



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT  
701 SAN MARCO BOULEVARD  
JACKSONVILLE, FLORIDA 32207-8915

October 15, 2018

Regulatory Division  
West Branch  
Mining Team

## ***PUBLIC NOTICE***

Permit Application No. SAJ-1984-04652 (MOD-JPF)

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

APPLICANT: PCS Phosphate – White Springs  
15843 SE 78<sup>th</sup> Street  
White Springs, FL 32096

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Bee Haven Bay and Rocky Creek, a tributary of the Suwanee River (HUC 03110201). The project site is located north and south of County Road 6, approximately six miles east of Jasper, at the north end of the applicant's existing mine, in Sections 30, 31, and 32, Township 2 North, Range 15 East, and Sections 5 and 6, Township 1 North, Range 15 East, Hamilton County, Florida.

Directions to the site are as follows: From I-75 North, exit at State Road 129; travel north to Jasper (SR 129 will merge into SR 41); turn right onto County Road 6 and travel east approximately six miles to the project sites north and south of CR 6.

APPROXIMATE CENTRAL COORDINATES: Latitude 30.529241°  
Longitude -82.869756°

### PROJECT PURPOSE:

Basic: Operations access for phosphate mining

Overall: Construct access corridors for draglines and utilities to allow mining on parcels separate from the main part of the mine, north of CR 6.

EXISTING CONDITIONS: The applicant states that there are a total of approximately 26.49 acres of predominantly freshwater forested wetlands within the three corridor sites. The existing area surrounding the project area mostly consists of silvicultural operations and the existing phosphate mine to the south.

**PROPOSED WORK:** The applicant seeks authorization to impact a total of 22.43 acres of aquatic resources (1.5 acres in Area 1, 20.82 acres in Area 2, and 0.11 acre in Area 3) for the construction of three dragline and utility crossings, each approximately 350 feet wide. By general type, the impacts are to 0.02 acre of herbaceous wetland, 0.1 acre of open water, and 22.31 acres of forested wetlands. The drawings attached to this public notice show the location and extent of each of the three crossings, and include tables showing the impacts by FLUCFS code. The applicant proposes to use the crossings for approximately eight years, followed by removal of the fill material and reclamation of the impacted areas to previous land uses.

The Corps previously authorized impacts to waters of the United States associated with mining the parcels to be accessed in its July 11, 2003 modification of the original permit for the applicant's phosphate mine. The July 1987 Memorandum of Understanding (MOU) between the applicant (then, Occidental Chemical Agricultural Products, Inc.), the Environmental Protection Agency, and the Florida Department of Environmental Protection (then, Department of Environmental Regulation) allowed for the permitting of corridors through areas otherwise considered as preservation areas in the MOU.

**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:

The proposed project areas were assessed for potential adverse impacts to wetlands and listed species. Impact avoidance and minimization measures were utilized in the proposed project design. Based on limited easement access, the dragline walkpath and utility corridor has been combined into a single corridor of the minimum width necessary to allow access, and positioned to avoid surface water and wetland impacts to the greatest extent practicable. In the specific case of Area 3, the applicant located the corridor on the eastern side of the easement, which reduced the wetland impacts from 4.2 acres to 0.11 acre.

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

The applicant will remove the corridors and reclaim the impacted areas on an acre-for-acre, type-for-type basis; 22.43 acres of impact, 22.43 acres of mitigation.

**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 area has suitable habitat for the eastern indigo snake (*Drymarchon corais couperi*) and the wood stork (*Mycteria americana*). The applicant states that there are no gopher tortoise (*Gopherus polyphemus*) burrows or xeric habitat (scrub, sandhill or scrubby flatwoods) within the project area. The Corps considers it likely that there are holes, cavities or other refugia onsite. The applicant has committed to accepting and implementing the Standard Protection Measures for the Eastern Indigo Snake. Based on information obtained from the United States Fish and Wildlife Service (USFWS) North Florida Ecological Services Office website (<https://www.fws.gov/northflorida/WoodStorks/wood-storks.htm>), the site is not within the core foraging areas of any wood stork colonies. The proposed project impacts 0.12 acre of wood stork suitable foraging habitat.

Using the January 25, 2010 effect determination key for the eastern indigo snake, as updated August 13, 2013 (A-B-C-D-E), the Corps has programmatic concurrence that the proposal may affect but is not likely to adversely affect the eastern indigo snake; no further consultation is necessary.

Using the September 2008 effect determination key for the wood stork in central and north peninsular Florida (A-B-C), the Corps has determined the proposed project may affect but is not likely to adversely affect the wood stork; no further coordination is necessary.

As stated above, the applicant states that there are no gopher tortoise burrows within the project area. The project is not within the consultation area for the red-cockaded woodpecker (*Picoides borealis*). The Corps has determined that the project will have no effect on the gopher tortoise or the red-cockaded woodpecker; no further consultation is necessary.

**ESSENTIAL FISH HABITAT (EFH):** This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. The proposal would impact inland freshwater wetlands. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

**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. Corps personnel have not verified the jurisdictional line.

**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 Team, West Permits Branch, 10117 Princess Palm Avenue, Suite 120, Tampa, FL 33610 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, John Fellows, in writing at the Mining Team, West Permits Branch, 10117 Princess Palm Avenue, Suite 120, Tampa, FL 33610; by electronic mail at [john.p.fellows@usace.army.mil](mailto:john.p.fellows@usace.army.mil); by facsimile transmission at (813)769-7061; or, by telephone at (813)769-7070.

