

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

Project Information

Project Name: Ekos-on-Evans---MFH-Development-Program

HEROS Number: 900000010437414

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 Americas Engineering Solutions, Inc.

Point of Contact:

Project Location: 3501 Evans Avenue, Fort Myers, FL 33901

Additional Location Information:

The property is currently 9.14 acres of vacant, multi-family zone land within Fort Myers, Florida. The assessor parcel Number is: 25-44-24-P3-02500.0380.

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 new construction of five (5), three-story (3), multi-family buildings and one (1) standalone clubhouse building with amenities. The units are planned to include seventy-two (72) one-bedrooms units, forty-eight (48) two-bedroom units, and twenty-four (24) three-bedroom units with a total of one hundred and forty-four (144) residential units. In addition to the proposed structures, the subject property will also be improved with an outdoor swimming pool, a covered porch, a grill island, a playground/tot-lot, and a dog park. The proposed project location is 3501 Evans Avenue, Fort Myers, Florida 33901.

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

The project will serve a family demographic and 100% of the units will be committed to affordability under 80% of the Area Median Income (AMI). The proposed rents will provide future tenants a significant discount to the prevailing market rate rents in the area. According to CoStar, the average market rate in Fort Myers is \$1,837 or 75% higher than the project's weighted average rent of \$1,051. As a result, the project will provide desperately needed housing to households who have been increasingly priced out of the market.

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

The subject property is a triangular shaped parcel consisting of approximately 9.14 acres of undeveloped, vegetated land with one sewerage lift station in the center of the site and a small pond in the northern portion of the site that was previously used for watering grazing cattle. The project site and the surrounding neighborhood is supported by a network of streets and other infrastructure improvements with surrounding areas consisting of developed residential and commercial areas. The commercial developments within the vicinity of the property include contracting businesses, restaurants, grocery stores, gas stations, etc.

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

[Ekos on Evans Architectural Plans.pdf](#)

[Ekos on Evans Appraisal.pdf](#)

[Ekos on Evans Figure 01.pdf](#)

[Ekos on Evans Field Visit Survey.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-EkosOnEvans.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
B-23-UN-12-0002	Community Planning and Development (CPD)	Community Development Block Grants (Disaster Recovery Assistance)	\$17,000,000.00

**Estimated Total HUD Funded,
Assisted or Insured Amount:** \$17,000,000.00

**Estimated Total Project Cost [24 CFR 58.2 (a)
(5)]:** \$53,801,397.00

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 any new construction or substantial rehabilitation at the project site is proposed within these zones, the project 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. The nearest airport is Page Field, located approximately 1.4 miles to the south of the project site (see Figure 2).
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.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Per review of FEMA FIRM Panel #12071C0426H, effective November 16, 2022, the project is located in unshaded Zone X, defined as an area of minimal flood hazard and outside the 100- and 500-year flood zones (see Figure 4). As this is not a Special Flood Hazard Area (SFHA), flood insurance is not required, and no mitigation is required for compliance with the Flood Disaster Protection Act of 1973 and the National Flood Insurance Program (NFIP). 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 the Lead Ordinance Coordinator, the Office of Floodplain Management does not see any "glaring concerns" with the project and suggests following the Lee County flood ordinance to ensure compliance with the NFIP. According to the NFIP Community Status Book accessed at https://www.fema.gov/flood-insurance/work-with-nfip/community-status-book , the City of Fort Myers (Community ID 125106C) is a participating community in the NFIP.

STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.5		
Air Quality Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	According to the EPA Green Book (https://www.epa.gov/green-book/green-book-national-area-and-county-level-multi-pollutant-information), 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.
Coastal Zone Management Act Coastal Zone Management Act, sections 307(c) & (d)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	According to Florida Department of Environmental Protection Coastal Zone Map, Lee County is located within a Coastal Management Zone (see Figure 3). Lee County submitted a solicitation of views letter to the Florida Department of Environmental Protection (FDEP) Clearinghouse Coordinator and the Florida State Clearinghouse on September 17, 2024. According to a response by the South District Office for the FDEP on October 17, 2024, the FDEP's Environmental Resource Permitting and NPDES staff may require the project have coverage under the NPDES Construction Generic Permit. They also stated that the project may require environmental resource permitting through the South Florida Water Management District (SFWMD), as well as local city/county approvals. According to a response by Chris Stahl of the Florida State Clearinghouse on November 14, 2024, the state has no objections to allocation of federal funds for the subject project and, therefore, the funding award is consistent with the Florida Coastal Management Program (FCMP). His office has submitted an application for an Environmental Resource Permit (ERP) No. 240923-

