

**Environmental Assessment
Determinations and Compliance Findings
for HUD-assisted Projects
24 CFR Part 58**

Project Information

Project Name: Bayshore-Pines-MFH-Housing-Development

HEROS Number: 900000010409405

Responsible Entity (RE): LEE COUNTY, PO Box 398 Fort Myers FL, 33902

RE Preparer: Jennifer Posey - Lee County

State / Local Identifier: 22MFH

Certifying Officer: Glen V. Salyer

Grant Recipient (if different than Responsible Entity):

Point of Contact:

Consultant (if applicable): Ramboll

Point of Contact: Burke J. Brooke

Project Location: 5361 Bayshore Road, North Fort Myers, FL 33917

Additional Location Information:

The subject property is currently vacant, wooded land without any structure or improvements. site currently consists of approximately 8.5 acres of undeveloped vegetated land.

Direct Comments to: recovery@leegov.com or 1500 Monroe Street, 4th Floor, Fort Myers, FL 33901

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

The proposed project involves acquisition of land and new construction of four (4), four-story (4) multi-family buildings and one leasing office with amenities. The units are planned to include twenty-four (24) one-bedrooms units, ninety-two (92) two-bedroom units, and sixty-four (64) three-bedroom units with for a total of one hundred and eighty (180) residential units. Twelve (12) of these units will be designated ADA units. In addition to the proposed structures, the subject property will also be improved with outdoor swimming pool, paved parking areas and driveways, retention pond, and limited landscaping. The proposed project location is 16301 North Cleveland Avenue in North Fort Myers, Florida 33903.

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:

The property is seeking funding from the CDBG-DR for the construction of a new multi-family residential development in North Fort Myers. The proposed development on the subject property is additionally seeking a tax credit with the Florida Housing Finance Corporation (FHC). According to the Lee Plan, as amended through January 2023, prepared for Lee County, Florida, a goal of the County includes the providing of decent, safe, and sanitary housing in suitable neighborhoods at affordable costs to meet the needs of the present and future residents of the community. The proposed project fits this need by creating housing in a needed area, and, by abiding by the FHC LIHTC requirements, having either: 1) at least 20% of the housing units set aside for households earning 50% or less of the area median income (AMI); 2) 40% percent of the units set aside for households earning 60 percent or less of the AMI; or 3) 40% of the units set aside for households whose earnings may range from 20% to 80% of the AMI provided the average on the income designations within that range do not exceed 60% of the AMI.

Existing Conditions and Trends [24 CFR 58.40(a)]:

The subject property is within an area that is subject to severe tropical storms and hurricanes, and Lee County was impacted by a Category 4 Hurricane in September 2022. In addition to the general property damage and devastation that is associated with these storms, the housing opportunities in Lee County were severely impacted, particularly for those that would be considered low- and moderate-income. The subject property fills the need for safe, resilient, and affordable housing opportunities for the community and assists the community with rebuilding after such a disaster. The subject property is located on the south-central side of North Fort Myers. The North Fort Myers community is an unincorporated area just north of Fort Myers. Fort Myers is a desirable tourist destination for the southwest region of Florida. The geographical and physical region provide a positive environment for residents and businesses. The surrounding area of the subject property is primarily single-family

residential neighborhoods. The neighborhood is located about a mile from a major intersection which offers many amenities including restaurants, retail, and entertainment options. The adjoining properties include: single-family mobile homes (150-172 Santa Fe Trail) to the north; single-family mobile homes (102-116 Carriage Lane and 200-218 Carriage Lane) and Carriage Village Homeowners Association (HOA) property entrance driveway (5451 Bayshore Road) to the east; single-family residences (5430, 5440 & 5450 Bayshore Road), Larry's Pawn Shop (5410 Bayshore Road), another single-family residence (1425 Euclid Avenue), vacant lots (1407 Lincoln Avenue and 1402 Washington Drive) and Feinstein Tax & Accounting, Inc., a tax preparation office (1397 Washington Drive) to the south across Bayshore Road; and single-family residences (1418, 1426, 1432, 1438, 1444 & 1450 Shirley Drive and 293 Chalmer Drive) to the west.

Maps, photographs, and other documentation of project location and description:

- [Photo Log.pdf](#)
- [Fig 2 Site Plan Landscape.pdf](#)
- [Partner Photo Log.pdf](#)
- [Bayshore Pines Field Visit Survey 800001.docx](#)

Determination:

✓	Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.13] The project will not result in a significant impact on the quality of human environment
	Finding of Significant Impact

Approval Documents:

[Signed Signature Page-Bayshore.pdf](#)

7015.15 certified by Certifying Officer
on:

7015.16 certified by Authorizing Officer
on:

Funding Information

Grant / Project Identification Number	HUD Program	Program Name	Funding Amount
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B-23-UN-12-0002	Community Planning and Development (CPD)	Community Development Block Grants (Disaster Recovery Assistance)	\$17,000,000.00
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Estimated Total HUD Funded, Assisted or Insured Amount: \$17,000,000.00

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$68,117,906.00

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

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6	Are formal compliance steps or mitigation required?	Compliance determination (See Appendix A for source determinations)
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.6		
Airport Hazards Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The requirements of 24 CFR Part 51 Subpart D could apply to the program and if proposed any new construction or substantial rehabilitation at the project site within these zones could be prohibited. A review of the proposed project site location showed that the site is not within 2,500 feet of a civilian airport or within 15,000 feet of a military airfield; therefore, the project is not impacted by these hazards and has no further requirements in compliance with 24 CFR Part 51 Subpart D (Figure 02). The subject property is located 6.4 miles from Page Field Airport and 12.4 miles from Southwest Florida International Airport.
Coastal Barrier Resources Act Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Per review of the United States Fish and Wildlife Services (USFWS) Coastal Barrier Resources System (CBRS), the project is not located in a CBRS Unit (see Figure 3). Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act.

<p>Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The structure or insurable property is located in a FEMA-designated Special Flood Hazard Area. The community is participating in the National Flood Insurance Program. Per review of the online NFIP information, the county is an active participant within the NFIP. The community identification number is Lee County CID is 125124C. According to Community Panel Number 12071C0286G, dated November 17, 2022, the subject property is located within a Special Flood Hazard Area (SFHA). Lee County submitted a solicitation of views letter to the Florida Division of Emergency Management Office of Floodplain Management on September 17, 2024. According to a September 19, 2024, response by Hailey Anderson, Lead Ordinance Coordinator, the Office of Floodplain Management does not see any "glaring concerns" with the project and suggested following the Lee County flood ordinance to ensure compliance with the National Flood Insurance Program. With flood insurance, the project is in compliance with national flood insurance requirements.</p>
<p>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.5</p>		
<p>Air Quality Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>According to the EPA Green Book (https://www3.epa.gov/airquality/greenbook/), the project is not located within a non-attainment or maintenance area within the State of Florida. Based on the nature of the proposed development, the project is not suspected to affect the air quality of the surrounding area. Therefore, no mitigation is required, and this project is compliant with the Clean Air Act.</p>
<p>Coastal Zone Management Act Coastal Zone Management Act, sections 307(c) & (d)</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>This project is located in a Coastal Zone (Figure 3). The Florida State Clearinghouse was previously invited to consult on the project activities under</p>

		<p>the SAI # FL202402230026C. In a response dated April 22, 2024, the Florida State Clearinghouse Coordinator Christ Stahl indicated that the proposed project will require an Environmental Resource Permit (ERP) from the South Florida Water Management District (SFWMD) and as part of the ERP application, must demonstrate that the project meets the ERP Conditionings for Issuance in Rule 62-330.301, F.A.C. Additionally, the Project documents must include an Inadvertent Discovery clause. Additionally, Mr. Stahl indicated that based on the information submitted and minimal project impacts, the state has no objections to the subject project and, therefore, it is consistent with the Florida Coastal Management Program (FCMP). A determination of consistency with the Coastal Zone Management Act would be made through issuance of an ERP for the project. The state's final concurrence of the project's consistency with the FCMP will be determined during any environmental permitting processes, in accordance with Section 373.428, Florida Statutes. The State Clearinghouse was again invited to consult on September 17, 2024 by Lee County Government. Their office assigned Bayshore Pines SAI Number FL202410010248C on September 25, 2024. At this time, no additional response has been received. Therefore, with mitigation, this project would be in compliance with the Coastal Zone Management Act.</p>
<p>Contamination and Toxic Substances 24 CFR 50.3(i) & 58.5(i)(2)]</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>A Phase I Environmental Site Assessment (ESA) was completed on site in December 2023. Following site reconnaissance and an updated evaluation of the site in September 2024, there is no physical evidence or knowledge of hazardous materials, toxic</p>

		<p>chemicals and/or radioactive substances present at the subject property. Additionally, no evidence of distressed vegetation; leaking or buried storage tanks (i.e., vent or fill pipes, monitoring wells); pits, ponds, or lagoons; heavily stained soil or pavement; pungent, foul, or noxious odors; or waste piles or mounds indicating disposal of wastes were observed on the subject property. No evidence of any issues that would constitute an environmental concern were observed in the viewshed of the property. As part of the site-specific review of the proposed project locations, per HUD guidance, it was assessed whether the sites are within HUD and ASTM-specified minimum radii of known regulated sites with the potential for certain toxics using GIS-based mapping tools and databases from various agencies. Per review of contamination information available for the project area, no RCRA Corrective Action Sites, National Priority Listed Sites, or RCRA Treatment, Storage, and Disposal Facilities are located within proximity to the project area (see Figures 5 and 6). The subject property is not within 1,000 feet for landfills or properties listed on the Risk Management Program (RMP), Toxics Release Inventory (TRI), and Large Quantity Generator (LQG) facilities. Additional review indicated that the property is not within 3,000 feet of any properties listed for RCRA Corrective Action, National Priority List (NPL) sites, Solid Waste, and Resource Conservation and Recovery Act Treatment, Storage, and Disposal Facilities (RCRA TSDF). There are two (2) Solid Waste Facilities (SWF) within 3,000 feet of the subject property that do not have record of release and are not suspected to present environmental concerns to the</p>
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		<p>intended use of the subject property. The Petroleum Contamination Monitoring (PCTS) Discharges program's Geospatial Open Data indicated that there are three (3) Leaking Underground Storage Tanks (LUSTs) within 3,000 feet of the property. All facilities have received a "No Further Action" or closure determination. The Florida Department of Environmental Protection (FDEP) was invited to consult on this project per a solicitation of views letter dated May 17, 2024. In a response on October 17, 2024, their office indicated that an NPDES Construction Generic Permit (CGP) would be required as the project will have discharge from construction activities. Therefore, a CGP will be obtained prior to construction. Per HUD guidance, the proposed action is exempt from Lead Safe Housing Requirements 35.115(a)(1), and Asbestos Containing Materials (ACMs) are not suspected to be present at the subject property. Lee Co. is generally accepted as a county where the average radon levels are below the 4 picocuries per liter (pCi/L) regulatory threshold. Per guidance provided in CPD 23-103, scientific radon testing data between 2022 and 2012 available through the CDC National Environmental Public Health Tracking Network was reviewed. The median average of greater than ten tests annually over the last eleven years is 2.53 pCi/L. According to the most recent data set, the 2022 median pre-mitigation radon level in tested buildings in Lee Co. is 2.2 pCi/L. Per HUD guidelines, radon mitigation activities are required to be implemented during the construction phase of the subject property in accordance with ANSI/AARST MA-MFLB-2023 guidance for measuring radon concentrations in the ground-floor level of the building.</p>
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		<p>Once testing is complete, a copy of the test report and mitigation plan (if results are above 4pCi/L) must be added to the ERR.</p>
<p>Endangered Species Act Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The United States Fish and Wildlife Services (USFWS) Information for Planning and Consultation (IPaC) tool was utilized to determine project impacts on state and federal threatened & endangered species. The tool indicated that although the property does not contain any areas of critical habitat, there are 20 threatened, endangered, or candidate species who may be affected by project implementation (Figure 07). The subject property is densely vegetated and has not been developed. As project implementation will cause irreparable changes to this property, a Protected Species Survey (PSS) dated December 21, 2022 and a Biological Habitat Assessment for Threatened and Endangered Species were conducted. Surveyors observed two state listed threatened and endangered species on-site, the Gopher Tortoise (<i>Gopherus polyphemus</i>) and Florida Coonties (<i>Zamia intergrifolia</i>). They also identified suitable habitat for the Eastern Indigo Snake, Monarch Butterfly, and the Gopher Frog. As Gopher tortoises are protected species in Florida, a permit from the Florida Fish and Wildlife Conservation Commission (FWS) is required before any site disturbing activities occur. The survey recommended that all construction activities utilize best management practices (BMPs) to minimize detrimental impacts to the species. These BMPs will be written into project documents to ensure minimal impacts to the species. A Baseline Monitoring Report prepared by Passarella & Associates was completed in October</p>

