

Environmental Assessment

**Butte Neighborhoods
NSP3 Project**
Butte-Silver Bow, Montana

MT-NSP-004-01-001

Prepared by:

City and County of Butte-Silver Bow, Montana
Office of Community Development
155 W. Granite Street
Butte, MT 59701

September 19, 2011



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

September 18 and 25, 2011

City and County of Butte-Silver Bow, Montana
Office of Community Development
155 W. Granite Street, Room 115
Butte, MT 59701
406-49796467

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

On or before Tuesday, October 4, 2011 the City and County of Butte-Silver Bow, Montana will request the Montana Department of Commerce (DOC) to release Neighborhood Stabilization Program (NSP) funds provided under Title I of the Housing and Community Development Act of 1974, as amended (PL 93-383) for the following project:

Butte Neighborhoods NSP3 Project

The Butte Neighborhoods NSP3 Project will involve the construction or improvement of seventeen properties in three areas of B-SB; Census Tracts 1, 2, and 4 (the Project Area). This infill development project will provide for stabilization and financing to produce a minimum of seventeen (17) passive-solar, high performance housing units for sale to households under eighty (80) percent of area median income (AMI) including at least seven (7) homes for households with income under fifty (50) percent of AMI.

City and County of Butte-Silver Bow, Montana

Finding of No 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 City and County of Butte-Silver Bow, Montana 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 single criterion that requires a specific action from the City and County of Butte-Silver Bow, Montana is related to the Impact Category - Historic Properties, Cultural and Archaeological Resources. New construction within the Project Area must comply with the provisions of the National Historic Preservation Act, 36 CFR Part 800, most particularly Section 106, as Census Tracts 1 and 2 of the Project Area are wholly located within the Butte-Anaconda National Historic Landmark District. In order to avoid a finding of adverse effect, the developer will be required to provide site specific designs clearly defining the characteristics of the proposed infill development to the Montana State Historic Preservation Office, for evaluation, comment and avoidance of adverse effects.

An Environmental Review Record documenting review of all project activities in respect to impacts on the environment has been made by the City and County of Butte-Silver Bow, Montana. This Environmental Review Record is on file at the above address and is available for

public examination and copying upon request between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

No further environmental review of such project is proposed to be conducted prior to the request for release of NSP 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 City and County of Butte-Silver Bow, Montana to the Office of Community Development, 155 W. Granite Street, Room 115, Butte, MT 59701 on or before Monday, October 3, 2011. All such comments so received will be considered and the City and County of Butte-Silver Bow, Montana 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 City and County of Butte-Silver Bow, Montana will undertake the project described above with NSP funds provided by DOC under Title I of the Housing and Community Development Act of 1974, as amended. The City and County of Butte-Silver Bow, Montana is certifying to DOC that Karen Byrnes in her official capacity as the Director of Community Development for the City and County of Butte-Silver Bow, Montana consents 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, the City and County of Butte-Silver Bow, Montana may use the NSP 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 Monday, October 3, will be considered by DOC.

Karen Byrnes, Environmental Certifying Officer
September 18, 2011
155 W. Granite Street
Butte, MT 59701

RUN DATES: Sunday, September 18, 2011
Sunday, September 25, 2011

Purchase Order No.:

BILL TO COMMUNITY DEVELOPMENT DEPARTMENT

SEND PROOF OF PUBLICATION TO COMMUNITY DEVELOPMENT DEPARTMENT

EXHIBIT 2-0

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS
FOR NOI/RROF & FONSI/NOI/RROF

DISTRIBUTION LIST: CHECK APPLICABLE AGENCIES

State Agencies

_____ Montana Department of Commerce
Community Development Division
301 S. Park
P.O. Box 200523
Helena, MT 59620-0523
Ph: 841-2770

_____ Montana Department of Fish, Wildlife & Parks
Resource Assessment Unit
P.O. Box 200701
1420 East Sixth Avenue
Helena, MT 59620-0701
Ph: 444-5670

_____ Montana Department of Environmental Quality
P.O. Box 200901
1520 East Sixth Avenue
Helena, MT 59620-0901
Ph. 444-5263

_____ Montana Department of Natural Resources & Conservation
1625 Eleventh Avenue
P.O. Box 201601
Helena, MT 59620-1601
Ph. 444-6743

_____ Montana Environmental Quality Council
P.O. Box 201704
Helena, MT 59620-1704
Ph. 444-3742

_____ Montana State Historic Preservation
Preservation Officer
P.O. Box 201202
1410 Eighth Avenue
Helena, MT 59620-1202
Ph. 444-7717

Federal Agencies

_____ U.S. Environmental Protection Agency
Montana Office, Federal Building
10 W. 15th Street STE 3200
Helena, Montana 59626
Attention: EIS Review
Ph. 457-5000

_____ U.S. Fish & Wildlife Service
Sub-office Coordinator
2900 Fourth Ave. N, Room 301
Billings, MT 59101
Ph. 247-7366

Local Agencies

_____ Local Conservation District
(List Name and Address)

_____ Local Government Planning Agency
(List Name and Address)

_____ Local Historical Society
(List Name and Address)



*BUTTE-SILVER BOW
COMMUNITY DEVELOPMENT DEPARTMENT
155 WEST GRANITE STREET, COURTHOUSE
BUTTE, MONTANA 59701
(406) 497-6465*



September 28, 2011

Montana Department of Natural Resources
& Conservation
1625 Eleventh Avenue
P.O. Box 201601
Helena, MT 59620-1601

Montana State Historic Preservation
Preservation Officer
P.O. Box 201202
1410 Eighth Avenue
Helena, MT 59620-1202

Montana Environmental Quality Council
P.O. Box 201704
Helena, MT 59620-1704

U.S. Environmental Protection Agency
Montana Office, Federal Building
10 W. 15th Street STE 3200
Helena, Montana 59626
Attention: EIS Review

Montana Department of Commerce
Community Development Division
301 S. Park
P.O. Box 200523
Helena, MT 59620-0523

U.S. Fish & Wildlife Service
Sub-office Coordinator
2900 Fourth Ave. N, Room 301
Billings, MT 59101

Subject: Butte Neighborhoods NSP3 Project FONSI/NOI/RRF & Environmental
Assessment - CDBG Contract No. MT-NSP-004-01-001

Please replace the Consolidated Environmental Assessment Form you received earlier this month with the enclosed copy, signed and dated September 27, 2011. This form has been amended as it relates to "Key Codes" that were incorrectly applied to a number of the Impact Categories. More specifically; the preparer (myself) used the "P" code when it should have been the "B". Please accept my apologies for this error and any inconvenience this may have caused you in the course of your review.

Subsequently, the review period has been amended for this assessment; the revised FONSI/NOI/RRF is also enclosed.

All other attachments remain the same, including the Appendix and maps.

If you have any questions, please feel free to contact me – 406-497-6469 or dskrud@bsb.mt.gov.

Sincerely,


Dori Skrukud, Community Development Coordinator

Enclosures (2)

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

October 2, 2011

City and County of Butte-Silver Bow, Montana
Office of Community Development
155 W. Granite Street, Room 115
Butte, MT 59701
406-49796467

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

On or before Monday, October 17, 2011 the City and County of Butte-Silver Bow, Montana will request the Montana Department of Commerce (DOC) to release Neighborhood Stabilization Program (NSP) funds provided under Title I of the Housing and Community Development Act of 1974, as amended (PL 93-383) for the following project:

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City and County of Butte-Silver Bow, Montana

In addition, for housing projects with similar scopes of work, this Environmental Assessment may fulfill review requirements from other funding agencies including, but not limited to, USDA Rural Development, MT DOC HOME Program, Housing and Urban Development's Community Development Block Grant and Self Help Opportunity Programs.

Finding of No 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 City and County of Butte-Silver Bow, Montana 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:

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Public Comments on Findings

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- (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 Tuesday, November 1, 2011, will be considered by DOC.

Karen Byrnes, Environmental Certifying Officer
September 18, 2011
155 W. Granite Street
Butte, MT 59701

RUN DATES: Sunday, October 2, 2011

Purchase Order No.: 1202513

BILL TO COMMUNITY DEVELOPMENT DEPARTMENT

SEND PROOF OF PUBLICATION TO COMMUNITY DEVELOPMENT DEPARTMENT

MONTANA COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

CONSOLIDATED ENVIRONMENTAL ASSESSMENT FORM

Introduction

The following form is for the use of Community Development Block Grant (CDBG) recipients who must prepare an Environmental Assessment (EA) as required by HUD Environmental Review procedures for the CDBG program (24 CFR 58.36). Satisfactory completion of this form will meet the requirements of the federal Housing and Community Development Act as well as the national Environmental Policy Act (NEPA).

CDBG recipients must also demonstrate compliance with the environmental requirements of the other related federal environmental laws and regulations listed in the HUD Statutory Checklist (24 CFR 58.5). For this reason, the Statutory Checklist requirements have been combined into this single consolidated form. An index of the applicable federal statutes and regulations is found at the end of this form. Where noted, the numbers that appear to the right of the environmental subject areas listed in the checklist correspond to the listing of statutes found in the index.

The requirements of the Montana Environmental Policy Act (MEPA) and the uniform State administrative rules adopted pursuant to the Act have also been integrated into the consolidated form.

Project Identification

Recipient: **City and County of Butte-Silver Bow, Montana**

Chief Elected Official: **Paul D. Babb, Chief Executive**

Environmental Certifying Officer: **Karen Byrnes, Director of Community Development**

CDBG Contract # : **MT-NSP-004-01-001**

Project Name: **Butte Neighborhoods NSP3 Project**

Person Preparing this
Environmental Assessment: **Dori Skrukrud, Community Development Coordinator**

Phone Number: **406-497-6469**

Instructions for Completing this Form

The following instructions should be presented and evaluated in a level of detail which is appropriate to the following considerations:

- (a) the complexity of the proposed action;
- (b) the environmental sensitivity of the area affected by the proposed action;
- (c) the degree of uncertainty that the proposed action will have a significant impact on the quality of the human environment;
- (d) the need for and complexity of mitigation required to avoid significant environmental impacts.

In all cases, the CDBG grant recipient should reference and attach additional narrative providing the specific information requested or documentation supporting the evaluation of the impact of the proposed project or activity as it relates to each environmental subject area. The narrative should also note, where applicable, the source of the evaluation, including date of contact, page reference to pertinent source documents, and the name and title or persons contacted, along with the name of the specific organization or agency.

Environmental information and assistance in preparing an environmental assessment can be obtained from a wide variety of sources. Possible sources of information include existing plans and studies, knowledgeable local residents and officials such as the county sanitarian, city or county planning board or department, local officials with the U.S. Soil and Conservation Service (SCS) or local conservation district, as well as local representatives of the State Fish, Wildlife & Parks Department, to list just a few examples. Grant recipients may also contact the State and federal agencies listed in **Exhibit 2-O** for information and assistance.

The Department of Commerce Community Development Bureau maintains copies of environmental assessments prepared on previous projects that may be useful to grant recipients, as well as full copies of applicable federal and State environmental statutes and related information. Copies of the HUD publication, *Environmental Review Guide for Community Development Block Grant (CDBG) Programs*, can be requested from the CDBG program specialist assigned to your project.

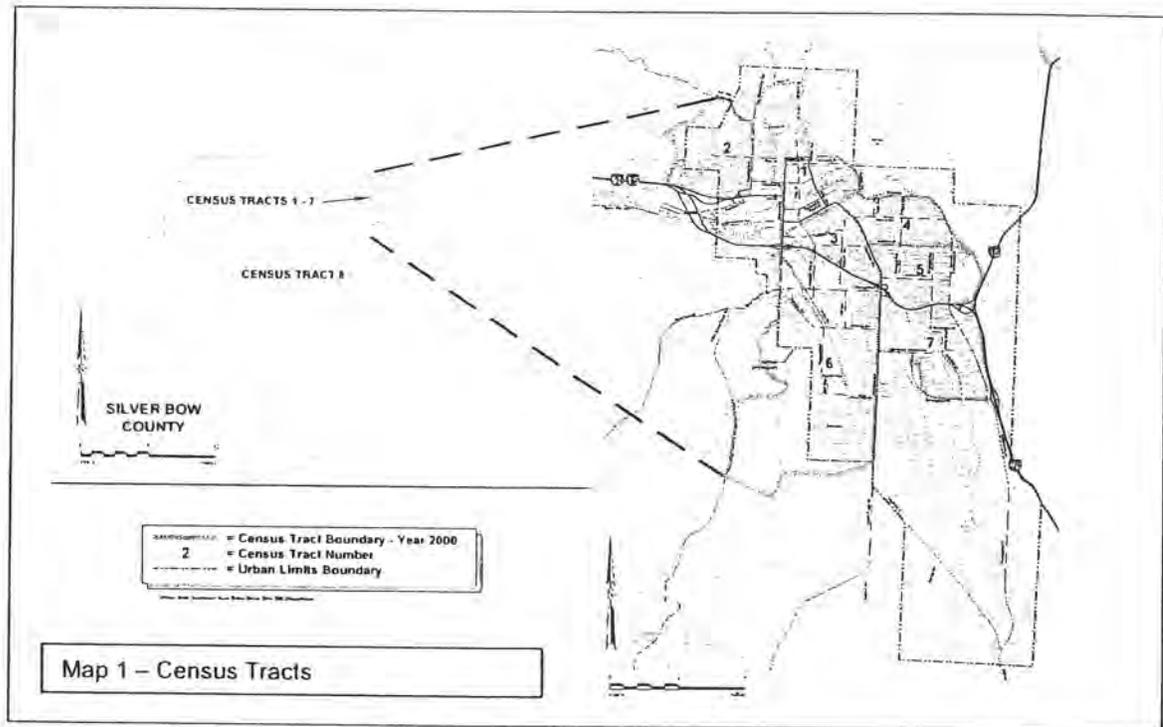
Evaluation of Environmental Impact

Maps 2, 3, 4, 5 A, 5B and 5C are located in the sleeve at the back of this document.

1. Describe the proposed action or activity, including construction and end-product.

The Butte Neighborhoods NSP3 Project will involve the construction or improvement of seventeen properties in three areas of B-SB; Census Tracts 1, 2, and 4 (Project Area.) The Project Site encompasses approximately 4.53 sq. miles (2,899 acres) of Butte's Urban Corridor (Map 1).

This infill development project will provide for stabilization and financing to produce a minimum of seventeen (17) passive-solar, high performance housing units for sale to households under eighty (80) percent of area median income (AMI) including at least seven (7) homes for households with income under fifty (50) percent of AMI.



The project includes the acquisition of key parcels of vacant land in the Project Area for the construction of single-family residences or the rehabilitation of existing single-family residences and the development of eight (8) condominium units in the Central Business District (Phoenix Building – 66 W. Park Street) to appeal to senior citizens and persons with disabilities.

2. Describe the project site and surrounding area(s), including existing site use and environmental conditions.

Project Site

Butte-Silver Bow County covers an area of 718.31 square miles in southwest Montana and includes 48.2 people per square mile. Approximately 88% (30,509) of the county's population resides within the Urban Corridor while approximately 12% (4,097) of the population resides in areas outside the urban boundaries (US Census Bureau; Census of Population and Housing, 2000).

From The Housing Landscape – Butte-Silver Bow Housing Plan 2015, a report by Community Culture and Heritage, 2007.

Butte, Montana was incorporated in 1879 as a center for mining gold, silver and ultimately copper, which became the community's economic mainstay throughout most of the 20th Century. The pattern of housing development in Butte over the past century was similar to industrial cities elsewhere in the United States. Growth was associated with industrial development and homes were constructed in close proximity to the work place, creating a high-density environment.

Nearly 33% (9,990 people) of the county's urban population is concentrated in Census Tracts 1 and 2, which are north and west of Front Street, the location of the Central Butte Project Area (Project Area). Thirty-seven percent (11,350 people) of the population within the urban limits is contained in Census Tracts 3, 4 and 5 - the area south of Front Street and

bordered by Continental Drive to the east and Interstate 90 to the south and west (See Map 2).

Unlike many of America's larger industrial cities, Butte was not significantly impacted by either massive urban renewal efforts following the Second World War or construction of the national highway system. Instead, flight of Butte residents to areas outside the urban corridor was a result of large-scale open-pit mining that literally swallowed neighborhoods adjacent to the mine. However, a significant representation of the original housing stock and residential character of Butte's urban core has remained relatively unchanged over time.

Socioeconomic trends in Butte-Silver Bow have historically been linked to the mining of metals, particularly copper and molybdenum. The Butte community was built upon mining and the industry retained a prominent role in the economy for over a century - from the mid 1880's to the mid 1980's. The mining life style was reflected in the types of housing constructed. The adjacent configuration of housing to mines was reflective of the needs of single miners living and working in a bitter climate before the advent of public transportation and automobiles. Because of a primary dependence upon one major industry, changes in the industry had significant impacts on socioeconomic conditions.

The mix of industries that comprise Butte-Silver Bow's economic base has changed dramatically over the past thirty years. Mining jobs that constituted 21% of total county jobs in 1970 now represent only 2% of the job base. Service and retail sectors have a more prominent role in the contemporary Butte-Silver Bow economy. Service sector jobs now comprise 36% of total jobs compared with 24% in 1970. Retail jobs went from 17% in 1970 to 23% in 2000.

While the county's income distribution has shifted toward the middle and upper income ranges, many families have not benefited from the shift. Forty-one percent of families (3,637) in Butte-Silver Bow are categorized as "low-income" based upon income limits established by the U.S. Department of Housing and Urban Development for purposes of determining eligibility for Section 8 rental assistance. Of those families, 25% (893) are considered to be "very low-income" and 26% (943) are considered "extremely low-income".

The poverty rate in Butte-Silver Bow is higher than those for both the State of Montana and the nation. When the 2000 decennial Census count was taken, the poverty rate in Butte-Silver Bow was 14.9% as compared with 14.6% for Montana and 12.4% for the nation. According to a 2003 Census estimate, the local poverty rate has grown by one percentage point since 2000. At 15.9%, the rate remains higher than both the state (14.2%) and the nation (12.5%) for the percent of people living below poverty.

Within the county boundaries of Butte-Silver Bow, there are pockets of deep poverty. Forty percent of Butte-Silver Bow County's Census Block groups (17 out of 43) had poverty rates higher than the county rate in 2000 that ranged from 15% to 61%. Of the 17 high-poverty Block Groups, ten (or 59%) were located in the urban core within Census Tracts 1 and 2. These two tracts contain 52% (2,550 people) of the county's poor while only comprising 29% of the total population. Of particular note are Block Groups 4 and 5 in Tract 1 where poverty rates were 47% and 61% respectively in 2000.

According to 2000 Census data, the largest number of housing units (41% or 6,556 units) in Butte-Silver Bow County was constructed prior to 1939. The community experienced construction surges in the 1950's and again in the 1970's, but none to the extent that occurred prior to 1939; the 1950's saw construction of 2,094 units and 2,384 units were built during the 1970's. Nearly 60% of units built prior to 1939 are contained in the old town site

in Census Tracts 1 and 2. While the newer areas of the community have experienced new construction and growth, the age and condition of housing stock in the older town site present a vital planning issue for Butte-Silver Bow. Decay of the housing stock in much of Census Tracts 1 and 2, which includes the Project Area and the upper and lower west sides of the urban cluster, are contributing to a significant aesthetic crisis and have created an economic development barrier for the community. Retail activity in the central business district is inherently impacted by a loss of people, by vacant and blighted structures and by high poverty in these areas. The poor aesthetic quality created by decay creates a barrier to the attraction of new businesses and people.

There are an estimated 2,600 substandard housing units in Census Tracts 1 and 2. This is based upon a visual estimate of structures that have clear structural and maintenance issues. According to a February 2005 study prepared by the Center for Applied Economic Research for the Montana Department of Commerce, 28% (3,561 units) of Butte's overall housing stock is in 'unsound' to 'fair' condition. This is compared to 24% for Montana overall. Another 37% of Butte-Silver Bow units (approximately 4,743 units) are in only average condition. An approximate 73% of substandard units are contained within Census Tracts 1 and 2.

Butte Priority Soils Operable Unit

The Butte Priority Soils Operable Unit (BPSOU) is part of the Silver Bow Creek/Butte Area Site, which is part of the Clark Fork Basin Superfund complex. The complex includes four Superfund sites in the Basin listed on the National Priority List (NPL):

1. Silver Bow Creek/Butte Area Site – listed in 1983 and 1987 (Map 3)
2. Montana Pole Site - listed in 1987
3. Anaconda Smelter Site – listed in 1983
4. Milltown Reservoir Sediments Site - listed in 1983

These sites extend 140 miles, from the headwaters of Silver Bow Creek north of Butte to the Milltown Reservoir near Missoula, Montana.

Mining activity started in Butte in 1864 with the discovery of gold. Over the next few decades, the Butte district evolved into the largest producer of copper in North America. Butte served as a globally-important mining, milling, and smelting district during WWII. Operating mines, mills, concentrators, and smelters were scattered across the Butte Hill which today represents the town of Walkerville and the urban "Uptown" portion of Butte. The mines produced waste piles, and the mills and smelters produced large quantities of tailings that were disposed of in ponds or dumped in Silver Bow Creek. Butte's smelters and mills also produced air emissions which distributed metal contaminants throughout the area. These contaminants include: arsenic, lead, mercury, aluminum, cadmium, copper, iron, silver, and zinc.

The Environmental Protection Agency (EPA) designated the original Silver Bow Creek Site as a Superfund site in September 1983, under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA). Work began on a RI/FS in 1984.

The BPSOU includes most of the surface urban area of uptown Butte and the community of Walkerville. The BPSOU lies in the upper Silver Bow Creek valley, immediately west of the continental divide at an elevation ranging from approximately 5,400 to 6,400 feet. It is centered on the Butte Hill and urban Uptown Butte. The upper Silver Bow Creek valley is bounded on the east, south, and north by mountains with elevations reaching 10,000 feet. The valley is drained by two primary streams: Blacktail Creek and Silver Bow Creek. Surface

water exits the valley toward the west.

Area-wide cleanup has been divided into two phases. Phase I, an expedited Response Action, addressed source areas by removing waste dumps, railroad beds, or other related mine wastes. These source areas were adjacent to or up gradient of receptor areas (residential yards, gardens, parks and playgrounds). Many waste sites were capped with clean soil through a "waste-in-place" treatment strategy that does not remove wastes. Such sites are evaluated on a rolling basis through the Butte Reclamation Evaluation System (BRES). Mine waste, in the form of waste rock and fine-grained tailings, was scattered around the Butte hill over 100 years of industrial mining.

Phase II activities included conducting the RI/FS. The emphasis of Phase II was to evaluate impacts to the environment. This included an in-depth evaluation of arsenic and metal impacts on Silver Bow Creek and alluvial groundwater and both present and future human health impacts from source materials located outside of residential areas and an investigation to assess the actions already taken, all other areas of contamination, storm runoff, and future land use problems in Butte and Walkerville. Phase II culminated in a Record of Decision (ROD) in September 2006.

The local government operates a lead abatement program that addresses children with elevated blood lead levels; residential yards with lead levels over 1,200 parts per million; residential homes with lead drinking pipes; indoor dust contaminated with lead; and interior and/or exterior lead paint. This is a five-year program administered by the Butte-Silver Bow Health Department with oversight by the Environmental Protection Agency (EPA). The lead abatement program is currently shifting to a more general Residential Metals Abatement Program.

According to the EPA, the following removal actions have taken place in the Butte Priority Soils area:

- 1988 - Walkerville (north of Butte): Stabilization of 300,000 cubic yards of lead-contaminated soil from mine waste dumps. Earthen basements (4) and residential yards (23) were cleaned up.
- 1989 - Timber Butte: Some 40,000 cubic yards of contaminated soil were moved to a temporary on-site repository in 1989. Two residential yards were cleaned up.
- 1990 - 1991 Priority Soils: Waste dumps containing about 100,000 cubic yards of soil were either capped or removed. A railroad bed and seven residential yards were also reclaimed.
- 1991 - Colorado Smelter: Approximately 40,000 cubic yards were moved to an on-site disposal area.
- 1992 - Anselmo Mine Yard/Late Acquisition Silver Hill: contaminated soils were removed.
- 1994 - Walkerville: Several waste dumps were either removed or capped.
- 1994 - Residential/Source Areas: Residential yards and waste rock dumps located throughout Butte and Walkerville have been/are being addressed.
- 1996 - Stormwater: Construction of cement channels and sedimentation ponds throughout the Butte hill to address stormwater contamination.
- 1999 - Railroad: Removal of contaminated soil on numerous railroad beds and rail yards throughout the Butte hill. This action should be completed in 2003 (EPA has provided no update on whether this completion date was met).
- 2000/2001 - Walkerville Residential Area: This action addressed 46 residential properties throughout Walkerville, MT.

Butte Alluvial and Bedrock Controlled Groundwater Area

A petition for Controlled Ground Water Area ("Petition") was filed by Butte Silver Bow County ("BSBC") in October 2008 to establish the Butte Alluvial and Bedrock Controlled Groundwater Area ("BABCOWA") under state law. The Petition was filed to establish restrictions under state law upon the use and development of portions of the Butte alluvial and bedrock aquifers. A Final Order granting the Petition was issued by the Department of Natural Resources and Conservation ("DNRC") on October 30, 2009 (Map 3).

The Final Order contains specific Findings of Fact and Conclusions of Law that support DNRC's Order, and specific restrictions concerning groundwater and well use which have the force of law. Key elements of the Order include:

- (a) New groundwater wells, except Superfund or other environmental monitoring / treatment wells necessary for environmental cleanup purposes, are generally prohibited.
- (b) Existing domestic use wells for potable supply which exceed human health standards must be immediately abandoned for such purpose, and the Settling Defendants are responsible for making an alternative water source available to replace use of the well for potable supply.
- (c) Existing wells for irrigation or industrial use may be replaced at the Owner's expense, but only if the conditions stated in the Order are satisfied.
- (d) The boundaries of the CGWA may be amended with the express written approval of the DNRC, the Environmental Protection Agency ("EPA") and the State of Montana Department of Environmental Quality ("DEQ").

The Butte-Silver Bow Water Quality District shall administrate, monitor, and enforce the restrictions associated with controlled groundwater areas.

The Butte-Anaconda National Historic Landmark District (Butte-Anaconda NHL)

The following text was extracted from the Butte-Anaconda National Historic Landmark District's National Register of Historic Places Registration Form - USDI/NPS. The document is available at <http://www.nps.gov/nhl/designations/samples/mt/Butte-Anaconda.pdf>

The Butte-Anaconda NHL encompasses 9,774 acres, within which are 7,910 resources, roughly three-quarters of which (6,015), contribute to the national significance of the district. The Project Area's Census Tracts 1 and 2 are fully within the boundaries of the Butte-Anaconda NHL. Buildings established as "Contributing" to the Butte-Anaconda NHL are illustrated on Map 4; a contributing property is any building, structure, object or site within the boundaries of the district which reflects the significance of the district as a whole, either because of historic associations, historic architectural qualities or archaeological features. Another key aspect of the contributing property is historic integrity. Significant alterations to a property can damage its physical connections with the past, lowering its historic integrity.

