US Army Corps of Engineers®

PUBLIC NOTICE

Applicant: Lykes Bros. Inc., C/o Noah Handley

Published: July 7, 2025
Expires: August 6, 2025

Jacksonville District
Permit Application No. SAJ-2024-00582

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) **and/or** Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work 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 barbara.m.cory@usace.army.mil.

APPLICANT: Lykes Bros. Inc., C/o Noah Handley
106 SW County Road 721
Okeechobee, Florida 34974

WATERWAY AND LOCATION: The proposed Turkey Branch (TB) project would affect aquatic resources associated with Turkey Branch, Nicodemus Slough, Caloosahatchee River, and Lake Okeechobee. The 17,135-acre project review area is located just southeast of the State Road 29 and US 27 intersection; with the approximate center coordinates located at latitude 26.871918 and longitude -81.2866; in Palmdale, Glades County, Florida.

EXISTING CONDITIONS: Land uses in the project vicinity are predominantly rural with adjacent properties consisting of pasture and agricultural lands, sand mining areas, wildlife management areas, the South-Central Florida Express (SCFE) railway, highways, and undeveloped lands. According to the Florida Department of Transportation, Florida Land Use, Cover and Forms Classification System (FLUCCS) the 17,135-acre project review area encompasses a total of 35 cover classes generally consisting of eucalyptus plantations (5,461 acres), freshwater marsh (2,237 acres), forest regeneration areas (1,894 acres), pasturelands (1,885 acres), various hardwood classifications (2,381 acres), various prairie classifications (1,383 acres), xeric (666 acres) and live (295 acres) oak, shrub and brushland (270 acres), wetland scrub (124 acres), various cabbage palm systems (105 acres), various pine classifications (90 acres), cypress (88 acres), mixed rangeland (51 acres), reservoirs (110 acres), ditches streams and waterways (13 acres), railroads (18 acres), disturbed lands (69 acres), and low density residential (3 acres). According to the Natural Resources Conservation Service (NRCS), the project review area encompasses a total of 21 different soil types

(12 hydric and 9 non-hydric soils) with soils generally consisting of fine sands (11,627 acres), poorly drained fine sands (3,846 acres), and mucks (1,560 acres).

The project review area encompasses approximately 123 acres of surface waters and 4,307 acres of wetlands including most of the 2,235-acre Linden Pens Marsh and 4.5 miles of Turkey Branch. The review area is located approximately 1.6 miles north of the Caloosahatchee River and 10 miles west of Lake Okeechobee.

The proposed project is an expansion of the existing Nicodemus Slough water storage project authorized by the Corps in 2013 (File No. SAJ-2011-02633). Nicodemus Slough is part of the South Florida Water Management District's (SFWMD) Dispersed Water Management Program which encourages private landowners to retain water on their land to reduce the volume of water discharged into Lake Okeechobee and estuaries, promote groundwater recharge, and reduce nutrient loading. The existing Nicodemus Slough is located off the western bank of Lake Okeechobee, just north of the proposed project, and has capacity to store 11 billion gallons of water. The proposed project will extend from Nicodemus Slough to the south.

PROJECT PURPOSE:

Basic: Water storage

Overall: Construct a distributed water storage and conveyance system for management of excess water from Lake Okeechobee

PROPOSED WORK: The applicant seeks authorization to discharge 515,000 cubic yards of clean fill material into 64.64 acres of aquatic resources (62.28 acres wetlands and 2.36 acres of surface waters) to construct 42± miles of berms forming a series of cascading impoundments in order to store and convey direct and pumped run-off from Lake Okeechobee. The proposed project is intended to store and convey water from Lake Okeechobee and the existing Nicodemus Slough in the project area impoundment basins, then south to the Caloosahatchee River near Ortona Lock and Dam (S-78). The project has been designed based on a water inflow rate of 270 cubic feet per second (CFS) from Nicodemus Slough.