		46042. The project must comply with all guidance set forth in the application. Additionally, the State Clearinghouse requested inclusion of an Inadvertent Discovery clause in project documentation. Based on these responses, this project is in compliance with 15 CFR Part 930.
Contamination and Toxic Substances 24 CFR 50.3(i) & 58.5(i)(2)]	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject property and adjacent properties were reviewed from public thoroughfares. No evidence of any issues that would constitute an environmental concern were observed in the viewshed of the property or on-site during the September 18, 2024 site visit. The Florida Department of Environmental Protection (FDEP) was invited to consult on this project per a solicitation of views letter dated September 17, 2024. As of the date of this report, a response has not yet been received. 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 within 3,000 ft of six (6) Solid Waste Facilities. Based on the distance from the project site these facilities are not anticipated to have any impact on the intended use of the subject property. There are fourteen (14) Leaking Underground Storage Tanks (LUSTs) within 3,000 feet of the property. Twelve (12) of these facilities have received a "No Further Action" or closure determination, or were determined that remediation is not required, and two (2) facilities have ongoing assessment and/or remediation efforts but are not suspected to present environmental concerns to the intended use of the subject property. See attached detail regarding each facility. This site-specific review also indicated the subject property is within the 1,000</p>

		<p>ft buffer of four (4) underground storage tanks (USTs) not indicating release (Figure 6). Although Figure 6 shows that one UST is located on the subject property, further investigation revealed that the actual location of the UST is approximately 1,700 ft to the east-southeast of where it appears in the figure. Another UST appears to be adjacent to the north of the subject property on Metro Parkway; further investigation revealed that the actual location of this UST is approximately 2,800 ft northeast of where it appears on the figure. Any other UST that appears on Figure 6 and is within 1,000 ft of the subject property presents no indication of a release, therefore, impacts from these facilities are not anticipated. A Phase I Environmental Site Assessment (ESA) was conducted for the subject property prepared by Hydrologic Associates U.S.A., Inc. (HAI) on October 21, 2022. The assessment revealed only one recognized environmental condition in association with historic agricultural use of the site from the 1940s to the 1980s. A subsequent Phase II ESA was conducted on the subject property prepared by HAI on December 22, 2022 to determine the potential presence of subsurface impacts from the site's historical use. The Phase II ESA concluded that there are no indications of soil or groundwater impacts present on the site. The subject property is undeveloped; therefore, disturbance of Lead Based Paint and Asbestos Containing materials (ACM) is not anticipated. Per HUD guidance, the proposed action is exempt from Lead Safe Housing Requirements 35.115(a)(1). Per guidance provided in CPD 23-103, scientific radon testing data between 2012 and 2022 available</p>
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		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 County 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.
Endangered Species Act Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The proposed project is located within an urbanized area of Fort Myers, Florida, where critical habitat for threatened and endangered species is unlikely to occur (see Figure 7). 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 17 threatened, endangered, or candidate species that may be affected by project implementation. The U.S. Fish and Wildlife Service (USFWS) was invited to consult on this project on September 17, 2024, and again on October 10, 2024. As of the date of this report, a response has not yet been received. It is recommended that Lee County utilize the IPaC documentation to complete their consultation with the USFWS and follow mitigation steps outlined by USFWS upon receipt of their response.

		The project must comply with all permitting requirements and mitigation strategies as identified by USFWS Florida Ecological Services (FES).
Explosive and Flammable Hazards Above-Ground Tanks)[24 CFR Part 51 Subpart C	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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. 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.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The property is located within an urbanized area of existing developed land and although the site was previously farmed with row crops from the 1940s to the 1980s and then was used for grazing cattle, it is no longer used for agricultural purposes and project activities do not involve conversion of agricultural land to non-agricultural use. 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, an NRCS State Resources Inventory Coordinator indicated that the project area for Ekos on Evans meets criteria for exemption under 7 CFR Part 658. Additionally, as the project area has no farmland qualifying as prime, unique, or land of statewide or local importance, no further action is necessary for

		compliance with the Farmland Protection Policy Act.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Per review of FEMA Flood Insurance Rate Map (FIRM) #12071C0426H, the project is located in unshaded Zone X, defined as an area of minimal flood hazard and outside the 100- and 500-year flood zones (see Figure 4). The Office of Floodplain Management for the City of Fort Myers was invited to consult on this project on September 17, 2024. In a response dated September 30, 2024, the City of Fort Myers Floodplain Coordinator indicated that the property falls outside of the floodplain and should have limited impact and no objections or requirements are necessary as far as flood review is concerned. As this is not a Federal Flood Risk Management Standard floodplain, no impacts to the floodplain are anticipated no mitigation measures are necessary for compliance with Executive Order 11988 or 13690.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Per review of National Register of Historic Places (NRHP) records, the property is not listed in the NRHP, is not suspected to be eligible to be listed, and is not located within the vicinity of a NRHP site or district (see Figure 9). Lee County has submitted a solicitation of views to the State Historic Preservation Officer (SHPO), the Historic Preservation Officer of Fort Myers, and Tribal Historic Preservation Officers (THPO) on September 17, 2024. According to a response dated October 7, 2024, the Director of Division of Historical Resources and SHPO indicated that the proposed development will have no effect on historic properties. However, due to ground disturbing activities, should any physical remains that could be associated with Native American, early European, or American settlement be encountered within the project area

