



ARS

Annual Report Summary

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DRI #251 - FOUR CORNERS MINE ADDITION/PHASE 2 MANATEE COUNTY RY 2012-13

On September 5, 1991, the Manatee County Board of County Commissioners granted a Development Order (Ordinance No. 91-62), a Substantial Deviation to only the Manatee County portion of DRI #52, to IMC Fertilizer, Inc. (now Mosaic Fertilizer, LLC). DRI #52 authorized the mining of more than 18,500 acres, of which 9,952 acres are located within two tracts of northeast Manatee County (4,906 in the Jameson Tract and 5,052 acres in the Northeast Manatee Tract) and the remaining 8,727 acres located in southeastern Hillsborough County. The Four Corners Mine Substantial Deviation includes: revision of the mining and reclamation plan for the existing Jameson Tract; extension of Jameson Tract mining period to November 30, 2006 and reclamation period to 2010; and the addition of 211 acres for mining in the Jameson Tract which were not previously approved for mining.

The Development Order had been amended three times, the latest occurring on September 26, 1996 (Ordinance 96-43). The amendments had cumulatively: resolved an appeal by the developer and TBRPC; reduced the aforementioned 211 acres to 170 acres; added water quality monitoring/reporting requirements; required the establishment of a Wildlife and Habitat Management Plan for the land addition; approved a specific truck haul route from Four Corners Mine to Piney Point/Port Manatee; required submittal of the approved Spill Notification, Containment and Contingency Plan for F-3 to TBRPC; and approved the two month and 28 day extension of the effective period for Ordinance 95-41 (to December 31, 1996) to effectuate the aforementioned land exchange and obtain the proper rezoning classification.

On November 21, 2002, the Manatee County Board of County Commissioners approved a Substantial Deviation Development Order (Ordinance No. 02-58) for the project. The Ordinance supercedes and replaces all former Development Order authorizations for the project. The proposal essentially added provisions to mine an additional 1,111 acres. In total, the project allows for the mining of 10,450 acres of the overall 11,157 project acres.

The SDDO has been amended twice, most recently on August 7, 2008 (Ordinance No. 05-42), to authorize the following modifications to the Development Order: change the name of the developer to "Mosaic Fertilizer, LLC"; modify Condition U.12. regarding the origin and destination of overburden and sand tailings; add 305 acre (FFD Land Company) and 299 acre (Lambe) parcels; remove 44 acres from the project that was exchanged with FFD Land Company; reduced the size of the F-9 Clay settling area; updated the Four Corners transportation analysis to include the Hillsborough County Mine Consolidation S/D (DRI #263); and amended the Reclamation Plans to reflect these changes, as appropriate. Also reflective of the latest Amendment, mining shall be completed by December 31, 2021 and the Development Order shall expire on December 31, 2032 or "until all reclamation has been completed and accepted by Manatee County, whichever occurs first."

With the intention of adding an additional 271.8 acres to the project and other Development Order language modifications, the Developer initiated the Substantial Deviation DRI process with the conduct of a Preapplication Conference by the Tampa Bay Regional Planning Council on April 27, 2009. The proposal was also referred to as “G&D Farms.” Submittal of the Substantial Deviation ADA followed on July 19, 2010. However, prior to concluding the development review and approval process under the DRI program, the Applicant rescinded/withdrew the proposal on account of 2011 legislation (i.e. HB 7207) which authorized mining to be exempt from the DRI process and enabled pending applications to be withdrawn without consequence.

PROJECT STATUS

Development this Reporting Year: a total of 238 acres were mined (all within the Northeast Tract); disturbed 103 additional acres associated with future mining; graded 376 acres (79 within the Jameson Tract and 297 within the Northeast Tract); grassed/mulched 643 acres (272 within the Jameson Tract and 371 within the Northeast Tract); planted trees on 85 acres (all within the Northeast Tract); and deemed 746 acres “Effectively Complete” (272 within the Jameson Tract and 474 within the Northeast Tract).

Cumulative Development: a total of 7,400 acres have been mined to date (3,148 within the Jameson Tract and 4,252 within Northeast Tract) and 2,436 additional acres (1,211 within the Jameson Tract and 1,225 within Northeast Tract) have been distributed to facilitate future mining. In terms of reclamation activities, 5,100 acres have been graded (2,028 within the Jameson Tract and 3,072 within Northeast Tract), 4,803 acres have been cumulatively “Grassed/Mulched” (2,028 within the Jameson Tract and 2,775 within Northeast Tract), tree planting has occurred on a total of 1,909 acres (890 within the Jameson Tract and 1,019), a total of 4,803 acres have been determined to be “Effectively Complete” (2,028 within the Jameson Tract and 2,775 within Northeast Tract), and 274 acres has been released by Manatee County (195 within the Jameson Tract and 79 within Northeast Tract).

Projected Development: the Developer anticipates mining an additional 87 acres, all within the Northeast Tract.

SUMMARY OF DEVELOPMENT ORDER CONDITIONS

1. The Developer has identified that all required monitoring programs continue to be instituted with results provided to the appropriate agencies. The following have been provided on a CD attached to the RY 2012-13 Annual Report: *Posted Financial Responsibility* (Exhibit D); *Third-Party Engineering Reclamation Bonding Calculation* (Exhibit E); *Environmental Monitoring* (Exhibit F); *Annual Dam Inspection Report* (Exhibit G); *Hurricane Procedures & Dam Contingency Plan* (Exhibit H); and *Various Other Reports/Monitoring* (Exhibit I) - *2012 Mitigation Monitoring, Permits & Amendments Issued, Traffic Report, Wildlife Reports, and Other Reports/Articles*.
2. *Wildlife and Habitat Management Plans* have been previously approved for the (prior) “170 Acre Addition” and the “Land Exchange Area” in accordance with Conditions F.(3) & F.(5).
3. The Developer has provided the a.m. peak-hour and average daily traffic counts at the project entrance in order to verify that the projected number of external trips for the project has not been

exceeded, as stipulated in Condition I.(2). The results of the monitoring event conducted on April 17, 2013 revealed that the project was generating 1,295 of the approved 2,976 daily trips (43.51%) and 120 of the approved 256 a.m. peak hour trips (71.09%). While the counts are far from exceeding approved volumes, the recent daily and a.m. peak hour traffic monitoring results were inexplicably ~45% and ~34% lower (respectively) than reported for 2012.

4. Condition O.(4) required the Developer to grant three parcels, totaling 700 acres, to the Florida Department of Environmental Protection for perpetual conservation easements. The Developer previously recognized that a 200-acre parcel (Wellfield Tract) and a 135-acre parcel (West Tract Preserve) were signed and accepted by FDEP in May 2004. The remaining 365-acre parcel will be provided to FDEP upon completion and release of reclamation.

DEVELOPER OF RECORD

Mosaic Fertilizer, LLC, Attention: Diana Jagiella, 13830 Circa Crossing Drive, Lithia, FL 33547 is the firm responsible for adhering to the conditions of the Development Order.

DEVELOPMENT ORDER COMPLIANCE

The project appears to be proceeding in a manner consistent with the Development Order. Manatee County is responsible for ensuring compliance with the terms and conditions of the Development Order.