

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 judging applications.

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 proposed project;
- 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): Northern Cheyenne Tribe
2. TYPE OF ENTITY: Governing Body of a federally recognized Indian tribe.
3. FEDERAL TAX ID NUMBER:
4. SENATE AND HOUSE DISTRICTS: SD21, HD41
5. AMOUNT OF COAL IMPACT GRANT REQUESTED \$50,000.00
6. NAME OF PROJECT: Northern Cheyenne Community/Child Care Center/Emersion School
7. TYPE OF PROJECT: This project is a public facility that will include a community center, child care center, and emersion school.
8. POPULATION SERVED BY PROJECT: There are 4,932 living on the Northern Cheyenne Reservation.
9. NUMBER OF HOUSEHOLDS SERVED BY PROJECT: Based on the US Census approximately 526 households are recorded on the reservation.
10. CHIEF ELECTED OFFICIAL OR AUTHORIZED REPRESENTATIVE: President Rynalea Whiteman Pena, P.O. Box 128, Lame Deer, Montana 59043, 406-477-4872, Fax 406-477-6210
11. PRIMARY ENTITY CONTACT PERSON: Fonda Redfox, Economic Development Planner, Northern Cheyenne Tribe, P.O. Box 128, Lame Deer, Montana, 59043, 406-477-4849, Fax, 406-477-6210
12. OTHER CONTACT PERSONS: Lane Spotted Elk, Northern Cheyenne Tribal Councilmember, STEDS Committee Member, Northern Cheyenne Tribe, PO Box 128, Lame Deer, Montana, 59043, 406-477-4851, Fax, 406-477-6210
13. MILLAGE RATES: Northern Cheyenne Tribe does not apply to a Millage Rate.
14. AMOUNT OF COAL GROSS PROCEEDS TAX: Northern Cheyenne Tribe does not receive proceeds.
15. IMPACTS FROM COAL INDUSTRY: Approximately 130 Northern Cheyenne members are employed in Colstrip Coal Companies.
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:**

Historical Information:

According to the Northern Cheyenne Nation Comprehensive Economic Five Year, the community has been in need of a community center, along with a child care center. The council voted on coordinating programs together to enhance the services to youth and the community. Currently there is no building large enough to hold a large gathering for meetings, community activities or enhance the services to our children. For economic development purposes, large meetings/trainings have to be held in Billings, Montana, which is approximately 120 miles from Lame Deer. The tribe pays for travel every time a training/meeting needs to be hosted in billings for all employees. The child care program currently has a building that was built in the early 70's with very little updates. This building is unable to house a child care center and run activities for ages 0-10. The emersion school will hold classes to help bring back the Northern Cheyenne language for ages 0-5.

Problem:

The existing Child Care Building has the following deficiencies:

- Mold
- Leaks in the ceiling
- Holes in the walls
- Tree trunk coming into the bathroom floor
- Sewer problems
- Floors are in bad condition
- Electrical problems
- No natural airflow
- Lighting – wiring is bad
- Current child care building does not allow for child care based on the deficiencies, administration of grant for outsourcing childcare only
- Employee sickness – ventilation is bad, vents, etc.
- No Community Center in Lame Deer
- No Emersion school in Lame Deer for 0-5

Proposed Solution:

The new building would allow for:

- A childcare center
- Assist with economic development, parents would be able to work, lack of daycare

- Community Center that would allow for community activities, conferences, trainings
- Marketing artist shows
- Community Center would be utilized by the childcare center for physical activities
- Rooms available for emersion classes

18. PROJECT BUDGET AND IMPLEMENTATION SCHEDULE:

A. Project Budget Form:

<u>PROJECT BUDGET</u> <u>FOR Northern</u> <u>Cheyenne</u> <u>Community/Child</u> <u>Care</u> <u>Center/Emersion</u> <u>School</u>					
Completed by: <u>Fonda Redfox</u> For: (location) <u>Lame Deer, MT</u> Date: <u>01/20/2020</u>					
ADMINISTRATIVE/ FINANCIAL COSTS	SOURCE: Coal Board Grant	SOURCE: CCDF Grant	SOURCE: NC Tribe	SOURCE: Child Care Program	TOTAL:
Grant Administration	*** \$	\$	\$17,000	\$	\$17,000
Office Costs	\$	\$	\$	\$1,000	\$1,000
Professional Services	\$20,000	\$	\$	\$	\$20,000
Legal Costs	\$	\$	\$	\$5,000	\$5,000
Travel & Training	\$	\$	\$	\$7,000	\$7,000
<u>TOTAL ADMINISTRATIVE/ FINANCIAL COSTS</u>	\$20,000	\$	\$17,000	\$13,000	\$50,000
ACTIVITY COSTS:					
Equipment Cost	\$	\$	\$	\$	\$
Construction Cost	\$	\$	\$	\$	\$
Architectural/Engineering Design	\$	\$40,000	\$	\$	\$40,000
Product Completion (PER's, studies, etc.)	\$30,000	\$	\$	\$	\$30,000
Contingency	\$	\$	\$	\$	\$
TOTAL ACTIVITY COSTS	\$30,000	\$40,000	\$	\$	\$
TOTAL PROJECT COSTS	\$50,000	\$40,000	\$17,000	\$13,000	\$120,000

B. Project Budget Narrative:

Budget Narrative

Administrative/Financial Costs

Grant Administration

Grant Administration will be done by the Economic Development Planner, average 8-10 hour per week. This will include a \$27.00 per hour and Fringe Benefits until all services are performed and passed by resolution with the Tribal Council and Coal Board.