		<p>2024. During the survey, ten photograph stations were established within the indigenous preserve areas and Observations of wildlife were made by qualified ecologists during the monitoring event. One reptile sign (i.e., burrow) and eight bird species were observed during the baseline monitoring event. The United States Fish and Wildlife Service, Florida Ecological Services Office was invited to consult on this project. In a response to the Solicitation of Views dated September 17, 2024, biologist Adam Knutson was assigned to the project. Copies of the Biological Habitat Assessment, Protected Species Survey, Species list from IPaC, and all relevant information were transmitted to the USFWS FES Office on October 22, 2024. In a phone discussion on October 22, 2024, Mr. Knutson indicated that the project will most likely have impacts on the endangered Florida bonneted bat (<i>Eumops floridanus</i>) and proposed-listed endangered tricolored bat (<i>Perimyotis subflavus</i>). The Project site contains suitable FBB roosting and foraging habitat, individuals have been detected via acoustic survey approximately three miles to the northeast. Therefore, this project has been rendered a "May Affect, Likely to Adversely Effect" for the FBB. For the Tricolored bat, Mr. Knutson also advised on a mitigation strategy for the tri-colored bat. Construction and vegetation clearing should be limited to timeframes outside of May 1st to July 15th as this is the pup season. He indicated that further coordination will be necessary to address the project's affects on both bat species and a formal Biological Opinion is being developed for the Florida Bonneted Bat. Currently the Tri-colored bat is a candidate</p>
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		species for listing and at the time of project implementation will be elevated to a listed species.
<p>Explosive and Flammable Hazards Above-Ground Tanks)[24 CFR Part 51 Subpart C</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The project does not involve the development of a hazardous facility. Ramboll reviewed satellite and aerial imagery within a 3,000-foot radius of the subject property to determine the size and location of any large aboveground storage tanks (ASTs) located in the vicinity of the subject property. Additional review of the property visually indicated there are no facilities storing explosive or fire-prone materials such as liquid propane, gasoline, or other storage tanks as defined by 24 CFR 51.201 located on-site, adjacent to, or visible from the subject property; therefore, the property is in compliance with 24 CFR Part 51 Subpart C.</p>
<p>Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Per review of the United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey, the project area does not contain any prime farmland (see Figure 8). The NRCS was invited to consult on this project on September 17, 2024. In a response dated October 3, 2024 staff resource soil scientist Stephanie Townsend, indicated that the project area for Bayshore Pines meets one of the exemptions. As the project area has no farmland qualifying as prime, unique, or land of statewide or local importance, no compliance is necessary for compliance with the Farmland Protection Policy Act.</p>
<p>Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Per review of FEMA Flood Insurance Rate Map (FIRM) #12071C0186G, effective November 17, 2022, most of the subject property is located within Flood Zone AE which is an area subject to 100-year flooding. (see Figure 4). The</p>

		<p>project location is designated Federal Flood Risk Management Standard (FFRMS) floodplain per Part 55.7(b)(2) within the 0.1-percent-annual-chance floodplain, but is not considered a Critical Action, and not in a 1-percent-annual chance, floodway or coastal high hazard designated as Special Flood Hazard Area. An Eight Step Process was completed; the Early Notice was published October 1, 2024, and a Final Notice was published on October 17, 2024. Three alternatives were considered to minimize adverse impacts and to restore and preserve natural and beneficial function and intrinsic values of the existing floodplain and wetlands. The No Action Alternative would not result in improvements to the value of the floodplain. Additionally, relocating out of the floodplain would displace businesses and residents while developing only a portion of the site would not be economically. Therefore, Lee County determined that it has no practicable alternative to floodplain development. Mitigation Measures incorporated into the design include elevation of the properties to two (2) feet above base flood elevation and maintenance of 3.57 acres of open space. The Office of Floodplain Management through the Florida Division of Emergency Management was invited to consult on this project. In a response dated September 19, 2024, Hailey Anderson indicated that they did not see any glaring concerns with the project but recommends following the Lee County flood ordinance to ensure compliance with the national Flood Insurance Program.</p>
<p>Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>According to a Desktop Cultural Resources Summary Report completed in February 2024, no recorded archaeological or historic resources</p>

	<p>have been recorded within the subject property. Although the subject property has not been surveyed previously for the presence of archaeological resources, archaeological surveys adjacent to the south of the subject property had identified the area as having a low potential for archaeological resources. Additional review of the NPS National Register of Historic Places (NRHP) GIS database indicated that the property is not listed in the NRHP nor is suspected to be eligible to be listed as an NRHP site (Figure 09). Lee County has submitted a solicitation of views to the State Historic Preservation Officer (SHPO) and the Lee County Department of Community Development on September 17, 2024. Following use of the Tribal Directory Assessment Tool (TDAT), three tribes with potential prehistoric and/or historic interests in the project area were invited to consult as well: the Miccosukee Tribe of Indians, the Muscogee (Creek) Nation, and the Seminole Tribe of Florida. In a response on September 30, 2024, Anthony Rodriguez of the Department of Community Development (DCD) indicated that their Historic Preservation office did not have any comment on this project. According to a response dated October 7, 2024, the Florida State Historic Preservation Officer Alissa Lotane indicated that the proposed development will have no effect on historic properties. However, Ms. Lotane did request inclusion of an inadvertent discovery clause in project documents. No response from tribal historic preservation offices has been received from the agencies at this time. This report may be updated upon additional detail provided agency response.</p>
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<p>Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>A HUD Noise Assessment was completed on the property on March 7, 2024 by Partner. The survey determined exterior noise calculations with consideration to noise generators: roadways with a published traffic count within 1,000 feet, railways within 3,000-feet, and airports within a five-mile radius (civil airport) or 15-miles (military airfield). Two major roadways were identified within proximity to the project area (Figure 10). Four (4) different noise assessment locations (NALs) were assessed at the subject property. These aligned with different areas associated with the construction diagrams including the pool deck, the playground, and exterior corners of the residential buildings. Based on their insulated locations between buildings and with no direct line of site to a noise generator, DNL calculations were not applicable from the NALs placed at the proposed locations of the playground. Using HUD's Day/Night Noise Level (DNL) Calculator, the ambient noise level at three of the NALs was in the Normally Unacceptable Threshold (65-75 dB): NAL 1 (building): 73dB; NAL 2 (building): 73 dB; NAL 3 (pool deck): < 65 dB; and, NAL 4 (Building): 69dB. Per HUD guidance, HUD values within this threshold may be acceptable if engineering adjustments are applied to the subject property. Therefore, a Sound Transmission Classification Assessment Tool (STraCAT) analysis was performed on March 28, 2024. Using Drawings and Specifications of the proposed construction plans, the assessment determined that the exterior envelope is likely to conform to HUD's requirements for required sound attenuation. Therefore, no additional mitigation is required for compliance with the Noise Control Act of 1972.</p>
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<p>Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Based on a review of the Designated Sole Source Aquifers National Map, published by the USEPA, the subject property area is not located within, serviced, or supplied by a sole source aquifer system (see Figure 11). Therefore, no impacts are anticipated, and this project is in compliance with the Safe Drinking Water Act of 1974.</p>
<p>Wetlands Protection Executive Order 11990, particularly sections 2 and 5</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Per review of the National Wetlands Inventory Map (NWI), there are no previously identified wetlands on-site (Figure 12). On January 23, 2024, the Florida Department of Environmental Protection (FDEP) Submerged Lands and Environmental Resources Coordination Program (SLERC) conducted a wetland evaluation and delineation on the property. Field staff identified on-site conditions indicative of wetlands. The United States Army Corps of Engineers (USACE) and South Florida Water Management District (SFWMD) are the Authorities Having Jurisdiction (AHJs) for verification and concurrence of wetland boundaries. An approved jurisdictional determination (AJD) was requested on June 24, 2024. Based on the total acreage of proposed wetland impacts, if the wetlands are determined to be jurisdictional, it is anticipated the development will be able to proceed under a Nationwide Permit (NWP). On August 13, 2024, SFWMD conducted a wetland concurrence verification at the subject property, during which the wetland boundaries were verified. Approximately 0.296884 acres of wetlands were identified on the subject property, which do not appear on the U.S. Fish & Wildlife Service (USFWS) National Wetlands Inventory (NWI). These include Wetland A (0.129078-acres), which is connected to an offsite drainage ditch via a culvert along the south boundary of the subject property</p>

		<p>and may be considered a Jurisdictional Waters of the United States (WOTUS) and Wetlands B (0.160523-acres) and C (0.007283-acres), which are isolated, entirely confined and retained completely upon the subject property, and do not appear to be potentially Jurisdictional WOTUS. On September 10, 2024, USACE conducted a wetland concurrence verification at the subject property to facilitate a JD for the proposed removal by fill of an approximately 0.06-acre portion of Wetland A as well as Wetland B and C. The preserved portion of Wetland A (0.071 acres) will continue to serve as the conveyance for site drainage to the outfall location at the FDOT right-of-way. An additional field visit was completed on September 24, 2024 to evaluate an upland data point associated with Wetland A. The results of this survey, which indicated there are no wetland hydrology indicator present at this point, was sent to the USACE. Their response has not been received. An Eight Step Process was completed; the Early Notice was published October 1, 2024, and a Final Notice was published on October 17, 2024. Three alternatives were considered to minimize adverse impacts and to restore and preserve natural and beneficial function and intrinsic values of the wetlands. The No Action Alternative would not result in improvements to the value of the wetlands. Additionally, relocating out of the wetlands would displace businesses and residents while developing only a portion of the site would not be economically viable. Therefore, Lee County determined that it has no practicable alternative to development that will not overlap with wetlands. Mitigation measures incorporated into</p>
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		<p>the design include maintenance of 3.27 acres of open space. Lee County submitted a solicitation of views to the United States Army Corps of Engineers (USACE) and the South Florida Ecological Services Field Office, Wetlands Protection on September 17, 2024. No direct response to the Solicitation has been received at this time. This report may be updated upon receipt of their determinations. Per documentation provided by Partner Engineering and Science, Inc., impacts to jurisdictional wetlands are anticipated by the proposed project activities and permitting or approval under Section 404 of the Clean Water Act may be required as a condition of this grant.</p>
<p>Wild and Scenic Rivers Act Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>According to the National Wild and Scenic Rivers database there are no Wild and Scenic Rivers in the vicinity of the subject property (see Figure 13). Therefore, the property is in compliance with the Wild and Scenic Rivers Act of 1968.</p>
<p>HUD HOUSING ENVIRONMENTAL STANDARDS</p>		
<p>ENVIRONMENTAL JUSTICE</p>		
<p>Environmental Justice Executive Order 12898</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Environmental justice means ensuring that the environment and human health are protected fairly for all people regardless of race, color, national origin, or income. Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations" requires HUD to consider how federally assisted projects may have disproportionately high and adverse human health or environmental effects on minority and low-income populations. The proposed action is the development of multi-family housing situated within an existing</p>

		<p>developed area. The proposed action does not alter the character of neighborhood, does not change the demographics of the existing area, does not change land use or zoning, and does not create any barriers that would isolate neighborhoods or affect delivery of needed social services or infrastructure. The project is proposed to benefit the community existing in a LMI neighborhood. According to the EJSCREEN ACS Summary Report, the property is not located within a low-income area in the unincorporated area of North Fort Myers as the population below the poverty level is 11.93% and the percent of people of color for the property and surrounding area is 15%. Therefore, it is determined that the project would not suffer disproportionately from adverse environmental effects.</p>
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Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27]

Impact Codes: An impact code from the following list has been used to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement.

