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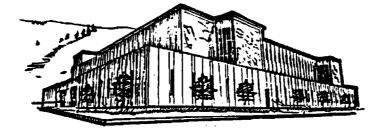
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University of Montana



Evaluating The Alternatives of Disposal or Utilization of the Government Property at Fort Missoula Upon Closure.

by

Marcus A. Rinehart

B.S., University of Tennessee, Chattanooga, 1978

Submitted in partial fulfillment of the requirements

for the degree of

Master's of Public Administration

University of Montana

1991

Approved by:

airman, Board of Examiners

C. 10, 1991

Dean, Graduate School

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CHAPTER ONE - INTRODUCTION

Fort Missoula is a small parcel of property improved with buildings on the outskirts of Missoula, Montana. The property and accompanying buildings are owned and maintained by the U.S. Army even though there are no active army units or activities stationed there.

The fort was established in 1877 and grew to be a thriving army post during the Second World War. However, since then there has been a gradual reduction in both property and mission of the fort until it reached its present size of approximately 110 acres. It currently houses the U.S. Army and U.S. Navy Reserve centers and eleven active duty military families and leases office space to the U.S. Forestry Service.

In an effort to cut costs, the U.S. Congress has decided to cut the total strength of the U.S. Military along with an accompanying reduction in military installations which house them. In April, 1988, a committee was commissioned to evaluate the present military base structure in the Department of Defense and to make recommendations concerning closing or realigning selected bases. The Commission on Base Realignment and Closure, as it had come to be known, made a recommendation on 29

December 1988, which affected 145 installations, including 86 for closure, 5 for partial closure, and 54 for realignment. Additionally, the commission has a charter to publish three more lists in April of fiscal years 91, 93, and 95. After Congress failed to reject the commission's recommendation, it became law with the stipulation that closures must be initiated no later than 30 September 1991, and completed by 30 September 1995. As each installation is processed for closure, the Federal Government makes decisions about the final disposition of the property it possesses.

The closure that hits closest to Fort Missoula is Fort Douglas, the U.S. Army installation at Salt Lake City, Utah. This closure already has had a direct impact on Fort Missoula for several reasons. First, Fort Douglas has been responsible for the administrative direction, maintenance, and logistical support for Fort Missoula, and its closure has forced Fort Missoula to now fall under Fort Carson, Colorado. Second, and probably most importantly, Fort Missoula has always been considered a part of Fort Douglas, and the fact that Fort Missoula is not closing along with Fort Douglas is probably an oversight by the committee responsible for making closing recommendations. For whatever reasons, Fort Missoula has not been selected for closure at this time, but could find itself on one of the future lists. With the threat of additional closures approaching in the near future, consideration should be given to the alternatives available for disposing the property at Fort Missoula should closure be mandated.

¹Base Closure and Realignment Act, PL 100-526, Statutes at Large, Vol 102, Part 3, (1988).

PROBLEM STATEMENT:

If closure were to be mandated, what should be done with the property which now exists as Fort Missoula? When a government installation is closed, there are regulations which give direction for the procedure. Even though guidelines and procedures exist, there is latitude in the process rendering more flexibility than appears upon initial examination. There is an established priority of possible recipients of the property in a closure. The priority is, in succession, Department of Defense agencies, other federal agencies, state government, and local government. If none of these governmental entities want the property, then the property can be donated or sold as excess.

The purpose of this paper is to present the results of research into the Fort Missoula situation and to make recommendations for possible use of the property, particularly at the state and local level.

ORGANIZATION

The organization of this paper will follow a path that examines the background of Fort Missoula, the process required in closing an installation or disposing of government property, and possible options for Fort Missoula. The chapters to follow are outlined below:

Chapter 2: Fort Missoula Overview - This chapter will include a brief discussion

of the Fort's origin, major historical developments, past missions, and significant contributions made throughout history.

Also covered in this section will be descriptions of the Fort's original area and the subsequent reductions in size. Included with this description will be an inventory of the Fort's present property and a review of how reductions in the original property were distributed in the past. This property has been distributed to, among others, the city, county, and the University of Montana. This distribution will be examined to determine why the different agencies received the property. The results of this distribution hold definite implications for the use of the remainder of the property, which will be included in the following chapter.

Chapter 3: Options Available for Disposing Government Property - In this section, current Federal law, as well as Army and Department of Defense policy, will be presented, and their applicability to this situation will be examined. An explanation will be made of how other installations forced to close are handling this problem, and how much freedom they had in their decision making with relation to policy and procedures.

Some possible alternatives to be examined are: turning the post over to the U.S. Forest Service; sale of the property to private interest; sale or donation to the city of Missoula; establishment as a historical site and donated to the county for this purpose; and other options found in the course of my research.

Chapter 4: Recommendations - Based on the analysis of policies and procedures and the options allowed, recommendations will be made for the best or most efficient disposition of Fort Missoula.

CHAPTER 2 - FORT MISSOULA OVERVIEW

Fort Missoula is a small place occupying approximately forty acres at the southwest edge of Missoula. It presently serves no active duty mission for the U.S. Army but does provide facilities for the U.S. Army Reserve, as well as leased facilities to a number of other governmental agencies.

The relatively small size of forty acres is a drastic reduction in what was once a large and thriving Army post through the early years of this century. At one time, Fort Missoula possessed the property from where K-Mart now stands west to the area known as Big Flat and from the Bitterroot river north to North avenue. It also included parts of Blue Mountain, south of Missoula, and Patee Canyon, east of Missoula. Most of that property has been transferred to other government agencies and local government or has been sold so that only the forty acres mentioned above remain.

HISTORY1

Fort Missoula was established in 1877 at the request of local settlers for protection in event of conflict with local Flathead Indians. The soldiers built the original fort west of the property the Army currently owns, in the area where the historical museum now sits, and the Army continued to assign soldiers there through the 1940s. The fort's greatest contribution came during the Second World War.

During World War II, Fort Missoula was the largest camp operated by the Immigration and Naturalization Service (INS) in the United States for the detention of American men, women and children of Japanese ancestry. The persons sent to Fort Missoula were the first Japanese-Americans to be arrested after the outbreak of the war. Italian prisoners were also held here.

When the last civilian internees left Fort Missoula at the end of 1944, the Army resumed control of the post and continued its use as a prison camp. It became a medium security facility and was occupied by two-thousand prisoners and a staff of five-hundred officers, enlisted men, and civilian employees. This use lasted for three years before the Army began closing the disciplinary barracks. As of midnight, April 18, 1947, all staff and prisoners were gone and the camp closed, marking the end of Fort Missoula as an active Army post. Most buildings were then torn down.

¹Wallace Long, James McDonald, Wes Hardin, <u>Fort Missoula Historic Resources</u> (An Architectural and Historical Resource Survey of the Fort Missoula Complex), Fort Missoula Historical Museum, June 1984.

DISTRIBUTION OF FORT PROPERTY

The fort underwent a process that can be best described as dissolution after its period of most intensive use during the depression and war years. In 1947, the Army began its program to sell or lease portions of the fort property. Land, buildings, and titles shifted between different agencies as if on a carousel. Agencies involved included various departments of Civil Defense, Army Reserve, Navy Reserve, Marine Corps Reserve, the Montana National Guard, the University of Montana, and the U.S. Forest Service.

In 1947, after removing all of its staff personnel and deactivating the post, the U.S. Army declared that Fort Missoula was "excess." The General Services Administration (GSA) was given jurisdiction over the fort grounds. That same year the Montana National Guard applied for and received 17.62 acres west of the present-day museum building for a vehicle storage facility. Missoula County officials tried to get the GSA to give the rest of the fort land to the county, but the agency refused, offering instead a five-year lease on the land with an option to buy. The county agreed and leased 860 acres for five years in 1947, and then renewed the lease for a second five-year term.

In 1955, the U.S. Army decided that it wanted the Fort Missoula property back, but the county still held the lease. The lease held up in court, and the Army's request to reuse the land was denied. Subsequent negotiations between the two resulted in a compromise, and in 1956 an agreement was reached whereby Missoula County would

receive 302 acres of fort land in exchange for canceling the lease and giving the rest of its fort land (558 acres) back to the Army. The county's 302 acre parcel included most of what is now Larchmont Golf Course. The Army held its portion of land for two years at which time it was declared "excess" again and reverted to the GSA. The returned land was then divided among several agencies, including the University of Montana, the Bureau of Land Management, and the U.S. Forest Service.

FORT MISSOULA MUSEUM²

In the mid 1960s, the Fort Missoula Historical Society was formed to preserve a building scheduled for demolition which was found to be an original building of the fort. The tract of land where the museum now sits was given by the GSA to the U.S. Forest Service for the development of a proposed regional center. In 1965, the Forest Service granted the Fort Missoula Historical Society an occupancy and use permit at no charge for the building and a tract of land consisting of .35 acres.

Because the Fort Missoula Historical Society and the Forest Service failed to properly maintain the property, the GSA regained control. In 1972, another shift in ownership occurred with this fort land. The United States Government, acting through the Secretary of the Interior, Bureau of Outdoor Recreation, deeded 28.82 acres of fort land to the City of Missoula for a public park and public recreation.

²Ibid., 35.

This meant that the museum area was now on land designated to be an historical park, and the property was owned by the city.

The city had trouble funding the museum, but the county had the means to help through a provision for taxing for historical museums. The City of Missoula withdrew its claim in 1974 to the 28.82 acres where the museum now stands, and Missoula County put in an application for that parcel plus some additional land. The city passed a resolution in April 1976 deeding the property to the county. With this property and other lands acquired from the GSA, the county rounded out the allotment for the museum to an even thirty-two acres.

The Historical Museum was founded originally as the Fort Missoula Historical Museum, but this name was misleading. The facility was better described as an historical museum that is located on the site of old Fort Missoula. It was never intended to be solely a military museum or a reconstruction of Fort Missoula during a specific period. It is actually a historical museum for the whole area of western Montana and is part of the Missoula Historical Society.

The establishment of the museum at Fort Missoula provides the Missoula area a portion of Fort Missoula that is relatively stable and free from encroachment by developers and other commercial concerns. The area is zoned for public use.

PRESENT FORT MISSOULA

Fort Missoula today is only a small fraction of its 7921 original acres. Now the fort consists of fifteen buildings sitting on 37.15 acres at the heart of the original Fort

Missoula. Of this 37.15 acres, one acre contains a water tower, which provides water to the fort complex, and approximately one acre is a cemetery.

The cemetery is an active Class IV national cemetery situated on a .88 acre parcel to the north of the main post. The cemetery has less than two-hundred graves and a capacity of four-hundred. The cemetery is still in active use.

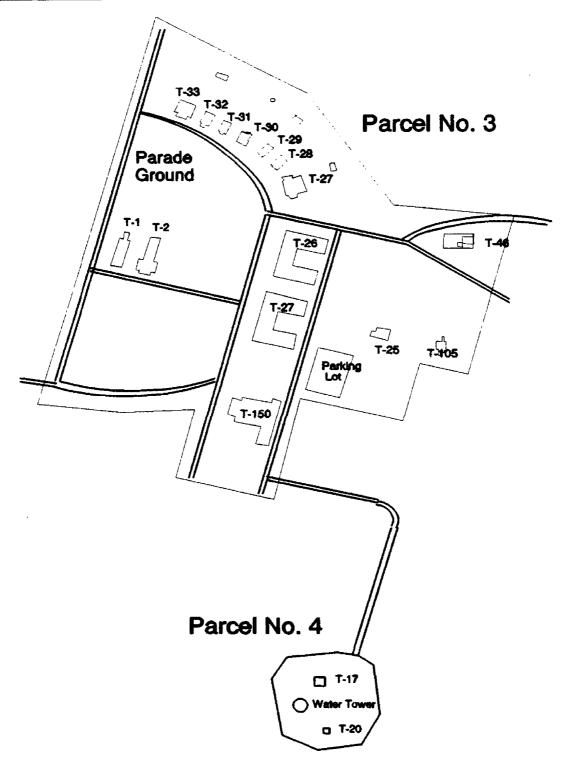
After removing the water tower and cemetery acreage from consideration, thirty-two acres of the main post remain. This is the area that would be subject to closing or being declared excess and available to those eligible. Table 1 details the assets obtainable at Fort Missoula, and Figures 1 through 9 exhibit the property and the most valuable buildings at the fort in terms of appearance, size, and condition.

The Army has spent approximately \$60,000 per year for the last five years for routine maintenance, utilities, and major repair and replacement. This does not include the caretaker's salary of \$25,000 per year.

Table 1. - Fort Missoula Building List

Bldg#	Bldg. Name	Date Built	Type Building
1	Post Headquarters	1940	2 1/2 story frame offices
2	Post Headquarters	1906	1 1/2 story brick offices
24	Company Barracks	1910	2 1/2 story concrete barracks
26	Company Barracks	1910	2 1/2 story concrete barracks
27	Officers Quarters	1910	2 1/2 story concrete four-plex
28	Officers Quarters	1910	2 1/2 story concrete residence
29	Officers Quarters	1910	2 1/2 story concrete residence
30	Officers Quarters	1910	2 1/2 story concrete residence
31	Officers Quarters	1910	2 1/2 story concrete residence
32	Officers Quarters	1910	2 1/2 story concrete residence
33	Officers Quarters	1910	2 1/2 story concrete duplex
46	Fire Station	1940	2 story concrete offices/garage
105	Post Bakery	1910	1 1/2 story concrete storage area
150	Maintenance Shop	1940	2 story frame offices/garage
334	Powder Magazine	1878	1 story stone storage

Figure 1. - Fort Missoula Property As of 1991



Source: Land Management Map, U.S. Army Engineer District, Seattle, Fort Missoula Military Reservation, 14 June, 1985.



This is a two-and-one-half story structure based on a rectangular plan. It is a wood frame structure covered with stucco and rests on a concrete foundation. It was built for office space and currently is leased to the U.S. Forest Service.

Figure 3. - T-2 Post Headquarters



This is a frame building constructed in 1906 and contains offices, classrooms, and a gymnasium. It currently houses the office of the post caretaker and is used by the Army and Navy Reserves for training.

Figure 4. - Company Officers Quarters, Buildings T-28, 29, 31, 32



The company officers' quarters are two-and-one-half story buildings with rectangular floor plans, providing approximately four-thousand square feet of living space. They were constructed in 1910 as single family residences, converted to duplexes in the early 1900's, and converted back to single family occupancy. They are presently occupied by active duty Army personnel and their dependents.

Figure 5. - T-30 Commanding Officer's Quarters



This building, built in 1910, is a 6,676 square foot structure of concrete and steel, constructed as a single family dwelling. It was used primarily to house the post commander or his civilian counterparts, and is presently occupied by the Professor of Military Science at the University of Montana.

Figure 6. - T-27 Company Officers Quarters



This is a two-and-one-half story structure of concrete and steel with a T-shaped floor plan and is considered a four-plex. The building has been used to house military personnel assigned to the Reserve Officers Training Corps, the Army Reserve, the Navy Reserve, and the Montana National Guard.

Figure 7. - T-33 Company Officers Quarters



This is a two-and-one-half story structure of concrete and steel, rectangular floor plan, and is considered a duplex. Each side has approximately 3500 square feet of living space.

Figure 8. - T-24 & T-26 Company Barracks





These buildings are large steel and concrete structures built to house approximately 170 men in the dormitory area, company office space, mess hall, kitchen and storage areas. T-24 is presently leased to the Forest Service and T-26 is used by the Army Reserve and Navy Reserve.

Figure 9. - T-46 Fire Station



This two story structure is currently used by the post caretaker and the Army Reserve as a repair shop. It is also used by the Forest Service as a fire dispatch center, an archeologist's office, and a fuel distribution center.

CHAPTER 3 - FEDERAL PROCEDURES FOR DISPOSING GOVERNMENT PROPERTY

As detailed in the first chapter, in 1988 the Commission on Base Realignment and Closure recommended eighty-six military installations for closure, five for partial closure, and fifty-four for realignment. These affected bases are in the process of closing or adjusting their mission as directed by the realignment instructions.

Additionally, in keeping with their charter of publishing results of further studies of military bases in 1991, 1993, and 1995, the Commission published another list earlier this year. This list proposed to close forty-three bases and realign twenty-eight other Department of Defense sites. The decision to act on this list will be made sometime in the Fall of 1991.

Fort Missoula was not listed on either of the two lists. There is a great possibility, however, that it will be listed on a future list in 1993 or 1995 for the purpose of closing. Some of the installations already listed are similar to Fort Missoula, small garrisons with no real active duty mission, such as Fort Douglas, Utah.

In closing or realigning these installations, Congress has issued specific instructions to the military in Public Law 100-526 concerning their expectations and time constraints. This law establishes new procedures which the commission, Congress, the president, the Department of Defense, the General Accounting Office and the General Services Administration must follow. It also specifies procedures for carrying out approved closures and realignments. Even though it establishes new procedures, it refers those responsible for completing a closure to the Federal Property and Administrative Services Act of 1949 and to the Surplus Property Act of 1944 which were the previous procedures for disposing property.

The laws mentioned above provide only general guidance in closing and disposing federal property. The detailed instructions or regulations for the actual disposal of Government property are provided by the General Services Administration (GSA) in various manuals and handbooks, and these regulations are based primarily on the two Acts listed above.

Another possibility for Fort Missoula, in addition to outright closure, is that it could be declared excess or surplus. Property is declared excess by the owner, for example the U.S. Army, when they no longer have a need for it. Excess property is then made available to other federal agencies by the GSA. If no other federal agency has a need for the property, it is then declared surplus by the GSA and sold.¹ This

¹General Services Administration, Office of Real Property, <u>How to Acquire Federal Real Property</u>, Washington, D.C.: GSA, 1981.

technique was used to reduce Fort Missoula's size from approximately eight thousand acres to its present size of about forty acres.

Whether the Army declares the property surplus or the Commission on Base
Realignment and Closure directs Fort Missoula be closed, the techniques for
distributing property does not change. In either case, most of the procedures and the
end result are the same.

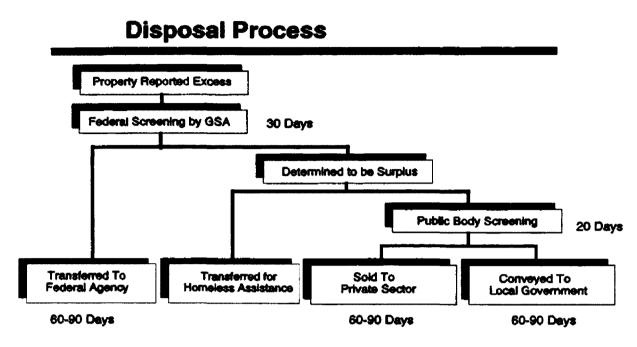
APPLICABLE GSA REGULATIONS AND PROCEDURES

Normally, the GSA disposes of property the Government decides is no longer needed. However, with the great number of bases being closed from the closure list, the branch of service that owns the installation has the responsibility of processing the closure.² Actually, this is a minor point because the procedures are the same, and the GSA supervises and advises the commanders charged with completing the process.

GSA's Office of Real Property administers the Federal real property transfer/disposal programs under authority of the Federal Property Act.

