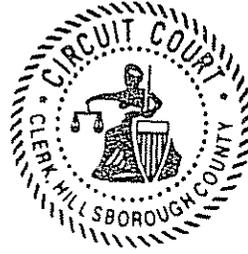


Pat Frank
Clerk of the Circuit Court
Hillsborough County, Florida



P.O. Box 1110
Tampa, Florida 33601
Telephone (813) 276-8100

February 16, 2005

JOHN MEYER DRI COORDINATOR
TAMPA BAY REGIONAL PLANNING COUNCIL
4000 GATEWAY CENTER BLVD SUITE 100
PINELLAS PARK FL 33782

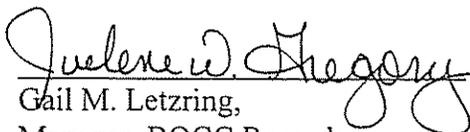
Re: Resolution No. R05-021 - Amending the Development Order for Mosaic Phosphates Company (DRI #213)

Dear Mr. Meyer:

Attached is a certified original of referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on January 25, 2005.

We are providing this original for your files.

Sincerely,


Gail M. Letzring,
Manager, BOCC Records

jg

Attachment Certified Mail #7002 2410 0001 4265 0464

cc: Board files (orig.)
Charles Gauthier, Chief, DCA Bureau of State Planning (orig.ltr.)
Hugh H. Marthinsen, Attorney at Law (orig. ltr.)
Jane A. Rose, Assistant County Attorney
John Healy, Senior Planner, Planning & Growth Management
Barbara Hutcheson, County Attorney's Office
Jim Glaros, Assistant Chief Deputy, Valuation, Property Appraiser's Office

RESOLUTION NO. R05-021

HILLSBOROUGH COUNTY, FLORIDA

WHEREAS, the Hillsborough County Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes; and

WHEREAS, the Hillsborough County Board of County Commissioners approved Resolution 95-062 on March 23, 1995 granting IMC-Agrico Company a DRI Development Order and Operating Permit for the IMC Phosphates Company (IMC) Hillsborough County Mines; and

WHEREAS, on April 25, 1996, Hillsborough County adopted Resolution 96-120, amending the DRI Development Order and Master Mine Plan to add approximately 35 acres; and

WHEREAS, on January 13, 1998, Hillsborough County adopted Resolution 98-012, amending the DRI Development Order and Master Mine Plan to add approximately 157 acres; and

WHEREAS, on September 26, 2000, Hillsborough County adopted Resolution 00-223, amending the DRI Development Order and Master Mine Plan to add approximately 357 acres; and

WHEREAS, on February 11, 2003, Hillsborough County adopted Resolution 03-026, amending the DRI Development Order and Master Mine Plan to allowing temporary trucking of tailings sand to the Tampa Bay Water Reservoir site; and

WHEREAS, a copy of the Notice of Proposed Change dated April 23, 2004 was provided to Tampa Bay Regional Planning Council and Florida Department of Community Affairs, (said Notice of Proposed Change, being incorporated and made a part of this resolution by reference) and they were afforded the opportunity to participate in the review of this proposed change; and

WHEREAS, IMC Phosphates Co. changed its name to Mosaic Phosphates Company and Thomas E. Myers III became the authorized agent on October 22, 2004, and

WHEREAS, on December 6, 2004, the Phosphate Hearing Master reviewed the request for amendment to the Operating Permit and Master Mining Reclamation Plan, along with the companion request for Screening Station Access Corridor Connection, pursuant to the Hillsborough County Land Development Code, and has filed a recommendation on said applications with the Board of County Commissioners; and

WHEREAS, the proposed changes meet the requirements of Section 380.06 (19) e. 3, and whereas Mosaic has rebutted the presumption of substantial deviation by clear and convincing evidence such that this change is not a substantial deviation; and

WHEREAS, the Board held a duly noticed public hearing on said application on January 25, 2005 as required by Hillsborough County Land Development Code Section 8.02.07 F.2.; and

WHEREAS, Mosaic, other units of Government, local agencies and interested citizens were afforded the opportunity to participate in the proceedings before the Board relating to the application and were provided the opportunity to present witnesses, evidence and argument on all issues, conduct cross examination and submit rebuttal evidence; and

WHEREAS, at the public hearing the Board added a condition of approval requiring the Screening Station to incorporate an automated shutdown process to ensure that no noise emanating from the Screening Station would violate the noise standards of Rule 1-10.03, Rules of the Environmental Protection Commission of Hillsborough County.

NOW, THEREFORE BE IT RESOLVED THIS 25th DAY OF January, 2005, BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THAT THE PROPOSED CHANGES DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION AS DEFINED BY SUBSECTION 380.06(19)(e).3, FLORIDA STATUTES, WHERE MOSAIC HAS REBUTTED THE PRESUMPTION OF SUBSTANTIAL DEVIATION BY CLEAR AND CONVINCING EVIDENCE AND THE DEVELOPMENT ORDER FOR THE HILLSBOROUGH COUNTY MINES DRI AND OPERATING PERMIT AND MASTER MINE AND RECLAMTION PLAN IS HEREBY AMENDED BY ADDING THE FOLLOWING FINDING OF FACT AND CONDITIONS, WITH THE BALANCE OF THE ADOPTED DEVELOPMENT ORDER REMAINING IN EFFECT IN ITS ENTIRETY.

I. FINDINGS OF FACT:

- A. The addition of the Screening Station will not have any significant change in the impacts of the mine operation and will not change the reclamation plan.
- B. The real property, which is the subject of this Screening Station Application is included in the attached legal description.
- C. Mosaic does not seek additional entitlements. No preservation or conservation areas are requested for impact. No zoning changes are needed for the Screening Station. There is no change in the mine size, mining rate, or water use. There are no wetland or significant habitat impacts. There will be no additional transportation impacts.
- D. The addition of the Screening Station will improve the matrix pumping efficiency as committed to in the developer commitments on page 51 of the March 23, 1995 Development Order.
- E. This proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, F.S., and does not unreasonably interfere with the achievement of the objectives of the State Land Development Plan.

- F. The authorized agent for MOSAIC Phosphates Company is Mr. Thomas E. Myers III, Mines Planning, Permitting and Reclamation Manager, Mosaic Phosphates Company, P.O. Box 2000, Mulberry, Florida 33860.
- G. The property is owned by Mosaic Phosphates Company.
- H. This Amendment does not constitute a Substantial Deviation under subsection 380.06(19)(e)3., Florida Statutes.

II CONDITIONS:

- A. All conditions of the existing Development Order and Related Operating Permit and Master Mine Plan approval (Resolution #95-062) as amended, remain in effect.
- B. No Wetland Conservation Areas or Wetland Mitigation Areas exist in the immediate vicinity of the proposed screening station or the proposed screening station or the proposed access from C.R. 39.
- C. Approval of the screening station shall provide no reliance that encroachment into Wetland Conservation Areas and/or Wetland Conservation Areas setbacks shall be granted in order to convey materials to or from the screening station.
- D. All efforts must be undertaken to prevent any erosion or turbid water from being discharged off site, into the wetlands and/or waters of the County. Turbid discharges that exceed 29 NTU's (Nephelometric Turbidity Units) above background levels are a violation pursuant to Chapter 1-5, Water Quality Rule. Hay bales, silt screens or other EPC approved methods of erosion/turbidity control may be required
- E. ECT, Inc. conducted for the developer, Mosaic Phosphate Company, a noise analysis of the Ft. Green Screening Station, a facility similar to the proposed Central Screening Station, to demonstrate that the noise levels generated by the proposed Central Screening Station would be in compliance with the noise level limits of Section 1-10.03, Rules of the EPC. The analysis was conducted during site visits by qualified ECT personnel in August and October 2004. The analysis, which included actual instantaneous A-weighted sound level readings and octave band sound level readings, included readings at various distances including distances equivalent to the distances of the nearest residential and commercial receptors to the proposed Central Screening Station. The results of ECT's analysis have been compiled in a report which will be submitted to EPC on January 18, 2005 for review. The report includes a statement from Mosaic Phosphate Company that all land surrounding the Central Screening Station, other than the receiving lands analyzed in the report and public rights of way, are owned by Mosaic Phosphates Company and are encompassed within the

boundaries of DRI 213. On January 19, 2005, confirmatory sound level readings will be taken by EPC. Should those readings indicate that noise abatement is required, Mosaic Phosphates Company will propose appropriate abatement measures to be incorporated in the construction of the Central Screening Station for review and approval by EPC.

If EPC's review determines that there is no noise compliance issue then installation and construction activities will proceed. However, if the study and confirmatory readings reviewed by EPC staff determine a noise compliance issue requiring abatement, then EPC will issue a written determination within 30 calendar days of receipt of the ECT report as to the need for abatement measures to ensure compliance with the requirements of Chapter 1-10, Rules of the EPC. Installation of primary noise-generating sources as described in the ECT report at the Central Screening Station will not occur until either 30 days has past or EPC has issued its written determination and Mosaic has submitted a noise abatement plan and it has been approved by EPC.

Upon start-up of the Central Screening Station, the Developer will test and submit results of noise testing to EPC staff that demonstrates compliance with the noise level limits of Section 1-10.03, Rules of the EPC. The Developer shall notify EPC staff of the test date and time so that staff may observe the test. Should the Developer fail to comply with the noise level limits in the EPC Rule during the noise testing, or at any future time, the Developer shall take actions necessary to ensure compliance prior to continuing operation of the screening station.

- F. To ensure the noise emanating from the Screening Station is in compliance with the noise standards of Rule 1-10.03, Rules of the EPC (as amended August 19, 2004), Mosaic shall install automated sound-measuring monitors in appropriate locations and designed in such a fashion as to isolate interference from off-site sources of noise and assure that the monitoring data can be positively correlated to the Screening Station operation. Should a positive correlation exist which creates an exceedance of Rule 1-10.03 an automatic alarm will activate the emergency shutdown process of the Screening Station. The emergency shutdown process will be documented and provided to the Hillsborough County PGMD Phosphate Division and the EPC Air Management Division for review and approval prior to placing the Screening Station into service. A copy of the plan will also be provided to the EPC Wetlands Management Division for their files.

III ADMINISTRATION:

- A. This Resolution shall become effective upon the rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes.
- B. Upon adoption, this resolution shall be transmitted by the Ex Officio clerk to the Board of County Commissioners by Certified Mail to the State Land Planning

Agency, the Tampa Bay Regional Planning Council, and Mosaic.

- C. Mosaic shall record a Notice of Adoption of this Development Order Amendment in accordance with the provisions of Section 380.06(15)(f), Florida Statutes.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, PAT FRANK, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board of County Commissioners at its regular meeting of January 25, 2005 as the same appears of record in MINUTE BOOK 344 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 16th day of February, 2005.



PAT FRANK, CLERK OF CIRCUIT COURT

ATTEST:

Julene W. Gregory
(Deputy Clerk)

APPROVED BY COUNTY ATTORNEY
As To Form and Legal Sufficiency:

BY:

Jane A. Rose
Assistant County Attorney

LEGAL DESCRIPTION

CONSOLIDATION PHASE AREA

In Township 31 South, Range 21 East, Hillsborough County, Florida: Section 36: The E ½ of the SW ¼; and the W ½ of the SE ¼; and the S ¾ of the E ½ of the SE ¼;

In Township 32 South, Range 21 East, Hillsborough County, Florida: Section 1: All Section 2: All Section 3: All Section 10: The N ½, and the E ½ of SW ¼, and, The N ½ of SE ¼, and, The W ½ of SW ¼ of SE ¼. Section 11: All, LESS the E ½ of SW ¼. Section 12: All;

In Township 30 South, Range 22 East, Hillsborough County, Florida: Section 24: The SE ¼, LESS the CSX Railroad right-of-way, and, the S ¼ of W ¾ of NE ¼, LESS the CSX Railroad right-of-way; and the E ½ of SE ¼ of SE ¼ of NW ¼, subject to a road right-of-way over the south 15 feet of the NE ¼ of SE ¼ of SE ¼ of NW ¼; and the E ½ of NE ¼ of SW ¼, LESS the following described parcel: The south 162 feet of the N ¼ of said E ½ of NE ¼ of SW ¼, LESS the west 326.5 feet thereof; and the N ¾ of SE ¼ of SW ¼. Section 25: All. Section 26: The SW ¼; and the E ½ of the SE ¼; and the S ¾ of the W ½ of the SE ¼; and the SE ¼ of SW ¼ of NW ¼; and the S ¾ of W ½ of SE ¼ of NW ¼; and the E ½ of SE ¼ of NW ¼, LESS the west 330 feet of the north 660 feet thereof; and the S ½ of the SE ¼ of NE ¼, LESS the north 420 feet of the west 474.37 feet thereof; and the east 30 feet of the west 45 feet of the SW ¼ of NE ¼, LESS the south 774 feet thereof; and the east 810 feet of the west 825 feet of the north 529 feet of the south 774 feet of the SW ¼ of the NE ¼. Section 35: All, LESS: West 395 feet of the N ½ of the NW ¼ of the NW ¼ of the SW ¼; and, LESS: The East 25 feet of the West 420 feet of the North 105 feet of the N ½ of the NW ¼ of the NW ¼ of the SW ¼; and, LESS: The S ½ of the NW ¼ of the NW ¼ of the SW ¼. Section 36: All;

In Township 31 South, Range 22 East, Hillsborough County, Florida: Section 1: All Section 2: All, LESS: The SE ¼ of the NW ¼, Also LESS: That part of the N ½ of the NW ¼, lying within the following metes and bounds description: Beginning at the SE corner of the NE ¼ of the NW ¼ of said Section 2, run thence West along the South boundary thereof 1428.22 feet, thence North 0E57' East 50 feet, thence East 247.5 feet, thence North 26.5 feet, thence South 86E18'40" East 1183.2 feet to the point of beginning. Also LESS: That part of the SW ¼ of the NE ¼ and NW ¼ of SE ¼ of said Section 2 described as follows: Beginning at the Northwest corner of said SW ¼ of NE ¼ run South 86E18'40" East 13.0 feet, thence South 1E43' West 85 feet, thence South 88E17' East 289 Feet, thence South 7E20'50" West 1273.8 feet, thence South 88E27'30" West 177 feet, thence North 1E43' East for 3.0 feet to the center of said Section 2, thence continue North 1E43' East 1349.7 feet to the point of beginning. Also LESS: That part of the N ½ of SW ¼ of said Section 2 described as follows: Beginning at the center of said Section 2, run South 1E43' West 3.0 feet, thence South 88E27'30" West 1403.4 feet, thence North 1E48'40" East 62.0 feet to the North boundary of said SW ¼ thence South 89E08' East along said North boundary 1402.2 feet to the point of beginning. Also LESS: That part of SW ¼ of NW ¼ of said Section 2 described as follows: Beginning at SE corner of said SW ¼ of NW ¼, run North 89E08' West 81.7 feet, thence North 1E48'40" East 665 feet, thence South 88E11'20" West 19.6 feet, thence North 0E57' East 664.8 feet, thence East 102.5 feet to NE corner of said SW ¼ of NW ¼, thence South 1E26' West 1329.6 feet to the point of beginning. Section 3: The NW ¼ of the SW ¼; and, The E ½ of SE ¼ of SE ¼. Section 4: The SW ¼ of SE ¼. Section 7: The S ¾ of E ½. Section 8: The W ½, and the W ½ of SW ¼ of NE ¼, and the SE ¼ LESS the part beginning at the northeast corner of said SE ¼ and running South 0E20'33" West along the east boundary thereof 389.22 feet to the centerline of the old road commonly known as Jameson Road or Lillibridge Road, thence North 55E46'32" West along said road centerline 693.04 feet to the north boundary of said SE ¼, thence South 89E56'31" East along said North boundary 575.36 feet to the point of beginning. Section 9: All that part lying north of Jameson Road, LESS N ½ of NE ¼ of NE ¼ and LESS 1 acre square in the SW corner of the NW ¼ of NE ¼, and that part of the SE ¼ of SW ¼ described as beginning 1043.55 feet west of the southeast corner thereof and running north 1043.55 feet, thence northwesterly to the northwest corner of said SE ¼ of SW ¼, thence south to the southwest corner thereof, thence east to the point of beginning; and, that part of the south 1043.55 feet of the east 1043.55 feet of the SE ¼ of SW ¼ lying south and west of the old road running in

a southeasterly-northwesterly direction and commonly known as Jameson Road or Lillibridge Road; and, that part of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ lying south and west of Jameson Road. Section 10: All. Section 11: All Section 12: All Section 13: All Section 14: All Section 15: All, LESS that part of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ beginning 890 feet East and 25 feet South of the Northwest corner thereof and running East 200 feet, thence South 430 feet, thence West 200 feet, thence North 430 feet, to the point of beginning. Section 16: All Section 17: All Section 18: All, Less the east 1200 feet of the south 30 feet of the W $\frac{1}{2}$. Section 19: The NE $\frac{1}{4}$, LESS the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$; and LESS the north 150 feet of the west 290 feet of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$; and the S $\frac{1}{2}$ of SE $\frac{1}{4}$; and the NE $\frac{1}{4}$ of SE $\frac{1}{4}$; . Section 20: All Section 21: All Section 22: All Section 23: The N $\frac{1}{4}$; and the W $\frac{1}{2}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$. Section 24: The N $\frac{1}{4}$; and the S $\frac{3}{4}$ of E $\frac{1}{4}$. Section 25: The N $\frac{1}{2}$ of NE $\frac{1}{4}$. Section 27: The W $\frac{3}{4}$. Section 28: All Section 29: All Section 30: The SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and the E $\frac{1}{2}$, LESS the SW $\frac{1}{4}$ of SE $\frac{1}{4}$, and LESS the N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$. Section 31 The SW $\frac{1}{4}$, and the E $\frac{1}{2}$ LESS the east 14 chains of the south 8 chains of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and LESS the S $\frac{1}{2}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and LESS the N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$. Section 32: All. Section 33: All. Section 34: The W $\frac{1}{2}$;

In Township 31 South, Range 21 East, Hillsborough County, Florida: Section 13: The E $\frac{1}{2}$ Section 24: The N $\frac{1}{2}$ of the NE $\frac{1}{4}$, and the SW $\frac{1}{4}$ of he NE $\frac{1}{4}$, and the E $\frac{1}{2}$ of the NW $\frac{1}{4}$;

In Township 32 South, Range 22 East: Section 3: All, LESS the E $\frac{1}{2}$ of NE $\frac{1}{4}$. Section 4: All. Section 5: All. Section 6: The N $\frac{1}{2}$ of SW $\frac{1}{4}$, and all that part lying East of State Road 39 (the Plant City-Picnic Road). Section 7: All, LESS the South 650 feet of the East 350 feet of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, and LESS the W $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$. Section 8: All. Section 9: All. Section 10: a.) The W $\frac{1}{2}$, and the NE $\frac{1}{4}$, and the E $\frac{1}{2}$ of SE $\frac{1}{4}$, and the N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$. b.) (Phosphate and phosphate rock only). The S $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$. Section 13: All. Section 14: The W $\frac{3}{4}$; and the NE $\frac{1}{4}$ of NE $\frac{1}{4}$; and the north 104.35 feet of the east 208.71 feet of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$. Section 15: All. Section 16: The S $\frac{1}{2}$; and the NW $\frac{1}{4}$ of NE $\frac{1}{4}$; and the S $\frac{1}{2}$ of the NW $\frac{1}{4}$. Section 17: The W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, and the N $\frac{1}{2}$ and SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, and the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, and the E $\frac{1}{4}$ of the SE $\frac{1}{4}$ Section 21: All. Section 22: ALL, LESS the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$. Section 23: ALL, LESS the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$. Section 24: All. Section 25: All. Section 26: All. Section 27: All. Section 28: E $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$. Section 33: All, LESS the NE $\frac{1}{4}$ of NW $\frac{1}{4}$. Section 34: All. Section 35: All. Section 36: All;

Said parcels containing 35,473 acres more or less.

EXTENSION PHASE AREA

In Township 30 South, Range 22 East

Section 26: The N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the South $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; The N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$; The South 245 feet of the West 825 feet of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, and the West 15 feet of the West 825 feet of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ LESS the South 245 feet.

In Township 31 South, Range 21 East, Hillsborough County, Florida

Section 25: That part of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ described as begin at the northwest corner thereof, run thence east 200 feet, thence southeasterly to a point 200 feet west of the southeast corner thereof, thence west to the southwest corner thereof, thence north to the point of beginning. Section 26: The West 60 feet of the East 270 feet of the N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and, the S $\frac{1}{2}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$; and the S $\frac{1}{2}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$; and the W $\frac{1}{2}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$; and the S $\frac{1}{2}$ LESS the part of the N $\frac{1}{2}$ of SE $\frac{1}{4}$ described as begin 495 feet north of the southeast corner of the N $\frac{1}{2}$ of SE $\frac{1}{4}$, run thence west 990 feet, thence North 165 feet, thence West 165 feet, thence North 165 feet, thence west 495 feet, thence North 165 feet, thence west 330 feet, thence North 330 feet, more or less, to the North boundary of the N $\frac{1}{2}$ of SE $\frac{1}{4}$, thence east to the Northeast corner thereof, thence South to the point of beginning; and The W $\frac{3}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$; and the East 210 feet of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$. Section 27: The SW $\frac{1}{4}$ of NW $\frac{1}{4}$; and the E $\frac{1}{2}$ of NW $\frac{1}{4}$; and the W $\frac{1}{2}$ of SW $\frac{1}{4}$

of NE $\frac{1}{4}$; and the S $\frac{1}{2}$. Section 28: The E $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ LESS the south 30 feet; and the S $\frac{1}{4}$ of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ LESS the South 30 feet; and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$; and the North 50 feet of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$; and the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$; and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$. Section 33: The SE $\frac{1}{4}$ of NW $\frac{1}{4}$ LESS that part thereof lying north of a dirt road (the easterly extension of Sweat Loop Road); and the E $\frac{3}{4}$ of N $\frac{1}{2}$ of NE $\frac{1}{4}$; and the S $\frac{1}{2}$ of NE $\frac{1}{4}$ LESS that part of the W $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ lying north of a dirt road (the easterly extension of Sweat Loop Road and the S $\frac{1}{2}$; and, the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$; and The SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, LESS that part lying north of Sweat Loop Road. Section 34: All. Section 35: All. Section 36: The NW $\frac{1}{4}$ of NW $\frac{1}{4}$; and the S $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$; and the W $\frac{1}{4}$ of N $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$; and the S $\frac{1}{2}$ of NW $\frac{1}{4}$; and the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$; and the S $\frac{1}{2}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$; and the N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$; and the W $\frac{1}{2}$ of SW $\frac{1}{4}$.

In Township 31 South, Range 22 East:

Section 19 The north 150 feet of the West 290 feet of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$; and The E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$.

In Township 32 South, Range 21 East:

Section 4: All. Section 9: The W $\frac{1}{2}$; and the W $\frac{1}{2}$ of NE $\frac{1}{4}$; and the W $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$; and the W $\frac{3}{8}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$; and the NW $\frac{1}{4}$ of SE $\frac{1}{4}$. Section 13: The E $\frac{1}{2}$ of W $\frac{1}{2}$ of NW $\frac{1}{4}$; and The SW $\frac{1}{4}$; and The S $\frac{1}{4}$ of the SE $\frac{1}{4}$. Section 14: The W $\frac{1}{2}$ of NE $\frac{1}{4}$ and the West 501.88 feet of the E $\frac{1}{2}$ of NE $\frac{1}{4}$; and The SE $\frac{1}{4}$; and The W $\frac{1}{2}$, LESS the following described lands: the South 210 feet of the North 260 feet of the West 210 feet of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$; the West 315 feet of the South 210 feet of the NW $\frac{1}{4}$ of SW $\frac{1}{4}$; the North 260 feet of the East 210 feet of the NE $\frac{1}{4}$ of NW $\frac{1}{4}$; the North 260 feet of the West 210 feet of the East 660 feet of the NE $\frac{1}{4}$ of NW $\frac{1}{4}$. Section 15: The S $\frac{1}{4}$ The NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ The S $\frac{1}{2}$ of the NW $\frac{1}{4}$ The NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ The E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ The SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ The W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ Section 16: The W $\frac{3}{4}$ The SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ The SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ The W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$. The SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Section 22: All, LESS the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$. Section 23: All. Section 24: All. Section 25: All. Section 26: All. Section 27: All. Section 28: The SE $\frac{1}{4}$ of NE $\frac{1}{4}$, and the S $\frac{1}{2}$. Section 33: All. Section 34: All. Section 35: All. Section 36: All.

In Township 32 South, Range 22 East, Hillsborough County, Florida

Section 7: the W $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$. Section 16: The SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and, The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, LESS the North 550 feet of the West 792 feet, and, The N $\frac{1}{2}$ of the NW $\frac{1}{4}$. Section 17: All Section 18: The W $\frac{1}{2}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, the W $\frac{1}{2}$ of SW $\frac{1}{4}$, and the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, and the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, and the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ and the SE $\frac{1}{4}$. Section 19: The E $\frac{1}{2}$, The SE $\frac{1}{4}$ of SW $\frac{1}{4}$, The W $\frac{3}{4}$ of N $\frac{1}{2}$ of NW $\frac{1}{4}$, The E $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$. Section 20: All Section 22: The SW $\frac{1}{4}$ of the NE $\frac{1}{4}$. Section 29: All. Section 30: All, LESS the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$. Section 31: All. Section 32: All.

Said parcels containing 17,915 acres more or less.

1996 AMENDMENT AREA, SHUMAN PARCEL:

In Township 32 South, Range 22 East Hillsborough County Florida; Section 28, That part of the North 1800 ft. of the east 900 ft. lying north of the existing grove (the north boundary of said grove being described by a line starting 1490 ft south of the NE corner of said section, hence due west 210 ft., hence SW approximately 500 ft. to a point 1800 ft south and 595 ft. west of said NE corner of said section.), containing approximately 35 acres.

1998 AMENDMENT AREA, SPIVEY, CHASTAIN, AND COLDING PARCELS:

In Township 32 South, Range 22 East Hillsborough County Florida; Section 14, The south $\frac{3}{4}$ of the east $\frac{1}{4}$, LESS the north 104.35 feet of the east 208.71 feet of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 23, The NE. $\frac{1}{4}$ of the NE. $\frac{1}{4}$; All, containing approximately 157 acres.

1999/2000 AMENDMENT AREA: REYNOLDS PROPERTY:

In Township 31 South, Range 22 East, Hillsborough County, Florida:

Section 3: The SE 1/4 of the NE 1/4 ; the N ½ of the SW 1/4 of the NE 1/4; and the West 648.55 feet of the S ½ of the SW 1/4 of the NE 1/4.

Section 4: The E ½ of the NE 1/4 of the NW 1/4; the NE 1/4 of the SE 1/4 of the NW 1/4 ; the NE 1/4 ; the N ½ of the SE 1/4 ; and the SE 1/4 of the SE 1/4. Less the following parcel: Begin at the Northeast Corner of said Section 4 ; thence S00E40'15"E, along the East Line of said Section 4 a distance of 595.13 feet; thence N73E26'01"W, 133.18 feet along the twenty five year flood plain line; thence N62E05'09"W, 159.23 feet; thence N82E19'48"W, 145.43 feet; thence S84E56'20"W, 60.77 feet; thence N82E 03'11"W, 197.74 feet; thence N85E 13'52"W, 201.38 feet; thence S84E 11'03"W, 199.12 feet; thence S88E 47'03"W 203.64 feet; thence N81E 02'02"W, 182.40 feet; thence N62E 49'06"W, 203.69 feet; thence N52E 21'44"W, 200.00 feet; thence N26E 29'56"W, 98.84 feet; thence N58E 45'19"W to a point on the North Boundary of said Section 4 a distance of 222.75 feet; thence N89E 59'27"E along said North boundary of Section 4 a distance of 701.18 feet; thence N89E 56'44"E, 1267.46 feet to the Point of Beginning, subject to existing road rights-of-way.

All containing 357 acres more or less.

AREA REMOVED FROM MINE

In Township 31 South, Range 21 East, Hillsborough County, Florida: Section 13: The E ½ Section 24: The N ½ of the NE ¼, and the SW ¼ of the NE ¼, and the E ½ of the NW ¼;

In Township 31 South, Range 22 East, Hillsborough County, Florida: Section 18: The W ½, Less the east 1200 feet of the south 30 feet of the W ½. Section 30: and LESS that part of the NW ¼ of the SE ¼ described as: from the southwest corner of the SE ¼ of said Section 30, run north 00E04'27" east along the west boundary thereof for 2084.44 feet to the point of beginning; from the point of beginning continue north 00E04'27" east along said boundary 210 feet; thence south 89E55'33" east 234.73 feet; thence south 00E04'27" west (parallel to said west boundary) 210 feet; thence north 89E55'33" west 234.73 feet to the point of beginning; and, LESS that part of the NW ¼ of SE ¼ described as: begin at the southeast corner thereof and run south 88E01'58" west along the south boundary thereof 1316.96 feet to the easterly right-of-way line of County Road 39; thence north 00E14'05" west along said right-of-way line 39.82 feet; thence north 89E45'55" east 1316.36 feet, more or less, to the point of beginning; and, LESS that part of the SE ¼ of SE ¼ lying within the following described parcel: begin at the northwest corner of the SE ¼ of SE ¼ of Section 30 and run south 00E08'28" east along the west boundary thereof 1346.18 feet to the southwest corner thereof; thence (entering Section 31) continue south 00E08'28" east 211.04 feet; thence north 89E45'55" east 64.39 feet; thence north 00E08'28" west 1557.22 feet; thence south 89E45'55" west 64.39 feet to the point of beginning. Section 31: That part of the N ½ of NE ¼ lying within the following described parcel: begin at the northwest corner of the SE ¼ of SE ¼ of Section 30 and run south 00E08'28" east along the west boundary thereof 1346.18 feet to the southwest corner thereof; thence (entering Section 31) continue south 00E08'28" east 211.04 feet; thence north 89E45'55" east 64.39 feet; thence north 00E08'28" west 1557.22 feet; thence south 89E45'55" west 64.39 feet to the point of beginning. and LESS that part of the N ½ of NE ¼ described as: begin at the northeast corner of the NW ¼ of NE ¼ of Section 31 and run south 87E32'27" west along the north boundary thereof 1315.15 feet to the easterly right-of-way line of County Road 39; thence south 00E14'05" east along said right-of-way line 2.05 feet; thence south 00E00'15" west, still along said right-of-way line, 157.95 feet; thence north 89E45'55" east 1314.47 feet; thence north 00E08'28" west 211.04 feet to the point of beginning;

Said parcels containing 850 acres more or less.

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



P.O. Box 1110
Tampa, Florida 33601
Telephone (813) 276-8100

February 12, 2003

JOHN MEYER DRI COORDINATOR
TAMPA BAY REGIONAL PLANNING COUNCIL
9455 KOGER BOULEVARD SUITE 219
ST PETERSBURG FL 33702

Re: Resolution No. R03-026 - Amending the Development Order for
IMC Phosphates Company Hillsborough County Consolidated Mines
(DRI #213)

Dear Mr. Meyer:

Attached is a certified original of referenced resolution, which
was adopted by the Hillsborough County Board of County
Commissioners on February 11, 2003.

We are providing this original for your files.

Sincerely,

Gail M. Letzring

Gail M. Letzring,
Manager, BOCC Records

md
Attachment
Certified Mail 7000 0600 0029 5053 8261
cc: Board files (orig.)
Dave Forziano, Esq., Salem Saxon
Charles Gauthier, Chief, DCA Bureau of State Planning
Margaret Courtney, Assistant County Attorney
Bruce W. McClendon, Director, Planning & Growth Management
Beth Novak, County Attorney's Office
Jim Glaros, Assistant Chief Deputy, Valuation, Property
Appraiser's Office

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF HILLSBOROUGH COUNTY, FLORIDA
AMENDING DRI 213 DEVELOPMENT ORDER

WHEREAS, the Hillsborough County Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes; and

WHEREAS, the Hillsborough County Board of County Commissioners approved Resolution 95-062 on March 23, 1995 granting IMC-Agrico Company a DRI Development Order and Operation Permit for the IMC Phosphates Company (IMC) Hillsborough County Mines; and

WHEREAS, on April 25, 1996, Hillsborough County adopted Resolution 96-120, amending the DRI Development Order and Master Mine Plan to add approximately 35 acres; and

WHEREAS, on January 13, 1998, Hillsborough County adopted Resolution 98-012, amending the DRI Development Order and Master Mine Plan to add approximately 157 acres; and

WHEREAS, on September 26, 2000, Hillsborough County adopted Resolution 00-223, amending the DRI Development Order and Master Mine Plan to add approximately 357 acres; and

WHEREAS, a copy of the Notice of Proposed Change and supplement dated December 9, 2002 was provided to Tampa Bay Regional Planning Council and Florida Department of Community Affairs, (said Notice of Proposed Change and supplement, being incorporated and made a part of this resolution by reference) and they were afforded the opportunity to participate in the review of this proposed change; and

WHEREAS, the Board held a duly noticed public hearing on said application on February 11, 2003, as required by the Sec. 15.2.2.E. of the Hillsborough County Development Review Procedures Manual and Sec. 380.06(19), Florida Statutes; and

WHEREAS, IMC, other units of Government, local agencies and interested citizens were afforded the opportunity to participate in the proceedings before the Board relating to the application and were provided the opportunity to present witnesses, evidence and argument on all issues, conduct cross examination and submit rebuttal evidence.

NOW, THEREFORE BE IT RESOLVED THIS 11TH DAY OF FEBRUARY, 2003, BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THAT THE PROPOSED CHANGES DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION AS DEFINED BY SUBSECTION 380.06(19), FLORIDA STATUTES, THAT THE APPLICATION IS APPROVED, AND THAT THE DEVELOPMENT ORDER FOR DRI 213 AND OPERATING PERMIT IS AMENDED BY ADDING THE FOLLOWING

FINDINGS OF FACT AND CONDITIONS, WITH THE BALANCE OF THE ADOPTED DEVELOPMENT ORDER REMAINING IN EFFECT IN ITS ENTIRETY.

I. FINDING OF FACT:

- A. DRI 213 currently authorizes 160 trucks per day to enter and exit the Lonesome Mine, with 100 of those trucks authorized to exit the Lonesome Mine by heading west on the Lonesome Plant Road and turning north on CR 39 and the remaining 60 trucks authorized to exit the Lonesome Mine by turning south on CR 39. IMC's NOPC application seeks approval to temporarily redirect the 60 southbound trucks so that all 160 trucks may travel approximately 5.2 miles north on CR 39 to Tampa Bay Water's Regional Reservoir site. The NOPC application does not seek any increase in the number of trucks currently authorized to exit the Lonesome Mine. This temporary change in the destination of the 160 truck loads currently approved from the Lonesome Mine will not have any significant change in the impacts of the mine operation.
- B. The real property, which is the subject of this Application is described as set forth in the attached legal description.
- C. This proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes, and does not unreasonably interfere with the achievement of the objectives of the State Land Development Plan.
- D. The authorized agent for IMC Phosphates Company is Mr. Robert H. Kinsey, Vice President Operations Support, IMC Phosphates Company, P.O. Box 2000, Mulberry, Florida 33860.
- E. The property is owned by IMC Phosphates Company.
- F. The proposed amendment does not constitute a Substantial Deviation under subsection 380.06(19), Florida Statutes.

II. CONDITIONS:

- A. The trucking of the tailing sand to the County reservoir site will terminate 11 months after the effective date of this resolution, and the original truck destinations will automatically be reinstated.
- B. IMC's reclamation activity shall not be delayed as a result of this approval nor shall it cause any post-reclamation amendments which would further deviate from the natural landscape.
- C. All conditions of the existing Development Order and Master Mine Plan approval (Resolution #95-062) as amended, remain in effect.

III ADMINISTRATIVE:

- A. This Resolution shall become effective upon the rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes.
- B. Upon adoption, this resolution shall be transmitted by the Ex Officio clerk to the Board of County Commissioners by Certified Mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and IMC.
- C. IMC shall record a Notice of Adoption of this Development Order Amendment in accordance with the provisions of Section 380.06(15)(f), Florida Statutes.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, Richard Ake, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of February 11, 2003 as the same appears of record in Minute Book 321 of the Public records of Hillsborough County, Florida.

Witness my hand and official seal this 12th day of February, 2003.

RICHARD AKE, CLERK



By: Mildred K. Dixon
(Deputy Clerk)

Approved as to form and
correctness:

County Attorney

LEGAL DESCRIPTION

CONSOLIDATION PHASE AREA

In Township 31 South, Range 21 East, Hillsborough County, Florida: Section 36: The E ½ of the SW ¼; and the W ½ of the SE ¼; and the S ¾ of the E ½ of the SE ¼;

In Township 32 South, Range 21 East, Hillsborough County, Florida: Section 1: All Section 2: All Section 3: All Section 10: The N ½, and the E ½ of SW ¼, and, The N ½ of SE ¼, and, The W ½ of SW ¼ of SE ¼. Section 11: All, LESS the E ½ of SW ¼. Section 12: All;

In Township 30 South, Range 22 East, Hillsborough County, Florida: Section 24: The SE ¼, LESS the CSX Railroad right-of-way, and, the S ¼ of W ¼ of NE ¼, LESS the CSX Railroad right-of-way; and the E ½ of SE ¼ of SE ¼ of NW ¼, subject to a road right-of-way over the south 15 feet of the NE ¼ of SE ¼ of SE ¼ of NW ¼; and the E ½ of NE ¼ of SW ¼, LESS the following described parcel: The south 162 feet of the N ¼ of said E ½ of NE ¼ of SW ¼, LESS the west 326.5 feet thereof; and the N ¾ of SE ¼ of SW ¼. Section 25: All. Section 26: The SW ¼; and the E ½ of the SE ¼; and the S ¾ of the W ½ of the SE ¼; and the SE ¼ of SW ¼ of NW ¼; and the S ¾ of W ½ of SE ¼ of NW ¼; and the E ½ of SE ¼ of NW ¼, LESS the west 330 feet of the north 660 feet thereof; and the S ½ of the SE ¼ of NE ¼, LESS the north 420 feet of the west 474.37 feet thereof; and the east 30 feet of the west 45 feet of the SW ¼ of NE ¼, LESS the south 774 feet thereof; and the east 810 feet of the west 825 feet of the north 529 feet of the south 774 feet of the SW ¼ of the NE ¼. Section 35: All, LESS: West 395 feet of the N ½ of the NW ¼ of the NW ¼ of the SW ¼; and, LESS: The East 25 feet of the West 420 feet of the North 105 feet of the N ½ of the NW ¼ of the NW ¼ of the SW ¼; and, LESS: The S ½ of the NW ¼ of the NW ¼ of the SW ¼. Section 36: All;

In Township 31 South, Range 22 East, Hillsborough County, Florida: Section 1: All Section 2: All, LESS: The SE ¼ of the NW ¼, Also LESS: That part of the N ½ of the NW ¼, lying within the following metes and bounds description: Beginning at the SE corner of the NE ¼ of the NW ¼ of said Section 2, run thence West along the South boundary thereof 1428.22 feet, thence North 0°57' East 50 feet, thence East 247.5 feet, thence North 26.5 feet, thence South 86°18'40" East 1183.2 feet to the point of beginning. Also LESS: That part of the SW ¼ of the NE ¼ and NW ¼ of SE ¼ of said Section 2 described as follows: Beginning at the Northwest corner of said SW ¼ of NE ¼ run South 86°18'40" East 13.0 feet, thence South 1°43' West 85 feet, thence South 88°17' East 289 Feet, thence South 7°20'50" West 1273.8 feet, thence South 88°27'30" West 177 feet, thence North 1°43' East for 3.0 feet to the center of said Section 2, thence continue North 1°43' East 1349.7 feet to the point of beginning. Also LESS: That part of the N ½ of SW ¼ of said Section 2 described as follows: Beginning at the center of said Section 2, run South 1°43' West 3.0 feet, thence South 88°27'30" West 1403.4 feet, thence North 1°48'40" East 62.0 feet to the North boundary of said SW ¼ thence South 89°08' East along said North boundary 1402.2 feet to the point of beginning. Also LESS: That part of SW ¼ of NW ¼ of said Section 2 described as follows: Beginning at SE corner of said SW ¼ of NW ¼, run North 89°08' West 81.7 feet, thence North 1°48'40" East 665 feet, thence South 88°11'20" West 19.6 feet, thence North 0°57' East 664.8 feet, thence East 102.5 feet to NE corner of said SW ¼ of NW ¼, thence South 1°26' West 1329.6 feet to the point of beginning. Section 3: The NW ¼ of the SW ¼; and, The E ½ of SE ¼ of SE ¼. Section 4: The SW ¼ of SE ¼. Section 7: The S ¾ of E ½. Section 8: The W ½, and the W ½ of SW ¼ of NE ¼, and the SE ¼ LESS the part beginning at the northeast corner of said SE ¼ and running South 0°20'33" West along the east boundary thereof 389.22 feet to the centerline of the old road commonly known as Jameson Road or Lillibridge Road, thence North 55°46'32" West along said road centerline 693.04 feet to the north boundary of said SE ¼, thence South 89°56'31" East along said North boundary 575.36 feet to the point of beginning. Section 9: All that part lying north of Jameson Road, LESS N ½ of NE ¼ of NE ¼ and LESS 1 acre square in the SW corner of the NW ¼ of NE ¼, and that part of the SE ¼ of SW ¼ described as beginning 1043.55 feet west of the southeast corner thereof and

running north 1043.55 feet, thence northwesterly to the northwest corner of said SE ¼ of SW ¼, thence south to the southwest corner thereof, thence east to the point of beginning; and, that part of the south 1043.55 feet of the east 1043.55 feet of the SE ¼ of SW ¼ lying south and west of the old road running in a southeasterly-northwesterly direction and commonly known as Jameson Road or Lillibridge Road; and, that part of the SW ¼ of the SE ¼ lying south and west of Jameson Road. Section 10: All. Section 11: All Section 12: All Section 13: All Section 14: All Section 15: All, LESS that part of the NW ¼ of NW ¼ beginning 890 feet East and 25 feet South of the Northwest corner thereof and running East 200 feet, thence South 430 feet, thence West 200 feet, thence North 430 feet, to the point of beginning. Section 16: All Section 17: All Section 18: All, Less the east 1200 feet of the south 30 feet of the W ½. Section 19: The NE ¼, LESS the SW ¼ of NW ¼ of NE ¼; and LESS the north 150 feet of the west 290 feet of the NW ¼ of the NW ¼ of the NE ¼; and the S ½ of SE ¼; and the NE ¼ of SE ¼; . Section 20: All Section 21: All Section 22: All Section 23: The N ¼; and the W ½ of SW ¼ of NW ¼. Section 24: The N ¼; and the S ¾ of E ¼. Section 25: The N ½ of NE ¼. Section 27: The W ¾. Section 28: All Section 29: All Section 30: The SE ¼ of NW ¼, and the E ½, LESS the SW ¼ of SE ¼, and LESS the N ½ of NW ¼ of SW ¼ of NE ¼. Section 31 The SW ¼, and the E ½ LESS the east 14 chains of the south 8 chains of the SW ¼ of NE ¼, and LESS the S½ of SW ¼ of SW ¼ of NE ¼, and LESS the N ½ of NW ¼ of SE ¼. Section 32: All. Section 33: All. Section 34: The W ½;

In Township 31 South, Range 21 East, Hillsborough County, Florida: Section 13: The E ½ Section 24: The N ½ of the NE ¼, and the SW ¼ of he NE ¼, and the E ½ of the NW ¼;

In Township 32 South, Range 22 East: Section 3: All, LESS the E ½ of NE ¼. Section 4: All. Section 5: All. Section 6: The N ½ of SW ¼, and all that part lying East of State Road 39 (the Plant City-Picnic Road). Section 7: All, LESS the South 650 feet of the East 350 feet of the SE ¼ of the SW ¼, and LESS the W ¼ of the SW ¼ of the SW ¼. Section 8: All. Section 9: All. Section 10: a.) The W ½, and the NE ¼, and the E ½ of SE ¼, and the N ½ of NW ¼ of SE ¼. b.) (Phosphate and phosphate rock only). The S ½ of NW ¼ of SE ¼. Section 13: All. Section 14: The W ¾; and the NE ¼ of NE ¼; and the north 104.35 feet of the east 208.71 feet of the NE ¼ of SE ¼ of NE ¼. Section 15: All. Section 16: The S ½; and the NW ¼ of NE ¼; and the S ½ of the NW ¼. Section 17: The W ½ of the NW ¼ of the NE ¼ of the NE ¼, and the SW ¼ of the NE ¼ of the NE ¼, and the N ½ and SE ¼ of the NW ¼ of the NE ¼, and the SE ¼ of the NE ¼, and the E ¼ of the SE ¼ Section 21: All. Section 22: ALL, LESS the SW ¼ of the NE ¼. Section 23: ALL, LESS the NE ¼ of the NE ¼. Section 24: All. Section 25: All. Section 26: All. Section 27: All. Section 28: E ½ of SE ¼, and SW ¼ of SW ¼. Section 33: All, LESS the NE ¼ of NW ¼. Section 34: All. Section 35: All. Section 36: All;

Said parcels containing 35,473 acres more or less.

EXTENSION PHASE AREA

In Township 30 South, Range 22 East

Section 26: The N ½ of the SE ¼ of the NE ¼ and the South ¼ of the NE ¼ of the NE ¼; The N ½ of the NW ¼ of the SE ¼; The South 245 feet of the West 825 feet of the SW ¼ of the NE ¼, and the West 15 feet of the West 825 feet of the SW ¼ of the NE ¼ LESS the South 245 feet.

In Township 31 South, Range 21 East, Hillsborough County, Florida

Section 25: That part of the SW ¼ of SW ¼ described as begin at the northwest corner thereof, run thence east 200 feet, thence southeasterly to a point 200 feet west of the southeast corner thereof, thence west to the southwest corner thereof, thence north to the point of beginning. Section 26: The West 60 feet of the East 270 feet of the N ½ of SW ¼ of NW ¼ and, the S ½ of SW ¼ of NW ¼; and the S ½ of SE ¼ of NW ¼; and the W ½ of SW ¼ of SW ¼ of NE

¼; and the S ½ LESS the portion of the N ½ of SE ¼ described as beginning 5 feet north of the southeast corner of the N ½ of SE ¼, run thence west 990 feet, thence North 165 feet, thence West 165 feet, thence North 165 feet, thence west 495 feet, thence North 165 feet, thence west 330 feet, thence North 330 feet, more or less, to the North boundary of the N ½ of SE ¼, thence east to the Northeast corner thereof, thence South to the point of beginning; and The W ¾ of the NE ¼ of the NW ¼; and the East 210 feet of the S ½ of the NW ¼ of the NW ¼. Section 27: The SW ¼ of NW ¼; and the E ½ of NW ¼; and the W ½ of SW ¼ of NE ¼; and the S ½. Section 28: The E ¼ of the SE ¼ of the SW ¼ LESS the south 30 feet; and the S ¾ of the W ½ of the SE ¼ LESS the South 30 feet; and the SE ¼ of the SE ¼; and the North 50 feet of the S ½ of the NE ¼ of the SW ¼; and the SE ¼ of the NE ¼; and the NE ¼ of the SE ¼. Section 33: The SE ¼ of NW ¼ LESS that part thereof lying north of a dirt road (the easterly extension of Sweat Loop Road); and the E ¾ of N ½ of NE ¼; and the S ½ of NE ¼ LESS that part of the W ½ of SW ¼ of NE ¼ lying north of a dirt road (the easterly extension of Sweat Loop Road and the S ½; and, the N ½ of the NE ¼ of the NW ¼; and The SW ¼ of the NW ¼, LESS that part lying north of Sweat Loop Road. Section 34: All. Section 35: All. Section 36: The NW ¼ of NW ¼; and the S ½ of NE ¼ of NW ¼; and the W ¼ of N ½ of NE ¼ of NW ¼; and the S ½ of NW ¼; and the NE ¼ of NW ¼ of NE ¼; and the S ½ of NW ¼ of NE ¼; and the N ½ of SW ¼ of NE ¼; and the W ½ of SW ¼.

