



U.S. Department of Housing and Urban  
Development  
451 Seventh Street, SW  
Washington, DC 20410  
www.hud.gov  
espanol.hud.gov

**Environmental Review for Activity/Project that is Categorically  
Excluded Subject to Section 58.5  
Pursuant to 24 CFR 58.35(a)**

This is a suggested format that may be used by Responsible Entities to document completion of a  
Categorically Excluded Subject to Section 58.5 environmental review.

**Project Information**

**Project Name: 1465 Apollo Drive, Fort Myers, FL 33905**

**Responsible Entity: Lee County**

**Grant Recipient (if different than Responsible Entity):**

**State/Local Identifier:**

**Preparer: J. Corbett Alday, Vice President & COO, Guardian CRM, Inc.**

**Certifying Officer Name and Title: Mike Greenwell, Chairman of the Board**

**Grant Recipient (if different than Responsible Entity):**

**Consultant (if applicable): Guardian, CRM, Inc.**

**Direct Comments to: Brian Bissell, Housing Rehabilitation Specialist, Lee County  
bbissell@leegov.com**

**Project Location: 1465 Apollo Drive, Fort Myers, FL 33905**

**Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:  
Single-family home rehabilitation**

**Level of Environmental Review Determination:**

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5: (3)(i)  
In the case of a building for residential use (with one to four units), the density is not increased  
beyond four units, and the land use is not changed;

**Funding Information**

Grant Number	HUD Program	Funding Amount
	CDBG	\$25,000

**Estimated Total HUD Funded Amount: \$25,000**

**Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$25,000**

**Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities**

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.6</b>		
<b>Airport Hazards</b>  24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project is not located within 15,000 feet of a military (APZ) airport or within 2,500 feet of a civilian airport (RPZ/CZ).
<b>Coastal Barrier Resources</b>  Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	This project is not located within a Coastal Barrier Resource
<b>Flood Insurance</b>  Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project involves financial assistance for rehabilitation. This property is not within a flood zone.
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</b>		
<b>Clean Air</b>  Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	This item was cleared under the Lee County Broad Review.
<b>Coastal Zone Management</b>	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	This item was cleared under the Lee County Broad Review

Coastal Zone Management Act, sections 307(c) & (d)		
<b>Contamination and Toxic Substances</b>  24 CFR Part 50.3(i) & 58.5(i)(2)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	There were no hazardous, toxic or radioactive materials & substances noted during the field inspection, none were noted on the NEPAassist site. See NEPA assist report, facility reports.
<b>Endangered Species</b>  Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The project is for rehabilitation of a single-family home. No effect on threatened species or endangered species is anticipated. See enclosed eagle nest search and IPaC determination.
<b>Explosive and Flammable Hazards</b>  24 CFR Part 51 Subpart C	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	This project is for the rehabilitation of a single-family residence. There will be no increase in densities or conversion.
<b>Farmlands Protection</b>  Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	This item was cleared under the Lee County Broad Review.
<b>Floodplain Management</b>  Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The project will have no effect on the floodplain. The project is for rehabilitation of a single-family residence and is not located within the floodplain.
<b>Historic Preservation</b>  National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The project will have no effect on historic properties. The project is for rehabilitation of a single-family residence that was built in 1975 and is not older than 50-years.
<b>Noise Abatement and Control</b>  Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The project is not located near any noise generators. The project falls within. The project falls within acceptable noise levels.
<b>Sole Source Aquifers</b>  Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	This item was cleared under the Lee County Broad Review.
<b>Wetlands Protection</b>  Executive Order 11990, particularly sections 2 and 5	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The project will have no effect on the wetlands and is not located within a wetland area. See enclosed description of work and wetlands map.

<b>Wild and Scenic Rivers</b>  Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	This item was cleared under the Lee County Broad Review.
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b>  Executive Order 12898	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project will not be affected by environmental conditions and will be assisting an LMI family. The project is for rehabilitation of a single-family residence.

**Field Inspection (Date and completed by):** Brian Bissell

**Summary of Findings and Conclusions:**

**Mitigation Measures and Conditions [40 CFR 1505.2(c)]**

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure
N/A	N/A

**Determination:**

- This categorically excluded activity/project converts to Exempt, per 58.34(a)(12) because there are no circumstances which require compliance with any of the federal laws and authorities cited at §58.5. **Funds may be committed and drawn down after certification of this part** for this (now) EXEMPT project; OR
- This categorically excluded activity/project cannot convert to Exempt because there are circumstances which require compliance with one or more federal laws and authorities cited at §58.5. Complete consultation/mitigation protocol requirements, **publish NOI/RROF and obtain**

**“Authority to Use Grant Funds”** (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR

This project is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

Preparer Signature: J. Corbett Alday Date: 5/16/2024

Name/Title/Organization: J. Corbett Alday, Vice President and COO, Guardian CRM, Inc.

