



**US Army Corps  
of Engineers®**

# PUBLIC NOTICE

Applicant:  
Russell Schweiss  
Mosaic Fertilizer, LLC

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**Jacksonville District  
Permit Application No. SAJ-1999-02004**

TO WHOM IT MAY CONCERN: The Jacksonville District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) **and/or** Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs/public-notices>. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Barbara M. Cory, at the Tampa Permits Section, 10117 Princess Palm Ave., Suite 120, Tampa FL 33610. Please refer to the permit application number in your comments.

**APPLICANT:** Russell Schweiss  
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**WATERWAY AND LOCATION:** The project would affect aquatic resources associated with Archie Creek, North Archie Creek, Alafia River, and Hillsborough Bay. The 338.7-acre project review area is located at Mosaic Fertilizer's Riverview Manufacturing Facility, 8813 US Highway 41 South, in Sections 10, 11 and 15, Township 30 South, Range 19 East, Riverview, Hillsborough County, Florida. Approximate center coordinates for the review area are latitude 27.884105 and longitude -82.387537.

**PERMITTING HISTORY:** The Riverview Manufacturing Facility began operations in 1924 and currently consists of a Fertilizer Manufacturing Plant, West Phosphogypsum Stack (West Stack), East Phosphogypsum Stack (East Stack), and associated infrastructure required to process wet phosphate rock raw material into fertilizer products.

Construction of West Stack between U.S. Highway 41 and Hillsborough Bay began prior to Clean Water Act regulations; however, a Corps authorization under provisions of Section 10 of the Rivers and Harbors Act of 1899 (FKA "An Act making appropriations for the construction, repair and preservation of certain public works on rivers and harbors, and for other purposes") appears to be associated with West Stack

construction. In 1924, the Corps authorized U.S. Export Chemical Corp. to dredge a channel, construct a bulkhead, and discharge dredged material along the eastern shore of Hillsborough Bay approximately 3,000 feet north of Alafia River (File No. SAD-2629). The permit was transferred to U.S. Phosphoric Products Corp in 1929 and was modified multiple times (1929, 1930, 1949, 1953, 1959, 1964, 1966, 1968, 1972) to extend the construction window for maintenance dredging with fill material to be deposited along the shoreline(s). The West Stack was placed in operation in 1948 and was closed for gypsum stacking in 1990.

Construction of a wastewater impoundment system approximately 4,800 feet east of Hillsborough Bay on the east side of U.S. Highway 41 began in the late 1970s. In 1977, the Corps authorized U.S. Phosphoric Products (a.k.a. Gardinier Inc.) to discharge 10,000 cubic yards of fill material into 3.6 acres of the tidally influenced Archie Creek in order to construct a 238-acre wastewater impoundment system comprised of a 118-acre retention pond, a 20-acre sludge pond, and a 100-acre toe drain retention pond (File No. 76Q-0749). The 1977 authorization required compensatory mitigation for impacts to Archie Creek through re-establishment of 4.54 acres of marsh wetlands located directly northwest of the impacts.

The existing East Stack is located directly north of the 238-acre wastewater system and was originally placed into operation in 1989. No Corps permit authorization could be found specifically for original construction of East Stack; however, original construction of East Stack appears to have been associated with a 1983 Corps authorization for maintenance dredging 2.75-acres of Alafia River to a depth of -32 feet (MLW) with sediments to be deposited in uplands or existing spoil areas (File No. 83(4)-1801).

In 2001, the Corps authorized Cargill Fertilizer Inc. to discharge fill material into 53.9 acres of aquatic resources, including a channelized portion of North Archie Creek, in order to construct a 70-acre expansion of an existing 564-acre East Stack (File No. SAJ-1999-02004). The 2001 authorization required compensatory mitigation which included re-routing Archie Creek with creek meanders, flood plain wetlands, and water control structures. In total, required compensatory mitigation consisted of 49.5 acres of wetland creation. At the time, the 70-acre expansion was anticipated to provide approximately 30 years of additional phosphogypsum storage capacity and support fertilizer manufacturing until about 2037.