Proposed work would occur in three (3) separate areas with majority of the work encompassing construction of a 25,300± acre-foot, shallow-water storage system (berms and impoundments) in the main project area located just south of the existing Nicodemus Slough. The impoundment system will be equipped with two (2) electrically driven pump stations and twenty-five (25) culvert and riser control structures comprised of 30 to 60-inch diameter corrugated metal pipe (CMP) to facilitate water storage or conveyance through borrow areas based on an operational schedule approved by the state. Proposed work also involves modifications to the existing Nicodemus Slough in two (2) separate areas to include 1) construction of a 40-foot-wide, 3-mile-long channel extension stemming south from the existing Nicodemus Slough near Herbert Hoover Dike (approximate center 26.927231, -81.252246) which will provide an inflow path to

the project and 2) construction of 60-foot-wide, 1.74-mile-long berm extension along the easternmost portion of Nicodemus Slough (approximate center 26.927231, -81.252246) which will increase operational flexibility and alleviate potential flooding effects to cultural resources in vicinity.

The proposed project will only operate during periods of excess water (high water levels) from Lake Okeechobee and Nicodemus Slough with operations coordinated through SFWMD. Inflow from Nicodemus Slough will pass under US Hwy 27 and the SCFE railroad via a new 450-foot-long, 72-inch diameter, double-barrel steel culvert where two (2) electrically driven pump stations will lift water into the two (2) upper basins (Impoundments C and D). Internal control structures will facilitate water conveyance from upper basins into the lower basins (Impoundments A and B) for shallow storage. A bypass conveyance will prevent water stage increases on adjacent lands to the west with runoff from these lands flowing through intake structures into the two (2) lower basins. Four (4) control structures will facilitate releases from the project area including two (2) outfalls ultimately discharging to the Caloosahatchee River (south) via existing Turkey Branch downstream flow paths, one (1) outfall to the Citrus Center ditch (east), and one (1) outfall to Nicodemus Slough (north) which can discharge to either Lake Okeechobee or the C-19 Canal.

As proposed, a typical section of the berm-ditch impoundment will be 160-feet-wide (including side slopes) and consist of a 30-foot-wide borrow area, excavated to 8-feet-deep below natural ground elevation, with sides graded at a 2 to 1 slope (2:1) directly adjacent to an 7-foot-high earthen berm, with a 15-foot-wide crest, and sides formed at a 3 to 1 slope (3:1). The berms will form a series of four (4) various sized impoundments (A, B, C, and D) ranging from 1,700 acres to 6,100 acres across the project site. Typical equipment such as bulldozers, excavators, and dump trucks will be used to clear and grub existing vegetation, excavate borrow areas, and form berms. Berms will be constructed mainly of material excavated from adjacent borrow ditches located on the upstream sides of berms. Construction is anticipated to commence within one (1) year of permit issuance and be completed within two (2) years of commencement.

The project will directly impact 62.28 acres of wetlands and 2.36 acres of surface waters with no secondary impacts anticipated. The project is anticipated to have a net beneficial effect on adjacent wetlands via hydrologic enhancement and increased nutrient removal of waters discharging into the Caloosahatchee River and estuary.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: During project design, efforts were made to avoid and minimize impacts to wetlands and listed species habitat to the extent practicable. To further minimize impacts to wetlands and sensitive upland (xeric scrub) habitats, the berm was reconfigured during planning and again following an onsite agency meeting. To avoid higher quality wetlands, berms have been configured for construction within previously disturbed areas (primarily eucalyptus harvesting). Most of the proposed berm will

directly abut an abandoned railroad grade, the active SCFE railroad, and US Highway 27.

The proposed berm footprint is the minimum width allowable to meet SFWMD criteria for minor impoundments. The project has been designed to avoid most wetlands in the project area with unavoidable impacts limited to the placement of fill associated with berm construction and excavation of the borrow ditch. The project will result in unavoidable impacts to approximately 1.4-percent (62.28 acres) of the total wetlands (4,306.82 acres) on site.

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: Currently, no federal mitigation bank exists within the watershed where unavoidable impacts will occur. To offset unavoidable impacts to aquatic resource incurred through project construction, the applicant proposes onsite permittee-responsible mitigation (PRM) with ecological functions (loss or gain) for wetlands calculated via the Unified Mitigation Assessment Method (UMAM). The proposed PRM will be located in the same watershed and on the same property as impacted wetlands. The applicant proposes hydrologic improvements to extend the hydroperiod for enhancement of a 378.82-acre wetland within the portion of Linden Pens Marsh on site.

