



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

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

Project Information

Project Name: Citywide-Environmental-Assessment-

**HEROS
Number:** 900000010177723

**Responsible Entity
(RE):** FORT MYERS, PO Box 2217 Fort Myers FL, 33902

**State / Local
Identifier:**

RE Preparer: Beverly Reed

**Certifying
Officer:** Phyliss Calloway

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

Point of Contact:

**Consultant (if
applicable):**

Point of Contact:

**Project
Location:** Fort Myers, FL 33901

Additional Location Information:

Location of the exact sites have not been determined; however, a City-wide Tiered Environmental Assessment will reduce the amount of time spent on Environmental Assessments for site-specific projects.

Direct Comments to: City of Fort Myers
Housing and Real Estate Division
Attention: Sharon Rozier
1825 Hendry Street,
Fort Myers, FL 33901

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

The City of Fort Myers is located in Southwest Florida. It is the county seat for and commercial center for Lee County, Florida, United States. The City is 31.8 square miles with a population of 82,254. The City of Fort Myers has participated in the Community Development Block Grant Program (CDBG) for over thirty (30) years. Over the years, the City has utilized CDBG funds to assist in acquisition, relocation, demolition, rehabilitation and new construction activities. Historically, the City used CDBG funds to focus primarily on Velasco Village for redevelopment, demolition, temporary relocation activities as well as one-for-one replacement activities. CDBG funding were used to acquire and demolish properties in an effort to remove slum and blight conditions. The Velasco Village project, based in the heart of Fort Myers, created one of the few "Charter" communities in Florida. Primarily a homeowner's community, local residents take pride in home ownership, attend neighborhood meetings and are seeking ways to accomplish neighborhood goals.

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

[CityBoundary.pdf](#)

Approximate size of the project area: more than 1 square mile

Length of time covered by this review: 5 Years

Maximum number of dwelling units or lots addressed by this tiered review:
150

Level of Environmental Review Determination:

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5: 58.35(a)(3)

Determination:

	Extraordinary circumstances exist and this project may result in significant environmental impact. This project requires preparation of an Environmental Assessment (EA); OR
✓	There are no extraordinary circumstances which would require completion of an EA, and this project may remain CEST.

Approval Documents:

[Signature Page.pdf](#)

[Signature Page\(1\).pdf](#)

7015.15 certified by Certifying Officer

on:

7015.16 certified by Authorizing Officer

on:

Funding Information

Grant Number	HUD Program	Program Name
B-08-MN-12-0008	Community Planning and Development (CPD)	Neighborhood Stabilization Program
B-11-MN-12-0008	Community Planning and Development (CPD)	Neighborhood Stabilization Program
B-20-MC-12-0000	Community Planning and Development (CPD)	Community Development Block Grants (CDBG) (Entitlement)

Estimated Total HUD Funded Amount: \$4,000,000.00

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$2,600,000.00

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	Was compliance achieved at the broad level of review?	Describe here compliance determinations made at the broad level and source documentation.
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.6		
Airport Hazards	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Coastal Barrier Resources Act	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The City of Fort Myers is not a Coastal Barrier Resource System Community. The official CBRS maps are accessible at https://www.fws.gov/cbra/maps/index.html . The projects will comply with the Coastal Barrier Resources Act (CBRA) of 1982.
Flood Insurance	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.5		

Air Quality	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The project does not include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR include five or more dwelling units. The project scope is to rehabilitate and redevelop individual residential units. Also, the project is located in Lee County which is not on the list of counties in non-attainment maintenance status, see visit the following website regarding counties in nonattainment area: https://www3.epa.gov/airquality/greenbook/ancl.html . The project is in compliance with the Clean Air Act.
Coastal Zone Management Act	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Contamination and Toxic Substances	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Endangered Species Act	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Explosive and Flammable Hazards	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Farmlands Protection	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The project does not include any of the following activities: new construction or expansion of existing structures, acquisition of undeveloped land, conversion that could potentially convert one land use to another. The project will not impact current and potential farmland areas, the project consists of repairing/rehabilitating existing structures within the same footprint. The project is in compliance with the Farmland Protection Policy Act of 1981.
Floodplain Management	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Historic Preservation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Noise Abatement and Control	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Sole Source Aquifers	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	There are no sole source aquifers in the City of Fort Myers. The project is in compliance with the Safe Drinking Water Act of 1974.
Wetlands Protection	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Wild and Scenic Rivers Act	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	There are no wild and scenic river designations in the city limits of the City of Fort Myers. The project is in compliance of the Wild and Scenic Rivers Act of 1968.

