

**Master Mining Plan
RESOLUTION R-18-013**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AMENDING THE EXISTING MASTER MINING PLAN FOR THE SOUTHEAST TRACT TO AUTHORIZE THE FOLLOWING; ESTABLISHING NEW OR MODIFIED CONDITIONS OF APPROVAL FOR MINING ACTIVITIES WITHIN THE SOUTHEAST TRACT; REMOVING ±103 ACRES OF LAND IN SECTION 22, 23, 24, 26 & 27, OR PARTS THEREOF, IN TOWNSHIP 34S, RANGE 22E; REVISING THE WASTE DISPOSAL PLAN TO INCLUDE WASTE CLAYS FROM THE WINGATE EAST MINE; UPDATING THE MINE AND RECLAMATION SCHEDULES TO TAKE INTO ACCOUNT THE ABOVE CHANGES; INCORPORATING AMENDED AND RESTATED CONDITIONS FROM THE DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER ORDINANCE 08-020; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR AN EXPIRATION DATE; APPROVING A BUILDOUT DATE FOR MINING ACTIVITIES UNTIL SEPTEMBER 30, 2037 AND RECLAMATION UNTIL SEPTEMBER 30, 2042.

WHEREAS, the Board of County Commissioners of Manatee County, Florida (hereinafter “Board”) has approved a Development Order for a Development of Regional Impact (DRI-235), a Master Mining Plan, and an Operating Permit for a phosphate mine known as the Southeast Tract, which is located in Manatee County; and

WHEREAS, Mosaic Fertilizer, LLC currently owns and operates Southeast Tract Mine* parcels in fee simple ownership as described in Exhibit A; and

WHEREAS, the Development of Regional Impact (DRI) Development Order, Ord. 08-20, for the Southeast Tract Mine* was originally permitted as the Four Corners Mine Southeast Tract Addition in Development Order Ord. 00-49;

WHEREAS, Resolution R-00-271 approved the Master Mining Plan and Operating Permit for the Southeast Tract and Resolution R-08-009 amended the Master Mining Plan; and

WHEREAS, on April 28, 2017 Mosaic Fertilizer, LLC (hereinafter Mosaic) filed with Manatee County an amendment to the Master Mining Plan for the Southeast (SE) Tract to remove the Wingate Corridor parcel from the Southeast Tract Mine, update the Waste Disposal Plan to use clay settling areas FM-1 and FM-2 for storage of waste clays from Wingate East Mine, to extend the life of mine and life of reclamation and update the mining sequence plan and reclamation sequence plan accordingly; and

WHEREAS, on December 6, 2017 Mosaic filed with Manatee County an application for a Local Development Agreement to address certain commitments and vested rights in DRI-235 in conjunction with the amended Master Mining Plan for the Southeast Tract; and

WHEREAS, notice of the public hearing 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 Southeast Tract Master Mining Plan amendment, and has solicited,

received and considered all testimony, reports, comments, evidence and recommendation from interested citizens, County agencies, and the applicant; and

WHEREAS; the Manatee County Planning Commission has filled a recommendation on this application; 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 Manatee County Board of County Commissioners held a duly-noticed public hearing on the Southeast Tract Master Mining Plan amendment, and has solicited, received and considered all testimony, reports, comments, evidence and recommendation from interested citizens, County agencies, and the applicant; and

WHEREAS; the Manatee County Board of County Commissioners finds that the application to amend the Master Mining Plan meets the standards for Master Mining Plan contained in Ordinance 04-39* and is consistent with the Manatee County Comprehensive Plan (Ordinance 89-01, as amended); and

WHEREAS, both the Board and Mosaic agree that each of the conditions, limitations and restrictions included in this amended Master Mining Plan, in conjunction with the Local Development Agreement LDA-17-03, are reasonably necessary in order to avoid conflicts that might otherwise result from the activities being permitted in the Master Mining Plan amendment and the Development conditions and Developer commitments that were originally set forth in DRI Development Order.

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

A. AMENDMENT OF PRIOR SOUTHEAST TRACT MASTER MINING PLAN.

This Resolution (R-18-013) establishes an amended and restated Master Mining Plan Approval for the Southeast Tract Mine*. All prior Master Mining Plans for Southeast Tract 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 Southeast Tract Mine shall continue under the terms and conditions of the Master Mining Plan approved pursuant to R-08-009, unless otherwise agreed or authorized, from such time as Resolution R-18-013 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-18-013, Southeast Tract Mine* Master Mining Plan R-08-009 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 Southeast Tract Mine* as approved in R-14-002 remains in full force and effect, unless amended or superseded.

