

ME&A

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Providing Water and Wastewater Engineering Services for Municipalities Across Montana

August 5, 2005

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

RE: Custer Area/Yellowstone County Water and Sewer District Wastewater Improvements;
Finding of No Significant Impact (FONSI) and Notice of Intent for Request for Release
of Funds (NOI/RROF)

Dear Reviewer:

This letter is a follow up to the letter that was sent on March 18, 2005 regarding the above referenced improvements. The wastewater improvements include the construction of a new lift station and force main, replacement of approximately 1/3 of the sewer mains in town, and improvements to the lagoons including expansion and construction of new infiltration/percolation (I/P) ponds.

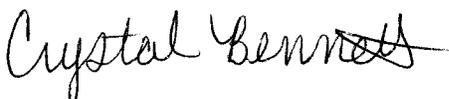
Various agencies including yours have been contacted for environmental input, and the MEPA/NEPA environmental checklist has been completed. All were used as a basis for the Consolidated Environmental Assessment and conclusion of Finding of No Significant Impact (FONSI). Please find a copy of the FONSI enclosed.

The County will be accepting comments on the FONSI through August 20, 2005. If you have any comments, please send them to:

Yellowstone County Commissioners
217 North 27th Street
Billings, MT 591013

Thank you for your time and assistance.

Sincerely,



Crystal Bennett, EI

Enclosure: FONSI

RECEIVED

AUG 09 2005

LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE



COMMUNITY
SPONSOR

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

August 5, 2005

Yellowstone County
217 North 27th Street
Billings, MT 59101
(406) 256-2701

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

On or about August 22, 2005 the above-named Yellowstone County will request the Montana Department of Commerce (DOC) to release Community Development Block Grant (CDBG) funds provided under Title I of the Housing and Community Development Act of 1974, as amended (PL 93-383) for the following project:

Custer Area/Yellowstone County Water and Sewer District; Wastewater System Improvements - The proposed project in Custer, Montana includes replacement of approximately 1/3 of the sewer mains in Town, installation of a new submersible pump lift station and approximately 2,600 feet of force main, and upgrades to the sewer lagoons.

Finding of No Significant Impact

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

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

The improvements will be located in areas that have been previously disturbed through the original construction or through farming.

An Environmental Review Record documenting review of all project activities in respect to impacts on the environment has been made by the above-named Yellowstone County. This Environmental Review Record is on file at the above address and is available for public examination and copying upon request between the hours of 8:00 AM and 5:00 PM.

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

Public Comments on Findings

All interested agencies, groups and persons disagreeing with this decision are invited to submit written comments for consideration by the County to the County Commissioner's office on or before August 20, 2005. All such comments so received will be considered and the County will not request release of funds or take any administrative action on the project prior to the date specified in the preceding sentence.

Release of Funds

The County of Yellowstone will undertake the project described above with CDBG funds provided by DOC under Title I of the Housing and Community Development Act of 1974, as amended.

Yellowstone County is certifying to DOC that County Commissioner, John Ostlund, in his official capacity as Chairperson consents to accept the jurisdiction of the Federal courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision-making, and action; and that these responsibilities have been satisfied. The legal effect on the certification is that upon its approval, the County of Yellowstone may use the CDBG funds and DOC will have satisfied its responsibilities under the National Environmental Policy Act of 1969.

Objections to State Release of Funds

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

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

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

Objections to the release of funds on bases other than those stated above will not be considered by DOC. No objection received after September 6, 2005 will be considered by DOC.



John Ostlund, Environmental Certifying Officer

8/2/05

Date

Yellowstone County
217 North 27th Street
Billings, MT 59101