



COMMUNITY DEVELOPMENT DIVISION

**Montana Coal Board Impact Grant Program
Application and Guidelines**

Grant Applications Due Quarterly, 45 days before the next regularly scheduled Montana Coal Board Meeting

Meeting dates and application due dates can be found on the Montana Coal Board website:

<https://comdev.mt.gov/Programs-and-Boards/Montana-Coal-Board/Planning-and-Project-Grants>

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

DOCCDD@MT.GOV

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I. Introduction

The Montana Coal Board, a governor appointed seven-member board, was created in 1975, along with Montana's Coal Severance Tax, through the passage of Senate Bill 87. The Montana Coal Board, referred to the "Coal Board" hereafter, follows Title 90, Chapter 6, Part 2 of the Montana Code Annotated to carry out its responsibilities. The Coal Board is attached to the Montana Department of Commerce (Commerce) for administrative purposes.

As stated in 90-6-201, MCA, the Board's purpose is to assist local governmental units that have been required to expand the provision of public services as a consequence of large-scale development of coal mines and coal-using energy complexes or as a consequence of a major decline in coal mining or in the operation of coal-using energy complexes, to assist in the construction and reconstruction of designated portions of highways that serve the area affected by the large-scale development, to support county land planning, and to support public schools throughout the state.

The Board considers applications and awards Coal Board Impact grants to counties, communities, school districts, Indian Tribes, or other governmental units to assist them in adequately providing governmental services or facilities that are needed as a direct consequence of an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex. The Board is also responsible to award grants to local government for the purpose of paying part or all the credit that the local governmental unit is obligated to give a major new industrial facility that has prepaid property taxes.

The Board meets at least once each quarter, typically during the second week of the third month of each quarter. Additional meetings may be called by the presiding officer or majority of the members (90-6-204, MCA). The Coal Board awards grants pursuant to 90-6-207, MCA, which provides the priorities for grants to counties, communities, school districts, or other governmental units that, as a result of the impact of coal development, has had or expects to have a net increase or decrease in estimated population. The current Coal Impact Area Report, list of designated units, and a map can be found on the Coal Board website: <https://comdev.mt.gov/Boards/Coal>.

These application guidelines explain how an eligible application can apply for Montana Coal Board funding and includes an application and appendices relevant to program requirements. Montana Coal Board program application and guidelines, project administration manual, other relevant information and resources are available on the Montana Department of Commerce (Commerce), Community Development Division (CDD) website at <https://comdev.mt.gov/Boards/Coal>. Interested persons can also e-mail MHPG program staff at DOCCDD@mt.gov or call staff at (406) 841-2770 regarding any questions they may have about the MHPG Program.

Alternative accessible formats of this document will be provided upon request. If you need this document in an alternative format, such as large print, Braille, audio tape, or computer diskette, please contact the Montana Department of Commerce Community Development Division at (406) 841-2770, TDD (406) 841-2702, or the Relay Services number, 711.

The Department of Commerce does not discriminate on the basis of disability in admission to, access to, or operations of its program, services, or activities. Individuals who need aids or services for effective communications or other disability-related accommodations in the programs and services offered are invited to make their needs and preferences known. Please provide as much advance notice as possible for requests.

II. Eligible Applicants

Applicants eligible to receive financial assistance for the Montana Coal Board include:

- Local governmental units (cities, towns, counties, school districts, water and sewer districts, etc.)
- State agencies
- Governing bodies of federally recognized Indian tribes.

Under 90-6-209, MCA, a grant to an Indian tribe may not be approved by the Coal Board unless:

- (a) the governing body of the tribe has agreed:
 - (i) to waive its immunity from suit on any issue specifically arising from the transaction of a grant obtained under this part; and
 - (ii) to the adjudication of any dispute arising out of the grant transaction in the district court of the first judicial district of the state of Montana; and
- (b) approval of the transaction has been obtained from the secretary of the United States department of the interior whenever approval is necessary.

Under ARM 8.101.306 State Agencies:

- (I) An eligible state agency is one that:
 - (a) is seeking a grant to assist a local governmental unit in providing a service which the local government unit is legally responsible to provide in whole or in part, and such service must be expanded because of coal development or decline impact, and the applicant state agency is either joined in the application by the local governmental unit's governing body or has received letters of support from such authority; or
 - (b) is applying to provide a direct service to the Coal Board to enable the board to more effectively discharge its statutory responsibilities.

Additional Considerations for Eligible Applicants

Applicants should be familiar with their status of audit compliance and related financial considerations at the time of application, as applicable audit and financial compliance reports are reviewed by Commerce staff as part of the ranking process. Information related to the audit and financial status of a local government applicant is available at any time on the Department of Administration, Local Government Services website at <http://sfsd.mt.gov/LGSB>.

III. Eligible Projects

The Coal Board statutes do not specifically prohibit any type of project from eligibility for Coal Board funds. Eligible projects include any governmental services that are needed as a direct consequence of an increase or decrease of coal development or of an increase or decrease in the consumption of coal by a coal-using energy complex. Project types may be construction, equipment purchases, or developing a planning document.

