding will be contingent upon the approval of FCC E-rate funds project approval through USAC and availability of Broadband for Montana Schools funding.

Note: Applicants with Special Construction projects, if defined as such in their bid and Form 471 may also be eligible for an additional 10% match provided by USAC. If this applies to your school,

you may use the download the Acceptance of State Match letter available at <http://comdev.mt.gov/Programs/Broadband>. This letter or program award letter can be submitted to USAC for approval and additional FCC match of the special construction project.

State matching funds are available on a first come, first served basis. Additionally, if funds are insufficient to award the full amount of the match, additional considerations will be used to award the limited funds; these considerations will be based on need, capacity and reach. Commerce reserves the right to request additional information to award limited funds.

A. ELIGIBLE APPLICANTS

Broadband for Montana Schools State matching funds for eligible services are available to any public school which serves Montana K-12 students, including elementary schools, high schools, K-12 school districts, and consortium of K-12 schools, as those entities are defined in Title 20, Chapter 6, MCA for special construction projects as defined below.

Non-public school districts are not eligible for the Broadband for Montana Schools program. Article V, Section 11 and Article X, Section 6 of the Montana Constitution prohibits the appropriation of state funds for religious, charitable, industrial, educational, or benevolent purposes to any private individual, private association, or private corporation not under the control of the State.

Eligible applicants may submit a project proposal for a single school or multiple schools in a single application or in multiple applications. An applicant must identify the Legal Entity Number(s) (LE#(s)) and each individual school name that is part of the proposed project.

All applicants should have the management capacity to undertake and satisfactorily complete the project applied for and assure proper management of Broadband for Montana Schools State match for eligible services.

B. ELIGIBLE PROJECTS

State match funding may be requested for Category One services for construction of broadband networks or facilities only. Eligible projects deploy new fiber or upgraded facilities to FCC E-rate Program eligible locations and are the upfront, non-recurring costs of such installations or upgrades. Projects may consist of three eligible components; (1) construction of network facilities; (2) design and engineering; and (3) project management.

The FCC E-rate Program provides discounts ranging from 20 percent to 90 percent for support of the costs of eligible services to help schools obtain affordable broadband. The Broadband for Montana Schools Program may provide up to an additional 10 percent matching funds to a K-12 public school, school district, or consortium that is successful in receiving discounts for eligible Category One services through certification of FCC Form 471 and receiving a FCDL.

NOTE: If your project is approved by the FCC E-rate program as a Special Construction project, the following may apply: In its Second E-Rate Modernization Order (FCC 14-198, adopted December 11, 2014), the FCC authorized a provision to "...provide an incentive for state support of last-mile broadband facilities through a match from E-Rate of up to 10% of the cost of

construction...” The resulting rule change specifically reads as Federal 47 CFR, Part 54, Subpart F, Universal Services Support for Schools and Libraries Section 505,

(f) Additional discounts for State matching funds for special construction. Federal universal service discounts shall be based on the price of a service prior to the application of any state-provided support for schools or libraries. When a governmental entity described below provides funding for special construction charges for networks that meet the long-term connectivity targets for the schools and libraries universal service support program, the Administrator shall match the governmental entity's contribution as provided for below:

(1) When a State government provides funding for special construction charges for a broadband connection to a K-12 public school, the Administrator shall match the State's contribution on a one-dollar-to-one-dollar basis up to an additional 10 percent discount, provided however that the total support from federal universal service and the State may not exceed 100 percent.

Sample Calculations of Discounts and State Match:

Eligible Upfront Non-Recurring Costs	
E-Rate Discount:	80%
State Match %:	10%
<i>Total Discount:</i>	<i>90%</i>

Projects Defined as Special Construction	
E-Rate Discount:	80%
State Match %:	10%
Additional E-Rate Discount:	10%
<i>Total Discount:</i>	<i>100%</i>

C. APPLICATION OVERVIEW

The Broadband for Montana Schools Program is a program that is available to a K-12 public school, school district, or consortium by submitting responses to questions to obtain State matching funds for eligible Category One services obtained by the certification of FCC Form 471 and a FCDL. If funds are insufficient to award the full amount of the match for applications received, additional considerations will be used to award the limited funds; these considerations will be based on need, capacity and reach. Commerce reserves the right to request additional information to award limited funds.

The questions to apply to the Broadband for Montana Schools Program can be found in Exhibit A of this manual.