Responsible Entity Agency Official Signature:

Mike Greenwell Date: 6/3/24

Name/Title: Mike Greenwell, Lee County Board of County Commissioners

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

Approved as to Form for the  
Reliance of Lee County Only

By: [Signature]  
Office of the County Attorney



Approved as to Form for the  
Reliance of Lee County Only

By:   
Office of the County Attorney



**MEMORANDUM**  
**FROM**  
**LEE COUNTY DEPARTMENT OF HUMAN SERVICES**

Date: May 20, 2024

To: Mike Greenwell  
Chairman of the Board

From: Stacy Sherlock

**SUBJECT: ENVIRONMENTAL REVIEW COMMENT LETTERS**

Enclosed is the Agenda Item Report accepting \$4,457,072 of federal CDBG, HOME, and ESG funding from HUD.

Also enclosed are Environmental Review Comment Letters needing signature and one copy of the related back-up documentation that will be attached to each letter. Please return original signed copies of the following forms to Stacy Sherlock at Lee County Human and Veteran Services:

- Part-58-CEST 1465 Apollo Drive, Fort Myers FL 33905 Rehabilitation

Please do not hesitate to contact me with any questions at 239-533-7931.

Thank you,

Stacy Sherlock

## AGENDA ITEM REPORT

**DATE:** November 7, 2023  
**DEPARTMENT:** Human and Veteran Services  
**REQUESTER:** Roger Mercado  
**TITLE:** Accept Annual Grant Funding From HUD

---

**I. MOTION REQUESTED**

A) Accept \$4,457,072 in Grant Funds from U.S. Department of Housing and Urban Development.

B) Approve budget amendment resolutions as follows:

- \$ 3,085,111 in Community Development Block Grant (CDBG), Entitlement Fund # 13920
- \$ 1,095,673 in HOME Investment Partnership Funds, Entitlement Fund # 13921
- \$ 276,288 in Emergency Solution Grant (ESG), Entitlement Fund # 00100

C) Authorize Board Chair, on behalf of the Board, to sign agreements, certifications, resolutions, and other related documents, including but not limited to:

1. Grant agreements, once received from HUD.
2. Sub-recipient agreements once prepared, and if necessary, approve any future amendments to the agreements for this fiscal year and previous years that do not substantially alter the original intent of the contract,
3. HUD environmental assessments,
4. Amendments to the Lee County Five Year Consolidated Plan and Annual Action Plans once prepared in accordance with Administrative Code 15-2.

D) Authorize Department Director to approve notices and advertisements for comments.

**II. ITEM SUMMARY**

Approval accepts \$4,457,072 in entitlement funds from the U.S. Department of Housing and Urban Development (HUD) for fiscal year 2023-2024 budget. This funding is used for planning, homeless services, community development, and affordable housing projects administered by Human and Veteran Services.

**III. BACKGROUND AND IMPLICATIONS OF ACTION**

A) Board Action and Other History

Pursuant to Section 116 (b) of the Housing and Community Development Act of 1974 (42 U.S.C. 5316), 24 CFR 91, Lee County submitted the 2023 Annual Action Plan (as part of the 2019-2023 Consolidated Plan) to the U.S. Department of Housing and Urban Development (HUD). This Annual Action Plan serves as the application for Community Development Block Grant (CDBG), HOME Investment Partnership Program (HOME), and Emergency Solutions Grant (ESG) entitlement resources to HUD.

HUD approved the Annual Action Plan, and pursuant to Title I of the Housing and Community Development Act of 1974, as amended, (42 USC 5301 et seq.) requested the execution of the grant agreements with Lee County. Funding from HUD will be available to Lee County upon execution of the grant agreements.

Lee County is a recipient of entitlement resources from HUD in accordance with 24 CFR 576.3, and Section 106 of the Housing and Community Development Act of 1974. U.S. Department of Housing and Urban Development (HUD) requires recipients of HUD funding to file Annual Action Plans outlining projects that will use the grant funds. The Board approved the submission of the 2020 Annual Action Plan on August 4, 2020 (Agenda Item # 7), the 2021 Annual Action Plan on August 3, 2021 (Agenda Item # 21), the 2022 Annual Action Plan on August 2, 2022 (Agenda Item # 10) and the 2023 Annual Action Plan on August 1, 2023 (Agenda Item #44).

B) Policy Issues

Lee County Administrative Code 3-17 Grant Program Administrative Procedures requires each department to ensure compliance with all grant terms and requirements. HUD has accepted the Annual Action Plan and awarded Lee County Community Development Block Grant (CDBG), HOME Investment Partnership Program (HOME), and Emergency Solutions Grant (ESG) funds.

C) BoCC Goals

Meets requirements for HUD grant funding, which provides for human services in Lee County. These funds are used for projects and activities that benefit low-to-moderate income individuals in Lee County. Compliance with HUD requirements ensures Lee County entitlement status to continue receiving CDBG, HOME, and ESG funds annually.

