



BROADWATER COUNTY COMMISSIONERS
515 Broadway, Townsend
Meetings are held at the Flynn Building on 416 Broadway St.

Current and previously recorded meetings, official agenda, and minutes may be viewed on the website at <https://www.broadwatercountymt.com>.

Per Montana Code Annotated (MCA) 2-3-202, agenda must include an item allowing public comment on any public matter that is not on the agenda of the meeting and that is within the jurisdiction of the agency conducting the meeting. Public comments will be taken either in writing before the meeting or in person at the beginning of the meeting. Mail and items for discussion and/or signature may occur as time allows during the meeting. Issues and times are subject to change. Working meetings will be posted on the agenda and will not be recorded.

OFFICIAL agendas are posted in the Courthouse (1st floor bulletin board), on our website at www.broadwatercountymt.com, in the window of the Flynn Building at least 48 hours in advance of the meeting, and in the local MT43 Newspaper

THERE WILL NOT BE A COMMISSION MEETING ON MARCH 27TH
DUE TO THE COMMISSIONERS BEING AT MACRS (MONTANA
ASSOCIATION of COUNTIES ROAD SUPERVISORS)

REVISION *(as of March 13, 2024)*

Monday, March 18, 2024

11:00 AM Working Meeting with Bill Jarocki, County Administrative Officer, regarding projects and deadlines. This will be in the Commission Office

Tuesday, March 19, 2024

3:00 PM Working Meeting with Deputy County Attorney, Kay Minor, regarding projects and deadlines.

Wednesday, March 20, 2024

10:00 AM Public Comment on any subject not on the agenda, and that the Commission has jurisdiction over

10:00 AM Discussion/Decision, Kaylan Minor, Deputy County Attorney, Family Transfer Exemption Claim Procedure

10:10 AM Discussion/Decision, Kaylan Minor, Deputy County Attorney, Updated Subdivision Exemption Claim Application and Application Fee Increase to \$400.00

10:15 AM Discussion/Decision, Approval of Broadwater County Parks and Recreation By-Law

10:20 AM Discussion/Decision, Ruby Taylor, Public Health Director, Area IV Agency on Aging Contractor Assessment Tool

- 10:25 AM** **Discussion/Decision, Trust Board Transfer of \$100,000 from the Premier Trust Account to the County Trust Board Account**
- 10:30 AM** **Discussion/Decision, Trust Board Grant Award of \$8,400 to the Broadwater County Historical Society**
- 10:35 AM** **Discussion/Decision, 8U8 Broadwater County Airport Improvement AIP 3-30-0078-017-2024 Application for Federal Assistance and FAA required Sponsor Certificates**
- 10:40 AM** **Discussion/Decision, Broadwater County Airport- Phase II IFE (Independent Fee Estimate) Contract with KLJ**
- 10:45 AM** **Discussion/Decision, Nichole Brown, Community Development and Planning Director, Rolling Glen Ranch Estates Minor Subdivision (Township-2N, Range-1East, Section 6) Preliminary Plat request.**
- 11:00 AM** **Discussion, Al Christopherson, BCDC Trails Committee, Presentation on Hike-Bike Trails in Broadwater County**

Items for Discussion / Action / Review / Signature – Consent Agenda

- ✓ Certificate of Survey review
- ✓ Management – on-going advisory board appointments
- ✓ Claims/Payroll/minutes
- ✓ County Audit / Budget
- ✓ Mail – ongoing grants
- ✓ Correspondence – support letters

Debi Randolph, Vice Chairman (406) 266-9270 or (406) 980-2050

Darrel Folkvord, Chairman (406) 266-9272 or (406) 980-1213

Lindsey Richtmyer (406) 266-9271 or (406) 521-0834

E-mail: commissioners@co.broadwater.mt.us

Future Meetings will be held at the Flynn Building (416 Broadway)

- *County Parks and Rec Board Meeting on March 18th at 6 PM*
- *Safety Meeting on March 19th at 2 PM*
- *Townsend Mosquito Board Meeting on March 19th at 4:30 PM*
- *Noxious Weed Board Meeting on March 19th at 6 PM*
- *Compensation Board Meeting on March 20th at 2 PM*
- *Airport Meeting on March 20th at 6 PM*
- *LEPC Meeting on March 21st at 1 PM*

Please note: These meeting times/dates may change, please check the county website)

The Commissioners may be attending these board meetings (except the Planning Board)



Family Transfer Exemption Claim Procedure

The Broadwater County Subdivision Regulations (BCSR), as amended January 18, 2023) provide the following:

The Montana Subdivision and Platting Act (MSPA) provides miscellaneous exemptions for some divisions of land, which are found in Part 2 of Title 76, Chapter 3, MCA. These divisions are exempt from local subdivision review and approval and are therefore not subject to the review requirements or design standards of these regulations. However, pursuant to Section 76-3-504 (1)(p), MCA local subdivision regulations, must, at a minimum, establish criteria that the governing body or reviewing authority will use to determine whether proposed methods of disposition, using the exemptions provided in Section 76-3-201 or 76-3-207, MCA, are attempts to evade the MSPA. *BCSR, IX-A.*

When determining whether an exemption is claimed for the purpose of evading the MSPA, the subdivision administrator and governing body shall consider all the surrounding circumstances which may include but are not limited to: the nature of the claimant's business and use of the parcel, the prior history of the particular tract in question, the proposed configuration of the tract(s) if the proposed exempt transactions are completed, and any pattern of exempt transactions that will result in the equivalent of a subdivision without local government review." *BCSR, IX-B-2.*

In order to prevent abuses of the family transfer exemption, claims will be evaluated as follows:

1. Claimant submits complete exemption claim application to Broadwater Community Development and Planning Department (Planning Department).
2. Planning Department reviews application materials for completeness and appropriateness of exemption.
3. Planning Department determines that application is complete and acceptable.
4. Planning Department prepares staff report and schedules consideration of exemption claim with the County Sanitarian, County Attorney or Deputy County Attorney, and Commissioners. The Planning Department may also consult with the Examining Land Surveyor, Broadwater County Clerk and Recorder, County Health Department, Public Works Director, and other staff as needed. All parties will review documents and completeness, comment and suggest corrections if necessary.
5. Exemption claim is placed on Commission's regular agenda.
6. Planning Director presents a summary of the proposed division of land and any concerns about the Claimant's potential intent to evade subdivision review.

7. Commission Chair requests Claimant (or representative with the power of attorney) come forward, and administers the following oath:

DO YOU SOLEMNLY SWEAR [OR AFFIRM] THAT THE TESTIMONY THAT YOU ARE ABOUT TO GIVE REGARDING THE _____ FAMILY TRANSFER EXEMPTION IS THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH?

8. Commission members ask questions about all relevant circumstances, aimed at determining whether the exemption claim is an attempt to evade subdivision review. Questions may include, but are not limited to:

- Are you or any of your immediate family real estate professionals, developers, builders, surveyors, etc.?
- Have you made prior subdivision exemption claims on any property in Broadwater County?
- Is your primary residence located on this parcel?
- Do you own more than one parcel in Broadwater County?
- Why are you proposing this division of land?
- What is the history of this parcel?
- How long have you owned or had an interest in this parcel?
- Was another family member's name previously on the deed to this parcel? If so, when was the family member's name removed? How was the parcel of land transferred from one family member to another?
- Do you own this parcel free and clear? If not, tell us about your mortgage or other lending agreement?
- Are you delinquent at all with regard to the payments for this parcel?
- At any time in the last three years have you been delinquent in your payments for this parcel?
- Does the retirement of debt influence your desire to divide this parcel?
- Was the parcel created or affected by a previous exemption?
- Please describe any previous family transfers in which you or the intended recipients have been involved.
- Have you (or a recent owner) previously expressed an interest in subdividing the parcel? If yes, why didn't you (or the recent owner) pursue subdivision?
- Have you previously attempted to sell any portion of this parcel? If yes, When and why did you attempt to sell it?
- When and why did you decide not to sell it?
- Are any persons other than your immediate family members interested in purchasing or developing any of the parcels involved in this division of land?
- Have you, or your immediate family members, had any discussion with a person interested in purchasing a portion of your land?

- Other than the intended disposition set forth in your application on file with the Planning Department, is there any type of agreement, oral or written, regarding the creation, sale or development of the parcel involved in this division of land?
- Does this proposed family transfer exemption create more than one remaining parcel of less than 160 acres?
- Is the parcel located within a subdivision? If so, do the covenant allow for further subdivision of the parcels?

9. Commission evaluates whether the claim is an appropriate exemption or an attempt to evade the Montana Subdivision and Platting Act and/or the Broadwater County Subdivision Regulations.

10. If approved, Chair signs survey (and/or additional documents) confirming the Commission's approval of the exemption, then returns documents to Planning Department.

11. Claimant picks up signed documents from Planning Department and then records documents with Clerk and Recorder.

12. The County may file a court action to set aside land transfers which violate either the Montana Subdivision and Platting Act or the Broadwater County Subdivision Regulations. Claimants or persons acting on their behalf who misrepresent their intentions regarding a family transfer exemption are subject to criminal prosecution as provided in Section 76-3-209(6), MCA.

13. The County Attorney's Office and Planning Department will not advise Claimants on the exemption claim process. Claimants are encouraged to consult independent counsel.



SUBDIVISION EXEMPTION CLAIM APPLICATION

The subdivision exemption request will be examined pursuant to §76-3-201 & §76-3-207, MCA and according to the criteria that the governing body or reviewing authority will use to determine whether proposed methods of disposition are attempts to evade the Montana Subdivision and Platting Act. The review criteria utilized by the governing body can be found in Section IX. Divisions of Land Exempt from Subdivision Review of the Broadwater County Subdivision Regulations (BCSR). *BCSR*, Section IX (last amended Jan. 18, 2023).

A pre-application meeting may be requested with the Subdivision Administrator prior to applying for an exemption pursuant to Section IX-B and IX-C. Claimants may seek a subdivision exemption claim on one parcel per application.

1. The Exemption Review Criteria

BCSR, Section IX-B-2, states that the review criteria may include but is not limited to:

- i. the nature of the claimant's business;
- ii. the prior history of the tract in question;
- iii. the proposed configuration of the tracts; and
- iv. any pattern of exempt transactions that will result in the equivalent of a subdivision without local government review.

BCSR, IX-B-2(a). Exempt divisions of land that would result in a pattern of development equivalent to a subdivision may be presumed to be adopted for purposes of evading the MSPA based on the surrounding circumstances listed above. *BCSR*, IX-B-2(b). When determining whether an exemption is claimed for the purpose of evading the MSPA, the subdivision administrator shall consider the criteria for review outlined for the specific exemptions listed in Section IX-C. *BCSR*, IX-B-2(c).

2. Required Documents

Claimants requesting an exemption listed under Section IX-C will provide the Subdivision Administrator with two paper copies and a digital copy of the following documents:

- a draft certificate of survey 18”x24” or larger, amended plat 18”x24” or larger, or, where a survey is not required, a draft instrument of conveyance;
- evidence of entitlement to the claimed exemption (such as recorded deeds, contracts, restrictions, and covenants related to all the affected properties that have been recorded at the Broadwater County Clerk & Recorder Office within the past year); and
- documentation in support of the sanitation exemption(s), if applicable.

Additional submittal requirements of Section IX-B-2 and those specific to certain types of exemptions are listed in Section IX-C. *BCSR*, Subsections IX-C-1 to IX-C-7.

3. General Applicant Information:

a. Claimant(s)

Name: _____

Phone: _____ Email: _____

Address: _____ City: _____

State: _____ Zip: _____

Name: _____

Phone: _____ Email: _____

Address: _____ City: _____

State: _____ Zip: _____

b. Surveyor

Name: _____

Phone: _____ Email: _____

Address: _____ City: _____

State: _____ Zip: _____

c. Existing Tract of Record Information

i. Parcel and Project Description (only one parcel per application)

Legal Description: _____

Section _____ Township _____ Range _____

GEO Code: 43- _____

Parcel Total Size: _____

Number of tracts being created: _____

Existing Use: _____

ii. History of the parcel

A. Is the parcel proposed to be divided as the result of a division (subdivision or COS) that occurred after July 1, 1974? Yes No

B. If the answer is yes, describe the history of the division of the proposed parcel since July 1, 1974. Include the recorded date of the plat or survey, the name or number of the subdivision or the COS number of each division of the parcel, and the name of person who divided the property. If the parcel is within a platted subdivision, it is sufficient to reference the plat. (Attach copies of the recorded documents)

Date recorded	Subdivision/COS #	Exemption utilized	Name of person who divided the property

iii. Has a subdivision application for the parcel previously been withdrawn or denied?

Yes No

If yes, please provide the name of applicant and preliminary application date: _____

4. Exemption Requested (please select only one exemption per application by completing the appropriate corresponding section, a-e)

a. Gift or Sale to Immediate Family Member, § 76-3-207(1)(b), MCA and BCSR, Section IX-C-1

Recipient	Relationship to Claimant	Minor (Yes or No)

b. Agricultural Exemption, § 76-3-207(1)(c), MCA and BCSR, Section IX-C-2

This exemption requires a covenant running with the land in accordance with § 76-3-207(1)(c), MCA, and a signed and acknowledged recitation of the covenant on the face of the survey (or conveyance document). Any such certificate of survey must be accompanied by a separate, recordable, document citing the covenant.

Description of current use: _____

Description of proposed use: _____

c. Relocation of Common Boundary Lines and Aggregation of Lots, § 76-3-207(1)(a),(d),(e), and (f), MCA and BCSR, Section IX-C-3

Describe and provide documentation showing the need or reason for the relocation of the boundary lines or the aggregation of lots: _____

d. Right-of-Way or Utility Site, § 76-3-201(1)(h), MCA and BCSR, Section IX-C-7

Right-of-way _____ Utility Site _____

Description of current use and proposed use: _____

The Required Documents listed above along with the following:

_____ Documentation to verify the utility meets the term of a “public utility” in 69-3-101, MCA

_____ Landowner approval and proof of eminent domain authority by the utility

_____ Documentation to be filed shall include a notarized statement from the recipient accepting the right-of-way or utility site, and noticing that under § 76-3-201, MCA a subsequent change in the use to residential, commercial, or industrial subjects the division to review under the MSPA and the local subdivision regulations.

_____ Instrument of conveyance, such as a deed

e. Other Exemption, § 76-3-201 & § 76-3-207, MCA and BCSR Section IX-C-4, 5, 6

Reason/justification: _____

i. *Mortgage Exemption* also requires the following:

- A statement of how many parcels within the original tract would be created by use of the exemption;
- The draft deed, trust indenture or mortgage for the exempt parcel (which states that the tract of land is being created only to secure a construction mortgage, lien or trust indenture);
- A statement explaining who will have title to and possession of the balance of the original parcel after title to the exempted parcel is conveyed;
- A signed statement from a lending institution that the creation of the exempted parcel is necessary to secure a construction loan for buildings or other improvements on the parcel; and
- Documentation that the lending institution is a financial or lending institution registered to do business in the State of Montana.

ii. *Court Order* also requires evidence of entitlement such as a copy of the Court Order.

5. Supplemental Questions

- a. Is the Claimant or any of their immediate family members in the business of dividing and selling land? Yes No
- b. Other than the intended disposition set forth in this application, is there any type of agreement, oral or written, regarding the creation, sale or development of the parcel involved in this division of land? Yes No
- c. Have you made prior subdivision exemption claims on any property in Broadwater County? Yes No
- d. Is your primary residence located on this parcel? Yes No
- e. Do you own more than one parcel in Broadwater County? Yes No
- f. Why are you proposing this division of land? _____
- g. What is the history of this parcel? _____
- h. How long have you owned or had an interest in this parcel? _____
- i. Was another family member's name previously on the deed to this parcel? Yes No
1. If so, when was the family member's name removed? _____
2. How was the parcel of land transferred from one family member to another?
- j. Do you own this parcel free and clear? Yes No
1. If not, tell us about your mortgage or other lending agreement? _____

k. Are you delinquent at all with regard to the payments for this parcel?

[] Yes [] No

l. At any time in the last three years have you been delinquent in your payments for this parcel?

[] Yes [] No

m. Does the retirement of debt influence your desire to divide this parcel?

[] Yes [] No

n. Was the parcel created or affected by a previous exemption? [] Yes [] No

o. Please describe any previous family transfers in which you or the intended recipients have been involved. _____

p. Have you (or a recent owner) previously expressed an interest in subdividing the parcel?

[] Yes [] No

1. If yes, why didn't you (or the recent owner) pursue subdivision? _____

q. Have you previously attempted to sell any portion of this parcel? [] Yes [] No

1. If yes, when and why did you attempt to sell it? _____

2. When and why did you decide not to sell it? _____

3. Are any persons other than your immediate family members interested in purchasing or developing any of the parcels involved in this division of land? [] Yes [] No

4. Have you, or your immediate family members, had any discussion with a person interested in purchasing the parcel? [] Yes [] No

r. Does this proposed family transfer exemption create more than one remaining parcel of less than 160 acres? [] Yes [] No

s. Is the parcel located within a subdivision?

1. If so, do the covenants allow for further subdivision of the parcels?

[] Yes [] No

6. Acknowledgements

_____ I/we understand that the State of Montana provides that certain divisions of land, which would otherwise constitute subdivisions, are exempt from local subdivision review and approval, unless the transactions are an attempt to evade the Montana Subdivision and Platting Act.

_____ I/we affirm that this exemption claim is not an attempt to evade the Montana Subdivision and Platting Act.

_____ I/we recognize that I may be subject to penalty if my actions are deemed to be an effort to evade subdivision review, as set forth in the Montana Code Annotated § 76-3-301(3), MCA, which states

“if transfers not in accordance with the Montana Subdivision and Platting Act are made, the County Attorney shall commence action to enjoin further sales or transfers and complete compliance with all provision of the Montana Subdivision and Platting Act. The cost of such action shall be imposed against the party not prevailing.”

Mont. Code Ann. § 76-3-301(3). Additionally,

“if a governing body can prove by documented evidence in a court of competent jurisdiction that a person has knowingly evaded subdivision regulations through the use of a division of land pursuant to subsection (1)(b) or (2)(b), that person is subject to a civil penalty of \$5,000 for each division of land, payable to the governing body.”

Mont. Code Ann. § 76-3-207(6).

_____ I/we recognize that making false statements on this form could subject me to criminal prosecution for Perjury, § 45-7-201, MCA; False Swearing, § 45-7-202, MCA; and/or Unsworn Falsification to Authorities, § 45-7-203(1), MCA.

7. Signatures

I _____ have read the foregoing Subdivision Exemption Claim Application and affirm that it is true and correct.

Claimant’s Signature: _____ Date: _____

I _____ have read the foregoing Subdivision Exemption Claim Application and affirm that it is true and correct.

Claimant’s Signature: _____ Date: _____

OFFICE USE ONLY

\$400.00 Examination Fee, as authorized by § 76-3-201(6), MCA, included: [] Yes [] No

Required documents submitted: [] Yes [] No

Staff Signature:

Date:



BROADWATER COUNTY PARKS AND RECREATION ADVISORY BOARD BYLAWS

ARTICLE I. ORGANIZATION AND PURPOSE

Section 1. Name. The Broadwater County Commission’s intent to create the Board was established on August 8, 2011, through Resolution 2011-13 and on September 19, 2011, through Resolution 2011-17. The name of this organization is the **BROADWATER COUNTY PARKS AND RECREATION ADVISORY BOARD**, hereinafter referred to as the “Board”.

Section 2. Principal Office. The principal office of the Board shall be at the Broadwater County Courthouse at 515 Broadway, Townsend, Montana 59644.

Section 3. Mission Statement: To advise the county commissioners of opportunities for healthy, safe, and diverse recreation in Broadwater County.

Section 4. Purpose. The purposes for which the Board is organized are:

- To provide an open process by which all members of the community may involve themselves in the achievement of preserving, protecting, maintaining, improving, and enhancing our natural resources, parkland, and recreational opportunities for current and future generations.
- To make a positive impact on the citizens of Townsend and Broadwater County community.
- To advise the county commissioners on the adequacy of existing recreational facilities and to explore possible expansion if future needs should mandate.
- To advise the county commissioners on possible enhancements and opportunities to develop recreational facilities through grants, donations, and fundraising activities.
- To work with county, city, and school district officials to coordinate enhancements and expansions of recreational programs in Broadwater County

The Board shall have the responsibility of establishing policy, and short and long-term goals of the Board. The policy and goals shall be reviewed and adjusted as needed annually at the January meeting. The Board shall adhere to a policy of welcoming all comments from the

community regarding recreational development. That policy shall include requesting all recommendations to be in the form of letters. After considering the recommendations, the Board shall invite presentations of those recommendations if they so desire. Any and all recommended changes shall be approved by the Broadwater County Commissioners.

ARTICLE II. BOARD MEMBERSHIP AND RESPONSIBILITIES

Section 1. Members. The Board shall consist of ~~no less than five (5) or no more than seven (7)~~ voting members who are appointed by the commissioners and serve at their pleasure. Appointments shall be made according to the Broadwater County Boards Appointment & Function Policy.

Section 2. Terms. Terms of each member shall be staggered. The commissioners shall establish the staggered order of terms. The first year of appointment shall be for one (1) year, following years' appointments shall be two (2) or three (3) years staggered. Appointments are made for calendar year or as vacancies arise.

Section 3. Removal of Members from the Board. As the proper functioning of a board is seriously impaired by the absence of its members, if a member has ~~two~~ three (3) consecutive unexcused absences from regularly scheduled meetings during the year, the commissioners may be informed, and a replacement requested.

Section 4. Advisory Members. Advisory members will include a County Commissioner "ex-officio" member and an "ex-officio" Planning Director. Additional advisory members may be appointed as non-voting members. Advisory members may also include a City Council liaison as an ex-officio member.

Section 5. Vacancies. Vacancies for voting members shall be filled by the commissioners for the unexpired portion of the term. Section 7-1-201 (3)(c), MCA.

Section 6. Compensation. Members and advisory non-voting members are not compensated other than for necessary expenses which must be approved in advance by the commissioners. Transportation and actual expenses may be reimbursed per the Broadwater County Reimbursement Policy based on state per diem rates with prior approval from the commissioners. No other compensation shall be allowed.

ARTICLE III. BOARD OFFICERS

Section 1. Elections. Officers shall be elected by members of the board at the first regular meeting in each calendar year and shall serve one (1) year. Officers may be re-elected to serve multiple years, there shall be no term limits.

Section 2. Chair. The board shall elect a Chair who shall conduct all meetings and business of the Board according to Open Meeting Laws and to encourage Public Participation of all citizens. The Chair shall take public comment at all meetings and prior to all votes and shall maintain civility.

Section 3. Vice Chair. The board shall elect a Vice Chair who shall conduct all meetings and business of the Board in the Chair's absence.

Section 4. Secretary. The board shall elect a Secretary if no Administrative Assistant is appointed by the County. An appointed Administrative Assistant is not a voting member and shall perform the described duties of Secretary. If a Secretary is elected, he or she shall take minutes at meetings and is responsible for correspondence. The Secretary shall be responsible for posting meeting notices at least 48 hours prior to the meeting and email a copy of the agenda and relevant information to board members prior to the meeting.

ARTICLE IV. MEETINGS OF THE BOARD

Section 1. Annual Organizational Meetings. An annual organizational meeting is held at the first regular meeting in each calendar year. Calendar year begins on January 1 and ends on December 31. At this meeting the agenda will include but is not limited to:

- Elect officers and appoint advisory members;
- Review the board objectives which guide the board;
- Review the By Laws of the board;
- Provide overview and training as needed for new members.

Section 2. Regular Meetings. The Broadwater County Parks and Recreation Board will hold a regular monthly meeting not less than ten (10) times per year. The Board's regular monthly meeting date, time, and location shall be the third (3rd) Monday of every month, at 6:00 p.m., in the Commissioners' meeting room of the Flynn Building, unless determined, by a majority of members that, because of a conflict or other need arises, a change may be made by electronic communication before the next meeting or, if possible, no later than the adjournment of any regular monthly meeting.

All meetings, regular and special, including all Board deliberations during such meetings,

are open to the public. Public comment is acceptable only during that portion of the meeting designated for such comment, or upon deliberation of any agenda item for which an individual or group has specific business as identified by the agenda for that meeting. The Chair may ask members of the public present at any meeting to state their business with the Board so that the Board may consider rescheduling that business item for the convenience of the individual or group.

Section 3. Special Meetings. Special meetings shall be called a necessary by the Chair, or at the request of any two (2) board members. Meetings may be held at any predestined place or time to encourage Public Participation.

Section 4. Quorum. A majority of board members constitutes a quorum for all meetings. If any meeting is convened where there is not a quorum, the directors present may discuss routine matters but may not hear testimony or take formal action on any matter requiring motion and a vote. No meeting shall be held unless all members of the Board have been given notice.

Section 5. Manner of Action. An act of a majority of the members at a meeting at which a quorum is present shall be the act of the Broadwater County Parks and Recreation Board, except where otherwise provided by law. There is no proxy voting. There is no email voting. Online and phone voting shall be allowed if the member has all materials and stays for the entire meeting.

Section 6. Parliamentary Procedure. For all procedural matters not specifically covered in the Bylaws, the controlling parliamentary authority shall be Robert's Rules of Order.

- The Chair, being a co-equal director of the Board, shall in addition to presiding, have a right to participate in debate, and shall vote on all motions, and not only where the vote of the chair would create or break a tie.
- A motion, once stated and seconded, limits the debate to points relevant to the motion. Prior to a formal motion being stated, general discussion of and the presentation of information relevant to an agenda item being considered is in order.
- Before taking of any action, the Chair shall allow members of the audience to be heard. All public comment shall be civil. All boards members shall conduct themselves in a civil manner as they serve for the citizens of Broadwater County. No member of the audience may be heard during Board discussion. The Chair may reasonably limit audience participation but must do so in an equitable manner.

- Reconsideration of any action of the Board may be allowed at any time, upon motion of a board member who voted affirmatively.
- Routine matters, such as setting meeting times and adjournment, setting future agenda items, or appointment of committees, may be by consensus rather than by motion and vote.