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
Conformance with Plans / Compatible Land Use and Zoning / Scale	2	The subject property is currently undeveloped vacant land consisting of 9.133-acres of land, and is zoned as RPD for Residential Planned Development. According to historical and current site information, the subject property is considered a suitable area as the subject property has not been utilized as a dump,	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
and Urban Design		sanitary landfill, or mine waste disposal area. None of the reasonably foreseeable aspects of the proposed project or future use plans for the site conflict with the community's vision for its future.	
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	2	<p>Based on information obtained from the United States Department of Agriculture (USDA) Natural Resources Conservation (NRCS) Service Web Soil Survey online database, the subject property is mapped as Immokalee sand-Urban land complex. The Immokalee sand consists of shallow, poorly drained, and highly permeable soils that formed from sandy marine deposits. The Immokalee sand is on flatwoods on marine terraces on coastal plains. Urban Land complex are those soils in which the soil's original structure and content have been so altered by human activities it has lost its original characteristics and is thus unidentifiable. Urban soils consist of nearly level to moderately steep areas where the soils have been altered or obscured by urban works and structures. Buildings and pavement cover more than 85 percent of the surface. Included in this unit in mapping are many small areas where the original soil material has been disturbed by construction and areas where fill has been added. Slopes range from 0 to 2 percent. According to the contour lines on the topographic map, the subject property is located at approximately 11 feet above mean sea level (MSL). The contour lines in the area of the subject property indicate the area is sloping gently towards the south-southeast.</p> <p>Construction of the Proposed Project would involve grading and earth moving activities, as well as construction of project components. Construction would result in the temporary disturbance of soil and would expose disturbed areas to potential storm events. This exposure could generate accelerated runoff, localized erosion, and sedimentation.</p> <p>Construction activities could exacerbate soil erosion and result in the loss of topsoil. However, the Proposed Project may be required to obtain coverage under the National Pollutant Discharge Elimination System Construction General Permit, which requires</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		preparation of a Stormwater Pollution Prevention Plan (SWPPP) and implementation of construction best management practices. This includes limiting ground disturbance areas, restoring disturbed areas to pre-construction contours, erosion control measures, and revegetation.	
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	2	Based on information obtained from the United States Department of Agriculture (USDA) Natural Resources Conservation (NRCS) Service Web Soil Survey online database, the subject property is mapped as Immokalee sand-Urban land complex. The Immokalee sand consists of shallow, poorly drained, and highly permeable soils that formed from sandy marine deposits. The Immokalee sand is on flatwoods on marine terraces on coastal plains. Urban Land complex are those soils in which the soil's original structure and content have been so altered by human activities it has lost its original characteristics and is thus unidentifiable. Urban soils consist of nearly level to moderately steep areas where the soils have been altered or obscured by urban works and structures. Buildings and pavement cover more than 85 percent of the surface. Included in this unit in mapping are many small areas where the original soil material has been disturbed by construction and areas where fill has been added. Slopes range from 0 to 2 percent. According to the contour lines on the topographic map, the subject property is located at approximately 11 feet above mean sea level (MSL). The contour lines in the area of the subject property indicate the area is sloping gently towards the south-southeast. Construction of the Proposed Project would involve grading and earth moving activities, as well as construction of project components. Construction would result in the temporary disturbance of soil and would expose disturbed areas to potential storm events. This exposure could generate accelerated runoff, localized erosion, and sedimentation. Construction activities could exacerbate soil erosion and result in the loss of topsoil. However, the Proposed Project may be required to obtain coverage	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		under the National Pollutant Discharge Elimination System Construction General Permit, which requires preparation of a Stormwater Pollution Prevention Plan (SWPPP) and implementation of construction best management practices. This includes limiting ground disturbance areas, restoring disturbed areas to pre-construction contours, erosion control measures, and revegetation.	
Hazards and Nuisances including Site Safety and Site-Generated Noise	2	Radon is considered a Natural Hazard and Nuisance. Review of the EPA Radon Zone Map, the subject property is located within radon zone three. Based on the proposed development activities, radon mitigation may be warranted as part of the new construction activities. Per HUD guidelines, radon mitigation activities are required to be implemented during the construction phase of the subject property per CC-1000 (latest edition), Soil Gas Control Systems in New Construction of Buildings. The guidelines require soil gas control for all portions of the foundation system and post-construction testing will be required by a licensed, radon professional. Site Generated Noise: Development of the subject property will result in short-term noise during the daylight hours. The proposed use of the subject property (residential) upon completion of construction, will not result in elevated levels of noise. Per HUD guidelines, radon mitigation activities are required to be implemented during the construction phase of the subject property per CC-1000 (latest edition), Soil Gas Control Systems in New Construction of Buildings. The guidelines require soil gas control for all portions of the foundation system and post-construction testing will be required by a licensed, radon professional.	
Hazards and Nuisances including Site Safety and Site-Generated Noise	2	Radon is considered a Natural Hazard and Nuisance. Review of the EPA Radon Zone Map, the subject property is located within radon zone three. Based on the proposed development activities, radon mitigation may be warranted as part of the new construction activities. Per HUD guidelines, radon mitigation activities are required to be implemented	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>during the construction phase of the subject property per CC-1000 (latest edition), Soil Gas Control Systems in New Construction of Buildings. The guidelines require soil gas control for all portions of the foundation system and post-construction testing will be required by a licensed, radon professional. Site Generated Noise: Development of the subject property will result in short-term noise during the daylight hours. The proposed use of the subject property (residential) upon completion of construction, will not result in elevated levels of noise. Per HUD guidelines, radon mitigation activities are required to be implemented during the construction phase of the subject property per CC-1000 (latest edition), Soil Gas Control Systems in New Construction of Buildings. The guidelines require soil gas control for all portions of the foundation system and post-construction testing will be required by a licensed, radon professional.</p>	
SOCIOECONOMIC			
Employment and Income Patterns	2	<p>Project implementation is not anticipated to create long-term jobs or remove jobs from the existing job market. Currently, approximately 53% of the North Fort Myers total employment is concentrated in office and administrative support occupations, sales and related occupations, management occupations, food preparation and serving related occupations, and construction and extraction occupations. Additionally, according to the Census Bureau, the total persons in poverty in North Fort Myers is 14.3%, which is more than that of the state of Florida which is 12.7%. The median household income in North Fort Myers is additionally \$53,705, which is also less than that for the state of Florida median income at \$67,917. The proposed development of the subject is not expected to impact employment and income patterns in the area. Source: census.gov/quickfacts/fact/table/northfortmyerscdp/florida</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
Employment and Income Patterns	2	<p>Project implementation is not anticipated to create long-term jobs or remove jobs from the existing job market. Currently, approximately 53% of the North Fort Myers total employment is concentrated in office and administrative support occupations, sales and related occupations, management occupations, food preparation and serving related occupations, and construction and extraction occupations.</p> <p>Additionally, according to the Census Bureau, the total persons in poverty in North Fort Myers is 14.3%, which is more than that of the state of Florida which is 12.7%. The median household income in North Fort Myers is additionally \$53,705, which is also less than that for the state of Florida median income at \$67,917. The proposed development of the subject is not expected to impact employment and income patterns in the area. Source: census.gov/quickfacts/fact/table/northfortmyerscdp/florida</p>	
Demographic Character Changes / Displacement	2	<p>The population of the area was estimated to have a population of 42,719 in 2020. Current surrounding land uses are single family residential, commercial, and retail. The proposed project activity is not expected to alter the character of the area, does not change the demographics of the area, and does not create any barriers that would isolate the area or affect delivery of needed social services or infrastructure. Lee County has granted administrative approval of an application for the site to change the land use designation from vacant land to central urban land. The subject property is currently vacant land with no residents. No long term direct or indirect displacement is associated with the proposed project. No people will be permanently displaced. The proposed project will not have an adverse effect on the community or neighborhoods.</p>	
Demographic Character Changes / Displacement	2	<p>The population of the area was estimated to have a population of 42,719 in 2020. Current surrounding land uses are single family residential, commercial, and retail. The proposed project activity is not expected to alter the character of the area, does not</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		change the demographics of the area, and does not create any barriers that would isolate the area or affect delivery of needed social services or infrastructure. Lee County has granted administrative approval of an application for the site to change the land use designation from vacant land to central urban land. The subject property is currently vacant land with no residents. No long term direct or indirect displacement is associated with the proposed project. No people will be permanently displaced. The proposed project will not have an adverse effect on the community or neighborhoods.	
Environmental Justice EA Factor	2	This project is a development of low- to moderate-income housing units. There is a great need for affordable housing units in Lee County. The project is located in an existing low- to moderate-income neighborhood, and this project would help to add to the stock of affordable housing units.	
Environmental Justice EA Factor	2	This project is a development of low- to moderate-income housing units. There is a great need for affordable housing units in Lee County. The project is located in an existing low- to moderate-income neighborhood, and this project would help to add to the stock of affordable housing units.	
COMMUNITY FACILITIES AND SERVICES			
Educational and Cultural Facilities (Access and Capacity)	2	Per consultation with the Lee County School District dated September 13, 2022, there is sufficient capacity to serve the educational needs of children who will be housed in the development. There are three elementary schools within 5 miles of the project area. The J. Colin English Elementary School is located approximately 1.3 miles to the west and the North Fort Myers High School is located approximately 4.6 miles to the west. The project is not expected to substantially increase the numbers of students attending the schools in such a way as to create overcrowding.	
Commercial Facilities (Access and Proximity)	2	An assessment of the property and the surrounding area indicates there are adequate commercial facilities nearby. Commercial and retail services in the area includes markets, banks, restaurants, post office,	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		pharmacies, grocery stores, gas stations, salons, etc. The proposed project activities are not expected to impact these facilities.	
Health Care / Social Services (Access and Capacity)	2	An assessment of the property and the surrounding area indicates there are adequate health care and social services facilities nearby. Health care services in the vicinity include doctors' clinics, pharmacies, and Lee Community Healthcare Inc. The proposed project activities are not expected to impact these facilities. The Lee Memorial Hospital and Emergency Room is located approximately 5.6 miles to the southwest. Social services in North Fort Myers additionally include the Combined Human Services, Inc. Additional services provided in Lee County include the American Red Cross, the Area Agency on Aging Southwest Florida, CareerSource Southwest Florida, and Community Cooperative.	
Solid Waste Disposal and Recycling (Feasibility and Capacity)	2	Lee County serves the project site. No solid waste is currently generated at the project site and no large-scale evidence of illegal dumping of solid waste was observed on the project site during the Partner site reconnaissance. The construction activities are not expected to generate any hazardous wastes or unusual construction debris. The Lee County Solid Waste and Recycling Center is located 13.3-miles to the southeast.	
Waste Water and Sanitary Sewers (Feasibility and Capacity)	2	Only domestic wastewater will be generated from the project and no industrial activities are proposed. Wastewater will be removed by proposed sewer lines and will be treated at one of the Lee County Wastewater Treatment plants. Per consultation with the Florida Governmental Utility Authority (FGUA) dated May 26, 2022, there is sufficient capacity in the wastewater system to service the development.	
NATURAL FEATURES			
CLIMATE AND ENERGY			

Supporting documentation

[Proof of Compliance with Zoning Staff Report.pdf](#)

[Public Resources Proximity Map.pdf](#)

[2a Soil Map.pdf](#)

[1 Zoning Map.pdf](#)

Additional Studies Performed:

Protected Species Survey (PSS) prepared by Church Environmental and Earth Tech Environmental dated December 21, 2022 Phase I Environmental Site Assessment prepared by Partner Engineering and Science, Inc., dated December 27, 2023 Biological Habitat Assessment for Threatened and Endangered Species, prepared by Partner Engineering and Science, Inc., dated February 8, 2024 Noise Assessment Report prepared by Partner Engineering and Science, Inc., dated March 7, 2024 STraCAT Assessment Report prepared by Partner Engineering and Science, Inc., dated March 28, 2024 Desktop Cultural Resources Summary Report prepared by Partner Engineering and Science, Inc., dated February 21, 2024 Phase I Environmental Site Assessment Report prepared by partner Engineering and Science, Inc. Dated September 20, 2024 Bayshore Pines RPD Baseline Monitoring Report prepared by Passarella & Associates, Inc. dated October 2024