In Township 31 South, Range 22 East:

Section 19 The north 150 feet of the West 290 feet of the NW ¼ of the NW ¼ of the NE ¼; and The E ½ of the NE ¼ of the NW ¼ of the SE ¼.

In Township 32 South, Range 21 East:

Section 4: All. Section 9: The W ½; and the W ½ of NE ¼; and the W ½ of NE ¼ of NE ¼; and the W 3/8 of SE ¼ of NE ¼; and the NW ¼ of SE ¼. Section 13: The E ½ of W ½ of NW ¼; and The SW ¼; and The S ¼ of the SE ¼. Section 14: The W ½ of NE ¼ and the West 501.88 feet of the E ½ of NE ¼; and The SE ¼; and The W ½, LESS the following described lands: the South 210 feet of the North 260 feet of the West 210 feet of the NW ¼ of the NW ¼; the West 315 feet of the South 210 feet of the NW ¼ of SW ¼; the North 260 feet of the East 210 feet of the NE ¼ of NW ¼; the North 260 feet of the West 210 feet of the East 660 feet of the NE ¼ of NW ¼. Section 15: The S ¼ The NW ¼ of the SW ¼ The S ½ of the NW ¼ The NE ¼ of the NW ¼ The E ½ of the NW ¼ of the NW ¼ The SW ¼ of the NE ¼ The W ½ of the NW ¼ of the NE ¼ Section 16: The W ¾ The SE ¼ of the NE ¼ The SE ¼ of the SE ¼ The W ½ of the NE ¼ of the SE ¼. The SE ¼ of the NE ¼ of the SE ¼ Section 22: All, LESS the NW ¼ of the NW ¼. Section 23: All. Section 24: All. Section 25: All. Section 26: All. Section 27: All. Section 28: The SE ¼ of NE ¼, and the S ½. Section 33: All. Section 34: All. Section 35: All. Section 36: All.

In Township 32 South, Range 22 East, Hillsborough County, Florida

Section 7: the W ¼ of the SW ¼ of the SW ¼. Section 16: The SW ¼ of the NE ¼ and the SE ¼ of the NE ¼ and, The NE ¼ of the NE ¼, LESS the North 550 feet of the West 792 feet, and, The N ½ of the NW ¼. Section 17: All Section 18: The W ½ of NE ¼ of SW ¼, the SE ¼ of NE ¼ of SW ¼, the W ½ of SW ¼, and the SE ¼ of SW ¼, and the NE ¼ of the NE ¼, and the S ½ of the NE ¼ and the SE ¼. Section 19: The E ½, The SE ¼ of SW ¼, The W ¾ of N ½ of NW ¼, The E ¼ of SW ¼ of SW ¼. Section 20: All Section 22: The SW ¼ of the NE ¼. Section 29: All. Section 30: All, LESS the SE ¼ of the NW ¼. Section 31: All. Section 32: All.

Said parcels containing 17,915 acres more or less.

1996 AMENDMENT AREA, SHUMAN PARCEL:

In Township 32 South, Range 22 East Hillsborough County Florida; Section 28, That part of the North 1800 ft. of the east 900 ft. lying north of the existing grove (the north boundary of said grove being described by a line starting 1490 ft south of the NE corner of said section, hence due west

210 ft., hence SW approx. 500 ft. to a point 1800 ft south and 500 ft. west of said NE corner of said section.), containing approximately 35 acres.

1998 AMENDMENT AREA, SPIVEY, CHASTAIN, AND COLDING PARCELS:

In Township 32 South, Range 22 East Hillsborough County Florida; Section 14, The south ¾ of the east ¼, LESS the north 104.35 feet of the east 208.71 feet of the NE ¼ of SE ¼ of NE ¼ , Section 23, The NE ¼ of the NE ¼; All, containing approximately 157 acres.

1999/2000 AMENDMENT AREA: REYNOLDS PROPERTY:

In Township 31 South, Range 22 East, Hillsborough County, Florida:

Section 3: The SE 1/4 of the NE 1/4 ; the N ½ of the SW 1/4 of the NE 1/4; and the West 648.55 feet of the S ½ of the SW 1/4 of the NE 1/4.

Section 4: The E ½ of the NE 1/4 of the NW 1/4; the NE 1/4 of the SE 1/4 of the NW 1/4 ; the NE 1/4 ; the N ½ of the SE 1/4 ; and the SE 1/4 of the SE 1/4. Less the following parcel: Begin at the Northeast Corner of said Section 4 ; thence S00°40'15"E, along the East Line of said Section 4 a distance of 595.13 feet; thence N73°26'01"W, 133.18 feet along the twenty five year flood plain line; thence N62°05'09"W, 159.23 feet; thence N82°19'48"W, 145.43 feet; thence S84°56'20"W, 60.77 feet; thence N82° 03'11"W, 197.74 feet; thence N85° 13'52"W, 201.38 feet; thence S84° 11'03"W, 199.12 feet; thence S88° 47'03"W 203.64 feet; thence N81° 02'02"W, 182.40 feet; thence N62° 49'06"W, 203.69 feet; thence N52° 21'44"W, 200.00 feet; thence N26° 29'56"W, 98.84 feet; thence N58° 45'19"W to a point on the North Boundary of said Section 4 a distance of 222.75 feet; thence N89° 59'27"E along said North boundary of Section 4 a distance of 701.18 feet; thence N89° 56'44"E, 1267.46 feet to the Point of Beginning, subject to existing road rights-of-way.

All containing 357 acres more or less.

AREA REMOVED FROM MINE

In Township 31 South, Range 21 East, Hillsborough County, Florida: Section 13: The E ½ Section 24: The N ½ of the NE ¼, and the SW ¼ of the NE ¼, and the E ½ of the NW ¼;

In Township 31 South, Range 22 East, Hillsborough County, Florida: Section 18: The W ½, Less the east 1200 feet of the south 30 feet of the W ½. Section 30: and LESS that part of the NW ¼ of the SE ¼ described as: from the southwest corner of the SE ¼ of said Section 30, run north 00°04'27" east along the west boundary thereof for 2084.44 feet to the point of beginning; from the point of beginning continue north 00°04'27" east along said boundary 210 feet; thence south 89°55'33" east 234.73 feet; thence south 00°04'27" west (parallel to said west boundary) 210 feet; thence north 89°55'33" west 234.73 feet to the point of beginning; and, LESS that part of the NW ¼ of SE ¼ described as: begin at the southeast corner thereof and run south 88°01'58" west along the south boundary thereof 1316.96 feet to the easterly right-of-way line of County Road 39; thence north 00°14'05" west along said right-of-way line 39.82 feet; thence north 89°45'55" east 1316.36 feet, more or less, to the point of beginning; and, LESS that part of the SE ¼ of SE ¼ lying within the following described parcel: begin at the northwest corner of the SE ¼ of SE ¼ of Section 30 and run south 00°08'28" east along the west boundary thereof 1346.18 feet to the southwest corner thereof; thence (entering Section 31) continue south 00°08'28" east 211.04 feet; thence north 89°45'55" east 64.39 feet; thence north 00°08'28" west 1557.22 feet; thence south 89°45'55" west 64.39 feet to the point of beginning. Section 31: That part of the N ½ of NE ¼ lying within the following described parcel: begin at the northwest corner of the SE ¼ of SE ¼ of Section 30 and run south 00°08'28" east along the west boundary thereof 1346.18 feet to the southwest corner thereof; thence (entering Section 31) continue south 00°08'28" east 211.04 feet; thence north 89°45'55" east 64.39 feet; thence north 00°08'28" west 1557.22 feet; thence south

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



P.O. Box 1110
Tampa, Florida 33601
Telephone (813) 276-8100

October 5, 2000

JOHN MEYER DRI COORDINATOR
TAMPA BAY REGIONAL PLANNING COUNCIL
9455 KOGER BOULEVARD SUITE 219
ST PETERSBURG FL 33702

Re: Resolution No. R00-223 - Amending the Development Order for
IMC Phosphates Company, Kingsford Mining Unit R (DRI #213)

Dear Mr. Meyer:

Attached is a certified original of referenced resolution, which
was adopted by the Hillsborough County Board of County
Commissioners on September 26, 2000.

We are providing this original for your files.

Sincerely,

Judith M. Grose
Judith M. Grose
Manager, BOCC Records

md

Attachment

Certified Mail #P220536082

cc: Board files (orig.)

J. Thomas Beck, Florida Department of Community Affairs

Joyce A. Nader, Esq., Salem, Saxon, and Nielsen, P.A.

Margaret T. Courtney, Assistant County Attorney

John Healy, Senior Planner, Planning & Growth Management

Beth Novak, County Attorney's Office

RESOLUTION NO. R00-223

HILLSBOROUGH COUNTY, FLORIDA

WHEREAS, the Hillsborough County Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes; and

WHEREAS, the Hillsborough County Board of County Commissioners approved Resolution 95-062 on March 23, 1995 granting IMC-Agrico Company a DRI Development Order and Operating Permit for the IMC-Agrico Hillsborough County Consolidated Mines; and

WHEREAS, on April 25, 1996, Hillsborough County adopted Resolution 96-120, amending the DRI Development Order and Operating Permit to add approximately 35 acres owned by Donald and Mary Shuman, Inc. (Shuman tract); and

WHEREAS, on January 13, 1998, Hillsborough County adopted Resolution 98-012, amending the DRI Development Order and Operating Permit to add approximately 157 acres (Spivey tract); and

WHEREAS, a copy of the Notice of Proposed Change and supplement dated September 3, 1999 (Reynolds parcels) was provided to Tampa Bay Regional Planning Council, Florida Department of Community Affairs, Florida Fish and Wildlife Conservation Commission, and Florida Department of State Division of Historical Resources (said Notice of Proposed Change and supplement, being incorporated and made a part of this resolution by reference) and they were afforded the opportunity to participate in the review of this proposed change; and

WHEREAS, a copy of the Notice of Proposed Change and supplement dated September 3, 1999 (Reynolds parcels) was provided on August 16, 2000, by Hillsborough County to Tampa Bay Regional Planning Council, Florida Department of Community Affairs, Florida Department of Environmental Protection Bureau of Mine Reclamation, Hillsborough County Environmental Protection Commission, and Hillsborough County City-County Planning Commission, and they were afforded the opportunity to participate in the review of this proposed change; and

WHEREAS, on June 26, 2000 IMC-Agrico Co. Changed its name to IMC Phosphates Company (IMC); and

WHEREAS, on August 21, 2000, the Phosphate Hearing Master reviewed the request for amendment to the Operating Permit, along with the companion requests for Mining Unit and Setback Waiver approval for the Reynolds parcels pursuant to the Hillsborough County Land Development Code, and has filed a recommendation on said applications with the Board of County Commissioners; and

WHEREAS, the Board held a duly noticed public hearing on said application on September 22 2000 as required by Section 380.06, Florida Statutes; and

WHEREAS, IMC, other units of Government, local agencies and interested citizens were

afforded the opportunity to participate in the proceedings before the Board relating to the application and were provided the opportunity to present witnesses, evidence and argument on all issues, conduct cross examination and submit rebuttal evidence.

NOW, THEREFORE BE IT RESOLVED THIS 26st DAY OF September, 2000, BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THAT THE PROPOSED CHANGES DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION AS DEFINED BY SUBSECTION 380.06(19), FLORIDA STATUTES, AND THAT THE DEVELOPMENT ORDER FOR THE HILLSBOROUGH COUNTY MINES DRI AND OPERATING PERMIT IS AMENDED BY ADDING THE FOLLOWING FINDING OF FACT AND CONDITIONS, WITH THE BALANCE OF THE ADOPTED DEVELOPMENT ORDER REMAINING IN EFFECT IN ITS ENTIRETY.

I. FINDING OF FACT:

- A. The addition of the Reynolds parcels and mining of an additional 357 acres, including the Mine access corridor crossing "Z" of Halls Branch, will not have any significant change in the impacts of the mine operation.
- B. The real property, which is the subject of this Application is described as set forth in the attached legal description.
- C. This proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, F.S., and does not unreasonably interfere with the achievement of the objectives of the State Land Development Plan.
- D. The authorized agent for IMC Phosphates Company is Mr. Robert H. Kinsey, Director of Operations Support, IMC Phosphates Company, P.O. Box 2000, Mulberry, Florida 33860.
- E. The property is owned by IMC Phosphates Company.
- F. Any presumption of a Substantial Deviation has been rebutted.

II. CONDITIONS:

- A. Any impact to wetlands on site shall be subject to all conditions under Section III.F. of the existing Development Order (Resolution 95-062), as appropriate.
- B. All conditions of the existing Development Order and Operating Permit (Resolution #95-062) that apply to the Extension Area, also equally apply to this 357 acre addition.
- C. Condition H. 10. Of the March 23, 1995 Development Order is hereby amended to add crossing Z as follows:
 - 10 [EXT] IMC shall document to Hillsborough County, in Mining Unit Plan applications, that 25-year floodplain and wetland crossings are necessary. Proposed floodplain crossings L, Q, S and R and wetland crossings 15, 16,

17 3, 19 and 20, shall incorporate design features sufficient to protect the Little Manatee River. Continuation of all existing agricultural use and maintenance of wetland crossings are not restricted by this condition. For crossing points K, L, M, N, P, Q, R, S, & T use for roads and power lines is approved. Their use for pipelines crossings shall be restricted so as to use them for the most direct route. Their use for dragline crossings shall be restricted to those which are needed for access which will cause the least impact. Crossing Z on Halls Branch is approved for use for dragline, pipelines, power lines, and road, with the use best management practice as defined in condition Q 20 A. & D.

III ADMINISTRATION:

- A. This Resolution shall become effective upon the rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes.
- B. Upon adoption, this resolution shall be transmitted by the Ex Officio clerk to the Board of County Commissioners by Certified Mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and IMC.
- C. IMC shall record a Notice of Adoption of this Development Order Amendment in accordance with the provisions of Section 380.06(15)(f), Florida Statutes.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, Richard Ake, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of ~~September~~ 26, 2000 as the same appears of record in Minute Book 292 of the Public records of Hillsborough County, Florida.

Witness my hand and official seal this 5th day of October, 2000.

RICHARD AKE, CLERK



By: Mildred K. Dism
(Deputy Clerk)

Approved as to form and
legal sufficiency:

AWA

Assistant County Attorney

LEGAL DESCRIPTION

CONSOLIDATION PHASE AREA

In Township 31 South, Range 21 East, Hillsborough County, Florida: Section 36: The E ½ of the SW ¼; and the W ½ of the SE ¼; and the S ¾ of the E ½ of the SE ¼;

In Township 32 South, Range 21 East, Hillsborough County, Florida: Section 1: All Section 2: All Section 3: All Section 10: The N ½, and the E ½ of SW ¼, and, The N ½ of SE ¼, and, The W ½ of SW ¼ of SE ¼. Section 11: All, LESS the E ½ of SW ¼. Section 12: All;

In Township 30 South, Range 22 East, Hillsborough County, Florida: Section 24: The SE ¼, LESS the CSX Railroad right-of-way, and, the S ¼ of W ¼ of NE ¼, LESS the CSX Railroad right-of-way; and the E ½ of SE ¼ of SE ¼ of NW ¼, subject to a road right-of-way over the south 15 feet of the NE ¼ of SE ¼ of SE ¼ of NW ¼; and the E ½ of NE ¼ of SW ¼, LESS the following described parcel: The south 162 feet of the N ¼ of said E ½ of NE ¼ of SW ¼, LESS the west 326.5 feet thereof; and the N ¾ of SE ¼ of SW ¼. Section 25: All. Section 26: The SW ¼; and the E ½ of the SE ¼; and the S ¾ of the W ½ of the SE ¼; and the SE ¼ of SW ¼ of NW ¼; and the S ¾ of W ½ of SE ¼ of NW ¼; and the E ½ of SE ¼ of NW ¼, LESS the west 330 feet of the north 660 feet thereof; and the S ½ of the SE ¼ of NE ¼, LESS the north 420 feet of the west 474.37 feet thereof; and the east 30 feet of the west 45 feet of the SW ¼ of NE ¼, LESS the south 774 feet thereof; and the east 810 feet of the west 825 feet of the north 529 feet of the south 774 feet of the SW ¼ of the NE ¼. Section 35: All, LESS: West 395 feet of the N ½ of the NW ¼ of the NW ¼ of the SW ¼; and, LESS: The East 25 feet of the West 420 feet of the North 105 feet of the N ½ of the NW ¼ of the NW ¼ of the SW ¼; and, LESS: The S ½ of the NW ¼ of the NW ¼ of the SW ¼. Section 36: All;

In Township 31 South, Range 22 East, Hillsborough County, Florida: Section 1: All Section 2: All, LESS: The SE ¼ of the NW ¼. Also LESS: That part of the N ½ of the NW ¼, lying within the following metes and bounds description: Beginning at the SE corner of the NE ¼ of the NW ¼ of said Section 2, run thence West along the South boundary thereof 1428.22 feet, thence North 0°57' East 50 feet, thence East 247.5 feet, thence North 26.5 feet, thence South 86°18'40" East 1183.2 feet to the point of beginning. Also LESS: That part of the SW ¼ of the NE ¼ and NW ¼ of SE ¼ of said Section 2 described as follows: Beginning at the Northwest corner of said SW ¼ of NE ¼ run South 86°18'40" East 13.0 feet, thence South 1°43' West 85 feet, thence South 88°17' East 289 Feet, thence South 7°20'50" West 1273.8 feet, thence South 88°27'30" West 177 feet, thence North 1°43' East for 3.0 feet to the center of said Section 2, thence continue North 1°43' East 1349.7 feet to the point of beginning. Also LESS: That part of the N ½ of SW ¼ of said Section 2 described as follows: Beginning at the center of said Section 2, run South 1°43' West 3.0 feet, thence South 88°27'30" West 1403.4 feet, thence North 1°48'40" East 62.0 feet to the North boundary of said SW ¼ thence South 89°08' East along said North boundary 1402.2 feet to the point of beginning. Also LESS: That part of SW ¼ of NW ¼ of said Section 2 described as follows: Beginning at SE corner of said SW ¼ of NW ¼, run North 89°08' West 81.7 feet, thence North 1°48'40" East 665 feet, thence South 88°11'20" West 19.6 feet, thence North 0°57' East 664.8 feet, thence East 102.5 feet to NE corner of said SW ¼ of NW ¼, thence South 1°26' West 1329.6 feet to the point of beginning. Section 3: The NW ¼ of the SW ¼; and, The E ½ of SE ¼ of SE ¼. Section 4: The SW ¼ of SE ¼. Section 7: The S ¾ of E ½. Section 8: The W ½, and the W ½ of SW ¼ of NE ¼, and the SE ¼ LESS the part beginning at the northeast corner of said SE ¼ and running South 0°20'33" West along the east boundary thereof 389.22 feet to the centerline of the old road commonly known as Jameson Road or Lillibridge Road, thence North 55°46'32" West along said road centerline 693.04 feet to the north boundary of said SE ¼, thence South 89°56'31" East along said North boundary 575.36 feet to the point of beginning. Section 9: All that part lying north of Jameson Road, LESS N ½ of NE ¼ of NE ¼ and LESS 1 acre square in the SW corner of the NW ¼ of NE ¼, and that part of the SE ¼ of SW ¼ described as beginning 1043.55 feet west of the southeast corner thereof and running north 1043.55 feet, thence northwesterly to the northwest corner of said SE ¼ of SW ¼, thence south to the southwest corner thereof, thence east to the point of beginning; and, that part of the south 1043.55 feet of the east 1043.55 feet of the SE ¼ of SW ¼ lying south and west of the old road running in a southeasterly-northwesterly direction and commonly known as Jameson Road or Lillibridge Road; and, that part of the SW ¼ of the SE ¼ lying south and west of Jameson Road. Section 10: All. Section 11: All Section 12: All Section 13: All Section 14: All Section 15: All, LESS that part of the NW ¼ of NW ¼ beginning 890 feet East and 25 feet South of the Northwest corner thereof and running East 200 feet, thence South 430 feet, thence

West 200 feet, thence North 30 feet, to the point of beginning. Section 18: All. Section 17: All. Section 19: The NE ¼, LESS the SW ¼ of NW ¼ of NE ¼; and LESS the north 150 feet of the west 290 feet of the NW ¼ of the NE ¼; and the S ½ of SE ¼; and the NE ¼ of SE ¼. Section 20: All. Section 21: All. Section 22: All. Section 23: The N ¼; and the W ½ of SW ¼ of NW ¼. Section 24: The N ¼; and the S ¾ of E ¼. Section 25: The N ½ of NE ¼. Section 27: The W ¾. Section 28: All. Section 29: All. Section 30: The SE ¼ of NW ¼, and the E ½, LESS the SW ¼ of SE ¼, and LESS the N ½ of NW ¼ of SW ¼ of NE ¼. Section 31: The SW ¼, and the E ½ LESS the east 14 chains of the south 8 chains of the SW ¼ of NE ¼, and LESS the S ½ of SW ¼ of SW ¼ of NE ¼, and LESS the N ½ of NW ¼ of SE ¼. Section 32: All. Section 33: All. Section 34: The W ½;

In Township 31 South, Range 21 East, Hillsborough County, Florida: Section 13: The E ½. Section 24: The N ½ of the NE ¼, and the SW ¼ of the NE ¼, and the E ½ of the NW ¼;

In Township 32 South, Range 22 East: Section 3: All, LESS the E ½ of NE ¼. Section 4: All. Section 5: All. Section 6: The N ½ of SW ¼, and all that part lying East of State Road 39 (the Plant City-Picnic Road). Section 7: All, LESS the South 650 feet of the East 350 feet of the SE ¼ of the SW ¼, and LESS the W ¼ of the SW ¼ of the SW ¼. Section 8: All. Section 9: All. Section 10: a.) The W ½, and the NE ¼, and the E ½ of SE ¼, and the N ½ of NW ¼ of SE ¼. b.) (Phosphate and phosphate rock only). The S ½ of NW ¼ of SE ¼. Section 13: All. Section 14: The W ¾; and the NE ¼ of NE ¼; and the north 104.35 feet of the east 208.71 feet of the NE ¼ of SE ¼ of NE ¼. Section 15: All. Section 16: The S ½; and the NW ¼ of NE ¼; and the S ½ of the NW ¼. Section 17: The W ½ of the NW ¼ of the NE ¼ of the NE ¼, and the SW ¼ of the NE ¼ of the NE ¼, and the N ½ and SE ¼ of the NW ¼ of the NE ¼, and the SE ¼ of the NE ¼, and the E ¼ of the SE ¼. Section 21: All. Section 22: ALL, LESS the SW ¼ of the NE ¼. Section 23: ALL, LESS the NE ¼ of the NE ¼. Section 24: All. Section 25: All. Section 26: All. Section 27: All. Section 28: E ½ of SE ¼, and SW ¼ of SW ¼. Section 33: All, LESS the NE ¼ of NW ¼. Section 34: All. Section 35: All. Section 36: All;

Said parcels containing 35,473 acres more or less.

EXTENSION PHASE AREA

In Township 30 South, Range 22 East

Section 26: The N ½ of the SE ¼ of the NE ¼ and the South ¼ of the NE ¼ of the NE ¼; The N ½ of the NW ¼ of the SE ¼; The South 245 feet of the West 825 feet of the SW ¼ of the NE ¼, and the West 15 feet of the West 825 feet of the SW ¼ of the NE ¼ LESS the South 245 feet.

In Township 31 South, Range 21 East, Hillsborough County, Florida

Section 25: That part of the SW ¼ of SW ¼ described as begin at the northwest corner thereof, run thence east 200 feet, thence southeasterly to a point 200 feet west of the southeast corner thereof, thence west to the southwest corner thereof, thence north to the point of beginning. Section 26: The West 60 feet of the East 270 feet of the N ½ of SW ¼ of NW ¼ and, the S ½ of SW ¼ of NW ¼; and the S ½ of SE ¼ of NW ¼; and the W ½ of SW ¼ of SW ¼ of NE ¼; and the S ½ LESS the part of the N ½ of SE ¼ described as begin 495 feet north of the southeast corner of the N ½ of SE ¼, run thence west 990 feet, thence North 165 feet, thence West 165 feet, thence North 165 feet, thence west 495 feet, thence North 165 feet, thence west 330 feet, thence North 330 feet, more or less, to the North boundary of the N ½ of SE ¼, thence east to the Northeast corner thereof, thence South to the point of beginning; and The W ¾ of the NE ¼ of the NW ¼; and the East 210 feet of the S ½ of the NW ¼ of the NW ¼. Section 27: The SW ¼ of NW ¼; and the E ½ of NW ¼; and the W ½ of SW ¼ of NE ¼; and the S ½. Section 28: The E ¼ of the SE ¼ of the SW ¼ LESS the south 30 feet; and the S ¾ of the W ½ of the SE ¼ LESS the South 30 feet; and the SE ¼ of the SE ¼; and the North 50 feet of the S ½ of the NE ¼ of the SW ¼; and the SE ¼ of the NE ¼; and the NE ¼ of the SE ¼. Section 33: The SE ¼ of NW ¼ LESS that part thereof lying north of a dirt road (the easterly extension of Sweat Loop Road); and the E ¾ of N ½ of NE ¼; and the S ½ of NE ¼ LESS that part of the W ½ of SW ¼ of NE ¼ lying north of a dirt road (the easterly extension of Sweat Loop Road and the S ½; and, the N ½ of the NE ¼ of the NW ¼; and The SW ¼ of the NW ¼, LESS that part lying north of Sweat Loop Road. Section 34: All. Section 35: All. Section 36: The NW ¼ of NW ¼; and the S ½ of NE ¼ of NW ¼; and the W ¼ of N ½ of NE ¼ of NW

¼; and the S ½ of NW ¼; and the NE ¼ of NW ¼ of NE ¼; and the S ½ NW ¼ of NE ¼; and the N ½ of SW ¼ of NE ¼; and the W ½ of SW ¼.

In Township 31 South, Range 22 East:

Section 19 The north 150 feet of the West 290 feet of the NW ¼ of the NW ¼ of the NE ¼; and The E ½ of the NE ¼ of the NW ¼ of the SE ¼.

In Township 32 South, Range 21 East:

Section 4: All. Section 9: The W ½; and the W ½ of NE ¼; and the W ½ of NE ¼ of NE ¼; and the W 3/8 of SE ¼ of NE ¼; and the NW ¼ of SE ¼. Section 13: The E ½ of W ½ of NW ¼; and The SW ¼; and The S ¼ of the SE ¼. Section 14: The W ½ of NE ¼ and the West 501.88 feet of the E ½ of NE ¼; and The SE ¼; and The W ½, LESS the following described lands: the South 210 feet of the North 260 feet of the West 210 feet of the NW ¼ of the NW ¼; the West 315 feet of the South 210 feet of the NW ¼ of SW ¼; the North 260 feet of the East 210 feet of the NE ¼ of NW ¼; the North 260 feet of the West 210 feet of the East 660 feet of the NE ¼ of NW ¼. Section 15: The S ¼ The NW ¼ of the SW ¼ The S ½ of the NW ¼ The NE ¼ of the NW ¼ The E ½ of the NW ¼ of the NW ¼ The SW ¼ of the NE ¼ The W ½ of the NW ¼ of the NE ¼ Section 16: The W ¾ The SE ¼ of the NE ¼ The SE ¼ of the SE ¼ The W ½ of the NE ¼ of the SE ¼. The SE ¼ of the NE ¼ of the SE ¼ Section 22: All, LESS the NW ¼ of the NW ¼. Section 23: All. Section 24: All. Section 25: All. Section 26: All. Section 27: All. Section 28: The SE ¼ of NE ¼, and the S ½. Section 33: All. Section 34: All. Section 35: All. Section 36: All.

In Township 32 South, Range 22 East, Hillsborough County, Florida

Section 7: the W ¼ of the SW ¼ of the SW ¼. Section 16: The SW ¼ of the NE ¼ and the SE ¼ of the NE ¼ and, The NE ¼ of the NE ¼, LESS the North 550 feet of the West 792 feet, and, The N ½ of the NW ¼. Section 17: All Section 18: The W ½ of NE ¼ of SW ¼, the SE ¼ of NE ¼ of SW ¼, the W ½ of SW ¼, and the SE ¼ of SW ¼, and the NE ¼ of the NE ¼, and the S ½ of the NE ¼ and the SE ¼. Section 19: The E ½, The SE ¼ of SW ¼, The W ¾ of N ½ of NW ¼, The E ¼ of SW ¼ of SW ¼. Section 20: All Section 22: The SW ¼ of the NE ¼. Section 29: All. Section 30: All, LESS the SE ¼ of the NW ¼. Section 31: All. Section 32: All.

Said parcels containing 17,915 acres more or less.

1996 AMENDMENT AREA, SHUMAN PARCEL:

In Township 32 South, Range 22 East Hillsborough County Florida; Section 28, That part of the North 1800 ft. of the east 900 ft. lying north of the existing grove (the north boundary of said grove being described by a line starting 1490 ft south of the NE corner of said section, hence due west 210 ft., hence SW approximately 500 ft. to a point 1800 ft south and 595 ft. west of said NE corner of said section.), containing approximately 35 acres.

1998 AMENDMENT AREA, SPIVEY, CHASTAIN, AND COLDING PARCELS:

In Township 32 South, Range 22 East Hillsborough County Florida; Section 14, The south ¾ of the east ¼, LESS the north 104.35 feet of the east 208.71 feet of the NE ¼ of SE ¼ of NE ¼, Section 23, The NE. ¼ of the NE. ¼; All, containing approximately 157 acres.

1999/2000 AMENDMENT AREA: REYNOLDS PROPERTY:

In Township 31 South, Range 22 East, Hillsborough County, Florida:

Section 3: The SE 1/4 of the NE 1/4 ; the N ½ of the SW 1/4 of the NE 1/4; and the West 648.55 feet of the S ½ of the SW 1/4 of the NE 1/4.

Section 4: The E ½ of the NE 1/4 of the NW 1/4; the NE 1/4 of the SE 1/4 of the NW 1/4 ; the NE 1/4 ; the N ½ of the SE 1/4 ; and the SE 1/4 of the SE 1/4. Less the following parcel: Begin at the Northeast Corner of said Section 4 ; thence S00°40'15"E, along the East Line of said Section 4 a distance of 595.13 feet; thence N73°26'01"W, 133.18 feet along the twenty five year flood plain line; thence N62°05'09"W, 159.23 feet; thence N82°19'48"W, 145.43 feet; thence S84°56'20"W, 60.77 feet; thence N82° 03'11"W, 197.74 feet; thence N85° 13'52"W, 201.38 feet; thence S84° 11'03"W, 199.12 feet; thence S88° 47'03"W, 203.64 feet; thence N81° 02'02"W, 182.40 feet; thence N62° 49'06"W, 203.69 feet; thence N52° 21'44"W, 200.00

feet; thence N26° 29'56"W, 38.84 feet; thence N58° 45'19"W to a point on the North Boundary of said Section 4 a distance of 222.75 feet; thence N89° 59'27"E along said North boundary of Section 4 a distance of 701.18 feet; thence N89° 56'44"E, 1267.46 feet to the Point of Beginning, subject to existing road rights-of-way.

All containing 357 acres more or less.

AREA REMOVED FROM MINE

In Township 31 South, Range 21 East, Hillsborough County, Florida: Section 13: The E ½ Section 24: The N ½ of the NE ¼, and the SW ¼ of the NE ¼, and the E ½ of the NW ¼;

In Township 31 South, Range 22 East, Hillsborough County, Florida: Section 18: The W ½, Less the east 1200 feet of the south 30 feet of the W ½. Section 30: and LESS that part of the NW ¼ of the SE ¼ described as: from the southwest corner of the SE ¼ of said Section 30, run north 00°04'27" east along the west boundary thereof for 2084.44 feet to the point of beginning; from the point of beginning continue north 00°04'27" east along said boundary 210 feet; thence south 89°55'33" east 234.73 feet; thence south 00°04'27" west (parallel to said west boundary) 210 feet; thence north 89°55'33" west 234.73 feet to the point of beginning; and, LESS that part of the NW ¼ of SE ¼ described as: begin at the southeast corner thereof and run south 88°01'58" west along the south boundary thereof 1316.96 feet to the easterly right-of-way line of County Road 39; thence north 00°14'05" west along said right-of-way line 39.82 feet; thence north 89°45'55" east 1316.36 feet, more or less, to the point of beginning; and, LESS that part of the SE ¼ of SE ¼ lying within the following described parcel: begin at the northwest corner of the SE ¼ of SE ¼ of Section 30 and run south 00°08'28" east along the west boundary thereof 1346.18 feet to the southwest corner thereof; thence (entering Section 31) continue south 00°08'28" east 211.04 feet; thence north 89°45'55" east 64.39 feet; thence north 00°08'28" west 1557.22 feet; thence south 89°45'55" west 64.39 feet to the point of beginning. Section 31: That part of the N ½ of NE ¼ lying within the following described parcel: begin at the northwest corner of the SE ¼ of SE ¼ of Section 30 and run south 00°08'28" east along the west boundary thereof 1346.18 feet to the southwest corner thereof; thence (entering Section 31) continue south 00°08'28" east 211.04 feet; thence north 89°45'55" east 64.39 feet; thence north 00°08'28" west 1557.22 feet; thence south 89°45'55" west 64.39 feet to the point of beginning, and LESS that part of the N ½ of NE ¼ described as: begin at the northeast corner of the NW ¼ of NE ¼ of Section 31 and run south 87°32'27" west along the north boundary thereof 1315.15 feet to the easterly right-of-way line of County Road 39; thence south 00°14'05" east along said right-of-way line 2.05 feet; thence south 00°00'15" west, still along said right-of-way line, 157.95 feet; thence north 89°45'55" east 1314.47 feet; thence north 00°08'28" west 211.04 feet to the point of beginning;

Said parcels containing 850 acres more or less.

**Notice of Proposed Change Application maybe found
in the NOPC file for DRI #213.**



Clerk to Board of
County Commissioners
County Center, 12th Floor
601 E. Kennedy Blvd.
P.O. Box 1110
Tampa, Florida 33601
Telephone 276-8100, ext. 6730

January 15, 1998

TIM BUTTS DRI COORDINATOR
TAMPA BAY REGIONAL PLANNING COUNCIL
9455 KOGER BOULEVARD, SUITE 219
ST. PETERSBURG, FL 33702

Re: Resolution No. R98-012 - Amending the Development Order for
IMC-Agrico Company (DRI #213)

Dear Mr. Butts:

Attached is a certified copy of referenced resolution, which was
adopted by the Hillsborough County Board of County Commissioners on
January 13, 1998.

We are providing this copy for your files.

Sincerely,

Linda Fryman
Senior Manager, BOCC Records

LF:SAB
Attachment
Certified Mail

cc: Board files (orig.)
J. Thomas Beck, Florida Department of Community Affairs
Joyce Nader, Esq. - Hearne, Graziano & Nader, P.A.
Sharon Preston-Stephens, Assistant County Attorney
Gene Boles, Director, Planning & Growth Management
Joe Egozcue, County Attorney's Office

RESOLUTION NO. R98-012

HILLSBOROUGH COUNTY, FLORIDA

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF HILLSBOROUGH COUNTY, FLORIDA,
AMENDING RESOLUTION NO. 97-262,
DEVELOPMENT OF REGIONAL IMPACT NO. 213,
IMC-AGRICO HILLSBOROUGH COUNTY MINES

Upon motion of Commissioner Norman, seconded by Commissioner Berger, the following Resolution was adopted on this 13th day of January, 1998, by a vote of 6-0.
(Commissioner(s) _____ voted no.)

WHEREAS, the Hillsborough County Board of County Commissioners (the "Board") is the governing body of the local government having jurisdiction pursuant to Section 380.06, Fla. Stat.; and

WHEREAS, on June 27, 1997, IMC-Agrico Company filed a Notice of Proposed Change ("NOPC") for the Hillsborough County Mines Development of Regional Impact (DRI No. 213) proposing to add approximately 157 acres of land previously owned by Spivey, Chastain, and Colding to that DRI, and on August 29, 1997 filed a Supplement to such NOPC (the NOPC and the Supplement collectively referred to as "Final NOPC"); and

WHEREAS, on October 21, 1997, the Board approved Resolution No. 97-262 amending the Development Order for DRI No. 213 to reflect the incorporation of such 157 acres into DRI No. 213; and

WHEREAS, after the transmittal of the adopted Resolution No. 97-262 to the Florida Department of Community Affairs ("DCA"), the DCA staff requested that certain changes to the language of Resolution No. 97-262 be added to clarify that certain materials considered by the Board prior to adoption of that resolution were incorporated into the amended Development Order for DRI No. 213; and

WHEREAS, in order to comply with the DCA's request, Hillsborough County and the DCA staff agreed that Hillsborough County would amend Resolution No. 97-262 to expressly incorporate IMC-Agrico's Final NOPC, and a map showing the 157 acre addition, into Resolution No. 97-262 and into the Development Order for DRI No. 213.

NOW, THEREFORE, BE IT RESOLVED THIS 13th DAY OF January, 1998, BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THAT RESOLUTION NO. 97-262 IS HEREBY AMENDED AS FOLLOWS:

1. The Development Order for the Hillsborough County Mines DRI No. 213, and the related Operating Permit, are amended to incorporate the NOPC, and to incorporate the August 29, 1997 Supplement to such NOPC.

2. The Development Order for the Hillsborough County Mines DRI No. 213, and the related Operating Permit, are amended to incorporate by reference a map depicting the additional 157 acres as the "Addition Area," such map attached hereto as Exhibit "A-1." The metes and bounds legal description of the same approximate 157 acre area, previously attached to Resolution No. 97-262, and shall be referred to henceforth as Exhibit "A," is also hereby incorporated by reference into the Development Order for DRI No. 213.

ALSO, BE IT FURTHER RESOLVED THAT:

3. The foregoing amendments, described in paragraphs 1 and 2 above, do not pose a significant change in the language and effect of the Development Order, and do not constitute a substantial deviation under Section 380.06 (19), Fla. Stat.

4. In addition to the specific amendments to Resolution No. 97-262 contained in paragraphs 1 and 2 above, Resolution No. 97-262 remains in effect in its entirety; and

5. Apart from the specific amendments contained in paragraphs 1 and 2 above, the Development Order for DRI No. 213 remains in effect in its entirety; and

6. This Resolution shall become effective upon its rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Fla. Stat.

7. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk of the Board of County Commissioners by Certified Mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and to IMC-Agrico Company.

8. IMC-Agrico Company shall record a Notice of this Development Order Amendment in accordance with the provisions of Section 380.06(15)(f), Fla. Stat.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, Richard Ake, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of January 13, 1998, as the same appears of record in Minute Book 260 of the Public records of Hillsborough County, Florida.

Witness my hand and official seal this 15th day of January, 1998.

RICHARD AKE, CLERK



By: Gary Nelson
(Deputy Clerk)

Approved as to form and correctness:

Gary Nelson
County Attorney



HILLSBOROUGH COUNTY MINES

Location Map
Notice of Proposed Change
Spivey, Chastain & Colding Additions

N

- DRI Area
- Addition Area
- Previous Addition (Shuman)

1 0 1 2 Miles

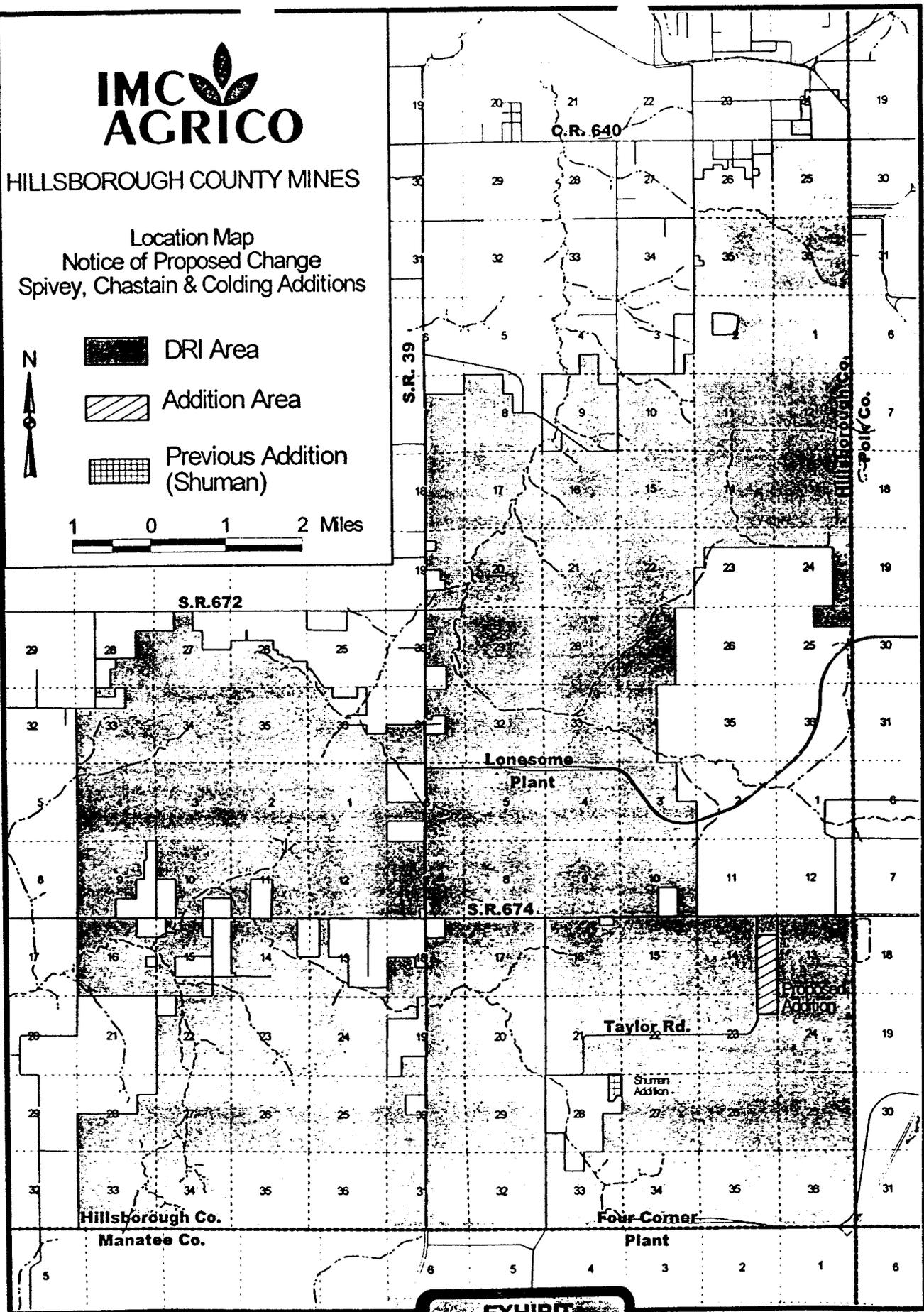


EXHIBIT
A-1



Clerk to Board of
County Commissioners
County Center, 12th Floor
601 E. Kennedy Blvd.
P.O. Box 1110
Tampa, Florida 33601
Telephone 276-2029, ext. 6730

May 24, 1996

TIM BUTTS DRI COORDINATOR
TAMPA BAY REGIONAL PLANNING COUNCIL
9455 KOGER BOULEVARD, SUITE 219
ST. PETERSBURG, FL 33702

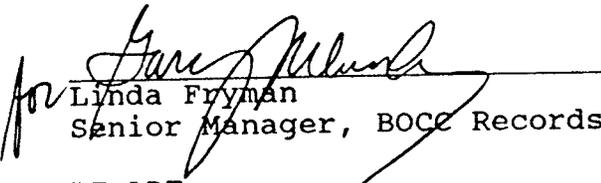
Re: Resolution No. R96-120 - Amending the Development Order for
IMC-Agrico Company (DRI #213)

Dear Mr. Butts:

Attached is a certified copy of referenced resolution, which was
adopted by the Hillsborough County Board of County Commissioners on
April 25, 1996.

We are providing this copy for your files.

Sincerely,


Linda Fryman
Senior Manager, BOCC Records

LF:ADF

Attachment

Certified Mail

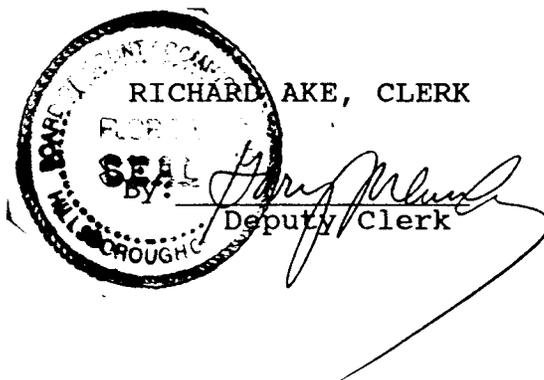
cc: Board files (orig.)

Thomas Beck, Florida Department of Community Affairs
Jim Shimberg, Esquire - Holland & Knight
Jeanie Hanna, Senior Assistant County Attorney
Gene Boles, Director, Planning and Development Management
Joe Egozcue, County Attorney's Office

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. R96-120 Amending the Development Order for IMC-Agrico Company (DRI #213) approved by the Board in its regular meeting of April 25, 1996, as the same appears of record in MINUTE BOOK 239 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 24th day of May, 1996.



RESOLUTION NO. R96-120

HILLSBOROUGH COUNTY, FLORIDA

WHEREAS, the Hillsborough County Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes; and

WHEREAS, the Hillsborough County Board of County Commissioners approved Resolution 95-062 on March 23, 1995 granting IMC-Agrico Company a DRI Development Order and Operation Permit for the IMC-Agrico Hillsborough County Mines; and

WHEREAS, on December 29, 1995, IMC-Agrico Company filed a DRI, Operating Permit amendment and Notice of Proposed Change to the Development Order proposing to add approximately 35 acres owned by Donald and Mary Shuman, Inc. (Shuman tract); and

WHEREAS, a copy of the Notice of Proposed Change was provided to Tampa Bay Regional Planning Council and Florida Department of Community Affairs, and they were afforded the opportunity to participate in the review of this proposed change; and

WHEREAS, the Phosphate hearing Master has reviewed the Application for Amendment (NOPC) and the amendment to the Master Mine and Reclamation Plan pursuant to the County Land Development Code, and has filed a recommendation on said Application with the Board of County Commissioners; and

WHEREAS, the Board held a duly noticed public hearing on said application on April 25, 1996 as required by Section 380.06, Florida Statutes; and

WHEREAS, IMC-Agrico Co., other units of Government, local agencies and interested citizens were afforded the opportunity to participate in the proceedings before the Board relating to the application and were provided the opportunity to present witnesses, evidence and argument on all issues, conduct cross examination and submit rebuttal evidence.

NOW, THEREFORE BE IT RESOLVED THIS 25th DAY OF April, 1996, BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THAT THE PROPOSED CHANGES DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION AS DEFINED BY SUBSECTION 380.06(19), FLORIDA STATUTES, AND THAT THE DEVELOPMENT ORDER FOR THE HILLSBOROUGH COUNTY MINES DRI AND OPERATING PERMIT IS AMENDED BY ADDING THE FOLLOWING FINDING OF FACT AND CONDITIONS, WITH THE BALANCE OF THE ADOPTED DEVELOPMENT ORDER REMAINING IN EFFECT IN ITS ENTIRETY.

