



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
1520 ROYAL PALM SQUARE BOULEVARD; SUITE 310
FORT MYERS, FLORIDA 33919

REPLY TO
ATTENTION OF

Fort Myers Regulatory Office

March 12, 2009

PUBLIC NOTICE

Permit Application No SAJ-2008-3793(IP-hwb)

TO WHOM IT MAY CONCERN: This district has received an application for a 35-year, Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) as described below:

APPLICANT: Troyer Brothers Florida, Inc.
14700 Troyer Brothers Road
Fort Myers, Florida 33913

WATERWAY & LOCATION: The project involves freshwater wetlands and other waters within the Imperial River watershed, Estero Bay Drainage Basin, Big Cypress Swamp. The project is located south of State Road 82 and north of Corkscrew Road in Sections 28 & 33, Township 45 South, Range 27 East; and Sections 4, 9, 16 and 21, Township 46 South, Range 27 East; Lee County, Florida.

Directions to the site are as follows: From Immokalee, travel north on SR 29 and turn west on SR 82. The site is on the south side of the road approximately 11.6 miles west of the SR 29 and SR 82 intersection. From Fort Myers, travel east on SR 82 for approximately 13.8 miles. The site is on the south side of the road.

LATITUDE & LONGITUDE: Latitude 26.489925 North
Longitude 81.621290 West

PROJECT PURPOSE:

Basic: Mine rock.

Overall: To construct and operate an FDOT grade limerock mine and processing facility by extracting known deposits within Lee County, Florida.

PROPOSED WORK: The proposed project is a mining operation that excavates and processes commercial grade limerock and sand in order to meet the demands for this material for construction purposes. This is a static commodity which can only be extracted within a relatively small region of the United States. Of the 1,803.50 acres that make up the Troyer Brothers parcel, 858 acres are to be mined, the vast majority being the potato farming portion of the property. This will result in impacts to 145.52 acres of jurisdictional wetlands, of which approximately 12.76 acres of impact are to cypress wetlands and 135.52 acres are to other wetlands of lesser functional value. The project will require the discharge of 191,600 cubic yards of fill into 29.68 acres of wetlands and the excavation of 373,800 cubic yards of fill from 115.84 acres of wetlands.

The mine is capable of producing approximately 7 million tons of material per year for a period of 35 years. The resulting storm water treatment and detention lakes will be restored using agency approved reclamation guidelines and the planting of native vegetation. Mining will be conducted in a conventional manner by first blasting the limestone, removal of the overburden by uses of draglines, and excavating the limestone by dragline. Temporary dewatering may be necessary during mining of the overburden. However, all water used for dewatering will remain on-site. No off-site discharges are required and all applicable Best Management Practices will be adhered to at all times.

Avoidance and Minimization Information: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

This particular site was selected due to the fact it can be economically mined without adversely impacting the overall water quality and natural water supply within this region, or significantly impacting other natural attributes associated with the wetland and wildlife habitat that currently exists on this site and upon the surrounding parcels. The applicant indicated that while it is not possible to completely eliminate wetland impacts, the mine plan and processing plant layout were designed to avoid wetland systems of higher functional value. In addition, the irregular footprint of the mine itself is a departure from the industry-standard rectangular mine design and will result in a nontraditional open water mine cut with extensive vegetative littoral zone area and a large wildlife corridor that will greatly enhance the current significant lack

of biodiversity that exists within the vast majority of the areas to be mined.

Compensatory Mitigation: The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

To compensate for the loss of 145.52 acres of jurisdictional wetlands, the applicant is proposing a combination of upland restoration, wetland enhancement, wetland preservation and wetland creation. Final details of the compensatory mitigation plan including wetland functional analysis and adequacy of the compensation have not been finalized.

EXISTING CONDITIONS: The project site contains 1,803.50 acres in eastern Lee County, Florida, representing a mosaic of ongoing agricultural activity, grazing habitat, and wetland systems. Uplands on the property are primarily used for potato farming. The project site has 769.06 acres of wetlands and other jurisdictional waters. The predominant wetland systems on the property consist of freshwater marshes, wet prairie, mixed shrubs and hydric pine. Invasive exotic species can be observed throughout the entire site.

Hydrology on the entire parcel has been drastically altered due to the permitted on-going agricultural activity that began in the 1960's and continues today. This activity has resulted in the creation of an extensive irrigation ditch/swale system that has effectively segregated the uplands from the wetlands and eliminated any functioning ecotone. Natural surface sheet flow is for the most part non existent and frequent and periodic pumping of water into and out of the agricultural area has diminished the overall functional value of the wetland system.

ENDANGERED SPECIES: Based on the Wood Stork Effect Determination Key, the Corps has determined that the project "may affect" the wood stork (*Mycteria americana*). In addition, the project site is within the Primary Focus Area for the Florida panther (*Puma concolor coryi*) and the Corps has determined that the project "may affect," the Florida panther. The Corps will request formal consultation on the wood stork and Florida panther with the U.S. Fish and Wildlife Service by separate letter. The Corps has determined the proposal would have no effect on any other listed threatened or endangered species.

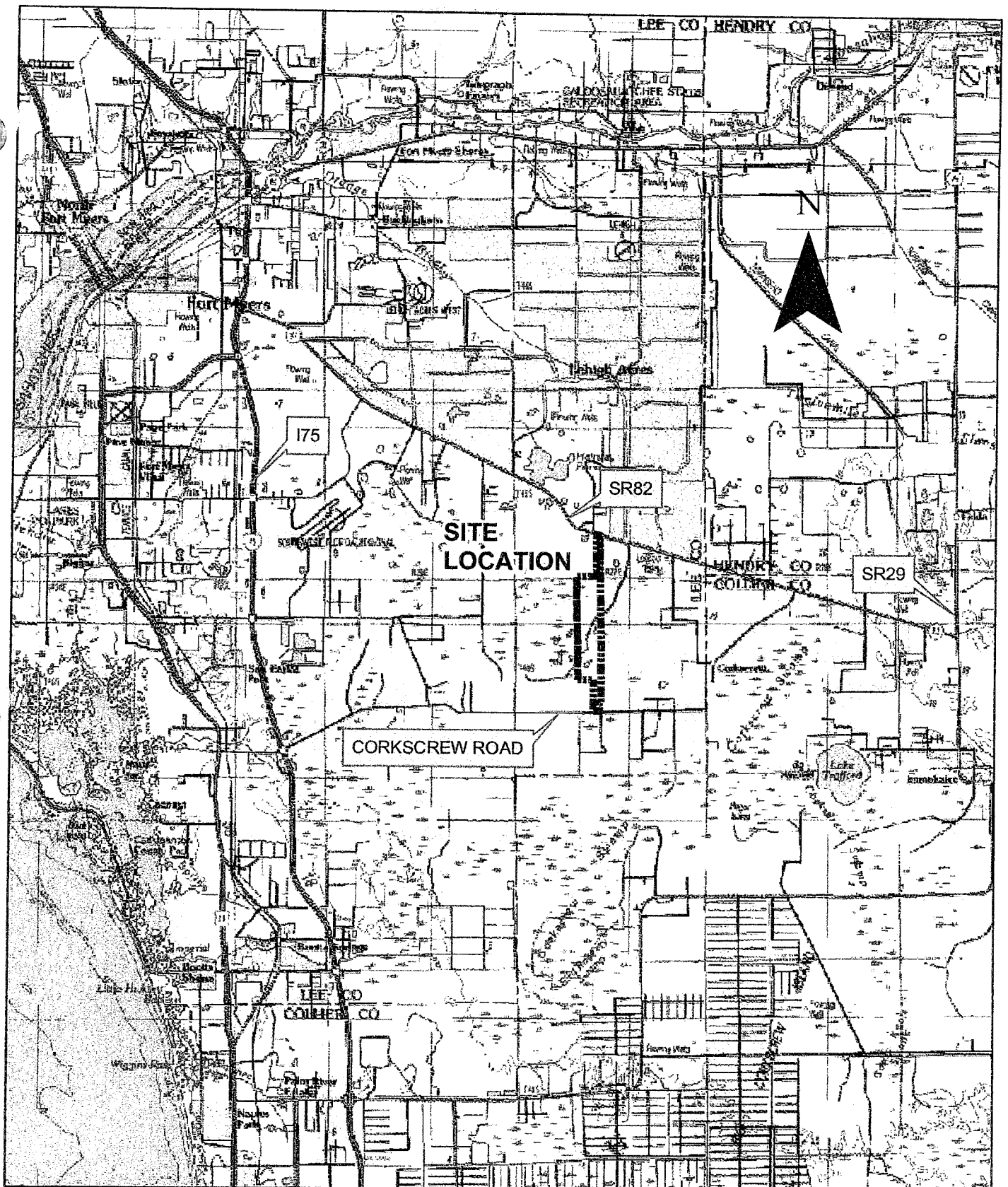
NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The jurisdictional line has not been verified by Corps personnel.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification may be required from the Florida Department of Environmental Protection and/or one of the state Water Management Districts.

