

## Screening Form for Low-Effect HCP Determinations

This screening form contains evaluations for construction and operation of a phosphate mine in Hardee County, Florida. Project number 2022-0062124

### I. Project Information

- A. **Project name:** South Fort Meade Eastern Extension Phosphate Mine
- B. **Affected species:** Audubon's crested caracara (*Polyborus plancus audubonii*; now northern crested caracara, *Caracara cheriway*) (caracara)
- C. **Project size:** ± 4,386.1 acres (ac)
- D. **Brief description including minimization and mitigation plans:**

Mosaic Fertilizer, LLC (Applicant) proposes to develop and operate a phosphate mine on a ± 4,386.1-acre parcel known as the "South Fort Meade Eastern Extension Phosphate Mine" in Hardee County, Florida. Mining activities will include land clearing, grading, excavation, and removal of commercial-grade phosphate. The project will also involve the operation of a powered dragline, construction of ditches and berms for water control, pipelines for movement of matrix and tailings, access and corridor roads for utility power lines, and other ground disturbances. The project parcel is one of several phosphate mines operated by the Applicant in the region.

The Applicant holds an active 404 permit and is requesting an Incidental Take Permit (ITP) under Section 10 to address impacts on a new caracara nest recently established within the Project footprint. An analysis of wetland impacts, and mitigation has been conducted through the review process of the State 404 Program Individual Permit under the Clean Water Act (Permit No. ST404\_398010-003), issued on September 19, 2023. No additional wetlands will be impacted.

The predominant land uses onsite include Improved Pastures (*Florida Land Use, Cover and Forms Classification System* [FLUCCS 211]), Shrub and Brushland (FLUCCS 320), Freshwater Marshes (FLUCCS 647), Open Lands (Rural) (FLUCCS 260), and Low Density Residential (FLUCCS 110). Other land uses are present in small proportions. The Project site is located east of the South Fort Meade Mine and North of State Road 64, in sections 1-4 and 12-14, Township 33S, Range 26E, sections 5, 6, 8, 9, 14-16, 21-23, and 26-28, Township 33S, Hardee County, Florida.

The Project site falls in the delineated consultation area for the caracara and contains foraging and nesting habitat for this species. Caracara surveys documented an active nest near the western boundary of the Project parcel. Nearly half of the Primary Zone and a portion of the Secondary Zone overlap with the Project area and are slated for mining.

Proposed Impacts: Approximately 42.7 acres of the 70-acre Primary Zone overlap with the Project site and are slated for mining. The Primary Zone of a caracara breeding pair is considered of vital importance for breeding success. Site preparation and mining operations will temporarily alter approximately 42.7 ac of the Primary Zone likely resulting in missed foraging opportunities, a need to travel farther to find food, encounter intraspecific aggression from adjacent territorial pairs, and ultimate abandonment of the breeding territory.

Impacts on foraging habitat are considered temporary. All mined lands will be reclaimed to their original state 3 to 5 years after mining. Additionally, 27.3 acres of the Primary Zone is currently protected under conservation easements in properties adjacent to the Project parcel, which can provide some alternative habitat. It is expected that the breeding pair remains in the area.

Protection Measures: To minimize disturbance on nesting caracaras all mining activities within the Primary Zone will be timed to occur during the non-breeding season. Mining activities can only be conducted after all young caracaras have fledged and are independent.

Mitigation: Per the Service's Audubon's Crested Caracara Conservation Guidelines (Guidelines), if habitat disturbance happens within the 300-meter Primary Zone, the project proponent must restore an equal area to suitable caracara habitat. While the risk of territory abandonment is small given the small scale of impacts and the habitat available under conservation easements, the applicant has opted to restore habitat equivalent to the entire 70-ac Primary Zone. The estimated cost of restoring an acre of citrus grove to pasture with scattered cabbage palm trees and wetlands is approximately \$550. The applicant will deposit  $70 \text{ ac} * \$550/\text{ac} = \$38,000$  in the Audubon Crested Caracara Conservation Fund managed by the Fish and Wildlife Foundation of Florida. The deposit will be made no later than 30 days after ITP issuance.

The Applicant has applied to the Service for an incidental take permit (ITP) under section 10 of the Endangered Species Act of 1973, as amended (Act) (87 Stat. 884; 16 U.S.C. 1531 *et seq.*) and requests an ITP duration of 20 years.

**II. Does the Habitat Conservation Plan (HCP) fit the low-effect criteria in the HCP handbook?**

**A. Are the effects of the HCP minor or negligible on federally listed, proposed, or candidate species and their habitat covered under the HCP prior to implementation of the mitigation plan?**

Yes. The caracaras affected by the issuance of this permit are part of the population that occupies pasture and prairie habitat in the south-central region of Florida. The potential temporary loss of productivity associated with the proposed Project is not expected to significantly reduce the likelihood of survival and recovery of this species. This finding is based on the existing level of protection afforded to this species on public and private conservation lands.

The caracara's perceived decline, as described in the literature, is attributed primarily to habitat loss (Layne 1996). Large areas of native prairie and pasture in south-central Florida were converted to citrus groves, tree farms, or other forms of agricultural, commercial, or residential development. Estimates of caracara population numbers are difficult because most breeding territories occur on private lands inaccessible to researchers and roadside counts are biased.

Because of the small size of the temporary impact, likely decrease in breeding productivity by the nesting pair, the proposed Project is likely to result in only minor or negligible impacts on this species range wide. The Applicant's reclamation plan of all mined lands and proposed offsite restoration of a the 70-ac to suitable caracara habitat represents a biologically defensible compensation strategy for caracaras.

