

**NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOI/RROF)**

August 24, 2006

Name of Grantee: Flathead County  
Mailing Address 800 S. Main  
Kalispell MT 59901

Phone: 406-758-5503

**RECEIVED**

AUG 21 2006

LEGISLATIVE ENVIRONMENTAL  
POLICY OFFICE

**TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:**

On or about September 5, 2006, the above-named, Flathead County, will request the Montana Department of Commerce to release funds under Title I of the Housing and Community Development Act of 1974, as amended, (PL93-383) for the following project:

**PROJECT, TITLE OR NAME:** Ranch Water District Improvements

**PURPOSE OR NATURE OF PROJECT:** The Ranch Water District, located outside of the city limits of Bigfork, Montana needs to replace their entire 30 year old system with a new well, 150,000 gallon storage tank to accommodate domestic use and fire flow, a new pump house/chlorination facility, a new distribution network, fire hydrants, and meters.

**LOCATION :** Ranch Water District, Bigfork, Flathead County, Montana. Ranch County Water/Sewer District is located a half mile east of Highway 35, one mile south of Bigfork in Flathead County at latitude 48°03'00" and longitude 114°03'30". The homes are located in the foothills alongside the lake.

**ESTIMATED COST OF PROJECT:** \$1,334,500.

An Environmental Review Record documenting review of all project activities with respect to impacts on the environment has been made by the above-named Flathead County. This Environmental Review Record is on file at the above address and is available for public examination or copying, upon request.

Flathead County will undertake the project described above with Community Development Block Grant funds provided by the Montana Department of Commerce, under Title I of the Housing and Community Development Act of 1974, as amended. Flathead County is certifying to the Department of Commerce that Flathead County and Commissioner Robert Watne, in his official capacity as Chairperson of the County Commission, consent to accept the jurisdiction of the federal courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision-making, and action; and that these responsibilities have been satisfied. The legal effect on the certification is that upon its approval, Flathead County may use the CDBG funds, and the Department of Commerce will have satisfied its responsibilities under the National Environmental Policy Act of 1969 as delegated to the State of Montana through the 1981 Amendments to the Housing and Community Development Act.

The Department of Commerce will accept an objection to its approval of the release of funds and acceptance of the certification only if it is on one of the following basis:

- (a) that the certification was not in fact executed by the chief executive officer or other officer approved by the Department of Commerce;
- (b) that the applicant's environmental review record for the project indicates omission of a required decision, finding, or step applicable to the project in the environmental review process;
- (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by DOC; or
- (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental design.

Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and may be addressed to the CDBG Program, Department of Commerce, Community Development Division, P.O. Box 200523, 301 S. Park Avenue, Helena, Montana 59620.

Objections to the release of funds on basis other than those stated above will not be considered by the Department of Commerce. No objection received after September 24, 2006 will be considered by the Department of Commerce.

Robert Watne, Chair, Flathead County Commission  
800 South Main  
Kalispell MT 59901

Jeff Harris, Environmental Certifying Officer

## HISTORY

The origin of the Ranch Homeowners Water System dates back to the original development of the subdivision. The original design drawings for the system were apparently not followed. The first well was drilled in 1975 with the distribution system and a 47,000-gallon concrete storage tank installed in the late 1970's. A second well was added in 1997.

## CURRENT CONDITIONS

It appears the existing system was installed without regard for water main sizing, meters, looping, water pressure, auxiliary power, valving or numerous other components, which are necessary for the successful operation of a public water system. Today the system components and service falls far below the standards established by the State for Public Water Systems. The system has tested positive for coliform contamination, is at risk for backflow due to low pressure and household booster pumps, does not have adequate water supply, and cannot provide the required pressure or flow for domestic or fire needs.

### Source/Supply

Supply for the users is from two wells. The capacity of these wells does not meet Circular MDEQ-1 regulations for design maximum daily flow or design average flow with the largest well out of service. One of the two wells does not have a grouted annular seal which may be a source of coliform contamination.

### Storage and Treatment

Water storage is currently obtained in a 47,000-gallon concrete storage tank built half underground. The exposed portions of the walls are covered with wooden facia. The roof is a wood truss system with asphalt shingles. The storage tank's roof is deteriorating and has become a source of contamination. The tank is not effectively protected from insect intrusion. The size of the storage tank is adequate for the district if fire flow is not desired. Presently there is not an existing easement for the water storage tank, there is only a verbal agreement.

The chlorination system has routinely failed over the years. It is housed in a small pit adjacent to the storage tank. Short-circuiting is also a potential with the inlet and outlet being separated by only a few feet without any baffling. This chlorination system does not meet multiple Circular MDEQ-1 standards dealing with housing, satisfactory mixing, and prevention of short-circuiting.

### Transmission and Distribution

A majority of the distribution mains are thin walled, class 160, 4" PVC. The distribution lines do not loop and there has been a report of substantial sediment

build up in the dead end lines when houses are connected to the main. The distribution valves originally installed are not designed for direct bury, have corroded, and are potential leak sources. The transmission main from the two wells to the storage tank is a 2" pipe.

Service pressure is very inadequate. Some residents have less than 10 psi at their homes. Over 80% of the district has service pressures of 35 psi or less. These residences have installed individual booster pumps, which is in violation of Circular MDEQ-1 regulations. The low pressure in the water main and individual booster pumps put the system at a high risk for backflow hazard. With this low service pressure, when power is interrupted basic water needs cannot be met with the current system.

The CDBG Project will provide \$75,000 to cover the cost of the property assessment for a minimum of five eligible Low to Moderate Income households within the Ranch County Water and Sewer District, and (b) to complete a Capital Improvements Plan for the County (\$35,000 from CDBG and a \$10,000 pledge of funds by the County).

**Problem** – The Ranch County water system has the following DEQ deficiencies:

- Sample taps (Section 2.7)
- Finished Water Meter (Section 2.10)
- Source capacity must equal or exceed the design maximum day demand and equal or exceed the design average day demand with the largest producing well out of service (Section 3.2.1.1)
- Auxiliary power (Section 3.2.1.3a and 6.6.6)
- Minimum protection depths of wells (Section 3.2.5.2a)
- Grouting requirements for wells (Section 3.2.5.7a)
- Well discharge pipe monitoring and valving (Section 3.2.7.3.4)
- Chlorination feed (Section 4.1.5.3 and 4.3.2)
- Chlorination housing (Section 4.3.6 and 5.1.14)
- No individual booster (Section 6.4.4 and 8.9.2)
- Storage tank protection, drains and overflow (Section 7.0.3, 7.0.5, 7.3.2, and 7.0.6)
- Distribution pressures (Section 7.3.1)
- Fire Hydrants (Section 8.1.5)
- Dead ends (Section 8.1.6)

**Proposed Solution** – The District needs to replace their entire 30 year old system with a new well, 150,000 gallon storage tank to accommodate domestic use and fire flow, a new pump house/chlorination facility, a new distribution network, fire hydrants, and meters. The new system costs are projected to be \$1,250,000 - \$1,334,500 (as of 8/2006).

In order to complete the new system, a bond election will be held which will require the placement of an assessment per household based upon a maximum debt of \$650,000.- Should the entire \$650,000 be required to complete the system, an assessment of \$704.50 per annum for 40 years will be collected.

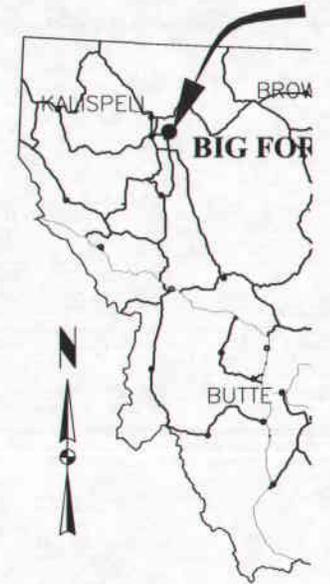
The CDBG funds requested will pay the assessment in full for the LMI qualified households. The O&M costs are projected to be \$42.00 per month. This monthly amount will be paid by all of the property owners within the district, regardless of whether or not they currently have a home constructed on the property. The O & M fee will allow 5,000 gallons in water usage at no additional charges. Usage above the 5,000 gallons will be billed according to meter readings. Should the payment of the assessments be less than \$75,000, the County will either (1) request the funds be transferred to pay additional costs occurred with the completion of the Capital Improvements Plan or (2) return the funds to the CDBG program.

#### Capital Improvements Plan

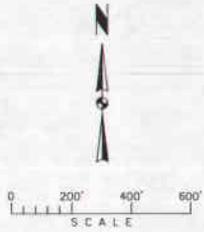
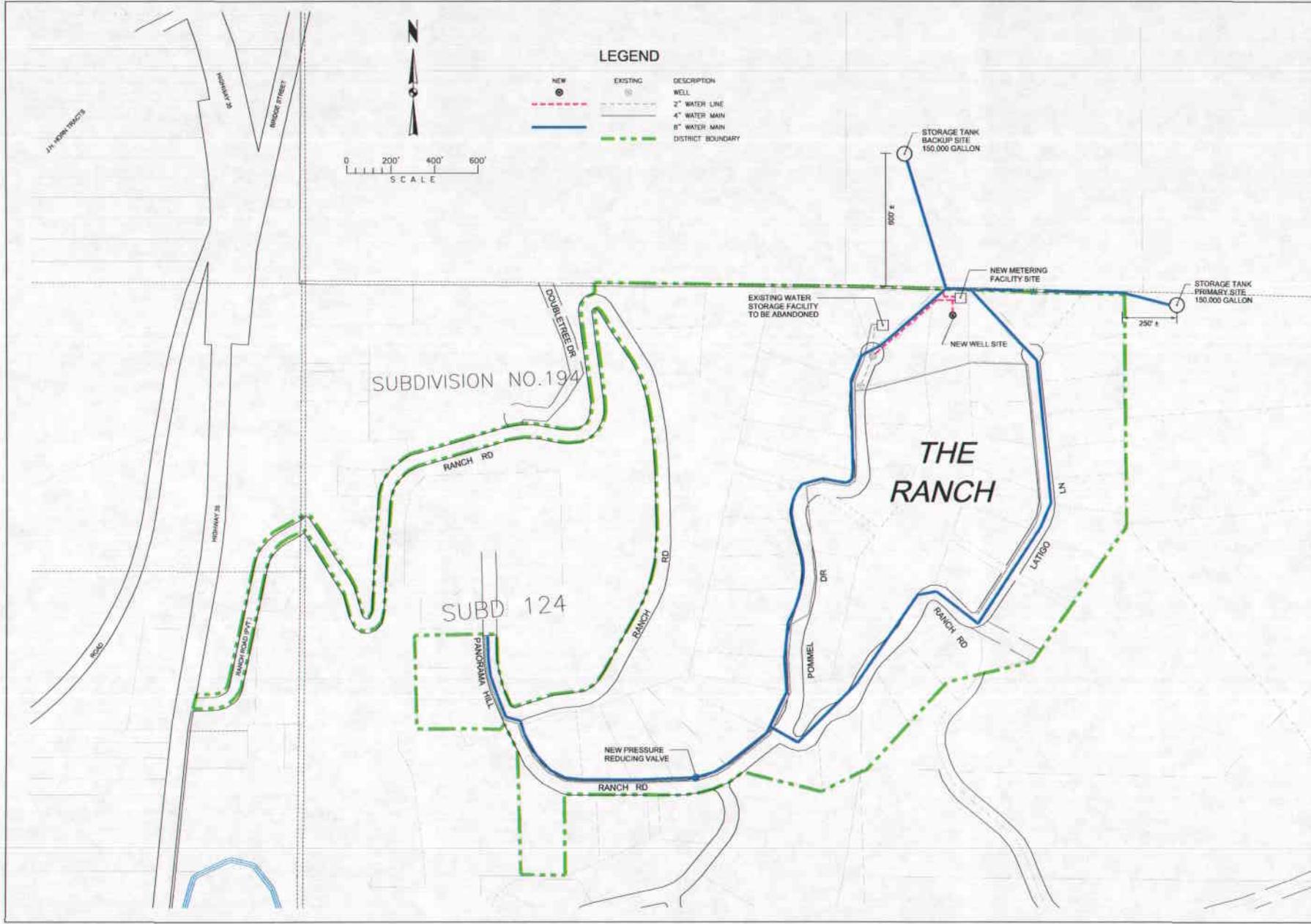
The second component of the CDBG application pertains to the completion of a Capital Improvements Plan. The County will utilize the information gathered during the Growth Policy Plan formation, as well as other sources, to develop a Capital Improvements Plan. The County will utilize \$35,000 in CDBG funds and will provide \$10,000 of its own funds. This is an exempt activity and is not included in the Statutory Checklist or the Notice of Intent to Request the Release of Funds.

