FILED FOR RECORD
R. B. SHORE

2008 MAY 19 AM 7:58

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

ORDINANCE NO. 08-21
WINGATE CREEK MINE DRI

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 WINGATE CREEK MINE DEVELOPMENT OF REGIONAL IMPACT (ALSO KNOWN AS DRI # 4 AND TBRPC DRI #42/95); PROVIDING FOR AMENDMENT EXTENDING THE LIFE OF MINING (A.K.A. BUILDOUT AND TERMINATION DATES) FOR THIS DRI BY 3 YEARS TO JULY 31, 2014; EXTENDING THE LIFE OF RECLAMATION FOR THIS DRI BY 3 YEARS TO DECEMBER 31, 2018; EXTENDING THE EXPIRATION DATE OF THE AUTHORIZED TRUCK HAULING ROUTES BY 3 YEARS TO JULY 31, 2014; AMENDING THE D.O. TO ADD FOUR CORNERS AS A DESTINATION ALONG THE PREVIOUSLY APPROVED HAUL ROUTE TO THE MOSAIC BARTOW PLANT, AMENDING THE D.O. TO CHANGE THE NAME OF THE MINE OWNER TO MOSAIC FERTILIZER, LLC; AMENDING THE D.O. TO ALLOW THE LINKAGE OF THE WINGATE CREEK MINE TO THE SOUTHEAST TRACT DRI, ADJUST THE LIMITS OF DISTURBANCE IN SECTIONS 21 AND 28 ALONG THE COMMON PROPERTY LING OF WINGATE AND THE TEXACO TRACT TO ALLOW MINING RELATED ACTIVITES IN THIS PRIOR SETBACK AREA, 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; AND PROVIDING FOR RECONCILATION INTO ONE DOCUMENT.

WHEREAS, Mosaic Fertilizer, LLC, FKA Cargill Fertilizer LLC., as successors in interest to Nu-Gulf Industries, Inc., Beker Phosphate Corporation, and Beker Industries Corporation possesses an Amended Development of Regional Impact Development Order from Manatee County, R-88-236; and

WHEREAS, Resolution R-88-236 also amended the Master Mine Plan and Operating Permit for the Wingate Creek Mine; and

WHEREAS, The BOCC on July 17, 1990, R-90-60, approved an amendment to the Development Order deleting property from the mine; and

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WHEREAS, on August 14,1990, Manatee County approved Resolution R-90-147 adopting an amendment to the Amended Development Order approved by R-88-236 to allow the transport of phosphate rock by truck via an approved haul route; and

WHEREAS, on November 5, 1991, Manatee County approved Resolution R-91-250 repealing R-91-26 and adopting an amendment to the Development Order for the Wingate Creek Mine DRI and amending the Master Mine Plan and Operating Permit for this mine; and

WHEREAS, on July 25, 1996, Manatee County approved Resolution R-96-188 deleting property from the legal description of the Development Order for the Wingate Creek Mine DRI as a result of the Manatee County Archery and Gun Club settlement with Manatee County; and

WHEREAS, on December 16, 1997, Manatee County approved Resolution R-97-241 extending the expiration date for the Wingate Creek Mine Development Order to July 31, 2004, extending the life of the authorized haul routes to July 31. 2004, and the completion of mining reclamation to December 31, 2008; and

WHEREAS, on December 16, 1997, Manatee County approved Resolution R-97-242, amending the Master Mine Plan and Operating Permit to conform to the amended Development Order; and

WHEREAS, on November 24, 1998, Manatee County approved Resolution R-98-182 approving the use of an additional haul route between the mine and Mulberry, Florida using Duette Road; and

WHEREAS, on July 27, 1999, Manatee County approved Resolution R-99-89 approving temporary use of the Duette Road haul route until July 31, 1999 and before certain improvements to the State Road system were complete; and

WHEREAS, The Wingate Creek Mine shut down operations in December of 1999 and has remained closed since that time; and

WHEREAS, ownership of the Wingate Creek Mine subsequently passed to Cargill Fertilizer, LLC on March 22, 2004; and

WHEREAS, on August 24, 2004, Manatee County approved Ordinance 04-21 which combined prior development orders (except to the extent that a condition of or exhibit to a prior development order was specifically and expressly preserved therein), extended the life of mining (buildout and termination dates), reclamation, and truck hauling routes by 7 years, amended the DO to change the destination for a previously approved haul route, delete 80.75 acres along the east side of Logue Road from the DRI, and change the name of the owner to Cargill Fertilizer, LLC.

WHEREAS, on September 14, 2004, Manatee County approved Ordinance 04-58 (a corrective document to Ordinance 04-21); and

WHEREAS. Cargill Fertilizer, LLC merged with IMC Phosphate to form Mosaic Fertilizer LLC on Oct 24, 2004; and

WHEREAS, on July 17, 2007 (dated July 12, 2007), Mosaic Fertilizer, LLC filed a NOPC to their approved DRI with the Manatee County Board of County Commissioners and provided Supplemental Information on December 27, 2007 (dated December 21, 2007) to: 1) recognize Mosaic Fertilizer, LLC as the new owner; 2) extend the buildout, trucking schedule, Development Order expiration dates, and reclamation dates, in accordance with recent revisions to Subsection 380.06(19)(c) Florida Statutes; 3) update the DRI and MMP Post Reclamation Plan to conform with FDEP Conceptual Plan Modification NGI-WC-CPD approval, as required by DO Condition #8; 4) increase the mine disturbance limit by 19 acres in Sections 21 & 28, along the common property line with the Texaco Tract (Mosaic ownership), allowing mining related activities in the prior setback areas; 5) reduce the remaining acreage to be mined by 99 acres (to 1,253 acres); 6) allow the exchange of Wingate sand tailings and overburden with SE Tract; 7) beneficiate and process SE Tract phosphate ore at the Wingate Plant; 8) modify the waste disposal plan to eliminate the sand clay mix reclamation method and allow use of conventional clay settling at the SE Tract for clay storage; 9) approve Four Corners Mine as a trucking destination from Wingate, and 10) approve the Wingate Utility Corridor linkage between the SE Tract and the Wingate Creek mine; and

WHEREAS, the Tampa Bay Regional Council, Central Florida Regional Planning Council, and Florida Department of Community Affairs were provided copies of the Notice of a Proposed Change by MosaicFertilizer, LLC and were, therefore, afforded the opportunity to comment on the proposed change; and

WHEREAS, the proposed changes are presumed to be a Substantial Deviation pursuant to Sections 380.06(19)(c) and 380.06(19)(e)3. Florida Statutes; and

WHEREAS, the Department of Community Affairs and Florida Department of Transportation have no objection to the proposed change; and

WHEREAS, the Planning Commission reviewed the Application for Amendment (NOPC) and has filed a recommendation on the NOPC with the Board of County Commissioners; and

WHEREAS, on May 1, 2008 the Board of County Commissioners held a duly noticed public hearing on the amendment to the Wingate Creek Mine DRI and has solicited, received, and considered reports, comments, and recommendations from interested citizens, County staff, government agencies, and the applicant; and

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

WHEREAS, the Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes; and

WHEREAS, Mosaic Fertilizer, LLC, 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 WINGATE CREEK MINE, DRI NO. 4.

SECTION 1. FINDINGS OF FACT:

The Board of County Commissioners after considering the testimony, evidence documentation, 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 recitals preceding this section are adopted as findings of fact.

B. Mosaic Fertilizer, LLC, FKA Cargill Fertilizer LLC, as successor in interest to Nu-Gulf Industries, Inc., Beker Phosphate Corporation, and Beker Industries Corporation possesses an Amended Development of Regional Impact Development Order Ordinance 04-58, for a project known as Wingate Creek Mine Development of Regional Impact (DRI).

C. The real property which is the subject of this Application is legally described as set forth in Section 5 of this Ordinance.

D. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for an amendment to and restatement of an approved Development of Regional Impact, known as the Wingate Creek Mine DRI, as it relates to the real property described in Section 5 of this Ordinance, pursuant to Section 380.06, Florida Statutes (FS).

E. The Board of County Commissioners held a public hearing on May 1, 2008, regarding the proposed amendment to an approved Development of Regional Impact described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, the Manatee County Land Development Code, and has further considered the information received at public hearing.

F. The proposed amendment to and restatement of Development of Regional Impact regarding the property described in Section 5 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, as amended, the 2020 Manatee County Comprehensive Plan.

G. The proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

H. The authorized agent for the Wingate Creek Mine DRI is Thomas E. Meyers, III, Assistant Vice President - Mining, Mosaic Fertilizer, LLC. PO Box 2000, Mulberry, FL 33860.

I. The owner of the property is Mosaic Fertilizer, LLC.

J. A comprehensive review of the impact generated by the development has been conducted by the departments of Manatee County, the Tampa Bay Regional Planning Council (TBRPC), and the Department of Community Affairs (DCA).

K. The proposed changes filed by Mosaic Fertilizer, LLC on July 17, 2007, as approved, are presumed to be a Substantial Deviation to the Wingate Creek Mine DRI. However, upon consideration of the Development Order conditions to address the identified issues, TBRPC has determined in its NOPC report approved February 11, 2008, that the applicant has provided sufficient information to rebut the presumption of a Substantial Deviation and that no unmitigated regional impacts would be anticipated as a result of this modification.

L. The components of this NOPC are:

1. Change the name of Cargill Fertilizer, LLC. to Mosaic Fertilizer, LLC;
2. Update Wingate's Post Reclamation Plan to agree with the FDEP Conceptual Plan CPD and stream enhancement approvals;
3. Adjust the limits of disturbance in Sections 21 & 28, along the common property line of the Texaco Tract (Mosaic ownership), allowing mining related activities in this prior setback area, as allowed under Manatee County's Phosphate Mining Ordinance 04-39;
4. Allow exchange of Wingate sand tailings and overburden with SE Tract;
5. Beneficiate and process SE Tract phosphate ore at the Wingate Plant;
6. Modify the waste disposal plan to eliminate the sand clay mix reclamation method and allow use of conventional clay settling (FM-1 & 2) at the SE Tract for clay storage;
7. Approve Four Corners Mine as a trucking destination from Wingate with no increase in trucking proposed from Wingate;
8. Approve the Wingate Utility Corridor linkage with the SE Tract; and
9. Extend all internal deadlines, including the termination of the Development Order, in conformance with Section 380.6(19)(c) Florida Statutes.

SECTION 2. CONCLUSIONS OF LAW:

Based upon the previous findings of fact and the following conditions of development approval, the Board of County Commissioners reaches the following conclusions of law:

1. The proposed development of the Wingate Creek Mine is consistent with the local land development regulations and ~~is~~ consistent with the State Comprehensive Plan, the Tampa Bay Regional Planning Council's Strategic Regional Policy Plan, and the Manatee County Comprehensive Plan.

2. The proposed development of the Wingate Creek Mine is consistent with the comments of the Tampa Bay Regional Planning Council as approved on February 11, 2008, as conditioned herein.

3. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, Mosaic Fertilizer, LLC is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.

4. The review by the County, the TBRPC, the DCA, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, F.S., within the terms and conditions of this Ordinance and the Application. To the extent that the Application is inconsistent with the terms and conditions of this Ordinance, the terms and conditions of this Ordinance shall prevail.

SECTION 3. EFFECT OF ORDINANCE; RECONCILE INTO ONE DOCUMENT

This ordinance constitutes the amended and restated Development Order for development of the property known as Wingate Creek Mine by Mosaic Fertilizer, LLC. All prior development orders for the Wingate Creek Mine are superceded by this Ordinance, except to the extent that a condition of or exhibit to a prior development order is specifically and expressly preserved hereby. In the text of this Ordinance, this Ordinance may sometimes be referred to as the "Development Order" or "Order", and Mosaic Fertilizer, LLC may be referred to as "Mosaic" or the "Developer*". This Development Order represents a codification of the existing approval for the project integrating those changes proposed in this Substantial Deviation Determination and approved by the Board of County Commissioners into a single Development Order and is for administrative convenience and is not intended to provide a new point of entry for current conditions and requirements of this project that are not related to this Notice of Proposed Change.

SECTION 4. DEVELOPMENT COMPONENTS AND CONDITIONS.

A. EXISTING REQUIREMENTS

The development of Mosaic's Wingate Creek Mine shall be in conformity with the provisions of the ADA dated October 11, 1974 (which was attached as Exhibit C to Resolution R-88-236); the Application for Amendment filed in 1983 (which was attached as Exhibit D to Resolution R-88-236); and the amended Master Mining Plan which was required under R-88-236, except as all of the above may be expressly modified by the terms and conditions of this Amended Development Order or by subsequent ordinances or resolutions of the County.

B. TRANSPORTATION MATTERS

1. Mosaic is authorized to transport up to 2.0 million dry tons per year of phosphate rock by truck from its Wingate Creek Mine to customers via the haul routes and subject to the tonnage limitations listed below:

   HAUL ROUTE:

   A. Up to 2.0 million tons per year from the Wingate Creek Mine road which joins into Duette Road, north to State Road 62, west to State Road 37, north to Polk County Road CR 640, then east to the Mosaic Green Bay phosphate plant.

   B. Up to 2.0 million tons per year from the Wingate Creek Mine road which joins into Duette Road, north to State Road 62, west to State Road 37, north to State Road 60, then east to the Mosaic Bartow phosphate plant.

C. Up to 2.0 million tons per year from the Wingate Creek Mine access road which connects to Duette Road, north to State Road 62, west to State Road 37, north to the Mosaic's Four Corners Mine.

Trucks will return along the same described haul routes until July 31, 2014.

2. The trucking operation approved herein shall be conducted in accordance with Exhibit E, which is attached hereto and by reference incorporated herein.

3. Weigh scales shall be maintained at Mosaic Wingate Creek Mine beneficiation facility to insure compliance with the load limits set forth above. Mosaic shall, upon reasonable notice, make available for inspection by the Director of the Manatee County Environmental Management Department (the "Director") the weight scale records. Such records shall be retained for a period of five years.

4. Mosaic shall require that its hauler prevent debris from leaving trucks, full or empty, during their travel on the haul route.

5. Mosaic shall provide sufficient funds to the Manatee County Sheriff's Department in order to monitor the activities of Mosaic's trucks in Manatee County to determine their compliance with the terms and conditions of the Amended Development Order and to enforce highway regulations. These funds shall be in addition to those for safety monitors to be provided by Mosaic's carrier as outlined in Exhibit E. Mosaic's shall notify the Sheriff's Department of the trucking operation schedule and of any changes to the schedule lasting more than twenty-four hours. The County shall provide Mosaic an invoice for the portion of the Sheriff's Department time spent monthly on SR 64 during those times that the trucks are operating on that portion of the Haul Route. The invoice shall be accompanied by sufficient documentation to verify times and locations. The amount to be reimbursed shall be the total of those hours spent on SR 64 multiplied by an hourly rate to be set by the Manatee County Sheriff, which amount shall cover the costs of the deputy's salary, vehicle capital and operating costs, equipment capital and operating costs, and overhead expenses. The smallest billable time unit shall be a quarter of an hour.

6. Mosaic shall be responsible for its phosphate rock carrier providing the County with a quarterly report certified by the person in charge of the trucking operation. This report will list all accidents in which trucks carrying rock for Mosaic were involved, the date and time of the accident, the cause of the accident, the name of the driver involved, the estimated amount of property damage, the number of persons involved, whether hospitalization was required and any other pertinent data. All reports submitted to or prepared by the Florida highway patrol shall be provided to the Manatee County Environmental Management Department along with the quarterly report.

7. Mosaic shall be responsible for its carrier's implementation of an inspection program to insure that all vehicles and appurtenant equipment used on the Haul Route are operated in a safe and sound manner. At a minimum, the vehicles and equipment components tabulated in Exhibit E shall be inspected at weekly intervals. Any defects in the vehicles and equipment and dates they were discovered shall be noted on the inspection form and so shall the date on which each defect was corrected. The vehicles shall receive a periodic preventive maintenance check at ten thousand mile intervals. The Director, or his designee, shall be authorized to inspect the records of the vehicle inspection program maintained by Mosaic or its carrier upon reasonable notice.

8. Mosaic shall assure that any trucks hauling for Mosaic along the Haul Route shall be identified by a Mosaic sign which is located on the trailer tailgate. This sign will be kept clean and legible.

