

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)  
FINDING OF NO SIGNIFICANT IMPACT  
HERITAGE HEIGHTS TEMPORARY HOUSING GROUP SITE  
LEE COUNTY, FLORIDA  
FEMA-4673-DR-FL**

**BACKGROUND**

On September 29, 2022, President Biden signed a disaster declaration (FEMA-4673-DR-FL) for the State of Florida due to damages caused by Hurricane Ian between September 23, 2022, and November 4, 2022. This Declaration authorized the Department of Homeland Security's Federal Emergency Management Agency (FEMA) to provide federal assistance under Section 408 of the Robert T. Disaster Relief and Emergency Assistance Act, Public Law No. 93-288, as amended (Stafford Act) in designated areas of Florida impacted by the hurricanes. Under this authority FEMA may provide direct temporary housing when there is a lack of available housing resources for eligible disaster victims whose homes are uninhabitable or destroyed as a result of the declared event.

To provide temporary housing solutions for survivors of Hurricane Ian, the State of Florida requested assistance from FEMA in the form of Direct Temporary Housing (Direct Housing or Housing Assistance) through the Individuals and Households Program (IHP) for FEMA-DR-4673-FL. FEMA authorized Housing Assistance for a period of up to 18 months for the following counties for Hurricane Ian: Charlotte, Collier, DeSoto, Hardee, Lee, Sarasota, and Volusia. FEMA's Direct Housing involves a variety of temporary housing solutions, including Group Housing, the Multi-Family Lease and Repair Program (MLR), Direct Lease, and Transportable Temporary Housing Units (TTHUs), which have been approved for implementation in the designated counties.

TTHUs may be provided in the form of travel trailers (TTs) or manufactured housing units (MHUs). FEMA determines whether a TT, MHU, or other form of temporary housing will be provided based on the applicant's household composition, the amount of time the applicant expects to require temporary housing, as well as the feasibility and cost of the available temporary housing options. Private sites are sites provided by an applicant at no cost to FEMA, typically on their property near their pre-disaster residence. FEMA inspects each potential private site to determine if the site is feasible for placing the size and type of TTHU unit that will meet the household's needs.

For commercial sites FEMA may provide TTHUs when the rules of the commercial site do not violate the Fair Housing Act. Commercial sites are existing manufactured home parks with available pads that FEMA may lease for the purpose of providing Direct Temporary Housing Assistance.

As an option of last resort, when survivors' private lots are not feasible and commercial parks are

unavailable or insufficient to meet the housing need, FEMA may construct a ‘Group Housing Site’ in order to provide Direct Temporary Housing Assistance in the form of multiple, grouped TTHUs. Group Housing Sites will often involve the lease and development of open, undeveloped lots and the installation of TTHUs, including construction of individual TTHU pads, ingress, egress, and circulation roads, any necessary upgrades for individual TTHUs to comply with the Americans with Disabilities Act, concrete parking lots, facility lighting, underground water, sanitation, and electrical utilities, and a perimeter privacy fence.

FEMA has proposed a group housing site to be located at 10660 Golden Journey Road, Fort Myers, Florida (GPS Coordinates: 26.510561, -81.927553). The site consists of approximately 9.3 acres and is rectangular in shape with a small protruding parcel on the northeast corner of the site connecting to a neighborhood to the north. The site had been cleared and partially developed in 2020 for the purpose of expanding the residential footprint of the adjacent neighborhood and the proposed group housing site would be developed on the entirety of the site to the maximum extent practicable.

FEMA prepared an Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA) of 1969, the President’s Council on Environmental Quality regulations to implement NEPA (40 Code of Federal Regulations Parts 1500-1508), and FEMA’s procedures for implementing NEPA (FEMA Instruction 108-1-1).

A draft Environmental Assessment was made available at the Florida Department of Emergency Management (FDEM) website; FEMA’s website; the county administrative building located at 2115 2nd Street, Fort Myers, Florida 33901; the Heights Foundation building located at 15570 Hagie Drive, Fort Myers, Florida 33908; the Lakes Regional Library located at 15290 Bass Road, Fort Myers, Florida 33919; the Lee County Public Work building located at 1500 Monroe Street, Fort Myers, Florida 33901; and the Habitat for Humanity of Lee and Hendry Counties Administrative Office located at 12751 New Brittany Boulevard, Suite 100, Fort Myers, Florida 33907. A public notice was posted on March 18, 2023, on the Florida Department of Emergency Management (FDEM) website; FEMA’s website; at the project location; the Kelley Soccer Complex; the county administrative building located at 2115 2<sup>nd</sup> Street, Fort Myers, Florida 33901; the Heights Foundation building located at 15570 Hagie Drive, Fort Myers, Florida 33908; the Lakes Regional Library located at 15290 Bass Road, Fort Myers, Florida 33919; the Lee County Public Work building located at 1500 Monroe Street, Fort Myers, Florida 33901; and the Habitat for Humanity of Lee and Hendry Counties Administrative Office located at 12751 New Brittany Boulevard, Suite 100, Fort Myers, Florida 33907. Additionally, on March 21, 2023, the following local media outlets published the public notice: Cape Coral Breeze, North Fort Myers Neighbor, and Leigh Acres Citizen and the Gulfshore Business on March 22, 2023. The public comment period was limited to 7 days, due to the emergency nature of this action and the pressing need to provide temporary housing solutions for survivors of Hurricane Ian. The public comment ended on March 25, 2023, after 7 days from the date of initial posting on March 17, 2023 with no comments received.

## **FINDINGS**

Construction of the Preferred Alternative was analyzed based on the studies, consultations, and reviews undertaken as reported in this EA. The findings of this EA conclude that no significant adverse impacts on human, natural, and cultural resources are anticipated from the Preferred Alternative. During project construction, short-term impacts on air quality and noise are anticipated and conditions have been incorporated to mitigate and minimize these effects. Project short-term adverse impacts would be mitigated using Best Management Practices (BMPs), such as proper vehicle and equipment maintenance, and appropriate signage. Furthermore, given the Preferred Alternative is temporary (up to 18 months), no long-term adverse impacts are anticipated from the proposed project.

In consideration of the overall impacts of the proposed action to construct the temporary group housing site in relation to impacts from past, present, and reasonably foreseeable future activities, the proposed action is not expected to have significant adverse cumulative impacts on any environmental resource.

## **CONDITIONS**

The following conditions must be met as part of this project for the Preferred Alternative (Alternative 2):

1. Prior to construction, an appropriate SWPPP, Erosion Control Plan, and NPDES permit must be obtained, and the FEMA Logistics' contractor must comply with all of the conditions prescribed by the permit.
2. If necessary, appropriate dewatering permits are required prior to dewatering activities and the FEMA Logistics' Contractor must comply with all of the conditions prescribed by the permit.
3. The appropriate signage must be posted and fencing installed to minimize potential adverse public safety concerns. Appropriate signage and barriers would be in place prior to construction activities in order to alert pedestrians and motorists of project activities and traffic pattern changes.
4. Under Alternative 2, SHPO and NHPA Conditions are applicable:
  - a. If human remains or intact archaeological deposits are uncovered, work in the vicinity of the discovery will stop immediately and all reasonable measures to avoid or minimize harm to the finds will be taken. The FEMA Logistics' contractor will ensure that archaeological discoveries are secured in place, that access to the sensitive area is restricted, and that all reasonable measures are taken to avoid further disturbance of the discoveries. The applicant's contractor will provide immediate notice of such discoveries to the applicant. The applicant shall contact the Florida Division of Historic Resources and FEMA within 24 hours of the discovery. Work in the vicinity of the discovery may not resume until FEMA has completed consultation with SHPO, Tribes, and other consulting parties as necessary. In the event that unmarked human

remains are encountered during permitted activities; all work shall stop immediately, and the proper authorities notified in accordance with Florida Statutes, Section 872.05.

- b. Construction vehicles and equipment will be stored onsite during the project or at existing access points within the site right-of-way.
  - c. Any changes to the approved scope of work will require submission to, and evaluation and approval by, the State and FEMA, prior to initiation of any work, for compliance with Section 106.
  - d. In the event of inadvertent discoveries of human remains and related Native American Graves and Repatriation Act (NAGPRA) items occur in areas of existing or prior development, work shall cease and the Seminole Tribe of Florida, The Miccosukee Tribe, The Seminole Nation of Oklahoma, The Poarch Band of Creek Indians, the Muscogee (Creek) Nation, and other appropriate agencies shall be notified immediately.
5. Handling, storage, and disposal of hazardous materials and waste during construction activities, including measures to prevent releases, must be conducted in accordance with applicable environmental compliance regulations.
  6. Appropriate BMPs will be implemented during site development to minimize sediment migration from the site into nearby water bodies. Surface runoff will be controlled by using siltation controls such as silt fencing around the construction site to minimize erosion of materials into adjacent wetlands and/or waterways. Any disturbed soil will be protected with seed or sod after construction in order to decrease the amount of soil eroded by rainfall and runoff. Any fill stored on site will be appropriately covered to prevent erosion. If the project results in a discharge to waters of the State, a National Pollution Elimination System (NPDES) permit may be required in accordance with the Section 401 of the CWA and the Florida Water Quality Certification.
  7. Unusable equipment, debris and material will be disposed of prior to occupancy in an approved manner and location. In the event significant items (or evidence thereof) are discovered during implementation of the project, petroleum products, hazardous materials, and toxic waste will be handled, managed, and disposed of in accordance to the requirements and to the satisfaction of the governing local, state, and federal agencies.
  8. Construction activities with elevated noise levels will be limited from 0700 to 1900, unless otherwise approved by the County. Equipment and machinery used during construction will meet all local, State, and federal noise regulations.
  9. MHUs shall comply with 24 C.F.R. Part 3280 Manufactured Home Construction and Safety Standards (“Department of Housing and Urban Development [HUD] code”).
  10. The FEMA Logistics’ contractor is responsible for obtaining any required FDEP ERP permits and waivers. Compliance with FDEP requirements constitutes compliance with Florida CZM. Failure to comply with these conditions may jeopardize FEMA funding; verification of compliance will be required at project closeout.

11. Under EO 11988 the following eight step conditions apply:
  - a. Coordination with the local floodplain administrator must occur prior to placement. All coordination pertaining to these activities and applicant compliance with any conditions should be documented and copies forwarded to the state and FEMA for inclusion in the permanent project files.
  - b. Minimization measures described in Step 5 of the eight step must be implemented.
  - c. Placement of MHUs or other readily fabricated dwellings must be in accordance and in compliance with Florida and local regulations.
12. Any FEMA units will be installed in compliance with applicable local codes, ordinances and permitting requirements. Any contracted logistics installation entities (installers) for MHU placement will secure all pertinent Federal, state, and local permits and approvals before work.
13. MHUs shall comply with 24 C.F.R. Part 3280 Manufactured Home Construction and Safety Standards (“Department of Housing and Urban Development [HUD] code”).
14. If federally listed threatened or endangered species, or potential threatened or endangered species habitat (including gopher tortoises or borrows), are found on or within close proximity to the project site, all work will immediately cease, and the relevant authorities, including FEMA and USFWS will be contacted. Construction will not resume until the appropriate permits are obtained.
15. Before unit occupancy, the responsible program, will provide applicants with a Health and Safety Advisory regarding the flood hazard, local emergency evacuation plans, right-of-entry during an emergency, and possible unit haul off.
16. The responsible program will ensure the local emergency manager has information regarding location of MHU, TT occupants and potential special needs, to integrate into local emergency plans.
17. Once the temporary housing need has ended, FEMA expects that all manufactured housing units (MHUs) will be hauled from the site in accordance with Section 408(d)(2) of the Stafford Act and returned to a FEMA storage facility. Furthermore, the project site would be either reasonably restored to its previous condition and then seeded or left with the site improvements per the lease terms negotiated between the State with the landowner.

## **CONCLUSION**

Based on the findings of the EA, coordination with the appropriate agencies, comments from the public, and adherence to the project conditions set forth in this FONSI, FEMA has determined that the proposed project qualifies as a major federal action that will not significantly affect the quality of the natural and human environment, nor does it have the potential for significant cumulative effects. As a result of this FONSI, and in accordance with FEMA Instruction 108-1-1, an EIS will not be prepared, and the proposed project as described in the attached EA may proceed.

**APPROVAL**

**STEPHANIE D  
EVERFIELD**

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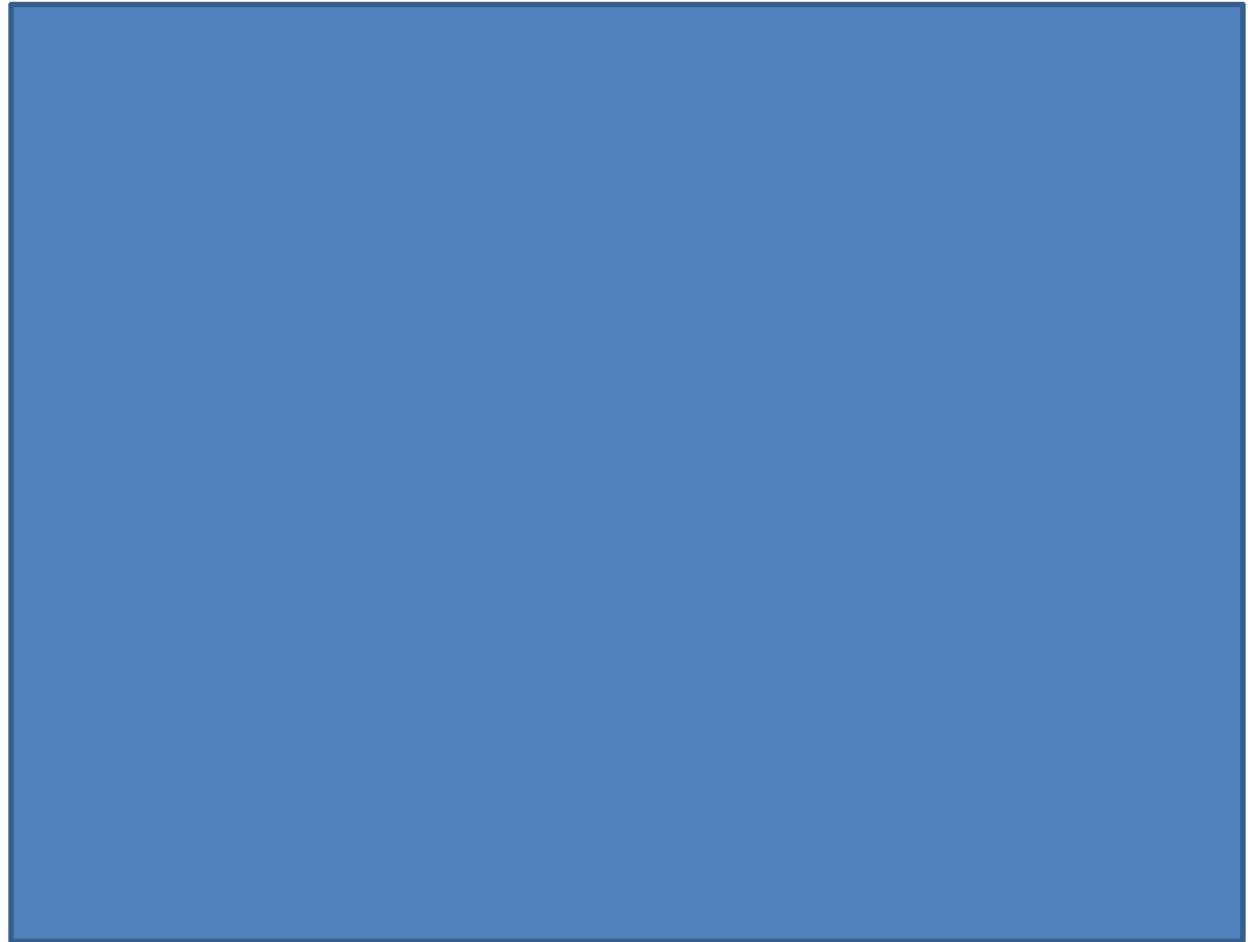
Stephanie Everfield  
Regional Environmental Officer  
FEMA Region 4

