STATE OF MONTANA
DEPARTMENT OF COMMERCE
MONTANA COAL BOARD
June 19, 2019 12:30 p.m. – Billings, Montana
Billings Hotel and Convention Center-1223 Mullowney Lane
ORIENTATION

John Williams (Chair), Colstrip – Impact Area
Sidney Fitzpatrick (Vice Chair), Hardin– Impact Area
Amber Henning, Missoula – Attorney
Marianne Roose, Eureka – Public Administration
Tim Schaff, Roundup – Education
Sean Smith, Anaconda-Business
Veronica Small-Eastman, Lodge Grass - Education

Notice of Public Meeting

The Board will be meeting for an orientation for all board members. ***No applications will be reviewed or considered at this meeting.*** 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.

Agenda:

1. Call to order
2. Roll call
3. Opportunity for public comment
4. Introductions
5. Orientation Binder Review:
    - Overview of Coal Board
    - Coal Board Precis
    - Open Meeting Laws
    - Pertinent Montana Code Annotated Statutes
    - Coal Board Impact Area

    Break
    - Coal Board Funding by Biennia
    - Environmental Review for Grant Projects
    - Robert's Rules of Order and Motions
    - Application
    - Travel Expense Information
    - Historical Record of Coal Board Grants
    - Department of Commerce Contacts
6. Other Comments/Questions
7. Adjournment

The Board will gather informally for dinner at 6:30 pm at Jake's (2701 1st Avenue North). Members of the public are invited to attend the dinner at their own cost.

TABLE OF CONTENTS

TAB 1 Coal Board Members and Biographies

TAB 2 Coal Board Grant Program Overview
- Roles & Responsibilities
- Member Handbook

TAB 3 Coal Impact Area Report

TAB 4 Pertinent Montana Code Annotated Statutes
- Statutory Criteria

TAB 5 Coal Board Funding by Biennia

TAB 6 Robert's Rules of Order
- Summary of Motions
- Environmental Related-Possible Motions

TAB 7 Application
- Application Process Flowchart

TAB 8 Board Procedures
- Internal Procedures
- Open Meeting Law Primer
- Environmental Process Review

TAB 9 Travel Expense Information

TAB 10 Grants Database

TAB 11 Email Access

TAB 12 Department of Commerce Contacts

Montana Coal Board

Contact & Biographical Information

John Williams, Chair
PO Box 477
Colstrip, MT 59323

Sidney Fitzpatrick, Vice-Chair
PO Box 908
Crow Agency, MT 59022

Tim Schaff
924 5th Street W
Roundup, MT 59072
(406) 323-2402 – business

Marianne Roose
PO Box 532
Eureka, MT 59917

Amber Henning
PO Box 7501
Missoula, MT 59807
(406) 258-4737 - business

Veronica Small-Eastman
PO Box 262
Lodge Grass, MT 59050
(406) 477-8904 x1313 - business

Sean Smith
58 Ramsey Lane
Anaconda, MT 59711

John Williams

Married - wife Jody
3 children, 5 grandchildren
Retired (34 years) from Montana Power Co. as Manager of Administration Thermal Generation in Colstrip.
A Colstrip resident for over 42 years – Very active in numerous State, County, Church, Civic and Local Government – a Veteran and was also the first Mayor of the City of Colstrip serving in that capacity for over 12 years.
Has served as chair for the Montana Coal Board since being appointed by Governor Schweitzer.
In 2004 he served on the Coal Impact Review Council as an appointee of Governor Racicot.
John is currently serving as a Colstrip City Council Member, President of the Board with Southeastern Montana Economic Development Corp., Board Member with the Montana League of Cities and Towns and Board Member for Montanans for Responsible Energy Development.

Sidney Fitzpatrick

Sidney served as a Senator for the Crow Nation 2006-2009. He is currently a Big Horn County Commissioner, having served since 2010. Sidney is also a managing member of Black Canyon, LLC General Contractors.

Sidney has served associations, including as Chair of the Reservation Counties Committee of the Montana Association of Counties (2015-2016), as Vice Chair of the National Association of Counties Intergovernmental Affairs, Subcommittee Intertribal Relations (2015-present) and as Chair (2013-2015).

Amber Henning

Amber was raised in Fairfield MT, the Malting Barley Capitol of the World. She holds Bachelor of Arts Degrees in Music and Political Science as well as a law degree from the University of Montana. She currently works as a Deputy County Attorney in Missoula, MT specializing in child abuse and neglect.

Marianne Roose

Marianne has lived in Montana all her life and has been married to Kent Roose for 54 years. She has one daughter and 2 sons, 3 granddaughters and 7 grandsons. Marianne is a member of Holy Cross Lutheran Church.

She has served as Justice Court Clerk & North Lincoln County Annex Office Manager for 14 years, is a retired County Commissioner from Lincoln County (16 years), and MT Association of Counties Forest Counties Representative on the National Forest Counties Board, on which she also served as Secretary.

Marianne has also served on the Hard Rock Counties State Board and Northwest Public Power Association Board Member (6 years).

She is also active as a 4-H Organizational Leader, Community Action Partnership Board Member, Co-Chairman Annual LBM Breast Cancer Awareness Fundraiser Luncheon, MT Tobacco Prevention Advisory Board, Sunday school and vacation bible school teacher, Home Demonstration Club President, and MT Girls State Delegate.

She currently is currently involved in numerous boards including serving as a 28-year Director on Lincoln Electric Co-operative Board, having served as President, Vice-President and Secretary/Treasurer. She also is the Secretary on Rural Propane Services Board, President of Eureka Riverwalk Board, Vice-President of Flathead Chemical Dependency Clinic Board, MT DPHHS Public Assistance Hearing Board, MT Council on Aging Board, and the MT Coal Board.

Tim Schaff

Tim Schaff was born and raised on a farm and ranch 10 miles outside of Lavina, Montana. Tim has worked as a ranch hand, a field reporter for ASCS, a bartender, a construction worker and for the past 33 years as a teacher in Roundup, Montana.

Tim and his wife Natalie celebrated their 30th anniversary in July. Tim says marrying Natalie is the smartest thing he ever did. Their son Kristopher is a student at Montana Tech majoring in Mining Engineering.

Tim graduated from Lavina High School in 1976 and then attended Northwest Community College in Powell, WY. After one semester, Tim decided that he "knew everything" that they could teach him at college and decided to discontinue his education at NWCC. The winter of 1977-78 showed him he didn't know half of what he thought he did, so he went back to school at Eastern Montana College, graduating from there in 1982. He earned his Master's Degree in Education from Boise State University in 2005.

Tim took a year off to "find himself" again and entered the field of teaching in the fall of 1983 at Roundup High School where he has worked ever since. As a teacher in the Roundup School District, Schaff has taught English, Journalism, U.S. History, Montana History and United States Government. He has been an active member of the Roundup Education Association serving several terms as local president.

During his time in Roundup, he served two terms on the Roundup City Council. In his capacity as a councilman he also served on the Musselshell County Weed Board. During his tenure there, he took over the county weed board supervisor's position for two summers and was instrumental in helping area land owners create weed districts and seek funding of state weed grants. Tim has served on the Coal Board since 2015.

Veronica Small-Eastman

Veronica has an extensive career of 29 years in the field of Education.

She began at the St. Labre Catholic School in Ashland as the Business Education Teacher for grades 7-12. She moved from St. Labre to Pretty Eagle Catholic School in St. Xavier, first as the Math/Religion/Typing Teacher for grades 4-8 and later as the Elementary Principal and Montana Historical Bilingual Grant Writer. Veronica spent a brief time as the School to Work Director and Grant Writer at Little Big Horn College and Chief Dull Knife College. Veronica then spent several years as the Business Education Teacher and Grant Writer for the School to Work Grant and Jobs for Montana Graduates at Lodge Grass Public School.

In August of 2007 she began working for the Lame Deer School District as the Junior and Senior High School Principal. She continues to work for the Lame Deer School District wearing many hats as she currently serves as the Elementary Vice-Principal, Director of Indian Education for all and the Title VII Program as well as the Johnson O'Malley – Indian Education Committee for the Northern Cheyenne Tribe (JOM-IEC) School Liaison.

Veronica also served as a Representative for House District 2 in the 2003, 2005 and 2007 Legislative Sessions, in addition to serving on the Montana Coal Board beginning in 2015. Veronica resides in Lame Deer with her husband Sid and has a daughter, Cecile Real Bird, who is a dental assistance, and a son, George Real Bird, who is a Big Horn County Commissioner. Veronica is the proud grandmother of five grandchildren.

Sean Smith

Married: wife Kris
2 kids attend Phillipsburg Grade school.
Live at Georgetown Lake
Served a five-year plumbing apprenticeship with Local 41 Plumbers and Pipefitters
Licensed Plumber for over 17 years. 22 years total in the piping industry
Served as a member on the State Plumbing Board for several years
Currently works for Northwestern Energy

Montana Coal Board Overview

Background

The Coal Board was created in 1975 along with Montana's Coal Severance Tax through the passage of Senate Bill 87. The Board's purpose is to assist local governmental units which 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. The Coal Board provides grant funding to assist communities in meeting the increasing costs of providing adequate governmental services and facilities as a direct consequence of coal development. The Board's purpose statement was amended by the Legislature in 1997 to make clear that the Coal Board's function is also to assist local governments impacted by a major decline in coal mining or in the operation of coal–using energy complexes.

The Coal Board is attached to the Montana Department of Commerce for administrative purposes only.

Montana Coal Board Grant Program

The Coal Board provides grants to assist local governmental units experiencing impacts from coal development or decline in planning for and meeting the needs for a variety of public facilities or services.

Eligibility Requirements

Eligible applicants for Coal Board grants include:

- local governmental units (cities, towns, counties, school districts, water and sewer districts, etc.)
- state agencies, and
- governing bodies of federally recognized Indian tribes.

Under state law, the total amount of grants to state agencies or Indian tribes may not exceed seven percent of the annual allocation to the Coal Board. 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.

Application Procedures

Prospective applicants are required to submit an application to the Coal Board administrative staff 45 days prior to any of the four quarterly Coal Board meetings held throughout the year. (The application form is available on the Coal Board's website http://comdev.mt.gov/Boards/Coal)

The application must include:

1. Complete description of the proposed project,
2. project budget including a breakdown of all major project costs, and a description of the proposed sources and uses of all funds,
3. implementation schedule,
4. documentation of the need for the project relative to the severity of the impact of coal development or decline,
5. documentation of the local effort including millage rates, local financial contribution to the extent possible, or fund-raising efforts,
6. documentation of the applicant's legal and financial ability to undertake and manage the proposed service or facility,
7. documentation of how the requested project is consistent with, and supports existing planning documents and documents the community's ability to respond to coal-related impacts and for anticipated contemplated growth or decline problems; and,
8. a preliminary engineering report or preliminary architectural report (if applicable).

Commerce staff prepares a staff report which provides an analysis of the application according to the statutory criteria to assist the board members with their independent review of the application. The applications are reviewed by the Coal Board members prior to the Quarterly Meeting. The applicant is invited to make a formal presentation to the board at the Quarterly Meeting.

The Board takes official action on each item of the agenda including proposed funding requests presented by the Board. The Board may request an applicant provide additional information to be submitted prior to the Board acting and can postpone an action until a future meeting.

Technical and procedural assistance regarding application requirements is available from Department of Commerce personnel. The Coal Board has access to Community Development Division expertise including experienced grant managers, certified planners, a land use attorney, and licensed engineers.

Approval Process

Coal Board is required to consider the following statutory criteria to determine awards as established in 90-6-206, MCA:

Need – How has the applicant demonstrated that proposed project enables the applicant to provide governmental services and 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?

Degree of Severity of Impact – What demographic and economic changes have directly resulted from coal development or decline? To what extent have the community residents been directly affected by the coal development or decline? What documentation was provided to document that the level of assistance is necessary to eliminate or reduce the severity of a problem affecting the public's health, safety, or welfare?

Availability of Funds – Are there sufficient Coal Board funds available to grant the total amount requested, in list of the other total requests submitted? How much has been awarded to state agencies or Indian Tribes to ensure the 7% per fiscal year limitation has not been exceeded?

Degree of Local Effort in Meeting These Needs – Is the applicant making a reasonable effort to meet the identified needs with local resources, based on its financial capacity? Given the limited amount of Coal Board funds, has the applicant made reasonable efforts to sources funding from other appropriate sources to assist in funding the proposed project? What documentation has been presented to document financial need according to local Mill information?

Community Planning - Has the community recently experienced, or will it experience a significant impact from coal development that would require it to develop or update its existing long range planning documents? How will the project support the community's ability to respond to coal-related impacts? Is the proposed planning project consistent with the existing Growth Policy and related planning documents (capital improvements plans, transportation plans, etc.)?

After the Coal Board has evaluated the final application proposal and its relationship to the five award guidelines, the Board acts on the final application by designating the amount of assistance and any contract stipulations.

Selection of Board Members

The Coal Board is a seven-member citizen board appointed by the Governor of Montana. The members of the Board are selected as follows: two from coal impact areas; two with expertise in education; and at least two but not more that four from each district provided for in 5-1-102, MCA. Furthermore, in making these appointments, the Governor is to consider people from the fields of business, engineering, public administration, and planning.

Board Composition (as of May 2019):

JOHN WILLIAMS, CHAIR **PO BOX 1902** **COLSTRIP, MT 59323**	**CATEGORY: IMPACT AREA** **DISTRICT: 2** **TERM EXPIRES: 1-1-2021**
VERONICA SMALL-EASTMAN **PO BOX 262** **LODGE GRASS, MT 59050**	**CATEGORY: EDUCATION** **DISTRICT: 2** **TERM EXPIRES: 1-1-2023**
TIM SCHAFF **925 5TH STREET WEST** **ROUNDUP, MT 59072**	**CATEGORY: EDUCATION** **DISTRICT: 2** **TERM EXPIRES: 1-1-2023**
MARIANNE ROOSE **PO BOX 532** **EUREKA, MT 59917**	**CATEGORY: PUBLIC ADMINISTRATION** **DISTRICT: 1** **TERM EXPIRES: 1-1-2023**
SEAN SMITH **58 RAMSEY LANE** **ANACONDA, MT 59711**	**CATEGORY: BUSINESS** **DISTRICT: 1** **TERM EXPIRES: 1-1-2021**
SIDNEY FITZPATRICK **PO BOX 908** **HARDIN, MT 59034**	**CATEGORY: IMPACT AREA** **DISTRICT: 2** **TERM EXPIRES: 1-1-2021**
AMBER HENNING **PO BOX 7501** **MISSOULA, MT 59807**	**CATEGORY: ATTORNEY** **DISTRICT: 1** **TERM EXPIRES: 1-1-2021**

Board Meetings

The Coal Board meets once every quarter to administer the functions of its enabling statute. All meetings are open to the public and announced on the State's e-calendar.

MONTANA HAS SIX EXISTING COAL MINES *WITH TOTAL PRODUCTION FOR 2010 AT 44.7 MILLION TONS*

MINES	#employees	estimated payroll
Decker Coal Company at Decker	119	$ 8,996,000
Signal Peak Energy near Roundup	*324*	$32,400,000
Spring Creek Mine in Big Horn County	275	$25,386,000
Western Energy Company's Rosebud Mine at Colstrip	365	$26,101,000
Westmoreland Resources' Absaloka Mine at Hardin	185	$12,700,000
Westmoreland Resources' Mine at Savage	13	$ 852,000

Montana Coal Board
Roles & Responsibilities

Applications:
Prior to an application:
Staff will provide technical assistance to applicants/potential applicants
Staff will post application due date to the website

When an application is received:
Staff will provide a review for each application which will be provided to the Board and the applicant
Board will review applications
Board awards/determines if statutory criteria is met

Grants:
When an application is awarded funding:
Staff will provide assistance to communities/grantees in processing a contract
Staff will provide grant management and disbursement of funds
Board reviews and approves requests for extensions, scope of work changes, and budget changes
Staff processes contract amendments when approved by Board

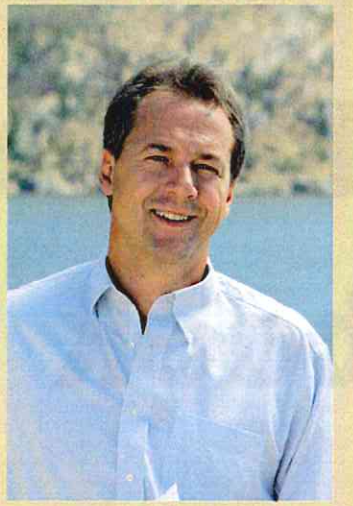
Meetings:
Staff will monitor budgets
Staff will make travel arrangements
Staff will provide meeting prep
Staff will maintain the website and update content

Orientation Handbook

Montana's Boards, Councils and Commissions

October 2018

Photo Credits: Montana Office of Tourism and the Montana Tourism Advisory Council



GOVERNOR STEVE BULLOCK

Thank you for your commitment to Montana. It is my sincere hope that providing your experience, skills and knowledge to the state of Montana is as rewarding and enriching to you as it will be beneficial to all of Montana.

You have accepted great responsibility and we will be expecting wonderful insight and thoughtful leadership from you.

I look forward to working together over the next couple of years as we keep Montana one of the best places to work, live, raise a family and start or grow a business.

Boards, Councils and Commissions - Every board is unique in its purpose, authority, membership and mission. Becoming familiar with your board type and mission will help you be successful. Staff with your board, council and commission should provide specific orientation materials, background and any applicable forms or documents you might need. You can always contact staff with your board or the Governor's office for additional information.

Montana State Government – Every board, council or commission is attached to one branch of government, Executive, Legislative or Judicial. In the Executive Branch, there are agencies and every board is attached to an agency for management and administration.

Quasi-Judicial Boards – These boards make independent decisions and have unique governing structures. While many of them are allowed to make their own decisions, in most cases agency attorneys will still advise and direct quasi-judicial boards on their jurisdiction.

Advisory Councils – Advisory Councils are simply that, advisory in nature. They exist to advise their agency, department, elected official, etc. They typically do not direct staff, make binding decisions or set policy.

Authority to Act – Authority, when given, is always given to a board as a whole, not to an individual member. A board's majority must agree on a course of action, and individual members may not act without prior approval of the board as a whole.

Confidentiality – The Montana Constitution balances the public's right to know with an individual's right to privacy. As a board member it is important to understand what issues are required to reviewed in public and which issues require confidentiality. Staff and attorney's with your board can assist with any questions you might have.

PUBLIC SERVICE

Public service is something we are all committed to and requires a unique set of skills and communication. In order to participate effectively, the following set of skills can be most useful: serve the public's interest first; perform your duties openly with the public; attend meetings regularly; come prepared; communicate; and have respect for others. Life, family, career and other obstacles can arise. If you feel you can no longer serve your board effectively, please contact the Governor's Office to make alternative arrangements.

Right of Participation – The Montana Constitution allows the public the right to access and participate in government.

Right to Know – The Constitution also allows the public to review documents and the deliberations of public bodies, except in cases where the demand of individual privacy clearly exceeds the merits of disclosure.

Open Government – Under Montana law, all meetings are open to the public regardless of the nature of the issues being discussed.

Closing Meetings – There are some boards that deal with cases or information where the right to individual privacy outweighs the public's right to know. Some examples include personnel reviews, medical case files or accusations of misconduct. In all such cases, staff with your agency will work with the board Chair to determine which portions of a meeting are conducted in closed session.

Communication – Meetings are required to be public anytime a quorum is present, and in small groups this can occur by any method, email, social media or phone calls. Make sure to respect the public's right to participate and know that email, text or social medial communication can potentially be subject to public review and scrutiny.

Ethics – As a public officer, you are required to follow the state of Montana's code of ethics and conduct. When a personal or professional conflict arises in your work, it may be necessary to withdraw your vote or disclose the conflict. Substantial gifts are not allowed, and that includes anything valued over $50. Confidential information may not be used for personal economic gain. Public property of the state may not be used in the benefit of private business. Proof of an ethics violation may be grounds for removal.

Safety and Threats – While extremely rare, sometimes the public may become incensed over an action or comment made by a board member. The public has the right to voice their disagreement, but you have the right to feel safe. If you ever encounter a scenario where you no longer feel safe or have received threats of harm against yourself or others, please notify both your local law enforcement as well as the staff at your board, council or commission immediately.

BOARD BUSINESS AND LEADERSHIP

Quorum – Typically a majority of membership constitutes a quorum, which is the minimum number of members who are required to be present in order to do any business. Check with your staff to determine if any special rules dictate your boards' quorum requirements, as some boards differ.

Meetings – While no two meetings are the same, all public meetings tend to follow similar protocol, most following Roberts Rule of Order. Many start with a call to order, a roll call/attendance, approval of past minutes, reports from officers, staff, standing committees, new business, public comment, announcements and adjournment.

Presiding Officer or Chair – All boards have a presiding officer or Chair. In some cases, the Governor selects this person, in others the board votes to select this person. Regardless of how they are chosen, they share the same responsibilities. Chairs work with staff to prepare agendas and schedules, and they run the meeting. Chairs must balance their role to guide the meeting with that of a board member to remain engaged in the meeting. Between meetings Chairs may do additional work to prepare the board and staff for future meetings or on projects as necessary.

Tips for Chairs

Time Management – Keep members and the public on schedule.

Agenda – Keep comments to the approved agenda items and topics.

Respectful – Keep comments, meetings and all discussions respectful.

Staffing – Provide services or other assistance to staff as they help your board by taking meeting minutes or other services.

Open Meetings – Ensure the public has the right to participate and that they introduce themselves when presenting or commenting.

Motions – Advise members when they need to clarify or adjust motions.

Rules – Ensure the meeting and board follows all applicable rules.

Voting – Keep discussion on the motion at hand, and follow general procedures which typically include a motion, a second, discussion and then a vote by members.

Recusal – When a Chair needs to leave early or has a conflict of interest, they may recuse themselves and the position by assigning it to their Vice Chair or another member, as guided by their rules.

LEGISLATIVE COMMUNICATIONS

Every legislative session, board members get involved in the legislative process. The most important distinction is to know whether you are participating as a private citizen or in your capacity as a board member. In order to participate and introduce yourself as representing your board, you must follow specific approval steps, including board, agency and then Gubernatorial approval.

Governor's Role – The Governor is the Chief Executive of the Executive Branch and is responsible for formulating and administering all of the policies of the Executive Branch and this includes all budgets, policies and priorities. This responsibility extends to boards connected to the Executive Branch. He and his office work diligently to coordinate these efforts both within and across all state agencies. Boards must work with their agency structure to coordinate all legislation and lobbying efforts.

Boards' Role – The most common role boards play is to advocate for bills correcting program defects, fixing statutory problems, resolving conflicts or supporting improvements in their area of expertise. Less frequently, they may become involved in controversial bills. In cases where conflict exists between boards, agencies or other policies, the Governor is empowered to resolve the conflict and make the final decision prior to legislative lobbying. This may mean that your board is not authorized to support legislation you previously voted to support.

Approval – Boards must work through public meeting rules to allow public input on bills of interest. Also a vote of approval must take place for a board to move forward in the approval process. A majority of members must support a bill or a general concept when flexibility is required during the legislative process. Then the board must seek agency approval. Again, agencies and the Executive Branch work to coordinate all efforts, to ensure there are not any duplicative or conflicting efforts.

Testimony – All board members should only give testimony that is factual, relevant and informative, and approved by their board. This information should be well understood and presented in a way that does not create conflict, confusion or surprise. They should introduce themselves as representing their board. There are times when a board member may disagree with the approved position of a majority of their board. Should they choose, these board members may appear and testify on their own behalf, but must state definitively that their views are not shared by their board and they are not eligible for any official support or reimbursements for doing so.

Advisory Councils – Advisory Council members are rarely approved to testify at the Legislature. As their service is advisory in nature, if their policy direction is adopted, an agency will pursue the legislation with that recommendation. Some may be asked to participate and with agency approval may do so. If approved, this testimony should also be simply advisory and a summary of what the Council may have advised their agency.

MEDIA COMMUNICATIONS

Media can attend meetings and report on statements, debates and actions taken by you and your board, council and commission. These members of the media may also contact you directly about your appointment, decisions and statements made. Public officials are expected to treat members of the media with respect and honesty.

As a board member you have the support of staff at your board, council or commission. You are encouraged to let them know if media contact you outside of a meeting either for assistance. This staff can help you with a response or keep other board members, the agency and the Governor's office informed of current and potential news stories.

Some quick tips to consider:

- Always ensure your interactions with the media are respectful.
- You have the right to not comment and/or request to have another person complete the conversation (staff or another board member).
- Your staff is available and wants to help you and the board be represented well in the media.
- You must follow all confidentiality rules as they apply to your work.
- If you are speaking on behalf of your board, please ensure you have the approval and support of your board along with an approved response.

Additional Resources

Governor's Office: www.governor.mt.gov

Boards and Appointments: www.boards.mt.gov

State Government: www.mt.gov

Montana State University's Burton K. Wheeler Center: www.wheelercenter.org

Montana State Legislature and Montana Code: www.leg.mt.gov

Commissioner of Political Practices: www.politicalpractices.mt.gov

Administrative Rules: www.mtrules.org

Secretary of State: www.sos.mt.gov

State of Montana Ethics Guidelines: www.hr.mt.gov

MONTANA
DEPARTMENT OF COMMERCE

MONTANA COAL BOARD

COAL IMPACTED LOCAL GOVERNMENTAL UNITS DESIGNATION REPORT

AS REQUIRED BY MCA 90-6-207

2021 BIENNIUM
(JULY 1, 2019 – JUNE 30, 2021)

JUNE 2019

We make every effort to ensure that our documents are fully accessible to persons with disabilities. Alternative, accessible formats of this document will be provided upon request.

For an alternate format please contact:

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Analysis & Report Prepared by:

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Research & Information Services Bureau
Office of Tourism & Business Development
Montana Department of Commerce

TABLE OF CONTENTS

INTRODUCTION 4

DESIGNATION OF LOCAL GOVERNMENTAL UNITS *MCA 90-6-207* 4

POPULATION INCREASE OR DECREASE *MCA 90-6-207(1)(a)* 4

NEW COAL DEVELOPMENT *MCA 90-6-207(1)(b)(i)* 4

INCREASED OR DECREASED COAL PRODUCTION *MCA 90-6-207(1)(b)(ii)* 5

NEW RAILROAD SERVICE *MCA 90-6-207(1)(b)(iii)* 5

AIR QUALITY PERMIT FOR A NEW COAL-BURNING FACILITY *MCA 90-6-207(1)(b)(iv)* 5

PROXIMITY TO A QUALIFYING COAL MINE OR COAL-BURNING FACILITY *MCA 90-6-207(1)(c)* 5

CESSATION OR SCHEDULED CESSATION OF MINING *MCA 90-6-207(1)(d)(i)* 5

CLOSURE OR SCHEDULED CLOSURE OF A COAL-BURNING FACILITY *MCA 90-6-207(1)(d)(ii)* 6

ADDITIONAL FACTORS *MCA 90-6-207(2)(a) and (b)* 6

LENGTH OF DESIGNATION *MCA 90-6-207(7)* 6

ANALYSIS METHODOLOGY 7

POPULATION CHANGE ANALYSIS 7

COAL PRODUCTION ANALYSIS 7

GEOSPATIAL ANALYSIS 8

RESULTS 8

DESIGNATION DUE TO INCREASED COAL PRODUCTION *MCA 90-6-207(1)(b)(ii)* 8

DESIGNATION DUE TO CESSATION OF COAL PRODUCTION *MCA 90-6-207(1)(d)(i)* 9

DESIGNATION DUE TO THE SCHEDULED CLOSURE OF A COAL-BURNING FACILITY *MCA 90-6-207(1)(d)(ii)* 9

DESIGNATION DUE TO DECREASED COAL PRODUCTION *MCA 90-6-207(1)(b)(ii)* 9

CONCLUSIONS 9

STATE AGENCIES & SOURCES USED 10

STATE AGENCIES & ENTITIES 10

DATA SOURCES USED IN THE ANALYSIS FOR THIS REPORT 10

APPENDIX A. HISTORIC COAL PRODUCTION BY MINE 11

APPENDIX B. LIST OF DESIGNATED LOCAL GOVERNMENTAL UNITS 15

SPRING CREEK MINE – DESIGNATED LOCAL GOVERNMENTAL UNITS 15

SIGNAL PEAK MINE – DESIGNATED LOCAL GOVERNMENTAL UNITS 16

WEST DECKER MINE – DESIGNATED LOCAL GOVERNMENTAL UNITS 18

ROSEBUD MINE – DESIGNATED LOCAL GOVERNMENTAL UNITS 19

COLSTRIP UNITS 1 & 2 – DESIGNATED LOCAL GOVERNMENTAL UNITS 20

INTRODUCTION

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). This report is provided to the Coal Board for the purpose of awarding grants from available funds during the biennium.

In preparation of this report, Commerce collected relevant information from the Montana Department of Environmental Quality (DEQ), the Montana Department of Revenue (DOR), the Montana Department of Transportation (MDT), the Montana Local Government Services Bureau, the Montana Census and Economic Information Bureau (CEIC), and the Montana Department of Labor & Industry (DLI). Commerce also used information from select mine owners and operators. These entities provided information, data and other assistance allowing Commerce to accurately review statutory priorities and finalize the biennial designations.

A complete list of local governmental units designated by Commerce can be found in Appendix B at the end of this report. The list also identifies which section of the statute was used to qualify the governmental unit as a designated entity by coal mine or coal-burning facility that had an event triggering designation. While the list only shows the designated entities, Commerce's analysis included all local governmental units to determine if the entity met the statutory criteria for designation (more detail located in the "Analysis Methodology" later in this report).

DESIGNATION OF LOCAL GOVERNMENTAL UNITS *MCA 90-6-207*

To qualify under the statute, local governmental unit designation is established by reviewing the governmental units that meet the statutory guidelines explained in more detail below. It is noteworthy to mention that governmental units may have met the designation under one or more subsection; the specifics on how a local governmental unit was designated is included in the complete list of designees at the end of this report (Appendix B).

POPULATION INCREASE OR DECREASE *MCA 90-6-207(1)(a)*

Each county, incorporated city or town, school district, and other governmental unit shall be designated that has had or expects to have – as a result of coal development – a net increase or decrease in the estimated population of at least 10% over one of the 3-year periods defined in the statute. A detailed explanation of the specific 3-year time periods can be found in the "Analysis Methodology" section of this report.

The only local governmental units that had an estimated increase/decrease in population of more than 10% were in the western part of the State. Because of the geographic separation between these units and all coal development and coal burning facilities, it was determined these units were not eligible for designation under this subsection.

NEW COAL DEVELOPMENT *MCA 90-6-207(1)(b)(i)*

Each county and all local governmental units within each county in which a mining permit has been granted by DEQ establishing a new coal mine to produce at least 300,000 tons a year and that Commerce determines will commence production within two years shall be designated.

DEQ has indicated that no new mining permits have been issued for establishing a new coal mine that will produce at least 300,000 tons a year in Montana.

INCREASED OR DECREASED COAL PRODUCTION *MCA 90-6-207(1)(b)(ii)*

Each county and all local governmental units within each county in which Commerce has determined the production of an existing coal mine will increase or decrease by at least 1 million tons per year and that the new, expanded, or reduced production will commence within 2 years of the designation shall be designated.

Based on the last three years of available coal production data (calendar years 2016 – 2018), Commerce has determined that annual production at the Spring Creek Mine and Signal Peak Mine will increase by at least 1 million tons per year within the next two years. Appendix A has historic coal production data broken out by Montana mine.

Due to the pending closure of two coal fire power plants in Colstrip (Units 1 and 2), Commerce has determined the annual production at the Rosebud Mine located in Rosebud County will decrease by at least 1 million tons per year within the next two years.

NEW RAILROAD SERVICE *MCA 90-6-207(1)(b)(iii)*

Each county and all local governmental units within each county in which a newly constructed railroad serves a new, existing, or expanding coal mine shall be designated.

MDT has indicated there has been no new construction of railroad infrastructure that would serve a new, existing, or expanding coal mine in Montana.

AIR QUALITY PERMIT FOR A NEW COAL-BURNING FACILITY *MCA 90-6-207(1)(b)(iv)*

Each county and all local governmental units within each county in which DEQ has issued an air quality permit for a new steam-generating or other new coal-burning facility that would consume at least 1 million tons of Montana-mined coal a year and Commerce has determined construction or operation of the new facility will commence within 2 years shall be designated.

DEQ has indicated that no air quality permits have been issued or have been requested within the past two years for new coal-burning facilities that will consume at least 1 million tons of coal a year.

PROXIMITY TO A QUALIFYING COAL MINE OR COAL-BURNING FACILITY *MCA 90-6-207(1)(c)*

Each local government unit located within 100 miles, measured over the shortest all-weather public road, of a mine or facility qualifying under subsection (1)(b)(i), (1)(b)(ii), or (1)(b)(iv) explained above shall be designated.

Due to the expected increase in coal production at the Signal Peak Mine and Spring Creek Mine, these two mines were used to designate local governmental units per this subsection. Additionally, due to the expected decrease in production at the Rosebud Mine, this mine was used to designate local governmental units per this subsection.

CESSATION OR SCHEDULED CESSATION OF MINING *MCA 90-6-207(1)(d)(i)*

Each local government in which a mine that has produced 300,000 tons or more of coal a year has ceased all significant mining or is scheduled to cease within 1 year shall be designated.

The West Decker Mine located in Big Horn County did not produce any coal from calendar years 2016 through 2018. From 2000 through 2008, this mine produced an average of 7.5 million tons of coal per year. Therefore, West Decker Mine is considered to meet the qualifications of this subsection in "ceasing all significant mining".

CLOSURE OR SCHEDULED CLOSURE OF A COAL-BURNING FACILITY *MCA 90-6-207(1)(d)(ii)*

Each local government in which a steam-generating or other coal-burning facility that has operated under an air quality permit issued by DEQ and that has consumed at least 1 million tons of Montana-mined coal a year has closed or is scheduled to close within 1 year shall be designated.

On June 11th, 2019 Talen Energy published a press release – "Talen Montana, the operator of the Colstrip Steam Electric Station ("Colstrip"), announced that, effective December 31, [2019], the owners of Colstrip Units 1 and 2 (Talen Montana and Puget Sound Energy) will permanently retire the units, which have a total 614 megawatt capacity rating". This pending closure of Units 1 and 2 meet the qualifications for designation under this subsection.

Recently, Montana Dakota Utility announced its intentions of closing the Lewis & Clark coal-fired power plant in Richland County. However, according to the DEQ that facility has never consumed at least 1 million tons of coal per year over the life of the plant. Therefore, the pending closure of this coal-burning facility does not meet the qualifications of this subsection.

ADDITIONAL FACTORS *MCA 90-6-207(2)(a) and (b)*

Designation under subsection (1) of any local governmental unit extends to and includes the county in which it is located.

Designation of a county under subsection (1) extends to and includes as a designated unit any local governmental unit in the county that contains at least 10% of the county's total population.

Designation under subsection (1) refers to the criteria explained above in:

- Population Increase or Decrease
- New Coal Development
- Increased or Decreased Coal Production
- New Railroad Service
- Air Quality Permit for a New Coal-Burning Facility
- Proximity to a Qualifying Coal Mine or Coal-Burning Facility
- Cessation or Scheduled Cessation of Mining
- Closure or Scheduled Closure of a Coal-Burning Facility

LENGTH OF DESIGNATION *MCA 90-6-207(7)*

All designations based on an increase in coal development or in the consumption of coal by a coal-using energy complex made under subsection (1)(a), (1)(b), or (1)(c) must be for 1 year. A designation may not continue after the Department of Commerce determines the mine, railroad, or facility that provided the basis for a designation is contributing sufficient tax revenue to the designated governmental unit to meet the increased costs of providing the services necessitated by the development of the mine, railroad, or facility.

Commerce has determined that a designation subject to the stipulation of this subsection may be extended beyond 1 year if the local governmental unit can justifiably show a continued coal impact that isn't being remedied by

increased tax revenue. For those local governmental units that may only be designated for 1 year, Commerce will request that each affected governmental unit submit a written explanation of whether or not "... sufficient tax revenue is being contributed to the local governmental unit to meet the increased costs of providing the services necessitated by the development of the mine, railroad, or facility". If the local government (designated under MCA 90-6-207(1)(b)(ii)) can justify the need for continued designation under this statute, Commerce may extend the local governmental unit designation for the remainder of the biennium. This response will be due to Commerce no later than May 15, 2020. Commerce will then update this report for the 2021 state fiscal year, as it pertains to this subsection.

ANALYSIS METHODOLOGY

Designation of local governmental units due to the impacts of coal development can occur by means of a few different scenarios described in the earlier "Designation of Local Governmental Units" section of this report. Below is an explanation of the methodological process and some of the data used to fulfill the statutory guidelines for designation.

POPULATION CHANGE ANALYSIS

If a governmental unit has experienced or expects to have – as a result of coal development – a net increase or decrease in population of at least 10% over a 3-year period, they may be designated as "impacted". MCA 90-6-207(1)(a) defines the time periods for which population change should be considered. Those 3-year time periods are:

- One consecutive 3-year period ending 2 calendar years prior to the current calendar year (2014-2017);
- One consecutive 3-year period ending 1 calendar years prior to the current calendar year (2015-2018);
- One consecutive 3-year period ending with the current calendar year (2016-2019);
- One consecutive 3-year period ending 1 calendar years after to the current calendar year (2017-2020); and
- One consecutive 3-year period ending 2 calendar years after to the current calendar year (2018-2021).

Available population estimates for Montana's local governmental units were used as the basis for this analysis. Estimates for all Montana counties and incorporated cities and towns from 2014 – 2018 were the most current data available. For elementary, high school, and unified school district data from 2012 – 2017 was the most current available. However, the school district data for 2017 was wildly inconsistent with prior year estimates. Therefore, 2017 school district data was omitted from this analysis; data for 2012 – 2016 were used instead. Population estimates for Native American Reservations were not available on an annual basis; therefore, population change analysis could not be performed for Tribal areas.

For the purposes of this report, the "current calendar year" is defined to be calendar year 2019. For each governmental unit, the annual average change in prior year's population was used to forecast future year populations in order to have a consistent time series of population data form which to perform analysis.

COAL PRODUCTION ANALYSIS

The last three available calendar years (2016 – 2018) of coal production data for each Montana coal mine was analyzed to infer future coal development at each mine. If a coal mine had a one-year change of more than 1 million tons of coal production – either increase or decrease – Commerce extrapolated that observation and determined that mine met the qualifications in subsection MCA 90-6-207(1)(b)(ii). Please refer to Appendix A for historic coal production data broken out by Montana mine.

GEOSPATIAL ANALYSIS

All governmental units located within 100 miles – measured over the shortest all-weather public road – of a new coal mine, a new coal-burning facility, or a mine with an expected production increase or decrease of at least 1 million tons per year are designated as "impacted" (see "Proximity to a Qualifying Mine or Coal-Burning Facility" above).

Montana Code Annotated (15-70-101) defines all-weather roads as those open to public travel and considered all mileage (excluding the National Highway System (NHS) and Primary roadways) available for public use (except during periods of extreme weather or emergency conditions), passable by a two-wheel drive passenger car, and open to the general public without restrictive gates, prohibitive signs, or regulations other than restrictions based on the size and weight of the vehicle. Private ranch, farm, and residential driveways, primitive trails, and field approaches are not considered part of the mileage.

Using GIS software, geospatial analysis was performed utilizing the most current data available for the State's road network (by road type), mine locations, and local governmental unit boundaries. State road network and local governmental unit boundary data was obtained from the Montana State Library. Mine locations were determined using aerial imagery to identify all weather access roads connecting mine buildings to the State's road network. The closest point from the access road to the all-weather road network was used as a starting point for determining the 100-mile distance from the mine. Where multiple mine access roads were identified, the most direct route from the State road network to the mines' buildings was used.

RESULTS

The governmental units that met statutory priorities discussed in this report were designated based on an increase in mining production at two mines, a decrease in mining production at one mine, a cessation of coal production at another mine, and the pending closure of coal-burning facilities in Montana. The specifics of the triggering events and subsequent local governmental unit designations are detailed below.

DESIGNATION DUE TO INCREASED COAL PRODUCTION *MCA 90-6-207(1)(b)(ii)*

Based on the last couple years of data (See Appendix A), the Signal Peak Mine and Spring Creek Mine are both expected to see coal production increase by more than 1 million tons per year. Subsequently, all governmental units located within 100 miles from these mines are designated as "coal impacted".

Because the designation of these governmental units is due to an *increase* in coal development, the designation is only guaranteed for 1 year. A designation may not continue after Commerce determines the mine, railroad, or facility that provided the basis for a designation is contributing sufficient tax revenue to the designated governmental unit to meet the increased costs of providing the services necessitated by the development of the mine, railroad, or facility. If the designated local governmental units (designated under MCA 90-6-207(1)(b)(ii)) can show they are not receiving "sufficient tax revenue… to meet the increased costs" then a designation continuance may be issued by Commerce for the remainder of the biennium. This response will be due to Commerce no later than May 15, 2020. Commerce will then update this report for the 2021 state fiscal year, as it pertains to this subsection.

A complete list of the local governmental units that were designated subject to these terms can be found in Appendix B of this report.

DESIGNATION DUE TO CESSATION OF COAL PRODUCTION *MCA 90-6-207(1)(d)(i)*

From 2016 through 2018 the West Decker Coal Mine in Big Horn County has produced zero tons of coal. Historically, this coal mine has produced more than 300,000 tons a year. Therefore, each governmental unit in which the West Decker Mine is located is designated (for the biennium) as "coal impacted". Per MCA 90-6-207(2)(b), all local governmental units located within Big Horn County that contain at least 10% of the county's total population are also designated for the biennium. A complete list of the local governmental units that are designated subject to these terms can be found in Appendix B of this report.

The Savage Mine in Richland County produces coal for the nearby Lewis & Clark coal-fired power plant and Sydney Sugar's sugar beet processing facility. In light of the pending closure of the Lewis & Clark facility, there was a question of whether or not the mine would continue operations. Jesse Noel is the Director of Environmental & Regulatory Affairs for U.S. Operations for the mine's owner, Westmorland Mining LLC. Mr. Noel told Commerce on June 12th, 2019 that currently, Westmorland planned continued operations at the Savage Mine to supply coal to the sugar beet plant after the Lewis & Clark coal-fired power plant shut down.

DESIGNATION DUE TO THE SCHEDULED CLOSURE OF A COAL-BURNING FACILITY *MCA 90-6-207(1)(d)(ii)*

On June 11th, 2019 Talen Energy announced the coal-burning power plants Units 1 and 2 in Colstrip, MT (Rosebud County) will be permanently retired effective December 31st, 2019. These plants began commercial operation in 1975 and 1976 annually consuming an average of more than 1 million tons of coal mined from the Rosebud Mine in Montana.

Therefore, each governmental unit in which Colstrip Units 1 and 2 are located is designated (for the biennium) as "coal impacted". Per MCA 90-6-207(2)(b), all local governmental units located within Rosebud County that contain at least 10% of the county's total population are also designated for the biennium. A complete list of the local governmental units that are designated subject to these terms can be found in Appendix B of this report.

DESIGNATION DUE TO DECREASED COAL PRODUCTION *MCA 90-6-207(1)(b)(ii)*

On average from 2016 – 2018, the Rosebud Mine located in Rosebud County produced 8.4 million tons of coal per year. The majority (85 percent) of coal produced at the Rosebud Mine is consumed by the four coal-fired power plants in Colstrip (Units 1 – 4). Due to the pending closure of Colstrip Units 1 and 2 along with the current bankruptcy proceedings of the mine's owner, Westmorland Rosebud Mine LLC, Commerce has determined that coal production at the Rosebud Mine will decrease by more than 1 million tons per year within the next 2 years.

Subsequently, all governmental units located within 100 miles from the Rosebud Mine are designated as "coal impacted". Because the designation of these governmental units is due to a *decrease* in coal development, these designations are for the biennium. A complete list of the local governmental units that are designated subject to these terms can be found in Appendix B of this report.

CONCLUSIONS

Designation of local governmental units under MCA 90-6-207 has changed pretty significantly compared to the 2017 biennial designations. Please refer to Appendix B of this report for a complete list of designated local governmental units for all or possibly a portion of the 2021 Biennium.

In April of 2020, Commerce will mail letters to local government units that may be affected by a 1-year designation. These letters will request that each affected governmental unit submit a written response explaining whether or not "... sufficient tax revenue is being contributed to the local governmental unit to meet the increased costs of providing the services necessitated by the development of the mine, railroad, or facility". If the local government (designated under MCA 90-6-207(1)(b)(ii)) can justify the need for continued designation under this statute, Commerce may issue a designation continuance for the remainder of the biennium. This response will be due to Commerce no later than May 15, 2020. Commerce will then update this report for the 2021 state fiscal year, as it pertains to MCA 90-6-207(7), previously described in this report.

Commerce is available to further discuss details with any governmental unit that is or is not on the list in Appendix B to provide information about the analysis and how governmental units met the statutory qualifications detailed in this report.

STATE AGENCIES CONTACTED & SOURCES USED

Multiple State agencies and bureaus were contacted for information that may be material to the designation of coal impacted local governmental units. Data used in the analysis completed for this report was sourced from various entities. All contacted agencies and data sources used for the creation of this report are listed below.

STATE AGENCIES & ENTITIES

Montana Department of Environmental Quality
Montana Department of Revenue
Montana Department of Transportation
Montana Department of Administration, Local Government Services Bureau
Montana Department of Commerce, Census and Economic Information Bureau
Montana Department of Labor & Industry
Talen Energy/Talen Montana
Westmorland Mining LLC

DATA SOURCES USED IN THE ANALYSIS FOR THIS REPORT

Montana Department of Labor & Industry (DLI), Employment Relations Division, Safety and Health Bureau, Mining Section. Montana mine coal production data (through calendar year 2018).

Montana Legislative Services Division. Report to the Environmental Quality Council, *SJ 5: Coal in Montana Changing Times Challenging Times*. September 2018.

Montana State Library. State road network spatial files; local governmental unit spatial files.

Talen Energy. Public News Release June 11, 2019. *Colstrip Steam Electric Station Units 1 and 2 to Retire.*

US Census Bureau, Population Estimates Division. Midyear population estimates for states, counties, and incorporated cities and towns (2018 vintage). Released May 2019

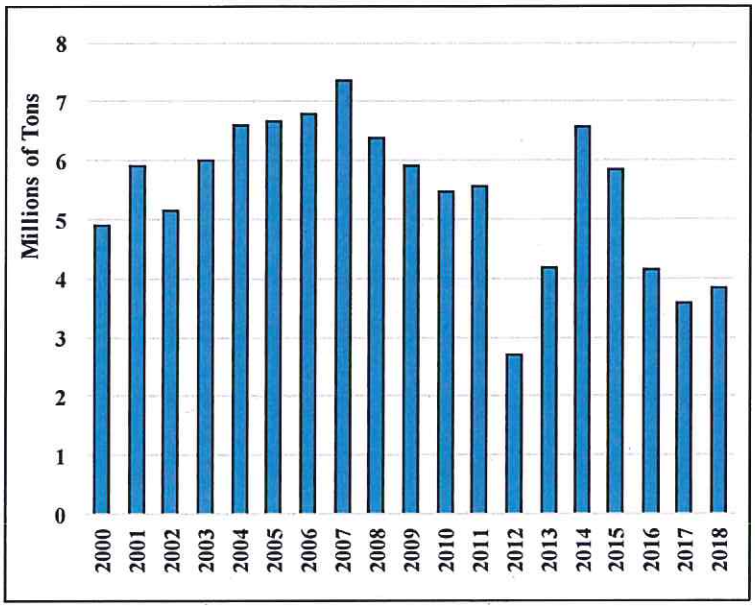
US Census Bureau, Small Area Income & Poverty Estimates. Population estimates for school districts (2016 vintage).

APPENDIX A. HISTORIC COAL PRODUCTION BY MINE

Absaloka Mine - Big Horn County

Annual Coal Production (*tons*)

Year	Annual Production	Annual Change	Annual Change (%)
2000	4,910,907	--	--
2001	5,904,724	993,817	20.2%
2002	5,160,921	(743,803)	-12.6%
2003	6,016,678	855,757	16.6%
2004	6,588,633	571,955	9.5%
2005	6,663,499	74,866	1.1%
2006	6,782,935	119,436	1.8%
2007	7,347,794	564,859	8.3%
2008	6,391,000	(956,794)	-13.0%
2009	5,911,688	(479,312)	-7.5%
2010	5,467,954	(443,734)	-7.5%
2011	5,557,604	89,650	1.6%
2012	2,714,063	(2,843,541)	-51.2%
2013	4,168,749	1,454,686	53.6%
2014	6,557,844	2,389,095	57.3%
2015	5,844,619	(713,225)	-10.9%
2016	4,157,548	(1,687,071)	-28.9%
2017	3,573,756	(583,792)	-14.0%
2018	3,827,634	253,878	7.1%

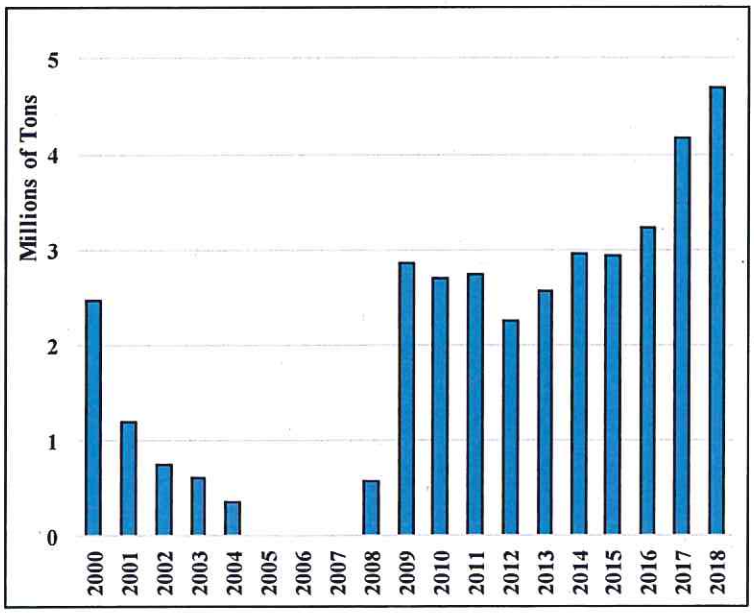


Source: Montana Departnemt of Labor & Industry. Analysis by Montana Department of Commerce, Research & Information Services Bureau

East Decker Mine - Big Horn County

Annual Coal Production (*tons*)

Year	Annual Production	Annual Change	Annual Change (%)
2000	2,465,352	--	--
2001	1,207,580	(1,257,772)	-51.0%
2002	746,967	(460,613)	-38.1%
2003	611,984	(134,983)	-18.1%
2004	355,142	(256,842)	-42.0%
2005	0	(355,142)	-100.0%
2006	0	0	--
2007	0	0	--
2008	581,306	581,306	--
2009	2,866,162	2,284,856	393.1%
2010	2,699,951	(166,211)	-5.8%
2011	2,749,367	49,416	1.8%
2012	2,247,873	(501,494)	-18.2%
2013	2,562,326	314,453	14.0%
2014	2,964,445	402,119	15.7%
2015	2,942,574	(21,871)	-0.7%
2016	3,225,895	283,321	9.6%
2017	4,175,084	949,189	29.4%
2018	4,688,914	513,830	12.3%

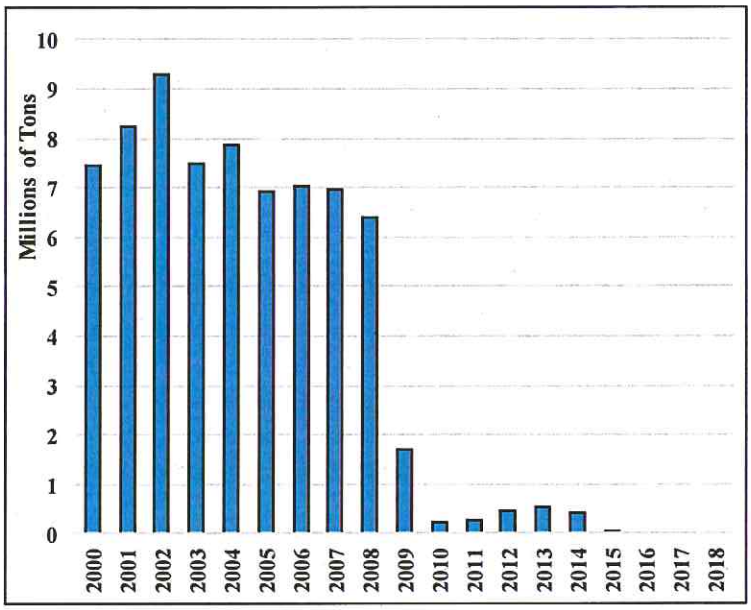


Source: Montana Departnemt of Labor & Industry. Analysis by Montana Department of Commerce, Research & Information Services Bureau