Field Inspection [Optional]: Date and completed

by:

Rivers Berryhill

9/11/2024 12:00:00 AM

[Partner Photo Log.pdf](#)

[Bayshore Pines Field Visit Survey 800001.docx](#)

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

National/State: Coastal Barrier Resource Map, U.S Fish & Wildlife Service (FWS), FEMA - Flood Zone Map USEPA, State Planning Electronic Collaboration System (SPeCS) for SIPs, Florida Department of Environmental Protection, U.S. Fish and Wildlife Service (FWS) Endangered Species, U.S. Dept. of Agriculture (USDA), Natural Resources Conservation Service (NRCS), Farmland Classification Map, USDA Soil Survey ISGS, ArcGIS USA Urban Areas, EPA Sole Source Aquifer Map, U.S. FWS, National Wetlands Inventory (NWI) map, National Wild and Scenic Rivers System, Environmental Protection Agency (EPA) "EJ Screen" Tool, EPA Cleanups in My Community Map, FracTracker Alliance Florida Map, National Pipeline Mapping System (NPMS), Homeland Infrastructure Foundation Level Database Transmission Lines, Map of radon Zones, Pipeline Association for Public Awareness, FEMA National Risk Index Map, United States Geological Survey (USGS) Topographic Maps Local: Lee County

List of Permits Obtained:

Permits, reviews and approvals required for construction activities will be issued by local, county and state regulatory agencies with implementation by project contractor and oversight by engineer/architect. The proposed project will require an Environmental Resource Permit (ERP) from the SFWMD and obtain coverage under the construction Generic Permit (CGP)

Public Outreach [24 CFR 58.43]:

In the course of conducting this environmental compliance review, any public outreach will be documented in the appropriate review section and uploaded hereto. Upon acceptance by the HUD Certifying Official, the FONSI will be posted on a publicly available website for one year at:

<https://www.hudexchange.info/programs/environmental?review/environmental?review-records>

Cumulative Impact Analysis [24 CFR 58.32]:

Subject to Part 58.32, Lee County has proposed the development of multi-family housing situated in a developed residential / mixed-use area. The surrounding area is comprised of a mixture commercial and residential properties. The proposed project will provide safe, affordable housing for members of the community currently facing a housing shortage. Environmental impacts on state and federally listed Endangered Species (namely the Florida Coontie, Tri-colored Bat, Florida Bonneted Bat, and the Gopher Tortoise) and Wetlands are foreseeable. However, consultation with the United States Fish and Wildlife Service (USFWS) Florida Ecological Service (FES) is on-going. Mitigation strategies and species monitoring plans will be implemented to ensure that the project remains compliant with NEPA guidance. While the project implementation is anticipated to a small pocket of wetlands, following completion of the Eight-step process, it has been determined that there are no practicable alternatives to the proposed construction plan. Consultation with the United States Army Corps of Engineers (USACE) is on-going and mitigation strategies resulting from this discussion will be implemented during and following construction of the project property.

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]

The alternatives consist of approval of the project as suggested, approval of the project with modification, approve the project at a different site, or reject the project. This project would fulfill a housing need for low- to moderate-income housing units and achieves the goals of the CDGB program. There are no other adjacent areas that the project could move to. Additionally, modification of the proposed site plan would reduce the number of units available for construction and therefore not be economically viable. Therefore, project implementation as designs is the most viable option.

No Action Alternative [24 CFR 58.40(e)]

The "No Action Alternative" alternative means that the proposed project would not be implemented, and the proposed action structure would not be developed. The no action alternative also would not address the vital housing needs of the area for low-moderate income residents and would not aid in the recovery of their neighborhood, which is a neighborhood in need. Alternatively, the project would be forced to seek other funding sources such as a bank loan to proceed with the rehabilitation; however, the higher interest rates would likely represent a hardship. Furthermore, development of the structure in the absence of federal funding may not require the structure to meet the most stringent applicable construction requirements, which are intended to minimize risks to human life and property. Therefore, the "No Action" alternative would not meet the need to restore low- to moderate-income housing.

Summary of Findings and Conclusions:

The project site was thoroughly evaluated for any environmental conditions that might pose a threat, and under certain conditions, it is determined to be appropriate for the proposed project. The environmental review has determined that the development will have a beneficial impact overall on the community. Minor adverse impacts to wetlands and Endangered Species will be mitigated by implementation of Best Management Practices (BMPs) and adherence to guidance from regulatory agencies.

Mitigation Measures and Conditions [CFR 1505.2(c)]:

Summarized below are 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 or Condition	Comments on Completed Measures	Mitigation Plan	Complete
Coastal Zone Management Act	According to the Florida State Clearinghouse, the proposed project will require an Environmental Resource Permit (ERP) from the SFWMD and as part of the ERP application, must demonstrate that the project meets the ERP Conditions for Issuance in Rule 62-330.301,	N/A	See mitigation plan herein.	

	<p>F.A.C., the Additional Conditions for Issuance in Rule 62-330.302, F.A.C. and the applicable criteria in the ERP Applicant's Handbook Vol. I and II. Please note that a determination of consistency with the Coastal Zone Management Act is made through issuance of an ERP for a project. Additionally, if prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333. Project activities shall not resume without verbal and/or written authorization. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, Florida Statutes.</p>			
<p>Endangered Species Act</p>	<p>The Federal entity has indicated that additional mitigation will be required. The Client has prepared to set aside open spaces, including four tracts of indigenous reserve totaling 1.62 acres in addition to a 0.43-acre indigenous restoration area for</p>	<p>N/A</p>	<p>See mitigation plan herein.</p>	

	<p>the Florida Coontie. A ten-foot buffer must be maintained around plants and management areas. A management plan for the Gopher Tortoise meeting the requirements of Land Development Code (LDC) Chapter 10; Article 3; Division 8; Section 10-474 will be required for the development order application at the subject property because this listed species occupies the site. Further consultation is required for management of the Florida Bonneted Bat and the Tri-colored bat. Mitigation strategies from the United States Fish and Wildlife Service (USFWS) Florida Ecological Services (FEC) may be required and are a condition of this grant.</p>			
Flood Insurance	<p>For loans, loan insurance or guarantees, the amount of flood insurance coverage must at least equal the outstanding principal balance of the loan or the maximum limit of coverage made available under the National Flood Insurance Program, whichever is less. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of the building irrespective of the transfer of ownership. The amount of coverage must at least equal the total project cost or the maximum coverage limit of the National Flood Insurance Program, whichever is less.</p>	N/A	See mitigation plan herein.	
Floodplain Management	<p>Mitigation Measures incorporated into the design</p>	N/A	See mitigation	

	include elevation of the properties to two (2) feet about base flood elevation and maintenance of 3.57 acres of open space.		plan herein.	
Wetlands Protection	Mitigation measures incorporated into the design include maintenance of open space and re-design of the project to avoid impacts to approximately half of Wetland A. Consultation with USACE is ongoing and all additional mitigation strategies and permitting shall be implemented in compliance with Section 404 of the Clean Water Act.	N/A	See mitigation plan herein.	
Contamination and Toxic Substances	Per HUD guidelines, radon mitigation activities are required to be implemented during the construction phase of the subject property in accordance with ANSI/AARST MA-MFLB-2023 guidance for measuring radon concentrations in the ground-floor level of the building. Once testing is complete, a copy of the test report and mitigation plan (if results are above 4pCi/L) must be added to the ERR. Additionally, the project must obtain Coverage under the Construction Generic Permit (CGP).	N/A		
Historic Preservation	Due to ground-disturbing activities at the site, if prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site	N/A		

	<p>area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333. Project activities shall not resume without verbal and/or written authorization. If unmarked human remains are encountered during permitted activities, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, Florida Statutes.</p>			
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Project Mitigation Plan

Mitigation for each Related Law or Authority will be completed in line with the guidance provided by the state or federal entity.

Supporting documentation on completed measures

APPENDIX A: Related Federal Laws and Authorities

Airport Hazards

General policy	Legislation	Regulation
It is HUD's policy to apply standards to prevent incompatible development around civil airports and military airfields.		24 CFR Part 51 Subpart D

1. To ensure compatible land use development, you must determine your site's proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?

No

Based on the response, the review is in compliance with this section. Document and upload the map showing that the site is not within the applicable distances to a military or civilian airport below

Yes

Screen Summary

Compliance Determination

The requirements of 24 CFR Part 51 Subpart D could apply to the program and if proposed any new construction or substantial rehabilitation at the project site within these zones could be prohibited. A review of the proposed project site location showed that the site is not within 2,500 feet of a civilian airport or within 15,000 feet of a military airfield; therefore, the project is not impacted by these hazards and has no further requirements in compliance with 24 CFR Part 51 Subpart D (Figure 02). The subject property is located 6.4 miles from Page Field Airport and 12.4 miles from Southwest Florida International Airport.

Supporting documentation

[Bayshore Pines Figure 02.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Coastal Barrier Resources

General requirements	Legislation	Regulation
HUD financial assistance may not be used for most activities in units of the Coastal Barrier Resources System (CBRS). See 16 USC 3504 for limitations on federal expenditures affecting the CBRS.	Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)	

1. Is the project located in a CBRS Unit?

No

Document and upload map and documentation below.

Yes

Compliance Determination

Per review of the United States Fish and Wildlife Services (USFWS) Coastal Barrier Resources System (CBRS), the project is not located in a CBRS Unit (see Figure 3). Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act.

Supporting documentation

[Bayshore Pines Figure 03\(1\).pdf](#)

[CBRS Map.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Flood Insurance

General requirements	Legislation	Regulation
Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained.	Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)	24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).

1. Does this project involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property?

No. This project does not require flood insurance or is excepted from flood insurance.

Yes

2. Upload a FEMA/FIRM map showing the site here:

[FEMA zoomed in r.pdf](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The [FEMA Map Service Center](#) provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site. Provide FEMA/FIRM floodplain zone designation, panel number, and date within your documentation.

Is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?

No

Yes

3. Is the community participating in the National Flood Insurance Program or has less than one year passed since FEMA notification of Special Flood Hazards?

Yes, the community is participating in the National Flood Insurance Program.

Based on the response, the review is in compliance with this section.

Flood insurance under the National Flood Insurance Program must be obtained and maintained for the economic life of the project, in the amount of the total project cost or the maximum coverage limit, whichever is less.

Document and upload a copy of the flood insurance policy declaration or a paid receipt for the current annual flood insurance premium and a copy of the application for flood insurance below.

Yes, less than one year has passed since FEMA notification of Special Flood Hazards.

No. The community is not participating, or its participation has been suspended.

Screen Summary

Compliance Determination

The structure or insurable property is located in a FEMA-designated Special Flood Hazard Area. The community is participating in the National Flood Insurance Program. Per review of the online NFIP information, the county is an active participant within the NFIP. The community identification number is Lee County CID is 125124C. According to Community Panel Number 12071C0286G, dated November 17, 2022, the subject property is located within a Special Flood Hazard Area (SFHA). Lee County submitted a solicitation of views letter to the Florida Division of Emergency Management Office of Floodplain Management on September 17, 2024. According to a September 19, 2024, response by Hailey Anderson, Lead Ordinance Coordinator, the Office of Floodplain Management does not see any "glaring concerns" with the project and suggested following the Lee County flood ordinance to ensure compliance with the National Flood Insurance Program. With flood insurance, the project is in compliance with national flood insurance requirements.

Supporting documentation

[Bayshore Pines FDEM Response 091924.pdf](#)

[Bayshore Pines Figure 04.pdf](#)

[Community status book report for state FL.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Air Quality

General requirements	Legislation	Regulation
The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP.	Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d))	40 CFR Parts 6, 51 and 93

1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?

Yes

No

Air Quality Attainment Status of Project's County or Air Quality Management District

2. Is your project's air quality management district or county in non-attainment or maintenance status for any criteria pollutants?

No, project's county or air quality management district is in attainment status for all criteria pollutants.

Yes, project's management district or county is in non-attainment or maintenance status for the following criteria pollutants (check all that apply):

Screen Summary

Compliance Determination

According to the EPA Green Book (<https://www3.epa.gov/airquality/greenbook/>), the project is not located within a non-attainment or maintenance area within the State of Florida. Based on the nature of the proposed development, the project is not suspected to affect the air quality of the surrounding area. Therefore, no mitigation is required, and this project is compliant with the Clean Air Act.