**TARSHA E MONK**

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Tarsha Monk  
Individual Assistance Branch Chief  
FEMA Region 4



# **Final Environmental Assessment**

*FEMA Region 4 Temporary Group Housing  
Heritage Heights Group Site*

*FEMA DR-4673-FL*

*Lee County, Florida*

*March 2023*



**FEMA**

**U.S. Department of Homeland Security  
Federal Emergency Management Agency Region 4  
Atlanta, Georgia**

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## LIST OF ACRONYMS

APE	Area of Potential Effect
BFE	Base Flood Elevation
BMP	Best Management Practices
CAR	Closure Assessment Report
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CFR	Code of Federal Regulations
CWA	Clean Water Act
dBA	Decibels
DOT	Department of Transportation
EA	Environmental Assessment
EDR	Environmental Data Resources, Inc.
EIS	Environmental Impact Statement
EJ	Environmental Justice
EMS	Emergency Medical Services
EO	Executive Order
EPA	U.S. Environmental Protection Agency
ERP	Environmental Resource Permit
ESA	Endangered Species Act
FBB	Florida Bonneted Bat
FDEP	Florida Department of Environmental Protection
FDOT	Florida Department of Transportation
FEMA	Federal Emergency Management Agency

FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FPPA	Farmland Protection Policy Act
FONSI	Finding of No Significant Impact
GCTLs	Groundwater Cleanup Target Levels
GHGs	Green House Gases
GSA	General Service Administration
IHP	Individual Housing Program
IPAC	Information for Planning and Consultation
LNAPLs	Light Non-Aqueous Phase Liquids
MCL	Maximum Contaminant Level
MHU	Manufactured Housing Unit
MLR	Multi-Family Lease and Repair Program
NAAQS	National Ambient Air Quality Standards
NAGPRA	Native American Graves Protection and Repatriation Act
NAVD	North Atlantic Vertical Datum
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NPDES	National Pollutant Discharge Elimination System
NPL	National Priorities List
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
OSHA	Occupational Safety and Health Administration

PAHs	Polynuclear Aromatic Hydrocarbons
P.L.	Public Law
PLIRP	Petroleum Liability Insurance Restoration Program
PPI	Pre-Placement Interview
RAR	Resources at Risk
RCRA	Resource Conservation and Recovery Act
SCTLs	Soil Cleanup Target Levels
SFWMD	South Florida Water Management District
SHPO	State Historic Preservation Office
SQG	Small Quantity Generator
STCAR	Storage Tank Closure Assessment Report
SWPPP	Storm Water Pollution Protection Program
THPO	Tribal Historic Preservation Office
TSAR	Template Site Assessment Report
TSCA	Toxic Substances Control Act
U.S.	United States
UFAS	Uniform Federal Accessibility Standard
USACE	U.S. Army Corps of Engineers
USC	United States Code
UST	Underground Storage Tank
USFWS	U.S. Fish and Wildlife Service
VOCs	Volatile Organic Compounds

## 1.0 INTRODUCTION

Hurricane Ian impacted Florida between September 23, 2022, and November 4, 2022, bringing strong winds, heavy rains, storm surge, and flooding. President Biden signed a disaster declaration (FEMA-4673-DR-FL) on September 29, 2022, authorizing the Department of Homeland Security's (DHS) Federal Emergency Management Agency (FEMA) to provide federal assistance to the designated areas of Florida (recipient). This assistance is provided pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), and Public Law (PL) 93-288, as amended. Section 408 of the Stafford Act authorizes FEMA's Individual Households Program (IHP) to provide emergency and temporary housing for eligible disaster victims, whose homes are uninhabitable or destroyed as a result of the declared event.

Hurricane storm force winds in excess of 145 mph, rainfall greater than 10 inches, and storm surge greater than 15 feet resulted in catastrophic damage throughout Lee County, Florida. To provide temporary housing solutions for survivors of Hurricane Ian, the State of Florida requested assistance from FEMA in the form of Direct Temporary Housing (Direct Housing or Housing Assistance) through the IHP. FEMA authorized Housing Assistance for a period of up to 18 months for the following counties for Hurricane Ian: Charlotte, Collier, DeSoto, Hardee, Lee, Sarasota, and Volusia. FEMA's Direct Housing involves a variety of temporary housing solutions, including Group Housing, the Multi-Family Lease and Repair Program (MLR), Direct Lease, and Transportable Temporary Housing Units (TTHUs), which have been approved for implementation in the designated counties.

TTHUs may be provided in the form of travel trailers (TTs) or manufactured housing units (MHUs). FEMA determines whether a TT, MHU, or other form of temporary housing will be provided based on the applicant's household composition, the amount of time the applicant expects to require temporary housing, and the feasibility and cost of the available temporary housing options. Private sites are sites provided by an applicant at no cost to FEMA, typically on their property near their pre-disaster residence. FEMA inspects each potential private site to determine if the site is feasible for placing the size and type of TTHU unit that will meet the household's needs.

For commercial sites, FEMA may provide TTHUs when the rules of the commercial site do not violate the Fair Housing Act. Commercial sites are existing manufactured home parks with available pads that FEMA may lease for the purpose of providing Direct Temporary Housing Assistance.

As an option of last resort, when survivors' private lots are not feasible and commercial parks are unavailable or insufficient to meet the housing need, FEMA may construct a 'Group Housing Site' in order to provide Direct Temporary Housing Assistance in the form of multiple, grouped TTHUs. Group Housing Sites will often involve the lease of land and the installation of TTHUs, including

construction of individual TTHU pads; ingress, egress, and circulation roads; any necessary upgrades for individual TTHUs to comply with the Americans with Disabilities Act; concrete parking lots; facility lighting; water, sanitation, and electrical utilities; and a perimeter privacy fence.

The proposed location of the Heritage Heights Group Site would be located at 10660 Golden Journey Road, Fort Myers, Florida 33908 (GPS Coordinates: 26.510561, -81.927553). The proposed action does not qualify for use of DHS Categorical Exclusion (CATEX) (N16) for federal assistance for disaster temporary group housing of less than five acres because the site will encompass 9.3 acres.

This Environmental Assessment (EA) has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, (PL 91-190, as amended), and its implementing regulations at 40 Code of Federal Regulations (CFR) Part 1500 to 1508), promulgated by the President's Council on Environmental Quality (CEQ), and FEMA's procedures for implementing NEPA (FEMA Instruction 108-1-1). FEMA is required to consider potential environmental impacts before funding or approving actions and projects. This EA analyzed the potential environmental impacts of the proposed temporary group housing site, Heritage Heights Group Site, as part of an expedited review process. FEMA will use the findings in this EA to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

The scope of FEMA's environmental review includes evaluating project alternatives, characterizing the affected environment, identifying potential environmental impacts, and outlining ways to reduce or minimize adverse effects. This EA examines the site-specific environmental impacts associated with building a proposed FEMA Temporary Group Housing Site on private or publicly owned land to be leased by the General Service Administration (GSA) for this purpose. This EA was prepared based on a site evaluation, document research and resource agency information. The public participation period will be brief, as necessitated by the emergency circumstances. Agency coordination and consultation will be deemed complete at the end of the public comment period. FEMA believes that this process will allow for sufficient action analysis and meet the goal of providing timely federal assistance to disaster survivors.

## **2.0 PURPOSE AND NEED**

The objective of FEMA's Individuals and Households Program is to expeditiously provide temporary housing for eligible disaster survivors. As of February 23, 2023, 13,604 Households within Lee County meet Pre-Placement Interview (PPI) threshold criteria, of which 1,263 households have been approved for Direct Housing Assistance. As of February 23, 2023, only 171 households are currently occupying units with 50 Direct Lease, 41 on a private site, and 80 in a

commercial site. This leaves a shortfall of 1,092 households in Lee County still in need of assistance.

Some of the demand for housing may be met by repairing and improving existing multi-family housing, to be utilized as temporary housing, placing an MHU on an applicant's private site, or providing them with an MHU on an available pad leased in a commercial park. However, these methods may not meet the total need for direct housing assistance in Lee County. Therefore, FEMA has identified the need to develop temporary group housing sites. The need for the project is provide the remaining unhoused households in Lee County with temporary housing.

In accordance with federal laws and FEMA regulations, the EA process for a proposed federal action must include an evaluation of alternatives and a discussion of the potential environmental impacts. This EA was prepared in accordance with FEMA's regulations as required under NEPA. As part of this NEPA review, the requirements of other environmental laws and executive orders (EOs) are addressed.

### **3.0 PROJECT LOCATION AND BACKGROUND**

The proposed location of the Heritage Heights Group Site would be located at 10660 Golden Journey Road, Fort Myers, Florida 33908 (GPS Coordinates: 26.510561, -81.927553). The proposed site is rectangular in shape with a small protruding parcel on the northeast corner of the site connecting to the neighborhood to the north (Appendix A). The site had been cleared and partially developed in 2020 for the purpose of expanding the residential footprint of the adjacent neighborhood and the proposed group housing site would be developed on the entirety of the site to the maximum extent practicable.

The site is situated within unincorporated Lee County in a low- to medium-density to high-density urban space on a small peninsula landform between the Caloosahatchee River to the north and Estero Bay to the south. The entirety of the site is in flood zone AE and located within the 1% annual chance floodplain. The site is currently zoned for residential use and appears to be in the beginning stages of pre-development and does not appear to be well maintained. The site is currently an unimproved clear-cut lot with a mix of nuisance herbaceous species, interspersed with native plant species. Additionally, mixed hardwoods are sporadically situated along the periphery of the property in various life stages, with no mature individual trees within the project boundary.

Large portions of the site are flat with sandy soil. A modest perimeter berm runs along the property boundary. The southwestern corner of the site consists of a low-lying, previously excavated area that is poorly drained, allowing for the collection of surface water. An existing paved road, running north and south, terminates at the northeast quadrant of the proposed site. This road leads to the existing medium density residential neighborhood to the north. Lee County operates a public recreation area, Kelly Road Soccer Complex, adjacent to the proposed site to the west. This soccer

complex is constructed upon a now defunct, capped landfill. The property is abutted on the southern boundary by a stormwater drainage ditch which discharges to the east of the site into the Deep Lagoon Preserve.

Utilities exist northeast of the project site. Adjacent utilities would be extended to the project site to provide service to the proposed MHUs. Typical site conditions and adjoining properties are depicted in Appendix A.

#### **4.0 ALTERNATIVES**

The alternatives considered in addressing the purpose and need stated are the No Action Alternative (Alternative 1) and the Preferred Alternative (Alternative 2), which is to develop the Heritage Heights Group Site with MHUs. Concurrent to the Preferred Action Alternative, other federally assisted housing options are being utilized first by FEMA's Individuals and Households Program. These options include minor home repairs, rental assistance, and installing a manufactured housing unit on a private site or at an existing commercial site. These options are rapidly depleting with the high demand for housing; therefore, the remaining alternative is to build an emergency and temporary group housing site where the above options do not satisfy the demand.

To expedite the group housing site selection process, FEMA has worked closely with local officials and the United States Army Corps of Engineers (USACE) to identify potential sites, followed by a cursory site reconnaissance and research to determine site suitability. Important factors considered in choosing a site include:

- demand for temporary housing in the area;
- group acceptance;
- proximity of services and amenities (schools, healthcare facilities, public transportation, etc.) to the proposed group site;
- engineering and construction feasibility;
- access to utilities;
- land use compatibilities;
- property owner lease;
- costs to develop and maintain the site, and;
- environmental and cultural resource sensitivities.

FEMA continues to evaluate alternative sites in Lee County. Although various alternatives continue to be identified, the amount of needed housing has limited this EA to analysis of one suitable site alternative at this time. The Heritage Heights Group Site was selected for further detailed analysis because it meets the basic site feasibility and selection criteria. Other group sites were considered but were deemed infeasible for various reasons including proximity to core populations in need of housing assistance; location within a coastal high hazard area; property size



limitations; access to utilities; and willingness of landowners to sign a lease agreement with FEMA.

#### **4.1 Alternative 1: No Action Alternative**

Under the No Action alternative, FEMA would not develop a temporary group housing site. Displaced residents would remain without a stable housing accommodation. Survivors may continue to leverage less than desirable housing options, including but not limited to, staying with relatives or friends, in hotels, their damaged dwellings, tents, personal vehicles, mass shelters, places of worship, place of employment, or in other temporary locations until they resolve their long-term housing needs. The future environmental condition of the site would be at the discretion of the property owner. This alternative may jeopardize public health, safety, and well-being of the community and does not satisfy the purpose and need of the direct housing mission. The No Action alternative will continue to be evaluated throughout this EA and serve as a baseline comparison of impacts from other action alternatives.

#### **4.2 Alternative 2: Develop the Heritage Heights Group Site with MHUs (Preferred Alternative)**

Under the Preferred Alternative, FEMA would provide temporary group housing in the form of MHUs for eligible disaster victims displaced by Hurricane Ian in Lee County at 10660 Golden Journey Road, Fort Myers, Florida 33908 (GPS Coordinates: 26.510561, -81.927553). Disaster survivors would be temporarily relocated to the site with an expected occupancy of up to 18 months, or when the Individuals and Households Program ends, including a site deactivation period.