ENVIRONMENTAL JUSTICE		
Environmental Justice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Based on the scope of the project, the project will not create an adverse and/or disproportionate environmental impact or aggravate an existing impact. If anything, the rehabilitation program will help stabilize neighborhoods.

Supporting documentation

- [CLEAN AIR.pdf](#)
- [COASTAL BARRIER.pdf](#)
- [COASTAL ZONE MANAGEMENT.pdf](#)
- [ENDANGERED SPECIES.pdf](#)
- [ENVIRONMENTAL JUSTICE.pdf](#)
- [FARMLANDS PROTECTION.pdf](#)
- [FLOOD INSURANCE.pdf](#)
- [FLOODPLAIN MANAGEMENT.pdf](#)
- [NATIONAL HISTORIC PRESERVATION.pdf](#)
- [SOLE SOURCE AQUIFIERS.pdf](#)
- [WETLANDS PROTECTION.pdf](#)
- [WILD AND SCENIC RIVERS.pdf](#)
- [AIRPORT.pdf](#)
- [CONTAMINATION AND TOXIC SUBSTA.pdf](#)
- [EXPLOSIVE AND FLAMMABLE HAZARD.pdf](#)
- [NOISE ABATEMENT AND CONTROL.pdf](#)

Written Strategies

The following strategies provide the policy, standard, or process to be followed in the site-specific review for each law, authority, and factor that will require completion of a site-specific review.

1	Airport Hazards
	The City of Fort Myers has one public use airport. The Page Field Airport is located at 5200 Captain Channing Page Dr, Fort Myers, FL 33907. There are no military runways in the City. The Lee County Port Authority maintains Planning Data and Noise Compatibility Status for Page Field. For any residential rehab or acquisition activities that are identified within 2500 feet of the airport runway clear zone (RCZ), City of Fort Myers will determine if it is necessary to place federal funding into the activity and, if feasible, mitigation strategies can be utilized. Construction within the 65 LDN will not be recommended. This will be reviewed on a site-specific basis.
2	Flood Insurance
	The City of Fort Myers will identify if a project site is located within a flood plain. This will be reviewed on a site-specific basis. If located in a flood plain, flood insurance will be required for the building. The City of Fort Myers participates in the National Flood Insurance Program.
3	Coastal Zone Management

	<p>The City of Fort Myers does not anticipate engaging in any activities that will affect a Coastal Zone as defined in the State Coastal Management Plan. Should any activities take place within the Coastal Zone the Florida Clearinghouse, Florida Department of Environmental Protection shall be consulted. This will be reviewed on a site-specific basis.</p>
4	<p>Contamination and Toxic Substances</p> <p>The City does not intend to increase household size for housing rehabilitation or re-construction projects. Projects include existing structures or infill lots. A site must be determined to require mitigation. If no mitigation is required, a determination must be completed to ensure the site is safe for occupants or it must be rejected. Multifamily and non-residential property must include the evaluation of previous uses using current techniques by qualified professionals. The current industry standard is a Phase I Environmental Site Assessment, ASTM Standard E 1527-13. This will be reviewed on a site-specific basis.</p>
5	<p>Endangered Species</p> <p>The City will complete acquisition, rehabilitation, reconstruction, or demolition activities on existing sites or an infill lot, it has been determined that these activities should not affect endangered species of critical habitats listed under Section 4 of the Endangered Species Act of 1973. This will be reviewed on a site-specific basis.</p>
6	<p>Explosive and Flammable Hazards</p> <p>Acquisition, new construction, rehabilitation, reconstruction, and demolition activities may be located near hazardous industrial operations. If activities are located where conventional (e.g. petroleum) or hazardous gases (e.g. propane), or chemicals (e.g. benzene or hexane) flammable in nature are stored and if the activity is beyond the Acceptable Separation Distance (ASD) from the hazard under HUD safety standards, then the City will take the proper mitigating measures set forth in 24 CFR 51 Subpart C. This will be reviewed on a site-specific basis.</p>
7	<p>Floodplain Management</p>