Supporting documentation

[Florida Nonattainment Maintenance Statuses by County.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Coastal Zone Management Act

General requirements	Legislation	Regulation
Federal assistance to applicant agencies for activities affecting any coastal use or resource is granted only when such activities are consistent with federally approved State Coastal Zone Management Act Plans.	Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d))	15 CFR Part 930

1. Is the project located in, or does it affect, a Coastal Zone as defined in your state Coastal Management Plan?

Yes

No

2. Does this project include new construction, conversion, major rehabilitation, or substantial improvement activities?

Yes

No

3. Has this project been determined to be consistent with the State Coastal Management Program?

Yes, without mitigation

Yes, with mitigation

No, project must be canceled.

4. Explain in detail the exact measures that must be implemented to mitigate for the

impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review.

According to the Florida State Clearinghouse, the proposed project will require an Environmental Resource Permit (ERP) from the SFWMD and as part of the ERP application, must demonstrate that the project meets the ERP Conditions for Issuance in Rule 62-330.301, F.A.C., the Additional Conditions for Issuance in Rule 62-330.302, F.A.C. and the applicable criteria in the ERP Applicant's Handbook Vol. I and II. Please note that a determination of consistency with the Coastal Zone Management Act is made through issuance of an ERP for a project. Additionally, if prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333. Project activities shall not resume without verbal and/or written authorization. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

Screen Summary

Compliance Determination

This project is located in a Coastal Zone (Figure 3). The Florida State Clearinghouse was previously invited to consult on the project activities under the SAI # FL202402230026C. In a response dated April 22, 2024, the Florida State Clearinghouse Coordinator Christ Stahl indicated that the proposed project will require an Environmental Resource Permit (ERP) from the South Florida Water Management District (SFWMD) and as part of the ERP application, must demonstrate that the project meets the ERP Conditionings for Issuance in Rule 62-330.301, F.A.C. Additionally, the Project documents must include an Inadvertent Discovery clause. Additionally, Mr. Stahl indicated that based on the information submitted and minimal project impacts, the state has no objections to the subject project and, therefore, it is consistent with the Florida Coastal Management Program (FCMP). A determination of consistency with the Coastal Zone Management Act would be made through issuance of an ERP for the project. The state's final concurrence of the project's consistency with the FCMP will be determined during any environmental permitting processes, in accordance with Section 373.428, Florida Statutes. The State Clearinghouse was again invited to consult on September 17, 2024 by Lee County

Government. Their office assigned Bayshore Pines SAI Number FL202410010248C on September 25, 2024. At this time, no additional response has been received. Therefore, with mitigation, this project would be in compliance with the Coastal Zone Management Act.

Supporting documentation

[CZM Response for 04222024.pdf](#)

[Bayshore Pines Figure 03.pdf](#)

[Bayshore Pines - SOV - Coastal Zone - FDEP.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Contamination and Toxic Substances

General Requirements	Legislation	Regulations
It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)
Reference		
https://www.onecpd.info/environmental-review/site-contamination		

1. How was site contamination evaluated?* Select all that apply.

ASTM Phase I ESA

ASTM Phase II ESA

Remediation or clean-up plan

ASTM Vapor Encroachment Screening.

None of the above

* HUD regulations at 24 CFR § 58.5(i)(2)(ii) require that the environmental review for multifamily housing with five or more dwelling units or non-residential property include the evaluation of previous uses of the site or other evidence of contamination on or near the site.

For acquisition and new construction of multifamily and nonresidential properties HUD strongly advises the review include an ASTM Phase I Environmental Site Assessment (ESA) to meet real estate transaction standards of due diligence and to help ensure compliance with HUD's toxic policy at 24 CFR §58.5(i) and 24 CFR §50.3(i). Also note that some HUD programs require an ASTM Phase I ESA.

2. Were any on-site or nearby toxic, hazardous, or radioactive substances* (excluding radon) found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)

Provide a map or other documentation of absence or presence of contamination** and explain evaluation of site contamination in the Screen Summary at the bottom of this screen.

✓ No

Explain:

A Phase I ESA was initially completed in December 2023 and updated in September 2024. This assessment has revealed no evidence of RECs, CRECs, HRECs, or BERs in connection with the subject property.

Yes

* This question covers the presence of radioactive substances excluding radon. Radon is addressed in the Radon Exempt Question.

** Utilize EPA's Enviromapper, NEPAAssist, or state/tribal databases to identify nearby dumps, junk yards, landfills, hazardous waste sites, and industrial sites, including EPA National Priorities List Sites (Superfund sites), CERCLA or state-equivalent sites, RCRA Corrective Action sites with release(s) or suspected release(s) requiring clean-up action and/or further investigation. Additional supporting documentation may include other inspections and reports.

3. Evaluate the building(s) for radon. Do all buildings meet any of the exemptions* from having to consider radon in the contamination analysis listed in CPD Notice [CPD-23-103](#)?

Yes

Explain:

✓ No

* Notes:

- Buildings with no enclosed areas having ground contact.
- Buildings containing crawlspaces, utility tunnels, or parking garages would not be exempt, however buildings built on piers would be exempt, provided that there is open air between the lowest floor of the building and the ground.
- Buildings that are not residential and will not be occupied for more than 4 hours per day.
- Buildings with existing radon mitigation systems - document radon levels are below 4 pCi/L with test results dated within two years of submitting the application for HUD assistance and document the system includes an ongoing maintenance plan that includes periodic testing to ensure the system continues to meet the current EPA recommended levels. If the project does not require an application, document test results dated within two years of the date the environmental review is certified. Refer to program office guidance to ensure compliance with program requirements.
- Buildings tested within five years of the submission of application for HUD assistance: test results document indoor radon levels are below current the EPA's recommended action

levels of 4.0 pCi/L. For buildings with test data older than five years, any new environmental review must include a consideration of radon using one of the methods in Section A below.

4. Is the proposed project new construction or substantial rehabilitation where testing will be conducted but cannot yet occur because building construction has not been completed?

✓ Yes

Compliance with this section is conditioned on post-construction testing being conducted, followed by mitigation, if needed. Radon test results, along with any needed mitigation plan, must be uploaded to the mitigation section within this screen.

No

8. Mitigation

Document the mitigation needed according to the requirements of the appropriate federal, state, tribal, or local oversight agency. If the adverse environmental impacts cannot be mitigated, then HUD assistance may not be used for the project at this site.

For instances where radon mitigation is required (i.e. where test results demonstrated radon levels at 4.0 pCi/L and above), then you must include a radon mitigation plan*.

Can all adverse environmental impacts be mitigated?

No, all adverse environmental impacts cannot feasibly be mitigated.
Project cannot proceed at this location.

✓ Yes, all adverse environmental impacts can be eliminated through mitigation, and/or consideration of radon and radon mitigation, if needed, will occur following construction.
Provide all mitigation requirements** and documents in the Screen Summary at the bottom of this screen.

* Refer to CPD Notice [CPD-23-103](#) for additional information on radon mitigation plans.

** Mitigation requirements include all clean-up requirements required by applicable federal, state, tribal, or local law. Additionally, please upload, as applicable, the long-term operations and maintenance plan, Remedial Action Work Plan, and other equivalent documents.

9. Describe how compliance was achieved. Include any of the following that apply: State Voluntary Clean-up Program, a No Further Action letter, use of engineering controls*, or use of institutional controls.**

Per HUD guidelines, radon mitigation activities are required to be implemented during the construction phase of the subject property in accordance with ANSI/AARST MA-MFLB-2023 guidance for measuring radon concentrations in the ground-floor level of the building. Once testing is complete, a copy of the test report and mitigation plan (if results are above 4pCi/L) must be added to the ERR. Additionally, the project must obtain Coverage under the Construction Generic Permit (CGP).

If a remediation plan or clean-up program was necessary, which standard does it follow?

Complete removal

Risk-based corrective action (RBCA)

Other

* Engineering controls are any physical mechanism used to contain or stabilize contamination or ensure the effectiveness of a remedial action. Engineering controls may include, caps, covers, dikes, trenches, leachate collection systems, radon mitigation systems, signs, fences, physical access controls, ground water monitoring systems and ground water containment systems including, slurry walls and ground water pumping systems.

** Institutional controls are mechanisms used to limit human activities at or near a contaminated site, or to ensure the effectiveness of the remedial action over time, when contaminants remain at a site at levels above the applicable remediation standard which would allow for unrestricted use of the property. Institutional controls may include structure, land, and natural resource use restrictions, well restriction areas, classification exception areas, deed notices, and declarations of environmental restrictions.

Screen Summary

Compliance Determination

A Phase I Environmental Site Assessment (ESA) was completed on site in December 2023. Following site reconnaissance and an updated evaluation of the site in September 2024, there is no physical evidence or knowledge of hazardous materials, toxic chemicals and/or radioactive substances present at the subject property. Additionally, no evidence of distressed vegetation; leaking or buried storage tanks (i.e., vent or fill pipes, monitoring wells); pits, ponds, or lagoons; heavily stained soil or pavement; pungent, foul, or noxious odors; or waste piles or mounds indicating

disposal of wastes were observed on the subject property. No evidence of any issues that would constitute an environmental concern were observed in the viewshed of the property. As part of the site-specific review of the proposed project locations, per HUD guidance, it was assessed whether the sites are within HUD and ASTM-specified minimum radii of known regulated sites with the potential for certain toxics using GIS-based mapping tools and databases from various agencies. Per review of contamination information available for the project area, no RCRA Corrective Action Sites, National Priority Listed Sites, or RCRA Treatment, Storage, and Disposal Facilities are located within proximity to the project area (see Figures 5 and 6). The subject property is not within 1,000 feet for landfills or properties listed on the Risk Management Program (RMP), Toxics Release Inventory (TRI), and Large Quantity Generator (LQG) facilities. Additional review indicated that the property is not within 3,000 feet of any properties listed for RCRA Corrective Action, National Priority List (NPL) sites, Solid Waste, and Resource Conservation and Recovery Act Treatment, Storage, and Disposal Facilities (RCRA TSD). There are two (2) Solid Waste Facilities (SWF) within 3,000 feet of the subject property that do not have record of release and are not suspected to present environmental concerns to the intended use of the subject property. The Petroleum Contamination Monitoring (PCTS) Discharges program's Geospatial Open Data indicated that there are three (3) Leaking Underground Storage Tanks (LUSTs) within 3,000 feet of the property. All facilities have received a "No Further Action" or closure determination. The Florida Department of Environmental Protection (FDEP) was invited to consult on this project per a solicitation of views letter dated May 17, 2024. In a response on October 17, 2024, their office indicated that an NPDES Construction Generic Permit (CGP) would be required as the project will have discharge from construction activities. Therefore, a CGP will be obtained prior to construction. Per HUD guidance, the proposed action is exempt from Lead Safe Housing Requirements 35.115(a)(1), and Asbestos Containing Materials (ACMs) are not suspected to be present at the subject property. Lee Co. is generally accepted as a county where the average radon levels are below the 4 picocuries per liter (pCi/L) regulatory threshold. Per guidance provided in CPD 23-103, scientific radon testing data between 2022 and 2012 available through the CDC National Environmental Public Health Tracking Network was reviewed. The median average of greater than ten tests annually over the last eleven years is 2.53 pCi/L. According to the most recent data set, the 2022 median pre-mitigation radon level in tested buildings in Lee Co. is 2.2 pCi/L. Per HUD guidelines, radon mitigation activities are required to be implemented during the construction phase of the subject property in accordance with ANSI/AARST MA-MFLB-2023 guidance for measuring radon concentrations in the ground-floor level of the building. Once testing is complete, a copy of the test report and mitigation plan (if results are above 4pCi/L) must be added to the ERR.

