

Attachment 1:
Preliminary Wetland Determination



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

May 17, 2019

REPLY TO
ATTENTION OF

Regulatory Division
West Permits Branch
SAJ-2019-00480 (IP-JPF)
PRELIMINARY JD

Connie Henderson
The Chemours Company FC LLC
Titanium Technologies
P.O. Box 753
Starke, Florida 32091

Dear Ms. Henderson:

Reference is made to the Department of Army permit application which has been assigned the number SAJ-2019-00480. The applicant, Chemours FC LLC and their consultant, Kleinfelder, participated in a pre-application meeting on March 13, 2019. At that time, Chemours requested verification of the wetlands mapped by Kleinfelder at the proposed mine, Trail Ridge South. The proposed Trail Ridge South mine is located in Sections 12, 13, and 24 in Township 7 South, Range 22 East and Sections 7, 8, and 19 in Township 7 South, Range 23 East in Bradford and Clay Counties, Florida.

The U.S. Corps of Engineers (Corps) personnel met with Noah Adams, Kleinfelder and Travis Richardson, T. Richardson Soil and Environmental LLC, to verify the accuracy of data provided. The data reviewed included maps, figures, and Wetland Determination Data Forms. Additionally, Corps personnel met onsite with Messers. Adams and Richardson on March 18 and 19, 2019, and reviewed several locations. Overall, Kleinfelder had accurately used the 1987 Corps of Engineers Wetland Delineation Manual to define the boundary of wetlands within the proposed mine site.

Electronic correspondence with Mr. Adams changed the request for verification of the wetlands map to accepting preliminary jurisdictional determination (PJD) status for the wetlands mapped. Attachment A provides Table 1 the aquatic resources and Figure 1 depicts the wetlands. Because a PJD status was requested, Attachment A also presents specific considerations pertaining to a PJD.

Please be advised a Department of the Army permit will be required for regulated work in all areas which may be waters of the United States. For purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a preliminary JD treats all

waters and wetlands, which would be affected in any way by the permitted activity on the site, as if they are jurisdictional waters of the United States.

An approved JD represents the upland/wetland boundary for purposes of determining the Corps jurisdictional line and is based on the Corps of Engineers Wetlands Delineation Manual (1987) and the current regional supplement for jurisdictional determination. An approved JD is valid for a period no longer than 5 years from the date of issuance unless new information warrants a revision of the determination before the expiration date. If, after the 5-year period, the Corps has not specifically re-validated this jurisdictional determination, it shall automatically expire. The determination is based on information provided by you or your agent. Should you desire an official Corps determination that jurisdictional "waters of the United States," or "navigable waters of the United States," or both, are either present or absent on a particular site, the Corps will issue an approved JD when requested.

The Corps' Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey and complete our automated Customer Service Survey. Your input is appreciated – favorable or otherwise.

Thank you for your cooperation with our regulatory program. If you have any questions or concerns regarding this matter, please contact Eve Huggins at the letterhead address, by telephone at 904-232-2076, or email: eve.m.huggins@usace.army.mil.

