

STATE OF OKLAHOMA
FINDING OF NO SIGNIFICANT IMPACT
AND
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Notice: November 26, 2011
Name of Responsible Entity (RE): Citizen Potawatomi Nation
Project No. ICDBG B-10-SR-10-2438
Estimated Project Costs: \$1,100,000
Address: 1601 South Gordon Cooper Dr.
City, State, Zip Code: Shawnee, OK 74801
Telephone Number of Preparer Agency: (405) 275-3121

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the Citizen Potawatomi Nation.

REQUEST FOR RELEASE OF FUNDS

On or about December 13, 2011, the Citizen Potawatomi Nation will submit a request to the U.S. Department of Housing and Urban Development, Southern Plains Office of Native American Programs for the release of Indian Community Development Block Grant (ICDBG) Funds under Title I of the Housing and Community Development Act of 1974, as amended, to undertake a project known as **FireLake Express 2 Grocery Store**.

The project is located approximately 0.75 miles north of Interstate 40 on the east side of S.H. 102 near McLoud, Pottawatomie County, Oklahoma. It will improve infrastructure and expand rural job opportunities while providing access to fresh, healthy foods. FireLake Express 2 Grocery Store will be approximately 11,000 square feet with a preliminary design which includes a full service meat department, a wide selection of grocery items, fresh produce department, dairy department, frozen foods department, and a tobacco shop. Utility infrastructure and roadway access/parking are also included in the project.

FINDING OF NO SIGNIFICANT IMPACT

The Citizen Potawatomi Nation has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at Citizen Potawatomi Nation Environmental offices and may be examined or copied at requestor's expense on weekdays from 8:00 a.m. to 4:30 p.m.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to the Citizen Potawatomi Nation, Attn: Shawn Howard, 1601 South Gordon Cooper, Shawnee, OK 74801. All comments received by December 12, 2011, will be considered by the Citizen Potawatomi Nation prior to authorizing submission of a request for release of funds. Comments should specify in writing which Notice they are addressing.

RELEASE OF FUNDS

The Citizen Potawatomi Nation certifies to HUD that John A. Barrett in his capacity as Chairman of the Citizen Potawatomi Nation consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under the NEPA and related laws and authorities and allows the Citizen Potawatomi Nation to use program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and the Citizen Potawatomi Nation's certification for a period of 15 days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the Citizen Potawatomi Nation; (b) the Citizen Potawatomi Nation has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (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 HUD; 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 quality. Objections must be prepared and submitted in accordance with required procedures (24 CFR Part 58) and shall be addressed to HUD's Southern Plains Office of Native American Programs at 301 N.W. 6th Street, Suite 200, Oklahoma City, Oklahoma 73102. Potential objectors should contact HUD Project Officer Shannon Jones. HUD is to verify the actual last day of the objection period.

John A. Barrett, Tribal Chairman
Citizen Potawatomi Nation
1601 South Gordon Cooper
Shawnee, OK 74801

(Published in the Shawnee News-Star November 26th, 2011)

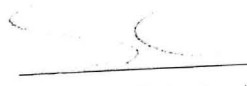
Affidavit of Publication

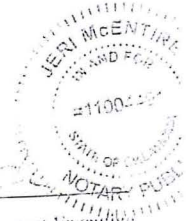
The Shawnee News-Star
215 N. Bell
Shawnee OK 74801
(405) 273-4200

State of Oklahoma
County of Pottawatomie

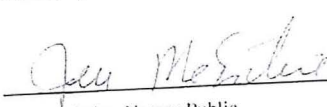
I, Salonne Carter, of lawful age, being duly sworn upon oath, deposes and says that I am the Legal Advertising Account Executive of The Shawnee News-Star, a Daily publication that is a "legal newspaper" as that phrase is defined in 25 O.S. §106 for the City of Shawnee, for the County of Pottawatomie, in the State of Oklahoma, and that the attachment hereto contains a true and correct copy of what was actually published in said legal newspaper in consecutive issues on the following date(s):

Insertion Date(s): November 26th, 2011
Publishing Fee: \$134.85


Salonne Carter, Legal Account Executive



Signed and sworn to before me this 16 day of Dec,
2011 by Salonne Carter, Authorized Agent.


Jeri McEntire, Notary Public
My Commission Expires: May 16, 2015
Commission No. 11004491

**Request for Release of Funds
and Certification**

U.S. Department of Housing
and Urban Development
Office of Community Planning
and Development

COPY OMB No. 2506-0037
(exp. 12/31/2007)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s) HUD Indian Community Development Block Grant	2. HUD/State Identification Number B-10-SR-40-2438	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s) CFDA 14.862	5. Name and address of responsible entity Citizen Potawatomi Nation 1601 S. Gordon Cooper Dr. Shawnee, OK 74801	
6. For information about this request, contact (name & phone number) Art Muller, ICDBG Director, (405) 878-4672	7. Name and address of recipient (if different than responsible entity)	
8. HUD or State Agency and office unit to receive request HUD Southern Plains Regional Office Oklahoma City, OK		

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

9. Program Activity(ies)/Project Name(s) FireLake Express 2 Grocery Store	10. Location (Street address, city, county, State) Approximately 0.75 miles north of Interstate 40 east of S.H. 102 near McLoud, Pottawatomie County, Oklahoma
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11. Program Activity/Project Description

Program funds will be used to construct an 11,000 square-foot grocery store facility with utility infrastructure and roadway access/parking. FireLake Express 2 Grocery Store will include a full service meat department, a wide selection of grocery items, fresh produce department, dairy department, frozen foods department, and a tobacco shop.

COPY

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did did not require the preparation and dissemination of an environmental impact statement.
4. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
5. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
6. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

7. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
8. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity

Title of Certifying Officer

Tribal Chairman

Date signed

12/13/2011

X

Address of Certifying Officer

Citizen Potawatomi Nation
1601 S. Gordon Cooper Dr.
Shawnee, OK 74801

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient

Title of Authorized Officer

Date signed

X

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

**Authority to Use
Grant Funds**

U.S. Department of Housing
and Urban Development
Office of Community
Planning and Development



<p>TO: (name & address of Grant Recipient & name & title of Chief Executive Officer)</p> <p>The Honorable John Barrett Chairman Citizen Potawatomi Nation of Oklahoma 1601 S. Gordon Cooper Dr. Shawnee, OK 74801</p>	<p>Copy To: (name & address of SubRecipient)</p> <p>Mr. Art Muller ICDBG Director Citizen Potawatomi Nation of Oklahoma 1601 S. Gordon Cooper Dr. Shawnee, OK 74801</p>
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We received your Request for Release of Funds and Certification, form HUD-7015.15 on	December 20, 2011
Your Request was for HUD/State Identification Number	B10SR402438

All objections, if received, have been considered. And the minimum waiting period has transpired.
You are hereby authorized to use funds provided to you under the above HUD/State Identification Number.
File this form for proper record keeping, audit, and inspection purposes.


Program Title: **Indian Community Development Block Grant**

Activity Description: **FireLake Express 2 Grocery Store**

Project Location: Approximately .75 miles north of Interstate 40, East of S.H. 102 near
McLoud, Pottawatomie County, Oklahoma

The effective date of Release of Funds is: **January 4, 2012**

Tribe assumes NEPA responsibility.

<p>Typed Name of Authorizing Officer Sherri Coleman</p> <p>Title of Authorizing Officer Director, Grants Management Division Southern Plains Office of Native American Programs</p>	<p>Signature of Authorizing Officer</p> 	<p>Date (mm/dd/yyyy)</p> <p>1/04/2012</p>
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