Hydrologic conditions in the proposed mitigation area have been reduced as a result of intensive land management activities including agriculture and silviculture operations, mining operations, and construction of major roadways, highways, and rail systems surrounding the project area. While seasonal variation is expected, the hydroperiod for deep marsh systems typically ranges from six (6) to ten (10) months per year; however, results of a 3-year water monitoring study indicate the proposed PRM wetland has an average hydroperiod of only 5.7 months.

To implement hydrologic improvements, two (2) berms with crest elevation at 30.0-feet North American Vertical Datum of 1988 (NAVD 88) and riser board control structures at elevation 29.0-feet NAVD 88 (control elevation) will be constructed at the southwest and southeast extents of the mitigation area. Water level monitoring gauges will be installed at two (2) locations within the mitigation area to monitor success of hydrologic restoration with data compiled and submitted annually as part of a 3- year monitoring program. The proposed hydrologic improvements are expected increase the wetland hydroperiod and support a more consistent hydrologic regime. Natural topography in the mitigation area will create a mosaic of varying water levels and increase the spatial extent of foraging opportunities for wetland dependent wildlife. The proposed PRM includes enhancement through hydrologic improvements to 378.82 acres of a regionally significant, expansive, herbaceous wetland system. The proposed PRM is expected to result in an overall net benefit of aquatic resource functions and value through improved aquatic habitat connectivity and diversity.

The Corps has not yet finalized its review of the avoidance, minimization, or compensatory mitigation.

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. The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, and the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect but is not likely to adversely affect species listed below (Table 1). There are no critical habitats for any ESA-listed species within the project area and no other ESA-listed species will be affected by the proposed action.

Table 1: ESA-listed species and critical habitat potentially present in the action area.

Species Common Name and/or Critical Habitat Name	**Scientific Name**	**Federal Status**
Audubon's crested caracara	*Caracara plancus audubonii*	Threatened
Eastern Indigo Snake	*Drymarchon couperi*	Threatened
Florida Bonneted Bat	*Eumops floridanus*	Endangered
Florida panther	*Felis concolor coryi*	Endangered
Wood Stork	*Mycteria americana*	Threatened

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402.

This notice serves as request to the U.S. Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

ESSENTIAL FISH HABITAT: Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information

provided by the applicant, and consulted available species information. The project site is located inland and will impact only freshwater (palustrine) wetlands. The project area does not contain any Essential Fish Habitat (EFH). The Corps has determined the proposal would have no effect on EFH. Therefore, no consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996 is required.

NAVIGATION: The proposed structure or activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: Water Quality Certification is required from either the Florida Department of Environmental Protection (FDEP) or the SFWMD. The project has been reviewed by the FDEP and received Water Quality Certification under Environmental Resource Permit (ERP) File No. 0439195-001.

COASTAL ZONE MANAGEMENT CONSISTENCY: Coastal Zone Consistency Concurrence is required from FDEP or SFWMD. In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan.

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 geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

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 or 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.