D) Analysis

Lee County's Annual Action Plans are developed through consultation with staff and the public. The 2023-2024 Annual Plan outlines five priority areas including affordable housing, housing and services for persons who are homeless, public facility improvements, economic development, and community revitalization. The plan also establishes the following goals to meet community needs:

1. Affordable Housing Development

2. Housing Rehabilitation and Reconstruction
3. Down Payment Assistance
4. Housing and Services for Persons who are Homeless
5. Public Services for Community Revitalization
6. Infrastructure Improvements
7. Economic Development
8. Public Facility Improvements

The projects listed in the 2023 Annual Action Plan are designed to accomplish the goals identified in the Consolidated Plan. Projects in the Annual Action Plan, include, but are not limited to, Housing Rehabilitation and Reconstruction, Community Infrastructure, Community Public Services, Down Payment Assistance, Tenant Based Rental Assistance, and Non-Profit Capital Improvement. The estimated amount entitlement funds for HUD Fiscal Year 2023 is \$4,457,072.

HUD's funding award is based on site visits, management of funds, compliance with Annual Plan rules, accuracy in preparing performance reports, and proof that all projects assisted under programs administered by HUD are in compliance with contractual agreements, certifications, and the requirements of law as set forth by Lee County's Five Year Consolidated and Annual Action Plans. Funds will be made available in the Fiscal Year 2023-2024 budget upon receipt of agreement and approval of a budget resolution.

The Annual Action Plan was the subject of two public meetings, and the draft plan was made available for public review for 30 days. The public comment period opened June 29 and ended on July 31, 2023.

The Annual Action Plan will cover the period of October 1, 2023, through September 30, 2024, and was submitted to HUD on August 14, 2023

- E) Options  
Approve budget amendment resolutions associated with the receipt of federal grants.

**IV. FINANCIAL INFORMATION**

A)	Current year dollar amount of item:	\$4,457,072
B)	Is this item approved in the current budget?	No
C)	Is this a revenue or expense item?	Revenue
D)	Is this Discretionary or Mandatory?	Discretionary
E)	Will this item impact future budgets? If yes, please include reasons in III(D) above.	No
F)	Fund: Entitlement Funds Program: HUD Project: CDBG Year 23, ESG Year 23, and HOME Year 23 Account Strings: 11138413920 ; 11138513921 ; 11138600100	
G)	Fund Type?	Other: HUD Entitlement Funds
H)	Comments: The Annual Action Plan has been accepted and grant agreements have been executed. Grant funds need to be made available in Fiscal year 2023-2024 budget.	

**V. RECOMMENDATION**

Approve

**VI. TIMING/IMPLEMENTATION**

The 2023 Annual Action Plan (as part of the 2019-2023 Consolidated Plan) was submitted to HUD on August 11, 2023. The grant agreements will be returned to HUD upon execution by the Board. Funds will be made available for drawdown on HUD's Integrated Disbursement and Information System (IDIS). The program year start date for HUD funds received is October 1, 2023.

**VII. FOLLOW UP**

- A) The Board may need to periodically sign documents required by HUD:
1. Sub-recipient agreements with the municipalities once prepared, and if necessary, approve any future amendments to the agreements for this fiscal year and previous years, that do not substantially alter the original intent of the agreement,
  2. HUD environmental assessments,
  3. Amendments to the Lee County Five Year Consolidated Plan and Annual Action Plans once prepared in accordance with Administrative Code 15-2.

- B) Human and Veteran Services staff will continue to administer HUD entitlement programs and urban county cooperation agreements.

**ATTACHMENTS:**

Description	Upload Date	Type
<a href="#">TRANSMITTAL LETTER FROM HUD</a>	9/29/2023	Letter
<a href="#">Unsigned CDBG Grant Agreement</a>	10/2/2023	Agreement
<a href="#">Unsigned ESG Grant Agreement</a>	10/2/2023	Agreement
<a href="#">Unsigned HOME Grant Agreement</a>	10/2/2023	Agreement
<a href="#">Budget Amendment CDBG</a>	10/27/2023	Budget Amendment
<a href="#">Budget Amendment ESG</a>	10/27/2023	Budget Amendment
<a href="#">Budget Amendment HOME</a>	10/27/2023	Budget Amendment

**REVIEWERS:**

Department	Reviewer	Action	Date
Human and Veteran Services	Isley, Rae	Approved	10/25/2023 - 10:25 AM
Human and Veteran Services	Mercado, Roger	Approved	10/27/2023 - 9:11 AM
Budget Services	Henkel, Anne	Approved	10/27/2023 - 12:11 PM
Budget Services	Winton, Peter	Approved	10/27/2023 - 3:18 PM
County Attorney	Swindle, Amanda	Approved	10/30/2023 - 10:17 AM
County Manager	Codie, Robert	Approved	10/30/2023 - 11:29 AM

*[Faint, illegible text and markings]*