

ORDINANCE NO. 05-42

2005 OCT 14 AM 10:49

CLERK  
MANATEE CO. FLORIDA

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING AN AMENDED AND RESTATED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR THE FOUR CORNERS MINE DEVELOPMENT OF REGIONAL IMPACT (ALSO KNOWN AS DRI # 5 AND TBRPC DRI #251 AND #198); PROVIDING FOR AMENDMENT AND RESTATEMENT OF PRIOR DEVELOPMENT ORDERS; PROVIDING FINDINGS OF FACT; PROVIDING CONCLUSIONS OF LAW; PROVIDING FOR DEVELOPMENT COMPONENTS; PROVIDING DEFINITIONS; PROVIDING DEVELOPMENT CONDITIONS; PROVIDING LEGAL DESCRIPTIONS; PROVIDING A DEADLINE FOR COMMENCEMENT OF DEVELOPMENT; PROVIDING RESTRICTIONS ON DOWN-ZONING; PROVIDING A BINDING ORDER ON THE DEVELOPER; PROVIDING FOR RENDITION; PROVIDING FOR COMPLIANCE WITH CODES AND ORDINANCES; PROVIDING FOR NOTICE OF RECORDING; PROVIDING FOR SEVERABILITY; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR RECONCILIATION INTO ONE DOCUMENT.**

**WHEREAS**, Mosaic Fertilizer, LLC, FKA IMC Phosphates Company, as successor in interest to W. R. Grace and Company, IMC Fertilizer, Inc., and IMC-Agrico, respectively, possesses a Development of Regional Impact (DRI) for the Four Corners Phosphate Mine\* located in both Hillsborough and Manatee Counties; and

**WHEREAS**, the Four Corners Phosphate Mine\* DRI includes two discontinuous tracts in Manatee County, one of which is known as the "Jameson Tract" on  $\pm$  4,753 acres, the other of which is known as the "Northeast Manatee Tract" on  $\pm$  5,052 acres; and

**WHEREAS**, on December 27, 1977 Manatee County adopted Resolution (SE 852) granting W. R. Grace and Company a DRI Development Order, Master Mining and Reclamation Plan, and Special Exception for the Four Corners Mine; and

**WHEREAS**, W. R. Grace and Company was issued an Operating Permit on January 22, 1981 to mine all parts of Four Corners Mine\* excluding the Mine Extension Areas\*; that Permit has been extended by operation of law, and the Developer\* applied for a new Operating Permit; and

**WHEREAS**, on November 2, 1982, Manatee County approved a resolution transferring all rights in the Four Corners Mine from W. R. Grace to W. R. Grace, as manager to the Four Corners Mine Joint Venture; and

**WHEREAS**, the management of the Four Corners Mine was transferred to IMC Fertilizer, Inc. on December 20, 1988; and

**WHEREAS**, on January 10, 1989, IMC Fertilizer, Inc. became the sole owner of the Four Corners Mine; and

**WHEREAS**, on March 28, 1989, IMC Fertilizer, Inc. filed an ADA\* for a Substantial Deviation to an approved DRI with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 380.06, Florida Statutes, proposing:

the addition of a one hundred and seventy (170) acre parcel in Sections 10 and 15 of Township 33 South, Range 22 East, and the mining of that area; the construction of a heavy media facility to the Four Corners processing plant, southwest of the existing washer, to upgrade waste pebble into saleable product; dismantling, mining, and rebuilding of the approximately seven hundred and forty (740) acre F-1 waste clay settling area; revision of the mining and reclamation plan for the Jameson and Northeast Manatee Tracts, extending mining on the Jameson Tract to November 30, 2006, and mining on the Northeast Manatee Tract from 1998 through 2002 to 2002 through 2006, with reclamation being completed by 2018 and 2010, respectively; the mining of two hundred and eleven (211) acres within the approved DRI which were previously approved for disturbance but not mining; the mining of the right-of-way of Carlton Road, an unpaved County road in Sections 9 and 16, Township 33 South, Range 22 East; revision of the project traffic impacts; and

**WHEREAS**, on March 28, 1991, seventy-nine (79) acres of the 170 Acre Addition were granted Vested Rights with regard to the currently approved Manatee County Comprehensive Plan, and the remaining 91 acres of the 170 Acre Addition were granted Vested Rights with regard to the rebuttable presumption against mining within the Lake Manatee Watershed, as described in the currently approved Manatee County Comprehensive Plan; and

**WHEREAS**, on September 5, 1991 the Board of County Commissioners approved the Substantial Deviation request (Ordinance 91-62) in part, denying the portion of the request to allow mining on the 170 Acre Addition and within the right-of-way of Carlton Road, as well as using any truck haul route within the County other than State Road 37 north from the mine entrance; and

**WHEREAS**, IMC Fertilizer, Inc. and the Tampa Bay Regional Planning Council took separate appeals of the Development Order (Ordinance 91-62) based on different grounds; and

**WHEREAS**, on January 12, 1993 the Board of County Commissioners approved Ordinance 92-64 allowing the mining of the 170 Acre Addition\* under certain conditions, as an amendment to Ordinance 91-62 to resolve the appeal; and

**WHEREAS**, on July 1, 1993, IMC Fertilizer, Inc. became IMC-Agrico Company (IMC-Agrico), and on May 17, 1994, Manatee County transferred the Development Orders and Operating Permits to IMC-Agrico; and

**WHEREAS**, subsequently, IMC-AGRICO and Manatee County jointly proposed to purchase land and transfer permits and development rights, so that Manatee County acquired approximately 316 acres in the Lake Manatee Watershed from IMC-Agrico, and IMC-Agrico acquired approximately 310 acres outside the Lake Manatee Watershed in exchange from Manatee County. The objective of the Land Exchange\* was to allow the County to acquire this portion of the Lake Manatee

Watershed and move the mining which was currently permitted in that area to another area outside the Lake Manatee watershed, all as part of the County's program to acquire the land in the Lake Manatee Watershed; and

**WHEREAS**, on June 14, 1995, IMC-Agrico filed a Notice of a Proposed Change (NOPC) to Amend the Development Order to achieve the proposed Land Exchange\* with Manatee County; and

**WHEREAS**, all of the terms and conditions of the two previous development orders (Ordinance 91-62 and Ordinance 92-64) and the changes set forth in the NOPC to achieve the Land Exchange\* with Manatee County, were combined into one Development Order (Ordinance 95-41) so that there would be a single Development Order document from which to operate; and

**WHEREAS**, on September 26, 1996, the Board of County Commissioners approved Ordinance 96-43, which amended Ordinance 95-41, to facilitate the completion of the Land Exchange\*; and

**WHEREAS**, the DRI Development Order for that portion of the Four Corners Phosphate Mine in Manatee County is Ordinance 95-41, as amended by Ordinance 96-43; and

**WHEREAS**, on October 7, 1999, IMC Phosphates Company filed a Substantial Deviation Application\* for a Substantial Deviation to its approved DRI for the Southeast Tract ADA\* with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 380.06, Florida Statutes; and

**WHEREAS**, on December 19, 2000, the Board of County Commissioners approved Ordinance 00-49 allowing the addition of two non-contiguous tracts of  $\pm 2,508$  acres to the Four Corners Mine DRI and allowing mining of the Southeast Tract Addition\* under certain conditions, which are, for administrative purposes, governed by a separate Development Order Ordinance 00-49; and

**WHEREAS**, on January 19, 2001, IMC Phosphates Company filed a Substantial Deviation Application for a Substantial Deviation to their approved DRI for the Phase II Northeast Tract Addition ADA\* to the Four Corners Mine DRI; and

**WHEREAS**, on May 21, 2002, the Board of County Commissioners approved Resolution R-02-96 amending the existing Operating Permit and Master Mine Plan for the Four Corners Mine Northeast Tract to authorize relocation of an access corridor and mining of  $\pm 60$  acres not previously approved for excavation, prior to final approval of the Phase II Northeast Tract Addition Substantial Deviation ADA\*, subject to specific conditions; and

**WHEREAS** on November 12, 2002, IMC Phosphates Company requested and Manatee County agreed to continue the review and public hearing for Parcel #4 of the Phase II Northeast Tract Addition ADA\* for individual consideration at a future public hearing as Ordinance 03-21. Parcel 4 underwent DRI review as part of the last application and the County's staff's review of the parcel still has outstanding concerns; and

**WHEREAS**, on November 21, 2002, the Board of County Commissioners approved Ordinance 02-58 to include the Phase II Northeast Tract Addition to the Four Corners Mine DRI; and

**WHEREAS**, on October 22, 2004 IMC Phosphates Company changed its name to Mosaic Fertilizer, LLC; and

**WHEREAS**, on November 2, 2004, the Board of County Commissioners approved Ordinance 04-29, the Manatee County Phosphate Mining Code, amending and restating Ordinance 81-22.

**WHEREAS**, on January 24, 2005 Mosaic Fertilizer, LLC submitted a Substantial Deviation to: 1) change its name to Mosaic Fertilizer, LLC.; 2) change the wording of condition U12; and 3) add a 305 acre parcel (known as the Lipman Addition) and remove a 44 acre parcel (known as the Lipman Exchange Parcel) adjacent to the North East Tract of the Four Corners Mine; and

**WHEREAS**, the described Project lies within the unincorporated area of Manatee County; and

**WHEREAS**, on January 24, 2005 a copy of the Substantial Deviation dated and supplemental information was provided to Tampa Bay Regional Planning Council, Florida Department of Community Affairs, Southwest Florida Water Management District, Florida Department of Environmental Protection, and Hillsborough County; and

**WHEREAS**, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the statutory authority to consider and approve the Notice of Proposed Change for an amendment to an approved Development of Regional Impact; and

**WHEREAS**, the public notice requirements of Manatee County and Chapter 380, Florida Statutes, have been satisfied; and

**WHEREAS**, the Manatee County Planning Commission has reviewed the Substantial Deviation ADA\* and has filed a recommendation on this application with the Board of County Commissioners; and

**WHEREAS**, the Board of County Commissioners has received and considered the comments of the Tampa Bay Regional Planning Council ("TBRPC") and DCA; and

**WHEREAS**, on September 27, 2005 the Board of County Commissioners of Manatee County held a duly noticed public hearing on the Substantial Deviation ADA\* for the Lipman Addition to the Four Corners Mine and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County agencies, the applicant, and the review and report of the Manatee County Planning Department; and,

**WHEREAS**, Mosaic Phosphates Co., other units of Government, local agencies and interested citizens were afforded the opportunity to participate in the proceedings before the Board relating to the application and were provided the opportunity to present witnesses, evidence and argument on

all issues, conduct cross examination, and submit rebuttal evidence.

**NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:**

**SECTION 1: AMENDMENT AND RESTATEMENT OF PRIOR DEVELOPMENT ORDERS FOR FOUR CORNERS PHOSPHATE MINE, DRI NO. 5.**

This Ordinance constitutes the amended and restated Development Order for the property known as the Four Corners Mine, including the Phase II Northeast Tract Addition\* and the Lipman Addition\*. All prior development orders for the Four Corners Mine are superseded by this Ordinance, except to the extent that a condition or exhibit to a prior development order is expressly and specifically preserved hereby.

The original Development Order for Four Corners Mine in Manatee County was adopted on December 27, 1977. This Development Order was amended in its entirety by Ordinance 91-62 and subsequently amended by Ordinance 92-64. Ordinances 91-62 and 92-64 were amended in their entirety by Ordinance 95-41. Ordinance 95-41 was subsequently amended by Ordinance 96-43. Ordinance 96-43 was amended in its entirety by Ordinance 02-58.

Ordinance 02-58 (the current Development Order), is hereby amended, restated, and superseded in its entirety by this Ordinance, provided this Ordinance shall not be construed to terminate the rights of the Developer\*, if any, granted under Section 163.3167(8) F.S. to the extent such rights have previously been granted and not specifically herein or otherwise modified or amended.

This Development Order for the Four Corners Mine Lipman Addition\*, subject to the conditions contained herein, adequately addresses the impact of the proposed changes.

**SECTION 2: FINDINGS OF FACT.**

The Board of County Commissioners, after considering the testimony, evidence, documentation, Application for Development Approval\*, the recommendation and findings of the Planning Commission, and all other matters presented to the Board at the public hearing hereby makes the following findings of fact:

- A. All **"WHEREAS"** clauses preceding Section 1 of this Ordinance are adopted as findings of fact.
- B. The Developer\* has received County approvals for and has commenced development in the development, consistent with the original DRI approved on December 27, 1977, as amended by Ordinances 91-62, 92-64, 95-41, 96-43, and 02-58.
- C. The existing Four Corners Mine\* is an approved DRI; therefore, in part, this development has Special Exception status as explained in Section 3, herein.

D. On January 24, 2005, Mosaic Fertilizer, LLC submitted an Application for Development Approval (ADA) to a Development of Regional Impact (DRI), known as the Lipman Addition to the Four Corners Mine to Manatee County, TBRPC, and DCA, which included the following elements:

1. Add  $\pm 305$  acres of land (Lipman Addition\*) acquired by Mosaic Fertilizer, LLC from FFD Land Company;
2. Amend the terms of the Development Order to allow mining of phosphate on and reclamation of the  $\pm 305$  acre parcel (Lipman Addition\*) to be added to the mine;
3. Remove  $\pm 44$  acres from the DRI that was sold prior to any mining activities;
4. Amend the appropriate sections of the Development Order to reflect the  $\pm 305$  acres to be added to this DRI, and to establish new or modified conditions of approval for mining within this parcel, and to ensure the Development Order will be internally consistent;
5. Amend Section 7, Legal Description, removing  $\pm 44$  acres and adding  $\pm 305$  acres of land;
6. Modify Development Order Conditions U.12, regarding the origin and destination of overburden and sand tailings;
7. Amend Map H to reflect the above changes;
8. Change the name of the developer from IMC Phosphates Company to Mosaic Fertilizer, LLC; and,
9. Amend the Development Order to reflect changes in agency names, and to denote stipulations which have been complied with or requirements that have been completed; and update terminology and formatting. Codifying and restating the existing Development Order (Ordinance 02-58) for DRI #5; providing for severability and an effective date.

E. The following information, commitments, and impact mitigating provisions submitted by Mosaic Fertilizer, LLC are hereby incorporated in this Development Order by reference:

1. Application for Development (ADA\*) submitted on January 24, 2005.
2. Supplemental information submitted on March 25, 2005.
3. Supplemental information submitted on May 16, 2005.

F. In construing and enforcing the provisions of the documents incorporated in this Development Order by Section 2.E. above, the following shall apply:

1. The Development Order shall control over any incorporated document in conflict or inconsistent with its terms.
2. The most recent response of the Mosaic Fertilizer, LLC in the referenced document shall control over previous responses, whenever there is a conflict, otherwise the responses shall be considered cumulative.
3. Any information, commitments, or impact mitigating provisions in the above-referenced documents which are inconsistent with the specific conditions set forth in this ordinance and the exhibits hereto, shall be deemed superseded and inapplicable.

- G. The real property which is the subject of this application is entitled the Four Corners Mine\* (approximately 11,416 acres known as the Altman, Jameson, and Northeast Tracts; of which  $\pm$  763 acres are known as Economic Revision Areas\*, Parcels 1, 2, and 3 of the Four Corners Mine Phase II Northeast Tract Addition\* (approximately 1,141 acres), and the Lipman Addition (approximately 305 acres) is legally described in Section 7 of this Development Order.
- H. An application has been submitted to Manatee County and is being processed concurrently with this ADA to approve a Zoning Ordinance (Ordinance Z-05-08) for the Lipman Addition ( $\pm$ 305 acres), which is proposed to be added to the Four Corners Mine\*, and which land is not currently zoned EX-Extraction.
- I. An application has been submitted to Manatee County and is being processed concurrently with this ADA\* to approve a Master Mining and Reclamation Plan (Resolution R-05-146) and Operating Permit (05-147) for the Lipman Addition of the Four Corners Mine\*, to reflect the changes proposed in the Application for Development Approval\*.
- J. The owner of the Four Corners Mine\* is Mosaic Fertilizer, LLC. The owners of the Lipman Addition, which Mosaic Fertilizer, LLC intends to mine are Mosaic Fertilizer, LLC.
- K. The authorized agent for Mosaic Fertilizer, LLC is Thomas E. Myers, III, P.O. Box 2000, Mulberry Florida 33860.
- L. A comprehensive review of the impact generated by the amendments to the Four Corners Mine\* and the Lipman Addition of the Four Corners Mine to the DRI has been conducted by the departments of Manatee County and TBRPC.
- M. The Developer\* for purposes of this application is Mosaic Fertilizer, LLC.
- N. The Project is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- O. On May 9, 2005 the Tampa Bay Regional Planning Council held a duly noticed public meeting on the ADA, received all pertinent testimony and evidence, and pursuant to Section 380.06(12), Florida Statutes, issued a report recommending approval.
- P. On September 8, 2005 the Manatee County Planning Commission held a duly noticed public hearing on the ADA\* for the Four Corners Mine Lipman Addition, received all pertinent testimony and evidence, including the Tampa Bay Planning Council report and recommendations, and recommended approval of the Lipman Addition ADA\* as conditioned herein.
- Q. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the Four Corners Mine Lipman Addition to the DRI and the Application for Official Zoning Atlas Amendment as it relates to the real property described in Section 7 of this Ordinance.

- R. On September 27, 2005 the Board of County Commissioners held a public hearing regarding the Lipman Addition to the Four Corners Mine DRI, in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended), the 2020 Manatee County Comprehensive Plan (Ordinance 89-01, as amended), the Manatee County Code of Laws Chapter 2-20 (the Mining Ordinance\*), and has further considered the testimony, comments, and information received at the public hearing.
- S. The proposed changes to the DRI with respect to the Lipman Addition are found to be consistent with the requirements of The 2020 Manatee County Comprehensive Plan and the Manatee County Land Development Code, provided the Development\* proceeds in accordance with the Development Conditions specified in Section 6 and the Developer\* Commitments attached as Exhibit L to this Development Order.

### **SECTION 3: CONCLUSIONS OF LAW.**

Based upon the previous findings of fact and the following conditions of development approval, the Board hereby makes the following conclusions of law:

- A. The original acres contained within the original DRI Development Order are determined to have Special Exception status pursuant to Section 4.B of the Manatee County Comprehensive Plan.
- B. The 79 acres of the 170 Acre Addition\* were previously determined to be “vested” pursuant to Section 4.B of the Manatee County Comprehensive Plan, and therefore, have Special Exception status to The Comprehensive Plan.
- C. The 91 acres of the 170 Acre Addition\* were determined to be “vested” pursuant to Section 4.B of The Manatee County Comprehensive Plan, as to Policies 2.2.2.2.5(c), 3.2.1.7, 9.4.1.4., and 9.4.1.5 (formerly known as Policies 2.11.4.2 and 3.2.1.10), and, therefore, have partial Special Exception status to the Comprehensive Plan.
- D. The amendments contained in the Lipman Addition ADA\* do not constitute a Substantial Deviation as defined by Section 380.06 (19), Florida Statutes.
- E. The development of the Lipman Addition\* is consistent with the local land development regulations, the State Comprehensive Plan, the Comprehensive Regional Policy Plan, and the 2020 Manatee County Comprehensive Plan (Ordinance 89-01, as amended).
- F. These proceedings have been duly conducted pursuant to applicable laws and regulations, and based upon the record in these proceedings, the Developer\* is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.
- G. The review by the County, TBRPC, other participating agencies, and interested citizens reveals that impacts of the development amendments described in the ADA for the Lipman



Addition are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order. To the extent that the ADA is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail. The amendments contained in this Development Order are consistent with local land development regulations and consistent with the State Comprehensive Plan (SCP), Future of the Region: A Strategic Regional Policy Plan for the Tampa Bay Regional (SRPP) and The 2020 Manatee County Comprehensive Plan.

- H. The proposed changes do not constitute a Substantial Deviation as defined by Subsection 380.06(19), Florida Statutes, and Ordinance #02-58, the Development Order for the Four Corners Mine is hereby amended in its entirety.

#### **SECTION 4: DEVELOPMENT COMPONENTS.**

The Four Corners Mine has been previously approved for mining as generally described below:

- A. The construction of a processing plant including a heavy media facility.
- B. The construction of the F-3 waste clay settling area and a seven hundred and forty (740) acre F-1 waste clay settling area including the ability to dismantle, mine, and rebuild the F-1 waste clay settling area.
- C. The mining and reclamation plan for the Jameson tract provides that mining will be completed by November 30, 2006, and that reclamation will be completed by 2018.
- D. The mining and reclamation plan for the Northeast Manatee tract provides that the mining period will be from 2002-2006, and that reclamation will be completed by 2010.
- E. The mining of 9,952 acres including the 211 acres approved in Ordinance 91-62 within the Jameson Tract and the 170 acres approved in Ordinance 95-41.
- F. Projected traffic impacts to allow product shipment by truck to Piney Point/Port Manatee as described in Section 6, herein.
- G. The mining of the right-of-way of Carlton road in Sections 9 and 16, Township 33 South, Range 22 East, subject to the vacation of the existing right-of-way and relocation of Carlton Road by the Developer, as described in Section 6, herein.

With the addition of Phase II Northeast Tract Addition\*, the changes to the Economic Revision Areas\*, and the addition of the Lipman Tract, the Four Corners Mine approval for mining is expanded to include the components as generally described below:

- H. Parcels 1, 2, and 3 of the Phase II Northeast Tract Addition\*, the Economic Revision Areas\*, ±11 acres within the Jameson Tract, and the Lipman Addition are approved for mining and reclamation as shown in the ADA\*, as conditioned and limited herein, as follows:

<b>Four Corners Mine</b>	<b>SITE TOTALS</b>		
<b>Parcels</b>	<b>TOTAL AREA</b>	<b>TO BE MINED OR DISTURBED*</b>	<b>NOT DISTURBED</b>
JAMESON TRACT	4,619 <sup>1</sup>	4,269 <sup>3</sup>	350
N.E. TRACT	5,078 <sup>2</sup>	4,751 <sup>4</sup>	327
ALTMAN TRACT	319 <sup>1</sup>	319 <sup>1</sup>	0 <sup>1</sup>
PARCEL #1 (N.E. TRACT)	492	492	0
PARCEL #2 (N.E. TRACT)	124	123	1
PARCEL #3 (N.E. TRACT)	525	496	29
LIPMAN ADDITION	305	305	0
LIPMAN EXCHANGE	(44)	0	
<b>TOTAL =</b>	<b>11,416<sup>5</sup></b>	<b>10,753<sup>5</sup></b>	<b>707<sup>5</sup></b>

**SOURCE:** Table 35-1 (revised)

**FOOTNOTES:**

1. The total acreage associated with the Jameson Tract and Altman Tract remain identical to that currently approved under the existing Development Order (Ordinance 95-41, as amended by Ordinance 96-43, and Ordinance 02.58).
2. The total acreage associated with the Northeast Tract has increased slightly (26 acres) as a result of improved surveying technology.
3. The applicant has requested authorization to mine an additional 235 acres within the Jameson Tract. This results in a corresponding reduction of "not disturbed" acres.
4. The applicant has requested authorization to mine an additional 2,365 acres within the Northeast Tract. This results in a corresponding reduction of "not disturbed" acres.
5. The totals portrayed may vary slightly due to the rounding of acreages identified in the columns above.
- I. Mined land will be reclaimed in accordance with the Master Mining and Reclamation Plan (R-05-146), the Operating Permit (R-05-147), terms of this Development Order, and the Reclamation Schedule (attached as Exhibit I) and Reclamation Plan Conceptual Schedule (attached as Exhibit H). The Reclamation Schedule requires completion of reclamation within 3 years of completion of all mining activities within a program or logical reclamation unit area that allows for reclamation of a sub-basin system rather than a partial system. For clay settling areas, reclamation commences after the surface area is ditched and drained, which takes approximately 4 years. Preservation areas will be retained to promote the protection of the regional wildlife and plant species and will act as suitable colonization sources for the reclaimed habitats. Reclaimed uplands are designed to have a connection to

undisturbed areas so that they will have a way to repopulate. Relocation and restocking efforts as appropriate and approved by the various agencies will be conducted and will speed up the colonization of the reclaimed habitats. All wetland losses within Parcels 1, 2, and 3 of the Phase II Northeast Tract Addition\*, the Economic Revision Areas\*, and the Lipman Addition\* shall require mitigation in accordance with the specific mitigation plan described in the ADA\* and shown in Table 12-1 (Attached as Exhibit J).

