

From: [Bill Herz](#)
To: 'northflorida@fws.gov'
Subject: The Fertilizer Institute's Comments on the Cooperative Agreement Assessment
Date: 08/18/2011 02:17 PM
Importance: High
Attachments: tfi final comments - agreement between fwc and fws - permitting - aug 18 2011 - wch.pdf

Dear Sir or Madam:

Please find attached The Fertilizer Institute's comments on the Cooperative Agreement Assessment.

If you have any questions regarding these comments, please contact me with the information below. Thanks,

Bill

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The Fertilizer Institute

Nourish, Replenish, Grow

August 18, 2011

U.S. Fish and Wildlife Service
Attn: Cooperative Agreement Assessment
7915 Baymeadows Way, Suite 200
Jacksonville, FL 32256

Re: June 2011 draft Cooperative Agreement between the United States Department of Interior Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission for the Conservation of Endangered and Threatened Fish and Wildlife

Dear Sir or Madam:

The Fertilizer Institute (TFI), on behalf of its member companies, submits these comments in response to the June 2011 draft Cooperative Agreement between the United States Department of Interior Fish and Wildlife Service (USFWS) and Florida Fish and Wildlife Conservation Commission (FWC) for the Conservation of Endangered and Threatened Fish and Wildlife (hereinafter Agreement)

STATEMENT OF INTEREST

TFI represents the nation's fertilizer industry including producers, importers, retailers, wholesalers and companies that provide services to the fertilizer industry. Its membership is served by a full-time Washington, D.C., staff in various legislative, educational and technical areas as well as with information and public relations programs.

TFI members operate or rely on mining operations producing raw materials for fertilizer production, including the mining of phosphate rock within Florida. TFI members also operate or depend on facilities which extract, beneficiate or process phosphate rock, and thus fall within the scope of the Agreement.

COMMENTS

I. TFI Supports the Streamlined Permitting Process Outlined in the Draft Agreement

USFWS has ecological services field offices in only three cities in Florida – Panama City, Vero Beach, and Jacksonville. FWC, on the other hand, has its headquarters in Tallahassee, plus five additional regional offices throughout the state of Florida. This broad presence, along with the fact that FWC regulates more species in Florida than USFWS makes FWC the logical agency to process permits. TFI supports the FWC to process permits as outlined in the Agreement.

An applicant currently is required to obtain one permit from USFWS and a second permit from FWC before undertaking certain activities. As the agencies recognize, this duplicative permit regulation is unnecessary and provides no additional benefits to threatened and endangered species. The Agreement, if executed, would instead allow the applicant to obtain a single permit. The level of protection is not diminished, but the applicant and agencies will save time and costs by not engaging in unnecessary duplicative review and permitting. This streamlined permitting is supported by TFI and would ease the existing regulatory burdens associated with conservation permits.

II. Streamlined Permitting Process Supports Phosphate Mining and Economic Growth

Florida is endowed with numerous large and high quality phosphate rock reserves. Florida contains the most active producers of phosphorus in the United States, and its role in the phosphate fertilizer market is critical to U.S. and global supplies of phosphorus.¹ In 2010, 28.3 million metric tons of marketable products (beneficiated product suitable for phosphoric acid production) were produced in the United States. Of that, Florida and North Carolina accounted for more than 85 percent of the production.² According to 2006 data (the latest year production was delineated by state), Florida's contribution represents approximately 60 percent of total U.S. production.³

In 2009, the U.S. produced 16.4 percent of all phosphate rock in the world. This makes the United States the second largest producer of phosphate rock behind China.⁴ Florida alone contributes 9.8 percent of total global phosphorus production (based on 60 percent contribution to U.S. production). In 2009, the United States exported 31.2 percent of all processed phosphate fertilizer in the world.⁵ Florida's phosphate rock mining and beneficiation production are an integral part of global food production and delays resulting from a cumbersome and duplicative permitting process have global implications for food, energy and fiber production.

In 2006, the Florida phosphatic fertilizer manufacturing contributed \$3.3 billion dollars to Florida's economy and employed 3,666 people alone. The average annual compensation of these workers was \$106,715 compared to the state average of \$38,537.⁶

The indirect contributions of the phosphate industry on other sectors of the economy also are significant. Indirect economic contributions (payments to industries that support and supply the sector) of the Florida phosphatic manufacturing industry totaled \$6.0 billion and 23,690 jobs in

¹ Plewes, J., & Smith, A. (n.d.). *Economic Contributions of the U.S. Fertilizer Manufacturing Industry*. CRA International.

