

**Lee County Board Of County Commissioners**  
**Agenda Item Summary**

September 26, 2003

Blue Sheet No. *20031152*

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** 1) Approve submission of Request for Release of Funds and Environmental Certification to the U. S. Department of Housing and Urban Development (HUD) for Community Development Block Grant (CDBG) Program (B-03-UC-12-0013) and HOME Program (M-03-UC-12-0210) for Housing and Public Facility/Improvement Activities. 2) Authorize Chairman to sign attached Request for Release of Funds and Environmental Certification form.

**WHY ACTION IS NECESSARY:** IIUD requires that these forms be signed in order to receive Federal Funding for environmental reviews that are completed.

**WHAT ACTION ACCOMPLISHES:** HUD written authorization for Lee County to use program grant funds.

**2. DEPARTMENTAL CATEGORY:** 05  
**COMMISSION DISTRICT #** CW

*C5A*

**3. MEETING DATE:**  
*10-21-2003*

**4. AGENDA:**

CONSENT  
 ADMINISTRATIVE  
 APPEALS  
 PUBLIC  
 WALK ON  
 TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:**  
*(Specify)*

STATUTE  
 ORDINANCE  
 ADMIN. CODE  
 OTHER 24 CFR Part 58

**6. REQUESTOR OF INFORMATION:**

A. COMMISSIONER N/A  
 B. DEPARTMENT Human Services  
 C. DIVISION N/A  
 BY: KAREN B. HAWES, Director

*Karen B. Hawes for KBA*

**7. BACKGROUND:** The Board of County Commissioners approved Lee County's 2003-2007 Consolidated Plan and Action Plan for FY 2003 funding August 5, 2003. This document has been submitted to HUD for funding approval. Prior to expenditure of such funds, Lee County is required to conduct environmental assessments for certain project activities, provide public notice of environmental findings and publish a notice of intent to request a release of funds. A copy of the public notice is attached

- ATTACHMENTS:**
- Request for Release of Funds and Environmental Certification Form
  - Copy of Public Notice

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL:**

A	B	C	D	E	F				G
Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager
<i>Anna</i>	N/A	N/A	N/A	<i>W. J. ...</i>	OA	OM	Risk	GC	<i>AS 9-25-03</i>
					<i>9/24</i>	<i>9/25/03</i>	<i>9/25/03</i>	<i>9/24/03</i>	

**10. COMMISSION ACTION:**

- APPROVED  
 DENIED  
 DEFERRED  
 OTHER

Rec. by CoAtty  
 Date: *9/24/03*  
 Time: *3:25*  
 Forwarded To: *Budget*

RECEIVED BY COUNTY ADMIN. *RK*  
*9/24*  
*9/25/03*  
 COUNTY ADMIN. FORWARDED TO: *PP*  
*9/25/03*  
*5/11*

# Request for Release of Funds and Certification

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

OMB No. 2506-0087  
(exp. 11/30/2004)

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) <b>CDBG Program</b> <b>HOME Program</b>	2. HUD/State Identification Number <b>B-03-UC-12-0013</b> <b>M-03-UC-12-0210</b>	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s) <b>14.218</b> <b>14.239</b>	5. Name and address of responsible entity <b>Lee County Board of County Commissioners</b> <b>P.O. Box 398</b> <b>Fort Myers, FL 33902-0398</b>	
6. For information about this request, contact (name & phone number) <b>Ronald H. Miller (239) 652-7945</b>	7. Name and address of recipient (if different than responsible entity)	
8. HUD or State Agency and office unit to receive request <b>HUD Environmental Officer/Region IV Miami</b> <b>Field Office - Brickell Plaza Federal Bldg.</b> <b>909 SE First Ave, Rm.500, Miami, FL 33131-3028</b>		

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) <b>Housing and Public Facility/Improvement Activities</b>	10. Location (Street address, city, county, State) <b>Unspecified Sites *</b>
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11. Program Activity/Project Description  
 The project consists of countywide functionally aggregated and tiered housing and public facility/improvement activities which are of a continuing multi-year nature pertaining to acquisition, lease, rehabilitation, new construction, site improvements, relocation, demolition and loans.

\*A site-specific analysis will be conducted as each site is identified in order to establish compliance with 24 CFR Parts 58.5 and 58.6 in accordance with the Lee County, Florida Environmental Monitoring Strategy for Unspecified Sites. Completion of the Unspecified Sites Checklist will determine if any further compliance actions are necessary, such as the satisfaciton of Executive Orders 11988 and 11990 or Section 106 Historic Preservation Requirements or the CoastalZone Management Act. Compliance with the National Flood Insurance Program, the Coastal Barrier Resources Act and local airport runway protection zones will be required, if applicable.

**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

Ray Judah, Chairman

**Lee County Board of County Commissioners**

Date signed

10/21/2003

X

Address of Certifying Officer

Lee County Board of County Commissioners  
P.O. Box 398, Fort Myers, FL 33902-0398

**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)

APPROVED AS TO FORM

OFFICE OF COUNTY ATTORNEY

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

September 29, 2003

Lee County Florida  
P.O. Box 398  
Fort Myers, FL 33902

(239) 652-7930

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by Lee County.