The district's contributing resources include 5,975 buildings, two sites, 37 structures and one object. The nation's largest NHL (in terms of resource count), the Butte-Anaconda NHL district includes three communities – Butte, Anaconda and Walkerville – as well as the Butte, Anaconda & Pacific Railroad (BA & P). Butte (population 34,000), which is the largest of the three communities, was designated a National Historic Landmark in 1961. Walkerville (population 700) is adjacent to Butte and, though sometimes viewed as a neighborhood within Butte, is a distinct community with its own government. Anaconda (population 9,000) is approximately 26 miles west of Butte, connected to its "sister city" by the Deer Lodge Valley and the BA & P rail link.

As noted in Section 8 of the US Department of Interior/National Park Service National Register of Historic Places Registration Form, this nomination also expands the district thematically, to include nationally significant resources associated with the history of American Labor. As amended, the Butte-Anaconda NHL district is an outstanding representation of national mining and labor history, representing the NHL Thematic Framework's Theme V., *Developing the American Economy*. The district as a whole and all of its essential components retain an impressively high level of integrity. The sheer number of extant contributing resources and the unique industrial character of the district are extraordinary, and represent an era and a way of life tied to the industrial growth of the nation. Specific resources within the landmark district that embody these themes include:

- First and foremost, the headframes, mill buildings, mines, mine yards and industrial resources that reflects Butte Hill's 50-year reign as the world's most productive copper district.
- The Granite Mountain Mine, site of the disastrous Granite Mountain/Speculator fire that galvanized labor activists and precipitated formation of the Metal Mine Workers' Union and events leading to the lynching of International Workers of the World (IWW) leader Frank Little.
- The historic community of Walkerville, birthplace of Butte mining and the incubator of investment resources that gave rise to a copper-based mining empire.
- **The city of Butte, an early twentieth-century metropolis, with its bustling uptown and intact worker's neighborhoods that grew up around the mine yards.**
- The city of Anaconda, a quintessential late nineteenth and early twentieth century company town that owed its existence to the smelting factories that were located there, which were an integral element of the NHL district's mining history.
- The Butte, Anaconda & Pacific Railroad (BA & P), and its affiliated railroad resources, which served as the industrial transport artery connecting the two communities' mining and smelting areas.
- The Anaconda Copper Mining Company (ACM) Smelter Smokestack, the smelter community's most visible and iconic industrial symbol.
- The more than 20 extant meeting halls where labor groups organized and met, most prominent among them being: Butte's Carpenter's Union Hall, Scandia Hall, Pioneer Hall, International Order of Odd Fellows and International Order of Good Templar's Buildings and the M&M Building; Anaconda's Carpenter's Union Hall, Anaconda Pay Office and Anaconda Band Hall.
- The Hennessey Building in Uptown Butte, headquarters to ACM for decades.
- The William A. Clark Mansion, residence of Butte's prominent Copper King and physical expression of the prosperity drawn from the Butte Hill.
- The Metals Bank designed by nationally prominent architect Cass Gilbert, and symbol of the financial prowess of Butte-Anaconda's copper empire.
- The Mary McLane House, home of the nationally acclaimed young writer who gave voice to the dreams and ideals of working-class women in Butte; and the Brinig House, home of Myron Brinig whose novel *Wide, Open Town* in 1931 described work and life in the "Mining City."
- Butte's Socialist Hall, one of the few left in the country.

Overview: Butte

The city of Butte sprang up, owing its birth to the silver mines and its life to the rich veins of copper that lay below. Scattered irregularly over the uneven slopes of the upper Butte Hill and interspersed among the mine yards that are integral to the city's distinctive historic

character, are the houses of Butte's Centerville and St. Mary's neighborhoods. Like the serpentine seams of a crazy quilt, the narrow streets and alleys of these early working class neighborhoods connect around the remaining headframes, hoist houses and mine dumps of some of Butte's most famous and prosperous mines – the Lexington, Granite, Bell Diamond, Granite, Parrott, Speculator, and Mountain Consolidated. In sharp contrast to these conjoined residential/industrial developments, much of the lands surrounding these northern neighborhoods is open, with waste dumps, a few small open mine pits, and undisturbed sagebrush-covered slopes. Missoula Gulch – the western boundary for these northern neighborhoods and once the locus of intensive hydraulic placer gold mining – remains largely undeveloped.

Located downhill from most of the mines is Butte's Central Business District [CBD]. Around the city center at Park and Main Streets, historic brick buildings two to eight stories high shape the skyline in Uptown Butte. Distinctive residential neighborhoods surround this business district, radiating across the hillside and intermingling with the mine yards, waste dumps, and other industrial remnants of the nation's foremost copper mining center. Uptown Butte is framed by the gaping scar of the Berkeley Pit (an open-pit mine) to the east, and by the hilltop-perched Montana College of Mineral Science and Technology (known informally as Montana Tech) to the west. The Mining City's trademark Gallus headframes climb northward to Walkerville, while trains still roll along the Northern Pacific (NP) rail corridor, in use on the landmark district's southern border since 1883.

The South Central neighborhood, a grouping of modest workers' cottages and historic boarding houses borders the Central Business District. Below this neighborhood, railroad terminals, switchyards and sidings, warehouses and industrial buildings formed the nucleus of South Butte – a once physically distinct transportation, wholesale, and manufacturing district later absorbed into the expanding community in the 1890s. Here too, closely knit blocks of brick and wood-frame workmen's homes reached down toward the Summit Valley floor and "The Flats," where historically a motley array of mills, breweries, waste dumps, and slag heaps fronted on Silver Bow Creek and the railroad tracks. The southern edge of the Butte-Anaconda NHL district is marked by the Northern Pacific Railroad line and undeveloped land along Silver Bow Creek, just south of the tracks.

Directly west of the Central Business District are three dense residential neighborhoods: the Westside, Northwest and Lower Westside. The Westside neighborhood is "an attractive neighborhood of rambling Victorian houses, Queen Anne cottages, and Craftsman Bungalows." Set off from the more industrialized portions of Butte City, Butte's upper and middle classes preferred this neighborhood, as did some of Butte's wealthiest citizens, including Copper King William A. Clark, merchant prince Daniel Hennessy, and ACM executives Cornelius Kelley, William D. Scallon and John D. Ryan.¹⁹ To the north, the tree-lined water supply reservoir and Montana School of Mineral Science and Technology define the west boundary, while a cohesive neighborhood of Craftsman style Bungalows and cottages unfolds on the Lower Westside. Their borders form the boundaries of the Butte portion of the NHL district on the west. They are clearly defined by Big Butte, which rises over 500 feet above its base, and by the ridge just south of Big Butte that forms a natural boundary to the Uptown area. East of the Central Business District, the Eastside where Scandinavian, Slavic and Irish workers settled is now edged by the Berkeley Pit, which once threatened to move westward to swallow the Central Business District.

The Butte Mine yards interject themselves throughout Uptown Butte, and are the industrial backbone to the district and its mining and smelting history. The setting north of Uptown Butte is a vast mining landscape, scarred with mine acids and spoil dumps to the west and north, and the Berkeley Pit and huge waste piles to the east. This landscape includes four

important historic mine yards, and forms the northeast corner of the Butte-Anaconda NHL district. At the bottom of the Butte Hill, the Smelter District and the rail line edge the NHL's southern perimeter. The Smelter neighborhood forms the southeast corner of the Butte-Anaconda NHL district and contains the slag wall network of the Butte Reduction Works water diversion system and a working-class enclave where smelter and mine workers resided.

Census Tracts 1 and 2 of the Project Area encompass numbers of these historic neighborhoods (Map 4).

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

The purpose of the project is to:

- o Stabilize residential neighborhoods that have collapsing value and blight.
- o Reduce the impact of sub-prime mortgage failure in the Butte-Anaconda Historic District through targeted redevelopment of in-fill construction in Census tract 1 and 2.
- o Increase employment opportunities for local firms and low-income persons.
- o Improve safety and quality of life in Butte neighborhoods.

The construction or rehabilitation of infill, single-family residences will provide safe, affordable housing to assist low-income populations to achieve home ownership.

The target neighborhoods for this project have seen years of decline that was accelerated in some cases by the housing finance crisis of recent years. The market values of housing units in the poorest areas of Census tract 1 are stabilizing due to investment in several large buildings in the Uptown area since 2008. More than 38 housing units for upscale buyers and renters have developed during the last two years. However, affordable housing has yet to be made available in Uptown Butte.

Due to the low unemployment rate and a growing desire to invest in Butte, families with children have been seeking affordable housing for purchase in Uptown Butte but are mostly offered deeply substandard properties as "fixer-uppers", resulting in impoverishing or bankrupting the families in question.

Senior housing development in Butte have almost exclusively occurred in south Butte, depending on small buses or vans to transport residents to vital service areas. Senior housing in the Uptown area, near services and community activities will fulfill this need in the Butte community. Additionally, the growth of Montana Tech of the University of Montana's north campus (approx. 250 new households a year for the last several years) has put pressure on the local housing stock.

4. Describe all sources of project funding:

Habitat-MT Board of Housing	\$311,800
USDA Rural Development	\$735,500
National Affordable Housing Network	\$495,550
Habitat for Humanity of SW MT	\$170,000
NSP3 – MDOC	\$2,149,000
City and County of Butte-Silver Bow	\$46,000
Homebuyers Down Payments	\$159,000

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

North and Central Butte and Greeley Neighborhood Planning Committee Findings
 2005 Community Needs Assessment
 The Housing Landscape – Butte-Silver Bow Housing Plan 2015
 Butte-Silver Bow Growth Policy
 USDI/NPS National Register of Historic Places Registration Form – Butte-Anaconda
 National Historic Landmark District

6. Proposed implementation schedule.

The project will commence upon release of funds and will be implemented in 36 months.

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

Project is in Compliance

	Yes	No	Not Applicable
Local Comprehensive (Growth Management) Plans including housing, land use and public facilities elements	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Local zoning ordinances or land use regulations, such as permit systems or soil conservation district requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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

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KEY	Impact Categories-- PHYSICAL ENVIRONMENT	Source of Documentation 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	<p>The Project Area defined as U.S. Census Tracts 1, 2, and 4, in the City and County of Butte-Silver Bow, Montana, has seen development within its boundaries for over 100 years.</p> <p>Geotechnical investigations related to the site specific characteristics of specific sites, as they are identified, will be conducted in order to determine the appropriate foundation system required for the new residential construction. (BSB Community Development – 9/11)</p>
	HUD Environmental Criteria--24 CFR Part 51:	
N	51(b) Noise--Suitable Separation Between Housing & Other Noise Sensitive Activities & Major Noise Sources (Aircraft, Highways & Railroads) ^{8*}	<p>The Project Area, representing a historic mixed-use area, is comprised of residential, commercial and service areas within Butte's Urban Corridor. The community's zoning regulations have established appropriate uses within the Project Area and provide sufficient separation between incompatible uses (Map 2).</p> <p>The infill development within the Project Area will likely be located in existing residential neighborhoods and adjacent to commercial and service areas. Operations of these adjoining businesses should present no major noise sources that will adversely affect the occupation of these residences.</p> <p>No long-term noise hazards will be generated by the construction of these homes. During the duration of the construction period, some noise from equipment and work taking place will be noticeable.</p> <p>There are no active rail lines, aircraft facilities or highways that would generate noise that would impact the day-to-day use of the proposed facility. (BSB Community Development – 9/11)</p>

*See index at end of form.

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N	51(c) Hazardous Facilities--Acceptable Separation Distance from Explosive and Flammable Hazards (Chemical/Petrochemical Storage Tanks & Facilities--ex., Natural Gas Storage Facilities & Propane Storage Tanks) ⁷	<p>The Project Area, located within Butte's Urban Corridor, does not exhibit potential risks to the public or residents from man-made hazards.</p> <p>Land uses within the Project Area are governed by local codes and ordinances and health and building codes and local zoning ordinances are in place to prevent incompatible uses from impacting residential areas.</p> <p>There are no 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 within one mile of the proposed Project Area. (Office of Community Development 09/11)</p>
N	51(d) Airport Runway Clear Zones--Avoidance of Incompatible Land Use in Airport Runway Clear Zones ⁷	<p>The Project Area is not located within the vicinity of the Bert Mooney Airport (the City and County of Butte-Silver Bow, Montana's civil airport), or its runway clear zone. The airport is located over 3.0 miles to the southeast of the Project Area. (Office of Community Development 09/11)</p>

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<p style="text-align: center;"><u>B</u></p>	<p>EPA Hazardous Waste Sites, or Other Hazards or Nuisances Not Covered Above</p>	<p>The Proposed Area, is located within the Butte Priority Soils Operable Unit (BPSOU), an NPL listed site. The BPSOU area encompasses historic industrial mining sites as well as densely developed areas within Butte's commercial and residential areas. Map</p> <p>Extensive cleanup of hazardous mining waste materials, heavy metals including copper, arsenic lead and zinc, has been conducted on this NPL site since its' listing.</p> <p>Sites for the infill development of single-family residences has not yet been specifically identified as the location of hazardous materials, such as waste dumps or buried waste.</p> <p>In the event that excavation resulting from new construction reveals previously undiscovered materials that may be hazardous in nature, the City and County of Butte-Silver Bow maintains a repository for the handling of these materials, which is available for the appropriate disposition of these materials.</p> <p>The redevelopment of vacant properties may have a beneficial impact in that new construction and the subsequent installation of cover (capping) materials (i.e. buildings, landscaping, paving) will address access to hazardous materials.</p> <p>Further, an institutional control program required by the Record of Decision (ROD) for the BPSOU will require measures and controls to ensure that capping control measures are maintained and that waste materials are not mishandled.</p> <p>There are no 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 within one mile of the proposed Project Area. (Office of Community Development 09/11)</p>
<p style="text-align: center;"><u>N</u></p>	<p>Lead-based Paint¹³</p>	<p>With respect to proposed new construction, lead-based paint is not present. With regard to rehabilitation of any structure; the developer will make and file any necessary abatement plans to address the presence of lead-based paint. (BSB Community Development – 9/11)</p>

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N	Asbestos ¹⁴	With respect to proposed new construction, asbestos is not present. With regard to rehabilitation of any structure; the developer will make and file any necessary abatement plans to address the presence of asbestos. See Appendix 1; .memo dated 09/12/2011, (BSB Community Development – 9/11)
N	Effects of Project on Surrounding Air Quality or Any Effects of Existing Air Quality on Project ¹	No impacts on air quality are expected as a result of the construction of infill, single-family residences within the Project Area. Further, these single-family residences are constructed with super-insulated walls and ceilings, making them highly energy efficient. These units will be heated with electric heating systems and employ air-exchangers to capture heat. No measurable air emissions or particulates will result from these residences' heating systems. Some fugitive dust emissions are possible during construction of the facility. Standard dust suppression methods (watering, etc.) will be utilized as appropriate during construction to mitigate potential adverse impacts. (BSB Community Development – 9/11)
N	Groundwater Resources & Aquifer ^{a 10*}	A sole source or principle aquifer does not serve the Project Area or Butte-Silver Bow, MT. The Project Area was not designated as a sole or principle source aquifer prior to June 19, 1986, nor does the Project Area have an area-wide groundwater quality protection plan approved, under section 208 of the Clean Water Act, prior to that date. New infill, single-family residences constructed in the Project Area will be connected to the existing municipal water and sewer system as the Project Area is within Butte's Alluvial and Bedrock Aquifer Controlled Groundwater area; restricting the use of groundwater as a potable source of water. (BSB Community Development – 9/11)
N	Surface Water/Water Quality, Quantity & Distribution ^{10.*}	The Project Area is located wholly within Butte's Urban Corridor. There are no surface water systems in the area of the building. The facility is served by the municipal water system and there are no potential impacts anticipated given the small scale and scope of the project and project's location within the service area of municipal sewer, storm-water, and water system infrastructure. (BSB Community Development – 9/11)

^aIncluding Sole Source Aquifer. Contact DOC for further information regarding Missoula-area projects.

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<u>N</u>	Floodplains & Floodplain Management ⁵	The project does not involve acquisition, construction or improvements within a 100-year floodplain. The project area is located in an area with a designated floodplain zone of "C" - Area of Minimal Flooding. The floodplain panels used for reference are Community Panel No. 300077 0177D, No. 300077 179 and No. 300077 183, all dated revised 02/23/82 (Map 5A, 5B, and 5C) (BSB Community Development – 9/11)
<u>N</u>	Wetlands Protection ¹¹	The Project Area lies more than 1200 lineal feet from natural surface water (stream, river or lake) and the depth to groundwater in the Project Area's is insufficient to support wetlands vegetation. No wetlands vegetation has been observed in the Project Area, confirming the lack of historic wetlands. (BSB Community Development – 9/11)
<u>N</u>	Agricultural Lands, Production, & Farmland Protection ³	The Project Area is not located on prime or unique farmlands as defined by the Natural resource Conservation Service (NRCS), USDA. Vacant properties slated for construction of infill, single-family residences are completely surrounded by urban development within the Butte-Silver Bow Urban Corridor. Further, the Butte-Silver Bow Zoning Ordinance does not allow farming to occur in any of the zoning districts located within the Project Area and infill, single-family residence construction is consistent with the City and County of Butte-Silver Bow's Growth Policy. (BSB Community Development – 9/11)
<u>N</u>	Vegetation & Wildlife Species & Habitats, Including Fish ⁴	The Project Area is wholly located within the Urban Corridor of Butte-Silver Bow, MT and no impacts on native terrestrial, avian and aquatic life and habitats. (BSB Community Development – 9/11)
<u>N</u>	Unique, Endangered, Fragile, or Limited Environmental Resources, Including Endangered Species ²	The Project Area is wholly located within Butte's Urban Corridor and there are no unique, endangered, fragile, or limited environmental resources, including endangered species within this boundary. (BSB Community Development – 9/11)
<u>N</u>	Unique Natural Features	The Project Area is wholly located within the Urban Corridor of Butte-Silver Bow, MT and no unique natural features exist on this site. (BSB Community Development – 9/11)

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B	Access to and Quality of Recreational & Wilderness Activities, and Public Lands, Including Federally Designated Wild & Scenic Rivers ¹²	No Wild or Scenic Rivers exist on or adjacent to the proposed project location. In Montana, only two river segments are designated Wild and Scenic; a portion of the Flathead River in northwest Montana, largely in Glacier National Park and a segment of the Missouri River in northeast Montana between Fort Benton and Robinson Bridge. The City and County of Butte-Silver Bow maintains community and neighborhood park facilities, open space and an extensive public trail system will serve the project. The community has recently purchased approximately 300 acres of vacant land adjacent to the Project Area to preserve for natural resource based recreation – hiking, bicycling, and wildlife and bird watching. (BSB Community Development – 9/11)

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

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

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B	Visual Quality--Coherence, Diversity, Compatible Use, and Scale Aesthetics	<p>The Project Area supports public streets and alleys developed in a grid pattern and these new infill single-family residences will be constructed within this existing pattern. New construction should reflect the historic setbacks patterns within specific blocks to ensure compatibility. The Butte-Silver Bow Zoning Ordinance encourages construction patterns in concert with adjoining existing construction. These variances from legislated setbacks are administratively authorized; no formal variances are required for these modifications.</p> <p>New infill, single-family residence in the Project Area will be of equal or greater home quality to the surrounding neighborhoods and as new residences are constructed within existing neighborhoods the overall aesthetic of these neighborhoods will be improved.</p> <p>The infill development of single-family residences within the Project Area's residential zones in the Urban Corridor is compatible with the building patterns of the Project Area, with respect to lot size and density. The infill development is occurring in areas that served and supported high-density single- and multi-family residential development in the past, as infrastructure such as streets, alleys and utilities are presently in place.</p> <p>The Project Area supports accessibility to goods and services either through pedestrian routes, automobile or public transportation that serves the Project Area. (BSB (Community Development – 9/11)</p>

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<u>P</u>	Historic Properties, Cultural, and Archaeological Resources ⁶	<p>The project area is wholly located within the Anaconda-Butte National Historic Landmark District (Butte NHL). All new construction within the Butte NHL that receives funding through federal programs is required to comply with National Historic Preservation Act.</p> <p><u>An architectural review and approval of new, infill residential development by the Montana State Historic Preservation Office (MT SHPO) is required to ensure compliance with the provisions of the National Historic Preservation Act, particularly section 106 and 110.</u> The developer will be required to provide site specific designs at their 30% completion stage. These preliminary design documents will clearly define the characteristics of the proposed infill development. Butte-Silver Bow Community Development will submit these designs to the Montana State Historic Preservation Office, for evaluation, comment and avoidance of adverse effects. It is the responsibility of the MT State Historic Preservation Office (MT SHPO) to ensure compliances with the provisions of Section 106 and to work with the developer if the project has the potential to have an adverse effect on historic properties. See Appendix 1 – Correspondence to MT SHPO, dated 09/08/11. (BSB Community Development – 9/11)</p>
<u>N</u>	Changes in Demographic (Population) Characteristics	<p>New infill, single-family residence in the Project Area will not change the demographics of Butte-Silver Bow, Montana. However, this new construction addresses the fierce demand for affordable housing in Butte.</p> <p>The demand for affordable housing is at a historic high and this infill construction will allow future residents to obtain home equity and home ownership. Further, affordable housing and infill development are top priorities in the Butte-Silver Bow Growth Policy. (BSB Community Development – 9/11)</p>
<u>B</u>	Environmental Justice ^{13*}	<p>The proposed project does not present any disproportionately high or adverse human health or environmental effects on minority or low-income populations. The objective of the construction of infill, single-family residences is to provide safe, affordable housing to assist low-income populations to achieve home ownership. (BSB Community Development – 9/11)</p>

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B	General Housing Conditions--Quality & Quantity	This project addresses the need to provide affordable housing in Butte. The demand for affordable housing is at a historic high and this infill construction will provide future programming to foster home equity and home ownership. Further, affordable housing and infill development are top priorities in the Butte-Silver Bow Growth Policy. See Appendix 1 for Chapter 2 of the B-SB Growth Policy – Goals and Objectives. (BSB Community Development – 9/11)
N	Displacement or Relocating of Businesses or Residents	The Infill development of single-family residences that provide housing for very low and low income families within the Project Area project will not result in displacement, as the new construction will occur on lands that are currently vacant. The redevelopment of commercial office space as residential units will not displace existing businesses. These premises are currently unoccupied. (BSB Community Development – 9/11)
N	Human Health	The proposed project does not present any disproportionately high or adverse human health or environmental effects on minority or low-income populations. The objective of the construction of infill, single-family residences is to provide safe, affordable housing to assist low-income populations to achieve home ownership. (BSB Community Development – 9/11)
B	Local Employment & Income Patterns--Quantity and Distribution of Employment	This project will not affect employment or income patterns. No long-term employment creation opportunities are anticipated. Overall repopulation within urban core as a result of the project may increase the quantity of and distribution of employment as a result of the establishment of additional services (commercial and professional). (BSB Community Development – 9/11)
B	Local and State Tax Base & Revenues	The project will result in some short term revenue increase and its programming may have beneficial affects to the local and State tax base in that it will encourage home ownership, rehabilitation investment and new, infill construction within the neighborhood. (BSB Community Development – 9/11)

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<u>B</u>	Educational Facilities	The proposed project will have no affect on area educational facilities. However, the expected resultant, improvements in the neighborhood may have a positive impact on enrollment of area educational facilities by fostering infill development in this urban neighborhood. (BSB Community Development – 9/11)
<u>B</u>	Commercial and Industrial Facilities, Production & Activity	The proposed facility will result in the relocation of employees closer to the Central Business District and may result in the growth of area commercial facilities. (BSB Community Development – 9/11)
<u>B</u>	Health Care	No impacts to local health care are anticipated. St. James Healthcare, Butte-Silver Bow's major medical facility, is one of Montana's largest comprehensive hospitals, serving the health care needs of people in a seven-county region is located within the Project Area, along with many of the community's supporting healthcare facilities. St. James offers the people of Montana specialized services in neurosciences, cardiology, orthopedics, oncology, and women's services. Overall repopulation within Butte's urban Corridor as a result of the provision of supportive housing programs may result in an increase of the quantity of and distribution of employment as a result of the establishment of additional services (commercial and professional). (BSB Community Development – 9/11)
<u>B</u>	Social Services	The proposed project, located near Butte's Central Business District, will provide residents with access to service and establishments, including local, state and Federal government and social services. (BSB Community Development – 9/11)

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B	Social Structures & Mores (Standards of Social Conduct/Social Conventions)	The proposed project will support and may positively affect the ethical standards of socials conduct and convention in its development and subsequent programming. (BSB Community Development – 9/11)
N	Land Use Compatibility	<p>The infill construction of new single-family residences within the Project Area is consistent with the City and County of Butte-Silver Bow's Growth Policy, that encourages accessing existing infrastructure, such as the public road system, municipal water, sewer and storm water systems, to achieve a balance between public facility and service costs and the public benefits derived from new development that may require the extension of public services. The Growth Policy also encourages the promotion of adequate housing for all persons of Butte-Silver Bow County regardless of income, age, sex, race, religion, family type or ethnic background which will provide greater opportunity and choice of housing location, type and tenure.</p> <p>Development of the Project Area is also required to meet the provisions and requirements of specific districts, as defined by Title 17 – Zoning, of the Butte-Silver Bow Municipal Code, that have been defined in Butte's Urban Corridor. The Project Area contains a mix of residential, commercial and industrial-zoning districts, as illustrated in Map 2. Single-family residences are allowed in all residential zoning districts as defined in Title 17 within the Project Area. (BSB Community Development – 9/11)</p>

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

KEY	Impact Categories-- HUMAN POPULATION	Source of Documentation Note date of each contact or page reference. Attach additional material as applicable. Where appropriate, please fully explain in attached materials.
<u>B</u>	Energy Consumption	One of the goals of the Project is to construct affordable, energy efficient housing with respect to energy consumption/conservation. Overall repopulation within the project area as a result of the provision of supportive housing programs will result in the conservation of resources as they relate to infill development in areas served by existing infrastructure (utilities such as water, power, sewer and storm water facilities, public transit services) and employment opportunities will have a positive impact on the consumption and conservation of resources. (BSB Community Development – 9/11)
<u>N</u>	Solid Waste Disposal ⁹ *	There are no adverse impacts anticipated on the existing solid waste system as a result of this new construction. Local contractors provide residential disposal services. The municipality operates its own solid waste facility that currently serves the Project Area. The City and County of Butte-Silver Bow BSB recently purchased an additional 100 acres of property for future expansion of the community's landfill to support the solid waste management needs of the community. (BSB Community Development – 9/11)
<u>N</u>	Waste Water–Sewage System	The municipality operates its own wastewater treatment facility that currently serves the project site and has sufficient capacity to serve this infill development. (BSB Community Development – 9/11)
<u>B</u>	Storm Water	Infill construction and the subsequent improvements to vacant lands will likely have a positive impact on controlling erosion within the Project Area; vacant lands will be improved with the construction and vegetated cover in open space areas will control undesirable erosion and decrease sedimentation of storm water runoff. (BSB Community Development – 9/11)
<u>N</u>	Community Water Supply	The Project Area's drinking water is derived exclusively from surface water sources, including the Big Hole River/South Fork Reservoir, the Moulton Reservoir and the Basin Creek Reservoir system. This infill construction will not require the installation of water mains, as these exist within the public right-of-ways serving the project site. The water system is owned, operated and maintained by the municipality. (BSB Community Development – 9/11)

