



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

October 6, 2020

Regulatory Division
West Branch
Mining Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-1996-05549 (MOD-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:

APPLICANT: CEMEX Construction Materials Florida, LLC
c/o Mr. Jeffrey Bobolts
1501 Belvedere Road
West Palm Beach, FL 33406

WATERWAY AND LOCATION: The project would affect waters of the United States (wetlands) associated upstream of the Estero River. The project site is located at 12501 Alico Road, Section 05, Township 46 South, Range 29 East, Fort Myers, Lee County, Florida.

Directions to the site are as follows: From I-75 exit Alico Road and head east approximately 3.0 miles. Project site is located on the north side of Alico Road.

APPROXIMATE CENTRAL COORDINATES: Latitude 26.509399°
Longitude -81.733270°

PROJECT PURPOSE:

Basic: Mine Expansion

Overall: Mine Expansion to extend the reserves life of the existing Alico Quarry.

EXISTING CONDITIONS: Of the +/- 205 acres contained within the Alico Quarry 3D Extension project area boundary, 50.8% classify as uplands (104 ac.), 3.5% classify as other surface waters (7.13 ac.; ponds and drainage ditches), and 45.7% classify as wetlands (93.43 ac.). The six major land use types with at least ten percent cover of the property consists of pine flatwoods (20.2%), upland Brazilian pepper exotics (14.3%), bald cypress swamp (13.3%), upland unimproved pasture covered with cogon grass exotics (11.7%), freshwater prairies (11.5%), and exotic wetland hardwoods with Melaleuca trees (10%). The existing area surrounding the project area consists of existing mines, natural wetland areas and the Regional Southwest Airport.

PROPOSED WORK: The applicant seeks authorization to modify an existing USACE Permit SAJ-1996-05549(SP-KDS) in order to obtain authorization for direct, permanent impact to a total of 3.98 acres of a potentially USACE jurisdictional wetland and 1.76 acres of temporary impact of a potentially USACE jurisdictional wetland.

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:

“Wetlands impacts have been avoided and minimized to the maximum extent practicable and unavoidable impacts are to resources of limited natural function. Initially, the area to be mined covered a much greater area than is now proposed in order to maximize production and included a much larger amount of wetland impacts. Subsequent iterations of the mine plan were made that allowed the project to avoid and minimize wetland impacts. This was accomplished by revising and reducing the mining areas for the project and avoiding Wetland 200, a portion of Wetland 300, Wetland 500 and Wetland 600. This represents a decrease in wetland impacts in excess of 30 acres or a +/- 32 percent reduction and minimization.”

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

“As highly recommended by the USACE, wetland mitigation banking is proposed to be utilized to offset impacts to the 3.98 acres of direct impacts and 1.76 acres of indirect impacts to Wetland 300, a USACE jurisdictional wetland. Based on the UMAM assessment, the functional loss of wetlands by the impacts is 1.90 functional loss units.

As such, a total of 1.90 mitigation banking credits will be purchased from one of the two mitigation banks (Corkscrew Mitigation Bank or Panther Island Mitigation Bank) with a service area encompassing the Alico Quarry 3D Extension project area.”

CULTURAL RESOURCES:

The Corps is not aware of any known historic properties within the permit area. By copy of this public notice, the Corps is providing information for review. Our final determination relative to historic resource impacts is subject to review by and coordination with the State Historic Preservation Officer and those federally recognized tribes with concerns in Florida and the Permit Area.

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*), and the Florida scrub jay (*Aphelocoma coerulescens*). 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 Fish and Wildlife Service 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 use of the FBB Key (October 2019). The Corps will request initiation of formal consultation with the Fish and Wildlife Service 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*), and the Florida scrub jay (*Aphelocoma coerulescens*). This determination is based on the project impacts occurring within the consultation area. The Corps will request initiation of informal consultation with the Fish and Wildlife Service 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 Fish and Wildlife Service 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 U.S. Fish and Wildlife Service (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.

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 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 Mining Permits Section, 1520 Royal Palm Square Blvd., Suite 310, Fort Myers, FL 33919; by electronic mail at William.D.DeFrance@usace.army.mil; or, by telephone at (239) 334-1975.

IMPACT ON NATURAL RESOURCES: Coordination with U.S. 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.