9. In the event of a spill along the Haul Route, Mosaic's carrier shall immediately contact the Florida Department of Transportation and the Director of the Manatee County Department of Public Safety. Mosaic shall be responsible for ensuring that its carrier restores, at its own expense, the spill site to the condition at which it existed prior to the spill.

10. Mosaic shall comply with any additional transportation conditions and restrictions which the County may require in any further amendment to or in connection with the Amended Master Mine Plan or Operating Permit.

11. Mosaic shall complete the following permanent improvements to the transportation system before any trucking from the Wingate Creek Mine recommences: (Note: All road and sign improvements to start trucking have been completed)

    At the 90 degree turn of Duette Road (mile 5):

    a. Mosaic Fertilizer, LLC shall provide designs for and construct geometric improvements to this curve as approved by the Manatee County Transportation Department. At a minimum, the radius of the curve shall be no less than 1,250';

    b. Mosaic shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Mosaic to construct these improvements. Alternatively, Mosaic may elect to purchase the land directly from the owner(s) and construct the required improvements; and

    c. Mosaic Fertilizer, LLC shall install new temporary and permanent signs as specified by the Manatee County Transportation Department.

12. For the northern 3.7 miles of Duette Road, Nu-Gulf reconstructed this portion of the roadway pursuant to previous Development Order requirements. Mosaic shall not have any further obligation with regard to this segment so long as it is in better condition after completion of mining activity. Nu-Gulf previously documented the existing conditions of the roadway in a manner acceptable to the Manatee County Transportation Department. Upon completion of mining activity, Mosaic shall rebuild the Duette Road roadway to existing conditions. For the portion of the southern 6.3 miles that is part of the permanent haul route (i.e., north of the location where the mine access road intersects Duette Rd), this is effectively a new roadway surface.

13. Mosaic shall have a structural Engineer examine the bridge at the East Fork of the Manatee River every 6 months. A copy of the engineer's findings shall be submitted to the Manatee County Public Work's and Planning Departments for review. Should the report identify that the bridge is not structurally sound to handle the phosphate truck traffic, then Mosaic shall cease use of that haul route until such time as the bridge deficiencies are corrected.

14. Mosaic shall be responsible for expense of extraordinary maintenance of the Duette Road roadway through the life of the haul route (i.e., July 31, 2014). Extraordinary maintenance is defined as the actual costs incurred by Manatee County for maintenance of Duette Road that are over and above the average annual per-mile cost of maintenance of similar roadways in Manatee County. Mosaic shall ensure reimbursement for the required maintenance through a bond or other financial guarantees acceptable to Manatee County, when furnished with verified cost estimates.

15. Trucking will not occur during school bus hours. Trucks will not leave the mine or the Bartow or Green Bay Phosphate Plants or travel on Duette Road, S.R. 37, or S.R. 62 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 the appropriate trucking schedule settled upon and published. The schedule will be distributed to the Mosaic operations personnel, scale operator, and Material Hauler's terminal manager.

    Before the start of a new school year or summer-school, Mosaic will request written notice from the Supervisor of School Bus Operations and adjust the trucking schedule accordingly, with approval by Manatee County.

    On scheduled school closure days and weekends the trucks will run twenty-four hours per day with the following exception:

    Any truck sighting a school bus during non-school bus hours will report the occurrence to their dispatcher and the Director of the Manatee County Environmental Management Department, so the incident can be investigated and schedules amended if necessary.

16. Mosaic shall not use more than one (1) material transportation firm, including subcontractors, at any time. Mosaic shall provide written notice to Manatee County of which material transportation firms and subcontractors will be utilized. This notice shall be provided at least 30 days prior to changing material transporters or using a subcontractor unless a strike or act of God requires less notice to be given.
Should Manatee County object to the selection of a particular firm or subcontractor, it shall provide written notice to Mosaic at least 7 days prior to the proposed change, unless because of strike or act of God, Mosaic has given less notice than thirty days, in which case the County will give notice to as soon as is reasonably possible. If such notice is issued by Manatee County to Mosaic, Mosaic shall not change to the new material transporter or subcontractor until the nature of the objection is reviewed by the Board of County Commissioners at a regularly scheduled meeting, at least 7 days prior to the proposed change.

    Manatee County shall not issue a notice of objection without cause.

17. Mosaic shall provide sufficient funds to the Manatee County Sheriff's Department in order to monitor the activities of Mosaic trucks in Manatee County, to determine compliance with the conditions of the amended Development Order and to enforce highway safety regulations.

    Mosaic shall erect and maintain signs along Duette Road informing northbound and southbound motorists that trucks are entering the highway. The size, placement, and wording of these signs shall be approved by the Manatee County Transportation Department and the signs shall be erected before trucking operations commence. **(Signs have been installed).**

C. MINING AND RECLAMATION MATTERS

Manatee County Code of Laws

Except as otherwise provided below, Mosaic shall operate the Wingate Creek Mine in full compliance and accordance with Chapter 2-20 of the Manatee County Code of Laws, as amended from time to time; the "Manatee County Phosphate Mining Code – Ordinance 04-39." Pursuant to the Manatee County Phosphate Mining Code, Mosaic has a vested right to conduct its mining and reclamation activities at the Wingate Creek Mine in accordance with the standards established previously by Manatee County in Ordinance 81-22.

1. The County shall have the right to perform on-site inspections of the Wingate Creek Mine, from time to time, upon reasonable notice to Mosaic and during normal business hours, so long as the Wingate Creek Mine is being used for phosphate mining purposes.

2. Mosaic shall adhere to a 200' setback requirement along the exterior boundary of the Wingate Creek Mine and shall not, subsequent to the effective date hereof, conduct any mining operations (including stockpiling) within such setback area; provided, however, that the 200' setback requirements shall be reduced to 50' setback requirements at all points along the exterior boundary of the Wingate Creek Mine located in Sections 20, 21, and 28Township 22 East, Range 34 South ("the 50' Setback Area").

3. Mosaic shall reclaim the mined property located within the Wingate Creek Mine consistent with the Conceptual Reclamation Plan CPD or future Conceptual Reclamation Plan amendments for the Wingate Creek Mine to fulfill the terms and conditions as contained in this Amended Development Order.

General Mining and Reclamation Matters

1. The present sand/clay mixture method of reclamation shall not be construed as a clay settling area.

2. All numbers associated with clay volumes, tonnages, capacities, and other volumes associated with sand/clay mixture reclamation (as indicated in the Detailed Reclamation Plan which is part of the Operating Permit) shall be superseded by the DEP-BMR Revised Conceptual Plan, except as may be provided herein.

3. The Phase II portions of WC-2(C) and WC-3(A) FDEP Reclamation Programs as shown in the July 17, 2007 Wingate ADA and located in Section 31, Township 34 South, Range 22 East and Section 6, Township 35 South, Range 22 East, will be reclaimed and ready for initiation of contouring and revegetation in accordance with the Wingate Master Mine Plan, as a reclamation goal by June 30, 2009.

4. The lake constructed as part of reclamation in Section 28, Township 34 South, Range 22 East, shall be contoured in accordance with the requirements of the approved Master Mine Plan and the FDEP-BMR Conceptual Reclamation Plan for the Wingate Creek Mine.

5. Best Possible technology will be used to provide the maximum protection possible for the public health, safety, and welfare, and which minimizes to the greatest degree possible any adverse impacts of mining on the watershed of the Lake Manatee reservoir. Any flow of surface water from the plant area and sand tailings pile in Sections 20(S1/2) & 30(NE1/4) of Twp. 34 S Range 22E, will be intercepted by ditch and berm systems and redirected away from the Lake Manatee Watershed. Waters will be released only through approved NPDES outfalls.

6. Vegetative cover established on the inner and outer clay settling area walls shall be maintained on all exposed surfaces so as to permit visual inspection of the soil surfaces.

7. The two floating dredges used in the mining and reclamation process shall be dismantled and removed from the Wingate Creek Mine at the completion of mining and reclamation activities in accordance with the "Dredge Disassembly and Removal Plan" which was attached as Exhibit F to Resolution 88-236. The release of the general warranty surety and reclamation bond in accordance with the provisions of County Mining Code shall be conditioned upon the approval of removal of the dredges by the Director of the Environmental Management Department, who shall approve same, upon satisfactory compliance with the provisions of the "Dredge Disassembly and Removal Plan". The total amount of the general warranty surety and reclamation bond shall not be reduced to an amount less than the costs of the dredge removal as determined by a Florida registered professional engineer engaged by Mosaic and satisfactory to the County.