² *Mineral Commodity Summaries 2011*. (n.d.). Retrieved from U.S. Geological Survey website: <http://minerals.usgs.gov/minerals/pubs/mcs/2011/mcs2011.pdf>

³ Plewes, J., & Smith, A. (n.d.). *Economic Contributions of the U.S. Fertilizer Manufacturing Industry*. CRA International.

⁴ *id*

⁵ *Processed Phosphates Statistics 2009*. (2010, October). International Fertilizer Industry Association.

⁶ Plewes, J., & Smith, A. (n.d.). *Economic Contributions of the U.S. Fertilizer Manufacturing Industry*. CRA International.

2006.⁷ This figure does not include the many farmers that rely upon phosphate fertilizers to produce the food to feed the world.

For these reasons, TFI supports the streamlined permitting process outlined in the Agreement as it will encourage economic growth in Florida and continue supplying the world with phosphorus, an essential nutrient to food, energy and fiber production.

III. Reclaimed Lakes Support Healthy Ecosystems And Can Increase Biodiversity

It is well documented that restoration activities post-mining result in healthy, balanced ecosystems. Reclaimed mining lakes meet all regulatory criteria including the State's designated uses. Such lakes support ecological and recreational uses ranging from "world-class sport fishing," "substantial foraging benefits . . . for resident and migratory wading birds and waterfowl," and habitat for "a broad array of semi-aquatic and terrestrial amphibians, reptiles, and mammals."⁸ This is not to say that we believe that the newly promulgated numeric nutrient criteria for Florida by EPA should be applicable to these reclaimed lakes; as they often have different recharge capacities based on proximity to naturally occurring phosphate sources; and continue to meet multiple permitting requirements imposed by both state and federal agencies.

Specifically, a 2008 study showed that reclaimed mining lakes in Florida support "over 190 avian species, along with some 27 and 29 mammalian species," including several "federally and state listed species such as the gopher frog, Florida mouse, Sherman's fox squirrel, gopher tortoise, American alligator, Eastern indigo snake, wood stork, bald eagle, Florida scrub jay, least tern, sandhill crane, and osprey."⁹ Such lakes also support "the same community of native fishes as natural lakes in Central Florida."¹⁰ In particular, the Tenoroc Fish Management Area in Polk County is a reclaimed mining lake owned by the State and managed by the Florida Fish and Wildlife Conservation Commission (FWC) that is "nationally noted for largemouth bass and provides excellent fishing for panfish (bluegill and redear sunfish), black crappie and several varieties of catfish." The lake and its surrounding area also support other recreational uses as they "create an important refuge for wildlife, and serve as a top-notch destination for anglers, birdwatchers, hikers, and horseback riders."¹¹

Other reclaimed mining lakes are meeting the State's designated uses. For instance, the Hardee Lakes Park, owned by Hardee County and managed by FWC, consists of four reclaimed mining lakes that support spectacular bass fishing opportunities. The Saddle Creek Park in Polk County is "widely recognized as an optimal spot for bird watching." Moreover, the Edward Medard Park and Reservoir in Hillsborough County "hosts half a million visitors annually . . . [and] provides an abundance of recreational uses such as bicycling, skating, boating and paddling, swimming, camping, hiking, and abundant fishing."¹² These lakes support healthy, diverse populations of fish and wildlife and Corps permitting should take into account the benefits

⁷ *id*

⁸ Hammond, D., & Durbin, D. (n.d.). *Nutrient Levels in Lakes Reclaimed after Phosphate Mining*. Entrix.

⁹ *id*

¹⁰ *id*

¹¹ *id*

¹² *id*

reclaimed mining lakes have on the environment. Reclamation of streams and wetlands adds ecological diversity and restores the watershed functions as well. Contemporary reclamation practices combine the lakes, streams and wetlands in an integrated manner.

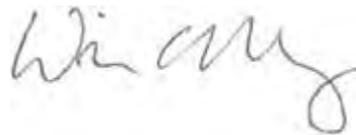
Such examples of healthy reclaimed lakes exemplify the goals of the FWC, USFWS and TFI's members. Streamlining the permitting process as proposed in the Agreement will enhance these mutually desired benefits.

CONCLUSION

TFI supports streamlining of duplicative regulatory requirements which are being proposed and commends the agencies for attempting to reduce regulatory burdens. This particular action will continue to ensure there are no negative impacts to the protections for threatened and endangered species. TFI looks forward to the finalization and implementation of this Agreement between USFWS and FWC.

If you have any questions or would like more information please contact me at (202) 515 2706 or via e-mail at wcherz@tfi.org.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Herz", written in a cursive style.

William C. Herz