Public comments on the Laurel forensic mental health facility

Submitted by: Matt Gilg, Laurel, Montana
Date: September 15, 2026
To: Montana Department of Public Health and Human Services and Montana Board of Investments
Re: August 31, 2026 Draft Revised Final Environmental Assessment

Requested action

I object to adopting the revised assessment as adequate without resolving the specific deficiencies and questions in the eleven parts of this submission. I request reconsideration of the Laurel site using complete costs, lawful utility-service arrangements, verified engineering, enforceable patient-care and security requirements, and a site-specific assessment of impacts on schools and residents. Prepare an EIS if required by the applicable significance criteria; do not treat unresolved material issues as resolved merely because mitigation or another legal route might later be available.

I am furious that the state continues to advance this location while families still need clear answers about liability and responsibility. My daughter previously left elementary-school grounds after being locked out and was found blocks away by Good Samaritans before the school noticed. I know how quickly a failure of supervision can become a danger to a child. General reassurance is not an adequate response to a request for documented prevention, notification, response, and accountability.

I support access to mental health treatment. Patients deserve lawful treatment and outdoor access, and families deserve a defensible siting decision. Those responsibilities must be met together.

Parts of this submission

1. **Liability and individual accountability:** operational duties, insurance, indemnity, emergency agreements, notice, preservation, and independent investigation.
2. **Outdoor access and security:** required individual and group exercise areas, fencing promises, approved plans, staffing, and 64-bed changes.
3. **Patient population and demand:** statutory categories, zero reported NGMI orders, incorrect growth arithmetic, forecast assumptions, and admission criteria.
4. **School proximity and siting:** exact distance measurements, the state's correctional-statute rationale, site-specific risk analysis, and alternatives.
5. **Land acquisition:** $4.25 million price, 114-acre justification, appraisal and termination protections, prior dealings, and independent transaction review.
6. **Independent oversight:** Esp's documented legislative and advocacy roles, BOI Audit Committee authority, and independence from the decisions under examination.
7. **Water and local authority:** Laurel's charter, annexation policy, conditions for compelled service, condemnation authority, the lease arrangement, and impacts of alternative water strategies.
8. **Budget and contracts:** $26.5 million HB5 funding, proposed supplemental funds, the $48.3 million contract, reported foundation/pier costs, procurement, and enforceable specifications.
9. **Engineering and environmental review:** wrong-project references in geotechnical material, final foundation recommendations, hydraulic validation, wetlands, stormwater, and approvals.
10. **Evidence and local costs:** unreliable AI-derived claims, comparable-facility methods, property-value research, local fiscal impacts, and consistent evaluation of alternatives.
11. **Release and participation:** legal release pathways, practical discharge arrangements, decision chronology, public-record searches, and substantive responses to comments.

Record and response requested

Please accept the entire packet as my timely written public comment. The source-excerpt attachment reproduces selected pages from the administrative record and the current hearing packet. Original printed identifiers are retained. References to the June assessment are historical record citations; references to the August 31 revised assessment address the current proposal. In the current hearing packet, printed EA page numbers are four less than PDF page numbers.

I request a numbered response matrix identifying each issue, the agency's answer, the supporting record, the responsible official, and any required corrective action. Preserve the original recordings, correspondence, approvals, analyses, and contract versions. Where another body has jurisdiction, identify that body and the route to a substantive answer; do not let an agency boundary make the issue disappear.

Specific allegations requiring further evidence are presented as concerns or requests for investigation, not findings already made. I reserve all available lawful means to seek institutional and individual accountability where the evidence and applicable law support them.

Respectfully,
Matt Gilg
Laurel, Montana

Public Comment - Part 1 of 11 - Unanswered liability questions and individual accountability

This email is Part 1 of 11 of my single public-comment submission on the August 31, 2026 Draft Revised Final Environmental Assessment. Please read and retain all eleven parts together as one submission.

Submitted by: Matt Gilg, Laurel, Montana
To: Montana Department of Public Health and Human Services and Montana Board of Investments
Date: September 15, 2026
Re: August 31, 2026 Draft Revised Final Environmental Assessment - Laurel forensic mental health facility

My family deserves an answer

I am furious that questions about responsibility for harm to my daughter and my neighbors' children remain unanswered by the general safety assurances in this record. I have raised liability concerns because the consequences of a failure would fall on real families. I will not accept another response that describes the facility as safe while avoiding who is responsible if its safeguards fail.

My daughter climbed a fence at her elementary school after being locked out. Good Samaritans found her blocks away before the school even noticed she was missing. That is my firsthand account. It demonstrates how quickly a failure of supervision can develop before responsible adults recognize it. It does not predict that a patient will escape; it explains why I insist on a plan for failure as well as prevention.

I intend to pursue every available lawful avenue to hold the officials and agencies responsible for these decisions accountable. I believe Director Dan Villa has knowingly proceeded contrary to legal requirements, and I request independent investigation of that allegation, including the applicable requirements, notice he received, his authority, and the decisions made afterward. I expect findings supported by evidence, rather than an assumption that an official title resolves the question.

The record already contains the liability question

Gayle Everitt’s public-comment document at PDF page 1063, MT001056 (continuing at MT001057), specifically asks what liability the state assumes for incidents affecting students, staff, or school operations, and what liabilities the city and residents are expected to assume. The email header says “Draft saved”; I do not assign a sending time to it. Its presence in the administrative record establishes that this question was included in the agency record. It does not establish which official personally read it or when.

The June 12 Final Environmental Assessment (EA), PDF page 27, MT000020, says the facility would rarely draw on local emergency services and says DPHHS **will pursue** agreements with Billings providers. PDF page 30, MT000023, lists security features and historical Galen EMS calls. Those passages address prevention and expected service demand. They do not identify responsibility for injury, financial coverage, claims handling, or an executed allocation of response duties.

The distinction matters: low expected frequency does not answer what happens to a family when an incident does occur. An intention to pursue an agreement is not an executed agreement.

The draft construction contract also addresses liability. Sections 6–7 (PDF 3351 / MT003344) provide contractor indemnity benefiting BOI and require insurance; section 9 (PDF 3352 / MT003345) limits BOI’s contractual liability. These provisions are relevant protections, but they do not by themselves establish coverage for DPHHS operations or compensation available to an injured neighbor. A contract between BOI and its contractor does not automatically bind a nonparty injured resident. Produce the executed terms, actual coverage, and the legal scope claimed for these limitations. **BOI has put protections for itself in writing. Families**

deserve an equally specific explanation of their rights and the agencies' responsibilities.

The August 31 revised EA, printed pages 28–29 and 32 (September hearing packet PDF pages 32–33 and 36), retains the emergency-service assurances and prospective transfer agreements. My requests apply to the current proposal.