West Decker Mine - Big Horn County

Annual Coal Production (*tons*)

Year	Annual Production	Annual Change	Annual Change (%)
2000	7,466,814	--	--
2001	8,254,718	787,904	10.6%
2002	9,281,431	1,026,713	12.4%
2003	7,480,364	(1,801,067)	-19.4%
2004	7,886,137	405,773	5.4%
2005	6,915,690	(970,447)	-12.3%
2006	7,044,226	128,536	1.9%
2007	6,972,909	(71,317)	-1.0%
2008	6,411,896	(561,013)	-8.0%
2009	1,720,374	(4,691,522)	-73.2%
2010	228,006	(1,492,368)	-86.7%
2011	295,575	67,569	29.6%
2012	484,570	188,995	63.9%
2013	545,037	60,467	12.5%
2014	419,092	(125,945)	-23.1%
2015	21,496	(397,596)	-94.9%
2016	0	(21,496)	-100.0%
2017	0	0	--
2018	0	0	--

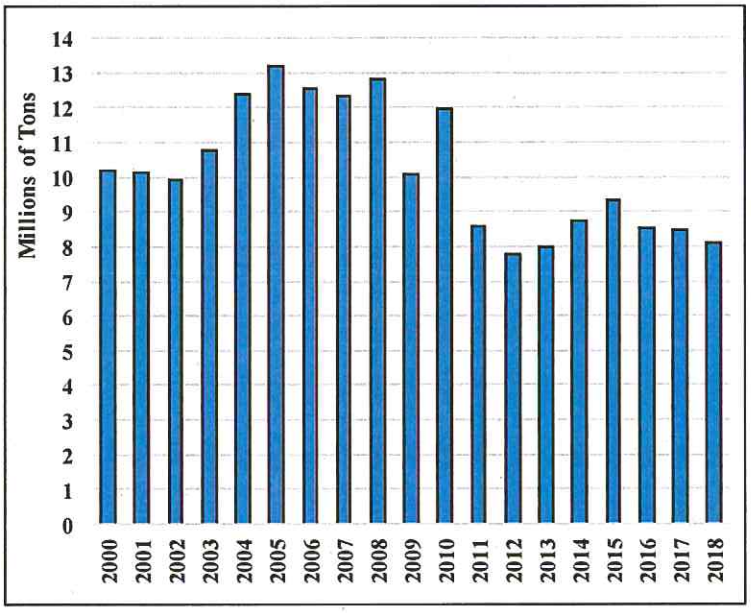


Source: Montana Departnemt of Labor & Industry. Analysis by Montana Department of Commerce, Research & Information Services Bureau

Rosebud Mine - Rosebud County

Annual Coal Production (*tons*)

Year	Annual Production	Annual Change	Annual Change (%)
2000	10,173,297	--	--
2001	10,151,692	(21,605)	-0.2%
2002	9,913,417	(238,275)	-2.3%
2003	10,779,695	866,278	8.7%
2004	12,413,482	1,633,787	15.2%
2005	13,164,977	751,495	6.1%
2006	12,527,789	(637,188)	-4.8%
2007	12,337,901	(189,888)	-1.5%
2008	12,826,742	488,841	4.0%
2009	10,105,036	(2,721,706)	-21.2%
2010	11,957,340	1,852,304	18.3%
2011	8,581,708	(3,375,632)	-28.2%
2012	7,761,804	(819,904)	-9.6%
2013	7,966,848	205,044	2.6%
2014	8,754,406	787,558	9.9%
2015	9,350,194	595,788	6.8%
2016	8,532,276	(817,918)	-8.7%
2017	8,461,252	(71,024)	-0.8%
2018	8,119,283	(341,969)	-4.0%

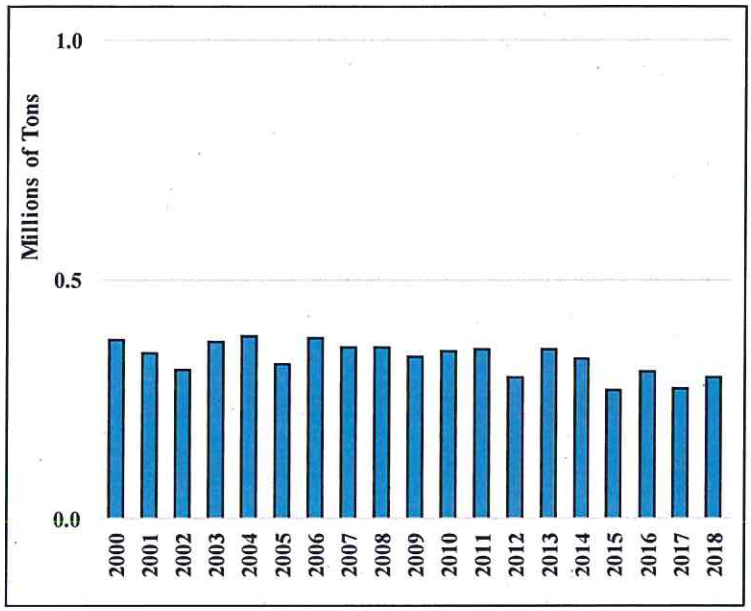


Source: Montana Departnemt of Labor & Industry. Analysis by Montana Department of Commerce, Research & Information Services Bureau

Savage Mine - Richland County

Annual Coal Production (*tons*)

Year	Annual Production	Annual Change	Annual Change (%)
2000	371,971	--	--
2001	346,355	(25,616)	-6.9%
2002	312,037	(34,318)	-9.9%
2003	368,867	56,830	18.2%
2004	380,042	11,175	3.0%
2005	323,536	(56,506)	-14.9%
2006	378,601	55,065	17.0%
2007	358,395	(20,206)	-5.3%
2008	356,344	(2,051)	-0.6%
2009	337,061	(19,283)	-5.4%
2010	351,502	14,441	4.3%
2011	354,669	3,167	0.9%
2012	296,454	(58,215)	-16.4%
2013	354,184	57,730	19.5%
2014	333,922	(20,262)	-5.7%
2015	270,286	(63,636)	-19.1%
2016	309,144	38,858	14.4%
2017	272,663	(36,481)	-11.8%
2018	294,840	22,177	8.1%

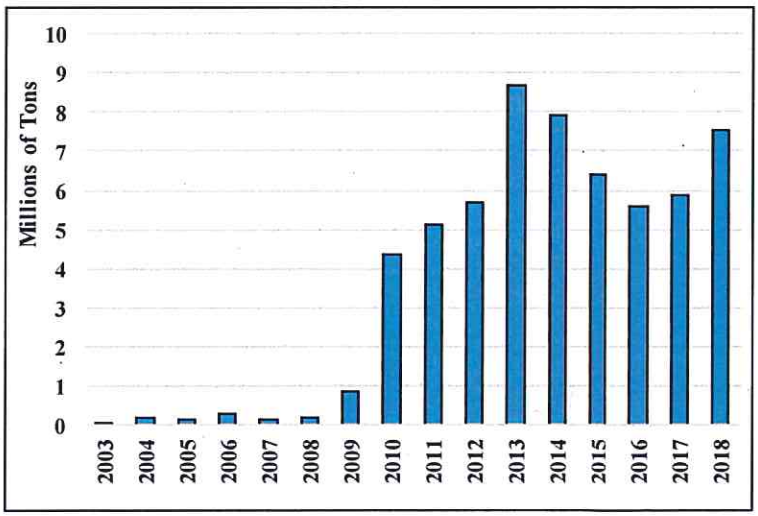


Source: Montana Departnemt of Labor & Industry. Analysis by Montana Department of Commerce, Research & Information Services Bureau

Signal Peak Mine - Musselshell County

Annual Coal Production (*tons*)

Year	Annual Production	Annual Change	Annual Change (%)
2003	13,446	--	--
2004	208,755	195,309	1452.5%
2005	168,063	(40,692)	-19.5%
2006	286,712	118,649	70.6%
2007	137,300	(149,412)	-52.1%
2008	186,750	49,450	36.0%
2009	866,772	680,022	364.1%
2010	4,388,851	3,522,079	406.3%
2011	5,135,571	746,720	17.0%
2012	5,707,623	572,052	11.1%
2013	8,682,884	2,975,261	52.1%
2014	7,915,478	(767,406)	-8.8%
2015	6,419,640	(1,495,838)	-18.9%
2016	5,609,036	(810,604)	-12.6%
2017	5,883,956	274,920	4.9%
2018	7,566,483	1,682,527	28.6%

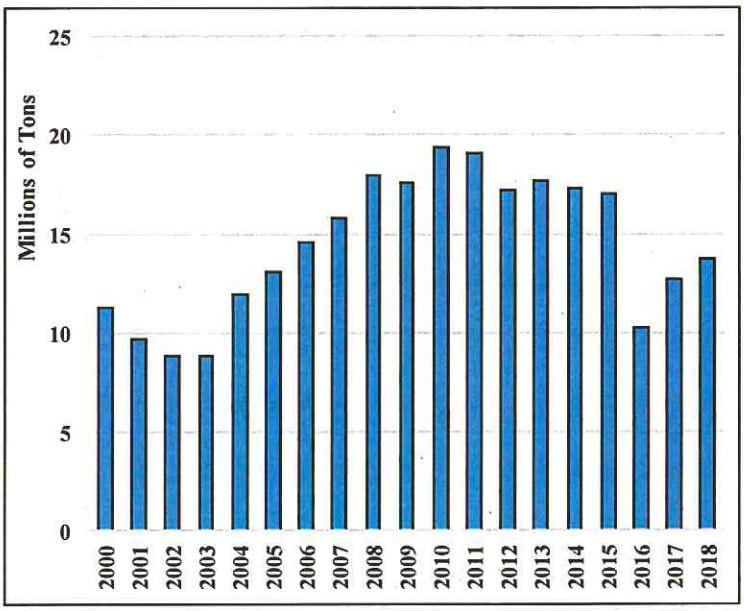


Source: Montana Departnemt of Labor & Industry. Analysis by Montana Department of Commerce, Research & Information Services Bureau

Spring Creek Mine - Big Horn County

Annual Coal Production (*tons*)

Year	Annual Production	Annual Change	Annual Change (%)
2000	11,301,905	--	--
2001	9,664,969	(1,636,936)	-14.5%
2002	8,905,368	(759,601)	-7.9%
2003	8,894,014	(11,354)	-0.1%
2004	12,001,290	3,107,276	34.9%
2005	13,113,486	1,112,196	9.3%
2006	14,561,848	1,448,362	11.0%
2007	15,773,724	1,211,876	8.3%
2008	17,947,506	2,173,782	13.8%
2009	17,608,969	(338,537)	-1.9%
2010	19,345,161	1,736,192	9.9%
2011	19,080,553	(264,608)	-1.4%
2012	17,200,109	(1,880,444)	-9.9%
2013	17,669,717	469,608	2.7%
2014	17,338,421	(331,296)	-1.9%
2015	16,987,414	(351,007)	-2.0%
2016	10,245,198	(6,742,216)	-39.7%
2017	12,725,355	2,480,157	24.2%
2018	13,759,894	1,034,539	8.1%



Source: Montana Departnemt of Labor & Industry. Analysis by Montana Department of Commerce, Research & Information Services Bureau

APPENDIX B. LIST OF DESIGNATED LOCAL GOVERNMENTAL UNITS

SPRING CREEK MINE – DESIGNATED LOCAL GOVERNMENTAL UNITS

Mine / Facility	Local Governmental Unit Type	Local Governmental Unit Name	Qualifying MCA
Spring Creek Mine	County	Big Horn County	MCA 90-6-207 (1)(b)(ii)
Spring Creek Mine	County	Carter County	MCA 90-6-207 (2)(a)
Spring Creek Mine	County	Custer County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Spring Creek Mine	County	Powder River County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Spring Creek Mine	County	Rosebud County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Spring Creek Mine	County	Treasure County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Spring Creek Mine	County	Yellowstone County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Spring Creek Mine	Incorporated Cities & Towns	Billings city	MCA 90-6-207 (2)(b)
Spring Creek Mine	Incorporated Cities & Towns	Broadus town	MCA 90-6-207 (2)(b)
Spring Creek Mine	Incorporated Cities & Towns	Colstrip city	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Spring Creek Mine	Incorporated Cities & Towns	Forsyth city	MCA 90-6-207 (2)(b)
Spring Creek Mine	Incorporated Cities & Towns	Hardin city	MCA 90-6-207 (1)(b)(ii)
Spring Creek Mine	Incorporated Cities & Towns	Hysham town	MCA 90-6-207 (2)(b)
Spring Creek Mine	Incorporated Cities & Towns	Lodge Grass town	MCA 90-6-207 (1)(b)(ii)
Spring Creek Mine	Incorporated Cities & Towns	Miles City city	MCA 90-6-207 (2)(b)
Spring Creek Mine	Tribal Nation	Crow Tribe	MCA 90-6-207 (1)(b)(ii)
Spring Creek Mine	Tribal Nation	Northern Cheyenne Tribe	MCA 90-6-207 (1)(b)(ii)
Spring Creek Mine	Elementary School District	Ashland Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Spring Creek Mine	Elementary School District	Biddle Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Spring Creek Mine	Elementary School District	Billings Elementary School District	MCA 90-6-207 (2)(b)
Spring Creek Mine	Elementary School District	Birney Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Spring Creek Mine	Elementary School District	Broadus Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Spring Creek Mine	Elementary School District	Colstrip Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Spring Creek Mine	Elementary School District	Forsyth Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Spring Creek Mine	Elementary School District	Hardin Elementary School District	MCA 90-6-207 (1)(b)(ii)
Spring Creek Mine	Elementary School District	Kircher Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Spring Creek Mine	Elementary School District	Lame Deer Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Spring Creek Mine	Elementary School District	Lodge Grass Elementary School District	MCA 90-6-207 (1)(b)(ii)
Spring Creek Mine	Elementary School District	Melstone Elementary School District	MCA 90-6-207 (2)(b)
Spring Creek Mine	Elementary School District	Miles City Elementary School District	MCA 90-6-207 (2)(b)
Spring Creek Mine	Elementary School District	Morin Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Spring Creek Mine	Elementary School District	Pryor Elementary School District	MCA 90-6-207 (1)(b)(ii)
Spring Creek Mine	Elementary School District	S H Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Spring Creek Mine	Elementary School District	S Y Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Spring Creek Mine	Elementary School District	South Stacey Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Spring Creek Mine	Elementary School District	Spring Creek Elementary School District (Big Horn)	MCA 90-6-207 (1)(b)(ii)
Spring Creek Mine	Elementary School District	Wyola Elementary School District	MCA 90-6-207 (1)(b)(ii)
Spring Creek Mine	Secondary School District	Billings High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Spring Creek Mine	Secondary School District	Colstrip High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Spring Creek Mine	Secondary School District	Custer County High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Spring Creek Mine	Secondary School District	Forsyth High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Spring Creek Mine	Secondary School District	Hardin High School District	MCA 90-6-207 (1)(b)(ii)
Spring Creek Mine	Secondary School District	Lame Deer High School District	MCA 90-6-207 (1)(b)(ii)
Spring Creek Mine	Secondary School District	Lodge Grass High School District	MCA 90-6-207 (1)(b)(ii)
Spring Creek Mine	Secondary School District	Plenty Coups High School District	MCA 90-6-207 (1)(b)(ii)
Spring Creek Mine	Secondary School District	Powder River County High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Spring Creek Mine	Unified School District	Custer K-12 School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Spring Creek Mine	Unified School District	Huntley Project K-12 School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Spring Creek Mine	Unified School District	Hysham K-12 School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Spring Creek Mine	Unified School District	Rosebud K-12 School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)

SIGNAL PEAK MINE – DESIGNATED LOCAL GOVERNMENTAL UNITS (TABLE 1 OF 3)

Mine / Facility	Local Governmental Unit Type	Local Governmental Unit Name	Qualifying MCA
Signal Peak Mine	County	Big Horn County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	County	Carbon County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	County	Fergus County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	County	Garfield County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	County	Golden Valley County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	County	Judith Basin County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	County	Musselshell County	MCA 90-6-207 (1)(b)(ii)
Signal Peak Mine	County	Petroleum County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	County	Rosebud County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	County	Stillwater County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	County	Sweet Grass County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	County	Treasure County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	County	Wheatland County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	County	Yellowstone County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Incorporated Cities & Towns	Big Timber city	MCA 90-6-207 (2)(b)
Signal Peak Mine	Incorporated Cities & Towns	Billings city	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Incorporated Cities & Towns	Bridger town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Incorporated Cities & Towns	Broadview town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Incorporated Cities & Towns	Colstrip city	MCA 90-6-207 (2)(b)
Signal Peak Mine	Incorporated Cities & Towns	Columbus town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Incorporated Cities & Towns	Forsyth city	MCA 90-6-207 (2)(b)
Signal Peak Mine	Incorporated Cities & Towns	Fromberg town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Incorporated Cities & Towns	Grass Range town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Incorporated Cities & Towns	Hardin city	MCA 90-6-207 (2)(b)
Signal Peak Mine	Incorporated Cities & Towns	Harlowton city	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Incorporated Cities & Towns	Hobson city	MCA 90-6-207 (2)(b)
Signal Peak Mine	Incorporated Cities & Towns	Hysham town	MCA 90-6-207 (2)(b)
Signal Peak Mine	Incorporated Cities & Towns	Joliet town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Incorporated Cities & Towns	Jordan town	MCA 90-6-207 (2)(b)
Signal Peak Mine	Incorporated Cities & Towns	Judith Gap city	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Incorporated Cities & Towns	Laurel city	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Incorporated Cities & Towns	Lavina town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Incorporated Cities & Towns	Lewistown city	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Incorporated Cities & Towns	Melstone town	MCA 90-6-207 (1)(b)(ii)
Signal Peak Mine	Incorporated Cities & Towns	Red Lodge city	MCA 90-6-207 (2)(b)
Signal Peak Mine	Incorporated Cities & Towns	Roundup city	MCA 90-6-207 (1)(b)(ii)
Signal Peak Mine	Incorporated Cities & Towns	Ryegate town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Incorporated Cities & Towns	Stanford town	MCA 90-6-207 (2)(b)
Signal Peak Mine	Incorporated Cities & Towns	Winnett town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Tribal Nation	Crow Tribe	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Tribal Nation	Northern Cheyenne Tribe	MCA 90-6-207 (2)(b)
Signal Peak Mine	Elementary School District	Absarokee Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Ashland Elementary School District	MCA 90-6-207 (2)(b)
Signal Peak Mine	Elementary School District	Ayers Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Big Timber Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Billings Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Blue Creek Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Broadview Elementary School District	MCA 90-6-207 (1)(b)(ii)
Signal Peak Mine	Elementary School District	Canyon Creek Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Cohagen Elementary School District	MCA 90-6-207 (2)(b)
Signal Peak Mine	Elementary School District	Colstrip Elementary School District	MCA 90-6-207 (2)(b)
Signal Peak Mine	Elementary School District	Columbus Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)

SIGNAL PEAK MINE – DESIGNATED LOCAL GOVERNMENTAL UNITS (TABLE 2 OF 3)

Mine / Facility	Local Governmental Unit Type	Local Governmental Unit Name	Qualifying MCA
Signal Peak Mine	Elementary School District	Elder Grove Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Elysian Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Fishtail Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Forsyth Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Geyser Elementary School District	MCA 90-6-207 (2)(b)
Signal Peak Mine	Elementary School District	Grass Range Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Greycliff Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Hardin Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Harlowton Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Independent Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Joliet Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Jordan Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Judith Gap Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Lame Deer Elementary School District	MCA 90-6-207 (2)(b)
Signal Peak Mine	Elementary School District	Laurel Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Lewistown Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Lodge Grass Elementary School District	MCA 90-6-207 (2)(b)
Signal Peak Mine	Elementary School District	Luther Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Melstone Elementary School District	MCA 90-6-207 (1)(b)(ii)
Signal Peak Mine	Elementary School District	Melville Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Molt Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Moore Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Morin Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Park City Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Pioneer Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Pryor Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Rapelje Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Red Lodge Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Reed Point Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Ross Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Roundup Elementary School District	MCA 90-6-207 (1)(b)(ii)
Signal Peak Mine	Elementary School District	Sand Springs Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Shepherd Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Elementary School District	Yellowstone Academy Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Secondary School District	Absarokee High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Secondary School District	Billings High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Secondary School District	Broadview High School District	MCA 90-6-207 (1)(b)(ii)
Signal Peak Mine	Secondary School District	Colstrip High School District	MCA 90-6-207 (2)(b)
Signal Peak Mine	Secondary School District	Columbus High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Secondary School District	Fergus High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Secondary School District	Forsyth High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Secondary School District	Garfield County High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Secondary School District	Geyser High School District	MCA 90-6-207 (2)(b)
Signal Peak Mine	Secondary School District	Grass Range High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Secondary School District	Hardin High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Secondary School District	Harlowton High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Secondary School District	Joliet High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Secondary School District	Judith Gap High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Secondary School District	Lame Deer High School District	MCA 90-6-207 (2)(b)
Signal Peak Mine	Secondary School District	Laurel High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Secondary School District	Lodge Grass High School District	MCA 90-6-207 (2)(b)
Signal Peak Mine	Secondary School District	Melstone High School District	MCA 90-6-207 (1)(b)(ii)
Signal Peak Mine	Secondary School District	Moore High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Secondary School District	Park City High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)

SIGNAL PEAK MINE – DESIGNATED LOCAL GOVERNMENTAL UNITS (TABLE 3 OF 3)

Mine / Facility	Local Governmental Unit Type	Local Governmental Unit Name	Qualifying MCA
Signal Peak Mine	Secondary School District	Plenty Coups High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Secondary School District	Rapelje High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Secondary School District	Red Lodge High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Secondary School District	Reed Point High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Secondary School District	Roundup High School District	MCA 90-6-207 (1)(b)(ii)
Signal Peak Mine	Secondary School District	Shepherd High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Secondary School District	Sweet Grass County High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Unified School District	Belfry K-12 School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Unified School District	Bridger K-12 School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Unified School District	Custer K-12 School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Unified School District	Fromberg K-12 School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Unified School District	Hobson K-12 School District	MCA 90-6-207 (2)(b)
Signal Peak Mine	Unified School District	Huntley Project K-12 School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Unified School District	Hysham K-12 School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Unified School District	Lavina K-12 School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Unified School District	Lockwood K-12 School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Unified School District	Roberts K-12 School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Unified School District	Roy K-12 School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Unified School District	Ryegate K-12 School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Signal Peak Mine	Unified School District	Stanford K-12 School District	MCA 90-6-207 (2)(b)
Signal Peak Mine	Unified School District	Winnett K-12 School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)

WEST DECKER MINE – DESIGNATED LOCAL GOVERNMENTAL UNITS

Mine / Facility	Local Governmental Unit Type	Local Governmental Unit Name	Qualifying MCA
West Decker Mine	County	Big Horn County	MCA 90-6-207 (1)(d)(i)
West Decker Mine	Tribal Nation	Crow Tribe	MCA 90-6-207 (2)(b) per (1)(d)(i)
West Decker Mine	Elementary School District	Hardin Elementary School District	MCA 90-6-207 (2)(b) per (1)(d)(i)
West Decker Mine	Elementary School District	Lodge Grass Elementary School District	MCA 90-6-207 (2)(b) per (1)(d)(i)
West Decker Mine	Elementary School District	Pryor Elementary School District	MCA 90-6-207 (2)(b) per (1)(d)(i)
West Decker Mine	Elementary School District	Spring Creek Elementary School District (Big Horn)	MCA 90-6-207 (1)(d)(i)
West Decker Mine	Elementary School District	Wyola Elementary School District	MCA 90-6-207 (2)(b) per (1)(d)(i)
West Decker Mine	Secondary School District	Hardin High School District	MCA 90-6-207 (1)(d)(i)
West Decker Mine	Secondary School District	Lame Deer High School District	MCA 90-6-207 (2)(b) per (1)(d)(i)
West Decker Mine	Secondary School District	Lodge Grass High School District	MCA 90-6-207 (2)(b) per (1)(d)(i)
West Decker Mine	Secondary School District	Plenty Coups High School District	MCA 90-6-207 (2)(b) per (1)(d)(i)

ROSEBUD MINE – DESIGNATED LOCAL GOVERNMENTAL UNITS (TABLE 1 OF 2)

Mine / Facility	Local Governmental Unit Type	Local Governmental Unit Name	Qualifying MCA
Rosebud Mine	County	Big Horn County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	County	Carter County	MCA 90-6-207 (2)(a)
Rosebud Mine	County	Custer County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	County	Garfield County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	County	Musselshell County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	County	Powder River County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	County	Rosebud County	MCA 90-6-207 (1)(b)(ii)
Rosebud Mine	County	Treasure County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	County	Yellowstone County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Incorporated Cities & Towns	Billings city	MCA 90-6-207 (2)(b)
Rosebud Mine	Incorporated Cities & Towns	Broadus town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Incorporated Cities & Towns	Colstrip city	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Incorporated Cities & Towns	Forsyth city	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Incorporated Cities & Towns	Hardin city	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Incorporated Cities & Towns	Hysham town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Incorporated Cities & Towns	Jordan town	MCA 90-6-207 (2)(b)
Rosebud Mine	Incorporated Cities & Towns	Lodge Grass town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Incorporated Cities & Towns	Miles City city	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Incorporated Cities & Towns	Roundup city	MCA 90-6-207 (2)(b)
Rosebud Mine	Tribal Nation	Crow Tribe	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Tribal Nation	Northern Cheyenne Tribe	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Elementary School District	Ashland Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Elementary School District	Biddle Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Elementary School District	Billings Elementary School District	MCA 90-6-207 (2)(b)
Rosebud Mine	Elementary School District	Birney Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Elementary School District	Broadus Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Elementary School District	Cohagen Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Elementary School District	Colstrip Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Elementary School District	Forsyth Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Elementary School District	Hardin Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Elementary School District	Jordan Elementary School District	MCA 90-6-207 (2)(b)
Rosebud Mine	Elementary School District	Kinsey Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Elementary School District	Kircher Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Elementary School District	Lame Deer Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Elementary School District	Lodge Grass Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Elementary School District	Melstone Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Elementary School District	Miles City Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Elementary School District	Roundup Elementary School District	MCA 90-6-207 (2)(b)
Rosebud Mine	Elementary School District	S H Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Elementary School District	S Y Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Elementary School District	Sand Springs Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Elementary School District	South Stacey Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Elementary School District	Spring Creek Elementary School District (Big Horn)	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Elementary School District	Spring Creek Elementary School District (Custer/PR)	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Elementary School District	Trail Creek Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Elementary School District	Wyola Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Secondary School District	Billings High School District	MCA 90-6-207 (2)(b)
Rosebud Mine	Secondary School District	Colstrip High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Secondary School District	Custer County High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Secondary School District	Forsyth High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Secondary School District	Garfield County High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)