In addition to activities described above, the Corps has authorized other work onsite such as maintenance dredging (File No. 72-0979 and 90-40058), aquatic habitat enhancement (File No. 87(4)-0390), outfall construction (File No. 89(4)-0086), and pipeline installation (File No. SAJ-2004-08560) under various nationwide permits.

U.S. Environmental Protection Agency (EPA) regulations under the Clean Air Act at 40 CFR 61 Subpart R require phosphogypsum to be placed in engineered above-ground piles, called stacks. In Florida, EPA and Florida Department of Environmental Protection (FDEP) have primary authority to directly regulate phosphogypsum including the design, construction, operation, maintenance, closure, and long-term care of

phosphogypsum stack systems. With oversight from EPA, FDEP also has primary authority to regulate discharges and impoundment of wastewater under the National Pollution Discharge Elimination System (NPDES). The project will require regulatory approval(s) from other agencies including authorization(s) from FDEP for an Industrial Wastewater Permit (File No. FL0000761) and air construction/air emission permit(s) (File No. 0570008).

**EXISTING CONDITIONS:** The 338.7-acre project review area consists mainly of uplands (303.5 acres) with aquatic resources comprising approximately 10-percent (35.2 acres). Most of the review area has been converted from natural conditions for industrial or recreational uses which include mineral processing, an automobile salvage yard, and two (2) former commercial racing facilities. Native habitats which still exist in the review area have become somewhat degraded and colonized by nuisance/exotic species due to historic industrial and recreational land uses in vicinity.

According to the Florida Department of Transportation's Florida Land Use, Cover and Forms Classification System (FLUCCS), the review area is primarily uplands classified as Mineral Processing (188.7 acres), Upland Hardwood Coniferous Mix (49.1 acres), Recreational (48.7 acres), and Industrial (21 acres) with aquatic systems to include Mangrove Swamp (11.7 acres), Reservoirs (9.7 acres), Ditches (4.1 acres), Mixed Wetland Hardwoods (3 acres), Shrub Marsh (1.7 acres), and Freshwater Marsh (1 acres). According to the Natural Resources Conservation Service (NRCS), the review area encompasses ten (10) different types of soil (4 hydric soils and 6 non-hydric soils) with soil type generally consisting of fine sands (89-percent).

The review area is located less than 1 mile east of Hillsborough Bay and approximately 1.1 mile north of Alafia River. North Archie Creek flows west through the northern end of the review area and Archie Creek flows west along the southern boundary of the existing East Stack, then north parallel to the review area's western boundary before flowing west along the northern boundary of West Stack to Hillsborough Bay. Both creeks have been historically rerouted (Archie Creek in 1977 and 2001 and North Archie Creek in 1984) for development of the existing East Stack.

According to the National Wetlands Inventory (NWI), freshwater wetlands in the review area are classified as seasonally flooded palustrine systems with either emergent, scrub-shrub, or forested vegetation. Tidal wetlands in the review area are classified on the NWI as either subtidal (continuously covered with tidal water) estuarine systems with open water and unconsolidated bottom substrates or as intertidal (flooded and exposed by tides) estuarine systems dominated by evergreen woody vegetation (scrub-shrub). Streams in the review area are classified on the NWI as permanently flooded, riverine systems (lower perennial) that have been excavated.

Aquatic resources in the review area mainly flow via an excavated ditch system to North Archie Creek, a relatively permanent tributary which flows west out of the review area to Hillsborough Bay (0.72 miles). A tidal wetland in the southernmost portion of the review

area flows to Archie Creek, a relatively permanent tributary which flows west out of the review area into Hillsborough Bay (0.79 miles).

