

December 6, 2002

Mr. Tom Bigford, Chief
National Marine Fisheries Service
Office of Habitat Conservation
1315 East-West Highway
Silver Spring, Maryland 20910

Re: 'Essential Fish Habitat' Consultation of proposed phosphate mining in the Charlotte Harbor watershed

Dear Mr. Bigford:

In 1995, Congress established the Charlotte Harbor National Estuary Program (CHNEP) as one of 28 National Estuary Programs (NEPs) in the nation by Section 320 of the Clean Water Act. NEPs are partnerships among Federal, State, and local agencies as well as citizens, scientists, and elected officials to find common solutions to problems associated with estuaries. Charlotte Harbor, a designated an estuary of national significance, includes Matlacha Pass, Pine Island Sound and Gasparilla Sound. The estuary is critical to the social, economic, and environmental viability of our area. As such, the CHNEP want to ensure that an "Essential Fish Habitat" consultation has been completed before U.S. Army Corps of Engineers Section 404 permits regarding several pending mining proposals are issued. The permits include 1) IMC 'Four Corners Mine', 2) IMC 'Manson-Jenkins Tract', 3) IMC 'Ona Mine,' 4) Farmland-Hydro L.P. 'Oak Creek Mine', and 5) C.F. Industries 'South Pasture Mine'.

By way of this letter, the CHNEP Policy Committee requests your office initiate Essential Fish Habitat consultation pursuant to the 1996 amendment of the Magnuson-Stevens Act as part of the Corps review of these mining proposals to identify the type and magnitude of these impacts on this estuarine system and that negative impacts are eliminated before any federal permits are issued.

Please contact Dr. Lisa Beever at 239-995-1777 or at lbeever@swfrpc.org if you have any questions or wish additional information regarding this request.

Sincerely,

Richard W. Cantrell, Co-Chairman
Charlotte Harbor National Estuary Program

cc: Col. James G. May, U.S. Army Corp of Engineers, Jacksonville District
Dr. Loren M. Mason, Environmental Branch Chief, U.S. Army Corp of Engineers, Jacksonville
Management Conference