

March 22, 2012

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

Re: Town of Kevin water main replacement project;
Notice of Intent to Request Release of CDBG Funds.

Dear Environmental Quality Council:

The Town of Kevin is considering replacement of approximately 6,850 feet of existing water transmission man using funding from the Montana Department of Commerce Community Development Block Grant (CDBG) Program. The main that is scheduled for replacement is cast iron and was installed in the early to mid-1950s. The main scheduled for replacement is deteriorating due to aggressive (corrosive) soils and a natural process called *graphitization* that causes cast iron pipe to become brittle and weak. Approximately ten significant breaks have occurred in the past two years.

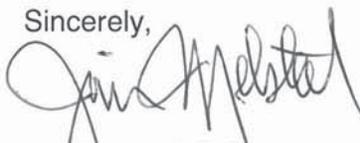
A map is included which shows the locations of the improvements. All of the proposed improvements will occur on land previously disturbed by installation of the existing cast iron pipeline or installation of an earlier wood pipeline. Based on our investigations, we believe that no recognized waterways, historical or cultural sites, floodplains, endangered or threatened species will be adversely affected by the proposed water main replacement. This land is currently used as dryland pasture for cattle. It will be regraded and reseeded with a native grass mixture to restore it to its existing use.

For your information, I have also enclosed copies of:

- My certification that the project activities are categorically excluded from the requirements of the National Environmental Policy Act (NEPA) under 24 CFR Part 58.35 (i.e., projects with no major change in land use).
- A Notice of Intent to Request Release of Funds from CDBG to begin project design and construction. We plan to request a release of funds by April 20, 2012.

Please let me know if you wish to review any of the file information. We are accepting additional comments on the project up to April 11, 2012. Thank you for your assistance.

Sincerely,

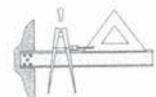


Jim Melstad, P.E.
Senior Engineer
Anderson-Montgomery Consulting Engineers
(406) 449-3303
jim@a-mce.com