Section 7. Agendas and Notice of Meetings. The Board, through its Secretary or appointed Administrative Assistant, shall ensure that an agenda and location of all meetings, including special meetings, is published and available for public inspection at least forty-eight (48) hours, consisting of time in business days only, in advance of the meeting. A majority of Board members constitutes a quorum for the purposes of conducting business and exercising Board powers. Action may be taken by a majority vote of the members present and voting.

Section 8. Open Meetings Requirements. All meetings are open to the public. Section 2-3-203(1) MCA. Meetings may be closed to the public when the discussion relates to a matter of individual privacy and then only where the Chair determines on the record that the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting remains open to the public. Section 2-3-203(2)(3), MCA. To comply with the spirit and intent of the open meeting and public participation laws, public notice of not less than two business days shall be given of all Board meetings, regular and special. Two business days' notice need not be given where the Board must deal with an emergency situation affecting public health, welfare, or safety. Section 2-3-112(1) MCA.

Section 9. Minutes. Minutes of all the Board meetings shall be kept by the appointed Administrative Assistant or Secretary and shall be signed by the Chair and/or Vice Chair, after approval by the Board at the next meeting. Minutes of all open meetings, and portions of meetings that are open to the public, shall be kept available for inspection by the public in the Clerk & Recorder's office. The secretary shall keep separate minutes of all discussions and votes held during executive sessions, those shall be sealed and kept in the Human Resource/Finance Office. The minutes need not have detailed reports of discussions but shall have all motions and a roll call vote. The minutes should include the names of members present and absent, and staff and/or public present.

Section 10. Financial Report. An analysis of funds received and disbursed shall be provided at each regular meeting by the Secretary or appointed Administrative Assistant. Any

payments of filed claims must be approved by the Board for recommendation to the Broadwater County Commissioners. The fiscal year of the Board shall be a period of July 1 to June 30.

ARTICLE V. SUBCOMMITTEES

The Chair may appoint Subcommittees as the Chair deems necessary to carry out the work of the Board. ~~The Chair shall be an ex-officio member of all subcommittees.~~ Subcommittees may be composed of representatives of public agencies, private volunteer groups and public members, but members of the Board must make up a majority of any subcommittee.

ARTICLE VI. CONFLICT OF INTEREST

Section 1. Conflicts of Interest. It is in the best interests of the Board to be aware of and properly manage all conflicts of interest and appearances of a conflict of interest. Conflict of interest arises whenever the personal or professional interest of an individual member of the Board is potentially at odds with the best interests of the County. Board members will avoid where possible even the appearance of a conflict of interest or impropriety. This provision is intended to supplement, but not replace, any applicable laws governing conflict of interest. Personal or professional interests include, an interest of any kind, which, in view of all the circumstances, is substantial enough that it would, or reasonably could, affect a member of the Board's judgment with respect to transactions to which that person is a party. Because many situations involve potential conflict of interest, the following procedures apply.

If an issue is to be decided by the Board that involves potential conflict of interest for a member of the Board:

- 1) It is the responsibility of that member of the Board to:
 - a. Identify the potential conflict of interest;
 - b. Not participate in discussion of the matter or motion being considered, nor shall he or she attempt to exert his or her personal influence with respect to the matter, either at or outside the meeting. Such non-participation may necessarily include physically leaving the meeting; and

- c. That member shall not vote nor be counted in determining the presence of a quorum for purposes of the vote.
- 2) It is the responsibility of the Board or members thereof to:
- a. Identify any potential conflict of interest, if known, and
 - b. Record in the minutes of the Board Meeting the conflict or potential conflict of interest and the actions taken and use the procedures and criteria of this provision.

The Board shall review this provision of the bylaws annually. Any changes shall be communicated to all interested persons.

~~Article VII~~

~~Board Members Subject to County Personnel Manual.~~

~~Board members are subject to the Broadwater County Personnel Policies and Procedures Handbook.~~

~~Article VIII~~

~~Legal Assistance~~

~~The County Attorney represents Broadwater County Boards on matters relating to their functions, powers, and duties.~~

~~Article VIIIIX~~

~~Indemnification of Directors~~

~~Except as otherwise limited by Montana Codes Annotated, Broadwater County may indemnify any board member against claims, liabilities, expenses, and costs necessary incurred in the connection with the defense, compromise or settlement of any action, suit, or proceeding, civil or criminal, in which such board member is made a party by reason of being or having served on a Broadwater County board.~~

~~Article IX~~

~~Board Responsibility~~

Nonwithstanding any other provision of these bylaws, no member shall take any action or carry on any activity by or on behalf of the Board not permitted to be taken or carried on by a vote of the board.

All proposed expenditures must be approved by majority vote of the board and approved by the Board of County Commissioners.

A majority vote by the board constitutes a board decision. No member may move forward contrary to a board decision. A dissenting member should continue to work with the board in that direction, or on that project.

Article XI

Amendments to Bylaws

The bylaws may be altered, amended or repealed and new bylaws may be adopted by two thirds (2/3) majority vote of the Board members present at any meeting if, at least two weeks written notice is given to each member of the board of the intention, at such meeting, to alter, amend or repeal or to adopt new bylaws. The Broadwater County Commissioners must give approval to any alteration, amendment, repeal or new bylaw(s) prior to implementation. The Secretary or Administrative Assistant shall provide an up-to-date copy of these by-laws with the County Commission annually.

Article XII

Approval and Adoption of Bylaws

These bylaws were approved and adopted by Broadwater County City/County Parks and Recreation Board on _____ 2024, effective upon adoption and approval of the county commissioners.

Board Members' Names and Signatures:

Board of County Commissioners:

Chair *Date*

Darrel Folkvord, Chair *Date*

Vice Chair *Date*

Debi Randolph, Vice Chair *Date*

Secretary

Date

Lindsey Richtmyer, Commissioner *Date*

Attest:

Angie Paulsen, Broadwater County Clerk and Recorder

AREA IV AGENCY ON AGING CONTRACTOR ASSESSMENT TOOL

PROJECT NAME: Broadwater County Public Health Department		
LOCATION: 124 N. Cedar Street Townsend, MT 59644		
To answer the questions please place a check mark in either the "Yes" column or the "No" column opposite the question. Comments are optional for further explanation.		
<u>A. ORGANIZATION CONTROL</u>	Y	N
1. Describe the type of organization: Non-profit 501(C)3; Other Non-profit; For Profit; Public Agency. Comment: Non-Profit Local Government - county public health		
2. Is your organization registered with the Montana Secretary of State? Under what organization name? Comment: Registration is not required by the Montana Secretary of State as we are a local government program.		✓
3. How is your Governing Board selected? Comment: The county commissioners are elected by the citizens of Broadwater County.		
4. Please include a list of the current Governing Board and the current officers of your Board. Comment: Commissioners: Darrel Folkvord, Debi Randolph & Linsey Richtmyer		
<u>B. PERSONNEL SUPERVISION & DEVELOPMENT</u>	Y	N
1. Does your program have written personnel policies and procedures? (If yes, please have available during onsite review)	✓	
a. Are they available for all employees to review?	✓	
b. Do you provide a grievance procedure?	✓	
c. Is there a non-discrimination policy?	✓	
Comment: Each employee has a copy of the Broadwater County Personnel policy and procedure manual. It includes the grievance policy and procedures and the non-discrimination policy. A copy of the policy is also kept in the Public Health Administration office.		
2. Does the program provide up-to-date and written job descriptions that clearly define the duties, responsibilities, qualifications and expectations for all employees and volunteers?	✓	
a. If not both employees and volunteers, which?		
Employees	✓	
Volunteers	N/A	
b. Are vacancy notices posted in a public place for all employees to see?	✓	
Comment:		

AREA IV AGENCY ON AGING CONTRACTOR ASSESSMENT TOOL

3. Does your program maintain up-to-date and complete personnel files?	✓	
Comment: Each employee's personnel file is kept at the Broadwater County's courthouse and are updated as needed.		
4. Do all employees receive an annual performance appraisal?	✓	
Comment: Performance evaluations are done as needed.		
5. Have there been any changes to your Management or Fiscal staff in the last 12 months?	✓	
If YES, please list name and position. Ruby Taylor, LPN - Public Health Nurse/Director Jenna Reynolds, LPN - Nurse & MIDIS caseworker Meagan Poe, MA - Medical Assistant Julie LeBlanc - Homemaker Diane Thorne - Administrative Assistant		
C. PROGRAM MANAGEMENT	Y	N
1. Does your program have an effective planning process in place? (If "no" go to question C.2.)	✓	
a. Have you conducted a needs assessment or survey in the last two years?		✓
b. Do you have someone who analyzes and compiles the information generated by surveys?	✓	
c. Do you use the information to set program goals and objectives?	✓	
d. Is this information used for other purposes than goals and objectives?		✓
Comment: We provide surveys to our clients periodically and use the information to assess the needs of our clients.		
2. Does the program effectively promote coordination of services with other area senior service providers?	✓	
a. Please provide examples of how your program effectively works with other providers?		
Comment: Our program works with local physicians and pharmacy, the Senior Center, community nursing homes, the Food Pantry and the Senior Farmer's Market Nutrition program.		
3. Does your staff have ready access to a directory of available resources and services for older persons?	✓	
Comment: We have a list of providers and resources called "Access to Functional Needs Resource".		
4. Does your staff make referral to and receive referrals from the Information and Assistance specialists in their area?	✓	
a. Please provide examples of procedures that are in place for making referrals?		
Comment: Referrals are screened using the MASTS aging intake forms.		
b. Please provide examples of referrals that the staff make to the I & A specialist?	✓	
Comment: We make referrals to the Area IV Agency I & A specialist when additional screening is necessary.		

AREA IV AGENCY ON AGING CONTRACTOR ASSESSMENT TOOL

5. Do you provide training to staff on all of the following subjects?	✓	
a. Sensitivity to the problems of older persons, particularly those with the greatest economic or social need;	✓	
b. Methods of effectively working with older persons;	✓	
c. Methods of working with older persons with special needs/disabilities;	✓	
d. Range and variety of services provided by the aging network;	✓	
e. Ways to link older persons with appropriate services;	✓	
f. Rules on confidentiality.	✓	
Comment: Our homemakers are instructed to contact our Public Health Nurse/Director for any help needed with appropriate services for our clients.		
<u>D. OUTREACH PRACTICES</u>	Y	N
1. How does your program assure that preference for services are given to older persons with the greatest economic and social needs, with particular attention to minority individuals. Comment: Program applicants are screened for needs by public health staff.		
2. Please provide an example of the outreach methods you use to identify those older persons with the greatest economic and social need? Comment: We have access to government programs to assist with evaluation of economic and social needs.		
<u>E. FINANCIAL MANAGEMENT</u>	Y	N
1. To ensure proper financial management, does your program:		
a. Establish proper accounting records, which are current and available for an audit;	✓	
b. Account for program funds separately from other agency funds;	✓	
c. Have someone other than the individual that signs the checks reconcile the bank account;	✓	
d. The purpose of travel is recorded on travel vouchers.	✓	
If you don't conform with a-d, please describe your process:		
2. To ensure proper procedures while handling cash contributions to your program do you conform to the following?		
a. Require two signatures for the handling and counting of cash on the "Daily Review" form. The person collecting the cash, and the person receiving the cash to process it further;		✓
b. Require that the "Daily Review" form was actually signed;		✓
c. Require that a different person prepare and make the deposit than the person that collected and counted the cash;		✓
If you don't conform with a-c, please describe your process: We do not receive cash for this program.		
3. Do you review monthly budget to actual program operating statements to ensure only approved expenditures are being incurred?	✓	
Comment: Required by county and state.		

AREA IV AGENCY ON AGING CONTRACTOR ASSESSMENT TOOL

4. Do you review the grant agreement on a periodic basis to ensure you are in compliance with types of services allowed, matching requirements and special provisions, if applicable?	✓	
Comment: The budget and matching funding requirements for this program are reviewed monthly.		
	Y	N
5. Does your organization spend \$750,000.00 or more in Federal Funds during the current fiscal year?		✓
If YES, please include your most recent audit report.		
6. If your organization spends less than \$750,000.00 in Federal Funds during the current fiscal year, do you still conduct scheduled audits?		✓
If YES, please include your most recent audit report.		
7. Does your organization have written fiscal policies?	✓	
If YES, please have available during onsite review.		
If NO, please explain.		
8. Does management of the organization/program promote a culture of following established policies and procedures?	✓	
Comment:		
9. Does your organization/program use an automated accounting system? If so, which one?	✓	
Comment: Black Mountain		
10. If your program uses Rocky Aging Funds to pay staff salaries and benefits:		
a. Do you use a timesheet to record work, sick, vacation and holiday hours?	✓	
b. How often does your organization process payroll?		<i>bi-weekly monthly</i>
c. Is payroll done in-house or outsourced?		in-house
11. Are checks pre-numbered, sequence is accounted for regularly (i.e., check log) and any blank checks are kept in a locked drawer?		✓
Comment: We do not keep checks in our office.		
12. Are monthly bank reconciliations, along with the bank statement, reviewed and initialed by either a Board member or an employee who does not prepare the bank reconciliation?		✓
Comment: Bank statements are approved by county commissioners.		

AREA IV AGENCY ON AGING CONTRACTOR ASSESSMENT TOOL

<p>13. Does your organization/program make all efforts to protect the Personally Identifiable Information (PII) of your clients and employees? PII is defined as an individual's first name or first initial and last name in combination with any one or more of the following types of information: social security number, passport number, credit card number, bank number, date and place of birth, mother's maiden name, criminal, medical and financial records, or educational transcripts.</p>	✓	
<p>Please describe your systems in place to handle this. Personally identifiable information is kept in a locked file and only available to employees working with this program.</p>		
F. REPORTING REQUIREMENTS	Y	N
1. Are you aware of your reporting requirements: Monthly financial reports and Monthly Capstone reporting?	✓	
2. Do you want or need training help in order to meet the reporting requirements.		✓
3. Who in your agency is responsible for completing and submitting:		
Monthly Financial reports <u>Diane Thorne</u>		
Capstone reporting <u>Diane Thorne</u>		
Comment:		
G. MATCH REQUIREMENTS	Y	N
1. Is your required match met for the Federal Title III funding?	✓	
a. With county mill money?		✓
b. With in-kind match?	✓	
c. With other resources?		✓
Comment:		
H. PROJECT COMPLIANCE	Y	N
1. Does the project give participants the opportunity to make voluntary contributions?		✓
a. Does the system insure privacy of contributions?	✓	
Comment:		
2. Does the program maintain accurate records concerning participants' eligibility?	✓	
Comment:		
3. Are financial reports (including units of service) for the Area Agency on Aging prepared on time and submitted to the area office by the 10th of each month?	✓	
Comment:		
4. Are you submitting Aging Intake forms for each client annually?	✓	
Comment:		

AREA IV AGENCY ON AGING CONTRACTOR ASSESSMENT TOOL

	Y	N
<u>I. ROCKY'S AGENCY ON AGING 4 YEAR PLAN</u>	Y	N
1. Do you have a copy of the Agency's 4 Year Plan?	✓	
<u>J. PROCEDURES FOR COMPLIANCE WITH GENERAL AND SPECIFIC REQUIREMENTS.</u>	Y	N
2. Civil rights -- no person shall, on the ground of race, color, national origin, age or handicaps, be excluded from participation or be subjected to discrimination in any program or activity funded, in whole or in part, by federal funds. Does your program comply with this?	✓	
Comment:		
2. Do you have a written grievance procedure in place for client issues?	✓	
Comment:		
CONCLUSION:		
QUESTIONS ANSWERED BY: Ruby Taylor, LPN		
This assessment must be reviewed by the Organizations board chair.		
SIGNATURE OF BOARD CHAIR: Darrel Folkvord		
TITLE: Commissioner Chairperson		
DATE:		
SIGNATURE:		



Broadwater County Trust Board
Steve McCullough, Chairman
Broadwater County Courthouse
515 Broadway · Townsend, MT 59644

DATE: March 12, 2024

Broadwater County Commissioners
515 Broadway
Townsend, MT 59644

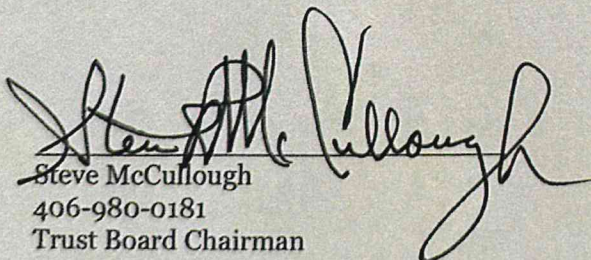
RE: Premier Trust Funding Transfer Request

Dear Broadwater County Commissioners,

The Trust balance at First Premier is above the threshold amount. The Broadwater County Trust Board members voted on March 12, 2024 to transfer \$100,000 from that account to the Trust Board County account as soon as possible.

The Trust Board requests that the Broadwater County Commissioners make the request at their March 20th meeting.

Respectfully,


Steve McCullough
406-980-0181
Trust Board Chairman



Broadwater County Trust Board
Steve McCullough, Chairman
Broadwater County Courthouse
515 Broadway · Townsend, MT 59644

March 12, 2024

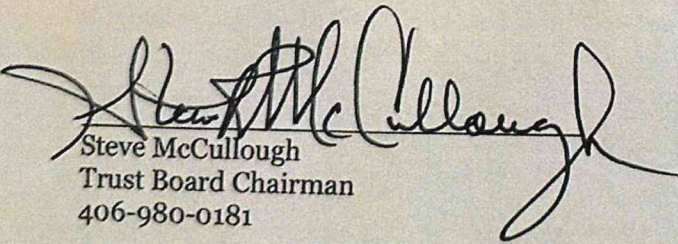
Broadwater County Commissioners
515 Broadway
Townsend, MT 59644

RE: Approved Broadwater County Historical Society Grant

Dear Broadwater County Commissioners,

The Broadwater County Trust Board held their general monthly meeting on March 12, 2024. At this meeting, the Board voted to approve a grant request received on March 1st, 2024 from Linda Huth, Museum Curator and Board Member. The amount the Trust Board approved was \$8,400. The Trust Board requests that the Commissioners also approve this grant request using Trust Board funds at your next meeting.

Thank you,


Steve McCullough
Trust Board Chairman
406-980-0181

APPENDIX A. DOCUMENTED CATEX

Airport sponsors may use this form for projects eligible for a categorical exclusion (CATEX) that have greater potential for extraordinary circumstances or that otherwise require additional documentation, as described in the Environmental Orders (FAA Order 1050.1F and FAA Order 5050.4B).

To request a CATEX determination from the FAA, the sponsor should review potentially affected environmental resources, review the requirements of the applicable special purpose laws, and **consult with the Airports District Office or Regional Airports Division Office staff** about the type of information needed. The form and supporting documentation should be completed in accordance with the provisions of FAA Order 5050.4B, paragraph 302b, and submitted to the appropriate FAA Airports District/Division Office. The CATEX cannot be approved until all information/documentation is received and all requirements have been fulfilled.

Name of Airport, LOC ID, and location:

Name of Airport: TOWNSEND AIRPORT

LOC ID: 8U8

Location: BROADWATER COUNTY, MT

Project Title: TOWNSEND AIRPORT IMPROVEMENTS
A.I.P. 3-30-0078-017-2024 & FUTURE HANGAR DEVELOPEMENT

Give a brief, but complete description of the proposed project, including all project components, justification, estimated start date, and duration of the project. Include connected actions necessary to implement the proposed project (including but not limited to moving NAVAIDs, change in flight procedures, haul routes, new material or expanded material sources, staging or disposal areas). Attach a sketch or plan of the proposed project. Photos can also be helpful.

The proposed project at the Townsend Airport would complete the following planned improvements:

- *Reconstruct Runway 17-35 and Turnaround;*
- *Reconstruct existing connecting taxiways and partial parallel taxiway.*
- *Construct connecting taxiway.*
- *Construct apron expansion.*
- *Construct/Install Electrical Enclosure and Vault Equipment.*
- *Construct/Install additional electrical improvements to include:*
 - *Medium Intensity Runway Lighting (MIRL)*
 - *Medium Intensity Taxiway Lighting (MITL) and reflectors*
 - *Precision Approach Path Indicators (PAPIs) – Runways 17 and 35*
 - *Primary Wind Cone and Segmented Circle*
 - *Supplemental Wind Cone*
 - *Lighted Guidance Signs*

- *Removal & Salvage/Disposal of Existing Beacon and Tower.*
- *New Airport Beacon (LED) and Tip-Down Tower in new location.*
- *Install drainage improvements such as pavement edge drains, culverts, and grade regrade shoulders and perimeter ditch lines.*
- *Construct perimeter fencing improvements/relocation.*
- *Construct additional hangar access taxilanes for future hangar development.*
- *Construction of reasonably foreseeable future hangar development, with paved connections, to begin within the next 2-4 years (as depicted in attached Project Scope).*

Work would include those actions typically associated with pavement construction (excavation / earthwork, paving), including grading of shoulders and drainage.

Activities associated with proposed electrical improvements, as listed above, will be completed in areas previously disturbed by either their original installation(s), subsequent shoulder grading, previous construction activities associated with existing pavements or other airport facilities and frequent airport maintenance / operations. Work associated with electrical improvements requires minor trenching and backfill, grading/earthwork for equipment foundations, and installation of components/conduit.

Additional work will include the removal of the existing beacon and associated tower to be replaced by a new beacon on a tip-down tower in a new location. The existing beacon, although currently functional, is well beyond its useful life and has become increasingly difficult and unsafe to maintain. Parts are becoming challenging to obtain and the steel tower is unsafe to climb/scale without secure anchors for fall-arresting devices. Although the existing beacon was the sole site recorded during the 2009 Class III CRS, it was recommended as ineligible for listing with NRHP. SHPO concurred in those findings in April 2009. Installation of a new beacon and tip-down pole is critical to provide continued safety for both pilots and those airport members responsible for maintaining airport visual navigation aids (NAVAIDS) such as lighted beacons.

The proposed drainage improvements would require minor excavation / earthwork associated installation of pavement subsurface edge drains, culvert placement, and grading/regrading of perimeter ditch lines/swales.

Construction of new hangar access taxilanes will provide for needed future hangar growth potential, as shown on the attached Project Scope. The airport currently has a few hangars scheduled to be constructed this coming year and has limited remaining space available for hangar development / expansion. Hangar construction is expected to occur incrementally over the next 10 years as requests for new hangars at the Townsend Airport are received. Activities typically associated with hangar development include minor excavation and earthwork to prepare building sites; construction of foundations and concrete slabs for hangar buildings; minor electrical/utility infrastructure improvements to extend/provide electrical/water/sanitary services to new hangars; erecting hangar structures and appurtenances; and minor paving work to connect hangars to adjacent taxilane / taxiway.

All proposed work would occur on airport property in areas previously disturbed by past airport construction and / or routine airport maintenance activities (mowing, shoulders/drainage grading,

traffic/haul routes, etc.). All anticipated future hangar development would occur in areas designated for development along the existing taxilanes and the proposed new taxilane east of the proposed apron expansion. These areas have been previously disturbed by past construction activities, airport maintenance, and / or agricultural activities such as continuous grazing by livestock and regular maintenance (tilling/seeding/mowing).

Final Design, Bidding, and Construction of the proposed improvements is estimated to be completed between January 2024 and September 2025, respectively. Connected actions necessary to implement the proposed project include temporary haul routes, construction staging area, and airport closure for the duration of construction.

All proposed construction will be completed in areas planned for future development as shown on the attached Airport Layout Plan (ALP) Terminal Area Drawing.

A Project Scope illustrating key elements of the proposed work at the Townsend Airport is attached.

Give a brief, but complete, description of the proposed project area. Include any unique or natural features within or surrounding airport property.

Townsend Airport is located two miles east of the City of Townsend, Montana in Broadwater County. The airport is situated on the north side of U.S. Highway 12 at an elevation of 3,893 feet above mean seal level. The airport property lies within Sections 21, 28, and 33 of Township 7 North, Range 2 East.

The airport has one 4,000' x 60' paved runway with a 17-35 orientation. There is a paved turnaround at the Runway 17 threshold, approximately 600' of parallel taxiway, a connecting taxiway, and two 350' x 25' hangar access taxilanes. The apron is 300' x 350' and has ten tie-down positions and direct access to the FBO and the airport's 100LL fuel system.

Runway 17-35 is lighted with a radio-controlled, medium-intensity runway lighting (MIRL) system. The parallel and connecting taxiways have retroreflective markers. The runway has visual approaches with planned 1-mile GPS non-precision instrument (NPI) approaches as shown on the Airport Layout Plan (ALP). Runway 17-35 has basic pavement markings. Each runway end has L-881 2-box PAPIs; the glide path for Runway 17 is 3.0 degrees and 4.0 degrees for Runway 35. The common traffic advisory frequency is 122.8 MHz. The airport's wind cone, segmented circle, and rotating beacon are located just north of the apron.

The project area consists of all airside pavements and the previously undeveloped area directly south of the existing apron and the existing taxilane / hangar area. This proposed new development area of airport property is currently utilized by the neighboring Broadwater County Fairgrounds and is frequently heavily grazed/tilled/disturbed by livestock and regular maintenance. All of the proposed work will occur on the airport property in areas that have been previously disturbed by either construction of airport pavements and their shoulders and drainage areas, or routine agricultural use (grazing/haying).

Identify the appropriate CATEX paragraph(s) from Order 1050.1F (paragraph 5-6.1 through 5-6.6) or 5050.4B (Tables 6-1 and 6-2) that apply to the project. Describe if the project differs in any way from the specific language of the CATEX or examples given as described in the Order.

The proposed construction activities associated with this project comply with the activity categories listed in the following paragraphs from Order 1050.1F:

5-6.3. Categorical Exclusions for Equipment and Instrumentation.

b. Establishment, installation, upgrade, or relocation of any of the following on designated airport or FAA property: airfield or approach lighting systems, visual approach aids, beacons, and electrical distribution systems as described in FAA Order 6850.2, Visual Guidance Lighting Systems, and other related facilities. (ATO, ARP)

5-6.4. Categorical Exclusions for Facility Siting, Construction, and Maintenance.

e. Federal financial assistance, licensing, or Airport Layout Plan (ALP) approval for the following actions, provided the action would not result in significant erosion or sedimentation, and will not result in a significant noise increase over noise sensitive areas or result in significant impacts on air quality.