The Riverview Facility manufactures sulfuric acid, phosphoric acid, fluorosilicic acid and ammoniated phosphate fertilizer products. Associated operations to support fertilizer manufacturing include sulfur receiving by barge and truck, sulfur storage, phosphate rock receiving, phosphate rock grinding, fertilizer product storage and transport by barge, ship, rail, and truck, and phosphogypsum storage. The facility consists of one (1) phosphoric acid plant (two trains), two (2) ammoniated phosphate (AP) plants, three (3) sulfuric acid plants, one (1) material handling system, and a molten sulfur storage and handling system with ancillary and auxiliary unit items such as boilers, tanks, and silos.

The existing West Stack located north of the chemical plant and west of U.S. Highway 41, encompasses approximately 325-acres and reached a maximum height of approximately 230 feet prior to closure for gypsum stacking in 1990. Currently, an 80-acre auxiliary pond constructed on top of the closed West Stack as well as a 32-acre cooling pond located east of the closed stack are active components of the existing East Stack system which is primarily located east of U.S. Highway 41.

The existing East Stack currently encompasses approximately 700 acres with an FDEP-authorized maximum perimeter dike elevation of 285 feet National Geodetic Vertical Datum (NGVD). The existing East Stack system consists of the original (1989) 326-acre clay lined phosphogypsum stack, a 192-acre high density polyethylene (HDPE) lined expansion stack, a 160-acre HDPE lined cooling pond, and supporting infrastructure including an underdrain and leachate collection system, a process water pumping station, a stormwater runoff collection and management system, conveyance pumps, piping, and ditching. In 2023, the 160-acre cooling pond was approved to be converted for gypsum storage in order to maximize storage capacity within the existing East Stack footprint. The existing East Stack has a remaining available storage capacity for approximately six (6) years of operation.

The engineered East Stack system receives phosphogypsum from the fertilizer manufacturing plant. Phosphogypsum is slurried with hot acidic process water and pumped via pipelines underneath U.S. 41 to the onsite storage area where it is currently deposited on top of the existing HDPE-lined East Stack. Once deposited, the gypsum slurry dewateres releasing process water which is decanted via siphon line from East Stack, circulated in the cooling ponds, and returned to the chemical plant for reuse.

## **PROJECT PURPOSE:**

**Basic:** Solid waste storage

**Overall:** Provide storage capacity for holding solid waste (phosphogypsum) generated through manufacturing fertilizer

**PROPOSED WORK:** The applicant seeks authorization to discharge 305,000 cubic yards of clean fill material into approximately 35.2 acres of aquatic resources in order to expand storage capacity for holding phosphogypsum generated through fertilizer manufacturing. The proposed impacts include 11.7 acres of tidal aquatic resources, 9.7 acres manmade ponds/reservoirs, 3,314 linear feet (4 acres) of man-altered stream and associated riparian corridor, 3 acres of freshwater forested aquatic resources, 2.7 acres of freshwater herbaceous aquatic resources, and 8,719 linear feet (4.1 acres) of manmade ditches. The project is intended to provide additional capacity for phosphogypsum storage and facilitate continued operations of Mosaic Fertilizer's Riverview Manufacturing Facility for approximately 16 years. Construction of the East Stack expansion is expected to begin January 2028 and take approximately two and a half years for completion.

The total footprint for proposed work consists of 338.7 acres which includes 178.5 acres directly west of the existing East Stack and incorporates 160.2-acres of the existing East Stack's western side slopes and toe which will be modified for gypsum placement westward. The proposed work has been designed to minimize impacts to the surrounding environment.

As proposed, the expansion will consist of a perimeter containment dike constructed around the exterior boundary, a gypsum starter dike, an HDPE-lined interior subbase, and supporting infrastructure to include a slurry cutoff wall, an underdrain and leachate collection system, a process water pump station, a stormwater runoff management system consisting of variable width ditches along the outside perimeter dike, and a 20 to 25-foot-wide all-weather road constructed along the outside perimeter for access and inspection.