		<p>the project shall cease all activities involving subsurface disturbance in the vicinity of the discovery and the Florida Department of State, Division of Historical Resources, Compliance Review Section shall be contacted. Should any unmarked human remains be encountered, all work shall stop immediately, and the proper authorities shall be notified in accordance with Section 872.05, Florida Statutes. No response from other state or tribal historic preservation offices has been received at this time, however, this report may be updated upon additional detail provided agency response. There are no known historic properties anticipated to be affected by the project. Based on the proposed project involving the rehabilitation of the residential structures with no ground disturbing activities, impacts to archeological resources are not anticipated.</p>
<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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>As shown on Figure 10, the proposed location has been evaluated for proximity within 1,000 feet of a major or arterial roadway, 3,000 feet of an active rail line, and 5 miles of an airport or airfield. The project area is within 1,000 feet of two major roadways (Metro Parkway and Fowlers Street), within 3,000 feet of an active rail line (Crossing No. 969978P), and within 5 miles of an airport or airfield (Page Field). Page Field is approximately 1.4 miles south of the project area. According to the Department of Transportation's National Transportation Noise Map, Page Field may produce an average sound level of 45.0 - 49.9 dB over a 24-hour period at the project site. Six (6) different noise assessment locations (NALs) were assessed at the subject property. These aligned with different areas associated</p>

		with the construction diagrams and include the exterior corners of the five (5) residential buildings and the clubhouse. Using HUD's Day/Night Noise Level (DNL) Calculator, the ambient noise level at all six of the NALs are within the Normally Unacceptable Threshold (65-75 dB): Building 1: 68 dB; Building 2: 71 dB; Building 3: 71 dB; Building 4: 71 dB; Building 5: 68 dB; and, Clubhouse: 67 dB. Per HUD guidance, noise levels within the Normally Unacceptable Threshold (65-75 dB) may be acceptable if engineering adjustments are applied to the subject property. Therefore, noise attenuating measures (such as additional insulation, exterior treatments, dual paned windows, etc.) are required by HUD in order to mitigate elevated exterior noise levels and achieve interior noise goals (under 45 dB) within the units.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Per review of the Memorandum of Understanding between the Department of Housing and Urban Development Region VI and the Environmental Protection Agency Region 4 Attachment B, Line item 3., the project activities are not assumed to affect water quality or require referral to the EPA for review. Additionally, according to the Sole Source Aquifer layer obtained from the EPA, 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.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Per review of the United States Fish and Wildlife Service's National Wetlands Inventory mapper, no wetlands were identified on-site or adjacent to the project area (see Figure 12). Therefore, project implementation is not anticipated to detrimentally impact any

		mapped wetlands. Lee County has submitted a solicitation of views letter to the US Army Corps of Engineers and the South Florida Ecological Preservation Offices. No response has been received from the agencies at this time. This report may be updated upon additional detail provided with an agency response.
Wild and Scenic Rivers Act Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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.
HUD HOUSING ENVIRONMENTAL STANDARDS		
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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 Low to

		Moderate Income (LMI) neighborhood and this project would help to harden and rehabilitate the units to preserve the affordability. According to the EJSCREEN ACS Summary Report, approximately 56 percent of the community is considered low-income. Therefore, project implementation is not anticipated to disproportionately affect this vulnerable subset of the community. Furthermore, there are no adverse effects determined for the property and surrounding area.
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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 and Urban Design	2	The subject property is currently undeveloped vacant land consisting of 9.14-acres of land. The current use for the subject property is multi-family land and is a permitted use based on the current zoning guidelines. A zoning change for the subject does not appear to be required. Based on the foregoing, it appears that the planned improvements are a legally conforming use of the subject site.	
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 primarily mapped as Pineda sand-Urban land complex. This complex is poorly drained and	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		is associated with flatwoods on marine terraces. The remaining 47.4%of the property is comprised of Brynwood fine sand and Urban land complex. 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.	
Hazards and Nuisances including Site Safety and Site-Generated Noise	2	No "nuisances" or "hazards" were observed at the property or surrounding properties during the site inspection. Radon is considered a Natural Hazard and Nuisance. 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 elevated noise levels during daylight hours. This noise will be mitigated by Best Management Practices (BMPs) and any hazards or nuisances are anticipated to be temporary and related to construction. Development of the subject property will result in short-term noise during the daylight hours. The proposed development activities will not result in any significant noise generation levels within the	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		neighborhood, nor will it result in the neighborhood being exposed to noise levels exceeding General Plan policies. Furthermore, per Lee County Florida Land Development Code (Chapter 10 Article I Sec. 10-7(h)), development must take every reasonable precaution to avoid undue noise or activities that might cause unreasonable impacts or nuisance to adjacent properties.	
SOCIOECONOMIC			
Employment and Income Patterns	2	The project activity is not expected to create or remove employment or change income patterns within the community. According to U.S. Census Bureau American Community Survey (ACS) 2018-2022 data obtained from the EPA NEPAassist, approximately 63% of population were listed as employed, the per capita income was \$23,796, and 56% of the population in the area was considered Low income. Because the proposed subject property development will enhance the infrastructure of the surrounding area, no impact is anticipated.	
Demographic Character Changes / Displacement	2	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	
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			