A flow chart (Figure 10) presents a graphic representation in five major steps of the transfer or disposal process. The first two steps of the process represent the transfer of property, whether declared excess or listed on the closure list, from one Federal agency to another. In this phase, GSA is charged with making certain that

²Ken Fox, Army Corp of Engineers, Sacramento, California, telephone interview by author, Missoula, Montana, 10 May 1991.



Source: General Services Administration, Office of Real Property, How to Acquire Federal Real Property, Washington, D.C.: GSA, 1981.

Federal agencies have a justified need for the property which they are requesting.

Real property which is reported excess to the GSA is first made available to other

Federal agencies before being offered to anyone else. The GSA posts a notification in
the Federal Register and notifies the heads of Federal real property holding agencies
that the property is available for Federal use. Thirty days are allowed for Federal
agencies to indicate an interest in, and to specify their need for, the available
property. The Federal transfer request must be fully justified in terms of the

availability of Federal funds necessary for the property's further development, if required, and must represent a program of use reflecting an approved agency mission.

Any Federal agency has the first chance to grab excess property, provided that they can justify its use and have the funds available for any necessary conversions or developments to make it usable for that agency. This means that an agency such as the Army or Navy Reserve or the U.S. Forest Service can get the Fort Missoula property before the city or county of Missoula even get a chance to ask for it. On the plus side, however, real property transfers represent substantial savings to the taxpayers. By using properties already owned by another Federal agency, expenditures by the Federal Government to acquire new properties are avoided.

If a Federal agency need does not develop or cannot be justified, GSA has the authority to determine the property to be "surplus" and select the appropriate means of disposal. Before the property can be conveyed to local governments or sold, it must first be made available to assist the homeless.³ This is a recent change to the procedures due to the Stewart B. McKinney Homeless Assistance Amendments Act of 1988.⁴ This act, Public Law 100-628, states that surplus property must be made available at no cost to non-profit organizations on behalf of the homeless. This option has priority over any public conveyance or sale, but requires an agency willing to

³Doyle Marshall, Director, Real Estate Sales, General Service Administration, Fort Worth, Texas, telephone interview by author, Missoula, Montana, 10 Sep 1991.

⁴Stewart B. McKinney Homeless Assistance Ammendments Act of 1988, Public Law 100-628, Statutes at Large, Vol 102, Part 4, (1988).

sponsor the effort to assist the homeless. The organization would also be required to fund the program, at no cost to the government, which includes any conversion and upkeep costs of the property. The Federal Government would retain ownership of the property and would lease it for no charge to the responsible organization. The Federal Government would also regain control of the property if the effort fails or if the property is not being used to assist the homeless.

If declared surplus and not acquired for homeless assistance, State and local governmental units as well as certain nonprofit institutions are then notified by GSA that it is available for acquisition. State governors, county boards, mayors, city managers and other key officials are notified by certified mail, and a copy of the notice is prominently posted at the local post office. An example of this notice is provided as Appendix 3.

For the specified purposes of health, education, park and recreation, historic monument, public airport, wildlife conservation, highway, and housing, federal regulations allow the surplus property to be acquired by state/local governments at a substantial cost reduction at a discount of up to one-hundred percent through a public benefit discount allowance (see Table 2). States and local governmental units and their sub-entities are also given an opportunity to acquire the surplus property for unspecified and unrestricted use by negotiated sale, provided that they pay the estimated fair market value of the property.

⁵GSA, How to Acquire Federal Real Property, 23-26.

Table 2.--Discounts for Specific Use

TYPES OF PUBLIC USES

Authorized Use	Discount Provision
Education	Up to 100% Public Benefit Allowance
Health	Up to 100% Public Benefit Allowance
Park and Recreation	Up to 100% Public Benefit Allowance
Historic Monument	No monetary consideration
Public Airport	No monetary consideration
Highway	No monetary consideration
Wildlife Conservation	No monetary consideration
Housing	Fair value for use as low and moderate income housing

Source: General Services Administration, Office of Real Property, <u>How to Acquire Federal Real Property</u>, Washington, D.C.: GSA, 1981, p.26.

Outside the federal government, no public body has a priority over another in applying for surplus real property. According to the law, all applications must be considered equally on their own merits. If conflicts exist between state and local governments where both want the same real property, then GSA prefers to not be involved in determining the local priorities; the concerned parties must resolve the differences among themselves.

The GSA reviews all applications for "specified purpose" conveyances and considers alternative methods for disposal of surplus property. This means that the GSA is not obligated to release property to local governments and, after giving consideration to the benefits that may be derived from a competitive sale, can sell the

property to the highest bidder. By law, the GSA must ensure that the Federal Government receives adequate compensation in cash or in specific public benefit from the recipient of the surplus property.

Once property is received by a state or local government or by a non-profit organization through a public benefit conveyance, there are still strings attached. The Federal Government reserves rights in oil, gas, and other minerals which may be found on the property. Also, specific restrictions are placed on the use of property, such as for a public park, and the property could revert back to the Federal Government if the recipient fails to use the property for the restricted purpose.⁶

PRECEDENTS

For this study to lead in the right direction with its proposals, it is important to look at precedents established with previous base closings. The two that will be briefly mentioned are the former Craig Air Force Base in Selma, Alabama, and Fort Douglas in Salt Lake City, Utah.

Craig Air Force Base was a large complex complete with dual eight thousand foot runways. This base was turned over to the city of Selma under a multi-use conveyance for a public airport, parks and recreation, health, education, and housing.

All but the housing was a no-charge conveyance; the housing was sold to the local

⁶Ibid., 26.

government based on the property's estimated fair value for low or moderate income housing.⁷

Fort Douglas, Utah, is an example with a very interesting twist. It was on the 1988 closure list, and has just recently closed. In this situation, the Army Reserve, a DOD agency, wanted part of the property, and received approximately sixty-four acres for the 96th ARCOM headquarters. This conveyance followed the guidelines published by the GSA, but the remainder of the published regulations were circumvented by legislation sponsored by Senator Jake Garn of Utah. Senator Garn placed an amendment in Public Law 101-510, National Defense Authorization Act for Fiscal Year 1991, dated 5 November 1990, which effectively bypassed other Federal agencies and local governmental agencies when it conveyed the property to the University of Utah. Pursuant to this enactment, the remainder of Fort Douglas, fiftyfour acres complete with government quarters and other post buildings, was turned over to the University. This conveyance was not entirely free, and the University of Utah had to relinquish the rights to several outstanding land entitlements due to the University from the federal government. This equalled several thousand acres within an unspecified area of Utah.8

⁷Marshall.

⁸Robert Dibley, Senator Garn's office, Salt Lake City, Utah, telephone interview by author, Missoula, Montana, 8 Sep 1991.

There were conditions stipulated in the law to which the University had to adhere.

The land and facilities were to be used for educational and research purposes, plus the University had to preserve and maintain the Army chapel, the Army museum, the parade grounds, and other historic buildings located on the land.

These two examples indicate that even though an established procedure exists, steps can be taken to bypass the procedure. They also indicate that for certain purposes, Federal property can be had for little or no cost for local use.

HISTORICAL REGISTER CONSIDERATION

One additional consideration that must be made concerning Fort Missoula's disposal is its Historic Register listing. It was listed in the National Register of Historic Places on April 29, 1987.9 The listing included the entire area of old Fort Missoula and extended to all buildings belonging to the Army, the Historic Museum, Missoula County, and the University of Montana. A map which depicts the area is provided as Figure 11.

While a listing in the Historic Register does not prevent disposal of the property, it does require careful consideration prior to disposal. All Federal agencies that currently own property within the Fort Missoula Historic District are required by Federal preservation regulations to systematically consider the historic value of the

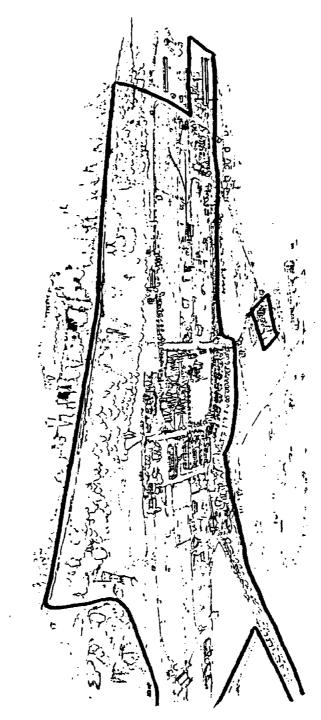
⁹Jane Richards, Fort Missoula Historical Museum Curator, interview by author, Missoula, Montana, 10 Aug 1991.

property in the planning of any project or the approving of any action that might affect the site. The steps are outlined in the regulations of the Advisory Council on Historic Preservation. These Federal preservation regulations do not prohibit new construction on the site, alterations to existing buildings, or even historic building demolition. They only require that the Federal agencies consider systematically alternatives to the destruction or degradation of National Register-listed properties and consult with the office of Montana Historical Society prior to taking any action. This requirement is currently in force for Fort Missoula.

While this listing in the Historical Register does not prevent the disposal of the Fort Missoula property, it does have some implications as to how the property should be distributed. This concern will be discussed in the next chapter.

¹⁰Montana Historical Society, Historical Preservation Office, letter to Wes Hardin, Director Fort Missoula Historical Museum, 15 Sep 1983.

Figure 11. - Boundary of the Fort Missoula Historic District



Source: Montana Historical Society, Historical Preservation Office, letter to Wes Hardin, Director Fort Missoula Historical Museum, 15 Sep 1983.

