



MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

Certified Mail # 7006 0810 0002 8723 1601

September 10, 2008

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
4000 Gateway Centre Boulevard, Suite 100
Pinellas Park, Florida 33782

Re: Development Order for Four Corners Mine / Lambe Addition DRI #5

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 08-16, the DRI Development Order for Four Corners Mine / Lambe Addition DRI #5, as adopted in open session by the Manatee County Board of County Commissioners on August 7, 2008, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)749-3070, extension 6833.

Sincerely,

Robert H. Pederson, AICP
Community Planning Administrator

RHP/br
Enclosure



ED FOR RECORD
R. B. SHORE

ORDINANCE NO. 08-16

AUG 25 PM 1:07

RECORD OF THE CIRCUIT COURT
MANATEE CO. FLORIDA



AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING AN AMENDED AND RESTATED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR THE FOUR CORNERS MINE DEVELOPMENT OF REGIONAL IMPACT (ALSO KNOWN AS DRI #5 AND TBRPC DRI #251 AND #198); PROVIDING FOR AMENDMENT AND RESTATEMENT OF PRIOR DEVELOPMENT ORDERS; PROVIDING FINDINGS OF FACT; PROVIDING CONCLUSIONS OF LAW; PROVIDING FOR DEVELOPMENT COMPONENTS; PROVIDING DEFINITIONS; PROVIDING DEVELOPMENT CONDITIONS; PROVIDING LEGAL DESCRIPTIONS; PROVIDING A DEADLINE FOR COMMENCEMENT OF DEVELOPMENT; PROVIDING RESTRICTIONS ON DOWN-ZONING; PROVIDING A BINDING ORDER ON THE DEVELOPER; PROVIDING FOR RENDITION; PROVIDING FOR COMPLIANCE WITH CODES AND ORDINANCES; PROVIDING FOR NOTICE OF RECORDING; PROVIDING FOR SEVERABILITY; PROVIDING FOR PURPOSE AND INTENT; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR RECONCILIATION INTO ONE DOCUMENT.

WHEREAS, Mosaic Fertilizer, LLC, FKA IMC Phosphates Company, as successor in interest to W. R. Grace and Company, IMC Fertilizer, Inc., and IMC-Agrico, respectively, possesses a Development of Regional Impact (DRI) for the Four Corners Phosphate Mine* located in both Hillsborough and Manatee Counties; and

WHEREAS, the Four Corners Phosphate Mine* DRI includes two discontinuous tracts in Manatee County, one of which is known as the "Jameson Tract" on ± 4,753 acres, the other of which is known as the "Northeast Manatee Tract" on ± 5,052 acres; and

WHEREAS, on December 27, 1977 Manatee County adopted Resolution (SE 852) granting W. R. Grace and Company a DRI Development Order, Master Mining and Reclamation Plan, and Special Exception for the Four Corners Mine; and

WHEREAS, W. R. Grace and Company was issued an Operating Permit on January 22, 1981 to mine all parts of Four Corners Mine* excluding the Mine Extension Areas*; that Permit has been extended by operation of law, and the Developer* applied for a new Operating Permit; and

WHEREAS, on November 2, 1982, Manatee County approved a resolution transferring all rights in the Four Corners Mine from W. R. Grace to W. R. Grace, as manager to the Four Corners Mine Joint Venture; and

WHEREAS, the management of the Four Corners Mine was transferred to IMC Fertilizer, Inc. on December 20, 1988; and

WHEREAS, on January 10, 1989, IMC Fertilizer, Inc. became the sole owner of the Four Corners Mine; and

WHEREAS, on March 28, 1989, IMC Fertilizer, Inc. filed an ADA* for a Substantial Deviation to an

approved DRI with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 380.06, Florida Statutes, proposing:

the addition of a one hundred and seventy (170) acre parcel in Sections 10 and 15 of Township 33 South, Range 22 East, and the mining of that area; the construction of a heavy media facility to the Four Corners processing plant, southwest of the existing washer, to upgrade waste pebble into saleable product; dismantling, mining, and rebuilding of the approximately seven hundred and forty (740) acre F-1 waste clay settling area; revision of the mining and reclamation plan for the Jameson and Northeast Manatee Tracts, extending mining on the Jameson Tract to November 30, 2006, and mining on the Northeast Manatee Tract from 1998 through 2002 to 2002 through 2006, with reclamation being completed by 2018 and 2010, respectively; the mining of two hundred and eleven (211) acres within the approved DRI which were previously approved for disturbance but not mining; the mining of the right-of-way of Carlton Road, an unpaved County road in Sections 9 and 16, Township 33 South, Range 22 East; revision of the project traffic impacts; and

WHEREAS, on March 28, 1991, seventy-nine (79) acres of the 170 Acre Addition were granted Vested Rights with regard to the currently approved Manatee County Comprehensive Plan, and the remaining 91 acres of the 170 Acre Addition were granted Vested Rights with regard to the rebuttable presumption against mining within the Lake Manatee Watershed, as described in the currently approved Manatee County Comprehensive Plan; and

WHEREAS, on September 5, 1991 the Board of County Commissioners approved the Substantial Deviation request (Ordinance 91-62) in part, denying the portion of the request to allow mining on the 170 Acre Addition and within the right-of-way of Carlton Road, as well as using any truck haul route within the County other than State Road 37 north from the mine entrance; and

WHEREAS, IMC Fertilizer, Inc. and the Tampa Bay Regional Planning Council took separate appeals of the Development Order (Ordinance 91-62) based on different grounds; and

WHEREAS, on January 12, 1993 the Board of County Commissioners approved Ordinance 92-64 allowing the mining of the 170 Acre Addition* under certain conditions, as an amendment to Ordinance 91-62 to resolve the appeal; and

WHEREAS, on July 1, 1993, IMC Fertilizer, Inc. became IMC-Agrico Company (IMC-Agrico), and on May 17, 1994, Manatee County transferred the Development Orders and Operating Permits to IMC-Agrico; and

WHEREAS, subsequently, IMC-AGRICO and Manatee County jointly proposed to purchase land and transfer permits and development rights, so that Manatee County acquired approximately 316 acres in the Lake Manatee Watershed from IMC-Agrico, and IMC-Agrico acquired approximately 310 acres outside the Lake Manatee Watershed in exchange from Manatee County. The objective of the Land Exchange* was to allow the County to acquire this portion of the Lake Manatee Watershed and move the mining which was currently permitted in that area to another area outside the Lake Manatee watershed, all as part of the County's program to acquire the land in the Lake Manatee Watershed; and

WHEREAS, on June 14, 1995, IMC-Agrico filed a Notice of a Proposed Change (NOPC) to Amend the Development Order to achieve the proposed Land Exchange* with Manatee County; and

WHEREAS, all of the terms and conditions of the two previous development orders (Ordinance 91-62 and Ordinance 92-64) and the changes set forth in the NOPC to achieve the Land Exchange* with Manatee County, were combined into one Development Order (Ordinance 95-41) so that there would be a single Development Order document from which to operate; and

WHEREAS, on September 26, 1996, the Board of County Commissioners approved Ordinance 96-43, which amended Ordinance 95-41, to facilitate the completion of the Land Exchange*; and

WHEREAS, the DRI Development Order for that portion of the Four Corners Phosphate Mine in Manatee County is Ordinance 95-41, as amended by Ordinances 96-43, 02-58, and 05-42; and

WHEREAS, on October 7, 1999, IMC Phosphates Company filed a Substantial Deviation Application* for a Substantial Deviation to its approved DRI for the Southeast Tract ADA* with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on December 19, 2000, the Board of County Commissioners approved Ordinance 00-49 allowing the addition of two non-contiguous tracts of $\pm 2,508$ acres to the Four Corners Mine DRI and allowing mining of the Southeast Tract Addition* under certain conditions, which are, for administrative purposes, governed by a separate Development Order Ordinance 00-49; and

WHEREAS, on January 19, 2001, IMC Phosphates Company filed a Substantial Deviation Application for a Substantial Deviation to their approved DRI for the Phase II Northeast Tract Addition ADA* to the Four Corners Mine DRI; and

WHEREAS, on May 21, 2002, the Board of County Commissioners approved Resolution R-02-96 amending the existing Operating Permit and Master Mine Plan for the Four Corners Mine Northeast Tract to authorize relocation of an access corridor and mining of ± 60 acres not previously approved for excavation, prior to final approval of the Phase II Northeast Tract Addition Substantial Deviation ADA*, subject to specific conditions; and

WHEREAS on November 12, 2002, IMC Phosphates Company requested and Manatee County agreed to continue the review and public hearing for Parcel #4 of the Phase II Northeast Tract Addition ADA* for individual consideration at a future public hearing as Ordinance 03-21. Parcel 4 underwent DRI review as part of the last application and the County's staff's review of the parcel still has outstanding concerns; and

WHEREAS, on November 21, 2002, the Board of County Commissioners approved Ordinance 02-58 to include the Phase II Northeast Tract Addition to the Four Corners Mine DRI; and

WHEREAS, on October 22, 2004 IMC Phosphates Company changed its name to Mosaic Fertilizer, LLC; and

WHEREAS, on November 2, 2004, the Board of County Commissioners approved Ordinance 04-29, the Manatee County Phosphate Mining Code, amending and restating Ordinance 81-22.

WHEREAS, on September 27, 2005 the Board of County Commissioners approved Ordinance 05-42 to: 1) change the name to Mosaic Fertilizer, LLC.; 2) change the wording of condition U12; and 3) add a 305 acre parcel (known as the Lipman Addition) and remove a 44 acre parcel (known as the Lipman Exchange Parcel) adjacent to the North East Tract of the Four Corners Mine; and

WHEREAS, on February 20, 2007 Mosaic Fertilizer, LLC submitted a Substantial Deviation to: 1) amend the NE Tract Mining and Post Reclamation Plan, 2) reduce the size of the F-9 Clay Settling Area; 3) update the transportation analysis for the Four Corners Mine to reflect transportation changes as addressed in Hillsborough County DRI #263; and 4) add a 299 acre parcel (known as the Lambe Addition) to the NorthEast Tract of the Four Corners Mine; and

WHEREAS, the described Project lies within the unincorporated area of Manatee County; and

WHEREAS, on February 20, 2007 a copy of the Substantial Deviation and supplemental information submitted on August 13, 2007 was provided to Tampa Bay Regional Planning Council, Florida Department of Community Affairs, Southwest Florida Water Management District, Florida Department of Environmental Protection, and 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, has the statutory authority to consider and approve the Notice of Proposed Change for an amendment to an approved Development of Regional Impact; and

WHEREAS, the public notice requirements of Manatee County and Chapter 380, Florida Statutes, have been satisfied; and

WHEREAS, the Manatee County Planning Commission has reviewed the Substantial Deviation ADA* and has filed a recommendation on this application with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has received and considered the comments of the Tampa Bay Regional Planning Council ("TBRPC") and DCA; and

WHEREAS, on June 3, 2008 the Board of County Commissioners of Manatee County held a duly noticed public hearing on the Substantial Deviation ADA* for the Lambe Addition to the Four Corners Mine and has solicited, received, and considered all testimony, reports, comments,

evidence, and recommendations from interested citizens, County agencies, the applicant, and the review and report of the Manatee County Planning Department; and,

WHEREAS, Mosaic Fertilizer, LLC, 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 ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1: AMENDMENT AND RESTATEMENT OF PRIOR DEVELOPMENT ORDERS FOR FOUR CORNERS PHOSPHATE MINE, DRI NO. 5.

This Ordinance constitutes the amended and restated Development Order for the property known as the Four Corners Mine including, the Jameson Tract, the Northeast Tract, the Altman Tract (Section 1 only), the Phase II Northeast Tract Addition,* the Lipman Addition*, and the Lambe Addition*. All prior development orders for the Four Corners Mine are superseded by this Ordinance, except to the extent that a condition or exhibit to a prior development order is expressly and specifically preserved hereby.

The original Development Order for Four Corners Mine in Manatee County was adopted on December 27, 1977. This Development Order was amended in its entirety by Ordinance 91-62 and subsequently amended by Ordinance 92-64. Ordinances 91-62 and 92-64 were amended in their entirety by Ordinance 95-41. Ordinance 95-41 was subsequently amended by Ordinance 96-43. Ordinance 96-43 was amended in its entirety by Ordinance 02-58. Ordinance 02-58 was amended by Ordinance 05-42.

Ordinance 05-42 (the current Development Order), is hereby amended, restated, and superseded in its entirety by this Ordinance, provided this Ordinance shall not be construed to terminate the rights of the Developer*, if any, granted under Section 163.3167(8) F.S. to the extent such rights have previously been granted and not specifically herein or otherwise modified or amended.

This Development Order for the Four Corners Mine Lambe Addition*, subject to the conditions contained herein, adequately addresses the impact of the proposed changes.

SECTION 2: FINDINGS OF FACT.

The Board of County Commissioners, after considering the testimony, evidence, documentation, Application for Development Approval*, the recommendation and findings of the Planning Commission, and all other matters presented to the Board at the public hearing hereby makes the following findings of fact:

- A. All "**WHEREAS**" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.

- B. The Developer* has received County approvals for and has commenced development in the development, consistent with the original DRI approved on December 27, 1977, as amended by Ordinances 91-62, 92-64, 95-41, 96-43, 02-58, and 05-42.
- C. The existing Four Corners Mine* is an approved DRI; therefore, in part, this development has Special Exception status as explained in Section 3, herein.
- D. On February 20, 2007, Mosaic Fertilizer, LLC submitted an Application for Development Approval (ADA) to a Development of Regional Impact (DRI), known as the Lambe Addition to the Four Corners Mine – Northeast Tract to Manatee County, TBRPC, and DCA, which included the following elements:
 - 1. Add ±299 acres (Lambe Addition);
 - 2. Amend Section 7, Legal Description, to add the ±299 acres;
 - 3. Amend the terms of the Development Order to allow phosphate mining and reclamation of the ±299 acre to be added to the mine;
 - 4. Reduce the F-9 cay settling area and amend the Post Reclamation Plan for the Four Corners Mine NE Tract;
 - 5. Amend the Four Corners Transportation analysis, as outlined in Hillsborough County DRI #263, which does not change truck travel in Manatee County (beyond that approved by Wingate), but updates routes originating from Four Corners to various destinations within Polk and Hillsborough Counties; and
 - 6. Amend appropriate sections of the Development Order to reflect the ±299 acre addition to this DRI, and to establish new or modified conditions of approval for mining within this parcel, and to ensure the Development Order will be internally consistent.
- E. The following information, commitments, and impact mitigating provisions submitted by Mosaic Fertilizer, LLC are hereby incorporated in this Development Order by reference:
 - 1. Application for Development (ADA*) submitted on February 20, 2007.
 - 2. Supplemental information submitted on August 13, 2007.
- F. In construing and enforcing the provisions of the documents incorporated in this Development Order by Section 2.E. above, the following shall apply:
 - 1. The Development Order shall control over any incorporated document in conflict or inconsistent with its terms.
 - 2. The most recent response of the Mosaic Fertilizer, LLC in the referenced document shall control over previous responses, whenever there is a conflict, otherwise the responses shall be considered cumulative.
 - 3. Any information, commitments, or impact mitigating provisions in the above-

referenced documents which are inconsistent with the specific conditions set forth in this ordinance and the exhibits hereto, shall be deemed superseded and inapplicable.

- G. The real property which is the subject of this application is entitled the Four Corners Mine* (approximately 11,416 acres known as the Altman, Jameson, and Northeast Tracts; of which ±763 acres are known as Economic Revision Areas*, Parcels 1, 2, and 3 of the Four Corners Mine Phase II Northeast Tract Addition* (approximately 1,141 acres), the Lipman Addition (±261 acres), and the Lambe Addition (±299 acres) is legally described in Section 7 of this Development Order.
- H. An application has been submitted to Manatee County and is being processed concurrently with this ADA to approve a Zoning Ordinance (*Ordinance 07-12*) for the Lambe Addition (±299 acres) which is proposed to be added to the Four Corners Mine*, and which land is not currently zoned EX-Extraction.
- I. An application has been submitted to Manatee County and is being processed concurrently with this ADA* to approve a Master Mining and Reclamation Plan (Resolution R-08-002) and Operating Permit (Resolution R-08-003) for the Lambe Addition of the Four Corners Mine*, to reflect the changes proposed in the Application for Development Approval*.
- J. The owner of the Four Corners Mine* is Mosaic Fertilizer, LLC. The owner of the Lambe Addition, which Mosaic Fertilizer, LLC intends to mine is Mosaic Fertilizer, LLC.
- K. The authorized agent for Mosaic Fertilizer, LLC is Thomas E. Myers, III, P.O. Box 2000, Mulberry Florida 33860.
- L. A comprehensive review of the impact generated by the amendments to the Four Corners Mine* and the Lambe Addition of the Four Corners Mine to the DRI has been conducted by the departments of Manatee County and TBRPC.
- M. The Developer* for purposes of this application is Mosaic Fertilizer, LLC.
- N. The Project is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- O. On October 8, 2007 the Tampa Bay Regional Planning Council held a duly noticed public meeting on the ADA, received all pertinent testimony and evidence, and pursuant to Section 380.06(12), Florida Statutes, issued a report recommending approval.
- P. On February 14, 2008 the Manatee County Planning Commission held a duly noticed public hearing on the ADA* for the Four Corners Mine Lambe Addition, received all pertinent testimony and evidence, including the Tampa Bay Planning Council report and recommendations, and recommended approval of the Lambe Addition ADA* as conditioned herein.

- Q. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the Four Corners Mine Lambe Addition to the DRI and the Application for Official Zoning Atlas Amendment as it relates to the real property described in Section 7 of this Ordinance.
- R. On March 6, 2008 the Board of County Commissioners held a public hearing regarding the Lambe Addition to the Four Corners Mine DRI, in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended), the 2020 Manatee County Comprehensive Plan (Ordinance 89-01, as amended), the Manatee County Code of Laws Chapter 2-20 (the Mining Ordinance*), and has further considered the testimony, comments, and information received at the public hearing.
- S. The proposed changes to the DRI with respect to the Lambe Addition are found to be consistent with the requirements of The 2020 Manatee County Comprehensive Plan and the Manatee County Land Development Code, provided the Development* proceeds in accordance with the Development Conditions specified in Section 6 and the Developer* Commitments attached as Exhibit L to this Development Order.

SECTION 3: CONCLUSIONS OF LAW.

Based upon the previous findings of fact and the following conditions of development approval, the Board hereby makes the following conclusions of law:

- A. The original acres contained within the original DRI Development Order are determined to have Special Exception status pursuant to Section 4.B of the Manatee County Comprehensive Plan.
- B. The 79 acres of the 170 Acre Addition* were previously determined to be "vested" pursuant to Section 4.B of the Manatee County Comprehensive Plan, and therefore, have Special Exception status to The Comprehensive Plan.
- C. The 91 acres of the 170 Acre Addition* were determined to be "vested" pursuant to Section 4.B of The Manatee County Comprehensive Plan, as to Policies 2.2.2.2.5(c), 3.2.1.7, 9.4.1.4., and 9.4.1.5 (formerly known as Policies 2.11.4.2 and 3.2.1.10), and, therefore, have partial Special Exception status to the Comprehensive Plan.
- D. The amendments contained in the Lambe Addition ADA* do not constitute a Substantial Deviation as defined by Section 380.06 (19), Florida Statutes.
- E. The development of the Lambe Addition* is consistent with the local land development regulations, the State Comprehensive Plan, the Comprehensive Regional Policy Plan, and the 2020 Manatee County Comprehensive Plan (Ordinance 89-01, as amended).
- F. These proceedings have been duly conducted pursuant to applicable laws and regulations, and based upon the record in these proceedings, the Developer* is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set

forth below.

- G. The review by the County, TBRPC, other participating agencies, and interested citizens reveals that impacts of the development amendments described in the ADA for the Lambe Addition are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order. To the extent that the ADA is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail. The amendments contained in this Development Order are consistent with local land development regulations and consistent with the State Comprehensive Plan (SCP), Future of the Region: A Strategic Regional Policy Plan for the Tampa Bay Regional (SRPP) and The 2020 Manatee County Comprehensive Plan.
- H. The proposed changes do not constitute a Substantial Deviation as defined by Subsection 380.06(19), Florida Statutes, and Ordinance 05-42, the Development Order for the Four Corners Mine is hereby amended in its entirety.

SECTION 4: DEVELOPMENT COMPONENTS.

The Four Corners Mine has been previously approved for mining as generally described below:

- A. The construction of a processing plant including a heavy media facility.
- B. The construction of the F-3 waste clay settling area and a seven hundred and forty (740) acre F-1 waste clay settling area including the ability to dismantle, mine, and rebuild the F-1 waste clay settling area.
- C. The mining and reclamation plan for the Jameson tract provides that mining will be completed by November 30, 2006, and that reclamation will be completed by 2021.
- D. The mining and reclamation plan for the Northeast Manatee tract provides that the mining period will be from 2002-2006, and that reclamation will be completed by 2013.
- E. The mining of 9,952 acres including the 211 acres approved in Ordinance 91-62 within the Jameson Tract and the 170 acres approved in Ordinance 95-41.
- F. The mining of the right-of-way of Carlton road in Sections 9 and 16, Township 33 South, Range 22 East, subject to the vacation of the existing right-of-way and relocation of Carlton Road by the Developer, as described in Section 6, herein.

With the addition of Phase II Northeast Tract Addition*, the changes to the Economic Revision Areas*, and the addition of the Lipman Tract, and the addition of the Lambe Tract, the Four Corners Mine approval for mining is expanded to include the components as generally described below:

- H.G. Parcels 1, 2, and 3 of the Phase II Northeast Tract Addition*, the Economic Revision Areas*, ±11 acres within the Jameson Tract, the Lipman Addition, and the Lambe Addition are

approved for mining and reclamation as shown in the ADA*, as conditioned and limited herein, as follows:

Four Corners Mine Parcels	SITE TOTALS		
	TOTAL AREA	TO BE MINED OR DISTURBED*	NOT DISTURBED
JAMESON TRACT	4,619 ¹	4,269 ³	350
N.E. TRACT	5,078 ²	4,751 ⁴	327
ALTMAN TRACT	319 ¹	319 ¹	0 ¹
PARCEL #1 (N.E. TRACT)	492	492	0
PARCEL #2 (N.E. TRACT)	124	123	1
PARCEL #3 (N.E. TRACT)	525	496	29
LIPMAN ADDITION	305	305	0
LIPMAN EXCHANGE	(44)	0	
LAMBE ADDITION	299	230	69.4
TOTAL ≡	11,715⁵	10,983⁵	776⁵

SOURCE: Table 35-1 (revised)

FOOTNOTES:

1. The total acreage associated with the Jameson Tract and Altman Tract remain identical to that currently approved under the existing Development Order (Ordinance 95-41, as amended by Ordinances 96-43, 02-58, and 05-42).
 2. The total acreage associated with the Northeast Tract has increased slightly (26 acres) as a result of improved surveying technology.
 3. The applicant has requested authorization to mine an additional 235 acres within the Jameson Tract. This results in a corresponding reduction of "not disturbed" acres.
 4. The applicant has requested authorization to mine an additional 2,365 acres within the Northeast Tract. This results in a corresponding reduction of "not disturbed" acres.
 5. The totals portrayed may vary slightly due to the rounding of acreages identified in the columns above.
- H. Mined land will be reclaimed in accordance with the Master Mining and Reclamation Plan (R-08-002), the Operating Permit (R-08-003), terms of this Development Order, and the Reclamation Schedule (attached as Exhibit I) and Reclamation Plan Conceptual Schedule (attached as Exhibit H). The Reclamation Schedule requires completion of reclamation within 3 years of completion of all mining activities within a program or logical reclamation unit area that allows for reclamation of a sub-basin system rather than a partial system. For clay settling areas, reclamation commences after the surface area is ditched and drained, which takes approximately 4 years. Preservation areas will be retained to promote the

protection of the regional wildlife and plant species and will act as suitable colonization sources for the reclaimed habitats. Reclaimed uplands are designed to have a connection to undisturbed areas so that they will have a way to repopulate. Relocation and restocking efforts as appropriate and approved by the various agencies will be conducted and will speed up the colonization of the reclaimed habitats. All wetland losses within Parcels 1, 2, and 3 of the Phase II Northeast Tract Addition*, the Economic Revision Areas*, the Lipman Addition*, and the Lambe Addition shall require mitigation in accordance with the specific mitigation plan described in the ADA* and shown in Table 12-1 (Attached as Exhibit J).

- I. On the Lambe Addition, all wetland losses shall require mitigation in accordance with UMAM requirements as detailed in FDEP ERP application, which is described and summarized in the NOPC application.
- J. The proposal to utilize an in-field pre washer facility along the Manatee/Hillsborough County line in Section 2, Township 33 South, Range, 21 East, is approved, subject to specific conditions and operating parameters established in the Master Mining and Reclamation Plan and Operating Permit approvals for Four Corners Mine*.
- K. The proposal to utilize alternative technology for transport of phosphate ore (e.g., conveyor systems) is approved, subject to specific conditions and operating parameters established in the Master Mining and Reclamation Plan and Operating Permit approvals for Four Corners Mine*.
- L. Use of reclaimed land to provide rights-of-way for a public road deemed necessary by the County or FDOT shall not be considered a violation of the Reclamation Plan.

SECTION 5: DEFINITIONS.

Note: An asterisk (*) denotes that the word is defined. The definition contained in Chapter 380, Florida Statutes, shall apply to this development Order, in addition to those listed below.

- A. "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 on Table 5.1 of the 2020 Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service for links and intersections in Polk County, Hardee County, or Hillsborough County, Florida, shall mean Level of Service as set for the affected roadways in the Polk, Hardee, or Hillsborough County Comprehensive Plans.
- B. "Application for Development Approval*" and "ADA", shall mean Four Corners Mine's* Development of Regional Impact Application for Development Approval and sufficiency responses, as amended by Mosaic's Substantial Deviation Application for the Four Corners Mine (March 23, 1989), all five Additional Information Submittals submitted by the Developer* in response to the sufficiency reviews of state, regional, and local agencies, the revised mining schedule for the Jameson Tract, and the traffic information dated January 23, 1991 and the Notice of Proposed Change submitted on June 14, 1995 including the revised mining schedule and reclamation information for the Jameson Tract (which was attached as

Exhibit A to Ordinance 95-41), Mosaic Fertilizer, LLC's Development of Regional Impact (DRI) Application for Development Approval received January 19, 2001; three sufficiency responses received September 10, 2001, March 28, 2002, and July 16, 2002 respectively; additional information received on October 8, 2002 and October 22, 2002 respectively; and all information submitted by the Developer* in response to the sufficiency reviews of state, regional, and local agencies, Mosaic Fertilizer, LLC's Substantial Deviation Application for the Lipman Addition* to add to the Four Corner's Mine submitted on January 24, 2005, and two Additional Information Submittals submitted by the Developer* in response to the sufficiency reviews; Mosaic Fertilizer, LLC's NOPC for the Lambe Addition* submitted on February 20, 2007, and one sufficiency responses received on August 13, 2007, in response to state, regional, and local agencies.

- C. "Best Management Practices*" shall mean practices that are technologically and economically practicable and most beneficial in preventing or reducing adverse impacts from mining activities. For more specific information and examples, see the same definition in the 2020 Manatee County Comprehensive Plan.
- D. "Best Operating Practices* or BOPs*" shall refer to practices that are technologically and economically practicable and beneficial in preventing or reducing adverse impacts from phosphate mining activities. BOPs may include, but shall not be limited to: water reuse; augmentation of flows to surface or groundwater bodies that could be adversely affected by mining activities; special protections for sensitive habitats; increased frequency of certain types of monitoring and inspections; specialized training for mining personnel, and the like.
- E. "Best Possible Technology*" shall mean the most advanced technology which provides the maximum protection possible for the public health, safety, and welfare and which minimizes to the greatest degree possible any adverse impacts from industrial uses and mining activities, on the watershed of the Lake Manatee Reservoir. Best Possible Technology may include, but is not limited to: innovative reclamation techniques, augmentation of public water supplies that could be adversely affected by mining activities; construction of secondary containment structures or other measures to ensure against catastrophic failure of primary containment structures; elimination of mine site rock dryers; and zero point discharge; provided however, such requirements shall not be applied if the Developer* demonstrates that they are technologically infeasible. In ascertaining the Best Possible Technology, economic disadvantages shall only be considered relevant when analyzed in relation to other applicants conducting mining activities in the watershed or the Lake Manatee Reservoir.
- F. "Conservation Areas*" shall mean: 1) the secondary zone around any eagle's nest, as determined by the U.S. Fish and Wildlife Service; 2) those areas illustrated in Maps A-3A, A-3B, A-3C, F-1A, F-1B, F-1C, F-2A, F-2B, F-2C, H-1A, H-1B, H-3A, and H-3B, except for the ±29 acre area designated as "non-disturbance" and shown in Section 12, Township 33 South, Range 21 East in Section 12 in Parcel 3, which will be preserved throughout mining on the Phase II Northeast Tract Addition*, and the Economic Revision Areas*; and 3) the 200 acre "Manatee Wellfield Tract located in Sections 3 and 4, Township 35 South, Range 21 East and Section 34, Township 34 South, Range 21 East, which will be created, managed, and preserved for off-site Scrub Jay Mitigation Areas by Mosaic in accordance

with the Scrub Jay Management Plan*.

- G. Developer** shall mean Mosaic Fertilizer, LLC (herein referred to as Mosaic) (formerly IMC Phosphates, IMC-Agrico Corporation or IMC Fertilizer, Inc.), their assigns, agents, and successors in interest as to the Four Corners Mine.
- H. "Development Approval*" shall mean any approval for this development granted through this DRI Development Order.
- I. "Economic Revision Areas*" shall mean those portions of the Four Corners Mine in Manatee County located in Sections 1, 2, 10, 14, 15, 23, and 24, Township 33 South, Range 21 East, and Section 3, Township 33 South, Range 22 East, as shown on Maps A-3A, A-3B, and A-3C (which was attached as Exhibit D to Ordinance 02-58), which are within the boundaries of the Four Corners Mine*. The Economic Revision Areas were not previously approved for mining of phosphate but are approved herein for mining and reclamation in accordance with the terms of Ordinance 02-58.
- J. "Extended Four Corners Mine*" Shall mean that portion of the Four Corners Mine located in Manatee County and that portion of Four Corners Mine as originally approved by Hillsborough and Polk Counties as illustrated on Map A which is attached as Exhibit B dated July 24, 1995. The Developer shall notify Manatee County of any amendments to any approved DRI in the Extended Four Corners Mine.
- K. "Four Corners Mine*" shall mean all portions of the Four Corners Mine which are located in Manatee County as described in Section 7 and excludes those portions of the mine located in Hillsborough and Polk Counties.
- L. "Four Corners Mine Southeast Tract Addition*" shall mean that portion of the Four Corners Mine in Manatee County located in Section 36 in Township 33S, Range 22E, and Sections 1, 2, 11, 12, 13, and 14 in Township 34S, Range 22E, which is not subject to the requirements of this Ordinance.
- M. "Lambe Addition" shall mean that 299 acre portion added to the Four Corners Mine in Manatee County in Sections 15 & 16, Township 33S, Range 21E, which is legally described in Section 7 of this Ordinance.
- N. "Lipman Addition" shall mean that 305 acre portion of the Four Corners Mine in Manatee County located in Sections 1 & 2, Township 33S, Range 21E as is legally described in Section 7 of this Ordinance.
- O. "Lipman Exchange" shall mean the removal of the portions of mine located in Section 1, Township 33 South, Range 21 East as described in Section 7 under the heading "Changes to the Northeast Tract – Lipman Exchange Area (Removed from the mine)".
- P. "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 applicant's mining activities.

- Q. "Mine Extension Areas" shall mean the 740 acres of additional area to be mined in the F-1 Settling Area, the 170 Acre Addition* to the Four Corners Mine*, and the 211 acres not previously approved for mining.
- R. "Ordinance 04-39*" shall mean Mining Code 04-39 – Manatee County Phosphate Mining Code, as amended.
- S. "Phase II Northeast Tract Addition" shall mean the three (3) discontinuous parcels which are being added to the Four Corners Mine in Manatee County, and the Economic Revision Areas*. The Phase II Northeast Tract Addition* parcels are legally described in Section 7 of this Ordinance as Parcels 1, 2, and 3. The Economic Revision Areas* are shown on Maps A-3A, A-3B, and A-3C (which was attached as Exhibit D to Ordinance 02-58).
- T. "Preservation Areas" shall mean the primary zone around any eagle's nest, as determined by the U.S. Fish and Wildlife Service, and all 25 year Floodplain* areas.
- U. "Reclamation Plan" shall mean the consolidated Master Mining, Reclamation, and Drainage Plan approved by the Board of County Commissioners on June 3, 2008 for (Resolution R-08-08-002).
- V. "25-Year Floodplain" shall mean the area so labeled on the floodplain map for the Northeast Manatee Tract in the original Four Corners Mine DRI/ADA (Exhibit 20.3B, Page 146), the area so labeled in Map H-1 of the Notice of Proposed Change dated June 9, 1995 for the Jameson Tract, and the area labeled Mosaic mapped 25-year floodplain on Maps C-3A and C-3B - Pre-mining Floodplain Locations for the Phase II Northeast Tract Addition* and the Economic Revision Areas*. 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 25-year storm event, and determination of the location of that water level in the field by elevation survey, using standard field practices, and standard hydrological analysis based upon pre-mining disturbance conditions. The 25-year Floodplain is distinguished from the "100-Year Flood Prone Areas or "100-Year Flood Zone as shown on FEMA maps."
- W. "170 Acre Addition" shall mean the addition to the Jameson Tract described in Section 7 under the heading "Changes to Jameson Tract".
- X. "Scrub Jay Management Plan" shall mean the Florida Scrub Jay Habitat Management Plan for IMC Phosphates Company - Southern Hillsborough and Manatee County Projects (dated July, 2001), the Florida Scrub Jay Experimental Translocation and Radiotelemetry Research Project developed by IMC Phosphates Company (dated November 21, 2001), the Federal (USFWS) Florida Scrub Jay Translocation Permit, and the Spring 2002 Florida Scrub Jay Survey.
- Y. "Land Exchange" shall mean the removal of the portions of the mine located in Section 21, and those portions of Sections 15 & 16 lying south east of SR 37, and the addition of the land in Section 1 lying south east of SR 37, all in Township 33 South, Range 22 East as

described in Section 7 under the heading "Changes to the Jameson Tract".

- Z. "Land Exchange Area" shall mean that land involved in the Land Exchange* lying in Section 1, south of SR 37.

SECTION 6: DEVELOPMENT CONDITIONS.

For administrative purposes, Development Conditions in this Ordinance are identified separately for each parcel, as follows:

Development Order Conditions for the existing Four Corners Mine are labeled "**NE Tract Conditions**".

Development Order Conditions for the Phase II Northeast Tract Addition* (Parcels 1, 2, and 3) and the Northeast Tract Economic Revision Areas* are labeled "**Phase II Northeast Tract Addition* Conditions**".

Development Order Conditions for the Lambe and Lipman Addition are labeled "**Lambe and Lipman Addition* Conditions**".

General Development Order Conditions for the NE Tract, Phase II Northeast Tract Addition, Lipman Addition, and Lambe Addition are labeled "**General Conditions**".

Note: General Conditions have been moved to the end of Section 6 of this Ordinance.

NE TRACT CONDITIONS - the following conditions shall apply to only the NE Tract:

Land

- A.(1) A sufficient quantity of organic deposits and natural topsoils in wetland habitats capable of supporting indigenous vegetation shall be stockpiled during mining activities and utilized in reclamation of all wetland habitats. The use of the donor soil (nuisance Species Free) shall follow the requirements of DEP and/or COE, to insure reclamation and mitigation success. At a minimum, the following soil associations shall be stockpiled and utilized in reclamation:

- A. Canova-Anclote-Okeelanta)Soil group #7)
- B. Felda-Wabasso association (Soil group #24)
- C. Floridana-Immokalee-Okeelanta association (Soil group #26)

Groundwater

- B.(1) The Groundwater Monitoring Program at the Four Corners Mine shall be performed as required by the Manatee County Operating Permit and Chapter 2-20, Code of Laws. At a minimum, the Groundwater Monitoring Program shall specify sampling locations, parameters, frequencies, duration, and analytical methods and procedures. The

groundwater monitoring program shall be amended as determined necessary by Manatee County to require groundwater sampling at surficial monitor wells for the F-3 clay settling area. A summary of the results of the monitoring program shall be included as part of the DRI annual report.

- B.(2.) The Developer* shall properly plug and abandon all on-site wells (Table 23C-1, attached as Exhibit C for Ordinance 95-41), in accordance with SWFWMD and Manatee County Health Department standards and rules, prior to mining each area.

Surface Water

- C.(1) Best Management Practices* for reducing surface water quality impacts shall be implemented. Best Possible Technology* shall be required for those portions of the Mine Extension Areas* located within the Lake Manatee Watershed.
- C.(2) The existing Surface Water Monitoring Program at the Four Corners Mine shall be performed as required by the Manatee County Operating Permit in Chapter 2-20, Codes of Law. At a minimum, the Surface Water Monitoring Program shall specify sampling locations, parameters, frequencies, duration, and analytical methods and procedures. The Surface Water Monitoring Program shall require surface water sampling of the East Fork of the Manatee River. A summary of the results of the monitoring program shall be included as part of the DRI Annual Report. The Water Quality Monitoring Program required in the Operating permit shall contain sufficient surficial water quality monitoring stations to characterize runoff from the Mine Extensions Areas*.
- C.(3) The Developer* shall implement the water quality mitigation measures identified in the ADA*, Addendum Question 15-D.
- C.(4) Should monitoring results indicate that applicable water quality standards are not being met due to mining activities, the violation shall be immediately reported to Manatee County and any other agency with jurisdiction and appropriate corrective measures shall be immediately implemented.
- C.(5) a) Copies of amendments to NPDES permits within the Four Corners Mine Substantial Deviation (including specific conditions) shall be submitted to Manatee County
- b) Stormwater runoff from lands cleared for mining and active mining areas shall be routed through ditches into the mine water recirculation system and discharged only through permitted NPDES points.
- c) All discharges and discharge rates from the NPDES points shall be in accordance with Chapters 62-302, 62-620, and 62-671, FAC and conditions of the specific NPDES permit.*

Wetlands

- D.(1) Any portions of the Four Corners Mine* which meets the definition of Preservation* and Conservation Areas* shall be so designated in the DRI Annual Report.
- D.(2) The Developer* shall provide a thirty foot (30') wide transition zone around all wetlands in Preservation Areas* to provide an upland transition into the wetland areas and to protect the natural systems from development impact. The recharge ditch and berm may be located in the transition area, and water shall be added as needed to maintain the hydroperiod. The Developer* shall obtain wetland delineations from the appropriate permitting agencies as part of the dredge and fill permitting requirements prior to any disturbance of jurisdictional area, and shall simultaneously submit the application to Manatee County.
- a) Mitigation for wetland losses shall be shown on the DEP or COE Dredge and Fill permit application prior to the wetlands being disturbed.
 - b) All wetland losses within the Four Corners Mine* shall require 1:1 in-kind wetland replacement, at minimum, except those portions without full Special Exception status which shall require a higher mitigation ration in accordance with The Manatee County Comprehensive Plan unless reduced by the Board of County Commissioners.
 - c) Wetlands which are permitted to be altered or eliminated shall be used as donor material for revegetation of mitigation areas as outlined in development condition A.(1.).
 - d) All mitigation areas and littoral shelves shall be monitored in accordance with DEP and Manatee County requirements. Additional planting may be required to achieve the desired natural cover rate. Mitigation areas monitoring results shall be included in the DRI Annual Report.

Floodplains

- E.(1) No mining or disturbance of the 25-Year Floodplain* shall be allowed except for those crossings permitted on the Northeast Tract as part of the original DRI approval or those crossings as outlined in E.(2) below.
- E.(2) Any disturbance to the 25-Year Floodplain* necessitated by utility, dragline, or pipeline crossings or construction shall be conducted during periods of low flow and all applicable Best Management Practices* for erosion control shall be utilized throughout the entire period of disturbance. Immediately after such use is terminated, the Developer* shall remove all structures, restore the area in question to original grade elevations, and revegetate the area.
- E.(3) No adverse hydroperiod alteration shall be permitted in the 25-Year Floodplain* of the Mine extension Areas*. Natural annual hydroperiods, normal pool elevations, and seasonal water fluctuations shall be substantially maintained, however, this shall not require replication of

storm surges. Hydroperiod monitoring of the above described areas shall be conducted semiannually, beginning immediately and continuing for three years following reclamation completion of the sub-basin surrounding each of these areas. The monitoring sites shall be selected in cooperation with Manatee County. Should the above described be adversely impacted due to mining activities, the Developer* shall cease all mining and associated activity in the affected sub-basin until remedial measures have been proposed to Manatee County, approved, and then undertaken to correct the hydroperiod imbalance. Such measures could include limitations on surrounding activities, enlargement of buffer areas and additional protection measures or water augmentation. The results of the hydroperiod monitoring shall be provided in each annual report.

- E.(4) In order to promote the maintenance of the functional aspects of floodplains, water alterations caused by pit de-watering shall be limited to only one side of a floodplain at a time and 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.

Vegetation and Wildlife

- F.(1) In the event that any species listed in Rule 68A -27.003 F.A.C. - Rule 68A-27.005, F.A.C., are observed frequenting the Land Exchange Area* for nesting, feeding, or breeding, proper protection/mitigation measure shall be employed immediately in cooperation with the Florida Fish and Wildlife Conservation Commission (FFWCC). In the event that a wood stork colony is observed, the Developer* shall implement the US Fish and Wildlife Service's Habitat Management Guidelines for the Wood Stork in the Southeast Region.
- F.(2.) The Developer* shall conduct further floral surveys of the 170 Acre Addition* and Land Exchange Area*, in accordance with GFC recommendations prior to mining of the site **Completed.**
- F.(3) At a minimum, a Wildlife and Habitat Management Plan shall be established by the Developer* for the 170 Acre Addition* in cooperation with the Department of Agriculture and Consumer Services, FFWCC, and Manatee County, with review opportunities for the agencies and with approval by the County required. The Wildlife and Habitat Management Plan shall address:
- a) Listed species which could be relocated on site or off site. All listed species and their current locations shall be identified and relocation/management plans provided
 - b) A gopher tortoise mitigation program. This plan shall include a management program for the species.
- F.(4) Because portions of the Jameson Tract may fall within the secondary and, possibly, primary zones established for protection of eagle nests, all mining and reclamation activities for the Four Corners Mine* shall conform with the U.S. Fish and Wildlife Service's Habitat

Management Guidelines for the Bald Eagle in the Southeast Region (most recent edition) in regard to the eagle's net (MN-08), which appears to be located approximately 1,450 feet southeast of the Four Corners Mine's* eastern boundary. (See the bird nesting locations map Figure 18B-1, Sufficiency Response 2, Page 40.)

- E. The U. S. Fish and Wildlife Service (FWS) shall determine site specific conditions for protection from mining activities as are appropriate. Site specific criteria shall include mining and seasonal operation limitations, as appropriate.
- F.(5) A Wildlife and Habitat Management Plan shall be established by the Developer* for the Land Exchange Area*, in cooperation with the USFWS, FFWCC, and Manatee County, with review opportunities for the agencies and with approval by the County, DCA, and State agency with Phosphate Mining regulatory authority for wildlife and habitat required. The Wildlife and Habitat Management Plan shall be approved prior to mining the site and shall address:
- a) Listed species (including Gopher Tortoises) which could be relocated on site or off site. All listed species and their current locations shall be identified and relocation/management plans provided.

Drainage

- G.(1) Prior to issuance of any new Operating Permit for the Four Corners Mine*, the following information must be submitted to Manatee County: estimated total volume and peak discharge rates of stormwater runoff to be generated by the final reclamation plan during the mean annual, 25 year, and 100 year storm events. **Completed**
- G.(2) The drainage basins in the Four Corners Mine* shall be restored to their approximate pre-mining size and location as described in the ADA* response to question 19. The post-reclamation flood flow peaks shall be in accordance with the rates established in the response to question 19 of the ADA. The discharge rate shall be in accordance with Chapter 40D-4 F.A.C. requirements.
- G.(3) Upon completion of reclamation in each affected drainage basin, the Developer* 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.
- G.(4) If the hydrologic studies indicate that the peak discharge characteristics of any affected drainage basin have been increased over premining conditions, the Developer* shall increase the retention capacity of the reclaimed land such that 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 minimum use of control structures.

- G.(5) All re-created wetlands and floodplain/floodprone areas shall be subject to all the rules, regulations, and policies of local, state, regional, and federal agencies governing wetland and floodplain/floodprone areas at the time mining and reclamation is complete.
- G.(6) The recreated wetlands shall be designed to promote seasonal fluctuations of water levels within the freshwater marsh and encourage seasonal inundation of the marsh property. Final grade of the side slopes of the marsh periphery shall meet the requirements established by Manatee County in Ordinance 81-22 or by the Department of Environmental Protection, whichever is more stringent.
- G.(7) The Developer* shall be responsible for maintaining the water recirculation system and the drainage system, including channels, swales, culverts, erosion protection facilities, and discharge facilities. Any transfer of this responsibility from the Developer* to subsequent owners, or assigns, shall require the approval of the appropriate permitting agency.

Water Supply

- H.(1) The Developer* shall provide, operate, and maintain the internal water supply system for the heavy media plant until such time as it is no longer needed for operations; then the Developer* shall abandon and remove it according to the applicable regulation at that time.
- H.(2) The Developer* shall continue to provide 1.96 MGD augmentation to the Manatee County water supply. The Developer* shall also maintain a wellfield capable of providing no less than 14 MGD annual daily coverage and 18 MGD maximum daily demand, which will produce water which can be treated to meet or exceed drinking water standards by conventional lime softening techniques (1.96 MGD of this capacity will be provided to Manatee County pursuant to the augmentation referenced above) until the requirements set forth in Section 6.H.(3) of the Development Order are satisfied.
- H.(3) Upon completion of reclamation activities in the Lake Manatee Watershed, the Developer* shall perform studies in accordance with SWFWMD and Manatee County requirements, to quantify the post-reclamation water budget so that mitigation in the form of long-term water supply augmentation can be performed by the Developer*, as necessary, to maintain this historic contribution to the Lake Manatee Watershed.

Transportation

- I.(1) The Developer* shall assume responsibility for the installation of a caution light at the mine's ingress-egress point on State Road 37, for use during operating hours. **Completed.**
- I.(2) An annual monitoring program to provide peak-hour and average daily traffic counts at the project entrance, including a description of the types of vehicles making each trip, shall be

instituted to verify that the projected number of external trips for the project are not exceeded. Counts will continue on an annual basis through project completion. This information shall be supplied in the required annual report. If the annual report indicates that the total trips exceed projected counts, Manatee County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), F.S., and may amend the Development Order to change or 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 pursuant to Subsection 380.06(19), F.S., will be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

- I.(3) If by 2007, the Florida Department of Transportation determines that road improvements are required on the following sections of state maintained highway, the Developer* shall contribute its proportionate share of funds based on the percentage of project traffic on that roadway at that time. These improvements include:
 - a) Improve the intersection at SR 37/SR 640 by providing signalization, when warranted by the Manual for Uniform Traffic Control Devices (MUTCD) **Completed.**
- I.(4.) That portion of Carlton Road contained in Sections 9 and 16 of Township 33 South may be vacated subject to a temporary easement for public access over the existing right-of-way until such road is relocated in accordance with this condition. If the Carlton Road vacation is approved, Manatee County shall dedicate right-of-way in Sections 17, 20, and 21, Township 33S. Range 22 E, the Developer* shall dedicate or ensure the dedication of the remaining right-of-way in Sections 8, 9, and 16 to Manatee County to ensure a continuous 84 foot wide right-of-way as shown on the attached map (attached as Exhibit D to Ordinance 95-41) or other location approved by Manatee County in accordance with Manatee County requirements and at Developer's* sole expense prior to the disturbance and/or mining of the existing right-of-way. The relocated road shall be a 25 foot wide roadway of stabilized material. Manatee County will cooperate in a timely manner in the permitting of the new location. The responsibility and the expense of the other required governmental permitting, legal costs, right-of-way acquisition on the Yon and/or Badcock properties and relocation construction will be that of the Developer*. This section should not be construed to require Manatee County to condemn any right-of-way. The mining setback from the relocated right-of-way will be in accordance with Section J.(9.) of this Order. **Completed.**
- I.(5) All non-public roads, streets, bridges, and other access ways located upon the site shall be constructed and maintained by the Developer* without any cost or obligation to Manatee County.
- I.(6.) The existing east-west road on the Hillsborough-Manatee County line should be named Four Corners Mine Road and two street signs (one in each County) erected at its intersection with SR 37 at the Developer's* expense **Completed.**

- I.(7) Transportation of product from this mine by truck is permitted on State Road 37 North from the identified mine entrance on State Road 37. The Developer* shall not use State Road 37, State Road 62 and/or Moccasin Wallow Road routing to ship products to Port Manatee or return to the Four Corners Mine from Port Manatee. The only approved routing from Four Corners Mine to Port Manatee is as follows:

State Road 37 North to State Road 674, thence West to US 41 thence South to Port Manatee and return by same route. The Developer* will not exceed 750 loads of product per day by truck shipments with no more than 94 loads of product per day being transported by truck to Port Manatee.

- I.(8) The establishment of crossing points on County roads for purposes of access, movement of mining machinery, or mineral transport pipelines shall not be permitted without the prior written approval of the Manatee County Transportation Department and Environmental Management Department. The Phosphate Mining Coordinator shall be sent copies of all crossing permit applications at the time of application for crossing any County right-of-way.
- I.(9) The Developer* shall notify the Transportation Department and Environmental Management Department of any spill which may occur on public right-of-way as the result of a traffic accident.
- I.(10) The Developer* shall change eight hour work shifts to times that do not coincide with the A.M. (7:00 to 9:00) and P.M. (4:00 to 6:00) peak traffic periods.
- I.(11) That portion of Bunker Hill Road contained in Section 23 of Township 33 South, Range 21 East may be relocated to permit mining of phosphate underlying this roadway, in accordance with all conditions established by the Manatee County Transportation Department. Upon completion of mining and reclamation of Bunker Hill Road, the Developer* shall dedicate or ensure the dedication of 84' of right-of-way for Bunker Hill Road to Manatee County, in a location approved by the Transportation Department. The Developer shall also reconstruct Bunker Hill Road to County standards for a paved rural two-lane roadway. **Completed**

Mining Operations

- J.(1) The Developer* shall obtain all the necessary construction and operation permits and approvals required by, and shall fully comply, to the extent not inconsistent with this Development Order and the VRD-90-14, with all the provisions of applicable laws, ordinances, rules, regulations, or requirements of any federal, state, regional, or county governmental authority in connection with the proposed mining activities at the Four Corners Mine*.
- J.(2) When filled, the F-1 (rebuilt), F-3 (A and B), and F-9 disposal areas shall contain an amount of waste clay approximately equivalent to the amount of waste clay produced from Four Corners Mine*.

- J.(3) All earthen embankments (dams) shall be designed, constructed, inspected, and maintained in accordance with the standards of Chapter 62-672, FAC - Minimum Requirements for Earthen Dams, Phosphate Mining and Processing Operations, as indicated in the Substantial Deviation ADA*, as well as all other applicable local, state, and federal requirements.
- J.(4) The Developer* shall abide by all Florida Department of Environmental Protection (DEP) 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. The beneficiation plant and its accessory structures would be exempt from this condition if the Board of County Commissioners approves an extension of that facility prior to cessation of the mining operation and adequate performance security is posted to guarantee later removal of these structures.
- J.(5) The Developer* shall reclaim all mined or disturbed land to DEP or Manatee County standards, whichever is more stringent. Reclamation and revegetation shall proceed immediately after mining activities cease in each parcel and in no case shall exceed the conceptual schedule for reclamation depicted on Maps I-4A and I-4B (attached as Exhibit H to Ordinance 02-58). The Developer* shall be responsible for maintenance of all reclaimed areas until such time that those areas are certified as reclaimed by Manatee County in accordance with the procedures established in the Mining Code.
- J.(6) The Developer* shall utilize Best Management Practices* (including revegetation, reforestation, erosion control, etc.) for all mined/disturbed lands to accelerate and ensure the successful establishment of the natural vegetative associations that the reclamation areas are designed to support. Wherever possible, leach zone material shall be covered by graded spoil to lessen the potential of increased radiation levels on reclaimed lands.
- J.(7) Reclamation shall be considered complete when 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, and when DEP and Manatee County have approved the reclamation of the Four Corners Mine* in accordance with Chapter 62C-16, Florida Administrative Code and the Mining Code.
- J.(8) The Developer* shall allow no development or land use activity (such as grazing, farming, tree harvesting) within any newly established 25-Year Floodplains* that would in any way inhibit the growth and development of native vegetation associations appropriate for floodplains, during the mining period.
- J.(9) Minimum mine cut setbacks shall be maintained as follows:
 - a) 500 feet of a habitable structure existing at the time of initial application for Master Mining Plan approval;

- b) 200 feet of an existing public right-of-way or public or private easement for drainage utility or road purpose;
- c) 200 feet of Mosaic's property line;
- d) A distance not less than 50 feet from Carlton Road right-of-way which the Developer* can establish will ensure to the County Mining Coordinator that the mining will be performed in a manner which will protect the structural integrity of the roadway. **Completed.**
- e) Notwithstanding the foregoing, Section 2-20-33 of the Mining Code shall apply to the Mine Extension Areas*.

The F-3 exterior dam will meet the setback requirements of Section 2-20-33 of the Mining Code with the exception of Section 2-20-33(2)(b) in which case it will not be less than 200 feet from any public right-of-way.

All other operations and facilities shall meet the setback requirements of Section 2-20-33 of the Mining Code, provided that the F-1 exterior dam, or any reconstruction of the F-1 dam (F-1R), shall not be required to meet the requirements of Section 2-20-33, unless 50% of the linear footage of the existing F-1 exterior dam is dismantled or significantly disturbed or any portion of the existing F-1 exterior dam within 2,500 feet of any existing church, school, or habitable structure is dismantled or significantly disturbed.

- f. The mine cut shall not disturb the remaining buffer of pine trees along the north side of SR 62. The required perimeter ditch and berm system shall be located north of the remaining buffer of pine trees.

However, nothing in this requirement shall prevent the reduction of setbacks pursuant to Section 2-20-33 (b)(4) of the Mining Code, except for J. (9.) f., above.

J.(10) Radiation standards shall be maintained as follows:

- a) For the Mine Extension Areas*, the radiation standards shall be maintained in accordance with Section 2-20-33(d) of the Mining Code;
- b) For all other areas of the mine, and in accordance with prior approvals, the weighted average soil concentration of radium for all reclaimed lands not included in the Mine Extension Areas*, which are not reclaimed over slime ponds or are not reclaimed as lakes or wetlands, for the top six feet shall not exceed 8.8 pCi/gram. In addition, these areas shall also comply with Section 2-20-33(d)(3) of the Mining Code.
- c) Any building shall be designed and constructed and all reclamation shall be done to provide protection against gamma radiation and radon gas accumulation and emanation in accordance with the most stringent applicable state and federal

requirements.

- d) This section shall be subject to any restrictions set forth in Section 553.98, Florida Statutes.

J.(11) Any reconstruction of the F-1 dam (F-1R) or any portion thereof shall be constructed in accordance with the appropriate design cross section shown in either Figure 14 or Figure 16 of the Dames and Moore January 2, 1990 report which was attached as Exhibit E to Ordinance 95-41.

PHASE II NORTHEAST TRACT ADDITION* CONDITIONS

Groundwater

- K.(1) The Groundwater Monitoring Program at the Four Corners Mine Phase II Northeast Tract Addition* shall be performed as required by the Manatee County Operating Permit issued for the Phase II Northeast Tract Addition* and Chapter 2-20, Code of Laws. At a minimum, the Groundwater Monitoring Program shall specify sampling locations, parameters, frequencies, duration, analytical methods, and procedures. A summary of the results of the monitoring program shall be included as part of the DRI annual report.
- K.(2) The Developer* shall properly plug and abandon all on-site wells, in accordance with SWFWMD and Manatee County Environmental Management Department standards and rules, prior to mining each area of the Phase II Northeast Tract Addition*.

Surface Water

- L.(1) Best Management Practices* for reducing surface water quality impacts shall be implemented.
- L.(2) A Surface Water Monitoring Program at the Four Corners Mine shall be performed as required by the Manatee County Operating Permit issued for the Phase II Northeast Tract Addition* and Chapter 2-20, Codes of Law. At a minimum, this Surface Water Monitoring Program shall specify sampling locations, parameters, frequencies, duration, analytical methods, and procedures. A summary of the results of the monitoring program shall be included as part of the DRI Annual Report. The Water Quality Monitoring Program required in the Operating Permit shall contain sufficient surficial water quality monitoring stations to characterize runoff from the Phase II Northeast Tract Addition*.
- L.(3) Should monitoring results indicate that applicable water quality standards are not being met due to mining activities, the violation shall be immediately reported to Manatee County (as required under the Operating Permit for the Four Corners Mine Phase II Northeast Tract Addition*) and any other agency with jurisdiction and appropriate corrective measures shall be immediately implemented.

- L.(4) a. Copies of amendments to NPDES permits associated with the Four Corners Mine Phase II Northeast Tract Addition* (including specific conditions) shall be submitted to Manatee County.
 - b. Stormwater runoff from lands cleared for mining and active mining areas shall be routed through ditches into the mine water recirculation system and discharged only through permitted NPDES outfalls.
 - c. All discharges and discharge rates from the NPDES outfalls shall be in accordance with Chapters 62-302, 62-620, and 62-671, FAC and conditions of the specific NPDES permit.
- L.(5) Erosion control measures such as siltation screens and hay bales shall be used to prevent surface water quality degradation. Best Management Practices shall be employed throughout preparation, mining and reclamation to minimize surface and groundwater quality impacts.

Wetlands

- M.(1) The Developer* shall provide a thirty foot (30') wide buffer zone around all wetlands in Preservation Areas* to provide an upland transition into the wetland areas and to protect the natural systems from development impact. The protection berm may be located in the transition area. Water shall be added as needed to maintain the hydroperiod.
- a) Mitigation for wetland losses shall be as shown on the FDEP Environmental Resources Permit (ERP).
 - b) All wetland losses within the Four Corners Mine Phase II Northeast Tract Addition* shall require mitigation in accordance with the specific mitigation plan described in the ADA* and shown in Tables 12-1 and 13-1 (which was attached as Exhibits J and E, respectively to Ordinance 02-58). Any deviation from the specific mitigation plan not specifically required by Manatee County or permitting agencies with jurisdiction shall trigger a Substantial Deviation determination pursuant to Section 380.06(19) F.S.
 - c) All mitigation areas and littoral shelves shall be monitored in accordance with FDEP and Manatee County requirements. Additional planting may be required to achieve the desired natural cover rate. Mitigation areas monitoring results shall be included in the DRI annual report.
- M.(2) Existing wetlands which are permitted to be altered or eliminated shall be used as donor material for revegetation or mitigation area as outlined in development condition A.(1.).
- M.(3) As stated in the ADA* and sufficiency responses agricultural activities on the site may continue until the area is prepared for mining but at no greater density or intensity than at present and, provided that the geographic extent of agricultural activities, including tree removal shall not be increased unless specifically permitted by the Manatee County

Environmental Management and Planning Departments.

However, no agricultural activities are permitted within those areas preserved throughout mining, as shown on Maps A-3A, A-3B, A-3C, F-1A, F-1B, F-1C, F-2A, F-2B, F-2C, H-1A, H-1B, H-3A, and H-3B, except for the ±29 acre area designated as "non-disturbance" and shown in Section 12, Township 33 South, Range 21 East in Section 12 in Parcel 3, and as further stipulated in this Development Order.

Floodplains

- N.(1) No mining or disturbance of the 25-Year Floodplain* shall be allowed except for those crossings permitted on the Phase II Northeast Tract Addition*, as outlined in N.(2) below.
- N.(2) Any disturbance to the 25-Year Floodplain* necessitated by utility, dragline, or pipeline crossings or construction shall be conducted during periods of low flow and all applicable Best Management Practices* for erosion control shall be utilized throughout the entire period of disturbance. Immediately after such use is terminated, the Developer* shall remove all structures, restore the area in question to original grade elevations, and revegetate the area.
- N.(3) There shall be no adverse hydroperiod alteration of hydroperiods in wetlands that are not approved for mining. Hydroperiods (seasonal high and normal pool elevations) shall be established and reviewed and approved by the SWFWMD. Natural annual hydroperiods, normal pool elevations, and seasonal water fluctuations shall be substantially maintained. Hydroperiod monitoring of the above described areas shall be conducted and reported semiannually to Manatee County, as described in Mosaic's SWFWMD Water Use Permit 2011400, as amended. The monitoring sites shall be at the locations where the hydroperiods were established. Should the above described be adversely impacted due to mining activities, the Developer* shall cease all mining and associated activity in the affected sub-basin until remedial measures have been proposed to Manatee County, approved, and then undertaken to correct the hydroperiod imbalance. Such measures could include limitations on surrounding activities, enlargement of buffer areas and additional protection measures or water augmentation.
- N.(4) In order to promote the maintenance of the functional aspects of floodplains, water alterations caused by pit de-watering shall be limited to only one side of a floodplain at a time and 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.
- N.(5) There shall be no net loss of 100-year floodplain storage capacity.
- N.(6) No impervious surfaces shall be constructed in the 25-year floodplain.

Vegetation and Wildlife

- O.(1) In the event that any listed species listed in Rule 68A-27.003 - 68A-27.005 FAC, or state or federally listed species or colonies of species are observed nesting or breeding at the Phase II Northeast Tract Addition* in an area to be disturbed by mining operations, the developer shall immediately notify the Florida Fish and Wildlife Conservation Commission (FFWCC) and implement the recommended measures for species protection. In the event that a wood stork nesting colony is observed, the Developer* shall implement the US Fish and Wildlife Service's Habitat Management Guidelines for the Wood Stork in the Phase II Northeast Tract Addition*.
- O.(2) Mosaic shall implement the Wildlife and Habitat Management Plan as detailed in the ADA* and Sufficiency Responses for the Phase II Northeast Tract Addition*, which has been approved by FFWCC and U.S. Fish and Wildlife Service. Prior to the clearing of each mining parcel, the Developer shall obtain the necessary permits and approvals for relocation or incidental take of listed species. Implementation activity associated with the approved plan or listed species permitting will be reported in the DRI annual report.
- O.(3) Mining and reclamation of the northern reach of the West Fork Horse Creek floodplain and the South Fork Little Manatee River watershed shall proceed as specified in the ADA*. Any deviation not specifically required by Manatee County or permitting agencies with jurisdiction shall trigger a Substantial Deviation determination pursuant to Section 380.06(19) F.S.
- O.(4) The habitat shown to be preserved throughout mining on Parcels 1, 2, and 3, as shown on Maps A-3A, A-3B, A-3C, F-1A, F-1B, F-1C, F-2A, F-2B, F-2C, H-1A, H-1B, H-3A, and H-3B, and as further stipulated in this Development Order, except for the ±29 acre area designated as "non-disturbance" and shown in Section 12, Township 33 South, Range 21 East in Section 12 in Parcel 3, shall be protected in perpetuity through the establishment of a conservation easement. The Conservation Easement shall include Manatee County as a grantee, in addition to FDEP. The Conservation Easement required by this condition shall be in addition to the area proposed for conservation easement in association with Integrated Habitat Network and translocation of the Florida scrub-jay.

The following areas of regionally-significant habitat shall be protected in perpetuity through the establishment of a conservation easement granted to FDEP:

- a. Habitat created on the Northeast Tract as part of the Integrated Habitat Network and mitigation wetlands, totaling approximately 162 acres and shown on Figure MC-16 B, page 1-44, of the Second Additional Information.
- b. The 365 acres of xeric and oak scrub and certain pine flatwoods to be selected by the US Fish and Wildlife Service; and the 335 acres already selected for protection and translocation of the federally-listed Florida scrub Jay.

Drainage

- P.(1) The drainage basins in the Four Corners Mine Phase II Northeast Tract Addition* shall be restored to their approximate pre-mining size and location as described in the ADA*. The post-reclamation flood flow peaks shall be in accordance with the rates established in the ADA. The discharge rate shall be in accordance with Chapter 62C-16, F.A.C., requirements.
- P.(2) All re-created wetlands shall be subject to all the rules, regulations, and policies of local, state, regional, and federal agencies governing wetland areas when such areas meet the definition of "wetland" as specified by the County, FDEP, and ACOE, respectively.
- P.(3) The re-created wetlands shall be designed to promote seasonal fluctuations of water levels within the freshwater marsh and encourage seasonal inundation of the marsh property. Final grade of the side slopes of the marsh periphery shall meet the requirements established by Manatee County in the Mining Ordinance* or by the Department of Environmental Protection, whichever is more stringent.
- P.(4) The Developer* shall be responsible for maintaining the water recirculation system and the drainage system, including channels, swales, culverts, erosion protection facilities, and discharge facilities during mining and reclamation. Any transfer of this responsibility from the Developer* to subsequent owners, or assigns, shall require the approval of the appropriate permitting agency.

Water Supply

- Q.(1) There shall be no net increase in the groundwater demand in excess of the currently permitted volume for the Four Corners Mine* as it pertains to mining in the Phase II Northeast Tract Addition*.

Transportation

- R.(1) All non-public roads, streets, bridges, and other access ways located upon the site shall be constructed and maintained by the Developer* without any cost or obligation to Manatee County.
- R.(2) Establishment of a single crossing point on County Road 39 for purposes of access, movement of mining machinery, or mineral transport pipelines shall be permitted, as committed to in the ADA* (page 21-4). Establishment of two crossing points on State Road 37 for purposes of access, movement of mining machinery, or mineral transport pipelines shall be permitted, as shown in the ADA* on Map H-1A, provided that the crossings on SR 37 are not for the purpose of access to Parcel #4.

Mining Operations

- S.(1) The Developer* shall obtain all the necessary construction and operation permits and approvals required by, and shall fully comply, to the extent not inconsistent with this

Development Order with all the provisions of applicable laws, ordinances, rules, regulations, or requirements of any federal, state, regional, or county governmental authority in connection with the proposed mining activities at the Phase II Northeast Tract Addition*.

- S.(2) The two clay disposal areas (F-9A and F-9B) partially within the Phase II Northeast Tract Addition* shall contain an amount of waste clay approximately equivalent to the amount of waste clay produced from the Four Corners Mine* in Manatee County.
- S.(3) All earthen embankments (dams) shall be designed, constructed, inspected, and maintained in accordance with the standards of Chapter 62-672, FAC - Minimum Requirements for Earthen Dams, Phosphate Mining, and Processing Operations, as indicated in the ADA* for the Phase II Northeast Tract Addition*, as well as all other applicable local, state, and federal requirements.
- S.(4) The Developer* shall abide by all Florida Department of Environmental Protection (FDEP) 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 a proposed post reclamation zoning district classification of the property.
- S.(5) The Developer* shall reclaim all mined or disturbed land to FDEP or Manatee County standards, whichever is more stringent. Reclamation and revegetation shall proceed immediately after mining activities cease in each parcel and in no case shall exceed the schedule for reclamation outlined in Table 35-4 of the ADA* (attached as Exhibit I to this Ordinance). The Developer* shall be responsible for maintenance of all reclaimed areas until such time that those areas are approved as reclaimed by Manatee County in accordance with the procedures established in the Mining Ordinance*.
- S.(6) The Developer shall utilize Best Management Practices* (including revegetation, reforestation, erosion control, etc.) for all mined or disturbed lands to accelerate and ensure the successful establishment of the natural vegetative associations that the reclamation areas are designed to support. Wherever possible, leach zone material shall be covered by graded spoil to lessen the potential of increased radiation levels on reclaimed lands.
- S.(7) Reclamation shall be considered complete when 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, and when FDEP and Manatee County have approved the reclamation of the Four Corners Mine Phase II Northeast Tract Addition* in accordance with Chapter 62C-16, Florida Administrative Code and the Mining Ordinance*.
- S.(8) During the mining and reclamation period, the Developer* shall allow no development or land use activity (such as grazing, farming, tree harvesting) within any newly established 25-Year Floodplains* that would in any way inhibit the growth and development of native vegetation associations appropriate for floodplains.

S.(9) Minimum mine cut setbacks and setbacks for the perimeter recharge ditch shall be maintained as follows:

- a. 1,000 feet of a habitable structure existing at the time of initial application for Master Mining Plan approval, unless waived by affected habitable structure owner;
- b. A minimum of 45 feet from an existing public right-of-way;
- c. 500 feet of Mosaic Fertilizer, LLC property line;
- d. 1,000 feet of any wetlands or groves on adjoining property not owned by the applicant.

Nothing in this requirement shall prevent the reduction of setbacks pursuant to Section 2-20-33(b) of the Mining Code. All such setbacks shall be shown in the Operating Permit and shall be specifically approved by the Board of County Commissioners.

Within the above described setback areas along CR 39 and SR 37, the applicant shall construct an earthen berm, 6'-8' in height above the roadway elevation, prior to commencement of mining activities. Within the above described setback area along SR 62 where the existing buffer of planted pine trees does not exist, the applicant shall construct an earthen berm, 6'-8' in height above the roadway elevation, prior to commencement of mining activities.

S.(10) Radiation standards shall be maintained as follows:

- a. For the Phase II Northeast Tract Addition*, the radiation standards shall be maintained in accordance with Section 2-20-33(d) of the Mining Ordinance*;
- b. Any building shall be designed and constructed and all reclamation shall be done to provide protection against gamma radiation and radon gas accumulation and emanation in accordance with the most stringent applicable state and federal requirements.
- a. This section shall be subject to any restrictions set forth in Section 553.98, Florida Statutes.

S.(11) Within the Peace River watershed, the reclamation schedule will be expedited by placing the sand tailing fill the year after each area is mined, and then revegetate so that the total time each block is disturbed from start of mining to being effectively reclaimed is about three years.

S.(12) The Phase II Northeast Tract Addition* shall be reclaimed in such a way that pre-mining groundwater outflows from the surficial aquifer are approximated, taking into account the increased evapotranspiration from the increased wetland areas.

Air Quality

- T.(1) Best Management Practices, including those identified in the ADA, shall be employed during site preparation, mining, and reclamation to minimize air quality impacts.

LAMBE AND LIPMAN ADDITION* CONDITIONS – the following conditions shall apply to only the Lambe Addition and Lipman Tract:

Ground Water

- U (1) The Groundwater Monitoring Program at the Four Corners Mine Lipman Addition* shall be performed as required by the Manatee County Operating Permit issued for the Lipman Addition* and Ordinance 04-39*. At a minimum, the Groundwater Monitoring Program shall specify sampling locations, parameters, frequencies, duration, analytical methods, and procedures. A summary of the results of the monitoring program shall be included as part of the DRI annual report.
- U.(2) The Developer* shall properly plug and abandon all on-site wells, in accordance with SWFWMD and Manatee County Environmental Management Department standards and rules, prior to mining each area of the Lambe and Lipman Additions*.

Surface Water

- V.(1) Best Operating Practices* for reducing surface water quality impacts shall be implemented.
- V.(2) A Surface Water Monitoring Program at the Four Corners Mine shall be performed as required by the Manatee County Operating Permit issued for the Lambe and Lipman Additions* and Ordinance 04-39*. At a minimum, this Surface Water Monitoring Program shall specify sampling locations, parameters, frequencies, duration, analytical methods, and procedures. A summary of the results of the monitoring program shall be included as part of the DRI Annual Report. The Water Quality Monitoring Program required in the Operating Permit shall contain sufficient surficial water quality monitoring stations to characterize runoff from the Lambe and Lipman Additions*.
- V.(3) Should monitoring results indicate that applicable water quality standards are not being met due to mining activities, the violation shall be immediately reported to Manatee County (as required under the Operating Permit for the Lambe and Lipman Additions*) and any other agency with jurisdiction and appropriate corrective measures shall be immediately implemented.
- V.(4) a. Copies of amendments to NPDES permits associated with the Lambe and Lipmann Additions* (including specific conditions) shall be submitted to Manatee County.
- b. Stormwater runoff from lands cleared for mining and active mining areas shall be routed through ditches into the mine water recirculation system and discharged only

through permitted NPDES outfalls.

- c. All discharges and discharge rates from the NPDES outfalls shall be in accordance with Chapters 62-302, 62-620, and 62-671, FAC and conditions of the specific NPDES permit.

V.(5) Erosion control measures such as siltation screens and hay bales shall be used to prevent surface water quality degradation. Best Management Practices* shall be employed throughout preparation, mining and reclamation to minimize surface and groundwater quality impacts.

Wetlands

W.(1) The Developer* shall provide a thirty foot (30') wide buffer zone around all wetlands to provide an upland transition into the wetland areas and to protect the natural systems from development impact. The protection berm may be located in the transition area. Water shall be added as needed to maintain the hydroperiod.

- a) Mitigation for wetland losses shall be as shown on the FDEP Environmental Resources Permit (ERP).
- b) All wetland losses within the Lipman Addition* shall require mitigation in accordance with the specific mitigation plan described in the ADA* and shown in Table 12-1 and Map I-2c (attached as Exhibits J and G, respectively, to Ordinance 05-42). Any deviation from the specific mitigation plan not specifically required by Manatee County or permitting agencies with jurisdiction shall trigger a Substantial Deviation determination pursuant to Section 380.06(19) F.S.
- c) All wetland losses within the Lambe Addition* shall require mitigation in accordance with the specific mitigation plan described in the ADA* and shown in Table 12-1B and Map I-3B (attached as Exhibits J and G, to this Ordinance). Any deviation from the specific mitigation plan not specifically required by Manatee County or permitting agencies with jurisdiction shall trigger a Substantial Deviation determination pursuant to Section 380.06(19) F.S.
- d) All mitigation areas and littoral shelves shall be monitored in accordance with FDEP and Manatee County requirements. Additional planting may be required to achieve the desired natural cover rate. Mitigation areas monitoring results shall be included in the DRI annual report.

W.(2) Existing wetlands which are permitted to be altered or eliminated shall be used as donor material for revegetation or mitigation area as outlined in development condition A.(1.).

W.(3) As stated in the ADA* and sufficiency responses agricultural activities on the site may continue until the area is prepared for mining but at no greater density or intensity than at

present and, provided that the geographic extent of agricultural activities, including tree removal shall not be increased unless specifically permitted by the Manatee County Environmental Management and Planning Departments.

Vegetation and Wildlife

- Y.(1) In the event that any listed species listed in Rule 68A-27.003 - 68A-27.005 FAC, or state or federally listed species or colonies of species are observed nesting or breeding at the Lambe and Lipman Additions* in an area to be disturbed by mining operations, the developer shall immediately notify the Florida Fish and Wildlife Conservation Commission (FFWCC) and implement the recommended measures for species protection. In the event that a wood stork nesting colony is observed, the Developer* shall implement the US Fish and Wildlife Service's Habitat Management Guidelines for the Wood Stork in the Lambe and Lipman Additions*.
- Y.(2) Mosaic shall implement the Wildlife and Habitat Management Plan as detailed in the ADA* and Sufficiency Responses for the Lambe and Lipman Additions*, which has been approved by FFWCC and U.S. Fish and Wildlife Service. Prior to the clearing of each mining parcel, the Developer shall obtain the necessary permits and approvals for relocation or incidental take of listed species. Implementation activity associated with the approved plan or listed species permitting will be reported in the DRI annual report.
- Y.(3) Mining and reclamation in the South Fork Little Manatee River watershed shall proceed as specified in the ADA*. Any deviation not specifically required by Manatee County or permitting agencies with jurisdiction shall trigger a Substantial Deviation determination pursuant to Section 380.06(19) F.S.
- Y.(4) The recreated wetlands as shown on Map I-2C (Exhibit G of Ordinance 05-42) shall be incorporated into the Integrated Habitat Network.

Drainage

- Z.(1) The drainage basins in the Lambe and Lipman Additions* shall be restored to their approximate pre-mining size and location as described in the ADA*. The post-reclamation flood flow peaks shall be in accordance with the rates established in the ADA. The discharge rate shall be in accordance with Chapter 62C-16, F.A.C., requirements.
- Z.(2) All re-created wetlands shall be subject to all the rules, regulations, and policies of local, state, regional, and federal agencies governing wetland areas when such areas meet the definition of "wetland" as specified by the County, FDEP, and ACOE, respectively.
- Z.(3) The re-created wetlands shall be designed to promote seasonal fluctuations of water levels within the freshwater marsh and encourage seasonal inundation of the marsh property. Final grade of the side slopes of the marsh periphery shall meet the requirements established by Manatee County in Ordinance 04-39* or by the Department of Environmental Protection, whichever is more stringent.

- Z.(4) The Developer* shall be responsible for maintaining the water recirculation system and the drainage system, including channels, swales, culverts, erosion protection facilities, and discharge facilities during mining and reclamation. Any transfer of this responsibility from the Developer* to subsequent owners, or assigns, shall require the approval of the appropriate permitting agency.

Water Supply

- AA.(I) There shall be no net increase in the groundwater water demand in excess of the currently permitted volume for the Four Corners Mine* as it pertains to mining in the Lambe and Lipman Additions*.

Transportation

- BB.(1) All non-public roads, streets, bridges, and other access ways located upon the site shall be constructed and maintained by the Developer* without any cost or obligation to Manatee County.

Mining Operations

- CC.(1) The Developer* shall obtain all the necessary construction and operation permits and approvals required by, and shall fully comply, to the extent not inconsistent with this Development Order with all the provisions of applicable laws, ordinances, rules, regulations, or requirements of any federal, state, regional, or county governmental authority in connection with the proposed mining activities at the Lambe and Lipman Additions*.
- CC.(2) The Developer* shall abide by all Florida Department of Environmental Protection (FDEP) 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 a proposed post reclamation zoning district classification of the property.
- CC.(3) The Developer* shall reclaim all mined or disturbed land to FDEP or Manatee County standards, whichever is more stringent. Reclamation and revegetation shall proceed immediately after mining activities cease in each parcel and in no case shall exceed the schedule for reclamation outlined in Revised Table 35-4 of the ADA* (Attached as Exhibit I). The Developer* shall be responsible for maintenance of all reclaimed areas until such time that those areas are approved as reclaimed by Manatee County in accordance with the procedures established in Ordinance 04-39*.
- CC.(6) The Developer shall utilize Best Operating Practices* for all mined or disturbed lands to accelerate and ensure the successful establishment of the natural vegetative associations that the reclamation areas are designed to support. Wherever possible, leach zone material shall be covered by graded spoil to lessen the potential of increased radiation

levels on reclaimed lands.

- CC.(7) Reclamation shall be considered complete when completed in accordance with Ordinance 04-39*(the Manatee County Phosphate Mining Code, as amended) and FDEP requirements.
- CC.(8) During the mining and reclamation period, the Developer* shall allow no development or land use activity (such as grazing, farming, tree harvesting) within any newly established 25-Year Floodplains* that would in any way inhibit the growth and development of native vegetation associations appropriate for floodplains.
- CC.(9) The Lambe and Lipman Additions* shall be reclaimed in such a way that pre-mining groundwater outflows from the surficial aquifer are approximated, taking into account the increased evapotranspiration from the increased wetland areas.
- CC.(10) The Phase II Northeast Tract Addition* shall be reclaimed in such a way that pre-mining groundwater outflows from the surficial aquifer are approximated, taking into account the increased evapotranspiration from the increased wetland areas.
- CC.(11) Radiation standards shall be maintained as follows:
- a. For the Lambe and Lipman Additions*, the radiation standards shall be maintained in accordance with Section III.12 of Ordinance 04-39.*
 - b. Any building shall be designed and constructed and all reclamation shall be done to provide protection against gamma radiation and radon gas accumulation and emanation in accordance with the most stringent applicable state and federal requirements.
 - b. This section shall be subject to any restrictions set forth in Section 553.98, Florida Statutes.
- CC.(12) Setbacks shall be in accordance with Ordinance 04-39*.