	<p>The City of Fort Myers is bounded by the Caloosahatchee River and is less than twenty (20) miles from the Gulf of Mexico, it's highly possible that housing acquisition, new construction, rehabilitation, reconstruction and demolition activities may be located in a 100 year floodplain. In that case, floodplain impacts will be assessed. An eight (8) step review process required by Executive Order 11988 will be performed if the project is located in a floodplain area. Executive Order 11988 directs federally funded agencies to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct development within or modification of floodplains, wherever there is a practical alternative. Due to the geographic location of Fort Myers, housing acquisition, rehabilitation, reconstruction and demolition activities to assist in the maintenance of the health, welfare and safety of citizens in existing floodplain areas is probable. However, the City will adhere to the following guidelines. 1. The extent of rehabilitation or reconstruction should not constitute a significant improvement and/or disturbance that will affect the floodplain. 2. All property owners prior to receiving acquisition, rehabilitation or reconstruction assistance must purchase flood insurance under the National Flood Insurance Program. For proposed financial assistance for such activities, including "substantial improvement: of existing single-family properties within a floodplain, HUD will require 30 to 60 days in most cases to perform the required processing. To determine the applicability of floodplain management issues to a site, the City will consult the FEMA Flood Hazard Mapping site to determine whether the proposed site lies within the 100-year floodplain. If these issues are relevant to the project, the City will consult the Environmental contact designated to the City to determine how to best mitigate concerns.</p>
<p>8</p>	<p>Historic Preservation</p> <p>Section 106 of the National Historic Preservation Act of 1966, as amended, mandates that agencies with jurisdiction over federally assisted activities afford the National Historic Preservation Office (SHPO) a reasonable opportunity for comment on the project's impact on historic properties. Pursuant to HUD guidance on compliance with the Section 106 review process (36 CRA 800), if a project was built prior to 1940, the City of Fort Myers will need to submit to the SHPO for its review with photographs of the existing structure and a description of the proposed improvements. The SHPO must approve the proposed improvements as in conformance with the Secretary of Interior Standards for Rehabilitation before the City can proceed. Pending a determination of eligibility for inclusion in the National Register of determination of local historic significance, the rehabilitation activity for structures built in 1940 or older must conform to the Secretary of the Interior Standards for Rehabilitation. The City will provide a good determination of the age of all structures proposed for rehabilitation older than 1940 and will adhere to the SHPO regulations when performing an activity on a structure built prior to 1940.</p>
<p>9</p>	<p>Noise Abatement and Control</p>

	<p>Acquisition, rehabilitation, reconstruction, and demolition may be located in areas with a day-night average sound level (DNL) exceeding the allowable 65 decibels. Therefore, HUD regulations relative to environmental criteria and standards for "Noise Abatement and Control" may apply to the proposed activities. A map of noise sensitive zones within the City of Fort Myers is provided and will be used to determine if acquisition, rehabilitation, reconstruction or demolition sites are located within those zones. If either of the activities are within a noise sensitive zone (DNL 65 decibels or above), then mitigation of noise impact for housing and other noise sensitive projects are required. HUD Noise Abatement and Control regulation 24 CFR part 51.10 (a) (5), Subpart B, supports modernization of homes. For projects located in noise exposed areas, the City will implement noise attenuation features and research land uses that are more compatible to the high noise levels. Five decibel attenuation above attenuation provided by standard construction is required for HUD-assisted projects in the DNL 65 to 70 zones, and 10 decibel additional attenuation is required in the DNL 70 to 75 zones. For HUD to approve housing or other noise sensitive projects in the normally unacceptable or unacceptable noise zone, additional environmental assessment requirements as well as noise attenuation measures must be met. Areas in which noise levels exceed DNL 75 are considered unacceptable. The City will not move forward on projects found to be at a noise level 75 or above.</p>
10	<p>Wetlands Protection</p> <p>The City of Fort Myers will identify if an activity resides in a wetland. If the activity is located in a wetland then City will perform the 8-step decision-making process to determine if the activity is feasible for federal funds. No activities in wetlands are expected. If yes, then flood insurance will be required prior to spending federal funds on activity. This will be reviewed on a site-specific basis.</p>

Supporting documentation

APPENDIX A: Site Specific Reviews