ROSEBUD MINE – DESIGNATED LOCAL GOVERNMENTAL UNITS (TABLE 2 OF 2)

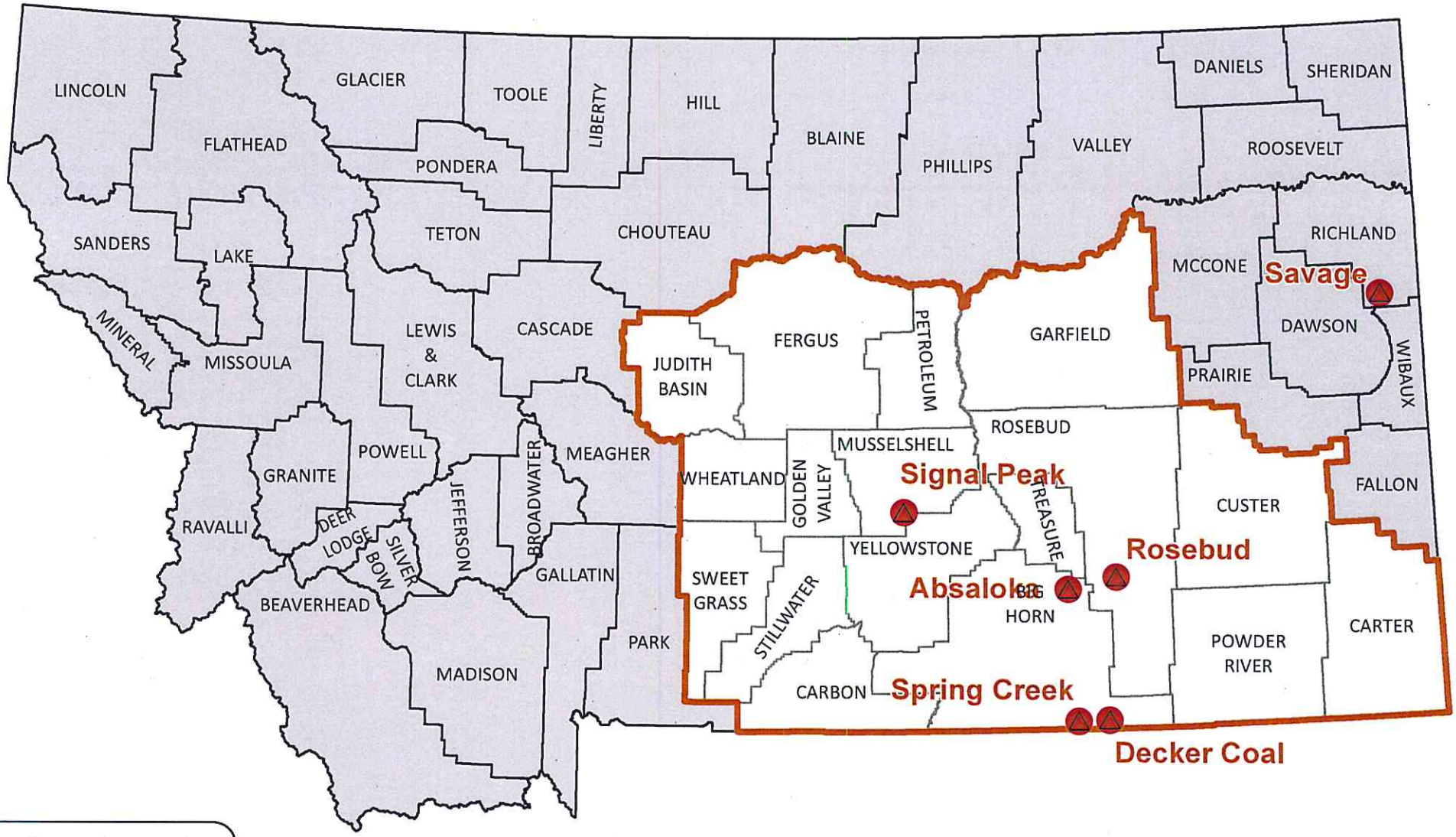
Mine / Facility	Local Governmental Unit Type	Local Governmental Unit Name	Qualifying MCA
Rosebud Mine	Secondary School District	Hardin High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Secondary School District	Lame Deer High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Secondary School District	Lodge Grass High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Secondary School District	Melstone High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Secondary School District	Powder River County High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Secondary School District	Roundup High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Unified School District	Custer K-12 School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Unified School District	Huntley Project K-12 School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Unified School District	Hysham K-12 School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Rosebud Mine	Unified School District	Rosebud K-12 School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)

COLSTRIP UNITS 1 & 2 – DESIGNATED LOCAL GOVERNMENTAL UNITS

Mine / Facility	Local Governmental Unit Type	Local Governmental Unit Name	Qualifying MCA
Colstrip Units 1 and 2	County	Rosebud County	MCA 90-6-207 (1)(d)(ii)
Colstrip Units 1 and 2	Incorporated Cities & Towns	Colstrip city	MCA 90-6-207 (1)(d)(ii)
Colstrip Units 1 and 2	Tribal Nation	Northern Cheyenne Tribe	MCA 90-6-207 (2)(b) per (1)(d)(ii)
Colstrip Units 1 and 2	Elementary School District	Colstrip Elementary School District	MCA 90-6-207 (1)(d)(ii)
Colstrip Units 1 and 2	Elementary School District	Forsyth Elementary School District	MCA 90-6-207 (2)(b) per (1)(d)(ii)
Colstrip Units 1 and 2	Elementary School District	Lame Deer Elementary School District	MCA 90-6-207 (2)(b) per (1)(d)(ii)
Colstrip Units 1 and 2	Secondary School District	Colstrip High School District	MCA 90-6-207 (1)(d)(ii)
Colstrip Units 1 and 2	Secondary School District	Forsyth High School District	MCA 90-6-207 (2)(b) per (1)(d)(ii)
Colstrip Units 1 and 2	Secondary School District	Lame Deer High School District	MCA 90-6-207 (2)(b) per (1)(d)(ii)

Major Coal Mines and the General Coal Impact Area

This map is a general representation of the designated and non-designated communities as it relates to coal impacts. The complete list of designated coal impacted communities can be found in the report. This map only applies to the one-year period starting July 1, 2019 through June 30, 2020.



Coal Board Grants' Funding Distribution

- Greater than 50%
- Less than 50%

A detailed list of designated local communities established in the Commerce report can be found on: http://comdev.mt.gov/

MONTANA COAL BOARD STATUTES

Statutes that govern the Montana Coal Board:
90-6-201, 90-6-202, 90-6-203, 90-6-204, 90-6-205, 90-6-206, 90-6-207, 90-6-208, 90-6-209, 90-6-210

Statute Overview

Purpose:

- The purposes of this part are to assist local governmental units which 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.

Definition of coal board:

- The coal board is made up of seven members that are appointed by the governor. The board must include;
  - Two members from the impact area
  - Two members with expertise in education
  - At least two members but not more than four members must be appointed from each district provided for in 5-1-102
- The governor shall consider people from the following fields when making appointments:
  - Business
  - Engineering
  - Public administration
  - Planning

Chairman, meetings, compensation, and facilities:

- The board shall meet quarterly and may meet at other times as called by the chairman or a majority of the members.
- Members are entitled to compensation as provided for in 2-15-124(7).
- The department of commerce will provide suitable office facilities and the necessary staff for the coal board.

Coal board -- general powers.

- The board may:
  - retain professional consultants and advisors;
  - adopt rules governing its proceedings;
  - consider applications for grants from available funds;

- award grants from, subject to 90-6-207, from available funds
- to local governmental units, state agencies, and governing bodies of federally recognized Indian tribes to assist local governmental units and federally recognized Indian tribes in meeting the local impact of coal development or a major decline in coal mining or in the operation of coal-using energy complexes by enabling them to adequately provide governmental services and 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; and
- award a grant to a local government unit for the purpose of paying for part or all of the credit that the local government unit is obligated to give to a major new industrial facility that has prepaid property taxes under 15-16-201. The board must award the grant in accordance with 90-6-206.

Basis for awarding grants:

- Grants must be awarded on the basis of:
  - 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; and
  - degree of local effort in meeting these needs.

Priorities for impact grants.

- The department of commerce shall biennially designate:
  - each county, incorporated city and town, school district, and other governmental unit that has had or expects to have as a result of the impact of coal development a net increase or decrease in estimated population of at least 10% over one of the 3-year periods specified in subsection (4);
  - each county and all local governmental units within each county in which:
    - a mining permit in accordance with the Montana Strip and Underground Mine Reclamation Act has been granted by the department of environmental quality for a project within the county that will establish a new coal mine to produce at least 300,000 tons a year and that the department of commerce determines will commence production within 2 years of the designation;
    - the department of commerce has determined that the production of an existing mine will increase or decrease by at least 1 million tons a year and that the new, expanded, or

reduced production will commence within 2 years of the designation;
    - a newly constructed railroad serves a new, existing, or expanding coal mine; or
    - an air quality permit has been issued by the department of environmental quality for a new steam-generating or other new coal-burning facility that will consume at least 1 million tons a year of Montana-mined coal and for which the department of commerce determines the construction or operation will commence within 2 years of the designation;
  - each local governmental unit located within 100 miles, measured over the shortest all-weather public road, of a mine or facility qualifying under subsection (1)(b)(i), (1)(b)(ii), or (1)(b)(iv); and
  - each local governmental unit in which:
    - a mine that has produced 300,000 tons or more of coal a year has ceased all significant mining or is scheduled to cease within 1 year; or
    - a steam-generating or other coal-burning facility that has operated under an air quality permit issued by the department of environmental quality and that has consumed at least 1 million tons of Montana-mined coal a year has closed or is scheduled to close within 1 year.

Applications for grants:

- The governing body of a city, town, county, 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. The board shall prescribe the form for applications. Applicants shall describe the nature of their proposed expenditures and the time involved.

Limitations on grants:

- The board may commit itself to the expenditure of funds for more than 1 year for a single project, but the board may not obligate funds not yet appropriated by the legislature. The total amount of grants to state agencies, except grants made pursuant to 90-6-205(4)(b), and Indian tribes may not exceed 7% of the total money allocated to the board during each fiscal year.
- A grant to an Indian tribe under 90-6-205 may not be approved by the board unless the governing body of the tribe has agreed:
  - to waive its immunity from suit on any issue specifically arising from the transaction of a grant obtained under this part; and
  - 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
  - approval of the transaction has been obtained from the secretary of the United States department of the interior whenever such approval is necessary.

Coal area highway reconstruction program:

- The department of transportation, within the area designated as the eastern Montana coal field economic growth center as certified to the secretary of transportation by the governor under 23 U.S.C. 143, shall prepare a special construction program for the reconstruction of deficient sections of these highways in consultation with the governing bodies of the counties in the area.
- The department of transportation shall expedite the planning and reconstruction program for projects on the designated portions within this area by using funds allocated under this section and any federal funds that may be made available to match such funds. Until federal funds are made available to match the funds allocated under this section, the department of transportation may, upon approval of the Montana state highway transportation commission, expend funds for planning and reconstruction projects with or without assurance from the federal government that unmatched state expenditures will be retroactively recognized for matching purposes.
- Funds allocated under this section may not be used to match apportionments made for primary and secondary highways under the Federal-Aid Highway Acts; however, this section may not be construed to prohibit the implementation of projects otherwise funded by apportionments made under the Federal-Aid Highway Acts. In addition, planning and reconstruction projects may be financed in whole or in part by public and private funds provided that the projects conform to the applicable standards, regulations, and procedures of the department of transportation and the federal highway administration.

Montana Code Annotated 2017

TITLE 90. PLANNING, RESEARCH, AND DEVELOPMENT
CHAPTER 6. COMMUNITY IMPACT -- PLANNING AND ABATEMENT
Part 2. Coal Impacts -- Evaluation and Abatement Funding

Purpose

90-6-201. Purpose. The purposes of this part are 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.

History: En. 50-1701 by Sec. 1, Ch. 502, L. 1975; R.C.M. 1947, 50-1801; amd. Sec. 76, Ch. 509, L. 1995; amd. Sec. 1, Ch. 204, L. 1997.

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Montana Code Annotated 2017

TITLE 90. PLANNING, RESEARCH, AND DEVELOPMENT
CHAPTER 6. COMMUNITY IMPACT -- PLANNING AND ABATEMENT
Part 2. Coal Impacts -- Evaluation and Abatement Funding

Account Established

90-6-202. Account established. There is within the state special revenue fund a coal area highway improvement account.

History: En. 50-1702 by Sec. 2, Ch. 502, L. 1975; R.C.M. 1947, 50-1802; amd. Sec. 47, Ch. 281, L. 1983; amd. Sec. 5, Ch. 662, L. 1987; amd. Sec. 46, Ch. 11, Sp. L. June 1989; amd. Sec. 77, Ch. 509, L. 1995.

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TITLE 90. PLANNING, RESEARCH, AND DEVELOPMENT
CHAPTER 6. COMMUNITY IMPACT -- PLANNING AND ABATEMENT
Part 2. Coal Impacts -- Evaluation and Abatement Funding

Definition Of Coal Board

90-6-203. Definition of coal board. "Board" means the coal board provided for in **2-15-1821**.

History: En. 90-6-203 by Code Commissioner, 1979; amd. Sec. 4, Ch. 274, L. 1981.

Created by LAWS

Montana Code Annotated 2017

TITLE 2. GOVERNMENT STRUCTURE AND ADMINISTRATION
CHAPTER 15. EXECUTIVE BRANCH OFFICERS AND AGENCIES
Part 18. Department of Commerce

Coal Board -- Allocation -- Composition

2-15-1821. Coal board -- allocation -- composition. (1) There is a coal board composed of seven members.

(2) The coal board is allocated to the department of commerce for administrative purposes only as prescribed in **2-15-121**.

(3) The governor shall appoint a seven-member coal board, as provided under **2-15-124**.

(4) (a) Subject to subsections (4)(b) and (4)(c), the members of the coal board are selected as follows:

(i) two from the impact areas; and

(ii) two with expertise in education.

(b) At least two but not more than four members must be appointed from each district provided for in **5-1-102**.

(c) In making the appointments, the governor shall consider people from the following fields:

(i) business;

(ii) engineering;

(iii) public administration; and

(iv) planning.

History: En. 50-1804 by Sec. 5, Ch. 502, L. 1975; amd. Sec. 6, Ch. 540, L. 1977; R.C.M. 1947, 50-1804; MCA 1979, 2-15-1104; amd. and redes. 2-15-1821 by Sec. 12, Ch. 274, L. 1981; amd. Sec. 4, Ch. 52, L. 1993; amd. Sec. 2, Ch. 254, L. 2003; amd. Sec. 3, Ch. 130, L. 2005.

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Montana Code Annotated 2017

TITLE 90. PLANNING, RESEARCH, AND DEVELOPMENT
CHAPTER 6. COMMUNITY IMPACT -- PLANNING AND ABATEMENT
Part 2. Coal Impacts -- Evaluation and Abatement Funding

Presiding Officer, Meetings, Compensation, And Facilities

90-6-204. Presiding officer, meetings, compensation, and facilities. (1) The board shall elect a presiding officer from among its members.

(2) The board shall meet quarterly and may meet at other times as called by the presiding officer or a majority of the members.

(3) Members are entitled to compensation as provided for in **2-15-124**(7).

(4) The department of commerce shall provide suitable office facilities and the necessary staff for the coal board.

History: En. 50-1705, 50-1708 by Secs. 6, 9, Ch. 502, L. 1975; R.C.M. 1947, 50-1805, 50-1808; amd. Sec. 6, Ch. 274, L. 1981; amd. Sec. 2874, Ch. 56, L. 2009.

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Montana Code Annotated 2017

TITLE 90. PLANNING, RESEARCH, AND DEVELOPMENT
CHAPTER 6. COMMUNITY IMPACT -- PLANNING AND ABATEMENT
Part 2. Coal Impacts -- Evaluation and Abatement Funding

Coal Board -- General Powers

90-6-205. Coal board -- general powers. The board may:

(1) retain professional consultants and advisors;

(2) adopt rules governing its proceedings;

(3) consider applications for grants from available funds;

(4) award grants, subject to **90-6-207**, from available funds:

(a) to local governmental units, state agencies, and governing bodies of federally recognized Indian tribes to assist local governmental units and federally recognized Indian tribes in meeting the local impact of coal development or a major decline in coal mining or in the operation of coal-using energy complexes by enabling them to adequately provide governmental services and 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; and

(b) notwithstanding the provisions of **90-6-207**, to the department of transportation, established in **2-15-2501**, to expedite the construction, repair, and maintenance of deficient sections of highway within the area designated in **90-6-210** if the deficiency is the direct result of increased traffic accompanying the development of coal resources; and

(5) award a grant to a local governmental unit for the purpose of paying for part or all of the credit that the local governmental unit is obligated to give to a major new industrial facility that has prepaid property taxes under **15-16-201**. The board shall award the grant in accordance with **90-6-206**.

History: En. 50-1706 by Sec. 7, Ch. 502, L. 1975; amd. Sec. 3, Ch. 540, L. 1977; R.C.M. 1947, 50-1806(part); (6)En. Sec. 1, Ch. 250, L. 1983; amd. Sec. 1, Ch. 690, L. 1983; amd. Sec. 1, Ch. 619, L. 1985; amd. Sec. 2, Ch. 715, L. 1985; amd. Sec. 2, Ch. 733, L. 1985; amd. Sec. 2, Ch. 5, Sp. L. June 1986; amd. Sec. 2, Ch. 19, Sp. L. June 1986; amd. Sec. 6, Ch. 662, L. 1987; amd. Sec. 3, Ch. 512, L. 1991; amd. Sec. 78, Ch. 509, L. 1995; amd. Sec. 2, Ch. 204, L. 1997.

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Montana Code Annotated 2017

TITLE 90. PLANNING, RESEARCH, AND DEVELOPMENT
CHAPTER 6. COMMUNITY IMPACT -- PLANNING AND ABATEMENT
Part 2. Coal Impacts -- Evaluation and Abatement Funding

Basis For Awarding Grants

90-6-206. 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; and

(d) degree of local effort in meeting these needs.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

(6) To the extent that the applicant has no history of mill levies, subsections (2) and (3) do not apply.

History: En. 50-1706 by Sec. 7, Ch. 502, L. 1975; amd. Sec. 3, Ch. 540, L. 1977; R.C.M. 1947, 50-1806(part); amd. Sec. 1, Ch. 619, L. 1979; amd. Sec. 2, Ch. 690, L. 1983; amd. Sec. 3, Ch. 204, L. 1997.

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Montana Code Annotated 2017

TITLE 90. PLANNING, RESEARCH, AND DEVELOPMENT
CHAPTER 6. COMMUNITY IMPACT -- PLANNING AND ABATEMENT
Part 2. Coal Impacts -- Evaluation and Abatement Funding

Priorities For Impact Grants

90-6-207. Priorities for impact grants. (1) The department of commerce shall biennially designate:

(a) each county, incorporated city and town, school district, and other governmental unit that has had or expects to have as a result of the impact of coal development a net increase or decrease in estimated population of at least 10% over one of the 3-year periods specified in subsection (4);

(b) each county and all local governmental units within each county in which:

(i) a mining permit in accordance with the Montana Strip and Underground Mine Reclamation Act has been granted by the department of environmental quality for a project within the county that will establish a new coal mine to produce at least 300,000 tons a year and that the department of commerce determines will commence production within 2 years;

(ii) the department of commerce has determined that the production of an existing mine will increase or decrease by at least 1 million tons a year and that the new, expanded, or reduced production will commence within 2 years of the designation;

(iii) a newly constructed railroad serves a new, existing, or expanding coal mine; or

(iv) an air quality permit has been issued by the department of environmental quality for a new steam-generating or other new coal-burning facility that will consume at least 1 million tons a year of Montana-mined coal and for which the department of commerce determines the construction or operation will commence within 2 years of the designation;

(c) each local governmental unit located within 100 miles, measured over the shortest all-weather public road, of a mine or facility qualifying under subsection (1)(b)(i), (1)(b)(ii), or (1)(b)(iv); and

(d) each local governmental unit in which:

(i) a mine that has produced 300,000 tons or more of coal a year has ceased all significant mining or is scheduled to cease within 1 year; or

(ii) a steam-generating or other coal-burning facility that has operated under an air quality permit issued by the department of environmental quality and that has consumed at least 1 million tons of Montana-mined coal a year has closed or is scheduled to close within 1 year.

(2) Designation under subsection (1) of:

(a) any local governmental unit extends to and includes as a designated unit the county in which

it is located; and

(b) a county extends to and includes as a designated unit any local governmental unit in the county that contains at least 10% of the total population of the county.

(3) Except as provided in **90-6-205**(4)(b), the board may not award more than 50% of the funds appropriated to it each year for grants to governmental units and state agencies for meeting the needs caused by an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex to local governmental units other than those governmental units designated under subsection (1).

(4) For the purposes of subsection (1), the department of commerce shall use five 3-year periods as follows:

(a) one consecutive 3-year period ending 2 calendar years prior to the current calendar year;

(b) one consecutive 3-year period ending 1 calendar year prior to the current calendar year;

(c) one consecutive 3-year period ending with the current calendar year;

(d) one consecutive 3-year period ending 1 calendar year after the current calendar year; and

(e) one consecutive 3-year period ending 2 calendar years after the current calendar year.

(5) Attention should be given by the board to the need for community planning before the full impact is realized. Applicants should be able to show how their request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems.

(6) All funds appropriated under this part are for use related to local impact.

(7) All designations based on an increase in coal development or in the consumption of coal by a coal-using energy complex made under subsection (1)(a), (1)(b), or (1)(c) must be for 1 year. A designation may not continue after the department of commerce determines that the mine, railroad, or facility that provided the basis for a designation is contributing sufficient tax revenue to the designated governmental unit to meet the increased costs of providing the services necessitated by the development of the mine, railroad, or facility. However, nondesignated local governmental units continue to be eligible for coal impact grants of not more than 50% of the funds appropriated to the board for grants in circumstances in which an impact exists in a community or area directly affected by:

(a) the operation of a coal mine or a coal-using energy complex; or

(b) the cessation or reduction of coal mining activity or of the operation of a coal-using energy complex.

History: En. 50-1707 by Sec. 8, Ch. 502, L. 1975; R.C.M. 1947, 50-1807; amd. Sec. 6, Ch. 274, L. 1981; amd. Sec. 1, Ch. 142, L. 1983; amd. Sec. 1, Ch. 462, L. 1985; amd. Sec. 2, Ch. 619, L. 1985; amd. Sec. 7, Ch. 662, L. 1987; amd. Sec. 1, Ch. 503, L. 1993; amd. Sec. 495, Ch. 418, L. 1995; amd. Sec. 79, Ch. 509, L. 1995; amd. Sec. 4, Ch. 204, L. 1997; amd. Sec. 18, Ch. 217, L. 2003.

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Montana Code Annotated 2017

TITLE 90. PLANNING, RESEARCH, AND DEVELOPMENT
CHAPTER 6. COMMUNITY IMPACT -- PLANNING AND ABATEMENT
Part 2. Coal Impacts -- Evaluation and Abatement Funding

Applications For Grants

90-6-208. Applications for 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. The board shall prescribe the form for applications. Applicants shall describe the nature of their proposed expenditures and the time involved.

History: En. 50-1709 by Sec. 10, Ch. 502, L. 1975; R.C.M. 1947, 50-1809(part); amd. Sec. 3, Ch. 690, L. 1983; amd. Sec. 5, Ch. 204, L. 1997.

Created by LAWS II

Montana Code Annotated 2017

TITLE 90. PLANNING, RESEARCH, AND DEVELOPMENT
CHAPTER 6. COMMUNITY IMPACT -- PLANNING AND ABATEMENT
Part 2. Coal Impacts -- Evaluation and Abatement Funding

Limitations On Grants

90-6-209. Limitations on grants. (1) The board may commit itself to the expenditure of funds for more than 1 year for a single project, but the board may not obligate funds not yet appropriated by the legislature. The total amount of grants to state agencies, except grants made pursuant to **90-6-205**(4)(b), and Indian tribes may not exceed 7% of the total money allocated to the board during each fiscal year.

(2) A grant to an Indian tribe under **90-6-205** may not be approved by the 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.

History: En. 50-1709 by Sec. 10, Ch. 502, L. 1975; R.C.M. 1947, 50-1809(part); amd. Sec. 4, Ch. 690, L. 1983; (2) En. Sec. 5, Ch. 690, L. 1983; (3) En. Sec. 6, Ch. 690, L. 1983; amd. Sec. 1, Ch. 420, L. 1985; amd. Sec. 3, Ch. 619, L. 1985; amd. Sec. 6, Ch. 204, L. 1997.

Created by LAWS

Montana Code Annotated 2017

TITLE 90. PLANNING, RESEARCH, AND DEVELOPMENT
CHAPTER 6. COMMUNITY IMPACT -- PLANNING AND ABATEMENT
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Coal Area Highway Reconstruction Program

90-6-210. Coal area highway reconstruction program. (1) The department of transportation, within the area designated as the eastern Montana coal field economic growth center as certified to the secretary of transportation by the governor under 23 U.S.C. 143, shall prepare a special construction program for the reconstruction of deficient sections of these highways in consultation with the governing bodies of the counties in the area.

(2) The department of transportation shall expedite the planning and reconstruction program for projects on the designated portions within this area by using funds allocated under this section and any federal funds that may be made available to match those funds. Until federal funds are made available to match the funds allocated under this section, the department of transportation may, upon approval of the Montana state transportation commission, expend funds for planning and reconstruction projects with or without assurance from the federal government that unmatched state expenditures will be retroactively recognized for matching purposes.

(3) Funds allocated under this section may not be used to match apportionments made for primary and secondary highways under the Federal-Aid Highway Acts; however, this section may not be construed to prohibit the implementation of projects otherwise funded by apportionments made under the Federal-Aid Highway Acts. In addition, planning and reconstruction projects may be financed in whole or in part by public and private funds provided that the projects conform to the applicable standards, regulations, and procedures of the department of transportation and the federal highway administration.

History: En. 50-1703 by Sec. 4, Ch. 502, L. 1975; amd. Sec. 2, Ch. 540, L. 1977; R.C.M. 1947, 50-1803(2) thru (4); amd. Sec. 1, Ch. 542, L. 1981; amd. Sec. 3, Ch. 512, L. 1991; amd. Sec. 6, Ch. 75, L. 1995; amd. Sec. 312, Ch. 42, L. 1997.