Development at this site would allow displaced residents to remain within relative proximity of their damaged dwellings and communities. The disaster survivors would retain access to reasonable commuting times to their workplaces, schools, childcare, places of worship, familiar food and shopping services, laundry facilities, playgrounds, and pet areas.

The Preferred Alternative would involve the placement of up to 59 MHUs at the project site. Development of the site would require the installation of utilities, construction of gravel roadways and parking lots, placement of stone-base and concrete for pads, residential parking, and associated appurtenances. The following specific site development components would be included with this project:

- Site preparation would include clearing, grading, removal of woody vegetation and debris, and the placement of 6,150 cubic yards of fill in low lying areas to bring the site to grade.
- MHUs will be elevated above the Based Flood Elevation (BFE) and one foot freeboard requirement to be compliant with Federal, State, or Local laws/ordinances.

- Infrastructure for water, sewer, and electrical services exist off Hagie Road, but would be extended onto and throughout the site.
- Construction of a new temporary culvert bridge at the southwest corner of the site to facilitate alternative ingress and egress from the Kelly Road Soccer Complex.
- New water lines and hydrants would be installed on the property and accessible for all units.
- A storm water drainage system would be developed.
- Site Uniform Federal Accessibility Standard (UFAS) features would be installed; 100% of the units would meet UFAS, and 100% of the on-site essential services and facilities (such as mailbox kiosk) would be UFAS compatible.
- Erosion control would be established during the construction period and a perimeter fence would be constructed around the project site.

FEMA would operate and maintain the site during the term of occupancy. When the temporary housing need ends, FEMA expects the MHUs would be removed from the site and returned to a FEMA storage facility. The project site would then be seeded and reasonably restored to its previous condition, per the lease terms with the landowner. Relevant construction exhibits related to this alternative can be found in Appendix B.

### **4.3 Alternatives Considered and Dismissed**

Pursuant to NEPA, this EA is required to consider and analyze the potential environmental impacts of the Preferred Alternative, No Action Alternative, and additional reasonable alternatives when applicable. Reasonable alternatives are defined as technically and economically feasible and meet the purpose and need for the proposed action as described in section 2.0 of this EA. Evaluation of the following alternatives are subject to screening criteria (selection standards) which are suitable for the proposed action. These criteria may include requirements or constraints associated with operational, technical, environmental, budgetary, and time factors. Those alternatives determined to be unreasonable are dismissed from detailed analysis in this EA.

The Heritage Heights Group Housing Site was selected for further detailed analysis because it meets the basic site feasibility and selection criteria. Two additional group housing sites (1.) Deep Blue, and (2.) Harbor Drive are being dismissed from this review. The rationale for dismissing these two is based on proximity to core populations of families in need of housing assistance within the Fort Myers, Lee County area. Furthermore, these alternatives are be considered as additional group housing sites in conjunction with the Heritage Heights Group Housing Site to address the total demand for housing in Lee County.

#### 4.4 Impact Evaluation

The CEQ notes: “Effects includes ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial” (40 CFR §1508.8).

When possible, quantitative information is provided to establish potential impacts; otherwise, the potential qualitative impacts are evaluated based on the criteria listed in Table 4.5.1 below.

**Table 4.5.1: Impact Significance and Context Evaluation Criteria for Potential Impacts**

Impact Scale	Criteria
None/Negligible	The resource area would not be affected and there would be no impact, OR changes or benefits would either be non-detectable or, if detected, would have effects that would be slight and local. Impacts would be well below regulatory standards, as applicable.
Minor	Changes to the resource would be measurable, but the changes would be small and localized. Impacts or benefits would be within or below regulatory standards, as applicable. Mitigation measures would reduce any potential adverse effects.
Moderate	Changes to the resource would be measurable and have either localized or regional scale impacts/benefits. Impacts would be within or below regulatory standards, but historical conditions would be altered on a short-term basis. Mitigation measures would be necessary, and the measures would reduce any potential adverse effects.
Major	Changes to the resource would be readily measurable and would have substantial consequences/benefits on a local or regional level. Impacts would exceed regulatory standards. Mitigation measures to offset the adverse effects would be required to reduce impacts, though long-term changes to the resource would be expected.

The impact analysis in this EA evaluates the potential environmental direct and indirect impact of the No Action Alternative and the Preferred Alternative. A summary table of the potential impacts of Alternative 1 and 2 is provided in Table 4.5.2 below.

**Table 4.5.2: Environmental Consequences and Environmental Protection Measures and Required Permits by Environmental Resource**

<b>Resource and Resource Type</b>	<b>Environmental Consequence</b>	<b>Environmental Protection Measures and Required Permits</b>
Physical Resource: Geology and Soils, and Farmland Protection Policy Act (FPPA)	Alternative 1: <i>No Impact</i>  Alternative 2: <i>Negligible Impact – Not Significant</i>	Not applicable.
Physical Resource: Air Quality and Clean Air Act (CAA)	Alternative 1: <i>No Impact</i>  Alternative 2: <i>Minor Impact – Not Significant</i>	For Alternative 2, construction and equipment-generated fugitive dust would be controlled using standard construction best management practices (BMPs), including watering of exposed surfaces and enclosing or covering stockpiled material. Adherence to FDEP air quality standards and regulations during the construction and operation of the group site would be followed.
Physical Resource: Climate Change	Alternative 1: <i>No Impact</i>  Alternative 2: <i>Negligible Impact – Not Significant</i>	Not applicable.
Water Resources: Clean Water Act (CWA) and Surface Water	Alternative 1: <i>No Impact</i>  Alternative 2: <i>Minor Impact – Not Significant</i>	For Alternative 2, use of best management practices (BMPs) during construction to minimize impacts would be implemented, appropriate permits would be acquired, and guidelines would be followed to minimize stormwater impacts such as installation of silt fencing around the construction site, disturbed soil would be protected with seed or sod and fill material stored on-site would be appropriately covered. A National Pollutant Discharge Elimination System (NPDES) permit and a Stormwater Pollution Prevention Plan (SWPPP) would be required for Alternative 2, and the contractor would coordinate with the SFWMD and Lee County prior to initiating work.

<b>Resource and Resource Type</b>	<b>Environmental Consequence</b>	<b>Environmental Protection Measures and Required Permits</b>
Water Resource: Floodplain Management (EO 11988)	Alternative 1: <i>No Impact</i>  Alternative 2: <i>Minor Impact – Not Significant</i>	For Alternative 2, MHUs would be elevated to the BFE plus one-foot of freeboard; MHUs would have open column bases; and roadways would be graveled to reduce the amount impermeable surface on site. FEMA would coordinate with the local Floodplain Administrator to ensure project complies with the no adverse impact principle.
Water Resource: Protection of Wetlands (EO 11990) and Wild and Scenic Rivers (WSR)	Alternative 1: <i>No Impact</i>  Alternative 2: <i>Negligible Impact – Not Significant</i>	For Alternative 2, a stormwater management system would be designed so the project would not cause adverse water quality or off-site flooding impacts, cause or contribute to violations of surface water standards, including any anti-degradation provisions, and any special standards. The stormwater management system at the location was previously permitted through the Florida Environmental Resource Permitting (ERP) program, SFWMD ERP No. 36-08827-P, dated June 22, 2017. Mitigation for wetlands impacts has already been purchased, associated with USACE Permit SAJ-2016-02404 (SP-RMT), dated May 29, 2019.
Water Resource: Coastal Zone Management Act (CZMA) and Coastal Barrier Resources Act (CBRA)	Alternative 1: <i>No Impact</i>  Alternative 2: <i>Negligible Impact – Not Significant</i>	All federal activities in the state will obtain CZM consistency through the FCMP by obtaining all appropriate state permits prior to construction.
Water Resource: Drinking Water and Groundwater	Alternative 1: <i>Negligible Impact – Not Significant</i>  Alternative 2: <i>Negligible Impact – Not Significant</i>	For Alternative 2, any potential hazardous materials used, and hazardous wastes generated during construction would be managed in accordance with applicable environmental compliance regulations to prevent releases to groundwater.
Biological Resource: Fish and Wildlife	Alternative 1: <i>No Impact</i>  Alternative 2: <i>Minor Impact – Not Significant</i>	For Alternative 2, noise generated during construction activities would be limited to daylight hours, limiting the duration of disturbance to wildlife.

<b>Resource and Resource Type</b>	<b>Environmental Consequence</b>	<b>Environmental Protection Measures and Required Permits</b>
Biological Resource: Vegetation	Alternative 1: <i>Minor Impact – Not Significant</i>  Alternative 2: <i>Minor Impact – Not Significant</i>	For Alternative 2, any vegetative debris generated during the construction activities would require authorization from FDEP for staging and disposal activities.
Biological Resource: Threatened and Endangered Species	Alternative 1: <i>No Impact</i>  Alternative 2: <i>No Impact</i>	Not applicable.
Biological Resource: Migratory Bird Treaty Act (MBTA)	Alternative 1: <i>No Impact</i>  Alternative 2: <i>No Impact</i>	Not applicable.
Biological Resource: Magnusson-Stevens Fisheries Conservation Act (MSA)	Alternative 1: <i>No Impact</i>  Alternative 2: <i>No Impact</i>	Not applicable.
Biological Resource: Bald and Golden Eagle Protection Act (BGEPA)	Alternative 1: <i>No Impact</i>  Alternate 2: <i>No Impact</i>	Not applicable.
Cultural Resource: Historic and Archaeological Resources	Alternative 1: <i>No Impact; No Historic Properties Affected</i>  Alternative 2: <i>No Impact; No Historic Properties Affected</i>	Under Alternative 2, if human remains or intact archaeological deposits are uncovered, work in the vicinity of the discovery will stop immediately and all reasonable measures to avoid or minimize harm to the finds will be taken. The Logistics contractor will ensure that archaeological discoveries are secured in place, that access to the sensitive area is restricted, and that all reasonable measures are taken to avoid further disturbance of the discoveries. The Logistics contractor will provide immediate notice of such discoveries to FEMA. FEMA shall contact the Florida Division of Historic Resources within 24 hours of the discovery. Work in the vicinity of the discovery may not resume until FEMA has

Resource and Resource Type	Environmental Consequence	Environmental Protection Measures and Required Permits
		completed consultation with SHPO, Tribes, and other consulting parties as necessary. In the event unmarked human remains are encountered during permitted activities, all work shall stop immediately, and the proper authorities notified in accordance with Florida Statutes, Section 872.05.
Socioeconomic Resource: Land Use	Alternative 1: <i>No Impact</i>  Alternative 2: <i>No Impact</i>	Not applicable.
Socioeconomic Resource: Noise	Alternative 1: <i>No Impact</i>  Alternative 2: <i>Minor Impact – Not Significant</i>	For Alternative 2, adherence to the Lee County noise ordinance would be followed during the construction and operation of the proposed group site. Noise generated from the construction activities described in Alternative 2 would be intermittent, heard only during daytime, and only for the duration of the project activities.
Socioeconomic Resource: Transportation and Traffic	Alternative 1: <i>No Impact</i>  Alternative 2: <i>Minor Impact – Not Significant</i>	For Alternative 2, a culvert bridge would be installed to provide access to the group site and allow MHUs to be transported safely onto the site. The contractor would coordinate with the South Florida Water Management District (SFWMD) and Lee County to ensure project complies with all standards.
Socioeconomic Resource: Hazardous Materials/Wastes & Solid Waste	Alternative 1: <i>No Impact</i>  Alternative 2: <i>Negligible Impact – Not Significant</i>	For Alternative 2, FEMA would require any hazardous materials discovered, generated, or used during implementation of the proposed project to be disposed of and handled in accordance with applicable state and federal regulations. Any permits, or authorizations, if required, would be obtained prior to handling and disposal.
Socioeconomic Resource: Occupational Health and Safety	Alternative 1: <i>No Impact</i>  Alternative 2: <i>Negligible Impact – Not Significant</i>	For Alternative 2, occupational health and safety risks would be minimized as contractors would wear and use appropriate personal protective equipment (PPE) and follow all applicable Occupational Safety and Health Administration (OSHA) standards and procedures. A health and safety plan would be developed and

Resource and Resource Type	Environmental Consequence	Environmental Protection Measures and Required Permits
		implemented prior to construction. Work areas would be clearly marked with appropriate signage and secured against unauthorized entry. Standard construction traffic control measures would be used to protect workers, residents, and the travelling public.
Socioeconomic Resource: Utilities	Alternative 1: <i>No Impact</i>  Alternative 2: <i>No Impact</i>	Not applicable.
Socioeconomic Resource: Environmental Justice (EO 12898), Equity, and Protection of Children	Alternative 1: <i>Moderate Adverse Impact – Significant</i>  Alternative 2: <i>Moderate Beneficial Impact – Significant</i>	Not applicable.

## 5.0 AFFECTED ENVIRONMENT AND POTENTIAL IMPACTS

### 5.1 PHYSICAL RESOURCES

#### 5.1.1 GEOLOGY AND SOILS, AND FARMLAND PROTECTION POLICY ACT (FPPA)

The Florida Geological Survey Special Publication No. 59, dated 2022, provides insight into the geology of the region in which the proposed site is situated. Central Lee County and the proposed site reside within the Caloosahatchee Valley Province. The Caloosahatchee Valley Province has Pliocene Tamiami Formation, Tertiary-Quaternary shelly sediments, and Quaternary undifferentiated sediment at or near the land surfaces (Scott et al. 2001). Holocene sediment occurs where the province meets the Gulf of Mexico coastal estuaries and on Estero Island (Scott et al., 2001). Historically, the Caloosahatchee River provided a western outlet for excess water entering the northern Everglades from the Kissimmee River, Fisheating Creek, other smaller drainages, and Lake Okeechobee. Twentieth Century development of the Caloosahatchee Canal for flood control and navigation has permanently connected the Caloosahatchee River to Lake Okeechobee through Lake Hicpochee. Where development has not occurred, there are many swampy regions along streams. The significant number of drainage canals associated with development suggest that historically much of the land surface was poorly drained.

According to the United States Department of Agriculture’s (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey soil data, accessed February 8, 2023, soils



underlying the subject site consists entirely of Brynwood fine sand, which is very poorly to poorly drained, 0 to 2% slopes, with a high surface runoff index. Brynwood parent material is indicated as sandy marine sediments over limestone (Appendix C).

The NRCS soil map identifies the project as not prime farmland. Prime farmland is defined as land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is available for these uses.

The purpose of the Farmland Protection Policy Act (FPPA) is to “minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses” (7 United States Code (USC) Part 4201(b)). For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land, but not water or urban built-up land.