After clearing, grubbing, stripping topsoil, and excavation, clean fill material will be discharged to raise base elevation approximately 3-feet and construct two (2) approximately 8,500-linear-foot-long earthen embankment dikes (a perimeter dike and a gypsum starter dike). Both dikes will be constructed at an approximate 2 to 1 slope, with a 20-foot-wide crest, and a maximum height of approximately 25-feet above the excavated interior with approximately 10 feet of separation between toe of slopes. A composite liner system will be installed over the interior subbase and extend up the inside slope of perimeter dike. An underdrain system will be constructed atop the liner system to collect and route seepage from the stack to the plant for reuse and to support future dewatering of the stack for final closure. Construction will also include modifying and augmenting the existing gypsum slurry and process water conveyance pipelines and pump stations to integrate the expansion project into the East Stack infrastructure. No additional NPDES outfalls are proposed for the expansion. During the operational phase (post construction) and in accordance with regulations for phosphogypsum stacks, the gypsum stack dikes will be incrementally raised (incremental maximum 5-feet) to create additional storage capacity until the stack expansion area reaches the same design height as the existing East Stack (285-feet).

The Project is covered under the Fixing America's Surface Transportation Act, Title 41 (FAST 41). The Project's FAST-41 Permitting Dashboard and Timetable may be found at <https://www.permits.performance.gov/permitting-project/fast-41-covered-projects/riverview-east-stack-extension>.

**AVOIDANCE AND MINIMIZATION:** The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The applicant identified and evaluated a range of onsite alternative project designs, construction methods, engineering practices, and controls in effort to avoid and minimize impacts to the aquatic environment. Impacts have been avoided by electing not to propose to maximize the storage capacity within Mosaic land holdings in vicinity. Impacts have been further minimized by locating the stack expansion mainly on fragmented and previously disturbed lands adjacent to and partially overlying the existing East Stack footprint as compared to a new site. Nearly half (160.2 acres) of the total 338.7-acre expansion is proposed to be constructed within the existing East Stack footprint. Incorporating the proposed expansion into the existing East Stack footprint supports efficient land use and reduces impacts.

The proposed work has been designed to minimize impacts to the surrounding environment. Best management practices (BMPs) will be implemented during construction to further minimize environmental impacts. Upon project completion, the proposed soil cement bentonite cutoff wall will serve as a barrier to isolate the stack interior and prevent seepage impacts to the surrounding environment while the proposed outer perimeter dike and ditch system will prevent any non-point offsite releases.

**COMPENSATORY MITIGATION:** The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: To offset functional loss to aquatic resources resulting from unavoidable impacts the applicant proposes a combination of compensatory mitigation with ecological functions of impacted wetlands assessed via the Unified Mitigation Assessment Method (UMAM). To offset functional loss of the tidal mangrove system, the applicant proposes to purchase 8.97 Estuarine Intertidal Forested credits from a federally approved mitigation bank within the same watershed (Tampa Bay HUC8: 03100206). No mitigation bank credits for freshwater wetlands are available within the same watershed and no mitigation bank stream credits are available in Florida; thus, to offset functional loss of freshwater wetlands, the applicant proposes to purchase credits from a federally approved mitigation bank within the Hillsborough River watershed with application of a proximity factor and to offset impacts to 3,314 linear feet of stream channel (North Archie Creek), the applicant proposes to conduct onsite permittee-responsible mitigation (PRM).

The proposed PRM stream channel will be integrated within a 3,061 linear foot relocated channel design for rerouting North Archie Creek on the Riverview property. The proposed PRM channel will be designed to mimic reference conditions upstream with wetland vegetation planted along floodplain benches to create approximately 2.8 acres of freshwater wetlands with 20-foot-wide upland riparian buffers on each side.

The Corps has not yet fully evaluated or approved the proposed compensatory mitigation plan.