FOR  
THE RANCH COUNTY WATER/SEWER DISTRICT  
BIG FORK, MONTANA

PROJECT LOCATION



SITE MAP



**LEGEND**

NEW	EXISTING	DESCRIPTION
●	○	WELL
---	---	2" WATER LINE
---	---	4" WATER MAIN
---	---	8" WATER MAIN
---	---	DISTRICT BOUNDARY

<b>REVISIONS</b> DATE DESCR BY DATE DESCR BY DATE DESCR BY	
<b>TD&amp;H</b> THOMAS, DEAN & HOSKINS, INC. ENGINEERING CONSULTANTS 1000 W. 10TH AVENUE SPOKANE, MONTANA 83402	
DRAWN BY: CLL DESIGNED BY: RLH, MAF QUALITY CHECK: DATE: 1.23.04 JOB NO. KB4-006 FIELDBOOK	<b>RANCH WATER &amp; SEWER DISTRICT</b> BIGFORK, MONTANA <b>ALTERNATIVE 3</b>
CAD NO. ALT 3.DWG <b>SHEET 1 OF 1</b>	

32 South Tracy • Bozeman, MT 59715  
(406)587-4486 • fax (406)585-3538  
(800)332-2796

.....  
P.O. Box 1530 • Livingston, MT 59047  
(406)222-0896 • fax (406)222-1232  
(800)289-0896

November 28, 2006

MT Environmental Quality Control  
PO Box 201704  
Helena, MT 59620-1704

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TO WHOM IT MAY CONCERN:

LEGISLATIVE ENVIRONMENTAL  
POLICY OFFICE

The County of Meagher sponsored a Community Development Block Grant and a HOME Program Grant for the Meagher County Senior Center. These HUD grants will be used to purchase a portion of property in White Sulphur Springs, MT and construct, in 2 phases, 20 apartments for very low-income senior citizens.

The project, Castle Mountain Apartments is located on lot's # 5, 6 and 7 in Arrowhead Meadow Estates. The first Phase of the project will develop 10 units which will be subsidized through USDA Rural Development.

On or about December 19, 2006 the above-named County will request the Montana Department of Commerce (DOC) to release **Community Development Block Grant (CDBG)** funds provided under Title I of the Housing and Community Development Act of 1974, as amended (PL 93-383) and release **HOME Investment Partnerships Program** funds (Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990) for the purpose of developing the Castle Mountain Apartments.

It has been determined that such request for release of funds will not constitute an action significantly affecting the quality of the human environment and accordingly the above named County has decided not to prepare an Environmental Impact Statement under the National Environmental Policy Act of 1969 (PL 91-190).

The reasons for the decision not to prepare such Statement are as follows:

The project is within a platted sub-division and will be on City Services. The site requires no special mitigation as there are no environmentally sensitive features. There will be no negative impact on the physical environment. The impact on the human environment is thought to be positive as it provides, accessible, centrally, safe, low-cost apartments for seniors. Upon completion the project will be owned and managed by the Meagher County Senior Center

An Environmental Review Record documenting review of all project activities in respect to impacts on the environment has been made by the above-named County. This Environmental Review Record is on file at the above address and is available for public examination and copying upon request from 8-5 Monday through Friday. No further environmental review of such project is proposed to be conducted prior to the request for release of CDBG and HOME Program project funds. To facilitate your review a map of the project area and the Preliminary Architectural Report are enclosed.

Should you wish to comment on the Environmental Review Record for Meagher County's Castle Mountain Apartments enclosed are the Notice of Findings of No

**HRDC** provides essential services such as: • Affordable Housing • Case Management • Community Development  
• Emergency Services • Employment Assistance • Energy Assistance and Conservation • Gallatin Valley Food Bank • Head Start  
• Home Health Care • Local Transportation • Community First Fund • Resource Property Management  
• Retired and Senior Volunteer Program.



Significant Impact on the Environment and Notice of Intent to Request Release of Funds  
that give address and dates that comments will be accepted.

If you should require further specific information please contact me at 406-585-4866.

Sincerely,

A handwritten signature in black ink, appearing to read 'Caren Roberty', written in a cursive style.

Caren Roberty  
Development Director for the  
District IX, HRDC



**Meagher County, Montana**

WHITE SULPHUR SPRINGS

**COPY**

OFFICE OF  
BOARD OF  
COUNTY COMMISSIONERS

**MEAGHER COUNTY RESOLUTION #2005- 51**

**A RESOLUTION APPOINTING THE CHAIRMAN OF THE MEAGHER COUNTY COMMISSIONERS AS THE ENVIRONMENTAL CERTIFYING OFFICIAL FOR ALL ACTIVITIES ASSOCIATED WITH THE ENVIRONMENTAL REVIEW PROCESS FOR HOME GRANTS.**

**WHEREAS, the Montana Department of Commerce, HOME Program Division, now requires that the Environmental Certifying Officer responsible for all activities with the environmental review process for HOME Grant be appointed by County Resolution, and**

**WHEREAS, to conform to the necessary grant requirements Meagher County is designating the Chairman of the Meagher County Commissioners as the qualified person responsible for all activities associated with the environmental review process,**

**THEREFORE BE IT RESOLVED, Meagher County Board of Commissioners is appointing the Chairman of the Meagher County Commissioners as the Environmental Certifying Officer for HOME grants.**

**PASSED AND ADOPTED this 15<sup>th</sup> day of February, 2005.**

Meagher County Board of Commissioners

Charles "B" Lucas, Chairman

Jamie Doggett, Vice Chairman

Herb Townsend, Secretary

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NOV 30 2006

LEGISLATIVE ENVIRONMENTAL  
POLICY OFFICE



# Meagher County, Montana

WHITE SULPHUR SPRINGS

OFFICE OF  
BOARD OF  
COUNTY COMMISSIONERS

## Resolution for Designating Environmental Certifying Official

RESOLUTION NO. 2006-22

WHEREAS, in 2005 the County of Meagher applied for federal, state, local and private funding toto construct 20 affordable apartments in 2 phases;

WHEREAS, all necessary funding has been received to permit the first phase of the project to go forward; and

WHEREAS, an Environmental Certifying Official may be designated by formal resolution.

NOW, THEREFORE, BE IT RESOLVED that:

Charles B. Lucas ) is designated as the Environmental Certifying Official to produce an Environmental Review Record;

The County of Meagher will ensure that it and all of its contractors or agents shall conduct all program matters in a non-discriminatory manner such that all persons regardless of race, gender, age, disability, or other protected class shall be treated equally and further each shall comply with the policies and procedures delineated in the 2005 Meagher County Management Plan, approved by the Montana Department of Commerce Community Development Block Grant Program.

BE IT FURTHER RESOLVED that the above designation shall become effective on 21  
November, 2006

NAME OF GRANTEE Meagher County, Montana  
By [Signature]  
Chief Elected Official

Attest [Signature]

# **PRELIMINARY ARCHITECTURAL REPORT**

## **I. SITE CONSIDERATIONS**

### **1. Location & Easements**

The ranching community of White Sulphur Springs is located in Meagher County, Montana with a base population of just under 1000 people. The site purchased for this property is located in Township 9 North, Range 7 East, part of the northeast quarter of the southwest quarter of Section 18. The property is identified as lot's # 5, 6 and 7 within a subdivided tract of land labeled the Gebhardt Property (Arrowhead Meadow Estates). The total area of this property is 3.32 acres. The land generally slopes to the west and south with a swale across the southern boundary flowing to the west / southwest portion of the lots. There is a 20'-0" utility easement following the boundary line separating Lot's # 6 & 7 and there is a 10'-0" utility easement along the western boundary of Lot #7. The northern edge of all three lots and the western edge of Lot #7 abut the edge of the established city limits. There are established homes and developed properties along both the northern and western edges of the subject property. Along the southern boundary of the three lots is a designated public open space that is approximately 75'-0" x 546'-0". To the east of Lot #5, on the other side of Fourth Avenue, there is a children's playground / equipment and small parkland use currently in-place. The site provides panoramic views primarily to the south, southwest and the west across the valley.

### **2. Environmental Concerns None**

The project site has been reviewed by Historic Preservation (Letter in back of report) and the DEQ (existing sub-division) and there has been no significant impact on farmland, rangeland, forestland, wetlands, and 100 year floodplains, including stream crossings, historic sites, endangered species or critical habitats, etc., There are no major obstacles or existing structures on the site and public sewer and water infrastructure have been installed. There are no alternative sites planned for this project. There are not any identifiable issues attached to this site that are impacted by historical sites, natural landmarks, endangered species or critical habitat. The property has formerly (20 plus years) been used as cultivated farmland and is located out of the 100 year floodplain. The use as farmland has been terminated when the sub-division was platted. The project is not located near the airport or any runways, or major highways.

The site identified for this project presents very few concerns or impending problems. There are no apparent adverse impacts on the natural and human environment that would trigger MEPA attention. In addition the project site sub-division, which has been reviewed and approved by the State of Montana, Department of Environmental Quality (DEQ, should not trigger any specific review from NEPA .

A Phase I Environmental conducted by Hyalite Environmental LLC did not identify any underground storage tanks or environmental contaminants on or near the subject property.

### **3. Growth Areas and Projected Population Trends and Need for Project**

**TABLE 4: MEAGHER COUNTY POPULATION PERCENTAGE BY AGE** from the US Census shows that between 1990 and 2000 the median age in Meagher County increased from 38 to 43. The statewide median age is 38. Meagher County currently has a relatively older population. Several other statistics give Meagher their older population. The population chart from 1990 to 2000 shows that while the senior population (age 55 and up) increased by 55 persons, the upcoming generations decreased showing a net loss of 75 persons in the categories of persons under age 44.

Census population projections show Meagher County's overall population increasing very little over the next 25 years (2%); however, the number of persons over 65 will increase from 18.2 % (351 seniors) of the population to 26.3% (512 seniors). For persons over 55 the numbers are even more drastic. Currently persons over 55 year of age make up 29.5% of Meagher's population. By the year 2025, 46.8% % of the population will be over 55. Clearly Meagher County must start developing accessible housing to meet the current and expanding need for affordable, senior housing. **MEAGHER COUNTY POPULATION PERCENTAGE BY AGE/ POPULATION PROJECTIONS**

A Community Needs assessment survey has been completed with 19 participants wishing to move into the proposed facility as soon as possible. The identified lots are large enough to not only accommodate this proposed 20 unit project but would allow construction of an additional 10 living units at a later date. The current number of users for this project could be a minimum of 20 to a maximum of 24 individuals. Projected new users, if the site could be fully utilized, could accommodate additional 10 to 12 occupants.

#### **4. Existing Buildings**

A review of the housing stock in WSS and the County shows a mix of older homes (30% of the housing stock is 1939 or earlier US Census Bureau File 3) some of which have age related deterioration including crumbling or lack of foundations and questionable building code compliance, older mobiles with skirting, to 1970's split levels with rehabilitation needs. The City of WSS has a rehabilitation program that has focused on repairs more than complete rehabilitation. A comprehensive housing study needs to be done in the County (with focus on WSS) to determine properties that could cost effectively be rehabilitated which are generally those from 1970's on and some of the well maintained double wide trailers. Mobiles in poor shape need to be replaced with more energy efficient and fire safe units. Older homes need to be evaluated in light of rehab vs. replacement costs, historic preservation and the aging population. Issues of under ground storage tanks and a Montana Super fund site could complicate the process especially within the WSS core. Again the population age, growth, and historic structures, should be considered in community revitalization.

#### **5. Impact of Existing Facilities**

Meagher County has only one single level handicap semi-accessible project for elderly persons, Spring Manor. Because the project was constructed in the early 1970's none of the apartments are accessible and only one of the entryways.

The trend towards aging population, the state of the housing stock and barriers to converting that stock into multiple units of senior housing and the lack of any truly accessible housing all dictate the new construction of senior units. The MCSC Director reported that Spring Manor had consistently had a waiting list and that there were 15 persons signed up for rental subsidies through Section 8 in October 2005. The Spring Manor should not be negatively effected by the propose project. In addition, it is the intent (see minutes from Committee Meeting 03/07/2005) to purchase Spring Manor and bring it into code compliance.

The project's residents will be existing town residents so the project should have no impact on community facilities such as the senior center and medical care. The project is residential and should have no effect on air quality and minimal effect on the public sewer and water. The town of White Sulphur has no natural gas lines and the project will be heated with propane and where possible supplemental solar heat and hot water heat. The project will be energy efficient and utilize less resources than the large older homes that seniors often live in There will be minimal effect on the town's propane suppliers.

#### **6. Building Sites/Selection of the Preferred Alternative**

The feasibility of any existing sites that could be used for the housing was a process of elimination conducted by the Meagher County Housing Committee (the "Committee"). Due to the timing of the planning grants the architects could not be hired in time to assist with the site search. According to the Committee meeting minutes the sites listed below were considered and rejected.

Although a rationale is not given why each site considered was rejected, the Committee explained it was due to excessive cost (purchasing land with structures that need to be demolished or significant rehabilitation far exceeded the cost of new construction on the site selected), availability, size (Committee desired a phased project for up to 30 units with parking structures), perceived or actual environmental hazard sites and ability to obtain clear title.

From Committee Minutes in Appendix ???.