B. FINDINGS.

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

1. All **“WHEREAS”** clauses of this Resolution are adopted as findings of fact.
2. The real property which is the subject of this application is titled the Southeast Tract Mine (approximately 2,508 acres), legally described in Exhibit A and shown on Figure A, both of which are attached to and made part of this Resolution.
3. The owner and Developer of the Southeast Tract Mine* and the Wingate East Mine* and 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. On April 23, 2018, the Planning Commission held a duly-noticed public hearing regarding the application for the Master Mining Plan amendment for the Southeast Tract Mine*, in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended), and the Manatee County Comprehensive Plan (Ordinance 89-01, as amended), Manatee County Code of Ordinances Chapter 2-20, Phosphate Mining Code* (Ordinance 04-39*), and has further considered the testimony, comments, and information received at the public hearing.
7. The Board of County Commissioners has received and considered the report of the Planning Commission concerning the Application for the Master Mining Plan as it relates to the real Property described in Exhibit A of this Resolution.
8. On May 24, 2018, the Board of County Commissioners held a duly-noticed public hearing regarding the Application for the Master Mining Plan amendment for the Southeast Tract Mine*, in accordance with the requirements of the Manatee County Comprehensive Plan (Ordinance 89-01, as amended), and Manatee County Phosphate Mining Code* (Ordinance 04-39*), and has further considered the testimony, comments and information received at the public hearing.
9. The amendments to the Master Mining Plan for Southeast Tract Mine* are found

to be consistent with the requirements of the Manatee County Comprehensive Plan and Manatee County Chapter 2-20 Phosphate Mining Code*.

10. The approval granted pursuant to this Resolution authorizes the Developer* to apply for an amended Operating Permit for Southeast Tract Mine* to be considered for approval pursuant to the Chapter 2-20 Phosphate Mining Code*, but does not entitle the Developer* to receive such approval.
11. 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 Southeast Tract 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-17-03. 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 Mining Plan: The application requests the County to 1) extend the Mine's buildout dates (i.e. mining activities termination dates and reclamation dates; 2) remove Wingate Corridor Parcel* from mine boundary (now a part of Wingate East Mine*); 3) authorize the storage of waste clays from Wingate East Mine* in clay settling area FM-1 and FM-2; and 4) amend the reclamation schedules and enforcement. Accordingly, the Recompiled Master Mining Plan for Southeast Tract Mine* incorporated herein by reference is amended as follows:

- a. Section 2 of the approved Master Mining Plan is changed to recognize Russell Schweiss as the applicant agent of the Southeast Tract Mine*.
- b. Section 3 of the approved Master Mining Plan is changed to update the legal description to remove the Wingate Corridor Parcel*.
- c. Section 5 of the approved Master Mining Plan is amended to update the mining and reclamation sequence and schedules.
- d. Section 10 of the approved Master Mining Plan is amended to authorize the modification of the waste clay disposal plan to allow Wingate East Mine* clays to be deposited in Southeast Tract* clay settling areas.
- e. Section 20 of the approved Master Mining Plan is amended to reflect updated aerial photographs and mining and reclamation completed to date.
- f. Section 24 of the approved Master Mining Plan is amended to update the reclamation plan based on this application and the non-significant amendment of 2011.
- g. Section 25 of the approved Master Mining Plan is amended to update the Engineer's Certification.

This Master Mining Plan was developed in conjunction with Local Development Agreement, LDA No. 17-03.

The approval granted pursuant to this Resolution authorizes the Developer* to apply for a new Operating Permit or the transfer of or amendment to the Operating Permit for the Southeast Tract

Mine* which will include existing vested rights, as applicable to the Operating Permit to be considered for approval pursuant to the Phosphate Mining Code*, but does not entitle the Developer* to receive such approval.

Section C.1. General Conditions

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

Southeast Tract	Overall Acreage	Wetlands	Uplands
Total Area	2,508	545.3	1,962.7
Undisturbed/Preserved	356	240	116
Undisturbed due to ERP/CRP mod**	65		
Reclamation to Date***	985	381*	604

* Wetland reclamation to total 509.8 acres when complete for a 1:1.7 ratio.

