



Mike_Wicker@fws.gov

03/17/2009 10:20 AM

To Rebecca Fox/R4/USEPA/US@EPA

cc "Pace.Wilber" <Pace.Wilber@noaa.gov>, Ron Sechler
<ron.sechler@noaa.gov>, Pete_Benjamin@fws.gov

bcc

Subject

Either of these options on the long term will allow the site to again make a positive contribution to the downstream estuary

1.) Topsoil, A horizon (averaging one foot of depth, no less than six inches) would allow the site to recover at a greatly accelerated pace in contrast to not having topsoil and would make the reclaimed area suitable for a number of tree species

2.) Upland Areas plant longleaf pine on areas capped with the prestrip overburden from the advancing mine (longleaf is another priority species for UFSWS)

3.) bald cypress on wetland areas topped with blended reclamation substrate with three foot cap of clean prestrip (of course if Atlantic white cedar (AWC) was shown to do well, that would be OK as well since AWC is also a priority tree species for the USFWS (the three priority species for the USFWS in NC are longleaf pine, bald cypress, and Atlantic white cedar).

Longleaf pine, bald cypress, and Atlantic white cedar are all available as seedlings. One source for seedlings in the NC Division of Forest Resources at Claridge Nursery near Goldsboro, NC.

* All three of these would be on top of the already agreed-upon 3-foot CAP needed per the cadmium risk assessment recommendations

Plus as minimization

Construction of a shallow 100 acre (approximately 3 foot deep wetland that would be planted with native submerged aquatic vegetarian into which the mine depressurization water would be run thru prior to entering the estuary. We believe such an area would be tremendously productive and serve as an interim benefit to the estuary until the mining is over (at which time the pumping would cease) and the reclaimed areas could supply reasonable surface water drainage to the estuary. This would help to minimize watershed loss.

Background information on soil

The Service has encouraged a topsoil cover, to take advantage of the soil structure, organic matter, nutrients, and seed sources available in that material which is available as mining operations advance. From an ecological perspective, there is certainly support for this approach in the literature (Farmer and Blue 1978; Schuman and Power 1981) and in the reclamation of phosphate mined lands in Florida (Ron Concoby, IMC-Agrico Company, pers. comm.; Christine Keenan, Florida Department of Environmental Protection, Mine Reclamation Section, pers. comm.; John Kiefer, CF Industries, pers. comm.; Mike Shannon, Cargill Industries, pers. comm.). For example IMC-Agrico, Cargill Industries, and CF Industries in central Florida do upland reclamation of phosphate mined lands by using native topsoil (top approximately 4 to 10 inches) as a cover in ~5% of their overall upland reclamation programs. This is done to get the benefits of native vegetation seed banks for xeric/oak and mesic upland pine flatwood

communities, key habitat types for restoration in the perspective of the local regulatory authorities and environmental groups. The percentage of wetland reclamation which employs topsoil is far higher. While not the norm for upland restoration (because 90 to 95% of upland reclamation uses no topsoil), topsoil addition is the desired method when restoration of the native plant community is the target post-reclamation landuse. The size of individual upland restoration parcels employing topsoil in Florida ranges from ~3 to 200 acres and cumulatively exceeds 600 acres with hundreds more acres projected or planned.

While topsoil has known ecological restoration benefits, those benefits primarily relate to supporting a defined goal of restoring a productive and diverse community that would contribute in a meaningful way to area ecology. In Beaufort County, topsoil depths are ~3 to 18 inches (Kirby 1995) in the dominant soil series (Portsmouth, Cape Fear, Roanoke, and Wahee). Consequently, use of only topsoil material to provide a cover for cadmium contaminated lands may not be practical; it would require more acres for gathering topsoil than could be reclaimed in the event that the cover needed to exceed local topsoil depths in order to reduce cadmium availability to acceptable levels. If that approach was used alone, reclamation could not keep pace with mining or redress previously mined areas in the long term. Without the cadmium concern, a soil covering of 6 to 12 inches of topsoil would enhance restoration of native plants; with the cadmium concern, a thicker cap is desirable and there is likely not sufficient topsoil to advocate a use of topsoil alone for all reclamation needs.

Clearly then, what is needed is a balance between the concerns of cadmium attenuation (a toxicological and engineering issue) with landscape level restoration (an ecological issue). Again, the choice of cover material to reduce wildlife and plant exposure to cadmium contaminated reclamation blends is not important unless the desired post-reclamation landuse and vegetative cover are considered (i.e., any material, at the proper depth for that particular material, will serve as a barrier to plant and wildlife exposure to contaminated soils). Both the toxicological concerns (attenuating cadmium availability) and the ecological issues (landscape level restoration) can be made considerably more manageable with more definition of the desired post-reclamation vegetative community and a reclamation landuse plan. Defining the vegetation type narrows the cover depth question to those species being considered for reclamation (versus all grasses, shrubs and trees that could potentially be planted or that could colonize a site) and focuses the cover material issue to the soil conditions necessary to support the desired species.

PCS Phosphate wants the reclamation sites to support trees. We started with that post reclamation landuse then chose the longleaf pine (*Pinus palustris*) and its associates such as turkey oak (*Quercus laevis*) for areas to be capped without topsoil (and therefore with lower fertility). We selected bald cypress (*Taxodium distichum*) for reclamation in wetter areas with use of a topsoil cap. These species are impoverished in North Carolina compared to historic records, provide significant wildlife habitat benefits, and cover a wide range of preferences with regard to site fertility and moisture. Longleaf pine occupied extensive areas of the Coastal Plain when European settlers arrived (Wahlenberg 1946). It was a very important tree for production of lumber and naval stores. Today, longleaf pine occupies only 1% of its original range in the Southeast (Ware et al. 1993). Longleaf pine normally occurs on dry, sandy soils, and does not thrive where there is excessive moisture, as in swamps or pocosins (Wahlenberg 1946). While tap roots can extend deep for plant stability, longleaf pines develop extensive lateral root systems; most roots are

within 0.3 m (1-foot) and nearly all are within 0.6 m (2-feet) (Boyer 1990). Like longleaf pine, the bald cypress resource is only a fraction of that in earlier years even though demand is still strong. Cypress occurs on soils ranging widely in texture, reaction, base saturation and fertility (Coultas and Duever 1984). It is not demanding nutritionally. It is a shallow rooted species with a tap root. While it may not seem suited to reclamation on phosphate mined lands in eastern north Carolina, it was one of two species that appeared to do well on blended reclamation substrates in experimental work performed in this area (Steve Broome, North Carolina State university, pers. comm.).

Longleaf pine could very likely be grown on areas capped with prestrip overburden from the advancing mine (PCS Phosphate's initially conceived approach). Longleaf pine occurs naturally on low fertility sites such as the Carolina sandhills, and the species' historic range includes Beaufort County. In this case, the depth of uncontaminated cover material should be at least 3-feet to ensure cadmium is not translocated back to the soil surface with time. This approach represents a compromise...it requires 3-feet of cover depth but allows use of material other than topsoil. PCS Phosphate is considering mixing the top ~35-feet of prestrip overburden from areas to be mined in the future as the source material for the cover; this depth represents that which is top cut with existing equipment (bucket wheel excavator). This material should provide a suitable substrate for the longleaf pine areas.

In a subset of areas where the diversity of native vegetation is desired (e.g., the wetland community types such as bottom land hardwood and scrub pocosins or particularly diverse upland assemblages), use of 6 to 12 inches of topsoil on top of a 2 to 2.5-feet cover with uncontaminated overburden (to achieve the desired 3-feet cover) is suggested. The benefits of a seed stock for native plant diversity would be significant. Cypress could also be planted in these areas; their need for more organic material than would be in the overburden mix would be addressed by the topsoil addition. This also represents a compromise...it is a recognition that topsoil resources in the vicinity of the advancing mine are limited and that they probably cannot serve as the basis for all reclamation but should be used selectively as seed banks and in establishment of a better substrate for cypress (or other wetland species) restoration so that native vegetation other than the plantings can colonize the area.

Summary

Most of the scientists we contacted cautioned that the number of variables involved (species of vegetation, the depth of the water table, soil type, nutrient availability at depth, and soil chemistry) precluded the ability to formulate precise cover depth recommendations without defining desired post-reclamation landuse and without site-specific research. If an answer was being crafted merely for cover depth (the toxicological question) for all potential plant types, a cover of 5-feet or greater could be justified based on the known rooting depth of certain plants and results of cadmium accumulation by herbaceous vegetation grown over capped contaminated sediments. If the answer was also crafted to address cover material type for restoration of native communities, use of another 6 to 12 inches of topsoil is well-justified.

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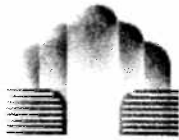
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Philip
Mancusi-Ungaro/R4/USEPA/
US

03/17/2009 10:45 AM

To Palmer Hough/DC/USEPA/US@EPA
cc Ann Campbell/DC/USEPA/US@EPA, Jennifer
Derby/R4/USEPA/US@EPA, Rebecca
Fox/R4/USEPA/US@EPA, Tom

bcc

Subject Re: Fw: Appeal of PCS 401 certification]

Sorry, I have been out of town. I will check. It is dependent on state law and how the COE wants to react. In some states, if a 401 is challenged, then it is not effective until that challenge is finished. So there is no 401 cert, and the COE could take the position that cert was waived. We generally push back on that position, indicating that under the COE regs EPA would defer to the state 401, but can still raise the same issues if the state does not.

Other states the 401 is effective, and is then challenged. In that case, there is a valid 401 that is effective, and the COE cannot go forward with the permit since it was challenged.

I will check on NC's law. They generally are pretty assertive on their 401 program.

Philip G. Mancusi-Ungaro
Office of Water Legal Support-R4
United States Environmental Protection Agency
Phone - 404-562-9519, Fax - 404-562-9486
Palmer Hough/DC/USEPA/US



Palmer
Hough/DC/USEPA/US
03/17/2009 10:35 AM

To Philip Mancusi-Ungaro/R4/USEPA/US@EPA, Tom
Welborn/R4/USEPA/US@EPA, Rebecca
Fox/R4/USEPA/US@EPA, Rebecca
Fox/R4/USEPA/US@EPA, Jennifer
Derby/R4/USEPA/US@EPA
cc Ann Campbell/DC/USEPA/US@EPA

Subject Fw: Appeal of PCS 401 certification

Phil et al:

Did we ever figure out what effect the 401 challenge of PCS will have on if, how, or when the Corps could issue a permit?

Thanks, Palmer

From: Kevin Minoli/DC/USEPA/US
To: Gregory Peck/DC/USEPA/US@EPA
Cc: Ann Campbell/DC/USEPA/US@EPA, Brian Frazer/DC/USEPA/US@EPA, David
Evans/DC/USEPA/US@EPA, Karyn Wendelowski/DC/USEPA/US@EPA, Robert
Wood/DC/USEPA/US@EPA, Suzanne Schwartz/DC/USEPA/US@EPA, Tanya
Code/DC/USEPA/US@EPA
Date: 03/17/2009 10:03 AM
Subject: Re: Fw: Appeal of PCS 401 certification

Are you sure about that? The the 401 Certs for the Vessels General Permits have been challenged in

state court in at least one state (New York) and we are not taking the position that the permit is not effective there. Is this a challenge to a 401 cert that had been sent to the corps or did they challenge it before the corps got it?

Gregory Peck

The corps could issue a conditional permit - but...

03/17/2009 09:24:19 AM

From: Gregory Peck/DC/USEPA/US
To: Suzanne Schwartz/DC/USEPA/US@EPA, David Evans/DC/USEPA/US@EPA, Robert Wood/DC/USEPA/US@EPA, Brian Frazer/DC/USEPA/US@EPA, Tanya Code/DC/USEPA/US@EPA, Ann Campbell/DC/USEPA/US@EPA, Kevin Minoli/DC/USEPA/US@EPA, Karyn Wendelowski/DC/USEPA/US@EPA
Date: 03/17/2009 09:24 AM
Subject: Re: Fw: Appeal of PCS 401 certification

The corps could issue a conditional permit - but since the applicant can't do work until the 401 issue is resolved - there is no urgency for the Corps to act except to wash its hands?

Gregory E. Peck
Chief of Staff
Office of Water
U.S. E.P.A.

Suzanne Schwartz

----- Original Message -----

From: Suzanne Schwartz
Sent: 03/17/2009 09:07 AM EDT
To: Gregory Peck; David Evans; Robert Wood; Brian Frazer; Tanya Code; Ann Campbell; Kevin Minoli; Karyn Wendelowski
Subject: Re: Fw: Appeal of PCS 401 certification

Do we know what this means as far as permit issuance goes? (I assume the Corps could issue the permit but it wouldn't go into effect until this is resolved -- correct?)

Acting Director,
Office of Wetlands, Oceans, and Watersheds
phone: 202-566-1146; fax: 202-566-1147
street address: 1301 Constitution Ave., N.W.
room 7130E

Gregory Peck

----- Gregory E. Peck

03/17/2009 08:01:28 AM



"Heather"
 <riverkeeper@ptrf.org>
 03/17/2009 11:03 AM

To: Rebecca Fox/R4/USEPA/US@EPA
 cc
 bcc

Subject: RE: link to article

History: This message has been replied to.

I'll do some digging back into the 1997 FEIS and get back to you.

Thanks,

Heather Jacobs Deck
 Pamlico-Tar Riverkeeper
 Pamlico-Tar River Foundation
 Phone: (252) 946-7211
 Cell: (252) 402-5644
 Fax: (252) 946-9492
 www.ptrf.org
 Waterkeeper Alliance Member

-----Original Message-----

From: Fox.Rebecca@epamail.epa.gov [mailto:Fox.Rebecca@epamail.epa.gov]
 Sent: Tuesday, March 17, 2009 10:59 AM
 To: Heather
 Subject: Re: link to article

Thanks Heather,

I was wondering if it would be relatively easy for you to figure out what cumulative DBR would be for Jacob's Creek? The COE 3 c letter states 80% for Jacks and 55% for Tooley but doesn't have an amt for Jacobs. FEIS says 54% for Jacob but I believe that is just from the proposed permit and doesn't consider DBR from current mining impacts. Thanks! bf

Becky Fox
 Wetland Regulatory Section
 USEPA
 Phone: 828-497-3531
 Email: fox.rebecca@epa.gov

"Heather"
 <riverkeeper@ptrf.org>

03/17/2009 09:38 AM

Rebecca Fox/R4/USEPA/US@EPA

To

cc

Subject

link to article

<http://www.wdnweb.com/articles/2009/03/15/news/news01.txt>

Apparently there is some dispute over an air permit at PCS as well. It was noted in Wade Rawlins article. The Department of Interior was involved over air quality at Swan Quarter.

<http://www.newsobserver.com/news/story/1439452.html>

Thanks,

Heather Jacobs Deck
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Pamlico-Tar River Foundation
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"Heather"
<riverkeeper@ptrf.org>
03/17/2009 12:12 PM

To Rebecca Fox/R4/USEPA/US@EPA
cc
bcc
Subject RE: link to article

PNA's are Jacks, Jacobs and Tooley. You're right.

