

**MINUTES  
CITY OF LAUREL  
CITY COUNCIL WORKSHOP  
TUESDAY, APRIL 21, 2020**

A Council Workshop was held in virtually via Zoom and called to order by Mayor Tom Nelson at 6:39 p.m. on April 21, 2020.

**COUNCIL MEMBERS PRESENT:**

<input checked="" type="checkbox"/> Emelie Eaton	<input checked="" type="checkbox"/> Heidi Sparks
<input checked="" type="checkbox"/> Bruce McGee via Zoom	<input checked="" type="checkbox"/> Richard Herr
<input type="checkbox"/> Scot Stokes	<input checked="" type="checkbox"/> Irv Wilke
<input checked="" type="checkbox"/> Richard Klose	<input checked="" type="checkbox"/> Don Nelson

**OTHERS PRESENT:**

Kurt Markegard, Public Works Director via Zoom  
Stan Langve, Police Chief via Zoom

**Public Input:**

There were none.

**General Items**

1. Appointment of Joshua McFarland to the Laurel Police Department.  
Stan Langve, Police Chief, introduced Mr. McFarland to Council, see attached letter.  
Council had no questions.

**Executive Review**

2. Resolution - A Resolution Of The City Council Authorizing The Mayor To Sign A Contract With The Billings Family YMCA For The Operation And Management Of The City Of Laurel Municipal Pool.

Kurt Markegard, Public Works Director, stated that this contract is the same as last year. The contract has increased \$1,500 for security cameras to send video to Billings. There is added language regarding the effects of COVID-19 on opening the pool. It is unclear what social distancing recommendations will be in place or if the YMCA will be able to find staffing for the pool.

Multiple Council Members commented on the additional \$1,500 for cameras. They questioned who owned the cameras and would they stay installed. They also questioned why the City would pay for cameras if they are not going to keep them. It was clarified that the camera system needs an internet connection. The Public Works Director also stated that the City needs to get Wi-Fi at the pool to encourage adults to want to go to the pool. He further stated that he would check with the YMCA on who would own the cameras.

It was questioned what needs to be done to get the pool ready for the season and how long that would take. It was clarified that the pool is filled halfway throughout the winter. It will take approximately one week to get the pool ready for opening. It is unclear if we will be able to open the pool this year due to social distancing requirements. The Public Works Director did clarify the amount of chlorine in the pool does kill all viruses. There have been large portions of society that have been cooped up with nothing to go and do—preparing to safely open at this point.

3. Resolution - A Resolution Of The City Council Authorizing The Mayor To Sign A Contract Between The City Of Laurel, State Of Montana, And Montana Rail Link Inc. For Construction Work On A Railroad Crossing Located Within The City Of Laurel.

Kurt Markegard, Public Works Director, stated this is an agreement between Montana Rail Link and the State. The State has money to make crossings safer. They will be fixing the 5<sup>th</sup> Avenue crossing. They are currently working on a crossing in Billings. They will be put concrete on the crossing and a new signal with crossing arms. The State is paying 80% of the cost with MRL covering the remaining 20%. The City is asked to do patchwork between the concrete and asphalt. The sidewalk will also need to be tied in. It is expected to be approximately 1.5 feet of patching needed to connect the concrete and asphalt. There are discussions if the City owns the sidewalk. The work will begin in May.

4. Resolution - A Resolution Of The City Council Authorizing The Mayor To Sign A Contract With \_\_\_\_\_ For Cleaning Services For City Hall.

Mayor Nelson clarified that the name of the cleaning service is Messy Jessie's Cleaning Service. A few Council Members had spoken previously about having a professional cleaning person. The Private cleaner has insurance and the required bond. The quote is similar to what the Library pays their cleaning person. This contract is a six-month contract.

It was questioned if this is weekly cleaning and how much time would be spent cleaning. It was clarified the bid was attached to the packet, see attached.

### **Council Issues**

5. MEPA Exclusion Discussion

Nick Altonaga, Planning Director, stated that this is a follow up to the grant the City applied for in February. The project meets the requirements for an exemption from an environmental assessment, see attached. Next week there will be a resolution stating the Council's support for the exemption.

It was questioned what the purpose of bringing this before Council was. It was clarified that this is part of gathering public input regarding the environmental assessment.

6. Update on Financials after EDII Project.

There is no update at this time.

7. Update Ambulance Safety Levy

There is no update at this time. Mayor Nelson stated that he is working on shift tasks with command calls that are moving to once a week. He will have more time to put toward this.

