

RESOLUTION R-18-013 – MASTER MINING PLAN

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.

The Southeast Tract mine consists of a 2,508 acre parcel of real property located in Section 36, Township 33S, Range 22 E, and Sections 1, 2, 11, 12, 13 and 14 in Township 34S, Range 22E, Manatee County, Florida.

P.C.: April 23, 2018

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

RECOMMENDED MOTION

Based upon the staff report and evidence presented, comments made at the Public Hearing, the action of the Planning Commission and finding the request to be CONSISTENT with Manatee County Ordinance 04-39 and the Manatee County Comprehensive Plan (Ordinance 89-01, as amended), as conditioned herein, I move to recommend ADOPTION of Resolution R-18-013, Master Mining Plan for Southeast Tract Mine as recommended by staff.

CASE SUMMARY

APPLICANT: Mosaic Fertilizer, LLC

REQUEST: Approval of a Resolution amending the Master Mining Plan for the Southeast Tract Mine

**STAFF
RECOMMENDS:** APPROVAL

DISCUSSION:

This request is for approval of an amendment to the Southeast Tract Mine Master Mining Plan (MMP) to be compatible with the recently approved Wingate East MMP, Resolution R-17-017. The amendment proposes to adjust the waste clay storage plan, legal description, hydrology study, and life of mines and life of reclamation. This amendment also incorporates amended and restated conditions from the Development of Regional Impact Development Order (DRI DO). The DO is to be rescinded in conjunction with the approval of LDA 17-03. This amendment is consistent with the Phosphate Mining Code, Ordinance 04-39 (codified as Chapter 2-20 of the Code of Ordinances), and the Comprehensive Plan.

BACKGROUND:

The requested MMP concerns the continuation of mining activities at the Southeast Tract Mine, which have been ongoing for approximately fourteen years. The Southeast Tract Mine (aka Four Corners Mine Southeast Tract), consisting of \pm 2,508 acres, is east of Duette Road, south of State Route 62, and north of McLeod Road in Township 33 South, Range 22 East, Section 36 and Township 34 South, Range 22 East, Sections 1, 2, 11, 12, 13, and 14, approximately 2 miles north of SR 64; in Duette, Florida. The site is located adjacent to Wingate East and Fort Green Mine and nearby to the Wingate Creek Mine. The Southeast Tract Mine was submitted as part of the Four Corners Mine MMP Amendment on October 22, 1999. The approval to mine the Four Corners Mine Southeast Tract Addition was given on December, 19, 2000 and became effective on June 17, 2003. Resolution R-00-271 combined both the MMP and the Operating Permit in one approval under Ordinance 81-22 (Phosphate Mining Ordinance). Ore beneficiation and waste clay storage for the Southeast Tract was permitted to occur at Four Corners Mine or Ft. Green Mine.

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. Mosaic Fertilizer, LLC has fee simple ownership of all of these properties.

The Phosphate Mining Code (Ordinance 04-39) was adopted on November 2, 2004 which required separate MMP and Operating Permit approvals. Southeast Tract Amendment MMP R-08-009, approved on May 1, 2008, linked together the two operations at Wingate Creek Mine and the Southeast Tract through the Wingate Corridor.

STATUS OF MINING ACTIVITIES:

Extraction activities on the Southeast Tract Mine have been completed. Clay settling areas, FM-1 and FM-2, have been constructed and are in operation. Reclamation and monitoring activities are ongoing. Wetland impacts authorized under R-08-009 included 304 acres. To date all wetland impacts due to mining and disturbance have occurred. Currently 985 acres of land has been reclaimed through re-vegetation, including 381.6 acres of wetlands.

STATUS OF MASTER MINING PLAN APPLICATION:

- May 2, 2017, Mosaic Fertilizer, LLC filed an Application for a MMP amendment for the Southeast Tract, pursuant to the provisions of the Phosphate Mining Code, with subsequent Additional Information submittals.
- The Application for MMP amendment was deemed complete on January 12, 2018 according to the requirements of Ordinance 04-39 Section IV.C.
- The Southeast Tract meets the standards of the Phosphate Mining Code except when specifically stated in Resolution R-18-013 to meet the standards of Ordinance 81-22, as previously approved in Resolution R-08-009.
- Notice of the MMP public hearing was published on May 9, 2018, in newspapers of local circulation.

STANDARDS FOR MASTER MINING PLAN APPROVAL

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

Staff Response: Yes, the original Southeast Tract Mine MMP and subsequent MMP amendment were found to be consistent, and this amendment to those approvals are also consistent as stated above. See Appendix A: Consistency with Comprehensive Plan Summary for further details (attached).

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: Yes. The conditions, limitations and restrictions set forth in the proposed Master Mining Plan will allow for the orderly development of mineral resources in a manner compatible with the overall development of the county, and in consideration of the cumulative effects of other mining activities.

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

Staff Response: Yes. All infrastructure is in place under setbacks limitations and waivers as previously approved in R-08-009 and meeting the standards of Ordinance 81-22. This is a vested rights item pursuant to Section III.5 of Ordinance 04-39.

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

Staff Response: Yes. By extending the use of the clay settling areas on Southeast Tract, additional clay settling areas do not have to be built. Existing infrastructure will be used. There are no additional impacts to wetlands or environmental resources on Southeast Tract as a result of this approval.

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, and a water quality and water quantity monitoring program are already in place on the site.

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 would be limited, for the most part, to agricultural uses.

7. Is clay settling area located on lands that have been previously mined, or which have approval for future mining?

Staff Response: Yes. Clay settling areas FM-1 and FM-2 are located on lands previously mined.

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

Staff Response: Transportation conditions are addressed in the Wingate Creek Mine Master Mining Plan.

9. 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 activities will not be conducted in the Lake Manatee River Watershed.

10. Will mining activities be in compliance with all local, State and federal noise regulations?

Staff Response: Yes. Mining activities will continue to comply with all local, State and federal noise regulations.

11. Will lighting associated with mining activities be in compliance with Section 806 of the Land Development Code, as amended, or its successor provisions?

Staff Response: Yes, all lighting associated with mining activities will continue to comply with Section 806 of the Land Development Code.

ATTACHMENTS:

**Appendix A, Consistency with Comprehensive Plan Summary
Resolution R-18-013, 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 amendment is compatible with the Manatee County FLUM.

Policy 2.1.2.2-- Limit urban sprawl by prohibiting all future development to the area east of the established FDAB except as follows:

- a.) small commercial development providing for the needs of the agricultural community, and**
- b.) Agro-Industrial and industrial development where associated with approved mining operations.**

Response: The requested MMP amendment does not include the request for the construction of any structures and thus has no impact with respect to urban sprawl.

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 MMP amendment does not propose new or expanded development.

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 ongoing activities within the active Southeast (SE) Tract. 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 increased efficiencies and economies. This results from the interchange of ore and products of mining between the SE Tract, the Wingate Creek Mine infrastructure and Wingate East. In addition,

approval of the MMP amendment will result in minimizing the Wingate East clay footprint through utilization of available storage in CSA's FM-1 and FM-2. The uses are all compatible.

Policy: 2.2.1.1-Establish and define the following land use categories comprising, in aggregate, a part of the Future Land Use Classification System, which shall be utilized to prepare the Future Land Use Map required by §163.3177(6)(a), Florida Statutes. No land shall be designated on the Future Land Use Map using any future land use category or overlay district other than those listed in Table 2-1 as part of the Future Land Use Classification System. The future land use categories and overlays listed in this summary table are more completely defined and described in other policies contained within this Element.

Response: The requested MMP amendment does not include any changes from the approved future land use categories.

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

Policy: 2.2.1.8.1-Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas which have a long term Agricultural or Rural Residential character, such areas primarily located east of the "Future Development Area Boundary". The Southeast Tract is located east of the F.D.A.B.

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 requested MMP amendment does not include any changes from the approved future land use categories.

Policy: 2.2.2.1-Establish and define the following overlay districts described and defined in: Policies 2.2.2.2 through 2.2.2.7 and comprising the second part of the future land use classification system which shall be utilized to prepare or amend the Future Land Use Map required by § 163.3177(6)(a),

F.S. No land shall be designated on the Future Land Use Map using any overlay district other than those listed in the summary table contained in Policy 2.2.1.1 above. Policies applicable to these overlay districts are described through various elements of this Comprehensive Plan, as listed in Policies 2.2.2.2 through 2.2.2.7 below.

Policy: 2.2.2.2-WO-M: Establish the Watershed Overlay District as follows:

Sub-Policy: 2.2.2.2.1-Definition: The geographic area encompassing the land and water surfaces which, by virtue of natural topography, contributes surface water flow to the Lake Manatee reservoir or the Evers Reservoir.

Sub-Policy: 2.2.2.2.2-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 and Evers Reservoir watersheds, which contribute to these preferred potable water sources, so as to maintain water quality and quantity within both Lake Manatee and the Evers Reservoir, and all inflowing water-courses.

Response: The requested MMP amendment is an extension of ongoing activities within the active SE Tract and does not propose any new mining-related activities in the Lake Manatee Watershed Overlay District.

Sub-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.

Sub-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.

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

Sub-Policy 2.2.2.2.5—DEVELOPMENT RESTRICTION/CONDITIONS:

(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.

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

The Southeast Tract MMP amendment does not occur within the Lake Manatee Watershed Overlay District.

(d) Prohibit newly proposed nonresidential/ nonagricultural development in the Watershed Overlay District which requires a construction or operating permit for industrial waste treatment, as referenced in Chapter 17-4, 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 in either the Lake Manatee or Evers Reservoir watersheds.

Response: The MMP amendment does not include activities within the Lake Manatee watershed.

(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).

Response: Mosaic is not proposing any changes to the existing approved preservation or disturbance boundaries in this MMP amendment.

(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: Mosaic is not proposing any changes to the existing approved preservation or disturbance boundaries in this MMP amendment.

Policy 2.3.1.2-Minimize the alteration or relocation of any perennial lake or stream, or of adjacent jurisdictional wetlands by promoting the transfer of density/intensity away from the water body and out of the floodplain, except for improvements for public water supply sources, upon a finding of overriding public interest by the Board of County Commissioners •....

Response: The requested MMP amendment is an extension of ongoing activities within the active SE Tract and does not include any additional requests to alter or relocate wetlands or waterbodies.

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 the active SE Tract which has constructed best management practices in place. The ditch and berm system is a structural best management practice that has proven to be effective in the virtual elimination of offsite turbid runoff and soil erosion during the mining and reclamation stages of operation. As with other Mosaic mining properties, the ditch and berm will be maintained until the

post-reclamation vegetation has stabilized. At that time, it 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 SE Tract 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: No natural slopes equal to or exceeding 26.5 degrees are proposed to be altered or created by the reclamation process in the MMP amendment.

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

Response: Please refer to the discussion of wetlands under Objective 3.3.1.

Policy 2.3.3.1-Prohibit any new development (except redevelopment) within the floodway of any perennial stream, except for water-dependent uses and except for projects which generally would not result in an increase in flood levels in the community during the occurrence of the base (100 years) flood discharge (see policy 2.3.1.2).

Response: The requested MMP amendment is an extension of ongoing activities within the active SE Tract and does not include any additional requests for development.

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: The requested MMP amendment is an extension of ongoing activities within the active SE Tract and does not include any changes to activities approved to occur within the 100-year floodplain.

Policy: 2.3.3.3-Require that all proposed buildings within the 100-year floodplain are constructed so that finished floor elevations are above the elevation of the 100-year flood.

Response: The SE Tract MMP amendment does not include construction of any buildings.

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: The requested MMP amendment is an extension of ongoing activities within the active SE Tract and does not include any requests for development within the 25-year floodplain.

Policy 2.3.3.5— Limit density or intensity in a manner which will protect all ground water resources from unacceptable contamination by septic tanks. (See also Objective 9.2.4 and associated polices).

Response: The SE Tract MMP amendment does not include the installation or use of septic tanks.

Policy: 2.3.4.1-Prohibit any new development which does not meet all applicable requirements in policies 3.2.17, 3.2.1.8, and 3.2.1.9.

Response: Please refer to the discussion of policies 3.2.1.7, 3.2.1.8, and 3.2.1.9.

Policy: 2.3.4.2-Require that impervious surface within the Watershed Overlay District be minimized through the use of one or more of the following strategies:

Response: The SE Tract MMP amendment does not include additional impervious surface within the WO district.

Policy 2.4.1.1— Require the issuance of Certificate of Level of Service Compliance simultaneously with the approval of one of the following development orders or requests for service:

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

Response: Please refer to the discussion of Policy 2.4.1.2, below.

Policy: 2.4.1.2-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 above.

Response: The requested MMP amendment is an extension of ongoing activities within the active SE Tract. No additional mining is proposed. The SE Tract will not require any public infrastructure improvements or increase in the provision of public services to accommodate processing of the clays through the existing infrastructure.

Policy 2.5.1.1—Designate those areas in Manatee County which are suited for long term 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.

Response: The requested MMP amendment is an extension of ongoing activities within the active SE Tract footprint. No additional development or changes to the Future Land Use are proposed.

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.

Response: Please refer to response to Policy 2.5.1.1 above.

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: Please refer to response to Policy 2.5.1.1 above.

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 to increased setbacks.

Response: The requested MMP amendment is an extension of ongoing activities within the active SE Tract. The prior approvals have established setbacks. No additional development is proposed.

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: See Response to Policy 2.6.4.2 below.

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 the secondary zone of exclusion:

- mines

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

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 within the active SE Tract. 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 SE Tract have not caused violations of air quality standards.

Policy: 3.2.1.7-Require that new land development activities maintain or improve the water quality of Lake Manatee and Evers Reservoir through special requirements for land development applications located within the Watershed Overlay Districts (see policies 9.4.1.4 and 9.4.1.5).

Response: Please refer to the discussion of sub-policy 2.2.2.2.5(c) above.

Policy: 3.2.1.9-Where appropriate, utilize natural wetland systems and buffers as additional filtration mechanisms to maintain or improve water quality in Lake Manatee, Evers Reservoir, and all receiving coastal waters (see policies under objective 3.3.1).

Response: The requested MMP amendment is an extension of ongoing activities within the active SE Tract. No new development is proposed.

Policy: 3.2.2.1-Require all projects that are adjacent to any perennial lake or stream, as reflected in the Manatee County Soil Survey, obtain special approval to ensure that project impacts on these waterbodies are identified and minimized (see policy 2.3.1.2).

Response: The requested MMP amendment is an extension of ongoing activities within the active SE Tract. No additional impacts are proposed.

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.

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.

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 within the active SE Tract. 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 stormwater reuse, alternative irrigation sources, reclaimed water use, and gray water irrigation systems. Priority to receive reclaimed water shall be given to users who transfer groundwater withdrawal or other permitted quantities to Manatee County. Potable water from County utilities shall not be utilized for landscape irrigation. [See Policy 9.6.1.3, and policies under Objective 9.1.5]

Response: The requested MMP amendment is an extension of ongoing activities within the active SE Tract. Mosaic will continue to internally use recycled water as the principal source of process makeup supply. Post-reclamation, no irrigation is proposed on the SE Tract.

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 within the active SE Tract. No changes to the approved post reclamation planting plan are proposed.

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: The requested MMP amendment is an extension of approved ongoing activities within the active SE Tract. No additional impacts are proposed.

Policy 3.3.1.2—Require that the extent of wetland areas on any proposed development or redevelopment site be identified on a signed-and-sealed wetlands delineation at time of preliminary site plan, preliminary plat, or other preliminary development plan or similar approval. Manatee County may revoke any development orders where the difference between an estimate of wetland areas shown on a signed-and-sealed survey and actual wetlands onsite is determined to be significant enough to warrant substantial project redesign.

Response: The requested MMP amendment is an extension of approved ongoing activities within the active SE Tract. No additional development is proposed.

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. Encourage restoration, or, when restoration is not feasible, accept wetlands creation. Restoration and/or creation shall be provided according to the following standards:

- 1. Two acres of herbaceous wetlands shall be restored or created for every acre of herbaceous wetlands altered, unless other requirements are enforced pursuant to no. 3 below.**
- 2. 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 no. 3 below.**
- 3. Mitigation ratios required in subsections no. 1 and 2 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.**
- 4. No less than 1.15 acres of created wetland shall be required for each acre of wetlands being altered except as allowed in policy 3.3.1.4 or as allowed by special approval of the Board of County Commissioners as part of an Ecosystem Management Plan, after recommendation by the Environmental Management Department.**
- 5. 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.**
- 6. All areas, wetland or upland, which are created in accordance with this policy shall be protected.**

Response: The requested MMP amendment is an extension of approved ongoing activities within the active SE Tract. No additional impacts or changes to the mitigation plan are proposed.