**CULTURAL RESOURCES:** The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively.

The area of potential effect / Corps permit area (APE or permit area) includes the entire expansion area footprint for the proposed project. In November 2025, a Cultural Resource Assessment Survey (CRAS) was prepared for the permit area. The CRAS included background research, historic structures assessment, and archeological assessment across the project area through pedestrian survey and intensive shovel testing. The Corps has reviewed the submitted report and finds the report complete and the field work appropriate and sufficient in accordance with Chapters 1a-46, Florida Administrative Code and with Federal regulation 36 CFR 800: Protection of Historic Properties.

The archaeological survey produced no archaeological sites in the permit area. The historical analysis identified six (6) historical structures and one (1) resource group within the permit area. Researchers recommended all structures and the resource group within the permit area as ineligible for inclusion on the National Register of Historic Places. This office concurs with the investigators' recommendations and finds that the proposed project will have no effect to historic properties and no further work is required. The Corps subsequently requests concurrence from the SHPO and/or THPO.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

**ENDANGERED SPECIES:** The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) Section 7 Mapper, and the NMFS Critical Habitat Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as any proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project will have no effect on the American alligator, American crocodile, crested caracara, eastern black rail, Everglade snail kite, monarch butterfly, pygmy fringe tree, rufa red knot and southern hognose snake. The Corps has made a preliminary determination that the proposed project may affect but is not likely to adversely affect species listed below. No other ESA-listed species or critical habitat will be affected by the proposed action.

**Table 1:** ESA-listed species and/or critical habitat potentially present in the action area.

<b>Species Common Name and/or Critical Habitat Name</b>	<b>Scientific Name</b>	<b>Federal Status</b>
Eastern Indigo Snake	<i>Drymarchon couperi</i>	Threatened
Green Sea Turtle	<i>Chelonia mydas</i>	Threatened
Gulf Sturgeon	<i>Acipenser oxyrhynchus desotoi</i>	Threatened
Kemps Ridley Sea Turtle	<i>Lepidochelys kempii</i>	Endangered
Loggerhead Sea Turtle	<i>Caretta caretta</i>	Threatened
Smalltooth Sawfish	<i>Pristis pectinata</i>	Endangered
Tricolored Bat	<i>Perimyotis subflavus</i>	Proposed Endangered
West Indian Manatee	<i>Trichechus manatus</i>	Threatened
Wood Stork	<i>Mycteria americana</i>	Threatened

The Corps based its preliminary determinations on habitat availability in the action area for this project, biological surveys conducted by the applicant, and a list of species potentially present obtained from the IPaC system. Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402.

This notice serves as request to the U.S. Fish and Wildlife Service and National Marine Fisheries Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

**ESSENTIAL FISH HABITAT:** Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information. This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act.

An evaluation of the project site using the NMFS *Seagrasses* data, the Florida Fish and Wildlife Commission's (FWC) *Seagrass Habitat In Florida* data, and NOAA Gulf of Mexico Fishery Management Council (GFMC) mapped *EFH* data indicates the project is located just inland of mapped EFH; however, construction of the proposed project would

directly impact 11.7 acres of tidal mangrove swamp directly connected via Archie Creek to mapped EFH located just west of Old U.S. Highway 41A and may indirectly impact nearshore waters of Hillsborough Bay. These habitat(s) are utilized by the following species and their various life stages: coastal migratory pelagics, red drum, reef fish, and shrimp. Our initial determination is that the proposed action may adversely affect EFH and/or fisheries managed by Fishery Management Councils and NMFS with effects of the project anticipated to be minimal and permanent.

Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

**NAVIGATION:** The proposed structure or activity is not located in the vicinity of a federal navigation channel.

**SECTION 408:** The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

**WATER QUALITY CERTIFICATION:** Water Quality Certification is required from the Florida Department of Environmental Protection (FDEP).

**COASTAL ZONE MANAGEMENT CONSISTENCY:** Coastal Zone Consistency Concurrence is required from either the FDEP or Southwest Florida Water Management District (SWFWMD). In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan.

