



**Diana M. Jagiella**  
Senior Director Mine Permitting  
and Regulatory Affairs

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**The Mosaic Company**  
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Diana.Jagiella@mosaicco.com

June 26, 2014

Mr. Kevin O'Kane, Chief  
Tampa Regulatory Section  
U.S. Army Corps of Engineers  
10117 Princess Palm Avenue, Suite 120  
Tampa, Florida 33610

**Re: ACOE File SAJ-2011-01968**  
**DeSoto Mine – Revised USACE 404 Application and Supporting Information**

Dear Mr. O'Kane:

Mosaic Fertilizer, L.L.C. (Mosaic) is pleased to submit a revised Clean Water Act Section 404 permit application and supporting information for its proposed DeSoto Mine in DeSoto County, Florida. The enclosed submittal is a substantial revision to Permit Application No. SAJ-2011-01968, originally submitted by Mosaic in June 2011.

Mosaic has revised its proposed DeSoto Mine to reduce environmental impacts based on additional information, feedback and analysis received and conducted after submittal of the June 2011 Application, including the U.S. Army Corps of Engineers (USACE) and U.S. Environmental Protection Agency (EPA) Final Areawide Environmental Impact Statement (FAEIS) on Phosphate Mining in the Central Florida Phosphate District. This revision effort included evaluation of alternative mine sites, alternative site development plans, and opportunities to avoid and minimize adverse effects of development of the DeSoto Mine as proposed in 2011 in accordance with the Section 404(b)(1) Guidelines and the mitigation framework outlined by USACE in Section 5.4 of the FAEIS.

As a result of the additional evaluations, Mosaic has altered its proposed project to reduce impacts to jurisdictional wetlands by 1,002 additional acres and impacts to jurisdictional stream channels by 8,400 linear feet, as compared to the Proposed Action presented in the June 2011 Application. In accomplishing these reductions, Mosaic selected areas to be avoided based on information and feedback received including the FAEIS avoidance prioritization hierarchy developed by USACE and EPA for application of the Section 404(b)(1) Guidelines to phosphate mining. Mosaic also proposes to enhance and encumber an additional 625 acres of land immediately adjacent to the mine boundary with Conservation Easements. As part of the overall avoidance and minimization effort, Mosaic has reconfigured CSAs to facilitate additional reduction in impacts.

Mosaic has also developed a proposed federal compensatory mitigation plan with two components. The plan includes onsite preservation and in-kind establishment of wetlands and streams, as well as wetland and stream restoration work and preservation on immediately adjacent property that specifically addresses the ecological needs of the Peace River watershed. The combination of onsite and immediately adjacent mitigation provides advance and concurrent mitigation to minimize temporal losses of aquatic functions to the extent practicable.

Mosaic appreciates the work conducted to date by USACE and EPA to carefully consider information provided by the public, other agencies, and stakeholders, and to conduct a thorough evaluation of the proposed actions analyzed in the FAEIS. Mosaic believes the proposed DeSoto Mine presented in the enclosed *Revised USACE 404 Application and Supporting Information* is responsive to the information received and developed in the FAEIS, and meets all requirements for issuance of a CWA Section 404 permit.

We look forward to meeting with you and your staff as soon as practical to discuss this revised application. If you have any questions concerning this submittal, please feel free to contact me at (813) 500-6820 or Bart Arrington at (813) 500-6891.

Sincerely,



Diana M. Jagiella

DJ/ck  
Enclosure

xc: Mark Peterson - ACOE  
Duncan Powell - EPA  
Calvin Alvarez - FDEP  
Thomas Cookingham - DeSoto County  
Bart Arrington - Mosaic

Kevin O'Kane, ACOE  
RE: Revised USACE 404 Application and Supporting Information  
June 26, 2014  
Page 3

bcc: Jon Faletto  
Deidre Duncan – Hunton & Williams

Mailing addresses

Calvin Alvarez  
Florida Department of Environmental Protection  
MS 3500  
2600 Blairstone Road  
Tallahassee, Florida 32399-3200

Tom Cookingham  
DeSoto County  
Board of County Commissioners  
201 East Oak Street, Suite 204  
Arcadia, Florida 34266

Duncan Powell  
Wetlands, Coastal and Ocean Branch  
US Environmental Protection Agency  
Region IV  
61 Forsyth Street Southwest  
Atlanta, GA 30033

Deidre Duncan  
Hunton & Williams LLP  
2200 Pennsylvania Avenue NW  
Washington, DC 20037

**U.S. ARMY CORPS OF ENGINEERS  
APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT  
33 CFR 325. The proponent agency is CECW-CO-R.**