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

KEY	Impact Categories-- HUMAN POPULATION	Source of Documentation Note date of each contact or page reference. Attach additional material as applicable. Where appropriate, please fully explain in attached materials.
N	Public Safety: Police	The Project Area is located within Butte's Urban Corridor and is currently served by the Butte-Silver Bow Law Enforcement Agency. (BSB Community Development – 09/11)
N	Fire	The proposed project will not create or generate fire hazards and will be constructed to meet existing codes for a residential construction. Further, the project site is located within Butte's Urban Corridor and is currently served by the Butte-Silver Bow Fire Department. (BSB Community Development – 9/11)
N	Emergency Medical	The proposed project will have no impact of local emergency services. The Project Area is located within Butte's Urban Corridor and is currently served by emergency medical service providers. (BSB Community Development – 9/11)
B	Parks, Playgrounds, & Open Space	The Project Area is wholly located within Butte's Urban Corridor and the municipality's existing recreation system, which maintains both community and neighborhood park facilities, open space and an extensive public trail system, will serve the project. The community has recently purchased approximately 300 acres of vacant land in the immediate vicinity of the Project Area to preserve for natural resource based recreation – hiking, bicycling, and wildlife and bird watching. (BSB Community Development – 9/11)
B	Cultural Facilities, Cultural Uniqueness, & Diversity	The community of Butte-Silver Bow has historically supported a variety of cultural facilities, cultural uniqueness and diversity. The location of the Project Area within Butte's Urban Corridor may be potentially beneficial in that it facilitates convenient access to these cultural facilities. The Project Area encompasses Butte's Central Business District, where the majority of the community's cultural facilities are located. Venues such as live performance theaters, art galleries, museums and exhibits are primarily located adjacent to the project site and therefore available for participation by new homeowners. (BSB Community Development – 9/11)

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

KEY	Impact Categories-- HUMAN POPULATION	Source of Documentation Note date of each contact or page reference. Attach additional material as applicable. Where appropriate, please fully explain in attached materials.
N	Transportation--Air, Rail & Auto (Including Local Traffic)	<p>The project Area is located within 4.0 miles of the Bert Mooney Airport (the City and County of Butte-Silver Bow, Montana's civil airport), or its runway clear zone. The airport is located over 3.0 miles to the southeast and south of the Project Area.</p> <p>The site is wholly located within the Urban Corridor and is served by the municipality's transportation system, including its public transit services. Several service routes of "The Bus", the City and County of Butte Silver Bow's transit service serve the project site. Additionally, Greyhound Bus services are available to the community. Butte-Silver Bow, Montana is not served by passenger rail services. (BSB Community Development – 9/11)</p>

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

KEY	Impact Categories-- HUMAN POPULATION	Source of Documentation Note date of each contact or page reference. Attach additional material as applicable. Where appropriate, please fully explain in attached materials.
P	Consistency with Other State Statutes or Local Ordinances, Resolutions, or Plans (to be added by local community)	<p>The Butte Neighborhoods NSP3Project will be in compliance with other State Statutes and the Butte-Silver Bow Municipal Code, local ordinances, resolutions, codes and plans adopted by the City and County of Butte-Silver Bow, Montana.</p> <p>Specifically, the infill construction of new single-family residences or the rehabilitation of existing residences within the Project Area is consistent with the City and County of Butte-Silver Bow's Growth Policy, that encourages accessing existing infrastructure, such as the public road system, municipal water, sewer and storm water systems, to achieve a balance between public facility and service costs and the public benefits derived from new development that may require the extension of public services. The Growth Policy also encourages the promotion of adequate housing for all persons of Butte-Silver Bow County regardless of income, age, sex, race, religion, family type or ethnic background which will provide greater opportunity and choice of housing location, type and tenure.</p> <p>Development of the Project Area is also required to meet the provisions and requirements of specific districts, as defined by Title 17 – Zoning, of the Butte-Silver Bow Municipal Code, that have been defined in Butte's Urban Corridor. The Project Area contains a mix of residential, commercial and industrial-zoning districts, as illustrated in Map 2. Single-family residences are allowed in all residential zoning districts as defined in Title 17 within the Project Area.</p> <p>Pursuant to Tile 2, Chapter 2.64 Historic Preservation Commission (HPC). Butte-Silver Bow Municipal Code, the HPC shall consult with the local, state and federal agencies on all applications, environmental assessments, environmental impact statements and other similar documents pertaining to historic districts, landmark sites and landmark properties within the City-County. Comments by the HPC will be sent by the Historic Preservation Officer (HPO) to the Butte-Silver Bow Council of Commissioners.</p> <p>(BSB Community Development – 9/11)</p>

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 only alternative considered for the proposed project, new construction of infill, affordable single-family residences and the rehabilitation of existing residences in the Project Area are the No-Action Alternative.

The Project Area was selected specifically for its location, demographics and current housing conditions in Butte-Silver Bow, Montana.

If the No Action Alternative were selected, then no development affordable residences within the Project Area would occur and these target neighborhoods would see little to no investment or improvement.

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

For the most part, the environmental impacts of these residences will result in either "No Impact" or "Beneficial Impact". Particularly within the Project Area, this new energy efficient construction will positively impact the resident demographics in that it will provide affordable housing to low-income families, allowing families to leave substandard housing conditions and realize home ownership.

The single criterion that requires a specific action from the grantee is associated with Historic Preservation. Because Census Tracts 1 and 2 of the Project Area is wholly located within the Butte-Anaconda National Historic Landmark District, new construction must comply with the provisions of the National Historic Preservation Act, most particularly Section 106. An architectural review and approval of new, infill residential development by the Montana State Historic Preservation Office (MT SHPO) is required to ensure compliance with the provisions of the National Historic Preservation Act, particularly section 106 and 110. The developer will be required to provide site specific designs at their 30% completion stage. These preliminary design documents will clearly define the characteristics of the proposed infill development. Butte-Silver Bow Community Development will submit these designs to the Montana State Historic Preservation Office, for evaluation, comment and avoidance of adverse effects.

Short-term impacts from the construction of these residences will be associated with the construction phase of the project. Noise, dust and other nuisances created by construction activities can be mitigated with typical site management practices.

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:

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

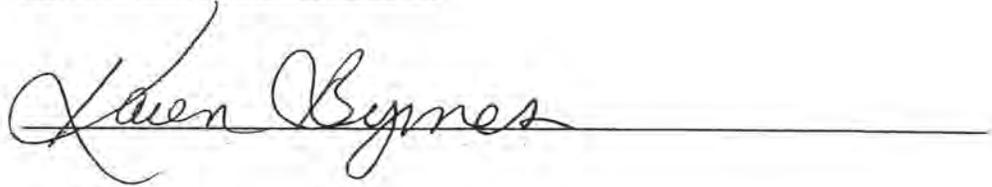
FINDING: A request to the Montana Department of Commerce for release of funds for the within project **is** an action significantly affecting the quality of the human environment, and an EIS is required.

Finding Executed by:

Name (Typewritten): Karen Byrnes, Community Development Director

Title: Environmental Certifying Officer

Signature:

A handwritten signature in cursive script that reads "Karen Byrnes". The signature is written over a solid horizontal line that extends across the width of the signature area.

Date: September 27, 2011

MONTANA COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM
CONSOLIDATED ENVIRONMENTAL ASSESSMENT FORM

Introduction

The following form is for the use of Community Development Block Grant (CDBG) recipients who must prepare an Environmental Assessment (EA) as required by HUD Environmental Review procedures for the CDBG program (24 CFR 58.36). Satisfactory completion of this form will meet the requirements of the federal Housing and Community Development Act as well as the national Environmental Policy Act (NEPA).

CDBG recipients must also demonstrate compliance with the environmental requirements of the other related federal environmental laws and regulations listed in the HUD Statutory Checklist (24 CFR 58.5). For this reason, the Statutory Checklist requirements have been combined into this single consolidated form. An index of the applicable federal statutes and regulations is found at the end of this form. Where noted, the numbers that appear to the right of the environmental subject areas listed in the checklist correspond to the listing of statutes found in the index.

The requirements of the Montana Environmental Policy Act (MEPA) and the uniform State administrative rules adopted pursuant to the Act have also been integrated into the consolidated form.

Project identification

Recipient: **City and County of Butte-Silver Bow, Montana**

Chief Elected Official: **Paul D. Babb, Chief Executive**

Environmental Certifying Officer: **Karen Byrnes, Director of Community Development**

CDBG Contract # : **MT-NSP-004-01-001**

Project Name: **Butte Neighborhoods NSP3 Project**

Person Preparing this
Environmental Assessment: **Dori Skrukrud, Community Development Coordinator**

Phone Number: **406-497-6469**

Instructions for Completing this Form

The following instructions should be presented and evaluated in a level of detail which is appropriate to the following considerations:

- (a) the complexity of the proposed action;
- (b) the environmental sensitivity of the area affected by the proposed action;
- (c) the degree of uncertainty that the proposed action will have a significant impact on the quality of the human environment;
- (d) the need for and complexity of mitigation required to avoid significant environmental impacts.

In all cases, the CDBG grant recipient should reference and attach additional narrative providing the specific information requested or documentation supporting the evaluation of the impact of the proposed project or activity as it relates to each environmental subject area. The narrative should also note, where applicable, the source of the evaluation, including date of contact, page reference to pertinent source documents, and the name and title or persons contacted, along with the name of the specific organization or agency.

Environmental information and assistance in preparing an environmental assessment can be obtained from a wide variety of sources. Possible sources of information include existing plans and studies, knowledgeable local residents and officials such as the county sanitarian, city or county planning board or department, local officials with the U.S. Soil and Conservation Service (SCS) or local conservation district, as well as local representatives of the State Fish, Wildlife & Parks Department, to list just a few examples. Grant recipients may also contact the State and federal agencies listed in **Exhibit 2-O** for information and assistance.

The Department of Commerce Community Development Bureau maintains copies of environmental assessments prepared on previous projects that may be useful to grant recipients, as well as full copies of applicable federal and State environmental statutes and related information. Copies of the HUD publication, *Environmental Review Guide for Community Development Block Grant (CDBG) Programs*, can be requested from the CDBG program specialist assigned to your project.

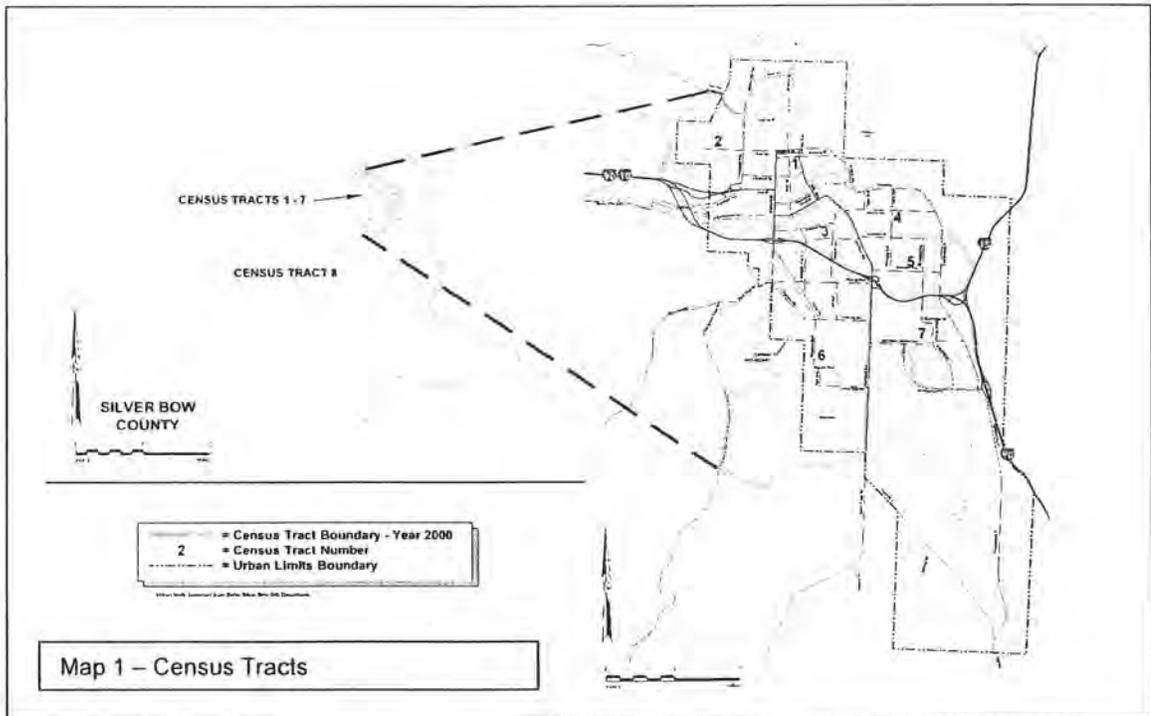
Evaluation of Environmental Impact

Maps 2, 3, 4, 5 A, 5B and 5C are located in the sleeve at the back of this document.

1. Describe the proposed action or activity, including construction and end-product.

The Butte Neighborhoods NSP3 Project will involve the construction or improvement of seventeen properties in three areas of B-SB; Census Tracts 1, 2, and 4 (Project Area.) The Project Site encompasses approximately 4.53 sq. miles (2,899 acres) of Butte's Urban Corridor (Map 1).

This infill development project will provide for stabilization and financing to produce a minimum of seventeen (17) passive-solar, high performance housing units for sale to households under eighty (80) percent of area median income (AMI) including at least seven (7) homes for households with income under fifty (50) percent of AMI.



The project includes the acquisition of key parcels of vacant land in the Project Area for the construction of single-family residences or the rehabilitation of existing single-family residences and the development of eight (8) condominium units in the Central Business District (Phoenix Building – 66 W. Park Street) to appeal to senior citizens and persons with disabilities.

2. Describe the project site and surrounding area(s), including existing site use and environmental conditions.

Project Site

Butte-Silver Bow County covers an area of 718.31 square miles in southwest Montana and includes 48.2 people per square mile. Approximately 88% (30,509) of the county's population resides within the Urban Corridor while approximately 12% (4,097) of the population resides in areas outside the urban boundaries (US Census Bureau; Census of Population and Housing, 2000).

From *The Housing Landscape – Butte-Silver Bow Housing Plan 2015*, a report by *Community Culture and Heritage*, 2007.

Butte, Montana was incorporated in 1879 as a center for mining gold, silver and ultimately copper, which became the community's economic mainstay throughout most of the 20th Century. The pattern of housing development in Butte over the past century was similar to industrial cities elsewhere in the United States. Growth was associated with industrial development and homes were constructed in close proximity to the work place, creating a high-density environment.

Nearly 33% (9,990 people) of the county's urban population is concentrated in Census Tracts 1 and 2, which are north and west of Front Street, the location of the Central Butte Project Area (Project Area). Thirty-seven percent (11,350 people) of the population within the urban limits is contained in Census Tracts 3, 4 and 5 - the area south of Front Street and

bordered by Continental Drive to the east and Interstate 90 to the south and west (See Map 2).

Unlike many of America's larger industrial cities, Butte was not significantly impacted by either massive urban renewal efforts following the Second World War or construction of the national highway system. Instead, flight of Butte residents to areas outside the urban corridor was a result of large-scale open-pit mining that literally swallowed neighborhoods adjacent to the mine. However, a significant representation of the original housing stock and residential character of Butte's urban core has remained relatively unchanged over time.

Socioeconomic trends in Butte-Silver Bow have historically been linked to the mining of metals, particularly copper and molybdenum. The Butte community was built upon mining and the industry retained a prominent role in the economy for over a century - from the mid 1880's to the mid 1980's. The mining life style was reflected in the types of housing constructed. The adjacent configuration of housing to mines was reflective of the needs of single miners living and working in a bitter climate before the advent of public transportation and automobiles. Because of a primary dependence upon one major industry, changes in the industry had significant impacts on socioeconomic conditions.

The mix of industries that comprise Butte-Silver Bow's economic base has changed dramatically over the past thirty years. Mining jobs that constituted 21% of total county jobs in 1970 now represent only 2% of the job base. Service and retail sectors have a more prominent role in the contemporary Butte-Silver Bow economy. Service sector jobs now comprise 36% of total jobs compared with 24% in 1970. Retail jobs went from 17% in 1970 to 23% in 2000.

While the county's income distribution has shifted toward the middle and upper income ranges, many families have not benefited from the shift. Forty-one percent of families (3,637) in Butte-Silver Bow are categorized as "low-income" based upon income limits established by the U.S. Department of Housing and Urban Development for purposes of determining eligibility for Section 8 rental assistance. Of those families, 25% (893) are considered to be "very low-income" and 26% (943) are considered "extremely low-income".

The poverty rate in Butte-Silver Bow is higher than those for both the State of Montana and the nation. When the 2000 decennial Census count was taken, the poverty rate in Butte-Silver Bow was 14.9% as compared with 14.6% for Montana and 12.4% for the nation. According to a 2003 Census estimate, the local poverty rate has grown by one percentage point since 2000. At 15.9%, the rate remains higher than both the state (14.2%) and the nation (12.5%) for the percent of people living below poverty.

Within the county boundaries of Butte-Silver Bow, there are pockets of deep poverty. Forty percent of Butte-Silver Bow County's Census Block groups (17 out of 43) had poverty rates higher than the county rate in 2000 that ranged from 15% to 61%. Of the 17 high-poverty Block Groups, ten (or 59%) were located in the urban core within Census Tracts 1 and 2. These two tracts contain 52% (2,550 people) of the county's poor while only comprising 29% of the total population. Of particular note are Block Groups 4 and 5 in Tract 1 where poverty rates were 47% and 61% respectively in 2000.

According to 2000 Census data, the largest number of housing units (41% or 6,556 units) in Butte-Silver Bow County was constructed prior to 1939. The community experienced construction surges in the 1950's and again in the 1970's, but none to the extent that occurred prior to 1939; the 1950's saw construction of 2,094 units and 2,384 units were built during the 1970's. Nearly 60% of units built prior to 1939 are contained in the old town site

in Census Tracts 1 and 2. While the newer areas of the community have experienced new construction and growth, the age and condition of housing stock in the older town site present a vital planning issue for Butte-Silver Bow. Decay of the housing stock in much of Census Tracts 1 and 2, which includes the Project Area and the upper and lower west sides of the urban cluster, are contributing to a significant aesthetic crisis and have created an economic development barrier for the community. Retail activity in the central business district is inherently impacted by a loss of people, by vacant and blighted structures and by high poverty in these areas. The poor aesthetic quality created by decay creates a barrier to the attraction of new businesses and people.

There are an estimated 2,600 substandard housing units in Census Tracts 1 and 2. This is based upon a visual estimate of structures that have clear structural and maintenance issues. According to a February 2005 study prepared by the Center for Applied Economic Research for the Montana Department of Commerce, 28% (3,561 units) of Butte's overall housing stock is in 'unsound' to 'fair' condition. This is compared to 24% for Montana overall. Another 37% of Butte-Silver Bow units (approximately 4,743 units) are in only average condition. An approximate 73% of substandard units are contained within Census Tracts 1 and 2.

Butte Priority Soils Operable Unit

The Butte Priority Soils Operable Unit (BPSOU) is part of the Silver Bow Creek/Butte Area Site, which is part of the Clark Fork Basin Superfund complex. The complex includes four Superfund sites in the Basin listed on the National Priority List (NPL):

1. Silver Bow Creek/Butte Area Site – listed in 1983 and 1987 (Map 3)
2. Montana Pole Site - listed in 1987
3. Anaconda Smelter Site – listed in 1983
4. Milltown Reservoir Sediments Site - listed in 1983

These sites extend 140 miles, from the headwaters of Silver Bow Creek north of Butte to the Milltown Reservoir near Missoula, Montana.

Mining activity started in Butte in 1864 with the discovery of gold. Over the next few decades, the Butte district evolved into the largest producer of copper in North America. Butte served as a globally-important mining, milling, and smelting district during WWII. Operating mines, mills, concentrators, and smelters were scattered across the Butte Hill which today represents the town of Walkerville and the urban "Uptown" portion of Butte. The mines produced waste piles, and the mills and smelters produced large quantities of tailings that were disposed of in ponds or dumped in Silver Bow Creek. Butte's smelters and mills also produced air emissions which distributed metal contaminants throughout the area. These contaminants include: arsenic, lead, mercury, aluminum, cadmium, copper, iron, silver, and zinc.

The Environmental Protection Agency (EPA) designated the original Silver Bow Creek Site as a Superfund site in September 1983, under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA). Work began on a RI/FS in 1984.

The BPSOU includes most of the surface urban area of uptown Butte and the community of Walkerville. The BPSOU lies in the upper Silver Bow Creek valley, immediately west of the continental divide at an elevation ranging from approximately 5,400 to 6,400 feet. It is centered on the Butte Hill and urban Uptown Butte. The upper Silver Bow Creek valley is bounded on the east, south, and north by mountains with elevations reaching 10,000 feet. The valley is drained by two primary streams: Blacktail Creek and Silver Bow Creek. Surface

water exits the valley toward the west.

Area-wide cleanup has been divided into two phases. Phase I, an expedited Response Action, addressed source areas by removing waste dumps, railroad beds, or other related mine wastes. These source areas were adjacent to or up gradient of receptor areas (residential yards, gardens, parks and playgrounds). Many waste sites were capped with clean soil through a "waste-in-place" treatment strategy that does not remove wastes. Such sites are evaluated on a rolling basis through the Butte Reclamation Evaluation System (BRES). Mine waste, in the form of waste rock and fine-grained tailings, was scattered around the Butte hill over 100 years of industrial mining.

Phase II activities included conducting the RI/FS. The emphasis of Phase II was to evaluate impacts to the environment. This included an in-depth evaluation of arsenic and metal impacts on Silver Bow Creek and alluvial groundwater and both present and future human health impacts from source materials located outside of residential areas and an investigation to assess the actions already taken, all other areas of contamination, storm runoff, and future land use problems in Butte and Walkerville. Phase II culminated in a Record of Decision (ROD) in September 2006.

The local government operates a lead abatement program that addresses children with elevated blood lead levels; residential yards with lead levels over 1,200 parts per million; residential homes with lead drinking pipes; indoor dust contaminated with lead; and interior and/or exterior lead paint. This is a five-year program administered by the Butte-Silver Bow Health Department with oversight by the Environmental Protection Agency (EPA). The lead abatement program is currently shifting to a more general Residential Metals Abatement Program.

According to the EPA, the following removal actions have taken place in the Butte Priority Soils area:

- 1988 - Walkerville (north of Butte): Stabilization of 300,000 cubic yards of lead-contaminated soil from mine waste dumps. Earthen basements (4) and residential yards (23) were cleaned up.
- 1989 - Timber Butte: Some 40,000 cubic yards of contaminated soil were moved to a temporary on-site repository in 1989. Two residential yards were cleaned up.
- 1990 - 1991 Priority Soils: Waste dumps containing about 100,000 cubic yards of soil were either capped or removed. A railroad bed and seven residential yards were also reclaimed.
- 1991 - Colorado Smelter: Approximately 40,000 cubic yards were moved to an on-site disposal area.
- 1992 - Anselmo Mine Yard/Late Acquisition Silver Hill: contaminated soils were removed.
- 1994 - Walkerville: Several waste dumps were either removed or capped.
- 1994 - Residential/Source Areas: Residential yards and waste rock dumps located throughout Butte and Walkerville have been/are being addressed.
- 1996 - Stormwater: Construction of cement channels and sedimentation ponds throughout the Butte hill to address stormwater contamination.
- 1999 - Railroad: Removal of contaminated soil on numerous railroad beds and rail yards throughout the Butte hill. This action should be completed in 2003 (EPA has provided no update on whether this completion date was met).
- 2000/2001 - Walkerville Residential Area: This action addressed 46 residential properties throughout Walkerville, MT.

Butte Alluvial and Bedrock Controlled Groundwater Area

A petition for Controlled Ground Water Area ("Petition") was filed by Butte Silver Bow County ("BSBC") in October 2008 to establish the Butte Alluvial and Bedrock Controlled Groundwater Area ("BABCOWA") under state law. The Petition was filed to establish restrictions under state law upon the use and development of portions of the Butte alluvial and bedrock aquifers. A Final Order granting the Petition was issued by the Department of Natural Resources and Conservation ("DNRC") on October 30, 2009 (Map 3).

The Final Order contains specific Findings of Fact and Conclusions of Law that support DNRC's Order, and specific restrictions concerning groundwater and well use which have the force of law. Key elements of the Order include:

- (a) New groundwater wells, except Superfund or other environmental monitoring / treatment wells necessary for environmental cleanup purposes, are generally prohibited.
- (b) Existing domestic use wells for potable supply which exceed human health standards must be immediately abandoned for such purpose, and the Settling Defendants are responsible for making an alternative water source available to replace use of the well for potable supply.
- (c) Existing wells for irrigation or industrial use may be replaced at the Owner's expense, but only if the conditions stated in the Order are satisfied.
- (d) The boundaries of the CGWA may be amended with the express written approval of the DNRC, the Environmental Protection Agency ("EPA") and the State of Montana Department of Environmental Quality ("DEQ").

The Butte-Silver Bow Water Quality District shall administrate, monitor, and enforce the restrictions associated with controlled groundwater areas.

The Butte-Anaconda National Historic Landmark District (Butte-Anaconda NHL)

The following text was extracted from the Butte-Anaconda National Historic Landmark District's National Register of Historic Places Registration Form - USDI/NPS. The document is available at <http://www.nps.gov/nhl/designations/samples/mt/Butte-Anaconda.pdf>

The Butte-Anaconda NHL encompasses 9,774 acres, within which are 7,910 resources, roughly three-quarters of which (6,015), contribute to the national significance of the district. The Project Area's Census Tracts 1 and 2 are fully within the boundaries of the Butte-Anaconda NHL. Buildings established as "Contributing" to the Butte-Anaconda NHL are illustrated on Map 4; a contributing property is any building, structure, object or site within the boundaries of the district which reflects the significance of the district as a whole, either because of historic associations, historic architectural qualities or archaeological features. Another key aspect of the contributing property is historic integrity. Significant alterations to a property can damage its physical connections with the past, lowering its historic integrity.