Applicants must document how the project meets the Coal Board statutory criteria (MCA 90-6-206, 90-6-208). Grants must be awarded based on:

- Need;
- Degree of severity of impact from an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex;
- Availability of funds;
- Degree of local effort in meeting these needs.
 - In determining the degree of local effort, the board shall review the millage rates levied for the present fiscal year in relation to the average millage rates levied during the 3 years immediately preceding the year of application for assistance.

- Millage rates for the present fiscal year that are lower than the average millage rate levied during the 3 years immediately preceding the year of application for assistance must be considered by the board to indicate the lack of local effort. The application under these circumstances may be rejected.
- Further, in determining the degree of local effort, the board shall consider the possibility of requiring that local governmental unit to increase its bonded indebtedness to provide all or part of the governmental service or facility that is needed as a direct consequence of an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex.
- To the extent that funds are needed to evaluate and plan for the impact needs caused by the increase or decrease in coal development or in the consumption of coal by a coal-using energy complex, consideration of bond issues and millage levies may be waived.
- To the extent that the applicant has no history of mill levies, the second and third bulleted items do not apply.
- Planning and Management
 - State law (90-6-207(5), MCA) requires the Coal Board to give attention “to the need for community planning before the full impact of coal development or decline is realized.
 - Applicants should be able to show how the request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems.” Therefore, pursuant to Sub- Chapter 3 of the Administrative Rules of Montana, ‘planning’ is an additional criterion the Coal Board will apply when reviewing applications.

Coal Board grant funds used for the preparation of plans, studies, analyses, or necessary research for the preparation of a preliminary engineering report must meet the requirements of the most current Uniform Application for Montana Public Facility Projects. Coal impact grant funds used for the preparation of a preliminary architectural report must meet the requirements described in Appendix B.

IV. Eligible Funding

Coal Board grant funds are appropriated by the state legislature on a biennial basis. The Montana Coal Board may award Coal Board grants up to, but not more than the amount appropriated by the legislature by fiscal year and biennium. ~~Quarterly~~ Fiscal updates are provided to the Board and the public on at least a quarterly basis at regularly scheduled Coal Board meetings.

~~The Montana Department of Commerce (referred to as “Commerce”, hereafter) is required by statute, Montana Code Annotated (MCA 90-6-207) to biennially designate each county, incorporated city and town, school district or other governmental unit impacted by coal development. The specific criteria for designation are defined in detail within the statute and summarized below. This designation guides the use of funds and directs the Montana Coal Board (referred to as “Coal Board”, hereafter) to award at least 50% of appropriated funds to designated local government units, except as it pertains to MCA 90-6-205(4)(b). The Coal Board cannot award more than 50% of the funds appropriated to it each fiscal year for non-designated units.~~

V. Application Submission

To apply for a Coal Board grant, an eligible applicant must complete the required application (Appendix A) and submit by the due date. Applications are due 45 days prior to the Coal Board meeting. Any applications not received or postmarked by the application due date will be reviewed during the subsequent quarter. Due dates and instructions for submitting an application are listed on the Coal Board website: <https://comdev.mt.gov/Programs-and-Boards/Montana-Coal-Board/Planning-and-Project-Grants>. One hard copy and one electronic copy of the Coal Board application, PER or PAR, if applicable, completed environmental review documentation, and associated documents must be postmarked or delivered to the Department of Commerce,

~~301 South Park Ave., PO Box 200523, Helena MT, 59620 on or before the application date listed on the Coal Board website: <http://comdev.mt.gov/Boards/COAL>.~~

~~To apply for Coal Board Funds, eligible applicants must complete the application and submit the materials via the State of Montana File Transfer Service at <https://transfer.mt.gov>. Once there, you will be asked to log in or create an ePass account if you do not already have one. Once logged in, click on "Send a New File" and pull your application file(s) into the field and click "Continue". When prompted, click on "State Employee or ePass Montana Customer". On the "Recipients" page, select the "Find a State Group" tab. In the "Search" box, type "DOC CDD FTS" and hit "Search". Select the existing group found "DOC CDD FTS". To find the correct state distribution group, please use spaces between DOC and CDD and FTS. Follow instructions provided to submit your application. Please include the name of the applicant and "Coal Board Application" in files uploaded to the transfer service. Please combine application materials into as few files as possible. Contact us with any questions.~~

~~Applications are due 45 days prior to the Coal Board meeting. Any application not received or postmarked by the application due date, will be reviewed during the subsequent quarter.~~

~~Applicants must appear before the Coal Board, in-person or by conference call, when their application is on the agenda for consideration. Applicants will receive a staff review report ~~and an agenda~~ prior to the meeting date. If a representative is not available to speak on behalf of the application request, the application may be tabled until the next board meeting.~~

~~Depending on the type of project, a Preliminary Architectural Report (PAR), Preliminary Engineering Report (PER) or Technical Memo may be required. Guidance for those items can be found in the appendices of this document.~~