- J. On the Lipman Addition parcel, all wetland losses shall require mitigation in accordance with the specific mitigation plan described in the NOPC application.
- K. The proposal to utilize an in-field pre washer facility along the Manatee/Hillsborough County line in Section 2, Township 33 South, Range, 21 East, is approved, subject to specific conditions and operating parameters established in the Master Mining and Reclamation Plan and Operating Permit approvals for Four Corners Mine\*.
- L. The proposal to utilize alternative technology for transport of phosphate ore (e.g., conveyor systems) is approved, subject to specific conditions and operating parameters established in the Master Mining and Reclamation Plan and Operating Permit approvals for Four Corners Mine\*.
- M. Use of reclaimed land to provide rights-of-way for a public road deemed necessary by the County or FDOT shall not be considered a violation of the Reclamation Plan.

## **SECTION 5: DEFINITIONS.**

Note: An asterisk (\*) denotes that the word is defined. The definition contained in Chapter 380, Florida Statutes, shall apply to this development Order, in addition to those listed below.

- A. "Acceptable Level of Service\*" shall be Level of Service D., peak hour on urban roads, and Level of Service C, peak hour on rural roads, or as shown on Table 5.1 of the 2020 Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service for links and intersections in Polk County, Hardee County, or Hillsborough County, Florida, shall mean Level of Service as set for the affected roadways in the Polk, Hardee, or Hillsborough County Comprehensive Plans.
- B. "Application for Development Approval\*" and "ADA", shall mean Four Corners Mine's\* Development of Regional Impact Application for Development Approval and sufficiency responses, as amended by Mosaic's Substantial Deviation Application for the Four Corners Mine (March 23, 1989), all five Additional Information Submittals submitted by the Developer\* in response to the sufficiency reviews of state, regional, and local agencies, the revised mining schedule for the Jameson Tract, and the traffic information dated January 23, 1991 and the Notice of Proposed Change submitted on June 14, 1995 including the revised mining schedule and reclamation information for the Jameson Tract (which was attached as Exhibit A to Ordinance 95-41), Mosaic Fertilizer, LLC's Development of Regional Impact (DRI) Application for Development Approval received January 19, 2001; three sufficiency responses received September 10, 2001, March 28, 2002, and July 16, 2002 respectively;

additional information received on October 8, 2002 and October 22, 2002 respectively; and all information submitted by the Developer\* in response to the sufficiency reviews of state, regional, and local agencies-, Mosaic Fertilizer, LLC's Substantial Deviation Application for the Lipman Addition\* to add to the Four Corner's Mine submitted on January 24, 2005, and two Additional Information Submittals submitted by the Developer\* in response to the sufficiency reviews of state, regional, and local agencies.

- C. "Best Management Practices\*" shall mean practices that are technologically and economically practicable and most beneficial in preventing or reducing adverse impacts from mining activities. For more specific information and examples, see the same definition in the 2020 Manatee County Comprehensive Plan.
- D. "Best Operating Practices\* or BOPs\*" shall refer to practices that are technologically and economically practicable and beneficial in preventing or reducing adverse impacts from phosphate mining activities. BOPs may include, but shall not be limited to: water reuse; augmentation of flows to surface or groundwater bodies that could be adversely affected by mining activities; special protections for sensitive habitats; increased frequency of certain types of monitoring and inspections; specialized training for mining personnel, and the like.
- E. "Best Possible Technology\*" shall mean the most advanced technology which provides the maximum protection possible for the public health, safety, and welfare and which minimizes to the greatest degree possible any adverse impacts from industrial uses and mining activities, on the watershed of the Lake Manatee Reservoir. Best Possible Technology may include, but is not limited to: innovative reclamation techniques, augmentation of public water supplies that could be adversely affected by mining activities; construction of secondary containment structures or other measures to ensure against catastrophic failure of primary containment structures; elimination of mine site rock dryers; and zero point discharge; provided however, such requirements shall not be applied if the Developer\* demonstrates that they are technologically infeasible. In ascertaining the Best Possible Technology, economic disadvantages shall only be considered relevant when analyzed in relation to other applicants conducting mining activities in the watershed or the Lake Manatee Reservoir.
- F. "Conservation Areas\*" shall mean: 1) the secondary zone around any eagle's nest, as determined by the U.S. Fish and Wildlife Service; 2) those areas illustrated in Maps A-3A, A-3B, A-3C, F-1A, F-1B, F-1C, F-2A, F-2B, F-2C, H-1A, H-1B, H-3A, and H-3B, except for the ±29 acre area designated as "non-disturbance" and shown in Section 12, Township 33 South, Range 21 East in Section 12 in Parcel 3, which will be preserved throughout mining on the Phase II Northeast Tract Addition\*, and the Economic Revision Areas\*; and 3) the 200 acre "Manatee Wellfield Tract located in Sections 3 and 4, Township 35 South, Range 21 East and Section 34, Township 34 South, Range 21 East, which will be created, managed, and preserved for off-site Scrub Jay Mitigation Areas by Mosaic in accordance with the Scrub Jay Management Plan\*.
- G. Developer\*" shall mean Mosaic Fertilizer, LLC (herein referred to as Mosaic) (formerly IMC Phosphates, IMC-Agrico Corporation or IMC Fertilizer, Inc.), their assigns, agents, and successors in interest as to the Four Corners Mine.

- H. "Development Approval\*" shall mean any approval for this development granted through this DRI Development Order.
- I. "Economic Revision Areas\*" shall mean those portions of the Four Corners Mine in Manatee County located in Sections 1, 2, 10, 14, 15, 23, and 24, Township 33 South, Range 21 East, and Section 3, Township 33 South, Range 22 East, as shown on Maps A-3A, A-3B, and A-3C (which was attached as Exhibit D to Ordinance 02-58), which are within the boundaries of the Four Corners Mine\*. The Economic Revision Areas were not previously approved for mining of phosphate but are approved herein for mining and reclamation in accordance with the terms of Ordinance 02-58.
- J. "Extended Four Corners Mine\*" Shall mean that portion of the Four Corners Mine located in Manatee County and that portion of Four Corners Mine as originally approved by Hillsborough and Polk Counties as illustrated on Map A which is attached as Exhibit B dated July 24, 1995. The Developer shall notify Manatee County of any amendments to any approved DRI in the Extended Four Corners Mine.
- K. "Four Corners Mine\*" shall mean all portions of the Four Corners Mine which are located in Manatee County as described in Section 7 and excludes those portions of the mine located in Hillsborough and Polk Counties.
- L. "Four Corners Mine Southeast Tract Addition\*" shall mean that portion of the Four Corners Mine in Manatee County located in Section 36 in Township 33S, Range 22E, and Sections 1, 2, 11, 12, 13, and 14 in Township 34S, Range 22E, which is not subject to the requirements of this Ordinance.
- M. "Lipman Addition" shall mean that 305 acre portion of the Four Corners Mine in Manatee County located in Sections 1 & 2, Township 33S, Range 21E as is legally described in Section 7 of this Ordinance.
- N. "Lipman Exchange" shall mean the removal of the portions of mine located in Section 1, Township 33 South, Range 21 East as described in Section 7 under the heading "Changes to the Northeast Tract – Lipman Exchange Area (Removed from the mine)".
- O. "Master Mining and Reclamation Plan" shall mean a description of proposed mining activities over the life of the mine, so as to allow overall review of applicant's mining activities.
- P. "Mine Extension Areas" shall mean the 740 acres of additional area to be mined in the F-1 Settling Area, the 170 Acre Addition\* to the Four Corners Mine\*, and the 211 acres not previously approved for mining.
- Q. "Ordinance 04-39\*" shall mean Mining Code 04-39 – Manatee County Phosphate Mining Code, as amended.

- R. "Phase II Northeast Tract Addition" shall mean the three (3) discontinuous parcels which are being added to the Four Corners Mine in Manatee County, and the Economic Revision Areas\*. The Phase II Northeast Tract Addition\* parcels are legally described in Section 7 of this Ordinance as Parcels 1, 2, and 3. The Economic Revision Areas\* are shown on Maps A-3A, A-3B, and A-3C (which was attached as Exhibit D to Ordinance 02-58).
- S. "Preservation Areas" shall mean the primary zone around any eagle's nest, as determined by the U.S. Fish and Wildlife Service, and all 25 year Floodplain\* areas.
- T. "Reclamation Plan" shall mean the consolidated Master Mining, Reclamation, and Drainage Plan approved by the Board of County Commissioners on September 27, 2005 (Resolution R-05-146 for the Four Corners Mine\*).
- U. "25-Year Floodplain" shall mean the area so labeled on the floodplain map for the Northeast Manatee Tract in the original Four Corners Mine DRI/ADA (Exhibit 20.3B, Page 146), the area so labeled in Map H-1 of the Notice of Proposed Change dated June 9, 1995 for the Jameson Tract, and the area labeled Mosaic mapped 25-year floodplain on Maps C-3A and C-3B - Pre-mining Floodplain Locations for the Phase II Northeast Tract Addition\* and the Economic Revision Areas\*. The exact location of the 25-Year Floodplain shall be determined by a process of calculation of the elevation of the highest water level following a 25-year storm event, and determination of the location of that water level in the field by elevation survey, using standard field practices, and standard hydrological analysis based upon pre-mining disturbance conditions. The 25-year Floodplain is distinguished from the "100-Year Flood Prone Areas or "100-Year Flood Zone as shown on FEMA maps."
- V. "170 Acre Addition" shall mean the addition to the Jameson Tract described in Section 7 under the heading "Changes to Jameson Tract".
- W. "Scrub Jay Management Plan" shall mean the Florida Scrub Jay Habitat Management Plan for IMC Phosphates Company - Southern Hillsborough and Manatee County Projects (dated July, 2001), the Florida Scrub Jay Experimental Translocation and Radiotelemetry Research Project developed by IMC Phosphates Company (dated November 21, 2001), the Federal (USFWS) Florida Scrub Jay Translocation Permit, and the Spring 2002 Florida Scrub Jay Survey.
- X. "Land Exchange" shall mean the removal of the portions of the mine located in Section 21, and those portions of Sections 15 & 16 lying south east of SR 37, and the addition of the land in Section 1 lying south east of SR 37, all in Township 33 South, Range 22 East as described in Section 7 under the heading "Changes to the Jameson Tract".
- Y. "Land Exchange Area" shall mean that land involved in the Land Exchange\* lying in Section 1, south of SR 37.

## **SECTION 6: DEVELOPMENT CONDITIONS.**

For administrative purposes, Development Conditions in this Ordinance are identified separately for each parcel, as follows:

Development Order Conditions for the existing Four Corners Mine are labeled **"NE Tract Conditions"**.

Development Order Conditions for the Phase II Northeast Tract Addition\* (Parcels 1, 2, and 3) and the Northeast Tract Economic Revision Areas\* are labeled **"Phase II Northeast Tract Addition\* Conditions"**.

Development Order Conditions for the Lipman Addition are labeled **"Lipman Addition\* Conditions"**.

General Development Order Conditions for the NE Tract, Phase II Northeast Tract Addition, and Lipman Addition are labeled **"General Conditions"**.

**Note: General Conditions have been moved to the end of Section 6 of this Ordinance.**

**NE TRACT CONDITIONS - the following conditions shall apply to only the NE Tract:**

### **Land**

- A.(1) A sufficient quantity of organic deposits and natural topsoils in wetland habitats capable of supporting indigenous vegetation shall be stockpiled during mining activities and utilized in reclamation of all wetland habitats. The use of the donor soil (nuisance Species Free) shall follow the requirements of DEP and/or COE, to insure reclamation and mitigation success. At a minimum, the following soil associations shall be stockpiled and utilized in reclamation:
- A. Canova-Anclote-Okeelanta )Soil group #7)
  - B. Felda-Wabasso association (Soil group #24)
  - C. Floridana-Immokalee-Okeelanta association (Soil group #26)

### **Groundwater**

- B.(1) The Groundwater Monitoring Program at the Four Corners Mine shall be performed as required by the Manatee County Operating Permit and Chapter 2-20, Code of Laws. At a minimum, the Groundwater Monitoring Program shall specify sampling locations, parameters, frequencies, duration, and analytical methods and procedures. The groundwater monitoring program shall be amended as determined necessary by Manatee County to require groundwater sampling at surficial monitor wells for the F-3 clay settling area. A summary of the results of the monitoring program shall be included as part of the DRI annual report.

- B.(2.) The Developer\* shall properly plug and abandon all on-site wells (Table 23C-1, attached as Exhibit C for Ordinance 95-41), in accordance with SWFWMD and Manatee County Health Department standards and rules, prior to mining each area.

### **Surface Water**

- C.(1) Best Management Practices\* for reducing surface water quality impacts shall be implemented. Best Possible Technology\* shall be required for those portions of the Mine Extension Areas\* located within the Lake Manatee Watershed.
- C.(2) The existing Surface Water Monitoring Program at the Four Corners Mine shall be performed as required by the Manatee County Operating Permit in Chapter 2-20, Codes of Law. At a minimum, the Surface Water Monitoring Program shall specify sampling locations, parameters, frequencies, duration, and analytical methods and procedures. The Surface Water Monitoring Program shall require surface water sampling of the East Fork of the Manatee River. A summary of the results of the monitoring program shall be included as part of the DRI Annual Report. The Water Quality Monitoring Program required in the Operating permit shall contain sufficient surficial water quality monitoring stations to characterize runoff from the Mine Extensions Areas\*.
- C.(3) The Developer\* shall implement the water quality mitigation measures identified in the ADA\*, Addendum Question 15-D.
- C.(4) Should monitoring results indicate that applicable water quality standards are not being met due to mining activities, the violation shall be immediately reported to Manatee County and any other agency with jurisdiction and appropriate corrective measures shall be immediately implemented.
- C.(5) a) Copies of amendments to NPDES permits within the Four Corners Mine Substantial Deviation (including specific conditions) shall be submitted to Manatee County
- b) Stormwater runoff from lands cleared for mining and active mining areas shall be routed through ditches into the mine water recirculation system and discharged only through permitted NPDES points.
- c) All discharges and discharge rates from the NPDES points shall be in accordance with Chapters 62-302, 62-620, and 62-671, FAC and conditions of the specific NPDES permit.\*

### **Wetlands**

- D.(1) Any portions of the Four Corners Mine\* which meets the definition of Preservation\* and Conservation Areas\* shall be so designated in the DRI Annual Report.
- D.(2) The Developer\* shall provide a thirty foot (30') wide transition zone around all wetlands in Preservation Areas\* to provide an upland transition into the wetland areas and to protect the



natural systems from development impact. The recharge ditch and berm may be located in the transition area, and water shall be added as needed to maintain the hydroperiod. The Developer\* shall obtain wetland delineations from the appropriate permitting agencies as part of the dredge and fill permitting requirements prior to any disturbance of jurisdictional area, and shall simultaneously submit the application to Manatee County.

- a) Mitigation for wetland losses shall be shown on the DEP or COE Dredge and Fill permit application prior to the wetlands being disturbed.
- b) All wetland losses within the Four Corners Mine\* shall require 1:1 in-kind wetland replacement, at minimum, except those portions without full Special Exception status which shall require a higher mitigation ration in accordance with The Manatee County Comprehensive Plan unless reduced by the Board of County Commissioners.
- c) Wetlands which are permitted to be altered or eliminated shall be used as donor material for revegetation of mitigation areas as outlined in development condition A.(1.).
- d) All mitigation areas and littoral shelves shall be monitored in accordance with DEP and Manatee County requirements. Additional planting may be required to achieve the desired natural cover rate. Mitigation areas monitoring results shall be included in the DRI Annual Report.

### **Floodplains**

- E.(1) No mining or disturbance of the 25-Year Floodplain\* shall be allowed except for those crossings permitted on the Northeast Tract as part of the original DRI approval or those crossings as outlined in E.(2) below.
- E.(2) Any disturbance to the 25-Year Floodplain\* necessitated by utility, dragline, or pipeline crossings or construction shall be conducted during periods of low flow and all applicable Best Management Practices\* for erosion control shall be utilized throughout the entire period of disturbance. Immediately after such use is terminated, the Developer\* shall remove all structures, restore the area in question to original grade elevations, and revegetate the area.
- E.(3) No adverse hydroperiod alteration shall be permitted in the 25-Year Floodplain\* of the Mine extension Areas\*. Natural annual hydroperiods, normal pool elevations, and seasonal water fluctuations shall be substantially maintained, however, this shall not require replication of storm surges. Hydroperiod monitoring of the above described areas shall be conducted semiannually, beginning immediately and continuing for three years following reclamation completion of the sub-basin surrounding each of these areas. The monitoring sites shall be selected in cooperation with Manatee County. Should the above described be adversely impacted due to mining activities, the Developer\* shall cease all mining and associated activity in the affected sub-basin until remedial measures have been proposed to Manatee County, approved, and then undertaken to correct the hydroperiod imbalance. Such

measures could include limitations on surrounding activities, enlargement of buffer areas and additional protection measures or water augmentation. The results of the hydroperiod monitoring shall be provided in each annual report.

- E.(4) In order to promote the maintenance of the functional aspects of floodplains, water alterations caused by pit de-watering shall be limited to only one side of a floodplain at a time and mining of the opposite side of the floodplain shall be delayed wherever feasible until the mined portions have been reclaimed to design elevations and groundwater levels have recovered.

### **Vegetation and Wildlife**

- F.(1) In the event that any species listed in Rule 68A-27.003 F.A.C. - Rule 68A-27.005, F.A.C., are observed frequenting the Land Exchange Area\* for nesting, feeding, or breeding, proper protection/mitigation measure shall be employed immediately in cooperation with the Florida Fish and Wildlife Conservation Commission (FFWCC). In the event that a wood stork colony is observed, the Developer\* shall implement the US Fish and Wildlife Service's Habitat Management Guidelines for the Wood Stork in the Southeast Region.
- F.(2.) The Developer\* shall conduct further floral surveys of the 170 Acre Addition\* and Land Exchange Area\*, in accordance with GFC recommendations prior to mining of the site **Completed.**
- F.(3) At a minimum, a Wildlife and Habitat Management Plan shall be established by the Developer\* for the 170 Acre Addition\* in cooperation with the Department of Agriculture and Consumer Services, FFWCC, and Manatee County, with review opportunities for the agencies and with approval by the County required. The Wildlife and Habitat Management Plan shall address:
- a) Listed species which could be relocated on site or off site. All listed species and their current locations shall be identified and relocation/management plans provided
  - b) A gopher tortoise mitigation program. This plan shall include a management program for the species.
- F.(4) Because portions of the Jameson Tract may fall within the secondary and, possibly, primary zones established for protection of eagle nests, all mining and reclamation activities for the Four Corners Mine\* shall conform with the U.S. Fish and Wildlife Service's Habitat Management Guidelines for the Bald Eagle in the Southeast Region (most recent edition) in regard to the eagle's net (MN-08), which appears to be located approximately 1,450 feet southeast of the Four Corners Mine's\* eastern boundary. (See the bird nesting locations map Figure 18B-1, Sufficiency Response 2, Page 40.)
- E. The U. S. Fish and Wildlife Service (FWS) shall determine site specific conditions for protection from mining activities as are appropriate. Site specific criteria shall include

mining and seasonal operation limitations, as appropriate.

- F.(5) A Wildlife and Habitat Management Plan shall be established by the Developer\* for the Land Exchange Area\*, in cooperation with the USFWS, FFWCC, and Manatee County, with review opportunities for the agencies and with approval by the County, DCA, and State agency with Phosphate Mining regulatory authority for wildlife and habitat required. The

Wildlife and Habitat Management Plan shall be approved prior to mining the site and shall address:

- a) Listed species (including Gopher Tortoises) which could be relocated on site or off site. All listed species and their current locations shall be identified and relocation/management plans provided.

### Drainage

- G.(1) Prior to issuance of any new Operating Permit for the Four Corners Mine\*, the following information must be submitted to Manatee County: estimated total volume and peak discharge rates of stormwater runoff to be generated by the final reclamation plan during the mean annual, 25 year, and 100 year storm events. **Completed**
- G.(2) The drainage basins in the Four Corners Mine\* shall be restored to their approximate pre-mining size and location as described in the ADA\* response to question 19. The post-reclamation flood flow peaks shall be in accordance with the rates established in the response to question 19 of the ADA. The discharge rate shall be in accordance with Chapter 40D-4 F.A.C. requirements.
- G.(3) Upon completion of reclamation in each affected drainage basin, the Developer\* shall conduct a detailed study to define final flood frequency elevations, delineate the aerial extent of each basin and determine the duration and quantity of surface water leaving the site during high rainfall events. This information shall be transmitted to all appropriate local, regional, state, and federal agencies involved in floodplain management and floodplain delineation so that downstream flood elevations and management mechanisms can be appropriately modified.
- G.(4) If the hydrologic studies indicate that the peak discharge characteristics of any affected drainage basin have been increased over premining conditions, the Developer\* shall increase the retention capacity of the reclaimed land such that peak discharge characteristics of the affected drainage basin is equal to or less than that which existed before mining. Increases in retention capacity shall be accomplished with minimum use of control structures.
- G.(5) All re-created wetlands and floodplain/floodprone areas shall be subject to all the rules, regulations, and policies of local, state, regional, and federal agencies governing wetland and floodplain/floodprone areas at the time mining and reclamation is complete.

- G.(6) The recreated wetlands shall be designed to promote seasonal fluctuations of water levels within the freshwater marsh and encourage seasonal inundation of the marsh property. Final grade of the side slopes of the marsh periphery shall meet the requirements established by Manatee County in Ordinance 81-22 or by the Department of Environmental Protection, whichever is more stringent.
- G.(7) The Developer\* shall be responsible for maintaining the water recirculation system and the drainage system, including channels, swales, culverts, erosion protection facilities, and discharge facilities. Any transfer of this responsibility from the Developer\* to subsequent owners, or assigns, shall require the approval of the appropriate permitting agency.