Created by LAWS

Statutory Criteria for Coal Board Grants

Coal Board Grant awards are based on the following 5 statutory criteria found in Section 90-6-206 and 90-6-207[5] of the Montana Code Annotated

Need – How has the applicant demonstrated that proposed project enables the applicant to provide governmental services and 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?

Degree of Severity of Impact – What demographic and economic changes have directly resulted from coal development or decline? To what extent have the community residents been directly affected by the coal development or decline? What documentation was provided to document that the level of assistance is necessary to eliminate or reduce the severity of a problem affecting the public's health, safety, or welfare?

Availability of Funds – Are there sufficient Coal Board funds available to grant the total amount requested, in list of the other total requests submitted? How much has been awarded to state agencies or Indian Tribes to ensure the 7% per fiscal year limitation has not been exceeded?

Degree of Local Effort in Meeting These Needs – Is the applicant making a reasonable effort to meet the identified needs with local resources, based on its financial capacity? Given the limited amount of Coal Board funds, has the applicant made reasonable efforts to sources funding from other appropriate sources to assist in funding the proposed project? What documentation has been presented to document financial need according to local Mill information

Section 90-6-206, MCA provides:

(2) 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.

(3) 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.

(4) Further, in determining the degree of local effort, the board shall consider the possibility of requiring the 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.

(5) 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.

Community Planning – Has the community recently experienced, or will it experience a significant impact from coal development that would require it to develop or update its existing long range planning documents? How will the project support the community's ability to respond to coal-related impacts? Is the proposed planning project consistent with the existing Growth Policy and related planning documents (capital improvements plans, transportation plans, etc.)?

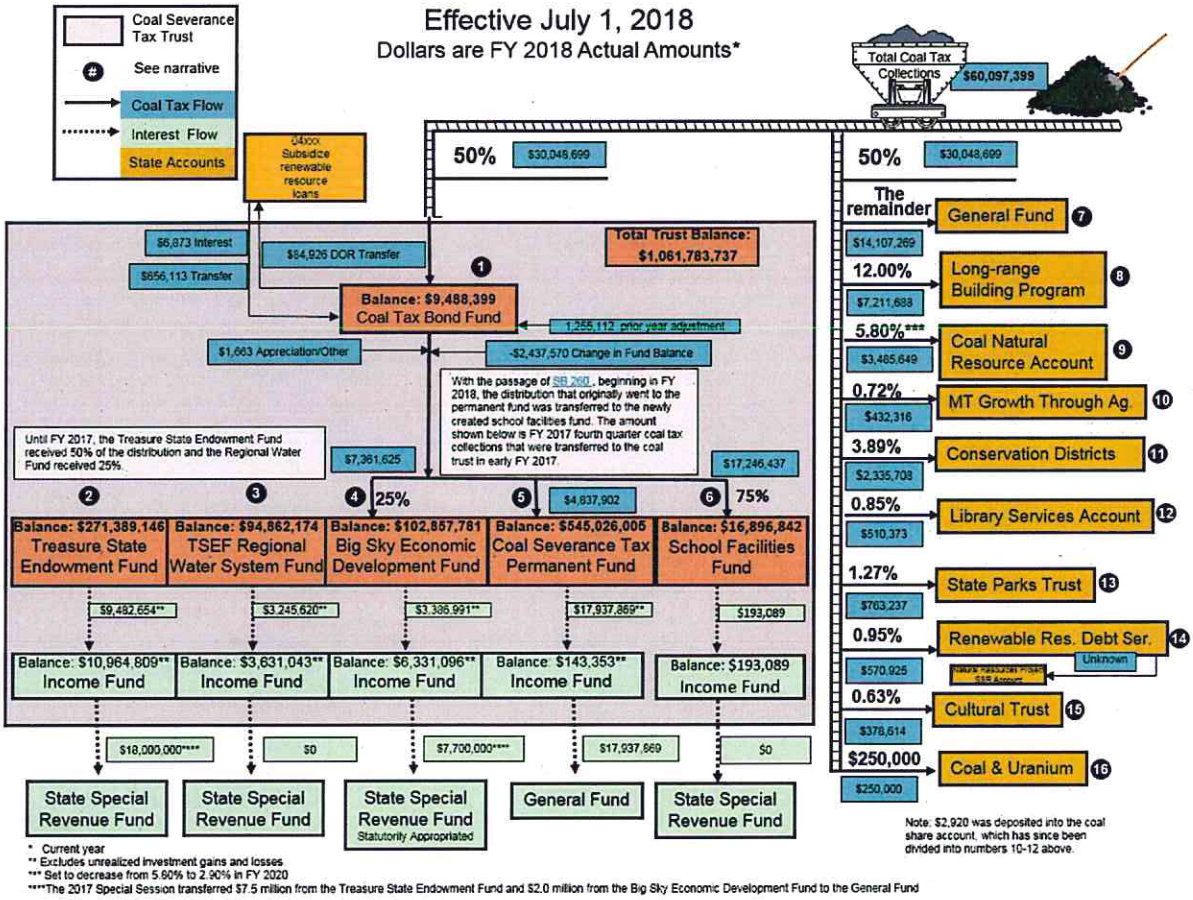
MONTANA LEGISLATIVE BRANCH

Legislative Fiscal Division

Room 110 Capitol Building * P.O. Box 201711 * Helena, MT 59620-1711 * (406) 444-2986 * FAX (406) 444-3036

Director
AMY CARLSON

COAL SEVERANCE TAX TRUST FUND



As directed by Article IX, Section 5 of the Montana Constitution, the coal severance tax trust fund receives 50% of total coal severance tax collections. The money flows through sub-trust funds within the trust. These sub-trusts are:

1) Coal Tax Bond Fund (Title 17, Chapter 5, Part 7)

The legislature authorizes the sale of coal severance tax bonds to finance renewable resource projects (Title 85, Chapter 1, Part 6) and local government infrastructure projects (Title 90, Chapter 6, Part 7). A maximum of $250 million in bonds is authorized as loans for renewable resource projects (17-5-719, MCA) to provide:

- a healthy economy;
- alleviation of social and economic impacts created by coal development; and
- a clean and healthful environment

The total amount of outstanding principal of renewable resource bonds at any time cannot exceed $30 million (85-1-624, MCA). An amount equal to the following year's principal and interest payments is maintained in the fund. Money in the fund is pledged to pay the debt service on the bonds if interest and principal payments by the loan recipients are insufficient to fully pay the debt service. Bonds are authorized, projects approved, loan rates established, and bond proceeds are appropriated by the legislature to the Department of Natural Resources and Conservation (DNRC) in HB 8.

2) Treasure State Endowment Fund (Title 90, Chapter 6, Part 7)

In June 1992, the voters approved a legislative referendum establishing the treasure state endowment program. Initially funded with $10 million from the permanent fund, the fund received 75% (37.5% of the total) of the remaining coal severance tax revenue after deposits (if any) to the coal tax bond fund and the school bond contingency loan fund (HB 44 in the 2007 session eliminated this fund) through the 2003 biennium. From then through FY 2016, the fund received 50% (25% of the total). Projects are approved and interest earnings from the fund are appropriated to the Department of Commerce by the legislature in House Bill 11 as grants for local government infrastructure projects. The deposit of coal severance tax revenue into this fund terminated at the end of FY 2016.

3) Treasure State Endowment Regional Water System Fund

The treasure state endowment program was established in SB 220 (1999 Session) to fund regional water system projects. Projects are restricted to drinking water systems that provide water for domestic, industrial, and stock water use for communities and rural residences that lie in specific north central and northeastern geographic areas. Projects are approved and interest earnings from the fund are appropriated to the Department of Natural Resources and Conservation by the legislature in HB 11 as grants for local government infrastructure projects. Until the end of FY 2016, the fund received 25% (12.5% of the total) of the remaining coal severance tax revenue after deposits in the coal tax bond fund. The deposit of coal severance tax revenue into this fund terminated at the end of FY 2016, and the fund terminates at the end of FY 2031.

4) Big Sky Economic Development Fund

The big sky economic development program was established by HB 249 (2005 Session) to fund qualified economic development projects. The fund receives 25% (12.5% of the total) of the remaining coal severance tax revenue after deposits in the coal tax bond fund. The deposit of coal severance tax revenue to this fund terminates at the end of FY 2025.

Grants and loans are available to local governments for economic development projects and to certified regional development corporations for the purposes of:

1) creating good-paying jobs for Montana residents;
2) promoting long-term, stable economic growth;
3) encouraging local economic development organizations; and
4) retaining or expanding existing businesses

Interest earnings are deposited to a state special revenue fund and are statutorily appropriated to the Department of Commerce to pay administrative expenses with the remainder for:

- 75% to local governments to be used for job creation; and
- 25% to certified regional development corporations and economic development organizations

5) Permanent Fund

Prior to the establishment of the previous four funds, all the coal severance tax revenue distributed to the trust fund was deposited to the permanent fund. From FY 2006 to FY 2016 no coal severance tax revenue was deposited to the fund. In FY 2017, the permanent fund received 75% of the remaining coal severance tax revenue after deposits in the coal tax bond fund. Interest earnings from the fund, audit revenue, and interest and penalties are deposited to the general fund. After a $1.275 million general fund transfer to the research and commercialization account created in 90-3-1002, the remaining interest income from the permanent fund deposited into the general fund is statutorily appropriated as follows:

- $65,000 to the cooperative development center;
- $625,000 for the growth through agriculture program provided for in Title 90, chapter 9;
- to the Department of Commerce for specific projects:
  - $125,000 for a small business development center;
  - $50,000 for a small business innovative research program;
  - $425,000 for certified regional development corporations;
  - $200,000 for the Montana manufacturing extension center at MSU-Bozeman; and
  - $300,000 for export trade enhancement
- After the above payments, the remainder is deposited into the state general fund.

6) School Facilities Fund

The school facilities fund was created with the passage of SB 260 (2017 Session). Interest from the fund may be used only for school facility projects authorized by the legislature. Beginning in FY 2018, the school facilities fund will receive 75% of the coal tax allocation to the coal trust fund.

Coal Severance Tax Related Funds

The other 50% of the coal severance tax revenue is distributed to the following funds outside of the coal severance tax trust fund (15-35-108, MCA)

7) General Fund (the remainder after all other allocations)

After allocations are made to the coal trust and state special funds, the remaining coal severance tax collections are distributed to the state general fund.

8) Long-range Building Program Account (12.00%)

Coal severance tax revenue in this account can be used for long-range building projects or for general obligation bond debt service. The legislature appropriates the money in HB 5 to finance building projects at universities, vocational education institutions, state buildings and state institutions. Debt service payments are statutorily appropriated and are currently servicing debt for capitol restoration, the UM pharmacy and psychology, and chemistry buildings, MSU central heating plant and underground utilities, Montana state prison expansion, and regional correctional facilities.

9) Coal Natural Resource Account (2.90% increased to 5.8% in FY 2018 and FY 2019)

Created in HB 758 (2005 Session) and amended by SB 23 (2009 Session), the account receives a portion of the coal severance tax revenue. Money in the account is appropriated to the coal board in HB 2 for local impact grants and administrative costs. Due to SB 100 (2009 Session), the coal tax allocation was doubled to 5.80% beginning FY 2010. After September 2013, the allocation decreased to 2.9%. The allocation was increased to 5.8% for FY 2016 and FY 2017, and again for FY 2018 and FY 2019 with the passage of HB 209 (2017 Session).

10) MT Growth through Agriculture (0.72%)
Beginning in FY 2018, what was formerly known as the coal shared account was divided into three separate funds. One of these funds, MT Growth through Agriculture, loans money to businesses for agricultural development projects that stimulate agriculture.

11) Conservation Districts (3.89%)
Another entity that received funds from the old coal shared account was the Montana Conservation Districts. These funds are used to promote natural resource conservation in Montana.

12) Library Services Account (0.85%)
The third program that received funds from the coal shared account was library services. This portion of coal severance taxes is used to assist local libraries in providing basic services.

13) State Parks Trust (1.27%)
The distribution to this trust is for the purpose of parks acquisition or management. Interest earnings from the trust is appropriated to the Department of Fish, Wildlife, and Parks (FWP) by the legislature in HB 2 and HB 5 for the acquisition, development, operation, and maintenance of state parks, recreational areas, public camping grounds, historic sites, and monuments.

14) Renewable Resource Debt Service Fund (0.95%)
Money in this fund is used to service debt on coal severance tax bonds used to finance renewable resource projects. This is in addition to any coal tax paid from the Coal Tax Bond Fund (1 above). Bonds are authorized, projects approved, loan rates established, and bond proceeds are appropriated by the legislature to DNRC in HB 8.

15) Cultural Trust (0.63%)
The distribution to this trust is for the purpose of protecting works of art in the capitol and for other cultural and aesthetic projects. Interest earnings from the trust are appropriated to the Montana Arts Council by the legislature in HB 9 for these purposes.

16) Coal and Uranium Mine Permitting and Reclamation Program ($250,000)
Enacted by HB 688 (2007 Session), coal severance tax revenue is deposited to the state special revenue account and appropriated in HB 2 to the Department of Environmental Quality (DEQ) to administer and enforce coal and uranium mine reclamation (82-4-244, MCA).

For more information on the Coal Trust Fund, please contact Sam Schaefer at 406-444-1787.

MONTANA
DEPARTMENT OF COMMERCE

MONTANA COAL BOARD
INTERNAL MANAGEMENT PROCEDURES
http://comdev.mt.gov/Boards/Coal

A. NAME: MONTANA COAL BOARD; the Board is administratively attached to the Department of Commerce, Helena, MT.

B. PURPOSE: Receive and consider applications for grants from the Board and award grants to assist local governmental units that have been required to expand the provision of public services as a consequence of large-scale development or decline of coal mines and coal-using energy complexes.

C. COMPOSITION: The Board consists of seven members appointed by the Governor; officers include a Chair and Vice Chair.

D. ELECTION OF OFFICERS: The Chair is appointed by the Governor. The Vice Chair shall be elected annually by the Board during the first meeting of the calendar year. The Chair shall preside at all Board meetings and hearings, call special meetings, and perform the duties normally conferred by parliamentary usage on such presiding officer and other such duties as may be properly prescribed. In the absence of the Chair, the Vice Chair shall perform the duties of the Chair.

E. MEETINGS: Meetings will be held at a minimum in each calendar quarter as determined by the Board. The Board shall determine the location of the meetings. Special meetings may be called by the Chair and shall be called upon the written request of three members of the Board.

F. NOTIFICATION: All meetings of the Board and its committees shall comply with Montana law as it applies to open public meetings.

G. QUORUM AND PROCEDURE: A quorum shall consist of four members present at the meeting. The affirmative vote of the majority of the member's present is sufficient for any action taken by the Board. The Chair may make and second motions and participate in all votes. The rules contained in the most current edition of Robert's Rules of Order shall generally be adhered to in the conduct of all meetings unless these procedures or state law provides otherwise. Only those items included on the agenda and that are part of the materials mailed to the Board members may be acted upon at that particular meeting. New business may be introduced without prior notice only for the purpose either of Board action at a future meeting or referral to a committee or Board staff for study or consideration.

H. AUDIT PROCEDURES: The Coal Board Program will be audited as part of the biennial audit of the Department of Commerce by the Legislative Auditor.

I. VOTING: Coal Board meetings follow Robert's Rules of Order. All members will be asked to vote through roll call.

J. COMMITTEES: Such committees, standing or special, shall be appointed from the members by the Chair as the Board shall from time to time deem necessary to carry on the work of the Board. The board has not used committees in the recent past.

K. MAINTENANCE OF RECORDS: The Administrative Officer and staff shall be responsible for the maintenance of any and all records of the Board. Records shall be kept at the Coal Board Office at the Department of Commerce, and shall be available for inspection during normal business hours. Each pre-application or full-application form submitted to the Board shall be entered in a docket. Each form docketed since the preceding Board meeting shall be reported to the Board at its next meeting, and this shall be reflected in the minutes of the meeting, together with such comments or recommendations as the Department or Board staff may submit. The Board may, but will not necessarily, take final action on an application at the meeting when the application is received. All meeting records are permanent records.

M. AMENDMENT OF PROCEDURES: Amendments to these procedures may be initiated by any member of the Board. Proposed amendments must be considered at a regular Board meeting and approved by a majority vote of the members present. All members of the Board shall be informed of any proposed amendments in writing at least seven (7) days prior to a vote being taken.

N. CONFLICT OF INTEREST: No member of the Board shall participate in any decision relating to contracts that affect his/her personal interests or the interests of any corporation, partnership, or association in which he/she is, directly or indirectly interested, or has any personal or pecuniary interest, direct or indirect, in the contract or the proceeds thereof. As applied here, the term "participate" prohibits making motions, seconding motions, and voting.

Community Development Division
Montana Department of Commerce

1

Outline

- Montana Constitution
- Open Meeting Law
- Public Participation Law
- Public Records Law

2

Montana Constitution

- Article II, Section 8. **Right of Participation**. The public has the right to expect government agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.

- Article II, Section 9. **Right to Know**. No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of the state government and its subdivisions, except in cases where the demand of individual privacy clearly exceeds the merits of public disclosure.

Montana Open Meeting Law

"Meeting" is defined as the convening of *a quorum* of the constituent membership of a *public agency or association* described in 2-3-203, whether corporal *or by means of electronic equipment*, to *hear, discuss, or act* upon a matter over which the agency has supervision, control, jurisdiction, or advisory power.

Open Meeting Law, cont.

- Public agency is any public or governmental body, board, bureau, commission, agency of the state, *or any organization or agency supported in whole or in part by public funds or expending public funds.*
- Montana Attorney General has held that the Constitution requires "that any meeting [of a public agency] be open to the public, whether the matter being considered involves large issues of policy or the smallest ministerial act."

5

Basic Requirements – Open Meetings

- Hold regular meetings with notice to public. Follow internal operating procedures with respect to notice and participation.
- All meetings must be open to the public! Meet in place accessible to the public.
- Exceptions:
  - When discussion relates to a matter of **individual privacy** and then if and only if the presiding officer **determines that the demands of individual privacy clearly exceed the merits of public disclosure**. Minutes must still be taken. The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting must be open.
  - To discuss a strategy to be followed with respect to **litigation** when an open meeting would have a detrimental effect on the litigating position of the public agency (does not apply when both parties to litigation are public agencies). Minutes must still be taken.

6

Basic Requirements – Open Meetings

- Applies to any committee appointed by a public body for conducting that agency's business if a **quorum of the constituent membership of the public body is present**
- Must keep minutes and make available for public inspection; minutes must be approved by the body.
- Meetings occur **anytime a quorum is present**, whether agency or a committee is just listening to presentation by staff, discussing item, or taking action. This can be by full meeting; by teleconference; by electronic means – *however, if you are doing it entirely by phone or email it is likely that the open meeting requirement is being violated!*

Montana Public Participation in Governmental Operations Act

- The Act applies to "governmental agencies," defined as "any board, bureau, commission, department, authority, or officer of the state or local government authorized by law to make rules…"
- Governor's policy is to provide as much public participation as possible in governmental affairs.

Public Participation Act, cont.

- The agency may not take action on any matter discussed that is of *significant interest to the public* unless that matter is noticed, included on the agenda, and public comment has been allowed on that matter.
- No explicit time requirements - must give *reasonable notice* on actions that are of "*significant interest to the public.*"

9

Public Participation Act, cont.

- Constitution, statutes, Governor's policy - any doubt as to whether an action is of "significant interest to the public" should be resolved in favor of increased public participation. Any non-ministerial decision or action that has meaning to, or affects a portion of, the public requires notice and the opportunity to participate in the decision-making process.
- Exceptions (no or modified notice sufficient):
  (1) an **emergency situation** affecting the public health, welfare, or safety;
  (2) to **maintain or protect the interests of the agency** (filing a lawsuit or becoming a party to an administrative proceeding); or
  (3) purely **ministerial decisions** (no discretion involved).

10

Department Guidelines – Public Participation

- **Informational materials**
  - Provide policy, program and technical information **at the earliest practicable times and at places easily accessible to interested or affected persons and organizations**
  - Ensure the public can make informal and constructive contributions to department decision-making (news releases, other publications, informational discussions and meetings)
  - Summarize complex technical materials for public and media use.
- **Notification**
  - Maintain a current list of interested persons and organizations
  - Notify any interested persons of any public hearing or other decision-making proceedings prior to decision-making and supplement this notification with informal notice to all interested persons or groups having requested notice in advance.

11

Basic Requirements – Notice and Agenda

- **Publication** (notice of time and place of hearing, agenda) must occur *reasonable period* before the meeting – "rule of thumb" is 48 hours but think of that as the minimum; the time provided must relate to the nature and extent of the information being considered.
- **New items** should not be added to the agenda at the hearing but carried over to the next regularly scheduled meeting, or special meeting with notice. Important role of the chair to control discussion of new items.
- Public should have the opportunity to obtain information related to every agenda item when notice is published (decision-makers and public should be on equal footing with respect to participation in the decision).
- **Consent agendas** should be treated as part of regular agenda with respect to notice and open meetings; however there is no expectation of board discussion or public comment – items should not be of significant interest to the public and no discussion or comment may take place.

12

Basic Requirements – Public Comment

- Provide opportunity for public comment on each agenda item.
- Some agencies limit comment period allowed for each speaker, but there is no court decision on if these limitations are legal.
- Public must be given opportunity to comment on items that are not on the agenda (usually done at the beginning of the meeting).

13

Montana Public Records Act

- "Public information" subject to disclosure - information prepared, owned, used, or retained by any public agency related to the transaction of official business, regardless of form
- Every *person* has a right to examine and obtain a copy of any public information of this state
- Agencies must adopt and follow records retention schedules (most Coal Board grant and program-related records are kept for 5 years after project is closed)

14

What is Protected from Disclosure?

- "Confidential information"
  - Individual privacy clearly outweighs merits of disclosure
  - Related to judicial deliberations in adversarial proceedings
  - Necessary to maintain security of state facilities or information systems; and
  - Designated as confidential by other statute or court order (tax records, HIPAA, Trade Secrets, etc.)
- Agencies may not distribute or sell a distribution list without permission of those on the list, and may not use a distribution list prepared by another agency without first securing the permission of those on the list
  - Does not apply to lists of individuals who sign attendance or sign-in sheets at an agency hearing or meeting
- Closed meeting minutes are excluded from public disclosure requirements

15

What is Protected from Disclosure?

- Agencies must adopt procedures to ensure unencrypted "personal information" is protected from disclosure
- "Personal information" is first and last name with one or more of the following:
  - Social security number, EIN, or personal ID number from IRS
  - Driver's license number
  - State or tribal ID card number
  - Credit or other account number with password or security code permitting access to that account; or
  - Medical record information

16

What is Protected from Disclosure?

- Department will continue to use Non-Disclosure Agreements to provide process for protecting confidential business information, trade secrets, etc.
- Applicant provides affidavit specifically identifying confidential documents or portions thereof
- If request for identified information is received, Department gives 10 days notice to applicant to obtain court order protecting the information. If no court order, information is released.
- The court, not the agency, determines if information is public or confidential

What is the Process?

- Upon receiving request for information, public agency must:
  - Make the information available for inspection and copying; OR
  - If the information cannot be readily identified and gathered, provide the person with an estimate of time to fulfill the request and any fees that may be charged to cover actual costs.
- Agency is not required to alter or customize information in any form specified by the requester, but may do so and charge a fee for such work
- If agency denies a request for information, must provide written explanation. Denial or failure to provide estimated time to fulfill request provides immediate standing for requester to file complaint in district court and, if prevails, may be awarded costs and attorney fees.

Department Guidelines – Access to Information

- **Public inspection** – all files, other than personnel files and those files required by law or requirements of personal privacy to remain confidential, are open to public inspection in accordance with established Department policy.
- These files are located at the Department office in Helena.
- Copies of specific documents must be available either free or for a reasonable copying charge plus employee time.

19

Questions and Answers

What are the two different types of public comment you must allow at a public meeting?

1) Comment on each item on the agenda; 2) comment on items not on the agenda

When must a public meeting be open?

Always.

When must a public meeting be noticed and public participation allowed?

When the agency is making a decision on item of "significant interest to the public"

How much time before a meeting must it be noticed?

Must be "reasonable," rule of thumb is 48 hours

20

Questions and Answers

Mary sends an email to her fellow public agency board members about information she's learned from her friend about an item that is noticed for the Board's meeting in two days. Joe and Jim both "reply to all," each giving their thoughts about the item and the information Mary provided. Has any law been violated? How many times?

Yes, open public meeting law AND public participation act.

3 times for each; Mary's email to all, Joe's email to all, Jim's email to all.

What constitutes a public meeting?

A convening of a quorum of the constituent members of a public agency to hear, discuss, or act upon a matter over which the agency has supervision, control, jurisdiction, or advisory power.

21

Questions and Answers

John Cheatum, JD, from Dowee Cheatum and Howe, LLC, calls and asks you for a copy of the new designation map the Coal Board is going to review at the next public meeting. You think that Mr. Cheatum is planning on filing a lawsuit against the Board and the Department – do you have to give it to him?

Yes, it is public information.

Your community has no local paper of general circulation, but nearly everyone in town subscribes to the Tribune. Will publication of the next Coal Board meeting on the Board's website constitute sufficient public notice?

Notice by advertisement in a newspaper of general circulation within the area to be affected is the gold standard under the Public Participation Act. Publication on state e-calendar is also sufficient, particularly for regular meetings and when no specific type of notice is required. Supplemental notice may also be given by email announcements, flyers, etc.

22

Environmental Review for Grant Projects

Montana Coal Board Webinar

August 4, 2017
September 7, 2017
October 25, 2017
January 23, 2018
July 18, 2018
October 15, 2018
April 24, 2019

Montana Environmental Policy Act

- Procedural statute only - provides a *process* by which agencies are informed about the potential consequences of, alternatives to, and public concerns about decisions they intend to make that might affect the human environment
- MEPA is a problem solving tool
  - First objective: full disclosure of all relevant facts
  - Second objective: public participation

A Guide to the Montana Environmental Policy Act (2015)

"MEPA is *not* an act that controls or sets regulations for any specific land or resource use. It is *not* a preservation, wilderness, or antidevelopment act. It is *not* a device for preventing industrial or agricultural development. If implemented correctly and efficiently, **MEPA should encourage and foster economic development that is environmentally and socially sound**. By taking the time to identify the environmental impacts of a state decision before the decision is made and including the public in the process, MEPA is intended to foster better decision-making for people and the environment."