\$17,000

Office Supplies

Office supplies will include paper, copying, colored ink for printing, binders, and other supplies needed for the project.

\$ 1,000

Professional Services

Professional Services will be for consultants to perform services for a business Plan, feasibility study, legal and financial infrastructure, and cultural study. 15 bound copies presented to tribal council for resolution approval within a one Year period of time.

\$20,000

Legal Costs

Attorney fees needed for legal portion of the studies.

\$ 5,000

Travel & Training

Travel needed to attend meetings. Associated meeting costs.

\$ 7,000

TOTAL ADMINISTRATIVE/FINANCIAL COSTS

\$50,000

ACTIVITY COSTS

Architectural/Engineering

Architectural fees associated with the design of the building

\$40,000

Product Completion (PER's, studies, etc.)

Engineering, cost analysis, value analysis/engineering, material
Cost forecast, cost risk analysis, cash flow projections/cost control
Construction phasing, schedule risk analysis/control, cultural studies

\$30,000

TOTAL ACTIVITY COSTS

\$70,000

TOTAL PROJECT COSTS

\$120,000

C. Implementation Schedule:

<u>IMPLEMENTATION SCHEDULE FOR -----</u>													
TASK	QUARTERS 2020				QUARTERS 2021				QUARTERS 2022				
	1 ST	2 ND	3 RD	4 TH	1 ST	2 ND	3 RD	4 TH	1 ST	2 ND	3 RD	4 TH	
<u>PROJECT START-UP</u>													
A. Sign contract with Coal Board		X	X										
B. Secure approval of otherfunding		X	X										
C. Submit progress reports and drawdown request. (Progress reports quarterly if no draws submitted)		X	X	X	X	X							
<u>PROJECT CONSTRUCTION</u>													
A. Planning Meetings/Feasibility/Business Plan		X	X	X	X	X							
B. PAR		X	X	X	X								
C. PER		X	X	X	X								
D. Monitor Progress		X	X	X	X	X							
E. Final Reports													
<u>PROJECT CLOSE-OUT</u>													
A. Coal Board administrative staff conduct on-site monitoring of the project.					X								
B. Submit project completion report.						X							
C. Include project in audits.						X							

19. DESCRIPTION OF RELATIONSHIP TO COAL BOARD STATUTORY GRANT CRITERIA

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
Currently there is no Community Center or Child Care Center that has been on the CEDS Strategic Plan for the past 5 years. Both centers are needed for the community and play a role in the economy. Many people do not have childcare and are unable to keep a job in the community or surrounding area. The Community Center would essential for large training and planning meetings that are needed in the area since we are so rural and have no place, especially for emergency meetings. If we were to have a natural disaster, we have limited spaces to use, especially if we needed emergency shelter. Currently we use the Tribal Chambers or the Boys and Girls Club for emergency shelter. During the day we are unable to use these facilities. Highway 212, which is considered to be one of the busiest highways in Montana based on commerce and tourism, we have seen several deaths on this road based on bad weather. If the road is shut down, most travelers prefer to stay in their cars, since there are no hotels in the area.

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?

In the past ten years we have had large forest fires that have taken homes and left people homeless, they had to stay in gyms on floors, where no cooking facilities were available. The fires in this area have taken over 150,000 acres of timber and grassland. That covers a quarter of our reservation. The child care center is used to help ensure babies from 0-10 years of age are fed at least twice a day and given a safe place to ensure they will be well taken care of during the day.

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?

Lame Deer is the largest community on the reservation. Many of the residents that live on the reservation come to Lame Deer on a daily basis for work, shop for their needs, go to the bank, fuel, or to attend school or college. Lame Deer at the first of the month could see up to 3,000 of the people that live on the reservation.

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.

No there is no violation or directive. The child care center is only open to administrative staff due to the condition of the building they are currently in.

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?

Yes it does. Currently they have holes through the wall, tree stumps are growing in the bathroom floors, and the wiring in the building is a potential threat.

APPLICANT'S RESPONSE:

6. Additional information supporting the NEED for this project.

APPLICANT'S RESPONSE:

When natural disasters occur, we have no place for planning, emergency shelter, or a place to feed people. During the 4th of July Pow Wow we have had extreme storms that have lifted tents, tipis into the air and caused damage to campers. We have had extreme weather conditions that we need to be able to house people until the conditions get better.

The child care center is deeply needed for the safety of young children.

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

Explain why the proposed project or governmental services or facilities “are needed as a direct consequence of an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex” (90-6-205, (4) (a), MCA).