8. Mosaic shall, within thirty (30) days of the effective date of the adoption of an Operating Permit that implements this Development Order, apply to the Florida Department of Environmental Protection - Bureau of Mine Reclamation to amend the FDEP-BMR Conceptual Reclamation Plan so that it conforms to the approved Master Mine Plan, Operating Permit, and this Development Order.

9. There shall be no chemical processing of any phosphate product extracted from this mine within Manatee County

10. Mosaic shall maintain a 300 ft. setback for mining along the northern boundary of the Winding Creek Subdivision in Sections 28 & 29, Township 34 South, Range 22 East, Manatee County, Florida. Within sixty (60) days of approval by Manatee County and FDEP Bureau of Mine Reclamation ("BMR"), Mosaic will construct a berm approximately 10 feet in height to the east of wetlands adjacent to the clay settling area and an approximate 100 ft. wide landscaped buffer in the northernmost 100 feet of the setback area. The design will be formulated by Mosaic and approved by Manatee County, FDEP, and BMR and will be incorporated into the Master Mine Plan. Design shall include 3 to 5 gallon wax myrtles planted on 10 ft. centers to provide a visual screen along the top of the berm. The berm side slopes and landscape buffer shall be planted in three rows spaced 20 feet apart on 30 ft. centers with slash pines, live oaks, or other suitable canopy trees Tree rows shall be planted in staggered pattern and will be a minimum of 3 inch caliper and a minimum of eight feet in height. **(Completed: berm has been constructed and planted).**

11. Mosaic shall install on its property two additional monitoring wells (for a total of three in this area) within 100 ft. of the northernmost property line of the Winding Creek Subdivision property line. Mosaic shall install and monitor the wells per the requirements of the shallow ground water monitoring program included in the Master Mine Plan update. **(Monitoring wells installed and monitoring data is reported in Wingate's Annual Report).**

12. Mosaic shall obtain baseline water quality sampling for Winding Creek residential drinking water wells in Lots 26, 27, 28, 29, 30, 34, 35, 36, 37, 64, 65, 66, and 67. The sampling will be conducted within 60 days of Operating Permit approval for residents with wells in Lots 26, 27, 29, and 34. Mosaic will conduct baseline sampling for the remaining listed lots within 60 days of notice by the Winding Creek Home Owners Association of installation of a new potable well in Lots 28, 30, 35, 36, 64, 65, 66, and 67. Subsequent sampling will be conducted by Mosaic if notified by Winding Creek residents in lots noted above, due to a suspected water quality issue. If such an issue is identified Mosaic will conduct an investigation of the complaint and file a report with the Manatee County EMD and subject property owner. (Baseline monitoring completed and results submitted to County and Homeowners.)

13. Pre and post-mining hydrology will meet Manatee County and Bureau of Mine Reclamation standards.

14. Mosaic has a $10,000,000 environmental liability policy that will be increased to $25,000,000 upon the County's approval of the Wingate Mine Operating Permit. The policy is actionable by Manatee County on behalf of any affected party for the coverage and occurrences provided for in the policy.

15. Mosaic shall inform the Winding Creek Homeowners Association of all future revisions of the DRI Development Order, Master Mine Plan, and Operating Permit for the Wingate Creek Mine. Mosaic will keep the Winding Creek Homeowners Association informed of any proposed revisions to county mining codes or other pertinent ordinance of which it is aware that may be developed in the future.

16. Radionuclides are monitored at the Wingate Creek NPDES Outfalls 001 & 002. Water reporting to the outfalls is connected to all facets of the mining operation water recirculation system. Water quality data available to Mosaic since 1994 has indicated that there have not been any exceedences of water quality standards for radionuclides.

17. Stockpiling of overburden or sand tailings within 1500 feet (north) of the Winding Creek Subdivision in Sections 28 &29, Township 34 South, Range 22 East shall be limited to a maximum height of 25 feet.

18. Hours for operations of the mine are typically 24 hours per day, 7 days per week. Mosaic agrees to abate noise from dredging operations by not using horns for communications on the dredge from 7 PM to 9 AM. Alternatives to horn use for communication will be explored. Operational lighting will be mitigated by the installation of the visual buffer in the setback area described in Stipulation 4.C(10), above. If there are complaints or concerns on noise or light issues, Wingate Creek Mine operations personnel can be contacted at 941-322-6801, to promptly investigate and reach a fair resolution in consultation with Manatee County Environmental Management Department.

19. The Wingate Creek Master Mine plan and Conceptual Reclamation plan provides descriptions of the environmental and reclamation programs in place to address environmental issues. The plans include descriptions of the environmental monitoring programs, reclamation programs, and mining details. All other environmental monitoring and protection is mandated through Manatee County Phosphate Mining Ordinance, DEP NPDES program and DEP Bureau of Mine Reclamation regulatory programs.

20. If any drinking water well at Winding Creek Subdivision is found to be contaminated by exceedences of drinking water standards and which is based upon a finding that Mosaic is responsible for this contamination, Mosaic shall within 24 hours provide in it sole discretion, an alternative drinking water source until the contamination is remediated by Mosaic.

21. The applicant shall consult with the Charlotte Harbor National Estuary Program (CHNEP), and shall use its best efforts to assure that its mining activities are consistent with the policies of the CHNEP to the extent that they do not significantly impede Mosaic's ability to continue mining operations that have been previously approved. In the event CHNEP notifies the applicant that it's mining activities are not, in any respect, consistent with the policies of the CHNEP, the applicant will promptly notify the County.

WINGATE CREEK MINE SECTIONS 21 & 28 TWP 34S, RG 22 EAST SETBACK REDUCTION AREA CONDITIONS . The following conditions shall apply only to the 150 foot area to be disturbed adjacent to the Texaco tract.

1. The 150 foot setback reduction area to be disturbed is in Sections 21 & 28, TWP 34S, RG 22E and must conform to the requirements of Phosphate Mining Code - Ordinance 04-39 and the Reclamation Manual for the habitats impacted.

2. Surface Water: Best Management Practices for reducing surface water quality impacts shall be implemented.

3. Stormwater runoff from land areas cleared for mining activities shall be routed through ditches into the mine water recirculation system and discharged only through permitted NPDES outfalls.

4. Erosion control measures such as siltation screens and hay bales shall be used to prevent surface water quality degradation during corridor construction and reclamation.

5. The re-created wetland 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 Phosphate Mining Code Ordinance 04-39 requirements of the Department of Environmental Protection, whichever is more stringent.

6. In the event that any listed species listed in Rule 68A-27.003 - 68A-27.005 FAC, are observed nesting or breeding in the setback reduction area to be disturbed by mining operations, the developer shall immediate notify the Florida Fish and Wildlife Conservation Commission (FFWCC) and implement the recommended measures for species protection.

7. The drainage basins in the setback reduction area shall be restored to their approximate pre-mining size and location, as described in the July 2007 ADA/NOPC.

8. Mitigation for wetland losses shall be as shown on Master Mine Plan Amendment and according to the UMAM calculations therein.

9. All mitigation and native habitats shall be monitored in accordance with the Manatee County Reclamation Manual requirements. Additional plantings may be required to achieve natural cover rate. All monitoring results shall be included in the Wingate annual Operating Permit progress report.

10. Existing wetlands which are permitted to be disturbed shall be used as donor material, if the donor wetlands are viable and nuisance free.

D. ENVIRONMENTAL AND WATER SUPPLY MATTERS

1. Mosaic shall comply with the terms and conditions of the Environmental Monitoring Program for the Wingate Creek Mine which was required by Resolutions R-04-203 and R-04-204 and delineated in the Master Mine Plan Update, revised September 8, 2004.