4/05/2004      Smith Building and 8 lots \$159,000  
                    Edwards Building \$30,000 ?

06/-7/2004

8 lot with Smith Lumber and Hardware, Environmental Concerns?  
Grove Property next to the WSS&YP site 50.15 'by 90' (8 lots)  
Gene Ashe (no response)  
Elaine MacKay 90.5" by 42' (3 lots)  
Jim McDonald Property – Not Big Enough  
Carol Anderson property behind Therriault house (odd shape lots 36+54 90x40  
Keller Property 6 vacant lots, 143.7" by 30" or 35" – no response from Keller

05/03/04

Spring Manor – Not for Sale  
MacKay's Property owner in Alaska – no response

Smith Lumber and Hardware \$158,000  
IOOF Hall\Grove Property by Laundromat  
Gene Ashe and Sandy Sage Property on Main St

07/12/4004

No answers from McKay or Keller

09/13/2004

6 possible locations  
Red barn Antiques  
Mae Hereim Property  
Merrit Smith (Springs Hotel)  
Isabel Smith corner of HI 89 and 12  
Michael Grove Hi 360  
Circle V Store  
Donna Keller 3<sup>rd</sup> Ave. S>E> (not positive response)  
Tenderfoot and Property east of Motel (Too expensive)

October 4, 2004

Grandma's Antiques and Sandy Sage (next to Town Pump site leak , too small and irregularly shaped)

12/05/2004

Properties across the street for the Senior Center, all occupied houses

01/10/2005

Property across the street is site of old dry cleaner shop, clean-up costs???

02/07/2005

Gebhardt Property 3 lots, 3 acres, \$15,000 per lot  
Meeting on 02/14/2005 with owner of Spring Manor

02/16/2005

Spring Manor major repairs, questionable as when available, relocate tenants for rehab?  
Group voted to make an offer on Gebhardt's Property

03/07/2005

Discussed Gebhardt's property and 1000 feet of sewer line needed to be installed  
Group voted to pursue potential purchase of Spring Manor AND  
Build on Gebhardt's

07/10/2005

HRDC Purchased site to hold for MCSC

## **II. Project Information**

### **1. Current Site Analysis/ Procedures for Approval/ Health and Safety Analysis**

The site is outside city limits and there are no zoning requirements in-place that spell out front, side yard or backyard setback requirements, height restrictions, off street parking, storm water retention or landscape requirements. Throughout Meagher County there is no zoning

except for the airport area. There are protective covenants attached to the use of this property and construction of this project would be subject to a review and approval by an architectural committee. The covenants were recently changed, subject to the review of the Department of Environmental Quality, to allow multifamily housing on lots 5, 6, & 7. The covenants identify requirements for size of single-family residences, set back requirements, height ( story ) limits and that any new structures shall conform with and be in harmony with existing improvements on the lot and in the surrounding neighborhood and in conformance with state and county requirements. Materials and colors of building exteriors are required to conform to the natural surroundings. All residential structures shall be constructed on a permanent foundation and building exteriors must be brick, stone, stucco, metal or wood. The site is bisected between lot's #6 and #7 by a 20'-0" utility easement which is an area that cannot be built over but would allow traffic to run across it. Ideally, if the power line could be moved and the easement abandoned, it would make better use of the remaining lot area available for master planning of the site after completion of Phase II. Investigation into the cost and feasibility of moving the utility line is under research.

This project proposes elderly housing that would be identified as medium density, single-level, attached housing units. The exterior finish proposed for this project would be fiber cement, lap siding product that would be painted. The architectural committee would need to review and approve the type of housing as well as the building siding material. The State of Montana, Department of Environmental Quality (DEQ) also, would need to review a modification of the covenants in regard to the type of housing proposed. Conversations with John Herrin, (406-444-4633) at the Subdivision applications/DEQ requirements, report that because the property is now on City Services the covenants should be approved.

This project will need to be submitted to the State of Montana, Building Codes Bureau located in Helena, Montana for plans review and issuance of a building permit prior to start of construction. The project will be reviewed for compliance with the current and various building code requirements which include but may not be limited to the 2003 International Building Code, 2003 Residential Code, 2003 Uniform Plumbing Code, 2003 International Mechanical, 2002 National Electrical Code and the 2003 International Energy Conservation Code. Additionally, this project would need to comply with the requirements of Federal Accessibility Standards (UFAS ) and (ANSI) Standard A 117.1 which identifies Americans with Disabilities Act ( ADA ) requirements.

The only issues that can be identified at this time that may impact building construction would be an identification of soils types and verification of ground water level. The Phase 1, Environmental Site Assessment indicated that there may be a tight clays, soils type that could increase building foundation size and costs. A combination of clay soils and high ground water could also impact footing / foundation construction costs. A geotechnical soils investigation would identify the characteristics of the soil on this site and this work can be conducted at a later time prior to development of construction documents.

## **2. Design/Public Participation /Floor Plans**

On September 30, 2005 at 1:00 p.m., a design charrette / open forum was held at the Meagher County Community Senior Center in White Sulphur Springs, Montana. The meeting was

attended by 16 local, senior citizens, Richard Weitz, local architect, William R. Butler, architect and Beth Hunt, Executive Director of the Meagher County Senior Center.

After a brief introduction of professionals and an explanation on the purpose of the meeting, discussions and then opened up into a round table conversation. The meeting adjourned around 3:00 p.m. with the following summary agreed upon:

- \* There would be a mix of eight - one bedroom units and two - two bedroom units.
- \* A lounge type area would be provided to provide for social activities, overflow for celebration of birthdays, anniversaries, etc. Lounge could be designed to allow for couch / hide-a-beds for any spontaneous sleeping arrangements that may occasionally occur and would also have a kitchenette. A meeting room was ruled out as there are currently several other areas relatively close to this site that could serve as meeting areas and would encourage individuals to travel beyond their individual living units. A solarium or sun room was requested as a part of the lounge to take advantage of the views and solar orientation of the site.
- \* Design bedrooms to accommodate a queen sized bed.
- \* Provide front and back door arrangements in living units.
- \* Washer / dryer appliances hook-ups in individual units in lieu of a centralized laundry. A stacked washer / dryer appliance would be acceptable.
- \* Provide a separate mudroom area in individual units.
- \* Kitchen design would be open, without islands.
- \* Kitchen does not require dishwashers or garbage disposals.
- \* Air conditioning would not be required.
- \* Type of space heating discussion identified a wide variance on the preferred form of heat. Electrical baseboard, propane fired forced air furnace or boiler system as well as radiant floor heating systems were discussed. Anticipation of rising energy costs will require further evaluation prior to development of construction documents but a boiler / hot-water heating system seemed to be the preferred solution.
- \* Carports in lieu of fully enclosed garages were acceptable if additional outside storage features could be provided
- \* Roll-in showers in lieu of traditional step-in tub / shower units were preferred. Issues of controlling splashed water are a concern.
- \* Create a project that avoids the "institutional look".
- \* Closet doors would have sliding doors.
- \* Site: provide a continuous, circular walking path.

- \* Provide a crawl space for mechanical units and a wood floor assembly as a more user friendly solution for this elderly housing project.

Preliminary floor plans, a site plan and elevations were prepared and presented in a meeting held in the Meagher County Community Senior Center at 1:00 p.m. on October 14, 2005. The meeting was attended by 19 local, senior citizens, Richard Weitz, architect, William R. Butler, architect and Beth Hunt, executive director of the Meagher County Senior Center.

The developed information was presented, discussed and the meeting adjourned around 2:35 p.m. A summary of the discussions are as follows:

- \* Reverse the configuration of the kitchen and living areas to orient living room spaces to the view offered to the south, southwest and west.
- \* Provide more outside storage, preferably, along the long dimension between parking spaces in carport.
- \* Move the configuration of units further to the west to get some separation between buildings and Fourth Avenue.
- \* Provide lawn sprinkling system.
- \* Provide fenced in areas for pet control
- \* Review options and locations of satellite dishes to minimize visual impact on buildings.
- \* The decks shown on the south side of living units may become patios if the existing grades will allow.

See enclosed preliminary floor plans, site plan and north view of elevations. Phase 1 Castle Mountain Apartments have been designed around eight - one-bedroom units, two - two bedroom units and a lounge area. The one bedroom units are 682 gross square feet not including decks or carport. The two bedroom units are 912 gross square feet not including decks or carport. The lounge area with sun room is 1,134 gross square feet not including the deck area. The total building area is 8,414 gross square feet.

This complex of units has been positioned on site to create the most efficient use of land and to maximize vehicle circulation thru the site by utilizing existing city streets to connect into. A one-way driveway for access to all units is provided with access off of Fourth Avenue S.E. and connecting back into Third Avenue S.E. The units have been paired and then staggered to one another and then twisted to a southwest orientation to take advantage of panoramic views beyond the site. A serpentine walking path that connects into the apartment units provides a continuous walkway as requested by the senior citizen's. Sheet S-1 also identifies an additional footprint of Phase 1 to master plan for any future growth opportunities.

### **3. Supplemental Information**

The Cost Summary, Income, Capital Improvements, and Debt Repayment Calculations

The UNI-APP FINANCIALS were reviewed and accepted as feasible by the Architect.

#### **4. Construction Cost**

The architect's estimated construction cost is at the end of this document. The estimates take into account current building costs, transportation to site, Davis Bacon Wage rates, value added materials, a energy study and proposed energy conservation and solar applications, needs and desires of the residents, and value added materials for low maintenance.

### **III. CONCLUSIONS AND RECOMMENDATIONS**

The MCSC has done an excellent job of considering numerous building and site alternatives and keeping the public informed and involved as to the project progress. All indications are that the site that was selected will be the least costly to build upon and has no environmental hazards; is in keeping with current and future population trends; is acceptable to all State and Federal regulations and authorities; has been well thought out in terms of the project's costs and funding sources, operating expenses, revenues, and capital improvements.

ALL SOURCES QUOTED ARE IMMEDIATELY FOLLOWING IN THE ORDER THEY WERE REFERENCED.

# MONTANA COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

## CONSOLIDATED ENVIRONMENTAL ASSESSMENT FORM

Project identification                    **CASTLE MOUNTAIN APARTMENTS**  
Recipient:                                    **MEAGHER COUNTY**  
Chief Elected Official:                **CHARLES B. LUCAS**  
Environmental Certifying Officer: **CHARLES B. LUCAS**  
CDBG Contract #:  
Project Name:                               **CASTLE MOUNTAIN APARTMENTS**  
Person Preparing this  
environmental Assessment:           **CAREN ROBERTY, HRDC IX**  
Phone Number:                            **406-585-4866**

### ***Evaluation of Environmental Impact***

1.     *Describe the proposed action or activity; including construction and end-product (attach maps and graphics as necessary).*

The Project entails the 2 phased construction of 20 apartments for senior citizens in Meagher County.

2.     *Describe the project site and surrounding area(s), including existing site use and environmental conditions (attach map as applicable).*

The project site is in a platted sub-division, located within the City limits of White Sulphur Springs on the southeast side. Currently the site is vacant. There is residential development on 2 sides of the project and vacant lots on the other two sides. (Maps enclosed)

3.     *Describe the benefits and purpose of the proposed action.*

The project will provide accessible, affordable housing for Meagher County's seniors.

4.     *Describe all sources of project funding:*

\$ 10,000 CDBG    Planning Grant  
\$ 500,000 CDBG   Housing Grant  
\$ 500,000 HOME   Housing Grant  
\$ 350,000 Rural Development loan at 1% for 50 years  
\$ 23,000    Raised Locally  
\$1,383,000

5. *Describe any project plans or studies which are relevant to the project.*

A complete housing assessment and 5 year plan has been developed for Meagher County. A Phase I Environmental Assessment has been done on the property. Draft elevations and site plan have been developed.

6. *Proposed implementation schedule.*

The Project is scheduled to be bid in January 2007, begin construction in March; complete construction in September and be fully leased by November 2007.

7. *Compliance with any applicable local plans, ordinances, or regulations.*

The project will be subject to the approval of DEQ. There is no zoning in Meagher County. The project will be in compliance with the sub-division's covenants.

	Project is in Compliance		
	Yes	No	Not Applicable
Local Comprehensive (Growth Management) Plans including housing, land use and public facilities elements	X		
Local zoning ordinances or land use regulations, such as permit systems or soil conservation district requirements	X		

8. *Evaluation of impact, including cumulative and secondary impacts, on the **Physical Environment:***

This project will have no negative affects on the physical environment.