~~Prior to award, the applicant must provide documentation of a complete environmental review. Coal Board grants are a state action subject to the Montana Environmental Policy Act (MEPA). MEPA specifies three different levels of environmental review, based on the significance of the potential impacts. The levels are: (1) exempt or categorically excluded from MEPA review; (2) environmental assessment (EA), and (3) environmental impact statement (EIS). The following outlines the environmental review process that must be completed by the applicant for each project proposed for Coal Board funding. For detailed information on MEPA, see A Guide to the Montana Environmental Policy Act, or A Citizen's Guide to Public Participation in Environmental Decision Making, at <https://leg.mt.gov/committees/interim/eqc/montana-environmental-policy-act/>.~~

~~All necessary environmental review of the proposed project must be completed prior to submission of the application for grant funding. Any application received without documentation that the environmental review process has been completed, may be denied or tabled by the Board. Additional documentation may be submitted to the Board within 10 days of the meeting or at the meeting. The applicant will need to request a waiver to the 10-day rule from the Board at the meeting.~~

~~The applicant must provide documentation of the completed environmental review process and include with the application all documentation of the public review process, including but not limited to, the public notice for and minutes of a public hearing at which the environmental review was discussed, the public comments received, and the final decision on the environmental determination made during a public meeting. For more information Coal Board website for a webinar on environmental review, sample environmental resolutions, and an Environmental Steps checklist. <https://comdev.mt.gov/Boards/Coal/ProjectGrants/Toolkit>. More information about the environmental review process can be found in Appendices C and D.~~

~~The Board may categorically exclude projects from MEPA requirements which apply to Coal Board regulations and will not normally prepare either an environmental assessment or an environmental impacts statement in~~

~~considering applications for grants to finance projects. This determination is not something Commerce determines; therefore, the staff report includes comments that reflect the completion of the process.~~

An applicant may submit a Confidentiality and Non-Disclosure Agreement, to protect any information that the applicant does not want public to see. This may be submitted with the application or at any time during the project timeline. This may not be applicable to all applicants or project types. Please contact [Community MTDD](#) staff at DOCCDD@mt.gov for the Commerce template [of these agreements](#).

VI. Award Process

The Coal Board ~~Applications are~~ evaluates ~~ed~~ and makes decisions on applications as they are submitted at the quarterly Board meeting. The Coal Board may approve, deny or table a grant. The Board may table an application if significant changes or new information are presented during the meeting. The Board may request that an applicant return to the next meeting with additional information and move to table the application until the next meeting. If the application is tabled pending receipt of the requested information, the applicant can make a request that the Board remove the application from the table after submitting further information. The application will be placed on the next Coal Board meeting agenda.

The Board may prioritize projects at each meeting based on any availability of funds or other statutory criteria. Once awarded, contracts will be routed for execution with grantees in the order of prioritization, if applicable, and when revenues are sufficient for awards.

VII. Project Administration

Please see the Project Administration Manual on the Commerce website for information on how to administer a Coal Board project.

Appendix A: Coal Board Application
THE COAL IMPACT GRANT APPLICATION FORM SUBMITTED BY (NAME OF APPLICANT)

CERTIFICATION

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

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

CERTIFICATION

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

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

Name:

Title:

Signature:

Date:

SUMMARY INFORMATION

1. NAME OF APPLICANT(S):

Enter the name(s) of the entity submitting the application

~~TYPE OF ENTITY:~~

~~2. 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.~~

~~SENATE AND HOUSE DISTRICTS:~~

~~3. Enter the State Senate and House of Representatives district numbers that the entity is located within.~~

2. AMOUNT OF COAL IMPACT GRANT REQUESTED \$ _____

4.3. TOTAL PROJECT COST: \$ _____

5.4. NAME OF PROJECT:

6.5. 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 type of project.

~~POPULATION SERVED BY PROJECT:~~

~~7. Enter the number of people that reside within the area served by the project.~~

~~NUMBER OF HOUSEHOLDS SERVED BY PROJECT:~~

~~Enter the number of households within the area served by the project.~~

8.6. CHIEF ELECTED OFFICIAL OR AUTHORIZED REPRESENTATIVE:

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

9-7. PRIMARY ENTITY CONTACT PERSON:

Provide the name, mailing address, business telephone, and e-mail address.

~~Number~~ of the person or people within the community designated as the primary contact person for the project. This person should be knowledgeable about the project and be authorized to speak on behalf of the applicant regarding the application.

40-8. OTHER CONTACT PERSONS:

If applicable and available, provide the name, mailing address, business telephone and e-mail address of any other appropriate contacts (e.g., Public Works Superintendent, project engineer, grant/loan administrator, legal counsel, bond counsel, clerk/chief financial officer, accountant, etc.)

44-9. 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.~~

42-10. AMOUNT OF COAL GROSS PROCEEDS TAX:

Please provide the following details:

- Total amount of Coal Gross Proceeds taxes the applicant has received during the last two years
 - o How those monies are allocated (i.e., to general fund, etc.)
- How does the applicant decide the use of the gross proceeds tax?