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
Educational and Cultural Facilities (Access and Capacity)	2	The proposed project activity will not impact area educational or cultural facilities. An assessment of the property and the surrounding area indicates there are adequate educational and cultural facilities nearby. Fort Myers Middle School, Colonial Elementary School, Allen Park Elementary School, Orangetown Elementary School, Fort Myers High School, Edison Park School, St. Francis Xavier School, Southwest Florida Christian Academy, and Fort Myers Christian School are all within 2 miles from the property. Although the proposed project may result in the addition of a few school age children to the area, a substantial increase in the enrollment in existing or planned school educational facilities is not expected. The proposed project activities are not expected to impact these facilities.	
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, restaurants, pharmacies, grocery stores, gas stations, auto shops, salons, etc. The proposed project activities may slightly benefit these facilities by bringing more business to the surrounding area.	
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 Memorial Hospital. The proposed project activities are not expected to impact these facilities.	
Solid Waste Disposal and Recycling (Feasibility and Capacity)	2	The proposed project activity will not impact area solid waste disposal/recycle demands and municipal service is available in the project area.	
Waste Water and Sanitary Sewers	2	The proposed project activity will not impact area wastewater or sanitary sewer systems,	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
(Feasibility and Capacity)		of which services are provided by Lee County Utilities.	
Water Supply (Feasibility and Capacity)	2	The proposed project activity will not impact area water supply, currently provided by Lee County Utilities.	
Public Safety - Police, Fire and Emergency Medical	2	The proposed project activity will not create an adverse impact on the demand to public emergency services. Fire and police protection are available from the Fort Myers Fire Department, the Lee County Sheriff's Office, and Fort Myers Police Department. Emergency/Medical services are provided by Lee County EMS.	
Parks, Open Space and Recreation (Access and Capacity)	2	An assessment of the property and the surrounding area indicates there are adequate parks, open space, and recreation facilities nearby. Trailhead Neighborhood Park, Lions Park, Jefferson Park, and Clement Park are all within 3 miles of the property. The proposed project activities are not expected to impact these facilities.	
Transportation and Accessibility (Access and Capacity)	2	The proposed project activity will not create an adverse impact on area transportation or accessibility. The property is on the Edison Mall/S. Fort Myers Transfer Station bus line (Route 80) and near the Edison Mall/Michigan Ave. & Marsh Ave. bus line (Route 10) serviced by LeeTran. Private transportation will continue to be available for this area.	
NATURAL FEATURES			
Unique Natural Features /Water Resources	2	The proposed project activity will not create adverse impacts to unique natural features or water resources. There are no Unique Natural Features or Water Resources in the area.	
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)	2	The proposed project activity is not anticipated to create adverse impacts to area sensitive vegetation or wildlife. There is no critical habitat on site.	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
Other Factors 1	2	No other factors were identified to have impacts created by the proposed project activity.	
Other Factors 2	2	No other factors were identified to have impacts created by the proposed project activity.	
CLIMATE AND ENERGY			
Climate Change	2	The proposed project activities are not expected to impact climate change.	
Energy Efficiency	2	The proposed project will ensure that all completed work meets or exceeds Energy efficiency standards and Florida Building Code and Lee County's Land Development Code requirements.	

Supporting documentation

[Custom Soil Resource Report for Ekos on Evans.pdf](#)

[Ekos on Evans Field Visit Survey\(1\).docx](#)

[Ekos on Evans Figure 01\(1\).pdf](#)

[Ekos on Evans Appraisal\(1\).pdf](#)

Additional Studies Performed:

Phase I Environmental Site Assessment completed October 21, 2022 Phase II
Environmental Site Assessment completed December 22, 2022

Field Inspection [Optional]: Date and completed

by:

Rivers Berryhill

9/18/2024 12:00:00 AM

[Ekos on Evans Field Visit Survey.docx](#)

