



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
TAMPA REGULATORY OFFICE
P.O. BOX 19247
TAMPA, FLORIDA 33686-9247

DEPARTMENT OF THE ARMY PERMIT

Permittee: CARGILL FERTILIZER, INC.

Permit No. 199902004(IP-JB)

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: To construct and expand an existing phosphogypsum stack by the filling of 53.9 acres of wetlands and to implement a mitigation plan to restore the Archie Creek floodplain that includes wetland creation, wetland enhancement, wetland preservation, and upland preservation. The work described above is as shown on the plan drawings numbered 199902004(IP-JB) in 9 sheets, dated 16 October, 2000. These drawings can be found in Attachment "A" and Attachment "C", which is attached to, and becomes part of, this permit.

Project Location: In Riverview, north of the Alafia River in Sections 2, 10, 11, 14, & 15, Township 30 South, 19 Range East, Hillsborough County, Florida.

Permit Conditions:

General Conditions (please give special consideration to conditions 2 and 4):

1. The time limit for completing the work authorized ends on 30 Jan 2006. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

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2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature and mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. All additional work in Waters of the United States outside the scope of this DA permit will require separate authorization including works performed to implement the "NEB's" which may be required by State and Local regulatory authorities.
2. Provide mitigation for the filling of 53.9 acres of wetland by implementing the Mitigation Plan that is comprised of 15 pages and attached to this permit as attachment "C". Compensation areas will be completed by within two years of the commencement of construction in waters of the United States.

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3. The compensation areas will be monitored to assure success. Monitoring reports will be submitted to the U.S. Army Corps of Engineers Regulatory Divisions Enforcement Branch, Jacksonville and the U.S. Army Corps of Engineers, Tampa Regulatory Field Office. **All monitoring reports will include a copy of this permit instrument and a post-construction plan view drawing of the created areas with planting zones labeled.** Reports will be prepared and submitted annually for five years and will continue after the fifth year if success criteria had not been achieved. The first monitoring period will begin 6-months following completion of the construction of the compensation areas.

4. Monitoring reports will include the following success criteria:

a. Percent cover of viable non-nuisance/hydrophytic species located in each compensation areas. Minimum area cover of each compensation area will be maintained at 85% or higher prior to release.

b. Percent cover of nuisance and exotic species located in each compensation area should never exceed 10% total cover.

c. Piezometer or shallow ground water well data to indicate the presence of sufficient hydrology. Monitoring should be performed with frequency to indicate the presence of free-water within 12 inches of the ground surface for a minimum of 30 consecutive days within the growing season. This data should be accompanied by precipitation data collected on or very near the project site. Thirty-year normal precipitation rates for the local area should also be included.

d. Qualitative and quantitative vegetative monitoring utilizing permanent transects and fixed point panoramic photographs.

5. The permittee shall undertake required maintenance activities within the compensation areas as needed at any time between mitigation site construction and termination of monitoring. Maintenance shall include the manual removal or herbiciding of all nuisance species and exotic species, with sufficient frequency, so that their combined coverage at no time exceeds the success criteria outlined in a.-c. above.

6. Within 60 days of completion of the work authorized and mitigation (if applicable), the attached "Self-Certification Statement of Compliance" must be completed and submitted to the U.S. Army Corps of Engineers. Mail the completed form to the Regulatory Division, Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232-0019 and a copy to the Tampa Regulatory Office.

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form to the Regulatory Division, Enforcement Branch, Post Office Box 4970,
Jacksonville, Florida 32232-0019 and a copy to the Tampa Regulatory Office.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

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- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

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Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Greg D. Davis 12/29/00 Vice President-Operations
(PERMITTEE) (DATE) Cargill Fertilizer, Inc.