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

MEPA - Applicability

"State-sponsored project" includes a project or activity supported through a contract, grant, subsidy, loan, or other form of funding assistance from a state agency, either singly or in combination with one or more other state agencies. (Section 75-1-220(8)(a)(iii))

"Agency" means an office, position, commission, committee, board, department, council, division, bureau, section, or any other entity or instrumentality of the executive branch of state government. (Section 2-15-102)

****Coal Board grants are subject to MEPA****

Levels of Environmental Review

MEPA specifies three different levels of environmental review, based on the significance of the potential impacts:

(1) Statutorily exempt or categorically excluded from MEPA review;

(2) Environmental assessment (EA), and

(3) Environmental impact statement (EIS).

Coal Board Categorical Exclusions

The Coal Board adopted categorical exclusions for projects for which it would not *normally* prepare an EA or an EIS in considering applications for project grants where:

1. Administrative actions (routine clerical or similar functions, including but not limited to administrative procurement, contracts for consulting services, or personnel actions);
2. Minor repairs, operations, and maintenance of existing equipment or facilities;
3. Investigation and enforcement; data collection activities; inspection of facilities or enforcement of environmental standards;
4. Ministerial actions (in which the agency exercises no discretion and rather acts upon a given state of facts in a prescribed manner);
5. Actions that are primarily social or economic in nature and that do not otherwise affect the human environment;

Continued Exclusions

6. 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;
7. Activities which do not involve or lead directly to construction, such as planning studies, scientific research and analysis, surveys, or engineering;
8. Projects primarily involving the acquisition of capital equipment;

Continued Exclusions

9. 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
10. Emergency repairs, reconstruction, restoration, retrofitting, or replacement of an existing facility that is in operation or under construction when damaged and the action:
    a) (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
    b) (ii) is commenced within six months after the date of the emergency.

Exclusions…public meeting

If the proposed project qualifies for an 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 exclusion.

An exclusion 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.

Determination made a public meeting and documentation provided in the application.

Exclusions…except when

If information available to the board indicates that a proposed project may involve one of the following situations, the board may, in its sole discretion, require an applicant to prepare an environmental assessment or environmental impact statement as may be appropriate.

1) The proposed project involves a significant public controversy over the project's potential effect on the quality of the human environment;

2) The proposed project might have a significant effect on the quality of the human environment; or

3) The project might affect sensitive environmental or cultural resource areas or endangered or threatened species and their critical habitats.

Environmental Assessment

- For those projects that are not statutorily exempted or categorically excluded, first step is to complete an "Environmental Checklist"
- Checklist provides initial evaluation and determination of significance of impacts
- Draft checklist plus environmental review form are circulated for public review and comment as the Draft EA
- No specific requirements for public review: should "match the complexity and seriousness of environmental issues associated with a proposed action and the level of public interest in the action."

Environmental Assessment

After public review of the draft EA, the applicant must consider all substantive comments received and decide at a properly noticed public meeting which of the following applies:

(1) accept the EA and environmental process has been sufficiently completed;

(2) the EA did not adequately reflect all environmental issues and must be revised; or

(3) an EIS is necessary.

Environmental Impact Statement

- Required whenever EA indicates EIS is necessary, or proposed action may significantly affect the quality of the human environment
- Must distribute draft EIS to Governor, Environmental Quality Council (EQC), state and federal agencies, interested persons
- Minimum of 30 days for public comment on Draft EIS

Contents of EIS

1. Describe the proposed action;
2. List the state, local, or federal agencies with jurisdiction over the project;
3. Describe the current environmental conditions in the project area;
4. Describe the impacts on the quality of the human environment of the proposed action, including: cumulative impacts; growth-inducing impacts; irreversible commitment of resources; economic and environmental benefits and costs; and the relationship between short-term uses and long-term productivity of the environment;
5. Analyze reasonable alternatives to the proposed action, including no action and other reasonable alternatives, whether or not within the agency's jurisdiction;
6. Discuss mitigation, stipulations, or other controls committed to and enforceable by the grant recipient or other government agency;

Contents of EIS

7. Discuss any compensation related to impacts stemming from the proposed action;

8. Explain the tradeoffs among the reasonable alternatives;

9. Identify the preferred alternative on the proposed action and why its preferred;

10. List the names of those individuals or groups responsible for preparing the EIS; other agencies, groups, or individuals who were contacted or contributed information; and source materials;

11. Summarize the draft EIS; and

12. Provide any other sections required by other statutes, the National Environmental Policy Act, or other federal statutes governing a cooperating federal agency.

Final EIS

- After public review, agency must summarize and respond to substantive comments received
- Final decision on action must take place at least 15 days after Final EIS is transmitted to Governor and EQC

Changes to Project

- If substantial changes to the project are proposed anytime *after* application but *before* final drawdown of grant funding, grantee must ensure that the environmental review (exclusion, EA, or EIS) still adequately identifies impacts of the project as modified

- Grantee must demonstrate public process was followed in making a decision as to whether the changes require further environmental analysis – best method is to prepare a new environmental checklist focused only on the proposed changes and any changed circumstances

MEPA Compliance and Coal Board Grant Application

- Documentation that public had opportunity to review and comment on the exclusion or draft EA or EIS
  - Copy of published or posted notice of availability of document for review, and how to obtain a copy
  - Letters, emails, summary of comments received
- Documentation that public meeting was properly noticed
  - Copy of published or posted notice of public meeting at which document would be discussed and environmental decision made
- Documentation that final decision on the environmental document was made at a properly noticed public meeting
  - Copy of published or posted meeting agenda
  - Copy of meeting minutes documenting action taken (exclusion or EA adequate, no EIS needed; approve submission of grant application)

MEPA Compliance and Coal Board Grant Application

- Environmental Review Form (exclusion, EA, and EIS)
- Environmental Checklist (EA)
- EIS Process – more complete study

Other considerations:

- 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 our staff report includes comments that reflect the completion of the process.

MEPA Review Process is Complete!!

- Under state law, individuals generally have 30 days from the date of decision on the environmental document to legally challenge the decision. After that, the decision really cannot be challenged unless the individual can show the public had no knowledge.
- If grant applicant follows the procedural due process above, it documents that the public had knowledge and opportunity to object.
- After grant awarded, move forward with other start-up conditions and get project completed!

QUESTIONS? CONCERNS?

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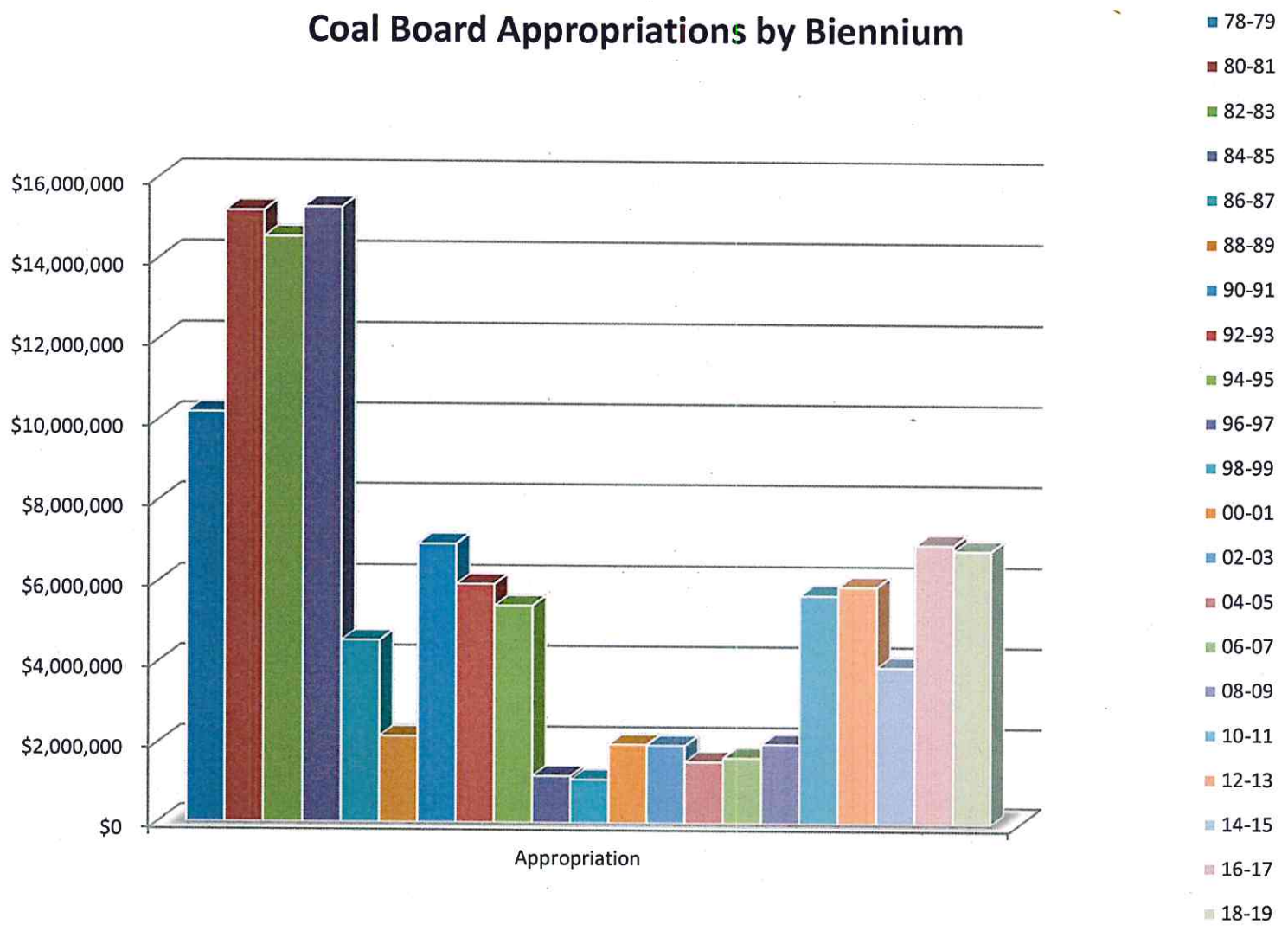
Coal Board Appropriations by Biennium
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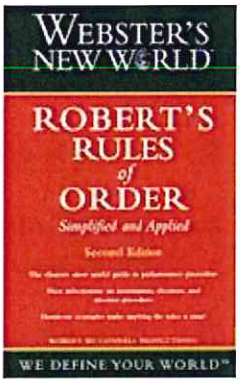
The Basics of Robert's Rules of Order



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Professional
Development
Center

Purpose of Robert's Rules of Order

. . . based on **common sense** and **logic**...

The rules protect:

(a) the rights of the majority to decide
(b) the rights of the minority to be heard
(c) the rights of individual members
(d) the rights of absentees

1876: General Henry Robert
Wrote a standard form of rules based on the rules of Congress

The Ten Basic Rules

1. **The rights of the organization supersede the rights of the individual.**
2. **All members are equal with equal rights.**
3. **A quorum must be present to do business.**
4. **A simple majority rules unless otherwise stipulated in the bylaws.**
5. **Silence means consent.**
6. **Two-thirds vote rule – necessary when limiting or taking away the rights of members**
7. **One question at a time - one speaker at a time**
8. **Motions must receive full debate – no motion to vote may be made if members wish to continue debate unless 2/3 agree**
9. **Once a decision is made, an identical motion may not be brought forward at the same meeting.**
10. **Personal remarks in a debate are ALWAYS out of order.**

★ Order under fire ★

- Federal, state, and local laws
- Parent organization
- Adopted special rules of order
- Adopted parliamentary authority

***Remember**: Robert's Rules of Order never supersede federal, state, or local laws that govern meetings. They do not supersede by-laws of organizations, but serve as a guide to running effective meetings. If an organization's by-laws follow Robert's Rules of Order as their parliamentary authority, then those rules apply as long as they are not in conflict with law.*

Classes of Motions

1. Main Motion
2. Subsidiary Motion
3. Privileged Motion
4. Incidental Motion

} **Secondary Motions**

5. Bring a Question Again Before an Assembly

Main Motions

- Brings new business before the assembly
- Needs a second, is debatable and amendable, requires a majority vote to adopt
- Motion is phrased in the positive
- A motion contains:
  - * **Who**: the maker of the motion
  - * **What**: the action to be taken
  - * **When**: the timeframe for action taken
- Once made and seconded, action is taken before another motion is considered.
- **Order of precedence**: the lowest ranking of all motions.

Majority Vote Defined . . . **more than half of the members voting at a meeting with a quorum present.**

"Majority of those voting"
12 members on the board
10 members attend
9 members vote; one abstains
5 members pass a motion

"Majority of those present"
12 members on the board
10 members attend
9 members vote; one abstains
6 members pass a motion

"Majority of the entire membership"
12 members on the board
10 members attend
9 members vote; one abstains
7 members pass a motion

Subsidiary Motions - change or dispose of motions

- **Postpone Indefinitely** – used to kill a motion – taking no position, the motion dies
- **Amend** - adding or striking words to the motion
- **Refer to a Committee** – call a committee to investigate a proposal
- **Committee of the Whole** –members speak unlimited number of times, vote later
- **Postpone Definitely** – delay a decision to a later time
- **Previous Question (Close Debate)** – stops debate and calls for an immediate vote
- **Lay on the Table** – defers a motion for a more pressing matter

Amendments to motions --- *must be . . .*

An amendment must be germane to the motion to be in order.

- clearer for the reader
- more complete
- more acceptable to the membership

Ways to amend a motion:
Add or strike out words
Substitute words or paragraphs

Privileged Motions – not related to main motion, but to matters of immediate importance arising in meetings

Call for Orders of the Day – call to conform to order of business/agenda

Raise a Question of Privilege–relates to immediate rights of a member

Member: "Madam President, I rise to a question of privilege concerning the assembly."
President: "Please state your question."
Member: "It is too hot in here. Can we have the heat turned down?"

For executive sessions:

Member: "Chairman Smith, I rise to a question of privilege to make a motion."
President: "Please state your motion."
Member: "I move that we go into executive session to discuss this issue."
President: "The chair rules that the question is one of privilege to be entertained immediately. Is there a second?
Member 2: Second
President: "It is moved and seconded to go into executive session. Is there any discussion?"

Recess – short intermission
Adjourn – end a meeting immediately

Incidental Motions – when procedural questions arise

- **Point of Order** – correct a breach in rules
- **Appeal the Ruling of the Chair** – disagree with the ruling of the chair
- **Division of the Assembly** – to call for a revote when member doubts results
- **Suspend the Rules** – set aside a parliamentary rule that does not violate by-laws
- **Division of the Question** – divide motion into smaller topics

"We will conduct this meeting according to Robert's Rules of Order " and if need be, the "Marquis of Queensbury's Rules!"

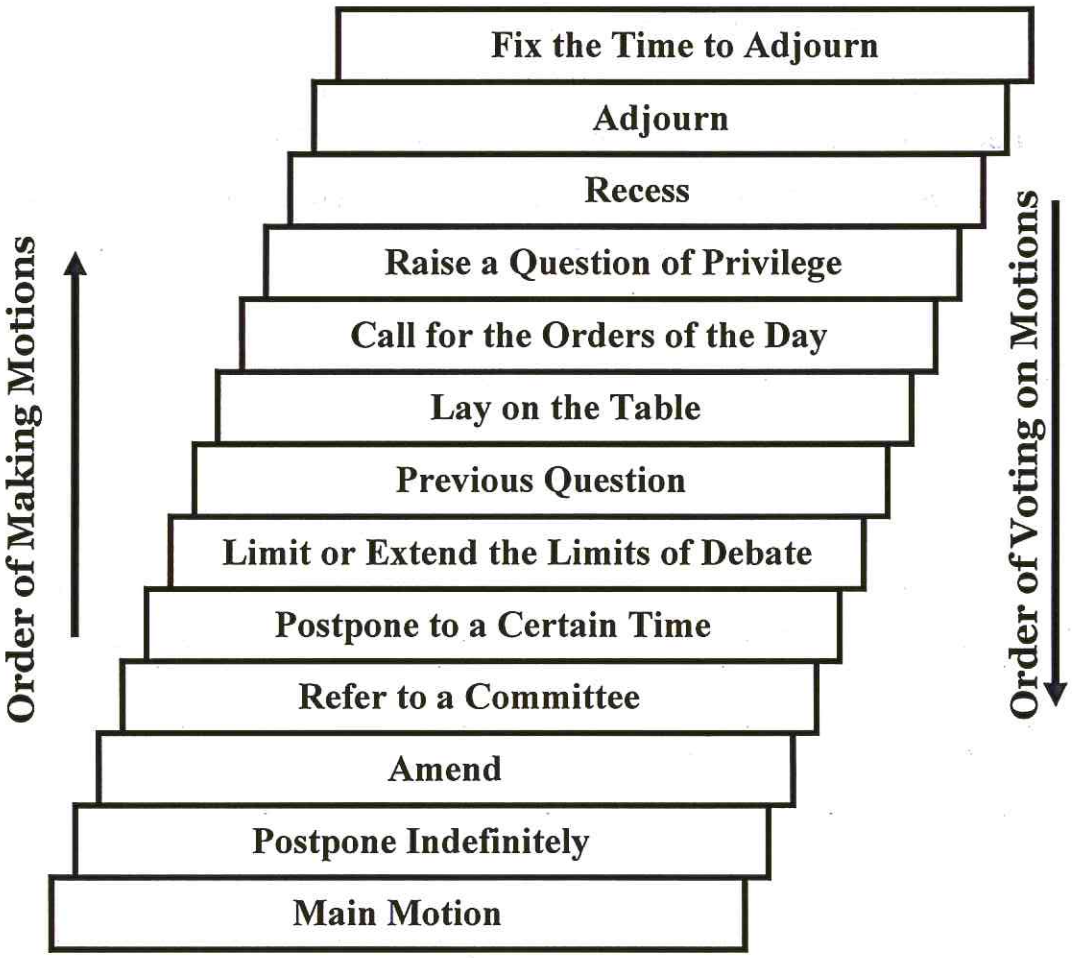
General Consent - for noncontroversial issues, such as

- Paying bills
- Approving minutes
- Answering correspondence
- Closing nominations
- Considering reports and recommendations
- Adjourning

To determine **general consent** the chairman says,

"If there are no objections, we will . . ." or "Hearing no objections, we will. . ."

Ladder of Motions in Order of Rank



Making a Motion

1. Rise and address the chair - "Mr. /Madam President. . ."
2. The chair recognizes you (by name or nod)
3. State the motion: "I move that ..." or "I move to ..."
4. Must be seconded by another member.
5. The chair restates the motion and places it before the assembly: "It is moved and seconded that ....Is there any discussion?"
6. Members discuss the motion by addressing the chair, and being assigned the floor to speak. The person who **makes the motion** has **the first right** to speak to the motion.
7. After the debate, the chair puts the motion to a vote.
8. After the vote is taken, the chair rules which side won the vote.

By-Laws – the most important document of the organization

Composition:

- Name of the organization
- Object or purpose
- Members (active, inactive, honorary)
- Officers (list, term of office, eligibility)
- Meetings (sets the day, defines a quorum, provisions for calling a special meeting, nomination process)
- Executive Board
- Committees (identifies standing committees)
- Parliamentary authority (which parliamentary authority is used/ which edition)
- Amendments (provides for a means for making changes to the bylaws)

Informal Meetings – specifically for boards and committees whose membership is under 12

- Presiding officer is generally seated to put motions to a vote
- Members do not have to rise to address the chair
- Members may speak any number of times, and usually no motion is required to close debate
- Chair may enter into the discussion and make motions unless board rules dictate otherwise.

Proxy Voting

As you consider allowing proxies, remember why organizations have meetings –so members can meet face to face, discuss and debate issues, and arrive at a reasonable agreement through a vote.

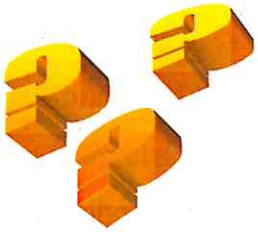
- Do your bylaws provide for proxy voting?
- Are proxies counted in the quorum and how?
- Will the proxy be a general proxy or a limited proxy?

General proxy –person holding the proxy voted as he/she sees fit on all issues and motions (discretion to cast a vote based on information discussed in the meeting)

Limited proxy – signed proxy where the signer stipulates the way that the holder must vote on specific issues

- Who is in charge of validating the proxy?
- What is the procedure for counting the proxies with voting members present?
- Is the proxy valid for one meeting, or does it expire after a short period of time?
- Is the proxy revocable?

Frequently Asked Questions



1. Do members have the right to explain their vote during voting?

2. Can the chairman vote?

3. Can a member vote on or second a motion to approve the minutes of a meeting that he/she did not attend?

4. If a motion has been defeated, can it be brought up again at the next meeting?

5. Can a meeting be adjourned if there is still business pending?
6. Can ex-officio members vote, and are they counted in determining whether a quorum is present?

7. Are abstentions counted as votes in determining the winner of an election requiring a majority?

8. Is it true that, once a quorum has been established, it continues to exist no matter how many members leave during the course of the meeting?

9. If a motion is before the assembly, can the assembly require more than a majority in order for the motion to be approved?

10. What happens when the president's vote causes a tie? How is the matter resolved?

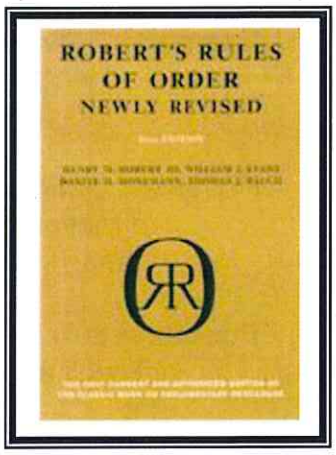
11. Does a chairman of the board of directors have the authority to refuse to let an issue come before the board?

12. Can the board limit the debate on an issue?

13. What is a majority? Fifty-one percent? Fifty percent plus one?

14. What is a vote of "no confidence"?

Terms



Adjournment
- to end a meeting immediately

Amend
- modifies a motion by adding or striking words

Appeal the Ruling of the Chair
- disagreement with the Chair's ruling

Close Nominations
- to close the nomination and take a vote immediately – It is "not in order" when someone else has the floor.

Discharge Committee (without notice)
- For the assembly to take a matter out of the hands of a committee before its report is given so that the assembly can decide (requires a 2/3 or majority vote)

Incidental Motions
- When questions are raised about the pending business or how to address the pending business

Lay on the Table

- Used to temporarily set a pending main motion aside in favor of a more pressing matter of business; the motion is reconsidered during the same meeting

Limit or Extend Debate

- To put a time limit on debate

Example: "I move that at 3 p.m., debate is closed and the vote is taken."

Main Motion

- Motions that bring business to the table

Object to Consideration of a Question

- To prevent the main motion from being considered (may be embarrassing)

Example: "Mr. /Madam President, I object to the consideration of the question." (Immediate vote taken)

Point of Order

- to correct a breach in the rules

Example: "I rise to a point of order." After being acknowledged by the Chair, "There is no longer a quorum present, and any business will be null and void."
  - The chair can rule against a point of order.

Postpone Definitely

- a motion to postpone definitely defers a vote on the main motion until a specified time.

Postpone Indefinitely

- To kill a main motion for the duration of the meeting without taking a direct vote on it

Previous Question

- Often abused in meetings – the purpose is to stop debate immediately and take a vote.

Privileged Motion

- Does not relate to the pending motion, but are special matters of immediate importance arising in a meeting

Quorum

- It is the minimum number of voting members who must be present at a meeting in order to conduct business, usually specified by the bylaws. If not specified in the bylaws, then in most societies a quorum is a majority of the entire membership.

Raise a Question of Privilege

- permits a member to make a request or motion relating to the rights and privileges of the assembly.

Examples: "I rise to the question of privilege – 'It is too hot in here; I can't hear the speaker; I move we go into executive session to discuss the issue.'"

Recess

- to take a short intermission and then resume business (seconded, length amendable, majority vote)

Refer to Committee

- To have a small group investigate a proposal

Subsidiary Motion

- This motion helps move the main motion forward until the assembly arrives at its final decision

Suspend the Rules

- To set aside a rule of the assembly (except bylaws) – used primarily to take up a particular item of business out of regular agenda order (to take up a "new business" item before taking up unfinished business or vote immediately)

Examples: "I move to suspend the rules and take up the topic 'to repair the gymnasium.'"
"I move to suspend the rules and agree to the resolution."

Answers to Questions

1. Do members have the right to explain their vote during voting?

   "No, it would be the same as debate at such a time."

2. Can the chairman vote?

   "If a member, the chairman has the right to vote. In large groups (more than 12), the chairman (who has a duty to maintain an appearance of impartiality) may vote when his vote would affect the outcome: to make or break a tie or to make or prevent a two-thirds vote."

3. Can a member vote on or second a motion to approve the minutes of a meeting that he did not attend?

   "Yes. There is no requirement in RRO that a member have first-hand

knowledge." In fact, a motion <u>need not be made</u> to approve minutes. The chair says, "Are there any corrections to the minutes?" If any, the chair says, "If there are no further corrections to the minutes, they stand approved as corrected..." or if no corrections are offered, "If there are no corrections to the minutes, they stand approved as read... the next item of business is..." Note that there is no second involved in this process."

4. If a motion has been defeated, can it be brought up again at the next meeting?

   "Yes, if the meeting is a different session."

5. Can a meeting be adjourned if there is still business pending?

   "Yes."

6. Can ex-officio members vote, and are they counted in determining whether a quorum is present?

   "Yes, an ex-officio member has the same rights and privileges as all members unless limited by the by-laws."

7. Are abstentions counted as votes in determining the winner of an election requiring a majority?

   "No. Abstentions have no effect when the vote requirement is either a majority or two-thirds of the votes cast. If the vote requires a majority of the members present or of the entire membership, an abstention may have the same effect as a 'no' vote."

8. Is it true that, once a quorum has been established, it continues to exist no matter how many members leave during the course of the meeting?

   "No. a member noticing the absence of a quorum should make a point of order."

9. If a motion is before the assembly, can the assembly require more than a majority in order for the motion to be approved?

   "To change the vote requirement, someone must make a motion to "suspend the rules." Must be seconded and requires a 2/3 vote."

10. What happens when the president's vote causes a tie? How is the matter resolved?

    "The motion is defeated. A motion to reconsider the vote may be made by someone on the prevailing side. Needs a majority vote."

11. Does a chairman of the board of directors have the authority to refuse to let an issue come before the board?

"No. the chairman can rule a motion "out of order" if it conflicts with bylaws or he/she may "object to consideration of the question," but the motion still comes before the board."

12. Can the board limit the debate on an issue?

"Yes, by making a motion to limit debate. Requires a second and may be amended. Needs a 2/3 vote."