** Non-significant change to mining sequence and reclamation sequence in R-08-009 due to regulatory setback from Audubon’s Crested Caracara nest, approved by PNRD on September 22, 2011.

*** Reclamation projected in 2018 includes 10 acres of BMP* reclamation. Additional reclamation will not commence again until 2036 when mining activities in clay settling areas, associated corridors and supporting facilities are scheduled to cease.

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. Actual mining and reclamation acreages will be documented in the annual reports submitted to the Director*.
 - a. The unmined portion of the West Fork of Horse Creek shall be enhanced with 12.4 acres of tree planting, exotic vegetation treatment, removal of creek crossing spoil, and addition of stumps and woody debris to improve habitat diversity. Trees shall be planted at a density of 400 trees/acre.
 - b. The reclamation plan contains 133 acres of headwater marsh in Section 2, West Fork stream system and connected wetlands of 105 acres, and isolated wetlands adjacent to the West Fork stream system of 154 acres. Reclamation of the northern reach of the West Fork Horse Creek floodplain shall proceed in accordance with Manatee County reclamation modification approval letter dated September 22, 2011 and revised Maps 35G-1, 35G-2 and Figure 13-1.
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 Southeast Tract 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 months after the adoption of the Master Mining Plan Resolution, compiling any changes directed by the Board or other agencies including detailed maps, updated tables, descriptions and other materials that are required by Section IV.A and Section V of the Phosphate Mining Code* and submit three (3) copies of the said documentation to the Director*, in accordance with paragraph 5, below.
5. Notice:
All notices, requests and annual 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 Environmental Monitoring Program for Southeast Tract Mine* is incorporated by reference and attached hereto as Exhibit C. Revisions to this program must be consistent with the Ordinance 04-39* and must be approved in writing by the Director*.
 - a. The Developer* shall continue monitoring through the end of mine life. All reports, text and data required by the monitoring plan shall be submitted to the County in a mutually acceptable electronic format. Hard copies will be supplied to Manatee County upon written request by the County.

- b. Surface and Groundwater Quality Monitoring shall continue through the end of mine life. The water quality monitoring program shall contain sufficient surficial water quality monitoring stations to characterize runoff from the Southeast Tract Mine*.
 - c. A summary of the results of the monitoring program shall be included as part of the Operating Permit annual progress report.
 - d. 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 is observed, 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.
 - e. All environmental monitoring information required by agencies other than Manatee County will be submitted to the County as described in Exhibit C.
7. Hazardous materials: Storage of hazardous materials in excess of 220 lbs., or acutely hazardous materials in excess of 2.2 lbs. for any day of the month shall be prohibited within the Peace River Watershed in accordance with the Land Development Code. Furthermore, all hazardous and acutely hazardous material storage shall be prohibited within any 25-Year Floodplain* or 100-Year Floodplain of any inflowing watercourse on the project site or within 200 feet of any FDEP jurisdictional wetland line associated with any inflowing watercourse, whichever is greater. Hazardous and acutely hazardous material shall be defined as and listed in 40 CFR 261 and as adopted within Chapter 62-730, FAC, and Section 403.7, Florida Statutes.
8. 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*.
9. Historical Resources: Any historical or archaeological resources discovered during mining operations within the Southeast Tract Mine* shall be immediately reported to the Florida Division of Historical Resources (DHR) and the ultimate disposition of such resources shall be determined in cooperation with the DHR and Manatee County before activities which would disturb the resources are allowed to continue.
10. Disaster and Hurricane Plan: Mosaic Minerals Operation 2017 Hurricane Season Procedures and Florida Release Reporting Policy and Procedure, effective July 20, 2017, shall be employed and included in the recompiled MMP. Revisions to these plans shall be submitted to Manatee County with the Operating Permit annual progress report in accordance with the Phosphate Mining Code*.

Section C.2. Mining Operations

1. **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. Wherever possible, leach zone material shall be covered by graded spoil to lessen the potential of increased radiation levels on reclaimed lands.
 - a. Water trucks will be employed on access roads during site preparation, mining and reclamation to minimize air quality impacts.
 - b. Additional Best Management Practices* are included in Exhibit D – Amended and Restated Development Order Conditions, in Surface Water and General Conditions Sections.

2. **Erosion Control Measures:** Erosion control measures such as siltation screens / hay bales shall be used to prevent surface water quality degradation. Best Management Practices* shall be employed throughout preparation, mining and reclamation to minimize surface and groundwater quality impacts including water return ditches and berm system.
 - a. Disturbed ground shall be seeded with quick-germinating cover crops to minimize air and water quality impacts.