- Construction, repair, reconstruction, resurfacing, extending, strengthening, or widening of a taxiway, apron, loading ramp, or runway safety area (RSA), including an RSA using Engineered Material Arresting System (EMAS); or*
- Reconstruction, resurfacing, extending, strengthening, or widening of an existing runway.*

f. Federal financial assistance, licensing, Airport Layout Plan (ALP) approval, or FAA construction or limited expansion of accessory on-site structures, including storage buildings, garages, hangars, t-hangars, small parking areas, signs, fences, and other essentially similar minor development items. (ATO, ARP, AST)

l. Federal financial assistance for, licensing or approval of the grading of land, the removal of obstructions to air navigation, or erosion control measures, provided those activities occur on and only affect airport property, a commercial space launch site, or FAA-owned or leased property. (ATO, ARP, AST)

o. Minor trenching and backfilling where the surface is restored and the excavated material is protected against erosion and run-off during the construction period. (ATO, ARP, AST)

z. Federal financial assistance, licensing, Airport Layout Plan (ALP) approval, or FAA action related to topping or trimming trees to meet 14 CFR part 77, Safe, Efficient Use, and Preservation of the Navigable Airspace, standards for removing obstructions which can adversely affect navigable airspace. (All)

The circumstances one must consider when documenting a CATEX are listed below along with each of the impact categories related to the circumstance. Use FAA Environmental Orders 1050.1F, 5050.4B, and the Desk Reference for Airports Actions, as well as other guidance documents to assist you in determining what information needs to be provided about these resource topics to address potential impacts. Keep in mind that both construction and operational impacts must be included. Indicate whether or not there would be any effects under the particular resource topic and, **if needed**, cite available references to support these conclusions. Additional analyses and inventories can be attached or cited as needed.

5-2.b(1) National Historic Preservation Act (NHPA) resources

	YES	NO
<p>Are there historic/cultural resources listed (or eligible for listing) on the National Register of Historic Places located in the Area of Potential Effect? If yes, provide a record of the historic and/or cultural resources located therein and check with your local Airports Division/District Office to determine if a Section 106 finding is required.</p> <p><i>A prior Class III cultural resource survey, completed in March 2009 by Patrick J. Rennie, evaluated 118 acres of contiguous airport property. One cultural site, the airport beacon, was recorded (Smithsonian No. 2-4BW1102) and recommended as ineligible for NRHP listing. SHPO concurred in these findings in April 2009. The existing beacon and tower will be removed and salvage/disposed as part of this project. A new beacon and tip-down pole will be installed in a new location on airport property. A search of properties listed on the National Register of Historic Places shows no additional sites exist at or near the airport.</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Does the project have the potential to cause effects? If yes, describe the nature and extent of the effects.</p> <p><i>The proposed project will occur entirely on airport property in areas previously disturbed by past construction and/site grading of airport pavements, facilities, ongoing aviation activities, or by agricultural / grazing use of the new development area. The proposed activities would not require the acquisition of new land for the airport or require the removal of existing airport buildings. For these reasons, no effects to historical/cultural resources are anticipated.</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Is the project area undisturbed? If not, provide information on the prior disturbance (including type and depth of disturbance, if available)</p> <p><i>The proposed work at the airport will occur in areas that have been previously disturbed by construction of airport pavements.</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will the project impact tribal land or land of interest to tribes? If yes, describe the nature and extent of the effects and provide information on the tribe affected. Consultation with their THPO or a tribal representative along with the SHPO may be required.</p> <p><i>There are no tribal lands at or adjoining the airport. The proposed project will take place entirely on airport property. Therefore, no impacts to tribal lands or interests are anticipated.</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5-2.b(2) Department of Transportation Act Section 4(f) and 6(f) resources

	YES	NO
<p>Are there any properties protected under Section 4(f) (as defined by FAA Order 1050.1F) in or near the project area? This includes publicly owned parks, recreation</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<p>areas, and wildlife or waterfowl refuges of national, state or local significance or land from a historic site of national, state or local significance.</p> <p><i>An online environmental information review showed there are no Section 4(f) resources (publicly owned parks, recreation areas, wildlife or waterfowl refuges at or near the Townsend Airport. All proposed project work areas are within the existing airport property.</i></p>		
<p>Will project construction or operation physically or constructively “use” any Section 4(f) resource? If yes, describe the nature and extent of the use and/or impacts, and why there are no prudent and feasible alternatives. See 5050.4B Desk Reference Chapter 7.</p> <p><i>No direct impacts or constructive use to Section 4(f) resources will occur because there are no 4(f) resources affected by the proposed reconstruction activities at the airport.</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will the project affect any recreational or park land purchased with Section 6(f) Land and Water Conservation Funds? If so, please explain, if there will be impacts to those properties.</p> <p><i>A review of the online listing of grants maintained by the National Park Service shows no sites near the airport that have received Section 6(f) Land and Water Conservation Funds.</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5-2.b(3) Threatened or Endangered Species

	YES	NO
<p>Are there any federal or state listed endangered, threatened, or candidate species or designated critical habitat in or near the project area? This includes species protected by individual statute, such as the Bald Eagle.</p> <p><i>A U.S. Fish and Wildlife Service (USFWS) official species list for the proposed project area, was requested through the Information for Planning and Consultation (IPaC) online planning tool. The project area was defined as the entire Townsend Airport property, a total area of approximately 106 acres. The IPaC report listed three Threatened species (Canada Lynx, North American Wolverine, Ute Ladies' Tresses), and one candidate species for listing (Monarch Butterfly), as potentially affected by activities within the project area. Per the IPaC report, no Critical Habitat for these species has been designated within the project area.</i></p> <ul style="list-style-type: none"> <i>Canada Lynx. The Canada lynx is an elusive forest-dwelling cat of northern latitudes. The Canada lynx is closely associated with moist, cool, boreal spruce-fir forests, and landscapes with high densities of snowshoe hares. Suitable habitat includes subalpine forests at elevations ranging between 4,000 and 7,000 feet above sea level. Since the lands in and around the project area lack the type of habitat preferred by the species, Canada lynx would likely not occur at the airport.</i> <i>North American Wolverine. In North America, wolverines occur within a wide variety of habitats, primarily boreal forests, tundra, and western mountains throughout Alaska and Canada; however, the southern portion of</i> 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

the range extends into the contiguous United States, including Montana. They are usually in areas with snow on the ground in winter. When inactive, wolverines occupy dens in caves, rock crevices, under fallen trees, in thickets, or similar sites. Wolverines are unlikely to occur because the habitat used by the species does not occur on airport lands.

- ***Ute Ladies' Tresses.*** *Ute ladies' tresses occurs in alkaline wetlands, swales, and old meander channels often on the edge of the wetland or in areas that are dry by midsummer. Habitat is limited to areas within major river drainages. Ute ladies' tresses is known to occur in southwest and south-central Montana in Missouri, Jefferson, Beaverhead, Ruby and Madison River drainages. No wetlands were identified on the Townsend airport property. Because of the nature of the project area (i.e., routinely mowed and/or heavily grazed) and its distance from a major river drainage, the Ute ladies' tresses is unlikely to be found within the project area.*
- ***Monarch Butterfly.*** *The Monarch Butterfly (Danaus plexippus) is large butterfly with bright orange and black markings, that can be seen throughout North American due to their long-range migratory behavior. The Monarch Butterfly prefers open places, native prairie, foothills, open valley bottoms, open weedy fields, roadsides, pastures, marshes, suburban areas, and are rarely above the treeline in alpine terrain during migration. Butterflies are unlikely to occur on the site because airport property does not include the types of habitat typically preferred by the monarch, and because airport management restricts vegetation to make the airport increasingly less desirable to the species.*

The Montana Natural Heritage Program (MNHP) Map Viewer shows no observations of Canada Lynx, North American Wolverine, or Utes Ladies' Tresses, on lands at or near the airport.

Montana Species of Concern. *A review of the MNHP database in January 2024 identified the following Montana Species of Concern occurring on lands surrounding the project area: Golden Eagle, Great Blue Heron, Clark's Nutcracker, and Long-billed Curlew. Although the airport property falls within the potential range of these species, the MNHP's Map Viewer shows no observations of a Montana Species of Concern within the vicinity of the airport.*

Eagles. *The Bald and Golden Eagle Protection Act prohibits the "taking" of bald eagles (or golden eagles). The Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." Human activities, particularly near occupied nest sites, have the potential to interfere with normal eagle behaviors. Bald eagles are among several raptor species that could potentially occur in the Townsend area. The MNHP Map Viewer shows two known nest locations west of the airport, in the Canyon Ferry WMA. The airport property falls well outside the 3,000-meter buffer encompassing the nest sites. The MNHP Map Viewer shows one observation of a Bald Eagle in the vicinity of the Townsend Airport in 2016.*

<p>Does the project affect or have the potential to affect, directly or indirectly, any federal or state-listed, threatened, endangered or candidate species, or designated habitat under the Endangered Species Act? If yes, Section 7 consultation between the FAA and the US Fish & Wildlife Service, National Marine Fisheries Service, and/or the appropriate state agency will be necessary. Provide a description of the impacts and how impacts will be avoided, minimized, or mitigated. Provide the Biological Assessment and Biological Opinion, if required.</p> <p><i>No adverse effects to federally-listed species, designated critical habitat or Montana Species of Concern resulting from this project are anticipated. This conclusion was reached due to the limited scope of project activities and because lands at and immediately adjacent to the airport generally do not provide the type of habitats used by federally-listed species or Montana Species of Concern. Additionally, the proposed project activities do not require the removal of significant quantities of vegetation or quality habitat that could potentially be used by several Montana Species of Concern that could occur in the area.</i></p>	<p>YES</p> <p><input type="checkbox"/></p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>
<p>Does the project have the potential to take birds protected by the Migratory Bird Treaty Act? Describe steps to avoid, minimize, or mitigate impacts (such as timing windows determined in consultation with the US Fish & Wildlife Service).</p> <p><i>A variety of migratory birds could occur in the general vicinity of the airport. However, the proposed project activities do not require the removal of significant quantities of vegetation or any trees potentially used by migratory birds. The noise and activities associated with construction could temporarily displace migratory birds using habitat near the airport pavement work areas. However, these impacts would be temporary and localized and there is similar and abundant habitat nearby. For these reasons, no adverse impacts to migratory birds are anticipated.</i></p>	<p>YES</p> <p><input type="checkbox"/></p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>

5-2.b (4) Other Resources

Items to consider include:

<p>a. Fish and Wildlife Coordination Act</p>	<p>YES</p>	<p>NO</p>
<p>Does the project area contain resources protected by the Fish and Wildlife Coordination Act? If yes, describe any impacts and steps taken to avoid, minimize, or mitigate impacts.</p> <p><i>The project area does not contain resources protected by the Fish and Wildlife Coordination Act. The proposed project activities would not affect resources protected by the Fish and Wildlife Coordination Act.</i></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>b. Wetlands and Other Waters of the U.S.</p>	<p>YES</p>	<p>NO</p>
<p>Are there any wetlands or other waters of the U.S. in or near the project area?</p> <p><i>There are no surface waters on the airport property. National Wetland Inventory mapping for the area does not indicate wetlands or surface waters in the vicinity of the proposed work areas at the airport.</i></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>Has wetland delineation been completed within the proposed project area? If yes, please provide U.S. Army Corps of Engineers (USACE) correspondence and</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>

<p>jurisdictional determination. If delineation was not completed, was a field check done to confirm the presence/absence of wetlands or other waters of the U.S.? If no to both, please explain what methods were used to determine the presence/absence of wetlands.</p> <p><i>To date, there has not been a wetland delineation completed for the airport property and no request for a jurisdictional determination has been made to the USACE.</i></p>		
c. Floodplains	YES	NO
<p>Will the project be located in, encroach upon or otherwise impact a floodplain? If yes, describe impacts and any agency coordination or public review completed including coordination with the local floodplain administrator. Attach the FEMA map if applicable and any documentation.</p> <p><i>The airport is covered by FEMA Flood Insurance Rate Map (FIRM) Panel 30007C0550C effective August 8, 2014 and labeled as a "Zone X". The map shows a "Zone A" floodplain along the Missouri River. None of the airport property is located within this designated floodplain.</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Coastal Resources	YES	NO
<p>Will the project occur in or impact a coastal zone as defined by the State's Coastal Zone Management Plan? If yes, discuss the project's consistency with the State's CZMP. Attach the consistency determination if applicable.</p> <p><i>Not applicable. There are no Coastal Zones in Montana.</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will the project occur in or impact the Coastal Barrier Resource System as defined by the US Fish and Wildlife Service?</p> <p><i>Not applicable. There are no Coastal Barrier Resources in Montana.</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. National Marine Sanctuaries	YES	NO
<p>Is a National Marine Sanctuary located in the project area? If yes, discuss the potential for the project to impact that resource.</p> <p><i>Not applicable. There are no National Marine Sanctuaries in Montana.</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Wilderness Areas	YES	NO
<p>Is a Wilderness Area located in the project area? If yes, discuss the potential for the project to impact that resource.</p> <p><i>The project will occur only on the airport. There are no designated Wilderness Areas near Townsend.</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Farmland	YES	NO
<p>Is there prime, unique, state, or locally important farmland in/near the project area? Describe any significant impacts from the project.</p> <p><i>The NRCS's NCSS Web Soil Survey (interactive soils mapping website) was consulted to identify soil types on the airport property, specifically if any soils are designated as prime farmland, unique farmland, or farmland of statewide or local importance. The mapping produced for the Townsend Airport showed that one soil in the proposed work area—Chinook sandy loam, 1 to 4% slopes--is classified as prime farmland.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>The proposed project will be constructed within the existing airport property on areas that have been previously disturbed by the construction airport pavements and/or have been routinely used for agricultural use (tilling/seeding/grazing). No land acquisition is necessary for this project. The tract of land currently used by the Broadwater County Fairgrounds is not currently used for agricultural purposes.</i>		
Does the project include the acquisition and conversion of farmland? If farmland will be converted, describe coordination with the US Natural Resources Conservation and attach the completed Form AD-1006. <i>No land acquisition is necessary for this project and there would be no conversion of farmland. For this reason, there is no need to prepare Form AD-1006.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Energy Supply and Natural Resources	YES	NO
Will the project change energy requirements or use consumable natural resources either during construction or during operations? <i>None of the materials that will be used to complete the proposed improvements are in short supply. A ready supply of energy exists to power equipment needed for construction.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will the project change aircraft/vehicle traffic patterns that could alter fuel usage either during construction or operations? <i>Minor increases in fuel usage by heavy equipment are anticipated during construction. The improvements will slightly increase the capacity and efficiency at the airport but would not change aircraft or vehicle traffic patterns.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Wild and Scenic Rivers	YES	NO
Is there a river on the Nationwide Rivers Inventory, a designated river in the National System, or river under State jurisdiction (including study or eligible segments) near the project? <i>There are no designated Wild and Scenic River segments in the Townsend area.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will the project directly or indirectly affect the river or an area within ¼ mile of its ordinary high water mark? <i>Not applicable.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Solid Waste Management	YES	NO
Does the project (either the construction activity or the completed, operational facility) have the potential to generate significant levels of solid waste? If so, discuss how these will be managed. <i>Minor amounts of solid waste may be generated by the proposed project improvements. Waste will be properly disposed of at local solid waste facilities.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5-2.b(5) Disruption of an Established Community

	YES	NO
Will the project disrupt a community, planned development or be inconsistent with plans or goals of the community? <i>The proposed project occurs on the existing airport property and is consistent with development plans for the airport. There will be no disruptions to any nearby communities or planned developments.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Are residents or businesses being relocated as part of the project? <i>There are no residents or businesses in the proposed construction area.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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5-2.b(6) Environmental Justice

	YES	NO
Are there minority and/or low-income populations in/near the project area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will the project cause any disproportionately high and adverse impacts to minority and/or low-income populations? Attach census data if warranted. <i>Proposed activities would not displace or directly affect any residents or businesses. No minority and/or low-income populations would be affected by the proposed action.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5-2.b(7) Surface Transportation

	YES	NO
Will the project cause a significant increase in surface traffic congestion or cause a degradation of level of service provided? <i>There will be no increase in surface traffic congestion or degradation of level of service provided by local roadways.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will the project require a permanent road relocation or closure? If yes, describe the nature and extent of the relocation or closure and indicate if coordination with the agency responsible for the road and emergency services has occurred.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5-2.b(8) Noise

	YES	NO
Will the project result in an increase in aircraft operations, nighttime operations, or change aircraft fleet mix? <i>The proposed project is consistent with planned airport development as shown on the ALP. Incremental construction of hangars over the foreseeable future would not perceptibly affect the number of aircraft operations or fleet mix at the airport.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will the project cause a change in airfield configuration, runway use, or flight patterns either during construction or after the project is implemented? <i>The proposed project will include apron expansion and an additional hangar access taxiway and future hangar development.</i> <i>The proposed activities will cause temporary disruptions to the use of the runway, apron, and other pavements at the airport. These proposed improvements will not result in changes to the use of the runway or flight patterns at the airport.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the forecast exceed 90,000 annual propeller operations, 700 annual jet operations or 10 daily helicopter operations or a combination of the above? If yes, a noise analysis may be required if the project would result in a change in operations.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>The level of annual operations is currently well below these identified thresholds.</i>		
Has a noise analysis been conducted, including but not limited to generated noise contours, a specific point analysis, area equivalent method analysis, or other screening method. If yes, provide that documentation. <i>To date, aircraft noise modeling has not been conducted for the Townsend Airport.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Could the project have a significant impact (DNL 1.5 dB or greater increase) on noise levels over noise sensitive areas within the 65+ DNL noise contour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5-2.b(9) Air Quality

	YES	NO
Is the project located in a Clean Air Act non-attainment or maintenance area? <i>Non-attainment area listings and maps for Montana were consulted in January 2021 and again in January 2024. The project area does not lie within a non-attainment area for any of the criteria pollutants listed by the EPA or the Montana Department of Environmental Quality (MDEQ).</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If yes, is it listed as exempt, presumed to conform or will emissions (including construction emissions) from the project be below <i>de minimis</i> levels (provide the paragraph citation for the exemption or presumed to conform list below, if applicable) Is the project accounted for in the State Implementation Plan or specifically exempted? Attach documentation. <i>Not applicable.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the project have the potential to increase landside or airside capacity, including an increase of surface vehicles? <i>The proposed project activities will temporarily increase vehicle traffic around the airport, due to workers and equipment traveling to and from the construction site. The proposed apron expansion and future hangar construction will result in a slight increase in airside capacity to store aircraft at the airport.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Could the project impact air quality or violate local, State, Tribal or Federal air quality standards under the Clean Air Act Amendments of 1990 either during construction or operations? <i>Operational/short-term impacts will occur during construction; however, these are temporary and will not result in a significant impact to air quality.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5-2.b(10) Water Quality

	YES	NO
Are there water resources within or near the project area? These include groundwater, surface water (lakes, rivers, etc.), sole source aquifers, and public water supply. If yes, provide a description of the resource, including the location (distance from project site, etc.). <i>There are no surface waters, groundwater resources, sole source aquifers, or source of public water supply on the airport property. The proposed project will not affect wells on or near the airport property.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<p>Will the project impact any of the identified water resources either during construction or operations? Describe any steps that will be taken to protect water resources during and after construction.</p> <p><i>Due to the lack of water resources in the project area no impacts to water quality are anticipated with this project. The Contractor will be required to follow best practices to assure temporary runoff during construction does not contaminate off-site areas.</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will the project increase the amount or rate of stormwater runoff either during construction or during operations? Describe any steps that will be taken to ensure it will not impact water quality.</p> <p><i>The proposed project would slightly increase the amount of impervious area at the airport and minimally increase the amount or rate of stormwater runoff. The topography in the proposed apron expansion, hangar access taxilanes, and future hangar development areas are already well suited to handle runoff for full development of the area.</i></p> <p><i>Contractors will be required by contract to use Best Management Practices (erosion/sediment control, etc.), in accordance with all applicable State and Federal permits, to minimize erosion and trap sediments associated with all future construction.</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Does the project have the potential to violate federal, state, tribal or local water quality standards established under the Clean Water and Safe Drinking Water Acts?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Are any water quality related permits required? If yes, list the appropriate permits.</p> <p><i>Construction activity at the airport will result in the disturbance of significantly greater than one acre of total land area, so the contractor will need to obtain a General Permit for Storm Water Discharges Associated with Construction Activity (SWPPP) from MDEQ.</i></p> <p><i>Contractors constructing future hangars shall be required to obtain all necessary/required permits.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5-2.b(11) Highly Controversial on Environmental Grounds

	YES	NO
<p>Is the project highly controversial? The term "highly controversial" means a substantial dispute exists as to the size, nature, or effect of a proposed federal action. The effects of an action are considered highly controversial when reasonable disagreement exists over the project's risks of causing environmental harm. Mere opposition to a project is not sufficient to be considered highly controversial on environmental grounds. Opposition on environmental grounds by a federal, state, or local government agency or by a tribe or a substantial number of the persons affected by the action should be considered in determining whether or not reasonable disagreement exists regarding the effects of a proposed action.</p> <p><i>The proposed project has little, if any, potential for adverse impacts to environmental resources in the area. To date, there has been no opposition to the proposed project.</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5-2.b(12) Inconsistent with Federal, State, Tribal or Local Law

	YES	NO
Will the project be inconsistent with plans, goals, policy, zoning, or local controls that have been adopted for the area in which the airport is located? <i>The proposed project is consistent with current planning for the airport.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the project incompatible with surrounding land uses? <i>The project will occur on airport property and will not have any effects on adjoining land use.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5-2 .b (13) Light Emissions, Visual Effects, and Hazardous Materials

a. Light Emissions and Visual Effects	YES	NO
Will the proposed project produce light emission impacts? <i>The proposed electrical improvements (MIRL, MITL, wind cone, beacon) and incremental construction of new hangars may result in a slight increase in light emissions. These improvements would not substantially change the light emissions from equipment or facilities at the airport.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Will there be visual or aesthetic impacts as a result of the proposed project and/or have there been concerns expressed about visual/aesthetic impacts? <i>The proposed improvements are features typically associated with airports and will not change the visual environment of the airport and its surroundings. To date, no concerns have been expressed.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

b. Hazardous Materials	YES	NO
Does the project involve or affect hazardous materials? <i>Online data bases of federal, state, and local agencies were reviewed for information on regulated facilities at or near the airport. MDEQ's interactive mapping website showed no underground storage tanks (USTs), Petroleum Tank Release Compensation Fund (spill) sites, Remediation Response sites, or hazardous waste handlers at or near the Townsend Airport.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will construction take place in an area that contains or previously contained hazardous materials? <i>As indicated above, there are no known sources of hazardous materials present at the airport.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If the project involves land acquisition, is there a potential for this land to contain hazardous materials or contaminants? <i>This project does not involve land acquisition.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<p>Will the proposed project produce hazardous and/or solid waste either during construction or after? If yes, how will the additional waste be handled?</p> <p><i>Potentially hazardous materials used during pavement reconstruction / construction would include paving materials, oils, fuel and grease from construction equipment, and minor amounts of paints and marking materials. The operation of construction equipment poses a potential risk of minor leaks of fuel, lubricants, or hydraulic fluids in work areas. Contract documents will require the contractor to follow best practices and be fully responsible for cleaning up any waste.</i></p> <p><i>Solid waste materials generated during proposed project activities would be properly disposed of at the local waste facilities.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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5-2 .b (14) Public Involvement

	YES	NO
<p>Was there any public notification or involvement? If yes, provide documentation.</p> <p><i>The proposed project has been advertised and discussed at regularly scheduled County Commission meetings that were advertised and open to the public.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5-2 .b (15) Indirect/Secondary/Induced Impacts

	YES	NO
<p>Will the project result in indirect/secondary/induced impacts?</p> <p><i>The proposed project will be entirely constructed on areas that have been previously disturbed by either construction of the existing airside pavements, their associated shoulders and drainage structures, or have been regularly disturbed by frequent agricultural/maintenance activities (tilling/mowing/grazing). The proposed project will not cause shifts in the patterns of population movement and growth, extensive demands for public services, or substantial changes in business or economic activity. For these reasons, no notable indirect/secondary/induced impacts are anticipated.</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>When considered with other past, present, and reasonably foreseeable future projects, on or off airport property and regardless of funding source, would the proposed project result in a significant cumulative impact?</p> <p><i>There are no other known past, ongoing, or reasonably foreseeable projects at or near the airport that would produce cumulative effects to identified environmental resource categories.</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Permits

List any permits required for the proposed project that have not been previously discussed. Provide details on the status of permits.

Future bidding documents will require the successful contractor to obtain necessary permits and comply with federal, state, and local laws/regulations regarding pollution of the environment, including a SWPPP.

Contractors building future hangars will be required to obtain all necessary required permits and comply with applicable federal, state, and local laws/regulations.

Environmental Commitments

List all measures and commitments made to avoid, minimize, mitigate, and compensate for impacts on the environment, which are needed for this project to qualify for a CATEX.

The provisions of FAA Advisory Circular 150/5370-10, Standards for Specifying Construction of Airport, Item C-102, Temporary Air and Water Pollution, Soil Erosion, and Siltation Control, will be incorporated into the project specifications. Other FAA guidance concerning airport drainage, environmental enhancement, and construction controls will be evaluated for provisions that may be incorporated into the contract specifications to minimize the potential impacts of construction activities.

Localized noise increases may occur during construction, but this is a short-term and localized impact. Traffic controls will be implemented to accommodate proposed project activities and minimize impacts to ground traffic and other airport users.

Preparer Information

Point of Contact: Mary E. Bell, Project Designer, Robert Peccia & Associates		
Address: P.O. Box 5653, 3147 Saddle Drive		
City: Helena	State: MT	Zip Code: 59604
Phone: (406) 447-5000	Email Address: mebell@rpa-hln.com	

Signature: 

Date: **2/6/24**

Airport Sponsor Information and Certification (may not be delegated to consultant)
Provide contact information for the designated sponsor point of contact and any other individuals requiring notification of the FAA decision.