**NOTE:** This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact 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 benefits, 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, 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. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated

by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act. A permit will be granted unless its issuance is found to be contrary to the public interest.

**COMMENTS:** The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Jacksonville District will receive written comments on the proposed work, as outlined above, until March 19, 2026. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs/public-notice>. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Barbara M. Cory, at the Tampa Permits Section, 10117 Princess Palm Ave., Suite 120, Tampa FL 33610. Please refer to the permit application number in your comments.

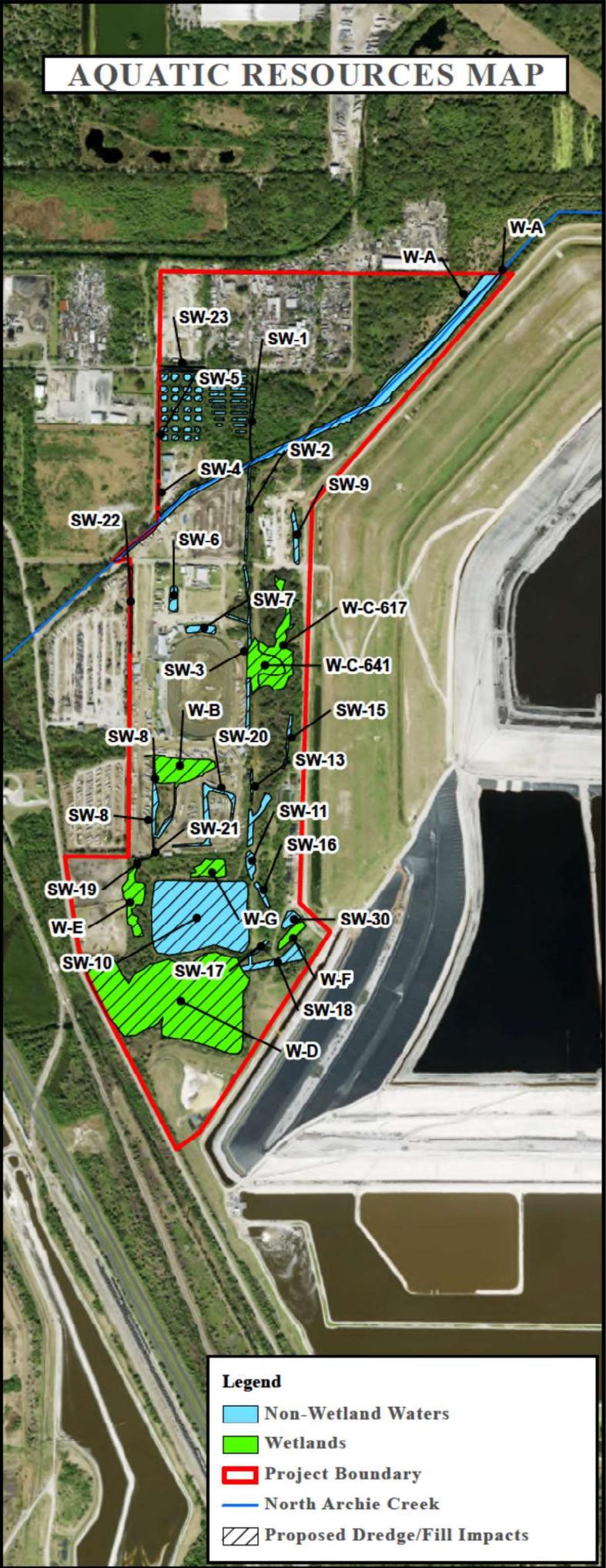
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless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