Projects are subject to FPPA requirements if they may irreversibly convert farmland to non-agricultural use and are provided assistance by a federal agency or directly undertaken by a federal agency. While the NRCS is the agency responsible for ensuring that the FPPA is implemented, the federal agency assisting or undertaking the project must complete an impact rating form to evaluate potential impacts of the project to farmland. The federal agency undertaking the project then determines whether and how to move forward, based upon an assessment of the project’s impacts. Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to non-agricultural use and are implemented or assisted by a federal agency. However, the FPPA excludes land already developed or irreversibly converted and/or land within US Census mapped urban areas.

### **Alternative 1 - No Action Alternative**

Under the No Action Alternative, the development of the proposed group site would not occur. Therefore, the No Action Alternative would have no impact on geology or soils.

### **Alternative 2 – Develop the Heritage Heights Group Site with MHUs (Preferred Alternative)**

Under Alternative 2, the construction and operation of the proposed group site would disturb soils during grading, paving, and facility construction activities. However, soils in the area have been previously disturbed. Based on the review conducted, Alternative 2 would have a negligible impact on soils. The impact would not be significant.

### **5.1.2 AIR QUALITY AND CLEAN AIR ACT (CAA)**

The CAA requires the US Environmental Protection Agency (EPA) to establish national ambient air quality standards for certain common and widespread pollutants based on standards established under the National Ambient Air Quality Standards (NAAQS) for the following criteria pollutants: carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide. Areas meeting the quality standards for the criteria pollutants are designated as being in attainment. Areas which do not meet the air quality standards for one of the criteria pollutants are designated as being in nonattainment for that standard. Lee County is currently classified as being in attainment for all criteria pollutants stipulated under NAAQS. Lee County has never recorded a year of being in nonattainment according to EPA's Greenbook (<https://www.epa.gov/airquality/greenbook>) accessed on February 8, 2023. The threshold level for a significant impact to air quality is defined as a violation of an ambient air quality standard or regulatory threshold.

#### **Alternative 1 - No Action Alternative**

Under the No Action Alternative, the proposed group site would not be constructed and operated. Therefore, the No Action Alternative would have no impact on air quality.

#### **Alternative 2 – Develop the Heritage Heights Group Site with MHUs (Preferred Alternative)**

Under Alternative 2, the construction of the group site would generate short-term construction equipment exhaust emissions and short-term fugitive dust emissions. These air emissions would vary daily, depending on the level and type of work conducted and would be limited to the project construction period. Fugitive dust would be generated by construction vehicles and equipment operations on dirt surfaces and by wind action on stockpiled materials. Fugitive dust generated from the proposed action would consist primarily of nontoxic particulate matter and would be controlled at the sites using BMPs, including watering of exposed surfaces and enclosing or covering stockpiled material. Based on the review conducted, Alternative 2 would have a minor adverse impact on air quality. The impact would not be significant.

### **5.1.3 CLIMATE CHANGE**

Greenhouse Gases (GHGs) are emitted by both natural processes and human activities, and their accumulation in the atmosphere regulates temperature. GHGs included carbon dioxide, methane, nitrous oxide, and other compounds. There are currently no established thresholds or standards for GHGs. However, according to current guidance from the CEQ, a quantitative analysis and disclosure of GHG emissions is not warranted unless the proposed action's direct annual emissions would be greater than 25,000 metric tons of carbon dioxide equivalent.

### **Alternative 1 - No Action Alternative**

Under the No Action Alternative, the site would not undergo the installation of utilities on the site, construction of gravel roadways and parking lots, placement of stone-base and concrete for trailer pads, residential parking, and associated appurtenance to facilitate 59 MHUs on the project site. Therefore, the No Action Alternative will have no effect on greenhouse gases.

### **Alternative 2 – Develop the Heritage Heights Group Site with MHUs (Preferred Alternative)**

Under Alternative 2, the construction of the group site would generate short-term construction equipment exhaust emissions. Pollutants that would be emitted from the internal combustion engines exhaust of construction vehicles, equipment, domiciles, and resident vehicles include certain criteria pollutants, volatile organic compounds (VOCs), and certain GHGs. The EPA has estimated the average person produces approximately 9.41 metric tons (20,750 pounds) of carbon a year. Factors such as how much the individual drives, their car's milage-per-gallon, the home's average temperature, energy sources, and waste all contribute to this estimate. With the estimated 114 occupants of the proposed group site (averaging 2.5 occupants per MHU), the group site is expected to produce approximately 1,073 metric tons of carbon annually which would not exceed the 25,000 metric ton threshold. Annual construction, and residential emissions are expected to be less than the federal de minimis thresholds for criteria pollutants and VOCs. Construction-related GHG emissions are expected to be negligible in terms of overall quantity and within the range expected for construction and operation of a group site of this scale.

## **5.2 WATER RESOURCES**

### **5.2.1 CLEAN WATER ACT (CWA) AND SURFACE WATER**

The CWA establishes the basic structure for regulating discharges of pollutants into the waters of the United States (WOTUS) and regulating quality standards for surface waters. Section 404 of the CWA establishes a program to regulate the discharge of dredged or fill material into WOTUS, including wetlands. Activities in WOTUS regulated under this program include fill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects. Section 401 of the CWA requires certification of all Federal licenses and permits in which there is a "discharge of fill material into navigable waters." The certification process is used to determine whether an activity, as described in the Federal license or permit, would impact established site-specific water quality standards. A water quality certification from the issuing state, the FDEP in Florida, is required prior to the issuance of the relevant Federal license or permit. Section 404 requires a permit before dredged or fill material may be discharged into WOTUS, unless the activity is exempt from Section 404 regulation (e.g., certain farming and forestry activities). The most common Federal license or permit requiring certification is the USACE CWA Section 404 permit.

On the effective date of December 22, 2020, the FDEP assumed regulatory authority of certain WOTUS within the State of Florida. The waters USACE will continue to regulate are referred to as “retained waters.” Pursuant to 404(g) of the CWA, USACE will retain permitting authority under Section 404 of the CWA for those waters which are presently used, or are susceptible to use, in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce shoreward to their ordinary high water mark, including all waters which are subject to the ebb and flow of the tide shoreward to their mean high water mark, including wetlands adjacent thereto. Therefore, USACE will retain responsibility for permitting the discharge of dredged or fill material in:

- Waters identified in USACE’s Retained Waters List. A list of USACE Retained Waters can be found at: (<https://www.saj.usace.army.mil/Missions/Regulatory/>);
- All waters subject to the ebb and flow of the tide shoreward to their mean high-water mark that are not specifically listed in the Retained Waters List;
- Wetlands adjacent to those waters identified above landward to the administrative boundary. The administrative boundary demarcating the adjacent wetlands over which jurisdiction is retained by USACE is a 300-foot guideline established from the ordinary high-water mark or mean high tide line of the retained water; and,
- Those waters of the United States within “Indian Country.”

In the case of a project that involves discharges of dredged or fill material both waterward and landward of the 300-foot guideline, USACE will retain jurisdiction to the landward boundary of the project for the purposes of that project only. All waters of the United States not retained by USACE will be assumed by FDEP as part of its State 404 Program. Projects in assumed waters will be processed by FDEP pursuant to the State 404 Program.

The National Pollutant Discharge Elimination System (NPDES) was established under Section 402 of the Clean Water Act and regulates wastewater discharges from point sources. NPDES regulations require construction sites resulting in greater than one acre of disturbance obtain a permit from the Environmental Protection Agency (EPA), or the corresponding state agency where the permitting role has been assumed by the state. In Florida, an NPDES stormwater construction permit is required from the FDEP for any proposed project which would disturb at least one or more acres of land and those discharging stormwater to surface waters of the state. As part of an NPDES permit, the proponent of a project is required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP), which outlines best management practices (BMPs) and engineering controls to be used to prevent and minimize erosion, sedimentation, and pollution during construction.

According to the South Florida Water Management District (SFWMD) Permit (No. 36-08715-W) for the original planned development of the project site, the project required a dewatering permit

to facilitate underground utility installation and wet detention pond construction. The source of water for the project was the water table aquifer. The Harlem Heights Landfill is located adjacent to the west side of the site. A review of available records from the FDEP indicate the landfill status is “closed” as of April 30, 2009, and active dumping into the landfill ended in 1975. A cap was installed on top of the landfill to prevent rainfall from leaching through the materials remaining in the landfill. Groundwater monitoring ended in 1998. A review of the last three monitoring events of groundwater data indicates all the organic compounds analyzed for were not detected. Additionally, the large retention basin close to the excavation area for use during dewatering operations acts as a hydraulic barrier to the potential migration of any pollutants from the closed landfill. The potential for the temporary dewatering operations to move pollutants from the landfill located west of the site is considered minimal due to the fact the landfill is capped. Withdrawals are made via three proposed surface water pumps. The existing land surface elevation at the site is approximately 2.3 feet North American Vertical Datum (NAVD). The maximum dewatering depth at the site was about -19.7 feet NAVD (22 feet below land surface) for wet detention pond construction. Dewatering effluent would be kept on site in retention areas.

Currently, the site is abutted by a retention pond to the north, and a stormwater canal to the south discharging into the Deep Lagoon, and eventually into Estero Bay. The site has been cut and filled. A small portion of the southwestern corner is a depression landform with standing water and is presumed to be incidental to the development activities that were not completed. The site has been reviewed and permitted by SFWMD and USACE. The appropriate SWPPP and NPDES permits and certifications would be obtained prior to construction.

### **Alternative 1 – No Action Alternative**

Under the No Action Alternative, no construction activities would be involved. Therefore, there would be no impacts to surface waters.

### **Alternative 2 – Develop the Heritage Heights Group Site with MHUs (Preferred Alternative)**

Under Alternative 2, impacts to water quality would be expected to be minor. Appropriate best management practices (BMPs) would be implemented during site development to minimize sediment migration from the site into nearby surface water bodies. Surface water runoff would be mitigated through the use of siltation controls such as silt fencing or compacted berms around the construction site to minimize the erosion and runoff of materials into adjacent wetland areas and/or waterways. Any disturbed soil would be protected with seed and straw or sod after construction to decrease the amount of soil eroded by rainfall and runoff. If fill material is stored on site, the contractor would provide appropriate cover to prevent runoff. In order to control storm water runoff, the contractor would be required to design drainage features so surface water flow would not cause nuisance flooding during heavy rainfall events. The drainage system(s) would be

required to meet all applicable local and county requirements. Additionally, the contractor would obtain 401 Water Quality Certification, SWPPP, and NPDES permits and/or self-certifications prior to the commencement of any work. These actions are designed to prevent any degradation of water quality as a result of silt-laden runoff from the construction site. Based on the review conducted, Alternative 2 would have minor impacts on surface waters.

### **5.2.2 FLOODPLAIN MANAGEMENT**

Executive Order 11988, Floodplain Management (EO 11988), as implemented in 44 CFR Part 9, requires federal 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 or indirect support of floodplain development wherever there is a practicable alternative.” The 100-year floodplain is the area covered by water in the event of a 100-year flood, which is a flood that has a 1% annual chance of being equaled or exceeded in magnitude in any given year. The 500-year floodplain is the area covered by water in the event of a 500-year flood, which is a flood that has a 0.2% annual chance of being equaled or exceeded in magnitude in any given year. The 100- and 500-year floodplains are mapped on FEMA Flood Insurance Rate Maps (FIRMs).

Based on the current FEMA FIRM that covers the area of the proposed Heritage Heights Group Site, the project is located within the 100-year floodplain (Appendix D). All proposed MHU sites are identified on the FEMA FIRM as being within Flood Zone AE, which is defined as a moderate to high-risk area within the floodplain.

#### **Alternative 1 – No Action Alternative**

Under the No Action Alternative, the site would not undergo the installation of utilities on the site, construction of gravel roadways and parking lots, placement of stone-base and concrete for pads, residential parking, and associated appurtenance to facilitate 59 MHUs on the project site. Therefore, the No Action Alternative will have no effect on the floodplain.

#### **Alternative 2 – Develop the Heritage Heights Group Site with MHUs (Preferred Alternative)**

Based on the FEMA Flood Insurance Rate Map (FIRM) Panel Number 12071C0418G, with an Effective Date of November 17, 2022, the proposed project site under Alternative 2 is located within the 100-year floodplain (Appendix D). The proposed action would result in the construction of gravel roadways and parking lots, placement of stone-base and concrete for pads, residential parking, and associated appurtenance to facilitate 59 MHUs on the project site within the floodplain. Other group sites were considered but were deemed infeasible for various reasons including proximity to core populations in need of housing assistance; location within a coastal high hazard area; property size limitations; access to utilities; and willingness of landowners to sign a lease agreement with FEMA.

The eight-step decision making process, as described in 44 CFR part 9 for projects within or that have the potential to impact a floodplain, was completed (Appendix D). The proposed action would result in the addition of 2.7 acres of impervious surfaces. Additionally, the project would implement NFIP mitigation measures to reduce flood loss risk. These mitigation measures include open column bases, MHUs elevated above BFE plus one foot of freeboard, as well as gravel roadways to reduce the total amount of impervious surface. FEMA would coordinate with the local Floodplain Administrator to ensure the proposed project complies with the no adverse impact principle of floodplain management.

Based on the review conducted, Alternative 2 would have minor adverse impact on the floodplain. The impact would not be significant.

### **5.2.3 PROTECTION OF WETLANDS (EO 11990) AND WILD AND SCENIC RIVERS ACT (WSRA)**

Executive Order 11990, Protection of Wetlands (EO 11990), requires federal agencies to avoid, to the extent possible, the long- and short-term adverse impacts associated with the destruction or modification of wetlands, and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative.

Section 404 of the CWA regulates the discharge of dredged or fill material into WOTUS, including wetlands. Section 10 of the Rivers and Harbors Act (RHA) grants the USACE permitting jurisdiction for structures or works in or affecting navigable WOTUS. Florida's ERP program regulates dredging and filling in wetlands and surface waters, and activities in uplands which generate stormwater runoff or otherwise alter surface water flows.

Historically, the Heritage Heights Group Site project area had wetlands on site. The extent of historical wetlands is poorly understood due to the fact limited information regarding the existence of wetlands can be observed from historical aerial imagery and satellite photography. However, given the low elevation, proximity to the Caloosahatchee River delta, and Estero Bay, it is reasonable to assume wetlands existed throughout the region including the proposed site. The USACE Regulatory office in Fort Myers previously issued a permit to the landowner, SAJ-2016-02404 (SP-RMT), dated May 29, 2019, authorizing the placement of 10,648 cubic yards of clean fill material into 2.21 acres of wetlands, the excavation of 41,818 cubic yards of native material from 2.88 acres of wetlands, and the permanent impact of 0.68 acres of other WOTUS. Additionally, the South Florida Water Management District (SFWMD) issued an Environmental Resource Permit (ERP), No. 36-08827-P, dated June 22, 2017. These impacts were mitigated by the purchase of 1.50 forested mitigation credits from Corkscrew Regional Mitigation bank in a credit sale notification letter, dated June 28, 2019. All associated permits and the mitigation credit purchase notification are attached to this EA (Appendix I).

