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Subject: Wetland Resource Permit Modification FILE #: 0146465-001 modification/MOS-SFM-CPC
Date: Mar 31, 2009 7:07 AM

Mr. Orlando Rivera,
Bureau of Mine Reclamation

Dear Mr. Rivera,

As spokesman for 3PR (People for Protecting Peace River, Inc.), an environmental advocacy group based in Wauchula, FL, dedicated to the preservation and viability of the Peace River watershed, I would like to notify you that 3PR is strenuously opposed to the modification of Wetland Resource Permit 146465-001 (Old Colony) by Mosaic.

This application is referred to as a "minor modification," but in fact mining the Old Colony wetlands and marshes for phosphate endangers Bowlegs Creek and therefore the Peace River.

3PR is calling for a 90-day extension of the timeline on this application until our hydroecologist and other objective scientists can perform a survey and assessment of the full implications of mining the Old Colony wetlands and marshes.

In fact the project should require seismographic profiling or dye-testing of the geological formations underneath the site by the USGS so that DEP can know exactly how the excavations Mosaic is proposing will affect Bowlegs Creek and the Peace River.

Bear in mind that the EPA recommended a denial of the S. Ft. Meade Mine/Hardee County on the following grounds:

- that engineered wetlands mitigations are rarely able to replace the full range of values and functions of the impacted aquatic resources,
- the direct and indirect effects of earth alterations of mining activities on the surficial aquifer and wetland ecosystems,
- discharge of fill material into aquatic sites,

- “a cumulative effects analysis should be provided for the entire Peace River watershed” including mining activities that are currently “underway and/or planned for this watershed,”
- alterations that could result in adverse changes to adjacent wetlands, overland flow, and the surficial aquifer,
- potential declines in the water table beneath wetlands that the applicant does not propose to disturb,
- long-term and short-term effects from the disruption of surface and groundwater cycles,
- direct and secondary effects of clay settling areas on the basin’s surficial aquifer storage capacity and base flow to streams and wetlands,
- effects on unmined communities because of changes to the flow regime,
- reduction in water quality downstream of the mine

In summary 3PR's objection to the Old Colony addition is based on the following considerations:

1. According to the Peace River Cumulative Impact Study (2007) reduced flow to the Peace River is associated with the loss of streams and wetlands and other impacts associated with phosphate mining (ie. altered surface and groundwater hydrology by changing soil and land surface composition and structure, the way water flows over and through the land, the relationship of rainfall to stream flow, surface flow, surface water storage, aquifer recharge and evapotranspiration to the atmosphere. Clay slime impoundments alter the hydrology of mined and adjacent land by acting as holding ponds, decreasing flows to stream channels, and replacing native wetlands and uplands that act as natural recharge areas.)

2. The wetlands associated with this permit provide recharge to Bowlegs Creek which is the last major tributary between Ft. Meade and Bowling Green providing baseflow to the Peace River.

Sydney Bacchus PhD (Applied Environmental Services, Athens, GA) Hydroecologist: Forested wetlands which characterize these natural depressional wetlands (infilled dolines), are dominated by pond-cypress trees... while herbaceous depressional wetlands historically are dominated by native wet prairie species. The underlying structures (fractures dissolutional channels) of these natural depressional wetlands provide vertical groundwater connections between the surficial aquifer... and the underlying Florida aquifer, as well as subsurface connections between the depressional wetlands. During the rainy season those depressional wetlands, without significantly altered hydroperiods, are also connected by surface waters and flow into streams and natural lakes.

3. The phosphate industry has not proven that it can restore wetlands function for function and type for type as the law requires.

Brian Winchester (Winchester Environmental Associates, Tampa) Wetland Hydroecologist: "My client was PRMRWSA (Peace River Manasota Regional Water Supply Authority) represented by Doug Manson, though we worked very closely with Ed de la Parte and his team of consultants so that our testimony was not duplicative. I ended up testifying for some 20 hours in the main hearing and subsequent remand hearing. Much of my testimony centered around a multi-faceted comparison of natural versus reclaimed wetlands, which was based on close to a year's worth of quantitative data gathering from natural wetland sites and some 30+ reclaimed wetlands. This evaluation compared plant community composition, plant zonation patterns,

wetland basin topography and microtopography, and hydrologic regimes (flooding depths and hydroperiods) between natural and reclaimed sites, which in turn allowed me to testify as to the dismal failure of Mosaic's 30-year effort to restore wetland type, nature, and function. In support of my testimony I developed some 150 exhibits, including low-altitude aerial photographs and professional videos taken from a helicopter.

"It is important to note that I was qualified as a 'wetland hydroecologist,' allowing me to testify as to the hydrologic aspects of natural and reclaimed wetlands. Although I was not permitted to offer testimony that was clearly mainline hydrology, I was allowed to testify broadly on wetland hydrologic characteristics and the effects of altered or unnatural hydrologic regimes on natural and reclaimed wetland systems. I conducted a detailed review of Mosaic's proposed reclamation plan and found numerous errors with regard to their predicted hydrologic regimes. During the remand hearing I presented compelling evidence that their perimeter recharge ditches, which were supposed to maintain natural hydrology in nearby unmined bayhead wetlands, were actually completely inadequate to protect these wetlands from mining-induced drawdowns."

Kevin L. Erwin (Kevin L. Erwin Consulting Ecologist Inc., Ft. Myers): "It was my responsibility to review IMC's reclamation plan and budget for the proposed 20,000 acre Ona Mine in Hardee County. In virtually every area, IMC has grossly underestimated the costs of successful reclamation. Their failure to plan and budget properly will be reflected in the failure of their "restoration" of the natural system. IMC has not been able to demonstrate that their plan to reclaim the land will offset the adverse impacts associated with strip mining. Their failure may ultimately put the public at risk for the cost of the proper restoration and maintenance of these lands."

In 2003, I evaluated fifty IMC reclamation projects. I have observed no improvement in conditions since the completion of our 1997 study for the Florida Institute of Phosphate Research (FIPR). The very poor conditions I observed on most of IMC's reclamation projects means that their methods and budgets for reclamation, management and monitoring are inadequate. In short, neither their budgets nor methods are working—and haven't for years.

4. The mining of Old Colony is simply an economic convenience for Mosaic. It appears that Mosaic is contemplating the mining of this additional 412 acres which was not allowed under the original permit simply because it is opportunistic that their dragline is presently in close proximity to these wetlands and can be easily "walked" there. It is unclear from their application whether Mosaic will require a new dragline crossing of Bowlegs Creek to access the Old Colony site.

It is the mandate of the Florida DEP to protect the wetlands and marshes in the Peace River basin. The Peace River is a resource that must be preserved for all to use and enjoy for generations to come. Do not put the profits of the phosphate mining industry above the right of Floridians to enjoy this precious resource.

Yours Truly,

Dennis Mader
President, 3PR