

From: [Matthew Kastner](#)
To: ['northflorida@fws.gov'](mailto:northflorida@fws.gov)
Cc: [Bill Herz](#)
Subject: Revised Comments - The Fertilizer Institute's Comments on the Cooperative Agreement Assessment
Date: 08/25/2011 10:39 AM
Importance: High
Attachments: [tfi comments - agreement between fwc and fws - permitting - aug 25 2011 - mk.pdf](#)

Dear Sir or Madam:

On August 18 The Fertilizer Institute (TFI) submitted comments on the June 2011 draft Environmental Assessment and 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 pertaining to permitting authority in Florida.

We have made some minor revisions to those comments and request the attached version be posted to the docket.

If you have any questions regarding these comments, please contact me by e-mail at mkastner@tfi.org or by telephone at (202) 515-2701 or Bill Herz, TFI's Vice President of Scientific Programs at wcherz@tfi.org or by telephone at (202) 515-2706.

Best regards,

Matt Kastner

Matt Kastner
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The Fertilizer Institute

Nourish, Replenish, Grow

August 25, 2011

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

Re: June 2011 draft Environmental Assessment and 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 Environmental Assessment and 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 Assessment and Agreement, respectively).

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. Because normal business activities often require conservation and incidental takings permits, TFI members would be directly impacted by the scope of the Agreement and as such, TFI and its members have a substantial interest in the Assessment and Agreement.

COMMENTS

I. TFI Supports Alternative 2: Proposed Action

TFI supports "Alternative 2: Proposed Action," in which the USFWS will enter into the Proposed Agreement with Commission. TFI also agrees with the finding of the USFWS that Florida has established and continues to maintain an "adequate and active" program for the conservation of listed species in accordance with the purposes of the Endangered Species Act. TFI members have worked closely with both USFWS and FWC conservation activities,

including safe harbor programs, habitat management programs, as well as conservation and incidental taking permitting. TFI concurs that the proposed Agreement will improve species recovery by improving impact avoidance, minimization and mitigation measures associated with the incidental take permitting process.

Further, TFI agrees with the finding in the draft Assessment that the existing agreement has led to duplicative permitting and occasional inconsistencies in the recommendations and management practices among the conservation agencies, land managers and the development and regulated community. For example, an applicant is currently 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 require the applicant to obtain a single permit. The level of protection of the species 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 welcomed by TFI and eases the existing regulatory burdens associated with conservation permits.

TFI agrees with the Assessment finding that the proposed Agreement will provide a more streamlined and predictable permitting process, allowing TFI members to more accurately plan ahead and incorporate permitting requirements and expenses into business models, thereby reducing uncertainty and risk. As a practical example, 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.

II. Streamlined Permitting Process Supports Phosphate Mining and Economic Growth

While TFI generally agrees with the draft Assessment’s description of the “Affected Environment,” we would encourage both USFWS and Florida FWC to include some description of central Florida and the importance of phosphate mining and beneficiation to the economy of the region.

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

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>

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 in the world.⁵ Florida's phosphate rock mining and beneficiation production are an integral part of global food production and thus delays resulting from a cumbersome and duplicative permitting process have global implications for food, energy and fiber production and pricing.

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 are also 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 2006.⁷ This figure does not include the many farmers that rely upon phosphate fertilizers to produce food that is essential to feeding 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

TFI members have a long history of working with USFWS and Florida FWC on conservation initiatives and programs covering impact avoidance, minimization and mitigation. Through permitting and additional conservation initiatives, TFI members have introduced, developed and refined many of the best management practices used throughout central Florida, including habitat protection through easement or acquisition, management of both desirable and undesirable vegetation, vegetation succession, species translocation and removal of invasive species.

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

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.

⁷ *Id*

waterfowl,” and habitat for “a broad array of semi-aquatic and terrestrial amphibians, reptiles, and mammals.”⁸

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 reclaiming 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 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 to preserve endangered species while supporting phosphate mining operations.

CONCLUSION

TFI is pleased to see such sensible action being proposed and commends the agencies for finding a way to streamline permitting and reduce regulatory burdens while ensuring 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 that will support phosphate mining, farmers, and Florida’s habitat.

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

⁹ *id*

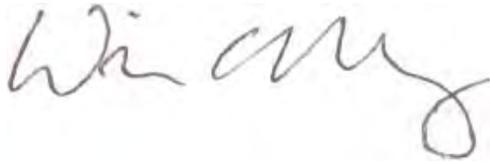
¹⁰ *id*

¹¹ *id*

¹² *id*

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