

Exhibit B –

Ordinance 08-20 Development Order Conditions: Completed, Obsolete, or Not Applicable

SECTION 6: DEVELOPMENT CONDITIONS

Note: All amended and restated Development Order Conditions and Developer Commitments which have not been completed, are not obsolete or remain applicable are located in Master Mining Plan R-18-013.

Southeast Tract* Conditions:

Groundwater

A.(1) The Groundwater Monitoring Program at the Four Corners Mine Southeast Tract* shall be performed as required by the Manatee County Operating Permit issued for the Southeast 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.

OBSOLETE. MMP and OP include Chapter 2-20 requirements for groundwater monitoring program.

A.(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 Southeast Tract*.

COMPLETE. Wells were identified in R-00-271 and properly plugged and abandoned prior to mining extraction activities. Recharge wells were plugged following the completion of extraction activities.

Surface Water

B.(2) A Surface Water Monitoring Program at the Four Corners Mine Southeast Tract* shall be performed as required by the Manatee County Operating Permit issued for the Southeast Tract* and in 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 Southeast Tract*.

OBSOLETE. MMP and OP include Chapter 2-20 requirements for surface water monitoring program.

B.(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 Southeast Tract* and any other agency with jurisdiction and appropriate corrective measures shall be immediately implemented.

OBSOLETE. MMP and OP include Chapter 2-20 requirements for surface water monitoring program.

- B.(5) Erosion control measures such as siltation screens and hay bales shall be used to prevent surface water quality degradation.

OBSOLETE. MMP and OP include appropriate erosion control measures.

- B.(6) Within 12 months of Manatee County obtaining necessary permits, the Developer* shall construct two (2) off-site wetland restoration projects, as follows:

a. Ditch blocking of remnant agricultural ditches in the headwaters of the East Fork of the Manatee River, north of SR 62 and east of SR 37, in Sections 13, 14, 23, and 24, Township 33 South, Range 22 East. The scope of work for this project shall be developed jointly by the Manatee County Ecosystems Administrator, EMD, and the Developer*. The scope of work shall include but not be limited to construction of earthen ditch blocks, the provision of appropriate overflow or drawdown weir structures, regrading of existing ditches upstream of the control structures to create additional littoral shelf and wetland storage capacity from uplands, and revegetation upon completion.

b. Ditch blocking of remnant agricultural ditches downstream of a wetland feature known as Clearwater Lake, in Section 25, Township 34 South, Range 21 East. The scope of work for this project shall be developed jointly by the Manatee County Ecosystems Administrator, EMD, and the Developer*. The scope of work shall include but not be limited to the ditch blocking methodology described in B(6)(1), above, to restore a depressional marsh which has been impacted by agricultural drainage ditches.

Manatee County will be responsible for engineering and project design costs and for obtaining all necessary regulatory permits. Should the County not obtain the permits, the Developer* shall participate in construction of another restoration project(s) on County owned land within the Lake Manatee Watershed under a scope developed jointly by the Manatee County Ecosystems Administrator, EMD and the Developer*. The Developer's* obligation in pursuing this paragraph B (6) shall not exceed One Hundred Thousand dollars (\$100,000.00).

COMPLETE. An alternative restoration project on County-owned land within the Lake Manatee watershed was identified by the County in 2010. The Developer* completed the alternative project in November 2011.

- C.(2) Existing wetlands which are permitted to be altered or eliminated shall be used as donor material for revegetation or mitigation, as stated in the ADA*.

COMPLETE. All wetland impacts have occurred. Existing mucks were stockpiled and used for reclamation wetlands.

- C.(3) As stated in the ADA* agricultural activities on the site may continue until the area is prepared for mining.

COMPLETE. All mining and disturbance activities have been initiated.

Floodplains

- D.(3) There shall be no net loss of 100-year floodplain storage capacity.
OBSOLETE. MMP includes the latest Comparative Hydrologic Analysis and meets the requirements of Chapter 2-20.
- D.(4) No impervious surfaces shall be constructed in the 25-year floodplain.
OBSOLETE. Condition included in MMP.

Vegetation and Wildlife

- E.(1) In the event that any listed species listed in Rule 68A-27.003 - 68A-27.005 FAC, are observed nesting or breeding at the Southeast Tract* 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 Southeast Region.
COMPLETE. All areas have been disturbed by mining operations.

Drainage

- F.(1) Prior to issuance of any Operating Permit renewals for the Four Corners Mine Southeast Tract* 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.
OBSOLETE. The issuance of any Operating Permit will meet the requirements of the MMP and Chapter 2-20.
- F.(2) The drainage basins in the Four Corners Mine Southeast Tract* 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.
OBSOLETE. MMP includes the latest Comparative Hydrologic Analysis and meets the requirements of Chapter 2-20.
- F.(3) 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.
OBSOLETE.

Water Supply

- G.(1) There shall be no net increase in the public water demand in excess of the currently permitted volume for the Four Corners Mine* as it pertains to mining in the Southeast Tract.
OBSOLETE.

Transportation

- H.(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.
OBSOLETE.
- H.(2) Establishment of crossing points on County roads for purposes of access, movement of mining machinery, or mineral transport pipelines shall not be permitted, as committed to in the ADA*.
OBSOLETE.

Mining Operations

- I.(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 Southeast Tract*.
OBSOLETE.
- I.(2) The two clay disposal areas for the Southeast Tract* shall contain an amount of waste clay approximately equivalent to the amount of waste clay produced from Southeast Tract*.
OBSOLETE. MMP includes the latest Life of Mine Waste Disposal Plan, as approved in Wingate East MMP R-17-017.
- I.(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 Southeast Tract*, as well as all other applicable local, state, and federal requirements.
OBSOLETE.

Wingate Corridor Conditions:

Wingate Corridor is now regulated through the Wingate East MMP and are no longer applicable to Southeast Tract Mine*.

Surface Water

- J.(1) Best Management Practices* for reducing surface water quality impacts shall be implemented.
- a. Stormwater runoff from lands areas cleared for mining activities shall be routed through ditches into the mine water recirculation system and discharged only through permitted NPDES outfalls.
 - b. All discharges and discharge rates from the NPDES outfalls shall be in accordance with Chapter 62-620 and 62-671, FAC and conditions of the specific NPDES permit.
- Not applicable.**
- J.(2) Erosion control measures such as silt screens and hay bales shall be used to prevent surface water quality degradation during corridor construction and reclamation.
Not applicable.

Wetlands

K.(1) Mitigation for wetland losses shall be as shown in Table 13-1b (attached as Exhibit L) .

Not applicable.

K.(2) All recreated wetlands shall be subject to all 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.

Not applicable.

Vegetation and Wildlife

L.(1) In the event that any listed species listed in Rule 68A-27.003 - 68A-27.005 FAC, are observed nesting or breeding at the Wingate Corridor Parcel* 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.

Not applicable.

L.(2) Mosaic shall implement the Wildlife and Habitat Management Plan as detailed in the ADA* (pages 12-21 through 12-34), First Sufficiency Response (pages AI 81 through 93, and Second Sufficiency Response (pages 2AI 33 through 40) for the Southeast Tract*, which has been approved by FFWCC and U.S. Fish and Wildlife Service. Prior to the clearing of Wingate Corridor 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.

Not applicable.

Drainage

M.(1) Drainage basins in the Wingate Corridor Parcel* shall be restored to their approximate pre-mining size and location as described in the NOPC*.

Not applicable.

M.(2) 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 operations and reclamation. Any transfer of this responsibility from the Developer* to subsequent owners or assigns shall require approval of the appropriate permitting agency.

Not applicable.

Transportation

N.(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.

Not applicable.

N.(2) Prior to any road work within any right-of-way, the appropriate permits shall be obtained from the Public Works Department.

Not applicable.

Mining Operations

O.(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 activities at the Wingate Corridor Parcel*.

Not applicable.