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

The Northern Cheyenne Tribe has taken on the Training Center Initiative, along with the SE Development Corporation to begin working on places to train employees and families affected by the lays in Colstrip. Currently the meetings are attended by 80 people and more are interested in attending the meetings. Based on the size of meetings of this type, the meeting had to be held in Billings, Montana, 120 miles one way from Lame Deer. The Community Center will be able to hold large planning sessions and trainings, once the trainings are identified. We would like to equip the Community Center with some of the ideas that come from the training initiative. We have approximately 130 employees from the reservation that will be impacted by the layoff in Colstrip. That effects approximately 30% of our households on the reservation and surrounding area.

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-related employment;
- 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 your ~~community~~.

The nearest coal development project is Colstrip, Montana, 21 miles from Lame Deer, MT.

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.

The Northern Cheyenne Tribe has always depended on the employment, hospitality and fuel that comes out of Colstrip. This will deeply affect the Northern Cheyenne Reservation’s economy is planning is not taking serious for the employees and families that will be eventually without a job.

APPLICANT'S RESPONSE:

C. Availability of Funds

1. Amount requested from the Coal Board: \$ \$50,000
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?

The Northern Cheyenne Tribe is looking for ways to help with building up resources on the reservation that will help with community functions, trainings and with childcare that is needed to help with building economy on the reservation.

APPLICANT'S RESPONSE:

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

APPLICANT'S RESPONSE:

The Northern Cheyenne Tribe will be paying for grant administration, the child care program will help with part of the Planning process, and funds will be available from the CCDF grant.

FUNDING SOURCES SUMMARY FOR.....

Source	Type of Fund	Amount	Status of Commitment	Loan Rates & Terms
Montana Coal Board	Grant	\$50,000	Requested	
CCDF	Grant	\$40,000	Requested	
Northern Cheyenne Tribe	Match	\$17,000	Committed	
Child Care Program	Match	\$13,000	Committed	
Rural Development	Grant	N/A	Committed to the water project, travel center	

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

APPLICANT'S RESPONSE:

D. Degree of Local Effort in Meeting Needs

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

Non-Applicable as a Tribe

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.

Land will be donated from the tribe, CCDF Grant will help pay for the construction of the building, tribe will invest in a loan/Grant from First Interstate for the construction. The tribe will pay for the salaries and fringe that will be needed for administrative positions. Tribes construction engineer will be used as the project manager for the construction portion. Child care will donate if extra costs occur during the planning stages and the construction phase.

APPLICANT'S RESPONSE:

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

The early child care centers do not allow for upgrades, based on the age of the building.

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.

The child care building was built in the early 70's, making the building close to 50 years old, normal wear and tear on the building. No current Community Building.

APPLICANT'S RESPONSE:

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

List current debt obligations. If the applicant is a water, wastewater, solid waste, or other "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 be entered.

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?

APPLICANT'S RESPONSE:

8. What financial accounting system do you use? MIP
9. Is the applicant in compliance with the auditing and annual financial reporting requirements provided for in the Montana Single Audit Act, 2-7-501 to 522, MCA? (Tribal governments must comply with auditing and reporting requirements provided for in OMB Circular A-133).
 Yes X No Date of last completed audit or financial report May, 2019
10. If there have been audit findings within the last five years, have they been satisfactorily addressed?

APPLICANT'S RESPONSE:

Yes they were HR findings, but were satisfactorily addressed.

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

APPLICANT'S RESPONSE:

The Tribe is in good standing with their finances are willing to help with this project. The tribe is also in good standing with all grantors. The First Interstate Bank is willing to help fund the construction portion of this grant. The tribe will be meeting with the Shakopee tribe for a grant up to \$1 million to help with the project.

E. Planning & Management

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

APPLICANT'S RESPONSE:

The Northern Cheyenne Tribe is currently looking at ways to help with all the employees and their families that could potentially be laid off during the reduction of the Colstrip Power Plant. The tribe is working the community of Colstrip and rosebud county to initiate an action plan for training purposes.

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

APPLICANT'S RESPONSE:

The Northern Cheyenne Economic Development Planner keeps the CEDS strategic plan up to date. Currently the 5-year plan was completed for the tribe and the Community Center and Child Care Center are addressed every year in the community meetings. The community coalition has been helping with the planning process for the child care center and have developed a child care needs assessment to address in the Month of February with the community.

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 THE FACILITY.

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

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

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

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

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

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

II. ALTERNATIVE ANALYSIS

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

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

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

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

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

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

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

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

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

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

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

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

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

III. SELECTION OF THE PREFERRED ALTERNATIVE

- A. ANALYSIS OF ALTERNATIVE SOLUTIONS.** Provide an analysis of why the preferred alternative (design, building, or location) was selected over other alternatives.
- B. SITE LOCATION AND CHARACTERISTICS.** Discuss the site location of any current or proposed facilities, and why the preferred alternative was selected over other alternatives.
- C. PRELIMINARY ARCHITECTURAL PLANS.** Provide preliminary architectural plans (including a proposed floor plan) for the proposed (new or rehabilitated) facility.
- D. OPERATIONAL REQUIREMENTS.** Discuss the expertise required to operate the facility and any unique operational requirements or benefits of the facility and describe why the preferred alternative was selected over other alternatives.
- E. PROJECT COST SUMMARY / PROJECT COST ESTIMATE.** Provide an itemized estimate of the project cost based on the anticipated period of construction including administrative, development and construction, land and utilities, legal, engineering, interest, equipment, contingencies, refinancing, and other costs associated with the proposed project. See 'II. F Cost Estimates for Each Alternative, above.

