



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: Pine Manor Improvements Association Rehabilitation

Responsible Entity: Lee County

Grant Recipient (if different than Responsible Entity):

State/Local Identifier:

Preparer: J. Corbett Alday, Vice President and 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: Carla Platter cplatter@leegov.com & J. Corbett Alday
Corbett.alday@guardiancrm.com**

Project Location: 5547 Tenth Avenue, Fort Myers, FL 33907

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

The objective of this project is to replace damaged fencing around the association's buildings and install gates to replace the current gate that requires frequent repairs and are at end of life. It also seeks funding to replace fencing and gates around the association's community garden and food forest that were damaged in Hurricane Ian. New fencing will protect association assets, better protect children who attend after-care at the facility and contribute to community revitalization identified in Lee County's Consolidated Plan HUD Fiscal Years 2019-2023. It also will make the association more inviting and secure for those who use the facilities. Because Lee County is ending CDBG operational support for Pine Manor after FY 22-23, the association must rely on grant funding to operate.

Level of Environmental Review Determination:

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5: 24 CFR 58.35 (a) (1) Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets).

Funding Information

Grant Number	HUD Program	Funding Amount
B-21-UC-12-0013	CDBG	\$125,000

Estimated Total HUD Funded Amount: \$125,000

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$125,000.

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.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	This project is for rehabilitation of an Improvements Association Building. Based upon the project's location and results from a NEPA Assist search, there are no civilian airports with 2,500 feet and no military airports within 15,000 feet.

<p>Coastal Barrier Resources</p> <p>Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project is not located within a Coastal Barrier Resource System.</p>
<p>Flood Insurance</p> <p>Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project involves financial assistance for rehabilitation, this property is not located within a flood zone.</p>
<p>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5</p>		
<p>Clean Air</p> <p>Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project does not involve new construction or conversion of land use, it is for rehabilitation of a multi-family complex.</p>
<p>Coastal Zone Management</p> <p>Coastal Zone Management Act, sections 307(c) & (d)</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Documentation and request for comments have been provided to the State Clearinghouse.</p>
<p>Contamination and Toxic Substances</p> <p>24 CFR Part 50.3(i) & 58.5(i)(2)</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project consists of rehabilitation of an Improvements Association Building. This is located within a residential area. A search of the EPA database was conducted and revealed no evidence suggesting the project activities are likely to encounter soils or groundwater impacted by toxic or hazardous substances or result in disturbance of same or exposure to workers or occupants of nearby homes.</p>
<p>Endangered Species</p> <p>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>No effect anticipated; the project is for the rehabilitation of an Improvements Association Building. No suitable habitats for species were noted in the project area. USFW IPaC was consulted.</p>
<p>Explosive and Flammable Hazards</p> <p>24 CFR Part 51 Subpart C</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project does not include a hazardous facility and will not increase residential densities or land conversion. The project does not include new development, construction or rehabilitation that will increase residential densities or conversion; there the project is within compliance.</p>

Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project is for the rehabilitation of an improvements Association Building and does not include new construction, acquisition of undeveloped land or land conversion.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project is not located within a floodplain. See FEMA FIRM and documentation
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project activities consist of rehabilitation of an Improvements Association Building that is not 50 years or older with no expected ground disturbance. A review of nearby properties on the property appraiser site shows no historic sites. See historical register, SHPO consultation documentation located within ERR
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project activities consist of rehabilitation of an Improvements Association Building.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project is located in Lee County and located not near a Sole Source Aquifer.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project is not located in or near a wetlands and is not expected to have a negative effect on wetlands.
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project is located within Lee County and not near a Wild & Scenic River nor a NRI river. The project is not expected to have an adverse effect on rivers.
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	No adverse environmental impacts have been identified, this project is in compliance. No adverse environmental impacts are anticipated for low income and/or minority communities. See project description

Field Inspection (Date and completed by):

Summary of Findings and Conclusions:

The association provides essential services to Pine Manor, an underserved community in unincorporated Fort Myers that the Lee Board of County Commissioners designated as in need of direct social services. While its primary role is to reduce food insecurity through its dedicated food bank and mobile food-service providers operating on site, it also provides a wide range of social service assistance. Lee County is ending CDBG operational support for Pine Manor after FY 22-23, the association must rely on grant funding to operate. We would not be able to complete this project without the requested funding.

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: 5/15/24

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

Responsible Entity Agency Official Signature:

Mike Greenwell Date: 6/3/24

Name/Title: Mike Greenwell, Chairman, 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





Lee County
Southwest Florida

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 Pine Manor Improvements Association 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
CDBG 23 Budget Resolution Request	9/29/2023	Backup Material
ESG 23 Budget Resolution Request	9/29/2023	Backup Material
HOME 23 Budget Resolution Request	9/29/2023	Backup Material
TRANSMITTAL LETTER FROM HUD	9/29/2023	Letter
Unsigned CDBG Grant Agreement	10/2/2023	Agreement
Unsigned ESG Grant Agreement	10/2/2023	Agreement
Unsigned HOME Grant Agreement	10/2/2023	Agreement
Budget Amendment CDBG	10/27/2023	Budget Amendment
Budget Amendment ESG	10/27/2023	Budget Amendment
Budget Amendment HOME	10/27/2023	Budget Amendment
110723R-C-24-RESO 23-11-08 Budget Amendment - CDBG 23	11/20/2023	Resolution
110723R-C-24-RESO 23-11-09 Budget Amendment - ESG 23	11/20/2023	Resolution
110723R-C-24-RESO 23-11-10 Budget Amendment - HOME 23	11/20/2023	Resolution
110723R-C-24-Annual Grant Funding Agreement(s)	11/20/2023	Agreement
110723R-C-24-Annual Grant Funding Doc(s) - Center for Progress & Excellence, Inc. Contract 10073	2/27/2024	Contract
110723R-C-24-Annual Grant Funding Agreement(s) - Childcare of Southwest Florida, Inc. - Contract 10138	4/24/2024	Contract

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