IMPACTS FROM COAL INDUSTRY:

~~Number of residents that are currently employed by the coal industry within the applicant's jurisdiction~~

43-11. 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.

44-12. BRIEF PROJECT SUMMARY:

The project summary should briefly provide some background information including:

- the age of the system, facility, equipment, building;
- the date, type and cost of the last major improvements to the system, facility, equipment, building; and ~~whether there are any state administrative orders or other similar requirements to fix or modify the system, facility, equipment, and building.~~
- The project summary should also clearly state the specific problem(s) with the public facility and how the proposed project will solve the problem(s).

Applications for Coal Board assistance for public services or programs such as community planning, economic development, etc. should provide similar background information regarding the nature of the problem and the proposed solution.

15-13. PROJECT BUDGET AND IMPLEMENTATION SCHEDULE:

A. Project Budget Form:

The proposed project budget **must** include a breakdown of all major project costs, and a description of the proposed source and use of all funds. Designate the total budget of any proposed project as either “Administrative/Financial Costs” or “Activity Costs: (such as engineering or construction). Administrative Costs may not exceed 10% of the total project cost. Refer to the description of expenditure categories shown below that outline the expenditures that may be part of the budget. The Administrative/Financial Costs cover the expenses of administering a local project, including the cost of local government personnel involved with managing the project; the cost of the local project audit; and other contractual costs for professional services (such as hiring a project manager) that may be associated with administration of the program. Administrative/Financial Costs must be reasonable and appropriate to ensure cost-effective and proper management of the project.

Any proposed Administrative/Financial Costs must be eligible, fully supported, and adequately explained. Applicants which propose to contract for project management assistance with a consultant or other entity must specifically itemize this amount in the Administrative Budget and explain it.

PROJECT BUDGET					
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	\$	\$	\$	\$	\$

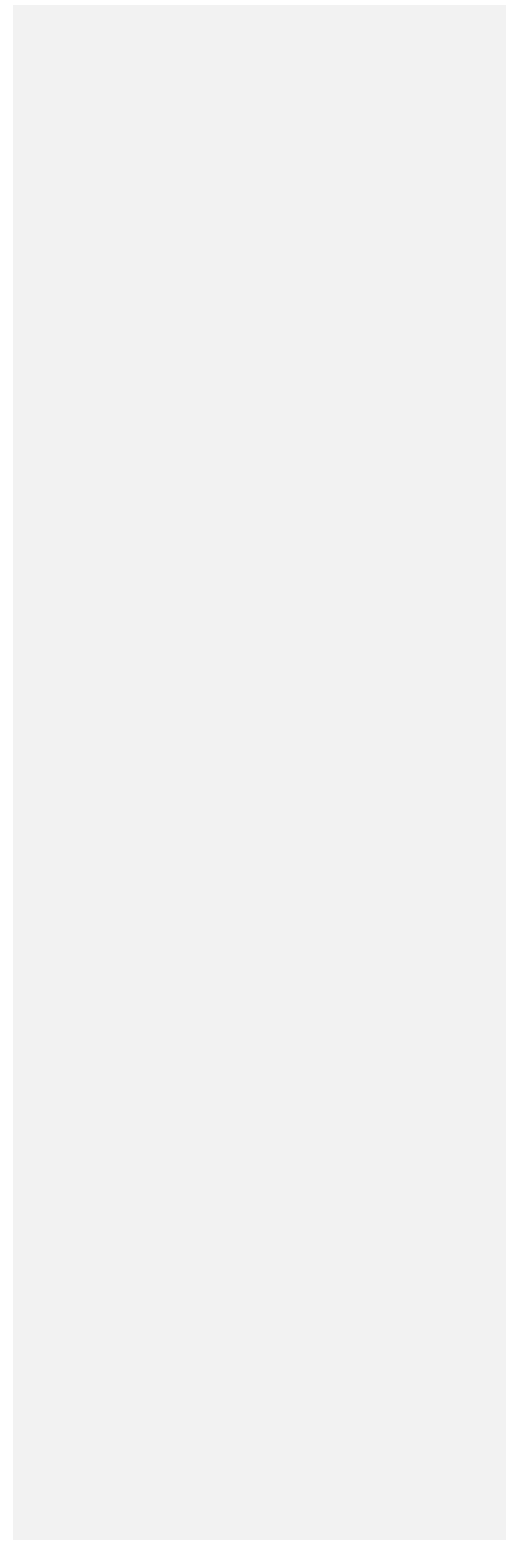
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B. Project Budget Narrative:

Include a narrative justification for the specific proposed project construction activities and related administrative/ financial costs. Explain the cost estimates for each item in the proposed budget in the narrative.

C. Implementation Schedule:

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



IMPLEMENTATION SCHEDULE FOR -----												
TASK	QUARTERS 20XX				QUARTERS 20XX				QUARTERS 20XX			
	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 other funding												
C. Submit progress reports and drawdown request. (Progress reports quarterly if no reimbursements/draws submitted)												
PROJECT CONSTRUCTION												
A. Engineering/ Architectural Design												
B. Conduct pre-construction conference												
C. Construction or 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.												
AB. Submit project completion report.												
C. Include project in audits.												