CHAPTER 4 OPTIONS FOR USE OF THE FORT MISSOULA SURPLUS PROPERTY

Chapter Three outlined the specific requirements for disposing of surplus government property. The real significance of that chapter was not these requirements, but the conclusion that property can be had for little or no cost if the request is handled correctly. A state or local government can obtain surplus federal property, often times for free, depending upon the end use. Another conclusion was that by shrewd manipulation by congressional representatives, the entire governmental bureaucracy regulating property distribution can be bypassed, as demonstrated by Sen. Garn.¹

Before any alternatives are presented, the strengths of Fort Missoula, in terms of what the property has to offer, should be reviewed and kept in mind during any serious evaluation of possible alternatives. The following is a list of the more significant contributions that the property of Fort Missoula has to offer which one must consider when reviewing options:

¹Robert Dibley, Senator Garn's office, Salt Lake City, Utah, telephone interview by author, Missoula, MT, 8 Sep 1991.

- 1. Historic Value listed in the National Register of Historic Places;
- 2. Eleven sets of living quarters;
- 3. Two large office-style buildings;
- 4. Large park-like open area;
- 5. Adjacent to the present county recreational complex;
- 6. Adjacent to the Fort Missoula Historic Museum;
- 7. Adjacent to the Bitterroot river, and directly across the river from the U.S. Forest Service recreational area at McClay Flats;
- 8. Cheap or free if GSA guidelines are followed; and
- 9. Possibly an economical boost to the Missoula area.

In addition to the above listed contributions, the following are some points concerning Fort Missoula which may have an impact upon the choices considered:

- 1. Part of a Missoula County plan developing it into a large park complex, of which the present recreational complex listed in 5 above is included;²
- 2. Surrounded by county, city and UM Foundation property;
- 3. Zoned for public use only;
- 4. Highest and best use survey by the GSA may dictate the type of use for the property based upon the type of facilities available there; and
- 5. Requires funds for upkeep that could prove prohibitive for some organizations.

²"Fort Missoula, Guidelines for Development," prepared by the Missoula City-County Planning Board, May, 1973, County Commissioners Office, Missoula, MT, 5-43.

There are a very large number of options for use of the surplus property at Fort Missoula. It became obvious during this research that there were as many options for the property as there were people interviewed. Also, there were only a very few groups who had actually given it serious thought and were preparing plans for the eventuality of Fort Missoula becoming surplus.

Even though there are numerous options for the property, they are here pared down to those options with reasonable merit. The following group of options is not presented in any order of preference or merit. They will each be discussed in more detail later in this chapter.

Low rent housing is an option which can serve the needs of the county by housing low-income families. It is presented here because it is included in the GSA's discounts for specific use, discussed in Chapter Three, and because of the precedent established by other closed bases and surplus property.

Housing for the homeless. This is a reasonable option by virtue of the Stewart B. McKinney Homeless Assistance Act, which assigns a very high priority to helping the homeless. The property stands a good chance of being used for this purpose if no federal agency wants it.

A <u>Ballpark/sports complex</u>³ is a building project being considered by city and county planners. The Fort property was evaluated by the ballpark steering committee for its project.

³John Devore, Administrative Officer, Missoula County Commissioners Office, interview by author, Missoula, MT, 25 Aug 1991.

The city of Missoula is in great need of a jail. The police department and the mayor's office are looking for and evaluating properties to locate the jail, and Fort Missoula is an option.

Offices for non-profit organizations⁴ is an option given much weight by the county commissioners' office. This option is near the top of the list according to the commissioners' administrative officer.

Turn the property over to the <u>University of Montana</u> for use as they see fit. The precedent for this option was established in the Fort Douglas closure where Army property was conveyed to the University of Utah. The GSA allows discounts for the specific use of education. The person responsible for special projects for the University's president is currently considering different possibilities for use of the property.

Because the Forest Service⁵ presently occupies offices at the Fort, and because they are a federal agency high on the priority list for distribution of excess property, a very likely option is to turn the property over to them.

The Museum Coordination Council is currently planning a large <u>museum</u> complex⁶ which would gather several museums in one central location. Their

⁴Ibid.

⁵Richard Seitz, Program Analyst Lolo National Forest, U.S. Forest Service, interview by author, Missoula, MT, 3 September 1991.

⁶Devore.

preferred location for this museum is the Fort Missoula area, preferably the property discussed in this paper.

The chart at Table 3 graphically depicts these alternatives compared with the contributions/considerations of the Fort Missoula property. This matrix will assist the reader during the following discussion. Pluses and minuses have been provided in relation to the foregoing lists of contributions and considerations.

Low Rent Housing - In this scenario, the buildings presently being used as family quarters would convert nicely to use as civilian housing. The office buildings would not adapt as easily, but T-24 and T-26⁷, company barracks, could be converted into one-bedroom apartments with major renovation. The family quarters could easily be used for this option. The property could be obtained as a whole, or only the parcel with the family quarters, by the local government.

The GSA survey would find the company barracks buildings to have a highest and best use as office spaces. Therefore, for the local government to receive the buildings at a discount, they would have to be used in this manner. A conversion to apartments would not be in line with the GSA survey and the local government would possibly lose the opportunity for a special use conveyance for this option. If the property is obtained as a whole unit, the county could combine the low-rent housing option with the one that would provide offices for non-profit organizations. This combination

⁷Buildings depicted on map, Figure 1, page 13, Figure 12, page 55, or Figure 13, page 57.

Table 3 -- Option Comparison

Low Rent Housing	•	+	+		- 1			,	-	+	+	•	+	•
Homeless Housing	•	+	+	•		1		5			+	+	•	
Ballfleid/Sports	•	•	•	•	+	•	3	-	+	+	•		+	+
ž.	•		+	•	•	•	•	•	+	1	•	•	+	•
Non-Profit Offices	•	•	+	•	•	•	•	•		+	+	•	•	•
Univ Montana Use			+	1			•	•	+		+	+	+	+
Forest Service Offices		•	+	•	•		•	•			+	+	‡	+
Museum	+	•	+	+	+	+	+	+	+	+	+	+	•	+

would avoid the possible loss of the office buildings as a result of the GSA's survey.

Low-rent housing is a good option because of the present housing situation in Missoula. Rental housing in Missoula is a problem, particularly low rent; those with low income have a real difficulty in locating suitable housing. The Human Resources Center in Missoula, responsible for placement of families in low income housing, states that they regularly maintain a waiting list for housing with waits of one to five years, depending on the size of homes needed. They currently have approximately two-hundred people or families on their list, and the list never seems to get smaller.

This option would have the county obtain the property and make it available for this purpose. Providing housing for low income families would be a benefit to the community and would ease somewhat the pressure experienced by those needing places to live.

While providing housing is a substantial plus for the community, there are many negatives with this option. Although the GSA allows for this use and would convey the property to the county with compensation going to the federal government, the market value could be a substantial amount. Also, to make the best use of the living quarters, they would have to be converted to house more than one family. This could be done without too much problem because all of the single dwellings were configured as duplexes during the Fort's high-use periods of the 1930's and 1940's. The maximum number of families that could be housed would be sixteen.

⁸Louise Kolpua, District 11 Human Resources Council, interview by author, Missoula, MT, 11 Oct 1991.

Despite the benefit to the community this option offers, it is probably not the best option for the property based upon the amount of money the county would have to pay to acquire it and to convert it to accept the maximum number of families possible. Upkeep would also require a great number of dollars. This option places little emphasis on the historic value of the Fort as well as the county's land use plan for the area.

Housing for the Homeless - The structure of the law forces this as an option. As pointed out in Chapter 3, the Stewart B. McKinney Homeless Assistance Act would make this property available at no charge to any non-profit agency willing to organize and fund a program on behalf of the homeless. The non-profit agency would be next in line on the priority list after federal agencies. If no federal agency wanted the property, the non-profit organization would be able to obtain it in a priority higher than any conveyance to local or state government. All that is required in this case is a non-profit agency willing to accept the Fort Missoula assets on behalf of the homeless and to provide upkeep for the buildings.

The agency that presently deals with the homeless problem in Missoula is the Poverello Center, which is a community sponsored home providing temporary living quarters to individuals and families. They have recently acquired an old nursing home, the "Wayside" facility, located in the Rattlesnake area, and converted this facility to house families for short periods of time. The Poverello Center is presently

at maximum capability and is not able to take on any new obligation. Their facilities are frequently full and there is usually a greater need for short-term housing than is available. This strengthens the possibility that they or someone else might pursue acquiring Fort Missoula for this purpose.

As with the low rent housing situation, this option would require modification of the single dwellings and significant modification of the office-type buildings. The cost to modify the buildings could possibly jeopardize the homeless assistance choice because organizations similar to the Poverello Center usually work with donated funds. This option also ignores the county's park plan. The homeless assistance option, however, receives a higher priority from GSA than the county, rendering the county's park plan irrelevant. Additionally, conversations with a GSA representative indicate that the GSA would favorably consider leasing these facilities at no charge for this purpose, and that the GSA already considers Fort Missoula suitable for this purpose.¹⁰

Ballpark/Sports Complex - The Missoula baseball advocates have been striving to obtain a ballpark in Missoula to enable the area to obtain a minor league baseball team.¹¹ The idea has been discussed and planned for several years by city and county

Sister Ann, Poverello Center, interview by author, Missoula, MT, 12 Oct 1991.

¹⁰Doyle Marshall, Director Real Estate Sales, GSA office, Fort Worth, TX, telephone interview by author, Missoula, MT, 10 Sep 1991.

[&]quot;William Baldassin et al., "Minor League Baseball in Missoula; A Report by Missoula Baseball Advocates," April 1991, City Clerks Office, Missoula, MT, 9-19.

leaders.¹² A significant change to this ballpark idea is to modify the facility so that it is more than a summer-only facility. City and county leaders propose that some other activity, such as an ice rink, be co-located with the ballpark which would give it a year-round capability.¹³ The advantage of this combination of activities would be that they would share some of the same facilities, e.g., parking lot and utilities. Also the property would be more efficiently used throughout the year with multi-seasonal activities in place.