O.(2) The Developer* shall abide by all Florida Department of Environmental Protection (FDEP) reclamation regulations regarding site cleanup and shall dismantle and remove any structures existing upon closure of the Wingate Creek beneficiation plant that cannot be put to an allowable use under a proposed post reclamation zoning district classification of the property.

Not applicable.

O.(3) The Developer* shall reclaim all disturbed land to FDEP or Manatee County standards, whichever is more stringent. Reclamation and revegetation shall proceed immediately after use of the Wingate Corridor Parcel ceases and in no case shall exceed the schedule for reclamation outlined in the NOPC. 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 Code*.

Not applicable.

O.(4) The Developer shall utilize Best Management Practices* (including revegetation, erosion control, etc.) for all disturbed lands to accelerate and ensure the successful establishment of the natural vegetative associations that the reclamation areas are designed to support.

Not applicable.

O.(5) The booster pumps in the Wingate Corridor will be at least 150 ft. from the property line.

Not applicable.

General Conditions (Applicable to both Southeast Tract* and Wingate Corridor)

P.(3) 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 Chapters 62-302 and 62-520, FAC); mining progress; impacts on surface water and groundwater flows; 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, the TBRPC, State

Land Planning Agency, and other agencies as may be appropriate, no later than July 31st 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 this 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 annual report shall, at a minimum, contain the following:

- a) Any changes in the plan of development, or in the representation contained in the ADA* for the Southeast Tract* or Wingate Corridor Parcel, 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;
- d) Identification and intended use of lands purchased, leased, or optioned by the Developer* adjacent to the property 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 Southeast Tract ADA*, and Wingate NOPC, 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 Southeast Tract*;
- 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), Florida Statutes;

- 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(15) (d), Florida Statutes;
- k) Monitoring results pursuant to stipulations A.(1), B(2), B(4)a, E(2), and E(3);
- l) Any notice of violation for noncompliance for the Southeast Tract*, or the Wingate Corridor Parcel*, and
- m) A copy of the approved Spill Notification, Containment, and Contingency Plan for FM-1 and FM-2 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, which include the hurricane procedure.

OBSOLETE.

- P.(4) Mining under this Development Order shall terminate fourteen (14) years from the effective date of this Ordinance. This Development Order (Ordinance 08-20) shall not expire until December 31, 2024, or until all reclamation has been completed and accepted by Manatee County, whichever occurs first.

OBSOLETE.

- P.(5) This Ordinance shall constitute a Development Order issued in accordance with Chapter 380, Florida Statutes.

OBSOLETE.

- P.(6) 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 Tampa Bay Regional Planning Council and Manatee County for the review of the Wingate Corridor NOPC, 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.

OBSOLETE.

- P.(7) Any historical or archaeological resources discovered during mining operations within the Southeast Tract* or the Wingate Corridor Parcel* 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 Florida Division of Historical Resources shall evaluate the significance of such findings and assess the measures which will be taken to avoid, minimize, or mitigate any adverse impacts prior to continuation of mining activities. The agreed upon treatment of the resources shall be completed before activities which would disturb the resources are allowed to continue.

OBSOLETE.

- P.(8) Should the pre-mining, mining, or post-mining scenarios depart significantly from the schedules and methods described in the ADA, the project will be subject to a Substantial Deviation determination pursuant to Section 380.06(19), Florida Statutes.
OBSOLETE.
- P.(9) Any change to the project which meets the criteria set forth in Subsection 380.06(19), F.S., shall constitute a Substantial Deviation. For the purposes of Section 380.06(19)(b).5, Florida Statutes, the acreage shall be that of both Four Corners Mine DRI* and Southeast Tract* and the Wingate Corridor Parcel*.
OBSOLETE.
- P.(10) Payment for any future activities of the TBRPC with regard to this development shall be paid to the TBRPC by the applicant/developer in accordance with the Rule 9J-2.0252, FAC.
OBSOLETE.
- P.(11) The Disaster and Hurricane Plan shall be updated to reflect the expansion area, as appropriate. The revised Plan shall be included in the Annual Report submitted following construction of the first clay settling pond in the expansion area.
OBSOLETE. This is a requirement of Chapter 2-20.

Air Quality

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