All activities and projects funding through the Broadband for Montana Schools Program must be expended on or before June 30, 2022. Commerce in its sole discretion can modify this date if the applicant provides clear rationale demonstrating extraordinary circumstances and need to extend this expenditure deadline.

D. APPLICATION SUBMISSION

Completed responses to the Broadband for Montana Schools Program questions will be accepted starting August 1, 2017, but must be received by Commerce before May 1, 2019. Send one (1) electronic copy to DOCBroadband@mt.gov or one (1) hardcopy may be submitted to:

Broadband for Montana Schools Program
Community Development Division
Montana Department of Commerce
301 S Park Ave
PO Box 200523
Helena, MT 59620-0523

A completed application includes:

Responses to Questions Exhibit A

Applicants are encouraged to contact the Broadband for Montana Schools Program staff with any questions they have concerning application submittal and requirements. Commerce is committed to assisting all K-12 public schools, school districts, and consortiums in applying for the Broadband for Montana Schools Program State matching funds for eligible Category One services.

If you would like to receive regular communication, please contact us at DOCBroadband@mt.gov to be added to our listserv.

II. AWARD OF FUNDS

Once Commerce has received responses to the questions submitted by schools, a contract letter will be sent to the applicant. The release of Broadband for Montana Schools funding will be contingent upon (1) obtain firm commitment for all other financial resources involved in the project, (2) provide a Funding Commitment Decision Letter (FCDL) from USAC, and (3) provide copy of the executed service provider contract detailing anticipated costs or upfront non-recurring costs for eligible Category One services to proceed with the project. A project may not expend program funds until Commerce determines these conditions have been satisfied. Commerce reserves the right to rescind funding if the applicant's intended use is for purposes other than the State matching funds for eligible Category One services as outlined in the application.

Compliance with Environmental Review: Prior to construction activities commencing, the applicant must provide to Commerce documentation of the completed environmental review process. Montana Environmental Policy Act (MEPA) require an environmental review process to be completed prior to any construction activities being undertaken. Please contact Commerce for further information on compliance with the MEPA process or review the MEPA guidebook at <http://leg.mt.gov/content/Publications/Environmental/2015-mepa-handbook-reprint.pdf>.

The Contract will be sent to the Grantee for e-signature through an online process via DocuSign.com (an electronic contracting format).

IMPORTANT DATES

- August 1, 2017: Broadband for Montana Schools application window opens for State matching funds for eligible Category One services on the program website <http://comdev.mt.gov/Programs/Broadband>.
- Ongoing: Commerce approval and/or award notifications.
- May 1, 2019: The Broadband for Montana Schools Program application window closes at 5:00 p.m. MST.
- June 30, 2022: The last day to submit a request for funds of State match for special construction projects or eligible upfront non-recurring costs for eligible Category One services (or as established in a Contract with Commerce).

Commerce reserves the right to modify, amend, or update the Broadband for Montana Schools Program Application Guidelines and Administration Manual as deemed necessary. If the revisions occur, the public will be given notice and Commerce will post said notice on the program webpage at <http://comdev.mt.gov/Programs/Broadband>.

EXHIBIT B

PLACE ON DISTRICT OR CONSORTIUM LETTERHEAD

Acceptance of Broadband for Montana Schools Program Special Construction State Match

The undersigned below hereby certifies that the Broadband for Montana Schools Program Special Construction state match funds to <insert district or consortium name here> <enter county/district number here> for the special construction E-rate project(s) requested on E-rate Funding Year <insert YEAR here> Form 471, Funding Request Number(s) (FRN) <insert FRNs here> is accepted by the applicant and all project specific contingencies are understood and accepted.

- The applicant has attached a copy of the Broadband for Montana Schools Program Approval Letter.
- The project(s) will be completed within twelve months of receipt of the Funding Commitment Decision Letter (FCDL) and completion notification will be sent to the Broadband for Montana Schools Program.
- All work to be completed, inclusive of project management and oversight, materials, labor or other, specifically related to the project(s) are the responsibility of the applicant without any Broadband for Montana Schools Program participation.
- All awarded funds will be expended in a timely manner, meeting all federal, state and local laws and regulations, including the Universal Service Administrative Co (USAC) rules and requirements. If the applicant will not meet USAC requirements, the applicant must formally request an extension from USAC.

Funding Year 201x Category I Special Construction Project Budget

Total Project Cost	\$
2017-2018 Federal E-rate Discount Percent <insert discount % here>	\$
2017-2018 Federal State Match Participation (if applicable)	\$
Total Federal Funding	\$
Broadband for MT Schools Program State Match <enter % here>	\$
Applicant Funded Amount	\$

The school/district/consortium understands that any awarded funds will be expended only for the stated purpose and that any undiscounted portions of the work shall be at the sole cost of the school/district/consortium.