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~~16-14.~~ DESCRIPTION OF RELATIONSHIP TO COAL BOARD STATUTORY GRANT CRITERIA

The Coal Board ~~does~~ bases ~~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.² (90-6-206, MCA)

1. Does a serious deficiency exist in a basic or necessary community public facility or service? Examples include emergency services such as police, fire or ambulance services. Describe the nature and frequency of occurrence and provide supporting documentation.
2. Have serious public health or safety problems that are clearly attributable to a deficiency occurred, or are they likely to occur, such as illness, disease outbreak, substantial property loss, environmental pollution, safety problems, hazards, or health risks? Describe the nature and frequency of occurrence and provide supporting documentation.

~~3.1. 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.~~

~~3. 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.~~

~~4. Describe how why the need for the expansion or improvement to the public facility or public service is attributable to coal-related impacts and provide supporting documentation. Include the nearest coal development areas or coal-using energy complexes to your community and the road miles from your community. Additionally, please provide the percentage of the project that is a result of coal impacts.~~

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

~~Additional information supporting the NEED for this project.~~

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

~~Explain why the rapidity of growth or decline and subsequent development of the problem and the number of people affected, 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) and 8.101.301(2)(b), ARM.:~~

1. ~~Describe the severity of the coal-related impacts including how coal is affecting rates of change in community statistics (e.g., population, employment, property taxes) and provide supporting documentation. Describe why the need for the expansion or improvement to the public facility or public service is attributable to coal-related impacts. Additionally, please provide the percentage of the project that is a result of coal impacts.~~

2. ~~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 people and households/community residents affected by the problem and that would be served by the project.:~~

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

3. ~~_____~~

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

C. Availability of Funds

1. Amount requested from the Coal Board: \$ _____

~~Amount of Coal Board funds available at the time of application \$ _____ (#2 will be completed by Coal Board staff)~~

2. Explain why a coal impact grant is necessary to make the project feasible and affordable.

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

FUNDING SOURCES SUMMARY ~~FOR.....~~

Source	Type of Fund	Amount	Status of Commitment	Loan Rates & Terms

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

Explain how the funding strategy will change if each proposed funding source is not received. (Discuss how the

loss of each of the proposed funding sources would affect the completion of the project. For instance, will the applicant wait and re-apply to the funding source, will the applicant be willing to increase the amount of debt it will incur, or will the project not move forward?)

D. Degree of Local Effort in Meeting Needs

1. Provide the current fiscal year millage rates and those for the three 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. If current millage rates given are lower than the average rates levied during the previous three years, briefly explain why they are lower.

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

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

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

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

6. What are your current debt obligations?

List current debt obligations. If the applicant is a water, wastewater, solid waste, or other system, which relies on rates and charges for its financial support, only debt related to that system needs be entered. If the applicant is a city, county, or district that relies on general taxing authority for its financial support, or is a not-for-profit organization, debt related to the general obligations of the city, county, district, or not-for-profit organization should be entered.

<u>CURRENT DEBT SUMMARY FOR -----</u>								
Year Issued	Purpose	Type of Bond/ Security	Amount	Maturity Date (mo./yr.)	Debt Holder	Coverage Required	Annual Payment Amount	Outstanding Balance

7. What are your current assets?

List all current assets including endowments, cash, investments, certificates of deposit, accounts receivable, and any other current assets not specifically indicated. Indicate whether assets are obligated for a specific purpose and what that purpose is (i.e., Certificate of Deposit, \$100,000 - reserve requirement for SRF loan, Investments, \$200,000 – \$100,000 of it is needed to purchase line inspection equipment in 2005).

~~What financial accounting system do you use? —~~

~~8. — The Board is required to ensure conformity to generally accepted accounting principles. Examples include Quick~~

9.8. 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 _____

~~10.9.~~ If there have been audit findings within the last five years, have they been satisfactorily addressed?

~~10.10.~~ Additional information supporting the DEGREE OF LOCAL EFFORT IN MEETING NEEDS.

E. Planning & Management

State law (90-6-207(5), MCA) requires the Coal Board to give attention “to the need for community planning before the full impact of coal development or decline is realized. Applicants should be able to show how the request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems.” Therefore, pursuant to Sub-Chapter 3 of the Administrative Rules of Montana, Planning is an additional criterion the Coal Board will apply when judging applications.

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

2. Describe how the proposed project is consistent with current plans. Plans may include a local capital improvements plan, growth policy, transportation plan, comprehensive economic development plan, or any other applicable plan.

APPENDIX B

For guidance on the required elements of any of the below report types, please follow the links. Equipment purchases do not require any of these report types.
PAR-PRELIMINARY ARCHITECTURAL REPORT (PAR) REQUIREMENTS

Depending on the type of project application being submitted and components/complexity of the problems and proposed solutions, your application may be required to provide one of these following reports:

- Preliminary Architectural Report (PAR)
- Preliminary Engineering Reports (PER)
- Technical Memorandum (see below)

Technical Memo Requirements

NOTE: a technical memo is a shortened version of a standard Preliminary Engineering Report (PER) or Preliminary Architectural Report (PAR). The complexity of the proposed project will determine which of the three documents may be apply to the project. Please contact staff.