The district's contributing resources include 5,975 buildings, two sites, 37 structures and one object. The nation's largest NHL (in terms of resource count), the Butte-Anaconda NHL district includes three communities – Butte, Anaconda and Walkerville – as well as the Butte, Anaconda & Pacific Railroad (BA & P). Butte (population 34,000), which is the largest of the three communities, was designated a National Historic Landmark in 1961.1 Walkerville (population 700) is adjacent to Butte and, though sometimes viewed as a neighborhood within Butte, is a distinct community with its own government. Anaconda (population 9,000) is approximately 26 miles west of Butte, connected to its "sister city" by the Deer Lodge Valley and the BA & P rail link.

As noted in Section 8 of the US Department of Interior/National Park Service National Register of Historic Places Registration Form, this nomination also expands the district thematically, to include nationally significant resources associated with the history of American Labor. As amended, the Butte-Anaconda NHL district is an outstanding representation of national mining and labor history, representing the NHL Thematic Framework's Theme V., *Developing the American Economy*. The district as a whole and all of its essential components retain an impressively high level of integrity. The sheer number of extant contributing resources and the unique industrial character of the district are extraordinary, and represent an era and a way of life tied to the industrial growth of the nation. Specific resources within the landmark district that embody these themes include:

- First and foremost, the headframes, mill buildings, mines, mine yards and industrial resources that reflect Butte Hill's 50-year reign as the world's most productive copper district.
- The Granite Mountain Mine, site of the disastrous Granite Mountain/Speculator fire that galvanized labor activists and precipitated formation of the Metal Mine Workers' Union and events leading to the lynching of International Workers of the World (IWW) leader Frank Little.
- The historic community of Walkerville, birthplace of Butte mining and the incubator of investment resources that gave rise to a copper-based mining empire.
- **The city of Butte, an early twentieth-century metropolis, with its bustling uptown and intact worker's neighborhoods that grew up around the mine yards.**
- The city of Anaconda, a quintessential late nineteenth and early twentieth century company town that owed its existence to the smelting factories that were located there, which were an integral element of the NHL district's mining history.
- The Butte, Anaconda & Pacific Railroad (BA & P), and its affiliated railroad resources, which served as the industrial transport artery connecting the two communities' mining and smelting areas.
- The Anaconda Copper Mining Company (ACM) Smelter Smokestack, the smelter community's most visible and iconic industrial symbol.
- The more than 20 extant meeting halls where labor groups organized and met, most prominent among them being: Butte's Carpenter's Union Hall, Scandia Hall, Pioneer Hall, International Order of Odd Fellows and International Order of Good Templar's Buildings and the M&M Building; Anaconda's Carpenter's Union Hall, Anaconda Pay Office and Anaconda Band Hall.
- The Hennessey Building in Uptown Butte, headquarters to ACM for decades.
- The William A. Clark Mansion, residence of Butte's prominent Copper King and physical expression of the prosperity drawn from the Butte Hill.
- The Metals Bank designed by nationally prominent architect Cass Gilbert, and symbol of the financial prowess of Butte-Anaconda's copper empire.
- The Mary McLane House, home of the nationally acclaimed young writer who gave voice to the dreams and ideals of working-class women in Butte; and the Brinig House, home of Myron Brinig whose novel *Wide, Open Town* in 1931 described work and life in the "Mining City."
- Butte's Socialist Hall, one of the few left in the country.

Overview: Butte

The city of Butte sprang up, owing its birth to the silver mines and its life to the rich veins of copper that lay below. Scattered irregularly over the uneven slopes of the upper Butte Hill and interspersed among the mine yards that are integral to the city's distinctive historic

character, are the houses of Butte's Centerville and St. Mary's neighborhoods. Like the serpentine seams of a crazy quilt, the narrow streets and alleys of these early working class neighborhoods connect around the remaining headframes, hoist houses and mine dumps of some of Butte's most famous and prosperous mines – the Lexington, Granite, Bell Diamond, Granite, Parrott, Speculator, and Mountain Consolidated. In sharp contrast to these conjoined residential/industrial developments, much of the lands surrounding these northern neighborhoods is open, with waste dumps, a few small open mine pits, and undisturbed sagebrush-covered slopes. Missoula Gulch – the western boundary for these northern neighborhoods and once the locus of intensive hydraulic placer gold mining – remains largely undeveloped.

Located downhill from most of the mines is Butte's Central Business District [CBD]. Around the city center at Park and Main Streets, historic brick buildings two to eight stories high shape the skyline in Uptown Butte. Distinctive residential neighborhoods surround this business district, radiating across the hillside and intermingling with the mine yards, waste dumps, and other industrial remnants of the nation's foremost copper mining center. Uptown Butte is framed by the gaping scar of the Berkeley Pit (an open-pit mine) to the east, and by the hilltop-perched Montana College of Mineral Science and Technology (known informally as Montana Tech) to the west. The Mining City's trademark Gallus headframes climb northward to Walkerville, while trains still roll along the Northern Pacific (NP) rail corridor, in use on the landmark district's southern border since 1883.

The South Central neighborhood, a grouping of modest workers' cottages and historic boarding houses borders the Central Business District. Below this neighborhood, railroad terminals, switchyards and sidings, warehouses and industrial buildings formed the nucleus of South Butte – a once physically distinct transportation, wholesale, and manufacturing district later absorbed into the expanding community in the 1890s. Here too, closely knit blocks of brick and wood-frame workmen's homes reached down toward the Summit Valley floor and "The Flats," where historically a motley array of mills, breweries, waste dumps, and slag heaps fronted on Silver Bow Creek and the railroad tracks. The southern edge of the Butte-Anaconda NHL district is marked by the Northern Pacific Railroad line and undeveloped land along Silver Bow Creek, just south of the tracks.

Directly west of the Central Business District are three dense residential neighborhoods: the Westside, Northwest and Lower Westside. The Westside neighborhood is "an attractive neighborhood of rambling Victorian houses, Queen Anne cottages, and Craftsman Bungalows." Set off from the more industrialized portions of Butte City, Butte's upper and middle classes preferred this neighborhood, as did some of Butte's wealthiest citizens, including Copper King William A. Clark, merchant prince Daniel Hennessy, and ACM executives Cornelius Kelley, William D. Scallon and John D. Ryan.¹⁹ To the north, the tree-lined water supply reservoir and Montana School of Mineral Science and Technology define the west boundary, while a cohesive neighborhood of Craftsman style Bungalows and cottages unfolds on the Lower Westside. Their borders form the boundaries of the Butte portion of the NHL district on the west. They are clearly defined by Big Butte, which rises over 500 feet above its base, and by the ridge just south of Big Butte that forms a natural boundary to the Uptown area. East of the Central Business District, the Eastside where Scandinavian, Slavic and Irish workers settled is now edged by the Berkeley Pit, which once threatened to move westward to swallow the Central Business District.

The Butte Mine yards interject themselves throughout Uptown Butte, and are the industrial backbone to the district and its mining and smelting history. The setting north of Uptown Butte is a vast mining landscape, scarred with mine acids and spoil dumps to the west and north, and the Berkeley Pit and huge waste piles to the east. This landscape includes four

important historic mine yards, and forms the northeast corner of the Butte-Anaconda NHL district. At the bottom of the Butte Hill, the Smelter District and the rail line edge the NHL's southern perimeter. The Smelter neighborhood forms the southeast corner of the Butte-Anaconda NHL district and contains the slag wall network of the Butte Reduction Works water diversion system and a working-class enclave where smelter and mine workers resided.

Census Tracts 1 and 2 of the Project Area encompass numbers of these historic neighborhoods (Map 4).

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

The purpose of the project is to:

- o Stabilize residential neighborhoods that have collapsing value and blight.
- o Reduce the impact of sub-prime mortgage failure in the Butte-Anaconda Historic District through targeted redevelopment of in-fill construction in Census tract 1 and 2.
- o Increase employment opportunities for local firms and low-income persons.
- o Improve safety and quality of life in Butte neighborhoods.

The construction or rehabilitation of infill, single-family residences will provide safe, affordable housing to assist low-income populations to achieve home ownership.

The target neighborhoods for this project have seen years of decline that was accelerated in some cases by the housing finance crisis of recent years. The market values of housing units in the poorest areas of Census tract 1 are stabilizing due to investment in several large buildings in the Uptown area since 2008. More than 38 housing units for upscale buyers and renters have developed during the last two years. However, affordable housing has yet to be made available in Uptown Butte.

Due to the low unemployment rate and a growing desire to invest in Butte, families with children have been seeking affordable housing for purchase in Uptown Butte but are mostly offered deeply substandard properties as "fixer-uppers", resulting in impoverishing or bankrupting the families in question.

Senior housing development in Butte have almost exclusively occurred in south Butte, depending on small buses or vans to transport residents to vital service areas. Senior housing in the Uptown area, near services and community activities will fulfill this need in the Butte community. Additionally, the growth of Montana Tech of the University of Montana's north campus (approx. 250 new households a year for the last several years) has put pressure on the local housing stock.

4. Describe all sources of project funding:

Habitat-MT Board of Housing	\$311,800
USDA Rural Development	\$735,500
National Affordable Housing Network	\$495,550
Habitat for Humanity of SW MT	\$170,000
NSP3 – MDOC	\$2,149,000
City and County of Butte-Silver Bow	\$46,000
Homebuyers Down Payments	\$159,000

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

North and Central Butte and Greeley Neighborhood Planning Committee Findings
2005 Community Needs Assessment
The Housing Landscape – Butte-Silver Bow Housing Plan 2015
Butte-Silver Bow Growth Policy
USDI/NPS National Register of Historic Places Registration Form – Butte-Anaconda
National Historic Landmark District

6. Proposed implementation schedule.

The project will commence upon release of funds and will be implemented in 36 months.

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

Project is in Compliance

	Yes	No	Not Applicable
Local Comprehensive (Growth Management) Plans including housing, land use and public facilities elements	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Local zoning ordinances or land use regulations, such as permit systems or soil conservation district requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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

KEY	Impact Categories-- PHYSICAL ENVIRONMENT	Source of Documentation 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	<p>The Project Area defined as U.S. Census Tracts 1, 2, and 4, in the City and County of Butte-Silver Bow, Montana, has seen development within its boundaries for over 100 years.</p> <p>Geotechnical investigations related to the site specific characteristics of specific sites, as they are identified, will be conducted in order to determine the appropriate foundation system required for the new residential construction. (BSB Community Development – 9/11)</p>
	HUD Environmental Criteria--24 CFR Part 51:	
N	51(b) Noise--Suitable Separation Between Housing & Other Noise Sensitive Activities & Major Noise Sources (Aircraft, Highways & Railroads) ⁸	<p>The Project Area, representing a historic mixed-use area, is comprised of residential, commercial and service areas within Butte's Urban Corridor. The community's zoning regulations have established appropriate uses within the Project Area and provide sufficient separation between incompatible uses (Map 2).</p> <p>The infill development within the Project Area will likely be located in existing residential neighborhoods and adjacent to commercial and service areas. Operations of these adjoining businesses should present no major noise sources that will adversely affect the occupation of these residences.</p> <p>No long-term noise hazards will be generated by the construction of these homes. During the duration of the construction period, some noise from equipment and work taking place will be noticeable.</p> <p>There are no active rail lines, aircraft facilities or highways that would generate noise that would impact the day-to-day use of the proposed facility. (BSB Community Development – 9/11)</p>

⁸See index at end of form.

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KEY	Impact Categories-- PHYSICAL ENVIRONMENT	Source of Documentation Note date of each contact or page reference. Attach additional material as applicable. Where appropriate, please fully explain in attached materials.
N	51(c) Hazardous Facilities--Acceptable Separation Distance from Explosive and Flammable Hazards (Chemical/Petrochemical Storage Tanks & Facilities--ex., Natural Gas Storage Facilities & Propane Storage Tanks) ⁷	<p>The Project Area, located within Butte's Urban Corridor, does not exhibit potential risks to the public or residents from man-made hazards.</p> <p>Land uses within the Project Area are governed by local codes and ordinances and health and building codes and local zoning ordinances are in place to prevent incompatible uses from impacting residential areas.</p> <p>There are no 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 within one mile of the proposed Project Area. (Office of Community Development 09/11)</p>
N	51(d) Airport Runway Clear Zones--Avoidance of Incompatible Land Use in Airport Runway Clear Zones ⁷	<p>The Project Area is not located within the vicinity of the Bert Mooney Airport (the City and County of Butte-Silver Bow, Montana's civil airport), or its runway clear zone. The airport is located over 3.0 miles to the southeast of the Project Area. (Office of Community Development 09/11)</p>

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KEY	Impact Categories-- PHYSICAL ENVIRONMENT	Source of Documentation Note date of each contact or page reference. Attach additional material as applicable. Where appropriate, please fully explain in attached materials.
<u>P</u>	EPA Hazardous Waste Sites, or Other Hazards or Nuisances Not Covered Above	<p>The Proposed Area, is located within the Butte Priority Soils Operable Unit (BPSOU), an NPL listed site. The BPSOU area encompasses historic industrial mining sites as well as densely developed areas within Butte's commercial and residential areas. Map</p> <p>Extensive cleanup of hazardous mining waste materials, heavy metals including copper, arsenic lead and zinc, has been conducted on this NPL site since its' listing.</p> <p>Sites for the infill development of single-family residences has not yet been specifically identified as the location of hazardous materials, such as waste dumps or buried waste.</p> <p>In the event that excavation resulting from new construction reveals previously undiscovered materials that may be hazardous in nature, the City and County of Butte-Silver Bow maintains a repository for the handling of these materials, which is available for the appropriate disposition of these materials.</p> <p>The redevelopment of vacant properties may have a beneficial impact in that new construction and the subsequent installation of cover (capping) materials (i.e. buildings, landscaping, paving) will address access to hazardous materials.</p> <p>Further, an institutional control program required by the Record of Decision (ROD) for the BPSOU will require measures and controls to ensure that capping control measures are maintained and that waste materials are not mishandled.</p> <p>There are no 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 within one mile of the proposed Project Area. (Office of Community Development 09/11)</p>
<u>N</u>	Lead-based Paint ¹³	<p>With respect to proposed new construction, lead-based paint is not present. With regard to rehabilitation of any structure; the developer will make and file any necessary abatement plans to address the presence of lead-based paint. (BSB Community Development - 9/11)</p>

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KEY	Impact Categories-- PHYSICAL ENVIRONMENT	Source of Documentation Note date of each contact or page reference. Attach additional material as applicable. Where appropriate, please fully explain in attached materials.
N	Asbestos ¹⁴	With respect to proposed new construction, asbestos is not present. With regard to rehabilitation of any structure; the developer will make and file any necessary abatement plans to address the presence of asbestos. See Appendix 1; memo dated 09/12/2011, (BSB Community Development – 9/11)
N	Effects of Project on Surrounding Air Quality or Any Effects of Existing Air Quality on Project ¹ .	No impacts on air quality are expected as a result of the construction of infill, single-family residences within the Project Area. Further, these single-family residences are constructed with super-insulated walls and ceilings, making them highly energy efficient. These units will be heated with electric heating systems and employ air-exchangers to capture heat. No measurable air emissions or particulates will result from these residences' heating systems. Some fugitive dust emissions are possible during construction of the facility. Standard dust suppression methods (watering, etc.) will be utilized as appropriate during construction to mitigate potential adverse impacts. (BSB Community Development – 9/11)
N	Groundwater Resources & Aquifer ^{a 10*}	A sole source or principle aquifer does not serve the Project Area or Butte-Silver Bow, MT. The Project Area was not designated as a sole or principle source aquifer prior to June 19, 1986, nor does the Project Area have an area-wide groundwater quality protection plan approved, under section 208 of the Clean Water Act, prior to that date. New infill, single-family residences constructed in the Project Area will be connected to the existing municipal water and sewer system as the Project Area is within Butte's Alluvial and Bedrock Aquifer Controlled Groundwater area; restricting the use of groundwater as a potable source of water. (BSB Community Development – 9/11)
N	Surface Water/Water Quality, Quantity & Distribution ^{10.*}	The Project Area is located wholly within Butte's Urban Corridor. There are no surface water systems in the area of the building. The facility is served by the municipal water system and there are no potential impacts anticipated given the small scale and scope of the project and project's location within the service area of municipal sewer, storm-water, and water system infrastructure. (BSB Community Development – 9/11)

^aIncluding Sole Source Aquifer. Contact DOC for further information regarding Missoula-area projects.

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KEY	Impact Categories-- PHYSICAL ENVIRONMENT	Source of Documentation Note date of each contact or page reference. Attach additional material as applicable. Where appropriate, please fully explain in attached materials.
<u>N</u>	Floodplains & Floodplain Management ^{5*}	The project does not involve acquisition, construction or improvements within a 100-year floodplain. The project area is located in an area with a designated floodplain zone of "C" - Area of Minimal Flooding. The floodplain panels used for reference are Community Panel No. 300077 0177D, No. 300077 179 and No. 300077 183, all dated revised 02/23/82 (Map 5A, 5B, and 5C) (BSB Community Development – 9/11)
<u>N</u>	Wetlands Protection ^{11*}	The Project Area lies more than 1200 lineal feet from natural surface water (stream, river or lake) and the depth to groundwater in the Project Area's is insufficient to support wetlands vegetation. No wetlands vegetation has been observed in the Project Area, confirming the lack of historic wetlands. (BSB Community Development – 9/11)
<u>N</u>	Agricultural Lands, Production, & Farmland Protection ^{3*}	The Project Area is not located on prime or unique farmlands as defined by the Natural resource Conservation Service (NRCS), USDA. Vacant properties slated for construction of infill, single-family residences are completely surrounded by urban development within the Butte-Silver Bow Urban Corridor. Further, the Butte-Silver Bow Zoning Ordinance does not allow farming to occur in any of the zoning districts located within the Project Area and infill, single-family residence construction is consistent with the City and County of Butte-Silver Bow's Growth Policy. (BSB Community Development – 9/11)
<u>N</u>	Vegetation & Wildlife Species & Habitats, Including Fish ^{4*}	The Project Area is wholly located within the Urban Corridor of Butte-Silver Bow, MT and no impacts on native terrestrial, avian and aquatic life and habitats. (BSB Community Development – 9/11)
<u>N</u>	Unique, Endangered, Fragile, or Limited Environmental Resources, Including Endangered Species ^{2*}	The Project Area is wholly located within Butte's Urban Corridor and there are no unique, endangered, fragile, or limited environmental resources, including endangered species within this boundary. (BSB Community Development – 9/11)
<u>N</u>	Unique Natural Features	The Project Area is wholly located within the Urban Corridor of Butte-Silver Bow, MT and no unique natural features exist on this site. (BSB Community Development – 9/11)

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KEY	Impact Categories-- PHYSICAL ENVIRONMENT	Source of Documentation Note date of each contact or page reference. Attach additional material as applicable. Where appropriate, please fully explain in attached materials.
P	Access to and Quality of Recreational & Wilderness Activities, and Public Lands, Including Federally Designated Wild & Scenic Rivers ¹²	No Wild or Scenic Rivers exist on or adjacent to the proposed project location. In Montana, only two river segments are designated Wild and Scenic; a portion of the Flathead River in northwest Montana, largely in Glacier National Park and a segment of the Missouri River in northeast Montana between Fort Benton and Robinson Bridge. The City and County of Butte-Silver Bow maintains community and neighborhood park facilities, open space and an extensive public trail system will serve the project. The community has recently purchased approximately 300 acres of vacant land adjacent to the Project Area to preserve for natural resource based recreation – hiking, bicycling, and wildlife and bird watching. (BSB Community Development – 9/11)

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

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

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KEY	Impact Categories-- HUMAN POPULATION	Source of Documentation Note date of each contact or page reference. Attach additional material as applicable. Where appropriate, please fully explain in attached materials.
P	Visual Quality--Coherence, Diversity, Compatible Use, and Scale Aesthetics	<p>The Project Area supports public streets and alleys developed in a grid pattern and these new infill single-family residences will be constructed within this existing pattern. New construction should reflect the historic setbacks patterns within specific blocks to ensure compatibility. The Butte-Silver Bow Zoning Ordinance encourages construction patterns in concert with adjoining existing construction. These variances from legislated setbacks are administratively authorized; no formal variances are required for these modifications.</p> <p>New infill, single-family residence in the Project Area will be of equal or greater home quality to the surrounding neighborhoods and as new residences are constructed within existing neighborhoods the overall aesthetic of these neighborhoods will be improved.</p> <p>The infill development of single-family residences within the Project Area's residential zones in the Urban Corridor is compatible with the building patterns of the Project Area, with respect to lot size and density. The infill development is occurring in areas that served and supported high-density single- and multi-family residential development in the past, as infrastructure such as streets, alleys and utilities are presently in place.</p> <p>The Project Area supports accessibility to goods and services either through pedestrian routes, automobile or public transportation that serves the Project Area. (BSB (Community Development – 9/11)</p>

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KEY	Impact Categories-- HUMAN POPULATION	Source of Documentation Note date of each contact or page reference. Attach additional material as applicable. Where appropriate, please fully explain in attached materials.
<u>P</u>	Historic Properties, Cultural, and Archaeological Resources ⁶	<p>The project area is wholly located within the Anaconda-Butte National Historic Landmark District (Butte NHL). All new construction within the Butte NHL that receives funding through federal programs is required to comply with National Historic Preservation Act.</p> <p><u>An architectural review and approval of new, infill residential development by the Montana State Historic Preservation Office (MT SHPO) is required to ensure compliance with the provisions of the National Historic Preservation Act, particularly section 106 and 110.</u> The developer will be required to provide site specific designs at their 30% completion stage. These preliminary design documents will clearly define the characteristics of the proposed infill development. Butte-Silver Bow Community Development will submit these designs to the Montana State Historic Preservation Office, for evaluation, comment and avoidance of adverse effects. It is the responsibility of the MT State Historic Preservation Office (MT SHPO) to ensure compliances with the provisions of Section 106 and to work with the developer if the project has the potential to have an adverse effect on historic properties. See Appendix 1 – Correspondence to MT SHPO, dated 09/08/11. (BSB Community Development – 9/11)</p>
<u>N</u>	Changes in Demographic (Population) Characteristics	<p>New infill, single-family residence in the Project Area will not change the demographics of Butte-Silver Bow, Montana. However, this new construction addresses the fierce demand for affordable housing in Butte.</p> <p>The demand for affordable housing is at a historic high and this infill construction will allow future residents to obtain home equity and home ownership. Further, affordable housing and infill development are top priorities in the Butte-Silver Bow Growth Policy. (BSB Community Development – 9/11)</p>
<u>P</u>	Environmental Justice ^{13*}	<p>The proposed project does not present any disproportionately high or adverse human health or environmental effects on minority or low-income populations. The objective of the construction of infill, single-family residences is to provide safe, affordable housing to assist low-income populations to achieve home ownership. (BSB Community Development – 9/11)</p>

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KEY	Impact Categories-- HUMAN POPULATION	Source of Documentation Note date of each contact or page reference. Attach additional material as applicable. Where appropriate, please fully explain in attached materials.
<u>P</u>	General Housing Conditions--Quality & Quantity	This project addresses the need to provide affordable housing in Butte. The demand for affordable housing is at a historic high and this infill construction will provide future programming to foster home equity and home ownership. Further, affordable housing and infill development are top priorities in the Butte-Silver Bow Growth Policy. See Appendix 1 for Chapter 2 of the B-SB Growth Policy – Goals and Objectives. (BSB Community Development – 9/11)
<u>N</u>	Displacement or Relocating of Businesses or Residents	The Infill development of single-family residences that provide housing for very low and low income families within the Project Area project will not result in displacement, as the new construction will occur on lands that are currently vacant. The redevelopment of commercial office space as residential units will not displace existing businesses. These premises are currently unoccupied. (BSB Community Development – 9/11)
<u>N</u>	Human Health	The proposed project does not present any disproportionately high or adverse human health or environmental effects on minority or low-income populations. The objective of the construction of infill, single-family residences is to provide safe, affordable housing to assist low-income populations to achieve home ownership. (BSB Community Development – 9/11)
<u>P</u>	Local Employment & Income Patterns--Quantity and Distribution of Employment	This project will not affect employment or income patterns. No long-term employment creation opportunities are anticipated. Overall repopulation within urban core as a result of the project may increase of the quantity of and distribution of employment as a result of the establishment of additional services (commercial and professional). (BSB Community Development – 9/11)
<u>P</u>	Local and State Tax Base & Revenues	The project will result in some short term revenue increase and its programming may have beneficial affects to the local and State tax base in that it will encourage home ownership, rehabilitation investment and new, infill construction within the neighborhood. (BSB Community Development – 9/11)

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<u>P</u>	Educational Facilities	The proposed project will have no affect on area educational facilities. However, the expected resultant, improvements in the neighborhood may have a positive impact on enrollment of area educational facilities by fostering infill development in this urban neighborhood. (BSB Community Development – 9/11)
<u>P</u>	Commercial and Industrial Facilities, Production & Activity	The proposed facility will result in the relocation of employees closer to the Central Business District and may result in the growth of area commercial facilities. (BSB Community Development – 9/11)
<u>P</u>	Health Care	No impacts to local health care are anticipated. St. James Healthcare, Butte-Silver Bow's major medical facility, is one of Montana's largest comprehensive hospitals, serving the health care needs of people in a seven-county region is located within the Project Area, along with many of the community's supporting healthcare facilities. St. James offers the people of Montana specialized services in neurosciences, cardiology, orthopedics, oncology, and women's services. Overall repopulation within Butte's urban Corridor as a result of the provision of supportive housing programs may result in an increase of the quantity of and distribution of employment as a result of the establishment of additional services (commercial and professional). (BSB Community Development – 9/11)
<u>P</u>	Social Services	The proposed project, located near Butte's Central Business District, will provide residents with access to service and establishments, including local, state and Federal government and social services. (BSB Community Development – 9/11)

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P	Social Structures & Mores (Standards of Social Conduct/Social Conventions)	The proposed project will support and may positively affect the ethical standards of socials conduct and convention in its development and subsequent programming. (BSB Community Development – 9/11)
N	Land Use Compatibility	<p>The infill construction of new single-family residences within the Project Area is consistent with the City and County of Butte-Silver Bow's Growth Policy, that encourages accessing existing infrastructure, such as the public road system, municipal water, sewer and storm water systems, to achieve a balance between public facility and service costs and the public benefits derived from new development that may require the extension of public services. The Growth Policy also encourages the promotion of adequate housing for all persons of Butte-Silver Bow County regardless of income, age, sex, race, religion, family type or ethnic background which will provide greater opportunity and choice of housing location, type and tenure.</p> <p>Development of the Project Area is also required to meet the provisions and requirements of specific districts, as defined by Title 17 – Zoning, of the Butte-Silver Bow Municipal Code, that have been defined in Butte's Urban Corridor. The Project Area contains a mix of residential, commercial and industrial-zoning districts, as illustrated in Map 2. Single-family residences are allowed in all residential zoning districts as defined in Title 17 within the Project Area. (BSB Community Development – 9/11)</p>