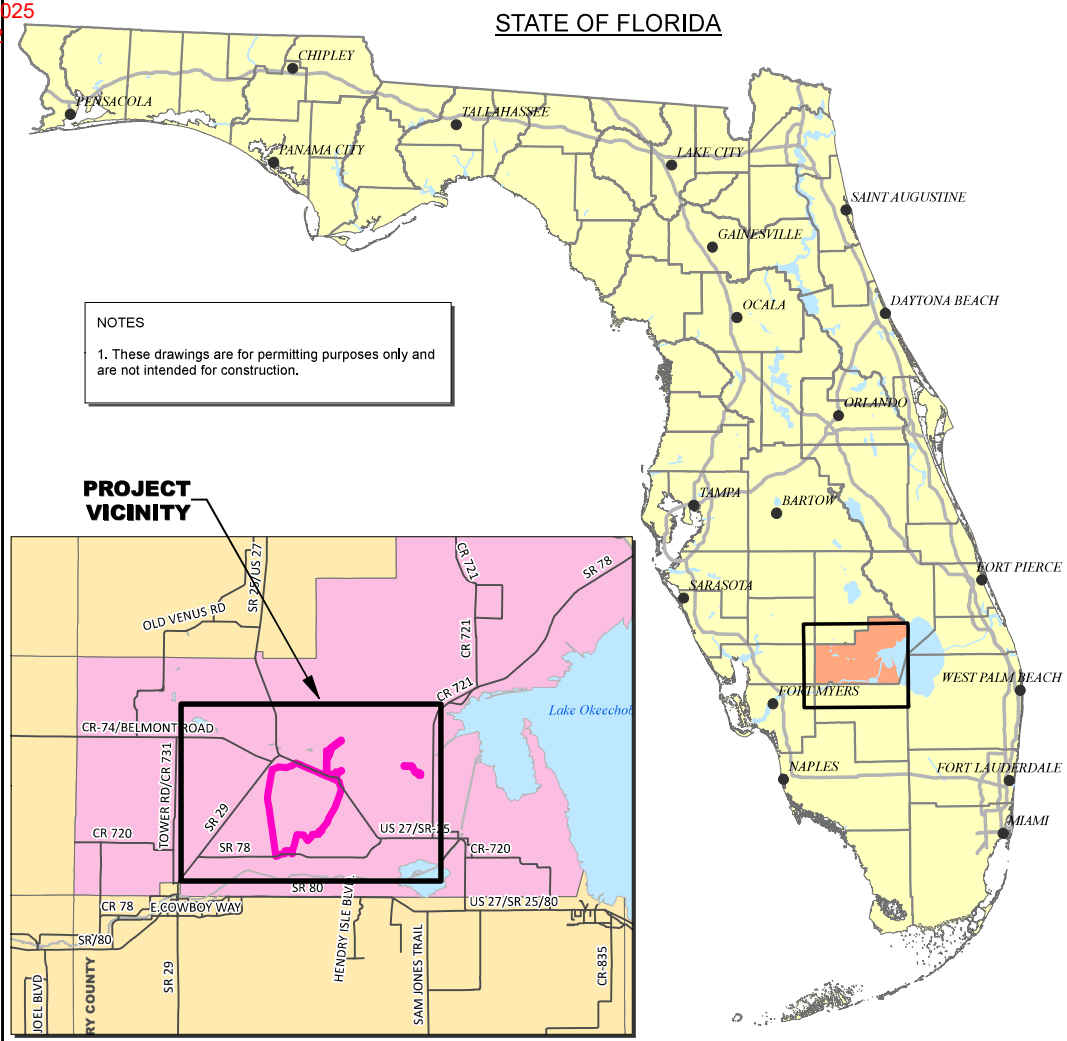
COMMENTS: The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether 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 used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Jacksonville District will receive written comments on the proposed work, as outlined above, until August 6, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at https://rrs.usace.army.mil/rrs or to Barbara M. Cory at barbara.m.cory@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Barbara M. Cory, Tampa Permits Section, 10117 Princess Palm Ave., Suite 120, Tampa, FL, 33610. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