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

Florida Department of Environmental Protection Division of Air Resource
Management 2600 Blair Stone Road, MS 5510 Tallahassee, FL, 32399-2400 U.S.
Environmental Protection Agency, Region 4 Sam Nunn Atlanta Federal Center 61
Forsyth Street Atlanta, GA 30303-8960 Florida Department of Environmental
Protection Florida State Clearinghouse 3800 Commonwealth Boulevard, M.S. 47
Tallahassee, FL, 32399-3000 Florida Department of Environmental Protection
Waste Cleanup Program 2600 Blair Stone Road, MS 4500 Tallahassee, FL 32399 U.
S. Fish and Wildlife Service South Florida Ecological Services Field Office 1339 20th
Street Vero Beach, FL, 32960-3559 Florida Fish and Wildlife 620 South Meridian

Street Tallahassee, FL, 32399-1600 National Marine Fisheries Service Southwest
Regional Office 263 13th Avenue South St. Petersburg, FL, 33701 Florida
Department of Community Affairs and Emergency Management Floodplain
Management 2555 Shumard Oak Tallahassee, FL, 32399-2100 City of Fort Myers
Floodplain Management 2200 Second Street Fort Myers, FL 33901 City of Fort
Myers Historic Preservation Officer 2200 Second Street Fort Myers, FL 33901
South Florida Water Management District 3301 Gun Club Road West Palm Beach, FL
33406 Florida Department of State Florida Division of Historical Resources
Division of Historical Resources & State Historic Preservation Officer 500 South
Bronough Street, Room 305 Tallahassee, FL, 32399-2100 Chairman Miccosukee
Tribe of Indians of Florida PO Box 440021 Miami, FL 33141 Historical Preservation
Officer Miccosukee Tribe of Indians of Florida PO Box 440021 Miami, FL 33141
Principal Chief The Muscogee Nation P.O. Box 580 Okmulgee, OK 74447
Chairman Seminole Tribe of Florida 6300 Stirling Road Hollywood, FL - 33024
THPO Seminole Tribe of Florida 30290 Josie Billie Highway, Pmb 1004 Clewiston, FL
- 33440 US Army Corps of Engineers Jacksonville District Regulatory Division 701
San Marco Boulevard Jacksonville, FL, 32207-8175 U.S. Department of
Agriculture USDA-Natural Resources Conservation Service 4500 NW 27th Ave, Bldg
A Gainesville, FL 32606

List of Permits Obtained:

Environmental Resource Permit (ERP), Applicaiton number 240923-46042 NPDES
Construction Generic Permit

Public Outreach [24 CFR 58.43]:

In accordance with 24 CFR 58.43 the public will be made aware of the proposed action
and given opportunity to comment via the public notice of this ERR's Finding of No
Significant Impact. The notice will be published on the Lee County Government
website.

Cumulative Impact Analysis [24 CFR 58.32]:

Following review of the project in relation to All Related Laws and Authorities
associated with Part 58, no adverse effects were identified that would detrimentally
impact the environment. Additionally, no objections to project implementation were
received from local, state, tribal, or federal entities invited to consult on this project.
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. Project

implementation is in-line with the current zoning of the site and will align with the existing demographic and socio-economic qualities of the overall project area.

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 CDBG program. Additionally, this project has no environmental concerns and therefore the most practicable option is approval of the project as is. Therefore, project implementation as designed is the most viable option.

No Action Alternative [24 CFR 58.40(e)]

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. Additionally, this project has no environmental concerns and therefore the most viable option is approval of the project as is.

Summary of Findings and Conclusions:

The Environmental Record Review indicates that the proposed activities for this project will have no significant adverse impact on the quality of the human environment. No objections to project implementation were received from any of the local, state, tribal, or federal entities invited to consult on this project. As additional consultation may occur with the United States Fish and Wildlife Service (USFWS) Florida Ecological Services Office, the applicant shall comply with any measures and conditions in order to achieve compliance with all the Related Laws and Authorities set forth in 24 CFR 58.5 and 58.6.

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
Endangered Species Act	It is recommended that Lee County utilize the IPaC	N/A		

	documentation to complete their consultation with the USFWS and follow mitigation steps outlined by USFWS upon receipt of their response. The project must comply with all permitting requirements and mitigation strategies as identified by USFWS Florida Ecological Services (FES).			
Contamination and Toxic Substances	The results of the Phase II ESA conducted in December 2022 concluded that there are no indications of soil or groundwater impacts present on the site. Review of additional potential sources of contamination around the site indicated that there are no releases or other information that could detrimentally impact the intended use of the site. 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.	N/A		
Noise Abatement and Control	Noise attenuating measures (such as additional insulation, exterior treatments, dual paned windows, etc.) will be designed into the project to mitigate elevated exterior noise levels and achieve interior noise goals (under 45 dB) within the units.	N/A		

Historic Preservation and Coastal Zone Management	Due to ground disturbing activities, should any physical remains that could be associated with Native American, early European, or American settlement be encountered within the project area the project shall cease all activities involving subsurface disturbance in the vicinity of the discovery and the Florida Department of State, Division of Historical Resources, Compliance Review Section shall be contacted. Should any unmarked human remains be encountered, all work shall stop immediately, and the proper authorities shall be notified in accordance with Section 872.05, Florida Statutes.	N/A	An inadvertent discovery clause shall be added to all construction documents.	
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Project Mitigation Plan

Project mitigation as listed above will be implemented.

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 any new construction or substantial rehabilitation at the project site is proposed within these zones, the project 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. The nearest airport is Page Field, located approximately 1.4 miles to the south of the project site (see Figure 2).

Supporting documentation

[Ekos on Evans 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

[CBRS Map \(1\).pdf](#)

[Ekos on Evans Figure 03.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:

[FIRMETTE_Ekos on Evans.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

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

Yes

4. While flood insurance is not mandatory for this project, HUD strongly recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). Will flood insurance be required as a mitigation measure or condition?

Yes

✓ No

Screen Summary

Compliance Determination

Per review of FEMA FIRM Panel #12071C0426H, effective November 16, 2022, the project is located in unshaded Zone X, defined as an area of minimal flood hazard and outside the 100- and 500-year flood zones (see Figure 4). As this is not a Special Flood Hazard Area (SFHA), flood insurance is not required, and no mitigation is required for compliance with the Flood Disaster Protection Act of 1973 and the National Flood Insurance Program (NFIP). 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 the Lead Ordinance Coordinator, the Office of Floodplain Management does not see any "glaring concerns" with the project and suggests following the Lee County flood ordinance to ensure compliance with the NFIP. According to the NFIP Community Status Book accessed at <https://www.fema.gov/flood-insurance/work-with-nfip/community-status-book>, the City of Fort Myers (Community ID 125106C) is a participating community in the NFIP.

Supporting documentation

[Ekos on Evans Figure 04.pdf](#)

[FL NFIP List.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://www.epa.gov/green-book/green-book-national-area-and-county-level-multi-pollutant-information>), 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

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

Yes, with mitigation

No, project must be canceled.

Screen Summary

Compliance Determination

According to Florida Department of Environmental Protection Coastal Zone Map, Lee County is located within a Coastal Management Zone (see Figure 3). Lee County submitted a solicitation of views letter to the Florida Department of Environmental Protection (FDEP) Clearinghouse Coordinator and the Florida State Clearinghouse on September 17, 2024. According to a response by the South District Office for the FDEP on October 17, 2024, the FDEP's Environmental Resource Permitting and NPDES staff may require the project have coverage under the NPDES Construction Generic Permit. They also stated that the project may require environmental resource permitting through the South Florida Water Management District (SFWMD), as well as local city/county approvals. According to a response by Chris Stahl of the Florida State Clearinghouse on November 14, 2024, the state has no objections to allocation of federal funds for the subject project and, therefore, the funding award is consistent with the Florida Coastal Management Program (FCMP). His office has submitted an application for an Environmental Resource Permit (ERP) No. 240923-46042. The project must comply with all guidance set forth in the application. Additionally, the State Clearinghouse requested inclusion of an Inadvertent Discovery clause in project documentation. Based on these responses, this project is in compliance with 15 CFR Part 930.

Supporting documentation

[State Clearinghouse Response 11142024.pdf](#)
[FL202409240244C Coastal Zone Response.pdf](#)
[Ekos on Evans Figure 03\(1\).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:

The results of the Phase II ESA conducted in December 2022 concluded that there are no indications of soil or groundwater impacts present on the site. 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.

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.**

The results of the Phase II ESA conducted in December 2022 concluded that there are no indications of soil or groundwater impacts present on the site. Review of additional potential sources of contamination around the site indicated that there are no releases or other information that could detrimentally impact the intended use of the site. 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.

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

The subject property and adjacent properties were reviewed from public thoroughfares. No evidence of any issues that would constitute an environmental concern were observed in the viewshed of the property or on-site during the September 18, 2024 site visit. The Florida Department of Environmental Protection (FDEP) was invited to consult on this project per a solicitation of views letter dated September 17, 2024. As of the date of this report, a response has not yet been received. 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 within 3,000 ft of six (6) Solid Waste Facilities. Based on the distance from the project site these facilities are not anticipated to have any impact on the intended use of the subject property. There are fourteen (14) Leaking Underground Storage Tanks (LUSTs) within 3,000 feet of the property. Twelve (12) of these facilities have received a "No Further Action" or closure determination, or were determined that remediation is not required, and two (2) facilities have ongoing assessment and/or remediation efforts but are not suspected to present environmental concerns to the intended use of the subject property. See attached detail regarding each facility. This site-specific review also indicated the subject property is within the 1,000 ft buffer of four (4) underground storage tanks (USTs) not indicating release (Figure 6). Although Figure 6 shows that one UST is located on the subject property, further investigation revealed that the actual location of the UST is approximately 1,700 ft to the east-southeast of where it appears in the figure. Another UST appears to be adjacent to the north of the subject property on Metro Parkway; further investigation revealed that the actual location of this UST is approximately 2,800 ft northeast of where it appears on the figure. Any other UST that appears on Figure 6 and is within 1,000 ft of the subject property presents no indication of a release, therefore, impacts from these facilities are not anticipated. A Phase I Environmental Site Assessment (ESA) was conducted for the subject property prepared by Hydrologic Associates U.S.A., Inc. (HAI) on October 21, 2022. The assessment revealed only one recognized environmental condition in association with historic agricultural use of the site from the 1940s to the 1980s. A subsequent Phase II ESA was conducted on the subject property prepared by HAI on December 22, 2022 to determine the potential presence of subsurface impacts from the site's historical use. The Phase II ESA concluded that there are no indications of soil or groundwater impacts present on the site. The subject property is undeveloped; therefore, disturbance of Lead Based Paint and Asbestos Containing materials (ACM) is not anticipated. Per HUD guidance, the proposed action is exempt from Lead Safe Housing Requirements 35.115(a)(1). Per guidance provided in CPD 23-103, scientific radon testing data between 2012 and 2022 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 County 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