IV. CONCLUSIONS AND RECOMMENDATIONS

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

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 the emergency.

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 proposed action.

In addition, an applicant may prepare an EA whenever the proposed action is one that might normally require an EIS, but the significant effects of the project appear to be mitigated below the level of significance through design, enforceable controls, and/or conditions imposed by the agency or other government agencies. For an EA to suffice in this instance, the applicant must determine that all of the impacts of the proposed action have been accurately identified, that they will be mitigated below the level of significance, and that no significant impact is likely to occur. The applicant may not consider compensation for purposes of determining that impacts have been mitigated below the level of significance.

An EA is a public document and may be inspected upon request. Any person may obtain a copy of an EA by making a request to the applicant. **The applicant shall submit a copy of each completed EA to the Department as a part of the complete grant application.** The applicant is responsible for providing public review of an EA as necessary to match the complexity and seriousness of environmental issues associated with a proposed action and the level of public interest in the action. Methods of accomplishing public review include publishing a news release or legal notice to announce the availability of an EA, summarizing its content and soliciting public comment; holding public meetings or hearings; maintaining mailing lists of persons interested in a particular action or type of action and notifying them of the availability of EAs on such actions; and distributing copies of EAs for review and comment. Where an action is one that normally requires an EIS, but effects that otherwise might be deemed significant are mitigated in the project proposal or by controls imposed by the applicant, public involvement must include the opportunity for public comment, a public meeting or hearing, and adequate notice. The applicant is responsible for determining appropriate methods to ensure adequate public review on a case-by-case basis.

The applicant shall consider all substantive comments received in response to a draft EA and decide, at a public meeting, that either:

1. that an EIS is necessary;
2. that the EA did not adequately reflect the issues raised by the proposed action and must be revised; or
3. (3) that an EIS is not necessary, and make a final decision on the proposed action (executing the contract with the Department to receive Coal Board funds for the grantee's project).

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

Any time the applicant proposes substantial changes to the project affecting the original EA, the grant recipient must repeat its environmental review for the revisions to the project, assuring the environmental impacts of the revised project are adequately identified, addressed by the grantee, and any necessary public review provided. When completed, the applicant must follow the original process and again provide environmental documents to Department.

Environmental Impact Statement (EIS)

An EIS is required whenever an EA indicates that an EIS is necessary, or an applicant proposes an action that may significantly affect the quality of the human environment (a "major action").

MEPA and Department's rules require that a draft EIS circulated for public review must contain all of the following:

1. a description of the proposed action, including its purpose and benefits;
2. a listing of any state, local, or federal agencies that have overlapping or additional jurisdiction and a description of their responsibility for the proposed action;
3. a description of the current environmental conditions in the area affected by the proposed action or alternatives, including maps and charts, whenever appropriate;
4. a description of the impacts on the quality of the human environment of the proposed action, including: direct, indirect, and cumulative impacts; potential growth-inducing or growth-inhibiting impacts; irreversible and irretrievable commitments of environmental resources, including land, air, water and energy; economic and environmental benefits and costs of the proposed action; and the relationship between local short-term uses of man's environment and the effect on maintenance and enhancement of the long-term productivity of the environment;
5. an analysis of reasonable alternatives to the proposed action, including the alternative of no action and other reasonable alternatives that may or may not be within the jurisdiction of the agency to implement, if any;
6. a discussion of mitigation, stipulations, or other controls committed to and enforceable by the applicant or other government agency;
7. a discussion of any compensation related to impacts stemming from the proposed action;

8. an explanation of the tradeoffs among the reasonable alternatives;
9. the applicant's preferred alternative on the proposed action, if any, and its reasons for the preference;
10. a section on consultation and preparation of the EIS that includes the names of those individuals or groups responsible for preparing the EIS; a listing of other agencies, groups, or individuals who were contacted or contributed information; and a summary list of source materials used in the preparation of the draft EIS;
11. a summary of the draft EIS; and
12. other sections that may be required by other statutes in a comprehensive evaluation of the proposed action, or by the National Environmental Policy Act or other federal statutes governing a cooperating federal agency.

Following preparation of a draft EIS, the applicant must distribute copies to the Governor; the Department; the Environmental Quality Council; appropriate state and federal agencies; and all persons who have requested copies. The applicant must allow 30 days for public comment on the EIS, which may be extended an additional 30 days at the discretion of the applicant or upon application of any person for good cause. When preparing a joint EIS with a federal agency or agencies, the applicant may also extend this period in accordance with time periods specified in regulations that implement the National Environmental Policy Act.