Comments regarding the application should be submitted in writing to the District Engineer at the above address within 21 days from the date of this notice.

If you have any questions concerning this application, you may contact Mr. Skip Bergmann at the letterhead address, by electronic mail at Harry.W.Bergmann@usace.army.mil, by fax at 239-334-0797, or by telephone at 239-334-1975 extension 21.

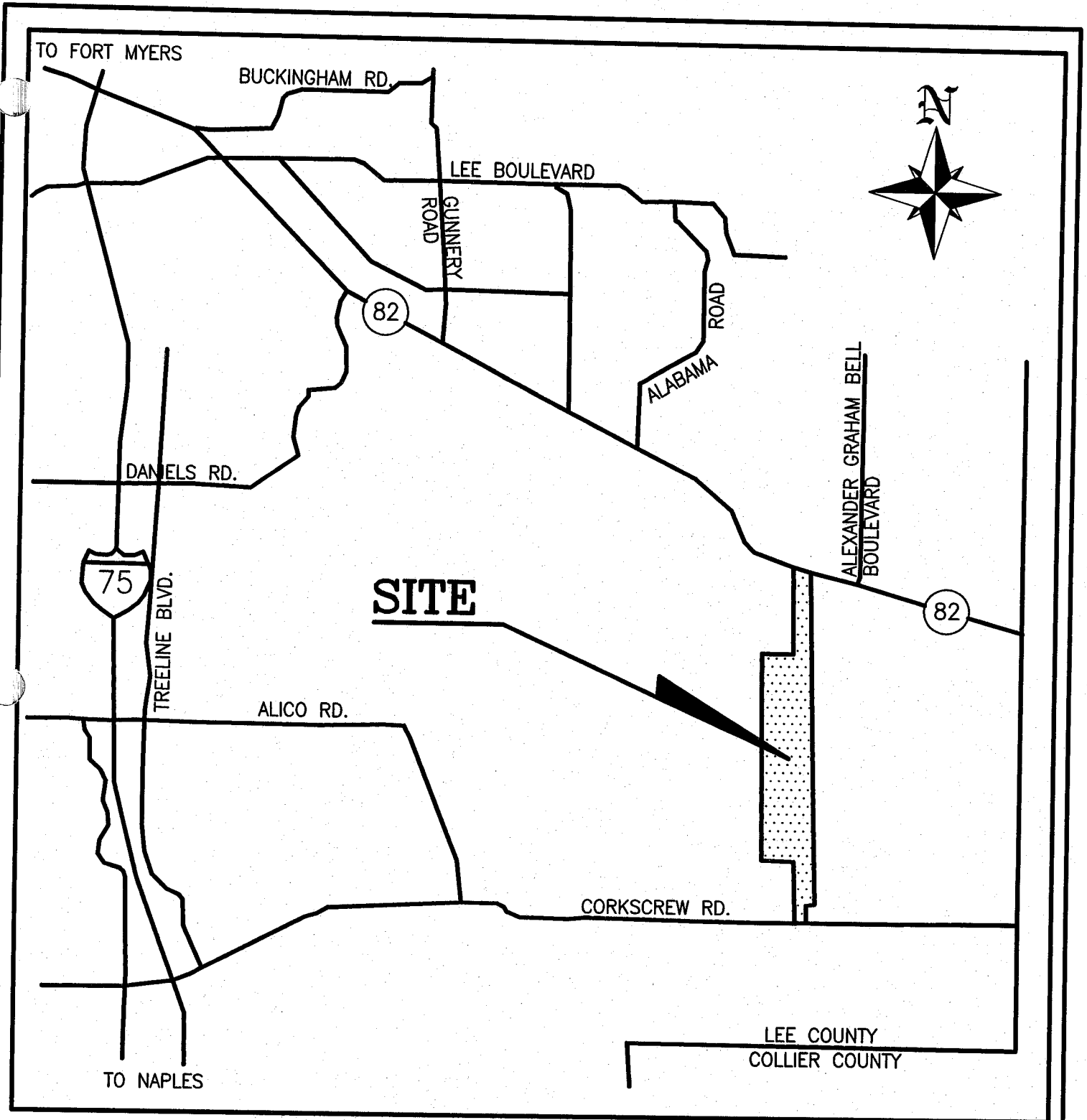
The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated wetlands. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.



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 Miles

1 inch equals 4 miles

DRAWN BY: RAS CHECKED BY: X
 Thursday, August 21, 2008 10:17:41 AM
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LAT. 26°29'26.05" N.
 LONG. 81°37'18.52" W.
 SECTIONS 28 & 33, T45S, R27E
 SECTIONS 4, 9, 16 & 21, T46S, R27E
 SOUTHEAST LEE COUNTY, FLORIDA
 APPLICANT: TROYER BROTHERS FLORIDA, INC.