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<u>P</u>	Energy Consumption	One of the goals of the Project is to construct affordable, energy efficient housing with respect to energy consumption/conservation. Overall repopulation within the project area as a result of the provision of supportive housing programs will result in the conservation of resources as they relate to infill development in areas served by existing infrastructure (utilities such as water, power, sewer and storm water facilities, public transit services) and employment opportunities will have a positive impact on the consumption and conservation of resources. (BSB Community Development – 9/11)
<u>N</u>	Solid Waste Disposal ^a *	There are no adverse impacts anticipated on the existing solid waste system as a result of this new construction. Local contractors provide residential disposal services. The municipality operates its own solid waste facility that currently serves the Project Area. The City and County of Butte-Silver Bow BSB recently purchased an additional 100 acres of property for future expansion of the community's landfill to support the solid waste management needs of the community. (BSB Community Development – 9/11)
<u>N</u>	Waste Water--Sewage System	The municipality operates its own wastewater treatment facility that currently serves the project site and has sufficient capacity to serve this infill development. (BSB Community Development – 9/11)
<u>P</u>	Storm Water	Infill construction and the subsequent improvements to vacant lands will likely have a positive impact on controlling erosion within the Project Area; vacant lands will be improved with the construction and vegetated cover in open space areas will control undesirable erosion and decrease sedimentation of storm water runoff. (BSB Community Development – 9/11)
<u>N</u>	Community Water Supply	The Project Area's drinking water is derived exclusively from surface water sources, including the Big Hole River/South Fork Reservoir, the Moulton Reservoir and the Basin Creek Reservoir system. This infill construction will not require the installation of water mains, as these exist within the public right-of-ways serving the project site. The water system is owned, operated and maintained by the municipality. (BSB Community Development – 9/11)

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

KEY	Impact Categories-- HUMAN POPULATION	Source of Documentation Note date of each contact or page reference. Attach additional material as applicable. Where appropriate, please fully explain in attached materials.
N	Public Safety: Police	The Project Area is located within Butte's Urban Corridor and is currently served by the Butte-Silver Bow Law Enforcement Agency. (BSB Community Development – 09/11)
N	Fire	The proposed project will not create or generate fire hazards and will be constructed to meet existing codes for a residential construction. Further, the project site is located within Butte's Urban Corridor and is currently served by the Butte-Silver Bow Fire Department. (BSB Community Development – 9/11)
N	Emergency Medical	The proposed project will have no impact of local emergency services. The Project Area is located within Butte's Urban Corridor and is currently served by emergency medical service providers. (BSB Community Development – 9/11)
P	Parks, Playgrounds, & Open Space	The Project Area is wholly located within Butte's Urban Corridor and the municipality's existing recreation system, which maintains both community and neighborhood park facilities, open space and an extensive public trail system, will serve the project. The community has recently purchased approximately 300 acres of vacant land in the immediate vicinity of the Project Area to preserve for natural resource based recreation – hiking, bicycling, and wildlife and bird watching. (BSB Community Development – 9/11)
P	Cultural Facilities, Cultural Uniqueness, & Diversity	The community of Butte-Silver Bow has historically supported a variety of cultural facilities, cultural uniqueness and diversity. The location of the Project Area within Butte's Urban Corridor may be potentially beneficial in that it facilitates convenient access to these cultural facilities. The Project Area encompasses Butte's Central Business District, where the majority of the community's cultural facilities are located. Venues such as live performance theaters, art galleries, museums and exhibits are primarily located adjacent to the project site and therefore available for participation by new homeowners. (BSB Community Development – 9/11)

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

KEY	Impact Categories-- HUMAN POPULATION	Source of Documentation Note date of each contact or page reference. Attach additional material as applicable. Where appropriate, please fully explain in attached materials.
N	Transportation--Air, Rail & Auto (Including Local Traffic)	<p>The project Area is located within 4.0 miles of the Bert Mooney Airport (the City and County of Butte-Silver Bow, Montana's civil airport), or its runway clear zone. The airport is located over 3.0 miles to the southeast and south of the Project Area.</p> <p>The site is wholly located within the Urban Corridor and is served by the municipality's transportation system, including its public transit services. Several service routes of "The Bus", the City and County of Butte Silver Bow's transit service serve the project site. Additionally, Greyhound Bus services are available to the community. Butte-Silver Bow, Montana is not served by passenger rail services. (BSB Community Development – 9/11)</p>

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

KEY	Impact Categories-- HUMAN POPULATION	Source of Documentation Note date of each contact or page reference. Attach additional material as applicable. Where appropriate, please fully explain in attached materials.
N	Consistency with Other State Statutes or Local Ordinances, Resolutions, or Plans (to be added by local community)	<p>The Butte Neighborhoods NSP3Project will be in compliance with other State Statutes and the Butte-Silver Bow Municipal Code, local ordinances, resolutions, codes and plans adopted by the City and County of Butte-Silver Bow, Montana.</p> <p>Specifically, the infill construction of new single-family residences or the rehabilitation of existing residences within the Project Area is consistent with the City and County of Butte-Silver Bow's Growth Policy, that encourages accessing existing infrastructure, such as the public road system, municipal water, sewer and storm water systems, to achieve a balance between public facility and service costs and the public benefits derived from new development that may require the extension of public services. The Growth Policy also encourages the promotion of adequate housing for all persons of Butte-Silver Bow County regardless of income, age, sex, race, religion, family type or ethnic background which will provide greater opportunity and choice of housing location, type and tenure.</p> <p>Development of the Project Area is also required to meet the provisions and requirements of specific districts, as defined by Title 17 – Zoning, of the Butte-Silver Bow Municipal Code, that have been defined in Butte's Urban Corridor. The Project Area contains a mix of residential, commercial and industrial-zoning districts, as illustrated in Map 2. Single-family residences are allowed in all residential zoning districts as defined in Title 17 within the Project Area.</p> <p>Pursuant to Tile 2, Chapter 2.64 Historic Preservation Commission (HPC). Butte-Silver Bow Municipal Code, the HPC shall consult with the local, state and federal agencies on all applications, environmental assessments, environmental impact statements and other similar documents pertaining to historic districts, landmark sites and landmark properties within the City-County. Comments by the HPC will be sent by the Historic Preservation Officer (HPO) to the Butte-Silver Bow Council of Commissioners.</p> <p>(BSB Community Development – 9/11)</p>

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 only alternative considered for the proposed project, new construction of infill, affordable single-family residences and the rehabilitation of existing residences in the Project Area are the No-Action Alternative.

The Project Area was selected specifically for its location, demographics and current housing conditions in Butte-Silver Bow, Montana.

If the No Action Alternative were selected, then no development affordable residences within the Project Area would occur and these target neighborhoods would see little to no investment or improvement.

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

For the most part, the environmental impacts of these residences will result in either "No Impact" or "Beneficial Impact". Particularly within the Project Area, this new energy efficient construction will positively impact the resident demographics in that it will provide affordable housing to low-income families, allowing families to leave substandard housing conditions and realize home ownership.

The single criterion that requires a specific action from the grantee is associated with Historic Preservation. Because Census Tracts 1 and 2 of the Project Area is wholly located within the Butte-Anaconda National Historic Landmark District, new construction must comply with the provisions of the National Historic Preservation Act, most particularly Section 106. An architectural review and approval of new, infill residential development by the Montana State Historic Preservation Office (MT SHPO) is required to ensure compliance with the provisions of the National Historic Preservation Act, particularly section 106 and 110. The developer will be required to provide site specific designs at their 30% completion stage. These preliminary design documents will clearly define the characteristics of the proposed infill development. Butte-Silver Bow Community Development will submit these designs to the Montana State Historic Preservation Office, for evaluation, comment and avoidance of adverse effects.

Short-term impacts from the construction of these residences will be associated with the construction phase of the project. Noise, dust and other nuisances created by construction activities can be mitigated with typical site management practices.

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:

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): Karen Byrnes, Community Development Director

Title: Environmental Certifying Officer

Signature:

A handwritten signature in black ink that reads "Karen Byrnes". The signature is written in a cursive style and is positioned above a horizontal line.

Date: September 19, 2011

APPENDIX

- Butte-Silver Bow Office of Community Development – Correspondence with MT SHPO, dated 09/08/11
- Memo from National Affordable Housing Network, dated 09/14/11
- Butte-Silver Bow Growth Policy – Chapter 1 - Goals and Objectives



National Affordable Housing Network

P.O. Box 3706 Butte, MT 59702 Voice: (406) 782-8145 Fax: (406) 782-5168 www.nahn.com

TO: Environmental Certifying Officer
Butte Silver Bow

RE: Asbestos policy and history: PHOENIX BUILDING

From: Barbara Miller for OWNER: National Affordable Housing Network

DATE: Sept. 14, 2011

POLICY: National Affordable Housing Network's policy with any existing structures that may include asbestos material is to properly identify and make formal, filed abatement plan for any asbestos that must be addressed in the renovation or safe re-use of building or demolition. All abatement shall be performed by licensed asbestos removal personnel or staff with these certifications, or by staff under the supervision of a licensed contractor, with plans and actions filed with appropriate agency.

NAHN purchased the building in 2005 with only two levels of commercial rentals being used in portions of the building. Built in 1906, the all-masonry building had little initial asbestos. The prior owner sold the building with most of the newer asbestos disposed as plumbing repairs were needed, with most of the building essentially free of asbestos in the lower three levels.

The National Affordable Housing Network has employed Ingraham Environmental of Butte to perform testing and prepare appropriate reports to state agency per any asbestos locations as new locations were being cleaned for future work in the Phoenix Building. Testing has occurred in numerous locations throughout the complex, including the parking structure and commercial space at 45 and 55 Galena Streets in the adjoining back structure.

Overall testing and identification has occurred for Floor 3, the floor in question for housing for the EA., Two locations of asbestos were identified in floor 3 (one pipe insulation in Southwest Corner bathroom, and several locations of unattached, floating flooring material in south units of building.) Pipe insulation will be isolated unless it is removed by a certified asbestos removal contractor, and flooring will be removed and disposed as directed by Ingraham's report. Popcorn ceiling insulation in the hallways of floor 2 commercial area has a low asbestos context, but will be encapsulated per report by Ingraham, under supervision per required approaches.

In order to activate the elevator which goes from sub-basement to rooftop, the building has performed several additional asbestos studies, and will continue through floors 5 and 6 to complete this project this fall. All studies and reports will be filed by Ingraham Environmental through required agency. All reports are on file at NAHN's headquarters at 66 W. Park, Suite 211.

Barbara Miller
Executive Director



*BUTTE-SILVER BOW
COMMUNITY DEVELOPMENT DEPARTMENT
155 WEST GRANITE STREET, COURTHOUSE
BUTTE, MONTANA 59701
(406) 497-6465*



September 8, 2011

Dr. Mark Baumler
State Historic Preservation Office
Montana Historical Society
1410 Eighth Avenue
Helena, Montana 59620

Re: Consultation under 36 CFR Part 800 for Butte Neighborhoods NSP3 Project

Dear Dr. Baumler

The City and County of Butte-Silver Bow, Montana (B-SB) has approval for a Montana Neighborhood Stabilization Program (NSP) of \$2.1 million from the Montana Department of Commerce for the Butte Neighborhoods NSP3 project (NSP3 Project.) This grant will involve the construction or improvement of seventeen properties in three areas of B-SB; Census Tracts 1, 2, and 4 (Project Area), as shown on Map1.

This infill development project will provide for stabilization and financing to produce a minimum of seventeen (17) passive-solar, high performance housing units for sale to households under eighty (80) percent of area median income (AMI) including at least seven (7) homes for households with income under fifty (50) percent of AMI.

The project includes the acquisition of key parcels of vacant land (location yet to be determined) in the Project Area for the construction of single-family residences and the development of eight (8) condominium units in the Central Business District (The Phoenix Building – 66 W. Park Street, Butte, Montana) to appeal to senior citizens and persons with disabilities.

The NSP3 Project area consisting of B-SB's U.S. Census Tracts 1 and 2 are wholly located within the Butte-Anaconda Historic District (District), encompassing historic residential, commercial and industrial neighborhoods that include numerous Contributing properties, as defined by the U.S. Department of the Interior, National Park Service. U. S. Census Tract 4 is outside the boundary of the District.

Map 2 illustrates the relationship between U.S. Census Tracts 1 and 2 and the District. It reflects the built environment at the time of the District's nomination and identifies those buildings, structures, or sites within the boundaries of the district that have been determined to reflect the significance of the district as a whole, either because of historic associations, historic architectural qualities or archaeological features as a Contributing property.

The Butte-Silver Bow Office of Community Development has been requested to prepare a global environmental assessment of the Project Area by the NSP Program and intends to Issue a Finding of No Significant Impact (FONSI) in order to request the release of funds to begin this project. When available, funds will be used for the design of the in-fill single family residences and rehabilitation of the interior of the Phoenix Building for residential condominium units.

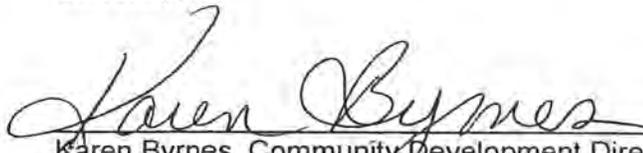
From an overall perspective, in-fill development within the Butte-Anaconda Landmark District is desirable under the appropriate circumstances. New infill, single-family residence in the Project Area will be of equal or greater home quality to the surrounding neighborhoods and as new residences are constructed within existing neighborhoods the overall aesthetic of these neighborhoods will be improved.

The single criterion of the environmental assessment that requires a specific action from the City and County of Butte-Silver Bow, Montana is related to the *Impact Category - Historic Properties, Cultural and Archaeological Resources*. New construction within Census Tracts 1 and 2 must comply with the provisions of the National Historic Preservation Act, 36 CFR Part 800, most particularly Section 106, as they are wholly located within the Butte-Anaconda National Historic Landmark District.

In order to avoid a finding of adverse effect, we recognize that the developer will be required to provide site specific designs at their 30% completion stage. These preliminary design documents will clearly define the characteristics of the proposed infill development. Butte-Silver Bow Community Development will submit these designs to the Montana State Historic Preservation Office, for evaluation, comment and avoidance of adverse effects.

We request that you review the enclosed data and notify us either of (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) your recommendations regarding the need for archeological or historical and architectural inventory of the project area. We understand that the effects of the proposed undertaking on properties listed in or determined to be eligible for listing in the National Register (already determined or determined as a result of inventory) will be discussed with you and the Advisory Council on Historic Preservation later.

Sincerely,

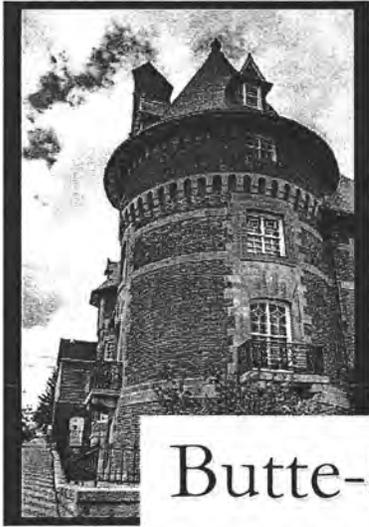


Karen Byrnes, Community Development Director
Environmental Certifying Officer
155 W. granite Street, Room 115
Butte, MT 59701
406-497-6467

Enclosures

Map 1 - Butte-Silver Bow Census Tracts 1, 2, and 4

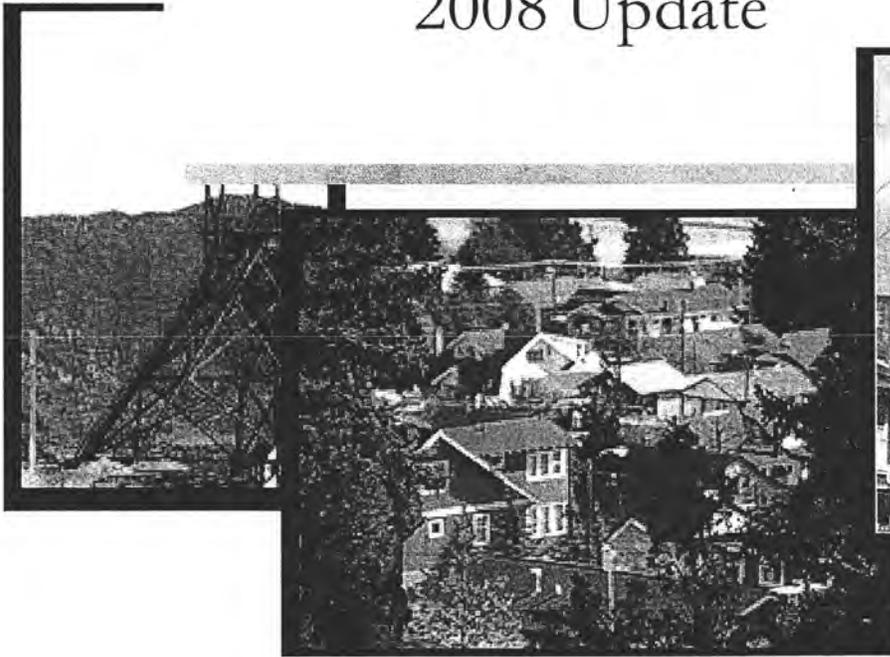
Map 2 - Overlay of Census tracts on Butte-Anaconda Historic District



Butte-Silver Bow County Growth Policy



2008 Update







Chapter One

Goals, Objectives &
Implementation Strategies





1.0 INTRODUCTION

The thorough review of existing conditions and trends in Butte-Silver Bow County (Chapter 3) and the Goals and Objectives set forth in the 1995 County Growth Policy have led to the establishment of an updated set of Goals and Objectives for Butte-Silver Bow County. The Goals and Objectives provide a set of guidelines from which the County can realize its vision to be a safe, healthy and livable community. The goals have been divided into five topic areas including:

1. Natural and Cultural Resources
2. Housing
3. Economic Development
4. Government Services and Infrastructure
5. Land Use

While the Goals and Objectives are divided into five categories, they there are driven by several fundamental principals considered important to the character and quality of life in Butte-Silver Bow County. The principals that shape this Growth Policy overall are:

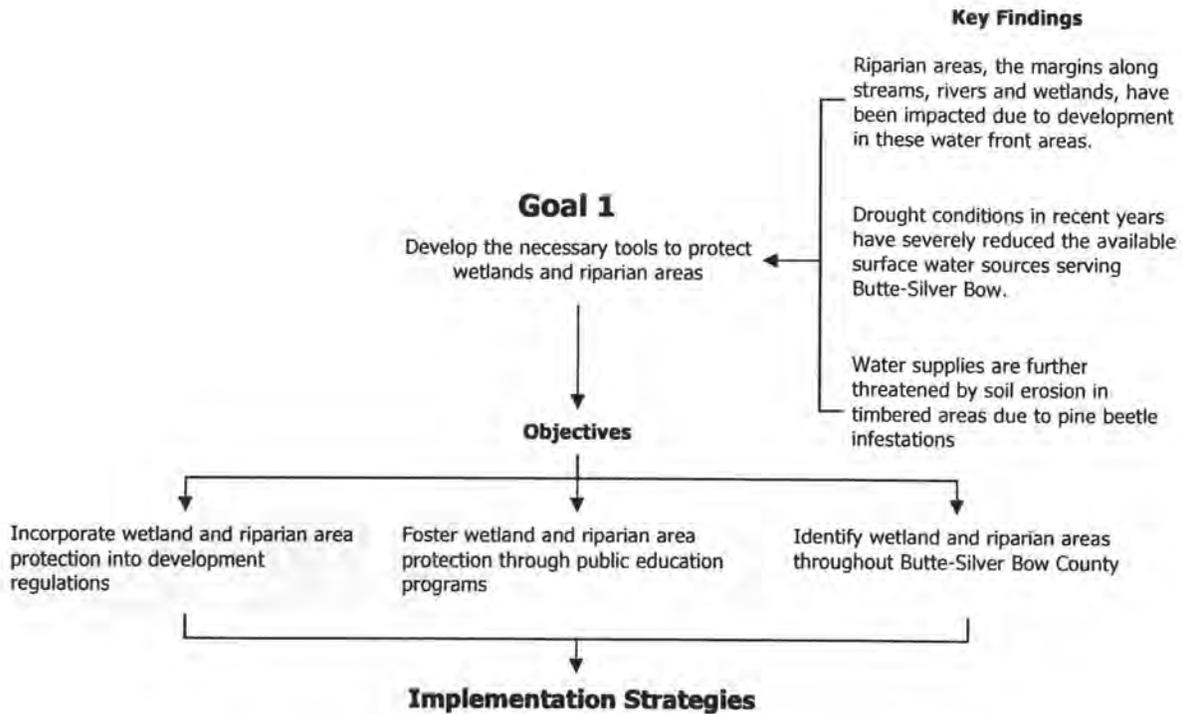
- All citizens should have the opportunity to live in safe, decent, affordable housing in economically diverse and livable neighborhoods
- Perspectives that come through neighborhood/rural town center-based planning are important to county-wide planning
- Preservation of the nationally significant historic resources within Butte-Silver Bow County is important to the county's aesthetic character and identity
- Open space – natural and cultural areas, developed parks and recreational facilities, and trails – is important to the quality of life
- Cost effective delivery of services and associated infrastructure is important to creating and maintaining a clean and safe environment and fiscal integrity
- Sustainable economic activity within Butte-Silver Bow in association with industrial, agricultural, residential and commercial development is important to the county's economic health



2.0 GOALS

2.1 Natural and Cultural Resources

2.1.1 Natural Resources



- Initiate (and/or update) an inventory of critical wetland and riparian areas
- Work with Montana Tech; The Montana Department of Fish, Wildlife and Parks, the US Forest Service and area schools to develop a public education program
- Initiate a review of the Butte-Silver Bow Subdivision Ordinance to determine if wetlands and riparian areas are adequately protected
- Update and/or amend the subdivision ordinance to include adequate protection for wetlands and riparian areas



Key Findings

Diminished water supply and drought conditions along with pine beetle infestations have created potential for wild fires in wild land-urban interface areas

Development in the wildlife-urban interface has occurred; without necessary regulatory safeguards, the risk of fire threatening homes and infrastructure is greater

Goal 2

Reduce the incidence of wild land fire

Objectives

Delineate the wild land-urban interface based on information within the Butte-Silver bow Hazard Mitigation Plan

Adopt regulations requiring defensible space around structures, adequate ingress and egress to and from structures and developments to facilitate fire suppression activities, and adequate water supply for fire protection

Work with the Butte-Silver Bow Fire Dept., Rural Volunteer Fire Departments, state and federal land management agencies, the Butte-Silver Bow GIS Office and the Office of Disaster and Emergency Services to address wild land fire

Implementation Strategies

- Undertake a wild land fire assessment, cooperatively with the land records and GIS offices to identify properties in the Wild Land-Urban Interface and categorize them by risk level.
- Review and update the Butte-Silver Bow Subdivision Ordinance to address wild land fire

Key Finding

Pine beetle infestations in forested areas have potential to cause soil erosion that impacts the water supply

Pine beetle infestations in forested areas have potential to cause soil erosion that impacts the water supply

Pine beetle infestations in forested areas have potential to cause soil erosion that impacts the water supply

Goal 3

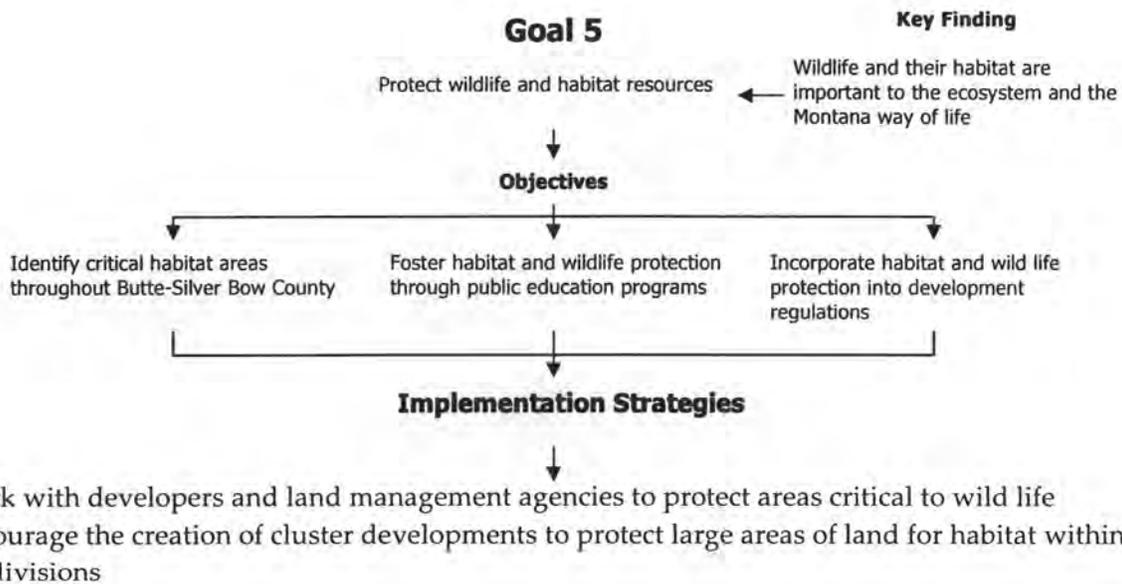
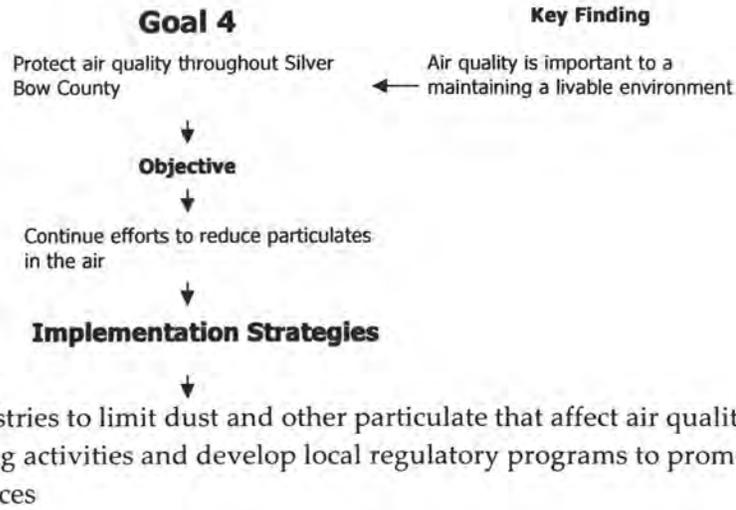
Maintain the quality and quantity of surface and ground water resources for both consumptive and non-consumptive uses

Objective

Protect watersheds throughout Butte-Silver Bow County

Implementation Strategies

- Continue to examine the feasibility of using sub-surface sources of potable water
- Examine the feasibility of further treatment of Silver Lake water
- Reduce the erosion threat through the removal of beetle infested trees and reforestation





Goal 6

Develop cooperative land management strategies with state and federal land management agencies

Key Finding

More than half of the land area in Silver Bow County is in public ownership

Objective

Ensure to the maximum extent possible that state and federal resource management plans and proposals are consistent with the Butte-Silver Bow Growth Policy