2. Mosaic's current Southwest Florida Water Management District (SWFWMD) Water Use Permit amounts and the resultant drawdown levels are hereby recognized as an existing use condition in any consumptive use permit it may attempt to receive for adjacent properties. The County will not contest the pumpage of either well adjacent to the Mosaic /Manatee County property line at maximum capacity and the resultant drawdowns for a period of up to 30 days for reasons of maintenance repair of the production wells and pumps. Mosaic I shall allow connection of a transmission line to the Mosaic production well system for the purpose of providing emergency water supply to the County water system during the duration of a severe water shortage that might be declared by SWFWMD. Mosaic shall provide an easement for the construction and maintenance of such pipeline. The construction of this pipeline will be the sole responsibility of the County, which will bear the cost of the construction. Relocation cost of the pipeline at any future date will be borne by the party requiring the relocation. Mosaic shall cooperate with Manatee County in an application to SWFWMD for water use permits to reflect conjunctive use of the Mosaic well system for both industrial and municipal supply up to the present maximum daily permit levels. The quantity transferred to the County system shall not affect the operation of the beneficiation facility. The County shall reimburse Mosaic's for the pro- rata share of the operational, maintenance, and other mutually agreed upon costs associated with the transfer of water to the County system.

E. DELETION OF PROPERTY

1. The prior Development Order reflects the deletion of an 80.75 acre parcel along the east side of Logue Road, known as Tract WC-4(A), from this DRI, to recognize that this parcel was mined, reclaimed, released from reclamation, and sold to another party by Mosaic's predessors in title to the Wingate Creek Mine. Accordingly, the legal description in Section 5 of this Development Order reflects the removal of Tract WC-4(A) from the Wingate Creek Mine and the DRI.

F. GENERAL TERMS AND CONDITIONS

1. Mosaic shall provide property management to insure proper safeguards against environmental problems that could occur when the mine is shut down. The following items, at a minimum, shall be included in that management:

   a. Management of water throughout the mine to insure that any discharges to waters of the state meet water quality and quantity standards of Mosaic's state and federal discharge permits.

   b. Operations and maintenance of any clay settling area impoundment to insure that water levels within the structure, the condition of the impoundment walls, and any other features of the impoundment comply with the requirements of Chapter 62-672, Florida Administrative Code.

   c. Continuation of monitoring activities as required by state and federal permits and the Environmental Monitoring Program (Exhibit F to Resolution 88-236) for the Wingate Creek Mine.

   d. Any other operational or maintenance measure which are reasonably necessary to protect the public health, safety, and welfare.

SECTION 5. LEGAL DESCRIPTION

Development of Wingate Creek Mine shall be restricted to the 3,094.48 acres currently owned by Mosaic Fertilizer LLC., and described by the legal description included as Exhibit "A", attached to and made a part of this Development Order.

SECTION 6. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT

Physical development of the project has commenced. If any five year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on evidence presented at that hearing, rescind or suspend or take other appropriate action on any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* (such as the unavailability of permits because of inadequate public facilities, or for any other similar reason). For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare land for mining.

SECTION 7. RESTRICTIONS ON DOWN-ZONING

Prior to December 31, 2018 the County shall not down-zone or reduce the intensity or unit density permitted by this Development Order, unless the County demonstrates that:

A. Substantial changes in the conditions underlying the approval of the Development 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 to the public health, safety, or welfare.

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

For the purposes of this Development 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 Development Order, and nothing in this Ordinance shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer* by this Development 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 Section 380.06(15)(c)3, Florida Statutes.

SECTION 8. ORDER BINDING UPON DEVELOPER*

This Order shall be binding upon the Developer*, its successors, assigns, or successors in interest.

SECTION 9. COMPLIANCE WITH CODES AND ORDINANCES

All development undertaken pursuant to this Development Order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically and expressly authorized herein.

SECTION 10. RENDITION

The Planning Department is hereby directed to send certified copies of this Development Order within thirty (30) days of the Board of County Commissioners approval effective date of this Development Order to the Developer*, the DCA, and the TBRPC.

SECTION 11. 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 with a copy of the recorded notice.

SECTION 12. NO CODIFICATION

This ordinance shall not be codified in the Manatee County Code of Laws.

SECTION 13. SEVERABILITY

It is the intent of this Development Order to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Development Order 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 Development Order shall remain in full force and effect.

SECTION 14. 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 that appeal. However, this is not intended to suspend development previously authorized pursuant to Resolution R-88-236, as amended, during the pendency of any appeal.

ADOPTED AND APPROVED with a quorum present and voting the 1st day of May, 2008.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: _____
Chairman

BOARD OF COUNTY COMMISSIONERS SEAL MANATEE CO. FLA.

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

By: _____
Deputy Clerk

MANATEE COUNTY
ORDINANCE 08-21
EXHIBIT E

Trucking Operation Requirements for the Wingate Creek Mine

1. CARGO

The cargo being hauled is phosphate rock and has no specific toxicity problems which would cause special transportation problems.

2. TRUCK LIMITS

The trucks have two specific capacity limits determined by the number of axles on the tractor/trailer combination. Trucks having two trailer axles and two tractor axles shall be allowed to carry a maximum weight of 73,280 pounds, while trucks having three axles on both tractor and trailer have a maximum capacity of 80,000 pounds. No special D.O.T. emblems are required. Each truck will be identified as a Mosaic truck by the use of a Mosaic sign on the tailgate which will be visible from a normal safe following distance.

3. LOADING-TARE WEIGHT

The loading will take place at the Wingate Mine. Trucks will proceed to the scale upon arrival at the mine. Before entering the scales each truck will come to a complete stop. The truck will proceed onto the scale and stop when correctly positioned. The scale operator will light weigh the truck and inform the driver which material is to be loaded (pebble, concentrate, or combination of both). This weight will appear as the Atare@ weight on the bill of lading. The weight is normally 22,000 - 25,000 pounds. Any variation of the tare should be reported to the plant shift supervisor.

4. LOADING-CARGO

Trucks will then proceed to the loading area. The loader operators should load a truck evenly both front to back and side to side. This will minimize the possibility of a load shift during transit. While at the piles the truck drivers will get out of their trucks and sample each bucket of material that is placed in their truck. The sample is placed in a bucket and then covered. This is important to get a accurate moisture sample. Moisture will be controlled at 8-13% to minimize dusting and excess leakage. The sample analysis will be reported on the daily production report. The month-to-date analysis can also be found on the report. The daily production report can be found in the general manager=s files and is saved four years.

5. LOADING - INSPECTION

While outside the truck each driver is responsible to make an inspection tour of his vehicle. During this tour the vehicle will be observed for tire condition, tailgate position, leakage, tail lights, tractor lights, brakes. If the driver or loader operator finds a problem with the truck it will be removed from the line until it can be repaired.

6. LOADING - TOPPING & WEIGH-OUT

Once loaded the truck will proceed to the scale for topping and weigh-out. The driver will again bring the truck to a full stop before proceeding onto the scale. This will minimize scale damage and insure weight accuracy. As the truck is weighed, the scale operator will determine if it is overweight or underweight from the aforementioned gross vehicle weights. If the truck is overweight it will be backed off the scale and dumped. The under weight trucks will be topped to the correct weight with the truck topping hopper. After topping, the truck driver will cover his load with a tarp. At no time will trucks be allowed to leave the scale untarped. This is a violation of the Florida Motor Vehicle code and will not be tolerated! The driver will proceed to the scale house where he signs to accept the load on the "load dispatch sheet" and the driver's copy of the bill of lading will be completed.

7. SCALE - OPERATION & RECORDS

The scale operator is responsible for the accuracy of the scale operation and the time intervals of all trucks dispatched. When the truck returns to the scale and the weight does not need adjustment, the operator will print this weight on the bill of lading along with the time and date. Otherwise, after the load has been adjusted, the adjusted weight will be printed on the bill of lading as the gross weight. The truck dispatch sheet will be filled in at this time. The tractor/trailer numbers; weight before topping and weight after topping; and drivers signature will be put on dispatch sheet. The final loaded weight along with the time and date will be printed on the bill of lading. The tractor/trailer numbers and driver's signature will also be placed on the bill of lading. If the time has been at least four minutes since the departure of the previous truck, the driver will be allowed to leave. If the time is less than four minutes, he will be required to remain until the correct time interval is obtained. At this time the bill of lading will be stamped again on the bottom. This will be the official departure time.