Presently, the proposed Heritage Heights Group Site location displays significant disturbance associated with urban development including but not limited to: site clearing, use as a borrow pit, use as a fill area, abutting stormwater drainage canals, berms constructed around the periphery, and planned future development. The site has a significant low spot that appears to be regularly inundated and is poorly drained. Upon closer examination, the inundated area of the site displays highly disturbed hydric soils and little to no herbaceous hydric vegetation except highly opportunistic species commonly found in disturbed areas. These are remnants of wetlands which have previously been authorized for fill and mitigated. No other wetlands exist on the site which would meet the criteria of the “Corps of Engineers Wetland Delineation Manual” (Wetland Research Program Technical Report Y-87-1, 1987). However, the immediate eastern boundary of the site is abutted by wetlands associated with the Deep Lagoon which drains south to Estero Bay Preserve Park.

The purpose of the WSRA of 1968 (PL 90 to 542; 16 USC 1271 to 1287) is to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations through the creation of the National Wild and Scenic Rivers System (NWSRS). River segments are designated part of the system by Congress or, if certain requirements are met, the Secretary of the Interior. Each designated river or segment is administered by a federal or state agency, tribe or local government. The U.S. Forest Service (USFS), National Park Service (NPS), Bureau of Land Management (BLM), and the U.S. Fish and Wildlife Service (USFWS) are the four primary federal agencies with responsibility for the NWSRS. There are two WSRs located in Florida, the Wekiva River and Loxahatchee River, neither of which are located in the vicinity of the proposed group site location.

#### **Alternative 1 - No Action Alternative**

Under the No Action Alternative, no short- or long-term impacts to water resources would occur. Therefore, the No Action Alternative would have no impact on wetlands.

#### **Alternative 2 – Develop the Heritage Heights Group Site with MHUs (Preferred Alternative)**

Under Alternative 2, no short- or long-term impacts to water resources would be expected. According to the National Wild and Scenic River Program website (<https://www.rivers.gov/>), accessed on February 9, 2023, no designated Wild and Scenic Rivers exist within the vicinity of the proposed action. According to the U.S. Fish and Wildlife Services (USFWS) National Wetlands Inventory Map (<https://fws.gov/wetlands/>), accessed February 9, 2023, no designated wetlands were identified within the proposed group site area. Based on field observations and information provided within the National Wetlands Inventory map, Alternative 2 would not affect any wetland areas (Appendix E). A stormwater management system is already designed and permitted through the Florida Environmental Resource Permitting (ERP) program, SFWMD ERP



No. 36-08827-P, dated June 22, 2017. Mitigation for wetlands impacts has already been purchased, associated with USACE Permit SAJ-2016-02404 (SP-RMT), dated May 29, 2019. Therefore, Alternative 2 would have negligible impacts on wetlands.

#### **5.2.4 COASTAL ZONE MANAGEMENT ACT (CZMA) and COASTAL BARRIER RESOURCES ACT (CBRA)**

The CZMA provides for the management of the nation's coastal resources. The CZMA defines the coastal zones where development must be managed to protect areas of natural resources unique to coastal regions. States are required to define the area that will comprise coastal zone and develop management plans that will protect these unique resources through enforceable policies of state Coastal Zone Management (CZM) programs. As defined in the Act, the coastal zone includes coastal waters extending to the outer limit of state submerged land title and ownership, adjacent shorelines, and land extending inward to the extent necessary to control shorelines. Federal as well as local actions must be determined to be consistent with the CZM plans and policies before they can proceed.

The Florida Coastal Management Program (FCMP) was approved by NOAA in 1981 and is codified at Chapter 380, Part II, F.S. The state of Florida's coastal zone includes the area encompassed by the state's 67 counties and its territorial seas. The FCMP consists of a network of 24 Florida Statutes administered by eight state agencies and five water management districts. This framework allows the state to make integrated, balanced decisions that ensure the wise use and protection of the state's water, property, cultural, historic and biological resources; protect public health; minimize the state's vulnerability to coastal hazards; ensure orderly, managed growth; protect the state's transportation system; and sustain a vital economy.

Federal consistency reviews are integrated into other review processes conducted by the state depending on the type of federal action being proposed. The Florida State Clearinghouse, administered by the DEP Office of Intergovernmental Programs, is the primary contact for receipt of consistency evaluations from federal agencies.

The CBRA of 1982 and subsequent amendments are designed to address problems caused by coastal barrier development by restricting most Federal expenditures and financial assistance that tend to encourage such development. Three important goals of CBRA are to minimize loss of human life by discouraging development in high-risk areas, reduce wasteful expenditure of federal resources, and protect the natural resources associated with coastal barriers. The Coastal Barrier Improvement Act of 1990 (CBIA) reauthorized the CBRA and added new units. The CBIA, an addition to the CBRA, designated a new category of lands known as "otherwise protected areas" (OPAs). OPAs are based on areas established under federal, state, or local law, or held by a qualified organization, primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes.

### **Alternative 1 - No Action Alternative**

Under the No Action Alternative, no short- or long-term impacts to water resources would occur. Therefore, the No Action Alternative would have no impact on coastal resources.

### **Alternative 2 – Develop the Heritage Heights Group Site with MHUs (Preferred Alternative)**

Under Alternative 2, the construction of the Heritage Heights Group Site would not be located within an area subject to CBRA and is not along the coast per USFWS Coastal Barrier Resources System Mapper (<https://fwsprimary.wim.usgs.gov/CBRSMapper-v2/>), accessed on February 8, 2023. Therefore, there would be no impact to coastal resources. According to the State of Florida's Coastal Management Program all 67 counties within the state resides within a coastal management zone. All federal activities in the state will obtain CZM consistency through the FCMP by obtaining all appropriate state permits prior to construction. Therefore, alternative 2 would have negligible effects on coastal resources.

### **5.2.5 DRINKING WATER AND GROUNDWATER**

The Safe Water Drinking Act, passed in 1974, authorizes the EPA to set national health-based standards for drinking water to protect against both naturally occurring and man-made contaminants that may be found in drinking water. According to the EPA's Map of Sole Source Aquifer Locations, Lee County, Florida is not located within an aquifer.

The proposed group site is located in an urban unincorporate area to the south of the Caloosahatchee River and north of Estero Bay. Documented occurrences of groundwater contamination near the proposed project site were assessed via FDEP's MapDirect NEXUS database, an alternative interface for FDEP's OCULUS archival database. FDEP's OCULUS database houses permits and other publicly available documents. The following summary is according to the SFWMD Permit (No. 36-08715-W) for original development of the Heritage Heights project site that was never completed. The Project required a dewatering permit to facilitate underground utility installation and wet detention pond construction. The source of water for the project was the water table aquifer. The Harlem Heights Landfill is located adjacent to the west side of the project site. A review of the records available from the Florida Department of Environmental Protection indicate that the landfill status is "Closed" as of April 30, 2009, and that active dumping into the landfill ended in 1975. A cap was installed on top of the landfill to prevent rainfall from leaching through the materials remaining in the landfill. Groundwater monitoring ended in 1998, no pollutants were detected in the groundwater during the last three monitoring events, and a large retention basin close to the excavation area will keep a positive hydraulic head on the water table aquifer.

### **Alternative 1 - No Action Alternative**

Under the No Action Alternative, no short- or long-term impacts to drinking water or ground water would occur. Therefore, the No Action Alternative would have negligible impacts on current drinking water or ground water.

### **Alternative 2 – Develop the Heritage Heights Group Site with MHUs (Preferred Alternative)**

The Heritage Heights Group Site would not utilize groundwater for the group site's water supply. The group site will include the installation of underground utilities, tied-in with existing Lee County underground utilities, located north of the proposed site. Under Alternative 2, the construction of the Heritage Heights Group Site will require dewatering, however it is not anticipated the construction activities would have an impact on local groundwater quality or flow.

There is not an anticipated need to pump groundwater at the Heritage Heights Group Site, therefore no known impact to the water table or aquifer is anticipated. Based on a review of well data provided by FDEP through the MapDirect database, there are no public water supply wells, well fields, or other wells that pump large quantities of water from the aquifer near the project site. With the utilization of existing county utilities, the proposed site does not appear to be subject to rapid water withdrawal problems that would change the depth or character of the water table or aquifer. Hazardous materials used and hazardous wastes generated during construction would be managed in accordance with applicable environmental compliance regulations to prevent releases to groundwater. Based on the review conducted, Alternative 2 would have negligible impacts on groundwater.

## **5.3 BIOLOGICAL RESOURCES**

### **5.3.1 FISH AND WILDLIFE**

Biological resources include native or naturalized plants and animals and their habitats (e.g. wetlands, forests, and grasslands). This EA does not cover adverse impacts to species or habitats of concern over relatively large areas, or if disturbances cause reductions in population size or distribution. FEMA used potential physical impacts such as habitat loss, noise, and impacts to water quality to assess the effects of the Action Alternatives on biological resources.

The subject site is substantially developed, surrounded by single family residential dwellings, a recreational complex, and other roadways. No comprehensive wildlife surveys have been conducted on the subject site. The site most likely supports minimal wildlife habitat and use in its current state. Wildlife is likely limited to common and nuisance species including but not limited to raccoons, bats, opossums, armadillos, foxes, snakes, squirrels, iguanas, bobcats, lizards,

coyotes, skunks, rats, raptors, various passerines, and mice. The site currently doesn't contain any aquatic resources of significance.

### **Alternative 1 - No Action Alternative**

Under the No Action Alternative, the site would not undergo the installation of utilities on the site, construction of gravel roadways and parking lots, placement of stone-base and concrete for pads, residential parking, and associated appurtenance to facilitate 59 MHUs on the project site. Therefore, the No Action Alternative will have no impacts on fish and wildlife.

### **Alternative 2 – Develop the Heritage Heights Group Site with MHUs (Preferred Alternative)**

Under the Proposed Action alternative, the site would undergo the installation of utilities on the site, construction of gravel roadways and parking lots, placement of stone-base and concrete for trailer pads, residential parking, and associated appurtenance to facilitate 59 MHUs. While many common wildlife species would be driven away from the group site during construction and day to day operations, the occurrence of nuisance species is expected to increase modestly with the presence of food and solid waste produced by the occupants of the group site. However, the increase in activity is expected to be temporary and is anticipated to return to previous conditions once the group site is demobilized. Based on the review conducted, Alternative 2 would have a minor adverse impact on wildlife. The impact would not be significant.

## **5.3.2 VEGETATION**

The subject site, as described in previous sections, has been highly disturbed in recent years. Historically, using aerial imagery the site appears to present as a mesic pine flatwood. The “USFWS South Florida Multi Species Recovery Plan” (Southeast Region, Atlanta, GA, 1999) indicates mesic pine flatwoods (*sensu* Stout and Marion 1993) typically exhibit an emergent tree layer of pines with limbless lower trunks and ground layers of low vegetation. However, physiognomy varies markedly with fire regime and moisture. Pine densities in mesic pine flatwoods can range from sparse to dense depending on fire history, seed predation, and seedling predation. Canopy coverage of mature mesic pine flatwoods can range from 10 to 80 percent in unlogged stands. Pine trees are usually abundant enough to dominate the apparent landscape view and canopy, but canopy densities can vary, dependent upon the degree of fire exclusion (Wade et al. 1980).

Presently, the site has been clear cut and filled, and can be categorized as undeveloped land in urban areas. The site exhibits minimal opportunistic herbaceous vegetation with some remnant of mesic pine arboreal species sparsely located along the periphery of the subject site.

### **Alternative 1 - No Action Alternative**

Under the No Action Alternative, the site would not undergo the installation of utilities on the site, construction of gravel roadways and parking lots, placement of stone-base and concrete for pads, residential parking, and associated appurtenance to facilitate 59 MHUs on the project site. If the area remains unmaintained, it could result in the introduction and colonization of invasive plant species, which typically out-compete native species in disturbed habitats. The No Action alternative could potentially result in minor long-term adverse impacts in those areas. The impact would be negligible.

### **Alternative 2 – Develop the Heritage Heights Group Site with MHUs (Preferred Alternative)**

Under the Proposed Action alternative, the site would undergo the installation of utilities on the site, construction of gravel roadways and parking lots, placement of stone-base and concrete for trailer pads, residential parking, and associated appurtenance to facilitate 59 MHUs. The natural revegetation of the site would be severely impeded by the construction of group site and associated daily operation. However, the impact is expected to be temporary and the site would be allowed to return to its previous conditions once the group site is decommissioned. Based on the review conducted, Alternative 2 would have a minor adverse effect vegetation. The impact would not be significant.

### **5.3.3 THREATENED AND ENDANGERED SPECIES**

The Endangered Species Act (ESA) of 1973 establishes a federal program to conserve, protect and restore threatened and endangered plants and animals and their habitats. ESA specifically charges federal agencies with the responsibility of using their authority to conserve threatened and endangered species. All federal agencies must ensure any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of an endangered or threatened species or result in the destruction of critical habitat for these species.

The proposed project site parcel was surveyed on January 4, 2023, for the presence of any federal or State listed threatened or endangered species. No fauna was observed on the site, although bird species were observed on adjacent properties.

Based on the habitat conditions and species data from the USFWS and the Florida Wildlife Commission (FWC), the species with the highest likelihood to occur on this site include the gopher tortoise (*Gopherus polyphemus*) and the Florida burrowing owl (*Athene cunicularia*). The site also resides within the USFWS consultation areas of the following species: Florida Bonneted Bat (*Eumops floridanus*), Eastern Indigo Snake (*Drymarchon corais couperi*), Florida Scrub Jay (*Aphelocoma coerulescens*), and the Wood Stork (*Mycteria americana*). There is no designated critical habitat within the proposed project site.

### **Alternative 1 - No Action Alternative**

Under the No Action Alternative, the proposed group site would not be constructed and operated. Therefore, the No Action Alternative would have no impact on threatened and endangered species or critical habitat.

### **Alternative 2 – Develop the Heritage Heights Group Site with MHUs (Preferred Alternative)**

According to the USFWS Information for Planning and Conservation website (<https://ecos.fws.gov/ipac/>), accessed February 8, 2023, the proposed group site location associated with Alternative 2 was reviewed for a list of threatened and endangered species in the project area. Based on the habitat conditions and species data from USFWS and the FWC, the species with the highest likelihood to occur on this site include the gopher tortoise (*Gopherus polyphemus*) and Florida burrowing owl (*Athene cunicularia*). There are 15 listed species and 19 migratory bird species that occur within Lee County; however, the proposed group housing site location does not contain suitable habitat for any of the listed species. The project site has been clear-cut, filled, and is vegetated by a variety of low-growth pioneer herbaceous species with sparsely scattered trees along the periphery of the site. A search of the USFWS Critical Habitat online mapper (<http://ecos.fws.gov/ecp/report/table/critical-habitat.html>), accessed February 8, 2023, identified no designated critical habitats are located within the proposed project area.

The proposed group site is within the consultation area of the following species: Florida Bonneted Bat (*Eumops floridanus*), Florida Scrub Jay (*Aphelocoma coerulescens*), and the Wood Stork (*Mycteria americana*). A No Effect determination has been made for these species, therefore, consultation with USFWS is not necessary. The effect determination rationales for the above listed species are as follows:

- Florida Bonneted Bat (*Eumops floridanus*): Based on the USFWS Consultation Key for the Florida Bonneted Bat (FBB); 04EF2000-2014-I-0320-R001, dated October 22, 2019.
  - 1a. Proposed project or land use change is partially or wholly within the Consultation Area; 2. No Potential FBB roosting habitat exists within the project area; 13. FBB foraging habitat exists within the project area and foraging habitat will not be affected;
    - Determination: No Effect. The programmatic consultation key is attached to this EA (Appendix F).
- Wood Stork (*Mycteria americana*): Based on the USFWS Consultation Key for the Wood Stork for South Florida, 41420-2007-FA-1494, Dated May 18, 2010.
  - Project does not affect suitable foraging habitat
    - Determination: No Effect. The programmatic consultation key is attached to this EA (Appendix F).

- Eastern Indigo Snake (*Drymarchon corais couperi*) Based on the USFWS Consultation Key for the Eastern Indigo Snake for South Florida, 41420-2009-I-0467-R001, Dated August 1, 2017.
  - Project does not affect suitable habitat
    - Determination: No Effect. The programmatic consultation key is attached to this EA (Appendix F).
- Florida Scrub Jay (*Aplelocoma coerulescens*): There is no Florida Scrub Jay critical habitat on the site according to the Corps Resources at Risk (RAR) program. Therefore, based on the Standard Local Operating Procedures of Endangered Species (SLOPES) and other information as cited above, the project would not jeopardize the continued existence of this species or adversely modify any critical habitat for the Scrub Jay. Therefore, a No Effect determination for the Scrub Jay is appropriate. No further consultation is necessary.

Based on the scope of work and lack of suitable habitat at the proposed site, FEMA has made the determination that the proposed Heritage Heights Group Site would have no effect to federally listed species and would not adversely modify critical habitat. Based on the review conducted, Alternative 2 would have no impacts on threatened and endangered species or critical habitat.

#### **5.3.4 MIGRATORY BIRD TREATY ACT (MBTA)**

The MBTA of 1918 provides a program for the conservation of migratory birds that fly through lands of the United States. The lead federal agency for implementing the MBTA is the USFWS. The law makes it illegal for anyone to “take” (meaning to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue), attempt to take, capture, or kill, possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export, any migratory bird, any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or eggs.

The entire state of Florida is considered a flyway zone for migratory birds. According to the USFWS IPaC database accessed on February 8, 2023, 19 migratory bird species were identified as being potentially present within the project area, and 16 of the species have a designated breeding season which could occur within the project vicinity.

#### **Alternative 1 – No Action Alternative**

Alternative 1 would not involve any construction activities. Therefore, no potential effects or a “take” is anticipated. There will be no destruction or adverse modification of the surrounding habitat. The No Action Alternative would have no impact on migratory birds or associated habitat.

### **Alternative 2 – Develop the Heritage Heights Group Site with MHUs (Preferred Alternative)**

Under Alternative 2, minor short-term impacts to species within the project area could potentially occur due to construction activities. The project area is not ideal nesting habitat due to previously authorized fill and site clearing; is not optimal for foraging; and is not located within a designated critical habitat. Therefore, the take of a migratory bird species is not anticipated with this alternative. Alternative 2 may result in short-term minor impacts to migratory birds or their associated habitat.

#### **5.3.5 MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT (MSA)**

The MSA is the primary law governing marine fisheries management in U.S. federal waters and is meant to foster long-term biological and economic sustainability of our nation's marine fisheries. Key objectives of the MSA are to prevent overfishing, rebuild overfished stocks, increase long-term economic and social benefits, and ensure a safe and sustainable supply of seafood. The National Oceanic and Atmospheric Administration (NOAA) Essential Fish Habitat (EFH) Mapper online tool can be used to determine designated EFH for species. No EFH are expected to be impacted by any of the proposed project alternatives as the work would be completed outside of the water. The Florida Fish and Wildlife Conservation Commission (FWC) - Fish and Wildlife Research Institute hardbottom habitat data can also be used to determine the nearest hardbottom habitats from a project location, but none of the project areas are located near an estuarine or marine wetland. Additionally, no salt marshes or seagrass habitats are located near the project areas.

### **Alternative 1 – No Action Alternative**

Alternative 1 would not involve any construction activities; further, there are no waterbodies at or near the project location. Therefore, there would be no impact on fisheries or breeding habitat.

### **Alternative 2 – Develop the Heritage Heights Group Site with MHUs (Preferred Alternative)**

The project area for Alternative 2 is not located in or near any waterbodies and is not near or in EFH; therefore, there would be no impact on fisheries or breeding habitat.

#### **5.3.6 BALD AND GOLDEN EAGLE PROTECTION ACT (BGEPA)**

The BGEPA (16 USC 668 to 668c), enacted in 1940, prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" bald and golden eagles, including their parts, nests, or eggs. Like the MBTA, the law makes it illegal for anyone to "take" (meaning to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue), possess, import, export, transport,



sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or their parts, feathers, nests, or eggs.

According to the FWC Historical Bald Eagle Nesting Areas mapper and the Audubon Florida EagleWatch Nest Application, accessed on February 8, 2023, no documented bald eagle nests are located within or adjacent to the project area. The general nesting season for bald eagles in the southeast is from approximately October 1 to May 15. Golden eagles inhabit tundra, grasslands, forested habitat and woodland-brushlands, south to arid deserts and avoid nesting in urban habitat. Due to the species habitat being inconsistent with the habitat of the project location, the presence of a golden eagle is unlikely to occur within the project area.

### **Alternative 1 – No Action Alternative**

Alternative 1 would not involve any construction activities, therefore there would be no impact to bald or golden eagles.

### **Alternative 2 – Develop the Heritage Heights Group Site with MHUs (Preferred Alternative)**

The Alternative 2 project area is not within the vicinity of a known bald eagle nest nor is the area suitable for golden eagle habitat. No impact to these species or associated habitat is anticipated.

## **5.4 CULTURAL RESOURCES**

### **5.4.1 HISTORIC AND ARCHEOLOGICAL RESOURCES**

The consideration of impacts to historic and cultural resources is mandated under Section 101(b)(4) of the NEPA. Consideration of effects to historic properties as a result of Federal Undertakings is also mandated by Section 106 of the National Historic Preservation Act (NHPA) as implemented by 36 CFR Part 800. In addition, providing Direct Temporary Housing Assistance in the form of constructing Group Sites meets the definition of a Federal Undertaking pursuant to Title 36 Code of Federal Regulations Part 800. Accordingly, FEMA is required to comply with Section 106 of the National Historic Preservation Act (NHPA).

Cultural resources include historic architectural properties (including buildings, structures, and objects), prehistoric and archaeological sites, historic districts, designed landscapes, and traditional cultural properties.

The NHPA created the National Register of Historic Places (NRHP) and criteria to determine if cultural resources are eligible for listing in the NRHP. The NHPA defines historic properties as any prehistoric or historic district, site, building, structure, or object that is listed in, or eligible for listing in, the NRHP (36 CFR 800.16). When NRHP-eligible properties are present, federal agencies must assess the effect of the Federal Undertaking on them and consider ways to avoid,

minimize, or mitigate potential adverse effects. The area of potential effect (APE) for cultural resources is limited to the area within which all construction and ground-disturbing activities would be confined and the viewshed (or the visual impact) of the proposed project.

FEMA is initiating Section 106 review for the Federal Undertaking in accordance with the Programmatic Agreement among FEMA, the Florida State Historic Preservation Officer (SHPO), the Florida Division of Emergency Management (FDEM), and participating Tribes, executed on September 10, 2014, and the 2<sup>nd</sup> Duration Amendment, effective September 9, 2022, as amended (Agreement).

The threshold level for significant impacts to cultural resources under NHPA would be those impacts that adversely affect the historic integrity of any historic property that is eligible for or listed in the NRHP under Section 106 or has been identified by a federally recognized tribe as a sacred site or traditional cultural property.

#### **Alternative 1 - No Action Alternative**

Under the No Action Alternative, there would be no Federal Undertaking; therefore, the No Action Alternative would have no impact on historic properties.

#### **Alternative 2 – Develop the Heritage Heights Group Site with MHUs (Preferred Alternative)**

Under Alternative 2, FEMA has determined that the APE for the proposed Federal Undertaking includes the immediate viewshed around the proposed group site and the areas of ground disturbance within the perimeter of the proposed site necessary for the preparation of the individual MHU pads, including underground utilities, access routes, parking locations, lighting, and perimeter fencing.

During the week of February 21, 2023, FEMA referenced the Florida State Historic Preservation Office's Cultural Resources ArcGIS database, the National Register of Historic Places and associated site files, photos, maps, and FEMA's internal files in order to identify historic properties. The APE is not within any districts listed in or that have been previously determined eligible for listing in the NRHP, nor are there any recorded, eligible archaeological sites within or near the boundaries of the proposed site. Additionally, site and soil characteristics and previous archaeological surveys suggest the low potential for the presence of any eligible, unrecorded archaeological sites within the boundaries of the proposed group site.

FEMA has determined there are no historic properties as defined in 36 CFR 800.16(l) within the APE. The Heritage Heights location has been the site of a long-term habitat for humanity project, and the area for the proposed project is a portion of the site that has been prepared for future construction. A large amount of fill has been previously added throughout the site to level and prepare this location for future construction. Due to the previous work to prepare this site, the

quantity of fill that was sourced, and the defined scope of work, FEMA has determined that this project meets the criteria in the Programmatic Agreement, Appendix B Programmatic Allowances, I.A.2.a.iv. and I.A.2.a.v. In accordance with the Programmatic Agreement, FEMA is not required to determine the NRHP eligibility of properties where work performed meets the Appendix B criteria. As such, FEMA has documented this determination in the project files, and considers the Undertaking Section 106 compliant without SHPO or tribal review or notification.

If ground-disturbing activities occur during construction, the FEMA Logistics contractor would monitor the ground disturbance and if any potential archeological resources are discovered, would immediately cease construction in that area and notify the state and FEMA.

The proposed MHUs are not intended to be a permanent construction; these units are being installed due to a demand for housing among the survivors of Hurricane Ian and are only permitted for 18 months. After 18 months a recovery plan will be enacted, and the units will be removed leading to no permanent impacts on the historic integrity for any nearby properties.

Based on the analysis conducted, Alternative 2 would have no impacts on historic properties.

## **5.5 SOCIOECONOMIC RESOURCES**

### **5.5.1 LAND USE**

Local regulatory bodies, such as municipalities or counties, utilize zoning as a planning tool for controlling and regulating the function of real estate markets within their jurisdiction. This is typically achieved by dividing land into sections within a jurisdiction and limiting land uses based on categories dictated by a regulatory body. Examples of these categories include residential, commercial, industrial, agricultural, etc. Through zoning, local regulatory authorities, and city planners, can dictate the particular use, layout, and permitting of cities to control present use and plan future development. In most cases, the development of comprehensive plans through a public participation process, as approved by publicly elected officials, will capture local values and attitudes of planning and future development. Zoning ordinances and land use regulations vary throughout the United States.

The project area is an undeveloped continuation of a medium density residential neighborhood which is situated to the north of the project area. According to Lee County Zoning ordinance 20-05, which has an effective date of June 6, 2020, the current parcel where the proposed action is to occur is zoned for “Urban Residential”. The project area is bordered by existing Urban residential zones to the north, west, and south. To the east of the project area is “Conservation Lands – Upland”, “Conservation Lands – Wetland”, and “Wetlands”.

### **Alternative 1 - No Action Alternative**

Under the No Action Alternative, no disruption or displacement of an existing or planned land use is anticipated. Therefore, the No Action Alternative will have no impact on land use.

### **Alternative 2 – Develop the Heritage Heights Group Site with MHUs (Preferred Alternative)**

Under Alternative 2, the development of the Heritage Heights Group Site would comply with current Lee County zoning of “Urban Residential.” No disruption or displacement of an existing or planned land use is anticipated. Alternative 2 would have no impact on Lee County zoning.

#### **5.5.2 NOISE**

The Noise Control Act was enacted in 1972 (P.L. 92-574). Inadequately controlled noise presents a growing danger to the health and welfare of the nation's population. The major sources of noise include transportation vehicles and equipment; machinery; appliances; and other products in commerce, climate, or recreation. Sounds that disrupt normal activities or otherwise diminish the quality of the environment are designated as noise. Noise can be stationary or transient, intermittent or continuous.

Noise in this review is generally categorized as excessive or unwanted sound. The effects of noise on humans include but are not limited to, annoyance, sleep disturbance, and adverse health effects. In animals, high noise can interfere with communication, reproduction, identifying potential prey or food sources, and induce fear, forcing species to abandon their habitat. In general, animals and humans are stressed by excessively noisy environments.

Noise originating in the county is regulated by Lee County Noise Control Ordinance (Section Four of Lee County Ordinance 14-18, effective March 19, 2022). Sound levels are measure in decibels (dBA). Per this ordinance, noise in residentially zoned areas cannot exceed 66 dBA between the hours of 0700 and 2200. The ordinance also stipulates that “no person shall operate or permit to be operated any power-driven construction equipment without a muffler or other noise-reduction device at least as effective as that recommended by the manufacturer or provided as original equipment unless the sound level emitted by the equipment is less than the sound level limit for the applicable land use category, as measured from at or within the real property line of the receiving land.” Construction equipment that must be operated near a residential area on a 24 hour-per-day basis (i.e., pumps, well tips, generators, etc.) will be shielded by a barrier to reduce the noise during the hours of 1800 to 0700, unless the unshielded noise level is less than 55 dBA or 60 dBC, as measured from at or within the real property line of any residential receiving land. Based on the data presented in the EPA publication, “Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances” (EPA, 1971), the main phases of outdoor construction typically generate noise levels that range from 78 dBA to 89 dBA, approximately 50

feet from the construction site. Noise Levels are estimated to decrease by approximately 6 dBA with every doubling of distance from a noise source.