I. FINDING OF FACTS:

- A. The addition of the Shuman tract and mining of an additional 29 acres will not have any significant change in the impacts of the mine operation.
- B. The real property, which is the subject of this Application is described as set forth in the attached legal description.
- C. This proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, F.S., and does not unreasonably interfere with the achievement of the objectives of the State Land Development Plan.
- D. The authorized agent for IMC-Agrico Company is Mr. Lee Thurner, Vice President, Minerals - Florida, IMC-Agrico Company, P.O. Box 2000, Mulberry, Florida 33860.
- E. The property is owned or controlled by IMC-Agrico Company.
- F. Any presumption of a Substantial Deviation has been rebutted.

II. CONDITIONS:

- A. Any impact to wetlands on site (Shuman tract) shall be subject to all conditions under Section III.F. of the existing Development Order (Resolution 95-062), as appropriate.
- B. All conditions of the existing Development Order and Operating Permit (Resolution #95-062) that apply to All areas [ALL], the Four Corners Original DRI area [FC-1], and the Extension Area [EXT], also equally apply to this 35 acre addition.

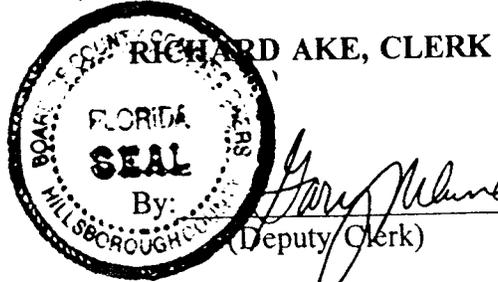
III. ADMINISTRATION:

- A. This Resolution shall become effective upon the rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes.
- B. Upon adoption, this resolution shall be transmitted by the Ex Officio clerk to the Board of County Commissioners by Certified Mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and IMC-Agrico.
- C. IMC-Agrico shall record a Notice of Adoption of this Development Order Amendment in accordance with the provisions of Section 380.06(15)(f), Florida Statutes.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, Richard Ake, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of April 25, 1996 as the same appears of record in Minute Book 239 of the Public records of Hillsborough County, Florida.

Witness my hand and official seal this 24th day of May, 1996.



LEGAL DESCRIPTION

CONSOLIDATION PHASE AREA

In Township 31 South, Range 21 East, Hillsborough County, Florida: Section 36: The E ½ of the SW ¼; and the W ½ of the SE ¼; and the S ¼ of the E ½ of the SE ¼;

In Township 32 South, Range 21 East, Hillsborough County, Florida: Section 1: All Section 2: All Section 3: All Section 10: The N ½, and the E ½ of SW ¼, and, The N ½ of SE ¼, and, The W ½ of SW ¼ of SE ¼. Section 11: All, LESS the E ½ of SW ¼. Section 12: All;

In Township 30 South, Range 22 East, Hillsborough County, Florida: Section 24: The SE ¼, LESS the CSX Railroad right-of-way, and, the S ¼ of W ¼ of NE ¼, LESS the CSX Railroad right-of-way; and the E ½ of SE ¼ of SE ¼ of NW ¼, subject to a road right-of-way over the south 15 feet of the NE ¼ of SE ¼ of SE ¼ of NW ¼; and the E ½ of NE ¼ of SW ¼, LESS the following described parcel: The south 162 feet of the N ¼ of said E ½ of NE ¼ of SW ¼, LESS the west 326.5 feet thereof; and the N ¼ of SE ¼ of SW ¼. Section 25: All. Section 26: The SW ¼; and the E ½ of the SE ¼; and the S ¼ of the W ½ of the SE ¼; and the SE ¼ of SW ¼ of NW ¼; and the S ¼ of W ½ of SE ¼ of NW ¼; and the E ½ of SE ¼ of NW ¼, LESS the west 330 feet of the north 660 feet thereof; and the S ½ of the SE ¼ of NE ¼, LESS the north 420 feet of the west 474.37 feet thereof; and the east 30 feet of the west 45 feet of the SW ¼ of NE ¼, LESS the south 774 feet thereof; and the east 810 feet of the west 825 feet of the north 529 feet of the south 774 feet of the SW ¼ of the NE ¼. Section 35: All, LESS: West 395 feet of the N ½ of the NW ¼ of the NW ¼ of the SW ¼; and, LESS: The East 25 feet of the West 420 feet of the North 105 feet of the N ½ of the NW ¼ of the NW ¼ of the SW ¼; and, LESS: The S ½ of the NW ¼ of the NW ¼ of the SW ¼. Section 36: All;

In Township 31 South, Range 22 East, Hillsborough County, Florida: Section 1: All Section 2: All, LESS: The SE ¼ of the NW ¼, Also LESS: That part of the N ½ of the NW ¼, lying within the following metes and bounds description: Beginning at the SE corner of the NE ¼ of the NW ¼ of said Section 2, run thence West along the South boundary thereof 1428.22 feet, thence North 0°57' East 50 feet, thence East 247.5 feet, thence North 26.5 feet, thence South 86°18'40" East 1183.2 feet to the point of beginning. Also LESS: That part of the SW ¼ of the NE ¼ and NW ¼ of SE ¼ of said Section 2 described as follows: Beginning at the Northwest corner of said SW ¼ of NE ¼ run South 86°18'40" East 13.0 feet, thence South 1°43' West 85 feet, thence South 88°17' East 289 Feet, thence South 7°20'50" West 1273.8 feet, thence South 88°27'30" West 177 feet, thence North 1°43' East for 3.0 feet to the center of said Section 2, thence continue North 1°43' East 1349.7 feet to the point of beginning. Also LESS: That part of the N ½ of SW ¼ of said Section 2 described as follows: Beginning at the center of said Section 2, run South 1°43' West 3.0 feet, thence South 88°27'30" West 1403.4 feet, thence North 1°48'40" East 62.0 feet to the North boundary of said SW ¼ thence South 89°08' East along said North boundary 1402.2 feet to the point of beginning. Also LESS: That part of SW ¼ of NW ¼ of said Section 2 described as follows: Beginning at SE corner of said SW ¼ of NW ¼, run North 89°08' West 81.7 feet, thence North 1°48'40" East 665 feet, thence South 88°11'20" West 19.6 feet, thence North 0°57' East 664.8 feet, thence East 102.5 feet to NE corner of said SW ¼ of NW ¼, thence South 1°26' West 1329.6 feet to the point of beginning. Section 3: The NW ¼ of the SW ¼; and, The E ½ of SE ¼ of SE ¼. Section 4: The SW ¼ of SE ¼. Section 7: The S ¼ of E ½. Section 8: The W ½, and the W ½ of SW ¼ of NE ¼, and the SE ¼ LESS the part beginning at the northeast corner of said SE ¼ and running South 0°20'33" West along the east boundary thereof 389.22 feet to the centerline of the old road commonly known as Jameson Road or Lillibridge Road, thence North 55°46'32" West along said road centerline 693.04 feet to the north boundary of said SE ¼, thence South 89°56'31" East along said North boundary 575.36 feet to the point of beginning. Section 9: All that part lying north of Jameson Road, LESS N ½ of NE ¼ of NE ¼ and LESS 1 acre square in the SW corner of the NW ¼ of NE ¼, and that part of the SE ¼ of SW ¼ described as beginning 1043.55 feet west of the southeast corner thereof and running north 1043.55 feet, thence northwesterly to the northwest corner of said SE ¼ of SW ¼, thence south to the southwest corner thereof, thence east to the point of beginning; and, that part of the south 1043.55 feet of the east

1043.55 feet of the SE ¼ of NW ¼ lying south and west of the old road running in a southeasterly-northwesterly direction and commonly known as Jameson Road or Lillibridge Road; and, that part of the SW ¼ of the SE ¼ lying south and west of Jameson Road. Section 10: All. Section 11: All. Section 12: All. Section 13: All. Section 14: All. Section 15: All, LESS that part of the NW ¼ of NW ¼ beginning 890 feet East and 25 feet South of the Northwest corner thereof and running East 200 feet, thence South 430 feet, thence West 200 feet, thence North 430 feet, to the point of beginning. Section 16: All. Section 17: All. Section 18: All, Less the east 1200 feet of the south 30 feet of the W ½. Section 19: The NE ¼, LESS the SW ¼ of NW ¼ of NE ¼; and LESS the north 150 feet of the west 290 feet of the NW ¼ of the NE ¼; and the S ½ of SE ¼; and the NE ¼ of SE ¼; . Section 20: All. Section 21: All. Section 22: All. Section 23: The N ¼; and the W ½ of SW ¼ of NW ¼. Section 24: The N ¼; and the S ¼ of E ¼. Section 25: The N ½ of NE ¼. Section 27: The W ¼. Section 28: All. Section 29: All. Section 30: The SE ¼ of NW ¼, and the E ½, LESS the SW ¼ of SE ¼, and LESS the N ½ of NW ¼ of SW ¼ of NE ¼. Section 31: The SW ¼, and the E ½ LESS the east 14 chains of the south 8 chains of the SW ¼ of NE ¼, and LESS the S ½ of SW ¼ of SW ¼ of NE ¼, and LESS the N ½ of NW ¼ of SE ¼. Section 32: All. Section 33: All. Section 34: The W ½;

In Township 31 South, Range 21 East, Hillsborough County, Florida: Section 13: The E ½. Section 24: The N ½ of the NE ¼, and the SW ¼ of the NE ¼, and the E ½ of the NW ¼;

In Township 32 South, Range 22 East: Section 3: All, LESS the E ½ of NE ¼. Section 4: All. Section 5: All. Section 6: The N ½ of SW ¼, and all that part lying East of State Road 39 (the Plant City-Picnic Road). Section 7: All, LESS the South 650 feet of the East 350 feet of the SE ¼ of the SW ¼, and LESS the W ¼ of the SW ¼ of the SW ¼. Section 8: All. Section 9: All. Section 10: a.) The W ½, and the NE ¼, and the E ½ of SE ¼, and the N ½ of NW ¼ of SE ¼. b.) (Phosphate and phosphate rock only). The S ½ of NW ¼ of SE ¼. Section 13: All. Section 14: The W ¼; and the NE ¼ of NE ¼; and the north 104.35 feet of the east 208.71 feet of the NE ¼ of SE ¼ of NE ¼. Section 15: All. Section 16: The S ½; and the NW ¼ of NE ¼; and the S ½ of the NW ¼. Section 17: The W ½ of the NW ¼ of the NE ¼, and the SW ¼ of the NE ¼ of the NE ¼, and the N ½ and SE ¼ of the NW ¼ of the NE ¼, and the SE ¼ of the NE ¼, and the E ¼ of the SE ¼. Section 21: All. Section 22: ALL, LESS the SW ¼ of the NE ¼. Section 23: ALL, LESS the NE ¼ of the NE ¼. Section 24: All. Section 25: All. Section 26: All. Section 27: All. Section 28: E ½ of SE ¼, and SW ¼ of SW ¼. Section 33: All, LESS the NE ¼ of NW ¼. Section 34: All. Section 35: All. Section 36: All;

Said parcels containing 35,473 acres more or less.

EXTENSION PHASE AREA

In Township 30 South, Range 22 East

Section 26: The N ½ of the SE ¼ of the NE ¼ and the South ¼ of the NE ¼ of the NE ¼; The N ½ of the NW ¼ of the SE ¼; The South 245 feet of the West 825 feet of the SW ¼ of the NE ¼, and the West 15 feet of the West 825 feet of the SW ¼ of the NE ¼ LESS the South 245 feet.

In Township 31 South, Range 21 East, Hillsborough County, Florida

Section 25: That part of the SW ¼ of SW ¼ described as begin at the northwest corner thereof, run thence east 200 feet, thence southeasterly to a point 200 feet west of the southeast corner thereof, thence west to the southwest corner thereof, thence north to the point of beginning. Section 26: The West 60 feet of the East 270 feet of the N ½ of SW ¼ of NW ¼ and, the S ½ of SW ¼ of NW ¼; and the S ½ of SE ¼ of NW ¼; and the W ½ of SW ¼ of SW ¼ of NE ¼; and the S ½ LESS the part of the N ½ of SE ¼ described as begin 495 feet north of the southeast corner of the N ½ of SE ¼, run thence west 990 feet, thence North 165 feet, thence West 165 feet, thence North 165 feet, thence west 330 feet, thence North 330 feet, more or less, to the North boundary of the N ½ of SE ¼, thence east to the

Northeast corner thereof, thence South to the point of beginning; and Thence W $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$; and the East 210 feet or the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$. Section 27: The SW $\frac{1}{4}$ of NW $\frac{1}{4}$; and the E $\frac{1}{2}$ of NW $\frac{1}{4}$; and the W $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$; and the S $\frac{1}{2}$. Section 28: The E $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ LESS the south 30 feet; and the S $\frac{1}{4}$ of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ LESS the South 30 feet; and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$; and the North 50 feet of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$; and the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$; and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$. Section 33: The SE $\frac{1}{4}$ of NW $\frac{1}{4}$ LESS that part thereof lying north of a dirt road (the easterly extension of Sweat Loop Road); and the E $\frac{1}{4}$ of N $\frac{1}{2}$ of NE $\frac{1}{4}$; and the S $\frac{1}{2}$ of NE $\frac{1}{4}$ LESS that part of the W $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ lying north of a dirt road (the easterly extension of Sweat Loop Road and the S $\frac{1}{2}$); and, the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$; and The SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, LESS that part lying north of Sweat Loop Road. Section 34: All. Section 35: All. Section 36: The NW $\frac{1}{4}$ of NW $\frac{1}{4}$; and the S $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$; and the W $\frac{1}{4}$ of N $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$; and the S $\frac{1}{2}$ of NW $\frac{1}{4}$; and the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$; and the S $\frac{1}{2}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$; and the N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$; and the W $\frac{1}{2}$ of SW $\frac{1}{4}$.

In Township 31 South, Range 22 East:

Section 19 The north 150 feet of the West 290 feet of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$; and The E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$.

In Township 32 South, Range 21 East:

Section 4: All. Section 9: The W $\frac{1}{2}$; and the W $\frac{1}{2}$ of NE $\frac{1}{4}$; and the W $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$; and the W $\frac{3}{8}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$; and the NW $\frac{1}{4}$ of SE $\frac{1}{4}$. Section 13: The E $\frac{1}{2}$ of W $\frac{1}{2}$ of NW $\frac{1}{4}$; and The SW $\frac{1}{4}$; and The S $\frac{1}{4}$ of the SE $\frac{1}{4}$. Section 14: The W $\frac{1}{2}$ of NE $\frac{1}{4}$ and the West 501.88 feet of the E $\frac{1}{2}$ of NE $\frac{1}{4}$; and The SE $\frac{1}{4}$; and The W $\frac{1}{2}$, LESS the following described lands: the South 210 feet of the North 260 feet of the West 210 feet of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$; the West 315 feet of the South 210 feet of the NW $\frac{1}{4}$ of SW $\frac{1}{4}$; the North 260 feet of the East 210 feet of the NE $\frac{1}{4}$ of NW $\frac{1}{4}$; the North 260 feet of the West 210 feet of the East 660 feet of the NE $\frac{1}{4}$ of NW $\frac{1}{4}$. Section 15: The S $\frac{1}{4}$ The NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ The S $\frac{1}{2}$ of the NW $\frac{1}{4}$ The NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ The E $\frac{1}{2}$ of the NW $\frac{1}{4}$ The SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ The W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ Section 16: The W $\frac{3}{4}$ The SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ The SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ The W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$. The SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Section 22: All, LESS the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$. Section 23: All. Section 24: All. Section 25: All. Section 26: All. Section 27: All. Section 28: The SE $\frac{1}{4}$ of NE $\frac{1}{4}$, and the S $\frac{1}{2}$. Section 33: All. Section 34: All. Section 35: All. Section 36: All.

In Township 32 South, Range 22 East, Hillsborough County, Florida

Section 7: the W $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$. Section 16: The SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and, The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, LESS the North 550 feet of the West 792 feet, and, The N $\frac{1}{2}$ of the NW $\frac{1}{4}$. Section 17: All. Section 18: The W $\frac{1}{2}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, the W $\frac{1}{2}$ of SW $\frac{1}{4}$, and the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, and the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, and the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ and the SE $\frac{1}{4}$. Section 19: The E $\frac{1}{2}$, The SE $\frac{1}{4}$ of SW $\frac{1}{4}$, The W $\frac{3}{4}$ of N $\frac{1}{2}$ of NW $\frac{1}{4}$, The E $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$. Section 20: All. Section 22: The SW $\frac{1}{4}$ of the NE $\frac{1}{4}$. Section 29: All. Section 30: All, LESS the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$. Section 31: All. Section 32: All.

Said parcels containing 17,915 acres more or less.

SHUMAN AMENDMENT AREA

In Township 32 South, Range 22 East Hillsborough County Florida: Section 28, That part of the North 1800 ft. of the east 900 ft. lying north of the existing grove (the north boundary of said grove being described by a line starting 1490 ft south of the NE corner of said section, hence due west 210 ft., hence SW approximately 500 ft. to a point 1800 ft south and 595 ft. west of said NE corner of said section.), containing approximately 35 acres.

AREA REMOVED FROM MINÉ

In Township 31 South, Range 21 East, Hillsborough County, Florida: Section 13: The E ½ Section 24: The N ½ of the NE ¼, and the SW ¼ of the NE ¼, and the E ½ of the NW ¼;

In Township 31 South, Range 22 East, Hillsborough County, Florida: Section 18: The W ½, Less the east 1200 feet of the south 30 feet of the W ½. Section 30: and LESS that part of the NW ¼ of the SE ¼ described as: from the southwest corner of the SE ¼ of said Section 30, run north 00°04'27" east along the west boundary thereof for 2084.44 feet to the point of beginning; from the point of beginning continue north 00°04'27" east along said boundary 210 feet; thence south 89°55'33" east 234.73 feet; thence south 00°04'27" west (parallel to said west boundary) 210 feet; thence north 89°55'33" west 234.73 feet to the point of beginning; and, LESS that part of the NW ¼ of SE ¼ described as: begin at the southeast corner thereof and run south 88°01'58" west along the south boundary thereof 1316.96 feet to the easterly right-of-way line of County Road 39; thence north 00°14'05" west along said right-of-way line 39.82 feet; thence north 89°45'55" east 1316.36 feet, more or less, to the point of beginning; and, LESS that part of the SE ¼ of SE ¼ lying within the following described parcel: begin at the northwest corner of the SE ¼ of SE ¼ of Section 30 and run south 00°08'28" east along the west boundary thereof 1346.18 feet to the southwest corner thereof; thence (entering Section 31) continue south 00°08'28" east 211.04 feet; thence north 89°45'55" east 64.39 feet; thence north 00°08'28" west 1557.22 feet; thence south 89°45'55" west 64.39 feet to the point of beginning. Section 31: That part of the N ½ of NE ¼ lying within the following described parcel: begin at the northwest corner of the SE ¼ of SE ¼ of Section 30 and run south 00°08'28" east along the west boundary thereof 1346.18 feet to the southwest corner thereof; thence (entering Section 31) continue south 00°08'28" east 211.04 feet; thence north 89°45'55" east 64.39 feet; thence north 00°08'28" west 1557.22 feet; thence south 89°45'55" west 64.39 feet to the point of beginning. and LESS that part of the N ½ of NE ¼ described as: begin at the northeast corner of the NW ¼ of NE ¼ of Section 31 and run south 87°32'27" west along the north boundary thereof 1315.15 feet to the easterly right-of-way line of County Road 39; thence south 00°14'05" east along said right-of-way line 2.05 feet; thence south 00°00'15" west, still along said right-of-way line, 157.95 feet; thence north 89°45'55" east 1314.47 feet; thence north 00°08'28" west 211.04 feet to the point of beginning;

Said parcels containing 850 acres more or less.

AFFIDAVIT

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgments, personally appeared Theodore A. Smith, P.E., Senior Project Engineer and DRI Coordinator for the applicant of the Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes ("Notification"), for IMC-Agrico Co. to me well known, who being by me first duly sworn, says upon oath as stated below:

1. IMC-Agrico Co. filed the Notification a Proposed Change for the Hillsborough County Mines DRI on December 29, 1995.
2. The Notification was filed with all persons as required by law.



OFFICIAL SEAL
Pamela Gail Williams
My Commission Expires
Aug. 17, 1996
Comm. No. CC 222125

Theodore A. Smith

Theodore A. Smith, P.E.
Senior Project Engineer
DRI Coordinator
IMC-Agrico Company

Sworn to and subscribed before me this 22 nd day of May, 1996.

Pamela Gail Williams

Pamela Gail Williams
Notary Public

tas/affnopc/29

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



Clerk to Board of
County Commissioners
County Center, 12th Floor
601 E. Kennedy Blvd.
P.O. Box 1110
Tampa, Florida 33601
Telephone 276-2029, ext. 6730

April 19, 1995

TIM BUTTS DRI COORDINATOR
TAMPA BAY REGIONAL PLANNING COUNCIL
9455 KOGER BOULEVARD, SUITE 219
ST. PETERSBURG, FL 33702

Re: Resolution No. R95-062 - Amending the Development Order for
IMC Fertilizer, Inc. (DRI #213)

Dear Mr. Butts:

Attached is a certified copy of referenced resolution, which was
adopted by the Hillsborough County Board of County Commissioners on
March 23, 1995.

We are providing this copy for your files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

By: 
Linda Fryman
Manager, BOCC Records

LF:ADF

Attachment

Certified Mail

cc: Board files (orig.)

Ray Eubanks, Florida Department of Community Affairs

Jim Shimberg, Esquire - Holland & Knight

Jeanie E. Hanna, Senior Assistant County Attorney

Gene Boles, Director, Planning and Development Management

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. R95-062 Amending the Development Order for IMC Fertilizer, Inc. (DRI#213) approved by the Board in its regular meeting of March 23, 1995, as the same appears of record in MINUTE BOOK 226 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 19th day of April, 1995.

RICHARD AKE, CLERK

By: 
Deputy Clerk

FINAL AS APPROVED

RESOLUTION #95- 062

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF HILLSBOROUGH COUNTY, FLORIDA
DRI #213 DEVELOPMENT ORDER AMENDMENT
AND RELATED OPERATING PERMIT AMENDMENTS**

Upon motion by Commissioner Hart, seconded by Commissioner Wilson, the following Resolution was adopted by a vote of 5 to 0 with Commissioner(s) _____ voting "No."

WHEREAS, the Lonesome Mine Development of Regional Impact was originally approved by the Hillsborough County Board of County Commissioners on March 21, 1974 and was subsequently amended on February 21, 1984, January 9, 1990, September 25, 1990 and May 7, 1991; and

WHEREAS, the Kingsford Mine Development of Regional Impact was originally approved by the Hillsborough County Board of County Commissioners on January 15, 1975, and was subsequently amended on March 29, 1988; and

WHEREAS, the Four Corners Mine Development of Regional Impact was originally approved by the Hillsborough County Board of County Commissioners on January 4, 1978, and was subsequently amended on April 22, 1981, May 13, 1986, January 9, 1990 and September 25, 1990; and

WHEREAS, the Lonesome Mine Operating Permit was originally issued by the Hillsborough County Board of County Commissioners on November 8, 1974 and has been subsequently amended; and

WHEREAS, the Kingsford Mine Operating Permit was originally issued by the Hillsborough County Board of County Commissioners on January 15, 1975 and has been subsequently amended; and

WHEREAS, the Four Corners Mine Operating Permit was originally issued by the Hillsborough County Board of County Commissioners on January 5, 1978 and has been subsequently amended; and

WHEREAS, on July 1, 1990, IMC Fertilizer, Inc. filed an application for development approval for a substantial deviation to the approved Lonesome, Kingsford and Four Corners DRIs and related operating permit amendments with the Hillsborough County Board of County Commissioners, pursuant to the provisions of Section 380.06, Florida Statutes; and

FINAL AS APPROVED

WHEREAS, said substantial deviation proposed, among other things, the addition of approximately 18,000 acres to form the Extension Phase, the removal of approximately 850 acres from the Lonesome Mine boundary, an addition to the mining area, a revision to the mining schedule and equipment utilization, a revision of the clay and tailing storage areas and disposal methods, an addition to the approved methods for transporting product from the plants, a revision of the employee traffic impacts, the addition of a railroad to connect the Four Corners, Lonesome and Kingsford plants, the upgrading of the Lonesome Plant operations, including wet rock loading facilities, additional floodplain crossings, and the combination of the three approved mines into a single mine for reporting purposes; and

WHEREAS, on or about March 25, 1992, IMC-Fertilizer, Inc. requested that the application be divided into Phase I (the "Consolidation Phase") and Phase II (the "Extension Phase"). The addition of the Extension Phase is the subject of this resolution.

WHEREAS, on July 1, 1993, IMC-Fertilizer Inc. became IMC-Agrico Company (IMC-Agrico); and

WHEREAS, the Consolidation Phase was approved on July 21, 1993; and

WHEREAS, it is the intent of the Board that except for the amendments specified herein, the previous DRI and Operating Permit approvals and conditions set forth in the prior development orders shall remain in full force and effect; and

WHEREAS, the Hillsborough County Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider proposed changes to Previously Approved Developments of Regional Impact; and

WHEREAS, the public notice requirements of Section 380.06, Florida Statutes, have been satisfied; and

WHEREAS, the Hillsborough County Board of County Commissioners has reviewed the application for a substantial deviation to the development approvals for the Consolidation Phase DRI and Operating Permit and has found the proposed development to be consistent with local land development regulations; and

WHEREAS, a duly noticed joint public hearing of the zoning hearing master and the phosphate hearing master was held on January 12, 1995 on said application for approval of the substantial deviation and the respective hearing masters have heard and considered testimony and documents received thereon; and

FINAL AS APPROVED

WHEREAS, the Hillsborough County Board of County Commissioners has on March 23, 1995, held a duly noticed public hearing on said application for approval of the substantial deviation and has heard and considered testimony and documents received thereon; and

WHEREAS, the Hillsborough County Board of County Commissioners has received and considered a report and the recommendations of the Tampa Bay Regional Planning Council; and

WHEREAS, the Department of Community Affairs has reviewed the application; and

WHEREAS, the Hillsborough County Board of County Commissioners has solicited, received and considered reports, comments and recommendations from interested citizens, state and local agencies, the phosphate hearing master and the zoning hearing master;

NOW, THEREFORE, BE IT RESOLVED BY BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING ASSEMBLED THIS 23rd DAY OF MARCH, 1995, AS FOLLOWS:

SECTION 1. AMENDMENT OF PREVIOUS DEVELOPMENT ORDERS

This Resolution constitutes an amendment to the Consolidated Development Order and Operating Permit as approved by the Hillsborough County Board of County Commissioners on July 21, 1993, as shown in Attachment A.

SECTION 2. FINDINGS OF FACT

The Hillsborough County Board of County Commissioners (Board), having received all related comments, testimony and evidence submitted by each party and members of the general public, finds that there is substantial competent evidence to support the following findings of fact:

- A. The Board has received and considered the report of the Zoning Hearing Master and the Phosphate Hearing Master concerning the DRI Substantial Deviation and related Operating Permit amendments.
- B. The Board held a public hearing on March 23, 1995, regarding the DRI Substantial Deviation and related Operating Permit amendments in accordance with the requirements of the Hillsborough County Land Development Code, the Hillsborough County Comprehensive Plan, and has further considered the information received at said public hearing.

FINAL AS APPROVED

- C. Subject to the conditions hereinafter set forth, the proposed DRI Substantial Deviation and related Operating Permit amendments are consistent with the Hillsborough County Comprehensive Plan, the Hillsborough County Land Development Code and is consistent with the May 9, 1994 report and recommendations of the Tampa Bay Regional Planning Council.
- D. IMC-Agrico (Developer) submitted to Hillsborough County, Florida, an Application for Development Approval (ADA), and six Sufficiency Responses, which are incorporated herein by reference.
- E. The real property, which is the subject of this Application is legally described as set forth in Section IV of Attachment A.
- F. This proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, F.S., and does not unreasonably interfere with the achievement of the objectives of the State Land Development Plan.
- G. The authorized agent for IMC-Agrico Company is Mr. Lee Thurner, Vice President, Minerals - Florida, IMC-Agrico Company, P.O. Box 2000, Mulberry, Florida 33860.
- H. The property is owned or controlled by IMC-Agrico Company.
- I. A comprehensive review of the impacts generated by the proposed development described herein has been conducted by the Hillsborough County Planning and Development Management Department, the Hillsborough County Environmental Protection Commission, the Hillsborough County City-County Planning Commission, the Tampa Bay Regional Planning Council, and the Department of Community Affairs.
- J. The DRI Preapplication Review resulted in the elimination of the following questions from the ADA:
 - #26 - Education
 - #32 - Housing
- K. The total areas to be included in the Consolidation and Extension Phases shall be those as shown on Table 38A-10 and Section V of Attachment A, attached hereto and incorporated herein by reference. The total acreage to be mined in the Consolidation and Extension Phases shall be that as shown on Table 38A-10.

FINAL AS APPROVED

- L. This Development Order incorporates by reference the representations, terms, and conditions as set forth in the ADA, and related documents described in Section V of Attachment A.
- M. All statutory procedures have been adhered to.
- N. That the Mine is currently in operation, such that the Chapter 380.06 F.S. requirement for the commencing of development has been met.
- O. The following list of items shall not change as part of this application:
- Currently-approved mine water use.
 - Areas currently-approved for mining in the Consolidation Phase of the Hillsborough County Mine.
 - Areas of the Kingsford Mine that are approved as "agreement lands" (the extension area in DRI #120).
 - Approved tailings disposal and clay settling area (K-2, K-2R, K-6, K-8, K-10, L-1, L-2, L-3 and F-2) locations and sizes.
 - Methods of mining and equipment used.
 - Materials handled and disposal methods, including hazardous wastes.
 - Location of hazardous waste storage facilities (at Noralyn in Polk County).
 - Wastewater management.
 - Dryer operation at the Lonesome plant.
 - Currently-approved plant operations at Four Corners and Kingsford.
 - Source and level of police, fire and emergency medical services.
 - Existing NPDES discharge amounts.
 - Plant processing capacities at Lonesome (2.5 million tons per year (mtpy)) and at Four Corners (7.0 mtpy).

Changes proposed in any of these areas shall require a substantial deviation determination, including changes required by FDEP, SWFWMD or a federal regulatory agency, pursuant to Subsection 380.06(19)(d), F.S.

- P. The approved Development is consistent with the following plans and regulations:
- the Hillsborough County Comprehensive Plan adopted July, 1989 (including applicable Land Development Code regulations, the Conservation and Aquifer Recharge Element (particularly policies under Objectives 7, 8, 9 and 14), Management Plans for the Alafia and Little Manatee Rivers and the Cockroach Bay Aquatic Preserve Management Plan, and other applicable amendments adopted prior to this report), pursuant to the Local Government Comprehensive Planning Act, Chapter 163, F.S.;
 - the Hillsborough County Mining Ordinance No. 90-4;

FINAL AS APPROVED

AGRICULTURAL/MINING, AGRICULTURAL/RURAL, and AGRICULTURAL which permits mining activities.

- E. That except as amended in this Resolution, the approvals and conditions set forth in the Development Orders and Operating Permits previously adopted shall continue in full force and effect as previously approved.
- F. The Development does not unreasonably interfere with the achievement of the objectives of the State Land Development Plan.

SECTION 4. ORDER

Having made the above findings of fact and drawn the above conclusions of law, it is hereby ordered that the Development Order and Operating Permit be amended as follows:

- A. The Development Order and Operating Permit are hereby amended as set forth in Attachments A and B.
- B. The Development Order and Operating Permit as previously amended and as amended herein, are hereby consolidated into a single composite document, and the provisions thereof renumbered as set forth in the Attachment A.
- C. Pursuant to Section 163.3167(8), Florida Statutes, nothing herein is intended to modify or limit specific rights previously approved by the Development Orders, except to the extent that such rights are specifically limited or modified by the amendments approved by this resolution.
- D. The Ex Officio Clerk of the Board of County Commissioners shall send copies of this Resolution, by certified mail, within thirty (30) days following the effective date hereof, to IMC-Agrico, DCA and the Tampa Bay Regional Planning Council.
- E. This Resolution shall be deemed rendered upon transmittal of copies hereof to the Department of Community Affairs and the Tampa Bay Regional Planning Council.
- F. A notice of adoption of this Resolution shall be recorded by IMC-Agrico in the public records of Hillsborough County, Florida, as provided in Section 380.06, Florida Statutes.

FINAL AS APPROVED

SECTION 5. RESTRICTION ON DOWNZONING

The development shall not be subject to down-zoning or intensity reduction until December 31, 2027, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the Development Order was based on substantially inaccurate information provided by IMC-Agrico, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

SECTION 6. COMPLIANCE WITH CODES AND ORDINANCES

Except as previously stated herein in Section 4.C, the provisions of this Development Order shall not be construed as a waiver of or exception to any rule, regulation, or ordinance of Hillsborough County, its agencies or commissions and to the extent that further review is provided for in this Development Order, said review shall be subject to applicable rules, regulations and ordinances.

SECTION 7. SEVERABILITY, AMENDMENT AND ADMINISTRATION

- A. In the event that any portion or section of this Development Order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Development Order which shall remain in full force and effect.
- B. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all government agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review developments of regional impact applications as well as all governmental agencies and departments set forth under applicable laws and rules governing developments of regional impact.
- C. Development activity constituting a substantial deviation from the terms or conditions of this development order or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other regional impacts not previously reviewed by the Tampa Bay Regional Planning Council may result in Hillsborough County making a substantial deviation determination pursuant to the provisions of Section 380.06(19), Florida Statutes.

FINAL AS APPROVED

- D. The Planning and Development Management Department of Hillsborough County shall be responsible for monitoring all terms and conditions of this Development Order. For purposes of this condition, the Planning and Development Management Department may rely upon or utilize information supplied by any Hillsborough County department or agency having particular responsibility over the area or subject involved. The Planning and Development Management Department shall report to the Board of County Commissioners any findings or deviation from the terms and conditions of this Development Order.

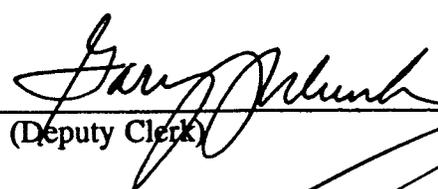
FINAL AS APPROVED

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

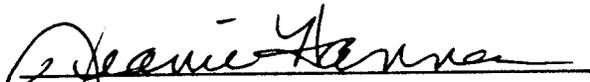
I, Richard Ake, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of March 23, 1995 as the same appears of record in Minute Book 226 of the Public records of Hillsborough County, Florida.

Witness my hand and official seal this 19th day of April, 1995. 

RICHARD AKE, CLERK

By: 
(Deputy Clerk)

Approved as to form and
correctness:


County Attorney

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



Clerk to Board of
County Commissioners
Room # 214-F
P.O. Box 1110
Tampa, Florida 33601
Telephone 272-5845

September 28, 1993

SUZANNE COOPER DRI COORDINATOR
TAMPA BAY REGIONAL PLANNING COUNCIL
9455 KOGER BOULEVARD
SUITE 219
ST PETERSBURG FL 33702

Re: Addition to Resolution No. R93-0170 Amending Development Order for
IMC Fertilizer, Inc. (DRI #213)

Dear Ms. Cooper:

Attached is a certified copy of an addition to referenced resolution
adopted by the Hillsborough County Board of County Commissioners on
July 21, 1993.

Certain figures and tables were inadvertently omitted and should be insterted
at the end of Attachment A to the development order.

If you have any questions, please do not hesitate to contact me.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

By: Linda Fryman
Linda Fryman
Manager, BOCC Records

LF:ADF
Attachment
Certified Mail

cc: Board files (orig.)
J. Thomas Beck, Florida Department of Community Affairs
James H. Shimberg, Jr., Esquire - Holland & Knight
Jeanie Hanna, Assistant County Attorney
Gene Boles, Director, Planning and Development Management
Joe Egozcue, County Attorney's Office

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and
Ex Officio Clerk of the Board of County Commissioners of
Hillsborough County, Florida, do hereby certify that the
above and foregoing is a true and correct copy of _____
Addition to Exhibit A of Resolution #R93-0170 Amending the
Development Order fo IMC Fertilizer, Inc. (DRI #213)

approved by the Board in its _____ regular meeting
of _____ July 21 _____, 19 93 _____, as the same
appears of record in MINUTE BOOK _____ 206 _____ of the
Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this _____ 28th
day of _____ September _____, 19 93 _____.

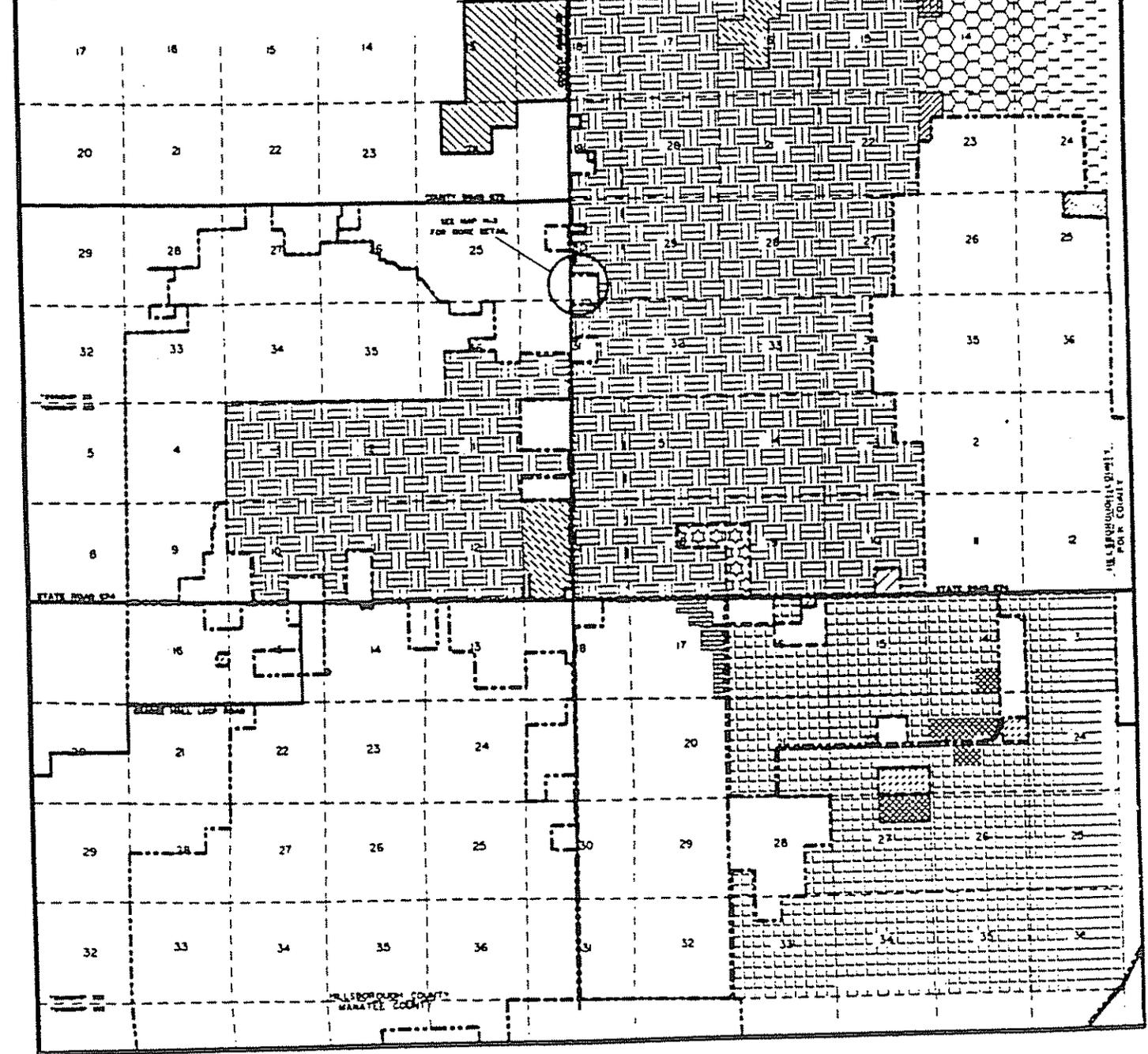
RICHARD AKE, CLERK

BY: *Shirley L. Lippman*
Deputy Clerk

LMC FERTILIZING INC BARTOW, FLA
HILLSBOROUGH COUNTIES
 Substantial Deviation DRI No. 213
 Hillsborough Co. Florida
FIGURE 12A-2C
CONSOLIDATION PHASE
DRI DEVELOPMENT ORDER AREAS
 DATE -- 29-93 BY J. BROWN
 FILENAME DEV4ORDR

LEGEND

SYMBOL	DRI AREA	DEVELOPMENT ORDER	CODE
[Hatched pattern]	F-1	FOUR CORNERS 1-04-78 DRI#52	FC-1
[Hatched pattern]	F-2	FOUR CORNERS 4-22-81 AMENDMENT	FC-A2
[Hatched pattern]	F-3	FOUR CORNERS 9-25-90 AMENDMENT	FC-A4
[Hatched pattern]	L-1	LONESOME 3-23-74 DRI#1	L-1
[Hatched pattern]	L-2	LONESOME 2-25-84 AMENDMENT DRI#85	L-85
[Hatched pattern]	L-3	LONESOME 1-09-90 AMENDMENT	L-A2
[Hatched pattern]	L-4	LONESOME 9-25-90 AMENDMENT	L-A3
[Hatched pattern]	K-1	KINGSFORD 1-15-73 DRI#3	K-3
[Hatched pattern]	K-2	KINGSFORD AMENDMENT DRI#20	K-20
[Hatched pattern]		LAND SOLD - BEING REMOVED - FOR MORE DETAILS SEE MAP M-3	



HILLSBOROUGH CO. MINES

Substantial Deviation I io.213
Hillsborough Co Florida

MAP H-4 CONSOLIDATION PHASE MINING PLAN

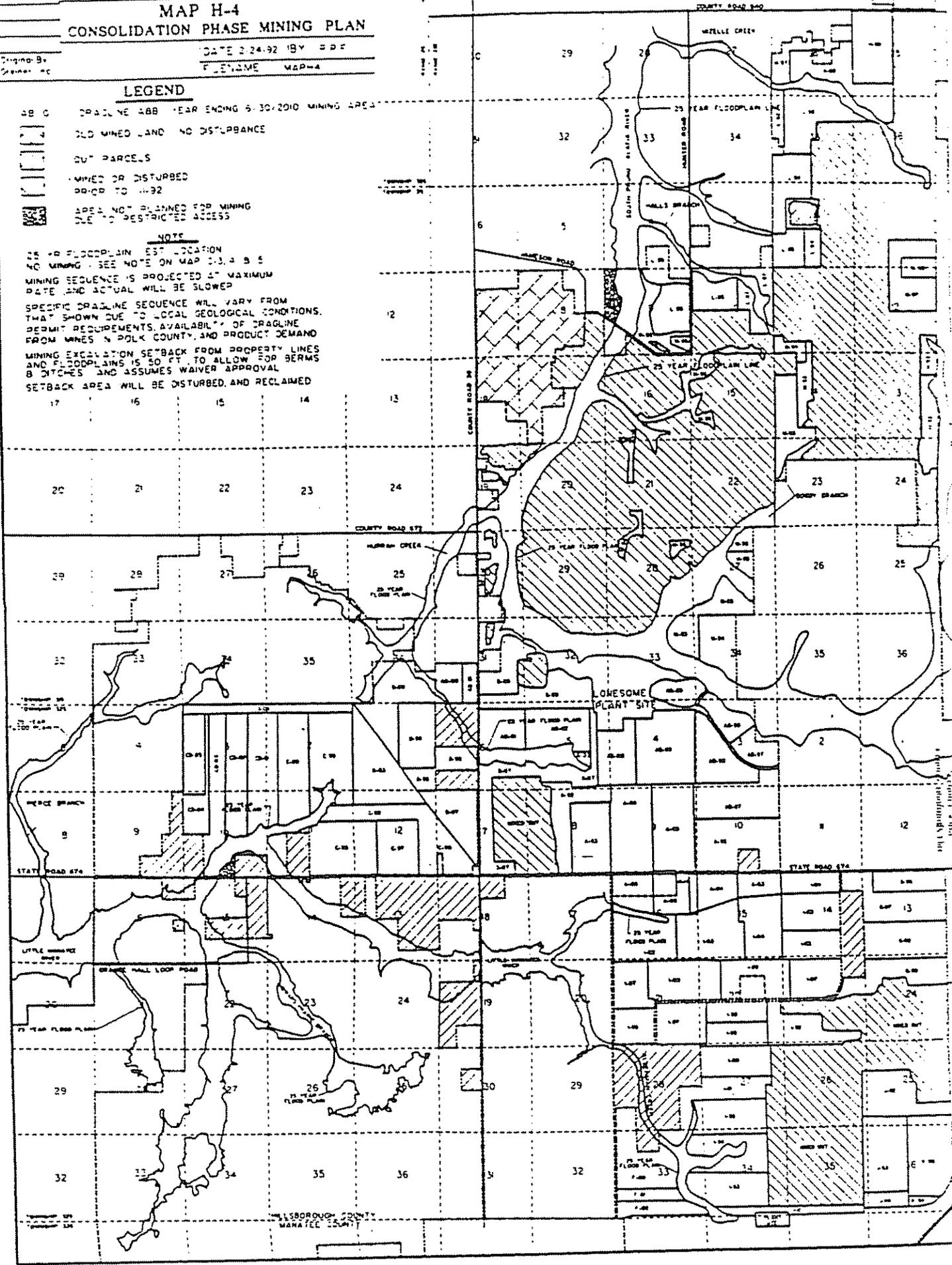
Drawn By: _____
Checked By: _____
DATE 2-24-92 BY BPF
FILE NAME MAP-H4

LEGEND

- 25 YEAR FLOODPLAIN EST. ENDING 5-30-2010 MINING AREA
- OLD MINED LAND NO DISTURBANCE
- 20' PARCELS
- MINED OR DISTURBED PRIOR TO 1992
- AREA NOT PLANNED FOR MINING DUE TO RESTRICTED ACCESS

NOTE

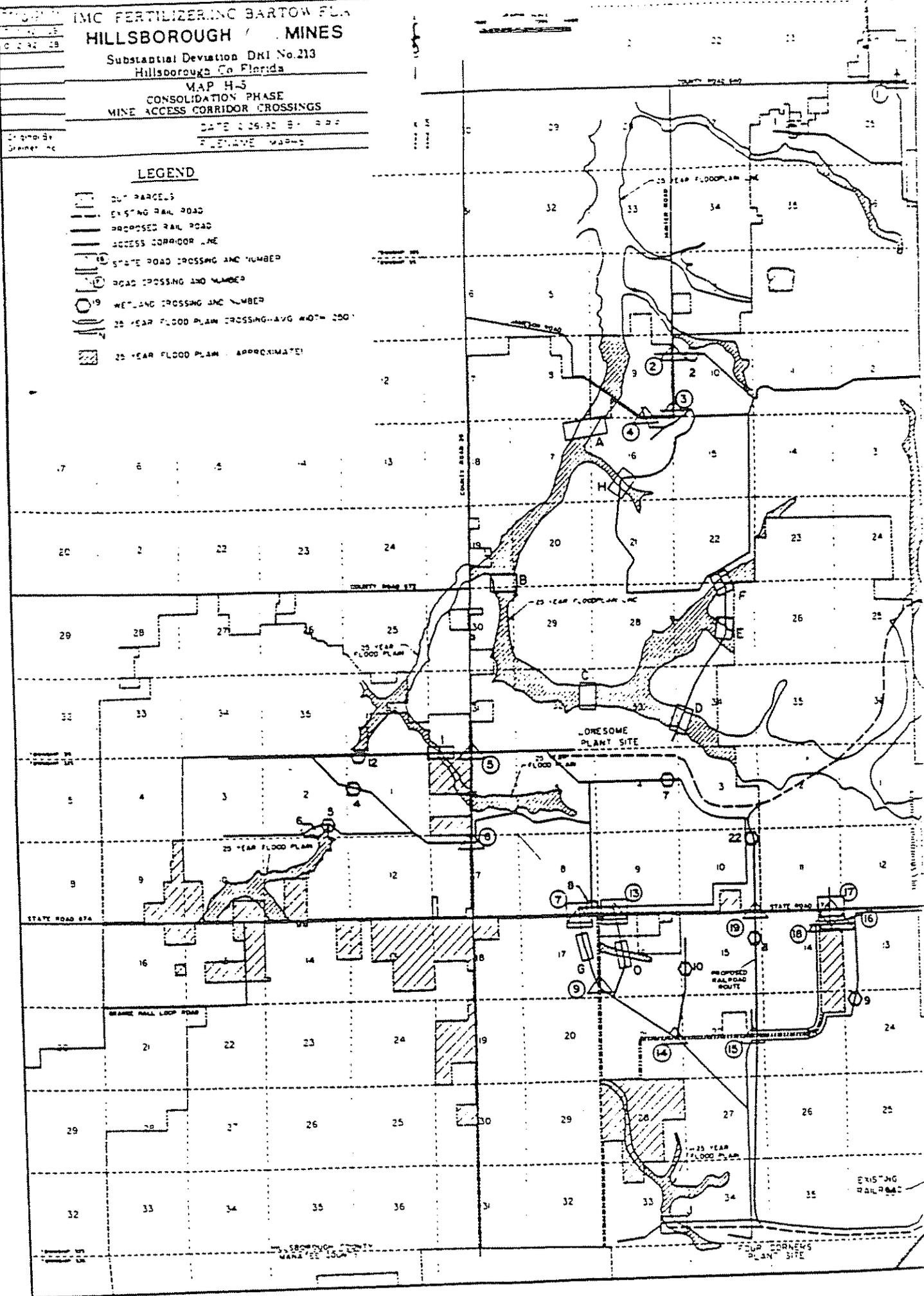
25 YEAR FLOODPLAIN EST. LOCATION
NO MINING - SEE NOTE ON MAP C-3, 4 & 5
MINING SEQUENCE IS PROJECTED AT MAXIMUM
RATE AND ACTUAL WILL BE SLOWER
SPECIFIC DRAGLINE SEQUENCE WILL VARY FROM
THAT SHOWN DUE TO LOCAL GEOLOGICAL CONDITIONS,
PERMIT REQUIREMENTS, AVAILABILITY OF DRAGLINE
FRONT MINES IN POLK COUNTY, AND PRODUCT DEMAND
MINING EXCAVATION SETBACK FROM PROPERTY LINES
AND FLOODPLAINS IS 50 FT. TO ALLOW FOR BERMS
BETWEEN AND ASSUMES WAIVER APPROVAL
SETBACK AREA WILL BE DISTURBED, AND RECLAIMED



IMC FERTILIZING INC BARTOW FLA
HILLSBOROUGH MINES
 Substantial Deviation DKI No.213
 Hillsborough Co Florida
 MAP H-3
 CONSOLIDATION PHASE
 MINE ACCESS CORRIDOR CROSSINGS
 DATE 11-26-90 BY: P.P.P.
 FLEWAVE MARKS

LEGEND

- OUT PARCELS
- EXISTING RAIL ROAD
- PROPOSED RAIL ROAD
- ACCESS CORRIDOR LINE
- STATE ROAD CROSSING AND NUMBER
- ROAD CROSSING AND NUMBER
- WETLAND CROSSING AND NUMBER
- 25 YEAR FLOOD PLAN CROSSING-AVG #40"=100'
- 25 YEAR FLOOD PLAN - APPROXIMATE!