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

James G. May 2 JAN 2001
(DISTRICT ENGINEER) (DATE)
James G. May
Colonel, U.S. Army

THIS PERMIT CONTAINS 4 ATTACHMENTS, TOTALING 129 PAGES

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)

Attachments to Department of the Army
Permit Number 199902004(IP-JB)

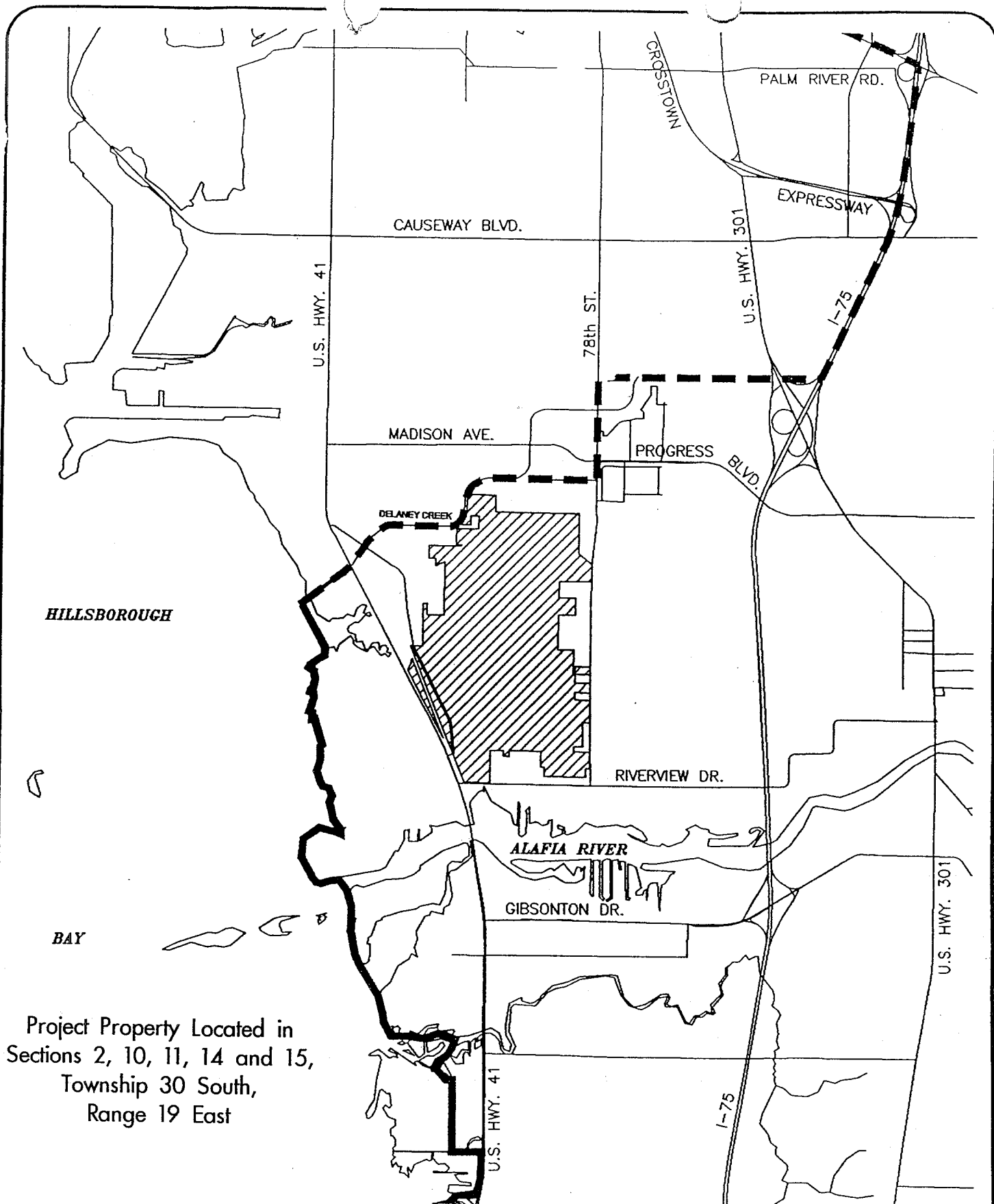
- A. PERMIT DRAWINGS: 9 pages, dated 16 October 2000

- B. WATER QUALITY CERTIFICATION: Florida Department of Environmental Protection Environmental Resource Permit with Specific Conditions and the "Development Order for DRI No. 242" in accordance with General Condition number 5 on page 2 of this DA permit. The permit, conditions and Development Order consist of 80 pages. Note: the attachment of this permit does NOT authorize additional works in waters of the United States outside the stated acreage of the DA permit

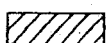
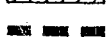

- C. Mitigation Procedures: Titled "Cargill Mitigation Plan for Phosphogypsum Stack Expansion" consisting of 15 pages.

- D. Hillsborough Environmental Protection Commission permit dated 9 October 2000 consisting of 17 pages. Note: the attachment of this permit does NOT authorize additional works in waters of the United States outside the stated acreage of the DA permit.

- E. Additional Documents: NONE



LEGEND

-  Subject Property
-  City of Tampa Service Area
-  Hillsborough County Urban Service Area

10/16/2000



MAP A - 1
GENERAL LOCATION MAP

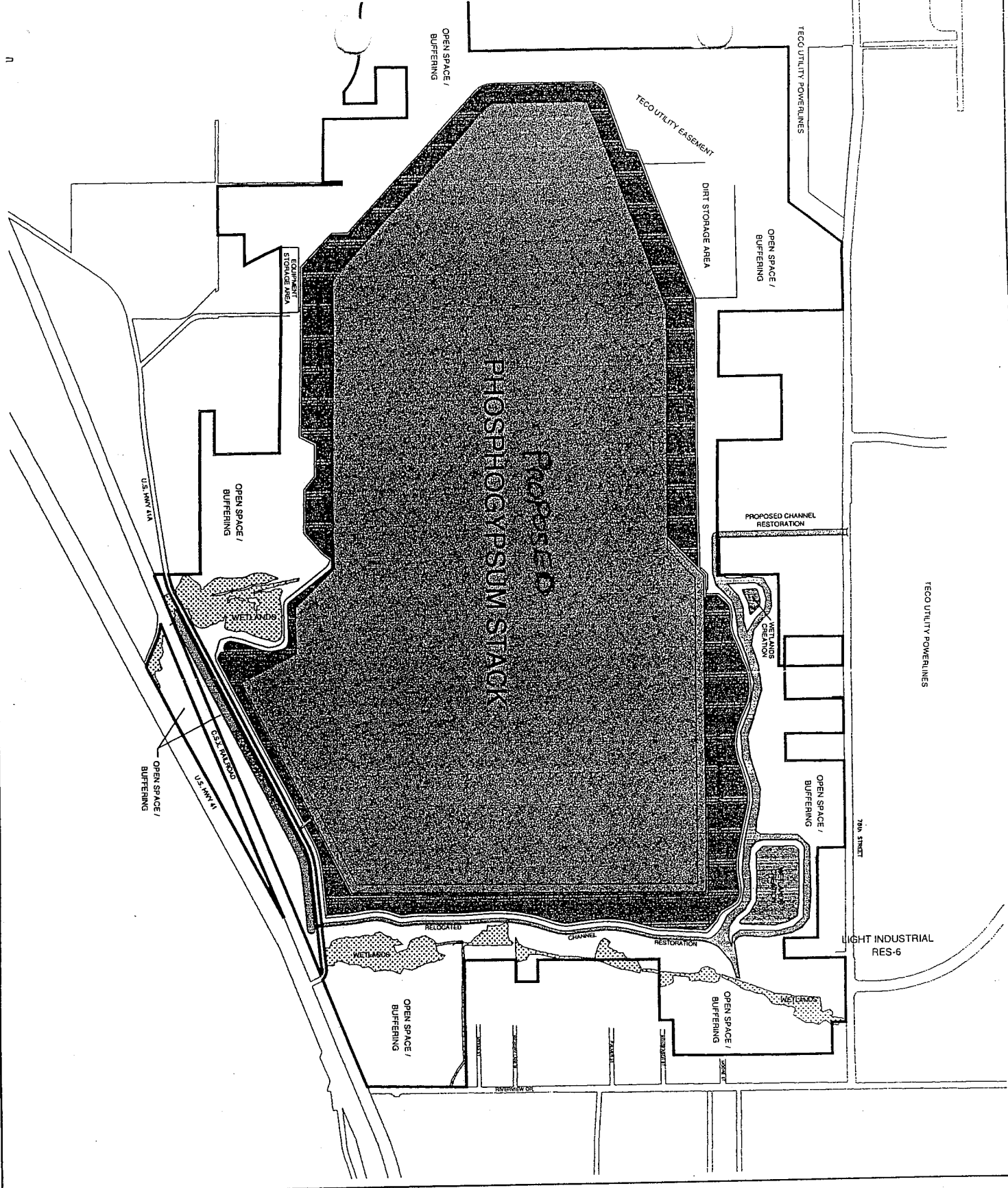


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1 OF 9

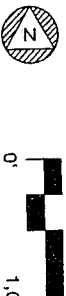
544

13609



- LEGEND**
- GYPSUM STACK EXPANSION DRAINAGE
 - GYPSUM STACK
 - EXISTING WETLANDS
 - CREATED WETLANDS
 - RELOCATED CREEKS & STREAMS
 - WATER MANAGEMENT SYSTEM