Required Elements

- 1) Project Overview (problem definition)
- 2) Alternatives considered
- 3) Cost benefit analysis
- 4) Discussion
- 5) Conclusions

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

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

~~B. A PAR MUST MEET THE REQUIREMENTS FOR:~~

- ~~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.~~

~~o—Architects and project representatives can call Community Development Division staff (406-841-2770) to request clarification and guidance regarding this PAR outline.~~

~~D. ENVIRONMENTAL CONSIDERATIONS RELATED TO THE PAR~~

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

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

~~E. PAR OUTLINE~~

~~I. PROBLEM DEFINITION~~

~~**A. DESCRIBE AND DOCUMENT THE NEED FOR THE PROJECT AND THE PROBLEM(S) TO BE SOLVED.** Describe the need for the project according to the following criteria:~~

- ~~1. Health and Safety—Describe concerns and deficiencies, compliance issues, and relevant regulations such as the International Building Code, (and other codes as listed in “Special Requirements Concerning Code and Standards Enforcement”), asbestos, lead-based paint, handicapped accessibility, zoning ordinances, and other federal, state, local, or tribal requirements concerning the existing facility(ies).~~
- ~~2. Attach pertinent correspondence to or from appropriate federal, state, and local regulatory agencies, especially information that provides documentation of health and safety concerns and deficiencies. Facility Operation & Maintenance (O&M)—Describe O&M concerns regarding the existing facility(ies) with an emphasis on those with the greatest financial and operational impact.~~

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

~~Growth—Describe the facility’s capacity to meet projected growth needs from the completion of construction through the anticipated useful life of the building~~

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

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

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

~~Using narrative and drawings, describe the planning and service area and alternate building(s) or~~

~~sites under review or consideration. The description should include the following information:~~

~~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.~~

~~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.~~

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

~~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.~~

~~Condition of Facilities—Describe the present condition and any problems such as code deficiencies, general structural decay, presence of asbestos, mold or moisture, lead-based paint, subsidence issues, overcrowding, or handicapped accessibility. Describe the adequacy or capacity of the existing facility(ies) to meet existing and long-term needs.~~

~~II. ALTERNATIVE ANALYSIS~~

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

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

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

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

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

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

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

~~1. Potential Environmental Impacts — The PAR must include a discussion of environmental resources in the area that might be impacted or that might impact the proposed facility.~~

~~2. Mitigation — Evaluate appropriate short and long term measures to mitigate each potentially adverse impact.~~

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

~~3. Correspondence — Include any environmentally related correspondence and agency comments (e.g., comments from the State Historic Preservation Office).~~

~~4. Exhibits/Maps — Include any exhibits, maps, or drawings as applicable to describe potential environmental impacts.~~

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

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

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

~~III. SELECTION OF THE PREFERRED ALTERNATIVE~~

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

~~IV. CONCLUSIONS AND RECOMMENDATIONS~~

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

APPENDIX C: Environmental Review Requirements

Environmental Review

Coal Board grants are a state action subject to the Montana Environmental Policy Act (MEPA). MEPA specifies three different levels of environmental review, based on the significance of the potential impacts. The levels are: (1) exempt or categorically excluded from MEPA review; (2) environmental assessment (EA), and (3) environmental impact statement (EIS). The following outlines the environmental review process that must be completed by the applicant for each project proposed for Coal Board funding. For detailed information on MEPA, see *A Guide to the Montana Environmental Policy Act*, or *A Citizen's Guide to Public Participation in Environmental Decision Making*, at: <https://leg.mt.gov/committees/interim/eqc/montana-environmental-policy-act/> or <https://leg.mt.gov/content/publications/Environmental/2002mepabrochure1-2.pdf>

All necessary environmental review of the proposed project must be completed prior to submission of the application for grant funding. Any application received without documentation that the environmental review process has been completed may be rejected by Commerce.

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

Statutory or Categorical Exclusions

Certain actions are exempt from MEPA review, either because they have been specifically exempted by the statute or, because of their special nature, do not normally have a significant effect on the environment. The following types of actions are statutorily exempt from MEPA review under ARM 8.2.304(5):

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

The following types of actions are categorically exempted from MEPA review under ARM 8.2.328(2):

- Projects that will be partially funded by, or for which the applicant must obtain a permit from, a state or federal agency which, by reason of its funding or permitting function, has primary responsibility to consider the environmental impacts of the project under MEPA or the National Environmental Policy Act;
- Activities which do not involve or lead directly to construction, such as planning studies, scientific research and analysis, surveys, or engineering;
- Projects primarily involving the acquisition of capital equipment;
- Projects that involve only minor repairs or rehabilitation to an existing facility, including functional replacement of an existing facility or facility components;
- Projects where the footprint of the proposed structures, pipelines, or other infrastructure would be substantially unchanged from existing conditions, and there is no increase in the population served by