[Ekos on Evans Radon Scientific Data Review.pdf](#)

[HA22-6484 Phase II 3501 Evans .pdf](#)

[HA22-6484 Phase I 3501 Evans A.pdf](#)

[Contamination List.pdf](#)

[Ekos on Evans Figure 06.pdf](#)

[Ekos on Evans Figure 05.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.

4. Informal Consultation is required

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

Did the Service(s) concur with the finding that the project is Not Likely to Adversely Affect?

Yes, the Service(s) concurred with the finding.

- ✓ No, the Service(s) did not concur with the finding.

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:

It is recommended that Lee County utilize the IPaC documentation to complete their consultation with the USFWS and follow mitigation steps outlined by USFWS upon receipt of their response. The project must comply with all permitting requirements and mitigation strategies as identified by USFWS Florida Ecological Services (FES).

No mitigation is necessary.

Screen Summary

Compliance Determination

The proposed project is located within an urbanized area of Fort Myers, Florida, where critical habitat for threatened and endangered species is unlikely to occur (see Figure 7). 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 17 threatened, endangered, or candidate species that may be affected by project implementation. The U.S. Fish and Wildlife Service (USFWS) was invited to consult on this project on September 17, 2024, and again on October 10, 2024. As of the date of this report, a response has not yet been received. It is recommended that Lee County utilize the IPaC documentation to complete their consultation with the USFWS and follow mitigation steps outlined by USFWS upon receipt of their response. The project must comply with all permitting requirements and mitigation strategies as identified by USFWS Florida Ecological Services (FES).

Supporting documentation

[survey_guidelines_combined.pdf](#)
[Species List Florida Ecological Services Field Office.pdf](#)
[habitat_assessment_guidelines_combined.pdf](#)
[general_design_guidelines_combined.pdf](#)
[Ekos on Evans Figure 07.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. 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

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

The property is located within an urbanized area of existing developed land and although the site was previously farmed with row crops from the 1940s to the 1980s and then was used for grazing cattle, it is no longer used for agricultural purposes and project activities do not involve conversion of agricultural land to non-agricultural use. 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, an NRCS State Resources

Inventory Coordinator indicated that the project area for Ekos on Evans meets criteria for exemption under 7 CFR Part 658. Additionally, as the project area has no farmland qualifying as prime, unique, or land of statewide or local importance, no further action is necessary for compliance with the Farmland Protection Policy Act.

Supporting documentation

[NRCS Exemption Letter for Ekos on Evans .pdf](#)
[Ekos on Evans Figure 08.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 place on the property's continued use for flood control, wetland projection, 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

Screen Summary

Compliance Determination

Per review of FEMA Flood Insurance Rate Map (FIRM) #12071C0426H, the project is located in unshaded Zone X, defined as an area of minimal flood hazard and outside the 100- and 500-year flood zones (see Figure 4). The Office of Floodplain Management for the City of Fort Myers was invited to consult on this project on September 17, 2024. In a response dated September 30, 2024, the City of Fort Myers Floodplain Coordinator indicated that the property falls outside of the floodplain and should have limited impact and no objections or requirements are necessary as far as flood review is concerned. As this is not a Federal Flood Risk Management Standard floodplain, no impacts to the floodplain are anticipated no mitigation measures are necessary for compliance with Executive Order 11988 or 13690.

Supporting documentation

[Ekos on Evans Figure 04\(1\).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) Completed

- ✓ 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:

The SHPO and all tribal entities with potential interests in the project area were invited to comment on this project.