**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.

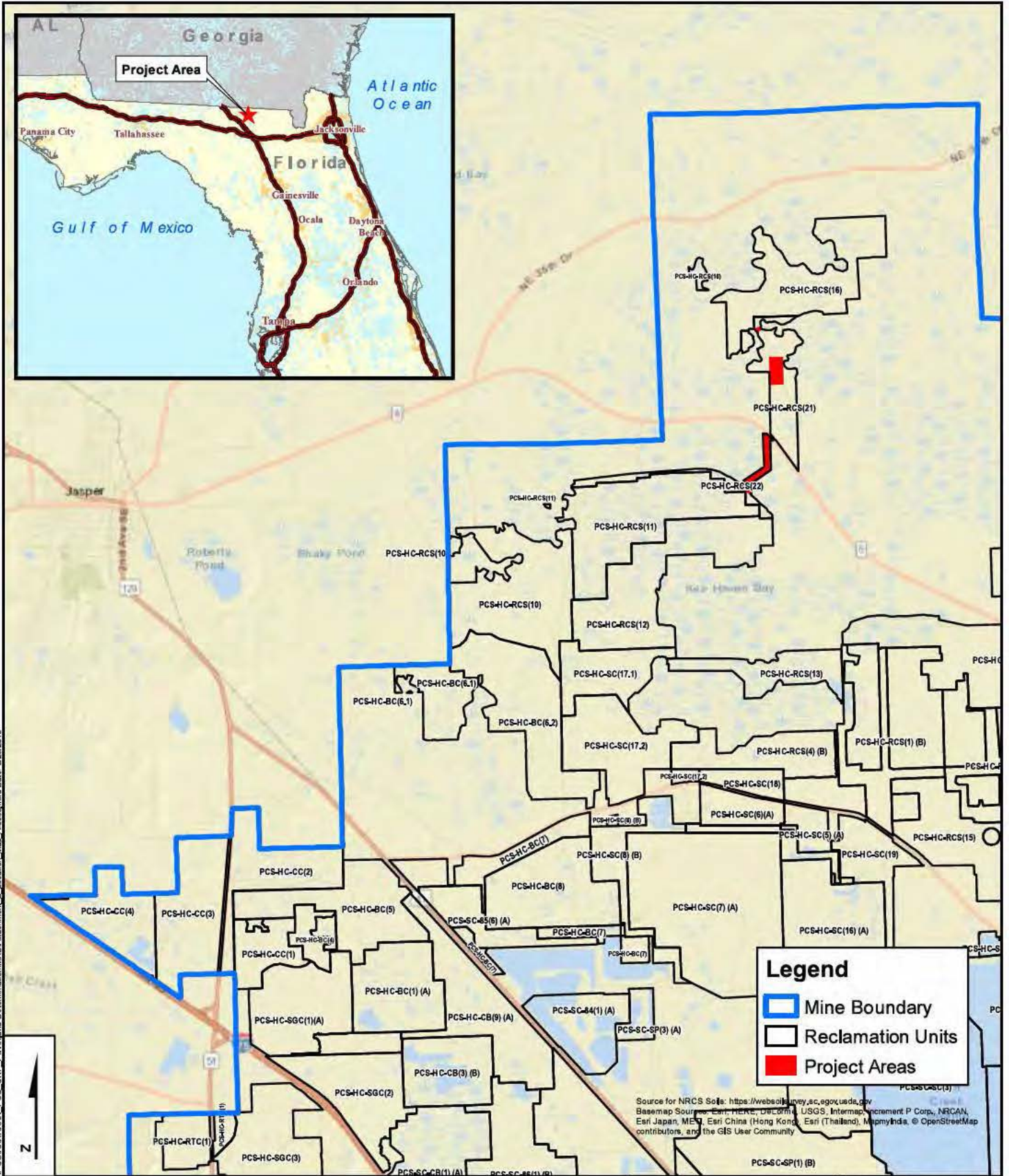
**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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

Path: S:\Projects\GIS\TertiaryProcess\PCS\XXX\XXX\PCS\_CRP\_FW\Hard Determination\MXD\Attachment\_B\_Location\_Map\_A-8968.mxd Date: 3/29/2018