Point of Contact: Darrel Folkvord , Chairman, Broadwater County Commission		
Address: 515 Broadway Street		
City: Townsend	State: MT	Zip Code: 59644-2397
Phone: (406) 266-9272	Email Address: dfolkvord@co.broadwater.mt.us	
Additional Name(s):	Additional Email Address(es):	

I certify that the information I have provided above is, to the best of my knowledge, correct. I also recognize and agree that no construction activity, including but not limited to site preparation, demolition, or land disturbance, shall proceed for the above proposed project(s) until FAA issues a final environmental decision for the proposed project(s) and until compliance with all other applicable FAA approval actions (e.g., ALP approval, airspace approval, grant approval) has occurred.

Signature: _____ Date: _____

ATTACHMENTS

- Project Scope
- ALP Terminal Area

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FAA Decision

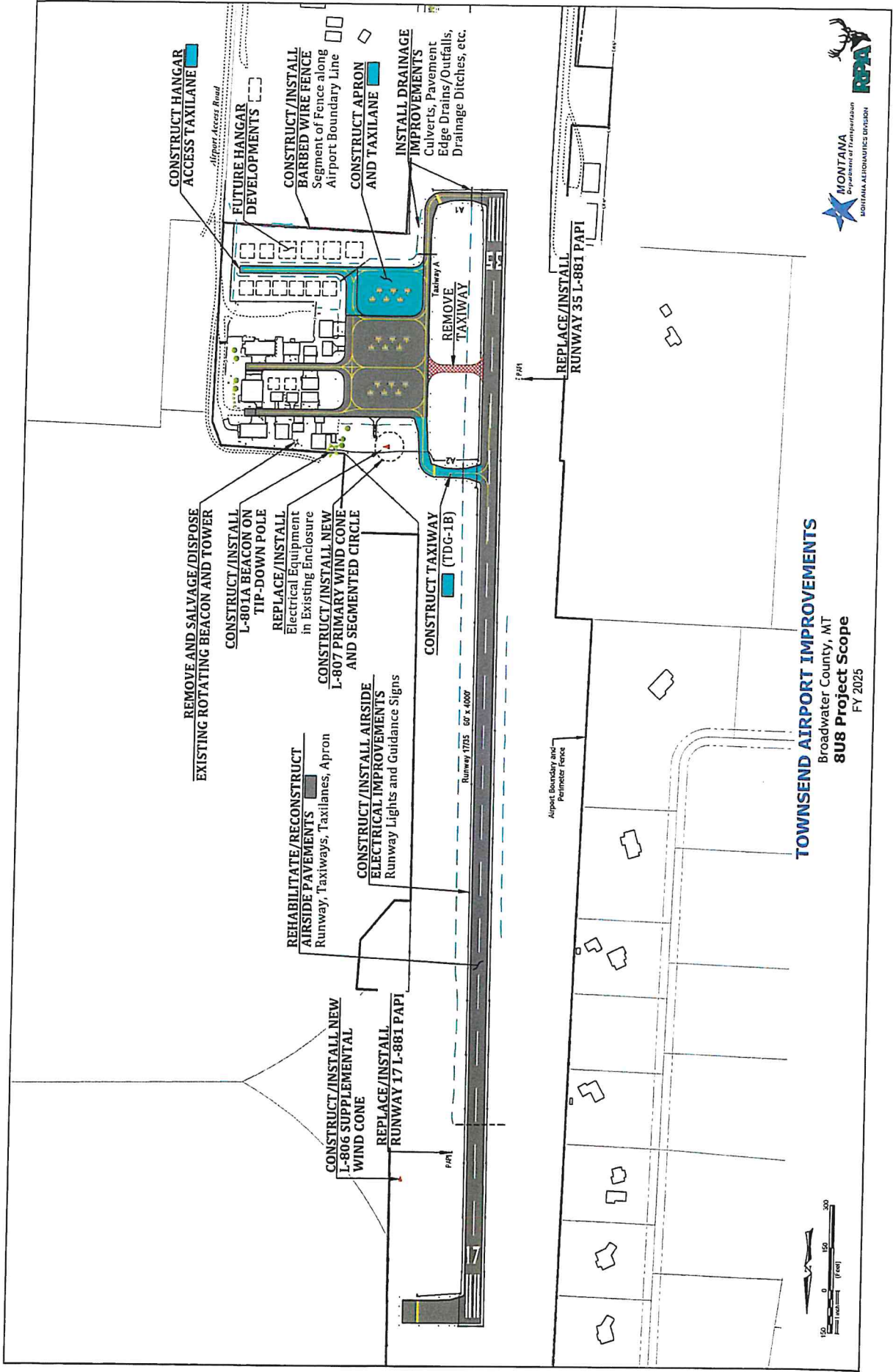
Having reviewed the above information, it is the FAA's decision that the proposed project (s) or development warrants environmental processing as indicated below.

Name of Airport: TOWNSEND AIRPORT
LOC ID: 8U8
Location: BROADWATER COUNTY, MT
Project Title: TOWNSEND AIRPORT IMPROVEMENTS
A.I.P. 3-30-0078-017-2024 & Future Hangar Development

- No further NEPA review required. Project is categorically excluded per (cite applicable 1050.1.F CATEX that applies:
- ..An Environmental Assessment (EA) is required.
- ..An Environmental Impact Statement (EIS) is required.
- ..The following additional documentation is necessary for FAA to perform a complete environmental evaluation of the proposed project.

Name: _____ Title: _____
Responsible FAA Official

Signature: _____ Date: _____



REMOVE AND SALVAGE/DISPOSE EXISTING ROTATING BEACON AND TOWER

REHABILITATE/RECONSTRUCT AIRSIDE PAVEMENTS Runway, Taxiways, Taxiways, Apron

CONSTRUCT/INSTALL L-806 SUPPLEMENTAL WIND CONE

REPLACE/INSTALL RUNWAY 17 L-881 PAPI

CONSTRUCT TAXIWAY (TDG-1B)

REMOVE TAXIWAY

INSTALL DRAINAGE IMPROVEMENTS Culverts, Pavement Edge Drains/Outfalls, Drainage Ditches, etc.

CONSTRUCT APRON AND TAXILANE

CONSTRUCT WIRE FENCE Segment of Fence along Airport Boundary Line

FUTURE HANGAR DEVELOPMENTS

CONSTRUCT HANGAR ACCESS TAXILANE

CONSTRUCT/INSTALL L-801A BEACON ON TIP-DOWN POLE

REPLACE/INSTALL Electrical Equipment in Existing Enclosure

CONSTRUCT/INSTALL NEW L-807 PRIMARY WIND CONE AND SEGMENTED CIRCLE

CONSTRUCT/INSTALL AIRSIDE ELECTRICAL IMPROVEMENTS Runway Lights and Guidance Signs

REPLACE/INSTALL RUNWAY 35 L-881 PAPI

TOWNSEND AIRPORT IMPROVEMENTS
Broadwater County, MT
8U8 Project Scope
FY 2025





APPROVED DATE: 02/23/2023
 APPROVED BY: [Signature]
 PROJECT NO: 2023-001
 PROJECT NAME: TOWNSEND AIRPORT
 CLIENT: BROADWATER COUNTY COMMISSION

PROJECT TITLE: TOWNSEND AIRPORT
 SHEET TITLE: TERMINAL AREA
 SHEET NO: 3 OF 11

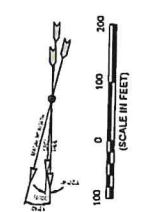
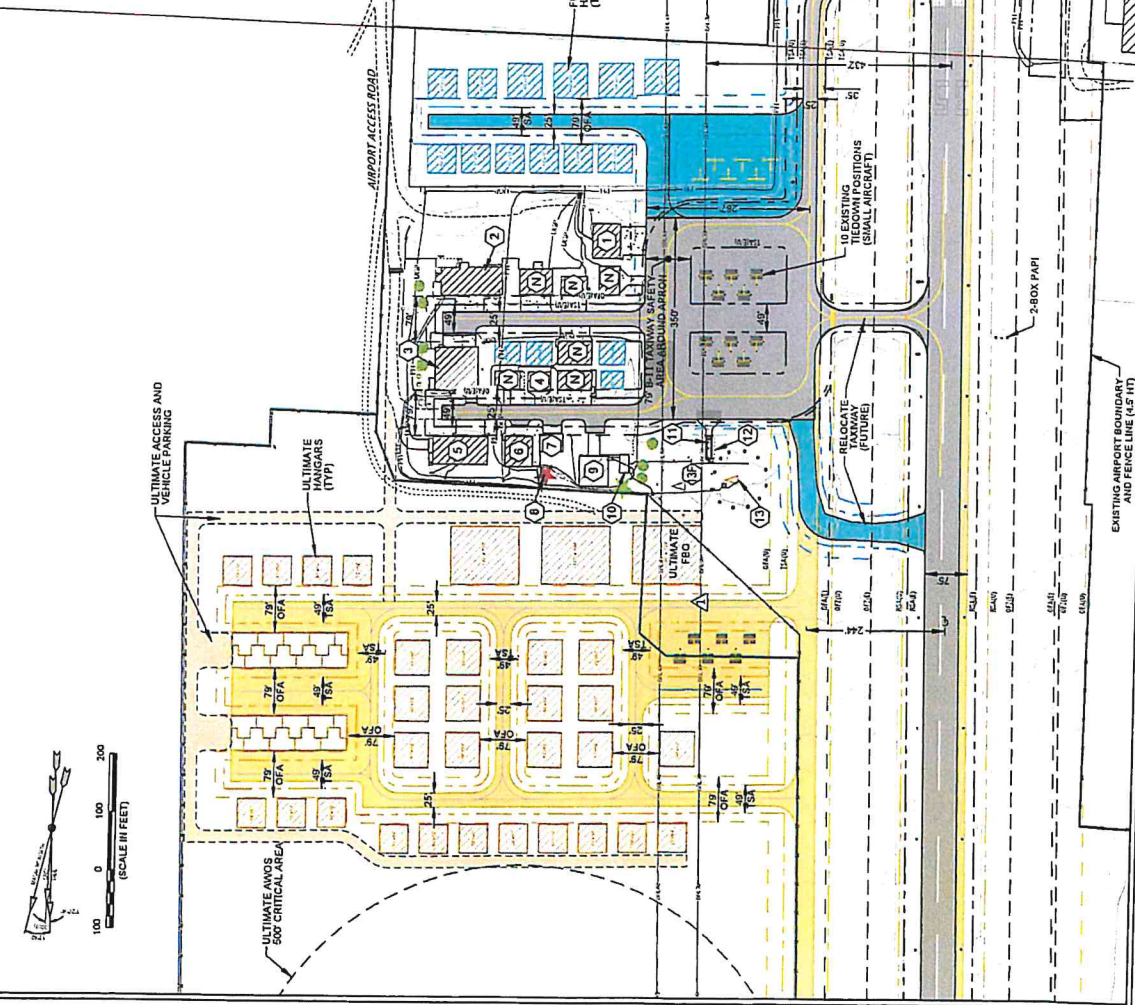
LEGEND

DESCRIPTION	EXISTING	FUTURE (AS SHOWN)	ULTIMATE (AS PLANNED)
BUILDINGS & STRUCTURES	[Symbol]	[Symbol]	[Symbol]
PAVED AIRCRAFT SURFACE	[Symbol]	[Symbol]	[Symbol]
GRAVEL	[Symbol]	[Symbol]	[Symbol]
ASPHALT DRIVEWAY	[Symbol]	[Symbol]	[Symbol]
PROPERTY LINE	[Symbol]	[Symbol]	[Symbol]
AVIATION PROTECTION ZONE (APZ)	[Symbol]	[Symbol]	[Symbol]
OBJECT TREE AREA (OTA)	[Symbol]	[Symbol]	[Symbol]
AVIATION SAFETY AREA (ASA)	[Symbol]	[Symbol]	[Symbol]
AVIATION SAFETY ZONE (ASZ)	[Symbol]	[Symbol]	[Symbol]
AVIATION RESTRICTION ZONE (ARZ)	[Symbol]	[Symbol]	[Symbol]
CONTOUR	[Symbol]	[Symbol]	[Symbol]
LIGHTED WINDCONE AND SEGMENTED CIRCLE	[Symbol]	[Symbol]	[Symbol]
DRAINAGE CULVERT AND DITCH	[Symbol]	[Symbol]	[Symbol]
OVERHEAD POWER / UNDERGROUND POWER	[Symbol]	[Symbol]	[Symbol]

BUILDING/STRUCTURE TABLE

STRUCTURE #	DESCRIPTION	PEAKTOP ELEVATION	STRUCTURE #	DESCRIPTION	PEAKTOP ELEVATION
1	HANGAR	3915.77'	11	FUEL TANK	3910.62'
2	HANGAR	3923.87'	12	LIGHT POLE	3910.60'
3	HANGAR	3921.89'	13	WIND CONE (EXISTING)	3916.30'
4	HANGAR	3907.30'	14	WIND CONE (FUTURE)	3910'
5	HANGAR	3911.88'			
6	HANGAR	N/A			
7	HANGAR	3907.83'			
8	BEACON	3904.47'			
9	HANGAR	3908.56'			
10	HANGAR	3911.00'			

OBSTRUCTIONS:
 WIND CONE (11) PENETRATES 10' INTO THE 7:1 ULTIMATE CONE IN THE FUTURE AND IS TO BE RELOCATED.
 WIND CONE (12) NEW CONSTRUCTION SINCE AIP DEVELOPMENT. NO ELEVATION DATA.



PROJECT TITLE: TOWNSEND AIRPORT
 SHEET TITLE: TERMINAL AREA
 SHEET NO: 3 OF 11

Application for Federal Assistance SF-424

*1. Type of Submission:

- Preapplication
 Application
 Changed/Corrected Application

*2. Type of Application

- New
 Continuation
 Revision

* If Revision, select appropriate letter(s):

* Other (Specify)

*3. Date Received:

4. Applicant Identifier:

5a. Federal Entity Identifier:

A.I.P. 3-30-0078-017-2024

*5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*a. Legal Name: Broadwater County, Montana

*b. Employer/Taxpayer Identification Number (EIN/TIN):
81-6001337

*c. UEI:
ENMTASEFELN8

d. Address:

*Street 1: 515 Broadway Street

Street 2:

*City: Townsend

County/Parish: Broadwater

*State: MT

*Province:

*Country: USA: United States

*Zip / Postal Code 59644-2397

e. Organizational Unit:

Department Name:

Broadwater County Commission

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Mr. *First Name: Darrel

Middle Name:

*Last Name: Folkvord

Suffix:

Title: Chairman

Organizational Affiliation:

Broadwater County Commission

*Telephone Number: 406-266-9208

Fax Number: (406) 266-9276

*Email: commissioners@co.broadwater.mt.us

Application for Federal Assistance SF-424

***9. Type of Applicant 1: Select Applicant Type:**

B: County Government

Type of Applicant 2: Select Applicant Type:

Pick an applicant type

Type of Applicant 3: Select Applicant Type:

Pick an applicant type

*Other (Specify)

***10. Name of Federal Agency:**

Federal Aviation Administration

11. Catalog of Federal Domestic Assistance Number:

20.106

CFDA Title:

Airport Improvement Program

***12. Funding Opportunity Number:**

N/A

*Title:

N/A

13. Competition Identification Number:

N/A

Title:

N/A

14. Areas Affected by Project (Cities, Counties, States, etc.):

Areas Affected by Project.pdf

***15. Descriptive Title of Applicant's Project:**

- a. Reconstruct Runway 17-35, Taxiways/Taxilanes , and Apron
- b. Construct - Taxilane, Taxiway, and Apron Expansion
- c. Construct Drainage Improvements
- d. Complete Electrical Improvements – Rehab/Replace MIRL, MITL, PAPIs, Guidance Signs, Electrical Enclosure / Equipment, Wind Cone, Supplemental Wind Cone, Segmented Circle, Beacon

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424

16. Congressional Districts Of:

*a. Applicant: MT-001

*b. Program/Project: MT-001

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:

*a. Start Date: 01/01/2024

*b. End Date: 12/31/2025

18. Estimated Funding (\$):

*a. Federal	\$ 5,553,000
*b. Applicant	\$ 617,000
*c. State	\$ 0
*d. Local	\$ 0
*e. Other	\$ 0
*f. Program Income	\$ 0
*g. TOTAL	\$ 6,170,000

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on _____.
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E.O. 12372.

***20. Is the Applicant Delinquent On Any Federal Debt?**

Yes No

If "Yes", explain:

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: Mr. *First Name: Darrel
Middle Name: _____
*Last Name: Folkvord
Suffix: _____

*Title: Chairman, Broadwater County Commission

*Telephone Number: 406-266-9208

Fax Number: 406-266-9276

* Email: commissioners@co.broadwater.mt.us

*Signature of Authorized Representative:

*Date Signed:

Application for Federal Assistance (Development and Equipment Projects)

PART II – PROJECT APPROVAL INFORMATION

Part II - SECTION A	
The term "Sponsor" refers to the applicant name provided in box 8 of the associated SF-424 form.	
Item 1. Does Sponsor maintain an active registration in the System for Award Management (www.SAM.gov)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Item 2. Can Sponsor commence the work identified in the application in the fiscal year the grant is made or within six months after the grant is made, whichever is later?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Item 3. Are there any foreseeable events that would delay completion of the project? If yes, provide attachment to this form that lists the events.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Item 4. Will the project(s) covered by this request have impacts or effects on the environment that require mitigating measures? If yes, attach a summary listing of mitigating measures to this application and identify the name and date of the environmental document(s).	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Item 5. Is the project covered by this request included in an approved Passenger Facility Charge (PFC) application or other Federal assistance program? If yes, please identify other funding sources by checking all applicable boxes.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
<input type="checkbox"/> The project is included in an <i>approved</i> PFC application. If included in an approved PFC application, does the application <i>only</i> address AIP matching share? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> The project is included in another Federal Assistance program. Its CFDA number is below.	
Item 6. Will the requested Federal assistance include Sponsor indirect costs as described in 2 CFR Appendix VII to Part 200, States and Local Government and Indian Tribe Indirect Cost Proposals?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
If the request for Federal assistance includes a claim for allowable indirect costs, select the applicable indirect cost rate the Sponsor proposes to apply:	
<input type="checkbox"/> De Minimis rate of 10% as permitted by 2 CFR § 200.414.	
<input type="checkbox"/> Negotiated Rate equal to	% as approved by (the Cognizant Agency)
on	(Date) (2 CFR part 200, appendix VII).
<i>Note: Refer to the instructions for limitations of application associated with claiming Sponsor indirect costs.</i>	

PART II - SECTION B

Certification Regarding Lobbying

The declarations made on this page are under the signature of the authorized representative as identified in box 21 of form SF-424, to which this form is attached. The term "Sponsor" refers to the applicant name provided in box 8 of the associated SF-424 form.

The Authorized Representative certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Sponsor, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Authorized Representative shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The Authorized Representative shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

PART II – SECTION C

The Sponsor hereby represents and certifies as follows:

1. Compatible Land Use – The Sponsor has taken the following actions to assure compatible usage of land adjacent to or in the vicinity of the airport:

There is currently City and County zoning in effect that protects lands and airspace surrounding the Townsend Airport. Airport Zoning Regulations were adopted by the City under Resolution 2004-3-16A and County under 2004-6 and 2004-9.

2. Defaults – The Sponsor is not in default on any obligation to the United States or any agency of the United States Government relative to the development, operation, or maintenance of any airport, except as stated herewith:

None

3. Possible Disabilities – There are no facts or circumstances (including the existence of effective or proposed leases, use agreements or other legal instruments affecting use of the Airport or the existence of pending litigation or other legal proceedings) which in reasonable probability might make it impossible for the Sponsor to carry out and complete the Project or carry out the provisions of the Grant Assurances, either by limiting its legal or financial ability or otherwise, except as follows:

None

4. Consistency with Local Plans – The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

Confirmed. The project is consistent with development plans for Broadwater County.

5. Consideration of Local Interest – It has given fair consideration to the interest of communities in or near where the project may be located.

Confirmed. Sponsor has given fair consideration.

6. Consultation with Users – In making a decision to undertake an airport development project under Title 49, United States Code, it has consulted with airport users that will potentially be affected by the project (§ 47105(a)(2)).

Confirmed. Sponsor has notified any affected parties.

7. Public Hearings – In projects involving the location of an airport, an airport runway or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

Not applicable.

8. Air and Water Quality Standards – In projects involving airport location, a major runway extension, or runway location it will provide for the Governor of the state in which the project is located to certify in writing to the Secretary that the project will be located, designed, constructed, and operated so as to comply with applicable air and water quality standards. In any case where such standards have not been approved and where applicable air and water quality standards have been promulgated by the Administrator of the Environmental Protection Agency, certification shall be obtained from such Administrator. Notice of certification or refusal to certify shall be provided within sixty days after the project application has been received by the Secretary.

Not applicable.

PART II – SECTION C (Continued)

9. Exclusive Rights – There is no grant of an exclusive right for the conduct of any aeronautical activity at any airport owned or controlled by the Sponsor except as follows:

None.

10. Land – (a) The sponsor holds the following property interest in the following areas of land, which are to be developed or used as part of or in connection with the Airport subject to the following exceptions, encumbrances, and adverse interests, all of which areas are identified on the aforementioned property map designated as Exhibit "A". [1]

Airport Layout Plan "Exhibit A" is attached.

The Sponsor further certifies that the above is based on a title examination by a qualified attorney or title company and that such attorney or title company has determined that the Sponsor holds the above property interests.

(b) The Sponsor will acquire within a reasonable time, but in any event prior to the start of any construction work under the Project, the following property interest in the following areas of land on which such construction work is to be performed, all of which areas are identified on the aforementioned property map designated as Exhibit "A". [1]

Not applicable.

(c) The Sponsor will acquire within a reasonable time, and if feasible prior to the completion of all construction work under the Project, the following property interest in the following areas of land which are to be developed or used as part of or in connection with the Airport as it will be upon completion of the Project, all of which areas are identified on the aforementioned property map designated as Exhibit "A". [1]

Not applicable.

¹ State the character of property interest in each area and list and identify for each all exceptions, encumbrances, and adverse interests of every kind and nature, including liens, easements, leases, etc. The separate areas of land need only be identified here by the area numbers shown on the property map.

PART III – BUDGET INFORMATION – CONSTRUCTION

SECTION A – GENERAL	
1. Assistance Listing Number:	20-106
2. Functional or Other Breakout:	

SECTION B – CALCULATION OF FEDERAL GRANT			
Cost Classification	Latest Approved Amount (Use only for revisions)	Adjustment + or (-) Amount (Use only for revisions)	Total Amount Required
1. Administration expense			\$ 12,390
2. Preliminary expense			
3. Land, structures, right-of-way			
4. Architectural engineering basic fees			618,000
5. Other Architectural engineering fees			
6. Project inspection fees			
7. Land development			
8. Relocation Expenses			
9. Relocation payments to Individuals and Businesses			
10. Demolition and removal			
11. Construction and project improvement			5,539,610
12. Equipment			
13. Miscellaneous			
14. Subtotal (Lines 1 through 13)			
15. Estimated Income (if applicable)			
16. Net Project Amount (Line 14 minus 15)			
17. Less: Ineligible Exclusions (Section C, line 23 g.)			
18. Subtotal (Lines 16 through 17)			
19. Federal Share requested of Line 18			5,553,000
20. Grantee share			618,000
21. Other shares			
22. TOTAL PROJECT (Lines 19, 20 & 21)			\$ 6,170,000

SECTION C – EXCLUSIONS	
23. Classification (Description of non-participating work)	Amount Ineligible for Participation
a.	
b.	
c.	
d.	
e.	
f.	
g. Total	

SECTION D – PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE	
24. Grantee Share – Fund Categories	Amount
a. Securities	
b. Mortgages	
c. Appropriations (by Applicant)	
d. Bonds	
e. Tax Levies	617,000
f. Non-Cash	
g. Other (Explain):	
h. TOTAL - Grantee share	\$ 617,000
25. Other Shares	Amount
a. State	
b. Other	
c. TOTAL - Other Shares	
26. TOTAL NON-FEDERAL FINANCING	

SECTION E – REMARKS (Attach sheets if additional space is required)
<p>The following items are attached:</p> <ol style="list-style-type: none"> 1. Airport Sponsor Assurances (05/2022) 2. Current FAA Advisory Circulars Required for Use in AIP Funded and PFC Approved Projects (11/17/2022) 3. Contract Documents, Specifications, & Construction Plans, AIP 3-30-0078-017-2024, incorporated by reference 4. Engineer's Design Report, AIP 3-30-0078-017-2024 incorporated by reference 5. "Exhibit A" Property Map 6. Project Cost Estimate / Breakdown

PART IV – PROGRAM NARRATIVE
(Suggested Format)

PROJECT: 3-30-0078-017-2024
AIRPORT: Townsend Airport (8U8)
1. Objective: <ul style="list-style-type: none">a. Rehab / Reconstruct Runway 17-35, Taxiways/Taxilanes , Apron - Phase II Final Design and Constructionb. Construct - Taxilane, Taxiway, Apron Expansion - Phase II Final Design and Constructionc. Construct Drainage Improvements - Phase II Final Design and Constructiond. Complete Electrical Improvements – Rehab/Replace MIRL, MITL, PAPIs, Guidance Signs, Electrical Enclosure / Equipment, Wind Cone, Segmented Circle, Beacone. Minor fencing improvements impacted by other bid Items (wind cone & segmented circle, and taxilane const.
2. Benefits Anticipated: <p>Complete major construction improvements in accordance with the current Airport Layout Plan. Existing pavements last received a major rehabilitation (overlay) effort in 2002 (22 years ago), and are in need of a major rehabilitation effort. The electrical system was also installed over 28 years ago. The direct bury lighting system (and all associated components) are past their respective useful life and are in need of replacement. Construct Taxilane/Taxiway/Apron pavements for future hangar and airport growth/development.</p>
3. Approach: (See approved Scope of Work in Final Application) <p>Phase II Final Design and Construction: Complete design, bid and award of construction contract, provide construction oversight, administrative duties, and final reporting. Work to be specified with an September-October 2025 substantial completion deadline, providing for the majority of the work to be completed in either calendar year 2024 or 2025. Runway work will include ALP update and AGIS (safety critical data survey / instrument procedure development) submission. The as-built survey data will be submitted through ADIP (Airport Data and Information Portal).</p>
4. Geographic Location: <p>The Townsend Airport is located approximately 2 miles east of the City of Townsend, Montana, in Broadwater County, north of highway 12. The airport property lies within Sections 21, 28, and 33 of Township 7 North, Range 2 East.</p>
5. If Applicable, Provide Additional Information:
6. Sponsor's Representative: (include address & telephone number) <p>Darrel Folkvord, Chairman, Broadwater County Commission 515 Broadway Street, Townsend MT 59644-2397 406-266-9208; commissioners@co.broadwater.mt.us</p>



**FAA
Airports**

Current FAA Advisory Circulars Required for Use in AIP Funded, BIL Funded, and PFC Approved Projects

Updated: 11/17/2022

View current and previous versions of these ACs and any associated changes at:
http://www.faa.gov/airports/resources/advisory_circulars and
http://www.faa.gov/regulations_policies/advisory_circulars/.¹

NUMBER	TITLE
70/7460-1M	Obstruction Marking and Lighting
150/5000-9B	Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations
150/5000-17	Critical Aircraft and Regular Use Determination
150/5020-1	Noise Control and Compatibility Planning for Airports
150/5070-6B, Changes 1 - 2	Airport Master Plans
150/5070-7 Change 1	The Airport System Planning Process
150/5100-13C	Development of State Aviation Standards for Airport Pavement Construction
150/5200-28G	Notices to Airmen (NOTAMs) for Airport Operators
150/5200-30D, Changes 1 - 2	Airport Field Condition Assessments and Winter Operations Safety
150/5200-31C, Changes 1 - 2	Airport Emergency Plan
150/5200-33C	Hazardous Wildlife Attractants on or near Airports

¹ All grant recipients are responsible for reviewing errata sheets and addendums pertaining to these Advisory Circulars.

