

MASTER MINING PLAN
RESOLUTION R-18-012

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.

WHEREAS, pursuant to the provisions of Chapter 2-20 of the Manatee County Code of Laws, the Manatee County Phosphate Mining Code 04-39 (Phosphate Mining Code), Mosaic Fertilizer, LLC, (Mosaic) FKA Cargill Fertilizer LLC., as successors in title to Nu-Gulf Industries, Inc. (NGI), has timely submitted to Manatee County, Florida, (County) an Application for amendment of the Master Mining Plan for the Wingate Creek Mine, together with certain supplemental and supporting documents and materials to conduct phosphate mining operations at said Wingate Creek Mine pursuant to Resolutions identified herein and upon the real property described and mapped in Exhibit 'A'; and

WHEREAS, pursuant to the Phosphate Mining Code, Mosaic has requested an amendment to: 1) extend the mine's buildout dates (i.e. life of mine, trucking schedule, expiration dates, and reclamation dates); 2) allow the exchange of materials between Wingate East*, Ft. Green Remnants* Wingate Creek Mine and Southeast Tract; 3) beneficiate and process Wingate East* reserves at the Wingate Plant; 4) modify the waste disposal plan to agree with Wingate East* Master Mining Plan; 5) update the Reclamation Plan to agree with the FDEP Conceptual Plan MOS-WC-CPF; and 8) amend the Environmental Monitoring Plan to include the Guidelines for Environmental Monitoring and Winding Creek Residential Lot Map; and

WHEREAS, pursuant to the provisions of Chapter 2-20 of the Manatee County Code of Laws (Mining Code), Mosaic Fertilizer, LLC, (Mosaic) FKA Cargill Fertilizer, LLC, as successor in title to Wingate Creek Holdings, LLC is substituted as the Applicant for Wingate Creek Holdings, LLC; and

WHEREAS, Mosaic Fertilizer, LLC, has an approved Master Mining Plan for the Wingate Creek Mine; and

WHEREAS, the original Master Mining Plan for the Wingate Creek Mine in Manatee

County was adopted on October 11, 1975. This Master Mining Plan was subsequently amended by Resolutions R-88-236 (approving a settlement agreement where under Manatee County acquired portions of the mine property lying within the Lake Manatee Watershed), R-91-250 (amending the Master Mine Plan to conform to the Amended DRI Development Order) and R-97-242 (amending the Master Mining Plan to conform to the Amended DRI Development Order), R-04-203 (transferring and amending the Master Mine Plan to Cargill Fertilizer, LLC. to conform to the Amended DRI Development Order), R-08-007 (recognizing the name change from Cargill Fertilizer, LLC to Mosaic Fertilizer, LLC and amending the Master Mining Plan to conform to the Amended DRI Development Order), and R-13-001 (amending the Master Mining Plan to conform to the amended DRI Development Order); and

WHEREAS, MOSAIC FERTILIZER, LLC currently owns and intends to operate and reclaim the Wingate Creek Mine; and

WHEREAS, on May 2, 2017, Manatee County received an application from MOSAIC FERTILIZER, LLC to amend the Master Mining Plan for the Wingate Creek Mine with the Manatee County Board of County Commissioners, pursuant to the provisions of Chapter 2-20 of the Manatee County Code of Laws; and

WHEREAS, on November 22, 2017 Mosaic filed with Manatee County an application for a Local Development Agreement to address certain conditions, commitments and vested rights in DRI DO 13-01 in conjunction with this amended Master Mining Plan; and

WHEREAS, notice of the public hearings was published on May 9, 2018, in a newspaper of local circulation; and

WHEREAS, the Manatee County Planning Commission held a duly-noticed public hearing on the transfer, renewal and amendment to the Master Mining Plan on April 23, 2018, and has solicited, received and considered all testimony, reports, comments, evidence and recommendations from interested citizens, County agencies, and the applicant; and

WHEREAS, the Manatee County Board of County Commissioners has received and considered the review and report of the Manatee County Planning Commission; and

WHEREAS, the Board of County Commissioners of Manatee County, on May 24, 2018, held a duly-noticed public hearing on the Amendment to the Master Mining Plan and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County agencies and the applicant; and

WHEREAS, the Board of County Commissioners of Manatee County finds that the application to amend the Master Mining Plan meets the standards for Master Mining Plan approval in Chapter 2-20 of the Manatee County Phosphate Mining Code including the vested portions of the mine as authorized under Section 2-20-4; the applicable requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended) and the Manatee County Comprehensive Plan (Ordinance 89-01, as amended).

NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Manatee County, Florida, that the Board approves the Master Mining Plan for the Wingate Creek Mine Amendment, subject to the conditions, limitations and restrictions set forth as follows:

A. AMENDMENT OF WINGATE CREEK MINE MASTER MINING PLAN.

This Resolution establishes an amended and restated Master Mining Plan Approval for the Wingate Creek Mine*. All prior Master Mining Plans for Wingate Creek Mine* are superseded by this Resolution, except to the extent that a condition of, or exhibit to, a prior Master Mining Plan is specifically and expressly preserved hereby. Mining activities at the Wingate Creek Mine shall continue under the terms and conditions of the Master Mining Plan approved pursuant to R-13-001, unless otherwise agreed or authorized, from such time as Resolution R-18-012 is enacted and the time for all potential appeals and challenges has expired and if there is an appeal or challenge, the full conclusion of the appeal or challenge. If Applicant fails to prevail in a challenge that would preclude all applicability of Resolution R-18-012, Wingate Creek Mine* Master Mining Plan R-13-001 shall continue in force and effect until such time that a future Master Mining Plan or Master Mining Plan amendment may be enacted or until its expiration, whichever occurs first.

The Operating Permit for the Wingate Creek Mine* as approved in R-13-002 remains in full force and effect, unless amended or superseded.

B. FINDINGS.

The Board of County Commissioners, after considering the recommendation of the Manatee County Planning Commission, the testimony, evidence, documentation, and application for Master Mining Plan amendment approval, and all other matters presented to the Board at the public hearing hereby makes the following findings of fact:

1. All "WHEREAS" clauses preceding Section A of this Resolution are adopted as findings of fact.
2. The real property which is the subject of this application is titled the Wingate Creek Mine (approximately 3,028 acres) as described in Exhibit A of this Resolution.
3. The owner and Developer* of the Wingate Creek Mine* is Mosaic Fertilizer, LLC.
4. The authorized agent for the Developer* is Russell Schweiss, 13830 Circa Crossing Drive, Lithia, Florida 33547.
5. For purposes of this application, the Developer* is Mosaic Fertilizer, LLC.
6. The proposed amendments to the Wingate Creek Mine* are found to be consistent with the requirements of the Manatee County Comprehensive Plan, and the Manatee

County Code of Ordinances Chapter 2-20, Phosphate Mining Code (Ordinance 04-39*), provided the Developer* proceeds in accordance with the Conditions specified in this Resolution, the existing Operating Permit and all subsequent operating permits.

7. All mining operations shall be conducted in strict compliance with Manatee County Phosphate Mining Code (Ordinance 04-39), the approved Master Mining and Reclamation Plan for the Wingate Creek Mine, the approved Operating Permit, and all applicable approvals and permits issued by a federal or Florida governmental agency or entity and in conjunction with the Local Development Agreement LDA-17-04. Violation of any of the terms and conditions of said approvals or permits shall be deemed a violation of this Master Mining Plan.

SECTION C. MASTER MINING PLAN CONDITIONS OF APPROVAL.

Approval of Amended and Restated Master Mine Plan: The application requests the County to 1) extend the mine's buildout dates (i.e. life of mine, trucking schedule, expiration dates, and reclamation dates); 2) allow the exchange of materials between Wingate East*, Ft. Green Remnants* Wingate Creek Mine and Southeast Tract; 3) beneficiate and process Wingate East* reserves at the Wingate Plant; 4) modify the waste disposal plan to agree with Wingate East* Master Mining Plan; 5) update the Reclamation Plan to agree with the FDEP Conceptual Plan MOS-WC-CPF; 6) modify the water balance and hydrology study, and 7) amend the Environmental Monitoring Plan to include the Guideline for Environmental Monitoring;

Except as otherwise provided below, Mosaic shall operate the Wingate Creek Mine in full compliance with the approved master mining plan and subject to 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 certain mining and reclamation activities at the Wingate Creek Mine established in the provisions of ADA (attached to R-88-236 as Exhibit C) and the Application for Amendment (attached as Exhibit D to R-88-236) in accordance with Ordinance 81-22. Accordingly, the Master Mining Plan Resolutions (R-88-236, R-04-203, R-08-007 & R-13-001) for Wingate Creek Mine retained those vested rights. These approvals are incorporated herein by reference and are amended as follows:

A Section 2 of the approved Master Mining Plan is changed to recognize Russell Schweiss as the applicant agent of the Wingate Creek Mine.