- the facility; or
- Emergency repairs, reconstruction, restoration, retrofitting, or replacement of an existing facility that is in operation or under construction when damaged and the action:
 - 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
 - is commenced within six months after the date of the emergency.
-
- If the proposed project qualifies for a categorical exclusion, then the applicant should submit documentation that the environmental process (including public review process) is complete and the applicant has formally approved its determination that the project qualifies for an exemption. An exemption may not be appropriate if significant public controversy exists over the project's potential effect on the quality of the human environment; the proposed project shows some potential for causing a significant effect on the quality of the human environment; or the project might possibly affect sensitive environmental or cultural resource areas or endangered or threatened species and their critical habitats.
-
- Environmental Assessment (EA)
-
- An EA is a written analysis of a proposed action to determine whether an EIS is required or is needed to serve one or more of the other purposes described in ARM 8.2.304(2). Normally, a thoroughly completed Environmental Checklist and responses to the six questions contained in the Environmental Review Form (see Appendix C of these guidelines) will suffice as the draft EA for public review and comment and may then be revised as necessary to constitute the final EA. Anyone authorized to perform work on behalf of the applicant may prepare the draft EA, using all available information and evidence. The applicant's authorized representative must sign the draft EA, and the final environmental determination must be made by the applicant's representatives or board. Preparation of an EA ensures the fullest appropriate opportunity for public review and comment on a proposed action, including alternatives and planned mitigation, and examines and documents the effects of a proposed action on the quality of the human environment. The EA also allows the project proponent to determine the need to prepare an EIS through an initial evaluation and determination of the significance of impacts associated with a proposed action.
-
- In addition, an applicant may prepare an EA whenever the proposed action is one that might normally require an EIS, but the significant effects of the project appear to be mitigated below the level of significance through design, enforceable controls, and/or conditions imposed by the agency or other government agencies. For an EA to suffice in this instance, the applicant must determine that all of the impacts of the proposed action have been accurately identified, that they will be mitigated below the level of significance, and that no significant impact is likely to occur. The applicant may not consider compensation for purposes of determining that impacts have been mitigated below the level of significance.
-
- An EA is a public document and may be inspected upon request. Any person may obtain a copy of an EA by making a request to the applicant. **The applicant shall submit a copy of each completed EA to the Department as a part of the complete grant application.** The applicant is responsible for providing public review of an EA as necessary to match the complexity and seriousness of environmental issues associated with a proposed action and the level of public interest in the action. Methods of accomplishing public review include publishing a news release or legal notice to announce the availability of an EA, summarizing its content and soliciting public comment; holding public meetings or hearings; maintaining mailing lists of persons interested in a particular action or type of action and notifying them of the availability of EAs on such actions; and distributing copies of EAs for review and

~~comment. Where an action is one that normally requires an EIS, but effects that otherwise might be deemed significant are mitigated in the project proposal or by controls imposed by the applicant, public involvement must include the opportunity for public comment, a public meeting or hearing, and adequate notice. The applicant is responsible for determining appropriate methods to ensure adequate public review on a case-by-case basis.~~

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

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

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

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

Environmental Impact Statement (EIS)

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

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

- ~~1. a description of the proposed action, including its purpose and benefits;~~
- ~~2. a listing of any state, local, or federal agencies that have overlapping or additional jurisdiction and a description of their responsibility for the proposed action;~~
- ~~3. a description of the current environmental conditions in the area affected by the proposed action or alternatives, including maps and charts, whenever appropriate;~~
- ~~4. a description of the impacts on the quality of the human environment of the proposed action, including: direct, indirect, and cumulative impacts; potential growth-inducing or growth-inhibiting impacts; irreversible and irretrievable commitments of environmental resources, including land, air, water and energy; economic and environmental benefits and costs of the proposed action; and the relationship between local short term uses of man's environment and the effect on maintenance and enhancement of the long term productivity of the environment;~~
- ~~5. an analysis of reasonable alternatives to the proposed action, including the alternative of no~~

~~action and other reasonable alternatives that may or may not be within the jurisdiction of the agency to implement, if any;~~

- ~~6. a discussion of mitigation, stipulations, or other controls committed to and enforceable by the applicant or other government agency;~~
- ~~7. a discussion of any compensation related to impacts stemming from the proposed action; an explanation of the tradeoffs among the reasonable alternatives;~~
- ~~8. the applicant's preferred alternative on the proposed action, if any, and its reasons for the preference;~~
- ~~9. a section on consultation and preparation of the EIS that includes the names of those individuals or groups responsible for preparing the EIS; a listing of other agencies, groups, or individuals who were contacted or contributed information; and a summary list of source materials used in the preparation of the draft EIS;~~
- ~~10. a summary of the draft EIS; and~~
- ~~11. other sections that may be required by other statutes in a comprehensive evaluation of the proposed action, or by the National Environmental Policy Act or other federal statutes governing a cooperating federal agency.~~

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

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

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

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

~~The applicant may not make a final decision on the proposed action being evaluated in a Final EIS (executing the contract with the Department to receive Coal Board funds for the grantee's project) until 15 days from the date of transmittal of the Final EIS to the Governor and Environmental Quality Council. Until the applicant~~