**Key Letter: N - No Impact/Not Applicable; B - Potentially Beneficial; A - Potentially Adverse; P - Approval/ Permits Required; M - Mitigation Required**

KEY	Impact Categories	Source of Documentation
	<b>PHYSICAL ENVIRONMENT</b>	Note date of each contact or page reference. Attach additional material as applicable. Where appropriate, please fully explain in attached materials.
N	Soil Suitability, Topographic and/or Geologic Constraints	Phase I environmental did not identify any soil, topo, or Geologic features that would be affected by the construction or make the site not-buildable.
N	HUD Environmental Criteria--24 CFR Part 51:	In compliance with all criteria per Architect's report and Phase I environmental.
N	51(b) Noise--Suitable Separation Between Housing & Other Noise Sensitive Activities & Major Noise Sources (Aircraft, Highways & Railroads)	Phase I environmental and the Architect's report did not identify any noise or noise sources near the project. (page1)

N	Wetlands Protection	Architect's report Page 1 did not identify wetlands on or near the site.
N	Agricultural Lands, Production, & Farmland Protection	Site has been platted as a residential sub-division. Page 1 Architect's report
N	Vegetation & Wildlife Species & Habitats, Including Fish <sup>4*</sup>	Architect's report Page 1 did not identify Vegetation & Wildlife Species & Habitats, Including Fish <sup>4*</sup>
N	Unique, Endangered, Fragile, or Limited Environmental Resources, Including Endangered Species <sup>2*</sup>	Architect's report Page 1 did not identify any Unique, Endangered, Fragile, or Limited Environmental Resources, Including Endangered Species <sup>2*</sup>
N	Unique Natural Features	Architect's report Page 1 did not identify any Unique Natural Features
N	Access to and Quality of Recreational & Wilderness Activities, and Public Lands, Including Federally Designated Wild & Scenic Rivers <sup>12</sup>	Architect's report Page 1 did not identify any Access to and Quality of Recreational & Wilderness Activities, and Public Lands, Including Federally Designated Wild & Scenic Rivers.

**9. Evaluation of impact, including cumulative and secondary impacts, on the *Human Population* in the area to be affected by the proposed action**

The project will have a positive affect on the human environment by providing much needed accessible, affordable, senior housing.

*Please complete the following checklist. Attach narrative containing more detailed analysis of topics and impacts that are potentially significant.*

**Key Letter: N - No Impact/Not Applicable; B - Potentially Beneficial; A - Potentially Adverse; P - Approval/ Permits Required; M - Mitigation Required**

<b>N</b>	Visual Quality--Coherence, Diversity, Compatible Use, and Scale Aesthetics	Apartments will meet covenants
<b>N</b>	Historic Properties, Cultural, and Archaeological Resources <sup>6</sup>	None identified in SHPO Correspondence
<b>B</b>	Changes in Demographic (Population) Characteristics	Addressing the increase in senior population
<b>N</b>	Environmental Justice	Not affected
<b>B</b>	General Housing Conditions--Quality & Quantity	Providing quality housing for a documented need.
<b>N</b>	Displacement or Relocating of Businesses or Residents	N/A Vacant site
<b>B</b>	Human Health	Accessible, affordable homes will improve senior's health.
<b>N</b>	Local Employment & Income Patterns--Quantity and Distribution of Employment	Small project no affect
<b>N</b>	Local and State Tax Base & Revenues	N/A Non profit ownership currently being taxed as vacant with nominal value.
<b>N</b>	Educational Facilities	No affect on schools, senior citizen project
<b>N</b>	Commercial and Industrial Facilities, Production & Activity	Project is not located near nor will it affect Commercial and Industrial Facilities, Production & Activity.
<b>N</b>	Health Care	Although there is a potential to draw more seniors to the area and increase the need for health care there is a corresponding benefit from having seniors in town, near health care and in safe, decent and accessible housing,
<b>N</b>	Social Services	Although there is a potential to draw more seniors to the area and increase the need for social services there is a corresponding benefit from having seniors in town, near services and in safe, decent and accessible housing,
<b>N</b>	Social Structures & Mores (Standards of Social Conduct/Social Conventions)	Housing for seniors will not cause any shift in moral or social conduct.
<b>N</b>	Land Use Compatibility	In an existing residential sub-division and will meet the areas covenants.
<b>N</b>	Energy Consumption	Project will incorporate energy saving features and not have a measurable impact on consumption.
<b>N</b>	Solid Waste Disposal <sup>9*</sup>	City Services
	Waste Water--Sewage System	City Services
<b>N</b>	Storm Water	Retention Ponds if necessary, no detailed elevations at this time

N	Community Water Supply	Minimal if any impact
B	Public Safety: Police	Seniors will be safer in town in safe, decent, accessible, close to services housing
B	Fire	Seniors will be safer in town in safe, decent, accessible housing that meets building and fire codes.
B	Emergency Medical	Seniors will be close to medical center and less likely to be injured in accessible, safe housing.
N	Parks, Playgrounds, & Open Space	Has playground adjacent to site and will provide a large open space and walking trails
N	Cultural Facilities, Cultural Uniqueness, & Diversity	Will bring about diversity allowing seniors to live close to the downtown area.
B	Transportation--Air, Rail & Auto (Including Local Traffic)	Living downtown and having the senior center bus will enable seniors not to drive, especially those whose driving skills have deteriorated.
N	Consistency with Other State Statutes or Local Ordinances, Resolutions, or Plans (to be added by local community)	No zoning, in compliance with the covenants, is a platted sub-division- Resolution to appoint ECO. Previous resolutions to sponsor the project and add CDBG housing funds to the County's budget.

10. *Describe and analyze reasonable alternatives to the proposed activity whenever alternatives are reasonably available and prudent to consider, and discuss how the alternatives could be implemented, if applicable.*

The search for the selected housing site was a process of elimination conducted by the Meagher County Housing Committee (the "Committee"). Due to the timing of the planning grants the architects could not be hired in time to assist with the site search. According to the Committee meeting minutes the sites listed below were considered and rejected.

Although a rationale is not given why each site considered was rejected, the Committee explained it was due to excessive cost (purchasing land with structures that need to be demolished or significant rehabilitation far exceeded the cost of new construction on the site selected), availability, size (Committee desired a phased project for up to 30 units with parking structures), perceived or actual environmental hazard sites and ability to obtain clear title.

From Committee Minutes in Appendix ???.

4/05/2004 Smith Building and 8 lots \$159,000

Edwards Building \$30,000 ?

06/-7/2004

8 lot with Smith Lumber and Hardware, Environmental Concerns?  
Grove Property next to the WSS&YP site 50.15 'by 90' (8 lots)

Gene Ashe (no response)  
Elaine MacKay 90.5" by 42' (3 lots)  
Jim McDonald Property - Not Big Enough  
Carol Anderson property behind Therriault house (odd shape lots 36+54  
90x40  
Keller Property 6 vacant lots, 143.7" by 30" or 35" - no response from  
Keller

05/03/04

Spring Manor - Not for Sale  
MacKay's Property owner in Alaska - no response  
Smith Lumber and Hardware \$158,000  
IOOF Hall\Grove Property by Laundromat  
Gene Ashe and Sandy Sage Property on Main St

07/12/4004

No answers from McKay or Keller

09/13/2004

6 possible locations  
Red barn Antiques  
Mae Hereim Property  
Merrit Smith (Springs Hotel)  
Isabel Smith corner of HI 89 and 12  
Michael Grove Hi 360  
Circle V Store  
Donna Keller 3<sup>rd</sup> Ave. S>E> (not positive response)  
Tenderfoot and Property east of Motel (Too expensive)

October 4, 2004

Grandma's Antiques and Sandy Sage (next to Town Pump site leak , too  
small and irregularly shaped)

12/05/2004

Properties across the street for the Senior Center, all occupied houses

01/10/2005

Property across the street is site of old dry cleaner shop, clean-up  
costs???

02/07/2005

Gebhardt Property 3 lots, 3 acres, \$15,000 per lot  
Meeting on 02/14/2005 with owner of Spring Manor

02/16/2005

Spring Manor major repairs, questionable as when available, relocate  
tenants for rehab?

Group voted to make an offer on Gebhardt's Property

03/07/2005

Discussed Gebhardt's property and 1000 feet of sewer line needed to be  
installed

Group voted to pursue potential purchase of Spring Manor AND  
Build on Gebhardt's

07/10/2005

HRDC Purchased site to hold for MCSC

**11. Where applicable, list and evaluate mitigation actions, stipulations, and other controls which will be enforced by the local government or another governmental agency.**

The site is inside city limits. Throughout Meagher County there is no zoning except for the airport area. There are protective covenants attached to the use of this property and construction of this project would be subject to a review and approval by an architectural committee.

The covenants were recently changed, subject to the review of the Department of Environmental Quality, to allow multifamily housing on lots 5, 6, & 7. The covenants identify requirements for size of single-family residences, set back requirements, height ( story ) limits and that any new structures shall conform with and be in harmony with existing improvements on the lot and in the surrounding neighborhood and in conformance with state and county requirements. Materials and colors of building exteriors are required to conform to the natural surroundings. All residential structures shall be constructed on a permanent foundation and building exteriors must be brick, stone, stucco, metal or wood. The site is bisected between lot's #6 and #7 by a 20'-0" utility easement which is an area that cannot be built over but would allow traffic to run across it. Ideally, if the power line could be moved and the easement abandoned, it would make better use of the remaining lot area available for master planning of the site after completion of Phase II. Investigation into the cost and feasibility of moving the utility line is under research.

This project proposes elderly housing that would be identified as medium density, single-level, attached housing units. The exterior finish proposed for this project would be fiber cement, lap siding product that would be painted. The architectural committee would need to review and approve the type of housing as well as the building siding material. The State of Montana, Department of Environmental Quality (DEQ) also, would need to review a modification of the covenants in regard to the type of housing proposed. Conversations with John Herrin, (406-444-4633) at the Subdivision applications/DEQ requirements, report that because the property is now on City Services the covenants should be approved.

This project will need to be submitted to the State of Montana, Building Codes Bureau located in Helena, Montana for plans review and issuance of a building permit prior to start of construction. The project will be reviewed for compliance with the current and various building code requirements which include but may not be limited to the 2003 International Building Code, 2003 Residential Code, 2003 Uniform Plumbing Code, 2003 International Mechanical, 2002 National Electrical Code and the 2003 International Energy Conservation Code. Additionally, this project would need to comply with the requirements of Federal Accessibility Standards (UFAS ) and (ANSI) Standard A 117.1 which identifies Americans with Disabilities Act ( ADA ) requirements.

The only issues that can be identified at this time that may impact building construction would be an identification of soils types and verification of ground water level. The Phase 1, Environmental Site

Assessment indicated that there may be a tight clays, soils type that could increase building foundation size and costs. A combination of clay soils and high ground water could also impact footing / foundation construction costs. A geotechnical soils investigation would identify the characteristics of the soil on this site and this work can be conducted at a later time prior to development of construction documents.

12. Is the proposed project in compliance with all applicable Federal, State, and local laws and regulations?

Yes  No

**LEVEL OF CLEARANCE FINDING:**

Based on the foregoing environmental review, it is concluded that:

[ X ] FINDING: A request to the Montana Department of Commerce for release of funds for the within project **is not** an action significantly affecting the quality of the human environment, and no EIS is required. A Finding of No Significant Impact (FONSI) can be made.

OR

[ ] FINDING: A request to the Montana Department of Commerce for release of funds for the within project **is** an action significantly affecting the quality of the human environment, and an EIS is required.

Finding Executed by:



---

Name (Typewritten): Charles Bernard Lucas, ECO, Chair of the Commission

Title: Environmental Certifying Officer

## **INDEX OF APPLICABLE FEDERAL STATUTES AND REGULATIONS INCLUDED IN THE CHECKLIST**

### **1. Air Quality**

- a. Clean Air Act (42 U.S.C. 7401 et seq.) as amended; particularly section 17(c) and (d) (42 U.S.C. 7506(c) and (d)).
- b. Determining Conformity of Federal Actions to State or Federal Implementation Plans (Environmental Protection Agency-- 40 CFR parts 6, 51, and 93).

### **2. Endangered Species**

- a. The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) as amended; particularly section 7 (16 U.S.C. 1536).

### **3. Farmlands**

- a. Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.) particularly sections 1540(b) and 1541 (7 U.S.C. 4201(b) and 4202).
- b. Farmland Protection Policy (U.S. Department of Agriculture 7 CFR Part 658).

### **4. Fish and Wildlife**

- b. Fish and Wildlife Coordination Act (16 U.S.C. 661-666c).

### **5. Floodplain**

- a. Executive Order 11988, Floodplain Management, May 24 1977 (42 FR 26951, 3 CFR, 1977 Comp., as interpreted in HUD regulations at 24 CFR Part 55.
- b. Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001-4128).
- c. National Flood Insurance Program (44 CFR 59-79).

### **6. Historic Properties**

- a. The National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.), particularly sections 106 and 110 (16 U.S.C. 470 and 470h-2), except as provided in 58.17 for Section 17 projects.
- b. Executive Order 11593 - Protection and Enhancement of the Cultural Environment, May 13, 1971 (36 FR 8921), 3 CFR 1971-1975 Comp., particularly

section 2(c).

- c. 36 CFR Part 800 with respect to HUD programs other than Urban Development Grants (UDAG)
- d. The Reservoir Salvage Act of 1960 as amended by the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469 et seq.), particularly section 3 (16 U.S.C 469a-1).