Air Quality

- DD.(1) Best Management Practices, including those identified in the ADA, shall be employed during site preparation, mining, and reclamation to minimize air quality impacts.

Applicable Requirements

- EE.(1) The Lambe and Lipman Tracts shall be subject to the requirements of Ordinance 04-39 in the same manner as any new mining operation approval and permitted pursuant to such Ordinance.

GENERAL CONDITIONS (Applicable to the Four Corners Mine*, including Parcels 1, 2, and 3 of

the Northeast Tract Phase II Addition*, ± 11 acres within the Jameson Tract, and the Northeast Tract Economic Revision Areas, and the Lambe and Lipman Additions*.)

- EE.(1) Best Management Practices* (Best Operating Practices for the Lambe and Lipman Additions*) shall be required for the operation, maintenance, and reclamation of the Four Corners Mine*. Best Management Practices*, including those identified in the ADA, shall be employed during site preparation and construction to prevent soil erosion. Best Management Practices* shall be used to accelerate the natural development of those areas that are intended to support native forested and unforested wetland vegetation associations. Utility and pipeline crossings of the tributaries shall, at a minimum, meet the following:
- a. Pipelines shall be placed above the 25-Year Floodplain* elevation and isolated from tributaries by berms.
 - b. Pipelines shall be jacketed and spill containment areas outside the floodplain shall be provided.
 - c. Pipelines shall be routinely inspected by operating personnel and the system shall be shut down if a spill occurs until the source of the spill is corrected.
 - d. All utility crossings shall be elevated above the 25-Year Floodplain* level 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.
- EE.(2) Due to the mine's location within the Lake Manatee watershed, Best Possible Technology* shall be applied to any portion of the Mine Extension Areas* located within the Lake Manatee Watershed Overlay District.
- EE.(3) Storage of hazardous materials in excess of 220 lbs., or acutely hazardous materials in excess of 2.2 lbs. For any day of the month shall be prohibited within the Lake Manatee Watershed. Furthermore, all hazardous and acutely hazardous material storage shall be prohibited within any 25-Year Floodplain* or 100-Year Floodplain of any inflowing watercourse located within the Lake Manatee Watershed or within 200 feet of the DEP jurisdictional line associated with any inflowing watercourse, whichever is greater. Hazardous and acutely hazardous material shall be as defined and listed in 40 CFR 261 and as adopted within Chapter 62-730, Florida Administrative Code, and Section 403.7, Florida Statutes.
- EE.(4) All of the Developer's* commitments, which were attached as Exhibit F to Ordinance 95-41, those attached to Ordinance 02-58 as Exhibit L, for the Phase II Northeast Tract Addition*, and attached as Exhibit L for the Lambe and Lipman Additions shall be honored for the Four Corners Mine*, the Mine Extension Areas*, and the Phase II Northeast Tract Addition*, including the Economic Revision Areas*, and the Lambe and Lipman Additions except as they may be superseded by specific terms of this Ordinance.

EE.(5) The DRI annual report shall comply with the Florida Department of Community Affairs (DCA) report format and informational requirements, and shall include summaries of NPDES monitoring results and surface water and groundwater quality monitoring results (including notification of violations of water quality standards per Chapter 62-3, FAC); Mining progress; impacts on surface water and groundwater flows; impacts on Lake Manatee (if any); compliance with listed species management plans; success or problems with listed species management plans; reclamation progress and compliance with approved mining and reclamation schedules. The Developer* shall submit annual DRI reports in accordance with Section 380.06(18), F. S., to Manatee County, and the TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, no later than July 31st of each year until such time as terms and conditions of this Development Order are satisfied as determined by Manatee County. Six copies of this report shall be submitted to the Director of Manatee County Planning Department, or the Director's designee, who shall review the report for compliance with the terms and conditions of the Order and may submit an appropriate report to the County Commissioners should the Director decide that further orders and conditions are necessary. The Developer* shall be notified of any board of County Commissioners hearing wherein such report is to be reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver, or change of conditions as to any terms or conditions of this Order. The Planning Director or his/her designee shall notify the Developer in writing upon acceptance or denial of the report. The annual report shall, at a minimum, contain the following:

- a. Any changes in the plan of development, or in the representations contained in the ADA*, or in the phasing for the reporting year and for the next year.
- b. A summary comparison of development activity proposed and actually conducted for the year;
- c. Undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or developer in the Extended Four Corners Mine*;
- d. Identification and intended use of lands purchased, leased, or optioned by the Developer* adjacent to the Four Corners Mine* site since the Development Order was issued;
- e. An assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the ADA* and which have been identified by the local government, the Regional Planning Council, or the Department of Community Affairs as being significant.
- f. Any known incremental DRI applications for development approvals or requests for a substantial deviation determination that were filed in the reporting year and to be filed

during the next year for the Extended Four Corners Mine*;

- g. An indication of a change, if any, in local government jurisdiction for any portion of the development since the Development Order was issued;
- h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
- i. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), F.S.;
- j. A copy of any recorded notice of the adoption of a Development Order or the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), F.S.
- k. Monitoring results pursuant to stipulations B.(1.), C.(2.), C.4), C.(5)a., D.(2)d, E.(3.), G.(2), H.(3), I.(2), K.(1), L.(2), L.(3), L.(4)a., and N.(3);
- l. Any notice of violation for noncompliance for the Extended Four Corners Mine*; and
- m. A copy of the approved Spill Notification, Containment, and Contingency Plan for F-3 shall be submitted to TBRPC in the Annual Report following the County's written approval of said plan. Subsequent updates or revisions to this plan shall also be submitted to TBRPC in the Annual Report following such update or revision.
Completed.
- n. A copy of the approved Spill Notification, containment, and Contingency Plan for F-3B, and F-9 shall be submitted to TBRPC in the Annual Report following the County's written approval of each plan. Subsequent updates or revisions to this plan shall also be submitted to TBRPC in the Annual Report following such update or revision.
- o. A clearance letter from the Manatee County Department of Community Services that any home(s) removed from the site did not qualify as affordable housing or that the applicant has made any required payment to the Manatee County Affordable Housing Trust Fund for the removal of affordable housing.

EE.(6) Mining under this Development Order shall terminate on December 31, 2021. This Development Order shall not expire until December 31, 2032, or until all reclamation has been completed and accepted by Manatee County, whichever occurs first.

EE.(7) This Ordinance shall constitute a Development Order issued in accordance with Chapter 380, F.S.

EE. (8) The Developer* shall, within sixty (60) days after notice by Manatee County of the amount of fees due and owing, pay all fees owed to Manatee County for the review of the Four Corners Mine Lambe Addition*, except those fees in dispute and under review or appeal.

Failure to make such payment shall require a cessation of mining activities until payment is made.

- EE.(9) Prior to mining the Land Exchange Area*, that land will be subjected to a historical or archaeology resources survey, the methodology which shall be reviewed and approved by Florida Division of Historical Resources (DHR). Any historical or archaeology resources discovered during the survey will be mitigated, and released by DCA and DHR prior to the mining of the site. Any historical or archaeology resources discovered during mine operation within the 170 Acre Addition*, the Land Exchange Area*, or the Four Corners Mine*, including the Phase II Northeast Tract Addition*, the Economic Revision Areas*, and the Lambe and Lipman Additions shall be immediately reported to the DHR and the ultimate disposition of such resources shall be determined in cooperation with the DHR, TBRPC, and Manatee County. The agreed upon treatment of the resources shall be completed before activities which would disturb the resources are allowed to continue.
- EE.(10) Those areas within the Four Corners Mine* approved for mining and reclamation may continue to be used for agricultural activities until such time as clearing for mining commences, but at no greater intensity than at present. No silvacultural or agricultural activities shall be initiated on land not currently under such use. The commercial harvest of timber in those areas proposed for mining is permitted, provided that the extent of such timber harvesting is first approved by the Manatee County Environmental Management and Planning Departments.
- EE.(11) Land clearing and commercial timber harvesting in those off-site areas (identified and defined as Conservation Areas*) to be enhanced as donor Florida scrub jay habitat is permitted, subject to the requirements of Stipulations U. (16), (19), (20), and (22).
- EE.(12) There shall be no sale of overburden, sand, or sand tailings from the Four Corners Mine* if those products originated in Manatee County. An equivalent amount of overburden and sand tailings originating in Manatee County shall be used for reclamation within Manatee County. Reject rock from the Four Corners Mine in Manatee County may be sold and transported off-site, subject to the requirements of Stipulation EE.(13) and (14).
- EE.(13) In the event that any material other than phosphate rock, including but not limited to, by-product (reject rock), overburden, or sand tailings excavated outside of Manatee County and processed through the Four Corners Mine beneficiation plant is to be marketed for sale and use off the mine site, Mosaic shall obtain written approval from the Environmental Management Department Director prior to selling any such materials.
- EE.(14) Trucks hauling reject rock, overburden, or sand tailings from Four Corners Mine and utilizing roadways within Manatee County will not leave the mine during the time that school buses are either picking up or delivering students. The bus schedules are available from the Supervisor of School Bus Operations. The schedules will be reviewed by Manatee County and Mosaic personnel and an appropriate trucking schedule will be settled upon by the parties. The schedule will be distributed to Mosaic operations personnel and scale operators. Before the start of a new school year or summer-school, Mosaic will request

notice from the Supervisor of School Bus Operations and adjust the trucking schedule accordingly, with approval from the Environmental Management Department.

- EE.(15) All remaining pine trees planted along SR 62 as a buffer for phosphate mining shall remain. The required perimeter ditch and berm system shall be located on the mining side of the pine tree buffer.

Scrub Jay Management Conditions

- EE.(16) Mosaic shall conduct reclamation and management activities as proposed in the HMP dated July 2001 on the West Tract Preserve site and the Manatee Wellfield Mitigation site. These activities shall occur during the estimated 30-year life-of-mine permit to ensure that the M4 Florida scrub-jay metapopulation (Stith 1999) on lands controlled or managed by Mosaic does not drop below a quasi-extinction level of ten pairs of Florida scrub-jays (Fitzpatrick et al. 1991, Stith 1999) during the first 10 years of mining and intensive management, or below the 2000 baseline condition of 14 pairs during the following 20 years. This level of incidental take is expressly allowed under scrub-jays at strategic locations on Mosaic lands, which will reduce the long-term likelihood of extinction of the entire M4 metapopulation.
- EE.(17) The applicant should avoid the potential of Florida scrub-jays to be injured or killed by heavy equipment, or the destruction of active scrub-jay nests with or without eggs.
- EE.(18) The U.S. Fish and Wildlife Service shall be notified of any unauthorized take of Florida scrub-jays.
- EE.(19) Mosaic, within one year of issuance of the USFWS biological opinion and prior to commencement of any mining activities that would disrupt existing Florida scrub jay habitat, will grant in favor of FDEP a perpetual conservation easement with management requirements over 135 acres of the West Tract Preserve and 200 acres of the Manatee Wellfield site as identified in Maps 9 and 14 of the HMP, respectively, in general accordance with the easement language attached as Exhibit A to the U.S. Fish and Wildlife Service (USFWS) Biological Opinion dated August 6, 2001, and as modified herein. Following the completion of mining and reclamation, the USFWS in coordination with FDEP will identify an additional 365 acres of FFWCC Type I or occupied scrub-jay habitat for dedication of a perpetual conservation easement in favor of FDEP. Both conservation easements outlined within this requirement shall not permit agricultural land use operations that would result in the destruction of Florida scrub-jay habitat (e.g., cattle grazing, timber harvesting, etc.).
- EE.(20) Mosaic shall manage through a combination of mechanical treatments and prescribed fires the potentially suitable occupied Florida scrub-jay habitats on unmined portions of the Four Corners Mine* and the entire Manatee Wellfield Mitigation Site during the life of the mine in accordance with the HMP.

- EE.(21) Mosaic shall be responsible for managing the reclaimed and native HMP habitats, including the Manatee Wellfield site, through the FDEP release of reclaimed HMP habitats, at which time FDEP will assume management responsibilities of the Florida scrub-jay habitat areas identified in Condition U.(19), above.
- EE.(22) No clearing of vegetation will take place within occupied territories on the project site place during the Florida scrub-jay nesting season (typically March 1 through June 30), removing the potential to destroy active nests and kill or injure nestlings.
- EE.(23) Mechanical and fire management can take place in the occupied territories during the scrub-jay nesting season; however, the management area should be carefully inspected to locate any active nests and protect the nests from any kind of management that may occur to prevent "take" of scrub-jay.
- EE.(24) To maximize site fidelity and reproductive success of resident scrub-jays, Mosaic is authorized to provide supplemental food as deemed appropriate.
- EE.(25) Mosaic shall monitor on an annual basis reclaimed scrub sites occupied by scrub-jays, all unmined occupied baseline survey sites on the Four Corners/Lonesome Mine and the Manatee Wellfield, as identified in the HMP, with sufficient intensity to document a) the response of the scrub-jay habitat management units to all reclamation, restoration and management activities, and b) the distribution and status of the resident Florida scrub-jay population on each of these management units. Monitoring of these areas shall continue on an annual basis until such time as a minimum population of 14 pairs of scrub-jays are documented to be present on Mosaic lands for three consecutive years, at which time monitoring can be reduced to every other year for the remaining life of the 30-year permit, so long as 14 pairs are present. If 28 families or more are documented with the project area during the last ten year period, monitoring can be reduced to once every 5 years, so long as presence/absence surveys show 20 families or more present. Monitoring reports shall be submitted within 120 days of completing the field work (described below) in each calendar year to the USFWS, 6620 Southpoint Drive South, Jacksonville, FL 32216, with a copy to the Manatee County Environmental Management and Planning Departments. Monitoring reports should reference USFWS permit number, include a copy of the permit document and the following information:

A. Florida scrub-jay Habitat Management Units.

1. A description of all work completed on upland management units since the previous report, or since the permit was issued (initial monitoring report). Indicate on maps or figures those management units where work has been completed.
2. A description of all work proposed on upland habitat units in the next year. Indicate on map figures those management units where work is proposed.
3. For each management unit, Mosaic shall establish a representative sample of permanent photo stations. The photographs taken at these

stations will include date taken, station number and contain a 3.0 meter stake as a reference point. Baseline photographs will be taken prior to all major management activities.

B. Florida scrub-jay Populations

1. Mosaic shall conduct in March of each year a survey of all management units of adequate intensity to determine the status of each Florida scrub-jay family, including the number of non-breeding helpers with each pair and the approximate size and configuration of each territory.
2. Mosaic shall prepare and include in the monitoring report a table summarizing the known history of each scrub-jay family through time, including and movements or changes in family composition (see Conservation Recommendations), and corresponding maps identifying the location of each territory.
3. Mosaic shall maintain a minimum of 10 pairs of Florida scrub-jays on the Mosaic property during the first 10 years of mining and a minimum of 14 pairs during the following 20 years (minimum population standard). If Mosaic can document through banding and/or radiotelemetry studies that scrub-jays dispersing from Mosaic property have successfully established a territory or paired with a jay on a territory off-site and contributed to the M4 metapopulation, these jays will count towards the minimum population standard. If, as a result of mining activities, the Mosaic Florida scrub-Jay population drops below the minimum population standard in any year, then Mosaic in coordination with the USFWS will develop an appropriate action plan to remedy the population standard shortfall by the following nesting season. If the minimum population standard is not achieved within two nesting seasons following the reported shortfall, then Mosaic shall immediately cease mining of occupied Florida scrub-jay habitat and reinstate Section 7 consultation.
4. If a dead Florida scrub-jay is found on the project site, the specimen should be thoroughly soaked in water and frozen, and the applicant should notify the USFWS Jacksonville Field Office immediately, at 904-232-2580.

EE.(26) Land clearing associated with mining activities in those areas containing existing Florida scrub jay habitat (identified as reclamation blocks to occur in 2007, 2011, and 2012 on Map I-4A and reclamation blocks to occur in 2009, 2021, and 2024 on Map I-4B), shall not commence until the 200 acre Manatee Wellfield site and the 135 acre West Tract Preserve are prepared to be suitable and verified by USFWS as acceptable as donor habitat for Florida scrub-jays, in accordance with the Scrub Jay Management Plan*.

EE.(27) The applicant shall work cooperatively and proactively with the Florida Turnpike Authority in the event an alignment of the Coast to Coast Turnpike is sited through properties owned by the applicant in this or any other DRI.

SECTION 7. LEGAL DESCRIPTION.

The following legal descriptions of the development site covers only the Manatee County portion of the Four Corners Mine, although the original DRI also included areas in Hillsborough County. The Hillsborough County portions are the subject of a separate development order issued and amended by Hillsborough County.

PHASE II MINE ADDITION AREAS

In Township 33 South, Range 22 East, Manatee County, Florida:

Parcel 3:

SECTION 7: That part of Section 7 described as: begin at the southwest corner of Section 7 and run thence south 88°10' 22" east along the south boundary of the section 3,577.32 feet, thence north 1,411.38 feet, thence north 89° 36' 59" west 3,577.38 feet, more or less, to the west boundary of Section 7, and thence south along the west boundary of the section 1,411.38 feet to the point of beginning.

In Township 33 South, Range 21 East, Manatee County, Florida:

Parcel 1

SECTION 9: The east ½.

SECTION 10: The west ¼.

Parcel 3

SECTION 11: The SE ¼ of the SE ¼.

SECTION 12: All, LESS the south 279.76 feet of the east 2,570 feet of Section 12, and LESS the north 1751 feet of section 12. (The south boundary of the north 1751 feet of Section 12 is a line beginning at a point on the east boundary lying 1751 feet south of the northeast corner of Section 12, running north 89° 36' 59" west 4,771.01 feet, more or less, to a point on the west boundary of the section lying 1751 feet south of the northwest corner of the section.)

Parcel 2

SECTION 15: The north ¾ of the east ¼.

Lipman Addition

SECTION 1:

Begin at the intersection of the west boundary of section 1 and the south boundary of the north 1501 feet of the NW1/4; thence S89°34'50"E along the south boundary of the north 1501 feet of the NW1/4 a distance of 2595.00 feet to the intersection with the west boundary of NW1/4 of NE1/4; thence S03°18'31"E 6.01 feet; thence S82°55'46"W 15.29 feet; thence S82°28'41"W 16.23 feet; thence S39°35'50"W 35.20 feet; thence S70°18'19"W 29.67 feet; thence S37°07'52"W 16.46 feet; thence S82°33'40"W 21.24 feet; thence S07°41'20"W 25.23 feet; thence S12°11'38"W 40.54 feet; thence S34°45'40"W 48.23 feet; thence S49°40'32"W 64.52 feet; thence S56°33'01"W 57.83 feet; thence S54°39'11"W 71.95 feet; thence S61°36'25"W 60.46 feet; thence S57°25'45"W 24.84 feet; thence S57°35'43"W 24.73 feet; thence S50°13'26"W 31.07 feet; thence S21°38'36"W 37.79 feet; thence S11°24'02"E 27.03 feet; thence S11°22'27"E 16.32 feet; thence S50°42'54"W 55.47 feet; thence S52°22'58"W 22.53 feet; thence S67°57'21"W 35.64 feet; thence S68°25'43"W 5.78 feet; thence S21°30'41"E 14.91 feet; thence S78°32'45"W 19.51 feet; thence S66°53'25"W 26.43 feet; thence S57°15'53"W 8.32 feet; thence S57°08'00"W 41.00 feet; thence S59°49'25"W 51.48 feet; thence S53°33'32"W 53.45 feet; thence S69°43'43"W 57.37 feet; thence S74°48'38"W 42.94 feet; thence S60°47'29"W 49.69 feet; thence S61°49'42"W 63.81 feet; thence S80°37'60"W 55.30 feet; thence S81°33'05"W 61.26 feet; thence S70°54'23"W 13.76 feet; thence S71°24'16"W 10.58 feet; thence S70°57'33"W 23.37 feet; thence S52°24'59"W 14.55 feet; thence S52°08'52"W 6.93 feet; thence S81°06'14"W 36.37 feet; thence N82°05'53"W 20.00 feet; thence N82°11'46"W 24.86 feet; thence N89°30'19"W 14.47 feet; thence N88°15'05"W 12.29 feet; thence S84°27'16"W 6.47 feet; thence S84°52'33"W 32.19 feet; thence N39°53'22"W 10.92 feet; thence S81°32'19"W 15.29 feet; thence S41°51'55"W 21.82 feet; thence S44°25'17"W 21.88 feet; thence S10°20'28"W 26.81 feet; thence S45°25'57"W 46.85 feet; thence S10°04'22"W 19.30 feet; thence S18°34'34"W 24.13 feet; thence S18°29'54"W 8.96 feet; thence S44°45'37"W 42.25 feet; thence S20°25'15"W 43.35 feet; thence S30°11'02"W 14.17 feet; thence S30°13'23"W 30.67 feet; thence S39°02'29"W 6.60 feet; thence S38°58'09"W 33.44 feet; thence S51°14'54"W 73.09 feet; thence S51°42'24"W 45.79 feet; thence S81°39'51"W 8.62 feet; thence S82°00'51"W 33.29 feet; thence N83°43'45"W 11.44 feet; thence N83°58'07"W 41.64 feet; thence N84°05'16"W 9.71 feet; thence S60°28'02"W 33.47 feet; thence S42°13'38"W 7.77 feet; thence S42°11'54"W 23.96 feet; thence S40°18'10"E 22.13 feet; thence N85°44'50"W 64.05 feet; thence N87°36'51"W 15.01 feet; thence N83°34'53"W 70.44 feet; thence N79°22'32"W 65.08 feet; thence N79°28'36"W 73.23 feet; thence N79°59'55"W 65.50 feet; thence N81°09'43"W 65.09 feet; thence N80°29'35"W 65.84 feet; thence N00°11'15"E 57.38 feet; thence N88°42'46"W 22.26 feet; thence S89°23'21"W 35.19 feet; thence N84°53'58"W 44.99 feet; thence S87°47'12"W 6.47 feet; thence S87°47'12"W 6.47 feet; thence N87°34'20"W 53.11 feet; thence S78°30'12"W 7.53 feet; thence S11°38'02"W 8.68 feet; thence S11°46'07"W 32.18 feet; thence S53°54'06"W 7.43 feet; thence S31°54'11"W 22.23 feet; thence S18°55'37"W 48.36 feet; thence S14°15'43"W 30.83 feet; thence S14°15'14"W 8.00 feet; thence S07°00'21"W 7.43 feet; thence S06°57'07" W 30.73 feet; thence S12°01'00" W 44.73 feet; thence S10°00' 17"W 56.48 feet; thence S13°06'31"W 22.46 feet; thence S13°08'19"W

27.08 feet; thence S10°18'58"W 73.82 feet; thence S09°11'32"W 69.64 feet; thence S41°39'15"W 28.78 feet; thence S11°10'53"E 5.48 feet; thence S11°22'22"E 11.09 feet; thence S06°16'40"W 18.86 feet; thence S20°18'52"W 7.08 feet to the west boundary of section 1; thence N05°56'46"W along the west boundary thereof 1584.55 feet to the Point of Beginning.

SECTION 2:

Begin at the intersection of the east boundary of section 2 and the south boundary of the north 1501 feet of the NE1/4; thence S05°56'46"E along the east boundary thereof 1584.68 feet; thence S20°18'52"W 48.37 feet; thence S29°49'19"W 46.25 feet; thence S29°19'55"W 15.06 feet; thence S30°37'49"W 22.08 feet; thence S39°52'22"W 20.52 feet; thence S30°18'03"W 46.76 feet; thence S30°21'51"W 105.47 feet; thence S31°18'08"W 39.94 feet; thence S37°44'05"W 44.73 feet; thence S23°27'42"W 26.84 feet; thence S31°21'03"W 30.15 feet; thence S32°21'29"W 38.77 feet; thence S21°25'53"W 14.37 feet; thence S05°34'09"W 25.12 feet; thence S02°50'17"W 29.04 feet; thence S00°35'55"W 47.88 feet; thence S00°00'01"W 40.50 feet; thence S04°11'45"E 34.59 feet; thence S04°12'45"E 14.04 feet; thence S02°20'07"E 47.54 feet; thence S09°12'08"E 22.67 feet; thence S01°17'06"E 39.01 feet; thence S03°37'57"E 15.78 feet; thence S03°36'33"E 80.41 feet; thence S02°13'23"E 78.93 feet; thence S06°02'29"E 17.22 feet; thence S00°00'01"W 44.62 feet; thence S05°18'07"E 96.04 feet; thence S03°39'54"E 40.08 feet; thence S03°41'37"E 45.59 feet; thence S06°37'47"E 102.31 feet; thence S15°15'17"E 74.11 feet; thence S33°02'43"E 13.87 feet; thence S30°26'54"E 10.73 feet; thence S24°31'02"E 76.66 feet; thence S27°38'18"E 62.65 feet; thence S44°59'60"E 30.23 feet; thence S64°36'20"E 67.04 feet; thence S71°21'25"E 54.35 feet; thence S71°41'40"E 8.76 feet; thence S13°48'46"E 31.15 feet; thence S13°22'39"E 34.31 feet; thence S10°43'35"E 65.65 feet; thence S10°42'10"E 52.67 feet; thence S04°13'04"W 17.42 feet; thence S02°16'58"W 8.63 feet; thence S02°22'29"W 25.65 feet; thence S24°49'21"E 36.77 feet; thence S12°22'04"E 67.70 feet; thence S17°48'08"E 89.54 feet; thence S15°09'16"W 6.22 feet; thence N69°35'36"E 15.00 feet; thence S14°27'52"E 9.92 feet; thence S28°32'30"W 18.64 feet; thence S72°51'34"W 14.00 feet; thence S22°51'28"W 25.50 feet; thence S22°49'06"W 5.56 feet; thence S21°36'24"W 37.51 feet; thence S30°21'52"W 28.68 feet; thence S06°51'02"W 19.39 feet; thence S10°30'17"E 19.20 feet; thence S09°13'49"W 10.13 feet; thence S35°42'00"E 28.17 feet; thence S08°20'05"E 27.16 feet; thence S09°13'41"W 40.14 feet; thence S01°04'53"W 13.25 feet; thence S47°06'33"W 15.61 feet; thence S68°05'48"W 13.07 feet; thence S68°28'04"W 9.88 feet; thence S59°16'09"W 17.12 feet; thence S59°05'28"W 16.79 feet; thence S21°03'52"W 57.73 feet; thence S31°06'58"W 165.57 feet; thence S36°49'02"W 54.18 feet; thence S36°52'12"W 9.22 feet; thence S16°04'31"W 83.52 feet; thence S37°27'11"W 49.13 feet; thence S26°46'35"W 75.89 feet; thence S33°02'53"W 87.39 feet; thence S63°34'33"W 51.12 feet; thence S31°30'45"W 67.74 feet; thence S19°33'10"W 31.13 feet; thence N88°52'48"W 2074.60 feet to the intersection with the west boundary of E1/2 of section 2; thence N05°25'04"W along the west boundary thereof 4449.82 feet to the intersection with the south boundary of the north 1501 feet of NE1/4 of section 2;

thence S89°37'30"E along said south boundary of the north 1501 feet of NE1/4 a distance of 2676.51 feet to the Point of Beginning.

LAMBE ADDITION

Section 15, Township 33 South, Range 21 East, Manatee County, Florida described as follows:

the NW ¼, LESS the S ½ of the S ½ of the SW ¼ thereof, AND LESS the S ½ of the SW ¼ of the SE ¼ thereof; and the E ½ of the NE ¼ of the SW ¼; and the N ½ of the S ½ of the SW ¼, LESS that part of the NW ¼ of the SW ¼ of the SW ¼ of the section, lying southwesterly of a line described as follows; Begin at the southeast corner of said NW ¼ of the SW ¼ of the SW ¼ of the section; thence proceed northwesterly to the northwest corner of said NW ¼ of the SW ¼ said point being the terminus on the line: and

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

Section 16, Township 33 South, Range 21 East, Manatee County, Florida, described as follows:

The NE ¼ of the NE ¼, LESS the west 1000 feet thereof. Together with a parcel lying in the SE ¼ of the NE ¼ being more particularly described as follows: Begin at the Northeast corner of the SE ¼ of the NE ¼; thence S 00°48'21"W along the east boundary thereof 46.15 feet; thence N 72°37'57"W 82.60 feet; thence S 49°42'31"W 57.13 feet; thence S 21°38'05"W 36.61 feet; thence S 11°18'45"W 39.86 feet; thence S 39°08'22"W 76.35 feet; thence S 52°07'40"W 74.36 feet; thence S 63°26'06"W 43.13 feet; thence S 75°03'45" W 27.86 thence S 88°38'04"W 18.09 feet to a point 1000 feet east of the west boundary of the SE ¼ NE ¼; thence N 00°54'39 E parallel to said west boundary a distance of 268.87 feet to the north boundary thereof; thence S 89°02'39"E along said north boundary 330.60 feet to the Point of Beginning; and

The E ½ of the NE ¼ of the NE ¼ of the SE ¼ of the section:

EXISTING FOUR CORNERS MINE DRI:

In Township 33 South, Range 22 East, Manatee Co. (Jameson Tract)

- Section 1:** All [That portion of Section 1 lying south and east of Brewster Parrish Road (SR 37)] shall also be known as the Land Exchange Area*.
- Section 2:** All.
- Section 3:** All.

- Section 4:** All.
- Section 9:** All.
- Section 10:** All.
- Section 11:** All lying N and W of Brewster-Parrish Road (SR 37).
- Section 15:** All lying N and W of Brewster-Parrish Road (SR 37).
- Section 16:** All less and except the NW ¼, and except that portion of the SE ¼ of the SE ¼ lying SE of the SR 37.

In Township 33 South, Range 21 East, Manatee County (Northeast Manatee Tract)

- Section 1:** W ½ of the NE ¼ and the N 1501' of the NW ¼.
- Section 2:** W ½ and the N 1501' of the E ½.
- Section 3:** All.
- Section 4:** All.
- Section 10:** E ¾.
- Section 11:** W ½.
- Section 13:** All, less and except the E 2570' thereof.
- Section 14:** All.
- Section 15:** W ½ of the NE ¼ and the NW ¼ of the SE ¼.
- Section 23:** All lying N of Parrish-Wauchula Road (SR 62), less and except the SW ¼ of the NW ¼, and less the NW ¼ of the NW ¼ of the SW ¼ and less the S ½ of the NW ¼ of the SW ¼.
- Section 24:** All lying N of the Parrish-Wauchula Road (SR62), less and except the E 2570' thereof.
- Section 26:** That portion lying N on the Parrish-Wauchula Road.

CHANGES TO THE JAMESON TRACT:

The following changes are incorporated into the above description:

170 ACRE ADDITION:

Section 10, Township 33 S, Range 22 E: The SE ¼ of the SW ¼, and the SW ¼ of the SE ¼.

Section 15, Township 33 S, Range 22 E: From the NE corner of Section 15 run thence N 88°39'09" W 1321.10' to a point of beginning; thence continue N 88°39'09" W 2088.90'; thence S 05°01'09" E 2884.00' to a point on the Westerly Right of Way line of Brewster-Parrish Road (SR 37); thence N 45°33'54" E 2565.00'; thence N 00°11'54" E 1028.06' to the point of beginning.

CHANGES TO THE NORTHEAST TRACT:

Lipman Exchange Area (Removed from Mine):

IN SECTION 1 TOWNSHIP 33 SOUTH, RANGE 21 EAST, MANATEE COUNTY, FLORIDA, being more particularly described as follows:

Commence at the intersection of the west boundary of the NE 1/4 and the south boundary of the north 1501 feet of the section; thence proceed S03°18'31"E along the west boundary of said NE 1/4 a distance of 232.56 feet to the Point of Beginning, thence N66°00'47"E 17.68 feet; thence N78°59'34"E 105.06 feet; thence S88°08'04"E 128.71 feet; thence S78°30'19"E 136.74 feet; thence S63°02'23"E 172.44 feet; thence N89°50'00"E 120.27 feet; thence S78°04'00"E 59.29 feet; thence S71°02'44"E 76.04 feet; thence S76°52'19"E 224.46 feet; thence N86°26'03"E 283.66 feet to the intersection with the east boundary of the west 1/2 of the NE 1/4 said section 1; thence S01°59'34"E along said east boundary of the west 1/2 of the NE 1/4 a distance of 1472.16 feet to the SE corner of the west 1/2 of the NE 1/4; thence N89°35'38"W along the south boundary of the west 1/2 of the NE 1/4 a distance of 1245.39 feet to the SW corner of the west 1/2 of the NE 1/4; thence N03°18'31"W along the west boundary of the west 1/2 of the NE 1/4 a distance of 1617.46 feet to the Point of Beginning.

The total amounting to 11,716 acres, more or less.

SECTION 8. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT

Physical development of the project is currently in operation, such that the Chapter 380.06 F.S. requirements for the commencing of development have been met.

SECTION 9. RESTRICTIONS ON DOWN-ZONING

The County may not down-zone the subject property described in Section 7 herein until 2021 unless County can demonstrate that:

- A. Substantial changes in the condition underling the approval of the order have occurred; or
- B. The order was based upon substantially inaccurate information provided by the Developer; or
- C. The change is clearly established by the County to be essential for the public health, safety, or welfare.

Any down-zoning or reduction in intensity shall be effected only through the usual and customary procedures required by statute and/or ordinance for change in local land development regulations.

For the purposes of this order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the developer by this order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density of the Development, but is included herein to comply with Paragraph 380.06(15)I3, F.S.

SECTION 10. BINDING ORDER UPON DEVELOPER.

That this order shall be binding upon the Developer, its successors, assigns, or successors in interest.

SECTION 11. RENDITION.

The Planning Department is hereby directed to send certified copies of this Development Order within thirty (30) days of the approval by the Board of County Commissioners of this Development Order to the Developer*, the Florida Department of Community Affairs, and the TBRPC.

SECTION 12. COMPLIANCE WITH CODES, ORDINANCES.

All development undertaken pursuant to this order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except to the extent such is inconsistent with the rights granted under this Development Order.

SECTION 13. NOTICE OF RECORDING.

The Developer* shall record a notice of adoption of this Development Order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department a copy of the recorded notice.

SECTION 14. SEVERABILITY.

It is the intent of this Ordinance to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such provision or portion shall be deemed null and void, but all remaining provisions and portions of this Ordinance shall remain in full force and effect.

SECTION 15. PURPOSE AND INTENT.

This Ordinance replaces and supercedes Ordinance 05-42, in its entirety.

SECTION 16. EFFECTIVE DATE.

This Ordinance shall become effective upon filing of a certified copy with the Department of State; provided, however, that the filing of a notice of Appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this Development Order, until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 05-42, during the pendency of any appeal.

SECTION 17. RECONCILE INTO ONE DOCUMENT

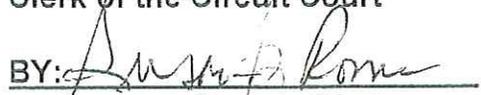
This Development Order represents a codification of the existing approval for the project integrating those changes proposed in this Substantial Deviation and approved by the Board of County Commissioners into a single Development Order and is for administrative convenience.

ADOPTED AND APPROVED with a quorum present and voting this 7th day of August, 2008.

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

BY: 
Chairman

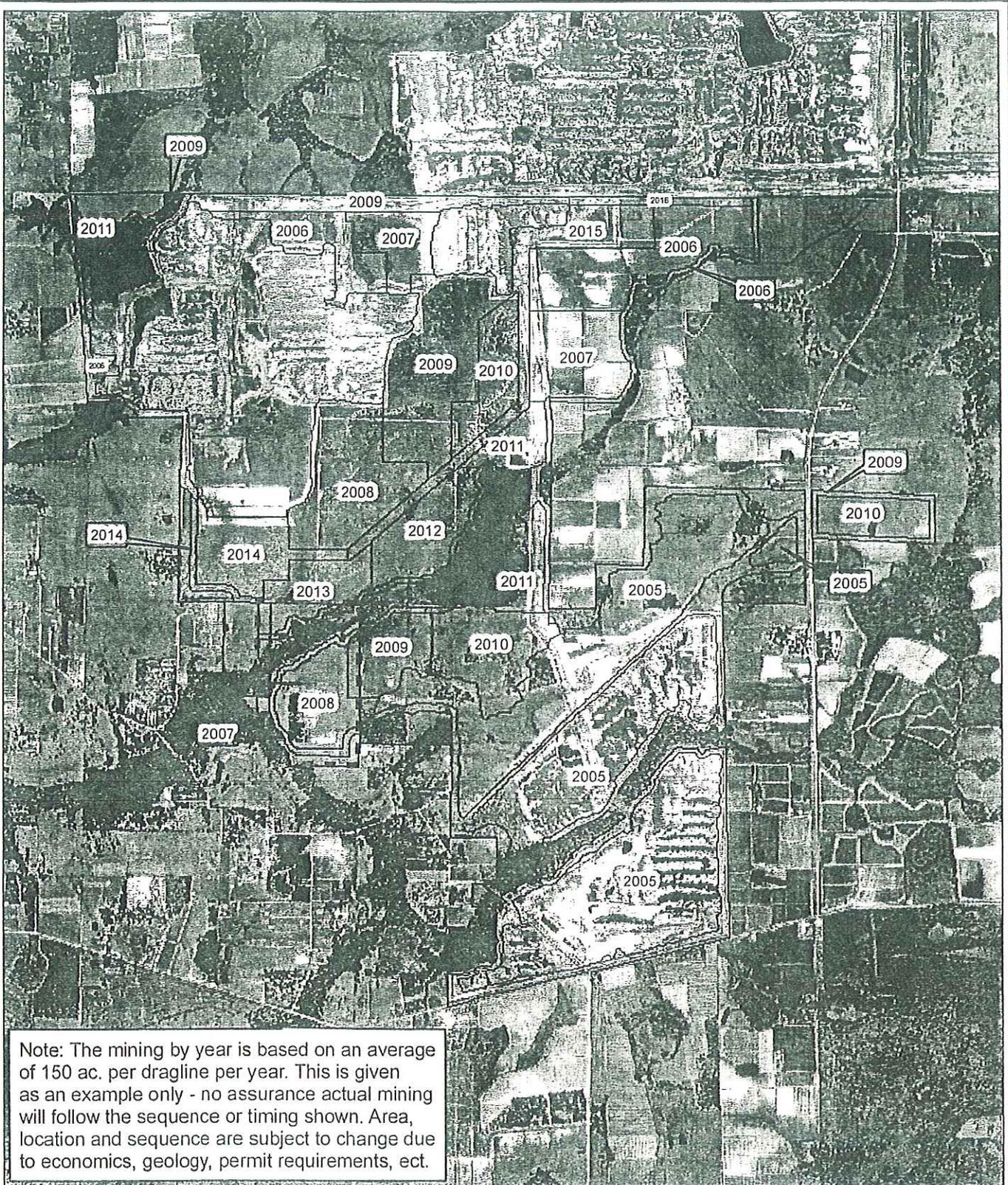
**ATTEST: R. B. SHORE
Clerk of the Circuit Court**

BY: 
Deputy Clerk



Ordinance 08-16 List of Exhibits

- Exhibit A. Maps H - IA (NE Tract Mining Sequence, Revised 8/07 RAI) and H-1B (Lambe Mining Sequence, Revised 8/07 RAI)
- Exhibit B. Reserved
- Exhibit C. Map A (Location/Land Ownership, 2/07 Orig. Lambe ADA)
- Exhibit D. Reserved
- Exhibit E. Reserved
- Exhibit F. Map H - 4 (Mined/Disturbed Land, Lambe Addition, Revised 8/07 RAI)
- Exhibit G. Maps I - 2B and I - 3B (Lambe Post Reclamation Land Use and Topography Maps, Revised 8/07 RAI)
- Exhibit H. Maps I -1, I - 2A and I - 3A (NE Tract Post Reclamation Land Use, Topography and Post Reclamation Schedule, Revised 8/07 RAI)
- Exhibit I. Table 35 - 4 (Reclamation Schedule, Phase II ADA)
- Exhibit J. Table 12 -1B (Land Use, Lambe Addition, Revised 8/07 RAI)
- Exhibit K. Table 35 -1 (Mined and Disturbed Areas, Revised 8/07 RAI)
- Exhibit L. Developer's Commitments – Lambe Addition



LEGEND

-  Lambe Addition
-  NE Tract Mining Sequence

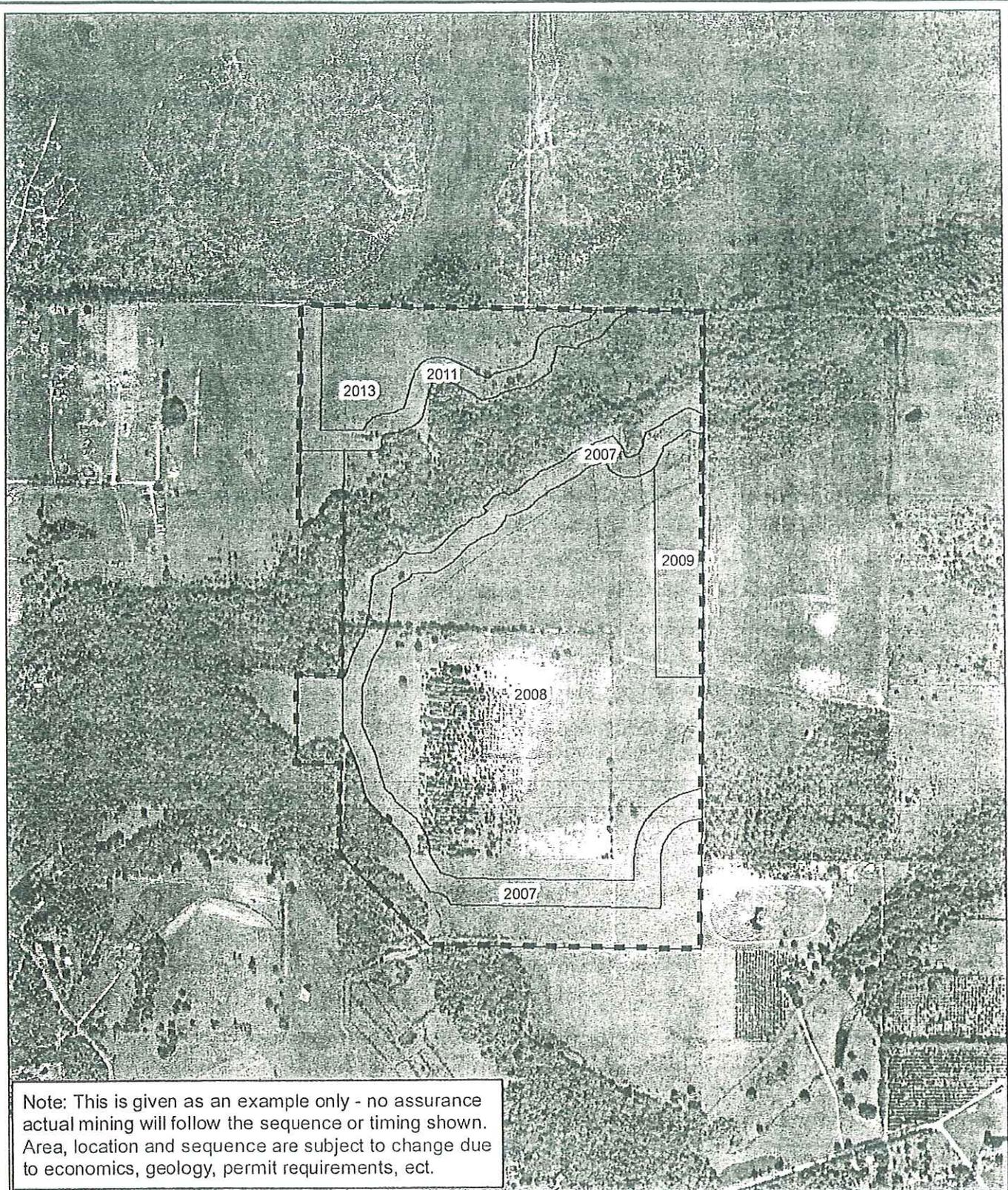


This figure was originally produced in color. Reproduction in black and white may result in a loss of information.

Map Projection:
 Florida State Plane,
 West Zone, NAD 83, Feet
 Source: USGS, FGDL,
 NWI, Golder Associates, Inc.



MAP **H-1A**
MINE PLAN/SEQUENCE
NE TRACT
 MOSAIC/LAMBE PERMITS

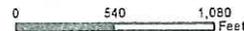


Note: This is given as an example only - no assurance actual mining will follow the sequence or timing shown. Area, location and sequence are subject to change due to economics, geology, permit requirements, ect.

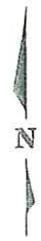
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LEGEND

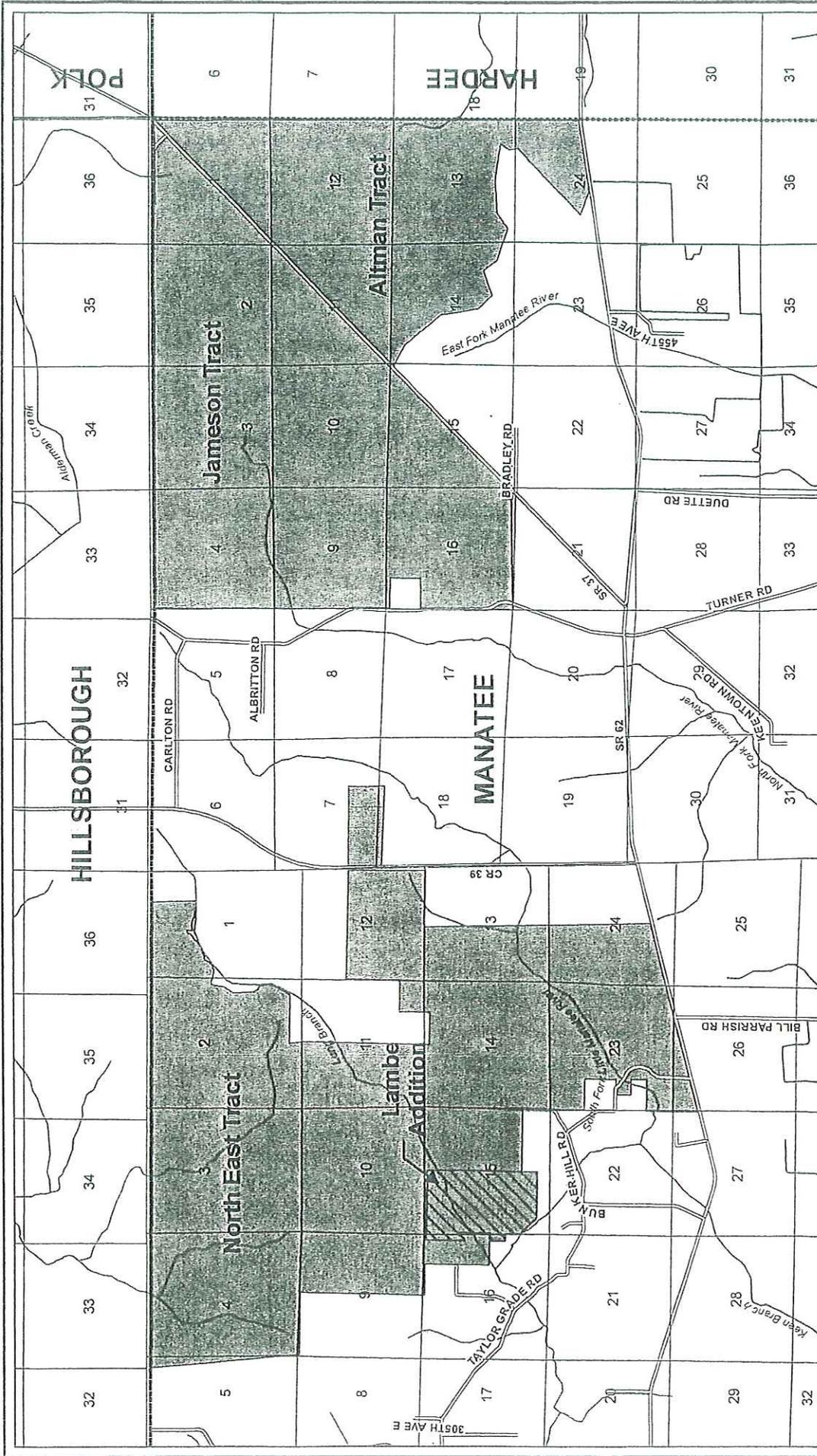
-  Lambe Addition
-  Lambe Mining Sequence



Map Projection:
 Florida State Plane,
 West Zone, NAD 83, Feet
 Source: USGS, FGDL,
 NWI, Golder Associates, Inc.



MAP H-1B
MINE PLAN/SEQUENCE
LAMBE ADDITION
 MOSAIC/LAMBE PERMITS



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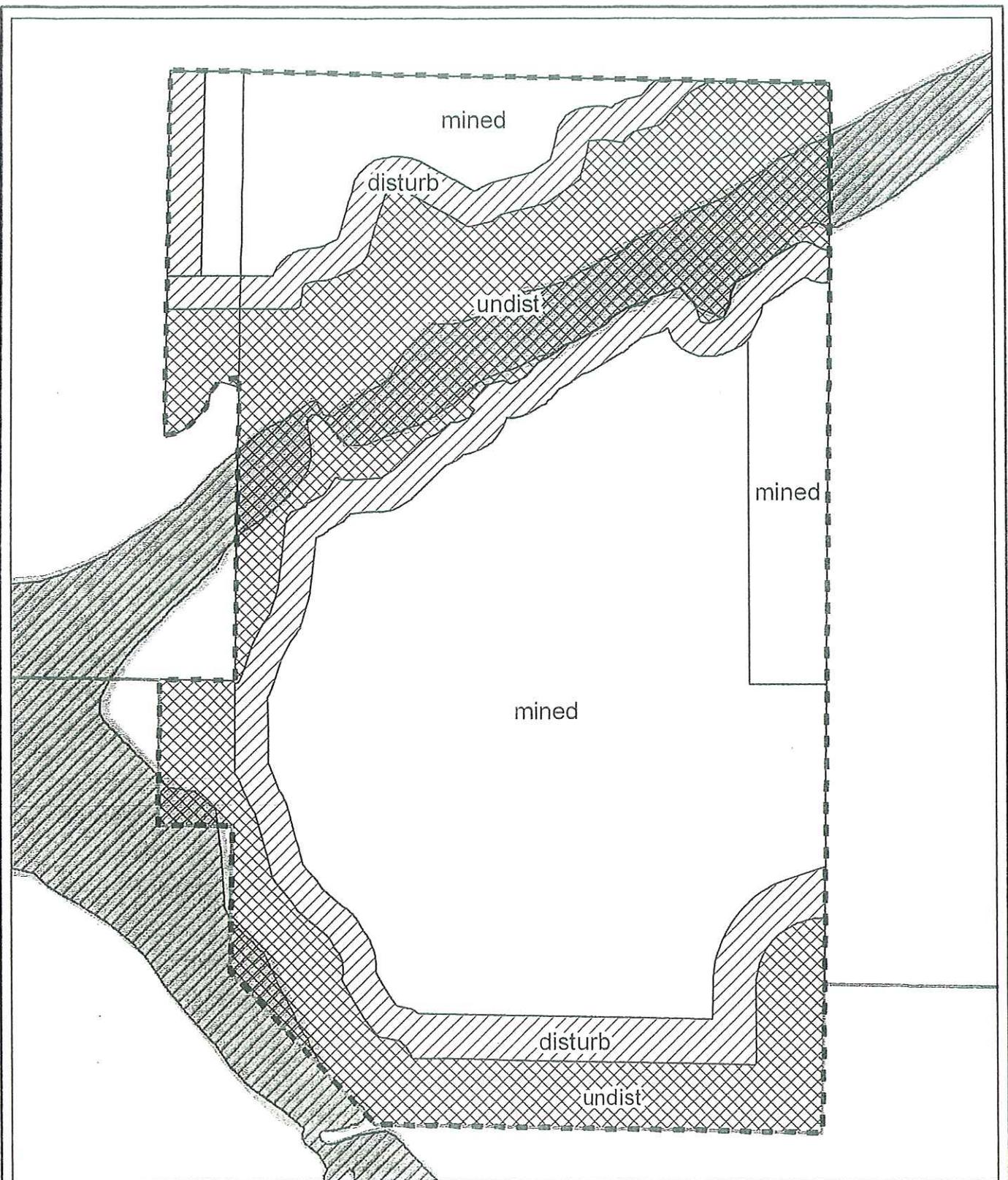


LEGEND

- Section - Township - Range
- Lambe Addition
- County Boundary
- Approved Mining Area
- Major Roads
- River/Stream

Map Projection:
 Florida State Plane,
 West Zone, NAD 83, Feet
 Source: USGS, FGDL,
 Golder Associates, Inc.

MAP A
LOCATION OF
LAMBE ADDITION
 MOSAIC/LAMBE PERMITS
Golder Associates



LEGEND

- Lambe Addition
- CRP Mine Boundaries

Lambe Mining Sequence

STATUS

- Disturbed
- Mined
- No_Mine
- 25-yr Floodplain



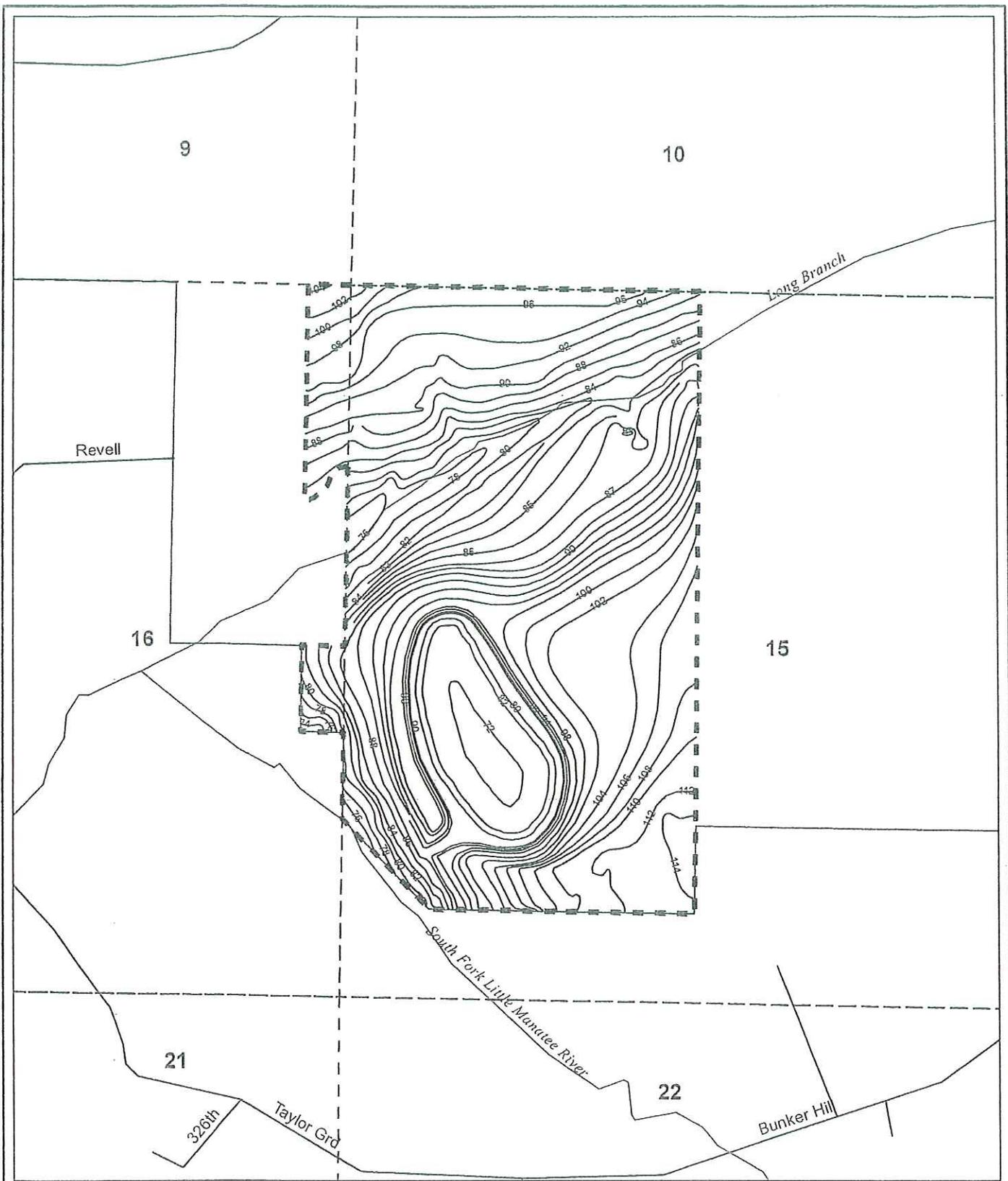
Map Projection:
 Florida State Plane,
 West Zone, NAD 83, Feet
 Source: USGS, FGDL,
 NWI, Golder Associates, Inc.



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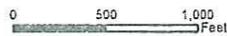
MAP **H-4**
MINED/DISTURBED
LAMBE ADDITION
 MOSAIC/LAMBE PERMITS

Golder Associates



LEGEND

- Section - Township - Range
- Lambe Addition
- CRP Mine Boundaries
- Post Reclamation Topography
- River/Stream
- Streets

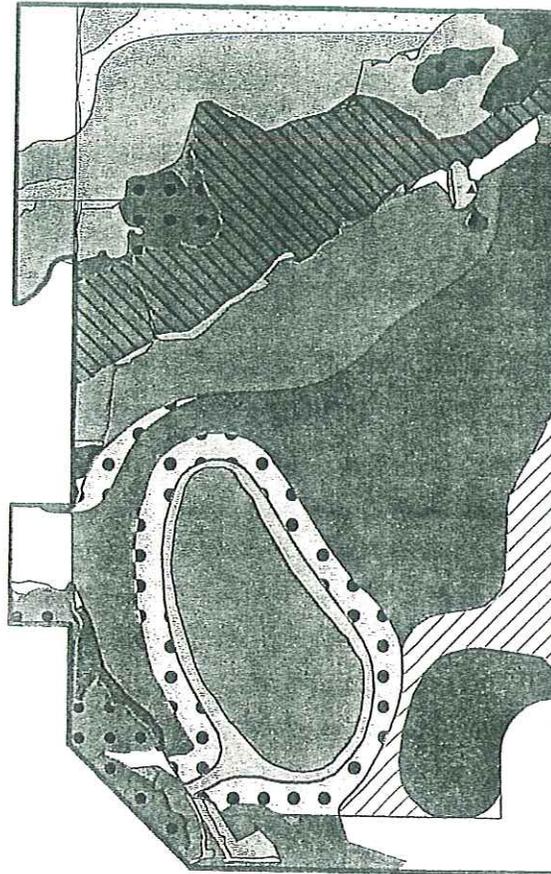


Map Projection:
Florida State Plane,
West Zone, NAD 83, Feet
Source: USGS, FGD,
Golder Associates, Inc.



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MAP **I-2B**
POST RECLAMATION
TOPOGRAPHY
LAMBE ADDITION
MOSAIC/LAMBE PERMITS



LEGEND

Lambe Addition	420 Upland Hardwood Forests	611 Bay Swamps
Post Reclamation Land Use	421 Xeric Oak	615 Streams
210 Cropland and Pastureland	425 Temperate Hardwood	617 Mixed Wetlands Hardwoods
211 Improved Pasture	430 Upland Hardwood Forests Continued	620 Wetland Coniferous Forests
220 Tree Crops	434 Hardwood - Conifer Mixed	630 Wetland Forested Mixed
260 Other Open Lands <Rural>	440 Tree Plantations	640 Vegetated Non-Forested Wetlands
300 Rangeland	510 Streams and Waterways	641 Freshwater Marshes
310 Herbaceous (Dry Prairie)	514 Upland Cut Ditch	643 Wet Prairies
320 Shrub and Brushland	520 Lakes	646/647 Shrub Marsh
321 Palmetto Prairie	522 Lakes (Larger than 500 acres)	647 Shrubby Wetlands
329 Other Shrubs and Brush	523 Lakes (Larger than 100 acres)	740 Disturbed Lands
330 Mixed Rangeland	530 Reservoirs	743 Spot Areas
410 Upland Coniferous Forests	534 Reservoirs (Larger than 10 acres)	810 Transportation, Communication and Utilities
411 Pine Flatwoods	610 Wetland Hardwood Forests	
413 Sand Pine		

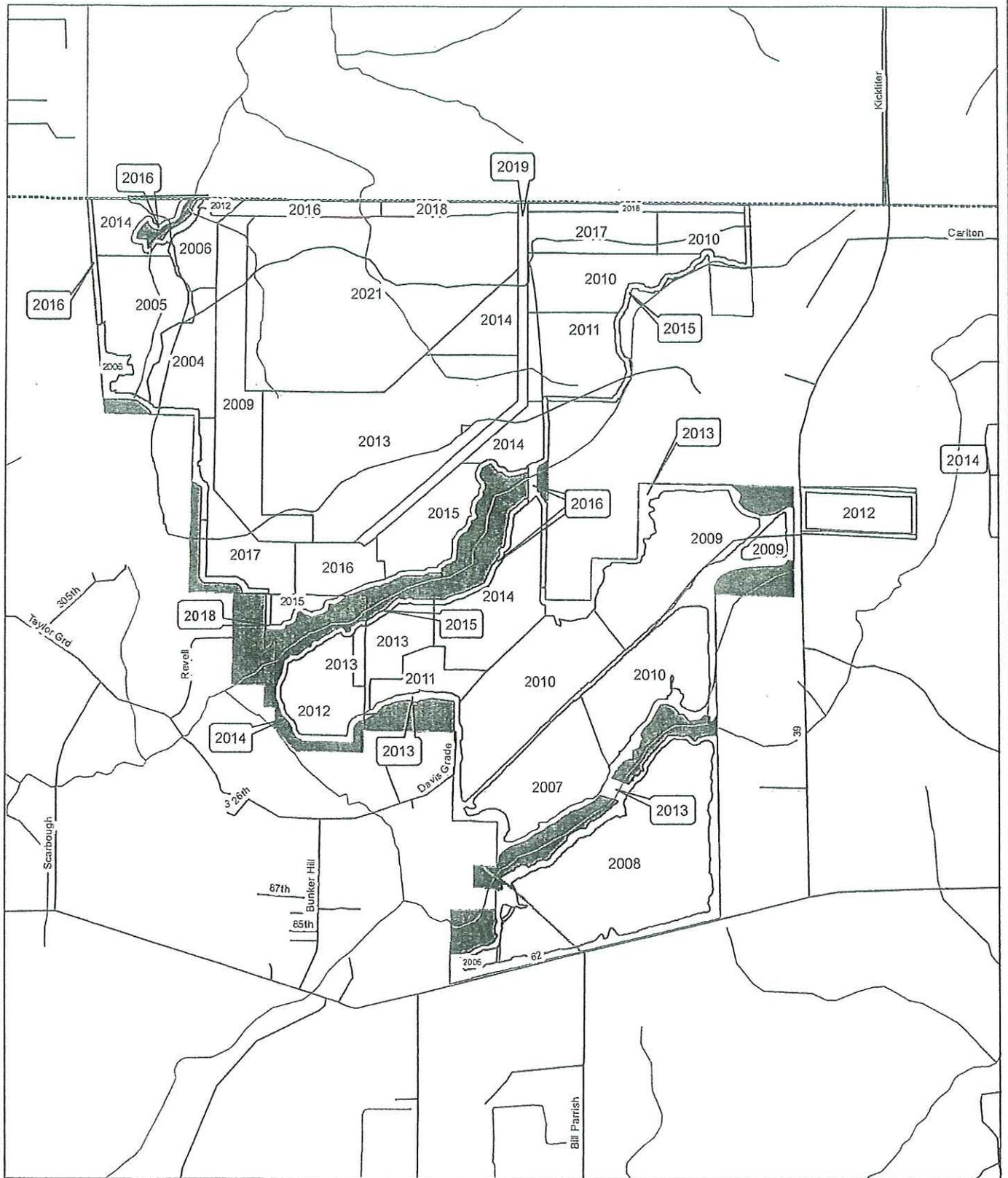
0 500 1,000 Feet

Map Projection:
Florida State Plane,
West Zone, NAD 83, Feet

Source: Golder Associates, Inc. and MOSAIC

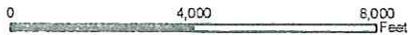
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MAP **I-3B**
POST-RECLAMATION
LANDUSE
LAMBE ADDITION
MOSAIC/LAMBE PERMITS



LEGEND

- County Boundary
- CRP Mine Boundaries
- Streets
- River/Stream
- NE Tract Reclamation Sequence

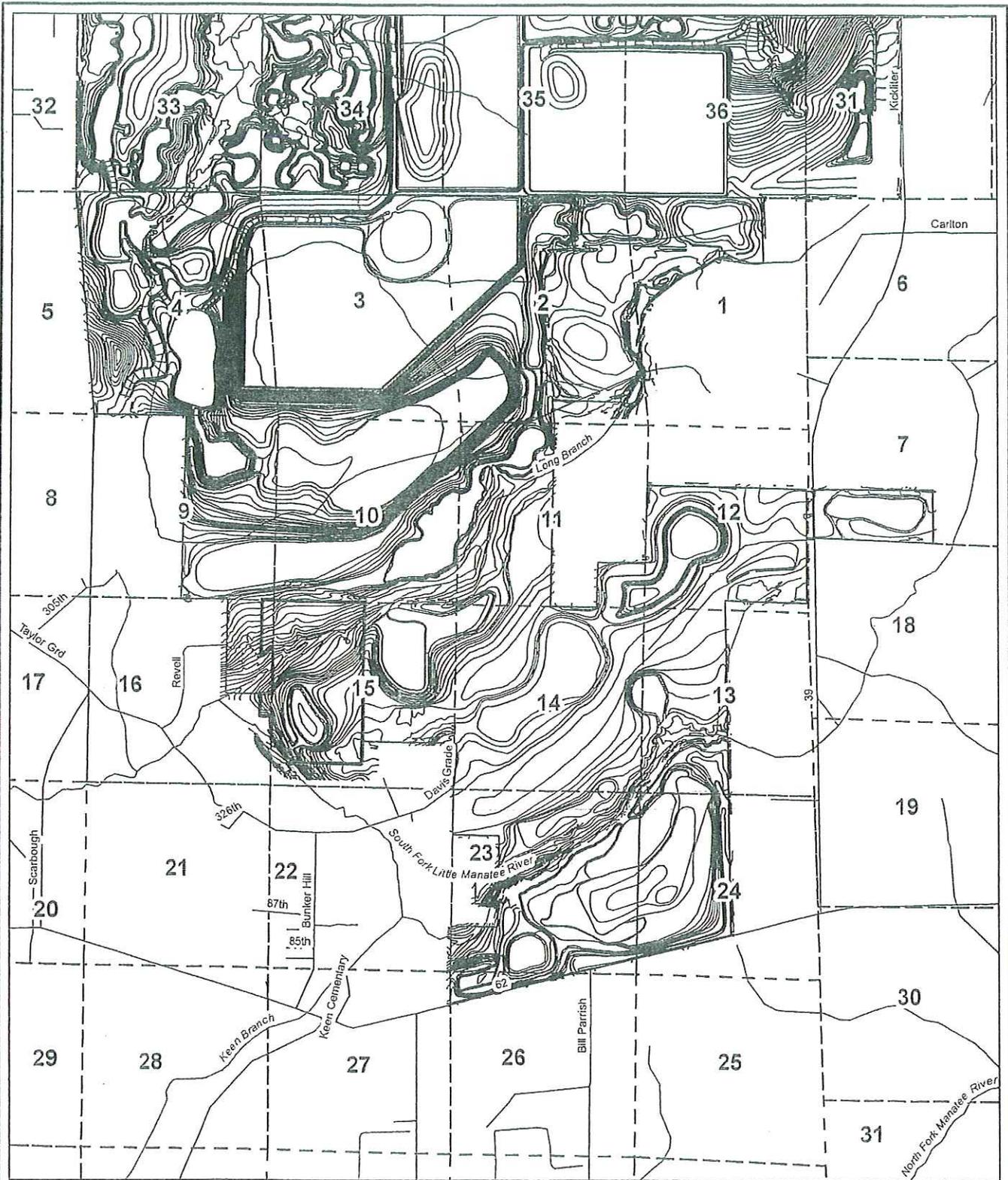


Map Projection:
 Florida State Plane,
 West Zone, NAD 83, Feet
 Source: USGS, FGDL,
 NW, Golder Associates, Inc.



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MAP I-1
RECLAMATION PLAN
NE TRACT
 MOSAIC/LAMBE PERMITS



LEGEND

- Section - Township - Range
- NE Tract Boundary
- Lambe Boundary
- NE Tract Post Reclamation Topography

0 2,000 4,000 Feet

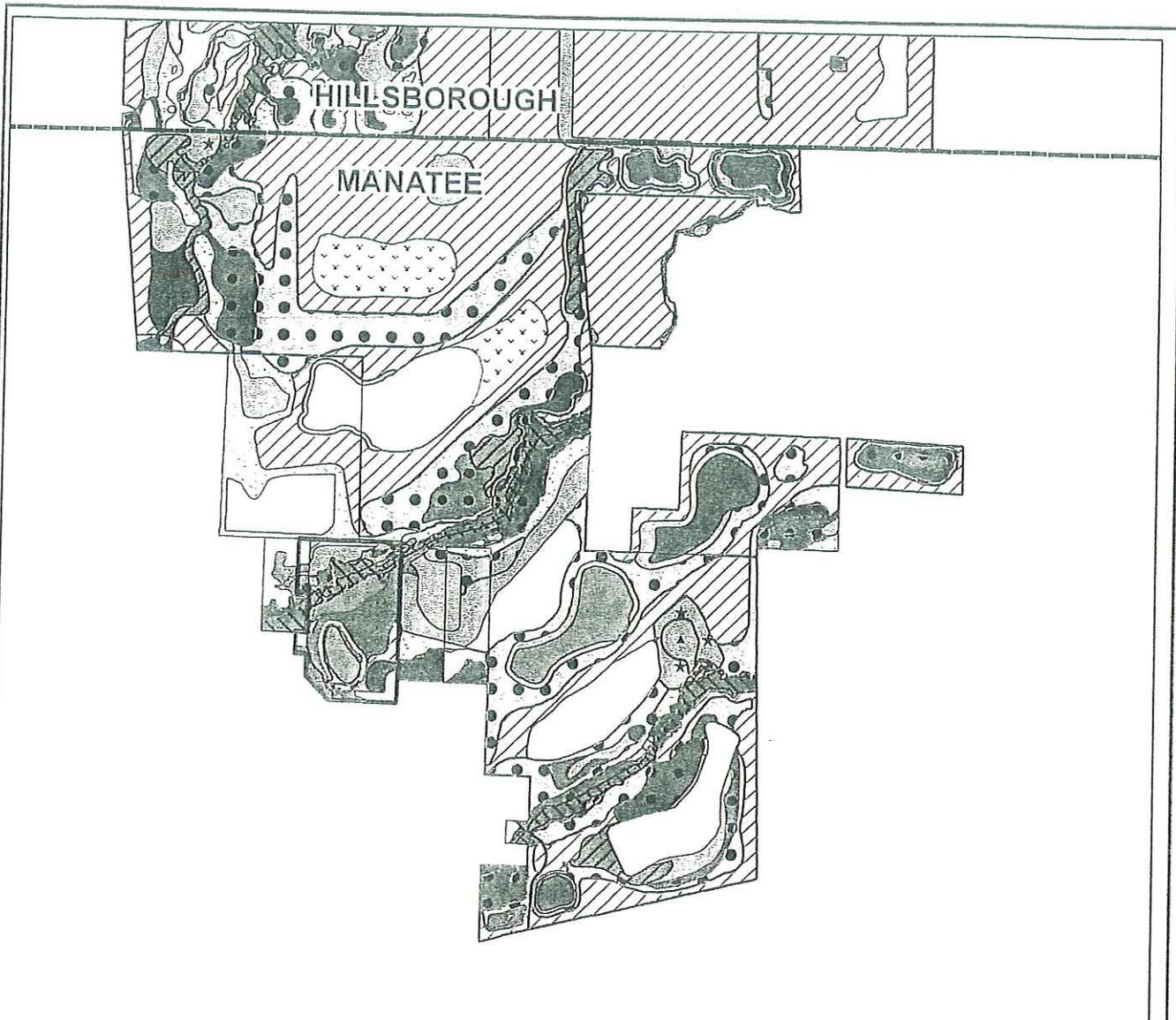
Map Projection:
Florida State Plane,
West Zone, NAD 83, Feet

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MAP **I-2A**
POST-RECLAMATION
TOPOGRAPHY
NE TRACT
MOSAIC/LAMBE PERMITS

Source: Golder Associates, Inc. and MOSAIC



LEGEND

Lambe Addition	413 Sand Pine	611 Bay Swamps
County Boundaries	420 Upland Hardwood Forests	615 Streams
Post Reclamation Land Use	421 Xeric Oak	617 Mixed Wetlands Hardwoods
210 Cropland and Pastureland	425 Temperate Hardwood	620 Wetland Coniferous Forests
211 Improved Pasture	430 Upland Hardwood Forests Continued	630 Wetland Forested Mixed
220 Tree Crops	434 Hardwood - Conifer Mixed	640 Vegetated Non-Forested Wetlands
260 Other Open Lands <Rural>	440 Tree Plantations	641 Freshwater Marshes
300 Rangeland	510 Streams and Waterways	643 Wet Prairies
310 Herbaceous (Dry Prairie)	520 Lakes	646/647 Shrub Marsh
320 Shrub and Brushland	522 Lakes (Larger than 500 acres)	647 Shrubby Wetlands
321 Palmetto Prairie	523 Lakes (Larger than 100 acres)	740 Disturbed Lands
330 Mixed Rangeland	530 Reservoirs	810 Transportation, Communication and Utilities
410 Upland Coniferous Forests	534 Reservoirs (Larger than 10 acres)	
411 Pine Flatwoods	610 Wetland Hardwood Forests	



This figure was originally produced in color. Reproduction in black and white may result in a loss of information.

Map Projection:
Florida State Plane,
West Zone, NAD 83, Feet



Source: Golder Associates, Inc. and MOSAIC

MAP I-3A
POST-RECLAMATION
LANDUSE
NE TRACT
MOSAIC/LAMBE PERMITS

F:\PROJECTS\2006 PROJ\063-9523\A-NOP\CIGIS\MXD\063-9523AD18 NE Tract Post-Reclamation Land Use 020107.mxd

FOUR CORNERS MINE
LAMBE ADDITION

TABLE 35-4
Reclamation Schedule

Reclamation Type	Reclamation Activity	*Time - Years
Graded Overburden	0. End of Mine use	---
	1. Contour - Earthwork	18 months
	2. Re - vegetation	6 months
	3. Growth Period	1 year
	Total Time	3 years.
Tailings Fill	0. End of Tailing fill (Mine use)	---
	1. Contour - Earthwork	18 months
	2. Re-vegetation	6 months
	3. Growth Period	1 year
	Total Time	3 years.
Clay Settling Area	0. Ditch and drain surface	4 years
	1. Settling area abandonment (End of Mine use)	---
	2. Contour - Earthwork	18 months
	3. Plant grasses	6 months
	4. Growth Period	1 year
	Total Time	3 years

* Note: Times are based on completion of all mining activities within a program or logical reclamation unit area that allows for reclamation of a sub-basin system rather than partial system.

**FOUR CORNERS MINE
LAMBE ADDITION**

**Table 12-1B
Lambe Addition
Existing & Post Reclamation Land Uses**

FLUCFCS	Land Use Description.	Total Pre-Mining		Disturbed / Mined		Not Disturbed		Post Reclamation	
		Acres	Percent	Acres	Percent	Acres	Percent	Acres	Percent
211/210	Pasture	89.6	29.9%	72.7	35.2%	16.9	18.3%	36.8	12.3%
224	Grove	14.7	4.9%	14.7	7.1%	0.0	0.0%	0.0	0.0%
310	Grasslands	68.9	23.0%	63.1	30.5%	5.8	6.3%	70.8	23.7%
321	Palmetto Prairie	5.0	1.7%	5.0	2.4%	0.0	0.0%	6.6	2.2%
329	Brush Lands	1.2	0.4%	1.2	0.6%	0.0	0.0%	1.2	0.4%
330	Mixed Range Lands	2.1	0.7%	0.0	0.0%	2.1	2.3%	2.1	0.7%
425	Temperate Hardwoods	13.4	4.5%	10.5	5.1%	2.9	3.1%	14.9	5.0%
434	Hardwood Conifer Mixed	0.7	0.2%	0.6	0.3%	0.1	0.1%	20.5	6.9%
513	Ditched Wetlands	1.9	0.6%	1.8	0.9%	0.1	0.1%	0.1	0.0%
514	Upland Cut Ditches	1.5	0.5%	1.0	0.5%	0.5	0.5%	0.5	0.2%
520	Lakes	0.1	0.0%	0.1	0.0%	0.0	0.0%	24.5	8.2%
611	Bay Swamps	0.6	0.2%	0.0	0.0%	0.6	0.6%	0.6	0.2%
617/615	Mixed Wetland Hardwoods	45.0	15.0%	0.1	0.0%	44.9	48.5%	45.2	15.1%
620	Wetland Coniferous Forest	1.4	0.5%	0.0	0.0%	1.4	1.5%	1.4	0.5%
641		0.0	0.0%	0.0	0.0%	0.0	0.0%	7.8	2.6%
643	Wet Prairies	22.5	7.5%	16.5	8.0%	6.0	6.5%	33.9	11.3%
647	Shrub Swamps	30.7	10.3%	19.5	9.4%	11.2	12.1%	32.4	10.8%
743	Disturbed Lands	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%
Total		299.3	100.0%	206.8	100.0%	92.5	100.0%	299.3	100.0%

**FOUR CORNERS MINE
LAMBE ADDITION**

**TABLE 35-1
Estimated Mined and Disturbed Areas**

Revised 8/9/07 Site	Total Area	Sites Total		Setback Area***	
		To Be Mined or Disturbed*	Disturbed** *	To Be Mined / Disturbed	Not Disturbed
Lambe Addition	299	207	93	22	32
N.E Tract	6,478	6,121	357	885	64
Total N.E Tract	6,777	6,328	450	907	96
Total N.E Tract**	6,777	6,328	450	907	96
Total Jamesson Tract****	4,938	4,588	350	34	-
Total Mine Area**	11,715	10,915	800	941	96

* Disturbed areas are not mined (i.e., road, plant area, etc.) habitat enhancements are not considered disturbed.

** Total NE Tract includes Parcels 1, 2, 3, 4, Economic Revision Areas, Lipman net change and the Lambe Addition.

*** Setback Area included in Total Tract & Mine Areas.

**** Jamesson Tract includes Altman Section 1 (Exchange Area).

EXHIBIT L

DEVELOPER COMMITMENTS FOUR CORNERS MINE PHASE II NORTHEAST TRACT ADDITION

The following commitments have been made by, or on behalf of, the applicant in the Application for Development Approval (ADA), the first Sufficiency Response (SR1), the second Sufficiency Response (SR2), or the third Sufficiency Response (SR3). In instances where the applicant may have proposed recommended Development Order condition language, the language may have been included in this list of commitments. These commitments must be taken in the context of the section or question being responded to in the ADA and Sufficiency Responses.

This list of Developer Commitments includes all those identified in the ADA and sufficiency responses for Parcels 1, 2, 3, and 4 of the Phase II Northeast Tract Addition*. All references to Parcel 4 are not applicable as Developer Commitments for this Ordinance.