**Other Items**

**Review of Draft Council Agendas**

8. Draft Council Agenda for April 28, 2020.

There were none.

**Attendance at Upcoming Council Meeting**

All present will be in attendance at next week's meeting.

**Announcements**

It was questioned if the Mayor was still limiting meetings. It was further questioned if Emergency Services could meet via Zoom. They will tentatively plan to meet next Monday, April 27, 2020, via Zoom. It should be more apparent once the Governor releases his statement about reopening Montana.

Council requested an update on the campground at Riverside Park.

Council requested an update on ordinances at the next Workshop. Mayor Nelson stated Council would see those ordinances very soon.

The council workshop adjourned at 7:29 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brittney Moorman", with a long horizontal flourish extending to the right.

Brittney Moorman  
Administrative Assistant

**NOTE: This meeting is open to the public. This meeting is for information and discussion of the Council for the listed workshop agenda items.**



# Laurel Police Department

215 W. 1<sup>st</sup> Street Laurel, Mt. 59044 • Phone 406-628-8737 • Fax 406-628-4641

Chief of Police Stanley J Langve

March 24th, 2020

TO: Mayor Tom Nelson

Re: Conditional job offer / Patrolman

On January 17<sup>th</sup>, 2020 a vacancy was created at the Laurel Police Department with the resignation of an Officer. On January the 21<sup>st</sup>, 2020 I posted the vacant position internally. I received no bids for the position. I sent invitations to apply for individuals listed on the Montana Law Enforcement testing Consortium who had expressed interest in working for the Laurel Police Department. I then advertised the position to Montana law enforcement agencies, inviting P.O.S.T. certified officers to apply. I received 14 completed applications.

On March 17<sup>th</sup> the Laurel Police Commission and members of the Laurel Police Department conducted 11 interviews and Bpad exercises. Based upon the cumulative interview and Bpad scores, Joshua McFarland distinguished himself as an excellent candidate for the Laurel Police Department. Joshua has demonstrated his commitment to service through his enlistment with the United States Marine Corps, working in the health services field, and his employment as a Detention Officer with the Yellowstone County Sheriffs Department since October of 2018. It is my recommendation that Joshua McFarland be offered a conditional offer of employment with the Laurel Police Department.



Chief Stanley J Langve  
Laurel Montana Police Department  
215 West 1<sup>st</sup> Street  
Laurel, MT 59044  
Office (406) 628-8737

## EXHIBIT A

### Description of Services for City Hall

1. Initial Cleaning. Complete deep clean from the ceilings (lights, fans, vents) down the walls hitting light switches and windows/doors down to the baseboards/floors. Clean and dust everything including pictures, shelves, computers, phones, chairs and anything else that you can see or touch in each office or common area. I will not move, disturb or remove any papers or files on each desk.
2. Routine Cleaning. After the initial cleaning, the building will be cleaned, with trashes emptied and removed, three days per week: Sundays, Tuesdays, and Thursdays as follows:
  - Sunday: Clean, disinfect and dust all conference rooms and general public common areas including deep clean for all bathrooms. (4 hours)
  - Tuesday and Thursday: Clean, disinfect and dust all offices and kitchen areas including a light clean and disinfect for each bathroom. (3 hours per day)
3. Contractor Insurance and Bond: At all times, Contractor shall remain bonded and possess general commercial liability insurance with at least a \$1,000,000 limit.
4. Payment Provision: City shall pay Contractor \$350 for the initial deep cleaning. Thereafter, City shall pay Contractor \$250 per week or \$1000 per month, payable monthly.

#### CONTRACTOR

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Messy Jessie's Cleaning Service  
307-752-2624  
josephjessica363@gmail.com

Employer Identification Number

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CITY HALL  
115 W. 1<sup>ST</sup> ST.  
PLANNING: 628-4796  
WATER OFC.: 628-7431  
COURT: 628-1964  
FAX 628-2241

# City Of Laurel

P.O. Box 10  
Laurel, Montana 59044



Office of the City Planner

April 15, 2020

Regarding an Exclusion from MEPA Requirements for the Proposed Riverside Park Historic Building Rehabilitation Project Applied for through the MT Historic Preservation Grant Program

Mayor and City Council,

I request that the City Council review, discuss, and officially approve documentation stating that the application submitted to the Department of Commerce for the proposed historic rehabilitation project in Riverside Park is excluded from the requirements to conduct a full Environmental Assessment (EA) or Environmental Impact Statement (EIS). A requirement of the Historic Preservation Grant Program that this project was applied through is to supply either an Environmental Assessment (EA), Environmental Impact Statement (EIS), or official documentation stating a categorical exclusion from those requirements to satisfy the Montana Environmental Policy Act (MEPA).