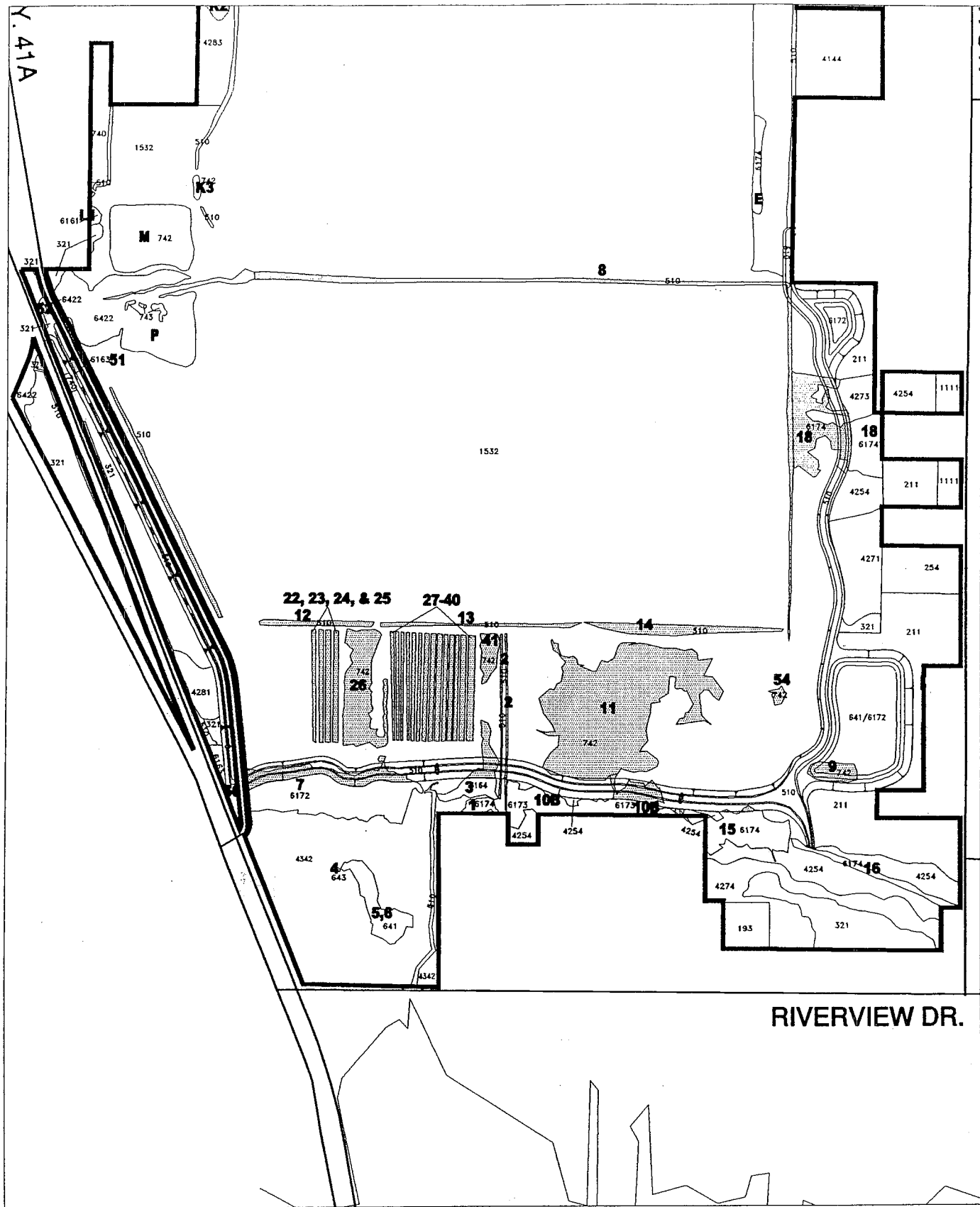
Source: Ardaman & Associates



REVISED MAP H-1
MASTER DEVELOPMENT PLAN
GYPSUM STACK EXPANSION



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RIVERVIEW DR.