GENERAL

1. The following currently-approved Manatee County Master Mining Plan or DRI elements of the Four Corners Mine are not proposed to be changed: (ADA/Page 10-4)
 - the currently approved mine water use (SWFWMD WUP);
 - the method of mining used (e.g., impacts on air, noise, radiation, energy use, etc.);
 - materials disposal method;
 - the source of police, fire, and emergency medical services;
 - beneficiation plant capacities (e.g., impacts on methods of product shipment); and
 - reclamation plan for Jameson tract.
2. As shown on the maps and tables, the post-reclamation vegetative cover will include a significant increase in the acreage of upland and wetland natural systems. Agricultural lands (e.g., pasture and crop land) will decrease by approximately 874 acres, or 59 percent (ADA/Page 10-9, as revised by SR3/Table 12-1).
3. Following the temporary use of the land for phosphate mining, the [designated] land use will revert to agricultural after the reclamation phase of the project is completed. (ADA/Page 10-10).
4. MOSAIC requests approval of mitigation ratios of 2.07 acres of created forested wetlands and 2.13 acres of created herbaceous wetlands for each acre of existing wetlands of the same type to be disturbed. (ADA/Page 10-20 as revised by SR3/Table 13-1).
5. The Four Corners Mine Additions Phase II project will not subject the public to radiological or other adverse impacts. (ADA/Page 10-37).

6. Mosaic employs the staged-settling waste disposal procedure to minimize the acres required for clay settling areas. This procedure involves alternating filling and drying a clay settling area over several years to more efficiently store the clay. This process will be used on the Altman and N.E. Tracts. (ADA/Page 10-37).
7. Following mining and reclamation of the site, the surface water drainage patterns and storm water runoff intensity and duration will be returned to essentially pre-mining conditions. In addition, potential future use of surface water resources may be made available through the reclamation lakes proposed to be constructed on the N.E. Tract. (ADA/Page 10-40).
6. All pipelines will be double-cased with proper spill protection systems included. (SR1/Page AI-45).

ECONOMY

The proposed project will not require expenditures for the development of new public facilities or the expansion of current facilities (ADA/Page 10-30).

VEGETATION AND WILDLIFE

1. A principle objective of the reclamation plan will be the development of a large integrated natural system on Parcel 4 that will extend the Horse Creek corridor upstream from Mosaic's other similar efforts along Horse Creek downstream in Hardee County. This area will be reclaimed as a mixture of forested wetlands and herbaceous and shrub marshes, surrounded by upland forests, palmetto prairies, and xeric communities (ADA/Page 10-9).
2. Table 12-1 illustrates that a significant acreage of natural systems will be revegetated on each of the parcels and that the acreage of land vegetated by improved pasture grass species will decrease significantly. No irrigation systems are required or planned (ADA/Page 10-18 & SR3/Page 1-10).
3. The plant communities that will remain undisturbed throughout the mining and reclamation periods are shown using an outlined symbol on the F-series vegetation maps and the H-series mine plan maps. These areas follow the concept contained in current approvals, in that the main stream channels will be undisturbed where they are forested systems (ADA/Page 12-12).
4. In the event any listed species are observed breeding or nesting, in an area to be cleared, Mosaic will contact FFWCC and implement the recommended measures for species protection (ADA/Page 12-21).
5. Mosaic will report in the DRI annual report all implementation activity associated with the approved Plan or listed species permits (ADA/Page 12-22).
6. Listed species observed in plant communities that are proposed to be left undisturbed will not be relocated. In these communities, Mosaic will protect listed species by maintaining the

viability of the vegetative community and precluding public access (ADA/Page 12-22).

7. The prime protection for birds will be to protect their nesting areas and to restrict clearing activities to the non-nesting season for selected species (ADA/Page 12-22).
8. Mosaic will reclaim the Altman Tract to a mosaic of upland and wetland natural systems that will provide over 2,000 acres of wildlife habitat in addition to the natural systems that have been or are currently being reclaimed on the adjacent mined land in Hardee County (ADA/Page 12-23).
9. A pre-clearing survey of the deeper water areas (Horse Creek and Little Manatee drainages) will be conducted prior to mining (ADA/Page 12-24).
10. Pre-clearing vehicular and pedestrian transects will be conducted in all upland habitats (ADA/Page 12-24).
11. Prior to clearing, appropriate habitats for the nesting of designated species will be surveyed (ADA/Pages 12-25 - 12-29).
12. Native species will be utilized in reclaiming natural systems and mitigation areas (SR1/AI-30).
13. Prescribed fire plans will be developed for each management unit and a natural fire regime of approximately two to three years in the flatwoods and approximately ten years in the xeric oak community will be established (SR1/AI-38).
14. A total of 700 acres of scrub jay habitat on Mosaic property is proposed for perpetual conservation easements with management [in Manatee and Hillsborough Counties] (SR1/Page AI-38).
15. Mosaic is committing to maintaining exotic and nuisance species in the proposed mitigation wetlands to less than 10 percent relative cover in the ground cover and less than 10 percent of the total trees in the canopy (SR1/Page AI-44).
16. Mosaic maintains vegetated preserves consistent with the Integrated Habitat Network that provide wildlife corridors for these [listed] species to safely move to adjacent habitats (SR1/Page AI-83).
17. Proposed side slopes for reclaimed marshes will approximate the slopes found on existing [surveyed] marshes... and will generally range from 40:1 to 500:1 (SR1/Page AI-91).
18. Recreated habitats will be located adjacent to preserved plant communities of the same type to encourage natural revegetation and wildlife recruitment (SR1/Page AI-158).
19. Upon completion of reclamation, Mosaic has offered - and USFWS has accepted - the placement of perpetuity conservation easements over the best xeric oak scrub and certain

pine flatwoods (up to 700 acres) within the project. Mosaic will be responsible for the management of the conservation easement areas during the mining operations through reclamation release, then the Florida Department of Environmental Protection assumes reclamation responsibility for perpetuity management (SR2/Page 2-30).

To implement the HMP, Mosaic will complete and adhere to the terms and conditions listed below (#20 - #28):

20. Mosaic, within one year of issuance of USFWS biological opinion, will grant in favor of FDEP a perpetual conservation easement with management requirements over 200 acres of the Manatee Wellfield site as identified in Map 14 of the HMP, respectively, in general accordance with the easement language in Exhibit A. Following the completion of mining and reclamation, the Service in coordination with FDEP will identify an additional 365 acres of FFWCC Type I or occupied scrub-jay habitat for dedication of a perpetual conservation easement in favor of FDEP (SR2/Page 2-41).
21. Mosaic shall manage through a combination of mechanical treatments and prescribed fires the potentially suitable occupied Florida scrub-jay habitats on unmined portions of the Mine Site and the entire Manatee Wellfield Mitigation Site during the life of the mine in accordance with the HMP (SR2/Page 2-41).
22. Mosaic shall be responsible for managing the reclaimed and native HMP habitats, including the West Tract Preserve and the Manatee Wellfield site, through the FDEP release of reclaimed HMP habitats, at which time FDEP will assume management responsibilities of the Florida scrub-jay habitat areas identified in [Item 24] above (SR2/Page 2-41).
23.
 - A. No clearing of vegetation will take place within occupied territories on the project site place during the florida scrub-jay nesting season (typically March 1 through June 30), removing the potential to destroy active nests and kill or injure nestlings (SR2/Page 2-41).
 - B. Mechanical and fire management can take place in the occupied territories during the scrub-jay nesting season; however, the management area should be carefully inspected to locate any active nests and protect the nests from any kind of management that may occur to prevent "take" of scrub-jays (SR2/Page 2-41).
24. Mosaic will try to band all Florida scrub-jays on their Four Corners Mine and the Manatee Wellfield properties using unique color combinations to track the status of individuals. Mosaic should consider radio telemetry on at least a subset of the translocated jays (SR2/Page 2-41).
25. Mosaic shall monitor on an annual basis reclaimed scrub sites occupied by scrub-jays, all unmined occupied baseline survey sites on the Four Corners/Lonesome Mine and the Manatee Wellfield, as identified in the HMP, with sufficient intensity to document a) the response of the scrub-jay habitat management units to all reclamation, restoration and management activities, and b) the distribution and status of the resident Florida scrub-jay

population on each of these management units. Monitoring of these areas shall continue on an annual basis until such time as a minimum population of 14 pairs of scrub-jays are documented to be present on Mosaic lands for three consecutive years, at which time monitoring can be reduced to every other year for the remaining life of the 30-year permit, so long as 14 pairs are present. If 28 families or more are documented within the project area during the last ten year period, monitoring can be reduced to once every 5 years, so long as presence/absence surveys show 20 families or more present. Monitoring reports shall be submitted within 120 days of completing the field work (described below) in each calendar year to the USFWS and Manatee County (SR2/Pages 2-41 - 2-42).

A. Scrub-jay Habitat Management Units

- i. A description of all work completed on upland management units since the previous report, or since the permit was issued (initial monitoring report). Indicate on maps or figures those management units where work has been completed (SR2/Page 2-42).
- ii. A description of all work proposed on upland habitat units in the next year. Indicate on map or figures those management units where work is proposed (SR2/Page 2-42).
- iii. For each management unit, Mosaic shall establish a representative sample of permanent photo stations. The photographs taken at these stations will include date taken, station number and contain a 3.0 meter stake as a reference point. Baseline photographs will be taken prior to all major management activities (SR2/Page 2-42).

B. Florida scrub-jay Populations

- i. Mosaic shall conduct in March of each year a survey of all management units of adequate intensity to determine the status of each Florida scrub jay family, including the number of non-breeding helpers with each pair and the approximate size and configuration of each territory (SR2/Page 2-42).
- ii. Mosaic shall prepare and include in the monitoring report a table summarizing the known history of each scrub-jay family through time, including any movements or changes in family composition (see Conservation Recommendations), and corresponding maps identifying the locations of each territory (SR2/Page 2-42).

26. Mosaic shall maintain a minimum of 10 pairs of Florida scrub jays on the Mosaic property during the first 10 years of mining and a minimum of 14 pairs during the following 20 years (minimum population standard). If Mosaic can document through banding and/or radio telemetry studies that scrub-jays dispersing from Mosaic property have successfully established a territory or paired with a jay on a territory off-site and contributed to the M4 metapopulation, these jays will count towards the minimum population standard. If, as a

result of mining activities, the Mosaic Florida scrub-jay population drops below the minimum population standard in any year, then Mosaic in coordination with the USFWS will develop an appropriate action plan to remedy the population standard shortfall by the following nesting season. If the minimum population standard is not achieved within two nesting seasons following the reported shortfall, then Mosaic shall immediately cease mining of occupied Florida scrub-jay habitat and reinitiate section 7 consultation (SR2/Page 2-42).

27. Translocation of scrub jays is recommended in order to minimize take resulting from the mining of occupied habitat and to establish scrub jays on the Manatee Wellfield and at suitable reclaimed sites on Mosaic property. Translocation should follow the protocol established by Mumme and Below (1995, 1999), as outlined in the HMP. As detailed in the biological opinion, the Service recognizes that both the "do nothing" and the "maximum on-site preservation/restoration" alternatives pose substantially greater risks to the long-term viability of the M4 metapopulation than the combination "reclamation/Manatee Wellfield" alternative proposed in the HMP. However, this preferred alternative will require time to establish a source population through natural recruitment, immigration and potentially experimental translocations from the mine site or elsewhere (SR2/Page 2-42).
28. Mosaic will work cooperatively with Manatee County and the Southwest Florida Water Management District (SWFWMD) regarding management of their scrub habitat to the north and south, respectively, of the Manatee Wellfield site (SR2/Page 2-42).
29. No natural slopes equal to or exceeding 26.5 degrees are proposed to be altered during the project development process, nor will any be created. (SR2/Page 4-8).
30. [The applicant's suggested a Development Order Condition:] Mosaic will follow the USFWS/FFWCC Bald Eagle Management Plan (Site MN-08) for any and all bald eagle nests on site. If the eagles move the existing nest, the Management Plan will be updated accordingly to the USFWS/FFWCC rules. If the site is officially abandoned by USFWS/FFWCC, then Mosaic may mine the site. The nest status will be reported in the Annual Report (SR3/Pages 2-5 - 2-6).
31. Mosaic will attempt re-establish the wild coco specimens found by direct transplanting of the plants to similar reclaimed or preserved areas (SR3/Page 2-8).

WETLANDS

1. Table 13-1 illustrates that Mosaic will avoid disturbing half of the forested wetlands subject to FDEP jurisdiction within Area 4 (ADA/Page 10-19).
2. Riverine resources are depicted on or adjacent to the Northeast Tract (e.g. the Little Manatee River). This significant wetland riverine system will remain undisturbed as shown on Map H-1B, with the exception of the approved access corridor crossing (ADA/Page 10-31).

3. As shown on Map F-2A, the headwater channel of Horse Creek along with two adjacent, relatively large bay swamps, will be avoided (ADA/Page 13-5).
4. Areas proposed to be avoided are shown on Maps F-2A, F-2B, H-3A and H-3B. A total of 322 acres of FDEP jurisdictional wetland area will be left unmined (ADA/Page 13-6 as revised by SR3/Table 13-1).
5. A combination of techniques will be used to protect unmined wetlands during mining and reclamation activities, including buffers, vegetated perimeter berms, and recharge ditches adjacent to all undisturbed wetlands (ADA/Page 13-6).
6. The types of wetlands proposed to be disturbed will be mitigated in kind and consist of wetlands that the U.S. Army Corps of Engineers and FDEP and other Florida agencies readily acknowledge are reclaimable following phosphate mining (ADA/Page 13-8).
7. Mitigation for parcels 1, 2, and 3 will be integrated into the regional post reclamation landscape of the N.E. Tract (ADA/Page 13-8).
8. If muck is not available, herbaceous wetlands will be planted with a diverse array of native plant species at a density of up to 4,800 plants per acre (i.e. 3-foot centers). Forested systems will be planted with trees at a density of up to approximately 600 trees per acre (i.e. 8-foot centers). Species proposed for planting will be selected on the existing or historic character of the lands being mined (ADA/Page 13-8).
9. The reclamation plan will eliminate ditching in the post reclamation landscape both within Phase II parcels and in the surrounding areas (ADA/Page 13-8).
10. Following mining, the land adjacent to all wetlands, whether avoided or created, will be reclaimed to natural systems that will act as buffers between the wetlands and crop and pasture lands (ADA/Page 13-9).
11. Limits of disturbance lines, as shown on Maps F-2A and B, will be established in the field and staked by land surveyors. Trained biologists will review the staked line as a quality assurance check (ADA/Page 13-10).
12. A source of clear water will be used for recharge water for the ditches. Input into the recharge ditches will be adjusted to maintain appropriate ground water and surface water elevations (ADA/Page 13-10).
13. Any erosion that might occur from extreme rainfall events will be repaired and replanted until a self-sustaining vegetative cover is established (ADA/Page 13-11).
14. Viable topsoil or "muck" from premining wetlands, where available, will be stockpiled prior to mining and spread over reclaimed wetlands to provide a favorable growing medium and a source of plant propagules (ADA/Page 13-11).

15. A minimum of 70 percent vegetation cover on the reclaimed non-forested wetlands will achieve success. Exotic and nuisance species will be controlled so as to not exceed a 10 percent relative cover (ADA/Page 13-12).
16. A minimum of 70 percent of each statum will consist of plants listed as "Typical", "Associated", or "Additional" species for bay swamps, deep swamps, and deep water swamps in *A Guide to Selected Florida Wetland Plants and Communities* (USACOE, 1988) for the bay swamp, hardwood swamp, and mixed hardwood forest swamp types, respectively. Exotic and nuisance species will be controlled so as not to exceed 10 percent relative cover in the ground cover and 10 percent of the total number of trees in the canopy (ADA/Page 13-12).
17. Hardwood and mixed forest swamps will be designed with irregular bottoms due to the presence of hummocks or earthen platforms and have 10:1 or flatter side slopes and seasonal high water depths ranging from 0.5 to 1.0 foot (ADA/Page 13-12).
18. Mitigation is proposed at a ratio of 2.1:1 for forested wetland systems (see Revised Table 13-1 at the beginning of Question 13) (SR1/Page AI-54 as revised by SR3/Table 13-1).
19. The locations of the proposed disturbances are shown on Maps F-2A and B. Table 13-1 illustrates that Mosaic is proposing to create 1,489.6 acres of herbaceous wetlands and 595.4 acres of forested wetlands as compensatory mitigation. In addition, Mosaic is proposing to create 829.7 acres of open water habitat. Maps I-2A and B illustrate the location of the wetlands proposed to be created (SR1/Page AI-59 as revised by SR3/Table 13-1).
20. Mosaic routinely employs best management practices to prevent excessive erosion and subsequent deposition of fine particles such as silt and clay in wetlands. Erosion control barriers such as hay bales and/or silt fences are placed at critical points in the landscape during and after construction (SR1/Page AI-89).
21. The large headwater marsh wetland in the Horse Creek drainage system in the Altman Tract will be mined between years 9-12 only after the creation and connection of a replacement headwater system is approved by FDEP (SR1/Page AI-92).
22. Monitoring and maintenance of mitigation wetlands will continue after planting until the wetlands meet success/release criteria as set forth by FDEP and USACOE, usually at least three years for herbaceous and five years for forested (SR1/Page AI-158).
23. Mosaic proposes to provide a wetland buffer through the construction of a protective berm. This berm will be grassed, so that the runoff from the berm will have the same water quality that currently exists coming from the adjacent agricultural land. Mosaic identified an acceptable Development Order Condition, similar to that imposed on the South East Tract Development Order (SR2/Page 2-50).

24. Preserved non-riparian wetlands in the watershed that do not receive runoff from the area occupied by the clay areas will be hydrated by the proposed recharge system. Riparian wetlands that currently receive groundwater inflow from the area occupied by the clay areas will continue to receive the same quantity of groundwater outflow from the area currently occupied by the clay area because Mosaic will install recharge systems along the preserved wetlands down gradient from the clay areas to maintain the groundwater outflow at pre-mining levels (SR3/Page 4-8).

WATER QUALITY AND HYDROGEOLOGY

1. The surficial aquifer will be restored to its pre-mining conditions during the reclamation process. The surficial aquifer on adjoining lands not controlled by Mosaic and sensitive wetlands on and off the Mosaic property will be protected by a series of artificially filled recharge ditches/wells site specifically designed and positioned to prevent dewatering of areas that will not be mined (ADA/Page 10-40).
2. Mining excavations will not remove the confining beds which separate the water-bearing part of the intermediate aquifer system in the Arcadia Formation from the surficial aquifer system and, therefore, will not impact either the water-bearing part of the intermediate aquifer system nor the underlying Floridan aquifer system (ADA/Page 14-4).
3. Perimeter recharge ditch and berm will be inspected daily. Staff gauges will be installed to ensure adequate water is present in the ditch to maintain the ground water levels. Piezometers will be read weekly and the information will be reviewed by Mosaic's environmental staff to be sure that the recharge ditches are maintaining the water table at proper levels (ADA/Page 14-13).
4. Where practical, cleared lands will be drained into the active mining pits instead of the perimeter system so the turbid runoff becomes part of the mine process water system (ADA/Page 14-13).
5. Only after the perimeter berm area has been revegetated will the silt curtain be removed (ADA/Page 14-13).
6. During the time period that lapses from the first disturbance through the substantive completion of reclamation, all storm water runoff generated within disturbed areas will be captured and routed to the mine water recirculation system, treated to meet technology and water quality-based effluent limitations, and released only through outfalls permitted by a federal NPDES permit (ADA/Page 14-14).
7. The Four Corners mine will continue to use the lowest quality water that is available. The priority for the water sources are: collected rainfall, pit drainage, deep wells (SR1/AI-27).
8. Any neighboring wells in the Phase II area that are located within 1,800 feet of the proposed mining will be inventoried and testing of the well (flow and water quality) will be conducted prior to mining and reclamation (with the owner's consent) (SR1/Page AI-50).

9. As part of this [water table maintenance] program, Mosaic will monitor the water level at the Mosaic property line prior to mining, during mining and following reclamation (SR1/Page AI-106).
10. To minimize groundwater withdrawals, Mosaic endeavors to maintain about 5,000 acre-feet of surge storage capacity in the recirculation systems (SR1/Page AI-112).
11. Mosaic has designed this corridor segment [Parcels 3B & 7] to include protective measures to protect the water supply function of the Lake Manatee Reservoir, both in terms of water quality and water quantity, by placing the double-encased pipes below grade or within BMP isolation berms (SR2/Page 4-6).

SOILS

1. Maps I-2A and B illustrate that all of the lands proposed to be reclaimed as natural systems will be reclaimed by backfilling with sand and then grading an overburden cap. In the event there is found to be hard or compacted soils at the surface at the end of the reclamation earthmoving, the area will be plowed at the time of upland tree planting (ADA/Page 15-2).
2. Mosaic has specifically committed to segregating, stockpiling, and beneficially using existing hydric and xeric topsoils when reclaiming wetlands and xeric uplands, where practicable (ADA/Page 15-2).
3. All of the sand and clay backfill will originate from Mosaic property and all overburden spoil generated by mining the Four Corners Mine Additions Phase II parcels will be beneficially used onsite as part of the reclamation process (ADA/Page 15-2).

FLOODPLAINS

1. To eliminate non-conformity with Manatee County Policy 2.3.3.1., Mosaic will design the South Fork Little Manatee River crossing to preclude an increase in offsite flood levels (ADA/Page 10-14).
2. To reduce non-conformance with Manatee County Policy 2.3.3.2., Mosaic will capture storm water runoff from the South Fork Little Manatee River drainage basin and route it to clay settling areas to reduce flooding potential (ADA/Page 10-14).
3. No mining is proposed to occur in areas where natural floodplain features exist (ADA/Page 10-35).
4. The 100-year floodplain storage volume will equal or exceed the existing storage volume during all phases of development and use of the proposed corridors (SR2/Page 4-8).

WATER SUPPLY

1. No additional ground water withdrawals will be required to mine and reclaim the Altman and N.E. Tracts, including the N.E. Tract Additions, beyond those currently permitted by SWFWMD (ADA/Page 10-31).
2. No water will be withdrawn from surface water bodies that support navigation, recreation, or fish and wildlife (ADA/Page 10-36).
3. In order to protect surface water resources in the vicinity of the Four Corners Mine Additions site (e.g., South Fork of the Little Manatee River, and its Long Branch tributary, and Horse Creek), Mosaic will use a series of perimeter ditches to capture storm water runoff and route these flows through settling ponds for treatment prior to reuse or discharge (ADA/Page 10-40).
4. As depicted on the Map D-2 legend, only wells and piezometers within the surficial aquifer located along property boundaries of the areas not proposed to be disturbed will continue to be used. All other wells will be abandoned and plugged in accordance with SWFWMD and Manatee County regulations (ADA/Page 17-1).
5. Due to the continued regional water supply concerns, Mosaic has designed several lakes for portions of the location of the former designated reservoir site. Should the County desire to have a reservoir, then these lakes could be either modified to form a reservoir or simply used as is for water supply purposes (SR1/Page AI-42).

WASTEWATER MANAGEMENT

1. Employees working in active mining or reclamation areas that are remote from the beneficiation plant will continue to be provided portable facilities provided by contract vendors who transport the wastewater offsite for treatment. During the years that mining or reclamation activities occur on lands addressed by this Phase II ADA, the aggregate mine wide volume [of potable facilities] will not change (ADA/Page 18-1).
2. The new Pre-Washer facility is proposed to be served by a septic tank and drain field system that will be designed for the site and projected usage (ADA/Page 18-1).
3. The mine's domestic waste water treatment plant effluent is discharged into the mine recirculation water systems; thus, Mosaic is reusing 100 percent of the treated domestic effluent (SR1/AI-27).

STORMWATER MANAGEMENT

1. The rate of storm water discharge will not exceed the existing 25-year frequency, 24-hour duration storm event during the mining and reclamation phases (ADA/Page 10-24).
2. Maps I-1A and B and I-2A and B illustrate that Mosaic plans to reclaim the mined land into a

mosaic of upland and wetland natural systems by backfilling the mined voids with sand and clay or, in the case of portions of parcels 1, 2, and 3, reshaping the available onsite overburden to form portions of two large lakes surrounded by upland and wetland natural systems. The existing drainage patterns will be re-established by grading the maintained (and backfilled) land to the elevations shown on Maps I-1A and B to form drainage divides which approximate existing conditions (ADA/Page 19-2).

3. Typical cross sections of the two lakes proposed to be built on parcels 2 and 3 will consist of littoral zones that cover at least 25 percent of the highwater surface area and submerged vegetation zones less than six feet deep that cover at least 20 percent of the low water surface area. No portions of the cross sections of these lakes will have slopes steeper than 1 foot vertical to 4 feet horizontal (ADA/Page 19-2).
4. Mosaic will maintain the storm water management system from commencement of construction, through use of the corridors, until the reclamation phase of the project is complete, at which time the storm water management system, including passive control structures, will have been constructed and revegetated to self-sustaining conditions (SR2/Page 4-12).

TRANSPORTATION

1. Mined materials will be transported by pipeline to an existing beneficiation plant. The intensity of roadway and rail use will not be increased by the proposed mining of the Altman and N.E. Tracts, including the N.E. Tract Additions (ADA/Page 10-38).
2. The applicant will be responsible for the cost of design and construction of an access point driveway on CR 39 where Parcel 3 crosses CR 39 and two additional access driveways along SR 37 to serve Parcel 4 (ADA/Page 21-4).
3. The routes of buyers of excess materials will be restricted to designated truck routes. (SR1/AI-34).
4. The total truck traffic will not exceed the currently-approved rate of 750 trucks per day (SR1/AI-34).
5. Mosaic agrees to [transportation] conditions that would regulate shipment on County-maintained roads to: provide that trucks are weighed to ensure that they are within the weight limits of the roads; notify the County of any spills on County maintained right-of-way; note exceed 200 loads per day (400 trips); use the existing Mine entrance on SR37; and note that the sale of sand is not the same as shipping a known quantity of product between two known points as was done at Nu-Gulf (SR2/Page 2-23).

AIR QUALITY

Mosaic will employ the identified techniques to minimize the generation of fugitive dust during mining and reclamation of the Four Corners Mine Addition site (ADA/Page 22-1).

HURRICANE PREPAREDNESS

The Four Corners Mine Hurricane Procedures Manual will be expanded to include the Phase II lands following issuance of the Development Order. The update of this Manual is included in the Four Corners Mine DRI annual report submittal to Manatee County and TBRPC and other agencies (ADA/Page 23-1).

HISTORICAL AND ARCHAEOLOGICAL SITES

Should Mosaic discover additional potential archaeological sites when conducting mining operations on the Four Corners Mine Altman or N.E. Tract Additions, the land disturbing activities will cease until trained cultural resource experts can examine the area and determine, in consultation with DHR, whether the potential site is significant (ADA/Page 10-27).

MINING OPERATIONS

1. Mosaic will construct a vegetated berm system around the perimeter of all areas to be mined or disturbed before conducting mining operations on the Four Corners Mine Additions Phase II parcels or the Economic Revision Areas within the N.E. Tract. The berm and ditch system will be maintained until the postreclamation vegetation has stabilized so that regrading and revegetating of the berm and ditch system is the final reclamation step in any given area (ADA/Page 10-13).
2. The vegetated berm and ditch system will be designed and constructed to contain the runoff produced by a 25-year storm event. Once operational, these perimeter systems will be inspected daily and deficiencies, if any, will be noted on the inspection sheet. Established followup procedures will be implemented to ensure that any needed maintenance or repairs are promptly completed (ADA/Page 10-13).
3. Best management practices will be implemented during mining activities to minimize erosion, fugitive dust, and other air emissions (ADA/Page 10-17).
4. Throughout the proposed mining activities and the reclamation which will follow, privately held land will be restricted to public access to ensure public safety (ADA/Page 10-32).
5. The actual mining sequence will be determined on a year by year basis, and will be part of the information contained in the annual reports (ADA/Page 35-10).
6. The spoil will generally be placed in the mined out portions of the pit, and later used for land reclamation (ADA/Page 35-10).
7. At the time of [clay settling] construction areas, refined size specifications, proposed dike construction materials and Emergency Response Plan update will all be provided (ADA/Pages 35-10 - 35-11).

8. Approximately 293 acres of the Phase II parcels will be re-vegetated for use as crop and pastureland [FLUCFCS 210] (ADA/Page 35-16, as revised by SR3 and subsequent Parcel 7 changes).
9. Approximately 1,407 acres are proposed to be reclaimed as a mixture of various herbaceous, mixed, and shrub and brush covered rangeland vegetation communities [FLUCFCS 300] (ADA/Page 35-16 as revised by SR3/Table 12-1/Page 1-10).
10. Soil types and site-specific hydrology will be considered when selecting species to be planted, as native rangeland includes xeric, mesic, and hydric communities (ADA/Page 35-16).
11. Mosaic will reclaim 100 acres of mined land to be suitable for palmetto prairie development by creating a landform similar to the pine flatwood community but with slightly more variation in the surface topography [FLUCFCS 321] (ADA/Page 35-17).
12. Longleaf and South Florida slash pines will be planted at a density of 200 trees per acre. Nuisance species invasion will be controlled through the use of selective herbicides (ADA/Page 35-17).
13. The normal fire frequency for pine flatwoods is every one to three years. In reclamation projects, fire will be excluded for several years to allow establishment of the pines and to build a seed source unless it is deemed appropriate as a management tool (ADA/Page 35-17).
14. Approximately 191.6 acres will be revegetated as upland forest communities, exclusive of the lands to be reclaimed as pine flatwoods and xeric communities [FLUCFCS 400] (ADA/Page 35-17 as revised by SR3/Table 12-1/Page 1-10).
15. Approximately 46.7 acres of xeric forests will be reclaimed in the Horse Creek watershed to provide habitat for listed species and form analog "scrub islands" to those which existed historically [FLUCFCS 413, 421, and 432] (ADA/Page 35-17 as revised by SR3/Table 12-1/Page 1-8).
16. Approximately 427.7 acres will be reclaimed as lakes and 1,618.2 acres as wetlands [FLUCFCS 500 and 600]. (ADA/Page 35-17 as revised by SR3/Table 12-1/Page 1-10).
17. The proposed F-9 settling area will be reclaimed to an elevation of 120 to 124 feet NGVD as compared to an existing elevation of 94 to 110 feet NGVD (ADA/Page 35-18).
18. Reclamation has the highest priority and no material will be sold unless all available reclamation areas have been backfilled in accordance with the approved plan (SR1/AI-34).
19. If the developer elects the conveyor system for the transport of product, the conveyors will be covered (or tube conveyors). All crossings of roads or water courses will have the same

secondary spill protection design features as current pipelines (SR1/AI-34).

20. In areas where total mine depth will range from 60-80 feet, Mosaic proposes to use recharge wells in addition to recharge ditches and cast overburden on the mine cut face adjacent to wetlands (SR2/Page 2-8).
21. As part of the final work on Mosaic's Four Corners Regional dredge and fill permit, Mosaic is granting to the Trustees of the Florida Internal Improvement Fund a Conservation Easement on the 25-year Floodplain area of Long Branch and the South Fork of the Little Manatee River on the North East Tract. Mosaic is also providing a conservation easement over a portion of the Mosaic wellfield in Manatee County to protect scrub jays and scrub jay habitat. Further, a commitment to place a conservation easement on an additional 365 acres of scrub jay habitat has been made for the end of the mine life [the exact location of this easement will be determined by USFWS following completion of mining] (SR2/Page 2-22).
22. The requested permitted use of Parcels 3B & 7 will be for access corridors. Mosaic does not propose to mine these properties (SR2/Page 4-1).
23. All equivalent tons of tailings sand from mining the Four Corners reserves are committed to be used at Four Corners and not sold (SR3/Page 2-5).
24. Since freshwater corrosion of the pipes may cause a problem, Mosaic proposes to utilize smooth steel 1/4-inch walled pipe that will be galvanized and/or with an epoxy coating to resist corrosion or similar system to insure the pipe life exceed the required use (SR3/Page 3-6).
25. A road will be constructed to provide access to the corridor[s] for inspection and maintenance purposes (SR3/Page 4-1).

**DEVELOPER COMMITMENTS
FOUR CORNERS MINE LIPMAN TRACT ADDITION**

The following commitments have been made by, or on behalf of, the applicant in the Application for Development Approval (ADA), the first Sufficiency Response (SR1), or the second Sufficiency Response (SR2). In instances where the applicant may have proposed recommended Development Order condition language, the language may have been included in this list of commitments. These commitments must be taken in the context of the section or question being responded to in the ADA and Sufficiency Responses.

This list of Developer Commitments includes all those identified in the ADA and sufficiency responses for the Lipman Addition*.

1. Approximately 276 acres (of the 305 acres) of the Lipman Addition* will be mined (January 24, 2005 correspondence/Page 2).
2. There will be no change to the mining rate or water use at the mine (January 24, 2005 correspondence/Page 3).
3. There are no sensitive natural habitats on site. The small area (2.5 acres) in wetlands in the farm fields are highly disturbed, and do not provide significant habitat. There is no change proposed to the current mine preservation area. The mined area will be reclaimed with sand tailings fill and a thin overburden cap to approximate existing grade, suitable for farming (January 24, 2005 correspondence/Page 3).
4. This area will take less than 2 years for one dragline to mine which is equivalent to about 3 months of overall mine life (January 24, 2005 correspondence/Page 3).
5. This request involves: no preservation or conservation areas being requested for impact as part of the Lipman Addition* or related infrastructure; no additional stream crossings; no plant capacity changes; no change or additional traffic impacts; no change to buildout date (January 24, 2005 correspondence/Page 3).
6. There are no historic resources on the Lipman Addition* site (January 24, 2005 correspondence/Page 3).
7. Mosaic proposes to put the BMP berm within the 30 foot [wetland] buffer zone. The berm will be no net loss of wetland acreage or function (March 25, 2005 correspondence/Page 9).
8. The proposed mitigation will be incorporated into the upland forested area. There will be

no net loss of wetland acreage or function (March 25, 2005 correspondence/Page 10).

9. Surveys will be conducted prior to commencement of clearing activities during the nesting season to locate any existing sandhill crane nests (March 25, 2005 correspondence/Page 10).
10. The Lipman Exchange Parcel (44 acres) that is being removed is currently approved for mining. There are no preservation or other protection requirements for this area and the area has not mined or disturbed (March 25, 2005 correspondence/Page 11).
11. As noted in the Master Mine Plan application, the one well will be abandoned according to SWFWMD and Manatee County rules prior to the site being mined (March 25, 2005 correspondence/Page 15).

**DEVELOPER COMMITMENTS
FOUR CORNERS MINE LAMBE ADDITION**

1. The Lambe addition is located in Sections 15 and 16, Township 33 South, Range 21 East in the Little Manatee River Basin... There are no Watershed Protection Overlay Districts over this property, no designated Outstanding Florida Waters or Aquatic Preserves on or in the vicinity of the site. The vegetation and wildlife surveys were conducted on the Lambe addition in accordance with the approved work plans contained in the DRI #251. [February 16, 2007 correspondence/Page 3]
2. Overall, there will be no change to the mining rate or end of the mining life. The Lambe Addition mining area is approximately equivalent to one dragline mining for approximately 1½ to 2 years. Since the total Four Corners Mine operates with up to 6-8 draglines at times between Manatee & Hillsborough Counties, the Lambe Addition is equivalent to about two to three months of additional mine life for the Four Corners Mine. The two - three months of additional mine life is insignificant given the Four Corners project life remaining is over 10 years. It is anticipated that one dragline will be moved to the Lambe Addition from existing operations upon approval/receipt of all permits. Mining is scheduled to begin upon approval of the south portion of the Lambe Addition and take about one to two years to complete. Mining in the project's northern mining block will begin in 2013 and is expected to take less than one year to complete. [February 16, 2007 correspondence/Page 8]
3. The wetlands proposed for impact are summarized in Table 13-1 [of the NOPC application]... The 56.4 acres of FDEP wetland impacts are proposed to be mitigated through appropriate wetland reclamation. [February 16, 2007 correspondence/Page 9]
4. The post reclamation topography will generally approximate existing conditions. The proposed system of reclaimed forested and non-forested wetlands will create a habitat network and connection between reclaimed and natural wetlands that are currently lacking in the existing condition... Reclamation will commence as soon as sand tailings are available from the beneficiation process. In addition, Mosaic proposes to restore a creek channel/floodplain forest within the no mine area on the mine site. [February 16, 2007 correspondence/Page 10]
5. Mosaic is not requesting an increase in ground water withdrawals above the levels currently approved under the SWFWMD Water Use Permit. It should be noted that the SWFWMD Water Use Permit withdrawal rates are less than the withdrawal rates authorized by the existing Four Corners Mine DRI Development Order. Mosaic has been able to reduce Floridan aquifer withdrawals by over 60 percent since 1990 by developing new technology to recover phosphate rock using recycled water. [August 10, 2007 correspondence/Page 3]
6. Mosaic will properly abandon and plug the well [illustrated on Map D-1 of the NOPC

application] according to SWFWMD & Manatee County rules prior mining the area in the future. [August 10, 2007 correspondence/Page 3]

8. Prior to mining and mining related activities, Mosaic will install a perimeter BMP berm and ditch system to prevent any direct stormwater discharge or lowering of the water table to the adjacent undisturbed wetlands or floodplains. The recharge ditch and berm will remain in place until reclamation of the area has been completed and the water table is restored to its historic levels. [August 10, 2007 correspondence/Page 3]
9. A conservation easement (CE) is proposed to be placed over the Long Branch 25 year floodplain associated with the Lambe addition, since it is continuous to the NE Tract's Long Branch FDEP CE area. [August 10, 2007 correspondence/Page 3]
10. In consideration of the net expansion of 261 acres previously authorized by Manatee County under Ordinance No. 05-42, the applicant has acknowledged that future expansion(s) totaling 265 (or more) acres shall constitute a Substantial Deviation. [August 10, 2007 correspondence/Page 4]
11. The following constitutes the proposed/estimated Mined and Disturbed Areas [August 10, 2007 correspondence/Page 5]:

SITE	TOTAL AREA	SITES TOTAL		SETBACK AREA	
		TO BE MINED OR DISTURBED*	NOT DISTURBED***	TO BE MINED OR DISTURBED	NOT DISTURBED
Existing N.E. Tract	6,478	6,121	357	885	64
Lambe Addition	299	230	69	37	32
Total N.E. Tract	6,888	6,351	426	922	96
Total N.E. Tract**	6,777	6,351	426	922	96
Total Jameson Tract****	4,938	4,588	350	34	0
Total Mine Area**	11,715	10,939	776	956	96

* Disturbed areas are not mined (i.e. road, plant area, etc.). Habitat enhancements are not considered disturbed.

** Total N.E. Tract includes Parcels 1, 2, 3, 4, Economic Revision Areas, Lipman net change and the Lambe Addition.

*** Setback Area included in Total Tract & Mine Areas.

**** Jameson Tract includes Altman Section 1.

12. ECT botanists and many others did conduct considerable field work at the subject parcel in conjunction with vegetation/land use mapping and wetland functional evaluations (UMAM and WRAP analyses)... ECT and LPG botanists found no plant species listed by DCA in the field work. [August 10, 2007 correspondence/Pages 6-7]
13. During mining a recharge ditch and berm will maintain [the] hydrology of the Bay Swamps on site. After reclamation topography of the adjacent uplands will be returned to similar elevations and will not adversely affect groundwater flow to this community. [August 10, 2007 correspondence/Page 7]
14. Please note that Table 21-2 [of the NOPC application] incorrectly depicts 16 average trucks per day for Phosphate Rock Shipments from Lonesome. Mosaic has no future plans to truck phosphate rock out of the Lonesome Mine. [August 10, 2007 correspondence/Page 8]
15. The proposed haul routes (overall reduction in routes and route miles) and destination changes are proposed as part of the Four Corners Mine - Lambe Addition NOPC Amendment, but these proposed transportation changes are not associated with the mining of the Lambe Addition. The haul route reductions and destination changes are shown on Map J-1 [of the NOPC application]. [August 10, 2007 correspondence/Page 8]
16. The proposed setbacks from the properties adjoining the Lambe Addition parcel are described on Pages 9-10 of the August 10, 2007 correspondence.
17. Based on the feedback given [by Manatee County staff], additional habitats have been avoided. This avoidance and minimization has resulted in three wetland types and one upland land use (FLUCFCS 611, 615, 620 & 330) would be entirely avoided. Furthermore, total area not to be disturbed now totals 92.5 acres, over 30% of the [expansion] property. [August 10, 2007 correspondence/Page 11]
18. Map 19 [of the NOPC application] is provided to show the Upland FLUCFCS designations within the proposed disturbed and non-disturbed including FLUCFCS designations within 500' of the project boundary. [August 10, 2007 correspondence/Page 11]



STATE OF FLORIDA, COUNTY OF MANATEE
I hereby certify that the foregoing is a true and
correct copy of the documents on file in my office.
Witness my hand and official seal this 15th day of
August, 2008
R.B. SHORE
Clerk of Circuit Court
By E. Acaredo D.C.



#251
→

MANATEE COUNTY
GOVERNMENT
PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

Certified Mail # 7000 0520 0015 6095 8358

May 28, 2008

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
4000 Gateway Centre Boulevard, Suite 100
Pinellas Park, Florida 33782

Re: Development Order for Wingate Creek Mine DRI #4 and Four Corners Mine Southeast Tract Addition DRI

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 08-21, the DRI Development Order for Wingate Creek Mine and Ordinance 08-20 Four Corners Mine Southeast Tract Addition DRI, as adopted in open session by the Manatee County Board of County Commissioners on May 1, 2008, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)749-3070, extension 6833.

Sincerely,

Robert H. Pederson, AICP
Community Planning Administrator

RHP/br
Enclosure



FILED FOR RECORD
R. B. SHORE

ORDINANCE NO. 08-20

2008 MAY 19 AM 7:58

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL (ADA) FOR A SUBSTANTIAL DEVIATION TO AN EXISTING DEVELOPMENT OF REGIONAL IMPACT (DRI) FILED BY MOSAIC FERTILIZER, LLC (MOSAIC) FOR THE FOUR CORNERS MINE SOUTHEAST TRACT ADDITION DRI; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS, AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

WHEREAS, Mosaic Fertilizer, LLC (Mosaic), as successor in interest to W. R. Grace and Company, IMC Fertilizer, Inc., IMC-Agrico, and IMC Phosphates Company, respectively, possesses a Development of Regional Impact (DRI) for the Four Corners phosphate mine located in both Hillsborough and Manatee Counties; and

WHEREAS, the amended DRI Development Order for that portion of the Four Corners phosphate mine in Manatee County is Ordinance 95-41, as amended by Ordinance 96-45, and Ordinance 00-49; and

WHEREAS, on October 7, 1999, IMC Phosphates Company filed a Substantial Deviation Application for a Substantial Deviation to their approved DRI with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, the Tampa Bay Regional Planning Council, Florida Department of Community Affairs, Central Florida Regional Planning Council, and Hardee County were provided copies of the Southeast Tract ADA* by IMC Phosphates Company and were, therefore, afforded the opportunity to comment on the proposed change; and

WHEREAS, the Planning Commission reviewed the Southeast Tract ADA* and filed a recommendation on that application with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners of Manatee County on November 28, 2000, December 12, 2000, and December 19, 2000 held duly noticed public hearings on the Southeast Tract ADA* for the Four Corners Mine DRI, and solicited, received, and considered reports, comments, and recommendations from interested citizens, County staff, government agencies, and the applicant; and

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

2008 MAY 12 AM 9:23
CLERK OF THE STATE
TALLAHASSEE, FLORIDA

FILED

WHEREAS, the County and IMC Phosphates Company agreed for administrative purposes that this acreage shall be governed by its own Development Order; and

WHEREAS, IMC Phosphates merged with Cargill to form Mosaic Fertilizer, LLC on October 24, 2004; and

WHEREAS, Mosaic filed a Notice of Proposed Change (NOPC) on July 13, 2007 to add the Wingate Utility Corridor Parcel, supplemented by additional information on November 13, 2007; and

WHEREAS, the Manatee County Planning Commission held a public hearing on April 10, 2008 to consider the NOPC amendment; and

WHEREAS, the Board of County Commissioners of Manatee County held a public hearing on May 1, 2008 to consider the NOPC amendment, and

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

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. AMENDMENT AND RESTATEMENT OF PRIOR DEVELOPMENT ORDERS FOR FOUR CORNERS SOUTHEAST TRACT, DRI NO. 5.

The original Development Order for Four Corners Mine in Manatee County was adopted on December 27, 1977. This Development Order was amended in its entirety by Ordinance 91-62 and subsequently amended by Ordinances 92-64, 95-41, and 96-45. Ordinance 95-41, as amended by Ordinance 96-45 is not amended or superseded by this Ordinance and remains in full force and effect for those areas legally described in Section 7 of Ordinance 96-45.

This Ordinance constitutes the amended and restated Development Order for the property known as the Four Corners Southeast Tract Addition* (now referred to as Four Corners Mine Southeast Tract*). All prior Development Orders for the Four Corners Southeast Tract* are superseded by this Ordinance, except to the extent that a condition or exhibit to a prior Development Order is expressly and specifically preserved hereby. The original Development Order for the Four Corners Southeast Tract Addition* was adopted on December 19th, 2000 as Ordinance 00-49. Ordinance 00-49 is hereby amended, restated, and superseded in its entirety by this Ordinance, provided this Ordinance should not be construed to terminate the rights the developer, if any, granted under Section 163.3167(8), Florida Statutes, to the extent such rights have previously been granted and not specifically

herein or otherwise modified or amended.

SECTION 2: FINDINGS OF FACT.

The Board of County Commissioners, after considering the testimony, evidence, Application for Development Approval, the recommendation and findings of the Planning Commission, and all other matters presented at the public hearing, hereby makes the following Findings of Fact:

- A. All **"WHEREAS"** clauses preceding Section 1 of this Ordinance are adopted as findings of fact.
- B. On July 13, 2007, Mosaic submitted an Notice of Proposed Change (NOPC) for an Amendment to a the Development of Regional Impact (DRI), known as the Four Corners Mine Southeast Tract* to Manatee County, TBRPC, and DCA, to include the following elements:
 - 1. Change the Developer's name to Mosaic Fertilizer, LLC;
 - 2. Add ±103 acres of land in Sections 22 & 23 in Township 34S, Range 22E for an access corridor bringing the total Mine area to 2,611 acres.
 - 3. Establish that ore may be transported to and processed at the Wingate Creek beneficiation plant or the future Ona plant as options;
 - 4. Revise the waste disposal plan to include fill material (overburden, clay and sand tailings) from the Wingate Creek plant;
 - 5. Update the mine and reclamation plan to take into account the above changes;
 - 6. Approve the Wingate Corridor crossing of Duette Road, and
 - 7. Extend all internal deadlines, including the termination of the Development Order, in conformance with Section 380.6(19)(c) of the Florida Statutes.
- C. The following information, commitments, and impact mitigating provisions submitted by Mosaic are hereby incorporated in this Development Order by reference:
 - 1. NOPC submitted on July 13, 2007.
 - 2. Supplemental information submitted on November 13, 2007.
- D. In construing and enforcing the provisions of the documents incorporated in this Development Order, the following shall apply:
 - 1. The Development Order shall control over any incorporated document in conflict or inconsistent with its terms.

2. The most recent response of the Mosaic Fertilizer, LLC in the referenced document shall control over previous response, whenever there is a conflict, otherwise the responses shall be considered cumulative.
 3. Any information, commitments, or impact mitigating provisions in the above-referenced documents which are inconsistent with the specific conditions set forth in this ordinance and the exhibits hereto, shall be deemed superseded and inapplicable.
- E. The real property, which is the subject of this application is entitled the Four Corners Mine Southeast Tract*, consists of approximately 2,508 acres and the Wingate Corridor parcel is approximately 103 acres, total 2,611 acres, within unincorporated Manatee County and is described in Section 7 of this Development Order.
 - F. The owners of the Southeast Tract Addition* property, which Mosaic Fertilizer, LLC intends to mine are Mosaic Fertilizer, LLC and FP One and FP Two Corporations (Lessor to Mosaic Fertilizer, LLC).
 - G. The authorized agent for Mosaic Fertilizer, LLC is Thomas E. Myers III, Assistant Vice President Mine Planning, Permitting, and Reclamation, P.O. Box 2000, Mulberry Florida 33860.
 - H. A comprehensive review of the impact generated by the addition of the Wingate Corridor Parcel to the DRI has been conducted by the departments of Manatee County and TBRPC.
 - I. The Developer* for purposes of this application is Mosaic Fertilizer, LLC.
 - J. The Project is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
 - K. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the NOPC to add the Wingate Corridor Parcel to the Southeast Tract DRI and the Application for Official Zoning Atlas Amendment as it relates to the real property described in Section 7 of this Ordinance.
 - L. An application has been submitted to Manatee County and is being processed concurrently with this NOPC to approve a Zoning Ordinance Amendment (Ordinance Z-07-20) for the Wingate Corridor Parcel and which land is not currently zoned EX - Extraction.
 - M. An application has been submitted to Manatee County and is being processed concurrently with this NOPC to approve a Master Mining Plan (Resolution R-08-009)

and Operating Permit (R-08-010) for the Wingate Corridor Parcel to reflect the changed proposed in the NOPC.

- N. On January 14, 2008 Tampa Bay Regional Planning Council held a duly noticed public meeting on the NOPC, received all pertinent testimony and evidence, and pursuant to Section 380.06(12), Florida Statutes, issued a report recommending approval.
- O. On April 10, 2008, the Manatee County Planning Commission held a duly noticed public hearing on the NOPC for the Wingate Corridor Parcel, received all pertinent testimony and evidence, including the Tampa Bay Regional Planning Council report and recommendations and recommended approval of the Wingate Corridor Parcel, as conditioned herein.
- P. On May 1, 2008, the Board of County Commissioners held a public hearing regarding the Wingate Corridor Parcel, in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended), the 2020 Manatee County Comprehensive Plan (Ordinance 89-01, as amended), the Manatee County Code of Laws Chapter 2-20 (the Mining Ordinance), and has further considered the testimony, comments, and information received at the public hearing, including the recommendation of the Planning Commission.
- Q. The proposed changes to the Development Order with respect to the Wingate Corridor Parcel are found to be consistent with the requirements of the 2020 Manatee County Comprehensive Plan and the Manatee County Land Development Code, provided the development proceeds in accordance with the development conditions specified with this Development Order including the developer commitments attached as Exhibit G to this Development Order.
- R. The Southeast Tract is operating pursuant to an approved DRI Development Order, Master Mining Plan, and Operating Permit and the conditions contained therein shall remain in full force and effect and are not subject to Ordinance 04-39.
- S. The Wingate Corridor Parcel is subject to the requirements of Ordinance 04-39.
- T. The NOPC to add the Wingate Corridor is not a significant amendment to the existing and approved SE Tract Master Mining Plan and Operating Permit.

SECTION 3. CONCLUSIONS OF LAW.

Based upon the previous findings of fact and the following conditions of the Development Order approval, the Board of County Commissioners of Manatee County concluded that:

- A. The development of the Southeast Tract Addition* and the Wingate Corridor Parcel* are consistent with the local land development regulations, the State Comprehensive Plan, the Comprehensive Regional Policy Plan, and the 2020 Manatee County Comprehensive Plan (Ordinance 89-01, as amended).
- B. The development of the Wingate Corridor Parcel* is consistent with the report and recommendations of the TBRPC issued on January 14, 2008, as conditioned herein.
- C. The amendment to add the Wingate Corridor Parcel* does not constitute a Substantial Deviation as defined by Section 380.06(19), Florida Statutes.
- D. These proceedings have been duly conducted pursuant to applicable laws and regulations, and based upon the record in these proceedings, the Developer* is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.
- E. The review by the County, TBRPC, other participating agencies, and interested citizens reveals that impacts of the development amendments described in the ADA* for the Southeast Tract* the Wingate Corridor Parcel are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.

SECTION 4: DEVELOPMENT COMPONENTS.

The Application for Development Approval entitled Four Corners Mine Southeast Tract and this NOPC, is hereby approved subject to the following conditions:

The Southeast Tract has been previously approved for mining as generally described below:

- A. The Southeast Tract* or Southeast Tract Addition* areas (parcels 5 & 6) is approved for mining and reclamation as shown in the ADA*, as conditioned and limited herein.
- B. The mining of the ditched portions in the upper reaches of the West Fork of Horse Creek floodplain in Sections 11 and 12, and the reclamation to a restored system is approved.

- C. The alternate flowway shall be constructed as described in the ADA*, as shown on Revised Map H-1 (attached as Exhibit A.1), and pursuant to the terms of this Development Order and all required state and federal permits.
- D. Plans for the transportation of ore excavated from the Southeast Tract area to the Fort Green Mine's beneficiation facilities or to Four Corners Mine's beneficiation facilities are approved. Transportation of sand and clay from either of these mines' beneficiation facilities to the Southeast Tract*, and use of such sand and clay in reclamation of the Southeast Tract*, area is similarly approved. Transportation of ore, sand, and clay is approved on the basis that all transportation of these products will occur within the boundaries of the Four Corners Mine*, the Ft. Green Mine, and the Southeast Tract*.
- E. Mined land will be reclaimed in accordance with the Master Mine Plan, Operating Permit, terms of this Development Order, and the Reclamation Schedule (attached as Exhibit I). The Reclamation Schedule requires completion of reclamation within 3 years of completion of all mining activities within a program or logical reclamation unit area that allows for reclamation of a sub-basin system rather than a partial system. For clay settling areas, reclamation commences after the surface area is ditched and drained, which takes approximately 4 years. Degraded habitats present in the pre-mining condition will be reclaimed to superior quality habitats, as set forth on page 2A1 - 34 of the second sufficiency response and Table 12-1 of the additional information revised on December 6, 2000. Preservation areas will be retained to promote the protection of the regional wildlife and plant species and will act as suitable colonization sources for the reclaimed habitats. Reclaimed uplands are designed to have a connection to undisturbed areas so that they will have a way to repopulate, as shown on Map 35G-2 (attached as Exhibit H). Relocation and restocking efforts as appropriate and approved by the various agencies will be conducted and will speed up the colonization of the reclaimed habitats. All wetland losses within the Four Corners Mine Southeast Tract*, shall require mitigation in accordance with the specific mitigation plan described in the ADA* and shown in Table 13-1.
- F. With the addition of the Wingate Corridor Parcel, the approval is expanded to include the components generally described below;
1. Change the Developer's name to Mosaic Fertilizer, LLC;
 2. Add ±103 acres of land in Sections 22 & 23 in Township 34S, Range 22E for an access corridor bringing the total Mine area to 2,611 acres.
 3. Establish that ore may be transported to and processed at the Wingate Creek beneficiation plant or the future Ona plant as options;

4. Revise the waste disposal plan to include fill material (overburden, clay and sand tailings) from the Wingate Creek plant;
5. Update the mine and reclamation plan to take into account the above changes;
6. Approve the Wingate Corridor crossing of Duette Road, and
7. Extend all internal deadlines, including the termination of the Development Order, in conformance with Section 380.6(19)(c) of the Florida Statutes.

SECTION 5: DEFINITIONS.

Note: An asterisk (*) denotes that the word is defined. The definitions contained in Chapter 380, Florida Statutes, shall apply to this Development Order, in addition to those listed below.

- A. "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 on Table 5.1 of the 2020 Manatee 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.
- B. "Application for Development Approval*" and "ADA*" shall mean the IMC Phosphate Company's Development of Regional Impact (DRI) Application for Development Approval received October 7, 1999; two sufficiency responses received February 29, 2000 and July 27, 2000, respectively; additional information received on October 23, 2000, November 1, 2000, and December 6, 2000 respectively; and all information submitted by the Developer* in response to the sufficiency reviews of state, regional, and local agencies, and the NOPC filed on July 13, 2007, together with the additional information submitted on November 13, 2007.
- C. "Best Management Practices*" shall mean practices that are technologically and economically practicable and most beneficial in preventing or reducing adverse impacts from mining activities. For more specific information and examples, see the same definition in the 2020 Manatee County Comprehensive Plan.
- D. "Conservation Areas*" shall mean those habitats as illustrated in Figure 13-1 (attached as Exhibit B) which will be preserved throughout mining or recreated post-mining on Parcels 5 & 6, wetlands and uplands.
- E. "Developer*" shall mean Mosaic Fertilizer, LLC, FP One Corporation, and FP Two Corporation, their assigns, agents, and successors in interest as to the Four Corners Mine Southeast Tract*.

- F. "Development Approval*" shall mean any approval for this development granted through this DRI Development Order.
- G. "Down-zone*" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the developer by this order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density of the Development, but is included herein to comply with Paragraph 380.06(15)(c)3, F.S.
- H. "Four Corners Mine*" shall mean all portions of the Four Corners Mine* which are located in Manatee County, as described in Section 7 of Ordinance 95-41, and excluding those portions of the mine located in Hillsborough and Polk Counties.
- I. "Four Corners Mine Southeast Tract Addition* or "Four Corners Mine Southeast Tract*" shall mean that portion of the Four Corners Mine in Manatee County located in Section 36 in Township 33S, Range 22E, and Sections 1, 2, 11, 12, 13, and 14 in Township 34S, Range 22E, as described in Section 7 of this Ordinance, which was approved with Ordinance 00-49, and illustrated on Map A-2 dated November 1, 2000 and attached as Exhibit C to Ordinance 00-49, approved on December 19, 2000.
- 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 applicant's mining activities.
- K. "Mining Ordinance*" shall mean Section 2-20 of the Manatee County Code of Laws, also referenced as Ordinance 81-22, as amended.
- L. "Mining Code*" shall mean Ordinance 04-39 – Manatee County Phosphate Mining Code, as amended.
- M. "Preservation Areas*" shall mean all areas shown on Map H-3 (attached Exhibit F dated November 1, 2000) as areas of No Mining Disturbance.
- N. "Reclamation Plan*" shall mean the Master Mine Plan for the "Four Corners Mine Southeast Tract Addition* as shown in the ADA*.
- O. "Southeast Tract Addition* or "Southeast Tract*", or "SE Tract*" shall mean the 2,508 acre parcel added to the Four Corners Mine DRI #5, located in Section 36 in

Township 33S, Range 22E, and Sections 1, 2, 11, 12, 13, and 14 in Township 34S, Range 22E as described in Section 7 of this Development Order.

- P. "25-Year Floodplain*" shall mean the area shown on Map C-3 (Attached as Exhibit D) in the ADA* for Southeast Tract Addition*. The 25-Year Floodplain is distinguished from the "100-Year Flood Prone Areas" or "100-Year Flood Zone as shown on FEMA maps."
- Q. "Wingate Corridor Parcel*" shall mean the 103 acre parcel located in Sections 14, 22, and 23, Township 34 South, Range 22 East in Manatee County as legally described in Section 7 of this Ordinance and as illustrated on Exhibit A-2, attached.

SECTION 6: DEVELOPMENT CONDITIONS.

For administrative purpose, Development Conditions in this Ordinance are identified separately for the Southeast Tract* and the Wingate Corridor Parcel*.

Southeast Tract* Conditions:

Groundwater

- A.(1) The Groundwater Monitoring Program at the Four Corners Mine Southeast Tract* shall be performed as required by the Manatee County Operating Permit issued for the Southeast Tract Addition* and Chapter 2-20, Code of Laws. At a minimum, the Groundwater Monitoring Program shall specify sampling locations, parameters, frequencies, duration, analytical methods, and procedures. A summary of the results of the monitoring program shall be included as part of the DRI annual report.
- A.(2) The Developer* shall properly plug and abandon all on-site wells, in accordance with SWFWMD and Manatee County Environmental Management Department standards and rules, prior to mining each area of the SE Tract*.

Surface Water

- B.(1) Best Management Practices* for reducing surface water quality impacts shall be implemented.
- B.(2) A Surface Water Monitoring Program at the Four Corners Mine Southeast Tract* shall be performed as required by the Manatee County Operating Permit issued for the Southeast Tract* and in Chapter 2-20, Codes of Law. At a minimum, this Surface Water Monitoring Program shall specify sampling locations, parameters, frequencies, duration, analytical methods, and procedures. A summary of the results of the monitoring program shall be included as part of the DRI Annual

Report. The Water Quality Monitoring Program required in the Operating Permit shall contain sufficient surficial water quality monitoring stations to characterize runoff from the Southeast Tract*.

- B.(3) Should monitoring results indicate that applicable water quality standards are not being met due to mining activities, the violation shall be immediately reported to Manatee County (as required under the Operating Permit for the Four Corners Mine Southeast Tract* and any other agency with jurisdiction and appropriate corrective measures shall be immediately implemented.
- B.(4)
 - a. Copies of amendments to NPDES permits associated with the Four Corners Mine Southeast Tract* (including specific conditions) shall be submitted to Manatee County.
 - b. Stormwater runoff from lands cleared for mining and active mining areas shall be routed through ditches into the mine water recirculation system and discharged only through permitted NPDES outfalls.
 - c. All discharges and discharge rates from the NPDES outfalls shall be in accordance with Chapter 62-620 and 62-671, FAC and conditions of the specific NPDES permit.
- B.(5) Erosion control measures such as siltation screens and hay bales shall be used to prevent surface water quality degradation.
- B.(6) Within 12 months of Manatee County obtaining necessary permits, the Developer* shall construct two (2) off-site wetland restoration projects, as follows:
 - a. Ditch blocking of remnant agricultural ditches in the headwaters of the East Fork of the Manatee River, north of SR 62 and east of SR 37, in Sections 13, 14, 23, and 24, Township 33 South, Range 22 East. The scope of work for this project shall be developed jointly by the Manatee County Ecosystems Administrator, EMD, and the Developer*. The scope of work shall include but not be limited to construction of earthen ditch blocks, the provision of appropriate overflow or drawdown weir structures, regrading of existing ditches upstream of the control structures to create additional littoral shelf and wetland storage capacity from uplands, and revegetation upon completion.
 - b. Ditch blocking of remnant agricultural ditches downstream of a wetland feature known as Clearwater Lake, in Section 25, Township 34 South, Range 21 East. The scope of work for this project shall be developed jointly by the

Manatee County Ecosystems Administrator, EMD, and the Developer*. The scope of work shall include but not be limited to the ditch blocking methodology described in B(6)(1), above, to restore a depressional marsh which has been impacted by agricultural drainage ditches.

Manatee County will be responsible for engineering and project design costs and for obtaining all necessary regulatory permits. Should the County not obtain the permits, the Developer* shall participate in construction of another restoration project(s) on County owned land within the Lake Manatee Watershed under a scope developed jointly by the Manatee County Ecosystems Administrator, EMD and the Developer*. The Developer's* obligation in pursuing this paragraph B (6) shall not exceed One Hundred Thousand dollars (\$100,000.00).

Wetlands

- C.(1) The Developer* shall provide a thirty foot (30') wide buffer zone around all wetlands in Preservation Areas* to provide an upland transition into the wetland areas and to protect the natural systems from development impact. The protection berm may be located in the transition area. Water shall be added as needed to maintain the hydroperiod.
- a) Mitigation for wetland losses shall be as shown on the FDEP Environmental Resources Permit (ERP).
 - b) All wetland losses within the Four Corners Mine Southeast Tract* shall require mitigation in accordance with the specific mitigation plan described in the ADA* and shown in Table 13-1 (attached at Exhibit E). Any deviation from the specific mitigation plan not specifically required by Manatee County or permitting agencies with jurisdiction shall trigger a Substantial Deviation determination pursuant to Section 380.06(19) F.S.
 - c) All mitigation areas and littoral shelves shall be monitored in accordance with FDEP and Manatee County requirements. Additional planting may be required to achieve the desired natural cover rate. Mitigation areas monitoring results shall be included in the DRI annual report.
- C.(2) Existing wetlands which are permitted to be altered or eliminated shall be used as donor material for revegetation or mitigation, as stated in the ADA*.
- C.(3) As stated in the ADA* agricultural activities on the site may continue until the area is prepared for mining.

Floodplains

- D.(1) There shall be no adverse hydroperiod alteration of hydroperiods in wetlands that are not approved for mining. Hydroperiods (seasonal high and normal pool elevations) shall be established and reviewed and approved by the SWFWMD. Natural annual hydroperiods, normal pool elevations, and seasonal water fluctuations shall be substantially maintained. Hydroperiod monitoring of the above described areas shall be conducted and reported semiannually to Manatee County, as described in Mosaic's SWFWMD Water Use Permit 2011400, as amended. The monitoring sites shall be at the locations where the hydroperiods were established. Should the above described be adversely impacted due to mining activities, the Developer* shall cease all mining and associated activity in the affected sub-basin until remedial measures have been proposed to Manatee County, approved, and then undertaken to correct the hydroperiod imbalance. Such measures could include limitations on surrounding activities, enlargement of buffer areas and additional protection measures or water augmentation.
- D.(2) The 25-yr floodplain in Sections 13 & 14, Twp. 34 S. Rng. 22 E. shall not be disturbed by mining activity. The 25-yr floodplain in Section 11 & 12 will be mined and restored according to the plan as shown in the ADA* on Map H-3 (Exhibit F) for the Southeast Tract*
- D.(3) There shall be no net loss of 100-year floodplain storage capacity.
- D.(4) No impervious surfaces shall be constructed in the 25-year floodplain.

Vegetation and Wildlife

- E.(1) In the event that any listed species listed in Rule 68A-27.003 - 68A-27.005 FAC, are observed nesting or breeding at the Southeast Tract* in an area to be disturbed by mining operations, the developer shall immediately notify the Florida Fish and Wildlife Conservation Commission (FFWCC) and implement the recommended measures for species protection. In the event that a wood stork nesting colony is observed, the Developer* shall implement the US Fish and Wildlife Service's Habitat Management Guidelines for the Wood Stork in the Southeast Region.
- E.(2) ~~IMC~~ Mosaic shall implement the Wildlife and Habitat Management Plan as detailed in the ADA* (pages 12-21 through 12-34), First Sufficiency Response (pages AI 81 through 93, and Second Sufficiency Response (pages 2AI 33 through 40) for the Southeast Tract* which has been approved by FFWCC and U.S. Fish and Wildlife Service. Prior to the clearing of each mining parcel, the Developer shall obtain the necessary permits and approvals for relocation or incidental take of listed species.

Implementation activity associated with the approved plan or listed species permitting will be reported in the DRI annual report.

- E.(3) Planning for the clearing of areas to be mined shall consider any observed listed species. Berming and ditching around the area prior to clearing should not be performed if listed species within the area cannot traverse the ditch/berm system. Contact with the Florida Fish and Wildlife Conservation Commission or the U.S. Fish and Wildlife Service shall be made before each area is prepared for clearing. A discussion of site planning shall be included in each annual report.
- E.(4) Mining and reclamation of the northern reach of the West Fork Horse Creek floodplain shall proceed as specified in the ADA*. Any deviation not specifically required by Manatee County or permitting agencies with jurisdiction shall trigger a Substantial Deviation determination pursuant to Section 380.06(19) F.S.
- E.(5) Mining and reclamation of the area within the Myakka River watershed shall proceed as specified in the ADA*. Any deviation not specifically required by Manatee County or permitting agencies with jurisdiction shall trigger a Substantial Deviation determination pursuant to Section 380.06(19) F.S.
- E.(6) The Perpetual Conservation Easement attached as Exhibit K, hereto, which protects the habitat preserved throughout mining or recreated post mining as illustrated on Figure 13-1 (attached as Exhibit B) shall be recorded by Developer in the public records of Manatee County within sixty (60) days of adoption of this Development Order. Any amendment to this Conservation Easement shall be recorded within thirty (30) days after execution by all parties.

Drainage

- F.(1) Prior to issuance of any Operating Permit renewals for the Four Corners Mine Southeast Tract*the following information must be submitted to Manatee County: estimated total volume and peak discharge rates of stormwater runoff to be generated by the final reclamation plan during the mean annual, 25 year, and 100 year storm events.
- F.(2) The drainage basins in the Four Corners Mine Southeast Tract* shall be restored to their approximate pre-mining size and location as described in the ADA*. The post-reclamation flood flow peaks shall be in accordance with the rates established in the ADA. The discharge rate shall be in accordance with Chapter 62C-16 F.A.C. requirements.
- F.(3) All re-created wetlands shall be subject to all the rules, regulations, and policies of local, state, regional, and federal agencies governing wetland areas when such

areas meet the definition of “wetland” as specified by the County, FDEP, and ACOE, respectively.

- F.(4) The re-created wetlands shall be designed to promote seasonal fluctuations of water levels within the freshwater marsh and encourage seasonal inundation of the marsh property. Final grade of the side slopes of the marsh periphery shall meet the requirements established by Manatee County in the Mining Ordinance* or by the Department of Environmental Protection, whichever is more stringent.
- F.(5) The Developer* shall be responsible for maintaining the water recirculation system and the drainage system, including channels, swales, culverts, erosion protection facilities, and discharge facilities during mining and reclamation. Any transfer of this responsibility from the Developer* to subsequent owners, or assigns, shall require the approval of the appropriate permitting agency.

Water Supply

- G.(l) There shall be no net increase in the public water demand in excess of the currently permitted volume for the Four Corners Mine* as it pertains to mining in the Southeast Tract*.

Transportation

- H.(1) All non-public roads, streets, bridges, and other access ways located upon the site shall be constructed and maintained by the Developer* without any cost or obligation to Manatee County.
- H.(2) Establishment of crossing points on County roads for purposes of access, movement of mining machinery, or mineral transport pipelines shall not be permitted, as committed to in the ADA*.

Mining Operations

- I.(1) The Developer* shall obtain all the necessary construction and operation permits and approvals required by, and shall fully comply, to the extent not inconsistent with this Development Order with all the provisions of applicable laws, ordinances, rules, regulations, or requirements of any federal, state, regional, or county governmental authority in connection with the proposed mining activities at the Southeast Tract*.
- I.(2) The two clay disposal areas for the Southeast Tract* shall contain an amount of waste clay approximately equivalent to the amount of waste clay produced from Southeast Tract*.

- I.(3) All earthen embankments (dams) shall be designed, constructed, inspected, and maintained in accordance with the standards of Chapter 62-672, FAC - Minimum Requirements for Earthen Dams, Phosphate Mining, and Processing Operations, as indicated in the ADA* for the Southeast Tract*, as well as all other applicable local, state, and federal requirements.
- I.(4) The Developer* shall abide by all Florida Department of Environmental Protection (FDEP) 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 a proposed post reclamation zoning district classification of the property.
- I.(5) The Developer* shall reclaim all mined or disturbed land to FDEP or Manatee County standards, whichever is more stringent. Reclamation and revegetation shall proceed immediately after mining activities cease in each parcel and in no case shall exceed the schedule for reclamation outlined in Table 35-5 of the ADA* (attached as Exhibit I). The Developer* shall be responsible for maintenance of all reclaimed areas until such time that those areas are approved as reclaimed by Manatee County in accordance with the procedures established in the Mining Ordinance*.
- I.(6) The Developer shall utilize Best Management Practices* (including revegetation, reforestation, erosion control, etc.) for all mined or disturbed lands to accelerate and ensure the successful establishment of the natural vegetative associations that the reclamation areas are designed to support. Wherever possible, leach zone material shall be covered by graded spoil to lessen the potential of increased radiation levels on reclaimed lands.
- I.(7) Reclamation shall be considered complete when areas intended to develop native forested and unforestad wetland vegetation associations are firmly established and it is assured that these areas will develop the vegetation associations that they are designed to support, and when FDEP and Manatee County have approved the reclamation of the Four Corners Mine Southeast Tract* in accordance with Chapter 62C-16, Florida Administrative Code and the Mining Ordinance*.
- I.(8) During the mining and reclamation period, the Developer* shall allow no development or land use activity (such as grazing, farming, tree harvesting) within any newly established 25-Year Floodplains* that would in any way inhibit the growth and development of native vegetation associations appropriate for floodplains.
- I.(9) Minimum mine cut setbacks and setbacks for the perimeter recharge ditch shall be maintained as follows:

- a. 1,000 feet of a habitable structure existing at the time of initial application for Master Mining Plan approval;
- b. A minimum of 45 feet or not less than as defined in the stability study from an existing public right-of-way;
- a. 500 feet of Mosaic Fertilizer, LLC's property line, except where waivers from the affected property owner(s) have been obtained.

Within the above described setback areas along Duette Road, the applicant shall construct an earthen berm, 6'-8' in height above the roadway elevation, prior to commencement of mining activities.

I.(10) Radiation standards shall be maintained as follows:

- a. For the SE Tract*, the radiation standards shall be maintained in accordance with Section 2-20-33(d) of the Mining Ordinance*;
- b. Any building shall be designed and constructed and all reclamation shall be done to provide protection against gamma radiation and radon gas accumulation and emanation in accordance with the most stringent applicable state and federal requirements.
- c. This section shall be subject to any restrictions set forth in Section 553.98, Florida Statutes.

I.(11) Within the West Fork channel and wetland system, the reclamation schedule will be expedited by placing the sand tailing fill the year after each area is mined, and then revegetate so that the total time each block is disturbed from start of mining to being effectively reclaimed is about three years.

I.(12) The Southeast Tract* shall be reclaimed in such a way that pre-mining groundwater outflows from the surficial aquifer are approximated, taking into account the increased evapotranspiration from the increased wetland areas.

Wingate Corridor Conditions:

Surface Water

- J.(l) Best Management Practices* for reducing surface water quality impacts shall be implemented.

- a. Stormwater runoff from lands areas cleared for mining activities shall be routed through ditches into the mine water recirculation system and discharged only through permitted NPDES outfalls.
 - b. All discharges and discharge rates from the NPDES outfalls shall be in accordance with Chapter 62-620 and 62-671, FAC and conditions of the specific NPDES permit.
- J.(2) Erosion control measures such as silt screens and hay bales shall be used to prevent surface water quality degradation during corridor construction and reclamation.

Wetlands

- K.(l) Mitigation for wetland losses shall be as shown in Table 13-1b (attached as Exhibit L) .
- K.(2) All recreated wetlands shall be subject to all rules, regulations, and policies of local, state, regional, and federal agencies governing wetland areas when such areas meet the definition of "wetland" as specified by the County, FDEP, and ACOE, respectively.

Vegetation and Wildlife

- L.(1) In the event that any listed species listed in Rule 68A-27.003 - 68A-27.005 FAC, are observed nesting or breeding at the Wingate Corridor Parcel* in an area to be disturbed by mining operations, the developer shall immediately notify the Florida Fish and Wildlife Conservation Commission (FFWCC) and implement the recommended measures for species protection.
- L.(2) Mosaic shall implement the Wildlife and Habitat Management Plan as detailed in the ADA* (pages 12-21 through 12-34), First Sufficiency Response (pages AI 81 through 93, and Second Sufficiency Response (pages 2AI 33 through 40) for the Southeast Tract*, which has been approved by FFWCC and U.S. Fish and Wildlife Service. Prior to the clearing of Wingate Corridor Parcel, the Developer shall obtain the necessary permits and approvals for relocation or incidental take of listed species. Implementation activity associated with the approved plan or listed species permitting will be reported in the DRI annual report.

Drainage

- M.(l) Drainage basins in the Wingate Corridor Parcel* shall be restored to their approximate pre-mining size and location as described in the NOPC*.

- M.(2) The Developer* shall be responsible for maintaining the water recirculation system and the drainage system, including channels, swales, culverts, erosion protection facilities, and discharge facilities during mining operations and reclamation. Any transfer of this responsibility from the Developer* to subsequent owners or assigns shall require approval of the appropriate permitting agency.

Transportation

- N.(1) All non-public roads, streets, bridges, and other access ways located upon the site shall be constructed and maintained by the Developer* without any cost or obligation to Manatee County.
- N.(2) Prior to any road work within any right-of-way, the appropriate permits shall be obtained from the Public Works Department.

Mining Operations

- O.(1) The Developer* shall obtain all the necessary construction and operation permits and approvals required by, and shall fully comply, to the extent not inconsistent with this Development Order with all the provisions of applicable laws, ordinances, rules, regulations, or requirements of any federal, state, regional, or county governmental authority in connection with the proposed activities at the Wingate Corridor Parcel*.
- O.(2) The Developer* shall abide by all Florida Department of Environmental Protection (FDEP) reclamation regulations regarding site cleanup and shall dismantle and remove any structures existing upon closure of the Wingate Creek Corridor that cannot be put to an allowable use under a proposed post reclamation zoning district classification of the property.
- O.(3) The Developer* shall reclaim all disturbed land to FDEP or Manatee County standards, whichever is more stringent. Reclamation and revegetation shall proceed immediately after use of the Wingate Corridor Parcel ceases and in no case shall exceed the schedule for reclamation outlined in the NOPC. The Developer* shall be responsible for maintenance of all reclaimed areas until such time that those areas are approved as reclaimed by Manatee County in accordance with the procedures established in the Mining Code*.
- O.(4) The Developer shall utilize Best Management Practices* (including revegetation, erosion control, etc.) for all disturbed lands to accelerate and ensure the successful establishment of the natural vegetative associations that the reclamation areas are designed to support.

- O.(5) The booster pumps in the Wingate Corridor will be at least 100 ft. from the property line and meet the conditions of the Manatee County Noise Ordinance.

General Conditions

These apply to both the Southeast Tract* and the Wingate Corridor Parcel*.

- P.(1) Best Management Practices* shall be required for the operation, maintenance, and reclamation of the Southeast Tract* and Wingate Corridor Parcel*. Best Management Practices* shall be used to accelerate the natural development of those areas that are intended to support native forested and unforested wetland vegetation associations. Utility and pipeline crossings of the tributaries shall, at a minimum, meet the following:
- a) Pipelines shall be placed above the 25-Year Floodplain* elevation and isolated from tributaries by berms.
 - b) Pipelines shall be jacketed and spill containment areas outside the floodplain shall be provided.
 - c) Pipelines shall be routinely inspected by operating personnel and the system shall be shut down if a spill occurs until the source of the spill is corrected.
 - d) All utility crossings shall be elevated above the 25-Year Floodplain* level as shown in the ADA*.
- P.(2) All of the Developer's* commitments, which are set forth in Exhibit G for the Southeast Tract* and Wingate Corridor Parcel* shall be honored, except as they may be superseded by specific terms of this Ordinance.
- P.(3) The DRI annual report shall comply with the Florida Department of Community Affairs (DCA) report format and informational requirements, and shall include summaries of NPDES monitoring results and surface water and groundwater quality monitoring results (including notification of violations of water quality standards per Chapters 62-302 and 62-520, FAC); mining progress; impacts on surface water and groundwater flows; compliance with listed species management plans; success or problems with listed species management plans; reclamation progress and compliance with approved mining and reclamation schedules. The Developer* shall submit annual DRI reports in accordance with Section 380.06(18), F. S., to Manatee County, the TBRPC, State Land Planning Agency, and other agencies as may be appropriate, no later than July 31st of each year until such time as terms and conditions of this Development Order are satisfied as determined by Manatee

County. Six copies of this report shall be submitted to the Director of Manatee County Planning Department, or the Director's designee, who shall review the report for compliance with the terms and conditions of this Order and may submit an appropriate report to the County Commissioners should the Director decide that further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver, or change of conditions as to any terms or conditions of this Order. The annual report shall, at a minimum, contain the following:

- a) Any changes in the plan of development, or in the representation contained in the ADA* for the Southeast Tract* or Wingate Corridor Parcel, or in the phasing for the reporting year and for the next year;
- b) A summary comparison of development activity proposed and actually conducted for the year;
- c) Undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or developer;
- d) Identification and intended use of lands purchased, leased, or optioned by the Developer* adjacent to the property since the Development Order was issued;
- e) An assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the Southeast Tract ADA*, and Wingate NOPC, and which have been identified by the local government, the Regional Planning Council, or the Department of Community Affairs as being significant;
- f) Any known incremental DRI applications for development approvals or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year for the Southeast Tract*;
- g) An indication of a change, if any, in local government jurisdiction for any portion of the development since the Development Order was issued;
- h) A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;

- i) A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes;
- j) A copy of any recorded notice of the adoption of a Development Order or the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(15) (d), Florida Statutes;
- k) Monitoring results pursuant to stipulations A.(1), B(2), B(4)a, E(2), and E(3);
- l) Any notice of violation for noncompliance for the Southeast Tract or the Wingate Corridor Parcel*, and
- m) A copy of the approved Spill Notification, Containment, and Contingency Plan for FM-1 and FM-2 shall be submitted to TBRPC in the Annual Report following the County's written approval of said plan. Subsequent updates or revisions to this plan shall also be submitted to TBRPC in the Annual Report following such update or revision, which include the hurricane procedure.