Implementation Strategies

- Work closely with land management agencies in reviewing proposed subdivisions
- Work to link the County Growth Policy with state and federal management plans

Key Findings

There is currently no program in place for on-going weed management for open spaces, common areas and trails created as part of a subdivision

Goal 7

Eliminate noxious weeds in Butte Silver Bow

There is a problem with the spread of noxious weeds throughout Butte-Silver Bow County

Objective

Continue efforts to educate the public with respect to the effects of the spread of noxious weeds

Implementation Strategies

- Develop education programs regarding noxious weeds directed to homebuyers in conjunction with real estate professionals and developers.
- Make changes within the Butte-Silver Bow Subdivision Ordinance to provide for long term weed management on open lands, trails and other public spaces within subdivisions
- Allow for cash in lieu payments for parkland and open space for subdivisions to maintain existing parks, open space and trails (including weed management).
- Use rural SID funds from newly annexed areas to fund improvements and maintenance programs directed to weeds.
- Create special management zones, which are authorized under 7-22-2142 MCA and operate like improvement districts, for weed management



2.1.2 Cultural Resources

Key Findings

Many of Butte's nationally significant historic resources are threatened due to:

- The loss of population and associated decay in the urban core
- The lack of design review for proposed renovations and infill construction within the Landmark District

Butte's historic properties are key to the redevelopment of our community

Goal 1

Protect the nationally significant historic resources within and outside of the National Historic Landmark District

Objective

Protect, preserve and interpret individual sites as appropriate, while recognizing that the significance of the historic resources in Butte-Silver Bow is defined by the entire landscape which incorporates mining, industrial, commercial and residential development

Implementation Strategies

- Implement the 2007 Historic Preservation Ordinance
 - Establish the Local Register of Historic Places
 - Prepare design standards
- Encourage neighborhood initiated design standards for both rehabilitation and new construction

Key Finding

Preservation efforts have been focused primarily on architectural resources associated with mining and community development and not on sites associated with Native America history

Goal 2

Protect cultural and archeological resources in Butte-Silver Bow, inside and outside the urban corridor

Objectives

Continue the identification of cultural resources throughout Butte-Silver Bow County

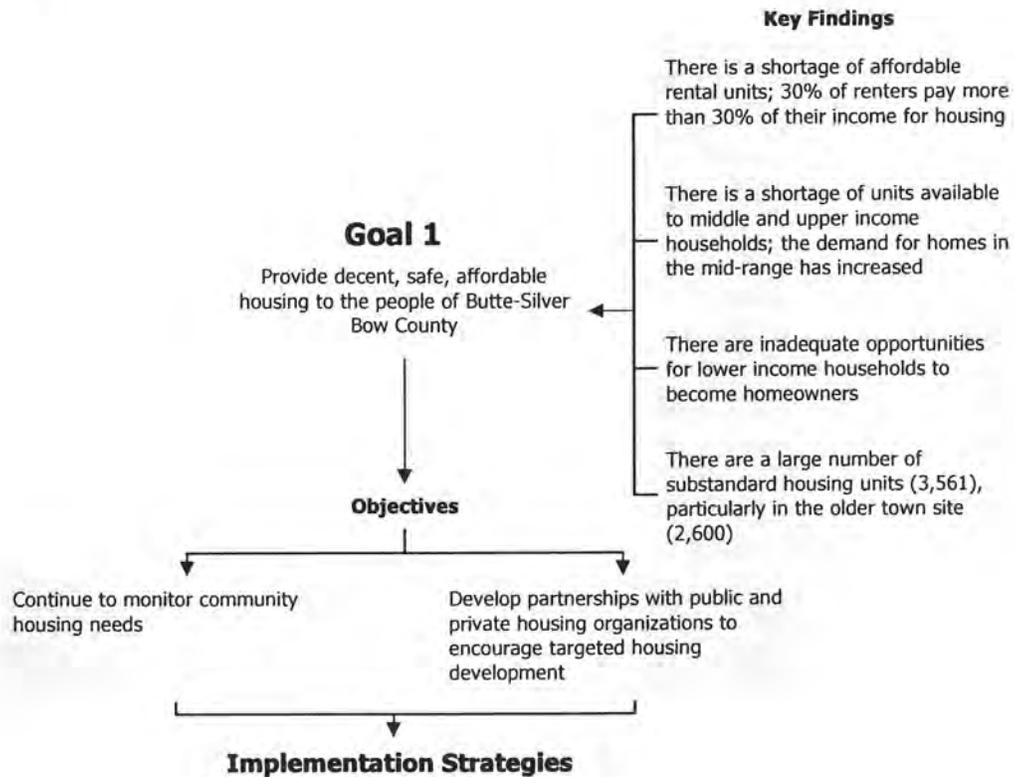
Encourage the protection of cultural sites through both regulatory and educational programs

Implementation Strategies

- Address the protection of cultural and archeological sites in the Butte-Silver Bow Subdivision Ordinance
- Incorporate cultural sites in efforts to promote the area to residents and visitors
- Work with various state and local tourism and cultural organizations to provide for the preservation and interpretation of the National Historic Landmark District and other cultural and archeological sites in the county.



2.2 Housing



- Implement the Butte-Silver Bow Housing Plan 2015
- Create a housing revolving loan and grant program using a combination of public and private funding sources
- Continue and expand homebuyer education programs for first time homebuyers



Key Findings

Neighborhoods in the older town site, within Census Tracts 1 and 2 contain 74% of the county's substandard housing units; the number is approximately 2,600.

Over half of people in Silver Bow County with incomes below the federal poverty line live in Census Tracts 1 and 2 in the old town site where three fourths of the substandard housing units are located

The most blighted neighborhoods in the county are inside the National Historic Landmark District where there are also many vacant lots

Goal 2

Provide for livable, economically diverse and sustainable neighborhoods

Objectives

Improve condition of housing stock in historic neighborhoods

Foster economic diversity within neighborhoods in the development and revitalization process

Preserve the historic character of neighborhoods in the revitalization process

Create job opportunities and economic activity in neighborhoods

Implementation Strategies

- Develop master plans for neighborhoods that include design standards and allow for economic diversity and mixed uses
- Rehabilitate housing, both single-family and multi-family units, in blighted areas through use of renovation assistance programs and other funding sources
- Implement neighborhood stewardship programs, including long-term maintenance programs, that allow for long-term livability of neighborhoods
- Incorporate historic elements in renovation projects including respect for period craftsmanship, materials and scale of existing structures
- Design new in-fill structures that are complimentary to surrounding structures with respect to size and materials and historic set-backs.
- Create neighborhood centers in areas of high poverty in combination with housing programs.
- Work to design neighborhoods through in-fill, new construction projects and rehab projects that include mixed-income housing units.
- Provide convenient basic services to residents at the neighborhood level
- Pursue creation of HUB Zone designations for areas in the community where economic development and housing can go hand in hand.
- Review existing zoning ordinance to reveal and correct possible obstacles to mixed-use (residential/commercial) strategies.



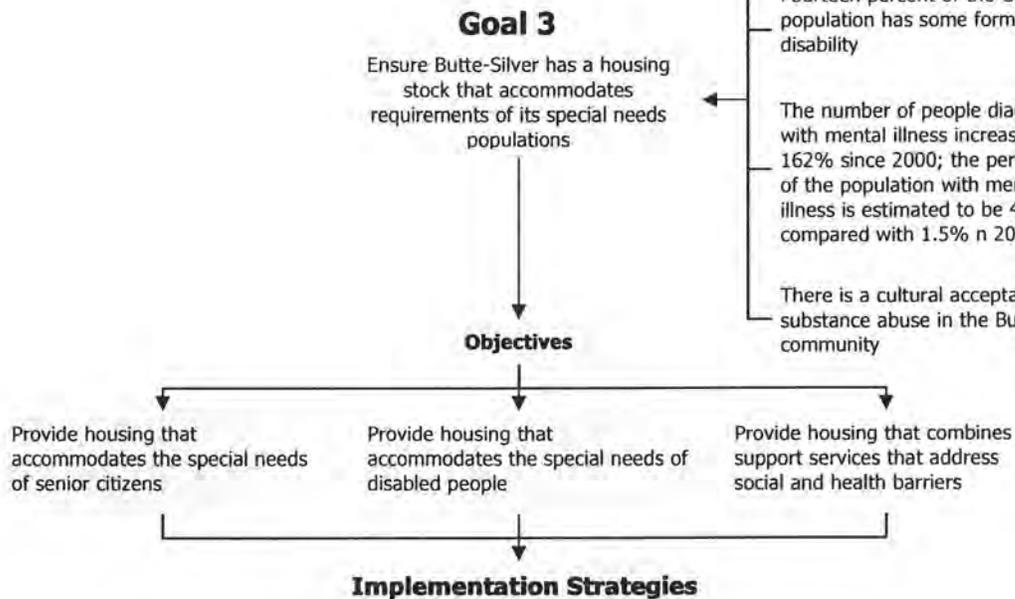
Key Findings

People 65 years of age and older are projected to comprise 26% of the population by 2030; they comprise 16% of the today's population

Fourteen percent of the County population has some form of disability

The number of people diagnosed with mental illness increased by 162% since 2000; the percentage of the population with mental illness is estimated to be 4.3% compared with 1.5% in 2000

There is a cultural acceptance of substance abuse in the Butte community



- Develop housing renovation/modification programs and new construction programs that include provisions to support "aging in place".
- Develop senior housing in areas that offer easy access to health services, public transportation, community centers and retail establishments that provide necessities (grocery stores, pharmacies, clothing stores, etc.)
- Develop more community-based housing for the mentally ill, including supervised group homes
- Develop a facility that provides temporary housing for people addicted to alcohol and other substances in combination with medical and/or social detoxification services
- Expand the number of Alzheimer's dedicated long-term care units in Butte-Silver Bow County either through additions to existing senior, long-term care facilities or construction of a new facility
- Utilize Community Development Block Grant, Home Investment Partnerships Programs and others to maintain supportive housing services for the homeless and other special needs populations



Key Findings

Butte-Silver Bow County has experienced a shift in population from the urban core to areas on the periphery; the majority of new housing units since 2000 were added in Census Tract 8, a peripheral area

Emergency response times increase when responding to incidents outside the urban cluster

The mean travel time to work increased between 1990 and 2000, going from 10.8 minutes to 14.3.

The built environment is becoming denser in areas outside the urban cluster but without the necessary supporting water and sewer infrastructure

The cost of gas at the pump has increased significantly as has the cost of heating homes

The county population is projected to grow by an approximate 3% into 2025

Goal 4

Encourage housing development that promotes energy conservation, reduces sprawl and makes efficient use of county services and infrastructure

Objectives

Promote infill development and rehabilitation in existing neighborhoods to help accommodate growth

Promote construction of energy efficient housing

Promote housing development in areas close to employment centers and infrastructure

Implementation Strategies

- Incorporate energy conserving elements to reduce energy expenditures for heating and cooling in both new home construction and renovation
- Review proposed housing developments with respect to the energy costs associated with providing services and infrastructure to reduce the negative impacts of sprawl.
- Implement neighborhood development in neighborhoods identified in the Butte Housing Plan 2015



2.3 Economic Development

Key Findings

Mining jobs comprise only 2% of the job base compared with 21% in 1970; service sector jobs now comprise 36% of the job base compared with 24% in 1970.

The total number of jobs in Butte-Silver Bow has now surpassed the total in 1970 when mining was still a prominent industry

Health care is a growing sector of the Butte-Silver Bow economy. The number of jobs in the health care sector increased by 40% between 1995 and 2002 and is expected to continue on a growth trend.

Median Household Income in the County is a mere 74% of the nation; 41% of the county's families have incomes that categorize them as low-income

Goal 1

Continue to promote a diversified economy that provides for stable tax and job bases

Objectives

Pursue programs that increase the number of well-paying jobs and raise the standard of living for all citizens

Promote a vibrant local business climate that will encourage expansion of existing businesses and attract new ventures

Enhance community aesthetics that ultimately make the community more attractive to new businesses

Develop Butte-Silver Bow's scenic and cultural resources in support of making the area a tourist/recreational destination

Implementation Strategies

- Examine the feasibility of continuing the business incubator program
- Continue economic efforts to attract companies to the county
- Continue efforts to attract industries that support well-paying jobs
- Continue to Tax Increment Financing Industrial as an economic development tool
- Continue to enforce the Community Enrichment ordinance
- Revitalize blighted neighborhoods in and around the central business district
- Promote historic preservation as a key element in developing the tourism segment of the Butte-Silver Bow economy
- Maintain and enhance existing tourist attractions and develop new venues that encourage tourists to visit and extend their stay
- Continue to promote and support cultural events and arts programming



Key Findings

The educational attainment level has been steadily increasing over the last twenty years. 85.1% of people 25 and older were high school graduates in 2000 up from 69.1% in 1980

The county lost 29% of people in the 25-34 year old age cohort between 1980 and 2000

Although still behind the rate for the nation and the state, the percentage of people over 25 attaining a bachelor's degree went from 14.2% in 1980 to 21.7% in 2000



- Develop workforce training programs and delivery systems to meet the needs of the local business community
- Coordinate efforts of the local educational community, business leaders, governmental officials and economic development entities to ensure our local educational resources are focused on meeting communities employment training needs



Key Findings

Steady population loss over a long period in areas around the central business district have negatively impacted the district by creating blight and loss of general business activity among retail establishments

The Butte Historic Landmark District was created in 1962 by the National Park Service and expanded in 2006 to include the area encompassing Butte and Anaconda

An approximate 2,600 housing units in and around the central business district are in poor to fair condition

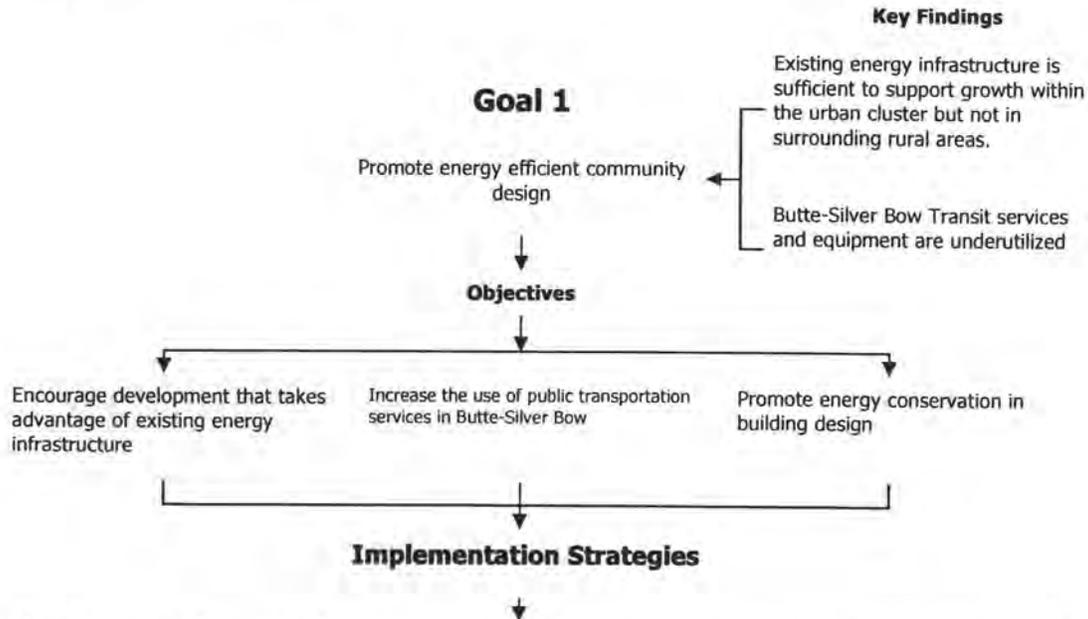


- Replace sewer lines within the urban renewal district
- Continue the sidewalk improvement program
- Construct a parking garage in support of ongoing building renovation and reuse
- Improve lighting
- Continue historic preservation activities
- Create an entry way and loop through Uptown Butte that enhances existing historic resources
- Revitalize blighted neighborhoods in and around the central business district



2.4 Local Services and Infrastructure

2.4.1 Transportation and Energy Infrastructure



- Make changes to land use regulations as appropriate to encourage energy conservation such as
 - Increased opportunity for mixed use development
 - Incentives for developments that consume less energy
 - Developments that feature access to public transportation services, pedestrian trails, etc.
- Work with private sector energy providers in planning for redevelopment and growth.
- Support the Ongoing Efforts of the Butte-Silver Bow Transit Authority to provide efficient and user-friendly Public Transportation



Goal 2

Improve the condition of Butte-Silver Bow's roadway infrastructure

Key Finding

Roads in Butte-Silver Bow are generally adequate to serve the current volume of traffic. However, road condition is generally average to below average county-wide.

Objectives

Improve the overall safety of Butte's roads and bridges

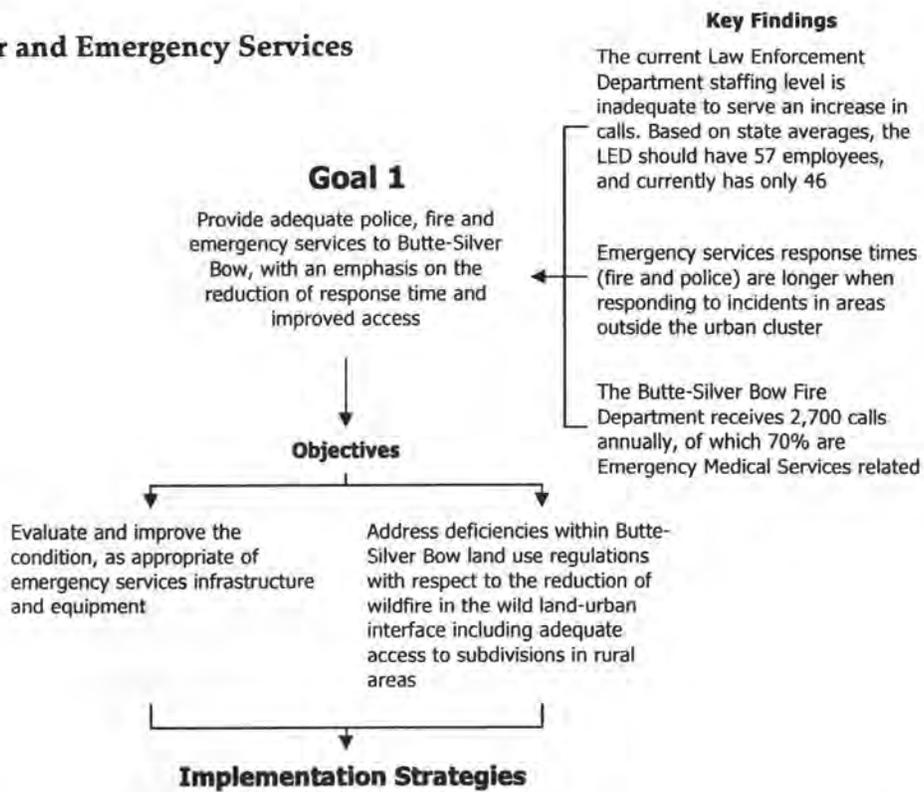
Assist Economic and Community Development through thoughtful transportation development

Implementation Strategies

- Identify new funding sources for road and bridge maintenance and construction
- Continue to address critical roadway and bridge repairs in the short term
- Develop a long term strategy for ongoing transportation infrastructure maintenance to improve the overall quality of the system
- Employ Good Design in Planning Transportation Infrastructure, reflecting the historic significance of Butte-Silver Bow, neighborhood cohesiveness, sensitivity to persons with disabilities and the overall community appearance.



2.4.2 Disaster and Emergency Services



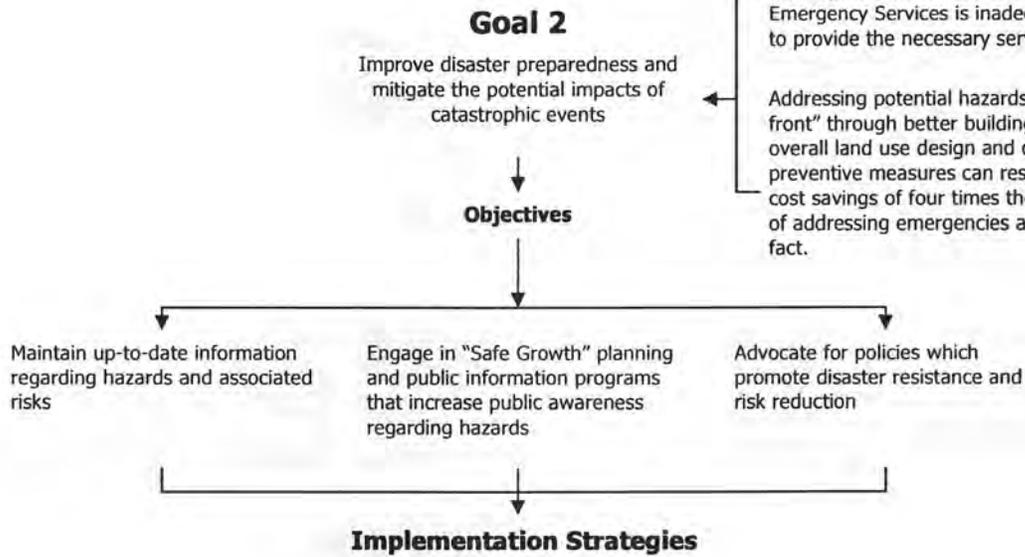
- Construct a police substation in the growth areas to the south of the urban cluster
- Construct a third paid fire station in the south quadrant of the urban area, in close proximity to the airport. This would enable the Department to better serve these areas.
- Provide or enhance transportation routes that enable quick response by emergency services providers.
- Develop and maintain an inventory of areas where wild fire risks are present
- Update the Butte-Silver Bow Subdivision Ordinance to reduce the incidence of wild land fire, addressing:
 - Defensible space
 - Access for Emergency Buildings



Key Findings

The current location of the local Emergency Operations Center of the Department of Disaster and Emergency Services is inadequate to provide the necessary services

Addressing potential hazards "up front" through better building and overall land use design and other preventive measures can result in a cost savings of four times the cost of addressing emergencies after the fact.



- Update the 2004 Hazard Mitigation Plan by 2009
- Assess the earthquake risk in Butte-Silver Bow (A \$280,000 grant was awarded by FEMA to Butte-Silver Bow and passed through to the Montana Bureau of Mines and Geology at Montana Tech to conduct an earthquake study)
- Seek Hazard mitigation grants to identify local risks and vulnerabilities
- Implement "Safe Growth" principals to assist with building resilient communities



2.4.3 Water, Sewer and Solid Waste Infrastructure



- Continue to examine the feasibility of using sub-surface sources of potable water
- Examine the feasibility of further treatment of Silver Lake water
- Reduce the erosion threat through the removal of beetle infested trees and reforestation
- Prepare a county-wide Capital Improvements Plan that addresses the need to:
 - Replace and/or repair existing sewer, water and storm drain systems
 - Build new systems where opportunities exist for cost sharing
- Identify and obtain funding sources for plan implementation



Key Findings

The built environment is becoming denser in the areas outside the urban cluster, but without the necessary supporting sewer and water infrastructure

The earliest components of our existing sewer system were built in the 1880's and are in need of extensive rehabilitation. However, the current budget provides only for maintenance

Goal 2

Improve existing water, sewer and storm drain infrastructure to support development within the urban cluster and to areas of population growth as

Objectives

Address infrastructure needs associated with existing water, sewer and storm drain systems to encourage development within the urban core

Increase the participation of private developers in the construction of new infrastructure

Implementation Strategies

- Prepare a county-wide Capital Improvements Plan that addresses the need to:
 - Replace and/or repair existing sewer, water and storm drain systems
 - Build new systems where opportunities exist for cost sharing
 - Complete required improvements at the Metro Sewer Plant
- Identify and obtain funding sources for plan implementation

2.4.4 Government Buildings, Public Facilities, Parks and Recreation Facilities

Key Finding

Butte-Silver Bow's public buildings are in need of general maintenance and are facing increasing energy costs (electrical and natural gas)

Goal 1

Focus public resources on the maintenance and improvements of existing public facilities

Objectives

Improve and maintain all Butte-Silver Bow facilities

Employ strategies that conserve energy, reducing utility costs for Butte-Silver Bow

Implementation Strategies

- Continue ongoing improvements to buildings such as the Courthouse, Public Archives and Public Library
- Prepare a Facilities Master Plan to identify and rank needed improvements



Key Findings

Current resources are not adequate to meet the operations and maintenance needs of the current inventory of parks, trails and open space

The county lacks an adequate plan to address parks and recreation needs into the future

Goal 2

Provide for improved and ongoing maintenance of existing parks and recreation facilities, including but not limited to parks, athletic fields, primitive areas, trails, conservation areas and trails

Objectives

Maintain existing park facilities while identifying needs for new and/or expanded facilities

Create more community support for the maintenance and upkeep of park and recreation facilities

Implementation Strategies

- Implement the Butte-Silver Bow Parks and Recreation Plan
- Identify resources for park maintenance and development programs as identified in the Plan
- Work with civic and volunteer organizations to develop programs to augment and enhance maintenance programs for parks, open space, trails
- Foster education programs that help reduce incidences of vandalism
- Work with other agencies including the Forest Service in managing and maintaining primitive and natural areas used for recreation in Butte-Silver Bow



Key Findings

The poverty rate in Butte-Silver Bow has been on the rise, going from 14.6% in 2000 to 15.3% in 2005 (census estimate) and is higher than rates for both the State of Montana (13.3%) and the nation (14.6%). The rate of childhood poverty in Butte-Silver Bow also appears to be on the rise. The 2005 Census estimate indicates that 19.8% of children (under 18 years of age) are living below the federal poverty line, up from 19.2% in 2000

The county ranked number one among Montana's seven major counties for childhood distress that includes factors like poverty, child abuse and neglect, and adolescent behaviors. The prevalence rate for children suffering from Severe Emotional Disturbance is 11% to 13% compared with the national rate of 5% to 9%.