Required written answers

1. Identify the operational and legal responsibilities of BOI as owner, DPHHS as operator, and every relevant contractor for negligent design, maintenance, supervision, transport, delayed notification, and emergency response. Explain how overlapping responsibilities are resolved.
2. Identify the applicable insurance or state risk-financing coverage, limits, exclusions, claims office, and process for reporting harm. State who pays for school protective measures, emergency response, injury, and property damage attributable to facility operations, subject to applicable law.
3. Provide executed dispatch, response, mutual-aid, transport, and school-notification agreements. Identify any agreement still under negotiation and the condition that prevents operation before necessary arrangements are complete.
4. State who can immediately notify schools and residents, the notification triggers, target times, backup methods, and who verifies receipt. Include an unauthorized departure during arrival, recess, or dismissal and a transport incident outside the building.
5. Identify every response already issued to the liability questions in the record. An acknowledgement or general statement about security is not a substantive answer. If no specific response exists, explain why and set a response date.
6. Explain the applicable framework for institutional and individual responsibility, including how course-and-scope questions and defense or indemnification exclusions under MCA 2-9-305 are determined. Do not imply that wrongdoing automatically eliminates immunity or that public employment automatically resolves every claim.
7. Preserve relevant emails, texts, attachments, approvals, legal-authority determinations, meeting recordings, design changes, risk assessments, and contractor communications, including official business conducted on personal accounts or devices. Identify the custodian and applicable retention measures.

I reserve the right to seek appropriate relief against responsible public entities, private entities, and individuals where the facts and law permit. For private entities, that includes asking counsel to evaluate veil-piercing where supported. For public officials, that includes individual liability and conduct outside lawful authority where an applicable cause of action permits it. This comment does not assume that those distinct legal tests have already been met.

The state is asking families to live with its decision. It must put its responsibilities in writing.

Sources

- Current August 31 revised EA and September hearing notice. Printed EA page numbers differ from hearing-packet PDF page numbers by four.
- Administrative record: PDF 27 / MT000020; PDF 30 / MT000023; PDF 1063–1064 / MT001056–MT001057; PDF 3351–3353 / MT003344–MT003346. See accompanying Exhibit 01.
- MCA 2-9-305 - Immunization, defense, and indemnification of employees.

Please place this comment and its cited supporting materials in the project record. Respond to each numbered request in writing, identify the responsible official, and cite the supporting document and page. If a requested analysis or agreement does not exist, say so expressly and explain what action will address the gap. If you contend that an issue falls outside this proceeding, identify the office responsible and the process for obtaining a

substantive answer.

Respectfully,
Matt Gilg
Laurel, Montana

Public Comment - Part 2 of 11 - Outdoor patient rights and enforceable security design

This email is Part 2 of 11 of my single public-comment submission on the August 31, 2026 Draft Revised Final Environmental Assessment. Please read and retain all eleven parts together as one submission.

Submitted by: Matt Gilg, Laurel, Montana
To: Montana Department of Public Health and Human Services and Montana Board of Investments
Date: September 15, 2026
Re: August 31, 2026 Draft Revised Final Environmental Assessment - Laurel forensic mental health facility

Reconcile the actual design with the public assurances

The record does identify outdoor patient areas. The Phase 1 draft floor plan at PDF page 2420, MT002413, labels four pod outdoor recreation areas of 481 square feet each. The problem is whether the approved design, staffing, and operating policies satisfy the applicable requirements and the state's more specific security promises.

The FAQ at PDF page 286, MT000279, promises double-layer security fences around all outdoor areas. The June 12 Final EA at PDF page 30, MT000023, describes a high-security perimeter fence around certain sections of the facility. These statements could coexist if every outdoor patient area is among those sections, but the EA does not expressly retain the double-layer requirement.

The June 12 Final EA also describes medium- to low-security design standards at PDF page 16, MT000009, while the FAQ says security is significantly tighter than traditional locked psychiatric units. Those comparisons may use different baselines; publish the actual performance standards so residents can assess the design.

I have heard statements about natural perimeters and the absence of a prison yard. Please clarify those statements against the plans and requirements below. A description of appearance cannot substitute for a clear statement of physical containment and supervision.

The requirements are concrete

ARM 37.106.1610(7) requires secured outdoor exercise space with both an enclosed individual area and a large fenced group area. Subsection (6) separately addresses a gymnasium and an equipped exercise room. MCA 53-21-142(9) provides for regular exercise and outdoor access absent contrary medical considerations. The EA itself promises compliance with ARM 37.106.1615, the forensic-facility security rule, at PDF page 30.

A facility need not call an area a prison yard to provide lawful outdoor access. But neither a label nor a conceptual drawing establishes compliance.

Required written answers

1. Identify the final approved plan and which spaces satisfy each outdoor individual and group requirement. Explain how the four 481-square-foot spaces function, their allowed occupancy, and whether additional outdoor facilities are planned.
2. State whether double-layer fencing will surround every outdoor patient area. Cite the controlling specifications, design approval, and any change from the FAQ. Explain what physical function, if any, natural features perform in containment.
3. Publish a compliance matrix for ARM 37.106.1610 and 37.106.1615, identifying the reviewing authority, review date, outstanding conditions, and any claimed exception or alternative compliance

authority.

4. Identify minimum staffing and supervision for outdoor access, the schedule for regular access, and backup arrangements during shortages. Explain how medical restrictions are individually determined and reviewed.
5. Explain how unauthorized departures are detected and how required outdoor access, patient transports, visitors, and emergency evacuation are managed without leaving gaps in coverage. Provide a public summary and independent review findings without disclosing exploitable technical details.
6. Identify what changes at 64 beds, including outdoor occupancy, supervision, containment, notification, and emergency response. State the opening conditions that make these protections enforceable.

Residents and patients both deserve an approved, adequately staffed design. Correct any public assurance that no longer describes it.

Sources

- Current August 31 revised EA and September hearing notice. Printed EA page numbers differ from hearing-packet PDF page numbers by four.
- Administrative record: PDF 16 / MT000009; PDF 30 / MT000023; PDF 286 / MT000279; PDF 2420 / MT002413. See Exhibit 02.
- ARM 37.106.1610 - Common use areas.
- ARM 37.106.1615 - Security.
- MCA 53-21-142 - Patient rights.

Please place this comment and its cited supporting materials in the project record. Respond to each numbered request in writing, identify the responsible official, and cite the supporting document and page. If a requested analysis or agreement does not exist, say so expressly and explain what action will address the gap. If you contend that an issue falls outside this proceeding, identify the office responsible and the process for obtaining a substantive answer.

Respectfully,
Matt Gilg
Laurel, Montana

Public Comment - Part 3 of 11 - Correct the patient categories and quantify actual demand

This email is Part 3 of 11 of my single public-comment submission on the August 31, 2026 Draft Revised Final Environmental Assessment. Please read and retain all eleven parts together as one submission.

Submitted by: Matt Gilg, Laurel, Montana
To: Montana Department of Public Health and Human Services and Montana Board of Investments
Date: September 15, 2026
Re: August 31, 2026 Draft Revised Final Environmental Assessment - Laurel forensic mental health facility

The record confuses sentencing with commitment following acquittal

The October 2025 planning document reproduced at PDF page 272, MT000265, groups GBMI and NGMI patients under sentencing pursuant to MCA 46-14-312. That statute governs sentencing following conviction. MCA 46-14-301 separately governs potential commitment after a finding of not guilty because mental disease or disorder prevented the required mental state.

The separate pathway exists. The problem is the state's inaccurate attribution of both categories to the sentencing statute, inconsistent labels, and lack of a quantified projected Laurel patient mix. PDF page 18, MT000011, also uses the phrase not guilty but mentally ill. Please use the actual statutory categories and explain any administrative shorthand.