NUMBER	TITLE
150/5200-34A	Construction or Establishment of Landfills Near Public Airports
150/5200-38	Protocol for the Conduct and Review of Wildlife Hazard Site Visits, Wildlife Hazard Assessments, and Wildlife Hazard Management Plans
150/5210-5D	Painting, Marking, and Lighting of Vehicles Used on an Airport
150/5210-7D	Aircraft Rescue and Fire Fighting Communications
150/5210-13C	Airport Water Rescue Plans and Equipment
150/5210-14B	Aircraft Rescue Fire Fighting Equipment, Tools and Clothing
150/5210-15A	Aircraft Rescue and Firefighting Station Building Design
150/5210-18A	Systems for Interactive Training of Airport Personnel
150/5210-19A	Driver's Enhanced Vision System (DEVs)
150/5220-10E	Guide Specification for Aircraft Rescue and Fire Fighting (ARFF) Vehicles
150/5220-16E, Change 1	Automated Weather Observing Systems (AWOS) for Non-Federal Applications
150/5220-17B	Aircraft Rescue and Fire Fighting (ARFF) Training Facilities
150/5220-18A	Buildings for Storage and Maintenance of Airport Snow and Ice Control Equipment and Materials
150/5220-20A	Airport Snow and Ice Control Equipment
150/5220-21C	Aircraft Boarding Equipment
150/5220-22B	Engineered Materials Arresting Systems (EMAS) for Aircraft Overruns
150/5220-23A	Frangible Connections
150/5220-24	Airport Foreign Object Debris (FOD) Detection Equipment
150/5220-25	Airport Avian Radar Systems
150/5220-26, Changes 1 - 2	Airport Ground Vehicle Automatic Dependent Surveillance - Broadcast (ADS-B) Out Squitter Equipment
150/5230-4C	Aircraft Fuel Storage, Handling, Training, and Dispensing on Airports
150/5300-13B	Airport Design
150/5300-14D	Design of Aircraft Deicing Facilities
150/5300-15A	Use of Value Engineering for Engineering and Design of Airport Grant Projects

NUMBER	TITLE
150/5300-16B	General Guidance and Specifications for Aeronautical Surveys: Establishment of Geodetic Control and Submission to the National Geodetic Survey
150/5300-17C, Change 1	Standards for Using Remote Sensing Technologies in Airport Surveys
150/5300-18B, Change 1	General Guidance and Specifications for Submission of Aeronautical Surveys to NGS: Field Data Collection and Geographic Information System (GIS) Standards
150/5300-19	Airport Data and Information Program
150/5320-5D	Airport Drainage Design
150/5320-6G	Airport Pavement Design and Evaluation
150/5320-12C, Changes 1 - 8	Measurement, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces
150/5320-15A	Management of Airport Industrial Waste
150/5320-17A	Airfield Pavement Surface Evaluation and Rating Manuals
150/5325-4B	Runway Length Requirements for Airport Design
150/5335-5D	Standardized Method of Reporting Airport Pavement Strength - PCR
150/5340-1M, Change 1	Standards for Airport Markings
150/5340-5D	Segmented Circle Airport Marker System
150/5340-18G, Change 1	Standards for Airport Sign Systems
150/5340-26C	Maintenance of Airport Visual Aid Facilities
150/5340-30J	Design and Installation Details for Airport Visual Aids
150/5345-3G	Specification for L-821, Panels for the Control of Airport Lighting
150/5345-5B	Specifications for Airport Lighting Circuit Selector Switch
150/5345-7F	Specification for L-824 Underground Electrical Cable for Airport Lighting Circuits
150/5345-10H	Specification for Constant Current Regulators and Regulator Monitors
150/5345-12F	Specification for Airport and Heliport Beacons

NUMBER	TITLE
150/5345-13B	Specification for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits
150/5345-26E	FAA Specification For L-823 Plug and Receptacle, Cable Connectors
150/5345-27F	FAA Specification for Wind Cone Assemblies
150/5345-28H	Precision Approach Path Indicator (PAPI) Systems
150/5345-39E	Specification for L-853, Runway and Taxiway Retroreflective Markers
150/5345-42J	Specification for Airport Light Bases, Transformer Housings, Junction Boxes, and Accessories
150/5345-43J	Specification for Obstruction Lighting Equipment
150/5345-44K	Specification for Runway and Taxiway Signs
150/5345-45C	Low-Impact Resistant (LIR) Structures
150/5345-46E	Specification for Runway and Taxiway Light Fixtures
150/5345-47C	Specification for Series to Series Isolation Transformers for Airport Lighting Systems
150/5345-49D	Specification L-854, Radio Control Equipment
150/5345-50B	Specification for Portable Runway and Taxiway Lights
150/5345-51B	Specification for Discharge-Type Flashing Light Equipment
150/5345-52A	Generic Visual Glideslope Indicators (GVGI)
150/5345-53D	Airport Lighting Equipment Certification Program
150/5345-54B	Specification for L-884, Power and Control Unit for Land and Hold Short Lighting Systems
150/5345-55A	Specification for L-893, Lighted Visual Aid to Indicate Temporary Runway Closure
150/5345-56B	Specification for L-890 Airport Lighting Control and Monitoring System (ALCMS)
150/5360-12F	Airport Signing and Graphics
150/5360-13A	Airport Terminal Planning
150/5360-14A	Access to Airports By Individuals With Disabilities
150/5370-2G	Operational Safety on Airports During Construction

NUMBER	TITLE
150/5370-10H	Standard Specifications for Construction of Airports
150/5370-11B	Use of Nondestructive Testing in the Evaluation of Airport Pavements
150/5370-13A	Off-Peak Construction of Airport Pavements Using Hot-Mix Asphalt
150/5370-15B	Airside Applications for Artificial Turf
150/5370-16	Rapid Construction of Rigid (Portland Cement Concrete) Airfield Pavements
150/5370-17	Airside Use of Heated Pavement Systems
150/5380-6C	Guidelines and Procedures for Maintenance of Airport Pavements
150/5380-7B	Airport Pavement Management Program
150/5380-9	Guidelines and Procedures for Measuring Airfield Pavement Roughness
150/5390-2C	Heliport Design
150/5395-1B	Seaplane Bases

THE FOLLOWING ADDITIONAL ADVISORY CIRCULARS APPLY TO AIP AND BIL PROJECTS ONLY

NUMBER	TITLE
150/5100-14E, Change 1	Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects
150/5100-17, Changes 1 - 7	Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects
150/5100-21	State Block Grant Program
150/5370-12B	Quality Management for Federally Funded Airport Construction Projects



**FAA
Airports**

ASSURANCES

AIRPORT SPONSORS

A. General.

1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
3. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this Grant Agreement.

B. Duration and Applicability.

1. Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.

The terms, conditions and assurances of this Grant Agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

2. Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.

The preceding paragraph (1) also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

3. Airport Planning Undertaken by a Sponsor.

Unless otherwise specified in this Grant Agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 23, 25, 30, 32, 33, 34, and 37 in Section C apply to planning projects. The terms, conditions, and

assurances of this Grant Agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport.

C. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this grant that:

1. General Federal Requirements

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance, and use of Federal funds for this Grant including but not limited to the following:

FEDERAL LEGISLATION

- a. 49 U.S.C. subtitle VII, as amended.
- b. Davis-Bacon Act, as amended — 40 U.S.C. §§ 3141-3144, 3146, and 3147, et seq.¹
- c. Federal Fair Labor Standards Act — 29 U.S.C. § 201, et seq.
- d. Hatch Act — 5 U.S.C. § 1501, et seq.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. § 4601, et seq.^{1, 2}
- f. National Historic Preservation Act of 1966 — Section 106 — 54 U.S.C. § 306108.¹
- g. Archeological and Historic Preservation Act of 1974 — 54 U.S.C. § 312501, et seq.¹
- h. Native Americans Grave Repatriation Act — 25 U.S.C. § 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended — 42 U.S.C. § 7401, et seq.
- j. Coastal Zone Management Act, P.L. 92-583, as amended — 16 U.S.C. § 1451, et seq.
- k. Flood Disaster Protection Act of 1973 — Section 102(a) - 42 U.S.C. § 4012a.¹
- l. 49 U.S.C. § 303, (formerly known as Section 4(f)).
- m. Rehabilitation Act of 1973 — 29 U.S.C. § 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin).
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.) (prohibits discrimination on the basis of disability).
- p. Age Discrimination Act of 1975 — 42 U.S.C. § 6101, et seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968, as amended — 42 U.S.C. § 4151, et seq.¹
- s. Powerplant and Industrial Fuel Use Act of 1978 — Section 403 — 42 U.S.C. § 8373.¹
- t. Contract Work Hours and Safety Standards Act — 40 U.S.C. § 3701, et seq.¹
- u. Copeland Anti-kickback Act — 18 U.S.C. § 874.¹

- v. National Environmental Policy Act of 1969 – 42 U.S.C. § 4321, et seq.¹
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended – 16 U.S.C. § 1271, et seq.
- x. Single Audit Act of 1984 – 31 U.S.C. § 7501, et seq.²
- y. Drug-Free Workplace Act of 1988 – 41 U.S.C. §§ 8101 through 8105.
- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (P.L. 109-282, as amended by section 6202 of P.L. 110-252).
- aa. Civil Rights Restoration Act of 1987, P.L. 100-259.
- bb. Build America, Buy America Act, P.L. 117-58, Title IX.

EXECUTIVE ORDERS

- a. Executive Order 11246 – Equal Employment Opportunity¹
- b. Executive Order 11990 – Protection of Wetlands
- c. Executive Order 11998 – Flood Plain Management
- d. Executive Order 12372 – Intergovernmental Review of Federal Programs
- e. Executive Order 12699 – Seismic Safety of Federal and Federally Assisted New Building Construction¹
- f. Executive Order 12898 – Environmental Justice
- g. Executive Order 13166 – Improving Access to Services for Persons with Limited English Proficiency
- h. Executive Order 13985 – Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government
- i. Executive Order 13988 – Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation
- j. Executive Order 14005 – Ensuring the Future is Made in all of America by All of America’s Workers
- k. Executive Order 14008 – Tackling the Climate Crisis at Home and Abroad

FEDERAL REGULATIONS

- a. 2 CFR Part 180 – OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. ^{4,5}
- c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment.
- d. 14 CFR Part 13 – Investigative and Enforcement Procedures.
- e. 14 CFR Part 16 – Rules of Practice for Federally-Assisted Airport Enforcement Proceedings.
- f. 14 CFR Part 150 – Airport Noise Compatibility Planning.

- g. 28 CFR Part 35 – Nondiscrimination on the Basis of Disability in State and Local Government Services.
- h. 28 CFR § 50.3 – U.S. Department of Justice Guidelines for the Enforcement of Title VI of the Civil Rights Act of 1964.
- i. 29 CFR Part 1 – Procedures for Predetermination of Wage Rates.¹
- j. 29 CFR Part 3 – Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States.¹
- k. 29 CFR Part 5 – Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act).¹
- l. 41 CFR Part 60 – Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and Federally-assisted contracting requirements).¹
- m. 49 CFR Part 20 – New Restrictions on Lobbying.
- n. 49 CFR Part 21 – Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964.
- o. 49 CFR Part 23 – Participation by Disadvantage Business Enterprise in Airport Concessions.
- p. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs.^{1, 2}
- q. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.
- r. 49 CFR Part 27 – Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance.¹
- s. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation.
- t. 49 CFR Part 30 – Denial of Public Works Contracts to Suppliers of Goods and Services of Countries That Deny Procurement Market Access to U.S. Contractors.
- u. 49 CFR Part 32 – Governmentwide Requirements for Drug-Free Workplace (Financial Assistance).
- v. 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA).
- w. 49 CFR Part 38 – Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles.
- x. 49 CFR Part 41 – Seismic Safety.

FOOTNOTES TO ASSURANCE (C)(1)

¹ These laws do not apply to airport planning sponsors.

² These laws do not apply to private sponsors.

³ 2 CFR Part 200 contains requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation shall

apply where applicable to private sponsors receiving Federal assistance under Title 49, United States Code.

- ⁴ Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.
- ⁵ Audit requirements established in 2 CFR part 200 subpart F are the guidelines for audits.

SPECIFIC ASSURANCES

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this Grant Agreement.

2. Responsibility and Authority of the Sponsor.

a. Public Agency Sponsor:

It has legal authority to apply for this Grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

b. Private Sponsor:

It has legal authority to apply for this Grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this Grant Agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Sponsor Fund Availability.

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this Grant Agreement which it will own or control.

4. Good Title.

- a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.
- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this Grant Agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere

with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.

- b. Subject to the FAA Act of 2018, Public Law 115-254, Section 163, it will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this Grant Agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this Grant Agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this Grant Agreement.
- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.
- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to ensure that the airport will be operated and maintained in accordance with Title 49, United States Code, the regulations and the terms, conditions and assurances in this Grant Agreement and shall ensure that such arrangement also requires compliance therewith.
- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.

6. Consistency with Local Plans.

The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

7. Consideration of Local Interest.

It has given fair consideration to the interest of communities in or near where the project may be located.

8. Consultation with Users.

In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

9. Public Hearings.

In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

10. Metropolitan Planning Organization.

In projects involving the location of an airport, an airport runway, or a major runway extension at a medium or large hub airport, the sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.

11. Pavement Preventive Maintenance-Management.

With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. Terminal Development Prerequisites.

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under 49 U.S.C. § 44706, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

13. Accounting System, Audit, and Record Keeping Requirements.

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this Grant, the total cost of the project in connection with which this Grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The

accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.

- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this Grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this Grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. Minimum Wage Rates.

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this Grant Agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor under 40 U.S.C. §§ 3141-3144, 3146, and 3147, Public Building, Property, and Works), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. Veteran's Preference.

It shall include in all contracts for work on any project funded under this Grant Agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in 49 U.S.C. § 47112. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. Conformity to Plans and Specifications.

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this Grant Agreement, and, upon approval of the Secretary, shall be incorporated into this Grant Agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this Grant Agreement.

17. Construction Inspection and Approval.

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

18. Planning Projects.

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
- d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

19. Operation and Maintenance.

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state, and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for:
 1. Operating the airport's aeronautical facilities whenever required;
 2. Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
 3. Promptly notifying pilots of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood, or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or

facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.

- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. Hazard Removal and Mitigation.

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

21. Compatible Land Use.

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to:
 - 1. Furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 - 2. Charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
- c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
- d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
- e. Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable

classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.

- f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees (including, but not limited to maintenance, repair, and fueling) that it may choose to perform.
- g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
- h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
- i. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. Exclusive Rights.

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

24. Fee and Rental Structure.

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for

which a Grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. Airport Revenues.

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:
 1. If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.
 2. If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.
 3. Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at 49 U.S.C. § 47102), if the FAA determines the airport sponsor meets the requirements set forth in Section 813 of Public Law 112-95.
- b. As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.
- c. Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of 49 U.S.C. § 47107.

26. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the

public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;

- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this Grant Agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 1. all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 2. all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

27. Use by Government Aircraft.

It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that:

- a. Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied by gross weights of such aircraft) is in excess of five million pounds.

28. Land for Federal Facilities.

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

29. Airport Layout Plan.

- a. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, it will keep up to date at all times an airport layout plan of the airport showing:
 1. boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
 2. the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
 3. the location of all existing and proposed non-aviation areas and of all existing improvements thereon; and
 4. all proposed and existing access points used to taxi aircraft across the airport's property boundary.

Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.

- b. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, if a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary:
 1. eliminate such adverse effect in a manner approved by the Secretary; or
 2. bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

30. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, color, and national origin (including limited English proficiency) in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4); creed and sex (including sexual orientation and gender identity) per 49 U.S.C. § 47123 and related requirements; age per the Age Discrimination Act of 1975 and related requirements; or disability per the Americans with Disabilities Act of 1990 and related requirements, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program and activity conducted with, or benefiting from, funds received from this Grant.

- a. Using the definitions of activity, facility, and program as found and defined in 49 CFR §§ 21.23(b) and 21.23(e), the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by or pursuant to these assurances.
- b. Applicability
 - 1. Programs and Activities. If the sponsor has received a grant (or other federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities.
 - 2. Facilities. Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter, or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.
 - 3. Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.
- c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

 - 1. So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
 - 2. So long as the sponsor retains ownership or possession of the property.
- d. Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this Grant Agreement and in all proposals for agreements, including airport concessions, regardless of funding source:

"The (**[Selection Criteria: Sponsor Name]**), in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders or offerors that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, [select businesses, or disadvantaged business enterprises or airport concession disadvantaged business enterprises] will be afforded full and fair opportunity to submit bids in response to this invitation and no businesses will be discriminated against on the grounds of race, color, national origin (including limited English proficiency), creed, sex (including sexual orientation and gender identity), age, or disability in consideration for an award."
- e. Required Contract Provisions.
 - 1. It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the Department of Transportation (DOT), and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.

2. It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
3. It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
4. It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin (including limited English proficiency), creed, sex (including sexual orientation and gender identity), age, or disability as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:
 - a. For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
- g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

31. Disposal of Land.

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order:
 1. Reinvestment in an approved noise compatibility project;
 2. Reinvestment in an approved project that is eligible for grant funding under 49 U.S.C. § 47117(e);
 3. Reinvestment in an approved airport development project that is eligible for grant funding under 49 U.S.C. §§ 47114, 47115, or 47117;
 4. Transfer to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport; or
 5. Payment to the Secretary for deposit in the Airport and Airway Trust Fund.

If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development

project that would otherwise be eligible for grant funding or any permitted use of airport revenue.

- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order:
 1. Reinvestment in an approved noise compatibility project;
 2. Reinvestment in an approved project that is eligible for grant funding under 49 U.S.C. § 47117(e);
 3. Reinvestment in an approved airport development project that is eligible for grant funding under 49 U.S.C. §§ 47114, 47115, or 47117;
 4. Transfer to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport; or
 5. Payment to the Secretary for deposit in the Airport and Airway Trust Fund.
- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.
- d. Disposition of such land under (a), (b), or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

32. Engineering and Design Services.

If any phase of such project has received Federal funds under Chapter 471 subchapter 1 of Title 49 U.S.C., it will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services in the same manner as a contract for architectural and engineering services is negotiated under Chapter 11 of Title 40 U.S.C., or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

33. Foreign Market Restrictions.

It will not allow funds provided under this Grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by

the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

34. Policies, Standards, and Specifications.

It will carry out any project funded under an Airport Improvement Program Grant in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, current FAA Advisory Circulars (<https://www.faa.gov/airports/aip/media/aip-pfc-checklist.pdf>) for AIP projects as of [Selection Criteria: Project Application Date].

35. Relocation and Real Property Acquisition.

- a. It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.
- b. It will provide a relocation assistance program offering the services described in Subpart C of 49 CFR Part 24 and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24.
- c. It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

36. Access By Intercity Buses.

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

37. Disadvantaged Business Enterprises.

The sponsor shall not discriminate on the basis of race, color, national origin, or sex, in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its Disadvantaged Business Enterprise (DBE) and Airport Concessions Disadvantaged Business Enterprise (ACDBE) programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. § 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. §§ 3801-3809, 3812).

38. Hangar Construction.

If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

39. Competitive Access.

- a. If the airport owner or operator of a medium or large hub airport (as defined in 49 U.S.C. § 47102) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that:
 - 1. Describes the requests;
 - 2. Provides an explanation as to why the requests could not be accommodated; and
 - 3. Provides a time frame within which, if any, the airport will be able to accommodate the requests.
- b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.

STANDARD DOT TITLE VI ASSURANCES

Broadwater County, Montana (hereinafter referred to as the Sponsor) hereby agrees that as a condition to receiving Federal financial assistance from the Department of Transportation (DOT), it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*) and all requirements imposed by 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation -- Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. Without limiting the above general assurance, the Sponsor agrees concerning this grant that:

1. Each "program" and "facility" (as defined in Section 21.23(a) and 21.23(b)) will be conducted or operated in compliance with all requirements of the Regulations.
2. It will insert the clauses of Attachment 1 of this assurance in every contract subject to the Act and the Regulations.
3. Where Federal financial assistance is received to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
4. Where Federal financial assistance is in the form or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
5. It will include the appropriate clauses set forth in Attachment 2 of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Sponsor with other parties:
 - (a) for the subsequent transfer of real property acquired or improved with Federal financial assistance under this project; and
 - (b) for the construction or use of or access to space on, over, or under real property acquired or improved with Federal financial assistance under this Project.
6. This assurance obligates the Sponsor for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Sponsor or any transferee for the longer of the following periods:
 - (a) the period during which the property is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - (b) the period during which the Sponsor retains ownership or possession of the property.
7. It will provide for such methods of administration for the program as are found by the Secretary of transportation of the official to whom he delegates specific authority to give reasonable guarantees that it, other sponsors, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the act, the Regulations, and this assurance.

STANDARD DOT TITLE VI ASSURANCES *(Continued)*

8. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining Federal financial assistance for this Project and is binding on its contractors, the Sponsor, subcontractors, transferees, successors in interest and other participants in the Project. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Sponsor.

DATED _____

Broadwater County
(Sponsor)

Darrel Folkvord, Chairman,

CONTRACTOR CONTRACTUAL REQUIREMENTS

ATTACHMENT 1

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations. The contractor shall comply with the regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination. The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment. In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or lease of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. Information and Reports. The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Sponsor or the Federal Aviation Administration (FAA) to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a contract is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the sponsor or the FAA, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance. In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the sponsor shall impose such contract sanctions as it or the FAA may determine to be appropriate, including, but not limited to:
 - a. Withholding of payments to the contractor under the contract until the contractor complies, and/or
 - b. Cancellation, termination, or suspension of the contract, in whole or in part.
6. Incorporation of Provisions. The contractor shall include the provisions of paragraphs 1 through 5 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the sponsor or the FAA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Sponsor to enter into such litigation to protect the interests of the sponsor and, in addition, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

CLAUSES FOR DEEDS, LICENSES, LEASES, PERMITS OR SIMILAR INSTRUMENTS

ATTACHMENT 2

The following clauses shall be included in deeds, licenses, leases, permits, or similar instruments entered into by the Sponsor pursuant to the provisions of Assurances 5(a) and 5(b).

1. The (grantee, licensee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a DOT program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said Regulations may be amended.
2. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that: (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said Regulations may be amended.

REQUIRED STATEMENTS
AIRPORT IMPROVEMENT PROGRAM PROJECTS

AIRPORT: Townsend Airport (8U8)

LOCATION: Townsend, Montana

AIP PROJECT NO.: 3-30-0078-017-2024

STATEMENTS APPLICABLE TO THIS PROJECT

- a. **INTEREST OF NEIGHBORING COMMUNITIES:** In formulating this project, consideration has been given to the interest of communities that are near **Townsend Airport (8U8)**.
- b. **THE DEVELOPMENT PROPOSED IN THIS PROJECT** will not require the use of publicly owned land from a public park, recreation area, wildlife and fowl refuge, or a historical site under Federal, State, or Local jurisdiction.
- c. **FBO COORDINATION:** The airport development proposed in this project has been coordinated with the Fixed Base Operator(s) utilizing **Townsend Airport (8U8)** and they have been informed regarding the scope and nature of this project.
- d. **THE PROPOSED PROJECT IS CONSISTENT** with existing approved plans for the area surrounding the airport.

The above statements have been duly considered and are applicable to this project. (Provide comment for any statement not checked).

BY: _____ DATE: _____

TITLE: Darrel Folkvord, Chairman

SPONSORING AGENCY: Broadwater County Commission

BY: _____ DATE: _____

TITLE: _____

SPONSORING AGENCY: _____

NOTE: Where opposition is stated to an airport development project, whether expressly or by proposed revision, the following specific information concerning the opposition to the project must be furnished.

- a. Identification of the Federal, state, or local governmental agency, or the person or persons opposing the project;
- b. The nature and basis of opposition;
- c. Sponsor's plan to accommodate or otherwise satisfy the opposition;
- d. Whether an opportunity for a hearing was afforded, and if a hearing was held, an analysis of the facts developed at the hearing as they relate to the social, economic, and environmental aspects of the proposed project and its consistency with the goals and objectives of such urban planning as has been carried out by the community.
- e. If the opponents proposed any alternatives, what these alternatives were and the reason for nonacceptance;
- f. Sponsor's plans, if any, to minimize any adverse effects of the project;
- g. Benefits to be gained by the proposed development; and
- h. Any other pertinent information which would be of assistance in determining whether to proceed with the project.

**CERTIFICATION FOR CONTRACTS, GRANTS, LOANS,
AND COOPERATIVE AGREEMENTS**

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal Grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL "Disclosure of Lobby Activities", in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signed
Title

_____ Date _____
Darrel Folkvord, Chairman, Broadwater County

Areas Affected by Project (Cities, Counties, State, etc.)