Heather Jacobs Deck
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-----Original Message-----

From: Fox.Rebecca@epamail.epa.gov [mailto:Fox.Rebecca@epamail.epa.gov]
Sent: Tuesday, March 17, 2009 12:09 PM
To: Heather
Subject: RE: link to article

One other thing. Jacobs is one of the 3 PNAs on NCPC -- right? FEIS says so but in COE's NOI letter to us they have Drinkwater instead of Jacobs... I also have message into NMFS on this so don't spend a lot of time on it --just thought you might know...

Becky Fox
Wetland Regulatory Section
USEPA
Phone: 828-497-3531
Email: fox.rebecca@epa.gov

"Heather"
<riverkeeper@ptrf.org>

03/17/2009 11:03 AM

Rebecca Fox/R4/USEPA/US@EPA

To

cc

Subject

RE: link to article

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Thanks,

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Becky Fox
Wetland Regulatory Section
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Phone: 828-497-3531
Email: fox.rebecca@epa.gov

"Heather"
<riverkeeper@ptrf.org>

03/17/2009 09:38
AM

Rebecca Fox/R4/USEPA/US@EPA

To

cc

Subject

link to article

<http://www.wdnweb.com/articles/2009/03/15/news/news01.txt>

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<http://www.newsobserver.com/news/story/1439452.html>

Thanks,

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Tressa Turner /R4/USEPA/US

03/18/2009 10:21 AM

To jefferson.m.ryscavage@usace.army.mil,
patricia.princess@usace.army.mil
cc Tom Welborn/R4/USEPA/US@EPA, Jennifer
Derby/R4/USEPA/US@EPA, Scott
Gordon/R4/USEPA/US@EPA, Rebecca
bcc

Subject Recommendation to Request a Higher Level for Department
of Army Permit AID 200110096, Potash Corporation of
Saskatchewan Phosphate Division, Aurora Operation (PCS)
Mine Continuation

The original letter and cc's have been mailed.

PDF

Scan001.PDF



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

March 17, 2009

Colonel Jefferson M. Ryscavage
District Engineer
Wilmington District
U.S. Army Corps of Engineers
P.O. Box 1890
Wilmington, North Carolina 28402-1890

Subject: Recommendation to Request a Higher Level Review for Department of Army
Permit AID 200110096, Potash Corporation of Saskatchewan Phosphate Division,
Aurora Operation (PCS) Mine Continuation

Dear Colonel Ryscavage:

We have received your Notice of Intent to Proceed on the proposed Department of the Army Permit AID 200110096, the Aurora Operation (PCS) Mine Continuation, dated February 24th and received at EPA Region 4 on March 2, 2009. Pursuant to paragraph 3(d)(2) of the Memorandum of Agreement (MOA) between the EPA and the Department of Army, under Clean Water Act Section 404(q) Part IV, I am requesting review of this permit by the Acting Assistant Administrator of EPA's Office of Water, and recommending that he request review of the permit by the Assistant Secretary of the Army for Civil Works. During this review, the permit should be held in abeyance pending completion of the review process pursuant to the MOA Part IV, paragraph 3(e).

EPA remains concerned that the proposed project will result in unacceptable adverse impacts to aquatic resources of national importance, including direct and indirect impacts to waters of the U.S. which support the Albemarle Pamlico National Estuary Program area. The proposed project will have direct impacts to 3,953 acres of wetlands and 25,727 linear feet of stream, including a portion of a designated Significant Natural Heritage Area. The impacts also include a loss of approximately 70 percent of the watershed areas within the proposed project boundaries. Based on EPA's review of the economic analysis included in the project's Final Environmental Impact Statement, we continue to believe that there are less environmentally damaging practicable alternatives for mining the project site that would avoid and minimize impacts to important wetland and stream resources. In addition to the need to further avoid and minimize impacts to the site's high value aquatic resources, there are concerns regarding the adequacy of the proposed compensatory mitigation to offset any authorized impacts.

We recognize the desire for timely decision-making on this permit. We have worked closely with your staff and have offered our comments throughout the Environmental Impact Statement and 404 permitting process, and we appreciate the efforts by both you and the applicant to address them. Still, critical issues about the impact of this project remain unresolved, and based on the concerns cited above, we do not support issuance of the permit for this project as currently proposed. Therefore, pursuant to the procedures and timelines in the national 1992 Memorandum of Agreement with the Corps of Engineers, we are seeking review by the EPA Office of Water and the Assistant Secretary for Civil Works.

Please contact Jim Giattina, Director, Water Protection Division, at (404) 562-9470 for further information, and we look forward to continuing to stay in touch as we proceed.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Stanley Meiburg', written in a cursive style.

A. Stanley Meiburg
Acting Regional Administrator

Enclosure: Distribution List

Recommendation to Request a Higher Level Review for Department of Army
Permit AID 200110096, Potash Corporation of Saskatchewan Phosphate Division,
Aurora Operation (PCS) Mine Continuation Distribution List:

Sam Hamilton
Southeast Regional Director
U.S. Fish and Wildlife Service
1875 Century Boulevard, Suite 400
Atlanta, GA 30345-3319

Brigadier General Joseph Schroedel
Commander
South Atlantic Division
U.S. Army Corp of Engineers
Room 10M15
60 Forsyth Street SW.
Atlanta, GA 30303-8801

Dee Freeman, Secretary
North Carolina Department of Environment
and Natural Resources
1601 Mail Service Center
Raleigh, NC 27699-1601

Coleen H. Sullins, Director
Division of Water Quality
North Carolina Department of Environment
and Natural Resources
1617 Mail Service Center
Raleigh, NC 27699-1617



"Heather"
<riverkeeper@ptrf.org>
03/18/2009 11:52 AM

To: Rebecca Fox/R4/USEPA/US@EPA
cc
bcc
Subject: RE: link to article

History: This message has been replied to.

Looking back at the 97 FEIS it states that Jacobs watershed was 495 acres. Alternative E was to reduce drainage by 11 acres or 2%.

The 2008 FEIS table related to DBR is a bit unclear. For example, for Jacobs... it states that the base is 406 and that 226.58 is the DBR-- (but is that the actual loss of DB in acreage-- or is that what is left after the impact. In other words is it 226 acres lost of drainage to leave 180 (406-226) acres of drainage from the original 495 (if that's the case then total of 64%---- or are 226 acres of drainage left after mining, resulting in loss of (then 45%)?

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-----Original Message-----

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Sent: Tuesday, March 17, 2009 10:59 AM
To: Heather
Subject: Re: link to article

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To

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"Heather"
<riverkeeper@ptrf.org>
03/18/2009 03:30 PM

To: Rebecca Fox/R4/USEPA/US@EPA
cc
bcc
Subject: RE: link to article

In the 97 FEIS, 137 acres, or 35% of Jacks were to be impacted (DBR) by alt-E.

Can't believe the Corps made a mistake mixing up PNAs...

And if the figures are correct, then yes looks like Jacobs would be about 56%.

Heather Jacobs Deck
Pamlico-Tar Riverkeeper
Pamlico-Tar River Foundation
Phone: (252) 946-7211
Cell: (252) 402-5644
Fax: (252) 946-9492
www.ptrf.org
Waterkeeper Alliance Member

-----Original Message-----

From: Fox.Rebecca@epamail.epa.gov [mailto:Fox.Rebecca@epamail.epa.gov]
Sent: Wednesday, March 18, 2009 1:38 PM
To: Heather
Subject: RE: link to article

i agree it is a bit murky. FEIS states for Alt L (p 4-54) there is 54% DBR for Jacobs and a 68% DBR for Jacks. This should be just for this project. In our NOI letter from the COE, they state 20% of Jacks DB will remain intact so does that mean the other 12% loss was from current mine -- I thought there was more than that -- wasn't there something like 17% loss prior to baseline data. The NOI letter does not give info on Jacobs because they have Drinkwater as PNA rather than Jacobs. So you think there will probably be about a 56% DBR with current and Alt L? The NOI letter also states that 30% of the watersheds of creeks originating in project will remain intact as if that is a good thing -- means 70% mined... we are mulling over several options on NCPC -- one would be Alt L but stopping at ditch on west side above HWs of Jacobs -- that would save some watershed for Jacobs and Jacks -- another could be Alt L in north and then 1 dragline. also rest of SNHA in Bonnerton and walking through connecting area -- just thoughts between you and me -- nothing definite -- know COE and PCS will totally reject these kind of acreages...

Becky Fox
Wetland Regulatory Section
USEPA
Phone: 828-497-3531
Email: fox.rebecca@epa.gov

"Heather"

<riverkeeper@ptrf.org>

03/18/2009 11:52 AM

Rebecca Fox/R4/USEPA/US@EPA

To

cc

Subject

RE: link to article

Looking back at the 97 FEIS it states that Jacobs watershed was 495 acres.

Alternative E was to reduce drainage by 11 acres or 2%.

The 2008 FEIS table related to DBR is a bit unclear. For example, for Jacobs... it states that the base is 406 and that 226.58 is the DBR-- (but is that the actual loss of DB in acreage-- or is that what is left after the impact. In other words is it 226 acres lost of drainage to leave 180 (406-226) acres of drainage from the original 495 (if that's the case then total of 64%---- or are 226 acres of drainage left after mining, resulting in loss of (then 45%)?

Heather Jacobs Deck
Pamlico-Tar Riverkeeper
Pamlico-Tar River Foundation
Phone: (252) 946-7211
Cell: (252) 402-5644
Fax: (252) 946-9492
www.ptrf.org
Waterkeeper Alliance Member

-----Original Message-----

From: Fox.Rebecca@epamail.epa.gov [mailto:Fox.Rebecca@epamail.epa.gov]
Sent: Tuesday, March 17, 2009 10:59 AM
To: Heather
Subject: Re: link to article

Thanks Heather,

I was wondering if it would be relatively easy for you to figure out what cumulative DBR would be for Jacob's Creek? The COE 3 c letter states 80% for Jacks and 55% for Tooley but doesn't have an amt for Jacobs. FEIS says 54% for Jacob but I believe that is just from the proposed permit and doesn't consider DBR from current mining impacts. Thanks! bf

Becky Fox

Wetland Regulatory Section
USEPA
Phone: 828-497-3531
Email: fox.rebecca@epa.gov

"Heather"
<riverkeeper@ptr
f.org>

03/17/2009 09:38
AM

Rebecca Fox/R4/USEPA/US@EPA

To

cc

Subject

link to article

<http://www.wdnweb.com/articles/2009/03/15/news/news01.txt>

Apparently there is some dispute over an air permit at PCS as well. It was noted in Wade Rawlins article. The Department of Interior was involved over air quality at Swan Quarter.

<http://www.newsobserver.com/news/story/1439452.html>

Thanks,

Heather Jacobs Deck
Pamlico-Tar Riverkeeper.
Pamlico-Tar River Foundation
Phone: (252) 946-7211
Cell: (252) 402-5644
Fax: (252) 946-9492
www.ptrf.org.
Waterkeeper Alliance Member



"Heather"
<riverkeeper@ptrf.org>
03/18/2009 03:30 PM

To: Rebecca Fox/R4/USEPA/US@EPA
cc
bcc
Subject: RE: elevation

Okay, thanks for the update.

Heather Jacobs Deck
Pamlico-Tar Riverkeeper
Pamlico-Tar River Foundation
Phone: (252) 946-7211
Cell: (252) 402-5644
Fax: (252) 946-9492
www.ptrf.org
Waterkeeper Alliance Member

-----Original Message-----

From: Fox.Rebecca@epamail.epa.gov [mailto:Fox.Rebecca@epamail.epa.gov]
Sent: Wednesday, March 18, 2009 1:39 PM
To: Heather
Subject: Re: elevation

the letter did go out. my mgmt thinks probably best if i don't send a copy at this point and better not to have press involved right now. may hurt instead of helping negotiations. the letter is not long -- rather generic at this point. if we do not resolve things early on, we will have to send much more in depth package to EPA hqs

the mtg next week will be only with federal agencies. not sure how things will play out -- the agencies will be putting our cards on the table and it will depend on how COE and PCS respond where we go from there... COE has warned against proposing major new avoidance... we are having a planning mtg (EPA) tomorrow so please let me know outcome of your talks.

Becky Fox
Wetland Regulatory Section
USEPA
Phone: 828-497-3531
Email: fox.rebecca@epa.gov

"Heather"
<riverkeeper@ptrf.org>

03/18/2009 09:58 AM

To: Rebecca Fox/R4/USEPA/US@EPA
cc
Subject: elevation

Just wondering if the elevation letter did go out yesterday? IF so, is there a chance to obtain a copy of that.

One other follow-up question. You mentioned that next week the agencies were planning on meeting-is this just federal agencies or does it involve state as well? We are hoping to get together tomorrow in Raleigh to have discussions regarding avoidance, etc. Do you know if Tuesday be our last opportunity to provide input?

Thanks,

Heather Jacobs Deck
Pamlico-Tar Riverkeeper
Pamlico-Tar River Foundation.
Phone: (252) 946-7211
Cell: (252) 402-5644
Fax: (252) 946-9492
www.ptrf.org.
Waterkeeper Alliance Member



Jennifer
Derby/R4/USEPA/US
03/19/2009 01:42 PM

To Allison Wise/R4/USEPA/US@EPA
cc Philip Mancusi-Ungaro/R4/USEPA/US@EPA, Palmer
Hough/DC/USEPA/US@EPA, Rebecca
Fox/R4/USEPA/US@EPA, Tom
bcc
Subject FWS - status of their d letter re PCS

----- Forwarded by Jennifer Derby/R4/USEPA/US on 03/19/2009 01:41 PM -----



Jeff_Weller@fws.gov
03/19/2009 06:42 AM

To Jennifer Derby/R4/USEPA/US@EPA
cc
Subject Got your v:mail

Good morning. We have not signed our 3(d)(2) letter yet. Our 15-day timeline due date is this Friday March 20th. All sign posts indicate our Regional Director will sign the letter, but "technically" - for your Congressional reply - the FWS has not signed a 3(d)(2) letter as of Thursday March 19th.

Have a great day.

Jeffrey D. Weller
(404) 679-7217
jeff_weller@fws.gov

Tom Welborn/R4/USEPA/US

03/20/2009 02:22 PM

To: Stan Meiburg/R4/USEPA/US, Jim
Giattina/R4/USEPA/US@EPA, Scott Gordon/R4/USEPA/US,
Jennifer Derby/R4/USEPA/US@EPA, Rebecca

cc

bcc

Subject: Fw: Letter on Higher Level Review Request/Permit
200110096

[1 Attachment]

Sent by EPA Wireless E-Mail Services

----- Original Message -----

From: Jeff_Weller

Sent: 03/20/2009 02:07 PM AST

To: Tom Welborn; Palmer Hough

Subject: Fw: Letter on Higher Level Review Request/Permit 200110096

Here it is. **pls forward to Jennifer and Stan - I don't have their email
addresses in my Bberry. Thx.

J. Weller

(sent from my handheld wireless Blackberry)

----- Original Message -----

From: Jack Arnold

Sent: 03/20/2009 01:59 PM EDT

To: Jeff Weller; Pete Benjamin

Subject: Fw: Letter on Higher Level Review Request/Permit 200110096

FYI. It was signed and is being distributed as we speak.

