





# CHARLOTTE HARBOR NATIONAL ESTUARY PROGRAM

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November 17, 2003

Colonel Robert M. Carpenter  
District Engineer  
Jacksonville District Corps of Engineers  
U.S. Department of the Army  
P.O. Box 4970  
Jacksonville, Florida 32232-0019

Re: Federal Consistency of Phosphate mine applications within the Charlotte Harbor watershed

Dear Col. Carpenter:

This letter is to provide comment on phosphate mining activities within the Charlotte Harbor watershed and request certain actions from the USACOE. 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 has developed and completed a *Comprehensive Conservation and Management Plan* (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. Charlotte County has thusly requested that the program review the phosphate mine applications for consistency with the CCMP.

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

- **CHNEP Goal #1:** "Improve the environmental integrity of the Charlotte Harbor study area."
- **CHNEP Goal #3:** "Reduce point and non-point sources of pollution to attain desired uses of the estuary."
- **CHNEP Goal #4:** "Provide the proper fresh water inflow to the estuary to ensure a balanced and productive ecosystem."

- **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.

The Charlotte Harbor NEP requests:

- 1. A summary of phosphate mining permits with review timetables. We may forward a federal consistency determination within the applicable review timetables.**
- 2. A presentation by Corps staff on their progress to address cumulative impacts of the proposed phosphate mine projects, pending phosphate mining permits in the Charlotte Harbor Study area, and how the Charlotte Harbor NEP can best assist the Corps in their review and CCMP consistency requirements.**

We thank you in advance for your input and efforts to address these concerns. If we can be of assistance in furthering your efforts or if you have any questions, please contact me at (239) 995-1777 extension 235 or lbeever@swftrpc.org.

Sincerely,



Lisa B. Beaver, PhD, AICP  
Director  
Charlotte Harbor National Estuary Program

Col. Robert M. Carpenter  
November 17, 2003  
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Cc: Mr. John R. Hall, Chief Regulatory Division and  
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