The primary location for the ballpark is the old Champion site next to the Clark Fork River. Alternate locations, as presented in a report by the Missoula baseball advocates, April 1991, include the area at Spurgin and Tower streets, Legion field, and the Fort Missoula property.¹⁴

The Fort Missoula property has the advantage of being surrounded by county property. This means the county can easily build a large complex which would exceed the boundaries of Fort Missoula without having to acquire neighboring properties. It is also adjacent to the present county recreational park. Other advantages include the fact that sewer and water lines are already established in the area, and the current project to widen Reserve street will give the city better access to the facility.

¹²Chuck Sterns, Finance Officer, City of Missoula, interview by author, Missoula, MT, 5 Oct 1991.

¹³ Ibid.

¹⁴Baldassin, 9-13.

The primary disadvantage of using Fort Missoula for a ballpark is that it would probably require the Fort's buildings to be razed. This definitely ignores the historic value and would completely and irreversibly alter the area. The GSA grants public benefit allowances up to one-hundred percent of the value for park and recreation conveyances, but the removal of the buildings would conflict with the GSA highest and best use survey. The chances of a free conveyance for this use are minimal. If the county wanted the property for this purpose, they would have to pay fair market value for it. Paying a substantial amount for the property, plus destroying the buildings, would make this an unpopular and prohibitive option.

Jail - The city of Missoula presently shares a jail facility with the county. This situation is less than satisfactory because of conditions at the jail. With the increasing number of prisoners held by both the county and city, the facility has entered into an overcrowded state. Additionally, the jail does not have an outdoor exercise area for the prisoners, which is part of the federal standard for confinement facilities. The city finds itself in a situation of possible liability, and lawsuits have already been filed against it because of the conditions in the jail. These conditions mentioned above, along with the fear of more lawsuits, has prompted the city to pursue efforts to obtain or build its own confinement facility.¹⁵

The property at Fort Missoula could offer the city a location for this jail, and is in

¹⁵Sterns.

fact an alternate choice of the planners. Even though it is an alternate location, there are several negative aspects which make placing a jail at Fort Missoula a poor choice. From the police department's perspective, the preparation and increased expense involved with prisoner transportation to and from the courthouse, which is a requirement for arraignment and trials, make this a poor choice. There is, as well, a greater risk of escape with the increased handling and transporting of the prisoners. Missoula has been presented an example. A similar arrangement in Billings has proven to be a logistical problem.¹⁶

From the local neighborhoods' and the general populations' perspective, the Fort Missoula location would probably prove to be unpopular choice because of the negative connotations associated with confinement facilities. The fact that the jail would be adjacent to the park complex and historic museum would result in a greater negative weight in the decision-making process than any advantage of locating it there.

Offices for Non-Profit Organizations - The administrative officer of the county commissioners office has suggested Fort Missoula as a location for non-profit organizations.¹⁷ The concept is much larger than just offices for non-profit organizations, and includes for-profit, private sector organizations. The idea, which has both county and city government support, is for a "Missoula incubator" that would

¹⁶ Ibid.

¹⁷Devore.

support both fledgling small businesses and non-profit organizations. Private businesses would find in this program a temporary environment in which to establish a business base and then be required to relocate; the non-profit organizations housed here would be in a more permanent setting.

The incubator concept would provide an opportunity for small businesses that are trying to break into the business world to do so without all of the initial start-up expenses that tend to hold such businesses back. Some services would be shared by the businesses and non-profit groups allowed to set up at the incubator. Examples of the shared services would be copy services and administrative services. Rental cost for the private business would be minimal, also. By sharing these resources, fledgling businesses would have greater opportunity for success in their first critical months of existence. Once a business established itself, it would relocate and operate entirely on its own.¹⁸

This concept would be a big plus for the county because it would provide a nurturing environment for new business interests as well as providing hard-to-find facilities for non-profit organizations. While local government is not obligated to provide support to non-profit organizations, the city and county leaders feel that it is to everyone's benefit, both government and citizens, if they do. The services that many non-profit organizations provide are services local governments are concerned with also, and the work done by non-profit organizations takes strain off of local

¹⁸Devore.

government.

This option could possibly be done at low cost. The GSA survey would most likely designate the large office-type buildings for office use, which would clear the way for county procurement. However, Fort Missoula property consists of much more than the several office buildings. There are also the family quarters as well as the large open areas and various other smaller buildings.

The negative side of using the Fort buildings for this option is that only the office buildings are set up for use as offices. If the living quarters were to be used for this option, they would require extensive remodeling to accept offices. This option would make effective use of the office buildings, but not of the housing quarters. The GSA highest and best use survey would not readily recommend that the houses be conveyed for use as office space.

A possible modification of this option would have the county acquire only the office buildings for this use, or perhaps acquire the entire property for a combination of uses. This would allow the living quarters to be used for one program, and the offices to be used for the non-profit organizations. An example of a combination of uses would have the museum mall occupy the street with the family quarters, allocating each house to a different museum and the large open area to display larger outdoor pieces. The other buildings could be used as the Missoula business incubator.

<u>University of Montana Use</u> - Making the Fort Missoula property available for use by the University is a good option because of the special use allowance discounts made by the GSA for educational uses and because of the precedent set by the University of Utah with Fort Douglas. Additionally, the UM Foundation owns property adjacent to the Fort which may eventually be used by the University for a research and development center or biotechnology center.¹⁹ There is much potential for the Fort property to tie into this concept and possibly create a large off-campus complex.

Until they were interviewed for this project, University representatives had not given any serious thought towards acquiring the Fort Missoula property. Bob Frazier, assistant to the University president for special projects, stated that no consideration had been given in this area because they felt that the University would have no chance in acquiring the property. Once Mr. Frazier realized that it was within the realm of possibility that the University could obtain the property, he embarked upon a course of action to attempt acquisition, similar to the University of Utah action.²⁰

Mr. Frazier stated that the possibilities for use were many and, at this stage of planning, he could only speculate at the possible options. His initial thoughts were the biotechnology center that the University is hoping to place on the foundation property; a continuing education center; general classroom space to relieve the main campus during peak enrollment periods; and a conference center for general faculty and staff use.

¹⁹Kenneth Stolz, Director Campus Services, University of Montana, interview by author, Missoula, MT, 15 Sep 1991; Robert Frazier, Special Assistant to the University President, University of Montana, interview by author, Missoula, MT, 23 Sep 1991.

²⁰Frazier.

The advantages of using Fort Missoula for this option is that it is adjacent to property already owned by the UM Foundation, it could be acquired at a discount for education purposes, and it could provide a central location off the main campus for the different facilities mentioned by Mr. Frazier. Also, because structures T-26 and T-27 would easily lend themselves to modification to office or classroom space, this option would be an effective and proper use of the property in the eyes of the GSA surveyors. Also, use by the University could be done in such a way as to preserve the historic value of the area.

A negative aspect here is a doubt whether the University would in fact put the property to use. There is precedent for this doubt. The ownership of prior Fort property was shifted to the Foundation from the University after they held it for twenty years. It was acquired at no cost, as explained in chapter 2, and no action was taken with it for twenty years. In fact, the buildings on that property fell into an advanced state of decay. Ownership was shifted to the Foundation in an effort to attempt the sale of the property. The money from this sale was to be used for scholarships. The Foundation has been unsuccessful in its attempts to sell the property, primarily because of the area's zoning. If the University's history with Fort property use is an indication of their future efforts, then this is possibly a bad way to use the property.

Another consideration is the University's financial situation. University acquisition of Fort Missoula would require a number of modifications to the property, which would be costly. Yearly budget cuts by the state would render the University-

use option non-workable.

U.S. Forest Service Offices - The representatives at the U.S. Forest Service offices located at Fort Missoula have made it known that they intend to acquire all of Fort Missoula if and when the Army declares it excess.²¹ They plan on using all buildings as office space to eliminate present overcrowed conditions. Also, the Forest Service has offices in the Federal Building in downtown Missoula which must be relocated within the next few years. They would like to locate these offices to the space they hope to acquire at Fort Missoula.

The Forest Service plan includes reconfiguring the present Army Reserve building, as well as the family dwellings, as office buildings. This remodeling would require funding, but they feel that this would not be a problem.²²

To the Forest Service, this option has many advantages. It would provide a centralized location for all of the Forest Service's local offices, as well as relieve their present overcrowded conditions. The Forest Service is a federal agency, which means that they would have the highest priority outside Department of Defense agencies for obtaining the property. This option would save taxpayer dollars by transferring federal property from one federal agency to another and not building new facilities. The Forest Service has the funds available within their budget to provide upkeep for

²¹Seitz.

²²Thid

the buildings and would not let the buildings fall into a state of decay, as demonstrated by the treatment of the building that they are presently leasing from the Army. Another advantage is that the Forest Service recognizes and respects the Historic Register listing and intends to maintain the external appearance of the buildings to retain the historic value of the property.²³

On the down side of this option, Forest Service occupation is at odds with the county park plan and would limit the Fort's use to Forest Service activities. This limitation would prevent the maximum amount of public use that would be possible if the county obtained and used the Fort according to its park plan. Also, the conversion of family dwellings would probably draw disapproval from the GSA through the highest and best use survey. The GSA's survey would find that the highest and best use for these buildings would be as living quarters, and the Forest Service could encounter problems acquiring this part of the property.