LEGEND



IMPACTED WETLANDS

12 WETLAND IDENTIFICATION NUMBER

10/16/2002



0' 1300'

FIGURE 3.19
WETLAND IMPACT MAP



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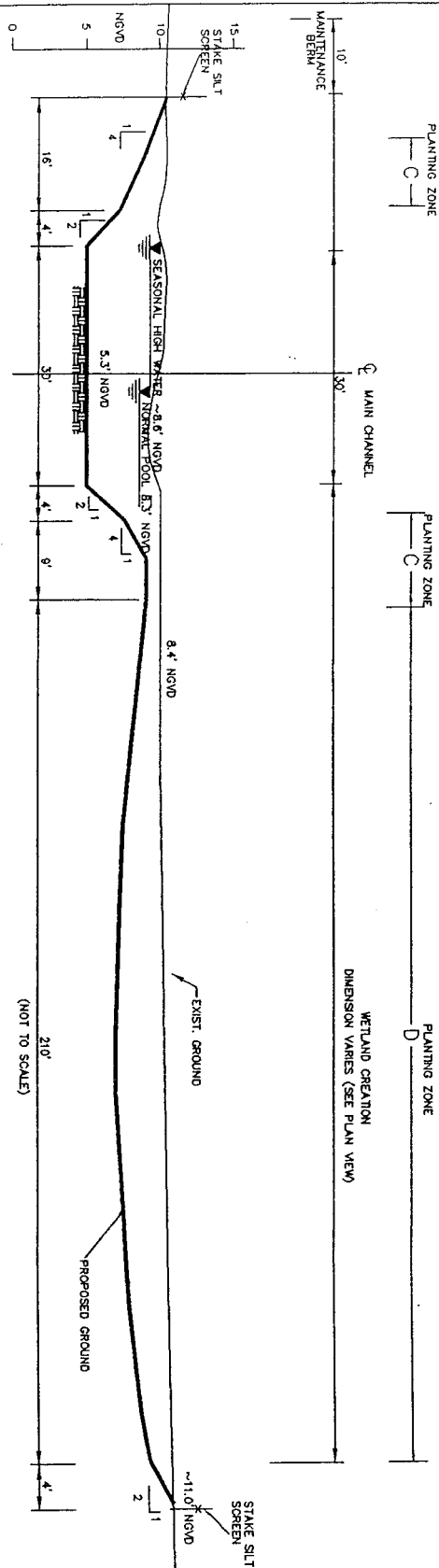


199902004 IATB C

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POST OFFICE BOX 35

TYPICAL CROSS SECTION - FORESTED WETLAND CREATION
B-B



LEGEND
PLANTING ZONE C (7.3' TO 9.0' NGVD)
SAND CORDGRASS (8.5' TO 9.0' NGVD)
SOFT RUSH (8.0' TO 8.5' NGVD)
SPIKERUSH (8.0' TO 8.5' NGVD)
ARROWHEAD (7.3' TO 8.0' NGVD)
PICKERELWEED (7.3' TO 8.0' NGVD)

PLANTING ZONE D (7.3' TO 9.0' NGVD)
TREES
RED MAPLE (8.0' TO 9.0' NGVD)
AMERICAN ELM (8.0' TO 9.0' NGVD)
POP ASH (7.3' TO 8.0' NGVD)
SWAMP TUPELO (7.3' TO 8.0' NGVD)
SHRUBS
WAX MYRTLE (8.3' TO 9.0' NGVD)
BUTONBUSH (7.3' TO 8.3' NGVD)
HERBACEOUS
SAND CORDGRASS (8.5' TO 9.0' NGVD)
SOFT RUSH (8.0' TO 8.5' NGVD)
SAWGRASS (8.0' TO 8.5' NGVD)
ARROWHEAD (7.3' TO 8.0' NGVD)



FIGURE 3.2.B.3
WETLAND CREATION



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LEGEND

PLANTING ZONE A (6.5' TO 9.0' NGVD)

TREES

RED MAPLE (8.0' TO 9.0' NGVD)

AMERICAN ELM (8.0' TO 9.0' NGVD)

CYPRESS (6.5' TO 8.0' NGVD)

SHRUBS

WAX MYRTLE (8.0' TO 9.0' NGVD)

BUTONBUSH (7.0' TO 8.0' NGVD)

HERBACEOUS

SAND CORDGRASS (8.5' TO 9.0' NGVD)

IRIS (8.0' TO 8.5' NGVD)

SPIKERUSH (8.0' TO 8.5' NGVD)

MAIDENCANE (8.0' TO 8.5' NGVD)

ARROWHEAD (6.5' TO 8.0' NGVD)

PICKERELWEED (6.5' TO 8.0' NGVD)

PLANTING ZONE B (6.0' TO 6.5' NGVD)

PICKERELWEED

FIRE FLAG

PLANTING ZONE C (6.75' TO 9.0' NGVD)

SAND CORDGRASS (8.5' TO 9.0' NGVD)

SOFT RUSH (8.0' TO 8.5' NGVD)

SPIKERUSH (8.0' TO 8.5' NGVD)

ARROWHEAD (6.75' TO 8.0' NGVD)

PICKERELWEED (6.75' TO 8.0' NGVD)

TYPICAL CROSS SECTION - FRESHWATER SWAMP/MARSH CREATION AREA
A-A'