P.(4)Mining under this Development Order shall terminate fourteen (14) years from the effective date of this Ordinance. This Development Order (Ordinance 08-20) shall not expire until December 31, 2024, or until all reclamation has been completed and accepted by Manatee County, whichever occurs first.

P.(5)This Ordinance shall constitute a Development Order issued in accordance with Chapter 380, Florida Statutes.

P. (6)The Developer* shall, within sixty (60) days after notice by Manatee County of the amount of fees due and owing, pay all fees owed to Tampa Bay Regional Planning Council and Manatee County for the review of the Wingate Corridor NOPC, except those fees in dispute and under review or appeal. Failure to make such payment shall require a cessation of mining activities until payment is made.

P.(7)Any historical or archaeological resources discovered during mining operations within the Southeast Tract or the Wingate Corridor Parcel* shall be immediately reported to the DHR and the ultimate disposition of such resources shall be determined in cooperation with the DHR, TBRPC, and Manatee County. The Florida Division of Historical Resources shall evaluate the significance of such findings and assess the measures which will be taken to avoid, minimize, or mitigate any adverse impacts prior to continuation of mining activities. The agreed upon treatment of the resources shall be completed before activities which would disturb the resources are allowed to continue.

- P. (8) Should the pre-mining, mining, or post-mining scenarios depart significantly from the schedules and methods described in the ADA, the project will be subject to a Substantial Deviation determination pursuant to Section 380.06(19), Florida Statutes.
- P. (9) Any change to the project which meets the criteria set forth in Subsection 380.06(19), F.S., shall constitute a Substantial Deviation. For the purposes of Section 380.06(19)(b).5, Florida Statutes, the acreage shall be that of both Four Corners Mine DRI* and Four Corners Mine Southeast Tract Addition* and the Wingate Corridor Parcel*.
- P.(10) Payment for any future activities of the TBRPC with regard to this development shall be paid to the TBRPC by the applicant/developer in accordance with the Rule 9J-2.0252, FAC.
- P.(11) The Disaster and Hurricane Plan shall be updated to reflect the expansion area, as appropriate. The revised Plan shall be included in the Annual Report submitted following construction of the first clay settling pond in the expansion area.

Air Quality

- P(1) Best Management Practices, including those identified in the ADA, shall be employed during site preparation, mining and reclamation to minimize air quality impacts.

SECTION 7. LEGAL DESCRIPTION.

The following legal description of the development site covers only the "Southeast Tract*" and Wingate Corridor Parcel* portion of the Four Corners Mine within Manatee County, although the original DRI also included areas in Hillsborough County. The Hillsborough County portions are the subject of a separate development order issued and amended by Hillsborough County.

Southeast Tract*:

IN TOWNSHIP 33 SOUTH, RANGE 22 EAST, MANATEE COUNTY, FLORIDA:
Section 36: The NE 1/4 of the SE 1/4

IN TOWNSHIP 34 SOUTH, RANGE 22 EAST, MANATEE COUNTY, FLORIDA:
Section 1: All.

Section 2: That part of the S ½ lying east of the easterly maintained right of way line of Walker Road, as said road existed on October 31, 2000.

Section 11: That part of the E ½ lying east of the easterly maintained right of way line of Walker Road and Duette Road, as said roads existed on October 31, 2000; and that part (if any) of the NW 1/4 lying east of the aforementioned easterly maintained right of way line of Walker Road.

Section 12: All.

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

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

Containing 2,508 acres, more or less.

Wingate Corridor Parcel*:

Section 22: a. Commence at the NW corner of said section, thence S 00°17'09"W along the west boundary thereof 2,831.57 feet; thence continue S 00°17'13"W along said west boundary 65.62 feet to the POINT OF BEGINNING. Thence N 67°57'38"E 207.99 feet; thence N 68°01'41"E 398.20 feet; thence N 30°32'26"E 2,597.22 feet; thence S 88°58'59"E 344.76 feet; thence S 30°32'26"W 2,859.56 feet; thence S 49°15'12"W 16.04 feet; thence S 67°57'57"W 812.81 feet; thence S 69°38'51"W 10.14 feet to a point on the west boundary thereof; thence N 00°17'13"E along said west boundary 323.96 feet to the POINT OF BEGINNING.

b. The north 400 feet of the east 3,350 feet.

Section 23: The north 400 feet, LESS the Maintained Right-of-Way for Duette Road.

Containing 2,611 acres, more or less.

SECTION 8. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT.

Physical development of the Project* has commenced.

SECTION 9. DEVELOPER* COMMITMENTS.

The ADA, two sufficiency responses, and additional information (dated October 23, 2000, November 1, 2000, and December 6, 2000) and NOPC submitted on NOPC submitted on July 13, 2007 with Supplemental information submitted on November 13, 2007 are specifically incorporated by reference, except as they may be superseded by specific terms of this Development Order to the extent that commitments are made in these documents, they shall be honored as Developer* Commitments. The Developer* commitments for the Southeast Tract* are attached as Exhibit G.

SECTION 10. RESTRICTIONS ON DOWN-ZONING

Prior to December 31, 2024, the County may not down-zone or reduce the intensity or unit density permitted by this order, unless the County can demonstrate that:

- A. Substantial changes in the conditions underlying the approval of the order have occurred; or
- B. The order was based upon substantially inaccurate information provided by the Developer*; or
- C. The change is clearly established by the County to be essential for the public health, safety, or welfare.

Any down-zoning or reduction in intensity shall be effected only through the usual and customary procedures required by statute or ordinance for change in local land development regulations.

For the purposes of this order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer* by this order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density of the development, but is included herein to comply with Paragraph 380.06(15)(c)3, Florida Statutes.

SECTION 11. BINDING ORDER UPON DEVELOPER*

This order shall be binding upon the Developer*, Owners*, and the County and upon the Developer's and Owner's grantees, successors, and assigns.

SECTION 12. EFFECTIVE DATE

This Ordinance shall become effective upon filing of a certified copy with the Department of State; provided, however, that the filing of a notice of Appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this Development Order, until the resolution of said appeal.

SECTION 13. RENDITION

The Planning Department is hereby directed to send certified copies of this Development Order within thirty (30) days of the Board of County Commissioners approval to the Developer*, the DCA, and the TBRPC.

SECTION 14. COMPLIANCE AND MONITORING

The Manatee County Planning Director or the Director's designee shall be responsible for monitoring and ensuring compliance with the Development Order.

SECTION 15. NOTICE OF RECORDING

The Developer* shall record a notice of adoption of this order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department a copy of the recorded notice with the first annual report.

SECTION 16. SEVERABILITY

It is the intent of this Development Order to comply with the requirements of all applicable laws and constitutional requirements. If any provision of the Ordinance or the application thereof to any person or circumstance is for any reason held or declared to be unconstitutional, inoperative, or void by a court of competent jurisdiction, such holding of invalidity shall not affect the remaining portions or applications of this Ordinance, and to this end the provisions of this Ordinance are declared severable.

PASSED AND DULY ADOPTED with a quorum present by the Board of County Commissioners of Manatee County, Florida this 1st day of May, 2008.

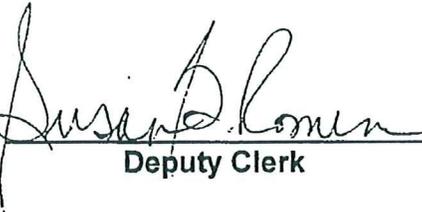
**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

BY: 

Chairman

ATTEST: **R. B. SHORE**
Clerk of the Circuit Court



BY: 
Deputy Clerk

Ordinance 08-20 List of Exhibits

- A. (A.1) MAP H-1 – SE Tract and (A.2) Map H-1 – Wingate Corridor Addition**
- B. (B.1 – B.3) FIGURE 13-1**
- C. MAP A-2**
- D. MAP C-3**
- E. TABLE 13-1**
- F. MAP H-3**
- G. Developer’s Commitments**
- H. MAP 35G-2**
- I. TABLE 35-5, Reclamation Schedule**
- J. February 8, 2005 letter from EMD**
- K. Perpetual Conservation Easement**
- L. Table 13-1b**

Mosaic
 Southeast Tract
 Wingate Corridor
 DRI NOPC Application



Map H-1
 Mine Plan and
 Access Corridors

By TAS, 10-18-07 rev 2/20/08 dir
 Path: C:\projects\2008\2006\0185/
 MJ_NOPC_Map H-1 Mine Pl.MXD



Legend

Mine Plan - Mining Blocks
 Year Ending

[Stippled pattern]	Disturbed - Not Mined
[Diagonal lines /]	2004
[Diagonal lines \]	2005
[Horizontal lines]	2006
[Vertical lines]	2008
[Cross-hatch]	2009
[Dotted pattern]	2010
[Wavy pattern]	2011
[Stippled pattern]	2012
[Stippled pattern]	2013

Access Corridor

Wingate Corridor

Southeast Tract Boundary

Section Lines

County Lines

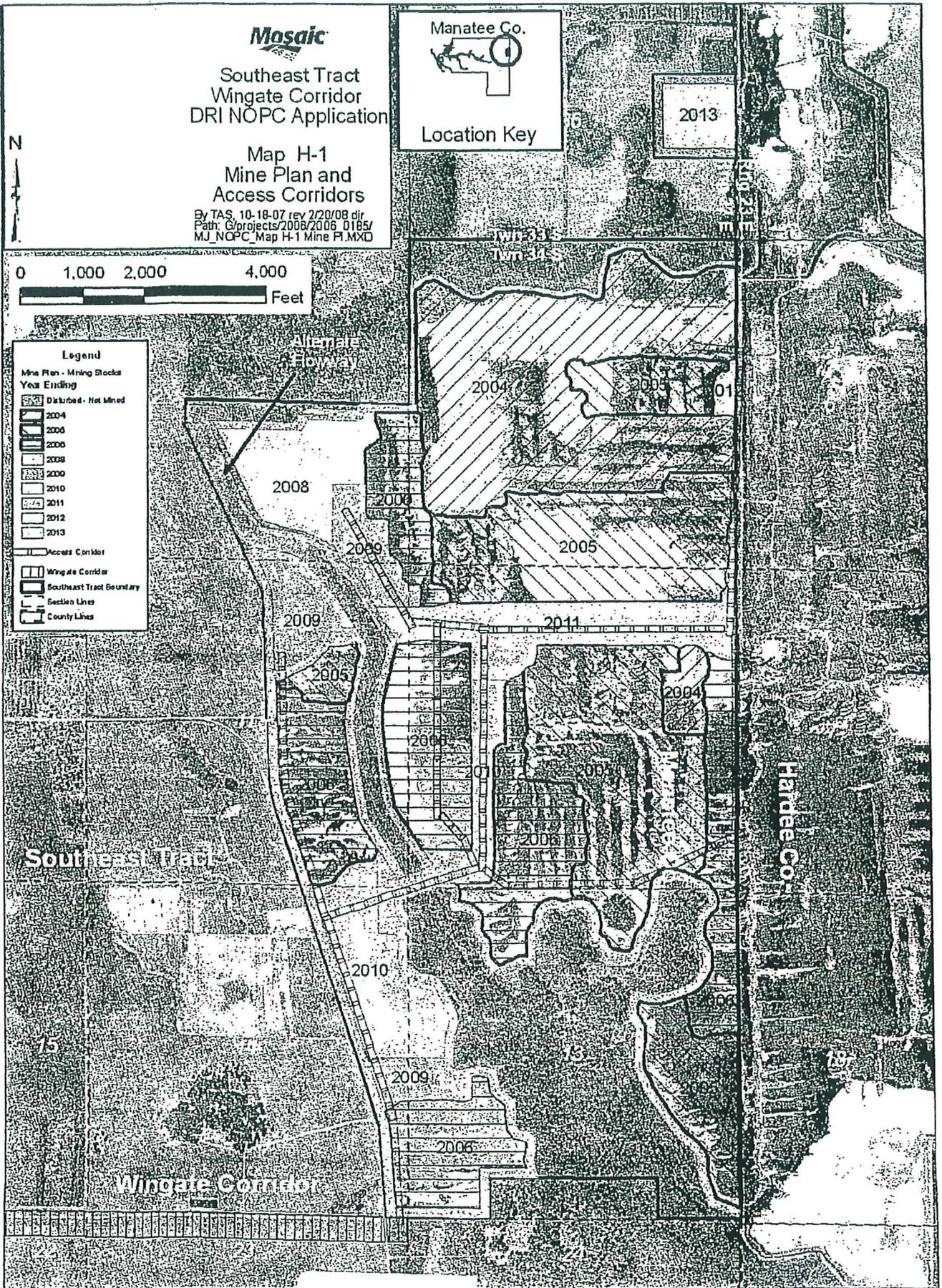
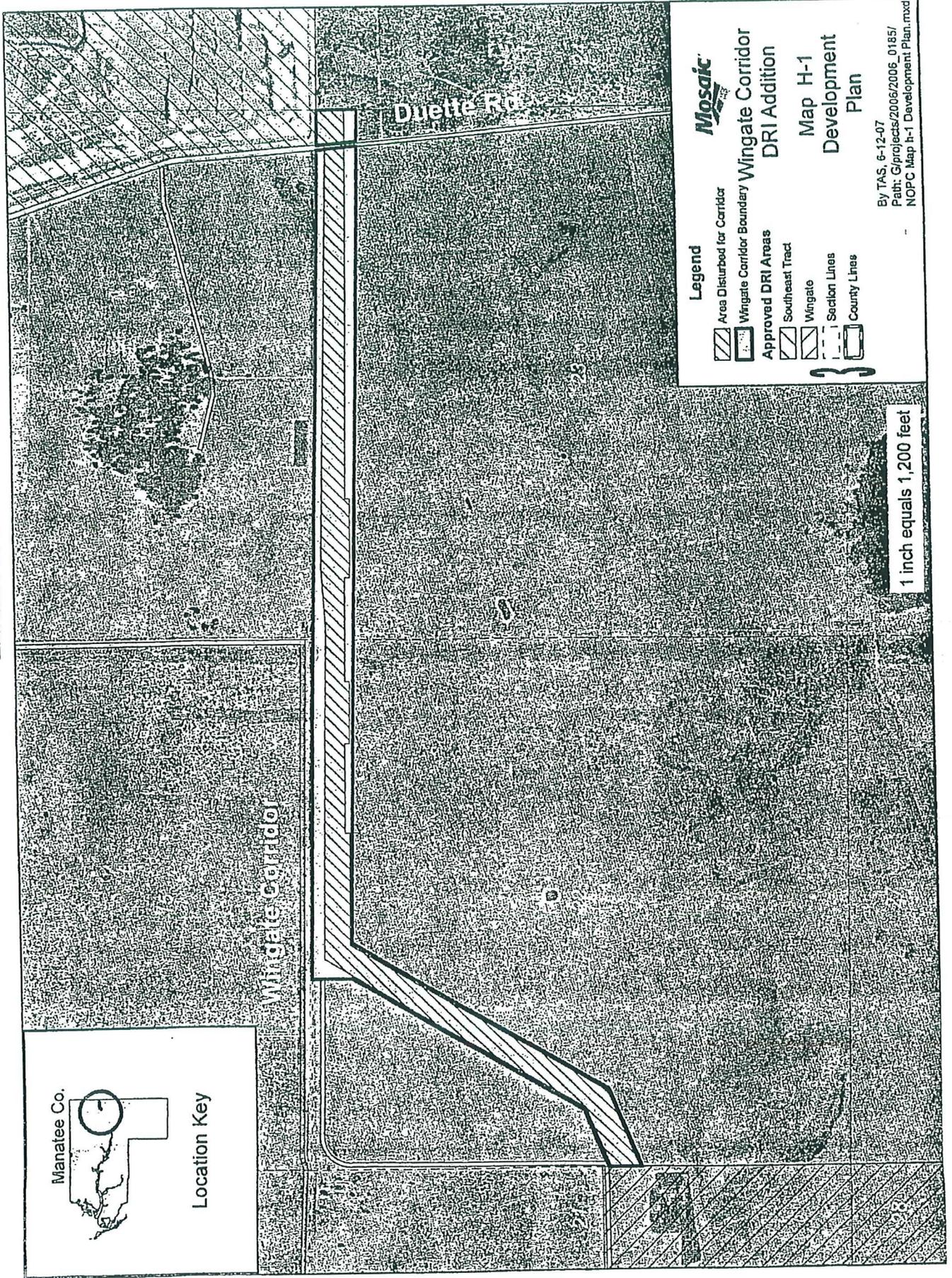


EXHIBIT A-2



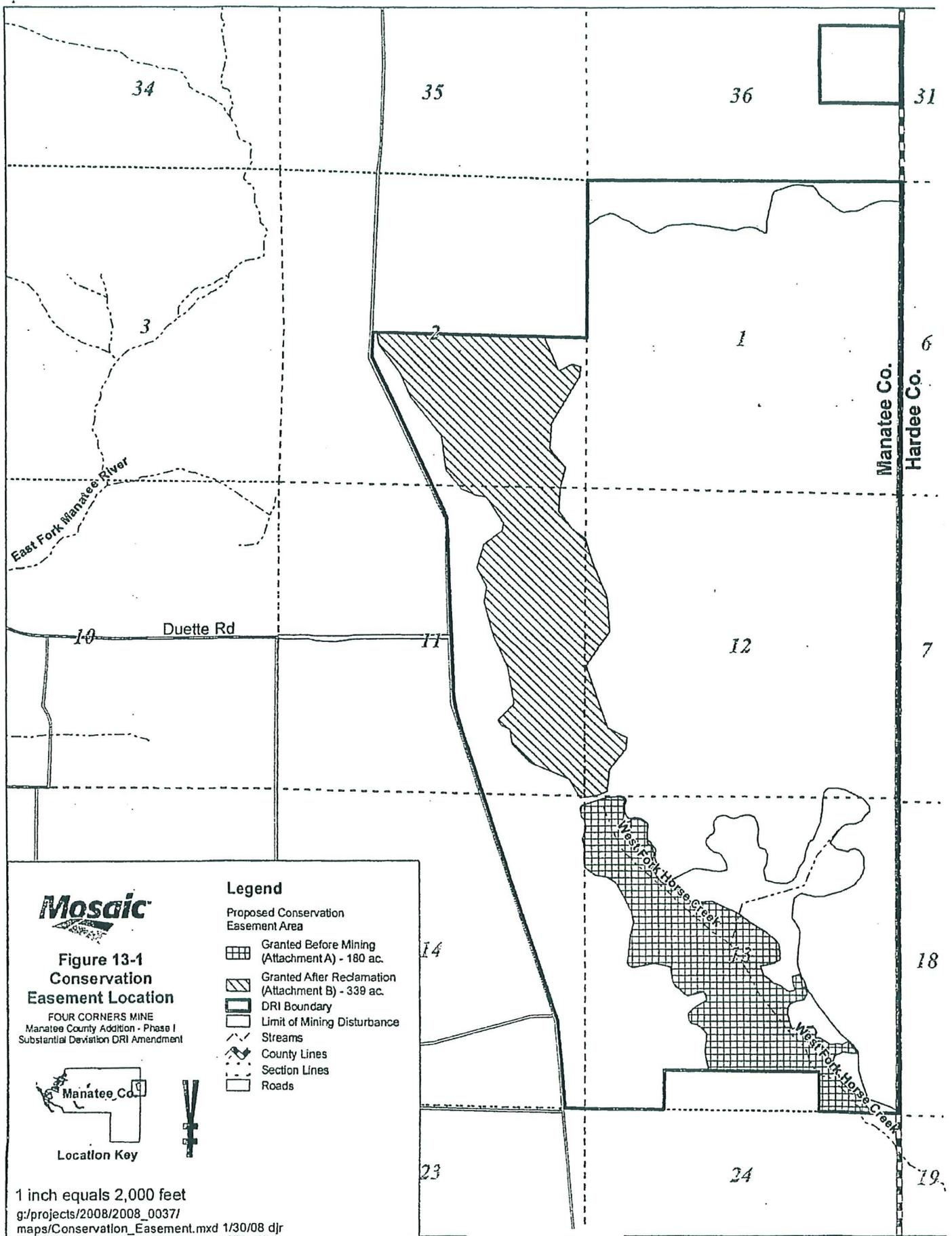


Exhibit B-1

Legend - Vegetation Cover - FLUGFCS 1999

- 211 - Improved Pastures
- 213 - Woodland Pastures
- 310 - Rangeland - Herbaceous
- 320 - Shrub and Brushland
- 321 - Palmetto Prairies
- 329 - Other Shrubs and Brush
- 330 - Mixed Rangeland
- 410 - Upland Coniferous Forest
- 411 - Pine Flatwoods
- 421 - Xeric Oak
- 425 - Temperate Hardwoods
- 427 - Live Oak
- 430 - Upland Hardwood Forest
- 434 - Hardwoods - Conifer Mixed
- 438 - Mixed Hardwoods
- 510 - Streams and Waterways
- 523 - Lake, 10 - 100 ac
- 534 - Reservoirs < 10ac.
- 611 - Bay Swamps
- 613 - Gum Swamps
- 615 - Streams and Lake Swamps
- 617 - Mixed Wetland Hardwoods
- 630 - Wetland Forested Mixed
- 640 - Vegetated Non_Forested Wetlands
- 641 - Fresh Water Marshes
- 643 - Wet Prairies
- 646 - Shrub Marsh
- 743 - Spoil Areas
- 814 - Roads & Highways

35

36

31



Duette Rd

Manatee Co.

Hardee Co.



**Figure 13-1
Conservation
Easement Location**

FOUR CORNERS MINE
Manatee County Addition - Phase I
Substantial Deviation DRI Amendment



Location Key

Legend

- DRI Boundary
- Limit of Mining Disturbance
- Streams
- County Lines
- Section Lines
- Roads

1 inch equals 2,000 feet

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maps/Post_Reclamation_Land_Use.mxd 1/30/08 djr

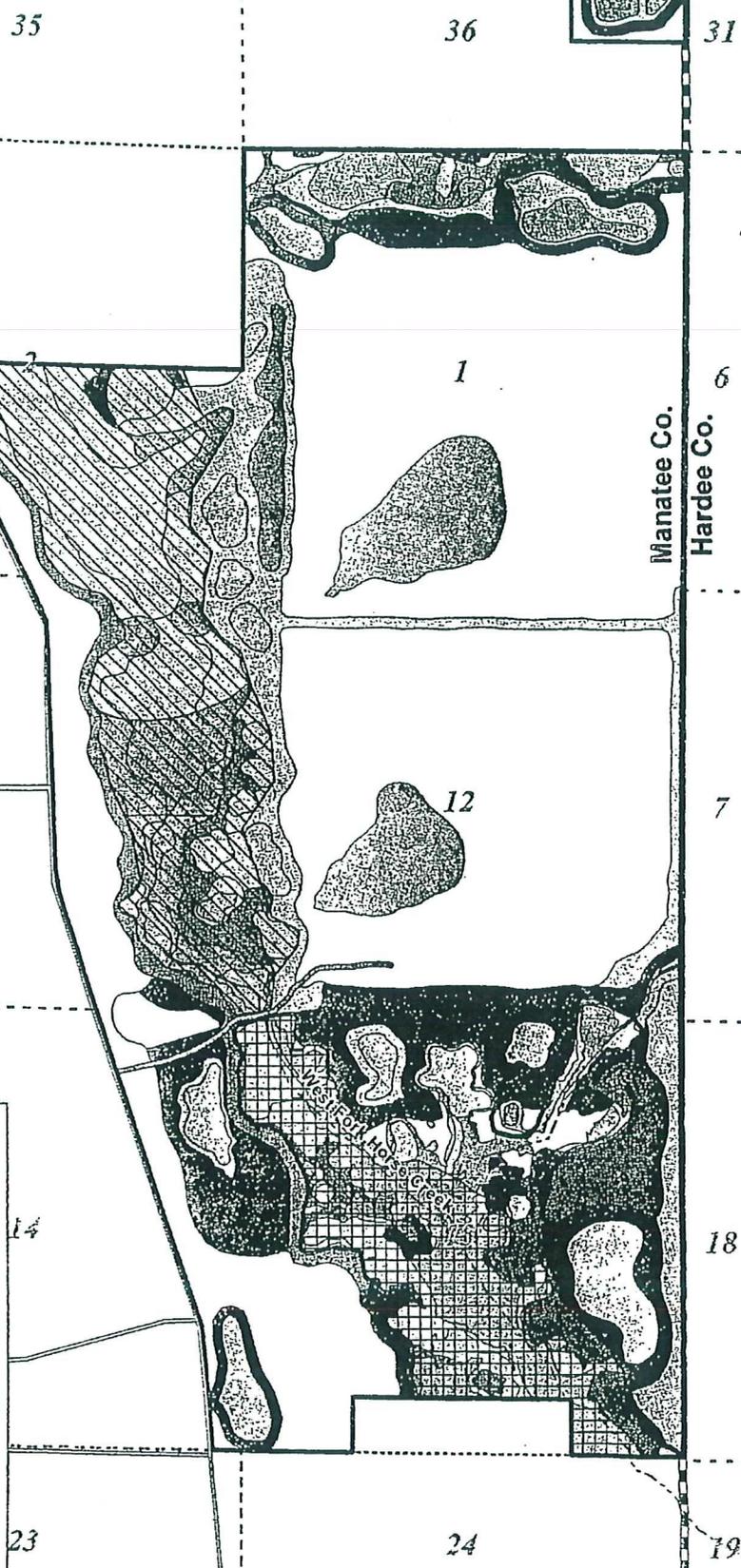
23

24

19

Legend - Vegetation Cover - FLUCFCS 1999

- 211 - Improved Pastures
- 213 - Woodland Pastures
- 310 - Rangeland - Herbaceous
- 320 - Shrub and Brushland
- 321 - Palmetto Prairies
- 329 - Other Shrubs and Brush
- 330 - Mixed Rangeland
- 410 - Upland Coniferous Forest
- 411 - Pine Flatwoods
- 421 - Xeric Oak
- 425 - Temperate Hardwoods
- 427 - Live Oak
- 430 - Upland Hardwood Forest
- 434 - Hardwoods - Conifer Mixed
- 438 - Mixed Hardwoods
- 510 - Streams and Waterways
- 523 - Lake, 10 - 100 ac
- 534 - Reservoirs < 10ac.
- 611 - Bay Swamps
- 613 - Gum Swamps
- 615 - Streams and Lake Swamps
- 617 - Mixed Wetland Hardwoods
- 630 - Wetland Forested Mixed
- 640 - Vegetated Non_Forested Wetlands
- 641 - Fresh Water Marshes
- 643 - Wet Prairies
- 648 - Shrub Marsh
- 743 - Spoil Areas
- 814 - Roads & Highways



**Figure 13-1
Conservation
Easement Location**

FOUR CORNERS MINE
Manatee County Addition - Phase I
Substantial Deviation DRI Amendment



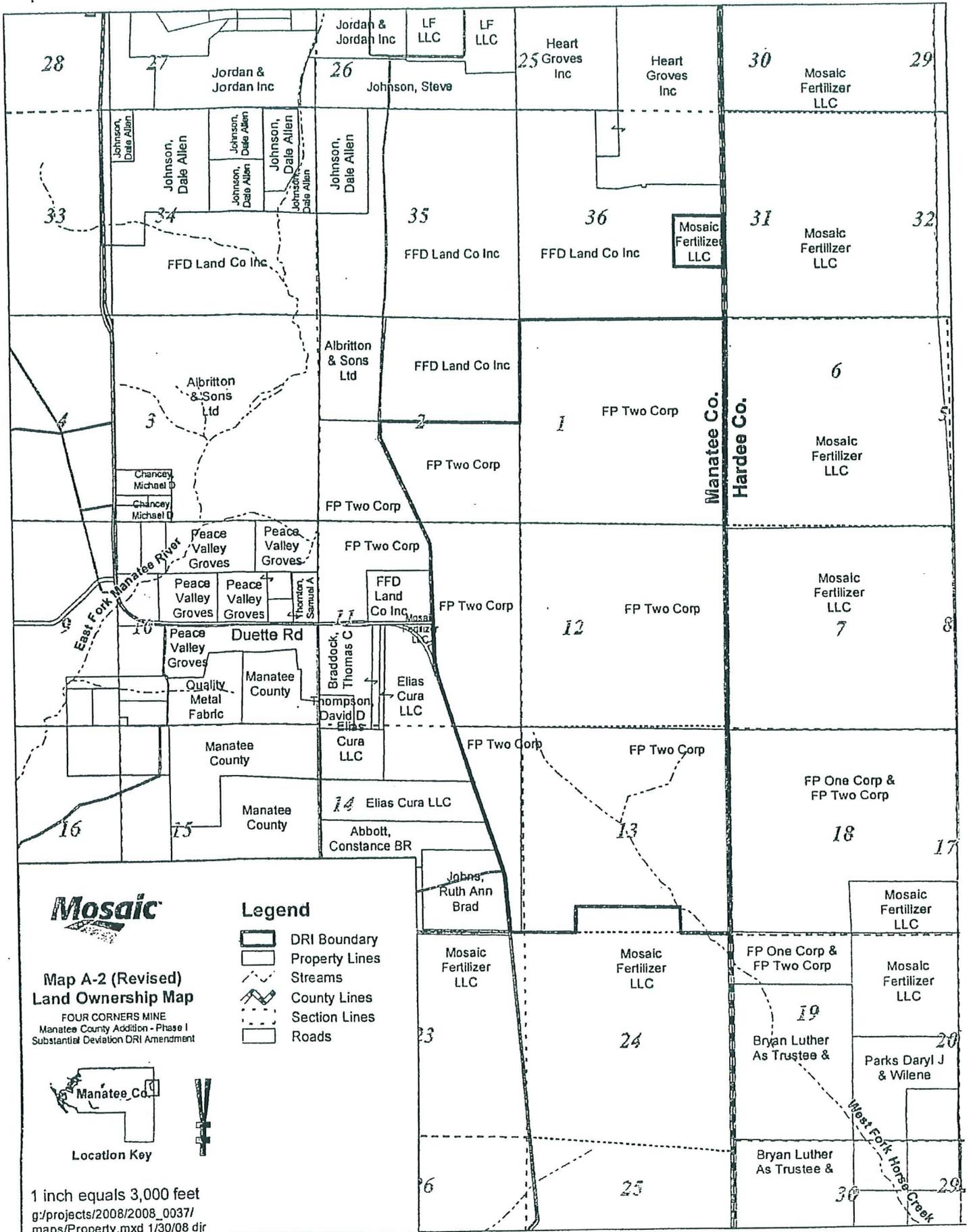
Location Key

Legend

- Streams
- Proposed Conservation Easement Area
- Granted Before Mining (Attachment A) - 180 ac.
- Granted After Reclamation (Attachment B) - 339 ac.
- DRI Boundary
- Limit of Mining Disturbance
- County Lines
- Section Lines
- Roads

1 inch equals 2,000 feet

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maps/PRLU_Cons_Ease.mxd 1/30/08 djr



**Map A-2 (Revised)
Land Ownership Map**

FOUR CORNERS MINE
Manatee County Addition - Phase I
Substantial Deviation DRI Amendment

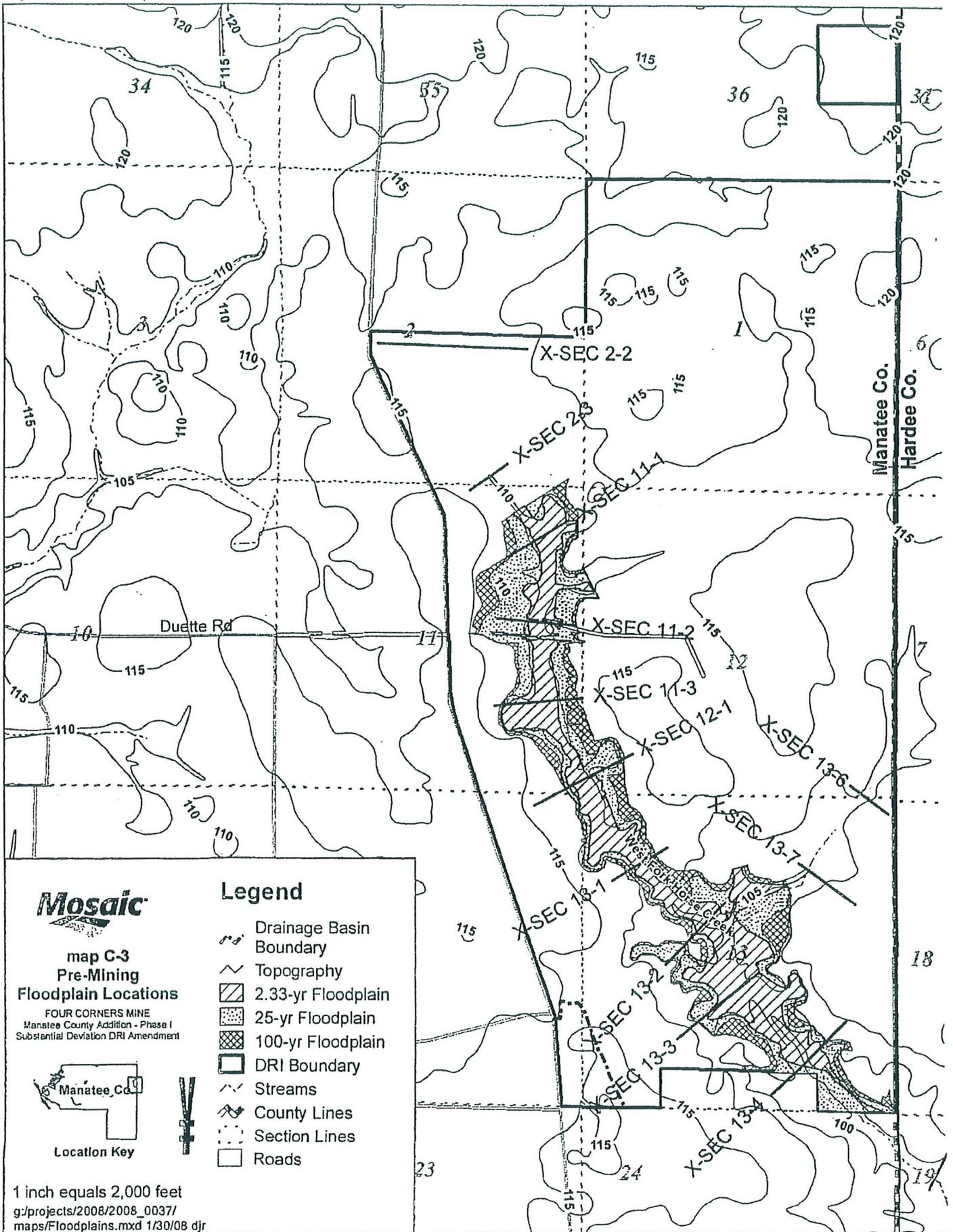


Location Key

Legend

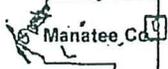
- DRI Boundary
- Property Lines
- Streams
- County Lines
- Section Lines
- Roads

1 inch equals 3,000 feet
g:/projects/2008/2008_0037/
maps/Property.mxd 1/30/08 djr



**map C-3
Pre-Mining
Floodplain Locations**

FOUR CORNERS MINE
Manatee County Addition - Phase I
Substantial Deviation DRI Amendment



Location Key

Legend

- Drainage Basin Boundary
- Topography
- 2.33-yr Floodplain
- 25-yr Floodplain
- 100-yr Floodplain
- DRI Boundary
- Streams
- County Lines
- Section Lines
- Roads

1 inch equals 2,000 feet
g:/projects/2008/2008_0037/
maps/Floodplains.mxd 1/30/08 djr

Mosaic Fertilizer LLC
 Four Corners Mine
 Southeast Tract Addition

TABLE 13-1 revised
 December 6, 2000 Revision
 Wetland Impact Summary
 FDEP Jurisdictional Areas

(AREA IN ACRES)

FLUCCS CATEGORY	FDEP JD AREA PRE DEVELOPMENT	FDEP JD AREA UNDISTURBED	FDEP JD AREA DISTURBED	PROPOSED TOTAL RECLAMATION	** RATIO POST:PRE	TOTAL POST RECLAMATION
200 AGRICULTURE						
210 Cropland and Pasture						1
211 Improved Pastures	12.5	0.9	11.6			0
213 Woodland Pasture	3.9	0.0	3.9			
SUB TOTAL	16.4	0.9	15.5			1
300 RANGELAND						
310 Herbaceous	2.1	1.8	0.4			2
320 Shrub and brushland	0.0					
321 Palmetto Prairie	0.4	0.4	0.0			0
329 Other Shrub and Brushland	5.1	5.1				
330 Mixed Rangeland	0.0		0.0			
SUB TOTAL	7.6	7.3	0.4			7
400 UPLAND FOREST						
410 Upland Coniferous Forest						
411 Pine Flatwoods	0.0	0.0	0.0			
420 Upland Hardwood Forest	0.0					
421 Xeric Oak						
425 Temperate Hardwoods	11.8	11.8	0.0			12
427 Live Oak	0.0		0.0			
430 Upland Hardwood Forest Continued	0.0					
434 Hardwood Conifer Mixed	1.1	1.1	0.0			1
438 Mixed Hardwood	0.0		0.0			
SUB TOTAL	12.9	12.9	0.0			13
500 WATER						
510 Streams and Ditches						
512 Man Made Ditches and Canals	24.0	0.1	23.9	1		1
523 Lake (+10ac.)				23		23
530 Wetlands Forested Mixed						0
534 Reservoirs < 10 Acres	2.0	0.3	1.7			0
SUB TOTAL - OPEN WATER	26.0	0.4	25.6	24		24
600 WETLANDS						
610 Wetland Hardwood Forests						
611 Bay Swamps	45.7	44.5	1.2	1		46
613 Gum Swamps	14.8		14.8	15		15
615 Stream and Lake Swamps	90.2	85.3	4.9			85
617 Mixed Wetland Hardwoods	57.2	31.3	25.9	87		119
620 Wetland Coniferous Forest	0.0					0
630 Mixed Wetland Forest	21.4	11.6	9.8	26		38
SUB TOTAL - FORESTED	229.1	172.8	56.3	129	2.29	302
640 Vegetated Non-Forested Wetlands						
641 Freshwater Marshes	208.2	24.8	183.4	100		100
643 Wet Prairies	75.0	23.7	51.3	229		254
646 Shrub Swamps	29.2	17.9	11.3	55		78
SUB TOTAL - MARSH	312.3	66.4	246.0	403		469
Sub Total - Marsh (200, 300 & 640's)			261.8	403	1.64	
TOTAL FDEP J.D. WETLANDS (200, 300, 400, 600s & 640s) *	604.5	260.8	343.7	555.7	1.62	816.5
TOTAL FOR SITE	604	261	344	556	1.62	817

* = FDEP Jurisdiction (J.D.) areas contain areas with upland vegetation cover.

** = Ratio Is Reclamation Wetlands / Total FDEP J.D. area impacted.

Exhibit G
Developer Commitments

Southeast Tract:

The following commitments have been made by, or on behalf of, the applicant in the Application for Development Approval (ADA), the first Sufficiency Response (SR1), the second Sufficiency Response (SR2), and additional information submitted on October 23, 2000 and November 1, 2000. This list has been modified from the list in the TBRPC report to reflect the removal of the area in the Manatee Watershed.

PROJECT DESCRIPTION

No beneficiation plant construction is required as part of the proposed development. (ADA/Page 10-4)

VEGETATION, WILDLIFE AND WETLANDS

1. A Site Habitat Management Plan has been developed to prescribe the scope of the final one-time listed species surveys that will be conducted in advance of clearing land for mining and to describe the steps IMC will take to mitigate potentially significant impacts to the listed vegetative and wildlife species identified during the seasonal surveys. The Plan is found on pages 12-22 - 12-30. (ADA/Page 12-22)
2. No disturbance will occur to the "higher quality wetlands" in the southern portion of the Horse Creek West Fork floodplain. (ADA/Page 10-5)
3. A total of 239.6 acres of FDEP jurisdictional wetland area will be left unmined. Forested wetlands with Mosaic -WRAP summary scores greater than 0.70 will not be mined with the exception of two small areas. Non-forested wetlands with Mosaic -WRAP summary scores greater than 0.70 will also not be mined, with the exception of 0.4-acre Wetland A14. In addition, upland native habitat buffers will be left unmined at strategic locations adjacent to wetland areas that are also designated to be left unmined. (ADA/Page 13-4; 4AI/Page 11)
4. A combination of proven techniques will be used to protect unmined wetlands during mining and reclamation activities... (ADA/Page 13-4)
5. Reclaimed wetlands will be created to have hydroperiods more typical of natural undisturbed wetland systems. (ADA/Page 13-5)
6. All impacted wetlands will be replaced in accordance with the specific mitigation ratios listed in Table 13-1. Upland habitat/buffers will be constructed around all undisturbed and created wetlands. (ADA/Page 13-5; 4AI/Page 11)

7. A large, vegetated alternate flow way, 50 to 70 feet wide, will be constructed to maintain flow in West Fork Horse Creek and provide habitat and water quality treatment during mining and reclamation activities. It will provide approximately 20.5 acres of inundated shallow herbaceous wetland habitat and water quality treatment area. The proposed post reclamation stream system will provide approximately 286 acres of inundated habitat and water quality treatment area. The system will consist of a series of interconnected wetlands created in a step down fashion more similar to the historic configuration of this creek system than presently exists. (ADA/Page 13-5)
8. Recharge ditches will keep wetlands hydrated during the time they are separated from their respective watersheds. A source of clear water, such as rainwater, dewatering well discharge, overburden drainage into the active mine cut, or recirculation water will be used for recharge water for the ditches. Input into the recharge ditches will be adjusted to maintain appropriate groundwater and surface water elevations. (ADA/Page 13-9)
9. If muck is not available as a surface treatment to provide nutrients and genetic material for reclamation, herbaceous wetlands will be planted with a diverse array of native plant species at a density of up to approximately 4,800 plants per acre. Forested systems will be planted with trees at a density of approximately 600 trees per acre. (ADA/Page 13-10)
10. Preclearing survey reports and management techniques implemented will be reported to the responsible agencies through the annual DRI status reports. (SR1/Page AI-81)
11. In order to protect the Florida Sandhill crane, spring surveys will be conducted in areas scheduled for clearing within the following 12 months to ascertain the then current nesting status of all potential nesting sites scheduled for disturbance during the next year. If any nesting activity is found, mining-related disturbances will be deferred until nesting is complete and the birds have fledged. (SR1/Page AI-87)
12. Pre-clearing surveys will be conducted to identify any kestrels nesting on-site. If found, mining activities will be scheduled to avoid disrupting active nests. (SR1/Page AI-87)
13. The responses to TBRPC Questions 10-29 and 12-1 describe the procedures IMC will use to coordinate with the USFWS and FFWCC on measures to protect all listed species observed (now or in the future) on the Four Corners Mine Southeast Tract Addition parcels. (SR1/Page AI-88)

14. Revised Map 35G-2 illustrates that 26 isolated wetland systems will be created during the land reclamation stage of the development. (SR1/Page AI-108; 4AI/Map 35G-2)
15. Topsoil (muck) will be segregated whenever a stockpiling time frame of five years or less will exist and if the donor site will not contain an excessive level of nuisance species. (SR1/Page AI-110)
16. Degraded habitats present in the pre-mining condition will be reclaimed to better conditions. Preservation areas will be retained to promote the protection of the regional wildlife and plant species and will act as suitable colonization sources for the reclaimed habitats. (SR2/Page 2AI-34)
17. The uplands that Mosaic proposes to reclaim will be designed to have connection to undisturbed areas so that they will have a way to repopulate. Relocation and restocking efforts as appropriate and approved by the various agencies will be conducted and will speed up the colonization of the reclaimed habitats. (SR2/Page 2AI-35)
18. Mosaic will continue to work toward establishing a voluntary conservation easement on the reclaimed portion of the Integrated Habitat Network on site. Mosaic will keep Manatee County informed on the progress of any conservation easements that are obtained. (SR2/Page 2AI-43)

WATER QUALITY AND STORMWATER MANAGEMENT

1. Clearing of lands to be mined will not occur until the perimeter (ditch and berm) system is in place and functional. (ADA/Page 14-20)
2. Surface water quality will be maintained by use of the perimeter berm and ditch system that will contain all storm water runoff and route these flows to settling areas for clarification. (ADA/Page 14-21)
3. The velocities, volumes, and rates of flow will be the same or slightly lower in the post reclamation condition. The upper reaches of the West Fork Horse Creek will be reclaimed in the post reclamation condition to a flat, broad floodplain vegetated by herbaceous and forested wetland species. Elevations in the post reclamation condition will be about the same as pre-mining, except at the two reclaimed settling areas, which will be about five feet higher in the post reclamation condition to maintain positive drainage. (ADA/Page 19- 4)
4. The extensive ditching present in the pre-mining condition will be eliminated in the post reclamation landscape. The reclaimed wetland features will provide natural flow regimes which will increase biological assimilation of nutrients and other

pollutants while reducing the potential for turbidity entrainment, stagnation, and fluctuations in water biochemical parameters. (ADA/Page 19-7)

5. Existing discharge locations, peak rates, and volumes will remain essentially unchanged. (ADA/Page 19-1)
6. Perimeter recharge ditch and berm will be inspected during each shift. Staff gauges will be installed to ensure adequate water is present in the ditch to maintain the ground water levels. Written copies of these inspections will be available for agency review. Piezometers will be read weekly and the information will be reviewed by IMC Mosaic Environmental staff to ensure that the recharge ditches are maintaining the water table at proper levels. (SR1/Page AI-115)
7. After reclamation, the total area of herbaceous wetlands on the tract will increase to approximately 0.47 mi². The total area of forested wetlands will increase to approximately 0.64 mi². (SR1/Page AI-120; 4AI/Table 12-1)
8. The measures that Mosaic will employ to ensure that project impacts upon the West Fork Horse Creek are minimized include:
 - a. limiting the proposed disturbance to the segment of West Fork Horse Creek where the natural channel and associated floodplain wetland features no longer exist, having been replaced with a man-made ditch/canal;
 - b. constructing a temporary alternate flow way in advance of the proposed disturbance, sized to contain the 100-year flood event and stabilized with aquatic vegetation;
 - c. reclaiming a broad riparian floodway with increased flood storage capacity and a sinuous braided channel following mining that more closely resembles natural conditions;
 - d. allowing the reclaimed channel and floodplain to be revegetated and stabilized prior to diversion of flow from the alternate flow way; and
 - e. construction and maintenance of storm water runoff capture berms and artificial systems along the remaining natural portion of the West Fork Horse Creek channel and floodplain forest to maintain water quality and ground water base flow. (SR2/Page 2AI-47)

SOILS

1. All of the sand and clay backfill will originate from Mosaic mine property. All overburden spoil generated by mining the Four Corners Mine Addition parcels will

be beneficially used (disposed) onsite as part of the reclamation process. (ADA/Page 15-2)

2. All lands proposed to be reclaimed as natural systems will be reclaimed by backfilling with sand and then grading an overburden cap. In the event there is found to be hard or compacted soils at the surface at the end of reclamation earthmoving, the area will be plowed (disked using a farm tractor) at the time of upland tree planting. (SR2/Page 2AI- 58)

FLOODPLAINS

1. No mining will occur in the southern portion of the West Fork Horse Creek floodplain. (ADA/Page 10-5)
2. Upstream adjacent properties will not be affected by mining the floodplain of the West Fork Horse Creek because Mosaic will provide an alternate flow way to convey waters which would otherwise have flowed down the West Fork. Downstream adjacent properties will be protected from flooding by Mosaic impoundment of stormwater within the capture area and the subsequent slow release of water through permitted outfall structures on the main stem of Horse Creek. (SR1/Page AI-123)

WATER SUPPLY

1. No additional ground water withdrawals will be required for the mining and reclamation of PHASE I DRI Parcels beyond that currently permitted by the Southwest Florida Water Management District. (ADA/Page 10-30)
2. The applicant will not drill any new water supply production wells in association with the Four Corners Mine Addition (Phase I) DRI site. (ADA/Page 17-1).
3. Innovative techniques have allowed the applicant to utilize recycled water "in all phases of the beneficiation flowsheet." Use of this technology will continue throughout the mining life of this addition. (ADA/Page 17-2)

WASTEWATER MANAGEMENT

1. The project will not change the daily volume of domestic or industrial wastewater generated by the Four Corners mine site. (ADA/Page 18-1)
2. There will be no domestic wastewater produced on the project site. (ADA/Page 18-1)

TRANSPORTATION

1. The expansion area will be mined using existing equipment of the Fort Green Mine. (ADA/Page 10-6).
2. There will be no change in the number of employees, schedules, or the route accessing the property. (ADA/Page 21-1)
3. The expansion area will be accessed by the two existing employee access points located at: the intersection of S.R. 37 and the Four Corners Mine/Fort Green Mine entrance road (in Polk County); and the intersection of S.R. 62 and the internal mine access road (in Hardee County). (SR1/Page AI-34)
4. No employee access points will be located along Duette Road in Manatee County. (SR1/Page AI-34)

AIR QUALITY

1. Mosaic will employ a number of conventional mining techniques to minimize the generation of fugitive dust during mining and reclamation. These measures include:
 - a. limiting the clearing of lands to be mined in advance of when necessary to prepare for mining;
 - b. Use of hydraulic slurry transport of phosphate matrix, sand, and clay;
 - c. Storage and shipment of mined lands and revegetation in accordance with state rules; and
 - d. Use of quick-germinating temporary cover crops on reclaimed land. (ADA/Page 22- 1)

HURRICANE PREPAREDNESS

The Hurricane Preparedness Plan will be updated to include the expansion area. (ADA/Page 23-1)

MINING OPERATIONS

1. The Plan provides for the mining impact of 2,152 acres (86% of site), with no disturbance to occur on the remaining 356 acres (14% of site). (ADA/Page 10-5; 4AI/Table 10-1)
2. A maximum of 800 acres per year will be mined. (ADA/Page 10-5)

3. The clay settling areas will be reclaimed to improved pasture to maintain the agricultural value of the land. (ADA/Page 35-4)
4. The reclaimed stream channel will be contoured to mimic pre-mining gradients. The channel bottom will have a slope of one-half foot drop per 1,000 feet length, entering the property at elevation 110 feet NGVD and re-entering the undisturbed floodplain to the south at elevation 104 feet NGVD, similar to the premining and historic conditions. The average post-reclamation wetted floodplain width is 1,300 feet as compared to the existing 35-foot wide ditch. In addition, two herbaceous wetland areas have been incorporated into the stream floodplain. The bottom elevation in the marsh and the adjacent forested stream channel create a continuously flooded herbaceous pocket or pool within the floodplain. These changes will increase the water retention time and wildlife habitat area within the floodplain, and more closely resemble the historic nature of the waterway than what presently exists. (ADA/Page 35-10)
5. The reclamation of the clay-settling areas will be by the crust development method. (ADA/Page 35-13)
6. Approximately 1,154 acres will be revegetated for use as crop and pastureland, on hydraulically placed sand tailings capped with overburden, graded overburden, and crusted waste clays. (ADA/Page 35-13)
7. The mining of the upper portion of West Fork Horse Creek is scheduled to occur in years 3 & 4, to allow the mining and reclamation to occur quickly, taking the minimum amount of time. (SR2/Page 2AI-60). The mining plan has been updated due to the location of a Caracara nest in the alternate flow way route, and the mining has been delayed, as approved by the County in the February 8, 2005 letter from EMD (attached as Exhibit J).

Wingate Corridor Parcel*:

1. There will be an access corridor road crossing of Duette Road for the Wingate Corridor.
2. Wetland Mitigation on the Wingate Corridor Parcel will be according to the UMAM procedure as shown on Table 13-1b (attached as Exhibit L).

Legend - Vegetation Cover - FLUCFCS 1999

- 211 - Improved Pastures
- 213 - Woodland Pastures
- 310 - Rangeland - Herbaceous
- 320 - Shrub and Brushland
- 321 - Palmetto Prairies
- 329 - Other Shrubs and Brush
- 330 - Mixed Rangeland
- 410 - Upland Coniferous Forest
- 411 - Pine Flatwoods
- 421 - Xeric Oak
- 425 - Temperate Hardwoods
- 427 - Live Oak
- 430 - Upland Hardwood Forest
- 434 - Hardwoods - Conifer Mixed
- 438 - Mixed Hardwoods
- 510 - Streams and Waterways
- 523 - Lake, 10 - 100 ac
- 534 - Reservoirs < 10ac.
- 611 - Bay Swamps
- 613 - Gum Swamps
- 615 - Streams and Lake Swamps
- 617 - Mixed Wetland Hardwoods
- 630 - Wetland Forested Mixed
- 640 - Vegetated Non-Forested Wetlands
- 641 - Fresh Water Marshes
- 643 - Wet Prairies
- 648 - Shrub Marsh
- 743 - Spoil Areas
- 814 - Roads & Highways

Duette Rd

Manatee Co.
Hardee Co.



**Map 35G-2
Post Reclamation
Land Use**

FOUR CORNERS MINE
Manatee County Addition - Phase I
Substantial Deviation DRI Amendment



Location Key

Legend

- DRI Boundary
- Limit of Mining Disturbance
- Streams
- County Lines
- Section Lines
- Roads

1 inch equals 2,000 feet

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maps\Post_Reclamation_Land_Use.mxd 1/30/03 djr

35

36

31



14

18

23

24

19

Sawtooth Creek

TABLE 35-5
Reclamation Schedule

Reclamation Type	Reclamation Activity	*Time - Years
Graded Overburden	0. End of Mine use	---
	1. Contour - Earthwork	18 months
	2. Re - vegetation	6 months
	3. Growth Period	1 year
	Total Time	3 years.
Tailings Fill	0. End of Tailing fill (Mine use)	---
	1. Contour - Earthwork	18 months
	2. Re-vegetation	6 months
	3. Growth Period	1 year
	Total Time	3 years.
Clay Settling Area	0. Ditch and drain surface	4 years
	1. Settling area abandonment (End of Mine use)	---
	2. Contour - Earthwork	18 months
	3. Plant grasses	6 months
	4. Growth Period	1 year
Total Time	3 years	

* Note: Times are based on completion of all mining activities within a program or logical reclamation unit area that allows for reclamation of a sub-basin system rather than partial system.



MANATEE COUNTY GOVERNMENT

"To Serve With Excellence"

ENVIRONMENTAL MANAGEMENT DEPARTMENT



February 8, 2005

Mosaic Phosphates Co.
P.O. Box 2000
Mulberry, FL 33860
Attn: Thomas E. Meyers, III

RE: Master Mine Plan Update -- Southeast Tract (Manson-Jenkins)

Dear Mr. Myers:

The Environmental Management Department (EMD) has reviewed Mr. Ted Smith's letter of February 2, 2005 which updates the Master Mine Plan for the SE/Manson-Jenkins Tract. The mine plan changes are a result of a caracara nesting where mining activity was previously planned.

We have determined that the amendments to the Master Mine Plan are non-significant. As a result, the mining, reclamation, revised alternate flowway and stream crossing point as depicted on Maps 1 and 2 of Mr. Smith's letter of February 2, 2005 are approved. Please formerly update EMD to the changes when the mine submits their Annual Progress Report for the SE Tract.

Should you have further questions on this matter, please contact me or Rob Brown at (941) 742-5980.

Sincerely,


Karen Collins-Fleming, Director

np/

cc: Rob Brown, EMD
Neal Parker, EMD
Ted Smith, Mosaic Phosphates Co.

202 6th Avenue East • Bradenton, Florida 34208 • (941) 742-5980 • Fax (941) 742-5996

P.O. Box 1000 • Bradenton, Florida 34206-1000

BK 1666 PG 461 DOC STAMPS \$.70 DKT # 1442446 1 of 18

PERPETUAL CONSERVATION EASEMENT

THIS DECLARATION OF PERPETUAL CONSERVATION EASEMENT is made this 1st day of December, 2000, by **FP ONE CORPORATION** and **FP TWO CORPORATION**, whose mailing address is 767 5th Avenue, 16th Floor, New York, NY 10153 ("Grantor") for the benefit of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, whose address is the Douglas Building, 3900 Commonwealth Blvd., Mail Station 100, Tallahassee, Florida 32399-3000, hereinafter referred to as "the Grantee

As used herein, the term "Grantor" shall refer to the owner or successor in ownership of the lands in this Agreement, more particularly described in Exhibits A and B and made a part of the Agreement by this reference, hereinafter referred to as the "Protected Property", and "State of Florida" shall refer to the state board named above or any successor agency or authority which assumes or is charged with the authority and duties exercised by and imposed upon the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida on the date of execution of this Agreement.

WITNESSETH:

WHEREAS, the State of Florida has determined that protection of a planned habitat area and wildlife corridor, also known as the Integrated Habitat Network, throughout central Florida is highly desirable as in the public interest; and

WHEREAS, the Grantor's property contains property that falls within the FDEP Integrated Habitat Network; FFWCC Closing the Gaps "Study Corridor" areas and/or SWFWMD Core habitat Corridor Designation; and

WHEREAS, the Grantor and the Grantee mutually recognize the natural, scenic and special character of the Protected Property including, if any, preserved wetlands, associated uplands and the reclaimed planned habitat areas that it contains or will contain following, and as part of, the reclamation process and have the common purpose of conserving certain natural values and character of the Protected Property by conveyance to the Grantee of a Perpetual Conservation Easement and the prohibition of certain development activities, all of which shall run with the land, on, over, and across the Protected Property, which shall conserve the value, character, ecology and hydrological integrity; shall conserve and protect the animal and plant populations; and shall prohibit certain further development activity on the Protected Property, hereinafter collectively referred to as "the conservation purposes," and

WHEREAS, the Grantor has voluntarily elected to enter into this Perpetual Conservation Easement to provide protection to the Protected Property; and

WHEREAS, the Grantor will provide maintenance for the Protected Property during the time of its mining and reclamation activity as specified herein and under Section 378.035(6)(a) Florida Statutes, the State of Florida or its designee will provide maintenance for the Protected Property thereafter;

Approved for Closing
By: [Signature]
DEP Attorney

Date: 1-31-01

WHEREAS, the Grantor and the Grantee agree that the DEP, Bureau of Mine Reclamation, will be the agency responsible for monitoring this Perpetual Conservation Easement.

NOW, THEREFORE, the Grantor hereby voluntarily creates and assigns a Perpetual Conservation Easement on the Protected Property together with the prohibition of certain development activities, except as reserved herein, on, over, and across the Protected Property for the purposes as set forth above, and pursuant to Section 704.06, Florida Statutes.

I. GENERAL PROVISIONS

1. **Duration of Perpetual Conservation Easement.** The Grantor grants unto Grantee and its successors and assigns this Perpetual Conservation Easement to have and to hold in perpetuity. This is an easement in gross, runs with the land and is enforceable by the Grantee against the Grantor, its successors and assigns, lessees, agents, licensees, and subsequent grantees.

2. **Successors and Assigns.** The terms Grantor and Grantee as used herein shall include, without limitation, the successors and grantees of the Grantor and Grantee and the covenants, terms, conditions, and restrictions of the Perpetual Conservation Easement shall be binding upon and inure to the benefit of such successors and shall continue as a servitude running with the land in perpetuity with the Protected Property.

3. **Legal Description. Perpetual Conservation Easement to be Granted at Time Mining is Initiated:** IMC Phosphates Company, on behalf of Grantor, shall prepare an accurate legal description of the Protected Property as described in **Exhibit A** of this Agreement which shall be recorded in the Public Records of Manatee County, Florida as an amendment to this Instrument. This Conservation Easement on the areas in **Exhibit A** not to be disturbed by mining or mining related activities—covering about 182 acres—shall be recorded within six (6) months of the execution of this Agreement.

Perpetual Conservation Easement to be Granted at Time of Reclamation Release: IMC Phosphates Company, on behalf of Grantor, shall prepare an accurate legal description of the Protected Property as described in **Exhibit B** of this Agreement which shall be recorded in the Public Records of Manatee County, Florida as an amendment to this Instrument. This Conservation Easement on reclaimed areas in **Exhibit B**—covering about 339 acres—shall be recorded within six (6) months of the release of reclamation and/or mitigation responsibility by all applicable regulatory agencies.

4. **Violations, Remedies, and Enforcement.** In the event of a violation of the terms and conditions hereof, the Grantor or Grantee shall give written notice to the other party. The other party shall have the right to cease or cure the violation without penalty. If the party in violation does not cease or cure the violation within thirty (30) days after receipt of such written notice, the terms and conditions hereof may be enforced by the complaining party by suit for injunctive relief or for other appropriate remedy at law or equity to require the restoration of the Protected Property to the condition that existed prior to any injury. If Grantee reasonably determines that circumstances require immediate action to prevent or mitigate significant damage to the Protected Property, Grantee may pursue its remedies under this paragraph without waiting for the period provided for cure to expire. The remedies described in this paragraph shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity. In the event such violation cannot be cured within this thirty (30) day period and the party in violation is expeditiously proceeding with said cure, then the time period shall be extended by such a time as would be reasonable to complete the cure.

via 1666 PG 462 2 of 18

BK 1666 PG 463 3 of 18

5. **Amendment.** The terms and conditions hereof may be modified only by mutual agreement in writing between the Grantor and the Grantee or their respective successors or assigns.
6. **Future Consistent Uses.** The purpose of this Perpetual Conservation Easement is to preserve the Protected Property in its current condition (natural land) or reclaimed condition (reclaimed land), and its scenic, open, agricultural or wooded conditions as the case may be and to preserve existing or reclaimed uses as habitat for fish, wildlife, and plants. Future uses consistent with these purposes shall be permitted. Except where otherwise provided for herein, future uses inconsistent with these purposes shall be prohibited.
7. **Liability/Indemnification.** The Grantee agrees to indemnify and hold the Grantor harmless from any and all liability, loss, damage, expense, or judgment (including attorney's fees and costs) arising out of any negligent or willful action or activity of the Grantee, its agents, its employees, or other invitees while on the Protected Property or exercising its right hereunder. The Grantee further agrees to indemnify and save the Grantor harmless from any and all liability, loss or claim resulting from a personal injury or death to agents or employees or any other party on the Protected Property at the invitation of the Grantee or its assigns. Nothing contained herein shall be construed as an indemnity or as a waiver of sovereign immunity enjoyed by the Grantee, as provided in Section 768.28, Florida Statutes, as amended from time to time, or any other law providing limitations on claims against the State. Further, the Grantor agrees to indemnify and hold the Grantee harmless from any and all liability, loss, damage, expense, or judgment (including attorney's fees and costs) arising out of any grossly negligent or willful action or activity of the Grantor, its agents, its employees, or other invitees while on the Protected Property or exercising its right hereunder.
8. **Easement Documentation Report.** Grantor and Grantee acknowledge that an Easement Documentation Report (Report) of the Protected Property has been or will be prepared by IMC Phosphates Company on behalf of the Grantor, within six (6) months following the date of the execution of this Perpetual Conservation Easement for the areas described in Exhibit A and within six (6) months following the date of the release of reclamation responsibility for the areas described in Exhibit B. The Report, after approval by the Grantee and Grantor, shall serve as an accurate representation of the physical, ecological and biological condition of the Protected Property at the time of this grant. The Report will be placed and retained on file with Grantee as a public record and a copy will be provided to Grantor. In the event a controversy arises with respect to the nature and extent of the physical or biological condition of the Protected Property, the parties may utilize the Report and any other relevant documents, surveys, photographs or other information to assist in the resolution of the controversy. The Report, however, shall serve as the principal baseline for the biological, ecological, and physical condition of the Protected Property on the date of this Perpetual Conservation Easement. The Report and other documents, surveys, photographs or other information documenting the status of the Protected Property at the date of this grant provided to Grantee by Grantor are available for inspection at the offices of the Division of State Lands, Department of Environmental Protection and/or Department of Environmental Protection, Bureau of Mine Reclamation in Tallahassee, Florida, and are incorporated herein and made a part of the Perpetual Conservation Easement by reference. The Grantor shall have no obligation to improve the ecological condition above that which is documented in the Easement Documentation Report.
9. **Ad Valorem Taxation/Assessments.** The Grantor agrees to make timely payment of all ad valorem taxes on its interest in the Protected Property so long as it retains fee simple title to the Protected

Perpetual Conversation Easement
Page 4 of 9
Revised 12.01.00

Property. The Grantor and Grantee mutually agree that the Protected Property will continue to be utilized for certain agricultural uses as set forth in this Perpetual Conservation Easement and as such the Grantor shall continue to be entitled to file for "Greenbelt/ Agricultural" ad valorem tax status or such other appropriate tax status. Further, the Grantor agrees to pay any assessments, fees or charges of whatever description levied against the Protected Property by competent authority.

10. **Recording.** Pursuant to Section 704.06 Florida Statutes, IMC Phosphates Company, on behalf of the Grantor, shall record the Perpetual Conservation Easement in the Official Records of Manatee County, Florida and pay the documentary and/or recording fees.

11. **Warranty and Title.** The Grantor hereby warrants that it is fully vested with fee simple title to the Protected Property subject to taxes for 2000 and subsequent years, restrictions, reservations and easements of record and unrecorded lease to IMC Phosphates Company.

12. **Notices.** Any notice, demand, consent, or communication that either party is required to give to the other hereunder, shall be in writing and either served personally by hand delivery, by confirmed overnight courier, or by registered or certified mail, postage prepaid, addressed as follows:

To the Grantor: FP One Corporation
FP Two Corporation
767 5th Avenue, 16th Floor
New York, NY 10153

With Copy to: Patricia A. Petruff, Esquire
Dye, Deitrich, Prather, Petruff
& St. Paul, P.L.
P.O. Box 9480
Bradenton, FL 34206

To the Grantee: Secretary, Department of Environmental
Protection
3900 Commonwealth Blvd., MS 10
Tallahassee, FL 32399

With Copy to: Director, Division of State Lands
Department of Environmental Protection
3900 Commonwealth Blvd., MS 100
Tallahassee, FL 32399

With Copy to: Bureau Chief, Bureau of Mine Reclamation
Department of Environmental Protection
2051 E. Dirac Drive
Tallahassee, FL 32310

13. **No Waiver of Regulatory Authority.** Nothing herein shall be construed to restrict or abrogate the lawful regulatory jurisdiction or authority of the Grantee or other federal or state agencies.

BK 1666 PG 4 of 18

14. **Approval or Concurrence.** The parties agree that each party will respond within a reasonable time and a reasonable manner when approval or concurrence or agreement is requested by the other party. If any party in good faith believes that another party has not responded in a reasonable time or is unreasonably withholding approval or concurrence, the matter may immediately be submitted for arbitration at the discretion of the party claiming damages.

15. **Enforceability.** This Perpetual Conservation Easement may be enforced by Grantee—as provided in Section 704.06, Florida Statutes—and by Grantor.

16. **Maintenance Responsibility.** Maintenance of the Protected Property as subsequently defined by legal description as required in paragraph 3 above, will be the responsibility of IMC Phosphates Company, on behalf of Grantor, through the time reclamation is released by all applicable regulatory agencies, and thereafter will be the responsibility of Grantee.

II. RIGHTS RESERVED TO THE GRANTOR

The Grantor reserves in perpetuity, and reserves for its successors and assigns in perpetuity, the following reserved rights, which may be exercised at any time in accordance with the provisions of this Perpetual Conservation Easement:

1. **Livestock Grazing.** The Grantor shall have the right to use of the Protected Property for the breeding, raising, pasturing and grazing of livestock provided that these activities are consistent with sustainable native range management practices (for example, practices described in "Determining Grazing Capacity for Native Range, Fact Sheet FRC-31" by George W. Tanner 1983, RFAS-CES). "Sustainable native range practices" are defined as those which allow native grasses and other native forage species to regenerate such that grazing capacity of the land is naturally renewed. Alternatively, participation in the Florida Forest Stewardship Program administered by the Florida Department of Agricultural and Consumer Services Division of Forestry on or after the date of this Agreement, or a similar program approved by FDEP that considers sustainable grazing shall also satisfy the required standards for such activities. The Grantor has the right to excavate livestock ponds and establish and construct fences, livestock pens, and any and all other related structures and activities necessary for the livestock operation, subject to obtaining all consents and permits required therefore. Excavation of livestock ponds shall be restricted to upland areas and shall not be connected to waters of the state. Control burning as part of range management, using best management practices, is allowable.

2. **Sale of Protected Property.** Grantor, its successors and assigns, shall have the right to sell or otherwise convey the Protected Property.

3. **Sustainable Harvesting.** Sustainable opportunistic harvesting shall be defined as the collection of naturally produced and renewable foods, plants, pharmaceuticals, or other materials such as fruits, seeds, flowers, herbs and wetland plant species, and shall be allowed in a manner that allows for the resource to regenerate naturally without significantly reducing the potential for future harvest. This shall not apply to exotic or non-native plants and species.

4. **Listed Plant and Wildlife Species Relocation.** Grantor shall have the right to relocate listed plant and wildlife species from offsite locations to appropriate areas within the Protected Property in accordance with all applicable federal, state, and local laws, rules and regulations.

5. **Haying and Sodding.** Haying and sodding shall be permitted only in upland pastures and/or disturbed areas as established in the Easement Documentation Report required by Section I, paragraph 8 above.
6. **Silviculture.** Grantor shall have the right to conduct logging and associated activities consistent with sustainable silviculture practices in accordance with the most current Best Management Practices. "Sustainable silviculture" is defined as logging practices that maintain a canopy structure of trees typical of natural central Florida flatwoods without damaging the ability of native ground cover, shrubs or trees to maintain their ecological integrity and intact community structure and the ability to successfully reproduce or regenerate. Alternatively, participation in the Florida Forest Stewardship program administered by the Florida Department of Agriculture and Consumer Services, Division of Forestry, or a similar program approved by Florida Department of Environmental Protection (DEP) that considers sustainable forestry, shall also satisfy the required standards for such activities. Notwithstanding the above, no live cypress or hardwood trees shall be harvested.
7. **Hunting and Fishing.** The Grantor retains all hunting and fishing rights, including the right to lease same, as well as the right to control nuisance animals on the Protected Property provided that all hunting, hunting leases, and associated facilities shall be administered in a manner consistent with current management practices; or in the alternative pursuant to a wildlife management plan, for hunting and fishing purposes only, which is mutually acceptable to the Florida Fish and Wildlife Conservation Commission and the Grantor.
8. **Recreational Activities.** Grantor, its successors or assigns, shall have the right to utilize the property for all resource-based recreational activities including, but not limited to, hunting, fishing, nature parks, boating, horseback riding, swimming, hiking and other related activities and for facilities related to such uses.
9. **Environmental Education.** Grantor, its successors and assigns, shall have the right to utilize the property for environmental resource or environmental educational facilities which do not significantly disturb the Protected Property.
10. **Quiet Use and Enjoyment.** Grantor retains all rights to use the Protected Property provided such use is not inconsistent with any other provisions of this document.
11. **Permitting Wells.** Grantor shall have the right to apply for the construction and continued operation of wells on the Protected Property in accordance with all applicable federal, state, and local laws.
12. **Consistent Uses.** The parties hereto understand and agree that the Grantor is retaining all rights to certain real property which is contiguous to and/or near the Protected Property. Nothing contained herein shall restrict or otherwise prohibit the Grantor from utilizing existing features, uses or areas of the Protected Property in a manner consistent with the use of the contiguous real property which has been retained by the Grantor. For example, in the event Grantor cultivates a crop on the contiguous property where all rights have been retained, Grantor shall have the right to transport such crop across the Protected Property utilizing existing roads.

III. PROHIBITED / RESTRICTED USES

1. **Construction.** Unless otherwise provided for in this document, there shall be no further new construction of or placement of new buildings, roads, signs, billboards, or other advertising, or other structures on or above the ground of the Protected Property, except that Grantor shall have the right to excavate livestock ponds and to maintain any and all existing buildings, roads, fences, ponds, and drainage ditches, and to construct and operate barns, fences, dirt access roads for maintenance purposes and other structures, facilities, wells, and/or activities necessary or useful to silviculture, livestock grazing, agricultural purposes, and related activities, in appropriate areas, subject to obtaining all consents and permits lawfully required therefore. "Maintenance" of roads, ponds, and drainage ditches shall include the right to clear, dredge, improve and/or reconstruct roads, ponds, and drainage ditches of similar sizes and types on or near the current locations.
2. **Transfer of Development Rights.** There shall be no transfer of any development rights or density credits from the Protected property to any other property, including but not limited to properties lying within the adjacent and surrounding area owned by the Grantor, any other person, entity or like. Notwithstanding the foregoing, any and all rights reserved to the Grantor, as set forth herein, shall remain in full force and effect on the Protected Property.
3. **Dumping.** Except as provided by law, there shall be no dumping or placing of soil, trash, liquid or solid waste (including sludge), or unsightly, offensive, or hazardous materials, wastes or substances, toxic wastes or substances, pollutants or contaminants, including, but not limited to, those as defined by the Resource Conservation and Recovery Act, 42 USC Section 6901-6991, or the Comprehensive Environmental Response, Compensation and Liability Act, 42 USC Section 9601-9674, as amended by the Superfund Amendments and Reauthorization Act of 1986, or any Florida Statute defining hazardous materials, wastes or substances, toxic wastes or substances, pollutants or contaminants (hereinafter collectively referred to "Contaminants") on the Protected Property. However, this provision shall not be construed to prevent the deposit of animal wastes generated on the Protected Property.
4. **Exotics.** There shall be no planting of nuisance exotic or non-native plants as listed by the Exotic Pest Plant Council (EPPC), except pasture grasses approved for domestic use. There shall be control of nuisance exotics or non-native plants on the Protected Property to the extent that it is economically practical in the Grantor's opinion. Management and control applies to the following: Brazilian Pepper, Melaleuca, Japanese and Old World Climbing Fern, Skunk Vine, Tropical Soda Apple, Cogon Grass, Torpedo Grass, Air Potato, and Kudzu.
5. **Pesticides/Herbicides.** Only pesticides and herbicides approved by the United States Department of Agriculture may be used on the Protected Property and such pesticides and herbicides shall be used only in accordance with current label instructions and in accordance with current governmental laws and regulations.
6. **Endangered Species.** There shall be no intentional adverse impacts to threatened or endangered species, or species of special concern which have been specifically identified as such by any United States or State of Florida agency.
7. **Archaeological, Cultural or Historic Sites.** There shall be no intentional destruction or damage to any sites of archaeological, cultural, or historical significance, when any such sites have been specifically identified as such by any United States or State of Florida agency, unless authorized or approved by the appropriate official of the State of Florida having jurisdiction thereover.

8. **Citrus, Truck/Row Crops.** None of the Protected Property contains citrus, truck/row crops at the inception of the Conservation Easement. Initiation of citrus production activity and/or the planting of truck crops or row crops on the Protected Property is hereby prohibited.

IV. RIGHTS OF THE GRANTEE

1. **Monitoring for Conservation Easement Compliance.** The Grantor shall not interfere with the DEP in the monitoring and enforcement of the terms and conditions hereof. The DEP and its agents, employees and assigns, at reasonable intervals, at reasonable times, and upon 10 days written notice, may enter upon, over and across the Protected Property on official business for the purpose of monitoring compliance with the terms and conditions thereof so long as such entry does not interfere with the rights and uses of the Protected Property retained by the Grantor.

2. **Right to Maintain Protected Property.** In the event the Grantor ceases to maintain the Protected Property in accordance with this Perpetual Conservation Easement or in the event the Grantee elects to perform more extensive maintenance than the Grantor is obligated to perform, the Grantee and/or DEP shall have the right to enter upon the Protected Property, to take any and all necessary and appropriate actions to maintain or enhance the resource values of the Protected Property, without forfeiting any other rights or remedies granted under this Conservation Easement.

3. **Public Access.** The Grantee shall not have the right to allow the general public on the Protected Property at any time without the prior written consent of the Grantor.

IN WITNESS WHEREOF, Grantor has executed this Agreement on this 1st day of December, 2000.

Executed and delivered in our presence:

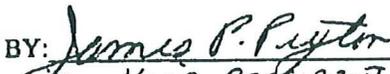


Witness as to both FP One Corporation
and FP Two Corporation
Print name Pete Warchen



Witness as to both FP One Corporation
And FP Two Corporation
Print name Debra Segal

FP ONE CORPORATION, a
Delaware corporation

BY: 
AS VICE PRESIDENT

FP TWO CORPORATION, a
Delaware corporation

BY: 
AS VICE PRESIDENT

STATE OF NEW YORK
COUNTY OF New York

Perpetual Conversation Easement **BK 1666 PG 469** 9 of 18
Page 9 of 9
Revised 12.01.00

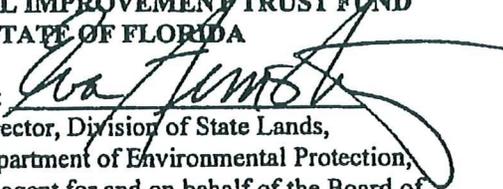
The foregoing instrument was acknowledged before me this 15 day of December 2000, by JAMES P. PEYTON, VICE PRESIDENT of FP ONE CORPORATION and FP TWO CORPORATION, Delaware corporations, on behalf of the corporation. He/she is personally known to me, _____ or has produced _____ as identification.


Signature of Notary

MARGARET L. CARSON
Notary Public, State of New York
No. 01CA8047240
Qualified in Queens County
Certificate Filed in New York County
Commission Expires August 28, 2002

Executed and delivered in our presence:

**BOARD OF GRANTEE TRUSTEES OF THE
INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA**

By: 
Director, Division of State Lands,
Department of Environmental Protection,
As agent for and on behalf of the Board of
Trustees of the Internal Improvement Trust
Fund of the State of Florida.


WITNESS (Signature)

E.W. WOOD
WITNESS (Printed Name)


WITNESS (Signature)

Terry L. Johnson
WITNESS (Printed Name)

Reviewed and approved by the Office of
General Counsel this 31 day of
January, 2000.2001

I:\Docs\UMC\PERPETUAL CONSERVATION EASEMENT(clean copy).doc

APPROVED AS TO
FORM & LEGALITY

DEPARTMENT ATTORNEY
1-31-01

Exhibit A

**DESCRIPTION OF CONSERVATION EASEMENT
CATEGORY A
(Manson - Jenkins Tract)**

The following description was created using the Conservation Easement boundary, in digital format, as depicted in Figure 13-1 of IMC Phosphates Company's Four Corners Mine - Phase I Additions - DRI 235, Master Mine Plan Application and Rezoning Request Additional Information dated November 1, 2000, as submitted to the Manatee County Planning Department. The boundary lines depicted on Figure 13-1 above and used in this description were drawn arbitrarily and do not represent the results of a survey of any kind.