Museum Mall - After a quick look at the chart in Table 3, it becomes apparent that this option has the most positive connections with the contributions/considerations of the Fort Missoula property. This option entails a consolidation of several area museums into one area, which would better serve the area's population by providing a centralized museum location and a tourist attraction. Some of the museums to be placed here are only concepts at the present. Collections exist, however, that need

²³Ibid.

locations for placement and further development.²⁴ This option is the concept of the Museum Coordinating Council, a group made up of directors of the various museums in the city and county of Missoula. This council falls under the purview of the county commissioners. The museums that are under consideration are:

- 1. Military paraphernalia The Western Montana Military Officers
 Association (WMMOA) has had the considerable collection of Hayes
 Atoupalik donated to it for the purpose of museum display.²⁵ Mr.
 Atoupalik has one of America's largest private collections of military equipment, and he is considered a leading authority in the Pacific
 Northwest. This military display would be the largest of its type in the western states, possibly the whole United States.²⁶
- 2. U.S. Forest Service museum Considering the important role the Forest Service plays in Montana, and the whole Northwest, Missoula is a good choice for the location of this museum. This option would have the

²⁴Roger Bersmeier, Department of State Lands; Chairman, Western Montana Heritage Center, interview by author, Missoula, MT, 10 Sep 1991; Jane Richards, Fort Missoula Historical Museum Curator, interview by author, Missoula, MT, 10 Aug 1991.

²⁵Anthony McDermott, Secretary, Western Montana Military Officers Association and Chairman, Museum committee, interview by author, Missoula, MT, 15 Aug 1991.

²⁶Jane Richards, Fort Missoula Historical Museum Curator, interview by author, Missoula, MT, 10 Aug 1991.

Forest Service museum assets consolidated from the many different regional areas and moved to Fort Missoula to form a National Forest Service museum. This concept is already well advanced and is expected to become a reality in the next five years. The idea was initiated by local support groups who, working with Forest Service representatives, have chosen the Missoula Smoke Jumper Center as their desired location. However, if Fort Missoula were to become available for the museum mall, it would be a possible location.²⁷

3. Civilian Conservation Corp (CCC) museum - This idea has local supporters who were once part of the CCC and who have initiated the concept of a CCC museum. It is only in the concept phase, but the supporters regularly attend the museum coordinating council meetings.

The museum coordinating council considers the CCC museum concept to have merit and plans to include it in the museum mall.²⁸

The CCC is the agency which ran the Fort Missoula confinement facility used during World War II for the detention of Americans of Japanese ancestry and prisoners of war. The CCC and the confinement facility was a major part of Fort Missoula's history, and this CCC museum

²⁷Seitz.

²⁸Richards

could be consolidated with the present displays at the Fort Missoula Historical Museum.

- 4. Native American Museum The Western Montana Heritage center, an organization interested in preserving Montana's history, is interested in establishing a museum dedicated to the Native Americans of this area.

 They are working with representatives of local Indian tribes to take this museum from concept to reality. It is only in the planning stage.²⁹
- 5. University of Montana museum/displays The University has a wide variety of displays within the different departments on campus. A consolidation of several of these displays would include natural history, geology, and fine arts. The University also has many artifacts stored away that have never been displayed in the local area, some from the Smithsonian Institute.

The idea for this museum originated with the Western Montana

Heritage Center and has the passive support of the University.³⁰ The heritage center representatives are looking for a place to locate this

²⁹Roger Bersmeier, Department of State Lands; Chairman, Western Montana Heritage Center, interview by author, Missoula, MT, 10 Sep 1991.

³⁰Bersmeier; Frazier.

museum, and are considering the old Milwaukee Train Station. If the museum mall becomes a reality, they would prefer to place the museum there.

The museum mall is a concept that is high on the county planners' priority list of possible options for Fort Missoula properties.³¹ The concept is kept strong by its supporters and the Museum Coordination Council. The above list of different museums proposed for the museum mall contains the ideas presently being discussed by the Museum Coordination Council. The museum mall plan has merit because it would provide a centralized location for area museums and would provide an attraction for tourists which could boost the area's economy.

In comparing the pros and cons of this option, the positives are greater than the negatives. It fits into the county's park plan and is considered by county and city leadership to be one of the best uses for the property. The property could be conveyed to the local government, according to the GSA's discounts for specific use, at no cost as an historic monument. This option would preserve the Fort's historic value by maintaining its near-original appearance, and would support the spirit of the Fort's listing in the National Register of Historic Places.

The museum mall option has a couple of negative aspects, however. The GSA may balk at allowing living quarters to be converted to something other than housing.

³¹Devore.

The GSA's highest and best use survey would probably state that the best use of the buildings would be as living quarters. Also, the area museums traditionally have a tough time finding enough funding.³² This option would further aggravate the situation because they would be saddled with upkeep of the buildings as well as some minor conversions to allow for displays. This expense could possibly be countered through the efforts of the special interest groups concerned with the different displays.

Summary

As mentioned earlier in this chapter, there are as many options as there are people interviewed. Therefore, the options presented in this chapter are certainly not all the possible alternatives. Undoubtedly, other people examining the possible uses of Fort Missoula could introduce additional options, depending upon personal viewpoints or convictions. However, these options do represent the views and opinions of the representatives of local concerns.

Of all the possibilities presented, the Forest Service stands the greatest chance of acquiring the Fort Missoula property, simply because of the way the law is structured. And because transfer of property from one governmental agency to another may save taxpayer dollars, the option that has the most value to the community may not prevail. The next chapter will make a recommendation concerning how property at Fort Missoula should be used if it is declared excess.

³²Richards.

CHAPTER 5 RECOMMENDATION AND CONCLUSION FOR USE OF THE FORT MISSOULA SURPLUS PROPERTY

In Chapter 4, various options were presented for the use of Fort Missoula, most of which will enhance the community. However, the way that regulations concerning the disposal of government property are structured will probably have a greater impact upon the final disposition of the property than the potential benefits from any of those options. Regardless of how the determination is made regarding the disposal of Fort Missoula, whether it comes as a result of the Base Realignment and Closure Commission or the Army declares it excess, the procedures outlined through the GSA regulations will be followed. Because Federal agencies have first choice of obtaining surplus property, and the U.S. Forest Service is the only Federal agency that desires to obtain Fort Missoula, the Forest Service stands the greatest chance of acquiring the property. The most likely ranking of recipients of the property after the Forest Service are an agency on behalf of the homeless, and local governments. Acquisition by local governments, though, would probably provide the greatest community value because they have a greater feel for the citizenry and their needs.

In the past few years, the different groups interested in the Fort Missoula property

have held joint meetings to discuss the future use of the property. The meetings included representatives of city and county governments, the Forest Service, the Museum Council, U.S. Army Reserves and the Montana National Guard. Most of these organizations want the property if it becomes available, and they are attempting to acquire it for their own use regardless of what the best use of the property might be. The Forest Service, for example, is coordinating directly with U.S. Army representatives to obtain the entire property regardless of any city or county plan for the Fort. There appears to be no community unity on this subject. The joint meetings have indicated that this is an "every man for himself" situation.

If the property is eventually closed or declared surplus/excess, a question arises whether all the assets will be made available for acquisition. The Fort is presently occupied by Army and Navy Reserves, Forest Service offices, active duty military families, and various other organizations who have contracted with the U.S. Army for office space. If declared surplus/excess, families would be moved and contracts for office space terminated, forcing the occupants to move elsewhere.

The Reserves would have the option of retaining their building and/or any other property as allowed for in the laws outlined in Chapter 3. However, the Reserves do not want to retain their building and are planning to build a new Reserve Center

¹John Devore, Administrative Officer, Missoula County Commissioners Office, interview by author, Missoula, MT, 25 Aug 1991.

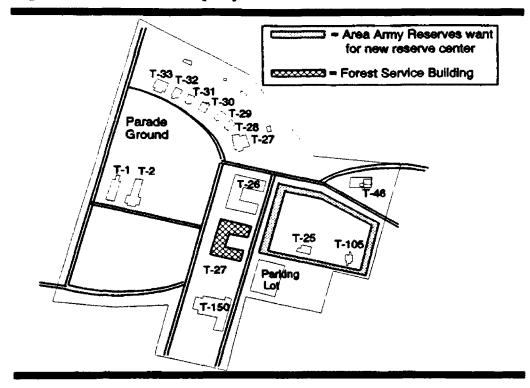
whether the Fort closes or not.² The Reserves intend to retain a block of property immediately east of their present building for their new facility. This block presently contains parking lots and two dilapidated buildings (see Figure 12).

The Forest Service, as pointed out in Chapter 4, intends to obtain any Fort property remaining after the Reserves take a portion for their use. As pointed out above, the Forest Service has the best chance of obtaining ownership of the property, which would deny anyone else the opportunity for acquisition. However, local governments could obtain Fort property if they are willing to bypass the GSA system using the technique demonstrated by Senator Garn of Utah. That is, through political intervention, local government could possibly overcome the bureaucratic system to obtain the property ahead of the Forest Service. Even if local government could obtain the property, they would probably be unable to dislodge the Forest Service from its present building by simply because of the investment the Forest Service has there, and the fact that the Forest Service has no where else to go short of building a new facility. The Forest Service most likely would retain this building as a concession by the Congressional representative to avoid a political battle.

If the Reserves retain a block of property for their new building and the Forest Service is allowed to remain in its present location, the property remaining for acquisition (illustrated at Figure 12) includes all of the family quarters (T-27 through T-33), one large office building (T-26), two small office buildings (T-1 and T-2), and

²Jack Babbin, Headquarters Fort Missoula, interview by author, Missoula, MT, 25 Aug 1991.

Figure 12 Available Property at Fort Missoula



automotive shop
buildings (T-46
and T-150). The
remaining property
also includes the
large parade
ground between
the family quarters
and T-2.

RECOMMENDATION

Given the historic nature of Fort Missoula and the importance it has played in Missoula's past, it is fitting that the property should be used for the good of the community. The GSA's distribution priorities aside, the options that have the most value to the community are those determined by the community leaders. Several options presented in Chapter 4 were offered by community leaders. Few options fully use all of Fort Missoula's assets; therefore, the best alternative is to use a combination of those options.