Your own numbers require correction and explanation

PDF page 276, MT000269, reports these court orders:

Category	FY2022	FY2023	FY2024	FY2025
Court-ordered evaluation (COE)	55	93	81	67
Unfit to proceed (UTP)	23	42	52	43
Pre-sentence evaluation (PSE)	6	7	13	20
GBMI	4	7	39	26
NGMI	0	0	0	0
Total	88	149	185	156

Zero NGMI orders across four fiscal years does not prove no previously committed patients remain. It does require the state to distinguish new orders from existing patients and occupied bed-days before using this category to justify new capacity.

The table labels the change from 4 GBMI orders to 26 as 650%. That is incorrect as an increase: (26 - 4) / 4 × 100 = **550%**. Twenty-six is 650% of four. GBMI orders also declined from 39 to 26 between FY2024 and FY2025; total orders declined from 185 to 156. The longer-period increase remains real, but the public deserves both the increase and the subsequent decline, with correct arithmetic.

The August 31 revised EA repeats the 650% increase at printed page 7 (hearing packet PDF page 11). It also discloses the reduction in the waitlist from 128 at the end of FY2025 to 87 on June 5, 2026. My objection is not that the decline was hidden; it is that the current forecast must reconcile the disclosed decline, temporary

capacity constraints, court orders, actual admissions, and occupied bed-days.

Identify the population actually assigned to Laurel

The FAQ at PDF page 284, MT000277, includes evaluation, restoration, GBMI, and NGMI populations. At PDF page 286, MT000279, it distinguishes approximately three-to-six-month evaluation/restoration stays from stays tied to sentence and behavior. The existing MSH privilege-system description at PDF page 274, MT000267, is not an allocation of Laurel beds.

The June 12 Final EA's statement that the department does not anticipate serving a particular population occurs in a discussion of medical acuity and EMS calls at PDF page 30, MT000023. It does not state a binding exclusion of particular offenses, escape histories, or behavioral risks.

Required written answers

1. Publish projected admissions, average daily census, occupied bed-days, and lengths of stay by legal category for 32 and 64 beds. Identify how many Laurel beds are intended for sentenced GBMI patients.
2. Identify the statutory authority for every category; correct the attribution of NGMI sentencing to MCA 46-14-312 and reconcile the inconsistent terminology.
3. For the zero-order category, provide existing census, length-of-stay data, projected new admissions, and the basis for any forecasted demand. Provide aggregate data without identifying patients.
4. Explain whether Laurel directly provides evaluation/restoration services or principally transfers sentenced patients to free Galen capacity. Quantify direct and indirect effects without counting the same benefit twice.
5. Correct the 650% increase claim and publish updated demand, admissions, and waitlist data with definitions, dates, and a reproducible forecasting method.
6. Publish admission exclusions and exception authority. Clarify whether the EA's medical-acuity statement excludes any behavioral-risk category, and how public assurances about excluded populations are enforced.
7. State what happens if an admitted patient's condition or behavior exceeds the facility's capabilities, and what notice and review precede any material population change.

Misleading language and failure to explain the custodial purpose

I find the state's use of broad mental-health and behavioral-health language deeply offensive when it obscures the proposed facility's court-ordered, custodial role. In my view, that language is being used to invoke support for treatment while leaving residents without a clear account of who will actually occupy these beds and under what legal authority. Calling a person a patient does not answer whether that person is serving a criminal sentence, awaiting an evaluation, undergoing competency restoration, or held under a different court order. Psychiatric treatment and criminal-justice custody can coexist; the public must be told plainly about both.

I regard the need for care after criminal-justice involvement as evidence that our systems have failed too many people earlier. Explain what investment in accessible treatment, crisis response, diversion, and continuity of care could have prevented people from reaching this point. Expanding forensic beds may address an existing need, but that does not answer whether this spending plan adequately addresses prevention or the reasons people entered the system.

1. State plainly whether Laurel itself will admit people for evaluation and competency restoration, or whether its principal function is to house sentenced patients and free evaluation/restoration beds elsewhere. Publish the expected bed allocation and operating plan. Do not present an indirect system benefit as a service delivered at Laurel without explaining the distinction.
2. Identify and correct public descriptions that obscure criminal sentencing, involuntary custody,

admission categories, or sentence-based limits on detention. Publish one consistent explanation that distinguishes this facility from voluntary community mental-health treatment and accurately explains each legal pathway.

3. Explain the allocation of resources between this facility and earlier treatment, crisis services, and diversion. Identify which prevention alternatives were evaluated, their projected effects, and why the proposed allocation was chosen. My objection concerns misleading descriptions and policy priorities; it does not deny the need for psychiatric care for people in custody.

Sources

- Current August 31 revised EA and September hearing notice. Printed EA page numbers differ from hearing-packet PDF page numbers by four.
- Administrative record: PDF 18, 30, 272, 274, 276, 284, 286. See Exhibit 03; printed MT identifiers are preserved.
- MCA 46-14-312 - Sentencing.
- MCA 46-14-301 - Commitment following specified acquittals.

Please place this comment and its cited supporting materials in the project record. Respond to each numbered request in writing, identify the responsible official, and cite the supporting document and page. If a requested analysis or agreement does not exist, say so expressly and explain what action will address the gap. If you contend that an issue falls outside this proceeding, identify the office responsible and the process for obtaining a substantive answer.

Respectfully,
Matt Gilg
Laurel, Montana

Public Comment - Part 4 of 11 - School proximity, siting authority, and the evidence of safety

This email is Part 4 of 11 of my single public-comment submission on the August 31, 2026 Draft Revised Final Environmental Assessment. Please read and retain all eleven parts together as one submission.

Submitted by: Matt Gilg, Laurel, Montana
To: Montana Department of Public Health and Human Services and Montana Board of Investments
Date: September 15, 2026
Re: August 31, 2026 Draft Revised Final Environmental Assessment - Laurel forensic mental health facility

A legal classification does not complete the safety analysis

The June 12 Final EA at PDF pages 18–19, MT000011–MT000012, explains why the state considers MCA 53-30-607 inapplicable: the statute concerns private correctional facilities, while the proposed facility will be publicly owned and operated as a forensic mental health facility. I am addressing that stated position directly.

I object to proceeding on a legal classification without a transparent, location-specific account of the risks to schoolchildren and neighboring families. A conclusion that one setback statute does not apply does not establish the adequacy of this site's safeguards.

PDF page 17, MT000010, states that the nearest school is approximately half a mile from the proposed construction location and faults commenters for not presenting data demonstrating adverse effects from proximity. The public should not have to produce a completed risk assessment to obtain the agency's own analysis of an obvious siting concern.

Establish what distance was measured

The EA measures from the proposed construction location. Distances raised by residents may use the parcel boundary, school grounds, or another endpoint. Comparing unlike measurements can create a misleading disagreement. Publish the coordinates and endpoints before treating either figure as decisive.

My daughter's experience leaving school grounds before staff noticed is a concrete reason to assess detection and response failures. Families need to know what protects children outside the school building, including during recess, arrival, dismissal, and transport-related incidents.