*Form Approved -  
OMB No. 0710-0003  
Expires: 31-AUGUST-2013*

Public reporting for this collection of information is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters, Executive Services and Communications Directorate, Information Management Division and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please **DO NOT RETURN** your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

**PRIVACY ACT STATEMENT**

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

**(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)**

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
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**(ITEMS BELOW TO BE FILLED BY APPLICANT)**

5. APPLICANT'S NAME First - Diana                      Middle - M                      Last - Jagiella Company - Mosaic Fertilizer, LLC. E-mail Address - diana.jagiella@mosaicco.com	8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First -                      Middle -                      Last - Company - E-mail Address -
6. APPLICANT'S ADDRESS: Address- 13830 Circa Crossing Drive City - Lithia                      State - FL                      Zip - 33547                      Country -	9. AGENT'S ADDRESS: Address- City -                      State -                      Zip -                      Country -
7. APPLICANT'S PHONE NOS. w/AREA CODE a. Residence                      b. Business                      c. Fax 813-500-6820                      813-571-6913	10. AGENTS PHONE NOS. w/AREA CODE a. Residence                      b. Business                      c. Fax

**STATEMENT OF AUTHORIZATION**

11. I hereby authorize, \_\_\_\_\_ N/A to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

\_\_\_\_\_ SIGNATURE OF APPLICANT                      \_\_\_\_\_ DATE

**NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY**

12. PROJECT NAME OR TITLE (see instructions) DeSoto Mine			
13. NAME OF WATERBODY, IF KNOWN (if applicable) Brandy Branch, Buzzards Roost Branch, Horse Creek, and others.		14. PROJECT STREET ADDRESS (if applicable) Address	
15. LOCATION OF PROJECT Latitude: ◻N 27*16' 17.668"                      Longitude: ◻W 81* 59' 3.304"		City -                      State-                      Zip-	
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID Refer to Table 1-2 and Map 1-6.                      Municipality Section - See legal descrip.                      Township -                      in Appendix 1-1                      Range -			

17. DIRECTIONS TO THE SITE

From Tampa, take I-75 south to SR-70 East. Travel on SR 70 east for approximately 28 miles. Property is on north and south sides of SR 70.

18. Nature of Activity (Description of project, include all features)

Phosphate mining. Please refer to Sections 1-7 of the attached supporting documentation.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

Please refer to Sections 1 of the attached supporting documentation.

**USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED**

20. Reason(s) for Discharge

Please refer to Sections 1-7 of the attached supporting documentation.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
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Refer to Table 3-2

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres ~2,780 acres of ACOE JD wetlands

or

Linear Feet ~54,901 feet of ACOE JD streams

23. Description of Avoidance, Minimization, and Compensation (see instructions)

See attached supporting documentation for description of avoidance, minimization and compensation. Please refer to Sections 1-5 of the supporting documentation.

24. Is Any Portion of the Work Already Complete?  Yes  No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- Please refer to Table 1-1 and Maps 1-6 and 1-6A in the supporting documentation.

City - State - Zip -

b. Address-

City - State - Zip -

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
Please see Section 1.6					
in the attached					
supporting documents					

\* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

Alicia M. Jagiello  
SIGNATURE OF APPLICANT

4/26/2014  
DATE

\_\_\_\_\_  
SIGNATURE OF AGENT

\_\_\_\_\_  
DATE


The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.


**CERTIFICATE OF SECRETARY  
OF  
MOSAIC FERTILIZER, LLC  
AS TO AUTHORIZATION**

The undersigned, Richard L. Mack, does hereby certify that he is the duly elected Executive Vice President and Corporate Secretary of Mosaic Fertilizer, LLC, a Delaware Limited Liability Company (the "Company") and further certifies as follows:

1. Diana M. Jagiella, in her capacity as Senior Director Mine Permitting and Regulatory Affairs for the Company, is authorized to sign any and all documents relating to and including, but not limited to, zoning and permit applications and annual reports for such permit applications that are executed or filed on behalf of the Company with any city, county, state or federal agency.
2. The signature appearing opposite Ms. Jagiella's name is a true and correct specimen of her signature:

NAME:	TITLE:	SIGNATURE:
Diana M. Jagiella	Senior Director Mine Permitting and Regulatory Affairs	

In witness whereof, the undersigned has executed this document effective this 1st day of May 2014.

  
\_\_\_\_\_  
Richard L. Mack  
Executive Vice President and Corporate  
Secretary

Subscribed and sworn to before me  
this 1st day of May, 2014.

  
\_\_\_\_\_  
Notary Public