The option that allows maximum public use is the museum mall complex.

However, because the museum mall would only use about half of the available Fort property, the Missoula "incubator" should be included in the final plan. The museum

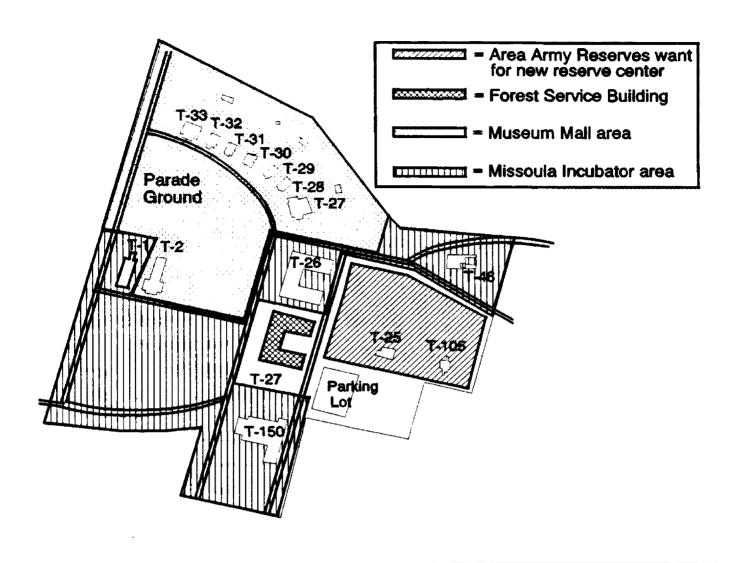
mall would be available to the local community and the entire region. The incubator for both private and non-profit organizations would primarily benefit the local community.

The museum mall would include the large parade ground, the family quarters, and one of the small office buildings, T-2. Each of the family housing buildings and T-2 would be used for a different display as outlined in Chapter 4 (e.g., one for UM displays, one for a Native Americans display, etc.) The large parade ground would be used for large outdoor displays such as military field pieces or Forest Service equipment. These outdoor displays could easily be tied into the exhibits presently on display at the Fort Missoula Historical Museum. The offices in T-2 would be used to house the offices and records of the museums' curators.

The Missoula incubator would have access to the remainder of the property, which would include one small office building (T-1), the large office building (T-26), and two large automotive shops (T-46 and T-150). Community leaders could use this as they deem best, whether for non-profit offices or new business incubation.

One of the greatest advantages of the Museum Mall concept is its proximity to the present park and recreation center and to the McCay Flats recreation area. With only a little effort the entire area could be tied together into one large historic and recreation area. A foot bridge could be constructed across the Bitterroot river tying the two areas together.

One other advantage of the Museum Mall concept is its potential for providing an economic boost to the Missoula community. With the right type of promotion, the



Museum Mall complex, together with the recreational areas, could be used as a tourist attraction. A model for this is the Buffalo Bill Historic Center in Cody, Wyoming. Even though thousands of tourist pass through the Missoula area during the tourist season, most are only traveling between Glacier and Yellowstone National Parks and spend little time or money in Missoula. With advertising, the Museum Mall could become an interim destination and provide an economic boost to area motels, restaurants, and shops. No other option for Fort Missoula carries this type of

potential for the local economy.

CONCLUSION

Fort Missoula may or may not close. The Army has threatened to close the Fort for over twenty years, but somehow it has managed to stay open. But if Fort Missoula does close, the property should be used in a manner that will best benefit the community. The recommendation of this paper is based on that consideration. If left to the bureaucratic process of the GSA, however, the Army Reserve will get the piece of property they need for their new facility and the Forest Service will get the rest. But the results do not have turn out that way.

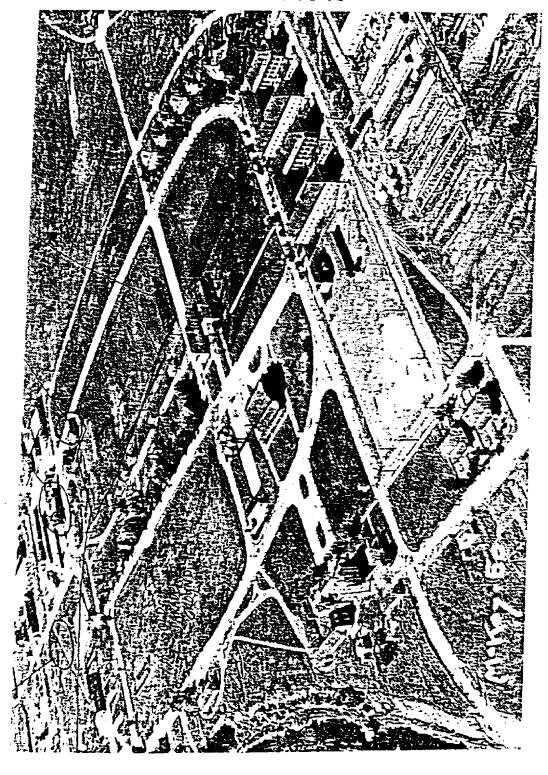
The first lesson of this paper is that the solution provided by governmental regulations -- strictly following the distribution priority with a subsequent conveyance to the Forest Service -- is rigid in the eyes of the GSA and is based on little consideration for community needs.

Another key lesson of this paper is that those who want the property do not have to bow to the bureaucrats' explanation of how the property will be distributed. They can actively seek alternatives around the bureaucratic roadblocks. Regulations in this case are only guidelines, and administrators do have some discretion. By working through members of Congress, a local government or other interested parties could influence that discretion and acquire the Federal property. The political context of public administration in the United States makes this approach as promising as playing the bureaucrats' game.

APPENDIX

Fort Missoula

Circa 1940



APPENDIX 2 FORT MISSOULA MAP COORDINATES

Parcel No. 2 (Cemetary)

Beginning at the northwest corner of Section 31, Township 13 North, Range 19 West of the Montana Principal Meridian; thence S 49 58 00" E, 897.84 feet (Corps of Engineers Record Drawings shows S 47 55 23" E, 879.10 feet) to Corner No. 1, said corner being in the southerly right-of-way line of an access road and the true point of beginning;

thence S 88°47'58" E, a distance of 205.38 feet to Corner No. 2; thence S 1°12'02" W, a distance of 186.14 feet to Corner No. 3; thence N 88°47'58" W, a distance of 205.96 feet to Corner No. 4; thence N 1°12'02" E, a distance of 185.65 feet to Corner No. 5, said corner being in the southerly right-of-way line of an access road; thence in said southerly right-of-way line N 51°21'17" E, a distance of 0.76 feet to Corner No. 1 and the true point of beginning, containing 0.88 acres, more or less, subject to reservations and easements for existing utilities and roads.

Parcel No. 3 (Army Reserve Training Center):

Seginning at the northwest corner of Section 31, Township 13 North, Range 19 West of the Montana Principal Meridian; thence S 21⁰01'34" E, 1,733.30 feet (Corps of Engineers Record Drawings shows S 21⁰02'54" E, 1,733.55 feet) to Corner No. 1, and the true point of beginning:

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thence S 57°30'00"E, a distance of 552.58 feet to Corner No. 2; thence S 31°58'44" E, a distance of 489.55 feet to Corner No. 3; thence S 80°09'06" E, a distance of 399.62 feet to Corner No. 4; thence S 17°25'31" W, a distance of 567.95 feet to Corner No. 5; thence N 71°26'49" W, a distance of 162.64 feet to Corner No. 6; thence S 17°12'42" W, a distance of 208.41 feet to Corner No. 7; thence N 72°30'55" W, a distance of 328.94 feet to Corner No. 8; thence S 17°31'13" W, a distance of 366.49 feet to Corner No. 9; thence N 72°05'57" W, a distance of 326.29 feet to Corner No. 10; thence N 17°31'04" E, a distance of 247.11 feet to Corner No. 11; thence S 89°32'56" W, a distance of 196.92 feet to Corner No. 12; thence N 81°56'46" W, a distance of 305.13 feet to Corner No. 13; thence N 17°36'01" E, a distance of 1,409.22 feet to Corner No. 1; and the true point of beginning, containing 31.84 acres, more or less, subject to reservations and easements for existing utilities and roads.
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Parcel No. 4 (Substation):

Beginning at the northwest corner of Section 31, Township 13 North, Range 19 West of the Montana Principal Meridian; thence S 20°15'35" E, 3,683.58 feet (Corps of Engineers Record Drawings shows S 20°14'42" E, 3,638.23 feet) to Corner No. 1 and the true point of beginning;

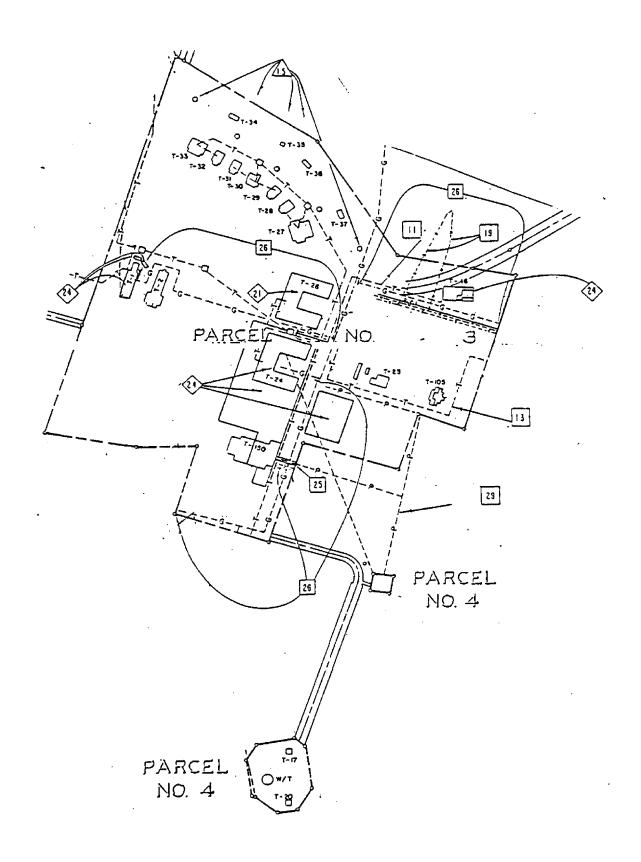
thence S 11°15'39" W, a distance of 57.84 feet to Corner No. 2; thence S 78°44' 21" E, a distance of 54.29 feet to Corner No. 3; thence N 11°15'39" E, a distance of 57.84 feet to Corner No. 4; thence N 78°44'21" W, a distance of 54.29 feet to Corner No. 1 and the true point of beginning, containing 0.07 acres, more or less, subject to reservations and easements for existing utilities and roads.