B. Section 5 of the approved Master Mining Plan is amended to update the mining and reclamation sequence and schedules, reflecting the amended mining and reclamation plans and incorporating Development Order conditions and developer commitments.

C. Section 10 of the approved Master Mining Plan is amended to reflect the Wingate East Life of Mine Waste Disposal Plan as approved in Wingate East MMP R-17-017.

D. Section 12 of the approved Master Mining Plan is amended to extend the use of the roadway network from July 31, 2023 to July 31, 2037 [noting that no route change in Manatee County and no increase in product shipment is proposed from Wingate].

E. Section 15 of the approved Master Mining Plan is amended to reflect all

applicable permits for the project area that have not been previously submitted to Manatee County.

F. Section 17 of the approved Master Mining Plan is amended to extend the projected monthly water balance estimates out to the amended expiration date of July 31, 2037. This adjusted also aligns the Master Mining Plan with the Conceptual Reclamation Plan (MOS-WC-CPF).

G. Section 22 of the approved Master Mining Plan is amended to update the Environmental Monitoring Program.

H. Section 23 of the approved Master Mining Plan is amended to update the Cumulative Impact Analysis to include Wingate East Mine in accordance with the Phosphate Mining Code.

I. Section 24 of the approved Master Mining Plan is amended to reflect the amended mining and reclamation plans and to update the reclamation plan to be consistent with Conceptual Reclamation Plan (MOS-WC-CPF). Table 24-2 and Map H-8 depicts those lands which are to be reclaimed to Ordinance 04-39 standards. All reclamation shall be completed by December 31, 2042.

J. Section 25 of the approved Master Mining Plan is amended to update the Engineer's Certification.

As amended herein, the Master Mining Plan approved for the Wingate Creek Mine amends and restates Resolution R-13-001. The development of Wingate Creek Mine shall be in conformity with this resolution and the recompiled Master Mining Plan, except as it is expressly modified by subsequent ordinances or resolutions of the County.

This Master Mining Plan was developed in conjunction with Local Development Agreement, LDA No. 17-04.

The approval granted pursuant to this Resolution authorizes Mosaic to apply for a new Operating Permit or the transfer of, or amendment to the Operating Permit for the Wingate Creek Mine which will include existing vested rights, as applicable to the Operating Permit to be considered for approval pursuant to Chapter 2-20 (The Manatee County Phosphate Mining Code 04-39), but does not entitle Mosaic to receive such approval.

Section C.1. General Conditions

1. Project Terms: The Wingate Creek Mine* is approved for mining and reclamation, conditioned and limited herein as follows and detailed in Exhibit B, Mining and Reclamation Plan.

Wingate Creek Mine	Overall Acreage
Total Area	3,028
Undisturbed/Preserved	450
Reclamation to Date	1236

2. Mining and Reclamation Schedule: It is expressly recognized that the mining blocks,

rates and schedules provided in the application to amend the Master Mining Plan are estimates based upon the maximum rate anticipated. Accordingly, mining blocks and rates may vary depending upon market conditions and other permit requirements and schedules. However, reclamation and revegetation shall proceed immediately after mining activities cease in each parcel and in no case shall exceed the schedules for reclamation outlined in Table 35-5 and Map H-7. Actual mining and reclamation acreages will be documented in the annual progress reports submitted to the Director*. Sand tailings balance and available waste clay storage shall also be documented in the annual progress reports submitted to the Director*.

3. Compliance with Other Permits and Approvals: Developer* shall obtain all the necessary construction and operation permits and approvals required by the applicable law, and shall fully comply, to the extent not inconsistent with this Master Mining Plan 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 Wingate Creek Mine*. Violation of any of the terms and conditions of said approvals or permits shall be deemed a violation of this Master Mining Plan.

4. Recompiled Master Mining Plan: A recompiled Master Mining Plan shall be submitted within three (3) months after the adoption of the Operating Permit Resolution, compiling any changes directed by the BOCC or other agencies including detailed maps, descriptions and other materials that are required by Section IV.A and Section V of the Manatee County Phosphate Mining Code (Ordinance 04-39) and submit two (2) copies of the said documentation to the Director, in accordance with paragraph 16 below.

