



**US Army Corps  
Of Engineers**  
Wilmington District

# PUBLIC NOTICE

**Issue Date:** May 22, 2008  
**Comment Deadline:** July 7, 2008  
**Corps Action ID #:** 200110096

The Potash Corporation of Saskatchewan Phosphate Division, Aurora Operation (PCS) has applied for Department of the Army authorization to undertake an approximately 11,909 acre mine advance into the approximately 15,100 acre project area surrounding its current mining operation located north of Aurora, Beaufort County, North Carolina. The proposed expansion would occur over an approximately 37 year period and would impact approximately 4,135 acres of waters of the United States including wetlands adjacent to The Pamlico River, South Creek and Durham Creek. The Purpose and Need for the proposed action is to continue mining its [the applicant's] phosphate reserve in an economically viable fashion. More specifically, the applicant's purpose and need is to implement a long-term systematic and cost-effective mine advance within the project area for the ongoing PCS mine operation at Aurora, North Carolina.

Pursuant to the National Environmental Policy Act, the Corps of Engineers, Wilmington District, Regulatory Division (Corps) has prepared a final Environmental Impact Statement (FEIS) to examine the impacts of the proposed action and alternatives to the proposed action. Specific plans and location information are fully described in the FEIS. This Public Notice and the FEIS are available on the Wilmington District Web Site at [www.saw.usace.army.mil/wetlands](http://www.saw.usace.army.mil/wetlands)

**Applicant:** Potash Corporation of Saskatchewan  
Phosphate Division, Aurora Operation (PCS)  
1530 NC Highway 306 S.  
Aurora, North Carolina 27806

## **Authority**

The Corps is evaluating the applicant's proposal and will decide whether to issue, conditionally issue, or deny the proposed work pursuant to all applicable procedures of Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act.

## **Location**

The Current Mine operation is located north of Aurora, Beaufort County, North Carolina, adjacent the Pamlico River. The defined project area for the current action is comprised of three tracts; a 3,608 acre area east of the current operation and adjacent South Creek identified as the NCPC tract, an 8,686 acre area south of the current operation and south of NC Highway 33 identified as the S33 tract and a 2,806 acre area west of the current operation and adjacent

Durham Creek identified as the Bonnerton tract. The S33 tract contains fewer wetlands than either of the other tracts (S33 = 1,130 acres of waters of the US, NCPC = 2,408 acres of waters of the US, and Bonnerton = 2,130 acres of waters of the US).

### **Purpose and Need**

The Purpose and Need for the proposed action is to continue mining its [the applicant's] phosphate reserve in an economically viable fashion. More specifically, the applicant's purpose and need is to implement a long-term systematic and cost-effective mine advance within the project area for the ongoing PCS mine operation at Aurora, North Carolina.

### **Project History**

In August 1997 the Corps issued to PCS a Department of the Army Permit (Action ID no. 198800449) to mine wetlands within a portion of the area defined as the NCPC Tract. In addition, the North Carolina Division of Water Quality (DWQ) issued Water Quality Certification No. 3092 on May 6, 1997. This action is more fully described in the August, 1996 Final Environmental Impact Statement for the Texasgulf Inc. Mine Continuation. The 1997 permit and certification included impacts to approximately 1,263 acres of Section 404 jurisdictional wetland associated with a mine advance into an approximately 4,900 acre project area identified as Alternative E in the 1996 FEIS.

On November 2, 2000, PCS applied for Department of the Army authorization to continue its phosphate mining operation on the Hickory Point peninsula adjacent the Pamlico River and South Creek, north of Aurora, Beaufort County, North Carolina, once reserves are depleted under the existing permitted area. The Corps circulated a Public Notice describing this application on January 2, 2001 (Action ID No. 200110096). PCS elected to further reduce proposed impacts to waters of the US in response to comments on this Public Notice and submitted a revised permit application on August 13, 2001. The Corps circulated a second Public Notice on October 4, 2001, describing the revised application.

The Corps filed a draft Environmental Impact Statement (DEIS) with the U.S. Environmental Protection Agency (EPA) and released the document via Federal Register Notice on October 20, 2006. The Corps simultaneously issued a public notice requesting comment on the document, proposed action and the various alternatives. The comment period was originally set at three months and was extended an additional 2 weeks. The Document identified and evaluated a "No Action" mining alignment and 9 alternatives. A Public Hearing on the project was conducted on December 14, 2006.

After review of the comments and further discussion with review agencies and the applicant the Corps determined it appropriate to evaluate an additional alternative. The Applicant requested a second additional alternative be evaluated as well. Both these alternatives are contained within the project area and alternative boundaries established in the DEIS. These two additional alternatives were presented in Supplement I to the DEIS (SDEIS) submitted to the EPA and released by Federal Register Notice in November 2007. Information necessary to objectively evaluate both alternatives and to compare these alternatives to the alternatives introduced in the DEIS was contained in the SDEIS. The comment period for the SDEIS was set at 45 days and was extended 10 days.

## **Availability**

The complete FEIS along with the complete text of the DEIS, the SDEIS, and Public Hearing Transcript may be viewed on the Wilmington District's website at <http://www.saw.usace.army.mil/WETLANDS/index.html> under the "Major Projects and Policies" heading. Written or electronic copies of the documents may be obtained by contacting Ms Thelma Hemingway at (910) 251-4789.

Written copies of the FEIS are available for viewing at the following library locations:

Hazel Guilford Memorial Library  
524 Main Street  
Aurora, North Carolina

BHM Regional Library  
158 N. Market Street  
Washington, North Carolina

Pamlico County Library  
603 Main Street  
Bayboro, North Carolina

New Bern – Craven County Library  
400 Johnson Street  
New Bern, North Carolina

## **Other Required Authorizations**

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Mr. John Dorney by July 7, 2008.

The applicant has not provided to the Corps, a certification statement that his/her proposed activity complies with and will be conducted in a manner that is consistent with the approved North Carolina Coastal Zone Management Program. Pursuant to 33 CFR 325.2(b)(2), the Corps can not issue a permit for the proposed work until the applicant submits such a certification to the Corps and the North Carolina Division of Coastal Management (NCDCM), and the NCDCM notifies the Corps that it concurs with the applicant's consistency certification.

## **Evaluation**

The FEIS fully describes the coordination history and current determinations for Essential Fish Habitat (EFH) pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, Threatened and Endangered Species pursuant to the Endangered Species Act, and Cultural Resources pursuant to the National Historic Preservation Act.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

### **Commenting Information**

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity, the alternatives and the FEIS. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

The Corps will accept written comments pertinent to the proposed work, the alternatives and the FEIS until 5pm, July 7, 2008. Comments should be submitted to U.S. Army Corps of Engineers, Wilmington District, Regulatory Division. ATTN: File Number 2001-10096, Post Office Box 1890, Wilmington, NC 28402-1890. Questions about the proposed action and FEIS can be directed to Mr. Tom Walker, Project Manager, Regulatory Division, telephone: (828) 271-7980 extension 222.