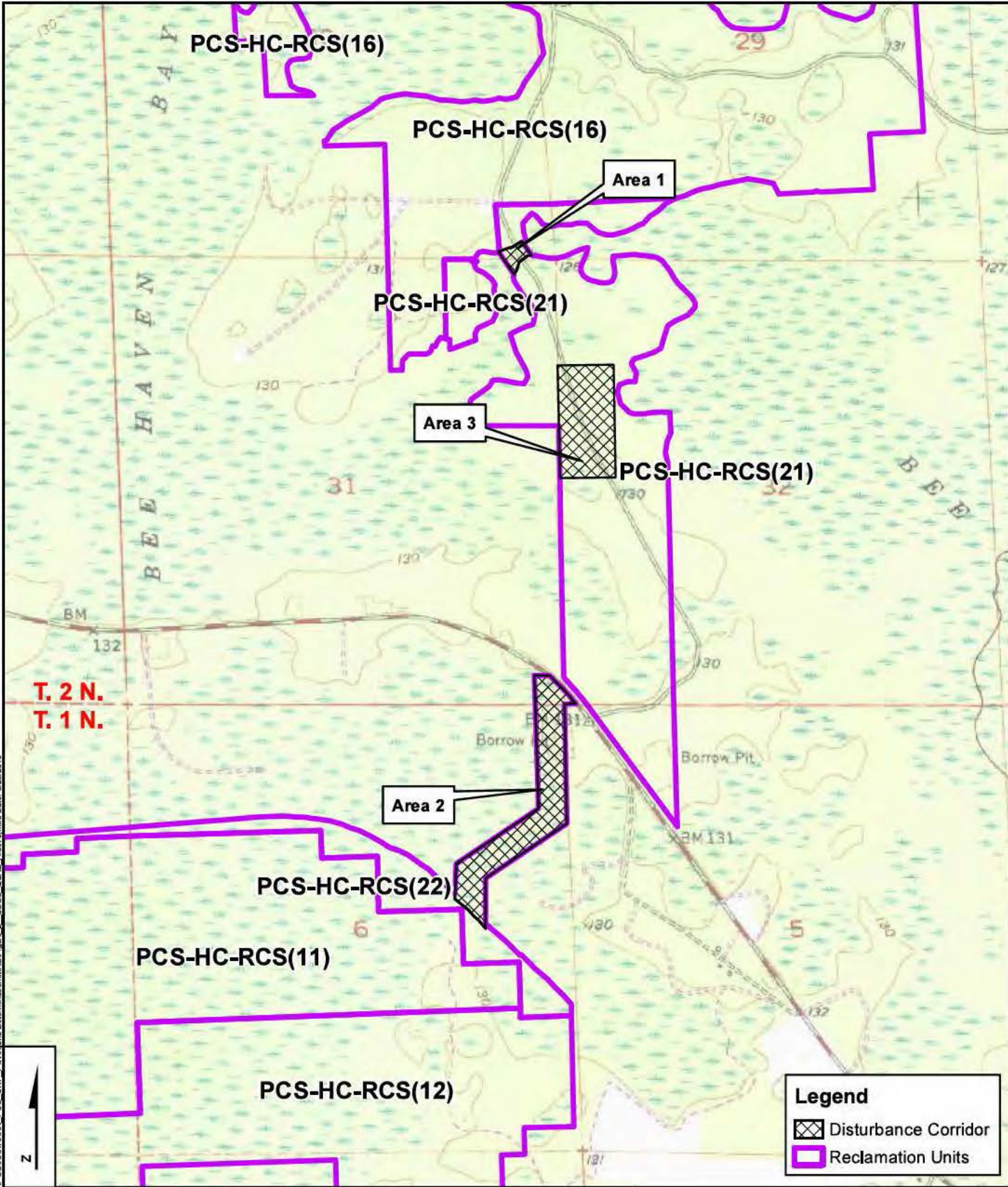


# ATTACHMENT B LOCATION MAP PCS- DRAGLINE AND UTILITY CORRIDOR HAMILTON COUNTY, FLORIDA



|               |             |
|---------------|-------------|
| Scale:        | 1" = 6,000' |
| Date:         | 3/29/2018   |
| Requested By: | SD          |
| Drawn By:     | RPF         |
| Sketch No.:   | A-8968      |
| Name:         | LOCATION    |

Path: S:\Projects\GIS\Tertiary\Projects\PCS\XXX\XXX\PCS\_GRP\_F\Wellhead Determination\MXD\Figure 2\_USGS\_QUAD\_A-8970.mxd Date: 3/29/2018



**FIGURE 2**  
 7.5 MIN USGS QUAD - CYPRESS CREEK  
 PCS-DRAGLINE AND UTILITY CORRIDOR  
 HAMILTON COUNTY, FLORIDA

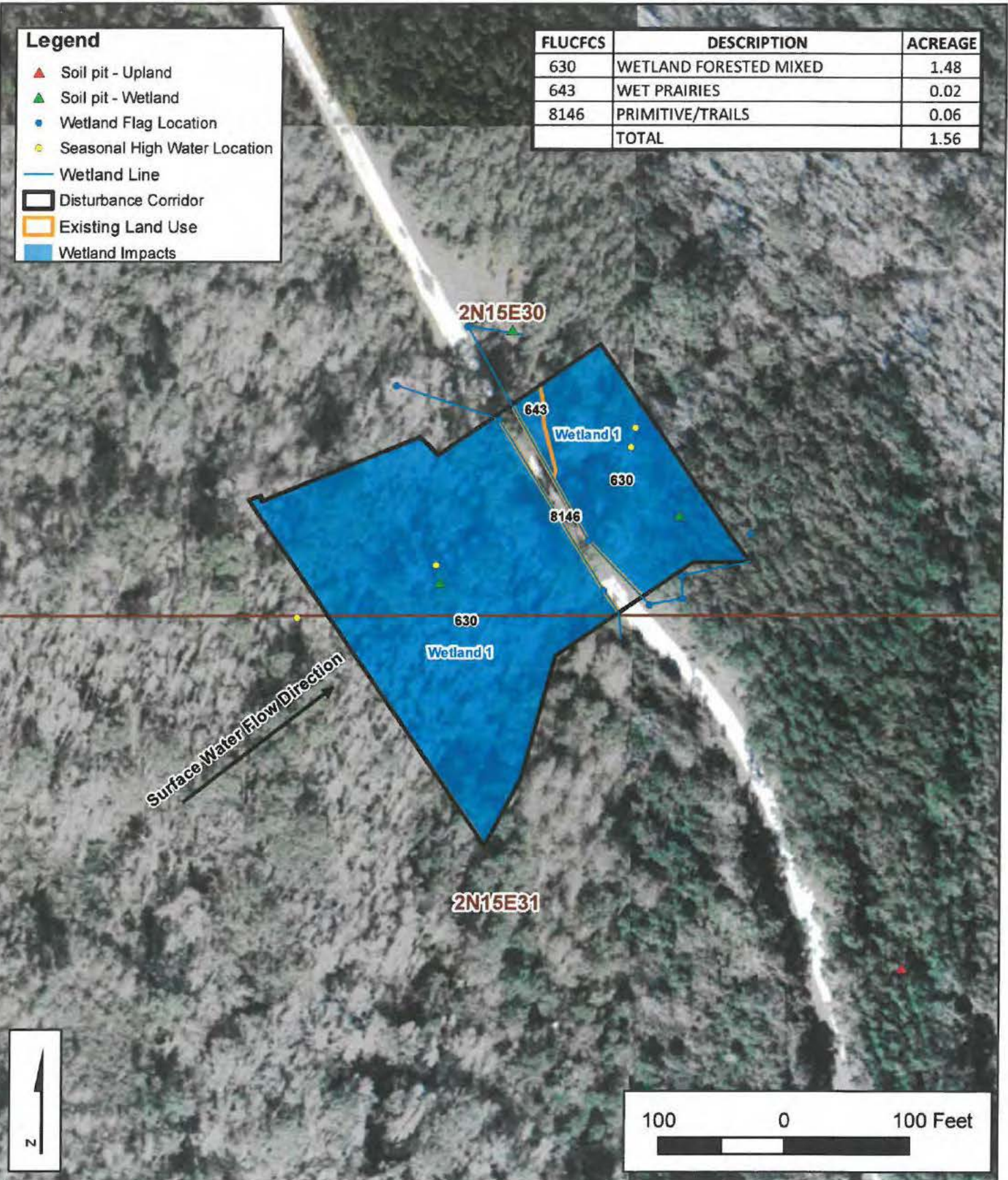


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| Date:         | 3/29/2018   |
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| Drawn By:     | ABH         |
| Sketch No.:   | A-8970      |
| Name:         | USGS QUAD   |

**Legend**

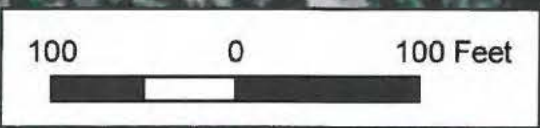
- ▲ Soil pit - Upland
- ▲ Soil pit - Wetland
- Wetland Flag Location
- Seasonal High Water Location
- Wetland Line
- Disturbance Corridor
- Existing Land Use
- Wetland Impacts

| FLUCFCS | DESCRIPTION            | ACREAGE     |
|---------|------------------------|-------------|
| 630     | WETLAND FORESTED MIXED | 1.48        |
| 643     | WET PRAIRIES           | 0.02        |
| 8146    | PRIMITIVE/TRAILS       | 0.06        |
|         | <b>TOTAL</b>           | <b>1.56</b> |



Path: S:\Projects\_GIS\Tertiary\Projects\PCS\XXXXXXXXX\_PCS\_CRP\_F\Wetland Determination\WD\Figure 4a\_Area 1\_FWD\_Wetland Delineation and Land Use\_A-8972\_v10.mxd Date: 7/13/2018

**FIGURE 4a- Area 1**  
**WETLAND DELINEATION AND LAND USE**  
**PCS-DRAGLINE AND UTILITY CORRIDOR**  
**HAMILTON COUNTY, FLORIDA**  
 Aerial Photograph Date: 01/2017



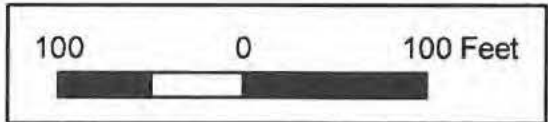
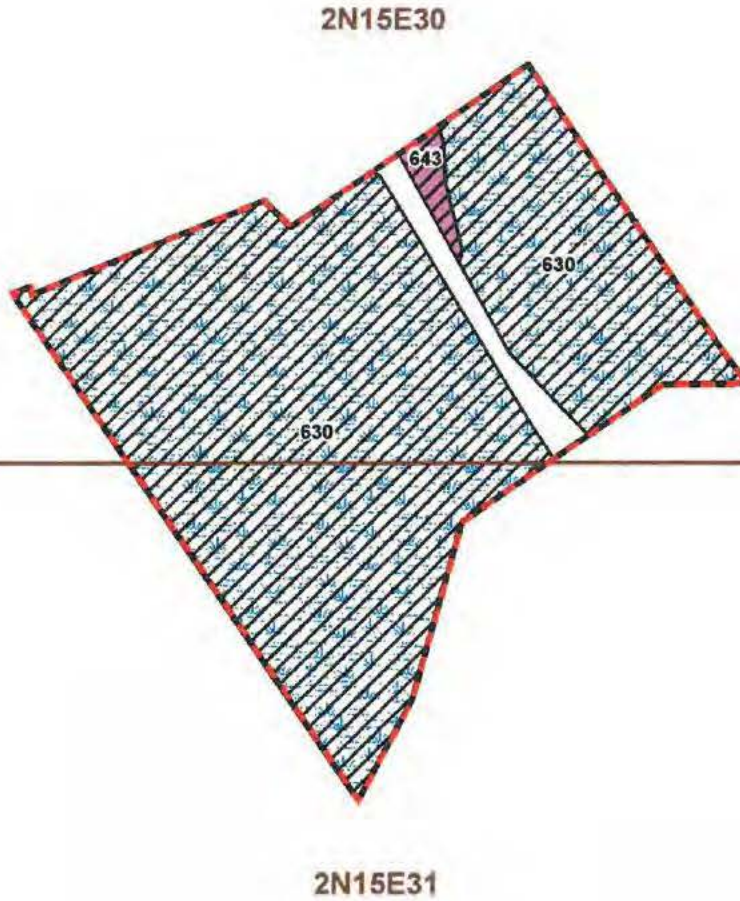
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|  | Requested By: | SD        |
|  | Drawn By:     | RPF / JET |
|  | Sketch No.:   | A - 8972  |
|  | Name:         | LU / WET  |



**Legend**

-  Disturbance Corridor
-  Associated Parcel
-  Wetland Impacts
-  630 - Wetland Forested Mixed
-  643 - Wet Prairies

| FLUCFCS      | DESCRIPTION            | ACREAGE     |
|--------------|------------------------|-------------|
| 630          | Wetland Forested Mixed | 1.48        |
| 643          | Wet Prairies           | 0.02        |
| <b>Total</b> |                        | <b>1.50</b> |



**FIGURE 4a- Area 1  
WETLAND IMPACTS  
PCS - DRAGLINE AND UTILITY CORRIDOR  
HAMILTON COUNTY, FLORIDA**



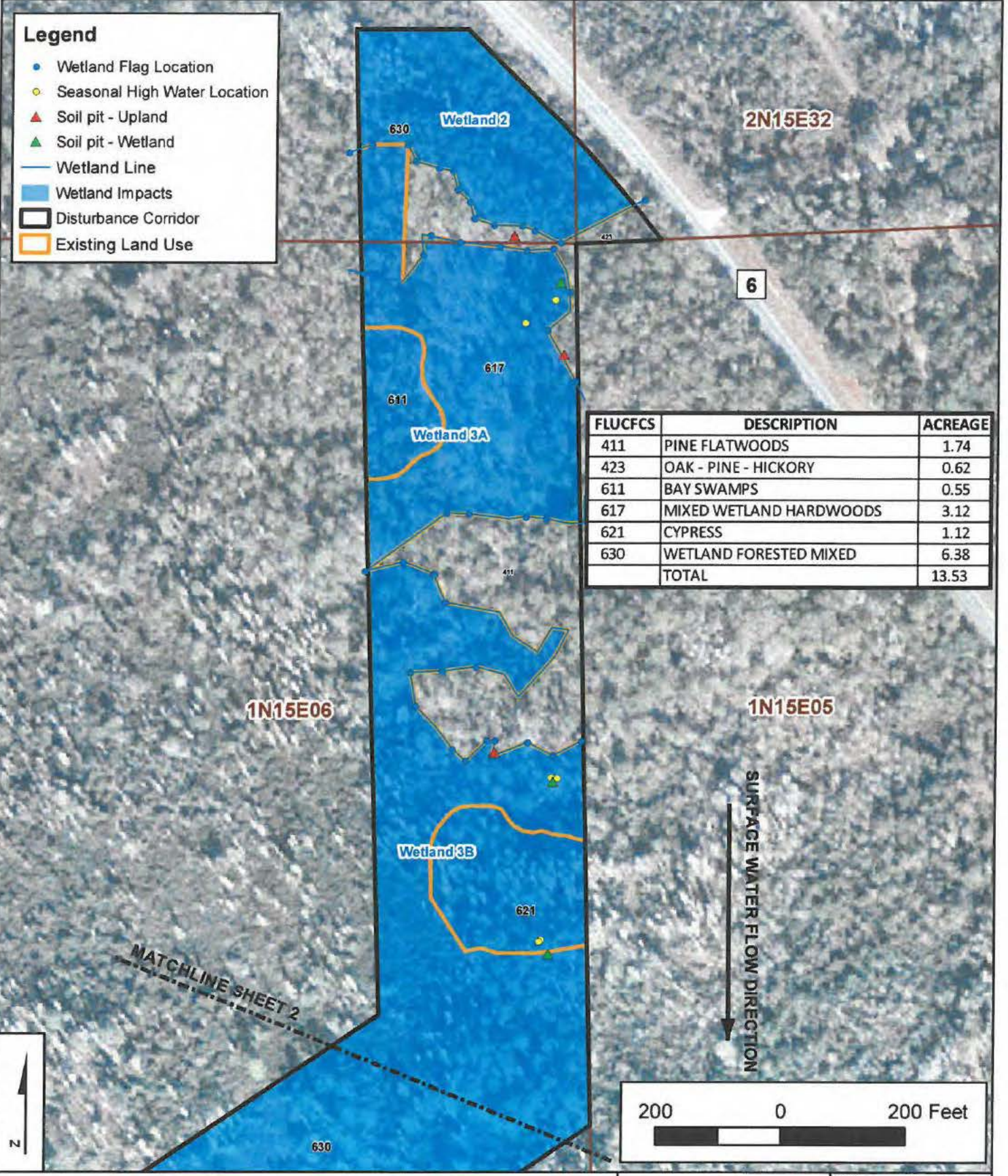
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| Requested By: | SD              |
| Drawn By:     | JET/RPF         |
| Sketch No.:   | A-9150          |
| Name:         | WETLAND IMPACTS |

**Legend**

- Wetland Flag Location
- Seasonal High Water Location
- ▲ Soil pit - Upland
- ▲ Soil pit - Wetland
- Wetland Line
- Wetland Impacts
- ▭ Disturbance Corridor
- ▭ Existing Land Use

| FLUCFCS      | DESCRIPTION             | ACREAGE      |
|--------------|-------------------------|--------------|
| 411          | PINE FLATWOODS          | 1.74         |
| 423          | OAK - PINE - HICKORY    | 0.62         |
| 611          | BAY SWAMPS              | 0.55         |
| 617          | MIXED WETLAND HARDWOODS | 3.12         |
| 621          | CYPRESS                 | 1.12         |
| 630          | WETLAND FORESTED MIXED  | 6.38         |
| <b>TOTAL</b> |                         | <b>13.53</b> |

Path: S:\Projects\_GIS\Territory\Projects\PCS\XXXXXXX.PCS\_CRP\_F\Wetland Determination\MXD\Figure 4b Area 2 North FWD Wetland Delineation and Land Use\_A-8973.mxd Date: 8/2/2018



**FIGURE 4b- Area 2 (North)  
WETLAND DELINEATION AND LAND USE  
PCS-DRAGLINE AND UTILITY CORRIDOR  
HAMILTON COUNTY, FLORIDA**  
Aerial Photograph Date: 01/2017

Scale: 1" = 200'

Date: 8/2/2018

Requested By: SD

Drawn By: RPF







Sketch No.: A-8973

Name: LU/ WET

2N15E31

2N15E32

**Legend**

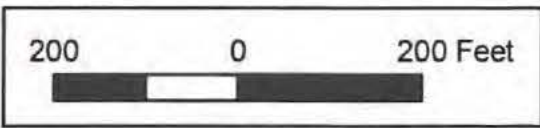
-  Disturbance Corridor
-  Associated Parcel
-  Wetlands Impacts
-  611 - Bay Swamps
-  617 - Mixed Wetland Hardwoods
-  621 - Cypress
-  630 - Wetland Forested Mixed

| FLUCFCS      | DESCRIPTION             | ACREAGE      |
|--------------|-------------------------|--------------|
| 611          | Bay Swamps              | 0.55         |
| 617          | Mixed Wetland Hardwoods | 3.12         |
| 621          | Cypress                 | 1.12         |
| 630          | Wetland Forested Mixed  | 6.38         |
| <b>Total</b> |                         | <b>11.17</b> |

1N15E06

1N15E05

MATCHLINE SHEET 2



**FIGURE 4b- Area 2 (North)  
WETLAND IMPACTS  
PCS - DRAGLINE AND UTILITY CORRIDOR  
HAMILTON COUNTY, FLORIDA**



|               |                 |
|---------------|-----------------|
| Scale:        | 1" = 200'       |
| Date:         | 8/2/2018        |
| Requested By: | SD              |
| Drawn By:     | JET/RPF         |
| Sketch No.:   | A-9151          |
| Name:         | WETLAND IMPACTS |

Path: S:\Projects\PCS\A-9151\PCS\A-9151.mxd Date: 8/2/2018  
 File: S:\Projects\PCS\A-9151\PCS\A-9151.mxd Date: 8/2/2018

**Legend**

- Wetland Flag Location
- Seasonal High Water Location
- ▲ Soil pit - Upland - see Area 2 (North) Map
- ▲ Soil pit - Wetland
- Wetland Line
- Wetland Impacts
- ▭ Disturbance Corridor
- ▭ Existing Land Use

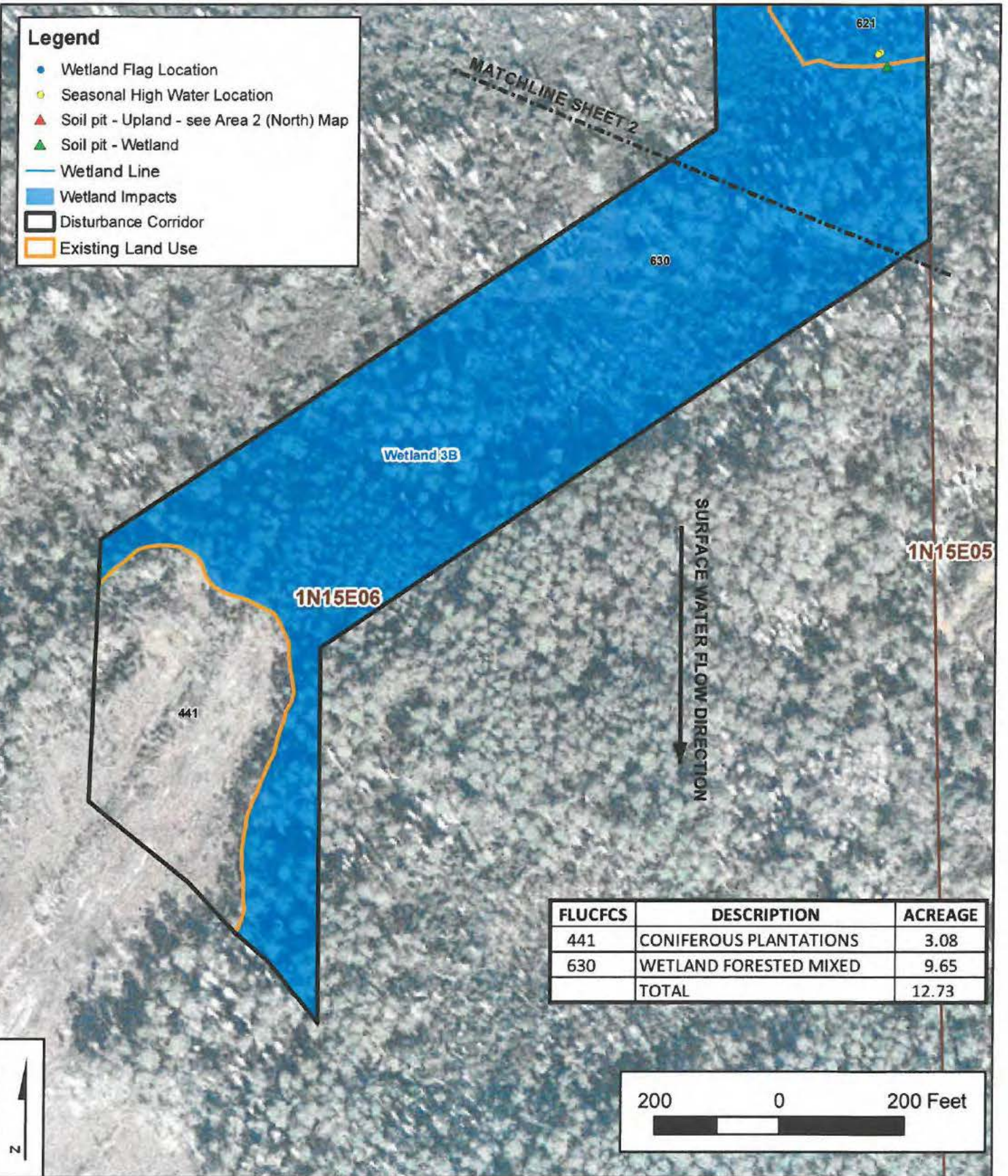
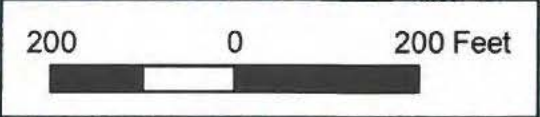


Fig. 5 (Project) GIS\TertiaryProject\PCS\XXXX\XXXX PCS\_CRP\_FWetland Determination\DW\Figures 4c Area 2\_South\_FWC\_Wetland Delineation and Land Use\_A4974.mxd Date: 3/29/2018



**FIGURE 4c- Area 2 (South)**  
**WETLAND DELINEATION AND LAND USE**  
**PCS-DRAGLINE AND UTILITY CORRIDOR**  
**HAMILTON COUNTY, FLORIDA**  
 Aerial Photograph Date: 01/2017



