



MANATEE COUNTY
FLORIDA

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MANATEE COUNTY
NATURAL RESOURCES DEPT

January 10, 2011

Colonel Alfred A. Pantano, Jr.
U.S. Army Corps of Engineers
Jacksonville District
701 San Marco Blvd.
Jacksonville, FL 32207

Re: Central Florida Phosphate District Area-wide EIS Scoping

Dear Colonel Pantano:

Thank you for allowing Manatee County government to provide comments on the scoping process for the Central Florida Phosphate Mining District area-wide Environmental Impact Statement (EIS). Currently phosphate mining companies have obtained mineral rights or lands in fee simple in excess of 45,000 acres within Manatee County and are currently operating four mines (Four Corners, Wingate, Southeast and Altman). Current and future mining will occur in the Little Manatee River, Manatee River, Myakka River, and Peace River watersheds; therefore, Manatee County government considers the proposed area-wide EIS within the Central Florida Phosphate District an important tool for evaluating phosphate mining.

In preparation of the EIS, Manatee County has two overarching concerns with the scoping and evaluation processes. The first concern is in the selection of the third party contractor. We have reviewed the conditions in the Regulatory Guidance Letter (No. 05-08) for selecting third party contracting, and we respectfully ask that the company's integrity as perceived by the community at large also be considered so that any perceived bias may be limited at the onset of the study.

The other concern is the proposed timeframe of the study. Giving the lengthy and diverse list of potential environmental impacts, alternative mining practices, and mitigating measures to evaluate, it would seem ill advised to assume all the data can be accumulated and properly evaluated in the proposed 18-month schedule. We would recommend that the desire to develop an appropriate product should take precedence over adhering to a fixed timeframe.

Office of the County Administrator
Mailing Address: P. O. Box 1000 Street Address: 1112 Manatee Avenue West, Bradenton, FL 34206-1000
WEB: www.mymanatee.org * PHONE: 941.745.3717 * FAX: 941.745.3790

LARRY BUSTLE * MICHAEL GALLEN * JOHN R. CHAPPIE * ROBIN DISABATINO * DONNA HAYES * CAROL WHITMORE * JOE McCLASH
District 1 District 2 District 3 District 4 District 5 District 6 District 7

Manatee County has experienced phosphate mining and processing operations since the 1960's and is well aware of industry issues and concerns. Therefore, we respectfully recommend that the following be addressed in the area-wide EIS:

Potential Impacts and Problems:

1. Areas of potential controversy include avoidance, minimization, and/or mitigation of impacts to wetlands and waters; direct, indirect, and cumulative impacts to surface and groundwater quality, air quality, and terrestrial and aquatic communities; and length of the authorized permit activities.
2. Reevaluate sand balance calculations – We are concerned that there may not be adequate material to satisfy the reclamation requirements for existing and future mine properties.
3. Need for hydrologic model and more baseline data to fully evaluate potential impacts of mining and reclamation on groundwater quality and quantity (surficial, intermediate, and Floridan aquifers) including: movement, potentiometric surfaces of intermediate and Floridan aquifers, reclaimed soil porosity, loss of hard pan, surficial aquifer dewatering and post-mining storage. Need for improved stormwater modeling to better predict and estimate surface water quality and quantity before, during, and post mining.
4. Evaluate the cumulative effect of clay settling areas (CSAs) upon the landscape. Clay settling areas are permanent features that have limited uses post-reclamation. We recommend a socio-economic analysis of the affects of post-mining uses of clay settling areas– cattle grazing vs. active crop production- on the region. Also, the clay settling areas must be represented in a hydrologic model (see Item 2 above) to address how the hydrologic conductivity of clay affects the volume, timing, and distribution of water on the watershed (building on FIPR study No. 03-109-176 by Reigner and Winkler III, 2001).
5. Study the cumulative landscape effects from temporal loss of function during mining and reclamation process. Some habitat types, such as forested wetlands, live oak hammocks, and scrub, have greater associated risk and time lag than other types of reclamation. Also, preserved areas are hydrologically severed from mined areas during dewatering, extraction, and reclamation. These factors together may affect in the long-term decline of abundance and diversity of wildlife in Central Florida, such as migratory birds, large mammals, amphibians and reptiles, including wildlife protected under the Endangered Species Act.