After the time for public comment and review has expired, the applicant must prepare a Final EIS for approval at a public meeting, which must also contain:

1. a summary of major conclusions and supporting information from the draft EIS and the responses to substantive comments received on the draft EIS, stating specifically where such conclusions and information were changed from those which appeared in the draft;
2. a list of all sources of written and oral comments on the draft EIS, including those obtained at public hearings, and, unless impractical, the text of comments received by the applicant (in all cases, a representative sample of comments must be included);
3. the applicant responses to substantive comments, including an evaluation of the comments received and disposition of the issues involved;
4. data, information, and explanations obtained subsequent to circulation of the draft; and
5. the applicant recommendation, preferred alternative, or proposed decision together with an explanation of the reasons.

The applicant must distribute copies of the Final EIS to the Governor; the Department; the Environmental Quality Council; appropriate state and federal agencies; all persons who submitted comments on or received a copy of the draft EIS; and all other members of the public upon request.

The applicant may not make a final decision on the proposed action being evaluated in a Final EIS (executing the contract with the Department to receive Coal Board funds for the grantee's project) until 15 days from the date of transmittal of the Final EIS to the Governor and Environmental Quality Council. Until the applicant reaches its final decision on the proposed action, no action concerning the proposal may be taken that would have an adverse environmental impact or limit the applicant's choice of reasonable alternatives, including the no-action alternative.

Any time the applicant proposes substantial changes to the project affecting the original EIS, the applicant must repeat its environmental review for the revisions to the project, assuring the environmental impacts of the revised project are adequately identified, addressed by the grantee, and any necessary public review

provided. When completed, the applicant must follow the original process and again provide environmental documents to Department.

Coal Board applicants are responsible for compliance with all applicable state environmental requirements. Some of the other state environmental requirements that *may* apply to Coal Board projects include:

- Stream Protection Act, Title 87, Chapter 5, Part 5, MCA
- Montana Solid Waste Management Act, Title 75, Chapter 10, Part 2, MCA
- Clean Air Act of Montana, Title 75, Chapter 2, MCA
- Water Quality Act, Title 75, Chapter 5, MCA
- Public Water Supplies, Distribution and Treatment, Title 75, Chapter 6, MCA
- Floodplain and Floodway Management, Title 76, Chapter 5, MCA
- The Montana State Antiquities Act, Title 22, Chapter 3, MCA
- The Montana Sage Grouse Habitat Conservation Program and Conservation Strategy, Executive Orders 10-2014 and 12-2015 and Chapter 445, Laws 2015 (SB 261) <https://sagegrouse.mt.gov>

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

- Asbestos Control Program – contact the Department of Environmental Quality (DEQ).
- Montana Stream Protection Act (SPA 124 Permit) – contact the Montana Department of Fish, Wildlife and Parks at 444-2449.
- Montana Floodplain and Floodway Management Act (Floodplain Development Permit) – contact the Montana Department of Natural Resources and Conservation at 444-0860 or the local floodplain administrator.
- Federal Clean Water Act (404 Permit) – contact the U.S. Army Corps of Engineers in Helena at 441-1375.
- Short-Term Water Quality Standard for Turbidity (318 Authorization) – contact the Montana Department of Environmental Quality at 444-3080.
- Montana Water Use Act (Water Right Permit and Change Authorization) – contact the Montana Department of Natural Resources and Conservation at 444-6667 or the local DNRC Water Resources Regional Office. A useful website regarding water rights can be found at http://www.dnrc.mt.gov/wrd/water_rts/default.asp.
- Stormwater Discharge General Permits and/or Montana Pollutant Discharge Elimination System (MPDES Permit) – contact the Montana Department of Environmental Quality at 444-3080.
- Please check the DNRC website for a copy of “A Guide to Stream Permitting in Montana.” Their web address is http://dnrc.mt.gov/permits/stream_permitting/default.asp.
- Cultural Resource Survey – You may need to perform a cultural resource survey for your project. The

State Historic Preservation Office (SHPO) can be reached at 444-7715 for more information. There is guidance for consulting with SHPO at <http://mhs.mt.gov/shpo/archaeology/consultingwith.asp>.

Environmental Assessment

Each Coal Board applicant must either identify that the proposed project qualifies for an exclusion from MEPA, or identify and analyze the environmental impacts of the proposed project.

Any time the applicant proposes substantial changes to the project, after submission of the application but either before or after final ranking by the Department or approval by the Legislature and Governor, the Department will require the applicant to repeat its environmental review as set forth above.

The checklist contained within the *Uniform Application for Montana Public Facility Projects, Tenth Edition*, must be submitted with the Coal Board application. Please use the heading for the environmental assessment as shown below. Letters to the appropriate state and federal agencies must be sent and documented.

It is the requirement to complete the entire environmental review process and include all documentation with the application. The responsibility for completing the environmental assessment rests with the grantee. Please refer to environmental review language for specific details regarding completion of the entire environmental process.

The 'environmental review form' must be completed for Coal Board projects and submitted with the construction grant application. The form must be prepared by someone with a thorough knowledge of the project, expertise in environmental issues, and authority to sign for the applicant.

Please ensure all portions of the environmental process are completed prior to application submission.