The bill-of-lading driver copies are given to the driver and include the following:

Yellow copy - Mosaic Bartow or Mosaic Green Bay plant records
Pink copy - Material hauler records

The while copies of the bill of lading are kept at the scale and compiled with the truck dispatch sheets. The day's shipping will be sent to the accounting department for compilation. A shipping day starts at 07:00 AM and ends at 06:59 AM. After the data is input to the computer and the computer shipping report and bill of lading white copies are stored at Mosaic. Mosaic Accounting will compare truck counts leaving the Wingate Creek Mine vs. trucks received at the Mosaic Bartow and Green Bay plants on a daily basis. The white copies will then be kept in storage for a minimum of five years. The truck dispatch sheets will be sent to the plant superintendent for like storage.

The truck scale will be calibrated a minimum of once every three months or whenever a discrepancy may occur between other scales that are check weighing trucks. The contractor will be Central Florida Scales or an equivalent contractor. The calibration report will be given to the Plant Superintendent who will store them for a

period of two years. The trucks will be check-weighed on a periodic basis at the Mosaic Bartow and Green Bay plant scales. The Wingate scale will be inspected and certified annually by the Florida D.O.T. The comparisons between the scales will be made the Mosaic Bartow and Green Bay plant superintendents and sent to the mine for analysis. These will be kept in the files at the mine office. A sample bill of lading can be found in the Appendix along with a mine dispatch sheet.

8. TRUCK ROUTE

The drivers will proceed on the designated route as detailed in Manatee County Ordinance 04-58. There will be no deviation from the aforementioned. The return trip shall cover the exact route. A route map is shown on the following page.

9. TRUCK INTERVALS

The interval between trucks traveling both loaded and unloaded will be four minutes. The intervals will be monitored at the mine by the scale operator using the bill of lading and the truck dispatch sheets while the return trip will be monitored by the dispatcher from the appropriate terminal, depending on the route.

If the trucks are not at least four minutes apart, the dispatcher will detain them until the required spacing is obtained. Traffic conditions or mechanical problems can reduce speeds so that truck bunching occurs. At no time shall the spacing between trucks be less than six hundred yards. The rear truck shall be responsible to reduce speed and widen the gap until it is sufficient. The trucks are equipped with company radios and communication is possible between the trucks and the dispatcher.

10. SAFETY MONITORS

The Material Hauler will maintain a safety monitoring staff who will travel the route continuously. During this trip the conditions of the trucks, road, weather, traffic and any defects or problems encountered will be recorded on the observation report form. The safety engineer will file these reports with his supervisor at the Material Haulers terminal. Reports will be filed by individual truck number. A sample report can be found in the Appendix. This report will be reviewed by the terminal manager and then forwarded to the Material Haulers main office for review by the safety Manager and then storage.

11. TRUCKING SCHEDULES

Trucking will not occur during school bus hours. Trucks will not leave the mine or the Mosaic Bartow or Green River phosphate plants or travel on Duette Road, S.R. 37, or S.R. 62 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 the appropriate trucking schedule settled upon and published. The schedule will be distributed to the Mosaic operations personnel, scale operator, and Material Hauler's terminal manager.

Before the start of a new school year or summer-school, Mosaic will request written notice from the Supervisor of School Bus Operations and adjust the trucking schedule accordingly, with approval by Manatee County.

On scheduled school closure days and weekends the trucks will run twenty-four hours per day with the following exception:

Any truck sighting a school bus during non-school bus hours will report the occurrence to their dispatcher and the Manatee County Mining Coordinator, so the incident can be investigated and schedules amended if necessary.

12. TRUCK DRIVERS

One of the most critical parts of a safe trucking operation is the driver. The driver must be alert at all times, knowledgeable of his equipment and well trained. The Material Hauler's attitude towards obtaining, training, and maintaining a qualified staff is paramount with the management.

13. DRIVER APPLICANTS

An applicant for a driver's position must fulfill the following requirements.

(1) Be able to fill out application for employment;

(2) Posses a valid Florida commercial driver=s license;

(3) Pass a D.O.T physical examination;

(4) Pass a material hauler road test;

(5) Attend a material hauler orientation school and complete required examination; and

(6) Complete all employment procedures as required by the Material Hauler and all regulatory agencies.

Enclosed in the appendices is a sample of a complete employment package. This package includes the following:

(1) Application

(2) Checklist

(3) Insurance Enrollment Form

(4) W-4 Form

(5) Physical Examination Form

(6) Request for Information - Former Employer

(7) Record of Road Test

(8) Certification of Road Test

(9) Driver License Information Date

(10) Reference Check

14. DRIVER TRAINEES

After the above information is completed the applicant will become a trainee. He will enter a training program by completing a trainee/trainer agreement. This agreement defines the trainee's responsibility, trainer's responsibility, and monetary rewards. The trainee will then perform normal duties under the observation of the trainer for a three-day training period. Each day the trainer will complete a "Trial Trip Report". This report summarizes the trainee's basic driving abilities. After the training period is over a final report and pay request is completed. The trainer will receive a basic wage while training applicant and after a successful ninety day probationary period he will receive an incentive pay for each trained driver. Copies of these forms and agreement can be found in the appendices.

15. TRAINED DRIVERS

Once the applicant has become a trained driver he is continuously monitored by the safety engineer and dispatchers. He is required to complete a trip inspection. The following is that inspection.

1. Inspect tractor/trailer license plates.

2. Insure all fluid levels are adequate.

3. Tire pressures meet minimum requirements.

4. Insure all safety equipment is in place.

5. Insure GV weights are not exceeded.

If the driver discovers a problem with the truck before or during his shift, he will return to the terminal and fill out the driver's vehicle inspection report. The vehicle will not be returned to service until the repairs are completed and the mechanic and driver check it out.

A trained driver must also be able to:

A. Maintain efficient and safe operation of the assigned vehicle.

B. Follow assigned routes and road maps.

C. Operate the radio in accordance to F.C.C. and Material Hauler regulations.

D. Maintain and keep daily logs in accordance of D.O.T. regulations.

E. Physically and mentally load and unload freight as required.

F. Read and comprehend computerized payroll print-outs and manifests.

In the appendices is a Driver=s Vehicle Inspection Report and Driver's Daily Log.

16. DRIVER CHECK RIDES

Lastly in addition to the observation reports completed by the safety engineer, a check ride report was initiated to maintain driver awareness. A check ride can be made by the safety engineer at any time with any driver of his choosing. An evaluation form is completed by the safety engineer after the check ride. A copy of this report form is also in the appendices. This report is reviewed by the Material Hauler's manager and forwarded to the head office.

17. DRIVER PERFORMANCE

Driver performance will be reported to Mosaic on a monthly basis. The report will detail any violations that have occurred during the prior month and the disciplinary actions as a result of those violations. The Material Hauler's Manager will send the written report to the General Manager of Mosaic I. Additionally the report should contain a status report concerning equipment status, full time driver availability, part-time driver availability, and any additional information that impacts the trucking operation.

18. TRUCK MONITORING

The trucks are equipped with a Eaton-Vorad or equivalent device that analyzes truck and driver performance. Each device records driver performance regarding following distances and truck speed over time. Periodically the information is removed from each device in the fleet and put into a computer. The computer will analyze the data and formulate a report indicating driving/operating problems.

These reports are kept in the Material Hauler's principal Florida office.

19. DRIVER DISCIPLINE

Following is the accepted procedure that is observed in case of accidents.

a. The driver reports immediately, of accident involvement and it any bodily injury at scene.
b. Driver remains at scene of accident until investigation is completed by law enforcement personnel, company insurance adjuster, or company personnel.
c. The driver completes an accident report when arriving at the terminal.

Disciplinary action would be the following:

a. Minor accidents or incidents - driver would be allowed to return to work pending any further review by company personnel.
b. More severe accidents will result in temporary suspension pending investigation of driver record and involvement.
c. Accidents involving drivers charged with reckless driving or driving under the influence will be immediately terminated from the company.

Incidents involving company drivers, other than accidents, will be reviewed by the appropriate company personnel and disciplinary action recommendations from those persons administered as necessary.

20. NOTICE OF CHANGE IN MATERIAL HAULER

Mosaic I shall not use more than one (1) material transportation firm at any time. Mosaic shall provide written notice to Manatee County of which material transportation firm and subcontractors will be utilized. This notice shall be provided at least 30 days prior to changing material transporters or using a subcontractor unless strike or act of God requires less notice to be given.

