

RESOLUTION R-18-012 – MASTER MINING PLAN

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING THE MASTER MINING PLAN OF THE WINGATE CREEK MINE TO AUTHORIZE THE FOLLOWING; APPROVING TO BENEFICIATE / PROCESS WINGATE EAST MINE PHOSPHATE ORE AT THE WINGATE PLANT; AMENDING THE TRUCKING SCHEDULE, MINE PLAN, AND RECLAMATION PLAN; ALLOWING EXCHANGE OF WINGATE EAST MINE SAND TAILINGS AND OVERBURDEN WITH WINGATE CREEK MINE; UPDATING THE WASTE DISPOSAL PLAN ACCORDING TO THE AMENDMENTS ABOVE, ALLOWING THE CONTINUED USE OF THE APPROVED WINGATE CORRIDOR; AMENDING THE ENVIRONMENTAL MONITORING PROGRAM; INCORPORATING AMENDED AND RESTATED CONDITIONS FROM THE DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER ORDINANCE 13-01; PROVIDING FOR ENFORCEMENT AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; EXTEND A BUILDOUT DATE FOR MINING UNTIL July 31, 2037, TRUCKING UNTIL July 31, 2037 AND RECLAMATION UNTIL December 31, 2042.

The Wingate Creek Mine, consisting of ± 3,028 acres, is west of Duette Road, south of the Duette Preserve, east of Logue Road, and north of Winding Creek Subdivision in Sections 6, 19, 20, 21, 28, 29, 30, and 31, Range 22 East, Township 34 South, approximately 2 miles north of SR 64; in Duette, Florida.

P.C.: April 23, 2018

B.O.C.C.: May 24, 2018

RECOMMENDED MOTION

Based upon the staff reports, evidence presented, comments made at the Public Hearing, the action of the Planning Commission and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and Manatee County Ordinance 04-39 (“The Manatee County Phosphate Mining Code”) as conditioned herein, I move to recommend ADOPTION of Resolution R-18-012, Master Mining Plan for Wingate Creek Mine, as recommended by staff.

CASE SUMMARY

APPLICANT: Mosaic Fertilizer, LLC

REQUEST: Approval of a Resolution amending the Master Mining Plan for the Wingate Creek Mine

**STAFF
RECOMMENDS:** APPROVAL

DISCUSSION:

This request is for approval of an amendment to the Master Mining Plan (MMP) for the Wingate Creek Mine to be compatible with the recently approved Wingate East MMP, Resolution R-07-017. The amendment proposes to extend the termination date of the mining life and trucking schedule by 14 years to 2037 and extend the life of reclamation to 2042. The proposed MMP amendment also requests modifications to the internal mining and reclamation dates. This amendment also incorporates conditions from the DRI DO, in conjunction with the approval of LDA 17-04, in order for the DO to be rescinded.

BACKGROUND:

The history of Wingate Creek Mine extends back to 1975 when the original mine plan was approved by the Board, prior to the Phosphate Mining Ordinance, Ordinance 81-22. Over the years, the Development Order and master mining plan have been amended numerous times to bring the operation further into conformity with the requirements of Ordinance 81-22. In the Settlement Agreement of 1982 between the Beker Phosphate Corporation and Manatee County, the mine was to operate in full compliance with Ordinance 81-22 with specific setback and transportation conditions. These conditions remain in effect. In a 1988 Settlement Agreement, Manatee County acquired property from Wingate Creek Mine in the Lake Manatee Watershed which is now known as the Duette Preserve.

In late 2004, Cargill and IMC merged into Mosaic Fertilizer, LLC at which time all tracts (Wingate Creek Mine, Wingate East property, and the Southeast Tract) came under the same ownership, giving the opportunity to connect these operations.

In the 2013 MMP amendment, the areas of mining extraction were increased from 1,253 to 1,809. Standards and Conditions in Mining Ordinance 04-39 apply to those areas shown in the 2013 Amendment (R-13-001). Ordinance 81-22 will continue to apply to the remaining areas.

STATUS OF MINING ACTIVITIES:

Currently there are no extraction activities occurring on Wingate Creek Mine. The Initial Clay Settling Area is in operation. The beneficiation plant produced

approximately 1.58 million tons of phosphate ore during the 2017/18 annual report cycle. Reclamation of approximately 1,236 acres has occurred by the end of the 2017/2018 annual report cycle. This number does not include the 79 acres on Wingate Creek Mine which have been released and removed from the mine boundaries. Approximately 60 acres are projected to be reclaimed in 2018/19.

STATUS OF MASTER MINING PLAN APPLICATION:

- On May 2, 2017, Mosaic Fertilizer, LLC filed an Application for an MMP Amendment for the Wingate Creek Mine, pursuant to the provisions of the Phosphate Mining Code, with subsequent Additional Information submittals.
- The Application for MMP Amendment was deemed complete on February 6, 2018 according to the requirements of Ordinance 04-39 Section IV.C.
- The Wingate Creek Mine meets the standards of the Phosphate Mining Code except when specifically stated in Resolution R-18-012 to meet the standards of Ordinance 81-22, as previously approved in Resolution R-13-001.
- Notice of the MMP public hearing was published on May 9, 2018, in newspapers of local circulation.

STANDARDS FOR MASTER MINING PLAN APPROVAL

Staff has found the MMP amendment to be consistent with the Comprehensive Plan and the minimum mining standards and requirements of Ordinance 04-39, Phosphate Mining Code. See the attached recommended Resolution R-18-012, Master Mining Plan, for specific stipulations. The following standards for MMP approval were considered in preparing this staff report and are important to consider in evaluating the proposal:

1. Are the mining activities reflected in the MMP consistent with county comprehensive plan?

Staff Response: Yes, see attached Appendix A: Consistency with Comprehensive Plan Summary for details.

2. Would mining activities provide for the orderly development of mineral resources in a manner compatible with the overall development of the county; considering the cumulative effects of other mining activities?

Staff Response: The MMP is compatible with the existing development pattern in the area. The Wingate Creek Mine is adjacent to Wingate East and in close proximity to Southeast Tract which are both currently zoned EX and have approved master mining plans. The surrounding zoning of the mine are generally A-

agricultural & farms, noting that Duette Preserve lies north and the Winding Creek Subdivision lies south of this project.

3. Do the mining activities meet the setback limitations specified in Ordinance 04-39?

Staff Response: The original mine was permitted prior to Ordinance 04-39 and Ordinance 81-22. Over the years, Wingate Creek Mine has been amended numerous times, which has brought the operation of the mine further into conformity with the requirements of Ordinance 81-22. The MMP amendment retains vested rights regarding setbacks pursuant to Section III.5 of Ordinance 04-39.

There are no changes to approved setbacks in this application for amendment.

4. Would Mining activities provide reasonable protection and conservation of natural and environmental resources?

Staff Response: Yes, the proposed MMP amendment does not change any previous protection and conservation measures provided to natural and environmental resources. The applicant continues to implement water saving practices, maintains NPDES permit outfalls and state air requirements, and is providing protection and restoration to Wingate Creek, (approximately 108 acres).

5. Would mining activities reflected in the MMP provide for the use of best management practices and the development of technology for maximum control of adverse effects of mining activities?

Staff Response: Yes, Best Management Practices in the form of silt fencing, hay bales, water return ditches and berm systems are already in place on this site and will continue to be maintained.

6. Would mining activities preclude future normal uses of mined out lands?

Staff Response: Building in areas reclaimed as uplands may require radon-resistant construction techniques and additional foundation support. Areas reclaimed as clay settling area and sand-clay mix areas would be limited, for the most part, to agricultural uses. The future use of mined out lands is not altered by the requested MMP amendment.

7. Are proposed transportation activities and improvements planned in a manner which minimizes adverse impact on important natural resources?

Staff Response: Yes. The transportation stipulations, as set forth in DRI Development Order and restated in this MMP, will continue to be met. There are no transportation improvements proposed as part of the requested MMP amendment.

8. Would mining activities be consistent with the use of best possible technology for mining activities conducted in the watershed of the Lake Manatee Reservoir, if said proposed mining activity is to occur within the watershed of Lake Manatee?

Staff Response: Mining extraction activities are not proposed to occur within the Lake Manatee River Watershed in the requested MMP amendment.

9. Clay settling areas shall be located only on lands that have been previously mined, or which have approval for future mining.

Staff Response: The Wingate Creek Mine approvals predates Ordinance 04-39, therefore the initial clay settling area (ISA) is located on unmined lands. However, the applicant was permitted in Resolution R-13-001 to relocate the clays from the ISA and mine the land. The requested MMP amendment does not alter the approval to mine and reclaim the ISA.

10. All mining activities shall be in compliance with local, state, and federal noise regulations.

Staff Response: Several noise studies have been performed over the years of operation and Wingate Creek Mine is in compliance with the applicable noise regulations. The most recent noise study, conducted January 2012, indicated that the mine did not exceed the levels as prescribed in Section 2-21-34 of the Phosphate Mining Code. In addition, the applicant has retrofitted heavy equipment with strobe lights instead of audible alarms, retrofitted trucks with backup smart alarms, and re-oriented dredges in order to further reduce noise. Proposed activities will continue to be consistent with current operations and applicable noise regulations.

11. All lighting associated with mining activities shall be in compliance with Section 723.3.5 of the Land Development Code, as amended, or its successor provisions.

Staff Response: Lighting is in compliance with the requirements of the Land Development Code. In addition, the applicant has agreed to replace plant and the dredge lights with LED lighting. This retrofit project began in October 2012. All lighting associated with mining activities will continue to comply with the Land Development Code.

ATTACHMENTS:

**Appendix A, Consistency with Comprehensive Plan Summary
Draft Resolution R-18-012, Master Mining Plan
Proof of Advertisement**

Appendix A: Consistency with Comprehensive Plan Summary

The Master Mining Plan (MMP) amendment is consistent with the Comprehensive Plan requirements, as described below:

Policy 2.1.1.2—Designate on the Future Land Use Map land within existing developed areas at densities and intensities which are compatible with the existing development.

Response: The requested MMP amendment does not include a request for any changes to the Future Land Use Map or densities and intensities. The approval of the proposed MMP amendment is compatible with the Manatee County Future Land Use Map (FLUM).

Policy 2.1.2.3—Permit the consideration of new residential and nonresidential development with characteristics compatible with existing development, in areas which are internal, or are contiguous expansions of existing development if compatible with future areas of development.

Response: The requested amendment to the Wingate Creek Mine MMP will allow the continued use of existing infrastructure on Wingate Creek Mine, Wingate East, and SE Tract. The proposed operation is a logical extension of mining in this part of the County.

Policy 2.1.2.5—Permit the consideration of new residential and nonresidential development in areas which are currently undeveloped, which are suitable for new residential or nonresidential uses.

Response: The requested MMP amendment is an extension of mining activities within the active Wingate Creek Mine. No new development is proposed.

Policy 2.1.2.7—Review all proposed development for compatibility and appropriate timing...

Response: The timing is appropriate because the joint ownership/control of the Wingate Creek Mine, SE Tract, and Wingate East has only occurred after a merger allowing for the increased efficiencies and economies by allowing for the interchange of ore and products of mining through the approved Wingate Creek Mine Infrastructure Corridor.

Policy 2.2.1.8—AG/R: Establish the Agriculture/Rural future land use category...

Policy 2.2.1.8.2—Range of Potential Uses: Farms, ranches, agro-industrial uses, agricultural service establishments, agriculturally-compatible residential uses, farmworker housing, rural residential uses, small retail and office commercial uses, mining, mining-related uses, low intensity recreational facilities, rural recreational facilities, public or semi-public uses, and appropriate water-dependent uses.

Response: The proposed MMP amendment will require no additional water use, will not result in additional air emissions, will not create the need for industrial or domestic solid or liquid waste disposal capacity, will not create a demand for housing, police and fire protection, education, or health care, and will not result in changes to trucking or transportation volume or distribution.

Policy 2.2.1.8.3—Range of Potential Density/Intensity: Maximum Gross Residential Density: 0.2 dwelling units per acre, Maximum Net Residential Density: 1 dwelling

unit per acreMaximum Floor Area Ratio: 0.23, Maximum Square Footage for Neighborhood Retail Uses: small (30,000 square feet).

Response: The proposed MMP amendment does not involve residential, commercial, or other building development.

Policy 2.2.1.8.4—Other information:

a) Mining-related uses, agro-industrial uses, and agricultural service establishments are exempt from the requirement for 0.23 maximum floor area ratio, but may be limited in intensity by the application of other goals, objectives, or policies in this Comprehensive Plan or by other applicable development regulations.

b) All mixed, multiple use and rural recreational use projects require special approval, as defined herein, and as further defined in any land development regulations developed pursuant to Chapter 163.3202, F. S.

c) Where established in a manner consistent with applicable land development regulations, farmworker housing may exceed densities specified in Policy 2.2.1.8.3.

Response: The proposed MMP amendment does not involve the construction of any new buildings within the Lake Manatee watershed and does not require any special approvals pursuant to this policy.

Policy 2.2.2.2.—Purpose: To maintain and improve the natural and man-made environment and resources in a manner protective of the water supply functions of the Lake Manatee, Evers Reservoir, and Peace River watersheds, which contribute to these preferred potable water sources, so as to maintain water quality and quantity within both Lake Manatee, Evers Reservoir, Peace River and all inflowing watercourses.

Response: The proposed MMP amendment does not involve any new activities within the Lake Manatee watershed.

Policy 2.2.2.2.3—Applicable Goals, Objectives, and Policies: Goals, objectives, and policies pertaining to the WO Overlay District are contained under Objective 2.3.4. of the Future Land Use Element, Objective 9.5.2 and Policy 9.4.1.4 of the Public Facilities Element, goal 3.2 of the Conservation Element, Objective 5.3.2 of the Traffic Circulation Element, of this Comprehensive Plan. Compliance with all goals, objectives, and policies listed in this subsection, and with other applicable goals, objectives, and policies, and development regulations is required for all activity within the Watershed Overlay District.

Response: Please refer to Sub-Policy 2.2.2.2.2 for specific comments.

Policy 2.2.2.2.4—Effect of Mapping:

(a) Any project which is at least partially within the Watershed Overlay District (WO) shall be submitted for approval under the special approval process. The area designated under the WO District on the Future Land Use Map shall also be subject to all goals, objectives and policies for any future land use category overlaid by the WO District. The extent and coverage of the area designated is shown in greater detail on the official zoning atlas of Manatee County, but is, however, subject to adjustment pursuant to (c) below.

(b) See also policies listed under Policy 2.2.2.2.3 above.

(c) Manatee County will accept and review on a case-by-case basis, submittal of appropriate hydrological studies by any owner or authorized representative of property shown on the official zoning atlas as being within the Watershed Overlay where the owner or agent thereof is seeking to demonstrate that property is not located within the Lake Manatee Watershed, the Evers Reservoir, or the Peace River Watershed. Where the review concludes that the subject property, or part thereof, is located outside the Watershed Overlay, adjustments to the zoning atlas should be processed pursuant to an administrative procedure established within any land development regulations developed pursuant to § 163.3202, F.S.

Response: Please refer to Sub-Policy 2.2.2.2.2 for specific comments.

Policy 2.2.2.5—DEVELOPMENT RESTRICTION/CONDITIONS:

(a) Prohibit the location of any general or commercial aviation facility within the Watershed Overlay District, except where a finding of overriding public interest has been reached by the BOCC for location of such a facility within the districts.

(b) Prohibit the location of new confined feedlot operations for livestock within the Watershed Overlay District.

(c) Prohibit all new mineral resource extraction and associated processing activities, other than sand, shell, and gravel extraction, within the Watershed Overlay District unless such uses are subject to special approval which must establish that such activities shall not cause a degradation of water quality and shall not cause adverse impact on water quantity within the watersheds.

(d) Prohibit newly proposed nonresidential/nonagricultural development in the Watershed Overlay District which requires an operating permit for industrial waste treatment, as referenced in Chapter 62-4, F.A.C., unless such developments are reviewed as special approvals and it can be established that such development shall not cause a degradation of the water quality of the watersheds of Lake Manatee, Evers Reservoir, or Peace River, as appropriate, and shall not cause any adverse impact on water quantity within these districts.

(e) Prohibit the location of new sanitary landfills and wastewater treatment plants (interim or permanent) within the Watershed Overlay District unless such uses are permitted pursuant to a finding by the BOCC of overriding public interest.

(f) Require that the preservation of indigenous vegetation within the Watershed Overlay District be accomplished through careful site planning and the use of native, naturalized or drought-hardy species for new or replacement plantings (see also policy 2.9.4.6).

(g) Require minimum percentages of upland area on projects within the Watershed Overlay District be maintained, during the course of development, as undisturbed or landscaped areas. These minimum percentages shall exceed those required outside the Overlay District (see also policy 3.3.2.1 and 2.9.4.6).

Response: The requested MMP amendment does not propose any new mining activities within the Lake Manatee Watershed Overlay District.

Policy 2.3.1.3—Promote the transfer of density or intensity from environmentally significant uplands, such as habitat for endangered and threatened species to other areas of the development site. Such transfers shall be limited to the net density/intensity limitations of the Future Land Use Category.

Response: The requested MMP amendment is an extension of the ongoing activities.

Policy 2.3.2.1—Require that all development or land use activities utilize soil stabilization procedures and construction best management practices to minimize soil erosion and transport during the project development phase.

Response: The requested MMP amendment is an extension of the ongoing activities within Wingate Creek Mine which has constructed best management practices (BMPs) in place. As with other Mosaic mining properties, BMPs will be maintained until the post-reclamation vegetation has stabilized. At that time, the berm will be regraded and revegetated as the final reclamation step.

Policy 2.3.2.2.—Prohibit the development of those portions of any project site which demonstrates the likelihood of exhibiting new or continuing sinkhole activity.

Response: According to Southwest Florida Water Management District (SWFWMD), the Wingate Creek Mine is located in a region that has a low probability of sinkhole occurrence. No sinkholes have been reported onsite nor does evidence of past or present sinkhole formation currently appear on the site. It is not anticipated that the proposed MMP amendment will increase the likelihood of sinkhole activity.

Policy 2.3.2.3—Minimize the alteration of any natural slopes equal to or exceeding 26.5 degrees (i.e. run: rise = 2:1) during the project development process unless it can be demonstrated that construction on, or alteration of, any such slope can be accomplished without erosion of these steeply-sloped areas.

Response: There are no slopes equal to or exceeding 26.5 degrees on the Wingate Creek Mine.

Policy 2.3.2.4—Minimize the alteration of hydric soils supporting wetlands, consistent with the policies under Objective 3.3.1.

Response: There are no additional wetland impacts proposed as part of the proposed MMP amendment.

Policy 2.3.3.2—Require that all fill within the 100-year floodplain shall be compensated by creation of storage of an equal or greater volume, with such compensatory storage also located within the 100-year floodplain. Areas within the 100-year floodplain adjacent to a tidally-influenced water body shall not be subject to this level of service performance standard.

Response: Wingate Creek and associated floodplain wetlands are located within the 100-yr floodplain. These areas are subject to FDEP Permit No. 411605019 as partial mitigation for previous wetland impacts. No new dredge or fill is proposed in the proposed MMP amendment.

Policy 2.3.3.4—Prohibit habitable structures and major public and private investment within the 25-year floodplain except for projects which have special exception status or obtain a Special Approval. This policy shall not preclude the development of water-dependent uses, water-related and water-enhanced uses, stormwater management structures, non-habitable structures, and passive recreational uses where appropriate. Any such development shall:

- **Minimize impervious surface in the 25-year floodplain;**
- **Cluster structures and uses outside of the 25-year floodplain, whenever possible [see policy 2.3.1.2];**
- **Protect perennial lakes and streams by encouraging the dedication of conservation easements not subject to any land alteration within the 25-year floodplain.**

This policy applies only for the purposes of reviewing projects for which mapping of the 25-year floodplain has been accomplished, or where interpolation or use of an existing water surface profile for the watercourse(s) permits the identification of the 25-year flood elevation.

Response: Please see the response to Policy 2.3.3.2.

Policy 2.3.3.5—Limit density and intensity in a manner which will protect all groundwater resources from unacceptable contamination by septic tanks.

Response: Wingate Creek Mine will continue to operate a Waste Water Treatment Facility in compliance with Florida Department of Environmental Protection permit FLA012622. The requested MMP amendment does not include the installation or use of septic tanks.

Objective 2.3.4—Land Use Consistent with Watershed Protection: Limit land use in the Lake Manatee, Evers Reservoir, and Peace River WO Districts to maintain and improve water quality and the natural environment and resources within those watersheds which contribute to filtration.

Response: Please see response to Policy 2.2.2.2.5.

Policy 2.4.1.1.—The following development orders or approvals shall have an option to obtain a Certificate of Level of Service for traffic, mass transit, drainage, sanitary sewer, solid waste and parks facilities:

(1) Development of Regional Impact development order, or Florida Quality Development, or subsequent amendments thereto.

Response: The requested MMP amendment meets the applicable policies and regulations for concurrency/reservation extension purposes.

Policy 2.4.1.4—Require that all development orders issued by Manatee County are issued pursuant to at least one of the following findings: (1) that all adopted level of service standards referenced in the Transportation, Recreation/Open Space, and Public Facilities Elements are maintained by the proposed development or development phase. This finding shall cause the issuance of a Certificate of Level of Service Compliance, as described in Policy 2.4.1.1 and 2.4.1.2 above.

Response: Approval of the requested MMP amendment will not require any access related infrastructure improvements or any increase in the provision of public services to accommodate the proposed changes.

Policy 2.5.1.1—Designate those areas in Manatee County which are suited for longterm agriculture as Agriculture/Rural on the Future Land Use Map so as to

limit the degree of suburbanization of such lands and reduce uses which may displace agriculture.

Policy 2.5.1.2—Establish agriculture as the preferred use in the AG/R category. Such preferred use status shall favorably impact existing farms, expanding farms, farms that change commodities, agricultural support uses and shall be supportive of state law establishing the right-to-farm.

Policy 2.5.2.4—Permit continued or newly established agricultural uses other than special agricultural uses, on all or part of a project which has been the subject of a special approval, until approved development is started on the project site.

Response: The Future Land Use category of the Wingate Creek Mine, the SE Tract, Wingate East and the surrounding area is AG/R. Mosaic will reclaim and return the lands to agricultural use, consistent with the Future Land Use Element.

Policy 2.6.1.1—Require all adjacent development that differs in use, intensity, height, and/or density to utilize land use techniques to mitigate potential incompatibilities. Such techniques shall include but not be limited tolimits on density and/or intensity [see policy 2.6.1.3].

Response: The proposed MMP amendment is compatible with the adjacent mining activities to the east. There will be no new permanent structures. The active Wingate Creek Mine abuts private property to the west, Duette Park to the north and Winding Creek Subdivision to the south.

Policy 2.6.4.1—Protect an area within 200 feet of any public supply well as a zone of exclusion and prohibit new commercial or industrial uses, septic tanks, leaching fields, and all uses listed in Policy 2.6.4.2 from locating within the zone of exclusion.

Response: There are no public supply wells located within 200 feet of the perimeter of the proposed Wingate Creek Mine.

Policy 2.6.4.2—Protect an area within 1,000 feet of any public supply well as a zone of secondary exclusion and prohibit all of the following uses from locating within these secondary zone of exclusion: ...mines...

Response: The requested MMP amendment is an extension of ongoing activities. There are no public supply wells located within 1,000 feet of the perimeter of the Wingate Creek Mine.

Policy 2.9.4.6—Reduce noise and pollution, promote an aesthetically pleasing environment and promote water conservation through the use of native landscaping materials. Landscaping requirements shall allow a choice of:

- 1. planting of native vegetation, guaranteeing that at least 50% of all plantings incorporated in an approved landscape plan for any project after development consists of native vegetation suitable to that site; or**
- 2. guaranteeing that at least 60% of all post-development vegetation is indigenous to Manatee County.**

Response: Mosaic will continue to reclaim the Wingate Creek Mine according to the approved reclamation plan.

Policy 2.11.1.4—Permit the consideration of all new mineral resource extraction activities that are regulated by the Manatee County Mining Ordinance, as amended, only within the Agriculture/Rural designation on the Future Land Use Map.

Response: The Wingate Creek Mine is an existing phosphate mine. The proposed MMP amendment requests no new extraction activities.

Policy 3.1.1.6—Require the control of erosion, fugitive dust, and air emissions related to the development construction.

Response: The requested MMP amendment is an extension of ongoing activities. Best management practices will continue to be implemented during construction activities to minimize erosion, fugitive dust, and other air emissions, thereby ensuring consistency with this policy. Mining operations conducted at the Wingate Creek Mine have not caused violations of air quality standards to date.

Policy 3.2.2.3—Prohibit new development for which ground water well pumpage would induce further salt water intrusion or which will cause other adverse hydrological effects.

Response: Mosaic is not requesting to increase groundwater withdrawals above the levels currently approved under the current SWFWMD Water Use Permit. There is no evidence that the groundwater withdrawals at the Wingate Creek Mine have caused salt water intrusion.

Policy 3.2.2.4—Encourage construction of water recharge wells, and water irrigation and circulation systems for mitigation of activities which cause a lowering of ground water levels and to offset ground water withdrawal impacts, except where such recharge causes the interchange of water between any two confined aquifers resulting in adverse impacts on ground water quality.

Response: There are no changes proposed in the MMP amendment that would result in a lowering of groundwater levels. Mosaic will continue to use the existing perimeter ditch and berm system. The water table adjacent to dredge mining areas will be maintained by the dredge pool elevation.

Policy 3.2.3.1—Continue to encourage residents and businesses to maintain or improve water conserving habits.

Response: The requested MMP amendment is an extension of ongoing activities. No additional impacts are proposed.

Policy 3.2.3.2—Require all water used for irrigation in new development to be the lowest quality of available water which adequately and safely meets their water use needs by requiring storm water reuse, alternative irrigation sources, reclaimed water use, and gray water irrigation systems where feasible. Potable water from County utilities shall not be utilized for landscape irrigation.

Response: The requested MMP amendment is an extension of ongoing activities. No irrigation is currently occurring onsite. Post-reclamation, no irrigation is proposed on the Wingate Creek Mine. The Wingate Creek Mine is not located in the urban development area so no potable water distribution lines will be extended to this area of the County.

Policy 3.2.3.3.—Require the use of native xeric plants in post development landscaping whenever feasible.

Response: The requested MMP amendment is an extension of ongoing activities. No changes to the approved post reclamation planting plan are proposed.

Objective 3.3.1—Wetlands Protection: preserve and protect existing and viable wetlands to

Policy 3.3.1.1—Prohibit removal, alteration, or encroachment within wetlands except in cases where no other practical alternatives exist that will permit a reasonable use of the land or where there is an overriding public benefit. Such determination will require completion of impact avoidance and minimization analyses which clearly demonstrate the necessity of the proposed impact.

Response: No additional wetland impacts are requested with this proposed MMP amendment.

Policy 3.3.1.3—When development related impacts are unavoidable (see policy 3.3.1.1), require that all development-related impacts to wetlands be mitigated.

1. When mitigation is required by the State, the type and quantity of mitigation shall be determined by the Uniform Wetland Mitigation Assessment Method (UMAM) as outlined in Chapter 62.345 F. A. C., as amended.

2. In those instances where wetland mitigation is not required by the State wetland mitigation shall be provided as follows:

a) Two acres of herbaceous wetlands shall be restored or created for every acre of herbaceous wetlands altered, unless other requirements are enforced pursuant to 3) below.

b) Four acres of forested or mangrove wetlands or mangroves shall be restored or created for every acre of such wetlands altered, unless other requirements are enforced pursuant to 3) below.

c) Five acres of enhanced wetlands or uplands preservation shall be provided for every one acre of wetland to be impacted.

d) Mitigation ratios required in subsections a) and b) of this policy may be increased or decreased by the Board of County Commissioners, or by its specific designee, depending on the type, function, and viability of the wetland system being altered, depending on the site characteristics, depending on the nature of the proposed project, and considering other kinds of compensation being proposed.

e) No less than 1.15 acres of created or restored wetland shall be required for each acre of wetlands being altered except as allowed in subsection c) after recommendation by the Planning Department.

f) All approved mitigation shall be required to demonstrate, through appropriate monitoring and reporting by the project's developer, at least an 85% coverage of desirable wetland species for a period of at least two years for herbaceous wetland communities, and an 85% planting survival rate for at least five years for forested and mangrove communities.

g) All areas which are created in accordance with this policy shall be protected.

Response: All previously approved wetland disturbance is being mitigated as required by the State and the appropriate County phosphate mining reclamation requirements. No additional wetland impacts or changes to the mitigation plan are proposed with the requested MMP amendment.

Policy 3.3.1.5—Protect all wetlands from land development activities by requiring the establishment of natural area buffers adjacent to all post-development wetlands, except upland cut ditches in non-hydric soils. Land alteration or removal of vegetation shall be prohibited in any buffers established according to this policy except to allow the removal of nuisance plant species, small areas of impervious surface for storm water outfalls, and to allow public access consistent with natural resource protection. Such buffers shall be established according to the following schedule except as provided in policy 3.3.1.6:

- 1. Buffers a minimum of fifty (50) feet in width shall be established adjacent to all in flowing watercourses located in the WO Overlay and all Outstanding Florida Waters and Aquatic Preserves;**
- 2. Buffers a minimum of thirty (30) feet in width shall be established adjacent to all isolated wetlands and other wetlands not listed in (1) above; and**
- 3. Wetland buffers may be increased for large areas of significant wetlands, for watershed protection, and to implement the goals, objectives, and policies of this Comprehensive Plan. (See 2.9.4.4, 4.1.2, and 4.1.4)**

Response: Please see response to Policies 3.3.1.1 and 3.3.1.3. The requested MMP amendment is an extension of approved ongoing activities. No additional impacts or changes to the approved buffers are proposed.

Policy 3.3.1.7—Cooperate with the Florida Department of Environmental Protection (FDEP), Southwest Florida Water Management District (SWFWMD), and the U.S. Army Corps of Engineers (USACOE) to monitor compliance with dredge and fill permits.

Response: A FDEP ERP and Conceptual Reclamation Plan Modification F, have been approved, thereby facilitating Manatee County's ability to implement this policy.

Objective 3.3.2—Wildlife and Upland Habitat Protection: Protect and preserve native wildlife, endangered, threatened and species of special concern, and native upland habitat through appropriate acquisition, restoration, and development controls to provide:

- Areas for passive recreation and enhanced quality of life;**
- Large pervious areas for improved water quality and ground water recharge;**
- Species diversity; and**
- Natural area greenways.**

Policy 3.3.2.1—Protect flora and faunal species which are threatened, endangered, or are species of special concern from incompatible development by requiring that all proposed development sites be examined for location of Listed Species ...

Response: The requested MMP amendment is an extension of approved ongoing activities. The applicant has all applicable state and federal wildlife permits and wildlife habitat management plans.

Policy 3.3.2.2—Require the preservation of native upland habitat during land development activities through one or all of the following strategies:

- 1. Maintenance of areas of non-exotic vegetation, or viable portions thereof, on any project site, especially when such area or viable portions of areas, are part of larger upland habitats which may extend beyond the boundaries of the development site;**
- 2. Encourage increased preservation of native upland habitat by providing incentives, including but not limited to:**
 - a) Transfer of density/intensity out of preserved native upland habitat**
 - b) Reduced lot sizes and setbacks**
 - c) Consideration of increased building height when native upland preservation provides additional buffering and screening**
- 3. Removal of all nuisance exotic plant species from upland development sites during construction unless Special Approval is granted.**
- 4. Designation of upland preservation areas at time of general development plan, preliminary site plan, preliminary plat, or other preliminary development plan or similar approval.**
- 5. Manatee County shall consider habitat size, adjacency to other natural areas, and habitat value when reviewing site development plans for uplands preservation.**

Policy 3.3.2.4—Protect and maintain Species of Special Concern through strategies which consider the numbers and vitality of habitat of any such species.

Response: Mosaic's approved FDEP Conceptual Reclamation Plan (CRP), FDEP ERP, and US Army Corps of Engineers (USACE) permits facilitate Manatee County's ability to implement this policy.

Policy 3.3.2.5—Actively participate in intergovernmental activities to appropriately conserve and manage native vegetation and viable wildlife habitat.

Policy 3.3.2.8—Identify and protect major environmentally sensitive areas through designation as Conservation on the Future Land Use Map or other appropriate protection strategies.

Policy 3.3.3.1—Participate in the development and preservation of natural area greenways which should include wildlife corridors, recreation areas, environmentally sensitive lands, and other cultural and historic resources which may serve the passive recreational needs for residents and visitors.

Response: See response to Policy 3.3.2.4 above.

Policy 3.4.1.3—Continue the current hazardous material management process which is applicable to all hazardous substance facilities to address the proper storage, disposal, and recycling of hazardous wastes and substances, and to provide direction to routing of hazardous materials on Manatee County roadways. Registration of all small and large quantity generators of hazardous substances with the Manatee County Department of Public Safety and the Environmental Management Department is required.

Response: The requested MMP amendment will not generate any hazardous wastes and will not involve significant quantities of hazardous substances.

Objective 3.4.2—Mineral Resource Extraction: Promote efficient, environmentally sound, utilization and extraction of mineral resources to conserve natural resources and to ensure that the natural environmental is protected from adverse impacts.

Policy 3.4.2.1—Prohibit adverse environmental or land use impacts caused by new mineral resource extraction operations.

Response: The requested MMP amendment is an extension of approved ongoing activities. No new mineral resource extraction or changes to land use impacts are proposed.

Policy 3.4.2.2.—Require that all applications for new or expanded mineral resource extraction activities include a reclamation plan for the reestablishment of form and function of the appropriate land cover. Also, require the implementation of all approved reclamation plans.

Response: This proposed MMP amendment does not include new or expanded mineral extraction activities. The requested extensions to the life of the mine, and thus the time extensions for reclamation and truck hauling is requested in order to process the ore from the Wingate East Mine.

Policy 3.4.2.3—Encourage efficient mineral resource extraction through water conserving extraction methods, use of reclaimed water, when available, and other cost effective and resource conserving techniques.

Response: Mosaic has been able to reduce Floridan aquifer withdrawals by over 60 percent since 1990 by developing new technology to improve recovery of phosphate rock using recycled water. The requested MMP amendment will continue this effort through the recirculation of mine process water.

Policy 5.0.1.1—Review and approval of development orders for land development to ensure that such approvals shall not degrade transportation levels of service, and that appropriate actions are taken to ensure that transportation levels of service are maintained.

Response: The requested MMP amendment is an extension of ongoing activities. A transportation analysis was conducted which evaluated the continued use of trucking on the roadway network. The number of trucks leaving the Wingate Creek Mine is not being changed. The extension of the number of years for trucking the processed ore will not impact the current levels of service.

Policy: 5.3.1.6-Ensure that land uses and project designs are consistent with the proper functioning of the FDOT State highway system by requiring FDOT comment on all development order applications requesting access onto the State highway system, and by requiring appropriate limitations on project access.

Response: Mosaic does not propose to add any access roads or driveways as part of the MMP amendment. The approved/existing driveway access points are adequate.