Sincerely,



Kelly E. Unger
Chief, West Branch

Enclosure

cc: Daniel LeJeune, Kleinfelder
Noah Adams, Kleinfelder

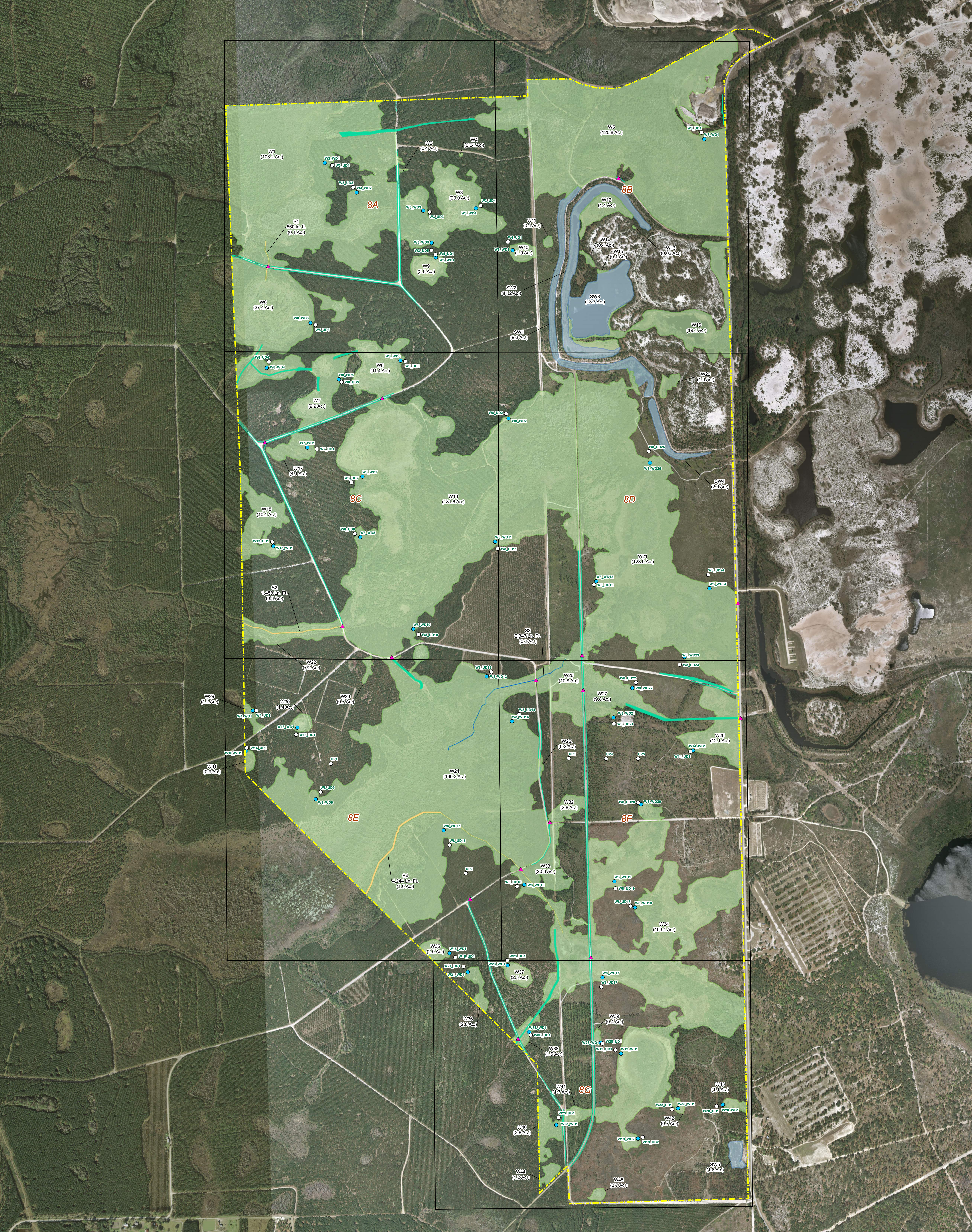


Table 1: Waters Upload Table

Wetland	Cowardin Code	Acres	Linear Ft.	HGM Code	Abuts TNW (Y/N)	Water Types	Class of Aquatic Resources
SW1	L1OW	9.30	-	DEPRESS	N	IMPNDMNT	non-section 10 - nonwetland
SW2	L1OW	11.22	-	DEPRESS	N	IMPNDMNT	non-section 10 - nonwetland
SW3	L1OW	13.70	-	DEPRESS	N	IMPNDMNT	non-section 10 - nonwetland
SW4	L1OW	2.58	-	DEPRESS	N	IMPNDMNT	non-section 10 - nonwetland
SW5	L1OW	1.60	-	DEPRESS	N	RPW	non-section 10 - nonwetland
S1	R4	0.10	560	RIVERINE	N	RPW	non-section 10 - nonwetland
S2	R4	0.30	1458	RIVERINE	N	RPW	non-section 10 - nonwetland
S3	R4	0.20	2347	RIVERINE	N	RPW	non-section 10 - nonwetland
S4	R4	1.00	4244	RIVERINE	N	RPW	non-section 10 - nonwetland
W1	PFO	108.19	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W2	PFO	0.10	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W3	PFO	22.99	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W4	PFO	0.04	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W5	PFO	120.76	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W6	PFO	37.40	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W7	PFO	9.90	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W8	PFO	11.43	-	DEPRESS	N	RPWWN	non-section 10 - wetland
W9	PFO	3.78	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W10	PFO	1.87	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W11	PFO	0.40	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W12	PFO	4.44	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W13	PFO	0.02	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W14	PFO	0.36	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W15	PFO	0.08	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W16	PFO	19.09	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W17	PFO	4.08	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W18	PFO	10.07	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W19	PFO	181.56	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W20	PFO	1.29	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W21	PFO	123.95	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W22	PFO	7.22	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W23	PFO	0.67	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W24	PFO	190.30	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W25	PFO	0.23	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W26	PFO	10.86	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W27	PFO	9.82	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W28	PFO	12.10	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W29	PFO	1.22	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W30	PFO	1.38	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W31	PFO	0.88	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W32	PFO	2.77	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W33	PFO	20.35	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W34	PFO	103.40	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W35	PFO	1.99	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W36	PFO	2.03	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W37	PFO	2.34	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W38	PFO	1.59	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W39	PFO	0.43	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W40	PFO	3.83	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W41	PFO	1.72	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W42	PFO	0.70	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W43	PFO	1.12	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W44	PFO	1.18	-	DEPRESS	N	NRPWW	non-section 10 - wetland
W45	PFO	0.69	-	DEPRESS	N	NRPWW	non-section 10 - wetland

PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) CONSIDERATIONS

In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring “pre-construction notification” (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that:

- (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources;
- (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions;
- (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization;
- (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary;
- (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant’s acceptance of the use of the PJD;
- (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and
- (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there “may be” waters of the U.S. and/or that there “may be” navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity.