



CHARLOTTE HARBOR NATIONAL ESTUARY PROGRAM
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Draft- July 30, 2007

Colonel Paul L. Grosskruger
District Commander
U.S. Army Corps of Engineers
(Prudential Building)
701 San Marco Blvd.
Jacksonville, FL 32207

Re: Permit application SAJ-1997-4099-IP-MGH
South Fort Meade Mine

Dear Col. Grosskruger:

This letter is to request that the ACOE review permit applications on phosphate mining activities for consistency with the Charlotte Harbor National Estuary Program's *Comprehensive Conservation and Management Plan (CCMP)*. We also request that special consideration be paid to potential Cumulative and Indirect Impacts in review of this and other permit applications in the region.

The Charlotte Harbor NEP is a partnership program, created by Section 320 of the Clean Water Act, to protect and preserve the Charlotte Harbor estuary, recognized as an estuary of national significance and one of the most productive estuaries in Florida. The Peace and Myakka Rivers are major tributaries to and key components of the Charlotte Harbor estuary; protecting the natural flow regime and ecological integrity of these rivers is of great importance to the Charlotte Harbor NEP. Since 1996, the Charlotte Harbor NEP adopted the CCMP for the estuary and its watershed. This plan was developed utilizing four committees of citizens, scientists, resource managers, industry representatives and policy makers. Our partnership includes, among others, Polk, Manatee, Sarasota, Hardee, DeSoto, and Charlotte Counties; the U.S. Environmental Protection Agency; U.S. Army Corps of Engineers; U.S. Fish and Wildlife Service; the Florida Fish and Wildlife Conservation Commission; the Florida Department of Environmental Protection; and both the South and the Southwest Florida Water Management Districts. Section 320(b)(7) of the Clean Water Act establishes that the implementation of the CCMP includes the determination of the consistency of proposed actions in the Charlotte Harbor watershed with the CCMP.

The Statutory authority under Section 320(b)(7) of the Water Quality Act of 1987 specifies that the Management Conference is to:

"review all federal financial assistance programs and federal development programs in accordance with the requirements of Executive Order (EO) 12372, as in effect on September 17, 1983, to determine whether such assistance program or project would be consistent with and further the purposes and objectives of the plan [CCMP] prepared under this section."

The Section further states that the review shall not be limited to the EO 12732 programs, but "may include any programs listed in the most recent Catalog of Federal Domestic Assistance which may have an effect on the purposes and objectives of the [CCMP]."

Phosphate mining activities within the watershed may impact our ability to implement the Charlotte Harbor CCMP, especially the following Quantifiable Objectives:

HA-2: Identify, establish, and maintain a more natural seasonal variation (annual hydrograph) in freshwater flows by the year 2010 for...2. Upper Peace River and its tributaries from Tenoroc to Zolfo Springs; and 3. the Upper Myakka River (with special attention to Flatford Swamp).

HA-3: Restore, enhance, and improve where practical historic subbasin boundaries and natural hydrology for basins within the Charlotte Harbor NEP study area, with special attention to Outstanding Florida Waters, Class I waterbodies, and tributaries to Estero Bay by the year 2020.

FW-2: Meet the stated objectives for the target extent, location, and quality of the following habitats in the Charlotte Harbor NEP study area:...e) restore, maintain, and manage freshwater wetland systems in current extents and to a quality capable of maintaining all natural functions within the range or natural variability; ...and g) protect, enhance, restore native upland communities vital to the ecological function of the Charlotte Harbor NEP study area.

WQ-6: Meet or exceed designated water quality standards throughout basins of the Charlotte Harbor NEP study area by the year 2015 with possible exceptions for natural and/or site-specific conditions.

Latest information on Cumulative Impacts within the Peace River basin can be found at:

http://www.dep.state.fl.us/water/mines/pr_cis.htm and

http://www.dep.state.fl.us/water/mines/pr_rmp.htm. For your use I have enclosed a copy of our CCMP and a copy of our CCMP Summary. The CCMP is also available in a digital format at:

<http://www.chnep.org/CCMP/Volume%201.pdf>. If you have any questions, please contact me at (239) 338-2556 or at lbeever@swfrpc.org. If the CHNEP can be of further assistance, please do not hesitate to contact me.

Sincerely,

Lisa B. Beever, PhD, Director

Col. Grosskruger
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