VICINITY MAP & PROJECT FOOTPRINT

STATE OF FLORIDA

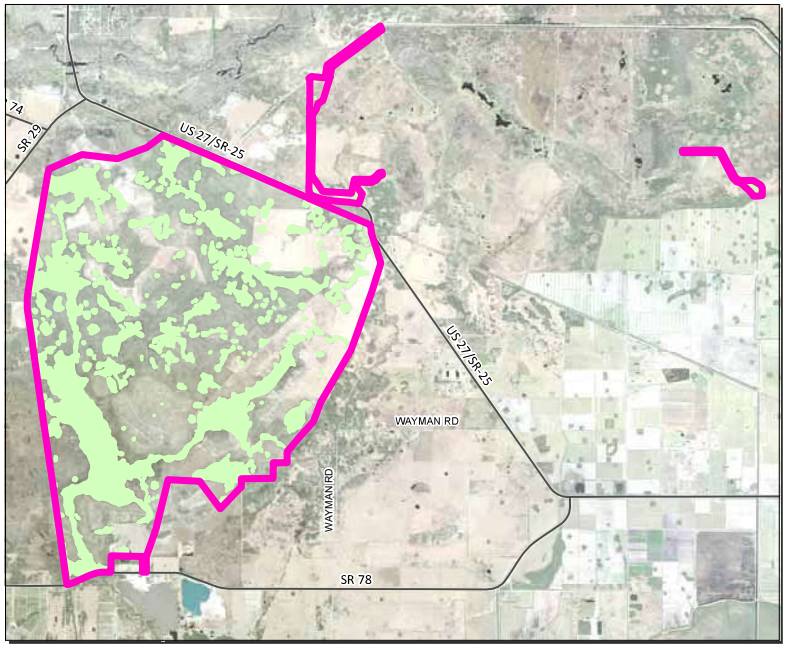


NOTES

1. These drawings are for permitting purposes only and are not intended for construction.

PROJECT VICINITY

GLADES COUNTY
N.T.S



VICINITY AERIAL
N.T.S

Sections 11, 16-18, 25-28, 33-36, Township 41 S, Range 30 E
Sections 4, 5, 8, 16-24, 28-30, Township 41 S, Range 31 E