- Jack

Jack Arnold

Deputy Assistant Regional Director - Ecological Services

U.S. Fish and Wildlife Service

1875 Century Boulevard

Atlanta, GA 30345

404-679-7311

----- Forwarded by Jack Arnold/R4/FWS/DOI on 03/20/2009 01:58 PM -----

Sam

Hamilton/R4/FWS/D

OI

Sent by: Tauline

meiburg.stan@epa.gov

To

Davis

cc

03/20/2009 01:47
PM

Subject
Letter on Higher Level Review
Request/Permit 200110096

Good afternoon - Please see the attached letter on a recommendation to request a higher level review for Department of Army Permit AID 200110096, Potash Corporation of Saskatchewan Phosphate Division, Aurora Operation (PCS) Mine Continuation. Thank you.
(See attached file: DOC20090320134028.pdf)



United States Department of the Interior

FISH AND WILDLIFE SERVICE

1875 Century Boulevard
Atlanta, Georgia 30345

In Reply Refer To
FWS/R4/ES

MAR 20 2009

Colonel Jefferson M. Ryscavage
District Engineer, Wilmington District
U.S. Army Corps of Engineers
69 Darlington Avenue
Wilmington, North Carolina 28403-1343

Subject: Recommendation to Request a Higher Level Review for Department of Army Permit AID 200110096, Potash Corporation of Saskatchewan Phosphate Division, Aurora Operation (PCS) Mine Continuation

Dear Colonel Ryscavage:

We have received your Notice of Intent to Proceed on the proposed Department of the Army Permit AID 200110096, The Aurora Operation (PCS) Mine Continuation, dated March 2nd and received at USFWS Region 4 on March 5, 2009. Pursuant to Paragraph 3(d)(2) of the Memorandum of Agreement (MOA) between the Department of the Interior and the Department of Army, under Clean Water Act Section 404 (q) Part IV, I am requesting a review of this permit by the Acting Assistant Secretary of Fish and Wildlife and Parks, Department of the Interior, and recommending that he request review of the permit by the Assistant Secretary of the Army for Civil Works. During this review, the permit should be held in abeyance pending completion of the review process pursuant to the MOA Part IV, Paragraph 3(e).

The USFWS remains concerned that the proposed project will result in unacceptable adverse impacts to aquatic resources of national importance, including direct and indirect impacts to waters of the U.S. which support the Albemarle Pamlico National Estuary Program area. The proposed project will have direct impacts to 3,953 acres of wetlands and 45,494 linear feet of stream, including a portion of a designated Significant Natural Heritage Area. The impacts also include a loss of approximately 70 percent of the watershed areas within the proposed project boundaries. The project will adversely affect the Albemarle Pamlico Complex and those effects have not yet been adequately addressed. In addition to the need to further avoid and minimize impacts to the site's high value aquatic resources, there are concerns regarding the adequacy of the proposed compensatory mitigation to offset any authorized impacts.

We recognize the desire for timely decision making on this permit. We have worked closely with your staff and have offered our comments throughout the Environmental Impact Statement and 404 permitting process, and we appreciate the efforts by both you and the applicant to address them. Still, critical issues about the impact of this project remain unresolved and based

TAKE PRIDE
IN AMERICA



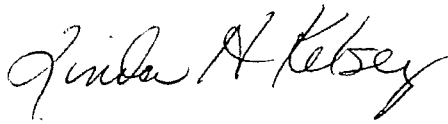
Colonel Ryscavage

2

on the concerns cited above; we do not support issuance of the permit for the project as currently proposed. Therefore, pursuant to the procedures and timelines in the national 1992 Memorandum of Agreement with the Corps of Engineers, we are seeking review by Acting Assistant Secretary Fish and Wildlife and Parks, Department of the Interior and the Assistant Secretary for Civil Works.

Please contact Pete Benjamin, Field Supervisor, Raleigh Ecological Services, at (919) 856-4520, extension 11 for further information, and we look forward to continuing our dialogue as we move forward.

Sincerely Yours,

A handwritten signature in cursive script, reading "Linda A. Keasey".

for / Sam D. Hamilton
Acting Regional Director



Palmer
Hough/DC/USEPA/US
03/20/2009 03:38 PM

To Gregory Peck/DC/USEPA/US@EPA, Suzanne
Schwartz/DC/USEPA/US@EPA, David
Evans/DC/USEPA/US@EPA, Brian
cc Tom Welborn/R4/USEPA/US@EPA, Jennifer
Derby/R4/USEPA/US@EPA, Rebecca
Fox/R4/USEPA/US@EPA
bcc

Subject FWS elevation notification letter to the Wilmington District

History: This message has been forwarded.

All:

Attached please find the FWS's letter to the Wilmington District, dated today, notifying the District that it is requesting its HQ to review the proposed permit for PCS. Their letter identifies essentially the same issues/concerns as our notification letter to the Corps.

Thanks, Palmer



PCS_FWS elevation notification to Corps_3-20-09.pdf

Palmer F. Hough
US Environmental Protection Agency
Wetlands Division
Room 7231, Mail Code 4502T
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Office: 202-566-1374
Cell: 202-657-3114
FAX: 202-566-1375
E-mail: hough.palmer@epa.gov

Street/Courier Address
USEPA
Palmer Hough
EPA West -- Room 7231-L
Mail Code 4502T
1301 Constitution Avenue, NW
Washington, DC 20460



United States Department of the Interior

FISH AND WILDLIFE SERVICE

1875 Century Boulevard
Atlanta, Georgia 30345

In Reply Refer To
FWS/R4/ES

MAR 20 2009

Colonel Jefferson M. Ryscavage
District Engineer, Wilmington District
U.S. Army Corps of Engineers
69 Darlington Avenue
Wilmington, North Carolina 28403-1343

Subject: Recommendation to Request a Higher Level Review for Department of Army Permit AID 200110096, Potash Corporation of Saskatchewan Phosphate Division, Aurora Operation (PCS) Mine Continuation

Dear Colonel Ryscavage:

We have received your Notice of Intent to Proceed on the proposed Department of the Army Permit AID 200110096, The Aurora Operation (PCS) Mine Continuation, dated March 2nd and received at USFWS Region 4 on March 5, 2009. Pursuant to Paragraph 3(d)(2) of the Memorandum of Agreement (MOA) between the Department of the Interior and the Department of Army, under Clean Water Act Section 404 (q) Part IV, I am requesting a review of this permit by the Acting Assistant Secretary of Fish and Wildlife and Parks, Department of the Interior, and recommending that he request review of the permit by the Assistant Secretary of the Army for Civil Works. During this review, the permit should be held in abeyance pending completion of the review process pursuant to the MOA Part IV, Paragraph 3(e).

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We recognize the desire for timely decision making on this permit. We have worked closely with your staff and have offered our comments throughout the Environmental Impact Statement and 404 permitting process, and we appreciate the efforts by both you and the applicant to address them. Still, critical issues about the impact of this project remain unresolved and based

**TAKE PRIDE
IN AMERICA** 

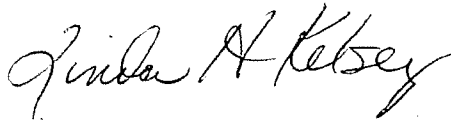
Colonel Ryscavage

2

on the concerns cited above; we do not support issuance of the permit for the project as currently proposed. Therefore, pursuant to the procedures and timelines in the national 1992 Memorandum of Agreement with the Corps of Engineers, we are seeking review by Acting Assistant Secretary Fish and Wildlife and Parks, Department of the Interior and the Assistant Secretary for Civil Works.

Please contact Pete Benjamin, Field Supervisor, Raleigh Ecological Services, at (919) 856-4520, extension 11 for further information, and we look forward to continuing our dialogue as we move forward.


Sincerely Yours,

A handwritten signature in cursive script, reading "Linda A. Kelsey".

for / Sam D. Hamilton
~~Acting~~ Regional Director

Ronald
Mikulak/R4/USEPA/US
03/23/2009 07:45 AM

To Rebecca Fox/R4/USEPA/US@EPA
cc
bcc
Subject PCS news article

History:  This message has been replied to.

Hey Becky - you've probably seen this article already, but in case you had not here it is. I hadn't heard anything on PCS lately - just wondering where is EPA on it now?

Hope you're well.

Take care - Ron

Fighting mining expansion

News & Observer, The (Raleigh, NC) - Sunday, March 15, 2009

Author: Wade Rawlins, Staff Writer

Environmental groups have filed a challenge to a decision by state water quality regulators to allow an expansion of PCS Phosphate's mining operation in Beaufort County, which would involve massive destruction of wetlands near the Pamlico River.

The permit, issued in January by the state Division of Water Quality, allows the company to mine about 11,000 acres adjacent to its current open-pit mine over 35 years.

The effects on 4.8 miles of streams and more than 3,900 acres of wetlands represent the largest destruction of wetlands ever permitted in North Carolina.

PCS Phosphate, part of an international company headquartered in Canada, has worked the mine since 1995 to produce phosphate for fertilizer and animal feed supplements and for use in food additives such as phosphoric acid, a flavor enhancer in Coca-Cola and jellies. It is the largest employer in Beaufort County, with more than 1,000 workers.

"This permit challenge asks whether PCS's mine expansion has to comply with the laws protecting the environment, fisheries and public health," Geoff Gisler, a lawyer with Southern Environmental Law Center said in a statement Thursday. "The long-term economic and environmental health of eastern North Carolina depends on the state holding PCS to those standards."

The challenge was filed on behalf of Environmental Defense Fund, the N.C. Coastal Federation, Pamlico-Tar River Foundation and the N.C. Sierra Club in state administrative court, where agency decisions are initially appealed.

Ross Smith, environmental manager for PCS Phosphate, said the company had not yet reviewed the legal challenge and couldn't comment.

Meanwhile, in a separate permitting decision involving PCS, a state administrative law judge has ruled that state air regulators erred in issuing a permit to the company to overhaul its fertilizer plant without properly notifying federal wildlife officials and that it used the wrong baseline for predicting whether the plant would harm air quality at the Swanquarter National Wildlife Refuge.

Last year, the state Division of Air Quality allowed the company to build a new sulfuric acid plant to replace two existing plants at the site near Aurora. The new plant will produce about 4,500 tons of sulfuric acid a day, 1,000 tons more than the existing facility. The acid is mixed with phosphate ore

mined on site to produce phosphoric acid.

The U.S. Department of Interior challenged the permit, saying air emissions from the larger phosphate plant could harm visibility at the wildlife refuge about 20 miles east.

Judge Fred Morrison of the state Office of Administrative Hearings, ruled that the state did not properly notify the Fish & Wildlife Service, part of the Interior Department, of PCS's plans. Morrison also found state environmental regulators used too lenient a baseline for estimating whether the added pollution from the plant would harm air in the Swanquarter refuge.

The judge's decision is advisory. The state Environmental Management Commission, an appointed panel, will make the final decision, which could change the baseline that air regulators use for comparing whether added air emissions would harm air quality and visibility.

Ronald J. Mikulak
Multimedia Technical Authority
Enforcement & Compliance Planning and Analysis Branch
Office of Environmental Accountability
EPA - Region 4

Phone #: 404-562-9233
e-mail: mikulak.ronald@epa.gov



"Walker, William T SAW"
<William.T.Walker@usace.army.mil>

03/23/2009 10:41 AM

To <Mike_Wicker@fws.gov>

cc "Pace.Wilber" <Pace.Wilber@noaa.gov>, "Ron Sechler" <ron.sechler@noaa.gov>, <Pete_Benjamin@fws.gov>, Tom Welborn/R4/USEPA/US@EPA, Rebecca

bcc

Subject RE: PCS for Friday

Mike,

Three answers.

1. We have to go to the airport to pick up Arch so I offered to pick up Palmer and Brian as well. Hadn't heard the final plan but that's fine. We will get them. I do not have Palmer's e-mail address but I will try to make contact with him today.

2. I will bring the best maps I have. I have some 2' x 3' aerials that are close to scale and should suffice.

3. We had discussed a 10am start and with the folks flying in, I think that would be appropriate.

Again, thanks for arranging the conference room. We'll see you tomorrow.

Tom

From: Mike_Wicker@fws.gov [mailto:Mike_Wicker@fws.gov]

Sent: Monday, March 23, 2009 8:55 AM

To: Walker, William T SAW

Subject: Re: PCS for Friday

Tom,

Three questions.

1. Becky sent me an e-mail that you could pick up Brian and Palmer (EPA) They will arrive in Raleigh (RDU airport) at 9 AM on American Airlines flight # 4640.

Palmer's cell number is 202-657-3114.

I wanted to confirm that with you. If you can not just let me know and I will pick them up.

2. Can you bring some some large scale maps of Bonnerton and NCPC so that when we are discussing them we can take an engineer's rule and do some quick and dirty acreage estimates? We think it would be helpful to be mindful of the acreages as we discuss different options.

3. The meeting is scheduled to start at 10:00 isn't it? Just checking.

Copy Brian and Palmer with your decision on whether or not you can get them on the airport in your response back to me. Also let them know if there is a problem just call me at the office and we will send someone to get them (my office number 919-856-4520 ext 22) and I will be checking it around 9:00 to make sure everything is OK.

Thanks,

Mike




"Pace.Wilber"
<Pace.Wilber@noaa.gov>
03/25/2009 12:36 PM

To Rebecca Fox/R4/USEPA/US@EPA, Mike Wicker
<Mike_Wicker@fws.gov>, Ron Sechler
<ron.sechler@noaa.gov>, Jennifer

cc

bcc

Subject PCS lines

History:  This message has been forwarded.

Hello everyone.

Attached Power Point is my attempt to capture the "Agency Line" from the meeting yesterday into a GIS. So far, I've just done NCPC, but I'm doing Bonnerton as you read this. Please let me know if you think the line correctly captures the Agency Line shown yesterday.

And feel free to distribute to others within your agency.