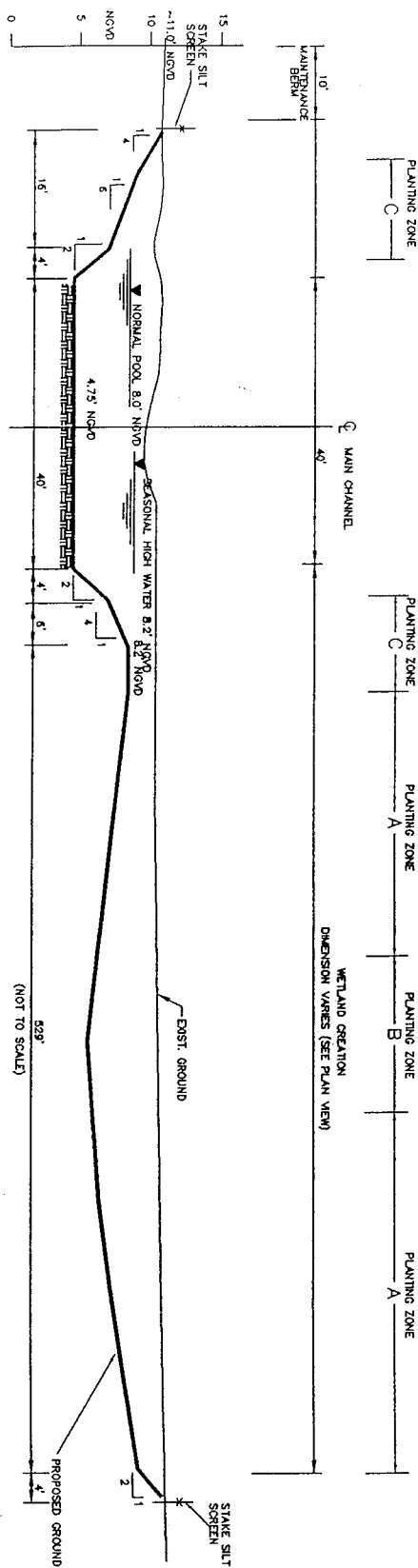


FIGURE 3.2.B.2
WETLAND CREATION
FRESHWATER SWAMP/MARSH

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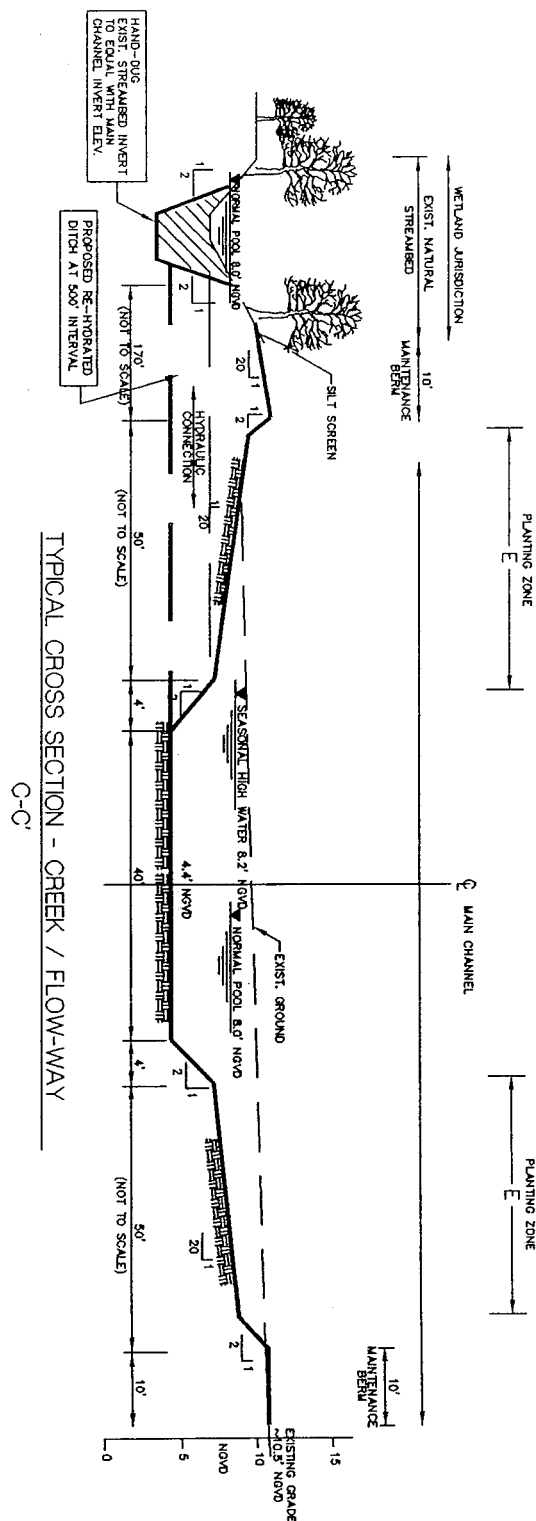


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LEGEND

PLANTING ZONE E (-1.6' TO +1.0'
NORMAL POOL)

SAND CORDGRASS (+0.5' TO +1.0' NP)

MAIDENCANE (-0.5' TO +0.5' NP)

SPIKERUSH (-0.5' TO +0.5' NP)

ARROWHEAD (-1.6' TO -0.5' NP)

BULRUSH (-1.6' TO -0.5' NP)

PICKERWEED (-1.6' TO -0.5' NP)



0' 25'

FIGURE 3.2.B.4
CREEK/FLOW-WAY CREATION



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POST OFFICE BOX 35

LEGEND

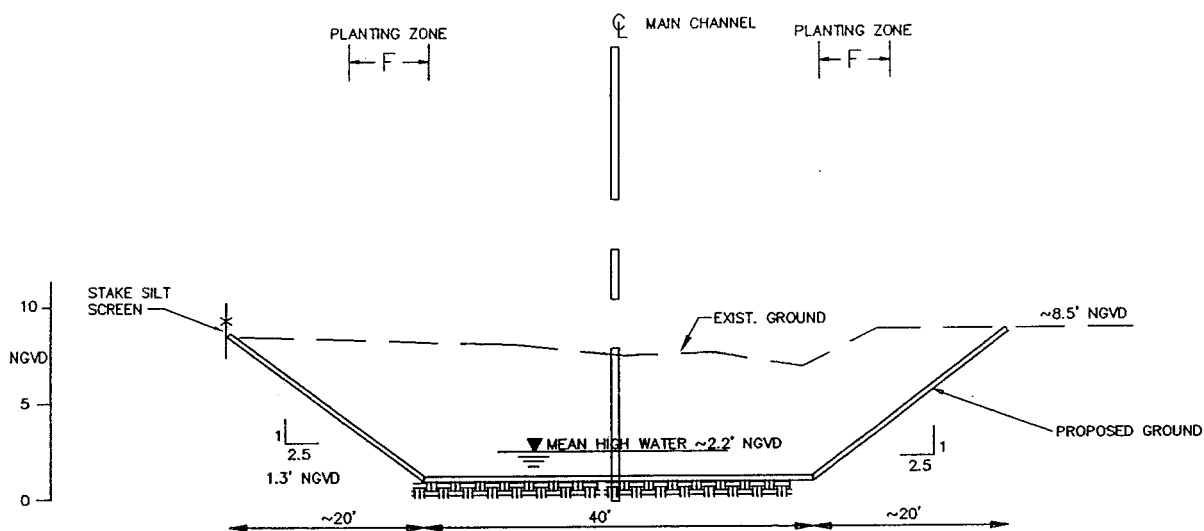
PLANTING ZONE F (1.3' TO 3.5' NGVD)