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LOCATION MAP

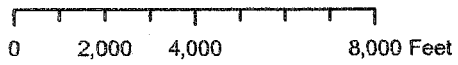
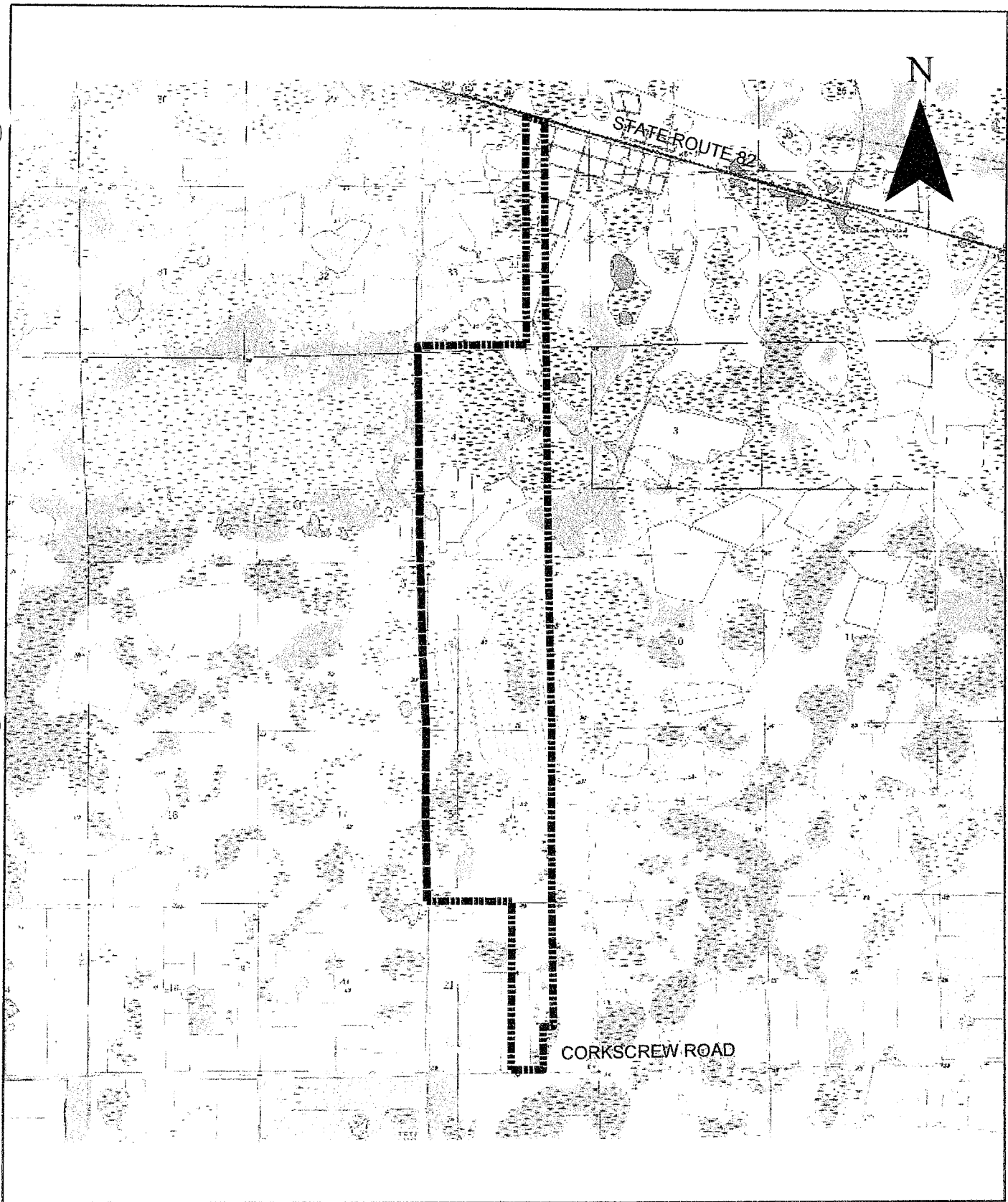
USACOE JURISDICTIONAL WETLANDS
 TROYER BROTHERS FLORIDA, INC.

SCALE: N.T.S.

BY: JR

DATE: 9-12-08

SHEET No. 1 OF 8

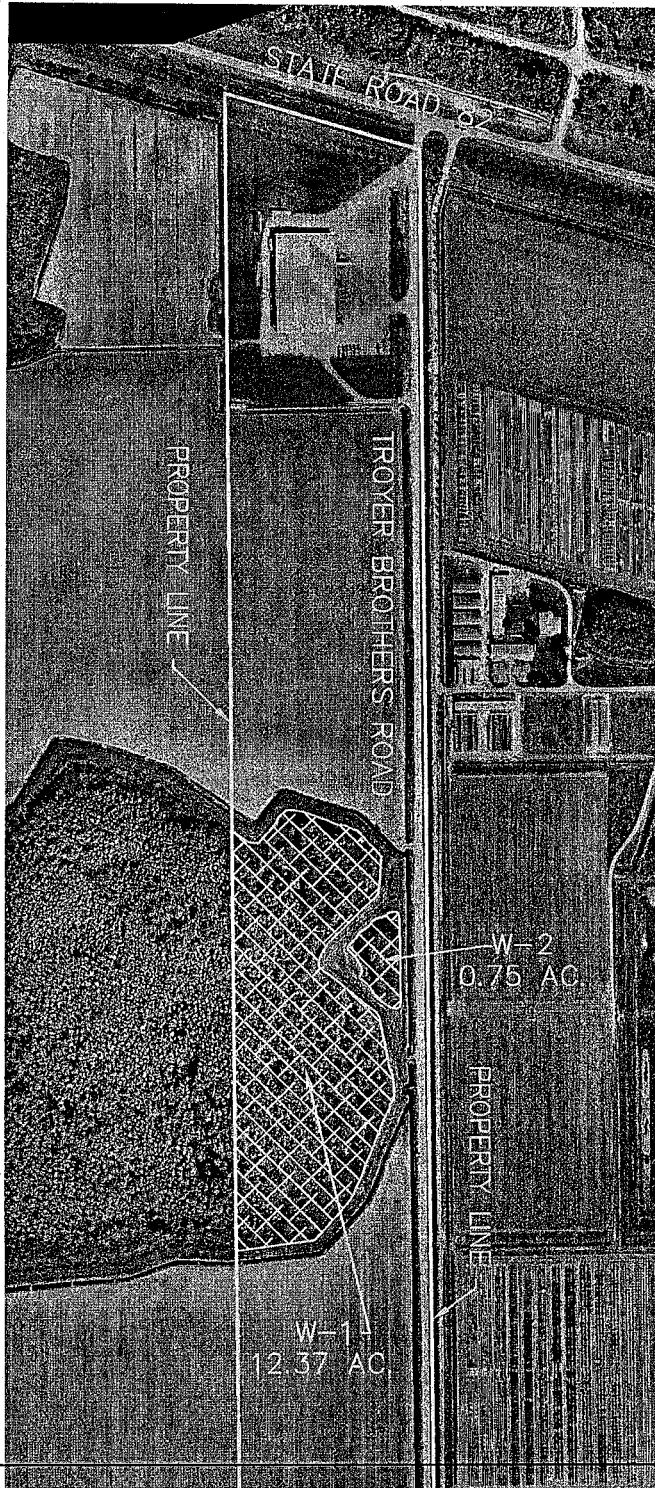


1 inch equals 4,000 feet

SAJ-2008-3793(IP-hwb)
 Troyer Brothers Florida
 12 March 2009
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TROYER BROTHERS FLORIDA, INC.
 SITE VICINITY MAP



MATCH LINE
SHEET 3

SITE DATA:

1803.50 AC.=TOTAL SITE AREA
769.06 AC.(33,500,254 S.F.)=JURISDICTIONAL WETLAND AREA

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JURISDICTIONAL WETLAND AREAS



PLAN VIEW

USACOE JURISDICTIONAL WETLANDS
TROYER BROTHERS FLORIDA, INC.