## **7. Man-made Hazards**

- a. Siting of HUD-Assisted Projects Near Hazardous Operations Handling Conventional Fuels or Chemicals of an Explosive or Flammable Nature, 24 CFR Part 51, Subpart C, (49 FR 5103, 2/10/84).
- b. HUD Notice 79-33, Policy Guidance to Address the Problems Posed by Toxic Chemicals and Radioactive Materials, 9/10/79.
- c. Siting of HUD Assisted Projects in Runway Clear Zones at Civil Airports and Clear Zones and Accident Potential Zones at Military Airfields, 24 CFR Part 51, Subpart D (49 FR 880, 1/6/84)

## **8. Noise**

- a. Noise Abatement and Control, 24 CFR Part 51, Subpart B, (44 FR 40861, 7/12/79, as amended at 61 FR 13333, 3/26/96).

## **9. Solid Waste Disposal**

- a. Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901-6987).
- b. U.S. Environmental Protection Agency (EPA) Implementing Regulations 40 CFR Parts 240-265.

## **10. Water Quality**

- a. Federal Water Pollution Control Act, as amended (33 U.S.C. 1251-1376).
- b. The Safe Drinking Water Act of 1974, as amended (42 U.S.C. 69-01-6978, 300f-300j-10).
- c. U.S. Environmental Protection Agency (EPA) Implementing Regulations 40 CFR Parts 100-149.

- d. Missoula, Montana Sole Source Aquifer, in accordance with Section 1424 (e) of the Safe Drinking Water Act, 42 U.S.C. Section 300h-3 (1982).

**11. Wetlands**

- a. Executive Order 11990, Protection of Wetlands, May 24, 1977 (42 FR 26961), 3 CFR, 1977 Comp., particularly sections 2 and 5; and Applicable State Legislation or Regulations.

**12. Wild and Scenic Rivers**

- a. Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et. seq.) as amended, particularly section 7(b) and (c), (16 U.S.C. 1278 (b) and (c)).

*Note: In Montana, this act applies to the North Fork of the Flathead River from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence with the South Fork; and the South Fork from its origin to Hungry Horse Reservoir; and, the Missouri River consisting of the segment from Fort Benton, one hundred and forty-nine miles downstream to Fred Robinson Bridge.*

**13. Environmental Justice**

- a. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994 (59 FR 7629), 3 CFR, 1994 Comp. P. 859. (24 CFR Part 58.5, April 30, 1996)

**14. Lead-based Paint**

HUD Lead-based Paint Standards (24 CFR Part 35) and Sections 1012 and 1013 of the Residential Lead-Based Paint Hazard Reduction Act that appear within Title X of the Housing and Community Development Act of 1992.

**15. Asbestos**

OSHA's asbestos standard (29 CFR 1926.1101) and EPA asbestos sections of NESHAP (National Emission Standard for Hazardous Air Pollutants), administered by Montana Department of Environmental Quality's Asbestos Control Program.

**NOTICE OF FINDING OF NO SIGNIFICANT IMPACT ON THE ENVIRONMENT AND NOTICE  
OF INTENT TO REQUEST A RELEASE OF FUNDS**

November 30, 2006

Bruce Brensdal, Administrator  
Montana Department of Commerce – Housing Division  
301 S Park Avenue  
PO Box 200545  
Helena, Montana 59620-0545  
406-841-2820

**TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS**

The State of Montana Department of Commerce (MDOC) proposes to request the US Department of Housing and Urban Development (HUD) to release Federal funds under the **HOME Investment Partnerships Program** (Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990) for the following project to be undertaken by Meagher County:

Castle Mountain Apartments, 10 Apartments for Senior Citizens

Lots #(5) Five, (6) Six, and (7) Seven of the Arrowhead Meadows Estates Addition, located in White Sulphur Springs, Meagher County. The lots are located on the South East side of White Sulphur Springs and bordered by Wall Street and 4th Avenue.

Estimated Project Cost of \$1.3 million. This activity will not be undertaken over multiple years.

It has been determined that such request for release of funds will not constitute an action significantly effecting the quality of the human environment and, accordingly, the above-named County of Meagher has decided not to prepare an Environmental Impact Statement under the National Environmental Policy Act of 1969.

An Environmental Review Record pertaining to this project has been made by the above-named Meagher County which documents the environmental review of the project and more fully sets forth the reasons why an Environmental Impact Statement is not required. This Environmental Review Record is on file at the Meagher County Courthouse, 15 West Main Street, White Sulphur Springs, MT 59645 and is available for public examination and copying, upon request between the hours of 9:00 am and 4:00pm Monday –Friday.

No further environmental review of such project is proposed to be conducted, prior to the request for release of funds.

All interested agencies, groups and persons disagreeing with this Finding of No Significant Impact decision are invited to submit written comments for consideration by MDOC to the Meagher County Commission. All such written comments so received at 15 West Main on or before Friday December 15, 2006 will be considered and MDOC will not request the release of Federal funds or take any administrative action pertaining to this project prior to the date specified in the preceding sentence.

On or about December 19, 2006, MDOC will request HUD to release Federal funds for the project described above. The MDOC is certifying to HUD that Bruce Brensdal, MDOC - Housing Division Administrator and Charles Bernard Lucas, in his official capacity as Meagher County Commission Chair, consent to accept the jurisdiction of the Federal courts if an action is brought to enforce responsibilities in relation to environmental review, decision making, and action; and that these responsibilities have been satisfied for this project.

The legal effect of the certification is that upon its approval, Meagher County may use the HOME Investment Partnerships Program funds, and HUD will have satisfied its responsibilities under the National Environmental Policy Act of 1969 and related laws and authorities.

HUD will accept an objection to its approval of the release of funds and acceptance of the certification only if it is on one of the following bases: (a) that the certification was not in fact executed by the Certifying Officer of Meagher County; or (b) MDOC has omitted a decision, finding, or step applicable to the project in the environmental review process. Objections must be prepared and submitted in accordance with the required procedure (24 CFR Part §58), and may be addressed to Howard Kutzer, Senior Environmental Officer – HUD – 1670 Broadway, 23rd floor – Denver, CO 80202-4801. Objections to the release of funds on bases other than those stated above will not be considered by the HUD. All objections must be received by HUD within 15 days from the time HUD receives MDOC's request for the release of funds and certification.

Bruce Brensdaal, Administrator  
Montana Department of Commerce – Housing Division  
301 S Park Avenue  
PO Box 200545  
Helena, Montana 59620-0545



"The County with a Castle"

# Meagher County, Montana

WHITE SULPHUR SPRINGS, MT 59645

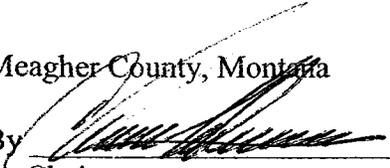
OFFICE OF  
COUNTY CLERK  
& RECORDER  
P.O. Box 309

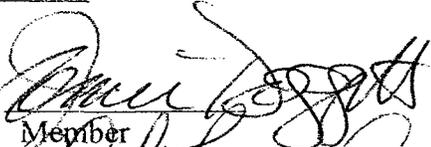
Phone (406) 547-3612  
Fax (406) 547-3388

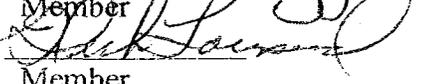
OFFICE OF  
COUNTY  
TREASURER

P.O. Box 429  
Phone (406) 547-3641  
Fax (406) 547-3388

Meagher County, Montana

By   
Chairman

Attest \_\_\_\_\_ By   
Member

Attest \_\_\_\_\_ By   
Member

**COMBINED NOTICE  
FINDING OF NO SIGNIFICANT IMPACT and  
NOTICE TO PUBLIC OF REQUEST FOR RELEASE OF FUNDS  
(FONSI/NOI/RROF)**

November 30, 2006

Meagher County Courthouse  
15 West Main Street  
White Sulphur Springs, MT 59645

**TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:**

On or about December 19, 2006 the above-named County will request the Montana Department of Commerce (DOC) to release Community Development Block Grant (CDBG) funds provided under Title I of the Housing and Community Development Act of 1974, as amended (PL 93-383) for the following project:

New construction of Phase I , 10 apartments for low-income seniors. The project is called the "Castle Mountain Apartments" and the units will be on lot's # 5, 6 and 7 in Arrowhead Meadow Estates. The first Phase of the project will develop 10 units which will be subsidized through USDA Rural Development.

**Significant Impact**

It has been determined that such request for release of funds will not constitute an action significantly affecting the quality of the human environment and accordingly the above named County has decided not to prepare an Environmental Impact Statement under the National Environmental Policy Act of 1969 (PL 91-190).

The reasons for the decision not to prepare such Statement are as follows:

The project is within a platted sub-division and will be on City Services. The site requires no special mitigation as there are no environmentally sensitive features. There will be no negative impact on the physical environment. The impact on the human environment is thought to be positive as it provides, accessible, centrally, safe, low-cost apartments for seniors. Upon completion the project will be owned and managed by the Meagher County Senior Center

An Environmental Review Record documenting review of all project activities in respect to impacts on the environment has been made by the above-named County. This Environmental Review Record is on file at the above address and is available for public examination and copying upon request from 8-5 Monday through Friday. No further environmental review of such project is proposed to be conducted prior to the request for release of CDBG project funds.

**Public Comments on Findings**

All interested agencies, groups and persons disagreeing with this decision are invited to submit written comments for consideration by the County to the Meagher County Court House on or before December 15, 2006. All such comments so received will be considered and the County will not request release of funds or take any administrative action on the project prior to the date specified in the preceding sentence.

Release of Funds

The County will undertake the project described above with CDBG funds provided by DOC under Title I of the Housing and Community Development Act of 1974, as amended. Meagher County is certifying to DOC that if an action is brought to enforce responsibilities in relation to environmental reviews, decision-making, and action; and that these responsibilities have been satisfied. The legal effect on the certification is that upon its approval, the County of Meagher may use the CDBG funds and DOC will have satisfied its responsibilities under the National Environmental Policy Act of 1969.

Objections to State Release of Funds

The Department of Commerce will accept an objection to its approval of the release of funds and acceptance of the certification only if it is on one of the following bases:

- (a) that the certification was not in fact executed by the chief executive officer or other officer approved by the Department of Commerce;
- (b) that the applicant's environmental review record for the project indicates omission of a required decision, finding, or step applicable to the project in the environmental review process;
- (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by DOC; or
- (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental design.

Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and may be addressed to: Department of Commerce, Community Development Division, 301 S. Park Avenue, P.O. Box 200523, Helena, Montana 59620.

Objections to the release of funds on bases other than those stated above will not be considered by DOC. No objection received after January 5, 2007 will be considered by DOC.



By: Charles B. Lucas, County Commission Chair/Environmental Certifying Officer



Date

Meagher County Court House  
15 West Main  
White Sulphur Springs, MT 59645

September 27, 2005

State Historic Preservation Office  
Montana Historical Society  
1410 Eighth Avenue  
Helena, MT 59620

RE: Consultation under CDBG HOUSING PROGRAM

Dear State Historic Preservation Officer:

The Human Resource Development Council of District IX, Inc. (the "HRDC") whose mailing address is 32 South Tracy, Bozeman, MT 59715 is submitting an application for new construction to the Montana Department of Commerce's Community Development Block Grant (CDBG) Program for housing. This application is being submitted on behalf of Meagher County whose senior center, Meagher County Senior Center (MCSC) wishes to construct housing for senior citizens on a parcel of land with legal description given below.

Legal is: Lots #(5) Five, (6) Six, and (7) Seven of the Arrowhead Meadows Estates Addition, located in the Town of White Sulphur Springs, Meagher County, according to the Official Plat thereof Recorded December 18, 1998, Document # 108302, in Book F48, Page(s) 165, File Cabinet # 75, in the Office of the County Clerk and Recorder of Meagher County.

The HRDC requests that you notify us if either (1) any sites, structures, or districts already listed in or determined eligible for listing in the National Register of Historic Places which could be affected by the proposed project or (2) if you recommend the need for archeological or historical inventory in the project area.

The HRDC expects that Meagher County's Environmental Certifying Officer will find this activity does not fall under 58.35 Environmental Exclusions and will need to complete an environmental review under CFR 58.35. Further this activity does not qualify under "Sec. 58.37 Environmental impact statement determinations" and therefore does not require an EIS. The project is expected to meet the requirements of both the requirements of the federal housing and Community Development Act as well as the national Environmental Policy Act (NEPA).

A several site maps have been enclosed. Thank you for your review of this activity and subsequent comments.

Sincerely,

Caren Roberty  
Community Development Director



HRDC provides essential services such as: • Affordable Housing • Case Management • Community Development • Emergency Services • Employment Assistance • Energy Assistance and Conservation • Gallatin Valley Food Bank • Head Start • Home Health Care • Local Transportation • Community First Fund • Resource Property Management • Retired and Senior Volunteer Program.