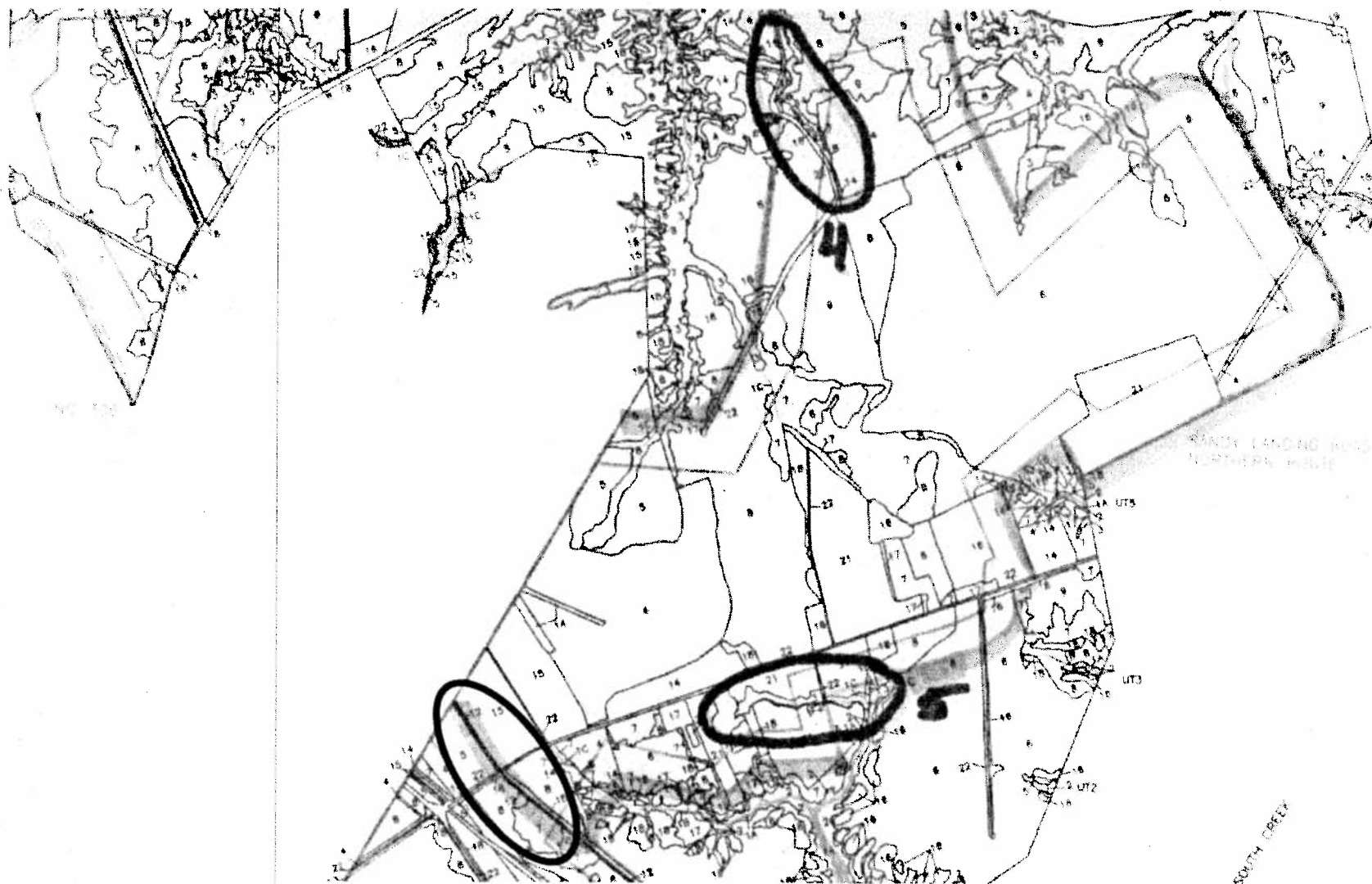
Pace

--

Pace Wilber, Ph.D.
Atlantic Branch Chief, Charleston (F/SER47)
Southeast Regional Office, NOAA Fisheries
PO Box 12559
Charleston, SC 29422-2559

843-953-7200
FAX 843-953-7205
pace.wilber@noaa.gov

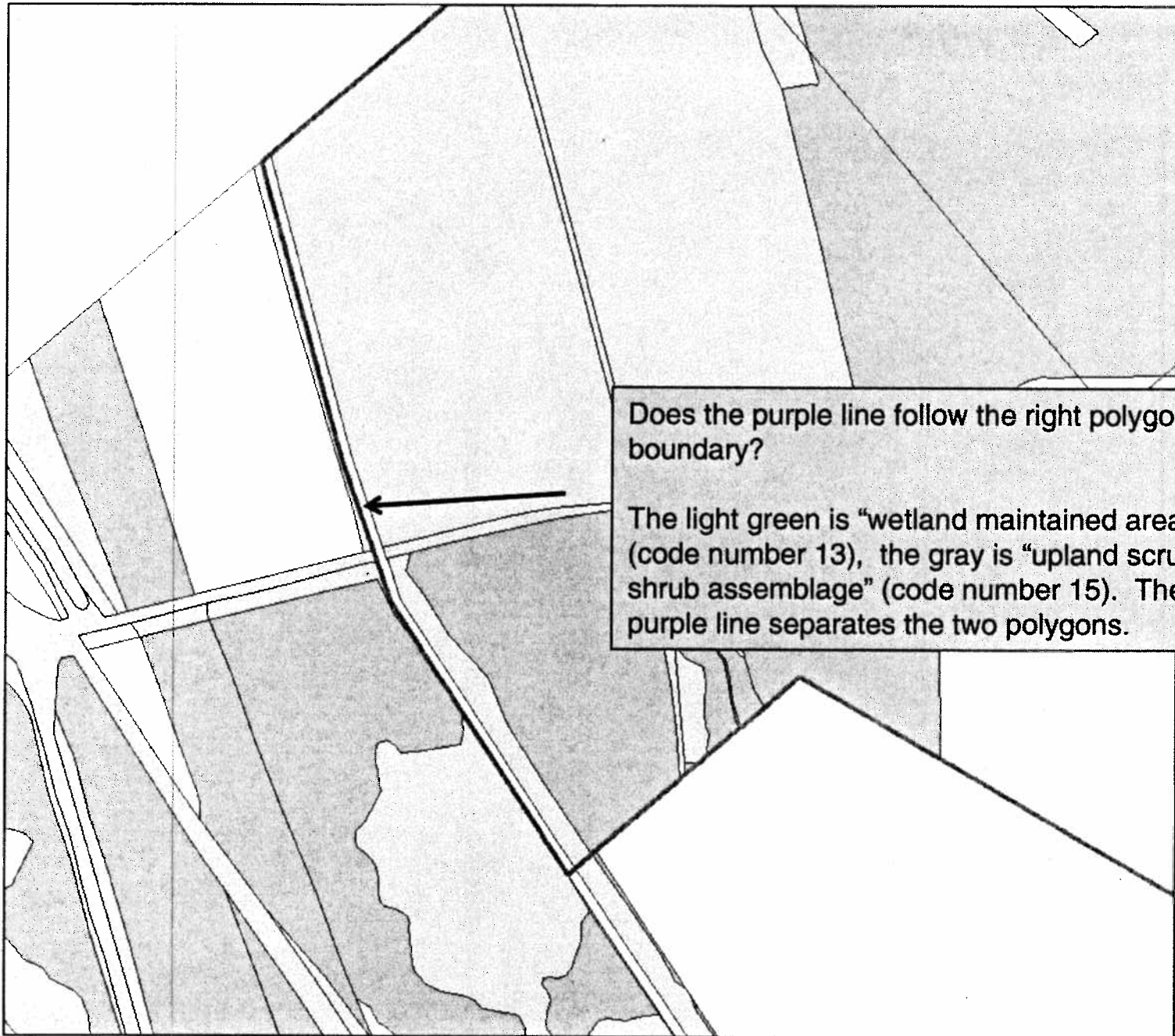
<http://sero.nmfs.noaa.gov/dhc/habitat.htm>



For simplicity, let's ignore the NMFS areas (labeled 4 and 5) for now. As far as I can tell, the heavy purple line follows a lighter purple/pink line that marks the Alternative L boundary. If that is true, then the only difference at NCPC is in the southwestern boundary (see red ellipse).

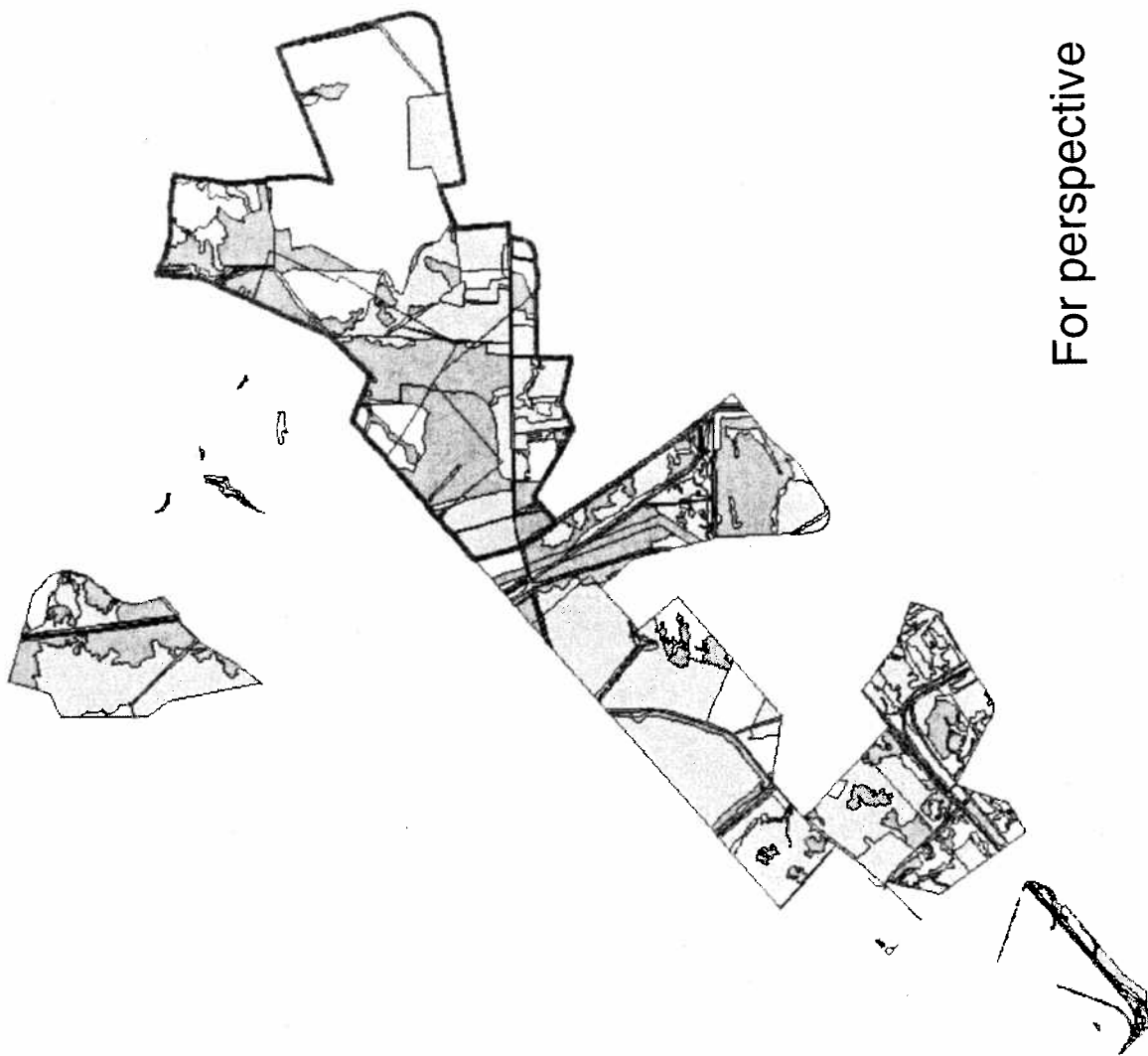


Purple line should be the agency line from the presentation on Tuesday. Next slide examine the southwest boundary more closely.



Does the purple line follow the right polygon boundary?

The light green is "wetland maintained area" (code number 13), the gray is "upland scrub-shrub assemblage" (code number 15). The purple line separates the two polygons.





Palmer
Hough/DC/USEPA/US
03/25/2009 01:39 PM

To "Walker, William T SAW"
<William.T.Walker@usace.army.mil>
cc Tom Welborn/R4/USEPA/US@EPA, Jim
Giattina/R4/USEPA/US@EPA, Rebecca
Fox/R4/USEPA/US@EPA, Jennifer
bcc
Subject Draft permit for PCS

Tom:

It was great seeing you yesterday. Thanks again for helping to make yesterday's meetings with the other agencies and the folks from PCS happen. I found the day's discussions and information sharing very helpful and productive. You noted yesterday that if the elevation process was not halted, per the request of PCS, that you would send me a copy of the draft permit for PCS this week. I would greatly appreciate being able to review that as EPA HQ conducts its review of the PCS case.

Please let me know if you have any questions.

Thanks, Palmer

Palmer F. Hough
US Environmental Protection Agency
Wetlands Division
Room 7231, Mail Code 4502T
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Office: 202-566-1374
Cell: 202-657-3114
FAX: 202-566-1375
E-mail: hough.palmer@epa.gov

Street/Courier Address
USEPA
Palmer Hough
EPA West -- Room 7231-L
Mail Code 4502T
1301 Constitution Avenue, NW
Washington, DC 20460



"Walker, William T SAW"
<William.T.Walker@usace.army.mil>

03/25/2009 02:49 PM

To: Rebecca Fox/R4/USEPA/US@EPA

cc: <RSmith@Pcsphosphate.com>,
<JFurness@Pcsphosphate.com>,
<ghouse@brookspierce.com>

bcc

Subject: RE: post mtg email

History: This message has been replied to.

Becky,

I would suggest sending it to each PCS representative in attendance.
I have copied Ross, Jeff and George so their e-mails are above. I do not have Tom Regan's e-mail address but I'm sure Ross or Jeff could provide it.

Tom

-----Original Message-----

From: Fox.Rebecca@epamail.epa.gov [mailto:Fox.Rebecca@epamail.epa.gov]
Sent: Wednesday, March 25, 2009 10:30 AM
To: Walker, William T SAW
Subject: post mtg email

Hi Tom,

We are going to be sending out an email summarizing the mtg yesterday.
We are sending to all meeting attendees plus PCS -- could you send email addresses for who you think should receive from PCS.
Thanks! bf

Becky Fox
Wetland Regulatory Section
USEPA
Phone: 828-497-3531
Email: fox.rebecca@epa.gov



Mike_Wicker@fws.gov
03/25/2009 03:11 PM

To: Rebecca Fox/R4/USEPA/US@EPA
cc
bcc
Subject: Fw: New line see slide 2

yes that is correct

----- Forwarded by Mike Wicker/R4/FWS/DOI on 03/25/2009 03:10 PM -----

"Pace.Wilber"
<Pace.Wilber@noaa.gov>

To: Mike Wicker <Mike_Wicker@fws.gov>

cc

03/25/2009 01:43 PM

Subject: New line

Hi Mike.

Could you look at slide 2 and let me know if this represents the
NGO
line you have?