3. **Buffer Zones*:**
 - a. The Developer* shall provide thirty-foot (30') wide buffers around all wetland habitats in No Mine Areas* to provide an upland transition into the wetland areas and to protect the natural systems from development impact.
 - b. A thirty-foot (30') wide buffer shall be established around all post-reclamation wetland habitats, except wetlands on the clay settling areas.

4. **Hours of Operations:** Hours for operations of the mine are typically 24 hours per day, 7 days per week.

5. **Setbacks:** Southeast Tract Mine* has adhered to and shall continue to adhere to the setbacks described in Exhibit D – Amended and Restated Development Order Conditions, in Mining Operations Section.

6. **Clay Settling Areas:**

The clay settling areas FM-1 and FM-2 shall contain an amount of waste clay, as described in Life of Mine Waste Disposal Plan in R-17-017 and on Table 10-1. The following items shall apply:

 - a. FM-1 and FM-2 were designed and constructed in accordance with the standards of Chapter 62-672, FAC – Minimum Requirements for Earthen Dams, Phosphate Mining, and Processing Operations and Table 3-4-A in Exhibit B.
 - b. FM-1 and FM-2 shall continue to operate in accordance with the standards of Chapter 62-672, FAC.

- c. No additional clay from Ona Mine (excluding the capacity for 8.1 MM tons of clay currently stored in Hardee County as indicated in the approved Waste Disposal Plan) are permitted to be stored in Manatee County.
 - d. All earthen embankments shall be inspected and maintained in accordance with the standards of Chapter 62-672, FAC, as well as all other applicable local, state, and federal requirements.
 - e. Spill Notification, Spill and Contingency plans shall continue to be maintained in accordance with Ordinance 04-39*.
 - f. Manatee County shall be copied on all permitting plans and construction drawings for Ona Mine clay settling area O-1A which is planned to share a common wall with FM-1.
 - g. All dam inspection reports shall be submitted as part of the Operating Permit annual progress report.
7. Reclamation Plan: The Developer* shall reclaim all mined or disturbed land on Southeast Tract Mine* to Phosphate Mining Ordinance* or FDEP reclamation standards, whichever is more stringent. Reclamation and revegetation will proceed immediately after mining activities cease in each parcel and in no case shall exceed the schedule for reclamation outlined in Table 35-5 and depicted on Map H-7. Reclamation of Southeast Tract Mine* shall be completed in accordance with Manatee County Phosphate Mining Ordinance*, except where Appendix E* standards can be met as follows:
- a. Manual or chemical treatment shall be implemented if the following species coverage exceeds five (5) percent within 300 ft. of No Mine Areas* and offsite native habitats - Level I and II species including: Brazilian pepper, cogon grass, air potato, downy rose myrtle, climbing fern, and hydrilla.
 - b. Fences bounding or crossing rehabilitated natural plant communities or RAs should be of a design that will not to inhibit the normal movement of wildlife.
 - c. The Developer* shall monitor and correct for any point/nonpoint sources of pollution including erosion.
 - d. Where feasible, the reintroduction of locally extirpated, rare, and/or listed floral and faunal species should be encouraged once the plant community has developed sufficiently to support the species.
 - e. The Developer* shall be responsible for maintenance of all reclaimed areas until such times that those areas are approved as reclaimed by Manatee County in accordance with the procedures established in Ordinance 04-39*.
8. Radiation: The Southeast Tract Mine* shall continue to adhere to the Radiation conditions described in Exhibit D – Amended and Restated Development Order Conditions, in Mining Operations Section.
9. Wetlands:
- a. Southeast Tract Mine* has adhered to and shall continue to adhere to the Wetland conditions described in Exhibit D – Amended and Restated Development Order Conditions, in Wetland Section.
 - b. Mitigation areas monitoring results shall be included in the Manatee County Operating Permit annual progress report.

10. Floodplain Restrictions:
 - a. The 25-year Floodplain* in Sections 13 & 14, Twp. 34S, Rng. 22E shall not be disturbed by mining activity. The 25-year Floodplain* in Section 11 & 12 will be mined and restored according to the plan as shown on Map H-9 and Map H-3.
 - b. No impervious surfaces shall be constructed in the 25-year Floodplain*.