Supporting documentation

[Bayshore Pines Figure 07.pdf](#)

[Bayshore Pines Figure 06.pdf](#)

[FDEP Response 10172024.pdf](#)

[Phase I Report - Bayshore Apartments UPDATE.pdf](#)

[Phase 1 Report - Bayshore Apartments ORIGINAL.pdf](#)

[Bayshore Pines Radon Scientific Data Review.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Endangered Species

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service (“FWS” and “NMFS” or “the Services”).	The Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i>); particularly section 7 (16 USC 1536).	50 CFR Part 402

1. Does the project involve any activities that have the potential to affect species or habitats?

No, the project will have No Effect due to the nature of the activities involved in the project.

No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office

- ✓ Yes, the activities involved in the project have the potential to affect species and/or habitats.

2. Are federally listed species or designated critical habitats present in the action area?

No, the project will have No Effect due to the absence of federally listed species and designated critical habitat

- ✓ Yes, there are federally listed species or designated critical habitats present in the action area.

3. What effects, if any, will your project have on federally listed species or designated critical habitat?

No Effect: Based on the specifics of both the project and any federally listed species in the action area, you have determined that the project will have absolutely no effect on listed species or critical habitat. in the action area.

May Affect, Not Likely to Adversely Affect: Any effects that the project may have on federally listed species or critical habitats would be beneficial, discountable, or insignificant.

- ✓ Likely to Adversely Affect: The project may have negative effects on one or more listed species or critical habitat.

5. Formal consultation is required

Section 7 of ESA (16 USC 1536) mandates consultation to resolve potential impacts to federally listed endangered and threatened species and critical habitats. If a HUD assisted project may affect any endangered or threatened species or critical habitat, then compliance is required with Section 7. See 50 CFR Part 402 Subpart B Consultation Procedures.

Document and upload the following below:

- (1) A biological assessment, evaluation, or equivalent document
- (2) Biological opinion(s) issued by FWS and/or NMFS
- (3) Any other documentation of formal consultation

6. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review. If negative effects cannot be mitigated, cancel the project using the button at the bottom of this screen.

- ✓ Mitigation as follows will be implemented:

The Federal entity has indicated that additional mitigation will be required. The Client has prepared to set aside open spaces, including four tracts of indigenous reserve totaling 1.62 acres in addition to a 0.43-acre indigenous restoration area for the Florida Coontie. A ten-foot buffer must be maintained around plants and management areas. A management plan for the Gopher Tortoise meeting the requirements of Land Development Code (LDC) Chapter 10; Article 3; Division 8; Section 10-474 will be required for the development order application at the subject property because this listed species occupies the site. Further consultation is required for management of the Florida Bonneted Bat and the Tri-colored bat. Mitigation strategies from the United States Fish and Wildlife Service (USFWS) Florida Ecological Services (FEC) may be required and are a condition of this grant.

No mitigation is necessary.

Screen Summary

Compliance Determination

The United States Fish and Wildlife Services (USFWS) Information for Planning and Consultation (IPaC) tool was utilized to determine project impacts on state and federal threatened & endangered species. The tool indicated that although the property does not contain any areas of critical habitat, there are 20 threatened, endangered, or candidate species who may be affected by project implementation (Figure 07). The subject property is densely vegetated and has not been developed. As project implementation will cause irreparable changes to this property, a Protected Species Survey (PSS) dated December 21, 2022 and a Biological Habitat Assessment for Threatened and Endangered Species were conducted. Surveyors observed two state listed threatened and endangered species on-site, the Gopher Tortoise (*Gopherus polyphemus*) and Florida Coonties (*Zamia intergrifolia*). They also identified suitable habitat for the Eastern Indigo Snake, Monarch Butterfly, and the Gopher Frog. As Gopher tortoises are protected species in Florida, a permit from the Florida Fish and Wildlife Conservation Commission (FWS) is required before any site disturbing activities occur. The survey recommended that all construction activities utilize best management practices (BMPs) to minimize detrimental impacts to the species. These BMPs will be written into project documents to ensure minimal impacts to the species. A Baseline Monitoring Report prepared by Passarella & Associates was completed in October 2024. During the survey, ten photograph stations were established within the indigenous preserve areas and Observations of wildlife were made by qualified ecologists during the monitoring event. One reptile

sign (i.e., burrow) and eight bird species were observed during the baseline monitoring event. The United States Fish and Wildlife Service, Florida Ecological Services Office was invited to consult on this project. In a response to the Solicitation of Views dated September 17, 2024, biologist Adam Knutson was assigned to the project. Copies of the Biological Habitat Assessment, Protected Species Survey, Species list from IPaC, and all relevant information were transmitted to the USFWS FES Office on October 22, 2024. In a phone discussion on October 22, 2024, Mr. Knutson indicated that the project will most likely have impacts on the endangered Florida bonneted bat (*Eumops floridanus*) and proposed-listed endangered tricolored bat (*Perimyotis subflavus*). The Project site contains suitable FBB roosting and foraging habitat, individuals have been detected via acoustic survey approximately three miles to the northeast. Therefore, this project has been rendered a "May Affect, Likely to Adversely Effect" for the FBB. For the Tricolored bat, Mr. Knutson also advised on a mitigation strategy for the tri-colored bat. Construction and vegetation clearing should be limited to timeframes outside of May 1st to July 15th as this is the pup season. He indicated that further coordination will be necessary to address the project's affects on both bat species and a formal Biological Opinion is being developed for the Florida Bonneted Bat. Currently the Tri-colored bat is a candidate species for listing and at the time of project implementation will be elevated to a listed species.

Supporting documentation

[Bayshore Pines Figure 07\(1\).pdf](#)

[USWFS Response 10222024.pdf](#)

[USWFS Response 10212024.pdf](#)

[PSS Transect Map 2024.pdf](#)

[PSS Transect Letter Bayshore Rd 2024.pdf](#)

[Species Survey Bayshore Pines 020824.pdf](#)

[1-Revised Indigenous Restoration and Management Plan\(1\).pdf](#)

[2-Baseline Monitoring Report \(Oct 2024\).pdf](#)

[1-Revised Indigenous Restoration and Management Plan.pdf](#)

[Peer Review ONDA Housing North Fort Myers FL 020824.pdf](#)

[Biological Habitat Assessment For Threatened and Endangered Species ONDA Housing North Fort Myers FL 020824.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Explosive and Flammable Hazards

General requirements	Legislation	Regulation
HUD-assisted projects must meet Acceptable Separation Distance (ASD) requirements to protect them from explosive and flammable hazards.	N/A	24 CFR Part 51 Subpart C

1. Is the proposed HUD-assisted project itself the development of a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?

No

Yes

2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?

No

Yes

3. Within 1 mile of the project site, are there any current or planned stationary aboveground storage containers that are covered by 24 CFR 51C? Containers that are NOT covered under the regulation include:

- Containers 100 gallons or less in capacity, containing common liquid industrial fuels OR

- Containers of liquified petroleum gas (LPG) or propane with a water volume capacity of 1,000 gallons or less that meet the requirements of the 2017 or later version of National Fire Protection Association (NFPA) Code 58.

If all containers within the search area fit the above criteria, answer "No." For any other type of aboveground storage container within the search area that holds one of the flammable or explosive materials listed in Appendix I of 24 CFR part 51 subpart C, answer "Yes."

No

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

Yes

Screen Summary

Compliance Determination

The project does not involve the development of a hazardous facility. Ramboll reviewed satellite and aerial imagery within a 3,000-foot radius of the subject property to determine the size and location of any large aboveground storage tanks (ASTs) located in the vicinity of the subject property. Additional review of the property visually indicated there are no facilities storing explosive or fire-prone materials such as liquid propane, gasoline, or other storage tanks as defined by 24 CFR 51.201 located on-site, adjacent to, or visible from the subject property; therefore, the property is in compliance with 24 CFR Part 51 Subpart C.

Supporting documentation

[Explosive Map 1 mi radius map.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Farmlands Protection

General requirements	Legislation	Regulation
The Farmland Protection Policy Act (FPPA) discourages federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	7 CFR Part 658

1. Does your project include any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use?

Yes

No

2. Does your project meet one of the following exemptions?

- Construction limited to on-farm structures needed for farm operations.
- Construction limited to new minor secondary (accessory) structures such as a garage or storage shed
- Project on land already in or committed to urban development or used for water storage. (7 CFR 658.2(a))

Yes

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

No

Screen Summary

Compliance Determination

Per review of the United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey, the project area does not contain any prime farmland (see Figure 8). The NRCS was invited to consult on this project on September 17, 2024. In a response dated October 3, 2024 staff resource soil scientist Stephanie Townsend, indicated that the project area for Bayshore Pines meets one of the exemptions. As the project area has no farmland qualifying as prime, unique, or land of statewide or local importance, no compliance is necessary for compliance with the Farmland Protection Policy Act.

Supporting documentation

[Bayshore Pines Figure 08.pdf](#)

[NRCS Response -Lee County Letter_exempt.docx](#)

[Farmland Classification.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Floodplain Management

General Requirements	Legislation	Regulation
Executive Order 11988, Floodplain Management, requires Federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable.	Executive Order 11988 * Executive Order 13690 * 42 USC 4001-4128 * 42 USC 5154a * only applies to screen 2047 and not 2046	24 CFR 55

1. Does this project meet an exemption at 24 CFR 55.12 from compliance with HUD's floodplain management regulations in Part 55?

Yes

(a) HUD-assisted activities described in 24 CFR 58.34 and 58.35(b).

(b) HUD-assisted activities described in 24 CFR 50.19, except as otherwise indicated in § 50.19.

(c) The approval of financial assistance for restoring and preserving the natural and beneficial functions and values of floodplains and wetlands, including through acquisition of such floodplain and wetland property, where a permanent covenant or comparable restriction is placed on the property's continued use for flood control, wetland protection, open space, or park land, but only if:

(1) The property is cleared of all existing buildings and walled structures; and

(2) The property is cleared of related improvements except those which:

(i) Are directly related to flood control, wetland protection, open space, or park land (including playgrounds and recreation areas);

(ii) Do not modify existing wetland areas or involve fill, paving, or other ground disturbance beyond minimal trails or paths; and

(iii) Are designed to be compatible with the beneficial floodplain or wetland function of the property.

(d) An action involving a repossession, receivership, foreclosure, or similar acquisition of property to protect or enforce HUD's financial interests under previously approved loans, grants, mortgage insurance,

or other HUD assistance.

(e) Policy-level actions described at 24 CFR 50.16 that do not involve site-based decisions.

(f) A minor amendment to a previously approved action with no additional adverse impact on or from a floodplain or wetland.

(g) HUD's or the responsible entity's approval of a project site, an incidental portion of which is situated in the FFRMS floodplain (not including the floodway, LiMWA, or coastal high hazard area) but only if: (1) The proposed project site does not include any existing or proposed buildings or improvements that modify or occupy the FFRMS floodplain except de minimis improvements such as recreation areas and trails; and (2) the proposed project will not result in any new construction in or modifications of a wetland .

(h) Issuance or use of Housing Vouchers, or other forms of rental subsidy where HUD, the awarding community, or the public housing agency that administers the contract awards rental subsidies that are not project-based (i.e., do not involve site-specific subsidies).

(i) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities.

Describe:

No

2. Does the project include a Critical Action? Examples of Critical Actions include projects involving hospitals, fire and police stations, nursing homes, hazardous chemical storage, storage of valuable records, and utility plants.

Yes

Describe:

No

3. Determine the extent of the FFRMS floodplain and provide mapping documentation in support of that determination

The extent of the FFRMS floodplain can be determined using a Climate Informed Science Approach (CISA), 0.2 percent flood approach (0.2 PFA), or freeboard value approach (FVA). For projects in areas without available CISA data or without FEMA Flood Insurance Rate Maps (FIRMs), Flood Insurance Studies (FISs) or Advisory Base Flood Elevations (ABFEs), use the best available information¹ to determine flood elevation. Include documentation and an explanation of why this is the best available information² for the site. Note that newly constructed and substantially improved³ structures must be elevated to the FFRMS floodplain regardless of the approach chosen to determine the floodplain.

Select one of the following three options:

CISA for non-critical actions. If using a local tool , data, or resources, ensure that the FFRMS elevation is higher than would have been determined using the 0.2 PFA or the FVA.

0.2-PFA. Where FEMA has defined the 0.2-percent-annual-chance floodplain, the FFRMS floodplain is the area that FEMA has designated as within the 0.2-percent-annual-chance floodplain.