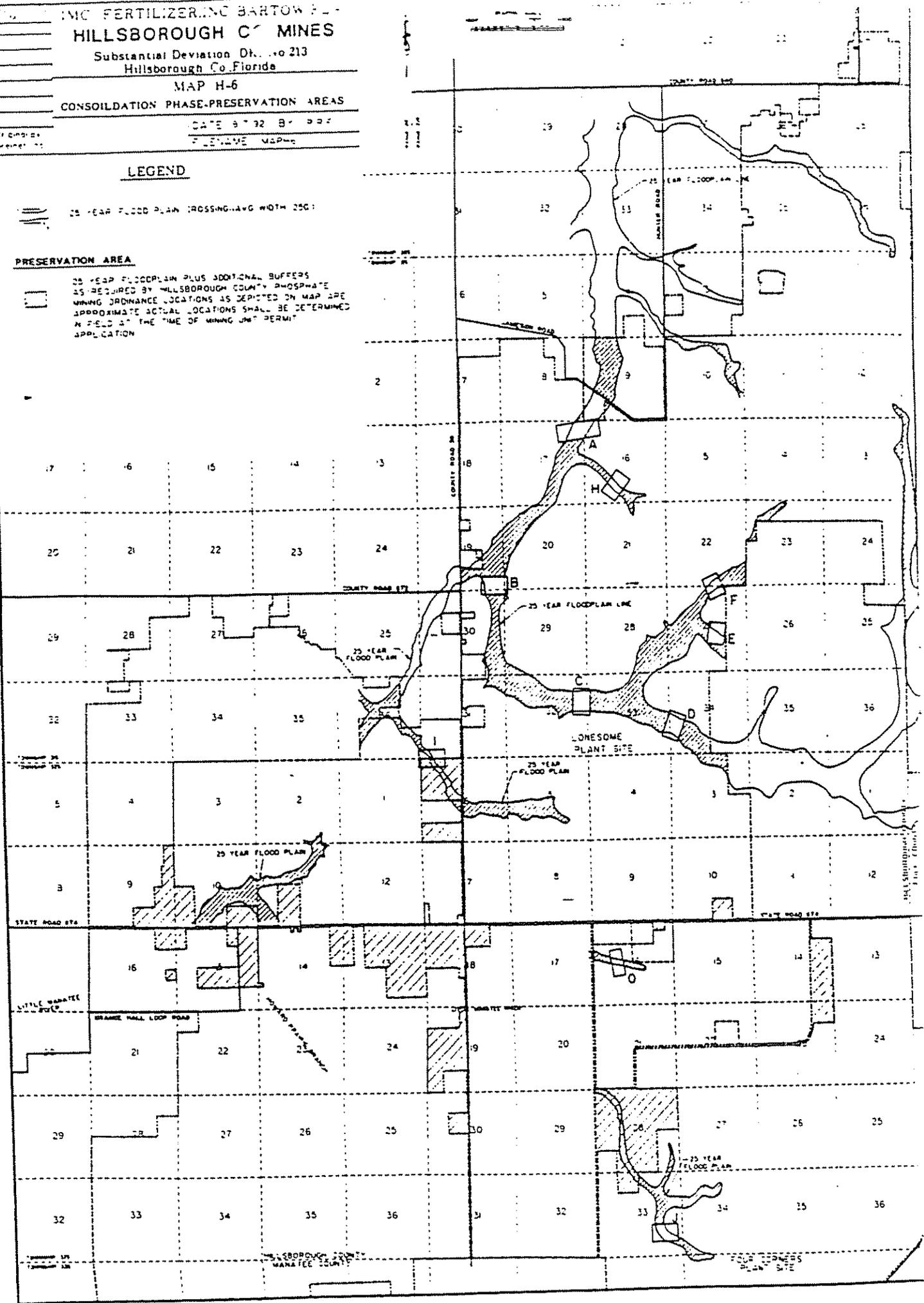
JMC FERTILIZING BARTON P.L.
HILLSBOROUGH CO MINES
 Substantial Deviation Ord. No 213
 Hillsborough Co. Florida
 MAP H-6
 CONSOLIDATION PHASE-PRESERVATION AREAS
 DATE 8-7-32 BY P.P.F.
 FLEWING MAPS

LEGEND


 25 YEAR FLOOD PLAIN CROSSING-AVG WIDTH 250'

PRESERVATION AREA


 25 YEAR FLOODPLAIN PLUS ADDITIONAL BUFFERS
 AS REQUIRED BY HILLSBOROUGH COUNTY PHOSPHATE
 MINING ORDINANCE LOCATIONS AS DEPICTED ON MAP ARE
 APPROXIMATE ACTUAL LOCATIONS SHALL BE DETERMINED
 IN FIELD AT THE TIME OF MINING UNIT PERMIT
 APPLICATION



INIC FERTILIZING BARTON FLA
HILLSBOROUGH MINES

Substantial Deviation Ltr. No 213
 Hillsborough Co. Florida

MAP 38H-10
**CONSOLIDATION PHASE
 CLAY SETTLING AREAS**

DATE 11-24-92 BY RPP
 EXECUTIVE PLM/CLM

Drawn by
 Printed by

LEGEND

- ① USE COMPLETED-RECLAIMED/RECLAMATION IN PROGRESS
- ② CURRENTLY ACTIVE
- ③ CURRENTLY APPROVED-FUTURE
- ④ NEW PROPOSED - CONSOLIDATION PHASE

NOTE: Clay settling area boundaries subject to two site permitting due to flood-dms, 100+ dms, setback distances etc. at time of construction. Site selection is based on minimum impact to wetlands.

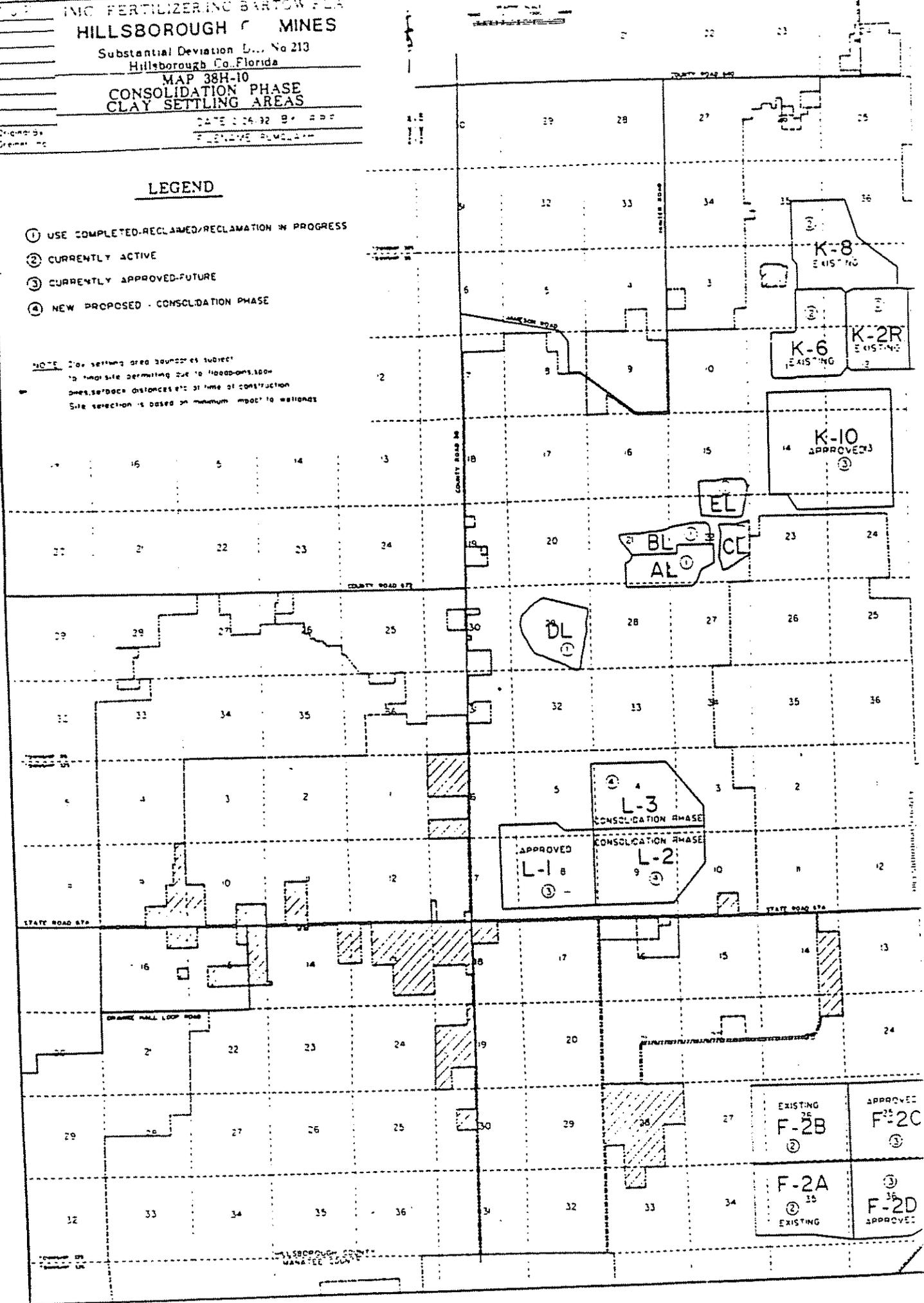


TABLE 38A-7

ESTIMATED MAXIMUM
 MINING AND RECLAMATION SCHEDULE
CONSOLIDATION PHASE
 ACRES

YEAR ENDING (6-30)	MINEABLE AREA	ANNUAL AREA MINED	CUMULATIVE AREA MINED	ACTIVE SETTLING AREAS		RECLAMATION COMPLETED	CUMULATIVE RECLAMATION COMPLETED	UNRECLAIMED AREAS	
				ACRES	AC. FT.			TOTAL	NOT IN SETTLING
PRE- 1-1-92	28421	10432	10432	1960	11500	4403	4403	6029	4069
1992	17989	960	11392	2690	104700	218	4621	6771	4081
1993	17029	1563	12955	3390	144700	218	4839	8116	4726
1994	15466	1094	14049	5110	178500	943	5782	8267	3157
1995	14372	1218	15267	3850	179700	1000	6782	8485	4635
1996	13154	1732	16999	4580	207200	857	7639	9360	4780
1997	11422	1710	18709	4580	207200	840	8479	10230	5650
1998	9712	1525	20234	5290	185500	1375	9854	10380	5090
1999	8187	1608	21842	4560	206500	1914	11768	10074	5514
2000	6579	1348	23190	4560	206500	1593	13361	9829	5269
2001	5231	803	23993	5160	206500	1786	15147	8846	3686
2002	4428	1027	25020	2690	133300	1396	16543	8477	5787
2003	3401	986	26006	1220	93300	1210	17753	8253	7033
2004	2415	578	26584	1220	59800	1339	19092	7492	6272
2005	1837	396	26980	1220	59800	2002	21094	5886	4666
2006	1441	378	27358	620	33800	1880	22974	4384	3764
2007	1063	511	27869	620	33800	1708	24682	3187	2567
2008	552	253	28122	620	33800	1505	26187	1935	1315
2009	299	179	28301	0	0	720	26907	1394	1394
2010	120	120	28421	0	0	829	27736	685	685
2011	0	0	28421	0	0	247	27983	438	438
2012	0	0	28421	0	0	279	28262	159	159
2013	0	0	28421	0	0	159	28421	0	0
TOTAL		28421	28421			28421			

REVISED
 TABLE 38M4-1
 ESTIMATED RECLAMATION SCHEDULE
 HILLSBOROUGH COUNTY
ACRES

<u>CONSOLIDATION PHASE</u> <u>LRU^a</u>	<u>DRI</u>	<u>CONSOLIDATION</u>	<u>BACKFILL¹</u>	<u>ESTIMATED RECLAMATION PERIOD</u>		<u>ESTIMATED MINING PERIOD</u>	
	<u>EXTENSION</u>			<u>AREA</u>	<u>TYPE</u>	<u>BEGIN</u>	<u>END</u>
	<u>AREA</u>	<u>AREA</u>					
<u>NORTH AREA</u>							
North Lonesome reclaimed @ 1-1-92		2846					
Kingsford area reclaimed @ 1-1-92		882					
North Lonesome - in process		820	OVB & Clay	1990	2002	PRE	PRE
W. CR 640		224	OVB & Tails	1999	2002	2000	2000
S. CR 640		602	OVB & Tails	1996	2001	1997	1998
W. K-8		712	OVB & Tails	1992	1997	1993	1995
S. Hall's Branch		569	OVB & Tails	1995	1999	1995	1997
Lake Branch		251	OVB & Tails	1991	1995	PRE	1993
Lonesome Remn.		244	OVB & Tails	1995	1998	1996	1996
Islands		458	OVB & Tails	1993	1997	1994	1996
K-10		1583	Clay	2005	2008	PRE	1994
K-6		577	Clay & Tails	1998	2001		PRE
K-8		648	Clay	1998	2001		PRE
K-2 Reconstruction		419	Clay	2005	2008		PRE
Boggy Branch		<u>229</u>	OVB & Tails	1992	1995	PRE	1994
Sub Total		11064					
<u>CENTRAL AREA</u>							
W. Plant Road		443	OVB & Tails	1990	1998	PRE	1996
S. & E. of L-1 & L-2		538	Tails	1995	2000	1994	1998
S. Alafia, W. Plant Rd.		325	Tails	1998	2001	1997	1999
S. Plant Rd, W. CR 39		576	OVB & Tails	2001	2006	2001	2003
W. of Little Manatee		1837	OVB	1999	2007	1999	2006
S. CR 674		311	OVB	2003	2007	2003	2009
L-1 Pond		608	Clay	2002	2005	PRE	1994
L-2 Pond		752	Clay/Tails	2006	2012	1994	1997
L-3 Pond		678	Clay/Tails	2009	2015	1997	2000
Corridor @ L-1		333	OVB	2007	2009	2007	2007
W. of CR 39		2082	OVB & Tails	1998	2005	1996	2003
Miles Grove		<u>227</u>	OVB	1990	1994	PRE	1993
Sub Total		8710					
<u>SOUTH AREA</u>							
W. of F-2		1721	OVB & Tails	1989	2001	PRE	1999
W. of Taylor Road		2171	OVB & Tails	1997	2011	1997	2010
F-2A		669	Clay & Tails	1997	2003		PRE
W. of Alderman Creek		450	OVB & Tails	1999	2004	2000	2001
F-2B		727	Clay & Tails	2001	2006		PRE
F-2C		678	Clay & Tails	2002	2007	PRE	1993
F-2D		637	Clay & Tails	2008	2013	1993	1994
W. of F-2		1674	OVB & Tails	1992	2003	1993	2002
Corridor		<u>120</u>	OVB	2003	2012	2002	2010
Sub Total		8647					
TOTAL		28,421					

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



Clerk to Board of
County Commissioners
Room # 214-F
P.O. Box 1110
Tampa, Florida 33601
Telephone 272-5845

August 20, 1993

SUZANNE COOPER DRI COORDINATOR
TAMPA BAY REGIONAL PLANNING COUNCIL
9455 KOGER BOULEVARD
SUITE 219
ST PETERSBURG FL 33702

Re: Resolution No. R93-0170 - Amending the Development Order for IMC
Fertilizer, Inc. (DRI #213)

Dear Ms. Cooper:

Attached is a certified copy of referenced resolution, which was adopted
by the Hillsborough County Board of County Commissioners on July 21, 1993.

We are providing this copy for your files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

By: Linda Fryman
Linda Fryman
Manager, BOCC Records

"Consolidation Phase"
mailed 8/23/93
received 8/24/93

LF:ADF
Attachment
Certified Mail

cc: Board files (1 orig.)
J. Thomas Beck, Florida Department of Community Affairs
James H. Shimberg, Jr., Esquire - Holland & Knight
Jeanie E. Hanna, Assistant County Attorney
Gene Boles, Director, Planning and Development Management

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and
Ex Officio Clerk of the Board of County Commissioners of
Hillsborough County, Florida, do hereby certify that the
above and foregoing is a true and correct copy of _____
Hillsborough County Resolution No. R93-0170 Amending the Development
Order for IMC Fertilizer, Inc. (DRI #213)

approved by the Board in its regular meeting
of July 21, 1993, as the same
appears of record in MINUTE BOOK 206 of the
Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 20th
day of August, 1993.

RICHARD AKE, CLERK

By: *Shirley Lynn*
Deputy Clerk

RESOLUTION #93- 0170

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF HILLSBOROUGH COUNTY, FLORIDA
DRI #213 DEVELOPMENT ORDER AMENDMENT
AND RELATED OPERATING PERMIT AMENDMENTS

Upon motion by Commissioner Joe Chillura, Jr., seconded by Commissioner Jim Norman, the following Resolution was adopted by a vote of 7 to 0 with Commissioner(s) _____ voting "No."

WHEREAS, the Lonesome Mine Development of Regional Impact was originally approved by the Hillsborough County Board of County Commissioners on March 21, 1974 and was subsequently amended on February 21, 1984, January 9, 1990, September 25, 1990 and May 7, 1991; and

WHEREAS, the Kingsford Mine Development of Regional Impact was originally approved by the Hillsborough County Board of County Commissioners on January 15, 1975, and was subsequently amended on March 29, 1988; and

WHEREAS, the Four Corners Mine Development of Regional Impact was originally approved by the Hillsborough County Board of County Commissioners on January 4, 1978, and was subsequently amended on April 22, 1981, May 13, 1986, January 9, 1990 and September 25, 1990; and

WHEREAS, the Lonesome Mine Operating Permit was originally issued by the Hillsborough County Board of County Commissioners on November 8, 1974 and has been subsequently amended; and

WHEREAS, the Kingsford Mine Operating Permit was originally issued by the Hillsborough County Board of County Commissioners on January 15, 1975 and has been subsequently amended; and

WHEREAS, the Four Corners Mine Operating Permit was originally issued by the Hillsborough County Board of County Commissioners on January 5, 1978 and has been subsequently amended; and

WHEREAS, on July 1, 1990, IMC Fertilizer, Inc. filed an application for development approval for a substantial deviation to the approved Lonesome, Kingsford and Four Corners DRIs and related operating permit amendments with the Hillsborough County Board of County Commissioners, pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said substantial deviation proposed, among other things, the addition of approximately 18,000 acres to form the Extension Phase, the removal of approximately 850 acres from the Lonesome Mine boundary, an addition to the mining area, a revision to the mining schedule and equipment utilization, a revision of the clay and tailing storage areas and disposal methods, an addition to the approved methods for transporting product from the plants, a revision of the employee traffic impacts, the addition of a railroad to connect the Four Corners, Lonesome and Kingsford plants, the upgrading of the Lonesome Plant operations, including wet rock loading facilities, additional floodplain crossings, and the combination of the three approved mines into a single mine for reporting purposes; and

WHEREAS, on or about March 25, 1992, IMC Fertilizer, Inc. requested that the application be divided into Phase I (the "Consolidation Phase") and Phase II (the "Extension Phase"). Only the Consolidation Phase is the subject of this resolution.

WHEREAS, the Hillsborough County Board of County Commissioners desires to make certain amendments to the Lonesome Mine, Kingsford Mine, and Four Corners Mine Development Orders and Operating Permits, as amended, and to consolidate all of said Development Orders and Operating Permits, as amended, into a single composite document; and

WHEREAS, it is the intent of the Board that except for the amendments specified herein, the previous DRI and Operating Permit approvals and conditions set forth in the prior development orders shall remain in full force and effect; and

WHEREAS, the Hillsborough County Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider proposed changes to Previously Approved Developments of Regional Impact; and

WHEREAS, the public notice requirements of Section 380.06, Florida Statutes, have been satisfied; and

WHEREAS, the Hillsborough County Board of County Commissioners has reviewed the application for a substantial deviation to the development approvals for the Four Corners, Lonesome and Kingsford DRIs and Operating Permits and has found the proposed development to be consistent with local land development regulations; and

WHEREAS, a duly noticed joint public hearing of the zoning hearing master and the phosphate hearing master was held on March 2, 1993 and March 16, 1993 on said application for approval of the substantial deviation and the respective hearing masters have heard and considered testimony and documents received thereon; and

WHEREAS, the Hillsborough County Board of County Commissioners has on June 14 and July 21, 1993 held a duly noticed public hearing on said application for approval of the substantial deviation and has heard and considered testimony and documents received thereon; and

WHEREAS, the Hillsborough County Board of County Commissioners has received and considered a report and the recommendations of the Tampa Bay Regional Planning Council; and

WHEREAS, the Department of Community Affairs has reviewed the application; and

WHEREAS, the Hillsborough County Board of County Commissioners has solicited, received and considered reports, comments and recommendations from interested citizens, state and local agencies, the phosphate hearing master and the zoning hearing master;

NOW, THEREFORE, BE IT RESOLVED BY BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING ASSEMBLED THIS 21st DAY OF July, 1993, AS FOLLOWS:

SECTION 1. AMENDMENT OF PREVIOUS DEVELOPMENT ORDERS

This Resolution constitutes an amendment to the Development Orders and Operating Permits, as previously amended, for the Lonesome, Four Corners and Kingsford Mine Developments of Regional Impact (the "Development Orders"). The existing Development Orders and Operating Permits, as previously amended and as amended herein, for the Lonesome, Four Corners and Kingsford Mines in Hillsborough County, are hereby consolidated into a single composite document, and the provisions thereof renumbered as set forth in Attachment A.

SECTION 2. FINDINGS OF FACT

The Hillsborough County Board of County Commissioners (Board), having received all related comments, testimony and evidence submitted by each party and members of the general public, finds that there is substantial competent evidence to support the following findings of fact:

- A. The Board has received and considered the report of the Zoning Hearing Master and the Phosphate Hearing Master concerning the DRI Substantial Deviation and related Operating Permit amendments.
- B. The Board held a public hearing on June 14 and July 21, 1993, regarding the DRI Substantial Deviation and related Operating Permit amendments in accordance with the requirements of the Hillsborough County Land Development Code, the

Hillsborough County Comprehensive Plan, and has further considered the information received at said public hearing.

- C. Subject to the conditions hereinafter set forth, the proposed DRI Substantial Deviation and related Operating Permit amendments are consistent with the Hillsborough County Comprehensive Plan, the Hillsborough County Land Development Code and is consistent with the report and recommendations of the Tampa Bay Regional Planning Council.
- D. IMC Fertilizer, Inc. (Developer) submitted to Hillsborough County, Florida, an Application for Development Approval (ADA), and four Sufficiency Responses, which are incorporated herein by reference.
- E. The real property, which is the subject of this Application is legally described as set forth in Section V of Attachment A.
- F. This proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, F.S.
- G. The authorized agent for IMC Fertilizer, Inc. is Mr. Lee F. Thurner, Vice-President and General Manager, Florida Minerals Division, Post Office Box 867, Bartow, Florida 33830.
- H. The property is owned or controlled by IMC Fertilizer, Inc., with the exception of the land being removed by this amendment.
- I. A comprehensive review of the impacts generated by the proposed development described herein has been conducted by the Hillsborough County Planning and Development Management Department, the Hillsborough County Environmental Protection Commission, the Hillsborough County City-County Planning Commission, the Tampa Bay Regional Planning Council, and the Department of Community Affairs.
- J. The DRI Preapplication Review resulted in the elimination of the following questions from the ADA:
 - #26 - Education
 - #32 - Housing
- K. The Development Orders included 7959 acres to be mined at Four Corners, 9800 acres to be mined at Lonesome, and 8127 acres to be mined at Kingsford for a total of 25,886 acres to be mined. This Application includes a net change in the

mining of an additional 2536 acres. The major portion of this change (increase of 3248 acres) is located at the Lonesome Mine. The increase in mining area at Four Corners amounts to 688 acres, some of which is located north of the Little Manatee River floodplain in the Northwest ¼ of Section 16, Township 32 South, Range 22 East, the area added by the 1990 amendments, and changes to the property line setback berms. At the Kingsford Mine area, there is a net decrease of 1401 acres due to certain lands which were the subject of an earlier agreement between IMCF and private landowners being removed from the mining schedule.

- L. This development order incorporates by reference the representations, terms, and conditions as set forth in the ADA, and related documents described in Section VI of Attachment A.
- M. All statutory procedures have been adhered to.
- N. That all three mines are currently in operation, such that the Chapter 380.06 F.S. requirement for the commencing of development has been met.
- O. The following list of items shall not change as part of this application:
 - Currently-approved mine water use.
 - Areas currently-approved for mining at the Four Corners, Lonesome and Kingsford Mines.
 - Areas of the Kingsford Mine that are approved as "agreement lands" (the extension area in DRI #120).
 - Approved tailings disposal and clay settling area (K-2, K-2R, K-6, K-8, K-10 and L-1) locations and sizes.
 - Methods of mining and equipment used.
 - Materials handled and disposal methods, including hazardous wastes.
 - Location of hazardous waste storage facilities (at Noralyn in Polk County).
 - Wastewater management.
 - Dryer operation at the Lonesome plant.
 - Currently-approved plant operations at Four Corners and Kingsford.
 - Source and level of police, fire and emergency medical services.
 - Existing NPDES discharge amounts and locations.
 - Plant processing capacities at Lonesome (2.5 million tons per year (mtpy)) and at Four Corners (7.0 mtpy).

Changes proposed in any of these areas shall require a substantial deviation determination, unless the change is required by FDER, FDNR, SWFWMD or a federal regulatory agency, pursuant to Subsection 380.06(19)(d), F.S.

- P. The approved Development is consistent with the following plans and regulations:
- the Hillsborough County Comprehensive Plan adopted July, 1989 (including applicable Land Development Code regulations, the Conservation and Aquifer Recharge Element (particularly policies under Objectives 7, 8, 9 and 14), Management Plans for the Alafia and Little Manatee Rivers and the Cockroach Bay Aquatic Preserve Management Plan, and other applicable amendments adopted prior to this report), pursuant to the Local Government Comprehensive Planning Act, Chapter 163, F.S.;
 - the Hillsborough County Mining Ordinance No. 90-4;
 - Chapters 10D-91 (Control of Radiation Hazards), 16C-16 (Mandatory Phosphate Mine Reclamation) and 17-672 (Minimum Requirements for Earthen Dams, Phosphate Mining and Processing Operations), FAC;
 - all applicable rules and regulations of FDER;
 - all applicable rules and regulations of SWFWMD;
 - the State Comprehensive Plan and the FRCRPP; and
 - the Metropolitan Planning Organization Long Range Transportation Plan.

SECTION 3. CONCLUSIONS OF LAW

The Board, having made the above findings of fact, reaches the following conclusions of law:

A.

1. That the consolidation of the Four Corners, Lonesome and Kingsford Mines into one mine for operating and reporting purposes, the removal of the area sold from the Lonesome Mine, the addition to the mining area, the revision to the mining schedule and equipment utilization, the revision of the clay and tailing storage areas and disposal methods, the revision of the approved methods of transporting product from the plants, the revision of the employee traffic impacts, the addition of a railroad to connect the Four Corners, Lonesome and Kingsford plants, the upgrading of the Lonesome Plant operations, including wet rock loading facilities, and additional floodplain crossings and other activities as described herein are consistent with the State Comprehensive Plan, the Tampa Bay Regional Planning Council's Comprehensive Regional Policy Plan, and the Hillsborough County Comprehensive Plan, and the Hillsborough County Land Development Code.

2. That the Substantial Deviation components to the Four Corners, Lonesome and Kingsford Mines DRIs are consistent with the intent of the report and recommendation of the Tampa Bay Regional Planning Council issued on January 11, 1993.
- B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and, based upon the record in these proceedings, IMC Fertilizer, Inc. is authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth below.
 - C. That the review by Hillsborough County, the Hillsborough County Environmental Protection Commission, the Tampa Bay Regional Planning Council, and other participating agencies and interested citizens indicates that impacts of the Substantial Deviation components to the Four Corners, Lonesome and Kingsford Mines DRIs are adequately addressed pursuant to the requirements of Section 380.06, F.S., within the terms and conditions of this Development Order. To the extent that the Application is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.
 - D. The Hillsborough County Comprehensive Plan Land Use Plan Map for Hillsborough County designates the area within which this land lies as AGRICULTURAL/MINING which permits mining activities.
 - E. That except as amended in this Resolution, the approvals and conditions set forth in the Development Orders and Operating Permits previously adopted shall continue in full force and effect as previously approved.

SECTION 4. ORDER

Having made the above findings of fact and drawn the above conclusions of law, it is hereby ordered that the Development Orders and Operating Permits be amended as follows:

- A. The Development Orders and Operating Permits are hereby amended as set forth in Attachments A and B.
- B. The Development Orders as previously amended and as amended herein, are hereby consolidated into a single composite document, and the provisions thereof renumbered as set forth in the Attachment A.
- C. Pursuant to Section 163.3167(8), Florida Statutes, nothing herein is intended to modify or limit specific rights previously approved by the Development Orders,

except to the extent that such rights are specifically limited or modified by the amendments approved by this resolution.

- D. The Ex Officio Clerk of the Board of County Commissioners shall send copies of this Resolution, by certified mail, within five (5) days following the effective date hereof, to IMC Fertilizer, Inc., DCA and the Tampa Bay Regional Planning Council.
- E. This Resolution shall be deemed rendered upon transmittal of copies hereof to the Department of Community Affairs and the Tampa Bay Regional Planning Council.
- F. A notice of adoption of this Resolution shall be recorded by the Developer in the public records of Hillsborough County, Florida, as provided in Section 380.06, Florida Statutes.

SECTION 5. RESTRICTION ON DOWNZONING

The development shall not be subject to down-zoning or intensity reduction until December 31, 2013, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

SECTION 6. COMPLIANCE WITH CODES AND ORDINANCES

Except as previously stated herein in Section 4.C, the provisions of this Development Order shall not be construed as a waiver of or exception to any rule, regulation, or ordinance of Hillsborough County, its agencies or commissions and to the extent that further review is provided for in this Development Order, said review shall be subject to all applicable rules, regulations and ordinances in effect at the time of this approval.

SECTION 7. SEVERABILITY, AMENDMENT AND ADMINISTRATION

- A. In the event that any portion or section of this Development Order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Development Order which shall remain in full force and effect.

- B. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all government agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review developments of regional impact applications as well as all governmental agencies and departments set forth under applicable laws and rules governing developments of regional impact.
- C. Development activity constituting a substantial deviation from the terms or conditions of this development order or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other regional impacts not previously reviewed by the Tampa Bay Regional Planning Council may result in Hillsborough County making a substantial deviation determination pursuant to the provisions of Section 380.06(17), Florida Statutes.
- D. The Planning and Development Management Department of Hillsborough County shall be responsible for monitoring all terms and conditions of this Development Order. For purposes of this condition, the Planning and Development Management Department may rely upon or utilize information supplied by any Hillsborough County department or agency having particular responsibility over the area or subject involved. The Planning and Development Management Department shall report to the Board of County Commissioners any findings or deviation from the terms and conditions of this Development Order.

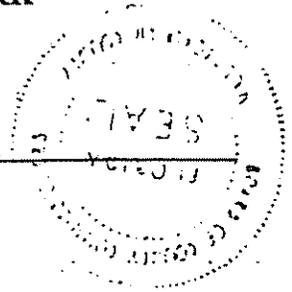
STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, Richard Ake, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of July 21, 1993 as the same appears of record in Minute Book 206 of the Public records of Hillsborough County, Florida.

Witness my hand and official seal this 20th day of August, 1993.

RICHARD AKE, CLERK

By: *Richard Ake*
(Deputy Clerk)



Approved as to form and
correctness:

[Signature]
County Attorney

TABLE OF CONTENTS

ATTACHMENT A

**COMPOSITE DEVELOPMENT ORDER AND OPERATING PERMIT
FOR
HILLSBOROUGH COUNTY MINES, CONSOLIDATION PHASE**

SECTION I. DEFINITIONS	Page 1
SECTION II. DEVELOPMENT COMPONENTS	Page 2
SECTION III. DEVELOPMENT CONDITIONS	Page 3
A. LIFE AND TIMING OF DEVELOPMENT	Page 4
B. AIR QUALITY	Page 4
C. WATER MANAGEMENT and SUPPLY - GROUND WATER	Page 4
D. WATER MANAGEMENT - SURFACE WATER	Page 7
E. SOILS	Page 8
F. WETLANDS	Page 8
G. FLOODPLAINS	Page 10
H. STREAM AND RIVER CROSSINGS	Page 10
I. VEGETATION AND WILDLIFE	Page 16
J. ARCHAEOLOGICAL AND HISTORIC RESOURCES	Page 17
K. PUBLIC FACILITIES	Page 17
L. ENERGY CONSERVATION	Page 17
M. EQUAL OPPORTUNITY	Page 18
N. DRAINAGE	Page 18
O. TRANSPORTATION	Page 20
P. MINING OPERATION	Page 21
Q. RECLAMATION	Page 26
R. GENERAL CONDITIONS	Page 27
S. DEVELOPER COMMITMENTS	Page 29
T. SOLID WASTE AND HAZARDOUS WASTE	Page 29
U. CONDITIONS FOR ADDITIONAL ACREAGE WITHIN THE EXISTING DRI	Page 30
V. DEVELOPER COMMITMENTS FROM TBRPC DRI FINAL REPORT ..	Page 32
SECTION IV. - COMPLIANCE WITH CODES AND ORDINANCES	Page 37
SECTION V. - LEGAL DESCRIPTION	Page 37
SECTION VI. - LIST OF EXHIBITS	Page 41

ATTACHMENT A
COMPOSITE DEVELOPMENT ORDER AND OPERATING PERMIT
FOR
HILLSBOROUGH COUNTY MINES, CONSOLIDATION PHASE

SECTION I. DEFINITIONS

- A. That the definitions found in Chapter 380, Florida Statutes (1972), shall control the construction of any so-defined terms appearing in this Development Order.
- B. The term "mining" when used in this development order shall be defined as provided in the Hillsborough County Land Development Code.
- C. "Acceptable Level of Service" shall be Level of Service D, peak hour on urban roads, and Level of Service C, peak hour on rural roads, or as shown in the Hillsborough County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service for links and intersections in Polk County, Florida, shall mean Level of Service as set for the affected roadways in the Polk County Comprehensive Plan.
- D. "Application", "Application for Development Approval" and "ADA" shall mean IMC Fertilizer, Inc.'s Hillsborough County Mine's Substantial Deviation Application for Development Approval of a Development of Regional Impact for the Four Corners, Lonesome, and Kingsford Mines (June 29, 1990), and all four sufficiency responses submitted (as Additional Information Submittals) by the Developer in response to the sufficiency reviews of state, regional, and local agencies (TBRPC DRI #213).
- E. "Best Management Practices" shall mean practices that are technologically and economically practicable and most beneficial in preventing or reducing adverse impacts from mining activities.
- F. "Developer" shall mean IMC Fertilizer, Inc.(IMCF), assigns, agents, and successors in interest.
- G. "Development Approval" shall mean any approval for this development granted through the DRI ADA/Substantial Deviation process.
- H. "Consolidation Phase" shall mean the first approval requested as part of the Hillsborough County Mines project ADA, to consolidate the existing mines into one mine with one development order.
- I. "Hillsborough County Mines" shall mean all portions of the Four Corners, Lonesome, and Kingsford Mines which are located in Hillsborough County as described in Section V and excludes those portions of the mines located in Manatee and Polk Counties.
- J. "Master Mining and Reclamation Plan" shall mean a description of proposed mining activities over the life of the mine, so as to allow overall review of IMCF's mining activities.

- K. "25-Year Floodplain" shall mean the area that is so labeled in the maps in the original Four Corners Mine DRI/ADA, in the original Lonesome Operation Permit Application and the Kingsford Extension DRI/ADA # 120. The exact location of the 25-Year Floodplain shall be determined by a process of calculation of the elevation of the highest water level following a calculated 25 year storm event, and determination of the location of that water level in the field by elevation survey, using standard hydrological analysis and field surveying practices. The 25-Year Floodplain is distinguished from the "100-Year Flood Prone Areas" or "100-Year Flood Zone" as shown on FEMA maps.
- L. The following acronyms are defined as follow:
 TBRPC - Tampa Bay Regional Planning Council
 SWFWMD - SouthWest Florida Water Management District
 FDER - Florida Department of Environmental Regulation
 FDNR - Florida Department of Natural Resources
 ACOE - U.S. Army Corp of Engineers
 EPC - Environmental Protection Commission of Hillsborough County
 IMCF - IMC Fertilizer, Inc.
 FAC - Florida Administrative Code
 FRCRPP - Future of the Region Comprehensive Regional Policy Plan
 EPA - U.S. Environmental Protection Agency
 NPDES - National Pollution Discharge Elimination System
 ADA - Application for Development Approval
 FDOT - Florida Department of Transportation
 DCA - Florida Department of Community Affairs
 PDMD - Hillsborough County Planning and Development Management Department
 FGFWFC - Florida Game and Freshwater Fish Commission
 DHR - Florida Division of Historical Resources
 F.S. - Florida Statutes

SECTION II. DEVELOPMENT COMPONENTS

The application includes the following development components:

- A. Remove approximately 850 acres located in Section 13 and 24, Twn. 31 S., Rng. 21 E., and Sections 18, 30, and 31, Twn. 31 S., Rng. 22 E, from within the Lonesome mine boundary as fully described in Section V. There are no outstanding development order conditions affecting these properties.
- B. Combine the three approved mines (Kingsford, Lonesome and Four Corners) into one consolidated mine named "Hillsborough County Mines". This will remove internal boundaries.
- C. Revise the mining areas at the Lonesome and Four Corners Mines, to increase the area approved for mining excavation at these approved mine sites to a total of 28,421 acres, according to Table 38A-7.
- D. Revise the clay and tailing sand storage and disposal methods and locations at the Lonesome and Four Corners Mines to conventional above ground clay settling areas, thus

eliminating the use of the sand clay mix methods. This includes the addition of L-2 and L-3 clay settling areas, as shown on Map 38H-10.

- E. Revise the mining and reclamation rates and schedules, and all aspects of the mine operation related to the timing of the mining and reclamation within the approved mine areas as described in the ADA on Table 38A-7.
- F. Revise the traffic analysis to reflect haulage by truck of product from the Four Corners and Lonesome Plants to market, the increase in the number of employees at Lonesome and Four Corners, and approve the rail connection among the Four Corners and Lonesome plants including the crossing of Taylor Road and SR 674.
- G. To repair and upgrade the existing Lonesome plant to current process technology. This involves the elimination of the field pre-washer, and location of all washer function at the plant site, and other improvements in the sizing and flotation process.
- H. To install facilities at Lonesome for the loading of wet rock into rail cars for shipment, in addition to the existing dry rock loading facilities.
- I. Change the number of draglines used and the nature of the pumping systems required to carry out the proposed mining plans, including the required access corridors with the necessary road, wetland and floodplain crossings as shown on Map H-5.
- J. Addition of two new stream floodplain crossings at sites I & O, and recognize the existing stream floodplain crossings at site H, J & C (Map H-5 and Table 38A-5).

SECTION III. DEVELOPMENT CONDITIONS

Previous conditions of approval that are not being changed by this amendment, apply only to that area for which that approval was originally granted, as indicated by the paragraph code and Figure 12A-2C attached. Conditions that apply to the entire Consolidation Phase are coded [CONSOL]. New conditions which have been added are coded [NEW].

<u>MINE</u>	<u>D.O. DATE</u>	<u>DRI #</u>	<u>CODE</u>
Kingsford	1-15-75	31	[K-31]
	3-29-88	120	[K-120]
Lonesome	3-21-74	1	[L-1]
	2-21-84	85	[L-85]
	1-09-90	Amend.	[L-A2]
	9-25-90	Amend.	[L-A3]
	5-7-91	Amend.	[L-A4]

Four Corners	1-04-78	52	[FC-1]
	4-22-81	Amend.	[FC-A1]
	5-13-86	Amend.	[FC-A2]
	1-09-90	Amend.	[FC-A3]
	9-25-90	Amend.	[FC-A4]
Consolidation Phase	213		[CONSOL]
New Conditions of This D.O.			[NEW]
Conditions of TBRPC			[TBRPC]

A. LIFE AND TIMING OF DEVELOPMENT

1. [NEW][CONSOL] This Development Order shall remain in effect for a period up to and including December 31, 2013. Any development activity for which plans have been submitted to the County and approved prior to the expiration date of this Development Order may be completed in accordance with the requirements of the Development Order. This Development Order may be extended by the Board of County Commissioners of Hillsborough County.

B. AIR QUALITY

1. [NEW][CONSOL] If any proposed change to this Development is determined by Hillsborough County to have a negative air quality impacts then the Developer shall perform diagnostic air quality analysis as required and then shall institute remedial measures as necessary, to assure compliance with all applicable laws.
2. [NEW][CONSOL] That the number or location of air and surface water monitoring stations and parameters may be changed at any time by petition of the Developer or EPC based upon reasonable grounds.

C. WATER MANAGEMENT and SUPPLY - GROUND WATER

1. [NEW][CONSOL] The Developers water use shall not exceed the amounts permitted by SWFWMD. IMCF shall copy PDMD with any requested modifications.
2. [FC-1] That certain water quality and water level monitoring shall be performed and reports submitted to Hillsborough County and the EPC. Exhibit B lists the reports, items to be monitored, frequency of monitoring, and frequency of reporting.
3. a. [FC-1] That if mining is to occur in Section 28, Township 32S, Range 22E, then IMCF shall establish a monitor well system along the east side of the grove in the SW 1/4 of the SE 1/4 of Section 28, and at the SE corner of the grove in the SE 1/4 of the NE 1/4 of Section 28. For the purposes of this paragraph, mining shall include the establishment of wells for obtaining water for all mining activities.

- b. [FC-1] The monitoring system shall be installed in such a manner as to determine surficial geology. If a hard pan is found, then at least one monitor site at each grove will have wells finished into the zones above and below the hard pan. It must also be determined whether or not the zone below the hard pan is under artesian conditions. With the permission of the owner of the real property described above, to monitor water levels within the groves, the company should establish either a rectangular grid or a perpendicular transect of wells.
 - c. [FC-1] That for property owners not willing to provide written consent to the company for pit dewatering within 400 feet of their property a monitoring system such as (3.a.) above shall be installed at the property owners request, if the County determines that pit dewatering could reasonably be expected to adversely affect the property in question. Such monitoring shall be commenced at least two annual dry seasons prior to mining.
 - d. [FC-1] That the wells in the monitoring systems discussed in Paragraphs (3.a., b., and c.) above shall be measured monthly during April, May, June, and Quarterly for the rest of the year during the premining period. During the development period these wells shall be measured monthly until such time as reclamation is completed. The information shall be forwarded quarterly to Hillsborough County Planning and Development Management Department.
 - e. [FC-1] That conditions (3.a., b., c., and d.) are predicated upon IMCF's stated intention to backfill as soon as possible mining cuts excavated perpendicular to the mine property boundaries. Inasmuch as the proposed method of excavation and backfilling will minimize dewatering of adjacent properties, any departure from this scheme may result in the requirement for additional shallow aquifer monitoring as determined by Hillsborough County Planning and Development Management Department. Should IMCF find it necessary to mine in a direction other than perpendicular to the property boundary or to allow more than fourteen (14) days to pass without backfilling, the company shall immediately take measures to prevent a decline of more than three feet of the water table under adjacent properties or any decline of the water table which would adversely affect lawful water uses on adjacent properties. The Hillsborough County Planning and Development Management Department shall be notified at the time of submittal of the mining plan for each mining unit of any planned non-perpendicular mining cuts. This condition applies only to mining excavations within 1,320 feet of a property boundary.
4. [L-85] The Developer shall implement the mitigative water quality measures referenced in the Application on pages 15-56 through 15-58 for parcels A, B, and C.
 5.
 - a. [K-120] A groundwater monitoring program in accordance with the Hillsborough County requirements and FDER and SWFWMD regulations shall be required to monitor any potential adverse impacts to the wells or surface water features of adjacent property owners.
 - b. [K-120] IMCF shall provide relief for any property owner whose well is demonstrated to be adversely affected by IMC's mining operations. Relief shall include but is not limited to, replacement or modification of an existing well, or provision of an alternate water supply continuous provision of potable water shall

be made available to affected parties at the expense of IMCF. Relief shall be required regardless of whether mining operations are otherwise consistent with state and local permits.