11. Utility and Pipeline Crossings: Utility and pipeline crossings of the tributaries shall, at a minimum, meet the conditions described in Exhibit D – Amended and Restated Development Order Conditions, in General Conditions Section.

12. Wildlife Habitat Management Plan: Developer* shall continue to implement general protection measures and habitat management activities as described in the recompiled Master Mining Plan, Appendix 23-B Wildlife Habitat Management 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 Operating Permit annual progress report.
 - a. In the event that any listed species listed in Rule 68A-27.003 – 68A-27.005, F.A.C. are observed nesting or breeding at the Southeast Tract Mine* in an area disturbed by mining operations, the Developer* shall immediately notify the FFWCC and implement the recommended measures for species protection.
 - b. Implementation activity associated with the approved Wildlife Habitat Management Plan or listed species permitting will be reported in the Manatee County Operating Permit annual progress report.
 - c. Reclamation of lands in the primary and secondary buffer zones of eagle nest MN041 shall be completed in accordance with state and federal guidance for work conducted during non-nesting season.

13. Roads and Access: All non-public roads, streets, bridges, and other access ways located upon the site shall be constructed and maintained by the Developer* without any cost or obligation to Manatee County.
 - a. There will be no change in the number of employees, schedules, or the route accessing the property.
 - b. No new employee access points will be located along Duette Road in Manatee County.
 - c. Existing employee access points include: intersection of SR 37 and Four Corners Mine/Fort Green Mine entrance road (in Polk County); intersection of SR 62 and internal mine access road (in Hardee County); and intersection of Duette Road and mine access road (in Manatee County).

14. Myakka River Drainage Basin MYR(1): Mining and reclamation of the area within the Myakka River watershed shall proceed as specified in the recompiled MMP. Any deviation not specifically required by Manatee County shall trigger a signification amendment to the MMP.

15. Drainage Basins: The drainage basins in Southeast Tract Mine* shall be restored to their approximate pre-mining size and location as depicted in the Comparative Hydrologic Analysis of Fort Green Mine Conceptual Plan MOS-FG-CPJ (revised July 2010) and included in the recompiled MMP.
 - a. The post-reclamation flood flow peaks shall be in accordance with the rates established in the Comparative Hydrologic Analysis of Fort Green Mine Conceptual Plan MOS-FG-CPJ (revised July 2010) and included in the recompiled MMP. Velocities, volumes, and rates of flow will be the same or slightly lower in post-reclamation condition.
 - b. The upper reaches of the West Fork Horse Creek will be reclaimed in post-reclamation condition to a flat, broad floodplain vegetated by herbaceous and forested wetland species.

16. 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.

17. Water Quantity Protection: A comprehensive groundwater and surface water level and flow monitoring program shall be conducted for the life of the mine (through reclamation release), in accordance with the Environmental Monitoring Program (Exhibit C), as described above, and the Integrated Water Use Permit No. 2011400.25 and/or ERP*, and subsequent permit modifications.
 - a. Prior to any clearing or mining operations, areas to be disturbed shall be severed from adjacent wetlands and waters of the state. This severance includes the construction of an isolation berm and ditch adjacent to, but upland of, the No Mine Areas* and/or undisturbed wetlands.
 - b. When adjacent to No Mine Areas*, other surface waters, or offsite private property, monitoring wells and staff gauges shall be installed and water levels shall be monitored as specified in Exhibit C.
 - c. During the dragline mining operations, water table maintenance ditches adjacent to No Mine Areas* shall be charged with water to maintain base flows and/or minimize stress to the vegetation in the No Mine Areas*. Staff gauges will be installed in the water table maintenance ditches and water levels in the water table maintenance ditches shall be maintained at levels sufficient to support the normal seasonal water level fluctuations in the wetlands as determined from the baseline monitoring. Water levels in the water table maintenance ditches shall be monitored daily as specified in Exhibit C.
 - d. The protective ditch and berm shall remain in place until mining operations and reclamation have been completed and monitoring indicates that no adverse impacts have occurred. At that time, the berm and ditch shall be returned to grade and revegetated according to MMP reclamation criteria.
 - e. Developer* shall follow Water Use Permit No. 2011400.25, as issued and/or amended by the SWFWMD for protection of the undisturbed wetlands.