- ✓ FVA. If neither CISA nor 0.2-PFA is available, for non-critical actions, the FFRMS floodplain is the area that results from adding two feet to the base flood elevation as established by the effective FIRM or FIS or — if available — a FEMA-provided preliminary or pending FIRM or FIS or advisory base flood elevations, whether regulatory or informational in nature. However, an interim or preliminary FEMA map cannot be used if it is lower than the current FIRM or FIS.

¹ Sources which merit investigation include the files and studies of other federal agencies, such as the U. S. Army Corps of Engineers, the Tennessee Valley Authority, the Soil Conservation Service and the U. S. Geological Survey. These agencies have prepared flood hazard studies for several thousand localities and, through their technical assistance programs, hydrologic studies, soil surveys, and other investigations have collected or developed other floodplain information for numerous sites and areas. States and communities are also sources of information on past flood 'experiences within their boundaries and are particularly knowledgeable about areas subject to high-risk flood hazards such as alluvial fans, high velocity flows, mudflows and mudslides, ice jams, subsidence and liquefaction.

² If you are using best available information, select the FVA option below and provide supporting documentation in the screen summary. Contact your [local environmental officer](#) with additional compliance questions.

³ Substantial improvement means any repair or improvement of a structure which costs at least 50 percent of the market value of the structure before repair or improvement or results in an increase of more than 20 percent of the number of dwelling units. The full definition can be found at [24 CFR 55.2\(b\)\(12\)](#).

5. Does your project occur in the FFRMS floodplain?

Yes

No

6. Is your project located in any of the floodplain categories below?

Select all that apply:

Floodway.

Do the floodway exemptions at 55.8 or 55.21 apply?

Yes

No

Coastal High Hazard Area (V Zone) or Limit of Moderate Wave Action (LiMWA).

Yes

No

None of the above.

7. Does the 8-Step Process apply? Select one of the following options:

8-Step Process is inapplicable per 55.13.

(a) HUD's mortgage insurance actions and other financial assistance for the purchasing, mortgaging, or refinancing of existing one- to four-family properties in communities that are in the Regular Program of the NFIP and in good standing (i.e., not suspended from program eligibility or placed on probation under 44 CFR 59.24), where the action is not a critical action and the property is not located in a floodway, coastal high hazard area, or LiMWA;

(b) Financial assistance for minor repairs or improvements on one- to four-family properties that do not meet the thresholds for "substantial improvement" under § 55.2(b)(12);

(c) HUD or a recipient's actions involving the disposition of individual HUD or recipient held, one- to four-family properties;

(d) HUD guarantees under the Loan Guarantee Recovery Fund Program (24 CFR part 573), where any new construction or rehabilitation financed by the existing loan or mortgage has been completed prior to the filing of an application under the program, and the refinancing will not allow further construction or rehabilitation, nor result in any physical impacts or changes except for routine maintenance;

(e) The approval of financial assistance to lease units within an existing structure located within the floodplain, but only if;

(1) The structure is located outside the floodway or coastal high hazard area, and is in a community that is in the Regular Program of the NFIP and in good standing (i.e., not suspended from program eligibility or placed on probation under 44 CFR 59.24); and

(2) The project is not a critical action; and.

(3) The entire structure is or will be fully insured or insured to the maximum extent available under the NFIP for at least the term of the lease.

(f) Special projects for the purpose of improving efficiency of utilities or installing renewable energy that involve the repair, rehabilitation, modernization, weatherization, or improvement of existing structures or infrastructure, do not meet the thresholds for "substantial improvement" under § 55.2(b)(12), and do not include the installation of equipment below the FFRMS floodplain elevation;

5-Step Process is applicable per 55.14.

(a) HUD actions involving the disposition of HUD-acquired multifamily housing projects or "bulk sales" of HUD-acquired one- to four-family properties in communities that are in the Regular Program of the National Flood Insurance Program (NFIP) and in good standing (i.e., not suspended from program eligibility or placed on probation under 44 CFR 59.24).

(b) HUD's actions under the National Housing Act (12 U.S.C. 1701) for the purchase or refinancing of existing multifamily housing projects, hospitals, nursing homes, assisted living facilities, board and care facilities, and intermediate care facilities, in communities that are in

good standing under the NFIP.

(c) HUD's or the recipient's actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing multifamily housing projects, hospitals, nursing homes, assisted living facilities, board and care facilities, intermediate care facilities, and one- to four-family properties, in communities that are in the Regular Program of the National Flood Insurance Program (NFIP) and are in good standing, provided that the number of units is not increased more than 20 percent, the action does not involve a conversion from nonresidential to residential land use, the action does not meet the thresholds for "substantial improvement" under § 55.2(b)(10), and the footprint of the structure and paved areas is not increased by more than 20 percent.

(d) HUD's (or the recipient's) actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing nonresidential buildings and structures, in communities that are in the Regular Program of the NFIP and are in good standing, provided that the action does not meet the thresholds for "substantial improvement" under § 55.2(b)(10) and that the footprint of the structure and paved areas is not increased by more than 20 percent.

(e) HUD's or the recipient's actions under any HUD program involving the repair, rehabilitation, or replacement of existing nonstructural improvements including streets, curbs and gutters, where any increase of the total impervious surface area of the facility is de minimis. This provision does not include critical actions, levee systems, chemical storage facilities (including any tanks), wastewater facilities, or sewer lagoons.

✓ 8-Step Process applies.

8. Mitigation

For the project to comply with this section, all adverse impacts must be mitigated. Explain in detail the measures that must be implemented to mitigate the impact or effect, including the timeline for implementation. Note: newly constructed and substantially improved structures within the FFRMS floodplain must be elevated to the FFRMS floodplain elevation or floodproofed, if applicable.

Explain:

Mitigation Measures incorporated into the design include elevation of the properties to two (2) feet about base flood elevation and maintenance of 3.57 acres of open space.

Which of the following if any mitigation/minimization measures have been identified for this project in the 8-Step or 5-Step Process?

Buyout and demolition or other supported clearance of floodplain structures.

Insurance purchased in excess of statutory requirement th eunder the Flood Disaster Protection Act of 1973.

Permeable surfaces.

- ✓ Natural landscape enhancements that maintain or restore natural hydrology.

Planting or restoring native plant species.

Bioswales.

Stormwater capture and reuse.

Green or vegetative roofs with drainage provisions.

Natural Resources Conservation Service conservation easements or similar easements.

Floodproofing of structures as allowable (e.g. non-residential floors) .

- ✓ Elevating structures (including freeboard above the required base flood elevations) .

Levee or structural protection from flooding.

Channelizing or redefining the floodway or floodplain through a Letter of Map Revision (LOMR).

Per review of FEMA Flood Insurance Rate Map (FIRM) #12071C0186G, effective November 17, 2022, most of the subject property is located within Flood Zone AE which is an area subject to 100-year flooding. (see Figure 4). The project location is designated Federal Flood Risk Management Standard (FFRMS) floodplain per Part 55.7(b)(2) within the 0.1-percent-annual-chance floodplain, but is not considered a Critical Action, and not in a 1-percent- annual chance, floodway or coastal high hazard designated as Special Flood Hazard Area. An Eight Step Process was completed; the Early Notice was published October 1, 2024, and a Final Notice was published on October 17, 2024. Three alternatives were considered to minimize adverse impacts and to restore and preserve natural and beneficial function and intrinsic values of the existing floodplain and wetlands. The No Action Alternative would not result in improvements to the value of the floodplain. Additionally, relocating out of the floodplain would displace businesses and residents while developing only a portion of the site would not be economically. Therefore, Lee County determined that it has no practicable alternative to floodplain development. Mitigation Measures incorporated into the design include elevation of the properties to two (2) feet above base flood elevation and maintenance of 3.57 acres of open space. The Office of Floodplain Management through the Florida Division of Emergency Management was invited to consult on this project. In a response dated September 19, 2024, Hailey Anderson indicated that they did not see any glaring concerns with the project but recommends following the Lee County flood ordinance to ensure compliance with the national Flood Insurance Program.

Supporting documentation

[8 Step Process - Bayshore Pines\(2\).pdf](#)

[Final Notice Floodplain and Wetland - Bayshore Pines - Package.pdf](#)

[Bayshore Pines Figure 04\(1\).pdf](#)

[Site Plan.pdf](#)

[FFRMS-CISA Report.pdf](#)

[No PFIRM.pdf](#)

[Lee County Flood Map.pdf](#)

[FEMA zoomed in r\(1\).pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Historic Preservation

General requirements	Legislation	Regulation
Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects	Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)	36 CFR 800 “Protection of Historic Properties” https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf

Threshold

Is Section 106 review required for your project?

No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA). (See the PA Database to find applicable PAs.)

No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].

- ✓ Yes, because the project includes activities with potential to cause effects (direct or indirect).

Step 1 – Initiate Consultation

Select all consulting parties below (check all that apply):

- ✓ State Historic Preservation Offer (SHPO) In progress

- ✓ Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native Hawaiian Organizations (NHOs)

✓ Miccosukee Tribe of Indians Completed

✓ Muscogee (Creek) nation Completed

✓ Seminole Tribe of Florida Completed

Other Consulting Parties

Describe the process of selecting consulting parties and initiating consultation here:

Based on the scope of work including new construction, consultation with SHPO and THPO entities are warranted. Tribes that may have interest in the subject property were identified using HUD's TDAT website.

Document and upload all correspondence, notices and notes (including comments and objections received below).

Was the Section 106 Lender Delegation Memo used for Section 106 consultation?

Yes
No

Step 2 – Identify and Evaluate Historic Properties

- 1. Define the Area of Potential Effect (APE), either by entering the address(es) or uploading a map depicting the APE below:**

5361 Bayshore Road, North Fort Myers, Florida 33917

In the chart below, list historic properties identified and evaluated in the APE. Every historic property that may be affected by the project should be included in the chart.

Upload the documentation (survey forms, Register nominations, concurrence(s) and/or objection(s), notes, and photos) that justify your National Register Status determination below.

Address / Location / District	National Register Status	SHPO Concurrence	Sensitive Information
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Additional Notes:

- 2. Was a survey of historic buildings and/or archeological sites done as part of the**

project?

Yes

Document and upload surveys and report(s) below.
For Archeological surveys, refer to HP Fact Sheet #6, Guidance on Archeological Investigations in HUD Projects.

Additional Notes:

No

Step 3 –Assess Effects of the Project on Historic Properties

Only properties that are listed on or eligible for the National Register of Historic Places receive further consideration under Section 106. Assess the effect(s) of the project by applying the Criteria of Adverse Effect. (36 CFR 800.5)] Consider direct and indirect effects as applicable as per guidance on direct and indirect effects.

Choose one of the findings below - No Historic Properties Affected, No Adverse Effect, or Adverse Effect; and seek concurrence from consulting parties.

No Historic Properties Affected

Based on the response, the review is in compliance with this section. Document and upload concurrence(s) or objection(s) below.

Document reason for finding:

No historic properties present.

Historic properties present, but project will have no effect upon them.

No Adverse Effect

Adverse Effect

Screen Summary

Compliance Determination

According to a Desktop Cultural Resources Summary Report completed in February 2024, no recorded archaeological or historic resources have been recorded within the subject property. Although the subject property has not been surveyed previously for the presence of archaeological resources, archaeological surveys adjacent to the south of the subject property had identified the area as having a low potential for archaeological resources. Additional review of the NPS National Register of Historic Places (NRHP) GIS database indicated that the property is not listed in the NRHP nor is suspected to be eligible to be listed as an NRHP site (Figure 09). Lee County has submitted a solicitation of views to the State Historic Preservation Officer (SHPO) and the Lee County Department of Community Development on September 17, 2024. Following use of the Tribal Directory Assessment Tool (TDAT), three tribes with potential prehistoric and/or historic interests in the project area were invited to consult as well: the Miccosukee Tribe of Indians, the Muscogee (Creek) Nation, and the Seminole Tribe of Florida. In a response on September 30, 2024, Anthony Rodriguez of the Department of Community Development (DCD) indicated that their Historic Preservation office did not have any comment on this project. According to a response dated October 7, 2024, the Florida State Historic Preservation Officer Alissa Lotane indicated that the proposed development will have no effect on historic properties. However, Ms. Lotane did request inclusion of an inadvertent discovery clause in project documents. No response from tribal historic preservation offices has been received from the agencies at this time. This report may be updated upon additional detail provided agency response.