It is the opinion of the Planning Department that the proposed project in the application meets the threshold for a categorical exclusion from the requirement to prepare an environmental assessment or an environmental impact statement as stated in *ARM 8.2.328 – Actions that Qualify for a Categorical Exclusion*. The application meets Section 2(e) which states: “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;

Furthermore, the proposed project does *not* involve any of the circumstances stated in ARM 8.2.328 Section (3) which would require an EA or EIS that includes:

- a) they involve substantial public controversy over the project's potential effect on the quality of the human environment;
- b) the proposed project might have a significant effect on the quality of the human environment; or
- c) the project might affect sensitive environmental or cultural resource areas or endangered or threatened species and their critical habitats.

The Planning Director will prepare a formal letter stating the case for exclusion from the requirements and submit it to the Department of Commerce with the official resolution on the matter from the City Council, and Appendix B-1: Environmental Review Form. I have provided a copy of ARM 8.2.328 and the Historic Preservation Grant Guidelines with this letter. Thank you for your time and consideration.

Regards,

Nicholas Altonaga

Planning Director



**Rule: 8.2.328**

[Prev](#) [Up](#) [Next](#)

Rule Title: ACTIONS THAT QUALIFY FOR A CATEGORICAL EXCLUSION

Department: [COMMERCE](#)  
Chapter: [DEPARTMENT RULES](#)  
Subchapter: [Montana Environmental Policy Act](#)



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Latest version of the adopted rule presented in Administrative Rules of Montana (ARM):

[Printer Friendly Version](#)

**8.2.328 ACTIONS THAT QUALIFY FOR A CATEGORICAL EXCLUSION**

(1) The following types of actions do not individually, collectively, or cumulatively require the preparation of an environmental assessment or an environmental impact statement, unless the action involves one or more of the extraordinary circumstances stated in (3).

(2) The following actions meet the criteria for categorical exclusions and will not normally require preparation of either an environmental assessment or an environmental impact statement in considering applications for grants or loans to finance these projects:

(a) 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;

(b) activities which do not involve or lead directly to construction, such as planning studies, scientific research and analysis, surveys, or engineering;

(c) projects primarily involving the acquisition of capital equipment;

(d) projects that involve only minor repairs or rehabilitation to an existing facility, including functional replacement of an existing facility or facility components;

(e) 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

(f) 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.

(3) Actions described in (2) may not be processed as categorical exclusions if:

(a) they involve substantial public controversy over the project's potential effect on the quality of the human environment;

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

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

(4) If information available to the department indicates that a proposed project in one of the categories described in (2) may involve one of the situations described in (3), the department may, in its sole discretion, require an applicant to prepare an environmental assessment or environmental impact statement as may be appropriate.

History: [2-3-103](#), [2-4-201](#), MCA; [IMP](#), [2-3-104](#), [75-1-201](#), MCA; [NEW](#), 2015 MAR p. 1481, Eff. 9/25/15.

# DRAFT

## Appendix B

Montana Historic Preservation 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 MHPG 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 is recommended to be completed prior to submission of the application for grant funding. Any application received without documentation that the environmental review process has been completed, must complete the environmental review process and submit documentation to Commerce no later than May 1, 2020 or risk being determined incomplete by Commerce.

To document completion of the environmental review process the applicant must provide documentation of the completed environmental review process and include with 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. Applicants must submit relevant documentation and the Environmental Review Form (Appendix B-1) to Commerce. 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 below) 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 (Appendix B-2), Environmental Review Form (Appendix B-1) and related documentation to Commerce as a part of the 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. that an EIS is not necessary, and make a final decision on the proposed action (executing the contract with Commerce to receive Montana Historic Preservation Grant Program funds for the grantee's project).

**The applicant must provide a copy of the Final EA (Appendix B-2) to Commerce with documentation of public review, opportunity for public comment, a final decision on the EA at a public meeting, and the Environmental Review Form (Appendix B-1).**

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 Commerce.

### **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 Commerce’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; Commerce; 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; Commerce; 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 Commerce to receive Montana Historic Preservation Grant Program 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 Commerce.

### **Additional Environmental Considerations**

MHPG applicants are responsible for compliance with all applicable state environmental requirements. Some of the other state environmental requirements that *may* apply to Montana Historic Preservation Grant Program 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](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](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>.