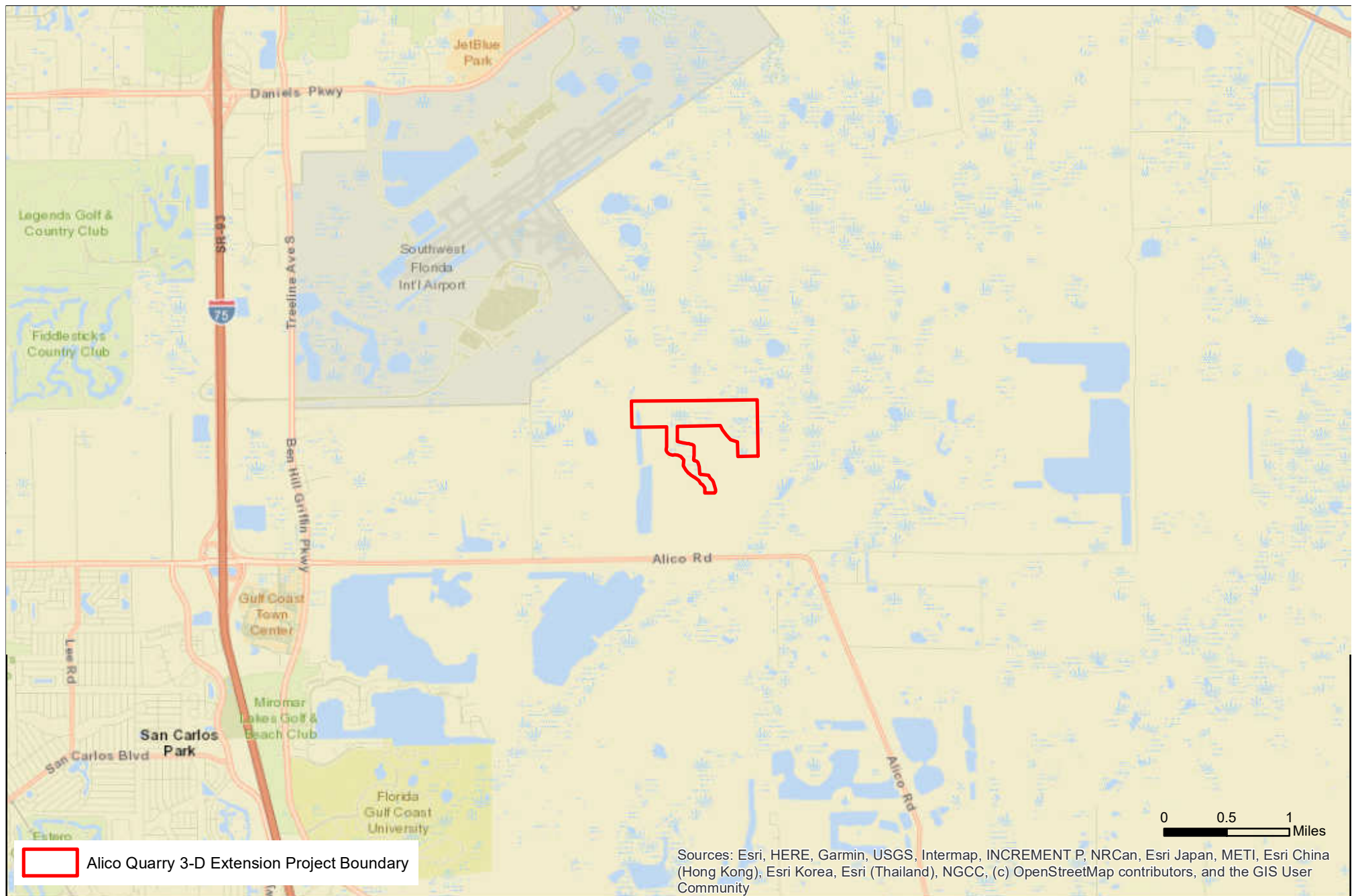
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, 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.

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 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.

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.



CEMEX Construction Materials Florida, LLC.
Alico Quarry 3D Extension - Location Map
 Lee County, Florida
 Section 05, Township 46 South, Range 29 East

Drawn by: MDM

Date: 04/15/2020

Project No: 262JA

Figure No: 1 ACOE





Seasonal High Water Designation	Elevation NAVD 1988 US Survey Feet	Wetland/OSW
SHW 2	23.4	SW-A
SHW 3	23.8	SW-B
SHW 4	22.2	SW-B
SHW 5	24.3	W100
SHW 6	24.8	W100
SHW 7	24.6	W100
SHW 8	24.7	W200
SHW 9S	24.7	W200
SHW 9N	24.9	W200
SHW 10	24.2	W200
SHW 11	20.5	W300
SHW 12	23.5	W300
SHW 13	23.8	W300
SHW 14	24.1	W400
SHW 15	24.3	W400
SHW 16	23.9	W400
SHW 17	24.3	W400
SHW 18	23.8	W400
SHW 19	23.8	SW-G
SHW 20	20.1	SW-G
SHW 21	24.4	W500
SHW 22	24.4	W600
SHW 23	23.3	W700
SHW 24	23.3	W700
SHW 25	23.6	W700