Supporting documentation

[Bayshore Pines - SOV - THPO - Seminole Tribe of FL.pdf](#)

[Bayshore Pines - SOV - THPO - Muscogee Nation.pdf](#)

[Bayshore Pines - SOV - THPO - Miccosukee Tribe of Fl.pdf](#)

[TDAT\(1\).pdf](#)

[SHPO Response 10072024.pdf](#)

[DCD response 09302024.pdf](#)

[Bayshore Pines Figure 09.pdf](#)

[Desktop Cultural Resources Summary Report ONDA Housing North Fort Myers FL 022624.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Noise Abatement and Control

General requirements	Legislation	Regulation
HUD’s noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.	Noise Control Act of 1972 General Services Administration Federal Management Circular 75-2: “Compatible Land Uses at Federal Airfields”	Title 24 CFR 51 Subpart B

1. What activities does your project involve? Check all that apply:

- New construction for residential use

NOTE: HUD assistance to new construction projects is generally prohibited if they are located in an Unacceptable zone, and HUD discourages assistance for new construction projects in Normally Unacceptable zones. See 24 CFR 51.101(a)(3) for further details.

Rehabilitation of an existing residential property

A research demonstration project which does not result in new construction or reconstruction

An interstate land sales registration

Any timely emergency assistance under disaster assistance provision or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster

None of the above

4. Complete the Preliminary Screening to identify potential noise generators in the vicinity (1000’ from a major road, 3000’ from a railroad, or 15 miles from an airport).

Indicate the findings of the Preliminary Screening below:

There are no noise generators found within the threshold distances above.

- ✓ Noise generators were found within the threshold distances.

5. **Complete the Preliminary Screening to identify potential noise generators in the**

Acceptable: (65 decibels or less; the ceiling may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))

- ✓ Normally Unacceptable: (Above 65 decibels but not exceeding 75 decibels; the floor may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))

Is your project in a largely undeveloped area?

- ✓ No

Document and upload noise analysis, including noise level and data used to complete the analysis below.

Yes

Unacceptable: (Above 75 decibels)

HUD strongly encourages conversion of noise-exposed sites to land uses compatible with high noise levels.

Check here to affirm that you have considered converting this property to a non-residential use compatible with high noise levels.

Document and upload noise analysis, including noise level and data used to complete the analysis below.

6. **HUD strongly encourages mitigation be used to eliminate adverse noise impacts. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review.**

Mitigation as follows will be implemented:

- ✓ No mitigation is necessary.

Explain why mitigation will not be made here:

Based on the results of the STraCAT, the exterior envelope construction as depicted in the Drawings is likely to conform to HUD's requirements for required sound attenuation.

Based on the response, the review is in compliance with this section.

Screen Summary

Compliance Determination

A HUD Noise Assessment was completed on the property on March 7, 2024 by Partner. The survey determined exterior noise calculations with consideration to noise generators: roadways with a published traffic count within 1,000 feet, railways within 3,000-feet, and airports within a five-mile radius (civil airport) or 15-miles (military airfield). Two major roadways were identified within proximity to the project area (Figure 10). Four (4) different noise assessment locations (NALs) were assessed at the subject property. These aligned with different areas associated with the construction diagrams including the pool deck, the playground, and exterior corners of the residential buildings. Based on their insulated locations between buildings and with no direct line of site to a noise generator, DNL calculations were not applicable from the NALs placed at the proposed locations of the playground. Using HUD's Day/Night Noise Level (DNL) Calculator, the ambient noise level at three of the NALs was in the Normally Unacceptable Threshold (65-75 dB): NAL 1 (building): 73dB; NAL 2 (building): 73 dB; NAL 3 (pool deck): < 65 dB; and, NAL 4 (Building): 69dB. Per HUD guidance, HUD values within this threshold may be acceptable if engineering adjustments are applied to the subject property. Therefore, a Sound Transmission Classification Assessment Tool (STraCAT) analysis was performed on March 28, 2024. Using Drawings and Specifications of the proposed construction plans, the assessment determined that the exterior envelope is likely to conform to HUD's requirements for required sound attenuation. Therefore, no additional mitigation is required for compliance with the Noise Control Act of 1972.

Supporting documentation

[Bayshore Pines Figure 10.pdf](#)

[v4 0 HUD Noise Assessment Report ONDA Housing North Fort Myers FL 2023
05282024.pdf](#)
[STraCAT ONDA Housing v3.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Sole Source Aquifers

General requirements	Legislation	Regulation
The Safe Drinking Water Act of 1974 protects drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.	Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349)	40 CFR Part 149

1. Does the project consist solely of acquisition, leasing, or rehabilitation of an existing building(s)?

Yes

✓ No

2. Is the project located on a sole source aquifer (SSA)?

A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.

✓ No

Based on the response, the review is in compliance with this section. Document and upload documentation used to make your determination, such as a map of your project (or jurisdiction, if appropriate) in relation to the nearest SSA and its source area, below.

Yes

Screen Summary

Compliance Determination

Based on a review of the Designated Sole Source Aquifers National Map, published by the USEPA, the subject property area is not located within, serviced, or supplied by a

sole source aquifer system (see Figure 11). Therefore, no impacts are anticipated, and this project is in compliant with the Safe Drinking Water Act of 1974.

Supporting documentation

[Bayshore Pines Figure 11.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Wetlands Protection

General requirements	Legislation	Regulation
Executive Order 11990 discourages direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service's National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed. Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.	Executive Order 11990	24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.

1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building's footprint, or ground disturbance? The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order

No

Yes

2. Will the new construction or other ground disturbance impact an on- or off-site wetland? The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

"Wetlands under E.O. 11990 include isolated and non-jurisdictional wetlands."

No, a wetland will not be impacted in terms of E.O. 11990's definition of new construction.

Yes, there is a wetland that be impacted in terms of E.O. 11990's definition of new construction.

You must determine that there are no practicable alternatives to wetlands development by completing the 8-Step Process.

Document and upload the completed 8-Step Process as well as all documents used to make your determination, including a map below. Be sure it includes the early public

notice and the final notice with your documentation.

3. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review. If negative effects cannot be mitigated, cancel the project using the button at the bottom of this screen.

Mitigation measures incorporated into the design include maintenance of open space and re-design of the project to avoid impacts to approximately half of Wetland A. Consultation with USACE is ongoing and all additional mitigation strategies and permitting shall be implemented in compliance with Section 404 of the Clean Water Act.

Which of the following mitigation actions have been or will be taken? Select all that apply:

- Permeable surfaces
- Natural landscape enhancements that maintain or restore natural hydrology through infiltration
- Native plant species
- Bioswales
- Evapotranspiration
- Stormwater capture and reuse
- Green or vegetative roofs with drainage provisions
- Natural Resources Conservation Service conservation easements
- Compensatory mitigation
- Other

Based on the response, the review is in compliance with this section.

Screen Summary

Compliance Determination

Per review of the National Wetlands Inventory Map (NWI), there are no previously identified wetlands on-site (Figure 12). On January 23, 2024, the Florida Department of Environmental Protection (FDEP) Submerged Lands and Environmental Resources

Coordination Program (SLERC) conducted a wetland evaluation and delineation on the property. Field staff identified on-site conditions indicative of wetlands. The United States Army Corps of Engineers (USACE) and South Florida Water Management District (SFWMD) are the Authorities Having Jurisdiction (AHJs) for verification and concurrence of wetland boundaries. An approved jurisdictional determination (AJD) was requested on June 24, 2024. Based on the total acreage of proposed wetland impacts, if the wetlands are determined to be jurisdictional, it is anticipated the development will be able to proceed under a Nationwide Permit (NWP). On August 13, 2024, SFWMD conducted a wetland concurrence verification at the subject property, during which the wetland boundaries were verified. Approximately 0.296884 acres of wetlands were identified on the subject property, which do not appear on the U.S. Fish & Wildlife Service (USFWS) National Wetlands Inventory (NWI). These include Wetland A (0.129078-acres), which is connected to an offsite drainage ditch via a culvert along the south boundary of the subject property and may be considered a Jurisdictional Waters of the United States (WOTUS) and Wetlands B (0.160523-acres) and C (0.007283-acres), which are isolated, entirely confined and retained completely upon the subject property, and do not appear to be potentially Jurisdictional WOTUS. On September 10, 2024, USACE conducted a wetland concurrence verification at the subject property to facilitate a JD for the proposed removal by fill of an approximately 0.06-acre portion of Wetland A as well as Wetland B and C. The preserved portion of Wetland A (0.071 acres) will continue to serve as the conveyance for site drainage to the outfall location at the FDOT right-of-way. An additional field visit was completed on September 24, 2024 to evaluate an upland data point associated with Wetland A. The results of this survey, which indicated there are no wetland hydrology indicator present at this point, was sent to the USACE. Their response has not been received. An Eight Step Process was completed; the Early Notice was published October 1, 2024, and a Final Notice was published on October 17, 2024. Three alternatives were considered to minimize adverse impacts and to restore and preserve natural and beneficial function and intrinsic values of the wetlands. The No Action Alternative would not result in improvements to the value of the wetlands. Additionally, relocating out of the wetlands would displace businesses and residents while developing only a portion of the site would not be economically viable. Therefore, Lee County determined that it has no practicable alternative to development that will not overlap with wetlands. Mitigation measures incorporated into the design include maintenance of 3.27 acres of open space. Lee County submitted a solicitation of views to the United States Army Corps of Engineers (USACE) and the South Florida Ecological Services Field Office, Wetlands Protection on September 17, 2024. No direct response to the Solicitation has been received at this time. This report may be updated upon receipt of their determinations. Per documentation provided by Partner Engineering and Science, Inc., impacts to jurisdictional wetlands are anticipated by the proposed project activities and

permitting or approval under Section 404 of the Clean Water Act may be required as a condition of this grant.

Supporting documentation

[Bayshore Pines Figure 12.pdf](#)

[8 Step Process - Bayshore Pines\(1\).docx](#)

[09252024 Wetland Addl Sampling for USACE RAI ECS Report.pdf](#)

[08232024 ERP Resubmittal Response.pdf](#)

[08142024 Wetland Delineation.pdf](#)

[02072024 Preliminary Wetland Determination.pdf](#)

[Wetland Map.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Wild and Scenic Rivers Act

General requirements	Legislation	Regulation
The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development.	The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c))	36 CFR Part 297

1. Is your project within proximity of a NWSRS river?

No

Yes, the project is in proximity of a Designated Wild and Scenic River or Study Wild and Scenic River.

Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River.

Screen Summary

Compliance Determination

According to the National Wild and Scenic Rivers database there are no Wild and Scenic Rivers in the vicinity of the subject property (see Figure 13). Therefore, the property is in compliance with the Wild and Scenic Rivers Act of 1968.

Supporting documentation

[Bayshore Pines Figure 13.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Environmental Justice

General requirements	Legislation	Regulation
Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.	Executive Order 12898	

HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.

1. Were any adverse environmental impacts identified in any other compliance review portion of this project’s total environmental review?

Yes

No

Based on the response, the review is in compliance with this section.

Screen Summary

Compliance Determination

Environmental justice means ensuring that the environment and human health are protected fairly for all people regardless of race, color, national origin, or income. Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations" requires HUD to consider how federally assisted projects may have disproportionately high and adverse human health or environmental effects on minority and low-income populations. The proposed action is the development of multi-family housing situated within an existing developed area. The proposed action does not alter the character of neighborhood, does not change the demographics of the existing area, does not change land use or zoning, and does not create any barriers that would isolate neighborhoods or affect delivery of needed social services or infrastructure. The project is proposed to benefit the community existing in a LMI neighborhood. According to the EJSCREEN ACS Summary Report, the property is not located within a low-income area in the unincorporated area of North Fort Myers as the population below the poverty level is 11.93% and the percent of people of color for the property and surrounding area is 15%. Therefore, it

is determined that the project would not suffer disproportionately from adverse environmental effects.

Supporting documentation

[EJScreen Community Report.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No