- c. [K-120] Prior to any mining activity within 700 feet of IMC's property boundary, IMCF will prepare a groundwater monitoring plan for said mining area. The groundwater monitoring plan will show all neighboring wells of any depth within 500 feet of IMC's property line and the monitoring plan will propose monitoring wells at IMC's property line to measure the mining's potential effect on water level and water quality within the aquifer of concern. Hillsborough County Planning and Development Management Department, the Southwest Florida Water Management District, and the Environmental Protection Commission of Hillsborough County shall approve the required groundwater monitoring plan. The groundwater monitoring plan shall begin one (1) year prior to the mining of each unit. Background monitoring of the respective groundwater level shall take place on a monthly basis and monitoring of the groundwater quality shall take place on a quarterly basis.
- d. [K-120] Surficial Aquifer Monitoring. Prior to mining activity in each area, IMCF shall submit a monitoring plan to be approved in accordance with paragraph (6.c.) above. Upon approval of the plan, IMCF shall construct the necessary wells and initiate monitoring for a period of not less than one year prior to commencement of mining and continue such monitoring until mining and reclamation activity in the respective unit has ceased. All monitoring data shall be transmitted to the Hillsborough County Planning and Development Management Department on a monthly basis unless otherwise directed. The monitoring plan for each mine unit shall also include a map/aerial photograph depicting the location of all perennial surface water features and surficial aquifer wells within 500 feet of IMC's property boundary. Based on the location, size, number and density of surface water features and surficial aquifer wells IMCF will construct surficial aquifer monitor wells at its property boundary adjacent to the active mine cuts. When mining is within 700 ft. of the property line, surficial aquifer water levels shall be measured weekly and water quality tested monthly. Water quality testing shall consist of the following parameters:
1. Temperature
 2. Conductivity
 3. pH
 4. Turbidity
 5. Color
- e. [K-120] The number of monitor wells in each mine unit and the exact placement shall be jointly agreed upon by IMCF and the review agencies noted in paragraph (6.c.) above. The agreed upon number of monitor wells and their placement shall be a function of the location, size, number and density of surface water features and surficial aquifer wells within 500 feet of IMC's property boundary, the hydraulic properties of the aquifer and the geometry of each active mine unit. The analytical solution to the number and placement of monitor wells shall be based on aquifer hydraulics, empirical data to be supplied by IMCF, and the potential drawdown cone to be induced by the mine cuts in the respective mine unit. Based on the results of the analytical solution, monitor wells will be placed along the property boundary at a spacing interval which shall permit an accurate monitoring

of potential drawdown effects. At no time will the spacing between consecutive monitor wells be more than 1,320 feet.

- f. [K-120] Floridan Aquifer Monitoring. The same plan of monitoring shall be required for Floridan Aquifer wells. However, the requirement to monitor Floridan Aquifer levels at the property boundary shall be waived if one or a combination of the following conditions can be met:
 - (i) [K-120] Floridan Aquifer withdrawals take place in wells located internally 660 feet or more from IMCF's property boundary.
 - (ii) [K-120] Analytical and/or computer modeling of potential drawdown effects show that land owners will not be adversely affected.
 - g. [K-120] Hillsborough County and other applicable agencies have the right to impose a more stringent monitoring program for the surficial aquifer, the intermediate aquifer, the Floridan aquifer, or any other aquifers if Hillsborough County or another applicable agency finds such a program necessary.
 - h. [K-120] Monitoring data for water quality shall be collected using the key indicators, as identified above, of the secondary parameters of Chapter 17.22, Florida Administrative Code. Monitoring data for water level shall be the free standing water elevation in the monitoring wells. If relief is determined to be required through the monitoring process, the Board shall determine the required action to be taken based upon the findings of the monitoring report. IMCF shall provide all monitoring data on water levels and quality to the responsible monitoring agency to determine what if any adverse impact has occurred to adjacent property water wells, lakes, ponds or other standing bodies of water.
6. [NEW][TBRPC] All on-site wells shall be maintained and operated, or plugged and abandoned by IMCF in accordance with SWFWMD regulations.

D. WATER MANAGEMENT - SURFACE WATER

1. [FC-1] That the applicant guarantees the correct operation and maintenance of all man-made control structures and the maintenance of proper surface water flows as determined by existing and future regulatory programs.
2. [FC-1] IMCF shall continue the operation of stream gaging stations known as Stations SW 9, SW 10A, SW 11 and SW 11A. Copies of all data collected shall be forwarded to the Hillsborough County Planning and Development Management Department on a quarterly basis. Gaging and data collection at Stations SW 11 and SW 11A shall be performed concurrently so that the contribution to stream flow from ground water can be determined along that section of Alderman Creek.
3. [L-85] The Developer shall implement the surface water quality monitoring program for the additional parcels, as referenced in the Application. If the Developer is required by the Department of Environmental Regulation to prepare a Lonesome Mine Groundwater Monitoring Plan, copies of said plan shall be submitted to Hillsborough County, Hillsborough County Environmental Protection Commission and the Tampa Bay Regional Planning Council.

4. [K-31] A further condition of this approval is the fulfillment of the applicant's voluntary commitment to donate three hundred acres of land on the development site for development and utilization as a water reservoir suited for water supply, flood control, and recreation purposes, the exact location of said three hundred acres to be determined by the county.
5. [K-120] In order to protect water quality in the Alafia River there shall be no degradation of water quality standards by stormwater exiting the site. If any of the regulatory agencies or jurisdictions deems water quality monitoring necessary, the Developer shall provide a water quality monitoring program to the satisfaction of the regulatory agency(ies). Any violation of Chapter 17-3 F.A.C. shall require corrective measures as set forth by FDER. The following shall apply:
 - a. [K-120] Sampling locations and frequencies shall be determined to the satisfaction of the jurisdictional agency(ies).
 - b. [K-120] All water quality analytical methods and procedures shall be thoroughly documented and shall comply with United States Environmental Protection Agency (USEPA) and FDER Quality Control Standards and Requirements.
 - c. [K-120] The monitoring results shall be submitted to the Environmental Protection Commission (EPC) of Hillsborough County and other jurisdictional agency(ies). Should the monitoring indicate that applicable state water quality standards are not being met, the violation shall be reported to Hillsborough County immediately and all construction within the project where the violation is noted shall cease until the violation is corrected; or if specific construction activities can be identified as causing the violation, all such activity shall cease until the violation is corrected.

E. SOILS

1. [K-120] The methods indicated on page 14-4 of the Application to overcome problems associated with the particular soil types for pond and earth embankments and the mining mitigation measures described on page 22-10 of the Application shall be implemented.
2. [NEW][TBRPC] Organic deposits and natural topsoils capable of supporting indigenous vegetation should be stockpiled during mining activities and utilized in reclamation to the maximum reasonable extent.

F. WETLANDS

1. a. [K-120] In order to protect the natural values of preserved/conserved wetland areas, the following shall be required, at minimum:
 - b. [K-120] No significant hydroperiod alteration shall be permitted in conservation or preservation areas identified on the General Site Development Plan.
 - c. [K-120] To prevent encroachment into the regionally significant floodplain wetlands on-site, no mining shall be allowed in the 25-year floodplain. Furthermore, mining in the 100-year floodplain, shall only be permitted in accordance with Hillsborough County Mining Ordinance No. 87-27.

- d. [K-120] All wetland losses in conservation areas shall require 1:1 in-kind wetland replacement. Wetland losses in preservation areas shall require greater than 1:1 in-kind replacement. Mitigation for wetland losses shall be described in detail in the approved Reclamation Plan prior to the wetlands being disturbed.
 - e. [K-120] All mitigation areas and littoral shelves shall be monitored semiannual for a period of up to five years. Monitoring shall include species diversity and composition and efforts to control exotic species encroachment. Additional planting may be required to achieve 80-85 percent of natural cover rate over a two to five year period.
2. [NEW][TBRPC] Those areas which meet the definition of preservation and conservation areas, as defined in policies 10.1.2 and 10.3.1, FRCRPP, unless otherwise determined to be vested during review of mining and mining related activities pursuant to Section 3.8.3 of the Phosphate Mining Regulations, shall be so designated on all of the Mining and Reclamation Plans submitted to Hillsborough County and FDNR. These areas shall include the wildlife corridor identified in the Hillsborough County Comprehensive Plan, specific areas of which shall be designated as preservation or conservation, according to agreement between IMCF, Hillsborough County and the affected regulatory agencies.
 3. [NEW][CONSOL] Mining of wetland areas between the 25 and 100 year floodplain shall be prohibited unless such mining activity is determined to be vested during the review of mining and mining related activities pursuant to section 3.8.3 of the Phosphate Mining Regulations.
 4. [NEW][CONSOL] As a condition precedent to the construction, operation and maintenance of the mine access corridors and corridor crossing of wetlands identified on Map H-5, the construction, operation and maintenance of the clay settling ponds as shown on Map 38-H10, and to the mining plans of the area identified on Maps H-4 and H-6, IMC must satisfy the following conditions, as applicable:
 - A. Impacts to EPC or DER jurisdictional wetlands caused by such activity must be mitigated on an acre-for-acre basis, within the same drainage basin as the impacted wetlands;
 - B. A wetland delineation and mitigation plan must be submitted as part of each mining unit plan and will be reviewed to verify that proposed mitigation is in accordance with EPC's rules;
 - C. At the time of field delineation of wetlands, EPC shall assist IMC in selection of the specific location of crossing sites, to provide for the least overall wetland impact in the general vicinity of the crossings as shown on Map H-5;
 - D. EPC may require that the shape of L-2 and L-3 clay settling areas be adjusted to minimize wetland impacts and/or improve the mitigation plan, provided the capacity of the clay settling area is not reduced; and
 - E. DER and/or the Army Corps of Engineers dredge and fill permits must be obtained as required by statute prior to committing any wetland disturbances.

G. FLOODPLAINS

1. [FC-1] That the applicant shall provide ongoing evidence of a program of monthly inspection of all devices or ditches transporting fluids in or within one hundred yards of any floodplain.
2. [FC-1] That in order to promote the maintenance of the functional aspects of floodplains, water stress caused by pit dewatering shall be limited to only one side of a floodplain at a time and that mining of the opposite side of the floodplain shall be delayed wherever feasible until the mined portions have been reclaimed to design elevations and groundwater levels have recovered.
3. [FC-1] That the applicant shall insure that no development or land use activity (grazing, farming, tree harvesting, etc.) will be allowed within any newly established 25 year floodplains that would in any way inhibit the growth and development of native vegetation associations appropriate for that floodplain during the term of this development order except as expressly permitted under the Hillsborough County Mining Ordinance.
4. [NEW][CONSOL] There shall be no mining within the 25-year floodplain.

H. STREAM AND RIVER CROSSINGS

1. [FC-1] That no disturbance or incompatible land use activity shall be allowed by the applicant within any 25 year flood plain designated by the applicant to be preserved except that which is expressly permitted under the Hillsborough County Mining Ordinance and any operating permit issued pursuant thereto.
2. [FC-1] That the disturbance to floodplains necessitated by pipeline construction, moving of draglines, or road construction shall be conducted during the base flow periods and that all applicable best management practices for erosion control shall be utilized throughout the entire period of the disturbance. Immediately after such a disturbance is terminated, the applicant shall remove all structures, restore the area in question to original grade elevations and reforest and replant the area.
3. Specific Conditions Applicable to Floodplain Crossings at Lonesome:
 - a. [L-85] The walking path for the dragline crossings (A, D, E, & F, Map H-5) shall not exceed one hundred seventy five feet (175') in width and the length shall be as specifically referenced in the Application for each crossing.
 - b. [L-85] Dragline crossings at locations A and D shall be scheduled so as not to exceed one crossing in the same twelve month period or until reclamation is declared successful by Hillsborough County whichever period is greater.
 - c. [L-85] The sediment control measures referenced on pages 15-22 and figure H-38.1 through 38.4 of the Application shall be accomplished. There shall be continuous electronic surveillance of slurry pipelines and visual inspections of the pipeline crossings shall occur at least every two (2) hours.

- d. [L-85] The period for all activities resulting in the physical alteration of pre-existing in-bank conditions at the dragline crossing sites shall not exceed four days.
- e. [L-85] As referenced in Application, no permanent facilities shall be constructed within the 100-year floodplain at the identified river crossings.
- f. [L-85] The best available technologies shall be employed to reduce or eliminate backwater effects occurring as result of any approved dragline walking path, utility crossing or other temporary structures crossing the 25-year floodplain at the identified locations.
- g. [L-85] The mitigative measures referenced in the Application on page 15-26 including but not limited to; the enclosed slurry pipelines for each crossing, the one hour capacity emergency sump for spillage in the event of an internal pipe breakage, the overflow transfer capabilities to pump spillage from the sump into the recirculation system, the automated leak-detection system to alert the mine operators of a potential accident, and the routine inspections while the crossings are in use shall be employed to prevent pipeline failures, accidental discharge of matrix, slurry, sand tailings or clays into the floodplain and contiguous streams.
- h. [L-85] Pipeline support structures utilized at all utility crossings shall be elevated two feet above the 25-year flood level in accordance with the terms contained in the Application and shall utilize piers without any approach embankments. Verification that the proposed piers can sustain high water flow conditions shall be certified by a professional engineer, under seal, prior to construction.
- i. [L-85] Reclamation of the utility corridor sites shall begin immediately upon cessation of mining and reclamation operations for the respective mining unit served by said utility corridor. In the event that the utility corridor is not utilized in the mining unit reclamation process, then reclamation of the utility corridor shall begin immediately upon cessation of mining operations.
- j.
 - 1. [L-85] For each utility crossing, the Developer shall provide for the programmed maintenance of an established grass cover during operation and for a year following deactivation to mitigate sediment runoff, as referenced on page 15-24 of the Application.
 - 2. [L-85] Immediately upon completion of the dragline crossing event and reestablishment of preexistent grade condition, the Developer shall provide a temporary grass cover to be replaced by permanent revegetation of the floodplain.
- k. [L-85] Each dragline crossing shall require a Department of Environmental Regulation Dredge and Fill Permit which will be reviewed in detail by the Hillsborough County Environmental Protection Commission's staff at that time.
- l. [L-85] During the period of dragline crossing, the Developer shall utilize those measures contained in the Application to mitigate possible erosion of sediment into the respective river and tributaries.

- m. [L-85] The Developer shall submit detailed data in accordance with Section 14(6) of the Hillsborough County Phosphate Mining Ordinance when requesting approval for individual crossings. Plans for river crossings should include detailed time schedules for construction, operation and reclamation in order to minimize the impact on the Alafia River system.
- n. [L-85] A surface water quality monitoring program shall be conducted by the applicant to monitor any potential impact of the project on the Alafia River and its tributaries. Samples shall be collected as shown in the table below:

<u>PHASE</u>	<u>PARAMETER^a</u>	<u>NO. OF SITES</u>	<u>SAMPLING FREQUENCY</u>	<u>EXPECTED DURATION OF MONITORING</u>
A. <u>Dragline Crossing</u>				
1. Construction & Removal	BOD5, DO, T & SS	2	Daily	2 Weeks
2. Early Reclamation (planting)	BOD5, DO, T & SS	2	Weekly	6 Weeks
	BOD5, DO, T & SS		Storm Sampling	Three consecutive storm events
3. Post-Reclamation	BOD5, DO, T & SS		Monthly	9 Months
	BOD5, DO, T & SS	2	Storm Sampling	One storm event Quarterly (3)
B. <u>Utility Crossing</u>				
1. Construction & Removal	T & SS	2	Daily	2 Weeks
2. Early Reclamation (planting)	T & SS	2	Weekly	6 Weeks
3. Post-Reclamation	T & SS	2	Storm Sampling	One storm event Quarterly(3)

^a T - Turbidity; SS - Suspended Solids, BOD5 - Biological Oxygen Demand, DO - Dissolved Oxygen

[L-85] Samples shall be collected at the same time each day. Samples that are collected weekly shall be collected on the same day each week. Samples that are collected on a monthly basis, shall be collected on the same date each month whenever possible. Daily rainfall data from the Lonesome Mine property shall be provided to correlate stream flow with concentrations of specific parameters. During construction and removal for preparation of dragline crossings, reports shall be submitted on a daily basis to the Hillsborough County Environmental Protection Commission, Hillsborough County Planning and Development Management Department and to the Tampa Bay Regional Planning Council. During the early reclamation phase, water quality reports shall be submitted on a weekly basis to the same agencies as listed above and during the

post-reclamation phase, reports shall be presented to the above agencies on a monthly basis. Storm events as shown on the table above shall be defined as those having rainfall accumulation greater than one-half inch. Samples during the storm event shall be collected as soon as possible after the start of rainfall. Samples shall be collected every 15 minutes until one-hour after rainfall stops. During the early reclamation phases of the dragline crossings, samples shall be taken during the first three consecutive storm events exceeding one-half inch of rainfall. During the post-reclamation phase, one storm event during each of the three calendar quarters following the cessation of the Early Reclamation phase shall be sampled. Each of those rainfall events shall exceed the threshold of one-half inch of rain or greater. Any significant degradation of water quality within the South Prong of the Alafia River as determined by the Hillsborough County Environmental Protection Commission shall result in a cessation of crossing activities until such degradation can be corrected. Significant degradation shall be defined as any violation of appropriate water quality standards as set forth in the rules and regulations of the Hillsborough County Environmental Protection Commission and the Florida Department of Environmental Regulation.

- o. 1. [L-85] The Developer shall provide in writing to the Hillsborough County Planning and Development Management Department and the Hillsborough County EPC, a five day notice of its intent to initiate construction activities at all of the tributary and river crossings.
- 2. [L-85] Based on the condition that IMCF must provide a 5-day notice of all river and tributary crossings, the following criteria shall apply to the permissible timing of the actual dragline crossing event. For purpose of this condition, Day 1 shall be defined as the Day on which the 5-day notice is given to Hillsborough County. IMCF shall take the staff gage readings on U.S.G.S. staff on south prong of the Alafia near Lithia at noon on days 1-5. These readings shall be converted to discharge using U.S.G.S. stage/discharge relationship.
- p. River crossings shall be permitted when:
 - 1. [L-85] No reading on Days 1 through 5 exceeds 250 cfs.
 - 2. [L-85] The reading on Day 5 cannot exceed reading on Day 4 by more than 10 cfs. If the reading on Day 5 does exceed the reading on Day 4, by more than 10 cfs, readings shall be taken on consecutive days until the difference in readings is less than 10 cfs. and the threshold of 250 cfs. has not been exceeded.
- q. Tributary crossing shall be permitted when:
 - 1. [L-85] The reading on Day 5 cannot exceed the reading on Day 4 by more than 10 cfs. If the reading on Day 5 does not exceed the reading on Day 4 by more than 10 cfs., readings shall be taken on consecutive days until the difference in readings is less than 10 cfs.

[L-85] "Initiate of construction" shall be construed to mean the placement of culverts and filling within the banks of the river or tributary.

- r. [L-85] Culverts for all river and tributary crossings shall be sized to accommodate in-bank flow conditions.
 - s. [L-85] The Hillsborough County Environmental Protection Commission shall conduct announcement water quality sampling during all river and tributary crossings.
 - t. [L-85] In the flood plain areas of the South Prong of the Alafia River crossings, a tree survey of all trees greater than 4 inches dbh shall be conducted to determine spoliation and diversity. Reclamation of the floodplain area shall include planting per acre 50 trees (2" - 4" dbh) and 150 trees (1 gal. size) to reflect relative diversity established by the tree survey.
 - u. [L-85] In the floodplain areas of the crossings on Hurrah Creek, Boggy Branch and Gully Branch, a minimum of 200 trees/acre (1 gal. size) shall be planted. Diversity of the tree species shall represent spoliation which existed prior to any clearing activities.
 - v. [L-85] IMCF shall monitor weather forecasts five days prior to and during the scheduled dragline walk date to ascertain both short and long term rainfall probabilities.
 - w. [L-85] IMCF shall continue to monitor and report daily rainfall from the Lonesome and Haynsworth Mine rain gauges in order to evaluate antecedent moisture conditions in upland areas.
 - x. [L-85] IMCF shall expedite the actual crossing sequence so that the placement, compaction, dragline walking time and removal of fill will occur within the shortest possible time.
4. [K-120] There shall be no permanent impervious surfaces constructed within the 25-year floodplain. Detailed plans and schedules for each floodplain crossing shall be included in the individual mining unit plans and shall meet the following standards subject to the provisions of Hillsborough County Mining Ordinance 87-27
5. [K-120][CONSOL] For all other crossings:
- Site-specific plans and schedules for each 25-year floodplain and wetland crossing shall be included in the mining unit plans and shall meet the following standards, subject to Section 3.8 of Hillsborough County Ordinance No. 92-5 and approval by Hillsborough County. The location of crossings shall be as depicted on Map H-5, Consolidation Phase Mine Access Corridor Crossings, and the disturbance to each crossing area as described in Table 38A-5, Mine Access Corridor Crossings for the Consolidation Phase. Any changes to the crossings locations or amounts of disturbance other than eliminations of crossings or reductions in amounts of disturbance, shall require a substantial deviation determination.
- a. Crossings shall be scheduled for base or low water-flow periods and shall be conducted in accordance with Best Management Practices. Any violation of applicable state water quality standards shall result in cessation of crossing activities at that location, until such violation is corrected.

- b. Crossings and culverts shall be designed to handle the 100-year flood event.
 - c. The removal of vegetation shall be minimized. Clearing width for dragline crossings shall be limited to 175 to 250 feet and the length and width of each crossing shall be specified.
 - d. Fill material used in the wetlands for the crossings shall be clean sand.
 - e. Any fill material required for the crossing shall be placed no sooner than three days before the crossing, and removed within two days after the crossing. IMCF shall remove all structures, restore the area in question to the original grade elevations and regrass the area without delay; and permanently revegetate and replace trees after the final crossing at the appropriate seasonal time.
 - f. Siltation control devices shall be used in the streams/wetlands as needed.
 - g. Pipelines shall be jacketed, placed above the 100-year flood elevation and isolated from tributaries by berms.
 - h. All utility crossings shall be elevated above the 25-year or 100-year flood level, as determined by Hillsborough County, and shall consist of piers without any approach embankment. Verification that the proposed piers can sustain high water flow conditions shall be certified by a professional engineer, under seal, prior to any construction.
 - i. Each crossing shall require a FDER Dredge and Fill permit, with the SWFWMD, HCEPC and TBRPC receiving a copy of the application when it is submitted to the FDER. A time schedule for construction, operation, and reclamation, as well as surface water quality monitoring, shall be required for each crossing. The water quality monitoring program shall be as determined by Hillsborough County, SWFWMD and FDER.
6. [K-120] The applicant shall document to EPC and the TBRPC its efforts to negotiate crossings of upland "agreement" lands with property owners prior to any Mining Unit approvals of crossings of tributaries of the South Prong Alafia River, in an effort to avoid such tributary crossings entirely.
 7. [NEW][CONSOL] Additional stream crossings or crossings of tributaries at locations other than those described in the Application on Map H-5 or Table 38A-5 shall be sufficient cause for a substantial deviation determination.
 8. [NEW] The applicant shall not use floodplain crossings A, B, D, and I, or wetland crossings 5, 6, 10, and 12 for mine operations. Continuation of existing agricultural uses of wetland crossings are not restricted by this condition, nor are continued vehicular uses of the existing bridges at floodplain crossings B, C, and I. Floodplain crossings C, H, and O shall not be used for slurry pipeline crossings, but may be used for transfer of water. Floodplain crossing O may be used for movement of draglines. Floodplain crossing G shall be removed upon completion of the mining of Lonesome Mining Unit 14.

9. [NEW][TBRPC] As committed by IMCF, (page 38-6, 4AD), no clay slurry pipeline crossings of the 25-year floodplain or wetlands in route to clay settling areas shall be allowed within the Consolidation Phase.

I. VEGETATION AND WILDLIFE

1. [FC-1] That best management practices and techniques including revegetation, reforestation, erosion control, etc. shall be utilized by the applicant in the reclamation of all land designed to support forested and unforested wetland vegetation associations.
2. [FC-1] That best management practices shall be utilized by the applicant to accelerate the natural development of those areas that are intended to support native forested and unforested wetland vegetation associations.
3. [FC-1] That reclamation shall not be considered complete until all areas intended to develop native forested and unforested wetland vegetation associations are firmly established and it is assured that these areas will develop the vegetation associations that they are designed to support.
4. [L-85] A program to protect rare, endangered or threatened species such as capture-relocation programs and/or recreation of appropriate habitat shall be implemented by the Developer.
5. [K-120] As designated in the Application, the Sand Pine Scrub parcels contained within the proposed extension area (1986) and the original DRI area (1974) shall be preserved as habitat for endangered and/or threatened species, since this ecosystem is one of the most unique and rapidly diminishing ones in Florida. A determination shall be made by 1995 by the Environmental Protection Commission (EPC) of Hillsborough County and the Florida Department of Natural Resources (FDNR) as to whether the experimental sand pine planting required in the original Development Order is successful and whether IMCF can mine the two referenced Sand Pine Scrub areas and mitigate them through recreation. If mining of the Sand Pine Scrub areas is approved, a written plan shall be submitted to Hillsborough County and FDNR for approval providing for successful, functioning alternate Sand Pine Scrub areas to be in place prior to or concurrent with disturbance of the original areas.
6. [NEW][TBRPC] In the event that any species listed in Sections 39-27.003-.005, FAC, are observed frequenting the site for nesting, feeding, or breeding, proper protection/mitigation measures shall be employed immediately in cooperation with the Florida Game and Fresh Water Fish Commission (FGFWFC). If applicable, previously approved management plans and conditions retained from the existing Development Orders shall be utilized as part of the protection/mitigation measures.
7. [K-120] Relocation of the gopher tortoises observed on-site to a suitable location may be considered as an alternative to preservation of the tortoise communities, if deemed acceptable by the FGFWFC.
8. [K-120] The needle palm, a threatened plant species, shall be relocated by qualified personnel and shall be successfully established prior to total disturbance of its original location, or the species shall be preserved and protected in its original location.

9. [NEW][TBRPC] By 1997, IMCF shall participate, in conjunction with the FGFWFC, the U.S. Fish and Wildlife Service and Hillsborough County, in a wildlife corridor protection program. Wildlife corridors identified in this program shall be in addition to the preservation areas, as defined in the FRCRPP and TBRPC policies. The wildlife corridor protection program shall utilize the Hillsborough County Comprehensive Plan, "Wildlife Preserves and Corridor Linkages Map (Greenways Program)" and IMCF's Map 38H-12 of the Third Sufficiency Response to the ADA, Consolidation Phase Wildlife Corridors.

J. ARCHAEOLOGICAL AND HISTORIC RESOURCES

1. [K-120] Archaeological site 8Hi-2164, shall be preserved as open space since they are considered regionally significant by the Florida Division of Historical Resources. If preservation of this regionally significant resource is not possible, project impact to this site shall be mitigated through archaeological salvage excavation by a professionally capable agency and shall include a report on the test excavations. Clearance from the Division of Historical Resources shall be required prior to commencement of mining in this area.
2. [NEW][TBRPC][CONSOL] Any historical or archaeological resources discovered shall be immediately reported to the Florida Division of Historical Resources (DHR) and treatment of such resources shall be determined in cooperation with Hillsborough County, the DHR and the TBRPC. Disposition of the resources shall be determined in cooperation with DHR. Treatment of the resources shall be completed before resource-disturbing activities are allowed to continue. If the resources are not scheduled to be impacted, the site shall be designated as a preservation area.

K. PUBLIC FACILITIES

1. [K-120] The collection, transportation and disposal of solid waste is controlled by Hillsborough County ordinance and shall take place in accordance with the terms of said ordinance.

L. ENERGY CONSERVATION

1. [K-120] The energy conservation measures referenced on page 25-5 of the Application shall be required. The following energy conservation measures shall also be implemented if economically feasible:
 - a. [K-120] Energy policies, energy use monitoring and energy conservation shall be established for the IMCF Kingsford Mine S/D using a qualified energy use analyst.
 - b. [K-120] Programs shall be instituted to promote energy conservation by employees.
2. [NEW][TBRPC][CONSOL] The following energy conservation measures shall be encouraged at the mine:

- Energy policies, an energy audit by Tampa Electric Company, energy-use monitoring, and energy conservation for the mines using a qualified energy use analyst.
- Information regarding programs to promote energy conservation by employees.
- Programs to reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours.
- Recycling programs.
- Innovative energy alternatives such as solar energy, resource recovery, waste heat recovery and cogeneration.

M. EQUAL OPPORTUNITY

1. [K-120] The Developer shall seek, urge and encourage all contractors and subcontractors to involve minority groups in the development of the project. All office and commercial establishment areas shall be available to all, on a fair and impartial basis.

N. DRAINAGE

1. [FC-1] That after reclamation is complete in each affected drainage basin, the applicant shall conduct a detailed study to define final flood frequency elevations, delineate the aerial extent of each basin and determine the duration and quantity of surface water leaving the site during high rainfall events. This information shall be transmitted to all appropriate local, regional, state and federal agencies involved in floodplain management and floodplain delineation so that downstream flood elevations and management mechanisms can be appropriately modified.
2. [FC-1] That if hydrologic studies indicate that the peak discharge characteristics of any affected drainage basin have been increased over premining conditions, the applicant shall increase the retention capacity of the reclaimed land, such that the peak discharge characteristics of the affected drainage basin is equal to or less than that which existed before mining. Increases in retention capacity shall be accomplished with a minimum use of control structures.
3. [FC-1] Upon completion of mining and reclamation, all recreated wetlands and floodplain/flood prone areas shall be subject to all the rules, regulations and policies of local, state and federal agencies governing wetland and floodplain/flood prone areas at the time mining and reclamation is complete.
4. [L-85] Parcels B and C shall be restored after mining to provide for the same drainage basin areas as existed prior to mining to maintain approximately the same surface and groundwater runoff for each drainage basin.
5. [K-120] Prior to the issuance of any mining unit authorization or building permits the Master Drainage Plan and drainage calculations shall be submitted to TBRPC for review and shall be approved by Hillsborough County and SWFWMD. The drainage system shall be designed to meet all applicable Hillsborough County and SWFWMD

regulations. The County drainage criteria in existence at the time of construction of the respective individual mining units shall be the prevailing criteria to use for design and construction unless other affected agencies' drainage criteria are more restrictive. If flooding conditions exist downstream of the DRI's outfall, more restrictive criteria may apply.

6. [K-120] Drainage, stormwater management, water recirculation and pipeline installations shall meet the following specifications:
 - a. [K-120] Stormwater runoff and stream discharges from active mining areas shall not cause violation of Class III water quality standards in the receiving stream. Stormwater runoff from areas disturbed by mining activities shall be retained within the mine water recirculation system. Discharge from the mine water system shall occur only through NPDES permitted points.
 - b. [K-120] IMCF shall be responsible for maintaining the drainage system including channels, culvert and erosion protection facilities. Any transfer of this responsibility from IMCF to subsequent owners shall require the approval of Hillsborough County and SWFWMD.
 - c. [K-120][CONSOL][TBRPC] Best Management Practices for reducing adverse water quality impacts, as recommended by Hillsborough County and SWFWMD shall be implemented.
 - d. [K-120] Best Available Technology shall be employed to reduce or eliminate backwater effects occurring as a result of the dragline or utility crossings (or any other structures) of the tributaries of the Alafia River.
 - 1) [K-120] Pipelines shall be placed above the 100-year flood elevation and isolated from tributaries by berms.
 - 2) [K-120] Pipelines shall be jacketed and spill containment areas outside the floodplain will be provided.
 - 3) [K-120] Pipelines will be routinely inspected by operating personnel and the system will be shutdown if a spill occurs.
7. [K-120] The following criteria shall be addressed in all future mining unit applications on this project:
 - a. [K-120] The ultimate (design) condition of the post-developed pasture/rangeland shall be assumed to correspond to that resulting from grazing or similar use which might reduce the density of vegetative cover, unless it can be demonstrated that such a condition will never occur.
 - b. [K-120] The assumed "hydrologic soil group" designations for the post-developed soils shall be indicated on the construction/ site plans. Appropriate modifications to the stormwater management system will be required if the in-place post-development soils do not function as originally assumed.

- c. [K-120] Changes to the ADA calculations/plans resulting from the above conditions will be reviewed as a part of the formal review of the various project phases.
8. [K-120] The developer is to donate all necessary drainage easements to the County as required by the County policy in effect at the time of mine plan approval.
9. [K-120] All major drainage outfalls and/or conveyance areas are to be designed to comply with the appropriate County policy in effect at the time of mine plan approval.
10. [K-120] All drainage facilities within the confines of this project and all drainage facilities outside the confines necessary for the proper functioning of this project at the time of construction plan submittal and review, are to be improved where necessary and as required by the County Planning and Development Management Department - Engineering Section and the County Engineer.
11. [NEW][TBRPC] The post-reclamation flood flow peaks shall be in accordance with current SWFWMD and Hillsborough County requirements.

O. TRANSPORTATION

1. [FC-1] That at no expense to the government, the applicant shall provide automatic signals at any new railroad grade crossings of public roads related to the DRI and shall also provide warning gates at the proposed rail crossings of State Roads 37 and 674.
2. [FC-1] That all signal and gate equipment shall meet or exceed Florida Department of Transportation specifications for size, performance and quality.
3. [K-120] No private access to public roads shall be interrupted unless adequate alternative access exists to that parcel.
4. [K-120] IMCF shall be held responsible for any damage caused by IMCF to public streets or roads used for mining activities as reasonably determined by the Hillsborough County Engineering Department. The Hillsborough County Engineering Department shall monitor structural conditions of public roads throughout the mining of the site. The results of this monitoring shall be provided to IMCF by the county for inclusion in the Annual Report. The Engineering Department shall assess the amount of structural degradation which has occurred based on IMCF mining related traffic and a determination of appropriate remedial action to be taken by IMCF shall be made. IMCF shall be required to undertake the remedial action as determined by the County.
5. [NEW][TBRPC] IMCF shall ensure that results of the Florida Department of Transportation (FDOT), Hillsborough and Polk Counties monitoring of S.R. 37, C.R. 39, S.R. 674, C.R. 630, S.R. 60, C.R. 640 and U.S. Highway 41 (including all bridges) within the Hillsborough County Mines Substantial Deviation transportation impact study area for the structural condition of these facilities over the life of the mine's trucking activity are provided to TBRPC, Hillsborough and Polk Counties. In order to continue trucking once FDOT or the counties (for their respective

maintained roads) determine that these roads (including bridges) are structurally degraded or are degrading at an accelerated rate such that the structural condition will fall below acceptable standards within two years, IMCF shall enter into an agreement with the responsible entity for improvements to these facilities. Hillsborough County shall determine, in concert with the responsible entity, IMCF's financial responsibility for its proportionate share of the improvements to these facilities, unless the improvements are budgeted in the current year of the work program of the appropriate agency. The agreement shall be entered into within 90 days of notification of the determination, and the improvements shall be completed within two years of the determination, unless programmed for construction in the current-year work program of the appropriate agency.

6. IMCF shall not use SR 674 between U.S. 301 and I-75 to transport product by truck. The approved alternate haul route, subject to weight restrictions, is SR 674 to Balm Wimauma Road to SR 672 to I-75 to SR 674 in lieu of the proposed haul route through Sun City Center, as shown on the map "Revised Truck Haul Routes 4-2-93 Rev. attached hereto and incorporated herein.
7. [NEW][TBRPC] Any proposed change to the haul routes or destinations described in the ADA shall require a substantial deviation determination.
8. [NEW][TBRPC] When the mine and the plants are operating at maximum capacity, IMCF shall provide peak-hour and daily traffic counts at the project entrances, including a description of the types of vehicles making each trip, to verify that the projected number of external trips for the project are not exceeded. This information shall be supplied in the required annual report. If the annual report indicates that the total trips exceed projected counts, Hillsborough County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), F.S., and may amend the Development Order to change the requirements or to require additional roadway improvements. The results of the study may also serve as a basis for the developer or reviewing agencies to request Development Order amendments. If the variance is determined to be a substantial deviation, the revised transportation analysis required shall be based upon results of the traffic counts and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.
9. [NEW][TBRPC] All project access ways onto County or State roads shall be acquired, constructed and maintained by IMCF without cost or obligation to Hillsborough County or FDOT.

P. MINING OPERATION

1. [FC-1] That prior to development in the basin of the Little Manatee River, the applicant shall satisfactorily complete the natural systems reclamation project proposed for the Alderman Creek basin. In the event the project is not successful then the affected land shall be immediately reclaimed in accordance with the Hillsborough County Mining Ordinance standards for mined out areas established by Section 14(8).
2. [FC-1] That prior to the initiation of development in the headwater depression of the Little Manatee River, the Applicant shall satisfactorily complete the natural systems reclamation project proposed for the Alderman Creek basin. When Hillsborough

County is satisfied as to the successful completion of the Alderman Creek reclamation project, Hillsborough County may grant the applicant appropriate variances to the County Mining Ordinance to allow for the mining of the headwater depression.

3. [NEW][CONSOL] That the total disturbed and unreclaimed lands in Hillsborough County not exceed 10,380 acres at any one time. The total disturbed and unreclaimed lands shall include but not be limited to: clay settling ponds, dams and perimeter ditches, but not include access corridors.
4. [NEW][CONSOL] The Board approves the amended Mining and Reclamation Plan as shown on Table 38A-7, Mining and Reclamation Schedule, attached hereto and incorporated herein, subject to the requirement that all mining be completed by 2010 and all reclamation (including initial revegetation) be completed by December 31, 2012.
5. [FC-A2] The Board approves the general locations of Tailing Area "A" and Tailings Area "B" as shown on Map No. 2, Location of Proposed and Permanent Structures dated 5/23/84, provided that the following conditions are met:
 - a. [FC-A2] There be a maximum of 550 acres of tailings in storage at any time.
 - b. [FC-A2] Tailing Area "A" shall be limited to Section 27; Township 32S; Range 22E, and Tailings Area "B" shall be limited to Sections 33 and 34; Township 32S; Range 22E.
 - d. [FC-A2] Wetland areas considered under the jurisdiction of Environmental Protection Commission and/or Department of Environmental Regulations and confined within the limits of Tailings Area "A" and "B" must be mitigated on an acre-for-acre basis and within the same drainage basin.
6. [FC-A2] The Board approves Settling Pond "F-2" in Sections 25-27 and 34-36; Township 32S; Range 22E as shown on Map No. 2, Location of Proposed and Permanent Structures dated 5/23/84 subject to the following conditions:
 - a. [FC-A2] The maximum effective area including all embankment areas and perimeter ditches shall not exceed 2370 acres.
 - b. [FC-A2] Reclamation shall be started in 1998 and conducted continuously through 2011, per the schedule shown on Table 38H4-1. Progress on reclamation shall be considered when reviewing requests for mining units during this period.
7. [FC-A2] That a condition of the approval of mining in the Northwest Quarter of Section 33, and in the Southwest Quarter of Section 28, both in Township 32 South, Range 22 East, shall be that prior to the time that the existing road along or in the immediate vicinity of the section line between the Northwest Quarter of the Northwest Quarter of said Section 33 and the Southwest Quarter of the Southwest Quarter of said Section 28 is disturbed as a result of mining or other activities associated with IMCF's operation, IMCF shall provide an alternative road providing access by automobile and by tractor-trailer truck from Taylor-Gill Road to the property now owned by Maple Hill Corporation (the "Shuman Property") and located South and West of Alderman Creek in the Northeast Quarter of the Northwest Quarter of said Section 33 and in the

- Southeast Quarter of the Southwest Quarter of said Section 28, at a point on the boundary of said Shuman property affording direct access to the existing citrus grove thereon.
8. [NEW][CONSOL] There shall be no disturbance of any preservation areas as shown on Map H-6. There shall be no disturbance of other wetland areas under the jurisdiction of the EPC or the FDER until agency review and mitigation plan approval has been secured.
 9. [L-85] No mining shall occur in the stream that occurs in the northern half of parcel B.
 10. [L-85] IMCF shall meet the setback requirements of Section 14(7) of the Hillsborough County Phosphate Mining Ordinance and any special setback requirements imposed by Southwest Florida Water Management District under consumptive use permit #200203, which was approved August 4, 1982.
 11. [L-A4] That the relocation of the GL clay settling area about one mile to the west as shown on the map included with Exhibit A and the renaming of it as L-1 is hereby approved with the condition that the western boundary of the toe of the clay settling area dam must be at least 2,000 feet east of the centerline of County Road 39.
 12. [NEW][CONSOL] The cumulative rate of mining shall not exceed by more than 5% the proposed Mining and Reclamation schedule shown on Table 38A-7 without prior approval of the County.
 13. [K-120] If the Developer elects to amend the proposed Mining and Reclamation Schedule, he shall submit said amendments to the Hillsborough County Planning and Development Management Department for review and approval as required by law, which approval shall not be withheld for mere acceleration or deceleration of the rate of mining if the terms of this Order are otherwise fully complied with.
 14. [K-120] In regard to retaining dikes:
 - a. [K-120] An IMCF dam inspector shall inspect all dikes and dams weekly. An IMCF engineer shall inspect and document the condition of all dikes and dams each month. The inspection reports shall be filed with mine and corporate management, and shall be available for periodic FDER inspection.
 - b. [K-120] Annual reports bearing the seal of a qualified soil engineering consultant which document the condition of all dikes shall be filed with IMCF Management, FDER and the Hillsborough County Planning and Development Management Department.
 15. [K-120] Mining and Reclamation Plans shall include the following:
 - a. [K-120] Preservation of the 25-year floodplain wetlands, and restoration of all forest (wooded wetland) areas, within or along the edge of the 100-year floodplain which are disturbed due to mining or associated activities at a density equal to that previous to the disturbance.

- b. [K-120] Use of the toe spoiling mining technique for all overburden containing matrix or leach zone material.
16. [K-120] When mining the first cut adjacent to the 500 foot residentially used property line setback, as defined in the Hillsborough County Mining Ordinance (87-27), the developer shall restrict mining equipment operation between the hours of 11 P.M. and 7 A.M.
17. [K-120] The Developer shall comply with all conditions of the amended Mining and Reclamation Plan. All mining operations shall be carried out pursuant to Hillsborough County Ordinance 87-27 and all other applicable agency rules and regulations.
18. [K-120] Upon approval of the Development Order, the developer shall proceed with the planting of pine trees upon lands owned by the developer at the boundaries of the 500 foot residential property line setback as defined in the Hillsborough County Mining Ordinance (87-27)- The trees shall be planted on minimum 10 foot centers and the planting shall be completed within 2 years of the approval of the Development Order. The intent of this provision is to have the trees of buffer height when mining occurs.
19. [NEW][CONSOL] All aspects of the Phase 1 consolidation phase which are not deemed to be vested during review of mining and mining related activities pursuant to section 3.8.3 of the Phosphate Mining Regulations shall be consistent with the current Land Development Code, except where superceded by the terms of this Development Order. Specific determinations of vested rights, if any, shall be made by the Board at the time of each individual mining unit approval. IMCF shall also comply with the Federal Mine Safety and Health Regulations and training requirements.
20. [NEW][TBRPC] IMCF shall continue to implement all monitoring requirements from the existing Development Orders, permits and approvals. Proposed changes in the monitoring programs shall require the approval of the County and the affected regulatory agencies.
21. [NEW][TBRPC] All Mining Unit Plans shall include the following:
 - A. Preservation of the pre-mining 25-year or 100-year floodplain, as determined by Hillsborough County, shall be required. Restoration of all forested wetland areas, within or along the edge of the 100-year floodplain, which are disturbed due to mining or associated activities shall be required. No impervious surfaces shall be constructed within the 25-year floodplain, except for minimal, properly-permitted and mitigated intrusions for necessary mine access corridor crossings. Any 25-year floodplain or wetland crossing, beyond those approved for Phase 1 of the Hillsborough County Mines Substantial Deviation (as shown on Map H-5 subject to County approval), shall be subject to a substantial deviation determination.
 - B. All allowable wetland losses must be permitted by the appropriate regulatory agencies and shall require, at minimum, 1:1 in-kind or more productive wetland replacement. Existing wetlands which are permitted to be altered or eliminated shall be used as donor material for revegetation

of mitigation areas, where feasible. All mitigation areas and littoral shelves shall be designed, implemented and monitored in accordance with EPC, FDNR and FDER requirements, as appropriate.

- C. Maintenance of the same watershed sizes and locations.
 - D. IMCF shall provide positive protection, such as alarms and spill containment systems against any significant discharge, leak or other release of materials from pipelines that are external to the rainfall catchment area of the water recirculation system. In addition, pipelines shall be routinely inspected by operating personnel and the system shall be shut down as soon as possible if a spill occurs, until the source of the spill is corrected. Spills occurring in environmentally sensitive areas (such as crossing areas or areas in proximity to preservation areas) shall have the highest priority for remedial actions.
22. [NEW][TBRPC] The adoption or incorporation of tables, figures and/or maps from the application or the application documents, themselves, as part of this Development Order shall not constitute approval of IMCF's underlying assumption utilized in developing this information, that all requested setback variances will be approved. All setback variances, implied or stated, shall require approval by the Hillsborough County Board of County Commissioners.
 23. [NEW][TBRPC] All dams (to impound or channel waste clays, spoils, tailings, clear water, process water, wastewater or sand/clay mixtures) shall be designed, constructed, inspected and maintained in compliance with the Rules of FDER, Chapter 17-672, FAC - Minimum Requirements for Earthen Dams, Phosphate Mining and Processing Operations; with all other applicable local, state and federal requirements; and in accordance with generally accepted, sound engineering practices. IMCF shall continue its inspection and maintenance practices for all dams as described on page 38E-15 of the ADA.
 24. [NEW][TBRPC] Phase 1 of the Hillsborough County Mines Substantial Deviation shall include the temporary movement of waste clays from settling area F-1 (Manatee County) into settling area F-2 (Hillsborough County) until F-1 is mined and then rebuilt. This condition does not imply a recommendation of approval for size or height enlargement of the F-2 clay settling area.
 25. [NEW][TBRPC] The only waste clay settling area to be mined and rebuilt in Hillsborough County for Phase 1 shall be the K-2R settling area.
 26. [NEW][TBRPC] The proposed L-2 and L-3 clay settling areas are located atop areas which will be mined and which are currently TBRPC defined preservation or conservation areas. Appropriate mitigation measures shall be employed prior to or concurrent with their construction.
 27. [NEW][TBRPC] Any proposed waste clay settling area, other than those approved in Phase 1 of the Hillsborough County Mines Substantial Deviation (as shown on Map 38H-10 subject to County and FDNR approval), shall be subject to a substantial deviation determination.