Required written answers

1. Publish a map with measured distances from the parcel boundary, building, outdoor patient areas, and transport entrance to the school property line, occupied buildings, and play areas. Identify the measurement method and design version.
2. Provide the complete legal analysis for siting and licensing, including the effect of any private operator or contractor arrangement on the state's public-operation rationale. Identify which changes would require that rationale to be reconsidered.
3. Identify the actual security and patient-risk standards that support the chosen distance. Provide the independent assessment of foreseeable departures, transport failures, evacuation, and delayed notification, including assumptions and residual risks.
4. Publish the school district's and emergency responders' substantive input, the state's responses, unresolved objections, and any executed coordination agreements. Do not treat the absence of an opponent's study as affirmative evidence of safety.
5. Compare school separation and response capability at the alternative sites, including Hardin and Miles

City. Explain how those considerations were weighted against workforce and infrastructure advantages.
6. Identify whether this analysis covers the 64-bed buildout and each admitted population. State what changes trigger renewed review.

I request a reasoned response to the safety evidence and the legal questions, not another general description of how a hospital differs from a prison.

Sources

- Current August 31 revised EA and September hearing notice. Printed EA page numbers differ from hearing-packet PDF page numbers by four.
- Administrative record: PDF 16–21, MT000009–MT000014; PDF 30, MT000023. See Exhibit 04.
- MCA 53-30-607 - Private correctional facility siting.

Please place this comment and its cited supporting materials in the project record. Respond to each numbered request in writing, identify the responsible official, and cite the supporting document and page. If a requested analysis or agreement does not exist, say so expressly and explain what action will address the gap. If you contend that an issue falls outside this proceeding, identify the office responsible and the process for obtaining a substantive answer.

Respectfully,
Matt Gilg
Laurel, Montana

Public Comment - Part 5 of 11 - Land price, acreage, prior dealings, and acquisition controls

This email is Part 5 of 11 of my single public-comment submission on the August 31, 2026 Draft Revised Final Environmental Assessment. Please read and retain all eleven parts together as one submission.

Submitted by: Matt Gilg, Laurel, Montana
To: Montana Department of Public Health and Human Services and Montana Board of Investments
Date: September 15, 2026
Re: August 31, 2026 Draft Revised Final Environmental Assessment - Laurel forensic mental health facility

Show the evidence supporting the public expenditure

The buy-sell agreement dated January 13, 2026 lists a **$4,250,000 purchase price** and $42,500 earnest money at PDF page 1942, MT001935. The public deserves the valuation and decision records supporting that price when the agreement was executed and when the acquisition proceeded.

I am concerned that prior business relationships influenced this transaction and that the sellers received an unjustified benefit. I request an independent examination of that concern. The existence of a seller's profit or an earlier business relationship alone does not establish an unlawful transaction; the relevant question is whether the state used an impartial, documented process and paid a justified price.

The acreage explanation needs quantities

The June 12 Final EA at PDF page 31, MT000024, explains the 114-acre purchase in terms of a future 64-bed campus, security perimeter, operational support, and contingency buffers. That is an answer, but it is not an acreage calculation. The Phase 1 floor plan at PDF page 2420, MT002413, labels 32,803 square feet of building area. Building area alone does not establish the total land requirement; nor does a reference to possible expansion justify any acreage at any price.

Provide the calculations that connect the operating program to the purchased acreage, including wetlands, access, utilities, setbacks, stormwater facilities, buffers, and future development.

The agreement raises specific due-diligence questions

At PDF page 1944, MT001937, the appraisal-contingency form contains uncompleted value and deadline fields; the reproduced selection boxes appear unmarked. The same page separately sets out property-investigation rights. PDF page 1945, MT001938, provides a right to terminate for any reason before July 1, 2026. These features do not prove that no appraisal occurred. They make it necessary to disclose which protections were operative and what evidence supported proceeding.

Required written answers

1. Produce the independent appraisal, effective valuation date, engagement instructions, comparable sales, adjustments, highest-and-best-use assumptions, and review appraisal, if any. Identify what was available before execution and before closing.
2. Explain which appraisal contingency applied, including any addendum, waiver, or separate approval. Identify the actual closing date and the decision to proceed while termination rights remained available, if applicable.
3. Publish an acreage budget for Phase 1 and Phase 2. Identify the source of any two-acre minimum or

building-site estimate and distinguish it from total campus requirements. Explain why a smaller acquisition or different site was rejected.

4. Disclose prior transactions and business relationships involving Director Villa or BOI and the sellers, their principals, brokers, and transaction representatives. Identify the nature and dates of those dealings and any relevant financial interest, disclosure, recusal, or independent review.
5. Identify who proposed the property, negotiated the price, recommended approval, approved the acquisition, and verified due diligence. Provide the contemporaneous comparison of acquisition, infrastructure, and lifecycle costs at alternative sites.
6. Reconcile the June 12 Final EA's claimed fiduciary advantages at PDF page 20, MT000013, with all site-specific costs and limitations known before acquisition. Distinguish the land price from the construction contract and other project commitments.
7. Have an independent reviewer determine whether the acquisition complied with applicable law, BOI policies, and delegated authority, and publish the findings and corrective actions.

The state's response should make the transaction auditable. Assessed tax values alone are not a substitute for a market appraisal, and a bare assertion that the site was best is not a valuation analysis.

Sources

- Current August 31 revised EA and September hearing notice. Printed EA page numbers differ from hearing-packet PDF page numbers by four.
- Administrative record: PDF 20 / MT000013; PDF 31 / MT000024; PDF 1942 / MT001935; PDF 1944–1945 / MT001937–MT001938; PDF 2420 / MT002413. See Exhibit 05.

Please place this comment and its cited supporting materials in the project record. Respond to each numbered request in writing, identify the responsible official, and cite the supporting document and page. If a requested analysis or agreement does not exist, say so expressly and explain what action will address the gap. If you contend that an issue falls outside this proceeding, identify the office responsible and the process for obtaining a substantive answer.

Respectfully,
Matt Gilg
Laurel, Montana

Public Comment - Part 6 of 11 - Independent audit, Senator Esp’s overlapping roles, and oversight responsibility

This email is Part 6 of 11 of my single public-comment submission on the August 31, 2026 Draft Revised Final Environmental Assessment. Please read and retain all eleven parts together as one submission.

Submitted by: Matt Gilg, Laurel, Montana
To: Montana Department of Public Health and Human Services and Montana Board of Investments
Date: September 15, 2026
Re: August 31, 2026 Draft Revised Final Environmental Assessment - Laurel forensic mental health facility

Additional intended recipients: BOI Audit Committee; Legislative Audit Committee; Children, Families, Health and Human Services Interim Committee.

Use the oversight authority that already exists

BOI Policy 10.161 gives its Audit Committee responsibility for internal controls, audit, legal-compliance monitoring, and ethics. It authorizes investigations and outside advisers. I request an independent review of the Laurel acquisition, procurement, legal authority, risk allocation, and responses to public concerns under that charter.

The public needs to know who checks the decisions of the people promoting this project. Support for the project cannot substitute for an independent examination of whether it was lawfully and responsibly advanced.