13. What is a majority? Fifty-one percent? Fifty percent plus one?

"The word "majority" means "more than half." The false definition "51%" only applies to units of exactly 100; the false definition of "50% + 1" is only true for even numbers, and false for odd numbers. RONR (10th ed.) pp. 387

14. What is a vote of "no confidence"?

"The term is not used or defined in RONR. An assembly can adopt a motion expressing a lack of confidence in its officers, boards, or committees. Made by "main motion," but has no effect except to express the assembly's views. A vote of "no confidence" does not - as it does in the British Parliament - remove an officer from office.

Summary of Motions - Robert's Rules of Order

Motion	Remarks	Phrasing	Second	Debate	Amend	Vote
→	**Main Motions**	Formal proposal that recommends a course of action. It is made before the discussion.				
Main	Used to present new business	"I move that the Activities Board . . ." (note specific action)	Yes	Yes	Yes	Majority
→	**Secondary Motions <u>Subsidiary</u>:**	Helps the assembly dispose of the main motion. Adopting a subsidiary motion always does something to the main motion				
Postpone Indefinitely	Used to "kill" a motion during a meeting without taking a direct vote on it	"I move to postpone the motion indefintely."	Yes	Yes	No	Majority
Amend	To change the pending motion before it is acted upon (to add or strike out words in the motion)	"I move to amend the pending motion by striking out or inserting the following words..."	Yes	Yes, if motion to amend is debatable	Yes	Majority
Refer to a Committee	Standing or AdHoc (appointed at any time) to investigate a proposal	"I move to refer the issue to a committee."	Yes	Yes	Yes	Majority
Committee of the Whole	Members of a large assembly act as a committee - allows members to speak an unlimited number of times to an issue. Vote not binding - recommends to assembly for later vote - Presiding officer appoints a chair for the committee	"I move to refer the issue to a committee of the whole."	Yes	Yes	Yes	Majority
Postpone Definitely	Used to put off or delay a decision until later in the meeting or until next meeting. Motion comes up under "unfinished business.	"I move that the pending motion be postponed until (note time)"	Yes	Yes	Yes	Majority
Limit or Extend Limits of Debate	To limit or extend the length of debate or to put a time limit on a particular motion	"I move to limit debate to five minutes per person."	Yes	No	Yes	Two-thirds
Previous Question (Close Debate)	Used to stop debate and immediately take a vote --Should be used when a member thinks the debate on the motion is tedious	"I move the previous question." or "I move to close the debate and take the vote immediately."	Yes	No	No	Two-thirds
Lay on the Table	To set the main motion aside temporarily to take up something of immediate urgency. Not intended to kill the motion or put off until the next meeting.	"I move to table the motion." or "I move to lay the motion on the table."	Yes	No	No	Majority

Summary of Motions obert's Rules of Order

Motion	Remarks	Phrasing	Second	Debate	Amend	Vote
➔	**Secondary Motions: Privileged**	Do not relate to main motion, but to matters of immediate importance arising from meetings				
Call for Orders of the Day	To make the assembly conform to the agenda or order of business	Member: "I call for the orders of the day."	No	No	No	No vote unless to set aside "orders of the day"
Raise a Question of Privilege	Member makes a request relating to the rights of the member immediately	"Mr. President, I rise to a question of privilege." Chair: "Please state the question." Member: "I can't hear the speaker."	No	No	No	Chair Rules
Recess	For a short intermission	" I move to take a ten-minute recess."	Yes	No	Yes	Majority
Adjourn	To end a meeting immediately	Note reason. . ."I move to adjourn."	Yes	No	No	Majority
➔	**Secondary Motions: Incidental**	Deals with questions of procedure arising from pending business - Does not affect the business				
Point of Order	Used to remind or question the Chair of the by-laws or rules of order.	"I rise to a point of order" (await recognition of chair, state reason)	Yes	No	No	Chair Rules
Appeal Rule of the Chair	To disagree with the chair's ruling - Let members decide the disagreement	"I appeal the decision of the Chair."	Yes	Yes	No	Majority
Division of the Assembly	To doubt the result of the vote	"I call for a division of the vote." or "I doubt the result of the vote."	No	No	No	Vote retaken
Suspend the Rules	To set aside the rule of the assembly (except by-laws, charters) to speed up the process	"I move to suspend the rules."	Yes	No	No	Two-thirds
Division of the Question	To divide a motion with several topics into separate motions	"Madam President, I move to divide the motion into three parts."	Yes	No	Yes	Majority
➔	**Motion that brings question again before assembly**	This class of motions returns a motion to the assembly for reconsideration				
Take from the Table	To take a motion from the table	"I move to take from the table the motion relating to the pay increase."	Yes	No	No	Majority
Reconsider	To reconsider the vote on a motion - Only a member who voted on the prevailing side can make the motion	"I move to reconsider . . ."	Yes	If the motion is debatable	No	Majority

Environmental Related – Possible Motions

– Incomplete Environmental Review –

OPTION ONE: Board Postpones Action on Project because Environmental Review is Incomplete

If applicant failed to complete environmental review record, the board may postpone action on the project for failure to complete the application.

> **"I move to postpone action on _____** *(project name / 'applicant's name' project)* **_____***(designated project number)* **until _____** *(enter appropriate time / e.g. the next regularly scheduled Coal Board meeting)***."**

OPTION TWO: Board Designates As Categorically Excluded

If applicant failed to complete environmental review record, the board may designate the project as categorically excluded from MEPA review. (see ARM 8.101.203)

> **"I move that the Coal Board categorically excludes _____** *(project name / 'applicant's name' project)* **_____** *(designated project number)* **from MEPA requirements because the project and associated actions are those that will not normally prepare either an environmental assessment or an environmental impact statement."**

– Environmental Review / Application Complete –

OPTION THREE: Board Rejects the Applicant's Designation as Categorically Excluded (or An Exception Applies) and Postpones Action.

If the applicant completed the environmental review record and designated the project and associated actions as categorically excluded (or an exception applies) from MEPA review, the Board may reject the designation if information is available to the Board that indicates one or more of the following apply to a proposed project:

(1) a significant public controversy exists over the project's potential effect on the quality of the human environment,

(2) the proposed project shows some potential for causing a significant effect on the quality of the human environment; or

(3) the project might possibly affect sensitive environmental or cultural resource areas or endangered or threatened species and their critical habitats.

The Board may require the applicant to prepare an EA (or EIS as appropriate). (see ARM 8.2.328(4))

> **"I move to postpone action on** _____ *(project name / 'applicant's name' project)* _____ *(designated project number)* **until** _____ *(enter appropriate time / e.g. the next regularly scheduled Coal Board meeting)* **and require the applicant to complete an EA (environmental assessment) before the Board will take action on this project."**

OPTION FOUR: Board Approves the Project for Funding/Award

If the applicant completes the environmental review and Board wants to fund the project, a Board member can move to fully or partially fund the project.

Partial Award:

> **"I move to partially fund** _____ *(project name / 'applicant's name' project)* _____ *(designated project number)* **in the amount of** _____**."**

Fully Award:

"I move to fully fund _____ *(project name / 'applicant's name' project)* **_____** *(designated project number)*."

OPTION FIVE: Board Moves to Deny Funding/Award

If the applicant completes the environmental review and the Board does not want to award funds to the project, a Board member can move to deny funding to the project/application.

"I move to deny funding to _____ *(project name / 'applicant's name' project)* **_____** *(designated project number)*."

OPTIONAL SUBSIDIARY MOTION: Board Moves to Postpone Indefinitely

If the applicant completes the environmental review and the Board does not want to fund or deny an award, a Board member can move to indefinitely postpone action on the application. This is used to kill a main motion for the duration of the meeting without taking a direct vote on it. Note, this is debatable.

"I move to indefinitely postpone action on _____ *(project name / 'applicant's name' project)* **_____** *(designated project number)*."

OPTIONAL SUBSIDIARY MOTION: Board Moves to Postpone Definitely

If the applicant completes the environmental review and the Board does not want to fund or deny an award at this time, a Board member can move to postpone action to a later time.

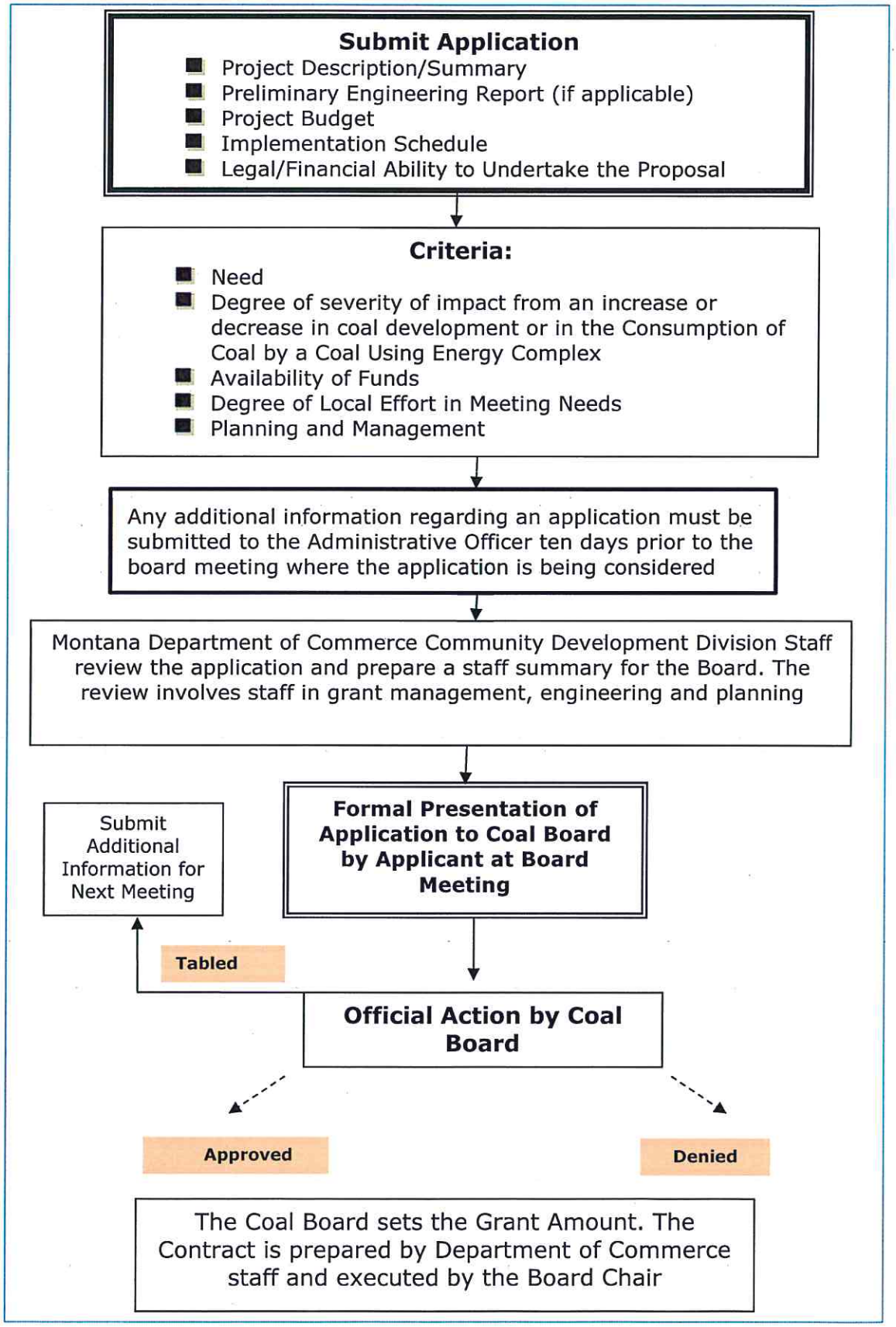
"I move to postpone action on _____ *(project name / 'applicant's name' project)* **_____** *(designated project number)* until **_____**."

OPTIONAL SUBSIDIARY MOTION: Board Moves to Lay on the Table

If the applicant completes the environmental review and a main motion has been moved, a Board member who may not want to fund or deny an award at this time, can move to table a pending motion in favor of a more pressing matter of business; the motion is reconsidered during the same meeting. Note, this is not debatable.

> **"I move to lay on the table _____** (*reference the main motion you wish to temporarily set aside for an urgent matter*)**."**

Figure 1: Montana Coal Board Grant Program Application Process



Montana Coal Impact Grant Application

Submitted to the Montana Coal Board

By

Name of Entity submitting the application

For

Type of Project

Date submitted:

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.

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 judgingapplications.

AWARDING COAL BOARD FUNDS

(1) Eight applications, one with an original signature, must be submitted to the Department on the date posted on the Coal Board website (http://comdev.mt.gov/Boards/COAL) to be considered during the applicable board meeting. Applications can be submitted electronically* to DOCCDD@mt.gov, but must be received by midnight of the application due date; or can be mailed to Department of Commerce but must be postmarked no later than the application due date. Applications can be mailed to: Coal Board Administrative Officer, Montana Coal Board, Community Development Division, Department of Commerce, P.O. Box 200523, 301 S Park Ave, Helena, MT 59620-0523 (Phone 406-841-2770, e-mail: DOCCDD@mt.gov)

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 who submit applications electronically must mail one signed application and seven (7) copies to the address above to be received within seven days of submittal of the electronic version.*

(2) Applicants must appear before the Coal Board when their application is on the agenda for consideration. Applicants will receive a summary 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.

(3) The Coal Board may approve, deny or table a grant. The Board may request that an applicant return to the next meeting with additional information. The Board would then move to table the application until that 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. At that time, the application will be placed on the next Coal Board meeting agenda.

4) Coal impact 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 the Coal Impact Grant Application (Appendix A).

PLEASE NOTE: Applications will be evaluated as they are submitted. The Board may table an application if significant changes or new information are presented during the hearing.

DISBURSEMENT OF COAL BOARD FUNDS

Eligible and reasonable expenses will be reimbursed from a Coal Board grant after:

a. the contract has been fully executed between the Montana Department of Commerce and the Coal Board grant recipient;
b. the grant recipient has demonstrated that firm commitments exist for any other resources to be involved in the project. In documenting a public commitment, the grant recipient must specify the amount and use of the funds or resources. A letter of commitment from the entity, agency or organization involved must document funds or resources to be provided by a State or federal agency or private organization. The commitment of funds or resources may be contingent on Coal Board funds being awarded for the proposedproject;
c. the grant recipient has documented compliance with the auditing and reporting requirements provided for in the Montana Single Audit Act, Sections 2-7-501 to 523, MCA, and has established a financial accounting system that can properly account for the grant funds according to generally accepted accounting principles. Tribal governments must comply with auditing and

reporting requirements provided for in OMB Circular A-133;

d. the Department has received the signed signatory and depository forms; and
e. the Department has received the completed Request for Funds form and adequate documentation (copies of statements and invoices) to verify expenditures.

INSTRUCTIONS FOR COMPLETING COAL BOARD GRANT APPLICATION

Instructions and examples to help complete the application are in gray. **Once you have completed the application, please delete all the gray areas** by highlighting the section using the square in the upper left hand corner, then, right clicking on your mouse and selecting "cut". This will shorten the length of the document the board members will need to review.

Boxes and charts in this application have been formatted by WORD Table. Edits can be made using the Table function of WORD.

Applications may be secured with binder clips, large paper clips or staples. The three-ring meeting notebooks sent to Board members will not accommodate binders or plastic covers.

Eight applications, one with an original signature, must be submitted to the Department on the date posed on the Coal Board website (http://comdev.mt.gov/Boards/COAL) to be considered during the applicable board meeting. Applications can be submitted electronically* to DOCCDD@mt.gov, but must be received by midnight of the application due date; or can be mailed to Department of Commerce but must be postmarked no later than the application due date. Applications can be mailed to: Coal Board Administrative Officer, Montana Coal Board, Community Development Division, Department of Commerce, P.O. Box 200523, 301 S Park Ave, Helena, MT 59620-0523 (Phone 406-841-2770, e-mail: DOCCDD@mt.gov)

* Electronically submitted applications must be followed with the original and seven (7) signed hard copies that are postmarked by the application deadline.

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 theapplication

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. FEDERAL TAX ID NUMBER:

Enter the nine-digit Federal ID number for theentity.

4. SENATE AND HOUSE DISTRICTS:

Enter the State Senate and House of Representatives district numbers that the entity is located within.

5. AMOUNT OF COAL IMPACT GRANT REQUESTED $_____

6. NAME OF PROJECT:

(e.g., Mountain County Hospital Project)

7. 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 (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 theproject.

10. CHIEF ELECTED OFFICIAL OR AUTHORIZEDREPRESENTATIVE:

Enter the name and title of the chief elected official or authorized representative of the applicant. **Include the mailing address, business telephone, e-mail address, and FAX number**.

11. PRIMARY ENTITY CONTACT PERSON:

Provide the name, mailing address, business telephone, e-mail address, and FAX number of the person 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 theapplication.

12. OTHER CONTACT PERSONS:

If applicable and available, provide the name, mailing address, business telephone, FAX number, 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.

14. AMOUNT OF COAL GROSS PROCEEDS TAX:

Please provide the following details:

- Total amount of Coal Gross Proceeds tax 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 grossproceeds?

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 theproblem(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.

EXAMPLE PROJECT SUMMARY

Historical Information: The Mountain County Memorial Hospital constructed in 1959 met the health care needs of the Mountain County and surrounding communities. The Hospital has undergone numerous interior renovations. The most recent renovation to the hospital completed in March 2008, included approximately 18,300 square feet of hospital improvements including twenty-three patient rooms and minor upgrades to the imaging department of the facility. The latest renovation did not include capital equipment purchases, which is the rationale for the submission of thisapplication.

Problem: The existing Hospital X-Ray Equipment has the following deficiencies

- poor clarity of image scans
- lack of tableflexibility/non-tilting
- limited work space environment for hospitalstaff
- oversized equipment for room design
- lease expires soon for equipment

Proposed Solution: The Purchase of new X-Ray Equipment would:

- improve quality of image scans and reducecosts
- increase work space for imagingstaff
- provide improved medical treatment forpatient
- increase reliability of medical providerdiagnoses
- upgrade current ten year old equipment
- improve viewing area for medicalproviders
- increase profitability

PROJECT SUMMARY FOR -------

Historical Information:

Problem:

Proposed Solution:

18. PROJECT BUDGET AND IMPLEMENTATIONSCHEDULE:

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.

EXAMPLES OF BUDGET EXPENDITURE CATEGORIES

Administrative/Financial Costs

Administrative Costs - personnel, professional services to administer the project, office rent, office equipment, supplies, telephone, postage, travel, audit fees, legal costs including bond counsel, etc. These are costs incurred by the borrower in administering the project. (As applicable, specify each one as a separate line item.)

Financial Costs - Loan origination and administrative fees, debt service reserves, capitalized interest. (As applicable, specify each one as a separate line item.)

Activity Costs

Equipment Costs - Costs of specific equipment for a project.
Land Acquisition - Cost of land purchase, easements, right-of-way, leases, etc.
Preliminary Planning/Engineering - Costs associated with, but not limited to, preparation of preliminary engineering report and environmental checklist. (As applicable, specify each one as a separate line item.)
Final Architectural/Engineering Design - Costs for preparing approved project plans and specifications.
Construction - Costs for project construction according to approved plans and specifications.
Contingency - Construction contingencies for public facility projects typically should not exceed or be less than ten percent of the estimated construction cost. Any deviation must be adequately justified.

EXAMPLE OF A PROJECT BUDGET

PROJECT BUDGET for Mountain County Hospital Equipment

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

ADMINISTRATIVE/ FINANCIAL COSTS	SOURCE: Coal Board Grant	SOURCE: Mountain County	SOURCE: Mountain Hospital Foundation	SOURCE: Murdock Trust	TOTAL:
Grant Administration	*** $	$	$ 500.00	$	$ 500.00
Office Costs	$	$ 250.00	$	$	$ 250.00
Professional Services (grant management, etc.)	$	$	$	$	$
Legal Costs	$	$	$	$	$
Travel & Training	$	$	$	$	$
TOTAL ADMINISTRATIVE/ FINANCIAL COSTS	$	$ 250.00	$ 500.00	$	$ 750.00
ACTIVITY COSTS:					
Equipment Cost	$ 115,500.00	$	$	$	$ 115,500.00
Construction Cost	$	$	$	$131,500.00	$ 131,500.00
Architectural/Engineering Design	$ 35,950.00	$	$	$	$ 35,950.00
Product Completion (PER's, studies, etc.)	$	$	$	$	$
Contingency	$	$	$ 35,000.00	$	$ 35,000.00
TOTAL ACTIVITY COSTS	$ 151,450.00	$	$35,000.00	$131,500.00	$317,950.00
TOTAL PROJECT COSTS	$ 151,450.00	$ 250.00	$35,500.00	$131,500.00	$318,700.00

PROJECT BUDGET FOR ----

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.

EXAMPLE OF A BUDGET NARRATIVE

ADMINISTRATIVE/FINANCIAL COSTS

Personnel Services/Office Costs: Personnel services will be at a minimum for the Mountain County Hospital X-ray purchase project. Only services conducted by the project manager dedicated to the project will be calculated at current rate of pay plus benefits over the 30-45 day project duration. Funds for this budget item will be paid for by the Hospital and considered an in-kind contribution.	**$ 750.00**
Professional Services: There will be no professional services required on the project.	**$ 0.00**
Legal Costs: No legal costs are anticipated or budgeted for in this project.	**$ 0.00**
Audit Fees: Audit fees will not be necessary with this project.	**$ 0.00**
TOTAL ADMINISTRATIVE/FINANCIAL COSTS	**$ 750.00**

ACTIVITY COSTS

Equipment Cost: Estimated cost of the X-ray equipment with delivery and installation factored into the quote price.	**$ 115,500.00**
Construction Cost: Construction cost is the total construction including inspection fees for the renovation of the X-ray room. This cost will also include demolition of the former X-ray room and all inspection/code fees included with this price.	**$131,500.00**
Architectural Design: This cost is for architectural fees related to the design of the X-ray room.	**$ 35,950.00**
Contingency: Contingency cost is approximately 10% of the contract bid. Percentage is the industry standard for medical equipment recommended by the architect/ consultant.	**$ 35,000.00**
TOTAL ACTIVITY COSTS:	**$317,950.00**
TOTAL PROJECT COSTS:	**$318,700.00**

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:	$
Architectural/Engineering Design:	$
Contingency:	$
TOTAL ACTIVITY COSTS:	$
TOTAL PROJECT COSTS:	$

C. Implementation Schedule:

Each applicant must submit an implementation schedule that describes the overall schedule for project completion.

EXAMPLE OF IMPLEMENTATION SCHEDULE												
	QUARTERS 2009				QUARTERS 2010				QUARTERS 2011			
TASK	1ST	2ND	3RD	4TH	1ST	2ND	3RD	4TH	1ST	2ND	3RD	4TH
PROJECT START-UP												
A. Sign contract with Coal Board	X	X										
B. Secure approval of other funding	X	X										
C. Submit progress reports and drawdown request. (Progress reports quarterly if no draws submitted)	X	X	X	X	X	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	X	X	X					
D. Monitor Progress	X	X	X	X	X	X	X	X	X			
E. Final Inspection								X				
PROJECT CLOSE-OUT												
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			

IMPLEMENTATION SCHEDULE FOR --------

	QUARTERS 2011				QUARTERS 2012				QUARTERS 2013			
TASK	1ST	2ND	3RD	4TH	1ST	2ND	3RD	4TH	1ST	2ND	3RD	4TH
PROJECT START-UP												
A. Sign contract with Coal Board												
B. Secure approval of otherfunding												
C. Submit progress reports and drawdown request. (Progress reports quarterly if no draws submitted)												
PROJECT CONSTRUCTION												
A. Architectural Design												
B. Conduct pre-constructionconference												
C. Construction and purchase and installation of equipment												
D. Monitor Progress												
E. Final Inspection												
PROJECT CLOSE-OUT												
A. Coal Board administrative staff conduct on-site monitoring of the project.												
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)

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 supportingdocumentation.)

APPLICANT'S RESPONSE:

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 supportingdocumentation.)

APPLICANT'S RESPONSE:

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:

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:

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:

6. 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 EnergyComplex

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 coalimpacts.

Responses might include:

- ☐ the road maintenance and other maintenance impacts from coal hauling (rail and truck);
- ☐ operational impacts on emergency services (police, fire department, and ambulance services);
- ☐ impacts and services needed by local coal industry retirees and aging employees;
- ☐ the percentage of the households served by the public facility or service that include persons directly employed by a coal mine or coal-using energy facility or directly-relatedemployment;
- ☐ the percentage of the users of the public facility or public service that are households in which one or more members are directly employed by a coal mine or coal-using energy facility or directly-related employment.

APPLICANT'S RESPONSE:

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

APPLICANT'S RESPONSE:

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:

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

APPLICANT'S RESPONSE:

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

APPLICANT'S RESPONSE:

EXAMPLES TO ASSIST WITH THE QUESTION WHAT ARE THE OTHER PROPOSED FUNDING SOURCES FOR THE PROJECT.

List all sources of funds that you intend to use to finance the proposed project e.g., federal and state grant or loan programs, bank loans, bonds, cash reserves, etc.). Do not provide an amount that combines both the loan and grant. If both a loan and grant will be obtained from the same source, they must be listed separately. The sources of funds listed should equal the estimated total project cost. The following box provides state and federal funding program abbreviations that can be used when listing the proposed funding sources:

ABBREVIATIONS OF STATE AND FEDERAL FUNDING PROGRAMS

CDBG – Department of Commerce - Community Development Block Grant Program
EDA - US Economic Development Administration
INTERCAP - Board of Investments – Intercap Program
MFFA – Montana Medical Facilities Financing Authority
USDA/RD – US Department of Agriculture Rural Development Program
RRGL – Department of Natural Resources & Conservation - Renewable Resource Grant and Loan Program
SRF – Department of Natural Resources & Conservation - Wastewater Revolving Fund Loan Program
WRF - Department of Natural Resources & Conservation – Water Revolving Fund Loan Program
TSEP – Department of Commerce - Treasure State Endowment Program

For each source of funding listed, indicate the **type** (grant, loan, cash, in-kind contribution, or other) and agreed to the amounts requested.

Also, indicate the **status of the commitment** of those funds to the project at the time of writing this application using one of the following choices:

a. **No Contact** - No contact has yet been made with the fundingsource;
b. **Discussed/Not Applied** - Project has been discussed with the funding source, but no application has been submitted. Briefly describe the discussion with the funding source and the likelihood of obtaining the funds;
c. **Application Submitted** - An application has been submitted, but funding has not yet been awarded. Briefly describe status of application;or
d. **Funds Committed (date)** - Funds have been committed by the funding source. Attach a copy of the commitment letter or other documentation verifying the commitment offunds.