RECEIVED

MAR 23 2012

LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE



- Planning
- Design
- Construction
- Finance

TOWN OF KEVIN WATER SYSTEM

2012-13 Improvements

LOCATIONS of IMPROVEMENTS

- Transmission Main: Sections 12, 13, 14, 23, 24 T35N, R4W

Town of Kevin

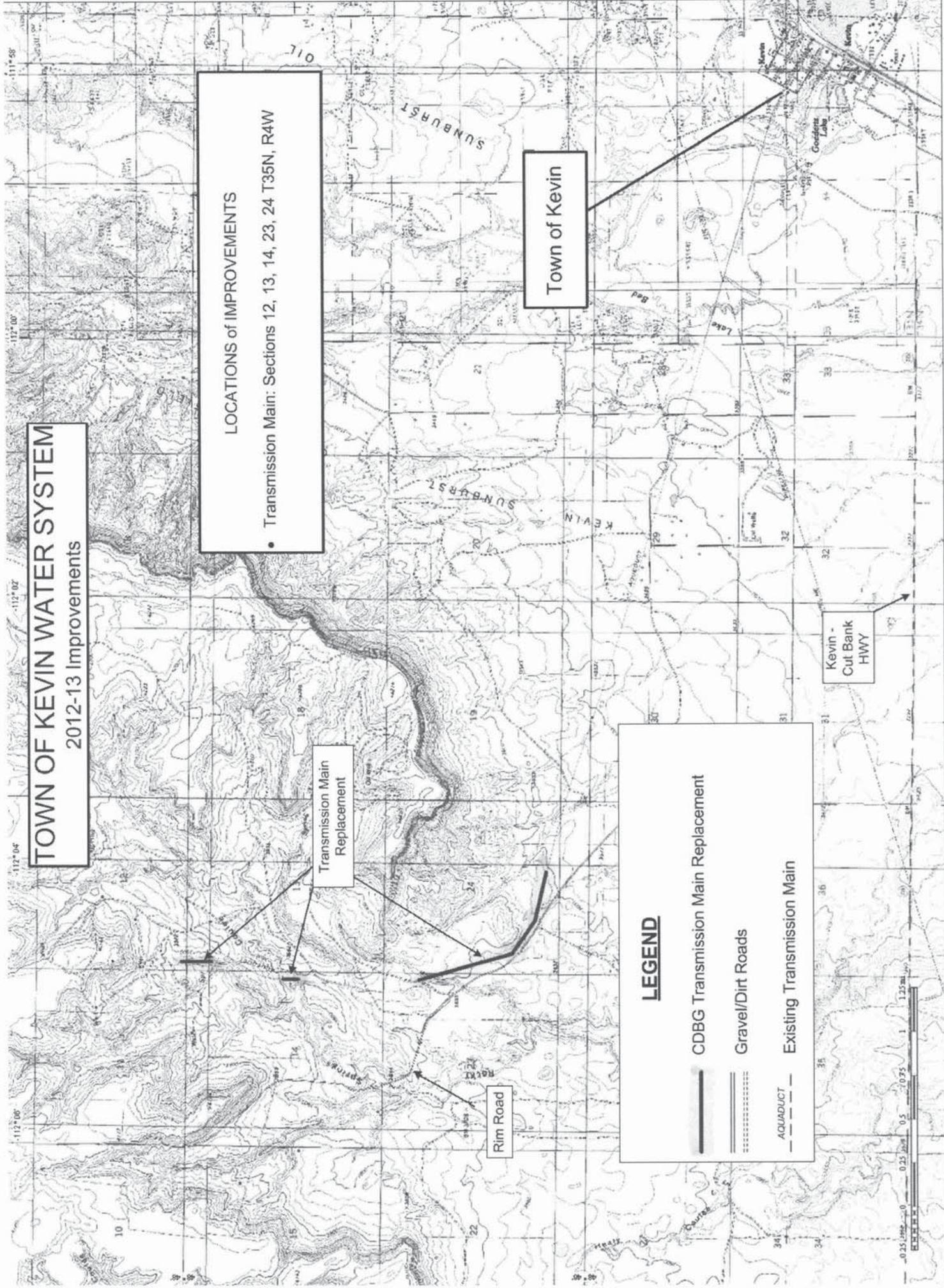
Transmission Main Replacement

Rim Road

Kevin - Cut Bank HWY

LEGEND

- CDBG Transmission Main Replacement
- ==== Gravel/Dirt Roads
- - - - AQUADUCT
- - - - Existing Transmission Main



**EXHIBIT 2-J
FINDING OF CATEGORICAL EXCLUSION**

March 20, 2012

Chanania, Andrew
CDBG Program Specialist
Montana Department of Commerce
Community Development Division
301 S. Park
P.O. Box 200523
Helena, MT 59620-0523

Re: **Environmental Finding Level C**; Town of Kevin
Phase 3 Water System Improvements.

Dear Mr. Chanania:

It is the finding of the Town of Kevin, Montana, that the following activities approved for funding under the Montana CDBG program are defined as categorically excluded under 24 Part 58.35 of the Environmental Review Procedures for Title I Community Development Block Grant Programs, and that these activities are in compliance with the environmental requirements of related federal authorities. The activities and the statutory authority for exclusion are listed below:

- *Water transmission main replacement in Sections 12, 13, 14, 23, 24, Township 35N, Range 4W; and Sections 19 & 30 Township 35N, Range 3W.*
- *24 CFR Part 58.35(a)(1).*

Compliance with the environmental requirements of other federal authorities is indicated on the included Statutory Checklist and associated attachments.

Sincerely,



Signature of Environmental Certifying
Official or Chief Elected Official

- Planning
- Design
- Construction
- Finance



EXHIBIT 2-N

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

Date of Publication of Notice

Town of Kevin

City, Town or County

PO Box 137

Mailing Address

Kevin, MT 59454

406-337-2141

City, State, Zip Code

Telephone

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

On or before 4-20-2012 the above-named Town of Kevin 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:

Phase 3 Water System Improvements

CDBG Project Title or Name

Replace approximately 6850 feet of existing water transmission main

Purpose or Nature of the CDBG Project *(Insert brief description.)*

Kevin, Toole County, Montana

Location - City, County, State - of CDBG Project)

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 Town of Kevin 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 (see next page):

¹ Earliest date for submittal of REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION (Exhibit 2-Q) is one day after termination of public comment period set for the Finding of No Significant Impact.

The project activities are categorically excluded from the requirements of NEPA according to 24 CFR Part 58.35(a)(1). Other relevant statutory requirements have also been addressed (see Checklist in Exhibit 2C and associated attachments).

An Environmental Review Record documenting review of all project activities in respect to impacts on the environment has been made by the above-named Town of Kevin. 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 12:00 Noon Tuesday - Friday.