6. Evaluate any potential cumulative effects in weather patterns due to conversion of habitat types in the Central Florida phosphate district, including urban and agricultural land use changes. In particular, examine whether the increase in large reclaimed lakes and clay settling areas affect meteorological conditions in the region.
7. Reclamation techniques are continually evolving. The implementation of reclamation techniques and best management practices warrant a closer reexamination:
 - a. Stream reclamation – requires close and lengthy monitoring to evaluate whether the techniques are effective and the system is functioning as predicted.
 - b. Slough-type reclamation – no record of replacing this type of system, similar to stream reclamation but flows are intermittent at best with little defined channels.
 - c. The use of muck or topsoil is required, as available, in many permit conditions. However, often there is no muck or topsoil “reasonably available”. The lack of muck results in alternate practices and lower quality wetlands and increases in timeline and risk, yet the permit conditions are not reevaluated when this condition is not met. The EIS should determine the cumulative loss of wetland value when this condition is not met.
 - d. Reclamation success criteria for upland communities should also be considered. Uplands communities are connected hydrologically to downstream waters of the U.S., therefore, reclamation success of these habitats is important to the natural system as a whole. Reference systems should be specified and success criteria should be established.
8. An updated study on radiation in reclaimed soils and groundwater should be performed. This should include a comparison of naturally occurring radiation in the Central Florida Phosphate District versus these areas post-mining.
9. Mining/beneficiation processes and methods should be reviewed to determine if recovery of product has been optimized.
10. ~~Reassess chemicals used in the beneficiation process and evaluate the distribution, fate, and toxicity of these chemicals in the natural environment during mining and post-reclamation.~~
11. Determine whether future mining will be in full compliance with the Endangered Species Act, particularly as it pertains to the Florida Panther. Future mine properties in Manatee and Desoto County are within range of the northern most extent of the Florida Panther. A complete study of this area should be performed.

12. Determine whether waterbodies on reclaimed lands or those hydrologically connected to mined terrain will be able to comply with recent EPA established numeric water nutrient criteria of freshwater and estuarine systems.

Alternatives:

1. Consider restricting mining within the 25-year floodplain, restricting mining in wetlands that are significantly dependent on the 25-year floodplain, and restricting mining of perennial streams.
2. Consider restricting mining of wetlands that are of high ecological value or significantly connected to the Integrated Habitat Network (IHN). Determine if there should be a cut-off UMAM score or WRAP score for the purpose of wetland avoidance.
3. Each mining alternative should be accompanied by an analysis of the economic effects of mining on the region and how it relates to each individual County for the present and future generations.

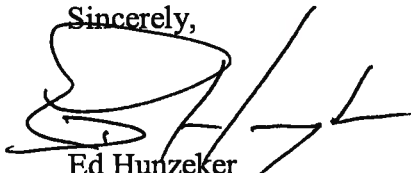
Mitigating Measures:

1. Review the need for natural systems model in place prior to issuing a permit for mining in order to make informed decisions about the impacts of the proposed mining.
2. Establish whether the reclamation and cleanup costs are accurately estimated.
3. Determine if current best management practices to protect preserved areas during mining (i.e, recharge ditches vs. injection wells vs. direct irrigation) are adequate to protect the water table and avoid degradation of the preserved areas.
4. Procedures for protecting adjacent land owner's wells should be established.
5. Safety and stability of CSAs and secondary containment should be evaluated. Hurricane procedures, disaster plans, etc. should be reviewed.
6. Develop a rigorous, quantitative method to evaluate reclamation success. Reevaluate whether UMAM is a good method for evaluating function and quality after mining. Develop biological indicators for wetland reclamation and stream reclamation and numeric indices for upland habitats (i.e., xeric oak). The final approach should consider that different habitats types may require different types of evaluations.
7. Evaluate whether the IHN provided a mitigative effect to offset the temporal loss of habitat function during the mining and reclamation process.
8. Review ways to minimize fugitive dust from leaving mine properties.
9. Consider additional methods to expedite reclamation.

10. Consider requiring a regulatory or financial assurances method to insure the teardown and removal of mine infrastructure, such as beneficiation plants, dredges, pipelines, reagent storage areas and other facilities that will not be needed after mining and reclamation are completed.

Thank you again for the opportunity to participate in the development of this area-wide EIS. Manatee County is looking forward to reviewing the scoping proposal following the incorporation of comments from participating entities. If you have any questions or need any additional information, please feel free to contact Charlie Hunsicker, Director, Natural Resources Department at 941-745-3727 or email: Charlie.Hunsicker@mymanatee.org.

Sincerely,



Ed Hurizeker
County Administrator

Cc: Manatee County Board of County Commissioners
Donald Kinard, USACE, Chief, Regulatory Division
William Clague, County Attorney's Office
Manny Pumariaga, TBRPC Executive Director
Ken Heatherington, SWFRPC Executive Director
Lisa Beever, Charlotte Harbor NEP Director
Mark Alderson, Director, Sarasota Bay Estuary Program
Holly Greening, Director, Tampa Bay Estuary Program
John Osborne, Director, Planning Department
Charlie Hunsicker, Director, Natural Resources Department
Rob Brown, Division Manager, Natural Resources Department
Neal Parker, Natural Resources Department
Alissa Powers, Natural Resources Department