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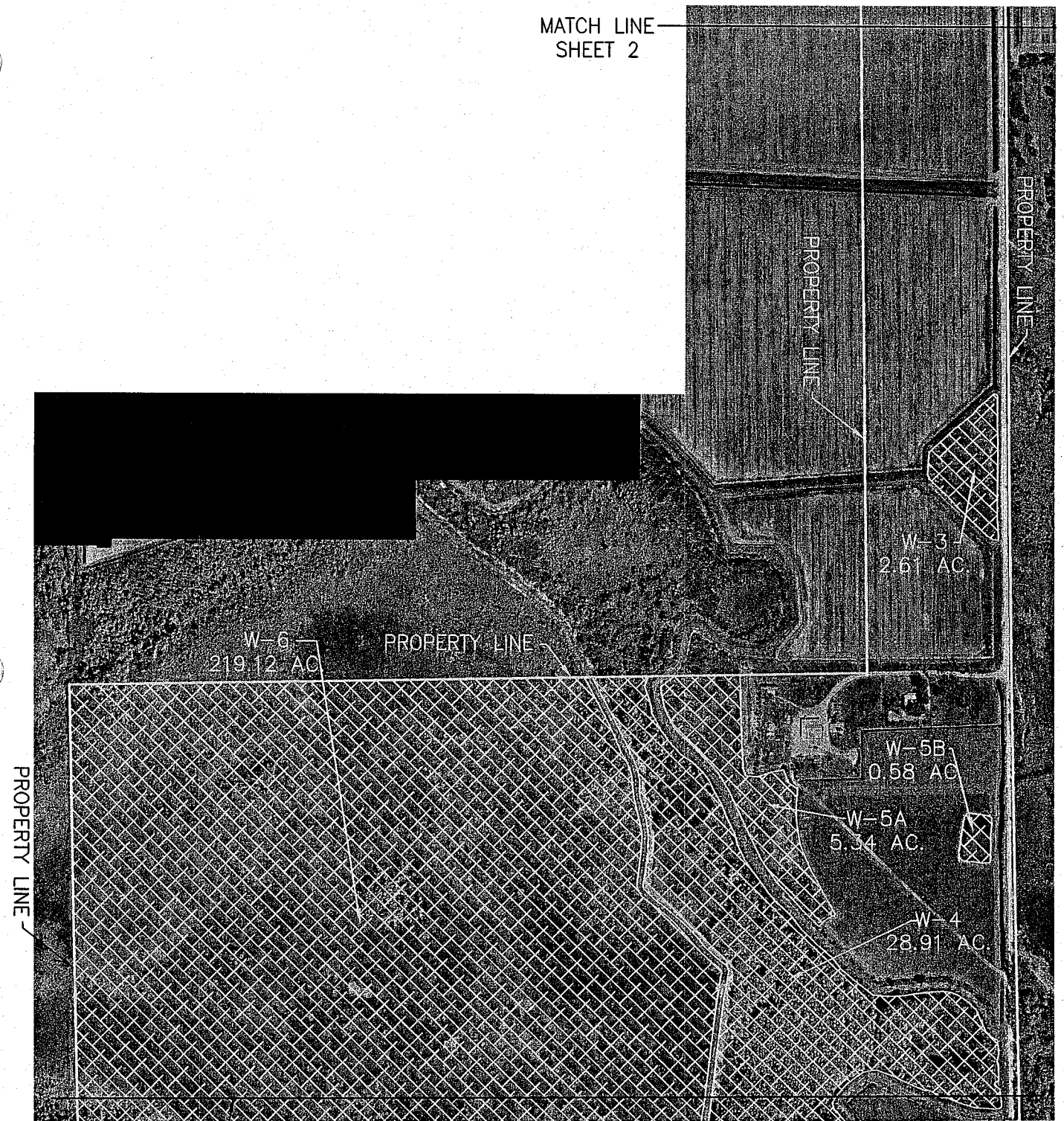
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SCALE: 1"=600' BY: JR

DATE: 9-12-08

SHEET No. 2 OF 8

MATCH LINE
SHEET 2




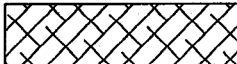
SITE DATA:

MATCH LINE SHEET 4

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JURISDICTIONAL WETLAND AREAS 

PLAN VIEW

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USACOE JURISDICTIONAL WETLANDS
 TROYER BROTHERS FLORIDA, INC.

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SHEET No. 3 OF 8





SITE DATA:

MATCH LINE SHEET 5

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JURISDICTIONAL WETLAND AREAS



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PLAN VIEW

USACOE JURISDICTIONAL WETLANDS
 TROYER BROTHERS FLORIDA, INC.

SCALE: 1"=600' BY: JR

DATE: 9-12-08 SHEET No. 4 OF 8

MATCH LINE SHEET 4




SITE DATA:

MATCH LINE SHEET 6

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JURISDICTIONAL WETLAND AREAS 

PLAN VIEW

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TROYER BROTHERS FLORIDA, INC.

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SCALE: 1"=600' BY: JR

DATE: 9-12-08 SHEET No. 5 OF 8






SITE DATA:

MATCH LINE SHEET 7

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JURISDICTIONAL WETLAND AREAS 



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PLAN VIEW

USACOE JURISDICTIONAL WETLANDS
 TROYER BROTHERS FLORIDA, INC.

MATCH LINE SHEET 6



SITE DATA:

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JURISDICTIONAL WETLAND AREAS



MATCH LINE SHEET 8

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PLAN VIEW

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 TROYER BROTHERS FLORIDA, INC.



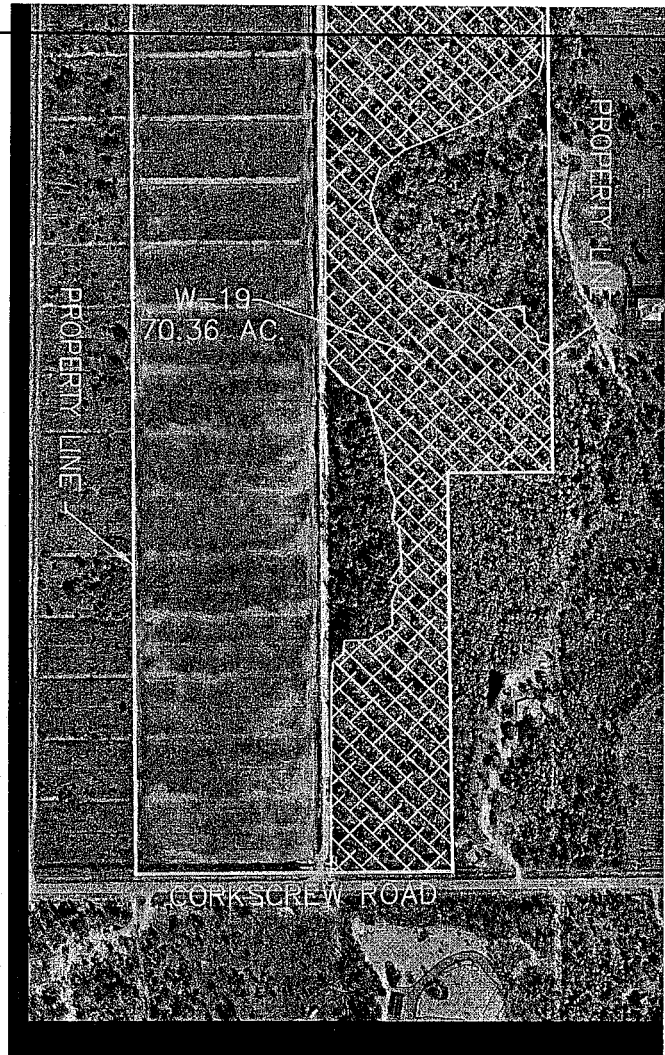
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 Troyer Brothers Florida
 12 March 2009
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DATE: 9-12-08 SHEET No. 7 OF 8

MATCH LINE SHEET 7



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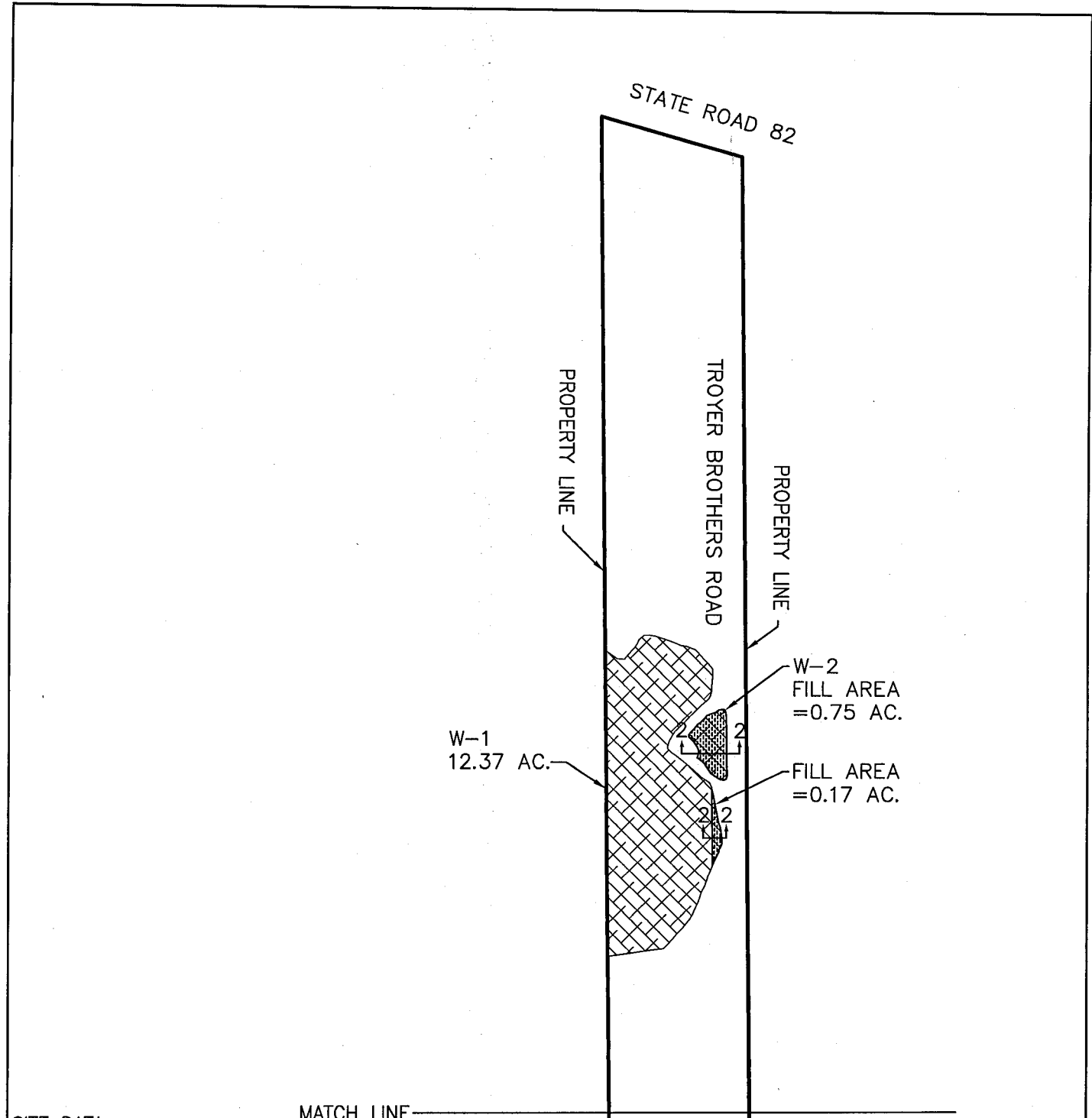
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 Troyer Brothers Florida
 12 March 2009
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DATE: 9-12-08

SHEET No. 8 OF 8




SITE DATA:

1803.50 AC.=TOTAL SITE AREA
 811.69 AC.(35,357,216 S.F.)=JURISDICTIONAL WETLAND AREA
 (INCLUDES 42.63 AC. OF INTERIOR PERIMETER FARM DITCHES)

JURISDICTIONAL WETLAND AREAS 

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 SOUTHEAST LEE COUNTY, FLORIDA
 APPLICANT: TROYER BROTHERS FLORIDA, INC.



 <p>SAJ-2008-3793(IP-hwb) Troyer Brothers Florida 12 March 2009 Page 12 of 20</p>	<p>PLAN VIEW</p> <p>USACOE DREDGE AND FILL PERMIT SKETCHES TROYER BROTHERS FLORIDA, INC.</p>	
	<p>33990 com 114</p>	<p>SCALE: 1"=600' BY: RK</p>

MATCH LINE
SHEET 2

PROPERTY LINE

FILL AREA
=1.31 AC.

W-3
2.61 AC.

PROPERTY LINE

W-6
219.12 AC.

PROPERTY LINE

FILL AREA
=0.24 AC.

W-5B
0.58 AC.

W-5A
5.34 AC.

W-4
28.91 AC.

FILL AREA

PROPERTY LINE

SITE DATA:

MATCH LINE SHEET 4

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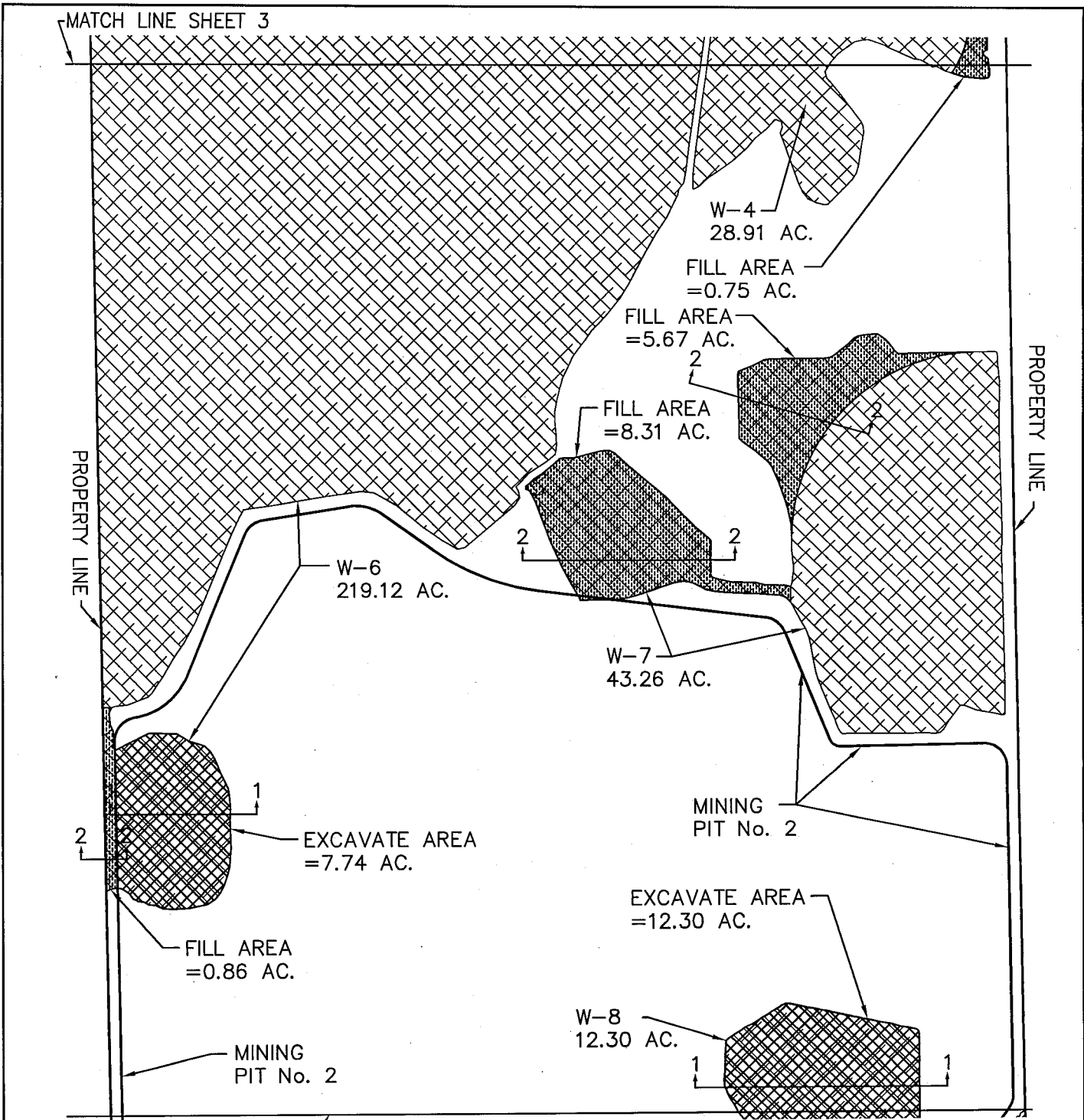
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PLAN VIEW

USACOE DREDGE AND FILL PERMIT SKETCHES
TROYER BROTHERS FLORIDA, INC.

SCALE: 1"=600' BY: RK DATE: 9-12-08 SHEET No. 3 OF 9



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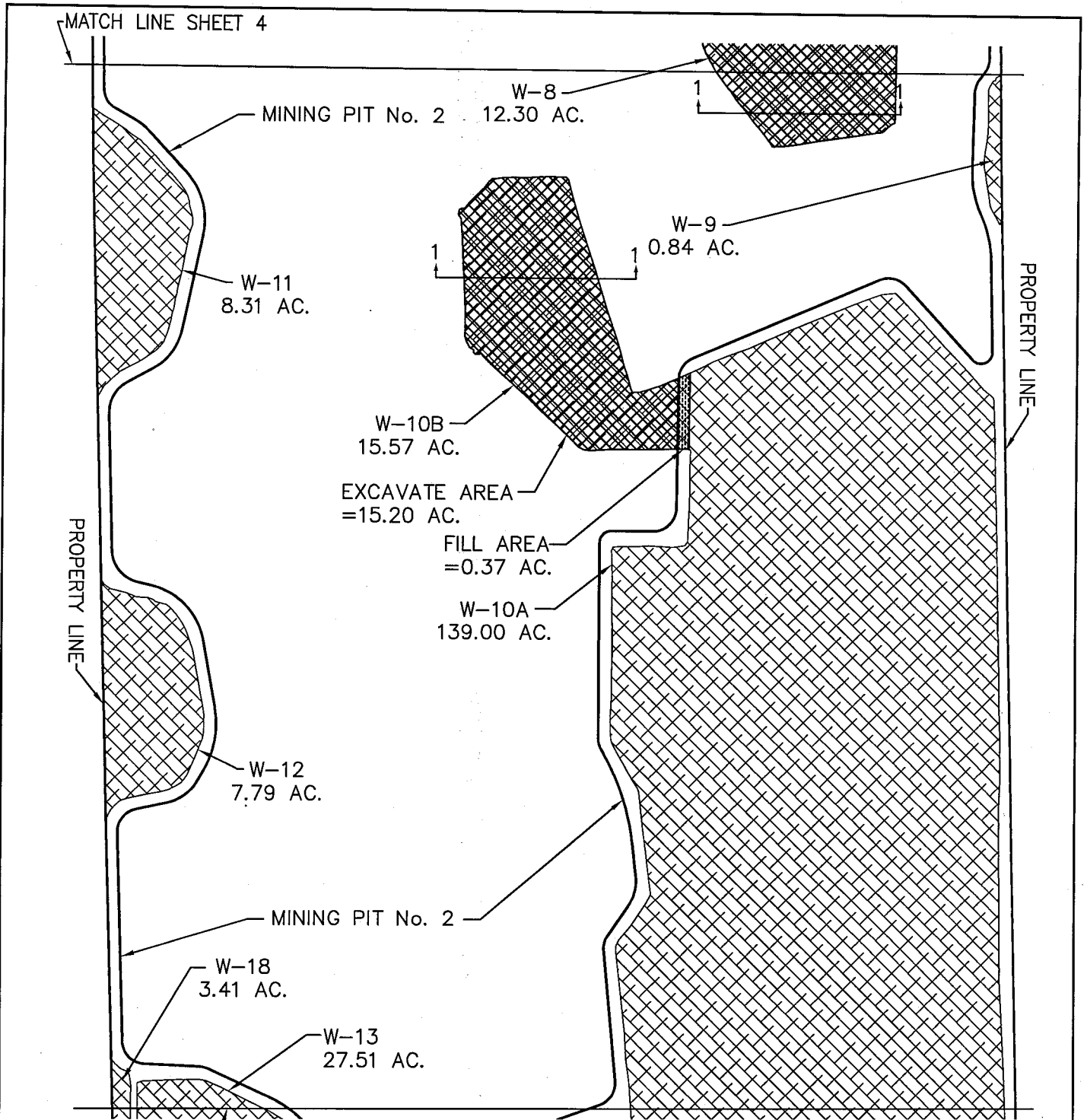
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PLAN VIEW

USACOE DREDGE AND FILL PERMIT SKETCHES
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SCALE: 1"=600' BY: RK DATE: 9-12-08 SHEET No. 4 OF 9