SIGNATURES:

DATE: _____

Authorized Official
Title
Entity Name

CHAPTER 2 – BROADBAND FOR MONTANA SCHOOLS PROGRAM GRANT ADMINISTRATION

I. APPLICABLE AWARD EXPENDITURES

The Federal Communications Commission (FCC) establishes the rules and guidelines for the E-rate Program and the Universal Service Administration Company (USAC) administers those rules and issues the Funding Commitment Decision Letter (FCDL). Commerce Grantees will follow all applicable federal, state, and local regulations and law including those required to complete project activities through the FCC E-rate for Category One special construction projects.

II. REQUEST FOR REIMBURSEMENT

The Request for Reimbursement Form will be used by Grantees to receive State matching funds for projects from the Broadband for Montana Schools Program. An executed Contract with Commerce must be in place prior to a Grantee submitting a request for reimbursement.

The grantee can submit a Request for reimbursement for the state match percentage at the time an agreement with a service provider is entered into which documents the project costs, or on a monthly or quarterly basis.

In order to process a Request for Reimbursement, the grantee must provide the following.

- Signature Certification Form – **first request only** (Exhibit C)
- Designation of Depository for Direct Deposit – **first request only** (Exhibit D)
- Request for Funds Reimbursement (Exhibit E)
- Evidence of project costs (supporting documentation)

The Request for Reimbursement may be emailed, faxed or mailed to the Broadband for Montana Schools Program, with all supporting invoices and other documentation, to DOCBroadband@mt.gov or to the Department of Commerce, Broadband for Montana Schools Program, 301 South Park Avenue, PO Box 200523, Helena, MT 59620-0523.

III. ACCOUNTING AND AUDITING REQUIREMENTS

The Broadband for Montana Schools grantee must maintain all receipts and expenditures of 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.

IV. RECORDS RETENTION

The Broadband for Montana Schools grantee must maintain all records of the project activities funding with Broadband for Montana Schools match funds, including but not limited to financial records, supporting documents, and such other records as are required by law or other authority. Commerce must be allowed access to all project records, which must be retained by the grantee 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. Keep in mind the FCC requires all records be kept for 10 years after the completion of the project.

V. ETHICS AND CODE OF CONDUCT

Sections 2-2-104, 2-2-105, 2-2-201, 20-1-201, and 20-9-204, MCA govern the code of conduct and conflicts of interest by all school districts and public employees and, including the school superintendent, the trustees of a school district, and district employees. These laws must always be followed by school districts, regardless of their participation in the Broadband for Montana Schools Program.

VI. PROCUREMENT PROCEDURES

Sections 20-9-204 and 20-9-205, MCA govern the procurement of construction and purchasing contracts by all school. These laws must always be followed by school, regardless of their participation in the Broadband for Montana Schools Program. Districts receiving Broadband for Montana Schools Program funds should be prepared to provide information to Commerce necessary to document procurement processes, as applicable.

Costs resulting from a “Cost plus” contract are not eligible for funds from a Broadband for Montana Schools Program but may be paid from another source of funding.

VIII. PUBLIC NOTICE AND PARTICIPATION

Sections 8 and 9 of Article II of the Montana Constitution, and Sections 2-3-101, 2-3-201, and 20-3-322, MCA, require school districts to hold regular and special public meetings, provide public notice of those meetings, and allow the public the opportunity to participate in the district’s decision-making process. These laws must always be followed by school districts, regardless of their participation in the Broadband for Montana Schools Program. Districts receiving Broadband for Montana Schools Program funds should be prepared to provide information to Commerce about the public process for approving an application to the Broadband for Montana Schools Program, including but not limited to a copy of the public meeting agenda and any comments submitted by the public during the decision-making process.

IX. NON-DISCRIMINATION LAWS

A school district receiving a Broadband for Montana Schools Program funds 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, and Section 504 of the Rehabilitation Act of 1973, in performing any project or portion thereof using Broadband for Montana Schools funds. All subcontractors performing work on the project are subject to the same provision. The hiring of all persons to perform 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.

X. PREVAILING WAGES

Montana's Prevailing Wage Act (Section 18-2-401, et seq., MCA) applies to all public works contracts let by a school district (all construction contracts and non-construction contracts in excess of \$50,000). These laws must always be followed by school districts, regardless of their participation in the Broadband for Montana Schools Program. Districts receiving Broadband for Montana Schools Program funds should be prepared to document the payment of prevailing wages in all applicable contracts for services.