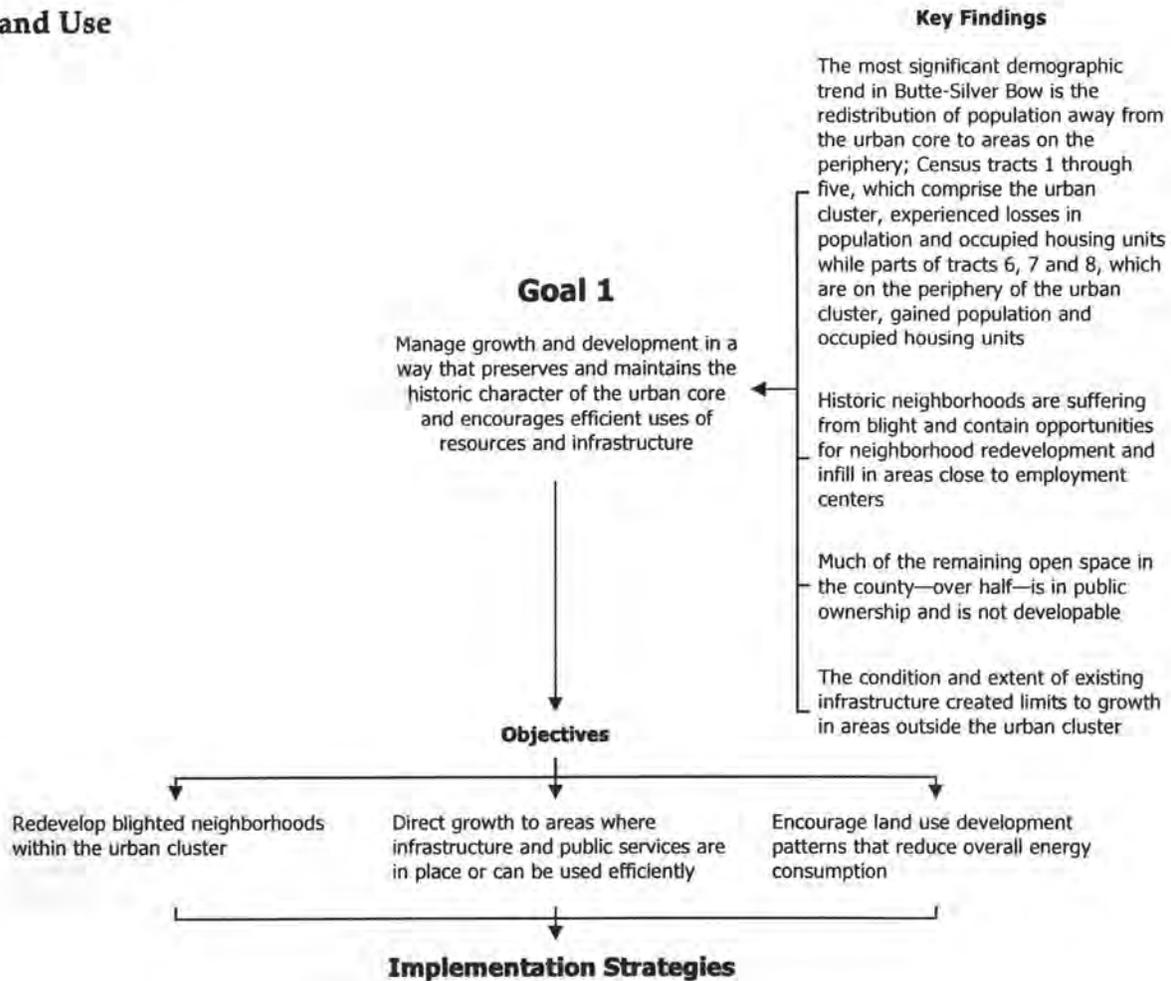
The average number of people served by the Butte Emergency Food Bank increased by 13.4% between 2006 and 2007



- Utilize the Community Development Block Grant program and other resources to support maintenance and development of public facilities to meet the needs of the poor and special needs groups
- Support initiatives to address child abuse and neglect and the issues surrounding children's mental health



2.5 Land Use



- Using neighborhoods identified in the Butte-Silver Bow Housing Plan 2015, begin master planning for neighborhoods that involve citizen and developer participation in the planning process. Plans should incorporate:
 - Infill development
 - Rehabilitation of blighted and historic units in neighborhoods
 - Neighborhood-based zoning and land use decisions
 - Development design standards
 - Historic preservation design standards
 - Landscape design
 - Infrastructure development
 - Parks, recreations and open space development
 - Social support services and neighborhood centers
 - Pedestrian systems



- Identify and employ regulatory incentives that encourage infill development where infrastructure in place (e.g., allowances for higher density development and reduces set back requirements that reflect the urban character of the historic urban core)
- Amend zoning ordinance to allow higher density development in areas where infrastructure can be provided
- In areas where it is impractical or infeasible to install sewer and water infrastructure to support high density development (one acre parcels or less), encourage landowners to work with the local government to rezone their lands to accommodate lower density development
- Continue to encourage cluster developments that allow for the more efficient provision of infrastructure
- Identify and promote programs and technologies that conserve energy and resources in the development of both new and existing properties (five years).
 - Provide technical assistance and support for the renovation of historic properties that employ energy conserving elements
 - Develop energy efficient building design recommendations in conjunction with the Butte-Silver Bow Building Department
 - Provide educational materials that promote energy efficient design in rehabilitation and new construction
- Apply mixed-used (residential and commercial) zoning designations within planned unit developments (PUD's), clusters and neighborhoods when supported by residents (ongoing)
- Encourage development that incorporates public and pedestrian transportation alternatives and that reduces the demand on roads (three to five years)
- Expand the Butte-Silver Bow Historic Overlay to coincide with the boundaries of the National Historic Landmark District (one year) and afford the same consideration to properties outside the Landmark District that are also listed on the National Register of Historic Preservation
- Amend the zoning ordinance to accurately reflect the historic character and land use design of properties within the National Historic Landmark District, so that the number of exemptions required in order to continue traditional design with respect to land use are reduced (e.g., land coverage and setback requirements)
- Adopt historic preservation design guidelines for properties that are listed on a local register of historic sites
- Emphasize archeological resources in the subdivision review process



Key Findings

There is a perceived lack of affordable areas to accommodate industrial and commercial growth evidenced by the number of requests for variances

Commercial and industrial establishments are at times in conflict with residential/neighborhood environments

Goal 2

Manage growth and development in a way that provides for industrial development while preserving quiet, safe, residential living



Objective



Direct industrial development to the perimeter of the urban cluster



Implementation Strategies



- Adjust the boundaries of existing land use designations
 - Move industrial land uses to areas designated as industrial in this Growth Policy
 - Review areas outside of the urban corridor for recommended changes
- Work with owners of industrial establishments in neighborhoods to find alternate locations more appropriate for industrial use
- Encourage owners of industrial lands in the urban core to work with the local government to rezone these lands as commercial, residential and/or mixed use in accordance with the Growth Policy
- Zone all of the in-active mine yards as established in the Growth Policy
- Zone all active mining areas as heavy industrial per the Growth Policy



Key Findings

Approximately 56% of the land in Butte-Silver Bow is retained under State or Federal ownership. Of this, the Forest Services (USFS) or the Bureau of Land Management (BLM) manages 51%.

Nearly 96 percent of the land within the jurisdictional area of Butte-Silver Bow is utilized for typical rural land uses

Goal 3

Preserve and maintain the rural, agricultural and open spaces that help characterize Butte-Silver Bow County

Objectives

Work with public land management agencies to reduce hazards in the wild land-urban interface

Encourage continued use and protection of rural areas and timberlands capable of production of agricultural and forest products

Encourage the protection and enhancement of open space as a key element in community design

Implementation Strategies

- Remove institutional structures from the open space land use description
- Identify open spaces to include both natural and developed park areas
- Amend provisions within the Butte-Silver Bow Subdivision Ordinance in order to reduce the incidence of wildfire in the wild land urban interface
- Specifically separate institutional uses from other types of open space (park lands and natural areas) within the zoning ordinance
- Update the zoning map to accurately depict publicly held open space lands
- Proceed with zoning all publicly owned land as open space as follows:
 - Butte-Silver Bow-owned land
 - All other publicly owned land (state and federal)
- Reduce the threat of natural and physical hazards through thoughtful educational and regulatory programs



Key Findings

The Butte-Silver Bow economy has emerged as a more diversified economy that does not rely so heavily upon mining

The number of jobs in the health care industry grew by 40% between 1995 and 2002 and is expected to continue growing as the baby boomers age

Land use descriptions in Butte-Silver Bow require updating to reflect changes in trends and the regulatory environment

Goal 4

Develop and maintain land use policies that can accommodate growth trends and regulatory/statutory requirements while respecting Goals 1-3 of this Growth Policy

Objectives

Revise land use descriptions with respect to areas identified as nationally significant under the National Historic Preservation Act (Landmark District)

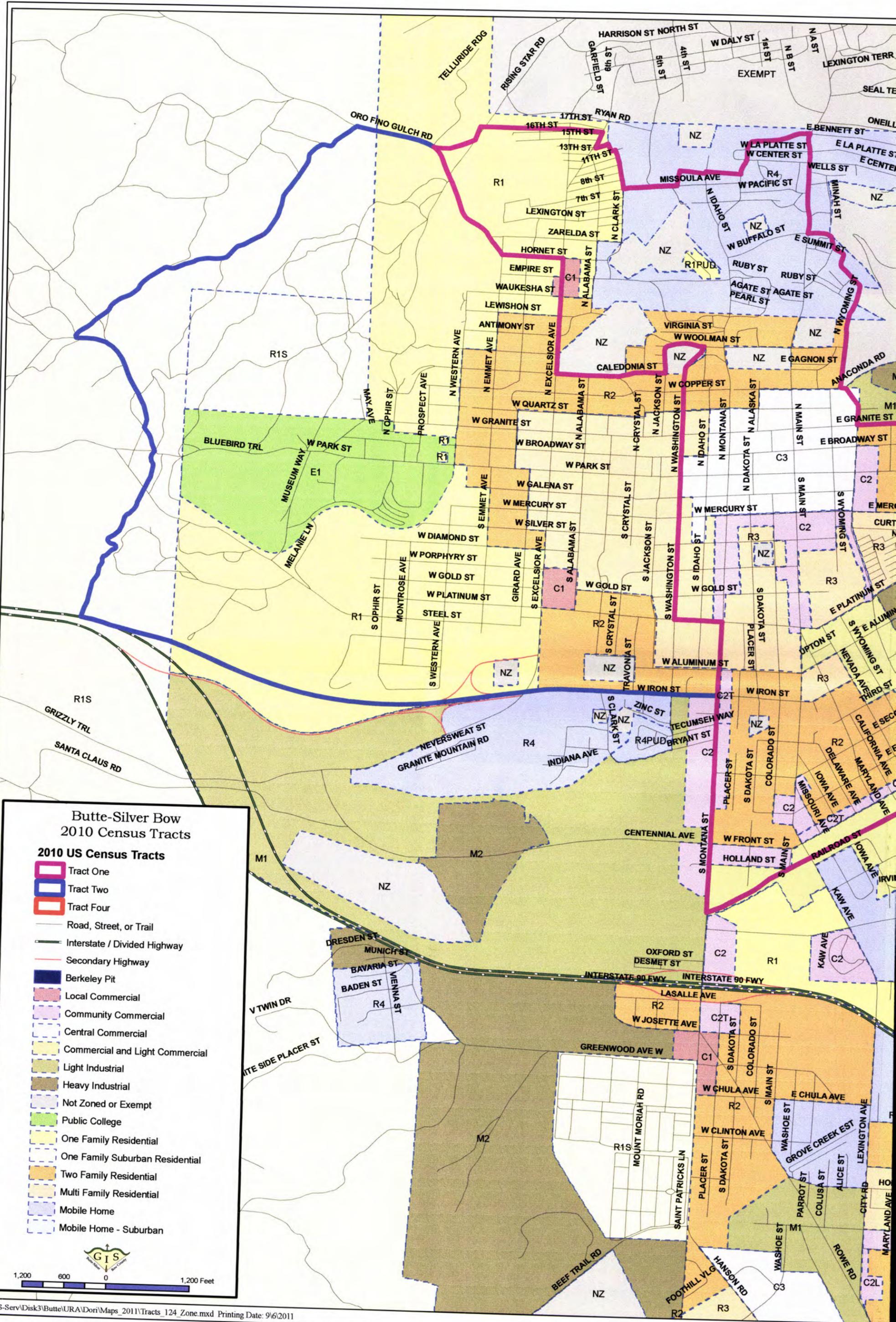
Revise land use descriptions with respect to the "glide path" used by aircraft landing at the municipal airport

Revise land use descriptions with respect to trends in development

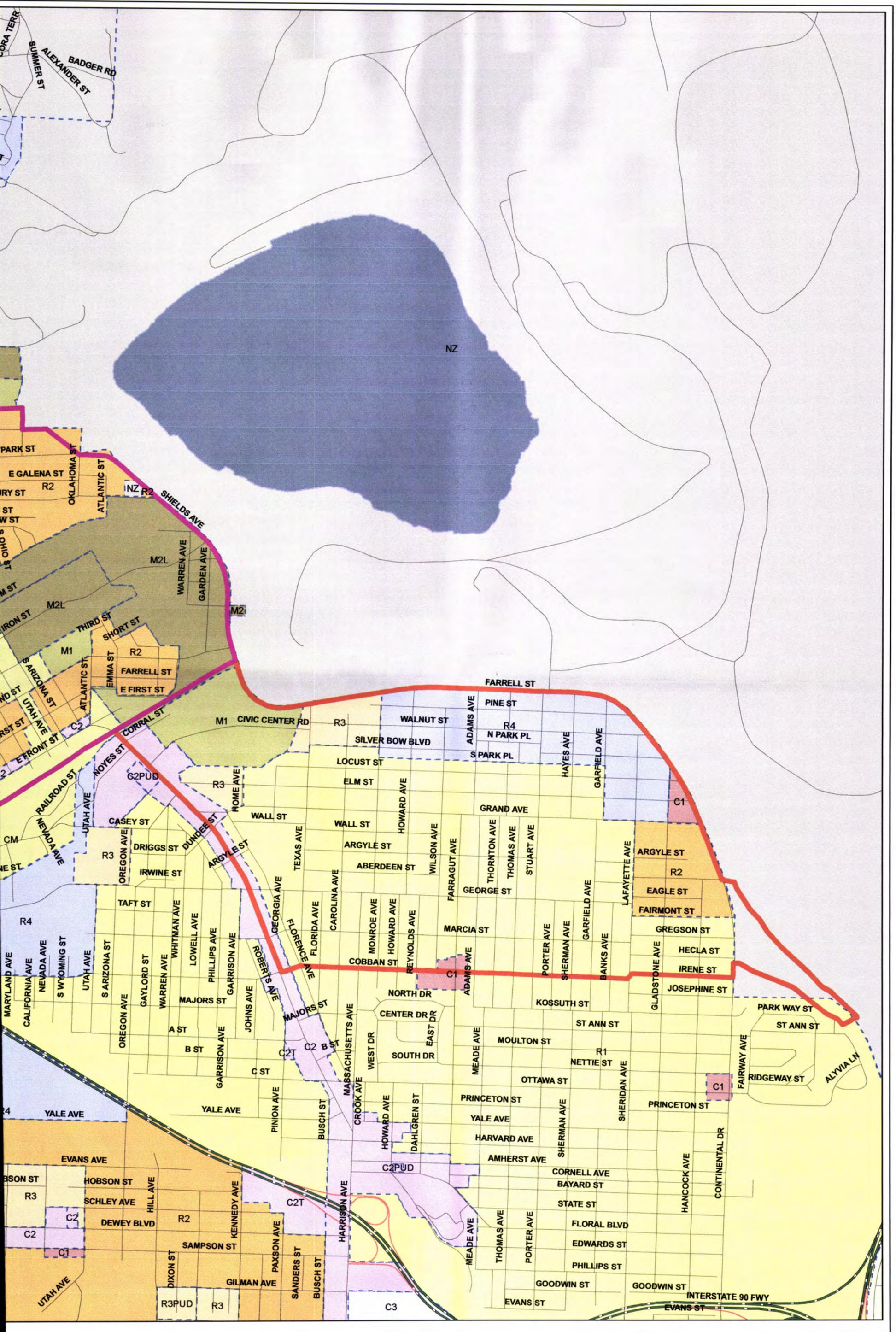
Create the necessary framework to address unregulated and unprotected lands and resources

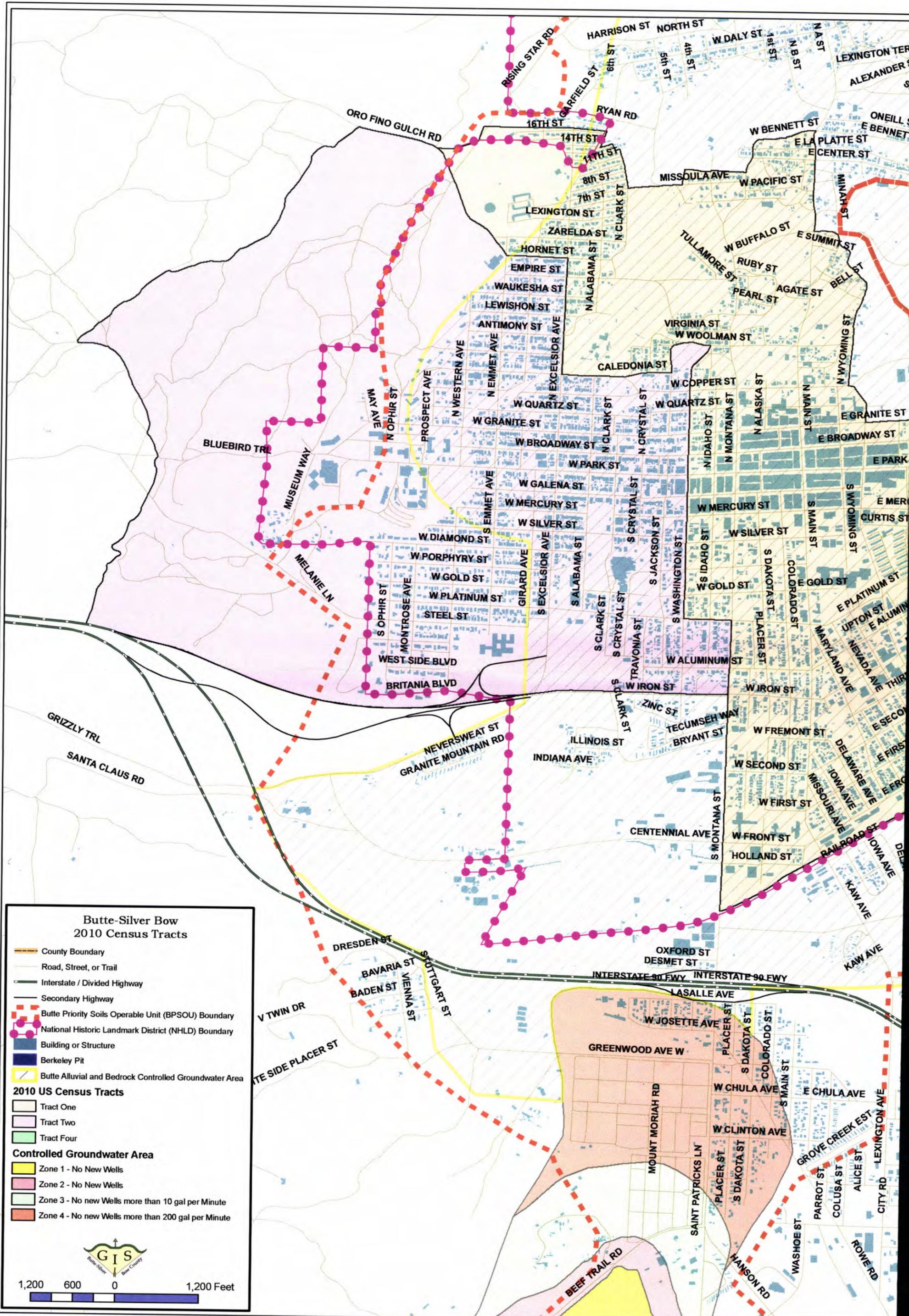
Implementation Strategies

- Expand the Butte-Silver Bow Historic Overlay to coincide with the boundaries of the National Historic Landmark District (one year) and afford the same consideration to properties outside the Landmark District that are also listed on the National Register of Historic Preservation
- Amend the zoning ordinance to provide for specific regulations for land uses within the "glide path"
- Amend the zoning ordinance to include the medical overlay
- Amend the zoning ordinance to include the airport commercial overlay
- Address commercial development occurring in the areas surrounding the municipal airport
- Develop programmatic and regulatory mechanisms to protect and preserve historic and archaeological resources in Butte-Silver Bow
- Address the lack of zoning for former and active mining areas

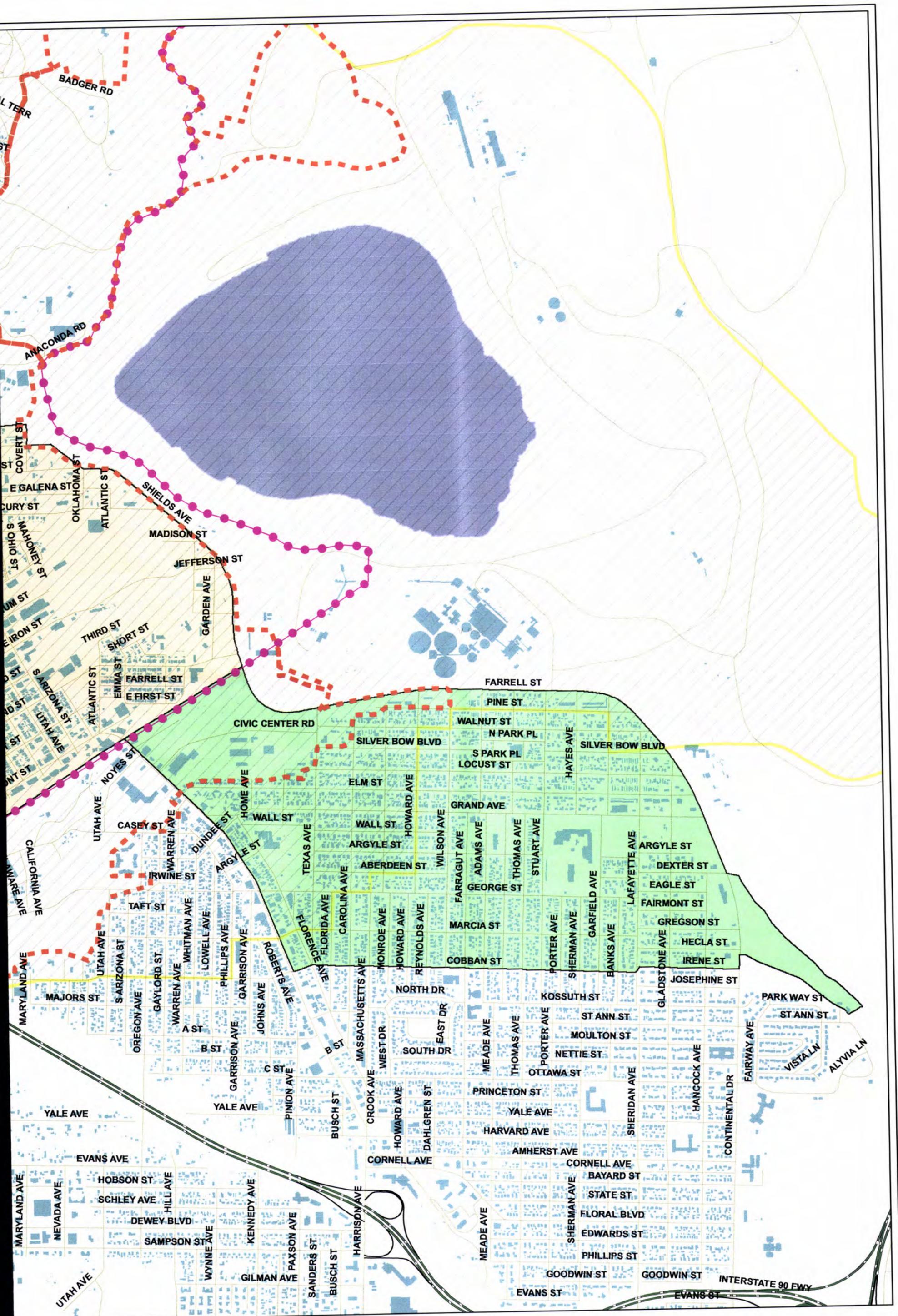


MAP 2





MAP 3



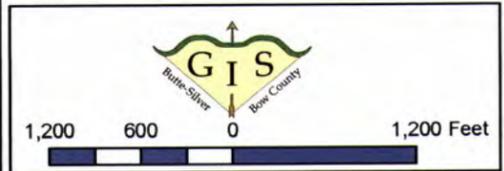
The Butte - Anaconda National Historic Landmark District Overview Map of Butte & Walkerville City and County of Butte-Silver Bow

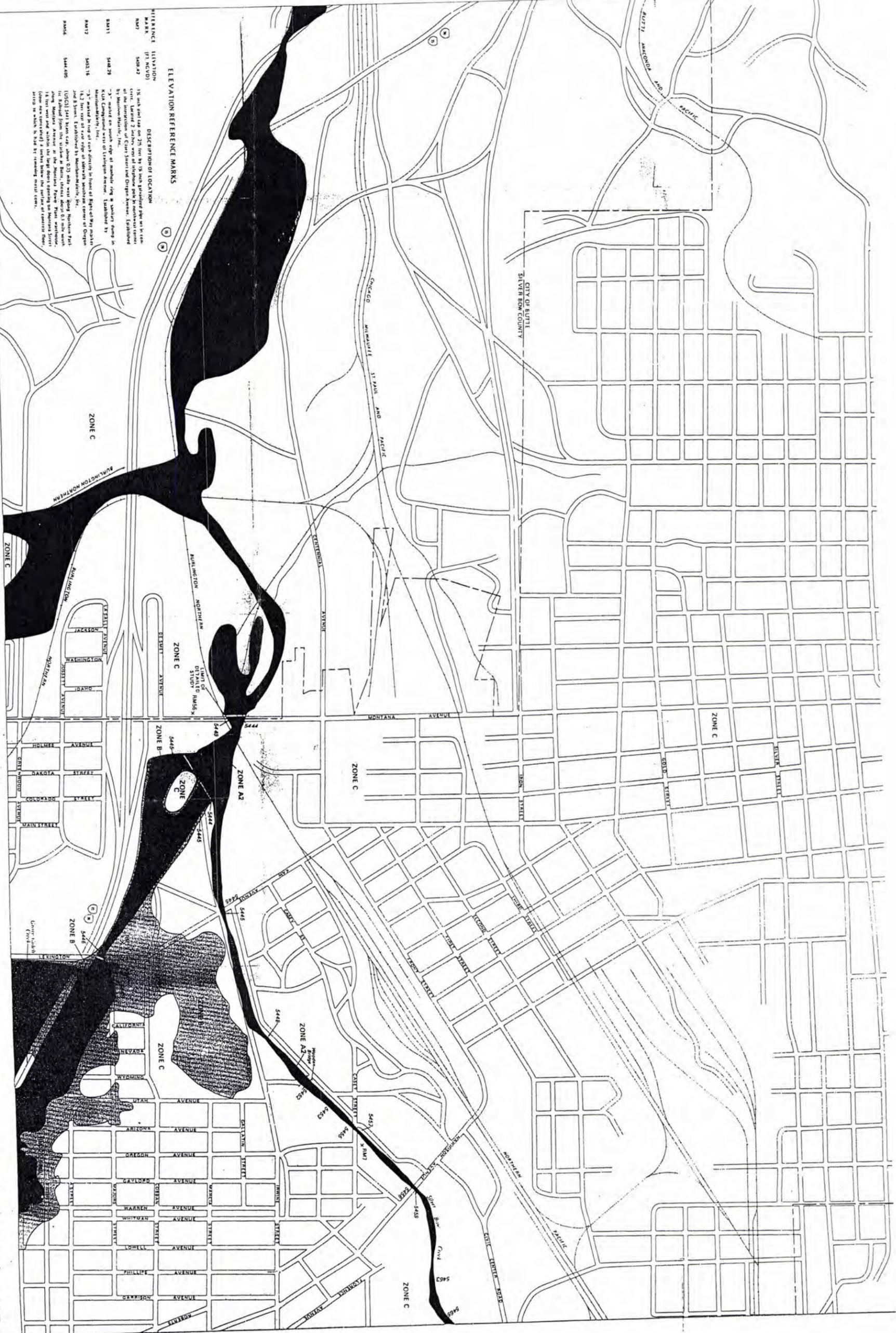
-  Headframe
-  Historic Neighborhood Boundary
-  1961 Butte NHL Boundary
- 2010 US Census Tracts**
-  Tract One
-  Tract Two
-  Tract Four
-  Pond or Containment
-  Mineyard
-  2005 NHL Boundary: Butte/Walkerville Portion

Historic Contribution Status of Buildings

-  Contributing
-  Non-Contributing







ELEVATION REFERENCE MARKS

MARK	ELEVATION (FT. NGVD)
BM11	5448.29
BM12	5453.16
BM13	5444.05

DESCRIPTION OF LOCATION

1. 15' x 15' grid on 25' x 25' grid by 1/8" scale. Elevation markers are located at the intersection of City Street and Oregon Avenue. Established by the City of Butte, Montana.

