



## SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

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Duane Harris, Chairman  
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Robert K. Mahood, Executive Director  
Gregg T. Waugh, Deputy Executive Director

June 11, 2009

Michael H. Shapiro  
Acting Assistant Administrator for Water  
USEPA Headquarters  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
**Mail Code:** 4101M  
Washington, DC 20460

Dear Mr. Shapiro:

The South Atlantic Fishery Management Council (SAFMC) previously provided (2007) comments on the proposed expansion of mining operations by the Potash Company of Saskatchewan, Inc. (PCS) in response to the Environmental Impact Statement and presented under Action ID 200110096. Subsequent to the provision of the Council's comments, the U.S. Army Corps of Engineers, Wilmington District, recently issued a permit (effective June 13, 2009) for a modification of the originally proposed mine expansion.

The expansion of mining operations, as proposed in the issued permit, will impact areas identified as Essential Fish Habitat (EFH) and EFH Habitat Areas of Particular Concern (HAPCs) in the SAFMC's Comprehensive Habitat Amendment to Fishery Management Plans (coral, coral reef and live bottom habitat, red drum, shrimp, spiny lobster, coastal migratory pelagic species, and the snapper-grouper complex). Specifically in North Carolina, the Council has designated state established Primary Nursery Areas as HAPCs.

Besides impacting habitats used by managed species under the SAFMC's jurisdiction, the proposed activities would also impact habitats that support other living marine resources of critical importance to the SAFMC. The SAFMC is committed to applying an ecosystem-based approach to the management of resources within its jurisdiction; hence the SAFMC supports the protection of species which serve as prey for federally managed fishery species (including king mackerel, Spanish mackerel, cobia, and highly migratory species). The proposed project poses a significant risk to the coastal ecosystem as a whole through alteration of food web dynamics, diminished water quality, and altered estuarine productivity.

The SAFMC concurs with the conclusions of multiple federal and state natural resource management agencies (NC Division of Marine Fisheries, NC Marine Fisheries Commission, NC Wildlife Resources Commission, National Marine Fisheries Service and U.S. Fish and Wildlife Service) that the proposed project will result in significant and unacceptable impacts to EFH and

aquatic resources that depend on those habitats. Therefore, the SAFMC recommends that the U.S. Environmental Protection Agency veto the issued permit for this project.

Thank you for the opportunity to provide comments on this project. Please direct questions or comments to Roger Pugliese ([Roger.Pugliese@safmc.net](mailto:Roger.Pugliese@safmc.net)) or Myra Brouwer ([Myra.Brouwer@safmc.net](mailto:Myra.Brouwer@safmc.net)) at the SAFMC office, (843) 571-4366.

Sincerely,

A handwritten signature in black ink, appearing to read "Duane Harris". The signature is fluid and cursive, with a large initial "D" and "H".

Duane Harris

SAFMC Chair

Cc: (via electronic mail)  
Council members and staff  
Habitat AP