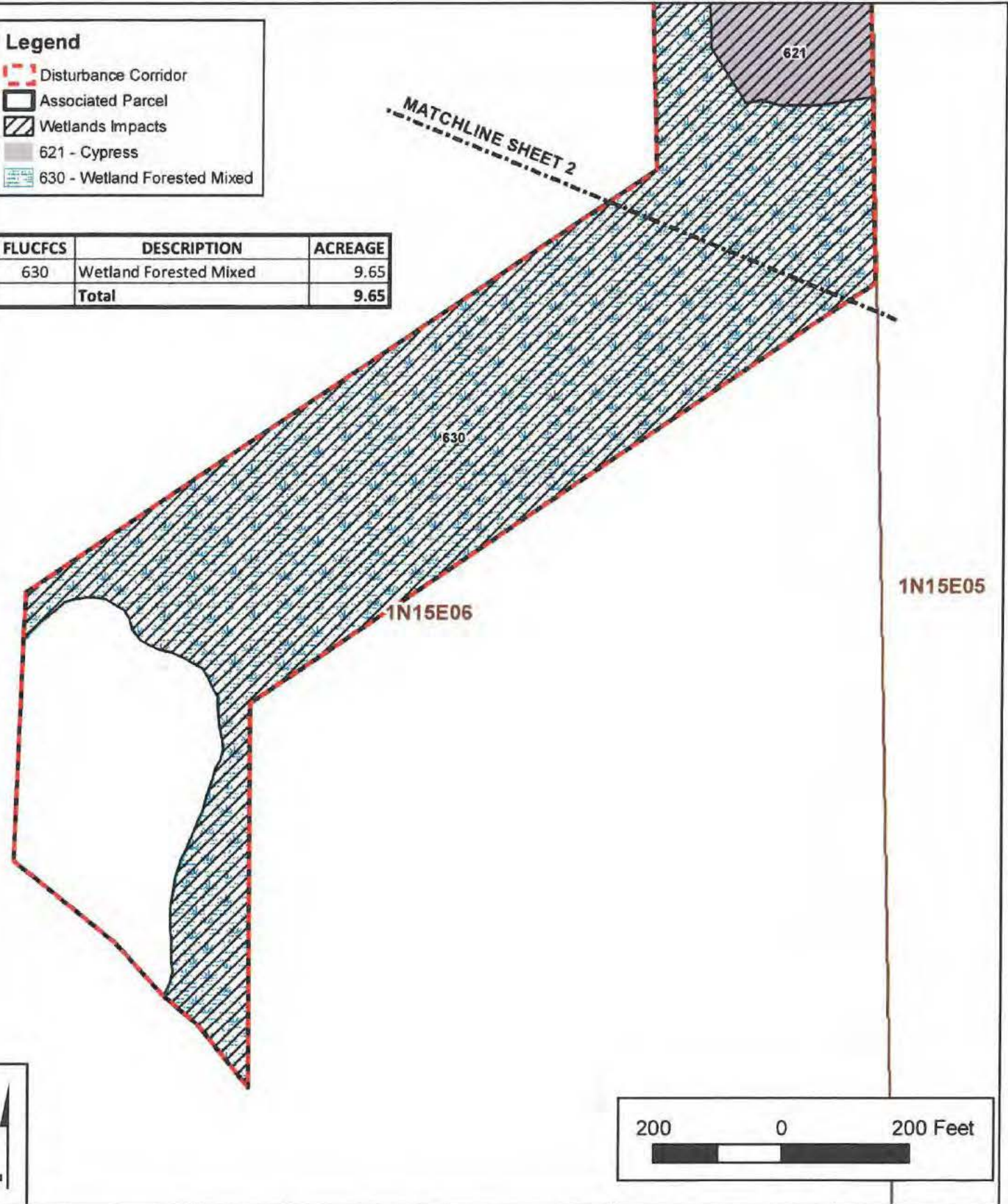
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| Requested By: | SD        |
| Drawn By:     | RPF       |
| Sketch No.:   | A-8974    |
| Name:         | LU/ WET   |

**Legend**

-  Disturbance Corridor
-  Associated Parcel
-  Wetlands Impacts
-  621 - Cypress
-  630 - Wetland Forested Mixed

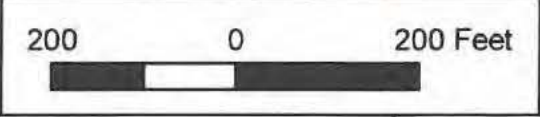
| FLUCFCS | DESCRIPTION            | ACREAGE     |
|---------|------------------------|-------------|
| 630     | Wetland Forested Mixed | 9.65        |
|         | <b>Total</b>           | <b>9.65</b> |

MATCHLINE SHEET 2



Path: S:\Projects\GIS\Tensay\Projects\PCS\00000000\PCS\_CRP\_F\Wetland Determination\MXD\Figure 4c\_Area 2\_South\_Wetland Impacts\_A-9152.mxd Date: 8/1/2018