BLACK RUSH (1.3' TO 2.5' NGVD)

SMOOTH CORDGRASS (1.3' TO 2.5' NGVD)

SALTGRASS (1.3' TO 2.5' NGVD)

SALTMARSH CORDGRASS (2.5' TO 3.5' NGVD)



TYPICAL CROSS SECTION - FLOW-WAY CREATION - WEST CHANNEL
E-E'

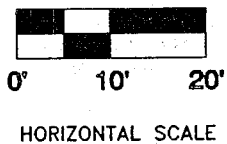


FIGURE 3.2.B.6
FLOW-WAY CREATION
WEST CHANNEL-TIDAL
AREA 3



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LEGEND

PLANTING ZONE C (-2.0' TO +1.5' NORMAL POOL)

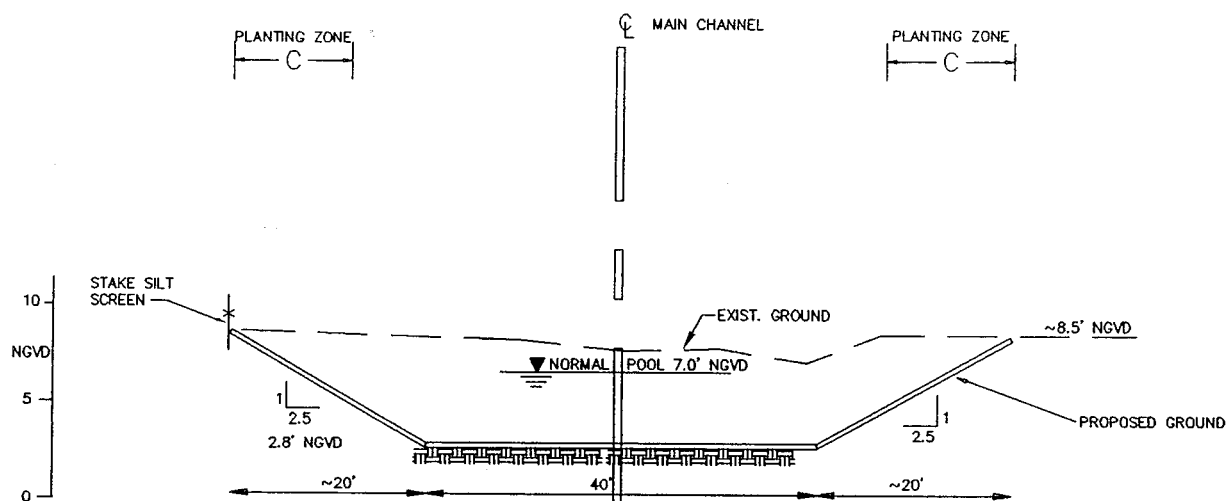
SAND CORDGRASS (+0.5' TO +1.5' NP)

SOFT RUSH (-0.5' TO +0.5' NP)

SPIKERUSH (-0.5' TO +0.5' NP)

ARROWHEAD (-2.0' TO -0.5' NP)

PICKERELWEED (-2.0' TO -0.5' NP)



TYPICAL CROSS SECTION - FLOW-WAY CREATION - WEST CHANNEL
D-D'

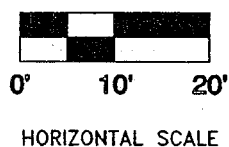


FIGURE 3.2.B.5
FLOW-WAY CREATION
WEST CHANNEL
AREA 3



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