Turkey Branch
Glades County, Florida

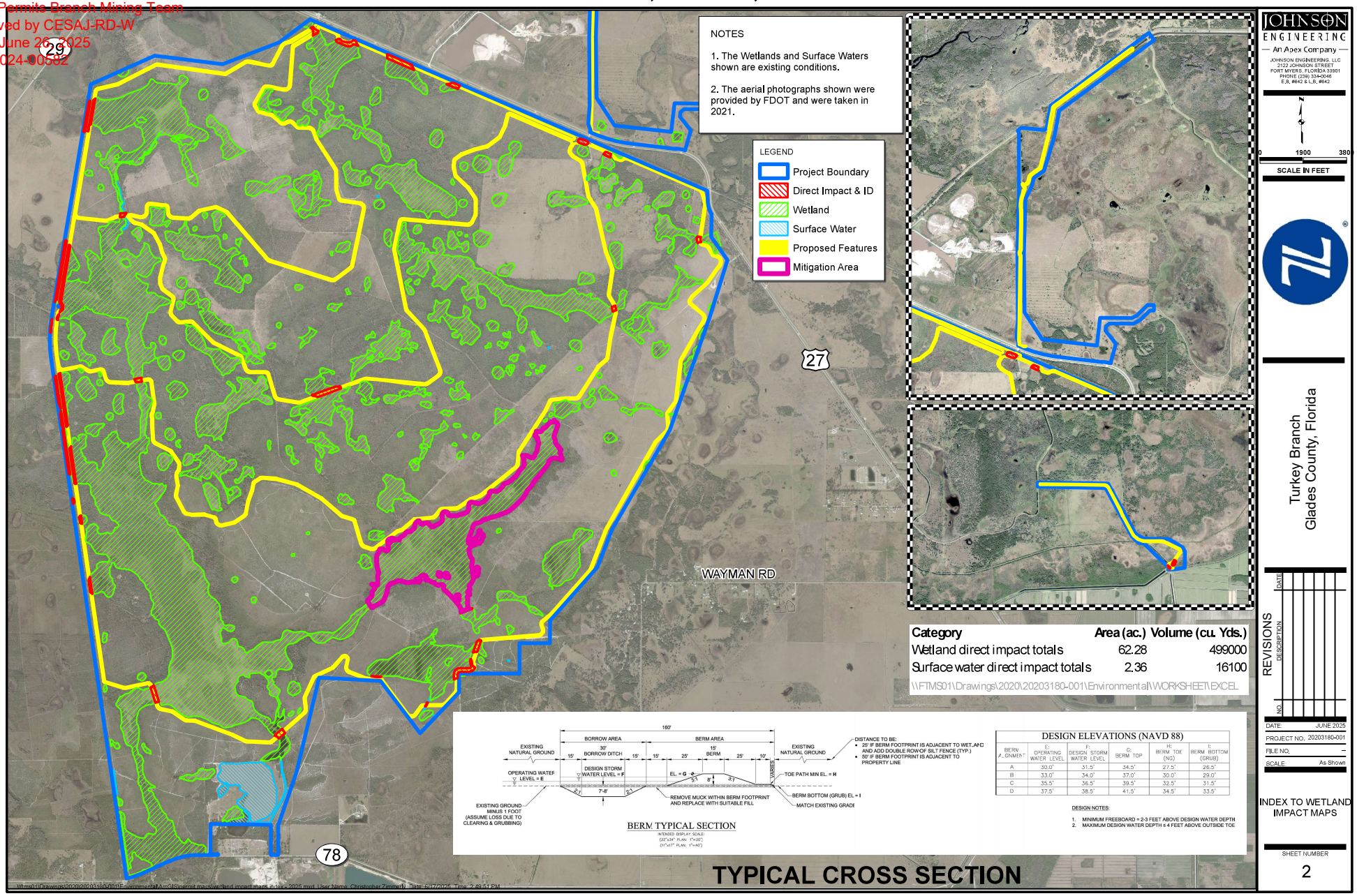
JOHNSON ENGINEERING
— An Apex Company —

JOHNSON ENGINEERING, LLC
2122 JOHNSON STREET
FORT MYERS, FLORIDA 33901
PHONE (239) 334-0046
E.B. #642 & L.B. #642

Location Map

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
June 2025	20203180-001	-	NTS	1

PLAN VIEW WITH AQUATIC RESOURCES, IMPACTS, & PROPOSED MITIGATION AREA



Category	Area (ac.)	Volume (cu. Yds.)
Wetland direct impact totals	62.28	499000
Surface water direct impact totals	2.36	16100

\\FTMS01\Drawings\2020\20203180-001\Environmental\WORKSHEET\EXCEL

BERM TYPICAL SECTION

INTENDED DISPLAY SCALE: (22"x34" PLAN: 1"=20') (11"x17" PLAN: 1"=40')

DESIGN ELEVATIONS (NAVD 88)

BERM ALIGNMENT	E: OPERATING WATER LEVEL	F: DESIGN STORM WATER LEVEL	G: BERM TOP	H: BERM TOE (NG)	I: BERM BOTTOM (GRUB)
A	30.0'	31.5'	34.5'	27.5'	26.5'
B	33.0'	34.0'	37.0'	30.0'	29.0'
C	35.5'	36.5'	39.5'	32.5'	31.5'
D	37.5'	38.5'	41.5'	34.5'	33.5'

DESIGN NOTES:
1. MINIMUM FREEBOARD = 2-3 FEET ABOVE DESIGN WATER DEPTH
2. MAXIMUM DESIGN WATER DEPTH = 4 FEET ABOVE OUTSIDE TOE

TYPICAL CROSS SECTION

JOHNSON ENGINEERING
An Apex Company
JOHNSON ENGINEERING, LLC
2122 JOHNSON STREET
FORT MYERS, FLORIDA 33901
PHONE (239) 334-0046
E.B. #642 & L.B. #642