Should Manatee County object to the selection of a particular firm or subcontractor, they shall provide written notice to Mosaic's at least 7 days prior to the proposed change. If such notice is issued by Manatee County to Mosaic, Mosaic shall not change to the new material transporter or subcontractor until the nature of the objection is reviewed by the Board of County Commissioners at a regularly scheduled meeting, at least 7 days prior to the proposed change.

Manatee County shall not issue a notice of objection without cause.

Wingate Creek Mine - Legal Description

LEGAL DESCRIPTION SUMMARY

PARCEL B	1,221.87 ACRES
PARCEL C	1,984.36 ACRES
PARCEL D	5.00 ACRES
Total	3,211.23 ACRES
LESS 101 ACRES (CONVEYED 2/14/95 TO BB/MANATEE)	101.00 ACRES
LESS 80.75 ACRES (CONVEYED 12/31/03 TO MANVILLE)	80.75 ACRES
TOTAL OWNERSHIP 1/1/2004	**3,029.48 ACRES**

PARCEL B

BEGINNING AT THE N.E. CORNER OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE S 03°05'41" W. A DISTANCE OF 5596.62 FEET TO THE S.E. CORNER OF SAID SECTION 31; THENCE S 85°55'55" E. ALONG THE NORTH LINE OF SECTION 6 TOWNSHIP 35 SOUTH, RANGE 22 EAST, A DISTANCE OF 181.26 FEET TO THE N.E. CORNER OF SAID SECTION 6; THENCE S 00°10'08" W. A DISTANCE OF 4313.15 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF S.R. 64; THENCE S 89°46'04" W. ALONG THE SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 5135.87 FEET TO THE EASTERLY RIGHT OF WAY LINE OF S.R. 39; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING SIX COURSES; N 00°22'15" E., A DISTANCE OF 547.42 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 5829.59 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1199.10 FEET THROUGH A CENTRAL ANGLE OF 11 ° 47' 07" TO THE P.T. OF SAID CURVE; THENCE N 11°24'52" W. A DISTANCE OF 299.77 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5629.59 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1157.96 FEET THROUGH A CENTRAL ANGLE OF 11°47'07" TO THE P.T. OF SAID CURVE; THENCE N 00°22'15" E. A DISTANCE OF 1542.85 FEET; THENCE N 00°39'05" E. A DISTANCE OF 5306.50 FEET TO THE NORTH LINE OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST: THENCE S 88°59'12" E, ALONG SAID NORTH LINE A DISTANCE OF 5482.62 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST AND SECTION 6, TOWNSHIP 35

SOUTH, RANGE 22 EAST AND SECTION 1, TOWNSHIP 35 SOUTH. RANGE 21 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD.

CONTAINING 1221.87 ACRES, MORE OR LESS.

PARCEL C

BEGINNING AT THE S.E. CORNER OF SECTION 28, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE N 89°11'57" W. A DISTANCE OF 5281.33 FEET TO THE S.W. CORNER OF SAID SECTION 28; THENCE N 88°43'52" W., A DISTANCE OF 5424.50 FEET TO THE SW CORNER OF SECTION 29, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE N 01°01'47" W. ALONG THE WEST LINE OF SAID SECTION 29, A DISTANCE OF 2633.20 FEET TO THE EAST 1/4 CORNER OF SECTION 30, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE N 88°48'07" W., ALONG THE SOUTH LINE OF THE N.E. 1/4 OF SAID SECTION 30 A DISTANCE OF 2388.95 FEET; THENCE N 01°00'59" E. A DISTANCE OF 1408.27 FEET; THENCE N 58°32'10" E. A DISTANCE OF 2231.23 FEET; THENCE N 08°14'52" W. A DISTANCE OF 226.69 FEET; THENCE N 41°44'44" E. A DISTANCE OF 3357.00 FEET; THENCE EAST A DISTANCE OF 1200.00 FEET; THENCE SOUTH A DISTANCE OF 517.52 FEET; THENCE EAST A DISTANCE OF 7808.85 FEET TO THE EAST LINE OF SECTION 21, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE S 00°17'16" W. A DISTANCE OF 2414.64 FEET TO THE S.E. CORNER OF SAID SECTION 21; THENCE S 00°08'00" E. A DISTANCE OF 5246.25 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTIONS 19, 20, 21, 28, 29 AND 30, TOWNSHIP 34 SOUTH, RANGE 22 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS RIGHTS OF WAY AND RESTRICTIONS OF RECORD

CONTAINING 1984.36 ACRES MORE OR LESS.

LESS DESCRIPTION: NUGULF 101 ACRE PARCEL (REVISED)

FROM THE N.E. CORNER OF SECTION 1, TOWNSHIP 35 S, RANGE 11 E, RUN N. 87°08'37" W. ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 102.88 FEET TO THE EAST RIGHT OF WAY LINE OF S.R. 39; THENCE S 00°22'15" W. ALONG SAID EAST LINE A DISTANCE OF 1050.00 FEET TO THE

POINT OF BEGINNING; THENCE CONTINUING SOUTHERLY ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING FIVE COURSES; THENCE S. 00°22'15" W. A DISTANCE OF 492.85 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 5629.58 FEET: THENCE SOUTHERLY ON THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 1157.96 FEET THROUGH A CENTRAL ANGLE OF 11°47'07" TO THE P.T; THENCE S 11°24'52" E. A DISTANCE OF 299.77 FEET TO THE P.C. OF A CURVE TO THE R1GHT HAVING A RADIUS OF 5829.58 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT A DISTANCE OF 1199.10 FEET THROUGH A CENTRAL ANGLE OF 11°47'07" TO THE P.T.; THENCE S 00°22'15" W. A DISTANCE OF 547.42 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF S.R. 64; THENCE N 89°46'04" E ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1836.35 FEET; THENCE N 00°22'15" E. A DISTANCE OF 1754.87 FEET; THENCE N 89°37'45" W. A DISTANCE OF 959.03 FEET; THENCE N 34°58'09" W. A DISTANCE OF 1348.48 FEET; THENCE N 00°22'15" E. A DISTANCE OF 800.00 FEET; THENCE N 89°37'45" W. A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 1, TOWNSHIP 35S., RANGE 21E. AND SECTION 6 TOWNSHIP 35S., RANGE 22 E., MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHT OF WAY AND RESTRICTIONS OF RECORD.

CONTAINING 101 ACRES, MORE OR LESS.

LESS: DESCRIPTION: MANVILLE 81-ACRE PARCEL, PURCHASED DECEMBER 31, 2003

COMMENCING AT THE NORTHWEST CORNER OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST, THENCE RUN S 88° 59'12" E. A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; ALSO BEING A POINT ON THE EASTERLY RIGHT OF WAY LINE OF STATE ROAD 39 (LOGUE ROAD); THENCE S 88° 59'12" E. ALONG THE NORTHERLY LINE OF SAID SECTION 31, 1300.00 FEET; THENCE S 01° 00'48" W. A DISTANCE OF 700.00 FEET; THENCE S. 88°59'12" E. A DISTANCE OF 330.00 FEET; THENCE S. 01°00'48" W. A DISTANCE OF 700.00 FEET; THENCE N. 88°59'12" W. A DISTANCE OF 330.00 FEET; THENCE S 01°00'48" W. A DISTANCE OF 700.00 FEET; THENCE N 88°59'12" W. A DISTANCE OF 650.00 FEET; THENCE S 01°00'48" W. A DISTANCE OF 900.00 FEET; THENCE N 88°59'12" W. A DISTANCE OF 631.06 FEET; THENCE N 00°39'06" E. ALONG SAID EASTERLY RIGHT OF WAY LINE OF STATE ROAD 39 (LOGUE ROAD), A DISTANCE OF 3000.06 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST.

CONTAINING 80.75 ACRES, MORE OR LESS

Parcel D:

That portion of the South half (S1/2) of Section 30, Township 34 South, Range 22 East, Manatee County, Florida described as follows:

Begin at the Southeast corner of Section 30, Township 34, Range 22 East, Manatee County, Florida for a point of beginning; proceed Northerly along the East section line of Section 30 a distance of 753.92 feet, thence South 34 degrees 43'52" West a distance of 904.78 feet, thence Easterly along the South section line of Section 30 a distance of 520.00 feet to the Point of Beginning.