# GENERAL VICINITY MAP

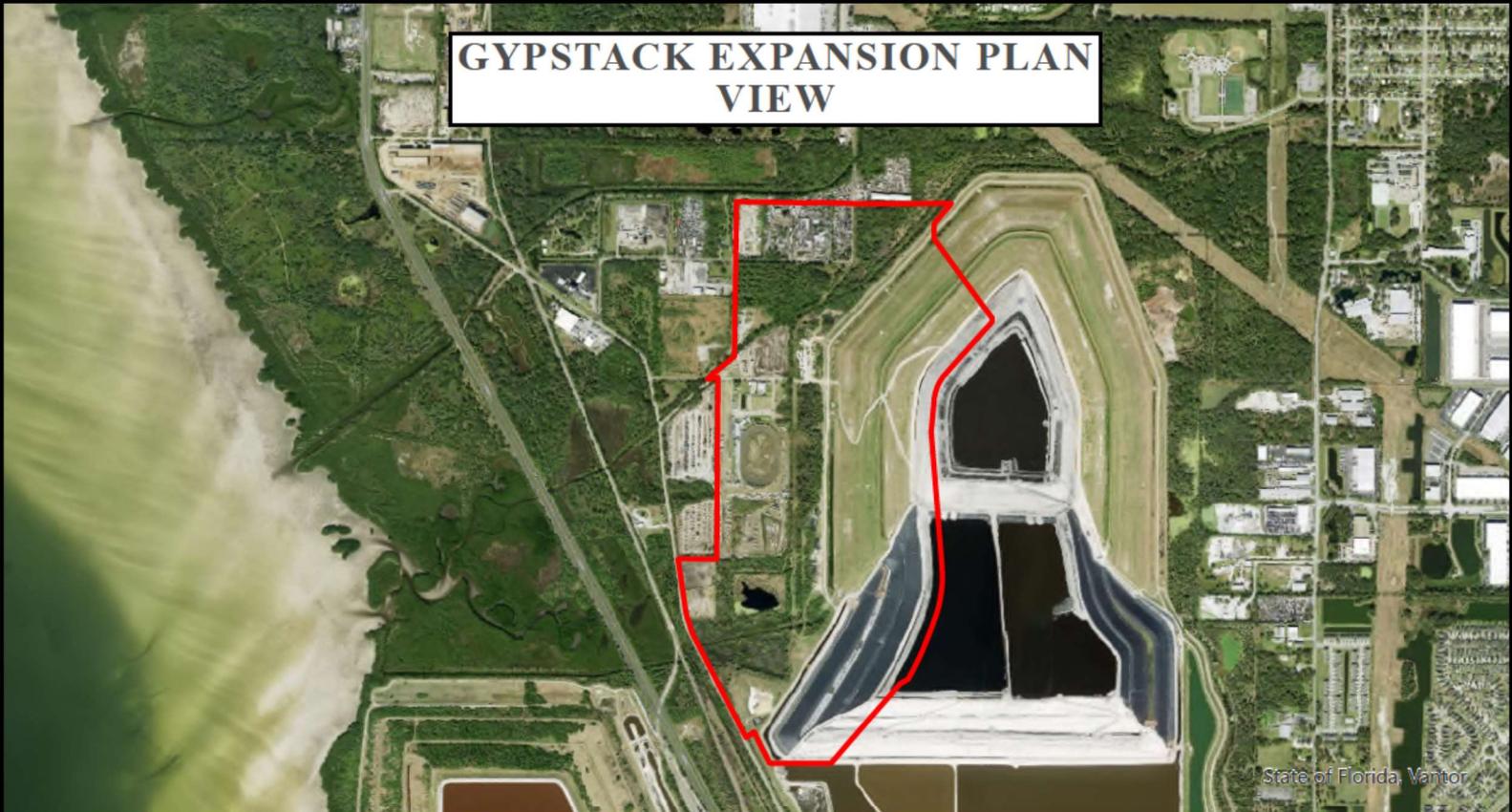


State of Florida, Vantor

# AQUATIC RESOURCES MAP



# GYPSTACK EXPANSION PLAN VIEW



## GYPSTACK EXPANSION CROSS SECTIONS

### EAST - WEST CROSS SECTION