### **Water Supply**

- H.(1) The Developer\* shall provide, operate, and maintain the internal water supply system for the heavy media plant until such time as it is no longer needed for operations; then the Developer\* shall abandon and remove it according to the applicable regulation at that time.
- H.(2) The Developer\* shall continue to provide 1.96 MGD augmentation to the Manatee County water supply. The Developer\* shall also maintain a wellfield capable of providing no less than 14 MGD annual daily coverage and 18 MGD maximum daily demand, which will produce water which can be treated to meet or exceed drinking water standards by conventional lime softening techniques (1.96 MGD of this capacity will be provided to Manatee County pursuant to the augmentation referenced above) until the requirements set forth in Section 6.H.(3) of the Development Order are satisfied.
- H.(3) Upon completion of reclamation activities in the Lake Manatee Watershed, the Developer\* shall perform studies in accordance with SWFWMD and Manatee County requirements, to quantify the post-reclamation water budget so that mitigation in the form of long-term water supply augmentation can be performed by the Developer\*, as necessary, to maintain this historic contribution to the Lake Manatee Watershed.

### **Transportation**

- I.(1) The Developer\* shall assume responsibility for the installation of a caution light at the mine's ingress-egress point on State Road 37, for use during operating hours. **Completed.**
- I.(2.) An annual monitoring program to provide peak-hour and average daily traffic counts at the project entrance, including a description of the types of vehicles making each trip, shall be instituted to verify that the projected number of external trips for the project are not exceeded. Counts will continue on an annual basis through project completion. This information shall be supplied in the required annual report. If the annual report indicates that the total trips exceed projected counts, Manatee County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19). F.S., and may amend the Development Order to change or require additional roadway improvements. The results of the study may also serve as a basis for the Developer\* or reviewing agencies to request Development

Order amendments. If the variance is determined to be a substantial deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), F.S., will be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

- I.(3) If by 2007, the Florida Department of Transportation determines that road improvements are required on the following sections of state maintained highway, the Developer\* shall contribute its proportionate share of funds based on the percentage of project traffic on that roadway at that time. These improvements include:
  - a) Improve the intersection at SR 37/SR 640 by providing signalization, when warranted by the Manual for Uniform Traffic Control Devices (MUTCD) **Completed.**
- I.(4.) That portion of Carlton Road contained in Sections 9 and 16 of Township 33 South may be vacated subject to a temporary easement for public access over the existing right-of-way until such road is relocated in accordance with this condition. If the Carlton Road vacation is approved, Manatee County shall dedicate right-of-way in Sections 17, 20, and 21, Township 33S. Range 22 E, the Developer\* shall dedicate or ensure the dedication of the remaining right-of-way in Sections 8, 9, and 16 to Manatee County to ensure a continuous 84 foot wide right-of-way as shown on the attached map (attached as Exhibit D to Ordinance 95-41) or other location approved by Manatee County in accordance with Manatee County requirements and at Developer's\* sole expense prior to the disturbance and/or mining of the existing right-of-way. The relocated road shall be a 25 foot wide roadway of stabilized material. Manatee County will cooperate in a timely manner in the permitting of the new location. The responsibility and the expense of the other required governmental permitting, legal costs, right-of-way acquisition on the Yon and/or Badcock properties and relocation construction will be that of the Developer\*. This section should not be construed to require Manatee County to condemn any right-of-way. The mining setback from the relocated right-of-way will be in accordance with Section J.(9.) of this Order. **Completed.**
- I.(5) All non-public roads, streets, bridges, and other access ways located upon the site shall be constructed and maintained by the Developer\* without any cost or obligation to Manatee County.
- I.(6.) The existing east-west road on the Hillsborough-Manatee County line should be named Four Corners Mine Road and two street signs (one in each County) erected at its intersection with SR 37 at the Developer's\* expense **Completed.**
- I.(7) Transportation of product from this mine by truck is permitted on State Road 37 North from the identified mine entrance on State Road 37. The Developer\* shall not use State Road 37, State Road 62 and/or Moccasin Wallow Road routing to ship products to Port Manatee or return to the Four Corners Mine from Port Manatee. The only approved routing from Four Corners Mine to Port Manatee is as follows:

State Road 37 North to State Road 674, thence West to US 41 thence South to Port Manatee and return by same route. The Developer\* will not exceed 750 loads of product per day by truck shipments with no more than 94 loads of product per day being transported by truck to Port Manatee.

- I.(8) The establishment of crossing points on County roads for purposes of access, movement of mining machinery, or mineral transport pipelines shall not be permitted without the prior written approval of the Manatee County Transportation Department and Environmental Management Department. The Phosphate Mining Coordinator shall be sent copies of all crossing permit applications at the time of application for crossing any County right-of-way.
- I.(9) The Developer\* shall notify the Transportation Department and Environmental Management Department of any spill which may occur on public right-of-way as the result of a traffic accident.
- I.(10) The Developer\* shall change eight hour work shifts to times that do not coincide with the A.M. (7:00 to 9:00) and P.M. (4:00 to 6:00) peak traffic periods.
- I.(11) That portion of Bunker Hill Road contained in Section 23 of Township 33 South, Range 21 East may be relocated to permit mining of phosphate underlying this roadway, in accordance with all conditions established by the Manatee County Transportation Department. Upon completion of mining and reclamation of Bunker Hill Road, the Developer\* shall dedicate or ensure the dedication of 84' of right-of-way for Bunker Hill Road to Manatee County, in a location approved by the Transportation Department. The Developer shall also reconstruct Bunker Hill Road to County standards for a paved rural two-lane roadway. **Completed**

### **Mining Operations**

- J.(1) The Developer\* shall obtain all the necessary construction and operation permits and approvals required by, and shall fully comply, to the extent not inconsistent with this Development Order and the VRD-90-14, with all the provisions of applicable laws, ordinances, rules, regulations, or requirements of any federal, state, regional, or county governmental authority in connection with the proposed mining activities at the Four Corners Mine\*.
- J.(2) When filled, the F-1 (rebuilt), F-3 (A and B), and F-9 disposal areas shall contain an amount of waste clay approximately equivalent to the amount of waste clay produced from Four Corners Mine\*.
- J.(3) All earthen embankments (dams) shall be designed, constructed, inspected, and maintained in accordance with the standards of Chapter 62-672, FAC - Minimum Requirements for Earthen Dams, Phosphate Mining and Processing Operations, as indicated in the Substantial Deviation ADA\*, as well as all other applicable local, state, and federal requirements.

- J.(4) The Developer\* shall abide by all Florida Department of Environmental Protection (DEP) reclamation regulations regarding site cleanup and shall dismantle and remove any building structures existing at the cessation of the mining operation that cannot be put to an allowable use under the zoning district classification of the property. The beneficiation plant and its accessory structures would be exempt from this condition if the Board of County Commissioners approves an extension of that facility prior to cessation of the mining operation and adequate performance security is posted to guarantee later removal of these structures.
- J.(5) The Developer\* shall reclaim all mined or disturbed land to DEP or Manatee County standards, whichever is more stringent. Reclamation and revegetation shall proceed immediately after mining activities cease in each parcel and in no case shall exceed the conceptual schedule for reclamation depicted on Maps I-4A and I-4B (attached as Exhibit H to Ordinance 02-58). The Developer\* shall be responsible for maintenance of all reclaimed areas until such time that those areas are certified as reclaimed by Manatee County in accordance with the procedures established in the Mining Code.
- J.(6) The Developer\* shall utilize Best Management Practices\* (including revegetation, reforestation, erosion control, etc.) for all mined/disturbed lands to accelerate and ensure the successful establishment of the natural vegetative associations that the reclamation areas are designed to support. Wherever possible, leach zone material shall be covered by graded spoil to lessen the potential of increased radiation levels on reclaimed lands.
- J.(7) Reclamation shall be considered complete when areas intended to develop native forested and unforest wetland vegetation associations are firmly established and it is assured that these areas will develop the vegetation associations that they are designed to support, and when DEP and Manatee County have approved the reclamation of the Four Corners Mine\* in accordance with Chapter 62C-16, Florida Administrative Code and the Mining Code.
- J.(8) The Developer\* shall allow no development or land use activity (such as grazing, farming, tree harvesting) within any newly established 25-Year Floodplains\* that would in any way inhibit the growth and development of native vegetation associations appropriate for floodplains, during the mining period.
- J.(9) Minimum mine cut setbacks shall be maintained as follows:
- a) 500 feet of a habitable structure existing at the time of initial application for Master Mining Plan approval;
  - b) 200 feet of an existing public right-of-way or public or private easement for drainage utility or road purpose;
  - c) 200 feet of Mosaic's property line;
  - d) A distance not less than 50 feet from Carlton Road right-of-way which the Developer\* can establish will ensure to the County Mining Coordinator that the

mining will be performed in a manner which will protect the structural integrity of the roadway. **Completed.**

- e) Notwithstanding the foregoing, Section 2-20-33 of the Mining Code shall apply to the Mine Extension Areas\*.

The F-3 exterior dam will meet the setback requirements of Section 2-20-33 of the Mining Code with the exception of Section 2-20-33(2)(b) in which case it will not be less than 200 feet from any public right-of-way.

All other operations and facilities shall meet the setback requirements of Section 2-20-33 of the Mining Code, provided that the F-1 exterior dam, or any reconstruction of the F-1 dam (F-1R), shall not be required to meet the requirements of Section 2-20-33, unless 50% of the linear footage of the existing F-1 exterior dam is dismantled or significantly disturbed or any portion of the existing F-1 exterior dam within 2,500 feet of any existing church, school, or habitable structure is dismantled or significantly disturbed.

- f. The mine cut shall not disturb the remaining buffer of pine trees along the north side of SR 62. The required perimeter ditch and berm system shall be located north of the remaining buffer of pine trees.

However, nothing in this requirement shall prevent the reduction of setbacks pursuant to Section 2-20-33 (b)(4) of the Mining Code, except for J. (9.) f., above.

J.(10) Radiation standards shall be maintained as follows:

- a) For the Mine Extension Areas\*, the radiation standards shall be maintained in accordance with Section 2-20-33(d) of the Mining Code;
- b) For all other areas of the mine, and in accordance with prior approvals, the weighted average soil concentration of radium for all reclaimed lands not included in the Mine Extension Areas\*, which are not reclaimed over slime ponds or are not reclaimed as lakes or wetlands, for the top six feet shall not exceed 8.8 pCi/gram. In addition, these areas shall also comply with Section 2-20-33(d)(3) of the Mining Code.
- c) Any building shall be designed and constructed and all reclamation shall be done to provide protection against gamma radiation and radon gas accumulation and emanation in accordance with the most stringent applicable state and federal requirements.
- d) This section shall be subject to any restrictions set forth in Section 553.98, Florida Statutes.

J.(11) Any reconstruction of the F-1 dam (F-1R) or any portion thereof shall be constructed in accordance with the appropriate design cross section shown in either Figure 14 or Figure 16



of the Dames and Moore January 2, 1990 report which was attached as Exhibit E to Ordinance 95-41.

## **PHASE II NORTHEAST TRACT ADDITION\* CONDITIONS**

### **Groundwater**

- K.(1) The Groundwater Monitoring Program at the Four Corners Mine Phase II Northeast Tract Addition\* shall be performed as required by the Manatee County Operating Permit issued for the Phase II Northeast Tract Addition\* and Chapter 2-20, Code of Laws. At a minimum, the Groundwater Monitoring Program shall specify sampling locations, parameters, frequencies, duration, analytical methods, and procedures. A summary of the results of the monitoring program shall be included as part of the DRI annual report.
- K.(2) The Developer\* shall properly plug and abandon all on-site wells, in accordance with SWFWMD and Manatee County Environmental Management Department standards and rules, prior to mining each area of the Phase II Northeast Tract Addition\*.

### **Surface Water**

- L.(1) Best Management Practices\* for reducing surface water quality impacts shall be implemented.
- L.(2) A Surface Water Monitoring Program at the Four Corners Mine shall be performed as required by the Manatee County Operating Permit issued for the Phase II Northeast Tract Addition\* and Chapter 2-20, Codes of Law. At a minimum, this Surface Water Monitoring Program shall specify sampling locations, parameters, frequencies, duration, analytical methods, and procedures. A summary of the results of the monitoring program shall be included as part of the DRI Annual Report. The Water Quality Monitoring Program required in the Operating Permit shall contain sufficient surficial water quality monitoring stations to characterize runoff from the Phase II Northeast Tract Addition\*.
- L.(3) Should monitoring results indicate that applicable water quality standards are not being met due to mining activities, the violation shall be immediately reported to Manatee County (as required under the Operating Permit for the Four Corners Mine Phase II Northeast Tract Addition\*) and any other agency with jurisdiction and appropriate corrective measures shall be immediately implemented.
- L.(4)
  - a. Copies of amendments to NPDES permits associated with the Four Corners Mine Phase II Northeast Tract Addition\* (including specific conditions) shall be submitted to Manatee County.
  - b. Stormwater runoff from lands cleared for mining and active mining areas shall be routed through ditches into the mine water recirculation system and discharged only through permitted NPDES outfalls.

- c. All discharges and discharge rates from the NPDES outfalls shall be in accordance with Chapters 62-302, 62-620, and 62-671, FAC and conditions of the specific NPDES permit.
- L.(5) Erosion control measures such as siltation screens and hay bales shall be used to prevent surface water quality degradation. Best Management Practices shall be employed throughout preparation, mining and reclamation to minimize surface and groundwater quality impacts.

### **Wetlands**

- M.(1) The Developer\* shall provide a thirty foot (30') wide buffer zone around all wetlands in Preservation Areas\* to provide an upland transition into the wetland areas and to protect the natural systems from development impact. The protection berm may be located in the transition area. Water shall be added as needed to maintain the hydroperiod.
  - a) Mitigation for wetland losses shall be as shown on the FDEP Environmental Resources Permit (ERP).
  - b) All wetland losses within the Four Corners Mine Phase II Northeast Tract Addition\* shall require mitigation in accordance with the specific mitigation plan described in the ADA\* and shown in Tables 12-1 and 13-1 (which was attached as Exhibits J and E, respectively to Ordinance 02-58). Any deviation from the specific mitigation plan not specifically required by Manatee County or permitting agencies with jurisdiction shall trigger a Substantial Deviation determination pursuant to Section 380.06(19) F.S.
  - c) All mitigation areas and littoral shelves shall be monitored in accordance with FDEP and Manatee County requirements. Additional planting may be required to achieve the desired natural cover rate. Mitigation areas monitoring results shall be included in the DRI annual report.
- M.(2) Existing wetlands which are permitted to be altered or eliminated shall be used as donor material for revegetation or mitigation area as outlined in development condition A.(1.).
- M.(3) As stated in the ADA\* and sufficiency responses agricultural activities on the site may continue until the area is prepared for mining but at no greater density or intensity than at present and, provided that the geographic extent of agricultural activities, including tree removal shall not be increased unless specifically permitted by the Manatee County Environmental Management and Planning Departments.

However, no agricultural activities are permitted within those areas preserved throughout mining, as shown on Maps A-3A, A-3B, A-3C, F-1A, F-1B, F-1C, F-2A, F-2B, F-2C, H-1A, H-1B, H-3A, and H-3B, except for the ±29 acre area designated as "non-disturbance" and shown in Section 12, Township 33 South, Range 21 East in Section 12 in Parcel 3, and as further stipulated in this Development Order.

## **Floodplains**

- N.(1) No mining or disturbance of the 25-Year Floodplain\* shall be allowed except for those crossings permitted on the Phase II Northeast Tract Addition\*, as outlined in N.(2) below.
- N.(2) Any disturbance to the 25-Year Floodplain\* necessitated by utility, dragline, or pipeline crossings or construction shall be conducted during periods of low flow and all applicable Best Management Practices\* for erosion control shall be utilized throughout the entire period of disturbance. Immediately after such use is terminated, the Developer\* shall remove all structures, restore the area in question to original grade elevations, and revegetate the area.
- N.(3) There shall be no adverse hydroperiod alteration of hydroperiods in wetlands that are not approved for mining. Hydroperiods (seasonal high and normal pool elevations) shall be established and reviewed and approved by the SWFWMD. Natural annual hydroperiods, normal pool elevations, and seasonal water fluctuations shall be substantially maintained. Hydroperiod monitoring of the above described areas shall be conducted and reported semiannually to Manatee County, as described in Mosaic's SWFWMD Water Use Permit 2011400, as amended. The monitoring sites shall be at the locations where the hydroperiods were established. Should the above described be adversely impacted due to mining activities, the Developer\* shall cease all mining and associated activity in the affected sub-basin until remedial measures have been proposed to Manatee County, approved, and then undertaken to correct the hydroperiod imbalance. Such measures could include limitations on surrounding activities, enlargement of buffer areas and additional protection measures or water augmentation.
- N.(4) In order to promote the maintenance of the functional aspects of floodplains, water alterations caused by pit de-watering shall be limited to only one side of a floodplain at a time and mining of the opposite side of the floodplain shall be delayed wherever feasible until the mined portions have been reclaimed to design elevations and groundwater levels have recovered.
- N.(5) There shall be no net loss of 100-year floodplain storage capacity.
- N.(6) No impervious surfaces shall be constructed in the 25-year floodplain.

## **Vegetation and Wildlife**

- O.(1) In the event that any listed species listed in Rule 68A-27.003 - 68A-27.005 FAC, or state or federally listed species or colonies of species are observed nesting or breeding at the Phase II Northeast Tract Addition\* in an area to be disturbed by mining operations, the developer shall immediately notify the Florida Fish and Wildlife Conservation Commission (FFWCC) and implement the recommended measures for species protection. In the event that a wood stork nesting colony is observed, the Developer\* shall implement the US Fish and Wildlife Service's Habitat Management Guidelines for the Wood Stork in the Phase II Northeast Tract Addition\*.

- O.(2) Mosaic shall implement the Wildlife and Habitat Management Plan as detailed in the ADA\* and Sufficiency Responses for the Phase II Northeast Tract Addition\*, which has been approved by FFWCC and U.S. Fish and Wildlife Service. Prior to the clearing of each mining parcel, the Developer shall obtain the necessary permits and approvals for relocation or incidental take of listed species. Implementation activity associated with the approved plan or listed species permitting will be reported in the DRI annual report.
- O.(3) Mining and reclamation of the northern reach of the West Fork Horse Creek floodplain and the South Fork Little Manatee River watershed shall proceed as specified in the ADA\*. Any deviation not specifically required by Manatee County or permitting agencies with jurisdiction shall trigger a Substantial Deviation determination pursuant to Section 380.06(19) F.S.
- O.(4) The habitat shown to be preserved throughout mining on Parcels 1, 2, and 3, as shown on Maps A-3A, A-3B, A-3C, F-1A, F-1B, F-1C, F-2A, F-2B, F-2C, H-1A, H-1B, H-3A, and H-3B, and as further stipulated in this Development Order, except for the  $\pm 29$  acre area designated as "non-disturbance" and shown in Section 12, Township 33 South, Range 21 East in Section 12 in Parcel 3, shall be protected in perpetuity through the establishment of a conservation easement. The Conservation Easement shall include Manatee County as a grantee, in addition to FDEP. The Conservation Easement required by this condition shall be in addition to the area proposed for conservation easement in association with Integrated Habitat Network and translocation of the Florida scrub-jay.

The following areas of regionally-significant habitat shall be protected in perpetuity through the establishment of a conservation easement granted to FDEP:

- a. Habitat created on the Northeast Tract as part of the Integrated Habitat Network and mitigation wetlands, totaling approximately 162 acres and shown on Figure MC-16 B, page 1-44, of the Second Additional Information.
- b. The 365 acres of xeric and oak scrub and certain pine flatwoods to be selected by the US Fish and Wildlife Service; and the 335 acres already selected for protection and translocation of the federally-listed Florida scrub Jay.

## **Drainage**

- P.(1) The drainage basins in the Four Corners Mine Phase II Northeast Tract Addition\* shall be restored to their approximate pre-mining size and location as described in the ADA\*. The post-reclamation flood flow peaks shall be in accordance with the rates established in the ADA. The discharge rate shall be in accordance with Chapter 62C-16, F.A.C., requirements.
- P.(2) All re-created wetlands shall be subject to all the rules, regulations, and policies of local, state, regional, and federal agencies governing wetland areas when such areas meet the definition of "wetland" as specified by the County, FDEP, and ACOE, respectively.
- P.(3) The re-created wetlands shall be designed to promote seasonal fluctuations of water levels within the freshwater marsh and encourage seasonal inundation of the marsh property. Final

grade of the side slopes of the marsh periphery shall meet the requirements established by Manatee County in the Mining Ordinance\* or by the Department of Environmental Protection, whichever is more stringent.

- P.(4) The Developer\* shall be responsible for maintaining the water recirculation system and the drainage system, including channels, swales, culverts, erosion protection facilities, and discharge facilities during mining and reclamation. Any transfer of this responsibility from the Developer\* to subsequent owners, or assigns, shall require the approval of the appropriate permitting agency.

### **Water Supply**

- Q.(1) There shall be no net increase in the groundwater demand in excess of the currently permitted volume for the Four Corners Mine\* as it pertains to mining in the Phase II Northeast Tract Addition\*.

### **Transportation**

- R.(1) All non-public roads, streets, bridges, and other access ways located upon the site shall be constructed and maintained by the Developer\* without any cost or obligation to Manatee County.
- R.(2) Establishment of a single crossing point on County Road 39 for purposes of access, movement of mining machinery, or mineral transport pipelines shall be permitted, as committed to in the ADA\* (page 21-4). Establishment of two crossing points on State Road 37 for purposes of access, movement of mining machinery, or mineral transport pipelines shall be permitted, as shown in the ADA\* on Map H-1A, provided that the crossings on SR 37 are not for the purpose of access to Parcel #4.

### **Mining Operations**

- S.(1) The Developer\* shall obtain all the necessary construction and operation permits and approvals required by, and shall fully comply, to the extent not inconsistent with this Development Order with all the provisions of applicable laws, ordinances, rules, regulations, or requirements of any federal, state, regional, or county governmental authority in connection with the proposed mining activities at the Phase II Northeast Tract Addition\*.
- S.(2) The two clay disposal areas (F-9A and F-9B) partially within the Phase II Northeast Tract Addition\* shall contain an amount of waste clay approximately equivalent to the amount of waste clay produced from the Four Corners Mine\* in Manatee County.
- S.(3) All earthen embankments (dams) shall be designed, constructed, inspected, and maintained in accordance with the standards of Chapter 62-672, FAC - Minimum Requirements for Earthen Dams, Phosphate Mining, and Processing Operations, as indicated in the ADA\* for the Phase II Northeast Tract Addition\*, as well as all other applicable local, state, and federal requirements.