~~reaches its final decision on the proposed action, no action concerning the proposal may be taken that would have an adverse environmental impact or limit the applicant's choice of reasonable alternatives, including the no-action alternative.~~

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

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

~~Stream Protection Act, Title 87, Chapter 5, Part 5, MCA~~

~~Montana Solid Waste Management Act, Title 75, Chapter 10, Part 2, MCA~~

~~Clean Air Act of Montana, Title 75, Chapter 2, MCA~~

~~Water Quality Act, Title 75, Chapter 5, MCA~~

~~Public Water Supplies, Distribution and Treatment, Title 75, Chapter 6, MCA~~

~~Floodplain and Floodway Management, Title 76, Chapter 5, MCA~~

~~The Montana State Antiquities Act, Title 22, Chapter 3, MCA~~

~~The Montana Sage Grouse Habitat Conservation Program and Conservation Strategy, Executive Orders 10-2014 and 12-2015 and Chapter 445, Laws 2015 (SB 261) <https://sagegrouse.mt.gov>~~

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

~~Asbestos Control Program—contact the Department of Environmental Quality (DEQ).~~

~~Montana Stream Protection Act (SPA 124 Permit)—contact the Montana Department of Fish, Wildlife and Parks at 444-2449.~~

~~Montana Floodplain and Floodway Management Act (Floodplain Development Permit)—contact the Montana Department of Natural Resources and Conservation at 444-0860 or the local floodplain administrator.~~

~~Federal Clean Water Act (404 Permit)—contact the U.S. Army Corps of Engineers in Helena at 441-1375.~~

~~Short-Term Water Quality Standard for Turbidity (318 Authorization)—contact the Montana Department of Environmental Quality at 444-3080.~~

~~Montana Water Use Act (Water Right Permit and Change Authorization)—contact the Montana Department of Natural Resources and Conservation at 444-6667 or the local DNRC Water Resources Regional Office. A useful website regarding water rights can be found at http://www.dnrc.mt.gov/wrd/water_rts/default.asp.~~

~~Stormwater Discharge General Permits and/or Montana Pollutant Discharge Elimination System (MPDES Permit)—contact the Montana Department of Environmental Quality at 444-3080.~~

Please check the DNRC website for a copy of "A Guide to Stream Permitting in Montana." Their web address is http://dnrc.mt.gov/permits/stream_permitting/default.asp.

Cultural Resource Survey – You may need to perform a cultural resource survey for your project. The State Historic Preservation Office (SHPO) can be reached at 444-7715 for more information. There is guidance for consulting with SHPO at <http://mhs.mt.gov/shpo/archaeology/consultingwith.asp>.



Environmental Assessment

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

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

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

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

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

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

Environmental Assessment Checklist

a. _____

Environmental Review form

b. _____

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	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">1</td> <td>Soil Suitability, Topographic and/or Geologic Constraints (e.g., soil slump, steep slopes, subsidence, seismic activity)</td> </tr> <tr> <td></td> <td><i>Response and source of information:</i></td> </tr> <tr> <td colspan="2" style="height: 100px;"></td> </tr> </table>	1	Soil Suitability, Topographic and/or Geologic Constraints (e.g., soil slump, steep slopes, subsidence, seismic activity)		<i>Response and source of information:</i>		
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	<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:		
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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>

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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
		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	
	<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
		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	
	<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>

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Environmental Review Form

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

Alternatives: Describe reasonable alternatives to the project.

1.—

Mitigation: Identify any enforceable measures necessary to reduce any impacts to an insignificant level.

2.—

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.

3.—

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.

4.—

Person(s) Responsible for Preparing: Identify the person(s) responsible for preparation of this checklist.

5.—

Other Agencies: List any state, local, or federal agencies that have overlapping 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).

6.—

Authorized Representative, Title _____ Date _____
(Name of) District Chairperson

Date: _____

Sample of a resolution

~~to accept the determination that (level of environment finding) is appropriate for the (applicant, type of project)~~

~~WHEREAS, the (Name of applicant) has completed an assessment to identify potential environmental impacts to the (describe purpose of project);~~

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

~~WHEREAS, no substantive public comment was received, (or public comment was received and responded to);~~

~~WHEREAS, the (Name of applicant) has determined that the (type of Project) will not significantly affect the quality of the human environment and accordingly the (Name of Applicant) has determined an Environmental Impact Statement (or Environmental Assessment and EIS if project is Categorical Exclusion); is not necessary;~~

~~NOW, THEREFORE, BE IT RESOLVED by the (Council, Board, Commissioners) as follows;~~

~~That (Name of Applicant), Montana adopts the final Environmental Assessment for the (type of project).~~

~~Passes and approved on this date of (date)~~

Signed: _____

Name: _____

Title: _____

Date: _____

Attested: _____

Appendix D: Environmental Review Flowchart

MONTANA COAL BOARD
Environmental Review Process Outline
For Exempt and Environmental Assessment Projects