Senator Esp's involvement is documented

- The HB5 amendment document at PDF page 2653, MT002646, identifies John Esp as the requester. It distinguishes him from the bill's sponsor and legislative drafter. Identify precisely which provisions he requested or shaped.
- The March 9, 2026 CFHHS committee minutes list Esp as a member and record his participation during the forensic-facility discussion: PDF pages 1760 and 1762, MT001753 and MT001755.
- Esp's written testimony at PDF page 1037, MT001030, endorses the preliminary EA's treatment of the plan and neighborhood impacts. It also describes his numerous letters to Yellowstone County leaders and residents.

These records establish overlapping legislative, oversight, and advocacy roles. They do not establish that Esp is a member of BOI's Audit Committee or the Legislative Audit Committee, and I do not conflate those bodies. They also do not by themselves establish a disqualifying private financial interest.

My concern is whether anyone independent of the project's sponsors and advocates has examined the challenged decisions. A legislator may support legislation and exercise oversight; that does not answer how an inquiry into his own participation will remain independent.

The April 22 board minutes (PDF 3430 / MT003423) identify Esp as a proponent of contract approval and Mark Barry as the member moving approval, pending a DPHHS notice to proceed. Barry also appears in the December 10 Audit Committee roster reproduced in the February 2026 board packet. This strengthens the need for an investigator independent of the decisions being examined. It does not establish that either person is legally disqualified merely because of prior participation.

Required written answers

1. Identify which body will independently examine the transaction and agency conduct, its authority, scope, investigators, reporting line, and public reporting schedule. BOI should specifically state whether its Audit Committee will exercise Policy 10.161 authority.
2. Disclose Esp's role in the funding mechanism, site advocacy, communications with BOI and DPHHS, and any meetings concerning the acquisition or local approvals. Provide the relevant amendment history and meeting records.
3. State whether Esp has participated in decisions about investigating his own involvement or the conduct challenged by residents. Identify any disclosure, recusal request, recusal decision, or ethics advice applicable to those proceedings.
4. I request voluntary recusal from directing, limiting, or deciding an investigation into his own participation, with the reasons for granting or rejecting that request stated publicly. He may supply evidence and respond to findings without controlling the investigation.
5. Identify how project proponents' testimony and commissioned comparisons were distinguished from independent audit findings. State whether any conclusions about lawful conduct rely only on agency assurances or advocacy submissions.
6. Require independent review of Director Villa's authority, acquisition and contracting decisions, prior dealings relevant to those transactions, and the handling of safety and liability objections. Preserve the communications and approval records needed to determine knowledge and chronology.
7. Publish findings, unresolved issues, and corrective actions. If the responsible committee declines to investigate, state the reasons and identify the alternative review mechanism.

I am angry that the people advancing this project have offered reassurance while fundamental accountability questions remain. **Oversight must be capable of finding that the people promoting a project got it wrong.**

Sources

- Current August 31 revised EA and September hearing notice. Printed EA page numbers differ from hearing-packet PDF page numbers by four.
- Administrative record: PDF 1037 / MT001030; PDF 1760 / MT001753; PDF 1762 / MT001755; PDF 2653 / MT002646; PDF 3430 / MT003423. See Exhibit 06.
- BOI Policy 10.161 - Audit Committee Charter, sections I.A–B and I.F. Reviewed December 10, 2025.
- BOI February 2026 board packet, December 10, 2025 Audit Committee minutes, identifies Barry, Younkin, and Iverson as members at that meeting.

Please place this comment and its cited supporting materials in the project record. Respond to each numbered request in writing, identify the responsible official, and cite the supporting document and page. If a requested analysis or agreement does not exist, say so expressly and explain what action will address the gap. If you contend that an issue falls outside this proceeding, identify the office responsible and the process for obtaining a substantive answer.

Respectfully,
Matt Gilg
Laurel, Montana

Public Comment - Part 7 of 11 - Water, Laurel’s charter, annexation, and eminent-domain authority

This email is Part 7 of 11 of my single public-comment submission on the August 31, 2026 Draft Revised Final Environmental Assessment. Please read and retain all eleven parts together as one submission.

Submitted by: Matt Gilg, Laurel, Montana
To: Montana Department of Public Health and Human Services and Montana Board of Investments
Date: September 15, 2026
Re: August 31, 2026 Draft Revised Final Environmental Assessment - Laurel forensic mental health facility

Laurel is a charter city with self-government powers

The state must address Laurel's actual form of government. Charter sections 1.01–1.02 provide self-government powers and liberal construction; section 2.03 places legislative and policy authority in the council. Section 3.04 requires the mayor to carry out council policies and makes execution of council obligations subject to council approval. A state official's conversation with a city employee is not a substitute for identifying the legally authorized municipal decision.

Charter section 1.04 addresses supremacy over statutory provisions concerning government structure and organization. I do not claim that every local policy overrides every state law. I demand a precise explanation of which authority controls each disputed action. Address the annexation policy adopted through Resolution R08-22 separately from the charter, including its current text, amendments, applicability, and any claimed exception to annexation for an outside water customer.

The revised EA proposes compulsion without resolving the statutory conditions

The August 31 EA, printed pages 25–28 (hearing packet PDF 29–32), identifies eight water-service options. Its preferred option on page 26 is service without annexation. It also offers consent to annexation, mitigation, buying and decommissioning existing properties, compelling service under MCA 7-13-4346, enforcing the Love's agreement, challenging the moratorium, and eminent domain or reallocation of city water rights. These are materially different actions.

MCA 7-13-4346 is not merely a distance rule. It concerns a subdivision proposed for review under Title 76, chapter 3 or 4, and requires a connection request, the specified boundary distance, and other conditions, including managing-entity certifications about capacity, authorized connections, regulatory compliance, and an appropriate water right. An engineer's estimate of spare capacity does not itself establish all those conditions.

Name the entity claiming condemnation power

The EA refers broadly to the State's eminent-domain rights. BOI is acting as an investment owner and proposed landlord. Its general investment statute, MCA 17-6-201, contains no express condemnation grant. Identify the authority actually relied upon, including whether a different agency would bring the action. Do not substitute the power to purchase an investment for an explanation of the power to take property involuntarily.

A lease producing a return does not by itself eliminate a public use: MCA 70-30-102 includes public buildings for state use. But that does not decide BOI's authority, the necessity of this taking, or priority over an existing municipal public use. MCA 70-30-111 requires findings that include necessity, a more necessary public use where applicable, and a rejected final written offer.

Required written answers

1. Reconcile each proposed route with Laurel's charter, council authority, current annexation policy, and MCA 7-13-4314. Identify the exact state-law provision claimed to supersede a local requirement and explain why it applies to a self-government city.
2. For MCA 7-13-4346, identify the qualifying subdivision-review proceeding, connection request, measurement endpoints, DEQ status, and each required managing-entity certification. Address whether the existing Rossmoor subdivision and proposed facility satisfy the statute's threshold language.
3. Produce the executed Love's agreement and the clause claimed to give this owner enforceable third-party rights. Distinguish construction of a main, allocation of extension costs, service authorization, and an obligation to provide continuing service.
4. Identify the proposed condemnor, statutory delegation, approvals, precise property interest, water-right numbers, quantity, compensation source, and necessity findings. Distinguish taking an easement, a water right, or infrastructure from compelling ongoing municipal operation. Explain the procedure for any proposed reallocation of a water reservation.
5. Produce the proposed or executed BOI–DPHHS lease, rent calculation, investment return, beneficiaries, maintenance obligations, and allocation of condemnation and utility costs. Explain why this acquisition serves the asserted public use and is necessary despite other sites and service options.
6. The EA says none of its eight options has a material environmental impact. Provide option-specific support, including the effects of decommissioning properties, replacing demand, changing water rights, infrastructure work, costs, and delay. Aggregate water availability does not establish that these different actions have identical consequences.
7. Make lawful, adequate water and sewer service an enforceable prerequisite to construction and occupancy as applicable. Explain what happens if the preferred arrangement fails, and provide renewed review and public participation for material changes.