0 1900 3800
SCALE IN FEET

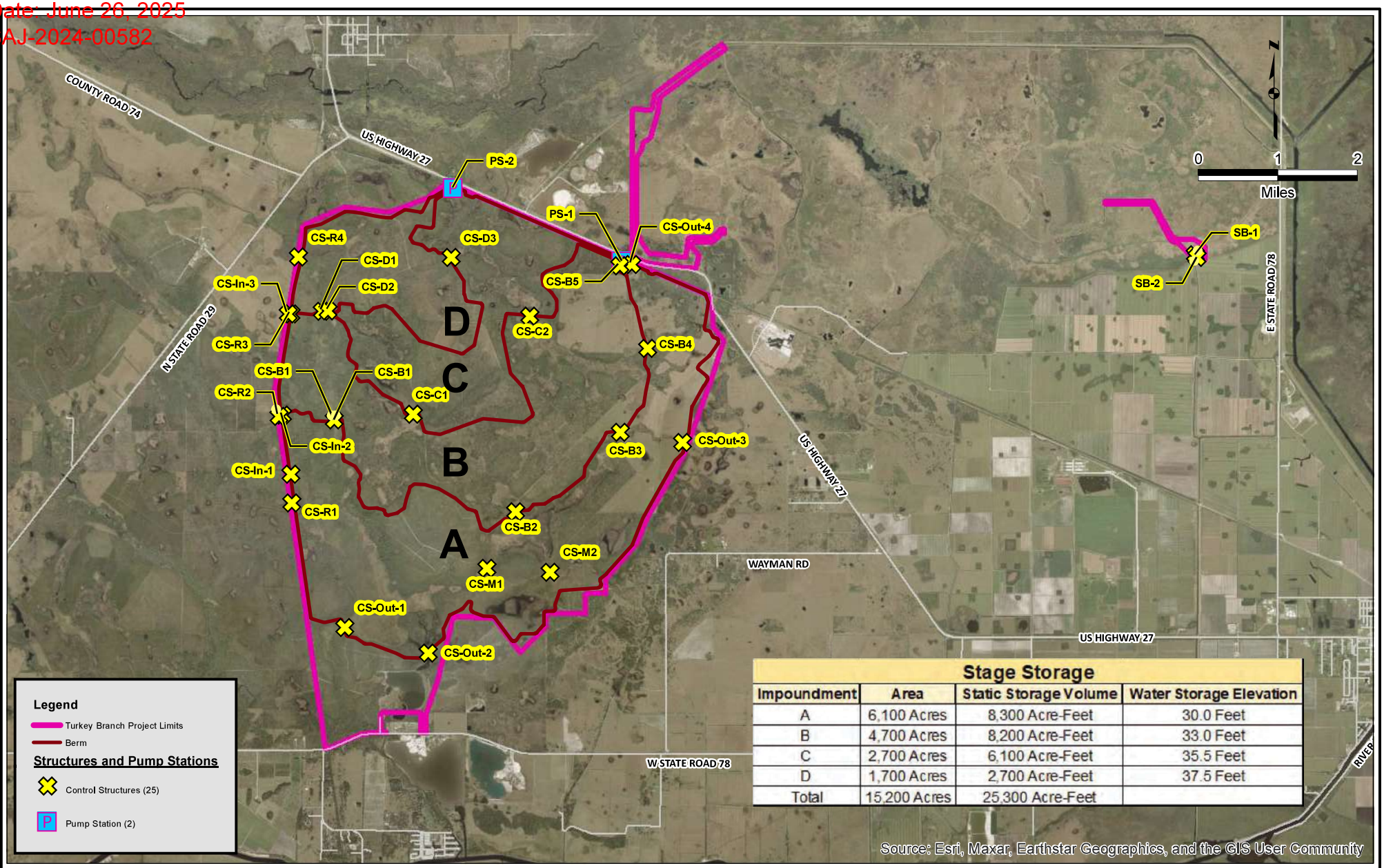
Turkey Branch
Glades County, Florida

REVISIONS
NO. | DESCRIPTION | DATE

DATE: JUNE 2025
PROJECT NO.: 20203180-001
FILE NO.: –
SCALE: As Shown

INDEX TO WETLAND IMPACT MAPS

SHEET NUMBER
2



Stage Storage

Impoundment	Area	Static Storage Volume	Water Storage Elevation
A	6,100 Acres	8,300 Acre-Feet	30.0 Feet
B	4,700 Acres	8,200 Acre-Feet	33.0 Feet
C	2,700 Acres	6,100 Acre-Feet	35.5 Feet
D	1,700 Acres	2,700 Acre-Feet	37.5 Feet
Total	15,200 Acres	25,300 Acre-Feet	

Document Path: \\ftms01\Drawings\2020\20203180-001\ArcGIS\For FDEP\8 x 11 Aerial Exhibit.mxd

Turkey Branch
Glades County, Florida

JOHNSON ENGINEERING
— An Apex Company —

JOHNSON ENGINEERING, LLC
2122 JOHNSON STREET
FORT MYERS, FLORIDA 33901
PHONE (239) 334-0046
E.B. #642 & L.B. #642

Berm and Structure Locations

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
Feb 2025	20203180-001	-	As Shown	3