- S.(4) The Developer\* shall abide by all Florida Department of Environmental Protection (FDEP) reclamation regulations regarding site cleanup and shall dismantle and remove any building structures existing at the cessation of the mining operation that cannot be put to an allowable use under a proposed post reclamation zoning district classification of the property.
- S.(5) The Developer\* shall reclaim all mined or disturbed land to FDEP or Manatee County standards, whichever is more stringent. Reclamation and revegetation shall proceed immediately after mining activities cease in each parcel and in no case shall exceed the schedule for reclamation outlined in Table 35-4 of the ADA\* (attached as Exhibit I to this Ordinance). The Developer\* shall be responsible for maintenance of all reclaimed areas until such time that those areas are approved as reclaimed by Manatee County in accordance with the procedures established in the Mining Ordinance\*.
- S.(6) The Developer shall utilize Best Management Practices\* (including revegetation, reforestation, erosion control, etc.) for all mined or disturbed lands to accelerate and ensure the successful establishment of the natural vegetative associations that the reclamation areas are designed to support. Wherever possible, leach zone material shall be covered by graded spoil to lessen the potential of increased radiation levels on reclaimed lands.
- S.(7) Reclamation shall be considered complete when areas intended to develop native forested and unforested wetland vegetation associations are firmly established and it is assured that these areas will develop the vegetation associations that they are designed to support, and when FDEP and Manatee County have approved the reclamation of the Four Corners Mine Phase II Northeast Tract Addition\* in accordance with Chapter 62C-16, Florida Administrative Code and the Mining Ordinance\*.
- S.(8) During the mining and reclamation period, the Developer\* shall allow no development or land use activity (such as grazing, farming, tree harvesting) within any newly established 25-Year Floodplains\* that would in any way inhibit the growth and development of native vegetation associations appropriate for floodplains.
- S.(9) Minimum mine cut setbacks and setbacks for the perimeter recharge ditch shall be maintained as follows:
- a. 1,000 feet of a habitable structure existing at the time of initial application for Master Mining Plan approval, unless waived by affected habitable structure owner;
  - b. A minimum of 45 feet from an existing public right-of-way;
  - c. 500 feet of Mosaic Fertilizer, LLC property line;
  - d. 1,000 feet of any wetlands or groves on adjoining property not owned by the applicant.

Nothing in this requirement shall prevent the reduction of setbacks pursuant to Section 2-20-

33(b) of the Mining Code. All such setbacks shall be shown in the Operating Permit and shall be specifically approved by the Board of County Commissioners.

Within the above described setback areas along CR 39 and SR 37, the applicant shall construct an earthen berm, 6'-8' in height above the roadway elevation, prior to commencement of mining activities. Within the above described setback area along SR 62 where the existing buffer of planted pine trees does not exist, the applicant shall construct an earthen berm, 6'-8' in height above the roadway elevation, prior to commencement of mining activities.

S.(10) Radiation standards shall be maintained as follows:

- a. For the Phase II Northeast Tract Addition\*, the radiation standards shall be maintained in accordance with Section 2-20-33(d) of the Mining Ordinance\*;
- b. Any building shall be designed and constructed and all reclamation shall be done to provide protection against gamma radiation and radon gas accumulation and emanation in accordance with the most stringent applicable state and federal requirements.
- a. This section shall be subject to any restrictions set forth in Section 553.98, Florida Statutes.

S.(11) Within the Peace River watershed, the reclamation schedule will be expedited by placing the sand tailing fill the year after each area is mined, and then revegetate so that the total time each block is disturbed from start of mining to being effectively reclaimed is about three years.

S.(12) The Phase II Northeast Tract Addition\* shall be reclaimed in such a way that pre-mining groundwater outflows from the surficial aquifer are approximated, taking into account the increased evapotranspiration from the increased wetland areas.

### **Air Quality**

T.(1) Best Management Practices, including those identified in the ADA, shall be employed during site preparation, mining, and reclamation to minimize air quality impacts.

**LIPMAN ADDITION\* CONDITIONS – the following conditions shall apply to only the Lipman Tract:**

### **Ground Water**

U (1) The Groundwater Monitoring Program at the Four Corners Mine Lipman Addition\* shall be performed as required by the Manatee County Operating Permit issued for the Lipman Addition\* and Ordinance 04-39\*. At a minimum, the Groundwater Monitoring Program shall specify sampling locations, parameters, frequencies, duration, analytical methods, and

procedures. A summary of the results of the monitoring program shall be included as part of the DRI annual report.

- U.(2) The Developer\* shall properly plug and abandon all on-site wells, in accordance with SWFWMD and Manatee County Environmental Management Department standards and rules, prior to mining each area of the Lipman Addition\*.

### **Surface Water**

- V.(1) Best Operating Practices\* for reducing surface water quality impacts shall be implemented.
- V.(2) A Surface Water Monitoring Program at the Four Corners Mine shall be performed as required by the Manatee County Operating Permit issued for the Lipman Addition\* and Ordinance 04-39\*. At a minimum, this Surface Water Monitoring Program shall specify sampling locations, parameters, frequencies, duration, analytical methods, and procedures. A summary of the results of the monitoring program shall be included as part of the DRI Annual Report. The Water Quality Monitoring Program required in the Operating Permit shall contain sufficient surficial water quality monitoring stations to characterize runoff from the Lipman Addition\*.
- V.(3) Should monitoring results indicate that applicable water quality standards are not being met due to mining activities, the violation shall be immediately reported to Manatee County (as required under the Operating Permit for the Lipman Addition\*) and any other agency with jurisdiction and appropriate corrective measures shall be immediately implemented.
- V.(4) a. Copies of amendments to NPDES permits associated with the Lipmann Addition\* (including specific conditions) shall be submitted to Manatee County.
- b. Stormwater runoff from lands cleared for mining and active mining areas shall be routed through ditches into the mine water recirculation system and discharged only through permitted NPDES outfalls.
- c. All discharges and discharge rates from the NPDES outfalls shall be in accordance with Chapters 62-302, 62-620, and 62-671, FAC and conditions of the specific NPDES permit.
- V.(5) Erosion control measures such as siltation screens and hay bales shall be used to prevent surface water quality degradation. Best Management Practices\* shall be employed throughout preparation, mining and reclamation to minimize surface and groundwater quality impacts.

### **Wetlands**

- W.(1) The Developer\* shall provide a thirty foot (30') wide buffer zone around all wetlands to provide an upland transition into the wetland areas and to protect the natural systems from



development impact. The protection berm may be located in the transition area. Water shall be added as needed to maintain the hydroperiod.

- a) Mitigation for wetland losses shall be as shown on the FDEP Environmental Resources Permit (ERP).
  - b) All wetland losses within the Lipman Addition\* shall require mitigation in accordance with the specific mitigation plan described in the ADA\* and shown in Table 12-1 and Map I-2c (attached as Exhibits J and G, respectively). Any deviation from the specific mitigation plan not specifically required by Manatee County or permitting agencies with jurisdiction shall trigger a Substantial Deviation determination pursuant to Section 380.06(19) F.S.
  - c) All mitigation areas and littoral shelves shall be monitored in accordance with FDEP and Manatee County requirements. Additional planting may be required to achieve the desired natural cover rate. Mitigation areas monitoring results shall be included in the DRI annual report.
- W.(2) Existing wetlands which are permitted to be altered or eliminated shall be used as donor material for revegetation or mitigation area as outlined in development condition A.(1.).
- W.(3) As stated in the ADA\* and sufficiency responses agricultural activities on the site may continue until the area is prepared for mining but at no greater density or intensity than at present and, provided that the geographic extent of agricultural activities, including tree removal shall not be increased unless specifically permitted by the Manatee County Environmental Management and Planning Departments.

### **Vegetation and Wildlife**

- Y.(1) In the event that any listed species listed in Rule 68A-27.003 - 68A-27.005 FAC, or state or federally listed species or colonies of species are observed nesting or breeding at the Lipman Addition\* in an area to be disturbed by mining operations, the developer shall immediately notify the Florida Fish and Wildlife Conservation Commission (FFWCC) and implement the recommended measures for species protection. In the event that a wood stork nesting colony is observed, the Developer\* shall implement the US Fish and Wildlife Service's Habitat Management Guidelines for the Wood Stork in the Lipman Addition\*.
- Y.(2) Mosaic shall implement the Wildlife and Habitat Management Plan as detailed in the ADA\* and Sufficiency Responses for the Lipman Addition\*, which has been approved by FFWCC and U.S. Fish and Wildlife Service. Prior to the clearing of each mining parcel, the Developer shall obtain the necessary permits and approvals for relocation or incidental take of listed species. Implementation activity associated with the approved plan or listed species permitting will be reported in the DRI annual report.
- Y.(3) Mining and reclamation in the South Fork Little Manatee River watershed shall proceed as specified in the ADA\*. Any deviation not specifically required by Manatee County or

permitting agencies with jurisdiction shall trigger a Substantial Deviation determination pursuant to Section 380.06(19) F.S.

- Y.(4) The recreated wetlands as shown on Map I-2C (Exhibit G) shall be incorporated into the Integrated Habitat Network.

### **Drainage**

- Z.(1) The drainage basins in the Lipman Addition\* shall be restored to their approximate pre-mining size and location as described in the ADA\*. The post-reclamation flood flow peaks shall be in accordance with the rates established in the ADA. The discharge rate shall be in accordance with Chapter 62C-16, F.A.C., requirements.
- Z.(2) All re-created wetlands shall be subject to all the rules, regulations, and policies of local, state, regional, and federal agencies governing wetland areas when such areas meet the definition of "wetland" as specified by the County, FDEP, and ACOE, respectively.
- Z.(3) The re-created wetlands shall be designed to promote seasonal fluctuations of water levels within the freshwater marsh and encourage seasonal inundation of the marsh property. Final grade of the side slopes of the marsh periphery shall meet the requirements established by Manatee County in Ordinance 04-39\* or by the Department of Environmental Protection, whichever is more stringent.
- Z.(4) The Developer\* shall be responsible for maintaining the water recirculation system and the drainage system, including channels, swales, culverts, erosion protection facilities, and discharge facilities during mining and reclamation. Any transfer of this responsibility from the Developer\* to subsequent owners, or assigns, shall require the approval of the appropriate permitting agency.

### **Water Supply**

- AA.(1) There shall be no net increase in the groundwater water demand in excess of the currently permitted volume for the Four Corners Mine\* as it pertains to mining in the Lipman Addition\*.

### **Transportation**

- BB.(1) All non-public roads, streets, bridges, and other access ways located upon the site shall be constructed and maintained by the Developer\* without any cost or obligation to Manatee County.

### **Mining Operations**

- CC.(1) The Developer\* shall obtain all the necessary construction and operation permits and approvals required by, and shall fully comply, to the extent not inconsistent with this Development Order with all the provisions of applicable laws, ordinances, rules,

regulations, or requirements of any federal, state, regional, or county governmental authority in connection with the proposed mining activities at the Lipman Addition\*.

- CC.(2) The Developer\* shall abide by all Florida Department of Environmental Protection (FDEP) reclamation regulations regarding site cleanup and shall dismantle and remove any building structures existing at the cessation of the mining operation that cannot be put to an allowable use under a proposed post reclamation zoning district classification of the property.
- CC.(3) The Developer\* shall reclaim all mined or disturbed land to FDEP or Manatee County standards, whichever is more stringent. Reclamation and revegetation shall proceed immediately after mining activities cease in each parcel and in no case shall exceed the schedule for reclamation outlined in Table 35-4 of the ADA\* (Attached as Exhibit I). The Developer\* shall be responsible for maintenance of all reclaimed areas until such time that those areas are approved as reclaimed by Manatee County in accordance with the procedures established in Ordinance 04-39\*.
- CC.(6) The Developer shall utilize Best Operating Practices\* for all mined or disturbed lands to accelerate and ensure the successful establishment of the natural vegetative associations that the reclamation areas are designed to support. Wherever possible, leach zone material shall be covered by graded spoil to lessen the potential of increased radiation levels on reclaimed lands.
- CC.(7) Reclamation shall be considered complete when completed in accordance with Ordinance 04-39\*(the Manatee County Phosphate Mining Code, as amended) and FDEP requirements.
- CC.(8) During the mining and reclamation period, the Developer\* shall allow no development or land use activity (such as grazing, farming, tree harvesting) within any newly established 25-Year Floodplains\* that would in any way inhibit the growth and development of native vegetation associations appropriate for floodplains.
- CC.(9) The Lipman Addition\* shall be reclaimed in such a way that pre-mining groundwater outflows from the surficial aquifer are approximated, taking into account the increased evapotranspiration from the increased wetland areas.
- CC.(10) The Phase II Northeast Tract Addition\* shall be reclaimed in such a way that pre-mining groundwater outflows from the surficial aquifer are approximated, taking into account the increased evapotranspiration from the increased wetland areas.
- CC.(11) Radiation standards shall be maintained as follows:
  - a. For the Lipman Addition\*, the radiation standards shall be maintained in accordance with Section III.12 of Ordinance 04-39\*.

- b. Any building shall be designed and constructed and all reclamation shall be done to provide protection against gamma radiation and radon gas accumulation and emanation in accordance with the most stringent applicable state and federal requirements.
- b. This section shall be subject to any restrictions set forth in Section 553.98, Florida Statutes.

CC.(12) Setbacks shall be in accordance with Ordinance 04-39\*.

### **Air Quality**

DD.(1) Best Management Practices, including those identified in the ADA, shall be employed during site preparation, mining, and reclamation to minimize air quality impacts.

### **Applicable Requirements**

EE.(1) The Lipman Tract shall be subject to the requirements of Ordinance 04-39 in the same manner as any new mining operation approval and permitted pursuant to such Ordinance.

**GENERAL CONDITIONS** (Applicable to the Four Corners Mine\*, including Parcels 1, 2, and 3 of the Northeast Tract Phase II Addition\*,  $\pm$  11 acres within the Jameson Tract, and the Northeast Tract Economic Revision Areas, and the Lipman Addition\*.)

- EE.(1) Best Management Practices\* (Best Operating Practices for the Lipman Addition\*) shall be required for the operation, maintenance, and reclamation of the Four Corners Mine\*. Best Management Practices\*, including those identified in the ADA, shall be employed during site preparation and construction to prevent soil erosion. Best Management Practices\* shall be used to accelerate the natural development of those areas that are intended to support native forested and unforested wetland vegetation associations. Utility and pipeline crossings of the tributaries shall, at a minimum, meet the following:
- a. Pipelines shall be placed above the 25-Year Floodplain\* elevation and isolated from tributaries by berms.
  - b. Pipelines shall be jacketed and spill containment areas outside the floodplain shall be provided.
  - c. Pipelines shall be routinely inspected by operating personnel and the system shall be shut down if a spill occurs until the source of the spill is corrected.
  - d. All utility crossings shall be elevated above the 25-Year Floodplain\* level and shall consist of piers without any approach embankment. Verification that the proposed piers can sustain high water flow conditions shall be certified by a

professional engineer, under seal, prior to any construction.

- EE.(2) Due to the mine's location within the Lake Manatee watershed, Best Possible Technology\* shall be applied to any portion of the Mine Extension Areas\* located within the Lake Manatee Watershed Overlay District.
- EE.(3) Storage of hazardous materials in excess of 220 lbs., or acutely hazardous materials in excess of 2.2 lbs. For any day of the month shall be prohibited within the Lake Manatee Watershed. Furthermore, all hazardous and acutely hazardous material storage shall be prohibited within any 25-Year Floodplain\* or 100-Year Floodplain of any inflowing watercourse located within the Lake Manatee Watershed or within 200 feet of the DEP jurisdictional line associated with any inflowing watercourse, whichever is greater. Hazardous and acutely hazardous material shall be as defined and listed in 40 CFR 261 and as adopted within Chapter 62-730, Florida Administrative Code, and Section 403.7, Florida Statutes.
- EE.(4) All of the Developer's\* commitments, which were attached as Exhibit F to Ordinance 95-41, those attached to Ordinance 02-58 as Exhibit L, for the Phase II Northeast Tract Addition\*, and attached as Exhibit L for the Lipman Addition shall be honored for the Four Corners Mine\*, the Mine Extension Areas\*, and the Phase II Northeast Tract Addition\*, including the Economic Revision Areas\*, and the Lipman Addition except as they may be superseded by specific terms of this Ordinance.
- EE.(5) The DRI annual report shall comply with the Florida Department of Community Affairs (DCA) report format and informational requirements, and shall include summaries of NPDES monitoring results and surface water and groundwater quality monitoring results (including notification of violations of water quality standards per Chapter 62-3, FAC); Mining progress; impacts on surface water and groundwater flows; impacts on Lake Manatee (if any); compliance with listed species management plans; success or problems with listed species management plans; reclamation progress and compliance with approved mining and reclamation schedules. The Developer\* shall submit annual DRI reports in accordance with Section 380.06(18), F. S., to Manatee County, and the TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, no later than July 31<sup>st</sup> of each year until such time as terms and conditions of this Development Order are satisfied as determined by Manatee County. Six copies of this report shall be submitted to the Director of Manatee County Planning Department, or the Director's designee, who shall review the report for compliance with the terms and conditions of the Order and may submit an appropriate report to the County Commissioners should the Director decide that further orders and conditions are necessary. The Developer\* shall be notified of any board of County Commissioners hearing wherein such report is to be reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver, or change of conditions as to any terms or conditions of this Order. The Planning Director or his/her designee shall notify the Developer in writing upon acceptance or denial of the report. The annual report shall, at a minimum, contain the following:

- a. Any changes in the plan of development, or in the representations contained in the ADA\*, or in the phasing for the reporting year and for the next year.
- b. A summary comparison of development activity proposed and actually conducted for the year;
- c. Undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or developer in the Extended Four Corners Mine\*;
- d. Identification and intended use of lands purchased, leased, or optioned by the Developer\* adjacent to the Four Corners Mine\* site since the Development Order was issued;
- e. An assessment of the Developer's\* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the ADA\* and which have been identified by the local government, the Regional Planning Council, or the Department of Community Affairs as being significant.
- f. Any known incremental DRI applications for development approvals or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year for the Extended Four Corners Mine\*;
- g. An indication of a change, if any, in local government jurisdiction for any portion of the development since the Development Order was issued;
- h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
- i. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), F.S.;
- j. A copy of any recorded notice of the adoption of a Development Order or the subsequent modification of an adopted Development Order that was recorded by the Developer\* pursuant to Subsection 380.06(14)(d), F.S.
- k. Monitoring results pursuant to stipulations B.(1.), C.(2.), C.4), C.(5)a., D.(2)d, E.(3.), G.(2), H.(3), I.(2), K.(1), L.(2), L.(3), L.(4)a., and N.(3);
- l. Any notice of violation for noncompliance for the Extended Four Corners Mine\*; and
- m. A copy of the approved Spill Notification, Containment, and Contingency Plan for F-3 shall be submitted to TBRPC in the Annual Report following the County's written approval of said plan. Subsequent updates or revisions to this plan shall also be submitted to TBRPC in the Annual Report following such update or revision.  
**Completed.**

- n. A copy of the approved Spill Notification, containment, and Contingency Plan for F-3B, F-9A, and F-9B shall be submitted to TBRPC in the Annual Report following the County's written approval of each plan. Subsequent updates or revisions to this plan shall also be submitted to TBRPC in the Annual Report following such update or revision.
- o. A clearance letter from the Manatee County Department of Community Services that any home(s) removed from the site did not qualify as affordable housing or that the applicant has made any required payment to the Manatee County Affordable Housing Trust Fund for the removal of affordable housing.

EE.(6) Mining under this Development Order shall terminate on December 31, 2018. This Development Order shall not expire until December 31, 2029, or until all reclamation has been completed and accepted by Manatee County, whichever occurs first.

EE.(7) This Ordinance shall constitute a Development Order issued in accordance with Chapter 380, F.S.

EE. (8) The Developer\* shall, within sixty (60) days after notice by Manatee County of the amount of fees due and owing, pay all fees owed to Manatee County for the review of the Four Corners Mine Lipman Addition\*, except those fees in dispute and under review or appeal. Failure to make such payment shall require a cessation of mining activities until payment is made.

EE.(9) Prior to mining the Land Exchange Area\*, that land will be subjected to a historical or archaeology resources survey, the methodology which shall be reviewed and approved by Florida Division of Historical Resources (DHR). Any historical or archaeology resources discovered during the survey will be mitigated, and released by DCA and DHR prior to the mining of the site. Any historical or archaeology resources discovered during mine operation within the 170 Acre Addition\*, the Land Exchange Area\*, or the Four Corners Mine\*, including the Phase II Northeast Tract Addition\*, the Economic Revision Areas\*, and the Lipman Addition shall be immediately reported to the DHR and the ultimate disposition of such resources shall be determined in cooperation with the DHR, TBRPC, and Manatee County. The agreed upon treatment of the resources shall be completed before activities which would disturb the resources are allowed to continue.

EE.(10) Those areas within the Four Corners Mine\* approved for mining and reclamation may continue to be used for agricultural activities until such time as clearing for mining commences, but at no greater intensity than at present. No silvacultural or agricultural activities shall be initiated on land not currently under such use. The commercial harvest of timber in those areas proposed for mining is permitted, provided that the extent of such timber harvesting is first approved by the Manatee County Environmental Management and Planning Departments.

EE.(11) Land clearing and commercial timber harvesting in those off-site areas (identified and defined as Conservation Areas\*) to be enhanced as donor Florida scrub jay habitat is

permitted, subject to the requirements of Stipulations U. (16), (19), (20), and (22).

- EE.(12) There shall be no sale of overburden, sand, or sand tailings from the Four Corners Mine\* if those products originated in Manatee County. An equivalent amount of overburden and sand tailings originating in Manatee County shall be used for reclamation within Manatee County. Reject rock from the Four Corners Mine in Manatee County may be sold and transported off-site, subject to the requirements of Stipulation EE.(13) and (14).
- EE.(13) In the event that any material other than phosphate rock, including but not limited to, by-product (reject rock), overburden, or sand tailings excavated outside of Manatee County and processed through the Four Corners Mine beneficiation plant is to be marketed for sale and use off the mine site, Mosaic shall obtain written approval from the Environmental Management Department Director prior to selling any such materials.
- EE.(14) Trucks hauling reject rock, overburden, or sand tailings from Four Corners Mine and utilizing roadways within Manatee County will not leave the mine during the time that school buses are either picking up or delivering students. The bus schedules are available from the Supervisor of School Bus Operations. The schedules will be reviewed by Manatee County and Mosaic personnel and an appropriate trucking schedule will be settled upon by the parties. The schedule will be distributed to Mosaic operations personnel and scale operators. Before the start of a new school year or summer-school, Mosaic will request notice from the Supervisor of School Bus Operations and adjust the trucking schedule accordingly, with approval from the Environmental Management Department.
- EE.(15) All remaining pine trees planted along SR 62 as a buffer for phosphate mining shall remain. The required perimeter ditch and berm system shall be located on the mining side of the pine tree buffer.

#### **Scrub Jay Management Conditions**

- EE.(16) Mosaic shall conduct reclamation and management activities as proposed in the HMP dated July 2001 on the West Tract Preserve site and the Manatee Wellfield Mitigation site. These activities shall occur during the estimated 30-year life-of-mine permit to ensure that the M4 Florida scrub-jay metapopulation (Stith 1999) on lands controlled or managed by Mosaic does not drop below a quasi-extinction level of ten pairs of Florida scrub-jays (Fitzpatrick et al. 1991, Stith 1999) during the first 10 years of mining and intensive management, or below the 2000 baseline condition of 14 pairs during the following 20 years. This level of incidental take is expressly allowed under scrub-jays at strategic locations on Mosaic lands, which will reduce the long-term likelihood of extinction of the entire M4 metapopulation.
- EE.(17) The applicant should avoid the potential of Florida scrub-jays to be injured or killed by heavy equipment, or the destruction of active scrub-jay nests with or without eggs.
- EE.(18) The U.S. Fish and Wildlife Service shall be notified of any unauthorized take of Florida scrub-jays.