28. [NEW][CONSOL] Upon construction of clay settling areas L-1 and L-2, IMCF shall monitor the temperatures on the north, south, east and west sides of the settling areas on a daily basis. Monitoring shall be required between December 1 through February 28.

Q. RECLAMATION

1. [L-85] Reclamation of mined areas located within the newly acquired acreage shall be completed within three (3) years after the cessation of mining on the identified parcels respectively.
2. [L-85] Reclamation plans for parcels B and C must be submitted to the Hillsborough County Environmental Protection Commission for staff approval.
3. [L-85] The Developer must determine the acreage of the existing sand pine scrub community in parcel B and restore the area acre for acre.
4. [L-85] The littoral zone of the proposed man-made lakes shall be vegetated using mulching techniques, with mulch acquired from the small isolated marshes prepared for mining.
5. [K-120] Reclamation Plans shall include the following:
 - a. [K-120] Replacement of at least equal acres and natural density of hardwood forest as existed before mining, including xeric forest.
 - b. [K-120] Maintenance of the existing watershed boundaries.
 - c. [K-120] Provision of at least 10 percent forest in pasture land area for wildlife habitat.
 - d. [K-120] Commitment by the Developer to maintain all reclamation areas per Department of Natural Resources (DNR) and County regulations.
 - e. [K-120] Implementation of the mining mitigation measures identified on page 22-10 of the Application, at minimum.
6. [NEW][TBRPC] IMCF shall reclaim all mined or disturbed land in accordance with Rules of the FDNR, Chapter 16C-16, FAC, Mandatory Phosphate Mine Reclamation and Hillsborough County standards. Reclamation and revegetation shall proceed according to section 3.8 of the Land Development Code.
7. [NEW][TBRPC] IMCF shall abide by all FDNR reclamation regulations regarding site cleanup and shall dismantle and remove any building structures existing at the cessation of the mining operation that cannot be put to an allowable use under the zoning district classification of the property.
8. [NEW][TBRPC] Future FDNR rule changes may alter the reclamation requirements of Chapter 16C-16, FAC, and plans that are made a part of the DRI Development Order. Therefore, pursuant to Subsection 380.06(19)(d), F.S., future amendments to the FDNR and County Reclamation Plans that are required solely to stay in

compliance with state rules shall be presumed not to constitute a substantial deviation of the DRI. IMCF shall amend the DRI, if changes in the FDNR Conceptual Reclamation Plan affect Development Order requirements or developer commitments, to assure consistency with the FDNR Conceptual Reclamation Plan and appropriate compliance with the Development Order.

9. [NEW][TBRPC] Deeds for land within this project shall disclose that the parcel is within a mined area and that the resulting soils may be affected by the mining.
10. [NEW][TBRPC] New mining and reclamation procedures resulting from on-going research projects of the U.S. Bureau of Mines, the Florida Institute of Phosphate Research and other agencies, designed to lessen adverse environmental impacts shall be incorporated by IMCF into their mining and reclamation plans, when technically and economically feasible. Such changes shall be presumed not to create a substantial deviation.
11. [NEW][TBRPC] IMCF shall continue to comply with State rules and procedures established by the Department of Health and Rehabilitative Services (DHRS) for radioactivity content and shall preferentially utilize low activity fill materials for capping applications.

R. GENERAL CONDITIONS

1. [K-120][CONSOL] ANNUAL REPORTS

The Developer shall file an annual report in accordance with Section 380.06(18), Florida Statutes, as amended, and appropriate rules and regulations. The report shall be submitted on Florida Department of Community Affairs Form BLWM-07-85 as amended. The developer must file an annual report by July 31 for each reporting year (July 1 through June 30) until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the Hillsborough County Planning and Development Management Department which shall, after appropriate review, submit it for review by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board of County Commissioners' hearing wherein such report is to be reviewed. The receipt and review by the Board of County Commissioners shall not be considered a substitute or a waiver of any terms or conditions of this Development Order. This report shall contain:

- a. The information required by the State Land Planning Agency to be included in the Annual Report, which information is described in the Rules and Regulations promulgated by the State Land Planning Agency pursuant to Section 380.06, Florida Statutes; and
- b. A description of all development activities proposed to be conducted under the terms of this Development Order for the year immediately following the submittal of the annual report; and
- c. A statement listing all Applications for Incremental Review required pursuant to this Development Order or other applicable local regulations which the

Developer proposes to submit during the year immediately following submittal of the annual report: and

- d. A statement setting forth the name(s) and address of any heir, assignee or successor in interest to this Development Order: and
- e. A statement describing how the Developer has complied with each term and condition of this Development Order applicable when the Annual Report was prepared.
- f. [K-120] The Annual Report shall include reports on the status of IMC's purchase of extension area agreement lands, water quality monitoring and soils study results, historical and archaeological site activities, reclamation progress, and tributary crossings in addition to mining activities.
- g. [NEW][TBRPC] The DRI annual report shall comply with the Florida Department of Community Affairs (DCA) report format and DCA informational requirements. The annual report shall also include the following items:
 - cumulative results of the setback variance requests;
 - summaries of environmental monitoring results, including any violations of standards, for each area of monitoring (including monitoring conducted in association with the additional acreage to be mined in the Lonesome and Four Corners Mines);
 - corrective actions taken for any violations of water quality standards per Chapter 17-303, FAC, Surface Water Quality Standards and Chapter 17-520, FAC, Groundwater Standards and the results of the corrective actions;
 - success or problems with implementation of listed species management plans;
 - mining and reclamation progress (including cumulative totals of acres mined, in reclamation and released by FDNR); and
 - assessments of compliance with the approved Consolidation Phase mining and reclamation schedules;
 - the results of the regional roadway and bridge structural integrity monitoring conducted by FDOT, Hillsborough and Polk Counties; and
 - reports on any IMCF agreements with FDOT, Hillsborough and/or Polk County for improvements needed to provide 12-foot lanes and appropriate structural integrity on the regional roadways and bridges in the transportation impact study area.

Additionally, the first annual report for the Consolidation Phase shall contain descriptions of each of the monitoring programs including the following elements: sampling locations, parameters and standards; sampling schedule and analysis methods; quality assurance and data reporting.

- * 2. [NEW] IMCF shall provide TBRPC with copies of annual progress reports provided to Hillsborough County along with copies of all monitoring data.
3. [NEW]TBRPC] IMCF shall encourage the utilization of entrepreneurship and small and minority-owned businesses and provide non-discriminatory employment opportunities.
4. [NEW]TBRPC] No capital improvement costs shall accrue to the County due to the development of this project.
5. [NEW]TBRPC] Any change to the project which departs from the parameters set forth in the latest revised information, tables, figures and maps as identified in the Addenda (Fourth Sufficiency Response to the ADA) for Phase 1 of the Hillsborough County Mines Substantial Deviation shall require a substantial deviation determination, pursuant to Subsection 380.06(19), F.S.
6. [NEW]TBRPC] All of the developer's commitments set forth in the ADA and Sufficiency Responses, and as summarized in Section III.V of this Development Order, shall be honored by IMCF.

S. DEVELOPER COMMITMENTS

1. [NEW]CONSOL] All provisions contained within the Application shall be considered conditions of this Development Order unless inconsistent with the terms and conditions of this Development Order, in which case the terms and conditions of this Development Order shall control.
2. [K120]CONSOL] This Development Order shall be binding upon the Developer and his heirs, assignees or successors in interest including any entity which may assume any of the responsibilities imposed on the Developer by this Development Order. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successors in interest to, or which otherwise possesses any of the powers and duties of any branch of government or governmental agency.

T. SOLID WASTE AND HAZARDOUS WASTE

1. [NEW]TBRPC] Managers of all Hillsborough County Mines facilities that generate hazardous waste are encouraged to utilize waste exchanges. IMCF is also encouraged to develop permittable on-site hazardous waste treatment capabilities for waste, which is not suitable for recycle, exchange or reuse, to ensure public safety prior to transport.
2. [NEW]TBRPC] Consistent with Hillsborough County policies, IMCF shall provide to all its employees information that:
- indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers/areas; and

- describes construction requirements for hazardous waste holding areas; and
 - advises of applicable statutes and regulations regarding hazardous wastes and materials.
3. [NEW][TBRPC] Underground storage of hazardous or toxic materials shall be prohibited.
 4. [NEW][TBRPC] IMCF shall comply with all applicable federal, state and local solid waste and hazardous materials regulations.

U. CONDITIONS FOR ADDITIONAL ACREAGE WITHIN THE EXISTING DRI BOUNDARIES PROPOSED TO BE MINED

[NEW] The Developer shall abide by the following conditions specific to the 3,936 acres, previously identified as areas "not to be disturbed", which are now proposed to be mined in the Lonesome (3,248 acres) and Four Corners (688 acres) Mines. These conditions apply to the following areas of the consolidated mines:

<u>Quarter(s)</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Acres</u>
<u>Western 440 ac.</u>	<u>1</u>	<u>32</u>	<u>21</u>	<u>440</u>
<u>All</u>	<u>2</u>	<u>32</u>	<u>21</u>	<u>651</u>
<u>All</u>	<u>3</u>	<u>32</u>	<u>21</u>	<u>648</u>
<u>All</u>	<u>10</u>	<u>32</u>	<u>21</u>	<u>504</u>
<u>All</u>	<u>11</u>	<u>32</u>	<u>21</u>	<u>565</u>
<u>Western 440 ac.</u>	<u>12</u>	<u>32</u>	<u>21</u>	<u>440</u>
<u>South 1/2 of SE</u>	<u>22</u>	<u>32</u>	<u>22</u>	<u>80</u>
<u>SE of NE</u>	<u>23</u>	<u>32</u>	<u>22</u>	<u>40</u>
<u>NW of NE</u>	<u>16</u>	<u>32</u>	<u>22</u>	<u>40</u>
<u>S1/2 of NW</u>	<u>16</u>	<u>32</u>	<u>22</u>	<u>80</u>
<u>North 448 Acres</u>	<u>15</u>	<u>32</u>	<u>22</u>	<u>448</u>

Mining Unit approval applications for these areas will be subject to the submittal and mitigation requirements of the Current Land Development Code. Their review and approval shall be based on consistency with the plans presented in the ADA as shown on maps H-4, H-6, and 38-H10. Following this approach will preserve all 25 year floodplain, and wetland and upland habitat impacts will be mitigated.

1. [NEW][TBRPC] Mining in these areas shall not adversely impact TBRPC defined preservation areas. Mining shall proceed according to the conditions established by Hillsborough County and by this Consolidation Phase Development Order.
2. [NEW][TBRPC] In order to protect water quality in the watersheds of the Alafia River and the Little Manatee River, an Outstanding Florida Water (OFW), there shall be no degradation of water quality standards by surface water exiting the areas of the

additional acreage. If requested by Hillsborough County, the Florida Department of Environmental Regulation (FDER) or the Southwest Florida Water Management District (SWFWMD), IMCF shall provide surface water quality monitoring within the area of the additional acreage, as required by the County, SWFWMD and/or FDER. Currently-established programs may fully or partially satisfy this condition. Any violation of surface water quality standards (applicable portions of Chapter 17-3, Florida Administrative Code (FAC)), determined to be caused by mining or related activities within the area of the additional acreage, shall require corrective measures as set forth by the FDER.

3. [NEW][TBRPC] In order to protect the Floridan aquifer, if requested by Hillsborough County, FDER or SWFWMD, a groundwater quality monitoring program shall be instituted. Currently-established programs may fully or partially satisfy this condition with the agreement of Hillsborough County, FDER and SWFWMD. Any violation of groundwater water quality standards (applicable portions of Chapter 17-3, Part IV, (FAC)), determined to be caused by mining or related activities within the additional acreage, shall require corrective measures as set forth by FDER.
4. [NEW][TBRPC] No adverse hydroperiod alteration shall be permitted in any preservation areas within the additional acreage as identified in the Development Order for this project and on the Mining and Reclamation Plans submitted to Hillsborough County and the Florida Department of Natural Resources (FDNR). Historic annual hydroperiods, normal pool elevations and normal seasonal high water elevations shall be substantially maintained. Hydroperiod monitoring shall be implemented as required by the County, SWFWMD and/or FDER. Should preservation areas be stressed due to mining or related activities within the additional acreage, such activity shall cease until remedial measures have been taken to correct the hydroperiod imbalance. Such measures could include limitations on mine activities, enlargement of natural buffer areas, increased upland retention of stormwater and/or augmentation of the water supply to the wetland.
5. [NEW][TBRPC] IMCF shall provide a natural buffer zone around all preservation areas within the additional acreage to provide an upland transition into the wetland areas and to protect the natural systems from mining impacts. The definition for preservation areas in the FRCRPP applicable to the additional acreage includes larger freshwater swamps and marshes and consideration of ecologically-sensitive flora and fauna. In accordance with TBRPC policy there shall be no mining of the 25-year floodplain.
 - A. All allowable wetland losses must be permitted by the appropriate regulatory agencies and shall require, at minimum, 1:1 in-kind or more productive wetland replacement.
 - B. Existing wetlands which are permitted to be altered or eliminated shall be used as donor material for revegetation of mitigation areas, where feasible.
 - C. All mitigation areas and littoral shelves shall be designed, implemented and monitored in accordance with Hillsborough County Environmental Protection Commission (HCEPC), FDNR and FDER requirements, as appropriate.
6. [NEW][TBRPC] If any 25-year floodplain or wetland crossings occur in the additional acreage, recommended Mining Operations condition III.P.21.D shall apply.

7. [NEW][TBRPC] Stormwater runoff from the area shall only be released through approved NPDES discharge points.
8. [NEW][CONSOL] To the extent it is reasonably possible, the population and size of each relocated wildlife species shall be at least as large after relocation as it was before relocation, as well as viable.

V. DEVELOPER COMMITMENTS FROM TBRPC DRI FINAL REPORT

The Developer shall commit to the following conditions as summarized in pages 21-25 of the TBRPC DRI Final Report, hereby incorporated by reference, except as they may be superseded by specific terms of this Development Order and amended Mining and Reclamation Plan:

1. [TBRPC][CONSOL] The following list of commitments cover only those that are above and beyond all existing federal, state, and local rules and regulations. The Developer commits to the following in accordance with the Developer Commitments shown on pages 36 through 40 of the TBRPC DRI Final Report:

GENERAL PROJECT DESCRIPTION

IMCF commits to abide by the existing Development Order conditions relating to reclamation of the Alderman Creek natural system, which require that prior to development in the Little Manatee River basin, Alderman Creek natural system reclamation shall be completed and that upon satisfactory completion of the Alderman Creek reclamation, the County may grant appropriate variances to mine headwater depressions of the Little Manatee River. (SR3, 11-2 & 12-41)

Existing streams and watershed boundaries will not change as a result of the proposed development. (SR, 12-16)

IMCF will maintain watershed boundaries in the approximate pre-mining locations and will not cause any significant increase in the stormwater runoff peak flows. (SR, 12-16)

IMCF will plug all wells prior to mining. They will be plugged according to Southwest Florida Water Management District standards and rules. (SR, 12-16)

The IMCF mine schedule calls for mining only one side of the stream at a time, whenever possible. An augmentation (rim) ditch will also be installed along the wetland border during mining. This ditch will be supplied with water which will help maintain groundwater levels and base flow to the adjacent stream. (SR, 12-17)

IMCF will have floodplains and jurisdictional boundaries of all wetland areas determined, surveyed and mapped. These surveys will be included as part of the mining unit plan before any mining activity is conducted along or in wetland areas. (SR, 12-17)

The mine plan includes crossings of the stream and tributaries with draglines, pipelines and roads. These activities will be done in such a manner so as to not affect

the stream flow capacity, and the crossing area will be reclaimed following the completion of use. (SR, 12-17)

Stream crossings for access to mining areas will be permitted with the Florida Department of Environmental Regulation (FDER), the U.S. Army Corps of Engineers and the Hillsborough County Environmental Protection Commission, as necessary, and done in a manner which will prevent unacceptable disturbance to the stream or water quality. IMCF will attempt to obtain permission to use a neighbor's property to go around the stream and eliminate the need for crossings. (SR, 12-17)

The expansion of the Hillsborough County Mines will not change the existing annual rate of water use, but will extend the period of the requirements. (SR, 12-17)

All process water is discharged through existing National Pollutant Discharge Elimination System (NPDES) permitted discharge points. This expansion will not require any new discharge points, and will not change the amount of discharge, however, existing discharge points may be relocated (during Phase 2), if permitted. (SR, 12-17 & SR2, 9-2 & 9-3)

IMCF is undertaking replacement or retrofilling and reclassification of all regulated (PCB-contaminated) transformers. This is to be completed by early 1992, at which time IMCF is to achieve non-PCB status at all operations. No new PCB equipment is proposed for use in this project. (SR2, 9-1)

IMCF has indicated that the following reclamation programs at the Lonesome Mine are the responsibility of Brewster Phosphates: BP-L-SP(2) through BP-L-SP(5), BP-L-SP(6A), BP-L-SP(7), BP-L-SP(8), BP-L-SP(11) through BP-L-SP(13), BP-L-84(4), BP-L-85(3) through BP-L-85(6) and BP-L-SPA(1). (SR3, 12-15)

IMCF commits that the reclamation schedules are consistent with FDNR and Hillsborough County's Mining Ordinance. (SR3, 12-25)

The wetland impacts in the Consolidation Phase are already approved as part of the mining plan currently approved. The siting of the clay settling areas L-2 and L-3 will not change the wetland impacts. (SR3, 12-26)

ENVIRONMENT AND NATURAL RESOURCES

Land

IMCF commits that there are no soil limitations, in terms of soil composition or strength, that affect the ability of earthen embankments to meet FDER Chapter 17-672, FAC standards. Soils are tested for strength prior to construction, and this information is incorporated into the design of the dam. Compaction testing is ongoing throughout construction to ensure design criteria is met. (SR2, 14-1).

Water Quality

IMCF does not propose to change the current Development Order conditions regarding stream monitoring requirements at Four Corners and Lonesome for periods of stream crossings, or the groundwater monitoring requirements for Kingsford and Four Corners, when mining in the vicinity of the property line. (SR3, 15-7)

Vegetation and Wildlife

IMCF is not depending solely on migration of species or adjacent undisturbed acreage as the "seed source" for recovery of animal and plant populations. Replanting, topsoiling and relocation will be the primary recovery techniques. For less mobile animals, live trapping will be conducted, to relocate them to the new reclaimed habitats as necessary. (SR2, 16-6)

Map 38H-6 depicts the wildlife corridor that will eventually exist upon completion of reclamation. To this end, IMCF commits to the following reclamation standards:

Design

- Contiguity is a primary design objective. Avoid isolation of restoration areas from existing natural or created systems.
- Diversity of habitat types within corridors shall be maximized to the extent allowed by physical constraints (elevation, soil types) and by the Conceptual Plan.
- Design shall provide for breeding/feeding areas suitable for species known to inhabit the corridor area. Cover crop and permanent plantings shall be selected to provide or supplement food sources for those species.

Execution

- Mining shall occur on only one side of an existing corridor at a time, to allow unimpeded migration from disturbed areas.
- Brush stacks shall be left at intervals in cleared areas adjacent to existing corridors to provide temporary cover.
- Corridor creation and /or enhancement areas shall receive priority in reclamation earthmoving and revegetation.
- Tree planting density shall be increased in the core areas of created corridors, using larger trees to speed development of the canopy.
- Control bushy understory within created corridors to maintain trails until canopy develops. Encourage thick brush growth at edges of corridors to isolate corridors from adjacent rangeland or pasture and to provide escape cover for small animals. (SR2, 18-14)

PUBLIC FACILITIES

Solid and Hazardous Waste

The reagents and materials which are currently used and will be used in the future at the Lonesome and Four Corners flotation plants are the same materials that were reviewed in the original DRI for each facility. IMCF is not making a change to this aspect of the operations and therefore will not provide material safety data sheets.

These materials are received, stored and used in accordance with all applicable federal, state and local regulations. (SR2, 24-2)

Activities related to wastes (both hazardous and non-hazardous) will not change from those permitted under the existing DRIs. (SR2, 24-5)

No hazardous wastes will ever be disposed of on-site. All hazardous wastes are shipped via licensed hazardous waste transporters to properly permitted disposal facilities. (SR3, 24-5)

Energy

IMCF commits that while the percentage of electrical energy used in Hillsborough County will increase, there will not be a corresponding increase in electricity generated in Hillsborough County because many of the Polk County operations, which are currently supplied from Hillsborough County power stations operated by Tampa Electric Company, are scheduled to shut down in the coming years. (SR, 25-1)

Fire

There are no changes to the Four Corners or Lonesome plants proposed (including the handling of hazardous wastes - laboratory chemicals, paint solvent and spent dragline lubricants) in this substantial deviation. Neither are there any hazards to the area residents. (SR2, 30-1)

MINING

IMCF commits to balance the clay disposal so that the amount of clay that is produced in each county is disposed in that county. (ADA, 38A-11)

IMCF commits that the cumulative acres mined (measure of average annual rate to that date) schedule as shown on Table 38A-7 will not be exceeded, pursuant to Chapter 380.06(19)5, F.S., without an amendment to the Development Order. (SR3, 38-28)

Due to minor revisions in the mine plan, the FDNR Conceptual Reclamation Plan will be amended to match the DRI when it is approved. (SR2, 38-1)

IMCF commits to build all of its dams to the following additional design standards, which are more stringent than FDER's requirements; to withstand a 90 mph wind, have a side slope grade of 2.5 horizontal/1 vertical and withstand a 39-inch rainfall in 24 hours, which is greater than a 500-year storm event. (SR2, Appendices)

K-2R is the only clay settling area in Hillsborough County scheduled to be decommissioned, mined and rebuilt. (SR3, 38-5)

IMCF does not propose to make any changes to the "footprint" sizes of approved clay settling areas (K-1, K-2, K-6, K-8, K-10, L-1 and F-2). (SR3, 38-5)

The changes proposed to the Lonesome plant as part of the Consolidation Phase are aimed only at improving the efficiency of the operation. They will not entail the use

of any more water than currently permitted; they will not generate any additional clays or tailings; they will not add sources of air or water pollution. (SR3, 38-9)

IMCF commits to follow the reclamation schedule given on page 38H-3 of the ADA, and the following clay settling area use schedule guidelines:

- For efficient plant operation, it is desired to have at least two clay ponds active at any time for each plant.
- The clay ponds and water system need to maintain 5,000 acre feet of water storage for the plant operation.
- The clay ponds will be built and put in service as needed to maintain the plant operation.
- The clay ponds will be filled as efficiently as possible, so as not to build them any larger than necessary.
- As soon as the pond is no longer needed for clay disposal, it will be taken out of service and abandonment procedures will begin. The abandonment and reclamation will be carried out as rapidly as practical, consistent with the reclamation design requirement. (SR4, 38-7 & 38-8)

SECTION IV. - COMPLIANCE WITH CODES AND ORDINANCES

- A. [FC-1] The provisions of this development order shall in no way be construed as a waiver or exception of any rule, regulation or ordinance of Hillsborough County or its departments, agencies or commissions.
- B. [FC-A2] Nothing contained herein shall be construed as a waiver of or exception to any other applicable land development regulations and to the extent that further review is provided for in all relevant development orders, said review shall be subject to all applicable rules, regulations and ordinances in effect at the time of such review.
- C. [L-85] The provisions of this Development Order shall not be construed as a waiver of or exception to any rule, regulation, or ordinance of Hillsborough County, its agencies or commissions and to the extent that further review is provided for in this Development Order, said review shall be subject to all applicable rules, regulations and ordinances in effect at the time of the review.
- D. [L-85] IMCF shall meet the setback requirements of Section 14(7) of the Hillsborough County Phosphate Mining Ordinance and any special setback requirements imposed by Southwest Florida Water Management District under consumptive use permit #200203, which was approved August 4, 1982.
- E. [K-120] The provisions of this Development Order shall not be construed as a waiver of or exception to any rule, regulation or ordinance of Hillsborough County, its agencies and commissions, and to the extent that further review is Provided for in this Development Order or required by Hillsborough County, said review shall be subject to all applicable rules, regulations and ordinances in effect at the time of the review unless stated otherwise in this Development Order.
- F. [NEW][TBRPC] Applicable aspects of Phase 1 of the Hillsborough County Mines Substantial Deviation shall continue to meet or exceed federal, state and local fire codes and regulations.
- G. [NEW][TBRPC] IMCF shall maintain effective communication with the Hillsborough County Department of Emergency Medical Services to assure immediate paramedic assistance, including Medevac response if necessary, as requested by the Department.

SECTION V. - LEGAL DESCRIPTION

CONSOLIDATION PHASE AREA

In Township 31 South, Range 21 East, Hillsborough County, Florida: Section 36: The E 1/2 of the SW 1/4; and the W 1/2 of the SE 1/4; and the S 3/4 of the E 1/2 of the SE 1/4;

In Township 32 South, Range 21 East, Hillsborough County, Florida: Section 1: All Section 2: All Section 3: All Section 10: The N 1/2, and the E 1/2 of SW 1/4, and, The N 1/2 of SE 1/4, and, The W 1/2 of SW 1/4 of SE 1/4. Section 11: All, LESS the E 1/2 of SW 1/4. Section 12: All;

In Township 30 South, Range 22 East, Hillsborough County, Florida: Section 24: The SE 1/4, LESS the CSX Railroad right-of-way, and, the S 1/4 of W 3/4 of NE 1/4, LESS the CSX Railroad right-of-way; and the E 1/2 of SE 1/4 of SE 1/4 of NW 1/4, subject to a road right-of-way over the south 15 feet of the NE 1/4 of SE 1/4 of SE 1/4 of NW 1/4; and the E 1/2 of NE 1/4 of SW 1/4, LESS the following described parcel: The south 162 feet of the N 1/4 of said E 1/2 of NE 1/4 of SW 1/4, LESS the west 326.5 feet thereof; and the N 3/4 of SE 1/4 of SW 1/4. Section 25: All. Section 26: The SW 1/4; and the E 1/2 of the SE 1/4; and the S 3/4 of the W 1/2 of the SE 1/4; and the SE 1/4 of SW 1/4 of NW 1/4; and the S 3/4 of W 1/2 of SE 1/4 of NW 1/4; and the E 1/2 of SE 1/4 of NW 1/4, LESS the west 330 feet of the north 660 feet thereof; and the S 1/2 of the SE 1/4 of NE 1/4, LESS the north 420 feet of the west 474.37 feet thereof; and the east 30 feet of the west 45 feet of the SW 1/4 of NE 1/4, LESS the south 774 feet thereof; and the east 810 feet of the west 825 feet of the north 529 feet of the south 774 feet of the SW 1/4 of the NE 1/4. Section 35: All, LESS: West 395 feet of the N 1/2 of the NW 1/4 of the NW 1/4 of the SW 1/4; and, LESS: The East 25 feet of the West 420 feet of the North 105 feet of the N 1/2 of the NW 1/4 of the NW 1/4 of the SW 1/4; and, LESS: The S 1/2 of the NW 1/4 of the NW 1/4 of the SW 1/4. Section 36: All;

In Township 31 South, Range 22 East, Hillsborough County, Florida: Section 1: All Section 2: All, LESS: The SE 1/4 of the NW 1/4, Also LESS: That part of the N 1/2 of the NW 1/4, lying within the following metes and bounds description: Beginning at the SE corner of the NE 1/4 of the NW 1/4 of said Section 2, run thence West along the South boundary thereof 1428.22 feet, thence North 0°57' East 50 feet, thence East 247.5 feet, thence North 26.5 feet, thence South 86°18'40" East 1183.2 feet to the point of beginning. Also LESS: That part of the SW 1/4 of the NE 1/4 and NW 1/4 of SE 1/4 of said Section 2 described as follows: Beginning at the Northwest corner of said SW 1/4 of NE 1/4 run South 86°18'40" East 13.0 feet, thence South 1°43' West 85 feet, thence South 88°17' East 289 Feet, thence South 7°20'50" West 1273.8 feet, thence South 88°27'30" West 177 feet, thence North 1°43' East for 3.0 feet to the center of said Section 2, thence continue North 1°43' East 1349.7 feet to the point of beginning. Also LESS: That part of the N 1/2 of SW 1/4 of said Section 2 described as follows: Beginning at the center of said Section 2, run South 1°43' West 3.0 feet, thence South 88°27'30" West 1403.4 feet, thence North 1°48'40" East 62.0 feet to the North boundary of said SW 1/4 thence South 89°08' East along said North boundary 1402.2 feet to the point of beginning. Also LESS: That part of SW 1/4 of NW 1/4 of said Section 2 described as follows: Beginning at SE corner of said SW 1/4 of NW 1/4, run North 89°08' West 81.7 feet, thence North 1°48'40" East 665 feet, thence South 88°11'20" West 19.6 feet, thence North 0°57' East 664.8 feet, thence East 102.5 feet to NE corner of said SW 1/4 of NW 1/4, thence South 1°26' West 1329.6 feet to the point of beginning. Section 3: The NW 1/4 of the SW 1/4; and, The E 1/2 of SE 1/4 of SE 1/4. Section 4: The SW 1/4 of SE 1/4. Section 7: The S 3/4 of E 1/2. Section 8: The W 1/2, and the W 1/2 of SW 1/4 of NE 1/4, and the SE 1/4 LESS the part beginning at the northeast corner of said SE 1/4 and running South 0°20'33" West along the east boundary thereof 389.22 feet to the centerline of the old road commonly known as Jameson Road or Lillibridge Road, thence North 55°46'32" West along said road centerline 693.04 feet to the north boundary of said SE 1/4, thence South 89°56'31" East along said North boundary 575.36 feet to the point of beginning. Section 9: All that part lying north of Jameson Road, LESS N 1/2 of NE 1/4 of NE 1/4 and LESS 1 acre square in the SW corner of the NW 1/4 of NE 1/4, and that part of the SE 1/4 of SW 1/4 described as beginning 1043.55 feet west of the southeast corner thereof and running north 1043.55 feet, thence northwesterly to the northwest corner of said SE 1/4 of SW 1/4, thence south to the southwest corner thereof, thence east to the point of beginning; and, that part of the south 1043.55 feet of the east 1043.55 feet of the SE 1/4 of SW 1/4 lying south and west of the old road running in a southeasterly-northwesterly direction and commonly known as Jameson Road or Lillibridge Road; and, that part of the SW 1/4 of the SE 1/4 lying south and west of Jameson Road.

Section 10: All. Section 11: All Section 12: All Section 13: All Section 14: All Section 15: All, LESS that part of the NW 1/4 of NW 1/4 beginning 890 feet East and 25 feet South of the Northwest corner thereof and running East 200 feet, thence South 430 feet, thence West 200 feet, thence North 430 feet, to the point of beginning. Section 16: All Section 17: All Section 18: All, Less the east 1200 feet of the south 30 feet of the W 1/2. Section 19: The NE 1/4, LESS the SW 1/4 of NW 1/4 of NE 1/4; and LESS the north 150 feet of the west 290 feet of the NW 1/4 of the NW 1/4 of the NE 1/4; and the S 1/2 of SE 1/4; and the NE 1/4 of SE 1/4; . Section 20: All Section 21: All Section 22: All Section 23: The N 1/4; and the W 1/2 of SW 1/4 of NW 1/4. Section 24: The N 1/4; and the S 3/4 of E 1/4. Section 25: The N 1/2 of NE 1/4. Section 27: The W 3/4. Section 28: All Section 29: All Section 30: The SE 1/4 of NW 1/4, and the E 1/2, LESS the SW 1/4 of SE 1/4, and LESS the N 1/2 of NW 1/4 of SW 1/4 of NE 1/4. Section 31 The SW 1/4, and the E 1/2 LESS the east 14 chains of the south 8 chains of the SW 1/4 of NE 1/4, and LESS the S1/2 of SW 1/4 of SW 1/4 of NE 1/4, and LESS the N 1/2 of NW 1/4 of SE 1/4. Section 32: All. Section 33: All. Section 34: The W 1/2;

In Township 31 South, Range 21 East, Hillsborough County, Florida: Section 13: The E 1/2 Section 24:The N 1/2 of the NE 1/4, and the SW 1/4 of he NE 1/4, and the E 1/2 of the NW 1/4;

In Township 32 South, Range 22 East: Section 3: All, LESS the E 1/2 of NE 1/4. Section 4: All. Section 5: All. Section 6: The N 1/2 of SW 1/4, and all that part lying East of State Road 39 (the Plant City-Picnic Road). Section 7: All, LESS the South 650 feet of the East 350 feet of the SE 1/4 of the SW 1/4, and LESS the W 1/4 of the SW 1/4 of the SW 1/4. Section 8: All. Section 9: All. Section 10: a.) The W 1/2, and the NE 1/4, and the E 1/2 of SE 1/4, and the N 1/2 of NW 1/4 of SE 1/4. b.) (Phosphate and phosphate rock only). The S 1/2 of NW 1/4 of SE 1/4. Section 13: All. Section 14: The W 3/4; and the NE 1/4 of NE 1/4; and the north 104.35 feet of the east 208.71 feet of the NE 1/4 of SE 1/4 of NE 1/4. Section 15: All. Section 16: The S 1/2; and the NW 1/4 of NE 1/4; and the S 1/2 of the NW 1/4. Section 17: The W 1/2 of the NW 1/4 of the NE 1/4 of the NE 1/4, and the SW 1/4 of the NE 1/4 of the NE 1/4, and the N 1/2 and SE 1/4 of the NW 1/4 of the NE 1/4, and the SE 1/4 of the NE 1/4, and the E 1/4 of the SE 1/4 Section 21: All. Section 22: ALL, LESS the SW 1/4 of the NE 1/4. Section 23: ALL, LESS the NE 1/4 of the NE 1/4. Section 24: All. Section 25: All. Section 26: All. Section 27: All. Section 28: E 1/2 of SE 1/4, and SW 1/4 of SW 1/4. Section 33: All, LESS the NE 1/4 of NW 1/4. Section 34: All. Section 35: All. Section 36: All;

Said parcels containing 35,473 acres more or less.

AREA BEING REMOVED FROM MINE

In Township 31 South, Range 21 East, Hillsborough County, Florida: Section 13: The E 1/2 Section 24:The N 1/2 of the NE 1/4, and the SW 1/4 of he NE 1/4, and the E 1/2 of the NW 1/4;

In Township 31 South, Range 22 East, Hillsborough County, Florida: Section 18: The W 1/2, Less the east 1200 feet of the south 30 feet of the W 1/2. Section 30: and LESS that part of the NW 1/4 of the SE 1/4 described as: from the southwest corner of the SE 1/4 of said Section 30, run north 00°04'27" east along the west boundary thereof for 2084.44 feet to the point of beginning; from the point of beginning continue north 00°04'27" east along said boundary 210 feet; thence south 89°55'33" east 234.73 feet; thence south 00°04'27" west (parallel to said west

boundary) 210 feet; thence north $89^{\circ}55'33''$ west 234.73 feet to the point of beginning; and, LESS that part of the NW 1/4 of SE 1/4 described as: begin at the southeast corner thereof and run south $88^{\circ}01'58''$ west along the south boundary thereof 1316.96 feet to the easterly right-of-way line of County Road 39; thence north $00^{\circ}14'05''$ west along said right-of-way line 39.82 feet; thence north $89^{\circ}45'55''$ east 1316.36 feet, more or less, to the point of beginning; and, LESS that part of the SE 1/4 of SE 1/4 lying within the following described parcel: begin at the northwest corner of the SE 1/4 of SE 1/4 of Section 30 and run south $00^{\circ}08'28''$ east along the west boundary thereof 1346.18 feet to the southwest corner thereof; thence (entering Section 31) continue south $00^{\circ}08'28''$ east 211.04 feet; thence north $89^{\circ}45'55''$ east 64.39 feet; thence north $00^{\circ}08'28''$ west 1557.22 feet; thence south $89^{\circ}45'55''$ west 64.39 feet to the point of beginning. Section 31: That part of the N 1/2 of NE 1/4 lying within the following described parcel: begin at the northwest corner of the SE 1/4 of SE 1/4 of Section 30 and run south $00^{\circ}08'28''$ east along the west boundary thereof 1346.18 feet to the southwest corner thereof; thence (entering Section 31) continue south $00^{\circ}08'28''$ east 211.04 feet; thence north $89^{\circ}45'55''$ east 64.39 feet; thence north $00^{\circ}08'28''$ west 1557.22 feet; thence south $89^{\circ}45'55''$ west 64.39 feet to the point of beginning. and LESS that part of the N 1/2 of NE 1/4 described as: begin at the northeast corner of the NW 1/4 of NE 1/4 of Section 31 and run south $87^{\circ}32'27''$ west along the north boundary thereof 1315.15 feet to the easterly right-of-way line of County Road 39; thence south $00^{\circ}14'05''$ east along said right-of-way line 2.05 feet; thence south $00^{\circ}00'15''$ west, still along said right-of-way line, 157.95 feet; thence north $89^{\circ}45'55''$ east 1314.47 feet; thence north $00^{\circ}08'28''$ west 211.04 feet to the point of beginning;

Said parcels containing 850 acres more or less.

SECTION VI. - LIST OF EXHIBITS

The following exhibits, on file with the Hillsborough County Planning and Development Management Department are hereby incorporated by reference:

DEVELOPMENT ORDER EXHIBITS: REFERENCE

1. HILLSBOROUGH COUNTY MINES - CONSOLIDATION PHASE
 - A. Substantial Deviation DRI No. 213, Application for Development Approval, June 29, 1990.
 - B. Addition Information, Substantial Deviation DRI No. 213, Application for Development Approval, November 21, 1990.
 - C. Second Addition Information, Substantial Deviation DRI No. 213, Application for Development Approval, August 16, 1991.
 - D. Third Addition Information, Substantial Deviation DRI No. 213, Application for Development Approval, March 25, 1992.
 - E. Fourth Addition Information, Substantial Deviation DRI No. 213, Application for Development Approval, September 16, 1992.
 - F. Revised Executive Summary, Hillsborough County Mines substantial Deviation DRI No. 213., September, 1992.
 - G. TBRPC, DRI Final Report, as adopted January 11, 1993.

2. FOUR CORNER MINE
 - A. Four Corners Mine, Application for Development Approval of a Development of Regional Impact, with Appendices A, B, C, D, E, & F.
 - B. Four Corners Mine Development Order, dated January 4, 1978.
 - C. Four Corners Mine Development Order Amendment, dated April 22, 1981.
 - D. Four Corners Mine Development Order Amendment, dated May 13, 1986.
 - E. Four Corners Mine Development Order Amendment, dated January 9, 1990.
 - F. Four Corners Mine Development Order Amendment, dated September 25, 1990.

3. LONESOME MINE
 - A. Application for Development Approval (Supplement to Development of Regional Impact Application for Lonesome Mine).
 - B. Development Order issued in 1974 (Development Order 73-1).
 - C. Mining Permit issued in 1974 (Mining Permit 74-MINE-2).
 - D. The document constituting the proposed amendments to the Mining and Reclamation Plan For Lonesome Mine dated March 22, 1983.
 - E. A series of Resolutions adopted by the Board of County Commissioners in 1980 and 1982.

4. KINGSFORD MINE, HILLSBOROUGH TRACT

- A. Development of Regional Impact, Application for Development Approval for Kingsford Mine, Hillsborough Tract, with Appendices books I & II.
- B. The Resolutions and Staff Report of the Hillsborough County Planning Commission dated July 22, 1974.
- C. The Revised Recommendations of the Hillsborough County Water Resources Director dated August 28, 1974, attached hereto as Exhibit C.
- D. Kingsford Mine Development Order, dated January 15, 1975.
- E. Kingsford Mine Extension, Substantial Deviation DRI No. 120, Application for Development Approval, dated June 25, 1986.
- F. Addition Information, Substantial Deviation DRI No. 120, Application for Development Approval, November 20, 1986.
- G. Second Addition Information, Substantial Deviation DRI No. 120, Application for Development Approval, April 15, 1987.
- H. Kingsford Mine Extension Development Order Amendment, dated March 29, 1988.

[FC-1] EXHIBIT B

REQUIRED MONITORING*

I. Recharge Wells:

- A. Water quality analysis will be performed monthly and reported to the County quarterly for the following constituents:
 - 1) Total coliform count
 - 2) Fecal coliform count
 - 3) Gross alpha radiation (if greater than 15 pci/liter - analyze for radium 226, total radium)
 - 4) Iron
 - 5) Fluoride
 - 6) Phosphorous
 - 7) Sulfate
 - 8) Pesticides
 - 9) Organic Carbon
 - 10) Specific conductance
 - 11) Nitrate
 - 12) Phosphates (ortho, total)
 - 13) Total dissolved solids
 - 14) Total suspended solids
 - 15) Turbidity

- B. Flow measurements must be performed on each of the connector wells immediately upon completion of construction and then once a month thereafter. Flow measurements are to be submitted in writing to the County quarterly.

II. Production Wells:

A. (as above in I. A.)

- 1) Calcium
- 2) Magnesium
- 3) Sodium
- 4) Potassium
- 5) Bicarbonate
- 6) Sulfate
- 7) Chloride
- 8) Nitrate
- 9) Total Dissolved Solids
- 10) Specific Conductance
- 11) Gross Alpha Radiation
- 12) Total Phosphate
- 13) Radium 226 (only if gross Alpha exceeds 15 pci/l)

- B. Pumpage records shall be kept for each well on a monthly basis and forwarded to the County quarterly.

III. Monitor Wells:

- * The water levels in the Floridan aquifer, Hawthorne interval, and shallow water table aquifer shall be monitored in wells GHO-2, GD-6, GSO-2, and GD-9. Hydrographs from these wells will be submitted to the County quarterly.
- * Similar reports are required by the Southwest Florida Water Management District. Where practicable, IMCF may submit duplicate copies to the Hillsborough County Planning and Development Management Department.

ATTACHMENT B

EXISTING DEVELOPMENT ORDERS WITH DELETIONS

RESOLUTION

Upon motion by Commissioner Koford, seconded by Commissioner Bondi, the following resolution was unanimously adopted:

WHEREAS, W. R. Grace & Co., Agricultural Chemicals Group, has filed with this Board an application for Development Approval of a Development of Regional Impact (Hillsborough County Building and Zoning Petition No. 75-14-DRI) in accordance with Section 380.06(6), Florida Statutes (1975), a Petition and Application to Amend the Hillsborough County Zoning Regulations so as to change the classification of lands as hereinafter described (Hillsborough County Building and Zoning Department Rezoning Application No. 75-272) in accordance with the Hillsborough County Zoning Regulations adopted pursuant to Chapter 24592, Laws of Florida, Acts of 1947, as amended by Chapter 25889, Laws of Florida, Acts of 1949, and Chapter 29131, Laws of Florida, Acts of 1953, and an Application for Operating Permit (Hillsborough County Building and Zoning Department Petition No. 75-MINE-4) pursuant to Hillsborough County Ordinance No. 74-6, as amended by Hillsborough County Ordinance No. 77-6, "Hillsborough County Phosphate Mining Ordinance;" and,

WHEREAS, this Board has reviewed the Application for Development Approval of a Development of Regional Impact and has found the proposed development to be consistent with local land development regulations; and

WHEREAS, this Board has received and considered the report and recommendations of the Tampa Bay Regional Planning Council and found the development to be consistent with said recommendations; and,

WHEREAS, this Board has reviewed the Application for Operating Permit and has found that the proposed operations as modified by the conditions imposed in the Development Order are consistent with the "Hillsborough County Phosphate Mining Ordinance;" and,

WHEREAS, this Board has received and considered the recommendations of the Hillsborough County Planning Commission relating to the above described applications and petitions; and,

WHEREAS, this Board has on October 28, 1977, and January 4, 1978, at the Hillsborough County Courthouse, Tampa, Florida, conducted a public hearing upon the above described applications and petition, following the publication and giving of notice required by Section 380.06(7), Florida Statutes, 1975, the Hillsborough County Zoning Regulations and the "Hillsborough County Phosphate Mining Ordinance" as will appear from proofs of publication of such notice duly filed with the Clerk of this Board, has heard and considered the departmental and agency recommendations received and the testimony taken thereat, and has, by separate votes at the conclusion of the January 4, 1978, hearing, approved the applications and petitions;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING ASSEMBLED THIS 4TH DAY OF JANUARY, 1978:

Section I. That the Application for Development Approval of a Development of Regional Impact filed by W. R. Grace & Co., Agricultural Chemicals Group (Hillsborough County Building and Zoning Department Petition No. 75-14-DRI) is approved with conditions; and,

that the following is hereby adopted as and shall constitute the Development Order of this Board issued in response to said application:

DEVELOPMENT ORDER

1. The definitions found in Ch 380, Florida Statutes (1975), shall control the construction of any so-defined terms appearing in this Development Order.
2. This Development Order shall be deemed rendered as of the date of receipt of this Resolution for purposes of computing the forty-five (45) day appeal period provided under Ch. 77-215, Laws of Florida.
3. *This Development Order shall remain in effect for a period of twenty (20) years from and after the date of its rendition, provided that this effective date may be extended by this Board upon finding of excusable delay in any proposed development activity.*
4. *This development order incorporates by reference the representations, terms, and conditions as set forth in the application for development approval, and related documents described in Exhibit A attached. A substantial deviation from the terms and conditions of this development order or SWFWMD Consumptive Use Permit #207703573 shall be deemed to be a new development of regional impact and shall require the filing, review, and approval of a separate application for development approval pursuant to Section 380.06, Florida Statutes, and other applicable laws of the State of Florida.*
5. Upon consideration of all matters prescribed in Section 380.06 (11), Florida Statutes, it is determined that:
 - A. The Development is not located in an area of critical state concern.
 - B. *The State of Florida has not adopted a land development plan applicable to this area.*
 - C. Subject to the conditions hereinafter set forth, the development is consistent with local land development regulations and is consistent with the report and recommendations of the Tampa Bay Regional Planning Council.
6. The provisions of this development order shall in no way be construed as a waiver or exception of any rule, regulation or ordinance of Hillsborough County or its departments, agencies or commissions.
7. The term "mining" when used in this development order shall be defined as provided in the Hillsborough County Mining Ordinance.
8. *The Application for Development Approval of a Development of Regional Impact, the Master Mining and Reclamation Plan and the Alternative Reclamation Plan, as described in Exhibit A and incorporated herein, are approved subject to the following conditions: in instances where the Alternate Reclamation Plan differs with any portions of the Master Mining and Reclamation Plan, the Alternate Reclamation Plan shall be construed to be the approved plan subject to the following conditions:*

- (1) ~~All water monitoring required under the provisions of this development order shall begin within three (3) months of receipt of this development order unless otherwise expressly modified herein.~~
- (2) *That the amount of water withdrawn from the Floridan aquifer shall not exceed 10,810,080 gallons per day annual average and 15,010,500 per day maximum.*
- (3) ~~That a system of connector wells capable of recharging an annual average of 9,300,000 gallons of water per day or such lesser quantity as the county may subsequently require shall be constructed. These connector wells will be designed to recharge water into the Floridan aquifer from the unconfined surficial aquifer.~~
- (4) That certain water quality and water level monitoring shall be performed and reports submitted to Hillsborough County and the EPC. Exhibit B lists the reports, items to be monitored, frequency of monitoring, and frequency of reporting.
- (5) ~~That the staff of the Hillsborough County Department of Water Resources Development shall be notified one week in advance of the additional aquifer test required by the Southwest Florida Water Management District. A copy of the aquifer test data and evaluation report of the aquifer test will be supplied to the Department of Water Resources Development within sixty (60) days of the test completion.~~
- (6) *That the Hillsborough County Department of Water Resource Development shall be notified of any pending modification in the Southwest Florida Water Management District Order #77-19, for Consumptive Use Permit #27703573. If W. R. Grace and Company petitions for a modification of the order and permit mentioned above, a copy of that petition will be furnished to the Hillsborough County Department of Water Resource Development at the same time the petition is filed with the Southwest Florida Water Management District.*
- (7) That if mining is to occur in Section 28, Township 32S, Range 22E, then W. R. Grace shall establish a monitor well system along the east side of the grove in the SW 1/4 of the SE 1/4 of Section 28, and at the SE corner of the grove in the SE 1/4 of the NE 1/4 of Section 28. Such monitoring shall be underway by March 1, 1978, in order to establish premining dry season water levels. For the purposes of this paragraph, mining shall include the establishment of wells for obtaining water for all mining activities.
- The monitoring system shall be installed in such a manner as to determine surficial geology. If a hard pan is found, then at least one monitor site at each grove will have wells finished into the zones above and below the hard pan. It must also be determined whether or not the zone below the hard pan is under artesian conditions. With the permission of the owner of the real property described above, to monitor water levels within the groves, the company should establish either a rectangular grid or a perpendicular transect of wells.
- (8) That for property owners not willing to provide written consent to the company for pit dewatering within 400 feet of their property a monitoring system such as (7) above shall be installed at the property owners request, if the County determines that pit dewatering could reasonably be expected to adversely affect

the property in question. Such monitoring shall be commenced at least two annual dry seasons prior to mining.