# MONTANA HISTORICAL SOCIETY

225 North Roberts ♦ P.O. Box 201201 ♦ Helena, MT 59620-1201  
♦ (406) 444-2694 ♦ FAX (406) 444-2696 ♦ [www.montanahistoricalsociety.org](http://www.montanahistoricalsociety.org) ♦

October 4, 2005

Caren Roberty  
HRDC  
32 South Tracy  
Bozeman MT 59715

RE: WHITE SULPHUR SPRINGS SENIOR CENTER CONSTRUCTION. SHPO  
Project #: 2005100318

Dear Caren:

I have conducted a cultural resource file search for the above-cited project located in Section 18, T9N R7E. According to our records there have been no previously recorded historic or archaeological sites within the designated search locales. The absence of cultural properties in the area does not mean that they do not exist but rather may reflect the absence of any previous cultural resource inventory in the area, as our records indicated none.

We feel that there is a low likelihood cultural properties will be impacted. We, therefore, feel that a recommendation for a cultural resource inventory is unwarranted at this time. However, should cultural materials be inadvertently discovered during this project we would ask that our office be contacted and the site investigated. Thank you for consulting with us.

If you have any further questions or comments you may contact me at (406) 444-7767 or by e-mail at [dmurdo@mt.gov](mailto:dmurdo@mt.gov).

Sincerely,



Damon Murdo  
Cultural Records Manager

OCT 06 2005

*Caren*

File: HUD/CDBG/2005

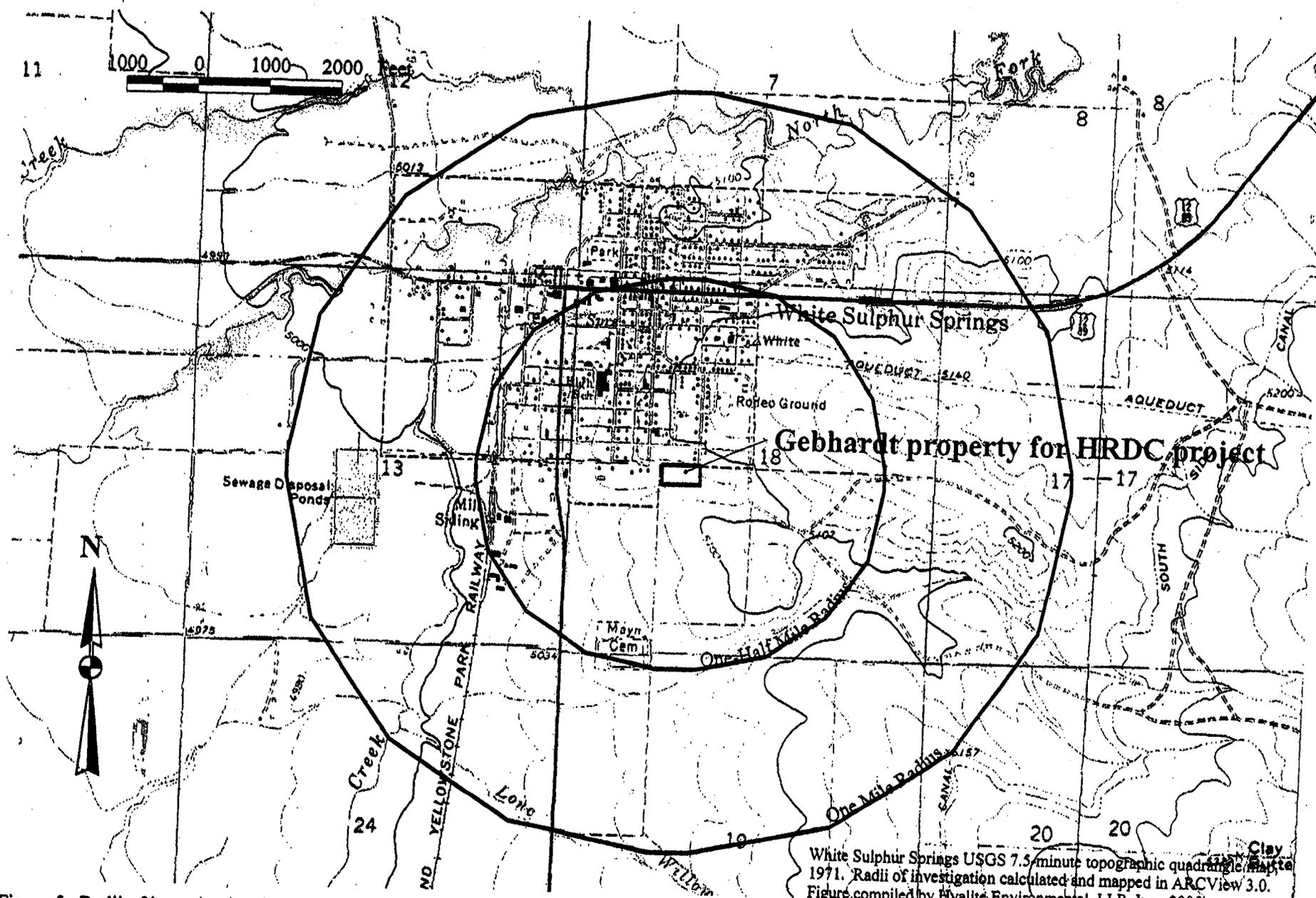


Figure 5. Radii of investigation for hazardous materials.

White Sulphur Springs USGS 7.5-minute topographic quadrangle map, 1971. Radii of investigation calculated and mapped in ARCView 3.0. Figure compiled by Hyalite Environmental, LLP, June 2005!

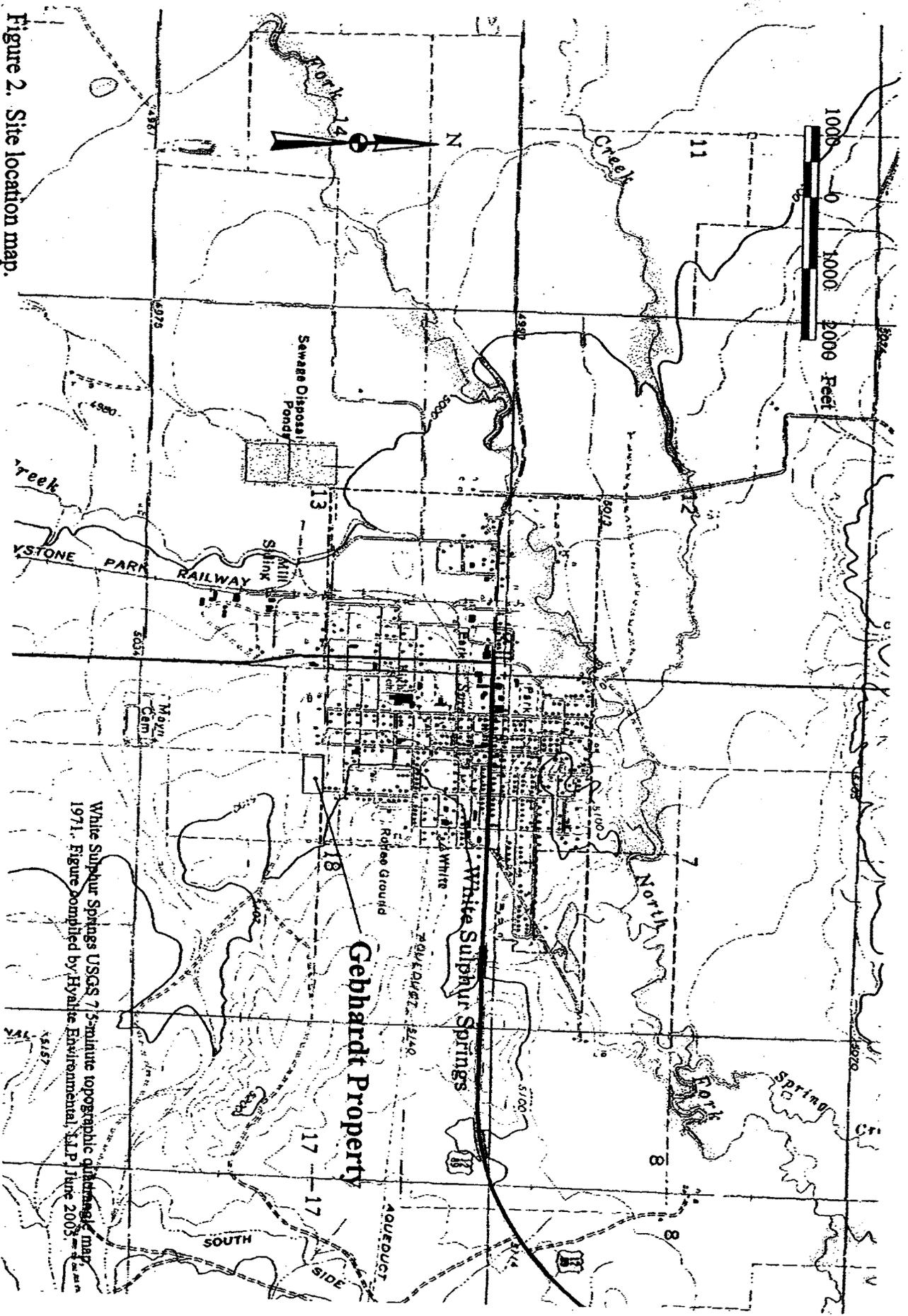
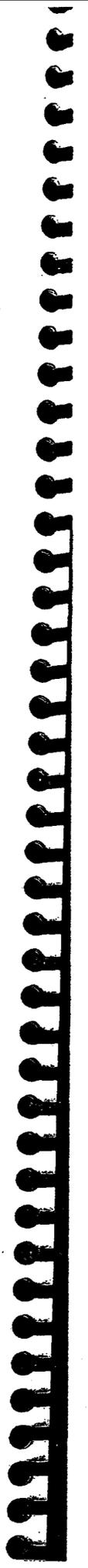


Figure 2. Site location map.

White Sulphur Springs USGS 7.5-minute topographic quadrangle map  
 1971. Figure compiled by Hyalite Environmental, LLP, June 2005.



SECTION 18, T. 9 N., R. 7 E., P.M.M.

MURRAY HILL ADDITION  
TO THE TOWN OF MURRAY HILL SPECIAL DISTRICT

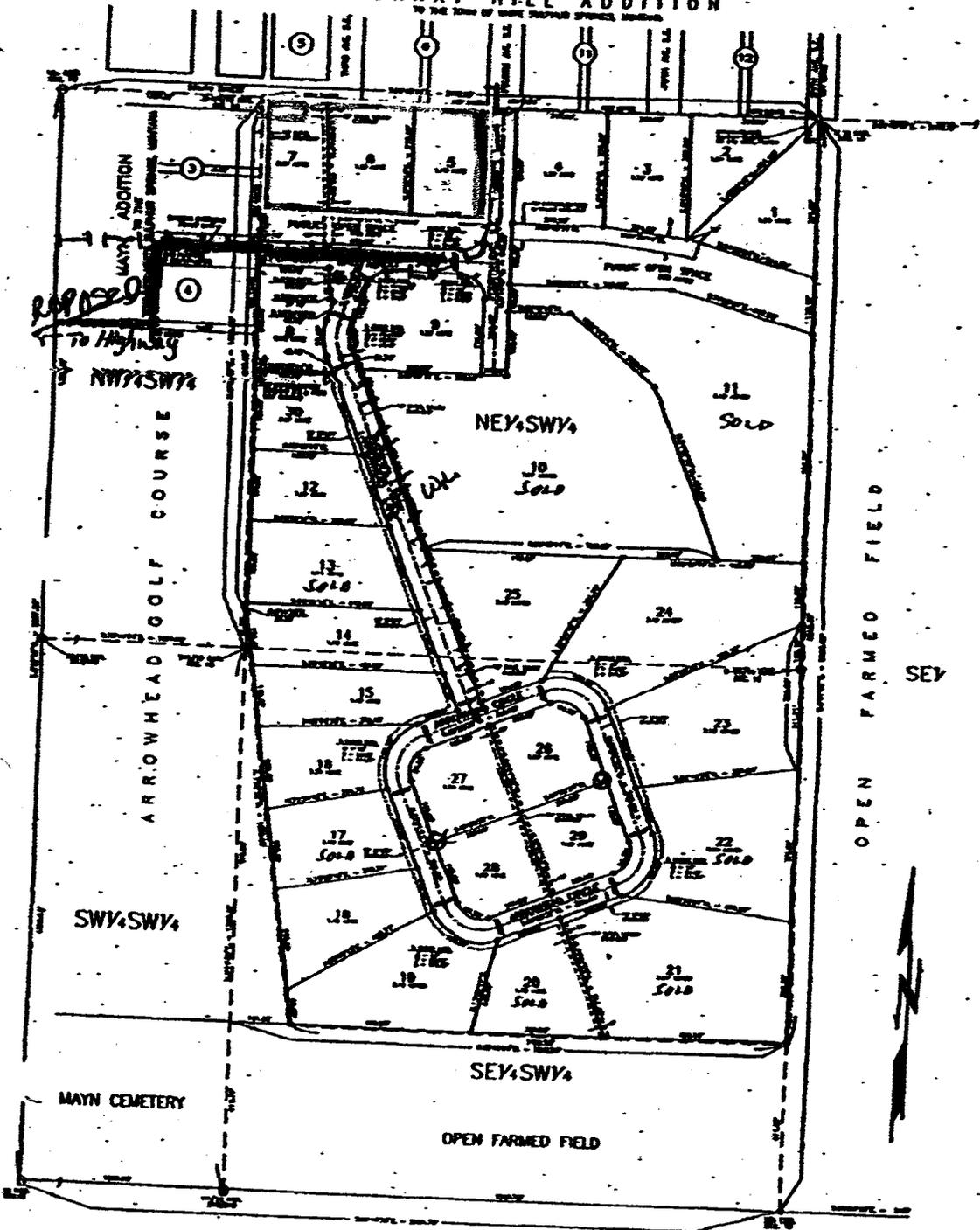


Figure 3. Site survey - Official Plat recorded December 18, 1998, Document #108302, in Book F48, Page 165, File Cabinet #75, in the Office of the County Clerk and Recorder of Meagher County.

