



**DEPARTMENT OF THE ARMY**  
**U.S. ARMY CORPS OF ENGINEERS, JACKSONVILLE DISTRICT**  
**1520 ROYAL PALM SQUARE BLVD, SUITE 310**  
**FORT MYERS, FLORIDA 33919**

**December 4, 2024**

Regulatory Division  
West Branch  
Mining Team

***PUBLIC NOTICE***

Permit Application No. SAJ-2008-03793(SP-WDD)

TO WHOM IT MAY CONCERN: The Jacksonville District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) as described below:

If you are interested in receiving additional project drawings associated with this public notice, please send an e-mail to the project manager by electronic mail at [William.D.DeFrance@usace.army.mil](mailto:William.D.DeFrance@usace.army.mil).

APPLICANT: Troyer Brothers Florida LLC  
c/o Mr. Aaron Troyer, President  
14700 Troyer Brothers Road  
Fort Myers, FL 33913

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Big Cypress Swamp Watershed (HUC 03090204). The project site is located at 14700 Troyer Brothers Road south of State Road 82 in Section 33, Township 45 South, Range 27 East and Sections 4, 9, 16, & 21, Township 46 South, Range 27 East, Fort Myers, Lee County, Florida.

Directions to the site are as follows: From I-75 exit Dr. Martin Luther King Jr. Blvd (SR 82) and head southeast for approximately 13.80 miles to Troyer Brothers Road and head south approximately 0.02 miles. Project site begins at this location and heads south.

APPROXIMATE CENTRAL COORDINATES: Latitude 26.489385°  
Longitude -81.621884°

**PROJECT PURPOSE:**

Basic: Construction of a new limestone mine.

Overall: Construction of a new limestone mine and associated rock processing and ancillary operations in Lee County for construction purposes.

**EXISTING CONDITIONS:** The wetland and surface water system is a freshwater system. The predominant existing land use on the 1803.5-acre project site is for crops/fallow row crops (FLUCCS 214/261). Additional land uses include residential (FLUCCS 110), commercial and services (FLUCCS 140), pine flatwoods (FLUCCS 411), live oak (FLUCCS 427), ditches (FLUCCS 510), mixed wetland hardwoods (FLUCCS 617), willow (FLUCCS 618), hydric melaleuca (FLUCCS 619), cypress (FLUCCS 621/624), borrow areas (FLUCCS 742), spoil areas (FLUCCS 743), and roads and highways (FLUCCS 814). The existing area surrounding the project area consists of agricultural and mining land uses.

**PROPOSED WORK:** The applicant seeks authorization to discharge dredged or fill material to construct and operate an FDOT-quality limerock aggregate and fill dirt mine and processing facility, including the extraction of 256,000 cubic yards of aggregate from the 1,803.50 +/- acres project site. Approximately 93.67 acres of permanent wetland impacts and 9.9 acres of temporary wetland impacts are proposed to onsite wetlands.

**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 that 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 wetlands and wildlife habitat that exists on this site and on the surrounding conservation lands. Impacts to wetlands are unavoidable due to the need for the size of the mining excavation area to provide an economically justifiable mine while placing the location of the proposed mine pit north to provide an extensive distance buffer between the mine operation area and nearby residences and businesses. Impacts to higher quality wetlands were avoided as much as practicable.”

**COMPENSATORY MITIGATION** – The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

“Onsite enhancement and restoration totaling 941.03 acres is proposed to mitigate for

wetland impacts.”

The Corps notes that the project is within the service areas of federally-approved wetland mitigation banks and will consider the mitigation hierarchy described in the 2008 Compensatory Mitigation Rule in its review of this project.

#### CULTURAL RESOURCES:

The Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, those federally recognized tribes with concerns in Florida and the Permit Area, and other interested parties.

#### ENDANGERED SPECIES:

The project site is within the consultation areas for the Florida panther (*Puma concolor coryi*), Florida bonneted bat (*Eumops floridanus*), red cockaded woodpecker (*Picoides borealis*), Audubon's crested caracara (*Polyborus plancus audubonii*), the Florida grasshopper sparrow (*Ammodramus savannarum floridanus*), the Everglade snail kite (*Rostrhamus sociabilis plumbeus*), the Florida scrub jay (*Aphelocoma coerulescens*), the eastern black rail (*Laterallus jamaicensis jamaicensis*), and the tricolored bat (*Perimyotis subflavus*). Additionally, the site has suitable habitat for the eastern indigo snake (*Drymarchon corais couperi*) and the wood stork (*Mycteria americana*).

The Corps has determined the proposed project “may affect” the Florida panther (*Puma concolor coryi*). This determination is based on use of the Panther Key (February 19, 2007). The Corps will request initiation of formal consultation with the U.S. Fish and Wildlife Service (FWS) pursuant to Section 7 of the Endangered Species Act by separate letter.

The Corps has determined the proposed project “may affect” the Florida bonneted bat (*Eumops floridanus*). This determination is based on the project impacts occurring within the consultation area (2013). The Corps will request initiation of formal

consultation with the FWS pursuant to Section 7 of the Endangered Species Act by separate letter.

The Corps has determined the proposed project “may affect, but is not likely to adversely affect” the red-cockaded woodpecker (*Picoides borealis*), Audubon’s crested caracara (*Polyborus plancus audubonii*), the Florida grasshopper sparrow (*Ammodramus savannarum floridanus*), the Everglade snail kite (*Rostrhamus sociabilis plumbeus*), the Florida scrub jay (*Aphelocoma coerulescens*), the eastern black rail (*Laterallus jamaicensis jamaicensis*), and the tricolored bat (*Perimyotis subflavus*). This determination is based on the project impacts occurring within the consultation area. The Corps will request initiation of informal consultation with the FWS pursuant to Section 7 of the Endangered Species Act by separate letter.

The Corps has determined the proposed project “may affect” the eastern indigo snake (*Drymarchon corais couperi*). This determination was based on use of the Eastern Indigo Snake Programmatic Concurrence Key (August 1, 2017). The Corps will request initiation of formal consultation with the FWS pursuant to Section 7 of the Endangered Species Act by separate letter.

The Corps has determined the proposed project “may affect, but is not likely to adversely affect” the wood stork (*Mycteria Americana*) or its designated critical habitat. This determination was based on use of the FWS wood stork key dated May 18, 2010. No further consultation is necessary.

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.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Mining Permits Section, 1520 Royal Palm Square Blvd, Suite 310, Fort Myers, FL 33919 within 30 days from the date of this notice.

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.

QUESTIONS concerning this application should be directed to the project manager, William DeFrance, in writing at the Fort Myers Permits Section, 1520 Royal Palm Square Blvd, Suite 310, Fort Myers, FL 33919; by electronic mail at [William.D.DeFrance@usace.army.mil](mailto:William.D.DeFrance@usace.army.mil); or, by telephone at (239) 334-1975 x0002.

**IMPACT ON NATURAL RESOURCES:** Coordination with FWS, 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.

**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.

The 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 to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**WATER QUALITY CERTIFICATION:** Water Quality Certification may be required from the Florida Department of Environmental Protection.

**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 the 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.