City: Townsend

County: Broadwater County

State: Montana

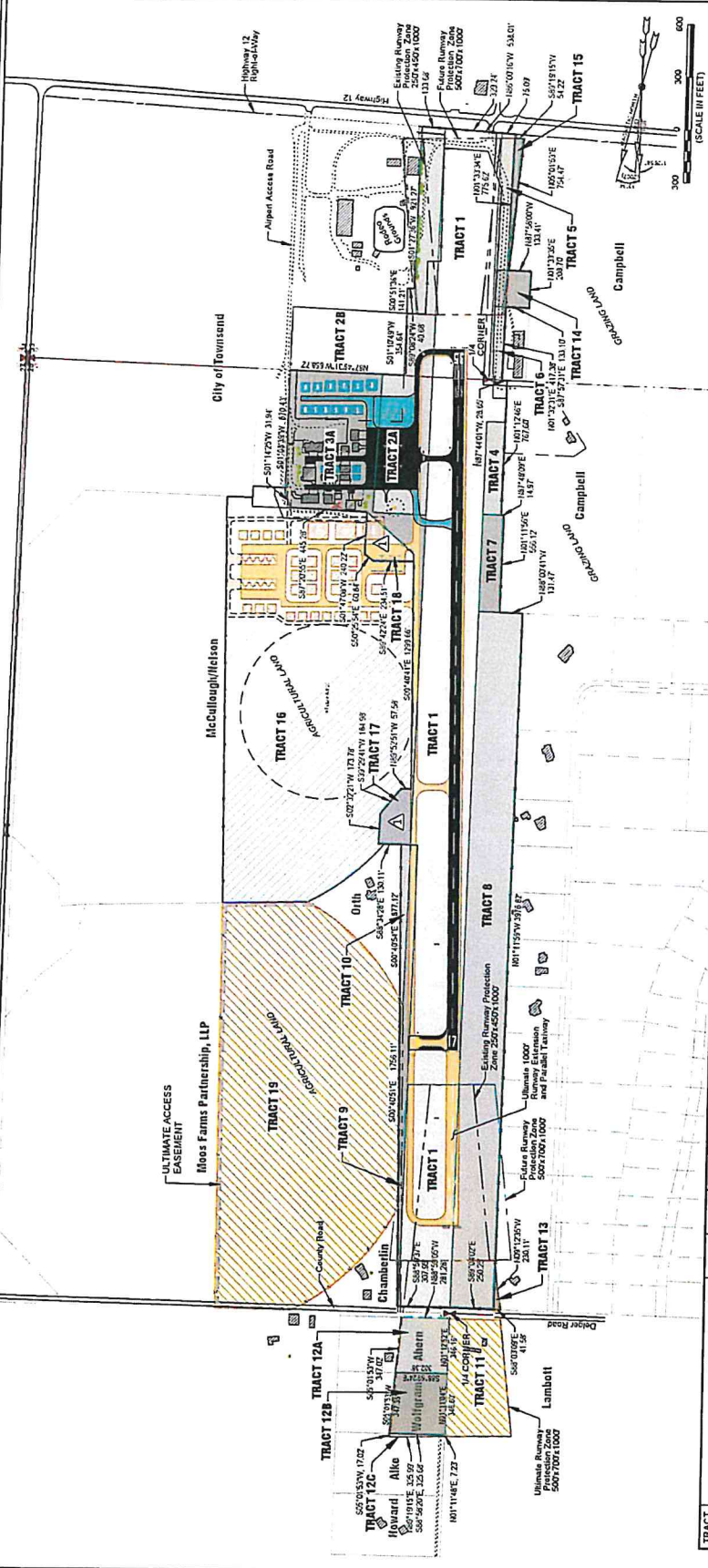


DATE	BY	REVISION
2023 JUL 20	DF	2023 LAND ACQUISITION
2023 APR 11	MW	2023
2023 FEB 10	DF	2023
2023 JAN 10	DF	2023
2023 DEC 10	DF	2023
2023 NOV 10	DF	2023
2023 OCT 10	DF	2023
2023 SEP 10	DF	2023
2023 AUG 10	DF	2023
2023 JUL 10	DF	2023
2023 JUN 10	DF	2023
2023 MAY 10	DF	2023
2023 APR 10	DF	2023
2023 MAR 10	DF	2023
2023 FEB 10	DF	2023
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2023 AUG 10	DF	2023
2023 JUL 10	DF	2023
2023 JUN 10	DF	2023
2023 MAY 10	DF	2023
2023 APR 10	DF	2023
2023 MAR 10	DF	2023
2023 FEB 10	DF	2023
2023 JAN 10	DF	2023

TOWNSEND AIRPORT
Broadwater County, Montana

PROJECT TITLE
EXHIBIT "A"
AIRPORT
PROPERTY MAP
SHEET 11
11 OF 11



SYMBOL	DESCRIPTION
[Symbol]	Apical Property Line
[Symbol]	Future Airport Property Line
[Symbol]	Ultimate Airport Property Line
[Symbol]	Parcel Boundary
[Symbol]	Runway Protection Zone
[Symbol]	Future Airport Property Line
[Symbol]	Ultimate Airport Property Line
[Symbol]	Existing Building
[Symbol]	Section Corner
[Symbol]	Whit Cone and Spigotted Circle

- NOTES:
- AREAS ARE FROM A COMBINATION OF SURVEY AND AERIAL PHOTOGRAPHS. ACTUAL BOUNDARIES FROM A LEGAL LAND SURVEY SHOULD BE USED WHERE AVAILABLE.
 - TRACTS 1, 2A, 4, 5, 6, 7, 8, 9, 10, AND 11 WERE LATERED FROM A LEGAL LAND SURVEY BY BROADWATER COUNTY IN 2023.
 - MOOS FARMS PARTNERSHIP, LLP

TRACT NO.	DESCRIPTION	ACRES	BOOK	PAGE	YEAR RECORDED	PARTICIPATING F.A.A. PROJECT NO.
12A	AVIATION EASEMENT - BROADWATER COUNTY FROM MIKE COLE	2.311	101	1	January 17, 2007	A.I.P. 3-30-0071-006-2008
12B	AVIATION EASEMENT - BROADWATER COUNTY FROM THOMAS J. AULE SMITH	2.484	112	98	March 4, 2008	A.I.P. 3-30-0071-006-2008
12C	FEE SIMPLE TITLE - BROADWATER COUNTY FROM VALLEY VIEW E&M, LLC	0.091	112	98	March 4, 2008	A.I.P. 3-30-0071-006-2008
13	201 AVIATION EASEMENT FROM CAZER	0.11	23	460	June 1992	A.I.P. 3-30-0071-02
14	FEE SIMPLE TITLE - CITY OF TOWNSEND AND BROADWATER COUNTY FROM CAMPBELL	1.00	23	506	June 1992	A.I.P. 3-30-0071-02
15	AVIATION EASEMENT - BROADWATER COUNTY FROM JOHN FOSTON	0.540	112	94	March 4, 2008	A.I.P. 3-30-0071-006-2008
16	FUTURE ACQUISITION - EXPANSION OF PROTECTION FROM MCCULLOUGH AND J. NELSON	50.60	-	-	-	-
17	WARRANTY DEED - CITY-COUNTY AIRPORT FROM STEVE MCCULLOUGH	1.18	252	255	June 20, 2023	A.I.P. 3-30-0071-016-2023
18	WARRANTY DEED - CITY-COUNTY AIRPORT FROM STEVE MCCULLOUGH	1.18	252	255	June 20, 2023	A.I.P. 3-30-0071-016-2023
19	ULTIMATE ACQUISITION - EXPANSION OF PROTECTION FROM MOOS FARMS PARTNERSHIP, LLP	49.89	-	-	-	-

TRACT NO.	DESCRIPTION	ACRES	BOOK	PAGE	YEAR RECORDED	PARTICIPATING F.A.A. PROJECT NO.
1	FEE SIMPLE TITLE - CITY OF TOWNSEND AND BROADWATER COUNTY	50.02	59	139	1976	-
2A	FEE SIMPLE TITLE - CITY OF TOWNSEND AND BROADWATER COUNTY	10.2 ±	59	141	1976	-
2B	FEE SIMPLE TITLE - CITY OF TOWNSEND AND BROADWATER COUNTY, LEASED TO PARAGROUNDS	5.4 ±	59	141	1976	-
3A	FEE SIMPLE TITLE - CITY OF TOWNSEND	14.5 ±	31	226	1930	-
4	FEE SIMPLE TITLE - CITY OF TOWNSEND AND BROADWATER COUNTY FROM CAMPBELL	1.26	10	900	1987	-
5	FEE SIMPLE TITLE - CITY OF TOWNSEND AND BROADWATER COUNTY FROM CAMPBELL	1.34	23	459	June 1992	A.I.P. 3-30-0071-02
6	FEE SIMPLE TITLE - CITY OF TOWNSEND AND BROADWATER COUNTY FROM DAVIS	0.72	24	353	SqL 1992	A.I.P. 3-30-0071-02
7	FEE SIMPLE TITLE - CITY OF TOWNSEND AND BROADWATER COUNTY FROM CAMPBELL	1.52	24	639	O.L. 1992	A.I.P. 3-30-0071-02
8	FEE SIMPLE TITLE - CITY OF TOWNSEND AND BROADWATER COUNTY FROM CAZER	21.85	23	478	June 1992	A.I.P. 3-30-0071-02
9	FEE SIMPLE TITLE - CITY OF TOWNSEND AND BROADWATER COUNTY FROM MCCULLOUGH	2.34	23	504	June 1992	A.I.P. 3-30-0071-02
10	FEE SIMPLE TITLE - CITY OF TOWNSEND AND BROADWATER COUNTY FROM ORTH	0.77	23	489	June 1992	A.I.P. 3-30-0071-02
11	ULTIMATE ACQUISITION - AIRSPACE PROTECTION FROM J. LEONARD J. PANDEA	5.06	-	-	-	-



Townsend Airport Improvements
Preliminary Cost Estimate - Grant Application
A.I.P. 3-30-0078-017-2024
Revised 01/25/24 by MEB

Robert Peccia & Associates, Inc.
3147 Saddle Drive * Helena * Montana * (406) 447-5000

Item No.	Quantity	Unit	Description	Engineer's Estimate	
				Unit Price (Figures)	Total Price (Figures)
Construction Improvements					
BASE BID: Reconstruct Runway, Apron, Taxiway, and Taxiways; Install MIRL & MITL; Install Guidance Signs; Install Windcone; Rehabilitate Electrical Enclosure & Enclosure Equipment; Install Beacon on Tip-Down					
101	1	LS	Mobilization (Shall not exceed 10% of Subtotal Price)	\$520,286.37	\$520,286.37
102	1	LS	Contractor Quality Control Program (Shall not exceed 5% of Subtotal Price)	\$225,000.00	\$225,000.00
103	44,884	SY	Bituminous Asphalt Milling and Disposal Off-Site	\$3.50	\$157,094.00
104	395	LF	Concrete Culvert (including FETS) Removal and Disposal Off-Site	\$25.00	\$9,875.00
105	36	EA	Remove and Dispose of Tie-Down Anchors	\$350.00	\$12,600.00
106	1	LS	Landscape / Sprinkler Repair	\$2,000.00	\$2,000.00
107	1	LS	Landscape / Sprinkler Repair	\$5,000.00	\$5,000.00
108	2,537	CY	Topsoil Stripping, Stockpiling, Placing	\$18.75	\$47,586.75
109	20,000	CY	Unclassified Excavation and Embankment	\$31.50	\$630,000.00
110	45,931	SY	Subgrade Surface Preparation	\$2.00	\$91,862.00
111	11,245	LF	Pipe Underdrains / Subsurface Edge Drains - 4" HDPE Dual Wall Perforated/Slotted	\$27.50	\$309,237.50
112	23	EA	Pipe Underdrain Cleanouts	\$1,500.00	\$34,500.00
113	23	EA	Pipe Underdrain Daylight Outlet	\$1,450.00	\$33,350.00
114	460	LF	Pipe Underdrain Outfalls - 4" SCH 80 PVC	\$35.00	\$16,100.00
115	11,310	SY	Geotextile Separation Fabric, Class I	\$2.70	\$30,537.00
116	16,343	CY	Aggregate Base Course	\$65.00	\$1,062,295.00
117	28.6	TON	Emulsified Asphalt Prime Coat (SS-1 or CSS-1), undiluted	\$1,100.00	\$31,460.00
118	8,337	TON	Asphalt Mixture Surface Course	\$72.00	\$600,264.00
119	525.3	TON	Asphalt Mix Binder (PG 64-28)	\$1,000.00	\$525,300.00
120	36	EA	Tie-Down Anchors	\$1,000.00	\$36,000.00
121	309.8	GAL	Refined Coal Tar Emulsion for Slurry Coat with Aggregate	\$120.00	\$37,176.00
122	12,314	SF	Runway Painting - White, Half-Rate Application, Solid, NO REFLECTIVE MEDIA	\$2.60	\$32,016.40
123	12,314	SF	Runway Painting - White, Full-Rate Application, Solid, Including Reflective Media	\$2.60	\$32,016.40
124	2,998	SF	Taxiway Painting - Yellow, Full-Rate Application, Solid, Including Reflective Media	\$2.60	\$7,794.80
125	1	LS	Electrical Demolition	\$18,000.00	\$18,000.00
126	40	HR	Utility Troubleshooting	\$150.00	\$6,000.00
127	1	LS	Electrical Enclosure / Vault	\$60,000.00	\$60,000.00
128	1	LS	Electrical Enclosure / Vault Equipment	\$50,000.00	\$50,000.00
129	1	EA	L-801A(L) Class 2, LED Rotating Beacon, Tip-Down Tower/Pole, L-810 Obstruction Lights	\$58,000.00	\$58,000.00
130	1	EA	Primary Wind Cone, Type L-807, Style I-B, Size 2 on Tip-Down Tower	\$15,000.00	\$15,000.00
131	1	EA	Supplemental Wind Cone, Type L-806, Style I-B, Size 1	\$10,000.00	\$10,000.00
132	9,181	LF	2" Sch. 40 PVC Conduit	\$12.00	\$110,172.00
133	227	LF	4" Sch. 80 PVC Duct	\$28.00	\$6,356.00
134	11,412	LF	No. 8 AWG, 5 KV, L-824, Type C Cable, Black, Installed in Conduit	\$2.25	\$25,677.00
135	2	EA	Electrical Junction Cdn, L-867B	\$925.00	\$1,850.00
136	9,271	LF	No. 6 AWG, Solid, Bare Copper Counterpoise Wire, including Ground Rods	\$2.50	\$23,177.50
137	40	EA	MIRL, L-861, Clear Lens, 24" High, Base Mounted, LED Lamp - complete	\$900.00	\$36,000.00
138	12	EA	MIRL, L-861E, Red / Green Lens, 24" High, Base Mounted, LED Lamp - complete	\$975.00	\$11,700.00
139	4	EA	MITL, L-861T, Blue Lens, 24" High, Base Mounted, LED Lamp - complete	\$1,500.00	\$6,000.00
140	6	EA	L-858 Internally LED Lighted Sign, Specified Legend (Size 1, Style 2, Class 2, Mode 2)	\$4,200.00	\$25,200.00
141	65	EA	L-853 Retroreflective Taxiway Marker, 24" high, Blue, Stake Mounted	\$200.00	\$13,000.00
142	6	EA	In-Pavement Aluminum Duct Markers	\$115.00	\$690.00
143	2	AC	Seeding, Fertilizing, and Mulching	\$2,800.00	\$5,600.00
144	2	EA	Runway End Monuments	\$580.00	\$1,160.00
ADDITIVE ALTERNATE #1: Construct Hangar Access Taxiway					
AA1-1	1	LS	Mobilization (Shall not exceed 10% of Subtotal Price)	\$20,445.32	\$20,445.32
AA1-2	1	LS	Contractor Quality Control Program (Shall not exceed 5% of Subtotal Price)	\$7,000.00	\$7,000.00
AA1-3	1149	CY	Topsoil Stripping, Stockpiling, Placing	\$18.75	\$21,543.75
AA1-4	550	CY	Unclassified Excavation and Embankment	\$31.50	\$17,325.00
AA1-5	1664	SY	Subgrade Surface Preparation	\$2.00	\$3,328.00
AA1-6	928	LF	Pipe Underdrains / Subsurface Edge Drains - 4" HDPE Dual Wall Perforated/Slotted	\$27.50	\$25,520.00
AA1-7	2	EA	Pipe Underdrain Cleanouts	\$1,500.00	\$3,000.00
AA1-8	2	EA	Pipe Underdrain Daylight Outlet	\$1,450.00	\$2,900.00
AA1-9	40	LF	Pipe Underdrain Outfalls - 4" SCH 80 PVC	\$35.00	\$1,400.00
AA1-11	554	CY	Aggregate Base Course	\$2.70	\$1,495.80
AA1-12	1.20	TON	Emulsified Asphalt Prime Coat (SS-1 or CSS-1), undiluted	\$1,100.00	\$1,320.00
AA1-13	339	TON	Asphalt Mixture Surface Course	\$72.00	\$24,408.00
AA1-14	21	TON	Asphalt Mix Binder (PG 64-28)	\$1,000.00	\$21,000.00
AA1-15	640	LF	Barbed Wire Fence with Steel T-Posts, Class D (5-strand)	\$35.00	\$22,400.00
AA1-16	299	SF	Taxiway Painting - Yellow, Full-Rate Application, Solid, Including Reflective Media	\$2.60	\$777.40
AA1-17	1.8	AC	Seeding, Fertilizing, and Mulching	\$2,800.00	\$5,040.00
ADDITIVE ALTERNATE #2: Construct Apron Expansion					
AA2-1	1	LS	Mobilization (Shall not exceed 10% of Subtotal Price)	\$38,699.17	\$38,699.17
AA2-2	1	LS	Contractor Quality Control Program (Shall not exceed 5% of Subtotal Price)	\$14,000.00	\$14,000.00
AA2-3	860	LF	Remove and Salvage Barbed Wire Fencing	\$60.00	\$51,600.00
AA2-4	495	CY	Topsoil Stripping, Stockpiling, Placing	\$18.75	\$9,281.25
AA2-5	695	CY	Unclassified Excavation and Embankment	\$31.50	\$21,892.50
AA2-6	4,453	SY	Subgrade Surface Preparation	\$2.00	\$8,906.00
AA2-7	50	LF	Pipe Underdrains / Subsurface Edge Drains - 4" HDPE Dual Wall Perforated/Slotted	\$27.50	\$1,375.00
AA2-8	1	EA	Pipe Underdrain Cleanouts	\$1,500.00	\$1,500.00
AA2-9	1	EA	Pipe Underdrain Daylight Outlet	\$1,450.00	\$1,450.00
AA2-10	20	LF	Pipe Underdrain Outfalls - 4" SCH 80 PVC	\$35.00	\$700.00
AA2-11	702	SY	Geotextile Separation Fabric, Class I	\$2.70	\$1,895.40
AA2-12	1,445	CY	Aggregate Base Course	\$65.00	\$93,925.00
AA2-13	2.8	TON	Emulsified Asphalt Prime Coat (SS-1 or CSS-1), undiluted	\$1,100.00	\$3,080.00
AA2-14	809	TON	Asphalt Mixture Surface Course	\$72.00	\$58,248.00
AA2-15	51.0	TON	Asphalt Mix Binder (PG 64-28)	\$1,000.00	\$51,000.00
AA2-16	18	EA	Tie-Down Anchors	\$1,000.00	\$18,000.00
AA2-17	72.6	GAL	Refined Coal Tar Emulsion for Slurry Coat with Aggregate	\$120.00	\$8,712.00
AA2-18	5	EA	L-853 Retroreflective Taxiway Marker, 24" high, Blue, Stake Mounted	\$200.00	\$1,000.00
AA2-19	449	SF	Taxiway Painting - Yellow, Full-Rate Application, Solid, Including Reflective Media	\$2.60	\$1,167.40
AA2-20	0.2	AC	Seeding, Fertilizing, and Mulching	\$2,800.00	\$560.00
SUBTOTAL					\$5,539,610.71
Administration Fees					\$12,389.29
Engineering:					
1 Project Administration - AIP-017-2024					\$70,000.00
2 Design Engineering - Phase II					\$83,000.00
3 Bidding and Construction Administration					\$78,000.00
4 Services During Construction					\$153,000.00
5 Airport Layout Plan Update					\$69,000.00
6 AGIS Instrument Approach Procedure Development and As-Built Survey					\$165,000.00
Engineering Subtotal					\$618,000.00
PROJECT TOTAL:					\$6,170,000.00
FAA Share:					\$5,553,000.00
Local Share:					\$617,000.00

Drug-Free Workplace Airport Improvement Program Sponsor Certification

Sponsor: Broadwater County, MT

Airport: Townsend Airport (8U8)

Project Number: AIP 3-30-0078-017-2024

Description of Work: Phase II Final Design and Construction: Rehabilitate / Reconstruct Runway 17-35, Apron, Taxiway/Taxilanes; Rehab./ Replace MIRL, MITL, PAPI, Electrical Enclosure/Equip; Windcone, Beacon; Construct Taxilane; Construct Apron

Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General requirements on the drug-free workplace within federal grant programs are described in 2 CFR part 182. Sponsors are required to certify they will be, or will continue to provide, a drug-free workplace in accordance with the regulation. The AIP project grant agreement contains specific assurances on the Drug-Free Workplace Act of 1988.

Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting "Yes" represents sponsor acknowledgement and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. A statement has been or will be published prior to commencement of project notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the sponsor's workplace, and specifying the actions to be taken against employees for violation of such prohibition (2 CFR § 182.205).

Yes No N/A

2. An ongoing drug-free awareness program (2 CFR § 182.215) has been or will be established prior to commencement of project to inform employees about:
 - a. The dangers of drug abuse in the workplace;
 - b. The sponsor's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

Yes No N/A

3. Each employee to be engaged in the performance of the work has been or will be given a copy of the statement required within item 1 above prior to commencement of project (2 CFR § 182.210).
 Yes No N/A
4. Employees have been or will be notified in the statement required by item 1 above that, as a condition employment under the grant (2 CFR § 182.205(c)), the employee will:
 a. Abide by the terms of the statement; and
 b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
 Yes No N/A
5. The Federal Aviation Administration (FAA) will be notified in writing within 10 calendar days after receiving notice under item 4b above from an employee or otherwise receiving actual notice of such conviction (2 CFR § 182.225). Employers of convicted employees must provide notice, including position title of the employee, to the FAA (2 CFR § 182.300).
 Yes No N/A
6. One of the following actions (2 CFR § 182.225(b)) will be taken within 30 calendar days of receiving a notice under item 4b above with respect to any employee who is so convicted:
 a. Take appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; and
 b. Require such employee to participate satisfactorily in drug abuse assistance or rehabilitation programs approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
 Yes No N/A
7. A good faith effort will be made, on a continuous basis, to maintain a drug-free workplace through implementation of items 1 through 6 above (2 CFR § 182.200).
 Yes No N/A

Site(s) of performance of work (2 CFR § 182.230):

Location 1

Name of Location: Townsend Airport (8U8)
 Address: Townsend Montana 59644

Location 2 (if applicable)

Name of Location: Broadwater County
 Address: 515 Broadway, Townsend Montana 59644

Location 3 (if applicable)

Name of Location:
 Address:

Attach documentation clarifying any above item marked with a "No" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this day of , 2024 .

Name of Sponsor: Broadwater County

Name of Sponsor's Authorized Official: Darrel Folkvord

Title of Sponsor's Authorized Official: Chair. Broadwater Co. Commission

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

Certification and Disclosure Regarding Potential Conflicts of Interest Airport Improvement Program Sponsor Certification

Sponsor: Broadwater County, MT

Airport: Townsend Airport (8U8)

Project Number: AIP 3-30-0078-017-2024

Description of Work: Phase II Final Design and Construction: Rehabilitate / Reconstruct Runway 17-35, Apron, Taxiway/Taxilanes; Rehab./ Replace MIRL, MITL, PAPI, Electrical Enclosure/Equip; Windcone, Beacon; Construct Taxilane; Construct Apron

Application

Title 2 CFR § 200.112 and § 1201.112 address Federal Aviation Administration (FAA) requirements for conflict of interest. As a condition of eligibility under the Airport Improvement Program (AIP), sponsors must comply with FAA policy on conflict of interest. Such a conflict would arise when any of the following have a financial or other interest in the firm selected for award:

- a) The employee, officer or agent,
- b) Any member of his immediate family,
- c) His or her partner, or
- d) An organization which employs, or is about to employ, any of the above.

Selecting "Yes" represents sponsor or sub-recipient acknowledgement and confirmation of the certification statement. Selecting "No" represents sponsor or sub-recipient disclosure that it cannot fully comply with the certification statement. If "No" is selected, provide support information explaining the negative response as an attachment to this form. This includes whether the sponsor has established standards for financial interest that are not substantial or unsolicited gifts are of nominal value (2 CFR § 200.318(c)). The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance.

Certification Statements

1. The sponsor or sub-recipient maintains a written standards of conduct governing conflict of interest and the performance of their employees engaged in the award and administration of contracts (2 CFR § 200.318(c)). To the extent permitted by state or local law or regulations, such standards of conduct provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the sponsor's and sub-recipient's officers, employees, or agents, or by contractors or their agents.

Yes No

2. The sponsor's or sub-recipient's officers, employees or agents have not and will not solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements (2 CFR § 200.318(c)).

Yes No

3. The sponsor or sub-recipient certifies that is has disclosed and will disclose to the FAA any known potential conflict of interest (2 CFR § 1200.112).

Yes No

Attach documentation clarifying any above item marked with "no" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and have the explanation for any item marked "no" is correct and complete.

Executed on this day of , 2024 .