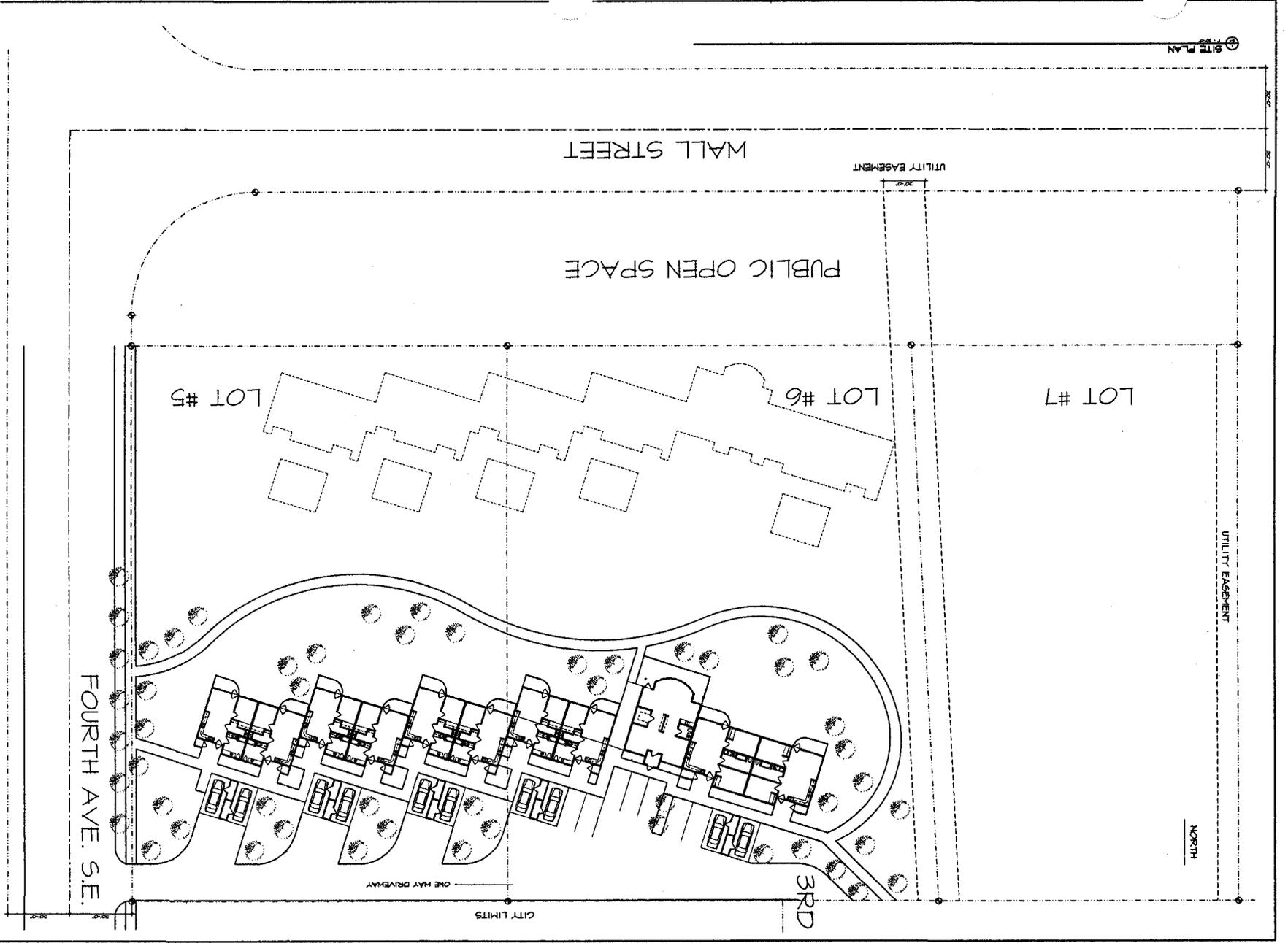
4638-01-01  
DATE 10/17/2008  
DRAWN C.M.S.  
CHECKED M.S.B.

PHASE 1 CASTLE MOUNTAIN APARTMENTS  
GEPHARDT PROPERTY  
WHITE SULPHUR SPRINGS, MONTANA  
PRELIMINARY SITE PLAN



CROSSMAN · WHITNEY · GRIFFIN P.C.  
ARCHITECTS A.I.A.  
400 TOWN CENTER  
SUITE 200  
WHITE SULPHUR SPRINGS, MT 59634  
(406) 443-2300 (FAX)  
(406) 443-2300 (CELL)  
cwg@crossmanwhitneygriffin.com

PROGRESS PRINT  
NOT FOR  
CONSTRUCTION





# ME&A

## Montana Engineering and Administration, P.C.

Providing Water and Wastewater Engineering  
Services for Municipalities Across Montana

Phone: 406 652-5000

Fax: 406 248-1363

Cellular Phone: 406 855-3575

115 N. Broadway, Suite 202  
Billings, MT 59101

Email: pmurtagh@montanaeca.com

December 11, 2006

**RECEIVED**

DEC 13 2006

LEGISLATIVE ENVIRONMENTAL  
POLICY OFFICE

Montana Environmental Quality Council  
PO Box 201704  
Helena, MT 59620-1704

Re: *Environmental Review*  
*Stormwater PER - City of Laurel, Montana*

Dear Reviewer:

ME&A is currently compiling a PER to evaluate the City of Laurel's stormwater handling system, identify any deficiencies, and propose potential measures to address the deficiencies.

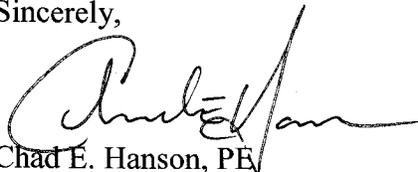
The City of Laurel is located in Yellowstone County, Montana approximately 15 miles southeast of Billings along Interstate 90. The City is located in Sections 8, 9, 10, and 16 of Township 2S, Range 24E and has general coordinates of latitude 45°40' N and longitude 108°46' W.

Potential improvements to the system as a result of the PER include the expansion of the existing storm sewer to drain Fourth Street South and South Washington Avenue, an area locally known as the South Laurel Business District. The construction of new sanitary sewer systems would be completed in existing roadways. Additionally, improvements to the Laurel Drain and Nutting Drain, such as the installation of larger culverts and channel maintenance, may result from the PER recommendations.

We are contacting your agency in an attempt to identify any potential environmental impacts associated with the planned development. Please take a few moments to review the site and provide a written response detailing the presence, or absence, of any potential environmental impacts.

Thank you very much for your assistance in this matter.

Sincerely,



Chad E. Hanson, PE  
Project Engineer

Enclosure: Site Map





Nutting Drain

City Limits

9

10

11

Proposed New Storm Sewer

Laurel Drain

16

15



<p><b>ME&amp;A</b>  MONTANA ENGINEERING &amp; ADMINISTRATION, P.C.  115 N Broadway, Suite 202, Billings, MT 59101  (406) 652-5000</p>	<p>Potential Areas of Impact  Stormwater PER  City of Laurel, MT</p>
---	--

# MONTANA

Department of Commerce

COMMUNITY DEVELOPMENT DIVISION  
P.O. Box 200523 ★ Helena, Montana 59620-0523  
Phone: 406-841-2770 ★ Fax: 406-841-2771

**RECEIVED**

FEB 07 2007

Montana Environmental Quality Council  
PO Box 201704  
Helena, MT 59620-1704

LEGISLATIVE ENVIRONMENTAL  
POLICY OFFICE

TO WHOM IT MAY CONCERN:

RE: Request for comments on the Proposed Great Plains Dinosaur Museum in Malta, Montana

In order to fulfill our responsibilities under the Montana Environmental Policy Act, we are requesting your comments regarding the project described below.

House Bill 423, sponsored by State Representative Wayne Stahl, and State Senator Sam Kitzenberg, passed during the 2005 Legislature. HB 423 appropriates \$500,000 to the Department of Commerce *"to purchase the land and purchase and construct a facility for a park in Malta, Montana, to display the products of paleontological research in the area and to provide research facilities for paleontologists and complete necessary building upgrades. The Department of Commerce may lease the property to a private, nonprofit entity for the purpose of operating the park."*

The Department of Commerce has consulted with the Board of the Judith River Foundation of Malta as the project has proceeded. The Foundation operates the "Dinosaur Field Station" in Malta under the direction of Nate Murphy, Director of Paleontology for the Phillips County Museum. From the beginning, there has been a consensus that the preferred location for the museum would be adjacent to U.S. Highway 2 to assure maximum accessibility and visibility for the traveling public.

With the assistance of a licensed architect, the Foundation Board has selected a site adjacent to the Phillips County Historical Museum on U.S. Highway 2. The legal description of the property is Lot 7 of Block 2 of the Original Townsite of the City of Malta. The members of the Judith River Foundation Board and the Phillips County Museum Board agreed that the property west of the County Museum would be their preferred site for the Dinosaur Museum. The County Museum property includes the two-story museum and the Robinson House, a restored historical home immediately to the east of the museum. The two boards believe there could be a potential "synergy" between the two museums, if they are located close together. They believe that more tourists would likely visit the two museums if they were next to each other. The museums could also share a common parking lot and cooperate on advertising and signage.

The preferred site, immediately west of the Phillips County Historical Museum, was occupied by a florist shop and nursery, Jan's Floral and Greenhouse, owned by Karl and Janice Harms. The Harms are currently in the process of dismantling their greenhouses, which will be moved to a new site for the business south of the Burlington Northern - Sante Fe Railroad tracks which is closer to Malta's downtown business district. The proposed museum site is bounded on the north by the Milk River dike, on the east by the

Phillips County Historical Museum, on the south by U.S. Highway 2, and on the east by residential properties. We have enclosed an aerial photo and map for your information.

The major constraint for the proposed site is that approximately 60% of the lot is located within the designated 100-year floodplain of the Milk River. The City of Malta constructed a dike along the south bank of the river in the 1970's after the floods of May, 1964. The floodplain designation does not reflect the existence of the dike because it was not constructed to U.S. Corps of Engineer specifications. However, according to the City of Malta Floodplain Administrator, because of the dike, this area was not flooded during the very serious flood of September, 1986. That flood followed 18 hours and 8 inches of rain. Press reports at the time also stated that "dikes held back the rampaging Milk River...."

According to U.S. Department of Interior regulations, in order to be eligible to serve as a federal and state depository for fossils, the first floor of the museum would have to be elevated at least two feet above the elevation of a 100-year flood event. The flood elevation has been determined by a registered land surveyor. According to the architect, this will require approximately four feet of fill on the south portion of the property, closest to Highway 2. This is permitted under state and local floodplain regulations.

The City of Malta has provided letters stating that the proposed dinosaur museum project would be permissible under the City's floodplain and zoning regulations, including the proposed fill for the museum building site.