Parcel No. 5 (Water Tower Site):

Beginning at the northwest corner of Section 31, Township 13 North, Range 19 West of the Montana Principal Meridian; thence S $11^{\circ}53'48''$ E, 4,326.07 feet (Corps of Engineers Record Drawings shows S $11^{\circ}53'02''$ E, 4,325.85 feet) to Corner No. 1, said corner being the southwesternmost fence corner of fence surrounding the well and water tank area and the true point of beginning;

thence in an existing fence line S 56⁰12'52" E, a distance of 90.06 feet to Corner No. 2, said corner being an existing fence post; thence, in said fence line, N 80[°]01'07" E, a distance of 63.69 feet to Corner No. 3, said corner being an existing fence post; thence, in said fence line N 35[°]30'07" E, a distance of 82.19 feet to Corner No. 4, said corner being an existing fence post; thence in said fence line, W i 38'03" W, a distance of 150.27 feet to Corner No. 5; thence, generally following an old fence line, N 54[°]28'13" W, a distance of 41.90 feet to Corner No. 6; thence S 80[°]46'55" W, a distance of 121.42 feet to Corner No. 7; thence S 36[°]05'03" W, a distance of 60.68 feet to Corner No. 8; thence S 10[°]02'23" E, a distance of 131.65 feet to Corner No. 9; thence S 56[°]12'52" E, a distance of 4.80 feet to Corner No. 1 and the true point of beginning, containing 0.93 acres, more or less, subject to reservations and easements for existing utilities and roads.

FORT MISSOULA MAP



APPENDIX 3 NOTICE OF AVAILABILITY OF GOVERNMENT PROPERTY

COA Contract Authoristication, region to

GSA Center

Auburn, WA 98002

JAN 17 1984

NOTICE OF AVAILABILITY OF SURPLUS GOVERNMENT PROPERTY

Approximately 6.82 acres of land with three improvements Missoula, Missoula County, Montana 10-D-MT-444-D

Notice is hereby given that a Portion, Fort Missoula, consisting of 6.82 acres of land improved with three buildings, has been determined surplus. The propert is located approximately three miles southwest of Missoula, Montana, more particularly described as a parcel of land situate in the northeast quarter of Section 36, Township 13 North, Range 20 West, Principal Meridian Montana, Missoula County, Montana.

This property is surplus property and available for disposal. Disposal of this property, or portions thereof, may be by negotiated sale to public bodies at not less than Fair Market Value as determined by General Services Administration (GSA) for use for public purposes pursuant to 40 U.S.C. 484(e)(3)(H).

If any public agency desires to acquire the property by negotiation, advice thereof in writing must be filed with GSA not later than 20 days after the date of this Notice. Such advice shall:

- (1) Disclose the contemplated use of the property;
- (2) Disclose the nature of the interest if an interest less than fee title to the property is contemplated;
- (3) Advise whether funds are available and if not, the period required to obtain funds.

In the absence of such written advice or in the event a public use proposal is not approved, the property will be offered for public sale.

If any public agency considers that the proposed disposal of the property is incompatible with its development plans and programs, notice of such incompatibility must be forwarded to Disposal Division, Public Buildings and Real Property, GSA Center, Auburn, WA 98001.

APPENDIX 4 PUBLIC LAW 101-510 SEC 2836 CONVEYANCE OF FORT DOUGLAS, UTAH

PUBLIC LAW 101-510-NOV. 5, 1990

104 STAT, 1799

Secretary determines appropriate to protect the interests of the United States

SEC. 2836. CONVEYANCE OF FORT DOUGLAS, UTAH

(a) Conveyance.—(1) Except as provided in paragraphs (2), (3), and (4), and subject to subsections (b) through (g), the Secretary of the Army shall convey to the University of Utah all right, title, and interest of the United States in and to the land comprising Fort Douglas, Utah, together with improvements thereon.

(2) The Secretary shall except from the land conveyed under paragraph (1) such land, not in excess of 64 acres, and improvements thereon as may be necessary for the Army to continue conducting Army Reserve activities at the Fort Douglas location.

(3) The Secretary shall also except from the land conveyed under paragraph (1) the land at Fort Douglas constituting the Fort Douglas

Post Cemetery, consisting of approximately four acres.

(4) In connection with the land retained for Army Reserve activities and the land constituting the Army Post Cemetery, the Secretary shall reserve to the United States in the land conveyed such rights-of-way and other easements as may be necessary for ingress to and egress from the land retained.

- (b) Consideration.—(1) The conveyance under subsection (a) shall be made only on the condition that the State of Utah and the University of Utah waive any entitlements that have not been exercised on behalf of the University of Utah before the date of the enactment of this section and that may be due to the State of Utah or the University of Utah on behalf of the University of Utah under-
 - A) section 3 of the Act entitled "An Act to establish the office of Surveyor-General of Utah, and to grant Land for School and University Purposes", approved February 21, 1855 (10 Stat. 611);

(B) sections 8 and 12 of the Act entitled "An Act to enable the people of Utah to form a constitution and State government, and to be admitted into the Union on equal footing with the

original States", approved July 16, 1894 (28 Stat. 110).

(2) The waiver referred to in paragraph (1) shall be executed in such manner as the Secretary of the Army, after consultation with the Attorney General of the United States, determines necessary to effectively waive any unexercised entitlements under those laws.

(c) CONDITION.—(1) The conveyance provided for in subsection (a)

may be made only on condition that-

(A) the State of Utah agree to maintain and operate, as provided in paragraph (2), the Army museum located on the land conveyed to the University of Utah pursuant to this section; and

(B) the University of Utah agree—

(i) to maintain and operate, as provided in paragraph (2), the Army chapel and other historical buildings located on the land referred to in subparagraph (A); and

(ii) to preserve and maintain, as provided in paragraph (2), the parade grounds that are a part of the land referred to in subparagraph (A).

(2) The Army museum, Army chapel, and other historical build- Historic ings referred to in paragraph (1) shall be maintained and operated, and the parade grounds referred to in that paragraph shall be preserved and maintained, in a manner consistent with Federal

preservation.

104 STAT. 1800

PUBLIC LAW 101-510—NOV. 5, 1990

laws and regulations pertaining to the preservation of historical sites, buildings, and monuments, as specified by the Secretary of the Interior.

- (d) REVERSIONARY RIGHT.—If the University of Utah uses the land conveyed pursuant to subsection (a) for a purpose other than educational or research purposes, all right, title, and interest in and to such land shall automatically revert to the United States and the United States shall have the right of immediate entry thereon.
- (e) DEADLINE FOR CONVEYANCE.—The conveyance under subsection (a) shall be made not later than one year after the date of the enactment of this section.
- (f) JOINT USE OF UTILITY SYSTEMS.—The Secretary may enter into an agreement with the University of Utah under which the Army and the University would—
 - (1) jointly use the existing utility systems located at Fort Douglas at the time of the conveyance provided for under subsection (a);
 - (2) equitably share the cost of maintaining, operating, and replacing (as necessary) the systems; and
 - (3) pay on a pro rata basis for the utilities consumed by each of the parties.
- (g) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance provided for under subsection (a) as the Secretary considers necessary to protect the interests of the United States.
- (h) ADDITIONAL EXCESS LAND.—In the event that any lands constituting Fort Douglas. Utah, that are not conveyed pursuant to subsection (a) are declared excess to the needs of the Army after the date of the conveyance provided for in that subsection, the Secretary shall convey such lands to the University of Utah. Any lands conveyed pursuant to this subsection shall be conveyed subject to a reversionary clause in favor of the United States as provided in subsection (d).

SEC. 2837. LAND CONVEYANCE, NAVAL RESERVE CENTER, BURLINGTON, VERMONT

- (a) In General.—Subject to subsection (b) through (e), the Secretary of the Navy may convey to the City of Burlington, Vermont, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 1.49 acres, including improvements thereon, comprising the Naval Reserve Center, Burlington, Vermont.
- (b) Use of Proceeds.—The Secretary may use the proceeds of the transaction authorized by this section to pay all or part of the cost of acquiring a new site in the Burlington, Vermont, area for a naval reserve center and for the construction on such site of a replacement naval reserve center facility.
- (c) CONDITIONS OF SALE.—(1) The conveyance authorized by subsection (a) shall be subject to the condition that the City of Burlington—
 - (A) pay to the United States the sum of \$1,500,000; and (B) permit the Navy to continue to occupy, without consideration, the property referred to in such subsection until a replacement facility has been acquired by the Secretary.
- (2) In the event that the conveyance authorized by subsection (a) is not made before January 1, 1992, because the City is unable to pay

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