5. Notice: All notices, requests and annual progress reports provided for herein shall be in writing and shall be hand-delivered or sent through the U.S. Mail, addressed as follows:

To the County: Manatee County Parks and Natural Resources Department
1112 Manatee Avenue West
Suite 203
Bradenton, Florida 34205
Attn: Director

To Mosaic: Mosaic Fertilizer, LLC.
13830 Circa Crossing Drive
Lithia, Florida 33547
Attn: Russel Schweiss
Director, Land and Resource Strategies

OR addressed to either party at such other address or as such party shall hereafter furnish to the other party in writing. If any such notice, request or authorization is delivered by hand, it shall be deemed to have been received when so delivered. If any such notice, request or authorization is delivered through the U.S. Mail, it shall be sent by registered mail, postage paid and return receipt requested, and shall be deemed to have been delivered when deposited in the U.S. Mail.

6. Environmental Monitoring Program: The monitoring program for the Wingate Creek Mine shall incorporate by reference the monitoring program attached hereto as Exhibit C,

Monitoring Program Requirements for the Wingate Creek Mine. Revisions to this program must be consistent with the Manatee County Phosphate Mining Code* and must be approved in writing by the Director*. Mosaic shall submit all report, text and data required by the monitoring plan to Manatee County in a mutually acceptable electronic format. Hard copies will be supplied to Manatee County upon written request by the County.

- a. A summary of the results of the monitoring program shall be included as part of the Operating Permit annual progress report.
- b. Should monitoring results indicate that applicable water quality standards are not being met due to mining activities or any significant deviation or adverse trend from baseline dataset, the results shall be immediately reported to Manatee County (as required under the Operating Permit) and any other agency with jurisdictions and appropriate corrective measures shall be immediately implemented.
- c. All environmental monitoring information required by agencies other than Manatee County will be submitted to the County as described in Exhibit C.
- d. Private Well Water Quality Sampling Program for Winding Creek is described in Mining Operations Section C.2. Condition No. 19, below. A summary of the results shall be included in the Operating Permit annual progress report.

7. Site Cleanup: The Developer* shall abide by all Florida Department of Environmental Protection (FDEP) reclamation regulations regarding site cleanup and shall remove any structures or equipment existing at the cessation of the mining operation that cannot be put to an allowable use under a proposed post reclamation zoning district classification of the property. The costs for tear-down and removal of mine infrastructure, such as pipelines, storage areas and other facilities shall be included in the reclamation bonding pursuant to the Phosphate Mining Code*.

- a. Dredge Disassembly and Removal Plan: 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 is attached as Exhibit G of the MMP. The release of the general warranty surety and reclamation bond in accordance with the provisions of the Phosphate Mining Code shall be in compliance with Exhibit H – Amended and Restated Development Order Conditions, Section C, Mining and Reclamation Matters, Wingate Creek 2011 Amendment Conditions, No. 17.

8. Disaster and Hurricane Plans: Mosaic Minerals Operation 2017 Hurricane Season Procedures and Florida Release Reporting Policy and Procedure, effective July 20, 2017, shall be employed and included in revised Disaster and Hurricane Plans. Revisions to these plans shall be submitted to Manatee County with the Operating Permit annual progress report in accordance with the Phosphate Mining Code*.

9. Historical Resources: If any historical or archaeological resources are discovered during mining operations, land disturbing activities shall cease until trained cultural resource experts can examine the area and determine, in consultation with Florida Division of Historical Resources (DHR) and Manatee County, whether the site is significant and, to the extent appropriate, assess the measures which will be taken to avoid, minimize, or mitigate

any adverse impacts prior to continuation of mining activities.

In the event that human remains are found during mining activities, the provisions of Chapter 872 of the Florida Statutes (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's Archaeologist (if the remains are more than 75 years old).

Section C.2. Mining Operations

1. Hours of Operations: Hours for operations of the mine are typically 24 hours per day, 7 days per week. Mosaic agrees not to use horns for communications on the dredges. Where possible, LED lighting will be installed. Operational lighting will be mitigation by the installation of the visual buffer as set forth in Section C.2., stipulations 4 and 17 below. 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.

2. Setbacks: Mosaic will adhere to the approved setbacks, described in Exhibit H – Amended and Restated Development Order Conditions, Section C, Manatee County Code of Laws Condition No. 2.

3. Waste Clay Disposal: Developer* shall provide an annual update on the existing capacity of clay settling areas FM-1, FM-2 (Southeast Tract Mine), WE-1 (Wingate East Mine) and ISA in dry clay tons and the waste clay production schedule for Wingate Creek beneficiation plant in the annual reporting cycle. The waste clay capacity shall be expressly approved by the Director in writing.

- a. No operating permit for the mining of the initial clay settling area will be issued unless and until the applicant has demonstrated that it has secured (through necessary approvals) sufficient uncommitted storage capacity for the clays generated by such mining.
- b. The Developer* shall provide an annual update on the existing capacity of clay settling areas FM-1, FM-2 and WE-1 in dry clay tons and the waste clay production schedule for the next fiscal year. In no event shall clay production exceed the permitted storage capacity in Manatee County, including capacity for 8.1 MM tons of clay currently stored in Hardee County. The waste clay capacity shall be expressly approved by the Director in writing.

4. Clay Settling Area Abandonment: Developer* shall abandon the dam as specified in Rule 62-672, F.A.C. Prior to the abandonment of the Initial Clay Settling Area (ISA) southern dam wall, Mosaic shall formulate a landscape berm design. The sight berm will be in the same location as the ISA southern dam wall, will be at least 10 ft. in height, and will assist in blocking the view of mining the ISA from Winding Creek subdivision. The berm is subject to and shall be landscaped with vegetation as described below: The 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 ft. 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 in. caliper and a minimum of eight ft. in height.

- a. The berm design and landscape plan shall be submitted for review and express written approval of the Director*.

5. Best Possible Technologies: 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(S ½) & 30(NE 1/4) 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.

- a. The Developer* has or will install perimeter berm systems along the boundaries of the Wingate Creek Mine in order to prevent discharges of process and storm water from exiting the site.
- b. In order to minimize the potential of wind erosion of exposed surface soils, land clearing in advance of mining will be restricted to areas to be mined in the immediate future, especially during the winter and spring months when seasonal weather fronts can generate high winds. In addition, wind erosion potential will be reduced by the presence of grassed berms to be located around the perimeter of active mining and reclamation areas and the active use of a water truck.

6. Dredge Mining: The Developer* has committed to maintaining a dredge mine operation at Wingate Creek Mine.

7. Lake Manatee River Watershed: No new mining extraction activities are permitted within the historical Lake Manatee Watershed.

- a. Prior to the commencement of extraction activities in 2011 Amendment Area 2 and Area 3 (Map H-5), Mosaic shall have the watershed boundary staked in the field using available historical survey information.
- b. Mosaic's predecessor constructed an earthen berm between five and ten feet in height adjacent to mining activities to buffer and protect the Lake Manatee watershed property from mining and reclamation activities. Following the conclusion of mining activities, the berm shall be reshaped to grade into the existing natural topography.

8. Stockpiling: Stockpiling of overburden or sand tailing within 1500 feet (north) of the Winding Creek Subdivision in Sections 28 & 29 shall be limited to a maximum height of 25 feet.

9. Site Maintenance: Manual or chemical treatment shall be implemented if the following species coverage exceeds ten (10) percent within 300 feet of Duette Preserve and/or Wingate Creek Corridor- Level I and II species including: cogon grass, air potato, downy rose myrtle, Lygodium sp.

10. Reclamation Plan: Reclamation shall be conducted in accordance with Conceptual Reclamation Plan CPF or future Conceptual Reclamation Plan amendments and this MMP as follows:

- a. Reclamation of the 2011 Amendment Areas shall be subject to Ordinance 04-39, Appendix E, with the exception of those areas previously disturbed by mining activities in which case the Reclamation Manual Guiding Principles Section II, Flora Sections a, g-j, o, and u and Fauna Sections a, b, and c and Section III, Management/Monitoring Guidelines 1 will not apply (except as required in Condition 9 above). See Exhibit D and Map H-8.
- b. 2011 Amendment Areas shall adhere to Exhibit H- Amended and Restated Development Order Conditions, 2011 Amendment Conditions, Condition No. 7.
- c. All other reclamation shall be completed in accordance with Ordinance 81-22.
- d. The lake constructed as part of reclamation in Section 29, Township 34 South, Range 22 East, shall be contoured in accordance with the requirements of the approved Master Mine Plan and the Conceptual Reclamation Plan.
- e. Upon completion and release of reclamation, the land use will revert back to the underlying agricultural zoning and agricultural/rural future land use classification.
- f. The Developer* shall utilize the Department of Agriculture's recommendations for cattle grazing on the post reclamation habitat. If necessary, fences or other methods will be utilized to ensure cattle do not degrade reclaimed wetland habitat.

11. Wingate Creek: Wingate Creek along with functionally-integrated wetlands (FLUCFCS Codes 617 and 630) and associated 30-foot wetland buffers (FLUCFCS Codes 434 and 310) shall be preserved at the completion of reclamation. Preservation of these habitats address wildlife corridors and connectivity between Duette Preserve and downstream preserved habitats as outlined in the goals, objectives, and policies of the Comprehensive Plan. Preservation may be established by conservation easement or title transfer.

12. Wetland Preservation: The 2.5 acre reclaimed Freshwater Marsh shall be protected in perpetuity through the establishment of a conservation easement. Wetland mitigation will be conducted in accordance with Wetland Resource Permit No. 0095520, UMAM sheets (Exhibit 'F'), and the standards in the Phosphate Mining Code, 04-39.

13. Wetland Mitigation: Wetland Resource Permit No. 0095520 documents what wetland mitigation has been or will be provided for all wetland impacts. All wetland mitigation reports shall be submitted as part of the annual operating progress report.

14. Technology: Revision or upgrades to the operation and/or facilities required by other agencies with regulatory authority or upgrades such as the addition of equipment or technology to improve efficiencies may be approved administratively if they do not constitute a significant amendment to the Master Mining Plan.

15. Radiation: The Wingate Creek Mine* shall be in compliance with the radiation standards under Section 2-20-21 (12) of the Phosphate Mining Code where pre-mining background monitoring is available. For all other areas where mining and disturbance occurred prior to Ordinance 81-22 and background monitoring is not available in the mine, the weighted average soil concentration of radium for all such reclaimed lands, which are not reclaimed clay ponds, sand clay mix areas or are not reclaimed as lakes or wetlands, the top six ft. shall not exceed 8.8 pCi/gram.

16. Transportation Matters: 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 as depicted on Exhibit B, Map J-2.

- a. The transportation of phosphate rock is subject to the restrictions and limitations as detailed in Exhibit H – Amended and Restated Development Order Conditions, Section B.
- b. Mosaic shall be responsible for its phosphate rock carrier providing the County with a quarterly accident report as detailed in Exhibit H, Section B. In the event of a reportable accident, Mosaic shall notify Manatee County within twenty-four (24) hours.
- c. In the event of an accident resulting in a reportable pollution incident, Mosaic's carrier shall immediately contact the Florida Department of Transportation, Florida Department of Environmental Protection and Manatee County. 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. The Director, or his designee, shall be authorized to inspect clean-up upon reasonable notice.
- d. The trucking operation approved herein shall be conducted in accordance with Exhibit E, which is attached to the MMP and by reference incorporated herein.
- e. The restrictions on trucking operations provided herein are intended to apply only to trucking of phosphate rock and by-product rock from the Wingate Creek Mine. Any future proposals to truck phosphate rock on the Haul Route, except as provided herein, shall be subject to additional review by county, regional and state agencies as the need may arise.
- f. An annual monitoring program to provide peak-hour and average daily traffic counts at the project entrance, including a description of the types of vehicles making each trip, shall be instituted to verify that the projected number of external trips for the project are not exceeded. Counts will continue on an annual basis through project completion. This information shall be supplied in the required annual operating progress report.

17. Duette Bridge Replacement: Duette Bridge #134030 is approaching its planned useful lifespan and has been identified for replacement/upgrade during the timeframe of this MMP. Traffic may be suspended along Duette Road during construction/repairs.