BOARD OF COUNTY COMMISSIONERS SEAL MANATEE CO. FLA.

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 27th day of May ,2008.
R.B. SHORE
Clerk of Circuit Court
By: Diane E Vollmer D.C.

BOARD OF COUNTY COMMISSIONERS SEAL MANATEE CO. FLA.

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 8th day of May ,2008.
R.B. SHORE
Clerk of Circuit Court
By: Diane E Vollmer

#95

MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT

"TO SERVE WITH EXCELLENCE"

December 20, 2007

Carol Masio McGuire
Holland and Knight
1401 Manatee Avenue West, Suite 1200
Bradenton, FL 34205-6702

Re: Wingate Creek Mine DRI # 4 – Extension of phase, buildout, and expiration dates

Dear Ms. McGuire:

During the 2007 legislative session, Section 380.6(19)(c) Florida Statutes was amended to extend all, buildout, and expiration dates for DRI's that were under "active construction" as of July 1, 2007. Manatee County has determined that the Wingate Creek Mine DRI was under active construction on July 1st.

On October 9, 2007 the Board of County Commissioners adopted Resolution No. R-07-180 to recognize the automatic three-year extensions granted pursuant to the Section 380.06(19)(c) F.S. Accordingly, the following phase, buildout, and expiration dates for DRIs are extended for three years from their stated expiration dates:

A. Development order buildout dates for individual phases which, as of July 1, 2007, had not expired;

B. Site plans for such individual phases which, as of July 1, 2007, had not expired; and

C. Expiration dates, including without limitation expiration dates for certificates of level of service (CLOS) for such individual phases.

Any phase, buildout, or expiration date (including without limitation any CLOS expiration date) for any individual phase of a DRI which has, as of July 1, 2007, expired, shall not be revived and extended, notwithstanding that other phases of such DRI may be subject to a phase, buildout, or expiration date that did not expire as of such date.

The Board also authorized the Planning Department to review all current DRI Development Orders and give notice of the extended dates for the DRI. Copies of this letter and the Resolution No. R-07-180 will be placed in all DRI files to document the extensions and all future NOPC or Substantial Deviation requests will recognize the extensions. The extended dates for the Wingate Creek Mine DRI are set forth below:

Manatee County Ordinance 04-58 is now amended to read as follows:

B. TRANSPORTATION MATTERS

1. Cargill is authorized to transport up to 2.0 million dry tons per year of phosphate rock by truck from its Wingate Creek Mine to customers via the haul routes and subject to the tonnage limitations listed below:

HAUL ROUTE:

A. Up to 2.0 million tons per year from the Wingate Creek Mine road which joins into Duette Road, north to State Road 62, west to State Road 37, north to Polk County Road CR 640, then east to the Cargill Green Bay phosphate plant.

B. Up to 2.0 million tons per year from the Wingate Creek Mine road which joins into Duette Road, north to State Road 62, west to State Road 37, north to State Road 60, then east to the Cargill Bartow phosphate plant.

Trucks will return along the same described haul routes until July 31, ~~2011~~ 2014.

14. Cargill shall be responsible for expense of extraordinary maintenance of the Duette Road roadway through the life of the haul route (i.e., July 31, ~~2011~~ 2014). Extraordinary maintenance is defined as the actual costs incurred by Manatee County for maintenance of Duette Road that are over and above the average annual per-mile cost of maintenance of similar roadways in Manatee County. Cargill shall ensure reimbursement for the required maintenance through a bond or other financial guarantees acceptable to Manatee County, when furnished with verified cost estimates.

SECTION 5. DEVELOPMENT ORDER EXPIRATION DATE AND COMPLETION DATES

This Amended Development Order shall remain in effect from this date in accordance with the following time periods:

- The life of mining (A.K.A. buildout and termination dates) for this DRI is July 31, ~~2011~~ 2014;
- The life of reclamation for this DRI is December 31, ~~2015~~ 2018;
- The expiration date of the authorized truck hauling routes is July 31, ~~2011~~ 2014.

Please contact me should you have any questions regarding the above information.

Sincerely,

Robert H. Pederson, AICP
Community Planning Administrator

#95

RESOLUTION NO. R-07-180

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AUTHORIZING THE EXTENSION OF PHASE, BUILDOUT AND EXPIRATION DATES FOR PROJECTS THAT ARE DEVELOPMENTS OF REGIONAL IMPACT, PURSUANT TO SECTION 380.06(19)(c), FLORIDA STATUTES; AUTHORIZING AND DIRECTING THE PLANNING DIRECTOR TO CARRY OUT NECESSARY ACTIONS; PROVIDING FOR THE EFFECT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Manatee County, Florida, pursuant to Part II, Chapter 163, Florida Statutes, and Chapter 380, Florida Statutes, has issued development orders for developments of regional impact ("DRIs") for land development within the unincorporated areas of the County, with such stated expiration dates as are authorized and required pursuant to applicable law; and

WHEREAS, during the 2007 legislative session, the Florida Legislature amended Section 380.06(19)(c), Florida Statutes, to provide that *"In recognition of the 2007 real estate market conditions, all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection";* and

WHEREAS, in order to comply with the amendments to Section 380.06(19)(c), Florida Statutes, the Board wishes to adopt this Resolution to authorize and direct the Planning Director to memorialize such statutory extensions as provided herein.

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

SECTION 1. EXTENSION OF PHASE, BUILDOUT AND EXPIRATION DATES FOR DRIS. The Board hereby recognizes the automatic three-year extension granted pursuant to Section 380.06(19)(c), Florida Statutes, for phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007. In order to comply with the letter and intent of such provision, the following phase, buildout, and expiration dates for such DRIs shall be deemed extended by a period of three years from their stated expiration dates:

A. Development order buildout dates for individual phases which, as of July 1, 2007, had not expired;

B. Site plans for such individual phases which, as of July 1, 2007, had not expired; and

R-07-180

C. Expiration dates, including without limitation expiration dates for certificates of level of service (CLOS) for such individual phases.

Any phase, buildout, or expiration date (including without limitation any CLOS expiration date) for any individual phase of a DRI which has, as of July 1, 2007, expired, shall not be revived and extended, notwithstanding that other phases of such DRI may be subject to a phase, buildout, or expiration date that did not expire as of such date.

SECTION 2. EXTENSION OF IMPROVEMENT COMPLETION DEADLINES. Deadlines for completion of individual improvements, or any other deadlines not specifically addressed in Section 1 above, shall be evaluated on a case-by-case basis to determine whether such deadlines should be extended in order to comply with Section 380.06(19)(c), Florida Statutes. An applicant bears the responsibility of identifying any such deadlines that it believes should be extended, and obtaining a written determination from the Planning Department, before any such deadlines should be treated as extended by the applicant.

SECTION 3. DIRECTION TO PLANNING DIRECTOR. The Board hereby authorizes and directs the Planning Director, and such other necessary County officers and staff, subject to and in accordance with the terms and conditions of this Resolution and Section 380.06(19)(c), Florida Statutes, to review existing DRI development orders and related approvals and to provide written notice to applicants of the extensions recognized in to Section 1. The Planning Director is also authorized to consider and act upon requests of DRI applicants for extensions of other deadlines pursuant to Section 2.

SECTION 4. INCORPORATION INTO BOARD APPROVALS. For any DRI affected by this Resolution, the Planning Director shall include in any future ordinance, development order or other approval submitted to the board, language and expiration dates to assure that the Board action provides for the recognition of the extensions provided pursuant to Section 380.06(19)(c), Florida Statutes, as implemented pursuant to this Resolution.

SECTION 5. EFFECT OF RESOLUTION. This Resolution adopted solely for the purpose of implementing the statutory extensions made pursuant to Section 380.06(19)(c), Florida Statutes. Accordingly, this Resolution (a) shall be construed in a manner consistent with the intent of such statutory provision, and (b) shall not be construed to confer extensions or other development rights beyond those authorized and required pursuant to such statutory provision.

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

R-07-180

ADOPTED THIS 9TH DAY OF OCTOBER, 2007.

MANATEE COUNTY, FLORIDA

By: Board of County Commissioners

By: _____
Chairman of the Board of County Commissioners

ATTEST:

R.B. SHORE, Clerk of the Circuit Court

By: _____
Deputy Clerk