### **Alternative 1 – No Action Alternative**

Under the No Action Alternative, the site would not undergo the installation of utilities on the site, construction of gravel roadways and parking lots, placement of stone-base and concrete for trailer pads, residential parking, and associated appurtenance to facilitate 59 MHUs. Therefore, the No Action Alternative will have no impact on noise.

### **Alternative 2 – Develop the Heritage Heights Group Site with MHUs (Preferred Alternative)**

Under Alternative 2, the construction of the group site would generate short-term construction equipment noise, and the long-term noise associated with daily activities of group site residents. A temporary increase of ambient noise levels in and around the construction of the group site is expected. The nearest noise-sensitive receptors are residential homes north of the project site. Based on the construction equipment that would be used, such as excavators and dump trucks, the approximate noise is anticipated to be 85 dBA at a reference distance of 50 feet from the equipment (FHWA reports inventory, 2006). The nearest residential property is approximately 300 feet north of the project area, and it would receive an estimated construction related noise of approximately 70 dBA. Noise generated from construction would be intermittent, heard only during the daytime hours of 0700 to 1900, and only for the duration of the construction activities. Group site resident noise is not expected to exceed the 66 dBA limit set by the county. The project must follow local and county ordinances.

Based on the review conducted, Alternative 2 would have minor short-term adverse impact on local noise. The impact would not be significant.

### **5.5.3 TRANSPORTATION AND TRAFFIC**

The Florida Department of Transportation (FDOT) is the jurisdictional authority for traffic and transportation in the state of Florida. FDOT was created pursuant to Section 20.23, Florida Statutes, which sets forth the legal structure and general description of FDOT. FDOT's mission is to provide a safe transportation system that ensures the mobility of people and goods, enhances economic prosperity, and preserves the quality of Florida's environment and communities. FDOT's goal is to make travel in Florida safer and more efficient.

The Lee County Department of Transportation (DOT) works with local, State, and Federal partners to enhance the roadways throughout the region. Lee County DOT is responsible for providing safe and efficient transportation and stormwater systems for the residents of Lee County.

The proposed Heritage Heights Group Site is located at the southern terminus of an existing medium density residential neighborhood with two access roads, Hagie Drive and Concourse Drive. These roads extend north and south on the western and eastern boundary of the neighborhood. Both access roads exit onto County Road 865 (CR-865), also known as Gladiolus Drive. CR-865 is a four-lane divided Lee County road which extends northeast of the project site to the closest interstate, I-75. CR-865 is a moderately to heavily trafficked roadway and serves as a primary east to west connection between McGregor Boulevard and Summerlin Road.

There is also an existing paved roadway connection from the adjacent Kelly Road Soccer Complex to Concourse Drive just northwest of the project site. Kelly Road Soccer Complex has a southern access point which merges onto Kelly Road and continues east/west to Carlos Boulevard. However, the roadway to Kelly Road Soccer Complex from Concourse Drive is routinely gated and locked with limited access as directed by Lee County Parks and Recreation.

### **Alternative 1 - No Action Alternative**

Under the No Action Alternative, the site would not undergo the installation of utilities on the site, construction of gravel roadways and parking lots, placement of stone-base and concrete for pads, residential parking, and associated appurtenance to facilitate 59 MHUs on the project site. Therefore, the No Action Alternative would have no impact to transportation and traffic.

### **Alternative 2 – Develop the Heritage Heights Group Site with MHUs (Preferred Alternative)**

Under Alternative 2, the proposed action would result in the installation of 59 MHUs. The transportation of the MHUs through Hagie Drive or Concourse Drive is untenable as local street parking and the required turn radius present a damage risk to private residents and their property. Therefore, in order to mitigate this, the transportation of MHUs onto the project site would be facilitated by the construction of a temporary culvert bridge across the western drainage berm at the southwest corner of the subject site. The contractor would coordinate with the South Florida Water Management District (SFWMD) and Lee County to ensure project complies with all standards. Traffic circulation in the vicinity of CR-865 (Gladiolus Drive), which is still recovering to pre-disaster levels, currently displays moderate to heavy traffic during most hours. The temporary culvert bridge would also provide the proposed group site a primary ingress and egress through the Kelly Road Soccer Complex.

Traffic volume in the vicinity of the proposed group site and Kelly Road Soccer Complex is expected to increase. Traffic through the Kelly Road Soccer Complex may present challenges as it would be expected to increase the traffic volume through recreation areas frequented by local families. The local county and municipality would have jurisdiction over the regulation of safe traffic through the Kelly Road Soccer Complex. The proposed action would include parking access for each MHU, and a lack of safe parking access is not anticipated. Based on the review conducted,

Alternative 2 is expected to have a minor adverse impact to transportation and traffic. This impact would not be significant.

#### **5.5.4 HAZARDOUS MATERIALS AND SOLID WASTES**

Hazardous materials are declared hazardous through various federal regulations including 40 CFR Parts 302.4 and 355, and 29 CFR Part 1910.1200. Hazardous waste is any solid, liquid, or contained gas waste that is dangerous or potentially harmful to humans and the health of the environment. Thousands of contaminated sites exist nation-wide due to hazardous waste being dumped, left out in the open, or otherwise improperly managed and disposed. In response, Congress established the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) on December 11, 1980. CERCLA, commonly known as Superfund, was enacted to allow EPA to clean up contaminated sites. The EPA utilizes the National Priorities List (NPL), a list of contaminated sites of national priority, to guide the determination of which sites warrant further investigation. According to the NPL, accessed February 8, 2023, the project area does not contain any Superfund sites.

An EPA designated Brownfield site is a property where the expansion, redevelopment, or reuse of may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. A Brownfield area is a contiguous area of one or more Brownfield sites.

Upon review of the Florida Department of Environmental Protection Contamination Map Report (<https://prodenv.dep.state.fl.us/DepClnup>), accessed on February 9, 2023, there are four contamination sites identified within a one mile radius from the target property with potential environmental concerns: H & G Rama, Inc., Nite Bright Sign Company, Inc., Youngquest Brothers Inc., and Health Park Medical Center. All of these sites are in various stages of compliance and remediation; therefore no recognized environmental threat is perceived at this time.

A review of the EPA NEPA Assist online web map search tool (<https://www.epa.gov/nepa/nepaassist>), accessed February 9, 2023, indicated there is one RCRA hazardous waste sites and no sites listed on the National Priorities List (NPL) within one mile of the project location. The following entities identified are listed below:

The threshold level for a significant impact to hazardous materials and waste would include a release of hazardous materials or waste, or a violation of local, state, or federal regulations pertaining to hazardous materials or waste.

#### **Alternative 1 - No Action Alternative**

Under the No Action Alternative, there would be no impact on hazardous materials, hazardous waste, and solid waste.

### **Alternative 2 – Develop the Heritage Heights Group Site with MHUs (Preferred Alternative)**

Under Alternative 2, there would be no anticipated impacts from hazardous materials and hazardous substances. Any unusable equipment, debris and material on site would be disposed prior to occupancy in an approved manner and location. In the event significant items (or evidence thereof) are discovered during implementation of the project, the contractor shall handle, manage, and dispose of regulated, petroleum products, and hazardous materials and/or wastes in accordance with the rules and regulations and to the satisfaction of the governing local, state and federal agencies. Based on the review conducted, Alternative 2 would have a negligible impact on hazardous materials or waste.

#### **5.5.5 OCCUPATIONAL HEALTH AND SAFETY**

A considerable number of health and safety laws and regulations exist for a wide variety of activities. An exhaustive review of these various rules is beyond the scope of this EA. With regards to worker safety, the U.S. Congress enacted the Occupational Safety and Health Act of 1970, 29 USC § 651 et seq. (OSHA) to assure safe and healthful working conditions for working men and women.

Occupational health and safety hazards could include chemical agents (such as asbestos or lead), physical agents (such as noise or vibration), physical hazards (such as slip, trip, and fall hazard, electricity, or machinery), or biological hazards (such as infectious waste, poisonous plants, ticks, or other hazardous biota). Occupational health and safety concerns could affect both workers and other non-workers near the project site. Public safety hazard may include any direct or indirect effects related to the construction, removal, or operation of the group site. County, State, Municipal law enforcement and emergency services as well as contractors are responsible for following applicable local, state, and federal regulations such that the proposed action does not significantly adversely affect the general public.

#### **Alternative 1 - No Action Alternative**

Under the No Action Alternative, the site would not undergo the installation of utilities on the site, construction of gravel roadways and parking lots, placement of stone-base and concrete for trailer pads, residential parking, and associated appurtenance to facilitate 59 MHUs on the project site. Therefore, the No Action Alternative will have no impact on occupational health and safety.

### **Alternative 2 – Develop the Heritage Heights Group Site with MHUs (Preferred Alternative)**

Under Alternative 2, the proposed action would include hazards common to construction and demolition activities, such as loud noise, heavy machine, debris, electricity, and hazardous material used or encountered during work. To minimize occupational health and safety risks, workers



would wear and use appropriate personal protective equipment and follow all applicable OSHA standards and procedures. A health and safety plan would be developed and implemented for work by the contractors. Work areas would be clearly marked with appropriate signage and secured against unauthorized entry. Standard construction traffic control measures would be used to protect workers, residents, and the surrounding public. Based on the review conducted Alternative 2 would have negligible adverse impact on occupational health and safety. The impact would not be significant.

### **5.5.6 UTILITIES**

This section evaluates the potential impacts of the Action Alternatives on public utilities. A public utility is an organization that maintains the infrastructure for a public service. The interruption of public utilities can cause public health concerns. A reduction in the reliability of public utility services affects all areas of daily life.

Utilities for this EA are defined as water storage facilities; treatment plants and delivery systems; supplemental power generation, transmission, and distribution facilities, including, but not limited to, wind turbines, generators, substations and power lines, natural gas transmission and distribution facilities; sewage collection systems and treatment plants; landfills; and communication systems.

Potable water, sanitation, and electrical power exist north of the proposed site. Local county public services have also indicated the ability to provide service to the group site. Iona McGregor Fire District indicated in a letter dated February 7, 2023, that responding fire protection and rescue apparatuses are available 0.8 miles west of the subject site and two other locations are available within five miles. Lee County Sheriff's office indicated in a letter dated February 7, 2023, that the development of the group site will not impact the ability of the Lee County Sheriff's Office to provide law enforcement services to the group site and greater community. Lee County Emergency Medical Services indicated in a letter dated February 7, 2023, that Emergency Medical Services (EMS) availability for the group site is adequate at the time of the letter. These letters of service availability are attached to this EA (Appendix G).

#### **Alternative 1 - No Action Alternative**

Under the No Action Alternative, the site would not undergo the installation of utilities on the site, construction of gravel roadways and parking lots, placement of stone-base and concrete for trailer pads, residential parking, and associated appurtenance to facilitate 59 MHUs on the project site. Therefore, the No Action Alternative will have no impact on utilities.

### **Alternative 2 – Develop the Heritage Heights Group Site with MHUs (Preferred Alternative)**

Under Alternative 2, the construction of the group site necessitates service of potable water, sanitation, and electrical power. The current service range of these utilities terminates north of the subject site. The proposed group site would be tied into existing Lee County infrastructure and would service the 59 proposed MHUs. The current service capacity for these utilities to accommodate the group site exists because the subject site was a previously planned phased development for residential housing. The underground utilities that are installed for group site use would likely remain in place once the group site is decommissioned and would be utilized for future residential development at the subject site. Based on the review conducted, Alternative 2 would have no impacts on local utilities and public service availability and capacity. The impact would not be significant.

#### **5.5.7 ENVIRONMENTAL JUSTICE, EQUITY, AND PROTECTION OF CHILDREN**

On February 11, 1994, President Clinton signed EO 12898, Federal Actions to Address Environmental Justice in Minority and Low-Income Populations, which directs federal agencies to address and avoid disproportionate environmental and human health impacts from federal actions on minority populations and low-income populations. All federal agencies must analyze the environmental effects, including human health, social, and economic effects, on minority and low-income communities. The impacted area includes all areas of the scope of work for the proposed project, any staging areas or hauling routes, and any areas outside of the immediate project area that may be impacted indirectly by the proposed project.

In January 2021, President Biden issued EO 13985, Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce, and EO 14008, Tackling the Climate Crisis at Home and Abroad, to further address the need to achieve environmental justice and equity across the federal government. These new executive orders direct federal agencies to renew their energy, effort, resources, and attention to implement environmental justice and underscore the Administration's commitment to environmental justice.

Guidelines for the protection of children are specified in EO 13045, Protection of Children from Environmental Health Risks and Safety Risk (Federal Register, Volume, 62, Number 78, April 23, 1997). This EO requires that federal agencies make it a high priority to identify and assess policies, programs, and standards addressing disproportionate adverse risks to children resulting from environmental health or safety risks.

The proposed Heritage Heights Group Site is in Fort Myers, Lee County, Florida. According to the United States Census Bureau, the population of Lee County was 760,822 with a total of 428,910 housing units in 2020. The median household income was estimated to be approximately \$63,235 (based on 2017 to 2021 American Community Survey 5-year estimates). According to

the 2017 to 2021 American Community Survey 5-year estimates, approximately 12.2% of population in Lee County lives below poverty levels.

In Lee County, the age and sex distribution of the population is summarized by the 2020 Census as: 6.9% of the population is 5 and under, 21.0% of the population is under 18, 21.6% of the population is 65 years and over, and 50.8% of the total population is female. The race and Hispanic distribution is as follows: 58.7% of the population is white, 23.2% of the population is black or African American, 0.2% of the population is American Indian and Alaska native, 2.2% of the population is Asian, 0.2% of the population is native Hawaiian and other Pacific Islander, 9.0% of the population is two or more races, and 23.0% of the total population is Hispanic or Latino.

Based on the EPA Environmental Justice Screening Tool (<https://www.epa.gov/ejscreen>), accessed February 8, 2023, the proposed Heritage Heights Group Site is located within a tract residing within the 95<sup>th</sup> to 100<sup>th</sup> National Percentile of the EPA's Demographic Index. The demographic index in EJScreen is a combination of percent low-income and percent minority, the two socioeconomic factors explicitly named in EO 12898. For each Census block group, these two numbers are averaged together. The demographic index is equal to the percentage of people of color plus the percentage of low-income; the combined percentage is then divided by two. The same tract of land for the proposed group site also resides within the 90<sup>th</sup> to 95<sup>th</sup> percentile of people under the age of 5. Other factors within high national percentile ranges (greater than 80%), or of significant interest are: (1) all of Lee County is in the 95<sup>th</sup> to 100<sup>th</sup> percentile in Air Toxics Cancer Risk; (2) the tract where the proposed group site project is located and surrounding tracts are in the 95<sup>th</sup> to 100<sup>th</sup> percentile in Heart Disease; and (3) the proposed group site is located in an existing Food Desert, which is defined as a low-income tract where a substantial number or substantial share of residents do not have easy access to a supermarket or large grocery store. The full EJScreen report is attached to this EA (Appendix H).