DESCRIPTION:

A tract of Land lying in Sections 2,11,12,13 and 14, Township 34 South, Range 22 East, Manatee County, Florida being described as follows:

Section 13: Commence at the northwest corner of Section 13, thence S88°40'44" E along the north line thereof 525.57 feet to the POINT OF BEGINNING; thence continue S88°40'44"E along said north line 59.76 feet; thence S64°49'32"E 100.45 feet; thence S16°40'38"W 98.96 feet; thence S00°56'57"W 192.63 feet; thence S12°19'32" W 103.49 feet; thence S88°20'46"E 107.41 feet; thence N46°35'01"E 82.64 feet; thence S87°20'38"E 135.96 feet; thence S58°23'44"E 144.64 feet; thence S09°23'00"E 387.38 feet; thence S20°33'31"E 134.89 feet; thence S02°53'08"W 156.10 feet; thence S19°26'55"E 160.53 feet; thence S34°50'20"E 168.97 feet; thence S60°00'24"E 201.92 feet; thence S46°57'03"E 115.17 feet; thence S44°18'31"E 242.74 feet; thence S83°46'29"E 193.23 feet; thence S89°54'38"E 222.00 feet; thence S64°53'42"E 375.23 feet; thence S59°42'56"E 147.53 feet; thence S54°10'11"E 235.74 feet; thence S59°25'46"E 271.33 feet; thence S49°22'32"E 195.82 feet; thence S41°39'38"E 127.83 feet; thence S04°04'55"E 149.18 feet; thence S00°00'01"W 116.70 feet; thence S 59°00'08"W 123.88 feet; thence S 63°02'13"W 170.09 feet; thence S08°21'24"W 125.92 feet; thence S58°02'13"E 100.12 feet; thence S44°58'36"E 105.17 feet; thence S70°00'23"E 124.30 feet; thence S55°19'17"E

BSM APPROVED
By CB Date 1-31-01

BK 1666 PG 471 11 of 18

167.85 feet; thence N84°17'53"E 106.69 feet; thence N13°50'55"W 228.46 feet; thence N60°28'23"E 67.94 feet; thence N78°39'38"E 78.83 feet; thence S24°22'34"E 110.78 feet; thence S26°33'38"E 118.73 feet; thence S19°58'54"E 124.28 feet; thence S32°47'57"W 118.61 feet; thence S77°41'05"W 129.87 feet; thence S67°47'48"W 107.97 feet; thence S32°53'08"W 86.69 feet; thence S05°49'44"W 120.62 feet; thence S17°06'20"E 144.39 feet; thence S21°47'47"E 114.38 feet; thence N67°56'52"E 92.42 feet; thence N82°47'45"E 113.87 feet; thence N87°19'16"E 88.16 feet; thence East 74.34 feet; thence S27°30'32"E 117.26 feet; thence S35°17'50"E 125.96 feet; thence S57°38'11"E 207.74 feet; thence N78°28'55"E 103.17 feet; thence S85°35'53"E 100.33 feet; thence N56°21'47"E 107.96 feet; thence S36°44'39"E 250.46 feet; thence S75°59'10"W 43.77 feet; thence N83°40'13"W 192.29 feet; thence S63°28'30"W 166.15 feet; thence S15°30'51"W 120.79 feet; thence S23°48'58"E 99.50 feet; thence S28°22'55"E 130.24 feet; thence S19°40'05"E 127.22 feet; thence S50°11'32"E 367.69 feet; thence S40°48'34"E 319.24 to the south line of Section 13; thence N89°32'31"W along said south line 871.17 feet to the southeast corner of the S1/2 of SW 1/4 of SE 1/4; thence N00°11'41"E along the east line of said S1/2 of SW1/4 of SE1/4 665.07 feet to the northeast corner thereof; thence N89°33'03"W along the north line of the S 1/2 of the SW 1/4 of SE 1/4 1323.70 feet to the northwest corner thereof; thence N89°32'44"W along the north line of the S 1/2 of SE 1/4 of SW 1/4 554.33 feet; thence N11°41'35"W 209.68 feet; thence N00°30'41"W 185.91 feet; thence N08°07'34"E 225.26 feet; thence N50°14'50"W 82.88 feet; thence N48°20'49"W 127.89 feet; thence N72°27'42"W 192.99 feet; thence N09°16'37"W 143.62 feet; thence N53°45'23"E 164.74 feet; thence N60°14'25"E 171.25 feet; thence N57°59'08"E 100.16 feet; thence N20°21'05"W 148.25 feet; thence S75°45'37"W 176.84 feet; thence S77°47'23"W 163.09 feet; thence N42°21'02"W 176.14 feet; thence N44°26'35"W 133.65 feet; thence N09°18'12"W 278.97 feet; thence N79°20'02"W 62.13 feet; thence N78°44'06"W 216.54 feet; thence S79°15'29"W 226.95 feet; thence S86°36'29"W 180.85 feet; thence N39°55'03"W 77.19 feet; thence N07°05'37"E 229.26 feet; thence N08°25'35"E 289.83 feet; thence N15°31'34"E 198.34 feet; thence N14°55'40"W 164.86 feet; thence N25°46'13"W 341.91 feet; thence N28°49'19"W 242.32 feet; thence N69°26'39"W 139.38 feet; thence

S85°38'25"W 185.06 feet; thence N52°19'07"W 173.87 feet; thence N27°42'56"W 117.45 feet to a point on the west line of Section 13; thence N00°23'25"E along said west line 1,073.22 feet; thence N66°22'33"E 128.47 feet; thence N72°20'01"E 245.16 feet; thence N84°34'10"E 176.54 feet to the north line of Section 13 and the POINT OF BEGINNING. Containing 181.64 Acres more or less.

Section 14: Commence at the northeast corner of Section 14, thence S00°23'25"W along the east line thereof 154.72 feet to the POINT OF BEGINNING; thence continue along said east line 1,073.22 feet; thence N27°42'56"W 21.21 feet; thence N01°03'19"W 171.53 feet; thence N03°11'46"E 169.86 feet; thence N17°55'32"W 134.22 feet; thence N20°32'19"E 139.88 feet to the east line of said Section 14; thence N00°23'25"E along said east line 171.48 feet; thence N28°36'11"W 127.15 feet; thence N04°05'21"E 149.08 feet; thence N66°22'33"E 56.94 feet to the east line of Section 14 and the POINT OF BEGINNING. Containing 0.53 acres more or less.

(End of description Category A)

BK 1666 PG 472 12 of 18

**DESCRIPTION OF CONSERVATION EASEMENT
CATEGORY B
(Manson - Jenkins Tract)**

The following description was created using the Conservation Easement boundary, in digital format, as depicted in Figure 13-1 of IMC Phosphates Company's Four Corners Mine - Phase I Additions - DRI 235, Master Mine Plan Application and Rezoning Request Additional Information dated November 1, 2000, as submitted to the Manatee County Planning Department. The boundary lines depicted on Figure 13-1 above and used in this description were drawn arbitrarily and do not represent the results of a survey of any kind.

DESCRIPTION:

A tract of land lying in Sections 2,11,12,13 and 14 Township 34 South, Range 22 East, Manatee County, Florida

Section 2: That part of S1/2 of the section being described as follows:
Commence at the southeast corner of Section 2, thence N88°51'27"W along the south line thereof 435.88 feet to the POINT OF BEGINNING; thence continue N88°51'27"W along said south line 1740.39 feet; thence N39°20'16"W 370.80 feet; thence N07°11'43"W 590.55 feet; thence N39°11'01"W 873.28 feet; thence N23°00'44"W 451.10 feet; thence N37°38'14"W 596.17 feet; thence N07°29'37"W 218.06 feet to a point on the north line of the S1/2 of Section 2; thence S88°32'17"E along said north line of S1/2 of the section 2892.82 feet; thence S23°21'22"E 636.02 feet; thence N64°38'57"E 260.18 feet; thence S71°33'49"E 143.56 feet; thence S02°29'16"W 180.87 feet; thence S31°43'36"W 937.73 feet; thence S02°40'39"W 441.68 feet; thence S39°44'17"E 416.14 feet; thence S14°11'02"W 367.79 feet to the south line of Section 2 and the POINT OF BEGINNING.
Containing 146.05 acres more or less.

Section 11: That part of the E1/2 of the section being described as follows:

Commence at the northeast corner of Section 11, thence S00°22'39"W along the east line thereof 867.22 feet to the POINT OF BEGINNING; thence continue S00°22'39"W along said east line 1783.37 feet to the east 1/4 corner of said Section 11; thence S00°21'55"W along said east line 2650.71 feet to the southeast corner of Section 11, thence N88°41'03"W along the south line thereof 94.14 feet; thence N30°22'26"W 340.31 feet; thence N67°46'54"W 706.62 feet; thence N43°28'14"W 454.72 feet; thence N08°28'26"W 270.35 feet; thence N70°13'57"W 151.09 feet; thence N32°52'25"W 115.26 feet; thence N45°00'04"E 394.15 feet; thence N09°58'45" W 623.74 feet; thence N23°35'58"W 639.37 feet; thence N14°42'58"W 582.20 feet; thence N08°56'50"E 262.80 feet; thence N26°33'53"W 371.19 feet; thence N16°23'02"E 403.28 feet; thence N52°56'36"E 406.74 feet; thence N07°35'57"E 130.75 feet; thence N30°24'19"W 230.62 feet; thence N34°26'05"W 297.54 feet; thence N78°20'37"W 197.48 feet; thence N67°28'46"W 252.47 feet; thence N39°20'16"W 77.86 feet to the north line of section 11; thence S88°51'27"E along the north line thereof 1740.39 feet; thence S03°27'50"W 395.74 feet; thence S35°49'24"E 380.48 feet; thence S53°18'16"E 288.46 feet to the east line of Section 11 and the POINT OF BEGINNING. Containing 162.87 acres more or less.

Section 12: That part of the W1/4 of the section being described as follows:

Commence at the northwest corner of Section 12, thence S00°22'39"W along the west line thereof 867.22 feet to the POINT OF BEGINNING; thence S15°46'58"E 407.70 feet; thence S22°11'08"E 661.47 feet; thence S03°17'02"E 593.48 feet; thence S33°12'04"W 717.42 feet; thence S18°31'56"E 1120.61 feet; thence S62°27'48"E 366.42 feet; thence S05°22'16"W 199.68 feet; thence S38°17'34"W 455.88

Section 12 Category B Continued

feet; thence S06°06'56"W 370.51 feet; thence S65°24'10"W 150.16 feet; thence S80°32'10"W 119.50 feet to the south line of Section 12; thence N88°40'44"W along the south line thereof 116.53 feet to the southwest corner of said section 12; thence N00°21'55"E along the west line thereof 2650.71 feet to the west 1/4 corner of section 12; thence N00°22'39"E along said west line 1783.37 feet to the POINT OF BEGINNING. Containing 30.45 acres more or less.

Section 13: That part of the NW1/4 of NW1/4 of the section being described as follows:

Begin at the northwest corner of Section 13, thence S88°40'44"E along the north line thereof 116.53 feet; thence S80°32'10"W 118.26 feet to the west line thereof; thence N00°23'25"E along said west line 22.13 feet to the POINT OF BEGINNING. Containing 0.03 acres more or less.

Section 14: That part of the NE1/4 of NE1/4 of the section being described as follows:

Begin at the northeast corner of Section 14, thence S00°23'25"W along the east line thereof 22.13 feet; thence S80°32'10"W 73.64 feet; thence N30°22'26"W 42.19 feet to the north line of said section 14; thence S88°41'03"E along the north line thereof 94.14 feet to the POINT OF BEGINNING. Containing 0.06 acres more or less.

BK 1666 Pg 475 15 of 18

EXHIBIT "B"

**DESCRIPTION OF CONSERVATION EASEMENT
CATEGORY B
(Manson - Jenkins Tract)**

The following description was created using the Conservation Easement boundary, in digital format, as depicted in Figure 13-1 of IMC Phosphates Company's Four Corners Mine - Phase I Additions - DRI 235, Master Mine Plan Application and Rezoning Request Additional Information dated November 1, 2000, as submitted to the Manatee County Planning Department. The boundary lines depicted on Figure 13-1 above and used in this description were drawn arbitrarily and do not represent the results of a survey of any kind.

DESCRIPTION:

A tract of land lying in Sections 2,11,12,13 and 14 Township 34 South, Range 22 East, Manatee County, Florida

Section 2:

That part of S1/2 of the section being described as follows:

Commence at the southeast corner of Section 2, thence N88°51'27"W along the south line thereof 435.88 feet to the POINT OF BEGINNING; thence continue N88°51'27"W along said south line 1740.39 feet; thence N39°20'16"W 370.80 feet; thence N07°11'43"W 590.55 feet; thence N39°11'01"W 873.28 feet; thence N23°00'44"W 451.10 feet; thence N37°38'14"W 596.17 feet; thence N07°29'37"W 218.06 feet to a point on the north line of the S1/2 of Section 2; thence S88°32'17"E along said north line of S1/2 of the section 2892.82 feet; thence S23°21'22"E 636.02 feet; thence N64°38'57"E 260.18 feet; thence S71°33'49"E 143.56 feet; thence S02°29'16"W 180.87 feet; thence S31°43'36"W 937.73 feet; thence S02°40'39"W 441.68 feet; thence S39°44'17"E 416.14 feet; thence S14°11'02"W 367.79 feet to the south line of Section 2 and the POINT OF BEGINNING. Containing 146.05 acres more or less.

Section 11: That part of the E1/2 of the section being described as follows:

Commence at the northeast corner of Section 11, thence S00°22'39"W along the east line thereof 867.22 feet to the POINT OF BEGINNING; thence continue S00°22'39"W along said east line 1783.37 feet to the east 1/4 corner of said Section 11; thence S00°21'55"W along said east line 2650.71 feet to the southeast corner of Section 11, thence N88°41'03"W along the south line thereof 94.14 feet; thence N30°22'26"W 340.31 feet; thence N67°46'54"W 706.62 feet; thence N43°28'14"W 454.72 feet; thence N08°28'26"W 270.35 feet; thence N70°13'57"W 151.09 feet; thence N32°52'25"W 115.26 feet; thence N45°00'04"E 394.15 feet; thence N09°58'45" W 623.74 feet; thence N23°35'58"W 639.37 feet; thence N14°42'58"W 582.20 feet; thence N08°56'50"E 262.80 feet; thence N26°33'53"W 371.19 feet; thence N16°23'02"E 403.28 feet; thence N52°56'36"E 406.74 feet; thence N07°35'57"E 130.75 feet; thence N30°24'19"W 230.62 feet; thence N34°26'05"W 297.54 feet; thence N78°20'37"W 197.48 feet; thence N67°28'46"W 252.47 feet; thence N39°20'16"W 77.86 feet to the north line of section 11; thence S88°51'27"E along the north line thereof 1740.39 feet; thence S03°27'50"W 395.74 feet; thence S35°49'24"E 380.48 feet; thence S53°18'16"E 288.46 feet to the east line of Section 11 and the POINT OF BEGINNING. Containing 162.87 acres more or less.

Section 12: That part of the W1/4 of the section being described as follows:

Commence at the northwest corner of Section 12, thence S00°22'39"W along the west line thereof 867.22 feet to the POINT OF BEGINNING; thence S15°46'58"E 407.70 feet; thence S22°11'08"E 661.47 feet; thence S03°17'02"E 593.48 feet; thence S33°12'04"W 717.42 feet; thence S18°31'56"E 1120.61 feet; thence S62°27'48"E 366.42 feet; thence S05°22'16"W 199.68 feet; thence S38°17'34"W 455.88

Section 12 Category B Continued

Page 6

feet; thence S06°06'56"W 370.51 feet; thence S65°24'10"W 150.16 feet; thence S80°32'10"W 119.50 feet to the south line of Section 12; thence N88°40'44"W along the south line thereof 116.53 feet to the southwest corner of said section 12; thence N00°21'55"E along the west line thereof 2650.71 feet to the west 1/4 corner of section 12; thence N00°22'39"E along said west line 1783.37 feet to the POINT OF BEGINNING. Containing 30.45 acres more or less.

Section 13: That part of the NW1/4 of NW1/4 of the section being described as follows:

Begin at the northwest corner of Section 13, thence S88°40'44"E along the north line thereof 116.53 feet; thence S80°32'10"W 118.26 feet to the west line thereof; thence N00°23'25"E along said west line 22.13 feet to the POINT OF BEGINNING. Containing 0.03 acres more or less.

Section 14: That part of the NE1/4 of NE1/4 of the section being described as follows:

Begin at the northeast corner of Section 14, thence S00°23'25"W along the east line thereof 22.13 feet; thence S80°32'10"W 73.64 feet; thence N30°22'26"W 42.19 feet to the north line of said section 14; thence S88°41'03"E along the north line thereof 94.14 feet to the POINT OF BEGINNING. Containing 0.06 acres more or less.

BK 1666 PG 478 FILED AND RECORDED 2/8/01 3:39:35 PM 18 of 18
R.B. SHORE CLERK OF CIRCUIT COURT WAWATEE COUNTY FL.

Prepared by and return to:
Sandra P. Stockwell
Assistant General Counsel
Department of Environmental Protection
3900 Commonwealth Blvd., Mail Station 115
Tallahassee, Florida 32399-3000

FIRST AMENDMENT TO PERPETUAL CONSERVATION EASEMENT

For and in consideration of \$10.00 and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties enter into this First Amendment to Perpetual Conservation Easement to amend certain provisions of that Perpetual Conservation Easement granted by FP One Corporation and FP Two Corporation to the Board of Trustees of the Internal Improvement Trust Fund dated December 1, 2000, and recorded at Official Record Hotel, page 461, of the Public Records of Manatee County, Florida (the "Perpetual Conservation Easement").

Now, therefore, the parties agree:

1. Pursuant to the provisions of section I.3 of the Perpetual Conservation Easement Exhibit "A" to this First Amendment constitutes an accurate legal description of the Protected Property as described in Exhibit A of the Perpetual Conservation Easement; Exhibit "A" to this First Amendment is hereby incorporated by reference and forms a part of this First Amendment.
2. Section I. 7 of the Perpetual Conservation Easement is hereby deleted and the following is inserted in its stead:
 7. Grantee shall be liable for all damages for which it is found legally responsible.
3. Section I. 15 of the Perpetual Conservation Easement is hereby deleted.
4. The last sentence of section II.3. is amended to read, "The limitation on harvesting contained in this section shall not apply to exotic or non-native plants and species."
5. Section II.10 is amended to read, "Quiet Use and Enjoyment. Grantor retains all rights to use the Protected Property provided such use is not inconsistent with any other provisions of this document or the purposes of this Perpetual Conservation Easement."
6. Section III.2. is amended to add, "Nor shall any development rights or density credits be transferred to the Protected Property from any other property."
7. Except as specifically provided in this First Amendment, all other provisions of the Perpetual Conservation Easement remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this First Amendment to Perpetual Conservation Easement on the day and year indicated below.

Approved for Closing
By: S. Stockwell
DEP Attorney
Date: 1-31-01

Witnessed as to both corporations:

[Signature]
Signature of first witness

Dena I SEGAL
Printed name of first witness

[Signature]
Signature of second witness

Pete Maulden
Printed name of second witness

FP ONE CORPORATION

[Signature]
By James P. Peyton as Vice President

FP TWO CORPORATION

[Signature]
By James P. Peyton as Vice President

STATE OF NEW YORK
COUNTY OF NEW YORK

The foregoing instrument was acknowledged before me this 2nd day of January 2001, by James P. Peyton as Vice President of FP ONE CORPORATION and as vice president of FP TWO CORPORATION, on behalf of the corporation. He is personally known to me ~~or has produced~~ as identification.

[Signature]
Notary Public
My Commission Expires: 3/30/01

(Notary Seal)

CYNTHIA L. MORRA
Notary Public, State of New York
No. 4783835
Qualified in New York County
My Commission Expires March 30, 2001

Witnessed:

E. Wood

Signature of first witness

E. W. Wood

Printed name of first witness

Terry L. Johnson

Signature of second witness

Terry L. Johnson

Printed name of second witness

BOARD OF TRUSTEES OF THE
INTERNAL IMPROVEMENT TRUST
FUND OF THE STATE OF FLORIDA

Eva Armstrong
By Eva Armstrong as Director of the
Division of State Lands of the Florida
Department of Environmental Protection

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 12th day of February, 2001, by Eva Armstrong as Director of the Division of State Lands on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. She is personally known to me or has produced _____ as identification.

Sheryl P. Jones

Notary Public

My Commission Expires:

(Notary Seal)



Sheryl P. Jones
MY COMMISSION # CCB30855 EXPIRES
May 3, 2003
BONDED THRU TROY FARM INSURANCE, INC.

APPROVED AS TO
FORM & LEGALITY

[Signature]
DEPARTMENT ATTORNEY

1-31-01



Table 13-1b
Wetland UMAM Analysis Summary

Wetland type	Acres	UMAM Score (weighted by land use)	Ac x score		
Wetland Impacts					
(511) Natural streams	0				
(512) Ditched Natural Streams	0.1	0.23	0.03		
(513) Ditched Wetlands	0.1	0.29	0.04		
(641) Freshwater marshes	0.2	0.30	0.07		
(643) Wet prairies	13.6	0.25	3.36		
Total UMAM Impact	14.1		3.50		
Reclamation Lift					
	Acres	Reclaimed UMAM Score	Ac x score	Risk Factor *	Adj. UMAM
(511) Natural streams	0.2	0.47	0.09	1.25	0.08
(641) Freshwater marshes	0.3	0.43	0.13	1.25	0.10
(643) Wet prairies	13.7	0.40	5.48	1.25	4.38
Total UMAM Lift	14.2				4.56
* see text for description of risk factor used					



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and
correct copy of the documents on file in my office.
Witness my hand and official seal this 27th day of
May, 2008.
H.B. SHORE
Clerk of Circuit Court
By: Siare E. Vollmer, D.C.



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and
correct copy of the documents on file in my office.
Witness my hand and official seal this 8th day of
May, 2008.
H.B. SHORE
Clerk of Circuit Court
By: Siare E. Vollmer, D.C.



MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

#251

December 21, 2007

Thomas E. Myers, III
Mosaic Phosphates Co.
P.O. Box 2000
Mulberry, FL 33860-1100

Re: Four Corners Mine DRI # 5 – Extension of phase, buildout, and expiration dates

Dear Mr. Myers:

During the 2007 legislative session, Section 380.6(19)(c) Florida Statutes was amended to extend all, buildout, and expiration dates for DRI's that were under "active construction" as of July 1, 2007. Manatee County has determined that the Four Corners Mine DRI was under active construction on July 1st.

On October 9, 2007 the Board of County Commissioners adopted Resolution No. R-07-180 to recognize the automatic three-year extensions granted pursuant to the Section 380.06(19)(c) F.S. Accordingly, the following phase, buildout, and expiration dates for DRIs are extended for three years from their stated expiration dates:

- A. Development order buildout dates for individual phases which, as of July 1, 2007, had not expired;
- B. Site plans for such individual phases which, as of July 1, 2007, had not expired; and
- C. Expiration dates, including without limitation expiration dates for certificates of level of service (CLOS) for such individual phases.

Any phase, buildout, or expiration date (including without limitation any CLOS expiration date) for any individual phase of a DRI which has, as of July 1, 2007, expired, shall not be revived and extended, notwithstanding that other phases of such DRI may be subject to a phase, buildout, or expiration date that did not expire as of such date.

The Board also authorized the Planning Department to review all current DRI Development Orders and give notice of the extended dates for the DRI. Copies of this letter and the Resolution No. R-07-180 will be placed in all DRI files to document the extensions and all future NOPC or Substantial Deviation requests will recognize the extensions. The extended dates for the Four Corners Mine DRI are set forth below:

Manatee County Ordinance 02-58 is now amended to read as follows:

SECTION 4: DEVELOPMENT COMPONENTS.

- C. The mining and reclamation plan for the Jameson tract provides that mining will be completed by November 30, 2006, and that reclamation will be completed by ~~2018~~ 2021.
- D. The mining and reclamation plan for the Northeast Manatee tract provides that the mining period will be from 2002-2006, and that reclamation will be completed by ~~2010~~ 2013.

GENERAL CONDITIONS (Applicable to the Four Corners Mine*, including Parcels 1, 2, and 3 of the Northeast Tract Phase II Addition*, ± 11 acres within the Jameson Tract, and the Northeast Tract Economic Revision Areas.)

- U.(6.) Mining under this Development Order shall terminate on December 31, ~~2018~~ 2021. This Development Order shall not expire until December 31, ~~2029~~ 2032, or until all reclamation has been completed and accepted by Manatee County, whichever occurs first.

Please contact me should you have any questions regarding the above information.

Sincerely,



Robert H. Pederson, AICP
Community Planning Administrator

c.c. Rob Brown, EMD
Neal Parker, EMD

RESOLUTION NO. R-07-180

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AUTHORIZING THE EXTENSION OF PHASE, BUILDOUT AND EXPIRATION DATES FOR PROJECTS THAT ARE DEVELOPMENTS OF REGIONAL IMPACT, PURSUANT TO SECTION 380.06(19)(c), FLORIDA STATUTES; AUTHORIZING AND DIRECTING THE PLANNING DIRECTOR TO CARRY OUT NECESSARY ACTIONS; PROVIDING FOR THE EFFECT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Manatee County, Florida, pursuant to Part II, Chapter 163, Florida Statutes, and Chapter 380, Florida Statutes, has issued development orders for developments of regional impact ("DRIs") for land development within the unincorporated areas of the County, with such stated expiration dates as are authorized and required pursuant to applicable law; and

WHEREAS, during the 2007 legislative session, the Florida Legislature amended Section 380.06(19)(c), Florida Statutes, to provide that *"In recognition of the 2007 real estate market conditions, all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection"*; and

WHEREAS, in order to comply with the amendments to Section 380.06(19)(c), Florida Statutes, the Board wishes to adopt this Resolution to authorize and direct the Planning Director to memorialize such statutory extensions as provided herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. EXTENSION OF PHASE, BUILDOUT AND EXPIRATION DATES FOR DRIS. The Board hereby recognizes the automatic three-year extension granted pursuant to Section 380.06(19)(c), Florida Statutes, for phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007. In order to comply with the letter and intent of such provision, the following phase, buildout, and expiration dates for such DRIs shall be deemed extended by a period of three years from their stated expiration dates:

- A. Development order buildout dates for individual phases which, as of July 1, 2007, had not expired;
- B. Site plans for such individual phases which, as of July 1, 2007, had not expired;
and

R-07-180

- C. Expiration dates, including without limitation expiration dates for certificates of level of service (CLOS) for such individual phases.

Any phase, buildout, or expiration date (including without limitation any CLOS expiration date) for any individual phase of a DRI which has, as of July 1, 2007, expired, shall not be revived and extended, notwithstanding that other phases of such DRI may be subject to a phase, buildout, or expiration date that did not expire as of such date.

SECTION 2. EXTENSION OF IMPROVEMENT COMPLETION DEADLINES.

Deadlines for completion of individual improvements, or any other deadlines not specifically addressed in Section 1 above, shall be evaluated on a case-by-case basis to determine whether such deadlines should be extended in order to comply with Section 380.06(19)(c), Florida Statutes. An applicant bears the responsibility of identifying any such deadlines that it believes should be extended, and obtaining a written determination from the Planning Department, before any such deadlines should be treated as extended by the applicant.

SECTION 3. DIRECTION TO PLANNING DIRECTOR. The Board hereby authorizes and directs the Planning Director, and such other necessary County officers and staff, subject to and in accordance with the terms and conditions of this Resolution and Section 380.06(19)(c), Florida Statutes, to review existing DRI development orders and related approvals and to provide written notice to applicants of the extensions recognized in to Section 1. The Planning Director is also authorized to consider and act upon requests of DRI applicants for extensions of other deadlines pursuant to Section 2.

SECTION 4. INCORPORATION INTO BOARD APPROVALS. For any DRI affected by this Resolution, the Planning Director shall include in any future ordinance, development order or other approval submitted to the board, language and expiration dates to assure that the Board action provides for the recognition of the extensions provided pursuant to Section 380.06(19)(c), Florida Statutes, as implemented pursuant to this Resolution.

SECTION 5. EFFECT OF RESOLUTION. This Resolution adopted solely for the purpose of implementing the statutory extensions made pursuant to Section 380.06(19)(c), Florida Statutes. Accordingly, this Resolution (a) shall be construed in a manner consistent with the intent of such statutory provision, and (b) shall not be construed to confer extensions or other development rights beyond those authorized and required pursuant to such statutory provision.

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

R-07-180

ADOPTED THIS 9TH DAY OF OCTOBER, 2007.

MANATEE COUNTY, FLORIDA

By: Board of County Commissioners

By: *Greg Stein*
Chairman of the Board of County
Commissioners

ATTEST:

R.B. SHORE, Clerk of the Circuit Court

By: *Lisa R. Shore*
Deputy Clerk



MANATEE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT	Resolution No. R-07-180. Statutory extension of DRI phasing, buildout, and expiration dates	TYPE AGENDA ITEM	Consent
DATE REQUESTED	October 9, 2007	DATE SUBMITTED/REVISED	October 1, 2007
BRIEFINGS? Who?	None Required	CONSEQUENCES IF DEFERRED	Delay in notification to applicants and interested parties
DEPARTMENT/DIVISION	Planning/Community Planning	AUTHORIZED BY TITLE	Carol B. Clarke, AICP, Planning Director <i>CBC</i>
CONTACT PERSON TELEPHONE/EXTENSION	Robert H. Pederson, Community Planning Administrator. Ext. 6833	PRESENTER/TITLE TELEPHONE/EXTENSION	Robert H. Pederson, Community Planning Administrator. Ext. 6833
ADMINISTRATIVE APPROVAL			

ACTION DESIRED
INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

Adoption of Manatee County Resolution R-07-180 authorizing the Planning Director to review DRI Development Orders and related approvals and to provide written notice to applicants of the extensions authorized by Section 380.06(19)(c), Florida Statutes

ENABLING/REGULATING AUTHORITY
Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy

- Chapter 380.06 Florida Statutes

BACKGROUND/DISCUSSION

- During the 2007 legislative session, Section 380.06(19)(c) was amended to extend all phase, buildout, and expiration dates for DRIs that are under "active construction" on July 1, 2007.
- The amendment was in recognition of the real estate market conditions in Florida.
- The attached Resolution recognizes the automatic 3 years extensions and authorizes the Planning Director to review all current DRI Development Orders and notify the applicants of the extensions and the new phase, buildout, and expiration dates for their DRI.
- Copies of this Resolution will be placed in all DRI files to documents the extensions and all future NOPC or Substantial Deviation requests will recognize the extensions.

COUNTY ATTORNEY REVIEW

Check appropriate box	APPROVED IN OPEN SESSION
<input type="checkbox"/>	REVIEWED Written Comments: OCT 09 2007

	<input type="checkbox"/> Attached <input type="checkbox"/> Available from Attorney (Attorney's initials: _____)
<input type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input checked="" type="checkbox"/>	OTHER The County Attorney's Office prepared the draft Resolution and has reviewed this agenda memorandum

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS:	
<ul style="list-style-type: none"> Resolution No. R- 07-180 		<ul style="list-style-type: none"> Please forward a copy of the adopted Resolution to: County Attorney's Office – Bill Clague Planning Department – Bobbi Roy 	
COST:	N/A	SOURCE (ACCT # & NAME):	N/A
COMMENTS:	N/A	AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	N/A



MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

#251
—

Certified Mail # 7000 0600 0024 5577 6069

October 18, 2005

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Re: Development Order for the Mosaic Fertilizer, LLC/Four Corners Mine – Lipman Additon
Development of Regional Impact

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 05-42, the DRI Development Order for the Four Corners Mine – Lipman Addition, as adopted in open session by the Manatee County Board of County Commissioners on September 27, 2005 as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)749-3070, extension 6833.

Sincerely,

Robert H. Pederson, AICP
Community Planning Administrator

RHP/br
Enclosure

ILLUSTRATION RECORD
R. B. SHORE

2005 OCT 14 AM 10:49

ORDINANCE NO. 05-42

CLERK
MANATEE CO. FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING AN AMENDED AND RESTATED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR THE FOUR CORNERS MINE DEVELOPMENT OF REGIONAL IMPACT (ALSO KNOWN AS DRI # 5 AND TBRPC DRI #251 AND #198); PROVIDING FOR AMENDMENT AND RESTATEMENT OF PRIOR DEVELOPMENT ORDERS; PROVIDING FINDINGS OF FACT; PROVIDING CONCLUSIONS OF LAW; PROVIDING FOR DEVELOPMENT COMPONENTS; PROVIDING DEFINITIONS; PROVIDING DEVELOPMENT CONDITIONS; PROVIDING LEGAL DESCRIPTIONS; PROVIDING A DEADLINE FOR COMMENCEMENT OF DEVELOPMENT; PROVIDING RESTRICTIONS ON DOWN-ZONING; PROVIDING A BINDING ORDER ON THE DEVELOPER; PROVIDING FOR RENDITION; PROVIDING FOR COMPLIANCE WITH CODES AND ORDINANCES; PROVIDING FOR NOTICE OF RECORDING; PROVIDING FOR SEVERABILITY; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR RECONCILIATION INTO ONE DOCUMENT.

WHEREAS, Mosaic Fertilizer, LLC, FKA IMC Phosphates Company, as successor in interest to W. R. Grace and Company, IMC Fertilizer, Inc., and IMC-Agrico, respectively, possesses a Development of Regional Impact (DRI) for the Four Corners Phosphate Mine* located in both Hillsborough and Manatee Counties; and

WHEREAS, the Four Corners Phosphate Mine* DRI includes two discontinuous tracts in Manatee County, one of which is known as the "Jameson Tract" on ± 4,753 acres, the other of which is known as the "Northeast Manatee Tract" on ± 5,052 acres; and

WHEREAS, on December 27, 1977 Manatee County adopted Resolution (SE 852) granting W. R. Grace and Company a DRI Development Order, Master Mining and Reclamation Plan, and Special Exception for the Four Corners Mine; and

WHEREAS, W. R. Grace and Company was issued an Operating Permit on January 22, 1981 to mine all parts of Four Corners Mine* excluding the Mine Extension Areas*; that Permit has been extended by operation of law, and the Developer* applied for a new Operating Permit; and

WHEREAS, on November 2, 1982, Manatee County approved a resolution transferring all rights in the Four Corners Mine from W. R. Grace to W. R. Grace, as manager to the Four Corners Mine Joint Venture; and

WHEREAS, the management of the Four Corners Mine was transferred to IMC Fertilizer, Inc. on December 20, 1988; and

WHEREAS, on January 10, 1989, IMC Fertilizer, Inc. became the sole owner of the Four Corners Mine; and

RECORDED
2005 OCT 14 10:49 AM
CLERK
MANATEE CO. FLORIDA
RECORDED
2005 OCT 14 10:49 AM
CLERK
MANATEE CO. FLORIDA

WHEREAS, on March 28, 1989, IMC Fertilizer, Inc. filed an ADA* for a Substantial Deviation to an approved DRI with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 380.06, Florida Statutes, proposing:

the addition of a one hundred and seventy (170) acre parcel in Sections 10 and 15 of Township 33 South, Range 22 East, and the mining of that area; the construction of a heavy media facility to the Four Corners processing plant, southwest of the existing washer, to upgrade waste pebble into saleable product; dismantling, mining, and rebuilding of the approximately seven hundred and forty (740) acre F-1 waste clay settling area; revision of the mining and reclamation plan for the Jameson and Northeast Manatee Tracts, extending mining on the Jameson Tract to November 30, 2006, and mining on the Northeast Manatee Tract from 1998 through 2002 to 2002 through 2006, with reclamation being completed by 2018 and 2010, respectively; the mining of two hundred and eleven (211) acres within the approved DRI which were previously approved for disturbance but not mining; the mining of the right-of-way of Carlton Road, an unpaved County road in Sections 9 and 16, Township 33 South, Range 22 East; revision of the project traffic impacts; and

WHEREAS, on March 28, 1991, seventy-nine (79) acres of the 170 Acre Addition were granted Vested Rights with regard to the currently approved Manatee County Comprehensive Plan, and the remaining 91 acres of the 170 Acre Addition were granted Vested Rights with regard to the rebuttable presumption against mining within the Lake Manatee Watershed, as described in the currently approved Manatee County Comprehensive Plan; and

WHEREAS, on September 5, 1991 the Board of County Commissioners approved the Substantial Deviation request (Ordinance 91-62) in part, denying the portion of the request to allow mining on the 170 Acre Addition and within the right-of-way of Carlton Road, as well as using any truck haul route within the County other than State Road 37 north from the mine entrance; and

WHEREAS, IMC Fertilizer, Inc. and the Tampa Bay Regional Planning Council took separate appeals of the Development Order (Ordinance 91-62) based on different grounds; and

WHEREAS, on January 12, 1993 the Board of County Commissioners approved Ordinance 92-64 allowing the mining of the 170 Acre Addition* under certain conditions, as an amendment to Ordinance 91-62 to resolve the appeal; and

WHEREAS, on July 1, 1993, IMC Fertilizer, Inc. became IMC-Agrico Company (IMC-Agrico), and on May 17, 1994, Manatee County transferred the Development Orders and Operating Permits to IMC-Agrico; and

WHEREAS, subsequently, IMC-AGRICO and Manatee County jointly proposed to purchase land and transfer permits and development rights, so that Manatee County acquired approximately 316 acres in the Lake Manatee Watershed from IMC-Agrico, and IMC-Agrico acquired approximately 310 acres outside the Lake Manatee Watershed in exchange from Manatee County. The objective of the Land Exchange* was to allow the County to acquire this portion of the Lake Manatee

Watershed and move the mining which was currently permitted in that area to another area outside the Lake Manatee watershed, all as part of the County's program to acquire the land in the Lake Manatee Watershed; and

WHEREAS, on June 14, 1995, IMC-Agrico filed a Notice of a Proposed Change (NOPC) to Amend the Development Order to achieve the proposed Land Exchange* with Manatee County; and

WHEREAS, all of the terms and conditions of the two previous development orders (Ordinance 91-62 and Ordinance 92-64) and the changes set forth in the NOPC to achieve the Land Exchange* with Manatee County, were combined into one Development Order (Ordinance 95-41) so that there would be a single Development Order document from which to operate; and

WHEREAS, on September 26, 1996, the Board of County Commissioners approved Ordinance 96-43, which amended Ordinance 95-41, to facilitate the completion of the Land Exchange*; and

WHEREAS, the DRI Development Order for that portion of the Four Corners Phosphate Mine in Manatee County is Ordinance 95-41, as amended by Ordinance 96-43; and

WHEREAS, on October 7, 1999, IMC Phosphates Company filed a Substantial Deviation Application* for a Substantial Deviation to its approved DRI for the Southeast Tract ADA* with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on December 19, 2000, the Board of County Commissioners approved Ordinance 00-49 allowing the addition of two non-contiguous tracts of $\pm 2,508$ acres to the Four Corners Mine DRI and allowing mining of the Southeast Tract Addition* under certain conditions, which are, for administrative purposes, governed by a separate Development Order Ordinance 00-49; and

WHEREAS, on January 19, 2001, IMC Phosphates Company filed a Substantial Deviation Application for a Substantial Deviation to their approved DRI for the Phase II Northeast Tract Addition ADA* to the Four Corners Mine DRI; and

WHEREAS, on May 21, 2002, the Board of County Commissioners approved Resolution R-02-96 amending the existing Operating Permit and Master Mine Plan for the Four Corners Mine Northeast Tract to authorize relocation of an access corridor and mining of ± 60 acres not previously approved for excavation, prior to final approval of the Phase II Northeast Tract Addition Substantial Deviation ADA*, subject to specific conditions; and

WHEREAS on November 12, 2002, IMC Phosphates Company requested and Manatee County agreed to continue the review and public hearing for Parcel #4 of the Phase II Northeast Tract Addition ADA* for individual consideration at a future public hearing as Ordinance 03-21. Parcel 4 underwent DRI review as part of the last application and the County's staff's review of the parcel still has outstanding concerns; and

WHEREAS, on November 21, 2002, the Board of County Commissioners approved Ordinance 02-58 to include the Phase II Northeast Tract Addition to the Four Corners Mine DRI; and

WHEREAS, on October 22, 2004 IMC Phosphates Company changed its name to Mosaic Fertilizer, LLC; and

WHEREAS, on November 2, 2004, the Board of County Commissioners approved Ordinance 04-29, the Manatee County Phosphate Mining Code, amending and restating Ordinance 81-22.

WHEREAS, on January 24, 2005 Mosaic Fertilizer, LLC submitted a Substantial Deviation to: 1) change its name to Mosaic Fertilizer, LLC.; 2) change the wording of condition U12; and 3) add a 305 acre parcel (known as the Lipman Addition) and remove a 44 acre parcel (known as the Lipman Exchange Parcel) adjacent to the North East Tract of the Four Corners Mine; and

WHEREAS, the described Project lies within the unincorporated area of Manatee County; and

WHEREAS, on January 24, 2005 a copy of the Substantial Deviation dated and supplemental information was provided to Tampa Bay Regional Planning Council, Florida Department of Community Affairs, Southwest Florida Water Management District, Florida Department of Environmental Protection, and 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, has the statutory authority to consider and approve the Notice of Proposed Change for an amendment to an approved Development of Regional Impact; and

WHEREAS, the public notice requirements of Manatee County and Chapter 380, Florida Statutes, have been satisfied; and

WHEREAS, the Manatee County Planning Commission has reviewed the Substantial Deviation ADA* and has filed a recommendation on this application with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has received and considered the comments of the Tampa Bay Regional Planning Council ("TBRPC") and DCA; and

WHEREAS, on September 27, 2005 the Board of County Commissioners of Manatee County held a duly noticed public hearing on the Substantial Deviation ADA* for the Lipman Addition to the Four Corners Mine and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County agencies, the applicant, and the review and report of the Manatee County Planning Department; and,

WHEREAS, Mosaic Phosphates 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 ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1: AMENDMENT AND RESTATEMENT OF PRIOR DEVELOPMENT ORDERS FOR FOUR CORNERS PHOSPHATE MINE, DRI NO. 5.

This Ordinance constitutes the amended and restated Development Order for the property known as the Four Corners Mine, including the Phase II Northeast Tract Addition* and the Lipman Addition*. All prior development orders for the Four Corners Mine are superseded by this Ordinance, except to the extent that a condition or exhibit to a prior development order is expressly and specifically preserved hereby.

The original Development Order for Four Corners Mine in Manatee County was adopted on December 27, 1977. This Development Order was amended in its entirety by Ordinance 91-62 and subsequently amended by Ordinance 92-64. Ordinances 91-62 and 92-64 were amended in their entirety by Ordinance 95-41. Ordinance 95-41 was subsequently amended by Ordinance 96-43. Ordinance 96-43 was amended in its entirety by Ordinance 02-58.

Ordinance 02-58 (the current Development Order), is hereby amended, restated, and superseded in its entirety by this Ordinance, provided this Ordinance shall not be construed to terminate the rights of the Developer*, if any, granted under Section 163.3167(8) F.S. to the extent such rights have previously been granted and not specifically herein or otherwise modified or amended.

This Development Order for the Four Corners Mine Lipman Addition*, subject to the conditions contained herein, adequately addresses the impact of the proposed changes.

SECTION 2: FINDINGS OF FACT.

The Board of County Commissioners, after considering the testimony, evidence, documentation, Application for Development Approval*, the recommendation and findings of the Planning Commission, and all other matters presented to the Board at the public hearing hereby makes the following findings of fact:

- A. All "**WHEREAS**" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.
- B. The Developer* has received County approvals for and has commenced development in the development, consistent with the original DRI approved on December 27, 1977, as amended by Ordinances 91-62, 92-64, 95-41, 96-43, and 02-58.
- C. The existing Four Corners Mine* is an approved DRI; therefore, in part, this development has Special Exception status as explained in Section 3, herein.

- D. On January 24, 2005, Mosaic Fertilizer, LLC submitted an Application for Development Approval (ADA) to a Development of Regional Impact (DRI), known as the Lipman Addition to the Four Corners Mine to Manatee County, TBRPC, and DCA, which included the following elements:
1. Add ±305 acres of land (Lipman Addition*) acquired by Mosaic Fertilizer, LLC from FFD Land Company;
 2. Amend the terms of the Development Order to allow mining of phosphate on and reclamation of the ±305 acre parcel (Lipman Addition*) to be added to the mine;
 3. Remove ±44 acres from the DRI that was sold prior to any mining activities;
 4. Amend the appropriate sections of the Development Order to reflect the ±305 acres to be added to this DRI, and to establish new or modified conditions of approval for mining within this parcel, and to ensure the Development Order will be internally consistent;
 5. Amend Section 7, Legal Description, removing ±44 acres and adding ±305 acres of land;
 6. Modify Development Order Conditions U.12, regarding the origin and destination of overburden and sand tailings;
 7. Amend Map H to reflect the above changes;
 8. Change the name of the developer from IMC Phosphates Company to Mosaic Fertilizer, LLC; and,
 9. Amend the Development Order to reflect changes in agency names, and to denote stipulations which have been complied with or requirements that have been completed; and update terminology and formatting. Codifying and restating the existing Development Order (Ordinance 02-58) for DRI #5; providing for severability and an effective date.
- E. The following information, commitments, and impact mitigating provisions submitted by Mosaic Fertilizer, LLC are hereby incorporated in this Development Order by reference:
1. Application for Development (ADA*) submitted on January 24, 2005.
 2. Supplemental information submitted on March 25, 2005.
 3. Supplemental information submitted on May 16, 2005.
- F. In construing and enforcing the provisions of the documents incorporated in this Development Order by Section 2.E. above, the following shall apply:
1. The Development Order shall control over any incorporated document in conflict or inconsistent with its terms.
 2. The most recent response of the Mosaic Fertilizer, LLC in the referenced document shall control over previous responses, whenever there is a conflict, otherwise the responses shall be considered cumulative.
 3. Any information, commitments, or impact mitigating provisions in the above-referenced documents which are inconsistent with the specific conditions set forth in this ordinance and the exhibits hereto, shall be deemed superseded and inapplicable.

- G. The real property which is the subject of this application is entitled the Four Corners Mine* (approximately 11,416 acres known as the Altman, Jameson, and Northeast Tracts; of which \pm 763 acres are known as Economic Revision Areas*, Parcels 1, 2, and 3 of the Four Corners Mine Phase II Northeast Tract Addition* (approximately 1,141 acres), and the Lipman Addition (approximately 305 acres) is legally described in Section 7 of this Development Order.
- H. An application has been submitted to Manatee County and is being processed concurrently with this ADA to approve a Zoning Ordinance (Ordinance Z-05-08) for the Lipman Addition (\pm 305 acres), which is proposed to be added to the Four Corners Mine*, and which land is not currently zoned EX-Extraction.
- I. An application has been submitted to Manatee County and is being processed concurrently with this ADA* to approve a Master Mining and Reclamation Plan (Resolution R-05-146) and Operating Permit (05-147) for the Lipman Addition of the Four Corners Mine*, to reflect the changes proposed in the Application for Development Approval*.
- J. The owner of the Four Corners Mine* is Mosaic Fertilizer, LLC. The owners of the Lipman Addition, which Mosaic Fertilizer, LLC intends to mine are Mosaic Fertilizer, LLC.
- K. The authorized agent for Mosaic Fertilizer, LLC is Thomas E. Myers, III, P.O. Box 2000, Mulberry Florida 33860.
- L. A comprehensive review of the impact generated by the amendments to the Four Corners Mine* and the Lipman Addition of the Four Corners Mine to the DRI has been conducted by the departments of Manatee County and TBRPC.
- M. The Developer* for purposes of this application is Mosaic Fertilizer, LLC.
- N. The Project is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- O. On May 9, 2005 the Tampa Bay Regional Planning Council held a duly noticed public meeting on the ADA, received all pertinent testimony and evidence, and pursuant to Section 380.06(12), Florida Statutes, issued a report recommending approval.
- P. On September 8, 2005 the Manatee County Planning Commission held a duly noticed public hearing on the ADA* for the Four Corners Mine Lipman Addition, received all pertinent testimony and evidence, including the Tampa Bay Planning Council report and recommendations, and recommended approval of the Lipman Addition ADA* as conditioned herein.
- Q. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the Four Corners Mine Lipman Addition to the DRI and the Application for Official Zoning Atlas Amendment as it relates to the real property described in Section 7 of this Ordinance.

- R. On September 27, 2005 the Board of County Commissioners held a public hearing regarding the Lipman Addition to the Four Corners Mine DRI, in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended), the 2020 Manatee County Comprehensive Plan (Ordinance 89-01, as amended), the Manatee County Code of Laws Chapter 2-20 (the Mining Ordinance*), and has further considered the testimony, comments, and information received at the public hearing.
- S. The proposed changes to the DRI with respect to the Lipman Addition are found to be consistent with the requirements of The 2020 Manatee County Comprehensive Plan and the Manatee County Land Development Code, provided the Development* proceeds in accordance with the Development Conditions specified in Section 6 and the Developer* Commitments attached as Exhibit L to this Development Order.

SECTION 3: CONCLUSIONS OF LAW.

Based upon the previous findings of fact and the following conditions of development approval, the Board hereby makes the following conclusions of law:

- A. The original acres contained within the original DRI Development Order are determined to have Special Exception status pursuant to Section 4.B of the Manatee County Comprehensive Plan.
- B. The 79 acres of the 170 Acre Addition* were previously determined to be "vested" pursuant to Section 4.B of the Manatee County Comprehensive Plan, and therefore, have Special Exception status to The Comprehensive Plan.
- C. The 91 acres of the 170 Acre Addition* were determined to be "vested" pursuant to Section 4.B of The Manatee County Comprehensive Plan, as to Policies 2.2.2.2.5(c), 3.2.1.7, 9.4.1.4., and 9.4.1.5 (formerly known as Policies 2.11.4.2 and 3.2.1.10), and, therefore, have partial Special Exception status to the Comprehensive Plan.
- D. The amendments contained in the Lipman Addition ADA* do not constitute a Substantial Deviation as defined by Section 380.06 (19), Florida Statutes.
- E. The development of the Lipman Addition* is consistent with the local land development regulations, the State Comprehensive Plan, the Comprehensive Regional Policy Plan, and the 2020 Manatee County Comprehensive Plan (Ordinance 89-01, as amended).
- F. These proceedings have been duly conducted pursuant to applicable laws and regulations, and based upon the record in these proceedings, the Developer* is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.
- G. The review by the County, TBRPC, other participating agencies, and interested citizens reveals that impacts of the development amendments described in the ADA for the Lipman

Addition are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order. To the extent that the ADA is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail. The amendments contained in this Development Order are consistent with local land development regulations and consistent with the State Comprehensive Plan (SCP), Future of the Region: A Strategic Regional Policy Plan for the Tampa Bay Regional (SRPP) and The 2020 Manatee County Comprehensive Plan.

- H. The proposed changes do not constitute a Substantial Deviation as defined by Subsection 380.06(19), Florida Statutes, and Ordinance #02-58, the Development Order for the Four Corners Mine is hereby amended in its entirety.

SECTION 4: DEVELOPMENT COMPONENTS.

The Four Corners Mine has been previously approved for mining as generally described below:

- A. The construction of a processing plant including a heavy media facility.
- B. The construction of the F-3 waste clay settling area and a seven hundred and forty (740) acre F-1 waste clay settling area including the ability to dismantle, mine, and rebuild the F-1 waste clay settling area.
- C. The mining and reclamation plan for the Jameson tract provides that mining will be completed by November 30, 2006, and that reclamation will be completed by 2018.
- D. The mining and reclamation plan for the Northeast Manatee tract provides that the mining period will be from 2002-2006, and that reclamation will be completed by 2010.
- E. The mining of 9,952 acres including the 211 acres approved in Ordinance 91-62 within the Jameson Tract and the 170 acres approved in Ordinance 95-41.
- F. Projected traffic impacts to allow product shipment by truck to Piney Point/Port Manatee as described in Section 6, herein.
- G. The mining of the right-of-way of Carlton road in Sections 9 and 16, Township 33 South, Range 22 East, subject to the vacation of the existing right-of-way and relocation of Carlton Road by the Developer, as described in Section 6, herein.

With the addition of Phase II Northeast Tract Addition*, the changes to the Economic Revision Areas*, and the addition of the Lipman Tract, the Four Corners Mine approval for mining is expanded to include the components as generally described below:

- H. Parcels 1, 2, and 3 of the Phase II Northeast Tract Addition*, the Economic Revision Areas*, ±11 acres within the Jameson Tract, and the Lipman Addition are approved for mining and reclamation as shown in the ADA*, as conditioned and limited herein, as follows:

Four Corners Mine Parcels	SITE TOTALS		
	TOTAL AREA	TO BE MINED OR DISTURBED*	NOT DISTURBED
JAMESON TRACT	4,619 ¹	4,269 ³	350
N.E. TRACT	5,078 ²	4,751 ⁴	327
ALTMAN TRACT	319 ¹	319 ¹	0 ¹
PARCEL #1 (N.E. TRACT)	492	492	0
PARCEL #2 (N.E. TRACT)	124	123	1
PARCEL #3 (N.E. TRACT)	525	496	29
LIPMAN ADDITION	305	305	0
LIPMAN EXCHANGE	(44)	0	
TOTAL ≡	11,416⁵	10,753⁵	707⁵

SOURCE: Table 35-1 (revised)

FOOTNOTES:

1. The total acreage associated with the Jameson Tract and Altman Tract remain identical to that currently approved under the existing Development Order (Ordinance 95-41, as amended by Ordinance 96-43, and Ordinance 02.58).
 2. The total acreage associated with the Northeast Tract has increased slightly (26 acres) as a result of improved surveying technology.
 3. The applicant has requested authorization to mine an additional 235 acres within the Jameson Tract. This results in a corresponding reduction of "not disturbed" acres.
 4. The applicant has requested authorization to mine an additional 2,365 acres within the Northeast Tract. This results in a corresponding reduction of "not disturbed" acres.
 5. The totals portrayed may vary slightly due to the rounding of acreages identified in the columns above.
1. Mined land will be reclaimed in accordance with the Master Mining and Reclamation Plan (R-05-146), the Operating Permit (R-05-147), terms of this Development Order, and the Reclamation Schedule (attached as Exhibit I) and Reclamation Plan Conceptual Schedule (attached as Exhibit H). The Reclamation Schedule requires completion of reclamation within 3 years of completion of all mining activities within a program or logical reclamation unit area that allows for reclamation of a sub-basin system rather than a partial system. For clay settling areas, reclamation commences after the surface area is ditched and drained, which takes approximately 4 years. Preservation areas will be retained to promote the protection of the regional wildlife and plant species and will act as suitable colonization sources for the reclaimed habitats. Reclaimed uplands are designed to have a connection to

undisturbed areas so that they will have a way to repopulate. Relocation and restocking efforts as appropriate and approved by the various agencies will be conducted and will speed up the colonization of the reclaimed habitats. All wetland losses within Parcels 1, 2, and 3 of the Phase II Northeast Tract Addition*, the Economic Revision Areas*, and the Lipman Addition* shall require mitigation in accordance with the specific mitigation plan described in the ADA* and shown in Table 12-1 (Attached as Exhibit J).

- J. On the Lipman Addition parcel, all wetland losses shall require mitigation in accordance with the specific mitigation plan described in the NOPC application.
- K. The proposal to utilize an in-field pre washer facility along the Manatee/Hillsborough County line in Section 2, Township 33 South, Range, 21 East, is approved, subject to specific conditions and operating parameters established in the Master Mining and Reclamation Plan and Operating Permit approvals for Four Corners Mine*.
- L. The proposal to utilize alternative technology for transport of phosphate ore (e.g., conveyor systems) is approved, subject to specific conditions and operating parameters established in the Master Mining and Reclamation Plan and Operating Permit approvals for Four Corners Mine*.
- M. Use of reclaimed land to provide rights-of-way for a public road deemed necessary by the County or FDOT shall not be considered a violation of the Reclamation Plan.

SECTION 5: DEFINITIONS.

Note: An asterisk (*) denotes that the word is defined. The definition contained in Chapter 380, Florida Statutes, shall apply to this development Order, in addition to those listed below.

- A. "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 on Table 5.1 of the 2020 Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service for links and intersections in Polk County, Hardee County, or Hillsborough County, Florida, shall mean Level of Service as set for the affected roadways in the Polk, Hardee, or Hillsborough County Comprehensive Plans.
- B. "Application for Development Approval*" and "ADA", shall mean Four Corners Mine's* Development of Regional Impact Application for Development Approval and sufficiency responses, as amended by Mosaic's Substantial Deviation Application for the Four Corners Mine (March 23, 1989), all five Additional Information Submittals submitted by the Developer* in response to the sufficiency reviews of state, regional, and local agencies, the revised mining schedule for the Jameson Tract, and the traffic information dated January 23, 1991 and the Notice of Proposed Change submitted on June 14, 1995 including the revised mining schedule and reclamation information for the Jameson Tract (which was attached as Exhibit A to Ordinance 95-41), Mosaic Fertilizer, LLC's Development of Regional Impact (DRI) Application for Development Approval received January 19, 2001; three sufficiency responses received September 10, 2001, March 28, 2002, and July 16, 2002 respectively;

additional information received on October 8, 2002 and October 22, 2002 respectively; and all information submitted by the Developer* in response to the sufficiency reviews of state, regional, and local agencies-, Mosaic Fertilizer, LLC's Substantial Deviation Application for the Lipman Addition* to add to the Four Corner's Mine submitted on January 24, 2005, and two Additional Information Submittals submitted by the Developer* in response to the sufficiency reviews of state, regional, and local agencies.

- C. "Best Management Practices*" shall mean practices that are technologically and economically practicable and most beneficial in preventing or reducing adverse impacts from mining activities. For more specific information and examples, see the same definition in the 2020 Manatee County Comprehensive Plan.
- D. "Best Operating Practices* or BOPs*" shall refer to practices that are technologically and economically practicable and beneficial in preventing or reducing adverse impacts from phosphate mining activities. BOPs may include, but shall not be limited to: water reuse; augmentation of flows to surface or groundwater bodies that could be adversely affected by mining activities; special protections for sensitive habitats; increased frequency of certain types of monitoring and inspections; specialized training for mining personnel, and the like.
- E. "Best Possible Technology*" shall mean the most advanced technology which provides the maximum protection possible for the public health, safety, and welfare and which minimizes to the greatest degree possible any adverse impacts from industrial uses and mining activities, on the watershed of the Lake Manatee Reservoir. Best Possible Technology may include, but is not limited to: innovative reclamation techniques, augmentation of public water supplies that could be adversely affected by mining activities; construction of secondary containment structures or other measures to ensure against catastrophic failure of primary containment structures; elimination of mine site rock dryers; and zero point discharge; provided however, such requirements shall not be applied if the Developer* demonstrates that they are technologically infeasible. In ascertaining the Best Possible Technology, economic disadvantages shall only be considered relevant when analyzed in relation to other applicants conducting mining activities in the watershed or the Lake Manatee Reservoir.
- F. "Conservation Areas*" shall mean: 1) the secondary zone around any eagle's nest, as determined by the U.S. Fish and Wildlife Service; 2) those areas illustrated in Maps A-3A, A-3B, A-3C, F-1A, F-1B, F-1C, F-2A, F-2B, F-2C, H-1A, H-1B, H-3A, and H-3B, except for the ±29 acre area designated as "non-disturbance" and shown in Section 12, Township 33 South, Range 21 East in Section 12 in Parcel 3, which will be preserved throughout mining on the Phase II Northeast Tract Addition*, and the Economic Revision Areas*; and 3) the 200 acre "Manatee Wellfield Tract located in Sections 3 and 4, Township 35 South, Range 21 East and Section 34, Township 34 South, Range 21 East, which will be created, managed, and preserved for off-site Scrub Jay Mitigation Areas by Mosaic in accordance with the Scrub Jay Management Plan*.
- G. Developer*" shall mean Mosaic Fertilizer, LLC (herein referred to as Mosaic) (formerly IMC Phosphates, IMC-Agrico Corporation or IMC Fertilizer, Inc.), their assigns, agents, and successors in interest as to the Four Corners Mine.

- H. "Development Approval*" shall mean any approval for this development granted through this DRI Development Order.
- I. "Economic Revision Areas*" shall mean those portions of the Four Corners Mine in Manatee County located in Sections 1, 2, 10, 14, 15, 23, and 24, Township 33 South, Range 21 East, and Section 3, Township 33 South, Range 22 East, as shown on Maps A-3A, A-3B, and A-3C (which was attached as Exhibit D to Ordinance 02-58), which are within the boundaries of the Four Corners Mine*. The Economic Revision Areas were not previously approved for mining of phosphate but are approved herein for mining and reclamation in accordance with the terms of Ordinance 02-58.
- J. "Extended Four Corners Mine*" Shall mean that portion of the Four Corners Mine located in Manatee County and that portion of Four Corners Mine as originally approved by Hillsborough and Polk Counties as illustrated on Map A which is attached as Exhibit B dated July 24, 1995. The Developer shall notify Manatee County of any amendments to any approved DRI in the Extended Four Corners Mine.
- K. "Four Corners Mine*" shall mean all portions of the Four Corners Mine which are located in Manatee County as described in Section 7 and excludes those portions of the mine located in Hillsborough and Polk Counties.
- L. "Four Corners Mine Southeast Tract Addition*" shall mean that portion of the Four Corners Mine in Manatee County located in Section 36 in Township 33S, Range 22E, and Sections 1, 2, 11, 12, 13, and 14 in Township 34S, Range 22E, which is not subject to the requirements of this Ordinance.
- M. "Lipman Addition" shall mean that 305 acre portion of the Four Corners Mine in Manatee County located in Sections 1 & 2, Township 33S, Range 21E as is legally described in Section 7 of this Ordinance.
- N. "Lipman Exchange" shall mean the removal of the portions of mine located in Section 1, Township 33 South, Range 21 East as described in Section 7 under the heading "Changes to the Northeast Tract – Lipman Exchange Area (Removed from the mine)".
- O. "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 applicant's mining activities.
- P. "Mine Extension Areas" shall mean the 740 acres of additional area to be mined in the F-1 Settling Area, the 170 Acre Addition* to the Four Corners Mine*, and the 211 acres not previously approved for mining.
- Q. "Ordinance 04-39*" shall mean Mining Code 04-39 – Manatee County Phosphate Mining Code, as amended.

- R. "Phase II Northeast Tract Addition" shall mean the three (3) discontinuous parcels which are being added to the Four Corners Mine in Manatee County, and the Economic Revision Areas*. The Phase II Northeast Tract Addition* parcels are legally described in Section 7 of this Ordinance as Parcels 1, 2, and 3. The Economic Revision Areas* are shown on Maps A-3A, A-3B, and A-3C (which was attached as Exhibit D to Ordinance 02-58).
- S. "Preservation Areas" shall mean the primary zone around any eagle's nest, as determined by the U.S. Fish and Wildlife Service, and all 25 year Floodplain* areas.
- T. "Reclamation Plan" shall mean the consolidated Master Mining, Reclamation, and Drainage Plan approved by the Board of County Commissioners on September 27, 2005 (Resolution R-05-146 for the Four Corners Mine*).
- U. "25-Year Floodplain" shall mean the area so labeled on the floodplain map for the Northeast Manatee Tract in the original Four Corners Mine DRI/ADA (Exhibit 20.3B, Page 146), the area so labeled in Map H-1 of the Notice of Proposed Change dated June 9, 1995 for the Jameson Tract, and the area labeled Mosaic mapped 25-year floodplain on Maps C-3A and C-3B - Pre-mining Floodplain Locations for the Phase II Northeast Tract Addition* and the Economic Revision Areas*. 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 25-year storm event, and determination of the location of that water level in the field by elevation survey, using standard field practices, and standard hydrological analysis based upon pre-mining disturbance conditions. The 25-year Floodplain is distinguished from the "100-Year Flood Prone Areas or "100-Year Flood Zone as shown on FEMA maps."
- V. "170 Acre Addition" shall mean the addition to the Jameson Tract described in Section 7 under the heading "Changes to Jameson Tract".
- W. "Scrub Jay Management Plan" shall mean the Florida Scrub Jay Habitat Management Plan for IMC Phosphates Company - Southern Hillsborough and Manatee County Projects (dated July, 2001), the Florida Scrub Jay Experimental Translocation and Radiotelemetry Research Project developed by IMC Phosphates Company (dated November 21, 2001), the Federal (USFWS) Florida Scrub Jay Translocation Permit, and the Spring 2002 Florida Scrub Jay Survey.
- X. "Land Exchange" shall mean the removal of the portions of the mine located in Section 21, and those portions of Sections 15 & 16 lying south east of SR 37, and the addition of the land in Section 1 lying south east of SR 37, all in Township 33 South, Range 22 East as described in Section 7 under the heading "Changes to the Jameson Tract".
- Y. "Land Exchange Area" shall mean that land involved in the Land Exchange* lying in Section 1, south of SR 37.

SECTION 6: DEVELOPMENT CONDITIONS.

For administrative purposes, Development Conditions in this Ordinance are identified separately for each parcel, as follows:

Development Order Conditions for the existing Four Corners Mine are labeled "**NE Tract Conditions**".

Development Order Conditions for the Phase II Northeast Tract Addition* (Parcels 1, 2, and 3) and the Northeast Tract Economic Revision Areas* are labeled "**Phase II Northeast Tract Addition* Conditions**".

Development Order Conditions for the Lipman Addition are labeled "**Lipman Addition* Conditions**".

General Development Order Conditions for the NE Tract, Phase II Northeast Tract Addition, and Lipman Addition are labeled "**General Conditions**".

Note: General Conditions have been moved to the end of Section 6 of this Ordinance.

NE TRACT CONDITIONS - the following conditions shall apply to only the NE Tract:

Land

A.(1) A sufficient quantity of organic deposits and natural topsoils in wetland habitats capable of supporting indigenous vegetation shall be stockpiled during mining activities and utilized in reclamation of all wetland habitats. The use of the donor soil (nuisance Species Free) shall follow the requirements of DEP and/or COE, to insure reclamation and mitigation success. At a minimum, the following soil associations shall be stockpiled and utilized in reclamation:

- A. Canova-Anclote-Okeelanta)Soil group #7)
- B. Felda-Wabasso association (Soil group #24)
- C. Floridana-Immokalee-Okeelanta association (Soil group #26)

Groundwater

B.(1) The Groundwater Monitoring Program at the Four Corners Mine shall be performed as required by the Manatee County Operating Permit and Chapter 2-20, Code of Laws. At a minimum, the Groundwater Monitoring Program shall specify sampling locations, parameters, frequencies, duration, and analytical methods and procedures. The groundwater monitoring program shall be amended as determined necessary by Manatee County to require groundwater sampling at surficial monitor wells for the F-3 clay settling area. A summary of the results of the monitoring program shall be included as part of the DRI annual report.

- B.(2.) The Developer* shall properly plug and abandon all on-site wells (Table 23C-1, attached as Exhibit C for Ordinance 95-41), in accordance with SWFWMD and Manatee County Health Department standards and rules, prior to mining each area.

Surface Water

- C.(1) Best Management Practices* for reducing surface water quality impacts shall be implemented. Best Possible Technology* shall be required for those portions of the Mine Extension Areas* located within the Lake Manatee Watershed.
- C.(2) The existing Surface Water Monitoring Program at the Four Corners Mine shall be performed as required by the Manatee County Operating Permit in Chapter 2-20, Codes of Law. At a minimum, the Surface Water Monitoring Program shall specify sampling locations, parameters, frequencies, duration, and analytical methods and procedures. The Surface Water Monitoring Program shall require surface water sampling of the East Fork of the Manatee River. A summary of the results of the monitoring program shall be included as part of the DRI Annual Report. The Water Quality Monitoring Program required in the Operating permit shall contain sufficient surficial water quality monitoring stations to characterize runoff from the Mine Extensions Areas*.
- C.(3) The Developer* shall implement the water quality mitigation measures identified in the ADA*, Addendum Question 15-D.
- C.(4) Should monitoring results indicate that applicable water quality standards are not being met due to mining activities, the violation shall be immediately reported to Manatee County and any other agency with jurisdiction and appropriate corrective measures shall be immediately implemented.
- C.(5) a) Copies of amendments to NPDES permits within the Four Corners Mine Substantial Deviation (including specific conditions) shall be submitted to Manatee County
- b) Stormwater runoff from lands cleared for mining and active mining areas shall be routed through ditches into the mine water recirculation system and discharged only through permitted NPDES points.
- c) All discharges and discharge rates from the NPDES points shall be in accordance with Chapters 62-302, 62-620, and 62-671, FAC and conditions of the specific NPDES permit.*

Wetlands

- D.(1) Any portions of the Four Corners Mine* which meets the definition of Preservation* and Conservation Areas* shall be so designated in the DRI Annual Report.
- D.(2) The Developer* shall provide a thirty foot (30') wide transition zone around all wetlands in Preservation Areas* to provide an upland transition into the wetland areas and to protect the

natural systems from development impact. The recharge ditch and berm may be located in the transition area, and water shall be added as needed to maintain the hydroperiod. The Developer* shall obtain wetland delineations from the appropriate permitting agencies as part of the dredge and fill permitting requirements prior to any disturbance of jurisdictional area, and shall simultaneously submit the application to Manatee County.

- a) Mitigation for wetland losses shall be shown on the DEP or COE Dredge and Fill permit application prior to the wetlands being disturbed.
- b) All wetland losses within the Four Corners Mine* shall require 1:1 in-kind wetland replacement, at minimum, except those portions without full Special Exception status which shall require a higher mitigation ration in accordance with The Manatee County Comprehensive Plan unless reduced by the Board of County Commissioners.
- c) Wetlands which are permitted to be altered or eliminated shall be used as donor material for revegetation of mitigation areas as outlined in development condition A.(1.).
- d) All mitigation areas and littoral shelves shall be monitored in accordance with DEP and Manatee County requirements. Additional planting may be required to achieve the desired natural cover rate. Mitigation areas monitoring results shall be included in the DRI Annual Report.

Floodplains

- E.(1) No mining or disturbance of the 25-Year Floodplain* shall be allowed except for those crossings permitted on the Northeast Tract as part of the original DRI approval or those crossings as outlined in E.(2) below.
- E.(2) Any disturbance to the 25-Year Floodplain* necessitated by utility, dragline, or pipeline crossings or construction shall be conducted during periods of low flow and all applicable Best Management Practices* for erosion control shall be utilized throughout the entire period of disturbance. Immediately after such use is terminated, the Developer* shall remove all structures, restore the area in question to original grade elevations, and revegetate the area.
- E.(3) No adverse hydroperiod alteration shall be permitted in the 25-Year Floodplain* of the Mine extension Areas*. Natural annual hydroperiods, normal pool elevations, and seasonal water fluctuations shall be substantially maintained, however, this shall not require replication of storm surges. Hydroperiod monitoring of the above described areas shall be conducted semiannually, beginning immediately and continuing for three years following reclamation completion of the sub-basin surrounding each of these areas. The monitoring sites shall be selected in cooperation with Manatee County. Should the above described be adversely impacted due to mining activities, the Developer* shall cease all mining and associated activity in the affected sub-basin until remedial measures have been proposed to Manatee County, approved, and then undertaken to correct the hydroperiod imbalance. Such

measures could include limitations on surrounding activities, enlargement of buffer areas and additional protection measures or water augmentation. The results of the hydroperiod monitoring shall be provided in each annual report.

- E.(4) In order to promote the maintenance of the functional aspects of floodplains, water alterations caused by pit de-watering shall be limited to only one side of a floodplain at a time and 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.

Vegetation and Wildlife

- F.(1) In the event that any species listed in Rule 68A -27.003 F.A.C. - Rule 68A-27.005, F.A.C., are observed frequenting the Land Exchange Area* for nesting, feeding, or breeding, proper protection/mitigation measure shall be employed immediately in cooperation with the Florida Fish and Wildlife Conservation Commission (FFWCC). In the event that a wood stork colony is observed, the Developer* shall implement the US Fish and Wildlife Service's Habitat Management Guidelines for the Wood Stork in the Southeast Region.
- F.(2.) The Developer* shall conduct further floral surveys of the 170 Acre Addition* and Land Exchange Area*, in accordance with GFC recommendations prior to mining of the site **Completed.**
- F.(3) At a minimum, a Wildlife and Habitat Management Plan shall be established by the Developer* for the 170 Acre Addition* in cooperation with the Department of Agriculture and Consumer Services, FFWCC, and Manatee County, with review opportunities for the agencies and with approval by the County required. The Wildlife and Habitat Management Plan shall address:
- a) Listed species which could be relocated on site or off site. All listed species and their current locations shall be identified and relocation/management plans provided
 - b) A gopher tortoise mitigation program. This plan shall include a management program for the species.
- F.(4) Because portions of the Jameson Tract may fall within the secondary and, possibly, primary zones established for protection of eagle nests, all mining and reclamation activities for the Four Corners Mine* shall conform with the U.S. Fish and Wildlife Service's Habitat Management Guidelines for the Bald Eagle in the Southeast Region (most recent edition) in regard to the eagle's net (MN-08), which appears to be located approximately 1,450 feet southeast of the Four Corners Mine's* eastern boundary. (See the bird nesting locations map Figure 18B-1, Sufficiency Response 2, Page 40.)
- E. The U. S. Fish and Wildlife Service (FWS) shall determine site specific conditions for protection from mining activities as are appropriate. Site specific criteria shall include

mining and seasonal operation limitations, as appropriate.

- F.(5) A Wildlife and Habitat Management Plan shall be established by the Developer* for the Land Exchange Area*, in cooperation with the USFWS, FFWCC, and Manatee County, with review opportunities for the agencies and with approval by the County, DCA, and State agency with Phosphate Mining regulatory authority for wildlife and habitat required. The

Wildlife and Habitat Management Plan shall be approved prior to mining the site and shall address:

- a) Listed species (including Gopher Tortoises) which could be relocated on site or off site. All listed species and their current locations shall be identified and relocation/management plans provided.

Drainage

- G.(1) Prior to issuance of any new Operating Permit for the Four Corners Mine*, the following information must be submitted to Manatee County: estimated total volume and peak discharge rates of stormwater runoff to be generated by the final reclamation plan during the mean annual, 25 year, and 100 year storm events. **Completed**
- G.(2) The drainage basins in the Four Corners Mine* shall be restored to their approximate pre-mining size and location as described in the ADA* response to question 19. The post-reclamation flood flow peaks shall be in accordance with the rates established in the response to question 19 of the ADA. The discharge rate shall be in accordance with Chapter 40D-4 F.A.C. requirements.
- G.(3) Upon completion of reclamation in each affected drainage basin, the Developer* 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.
- G.(4) If the hydrologic studies indicate that the peak discharge characteristics of any affected drainage basin have been increased over premining conditions, the Developer* shall increase the retention capacity of the reclaimed land such that 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 minimum use of control structures.
- G.(5) All re-created wetlands and floodplain/floodprone areas shall be subject to all the rules, regulations, and policies of local, state, regional, and federal agencies governing wetland and floodplain/floodprone areas at the time mining and reclamation is complete.

- G.(6) The recreated wetlands shall be designed to promote seasonal fluctuations of water levels within the freshwater marsh and encourage seasonal inundation of the marsh property. Final grade of the side slopes of the marsh periphery shall meet the requirements established by Manatee County in Ordinance 81-22 or by the Department of Environmental Protection, whichever is more stringent.
- G.(7) The Developer* shall be responsible for maintaining the water recirculation system and the drainage system, including channels, swales, culverts, erosion protection facilities, and discharge facilities. Any transfer of this responsibility from the Developer* to subsequent owners, or assigns, shall require the approval of the appropriate permitting agency.

Water Supply

- H.(1) The Developer* shall provide, operate, and maintain the internal water supply system for the heavy media plant until such time as it is no longer needed for operations; then the Developer* shall abandon and remove it according to the applicable regulation at that time.
- H.(2) The Developer* shall continue to provide 1.96 MGD augmentation to the Manatee County water supply. The Developer* shall also maintain a wellfield capable of providing no less than 14 MGD annual daily coverage and 18 MGD maximum daily demand, which will produce water which can be treated to meet or exceed drinking water standards by conventional lime softening techniques (1.96 MGD of this capacity will be provided to Manatee County pursuant to the augmentation referenced above) until the requirements set forth in Section 6.H.(3) of the Development Order are satisfied.
- H.(3) Upon completion of reclamation activities in the Lake Manatee Watershed, the Developer* shall perform studies in accordance with SWFWMD and Manatee County requirements, to quantify the post-reclamation water budget so that mitigation in the form of long-term water supply augmentation can be performed by the Developer*, as necessary, to maintain this historic contribution to the Lake Manatee Watershed.

Transportation

- I.(1) The Developer* shall assume responsibility for the installation of a caution light at the mine's ingress-egress point on State Road 37, for use during operating hours. **Completed.**
- I.(2) An annual monitoring program to provide peak-hour and average daily traffic counts at the project entrance, including a description of the types of vehicles making each trip, shall be instituted to verify that the projected number of external trips for the project are not exceeded. Counts will continue on an annual basis through project completion. This information shall be supplied in the required annual report. If the annual report indicates that the total trips exceed projected counts, Manatee County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), F.S., and may amend the Development Order to change or 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 pursuant to Subsection 380.06(19), F.S., will be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

- I.(3) If by 2007, the Florida Department of Transportation determines that road improvements are required on the following sections of state maintained highway, the Developer* shall contribute its proportionate share of funds based on the percentage of project traffic on that roadway at that time. These improvements include:
 - a) Improve the intersection at SR 37/SR 640 by providing signalization, when warranted by the Manual for Uniform Traffic Control Devices (MUTCD) **Completed.**
- I.(4.) That portion of Carlton Road contained in Sections 9 and 16 of Township 33 South may be vacated subject to a temporary easement for public access over the existing right-of-way until such road is relocated in accordance with this condition. If the Carlton Road vacation is approved, Manatee County shall dedicate right-of-way in Sections 17, 20, and 21, Township 33S. Range 22 E, the Developer* shall dedicate or ensure the dedication of the remaining right-of-way in Sections 8, 9, and 16 to Manatee County to ensure a continuous 84 foot wide right-of-way as shown on the attached map (attached as Exhibit D to Ordinance 95-41) or other location approved by Manatee County in accordance with Manatee County requirements and at Developer's* sole expense prior to the disturbance and/or mining of the existing right-of-way. The relocated road shall be a 25 foot wide roadway of stabilized material. Manatee County will cooperate in a timely manner in the permitting of the new location. The responsibility and the expense of the other required governmental permitting, legal costs, right-of-way acquisition on the Yon and/or Badcock properties and relocation construction will be that of the Developer*. This section should not be construed to require Manatee County to condemn any right-of-way. The mining setback from the relocated right-of-way will be in accordance with Section J.(9.) of this Order. **Completed.**
- I.(5) All non-public roads, streets, bridges, and other access ways located upon the site shall be constructed and maintained by the Developer* without any cost or obligation to Manatee County.
- I.(6.) The existing east-west road on the Hillsborough-Manatee County line should be named Four Corners Mine Road and two street signs (one in each County) erected at its intersection with SR 37 at the Developer's* expense **Completed.**
- I.(7) Transportation of product from this mine by truck is permitted on State Road 37 North from the identified mine entrance on State Road 37. The Developer* shall not use State Road 37, State Road 62 and/or Moccasin Wallow Road routing to ship products to Port Manatee or return to the Four Corners Mine from Port Manatee. The only approved routing from Four Corners Mine to Port Manatee is as follows:

State Road 37 North to State Road 674, thence West to US 41 thence South to Port Manatee and return by same route. The Developer* will not exceed 750 loads of product per day by truck shipments with no more than 94 loads of product per day being transported by truck to Port Manatee.