Pace

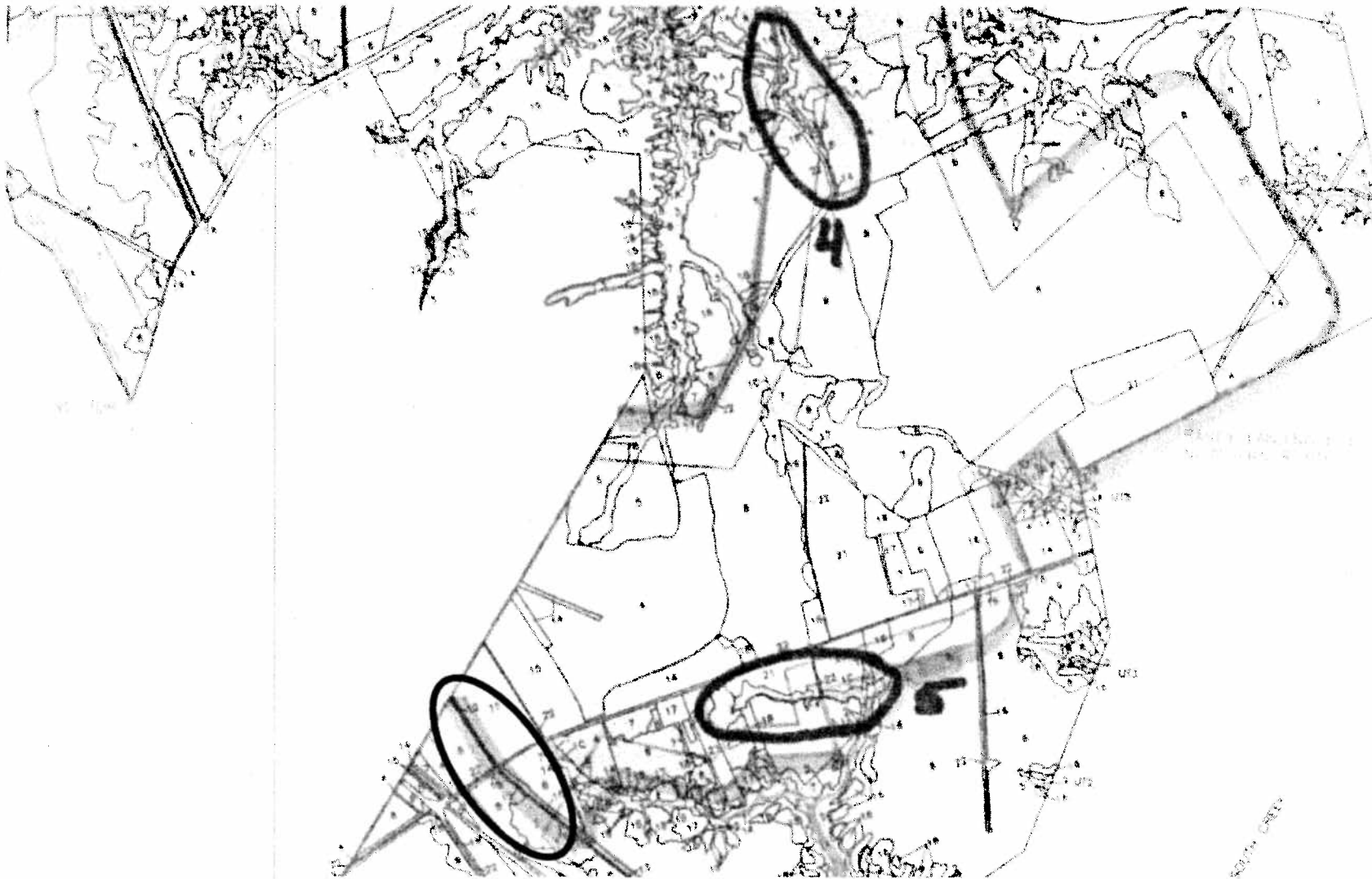
--

Pace Wilber, Ph.D.
Atlantic Branch Chief, Charleston (F/SER47)
Southeast Regional Office, NOAA Fisheries
PO Box 12559
Charleston, SC 29422-2559

843-953-7200
FAX 843-953-7205
pace.wilber@noaa.gov

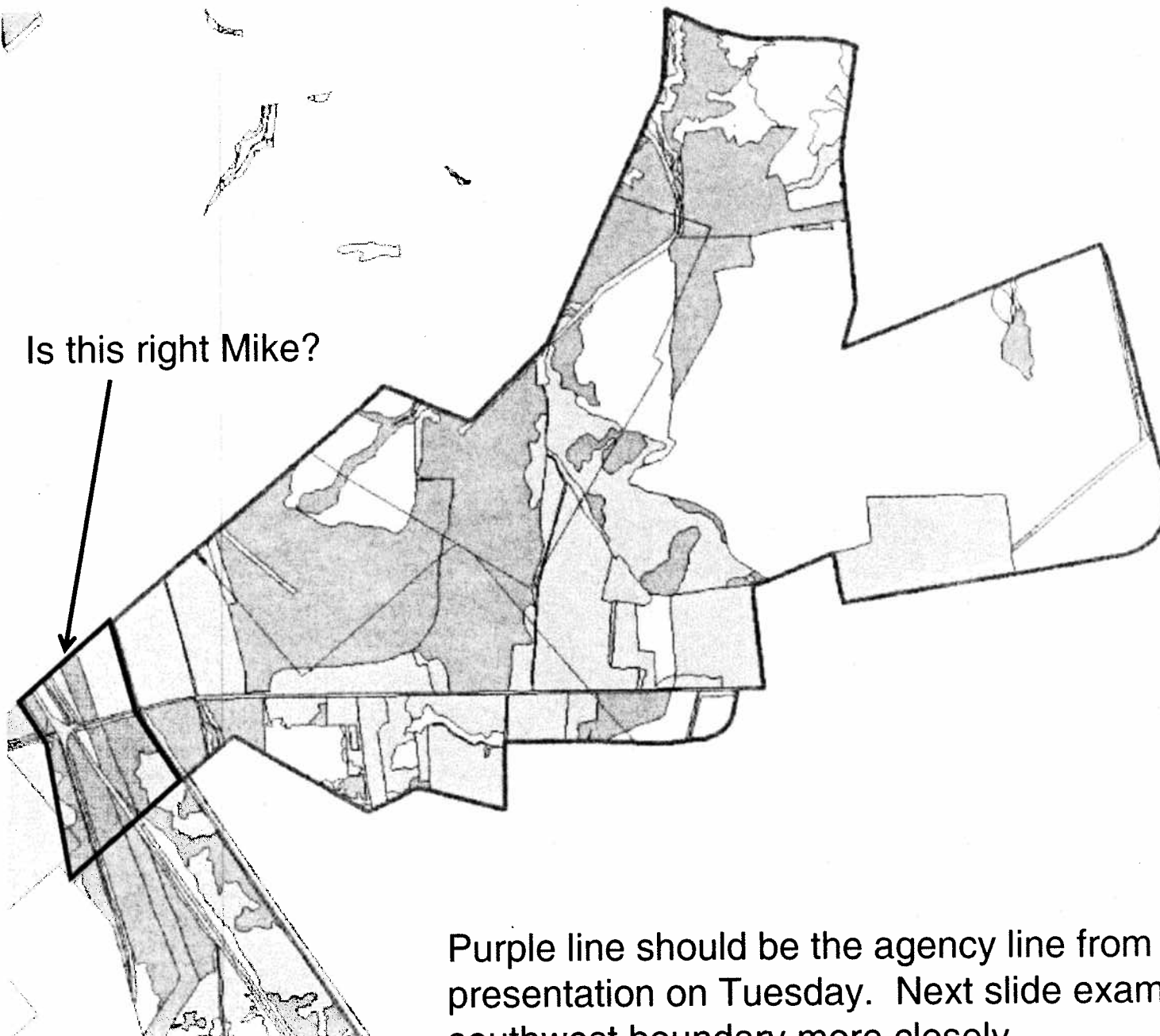
<http://sero.nmfs.noaa.gov/dhc/habitat.htm>

(See attached file: PCS_AgencyLines_DRAFT.ppt)

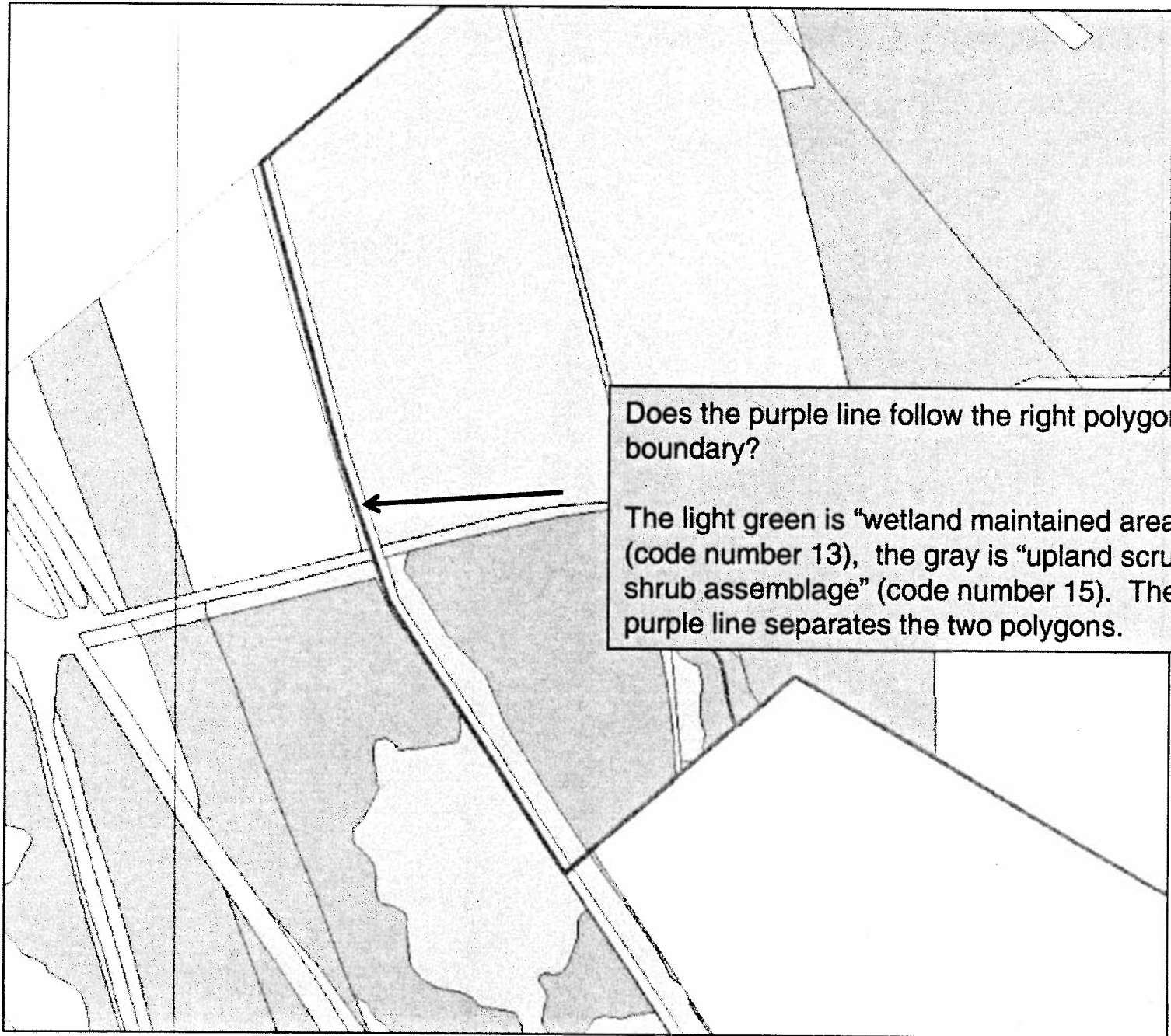


For simplicity, let's ignore the NMFS areas (labeled 4 and 5) for now. As far as I can tell, the heavy purple line follows a lighter purple/pink line that marks the Alternative L boundary. If that is true, then the only difference at NCPC is in the southwestern boundary (see red ellipse).

Is this right Mike?

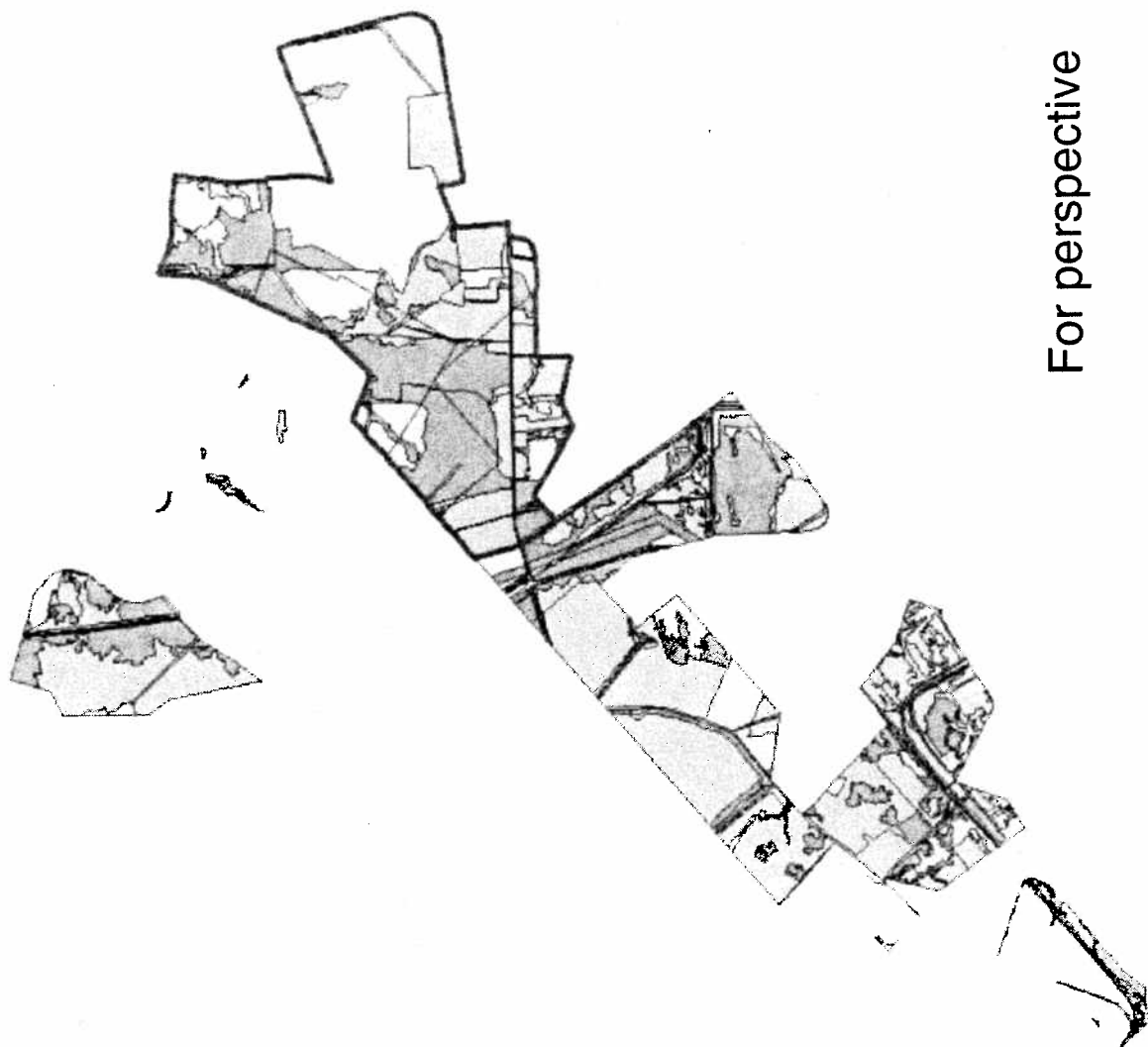


Purple line should be the agency line from the presentation on Tuesday. Next slide examine the southwest boundary more closely.



Does the purple line follow the right polygon boundary?

The light green is "wetland maintained area" (code number 13), the gray is "upland scrub-shrub assemblage" (code number 15). The purple line separates the two polygons.




For perspective



"Pace.Wilber"
<Pace.Wilber@noaa.gov>
03/25/2009 04:18 PM

To Rebecca Fox/R4/USEPA/US@EPA
cc Jennifer Derby/R4/USEPA/US@EPA, Mike Wicker
<Mike_Wicker@fws.gov>, Palmer
Hough/DC/USEPA/US@EPA, Ron Sechler
bcc

Subject Re: Fw: PCS lines

History:  This message has been replied to.

Hi everyone.

Seems like 12:30 is what worked best for everyone Thursday to discuss finalizing the GIS files that convey the federal agency line presented to PCS Tuesday. Attached slides now include Bonnerton.