Objective 5.3.2—Natural Resource Considerations: Ensure that all transportation improvements are conducted in a manner which minimizes adverse impact on important natural resources.

Policy 5.3.2.2—Require that all roadway improvements for which design will discharge stormwater directly to the Lake Evers or Lake Manatee Reservoirs, or to the Peace River, or discharge into any inflowing watercourse, in the Watershed Overlay District include an additional level of stormwater treatment equal to 50% of the treatment criteria specified in Ch. 62-25.035(1)(b), F.A.C. (i.e., treatment pursuant to Outstanding Florida Water Criteria is required).

Response: There will be no transportation improvements required with this proposed MMP amendment.

Policy 7.1.3.2—Prohibit the destruction and/or disturbance of any significant historical or archaeological resource site except to allow data recovery or archaeological excavation activities approved by the Florida Department of State, Division of Historical Resources.

Response: This MMP amendment does not propose any new land disturbances. Mosaic previously transmitted the results of a cultural resources survey to DHR for review. DHR has determined that the findings of the survey are not significant.

Policy 7.1.3.3—Require the temporary suspension of land development or alteration activities when sites of potential archaeological significance are uncovered. Where such resources are deemed significant, require the implementation of appropriate action to preserve the value of these resources.

Response: Should Mosaic discover additional potential archaeological sites when conducting mining activities, the land disturbing activities will cease until trained cultural resource experts can examine the area and determine, in consultation with DHR, whether the potential site is significant. Should significant resources be uncovered, Mosaic will work with DHR to ensure that the appropriate action is taken to preserve the value of such resources. In the event that human remains are found during mining activities, the provisions of Chapter 872 of the Florida Statutes (F.S.) (872.05) will apply. Chapter 872, F.S., states that, when human remains are encountered, all activity that might disturb the remains shall cease and may not resume until authorized by the District Medical Examiner (if the remains are less than 75 years old) or the State Archaeologist (if the remains are more than 75 years old). If human remains that are less than 75 years old are encountered, or if they are involved in a criminal investigation, the District Medical Examiner has jurisdiction. If the remains are determined to be more than 75 years in age, then the State Archaeologist assumes responsibility in determining appropriate treatment and options for the remains.

Objective 9.2.4—Onsite Wastewater Treatment Systems: Provide for the limited use of septic tanks and interim wastewater treatment plants only in areas where sanitary sewer extension is not reasonably feasible. (See also policy 9.2.1.2.)

Response: There are no proposed changes to the onsite wastewater treatment system.

Policy 9.4.1.1—Require the rate of storm water discharge from new development to be equal to, or less than the rate of discharge that existed prior to development, based on a 25-year frequency – 24-hour duration storm event. The post development point(s) of discharge shall be the same as the predevelopment point(s) of discharge for a project site. The discharge it to include any discharge to an existing or proposed watercourse, swale, ditch, or storm sewer system that connects to a receiving watercourse in the WO District. All storm water discharge shall be consistent with the requirements of Chapter 62-3, 62-4, and 62-25 F.S. for water quality. These requirements may be increased in areas of known flooding.

Response: The requested MMP amendment is an extension of ongoing activities. There will be no storm water releases to the watershed and no new National Pollutant Discharge Elimination System (NPDES) discharge points are needed.

Policy 9.4.1.4.—Require that all projects discharging into the WO District on the Future Land Use Map meet or exceed the design standards of Chapters 62-3, 62-4, and 62-25 and local design standards for discharge into Outstanding Florida Waters. The Board of County Commissioners may waive this policy if the proposed stormwater management system provides equivalent levels of stormwater treatment, ensuring that groundwater hydrology characteristics are not altered, impacted, or changed from the existing pre-development condition.

Response: The requested MMP amendment is an extension of ongoing activities. All discharges from the mining area will be through permitted NPDES outfalls and will meet applicable water quality standards.

Policy 9.4.4.4—Protect natural drainage features such as streams, lakes, wetlands, and estuaries and preserve the function of these natural features by allowing the utilization of isolated wetland prohibiting the alteration of these natural watercourses and floodways except in cases of overriding public interest as determined by the Board of County Commissioners.

Response: There will be no disturbance of a perennial stream or lake or floodway as a result of the requested MMP amendment.

Policy: 9.4.5.1-Require that all private storm water management systems be maintained in a manner which ensures the continuing operation of such private system consistent with these level of service, and other local, state, and federal standards. Furthermore, consider and implement appropriate action to ensure compliance with this policy, if violated. Such action may include injunctive relief.

Response: Mosaic will maintain the approved storm water management system throughout the mining and reclamation stages of the project until the mined land is released and reclamation is complete. No changes to the approved storm water management system are proposed in the requested MMP amendment.

Objective 9.5.2—Potable Water Reservoir: Preserve the Manatee River Reservoir as a long-term source of potable water.

Policy 9.5.2.1—Continue to develop economically feasible water conservation techniques to preserve the Lake Manatee Reservoir and to minimize competition between agricultural, commercial, and residential users of surface water resources.

Response: Mosaic is not requesting, nor does it require, any additional groundwater withdrawals from those levels currently approved.