



THE EVERGLADES COALITION

July 16, 2003

Colonel James G. May
District Engineer
Jacksonville District
U.S. Army Corps of Engineers
701 San Marco Drive
Jacksonville, Florida 33207-8175

Re: Permit Application No. 199506797 (IP-KBH), Atlantic Civil, Inc./Florida Rock and Sand Company

VIA FACSIMILE and US MAIL

Dear Colonel May:

On behalf of the undersigned members of the Everglades Coalition, we write to comment on the application #199506797 (IP-KBH) pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) submitted by the Atlantic Civil, Inc./Florida Rock and Sand Company. This application requests a modification from a wetlands fill permit to an allowance for hardrock limestone mining operations. For the reasons stated below, we request that the U.S. Army Corps of Engineers (Corps) undertake an analysis of the environmental impacts of this proposed action prior to proceeding, pursuant to the requirements of the National Environmental Policy Act (NEPA) and the Clean Water Act (CWA). We also request that the Corps conduct a public hearing on this application. Finally, we request that the Corps initiate consultation with the U.S. Fish and Wildlife Service (Service) pursuant to the requirements of the Endangered Species Act.

In a July 8, 2003 email and in previous verbal communications, we requested copies from the Corps of the original permit documents, including the application and decision document. We have not received these documents to date, although we have been notified that the documents were sent via mail on July 14, 2003. Once we have adequately reviewed the original documents, we request to reserve the right to file additional comments after the public notice comment deadline ends.

Most importantly, the property subject to the proposed permit modification is within the boundaries of the Biscayne Bay Coastal Wetlands (BBCW) restoration project, a component of the Comprehensive Everglades Restoration Plan (CERP). This restoration



project is intended to restore and enhance the freshwater and coastal wetlands and the nearshore environment of Biscayne National Park and Bay, including Barnes and Card Sounds. In addition, any development of this property will have direct impacts on the CERP C-111N Spreader Canal project that shares some of its project restoration area with the BBCW project. The spreader canal project is intended to restore the wetlands and nearshore habitat of the panhandle of Everglades National Park and Barnes and Card Sound.

This property consists of approximately 3000 acres and is within the modified Model Lands boundary, thereby listing it as a candidate for purchase through the State's Save Our Rivers Program. The South Florida Water Management District and Miami-Dade County's Environmentally Endangered Lands Program can purchase such lands through a 50-50 cost share. For a number of years, the District and County discussed acquisition of this property with the owners due to its ecological importance.

The original permit allowed the landowner to fill 990 acres of wetlands and excavate 251 acres of wetlands for a borrow pit. The excavated material from the borrow pit was intended to be used to fill the wetlands, which would subsequently be used for agricultural purposes. This new application requests to modify the aforementioned parameters to mining over 900 acres of wetlands. We believe that the requested change in activities will produce a significantly greater impact to the surrounding environment and therefore merits further scrutiny. The mining of over 900 acres of wetlands up to a 65-foot depth in this area would likely impact subsurface water movement more than the filling of the same wetlands. Given that such impacts were not contemplated in the original permit, this new request triggers a more vigorous inspection under the NEPA.

In sum, the proposed permit modification will destroy significant acreage of Everglades wetlands – the same Everglades wetlands that are to be restored by a monumental CERP public works project. Surrounding wetlands, water quality, and the hydrology of the area, which are all subject to CERP and related restoration efforts, will also be affected. Yet, the Corps has not undertaken an analysis of the exact extent and severity of these environmental impacts, avoidance and mitigation alternatives, whether detrimental impacts outweigh the benefits of the proposed action, and a host of related and significant environmental concerns. Nor has the Corps provided the public and other agencies with an opportunity to comment on these issues. Without assessing and disclosing such impacts, and taking any measures required by law concerning such impacts, it is premature to grant this permit.

We have been pleased that certain recent Corps's permitting decisions have been better coordinated with the CERP staff within the Corps and within the District. It is critical that permitting decisions undertaken by the Corps be consistent with the purposes of CERP and its specific components. However, such coordination must also occur with modification requests due to the significance of the changes. Accordingly we request that such coordination with the Restoration Program Division and the related necessary

technical analyses be conducted prior to any further action on this and any similar proposals.

We appreciate the opportunity to comment on this permit application. Among other things, we specifically look forward to participating in a public hearing and in the public process associated with a NEPA analysis for this permit modification.

Sincerely,

John Adornato, III
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National Parks Conservation Association

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Signatures not included to expedite delivery

cc: Dennis Duke, Restoration Program Division, U.S. Army Corps of Engineers
Dr. John Hall, Regulatory Division Chief, U.S. Army Corps of Engineers
Ken Huntington, Project Manager, U.S. Army Corps of Engineers