1-877-788-9752
Passcode: 5293685

Pace

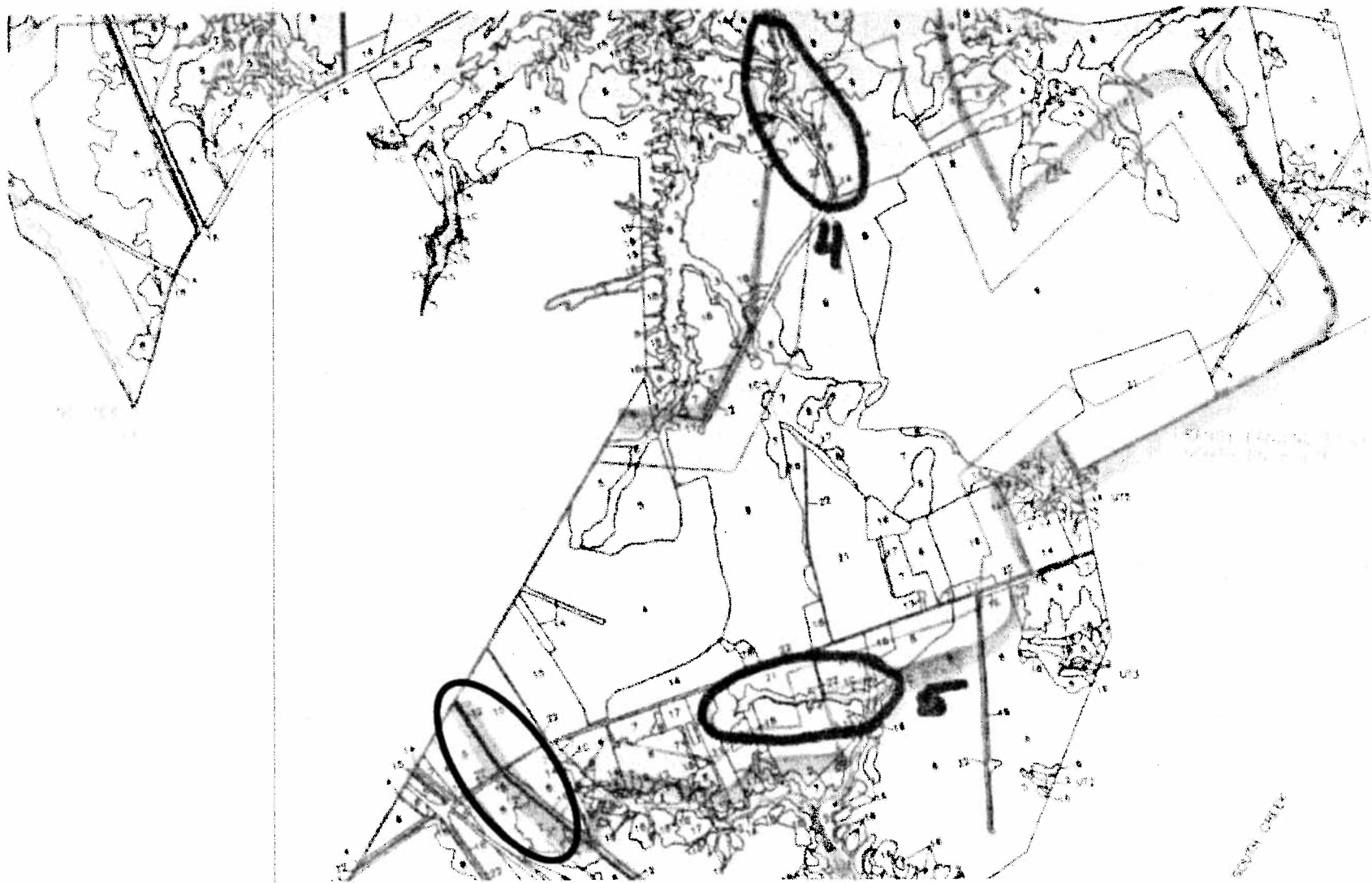
Pace Wilber, Ph.D.
Atlantic Branch Chief, Charleston (F/SER47)
Southeast Regional Office, NOAA Fisheries
PO Box 12559
Charleston, SC 29422-2559

843-953-7200
FAX 843-953-7205
pace.wilber@noaa.gov

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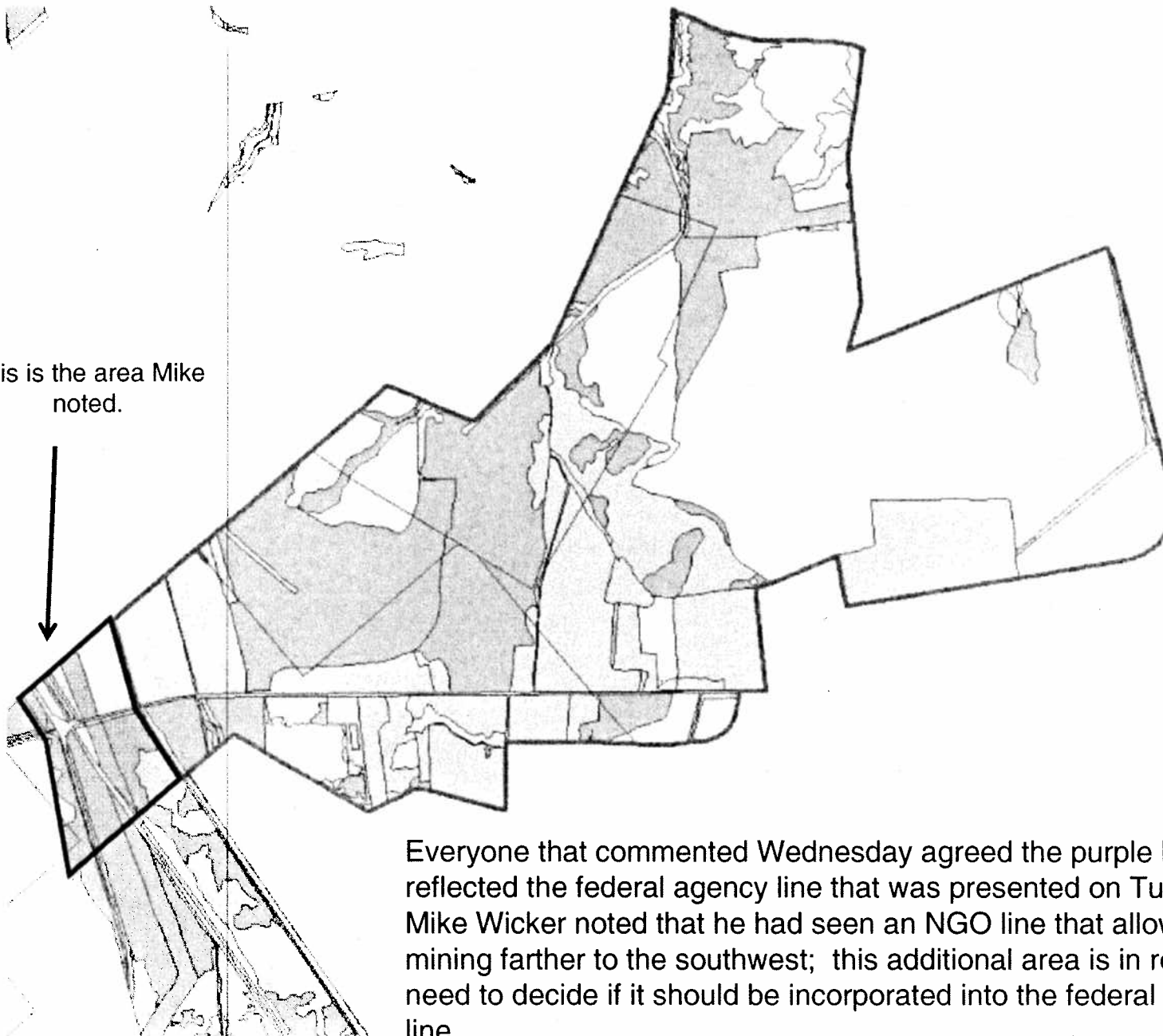
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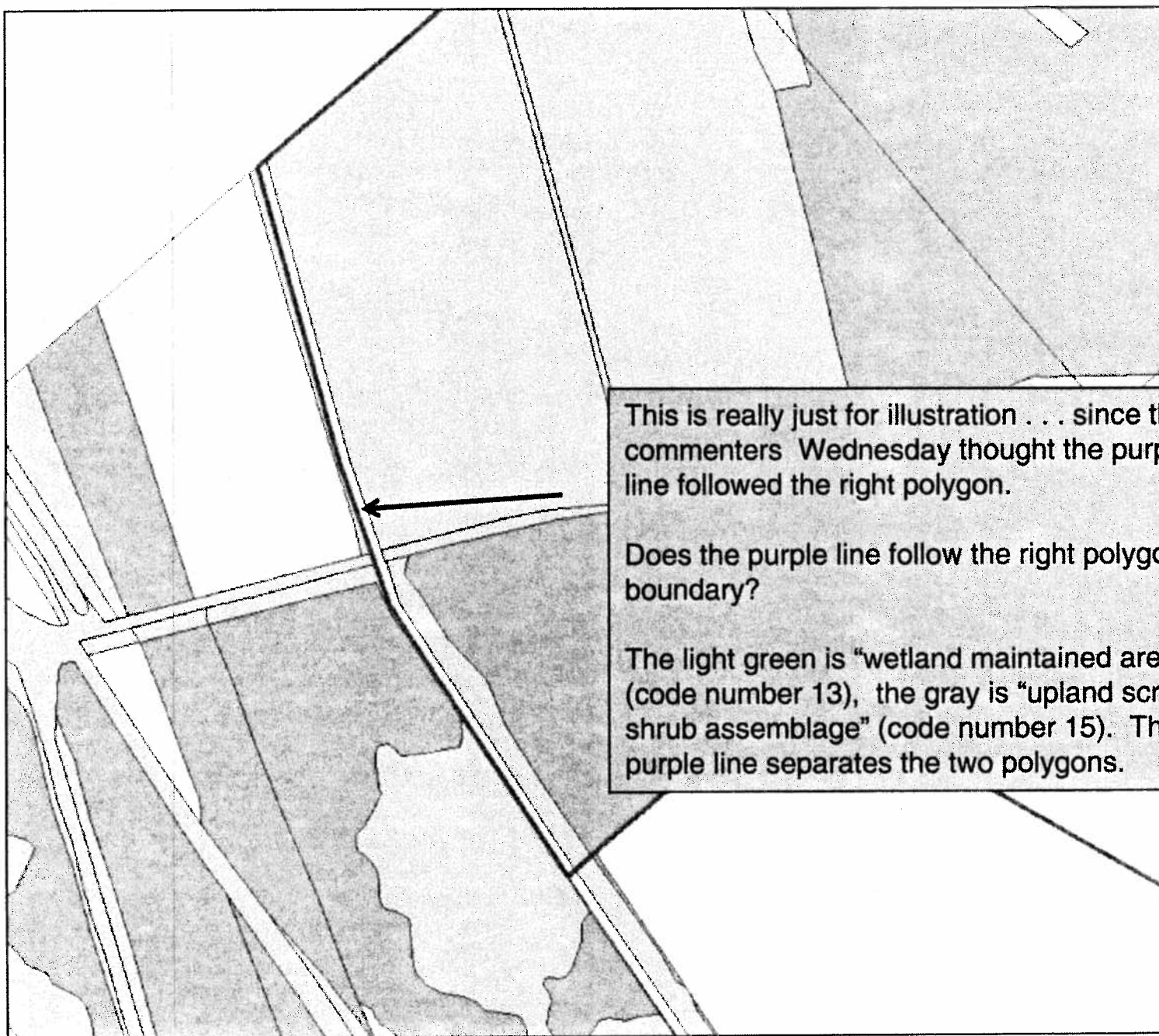


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This is the area Mike
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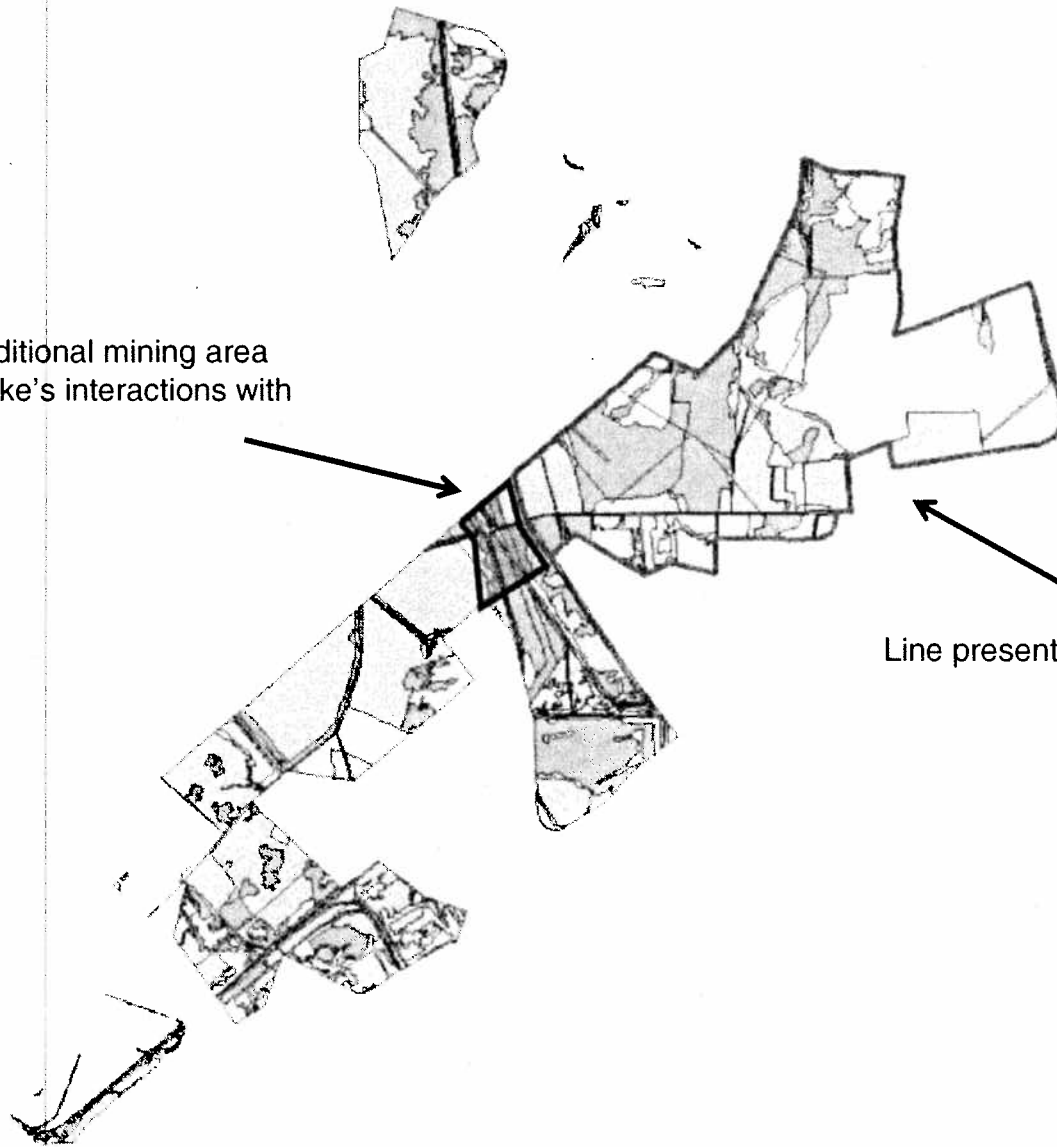
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NCPC Tract