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 Town of Kevin to the Town of Kevin PO Box 137, Kevin MT 59454 on or before 4-11-2012. All such comments so received will be considered and the Town of Kevin 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 Town of Kevin 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 Town of Kevin is certifying to DOC that the mayor of the Town of Kevin, in her official capacity as Mayor 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 Town of Kevin 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

² A minimum of 15 days after publication, or 18 days after the posting of this notice.

(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 4-11-12 will be considered by DOC.

Becky Gard-Mayer
Name of Environmental Certifying
Officer or Chief Elected Official

3-6-12
Date

211 Front Street

Street Address

Kevin, Toole County, MT 59454

City, County, State, Zip Code

Jan Hestel E.C.O.
3-20-12

³ Estimate this date as a minimum of 15 days after the date that the Grantee anticipates **DOC will receive the request.** See 24 CFR Part 58. It is advisable to allow 18 or 19 days to allow several days for mailing time. **Proof of publication is required.**

March 23, 2012

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

Re: Town of Kevin water main replacement project;
REVISED Notice of Intent to Request Release of CDBG Funds.

Dear Environmental Quality Council:

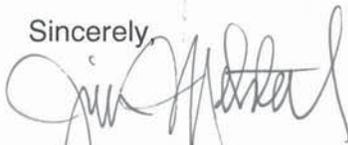
On March 22, 2012, I sent the following information to you regarding the above project:

- My certification that the project activities are categorically excluded from the requirements of the National Environmental Policy Act (NEPA) under 24 CFR Part 58.35 (i.e., projects with no major change in land use).
- A Notice of Intent to Request Release of Funds from CDBG to begin project design and construction.

I have since received a request from the Montana Department of Commerce Community Development Block Grant (CDBG) Program to revise the Notice of Intent to Request Release of Funds. The revised notice is enclosed. The revised notice includes the total project scope and cost; the previous notice included only the scope and cost related to CDBG funds.

In addition to providing comments to me at the below address, please be aware that you can provide comments to the CDBG Program at any time between now and Wednesday, April 25, 2010. Again, please let me know if you wish to review any of the file information. Thank you for your assistance.

Sincerely,



Jim Melstad, P.E.
Senior Engineer
Anderson-Montgomery Consulting Engineers
1060 N. Warrant St.
Helena, MT 59601
(406) 449-3303
jim@a-mce.com

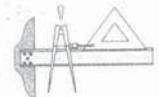


EXHIBIT 2-K

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOI/RRF)

March 26, 2012

Town of Kevin
211 Front St.
PO Box 137
Kevin, MT 59454

(406) 337-2141

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

On or before April 9, 2012, the Town of Kevin will request the Montana Department of Commerce to release funds under Title I of the Housing and Community Development Act of 1974, as amended, (PL93-383) for the following project:

PROJECT, TITLE OR NAME: Transmission Main Replacement Project.

PURPOSE OR NATURE OF PROJECT: To replace approximately 14,400 feet of existing cast iron transmission main with PVC transmission main.

LOCATION (CITY, COUNTY, STATE): Sections 12, 13, 14, 23 and 24 Township 35 North, Range 4 West, Toole County, MT.

ESTIMATED COST OF PROJECT: \$709,000 Total; (\$300,000 CDBG Funds)

An Environmental Review Record documenting review of all project activities in respect to impacts on the environment has been made by the Town of Kevin. This Environmental Review Record is on file at the above address and is available for public examination or copying, upon request.

The Town of Kevin will undertake the project described above with Community Development Block Grant funds provided by the Montana Department of Commerce, under Title I of the Housing and Community Development Act of 1974, as amended. The Town of Kevin is certifying to the Department of Commerce that the Town of Kevin and Mayor Becky Gard, in her official capacity as Mayor consent 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 Town of Kevin may use the CDBG funds, and the Department of Commerce will have satisfied its responsibilities under the National Environmental Policy Act of 1969 as delegated to the State of Montana through the 1981 Amendments to the Housing and Community Development Act.

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 the CDBG Program, Department of Commerce, Community Development Division, P.O. Box 200523, 301 S. Park Avenue, Helena, Montana 59620.

Objections to the release of funds on bases other than those stated above will not be considered by the Department of Commerce. No objection received after Wednesday, April 25, 2012 will be considered by the Department of Commerce.

Mayor Becky Gard
Town Hall
Kevin, MT 59454

FOR MORE INFORMATION, CONTACT:

Jim Melstad, Environmental Certifying Officer
Anderson-Montgomery Consulting Engineers
1064 N. Warren St.
Helena, MT 59601
(406) 449-3303