Finally, if funds are to be borrowed, state the **loan rate and terms** likely to be required by the lender or bond underwriters (for example, interest rate, number of years to repay loan, and coverage and reserve requirements). Indicate whether the funding source has agreed or tentatively agreed to the term

EXAMPLE OF A FUNDING SOURCES SUMMARY

Source	Type of Fund	Amount	Status of Commitment	Loan Rates & Terms
CDBG	Grant	N/A	Do not qualify due to income levels within the county. Next deadline is April 2009	
TSEP	Grant	N/A	No application made – program cycle does not fit our needs	
RRGL	Grant	N/A	Project not eligible for funding	
USDA/RD	Grant	N/A`	Our county doesn't qualify for this program because it is over the 90% income level	
MFFA Montana Medical Facility Financing Authority	Loan	Any unmet financial needs	Loan application pending the amount of funding from the coal board	5 year +/- 5% loan for any balance left for the project
The Mountain County Foundation	Hard Match	$35,750	Committed	N/A
MCCHC Mountain County Community Health Center	Contingency	$35,000	Committed	N/A
Montana Coal Board	Grant	$247,950	Requested	N/A
Total Project Cost		$318,700		

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 applicantproceed?

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?)

APPLICANT'S RESPONSE:

D. Degree of Local Effort in MeetingNeeds

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:

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:

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

APPLICANT'S RESPONSE:

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:

5. If the project involves water, wastewater or solid waste, provide the current and projected monthly household user charges, including operation andmaintenance:
   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 "enterprise" type 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 beentered.

EXAMPLE OF A CURRENT DEBT SUMMARY								
Year Issued	Purpose	Type of Bond/ Security	Amount	Maturity Date (mo./yr.)	Debt Holder	Coverage Required	Annual Payment Amount	Outstanding Balance
1991	Operating Suite Remodel		$2,500,000	10/2031	MFFA	110%	$150,715	$2,100,987
1985	Sprinkler System		$500,000	6/2012	D.A. David-son	125%	$36,790	$164,177

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?

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).

APPLICANT'S RESPONSE:

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?

APPLICANT'S RESPONSE:

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

APPLICANT'S RESPONSE:

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.

APPLICANT'S RESPONSE:

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.

APPLICANT'S RESPONSE:

APPENDIX A

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).

   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 THEFACILITY.

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 proposedproject.

   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 MaintenanceCosts

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.

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 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: http://leg.mt.gov/css/Publications/environmental/default.asp or http://leg.mt.gov/css/services%20division/lepo/mepa/mepaforpublic.asp

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 the Department.

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 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 theemergency.

If the proposed project qualifies for an exemption 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 proposedaction.

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 andbenefits;

2. a listing of any state, local, or federal agencies that have overlapping or additional jurisdiction and a description of their responsibility for the proposedaction;

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 proposedaction;

8. an explanation of the tradeoffs among the reasonablealternatives;

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 at 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 ishttp://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 localdecision

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)
		Response and source of information:
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)
		Response and source of information:
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)
		Response and source of information:
Key	4	Groundwater Resources & Aquifers (e.g., quantity, quality, distribution, depth to groundwater, sole source aquifers)
		Response and source of information:

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)
		Response and source of information:
Key	12	Access to, and Quality of, Recreational & Wilderness Activities, Public Lands and Waterways, and Public Open Space
		Response and source of information:
HUMAN ENVIRONMENT		
Key	1	Visual Quality – Coherence, Diversity, Compatibility of Use and Scale, Aesthetics
		Response and source of information:
Key	2	Nuisances (e.g., glare, fumes)
		Response and source of information:
Key	3	Noise -- suitable separation between noise sensitive activities (such as residential areas) and major noise sources (aircraft, highways & railroads)
		Response and source of information:

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
		Response and source of information:
Key	5	Changes in Demographic (population) Characteristics (e.g., quantity, distribution, density)
		Response and source of information:
Key	6	General Housing Conditions - Quality, Quantity, Affordability
		Response and source of information:
Key	7	Displacement or Relocation of Businesses or Residents
		Response and source of information:
Key	8	Public Health and Safety
		Response and source of information:

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
		Response and source of information:
Key	10	Local Employment & Income Patterns - Quantity and Distribution of Employment, Economic Impact
		Response and source of information:
Key	11	Local & State Tax Base & Revenues
		Response and source of information:
Key	12	Educational Facilities - Schools, Colleges, Universities
		Response and source of information:
Key	13	Commercial and Industrial Facilities - Production & Activity, Growth or Decline.
		Response and source of information:
Key	14	Health Care – Medical Services

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

Key Letter:		
N: No Impact; **B:** Potentially Beneficial; **A:** Potentially Adverse; **P:** Approval/Permits Required; **M:** Mitigation Required		
Key	20	Wastewater Treatment - Sewage System
		Response and source of information:
Key	21	Storm Water – Surface Drainage
		Response and source of information:
Key	22	Community Water Supply
		Response and source of information:
Key	23	Public Safety – Police
		Response and source of information:
Key	24	Fire Protection – Hazards
		Response and source of information:
Key	25	Emergency Medical Services
		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		
		Response and source of information:
Key	27	Cultural Facilities, Cultural Uniqueness & Diversity
		Response and source of information:
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)
		Response and source of information:
Key	29	Consistency with Local Ordinances, Resolutions, or Plans (e.g., conformance with local comprehensive plans, zoning, or capital improvement plans)
		Response and source of information:
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.)
		Response and source of information:

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: _____

MONTANA COAL BOARD MEETING

INFORMATION FOR TRAVEL EXPENSE VOUCHER

Please furnish the following information to assist us in correctly computing your State of Montana travel expense voucher:

NAME:_____

Address:_____

City:_____ Zip:_____

Meeting Location (City or Town):_____

Meeting Date:_____

Mileage reimbursement 55 ¢/mile effective 1/1/19

Date of departure to attend meeting:	Time of departure to attend meeting:
Time of arrival to attend meeting:	Car miles traveled (one way):
Date of departure to travel home:	Time of arrival home (estimated):

OVERNIGHT LODGING: If you were absent from home overnight to attend the meeting, **attach your motel or hotel receipt-$94.00 plus tax reimbursable (effective 10/1/18).** If you were away from home overnight but have no receipt, you are eligible for a $12.00 reimbursement.

MEAL REIMBURSEMENT (This is dependent on your travel times)

Morning meal $ 5

Midday meal $ 6

Evening meal $12

Total per day $23

_____ _____

Signature of Board Member **Date**

Instructions for Travel Form:

First section must be completed fully

Second section – left to right

Box 1: the date member leaves to attend the meeting

Box 2: time of day member leaves to attend the meeting

Box 3: time board member arrives at the meeting or hotel

Box 4: how many miles member drives to attend the meeting *one way*

Box 5: the date member will travel back home

Box 6: the time member expects to arrive home – **note this is easily figured by subtracting box 2 from box 3 and then adding that amount to the time the meeting ended.

Please fill this form out at the conclusion of the meeting.

Staff will compute your per diem meals based on your travel time.

Historical Coal Board Grants

Below you will find links to the Grants Database which gives you the ability to see all the Coal Board grants applied for through the years.

Option 1: This first link takes you to the funded projects page which includes directions for the database:
https://commerce.mt.gov/About/FundedProjects

Option 2: This link takes you to the main page of the entire database where you can view **all** grants listed within the database:
https://dataportal.mt.gov/t/DOASITSDDataPortalPub/views/DOCGrants/DOCGrantsDashboard
If you want only Coal Board information, in the Program box at the top of the table, select **Montana Coal Board** from the drop-down menu.

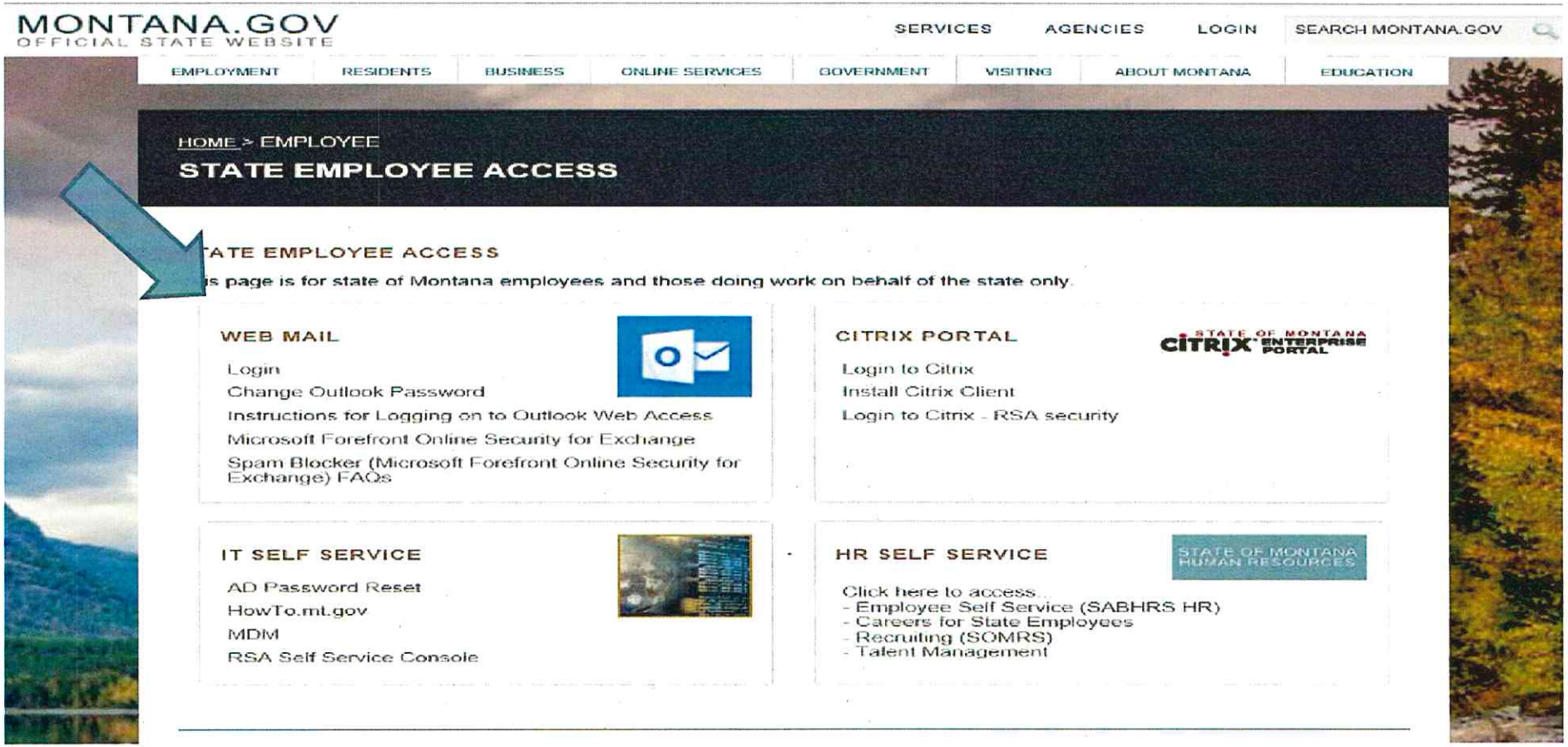
Email Access
&
Security Training for Board Members

How to access your State of Montana Email

https://mt.gov/employee

or

webmail.mt.gov



MONTANA

How to successfully sign in to State of Montana Webmail:

STEP 1

In the Username field enter your State of Montana issued User ID and password as soon below

(CCAXXX)

(password you have been given)
You may be prompted to change your password

State of Montana
Outlook Web Access
Secure Logon

User name
Note: Domain is not necessary, please just enter your userid.

Password

Private Computer

Outlook Web App - Light

Continue

STEP 2

RSA Multi-Factor Authentication

State of Montana
Outlook Web Access
Secure Logon

User name
state\cc0247

Passcode

Sign in

MONTANA

Webmail

New mail
Favorites
Inbox 14
Sent Items
Martello, Bonnie
Inbox 14
Drafts [3]
Sent Items
Deleted Items 118
Archive
Boxer
Conversation History
Junk E-Mail
Notes [27]
RSS Feeds
Spam
Personal Archive - Martello, Bonnie

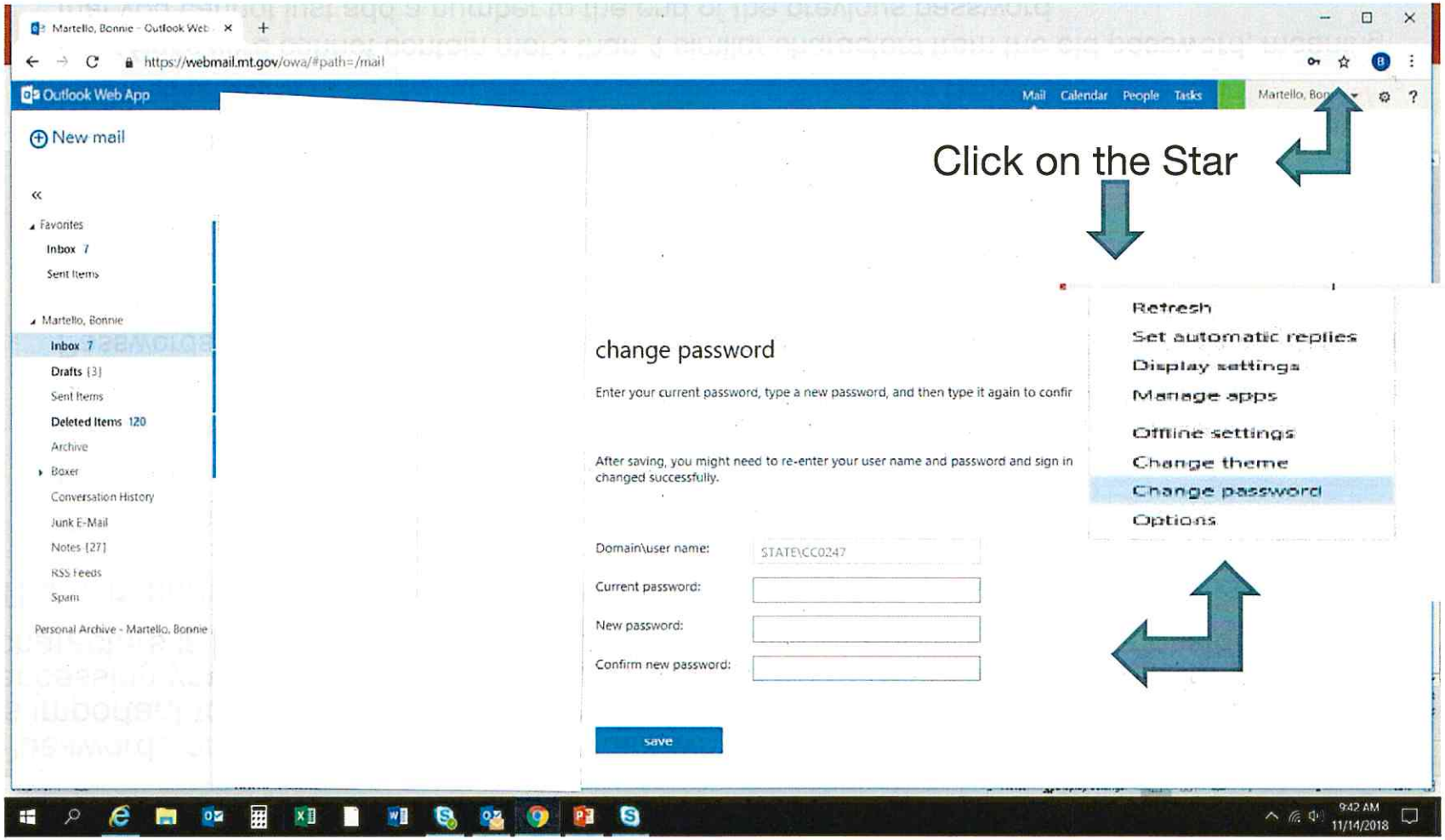
Password Facts

Passwords are one of the most important ways to ensure our data is secure and safe. It is important to create a strong password that is complex to prevent hackers from accessing your account. Make your password hard to guess by making it longer (over 14 characters is near impossible to crack by brute force) and complex as possible.

The minimum password requirements for state computer and email access is as follows:

- Passwords must be at least 12 characters in length.
- Passwords must meet complexity requirements
- Passwords must contain 3 of the four character groups - special characters, lowercase letters, uppercase letters, numbers
- Passwords must not contain username (samaccountname) or portions of the user's displayname (full first name, full last name)
- Passwords have a minimum age of 1 day (users cannot change their own password more than once per day).
- Passwords expire after 60 days
- Passwords have a "history" of 24. This means you can't reuse any of last 24 passwords that you set for your account
- New Password cannot contain more than 4 similar characters from the old password, meaning that you cannot just add a number to the end of the previous password.
- User accounts will "lockout" for 15 minutes after 6 failed attempts to logon. This means if you failed your login 6 times in a row, your account will be locked out and you have to wait 15 minutes to try again or have your LAN administrator reset your account

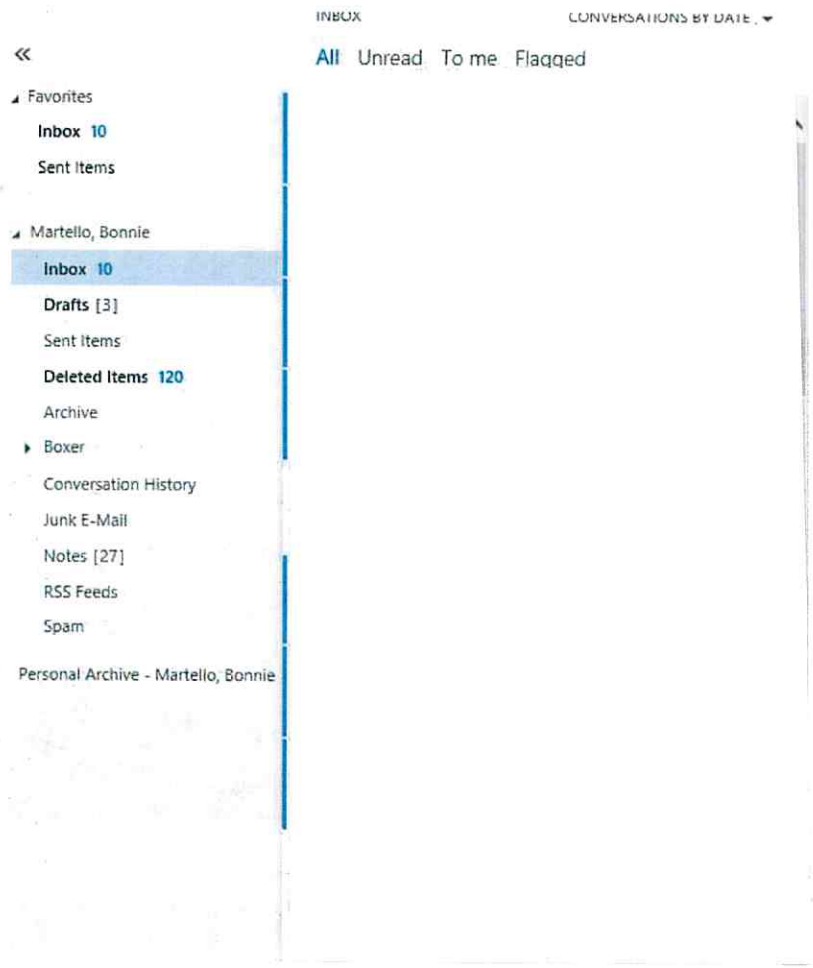
Changing your Password



MONTANA

Making Archive Files:

1. Right click on your Personal Archive on the right of your messages
2. Create new folder
3. Move emails into designated folder



Cyber Security

Cyber Domains Include:

- ✓ The Internet
- ✓ Networks
- ✓ The Cloud
- ✓ Computers
- ✓ Phones
- ✓ Tablets
- ✓ Carriers
- ✓ Software

Cyber Security cont.

Cyber Domain:

A security incident worth reporting can be something odd that you notice about the computers, networks, or data you work with.

Human Domain:

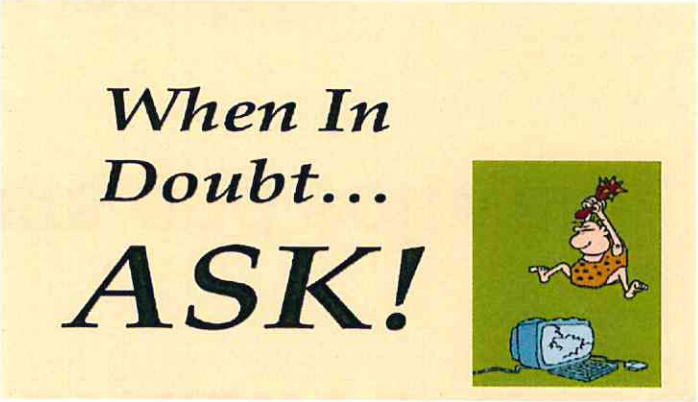
People acting bizarre or strangers wonder the halls.

Physical Domain:

Boxes or packages placed in strange areas, doors that are secure doors unlocked or propped open.

Security Awareness

- Is a full time job!
  - Immediately report any potential or suspicious behavior.

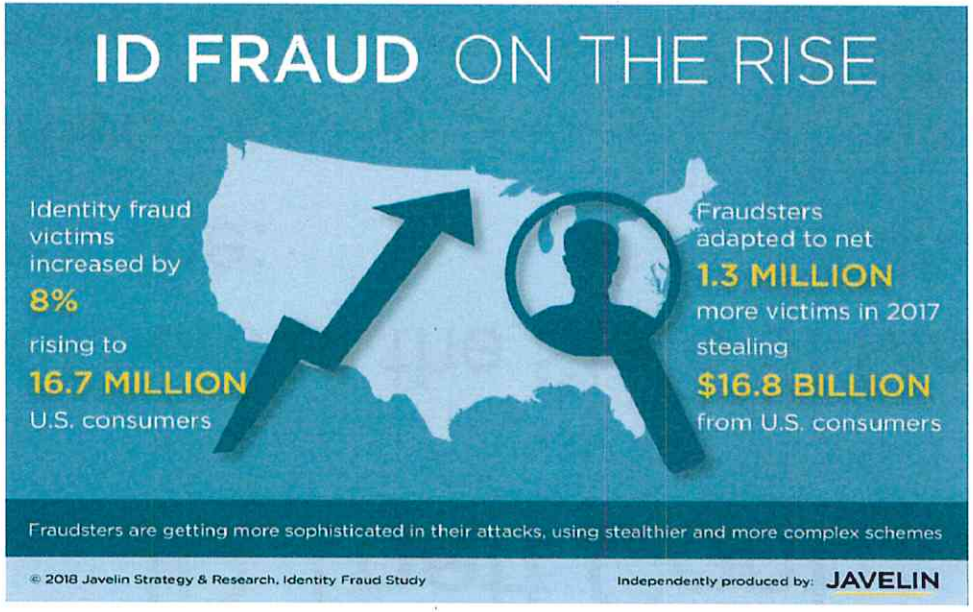


Backup and Preventative Care

- Just like a car, computers and software require maintenance:
  - Updating your computer regularly:
    - Adds new features
    - Patches
    - Anti-Malware, and
    - Security tools

ID Theft

- At home and at work, never give out your personal information unless you know for a fact whom you are dealing with.



ID Theft Cont.

- Our Goal here at the State of Montana is to protect the:
  - Customer,
  - Employee, and
  - Business partners

To protect you're the sensitive information, follow privacy policies, and report any suspected violations IMMEDIATELY!

Spamming and Phishing

- **Spam** is the electronic equivalent of the 'junk mail' that arrives on your doormat or in your postbox. However, **spam** is more than just annoying. It can be dangerous – especially if it's part of a **phishing** scam. ... Run **phishing** scams – in order to obtain passwords, credit card numbers, bank account details and more.

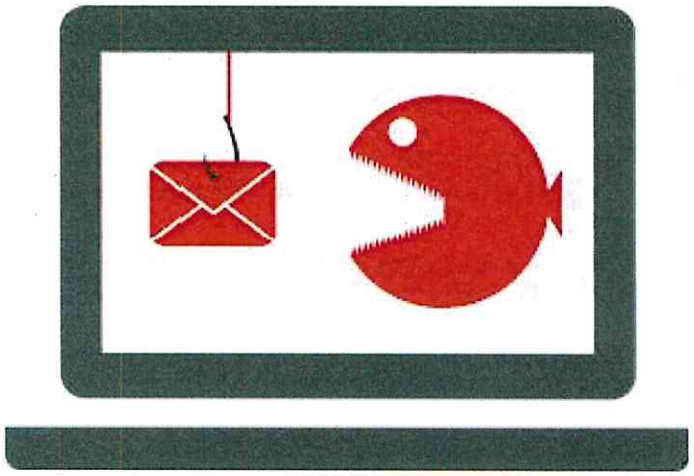
Phishing

Phishing:

More than 90% of data breaches are initiated by phishing attacks, and over 30% of phishing emails are opened, making phishing the most common and effective form of social engineering.

Don’t click so fast……

- Examine a message, no matter the delivery method, to ensure that it is legitimate before opening the email or responding.



Malware

- **Malware** attack is a piece of malicious software which takes over a person's computer in order to spread the bug onto other people's devices and profiles.
    - https://youtu.be/wZwxxdXmazs

Who's responsible??

WE ALL ARE

Cyber Security is not just a job for IT staff, it is everyone's responsibility within our organization. This extends to our partners and constituents.

maintain a secure infrastructure the better off we are.

It is important to provide training opportunities, re-evaluate our systems for any new weaknesses and reduce our security risks where ever possible.

- MAKE YOUR **PASSWORD** is LONG. (use a title of your favorite book, or movie)
- MAKE YOUR **PASSWORD** A NONSENSE PHRASE.
- INCLUDE NUMBERS, SYMBOLS, AND UPPERCASE AND LOWERCASE LETTERS.
- AVOID USING OBVIOUS PERSONAL INFORMATION.
- DO NOT REUSE **PASSWORDS**.
- START USING A **PASSWORD** MANAGER.
- KEEP YOUR **PASSWORD** UNDER WRAPS.
- CHANGE YOUR **PASSWORDS** REGULARLY.

Reminders

- Your password expires every sixty (60) days.
- Remember to log into your email prior to your password expiring.
- When updating your password make sure it's 12 or more characters.

Call for help:

- Anne Pichette
  Administrative Board Officer
  841-2598

- Terry Meagher
  IT Security Manager
  406-841-2722

Department of Commerce Contacts

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MONTANA
DEPARTMENT OF COMMERCE