**B. Are the effects of the HCP minor or negligible on other environmental values or resources (e.g., air quality, geology and soils, water quality, socio-economic, cultural resources, recreation, visual resources, etc.) prior to implementation of the mitigation plan?**

Yes. There may be a temporary decline in air quality and an increase in noise within the construction site, but these effects will be minor and for a short duration of time.

**C. Would the impacts of this HCP, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects, not result in cumulative effects to environmental values or resources which would be considered significant?**

Yes. The impacts of this HCP together with other past, present, or future projects will not result in significant cumulative effects to environmental values or

resources for two reasons. The first reason is that any development project impacting caracaras or their habitat with onsite wetlands will likely require both a county building permit and a permit from the U.S. Army Corps of Engineers' 404 permitting program under the Clean Water Act, and therefore will require coordination with the Service under section 7 of the Act.

The second reason is if an applicant for a building permit or the permit issuing authority believes the proposed project could violate section 9 of the Act, but there is no Federal nexus requiring consultation with the Service, section 10 of the Act provides a mechanism for the Service to review and permit the incidental take of listed species. In order to obtain an incidental take permit, an applicant must prepare an HCP that describes how impacts to the species will be avoided, minimized, and mitigated for to the maximum extent practicable. To be acceptable to the Service, an HCP for a project affecting federally listed caracaras would generally include the contribution of funds for research or preservation of habitat.

### **III. Do any of the exceptions to the categorical exclusions apply to this HCP?**

#### **Would implementation of the HCP:**

##### **A. Have significant adverse effect on public health or safety?**

No. Land clearing and mining activities are not expected to have adverse effects on public health or safety. Although there may be an increase in traffic due to project implementation, any adverse effect to the public should be minimal as a result of planning and local traffic signage. The Service has no reason to believe that the Applicant or contractors will not abide by all public health and safety laws as governed by all applicable Tribal, State and local jurisdictions.

##### **B. Have adverse effects on such unique geographic characteristics as historical or cultural resources, park, recreation or refuge lands, wilderness area, wild or scenic rivers, sole or principal drinking water aquifers, prime farmland, wetlands, flood plains, or ecologically significant or critical areas, including those listed on the Department's National Registry of Natural Landmarks?**

No adverse effects are anticipated on the above resources as a result of Project construction. A cultural and historical review of the site has found no unique historical or cultural resources in this location. Other features mentioned above do not exist on or adjacent to the site such as refuge and wilderness lands, wetlands or floodplains.

**C. Have highly controversial environmental effects?**

No, the Service does not anticipate this Project will have any controversial environmental effects.

**D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?**

No, sand mines such as this proposed Project does not pose significant, unique, or unknown environmental risks.

**E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?**

No. Incidental take permits are issued by the Service on a case-by-case basis pursuant to agency regulations. Each HCP is evaluated on its own merit prior to a Service decision regarding whether or not to issue an ITP. Therefore, the issuance of this ITP does not represent a decision in principle about future actions the Service may take.

**F. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects?**

No. The Service expects impacts to environmental values and resources will be negligible due to the size of the project site.

**G. Have adverse effects on properties listed or potentially eligible for listing on the National Register of Historic Places?**

No. The review conducted by the State Historic Preservation Officer has resulted in the determination that the proposed project will have no adverse impact on sites either eligible for or listed on the National Register of Historic Places.

**H. Have adverse effects on listed or proposed species, or have adverse effects on designated Critical Habitat for these species?**

No. As indicated above, the loss of individual caracaras associated with the proposed Project is not expected to significantly reduce the likelihood of survival and recovery of this species. The protection and management of large parcels of caracara habitat reduces risk to those populations. The Service is not aware of the presence of any species that are proposed to be listed within the HCP planning area; therefore, we do not expect issuance of the ITP will have an adverse effect on proposed species. Similarly, since no critical habitat has been designated for caracaras, none will be adversely affected.

**I. Have adverse effects on wetlands, floodplains or be considered a water development project thus requiring compliance with either Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?**

No. The Applicant has previously conducted an analysis of wetland impacts and mitigation through an active State 404 Program Individual Permit under the Clean Water Act (Permit No. ST404\_398010-003) issued on September 19, 2023. No additional wetlands will be impacted.

**J. Threaten to violate a Federal, State, local, tribal law or requirement imposed for the protection of the environment?**

No. Issuance of the ITP and implementation of the associated HCP are not expected to violate any other Federal, State, local, or tribal law or requirement governing environmental protection.

**IV. ENVIRONMENTAL ACTION STATEMENT**

Based on the analysis above, the South Fort Meade Eastern Extension Phosphate Mine HCP qualifies for a categorical exclusion as defined in the U.S. Fish and Wildlife Service Habitat Conservation Planning Handbook. Therefore, this action is categorically excluded from further NEPA documentation as provided by 516 DM 2, Appendix 1 and 516 DM 6, Appendix 1.

Other supporting documents:

Layne, J.N. 1996. Crested caracara. Pages 197-210 *in*: J.A. Rodgers, Jr., H.W. Kale II, and H.T. Smith (eds.). Rare and Endangered Biota of Florida. Volume V. Birds. University Press of Florida; Gainesville, Florida.

South Fort Meade Eastern Extension Phosphate Mine Habitat Conservation Plan for the Audubon's crested caracara (*Polyborus plancus audubonii*), May 7, 2024.

Concurrence:

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