Name of Sponsor: Broadwater County

Name of Sponsor's Authorized Official: Darrel Folkvord

Title of Sponsor's Authorized Official: Chair. Broadwater County Commission

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

* APPLICANT'S ORGANIZATION <input style="width: 90%; border: none; border-bottom: 1px solid black;" type="text" value="Broadwater County"/>	
* PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
Prefix: <input style="width: 80px; border: none; border-bottom: 1px solid black;" type="text"/>	* First Name: <input style="width: 200px; border: none; border-bottom: 1px solid black;" type="text" value="Darrel"/> Middle Name: <input style="width: 120px; border: none; border-bottom: 1px solid black;" type="text"/>
* Last Name: <input style="width: 350px; border: none; border-bottom: 1px solid black;" type="text" value="Folkvord"/>	Suffix: <input style="width: 80px; border: none; border-bottom: 1px solid black;" type="text"/>
* Title: <input style="width: 280px; border: none; border-bottom: 1px solid black;" type="text" value="Chairman, Broadwater County Commission"/>	
* SIGNATURE: <input style="width: 280px; height: 30px; background-color: yellow; border: none;" type="text"/>	* DATE: <input style="width: 80px; height: 15px; background-color: yellow; border: none;" type="text"/>

Selection of Consultants

Airport Improvement Program Sponsor Certification

Sponsor: Broadwater County, MT

Airport: Townsend Airport (8U8)

Project Number: AIP 3-30-0078-017-2024

Description of Work: Phase II Final Design and Construction: Rehabilitate / Reconstruct Runway 17-35, Apron, Taxiway/Taxilanes; Rehab./ Replace MIRL, MITL, PAPI, Electrical Enclosure/Equip; Windcone, Beacon; Construct Taxilane; Construct Apron

Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General requirements for selection of consultant services within federal grant programs are described in 2 CFR §§ 200.317-200.326. Sponsors may use other qualifications-based procedures provided they are equivalent to standards of Title 40 chapter 11 and FAA Advisory Circular 150/5100-14, Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects.

Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting "Yes" represents sponsor acknowledgement and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. Sponsor acknowledges their responsibility for the settlement of all contractual and administrative issues arising out of their procurement actions (2 CFR § 200.318(k)).
 Yes No N/A

2. Sponsor procurement actions ensure or will ensure full and open competition that does not unduly limit competition (2 CFR § 200.319).
 Yes No N/A

3. Sponsor has excluded or will exclude any entity that develops or drafts specifications, requirements, or statements of work associated with the development of a request-for-qualifications (RFQ) from competing for the advertised services (2 CFR § 200.319).
 Yes No N/A

4. The advertisement describes or will describe specific project statements-of-work that provide clear detail of required services without unduly restricting competition (2 CFR § 200.319).
 Yes No N/A
5. Sponsor has publicized or will publicize a RFQ that:
a. Solicits an adequate number of qualified sources (2 CFR § 200.320(d)); and
b. Identifies all evaluation criteria and relative importance (2 CFR § 200.320(d)).
 Yes No N/A
6. Sponsor has based or will base selection on qualifications, experience, and disadvantaged business enterprise participation with price not being a selection factor (2 CFR § 200.320(d)).
 Yes No N/A
7. Sponsor has verified or will verify that agreements exceeding \$25,000 are not awarded to individuals or firms suspended, debarred or otherwise excluded from participating in federally assisted projects (2 CFR § 180.300).
 Yes No N/A
8. A/E services covering multiple projects: Sponsor has agreed to or will agree to:
a. Refrain from initiating work covered by this procurement beyond five years from the date of selection (AC 150/5100-14); and
b. Retain the right to conduct new procurement actions for projects identified or not identified in the RFQ (AC 150/5100-14).
 Yes No N/A
9. Sponsor has negotiated or will negotiate a fair and reasonable fee with the firm they select as most qualified for the services identified in the RFQ (2 CFR § 200.323).
 Yes No N/A
10. The Sponsor's contract identifies or will identify costs associated with ineligible work separately from costs associated with eligible work (2 CFR § 200.302).
 Yes No N/A
11. Sponsor has prepared or will prepare a record of negotiations detailing the history of the procurement action, rationale for contract type and basis for contract fees (2 CFR § 200.318(i)).
 Yes No N/A
12. Sponsor has incorporated or will incorporate mandatory contract provisions in the consultant contract for AIP-assisted work (49 U.S.C. Chapter 471 and 2 CFR part 200 Appendix II)
 Yes No N/A

13. For contracts that apply a time-and-material payment provision (also known as hourly rates, specific rates of compensation, and labor rates), the Sponsor has established or will establish:

- a. Justification that there is no other suitable contract method for the services (2 CFR §200.318(j));
- b. A ceiling price that the consultant exceeds at their risk (2 CFR §200.318(j)); and
- c. A high degree of oversight that assures consultant is performing work in an efficient manner with effective cost controls in place 2 CFR §200.318(j)).

Yes No N/A

14. Sponsor is not using or will not use the prohibited cost-plus-percentage-of-cost (CPPC) contract method. (2 CFR § 200.323(d)).

Yes No N/A

Attach documentation clarifying any above item marked with "no" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

Executed on this _____ day of _____, 2024 .

Name of Sponsor: Broadwater County

Name of Sponsor's Authorized Official: Darrel Folkvord

Title of Sponsor's Authorized Official: Chair. Broadwater County Commission

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

Project Plans and Specifications

Airport Improvement Program Sponsor Certification

Sponsor: Broadwater County, MT

Airport: Townsend Airport (8U8)

Project Number: AIP 3-30-0078-017-2024

Description of Work: Phase II Final Design and Construction: Rehabilitate / Reconstruct Runway 17-35, Apron, Taxiway/Taxilanes; Rehab./ Replace MIRL, MITL, PAPI, Electrical Enclosure/Equip; Windcone, Beacon; Construct Taxilane; Construct Apron

Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). Labor and civil rights standards applicable to AIP are established by the Department of Labor (www.dol.gov). AIP Grant Assurance C.1—General Federal Requirements identifies applicable federal laws, regulations, executive orders, policies, guidelines and requirements for assistance under AIP. A list of current advisory circulars with specific standards for procurement, design or construction of airports, and installation of equipment and facilities is referenced in standard airport sponsor Grant Assurance 34 contained in the grant agreement.

Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting "Yes" represents sponsor acknowledgement and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. The plans and specifications were or will be prepared in accordance with applicable federal standards and requirements, so that no deviation or modification to standards set forth in the advisory circulars, or FAA-accepted state standard, is necessary other than those explicitly approved by the Federal Aviation Administration (FAA) (14 USC § 47105).

Yes No N/A

2. Specifications incorporate or will incorporate a clear and accurate description of the technical requirement for the material or product that does not contain limiting or proprietary features that unduly restrict competition (2 CFR §200.319).

Yes No N/A

3. The development that is included or will be included in the plans is depicted on the current airport layout plan as approved by the FAA (14 USC § 47107).
 Yes No N/A
4. Development and features that are ineligible or unallowable for AIP funding have been or will be omitted from the plans and specifications (FAA Order 5100.38, par. 3-43).
 Yes No N/A
5. The specification does not use or will not use "brand name" or equal to convey requirements unless sponsor requests and receives approval from the FAA to use brand name (FAA Order 5100.38, Table U-5).
 Yes No N/A
6. The specification does not impose or will not impose geographical preference in their procurement requirements (2 CFR §200.319(b) and FAA Order 5100.38, Table U-5).
 Yes No N/A
7. The use of prequalified lists of individuals, firms or products include or will include sufficient qualified sources that ensure open and free competition and that does not preclude potential entities from qualifying during the solicitation period (2 CFR §319(d)).
 Yes No N/A
8. Solicitations with bid alternates include or will include explicit information that establish a basis for award of contract that is free of arbitrary decisions by the sponsor (2 CFR § 200.319(a)(7)).
 Yes No N/A
9. Concurrence was or will be obtained from the FAA if Sponsor incorporates a value engineering clause into the contract (FAA Order 5100.38, par. 3-57).
 Yes No N/A
10. The plans and specifications incorporate or will incorporate applicable requirements and recommendations set forth in the federally approved environmental finding (49 USC §47106(c)).
 Yes No N/A
11. The design of all buildings comply or will comply with the seismic design requirements of 49 CFR § 41.120. (FAA Order 5100.38d, par. 3-92)
 Yes No N/A
12. The project specification include or will include process control and acceptance tests required for the project by as per the applicable standard:
- a. Construction and installation as contained in Advisory Circular (AC) 150/5370-10.
 Yes No N/A

b. Snow Removal Equipment as contained in AC 150/5220-20.

Yes No N/A

c. Aircraft Rescue and Fire Fighting (ARFF) vehicles as contained in AC 150/5220-10.

Yes No N/A

13. For construction activities within or near aircraft operational areas(AOA):

a. The Sponsor has or will prepare a construction safety and phasing plan (CSPP) conforming to Advisory Circular 150/5370-2.

b. Compliance with CSPP safety provisions has been or will be incorporated into the plans and specifications as a contractor requirement.

c. Sponsor will not initiate work until receiving FAA's concurrence with the CSPP (FAA Order 5100.38, Par. 5-29).

Yes No N/A

14. The project was or will be physically completed without federal participation in costs due to errors and omissions in the plans and specifications that were foreseeable at the time of project design (49 USC §47110(b)(1) and FAA Order 5100.38d, par. 3-100).

Yes No N/A

Attach documentation clarifying any above item marked with "No" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this day of , 2024 .

Name of Sponsor: Broadwater County

Name of Sponsor's Authorized Official: Darrel Folkvord

Title of Sponsor's Authorized Official: Chair. Broadwater Co. Commission

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

Equipment and Construction Contracts Airport Improvement Sponsor Certification

Sponsor: Broadwater County, MT

Airport: Townsend Airport (8U8)

Project Number: AIP 3-30-0078-017-2024

Description of Work: Phase II Final Design and Construction: Rehabilitate / Reconstruct Runway 17-35, Apron, Taxiway/Taxilanes; Rehab./ Replace MIRL, MITL, PAPI, Electrical Enclosure/Equip; Windcone, Beacon; Construct Taxilane; Construct Apron

Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General procurement standards for equipment and construction contracts within Federal grant programs are described in 2 CFR §§ 200.317-200.326. Labor and Civil Rights Standards applicable to the AIP are established by the Department of Labor (www.dol.gov) AIP Grant Assurance C.1—General Federal Requirements identifies all applicable Federal Laws, regulations, executive orders, policies, guidelines and requirements for assistance under the AIP. Sponsors may use state and local procedures provided the procurement conforms to these federal standards.

This certification applies to all equipment and construction projects. Equipment projects may or may not employ laborers and mechanics that qualify the project as a "covered contract" under requirements established by the Department of Labor requirements. Sponsor shall provide appropriate responses to the certification statements that reflect the character of the project regardless of whether the contract is for a construction project or an equipment project.

Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting "Yes" represents sponsor acknowledgement and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. A written code or standard of conduct is or will be in effect prior to commencement of the project that governs the performance of the sponsor's officers, employees, or agents in soliciting, awarding and administering procurement contracts (2 CFR § 200.318).

Yes No N/A

2. For all contracts, qualified and competent personnel are or will be engaged to perform contract administration, engineering supervision, construction inspection, and testing (Grant Assurance C.17).
- Yes No N/A
3. Sponsors that are required to have a Disadvantage Business Enterprise (DBE) program on file with the FAA have included or will include clauses required by Title VI of the Civil Rights Act and 49 CFR Part 26 for Disadvantaged Business Enterprises in all contracts and subcontracts.
- Yes No N/A
4. Sponsors required to have a DBE program on file with the FAA have implemented or will implement monitoring and enforcement measures that:
- a. Ensure work committed to Disadvantaged Business Enterprises at contract award is actually performed by the named DBEs (49 CFR § 26.37(b));
 - b. Include written certification that the sponsor has reviewed contract records and has monitored work sites for performance by DBE firms (49 CFR § 26.37(b)); and
 - c. Provides for a running tally of payments made to DBE firms and a means for comparing actual attainments (i.e. payments) to original commitments (49 CFR § 26.37(c)).
- Yes No N/A
5. Sponsor procurement actions using the competitive sealed bid method (2 CFR § 200.320(c)). was or will be:
- a. Publicly advertised, allowing a sufficient response time to solicit an adequate number of interested contractors or vendors;
 - b. Prepared to include a complete, adequate and realistic specification that defines the items or services in sufficient detail to allow prospective bidders to respond;
 - c. Publicly opened at a time and place prescribed in the invitation for bids; and
 - d. Prepared in a manner that result in a firm fixed price contract award to the lowest responsive and responsible bidder.
- Yes No N/A
6. For projects the Sponsor proposes to use the competitive proposal procurement method (2 CFR § 200.320(d)), Sponsor has requested or will request FAA approval prior to proceeding with a competitive proposal procurement by submitting to the FAA the following:
- a. Written justification that supports use of competitive proposal method in lieu of the preferred sealed bid procurement method;
 - b. Plan for publicizing and soliciting an adequate number of qualified sources; and
 - c. Listing of evaluation factors along with relative importance of the factors.
- Yes No N/A
7. For construction and equipment installation projects, the bid solicitation includes or will include the current federal wage rate schedule(s) for the appropriate type of work classifications (2 CFR Part 200, Appendix II).
- Yes No N/A

8. Concurrence was or will be obtained from the Federal Aviation Administration (FAA) prior to contract award under any of the following circumstances (Order 5100.38D):
- a. Only one qualified person/firm submits a responsive bid;
 - b. Award is to be made to other than the lowest responsible bidder; and
 - c. Life cycle costing is a factor in selecting the lowest responsive bidder.
- Yes No N/A
9. All construction and equipment installation contracts contain or will contain provisions for:
- a. Access to Records (§ 200.336)
 - b. Buy American Preferences (Title 49 U.S.C. § 50101)
 - c. Civil Rights - General Provisions and Title VI Assurances(41 CFR part 60)
 - d. Federal Fair Labor Standards (29 U.S.C. § 201, et seq)
 - e. Occupational Safety and Health Act requirements (20 CFR part 1920)
 - f. Seismic Safety – building construction (49 CFR part 41)
 - g. State Energy Conservation Requirements - as applicable(2 CFR part 200, Appendix II)
 - h. U.S. Trade Restriction (49 CFR part 30)
 - i. Veterans Preference (49 USC § 47112(c))
- Yes No N/A
10. All construction and equipment installation contracts exceeding \$2,000 contain or will contain the provisions established by:
- a. Davis-Bacon and Related Acts (29 CFR part 5)
 - b. Copeland "Anti-Kickback" Act (29 CFR parts 3 and 5)
- Yes No N/A
11. All construction and equipment installation contracts exceeding \$3,000 contain or will contain a contract provision that discourages distracted driving (E.O. 13513).
- Yes No N/A
12. All contracts exceeding \$10,000 contain or will contain the following provisions as applicable:
- a. Construction and equipment installation projects - Applicable clauses from 41 CFR Part 60 for compliance with Executive Orders 11246 and 11375 on Equal Employment Opportunity;
 - b. Construction and equipment installation - Contract Clause prohibiting segregated facilities in accordance with 41 CFR part 60-1.8;
 - c. Requirement to maximize use of products containing recovered materials in accordance with 2 CFR § 200.322 and 40 CFR part 247; and
 - d. Provisions that address termination for cause and termination for convenience (2 CFR Part 200, Appendix II).
- Yes No N/A

13. All contracts and subcontracts exceeding \$25,000: Measures are in place or will be in place (e.g. checking the System for Award Management) that ensure contracts and subcontracts are not awarded to individuals or firms suspended, debarred, or excluded from participating in federally assisted projects (2 CFR parts 180 and 1200).

Yes No N/A

14. Contracts exceeding the simplified acquisition threshold (currently \$250,000) include or will include provisions, as applicable, that address the following:

- a. Construction and equipment installation contracts - a bid guarantee of 5%, a performance bond of 100%, and a payment bond of 100% (2 CFR § 200.325);
- b. Construction and equipment installation contracts - requirements of the Contract Work Hours and Safety Standards Act (40 USC 3701-3708, Sections 103 and 107);
- c. Restrictions on Lobbying and Influencing (2 CFR part 200, Appendix II);
- d. Conditions specifying administrative, contractual and legal remedies for instances where contractor or vendor violate or breach the terms and conditions of the contract (2 CFR §200, Appendix II); and
- e. All Contracts - Applicable standards and requirements issued under Section 306 of the Clean Air Act (42 USC 7401-7671q), Section 508 of the Clean Water Act (33 USC 1251-1387, and Executive Order 11738.

Yes No N/A

Attach documentation clarifying any above item marked with "No" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this day of , 2024 .

Name of Sponsor: Broadwater County

Name of Sponsor's Authorized Official: Darrel Folkvord

Title of Sponsor's Authorized Official: Chair. Broadwater Co. Commission

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

Construction Project Final Acceptance Airport Improvement Program Sponsor Certification

Sponsor: Broadwater County, MT

Airport: Townsend Airport (8U8)

Project Number: AIP 3-30-0078-017-2024

Description of Work: Phase II Final Design and Construction: Rehabilitate / Reconstruct Runway 17-35, Apron, Taxiway/Taxilanes; Rehab./ Replace MIRL, MITL, PAPI, Electrical Enclosure/Equip; Windcone, Beacon; Construct Taxilane; Construct Apron

Application

49 USC § 47105(d), authorizes the Secretary to require me certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program. General standards for final acceptance and close out of federally funded construction projects are in 2 CFR § 200.343 – Closeout and supplemented by FAA Order 5100.38. The sponsor must determine that project costs are accurate and proper in accordance with specific requirements of the grant agreement and contract documents.

Certification Statements

Except for certification statements below marked not applicable (N/A), this list includes major requirements of the construction project. Selecting "Yes" represents sponsor acknowledgment and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. The personnel engaged in project administration, engineering supervision, project inspection, and acceptance testing were or will be determined to be qualified and competent to perform the work (Grant Assurance).
 Yes No N/A
2. Construction records, including daily logs, were or will be kept by the resident engineer/construction inspector that fully document contractor's performance in complying with:
 - a. Technical standards (Advisory Circular (AC) 150/5370-12);
 - b. Contract requirements (2 CFR part 200 and FAA Order 5100.38); and
 - c. Construction safety and phasing plan measures (AC 150/5370-2). Yes No N/A
3. All acceptance tests specified in the project specifications were or will be performed and documented. (AC 150/5370-12).
 Yes No N/A

4. Sponsor has taken or will take appropriate corrective action for any test result outside of allowable tolerances (AC 150/5370-12).
 Yes No N/A
5. Pay reduction factors required by the specifications were applied or will be applied in computing final payments with a summary made available to the FAA (AC 150/5370-10).
 Yes No N/A
6. Sponsor has notified, or will promptly notify the Federal Aviation Administration (FAA) of the following occurrences:
- a. Violations of any federal requirements set forth or included by reference in the contract documents (2 CFR part 200);
 - b. Disputes or complaints concerning federal labor standards (29 CFR part 5); and
 - c. Violations of or complaints addressing conformance with Equal Employment Opportunity or Disadvantaged Business Enterprise requirements (41 CFR Chapter 60 and 49 CFR part 26).
- Yes No N/A
7. Weekly payroll records and statements of compliance were or will be submitted by the prime contractor and reviewed by the sponsor for conformance with federal labor and civil rights requirements as required by FAA and U.S. Department of Labor (29 CFR Part 5).
 Yes No N/A
8. Payments to the contractor were or will be made in conformance with federal requirements and contract provisions using sponsor internal controls that include:
- a. Retaining source documentation of payments and verifying contractor billing statements against actual performance (2 CFR § 200.302 and FAA Order 5100.38);
 - b. Prompt payment of subcontractors for satisfactory performance of work (49 CFR § 26.29);
 - c. Release of applicable retainage upon satisfactory performance of work (49 CFR § 26.29); and
 - d. Verification that payments to DBEs represent work the DBE performed by carrying out a commercially useful function (49 CFR §26.55).
- Yes No N/A
9. A final project inspection was or will be conducted with representatives of the sponsor and the contractor present that ensure:
- a. Physical completion of project work in conformance with approved plans and specifications (Order 5100.38);
 - b. Necessary actions to correct punch list items identified during final inspection are complete (Order 5100.38); and
 - c. Preparation of a record of final inspection and distribution to parties to the contract (Order 5100.38);
- Yes No N/A
10. The project was or will be accomplished without material deviations, changes, or modifications from approved plans and specifications, except as approved by the FAA (Order 5100.38).
 Yes No N/A

11. The construction of all buildings have complied or will comply with the seismic construction requirements of 49 CFR § 41.120.

Yes No N/A

12. For development projects, sponsor has taken or will take the following close-out actions:

- a. Submit to the FAA a final test and quality assurance report summarizing acceptance test results, as applicable (Grant Condition);
- b. Complete all environmental requirements as established within the project environmental determination (Order 5100.38); and
- c. Prepare and retain as-built plans (Order 5100.38).

Yes No N/A

13. Sponsor has revised or will revise their airport layout plan (ALP) that reflects improvements made and has submitted or will submit an updated ALP to the FAA no later than 90 days from the period of performance end date. (49 USC § 47107 and Order 5100.38).

Yes No N/A

Attach documentation clarifying any above item marked with "No" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this _____ day of _____, 2024 .

Name of Sponsor: Broadwater County

Name of Sponsor's Authorized Official: Darrel Folkvord

Title of Sponsor's Authorized Official: Chair, Broadwater County Commission

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.



Independent Fee Review Proposal and Agreement

KLJ Project # 2405-00418 Effective Date 3/20/2024

Client Information

Name Broadwater County
 Billing Address 515 Broadway Street
 City, State, Zip Townsend, MT 59644 Business # 406-266-9209
 Authorized By Darrel Folkvord
 Title Chair – Broadwater County Commission

Detailed Description of Services

Complete an Independent Fee Review (IFR) using the information provided by Robert Peccia & Associates, Inc. The IFR shall contain a detailed breakdown of the tasks and associated costs to complete each item of work. The IFR is intended as an estimate of engineering fees based on the information provided and is not a review of the engineering concepts, design, detailed construction requirements or other items associated with the project.

Project Location

Township N/A Range N/A Section N/A
 City of Townsend County Broadwater State Montana

Estimated Completion Date of Services Within 14 calendar days of contract execution and delivery to KLJ.

Estimated Fees for Services \$3,800 Type Lump Sum

Special Conditions to be considered
 None.

Other Items
 None.

TERMS AND CONDITIONS

- Payment for services is due and payable when billed. Any amount not paid within 30 days will be subject to a late payment charge of 1½% per month. If payment is based upon Hourly Rates plus Expenses and it will be an amount equal to KLJ's Direct Labor Costs times a designated factor for labor, overhead and profit for the services of all KLJ's personnel engaged on the Project, plus Reimbursable Expenses and KLJ's Consultant charges times a factor.
- Payment for services does not include any agency review fees, submittal fees, filing fees, permit fees, or other such fees. Client will pay all such fees directly.
- To the fullest extent permitted by law, Client and KLJ (1) waive against each other, and the other's employees, officers, directors, agents, insurers, partners, and consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to the Project, and (2) agree that KLJ's total liability to Client under this Agreement shall be limited to the total amount of compensation received by KLJ.
- KLJ agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Client, its officers, directors and employees (collectively, Client) against all damages, liabilities or costs, including reasonable attorneys' fees and defense costs, to the extent caused by the KLJ's negligent performance of professional services under this Agreement and that of its consultants or anyone for whom KLJ is legally liable. The Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless the KLJ, its officers, directors, employees and consultants (collectively, KLJ) against all damages, liabilities or costs, including reasonable attorneys' fees and defense costs, to the extent caused by the Client's negligent acts in connection with the Project and the acts of its contractors, subcontractors or anyone for whom the Client is legally liable. Neither the Client nor the KLJ shall be obligated to indemnify the other party in any manner whatsoever for the other party's own negligence.
- The project schedule is dependent upon Client and or agency reviews and comments being received in a timely manner. An initial schedule will be submitted when written notice to proceed is received from the Client. The schedule will be updated during the progression of the services as needed.
- Any files or data provided by KLJ to Client for use on the project are the intellectual property of KLJ. Client agrees that nothing in this Agreement allows Client to modify or reuse KLJ's intellectual property on any other project or for any other use or purpose without written permission from KLJ. Any such use, reuse or modification of KLJ's intellectual property will be at Consultant's sole risk and without liability or legal exposure to KLJ or its officers, directors, or employees. Client shall defend, indemnify and hold KLJ, its officers, directors and employees harmless from any and all damages, liabilities, claims, demands, and causes of action of every kind and character, including costs of litigation and reasonable attorneys' fees, arising out of or resulting from any use, reuse or modification of KLJ's intellectual property.
- The standard of care for all services performed or furnished by KLJ under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. KLJ makes no warranties, express or implied, under this Agreement or otherwise, in connection with KLJ's services.
- The parties to this Agreement agree to attempt to resolve any and all unsettled claims, counterclaims, disputes, and other matters in question arising out of or relating to this Agreement or the breach thereof ("Dispute") through direct negotiations between the appropriate representatives of each party. If, within 30 days, such negotiations are not fully successful the parties agree to submit any outstanding issue to nonbinding mediation conducted in accordance with rules and procedures agreed to by the parties. If the Dispute remains unresolved after the mediation, either party may seek to have the Dispute resolved by a court of competent jurisdiction in the county and state where the project is located. In the event a Dispute arises, each party shall bear their own expenses, including but not limited to mediator fees, administrative fees, travel expenses, out-of-pocket expenses such as copying, court costs, witness fees and reasonable attorneys' fees.

- Neither party to this Agreement shall transfer, sublet or assign any rights under or interest in this Agreement without the prior written consent of the other party.
- The parties hereto shall comply with applicable laws and regulations.
- Any notice required to be given hereunder shall be given in writing and either hand-delivered, electronically mailed or mailed with proper postage, prepaid, certified, and return receipt requested. If hand-delivered or electronically mailed any notice shall be effective upon delivery. If mailed, such notice shall be effective on the third business day following mailing. Notices shall be to the attention of the Consultant Contact and KLJ Project Manager listed above.
- The laws of the state in which the Project is located shall govern this Agreement including the interpretation, and construction thereof. The parties agree that the jurisdiction and venue for any controversy arising out of or relating to this Agreement shall be in the state or federal courts located in the county and state where the project is located.
- Affirmative Action: KLJ shall abide by the requirements of 41 CFR 60-1.4(a), 60-300.5(a) and 60-741.5(a). These regulations prohibit discrimination against qualified individuals based on their status as protected veterans or individuals with disabilities, and prohibit discrimination against all individuals based on their race, color, religion, sex, sexual orientation, gender identity or national origin. Moreover, these regulations require that covered prime contractors and subcontractors take affirmative action to employ and advance in employment individuals without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, disability or veteran status.
- This Agreement and all attachments hereto constitute the entire agreement of the parties and supersedes any and all prior negotiations or understandings, whether written or oral. No subsequent amendment or modification of this Agreement shall be binding on the parties unless it is in writing and signed by both parties.