Sources

- Current August 31 revised EA and September hearing notice. Printed EA page numbers differ from hearing-packet PDF page numbers by four.
- August 31 revised EA, printed pages 24–29; hearing packet PDF 28–33. See Exhibit 07 and the current-EA exhibit.
- Laurel City Charter, sections 1.01–1.04, 2.03, 3.04.
- MCA 7-13-4346; MCA 7-13-4314.
- MCA 17-6-201; MCA 70-30-102; MCA 70-30-111.

Please place this comment and its cited supporting materials in the project record. Respond to each numbered request in writing, identify the responsible official, and cite the supporting document and page. If a requested analysis or agreement does not exist, say so expressly. If an issue falls outside this proceeding, identify the responsible office and process for a substantive response.

Respectfully,
Matt Gilg
Laurel, Montana

Public Comment - Part 8 of 11 - Budget growth, foundation costs, procurement, and enforceable contract terms

This email is Part 8 of 11 of my single public-comment submission on the August 31, 2026 Draft Revised Final Environmental Assessment. Please read and retain all eleven parts together as one submission.

Submitted by: Matt Gilg, Laurel, Montana
To: Montana Department of Public Health and Human Services and Montana Board of Investments
Date: September 15, 2026
Re: August 31, 2026 Draft Revised Final Environmental Assessment - Laurel forensic mental health facility

Account for the increase beyond HB5 funding

HB5 section 17 provides $26.5 million. The August 31 EA, printed pages 8 and 37, describes supplemental BHSFG funding of $28.5 million and a Phase 1 project-manager contract capped at $48,296,810.40. Page 8 first describes the supplemental money as potentially available, then describes Phase 1 as currently funded. Identify what was authorized, transferred, encumbered, and spent, rather than treating those stages as interchangeable.

I am concerned that site-specific foundation requirements, including reported use of piers, contributed to the higher cost. I request verification of that report through the final geotechnical recommendation, foundation drawings, estimates, change records, and approval chronology. The material cited here does not quantify a pier-related increase; the agencies should provide the number and explain the cause. If unsuitable soils made this site more expensive, why was its financial advantage not reconsidered before further commitments?

The $48.3 million contract, the $4.25 million land price, and the $26.5 million statutory transfer describe different components or funding sources. They must be reconciled in one complete project budget. An appropriation is not by itself an original construction estimate, and a contract ceiling is not evidence that every dollar has been spent.

The contract needs a clear and enforceable scope

The record's draft contract begins as though it started January 1, 2026, and replaces an earlier agreement except completed and paid preliminary work (PDF 3348 / MT003341). Its reproduced signatures are blank (PDF 3353 / MT003346). The April 22 minutes record approval pending a DPHHS notice to proceed, with both proponents and opponents heard (PDF 3430 / MT003423). These records require an execution and commitment chronology; they do not establish a signed, irrevocable January contract.

There is a concrete drafting problem. Sections 3(b) and 3(m) require purchases and the completed project to conform to Exhibits A and B or the plans. Section 15 says the exhibits are illustrative and not part of the agreement, and requires a separately signed agreement for material changes. Explain what fixes the enforceable design, budget, outdoor spaces, and security specifications.

Required written answers

1. Publish the full sources-and-uses budget, identifying legal authority and approval dates for the BHSFG supplement, land, construction, design, management, foundations, utilities, litigation, contingencies, commissioning, staffing, and recurring rent. Distinguish Phase 1 from unfunded Phase 2.
2. Produce each dated estimate and a reconciliation of changes: scope, inflation, security, soil conditions, piers or other foundations, infrastructure, and contingencies. Identify when each condition became

known, who approved its cost, and whether termination or alternate-site options remained available.

3. Provide the final geotechnical report and licensed engineer's foundation recommendation. State whether piers are required, the cost compared with the initial assumed foundation, and the corresponding costs at alternative sites. Disclose any estimate uncertainty still unresolved when the site was selected or purchased.
4. Produce executed contracts, amendments, notice to proceed, payment ledger, prior preliminary-work agreement, and termination notices or waivers. Explain the retroactive effective-date language and what obligations actually existed at each public hearing and decision.
5. Identify procurement authority, solicitations, bids, evaluations, related-party disclosures, and any statutory authority to extend an existing contract. Explain the selection and price review of the project manager, general contractor, and designer, including any overlapping ownership or personnel. If competition was not required, identify the authority and independent price safeguards.
6. Resolve the conflict between plan-conformity requirements and section 15's exclusion of the exhibits. Identify the signed instrument that makes the publicly promised safety and patient-care features enforceable, and who verifies delivery before acceptance and occupancy.
7. Explain how the state evaluated financial consequences of rejecting or relocating the project after public comment. Publish recoverable and unrecoverable expenditures and explain why prior commitments did not foreclose meaningful consideration of alternatives.

An investment agency should be able to show its arithmetic, its authority, and its due diligence. The public should not have to reconstruct a growing commitment from scattered documents.

Sources

- Current August 31 revised EA and September hearing notice. Printed EA page numbers differ from hearing-packet PDF page numbers by four.
- Administrative record: PDF 1942 / MT001935; PDF 2111–2112 / MT002104–MT002105; PDF 3348–3355 / MT003341–MT003348; PDF 3430 / MT003423. See Exhibit 08.
- August 31 revised EA, printed pages 8 and 37; hearing packet PDF 12 and 41.
- HB5 (2025), section 17.

Please place this comment and its cited supporting materials in the project record. Respond to each numbered request in writing, identify the responsible official, and cite the supporting document and page. If a requested analysis or agreement does not exist, say so expressly. If an issue falls outside this proceeding, identify the responsible office and process for a substantive response.

Respectfully,
Matt Gilg
Laurel, Montana

Public Comment - Part 9 of 11 - Engineering reliability, water testing, and site-specific environmental review

This email is Part 9 of 11 of my single public-comment submission on the August 31, 2026 Draft Revised Final Environmental Assessment. Please read and retain all eleven parts together as one submission.

Submitted by: Matt Gilg, Laurel, Montana
To: Montana Department of Public Health and Human Services and Montana Board of Investments
Date: September 15, 2026
Re: August 31, 2026 Draft Revised Final Environmental Assessment - Laurel forensic mental health facility

Correct and authenticate the technical foundation of the decision

The preliminary geotechnical material in the record contains references to another project and location. PDF 2112 / MT002105 is headed “Opportunity Bank Belgrade Preliminary Geotechnical Memo” and refers to communication with Opportunity Bank. PDF 2111 / MT002104 identifies the Laurel project but contains Scobey-region language. These could be template errors; they are not proof that every underlying test belongs to a different site. They require the author to certify which data, conclusions, and recommendations actually apply to Laurel.

