

COPY

EXHIBIT 2-O

LAKE COUNTY/PABLO WATER & SEWER DISTRICT  
WASTEWATER TREATMENT FACILITY IMPROVEMENTS PROJECT  
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS  
FOR NOI/RROF & FONSI/NOI/RROF

*(as to be published on March 16, 2006 in the Lake County Leader)*

DISTRIBUTION LIST: CHECK APPLICABLE AGENCIES

State Agencies

**RECEIVED**

MAR 15 2006

LEGISLATIVE ENVIRONMENTAL  
POLICY OFFICE



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



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



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



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



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



Montana State Historic Preservation  
 Preservation Officer  
 1410 Eighth Avenue  
 P.O. Box 201202  
 Helena, Montana 59620-1202  
 Ph. 444-2694

Federal Agencies



U.S. Environmental Protection Agency  
 Attention: EIS Review  
 Montana Office, Federal Building  
 10 West 15<sup>th</sup> Street, Suite 3200  
 Helena, Montana 59626  
 Ph. 457-5000



U.S. Fish & Wildlife Service  
 Montana Field Office  
 100 North Park, Suite 320  
 Helena, Montana 59601  
 Ph. 449-5225

Local Agencies



Salish Kootenai Tribal Preservation Office  
 P.O. Box 278  
 Pablo, Montana 59855

\_\_\_\_\_ Local Government Planning Agency  
 (List Name and Address)

\_\_\_\_\_ Local Historical Society  
 (List Name and Address)

Local Postings

- Lake County Courthouse
- Pablo Post Office
- Pablo Water & Sewer District Office

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

March 16, 2006

Lake County/Pablo Water and Sewer District  
208 Carbine Road  
P.O. Box 550  
Pablo MT 59855

Telephone: (406) 675-4242

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

The USDA Rural Development office and the Montana Community Development Block Grant Program are considering an application for financial assistance to the Lake County/Pablo Water and Sewer District, Pablo, Montana. The specific elements of this proposed action include abandoning the rapid infiltration cells; constructing a new aerated treatment cell; constructing three new storage cells and a spray irrigation pumping facility; and expanding the spray irrigation system.

On or about April 3, 2006, the above-named Lake County/Pablo Water and Sewer District, Polson, Montana, 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: Lake County/Pablo Water and Sewer District Wastewater Treatment Facility Improvements, CDBG Contract #MT-CDBG-06PF-04. The purpose of this project is to construct wastewater facility improvements for the community of Pablo. The proposed improvements include expansion of the existing wastewater treatment, storage and spray irrigation facilities to accommodate impending growth.

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 Lake County/Pablo Water and Sewer District 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:

- A consolidated environmental assessment, which is on file at the Lake County Courthouse in Polson, and at the Pablo Water and Sewer District in Pablo, itemizes the physical environment and human population of the project area.
- The proposed action is not located within a minimum required distance of any delineated 100-year flood plain.

An Environmental Review Record documenting review of all project activities in respect to impacts on the environment has been made by the above-named Lake County/Pablo Water and Sewer District. This Environmental Review Record is on file at the Lake County Courthouse in Polson; at the Pablo Water and Sewer District, 208 Carbine Road, Pablo, Montana, and is available for public examination and copying upon request between regular business hours. Requests to review the RD environmental assessment upon which this determination is based should be directed to Rural Development, 3550 Mullan Road, Suite 106, Missoula, Montana 59808-5125.

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 Lake County/Pablo Water and Sewer District, to the office of the undersigned, or to Rural Development at the aforementioned addresses on or before March 31, 2006. All such comments so received will be considered and the Lake County/Pablo Water and Sewer District 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 Lake County/Pablo Water and Sewer District 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. The Lake County/Pablo Water and Sewer District is certifying to DOC that Lake County Commissioner Paddy Trusler, in his official capacity, 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 approval, the Lake County/Pablo Water and Sewer District 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 certifying officer or other officer of the applicant approved by DOC;
- (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 South Park, P.O. Box 200523, Helena, Montana 59620-0523.

Objections to the release of funds on bases other than those stated above will not be considered by DOC. No objection received after April 18, 2006 will be considered by DOC.

Paddy Trusler  
Name of Environmental Certifying Officer

March 10, 2006  
Date

Address:

Lake County Courthouse  
104 4<sup>th</sup> Avenue East  
Polson MT 59860