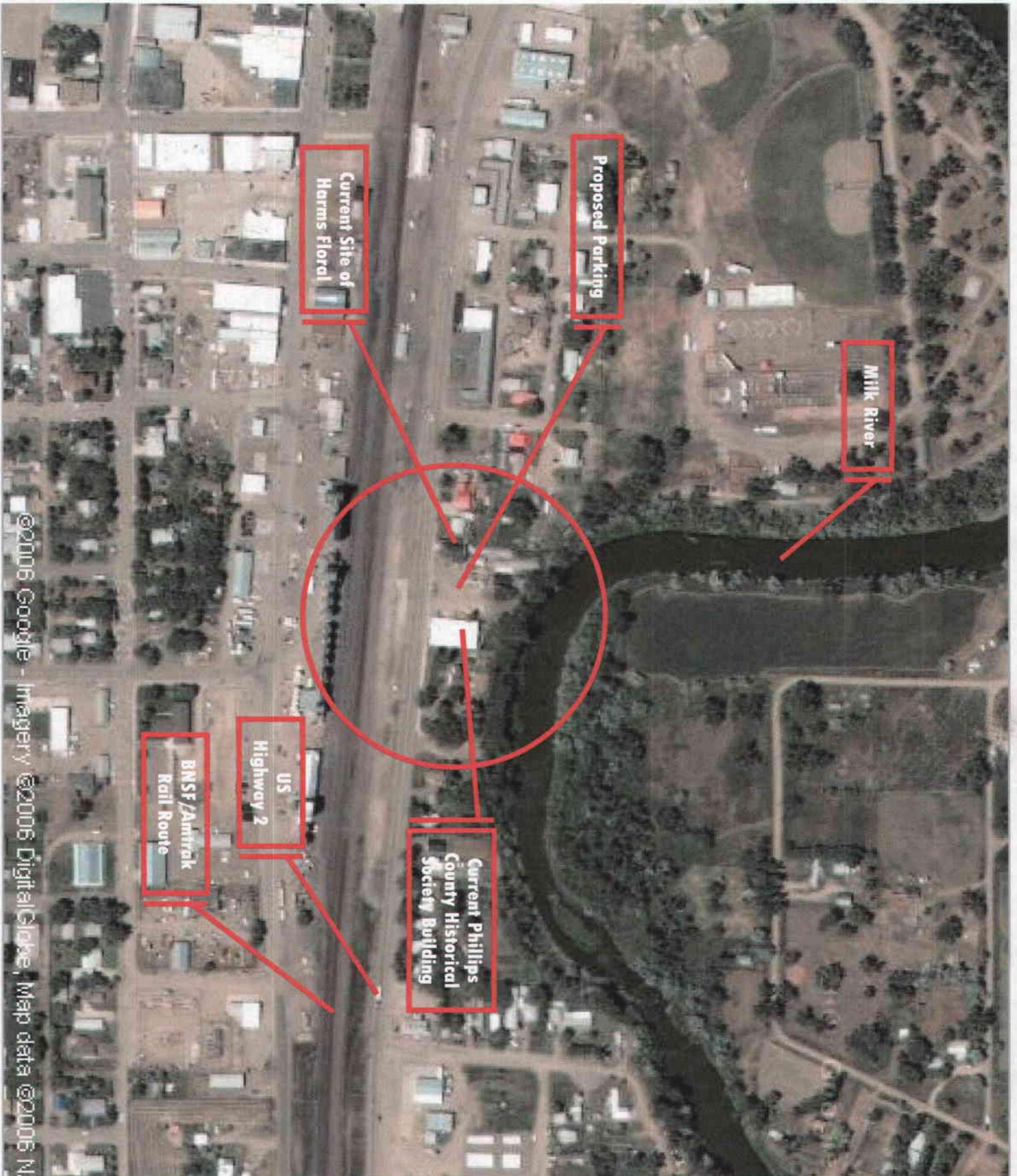
The Montana Land Board must approve the purchase of the property. In preparing for the project's presentation to the Land Board in March, we are conducting an evaluation of the project pursuant to the Montana Environmental Policy Act. We would appreciate receiving your comments on the project as soon as possible.

Sincerely,

A handwritten signature in black ink that reads "Dave Cole". The signature is written in a cursive, flowing style.

Dave Cole, Administrator  
Community Development Division

Phone: (406) 841-2776  
FAX: (406) 841-2771  
e-mail: dacole@mt.gov



Proposed Parking

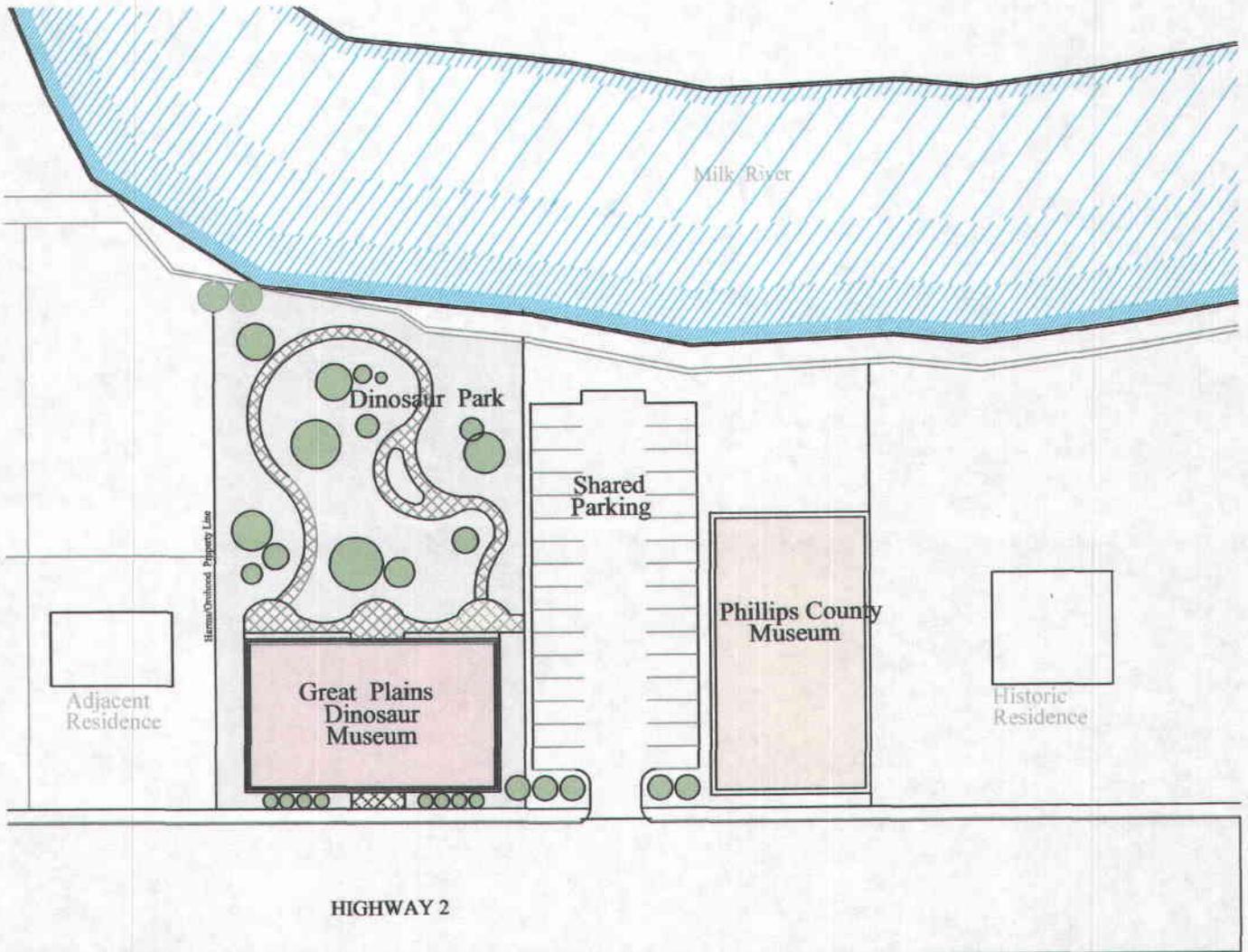
Milk River

Current Site of Harms Floral

Current Phillips County Historical Society Building

US Highway 2

BNSF /Amtrak Rail Route



CIVIC design  
Great Falls, MT November 28, 2006

# Great Plains Dinosaur Museum Site Plan

115 North Broadway, Suite 500  
Billings, MT 59101  
(406) 652-5000 ♦ Fax (406) 248-1363  
www.greatwesteng.com



March 16, 2007

Montana Environmental Quality Council  
PO Box 201704  
Helena, MT 59620-1704

**RE: Environmental Review for the Sanitary Sewer PER  
Fort Smith and Yellowtail (Big Horn County) Water and Sewer Districts**

Dear Reviewer:

Great West is currently compiling a preliminary engineering report (PER) to evaluate the District's sanitary sewer systems, identify any deficiencies, and propose potential measures to address the deficiencies. Potential improvements to the system include the replacement of portions of the existing sewer mains and the construction of a total retention lagoon system for treatment.

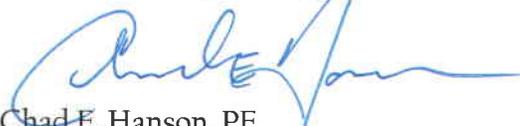
The districts are located in the Southeast  $\frac{1}{4}$  of Section 16, Township 6S, Range 31E. The proposed lagoon system would be constructed just east of the Yellowtail District and extend into the Southwest  $\frac{1}{4}$  of Section 15.

We are contacting your agency in an attempt to identify any potential environmental impacts associated with the planned development. Please take a few moments to review the site and provide a written response detailing the presence, or absence, of any potential environmental impacts.

Thank you very much for your assistance in this matter.

Sincerely,

**Great West Engineering, Inc.**

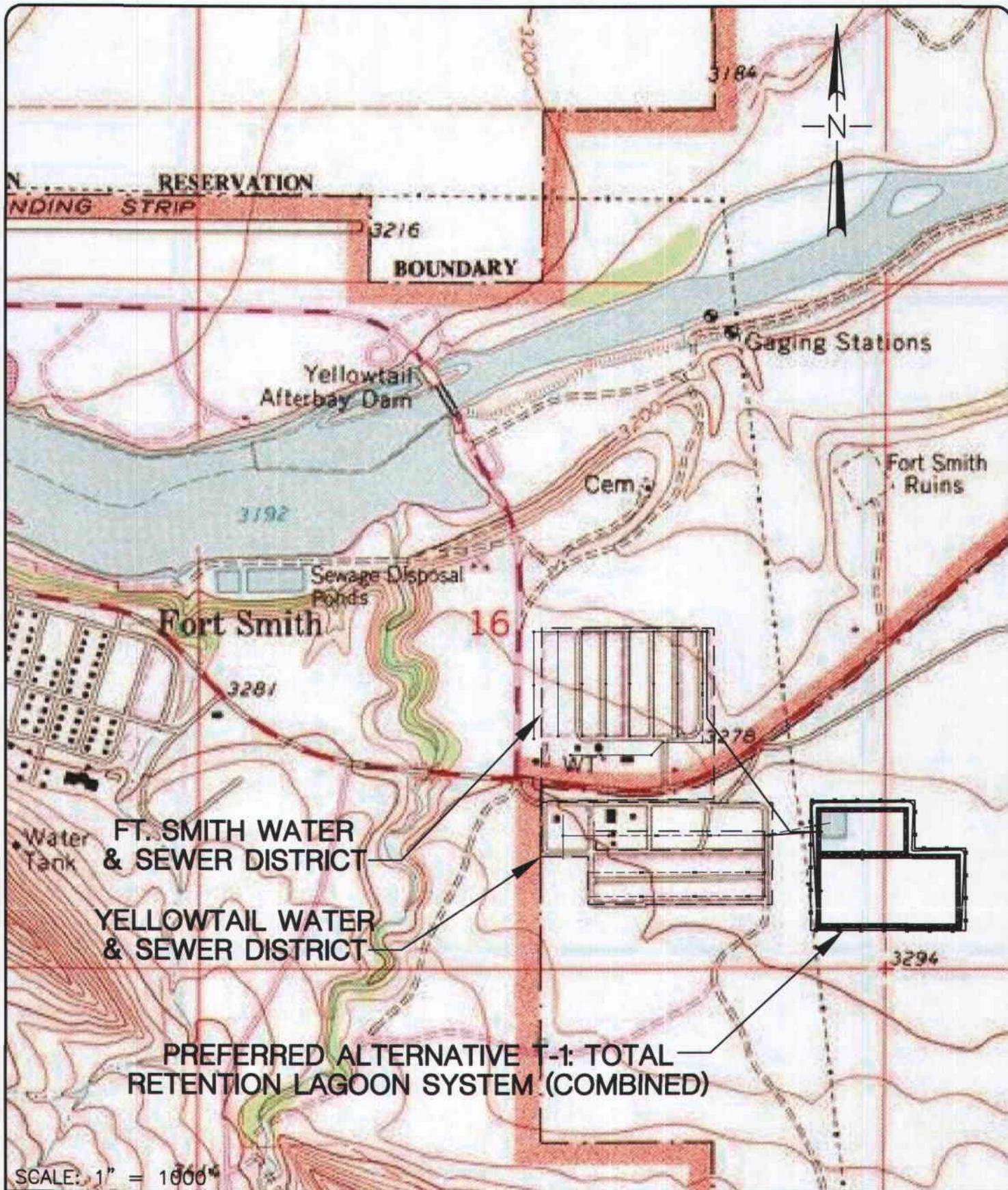
  
Chad E. Hanson, PE  
Project Manager

Enclosure: Site Map

**RECEIVED**

**MAR 19 2007**

**LEGISLATIVE ENVIRONMENTAL  
POLICY OFFICE**



115 N. Broadway  
Suite 500  
Billings, MT 59101  
Office: 406.652.5000  
Fax: 406.248.1363  
www.greatwesteng.com

**FT. SMITH & YELLOWTAIL WATER & SEWER DISTRICTS SANITARY SEWER PER**

**PROPOSED IMPROVEMENTS**