XI. PROPERTY ACQUISITION

The Federal Uniform Relocation Assistance Acts and amendments thereto, and Sections 70-31-101 et seq. MCA, provide uniform policies for the treatment of persons displaced as a result of federally assisted programs, and applies to any projects for which federal financial assistance will pay all or any part of the cost of the project. Sections 70-30-101, et seq., MCA provides the policies and procedures for exercising the right of eminent domain for public uses. These laws must always be followed by school districts when applicable, regardless of their participation in the Broadband for Montana Schools Program. As applicable, applicants receiving Broadband for Montana Schools Program match funds should be prepared to document use of eminent domain to obtain property as part of a Broadband for Montana Schools Program project, and demonstrate compliance with state and federal uniform relocation assistance requirements if federal funds are available for relocation costs.

Recipients of Broadband for Montana Schools Program match funds are responsible for administering their Broadband for Montana Schools Program projects in accordance with all applicable state statutory and regulatory requirements, unless they are superseded by federal requirements. Commerce has the responsibility to ensure that Broadband for Montana Schools Program recipients are carrying out their projects in accordance with these requirements, and to assist and support Grantees in successfully implementing their project activities from start-up through closeout of the project.

XII. PROJECT REPORTING AND COMPLETION REPORT

Grantees must submit a project update report every 6 months from the date of contract execution with Commerce. This report can be submitted via email to Commerce liaison. The report must include the following information: date of reporting period, current percent of construction completed, short narrative regarding status of project activities (with notation of any construction delays) and estimated project completion date.

Submission of a Project Completion report is the process by which Commerce determines that all awarded activities to be funded have been completed in accordance with the terms and conditions of the Broadband for Montana Schools Program.

Within 60 days of completion of the special construction project, the grantee must submit a Project Completion Report for approval by Commerce. The Project Completion Report must describe the total costs incurred for the Project, and identify the final completion date, summarize any significant problems encountered in carrying out the Project.

Within 15 days of approving the Project Completion Report, Commerce will issue a Notice of Project Completion letter for the Program, the Broadband for Montana Schools project is considered complete and the file is closed. No more Requests for Funds will be accepted for the special construction project after the project is closed. No request for funds will be accepted after June 30, 2022.

EXHIBIT C

SIGNATURE CERTIFICATION FORM

Montana Department of Commerce
Broadband for Montana Schools Program
301 S. Park Avenue
PO Box 200523
Helena, Montana 59620-0523

This is to certify the following officials authorized to sign requests for payment of Montana Broadband for Montana Schools Program funds for the <name of grantee:
_____,> FY 2019 Biennium Broadband for Montana Schools state match:

1. _____
Signature Title
- _____
Typed Name
2. _____
Signature Title
- _____
Typed Name

It is understood that any two of the above signatories must sign each request for payment submitted.

I hereby certify that I have witnessed the signing of the above-named signatures.

Signature of Witness Date: _____

Typed Name

SUBSCRIBED AND SWORN TO, before me, a Notary Public for the State of Montana, on the _____ day of _____, 20__.

(Notary Seal)

Notary Public for the State of Montana
Residing at _____

My Commission expires: _____

EXHIBIT D

Designation of Depository for Direct Deposit of Broadband Funds

SECTION I (To be completed by recipient)

The _____
Name, Address and ZIP Code of Broadband for Montana Schools Recipient's Bank
has been designated as the depository for all funds to be received from Commerce resulting from
Broadband for Montana Schools Contract No.

MT- - _____ for deposit to: checking or savings

Account Name / Account # / American Bankers Association # (ABA –Routing/Transit)

Name of Applicant

Address

Signature of Official

Date

Title of Chief Official

Email address for notification of payments made to applicant from Broadband for Montana Schools

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

Signature of Authorized Bank Officer

Title of Authorized Bank Officer

Date

EXHIBIT E

REQUEST FOR REIMBURSEMENT FORM

PART 1	Name of School/District:		REQUEST NUMBER: <small>(1, 2, 3, etc)</small>		
	DOC Contract #:		REQUESTED AMOUNT:	\$	-
PART 2:	Special Construction FRN Line Item	A. Total Funding Year Pre-Discount Amount	B. Funding Year State Match Discount	C. Amount Requested this Request	D. State Match Funds Remaining
PART 3: OTHER FUNDS					
Percent Remaining:					
PART 4	<i>A request is hereby made for a request for reimbursement from the above Broadband for Montana Schools for Montana Schools Program. I certify that the information presented in this request is a true and accurate reflection of costs related to the Scope of Work described in the above contract with Commerce.</i>				
	Signature:			Date:	
	Counter Signature:			Date:	
COMMERCE APPROVAL					
_____ Reasonable and appropriate _____ Financial numbers, signatures correct _____ Consistent with preceding requests, SABHRS			Approved by: Name: _____ Title: _____ Date: _____		