- EE.(19)Mosaic, within one year of issuance of the USFWS biological opinion and prior to commencement of any mining activities that would disrupt existing Florida scrub jay habitat, will grant in favor of FDEP a perpetual conservation easement with management requirements over 135 acres of the West Tract Preserve and 200 acres of the Manatee Wellfield site as identified in Maps 9 and 14 of the HMP, respectively, in general accordance with the easement language attached as Exhibit A to the U.S. Fish and Wildlife Service (USFWS) Biological Opinion dated August 6, 2001, and as modified herein. Following the completion of mining and reclamation, the USFWS in coordination with FDEP will identify an additional 365 acres of FFWCC Type I or occupied scrub-jay habitat for dedication of a perpetual conservation easement in favor of FDEP. Both conservation easements outlined within this requirement shall not permit agricultural land use operations that would result in the destruction of Florida scrub-jay habitat (e.g., cattle grazing, timber harvesting, etc.).
- EE.(20)Mosaic shall manage through a combination of mechanical treatments and prescribed fires the potentially suitable occupied Florida scrub-jay habitats on unmined portions of the Four Corners Mine\* and the entire Manatee Wellfield Mitigation Site during the life of the mine in accordance with the HMP.
- EE.(21)Mosaic shall be responsible for managing the reclaimed and native HMP habitats, including the Manatee Wellfield site, through the FDEP release of reclaimed HMP habitats, at which time FDEP will assume management responsibilities of the Florida scrub-jay habitat areas identified in Condition U.(19), above.
- EE.(22)No clearing of vegetation will take place within occupied territories on the project site place during the Florida scrub-jay nesting season (typically March 1 through June 30), removing the potential to destroy active nests and kill or injure nestlings.
- EE.(23)Mechanical and fire management can take place in the occupied territories during the scrub-jay nesting season; however, the management area should be carefully inspected to locate any active nests and protect the nests from any kind of management that may occur to prevent "take" of scrub-jay.
- EE.(24)To maximize site fidelity and reproductive success of resident scrub-jays, Mosaic is authorized to provide supplemental food as deemed appropriate.
- EE.(25)Mosaic shall monitor on an annual basis reclaimed scrub sites occupied by scrub-jays, all unmined occupied baseline survey sites on the Four Corners/Lonesome Mine and the Manatee Wellfield, as identified in the HMP, with sufficient intensity to document a) the response of the scrub-jay habitat management units to all reclamation, restoration and management activities, and b) the distribution and status of the resident Florida scrub-jay population on each of these management units. Monitoring of these areas shall continue on an annual basis until such time as a minimum population of 14 pairs of scrub-jays are documented to be present on Mosaic lands for three consecutive years, at which time monitoring can be reduced to every other year for the remaining life of the 30-year permit, so long as 14 pairs are present. If 28 families or more are documented with the project area

during the last ten year period, monitoring can be reduced to once every 5 years, so long as presence/absence surveys show 20 families or more present. Monitoring reports shall be submitted within 120 days of completing the field work (described below) in each calendar year to the USFWS, 6620 Southpoint Drive South, Jacksonville, FL 32216, with a copy to the Manatee County Environmental Management and Planning Departments. Monitoring reports should reference USFWS permit number, include a copy of the permit document and the following information:

A. Florida scrub-jay Habitat Management Units.

1. A description of all work completed on upland management units since the previous report, or since the permit was issued (initial monitoring report). Indicate on maps or figures those management units where work has been completed.
2. A description of all work proposed on upland habitat units in the next year. Indicate on map figures those management units where work is proposed.
3. For each management unit, Mosaic shall establish a representative sample of permanent photo stations. The photographs taken at these stations will include date taken, station number and contain a 3.0 meter stake as a reference point. Baseline photographs will be taken prior to all major management activities.

B. Florida scrub-jay Populations

1. Mosaic shall conduct in March of each year a survey of all management units of adequate intensity to determine the status of each Florida scrub-jay family, including the number of non-breeding helpers with each pair and the approximate size and configuration of each territory.
2. Mosaic shall prepare and include in the monitoring report a table summarizing the known history of each scrub-jay family through time, including and movements or changes in family composition (see Conservation Recommendations), and corresponding maps identifying the location of each territory.
3. Mosaic shall maintain a minimum of 10 pairs of Florida scrub-jays on the Mosaic property during the first 10 years of mining and a minimum of 14 pairs during the following 20 years (minimum population standard). If Mosaic can document through banding and/or radiotelemetry studies that scrub-jays dispersing from Mosaic property have successfully established a territory or paired with a jay on a territory off-site and contributed to the M4 metapopulation, these jays will count towards the minimum population standard. If, as a result of mining activities, the Mosaic Florida scrub-Jay population drops below the minimum population standard in any year, then Mosaic in coordination with the USFWS will develop an appropriate action plan to remedy the population standard shortfall by the following nesting

season. If the minimum population standard is not achieved within two nesting seasons following the reported shortfall, then Mosaic shall immediately cease mining of occupied Florida scrub-jay habitat and reinitiate Section 7 consultation.

4. If a dead Florida scrub-jay is found on the project site, the specimen should be thoroughly soaked in water and frozen, and the applicant should notify the USFWS Jacksonville Field Office immediately, at 904-232-2580.

EE.(26) Land clearing associated with mining activities in those areas containing existing Florida scrub jay habitat (identified as reclamation blocks to occur in 2007, 2011, and 2012 on Map I-4A and reclamation blocks to occur in 2009, 2021, and 2024 on Map I-4B), shall not commence until the 200 acre Manatee Wellfield site and the 135 acre West Tract Preserve are prepared to be suitable and verified by USFWS as acceptable as donor habitat for Florida scrub-jays, in accordance with the Scrub Jay Management Plan\*.

EE.(27) The applicant shall work cooperatively and proactively with the Florida Turnpike Authority in the event an alignment of the Coast to Coast Turnpike is sited through properties owned or controlled by the applicant in this or any other DRI.

## **SECTION 7. LEGAL DESCRIPTION.**

The following legal descriptions of the development site covers only the Manatee County portion of the Four Corners Mine, although the original DRI also included areas in Hillsborough County. The Hillsborough County portions are the subject of a separate development order issued and amended by Hillsborough County.

### **PHASE II MINE ADDITION AREAS**

**In Township 33 South, Range 22 East, Manatee County, Florida:**

#### **Parcel 3:**

**SECTION 7:** That part of Section 7 described as: begin at the southwest corner of Section 7 and run thence south 88°10' 22" east along the south boundary of the section 3,577.32 feet, thence north 1,411.38 feet, thence north 89° 36' 59" west 3,577.38 feet, more or less, to the west boundary of Section 7, and thence south along the west boundary of the section 1,411.38 feet to the point of beginning.

**In Township 33 South, Range 21 East, Manatee County, Florida:**

**Parcel 1**

**SECTION 9:** The east  $\frac{1}{2}$ .

**SECTION 10:** The west  $\frac{1}{4}$ .

**Parcel 3**

**SECTION 11:** The SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ .

**SECTION 12:** All, LESS the south 279.76 feet of the east 2,570 feet of Section 12, and LESS the north 1751 feet of section 12. (The south boundary of the north 1751 feet of Section 12 is a line beginning at a point on the east boundary lying 1751 feet south of the northeast corner of Section 12, running north 89° 36' 59" west 4,771.01 feet, more or less, to a point on the west boundary of the section lying 1751 feet south of the northwest corner of the section.)

**Parcel 2**

**SECTION 15:** The north  $\frac{3}{4}$  of the east  $\frac{1}{4}$ .

**Lipman Addition**

**SECTION 1:**

Begin at the intersection of the west boundary of section 1 and the south boundary of the north 1501 feet of the NW $\frac{1}{4}$ ; thence S89°34'50"E along the south boundary of the north 1501 feet of the NW $\frac{1}{4}$  a distance of 2595.00 feet to the intersection with the west boundary of NW $\frac{1}{4}$  of NE $\frac{1}{4}$ ; thence S03°18'31"E 6.01 feet; thence S82°55'46"W 15.29 feet; thence S82°28'41"W 16.23 feet; thence S39°35'50"W 35.20 feet; thence S70°18'19"W 29.67 feet; thence S37°07'52"W 16.46 feet; thence S82°33'40"W 21.24 feet; thence S07°41'20"W 25.23 feet; thence S12°11'38"W 40.54 feet; thence S34°45'40"W 48.23 feet; thence S49°40'32"W 64.52 feet; thence S56°33'01"W 57.83 feet; thence S54°39'11"W 71.95 feet; thence S61°36'25"W 60.46 feet; thence S57°25'45"W 24.84 feet; thence S57°35'43"W 24.73 feet; thence S50°13'26"W 31.07 feet; thence S21°38'36"W 37.79 feet; thence S11°24'02"E 27.03 feet; thence S11°22'27"E 16.32 feet; thence S50°42'54"W 55.47 feet; thence S52°22'58"W 22.53 feet; thence S67°57'21"W 35.64 feet; thence S68°25'43"W 5.78 feet; thence S21°30'41"E 14.91 feet; thence S78°32'45"W 19.51 feet; thence S66°53'25"W 26.43 feet; thence S57°15'53"W 8.32 feet; thence S57°08'00"W 41.00 feet; thence S59°49'25"W 51.48 feet; thence S53°33'32"W 53.45 feet; thence S69°43'43"W 57.37 feet; thence S74°48'38"W 42.94 feet; thence S60°47'29"W 49.69 feet; thence S61°49'42"W 63.81 feet; thence S80°37'60"W 55.30 feet; thence S81°33'05"W 61.26 feet; thence S70°54'23"W 13.76 feet; thence S71°24'16"W 10.58

feet; thence S70°57'33"W 23.37 feet; thence S52°24'59"W 14.55 feet; thence S52°08'52"W 6.93 feet; thence S81°06'14"W 36.37 feet; thence N82°05'53"W 20.00 feet; thence N82°11'46"W 24.86 feet; thence N89°30'19"W 14.47 feet; thence N88°15'05"W 12.29 feet; thence S84°27'16"W 6.47 feet; thence S84°52'33"W 32.19 feet; thence N39°53'22"W 10.92 feet; thence S81°32'19"W 15.29 feet; thence S41°51'55"W 21.82 feet; thence S44°25'17"W 21.88 feet; thence S10°20'28"W 26.81 feet; thence S45°25'57"W 46.85 feet; thence S10°04'22"W 19.30 feet; thence S18°34'34"W 24.13 feet; thence S18°29'54"W 8.96 feet; thence S44°45'37"W 42.25 feet; thence S20°25'15"W 43.35 feet; thence S30°11'02"W 14.17 feet; thence S30°13'23"W 30.67 feet; thence S39°02'29"W 6.60 feet; thence S38°58'09"W 33.44 feet; thence S51°14'54"W 73.09 feet; thence S51°42'24"W 45.79 feet; thence S81°39'51"W 8.62 feet; thence S82°00'51"W 33.29 feet; thence N83°43'45"W 11.44 feet; thence N83°58'07"W 41.64 feet; thence N84°05'16"W 9.71 feet; thence S60°28'02"W 33.47 feet; thence S42°13'38"W 7.77 feet; thence S42°11'54"W 23.96 feet; thence S40°18'10"E 22.13 feet; thence N85°44'50"W 64.05 feet; thence N87°36'51"W 15.01 feet; thence N83°34'53"W 70.44 feet; thence N79°22'32"W 65.08 feet; thence N79°28'36"W 73.23 feet; thence N79°59'55"W 65.50 feet; thence N81°09'43"W 65.09 feet; thence N80°29'35"W 65.84 feet; thence N00°11'15"E 57.38 feet; thence N88°42'46"W 22.26 feet; thence S89°23'21"W 35.19 feet; thence N84°53'58"W 44.99 feet; thence S87°47'12"W 6.47 feet; thence S87°47'12"W 6.47 feet; thence N87°34'20"W 53.11 feet; thence S78°30'12"W 7.53 feet; thence S11°38'02"W 8.68 feet; thence S11°46'07"W 32.18 feet; thence S53°54'06"W 7.43 feet; thence S31°54'11"W 22.23 feet; thence S18°55'37"W 48.36 feet; thence S14°15'43"W 30.83 feet; thence S14°15'14"W 8.00 feet; thence S07°00'21"W 7.43 feet; thence S06°57'07"W 30.73 feet; thence S12°01'00"W 44.73 feet; thence S10°00'17"W 56.48 feet; thence S13°06'31"W 22.46 feet; thence S13°08'19"W 27.08 feet; thence S10°18'58"W 73.82 feet; thence S09°11'32"W 69.64 feet; thence S41°39'15"W 28.78 feet; thence S11°10'53"E 5.48 feet; thence S11°22'22"E 11.09 feet; thence S06°16'40"W 18.86 feet; thence S20°18'52"W 7.08 feet to the west boundary of section 1; thence N05°56'46"W along the west boundary thereof 1584.55 feet to the Point of Beginning.

## SECTION 2:

Begin at the intersection of the east boundary of section 2 and the south boundary of the north 1501 feet of the NE1/4; thence S05°56'46"E along the east boundary thereof 1584.68 feet; thence S20°18'52"W 48.37 feet; thence S29°49'19"W 46.25 feet; thence S29°19'55"W 15.06 feet; thence S30°37'49"W 22.08 feet; thence S39°52'22"W 20.52 feet; thence S30°18'03"W 46.76 feet; thence S30°21'51"W 105.47 feet; thence S31°18'08"W 39.94 feet; thence S37°44'05"W 44.73 feet; thence S23°27'42"W 26.84 feet; thence S31°21'03"W 30.15 feet; thence S32°21'29"W 38.77 feet; thence S21°25'53"W 14.37 feet; thence S05°34'09"W 25.12 feet; thence S02°50'17"W 29.04 feet; thence S00°35'55"W 47.88 feet; thence S00°00'01"W 40.50 feet; thence S04°11'45"E 34.59 feet; thence S04°12'45"E 14.04 feet; thence S02°20'07"E 47.54 feet; thence S09°12'08"E 22.67 feet; thence S01°17'06"E 39.01 feet; thence S03°37'57"E 15.78 feet; thence S03°36'33"E 80.41 feet; thence

S02°13'23"E 78.93 feet; thence S06°02'29"E 17.22 feet; thence S00°00'01"W 44.62 feet; thence S05°18'07"E 96.04 feet; thence S03°39'54"E 40.08 feet; thence S03°41'37"E 45.59 feet; thence S06°37'47"E 102.31 feet; thence S15°15'17"E 74.11 feet; thence S33°02'43"E 13.87 feet; thence S30°26'54"E 10.73 feet; thence S24°31'02"E 76.66 feet; thence S27°38'18"E 62.65 feet; thence S44°59'60"E 30.23 feet; thence S64°36'20"E 67.04 feet; thence S71°21'25"E 54.35 feet; thence S71°41'40"E 8.76 feet; thence S13°48'46"E 31.15 feet; thence S13°22'39"E 34.31 feet; thence S10°43'35"E 65.65 feet; thence S10°42'10"E 52.67 feet; thence S04°13'04"W 17.42 feet; thence S02°16'58"W 8.63 feet; thence S02°22'29"W 25.65 feet; thence S24°49'21"E 36.77 feet; thence S12°22'04"E 67.70 feet; thence S17°48'08"E 89.54 feet; thence S15°09'16"W 6.22 feet; thence N69°35'36"E 15.00 feet; thence S14°27'52"E 9.92 feet; thence S28°32'30"W 18.64 feet; thence S72°51'34"W 14.00 feet; thence S22°51'28"W 25.50 feet; thence S22°49'06"W 5.56 feet; thence S21°36'24"W 37.51 feet; thence S30°21'52"W 28.68 feet; thence S06°51'02"W 19.39 feet; thence S10°30'17"E 19.20 feet; thence S09°13'49"W 10.13 feet; thence S35°42'00"E 28.17 feet; thence S08°20'05"E 27.16 feet; thence S09°13'41"W 40.14 feet; thence S01°04'53"W 13.25 feet; thence S47°06'33"W 15.61 feet; thence S68°05'48"W 13.07 feet; thence S68°28'04"W 9.88 feet; thence S59°16'09"W 17.12 feet; thence S 59°05'28"W 16.79 feet; thence S21°03'52"W 57.73 feet; thence S 31°06'58"W 165.57 feet; thence S36°49'02"W 54.18 feet; thence S 36°52'12"W 9.22 feet; thence S16°04'31"W 83.52 feet; thence S 37°27'11"W 49.13 feet; thence S26°46'35"W 75.89 feet; thence S 33°02'53"W 87.39 feet; thence S63°34'33"W 51.12 feet; thence S 31°30'45"W 67.74 feet; thence S19°33'10"W 31.13 feet; thence N 88°52'48"W 2074.60 feet to the intersection with the west boundary of E1/2 of section 2; thence N05°25'04"W along the west boundary thereof 4449.82 feet to the intersection with the south boundary of the north 1501 feet of NE1/4 of section 2; thence S89°37'30"E along said south boundary of the north 1501 feet of NE1/4 a distance of 2676.51 feet to the Point of Beginning.

#### **EXISTING FOUR CORNERS MINE DRI:**

#### **In Township 33 South, Range 22 East, Manatee Co. (Jameson Tract)**

- Section 1:** All [That portion of Section 1 lying south and east of Brewster Parrish Road (SR 37)] shall also be known as the Land Exchange Area\*.
- Section 2:** All.
- Section 3:** All.
- Section 4:** All.
- Section 9:** All.
- Section 10:** All.
- Section 11:** All lying N and W of Brewster-Parrish Road (SR 37).
- Section 15:** All lying N and W of Brewster-Parrish Road (SR 37).
- Section 16:** All less and except the NW ¼, and except that portion of the SE ¼ of the SE ¼ lying SE of the SR 37.

**In Township 33 South, Range 21 East, Manatee County (Northeast Manatee Tract)**

**Section 1:** W  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  and the N 1501' of the NW  $\frac{1}{4}$ .

**Section 2:** W  $\frac{1}{2}$  and the N 1501' of the E  $\frac{1}{2}$ .

**Section 3:** All.

**Section 4:** All.

**Section 10:** E  $\frac{3}{4}$ .

**Section 11:** W  $\frac{1}{2}$ .

**Section 13:** All, less and except the E 2570' thereof.

**Section 14:** All.

**Section 15:** W  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  and the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ .

**Section 23:** All lying N of Parrish-Wauchula Road (SR 62), less and except the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , and less the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  and less the S  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ .

**Section 24:** All lying N of the Parrish-Wauchula Road (SR62), less and except the E 2570' thereof.

**Section 26:** That portion lying N on the Parrish-Wauchula Road.

**CHANGES TO THE JAMESON TRACT:**

The following changes are incorporated into the above description:

**170 ACRE ADDITION:**

**Section 10, Township 33 S, Range 22 E:** The SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , and the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ .

**Section 15, Township 33 S, Range 22 E:** From the NE corner of Section 15 run thence N 88°39'09" W 1321.10' to a point of beginning; thence continue N 88°39'09" W 2088.90'; thence S 05°01'09" E 2884.00' to a point on the Westerly Right of Way line of Brewster-Parrish Road (SR 37); thence N 45°33'54" E 2565.00'; thence N 00°11'54" E 1028.06' to the point of beginning.

**CHANGES TO THE NORTHEAST TRACT:**

**Lipman Exchange Area (Removed from Mine):**

IN SECTION 1 TOWNSHIP 33 SOUTH, RANGE 21 EAST, MANATEE COUNTY, FLORIDA, being more particularly described as follows:

Commence at the intersection of the west boundary of the NE  $\frac{1}{4}$  and the south boundary of the north 1501 feet of the section; thence proceed S03°18'31"E along the west boundary of said NE  $\frac{1}{4}$  a distance of 232.56 feet to the Point of Beginning, thence N66°00'47"E 17.68 feet; thence N78°59'34"E 105.06 feet; thence S88°08'04"E 128.71 feet; thence S78°30'19"E 136.74 feet; thence S63°02'23"E 172.44 feet; thence N89°50'00"E 120.27 feet; thence

S78°04'00"E 59.29 feet; thence S71°02'44"E 76.04 feet; thence S76°52'19"E 224.46 feet; thence N86°26'03"E 283.66 feet to the intersection with the east boundary of the west 1/2 of the NE 1/4 said section 1; thence S01°59'34"E along said east boundary of the west 1/2 of the NE 1/4 a distance of 1472.16 feet to the SE corner of the west 1/2 of the NE 1/4; thence N89°35'38"W along the south boundary of the west 1/2 of the NE 1/4 a distance of 1245.39 feet to the SW corner of the west 1/2 of the NE 1/4; thence N03°18'31"W along the west boundary of the west 1/2 of the NE 1/4 a distance of 1617.46 feet to the Point of Beginning.

**The total amounting to 11,416 acres, more or less.**

#### **SECTION 8. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT**

Physical development of the project is currently in operation, such that the Chapter 380.06 F.S. requirements for the commencing of development have been met.

#### **SECTION 9. RESTRICTIONS ON DOWN-ZONING**

The County may not down-zone the subject property described in Section 7 herein until 2018, unless County can demonstrate that:

- A. Substantial changes in the condition underling the approval of the order have occurred; or
- B. The order was based upon substantially inaccurate information provided by the Developer; or
- C. The change is clearly established by the County to be essential for the public health, safety, or welfare.

Any down-zoning or reduction in intensity shall be effected only through the usual and customary procedures required by statute and/or ordinance for change in local land development regulations.

For the purposes of this order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the developer by this order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density of the Development, but is included herein to comply with Paragraph 380.06(15)3, F.S.

#### **SECTION 10. BINDING ORDER UPON DEVELOPER.**

That this order shall be binding upon the Developer, its successors, assigns, or successors in interest.



#### **SECTION 11. RENDITION.**

The Planning Department is hereby directed to send certified copies of this Development Order within thirty (30) days of the approval by the Board of County Commissioners of this Development Order to the Developer\*, the Florida Department of Community Affairs, and the TBRPC.

#### **SECTION 12. COMPLIANCE WITH CODES, ORDINANCES.**

All development undertaken pursuant to this order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except to the extent such is inconsistent with the rights granted under this Development Order.

#### **SECTION 13. NOTICE OF RECORDING.**

The Developer\* shall record a notice of adoption of this Development Order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department a copy of the recorded notice.

#### **SECTION 14. SEVERABILITY.**

It is the intent of this Ordinance to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such provision or portion shall be deemed null and void, but all remaining provisions and portions of this Ordinance shall remain in full force and effect.

#### **SECTION 15. PURPOSE AND INTENT.**

This Ordinance replaces and supercedes Ordinance 02-58, in its entirety.

#### **SECTION 16. EFFECTIVE DATE.**


This Ordinance shall become effective upon filing of a certified copy with the Department of State; provided, however, that the filing of a notice of Appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this Development Order, until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 02-58, during the pendency of any appeal.

#### **SECTION 17. RECONCILE INTO ONE DOCUMENT**

This Development Order represents a codification of the existing approval for the project integrating those changes proposed in this Substantial Deviation and approved by the Board of County Commissioners into a single Development Order and is for administrative convenience.

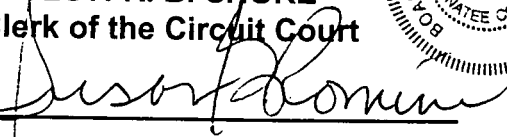
**ADOPTED AND APPROVED** with a quorum present and voting this 27<sup>th</sup> day of September, 2005.

**BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA**

  
\_\_\_\_\_  
Chairman

**ATTEST: R. B. SHORE  
Clerk of the Circuit Court**



By:   
\_\_\_\_\_  
RB

Ordinance 05-42 List of Exhibits

- Exhibit A. Map H-1C (Mining Sequence, 1-13-05)
- Exhibit B. Reserved
- Exhibit C. Map 10C (Land Ownership, 1-20-05)
- Exhibit D. Map A (Location of Changes, 1-13-05)
- Exhibit E. Reserved
- Exhibit F. Map H-3c (Mined/Disturbed Land, Lipman Addition 1-13-05)
- Exhibit G. Maps I-1c and I-2c (Post Reclamation Land Use, 5-06-05 and Post Reclamation Topography, 11-01-04)
- Exhibit H. Maps 9C and 2B-R (Reclamation Schedule for Lipman Addition, 11-01-04, and Reclamation Plan, 11-01-04)
- Exhibit I. Table 35-4 (Reclamation Schedule, Phase II ADA)
- Exhibit J. Table 12-1 (Land Use, Lipman Addition, 5-06-05,)
- Exhibit K. Table 35-1 (Mined and Disturbed Areas, 3-21-05)
- Exhibit L. Developer's Commitments – Phase II NE Tract Addition and Lipman Addition

## EXHIBIT L

### DEVELOPER COMMITMENTS FOUR CORNERS MINE PHASE II NORTHEAST TRACT ADDITION

The following commitments have been made by, or on behalf of, the applicant in the Application for Development Approval (ADA), the first Sufficiency Response (SR1), the second Sufficiency Response (SR2), or the third Sufficiency Response (SR3). In instances where the applicant may have proposed recommended Development Order condition language, the language may have been included in this list of commitments. These commitments must be taken in the context of the section or question being responded to in the ADA and Sufficiency Responses.

This list of Developer Commitments includes all those identified in the ADA and sufficiency responses for Parcels 1, 2, 3, and 4 of the Phase II Northeast Tract Addition\*. All references to Parcel 4 are not applicable as Developer Commitments for this Ordinance.

#### GENERAL

1. The following currently-approved Manatee County Master Mining Plan or DRI elements of the Four Corners Mine are not proposed to be changed: (ADA/Page 10-4)
  - the currently approved mine water use (SWFWMD WUP);
  - the method of mining used (e.g., impacts on air, noise, radiation, energy use, etc.);
  - materials disposal method;
  - the source of police, fire, and emergency medical services;
  - beneficiation plant capacities (e.g., impacts on methods of product shipment); and
  - reclamation plan for Jameson tract.
2. As shown on the maps and tables, the post-reclamation vegetative cover will include a significant increase in the acreage of upland and wetland natural systems. Agricultural lands (e.g., pasture and crop land) will decrease by approximately 874 acres, or 59 percent (ADA/Page 10-9, as revised by SR3/Table 12-1).
3. Following the temporary use of the land for phosphate mining, the [designated] land use will revert to agricultural after the reclamation phase of the project is completed. (ADA/Page 10-10).
4. MOSAIC requests approval of mitigation ratios of 2.07 acres of created forested wetlands and 2.13 acres of created herbaceous wetlands for each acre of existing wetlands of the same type to be disturbed. (ADA/Page 10-20 as revised by SR3/Table 13-1).
5. The Four Corners Mine Additions Phase II project will not subject the public to radiological or other adverse impacts. (ADA/Page 10-37).

6. Mosaic employs the staged-settling waste disposal procedure to minimize the acres required for clay settling areas. This procedure involves alternating filling and drying a clay settling area over several years to more efficiently store the clay. This process will be used on the Altman and N.E. Tracts. (ADA/Page 10-37).
7. Following mining and reclamation of the site, the surface water drainage patterns and storm water runoff intensity and duration will be returned to essentially pre-mining conditions. In addition, potential future use of surface water resources may be made available through the reclamation lakes proposed to be constructed on the N.E. Tract. (ADA/Page 10-40).
6. All pipelines will be double-cased with proper spill protection systems included. (SR1/Page AI-45).

## **ECONOMY**

The proposed project will not require expenditures for the development of new public facilities or the expansion of current facilities (ADA/Page 10-30).

## **VEGETATION AND WILDLIFE**

1. A principle objective of the reclamation plan will be the development of a large integrated natural system on Parcel 4 that will extend the Horse Creek corridor upstream from Mosaic's other similar efforts along Horse Creek downstream in Hardee County. This area will be reclaimed as a mixture of forested wetlands and herbaceous and shrub marshes, surrounded by upland forests, palmetto prairies, and xeric communities (ADA/Page 10-9).
2. Table 12-1 illustrates that a significant acreage of natural systems will be revegetated on each of the parcels and that the acreage of land vegetated by improved pasture grass species will decrease significantly. No irrigation systems are required or planned (ADA/Page 10-18 & SR3/Page 1-10).
3. The plant communities that will remain undisturbed throughout the mining and reclamation periods are shown using an outlined symbol on the F-series vegetation maps and the H-series mine plan maps. These areas follow the concept contained in current approvals, in that the main stream channels will be undisturbed where they are forested systems (ADA/Page 12-12).
4. In the event any listed species are observed breeding or nesting, in an area to be cleared, Mosaic will contact FFWCC and implement the recommended measures for species protection (ADA/Page 12-21).
5. Mosaic will report in the DRI annual report all implementation activity associated with the approved Plan or listed species permits (ADA/Page 12-22).

6. Listed species observed in plant communities that are proposed to be left undisturbed will not be relocated. In these communities, Mosaic will protect listed species by maintaining the viability of the vegetative community and precluding public access (ADA/Page 12-22).
7. The prime protection for birds will be to protect their nesting areas and to restrict clearing activities to the non-nesting season for selected species (ADA/Page 12-22).
8. Mosaic will reclaim the Altman Tract to a mosaic of upland and wetland natural systems that will provide over 2,000 acres of wildlife habitat in addition to the natural systems that have been or are currently being reclaimed on the adjacent mined land in Hardee County (ADA/Page 12-23).
9. A pre-clearing survey of the deeper water areas (Horse Creek and Little Manatee drainages) will be conducted prior to mining (ADA/Page 12-24).
10. Pre-clearing vehicular and pedestrian transects will be conducted in all upland habitats (ADA/Page 12-24).
11. Prior to clearing, appropriate habitats for the nesting of designated species will be surveyed (ADA/Pages 12-25 - 12-29).
12. Native species will be utilized in reclaiming natural systems and mitigation areas (SR1/AI-30).
13. Prescribed fire plans will be developed for each management unit and a natural fire regime of approximately two to three years in the flatwoods and approximately ten years in the xeric oak community will be established (SR1/AI-38).
14. A total of 700 acres of scrub jay habitat on Mosaic property is proposed for perpetual conservation easements with management [in Manatee and Hillsborough Counties] (SR1/Page AI-38).
15. Mosaic is committing to maintaining exotic and nuisance species in the proposed mitigation wetlands to less than 10 percent relative cover in the ground cover and less than 10 percent of the total trees in the canopy (SR1/Page AI-44).
16. Mosaic maintains vegetated preserves consistent with the Integrated Habitat Network that provide wildlife corridors for these [listed] species to safely move to adjacent habitats (SR1/Page AI-83).
17. Proposed side slopes for reclaimed marshes will approximate the slopes found on existing [surveyed] marshes... and will generally range from 40:1 to 500:1 (SR1/Page AI-91).
18. Recreated habitats will be located adjacent to preserved plant communities of the same type to encourage natural revegetation and wildlife recruitment (SR1/Page AI-158).

19. Upon completion of reclamation, Mosaic has offered - and USFWS has accepted - the placement of perpetuity conservation easements over the best xeric oak scrub and certain pine flatwoods (up to 700 acres) within the project. Mosaic will be responsible for the management of the conservation easement areas during the mining operations through reclamation release, then the Florida Department of Environmental Protection assumes reclamation responsibility for perpetuity management (SR2/Page 2-30).

**To implement the HMP, Mosaic will complete and adhere to the terms and conditions listed below (#20 - #28):**

20. Mosaic, within one year of issuance of USFWS biological opinion, will grant in favor of FDEP a perpetual conservation easement with management requirements over 200 acres of the Manatee Wellfield site as identified in Map 14 of the HMP, respectively, in general accordance with the easement language in Exhibit A. Following the completion of mining and reclamation, the Service in coordination with FDEP will identify an additional 365 acres of FFWCC Type I or occupied scrub-jay habitat for dedication of a perpetual conservation easement in favor of FDEP (SR2/Page 2-41).
21. Mosaic shall manage through a combination of mechanical treatments and prescribed fires the potentially suitable occupied Florida scrub-jay habitats on unmined portions of the Mine Site and the entire Manatee Wellfield Mitigation Site during the life of the mine in accordance with the HMP (SR2/Page 2-41).
22. Mosaic shall be responsible for managing the reclaimed and native HMP habitats, including the West Tract Preserve and the Manatee Wellfield site, through the FDEP release of reclaimed HMP habitats, at which time FDEP will assume management responsibilities of the Florida scrub-jay habitat areas identified in [Item 24] above (SR2/Page 2-41).
23.
  - A. No clearing of vegetation will take place within occupied territories on the project site place during the florida scrub-jay nesting season (typically March 1 through June 30), removing the potential to destroy active nests and kill or injure nestlings (SR2/Page 2-41).
  - B. Mechanical and fire management can take place in the occupied territories during the scrub-jay nesting season; however, the management area should be carefully inspected to locate any active nests and protect the nests from any kind of management that may occur to prevent "take" of scrub-jays (SR2/Page 2-41).
24. Mosaic will try to band all Florida scrub-jays on their Four Corners Mine and the Manatee Wellfield properties using unique color combinations to track the status of individuals. Mosaic should consider radio telemetry on at least a subset of the translocated jays (SR2/Page 2-41).
25. Mosaic shall monitor on an annual basis reclaimed scrub sites occupied by scrub-jays, all unmined occupied baseline survey sites on the Four Corners/Lonesome Mine and the Manatee Wellfield, as identified in the HMP, with sufficient intensity to document a) the

response of the scrub-jay habitat management units to all reclamation, restoration and management activities, and b) the distribution and status of the resident Florida scrub-jay population on each of these management units. Monitoring of these areas shall continue on an annual basis until such time as a minimum population of 14 pairs of scrub-jays are documented to be present on Mosaic lands for three consecutive years, at which time monitoring can be reduced to every other year for the remaining life of the 30-year permit, so long as 14 pairs are present. If 28 families or more are documented within the project area during the last ten year period, monitoring can be reduced to once every 5 years, so long as presence/absence surveys show 20 families or more present. Monitoring reports shall be submitted within 120 days of completing the field work (described below) in each calendar year to the USFWS and Manatee County (SR2/Pages 2-41 - 2-42).

A. Scrub-jay Habitat Management Units

- i. A description of all work completed on upland management units since the previous report, or since the permit was issued (initial monitoring report). Indicate on maps or figures those management units where work has been completed (SR2/Page 2-42).
- ii. A description of all work proposed on upland habitat units in the next year. Indicate on map or figures those management units where work is proposed (SR2/Page 2-42).
- iii. For each management unit, Mosaic shall establish a representative sample of permanent photo stations. The photographs taken at these stations will include date taken, station number and contain a 3.0 meter stake as a reference point. Baseline photographs will be taken prior to all major management activities (SR2/Page 2-42).

B. Florida scrub-jay Populations

- i. Mosaic shall conduct in March of each year a survey of all management units of adequate intensity to determine the status of each Florida scrub jay family, including the number of non-breeding helpers with each pair and the approximate size and configuration of each territory (SR2/Page 2-42).
- ii. Mosaic shall prepare and include in the monitoring report a table summarizing the known history of each scrub-jay family through time, including any movements or changes in family composition (see Conservation Recommendations), and corresponding maps identifying the locations of each territory (SR2/Page 2-42).

26. Mosaic shall maintain a minimum of 10 pairs of Florida scrub jays on the Mosaic property during the first 10 years of mining and a minimum of 14 pairs during the following 20 years (minimum population standard). If Mosaic can document through banding and/or radio telemetry studies that scrub-jays dispersing from Mosaic property have successfully



established a territory or paired with a jay on a territory off-site and contributed to the M4 metapopulation, these jays will count towards the minimum population standard. If, as a result of mining activities, the Mosaic Florida scrub-jay population drops below the minimum population standard in any year, then Mosaic in coordination with the USFWS will develop an appropriate action plan to remedy the population standard shortfall by the following nesting season. If the minimum population standard is not achieved within two nesting seasons following the reported shortfall, then Mosaic shall immediately cease mining of occupied Florida scrub-jay habitat and reinitiate section 7 consultation (SR2/Page 2-42).

27. Translocation of scrub jays is recommended in order to minimize take resulting from the mining of occupied habitat and to establish scrub jays on the Manatee Wellfield and at suitable reclaimed sites on Mosaic property. Translocation should follow the protocol established by Mumme and Below (1995, 1999), as outlined in the HMP. As detailed in the biological opinion, the Service recognizes that both the "do nothing" and the "maximum on-site preservation/restoration" alternatives pose substantially greater risks to the long-term viability of the M4 metapopulation than the combination "reclamation/Manatee Wellfield" alternative proposed in the HMP. However, this preferred alternative will require time to establish a source population through natural recruitment, immigration and potentially experimental translocations from the mine site or elsewhere (SR2/Page 2-42).
28. Mosaic will work cooperatively with Manatee County and the Southwest Florida Water Management District (SWFWMD) regarding management of their scrub habitat to the north and south, respectively, of the Manatee Wellfield site (SR2/Page 2-42).
29. No natural slopes equal to or exceeding 26.5 degrees are proposed to be altered during the project development process, nor will any be created. (SR2/Page 4-8).
30. [The applicant's suggested a Development Order Condition:] Mosaic will follow the USFWS/FFWCC Bald Eagle Management Plan (Site MN-08) for any and all bald eagle nests on site. If the eagles move the existing nest, the Management Plan will be updated accordingly to the USFWS/FFWCC rules. If the site is officially abandoned by USFWS/FFWCC, then Mosaic may mine the site. The nest status will be reported in the Annual Report (SR3/Pages 2-5 - 2-6).
31. Mosaic will attempt re-establish the wild coco specimens found by direct transplanting of the plants to similar reclaimed or preserved areas (SR3/Page 2-8).

## **WETLANDS**

1. Table 13-1 illustrates that Mosaic will avoid disturbing half of the forested wetlands subject to FDEP jurisdiction within Area 4 (ADA/Page 10-19).
2. Riverine resources are depicted on or adjacent to the Northeast Tract (e.g. the Little Manatee River). This significant wetland riverine system will remain undisturbed as shown on Map H-1B, with the exception of the approved access corridor crossing (ADA/Page 10-31).

3. As shown on Map F-2A, the headwater channel of Horse Creek along with two adjacent, relatively large bay swamps, will be avoided (ADA/Page 13-5).
4. Areas proposed to be avoided are shown on Maps F-2A, F-2B, H-3A and H-3B. A total of 322 acres of FDEP jurisdictional wetland area will be left unmined (ADA/Page 13-6 as revised by SR3/Table 13-1).
5. A combination of techniques will be used to protect unmined wetlands during mining and reclamation activities, including buffers, vegetated perimeter berms, and recharge ditches adjacent to all undisturbed wetlands (ADA/Page 13-6).
6. The types of wetlands proposed to be disturbed will be mitigated in kind and consist of wetlands that the U.S. Army Corps of Engineers and FDEP and other Florida agencies readily acknowledge are reclaimable following phosphate mining (ADA/Page 13-8).
7. Mitigation for parcels 1, 2, and 3 will be integrated into the regional post reclamation landscape of the N.E. Tract (ADA/Page 13-8).
8. If muck is not available, herbaceous wetlands will be planted with a diverse array of native plant species at a density of up to 4,800 plants per acre (i.e. 3-foot centers). Forested systems will be planted with trees at a density of up to approximately 600 trees per acre (i.e. 8-foot centers). Species proposed for planting will be selected on the existing or historic character of the lands being mined (ADA/Page 13-8).
9. The reclamation plan will eliminate ditching in the post reclamation landscape both within Phase II parcels and in the surrounding areas (ADA/Page 13-8).
10. Following mining, the land adjacent to all wetlands, whether avoided or created, will be reclaimed to natural systems that will act as buffers between the wetlands and crop and pasture lands (ADA/Page 13-9).
11. Limits of disturbance lines, as shown on Maps F-2A and B, will be established in the field and staked by land surveyors. Trained biologists will review the staked line as a quality assurance check (ADA/Page 13-10).
12. A source of clear water will be used for recharge water for the ditches. Input into the recharge ditches will be adjusted to maintain appropriate ground water and surface water elevations (ADA/Page 13-10).
13. Any erosion that might occur from extreme rainfall events will be repaired and replanted until a self-sustaining vegetative cover is established (ADA/Page 13-11).
14. Viable topsoil or "muck" from premining wetlands, where available, will be stockpiled prior to mining and spread over reclaimed wetlands to provide a favorable growing medium and a source of plant propagules (ADA/Page 13-11).

15. A minimum of 70 percent vegetation cover on the reclaimed non-forested wetlands will achieve success. Exotic and nuisance species will be controlled so as to not exceed a 10 percent relative cover (ADA/Page 13-12).
16. A minimum of 70 percent of each statum will consist of plants listed as "Typical", "Associated", or "Additional" species for bay swamps, deep swamps, and deep water swamps in *A Guide to Selected Florida Wetland Plants and Communities* (USACOE, 1988) for the bay swamp, hardwood swamp, and mixed hardwood forest swamp types, respectively. Exotic and nuisance species will be controlled so as not to exceed 10 percent relative cover in the ground cover and 10 percent of the total number of trees in the canopy (ADA/Page 13-12).
17. Hardwood and mixed forest swamps will be designed with irregular bottoms due to the presence of hummocks or earthen platforms and have 10:1 or flatter side slopes and seasonal high water depths ranging from 0.5 to 1.0 foot (ADA/Page 13-12).
18. Mitigation is proposed at a ratio of 2.1:1 for forested wetland systems (see Revised Table 13-1 at the beginning of Question 13) (SR1/Page AI-54 as revised by SR3/Table 13-1).
19. The locations of the proposed disturbances are shown on Maps F-2A and B. Table 13-1 illustrates that Mosaic is proposing to create 1,489.6 acres of herbaceous wetlands and 595.4 acres of forested wetlands as compensatory mitigation. In addition, Mosaic is proposing to create 829.7 acres of open water habitat. Maps I-2A and B illustrate the location of the wetlands proposed to be created (SR1/Page AI-59 as revised by SR3/Table 13-1).
20. Mosaic routinely employs best management practices to prevent excessive erosion and subsequent deposition of fine particles such as silt and clay in wetlands. Erosion control barriers such as hay bales and/or silt fences are placed at critical points in the landscape during and after construction (SR1/Page AI-89).
21. The large headwater marsh wetland in the Horse Creek drainage system in the Altman Tract will be mined between years 9-12 only after the creation and connection of a replacement headwater system is approved by FDEP (SR1/Page AI-92).
22. Monitoring and maintenance of mitigation wetlands will continue after planting until the wetlands meet success/release criteria as set forth by FDEP and USACOE, usually at least three years for herbaceous and five years for forested (SR1/Page AI-158).
23. Mosaic proposes to provide a wetland buffer through the construction of a protective berm. This berm will be grassed, so that the runoff from the berm will have the same water quality that currently exists coming from the adjacent agricultural land. Mosaic identified an acceptable Development Order Condition, similar to that imposed on the South East Tract Development Order (SR2/Page 2-50).

24. Preserved non-riparian wetlands in the watershed that do not receive runoff from the area occupied by the clay areas will be hydrated by the proposed recharge system. Riparian wetlands that currently receive groundwater inflow from the area occupied by the clay areas will continue to receive the same quantity of groundwater outflow from the area currently occupied by the clay area because Mosaic will install recharge systems along the preserved wetlands down gradient from the clay areas to maintain the groundwater outflow at pre-mining levels (SR3/Page 4-8).

## **WATER QUALITY AND HYDROGEOLOGY**

1. The surficial aquifer will be restored to its pre-mining conditions during the reclamation process. The surficial aquifer on adjoining lands not controlled by Mosaic and sensitive wetlands on and off the Mosaic property will be protected by a series of artificially filled recharge ditches/wells site specifically designed and positioned to prevent dewatering of areas that will not be mined (ADA/Page 10-40).
2. Mining excavations will not remove the confining beds which separate the water-bearing part of the intermediate aquifer system in the Arcadia Formation from the surficial aquifer system and, therefore, will not impact either the water-bearing part of the intermediate aquifer system nor the underlying Floridan aquifer system (ADA/Page 14-4).
3. Perimeter recharge ditch and berm will be inspected daily. Staff gauges will be installed to ensure adequate water is present in the ditch to maintain the ground water levels. Piezometers will be read weekly and the information will be reviewed by Mosaic's environmental staff to be sure that the recharge ditches are maintaining the water table at proper levels (ADA/Page 14-13).
4. Where practical, cleared lands will be drained into the active mining pits instead of the perimeter system so the turbid runoff becomes part of the mine process water system (ADA/Page 14-13).
5. Only after the perimeter berm area has been revegetated will the silt curtain be removed (ADA/Page 14-13).
6. During the time period that lapses from the first disturbance through the substantive completion of reclamation, all storm water runoff generated within disturbed areas will be captured and routed to the mine water recirculation system, treated to meet technology and water quality-based effluent limitations, and released only through outfalls permitted by a federal NPDES permit (ADA/Page 14-14).
7. The Four Corners mine will continue to use the lowest quality water that is available. The priority for the water sources are: collected rainfall, pit drainage, deep wells (SR1/AI-27).
8. Any neighboring wells in the Phase II area that are located within 1,800 feet of the proposed mining will be inventoried and testing of the well (flow and water quality) will be conducted prior to mining and reclamation (with the owner's consent) (SR1/Page AI-50).

9. As part of this [water table maintenance] program, Mosaic will monitor the water level at the Mosaic property line prior to mining, during mining and following reclamation (SR1/Page AI-106).
10. To minimize groundwater withdrawals, Mosaic endeavors to maintain about 5,000 acre-feet of surge storage capacity in the recirculation systems (SR1/Page AI-112).
11. Mosaic has designed this corridor segment [Parcels 3B & 7] to include protective measures to protect the water supply function of the Lake Manatee Reservoir, both in terms of water quality and water quantity, by placing the double-encased pipes below grade or within BMP isolation berms (SR2/Page 4-6).

## **SOILS**

1. Maps I-2A and B illustrate that all of the lands proposed to be reclaimed as natural systems will be reclaimed by backfilling with sand and then grading an overburden cap. In the event there is found to be hard or compacted soils at the surface at the end of the reclamation earthmoving, the area will be plowed at the time of upland tree planting (ADA/Page 15-2).
2. Mosaic has specifically committed to segregating, stockpiling, and beneficially using existing hydric and xeric topsoils when reclaiming wetlands and xeric uplands, where practicable (ADA/Page 15-2).
3. All of the sand and clay backfill will originate from Mosaic property and all overburden spoil generated by mining the Four Corners Mine Additions Phase II parcels will be beneficially used onsite as part of the reclamation process (ADA/Page 15-2).