- f. Water levels in recharge ditches shall be maintained at levels sufficient to support normal seasonal water level fluctuations in the wetlands as determined from baseline monitoring. Water levels in recharge ditches shall be monitored daily and results made available to County personnel during inspections upon request.
 - g. Should the water levels in the recharge ditches fail to be maintained at levels sufficient to support the normal seasonal water level fluctuation in No Mine Areas* or unmined wetlands are adversely impacted due to mining activities, the Developer* shall cease or reduce dewatering activity in the affected sub-basin, notify the FDEP and Manatee County in writing, propose remedial measures, and then undertake approved measures to correct the hydroperiod imbalance. Upon approval, the Developer* shall take remedial actions, which may include altering mining operations and reclamation procedures, modifying water table maintenance ditch, limitations on surrounding activities, water augmentation, additional protection measures and / or additional monitoring, as necessary.
18. Surface Water Flow: Flow will be monitored in the West Fork of Horse Creek during mining operations and reclamation using continuous gauges (Exhibit C, Figure 1). Low flows shall be within the historical seasonal ranges for these sites. If this is not the case, Developer* shall notify the County and FDEP and take remedial actions, such as but limited to, modifying the water table maintenance ditch, increase water levels in the water table maintenance ditch, use recharge wells, if permitted, altering mining and reclamation procedures, as necessary.

Section C.3. Definitions

Except as specifically defined herein, terms used in this Resolution shall govern and be defined in a manner consistent with the Manatee County 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.
- c. “Buffer Zone” shall mean those upland areas adjacent all wetlands and native upland habitats in Preservation Areas that are vegetated with native vegetation. These buffer zones are to be preserved as part of the Preservation Areas.
- 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, their assigns, agents, and successors in interest as to the Wingate East Mine, Wingate Creek Mine, and

Southeast Tract.

- 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-7 (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.
- m. “25-Year Floodplain” shall mean the areas labeled as “Extent of 25YR 24HR Flood Elevation” on Map 5 in Exhibit B. The location of the 25-Year Floodplain was determined by a process of calculation of the elevation of the highest water level following a 25-year storm event, and the determination of the location of that water level using available topographical surveys, using standard practices and based upon pre-mining conditions. The 25-Year Floodplain is distinguished from the 100-Year Flood Prone Areas or 100-Year Flood Zones as shown on FEMA maps.
- 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 invalidation 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 Southeast Tract Mine*, the time period for conducting any activity authorized or required by this Master Mining Plan approval for the Southeast Tract 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 Developer's option, submits waiver(s) to the County. No action shall be required to amend this Master Mining Plan approval for the Southeast Tract Mine* or any attachment or exhibit thereto to effectuate this tolling provision.

SECTION F. EFFECTIVE DATE.

This Resolution shall become effective upon 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
MANATEE COUNTY, FLORIDA**

By: _____
Chairperson

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

By: _____
Deputy Clerk

LIST OF EXHIBITS

Exhibit A	Legal Description
Exhibit B	Mining and Reclamation Plan
Exhibit C	Environmental Monitoring Program
Exhibit D	Amended and Restated Development Order Conditions

EXHIBIT A

**LEGAL DESCRIPTION
MANATEE COUNTY, SOUTHEAST TRACT MINE**

IN TOWNSHIP 33 SOUTH, RANGE 22 EAST, MANATEE COUNTY, FLORIDA:

SECTION 36: The NE 1/4 of the SE 1/4

IN TOWNSHIP 34 SOUTH, RANGE 22 EAST, MANATEE COUNTY, FLORIDA:

SECTION 1 : All.

SECTION 2 : That part of the S 1/2 lying east of the easterly maintained right of way line of Walker Road, as said road existed on October 31, 2000.

SECTION 11: That part of the E 1/2 lying east of the easterly maintained right of way line of Walker Road and Duette Road, as said roads existed on October 31, 2000; and that part (if any) of the NW 1/4 lying east of the aforementioned easterly maintained right of way line of Walker Road.

SECTION 12: All.

SECTION 13: All LESS the S-1/2 of SE-1/4 of SW-1/4
and LESS the S-1/2 of SW-1/4 or SE-1/4.

SECTION 14: All LESS that part lying west of the center line of a certain county-maintained road run northwesterly-southeasterly through said Section 14, the excepted part being that part of said Section 14 conveyed by George L. Manson to Harry Lesnick under deed dated July 22, 1959, recorded in Deed Book 409, page 265, Manatee County, Florida.

Containing 2,508 acres, more or less.