- (9) That the wells in the monitoring systems discussed in Paragraphs (7) and (8) shall be measured monthly during April, May, June, and Quarterly for the rest of the year during the premining period. During the development period these wells shall be measured monthly until such time as reclamation is completed. The information shall be forwarded quarterly to Hillsborough County Department of Water Resource Department.
- (10) That conditions (7), (8) and (9) are predicated upon W. R. Grace & Company's stated intention to backfill as soon as possible mining cuts excavated perpendicular to the mine property boundaries. Inasmuch as the proposed method of excavation and backfilling will minimize dewatering of adjacent properties, any departure from this scheme may result in the requirement for additional shallow aquifer monitoring as determined by Hillsborough County Department of Water Resource Development. Should W. R. Grace find it necessary to mine in a direction other than perpendicular to the property boundary or to allow more than fourteen (14) days to pass without backfilling, the company shall immediately take measures to prevent a decline of more than three feet of the watertable under adjacent properties or any decline of the watertable which would adversely affect lawful water uses on adjacent properties. The Hillsborough County Department of Water Resource Development shall be notified at the time of submittal of the mining plan for each mining unit of any planned non-perpendicular mining cuts. This condition applies only to mining excavations within 1,320 feet of a property boundary.
- (11) That the number or location of air and surface water monitoring stations and parameters may be changed at any time as required by the Environmental Protection Commission on reasonable grounds.
- (12) That the applicant guarantees the correct operation and maintenance of all man-made control structures and the maintenance of proper surface water flows as determined by existing and future regulatory programs.
- (13) That best management practices and techniques including revegetation, reforestation, erosion control, etc. shall be utilized by the applicant in the reclamation of all land designed to support forested and unforested wetland vegetation associations.
- (14) That best management practices shall be utilized by the applicant to accelerate the natural development of those areas that are intended to support native forested and unforested wetland vegetation associations.
- (15) That reclamation shall not be considered complete until all areas intended to develop native forested and unforested wetland vegetation associations are firmly established and it is assured that these areas will develop the vegetation associations that they are designed to support.
- (16) That prior to development in the basin of the Little Manatee River, the applicant shall satisfactorily complete the natural systems reclamation project proposed for the Alderman Creek basin. In the event the project is not successful then the

affected land shall be immediately reclaimed in accordance with the Hillsborough County Mining Ordinance standards for mined out areas established by Section 14(8).

- ~~(17) That the applicant shall construct the intersection linking the plant site access roads with SR 37 according to local and state standards.~~
- ~~(18) That the applicant shall cooperate with appropriate governmental and private interests in the development of a Transportation Master Plan that will facilitate the orderly development of those areas of the region projected to be utilized for phosphate mining.~~
- (19) *That at no expense to the government, the applicant shall provide automatic signals at any new railroad grade crossings of public roads related to the DRI and shall also provide warning gates at the proposed rail crossings of State Roads 39 and 674.*
- (20) That all signal and gate equipment shall meet or exceed Florida Department of Transportation specifications for size, performance and quality.
- (21) That the applicant shall provide the Tampa Bay Regional Planning Council with an annual DRI report of development activity in a format to be specified by the Council. Grace shall provide to TBRPC copies of annual progress reports provided to Hillsborough County along with copies of all monitoring data.
- ~~(22) That the applicant shall be required to utilize and adhere to any new rules and regulations resulting from the Central Florida Phosphate Environmental Impact Assessment currently being conducted by the U.S. Environmental Protection Agency.~~
- ~~(23) That the applicant shall continue to cooperate and provide assistance in any regional studies of the aggregate impact of phosphate mining.~~
- (24) W. R. Grace & Co. shall continue the operation of stream gaging stations known as Stations SW 9, SW 10A, SW 11 and SW 11A. Copies of all data collected shall be forwarded to the Hillsborough County Department of Water Resources on a quarterly basis. Gaging and data collection at Stations SW 11 and SW 11A shall be performed concurrently so that the contribution to stream flow from ground water can be determined along that section of Alderman Creek.
- (25) *That the total disturbed and unreclaimed lands in Hillsborough County not exceed 2000 acres at any one time. The total disturbed and unreclaimed lands shall include all clay settling ponds.*
- (26) That no disturbance or incompatible land use activity shall be allowed by the applicant within any 25 year flood plain designated by the applicant to be preserved except that which is expressly permitted under the Hillsborough County Mining Ordinance and any operating permit issued pursuant thereto.
- (27) That the disturbance to floodplains necessitated by pipeline construction, moving of draglines, or road construction shall be conducted during the dry season of the year and that all applicable best management practices for erosion control shall

be utilized throughout the entire period of the disturbance. Immediately after such a disturbance is terminated, the applicant shall remove all structures, restore the area in question to original grade elevations and reforest and replant the area.

- (28) That the applicant shall provide ongoing evidence of a program of monthly inspection of all devices or ditches transporting fluids in or within one hundred yards of any floodplain.
- (29) That in order to promote the maintenance of the functional aspects of floodplains, water stress caused by pit dewatering shall be limited to only one side of a floodplain at a time and that mining of the opposite side of the floodplain shall be delayed wherever feasible until the mined portions have been reclaimed to design elevations and groundwater levels have recovered.
- (30) That the applicant shall insure that no development or land use activity (grazing, farming, tree harvesting, etc.) will be allowed within any newly established or existing 25 year floodplains that would in any way inhibit the growth and development of native vegetation associations appropriate for that floodplain during the term of this development order except as expressly permitted under the Hillsborough County Mining Ordinance.
- (31) That prior to the initiation of development in the headwater depression of the Little Manatee River, the Applicant shall satisfactorily complete the natural systems reclamation project proposed for the Alderman Creek basin. When Hillsborough County is satisfied as to the successful completion of the Alderman Creek reclamation project, Hillsborough County may grant the applicant appropriate variances to the County Mining Ordinance to allow for the mining of the headwater depression.
- (32) That after reclamation is complete in each affected drainage basin, the applicant shall conduct a detailed study to define final flood frequency elevations, delineate the aerial extent of each basin and determine the duration and quantity of surface water leaving the site during high rainfall events. This information shall be transmitted to all appropriate local, regional, state and federal agencies involved in floodplain management and floodplain delineation so that downstream flood elevations and management mechanisms can be appropriately modified.
- ~~(33) That in order to ensure that a functioning natural stormwater detention/retention system is provided, the applicant shall provide a conceptual drainage plan for review and approval. This drainage plan shall include estimated peak volumes of stormwater runoff to be generated by the final reclamation plan during the mean annual, 25 and 100 year storm events, comparisons of peak discharge characteristics between pre and post mining conditions, descriptions of conceptual design approaches and appropriate maps depicting preliminary drainage patterns, floodplain/flood prone areas at the various flood events and revised (as necessary) contours of the reclamation plan submitted on August 19, 1977. This conceptual drainage plan shall be submitted for review and approval by Hillsborough County, and the Tampa Bay Regional Planning Council prior to the issuance of operating permits pursuant to the Hillsborough County Mining Ordinance. The plan shall include areas of standing water, duration and depth thereof.~~

- ~~(34) That the conceptual drainage plan shall include a natural interconnection system between the two lakes and Little Manatee River in the northern portion of the Northwest Manatee tract to mitigate potential water quality problems.~~
- (35) That if hydrologic studies indicate that the peak discharge characteristics of any affected drainage basin have been increased over premining conditions, the applicant shall increase the retention capacity of the reclaimed land, such that the peak discharge characteristics of the affected drainage basin is equal to or less than that which existed before mining. Increases in retention capacity shall be accomplished with a minimum use of control structures.
- (36) Upon completion of mining and reclamation, all recreated wetlands and floodplain/flood prone areas shall be subject to all the rules, regulations and policies of local, state and federal agencies governing wetland and floodplain/flood prone areas at the time mining and reclamation is complete.

Section II. That the following described property:

The South 528 feet of the East 1650 feet of the SE 1/4 of Section 34, Township 32 South, Range 22 East, Hillsborough County, Florida.

is hereby rezoned from "A" to "M-1".

Section III. That the following described property:

All of Section 13;

The West 3/4 and the NE 1/4 of the
NE 1/4 of Section 14;

All of Section 15;

The NW 1/4 of the NE 1/4, the South
1/2 of the NW 1/4 and the South 1/2
of Section 16;

All of Section 21;

The N 1/2 of the NE 1/4, less one square
acre in the NE corner thereof, the SE 1/4
of the NE 1/4, the West 1/2 and the North 1/2
of the SE 1/4 of Section 22;

The West 1/2 of the NE 1/4, the N 1/2 of the
NW 1/4, the SW 1/4 of the NW 1/4, the NW 1/4
of the SW 1/4, the South 1/2 of the SW 1/4,
and the SE 1/4 of Section 23;

All of Section 24;

All of Section 25;

All of Section 26;

All of Section 27;

The SW 1/4 of the SW 1/4 and the East 1/2
of the SE 1/4 of Section 28;

The East 1/2, the NW 1/4 of the NW 1/4,
the S 1/2 of the NW 1/4, the North 1/2 of
the SW 1/4, and the South 1/2 of the SW 1/4
of Section 33;

Section 34, Less the South 528 feet of the
East 1650 feet of the SE 1/4;

All of Section 35;

All of Section 36;

ALL IN TOWNSHIP 32 SOUTH, RANGE 22 EAST, HILLSBOROUGH
COUNTY, FLORIDA.

is hereby rezoned from "A" to "A-A".

~~Section IV. That the Application for Operating Permit of W. R. Grace & Co.,
Agricultural Chemicals Group, (Hillsborough County Building and Zoning Department Petition
#75 MINE 4) is approved and that the following is hereby adopted as the Operating Permit to
be issued in response by the Building and Zoning Department of Hillsborough County, upon the
request of an authorized agent of W. R. Grace & Co., Agricultural Chemicals Group.~~

Operating Permit

- ~~1. The definitions found in Hillsborough County Ordinance No. 74-6 shall control construction of any so defined terms appearing in this permit.~~
- ~~2. This Operating Permit shall be deemed issued as of the date of delivery of an executed copy hereof to an authorized agent of W. R. Grace & Co., Agricultural Chemicals Group, upon his request, by the Building and Zoning Department of Hillsborough County, either by hand delivery or by Registered Mail, Return Receipt Requested. Delivery shall be deemed complete upon mailing. Upon request for delivery, the Director of the Building and Zoning Department, or his designee, shall cause the following certificate on two certified copies of this Operating Permit to be executed and shall deliver one copy to the authorized agent of W. R. Grace & Co., Agricultural Chemicals Group, and shall file the other in the Official Records of this Board, together with appropriate receipts for mailing if delivery is by mail.~~
- ~~3. This operating permit shall not be effective until W. R. Grace & Co.'s conceptual drainage plan required by Section 8(33) of Development Order #75-4 DRI, shall have been filed with, and approved by, both Hillsborough County and the Tampa Bay Regional Planning Council.~~
- ~~4. The operations to be permitted hereunder are those specified in the Application for Operating Permit and the Application for Development Approval as defined in the Index thereto which is attached to this resolution as Exhibit A and incorporated into this Operating Permit, subject to the conditions imposed by the Development Order which is a part of this resolution. No provision of said development order is intended or shall be construed as a waiver or exception to any provision of the Hillsborough County Ordinance No. 74-6.~~
- ~~5. The permission granted in Paragraph 3 above is based upon a finding that the proposed mining incorporates a new methodology in reclamation of mined lands and is in compliance with the spirit and intent of Section 14, Hillsborough County Ordinance No. 74-6, as provided in Subsection (1)(b).~~
- ~~6. The extent of protected "surface water courses" shall be as shown on Exhibit C. Pending final determination of the widths of the floodplains of said watercourse by the County Engineer, said widths shall be approximated by Exhibit D.~~
- ~~7. A. Each drainage basin shall have roughly the same proportion of forested wetlands and unforested wetlands relative to the entire DRI site after reclamation as it had before mining.~~
~~B. All provisions of this section shall be construed to protect the County's interests.~~

EXHIBIT B
REQUIRED MONITORING*

I. Recharge Wells:

- A. Water quality analysis will be performed monthly and reported to the County quarterly for the following constituents:
- 1) Total coliform count
 - 2) Fecal coliform count
 - 3) Gross alpha radiation (if greater than 15 pci/liter - analyze for radium 226, total radium)
 - 4) Iron
 - 5) Fluoride
 - 6) Phosphorous
 - 7) Sulfate
 - 8) Pesticides
 - 9) Organic Carbon
 - 10) Specific conductance
 - 11) Nitrate
 - 12) Phosphates (ortho, total)
 - 13) Total dissolved solids
 - 14) Total suspended solids
 - 15) Turbidity
- B. Flow measurements must be performed on each of the connector wells immediately upon completion of construction and then once a month thereafter. Flow measurements are to be submitted in writing to the County quarterly.

II. Production Wells:

- A. (as above in I. A.)

- | | |
|-----------------|---|
| (1) Calcium | 8) Nitrate |
| (2) Magnesium | 9) Total Dissolved Solids |
| (3) Sodium | 10) Specific Conductance |
| (4) Potassium | 11) Gross Alpha Radiation |
| (5) Bicarbonate | 12) Total Phosphate |
| (6) Sulfate | 13) Radium 226 (only if gross Alpha exceeds |
| (7) Chloride | 15 pci/l) |

- B. Pumpage records shall be kept for each well on a monthly basis and forwarded to the County quarterly.

III. Monitor Wells:

- * The water levels in the Floridan aquifer, Hawthorne interval, and shallow water table aquifer shall be monitored in wells GHO-2, GD-6, GSO-2, and GD-9. Hydrographs from these wells will be submitted to the County quarterly.
- * Similar reports are required by the Southwest Florida Water Management District. Where practicable, W. R. Grace may submit duplicate copies to the Hillsborough County Department of Water Resource Development.

RESOLUTION

Upon motion of Commissioner Anderson seconded by Commissioner Davin, the following Resolution was adopted by unanimous vote:

WHEREAS, the Board of County Commissioners of Hillsborough County, Florida (Board) issued a Development Order No. 75-14-DRI and an Operating Permit dated January 4, 1978 to W. R. Grace & Co. (Grace); and

WHEREAS, in letters dated October 22, 1979, October 29, 1980 and January 29, 1981 Grace has submitted proposed amendments to the Development Order and the Operating Permit for Four Corners Mine to extend the time Grace shall begin mining to the second half of 1982, extend the period of mining through 1997 and extend the period of reclamation through 2004; and

WHEREAS, the Board finds that the proposed amendments are nonsubstantive items which do not require a public hearing pursuant to the Hillsborough County Phosphate Mining Ordinance No. 74-6, as amended; and

WHEREAS, the Board finds that the proposed changes and amendments do not constitute a substantial deviation to the development of regional impact;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING ASSEMBLED THIS 22nd DAY OF April, 1981:

1. That the proposed changes and amendments do not constitute a substantial deviation to the development of regional impact.
2. That the Board approves the amended Mining and Reclamation Plan as shown on the Mining & Reclamation Tabulation (revised December, 1979) and the Mining Sequence Map (revised December, 1979) attached hereto as Exhibits A and B.
3. That the Board amends provision 3 of the Development Order to read as follows:
This Development Order shall remain in effect for a period of twenty-seven (27) years from and after the date of its rendition, provided that this effective date may be extended by this Board, upon finding of excusable delay in any proposed development activity."
4. That this approval will not be a substitute for approval actions required by Section 14(6) of the Mining Ordinance, and approval does not imply a waiver of any other provisions of the approved Development Order.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, JAMES F. TAYLOR, JR., Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the Board in its regular meeting of April 22, 1981, as the same appears of record in Minute Book 7B of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 24th day of April, 1981.

JAMES F. TAYLOR, CLERK

By: _____

Resolution No. R86-0094RESOLUTION AMENDING DEVELOPMENT ORDER AND OPERATING PERMIT
FOR W. R. GRACE & CO. FOUR CORNERS MINE

Upon motion of Commissioner Glickman, seconded by Commissioner Padgett, the following Resolution was adopted by a 4-1 vote:

WHEREAS, the Board of County Commissioners of Hillsborough County, Florida ("Board"), issued Development Order No. 75-14-DRI and Operating Permit No. 75-4-MINE dated January 5, 1978 to W. R. Grace and Co. for FOUR CORNERS MINE - Development of Regional Impact; and

WHEREAS, the Board on April 22, 1981, amended the Development Order and Operating Permit by approving an amended mining and reclamation plan, and authorized extension of the Development Order and Operating Permit to a total of 27 years; and

WHEREAS, in a letter dated July 10, 1984, W. R. Grace and Co. submitted proposed amendments to the Development Order and Operating Permit for FOUR CORNERS MINE which would increase the total permit area, increase the total mined area, extend the period of mining through 2004 and extend the period of reclamation through 2006; and

WHEREAS, the Board determined on May 23, 1985 that such proposed amendments did not constitute a substantial deviation to the Development Order for FOUR CORNERS MINE; and

WHEREAS, the resolution of such finding was transmitted as required by law, to the Department of Community Affairs and the Tampa Bay Regional Planning Council on July 31, 1985; and

WHEREAS, the Board determined that the proposed amendments should be reviewed at a public hearing properly noticed pursuant to the Hillsborough County Phosphate Mining Ordinance, Ordinance No. 74-6, as amended; and

WHEREAS, this Board has on September 17, 1985, conducted a public hearing on the proposed amendments, at which hearing the Board received comments, testimony and evidence from concerned entities; and

WHEREAS, the Board on September 17, 1985, by a six-to-one vote, approved the proposed mining and reclamation plan in concept and directed staff to include in the conditions a specific statement that Provision 10 regarding dewatering of adjacent properties shall not be changed.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING ASSEMBLED THIS 13TH DAY OF MAY, 1986:

1. The above recitation of findings of fact is hereby incorporated into this Resolution.
2. The Board approves the addition of 281 acres to the permit area as shown on Map No. 15, Land Purchased September 1975 - June 1984, dated 11/15/84, attached hereto and incorporated herein as Exhibit A.
3. The Board approves the increase of permitted area from 8,880 acres to 9,161 acres, and approves the mine boundary as shown on Map No. 1A "MINE BOUNDARY" dated 5/21/84 attached hereto and incorporated herein as Exhibit B.
4. The Board approves the addition of 1038 acres as shown on Map No. 16, Adjustments to Mining Areas September 1975 - June 1984 dated 11/16/84, attached hereto and incorporated herein as Exhibit C subject to further approval of detailed mining units by the Board of County Commissioners in accordance with the Hillsborough County Phosphate Mining Ordinance and amendments, the Hillsborough County Environmental Protection Commission, and all other appropriate regulatory agencies.
- ~~5. The Board approves the amended Mining and Reclamation Plan as shown on Table 1, Mining Waste Disposal and Land Reclamation Schedule, attached hereto and incorporated herein as Exhibit D, subject to the requirement that all mining be completed by 2004 (mining year 21) and all reclamation (including initial revegetation) be completed by December 31, 2005. (Mining year 22)~~
- ~~6. The Board approves the general sequence of mining as shown in Map No. 14A, 20 YEAR MINE PLAN, dated 5/22/84, attached hereto and incorporated herein as Exhibit E, with the understanding that detailed mining units are subject to review and approval in accordance with Section 14(6) of the Phosphate Mining Ordinance, and in accordance with the Rules and Regulations of the Hillsborough County Environmental Protection Act, Chapter 84 446 Laws of Florida.~~
7. The Board approves the general locations of Tailing Area "A" and Tailings Area "B" as shown on Map No. 2, Location of Proposed and Permanent Structures dated 5/23/84, attached hereto and incorporated herein as Exhibit F, provided that the following conditions are met:
 - a. There be a maximum of 550 acres of tailings in storage at any time.
 - b. Tailing Area "A" shall be limited to Section 27; Township 32S; Range 22E, and Tailings Area "B" shall be limited to Sections 33 and 34; Township 32S; Range 22E.
 - ~~c. Tailings Area "A" shall be completely reclaimed (including initial revegetation) by December 31, 2003 (mining year 19) and Tailings Area "B" shall be completely reclaimed (including initial revegetation) by December 31, 1993. (Mining year 9)~~

- d. Wetland areas considered under the jurisdiction of Environmental Protection Commission and/or Department of Environmental Regulations and confined within the limits of Tailings Area "A" and "B" must be mitigated on an acre-for-acre basis and within the same drainage basin.
8. The Board approves Settling Pond "F-2" in Sections 25-27 and 34-36; Township 32S; Range 22E as shown on Map No. 2, Location of Proposed and Permanent Structures dated 5/23/84 subject to the following conditions:
 - a. The maximum effective area including all embankment areas and perimeter ditches shall not exceed 2370 acres.
 - b. *Reclamation shall be started in 1998 and conducted continuously through 2003 as per Table 1, Hillsborough County Waste Disposal and Land Reclamation Schedule. Progress on reclamation shall be considered when reviewing requests for mining units during this period.*
 - ~~9. The Board amends Provision 3 of the Development Order to read as follows: This Development Order shall remain in effect for a period of twenty eight (28) years from and after the date of its rendition (January 4, 1978) provided that this effective date may be extended by this Board upon finding of excusable delay in any proposed development activity.~~
 - ~~10. The Board amends Provision 25 of the Development Order to read as follows: That the total disturbed and unreclaimed lands in Hillsborough County not exceed 3100 acres at any one time. The total disturbed and unreclaimed lands shall include but not be limited to: clay settling ponds, dams and perimeter ditches.~~
 11. That a condition of the approval of mining in the Northwest Quarter of Section 33, and in the Southwest Quarter of Section 28, both in Township 32 South, Range 22 East, shall be that prior to the time that the existing road along or in the immediate vicinity of the section line between the Northwest Quarter of the Northwest Quarter of said Section 33 and the Southwest Quarter of the Southwest Quarter of said Section 28 is disturbed as a result of mining or other activities associated with W. R. Grace and Co.'s operation, W. R. Grace and Co. shall provide an alternative road providing access by automobile and by tractor-trailer truck from Taylor-Gill Road to the property now owned by Maple Hill Corporation (the "Shuman Property") and located South and West of Alderman Creek in the Northeast Quarter of the Northwest Quarter of said Section 33 and in the Southeast Quarter of the Southwest Quarter of said Section 28, at a point on the boundary of said Shuman property affording direct access to the existing citrus grove thereon.
 12. There shall be no disturbance of any preservation areas. There shall be no disturbance of other wetland areas under the jurisdiction of the Environmental Protection Commission or the Florida Department of Environmental Regulation until agency review and mitigation plan approval has been secured.
 - ~~13. That Condition #10 and all other provisions or conditions of the Development Order and Operating Permit as previously amended which are not inconsistent with this amendment, are still in effect.~~
 14. Nothing contained herein shall be construed as a waiver of or exception to any other applicable land development regulations and to the extent that further review is provided

for in all relevant development orders, said review shall be subject to all applicable rules, regulations and ordinances in effect at the time of such review.

15. Upon adoption, this Resolution shall be transmitted by the Ex-officio Clerk to the Board of County Commissioners by certified mail, to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and W. R. Grace and Co.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD L. AKE, Clerk of the Circuit Court and Ex-officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board in its regular meeting of May 13, 1986, as the same appears of record in Minute Book 120 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 21st day of May, 1986.

RICHARD L. AKE, Clerk

Deputy Clerk

By: _____

RESOLUTION NO. R90-0009
RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF HILLSBOROUGH COUNTY, FLORIDA
AMENDING DRI 75-14-DRI DEVELOPMENT ORDER
FOR FOUR CORNERS MINE

Upon motion of Commissioner Poe, seconded by Commissioner Colson, the following Resolution was adopted this 9th day of January, 1990.

WHEREAS, the Board of County Commissioners of Hillsborough County, Florida issued Development Order No. 75-14-DRI and Operating Permit No. 75-4-MINE dated January 5, 1978 for the Four Corners Mine Development of Regional Impact; and

WHEREAS, the Board of County Commissioners on April 22, 1981, amended the Development Order and Operating Permit by approving an amended mining and reclamation plan, and authorized extension of the Development Order and Operating Permit to a total of 27 years; and

WHEREAS, in 1984, W. R. Grace and Company submitted proposed amendments to the Development Order and Operating Permit to increase the total permit area, increase the total mined area, extend the period of mining through the year 2004 and extend the period of reclamation through the year 2006; and

WHEREAS, the Board of County Commissioners determined on May 23, 1985 that such amendments did not constitute a substantial deviation to the Development Order for Four Corners Mine; and

WHEREAS, on the 9th day of November, 1989, IMC Fertilizer, Inc. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS the Notice of Proposed Change proposed a modification to authorize the pumping of matrix from the Lonesome Mine (DRI 73-1, as amended) to the Four Corners Mine.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

1. That the following finds of fact are made:

a. The amendment to the Development Order, as reflected on the Notification of Proposed Change to a Previously Approved Development of Regional Impact (attached hereto as Exhibit A) does not create a change to a previously approved DRI constituting a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes (1988).

b. All statutory procedures have been adhered to.

2. That the Development Order is hereby amended to include the following language:

IMC Fertilizer, Inc. is authorized to pump matrix from the Lonesome

Mine (DRI 73-1, as amended) to the Four Corners Mine. Processing of the matrix and disposal of tailings and waste clay will occur at the Four Corners Mine. All other terms, conditions and restrictions of the Development Order shall remain in full force and effect.

3. That IMC Fertilizer, Inc. intends to seek DRI approval from the Department of Community Affairs, Tampa Bay Regional Planning Council and the County for phosphate mining and related activities on approximately 18,000 acres described as the Southeast Hillsborough Tract. IMC Fertilizer, Inc. also proposes to integrate the mining, waste disposal and reclamation plans for the Four Corners, Kingsford and Lonesome Mines. In order to establish time frames for the submittal of the Amended Application for Development Approval for the addition of the Southeast Hillsborough Tract and the changes to the approved plans for Four Corners, Kingsford and Lonesome, IMC Fertilizer, Inc. shall file an Amended Application for Development Approval for addition of the Southeast Hillsborough Tract and consolidation of the Development Orders for the Four Corners, Kingsford and Lonesome Mines. A pre-application conference shall be held within three (3) months after the effective date of this Resolution. The ADA shall thereafter be filed within twelve (12) months from the date of the pre-application conference.

4. IMC Fertilizer, Inc. shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.

5. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (1988).

6. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by Certified Mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and other recipients specified by statute or rules.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of January 9, 1990, as the same appears of record in Minute Book 164 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 17th day of January, 1990.

RICHARD AKE, CLERK

By: _____
Deputy Clerk

RESOLUTION NO. R90-0198
RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF HILLSBOROUGH COUNTY, FLORIDA
AMENDING DRI 75-14-DRI DEVELOPMENT ORDER
FOR THE FOUR CORNERS MINE

Upon motion of Commissioner Haven Poe Commissioner Rodney Colson, the following Resolution was adopted this 25th day September, 1990.

WHEREAS, the Board of County Commissioners issued Development Order No. 75-14-DRI and Operating Permit No. 75-4MINE dated January 5, 1978 for the Four Corners Mine Development of Regional Impact; and

WHEREAS, the Board of County Commissioners on April 22, 1981, amended the Development Order and Operating Permit by approving an amended mining and reclamation plan, and authorized extension of the Development Order and Operating Permit to a total of 27 years; and

WHEREAS, in 1984, W. R. Grace and Company submitted proposed amendments to the Development Order and Operating Permit to increase the total permit area, increase the total mined area, extend the period of mining through the year 2004 and extend the period of reclamation through the year 2006; and

WHEREAS, the Board of County Commissioners determined on May 23, 1985 that such amendments did not constitute a substantial deviation to the Development Order for the Four Corners Mine; and

WHEREAS, on the 9th day of January, 1990, the Board of County Commissioners approved amendments to Development Order 7514 authorizing the pumping of matrix from the Lonesome Mine (DRI 73-1, as amended) to the Four Corners Mine and determined that such amendments did not constitute a substantial deviation to the Development Order for the Four Corners Mine; and

WHEREAS, on the 20th day of April, 1990, IMC Fertilizer, Inc., filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, the Notice of Proposed Change, proposes the addition of 120 acres to the Four Corners Mine.

FOUR CORNERS D.O. AMENDMENT (9-25-1990)

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

- 1. That the following finds of fact are made:
 - a. The amendment to the Development Order, as reflected on the Notification of Proposed Change to a Previously Approved Development of Regional Impact (attached hereto as Exhibit A) does not create a change to a previously approved DRI constituting a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes (1988); and
 - b. All statutory procedures have been adhered to.
- 2. That the boundary of the Mine as described in the Development Order be amended to include the 120 acres described in Exhibit B.
- 3. IMC Fertilizer, Inc. shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.
- 4. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (1988).
- 5. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by Certified Mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and other recipients specified by statute or rules.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of September 25, 1990, appears of record in Minute Book 172 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 25th day of October, 1990.

RICHARD AKE, CLERK

By: _____
Deputy Clerk

Approved by the
County Attorney

RESOLUTION

Upon motion by Commissioner Castor, seconded by Commissioner Carpenter the following resolution was unanimously adopted:

WHEREAS, Brewster Phosphates has filed with this Board an application for Development Approval of a Development of Regional Impact (Hillsborough County Building and Zoning Department No. 73-1-DRI) in accordance with Section 380.06(6), Florida Statutes (1972), and,

WHEREAS, this Board has reviewed the application and has found the proposed development to be consistent with local land development regulations to the extent that it should be approved subject to the applicant's compliance with the Hillsborough County Phosphate Mining Ordinance; and,

WHEREAS, this Board has received and considered the report of the Tampa Bay Regional Planning Council and has found the proposed development to be consistent with the Council's recommendations to the extent that it should be approved subject to the applicant's compliance with the Hillsborough County Phosphate Mining Ordinance; and,

WHEREAS, this Board has on October 25, 1973 and on March 21, 1974, at the Hillsborough County Courthouse, Tampa, Florida, conducted a public hearing upon the application following the publication and giving of notice required by Section 380.06(7), Florida Statutes (1972), and has heard and considered the testimony taken thereat.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN SPECIAL MEETING ASSEMBLED THIS 21ST DAY OF MARCH, 1974, AS FOLLOWS:

1. That the definitions found in Chapter 380, Florida Statutes (1972), shall control the construction of any so-defined terms appearing in this resolution.
2. That this resolution shall constitute the Development Order of this Board issued in response to the Application for Development Approval of a Development of Regional Impact filed by Brewster Phosphates (Hillsborough County Building and Zoning Department No. 73-1-DRI).
3. That this Development Order shall be deemed rendered as of the date of this resolution for purposes of computing the thirty-day appeal period provided under Section 380.07(2), Florida Statutes (1972).
4. That this Development Order shall remain in effect for a period of twenty years from and after the date of its rendition, provided that this effective period may be extended by this Board upon a finding of excusable delay in any proposed development activity.
5. That this Development Order shall not encompass any proposed development, which constitutes a substantial deviation from the terms of the application or which is not to be commenced until after the expiration of its period of effectiveness and any such proposed development constituting a Development of Regional Impact shall require the filing, review and approval of a separate Application for Development Approval in accordance with Section

380.06(6), Florida Statutes (1972).

6. That this Board finds that the Application for Development Approval of a Development of Regional Impact of Brewster Phosphates (Hillsborough County Building and Zoning Department Petition No. 73-1-DRI) should be, and hereby does order it APPROVED subject to the following conditions:

That the applicant must fully comply with all terms, conditions and requirements of the Hillsborough County Phosphate Mining Ordinance and that prior to issuance of a permit thereunder the Applicant shall submit an adequately documented proposal which satisfies all remaining questions regarding air quality, water usage, reclamation and transportation.

7. That this Board hereby grants the rezoning requested by the applicant.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, JAMES F. TAYLOR, JR., Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the Board in its meeting of March 21, 1974, as the same appears of record in Minute Book Z-10 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this _____ day of March, 1974.

JAMES F. TAYLOR, JR., CLERK

By: _____
Deputy Clerk

Resolution No. R84-0025
RESOLUTION CONSTITUTING BOARD OF
COUNTY COMMISSIONERS APPROVAL OF
CHANGES CONSTITUTING A SUBSTANTIAL
DEVIATION DRI #85

WHEREAS, on March 21, 1974, the Board of County Commissioners issued Development Order 73-1 for Brewster Phosphates Development of Regional Impact; and,

WHEREAS, on August 15, 1974, the Board of County Commissioners approved the Lonesome Mine Master Mining and Reclamation Plan; and,

WHEREAS, on November 8, 1974, Operating Permit No. 74-MINE-2 was granted to Brewster Phosphates, which incorporated the Lonesome Mine Master Mining and Reclamation Plan; and,

WHEREAS, in 1980, Brewster Phosphates proposed certain amendments to the Master Mining and Reclamation Plan, which amendments are described in the resolution attached hereto as Composite Exhibit 1 and incorporated herein by reference; and,

WHEREAS, on November 26, 1980, the Board of County Commissioners declared that the proposed increase in acreage to be devoted to settling areas created a reasonable likelihood of additional adverse regional impact and therefore constituted a substantial deviation, which declaration is attached hereto as Composite Exhibit 1; and,

WHEREAS, on November 26, 1980, the Board of County Commissioners declared that the request for authorization for dragline crossing of the Alafia River and specific tributaries created a reasonable likelihood of additional adverse regional impact and therefore constituted a substantial deviation, which declaration is attached hereto as Composite Exhibit 1; and,

WHEREAS, on June 24, 1982, Brewster Phosphates submitted a letter which:

- a. Requested a reanalysis of the described settling area determination based upon a reduction of the total settling area acres proposed in the 1980 request and,
- b. Proposed a new amendment to the original development order requesting approval to mine portions of an additional four hundred eighty three (483) acres purchased by Brewster Phosphates; and,

WHEREAS, on October 20, 1982, the Board of County Commissioners of Hillsborough County, by resolution, determined that:

- a. The reduction of settling area acreage removed said issue from the scope of the substantial deviation review; and,
- b. The proposal by Brewster Phosphates to mine portions of an additional four hundred eighty three (483) acres is subject to further review pursuant to Florida Statutes 380.06; and,

- c. The proposed river crossings found to be a substantial deviation by the Board of County Commissioners of Hillsborough County on November 26, 1980, remained a substantial deviation requiring review subject to Florida Statutes 380.06,

which Resolution is attached hereto as Composite Exhibit 1 are incorporated herein by reference; and,

WHEREAS, Section 380.06, Florida Statutes requires that a substantial deviation undergo a process of review commensurate to that required for the initial review of a development of regional impact; and,

WHEREAS, Brewster Phosphates filed in March 1983, an application with the Board of County Commissioners of Hillsborough County pursuant to Section 380.06, Florida Statutes, requesting a development approval for the changes constituting the substantial deviation, which application is described as "Supplement to the Development of Regional Impact Application for Development Approval for Lonesome Mine" and is attached hereto as Composite Exhibit A and incorporated herein by reference; and,

WHEREAS, Brewster Phosphates filed in March 1983, an application entitled "Amendments of the Mining and Reclamation Plan for Lonesome Mine" with the Board of County Commissioners of Hillsborough County pursuant to Hillsborough County Mining Ordinance 74-6, as amended, which application requested certain amendments to the Mining and Reclamation Plan which, if adopted, would be amendments to the existing Operating Permit, which application is attached hereto as Composite Exhibit D and incorporated herein by reference; and,

WHEREAS, the Board of County Commissioners is empowered pursuant to the terms of Section 380.06, Florida Statutes and Chapter 83-416, Laws of Florida (1983) to consider this application for a substantial deviation; and,

WHEREAS, the public notice requirements of Section 380.06, Florida Statutes and Chapter 83-416, Laws of Florida (1983) have been satisfied; and,

WHEREAS, the Zoning Hearing Master has on January 9, 1984 and January 12, 1984, held a duly noticed public hearing on said application for approval of the substantial deviation and has heard and considered testimony and documents received thereon; and,

WHEREAS, the Board of County Commissioners has on February 14, 1984 and February 21, 1984, held a duly noticed public hearing on said application for approval of the substantial deviation and has heard and considered testimony and documents received thereon; and,

WHEREAS, the Board of County Commissioners has received and considered the report and recommendations of the Tampa Bay Regional Planning Council; and,

WHEREAS, the Board of County Commissioners has solicited, received and considered reports, comments and recommendations from interested citizens, state and local agencies, and the Zoning Hearing Master.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

I. FINDINGS OF FACT

A. Brewster Phosphates, hereinafter referred to as "Developer" submitted to Hillsborough County, Florida, in March 1983 a document described as "Supplement to the Development of Regional Impact Application for Development Approval for Lonesome Mine", which document is attached hereto as Composite Exhibit A and incorporated herein by reference.

B. On March 21, 1974, the Board of County Commissioner issued Development Order 73-1 for Brewster Phosphates Development of Regional Impact, which development order is attached hereto as Composite Exhibit B and incorporated herein by reference.

C. On November 8, 1974, the Board of County Commissioners issued Operating Permit #74-MINE-2 to Brewster Phosphates, which operating permit is attached hereto as Composite Exhibit C and incorporated herein by reference.

D. The real property that is the subject of this application for approval of the substantial deviation is legally described as set forth in Composite Exhibits A and B.

E. The development described herein is not an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes.

F. A comprehensive review of the impact generated by the proposed development described herein has been conducted by the Hillsborough County Administration, the Hillsborough County Environmental Protection Commission, the Hillsborough County City-County Planning Commission, and the Tampa Bay Regional Planning Council.

II. CONCLUSIONS OF LAW

A. Based upon the compliance with the terms and conditions of this Development Order, the reports, recommendations, and testimony heard and considered by the Board of County Commissioners of Hillsborough County, it is concluded that:

1. The phosphate mining and floodplain crossing operations described herein will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area; and,

2. The phosphate mining and floodplain crossing operations described herein are consistent with the local land development regulations; and
3. The phosphate mining and floodplain crossing operations described herein are consistent with the report and recommendations of the Tampa Bay Regional Planning Council.

B. The provisions of this Development Order shall not be construed as a waiver of or exception to any rule, regulation, or ordinance of Hillsborough County, its agencies or commissions and to the extent that further review is provided for in this Development Order, said review shall be subject to all applicable rules, regulations and ordinances in effect at the time of the review.

C. The review by Hillsborough County, the Hillsborough County City-County Planning Commission, the Hillsborough County Environmental Protection Commission, the Tampa Bay Regional Planning Council, and other participating agencies and interested citizens indicates that environmental impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of this Development Order.

D. The application for approval of the substantial deviation is hereby approved subject to all the terms and conditions of this Development Order.

III. CONDITIONS

A. General Conditions

1. All terms and conditions contained within those documents described as Composite Exhibit A and those documents described as Composite Exhibits B and C shall be considered conditions of this Development Order unless inconsistent with the terms and conditions of this Amended Development Order, in which case the terms and conditions of this Amended Development Order shall control.
2. To the extent there is an inconsistency or conflict existing between the terms and conditions contained in those documents described as Composite Exhibit A and those terms and conditions contained in the documents described as Composite Exhibits B and C, the terms and conditions contained in those documents described as Composite Exhibit A shall control.
3. The terms and conditions contained in this Amended Development Order shall in no way constitute a waiver of or exception to the terms and conditions contained in any other statute, rule, regulation, resolution, ordinance or administrative order affecting the phosphate mining and river crossing operations described herein.
4. *The Developer shall file an annual report in accordance with Section 380.06(16). Florida Statutes (1981), and appropriate rules and regulations. Such report shall be due on or prior to January 31st of each year hereafter until such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the County Administrator who shall after appropriate review, submit it for receipt by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Development Order and may issue further orders and conditions to insure compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board of County Commissioners hearing wherein such report is to be reviewed. Provided, however, that the receipt and review by the Board of County Commissioners shall not*

be considered a substitute or a waiver of any terms or conditions of this Development Order. This report shall contain:

- a. The information required by the State Land Planning Agency to be included in the annual report, which information is described in the Rules and Regulations promulgated by the State Land Planning Agency pursuant to Section 380.06 and 120, Florida Statutes.
- b. A description of all development activities proposed to be conducted under the terms of this Development Order for the year immediately following the submittal of the annual report; and,
- c. A statement listing all applications for incremental review required pursuant to this Development Order or other applicable local regulations which the Developer proposes to submit during the year immediately following submittal of the annual reports and,
- d. A statement setting forth the name(s) and address of any heir, assignee, or successor in interest to this Development Order.

B. Specific Conditions Applicable to Floodplain Crossings

1. The walking path for the dragline crossings shall not exceed one hundred seventy five feet (175') in width and the length shall be as specifically referenced in the Application for each crossing.
2. Dragline crossings at locations A and E shall be scheduled so as not to exceed one crossing in the same twelve month period or until reclamation is declared successful by Hillsborough County whichever period is greater.
3. The sediment control measures referenced on pages 15-22 and figure H-38.1 through 38.4 of the Application shall be accomplished. There shall be continuous electronic surveillance of slurry pipelines and visual inspections of the pipeline crossings shall occur at least every two (2) hours.
4. The period for all activities resulting in the physical alteration of pre-existing in-bank conditions at the dragline crossing sites shall not exceed four days.
5. As referenced in Application, no permanent facilities shall be constructed within the 100-year floodplain at the identified river crossings.
6. The best available technologies shall be employed to reduce or eliminate backwater effects occurring as result of any approved dragline walking path, utility crossing or other temporary structures crossing the 25-year floodplain at the identified locations.
7. The mitigative measures referenced in the Application on page 15-26 including but not limited to; the enclosed slurry pipelines for each crossing, the one hour capacity emergency sump for spillage in the event of an internal pipe breakage, the overflow transfer capabilities to pump spillage from the sump into the recirculation system, the automated leak-detection system to alert the mine operators of a potential accident, and the routine inspections while the crossings are in use shall be employed to prevent pipeline failures, accidental discharge of matrix, slurry, sand tailings or clays into the floodplain and contiguous streams.
8. Pipeline support structures utilized at all utility crossings shall be elevated two feet above the 25-year flood level in accordance with the terms contained in the Application and shall

utilize piers without any approach embankments. Verification that the proposed piers can sustain high water flow conditions shall be certified by a professional engineer, under seal, prior to construction.

9. Reclamation of the utility corridor sites shall begin immediately upon cessation of mining and reclamation operations for the respective mining unit served by said utility corridor. In the event that the utility corridor is not utilized in the mining unit reclamation process, then reclamation of the utility corridor shall begin immediately upon cessation of mining operations.

10. a. For each utility crossing, the Developer shall provide for the programmed maintenance of an established grass cover during operation and for a year following deactivation to mitigate sediment runoff, as referenced on page 15-24 of the Application.

b. Immediately upon completion of the dragline crossing event and reestablishment of preexistent grade condition, the Developer shall provide a temporary grass cover to be replaced by permanent revegetation of the floodplain.

11. Each dragline crossing shall require a Department of Environmental Regulation Dredge and Fill Permit which will be reviewed in detail by the Hillsborough County Environmental Protection Commission's staff at that time.

12. During the period of dragline crossing, the Developer shall utilize those measures contained in the Application to mitigate possible erosion of sediment into the respective river and tributaries.

13. The Developer shall submit detailed data in accordance with Section 14(6) of the Hillsborough County Phosphate Mining Ordinance when requesting approval for individual crossings. Plans for river crossings should include detailed time schedules for construction, operation and reclamation in order to minimize the impact on the Alafia River system.

14. A surface water quality monitoring program shall be conducted by the applicant to monitor any potential impact of the project on the Alafia River and its tributaries. Samples shall be collected as shown in the table below:

<u>PHASE</u>	<u>NO. OF SAMPLING PARAMETER^a</u>	<u>SITES</u>	<u>EXPECTED FREQUENCY</u>	<u>DURATION OF MONITORING</u>
A. <u>Dragline Crossing</u>				
1. Construction & Removal	BOD5, DO, T & SS	2	Daily	2 Weeks
2. Early Reclamation (planting)	BOD5, DO, T & SS BOD5, DO, T & SS	2	Weekly Storm Sampling	6 Weeks Three consecutive storm events
3. Post-Reclamation	BOD5, DO, T & SS BOD5, DO, T & SS	2	Monthly Storm Sampling Quarterly (3)	9 Months One storm event
B. <u>Utility Crossing</u>				

1. Construction & Removal	T & SS	2	Daily	2 Weeks
2. Early Reclamation (planting)	T & SS	2	Weekly	6 Weeks
3. Post-Reclamation	T & SS	2	Storm Sampling Quarterly (3)	One storm event

* T - Turbidity; SS - Suspended Solids, BOD5 - Biological Oxygen Demand, DO - Dissolved Oxygen

Samples shall be collected at the same time each day. Samples that are collected weekly shall be collected on the same day each week. Samples that are collected on a monthly basis, shall be collected on the same date each month whenever possible. Daily rainfall data from the Lonesome Mine property shall be provided to correlate stream flow with concentrations of specific parameters. During construction and removal for preparation of dragline crossings, reports shall be submitted on a daily basis to the Hillsborough County Environmental Protection Commission, Hillsborough County Department of Development Coordination and to the Tampa Bay Regional Planning Council. During the early reclamation phase, water quality reports shall be submitted on a weekly basis to the same agencies as listed above and during the post-reclamation phase, reports shall be presented to the above agencies on a monthly basis. Storm events as shown on the table above shall be defined as those having rainfall accumulation greater than one-half inch. Samples during the storm event shall be collected as soon as possible after the start of rainfall. Samples shall be collected every 15 minutes until one-hour after rainfall stops. During the early reclamation phases of the dragline crossings, samples shall be taken during the first three consecutive storm events exceeding one-half inch of rainfall. During the post-reclamation phase, one storm event during each of the three calendar quarters following the cessation of the Early Reclamation phase shall be sampled. Each of those rainfall events shall exceed the threshold of one-half inch of rain or greater. Any significant degradation of water quality within the South Prong of the Alafia River as determined by the Hillsborough County Environmental Protection Commission shall result in a cessation of crossing activities until such degradation can be corrected. Significant degradation shall be defined as any violation of appropriate water quality standards as set forth in the rules and regulations of the Hillsborough County Environmental Protection Commission and the Florida Department of Environmental Regulation.