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:

- 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: The requested MMP amendment is an extension of approved ongoing activities within the active SE Tract. 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 permit, the Environmental Resource Permit (ERP), has been approved, thereby facilitating Manatee County's ability to implement this policy.

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 within the active SE Tract. The wildlife and habitat management plans specifically address the listed wildlife species observed onsite.

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

Response: Please refer to the discussion under Policy 3.3.2.1 above.

Policy 3.3.2.3- Require that all proposed development sites be examined for location of endangered and threatened species and that, if found, such species habitat is identified and appropriately protected.

Response: The methods employed in the listed species survey conducted in 1997 and 1998, as well as a map and summary of the results remain unchanged with this MMP amendment.

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: Please refer to the discussion under Policy 3.3.2.1 above.

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

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 3.3.3.1- 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: The requested MMP amendment is an extension of approved ongoing activities within the active SE Tract. No additional impacts or changes to the approved preservation and no mine areas are proposed. Mosaic continues to work with FDEP, Florida Fish & Wildlife Conservation Commission (FFWCC), and other agencies to provide assistance in the development of the Integrated Habitat Network (IHN) wildlife corridors.

Policies: 3.4.1.1- Prohibit this disposal, storage, or use of any hazardous substances or waste within the WO Overlay District subject to the following exceptions....

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

Policy: 3.4.1.2- Prohibit the location of any storage area for hazardous or acutely hazardous substances or waste within the 100 year floodplain of any inflowing watercourse within the WO Overlay District or within 200' of the wetlands associated with any inflowing watercourse, whichever is greater.

Response: Please refer to the discussion under Policy 3.4.1.1 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 SE Tract MMP amendment will not generate any hazardous wastes and will not involve significant quantities of hazardous substances.

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 within the active SE Tract. 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: The MMP amendment demonstrates that Mosaic will reclaim the SE Tract to meet the requirements of Chapter 62C-16, of the Florida Administrative Code (F.A.C) and applicable Manatee County Codes. The primary purpose of this amendment is the utilization of available clay storage at the SE Tract. Extraction has been completed.

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. Extraction has been completed at the SE Tract and this MMP amendment does not propose any additional extraction.

Chapter 4. COASTAL MANAGEMENT ELEMENT

Response: The SE Tract is not located within the coastal area of Manatee County as depicted on Map 4A of the Manatee County Comprehensive Plan. The Coastal Management Element of the Comprehensive Plan is, therefore, not applicable to this MMP amendment.

Chapter 5. TRANSPORTATION

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 within the active SE Tract, which only involve extending life of mining, reclamation and permit expiration date to account for the continued use of active CSA's. There are no transportation impacts proposed as part of the requested MMP amendment.

Policy: 5.0.1.3- Maintain access control plans designed to control connections and access points of driveways and roads to thoroughfare roadways, and designate controlled access roadway facilities where necessary (see also policies 5.2.1.1, 5.2.2.2, 5.2.2.3, 5.2.2.4, 5.2.2.5, 9.2.4.1, 9.2.4.2).

Response: Access was previously approved and no changes are proposed in this MMP amendment.

Policy: 5.2.1.1- Utilize the Existing Roadway Functional Classification map to review proposed development orders for compliance with locational criteria and access criteria contained in this Comprehensive Plan, as described in applicable policies.

Response: Please refer to the discussion under Policy 5.0.1.3 above.

Policy: 5.2.1.4- Utilize the Future Traffic Circulation Map Series for:

1. Review of all proposed development orders for consistency with Map 5C (see also policies 5.2.1.5 and 5.2.1.6: Rights-of-Way Protection and Preservation).

Response: This MMP amendment does not propose any changes to traffic circulation at the SE Tract.

Policy: 5.2.2.1--Utilize the Future Traffic Circulation Right-of-Way Needs map (Map 5C)....No Development Order shall be issued for any project unless such project is consistent with requirements developed pursuant to this policy.

Response: As described below, the requested MMP amendment is an extension of approved ongoing activities within the active SE Tract. No additional impacts or changes to traffic circulation are proposed.

Policy: 5.2.2.2-Maintain adopted minimum standards for the spacing and location of local streets and driveways onto County and State roadways, and minimum standards for the spacing and location of median cuts on County and State roadways.

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.