## **FLOODPLAINS**

1. To eliminate non-conformity with Manatee County Policy 2.3.3.1., Mosaic will design the South Fork Little Manatee River crossing to preclude an increase in offsite flood levels (ADA/Page 10-14).
2. To reduce non-conformance with Manatee County Policy 2.3.3.2., Mosaic will capture storm water runoff from the South Fork Little Manatee River drainage basin and route it to clay settling areas to reduce flooding potential (ADA/Page 10-14).
3. No mining is proposed to occur in areas where natural floodplain features exist (ADA/Page 10-35).
4. The 100-year floodplain storage volume will equal or exceed the existing storage volume during all phases of development and use of the proposed corridors (SR2/Page 4-8).

## **WATER SUPPLY**

1. No additional ground water withdrawals will be required to mine and reclaim the Altman and N.E. Tracts, including the N.E. Tract Additions, beyond those currently permitted by SWFWMD (ADA/Page 10-31).
2. No water will be withdrawn from surface water bodies that support navigation, recreation, or fish and wildlife (ADA/Page 10-36).
3. In order to protect surface water resources in the vicinity of the Four Corners Mine Additions site (e.g., South Fork of the Little Manatee River, and its Long Branch tributary, and Horse Creek), Mosaic will use a series of perimeter ditches to capture storm water runoff and route these flows through settling ponds for treatment prior to reuse or discharge (ADA/Page 10-40).
4. As depicted on the Map D-2 legend, only wells and piezometers within the surficial aquifer located along property boundaries of the areas not proposed to be disturbed will continue to be used. All other wells will be abandoned and plugged in accordance with SWFWMD and Manatee County regulations (ADA/Page 17-1).
5. Due to the continued regional water supply concerns, Mosaic has designed several lakes for portions of the location of the former designated reservoir site. Should the County desire to have a reservoir, then these lakes could be either modified to form a reservoir or simply used as is for water supply purposes (SR1/Page AI-42).

## **WASTEWATER MANAGEMENT**

1. Employees working in active mining or reclamation areas that are remote from the beneficiation plant will continue to be provided portable facilities provided by contract vendors who transport the wastewater offsite for treatment. During the years that mining or reclamation activities occur on lands addressed by this Phase II ADA, the aggregate mine wide volume [of potable facilities] will not change (ADA/Page 18-1).
2. The new Pre-Washer facility is proposed to be served by a septic tank and drain field system that will be designed for the site and projected usage (ADA/Page 18-1).
3. The mine's domestic waste water treatment plant effluent is discharged into the mine recirculation water systems; thus, Mosaic is reusing 100 percent of the treated domestic effluent (SR1/AI-27).

## **STORMWATER MANAGEMENT**

1. The rate of storm water discharge will not exceed the existing 25-year frequency, 24-hour duration storm event during the mining and reclamation phases (ADA/Page 10-24).
2. Maps I-1A and B and I-2A and B illustrate that Mosaic plans to reclaim the mined land into a

mosaic of upland and wetland natural systems by backfilling the mined voids with sand and clay or, in the case of portions of parcels 1, 2, and 3, reshaping the available onsite overburden to form portions of two large lakes surrounded by upland and wetland natural systems. The existing drainage patterns will be re-established by grading the maintained (and backfilled) land to the elevations shown on Maps I-1A and B to form drainage divides which approximate existing conditions (ADA/Page 19-2).

3. Typical cross sections of the two lakes proposed to be built on parcels 2 and 3 will consist of littoral zones that cover at least 25 percent of the highwater surface area and submerged vegetation zones less than six feet deep that cover at least 20 percent of the low water surface area. No portions of the cross sections of these lakes will have slopes steeper than 1 foot vertical to 4 feet horizontal (ADA/Page 19-2).
4. Mosaic will maintain the storm water management system from commencement of construction, through use of the corridors, until the reclamation phase of the project is complete, at which time the storm water management system, including passive control structures, will have been constructed and revegetated to self-sustaining conditions (SR2/Page 4-12).

## TRANSPORTATION

1. Mined materials will be transported by pipeline to an existing beneficiation plant. The intensity of roadway and rail use will not be increased by the proposed mining of the Altman and N.E. Tracts, including the N.E. Tract Additions (ADA/Page 10-38).
2. The applicant will be responsible for the cost of design and construction of an access point driveway on CR 39 where Parcel 3 crosses CR 39 and two additional access driveways along SR 37 to serve Parcel 4 (ADA/Page 21-4).
3. The routes of buyers of excess materials will be restricted to designated truck routes. (SR1/AI-34).
4. The total truck traffic will not exceed the currently-approved rate of 750 trucks per day (SR1/AI-34).
5. Mosaic agrees to [transportation] conditions that would regulate shipment on County-maintained roads to: provide that trucks are weighed to ensure that they are within the weight limits of the roads; notify the County of any spills on County maintained right-of-way; note exceed 200 loads per day (400 trips); use the existing Mine entrance on SR37; and note that the sale of sand is not the same as shipping a known quantity of product between two known points as was done at Nu-Gulf (SR2/Page 2-23).

## AIR QUALITY

Mosaic will employ the identified techniques to minimize the generation of fugitive dust during mining and reclamation of the Four Corners Mine Addition site (ADA/Page 22-1).

## **HURRICANE PREPAREDNESS**

The Four Corners Mine Hurricane Procedures Manual will be expanded to include the Phase II lands following issuance of the Development Order. The update of this Manual is included in the Four Corners Mine DRI annual report submittal to Manatee County and TBRPC and other agencies (ADA/Page 23-1).

## **HISTORICAL AND ARCHAEOLOGICAL SITES**

Should Mosaic discover additional potential archaeological sites when conducting mining operations on the Four Corners Mine Altman or N.E. Tract Additions, the land disturbing activities will cease until trained cultural resource experts can examine the area and determine, in consultation with DHR, whether the potential site is significant (ADA/Page 10-27).

## **MINING OPERATIONS**

1. Mosaic will construct a vegetated berm system around the perimeter of all areas to be mined or disturbed before conducting mining operations on the Four Corners Mine Additions Phase II parcels or the Economic Revision Areas within the N.E. Tract. The berm and ditch system will be maintained until the postreclamation vegetation has stabilized so that regrading and revegetating of the berm and ditch system is the final reclamation step in any given area (ADA/Page 10-13).
2. The vegetated berm and ditch system will be designed and constructed to contain the runoff produced by a 25-year storm event. Once operational, these perimeter systems will be inspected daily and deficiencies, if any, will be noted on the inspection sheet. Established followup procedures will be implemented to ensure that any needed maintenance or repairs are promptly completed (ADA/Page 10-13).
3. Best management practices will be implemented during mining activities to minimize erosion, fugitive dust, and other air emissions (ADA/Page 10-17).
4. Throughout the proposed mining activities and the reclamation which will follow, privately held land will be restricted to public access to ensure public safety (ADA/Page 10-32).
5. The actual mining sequence will be determined on a year by year basis, and will be part of the information contained in the annual reports (ADA/Page 35-10).
6. The spoil will generally be placed in the mined out portions of the pit, and later used for land reclamation (ADA/Page 35-10).
7. At the time of [clay settling] construction areas, refined size specifications, proposed dike construction materials and Emergency Response Plan update will all be provided (ADA/Pages 35-10 - 35-11).



8. Approximately 293 acres of the Phase II parcels will be re-vegetated for use as crop and pastureland [FLUCFCS 210] (ADA/Page 35-16, as revised by SR3 and subsequent Parcel 7 changes).
9. Approximately 1,407 acres are proposed to be reclaimed as a mixture of various herbaceous, mixed, and shrub and brush covered rangeland vegetation communities [FLUCFCS 300] (ADA/Page 35-16 as revised by SR3/Table 12-1/Page 1-10).
10. Soil types and site-specific hydrology will be considered when selecting species to be planted, as native rangeland includes xeric, mesic, and hydric communities (ADA/Page 35-16).
11. Mosaic will reclaim 100 acres of mined land to be suitable for palmetto prairie development by creating a landform similar to the pine flatwood community but with slightly more variation in the surface topography [FLUCFCS 321] (ADA/Page 35-17).
12. Longleaf and South Florida slash pines will be planted at a density of 200 trees per acre. Nuisance species invasion will be controlled through the use of selective herbicides (ADA/Page 35-17).
13. The normal fire frequency for pine flatwoods is every one to three years. In reclamation projects, fire will be excluded for several years to allow establishment of the pines and to build a seed source unless it is deemed appropriate as a management tool (ADA/Page 35-17).
14. Approximately 191.6 acres will be revegetated as upland forest communities, exclusive of the lands to be reclaimed as pine flatwoods and xeric communities [FLUCFCS 400] (ADA/Page 35-17 as revised by SR3/Table 12-1/Page 1-10).
15. Approximately 46.7 acres of xeric forests will be reclaimed in the Horse Creek watershed to provide habitat for listed species and form analog "scrub islands" to those which existed historically [FLUCFCS 413, 421, and 432] (ADA/Page 35-17 as revised by SR3/Table 12-1/Page 1-8).
16. Approximately 427.7 acres will be reclaimed as lakes and 1,618.2 acres as wetlands [FLUCFCS 500 and 600]. (ADA/Page 35-17 as revised by SR3/Table 12-1/Page 1-10).
17. The proposed F-9 settling area will be reclaimed to an elevation of 120 to 124 feet NGVD as compared to an existing elevation of 94 to 110 feet NGVD (ADA/Page 35-18).
18. Reclamation has the highest priority and no material will be sold unless all available reclamation areas have been backfilled in accordance with the approved plan (SR1/AI-34).
19. If the developer elects the conveyor system for the transport of product, the conveyors will be covered (or tube conveyors). All crossings of roads or water courses will have the same

secondary spill protection design features as current pipelines (SR1/AI-34).

20. In areas where total mine depth will range from 60-80 feet, Mosaic proposes to use recharge wells in addition to recharge ditches and cast overburden on the mine cut face adjacent to wetlands (SR2/Page 2-8).
21. As part of the final work on Mosaic's Four Corners Regional dredge and fill permit, Mosaic is granting to the Trustees of the Florida Internal Improvement Fund a Conservation Easement on the 25-year Floodplain area of Long Branch and the South Fork of the Little Manatee River on the North East Tract. Mosaic is also providing a conservation easement over a portion of the Mosaic wellfield in Manatee County to protect scrub jays and scrub jay habitat. Further, a commitment to place a conservation easement on an additional 365 acres of scrub jay habitat has been made for the end of the mine life [the exact location of this easement will be determined by USFWS following completion of mining] (SR2/Page 2-22).
22. The requested permitted use of Parcels 3B & 7 will be for access corridors. Mosaic does not propose to mine these properties (SR2/Page 4-1).
23. All equivalent tons of tailings sand from mining the Four Corners reserves are committed to be used at Four Corners and not sold (SR3/Page 2-5).
24. Since freshwater corrosion of the pipes may cause a problem, Mosaic proposes to utilize smooth steel 1/4-inch walled pipe that will be galvanized and/or with an epoxy coating to resist corrosion or similar system to insure the pipe life exceed the required use (SR3/Page 3-6).
25. A road will be constructed to provide access to the corridor[s] for inspection and maintenance purposes (SR3/Page 4-1).

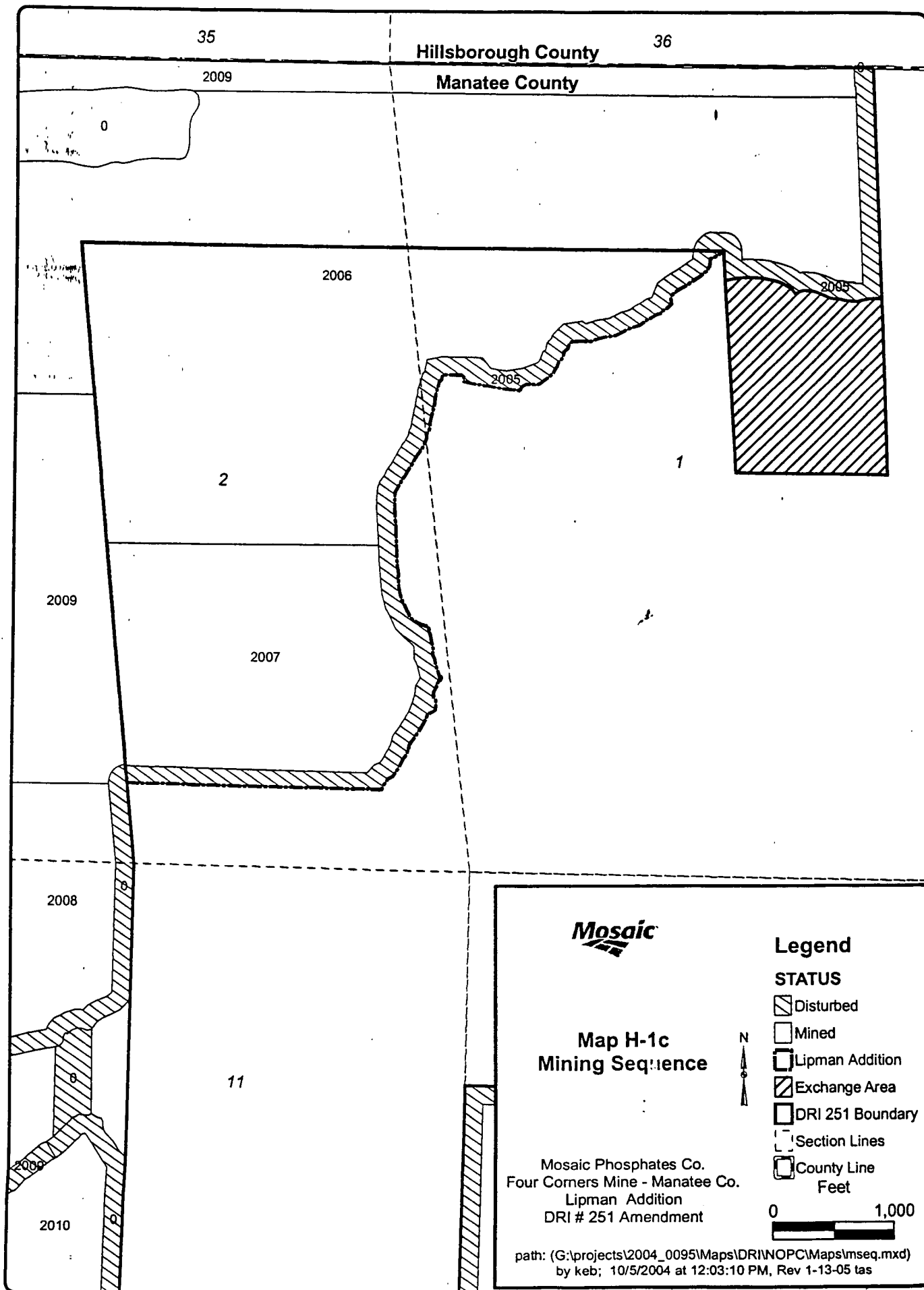
## **DEVELOPER COMMITMENTS FOUR CORNERS MINE LIPMAN TRACT ADDITION**

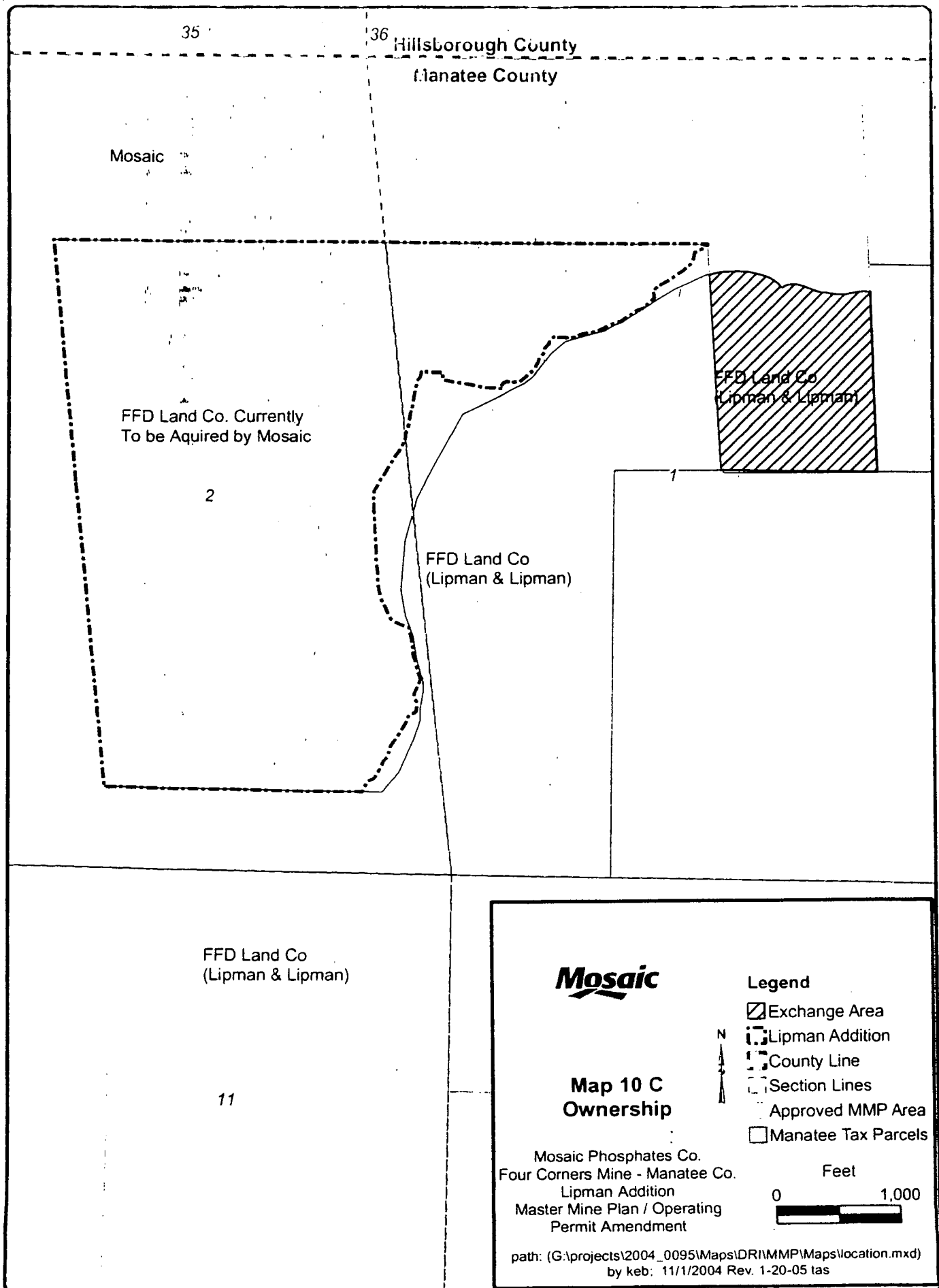
The following commitments have been made by, or on behalf of, the applicant in the Application for Development Approval (ADA), the first Sufficiency Response (SR1), or the second Sufficiency Response (SR2). In instances where the applicant may have proposed recommended Development Order condition language, the language may have been included in this list of commitments. These commitments must be taken in the context of the section or question being responded to in the ADA and Sufficiency Responses.

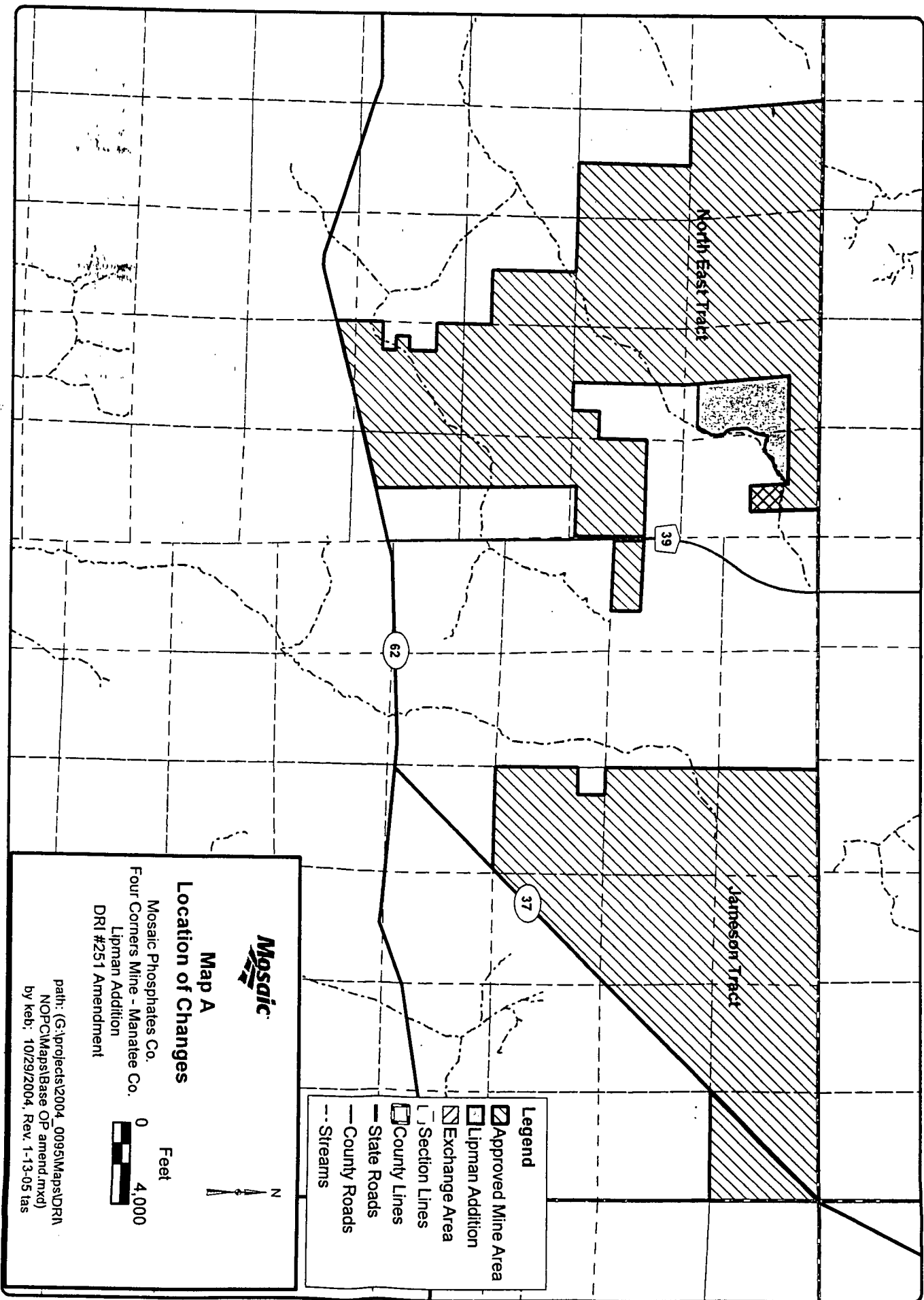
This list of Developer Commitments includes all those identified in the ADA and sufficiency responses for the Lipman Addition\*.