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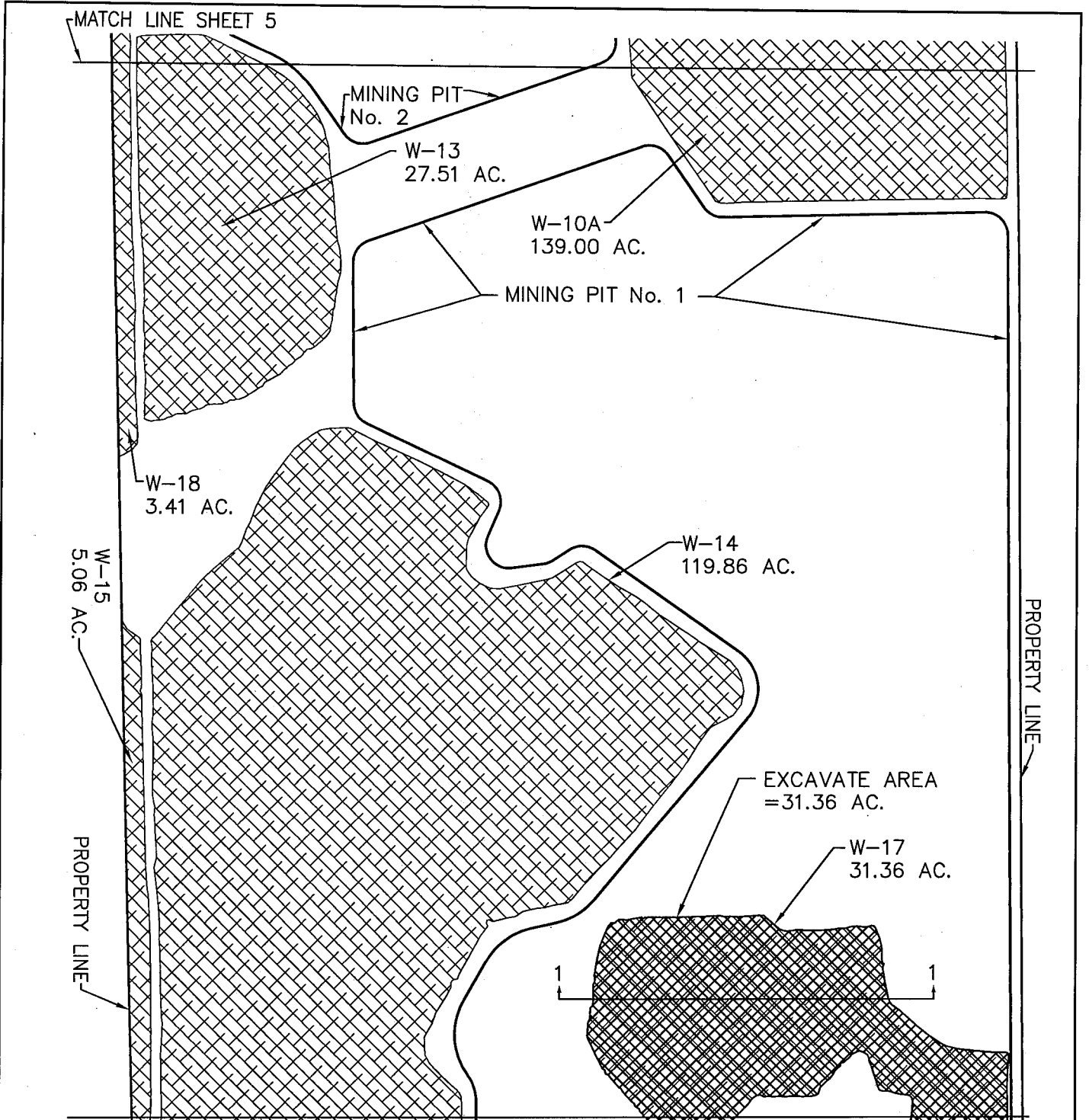
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PLAN VIEW

USACOE DREDGE AND FILL PERMIT SKETCHES
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SCALE: 1"=600' BY: RK DATE: 9-12-08 SHEET No. 5 OF 9



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MATCH LINE SHEET 7

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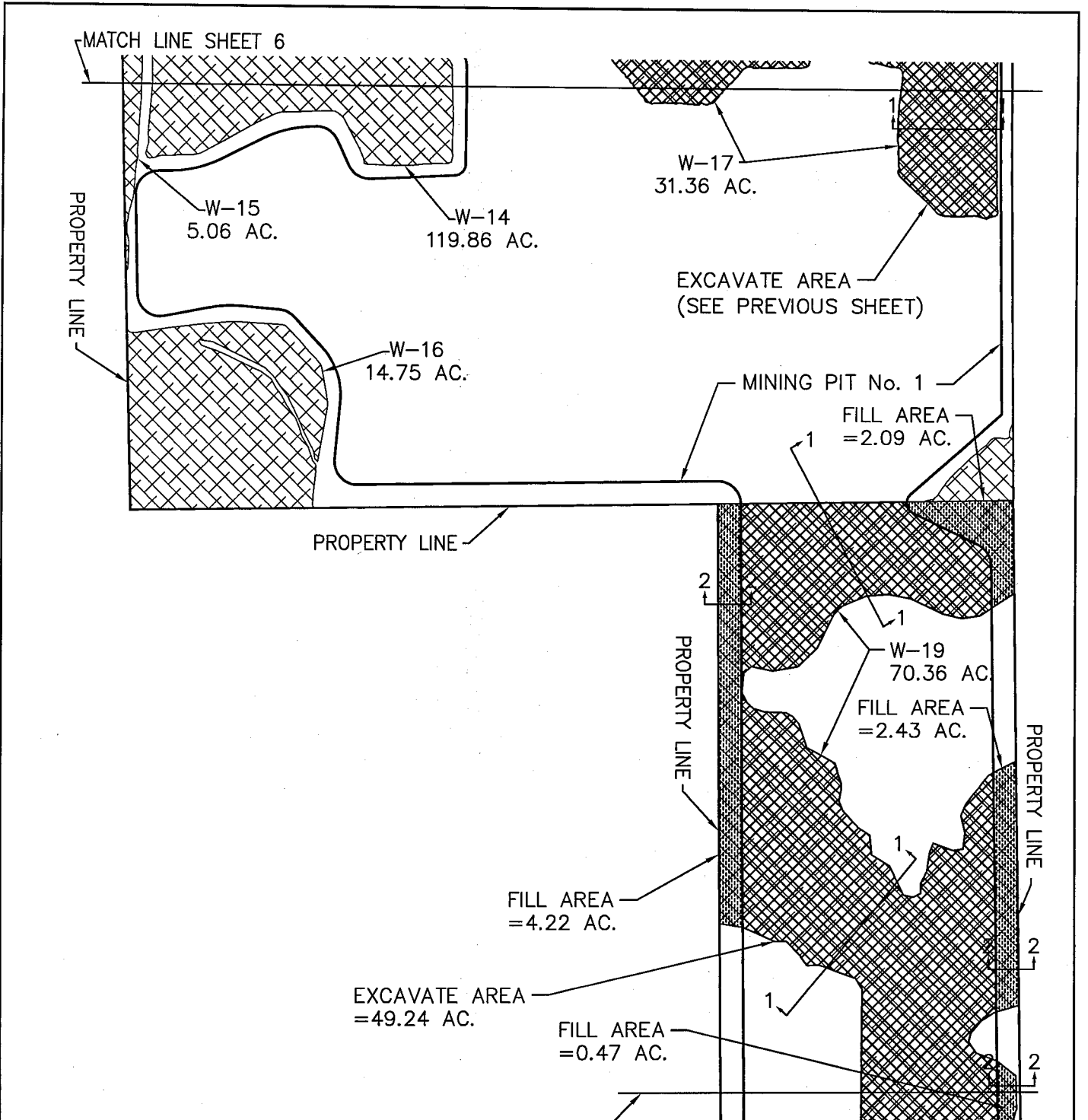
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 Troyer Brothers Florida
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PLAN VIEW