Policy: 5.2.3.1-Prohibit the issuance of certain development orders unless compliance of the particular project is established, at time of review of development orders listed under 2.4.2.2(1-4), with regard to adopted infrastructure and performance (level of service) standards. Compliance shall be established only when the development order is issued at the same time, or following, the issuance of a Certificate of Level of Service Compliance for that project, as described in policies under Objective.

2.4.2. Adopted level of service standards are listed in policies under Objective 5.1.2 above.

Response: Please refer to the discussion under Policy 5.0.1.1 above.

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.

Policy 7.1.3.1- Require that all land development applications requiring site plan, or subdivision plat review address the occurrence or potential occurrence of historical and archaeological resources within their property boundaries.

Response: The proposed MMP amendment to extend the operations at the SE Tract will occur on lands that have already been reviewed and cleared by the Florida Department of State, Division of Historical Resources.

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: Mosaic previously transmitted the results of a cultural resources survey to DHR for review. All areas on Parcel 6 have been released by DHR for impact by mining. The requested MMP amendment is an extension of ongoing activities within the active SE Tract. No additional mining is proposed.

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: The proposed MMP amendment to extend the operations at the SE Tract will occur on lands that have already been reviewed and cleared by the Florida Department of State, Division of Historical Resources. No additional development is proposed.

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 within the active SE Tract. The discharge points will not change and there will be no discharges to watercourses in the WO District.

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 within the active SE Tract. There are no changes to the approved stormwater management system.

Policy: 9.4.1.5- All projects not within the WO District shall be designed and constructed to detain, and permit the filtration of storm water runoff consistent with Chapters 62-3, 62-4, and 62-25, F.S. an adopted land development regulations.

Response: Please refer to the discussion under Policy 9.4.1.4 above.

Policy: 9.4.4.1- Issue a Certificate of Level of Service Compliance for new development only where compliance with all policies under Objective 9.4.1 has been demonstrated in project design.

Response: Please refer to the discussion under Policies 9.4.1.1, 9.4.1.4, and 9.4.1.5 above.

Policy: 9.4.4.2- Require that new development provides onsite detention and filtration of storm water runoff to remove oils, floatables, silt, sediment, nutrients, and heavy metals at levels required by applicable federal, state, regional and local regulations and any coastal management plans prepared according to general or special law. As used in this policy, "new development" shall include additions or alteration of existing development in a

manner that increases the impact of storm water discharge from the site either in terms of volume of water or any pollutant.

Implementation Mechanism:

c. Planning Department to approve the issuance of a Certificate of Level of Service only when the rate of storm water discharge from new development is 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 and that retains the same post development discharge points that existed predevelopment. The discharge is to include any discharge to an existing or proposed water course, swale, ditch, storm sewer system that connects to a receiving watercourse in the WO District.

Response: Please refer to the discussion under Policy 9.4.1.1 above.

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: The requested MMP amendment is an extension of approved ongoing activities within the active SE Tract. No additional impacts to natural drainage features are proposed.

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 (also referred to as the ditch and berm system) throughout the mining and reclamation stages of the project until the mined land is released and reclamation is complete. At that time the ditch and berm system will have been regraded and revegetated to self-sustaining natural conditions.

Policy: 9.4.5.2- Identify a legally responsible private party for each private storm water management system. Such private party shall be held legally responsible for the continued maintenance and operation of any private storm water management system. Such party shall have an address of record, and shall represent the interests of all property owners for which the storm water system has been designed.

Response: Mosaic Fertilizer, L.L.C. (Mosaic) is the legally responsible party.

Policy: 10.1.4.1- Require that all public facilities constructed in unincorporated Manatee County, and using County funds, are consistent with the Capital Improvements Element.

Response: The requested MMP amendment is an extension of approved ongoing activities within the active SE Tract and will not require public capital improvements nor the provision of additional public services.

Policy 10.1.4.2-Require public facilities and services needed to support development to be available concurrent with the impacts of development approved by Manatee County and requiring issuance of a Certificate of Level of Service Compliance. "Concurrent" shall mean that all adopted Level of Service Standards be maintained during and following the development of all such projects, or be achieved within a reasonable time frame, as provided for and defined within this Comprehensive Plan (e.g., see Future Land Use Element, Part IV F(I)(a)(ii)).

Response: Please refer to the response to Policy 10.1.4.1 above.