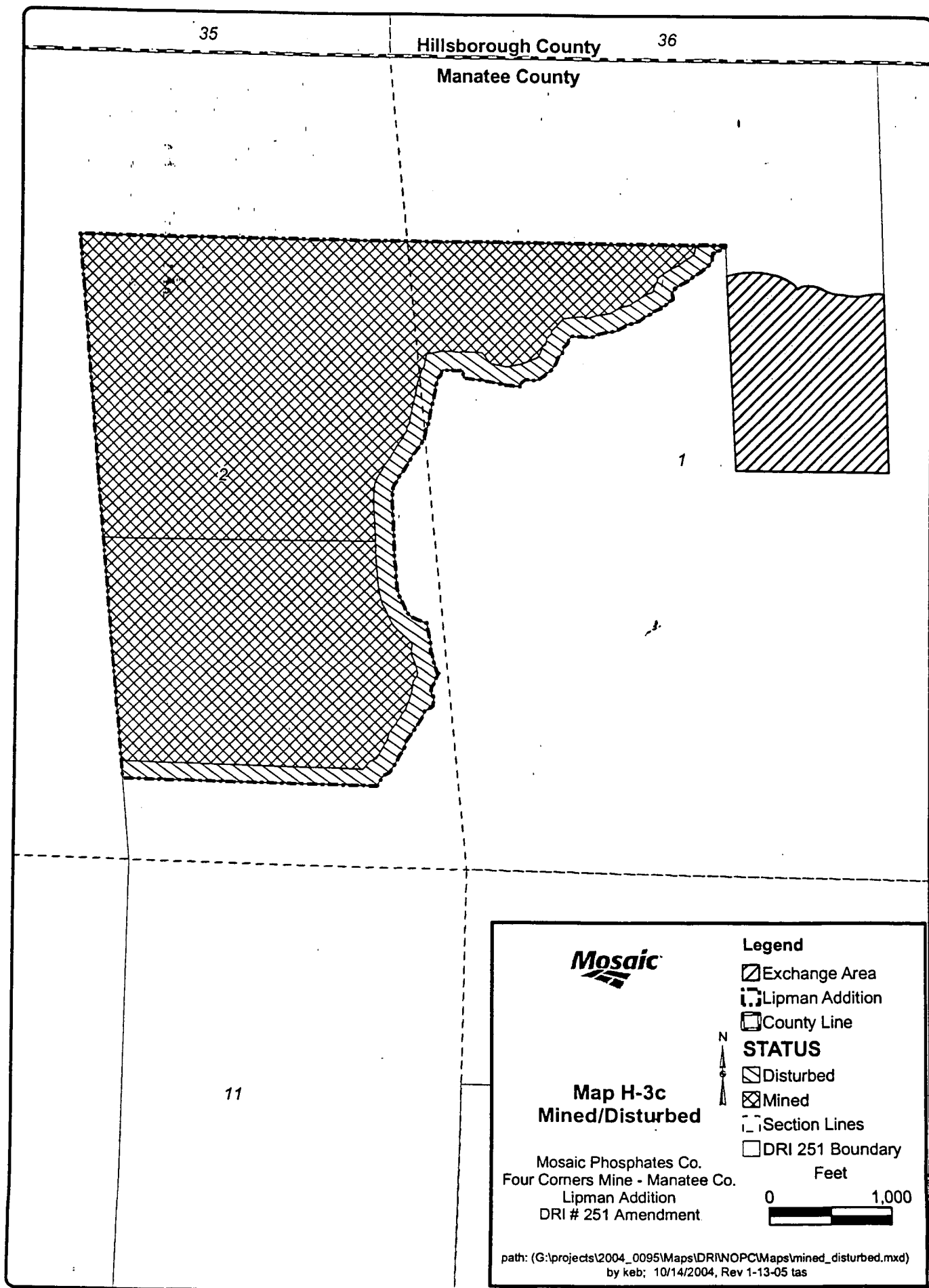
1. Approximately 276 acres (of the 305 acres) of the Lipman Addition\* will be mined (January 24, 2005 correspondence/Page 2).
2. There will be no change to the mining rate or water use at the mine (January 24, 2005 correspondence/Page 3).
3. There are no sensitive natural habitats on site. The small area (2.5 acres) in wetlands in the farm fields are highly disturbed, and do not provide significant habitat. There is no change proposed to the current mine preservation area. The mined area will be reclaimed with sand tailings fill and a thin overburden cap to approximate existing grade, suitable for farming (January 24, 2005 correspondence/Page 3).
4. This area will take less than 2 years for one dragline to mine which is equivalent to about 3 months of overall mine life (January 24, 2005 correspondence/Page 3).
5. This request involves: no preservation or conservation areas being requested for impact as part of the Lipman Addition\* or related infrastructure; no additional stream crossings; no plant capacity changes; no change or additional traffic impacts; no change to buildout date (January 24, 2005 correspondence/Page 3).
6. There are no historic resources on the Lipman Addition\* site (January 24, 2005 correspondence/Page 3).
7. Mosaic proposes to put the BMP berm within the 30 foot [wetland] buffer zone. The berm will be no net loss of wetland acreage or function (March 25, 2005 correspondence/Page 9).
8. The proposed mitigation will be incorporated into the upland forested area. There will be no net loss of wetland acreage or function (March 25, 2005 correspondence/Page 10).

9. Surveys will be conducted prior to commencement of clearing activities during the nesting season to locate any existing sandhill crane nests (March 25, 2005 correspondence/Page 10).
10. The Lipman Exchange Parcel (44 acres) that is being removed is currently approved for mining. There are no preservation or other protection requirements for this area and the area has not mined or disturbed (March 25, 2005 correspondence/Page 11).
11. As noted in the Master Mine Plan application, the one well will be abandoned according to SWFWMD and Manatee County rules prior to the site being mined (March 25, 2005 correspondence/Page 15).



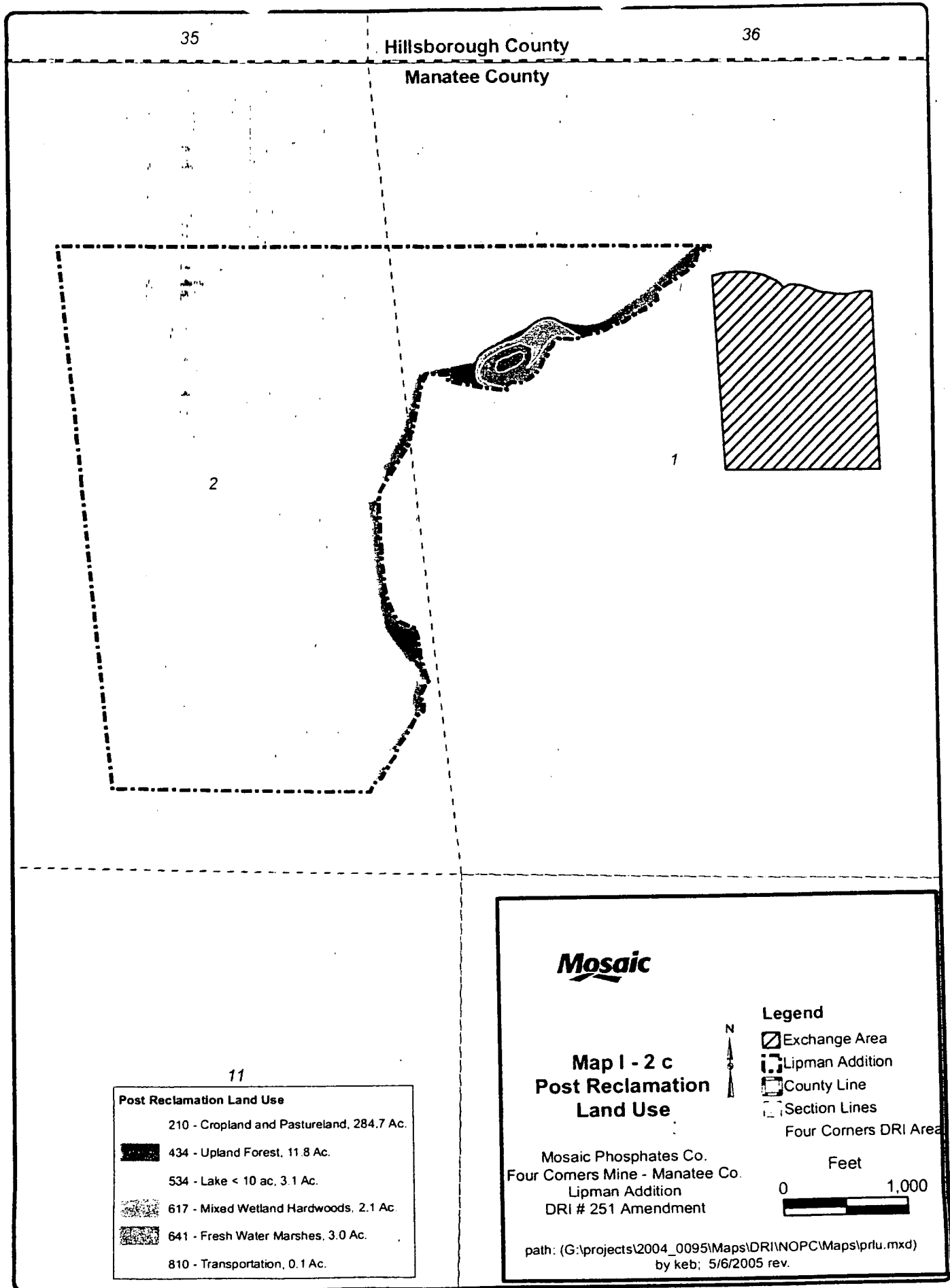












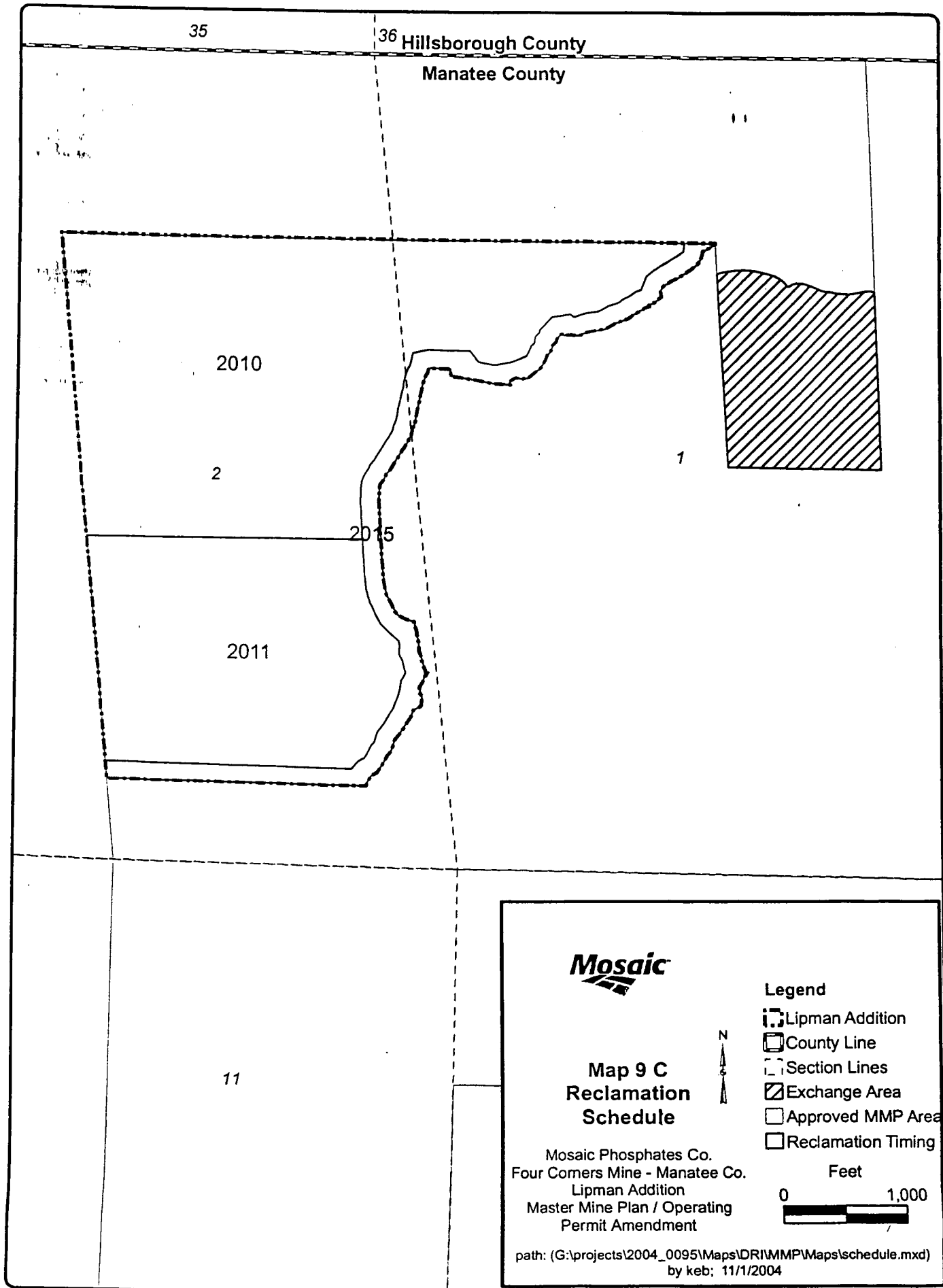


Exhibit H

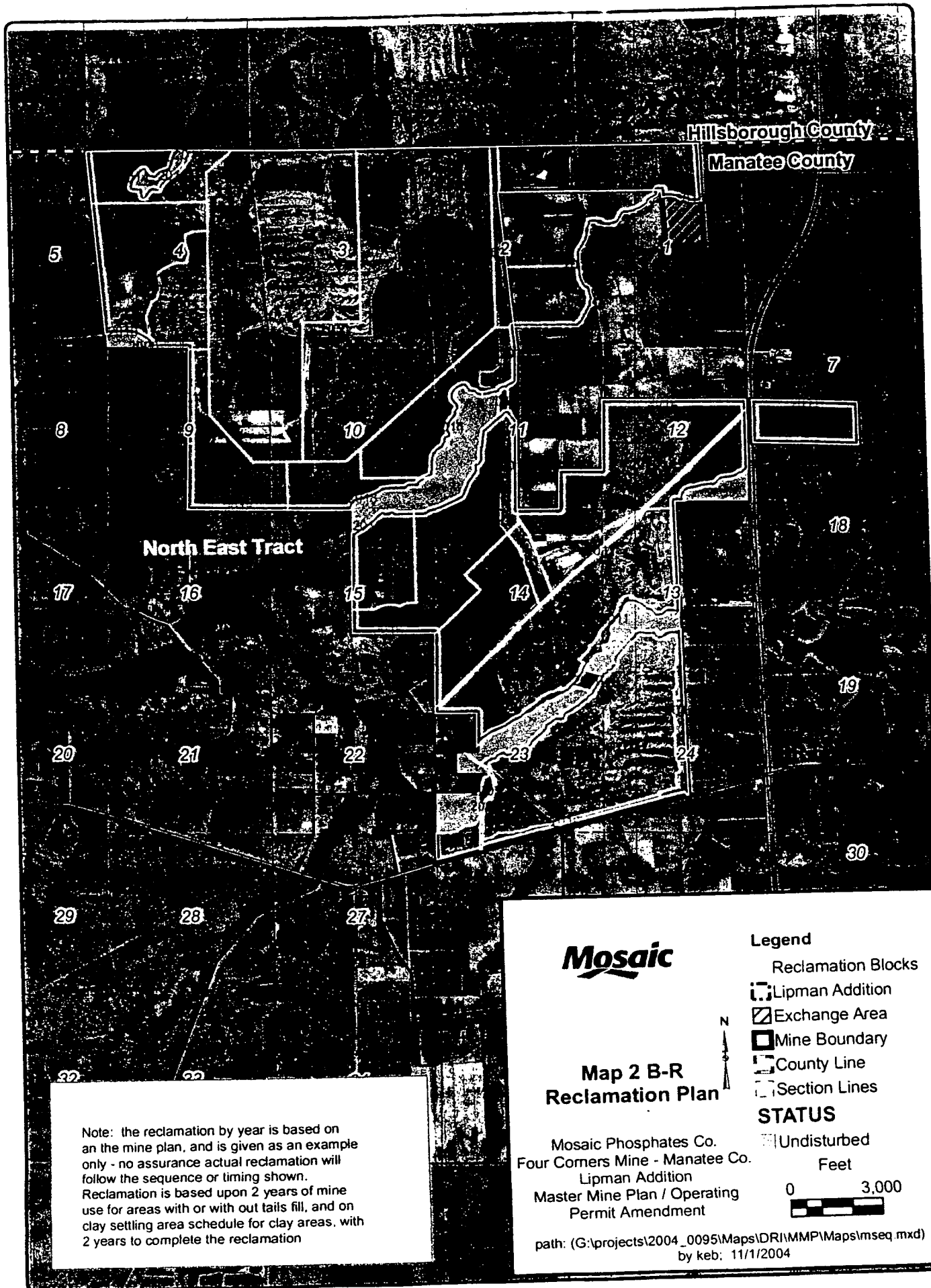


Exhibit H



**3. an annual reclamation schedule which includes reclaimed acreage;**

The annual average reclamation rate is based on the Phase II area mined and disturbed (3,086 acres) divided by the reclamation period (20 years - years 2003 through 2023) = 154 acres per year. The actual schedule is based upon the end of mining use for each area, and the type of reclamation land form to be used. This information is provided on Table 35-4. In this

table, reclamation is considered complete at the completion of revegetation with one year growing time. An example of the application of this schedule is found in Table 11-2, based on the example mine plan shown on Maps H-1A and B. A similar analysis for the total mine area shows that the average rate of reclamation is about 500 acres per year.

**TABLE 35-4  
Reclamation Schedule**

Reclamation Type	Reclamation Activity	*Time - Years
Graded Overburden	0. End of Mine use 1. Contour - Earthwork 2. Re - vegetation 3. Growth Period Total Time	— 18 months 6 months 1 year 3 years.
Tailings Fill	0. End of Tailing fill (Mine use) 1. Contour - Earthwork 2. Re-vegetation 3. Growth Period Total Time	— 18 months 6 months 1 year 3 years.
Clay Settling Area	0. Ditch and drain surface 1. Settling area abandonment (End of Mine use) 2. Contour - Earthwork 3. Plant grasses 4. Growth Period Total Time	4 years — 18 months 6 months 1 year 3 years

\* Note: Times are based on completion of all mining activities within a program or logical reclamation unit area that allows for reclamation of a sub-basin system rather than partial system.

**4. the proposed uses for the reclaimed land;**

The proposed land use for the reclaimed Phase II parcels will be primarily agricultural (as is its current

land use), supplemented with wetlands and wildlife habitat.



**Table 12-1**  
**Land Use**  
**Lipman Addition**

5-6-05 rev.  
Acres

FLUCFCS	Description	Acres	
		Pre	Post
210	Cropland and Pastureland		284.7
214/261	Row Crops /Fallow Crops Lands	296.3	
434	Upland Forest		11.8
510	Ditches	3.8	
524	Lakes < 10 acres	0.0	
534	Lakes < 10 acres		3.1
617	Mixed Wetland Hardwoods	1.3	2.1
618	Wetland Hardwood Forest - Willow	0.4	
641	Fresh Water Marshes	3.0	3.0
810	Transportation - Roads		0.1
<b>Total</b>		<b>304.8</b>	<b>304.8</b>

Note: the entire site will be disturbed.

# FOUR CORNERS MINE

**TABLE 35-1 (revised)**  
**Mined and Disturbed Areas**

(Note: acres may not add due to rounding) 3-21-05 rev.

Site	Sites Total			Setback Area****	
	Total Area	To Be Mined or Disturbed*	Not Disturbed***	To Be Mined / Disturbed	Not Disturbed
Parcel 1	492	492	-	116	-
Parcel 2	124	123	1	29	-
Parcel 3	525	496	29	262	27
N.E. Additions - Total	1,141	1,110	30	408	27
Lipman Addition	305	305	-	-	-
Lipman Exchange	(44)	-	-	-	-
Total Phase II Parcels	1,401	1,415	30	408	27
Economic Revision Area - N.E.	763	763	-	260	-
Grace Approved Mining Area - N.E.	4,315	3,988	327	217	38
Original N.E. Tract Area - Total	5,078	4,751	327	477	38
Lipman Addition - net	261	305	-	-	-
Total N.E Tract	6,479	6,166	357	885	64
Total Altman Tract	319	319			
Total Jameson Tract	4,619	4,109	509		
Total Mine Area**	11,416	10,594	867	885	64

\* Disturbed by mining activity, but not mined (i.e., road, berms, plant area, etc.).

\*\*\* See definition on Page 35-2, response to Sub question A 3.

\*\*\*\* Area included in Site Total



STATE OF FLORIDA, COUNTY OF MANATEE  
 This is to certify that the foregoing is a true and  
 correct copy of the documents on file in my office.

Witness my hand and official seal this 3<sup>rd</sup> day of

October, 2005.

R.B. SHORE  
 Clerk of Circuit Court

By: Deane E. Hollman

**Exhibit K**

Copy + 3 Cert. - Bobbie Roy,  
Planning

1- Municipal Code

10/14/05

DEV





FLORIDA DEPARTMENT OF STATE  
**Glenda E. Hood**  
Secretary of State  
DIVISION OF LIBRARY AND INFORMATION SERVICES

RECORD  
R. B. SHORE

2005 OCT 14 AM 10:48

CLERK  
MANATEE CO. FLORIDA

October 10, 2005

Honorable R. B. "Chips" Shore  
Clerk of Circuit Court  
Manatee County  
Post Office Box 25400  
Bradenton, Florida 34206

Attention: Diane E. Vollmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated October 3, 2005 and certified copies of Manatee County Ordinance Nos. Z-05-08, 05-42, 05-57 and 05-58, which were filed in this office on October 6, 2005.

As requested, the date stamped copies are being returned for your records.

Sincerely,

Liz Cloud  
Program Administrator

LC/kcs

Enclosures



Municipal Code Corporation  
P.O. Box 2235  
1700 Capital Circle SW. (32310)  
Tallahassee, FL 32316-2235  
850-576-3171  
Fax: 850-575-8852  
[info@municode.com](mailto:info@municode.com)

## Manatee County, FL Code of Ordinances - 1981(10428)

### Supplement 65

Recorded: **10/19/2005 8:31:07 AM**

We have received the following material through **Hard Copy**.

Document	Adoption
Ordinance No. 05-42	9/27/2005

- Are you e-mailing us your ordinances? Send them to [ords@municode.com](mailto:ords@municode.com)
- Does your code need a legal review? We can help - e-mail for an estimate
- Ask us about electronic supplementation and our newest service N.O.W. posting ordinances in between supplements
- Need additional copies of your Charter? Zoning? Code? Binders? Divider Tabs?
- Also we have a GREAT new service where we provide Codes and Supplements to outside subscribers at no additional cost to the City. Contact our Distribution Department at [dist@municode.com](mailto:dist@municode.com)
- Looking for Records Management, imaging or indexing minutes services, we can help there too! Contact us for more information at [info@mccinnovations.com](mailto:info@mccinnovations.com).

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Page 2 of 2

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SWITCHBOARD

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http://intranet.municode.com/BIS/Recording/acknowledgePrint.asp?jobid=47008&print=true&contactID... 10/19/2005