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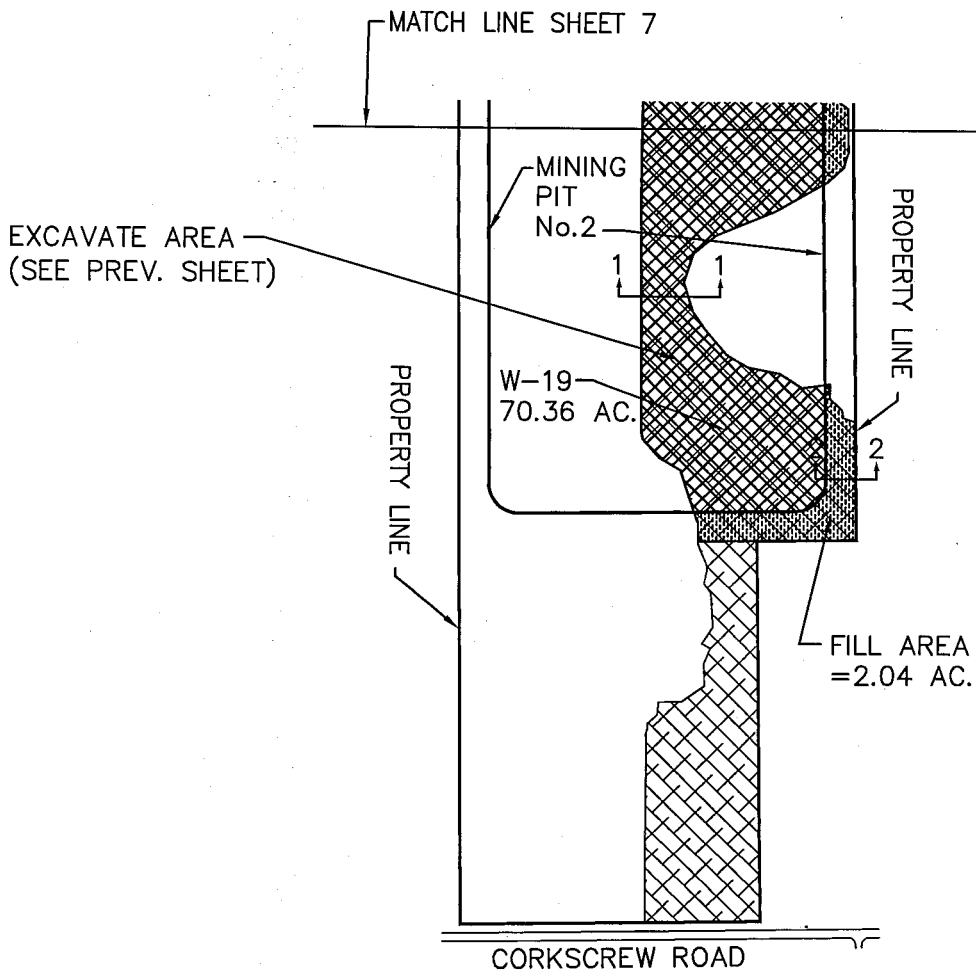
SAJ-2008-3793(IP-hwb)
 Troyer Brothers Florida
 12 March 2009
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PLAN VIEW


USACOE DREDGE AND FILL PERMIT SKETCHES
 TROYER BROTHERS FLORIDA, INC.

SCALE: 1"=600' BY: RK DATE: 9-12-08 SHEET No. 7 OF 9



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PLAN VIEW

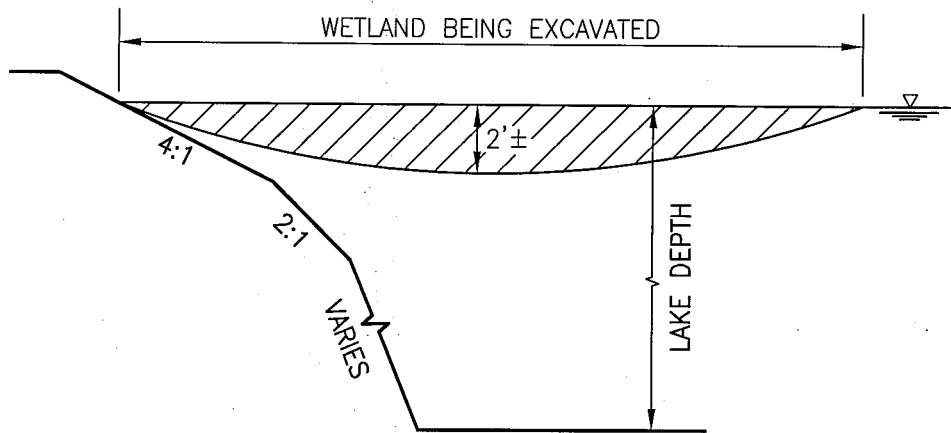
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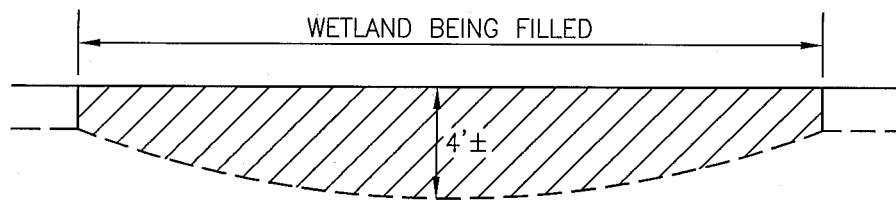
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SCALE: 1"=600' BY: RK DATE: 9-12-08 SHEET No. 8 OF 9



TYPICAL WETLAND EXCAVATION SECTION 1 - 1
NOT TO SCALE



TYPICAL WETLAND FILL SECTION 2 - 2
NOT TO SCALE

WETLAND FILL IMPACT: 29.68 AC.

WETLAND EXCAVATION IMPACT: 115.84 AC.

TOTAL: 191,600 CY. FILL

TOTAL: 373,800 CY. EXCAVATION

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SECTION

USACOE DREDGE AND FILL PERMIT SKETCHES
TROYER BROTHERS FLORIDA, INC.

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SCALE: N.T.S. | BY: RK | DATE: 9-12-08 | SHEET No. 9 OF 9

IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with US Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice, we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

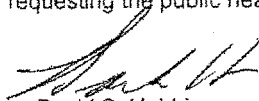
IMPACT ON CULTURAL RESOURCES: Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible for inclusion therein, are located at the site of the proposed work. Presently, unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(a) of the Marine, Protection, Research, and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with approved Coastal Zone Management Plan.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.


David S. Hobbie
Regulatory Division