15. a. The Developer shall provide in writing to the Hillsborough County Department of Development Coordination and the Hillsborough County Environmental Protection Commission, a five day notice of its intent to initiate construction activities at all of the tributary and river crossings.

b. Based on the condition that Brewster must provide a 5-day notice of all river and tributary crossings, the following criteria shall apply to the permissible timing of the actual dragline crossing event. For purpose of this condition, Day 1 shall be defined as the Day on which the 5-day notice is given to Hillsborough County. Brewster shall take the staff gage readings on U.S.G.S. staff on south prong of the Alafia near Lithia at noon on days 1-5. These readings shall be converted to discharge using U.S.G.S. stage/discharge relationship.

River crossings shall be permitted when:

1. No reading on Days 1 through 5 exceeds 250 cfs.
2. The reading on Day 5 cannot exceed reading on Day 4 by more than 10 cfs. If the reading on Day 5 does exceed the reading on Day 4, by more than 10 cfs, readings shall be taken on consecutive days until the difference in readings is less than 10 cfs. and the threshold of 250 cfs. has not been exceeded.

Tributary crossing shall be permitted when:

1. The reading on Day 5 cannot exceed the reading on Day 4 by more than 10 cfs. If the reading on Day 5 does not exceed the reading on Day 4 by more than 10 cfs., readings shall be taken on consecutive days until the difference in readings is less than 10 cfs.

"Initiate of construction" shall be construed to mean the placement of culverts and filling within the banks of the river or tributary.

c. Culverts for all river and tributary crossings shall be sized to accommodate in-bank flow conditions.

d. The Hillsborough County Environmental Protection Commission shall conduct announcement water quality sampling during all river and tributary crossings.

e. In the flood plain areas of the South Prong of the Alafia River crossings, a tree survey of all trees greater than 4 inches dbh shall be conducted to determine spoliation and diversity. Reclamation of the floodplain area shall include planting per acre 50 trees (2" - 4" dbh) and 150 trees (1 gal. size) to reflect relative diversity established by the tree survey.

In the floodplain areas of the crossings on Hurrah Creek, Boggy Branch and Gully Branch, a minimum of 200 trees/acre (1 gal. size) shall be planted. Diversity of the tree species shall represent spoliation which existed prior to any clearing activities.

f. Brewster shall monitor weather forecasts five days prior to and during the scheduled dragline walk date to ascertain both short and long term rainfall probabilities.

g. Brewster shall continue to monitor and report daily rainfall from the Lonesome and Haynsworth Mine rain gauges in order to evaluate antecedent moisture conditions in upland areas..

h. Brewster shall expedite the actual crossing sequence so that the placement, compaction, dragline walking time and removal of fill will occur within the shortest possible time.

C. Specific Conditions Relating to Mining of Newly Acquired Acreage

1. There shall be no mining within the 25-year floodplain.
2. The Developers consumptive use of water shall not exceed the supply under permit from the Southwest Florida Water Management District (SWFWMD).

3. Reclamation of mined areas located within the newly acquired acreage shall be completed within three (3) years after the cessation of mining on the identified parcels respectively.

4. The Developer shall implement the surface water quality monitoring program for the additional parcels, as referenced in the Application. If the Developer is required by the Department of Environmental Regulation to prepare a Lonesome Mine Groundwater Monitoring Plan, copies of said plan shall be submitted to Hillsborough County, Hillsborough County Environmental Protection Commission and the Tampa Bay Regional Planning Council.

5. Any historical or archaeological resources discovered shall be reported to the Florida Division of Archives, History, and Records Management and disposition of resources shall then be determined in cooperation with the Division of Archives.

6. No mining shall occur in the stream that occurs in the northern half of parcel B.

7. Reclamation plans for parcels B and C must be submitted to the Hillsborough County Environmental Protection Commission for staff approval.

~~8. Parcels B and C shall be restored after mining to provide for the same drainage basin areas as existed prior to mining to maintain approximately the same surface and groundwater runoff for each drainage basin.~~

9. The Developer must determine the acreage of the existing sand pine scrub community in parcel B and restore the area acre for acre.

10. The littoral zone of the proposed man-made lakes shall be vegetated using mulching techniques, with mulch acquired from the small isolated marshes prepared for mining.

11. Brewster shall meet the setback requirements of Section 14(7) of the Hillsborough County Phosphate Mining Ordinance and any special setback requirements imposed by Southwest Florida Water Management District under consumptive use permit #200203, which was approved August 4, 1982.

~~12. All existing wells on parcels A, B, and C shall be capped prior to mining activities. Evidence of said activity shall be provided to the Department of Development Coordination prior to the approval of the appropriate Mining Unit.~~

13. The Developer shall implement the mitigative water quality measures referenced in the Application on pages 15-56 through 15-58 for parcels A, B, and C.

D. Protection of Endangered Species

A program to protect rare, endangered or threatened species such as capture-relocation programs and/or recreation of appropriate habitat shall be implemented by the Developer.

IV. GENERAL PROVISIONS

A. The legal descriptions set forth in Composite Exhibits A and B are hereby incorporated into and by reference made a part of this Development Order.

B. This resolution shall constitute the Development Order of the Board of County Commissioners in response to the application for approval of the substantial deviation filed by

the Developer.

C. The definitions contained in Chapter 380, Florida Statutes, shall govern and apply to this Development Order.

D. This Development Order shall be binding upon the Developer and its heirs, assignees, or successors in interest including any entity which may assume any of the responsibilities imposed on the Developer by this Development Order. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successors in interest to, or which otherwise possesses any of the powers and duties of, any branch of government or governmental agency.

E. In the event that any portion or section of this Development Order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Development Order which shall remain in full force and effect.

F. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all government agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review development of regional impact applications as well as all governmental agencies and departments set forth under applicable laws and rules governing developments of regional impact.

G. Development activity constituting a substantial deviation from the terms or conditions of this Development Order or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other regional impact not previously reviewed by the Regional Planning Council may result in Hillsborough County making a substantial deviation determination pursuant to the provisions of Section 380.06 (17), Florida Statutes and ordering a termination of such development activity pending review pursuant to Section 380.06(17). Florida Statutes.

H. The County Administrator of Hillsborough County shall be responsible for monitoring all terms and conditions of this Development Order. For purposes of this condition, the County Administrator may rely upon or utilize information supplied by any Hillsborough County department or agency having particular responsibility over the area or subject involved. The County Administrator shall report to the Board of County Commissioners any findings of deviation from the terms and conditions of this Development Order. The County Administrator shall issue a notice of such non-compliance to the Developer and if the deviation is not corrected within a reasonable amount of time shall recommend that the Board of County Commissioners establish a hearing to consider such deviations. The Developer shall be given a notice of such hearing.

I. This recommended Development Order shall become effective upon adoption by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes.

J. Upon adoption, this Development Order shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners, by certified mail, to the State Land Planning Agency, the Tampa Bay Regional Planning Council and the Developer.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, JAMES F. TAYLOR, JR., Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a development order adopted by the Board of County Commissioners of Hillsborough County, Florida at its regular meeting of February 21, 1984, as the same appears of record in Minute Book 95 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 29th day of February, 1984.

JAMES F. TAYLOR, JR., CLERK

DEVELOPMENT ORDER EXHIBITS: REFERENCE

Composite Exhibit A is the Application for Development Approval (Supplement to Development of Regional Impact Application for Lonesome Mine).

Composite Exhibit B is the development order issued to Brewster Phosphates in 1974 (Development Order 73-1).

Composite Exhibit C is the mining permit issued to Brewster Phosphates in 1974 (Mining Permit 74-MINE-2).

Composite Exhibit D is the document constituting the proposed amendments to the Mining and Reclamation Plan For Lonesome Mine.

Composite Exhibit I is a series of Resolutions adopted by the Board of County Commissioners in 1980 and 1982.

RESOLUTION NO. R90-0008
RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF HILLSBOROUGH COUNTY, FLORIDA
AMENDING DRI 73-1 DEVELOPMENT ORDER
FOR THE LONESOME MINE

Upon motion of Commissioner Poe, seconded by Commissioner Colson, the following Resolution was adopted this 9th day of January, 1990.

WHEREAS, on March 21, 1974, the Board of County Commissioners of Hillsborough County issued Development Order 731 for the Lonesome Mine Development of Regional Impact; and

WHEREAS, on August 15, 1974, the Board of County Commissioners approved the Lonesome Mine Master Mining and Reclamation Plan for Brewster Phosphate; and

WHEREAS, on November 8, 1974, Operating Permit No. 74-Mine-2 was granted to Brewster Phosphate, which incorporated the Lonesome Mine Master Mining and Reclamation Plan; and

WHEREAS, on February 21, 1984, the Board of County Commissioners of Hillsborough County approved amendments to Development Order 73-1 relating to the addition of certain land and identification of river crossings.

WHEREAS, on the 9th day of November, 1989, IMC Fertilizer, Inc. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact in accordance with Section 380.06(19), Florida Statutes.

WHEREAS, the Notice of Change proposed the addition of a 125 acre access corridor between the Lonesome and Four Corner Mines and a modification to allow the pumping of matrix from the Lonesome Mine to the Four Corners Mine (DRI 75-14, as amended).

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

1. That the following finds of fact are made:

a. The amendment to the Development Order, as reflected on the Notification of Proposed Change to a Previously Approved Development of Regional Impact (attached hereto as Exhibit A) does not create a change to a previously approved DRI constituting a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes (1988).

b. All statutory procedures have been adhered to.

2. That the Development Order is hereby amended to include the following language:

IMC Fertilizer, Inc. is authorized to pump matrix from the Lonesome Mine to the Four Corners Mine. Processing of the matrix and disposal of tailings and waste

clay will occur at the Four Corners Mine. All other terms, conditions and restrictions of the Development Order shall remain in full force and effect.

3. That the boundary of the mine as described in the Development Order be amended to include the 125 acre parcel described in Exhibit B. This parcel shall be used as an access corridor between the Lonesome and Four Corners Mine.

4. That IMC Fertilizer, Inc. intends to seek DRI approval from the Department of Community Affairs, Tampa Bay Regional Planning Council and the County for phosphate mining and related activities on approximately 18,000 acres described as the Southeast Hillsborough Tract. IMC Fertilizer, Inc. also proposes to integrate the mining, waste disposal and reclamation plans for the Four Corners, Kingsford and Lonesome Mines. In order to establish time frames for the submittal of the Amended Application for Development Approval for the addition of the Southeast Hillsborough Tract and the changes to the approved plans for Four Corners, Kingsford and Lonesome, IMC Fertilizer, Inc. shall file an Amended Application for Development Approval for addition of the Southeast Hillsborough Tract and consolidation of the Development Orders for the Four Corners, Kingsford and Lonesome Mines. A pre-application conference shall be held within three (3) months after the effective date of this Resolution. The ADA shall thereafter be filed within twelve (12) months from the date of the pre-application conference.

5. IMC Fertilizer, Inc. shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.

6. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (1988).

7. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by Certified Mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and other recipients specified by statute or rules.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of January 9, 1990, as the same appears of record in Minute Book 164 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 17th day of January, 1990.

RICHARD AKE, CLERK

By: _____
Deputy Clerk

RESOLUTION NO. ~~#90-0199~~
RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF HILLSBOROUGH COUNTY, FLORIDA
AMENDING DRI 73-1 DEVELOPMENT ORDER
FOR THE LONESOME MINE

Upon motion of Commissioner Rodney Colson seconded by Commissioner Haven Poe, the following Resolution Was adopted this 25th day of September, 1990.

WHEREAS, on March 21, 1974, the Board of County Commissioners issued Development Order 73-1 for the Lonesome Mine Development of Regional Impact; and

WHEREAS, on August 15, 1974, the Board of County Commissioners approved the Lonesome Mine Master Mining and Reclamation Plan for Brewster Phosphate; and

WHEREAS, on November 8, 1974, Operating Permit No. 74-Mine-2 was granted to Brewster Phosphate, which incorporated the Lonesome Mine Master Mining and Reclamation Plan; and

WHEREAS, on February 21, 1984, the Board of County Commissioners approved amendments to Development Order 73-1 relating to the addition of certain land and identification of river crossings; and

WHEREAS, on the 9th day of January, 1990, the Board of County Commissioners approved amendments to Development Order 73-1 relating to the addition of a 125 acre access corridor between the Lonesome and Four Corner Mines and a modification to allow the pumping of matrix from the Lonesome Mine to the Four Corners Mine (DRI 75-14, as amended) and determined that the amendments did not constitute a substantial deviation to the Development Order for the Lonesome Mine; and

WHEREAS, on the 20th day of April, 1990, IMC Fertilizer, Inc. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact in accordance with Section 380.6(19), Florida Statutes; and

WHEREAS, the Notice of Proposed Change proposed the addition of a 200 acre parcel to the Lonesome Mine.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

1. That the following finds of fact are made:

a. The amendment to the Development Order, as reflected on the Notification of Proposed Change to a Previously Approved Development of Regional Impact (attached hereto as Exhibit A) does not create a change to a previously approved DRI constituting a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes (1988).

b. All statutory procedures have been adhered to.

2. That the boundary of the mine as described in the Development Order be amended to include the 200 acre parcel described in Exhibit B.

3. IMC Fertilizer, Inc. shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.

4. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (1988).

5. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by Certified Mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and other recipients specified by statute or rules.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of September 25, 1990, as the same appears of record in Minute Book 172 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 25th day of
October, 1990.

RICHARD AKE, CLERK

By: _____
Deputy Clerk

Approved by the
County Attorney

Resolution

Upon motion by commissioner Castor seconded by commissioner Bondi, the following Resolution was adopted by unanimous vote:

WHEREAS, International Minerals and Chemical Corporation has filed with this Board an Application for Development Approval of a Development of Regional Impact Hillsborough County Building and Zoning Department Petition #74-8-DRJ) in accordance with Section 380.06(6), Florida Statutes (1973), a Petition and Application to Amend the Hillsborough County Zoning Regulations so as to change the classification of lands as hereinafter described Hillsborough County Building and Zoning Department Rezoning Application #74-8) in accordance with the Hillsborough County Zoning Regulations adopted pursuant to chapter 24S92, Laws of Florida, Acts of 1947, as amended by chapter 25889, Laws of Florida, Acts of 1953, and chapter #9131, Laws of Florida, Acts of 1953, and an Application for Operating Permit (Hillsborough County Building and Zoning Department Petition No. 74-MINE-8) pursuant to Hillsborough County Ordinance No. 74-6, "The Hillsborough County Phosphate Mining Ordinance;" and

WHEREAS, this board has reviewed the Application for Development Approval of a Development of Regional Impact and has found the proposed development to be consistent with local land development regulations; and

WHEREAS, this Board has received and considered the report of the Tampa Bay Regional Planning Council: and

WHEREAS, this board has reviewed the Application for Operating Permit and has found that the proposed operations are consistent with Hillsborough County Ordinance No. 74-6; and

WHEREAS, this Board has received and considered the recommendation of the Hillsborough County Planning Commission relating to the Rezoning Application; and

WHEREAS, this Board has on July 25, August 29, and September 12, 1974, at the Hillsborough County Courthouse, Tampa, Florida, conducted a public hearing upon the above described applications and petition, following the publication and giving of notice required by Section 380.06(7), Florida Statutes (1973), the Hillsborough County Zoning Regulations, and Hillsborough County Ordinance No. 74-6, as will appear from proofs of publication of such notice duly filed with the Clerk of this Board, has heard and considered the departmental and agency recommendations received and the testimony taken thereat, and has, by separate votes at the conclusion of the September 12, 1974 hearing, approved the applications and petition;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING ASSEMBLED THIS 15 TH DAY OF JANUARY, 1975:

Section I. That the Application for Development Approval of a Development of Regional Impact filed by International Minerals and Chemical Corporation (Hillsborough County

Building and Zoning department Petition #74-8-DRJ) is approved and that the following is hereby adopted as and shall constitute the Development Order of this Board issued in response to said application:

DEVELOPMENT ORDER

1. The definitions found in chapter 380, Florida Statutes (1973), shall control the construction of any so-defined terms appearing in this Development Order.

2. This Development Order shall be deemed rendered as of the date of this Resolution for purposes of computing the thirty-day appeal period provided under Section 380.07(2), Florida Statutes (1973).

3. This Development order shall remain in effect for a period of twenty years from and after the date of its rendition, provided that this effective period may be extended by this Board upon a finding of excusable delay in any proposed development activity.

4. This Development order shall not encompass any proposed development which constitutes a substantial deviation from the terms of the Application for Development Approval or which is not to be commenced until after the expiration of its period of effectiveness and any such proposed development constituting a Development of Regional Impact shall require the filing, review, and approval of a separate Application for Development Approval in accordance with Section 380.06(6), Florida Statutes (1974).

5. The operations to be permitted hereunder are those specified in the Application for Development Approval and the Application for operating Permit, as defined in the Index thereto which is attached to this resolution as Exhibit A and incorporated into this Development Order, insofar as said applications are consistent with the following attachments, which are hereby incorporated into this Development order:

a. The Resolutions and Staff Report of the Hillsborough County Planning Commission dated July 22, 1974, attached hereto as Exhibit B;

b. The Revised Recommendations of the Hillsborough County Water Resources Director dated August 28, 1974, attached hereto as Exhibit C.

6. A further condition of this approval is the fulfillment of the applicant's voluntary commitment to donate three hundred acres of land on the development site for development and utilization as a water reservoir suited for water supply, flood control, and recreation purposes, the exact location of said three hundred acres to be determined by the county.

SECTION II. That the following described property (attached Legal descriptions) is hereby rezoned from A and UNZONED to AA, Acreage Agricultural District as the same is defined and promulgated Pursuant to the Hillsborough county Zoning Regulations adopted by this board on January 10, 1973, and amended on October 26, 1973 and June 28, 1974, and subject to any limitations or restrictions which may appear from the petitioner's application and/or any action taken by this board as may be reflected in its official minutes.

Section III. That the Application for Operating Permit of International Minerals and Chemical Corporation (Hillsborough County Building and Zoning Department Petition No. 74-MINE-8) is approved and that the following is hereby adopted as the Operating Permit to be

issued in response by the building and Zoning Department of Hillsborough County, upon the request of an authorized agent of International Minerals and Chemical Corporation:

Resolution No. R88-0086RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
DRI #120 DEVELOPMENT ORDER
IMC KINGSFORD MINE EXTENSION

Upon motion of Commissioner Talley, seconded by Commissioner Poe, the following Resolution was adopted this 29th day of March, 1988.

WHEREAS, in June 1986, IMC FERTILIZER, INC. filed an Application for Development Approval of a Development of Regional Impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes, as amended; and

WHEREAS, in June, 1984 IMC Fertilizer proposed to amend its mining permit to include an additional 1,059 acres, thereby extending the life of the mine to 2007, which acreage was subsequently expanded to 1,693 acres, and the total acreage being approximately TWO-THOUSAND-SEVEN-HUNDRED-FIFTYTWO ACRES, located in southeastern Hillsborough County, hereinafter referred to as the IMC KINGSFORD MINE EXTENSION; and

WHEREAS, such amendment was declared by the Board of County Commissioners to be a substantial deviation to Development Order 74-8; and

WHEREAS, the described project lies within the unincorporated area of Hillsborough County; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, as amended, is authorized and empowered to consider Applications for Development Approval for Developments of Regional Impact; and

WHEREAS, the public notice requirements of Section 380.06, Florida Statutes, as amended, have been satisfied; and

WHEREAS, the Zoning Hearing Master appointed pursuant to the Zoning Code of Hillsborough County (Ordinance 85-10), has reviewed the Application for Development Approval at a duly noticed public hearing held March 3, 1988 and has filed a recommendation on said Application with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners of Hillsborough County has on March 29, 1988, held a duly noticed public hearing on said Application for Development Approval and has heard and considered testimony and other documents and evidence; and

WHEREAS, the Board of County Commissioners has received and considered the report and recommendation of the Tampa Bay Regional Planning Council; and

WHEREAS, the Board of County Commissioners has solicited, received and considered

reports, comments and recommendations from interested citizens, County and City agencies as well as the review and report of Hillsborough County Administration.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA

I. FINDINGS OF FACT

- A. IMC Fertilizer, Inc. hereinafter referred to as the "Developer", submitted to Hillsborough County, Florida, an Application for Development Approval and Sufficiency Responses marked "A" which were filed with the Tampa Bay Regional Planning Council and those other governmental agencies listed in the applicant's affidavit attached hereto as Attachment A and incorporated herein by reference. Hereinafter, the word "Application" shall refer to the Application for Development Approval, Sufficiency Responses and other exhibits duly submitted and recorded.
- B. The real property which is the subject of the Application is legally described as set forth in Attachment 8 attached hereto and made a part hereof by reference.
- C. The proposed development is not an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.
- D. All development will occur in accordance with this Development Order and Application.
- E. A comprehensive review of the impact generated by the development has been conducted by the Hillsborough County Administration, the Hillsborough County Environmental Protection Commission, the Hillsborough County City-County Planning Commission, and the Tampa Bay Regional Planning Council and other affected agencies.

II. CONCLUSIONS OF LAW

- A. Based upon the compliance with the terms and conditions of this Development Order, provisions of the Application as set forth in Attachment A, the reports, recommendations and testimony heard and considered by the Zoning Hearing Master, it is concluded that:
 - 1. The development will not unreasonably interfere with the achievement of the objectives of the Adopted Land Development Plan applicable to the area.
 - 2. The development is consistent with local land development regulations.
 - 3. The development is consistent with the report and recommendation of the Tampa Bay Regional Planning Council.
- B. In considering whether the development should be approved subject to conditions, restrictions, and limitations, Hillsborough County has considered the criteria stated in subsection 380.06(14), Florida Statutes, as amended.
- C. The review by Hillsborough County, the Hillsborough County City-County Planning Commission, the Tampa Bay Regional Planning Council, and other participating agencies and interested citizens indicates that impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, as amended, within the terms and conditions of this Development Order and the Application.

- D. The Application for Development Approval is approved subject to all terms and conditions of this Development Order.
- E. The Horizon 2000 Land Use Plan Map for Hillsborough County designates the area within which this land lies as AGRICULTURAL which permits mining activities and RURAL RESIDENTIAL.

III. GENERAL PROVISIONS

- A. This resolution shall constitute the revised Development Order of Hillsborough County in response to the Application for Development Approval for the IMC KINGSFORD MINE EXTENSION. This Development Order amends the previous Development Order of January 15, 1975 to allow mining of an additional 2,289 acres, extension of the mining period to 2007, and change the anniversary date of the annual report.
- B. The legal description set forth in Attachment B is hereby incorporated into and by reference made a part of this Development Order.
- C. All provisions contained within the Application shall be considered conditions of this Development Order unless inconsistent with the terms and conditions of this Development Order, in which case the terms and conditions of this Development Order shall control.
- D. The Definitions contained in Chapter 380, Florida Statutes, as amended, shall govern and apply to this Development Order.
- E. This Development Order shall be binding upon the Developer and his heirs, assignees or successors in interest including any entity which may assume any of the responsibilities imposed on the Developer by this Development Order. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successors in interest to, or which otherwise possesses any of the powers and duties of any branch of government or governmental agency.
- F. In the event that any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Development Order which shall remain in full force and effect.
- G. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected governmental agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review developments set forth under applicable laws and rules governing Developments of Regional Impact.
- H. In each instance in this Development Order where the Developer is responsible for ongoing maintenance of facilities at the IMC KINGSFORD MINE EXTENSION, the Developer may transfer any or all of his responsibilities to improve and maintain those facilities to an appropriate private body created to perform such responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County and/or other agencies having jurisdiction, concurrent or otherwise, now or later, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Development Order, which approval shall not be

unreasonably withheld.

- I. Development activity constituting a substantial deviation from the terms and conditions of this Development Order or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other regional impact not previously reviewed by Hillsborough County and the Tampa Bay Regional Planning Council shall result in further Development of Regional Impact review pursuant to Chapter 380.06, Florida Statutes, as amended, and may result in Hillsborough County ordering a termination of development activity pending such review.
- J. *The Planning and Zoning Department of Hillsborough County shall be responsible for monitoring all terms and conditions of this Development Order. For purposes of this condition, the Planning and Zoning Department may rely upon or utilize information supplied by any Hillsborough County department or agency having particular responsibility over the area or subject involved. The Planning and Zoning Department shall report to the Board of County Commissioners any findings of deviation from the terms and conditions of this Development Order. In the event of a deviation, the Planning and Zoning Department may issue a notice of such noncompliance to the Developer, or the Planning and Zoning Department may immediately recommend that the Board of County Commissioners establish a hearing to consider such deviations.*
- K. *The Developer shall file an annual report in accordance with Section 380.06(18), Florida Statutes, as amended, and appropriate rules and regulations. The report shall be submitted on Florida Department of Community Affairs Form BLWM-07-85 as amended. The developer must comply with the anniversary date contained in the 1975 Development Order until July 30, 1988. On July 30, 1988, and annually thereafter the developer shall file an annual report by July 30th for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the Hillsborough County Planning and Zoning Department which shall, after appropriate review, submit it for review by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board of County Commissioners' hearing wherein such report is to be reviewed. The receipt and review by the Board of County Commissioners shall not be considered a substitute or a waiver of any terms or conditions of this Development Order. This report shall contain:*
1. The information required by the State Land Planning Agency to be included in the Annual Report, which information is described in the Rules and Regulations promulgated by the State Land Planning Agency pursuant to Section 380.06, Florida Statutes; and
 2. A description of all development activities proposed to be conducted under the terms of this Development Order for the year immediately following the submittal of the annual report; and
 3. A statement listing all Applications for Incremental Review required pursuant to this Development Order or other applicable local regulations which the Developer proposes to submit during the year immediately following submittal of the annual report: and
 4. A statement setting forth the name(s) and address of any heir, assignee or successor in interest to this Development Order: and

5. A statement describing how the Developer has complied with each term and condition of this Development Order applicable when the Annual Report was prepared.
- L. The provisions of this Development Order shall not be construed as a waiver of or exception to any rule, regulation or ordinance of Hillsborough County, its agencies and commissions, and to the extent that further review is Provided for in this Development Order or required by Hillsborough County, said review shall be subject to all applicable rules, regulations and ordinances in effect at the time of the review unless stated otherwise in this Development Order.
- M. This Development Order shall become effective upon adoption by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06. Florida Statutes, as amended.

IV. SPECIFIC CONDITIONS

~~A. Phasing Schedule and Deadlines~~

- ~~1. The cumulative rate of mining shall not exceed the following proposed Mining and Reclamation schedule:~~

YEAR ENDING (6-30)	MINEABLE AREA	ANNUAL MINED AREA	CUMULATIVE MINED AREA	RECLAMATION AREA		
				STARTED	COMPLETED	CUMULATIVE COMPLETE
1986	2,289	0	0	0	0	0
1987	2,289	0	0	0	0	0
1988	2,289	0	0	0	0	0
1989	2,289	0	0	0	0	0
1990	2,289	0	0	0	0	0
1991	2,289	0	0	0	0	0
1992	2,253	36	36	0	0	0
1993	2,158	95	131	36	0	0
1994	2,158	0	131	95	36	36
1995	2,150	8	139	0	95	131
1996	2,023	127	266	0	0	131
1997	1,662	361	627	121	0	131
1998	1,387	275	902	361	121	252
1999	954	433	1,335	41	361	613
2000	690	264	1,599	524	41	654
2001	291	399	1,998	347	534	1,188
2002	3	288	2,286	463	333	1,521
2003	0	3	2,289	288	463	1,984
2004	0	0	2,289	3	302	2,286
2005	0	0	2,289	0	3	2,289
2006	0	0	2,289	0	0	2,289
2007	0	0	2,289	0	0	2,289
TOTAL		2,289		2,289	2,289	

- ~~2. The reclamation plan shall include the conditions and conceptual plan modifications approved by the Florida Department of Natural Resources (FDNR) and by the Florida Land and Water Adjudicatory Commission on August 25, 1987. These conditions are appended as Attachment C. If the Developer elects to amend the proposed Mining and Reclamation Schedule, he shall submit said amendments to the Hillsborough County Planning and Zoning Department and Development Review Department for review and approval as required by law, which approval shall not be withheld for mere acceleration or deceleration of the rate of mining if the terms of this Order are otherwise fully complied with. Any significant departure from the phasing schedule set forth in the Application shall be subject to a substantial deviation determination pursuant to Chapter 380.06(19), Florida Statutes.~~

3. ~~Mining of the mine extension area shall begin within five years of the effective date of this Development Order.~~
4. ~~This Development Order shall remain in effect for a period up to and including March 3, 2012. No development shall be approved after expiration of the Development Order. Any development activity for which plans have been submitted to the County for its review and approval prior to the expiration date of this Development Order may be completed in accordance with the requirements of the Development Order, if approved. This Development Order may be extended by the Board of County Commissioners of Hillsborough County on the finding of excusable delay in any proposed development activity. However, any application for extension must be filed with Hillsborough County a minimum of thirty (30) days prior to the expiration date of this Order.~~
5. The development shall not be subject to down-zoning, or intensity reduction until March 3, 2012, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.
- B. Transportation
1. No private access to public roads shall be interrupted unless adequate alternative access exists to that parcel.
2. IMC shall be held responsible for any damage caused by IMC to public streets or roads used for mining activities as reasonably determined by the Hillsborough County Engineering Department. The Hillsborough County Engineering Department shall monitor structural conditions of public roads throughout the mining of the site. The results of this monitoring shall be reported in the Annual Report. Upon completion of mining activities, the Engineering Department shall assess the amount of structural degradation which has occurred based on IMC mining related traffic and a determination of appropriate remedial action to be taken by IMC shall be made. IMC shall be required to undertake the remedial action as determined by the County.
- C. Soils
1. The methods indicated on page 14-4 of the Application to overcome problems associated with the particular soil types for pond and earth embankments and the mining mitigation measures described on page 22-10 of the Application shall be implemented.
- D. Air Quality
1. If any proposed change to this Development Order is determined to be a substantial deviation, Hillsborough County shall determine whether the nature of the proposed change(s) is such that it would require a re-analysis of the air quality impacts of this project or if such proposed change includes uses which are determined to be point sources of air pollution. If a re-analysis is warranted as determined by Hillsborough County, the Developer shall perform point source air quality analysis and the Developer shall take remedial measures as required by Hillsborough County, all in accordance with applicable law.
2. ~~The measures to reduce erosion, fugitive dust and air emission stated on pages 13-3, 13-4,~~

~~14-6 and 14-7 of the Application shall be required.~~

E. Water Management

1. Groundwater Monitoring

a. A groundwater monitoring program in accordance with the Hillsborough County requirements and FDER and SWFWMD regulations shall be required to monitor any potential adverse impacts to the wells or surface water features of adjacent property owners.

1) IMC shall provide relief for any property owner whose well is demonstrated to be adversely affected by IMC's mining operations. Relief shall include but is not limited to, replacement or modification of an existing well, or provision of an alternate water supply continuous provision of potable water shall be made available to affected parties at the expense of IMC. Relief shall be required regardless of whether mining operations are otherwise consistent with state and local permits.

2) Prior to any mining activity within 700 feet of IMC's property boundary, IMC will prepare a groundwater monitoring plan for said mining area. The groundwater monitoring plan will show all neighboring wells of any depth within 500 feet of IMC's property line and the monitoring plan will propose monitoring wells at IMC's property line to measure the mining's potential effect on water level and water quality within the aquifer of concern. Hillsborough County Development Review Department, the Southwest Florida Water Management District, the Environmental Protection Commission of Hillsborough County and Hillsborough County Planning and Zoning Department shall approve the required groundwater monitoring plan. The groundwater monitoring plan shall begin one (1) year prior to the mining of each unit. Background monitoring of the respective groundwater level shall take place on a monthly basis and monitoring of the groundwater quality shall take place on a quarterly basis.

a) Surficial Aquifer Monitoring. Prior to mining activity in each area, IMC shall submit a monitoring plan to be approved in accordance with paragraph (2) above. Upon approval of the plan, IMC shall construct the necessary wells and initiate monitoring for a period of not less than one year prior to commencement of mining and continue such monitoring until mining and reclamation activity in the respective unit has ceased. All monitoring data shall be transmitted to the Hillsborough County Department of Development Review on a monthly basis unless otherwise directed. The monitoring plan for each mine unit shall also include a map/aerial photograph depicting the location of all perennial surface water features and surficial aquifer wells within 500 feet of IMC's property boundary. Based on the location, size, number and density of surface water features and surficial aquifer wells IMC will construct surficial aquifer monitor wells at its property boundary adjacent to the active mine cuts. When mining is within 700 ft. of the property line, surficial aquifer water levels shall be measured weekly and water quality tested monthly. Water quality testing shall consist of the following parameters:

1. Temperature
2. Conductivity
3. pH
4. Turbidity
5. Color

The number of monitor wells in each mine unit and the exact placement shall be jointly agreed upon by IMC and the review agencies noted in paragraph (2) above. The agreed upon number of monitor wells and their placement shall be a function of the location, size, number and density of surface water features and surficial aquifer wells within 500 feet of IMC's property boundary, the hydraulic properties of the aquifer and the geometry of each active mine unit. The analytical solution to the number and placement of monitor wells shall be based on aquifer hydraulics, empirical data to be supplied by IMC, and the potential drawdown cone to be induced by the mine cuts in the respective mine unit. Based on the results of the analytical solution, monitor wells will be placed along the property boundary at a spacing interval which shall permit an accurate monitoring of potential drawdown effects. At no time will the spacing between consecutive monitor wells be more than 1,320 feet.

b) Floridan Aquifer Monitoring. The same plan of monitoring shall be required for Floridan Aquifer wells. However, the requirement to monitor Floridan Aquifer levels at the property boundary shall be waived if one or a combination of the following conditions can be met:

- (i) Floridan Aquifer withdrawals take place in wells located internally 660 feet or more from IMC's property boundary.
- (ii) Analytical and/or computer modeling of potential drawdown effects show that land owners will not be adversely affected.

Hillsborough County and other applicable agencies have the right to impose a more stringent monitoring program for the surficial aquifer, the intermediate aquifer, the Floridan aquifer, or any other aquifers if Hillsborough County or another applicable agency finds such a program necessary.

Monitoring data for water quality shall be collected using the key indicators, as identified above, of the secondary parameters of Chapter 17.22, Florida Administrative Code. Monitoring data for water level shall be the free standing water elevation in the monitoring wells. If relief is determined to be required through the monitoring process, the Board shall determine the required action to be taken based upon the findings of the monitoring report. IMC shall provide all monitoring data on water levels and quality to the responsible monitoring agency to determine what if any adverse impact has occurred to adjacent property water wells, lakes, ponds or other standing bodies of water.

2. Surface Water Monitoring

- a. In order to protect water quality in the Alafia River there shall be no degradation of water quality standards by stormwater exiting the site. If any of the regulatory agencies or jurisdictions deems water quality monitoring necessary, the Developer shall provide a water quality monitoring program to the satisfaction of the regulatory agency(ies). Any violation of Chapter 17-3 F.A.C. shall require

corrective measures as set forth by FDER. The following shall apply:

- 1) Sampling locations and frequencies shall be determined to the satisfaction of the jurisdictional agency(ies).
 - 2) All water quality analytical methods and procedures shall be thoroughly documented and shall comply with United States Environmental Protection Agency (USEPA) and FDER Quality Control Standards and Requirements.
 - 3) The monitoring results shall be submitted to the Environmental Protection Commission (EPC) of Hillsborough County and other jurisdictional agency(ies). Should the monitoring indicate that applicable state water quality standards are not being met, the violation shall be reported to Hillsborough County immediately and all construction within the project where the violation is noted shall cease until the violation is corrected; or if specific construction activities can be identified as causing the violation, all such activity shall cease until the violation is corrected.
3. The terms and conditions of SWFWMD Consumptive Use Permit (CUP) 203053, dated March 3, 1987, shall apply.
 4. Prior to the issuance of any mining unit authorization or building permits the Master Drainage Plan and drainage calculations shall be submitted to TBRPC for review and shall be approved by Hillsborough County and SWFWMD. The drainage system shall be designed to meet all applicable Hillsborough County and SWFWMD regulations. The County drainage criteria in existence at the time of construction of the respective individual mining units shall be the prevailing criteria to use for design and construction unless other affected agencies' drainage criteria are more restrictive. If flooding conditions exist downstream of the DRI's outfall, more restrictive criteria may apply.
 5. Drainage, stormwater management, water recirculation and pipeline installations shall meet the following specifications:
 - a. Stormwater runoff and stream discharges from active mining areas shall not cause violation of Class III water quality standards in the receiving stream. Stormwater runoff from areas disturbed by mining activities shall be retained within the mine water recirculation system. Discharge from the mine water system shall occur only through NPDES permitted points.
 - b. IMC shall be responsible for maintaining the drainage system including channels, culvert and erosion protection facilities. Any transfer of this responsibility from IMC to subsequent owners shall require the approval of Hillsborough County and SWFWMD.
 - c. Best Management Practices for reducing adverse water quality impacts, as recommended by Hillsborough County and SWFWMD shall be implemented.
 - d. Best Available Technology shall be employed to reduce or eliminate backwater effects occurring as a result of the dragline or utility crossings (or any other structures) of the tributaries of the Alafia River.

- 1) Pipelines shall be placed above the 100-year flood elevation and isolated from tributaries by berms.
 - 2) Pipelines shall be jacketed and spill containment areas outside the floodplain will be provided.
 - 3) Pipelines will be routinely inspected by operating personnel and the system will be shutdown if a spill occurs.
6. The following criteria shall be addressed in all future mining unit applications on this project:
- a. The developer must demonstrate that the actual area of shallow depressions provided within any project phase corresponds, at a minimum, to the "ponding factor" assumptions included in the ADA calculations.
 - b. The ultimate (design) condition of the post-developed pasture/rangeland shall be assumed to correspond to that resulting from grazing or similar use which might reduce the density of vegetative cover, unless it can be demonstrated that such a condition will never occur.
 - c. The assumed "hydrologic soil group" designations for the post-developed soils shall be indicated on the construction/ site plans. These assumed designations shall be formally verified, in writing, by an appropriate U.S. Soil Conservation Service official prior to the submittal of plans for review and after the reclamation is completed. Appropriate modifications to the stormwater management system will be required if the in-place post-development soils do not function as originally assumed.
 - d. Changes to the ADA calculations/plans resulting from the above conditions will be reviewed as a part of the formal review of the various project phases.
7. The developer is to donate all necessary drainage easements to the County as required by the County policy in effect at the time of mine plan approval.
8. All major drainage outfalls and/or conveyance areas are to be designed to comply with the appropriate County policy in effect at the time of mine plan approval.
9. All drainage facilities within the confines of this project and all drainage facilities outside the confines necessary for the proper functioning of this project at the time of construction plan submittal and review, are to be improved where necessary and as required by the County Development Review Department - Engineering Section and the County Engineer.

F. Wetlands

1. *The portions of the IMC Kingsford Mine S/D site which meet the definition of preservation and conservation areas, as defined in the Council's adopted growth policy, Future of the Region, Sections 10.1.2 and 10.3.1, shall be so designated on the General Site Development Plan submitted to Hillsborough County.*

a. In order to protect the natural values of preserved/conserved wetland areas, the following shall be required, at minimum:

(1) No significant hydroperiod alteration shall be permitted in conservation or preservation areas identified on the General Site Development Plan.

(2) To prevent encroachment into the regionally significant floodplain wetlands on-site, no mining shall be allowed in the 25-year floodplain. Furthermore, mining in the 100-year floodplain, shall only be permitted in accordance with Hillsborough County Mining Ordinance No. 87-27.

(3) All wetland losses in conservation areas shall require 1:1 in-kind wetland replacement. Wetland losses in preservation areas shall require greater than 1:1 in-kind replacement. Mitigation for wetland losses shall be described in detail in the approved Reclamation Plan prior to the wetlands being disturbed.

(4) All mitigation areas and littoral shelves shall be monitored semiannual for a period of up to five years. Monitoring shall include species diversity and composition and efforts to control exotic species encroachment. Additional planting may be required to achieve 80-85 percent of natural cover rate over a two to five year period.

G. Vegetation & Wildlife

1. As designated in the Application, the Sand Pine Scrub parcels contained within the proposed extension area (1986) and the original DRI area (1974) shall be preserved as habitat for endangered and/or threatened species, since this ecosystem is one of the most unique and rapidly diminishing ones in Florida. A determination shall be made by 1995 by the Environmental Protection Commission (EPC) of Hillsborough County and the Florida Department of Natural Resources (FDNR) as to whether the experimental sand pine planting required in the original Development Order is successful and whether IMC can mine the two referenced Sand Pine Scrub areas and mitigate them through recreation. If mining of the Sand Pine Scrub areas is approved, a written plan shall be submitted to Hillsborough County and FDNR for approval providing for successful, functioning alternate Sand Pine Scrub areas to be in place prior to or concurrent with disturbance of the original areas.
2. In the event that any species listed in Sections 39.27.003-.005, F.A.C., are observed frequenting the site for nesting, feeding, or breeding, proper protection/mitigation measures shall be employed immediately in cooperation with the Florida Game and Fresh Water Fish Commission (FGFWFC).
3. Relocation of the gopher tortoises observed on-site to a suitable location may be considered as an alternative to preservation of the tortoise communities, if deemed acceptable by the FGFWFC.
4. The needle palm, a threatened plant species, shall be relocated by qualified personnel and shall be successfully established prior to total disturbance of its original location, or the species shall be preserved and protected in its original location.

5. There shall be no permanent impervious surfaces constructed within the 25-year floodplain. Detailed plans and schedules for each floodplain crossing shall be included in the individual mining unit plans and shall meet the following standards subject to the provisions of Hillsborough County Mining Ordinance 87-27

~~(These standards are revised from page 15-37 of the ADA):~~

- a. Crossings shall be scheduled for low water-flow periods.
 - b. Crossings and culverts shall be designed to handle the 100-year flood event.
 - c. Removal of vegetation shall be minimized. Clearing width shall be limited to 175 feet maximum, and the length of each crossing shall be specified as required by Hillsborough County Ordinance 87-27.
 - d. Fill material used in the streams for the crossings shall be clean sand.
 - e. Siltation control devices shall be used in the streams as needed.
 - f. Any fill material required for the dragline crossing will be placed no sooner than three days before the crossing, and removed within two days after the crossing. Regrassing shall be initiated immediately, and trees shall be replaced after the final crossing at that site, at the appropriate seasonal time.
6. In regard to retaining dikes:
- a. An IMC dam inspector shall inspect all dikes and dams weekly. An IMC engineer shall inspect and document the condition of all dikes and dams each month. The inspection reports shall be filed with mine and corporate management, and shall be available for periodic FDER inspection.
 - b. Annual reports bearing the seal of a qualified soil engineering consultant which document the condition of all dikes shall be filed with IMC Management, FDER and the Hillsborough County Planning and Zoning and Development Review Departments.
7. Mining and Reclamation Plans shall include the following ~~(revised from page 12-10 of the Application):~~
- a. Preservation of the 25-year floodplain wetlands, and restoration of all forest (wooded wetland) areas, within or along the edge of the 100-year floodplain which are disturbed due to mining or associated activities at a density equal to that previous to the disturbance.
 - b. Replacement of at least equal acres and natural density of hardwood forest as existed before mining, including xeric forest.
 - c. Maintenance of the existing watershed boundaries.
 - d. Provision of at least 10 percent forest in pasture land area for wildlife habitat.

- e. Commitment by the Developer to maintain all reclamation areas per Department of Natural Resources (DNR) and County regulations.
 - f. Implementation of the mining mitigation measures identified on page 22-10 of the Application, at minimum.
 - g. Use of the toe spoiling mining technique for all overburden containing matrix or leach zone material.
8. The applicant shall document to EPC and the TBRPC its efforts to negotiate crossings of upland "agreement" lands with property owners prior to any Mining Unit approvals of crossings of tributaries of the South Prong Alafia River, in an effort to avoid such tributary crossings entirely.

H. Archaeological and Historical Resources

1. Archaeological sites 8Hi-2155, 8Hi-2164, and ~~8Hi-2167~~ shall be preserved as open space since they are considered regionally significant by the Florida Division of Historical Resources. If preservation of ~~these~~ this regionally significant resources is not possible, project impact to ~~the three sites~~ this site shall be mitigated through archaeological salvage excavation by a professionally capable agency and shall include a report on the test excavations. Clearance from the Division of Historical Resources shall be required prior to commencement of mining ~~in these areas~~.
2. Should additional archaeological or historical resources be located during mining activities, the ultimate disposition of such resources shall be determined in cooperation with the Division of Historical Resources and Hillsborough County.

I. Public Facilities

1. ~~Prior to individual mining unit approvals for the development, the Developer shall verify to the satisfaction of Hillsborough County that adequate Emergency Management Services (EMS) capabilities and facilities are available to service the development.~~
2. The collection, transportation and disposal of solid waste is controlled by Hillsborough County ordinance and shall take place in accordance with the terms of said ordinance.
3. All on-site wells shall be maintained, operated or plugged in accordance with SWFWMD regulations by the Developer.

J. Energy Conservation

1. The energy conservation measures referenced on page 25-5 of the Application shall be required. The following energy conservation measures shall also be implemented if economically feasible:
 - a. Energy policies, energy use monitoring and energy conservation shall be established for the IMC Kingsford Mine S/D using a qualified energy use analyst.

- b. Programs shall be instituted to promote energy conservation by employees.

K. Equal Opportunity

1. The Developer shall seek, urge and encourage all contractors and subcontractors to involve minority groups in the development of the project. All office and commercial establishment areas shall be available to all, on a fair and impartial basis.

L. General

1. Any approval of the IMC KINGSFORD MINE EXTENSION shall at minimum, satisfy the provisions of Chapter 380.06(15), F.S.
2. All of the final Developer's commitments set forth in the Application, as summarized in pages 21-25 of the TBRPC DRI Report and attached hereto as Attachment D shall be honored, except as they may be superseded by specific terms of the Development Order and amended Mining and Reclamation Plan.
3. Should the project depart significantly from the parameters set forth in the Application, the project shall be subject to a substantial deviation determination, pursuant to Subsection 380.06(19), Florida Statutes.
4. All conditions of any previous Development Order pertaining to the Kingsford mining operation shall remain in effect, except as they may be superseded by any amendment thereto.
5. The Annual Report shall include reports on the status of IMC's purchase of extension area agreement lands, water quality monitoring and soils study results, historical and archaeological site activities, reclamation progress, and tributary crossings in addition to mining activities.
6. Additional stream crossings or crossings of tributaries at locations other than those described in the Application shall be sufficient cause for a substantial deviation determination.
7. The Developer shall comply with all conditions of the amended Mining and Reclamation Plan. All mining operations shall be carried out pursuant to Hillsborough County Ordinance 87-27 and all other applicable agency rules and regulations.
8. No mining activity shall be permitted on any land designated as Rural Residential in the Land Use Plan. Mining shall be permitted in these areas if subsequently changed to comply with all land use regulations.
9. When mining the first cut adjacent to the 500 foot residentially used property line setback, as defined in the Hillsborough County Mining Ordinance (87-27), the developer shall restrict mining equipment operation between the hours of 11 P.M. and 7 A.M.
10. Upon approval of the Development Order, the developer shall proceed with the planting of pine trees upon lands owned by the developer at the boundaries of the

500 foot residential property line setback as defined in the Hillsborough County Mining Ordinance (87-27)- The trees shall be planted on minimum 10 foot centers and the planting shall be completed within 2 years of the approval of the Development Order. The intent of this provision is to have the trees of buffer height when mining occurs.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of March 29, 1988 as same appears of record in Minute Book 142 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 28th day of April, 1988.

RECEIVED
AUG 24 1988
Tampa Bay Regional
Planning Council

RECEIVED
AUG 23 1988
COUNTY CLERK
HILLSBOROUGH COUNTY