**REQUEST FOR RELEASE OF FUNDS**

On or about October 28, 2003 Lee County will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of Community Development Block Grant (CDBG) Program (B-03-UC-12-0013) and HOME Investment Partnerships (HOME) Program (M-03-UC-12-0210) funds under Title 1 of the Housing and Community Development Act of 1974, as amended, (42 USC 5301 et seq.) and HOME Investment Partnerships Act (42 U.S.C. 12701 et seq.) respectively to undertake the Housing and Public Facility/Improvement Project activities described below:

- Purpose:** The project consists of countywide functionally aggregated and tiered housing and public facility/improvement activities which are of a continuing nature pertaining to acquisition, lease, rehabilitation, new construction, site improvements, relocation, demolition and loans.
- Scope:** Acquisition or lease, of vacant, improved and/or unimproved land;  
Acquisition, lease, rehabilitation, and/or relocation of existing buildings and/or improvements;  
Construction of new buildings and/or improvements;  
Site improvements for existing structures and/or new construction including individual wells and septic systems;  
Public facilities and/or improvements for existing structures and/or new construction;  
Activities to assist in the construction of new buildings and/or improvements;  
Permanent relocation activities;  
Demolition of vacant existing structures and/or improvements; and,  
Loans for housing and public facility/improvement projects and related activities.

Location: Countywide including all incorporated and unincorporated areas. Location of the exact sites have not been determined, however, a site-specific analysis will be conducted as each site is identified in order to establish compliance with 24 CFR Parts 58.5 and 58.6 in accordance with the Lee County, Florida Environmental Monitoring Strategy for Unspecified Sites. Completion of the Unspecified Sites Checklist will determine if any further compliance actions are necessary, such as the satisfaction of Executive Orders 11988 and 11990 or Section 106 Historic Preservation Requirements or the Coastal Zone Management Act. Compliance with the National Flood Insurance Program, the Coastal Barrier Resources Act and local airport runway protection zones will be required, if applicable.

Estimated Funding: The request for release of funds will cover five fiscal years (FY 2003-07). It is estimated that the following amounts will be used for these project activities each year.

FUNDS	ACTIVITY	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
HOME	Housing	\$800,000	\$800,000	\$800,000	\$800,000	\$800,000
CDBG	Housing	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
CDBG	Public Facility/Improvement	\$1,100,000	\$1,100,000	\$1,100,000	\$1,100,000	\$1,100,000

The specific amounts will be identified annually through the annual action plan update process for the Lee County Consolidated Plan update process.

**FINDING OF NO SIGNIFICANT IMPACT**

Lee County has determined that the above project activities will not constitute actions significantly affecting the quality of the human environment and accordingly, Lee County has decided that an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA, 42 USC 4321) is not required.

The reasons for the decision not to prepare an Environmental Impact Statement are as follows:

- (a) Project activities will normally take place in regard to an existing structure and/or within an already basically developed or platted area.
- (b) No adverse environmentally impacts are anticipated due to the limited scope and size of the individual project activities and the fact that such activities will be conducted countywide and therefore spread over a large geographical area.
- (c) Lee County’s Environmental Monitoring Strategy For Unspecified Sites will be utilized in conjunction with the Unspecified Sites Checklist to ensure full environmental review and compliance with the Statutory and Environmental Assessment Checklists.

- (d) All permits will be issued in conformance with existing comprehensive plans, zoning and related land development regulations. The Unspecified Sites Checklist will ensure compatibility and environmental design, historic values and natural features.
- (e) No action will be taken that will represent an irretrievable commitment of resources.
- (f) Adverse impacts are of short term duration (related to construction and/or rehabilitation) and are not of significant magnitude.
- (g) Appropriate safeguards will be applied to minimize the effect of the project activities.
- (h) The project activities are not of sufficient size, scale, or mass and do not exceed the threshold criteria established for the preparation of a statement nor will the project activities have a significant impact on the human environment under NEPA.

Environmental Review Records (ERR) respecting the project activities have been prepared by Lee County which documents the environmental review of the projects and more fully sets forth the reasons why an Environmental Impact Statement is not required. The Environmental Review Records (ERR) are on file in the Lee County Department of Human Services, 83 Pondella Road, Suite #1, North Fort Myers, Florida 33903, telephone number (239) 652-7930, and are available for public examination and copying, upon request, during the weekday hours of 8:00 a.m. to 5:00 p.m.

No further environmental review of such project activities is proposed to be conducted, prior to the release of Federal funds.

#### **PUBLIC COMMENTS**

Any individual group, or agency disagreeing with this determination or wishing to comment on the project activities may submit written comments to the Lee County Department of Human Services, 83 Pondella Road, Suite #1, North Fort Myers, Florida 33903. All written comments received by 5:00 p.m. October 15, 2003 will be considered prior to Lee County's submission of a request for release of funds. Comments should specify which Notice they are addressing.

#### **RELEASE OF FUNDS**

Lee County certifies to HUD that Ray Judah in his capacity as Chairman of the Lee County Board of County Commissioners 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 NEPA and related laws and authorities, and allows Lee County to use Program funds.

## OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and Lee County's certification for a period of fifteen 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 Lee County
- (b) Lee County 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
- (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 the required procedures (24 CFR Part 58) and shall be addressed to HUD Region IV Miami Field Office, Brickell Plaza Federal Building, 909 SE First Avenue, Room 500, Miami, Florida 33131-3028, Attn: Ubaldo A. Cazzoli, Environmental Officer. The HUD telephone number is (305) 536-4431, extension 2276. Potential objectors should contact HUD to verify the actual last day of the objection period.

Ray Judah, Chairman  
Lee County Florida Board of County Commissioners  
Certifying Officer

Small print, non-legal ad, Lee County Logo, Fair Housing Logo  
Affidavit of Publication Required  
To be run on September 29, 2003.