- I.(8) The establishment of crossing points on County roads for purposes of access, movement of mining machinery, or mineral transport pipelines shall not be permitted without the prior written approval of the Manatee County Transportation Department and Environmental Management Department. The Phosphate Mining Coordinator shall be sent copies of all crossing permit applications at the time of application for crossing any County right-of-way.
- I.(9) The Developer* shall notify the Transportation Department and Environmental Management Department of any spill which may occur on public right-of-way as the result of a traffic accident.
- I.(10) The Developer* shall change eight hour work shifts to times that do not coincide with the A.M. (7:00 to 9:00) and P.M. (4:00 to 6:00) peak traffic periods.
- I.(11) That portion of Bunker Hill Road contained in Section 23 of Township 33 South, Range 21 East may be relocated to permit mining of phosphate underlying this roadway, in accordance with all conditions established by the Manatee County Transportation Department. Upon completion of mining and reclamation of Bunker Hill Road, the Developer* shall dedicate or ensure the dedication of 84' of right-of-way for Bunker Hill Road to Manatee County, in a location approved by the Transportation Department. The Developer shall also reconstruct Bunker Hill Road to County standards for a paved rural two-lane roadway. **Completed**

Mining Operations

- J.(1) The Developer* shall obtain all the necessary construction and operation permits and approvals required by, and shall fully comply, to the extent not inconsistent with this Development Order and the VRD-90-14, with all the provisions of applicable laws, ordinances, rules, regulations, or requirements of any federal, state, regional, or county governmental authority in connection with the proposed mining activities at the Four Corners Mine*.
- J.(2) When filled, the F-1 (rebuilt), F-3 (A and B), and F-9 disposal areas shall contain an amount of waste clay approximately equivalent to the amount of waste clay produced from Four Corners Mine*.
- J.(3) All earthen embankments (dams) shall be designed, constructed, inspected, and maintained in accordance with the standards of Chapter 62-672, FAC - Minimum Requirements for Earthen Dams, Phosphate Mining and Processing Operations, as indicated in the Substantial Deviation ADA*, as well as all other applicable local, state, and federal requirements.

- J.(4) The Developer* shall abide by all Florida Department of Environmental Protection (DEP) 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. The beneficiation plant and its accessory structures would be exempt from this condition if the Board of County Commissioners approves an extension of that facility prior to cessation of the mining operation and adequate performance security is posted to guarantee later removal of these structures.
- J.(5) The Developer* shall reclaim all mined or disturbed land to DEP or Manatee County standards, whichever is more stringent. Reclamation and revegetation shall proceed immediately after mining activities cease in each parcel and in no case shall exceed the conceptual schedule for reclamation depicted on Maps I-4A and I-4B (attached as Exhibit H to Ordinance 02-58). The Developer* shall be responsible for maintenance of all reclaimed areas until such time that those areas are certified as reclaimed by Manatee County in accordance with the procedures established in the Mining Code.
- J.(6) The Developer* shall utilize Best Management Practices* (including revegetation, reforestation, erosion control, etc.) for all mined/disturbed lands to accelerate and ensure the successful establishment of the natural vegetative associations that the reclamation areas are designed to support. Wherever possible, leach zone material shall be covered by graded spoil to lessen the potential of increased radiation levels on reclaimed lands.
- J.(7) Reclamation shall be considered complete when 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, and when DEP and Manatee County have approved the reclamation of the Four Corners Mine* in accordance with Chapter 62C-16, Florida Administrative Code and the Mining Code.
- J.(8) The Developer* shall allow no development or land use activity (such as grazing, farming, tree harvesting) within any newly established 25-Year Floodplains* that would in any way inhibit the growth and development of native vegetation associations appropriate for floodplains, during the mining period.
- J.(9) Minimum mine cut setbacks shall be maintained as follows:
- a) 500 feet of a habitable structure existing at the time of initial application for Master Mining Plan approval;
 - b) 200 feet of an existing public right-of-way or public or private easement for drainage utility or road purpose;
 - c) 200 feet of Mosaic's property line;
 - d) A distance not less than 50 feet from Carlton Road right-of-way which the Developer* can establish will ensure to the County Mining Coordinator that the

mining will be performed in a manner which will protect the structural integrity of the roadway. **Completed.**

- e) Notwithstanding the foregoing, Section 2-20-33 of the Mining Code shall apply to the Mine Extension Areas*.

The F-3 exterior dam will meet the setback requirements of Section 2-20-33 of the Mining Code with the exception of Section 2-20-33(2)(b) in which case it will not be less than 200 feet from any public right-of-way.

All other operations and facilities shall meet the setback requirements of Section 2-20-33 of the Mining Code, provided that the F-1 exterior dam, or any reconstruction of the F-1 dam (F-1R), shall not be required to meet the requirements of Section 2-20-33, unless 50% of the linear footage of the existing F-1 exterior dam is dismantled or significantly disturbed or any portion of the existing F-1 exterior dam within 2,500 feet of any existing church, school, or habitable structure is dismantled or significantly disturbed.

- f. The mine cut shall not disturb the remaining buffer of pine trees along the north side of SR 62. The required perimeter ditch and berm system shall be located north of the remaining buffer of pine trees.

However, nothing in this requirement shall prevent the reduction of setbacks pursuant to Section 2-20-33 (b)(4) of the Mining Code, except for J. (9.) f., above.

J.(10) Radiation standards shall be maintained as follows:

- a) For the Mine Extension Areas*, the radiation standards shall be maintained in accordance with Section 2-20-33(d) of the Mining Code;
- b) For all other areas of the mine, and in accordance with prior approvals, the weighted average soil concentration of radium for all reclaimed lands not included in the Mine Extension Areas*, which are not reclaimed over slime ponds or are not reclaimed as lakes or wetlands, for the top six feet shall not exceed 8.8 pCi/gram. In addition, these areas shall also comply with Section 2-20-33(d)(3) of the Mining Code.
- c) Any building shall be designed and constructed and all reclamation shall be done to provide protection against gamma radiation and radon gas accumulation and emanation in accordance with the most stringent applicable state and federal requirements.
- d) This section shall be subject to any restrictions set forth in Section 553.98, Florida Statutes.

J.(11) Any reconstruction of the F-1 dam (F-1R) or any portion thereof shall be constructed in accordance with the appropriate design cross section shown in either Figure 14 or Figure 16

of the Dames and Moore January 2, 1990 report which was attached as Exhibit E to Ordinance 95-41.

PHASE II NORTHEAST TRACT ADDITION* CONDITIONS

Groundwater

- K.(1) The Groundwater Monitoring Program at the Four Corners Mine Phase II Northeast Tract Addition* shall be performed as required by the Manatee County Operating Permit issued for the Phase II Northeast Tract Addition* and Chapter 2-20, Code of Laws. At a minimum, the Groundwater Monitoring Program shall specify sampling locations, parameters, frequencies, duration, analytical methods, and procedures. A summary of the results of the monitoring program shall be included as part of the DRI annual report.
- K.(2) The Developer* shall properly plug and abandon all on-site wells, in accordance with SWFWMD and Manatee County Environmental Management Department standards and rules, prior to mining each area of the Phase II Northeast Tract Addition*.

Surface Water

- L.(1) Best Management Practices* for reducing surface water quality impacts shall be implemented.
- L.(2) A Surface Water Monitoring Program at the Four Corners Mine shall be performed as required by the Manatee County Operating Permit issued for the Phase II Northeast Tract Addition* and Chapter 2-20, Codes of Law. At a minimum, this Surface Water Monitoring Program shall specify sampling locations, parameters, frequencies, duration, analytical methods, and procedures. A summary of the results of the monitoring program shall be included as part of the DRI Annual Report. The Water Quality Monitoring Program required in the Operating Permit shall contain sufficient surficial water quality monitoring stations to characterize runoff from the Phase II Northeast Tract Addition*.
- L.(3) Should monitoring results indicate that applicable water quality standards are not being met due to mining activities, the violation shall be immediately reported to Manatee County (as required under the Operating Permit for the Four Corners Mine Phase II Northeast Tract Addition*) and any other agency with jurisdiction and appropriate corrective measures shall be immediately implemented.
- L.(4)
 - a. Copies of amendments to NPDES permits associated with the Four Corners Mine Phase II Northeast Tract Addition* (including specific conditions) shall be submitted to Manatee County.
 - b. Stormwater runoff from lands cleared for mining and active mining areas shall be routed through ditches into the mine water recirculation system and discharged only through permitted NPDES outfalls.

- c. All discharges and discharge rates from the NPDES outfalls shall be in accordance with Chapters 62-302, 62-620, and 62-671, FAC and conditions of the specific NPDES permit.
- L.(5) Erosion control measures such as siltation screens and hay bales shall be used to prevent surface water quality degradation. Best Management Practices shall be employed throughout preparation, mining and reclamation to minimize surface and groundwater quality impacts.

Wetlands

- M.(l) The Developer* shall provide a thirty foot (30') wide buffer zone around all wetlands in Preservation Areas* to provide an upland transition into the wetland areas and to protect the natural systems from development impact. The protection berm may be located in the transition area. Water shall be added as needed to maintain the hydroperiod.
 - a) Mitigation for wetland losses shall be as shown on the FDEP Environmental Resources Permit (ERP).
 - b) All wetland losses within the Four Corners Mine Phase II Northeast Tract Addition* shall require mitigation in accordance with the specific mitigation plan described in the ADA* and shown in Tables 12-1 and 13-1 (which was attached as Exhibits J and E, respectively to Ordinance 02-58). Any deviation from the specific mitigation plan not specifically required by Manatee County or permitting agencies with jurisdiction shall trigger a Substantial Deviation determination pursuant to Section 380.06(19) F.S.
 - c) All mitigation areas and littoral shelves shall be monitored in accordance with FDEP and Manatee County requirements. Additional planting may be required to achieve the desired natural cover rate. Mitigation areas monitoring results shall be included in the DRI annual report.
- M.(2) Existing wetlands which are permitted to be altered or eliminated shall be used as donor material for revegetation or mitigation area as outlined in development condition A.(1.).
- M.(3) As stated in the ADA* and sufficiency responses agricultural activities on the site may continue until the area is prepared for mining but at no greater density or intensity than at present and, provided that the geographic extent of agricultural activities, including tree removal shall not be increased unless specifically permitted by the Manatee County Environmental Management and Planning Departments.

However, no agricultural activities are permitted within those areas preserved throughout mining, as shown on Maps A-3A, A-3B, A-3C, F-1A, F-1B, F-1C, F-2A, F-2B, F-2C, H-1A, H-1B, H-3A, and H-3B, except for the ±29 acre area designated as "non-disturbance" and shown in Section 12, Township 33 South, Range 21 East in Section 12 in Parcel 3, and as further stipulated in this Development Order.

Floodplains

- N.(1) No mining or disturbance of the 25-Year Floodplain* shall be allowed except for those crossings permitted on the Phase II Northeast Tract Addition*, as outlined in N.(2) below.
- N.(2) Any disturbance to the 25-Year Floodplain* necessitated by utility, dragline, or pipeline crossings or construction shall be conducted during periods of low flow and all applicable Best Management Practices* for erosion control shall be utilized throughout the entire period of disturbance. Immediately after such use is terminated, the Developer* shall remove all structures, restore the area in question to original grade elevations, and revegetate the area.
- N.(3) There shall be no adverse hydroperiod alteration of hydroperiods in wetlands that are not approved for mining. Hydroperiods (seasonal high and normal pool elevations) shall be established and reviewed and approved by the SWFWMD. Natural annual hydroperiods, normal pool elevations, and seasonal water fluctuations shall be substantially maintained. Hydroperiod monitoring of the above described areas shall be conducted and reported semiannually to Manatee County, as described in Mosaic's SWFWMD Water Use Permit 2011400, as amended. The monitoring sites shall be at the locations where the hydroperiods were established. Should the above described be adversely impacted due to mining activities, the Developer* shall cease all mining and associated activity in the affected sub-basin until remedial measures have been proposed to Manatee County, approved, and then undertaken to correct the hydroperiod imbalance. Such measures could include limitations on surrounding activities, enlargement of buffer areas and additional protection measures or water augmentation.
- N.(4) In order to promote the maintenance of the functional aspects of floodplains, water alterations caused by pit de-watering shall be limited to only one side of a floodplain at a time and 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.
- N.(5) There shall be no net loss of 100-year floodplain storage capacity.
- N.(6) No impervious surfaces shall be constructed in the 25-year floodplain.

Vegetation and Wildlife

- O.(1) In the event that any listed species listed in Rule 68A-27.003 - 68A-27.005 FAC, or state or federally listed species or colonies of species are observed nesting or breeding at the Phase II Northeast Tract Addition* in an area to be disturbed by mining operations, the developer shall immediately notify the Florida Fish and Wildlife Conservation Commission (FFWCC) and implement the recommended measures for species protection. In the event that a wood stork nesting colony is observed, the Developer* shall implement the US Fish and Wildlife Service's Habitat Management Guidelines for the Wood Stork in the Phase II Northeast Tract Addition*.

- O.(2) Mosaic shall implement the Wildlife and Habitat Management Plan as detailed in the ADA* and Sufficiency Responses for the Phase II Northeast Tract Addition*, which has been approved by FFWCC and U.S. Fish and Wildlife Service. Prior to the clearing of each mining parcel, the Developer shall obtain the necessary permits and approvals for relocation or incidental take of listed species. Implementation activity associated with the approved plan or listed species permitting will be reported in the DRI annual report.
- O.(3) Mining and reclamation of the northern reach of the West Fork Horse Creek floodplain and the South Fork Little Manatee River watershed shall proceed as specified in the ADA*. Any deviation not specifically required by Manatee County or permitting agencies with jurisdiction shall trigger a Substantial Deviation determination pursuant to Section 380.06(19) F.S.
- O.(4) The habitat shown to be preserved throughout mining on Parcels 1, 2, and 3, as shown on Maps A-3A, A-3B, A-3C, F-1A, F-1B, F-1C, F-2A, F-2B, F-2C, H-1A, H-1B, H-3A, and H-3B, and as further stipulated in this Development Order, except for the ±29 acre area designated as "non-disturbance" and shown in Section 12, Township 33 South, Range 21 East in Section 12 in Parcel 3, shall be protected in perpetuity through the establishment of a conservation easement. The Conservation Easement shall include Manatee County as a grantee, in addition to FDEP. The Conservation Easement required by this condition shall be in addition to the area proposed for conservation easement in association with Integrated Habitat Network and translocation of the Florida scrub-jay.

The following areas of regionally-significant habitat shall be protected in perpetuity through the establishment of a conservation easement granted to FDEP:

- a. Habitat created on the Northeast Tract as part of the Integrated Habitat Network and mitigation wetlands, totaling approximately 162 acres and shown on Figure MC-16 B, page 1-44, of the Second Additional Information.
- b. The 365 acres of xeric and oak scrub and certain pine flatwoods to be selected by the US Fish and Wildlife Service; and the 335 acres already selected for protection and translocation of the federally-listed Florida scrub Jay.

Drainage

- P.(1) The drainage basins in the Four Corners Mine Phase II Northeast Tract Addition* shall be restored to their approximate pre-mining size and location as described in the ADA*. The post-reclamation flood flow peaks shall be in accordance with the rates established in the ADA. The discharge rate shall be in accordance with Chapter 62C-16, F.A.C., requirements.
- P.(2) All re-created wetlands shall be subject to all the rules, regulations, and policies of local, state, regional, and federal agencies governing wetland areas when such areas meet the definition of "wetland" as specified by the County, FDEP, and ACOE, respectively.
- P.(3) The re-created wetlands shall be designed to promote seasonal fluctuations of water levels within the freshwater marsh and encourage seasonal inundation of the marsh property. Final

grade of the side slopes of the marsh periphery shall meet the requirements established by Manatee County in the Mining Ordinance* or by the Department of Environmental Protection, whichever is more stringent.

- P.(4) The Developer* shall be responsible for maintaining the water recirculation system and the drainage system, including channels, swales, culverts, erosion protection facilities, and discharge facilities during mining and reclamation. Any transfer of this responsibility from the Developer* to subsequent owners, or assigns, shall require the approval of the appropriate permitting agency.

Water Supply

- Q.(1) There shall be no net increase in the groundwater demand in excess of the currently permitted volume for the Four Corners Mine* as it pertains to mining in the Phase II Northeast Tract Addition*.

Transportation

- R.(1) All non-public roads, streets, bridges, and other access ways located upon the site shall be constructed and maintained by the Developer* without any cost or obligation to Manatee County.
- R.(2) Establishment of a single crossing point on County Road 39 for purposes of access, movement of mining machinery, or mineral transport pipelines shall be permitted, as committed to in the ADA* (page 21-4). Establishment of two crossing points on State Road 37 for purposes of access, movement of mining machinery, or mineral transport pipelines shall be permitted, as shown in the ADA* on Map H-1A, provided that the crossings on SR 37 are not for the purpose of access to Parcel #4.

Mining Operations

- S.(1) The Developer* shall obtain all the necessary construction and operation permits and approvals required by, and shall fully comply, to the extent not inconsistent with this Development Order with all the provisions of applicable laws, ordinances, rules, regulations, or requirements of any federal, state, regional, or county governmental authority in connection with the proposed mining activities at the Phase II Northeast Tract Addition*.
- S.(2) The two clay disposal areas (F-9A and F-9B) partially within the Phase II Northeast Tract Addition* shall contain an amount of waste clay approximately equivalent to the amount of waste clay produced from the Four Corners Mine* in Manatee County.
- S.(3) All earthen embankments (dams) shall be designed, constructed, inspected, and maintained in accordance with the standards of Chapter 62-672, FAC - Minimum Requirements for Earthen Dams, Phosphate Mining, and Processing Operations, as indicated in the ADA* for the Phase II Northeast Tract Addition*, as well as all other applicable local, state, and federal requirements.

- S.(4) The Developer* shall abide by all Florida Department of Environmental Protection (FDEP) 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 a proposed post reclamation zoning district classification of the property.
- S.(5) The Developer* shall reclaim all mined or disturbed land to FDEP or Manatee County standards, whichever is more stringent. Reclamation and revegetation shall proceed immediately after mining activities cease in each parcel and in no case shall exceed the schedule for reclamation outlined in Table 35-4 of the ADA* (attached as Exhibit I to this Ordinance). The Developer* shall be responsible for maintenance of all reclaimed areas until such time that those areas are approved as reclaimed by Manatee County in accordance with the procedures established in the Mining Ordinance*.
- S.(6) The Developer shall utilize Best Management Practices* (including revegetation, reforestation, erosion control, etc.) for all mined or disturbed lands to accelerate and ensure the successful establishment of the natural vegetative associations that the reclamation areas are designed to support. Wherever possible, leach zone material shall be covered by graded spoil to lessen the potential of increased radiation levels on reclaimed lands.
- S.(7) Reclamation shall be considered complete when 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, and when FDEP and Manatee County have approved the reclamation of the Four Corners Mine Phase II Northeast Tract Addition* in accordance with Chapter 62C-16, Florida Administrative Code and the Mining Ordinance*.
- S.(8) During the mining and reclamation period, the Developer* shall allow no development or land use activity (such as grazing, farming, tree harvesting) within any newly established 25-Year Floodplains* that would in any way inhibit the growth and development of native vegetation associations appropriate for floodplains.
- S.(9) Minimum mine cut setbacks and setbacks for the perimeter recharge ditch shall be maintained as follows:
- a. 1,000 feet of a habitable structure existing at the time of initial application for Master Mining Plan approval, unless waived by affected habitable structure owner;
 - b. A minimum of 45 feet from an existing public right-of-way;
 - c. 500 feet of Mosaic Fertilizer, LLC property line;
 - d. 1,000 feet of any wetlands or groves on adjoining property not owned by the applicant.

Nothing in this requirement shall prevent the reduction of setbacks pursuant to Section 2-20-

33(b) of the Mining Code. All such setbacks shall be shown in the Operating Permit and shall be specifically approved by the Board of County Commissioners.

Within the above described setback areas along CR 39 and SR 37, the applicant shall construct an earthen berm, 6'-8' in height above the roadway elevation, prior to commencement of mining activities. Within the above described setback area along SR 62 where the existing buffer of planted pine trees does not exist, the applicant shall construct an earthen berm, 6'-8' in height above the roadway elevation, prior to commencement of mining activities.

S.(10) Radiation standards shall be maintained as follows:

- a. For the Phase II Northeast Tract Addition*, the radiation standards shall be maintained in accordance with Section 2-20-33(d) of the Mining Ordinance*;
- b. Any building shall be designed and constructed and all reclamation shall be done to provide protection against gamma radiation and radon gas accumulation and emanation in accordance with the most stringent applicable state and federal requirements.
- a. This section shall be subject to any restrictions set forth in Section 553.98, Florida Statutes.

S.(11) Within the Peace River watershed, the reclamation schedule will be expedited by placing the sand tailing fill the year after each area is mined, and then revegetate so that the total time each block is disturbed from start of mining to being effectively reclaimed is about three years.

S.(12) The Phase II Northeast Tract Addition* shall be reclaimed in such a way that pre-mining groundwater outflows from the surficial aquifer are approximated, taking into account the increased evapotranspiration from the increased wetland areas.

Air Quality

T.(1) Best Management Practices, including those identified in the ADA, shall be employed during site preparation, mining, and reclamation to minimize air quality impacts.

LIPMAN ADDITION* CONDITIONS – the following conditions shall apply to only the Lipman Tract:

Ground Water

U (1) The Groundwater Monitoring Program at the Four Corners Mine Lipman Addition* shall be performed as required by the Manatee County Operating Permit issued for the Lipman Addition* and Ordinance 04-39*. At a minimum, the Groundwater Monitoring Program shall specify sampling locations, parameters, frequencies, duration, analytical methods, and

procedures. A summary of the results of the monitoring program shall be included as part of the DRI annual report.

- U.(2) The Developer* shall properly plug and abandon all on-site wells, in accordance with SWFWMD and Manatee County Environmental Management Department standards and rules, prior to mining each area of the Lipman Addition*.

Surface Water

- V.(1) Best Operating Practices* for reducing surface water quality impacts shall be implemented.
- V.(2) A Surface Water Monitoring Program at the Four Corners Mine shall be performed as required by the Manatee County Operating Permit issued for the Lipman Addition* and Ordinance 04-39*. At a minimum, this Surface Water Monitoring Program shall specify sampling locations, parameters, frequencies, duration, analytical methods, and procedures. A summary of the results of the monitoring program shall be included as part of the DRI Annual Report. The Water Quality Monitoring Program required in the Operating Permit shall contain sufficient surficial water quality monitoring stations to characterize runoff from the Lipman Addition*.
- V.(3) Should monitoring results indicate that applicable water quality standards are not being met due to mining activities, the violation shall be immediately reported to Manatee County (as required under the Operating Permit for the Lipman Addition*) and any other agency with jurisdiction and appropriate corrective measures shall be immediately implemented.
- V.(4) a. Copies of amendments to NPDES permits associated with the Lipmann Addition* (including specific conditions) shall be submitted to Manatee County.
- b. Stormwater runoff from lands cleared for mining and active mining areas shall be routed through ditches into the mine water recirculation system and discharged only through permitted NPDES outfalls.
- c. All discharges and discharge rates from the NPDES outfalls shall be in accordance with Chapters 62-302, 62-620, and 62-671, FAC and conditions of the specific NPDES permit.
- V.(5) Erosion control measures such as siltation screens and hay bales shall be used to prevent surface water quality degradation. Best Management Practices* shall be employed throughout preparation, mining and reclamation to minimize surface and groundwater quality impacts.

Wetlands

- W.(1) The Developer* shall provide a thirty foot (30') wide buffer zone around all wetlands to provide an upland transition into the wetland areas and to protect the natural systems from

development impact. The protection berm may be located in the transition area. Water shall be added as needed to maintain the hydroperiod.

- a) Mitigation for wetland losses shall be as shown on the FDEP Environmental Resources Permit (ERP).
- b) All wetland losses within the Lipman Addition* shall require mitigation in accordance with the specific mitigation plan described in the ADA* and shown in Table 12-1 and Map I-2c (attached as Exhibits J and G, respectively). Any deviation from the specific mitigation plan not specifically required by Manatee County or permitting agencies with jurisdiction shall trigger a Substantial Deviation determination pursuant to Section 380.06(19) F.S.
- c) All mitigation areas and littoral shelves shall be monitored in accordance with FDEP and Manatee County requirements. Additional planting may be required to achieve the desired natural cover rate. Mitigation areas monitoring results shall be included in the DRI annual report.

W.(2) Existing wetlands which are permitted to be altered or eliminated shall be used as donor material for revegetation or mitigation area as outlined in development condition A.(1.).

W.(3) As stated in the ADA* and sufficiency responses agricultural activities on the site may continue until the area is prepared for mining but at no greater density or intensity than at present and, provided that the geographic extent of agricultural activities, including tree removal shall not be increased unless specifically permitted by the Manatee County Environmental Management and Planning Departments.

Vegetation and Wildlife

Y.(1) In the event that any listed species listed in Rule 68A-27.003 - 68A-27.005 FAC, or state or federally listed species or colonies of species are observed nesting or breeding at the Lipman Addition* in an area to be disturbed by mining operations, the developer shall immediately notify the Florida Fish and Wildlife Conservation Commission (FFWCC) and implement the recommended measures for species protection. In the event that a wood stork nesting colony is observed, the Developer* shall implement the US Fish and Wildlife Service's Habitat Management Guidelines for the Wood Stork in the Lipman Addition*.

Y.(2) Mosaic shall implement the Wildlife and Habitat Management Plan as detailed in the ADA* and Sufficiency Responses for the Lipman Addition*, which has been approved by FFWCC and U.S. Fish and Wildlife Service. Prior to the clearing of each mining parcel, the Developer shall obtain the necessary permits and approvals for relocation or incidental take of listed species. Implementation activity associated with the approved plan or listed species permitting will be reported in the DRI annual report.

Y.(3) Mining and reclamation in the South Fork Little Manatee River watershed shall proceed as specified in the ADA*. Any deviation not specifically required by Manatee County or

permitting agencies with jurisdiction shall trigger a Substantial Deviation determination pursuant to Section 380.06(19) F.S.

- Y.(4) The recreated wetlands as shown on Map I-2C (Exhibit G) shall be incorporated into the Integrated Habitat Network.

Drainage

- Z.(1) The drainage basins in the Lipman Addition* shall be restored to their approximate pre-mining size and location as described in the ADA*. The post-reclamation flood flow peaks shall be in accordance with the rates established in the ADA. The discharge rate shall be in accordance with Chapter 62C-16, F.A.C., requirements.
- Z.(2) All re-created wetlands shall be subject to all the rules, regulations, and policies of local, state, regional, and federal agencies governing wetland areas when such areas meet the definition of "wetland" as specified by the County, FDEP, and ACOE, respectively.
- Z.(3) The re-created wetlands shall be designed to promote seasonal fluctuations of water levels within the freshwater marsh and encourage seasonal inundation of the marsh property. Final grade of the side slopes of the marsh periphery shall meet the requirements established by Manatee County in Ordinance 04-39* or by the Department of Environmental Protection, whichever is more stringent.
- Z.(4) The Developer* shall be responsible for maintaining the water recirculation system and the drainage system, including channels, swales, culverts, erosion protection facilities, and discharge facilities during mining and reclamation. Any transfer of this responsibility from the Developer* to subsequent owners, or assigns, shall require the approval of the appropriate permitting agency.

Water Supply

- AA.(1) There shall be no net increase in the groundwater water demand in excess of the currently permitted volume for the Four Corners Mine* as it pertains to mining in the Lipman Addition*.

Transportation

- BB.(1) All non-public roads, streets, bridges, and other access ways located upon the site shall be constructed and maintained by the Developer* without any cost or obligation to Manatee County.

Mining Operations

- CC.(1) The Developer* shall obtain all the necessary construction and operation permits and approvals required by, and shall fully comply, to the extent not inconsistent with this Development Order with all the provisions of applicable laws, ordinances, rules,

regulations, or requirements of any federal, state, regional, or county governmental authority in connection with the proposed mining activities at the Lipman Addition*.

- CC.(2) The Developer* shall abide by all Florida Department of Environmental Protection (FDEP) 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 a proposed post reclamation zoning district classification of the property.
- CC.(3) The Developer* shall reclaim all mined or disturbed land to FDEP or Manatee County standards, whichever is more stringent. Reclamation and revegetation shall proceed immediately after mining activities cease in each parcel and in no case shall exceed the schedule for reclamation outlined in Table 35-4 of the ADA* (Attached as Exhibit I). The Developer* shall be responsible for maintenance of all reclaimed areas until such time that those areas are approved as reclaimed by Manatee County in accordance with the procedures established in Ordinance 04-39*.
- CC.(6) The Developer shall utilize Best Operating Practices* for all mined or disturbed lands to accelerate and ensure the successful establishment of the natural vegetative associations that the reclamation areas are designed to support. Wherever possible, leach zone material shall be covered by graded spoil to lessen the potential of increased radiation levels on reclaimed lands.
- CC.(7) Reclamation shall be considered complete when completed in accordance with Ordinance 04-39*(the Manatee County Phosphate Mining Code, as amended) and FDEP requirements.
- CC.(8) During the mining and reclamation period, the Developer* shall allow no development or land use activity (such as grazing, farming, tree harvesting) within any newly established 25-Year Floodplains* that would in any way inhibit the growth and development of native vegetation associations appropriate for floodplains.
- CC.(9) The Lipman Addition* shall be reclaimed in such a way that pre-mining groundwater outflows from the surficial aquifer are approximated, taking into account the increased evapotranspiration from the increased wetland areas.
- CC.(10) The Phase II Northeast Tract Addition* shall be reclaimed in such a way that pre-mining groundwater outflows from the surficial aquifer are approximated, taking into account the increased evapotranspiration from the increased wetland areas.
- CC.(11) Radiation standards shall be maintained as follows:
 - a. For the Lipman Addition*, the radiation standards shall be maintained in accordance with Section III.12 of Ordinance 04-39*.

- b. Any building shall be designed and constructed and all reclamation shall be done to provide protection against gamma radiation and radon gas accumulation and emanation in accordance with the most stringent applicable state and federal requirements.
- b. This section shall be subject to any restrictions set forth in Section 553.98, Florida Statutes.

CC.(12) Setbacks shall be in accordance with Ordinance 04-39*.

Air Quality

DD.(1) Best Management Practices, including those identified in the ADA, shall be employed during site preparation, mining, and reclamation to minimize air quality impacts.

Applicable Requirements

EE.(1) The Lipman Tract shall be subject to the requirements of Ordinance 04-39 in the same manner as any new mining operation approval and permitted pursuant to such Ordinance.

GENERAL CONDITIONS (Applicable to the Four Corners Mine*, including Parcels 1, 2, and 3 of the Northeast Tract Phase II Addition*, ± 11 acres within the Jameson Tract, and the Northeast Tract Economic Revision Areas, and the Lipman Addition*.)

- EE.(1) Best Management Practices* (Best Operating Practices for the Lipman Addition*) shall be required for the operation, maintenance, and reclamation of the Four Corners Mine*. Best Management Practices*, including those identified in the ADA, shall be employed during site preparation and construction to prevent soil erosion. Best Management Practices* shall be used to accelerate the natural development of those areas that are intended to support native forested and unforested wetland vegetation associations. Utility and pipeline crossings of the tributaries shall, at a minimum, meet the following:
- a. Pipelines shall be placed above the 25-Year Floodplain* elevation and isolated from tributaries by berms.
 - b. Pipelines shall be jacketed and spill containment areas outside the floodplain shall be provided.
 - c. Pipelines shall be routinely inspected by operating personnel and the system shall be shut down if a spill occurs until the source of the spill is corrected.
 - d. All utility crossings shall be elevated above the 25-Year Floodplain* level 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.

- EE.(2) Due to the mine's location within the Lake Manatee watershed, Best Possible Technology* shall be applied to any portion of the Mine Extension Areas* located within the Lake Manatee Watershed Overlay District.
- EE.(3) Storage of hazardous materials in excess of 220 lbs., or acutely hazardous materials in excess of 2.2 lbs. For any day of the month shall be prohibited within the Lake Manatee Watershed. Furthermore, all hazardous and acutely hazardous material storage shall be prohibited within any 25-Year Floodplain* or 100-Year Floodplain of any inflowing watercourse located within the Lake Manatee Watershed or within 200 feet of the DEP jurisdictional line associated with any inflowing watercourse, whichever is greater. Hazardous and acutely hazardous material shall be as defined and listed in 40 CFR 261 and as adopted within Chapter 62-730, Florida Administrative Code, and Section 403.7, Florida Statutes.
- EE.(4) All of the Developer's* commitments, which were attached as Exhibit F to Ordinance 95-41, those attached to Ordinance 02-58 as Exhibit L, for the Phase II Northeast Tract Addition*, and attached as Exhibit L for the Lipman Addition shall be honored for the Four Corners Mine*, the Mine Extension Areas*, and the Phase II Northeast Tract Addition*, including the Economic Revision Areas*, and the Lipman Addition except as they may be superseded by specific terms of this Ordinance.
- EE.(5) The DRI annual report shall comply with the Florida Department of Community Affairs (DCA) report format and informational requirements, and shall include summaries of NPDES monitoring results and surface water and groundwater quality monitoring results (including notification of violations of water quality standards per Chapter 62-3, FAC); Mining progress; impacts on surface water and groundwater flows; impacts on Lake Manatee (if any); compliance with listed species management plans; success or problems with listed species management plans; reclamation progress and compliance with approved mining and reclamation schedules. The Developer* shall submit annual DRI reports in accordance with Section 380.06(18), F. S., to Manatee County, and the TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, no later than July 31st of each year until such time as terms and conditions of this Development Order are satisfied as determined by Manatee County. Six copies of this report shall be submitted to the Director of Manatee County Planning Department, or the Director's designee, who shall review the report for compliance with the terms and conditions of the Order and may submit an appropriate report to the County Commissioners should the Director decide that further orders and conditions are necessary. The Developer* shall be notified of any board of County Commissioners hearing wherein such report is to be reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver, or change of conditions as to any terms or conditions of this Order. The Planning Director or his/her designee shall notify the Developer in writing upon acceptance or denial of the report. The annual report shall, at a minimum, contain the following:

- a. Any changes in the plan of development, or in the representations contained in the ADA*, or in the phasing for the reporting year and for the next year.
- b. A summary comparison of development activity proposed and actually conducted for the year;
- c. Undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or developer in the Extended Four Corners Mine*;
- d. Identification and intended use of lands purchased, leased, or optioned by the Developer* adjacent to the Four Corners Mine* site since the Development Order was issued;
- e. An assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the ADA* and which have been identified by the local government, the Regional Planning Council, or the Department of Community Affairs as being significant.
- f. Any known incremental DRI applications for development approvals or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year for the Extended Four Corners Mine*;
- g. An indication of a change, if any, in local government jurisdiction for any portion of the development since the Development Order was issued;
- h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
- i. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), F.S.;
- j. A copy of any recorded notice of the adoption of a Development Order or the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), F.S.
- k. Monitoring results pursuant to stipulations B.(1.), C.(2.), C.4), C.(5)a., D.(2)d, E.(3.), G.(2), H.(3), I.(2), K.(1), L.(2), L.(3), L.(4)a., and N.(3);
- l. Any notice of violation for noncompliance for the Extended Four Corners Mine*; and
- m. A copy of the approved Spill Notification, Containment, and Contingency Plan for F-3 shall be submitted to TBRPC in the Annual Report following the County's written approval of said plan. Subsequent updates or revisions to this plan shall also be submitted to TBRPC in the Annual Report following such update or revision.
Completed.

- n. A copy of the approved Spill Notification, containment, and Contingency Plan for F-3B, F-9A, and F-9B shall be submitted to TBRPC in the Annual Report following the County's written approval of each plan. Subsequent updates or revisions to this plan shall also be submitted to TBRPC in the Annual Report following such update or revision.
 - o. A clearance letter from the Manatee County Department of Community Services that any home(s) removed from the site did not qualify as affordable housing or that the applicant has made any required payment to the Manatee County Affordable Housing Trust Fund for the removal of affordable housing.
- EE.(6) Mining under this Development Order shall terminate on December 31, 2018. This Development Order shall not expire until December 31, 2029, or until all reclamation has been completed and accepted by Manatee County, whichever occurs first.
- EE.(7) This Ordinance shall constitute a Development Order issued in accordance with Chapter 380, F.S.
- EE. (8) The Developer* shall, within sixty (60) days after notice by Manatee County of the amount of fees due and owing, pay all fees owed to Manatee County for the review of the Four Corners Mine Lipman Addition*, except those fees in dispute and under review or appeal. Failure to make such payment shall require a cessation of mining activities until payment is made.
- EE.(9) Prior to mining the Land Exchange Area*, that land will be subjected to a historical or archaeology resources survey, the methodology which shall be reviewed and approved by Florida Division of Historical Resources (DHR). Any historical or archaeology resources discovered during the survey will be mitigated, and released by DCA and DHR prior to the mining of the site. Any historical or archaeology resources discovered during mine operation within the 170 Acre Addition*, the Land Exchange Area*, or the Four Corners Mine*, including the Phase II Northeast Tract Addition*, the Economic Revision Areas*, and the Lipman Addition shall be immediately reported to the DHR and the ultimate disposition of such resources shall be determined in cooperation with the DHR, TBRPC, and Manatee County. The agreed upon treatment of the resources shall be completed before activities which would disturb the resources are allowed to continue.
- EE.(10) Those areas within the Four Corners Mine* approved for mining and reclamation may continue to be used for agricultural activities until such time as clearing for mining commences, but at no greater intensity than at present. No silvacultural or agricultural activities shall be initiated on land not currently under such use. The commercial harvest of timber in those areas proposed for mining is permitted, provided that the extent of such timber harvesting is first approved by the Manatee County Environmental Management and Planning Departments.
- EE.(11) Land clearing and commercial timber harvesting in those off-site areas (identified and defined as Conservation Areas*) to be enhanced as donor Florida scrub jay habitat is

permitted, subject to the requirements of Stipulations U. (16), (19), (20), and (22).

EE.(12) There shall be no sale of overburden, sand, or sand tailings from the Four Corners Mine* if those products originated in Manatee County. An equivalent amount of overburden and sand tailings originating in Manatee County shall be used for reclamation within Manatee County. Reject rock from the Four Corners Mine in Manatee County may be sold and transported off-site, subject to the requirements of Stipulation EE.(13) and (14).

EE.(13) In the event that any material other than phosphate rock, including but not limited to, by-product (reject rock), overburden, or sand tailings excavated outside of Manatee County and processed through the Four Corners Mine beneficiation plant is to be marketed for sale and use off the mine site, Mosaic shall obtain written approval from the Environmental Management Department Director prior to selling any such materials.

EE.(14) Trucks hauling reject rock, overburden, or sand tailings from Four Corners Mine and utilizing roadways within Manatee County will not leave the mine during the time that school buses are either picking up or delivering students. The bus schedules are available from the Supervisor of School Bus Operations. The schedules will be reviewed by Manatee County and Mosaic personnel and an appropriate trucking schedule will be settled upon by the parties. The schedule will be distributed to Mosaic operations personnel and scale operators. Before the start of a new school year or summer-school, Mosaic will request notice from the Supervisor of School Bus Operations and adjust the trucking schedule accordingly, with approval from the Environmental Management Department.

EE.(15) All remaining pine trees planted along SR 62 as a buffer for phosphate mining shall remain. The required perimeter ditch and berm system shall be located on the mining side of the pine tree buffer.

Scrub Jay Management Conditions

EE.(16) Mosaic shall conduct reclamation and management activities as proposed in the HMP dated July 2001 on the West Tract Preserve site and the Manatee Wellfield Mitigation site. These activities shall occur during the estimated 30-year life-of-mine permit to ensure that the M4 Florida scrub-jay metapopulation (Stith 1999) on lands controlled or managed by Mosaic does not drop below a quasi-extinction level of ten pairs of Florida scrub-jays (Fitzpatrick et al. 1991, Stith 1999) during the first 10 years of mining and intensive management, or below the 2000 baseline condition of 14 pairs during the following 20 years. This level of incidental take is expressly allowed under scrub-jays at strategic locations on Mosaic lands, which will reduce the long-term likelihood of extinction of the entire M4 metapopulation.

EE.(17) The applicant should avoid the potential of Florida scrub-jays to be injured or killed by heavy equipment, or the destruction of active scrub-jay nests with or without eggs.

EE.(18) The U.S. Fish and Wildlife Service shall be notified of any unauthorized take of Florida scrub-jays.

- EE.(19) Mosaic, within one year of issuance of the USFWS biological opinion and prior to commencement of any mining activities that would disrupt existing Florida scrub-jay habitat, will grant in favor of FDEP a perpetual conservation easement with management requirements over 135 acres of the West Tract Preserve and 200 acres of the Manatee Wellfield site as identified in Maps 9 and 14 of the HMP, respectively, in general accordance with the easement language attached as Exhibit A to the U.S. Fish and Wildlife Service (USFWS) Biological Opinion dated August 6, 2001, and as modified herein. Following the completion of mining and reclamation, the USFWS in coordination with FDEP will identify an additional 365 acres of FFWCC Type I or occupied scrub-jay habitat for dedication of a perpetual conservation easement in favor of FDEP. Both conservation easements outlined within this requirement shall not permit agricultural land use operations that would result in the destruction of Florida scrub-jay habitat (e.g., cattle grazing, timber harvesting, etc.).
- EE.(20) Mosaic shall manage through a combination of mechanical treatments and prescribed fires the potentially suitable occupied Florida scrub-jay habitats on unmined portions of the Four Corners Mine* and the entire Manatee Wellfield Mitigation Site during the life of the mine in accordance with the HMP.
- EE.(21) Mosaic shall be responsible for managing the reclaimed and native HMP habitats, including the Manatee Wellfield site, through the FDEP release of reclaimed HMP habitats, at which time FDEP will assume management responsibilities of the Florida scrub-jay habitat areas identified in Condition U.(19), above.
- EE.(22) No clearing of vegetation will take place within occupied territories on the project site place during the Florida scrub-jay nesting season (typically March 1 through June 30), removing the potential to destroy active nests and kill or injure nestlings.
- EE.(23) Mechanical and fire management can take place in the occupied territories during the scrub-jay nesting season; however, the management area should be carefully inspected to locate any active nests and protect the nests from any kind of management that may occur to prevent "take" of scrub-jay.
- EE.(24) To maximize site fidelity and reproductive success of resident scrub-jays, Mosaic is authorized to provide supplemental food as deemed appropriate.
- EE.(25) Mosaic shall monitor on an annual basis reclaimed scrub sites occupied by scrub-jays, all unmined occupied baseline survey sites on the Four Corners/Lonesome Mine and the Manatee Wellfield, as identified in the HMP, with sufficient intensity to document a) the response of the scrub-jay habitat management units to all reclamation, restoration and management activities, and b) the distribution and status of the resident Florida scrub-jay population on each of these management units. Monitoring of these areas shall continue on an annual basis until such time as a minimum population of 14 pairs of scrub-jays are documented to be present on Mosaic lands for three consecutive years, at which time monitoring can be reduced to every other year for the remaining life of the 30-year permit, so long as 14 pairs are present. If 28 families or more are documented with the project area

during the last ten year period, monitoring can be reduced to once every 5 years, so long as presence/absence surveys show 20 families or more present. Monitoring reports shall be submitted within 120 days of completing the field work (described below) in each calendar year to the USFWS, 6620 Southpoint Drive South, Jacksonville, FL 32216, with a copy to the Manatee County Environmental Management and Planning Departments. Monitoring reports should reference USFWS permit number, include a copy of the permit document and the following information:

A. Florida scrub-jay Habitat Management Units.

1. A description of all work completed on upland management units since the previous report, or since the permit was issued (initial monitoring report). Indicate on maps or figures those management units where work has been completed.
2. A description of all work proposed on upland habitat units in the next year. Indicate on map figures those management units where work is proposed.
3. For each management unit, Mosaic shall establish a representative sample of permanent photo stations. The photographs taken at these stations will include date taken, station number and contain a 3.0 meter stake as a reference point. Baseline photographs will be taken prior to all major management activities.

B. Florida scrub-jay Populations

1. Mosaic shall conduct in March of each year a survey of all management units of adequate intensity to determine the status of each Florida scrub-jay family, including the number of non-breeding helpers with each pair and the approximate size and configuration of each territory.
2. Mosaic shall prepare and include in the monitoring report a table summarizing the known history of each scrub-jay family through time, including and movements or changes in family composition (see Conservation Recommendations), and corresponding maps identifying the location of each territory.
3. Mosaic shall maintain a minimum of 10 pairs of Florida scrub-jays on the Mosaic property during the first 10 years of mining and a minimum of 14 pairs during the following 20 years (minimum population standard). If Mosaic can document through banding and/or radiotelemetry studies that scrub-jays dispersing from Mosaic property have successfully established a territory or paired with a jay on a territory off-site and contributed to the M4 metapopulation, these jays will count towards the minimum population standard. If, as a result of mining activities, the Mosaic Florida scrub-Jay population drops below the minimum population standard in any year, then Mosaic in coordination with the USFWS will develop an appropriate action plan to remedy the population standard shortfall by the following nesting

season. If the minimum population standard is not achieved within two nesting seasons following the reported shortfall, then Mosaic shall immediately cease mining of occupied Florida scrub-jay habitat and reinitiate Section 7 consultation.

4. If a dead Florida scrub-jay is found on the project site, the specimen should be thoroughly soaked in water and frozen, and the applicant should notify the USFWS Jacksonville Field Office immediately, at 904-232-2580.

EE.(26) Land clearing associated with mining activities in those areas containing existing Florida scrub jay habitat (identified as reclamation blocks to occur in 2007, 2011, and 2012 on Map I-4A and reclamation blocks to occur in 2009, 2021, and 2024 on Map I-4B), shall not commence until the 200 acre Manatee Wellfield site and the 135 acre West Tract Preserve are prepared to be suitable and verified by USFWS as acceptable as donor habitat for Florida scrub-jays, in accordance with the Scrub Jay Management Plan*.

EE.(27) The applicant shall work cooperatively and proactively with the Florida Turnpike Authority in the event an alignment of the Coast to Coast Turnpike is sited through properties owned or controlled by the applicant in this or any other DRI.

SECTION 7. LEGAL DESCRIPTION.

The following legal descriptions of the development site covers only the Manatee County portion of the Four Corners Mine, although the original DRI also included areas in Hillsborough County. The Hillsborough County portions are the subject of a separate development order issued and amended by Hillsborough County.

PHASE II MINE ADDITION AREAS

In Township 33 South, Range 22 East, Manatee County, Florida:

Parcel 3:

SECTION 7: That part of Section 7 described as: begin at the southwest corner of Section 7 and run thence south 88°10' 22" east along the south boundary of the section 3,577.32 feet, thence north 1,411.38 feet, thence north 89° 36' 59" west 3,577.38 feet, more or less, to the west boundary of Section 7, and thence south along the west boundary of the section 1,411.38 feet to the point of beginning.

In Township 33 South, Range 21 East, Manatee County, Florida:

Parcel 1

SECTION 9: The east ½.

SECTION 10: The west ¼.

Parcel 3

SECTION 11: The SE ¼ of the SE ¼.

SECTION 12: All, LESS the south 279.76 feet of the east 2,570 feet of Section 12, and LESS the north 1751 feet of section 12. (The south boundary of the north 1751 feet of Section 12 is a line beginning at a point on the east boundary lying 1751 feet south of the northeast corner of Section 12, running north 89° 36' 59" west 4,771.01 feet, more or less, to a point on the west boundary of the section lying 1751 feet south of the northwest corner of the section.)

Parcel 2

SECTION 15: The north ¾ of the east ¼.

Lipman Addition

SECTION 1:

Begin at the intersection of the west boundary of section 1 and the south boundary of the north 1501 feet of the NW1/4; thence S89°34'50"E along the south boundary of the north 1501 feet of the NW1/4 a distance of 2595.00 feet to the intersection with the west boundary of NW1/4 of NE1/4; thence S03°18'31"E 6.01 feet; thence S82°55'46"W 15.29 feet; thence S82°28'41"W 16.23 feet; thence S39°35'50"W 35.20 feet; thence S70°18'19"W 29.67 feet; thence S37°07'52"W 16.46 feet; thence S82°33'40"W 21.24 feet; thence S07°41'20"W 25.23 feet; thence S12°11'38"W 40.54 feet; thence S34°45'40"W 48.23 feet; thence S49°40'32"W 64.52 feet; thence S56°33'01"W 57.83 feet; thence S54°39'11"W 71.95 feet; thence S61°36'25"W 60.46 feet; thence S57°25'45"W 24.84 feet; thence S57°35'43"W 24.73 feet; thence S50°13'26"W 31.07 feet; thence S21°38'36"W 37.79 feet; thence S11°24'02"E 27.03 feet; thence S11°22'27"E 16.32 feet; thence S50°42'54"W 55.47 feet; thence S52°22'58"W 22.53 feet; thence S67°57'21"W 35.64 feet; thence S68°25'43"W 5.78 feet; thence S21°30'41"E 14.91 feet; thence S78°32'45"W 19.51 feet; thence S66°53'25"W 26.43 feet; thence S57°15'53"W 8.32 feet; thence S57°08'00"W 41.00 feet; thence S59°49'25"W 51.48 feet; thence S53°33'32"W 53.45 feet; thence S69°43'43"W 57.37 feet; thence S74°48'38"W 42.94 feet; thence S60°47'29"W 49.69 feet; thence S61°49'42"W 63.81 feet; thence S80°37'60"W 55.30 feet; thence S81°33'05"W 61.26 feet; thence S70°54'23"W 13.76 feet; thence S71°24'16"W 10.58

feet; thence S70°57'33"W 23.37 feet; thence S52°24'59"W 14.55 feet; thence S52°08'52"W 6.93 feet; thence S81°06'14"W 36.37 feet; thence N82°05'53"W 20.00 feet; thence N82°11'46"W 24.86 feet; thence N89°30'19"W 14.47 feet; thence N88°15'05"W 12.29 feet; thence S84°27'16"W 6.47 feet; thence S84°52'33"W 32.19 feet; thence N39°53'22"W 10.92 feet; thence S81°32'19"W 15.29 feet; thence S41°51'55"W 21.82 feet; thence S44°25'17"W 21.88 feet; thence S10°20'28"W 26.81 feet; thence S45°25'57"W 46.85 feet; thence S10°04'22"W 19.30 feet; thence S18°34'34"W 24.13 feet; thence S18°29'54"W 8.96 feet; thence S44°45'37"W 42.25 feet; thence S20°25'15"W 43.35 feet; thence S30°11'02"W 14.17 feet; thence S30°13'23"W 30.67 feet; thence S39°02'29"W 6.60 feet; thence S38°58'09"W 33.44 feet; thence S51°14'54"W 73.09 feet; thence S51°42'24"W 45.79 feet; thence S81°39'51"W 8.62 feet; thence S82°00'51"W 33.29 feet; thence N83°43'45"W 11.44 feet; thence N83°58'07"W 41.64 feet; thence N84°05'16"W 9.71 feet; thence S60°28'02"W 33.47 feet; thence S42°13'38"W 7.77 feet; thence S42°11'54"W 23.96 feet; thence S40°18'10"E 22.13 feet; thence N85°44'50"W 64.05 feet; thence N87°36'51"W 15.01 feet; thence N83°34'53"W 70.44 feet; thence N79°22'32"W 65.08 feet; thence N79°28'36"W 73.23 feet; thence N79°59'55"W 65.50 feet; thence N81°09'43"W 65.09 feet; thence N80°29'35"W 65.84 feet; thence N00°11'15"E 57.38 feet; thence N88°42'46"W 22.26 feet; thence S89°23'21"W 35.19 feet; thence N84°53'58"W 44.99 feet; thence S87°47'12"W 6.47 feet; thence S87°47'12"W 6.47 feet; thence N87°34'20"W 53.11 feet; thence S78°30'12"W 7.53 feet; thence S11°38'02"W 8.68 feet; thence S11°46'07"W 32.18 feet; thence S53°54'06"W 7.43 feet; thence S31°54'11"W 22.23 feet; thence S18°55'37"W 48.36 feet; thence S14°15'43"W 30.83 feet; thence S14°15'14"W 8.00 feet; thence S07°00'21"W 7.43 feet; thence S06°57'07"W 30.73 feet; thence S12°01'00"W 44.73 feet; thence S10°00'17"W 56.48 feet; thence S13°06'31"W 22.46 feet; thence S13°08'19"W 27.08 feet; thence S10°18'58"W 73.82 feet; thence S09°11'32"W 69.64 feet; thence S41°39'15"W 28.78 feet; thence S11°10'53"E 5.48 feet; thence S11°22'22"E 11.09 feet; thence S06°16'40"W 18.86 feet; thence S20°18'52"W 7.08 feet to the west boundary of section 1; thence N05°56'46"W along the west boundary thereof 1584.55 feet to the Point of Beginning.

SECTION 2:

Begin at the intersection of the east boundary of section 2 and the south boundary of the north 1501 feet of the NE1/4; thence S05°56'46"E along the east boundary thereof 1584.68 feet; thence S20°18'52"W 48.37 feet; thence S29°49'19"W 46.25 feet; thence S29°19'55"W 15.06 feet; thence S30°37'49"W 22.08 feet; thence S39°52'22"W 20.52 feet; thence S30°18'03"W 46.76 feet; thence S30°21'51"W 105.47 feet; thence S31°18'08"W 39.94 feet; thence S37°44'05"W 44.73 feet; thence S23°27'42"W 26.84 feet; thence S31°21'03"W 30.15 feet; thence S32°21'29"W 38.77 feet; thence S21°25'53"W 14.37 feet; thence S05°34'09"W 25.12 feet; thence S02°50'17"W 29.04 feet; thence S00°35'55"W 47.88 feet; thence S00°00'01"W 40.50 feet; thence S04°11'45"E 34.59 feet; thence S04°12'45"E 14.04 feet; thence S02°20'07"E 47.54 feet; thence S09°12'08"E 22.67 feet; thence S01°17'06"E 39.01 feet; thence S03°37'57"E 15.78 feet; thence S03°36'33"E 80.41 feet; thence

S02°13'23"E 78.93 feet; thence S06°02'29"E 17.22 feet; thence S00°00'01"W 44.62 feet; thence S05°18'07"E 96.04 feet; thence S03°39'54"E 40.08 feet; thence S03°41'37"E 45.59 feet; thence S06°37'47"E 102.31 feet; thence S15°15'17"E 74.11 feet; thence S33°02'43"E 13.87 feet; thence S30°26'54"E 10.73 feet; thence S24°31'02"E 76.66 feet; thence S27°38'18"E 62.65 feet; thence S44°59'60"E 30.23 feet; thence S64°36'20"E 67.04 feet; thence S71°21'25" E 54.35 feet; thence S71°41'40" E 8.76 feet; thence S13°48'46"E 31.15 feet; thence S13°22'39"E 34.31 feet; thence S10°43'35"E 65.65 feet; thence S10°42'10"E 52.67 feet; thence S04°13'04"W 17.42 feet; thence S02°16'58"W 8.63 feet; thence S02°22'29"W 25.65 feet; thence S24°49'21"E 36.77 feet; thence S12°22'04"E 67.70 feet; thence S17°48'08"E 89.54 feet; thence S15°09'16"W 6.22 feet; thence N69°35'36"E 15.00 feet; thence S14°27'52"E 9.92 feet; thence S28°32'30"W 18.64 feet; thence S72°51'34"W 14.00 feet; thence S22°51'28"W 25.50 feet; thence S22°49'06"W 5.56 feet; thence S21°36'24"W 37.51 feet; thence S30°21'52"W 28.68 feet; thence S06°51'02"W 19.39 feet; thence S10°30'17"E 19.20 feet; thence S09°13'49"W 10.13 feet; thence S35°42'00"E 28.17 feet; thence S08°20'05"E 27.16 feet; thence S09°13'41"W 40.14 feet; thence S01°04'53"W 13.25 feet; thence S47°06'33"W 15.61 feet; thence S68°05'48"W 13.07 feet; thence S68°28'04"W 9.88 feet; thence S59°16'09"W 17.12 feet; thence S 59°05'28"W 16.79 feet; thence S21°03'52"W 57.73 feet; thence S 31°06'58"W 165.57 feet; thence S36°49'02"W 54.18 feet; thence S 36°52'12"W 9.22 feet; thence S16°04'31"W 83.52 feet; thence S 37°27'11"W 49.13 feet; thence S26°46'35"W 75.89 feet; thence S 33°02'53"W 87.39 feet; thence S63°34'33"W 51.12 feet; thence S 31°30'45"W 67.74 feet; thence S19°33'10"W 31.13 feet; thence N 88°52'48"W 2074.60 feet to the intersection with the west boundary of E1/2 of section 2; thence N05°25'04"W along the west boundary thereof 4449.82 feet to the intersection with the south boundary of the north 1501 feet of NE1/4 of section 2; thence S89°37'30"E along said south boundary of the north 1501 feet of NE1/4 a distance of 2676.51 feet to the Point of Beginning.

EXISTING FOUR CORNERS MINE DRI:

In Township 33 South, Range 22 East, Manatee Co. (Jameson Tract)

- Section 1:** All [That portion of Section 1 lying south and east of Brewster Parrish Road (SR 37)] shall also be known as the Land Exchange Area*.
- Section 2:** All.
- Section 3:** All.
- Section 4:** All.
- Section 9:** All.
- Section 10:** All.
- Section 11:** All lying N and W of Brewster-Parrish Road (SR 37).
- Section 15:** All lying N and W of Brewster-Parrish Road (SR 37).
- Section 16:** All less and except the NW ¼, and except that portion of the SE ¼ of the SE ¼ lying SE of the SR 37.

In Township 33 South, Range 21 East, Manatee County (Northeast Manatee Tract)

- Section 1:** W ½ of the NE ¼ and the N 1501' of the NW ¼.
- Section 2:** W ½ and the N 1501' of the E ½.
- Section 3:** All.
- Section 4:** All.
- Section 10:** E ¾.
- Section 11:** W ½.
- Section 13:** All, less and except the E 2570' thereof.
- Section 14:** All.
- Section 15:** W ½ of the NE ¼ and the NW ¼ of the SE ¼.
- Section 23:** All lying N of Parrish-Wauchula Road (SR 62), less and except the SW ¼ of the NW ¼, and less the NW ¼ of the NW ¼ of the SW ¼ and less the S ½ of the NW ¼ of the SW ¼.
- Section 24:** All lying N of the Parrish-Wauchula Road (SR62), less and except the E 2570' thereof.
- Section 26:** That portion lying N on the Parrish-Wauchula Road.

CHANGES TO THE JAMESON TRACT:

The following changes are incorporated into the above description:

170 ACRE ADDITION:

Section 10, Township 33 S, Range 22 E: The SE ¼ of the SW ¼, and the SW ¼ of the SE ¼.

Section 15, Township 33 S, Range 22 E: From the NE corner of Section 15 run thence N 88°39'09" W 1321.10' to a point of beginning; thence continue N 88°39'09" W 2088.90'; thence S 05°01'09" E 2884.00' to a point on the Westerly Right of Way line of Brewster-Parrish Road (SR 37); thence N 45°33'54" E 2565.00'; thence N 00°11'54" E 1028.06' to the point of beginning.

CHANGES TO THE NORTHEAST TRACT:

Lipman Exchange Area (Removed from Mine):

IN SECTION 1 TOWNSHIP 33 SOUTH, RANGE 21 EAST, MANATEE COUNTY, FLORIDA, being more particularly described as follows:

Commence at the intersection of the west boundary of the NE1/4 and the south boundary of the north 1501 feet of the section; thence proceed S03°18'31"E along the west boundary of said NE1/4 a distance of 232.56 feet to the Point of Beginning, thence N66°00'47"E 17.68 feet; thence N78°59'34"E 105.06 feet; thence S88°08'04"E 128.71 feet; thence S78°30'19"E 136.74 feet; thence S63°02'23"E 172.44 feet; thence N89°50'00"E 120.27 feet; thence

S78°04'00"E 59.29 feet; thence S71°02'44"E 76.04 feet; thence S76°52'19"E 224.46 feet; thence N86°26'03"E 283.66 feet to the intersection with the east boundary of the west 1\2 of the NE 1\4 said section 1; thence S01°59'34"E along said east boundary of the west 1\2 of the NE 1\4 a distance of 1472.16 feet to the SE corner of the west 1\2 of the NE1/4; thence N89°35'38"W along the south boundary of the west 1\2 of the NE1/4 a distance of 1245.39 feet to the SW corner of the west 1\2 of the NE1/4; thence N03°18'31"W along the west boundary of the west 1\2 of the NE1/4 a distance of 1617.46 feet to the Point of Beginning.

The total amounting to 11,416 acres, more or less.

SECTION 8. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT

Physical development of the project is currently in operation, such that the Chapter 380.06 F.S. requirements for the commencing of development have been met.

SECTION 9. RESTRICTIONS ON DOWN-ZONING

The County may not down-zone the subject property described in Section 7 herein until 2018, unless County can demonstrate that:

- A. Substantial changes in the condition underling the approval of the order have occurred; or
- B. The order was based upon substantially inaccurate information provided by the Developer; or
- C. The change is clearly established by the County to be essential for the public health, safety, or welfare.

Any down-zoning or reduction in intensity shall be effected only through the usual and customary procedures required by statute and/or ordinance for change in local land development regulations.

For the purposes of this order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the developer by this order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density of the Development, but is included herein to comply with Paragraph 380.06(15)l3, F.S.

SECTION 10. BINDING ORDER UPON DEVELOPER.

That this order shall be binding upon the Developer, its successors, assigns, or successors in interest.

SECTION 11. RENDITION.

The Planning Department is hereby directed to send certified copies of this Development Order within thirty (30) days of the approval by the Board of County Commissioners of this Development Order to the Developer*, the Florida Department of Community Affairs, and the TBRPC.

SECTION 12. COMPLIANCE WITH CODES, ORDINANCES.

All development undertaken pursuant to this order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except to the extent such is inconsistent with the rights granted under this Development Order.

SECTION 13. NOTICE OF RECORDING.

The Developer* shall record a notice of adoption of this Development Order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department a copy of the recorded notice.

SECTION 14. SEVERABILITY.

It is the intent of this Ordinance to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such provision or portion shall be deemed null and void, but all remaining provisions and portions of this Ordinance shall remain in full force and effect.

SECTION 15. PURPOSE AND INTENT.

This Ordinance replaces and supercedes Ordinance 02-58, in its entirety.

SECTION 16. EFFECTIVE DATE.

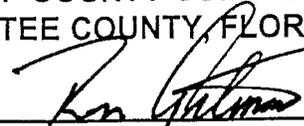
This Ordinance shall become effective upon filing of a certified copy with the Department of State; provided, however, that the filing of a notice of Appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this Development Order, until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 02-58, during the pendency of any appeal.

SECTION 17. RECONCILE INTO ONE DOCUMENT

This Development Order represents a codification of the existing approval for the project integrating those changes proposed in this Substantial Deviation and approved by the Board of County Commissioners into a single Development Order and is for administrative convenience.

ADOPTED AND APPROVED with a quorum present and voting this 27th day of September, 2005.

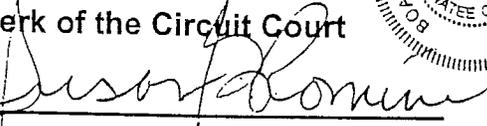
BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA



Chairman



ATTEST: R. B. SHORE
Clerk of the Circuit Court

By: 

RS

Ordinance 05-42 List of Exhibits

- Exhibit A. Map H-1C (Mining Sequence, 1-13-05)
- Exhibit B. Reserved
- Exhibit C. Map 10C (Land Ownership, 1-20-05)
- Exhibit D. Map A (Location of Changes, 1-13-05)
- Exhibit E. Reserved
- Exhibit F. Map H-3c (Mined/Disturbed Land, Lipman Addition 1-13-05)
- Exhibit G. Maps I-1c and I-2c (Post Reclamation Land Use, 5-06-05 and Post Reclamation Topography, 11-01-04)
- Exhibit H. Maps 9C and 2B-R (Reclamation Schedule for Lipman Addition, 11-01-04, and Reclamation Plan, 11-01-04)
- Exhibit I. Table 35-4 (Reclamation Schedule, Phase II ADA)
- Exhibit J. Table 12-1 (Land Use, Lipman Addition, 5-06-05,)
- Exhibit K. Table 35-1 (Mined and Disturbed Areas, 3-21-05)
- Exhibit L. Developer's Commitments – Phase II NE Tract Addition and Lipman Addition

EXHIBIT L

DEVELOPER COMMITMENTS FOUR CORNERS MINE PHASE II NORTHEAST TRACT ADDITION

The following commitments have been made by, or on behalf of, the applicant in the Application for Development Approval (ADA), the first Sufficiency Response (SR1), the second Sufficiency Response (SR2), or the third Sufficiency Response (SR3). In instances where the applicant may have proposed recommended Development Order condition language, the language may have been included in this list of commitments. These commitments must be taken in the context of the section or question being responded to in the ADA and Sufficiency Responses.

This list of Developer Commitments includes all those identified in the ADA and sufficiency responses for Parcels 1, 2, 3, and 4 of the Phase II Northeast Tract Addition*. All references to Parcel 4 are not applicable as Developer Commitments for this Ordinance.

GENERAL

1. The following currently-approved Manatee County Master Mining Plan or DRI elements of the Four Corners Mine are not proposed to be changed: (ADA/Page 10-4)
 - the currently approved mine water use (SWFWMD WUP);
 - the method of mining used (e.g., impacts on air, noise, radiation, energy use, etc.);
 - materials disposal method;
 - the source of police, fire, and emergency medical services;
 - beneficiation plant capacities (e.g., impacts on methods of product shipment); and
 - reclamation plan for Jameson tract.
2. As shown on the maps and tables, the post-reclamation vegetative cover will include a significant increase in the acreage of upland and wetland natural systems. Agricultural lands (e.g., pasture and crop land) will decrease by approximately 874 acres, or 59 percent (ADA/Page 10-9, as revised by SR3/Table 12-1).
3. Following the temporary use of the land for phosphate mining, the [designated] land use will revert to agricultural after the reclamation phase of the project is completed. (ADA/Page 10-10).
4. MOSAIC requests approval of mitigation ratios of 2.07 acres of created forested wetlands and 2.13 acres of created herbaceous wetlands for each acre of existing wetlands of the same type to be disturbed. (ADA/Page 10-20 as revised by SR3/Table 13-1).
5. The Four Corners Mine Additions Phase II project will not subject the public to radiological or other adverse impacts. (ADA/Page 10-37).

6. Mosaic employs the staged-settling waste disposal procedure to minimize the acres required for clay settling areas. This procedure involves alternating filling and drying a clay settling area over several years to more efficiently store the clay. This process will be used on the Altman and N.E. Tracts. (ADA/Page 10-37).
7. Following mining and reclamation of the site, the surface water drainage patterns and storm water runoff intensity and duration will be returned to essentially pre-mining conditions. In addition, potential future use of surface water resources may be made available through the reclamation lakes proposed to be constructed on the N.E. Tract. (ADA/Page 10-40).
6. All pipelines will be double-cased with proper spill protection systems included. (SR1/Page AI-45).

ECONOMY

The proposed project will not require expenditures for the development of new public facilities or the expansion of current facilities (ADA/Page 10-30).

VEGETATION AND WILDLIFE

1. A principle objective of the reclamation plan will be the development of a large integrated natural system on Parcel 4 that will extend the Horse Creek corridor upstream from Mosaic's other similar efforts along Horse Creek downstream in Hardee County. This area will be reclaimed as a mixture of forested wetlands and herbaceous and shrub marshes, surrounded by upland forests, palmetto prairies, and xeric communities (ADA/Page 10-9).
2. Table 12-1 illustrates that a significant acreage of natural systems will be revegetated on each of the parcels and that the acreage of land vegetated by improved pasture grass species will decrease significantly. No irrigation systems are required or planned (ADA/Page 10-18 & SR3/Page 1-10).
3. The plant communities that will remain undisturbed throughout the mining and reclamation periods are shown using an outlined symbol on the F-series vegetation maps and the H-series mine plan maps. These areas follow the concept contained in current approvals, in that the main stream channels will be undisturbed where they are forested systems (ADA/Page 12-12).
4. In the event any listed species are observed breeding or nesting, in an area to be cleared, Mosaic will contact FFWCC and implement the recommended measures for species protection (ADA/Page 12-21).
5. Mosaic will report in the DRI annual report all implementation activity associated with the approved Plan or listed species permits (ADA/Page 12-22).

6. Listed species observed in plant communities that are proposed to be left undisturbed will not be relocated. In these communities, Mosaic will protect listed species by maintaining the viability of the vegetative community and precluding public access (ADA/Page 12-22).
7. The prime protection for birds will be to protect their nesting areas and to restrict clearing activities to the non-nesting season for selected species (ADA/Page 12-22).
8. Mosaic will reclaim the Altman Tract to a mosaic of upland and wetland natural systems that will provide over 2,000 acres of wildlife habitat in addition to the natural systems that have been or are currently being reclaimed on the adjacent mined land in Hardee County (ADA/Page 12-23).
9. A pre-clearing survey of the deeper water areas (Horse Creek and Little Manatee drainages) will be conducted prior to mining (ADA/Page 12-24).
10. Pre-clearing vehicular and pedestrian transects will be conducted in all upland habitats (ADA/Page 12-24).
11. Prior to clearing, appropriate habitats for the nesting of designated species will be surveyed (ADA/Pages 12-25 - 12-29).
12. Native species will be utilized in reclaiming natural systems and mitigation areas (SR1/AI-30).
13. Prescribed fire plans will be developed for each management unit and a natural fire regime of approximately two to three years in the flatwoods and approximately ten years in the xeric oak community will be established (SR1/AI-38).
14. A total of 700 acres of scrub jay habitat on Mosaic property is proposed for perpetual conservation easements with management [in Manatee and Hillsborough Counties] (SR1/Page AI-38).
15. Mosaic is committing to maintaining exotic and nuisance species in the proposed mitigation wetlands to less than 10 percent relative cover in the ground cover and less than 10 percent of the total trees in the canopy (SR1/Page AI-44).
16. Mosaic maintains vegetated preserves consistent with the Integrated Habitat Network that provide wildlife corridors for these [listed] species to safely move to adjacent habitats (SR1/Page AI-83).
17. Proposed side slopes for reclaimed marshes will approximate the slopes found on existing [surveyed] marshes... and will generally range from 40:1 to 500:1:(SR1/Page AI-91).
18. Recreated habitats will be located adjacent to preserved plant communities of the same type to encourage natural revegetation and wildlife recruitment (SR1/Page AI-158).

19. Upon completion of reclamation, Mosaic has offered - and USFWS has accepted - the placement of perpetuity conservation easements over the best xeric oak scrub and certain pine flatwoods (up to 700 acres) within the project. Mosaic will be responsible for the management of the conservation easement areas during the mining operations through reclamation release, then the Florida Department of Environmental Protection assumes reclamation responsibility for perpetuity management (SR2/Page 2-30).

To implement the HMP, Mosaic will complete and adhere to the terms and conditions listed below (#20 - #28):

20. Mosaic, within one year of issuance of USFWS biological opinion, will grant in favor of FDEP a perpetual conservation easement with management requirements over 200 acres of the Manatee Wellfield site as identified in Map 14 of the HMP, respectively, in general accordance with the easement language in Exhibit A. Following the completion of mining and reclamation, the Service in coordination with FDEP will identify an additional 365 acres of FFWCC Type I or occupied scrub-jay habitat for dedication of a perpetual conservation easement in favor of FDEP (SR2/Page 2-41).
21. Mosaic shall manage through a combination of mechanical treatments and prescribed fires the potentially suitable occupied Florida scrub-jay habitats on unmined portions of the Mine Site and the entire Manatee Wellfield Mitigation Site during the life of the mine in accordance with the HMP (SR2/Page 2-41).
22. Mosaic shall be responsible for managing the reclaimed and native HMP habitats, including the West Tract Preserve and the Manatee Wellfield site, through the FDEP release of reclaimed HMP habitats, at which time FDEP will assume management responsibilities of the Florida scrub-jay habitat areas identified in [Item 24] above (SR2/Page 2-41).
23.
 - A. No clearing of vegetation will take place within occupied territories on the project site place during the florida scrub-jay nesting season (typically March 1 through June 30), removing the potential to destroy active nests and kill or injure nestlings (SR2/Page 2-41).
 - B. Mechanical and fire management can take place in the occupied territories during the scrub-jay nesting season; however, the management area should be carefully inspected to locate any active nests and protect the nests from any kind of management that may occur to prevent "take" of scrub-jays (SR2/Page 2-41).
24. Mosaic will try to band all Florida scrub-jays on their Four Corners Mine and the Manatee Wellfield properties using unique color combinations to track the status of individuals. Mosaic should consider radio telemetry on at least a subset of the translocated jays (SR2/Page 2-41).
25. Mosaic shall monitor on an annual basis reclaimed scrub sites occupied by scrub-jays, all unmined occupied baseline survey sites on the Four Corners/Lonesome Mine and the Manatee Wellfield, as identified in the HMP, with sufficient intensity to document a) the

response of the scrub-jay habitat management units to all reclamation, restoration and management activities, and b) the distribution and status of the resident Florida scrub-jay population on each of these management units. Monitoring of these areas shall continue on an annual basis until such time as a minimum population of 14 pairs of scrub-jays are documented to be present on Mosaic lands for three consecutive years, at which time monitoring can be reduced to every other year for the remaining life of the 30-year permit, so long as 14 pairs are present. If 28 families or more are documented within the project area during the last ten year period, monitoring can be reduced to once every 5 years, so long as presence/absence surveys show 20 families or more present. Monitoring reports shall be submitted within 120 days of completing the field work (described below) in each calendar year to the USFWS and Manatee County (SR2/Pages 2-41 - 2-42).

A. Scrub-jay Habitat Management Units

- i. A description of all work completed on upland management units since the previous report, or since the permit was issued (initial monitoring report). Indicate on maps or figures those management units where work has been completed (SR2/Page 2-42).
- ii. A description of all work proposed on upland habitat units in the next year. Indicate on map or figures those management units where work is proposed (SR2/Page 2-42).
- iii. For each management unit, Mosaic shall establish a representative sample of permanent photo stations. The photographs taken at these stations will include date taken, station number and contain a 3.0 meter stake as a reference point. Baseline photographs will be taken prior to all major management activities (SR2/Page 2-42).

B. Florida scrub-jay Populations

- i. Mosaic shall conduct in March of each year a survey of all management units of adequate intensity to determine the status of each Florida scrub jay family, including the number of non-breeding helpers with each pair and the approximate size and configuration of each territory (SR2/Page 2-42).
- ii. Mosaic shall prepare and include in the monitoring report a table summarizing the known history of each scrub-jay family through time, including any movements or changes in family composition (see Conservation Recommendations), and corresponding maps identifying the locations of each territory (SR2/Page 2-42).

26. Mosaic shall maintain a minimum of 10 pairs of Florida scrub jays on the Mosaic property during the first 10 years of mining and a minimum of 14 pairs during the following 20 years (minimum population standard). If Mosaic can document through banding and/or radio telemetry studies that scrub-jays dispersing from Mosaic property have successfully

established a territory or paired with a jay on a territory off-site and contributed to the M4 metapopulation, these jays will count towards the minimum population standard. If, as a result of mining activities, the Mosaic Florida scrub-jay population drops below the minimum population standard in any year, then Mosaic in coordination with the USFWS will develop an appropriate action plan to remedy the population standard shortfall by the following nesting season. If the minimum population standard is not achieved within two nesting seasons following the reported shortfall, then Mosaic shall immediately cease mining of occupied Florida scrub-jay habitat and reinitiate section 7 consultation (SR2/Page 2-42).

27. Translocation of scrub jays is recommended in order to minimize take resulting from the mining of occupied habitat and to establish scrub jays on the Manatee Wellfield and at suitable reclaimed sites on Mosaic property. Translocation should follow the protocol established by Mumme and Below (1995, 1999), as outlined in the HMP. As detailed in the biological opinion, the Service recognizes that both the "do nothing" and the "maximum on-site preservation/restoration" alternatives pose substantially greater risks to the long-term viability of the M4 metapopulation than the combination "reclamation/Manatee Wellfield" alternative proposed in the HMP. However, this preferred alternative will require time to establish a source population through natural recruitment, immigration and potentially experimental translocations from the mine site or elsewhere (SR2/Page 2-42).
28. Mosaic will work cooperatively with Manatee County and the Southwest Florida Water Management District (SWFWMD) regarding management of their scrub habitat to the north and south, respectively, of the Manatee Wellfield site (SR2/Page 2-42).
29. No natural slopes equal to or exceeding 26.5 degrees are proposed to be altered during the project development process, nor will any be created. (SR2/Page 4-8).
30. [The applicant's suggested a Development Order Condition:] Mosaic will follow the USFWS/FFWCC Bald Eagle Management Plan (Site MN-08) for any and all bald eagle nests on site. If the eagles move the existing nest, the Management Plan will be updated accordingly to the USFWS/FFWCC rules. If the site is officially abandoned by USFWS/FFWCC, then Mosaic may mine the site. The nest status will be reported in the Annual Report (SR3/Pages 2-5 - 2-6).
31. Mosaic will attempt re-establish the wild coco specimens found by direct transplanting of the plants to similar reclaimed or preserved areas (SR3/Page 2-8).

WETLANDS

1. Table 13-1 illustrates that Mosaic will avoid disturbing half of the forested wetlands subject to FDEP jurisdiction within Area 4 (ADA/Page 10-19).
2. Riverine resources are depicted on or adjacent to the Northeast Tract (e.g. the Little Manatee River). This significant wetland riverine system will remain undisturbed as shown on Map H-1B, with the exception of the approved access corridor crossing (ADA/Page 10-31).

3. As shown on Map F-2A, the headwater channel of Horse Creek along with two adjacent, relatively large bay swamps, will be avoided (ADA/Page 13-5).
4. Areas proposed to be avoided are shown on Maps F-2A, F-2B, H-3A and H-3B. A total of 322 acres of FDEP jurisdictional wetland area will be left unmined (ADA/Page 13-6 as revised by SR3/Table 13-1).
5. A combination of techniques will be used to protect unmined wetlands during mining and reclamation activities, including buffers, vegetated perimeter berms, and recharge ditches adjacent to all undisturbed wetlands (ADA/Page 13-6).
6. The types of wetlands proposed to be disturbed will be mitigated in kind and consist of wetlands that the U.S. Army Corps of Engineers and FDEP and other Florida agencies readily acknowledge are reclaimable following phosphate mining (ADA/Page 13-8).
7. Mitigation for parcels 1, 2, and 3 will be integrated into the regional post reclamation landscape of the N.E. Tract (ADA/Page 13-8).
8. If muck is not available, herbaceous wetlands will be planted with a diverse array of native plant species at a density of up to 4,800 plants per acre (i.e. 3-foot centers). Forested systems will be planted with trees at a density of up to approximately 600 trees per acre (i.e. 8-foot centers). Species proposed for planting will be selected on the existing or historic character of the lands being mined (ADA/Page 13-8).
9. The reclamation plan will eliminate ditching in the post reclamation landscape both within Phase II parcels and in the surrounding areas (ADA/Page 13-8).
10. Following mining, the land adjacent to all wetlands, whether avoided or created, will be reclaimed to natural systems that will act as buffers between the wetlands and crop and pasture lands (ADA/Page 13-9).
11. Limits of disturbance lines, as shown on Maps F-2A and B, will be established in the field and staked by land surveyors. Trained biologists will review the staked line as a quality assurance check (ADA/Page 13-10).
12. A source of clear water will be used for recharge water for the ditches. Input into the recharge ditches will be adjusted to maintain appropriate ground water and surface water elevations (ADA/Page 13-10).
13. Any erosion that might occur from extreme rainfall events will be repaired and replanted until a self-sustaining vegetative cover is established (ADA/Page 13-11).
14. Viable topsoil or "muck" from premining wetlands, where available, will be stockpiled prior to mining and spread over reclaimed wetlands to provide a favorable growing medium and a source of plant propagules (ADA/Page 13-11).