The June EA describes substantial clay layers and also generally well-drained soils (PDF 22 / MT000015). The August 31 revised EA retains Scobey-region language at printed page 16. Explain the site-specific evidence and distinguish a regional description from tested infiltration, groundwater conditions, bearing capacity, and final foundation design.

The revised water analysis still distinguishes estimates from verification

The revised EA at printed pages 24–27 reports engineering capacity analysis and upstream/downstream measurements, estimates about 42–42.5 psi at a 1,000-gallon-per-minute fire demand, and states that the City denied a requested adjacent-hydrant test and will-serve letter. I acknowledge the analysis that exists. My question is what remains estimated and how those estimates will be validated before occupancy.

The EA compares annual water rights, intake capacity, storage volume, average daily use, instantaneous demand, and fire flow. Those measures answer different questions. A large annual allocation does not alone establish adequate residual pressure at the building during simultaneous peak demand and fire response. Nor does a system's physical ability to supply water establish a lawful service agreement.

Required written answers

1. Provide the final signed geotechnical report and author certification correcting the Belgrade, Opportunity Bank, and Scobey references. Identify the coordinates of borings, dates, laboratory results, groundwater observations, and conclusions applicable to this parcel.
2. Reconcile the soil descriptions with the foundation and stormwater design. Provide site-specific infiltration and storage calculations, seasonal groundwater assumptions, drainage routes, maintenance responsibilities, and the engineering basis for avoiding impacts on neighboring property.
3. Identify final wetland delineations, jurisdictional determinations, permit requirements, buffers, and acreage excluded from development. Explain how those constraints affect the usable acreage, 64-bed expansion, utility routes, and alternative layouts.
4. For water, provide the model, calibration tests, measurement dates and locations, hydraulic assumptions, peak-day and fire-demand scenarios, and independent review. Explain whether

upstream/downstream tests adequately represent the proposed connection and identify any required acceptance test.

5. Reconcile the 2,000/2,600-gallon daily design figures with the alternative 4,680/8,960-gallon estimates, irrigation, staffing, kitchen, laundry, leakage, and fire requirements. Identify the enforceable design case for both phases and any booster-pump dependence, backup power, and maintenance duty.
6. Provide the actual will-serve commitment and all remaining water, sewer, fire, stormwater, and occupancy approvals. An engineering conclusion and a legal authorization are separate records; identify both.
7. Reevaluate alternatives using comparable engineering maturity and complete costs. Do not assume away unresolved service or soil issues at Laurel while using uncertainty to reject other sites.
8. Identify which findings depend on later studies or mitigation, who must approve them, and what occurs if results differ. Prepare additional environmental review, including an EIS if warranted by the applicable significance criteria, before materially different work proceeds.

Sources

- Current August 31 revised EA and September hearing notice. Printed EA page numbers differ from hearing-packet PDF page numbers by four.
- Administrative record: PDF 22–26 / MT000015–MT000019; PDF 2111–2112 / MT002104–MT002105. See Exhibit 09.
- August 31 revised EA, printed pages 16–18 and 24–28; hearing packet PDF 20–22 and 28–32. See current-EA exhibit.

Please place this comment and its cited supporting materials in the project record. Respond to each numbered request in writing, identify the responsible official, and cite the supporting document and page. If a requested analysis or agreement does not exist, say so expressly. If an issue falls outside this proceeding, identify the responsible office and process for a substantive response.

Respectfully,
Matt Gilg
Laurel, Montana

Public Comment - Part 10 of 11 - Reliable safety comparisons, local costs, and meaningful alternatives

This email is Part 10 of 11 of my single public-comment submission on the August 31, 2026 Draft Revised Final Environmental Assessment. Please read and retain all eleven parts together as one submission.

Submitted by: Matt Gilg, Laurel, Montana
To: Montana Department of Public Health and Human Services and Montana Board of Investments
Date: September 15, 2026
Re: August 31, 2026 Draft Revised Final Environmental Assessment - Laurel forensic mental health facility

Geographic proximity elsewhere is not a local safety study

Senator Esp's testimony endorses the EA and points to forensic facilities in other communities (PDF 1037–1039 / MT001030–MT001032). The existence of schools near another facility does not establish comparable patients, legal custody, staffing, outdoor containment, emergency resources, or incident rates. A comparison needs those facts before it can support conclusions about Laurel.

The record also contains an April 3 review of AI-generated St. Louis material (PDF 430 / MT000423). It identifies mistaken associations between census tracts and neighborhoods and states that the public-safety claims could not be verified or reproduced. This does not establish that every later statement by Esp or the agencies relied on those claims. It makes a source audit necessary: identify what was used, what was rejected, and whether the cautions reached decision-makers.

Distinguish regional economic activity from Laurel's costs

The revised EA at printed pages 35–37 cites supportive-housing, substance-use treatment, mental-health, and group-home research to reject property-value concerns. Explain how those populations and settings compare with a secure forensic facility serving people under criminal court orders. Research about another use may be relevant, but its limits must be disclosed.

The EA also rejects a projected $350,000–$400,000 annual foregone-tax figure as speculative. I do not present that estimate as established. However, uncertainty about a hypothetical development does not eliminate the need to disclose current taxes, state-ownership exemptions, plausible alternative development, and the distribution of actual costs and benefits.

Regional payroll and state income-tax receipts do not themselves fund a particular school district or Laurel emergency response. The statement that state property is generally tax-exempt regardless of site does not determine whether different sites impose different costs on their host communities. Similarly, historical state grants are not automatically funding for this facility's future impacts.

Required written answers

1. Identify every comparative facility and study relied upon for safety and property-value findings. Provide the actual source, population, operating model, incident definitions, observation period, staffing, physical security, local emergency capacity, and limits on applying it to Laurel.
2. Trace the April 3 AI-review findings to the material used in the EA, testimony, and decision memoranda. Correct or withdraw any claim lacking a reproducible source. Identify whether the excluded or omitted comparison facilities would change the conclusions.
3. Provide aggregate incident data for relevant Montana and comparator facilities: unauthorized departures, transports, emergency calls, injuries affecting nonpatients, and response times, with census

or patient-days as denominators. Do not substitute a count of nearby schools for these measures.

4. Publish a local fiscal analysis distinguishing city, county, school district, state, and private-sector effects. Identify current property taxes, exemptions, service fees, estimated incremental costs, and any executed mitigation agreement. Show low/base/high assumptions rather than claiming an unverified development forecast as fact.
5. Reconcile expected emergency-service calls with staffing, backup coverage, notification duties, and funding. Explain how a rare event that consumes scarce local resources is accounted for.
6. Compare Laurel, Hardin, Miles City, and feasible configurations using the same criteria, cost categories, school-separation measures, utility-law assumptions, and security standards. Publish the weights and the evidence available when the choice was made.
7. Identify which facts would cause the agencies to change sites, change design, add mitigation, or decline to proceed. If none would, explain how the alternatives and public-comment processes remain capable of affecting the decision.