**FIGURE 4c- Area 2 (South)  
WETLAND IMPACTS  
PCS - DRAGLINE AND UTILITY CORRIDOR  
HAMILTON COUNTY, FLORIDA**

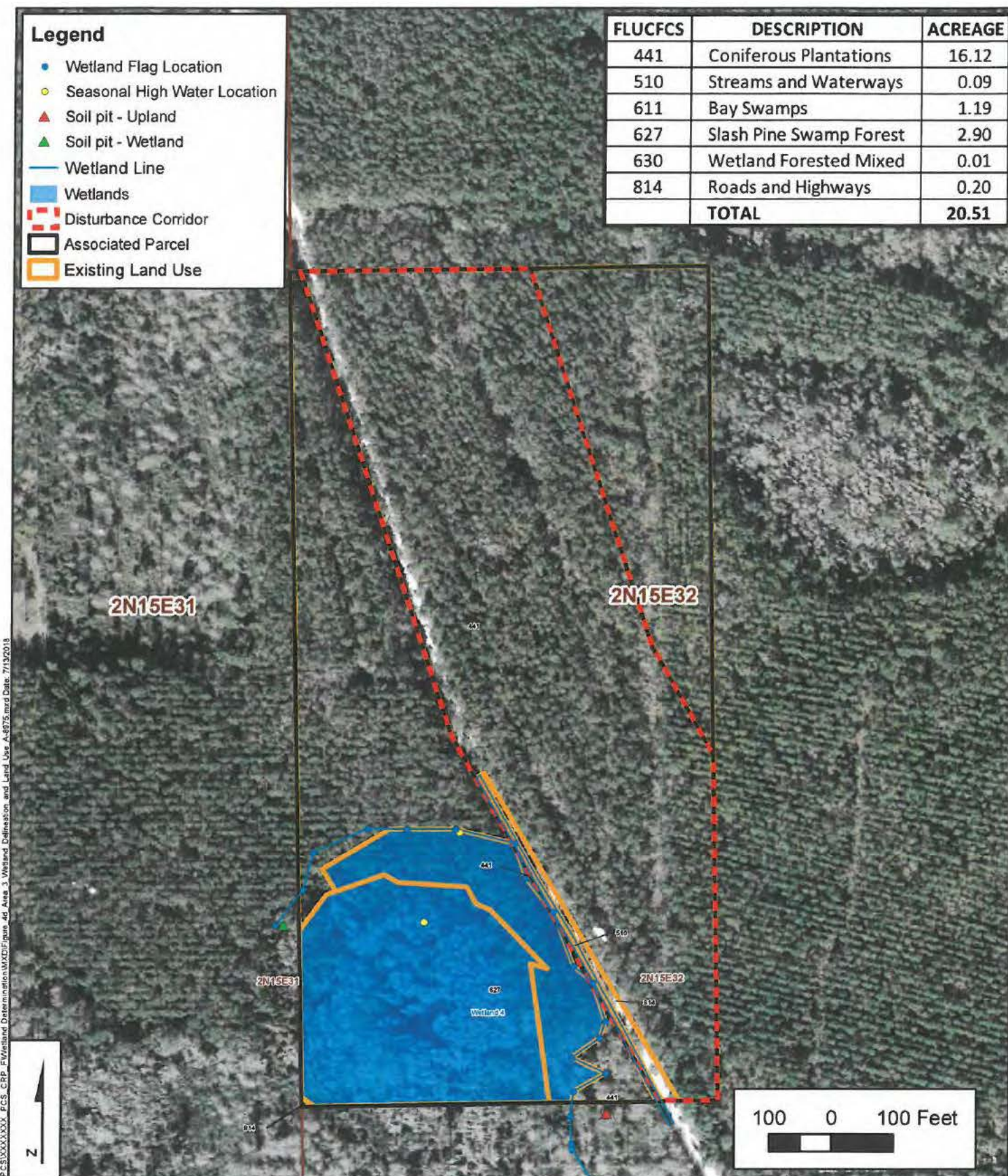


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| Requested By: | SD              |
| Drawn By:     | JET/RPF         |
| Sketch No.:   | A-9152          |
| Name:         | WETLAND IMPACTS |

**Legend**

- Wetland Flag Location
- Seasonal High Water Location
- ▲ Soil pit - Upland
- ▲ Soil pit - Wetland
- Wetland Line
- Wetlands
- Disturbance Corridor
- Associated Parcel
- Existing Land Use

| FLUCFCS      | DESCRIPTION             | ACREAGE      |
|--------------|-------------------------|--------------|
| 441          | Coniferous Plantations  | 16.12        |
| 510          | Streams and Waterways   | 0.09         |
| 611          | Bay Swamps              | 1.19         |
| 627          | Slash Pine Swamp Forest | 2.90         |
| 630          | Wetland Forested Mixed  | 0.01         |
| 814          | Roads and Highways      | 0.20         |
| <b>TOTAL</b> |                         | <b>20.51</b> |








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**FIGURE 4d- Area 3**  
**WETLAND DELINEATION AND LAND USE**  
**PCS-DRAGLINE AND UTILITY CORRIDOR**  
**HAMILTON COUNTY, FLORIDA**  
 Aerial Photograph Date: 01/2017



|               |           |
|---------------|-----------|
| Scale:        | 1" = 200' |
| Date:         | 7/13/2018 |
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| Drawn By:     | RPF       |
| Sketch No.:   | A-8975    |
| Name:         | LU/ WET   |

**Legend**

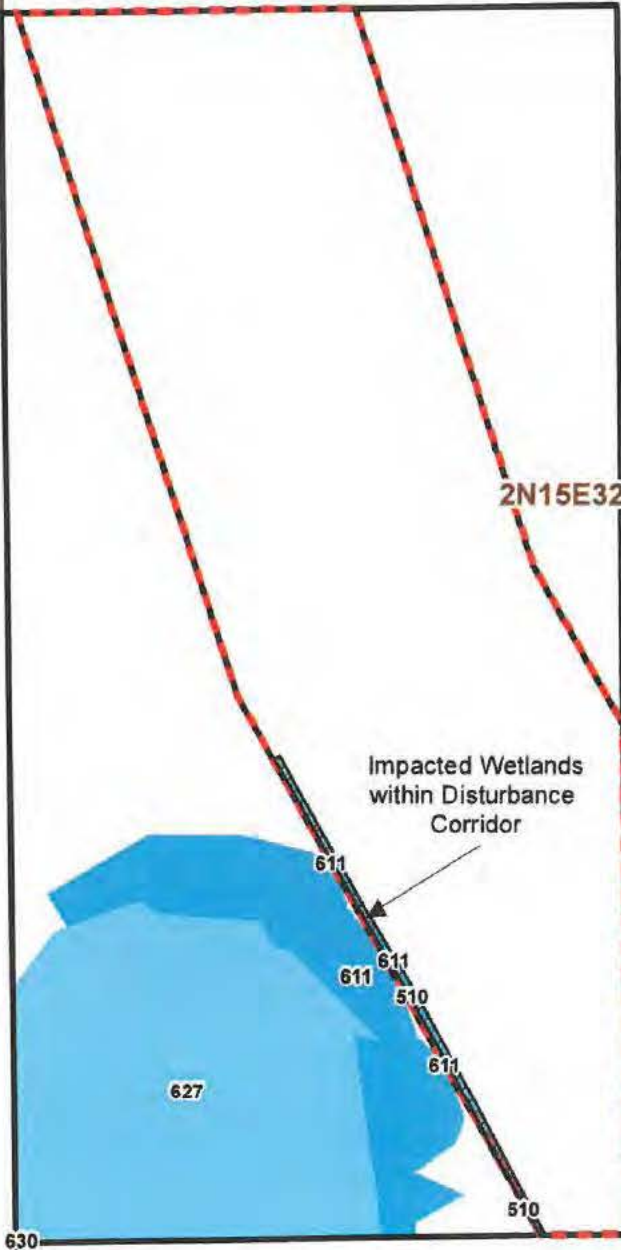
-  Disturbance Corridor
-  Associated Parcel
-  Wetland Impacts
-  510 - Streams and Waterways
-  611, Bay Swamps
-  627 - Slash Pine Swamp Forest

| FLUCFCS | DESCRIPTION           | ACREAGE     |
|---------|-----------------------|-------------|
| 611     | Bay Swamps            | 0.01        |
| 510     | Streams and Waterways | 0.10        |
|         | <b>Total</b>          | <b>0.11</b> |

2N15E31

2N15E32

Impacted Wetlands  
within Disturbance  
Corridor



Path: S:\Projects\GIS\Terrestrial\Projects\PCS\DRAGLINE AND UTILITY CORRIDOR\PCS - DRAGLINE AND UTILITY CORRIDOR\Wetland Impacts\_A-9153.mxd Date: 8/1/2018

**FIGURE 4d- Area 3  
WETLAND IMPACTS  
PCS - DRAGLINE AND UTILITY CORRIDOR  
HAMILTON COUNTY, FLORIDA**



|               |                 |
|---------------|-----------------|
| Scale:        | 1" = 200'       |
| Date:         | 8/1/2018        |
| Requested By: | SD              |
| Drawn By:     | JET/RPF         |
| Sketch No.:   | A-9153          |
| Name:         | WETLAND IMPACTS |