Potential additional mining area
based on Mike's interactions with
NGO

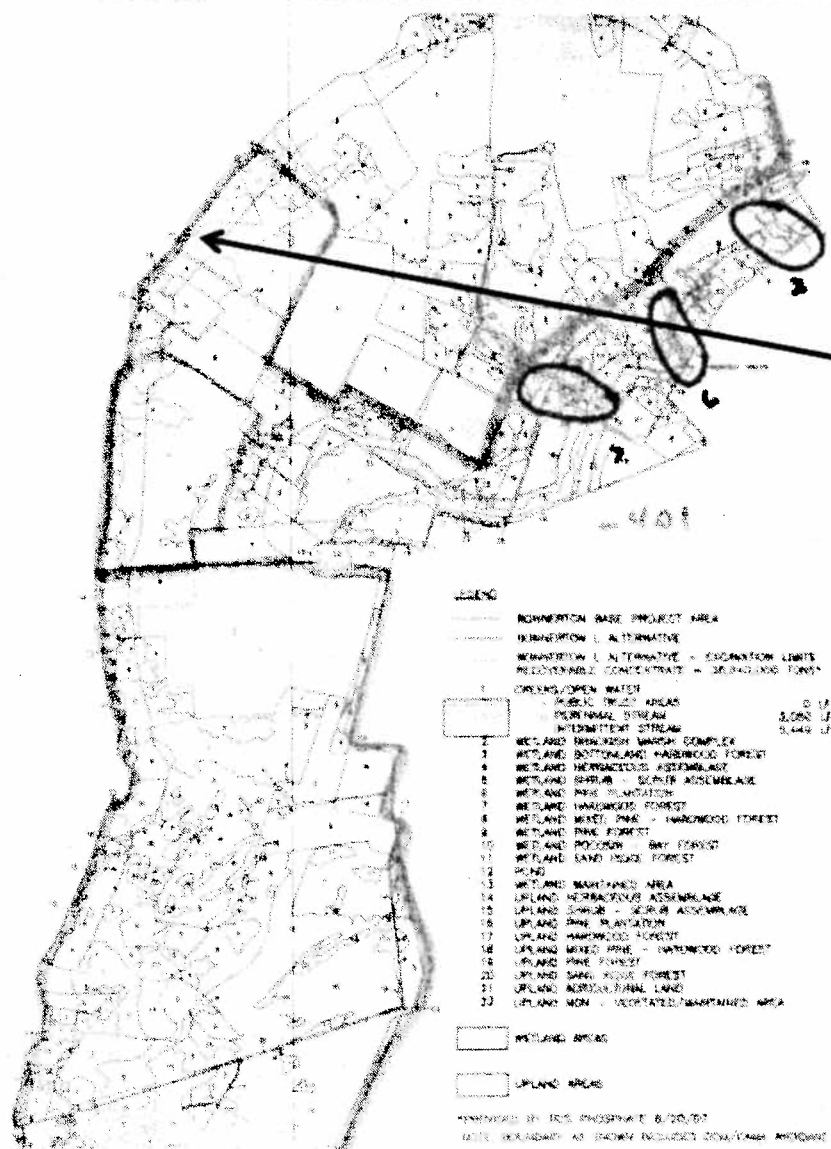


Line presented Tuesday

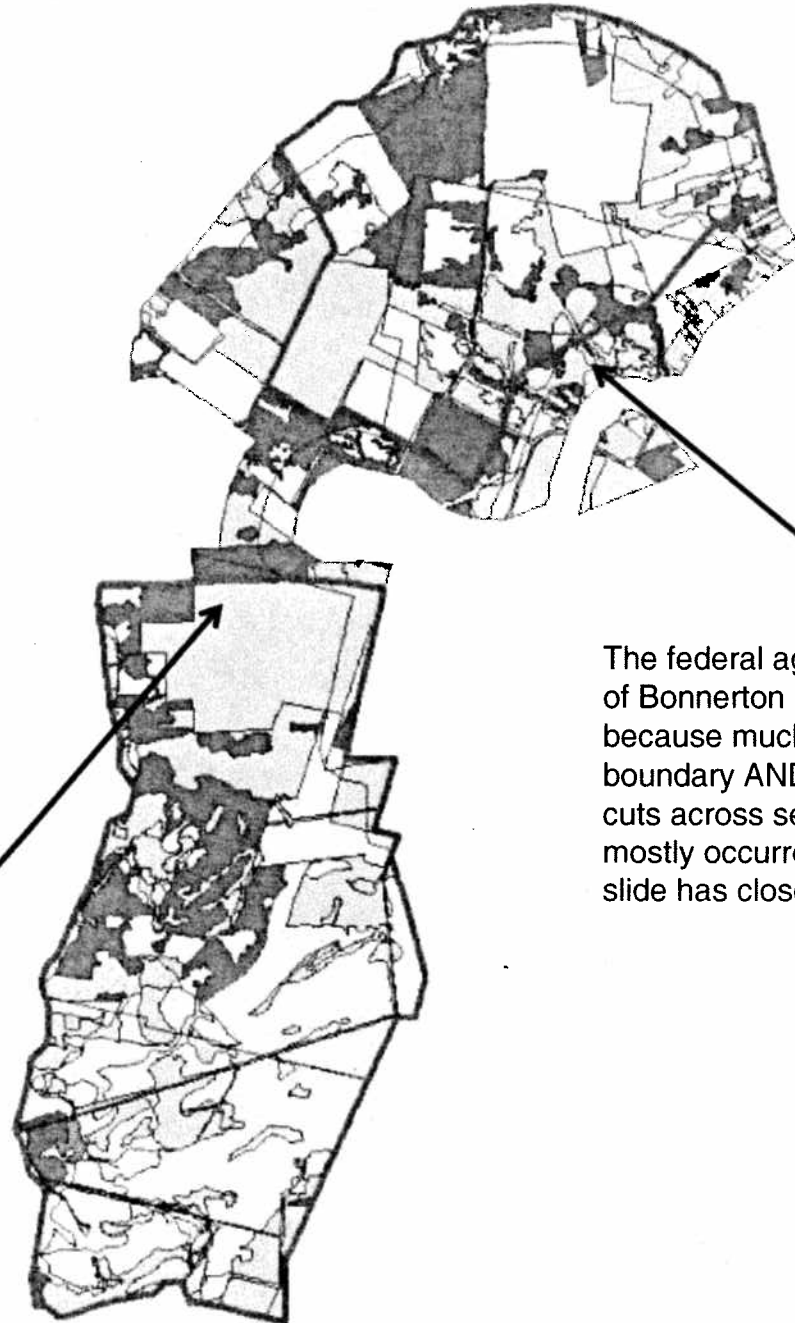
Bonnerton Tract

From Tuesday's presentation to PCS

I assume this part of the purple line was not necessary.
Correct?



Bonnerton Tract



The federal agency line for the southern portion of Bonnerton is simple since it seems to follow the Alternative L line except for when the northern end of the southern area is reached, and that revised northern boundary follows existing habitat demarcations.

The federal agency line for the northern portion of Bonnerton is relatively difficult to lay down because much does not follow the Alternative L boundary AND the line presented Tuesday also cuts across several habitat polygons. This mostly occurred along the eastern side. Next slide has close up.





"Walker, William T SAW"
<William.T.Walker@usace.ar
my.mil>


03/25/2009 06:39 PM

To "Pace.Wilber" <Pace.Wilber@noaa.gov>, Rebecca
Fox/R4/USEPA/US@EPA, Jennifer
Derby/R4/USEPA/US@EPA, <Mike_Wicker@fws.gov>,

cc

bcc

Subject FW: Fw: PCS lines

History:  This message has been forwarded.

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Thanks
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Sent: Wednesday, March 25, 2009 4:18 PM
To: Fox.Rebecca@epamail.epa.gov
Cc: derby.jennifer@epa.gov; Mike Wicker; hough.palmer@epa.gov; smtp-Sechler, Ron; welborn.tom@epa.gov; Pete Benjamin; Walker, William T SAW
Subject: Re: Fw: PCS lines

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1-877-788-9752
Passcode: 5293685

Pace

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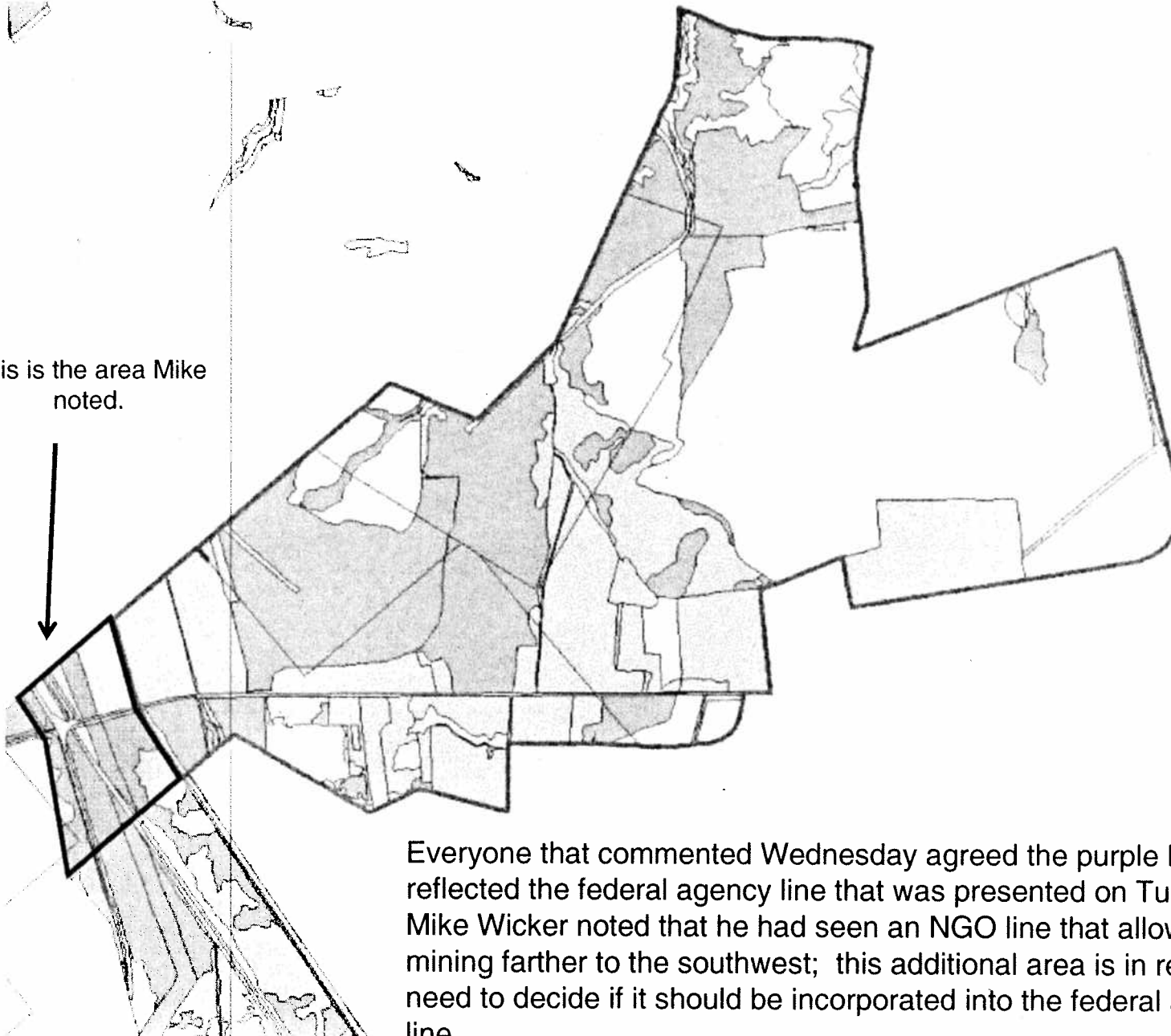
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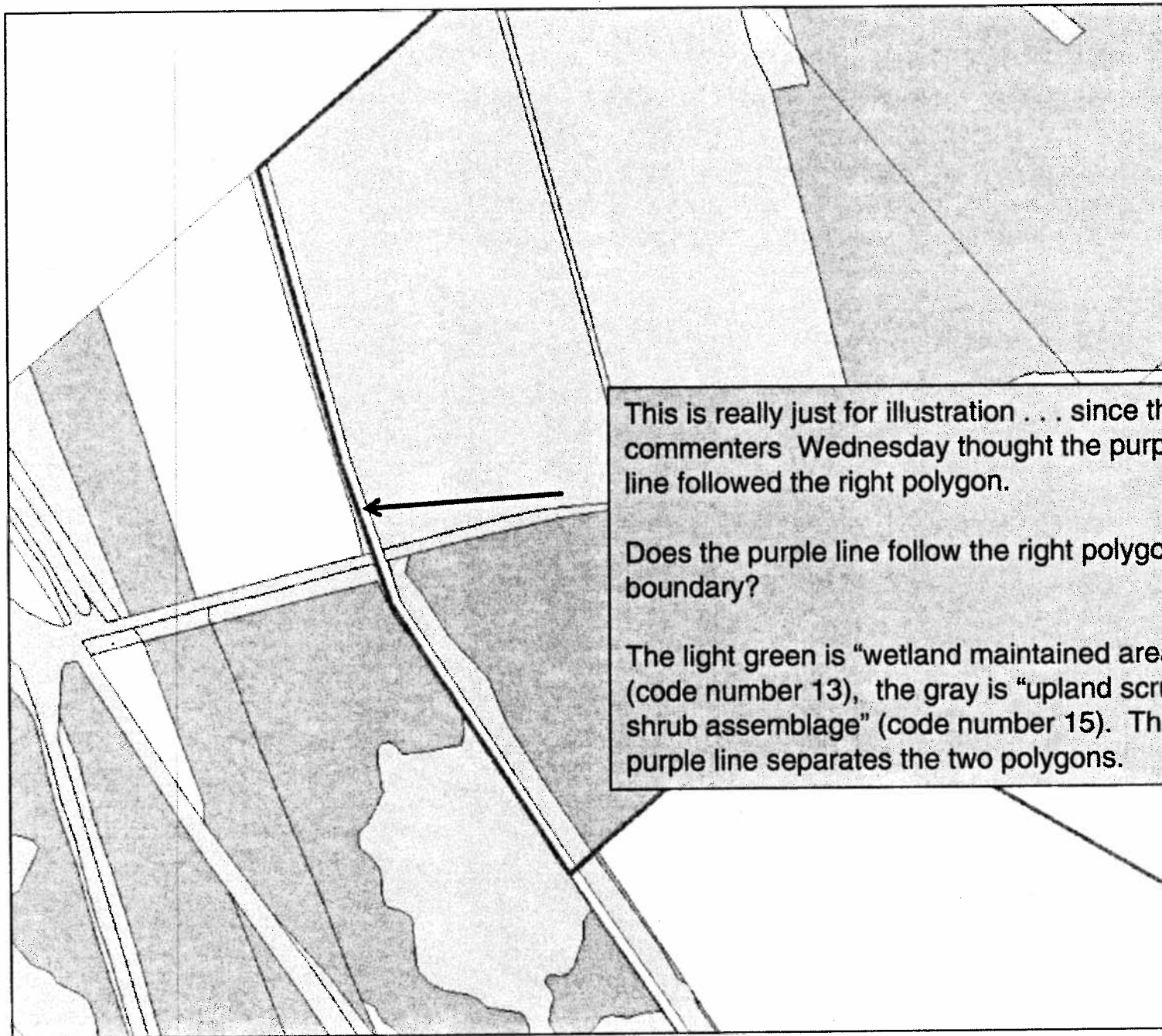