- a. The projected cost of replacing the Duette Bridge is \$1,200,000.00. Developer's proportionate share of the cost of replacing the Duette Bridge, based on the thirty-two percent (32%) transportation impact of Developer's activities, is \$384,000.00. During the MMP Developer* shall maintain with the County a performance security equal to Developer's proportionate share of the replacement cost, to be adjusted annually in

accordance with the Engineering News Record (ENR) Construction Cost Index.

b. Subsequent to approval of this Master Mining Plan Amendment, Developer* shall file an application for a Significant Amendment to the Master Mining Plan which addresses the truck haul route(s) to be used by Developer* in the event of an unexpected bridge outage or structural instability.

c. In the event that an unexpected bridge outage or structural instability occurs that renders continued use of the Duette Bridge unsafe for Developer's phosphate truck traffic prior to any amendment to this Master Mining Plan, Developer* may file an emergency application for a Significant Amendment to the Operating Permit for consideration of an emergency approval for an alternative haul route(s) for its phosphate truck traffic. The alternative haul route will be identified in an amendment to the Operating Permit. The County shall have the right to draw against the Developer's performance security to pay the Developer's proportionate share of the cost of replacing the Duette Bridge, in the event of Developer's default.

d. Upon completion of the replacement of the Duette Bridge, the Developer* shall be released from the requirement to maintain a performance security with the County for its proportionate share of the replacement costs. Developer and the County may elect to enter into an agreement to provide for the replacement of the Duette Bridge in accordance with County practice and applicable law.

18. Landscape Berm: Mosaic shall maintain the 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 including the landscape berm which was designed and constructed in accordance with Exhibit D, Amended and Restated Development Order Conditions, General Mining and Reclamation Condition No. 10.

19. Private Well Water Quality Sampling Program: Mosaic shall continue the private well water quality sampling program in accordance with Exhibit H – Amended and Restated Development Order Conditions, General Mining and Reclamation Matters No. 12 and Wingate Creek 2011 Amendment Condition No. 13.

- a. Details of the sampling program shall be included in the Operating Permit, including a map denoting sampled and unsampled wells. A current Winding Creek Residential Lots Map is located in Exhibit C for reference.
- b. 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 Manatee County Parks and Natural Resources Department and the subject property owner.
- c. 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 its sole discretion, an alternative drinking water source until the contamination is remediated by Mosaic.

20. Water Quality Standards: Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards. The Developer* shall implement BMPs* for erosion and pollution control to prevent violation of state water quality standards. The Developer* shall maintain compliance with NPDES Permit No. FL0032522, as amended, and adhere to Exhibit H – Amended and Restated Development Order Conditions, Section C, General Mining and Reclamation Matters, Condition No. 16. All NPDES reports shall be submitted as part of the annual operating progress report.

21. Drainage Basins: The drainage basins in Wingate Creek Mine* shall be restored to their approximate pre-mining size and location as depicted in the Hydrologic and Hydraulic Evaluations (Ardaman and Ardaman, revised Sept. 2015) which will be included in the Recompiled Master Mining Plan.

22. Wildlife Habitat Management Plan: Developer* shall adhere to the conditions described in Exhibit H - Amended and Restated Development Order Conditions, 2011 Amendment Areas Condition No. 6 and continue to implement general protection measures and habitat management activities as described in the recompiled Master Mining Plan, which have been approved by Florida Fish and Wildlife Conservation Commission (FFWCC) and U.S. Fish and Wildlife Service (FWS). All listed species reports shall be submitted as part of the annual operating progress report.

23. Best Management Practices: Developer* shall utilize Best Management Practices* (including revegetation, reforestation, erosion control measures, etc.) for all mined or disturbed lands to accelerate and ensure the successful establishment of the natural vegetative associations that the reclamation areas are designed to support. Developer* shall adhere to Best Management Practices* described in Exhibit H – Amended and Restated Development Order Conditions, 2011 Amendment Conditions, No. 17.

24. Geotechnical: The Developer* shall operate and inspect the initial clay settling area in accordance with FDEP Administrative Rules Chapter 62-672, F.A.C. All geotechnical reports shall be submitted as part of the annual operating progress report.

25. Developer Commitments: Developer* shall abide with all Developer Commitments listed in Exhibit H – Amended and Restated Development Order Conditions which have not been expressly modified in this MMP.

26. Definitions: Except as specifically defined herein, terms used in this Resolution shall govern and be defined in a manner consistent with the Manatee County Chapter 2-20 Phosphate Mining Code and the Manatee County Comprehensive Plan (Ordinance 89-01, as amended).

- a. “Appendix E” shall mean Ordinance 04-39 Appendix E – Reclamation Manual.
- b. “Best Management Practices” or “BMP” shall mean practices that are technologically and economically practicable and most beneficial in preventing or reducing adverse impacts from mining activities. For more specific information and examples, see the same definition in the Manatee County Comprehensive

Plan.