15. A minimum of 70 percent vegetation cover on the reclaimed non-forested wetlands will achieve success. Exotic and nuisance species will be controlled so as to not exceed a 10 percent relative cover (ADA/Page 13-12).
16. A minimum of 70 percent of each stratum will consist of plants listed as "Typical", "Associated", or "Additional" species for bay swamps, deep swamps, and deep water swamps in *A Guide to Selected Florida Wetland Plants and Communities* (USACOE, 1988) for the bay swamp, hardwood swamp, and mixed hardwood forest swamp types, respectively. Exotic and nuisance species will be controlled so as not to exceed 10 percent relative cover in the ground cover and 10 percent of the total number of trees in the canopy (ADA/Page 13-12).
17. Hardwood and mixed forest swamps will be designed with irregular bottoms due to the presence of hummocks or earthen platforms and have 10:1 or flatter side slopes and seasonal high water depths ranging from 0.5 to 1.0 foot (ADA/Page 13-12).
18. Mitigation is proposed at a ratio of 2.1:1 for forested wetland systems (see Revised Table 13-1 at the beginning of Question 13) (SR1/Page AI-54 as revised by SR3/Table 13-1).
19. The locations of the proposed disturbances are shown on Maps F-2A and B. Table 13-1 illustrates that Mosaic is proposing to create 1,489.6 acres of herbaceous wetlands and 595.4 acres of forested wetlands as compensatory mitigation. In addition, Mosaic is proposing to create 829.7 acres of open water habitat. Maps I-2A and B illustrate the location of the wetlands proposed to be created (SR1/Page AI-59 as revised by SR3/Table 13-1).
20. Mosaic routinely employs best management practices to prevent excessive erosion and subsequent deposition of fine particles such as silt and clay in wetlands. Erosion control barriers such as hay bales and/or silt fences are placed at critical points in the landscape during and after construction (SR1/Page AI-89).
21. The large headwater marsh wetland in the Horse Creek drainage system in the Altman Tract will be mined between years 9-12 only after the creation and connection of a replacement headwater system is approved by FDEP (SR1/Page AI-92).
22. Monitoring and maintenance of mitigation wetlands will continue after planting until the wetlands meet success/release criteria as set forth by FDEP and USACOE, usually at least three years for herbaceous and five years for forested (SR1/Page AI-158).
23. Mosaic proposes to provide a wetland buffer through the construction of a protective berm. This berm will be grassed, so that the runoff from the berm will have the same water quality that currently exists coming from the adjacent agricultural land. Mosaic identified an acceptable Development Order Condition, similar to that imposed on the South East Tract Development Order (SR2/Page 2-50).

24. Preserved non-riparian wetlands in the watershed that do not receive runoff from the area occupied by the clay areas will be hydrated by the proposed recharge system. Riparian wetlands that currently receive groundwater inflow from the area occupied by the clay areas will continue to receive the same quantity of groundwater outflow from the area currently occupied by the clay area because Mosaic will install recharge systems along the preserved wetlands down gradient from the clay areas to maintain the groundwater outflow at pre-mining levels (SR3/Page 4-8).

WATER QUALITY AND HYDROGEOLOGY

1. The surficial aquifer will be restored to its pre-mining conditions during the reclamation process. The surficial aquifer on adjoining lands not controlled by Mosaic and sensitive wetlands on and off the Mosaic property will be protected by a series of artificially filled recharge ditches/wells site specifically designed and positioned to prevent dewatering of areas that will not be mined (ADA/Page 10-40).
2. Mining excavations will not remove the confining beds which separate the water-bearing part of the intermediate aquifer system in the Arcadia Formation from the surficial aquifer system and, therefore, will not impact either the water-bearing part of the intermediate aquifer system nor the underlying Floridan aquifer system (ADA/Page 14-4).
3. Perimeter recharge ditch and berm will be inspected daily. Staff gauges will be installed to ensure adequate water is present in the ditch to maintain the ground water levels. Piezometers will be read weekly and the information will be reviewed by Mosaic's environmental staff to be sure that the recharge ditches are maintaining the water table at proper levels (ADA/Page 14-13).
4. Where practical, cleared lands will be drained into the active mining pits instead of the perimeter system so the turbid runoff becomes part of the mine process water system (ADA/Page 14-13).
5. Only after the perimeter berm area has been revegetated will the silt curtain be removed (ADA/Page 14-13).
6. During the time period that lapses from the first disturbance through the substantive completion of reclamation, all storm water runoff generated within disturbed areas will be captured and routed to the mine water recirculation system, treated to meet technology and water quality-based effluent limitations, and released only through outfalls permitted by a federal NPDES permit (ADA/Page 14-14).
7. The Four Corners mine will continue to use the lowest quality water that is available. The priority for the water sources are: collected rainfall, pit drainage, deep wells (SR1/AI-27).
8. Any neighboring wells in the Phase II area that are located within 1,800 feet of the proposed mining will be inventoried and testing of the well (flow and water quality) will be conducted prior to mining and reclamation (with the owner's consent) (SR1/Page AI-50).

9. As part of this [water table maintenance] program, Mosaic will monitor the water level at the Mosaic property line prior to mining, during mining and following reclamation (SR1/Page AI-106).
10. To minimize groundwater withdrawals, Mosaic endeavors to maintain about 5,000 acre-feet of surge storage capacity in the recirculation systems (SR1/Page AI-112).
11. Mosaic has designed this corridor segment [Parcels 3B & 7] to include protective measures to protect the water supply function of the Lake Manatee Reservoir, both in terms of water quality and water quantity, by placing the double-encased pipes below grade or within BMP isolation berms (SR2/Page 4-6).

SOILS

1. Maps I-2A and B illustrate that all of the lands proposed to be reclaimed as natural systems will be reclaimed by backfilling with sand and then grading an overburden cap. In the event there is found to be hard or compacted soils at the surface at the end of the reclamation earthmoving, the area will be plowed at the time of upland tree planting (ADA/Page 15-2).
2. Mosaic has specifically committed to segregating, stockpiling, and beneficially using existing hydric and xeric topsoils when reclaiming wetlands and xeric uplands, where practicable (ADA/Page 15-2).
3. All of the sand and clay backfill will originate from Mosaic property and all overburden spoil generated by mining the Four Corners Mine Additions Phase II parcels will be beneficially used onsite as part of the reclamation process (ADA/Page 15-2).

FLOODPLAINS

1. To eliminate non-conformity with Manatee County Policy 2.3.3.1., Mosaic will design the South Fork Little Manatee River crossing to preclude an increase in offsite flood levels (ADA/Page 10-14).
2. To reduce non-conformance with Manatee County Policy 2.3.3.2., Mosaic will capture storm water runoff from the South Fork Little Manatee River drainage basin and route it to clay settling areas to reduce flooding potential (ADA/Page 10-14).
3. No mining is proposed to occur in areas where natural floodplain features exist (ADA/Page 10-35).
4. The 100-year floodplain storage volume will equal or exceed the existing storage volume during all phases of development and use of the proposed corridors (SR2/Page 4-8).

WATER SUPPLY

1. No additional ground water withdrawals will be required to mine and reclaim the Altman and N.E. Tracts, including the N.E. Tract Additions, beyond those currently permitted by SWFWMD (ADA/Page 10-31).
2. No water will be withdrawn from surface water bodies that support navigation, recreation, or fish and wildlife (ADA/Page 10-36).
3. In order to protect surface water resources in the vicinity of the Four Corners Mine Additions site (e.g., South Fork of the Little Manatee River, and its Long Branch tributary, and Horse Creek), Mosaic will use a series of perimeter ditches to capture storm water runoff and route these flows through settling ponds for treatment prior to reuse or discharge (ADA/Page 10-40).
4. As depicted on the Map D-2 legend, only wells and piezometers within the surficial aquifer located along property boundaries of the areas not proposed to be disturbed will continue to be used. All other wells will be abandoned and plugged in accordance with SWFWMD and Manatee County regulations (ADA/Page 17-1).
5. Due to the continued regional water supply concerns, Mosaic has designed several lakes for portions of the location of the former designated reservoir site. Should the County desire to have a reservoir, then these lakes could be either modified to form a reservoir or simply used as is for water supply purposes (SR1/Page AI-42).

WASTEWATER MANAGEMENT

1. Employees working in active mining or reclamation areas that are remote from the beneficiation plant will continue to be provided portable facilities provided by contract vendors who transport the wastewater offsite for treatment. During the years that mining or reclamation activities occur on lands addressed by this Phase II ADA, the aggregate mine wide volume [of potable facilities] will not change (ADA/Page 18-1).
2. The new Pre-Washer facility is proposed to be served by a septic tank and drain field system that will be designed for the site and projected usage (ADA/Page 18-1).
3. The mine's domestic waste water treatment plant effluent is discharged into the mine recirculation water systems; thus, Mosaic is reusing 100 percent of the treated domestic effluent (SR1/AI-27).

STORMWATER MANAGEMENT

1. The rate of storm water discharge will not exceed the existing 25-year frequency, 24-hour duration storm event during the mining and reclamation phases (ADA/Page 10-24).
2. Maps I-1A and B and I-2A and B illustrate that Mosaic plans to reclaim the mined land into a

mosaic of upland and wetland natural systems by backfilling the mined voids with sand and clay or, in the case of portions of parcels 1, 2, and 3, reshaping the available onsite overburden to form portions of two large lakes surrounded by upland and wetland natural systems. The existing drainage patterns will be re-established by grading the maintained (and backfilled) land to the elevations shown on Maps I-1A and B to form drainage divides which approximate existing conditions (ADA/Page 19-2).

3. Typical cross sections of the two lakes proposed to be built on parcels 2 and 3 will consist of littoral zones that cover at least 25 percent of the highwater surface area and submerged vegetation zones less than six feet deep that cover at least 20 percent of the low water surface area. No portions of the cross sections of these lakes will have slopes steeper than 1 foot vertical to 4 feet horizontal (ADA/Page 19-2).
4. Mosaic will maintain the storm water management system from commencement of construction, through use of the corridors, until the reclamation phase of the project is complete, at which time the storm water management system, including passive control structures, will have been constructed and revegetated to self-sustaining conditions (SR2/Page 4-12).

TRANSPORTATION

1. Mined materials will be transported by pipeline to an existing beneficiation plant. The intensity of roadway and rail use will not be increased by the proposed mining of the Altman and N.E. Tracts, including the N.E. Tract Additions (ADA/Page 10-38).
2. The applicant will be responsible for the cost of design and construction of an access point driveway on CR 39 where Parcel 3 crosses CR 39 and two additional access driveways along SR 37 to serve Parcel 4 (ADA/Page 21-4).
3. The routes of buyers of excess materials will be restricted to designated truck routes. (SR1/AI-34).
4. The total truck traffic will not exceed the currently-approved rate of 750 trucks per day (SR1/AI-34).
5. Mosaic agrees to [transportation] conditions that would regulate shipment on County-maintained roads to: provide that trucks are weighed to ensure that they are within the weight limits of the roads; notify the County of any spills on County maintained right-of-way; note exceed 200 loads per day (400 trips); use the existing Mine entrance on SR37; and note that the sale of sand is not the same as shipping a known quantity of product between two known points as was done at Nu-Gulf (SR2/Page 2-23).

AIR QUALITY

Mosaic will employ the identified techniques to minimize the generation of fugitive dust during mining and reclamation of the Four Corners Mine Addition site (ADA/Page 22-1).

HURRICANE PREPAREDNESS

The Four Corners Mine Hurricane Procedures Manual will be expanded to include the Phase II lands following issuance of the Development Order. The update of this Manual is included in the Four Corners Mine DRI annual report submittal to Manatee County and TBRPC and other agencies (ADA/Page 23-1).

HISTORICAL AND ARCHAEOLOGICAL SITES

Should Mosaic discover additional potential archaeological sites when conducting mining operations on the Four Corners Mine Altman or N.E. Tract Additions, the land disturbing activities will cease until trained cultural resource experts can examine the area and determine, in consultation with DHR, whether the potential site is significant (ADA/Page 10-27).

MINING OPERATIONS

1. Mosaic will construct a vegetated berm system around the perimeter of all areas to be mined or disturbed before conducting mining operations on the Four Corners Mine Additions Phase II parcels or the Economic Revision Areas within the N.E. Tract. The berm and ditch system will be maintained until the postreclamation vegetation has stabilized so that regrading and revegetating of the berm and ditch system is the final reclamation step in any given area (ADA/Page 10-13).
2. The vegetated berm and ditch system will be designed and constructed to contain the runoff produced by a 25-year storm event. Once operational, these perimeter systems will be inspected daily and deficiencies, if any, will be noted on the inspection sheet. Established followup procedures will be implemented to ensure that any needed maintenance or repairs are promptly completed (ADA/Page 10-13).
3. Best management practices will be implemented during mining activities to minimize erosion, fugitive dust, and other air emissions (ADA/Page 10-17).
4. Throughout the proposed mining activities and the reclamation which will follow, privately held land will be restricted to public access to ensure public safety (ADA/Page 10-32).
5. The actual mining sequence will be determined on a year by year basis, and will be part of the information contained in the annual reports (ADA/Page 35-10).
6. The spoil will generally be placed in the mined out portions of the pit, and later used for land reclamation (ADA/Page 35-10).
7. At the time of [clay settling] construction areas, refined size specifications, proposed dike construction materials and Emergency Response Plan update will all be provided (ADA/Pages 35-10 - 35-11).

8. Approximately 293 acres of the Phase II parcels will be re-vegetated for use as crop and pastureland [FLUCFCS 210] (ADA/Page 35-16, as revised by SR3 and subsequent Parcel 7 changes).
9. Approximately 1,407 acres are proposed to be reclaimed as a mixture of various herbaceous, mixed, and shrub and brush covered rangeland vegetation communities [FLUCFCS 300] (ADA/Page 35-16 as revised by SR3/Table 12-1/Page 1-10).
10. Soil types and site-specific hydrology will be considered when selecting species to be planted, as native rangeland includes xeric, mesic, and hydric communities (ADA/Page 35-16).
11. Mosaic will reclaim 100 acres of mined land to be suitable for palmetto prairie development by creating a landform similar to the pine flatwood community but with slightly more variation in the surface topography [FLUCFCS 321] (ADA/Page 35-17).
12. Longleaf and South Florida slash pines will be planted at a density of 200 trees per acre. Nuisance species invasion will be controlled through the use of selective herbicides (ADA/Page 35-17).
13. The normal fire frequency for pine flatwoods is every one to three years. In reclamation projects, fire will be excluded for several years to allow establishment of the pines and to build a seed source unless it is deemed appropriate as a management tool (ADA/Page 35-17).
14. Approximately 191.6 acres will be revegetated as upland forest communities, exclusive of the lands to be reclaimed as pine flatwoods and xeric communities [FLUCFCS 400] (ADA/Page 35-17 as revised by SR3/Table 12-1/Page 1-10).
15. Approximately 46.7 acres of xeric forests will be reclaimed in the Horse Creek watershed to provide habitat for listed species and form analog "scrub islands" to those which existed historically [FLUCFCS 413, 421, and 432] (ADA/Page 35-17 as revised by SR3/Table 12-1/Page 1-8).
16. Approximately 427.7 acres will be reclaimed as lakes and 1,618.2 acres as wetlands [FLUCFCS 500 and 600]. (ADA/Page 35-17 as revised by SR3/Table 12-1/Page 1-10).
17. The proposed F-9 settling area will be reclaimed to an elevation of 120 to 124 feet NGVD as compared to an existing elevation of 94 to 110 feet NGVD (ADA/Page 35-18).
18. Reclamation has the highest priority and no material will be sold unless all available reclamation areas have been backfilled in accordance with the approved plan (SR1/AI-34).
19. If the developer elects the conveyor system for the transport of product, the conveyors will be covered (or tube conveyors). All crossings of roads or water courses will have the same

secondary spill protection design features as current pipelines (SR1/AI-34).

20. In areas where total mine depth will range from 60-80 feet, Mosaic proposes to use recharge wells in addition to recharge ditches and cast overburden on the mine cut face adjacent to wetlands (SR2/Page 2-8).
21. As part of the final work on Mosaic's Four Corners Regional dredge and fill permit, Mosaic is granting to the Trustees of the Florida Internal Improvement Fund a Conservation Easement on the 25-year Floodplain area of Long Branch and the South Fork of the Little Manatee River on the North East Tract. Mosaic is also providing a conservation easement over a portion of the Mosaic wellfield in Manatee County to protect scrub jays and scrub jay habitat. Further, a commitment to place a conservation easement on an additional 365 acres of scrub jay habitat has been made for the end of the mine life [the exact location of this easement will be determined by USFWS following completion of mining] (SR2/Page 2-22).
22. The requested permitted use of Parcels 3B & 7 will be for access corridors. Mosaic does not propose to mine these properties (SR2/Page 4-1).
23. All equivalent tons of tailings sand from mining the Four Corners reserves are committed to be used at Four Corners and not sold (SR3/Page 2-5).
24. Since freshwater corrosion of the pipes may cause a problem, Mosaic proposes to utilize smooth steel 1/4-inch walled pipe that will be galvanized and/or with an epoxy coating to resist corrosion or similar system to insure the pipe life exceed the required use (SR3/Page 3-6).
25. A road will be constructed to provide access to the corridor[s] for inspection and maintenance purposes (SR3/Page 4-1).

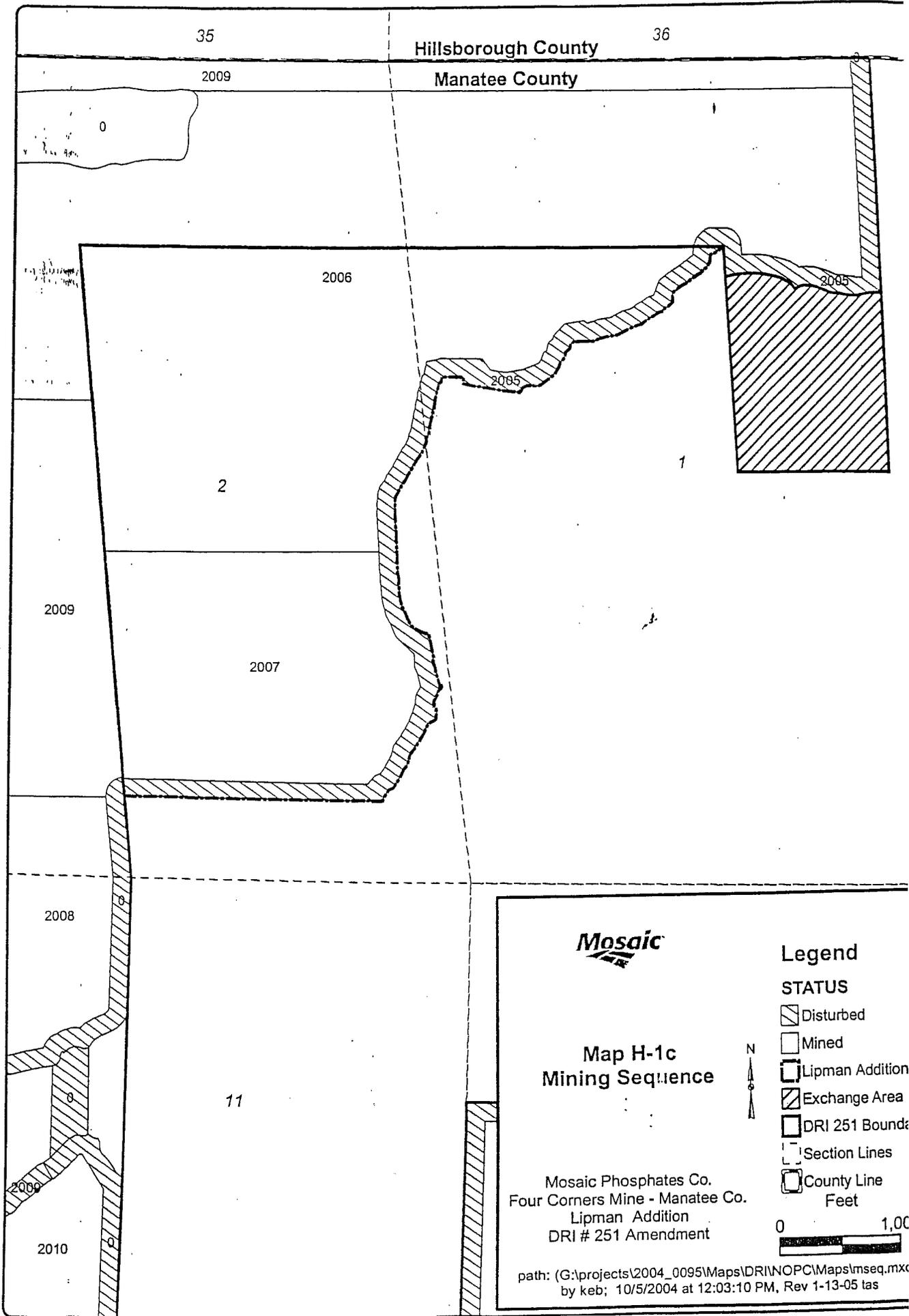
DEVELOPER COMMITMENTS FOUR CORNERS MINE LIPMAN TRACT ADDITION

The following commitments have been made by, or on behalf of, the applicant in the Application for Development Approval (ADA), the first Sufficiency Response (SR1), or the second Sufficiency Response(SR2). In instances where the applicant may have proposed recommended Development Order condition language, the language may have been included in this list of commitments. These commitments must be taken in the context of the section or question being responded to in the ADA and Sufficiency Responses.

This list of Developer Commitments includes all those identified in the ADA and sufficiency responses for the Lipman Addition*.

1. Approximately 276 acres (of the 305 acres) of the Lipman Addition* will be mined (January 24, 2005 correspondence/Page 2).
2. There will be no change to the mining rate or water use at the mine (January 24, 2005 correspondence/Page 3).
3. There are no sensitive natural habitats on site. The small area (2.5 acres) in wetlands in the farm fields are highly disturbed, and do not provide significant habitat. There is no change proposed to the current mine preservation area. The mined area will be reclaimed with sand tailings fill and a thin overburden cap to approximate existing grade, suitable for farming (January 24, 2005 correspondence/Page 3).
4. This area will take less than 2 years for one dragline to mine which is equivalent to about 3 months of overall mine life (January 24, 2005 correspondence/Page 3).
5. This request involves: no preservation or conservation areas being requested for impact as part of the Lipman Addition* or related infrastructure; no additional stream crossings; no plant capacity changes; no change or additional traffic impacts; no change to buildout date (January 24, 2005 correspondence/Page 3).
6. There are no historic resources on the Lipman Addition* site (January 24, 2005 correspondence/Page 3).
7. Mosaic proposes to put the BMP berm within the 30 foot [wetland] buffer zone. The berm will be no net loss of wetland acreage or function (March 25, 2005 correspondence/Page 9).
8. The proposed mitigation will be incorporated into the upland forested area. There will be no net loss of wetland acreage or function (March 25, 2005 correspondence/Page 10).

9. Surveys will be conducted prior to commencement of clearing activities during the nesting season to locate any existing sandhill crane nests (March 25, 2005 correspondence/Page 10).
10. The Lipman Exchange Parcel (44 acres) that is being removed is currently approved for mining. There are no preservation or other protection requirements for this area and the area has not mined or disturbed (March 25, 2005 correspondence/Page 11).
11. As noted in the Master Mine Plan application, the one well will be abandoned according to SWFWMD and Manatee County rules prior to the site being mined (March 25, 2005 correspondence/Page 15).



35

Hillsborough County

36

2009

Manatee County

0

2006

2005

2

1

2009

2007

2008

11

2000

2010



**Map H-1c
Mining Sequence**

Mosaic Phosphates Co.
Four Corners Mine - Manatee Co.
Lipman Addition
DRI # 251 Amendment

Legend

STATUS

Disturbed

Mined

Lipman Addition

Exchange Area

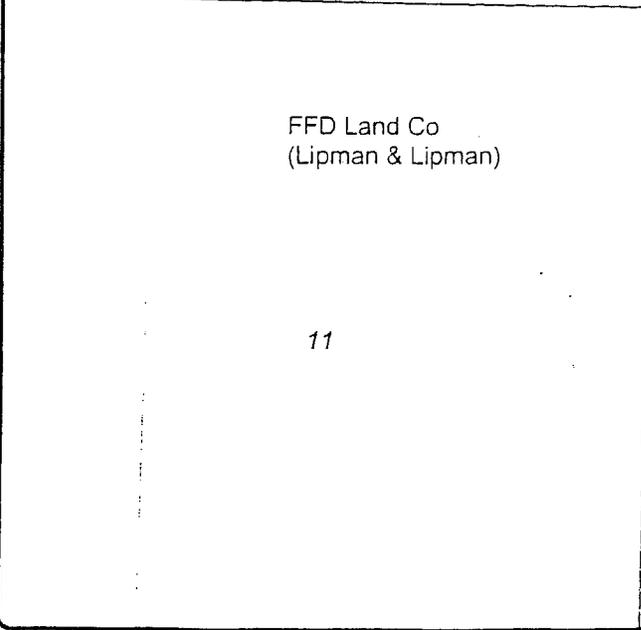
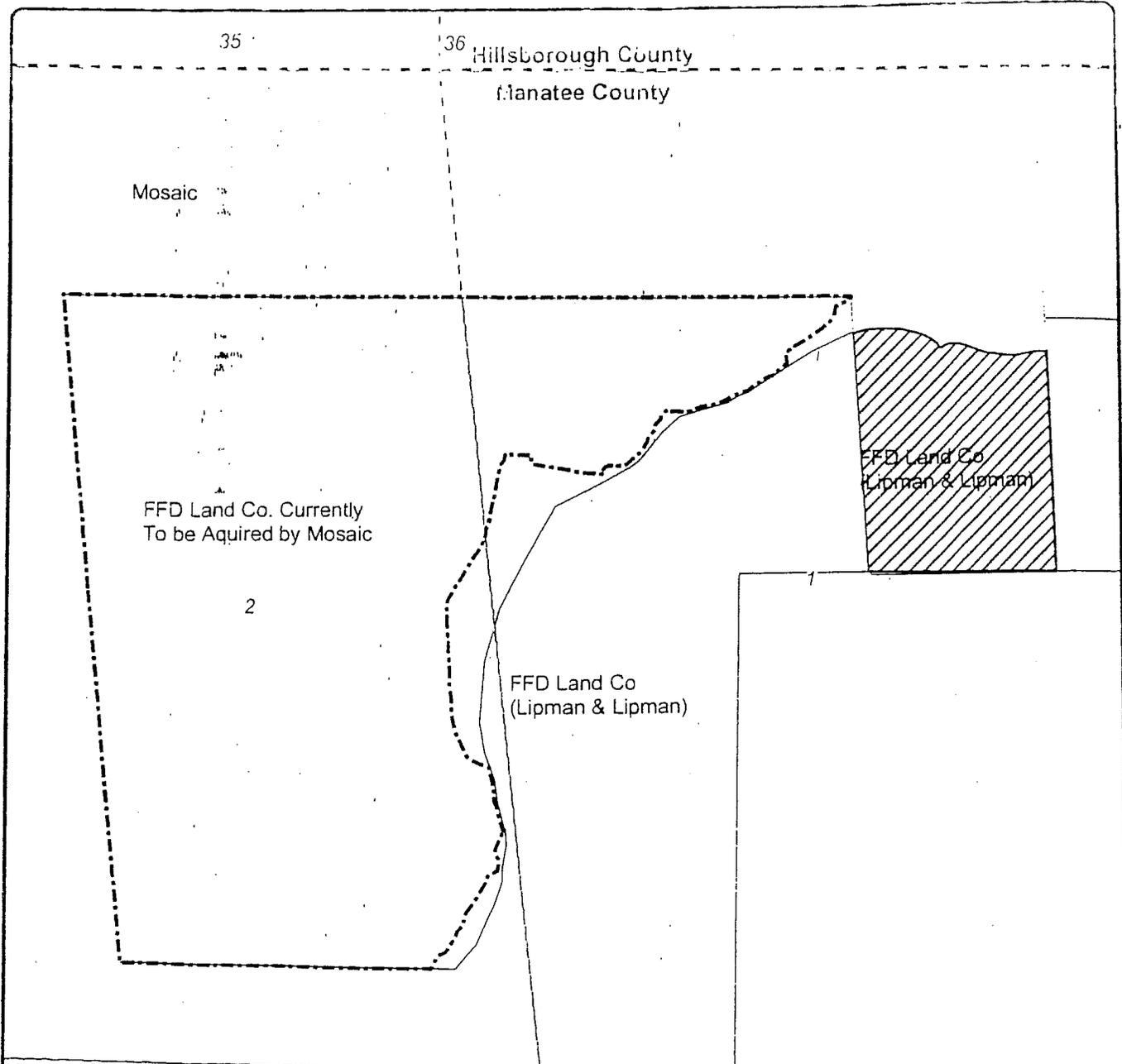
DRI 251 Bound

Section Lines

County Line
Feet



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Mosaic

**Map 10 C
Ownership**

Mosaic Phosphates Co.
Four Corners Mine - Manatee Co.
Lipman Addition
Master Mine Plan / Operating
Permit Amendment

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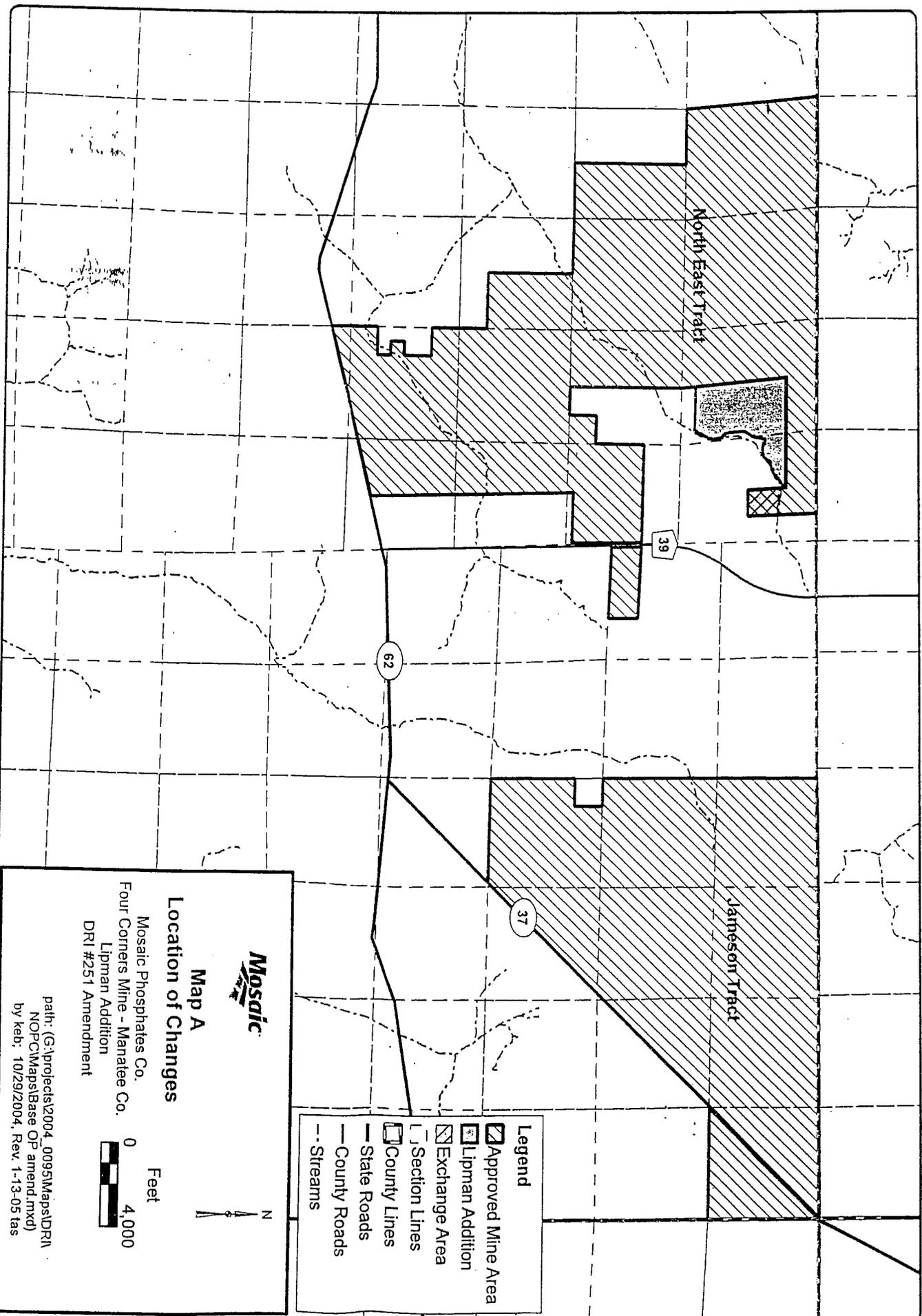
Legend

- Exchange Area
- Lipman Addition
- County Line
- Section Lines
- Approved MMP Area
- Manatee Tax Parcels

N

Feet

0 1,000



- Legend**
- Approved Mine Area
 - Lipman Addition
 - Exchange Area
 - Section Lines
 - County Lines
 - State Roads
 - County Roads
 - Streams

Mosaic

Map A

Location of Changes

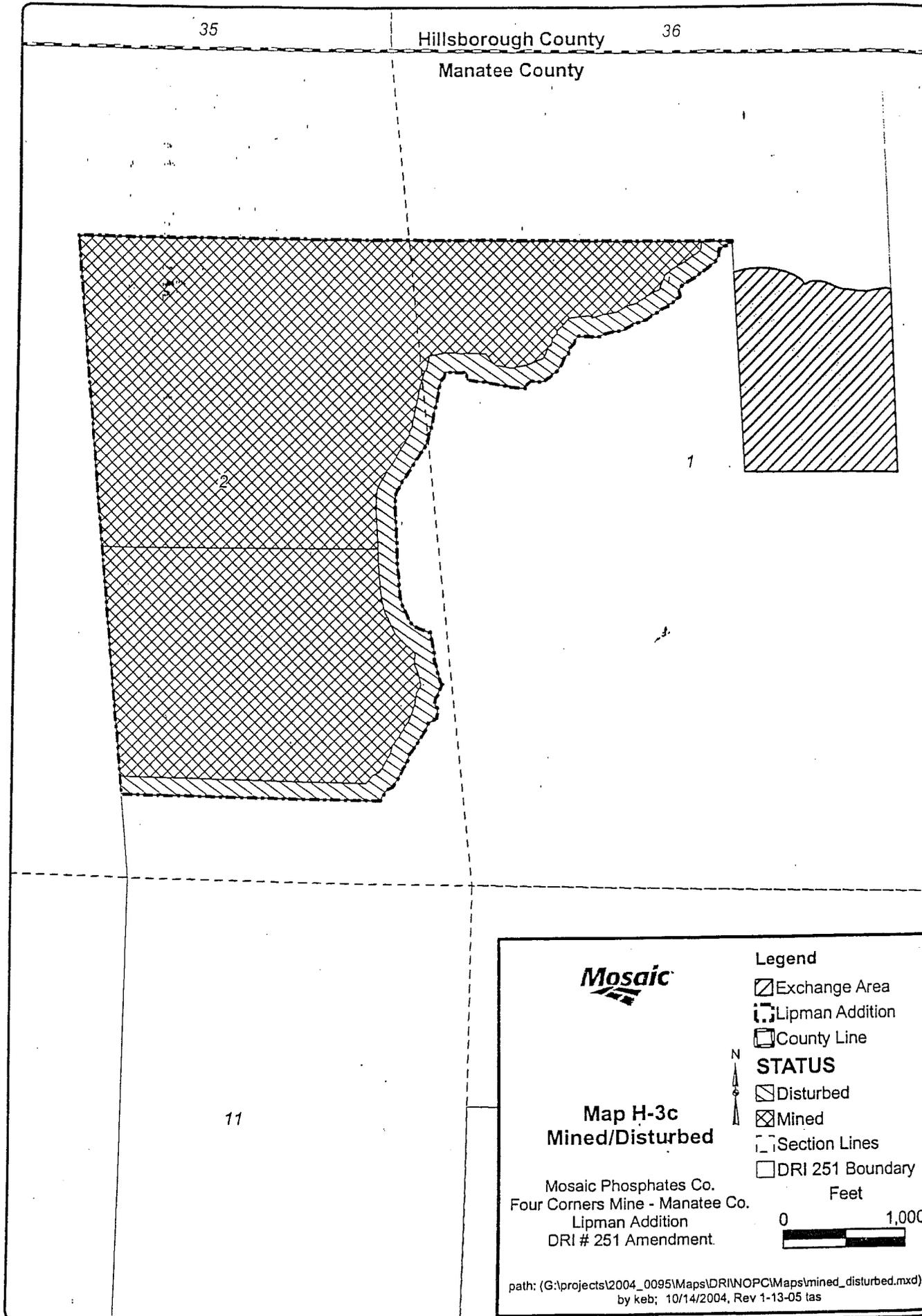
Mosaic Phosphates Co.
 Four Corners Mine - Manatee Co.
 Lipman Addition
 DRI #251 Amendment

N

Feet

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35

Hillsborough County

36

Manatee County

2

1

11



Legend

Exchange Area

Lipman Addition

County Line

STATUS

Disturbed

Mined

Section Lines

DRI 251 Boundary



**Map H-3c
Mined/Disturbed**

Mosaic Phosphates Co.
Four Corners Mine - Manatee Co.
Lipman Addition
DRI # 251 Amendment

Feet



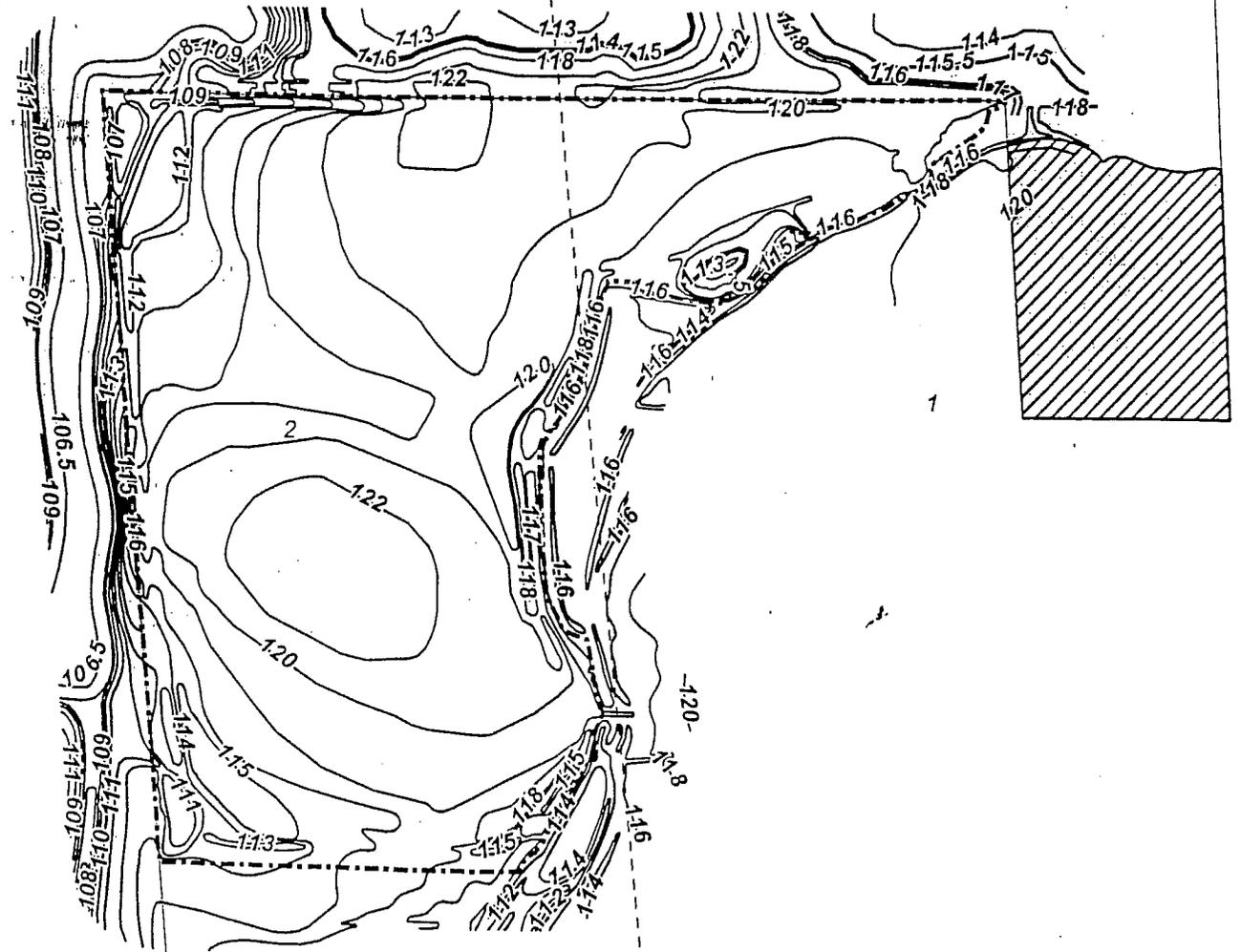
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36

Hillsborough County

Manatee County



**Map I - 1c
Post Reclamation
Topography**

Mosaic Phosphates Co.
Four Corners Mine - Manatee Co.
Lipman Addition
DRI # 251 Amendment

Legend

- Post Reclamation Topography
- Exchange Area
- Lipman Addition
- County Line
- Section Lines
- DRI 251 Boundary



Feet

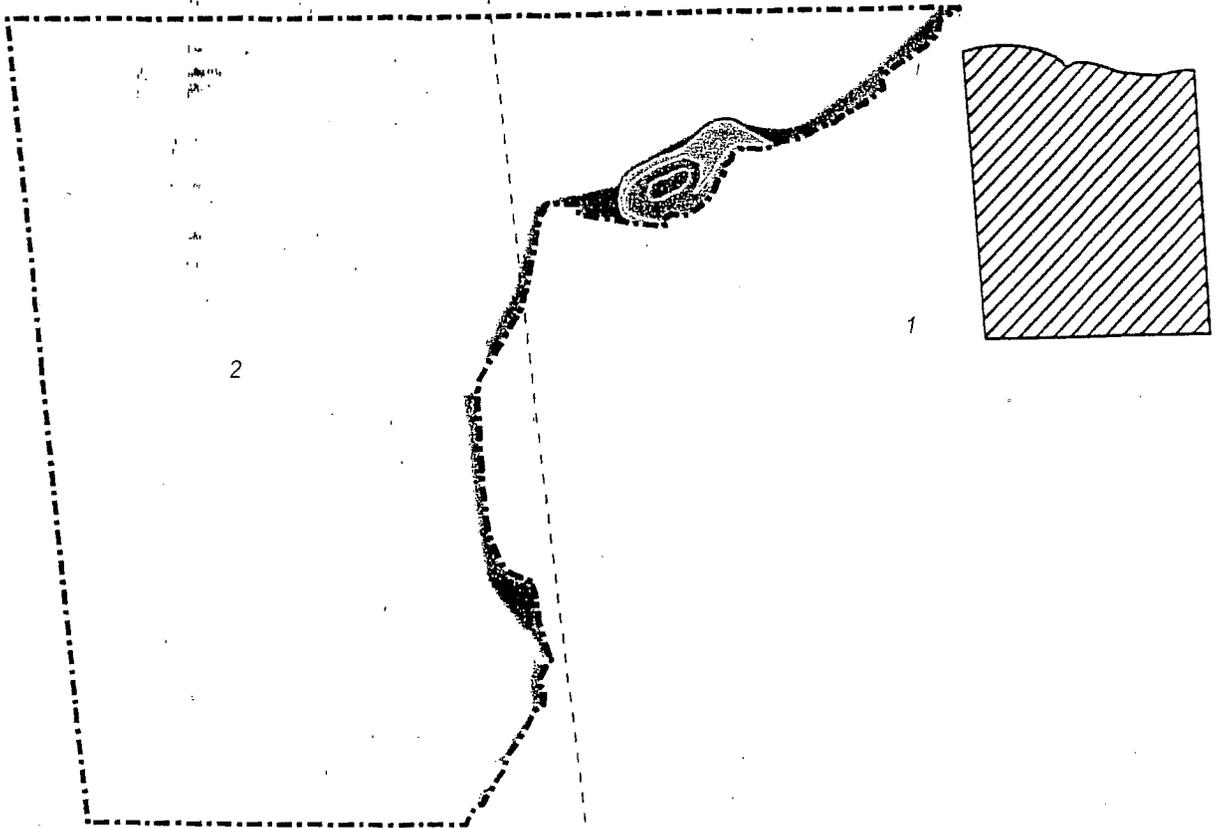


35

Hillsborough County

36

Manatee County



2

1

11

Post Reclamation Land Use	
210 - Cropland and Pastureland, 284.7 Ac.	
434 - Upland Forest, 11.8 Ac.	
534 - Lake < 10 ac, 3.1 Ac.	
617 - Mixed Wetland Hardwoods, 2.1 Ac.	
641 - Fresh Water Marshes, 3.0 Ac.	
810 - Transportation, 0.1 Ac.	

Mosaic

**Map I - 2 c
Post Reclamation
Land Use**

Mosaic Phosphates Co.
Four Corners Mine - Manatee Co.
Lipman Addition
DRI # 251 Amendment

Legend

- Exchange Area
- Lipman Addition
- County Line
- Section Lines

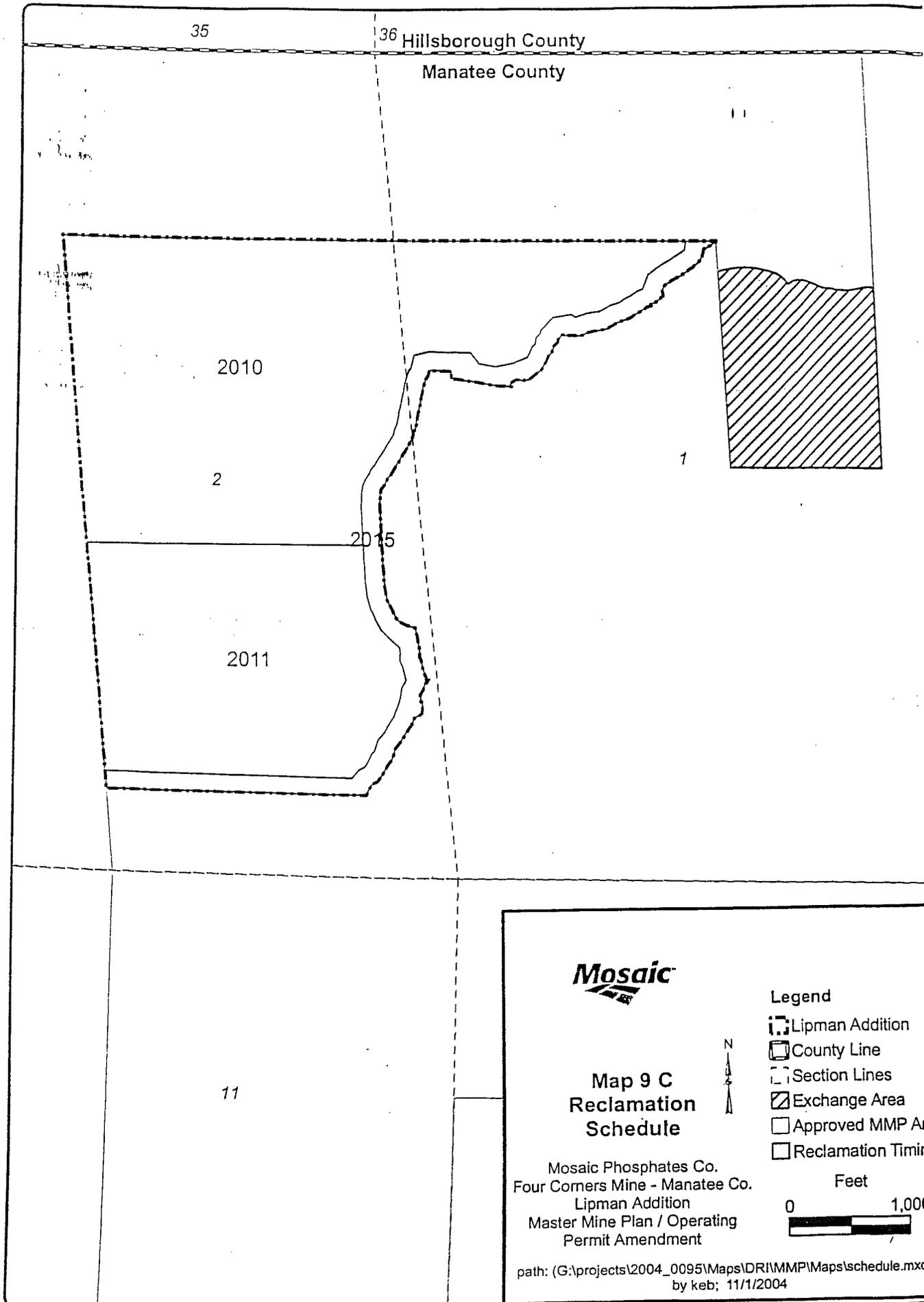


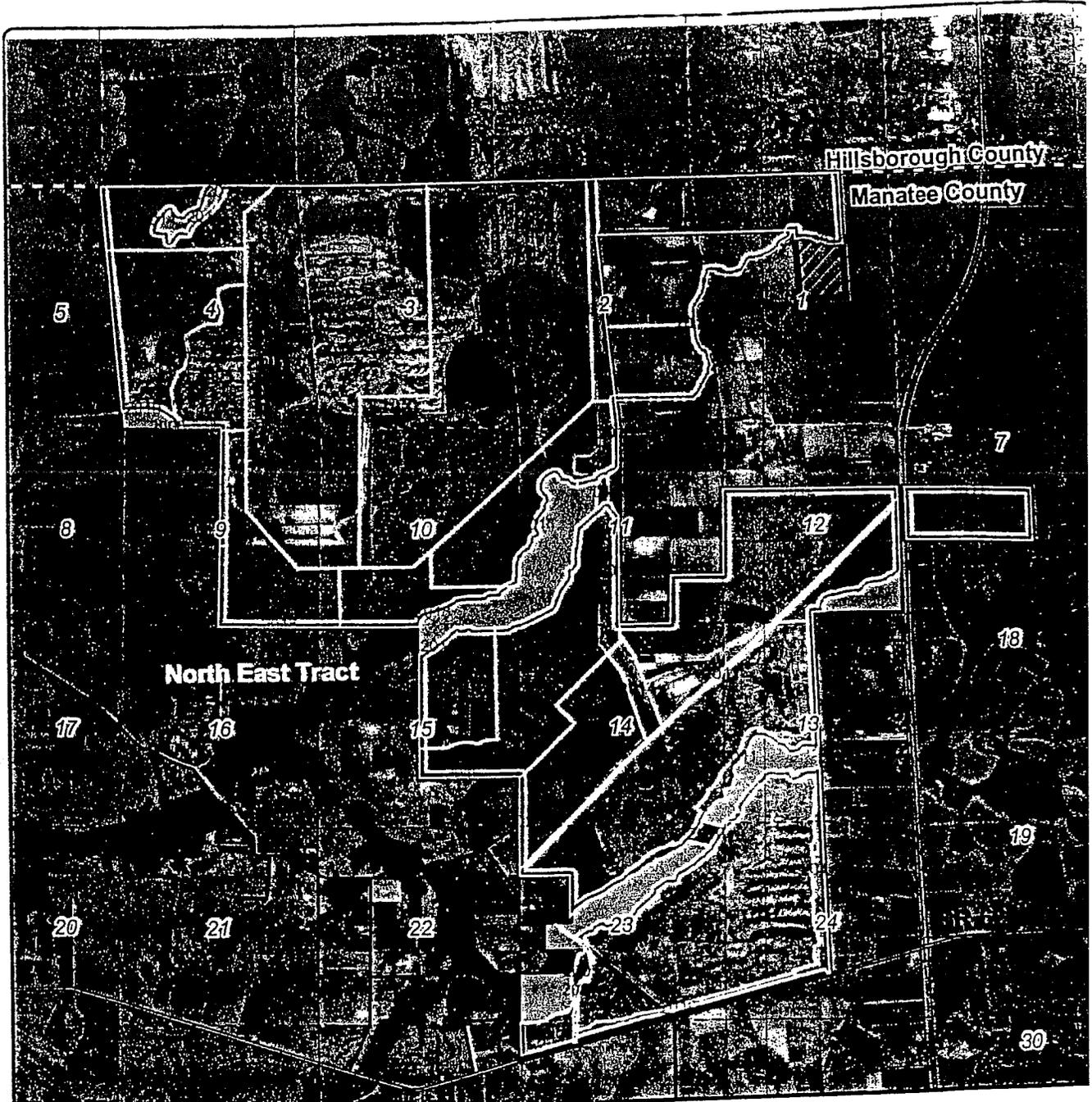
Four Corners DRI Are

Feet



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by keb; 5/6/2005 rev.





Note: the reclamation by year is based on an the mine plan, and is given as an example only - no assurance actual reclamation will follow the sequence or timing shown. Reclamation is based upon 2 years of mine use for areas with or with out tails fill, and on clay settling area schedule for clay areas, with 2 years to complete the reclamation

Mosaic

**Map 2 B-R
Reclamation Plan**

Mosaic Phosphates Co.
Four Corners Mine - Manatee Co.
Lipman Addition
Master Mine Plan / Operating
Permit Amendment

- Legend**
- Reclamation Block
 - Lipman Addition
 - Exchange Area
 - Mine Boundary
 - County Line
 - Section Lines

STATUS

- Undisturbed
- Feet
- 0 3,000
-

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by keb: 11/1/2004



3. an annual reclamation schedule which includes reclaimed acreage;

The annual average reclamation rate is based on the Phase II area mined and disturbed (3,086 acres) divided by the reclamation period (20 years - years 2003 through 2023) = .154 acres per year. The actual schedule is based upon the end of mining use for each area, and the type of reclamation land form to be used. This information is provided on Table 35-4. In this

table, reclamation is considered complete at the completion of revegetation with one year growing time. An example of the application of this schedule is found in Table 11-2, based on the example mine plan shown on Maps H-1A and B. A similar analysis for the total mine area shows that the average rate of reclamation is about 500 acres per year.

**TABLE 35-4
 Reclamation Schedule**

Reclamation Type	Reclamation Activity	*Time - Years
Graded Overburden	0. End of Mine use 1. Contour - Earthwork 2. Re - vegetation 3. Growth Period Total Time	— 18 months 6 months 1 year 3 years.
Tailings Fill	0. End of Tailing fill (Mine use) 1. Contour - Earthwork 2. Re-vegetation 3. Growth Period Total Time	— 18 months 6 months 1 year 3 years.
Clay Settling Area	0. Ditch and drain surface 1. Settling area abandonment (End of Mine use) 2. Contour - Earthwork 3. Plant grasses 4. Growth Period Total Time	4 years — 18 months 6 months 1 year 3 years

* Note: Times are based on completion of all mining activities within a program or logical reclamation unit area that allows for reclamation of a sub-basin system rather than partial system.

4. the proposed uses for the reclaimed land;

The proposed land use for the reclaimed Phase II parcels will be primarily agricultural (as is its current

land use), supplemented with wetlands and wildlife habitat.



Table 12-1
Land Use
 Lipman Addition

5-6-05 rev.

FLUCFCS	Description	Acres	
		Pre	Post
210	Cropland and Pastureland		284.7
214/261	Row Crops /Fallow Crops Lands	296.3	
434	Upland Forest		11.8
510	Ditches	3.8	
524	Lakes < 10 acres	0.0	
534	Lakes < 10 acres		3.1
617	Mixed Wetland Hardwoods	1.3	2.1
618	Wetland Hardwood Forest - Willow	0.4	
641	Fresh Water Marshes	3.0	3.0
810	Transportation - Roads		0.1
Total		304.8	304.8

Note: the entire site will be disturbed.

TABLE 35-1 (revised)
 Mined and Disturbed Areas

(Note: acres may not add due to rounding) 3-21-05 rev.

Site	Sites Total			Setback Area****	
	Total Area	To Be Mined or Disturbed*	Not Disturbed***	To Be Mined / Disturbed	Not Disturbed
Parcel 1	492	492	-	116	-
Parcel 2	124	123	1	29	-
Parcel 3	525	496	29	262	27
N.E. Additions - Total	1,141	1,110	30	408	27
Lipman Addition	305	305	-	-	-
Lipman Exchange	(44)	-	-	-	-
Total Phase II Parcels	1,401	1,415	30	408	27
Economic Revision Area - N.E.	763	763	-	260	-
Grace Approved Mining Area - N.E.	4,315	3,988	327	217	38
Original N.E. Tract Area - Total	5,078	4,751	327	477	38
Lipman Addition - net	261	305	-	-	-
Total N.E Tract	6,479	6,166	357	885	64
Total Altman Tract	319	319	-	-	-
Total Jameson Tract	4,619	4,109	509	-	-
Total Mine Area**	11,416	10,594	867	885	64

* Disturbed by mining activity, but not mined (i.e., road, berms, plant area, etc.).

*** See definition on Page 35-2, response to Sub question A 3.

**** Area included in Site Total



STATE OF FLORIDA, COUNTY OF MANATEE
 This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
 Witness my hand and official seal this 14th day of October, 2005.
 R.B. SHORE
 Clerk of Circuit Court
 By: Diane E. Vollmer



STATE OF FLORIDA, COUNTY OF MANATEE
 This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
 Witness my hand and official seal this 2nd day of October, 2005.
 R.B. SHORE
 Clerk of Circuit Court
 By: Diane E. Vollmer



#251

MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

Certified mail # 7000 0600 0024 5577 2337

February 27, 2003

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Re: Development Order for IMC Phosphates Company/Four Corners Mine

Dear Mr. Meyer:

Enclosed is a certified corrected copy of Ordinance 02-58, the Development Order for the IMC Phosphates Company/Four Corners Mine Phase II Northeast Tract Addition, as adopted in open session by the Manatee County Board of County Commissioners on November 21, 2002 and amended on February 4, 2003, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)749-3070, extension 6833.

Sincerely,

Robert H. Pederson, AICP
Community Planning Administrator

RHP/ks
Enclosure

2003 FEB 14 PM 3:46 ORDINANCE NO. 02-58

DEPARTMENT OF
TALLAHASSEE
2003 FEB 10 PM 3:03

FILED

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL* (ADA*) FOR A SUBSTANTIAL DEVIATION TO AN EXISTING DEVELOPMENT OF REGIONAL IMPACT (DRI) FILED BY IMC PHOSPHATES COMPANY FOR THE FOUR CORNERS MINE PHASE II NORTHEAST TRACT ADDITION DRI (ALSO KNOWN AS DRI # 5 AND TBRPC DRI #251 AND #198); PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS, AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, IMC Phosphates Company, as successor in interest to W. R. Grace and Company, IMC Fertilizer, Inc., and IMC-Agrico, respectively, possesses a Development of Regional Impact (DRI) for the Four Corners Phosphate Mine* located in both Hillsborough and Manatee Counties; and

WHEREAS, the Four Corners Phosphate Mine* DRI includes two discontinuous tracts in Manatee County, one of which is known as the "Jameson Tract" on ± 4,753 acres, the other of which is known as the "Northeast Manatee Tract" on ± 5,052 acres; and

WHEREAS, on December 27, 1977 Manatee County adopted Resolution (SE 852) granting W. R. Grace and Company a DRI Development Order, Master Mining and Reclamation Plan, and Special Exception for the Four Corners Mine; and

WHEREAS, W. R. Grace and Company was issued an Operating Permit on January 22, 1981 to mine all parts of Four Corners Mine* excluding the Mine Extension Areas*; that Permit has been extended by operation of law, and the Developer* applied for a new Operating Permit; and

WHEREAS, on November 2, 1982, Manatee County approved a resolution transferring all rights in the Four Corners Mine from W. R. Grace to W. R. Grace, as manager to the Four Corners Mine Joint Venture; and

WHEREAS, the management of the Four Corners Mine was transferred to IMC Fertilizer, Inc. on December 20, 1988; and

WHEREAS, on January 10, 1989, IMC Fertilizer, Inc. became the sole owner of the Four Corners Mine; and

WHEREAS, on March 28, 1989, IMC Fertilizer, Inc. filed an ADA* for a Substantial Deviation to an approved DRI with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 380.06, Florida Statutes; and

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WHEREAS, said Substantial Deviation proposed:

- the addition of a one hundred and seventy (170) acre parcel in Sections 10 and 15 of Township 33 South, Range 22 East, and the mining of that area;
- the construction of a heavy media facility to the Four Corners processing plant, southwest of the existing washer, to upgrade waste pebble into saleable product;
- dismantling, mining, and rebuilding of the approximately seven hundred and forty (740) acre F-1 waste clay settling area;
- revision of the mining and reclamation plan for the Jameson and Northeast Manatee Tracts, extending mining on the Jameson Tract to November 30, 2006, and mining on the Northeast Manatee Tract from 1998 through 2002 to 2002 through 2006, with reclamation being completed by 2018 and 2010, respectively;
- the mining of two hundred and eleven (211) acres within the approved DRI which were previously approved for disturbance but not mining;
- the mining of the right-of-way of Carlton Road, an unpaved County road in Sections 9 and 16, Township 33 South, Range 22 East;
- revision of the project traffic impacts; and

WHEREAS, on March 28, 1991, seventy-nine (79) acres of the 170 Acre Addition were granted Vested Rights with regard to the currently approved Manatee County Comprehensive Plan, and the remaining 91 acres of the 170 Acre Addition were granted Vested Rights with regard to the rebuttable presumption against mining within the Lake Manatee Watershed, as described in the currently approved Manatee County Comprehensive Plan; and

WHEREAS, on September 5, 1991 the Board of County Commissioners approved the Substantial Deviation request (Ordinance 91-62) in part, denying the portion of the request to allow mining on the 170 Acre Addition and within the right-of-way of Carlton Road, as well as using any truck haul route within the County other than State Road 37 north from the mine entrance; and

WHEREAS, IMC Fertilizer, Inc. and the Tampa Bay Regional Planning Council took separate appeals of the Development Order (Ordinance 91-62) based on different grounds; and

WHEREAS, on January 12, 1993 the Board of County Commissioners approved Ordinance 92-64 allowing the mining of the 170 Acre Addition* under certain conditions, as an amendment to Ordinance 91-62 to resolve the appeal; and

WHEREAS, on July 1, 1993, IMC Fertilizer, Inc. became IMC-Agrico Company (IMC-Agrico), and on May 17, 1994, Manatee County transferred the Development Orders and Operating Permits to IMC-Agrico; and

WHEREAS, subsequently, IMC-AGRICO and Manatee County jointly proposed to purchase land and transfer permits and development rights, so that Manatee County acquired approximately 316 acres in the Lake Manatee Watershed from IMC-Agrico, and IMC-Agrico acquired approximately 310 acres outside the Lake Manatee Watershed in exchange from Manatee County. The objective of the Land Exchange* was to allow the County to acquire this portion of the Lake Manatee Watershed and move the mining which was currently permitted in that area to another area outside the Lake Manatee

watershed, all as part of the County's program to acquire the land in the Lake Manatee Watershed;
and

WHEREAS, on June 14, 1995, IMC-Agrico filed a Notice of a Proposed Change (NOPC) to Amend the Development Order to achieve the proposed Land Exchange* with Manatee County; and

WHEREAS, all of the terms and conditions of the two previous development orders (Ordinance 91-62 and Ordinance 92-64) and the changes set forth in the NOPC to achieve the Land Exchange* with Manatee County, were combined into one Development Order (Ordinance 95-41) so that there would be a single Development Order document from which to operate; and

WHEREAS, on September 26, 1996, the Board of County Commissioners approved Ordinance 96-43, which amended Ordinance 95-41, to facilitate the completion of the Land Exchange*; and

WHEREAS, the DRI Development Order for that portion of the Four Corners Phosphate Mine in Manatee County is Ordinance 95-41, as amended by Ordinance 96-43; and

WHEREAS, on October 7, 1999, IMC Phosphates Company filed a Substantial Deviation Application* for a Substantial Deviation to their approved DRI for the Southeast Tract ADA* with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on December 19, 2000, the Board of County Commissioners approved Ordinance 00-49 allowing the addition of two non-contiguous tracts of ±2,508 acres to the Four Corners Mine DRI and allowing mining of the Southeast Tract Addition* under certain conditions, which are, for administrative purposes, governed by a separate Development Order Ordinance 00-49; and

WHEREAS, on January 19, 2001, IMC Phosphates Company filed a Substantial Deviation Application for a Substantial Deviation to their approved DRI for the Phase II Northeast Tract Addition ADA* to the Four Corners Mine DRI with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, the bird rookery (MA 08) designed to be protected under General Condition F(5) of the existing Development Order no longer exists and, therefore, the conditions associated with protecting that rookery are no longer needed; and

WHEREAS, the Substantial Deviation Application filed by IMC Phosphates Company and this Ordinance propose to delete General Conditions F(5), K(5)l, and K(10), to reflect that these conditions have been completed and are no longer necessary to be included in the Development Order; and

WHEREAS, on May 21, 2002, the Board of County Commissioners approved Resolution R-02-96 amending the existing Operating Permit and Master Mine Plan for the Four Corners Mine Northeast Tract to authorize relocation of an access corridor and mining of ± 60 acres not previously approved for excavation, prior to final approval of the Phase II Northeast Tract Addition Substantial Deviation ADA*, subject to specific conditions; and

THIS IS A CORRECTIVE DOCUMENT

WHEREAS, the described Project lies within the unincorporated area of Manatee County; and

WHEREAS, the Tampa Bay Regional Planning Council, Florida Department of Community Affairs, Central Florida Regional Planning Council, Hillsborough County, and Hardee County were provided copies of the Phase II Northeast Tract Addition ADA* by IMC Phosphates Company and were, therefore, afforded the opportunity to comment on the proposed change; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the statutory authority to consider and approve the Substantial Deviation for an amendment to an approved Development of Regional Impact; and

WHEREAS, the public notice requirements of Manatee County and Chapter 380, Florida Statutes, have been satisfied; and

WHEREAS, on November 12, 2002, IMC Phosphates Company requested and Manatee County agreed to continue the review and public hearing for Parcel #4 of the Phase II Northeast Tract Addition ADA* for individual consideration at a future public hearing as Ordinance 03-21; and

WHEREAS, Parcel #4 has undergone DRI review as part of this application; and

WHEREAS, the County staff's review of the parcel still has outstanding concerns; and

WHEREAS, the parcel is generally separated from the rest of the mine property by SR 37; and

WHEREAS, IMC Phosphates Company requested that the proposed mine access corridors (Parcels #3B and #7) be withdrawn from consideration, and as a result this Ordinance has been amended to no longer apply to Parcels #3B or 7; and

WHEREAS, the Manatee County Planning Commission has reviewed the Phase II Northeast Tract Addition ADA* and has filed a recommendation on this application with the Board of County Commissioners; and

WHEREAS, the Manatee County Planning Commission recommendation included the continuation of Parcel #4 (Ordinance 03-21) to a separate public hearing to be held on January 16, 2003, and as a result this Ordinance has been amended to no longer apply to Parcel #4; and

WHEREAS, the Board of County Commissioners has received and considered the comments of the Tampa Bay Regional Planning Council ("TBRPC") and DCA; and

WHEREAS, the Board of County Commissioners of Manatee County on November 21, 2002 held a duly a noticed public hearing on the Phase II Northeast Tract Addition ADA* and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County agencies, the applicant, and the review and report of the Manatee County Planning Department.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA THAT:

SECTION 1: AMENDMENT OF PRIOR DEVELOPMENT ORDERS FOR FOUR CORNERS PHOSPHATE MINE, DRI NO. 5.

This Ordinance establishes a new Development Order for the Four Corners Mine, including the Phase II Northeast Tract Addition*.

The original Development Order for Four Corners Mine in Manatee County was adopted on December 27, 1977. This Development Order was amended in its entirety by Ordinance 91-62 and subsequently amended by Ordinance 92-64. Ordinances 91-62 and 92-64 were amended in their entirety by Ordinance 95-41. Ordinance 95-41 was subsequently amended by Ordinance 96-43.

Ordinance 95-41, as amended by Ordinance 96-43 (the current Development Order), is amended and superseded by this Ordinance, provided this amendment shall not be construed to terminate the rights of the Developer*, if any, granted under Section 163.3167(8) F.S. to the extent such rights have previously been granted and not specifically herein or otherwise modified or amended.

The Development Order for the Four Corners Mine Phase II Northeast Tract Addition* Substantial Deviation, subject to the conditions contained in this order, adequately addresses the impact of the proposed changes.

The following conditions in Ordinance 96-43 have been completed or were advertised to be deleted from the Development Order. Therefore, the conditions listed below are no longer appropriate and have been noted as Complete or deleted from Section 6 of this Development Order, as appropriate:

- Condition A.(1), pertaining to soil conservation measures.
- Condition A.(2), pertaining to on-site soil problems.
- Condition B.(2), in part, pertaining to Old Wells on the 170 ac. parcel.
- Condition F. (2), pertaining to Floral survey of 170 ac. parcel.
- Condition F.(3), pertaining to wildlife management on 170 ac. parcel.
- Condition F.5. & K(5) I, Pertaining to MA-08 rookery.
- Condition G.(1), pertaining to recalculation of storm discharge rates.
- Condition I.(1), pertaining to caution light installation on Four Corner entrance road.
- Condition I.(3) a. pertaining to traffic signals at intersection of SR 37 & CR 640.
- Condition I.(4), pertaining to Carlton Road relocation.
- Condition I.(6), pertaining to placing road name signs on Four Corners entrance road.
- Condition K-10, pertaining to conditions of approval for mining of the 170 ac. parcel.

SECTION 2: FINDINGS OF FACT.

The Board of County Commissioners, after considering the testimony, evidence, documentation, Application for Development Approval*, the recommendation and findings of the Planning

THIS IS A CORRECTIVE DOCUMENT

Commission, and all other matters presented to the Board at the public hearing hereby makes the following findings of fact:

- A. All **"WHEREAS"** clauses preceding Section 1 of this Ordinance are adopted as findings of fact.
- B. The Developer* has received County approvals for and has commenced development in the development, consistent with the original DRI approved on December 27, 1977, as amended by Ordinances 91-62, 92-64, 95-41, and 96-43.
- C. The existing Four Corners Mine* is an approved DRI; therefore, in part, this development has Special Exception status as explained in Section 3, herein.
- D. On January 19, 2001, IMC Phosphates Company submitted an Application for Development Approval (ADA) for a Substantial Deviation to a Development of Regional Impact (DRI), known as the Four Corners Mine Phase II Northeast Tract Addition* to Manatee County, TBRPC, and DCA, which included the following elements:
 - 1. Amend Section 7 - Legal description for the addition of six (6) non-contiguous parcels, \pm 3,360 acres, known as the Northeast and Altman Tract additions to this DRI;
 - 2. Allow the mining of phosphate ore on the 3,360 acre addition to the mine, except for Parcels 3B and 7, which are mine access corridors;
 - 3. Amend the terms of the Development Order to allow the mining of phosphate ore on \pm 763 acres, known as the Northeast Tract Economic Revision areas, which were previously areas of "no-mining disturbance;"
 - 4. Amend the Section 7 - Legal description and terms of the Development Order to add two (2) Mine Access Corridors (\pm 171 acres), which will be disturbed by mining activity;
 - 5. Amend the D.O. to allow the sale of excess overburden and sand tailings for transport off-site;
 - 6. Amend the D.O. to increase the number of employees;
 - 7. Amend the D.O. to increase the rate of mining and number of acres to be mined or disturbed within the Jameson, Northeast, and Altman Tracts;
 - 8. Amend the D.O. to extend the life of the mine (mining activity and reclamation) by 11 years, from 2018 to 2024;
 - 9. Amend the D.O. to allow the potential use of conveyor systems for transportation of products and byproducts;
 - 10. Amend Sections 4 - Development Components, 5 - Definitions, and 6 - Development Conditions, to reflect the 3,360 acres to be added to this DRI, the 763 acres of Economic Revision Areas, and the 171 acres of Mine Access Corridors, to establish new or modified conditions of approval for mining within the Northeast, Jameson, and Altman Tracts, and to ensure the Development Order will be internally consistent with all changes proposed by the applicant;
 - 11. Delete existing Development Order Conditions F.5. & K (5) I. - MA-08, pertaining to a rookery;
 - 12. Delete existing Development Order Condition K - 10 pertaining to conditions associated with mining for the 170 ac. Addition;

13. Amend the D.O. to reflect changes in agency names, the name of the developer, and to denote stipulations that have been complied with or requirements that have been completed; and
14. Amend Map H to reflect the above changes.

E. The following information, commitments, and impact mitigating provisions submitted by IMC Phosphates Company are hereby incorporated in this Development Order by reference:

1. Substantial Deviation (ADA): received January 19, 2001.
2. Substantial Deviation (ADA) First sufficiency response: received September 10, 2001.
3. Substantial Deviation (ADA) Second sufficiency response: received March 28, 2002.
4. Substantial Deviation (ADA) Third sufficiency response: received July 16, 2002.
5. Additional information in response to Manatee County's fourth round of sufficiency comments: received October 8, 2002.
6. Additional information pertaining to volume and discharge rates of stormwater: received October 22, 2002.

F. In construing and enforcing the provisions of the documents incorporated in this Development Order by Section 2.E. above, the following shall apply:

1. The Development Order shall control over any incorporated document in conflict or inconsistent with its terms.
2. The most recent response of the IMC Phosphates Company in the referenced document shall control over previous responses, whenever there is a conflict, otherwise the responses shall be considered cumulative.
3. Any information, commitments, or impact mitigating provisions in the above-referenced documents which are inconsistent with the specific conditions set forth in this ordinance and the exhibits hereto, shall be deemed superseded and inapplicable.

G. The real property which is the subject of this application is entitled the Four Corners Mine* (approximately 11,157 acres known as the Altman, Jameson, and Northeast Tracts; of which ± 763 acres are known as Economic Revision Areas* and Parcels 1, 2, and 3 of the Four Corners Mine Phase II Northeast Tract Addition* (approximately 1,141 acres), is legally described in Section 7 of this Development Order.

H. An application has been submitted to Manatee County and is being processed concurrently with this ADA* to approve a Zoning Ordinance (Ordinance Z-02-11) for Parcels 1, 2, and 3 (± 1,141 acres) of the Phase II Northeast Tract Addition, which are proposed to be added to the Four Corners Mine*, and which land is not currently zoned EX-Extraction.

I. An application has been submitted to Manatee County and is being processed concurrently with this ADA* to approve a Master Mining and Reclamation Plan (Resolution R-02-068) for Parcels 1, 2, and 3 of the Four Corners Mine*, to reflect the changes proposed in the Application for Development Approval*.

J. The owner of the Four Corners Mine* is IMC Phosphates Company. The owners of the Four

Corners Mine Phase II Northeast Tract Addition*, which IMC Phosphates Company intends to mine are IMC Phosphates Company.

- K. The authorized agent for IMC Phosphates Company is Robert H. Kinsey, Vice President - Operations Support, P.O. Box 2000, Mulberry Florida 33860.
- L. A comprehensive review of the impact generated by the amendments to the Four Corners Mine* and Parcels 1, 2, and 3 of the Four Corners Mine Phase II Northeast Tract Addition* to the DRI has been conducted by the departments of Manatee County and TBRPC.
- M. The Developer* for purposes of this application is IMC Phosphates Company.
- N. The Project is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes. *
- O. On July 28, 1997, a pre-application meeting was held for the proposed Substantial Deviation DRI, at which time the Tampa Bay Regional Planning Council agreed to the elimination of standard ADA* questions 10, 16, 18, 20, 22 through 29, and 31 through 38.
- P. The proposed expansion of Four Corners Mine* DRI is an increase of over five percent (5%) of the existing phosphate mines acreage and constitutes a Substantial Deviation pursuant to Section 380.06(19)(b)(5), Florida Statutes.
- Q. On August 16, 2002, the Tampa Bay Regional Planning Council notified Manatee County that the Substantial Deviation ADA* for the Four Corners Mine Phase II Northeast Tract Addition* was sufficient and directed the County to set the local public hearing dates, pursuant to Subsection 380.06(11)(d), Florida Statutes. Manatee County scheduled the public hearings for November 7, 2002, November 13, 2002 (Planning Commission), and November 21, 2002 (Board of County Commissioners).
- R. On October 14, 2002, the Tampa Bay Regional Planning Council held a duly noticed public meeting on the Substantial Deviation ADA*, received all pertinent testimony and evidence, and pursuant to Section 380.06(12), Florida Statutes, issued a report recommending approval of the proposed Substantial Deviation.
- S. On November 7, 2002 and November 13, 2002, the Manatee County Planning Commission held duly noticed public hearings on the Substantial Deviation ADA* for the Four Corners Mine Phase II Northeast Tract Addition*, received all pertinent testimony and evidence, including the Tampa Bay Planning Council report and recommendations, and recommended approval of Parcels 1, 2, and 3 of the Substantial Deviation ADA* as conditioned herein.
- T. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning Parcels 1, 2, and 3 of the Phase II Northeast Tract Addition* to the DRI and the Application for Official Zoning Atlas Amendment as it relates to the real property described in Section 7 of this Ordinance.

- U. On November 21, 2002, the Board of County Commissioners held a public hearing regarding the Application for Development Approval for Parcels 1, 2, and 3 of Four Corners Mine Phase II Northeast Tract Addition* the to the DRI, in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended), the 2020 Manatee County Comprehensive Plan (Ordinance 89-01, as amended), the Manatee County Code of Laws Chapter 2-20 (the Mining Ordinance*), and has further considered the testimony, comments, and information received at the public hearing.
- V. The proposed changes described in the Substantial Deviation to the DRI with respect to Parcels 1, 2, and 3 are found to be consistent with the requirements of The 2020 Manatee County Comprehensive Plan and the Manatee County Land Development Code, provided the Development* proceeds in accordance with the Development Conditions specified in Section 6 and the Developer* Commitments attached as Exhibit L to this Development Order.

SECTION 3: CONCLUSIONS OF LAW.

Based upon the previous findings of fact and the following conditions of development approval, the Board of County Commissioners of Manatee County concluded that:

- A. The original acres contained within the original DRI Development Order are determined to have Special Exception status pursuant to Section 4.B of the Manatee County Comprehensive Plan.
- B. The 79 acres of the 170 Acre Addition* were previously determined to be "vested" pursuant to Section 4.B of the Manatee County Comprehensive Plan, and therefore, have Special Exception status to The Comprehensive Plan.
- C. The 91 acres of the 170 Acre Addition* were determined to be "vested" pursuant to Section 4.B of The Manatee County Comprehensive Plan, as to Policies 2.2.2.2.5(c), 3.2.1.7, 9.4.1.4., and 9.4.1.5 (formerly known as Policies 2.11.4.2 and 3.2.1.10), and, therefore, have partial Special Exception status to the Comprehensive Plan.
- D. The amendments contained in the Phase II Northeast Tract Addition ADA* constitute a Substantial Deviation as defined by Section 380.06 (19), Florida Statutes.
- E. The development of Parcels 1, 2, and 3 of the Phase II Northeast Tract Addition* is consistent with the local land development regulations, the State Comprehensive Plan, the Comprehensive Regional Policy Plan, and the 2020 Manatee County Comprehensive Plan (Ordinance 89-01, as amended).
- F. The development of Parcels 1, 2, and 3 of the Phase II Northeast Tract Addition* is consistent with the report and recommendations of the TBRPC issued on October 14, 2002, as conditioned herein.
- G. These proceedings have been duly conducted pursuant to applicable laws and regulations, and based upon the record in these proceedings, the Developer* is authorized to conduct

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development as described herein, subject to the conditions, restrictions, and limitations set forth below.