2. 15' x 15' grid on 25' x 25' grid by 1/8" scale. Elevation markers are located at the intersection of City Street and Oregon Avenue. Established by the City of Butte, Montana.

3. 15' x 15' grid on 25' x 25' grid by 1/8" scale. Elevation markers are located at the intersection of City Street and Oregon Avenue. Established by the City of Butte, Montana.

MAP S-B

FIRM
INSURANCE RATE MAP
BUTTE-SILVER
BOW, MONTANA

NATIONAL FLOOD INSURANCE PROGRAM

COMMUNITY PANEL NUMBER
 300077 0129 D
 MAP REVISED:
 FEBRUARY 23, 1982

Panel 129 of 150
 See map index for panel numbers and panel titles

Federal emergency management agency

EXPLANATION OF ZONE DESIGNATIONS

Zone A1
 Areas of 100-year flood hazard. Flood hazard areas are shown on the map by a solid black line. Areas of 100-year flood hazard are shown on the map by a solid black line.

Zone A2
 Areas of 500-year flood hazard. Flood hazard areas are shown on the map by a dashed black line. Areas of 500-year flood hazard are shown on the map by a dashed black line.

Zone B
 Areas of 100-year flood hazard. Flood hazard areas are shown on the map by a solid black line. Areas of 100-year flood hazard are shown on the map by a solid black line.

Zone C
 Areas of 100-year flood hazard. Flood hazard areas are shown on the map by a solid black line. Areas of 100-year flood hazard are shown on the map by a solid black line.

NOTES TO USER

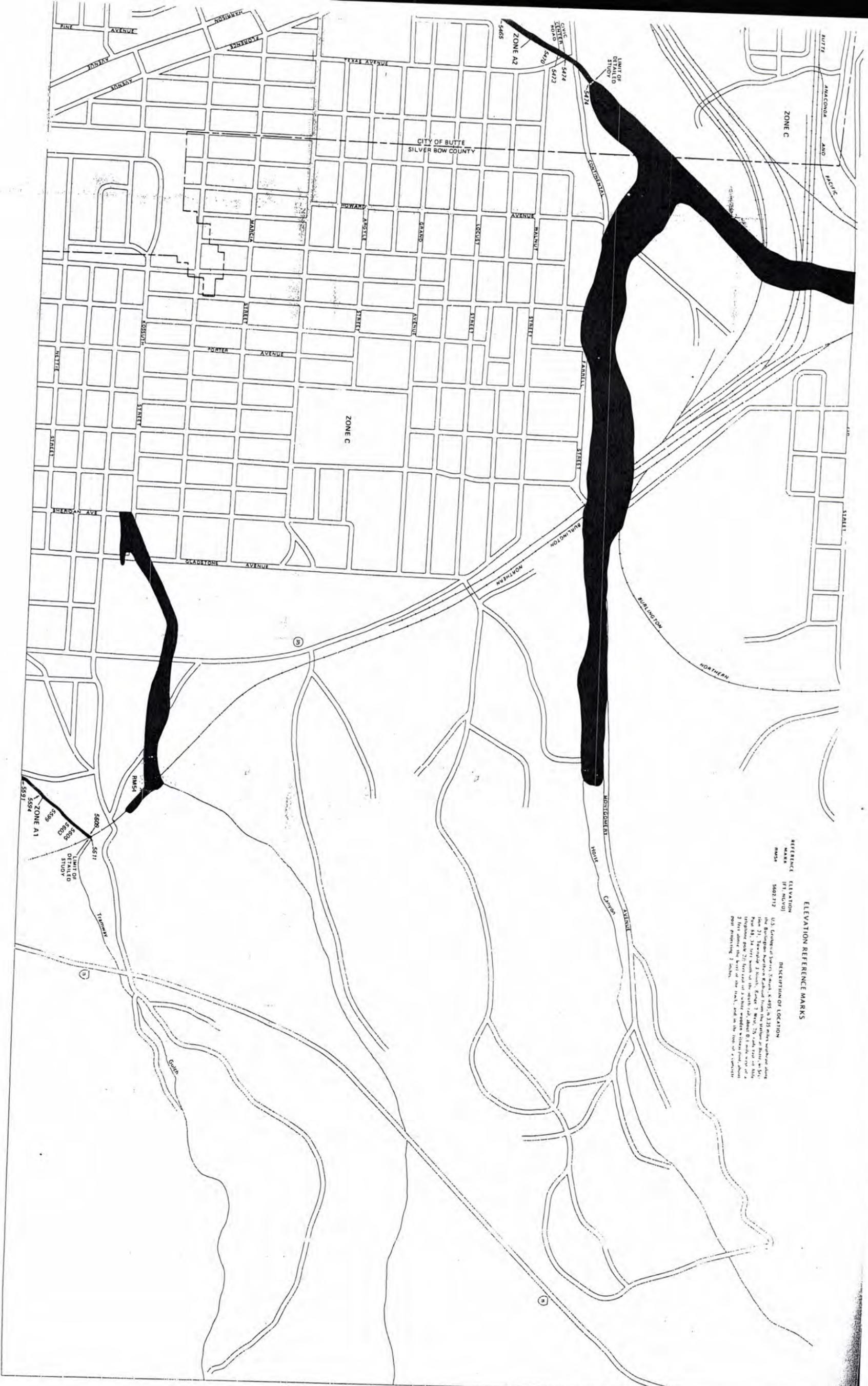
1. This map is a special flood hazard rate map. It is not a flood insurance rate map. It is not a flood insurance rate map. It is not a flood insurance rate map.

2. This map is a special flood hazard rate map. It is not a flood insurance rate map. It is not a flood insurance rate map. It is not a flood insurance rate map.

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4. This map is a special flood hazard rate map. It is not a flood insurance rate map. It is not a flood insurance rate map. It is not a flood insurance rate map.

5. This map is a special flood hazard rate map. It is not a flood insurance rate map. It is not a flood insurance rate map. It is not a flood insurance rate map.



ELEVATION REFERENCE MARKS

REFERENCE MARK	ELEVATION	DESCRIPTION OF LOCATION
5465	5465.00	U.S. Geological Survey, Station 4495, 0.313 miles upstream from the Burlington Northern Railroad from the junction of the Yellowstone River and the city of Butte, Montana, on the right bank of the river, about 0.3 miles west of the telephone pole 72, south of the north side, about 0.3 miles west of a 3 feet above the level of the track, and on the top of a 4' x 4' post projecting 3 inches.
5472	5472.00	U.S. Geological Survey, Station 4495, 0.313 miles upstream from the Burlington Northern Railroad from the junction of the Yellowstone River and the city of Butte, Montana, on the right bank of the river, about 0.3 miles west of the telephone pole 72, south of the north side, about 0.3 miles west of a 3 feet above the level of the track, and on the top of a 4' x 4' post projecting 3 inches.
5473	5473.00	U.S. Geological Survey, Station 4495, 0.313 miles upstream from the Burlington Northern Railroad from the junction of the Yellowstone River and the city of Butte, Montana, on the right bank of the river, about 0.3 miles west of the telephone pole 72, south of the north side, about 0.3 miles west of a 3 feet above the level of the track, and on the top of a 4' x 4' post projecting 3 inches.
5474	5474.00	U.S. Geological Survey, Station 4495, 0.313 miles upstream from the Burlington Northern Railroad from the junction of the Yellowstone River and the city of Butte, Montana, on the right bank of the river, about 0.3 miles west of the telephone pole 72, south of the north side, about 0.3 miles west of a 3 feet above the level of the track, and on the top of a 4' x 4' post projecting 3 inches.

KEY TO MAP

Symbol	Zone	Explanation
[Solid black area]	Zone A	100 Year Flood Boundary
[Dashed line]	Zone B	100 Year Flood Boundary
[Dotted line]	Zone C	100 Year Flood Boundary
[Thick black line]	Zone D	Limit of Detailed Study

EXPLANATION OF ZONE DESIGNATIONS

Zone A: Areas of 100-year flood hazard, based on the 100-year flood peak discharge rate, which is the peak discharge rate that is expected to be equaled or exceeded once in 100 years on the average. This zone is the most hazardous and is subject to the highest flood insurance rates.

Zone B: Areas of 100-year flood hazard, based on the 100-year flood peak discharge rate, which is the peak discharge rate that is expected to be equaled or exceeded once in 100 years on the average. This zone is less hazardous than Zone A and is subject to intermediate flood insurance rates.

Zone C: Areas of 100-year flood hazard, based on the 100-year flood peak discharge rate, which is the peak discharge rate that is expected to be equaled or exceeded once in 100 years on the average. This zone is the least hazardous and is subject to the lowest flood insurance rates.

NOTES TO USER

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FLOOD INSURANCE RATE MAP EFFECTIVE: FEBRUARY 23, 1982

FIRM FLOOD INSURANCE RATE MAP BUTTE SILVER BOW, MONTANA

COMMUNITY/PANEL NUMBER: 500077 0183 D

MAP REVISED: FEBRUARY 23, 1982

PANEL 183 OF 150

NATIONAL FLOOD INSURANCE PROGRAM

APPROXIMATE SCALE: 1" = 100'

MAP 5-C

**Butte-Silver Bow County
Historic Preservation Commission
Post Office Box 692
Butte, Montana 59703-0692**

October 7, 2011

Mr. Dave Palmer, Chairman
Butte-Silver Bow
Council of Commissioners
155 West Granite Street
Butte, Montana 59701

Montana Department of Natural
Resources and Conservation
Post Office Box 201601
Helena, Montana 59620-1601

Montana State Historic Preservation Office
Post Office Box 201202
Helena, Montana 59620-1202

Montana Environmental Quality Council
Post Office Box 201704
Helena, Montana 59620-1704

US Environmental Protection Agency
Montana Office-Federal Building
10 W. 15th Street - STGE 3200
Helena, Montana 59626
Attn: EIS Review

Montana Department of Commerce
Community Development Division
Post Office Box 200523
Helena, Montana 59620-0523

US Fish and Wildlife Service
Sub-Office Coordinator
2900 Fourth Avenue-N. Room 301
Billings, Montana 59101

Ms. Maureen Martin
Bureau Chief HOME Program
Montana Department of Commerce
Post Office Box 200545
Helena, Montana 59620-0545

Mr. David Rigirozzi
Field Environmental Officer
HUD - Denver Regional Office
1670 Broadway Street
Denver, Colorado 80202-4801

**RE: Proposed Butte Neighborhoods Project *Environmental Assessment-Butte
Neighborhoods NSP3 Project, Butte-Silver Bow, Montana MT-NSP-004-01-001
Review and Comments-BSB Historic Preservation Commission***

To The Parties Addressed, Greetings:

Attached hereto is the review, comments and recommendations of the Butte-Silver Bow Historic Preservation Commission on the above-referenced project, specifically the draft Environmental Assessments (EA) and proposed Finding Of No Significant Impacts (FONSI) from the city-county of Butte-Silver Bow. The review is done consistent with the provisions of Butte-Silver Bow Municipal Code Title 2, Chapter 2.64. 070- I.

Please forward any questions or other materials on this project to me at the above-address.

Sincerely,

A handwritten signature in cursive script that reads "Ernie Richards". The letters are fluid and connected, with a prominent loop at the end of the word "Richards".

Ernie Richards, Chairman

cc: Members, Historic Preservation Commission w/attachment

Mr. John Fowler, ACHP w/attachment

Ms. Kate Hampton, SHPO w/attachment

Mr. Pete Brown, SHPO w/attachment

Mr. Jim Jarvis, BSB HPO w/attachment

Ms. Karen Byrnes, Director of Community Development-BSB w/attachment

Butte-Silver Bow Historic Preservation Commission
Review and Comments
Environmental Assessment-Butte Neighborhoods NSP3 Project, Butte-Silver Bow, Montana
MT-NSP-004-01-001
October 7, 2011

The City-County of Butte-Silver Bow (BSB) has issued an Environmental Assessment (EA) related to the proposed use of federal funds through the *Neighborhood Stabilization Program 3* (NSP3).¹ The NSP3 program, created under the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 is administered through the US Department of Housing and Urban Development (HUD) and the Montana Department of Commerce.² BSB proposes that the Project would include the following (emphasis added).³

The Butte Neighborhoods NSP3 Project will involve the construction or improvement of seventeen properties in three areas of B-SB; Census Tracts 1, 2, and 4 (Project Area.) The Project Site encompasses approximately 4.53 sq. miles (2,899 acres) of Butte's Urban Corridor (Map 1). This infill development project will provide for stabilization and financing to produce a minimum of seventeen (17) passive-solar, high performance housing units for sale to households under eighty (80) percent of area median income (AMI) including at least seven (7) homes for households with income under fifty (50) percent of AMI. The project includes the acquisition of key parcels of vacant land in the Project Area for the construction of single-family residences or the rehabilitation of existing single-family residences and the development of eight (8) condominium units in the Central Business District (Phoenix Building – 66 W. Park Street) to appeal to senior citizens and persons with disabilities.

BSB is working with the National Affordable Housing Network (NAHN) on this project.

The BSB Historic Preservation Commission (HPC) has reviewed the EA and a proposed Finding of No Significant Impact (FONSI) also prepared by BSB. The purposes of the EA and proposed FONSI are for compliance with the *National Environmental Policy Act* (42 U.S.C. 4321 *et. seq.* and hereinafter as NEPA) and other applicable statutory-regulatory authorities. This review was done consistent with the prescriptions of Butte-Silver Bow Municipal Code Title 2, Chapter 2.64.070- I. regarding the responsibilities of the HPC and which reads as follows.

Consult with the local, state and federal agencies on all applications, environmental assessments, environmental impact statements and other similar documents pertaining to historic districts, landmark sites and landmark or neighboring properties within the city-county. Comments by the HPC will be sent by the HPO to the council.

¹ See:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs/neighborhoodspg/ns3

² See: <http://comdev.mt.gov/NSP/nspgrantadmindocs.mcp>

³ *Environmental Assessment-Butte Neighborhoods NSP3 Project, Butte-Silver Bow, Montana MT-NSP-004-01-001.* Butte-Silver Bow, Office of Community Development, Butte, Montana Pages 2-3.

The process for consideration of historic properties, cultural and archaeological resources under applicable Federal regulations, includes compliance with Section 106 of the National Historic Preservation Act (16 U.S.C. 470f and hereinafter as Section 106). The NEPA process, including an EA and a FONSI issued by the federal funding or approving agency can be used to address the requirements of Section 106 as set out at 36 CFR 800.8 (Advisory Council on Historic Preservation or hereinafter as ACHP). As a Certified Local Government in Historic Preservation, BSB is required to enforce the appropriate federal, state, or local heritage resource legislation for the designation and protection of historic properties within its jurisdiction.⁴

Clearly the proposed project could have potential effects on historic properties in the Project Area.⁵ The proposal to construct new homes on vacant lands within the Project Area could have adverse effects on the areas, if the new homes introduce visual elements out-of-character with any adjacent historic buildings or structures. Likewise, proposals for the rehabilitation of existing single-family residences can present the potential for adverse effects if the proposed rehabilitation diminishes the historic architectural integrity of historic properties. Finally, land-disturbing activities associated with new construction or rehabilitations can adversely affect historic or prehistoric archaeological resources present on the selected sites. Review of the proposed EA identifies several deficiencies. These are identified below.

The EA is deficient in that it makes no reference or provisions for the identification, evaluation, or measures to address potential impacts to Historic Properties outside of that portion of the *Butte-Anaconda National Historic Landmark District* (District) located in the proposed Project Area. These actions are normally required under any NEPA process meant to also comply with Section 106. For example, the EA states:⁶

The Butte Neighborhoods NSP3 Project will involve the construction or improvement of seventeen properties in three areas of B-SB: Census Tracts 1, 2 and 4 (Project Area).

Census Tract 4 is located outside the District.⁷ The applicable regulations from the ACHP state that compliance requirements include:⁸

The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties.

These regulations also state that the process of Section 106 compliance requires identification of the Area of Potential Effects. That area is defined as (emphasis added):

⁴ See:

<http://mhs.mt.gov/shpo/community/clgmanual/III.Criteria.pdf>http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs/neighborhoodspg/nsp3

⁵ The EA identifies the Project Area as encompassing BSB Census Tracts 1, 2 and 4

⁶ *Environmental Assessment-Butte Neighborhoods NSP3 Project, Butte-Silver Bow, Montana MT-NSP-004-01-001.* Butte-Silver Bow, Office of Community Development, Butte, Montana Page 2

⁷ See Map 3 of the BSB EA.

⁸ 36 CFR 800.1 Purposes.

the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.

Given these definitions then, the minimum Area of Potential Effect, should have been defined by BSB as the same areas as proposed as the "Project Area" or all of Census Tracts 1, 2 and 4.

However, the EA also states (emphasis added):⁹

The project area is wholly located within the Anaconda-Butte National Historic Landmark District (Butte NHL). All new construction within the Butte NHL that receives funding through federal programs is required to comply with the National Historic Preservation Act.

Census Tract 4 is not with the District but is defined by the BSB as being within the Project Area. Also, any federal funding of any construction within the project area as defined in the EA is subject to compliance with the NHPA, not just that within the District.

Also, the EA is incorrect in stating:

It is the responsibility of the MT State Historic Preservation Office (MT SHPO) to ensure compliances with the provisions of Section 106 and to work with the developer if the project has the potential to have an adverse effect on historic properties.

In fact, it is HUD that ultimately retains responsibility for compliance with Section 106. The SHPO reviews and comments on proposed undertakings and does indeed attempt to work with a developer to address the potential for adverse effects to historic properties.

The EA is also deficient in that it does not specifically address the potential for effects to historic or prehistoric archaeological resources which could be located on the lands to be later included in proposals for specific new construction or on the sites of any buildings or structures proposed for rehabilitation. The potential for such resources is clearly evident however, especially in the uptown-central Butte area.

Archaeological studies undertaken on Mercury Street in 2007, identified and recorded highly significant and intact archaeological remains associated with the use of the study site by Chinese immigrants to Butte. Also, a land owner in east Butte reported to the HPC in 2010 that when clearing land in that area, he was approached by bottle collectors, who wanted to dig in what they claimed were the remains of privies. Most recently, the Montana Standard

⁹ The official name of the Landmark District is the "BUTTE-ANACONDA HISTORIC DISTRICT" NPS Form 10-900 Butte-Anaconda Historic District (Revised documentation) 2006. It includes portions of both Butte-Silver Bow County, as well as Anaconda, in Deer Lodge County, Montana. The draft FONSI somewhat corrects this, noting: "New construction within the Project Area must comply with the provisions of the National Historic Preservation Act, 36 CFR Part 800, most particularly Section 106, as Census Tracts 1 and 2 of the Project Area are wholly located within the Butte-Anaconda National Historic Landmark District." Actually, Section 106 is part of the NHPA, and regulations to implement that section are set out at 36 CFR Part 800.

newspaper, actually printed an article on and photos of persons excavating on privately-owned lands in Butte, also in search of bottles and other artifacts.¹⁰

Thus, land-disturbing actions, associated with construction of proposed units could have an impact on any archaeological resources located at the construction site, especially perhaps on lots located in the Central Butte portions of the Project Area. The Montana Department of Commerce guidance on NSP3 projects notes:¹¹

Comment: The Region VIII office of the U.S. Department of Housing and Urban Development (HUD) discourages the use of NSP funds for archaeological field surveys unless there is documented empirical evidence that significant archaeological resources have been identified within 1000 feet of the site of the proposed NSP project or disturbance.

The HPC finds no logic in this statement, considering that unless a professional archaeological resource inventory is completed, or has been in the past over a proposed project site, then it is unknown whether or not archaeological resources are present. However, there is "empirical evidence" (as noted above) that historic archaeological resources are potentially located on development sites in the Central Butte portions of the proposed Project Area.

It is important to note that the definition of historic properties, as set out in the National Historic Preservation Act, reads as follows.¹²

"Historic property" or "historic resource" means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register, including artifacts, records, and material remains related to such a property or resource.

Archaeological resources, of both prehistoric and historic origins, are routinely a part of the considerations for compliance with Section 106.

Also, the inclusion of archaeological resources as one type of resource for management within BSB, is evidenced as well in the BSB Comprehensive Growth Plan. That plan identifies as one goal:¹³

Protect cultural and archaeological resources in Butte-Silver Bow, inside and outside the urban corridor.

Another goal established in the BSB Comprehensive Growth Plan is stated as follows.¹⁴

Encourage neighborhood initiated design standards for both rehabilitation and new construction.

The most recent efforts at this, include the work done by the Emma Park Neighborhood Task Force. BSB should make a commitment to consult with this neighborhood group as well as

¹⁰ See: http://mtstandard.com/bone-pit/image_585489e6-84ef-11e0-9f32-001cc4c002e0.html

¹¹ <http://comdev.mt.gov/content/NSP/docs/NSPAdminManual/EXH2HNSP.pdf>

¹² 16 U.S.C. 470w

¹³ See 2.1.2, Goal 2 as included in the Comprehensive Growth Plan, which is included in the EA.

¹⁴ See 2.1.2, Goal 1 as included in the Comprehensive Growth Plan, which is included in the EA.

others in other neighborhoods in which in-fill new construction or rehabilitation of existing housing stock is proposed, prior to completing any proposed designs.

To address these deficiencies the agency should prepare a final FONSI, which includes the following terms and conditions.

The City-County of Butte-Silver Bow (BSB) will work with the Montana State Historic Preservation Officer (SHPO) and the BSB Historic Preservation Commission (HPC) to complete the following actions for each proposed development site.

- 1. An architectural review and approval from the Montana SHPO and comments from the BSB-HPC are required for each proposed development site, including new construction or redevelopment of any existing buildings or structures. That review shall be completed at no more than a 30% design completion stage for each development site proposed within the Project Area. All designs must demonstrate selections which are consistent with any neighboring historic buildings or structures. BSB shall employ a professional, historic architect to complete designs of any new buildings or structures or redevelopment of any buildings or structures which are either listed in or eligible for listing in the National Register of Historic Places. BSB shall also consult with any neighborhood groups or interested citizens on the specific designs proposed.*
- 2. BSB shall cause to be conducted, a professional inventory and evaluation of any buildings or structures 50 years old or older, either on the site or in the immediate environs of any proposed development site whereon any new construction (in-fill) is proposed if the area of the proposed development has not been previously inventoried for such resources. Said inventory is to be conducted by an independent (not associated with BSB or NAHN) professional with qualifications and experience in such inventories. If historic properties are identified in that inventory, BSB/NAHN will implement the above stipulation for any sites where such properties have been identified.*
- 3. BSB/NAHN shall cause to be conducted, a professional archaeological inventory of all proposed development sites or the sites of any proposed land-disturbing actions that would occur as part of any phase or process of the proposed project. If any archaeological resources (prehistoric or historic) are located in said inventory, then said resources shall be evaluated for eligibility for the National Register of Historic Places. If found eligible in consensus with the Montana SHPO, then a plan to address potential adverse effects associated with the proposed develop shall be developed and implemented prior to any land-disturbing action.*
- 4. The infill development proposed is said to be passive solar, high performance housing units. High performance refers to high efficient heating, cooling, lighting, insulation, etc. and does not affect unit footprint or envelope. Passive solar is defined as a system that collects, stores, and redistributes solar energy through two elements: a collector consisting of south-facing glazing and an energy-storage element usually consisting of thermal mass without the use of fans, pumps, or complex controllers.¹⁵ Therefore, true passive solar will directly affect the envelope design of said unit and shall be made to resemble existing historic fabric.*

¹⁵ Norbert Lechner, *Heating, Cooling, Lighting: Design Methods for Architects* (New York: John Wiley & Sons, 2001) 146

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

Date of Publication of Notice October 19, 2011
Lake County Montana
106 4th Ave E,
Polson Mt. 59860- Telephone (406) 883-7204

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

On or before *November 10, 2011* the above-named *Lake County, Montana* will submit a request to the Montana Department of Commerce (DOC) for release of Neighborhood Stabilization Program 3 (NSP3) funds provided under Title I of the Housing and Community Development Act of 1974, as amended (PL 93-383) for the following project: The Lake County Charlo Neighborhood Improvement project

This project will remove the eight unit Big Sky Apartment Complex located on lots 7, 8 & 9 of block 23 of the town site of Charlo and replace it with a 4 unit apartment building. The Purpose of this NSP Project *is to remove a blighted abandoned* apartment building and replace it with an energy efficient structure for rent to low and moderate income families in the Charlo Montana area.

Finding of No 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: that this project will not significantly affect the quality of the human environment nor have any other environmental impact in Charlo, Montana.

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 at the Lake County Community Housing office at 21 2nd Ave SW, Ronan MT 59864 and is available for public examination and copying upon request between the hours of 9:00 AM and 5:00 PM.

No further environmental review of such project is proposed to be conducted prior to the request for release of NSP 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 Lake County to the Lake County Community Housing Office on or before November 4, 2011. 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

Lake County will undertake the project described above with NSP funds provided by DOC under Title I of the Housing and Community Development Act of 1974, as amended. Lake County is certifying to DOC that Lake County and County Commissioner Bill Barron, in his official capacity as Chairman of the Lake County Commissioners consents 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, Lake County may use the NSP 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 November 26, 2011 will be considered by DOC.

Paddy Trusler, Lake County Commissioner
October 12, 2011
106 4th Ave E, Polson MT 59864
