DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
PENSACOLA REGULATORY OFFICE
41 NORTH JEFFERSON STREET, SUITE 111
PENSACOLA, FLORIDA 32502

REPLY TO
ATTENTION OF

Regulatory Division
Pensacola Permits Section
SAJ-2007-05537-IP-EPS

January 14, 2010

Mr. Dave Hankla
U.S. Fish and Wildlife Service
7915 Baymeadows Way, Suite 200
Jacksonville, Florida 32256-7517

Dear Mr. Hankla:

This letter refers to a request by Tarmac America LLC for authorization to construct a limestone mine. The project is located approximately two miles north of C.R. 40 and approximately one mile west of U.S. 19 in Levy County. The site encompasses all or portions of Sections 2, 3, 6-11, 14-23, 29, and 30 of Township 16 South, Range 16 East; Section 31, Township 15 South, Range 16 East; Sections 1-3, 11-13, and 24 of Township 16 South, Range 15 East and Sections 25-27, and 34-36 of Township 15 South, Range 15 East. The U.S. Army Corps of Engineers (Corps) has completed an evaluation of the impacts the work may have on the threatened eastern indigo snake (*Drymarchon couperi*) and endangered wood stork (*Mycteria americana*). The Corps hereby requests initiation of formal consultation pursuant to Section 7 of the Endangered Species Act. In accordance with guidance provided in the Endangered Species Consultation Handbook, the Corps requests that you initiate consultation upon receipt of this request or provide a response within 30 days of receipt of this request stating what information is necessary to meet the requirements of 50 CFR §402.14(c). Upon your initiation of formal consultation, please provide this office with an expected completion date so that we may inform the applicant of the associated timeframes. The following information is provided in accordance with 50 CFR §402.14(c):

Description of the activity: The applicant proposes construction of the project to be known as the Tarmac King Road Limestone Mine. The ±9,277-acre project area includes a ±4,762-acre Mine Parcel and a ±4,515-acre Mitigation Parcel. The applicant would lease proposed mining areas from the timber company that owns the land; proposed mitigation areas would be purchased. Of the 2,590 acres of wetlands within the Mine Parcel, 2,056 acres are proposed for impact and 534 acres would be avoided. The project would result in the excavation of approximately 5,200,000 tons of limestone per year for the life of mine – approximately 100 years as proposed. Of the 5,200,000 tons of limestone excavated, 3,000,000 tons would be available for sale and 2,200,000 tons would be returned to certain pits. This refilling would occur to reclaim excavated areas and convert them to uplands. Other pits would remain as unfilled lakes. Post-project, the applicant's lease would end, and the timber company would resume control of that portion of the property associated with mining. The applicant proposes

to excavate approximately 681,977,941,333 cubic yards of fill from approximately 2,056 acres of wetlands within the project.

If it is determined that issuance of a permit is appropriate, the applicant proposes to preserve and enhance approximately 4,636 acres of wetland habitats as compensatory mitigation for the proposed 2,056 acres of wetland impacts. Enhancement on the ±4,515-acre Mitigation Parcel would occur through the elimination of silvicultural practices, allowing restoration of hydric pine plantations to historic Gulf Hammock hardwood forested wetlands through removal of pine to no more than 100 stems per acre, and management of exotic and invasive plant species. Within the Mitigation Parcel, non-forested communities such as tidal marshes and forested areas not requiring active rehabilitation would be preserved. To ensure perpetual protection, the applicant proposes the entire ±4,515-acre Mitigation Parcel (4,108 acres of wetlands, 331 of uplands, 76 acres of roads) be deeded to the State of Florida. The public/private status of some of the roads is unclear, and it's possible some would need to remain in place for the public. In addition, 528 acres of wetlands and 144 acres of uplands within the Mine Parcel would be preserved by conservation easement.

a. Area affected: The total area for the Tarmac King Road Limestone Mine project area consists of approximately 9,277 acres. The site has been managed as a silviculture operation of varying intensity for at least the past five decades. Typical land management practices used on site include clear-cutting, and in rare instances, bedding and furrowing. Pine plantations and hardwood forests are included in the harvest rotations. In addition, selective high-grading of cypress and cedar has occurred. The area affected was considered to be these 9,277 acres plus an 8, 444 foot buffer around the entire project creating a 40,337.3 acre action area.