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:**

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

✓ 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

Per review of National Register of Historic Places (NRHP) records, the property is not listed in the NRHP, is not suspected to be eligible to be listed, and is not located within the vicinity of a NRHP site or district (see Figure 9). Lee County has submitted a solicitation of views to the State Historic Preservation Officer (SHPO), the Historic Preservation Officer of Fort Myers, and Tribal Historic Preservation Officers (THPO) on September 17, 2024. According to a response dated October 7, 2024, the Director of Division of Historical Resources and SHPO indicated that the proposed development will have no effect on historic properties. However, due to ground disturbing activities, should any physical remains that could be associated with Native American, early European, or American settlement be encountered within the project area the project shall cease all activities involving subsurface disturbance in the vicinity of the

discovery and the Florida Department of State, Division of Historical Resources, Compliance Review Section shall be contacted. Should any unmarked human remains be encountered, all work shall stop immediately, and the proper authorities shall be notified in accordance with Section 872.05, Florida Statutes. No response from other state or tribal historic preservation offices has been received at this time, however, this report may be updated upon additional detail provided agency response. There are no known historic properties anticipated to be affected by the project. Based on the proposed project involving the rehabilitation of the residential structures with no ground disturbing activities, impacts to archeological resources are not anticipated.

Supporting documentation

[SHPO Response Ekos on Evans.pdf](#)

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

[Ekos on Evans Figure 09.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:

Noise attenuating measures (such as additional insulation, exterior treatments, dual paned windows, etc.) will be designed into the project to mitigate elevated exterior noise levels and achieve interior noise goals (under 45 dB) within the units.

Based on the response, the review is in compliance with this section. Document and upload drawings, specifications, and other materials as needed to describe the project's noise mitigation measures below.

No mitigation is necessary.

Screen Summary

Compliance Determination

As shown on Figure 10, the proposed location has been evaluated for proximity within 1,000 feet of a major or arterial roadway, 3,000 feet of an active rail line, and 5 miles of an airport or airfield. The project area is within 1,000 feet of two major roadways (Metro Parkway and Fowlers Street), within 3,000 feet of an active rail line (Crossing No. 969978P), and within 5 miles of an airport or airfield (Page Field). Page Field is approximately 1.4 miles south of the project area. According to the Department of Transportation's National Transportation Noise Map, Page Field may produce an average sound level of 45.0 - 49.9 dB over a 24-hour period at the project site. Six (6) different noise assessment locations (NALs) were assessed at the subject property. These aligned with different areas associated with the construction diagrams and include the exterior corners of the five (5) residential buildings and the clubhouse. Using HUD's Day/Night Noise Level (DNL) Calculator, the ambient noise level at all six of the NALs are within the Normally Unacceptable Threshold (65-75 dB): Building 1: 68 dB; Building 2: 71 dB; Building 3: 71 dB; Building 4: 71 dB; Building 5: 68 dB; and, Clubhouse: 67 dB. Per HUD guidance, noise levels within the Normally Unacceptable Threshold (65-75 dB) may be acceptable if engineering adjustments are applied to the subject property. Therefore, noise attenuating measures (such as additional insulation, exterior treatments, dual paned windows, etc.) are required by HUD in order to mitigate elevated exterior noise levels and achieve interior noise goals (under 45 dB) within the units.

Supporting documentation

[Ekos on Evans Figure 10.pdf](#)

[National Transportation Noise Map.pdf](#)
[InventoryReport \(5\).PDF](#)
[Combined DNL Calculations for Ekos on Evans\(1\).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

Per review of the Memorandum of Understanding between the Department of Housing and Urban Development Region VI and the Environmental Protection Agency Region 4 Attachment B, Line item 3., the project activities are not assumed to affect

water quality or require referral to the EPA for review. Additionally, according to the Sole Source Aquifer layer obtained from the EPA, 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

[Region 4 EPA MOU with HUD \(2\).pdf](#)
[Ekos on Evans 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.

Based on the response, the review is in compliance with this section. Document and upload a map or any other relevant documentation below which explains your determination

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

Screen Summary

Compliance Determination

Per review of the United States Fish and Wildlife Service's National Wetlands Inventory mapper, no wetlands were identified on-site or adjacent to the project area (see Figure 12). Therefore, project implementation is not anticipated to detrimentally impact any mapped wetlands. Lee County has submitted a solicitation of views letter to the US Army Corps of Engineers and the South Florida Ecological Preservation Offices. No response has been received from the agencies at this time. This report may be updated upon additional detail provided with an agency response.

Supporting documentation

[Ekos on Evans Figure 12.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

[Ekos on Evans 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 Low to Moderate Income (LMI) neighborhood and this project would help to harden and rehabilitate the units to preserve the affordability. According to the EJSscreen ACS Summary Report, approximately 56 percent of the community is considered low-income. Therefore, project implementation is not

anticipated to disproportionately affect this vulnerable subset of the community. Furthermore, there are no adverse effects determined for the property and surrounding area.

Supporting documentation

[EJScreen Community Report.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No