**Appendix B-I  
Environmental Review Form**

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

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

\_\_\_\_\_  
(1) Authorized Representative, Title

\_\_\_\_\_  
Date  
(Name of) Organization/Governmental Unit

\_\_\_\_\_  
(2) Authorized Representative

Date:  
\_\_\_\_\_

\* If an authorized representative (1) completes the checklist and this form, a chief elected official (2) must also sign authorizing acceptance of the review process. Explanation or statement of how/why that representative was authorized should also be included.

## Appendix B-2 Environmental Review Checklist

The applicant must include a completed Environmental Review Checklist and Environmental Review Form, if the appropriate environmental level is determined, with MHPG application materials.

<b>NAME OF PROJECT:</b>	
<b>PROPOSED ACTION:</b>	
<b>LOCATION:</b>	_____, Montana

<b>Key Letter:</b>		
<b>N:</b> No Impact; <b>B:</b> Potentially Beneficial; <b>A:</b> Potentially Adverse; <b>P:</b> Approval/Permits Required; <b>M:</b> Mitigation Required		
<b>PHYSICAL ENVIRONMENT</b>		
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>

<b>Key Letter:</b>		
<b>N:</b> No Impact; <b>B:</b> Potentially Beneficial; <b>A:</b> Potentially Adverse; <b>P:</b> Approval/Permits Required; <b>M:</b> Mitigation Required		
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)
		<i>Response and source of information:</i>

<b>Key Letter:</b>		
<b>N:</b> No Impact; <b>B:</b> Potentially Beneficial; <b>A:</b> Potentially Adverse; <b>P:</b> Approval/Permits Required; <b>M:</b> Mitigation Required		
Key	10	Unique, Endangered, Fragile, or Limited Environmental Resources, Including Endangered Species (e.g., plants, fish, sage grouse or wildlife)
		<i>Response and source of information:</i>
Key	11	Unique Natural Features (e.g., geologic features)
		<i>Response and source of information:</i>
Key	12	Access to, and Quality of, Recreational & Wilderness Activities, Public Lands and Waterways, and Public Open Space
		<i>Response and source of information:</i>
<b>HUMAN ENVIRONMENT</b>		
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>

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Key	3	Noise -- suitable separation between noise sensitive activities (such as residential areas) and major noise sources (aircraft, highways & railroads)
		<i>Response and source of information:</i>
Key	4	Historic Properties, Cultural, and Archaeological Resources
		<i>Response and source of information:</i>
Key	5	Changes in Demographic (population) Characteristics (e.g., quantity, distribution, density)
		<i>Response and source of information:</i>
Key	6	General Housing Conditions - Quality, Quantity, Affordability
		<i>Response and source of information:</i>
Key	7	Displacement or Relocation of Businesses or Residents
		<i>Response and source of information:</i>

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Key	8	Public Health and Safety
		<i>Response and source of information:</i>
Key	9	Lead Based Paint and/or Asbestos
		<i>Response and source of information:</i>
Key	10	Local Employment & Income Patterns - Quantity and Distribution of Employment, Economic Impact
		<i>Response and source of information:</i>
Key	11	Local & State Tax Base & Revenues
		<i>Response and source of information:</i>
Key	12	Educational Facilities - Schools, Colleges, Universities
		<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

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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	20	Wastewater Treatment - Sewage System
		<i>Response and source of information:</i>

<b>Key Letter:</b>		
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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
		<i>Response and source of information:</i>

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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 Advertisement for Public Comment and Review of Environmental Review Record**

The <local government> will hold a public hearing on <date> at <time/location> for the purpose of obtaining comments regarding the environmental review record for the proposed <type> project that will < scope of work>.

At the public hearing the proposed project will be explained, including the purpose and proposed area of the project, activities, budget, possible sources of funding, any costs that may result for local citizens as a result of the project, and a decision will be made on the environmental assessment. All interested persons will be given the opportunity to ask questions and express opinions regarding the proposed project and any environmental impacts.

Comments may be given orally at the meeting or submitted in writing before <date> at <time>.

Anyone wanting to review the environmental review record and project impacts or submit questions and comments should contact <who, how>. Copies of the draft environmental record is available at <where> and will also be available at the public meeting.

<Town/County/District>

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Chief Elected official

Publish media name & dates:

Note: this meeting may also be a meeting at which the public comment is obtained on the PER, submission of grant applications, or other

**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: \_\_\_\_\_