Approximately 6,699 acres of the total project area (mine parcel and mitigation parcel) is comprised of wetlands. These areas include approximately 3,280 acres of hydric pine plantation. Hydric pine "plantation" at this site is not of the intensive monoculture variety found at many silviculture sites, and in many areas pines comprise only 50% or less of the canopy and subcanopy species. Of the total 2,056 acres of wetland proposed for impact, ±1,460 acres (71%) are this hydric pine plantation. Additional jurisdictional community types proposed for impact include ±190 acres of wetland forested mixed, ±134 acres of pine-mesic oak, ±1 acre of cypress, ±115 acres of mixed wetland hardwood, ±13 acres of sloughs and intermittent flow-ways, ±134 acres of deep water ponds and ±11 acres of borrow pits.

Other wetland community types present on site include streams and lake swamps (bottomland), wetland forested mixed-cleared, coastal maritime hammock, freshwater marsh, saltwater marsh and tidal flats. Upland communities within the project area are: temperate hardwood, live oak, hardwood conifer mixed, and upland pine plantation.

b. Listed species affected: Wood stork (*Mycteria americana*) and eastern indigo snake (*Drymarchon couperi*).

c. Analysis: Based upon review of the joint U.S. Army Corps of Engineers/U.S. Fish & Wildlife *Effect Determination Key for the Wood Stork in Central and Peninsula Florida* (2008), and required information submitted by the applicant to complete coordination in accordance with 50 CFR 402.14(c) (namely, the enclosed wildlife survey report and biological assessment documents), the Corps has determined that this project may affect but is not likely to adversely affect the endangered wood stork (*Mycteria americana*). While the wood stork was observed roosting on the applicant's proposed mitigation parcel, no wood storks were observed roosting or foraging within the proposed mine parcel. Further, no nesting was observed within the

project area. The closest colony is approximately 24 miles away, well outside the 15-mile Core Foraging Area. Given this information and if a proposed wetlands mitigation plan were approved, the Corps requests the U.S. Fish and Wildlife Service's (the Service's) concurrence that the project may affect, but is not likely to adversely affect, the wood stork.

As noted within the enclosed wildlife survey report and biological assessment, three threatened eastern indigo snakes (*Drymarchon couperi*) were observed within the action area of the proposed project. One eastern indigo snake was observed on the proposed mine parcel, one on the proposed mitigation parcel, and one just off the project site but between the parcels. All were crossing or immediately adjacent to roads. Although there is potential for mortality, injury or harassment of eastern indigo snakes from construction and operation activities within the action area, the applicant is proposing to implement all reasonable measures to protect the indigo snake from proposed mining operations. These measures include preserving and enhancing habitat on the mitigation parcel, and implementing the Service's *Standard Protection Measures for the Eastern Indigo Snake* (USFWS 2004). Because of the proposed acreage of the project, and nature of the proposed construction (*i.e.*, vegetation removal, debris piling and burning, blasting, mining, reclamation, and truck traffic to and from U.S. 19), the Corps has determined that this project may adversely affect the threatened eastern indigo snake.

d. Relevant reports. Enclosed are the following documents specific to this consultation: Biological Assessment (Entrix, Inc. dated January 2010) and Wildlife Survey (Entrix, Inc. dated Revised July 2009). Electronic versions of these documents are also provided as requested by the Service.

If you have any questions regarding this letter, please contact Ed Sarfert at the letterhead address, by telephone at 850-439-9533, or by email at edward.p.sarfert@usace.army.mil.

Sincerely,

Clif Payne
Section Chief
Pensacola Permits Section

Enclosure(s)

Biological Assessment (Entrix, Inc. dated January 2010)
Wildlife Survey (Entrix, Inc. dated Revised July 2009)
Project Drawings (16 pages)

Copies Furnished:

Al Townsend, Tarmac America LLC (w/o enclosures)
McLane Evans, Entrix (w/o enclosures)
Jim Holian, SAIC (w/enclosures)