CHAPTER 3 – BROADBAND FOR MONTANA SCHOOLS PROGRAM ENVIRONMENTAL REVIEW PROCESS

A. OVERVIEW

Broadband for Montana Schools Program is 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 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 Broadband for Montana Schools 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:

<http://leg.mt.gov/css/Services%20Division/Lepo/mepa/default.asp>

All necessary environmental review of the proposed project must be completed and documented prior to construction activities commencing for the project. Any construction activities completed without documentation that the environmental review process has been completed may invalidate any obligation for payment by Commerce.

Statutory or Categorical Exemptions

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.

Some Broadband for Montana Schools projects may qualify for exemptions. If the project does qualify for an exemption then the applicant should submit documentation, within the application, that the environmental process is complete and has formally approved its determination that the project qualifies for an exemption. The types of public facility projects that could qualify for an exemption include projects relating to existing facilities that involve only minor repairs or rehabilitation (including functional replacement) of the existing facility or facility components and projects where the footprint of the proposed structures, pipelines, or other infrastructure would be substantially unchanged from existing conditions. Examples include, but are not limited to, the following: replacement of a facility or facility component in the same location in which they are currently located, or replacement of equipment in a public facility. In any event, an exemption may not be used if any 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 will suffice as the draft EA for public review and comment, and may then be revised as necessary to constitute the final EA. A sample Environmental Checklist is included as an exhibit in these guidelines. Anyone authorized to perform work on behalf of the school district may prepare the draft EA, using all available information and evidence. The grantee's authorized representative must sign the draft EA, and the final environmental determination must be made by the school district'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, a school district 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 school district. The school shall submit a copy of each completed EA to Commerce prior to actual construction of special construction projects. 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 school district 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 Commerce to receive Broadband for Montana Schools for Montana Schools funds for the grantee's project).

The applicant must provide a copy of the Final EA to Commerce with documentation of public review, opportunity for public comment, and a final decision on the EA at a public meeting.

Any time the school district proposes substantial changes to the project affecting the original EA, 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 school district must follow the original process and again provide environmental documents to Commerce.

applicable state environmental requirements. Some of the other state environmental requirements that *may* apply to Broadband for Montana Schools program 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)

B. PERMITS

Some of the environmental permits that may be required on your project from other state agencies include the following:

- Asbestos Control Program – contact Commerce 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>.

EXHIBIT F

ENVIRONMENTAL CHECKLIST

NAME OF PROJECT:	
PROPOSED ACTION:	
LOCATION:	____, Montana

Key Letter:
N – No Impact; **N/A** –Not Applicable; **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	5	Surface Water/Water Quality, Quantity & Distribution (e.g., streams, lakes, storm runoff, irrigation)

Key Letter: N – No Impact; N/A –Not Applicable; B – Potentially Beneficial; A – Potentially Adverse; P – Approval/Permits Required; M – Mitigation Required		
		systems, canals) <i>Response and source of information:</i>
Key	6	Floodplains & Floodplain Management (Identify any floodplains within one mile of the boundary of the project.) <i>Response and source of information:</i>
Key	7	Wetlands Protection (Identify any wetlands within one mile of the boundary of the project.) <i>Response and source of information:</i>
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.) <i>Response and source of information:</i>
Key	9	Vegetation & Wildlife Species & Habitats, Including Fish and sage grouse (e.g., terrestrial, avian and aquatic life and habitats) <i>Response and source of information:</i>
Key	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	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	I	Visual Quality – Coherence, Diversity, Compatibility of Use and Scale, Aesthetics <i>Response and source of information:</i>

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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	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	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

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		<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 <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	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 Letter:
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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 <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

Date

Sample of a Resolution
to accept the determination that <level of environment finding> is appropriate for
the <Name of 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 <Name of Applicant> as follows;

That <Name of Applicant> adopts the final Environmental Assessment for the <type of project>.

Passes and approved on this date of <date>.

Signed: _____
Name: _____
Title: _____
Date: _____
Attested: _____