Historically, families and individuals living close to or under the poverty line are more susceptible to homelessness and displacement risk after natural disasters and are more likely to need direct housing assistance.

### **Alternative 1 - No Action Alternative**

Under the No Action Alternative, the installation of utilities, construction of gravel roadways and parking lots, placement of stone-base and concrete for pads, residential parking, and associated appurtenances to facilitate 59 MHUs on the project site would not be completed. Those in need of direct housing assistance would have to find alternative means of housing. Families in the vicinity of the proposed site who are denied group site housing would likely be disproportionately low-income and minority households. Therefore, the No Action Alternative would have a moderate

adverse impact human health or environmental effects on minority or low-income populations and may result in disproportionate health or safety risks to children. The impact would be significant.

**Alternative 2 – Develop the Heritage Heights Group Site with MHUs (Preferred Alternative)**

According to the United States 2020 Census Bureau, the population in Fort Myers, Florida, where the proposed Heritage Heights Group Site is proposed, is 85,525 people. Under Alternative 2, with the establishment of the temporary group site, up to approximately 59 households could be temporarily relocating to the Heritage Heights Group Site area. The potential group site would consist of current residents of the local community area impacted by Hurricane Ian. The overall demand for public and commercial services is not expected to be greater than the pre-disaster demand and potential impacts are expected to be minimal.

Alternative 2 would provide housing relief to the communities affected by Hurricane Ian in proximity to the proposed group site. The availability of federal assistance, including temporary housing for displaced individuals, who likely represent a disproportionately significant number of low-income and minority households, is consistent with EO 12898. All forms of FEMA disaster housing assistance are available to any affected household that meets the conditions of eligibility, and demographics are not among the eligibility requirements. The MHU group housing site would be a temporary housing solution and would be installed at the proposed location for 18 months, therefore, no long-term adverse impacts to public health or to the environment would be expected.

The specific demographics of group site occupants are not available at this time because specific individuals or families are in the process of being identified for the group site. However, the demographic makeup of the group site residents is expected to be similar to the community as a whole, primarily low income or minority households. According to program policy, survivors must be placed within 50 miles of their damaged dwelling. However, the policy currently implemented for Hurricane Ian is to place survivors no more than 35 miles from their damaged dwellings, so they remain within their community and avoid undue hardship. An effort is being made to keep applicants within a reasonable commuting distance, defined as, “a distance that does not place undue hardship on an applicant.” Furthermore, the availability of temporary housing would result in a positive impact to displaced individuals, regardless of whether they are classified as minority or low income.

Based on the review conducted, Alternative 2 is not expected to have disproportionately high or adverse human health or environmental impacts on minority or low-income populations. Activities under Alternative 2 would be expected to have a moderate beneficial impact on local socioeconomics.

## 6.0 CUMULATIVE IMPACTS

Per the CEQ regulations, cumulative impacts refer to the impact on the environment that “results from the incremental impact of the action when added to the other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taken place over a period of time” (40 CFR 1508.7). In accordance with NEPA, this EA considered combined effects of the preferred alternative and other actions occurring or proposed in the vicinity of the proposed project site. Cumulative impacts are defined as environmental effects that are greater in magnitude, extent, or duration than the direct and indirect effects of the proposed FEMA-associated action when combined with the effects of other current and future actions, regardless of the proponent.

One of the results of the proposed action is not directly related to the temporary nature of the group site but rather is related to the utility infrastructure which would remain after the group site is decommissioned. As discussed in section 5.2.2 and the attached eight-step decisions making process (Appendix D), the construction of the utilities on the subject site has the potential to induce future development of the site. This future development is a potential indirect impact associated with the proposed action.

The current property owner, as indicated in the USACE and FDEP permits, intended to develop the parcel in a similar manner as the residential development north of the site. According to the permits, this includes residential homes, roadways, infrastructure, and associated appurtenances. The potential for this development to continue after the group site is decommissioned is high. This assessment is largely driven by the cost savings associated with the installation of utility infrastructure used for the operation of the group site. When looking at the region of unincorporated Lee County south of the Caloosahatchee and north of Estero Bay in which this development is to occur, it is apparent that the existence of undeveloped, wild, or naturally occurring land is sparse outside the coastal and riverine riparian areas and the wetland slough associated with Estero Bay and the Deep Lagoon.

Cumulative impacts associated with past incremental actions by both federal and non-federal parties has had a marked effect on the human and natural environment. Changes to the human environment, including air quality, noise pollution, rising average temperatures, increasing traffic, variable crime rates, the presence of poverty, homelessness, and variable socioeconomic disparity can be attributed, in whole or in part, to incremental regional development, human expansion, and policy decisions. Considering the natural environment, past deleterious effects to native plant and animal species has likely occurred. Phenomena such as deteriorating water quality, harmful algal blooms, red tide, mass species die off events, and the continued loss and fragmentation of habitat

can all be attributed, in whole or in part, to the same incremental regional development, human expansion, and policy decisions.

The inducement of potential development on the site does not constitute a significant deviation from historical rates of development seen in the region. Additionally, considering the no action alternative, the likelihood of the subject site being developed without federal involvement remains high.

Presently, the subject site does not represent a high-quality natural resource or aquatic site, nor does it function as critical habitat for threatened or endangered species. The loss of this undeveloped land carries little negative impact associated with natural resources through the next 10 to 30 years excepting for the marginal increase in the adverse effects of human activity within the area. Additionally, the increase in residential capacity would not likely have a more than minimal adverse effect on future commercial or infrastructure development within the region. The available parcels of the land that can be developed have been developed within the last 50 years. The modest increase of residential capacity, if a more permanent residential development is induced, does not merit a projection of future development and associated adverse impacts deviating significantly from the current trajectory in the region. The likelihood the wetland slough systems associated with Deep Lagoon, adjacent to the site, and other special aquatic sites within the region, remain undeveloped due to local, state, federal restrictions and conservation measures remains high. The anticipated impacts associated with the proposed action has a low to moderate likelihood of adversely affecting the continued existing of these natural resources in the region now and into the future.

Considering reasonably foreseeable future incremental effects can be difficult. However, one such approach is projecting current trends forward. This is speculated to be more of the same variable deterioration of the human and natural environment already discussed. It is unlikely the adverse phenomena described previously will reverse course in a meaningful way outside of long-term incremental improvements contingent on local and regional policy decisions, increased conservation measures and social initiatives to address socioeconomic disparity and general human welfare.

## **7.0 PERMIT AND PROJECT CONDITIONS**

1. Prior to construction, an appropriate SWPPP, Erosion Control Plan, and NPDES permit must be obtained, and the FEMA Logistics' contractor must comply with all of the conditions prescribed by the permit.
2. If necessary, appropriate dewatering permits are required prior to dewatering activities and the FEMA Logistics' Contractor must comply with all of the conditions prescribed by the permit.

3. The appropriate signage must be posted and fencing installed to minimize potential adverse public safety concerns. Appropriate signage and barriers would be in place prior to construction activities in order to alert pedestrians and motorists of project activities and traffic pattern changes.
4. Under Alternative 2, SHPO and NHPA Conditions are applicable:
  - a. If human remains or intact archaeological deposits are uncovered, work in the vicinity of the discovery will stop immediately and all reasonable measures to avoid or minimize harm to the finds will be taken. The FEMA Logistics' contractor will ensure that archaeological discoveries are secured in place, that access to the sensitive area is restricted, and that all reasonable measures are taken to avoid further disturbance of the discoveries. The applicant's contractor will provide immediate notice of such discoveries to the applicant. The applicant shall contact the Florida Division of Historic Resources and FEMA within 24 hours of the discovery. Work in the vicinity of the discovery may not resume until FEMA has completed consultation with SHPO, Tribes, and other consulting parties as necessary. In the event that unmarked human remains are encountered during permitted activities; all work shall stop immediately, and the proper authorities notified in accordance with Florida Statutes, Section 872.05.
  - b. Construction vehicles and equipment will be stored onsite during the project or at existing access points within the site right-of-way.
  - c. Any changes to the approved scope of work will require submission to, and evaluation and approval by, the State and FEMA, prior to initiation of any work, for compliance with Section 106.
  - d. In the event of inadvertent discoveries of human remains and related Native American Graves Protection and Repatriation Act (NAGPRA) items occur in areas of existing or prior development, work shall cease and the Seminole Tribe of Florida, The Miccosukee Tribe, The Seminole Nation of Oklahoma, The Poarch Band of Creek Indians, the Muscogee (Creek) Nation, and other appropriate agencies shall be notified immediately.
5. Handling, storage, and disposal of hazardous materials and waste during construction activities, including measures to prevent releases, must be conducted in accordance with applicable environmental compliance regulations.
6. Appropriate BMPs will be implemented during site development to minimize sediment migration from the site into nearby water bodies. Surface runoff will be controlled by using siltation controls such as silt fencing around the construction site to minimize erosion of materials into adjacent wetlands and/or waterways. Any disturbed soil will be protected with seed or sod after construction in order to decrease the amount of soil eroded by rainfall and runoff. Any fill stored on site will be appropriately covered to prevent erosion. If the project results in a discharge to waters of the State, a National Pollution Elimination System

(NPDES) permit may be required in accordance with the Section 401 of the CWA and the Florida Water Quality Certification.

7. Unusable equipment, debris and material will be disposed of prior to occupancy in an approved manner and location. In the event significant items (or evidence thereof) are discovered during implementation of the project, petroleum products, hazardous materials, and toxic waste will be handled, managed, and disposed of in accordance to the requirements and to the satisfaction of the governing local, state, and federal agencies.
8. Construction activities with elevated noise levels will be limited from 0700 to 1900, unless otherwise approved by the County. Equipment and machinery used during construction will meet all local, State, and federal noise regulations.
9. MHUs shall comply with 24 C.F.R. Part 3280 Manufactured Home Construction and Safety Standards (“Department of Housing and Urban Development [HUD] code”).
10. The FEMA Logistics’ contractor is responsible for obtaining any required FDEP ERP permits and waivers. Compliance with FDEP requirements constitutes compliance with Florida CZM. Failure to comply with these conditions may jeopardize FEMA funding; verification of compliance will be required at project closeout.
11. Under EO 11988 the following eight step conditions apply:
  - a. Coordination with the local floodplain administrator must occur prior to placement. All coordination pertaining to these activities and applicant compliance with any conditions should be documented and copies forwarded to the state and FEMA for inclusion in the permanent project files.
  - b. Minimization measures described in Step 5 of the eight step must be implemented.
  - c. Placement of MHUs or other readily fabricated dwellings must be in accordance and in compliance with Florida and local regulations.
12. Any FEMA units will be installed in compliance with applicable local codes, ordinances and permitting requirements. Any contracted logistics installation entities (installers) for MHU placement will secure all pertinent Federal, state, and local permits and approvals before work.
13. MHUs shall comply with 24 C.F.R. Part 3280 Manufactured Home Construction and Safety Standards (“Department of Housing and Urban Development [HUD] code”).
14. If federally listed threatened or endangered species, or potential threatened or endangered species habitat (including gopher tortoises or borrows), are found on or within close proximity to the project site, all work will immediately cease, and the relevant authorities, including FEMA and USFWS will be contacted. Construction will not resume until the appropriate permits are obtained.
15. Before unit occupancy, the responsible program, will provide applicants with a Health and Safety Advisory regarding the flood hazard, local emergency evacuation plans, right-of-entry during an emergency, and possible unit haul off.



16. The responsible program will ensure the local emergency manager has information regarding location of MHU, TT occupants and potential special needs, to integrate into local emergency plans.
17. Once the temporary housing need has ended, FEMA expects that all manufactured housing units (MHUs) will be hauled from the site in accordance with Section 408(d)(2) of the Stafford Act and returned to a FEMA storage facility. Furthermore, the project site would be either reasonably restored to its previous condition and then seeded, or left with the site improvements per the lease terms negotiated between the State with the landowner.

## **8.0 AGENCY COORDINATION AND PUBLIC INVOLVEMENT**

The following agencies were contacted during the preparation of this EA:

- Florida Department of Environmental Protection
- Florida Division of Historic Resources (SHPO)
- U.S. Army Corps of Engineers
- Lee County Sheriff's Office
- Iona McGregor Fire District
- Lee County Utilities
- Lee County Board of County Commissioners

FEMA issued a disaster-wide initial public notice for Hurricane Ian on October 6, 2022 (Appendix J), to notify the public of projects under the PA, Individual Assistance, and Hazard Mitigation Grant programs that may be occurring within floodplains or wetlands.

The public was notified of the availability of the draft EA for review and comment by posting of the public notice (Appendix K) on the Florida Department of Emergency Management (FDEM) website; FEMA's website; at the proposed project location; the Kelley Soccer Complex; the county administrative building located at 2115 2<sup>nd</sup> Street, Fort Myers, Florida 33901; the Heights Foundation building located 15570 Hagie Drive, Fort Myers, Florida 33908; the Lakes Regional Library located 15290 Bass Road, Fort Myers, Florida 33919; the Lee County Public Work building located at 1500 Monroe Street, Fort Myers, Florida 33901; and the Habitat for Humanity of Lee and Hendry Counties Administrative Office located at 12751 New Brittany Boulevard, Suite 100, Fort Myers, Florida 33907.

Physical copies of the draft EA were made readily available to the public at the county administrative building located at 2115 2<sup>nd</sup> Street, Fort Myers, Florida 33901; the Heights Foundation building located at 15570 Hagie Drive, Fort Myers, Florida 33908; the Lakes Regional Library located at 15290 Bass Road, Fort Myers, Florida 33919; the Lee County Public Work building located at 1500 Monroe Street, Fort Myers, Florida 33901; and the Habitat for Humanity

of Lee and Hendry Counties Administrative Office located at 12751 New Brittany Boulevard, Suite 100, Fort Myers, Florida 33907. The public comment period was limited, due to the emergency nature of this action and the pressing need to provide temporary housing solutions for survivors of Hurricane Ian. The public comment ended on March 25, 2023, after 7 days from the date of initial posting on March 17, 2023, with no comments received.

## 9.0 LIST OF PREPARERS

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**Appendices are available for review upon request to  
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