- d. "Chapter 2-20 Phosphate Mining Code" – "Ordinance 04-39" shall mean the Manatee County Phosphate Mining Code Ordinance 04-39 as codified and found in Chapter 2-20, MINING AND RECLAMATION, of the Code of Laws of Manatee County, Florida.
- e. "Developer" shall mean Mosaic Fertilizer, LLC, its assigns, agents, and successors in interest as to the Wingate East Mine, Wingate Creek Mine, and Southeast Tract Mine.
- f. "Department" shall mean the Manatee County Parks and Natural Resources Department. Written approvals, as required herein, shall be issued by the Department Director, or his or her designee.
- g. "Director" shall mean the Director of the Manatee County Department of Parks and Natural Resources, or his or her designee.
- h. "ERP" shall mean the Mosaic Fertilizer, LLC Florida Department of Environmental Protection (FDEP) Environmental Resource Permit #095520-25 (ERP), its application and all other FDEP submittals / applications made to support the Wingate East Application and subsequent modifications and revisions.
- i. "Manatee County Phosphate Mining Ordinance" - shall mean Ordinance 81-22.
- j. "No Mine Area" – shall mean those habitats as illustrated in Map H-3 (attached in Exhibit B), and their adjacent Buffer Zones*, which will be preserved throughout mining and reclamation.
- l. "Southeast Tract" shall mean the 2,508 acres in Manatee County located in Section 36 in Township 33S, Range 22E, and Sections 1, 2, 11, 12, 13, and 14 in Township 34S, Range 22E, which is legally described in Exhibit A, previously known as Four Corners Mine Manson Jenkins Tract or Four Corners Mine Southeast (SE) Tract.
- n. "Wingate Corridor Parcel" shall mean the 103 acre parcel located in Sections 14, 22, and 23, Township 34 South, Range 22 East in Manatee County, which is legally described in Ordinance 08-20. The Wingate Corridor Parcel was included in the Southeast Tract Mine boundaries in Ordinance 08-20 but was procedurally moved to the Wingate East Mine in Resolution R-17-017 as it is wholly located within the parcel boundaries of Wingate East Mine.
- o. "Wingate Creek Mine" shall mean the 3,029 acre mine in Manatee County located in Sections 21, 22, 28 & 29, Township 34S, Range 22E, which is legally described in Ordinance 08-21.

- p. “Wingate East Mine” shall mean the 4,341 acres parcels, located in Manatee County, as described in Resolution R-17-017.

SECTION D. SEVERABILITY.

If any section, sentence, clause, phrase or word of this Resolution is for any reason held or declared to be unconstitutional, inoperative or void, such holding or validation shall not affect the remaining portions of this Resolution, and those remaining provisions shall be deemed to be valid as if such invalid parts had not been included herein.

SECTION E. TOLLING.

In the event of an appeal of or challenge to any portion of the Manatee County, state, regional or federal governmental approvals required to initiate mining activities at and within the Wingate Creek Mine*, the time period for conducting any activity authorized or required by this Master Mining Plan approval for the Wingate Creek Mine* shall be tolled until such time as the appeal or challenge has been finally decided by a tribunal of competent jurisdiction and all appellate remedies associated therewith have been exhausted unless Developer, at the Developer’s option, submits waiver(s) to the County. No action shall be required to amend this Master Mining Plan approval for the Wingate Creek Mine* or any attachment or exhibit thereto to effectuate the terms of this tolling provision.

SECTION F. EFFECTIVE DATE.

This Resolution shall become effective upon its adoption by the Board of County Commissioners of Manatee County, Florida.

(This space intentionally left blank)

ADOPTED, with a quorum present and voting, this ____ day of May, 2018.

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

By: _____
Chairperson

ATTEST: Angelina M. Colonnese
Clerk of the Circuit Court and Comptroller

By: _____
Deputy Clerk

LIST OF ATTACHMENTS

- Exhibit A - Property Description
- Exhibit B – Mining and Reclamation
- Exhibit C - Monitoring Program Requirements
- Exhibit D - Ordinance 04-39 Reclamation Manual Guiding Principles with
Respect to Wingate Creek Mine Master Mining Plan Amendment Areas
- Exhibit E – Trucking Operation Requirements
- Exhibit F – Prior 200 Ft. Setback Wetland UMAM Summary
- Exhibit G - Dredge Disassembly and Removal Plan
- Exhibit H – Amended and Restated Development Order Condition