Sources

- Current August 31 revised EA and September hearing notice. Printed EA page numbers differ from hearing-packet PDF page numbers by four.
- Administrative record: PDF 20–21 / MT000013–MT000014; PDF 27 / MT000020; PDF 30 / MT000023; PDF 430 / MT000423; PDF 1037–1039 / MT001030–MT001032. See Exhibit 10.
- August 31 revised EA, printed pages 35–37; hearing packet PDF 39–41.

Please place this comment and its cited supporting materials in the project record. Respond to each numbered request in writing, identify the responsible official, and cite the supporting document and page. If a requested analysis or agreement does not exist, say so expressly. If an issue falls outside this proceeding, identify the responsible office and process for a substantive response.

Respectfully,
Matt Gilg
Laurel, Montana

Public Comment - Part 11 of 11 - Release planning, public participation, and a complete decision record

This email is Part 11 of 11 of my single public-comment submission on the August 31, 2026 Draft Revised Final Environmental Assessment. Please read and retain all eleven parts together as one submission.

Submitted by: Matt Gilg, Laurel, Montana
To: Montana Department of Public Health and Human Services and Montana Board of Investments
Date: September 15, 2026
Re: August 31, 2026 Draft Revised Final Environmental Assessment - Laurel forensic mental health facility

Explain what happens when legal custody changes

My published concerns at mattgilg.dev include release planning and whether the public has received a complete account of the facility's operation. The state must distinguish sentence expiration, parole, court-ordered transfer, competency restoration, and commitment following an acquittal. They are not interchangeable routes out of custody.

The FAQ in the record distinguishes evaluation/restoration stays from sentenced stays (PDF 286 / MT000279). It expressly promises a structured discharge plan, identifies DPHHS as responsible, and says return to the county of origin is typical (PDF 287 / MT000280). I acknowledge those answers. Those promises of planning must be tied to actual legal authority, staffing, transport, destination arrangements, and follow-up services. I am not asking the state to detain someone without lawful authority or suggesting every patient poses the same risk. I am asking what lawful arrangements prevent a foreseeable gap in care and supervision, and what happens when an intended placement is unavailable.

Participation must be capable of changing decisions

My website describes the April 22 public-comment session and the BOI's contract approval that day. The board minutes establish approval pending DPHHS's notice to proceed and record both supporting and opposing testimony (PDF 3430 / MT003423). That qualification matters. The agencies should explain the exact timing, what remained open for change, and what costs or obligations would follow if public comments justified relocation or redesign.

I also raised concerns on my website about the completeness of municipal records searches. Those concerns should be investigated through the original requests, actual search instructions, custodian lists, export logs, and withholding decisions. Neither a low result count nor a vendor's personal opinion alone proves deletion or unlawful withholding. A reproducible search record can establish what happened.

The administrative record contains Gayle Everitt's liability questions at MT001056–MT001057. Those are her comments, not mine. Identify the agencies' substantive response to the issue, along with the responses to my own submissions and testimony. Listing a concern in a summary does not answer it.

Required written answers

1. Publish a release and transfer matrix for each legal category: governing authority, decision-maker, clinical review, supervision, destination, transportation, notice, follow-up care, and available response when placement fails. Distinguish sentence expiration from discretionary parole and clinical discharge.
2. Identify the authority and practical limits behind any assurance that people will not be released locally or will return to a home community. Explain how the plan respects individual rights while addressing foreseeable risks and continuity of treatment.

3. Provide aggregate projected releases, transfers, and transport volume, including how 64 beds would change those figures. Identify the staff and resources funded to carry out the plan.
4. Publish a chronology of site identification, preliminary contacts, proposal deadlines, submissions, buy-sell execution, contract approvals, public hearings, environmental decisions, notices to proceed, and expenditures. Identify which decisions remained genuinely open at each stage and explain any deadline exceptions or unequal assistance to prospective sites.
5. Provide the recordings and accurate logs of my testimony and relevant responses, including March 10 and April 22 proceedings. Identify substantive changes resulting from comments and explain rejected requests individually.
6. Preserve official-business records across agency, contractor, and relevant personal accounts. Identify custodians, date ranges, search terms, attachments, texts, export limitations, redactions, and the legal basis for withholding. Do not treat absence from a text search or OCR index as proof that a document does not exist.
7. Publish a response matrix covering the eleven parts of this submission, assign responsible officials and deadlines, and identify any issue referred to another oversight body. If a final decision relies on significant new analyses or materially different plans, provide an appropriate opportunity for public review before reliance.

I am angry because I have repeatedly asked who is responsible for protecting my family and who answers when the plan fails. I expect an accountable decision and a substantive written response.

Sentence expiration is not a promise to hold someone until recovery

A sentence under MCA 46-14-312 is for a definite period subject to the statute's limits. The fact that a person still needs treatment does not, by itself, extend that sentence. If it expires, continued custody requires a separate lawful basis. The state must not allow the public to understand its treatment language as an assurance that everyone remains confined until recovered or no longer dangerous. Sentence expiration, parole, clinical transfer, and civil commitment must be explained separately.

The FAQ's promise of discharge planning and typical return to the county of origin is relevant, but it does not answer the failure scenario. If a sentence expires and no receiving placement, transportation, or separate lawful commitment has been secured, where does the person actually go? I am specifically concerned about an unplanned discharge into Laurel. I do not claim that every release necessarily occurs here; I demand the actual policy, authority, resources, and contingency arrangements that address that possibility.

1. State what happens on the day a sentence expires if placement or transport arrangements fail. Identify who makes the decision, the lawful options available, the location of discharge, and who is responsible for continuity of care and any required supervision. Identify the process and timing for seeking separate commitment when its legal criteria are met, without assuming that commitment is automatic.
2. Identify whether return to the county of origin is an enforceable requirement, a funded operational arrangement, or a usual practice subject to exceptions. Explain what happens when the home county or proposed provider will not accept the person, and provide aggregate information about unplanned local discharges at comparable state facilities.
3. Correct any public statement that confuses the end of a sentence with clinical recovery or guarantees a release destination the state cannot lawfully or practically ensure. Residents deserve an honest explanation of both the safeguards and their limits.

Legal source: MCA 46-14-312 (https://mca.legmt.gov/bills/mca/title_0460/chapter_0140/part_0030/section_0120/0460-0140-0030-0120.html).

Sources

- Current August 31 revised EA and September hearing notice. Printed EA page numbers differ from

hearing-packet PDF page numbers by four.

- Administrative record: PDF 286–287 / MT000279–MT000280; PDF 1063–1064 / MT001056–MT001057; PDF 1768 and 1771 / MT001761 and MT001764; PDF 3430 / MT003423. See Exhibit 11.
- My published concerns: Public letter, facility concerns, and records-search concerns. These identify issues I raised; this comment's qualified factual statements and requests control over broader assertions or satire on the website.

Please place this comment and its cited supporting materials in the project record. Respond to each numbered request in writing, identify the responsible official, and cite the supporting document and page. If a requested analysis or agreement does not exist, say so expressly. If an issue falls outside this proceeding, identify the responsible office and process for a substantive response.

Respectfully,
Matt Gilg
Laurel, Montana