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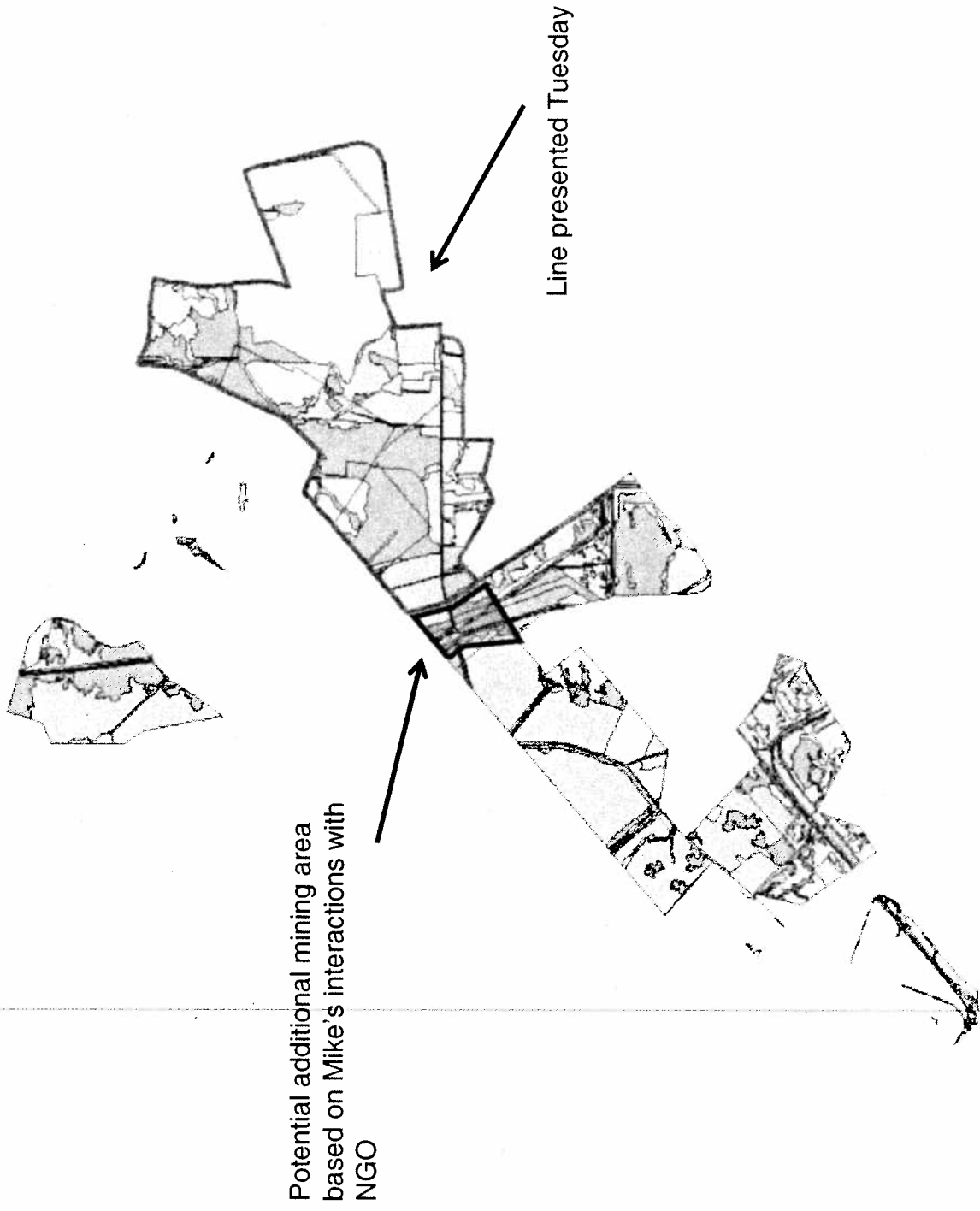


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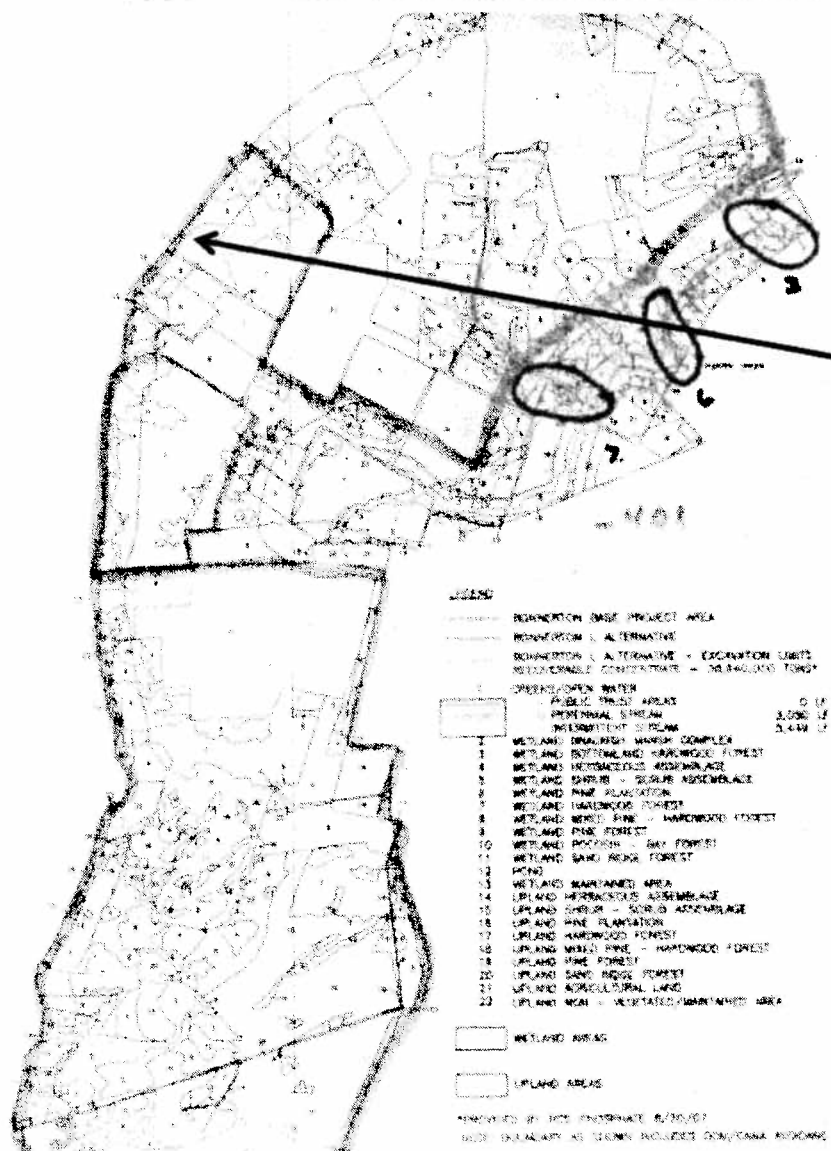
NCPC Tract



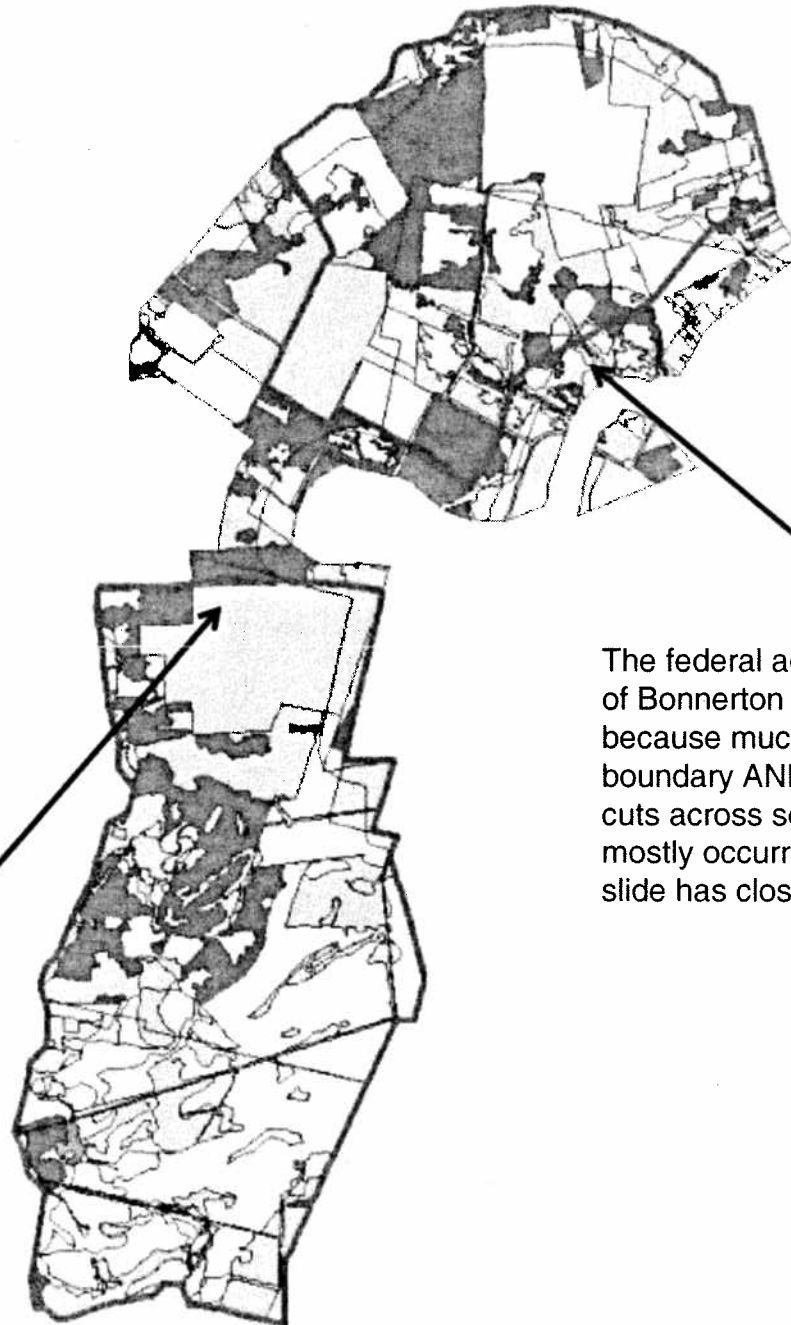
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Tom Welborn /R4/USEPA/US

03/26/2009 09:00 AM

To "Walker, William T SAW"
<William.T.Walker@usace.army.mil>
cc "Middleton, Arthur L SAD"
<Arthur.L.Middleton@usace.army.mil>, "Lamson, Brooke
SAW" <Brooke.Lamson@usace.army.mil>, "Lekson, David
bcc

Subject Re: FW: Fw: PCS lines

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Tom Welborn, Chief
Wetlands, Coastal and Oceans Branch
EPA Region 4
61 Forsyth Street, SW
Atlanta, GA 30303
404-562-9354
404-562-9343(FAX)
404-895-6312(cell)

"Walker, William T SAW" <William.T.Walker@usace.army.mil>



"Walker, William T SAW"
<William.T.Walker@usace.army.mil>

03/25/2009 06:39 PM

To "Pace, Wilber" <Pace.Wilber@noaa.gov>, Rebecca
Fox/R4/USEPA/US@EPA, Jennifer
Derby/R4/USEPA/US@EPA, <Mike_Wicker@fws.gov>,
Palmer Hough/DC/USEPA/US@EPA, "smtp-Sechler, Ron"
<ron.sechler@noaa.gov>, Tom
Welborn/R4/USEPA/US@EPA, <Pete_Benjamin@fws.gov>,
"Ryscavage, Jefferson COL SAW"
<Jefferson.Ryscavage@us.army.mil>, "Gaffney-Smith,
Margaret E" <Meg.E.Gaffney-Smith@usace.army.mil>,
"Middleton, Arthur L SAD"
<Arthur.L.Middleton@usace.army.mil>, "Jolly, Samuel K
SAW" <Samuel.K.Jolly@usace.army.mil>, "Lamson, Brooke
SAW" <Brooke.Lamson@usace.army.mil>, "Lekson, David
M SAW" <David.M.Lekson@usace.army.mil>

cc

Subject FW: Fw: PCS lines



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Thanks
Tom Walker

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From: Pace.Wilber [mailto:Pace.Wilber@noaa.gov]
Sent: Wednesday, March 25, 2009 4:18 PM
To: Fox.Rebecca@epamail.epa.gov
Cc: derby.jennifer@epa.gov; Mike Wicker; hough.palmer@epa.gov; smtp-Sechler, Ron; welborn.tom@epa.gov; Pete Benjamin; Walker, William T SAW
Subject: Re: Fw: PCS lines

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Passcode: 5293685

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Atlantic Branch Chief, Charleston (F/SER47) Southeast Regional Office, NOAA
Fisheries PO Box 12559 Charleston, SC 29422-2559

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<http://sero.nmfs.noaa.gov/dhc/habitat.htm>

[attachment "PCS_AgencyLines_DRAFT.ppt" deleted by Tom Welborn/R4/USEPA/US]



"Walker, William T SAW"
<William.T.Walker@usace.army.mil>

03/26/2009 10:33 AM

To Tom Welborn/R4/USEPA/US@EPA

cc "Middleton, Arthur L SAD"
<Arthur.L.Middleton@usace.army.mil>, "Lamson, Brooke SAW" <Brooke.Lamson@usace.army.mil>, "Lekson, David"

bcc

Subject Re: FW: Fw: PCS lines

Thanks Tom.

If the Corps, at any level, is now going to be asked by EPA or the applicant to consider adding this boundary as an alternative, I think it is important for us to understand how it is being developed.

Thanks
Tom Walker

Message sent via my BlackBerry Wireless Device

----- Original Message -----

From: Welborn.Tom@epamail.epa.gov <Welborn.Tom@epamail.epa.gov>

To: Walker, William T SAW

Cc: Middleton, Arthur L SAD; Lamson, Brooke SAW; Lekson, David M SAW; Ryscavage, Jefferson COL SAW; derby.jennifer@epa.gov <derby.jennifer@epa.gov>; Gaffney-Smith, Margaret E; Mike_Wicker@fws.gov

<Mike_Wicker@fws.gov>; Pace.Wilber <Pace.Wilber@noaa.gov>; Welborn.Tom@epamail.epa.gov

<Welborn.Tom@epamail.epa.gov>; Pete_Benjamin@fws.gov <Pete_Benjamin@fws.gov>;

Fox.Rebecca@epamail.epa.gov <Fox.Rebecca@epamail.epa.gov>; smtp-Sechler, Ron; Jolly, Samuel K SAW;

Mancusi-Ungaro.Philip@epamail.epa.gov <Mancusi-Ungaro.Philip@epamail.epa.gov>

Sent: Thu Mar 26 08:00:36 2009

Subject: Re: FW: Fw: PCS lines

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>
03/25/2009 06:39
PM
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