- a. Environmental Assessment Checklist
- b. Environmental Review form
- c. Final Action taken by resolution or documented local decision

ENVIRONMENTAL REVIEW CHECKLIST

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

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

PHYSICAL ENVIRONMENT

Key	1	Soil Suitability, Topographic and/or Geologic Constraints (e.g., soil slump, steep slopes, subsidence, seismic activity)
		<i>Response and source of information:</i>
Key	2	Hazardous Facilities (e.g., power lines, hazardous waste sites, acceptable distance from explosive and flammable hazards including chemical/petrochemical storage tanks, underground fuel storage tanks, and related facilities such as natural gas storage facilities & propane storage tanks)
		<i>Response and source of information:</i>
Key	3	Effects of Project on Surrounding Air Quality or Any Kind of Effects of Existing Air Quality on Project (e.g., dust, odors, emissions)
		<i>Response and source of information:</i>
Key	4	Groundwater Resources & Aquifers (e.g., quantity, quality, distribution, depth to groundwater, sole source aquifers)
		<i>Response and source of information:</i>

Key Letter:		
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Key	5	Surface Water/Water Quality, Quantity & Distribution (e.g., streams, lakes, storm runoff, irrigation systems, canals)
		<i>Response and source of information:</i>
Key	6	Floodplains & Floodplain Management (Identify any floodplains within one mile of the boundary of the project.)
		<i>Response and source of information:</i>
Key	7	Wetlands Protection (Identify any wetlands within one mile of the boundary of the project.)
		<i>Response and source of information:</i>
Key	8	Agricultural Lands, Production, & Farmland Protection (e.g., grazing, forestry, cropland, prime or unique agricultural lands) (Identify any prime or important farm ground or forest lands within one mile of the boundary of the project.)
		<i>Response and source of information:</i>
Key	9	Vegetation & Wildlife Species & Habitats, including Fish and Sage Grouse (e.g., terrestrial, avian and aquatic life and habitats) https://sagegrouse.mt.gov
		<i>Response and source of information:</i>
Key	10	Unique, Endangered, Fragile, or Limited Environmental Resources, Including Endangered Species (e.g., plants, fish or wildlife)
		<i>Response and source of information:</i>

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

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

Key Letter:		
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Key	9	Lead Based Paint and/or Asbestos
		<i>Response and source of information:</i>
Key	10	Local Employment & Income Patterns - Quantity and Distribution of Employment, Economic Impact
		<i>Response and source of information:</i>
Key	11	Local & State Tax Base & Revenues
		<i>Response and source of information:</i>
Key	12	Educational Facilities - Schools, Colleges, Universities
		<i>Response and source of information:</i>
Key	13	Commercial and Industrial Facilities - Production & Activity, Growth or Decline.
		<i>Response and source of information:</i>
Key	14	Health Care – Medical Services

Key Letter:		
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		<i>Response and source of information:</i>
Key	15	Social Services – Governmental Services (e.g., demand on)
		<i>Response and source of information:</i>
Key	16	Social Structures & Mores (Standards of Social Conduct/Social Conventions)
		<i>Response and source of information:</i>
Key	17	Land Use Compatibility (e.g., growth, land use change, development activity, adjacent land uses and potential conflicts)
		<i>Response and source of information:</i>
Key	18	Energy Resources - Consumption and Conservation
		<i>Response and source of information:</i>
Key	19	Solid Waste Management
		<i>Response and source of information:</i>

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

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

**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: _____

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: *Dynalea Peña*

Title: *NCT President*

Signature: *Dynalea Peña* Date: *1/27/2020*

**TRIBAL COUNCIL OF THE NORTHERN CHEYENNE TRIBE
NORTHERN CHEYENNE INDIAN RESERVATION
LAME DEER, MONTANA**

RESOLUTION NO. DOI- 059 (2020)

A RESOLUTION AUTHORIZING SUBMISSION OF THE FY 2020 - SUBMISSION OF THE DEPARTMENT OF COMMERCE, COMMUNITY DEVELOPMENT DIVISION, MONTANA COAL IMPACT GRANT APPLICATION FOR AN ACTIVITY CENTER THAT WILL INCLUDE A CHILD CARE CENTER AND IMERSION SCHOOL LOCATED IN LAME DEER, MONTANA.

WHEREAS, the Tribal Council of the Northern Cheyenne Tribe is the governing body of the Northern Cheyenne Tribe, located on the Northern Cheyenne Indian Reservation, in Rosebud and Bighorn Counties, Montana, pursuant to the Amended Constitution and By-Laws of the Northern Cheyenne Tribe, as approved by the Secretary of the Interior on May 31, 1996;

WHEREAS, the Tribal Council is authorized under Article IV, Section 1(a), of the Tribe's Constitution to negotiate with Federal, State, and local governments and to advise and consult with representatives of the Department of the Interior on all activities of the Department that may affect the Northern Cheyenne Reservation;

WHEREAS, the Tribal Council is authorized under Article IV, Section 1(e), of the Tribe's Constitution to engage in any business that will further the economic well-being of the members of the Tribe and to undertake any economic activity of any nature whatever not inconsistent with law or any of the provisions of the Tribe's Constitution;

WHEREAS, the Tribal Council is authorized under Article IV, Section 1(f), of the Tribe's Constitution to administer any funds within the control of the Tribe and to make expenditures from available funds for tribal purposes;

WHEREAS, the Tribal Council is aware that the Northern Cheyenne Reservation is looking to increase their economic development on Tribal Land;

WHEREAS, the Tribal Council deems it necessary to apply for the Montana Coal Impact Grant Application that will provide the business plan, market analysis, feasibility study, physical business infrastructure planning (PER, PAR architectural, engineering or environmental documents for an activity center that will include a child care center and emersion school located in Lame Deer. This project is needed on the Northern Cheyenne Reservation for child care programs and language preservation that is part of our CEDS and local support of cultural and traditional activities;

WHEREAS, the Tribal Council has determined that the Northern Cheyenne's have the potential to provide a community center in a manner that is consistent with Cheyenne customs and spiritual beliefs;

WHEREAS, the following grant proposal is being submitted to the MT Department of Commerce, Community Development Division, Montana Coal Impact Grant on behalf of the Northern Cheyenne Tribe: “to start the beginning stages of funding an Activity Center that will include a child care center and emersion school in Lame Deer”;

WHEREAS, the Tribal Council is willing to implement recommendations to begin the process for a large community center for the people and businesses that would be very beneficial to the Tribe;

WHEREAS, the Tribal Council will consider the public release of non-proprietary data, information, and reports obtained through business planning funds;

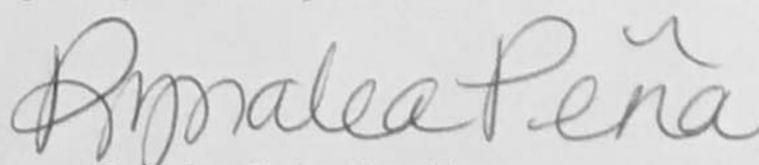
WHEREAS, the Northern Cheyenne Administration is responsible for managing the Coal Board Grant application process and contract;

WHEREAS, the Tribal Council hereby appoints Fonda Redfox, the Tribe’s Economic Development Planner, who is committed to the successful completion of the project, and will have direct contact with the Tribe’s economic development department, board and Tribal Council;

THEREFORE, BE IT RESOLVED that the Tribal Council of the Northern Cheyenne Tribe authorizes the submission on behalf of the Tribe for the above grant proposal to help with the business planning, meeting and travel expenses, and other costs associated with the project; and

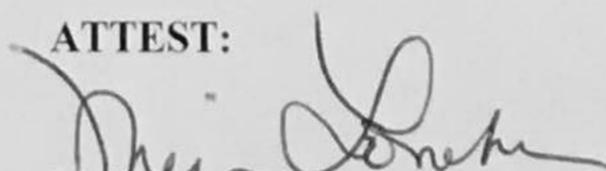
BE IT FINALLY RESOLVED, that the Tribal Council of the Northern Cheyenne Tribe approves the Tribal President to sign and submit the proposal and take all actions necessary to implement this Resolution.

PASSED, ADOPTED AND APPROVED by the Northern Cheyenne Tribal Council by 10 votes for passage and adoption, 0 votes against passage and adoption, and 0 abstentions this 22nd day of January 2020.



Rynalea Peña, President
Northern Cheyenne Tribe

ATTEST:



Melissa Lonebear, Secretary
Northern Cheyenne Tribe



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Coal Board Grant Applicant-Northern Cheyenne Tribe #0903

Staff Report / March 2020 Meeting

Applicant: Northern Cheyenne Tribe

Project: Construct childcare and community center building

Coal Board Funds Requested: \$50,000

Total Project Cost: \$120,000

Project Information: The applicant is requesting \$50,000, of a total project cost of \$120,000, in Coal Board funds to construct a childcare and community center building. The request to the Board is 42% of the project costs. The purpose of the project is plan for a new building to serve as a childcare center, community center and a space for immersion classes. **The applicant is a designated unit.**

Categories:

Need:

- **Applicant:**
 - The applicant states that there is no community center in Lame Deer and no immersion school for children ages 0 to 5.
 - Deficiencies noted in the application with the existing childcare building are mold, roof leaks, holes in the walls; floors in bad condition including tree trunk damaging bathroom floor; sewer, electrical and lighting problems; and poor ventilation.
 - The application did not include any environmental review documentation or a waiver of sovereign immunity as required.
- **Staff Review:**
 - The scope of work of the project is unclear as the budget includes funds for grant administration, travel and training, legal costs, professional services, business plan, feasibility study, architectural work associated with design, and engineering. It is unclear if the Coal Board funds are intended for a preliminary architectural report to design the building or for construction or for both.
 - Applicant states current building is too old for rehabilitation however, no documentation or discussion was provided as to how the applicant arrived at that conclusion.
 - Staff recommends the applicant utilize these Coal Board funds for a PAR for the existing or future facility.
 - The implementation schedule shows most of the tasks occurring at the same time. It is unclear how the tasks will be coordinated.
 - Although the application was unsigned, a resolution to submit was included separately.
 - Staff recommends and is available for technical assistance to discuss the project and provide recommendations about how to more clearly define the scope of work, implementation schedule, management of the project, and coordination of funds.
 - Staff have determined that the environmental process is incomplete. Staff has determined the application is incomplete without a waiver of sovereign immunity. Staff are available to discuss any questions regarding the waiver of sovereign immunity.

Degree of Severity of Impact:

- **Applicant:**
 - The applicant discusses how the tribe has always depended on the employment, hospitality and fuel that comes out of Colstrip.
- **Staff Review:**
 - Documentation of severity of impact includes narrative in the application.

Availability of Funds:

- **Applicant:**
 - The applicant includes multiple funding sources including a CCDF grant (\$40,000), Northern Cheyenne Tribe (\$17,000) and the Child Care Program (\$13,000).
- **Staff Review:**
 - The requested amount is within the 7% state/tribal limit for Fiscal Year 2020.
 - The applicant is a designated unit.
 - Revenues related to the Coal Natural Resource account are not sufficient to fund the costs associated with this project request.

Degree of Local Effort in Meeting Needs:

- **Applicant:**
 - The applicant is contributing \$17,000 to the project, representing 14% of the project costs.
 - The applicant states there are no millage rates on the Reservation.
- **Staff Review:**
 - Millage rates are not applicable for the Tribe.

Planning & Management:

- **Applicant:**
 - The project addresses an economic issue of lack of childcare to support parental employment. This can address MCA 90-6-207(5) as part of “management of ... decline problems” due to decreased coal production.
 - The Comprehensive Economic Development Strategy (CEDS) document addresses childcare facility needs.
- **Staff Review:**
 - The applicant referenced the CEDS document, which was not included within the application, and states there are planning efforts regarding the child care needs and new facility. It is unclear what the planning efforts are and how that relates to this child care and community facility.
 - While it is clear the need for a child care and community facility are a priority for the community, the development of a PAR would aid in the planning and design efforts of the facility to ensure the facility meets the needs of its intended purpose.

Grant History:

Since 2009, the applicant has been awarded six grants totaling \$701,978. For more information on Coal Board projects for this or any other applicant, please visit the Commerce Grants Database at <https://commerce.mt.gov/About/FundedProjects>.

Supplemental Documents (not included in this staff report): map, resolution to submit.

Staff Summary:

See engineer memo.

The applicant did not provide any documentation of environmental review.

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

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

At the time of the staff review, a waiver of sovereign immunity was not provided as part of this application.

MCA 90-6-209: 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.

Staff does not recommend funding until environmental review record regulations have been met, a waiver of sovereign immunity is provided, and the scope of work is clarified. Further, staff does not recommend funding due to the statutory criteria: Availability of Funds.

MEMO

To: Coal Board Members and Commerce Staff
From: Division Engineer
Subject: Northern Cheyenne Tribe
Meeting: March 2020

History – The Lame Deer community needs both a community center and a childcare center. The Council voted on coordinating programs together to enhance the services to youth and the community. Currently, there is no building with enough space to hold a large gathering for meetings or community activities. The childcare program has a building that has many problems.

Problem – There is no community center in Lame Deer and no immersion school for children ages 0 to 5. Deficiencies noted in the application with the existing childcare building are as follows:

- mold, roof leaks, holes in the walls;
- floors in bad condition including tree trunk damaging bathroom floor;
- sewer, electrical and lighting problems; and
- poor ventilation.

Solution – The proposed project includes planning and studies for a new building to serve as a childcare center, community center and have rooms available for immersion classes.

The project is for a community center and a childcare center. There is no community center and the existing childcare center building is in poor shape. The building could also be used for an immersion school which would hold classes to help bring back the Northern Cheyenne language for ages 0 to 5.

The applicant’s response to question A.4 of the Coal Board application indicated the childcare center is only open to administrative staff due to the condition of the building. Based on that response, it appears the childcare center is not in operation. Information on how long the community has been without a childcare center was not found.

The Coal Board grant request is for \$50,000. The total cost is \$120,000. Other funding partners include a CCDF grant (\$40,000), Northern Cheyenne Tribe (\$17,000) and the Child Care Program (\$13,000). It is presumed that CCDF stands for the Child Care and Development Fund.

The cost estimate (requested Coal Board funds in bold) included the following:

- \$17,000 for grant administration by the Economic Development Planner
- **\$20,000** for business plan, feasibility study, legal/financial and cultural study by consultant(s)
- \$13,000 for travel/training, legal costs and office supplies
- \$40,000 for an architect associated with design of building
- **\$30,000** for engineering, cost analyses, value engineering, cash flow projections, etc.

The scope of work was not completely clear. For example, the Implementation Schedule included a PAR and a PER – are they doing both? Do they plan to hire one consultant to do all tasks or are they seeking multiple consultants? The Implementation Schedule shows most of the above tasks happening concurrently. Not sure how those tasks, and the order in which they are performed, will be coordinated.