CEMEX Construction Materials Florida, LLC.
Alico Quarry 3D Extension - Wetland and OSW's
 Lee County, Florida
 Section 05, Township 46 South, Range 29 East

Drawn by: MDM
Date: 04/16/2020
Project No: 262JA
Figure No: 3 ACOE





CEMEX Construction Materials Florida, LLC.
Alico Quarry 3D Extension - Site Plan
 Lee County, Florida
 Section 05, Township 46 South, Range 29 East

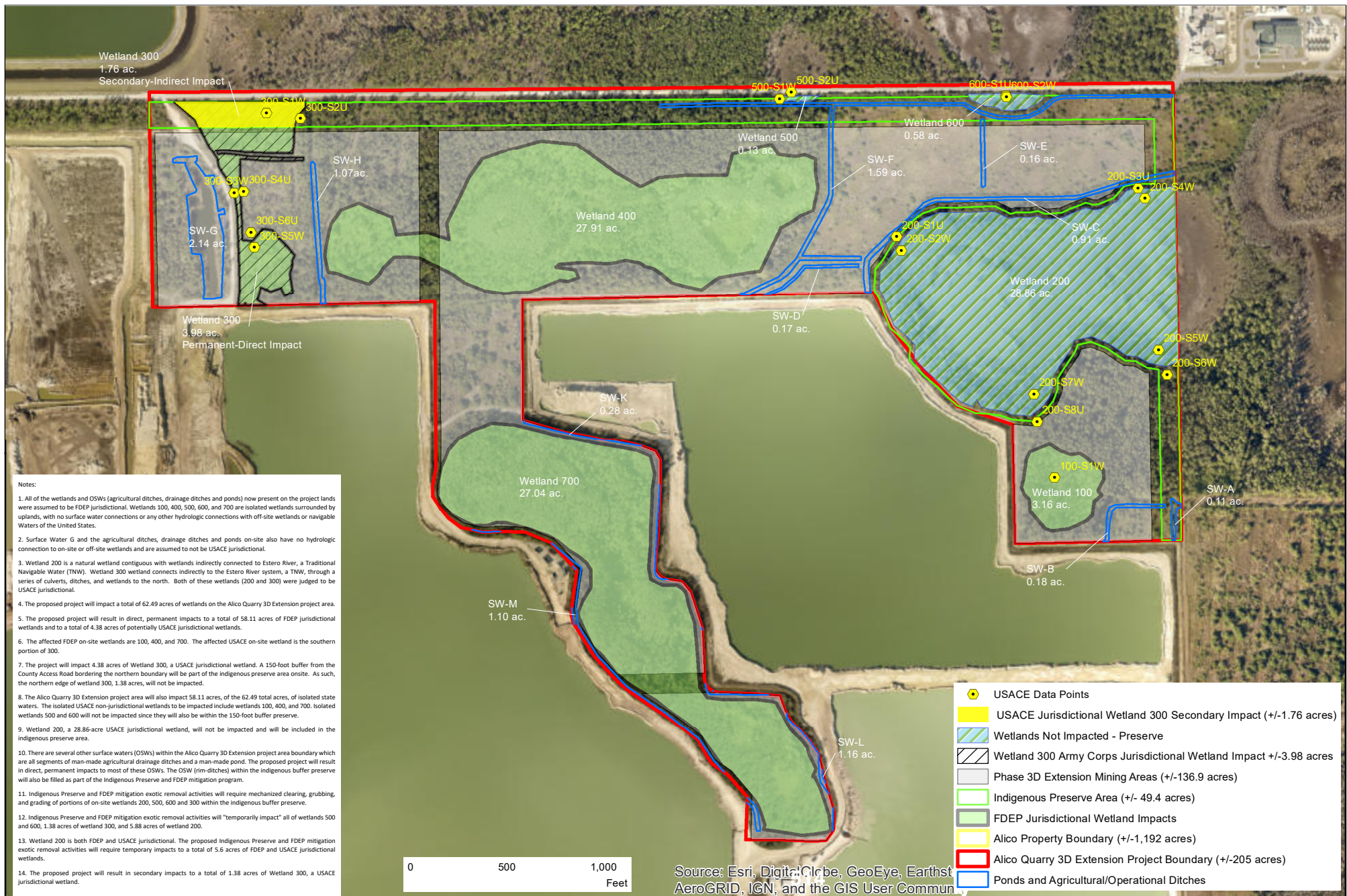
Drawn by: MDM

Date: 04/16/2020

Project No: 262JA

Figure No: 6 ACOE





CEMEX Construction Materials Florida, LLC.
Alico Quarry 3D Extension - Wetland Impacts Map
 Lee County, Florida
 Section 05, Township 46 South, Range 29 East

Drawn by: MDM

Date: 04/16/2020

Project No: 262JA

Figure No: 7 ACOE