IN WITNESS WHEREOF, the parties hereto have executed this agreement and the Client hereby authorizes the above-described services to be performed by **KLJ Engineering LLC** under the above terms and conditions set forth.

Client Broadwater County

Date

Signature

Printed Name Darrel Folkvord

Title Chair – Broadwater County Commission

KLJ Engineering LLC

Date March 18, 2024

Signature *Shane L Steiner*

Printed Name Shane Steiner, PE

Title Associate Vice President - Aviation

Email received from Steve Cavanaugh on Tuesday, March 19th at 7:42 PM

From: Steve Cavanaugh <slcavanaughinc@msn.com>
Sent: Tuesday, March 19, 2024 7:42 AM
To: Broadwater Planning <planning@co.broadwater.mt.us>; Kaylan Minor <kminor@co.broadwater.mt.us>; Schauber Surveying Bernadette <bernadette.swenson@gmail.com>; SUSIE CAVANAUGH <slcavanaughinc2@msn.com>; Steve Cavanaugh <slcavanaughinc@msn.com>
Subject: RE: RGR Estates 3-lot Minor

Good morning Nichole and Kaylan, I thought I sent you both this email last week but could not find it in my sent emails.

I would like to withdraw my RGR Estates 3-lot minor preliminary plat application due to the recent Court decision regarding 'exempt wells'. Please remove it from tomorrows agenda.

Best regards and blessings,

Steve & Susie Cavanaugh

TRAILS ACROSS BROADWATER COUNTY

An initial view of potential non-motorized
Hike-Bike Trails and routes across
Broadwater County

March xx, 2024
BCDC Trails Committee



WHY HIKE-BIKE TRAILS?

- BCDC Community Review Priority List
- Existing Plans - Fairgrounds, Silos Recreation Area
- Community Plans and surveys - County Growth Plan, Critical Infrastructure, Safe Schools, Daycare
- Transportation corridors - Highways, county roads, water
- Critical Infrastructure includes emergency evacuation, business, health, schools, recreation, parks

WHO IS INVOLVED

- BCDC
- Broadwater County
- City of Townsend
- Community areas-Wheatland, Toston, Radersburg, Winston, Silos, East lakeside, Deep Cr./Dry Gulch
- Diverse Committee –backgrounds and interests
- Interested groups and individuals

BCDC TRAILS COMMITTEE

- Community Review meeting
- Volunteer members
- Outreach by members- who else is interested, locations, types of use
- Agency reps requested-FS, BLM, BOR, FWP, MDT, DNRC
- Mailing list for all that expressed any interest

COMMITTEE VISION STATEMENT

Develop a Draft Broadwater County Hike-Bike Master Plan for identifying, implementing and maintaining a county-wide Hike-Bike trails and route system that is: accessible, informative and welcoming to all interested users; that is safe, provides connectivity to and through county communities; that considers emergency needs, critical infrastructure, community businesses; social connections; and that promotes healthy, educational, and recreational activities. The trails system will utilize existing transportation corridors to the greatest extent possible.

COMMITTEE OBJECTIVES:

Objectives will be to develop a Hike/Bike Trail System Master Plan for Broadwater County that:

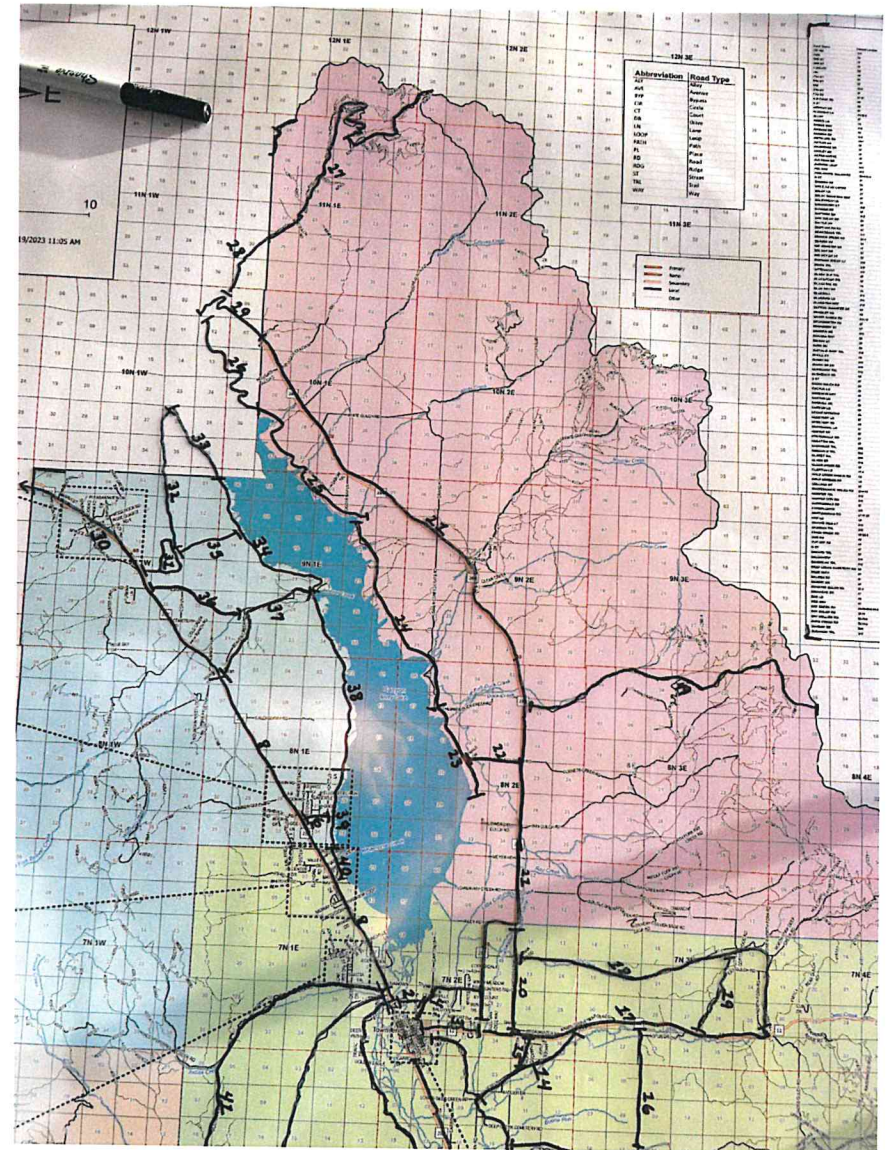
- **Identifies a network of trails and routes that ties the Counties geography and communities together**
- **Identifies connections to the business and critical infrastructure of the county**
- **Reflects History and cultural aspects of the County**
- **Recognizes and uses, to the extent practicable, existing transportation corridors as trails and routes and waterways**
- **Recognizes and incorporates the diversity of users in determining trails and routes**
- **Utilizes existing plans and efforts that have transportation needs identified that can be a part of this network**
- **Identifies current top priorities**
- **Identifies long-term phased-in trails or segments and necessary steps to get them completed**
- **Provides a snapshot in time of costs by year, phase or similar breakdown for priority segments**
- **Identifies current and future funding avenues and opportunities**
- **Obtains endorsement by local residents and elected community officials**
- **Prepare a final draft brochure of the Broadwater County Trail plan**

COMMITTEE MAPPING PROCESS

- Highway Transportation Corridors – 12/287/284/285
- County Roads Map
- Missouri River Canoe Trail – Headwaters to Canyon Ferry Dam
- Drafted feasible routes, 4 revisions with 42 to 51 segments
- Segments have ownership and length recognized
- Exclusions for this effort – FS and BLM Travel Plans, FWP

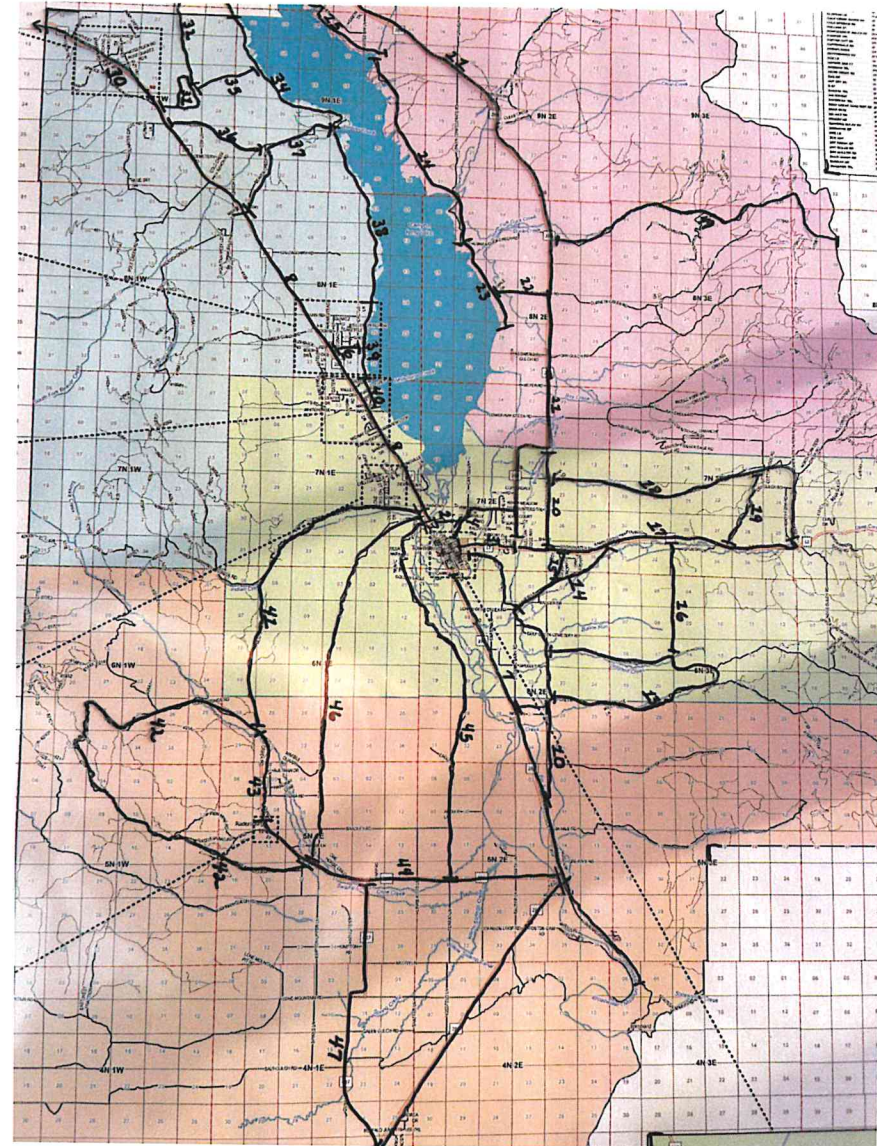
TENTATIVE NORTHERN BROADWATER COUNTY ROUTES

Map Rev. 2-29-2024



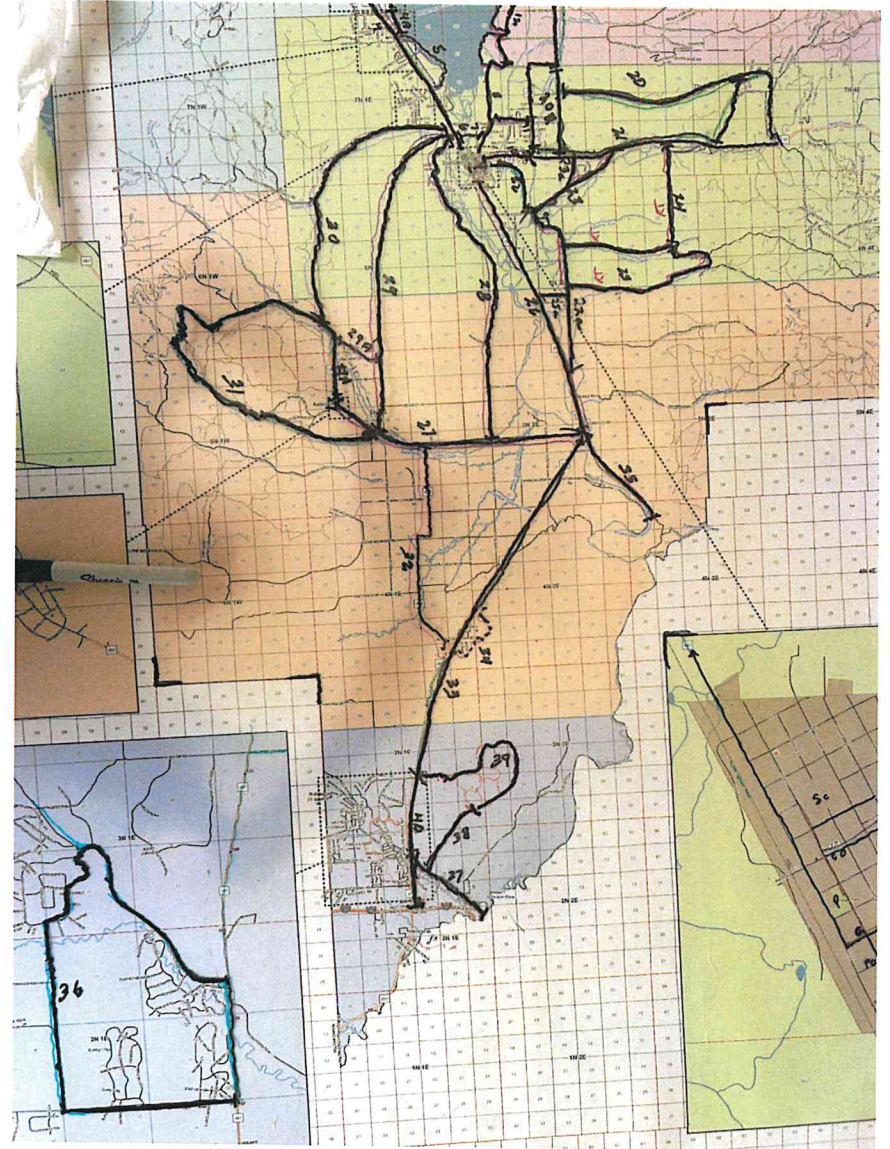
TENTATIVE CENTRAL BROADWATER COUNTY TOWNSEND VICINITY

Map Rev. 2-29-2024



TENTATIVE SOUTHERN BROADWATER COUNTY ROUTES

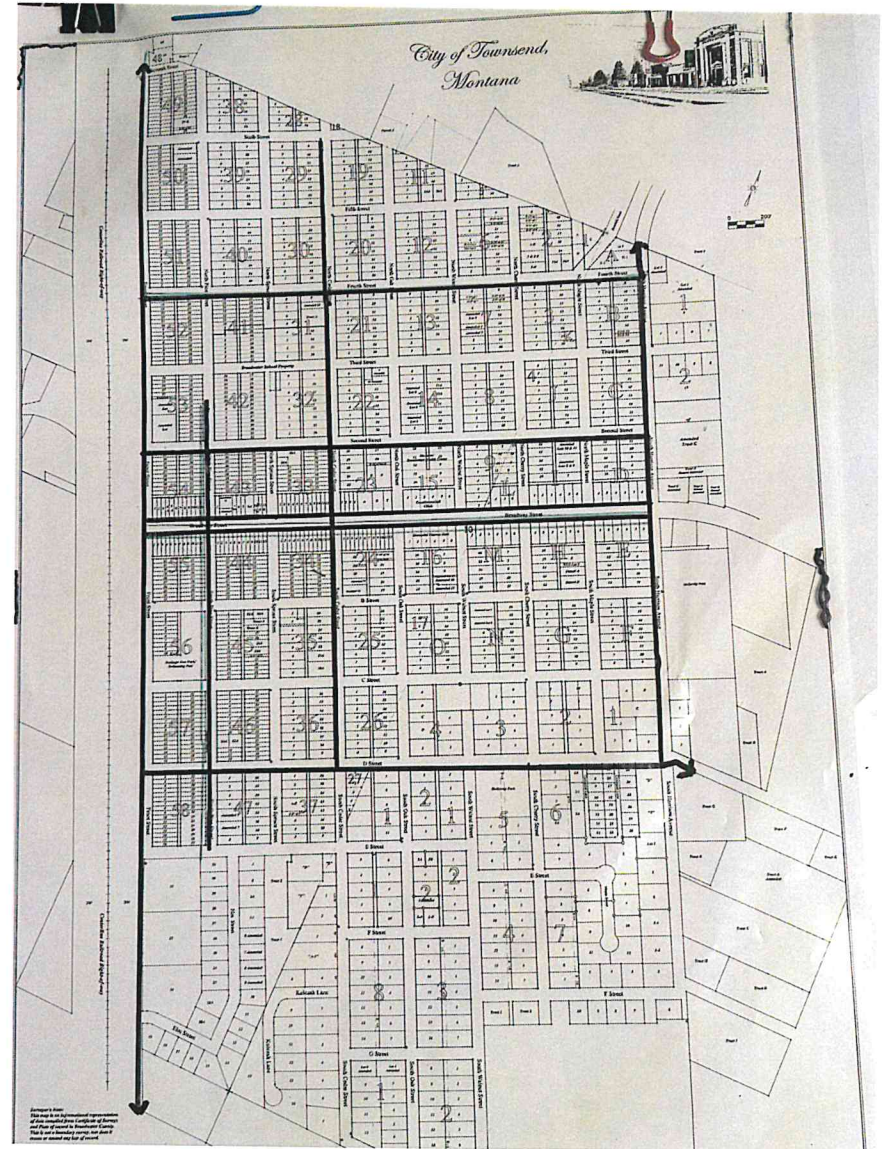
Map Rev. 2-29-2024



TENTATIVE CITY OF TOWNSEND HIKE- BIKE TRAIL ROUTES

D ST, Harrison, Broadway,
Front, 2nd, 4th, Pine, Cedar

Map Rev. 2-29-2024



TOP PRIORITIZED TRAILS/ROUTES

- Missouri River Bridge at Townsend
- Centerville Road from Indian Rd CG to Canton Lane
- Hwy 12 east from Townsend to Fairgrounds entrance
- Silos Road Trail from Hwy 287 to Silos Recreation Area
- N. Harrison to Canton Lane to Delger to Hwy 284 and Hwy 12 to Fairgrounds
- City of Townsend Routes
- Hwy 287 from Toston to Townsend and alternate routes
- Hwy 287 from Townsend to Silos Road
- ??Copper City Road ROW from Old Town Road to Copper City

MISSOURI RIVER BRIDGE

- THE major connector for all north to south users
- MDT has no plan to replace the existing bridge
- Old steel I beam bridge cannot support a cantilevered structure, needs final evaluation
- Likely need a stand alone structure
- 500 foot long span
- Connects two existing trails N and S of bridge
- MDT does not fund or build these structures

CENTERVILLE ROAD

- Connector from Indian Rd. Campground to New Mill Rd. to Canton Lane
- Uses end of existing trail at Indian Road Campground
- Will access future 10 acre county park
- Will be a leg of loop off N. Harrison St.
- Will access Canton Lane route which accesses large County recreation parcel

BROADWATER FAIRGROUNDS/AIRPORT

- Connects N. Harrison ST. to entrance of Fairgrounds and airport
- Creates a Safe route for non-motorized users
- Uses MDT Hwy 12 Right of Way, 1.5 miles
- Access to businesses, fairgrounds, homes and airport
- N. side of Hwy, several accesses and a canal crossing
- Very busy especially when events occur, no hike-bike safe route

HARRISON –CANTON-DELGER-HWY284 –HWY 12- FAIRGROUNDS/AIRPORT

- Large loop system tied to city, about 6 miles
- Access for county recreation parcel
- Access to baseball fields and Rod and Gun Club
- Access to Old Baldy Golf course, Hwy 284 N
- Connects to proposed Centerville RD trail, county park and Indian Rd. Campground
- Loop connector to Fairgrounds and airport
- Access to Emergency evacuation center(?) and Emergency Operations Center (EOC -Fairgrounds)

CITY OF TOWNSEND TRAIL ROUTES

- Critical Infrastructure – County/City government offices, medical, businesses, schools, churches, post office, parks
- Safe Schools and Daycare– access routes, crosswalks
- Street bike lanes, sidewalks, parks
- ADA compliance, seniors, emergency evacuation routes
- City Streets: D St., Harrison St., Broadway, Front St., Pine, Cedar, Second St., Fourth St.
- All routes are paved streets, some with sidewalks, very few with curbing

SILOS ROADSIDE TRAIL

- Connector from Hwy 287 to Silos Recreation Area
- Connects nearly all N-S neighborhood roads
- Existing road is narrow for types of users, asphalt, no striping
- Big RV rigs, pontoon boats, business and construction
- No pedestrian walk space with traffic and speeds
- School kids, neighborhood walkers, children, pets, visitors (50K/yr.)
- Room to expand ROW for an off road trail,
- Will require BLM approval for expanded ROW
- County road

HWY 287 FROM TOSTON TO TOWNSEND (11 miles)

- 5 Lane Hwy287 with 8 foot painted shoulder, rumble strip, asphalt, about 6 miles
- 2 lane Hwy 287 on about 5 miles, 2 sections, asphalt with shoulder stripe
- Alternate routes off the Hwy –Flynn Lane, Lower Deep Cr Rd (all gravel surface)
- Toston Hwy 287 Bypass at Toston: potential bridge removal will require use of new bridges highway
- Many Hwy 287 ingress roads – county, residential and ranch access, a few businesses

HWY 287 TOWNSEND BRIDGE TO SILOS ROAD (6.3 MILES)

- Entire route has asphalt surface with 6-8 foot stripped shoulder with rumble strip
- 5 lane Hwy287 on .45 miles, 2 lane on 5.8 miles
- Current highway ROW use:
 - 1+ mile north from bridge has a constructed trail
 - 3 miles of old highway roadbed used by pedestrians and ATV
 - 2.2 miles of user developed 2-track by pedestrians and ATV
- Development of existing use patterns is feasible
- Need trails on both sides of Hwy with under passes near Silos Rd and Springville Lane
- Evacuation route to Trailhead Christian Fellowship Church.

COMMITTEE NEXT STEPS

- Presentations to City Council and County Commissioners
- 2 Public open house presentations and feedback sessions, S and N ends of county
- Presentations to community groups and organizations
- Research issues from meetings
- Consolidate public feedback
- Prepare Draft Master Plan (Fairgrounds and Silos example)
- Final presentation to BCDC, City and County

COMMITTEE RESEARCH FOR DRAFT PLAN

- Construction standards for each trail type
- Ownership – government entity (city, county), non-profits, tools to use
- Funding avenues – available grant programs, matches, who holds funding and how, grant writing, donations, sponsorships
- Stewardship – signage, fundraising, promotion of system, partnerships, current organizations, non-profits, endowments, agreements

BCDC TRAIL COMMITTEE COMMITMENTS

- Complete draft Master Plan
- Identify alternative solutions to issues.
- Provide leadership in inspiring and mentoring others to pursue development of trail segments important to them
- Strive to ensure the public and agency entities will know the plan and how to find and use it

(Revised 10 am)

Trail walkers, hikers, bicyclists and river canoeists are invited to public open houses hosted by the Broadwater County Development Corporation's (BCDC) Trail Committee. They are seeking to gather further public input on a draft proposal for a trails and routes network plan across and within Broadwater County. The first open house will be March 18 hosted at the Bridger Brewery from 4 to 7 pm. The second open house will be hosted at the Lodge in Townsend on March 21 from 4 to 7 pm.

Broadwater County residents and others have made it clear over the past few years that there is an interest in alternative transportation methods within and across the county. Their interests have focused on a hike and bike trail system and the need for a master plan that identifies locations, types of use and the needs to make them safe for users.

The Community Review workshop sponsored by Broadwater County Development Corporation in March of 2023 highlighted the hike-bike trail master plan need. Discussions about other existing plans like the Broadwater County Fairgrounds Master Plan, Silos Recreation Area Master Plan, County Growth Plans, Park and Recreation Board survey, and other community surveys list trails as a community/county need. The Community Review provided a venue to establish a working committee to move ahead with the development of such a master plan.

A committee of interested individuals began meeting in late March of 2023 and has been working diligently on identifying a design for a network through and within Broadwater County and the City of Townsend. The committee was charged to develop a master plan for such a system. The committee expanded its view of transportation corridors to include the Missouri River as a canoe trail from Headwaters State Park to Canyon Ferry Lake. The committee established a vision for such a plan :

Develop a Draft Broadwater County Hike/Bike Master plan for identifying, implementing and maintaining a county-wide hike/bike trails and route system that is accessible, informative and welcoming to all interested users, that is safe, provides connectivity to and through county communities, considers emergency needs, critical infrastructure, community business, and social connections; and promotes healthy, educational, and recreational activities. The trails system will utilize existing transportation corridors to the greatest extent possible.

The committee goals will be to develop a Hike/Bike Trail System Master Plan for Broadwater County that:

1. ties the Counties geography and communities together
2. utilizes connections to the business and critical infrastructure of the county
3. reflects History and cultural aspects of the County
4. recognizes and uses, to the extent practicable, existing transportation corridors as trails and routes
5. recognizes and incorporates the diversity of users in determining trails and routes
6. utilizes existing plans and efforts that have transportation needs identifying that trails can be a part of this network
7. identifies current top priorities
8. identifies long-term phased-in trails or segments and necessary steps to get them completed
9. provides a snapshot in time of costs by year, phase or similar breakdown for priority segments
10. identifies current and future funding avenues and opportunities
11. obtains endorsement by local residents and elected community officials
12. Prepare a final draft brochure of the County Trail plan

The draft proposed trails and routes network map will be presented for public review at these open houses. Public comments will be accepted at the open houses or you can send comments to BCDC web page, BCDC@mt.net . Your input will be important to refining development of the maps and master plan.

Thank you for your interest. If you would like to become a committee member, please contact John Hahn at 406-202-1050 or Al Christophersen at 406-439-0197.