- H. The review by the County, TBRPC, other participating agencies, and interested citizens reveals that impacts of the development amendments described in the ADA* for Parcels 1, 2, and 3 of the Phase II Northeast Tract Addition* are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail. The amendments contained in the Phase II Northeast Tract Addition ADA* are consistent with the local land development regulations and consistent with the State Comprehensive Plan (SCP), Future of the Region: A Strategic Regional Policy Plan for the Tampa Bay Region (SRPP), and The 2020 Manatee County Comprehensive Plan.

SECTION 4: DEVELOPMENT COMPONENTS.

The Four Corners Mine has been previously approved for mining as generally described below:

- A. The construction of a processing plant including a heavy media facility.
- B. The construction of the F-3 waste clay settling area and a seven hundred and forty (740) acre F-1 waste clay settling area including the ability to dismantle, mine, and rebuild the F-1 waste clay settling area.
- C. The mining and reclamation plan for the Jameson tract provides that mining will be completed by November 30, 2006, and that reclamation will be completed by 2018.
- D. The mining and reclamation plan for the Northeast Manatee tract provides that the mining period will be from 2002-2006, and that reclamation will be completed by 2010.
- E. The mining of 9,952 acres including the 211 acres approved in Ordinance 91-62 within the Jameson Tract and the 170 acres approved in Ordinance 95-41.
- F. Projected traffic impacts to allow product shipment by truck to Piney Point/Port Manatee as described in Section 6, herein.
- G. The mining of the right-of-way of Carlton road in Sections 9 and 16, Township 33 South, Range 22 East, subject to the vacation of the existing right-of-way and relocation of Carlton Road by the Developer, as described in Section 6, herein.

With the addition of Phase II Northeast Tract Addition* and the changes to the Economic Revision Areas*, the Four Corners Mine approval for mining is expanded to include the components as generally described below:

- H. Parcels 1, 2, and 3 of the Phase II Northeast Tract Addition*, the Economic Revision Areas*,

and ±11 acres within the Jameson Tract are approved for mining and reclamation as shown in the ADA*, as conditioned and limited herein, as follows:

Four Corners Mine Parcels	SITE TOTALS		
	TOTAL AREA	TO BE MINED OR DISTURBED*	NOT DISTURBED
JAMESON TRACT	4,619 ¹	4,269 ³	350
N.E. TRACT	5,078 ²	4,751 ⁴	327
ALTMAN TRACT	319 ¹	319 ¹	0 ¹
PARCEL #1 (N.E. TRACT)	492	492	0
PARCEL #2 (N.E. TRACT)	124	123	1
PARCEL #3 (N.E. TRACT)	525	496	29
(New Parcels Subtotal)	(1,141)	(1,111)	(30)
TOTAL →	11,157⁵	10,450⁵	707⁵

SOURCE: Table 35-1 (revised)

FOOTNOTES:

1. The total acreage associated with the Jameson Tract and Altman Tract remain identical to that currently approved under the existing Development Order (Ordinance 95-41, as amended by Ordinance 96-43).
2. The total acreage associated with the Northeast Tract has increased slightly (26 acres) as a result of improved surveying technology.
3. The applicant has requested authorization to mine an additional 235 acres within the Jameson Tract. This results in a corresponding reduction of "not disturbed" acres.
4. The applicant has requested authorization to mine an additional 2,365 acres within the Northeast Tract. This results in a corresponding reduction of "not disturbed" acres.
5. The totals portrayed may vary slightly due to the rounding of acreages identified in the columns above.

1. Mined land will be reclaimed in accordance with the Master Mining and Reclamation Plan (R-02-268), the Operating Permit (R-99-277), terms of this Development Order, and the Reclamation Schedule (attached as Exhibit I) and Reclamation Plan Conceptual Schedule (attached as Exhibit H). The Reclamation Schedule requires completion of reclamation within 3 years of completion of all mining activities within a program or logical reclamation unit area that allows for reclamation of a sub-basin system rather than a partial system. For clay settling areas, reclamation commences after the surface area is ditched and drained, which takes approximately 4 years. Preservation areas will be retained to promote the protection of the regional wildlife and plant species and will act as suitable colonization sources for the reclaimed habitats. Reclaimed uplands are designed to have a connection to undisturbed areas so that they will have a way to repopulate. Relocation and restocking efforts as appropriate and approved by the various agencies will be conducted and will speed up the colonization of the reclaimed habitats. All wetland losses within Parcels 1, 2, and 3 of the Phase II Northeast Tract

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Addition* and the Economic Revision Areas* shall require mitigation in accordance with the specific mitigation plan described in the ADA* and shown in Table 12-1 (Attached as Exhibit J).

- J. The proposal to utilize an in-field pre washer facility along the Manatee/Hillsborough County line in Section 2, Township 33 South, Range, 21 East, is approved, subject to specific conditions and operating parameters established in the Master Mining and Reclamation Plan and Operating Permit approvals for Four Corners Mine*.
- K. The proposal to utilize alternative technology for transport of phosphate ore (e.g., conveyor systems) is approved, subject to specific conditions and operating parameters established in the Master Mining and Reclamation Plan and Operating Permit approvals for Four Corners Mine*.

SECTION 5: DEFINITIONS.

Note: An asterisk (*) denotes that the word is defined. The definition contained in Chapter 380, Florida Statutes, shall apply to this development Order, in addition to those listed below.

- A. "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 on Table 5.1 of the 2020 Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service for links and intersections in Polk County, Hardee County, or Hillsborough County, Florida, shall mean Level of Service as set for the affected roadways in the Polk, Hardee, or Hillsborough County Comprehensive Plans.
- B. "Application for Development Approval*" and "ADA", shall mean Four Corners Mine's* Development of Regional Impact Application for Development Approval and sufficiency responses, as amended by IMCF's Substantial Deviation Application for the Four Corners Mine (March 23, 1989), all five Additional Information Submittals submitted by the Developer* in response to the sufficiency reviews of state, regional, and local agencies, the revised mining schedule for the Jameson Tract, and the traffic information dated January 23, 1991 and the Notice of Proposed Change submitted on June 14, 1995 including the revised mining schedule and reclamation information for the Jameson Tract (which was attached as Exhibit A to Ordinance 95-41), IMC Phosphate Company's Development of Regional Impact (DRI) Application for Development Approval received January 19, 2001; three sufficiency responses received September 10, 2001, March 28, 2002, and July 16, 2002 respectively; additional information received on October 8, 2002 and October 22, 2002 respectively; and all information submitted by the Developer* in response to the sufficiency reviews of state, regional, and local agencies.
- C. "Best Management Practices*" shall mean practices that are technologically and economically practicable and most beneficial in preventing or reducing adverse impacts from mining activities. For more specific information and examples, see the same definition in the 2020 Manatee County Comprehensive Plan.

- D. "Best Possible Technology*" shall mean the most advanced technology which provides the maximum protection possible for the public health, safety, and welfare and which minimizes to the greatest degree possible any adverse impacts from industrial uses and mining activities, on the watershed of the Lake Manatee Reservoir. Best Possible Technology may include, but is not limited to: innovative reclamation techniques, augmentation of public water supplies that could be adversely affected by mining activities; construction of secondary containment structures or other measures to ensure against catastrophic failure of primary containment structures; elimination of mine site rock dryers; and zero point discharge; provided however, such requirements shall not be applied if the Developer* demonstrates that they are technologically infeasible. In ascertaining the Best Possible Technology, economic disadvantages shall only be considered relevant when analyzed in relation to other applicants conducting mining activities in the watershed or the Lake Manatee Reservoir.
- E. "Conservation Areas*" shall mean: 1) the secondary zone around any eagle's nest, as determined by the U.S. Fish and Wildlife Service; 2) those areas illustrated in Maps A-3A, A-3B, A-3C, F-1A, F-1B, F-1C, F-2A, F-2B, F-2C, H-1A, H-1B, H-3A, and H-3B, except for the ±29 acre area designated as "non-disturbance" and shown in Section 12, Township 33 South, Range 21 East in Section 12 in Parcel 3, which will be preserved throughout mining on the Phase II Northeast Tract Addition*, and the Economic Revision Areas*; and 3) the 200 acre "Manatee Wellfield Tract located in Sections 3 and 4, Township 35 South, Range 21 East and Section 34, Township 34 South, Range 21 East, which will be created, managed, and preserved for off-site Scrub Jay Mitigation Areas by IMC in accordance with the Scrub Jay Management Plan*.
- F. Developer*" shall mean IMC Phosphates Company (formerly IMC-Agrico Corporation or IMC Fertilizer, Inc.), their assigns, agents, and successors in interest as to the Four Corners Mine.
- G. "Development Approval*" shall mean any approval for this development granted through this DRI Development Order.
- H. "Economic Revision Areas" shall mean those portions of the Four Corners Mine in Manatee County located in Sections 1, 2, 10, 14, 15, 23, and 24, Township 33 South, Range 21 East, and Section 3, Township 33 South, Range 22 East, as shown on Maps A-3A, A-3B, and A-3C (attached as Exhibit D to this Ordinance), which are within the boundaries of the Four Corners Mine*. The Economic Revision Areas were not previously approved for mining of phosphate but are approved herein for mining and reclamation in accordance with the terms of the ADA* and this Ordinance.
- I. "Extended Four Corners Mine" Shall mean that portion of the Four Corners Mine located in Manatee County and that portion of Four Corners Mine as originally approved by Hillsborough and Polk Counties as illustrated on Map A which is attached as Exhibit B dated July 24, 1995. The Developer shall notify Manatee County of any amendments to any approved DRI in the Extended Four Corners Mine.
- J. "Four Corners Mine" shall mean all portions of the Four Corners Mine which are located in

Manatee County as described in Section 7 and excludes those portions of the mine located in Hillsborough and Polk Counties.

- K. "Four Corners Mine Southeast Tract Addition" shall mean that portion of the Four Corners Mine in Manatee County located in Section 36 in Township 33S, Range 22E, and Sections 1, 2, 11, 12, 13, and 14 in Township 34S, Range 22E, which is not subject to the requirements of this Ordinance.
- L. "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 applicant's mining activities.
- M. "Mine Extension Areas" shall mean the 740 acres of additional area to be mined in the F-1 Settling Area, the 170 Acre Addition* to the Four Corners Mine*, and the 211 acres not previously approved for mining.
- N. "Phase II Northeast Tract Addition" shall mean the three (3) discontiguous parcels which are being added to the Four Corners Mine in Manatee County and the Economic Revision Areas*. The Phase II Northeast Tract Addition* parcels are legally described in Section 7 of this Ordinance as Parcels 1, 2, and 3. The Economic Revision Areas* are shown on Maps A-3A, A-3B, and A-3C (attached as Exhibit D to this Ordinance).
- O. "Preservation Areas" shall mean the primary zone around any eagle's nest, as determined by the U.S. Fish and Wildlife Service, and all 25 year Floodplain* areas.
- P. "Reclamation Plan" shall mean the consolidated Master Mining, Reclamation, and Drainage Plan approved by the Board of County Commissioners on November 21, 2002 (Resolution R-02-068 for the Four Corners Mine*).
- Q. "25-Year Floodplain" shall mean the area so labeled on the floodplain map for the Northeast Manatee Tract in the original Four Corners Mine DRI/ADA (Exhibit 20.3B, Page 146), the area so labeled in Map H-1` of the Notice of Proposed Change dated June 9, 1995 for the Jameson Tract, and the area labeled IMC mapped 25-year floodplain on Maps C-3A and C-3B - Pre-mining Floodplain Locations for the Phase II Northeast Tract Addition* and the Economic Revision Areas*. 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 25-year storm event, and determination of the location of that water level in the field by elevation survey, using standard field practices, and standard hydrological analysis based upon pre-mining disturbance conditions. The 25-year Floodplain is distinguished from the "100-Year Flood Prone Areas or "100-Year Flood Zone as shown on FEMA maps."
- R. "170 Acre Addition" shall mean the addition to the Jameson Tract described in Section 7 under the heading "Changes to Jameson Tract".
- S. "Scrub Jay Management Plan" shall mean the Florida Scrub Jay Habitat Management Plan for IMC Phosphates Company - Southern Hillsborough and Manatee County Projects (dated July, 2001), the Florida Scrub Jay Experimental Translocation and Radiotelemetry Research Project

developed by IMC Phosphates Company (dated November 21, 2001), the Federal (USFWS) Florida Scrub Jay Translocation Permit, and the Spring 2002 Florida Scrub Jay Survey.

- T. "Land Exchange" shall mean the removal of the portions of the mine located in Section 21, and those portions of Sections 15 & 16 lying south east of SR 37, and the addition of the land in Section 1 lying south east of SR 37, all in Township 33 South, Range 22 East as described in Section 7 of under the heading "Changes to the Jameson Tract".
- U. "Land Exchange Area" shall mean that land involved in the Land Exchange* lying in Section 1, south of SR 37.

SECTION 6: DEVELOPMENT CONDITIONS.

For administrative purposes, Development Conditions in this Ordinance are identified separately for each parcel, as follows:

Development Order Conditions for the existing Four Corners Mine are labeled "**NE Tract Conditions**".

Development Order Conditions for the Phase II Northeast Tract Addition* (Parcels 1, 2, and 3) and the Northeast Tract Economic Revision Areas* are labeled "**Phase II Northeast Tract Addition Conditions**".

NE TRACT CONDITIONS

Land

- A.(1) A sufficient quantity of organic deposits and natural topsoils in wetland habitats capable of supporting indigenous vegetation shall be stockpiled during mining activities and utilized in reclamation of all wetland habitats. The use of the donor soil (nuisance Species Free) shall follow the requirements of DEP and/or COE, to insure reclamation and mitigation success. At a minimum, the following soil associations shall be stockpiled and utilized in reclamation:
 - A. Canova-Anclote-Okeelanta)Soil group #7)
 - B. Felda-Wabasso association (Soil group #24)
 - C. Floridana-Immokalee-Okeelanta association (Soil group #26)

Groundwater

- B.(1) The Groundwater Monitoring Program at the Four Corners Mine shall be performed as required by the Manatee County Operating Permit and Chapter 2-20, Code of Laws. At a minimum, the Groundwater Monitoring Program shall specify sampling locations, parameters, frequencies, duration, and analytical methods and procedures. The groundwater monitoring program shall be amended as determined necessary by Manatee County to require groundwater sampling

at surficial monitor wells for the F-3 clay settling area. A summary of the results of the monitoring program shall be included as part of the DRI annual report.

- B.(2.) The Developer* shall properly plug and abandon all on-site wells (Table 23C-1, attached as Exhibit C for Ordinance 95-41), in accordance with SWFWMD and Manatee County Health Department standards and rules, prior to mining each area.

Surface Water

- C.(1) Best Management Practices* for reducing surface water quality impacts shall be implemented. Best Possible Technology* shall be required for those portions of the Mine Extension Areas* located within the Lake Manatee Watershed.
- C.(2) The existing Surface Water Monitoring Program at the Four Corners Mine shall be performed as required by the Manatee County Operating Permit in Chapter 2-20, Codes of Law. At a minimum, the Surface Water Monitoring Program shall specify sampling locations, parameters, frequencies, duration, and analytical methods and procedures. The Surface Water Monitoring Program shall require surface water sampling of the East Fork of the Manatee River. A summary of the results of the monitoring program shall be included as part of the DRI Annual Report. The Water Quality Monitoring Program required in the Operating permit shall contain sufficient surficial water quality monitoring stations to characterize runoff from the Mine Extensions Areas*.
- C.(3) The Developer* shall implement the water quality mitigation measures identified in the ADA*, Addendum Question 15-D.
- C.(4) Should monitoring results indicate that applicable water quality standards are not being met due to mining activities, the violation shall be immediately reported to Manatee County and any other agency with jurisdiction and appropriate corrective measures shall be immediately implemented.
- C.(5) a) Copies of amendments to NPDES permits within the Four Corners Mine Substantial Deviation (including specific conditions) shall be submitted to Manatee County
- b) Stormwater runoff from lands cleared for mining and active mining areas shall be routed through ditches into the mine water recirculation system and discharged only through permitted NPDES points.
- c) All discharges and discharge rates from the NPDES points shall be in accordance with Chapters 62-302, 62-620, and 62-671, FAC and conditions of the specific NPDES permit.*

Wetlands

- D.(1) Any portions of the Four Corners Mine* which meets the definition of Preservation* and Conservation Areas* shall be so designated in the DRI Annual Report.

D.(2) The Developer* shall provide a thirty foot (30') wide transition zone around all wetlands in Preservation Areas* to provide an upland transition into the wetland areas and to protect the natural systems from development impact. The recharge ditch and berm may be located in the transition area, and water shall be added as needed to maintain the hydroperiod. The Developer* shall obtain wetland delineations from the appropriate permitting agencies as part of the dredge and fill permitting requirements prior to any disturbance of jurisdictional area, and shall simultaneously submit the application to Manatee County.

- a) Mitigation for wetland losses shall be shown on the DEP or COE Dredge and Fill permit application prior to the wetlands being disturbed.
- b) All wetland losses within the Four Corners Mine* shall require 1:1 in-kind wetland replacement, at minimum, except those portions without full Special Exception status which shall require a higher mitigation ration in accordance with The Manatee County Comprehensive Plan unless reduced by the Board of County Commissioners.
- c) Wetlands which are permitted to be altered or eliminated shall be used as donor material for revegetation of mitigation areas as outlined in development condition A.(1.).
- d) All mitigation areas and littoral shelves shall be monitored in accordance with DEP and Manatee County requirements. Additional planting may be required to achieve the desired natural cover rate. Mitigation areas monitoring results shall be included in the DRI Annual Report.

Floodplains

- E.(1) No mining or disturbance of the 25-Year Floodplain* shall be allowed except for those crossings permitted on the Northeast Tract as part of the original DRI approval or those crossings as outlined in E.(2) below.
- E.(2) Any disturbance to the 25-Year Floodplain* necessitated by utility, dragline, or pipeline crossings or construction shall be conducted during periods of low flow and all applicable Best Management Practices* for erosion control shall be utilized throughout the entire period of disturbance. Immediately after such use is terminated, the Developer* shall remove all structures, restore the area in question to original grade elevations, and revegetate the area.
- E.(3) No adverse hydroperiod alteration shall be permitted in the 25-Year Floodplain* of the Mine extension Areas*. Natural annual hydroperiods, normal pool elevations, and seasonal water fluctuations shall be substantially maintained, however, this shall not require replication of storm surges. Hydroperiod monitoring of the above described areas shall be conducted semiannually, beginning immediately and continuing for three years following reclamation completion of the sub-basin surrounding each of these areas. The monitoring sites shall be selected in cooperation with Manatee County. Should the above described be adversely impacted due to mining activities, the Developer* shall cease all mining and associated activity in the affected sub-basin until remedial measures have been proposed to Manatee County, approved, and then undertaken to correct the hydroperiod imbalance. Such measures could include limitations

on surrounding activities, enlargement of buffer areas and additional protection measures or water augmentation. The results of the hydroperiod monitoring shall be provided in each annual report.

- E.(4) In order to promote the maintenance of the functional aspects of floodplains, water alterations caused by pit de-watering shall be limited to only one side of a floodplain at a time and 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.

Vegetation and Wildlife

- F.(1) In the event that any species listed in Rule 68A-27.003 F.A.C. - Rule 68A-27.005, F.A.C., are observed frequenting the Land Exchange Area* for nesting, feeding, or breeding, proper protection/mitigation measure shall be employed immediately in cooperation with the Florida Fish and Wildlife Conservation Commission (FFWCC). In the event that a wood stork colony is observed, the Developer* shall implement the US Fish and Wildlife Service's Habitat Management Guidelines for the Wood Stork in the Southeast Region.
- F.(2) The Developer* shall conduct further floral surveys of the 170 Acre Addition* and Land Exchange Area*, in accordance with GFC recommendations prior to mining of the site **Completed.**
- F.(3) At a minimum, a Wildlife and Habitat Management Plan shall be established by the Developer* for the 170 Acre Addition* in cooperation with the Department of Agriculture and Consumer Services, FFWCC, and Manatee County, with review opportunities for the agencies and with approval by the County required. The Wildlife and Habitat Management Plan shall address:
- a) Listed species which could be relocated on site or off site. All listed species and their current locations shall be identified and relocation/management plans provided
 - b) A gopher tortoise mitigation program. This plan shall include a management program for the species.
- F.(4) Because portions of the Jameson Tract may fall within the secondary and, possibly, primary zones established for protection of eagle nests, all mining and reclamation activities for the Four Corners Mine* shall conform with the U.S. Fish and Wildlife Service's Habitat Management Guidelines for the Bald Eagle in the Southeast Region (most recent edition) in regard to the eagle's net (MN-08), which appears to be located approximately 1,450 feet southeast of the Four Corners Mine's* eastern boundary. (See the bird nesting locations map Figure 18B-1, Sufficiency Response 2, Page 40.)
- A. The U. S. Fish and Wildlife Service (FWS) shall determine site specific conditions for protection from mining activities as are appropriate. Site specific criteria shall include mining and seasonal operation limitations, as appropriate.

- F.(5) A Wildlife and Habitat Management Plan shall be established by the Developer* for the Land Exchange Area*, in cooperation with the USFWS, FFWCC, and Manatee County, with review opportunities for the agencies and with approval by the County, DCA, and State agency with Phosphate Mining regulatory authority for wildlife and habitat required. The Wildlife and Habitat Management Plan shall be approved prior to mining the site and shall address:
- a) Listed species (including Gopher Tortoises) which could be relocated on site or off site. All listed species and their current locations shall be identified and relocation/management plans provided.

Drainage

- G.(1) Prior to issuance of any new Operating Permit for the Four Corners Mine*, the following information must be submitted to Manatee County: estimated total volume and peak discharge rates of stormwater runoff to be generated by the final reclamation plan during the mean annual, 25 year, and 100 year storm events. **Completed**
- G.(2) The drainage basins in the Four Corners Mine* shall be restored to their approximate pre-mining size and location as described in the ADA* response to question 19. The post-reclamation flood flow peaks shall be in accordance with the rates established in the response to question 19 of the ADA. The discharge rate shall be in accordance with Chapter 40D-4 F.A.C. requirements.
- G.(3) Upon completion of reclamation in each affected drainage basin, the Developer* 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.
- G.(4) If the hydrologic studies indicate that the peak discharge characteristics of any affected drainage basin have been increased over premining conditions, the Developer* shall increase the retention capacity of the reclaimed land such that 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 minimum use of control structures.
- G.(5) All re-created wetlands and floodplain/floodprone areas shall be subject to all the rules, regulations, and policies of local, state, regional, and federal agencies governing wetland and floodplain/floodprone areas at the time mining and reclamation is complete.
- G.(6) The recreated wetlands shall be designed to promote seasonal fluctuations of water levels within the freshwater marsh and encourage seasonal inundation of the marsh property. Final grade of the side slopes of the marsh periphery shall meet the requirements established by Manatee County in Ordinance 81-22 or by the Department of Environmental Protection, whichever is more stringent.

- G.(7) The Developer* shall be responsible for maintaining the water recirculation system and the drainage system, including channels, swales, culverts, erosion protection facilities, and discharge facilities. Any transfer of this responsibility from the Developer* to subsequent owners, or assigns, shall require the approval of the appropriate permitting agency.

Water Supply

- H.(1) The Developer* shall provide, operate, and maintain the internal water supply system for the heavy media plant until such time as it is no longer needed for operations; then the Developer* shall abandon and remove it according to the applicable regulation at that time.
- H.(2) The Developer* shall continue to provide 1.96 MGD augmentation to the Manatee County water supply. The Developer* shall also maintain a wellfield capable of providing no less than 14 MGD annual daily coverage and 18 MGD maximum daily demand, which will produce water which can be treated to meet or exceed drinking water standards by conventional lime softening techniques (1.96 MGD of this capacity will be provided to Manatee County pursuant to the augmentation referenced above) until the requirements set forth in Section 6.H.(3) of the Development Order are satisfied.
- H.(3) Upon completion of reclamation activities in the Lake Manatee Watershed, the Developer* shall perform studies in accordance with SWFWMD and Manatee County requirements, to quantify the post-reclamation water budget so that mitigation in the form of long-term water supply augmentation can be performed by the Developer*, as necessary, to maintain this historic contribution to the Lake Manatee Watershed.

Transportation

- I.(1) The Developer* shall assume responsibility for the installation of a caution light at the mine's ingress-egress point on State Road 37, for use during operating hours. **Completed.**
- I.(2.) An annual monitoring program to provide peak-hour and average daily traffic counts at the project entrance, including a description of the types of vehicles making each trip, shall be instituted to verify that the projected number of external trips for the project are not exceeded. Counts will continue on an annual basis through project completion. This information shall be supplied in the required annual report. If the annual report indicates that the total trips exceed projected counts, Manatee County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), F.S., and may amend the Development Order to change or 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 pursuant to Subsection 380.06(19), F.S., will be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.
- I.(3) If by 2007, the Florida Department of Transportation determines that road improvements are required on the following sections of state maintained highway, the Developer* shall contribute

its proportionate share of funds based on the percentage of project traffic on that roadway at that time. These improvements include:

- a) Improve the intersection at SR 37/SR 640 by providing signalization, when warranted by the Manual for Uniform Traffic Control Devices (MUTCD) **Completed.**

I.(4.) That portion of Carlton Road contained in Sections 9 and 16 of Township 33 South may be vacated subject to a temporary easement for public access over the existing right-of-way until such road is relocated in accordance with this condition. If the Carlton Road vacation is approved, Manatee County shall dedicate right-of-way in Sections 17, 20, and 21, Township 33S. Range 22 E, the Developer* shall dedicate or ensure the dedication of the remaining right-of-way in Sections 8, 9, and 16 to Manatee County to ensure a continuous 84 foot wide right-of-way as shown on the attached map (Exhibit D) or other location approved by Manatee County in accordance with Manatee County requirements and at Developer's* sole expense prior to the disturbance and/or mining of the existing right-of-way. The relocated road shall be a 25 foot wide roadway of stabilized material. Manatee County will cooperate in a timely manner in the permitting of the new location. The responsibility and the expense of the other required governmental permitting, legal costs, right-of-way acquisition on the Yon and/or Badcock properties and relocation construction will be that of the Developer*. This section should not be construed to require Manatee County to condemn any right-of-way. The mining setback from the relocated right-of-way will be in accordance with Section J.(9.) of this Order. **Completed.**

I.(5) All non-public roads, streets, bridges, and other access ways located upon the site shall be constructed and maintained by the Developer* without any cost or obligation to Manatee County.

I.(6.) The existing east-west road on the Hillsborough-Manatee County line should be named Four Corners Mine Road and two street signs (one in each County) erected at its intersection with SR 37 at the Developer's* expense **Completed.**

I.(7) Transportation of product from this mine by truck is permitted on State Road 37 North from the identified mine entrance on State Road 37. The Developer* shall not use State Road 37, State Road 62 and/or Moccasin Wallow Road routing to ship products to Port Manatee or return to the Four Corners Mine from Port Manatee. The only approved routing from Four Corners Mine to Port Manatee is as follows:

State Road 37 North to State Road 674, thence West to US 41 thence South to Port Manatee and return by same route. The Developer* will not exceed 750 loads of product per day by truck shipments with no more than 94 loads of product per day being transported by truck to Port Manatee.

I.(8) The establishment of crossing points on County roads for purposes of access, movement of mining machinery, or mineral transport pipelines shall not be permitted without the prior written approval of the Manatee County Transportation Department and Environmental Management

Department. The Phosphate Mining Coordinator shall be sent copies of all crossing permit applications at the time of application for crossing any County right-of-way.

- I.(9) The Developer* shall notify the Transportation Department and Environmental Management Department of any spill which may occur on public right-of-way as the result of a traffic accident.
- I.(10) The Developer* shall change eight hour work shifts to times that do not coincide with the A.M. (7:00 to 9:00) and P.M. (4:00 to 6:00) peak traffic periods.
- I.(11) That portion of Bunker Hill Road contained in Section 23 of Township 33 South, Range 21 East may be relocated to permit mining of phosphate underlying this roadway, in accordance with all conditions established by the Manatee County Transportation Department. Upon completion of mining and reclamation of Bunker Hill Road, the Developer* shall dedicate or ensure the dedication of 84' of right-of-way for Bunker Hill Road to Manatee County, in a location approved by the Transportation Department. The Developer shall also reconstruct Bunker Hill Road to County standards for a paved rural two-lane roadway.

Mining Operations

- J.(1) The Developer* shall obtain all the necessary construction and operation permits and approvals required by, and shall fully comply, to the extent not inconsistent with this Development Order and the VRD-90-14, with all the provisions of applicable laws, ordinances, rules, regulations, or requirements of any federal, state, regional, or county governmental authority in connection with the proposed mining activities at the Four Corners Mine*.
- J.(2) When filled, the F-1 (rebuilt), F-3 (A and B), and F-9 disposal areas shall contain an amount of waste clay approximately equivalent to the amount of waste clay produced from Four Corners Mine*.
- J.(3) All earthen embankments (dams) shall be designed, constructed, inspected, and maintained in accordance with the standards of Chapter 62-672, FAC - Minimum Requirements for Earthen Dams, Phosphate Mining and Processing Operations, as indicated in the Substantial Deviation ADA*, as well as all other applicable local, state, and federal requirements.
- J.(4) The Developer* shall abide by all Florida Department of Environmental Protection (DEP) 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. The beneficiation plant and its accessory structures would be exempt from this condition if the Board of County Commissioners approves an extension of that facility prior to cessation of the mining operation and adequate performance security is posted to guarantee later removal of these structures.
- J.(5) The Developer* shall reclaim all mined or disturbed land to DEP or Manatee County standards, whichever is more stringent. Reclamation and revegetation shall proceed immediately after mining activities cease in each parcel and in no case shall exceed the conceptual schedule for reclamation depicted on Maps I-4A and I-4B. The Developer* shall be responsible for

maintenance of all reclaimed areas until such time that those areas are certified as reclaimed by Manatee County in accordance with the procedures established in the Mining Code.

- J.(6) The Developer* shall utilize Best Management Practices* (including revegetation, reforestation, erosion control, etc.) for all mined/disturbed lands to accelerate and ensure the successful establishment of the natural vegetative associations that the reclamation areas are designed to support. Wherever possible, leach zone material shall be covered by graded spoil to lessen the potential of increased radiation levels on reclaimed lands.
- J.(7) Reclamation shall be considered complete when 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, and when DEP and Manatee County have approved the reclamation of the Four Corners Mine* in accordance with Chapter 62C-16, Florida Administrative Code and the Mining Code.
- J.(8) The Developer* shall allow no development or land use activity (such as grazing, farming, tree harvesting) within any newly established 25-Year Floodplains* that would in any way inhibit the growth and development of native vegetation associations appropriate for floodplains, during the mining period.
- J.(9) Minimum mine cut setbacks shall be maintained as follows:
 - a) 500 feet of a habitable structure existing at the time of initial application for Master Mining Plan approval;
 - b) 200 feet of an existing public right-of-way or public or private easement for drainage utility or road purpose;
 - c) 200 feet of IMCF's property line;
 - d) A distance not less than 50 feet from Carlton Road right-of-way which the Developer* can establish will ensure to the County Mining Coordinator that the mining will be performed in a manner which will protect the structural integrity of the roadway. **Completed.**
 - e) Notwithstanding the foregoing, Section 2-20-33 of the Mining Code shall apply to the Mine Extension Areas*.

The F-3 exterior dam will meet the setback requirements of Section 2-20-33 of the Mining Code with the exception of Section 2-20-33(2)(b) in which case it will not be less than 200 feet from any public right-of-way.

All other operations and facilities shall meet the setback requirements of Section 2-20-33 of the Mining Code, provided that the F-1 exterior dam, or any reconstruction of the F-1 dam (F-1R), shall not be required to meet the requirements of Section 2-20-33, unless 50% of the linear footage of the existing

F-1 exterior dam is dismantled or significantly disturbed or any portion of the existing F-1 exterior dam within 2,500 feet of any existing church, school, or habitable structure is dismantled or significantly disturbed.

- f. The mine cut shall not disturb the remaining buffer of pine trees along the north side of SR 62. The required perimeter ditch and berm system shall be located north of the remaining buffer of pine trees.

However, nothing in this requirement shall prevent the reduction of setbacks pursuant to Section 2-20-33 (b)(4) of the Mining Code, except for J. (9.) f., above.

J.(10) Radiation standards shall be maintained as follows:

- a) For the Mine Extension Areas*, the radiation standards shall be maintained in accordance with Section 2-20-33(d) of the Mining Code;
- b) For all other areas of the mine, and in accordance with prior approvals, the weighted average soil concentration of radium for all reclaimed lands not included in the Mine Extension Areas*, which are not reclaimed over slime ponds or are not reclaimed as lakes or wetlands, for the top six feet shall not exceed 8.8 pCi/gram. In addition, these areas shall also comply with Section 2-20-33(d)(3) of the Mining Code.
- c) Any building shall be designed and constructed and all reclamation shall be done to provide protection against gamma radiation and radon gas accumulation and emanation in accordance with the most stringent applicable state and federal requirements.
- d) This section shall be subject to any restrictions set forth in Section 553.98, Florida Statutes.

J.(11) Any reconstruction of the F-1 dam (F-1R) or any portion thereof shall be constructed in accordance with the appropriate design cross section shown in either Figure 14 or Figure 16 of the Dames and Moore January 2, 1990 report which was attached as Exhibit E to Ordinance 95-41.

Note: General Conditions have been moved to the end of Section 6 of this Ordinance

PHASE II NORTHEAST TRACT ADDITION* CONDITIONS

Groundwater

K.(l) The Groundwater Monitoring Program at the Four Corners Mine Phase II Northeast Tract Addition* shall be performed as required by the Manatee County Operating Permit issued for the Phase II Northeast Tract Addition* and Chapter 2-20, Code of Laws. At a minimum, the

Groundwater Monitoring Program shall specify sampling locations, parameters, frequencies, duration, analytical methods, and procedures. A summary of the results of the monitoring program shall be included as part of the DRI annual report.

- K.(2) The Developer* shall properly plug and abandon all on-site wells, in accordance with SWFWMD and Manatee County Environmental Management Department standards and rules, prior to mining each area of the Phase II Northeast Tract Addition*.

Surface Water

- L.(1) Best Management Practices* for reducing surface water quality impacts shall be implemented.
- L.(2) A Surface Water Monitoring Program at the Four Corners Mine shall be performed as required by the Manatee County Operating Permit issued for the Phase II Northeast Tract Addition* and Chapter 2-20, Codes of Law. At a minimum, this Surface Water Monitoring Program shall specify sampling locations, parameters, frequencies, duration, analytical methods, and procedures. A summary of the results of the monitoring program shall be included as part of the DRI Annual Report. The Water Quality Monitoring Program required in the Operating Permit shall contain sufficient surficial water quality monitoring stations to characterize runoff from the Phase II Northeast Tract Addition*.
- L.(3) Should monitoring results indicate that applicable water quality standards are not being met due to mining activities, the violation shall be immediately reported to Manatee County (as required under the Operating Permit for the Four Corners Mine Phase II Northeast Tract Addition*) and any other agency with jurisdiction and appropriate corrective measures shall be immediately implemented.
- L.(4)
 - a. Copies of amendments to NPDES permits associated with the Four Corners Mine Phase II Northeast Tract Addition* (including specific conditions) shall be submitted to Manatee County.
 - b. Stormwater runoff from lands cleared for mining and active mining areas shall be routed through ditches into the mine water recirculation system and discharged only through permitted NPDES outfalls.
 - c. All discharges and discharge rates from the NPDES outfalls shall be in accordance with Chapters 62-302, 62-620, and 62-671, FAC and conditions of the specific NPDES permit.
- L.(5) Erosion control measures such as siltation screens and hay bales shall be used to prevent surface water quality degradation. Best Management Practices shall be employed throughout preparation, mining and reclamation to minimize surface and groundwater quality impacts.

Wetlands

- M.(1) The Developer* shall provide a thirty foot (30') wide buffer zone around all wetlands in

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Preservation Areas* to provide an upland transition into the wetland areas and to protect the natural systems from development impact. The protection berm may be located in the transition area. Water shall be added as needed to maintain the hydroperiod.

- a) Mitigation for wetland losses shall be as shown on the FDEP Environmental Resources Permit (ERP).
- b) All wetland losses within the Four Corners Mine Phase II Northeast Tract Addition* shall require mitigation in accordance with the specific mitigation plan described in the ADA* and shown in Tables 12-1 and 13-1 (attached at Exhibits J and E, respectively). Any deviation from the specific mitigation plan not specifically required by Manatee County or permitting agencies with jurisdiction shall trigger a Substantial Deviation determination pursuant to Section 380.06(19) F.S.
- c) All mitigation areas and littoral shelves shall be monitored in accordance with FDEP and Manatee County requirements. Additional planting may be required to achieve the desired natural cover rate. Mitigation areas monitoring results shall be included in the DRI annual report.

M.(2) Existing wetlands which are permitted to be altered or eliminated shall be used as donor material for revegetation or mitigation area as outlined in development condition A.(1.).

M.(3) As stated in the ADA* and sufficiency responses agricultural activities on the site may continue until the area is prepared for mining but at no greater density or intensity than at present and, provided that the geographic extent of agricultural activities, including tree removal shall not be increased unless specifically permitted by the Manatee County Environmental Management and Planning Departments.

However, no agricultural activities are permitted within those areas preserved throughout mining, as shown on Maps A-3A, A-3B, A-3C, F-1A, F-1B, F-1C, F-2A, F-2B, F-2C, H-1A, H-1B, H-3A, and H-3B, except for the ±29 acre area designated as "non-disturbance" and shown in Section 12, Township 33 South, Range 21 East in Section 12 in Parcel 3, and as further stipulated in this Development Order.

Floodplains

N.(1) No mining or disturbance of the 25-Year Floodplain* shall be allowed except for those crossings permitted on the Phase II Northeast Tract Addition*, as outlined in N.(2) below.

N.(2) Any disturbance to the 25-Year Floodplain* necessitated by utility, dragline, or pipeline crossings or construction shall be conducted during periods of low flow and all applicable Best Management Practices* for erosion control shall be utilized throughout the entire period of disturbance. Immediately after such use is terminated, the Developer* shall remove all structures, restore the area in question to original grade elevations, and revegetate the area.

N.(3) There shall be no adverse hydroperiod alteration of hydroperiods in wetlands that are not

approved for mining. Hydroperiods (seasonal high and normal pool elevations) shall be established and reviewed and approved by the SWFWMD. Natural annual hydroperiods, normal pool elevations, and seasonal water fluctuations shall be substantially maintained. Hydroperiod monitoring of the above described areas shall be conducted and reported semiannually to Manatee County, as described in IMC's SWFWMD Water Use Permit 2011400, as amended. The monitoring sites shall be at the locations where the hydroperiods were established. Should the above described be adversely impacted due to mining activities, the Developer* shall cease all mining and associated activity in the affected sub-basin until remedial measures have been proposed to Manatee County, approved, and then undertaken to correct the hydroperiod imbalance. Such measures could include limitations on surrounding activities, enlargement of buffer areas and additional protection measures or water augmentation.

- N.(4) In order to promote the maintenance of the functional aspects of floodplains, water alterations caused by pit de-watering shall be limited to only one side of a floodplain at a time and 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.
- N.(5) There shall be no net loss of 100-year floodplain storage capacity.
- N.(6) No impervious surfaces shall be constructed in the 25-year floodplain.

Vegetation and Wildlife

- O.(1) In the event that any listed species listed in Rule 68A-27.003 - 68A-27.005 FAC, or state or federally listed species or colonies of species are observed nesting or breeding at the Phase II Northeast Tract Addition* in an area to be disturbed by mining operations, the developer shall immediately notify the Florida Fish and Wildlife Conservation Commission (FFWCC) and implement the recommended measures for species protection. In the event that a wood stork nesting colony is observed, the Developer* shall implement the US Fish and Wildlife Service's Habitat Management Guidelines for the Wood Stork in the Phase II Northeast Tract Addition*.
- O.(2) IMC shall implement the Wildlife and Habitat Management Plan as detailed in the ADA* and Sufficiency Responses for the Phase II Northeast Tract Addition*, which has been approved by FFWCC and U.S. Fish and Wildlife Service. Prior to the clearing of each mining parcel, the Developer shall obtain the necessary permits and approvals for relocation or incidental take of listed species. Implementation activity associated with the approved plan or listed species permitting will be reported in the DRI annual report.
- O.(3) Mining and reclamation of the northern reach of the West Fork Horse Creek floodplain and the South Fork Little Manatee River watershed shall proceed as specified in the ADA*. Any deviation not specifically required by Manatee County or permitting agencies with jurisdiction shall trigger a Substantial Deviation determination pursuant to Section 380.06(19) F.S.
- O.(4) The habitat shown to be preserved throughout mining on Parcels 1, 2, and 3, as shown on Maps A-3A, A-3B, A-3C, F-1A, F-1B, F-1C, F-2A, F-2B, F-2C, H-1A, H-1B, H-3A, and H-3B, and as

further stipulated in this Development Order, except for the ±29 acre area designated as "non-disturbance" and shown in Section 12, Township 33 South, Range 21 East in Section 12 in Parcel 3, shall be protected in perpetuity through the establishment of a conservation easement. The Conservation Easement shall include Manatee County as a grantee, in addition to FDEP. The Conservation Easement required by this condition shall be in addition to the area proposed for conservation easement in association with Integrated Habitat Network and translocation of the Florida scrub-jay.

The following areas of regionally-significant habitat shall be protected in perpetuity through the establishment of a conservation easement granted to FDEP:

- a. Habitat created on the Northeast Tract as part of the Integrated Habitat Network and mitigation wetlands, totaling approximately 162 acres and shown on Figure MC-16 B, page 1-44, of the Second Additional Information.
- b. The 365 acres of xeric and oak scrub and certain pine flatwoods to be selected by the US Fish and Wildlife Service; and the 335 acres already selected for protection and translocation of the federally-listed Florida scrub Jay.

Drainage

- P.(1) The drainage basins in the Four Corners Mine Phase II Northeast Tract Addition* shall be restored to their approximate pre-mining size and location as described in the ADA*. The post-reclamation flood flow peaks shall be in accordance with the rates established in the ADA. The discharge rate shall be in accordance with Chapter 62C-16, F.A.C., requirements.
- P.(2) All re-created wetlands shall be subject to all the rules, regulations, and policies of local, state, regional, and federal agencies governing wetland areas when such areas meet the definition of "wetland" as specified by the County, FDEP, and ACOE, respectively.
- P.(3) The re-created wetlands shall be designed to promote seasonal fluctuations of water levels within the freshwater marsh and encourage seasonal inundation of the marsh property. Final grade of the side slopes of the marsh periphery shall meet the requirements established by Manatee County in the Mining Ordinance* or by the Department of Environmental Protection, whichever is more stringent.
- P.(4) The Developer* shall be responsible for maintaining the water recirculation system and the drainage system, including channels, swales, culverts, erosion protection facilities, and discharge facilities during mining and reclamation. Any transfer of this responsibility from the Developer* to subsequent owners, or assigns, shall require the approval of the appropriate permitting agency.

Water Supply

- Q.(1) There shall be no net increase in the groundwater water demand in excess of the currently permitted volume for the Four Corners Mine* as it pertains to mining in the Phase II Northeast

Tract Addition*.

Transportation

- R.(1) All non-public roads, streets, bridges, and other access ways located upon the site shall be constructed and maintained by the Developer* without any cost or obligation to Manatee County.
- R.(2) Establishment of a single crossing point on County Road 39 for purposes of access, movement of mining machinery, or mineral transport pipelines shall be permitted, as committed to in the ADA* (page 21-4). Establishment of two crossing points on State Road 37 for purposes of access, movement of mining machinery, or mineral transport pipelines shall be permitted, as shown in the ADA* on Map H-1A, provided that the crossings on SR 37 are not for the purpose of access to Parcel #4.

Mining Operations

- S.(1) The Developer* shall obtain all the necessary construction and operation permits and approvals required by, and shall fully comply, to the extent not inconsistent with this Development Order with all the provisions of applicable laws, ordinances, rules, regulations, or requirements of any federal, state, regional, or county governmental authority in connection with the proposed mining activities at the Phase II Northeast Tract Addition*.
- S.(2) The two clay disposal areas (F-9A and F-9B) partially within the Phase II Northeast Tract Addition* shall contain an amount of waste clay approximately equivalent to the amount of waste clay produced from the Four Corners Mine* in Manatee County.
- S.(3) All earthen embankments (dams) shall be designed, constructed, inspected, and maintained in accordance with the standards of Chapter 62-672, FAC - Minimum Requirements for Earthen Dams, Phosphate Mining, and Processing Operations, as indicated in the ADA* for the Phase II Northeast Tract Addition*, as well as all other applicable local, state, and federal requirements.
- S.(4) The Developer* shall abide by all Florida Department of Environmental Protection (FDEP) 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 a proposed post reclamation zoning district classification of the property.
- S.(5) The Developer* shall reclaim all mined or disturbed land to FDEP or Manatee County standards, whichever is more stringent. Reclamation and revegetation shall proceed immediately after mining activities cease in each parcel and in no case shall exceed the schedule for reclamation outlined in Table 35-4 of the ADA* (Attached as Exhibit I). The Developer* shall be responsible for maintenance of all reclaimed areas until such time that those areas are approved as reclaimed by Manatee County in accordance with the procedures established in the Mining Ordinance*.
- S.(6) The Developer shall utilize Best Management Practices* (including revegetation, reforestation,

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erosion control, etc.) for all mined or disturbed lands to accelerate and ensure the successful establishment of the natural vegetative associations that the reclamation areas are designed to support. Wherever possible, leach zone material shall be covered by graded spoil to lessen the potential of increased radiation levels on reclaimed lands.

- S.(7) Reclamation shall be considered complete when 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, and when FDEP and Manatee County have approved the reclamation of the Four Corners Mine Phase II Northeast Tract Addition* in accordance with Chapter 62C-16, Florida Administrative Code and the Mining Ordinance*.
- S.(8) During the mining and reclamation period, the Developer* shall allow no development or land use activity (such as grazing, farming, tree harvesting) within any newly established 25-Year Floodplains* that would in any way inhibit the growth and development of native vegetation associations appropriate for floodplains.
- S.(9) Minimum mine cut setbacks and setbacks for the perimeter recharge ditch shall be maintained as follows:
- a. 1,000 feet of a habitable structure existing at the time of initial application for Master Mining Plan approval, unless waived by affected habitable structure owner;
 - b. A minimum of 45 feet from an existing public right-of-way;
 - c. 500 feet of IMC- Phosphate Company property line;
 - d. 1,000 feet of any wetlands or groves on adjoining property not owned by the applicant.

Nothing in this requirement shall prevent the reduction of setbacks pursuant to Section 2-20-33(b) of the Mining Code. All such setbacks shall be shown in the Operating Permit and shall be specifically approved by the Board of County Commissioners.

Within the above described setback areas along CR 39 and SR 37, the applicant shall construct an earthen berm, 6'-8' in height above the roadway elevation, prior to commencement of mining activities. Within the above described setback area along SR 62 where the existing buffer of planted pine trees does not exist, the applicant shall construct an earthen berm, 6'-8' in height above the roadway elevation, prior to commencement of mining activities.

- S.(10) Radiation standards shall be maintained as follows:

- a. For the Phase II Northeast Tract Addition*, the radiation standards shall be maintained in accordance with Section 2-20-33(d) of the Mining Ordinance*;
- b. Any building shall be designed and constructed and all reclamation shall be done to provide protection against gamma radiation and radon gas accumulation and

emanation in accordance with the most stringent applicable state and federal requirements.

c. This section shall be subject to any restrictions set forth in Section 553.98, Florida Statutes.

S.(11) Within the Peace River watershed, the reclamation schedule will be expedited by placing the sand tailing fill the year after each area is mined, and then revegetate so that the total time each block is disturbed from start of mining to being effectively reclaimed is about three years.

S.(12) The Phase II Northeast Tract Addition* shall be reclaimed in such a way that pre-mining groundwater outflows from the surficial aquifer are approximated, taking into account the increased evapotranspiration from the increased wetland areas.

Air Quality

T.(1) Best Management Practices, including those identified in the ADA, shall be employed during site preparation, mining, and reclamation to minimize air quality impacts.

GENERAL CONDITIONS (Applicable to the Four Corners Mine*, including Parcels 1, 2, and 3 of the Northeast Tract Phase II Addition*, ± 11 acres within the Jameson Tract, and the Northeast Tract Economic Revision Areas.)

U.(1.) Best Management Practices* shall be required for the operation, maintenance, and reclamation of the Four Corners Mine*. Best Management Practices*, including those identified in the ADA, shall be employed during site preparation and construction to prevent soil erosion. Best Management Practices* shall be used to accelerate the natural development of those areas that are intended to support native forested and unforested wetland vegetation associations. Utility and pipeline crossings of the tributaries shall, at a minimum, meet the following:

- a. Pipelines shall be placed above the 25-Year Floodplain* elevation and isolated from tributaries by berms.
- b. Pipelines shall be jacketed and spill containment areas outside the floodplain shall be provided.
- c. Pipelines shall be routinely inspected by operating personnel and the system shall be shut down if a spill occurs until the source of the spill is corrected.
- d. All utility crossings shall be elevated above the 25-Year Floodplain* level 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.

U.(2.) Due to the mine's location within the Lake Manatee watershed, Best Possible Technology* shall

be applied to any portion of the Mine Extension Areas* located within the Lake Manatee Watershed Overlay District.

- U.(3.) Storage of hazardous materials in excess of 220 lbs., or acutely hazardous materials in excess of 2.2 lbs. For any day of the month shall be prohibited within the Lake Manatee Watershed. Furthermore, all hazardous and acutely hazardous material storage shall be prohibited within any 25-Year Floodplain* or 100-Year Floodplain of any inflowing watercourse located within the Lake Manatee Watershed or within 200 feet of the DEP jurisdictional line associated with any inflowing watercourse, whichever is greater. Hazardous and acutely hazardous material shall be as defined and listed in 40 CFR 261 and as adopted within Chapter 62-730, Florida Administrative Code, and Section 403.7, Florida Statutes.
- U.(4.) All of the Developer's* commitments, which were attached as Exhibit F to Ordinance 95-41, those attached to this Ordinance as Exhibit L, and any other as set forth in the ADA* for the Four Corners Mine* or the ADA* for the Phase II Northeast Tract Addition*, shall be honored for the Four Corners Mine*, the Mine Extension Areas*, and the Phase II Northeast Tract Addition*, including the Economic Revision Areas*, except as they may be superseded by specific terms of this Ordinance.
- U.(5.) The DRI annual report shall comply with the Florida Department of Community Affairs (DCA) report format and informational requirements, and shall include summaries of NPDES monitoring results and surface water and groundwater quality monitoring results (including notification of violations of water quality standards per Chapter 62-3, FAC); Mining progress; impacts on surface water and groundwater flows; impacts on Lake Manatee (if any); compliance with listed species management plans; success or problems with listed species management plans; reclamation progress and compliance with approved mining and reclamation schedules. The Developer* shall submit annual DRI reports in accordance with Section 380.06(18), F. S., to Manatee County, and the TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, no later than July 31st of each year until such time as terms and conditions of this Development Order are satisfied as determined by Manatee County. Six copies of this report shall be submitted to the Director of Manatee County Planning Department, or the Director's designee, who shall review the report for compliance with the terms and conditions of the Order and may submit an appropriate report to the County Commissioners should the Director decide that further orders and conditions are necessary. The Developer* shall be notified of any board of County Commissioners hearing wherein such report is to be reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver, or change of conditions as to any terms or conditions of this Order. The Planning Director or his/her designee shall notify the Developer in writing upon acceptance or denial of the report. The annual report shall, at a minimum, contain the following:
- a. Any changes in the plan of development, or in the representations contained in the ADA*, or in the phasing for the reporting year and for the next year.
 - b. A summary comparison of development activity proposed and actually conducted for the year;

- c. Undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or developer in the Extended Four Corners Mine*;
- d. Identification and intended use of lands purchased, leased, or optioned by the Developer* adjacent to the Four Corners Mine* site since the Development Order was issued;
- e. An assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the ADA* and which have been identified by the local government, the Regional Planning Council, or the Department of Community Affairs as being significant.
- f. Any known incremental DRI applications for development approvals or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year for the Extended Four Corners Mine*;
- g. An indication of a change, if any, in local government jurisdiction for any portion of the development since the Development Order was issued;
- h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
- i. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), F.S.;
- j. A copy of any recorded notice of the adoption of a Development Order or the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), F.S.
- k. Monitoring results pursuant to stipulations B.(1.), C.(2.), C.(4), C.(5)a., D.(2)d, E.(3.), G.(2), H.(3), I.(2), K.(1), L.(2), L.(3), L.(4)a., and N.(3);
- l. Any notice of violation for noncompliance for the Extended Four Corners Mine*; and
- m. A copy of the approved Spill Notification, Containment, and Contingency Plan for F-3 shall be submitted to TBRPC in the Annual Report following the County's written approval of said plan. Subsequent updates or revisions to this plan shall also be submitted to TBRPC in the Annual Report following such update or revision. **Completed.**
- n. A copy of the approved Spill Notification, containment, and Contingency Plan for F-3B, F-9A, and F-9B shall be submitted to TBRPC in the Annual Report following the County's written approval of each plan. Subsequent updates or revisions to this plan shall also be submitted to TBRPC in the Annual Report following such update or revision.

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- o. A clearance letter from the Manatee County Department of Community Services that any home(s) removed from the site did not qualify as affordable housing or that the applicant has made any required payment to the Manatee County Affordable Housing Trust Fund for the removal of affordable housing.
- U.(6.) Mining under this Development Order shall terminate on December 31, 2018. This Development Order shall not expire until December 31, 2029, or until all reclamation has been completed and accepted by Manatee County, whichever occurs first.
- U.(7.) This Ordinance shall constitute a Development Order issued in accordance with Chapter 380, F.S.
- U.(8.) The Developer* shall, within sixty (60) days after notice by Manatee County of the amount of fees due and owing, pay all fees owed to Manatee County for the review of the Four Corners Mine Phase II Northeast Tract Addition*, except those fees in dispute and under review or appeal. Failure to make such payment shall require a cessation of mining activities until payment is made.
- U.(9.) Prior to mining the Land Exchange Area*, that land will be subjected to a historical or archaeology resources survey, the methodology which shall be reviewed and approved by Florida Division of Historical Resources (DHR). Any historical or archaeology resources discovered during the survey will be mitigated, and released by DCA and DHR prior to the mining of the site. Any historical or archaeology resources discovered during mine operation within the 170 Acre Addition*, the Land Exchange Area*, or the Four Corners Mine*, including the Phase II Northeast Tract Addition* and the Economic Revision Areas*, shall be immediately reported to the DHR and the ultimate disposition of such resources shall be determined in cooperation with the DHR, TBRPC, and Manatee County. The agreed upon treatment of the resources shall be completed before activities which would disturb the resources are allowed to continue.
- U.(10) Those areas within the Four Corners Mine* approved for mining and reclamation may continue to be used for agricultural activities until such time as clearing for mining commences, but at no greater intensity than at present. No silvacultural or agricultural activities shall be initiated on land not currently under such use. The commercial harvest of timber in those areas proposed for mining is permitted, provided that the extent of such timber harvesting is first approved by the Manatee County Environmental Management and Planning Departments.
- U.(11) Land clearing and commercial timber harvesting in those off-site areas (identified and defined as Conservation Areas*) to be enhanced as donor Florida scrub jay habitat is permitted, subject to the requirements of Stipulations U. (16), (19), (20), and (22).
- U.(12) There shall be no sale of overburden, sand, or sand tailings from the Four Corners Mine* if those products originated in Manatee County. All overburden, sand, or sand tailings originating in Manatee County shall be used for reclamation within Manatee County. Reject rock from the Four Corners Mine* in Manatee County may be sold and transported off-site, subject to the

requirements of Stipulations U.(13) and (14).

U.(13) In the event that any material other than phosphate rock, including but not limited to, by-product (reject rock), overburden, or sand tailings excavated outside of Manatee County and processed through the Four Corners Mine beneficiation plant is to be marketed for sale and use off the mine site, IMC shall obtain written approval from the Environmental Management Department Director prior to selling any such materials.

U.(14) Trucks hauling reject rock, overburden, or sand tailings from Four Corners Mine and utilizing roadways within Manatee County will not leave the mine during the time that school buses are either picking up or delivering students. The bus schedules are available from the Supervisor of School Bus Operations. The schedules will be reviewed by Manatee County and IMC personnel and an appropriate trucking schedule will be settled upon by the parties. The schedule will be distributed to IMC operations personnel and scale operators. Before the start of a new school year or summer-school, IMC will request notice from the Supervisor of School Bus Operations and adjust the trucking schedule accordingly, with approval from the Environmental Management Department.

U.(15) All remaining pine trees planted along SR 62 as a buffer for phosphate mining shall remain. The required perimeter ditch and berm system shall be located on the mining side of the pine tree buffer.

Scrub Jay Management Conditions

U.(16) IMC shall conduct reclamation and management activities as proposed in the HMP dated July 2001 on the West Tract Preserve site and the Manatee Wellfield Mitigation site. These activities shall occur during the estimated 30-year life-of-mine permit to ensure that the M4 Florida scrub-jay metapopulation (Stith 1999) on lands controlled or managed by IMC does not drop below a quasi-extinction level of ten pairs of Florida scrub-jays (Fitzpatrick et al. 1991, Stith 1999) during the first 10 years of mining and intensive management, or below the 2000 baseline condition of 14 pairs during the following 20 years. This level of incidental take is expressly allowed under scrub-jays at strategic locations on IMC lands, which will reduce the long-term likelihood of extinction of the entire M4 metapopulation.

U.(17) The applicant should avoid the potential of Florida scrub-jays to be injured or killed by heavy equipment, or the destruction of active scrub-jay nests with or without eggs.

U.(18) The U.S. Fish and Wildlife Service shall be notified of any unauthorized take of Florida scrub-jays.

U.(19) IMC, within one year of issuance of the USFWS biological opinion and prior to commencement of any mining activities that would disrupt existing Florida scrub jay habitat, will grant in favor of FDEP a perpetual conservation easement with management requirements over 135 acres of the West Tract Preserve and 200 acres of the Manatee Wellfield site as identified in Maps 9 and 14 of the HMP, respectively, in general accordance with the easement language attached as Exhibit A to the U.S. Fish and Wildlife Service (USFWS) Biological Opinion dated August

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6, 2001, and as modified herein. Following the completion of mining and reclamation, the USFWS in coordination with FDEP will identify an additional 365 acres of FFWCC Type I or occupied scrub-jay habitat for dedication of a perpetual conservation easement in favor of FDEP. Both conservation easements outlined within this requirement shall not permit agricultural land use operations that would result in the destruction of Florida scrub-jay habitat (e.g., cattle grazing, timber harvesting, etc.).

U.(20) IMC shall manage through a combination of mechanical treatments and prescribed fires the potentially suitable occupied Florida scrub-jay habitats on unmined portions of the Four Corners Mine* and the entire Manatee Wellfield Mitigation Site during the life of the mine in accordance with the HMP.

U.(21) IMC shall be responsible for managing the reclaimed and native HMP habitats, including the Manatee Wellfield site, through the FDEP release of reclaimed HMP habitats, at which time FDEP will assume management responsibilities of the Florida scrub-jay habitat areas identified in Condition U.(19), above.

U.(22) No clearing of vegetation will take place within occupied territories on the project site place during the Florida scrub-jay nesting season (typically March 1 through June 30), removing the potential to destroy active nests and kill or injure nestlings.

U.(23) Mechanical and fire management can take place in the occupied territories during the scrub-jay nesting season; however, the management area should be carefully inspected to locate any active nests and protect the nests from any kind of management that may occur to prevent "take" of scrub-jay.

U.(24) To maximize site fidelity and reproductive success of resident scrub-jays, IMC is authorized to provide supplemental food as deemed appropriate.

U.(25) IMC shall monitor on an annual basis reclaimed scrub sites occupied by scrub-jays, all unmined occupied baseline survey sites on the Four Corners/Lonesome Mine and the Manatee Wellfield, as identified in the HMP, with sufficient intensity to document a) the response of the scrub-jay habitat management units to all reclamation, restoration and management activities, and b) the distribution and status of the resident Florida scrub-jay population on each of these management units. Monitoring of these areas shall continue on an annual basis until such time as a minimum population of 14 pairs of scrub-jays are documented to be present on IMC lands for three consecutive years, at which time monitoring can be reduced to every other year for the remaining life of the 30-year permit, so long as 14 pairs are present. If 28 families or more are documented with the project area during the last ten year period, monitoring can be reduced to once every 5 years, so long as presence/absence surveys show 20 families or more present. Monitoring reports shall be submitted within 120 days of completing the field work (described below) in each calendar year to the USFWS, 6620 Southpoint Drive South, Jacksonville, FL 32216, with a copy to the Manatee County Environmental Management and Planning Departments. Monitoring reports should reference USFWS permit number, include a copy of the permit document and the following information:

A. Florida scrub-jay Habitat Management Units.

1. A description of all work completed on upland management units since the previous report, or since the permit was issued (initial monitoring report). Indicate on maps or figures those management units where work has been completed.
2. A description of all work proposed on upland habitat units in the next year. Indicate on map figures those management units where work is proposed.
3. For each management unit, IMC shall establish a representative sample of permanent photo stations. The photographs taken at these stations will include date taken, station number and contain a 3.0 meter stake as a reference point. Baseline photographs will be taken prior to all major management activities.

B. Florida scrub-jay Populations

1. IMC shall conduct in March of each year a survey of all management units of adequate intensity to determine the status of each Florida scrub-jay family, including the number of non-breeding helpers with each pair and the approximate size and configuration of each territory.
2. IMC shall prepare and include in the monitoring report a table summarizing the known history of each scrub-jay family through time, including and movements or changes in family composition (see Conservation Recommendations), and corresponding maps identifying the location of each territory.
3. IMC shall maintain a minimum of 10 pairs of Florida scrub-jays on the IMC property during the first 10 years of mining and a minimum of 14 pairs during the following 20 years (minimum population standard). If IMC can document through banding and/or radiotelemetry studies that scrub-jays dispersing from IMC property have successfully established a territory or paired with a jay on a territory off-site and contributed to the M4 metapopulation, these jays will count towards the minimum population standard. If, as a result of mining activities, the IMC Florida scrub-Jay population drops below the minimum population standard in any year, then IMC in coordination with the USFWS will develop an appropriate action plan to remedy the population standard shortfall by the following nesting season. If the minimum population standard is not achieved within two nesting seasons following the reported shortfall, then IMC shall immediately cease mining of occupied Florida scrub-jay habitat and reinstate Section 7 consultation.
4. If a dead Florida scrub-jay is found on the project site, the specimen should be thoroughly soaked in water and frozen, and the applicant should notify the USFWS Jacksonville Field Office immediately, at 904-232-2580.

U.(26) Land clearing associated with mining activities in those areas containing existing Florida scrub

jay habitat (identified as reclamation blocks to occur in 2007, 2011, and 2012 on Map I-4A and reclamation blocks to occur in 2009, 2021, and 2024 on Map I-4B), shall not commence until the 200 acre Manatee Wellfield site and the 135 acre West Tract Preserve are prepared to be suitable and verified by USFWS as acceptable as donor habitat for Florida scrub-jays, in accordance with the Scrub Jay Management Plan*.

SECTION 7. LEGAL DESCRIPTION.

The following legal descriptions of the development site covers only the Manatee County portion of the Four Corners Mine, although the original DRI also included areas in Hillsborough County. The Hillsborough County portions are the subject of a separate development order issued and amended by Hillsborough County.

PHASE II MINE ADDITION AREAS

In Township 33 South, Range 22 East, Manatee County, Florida:

Parcel 3:

SECTION 7: That part of Section 7 described as: begin at the southwest corner of Section 7 and run thence south $88^{\circ}10'22''$ east along the south boundary of the section 3,577.32 feet, thence north 1,411.38 feet, thence north $89^{\circ}36'59''$ west 3,577.38 feet, more or less, to the west boundary of Section 7, and thence south along the west boundary of the section 1,411.38 feet to the point of beginning.

In Township 33 South, Range 21 East, Manatee County, Florida:

Parcel 1

SECTION 9: The east $\frac{1}{2}$.

SECTION 10: The west $\frac{1}{4}$.

Parcel 3

SECTION 11: The SE $\frac{1}{4}$ of the SE $\frac{1}{4}$.

SECTION 12: All, LESS the south 279.76 feet of the east 2,570 feet of Section 12, and LESS the north 1751 feet of section 12. (The south boundary of the north 1751 feet of Section 12 is a line beginning at a point on the east boundary lying 1751 feet south of the northeast corner of Section 12, running north $89^{\circ}36'59''$ west 4,771.01 feet, more or less, to a point on the west boundary of the section lying 1751 feet south of the northwest corner of the section.)

Parcel 2

SECTION 15: The north 3/4 of the east 1/4.

The total amounting to 1,141 acres, more or less.

EXISTING FOUR CORNERS MINE DRI:

In Township 33 South, Range 22 East, Manatee Co. (Jameson Tract)

- Section 1:** All [That portion of Section 1 lying south and east of Brewster Parrish Road (SR 37)] shall also be known as the Land Exchange Area*.
- Section 2:** All.
- Section 3:** All.
- Section 4:** All.
- Section 9:** All.
- Section 10:** All.
- Section 11:** All lying N and W of Brewster-Parrish Road (SR 37).
- Section 15:** All lying N and W of Brewster-Parrish Road (SR 37).
- Section 16:** All less and except the NW 1/4 , and except that portion of the SE 1/4 of the SE 1/4 lying SE of the SR 37.

In Township 33 South, Range 21 East, Manatee County (Northeast Manatee Tract)

- Section 1:** W 1/2 of the NE 1/4 and the N 1501' of the NW 1/4.
- Section 2:** W 1/2 and the N 1501' of the E 1/2.
- Section 3:** All.
- Section 4:** All.
- Section 10:** E 3/4.
- Section 11:** W 1/2.
- Section 13:** All, less and except the E 2570' thereof.
- Section 14:** All.
- Section 15:** W 1/2 of the NE 1/4 and the NW 1/4 of the SE 1/4.
- Section 23:** All lying N of Parrish-Wauchula Road (SR 62), less and except the SW 1/4 of the NW 1/4, and less 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 SW 1/4.
- Section 24:** All lying N of the Parrish-Wauchula Road (SR62), less and except the E 2570' thereof.
- Section 26:** That portion lying N on the Parrish-Wauchula Road.

CHANGES TO THE JAMESON TRACT:

The following changes are incorporated into the above description:

170 ACRE ADDITION:

Section 10, Township 33 S, Range 22 E: The SE 1/4 of the SW 1/4, and the SW 1/4 of the

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SE 1/4.

Section 15, Township 33 S, Range 22 E: From the NE corner of Section 15 run thence N 88°39'09" W 1321.10' to a point of beginning; thence continue N 88°39'09" W 2088.90'; thence S 05°01'09" E 2884.00' to a point on the Westerly Right of Way line of Brewster-Parrish Road (SR 37); thence N 45°33'54" E 2565.00'; thence N 00°11'54" E 1028.06' to the point of beginning.

SECTION 8. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT

Physical development of the project is currently in operation, such that the Chapter 380.06 F.S. requirements for the commencing of development have been met.

SECTION 9. RESTRICTIONS ON DOWN-ZONING

The County may not down-zone the subject property described in Section 7 herein until 2018, unless County can demonstrate that:

- A. Substantial changes in the condition underlying the approval of the order have occurred; or
- B. The order was based upon substantially inaccurate information provided by the Developer; or
- C. The change is clearly established by the County to be essential for the public health, safety, or welfare.

Any down-zoning or reduction in intensity shall be effected only through the usual and customary procedures required by statute and/or ordinance for change in local land development regulations.

For the purposes of this order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the developer by this order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density of the Development, but is included herein to comply with Paragraph 380.06(15)(c)3, F.S.

SECTION 10. BINDING ORDER UPON DEVELOPER.

That this order shall be binding upon the Developer, its successors, assigns, or successors in interest.

SECTION 11. RENDITION.

The Planning Department is hereby directed to send certified copies of this Development Order within thirty (30) days of the approval by the Board of County Commissioners of this Development Order to

the Developer*, the Florida Department of Community Affairs, and the TBRPC.

SECTION 12. COMPLIANCE WITH CODES, ORDINANCES.

All development undertaken pursuant to this order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except to the extent such is inconsistent with the rights granted under this Development Order.

SECTION 13. NOTICE OF RECORDING.

The Developer* shall record a notice of adoption of this Development Order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department a copy of the recorded notice.

SECTION 14. SEVERABILITY.

It is the intent of this Ordinance to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such provision or portion shall be deemed null and void, but all remaining provisions and portions of this Ordinance shall remain in full force and effect.

SECTION 15. PURPOSE AND INTENT.

This Ordinance replaces and supercedes Ordinance 95-41, as amended by Ordinance 96-43 in their entirety.

SECTION 16. EFFECTIVE DATE.

This Ordinance shall become effective upon filing of a certified copy with the Department of State; provided, however, that the filing of a notice of Appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this Development Order, until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 95-41, as amended by Ordinance 96-43, during the pendency of any appeal.

SECTION 17. RECONCILE INTO ONE DOCUMENT

This Development Order represents a codification of the existing approval for the project integrating those changes proposed in this Substantial Deviation and approved by the Board of County Commissioners into a single Development Order and is for administrative convenience.

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ADOPTED AND APPROVED with a quorum present and voting the 21st day of November, 2002,
and amended on the 4th day of February, 2003.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA



Chairman

ATTEST: R. B. SHORE
Clerk of the Circuit Court

B. Susan Blomie

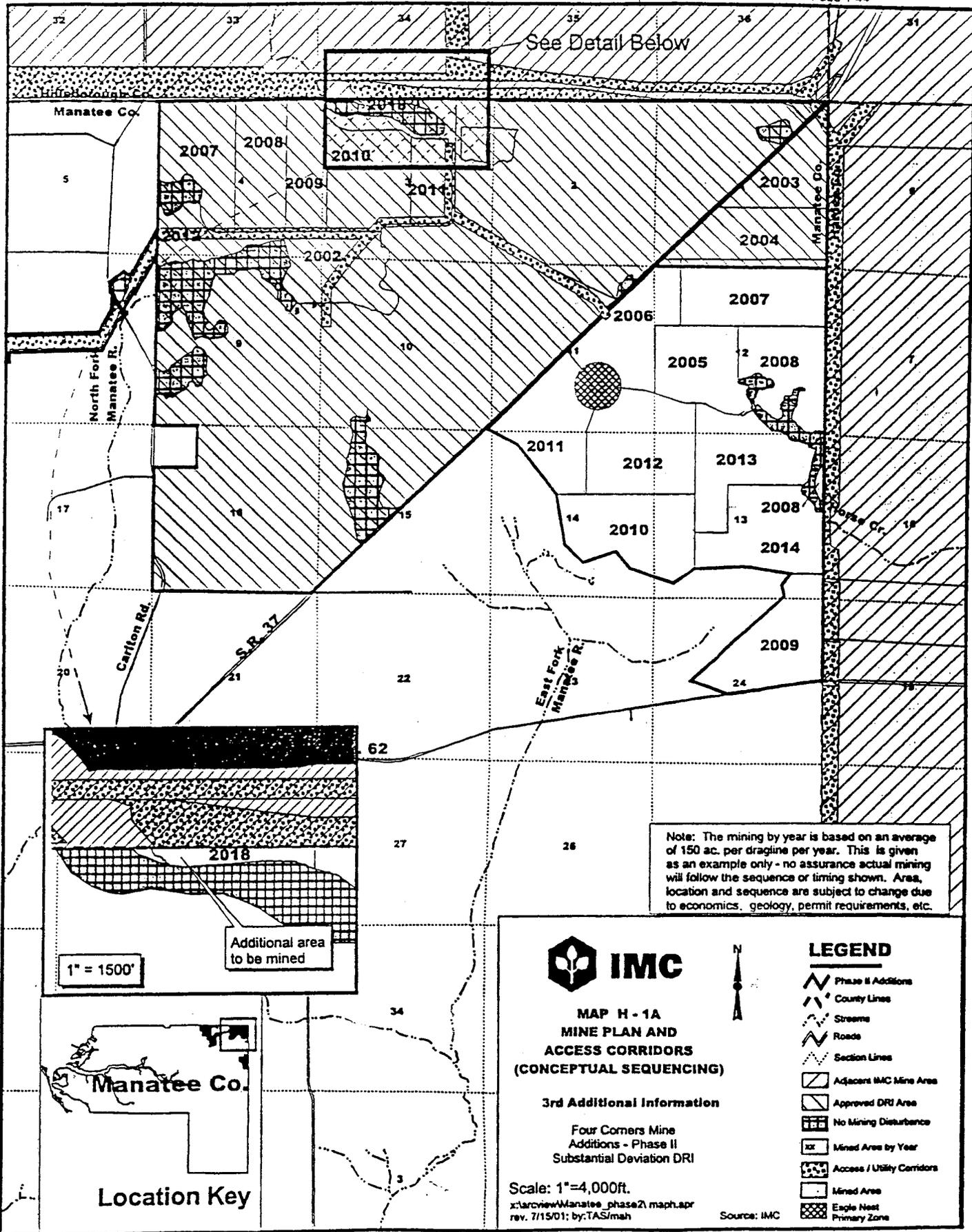
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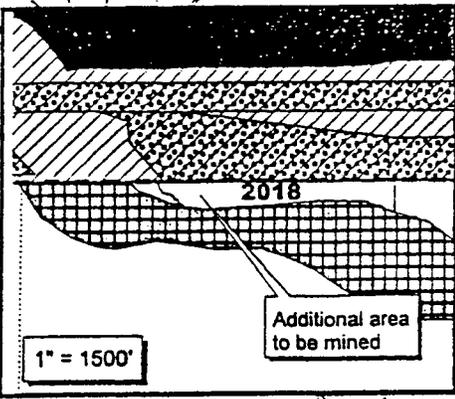
Ordinance 02-58 List of Exhibits

- A. **MAPS H-1A, H-1B, Mine Plan and Access Corridors (Conceptual Sequencing) revised, dated July 15, 2002**
- B. **Reserved**
- C. **MAPS A-2A and A-2B, Land Ownership, revised, dated July 02, 2002**
- D. **MAPS A-3A, A-3B, and A-3C, Location of Changes To Disturbance Status, revised, dated June 25, 2002**
- E. **TABLE 13-1 Wetland Impact Summary, revised, dated September 27, 2002**
- F. **MAP H-3A and H-3B, Mined and Disturbed Areas, revised, dated July 2, 2002**
- G. **MAPS I-2A and I-2B, Post Reclamation Vegetation Cover, dated July 11, 2002 and July 2, 2002, respectively**
- H. **MAPS I-4A and I-4B, Reclamation Plan (Conceptual Schedule), dated July 2, 2002**
- I. **TABLE 35-4, Reclamation Schedule**
- J. **TABLE 12-1, Existing and Proposed Land Use and Cover Types, revision dated July 15, 2002**
- K. **TABLE 35-1, Mined and Disturbed Areas (Revised) dated October 4, 2002**
- L. **DEVELOPER'S COMMITMENTS**
- M. **Phosphate Fringe Acreage Lease FLES 50987**

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Note: The mining by year is based on an average of 150 ac. per dragline per year. This is given as an example only - no assurance actual mining will follow the sequence or timing shown. Area, location and sequence are subject to change due to economics, geology, permit requirements, etc.





IMC

MAP H - 1A
MINE PLAN AND
ACCESS CORRIDORS
(CONCEPTUAL SEQUENCING)

3rd Additional Information

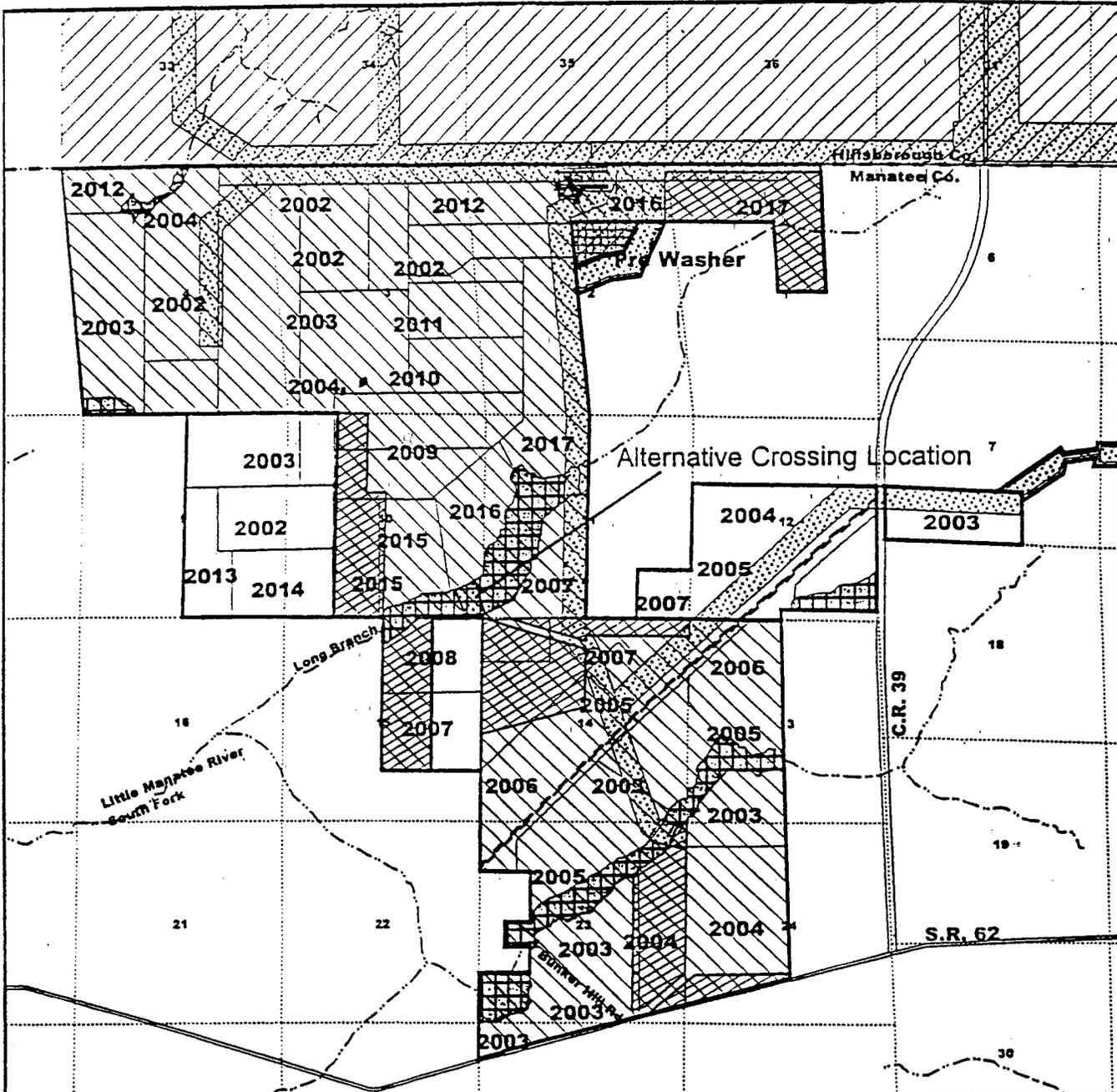
Four Corners Mine
 Additions - Phase II
 Substantial Deviation DRI

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 rev. 7/15/01; by:TAS/mah

Source: IMC

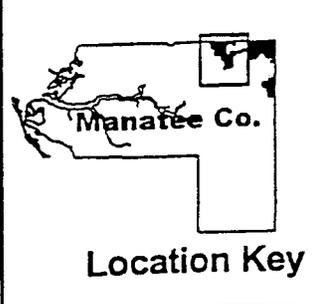
LEGEND

-  Phase II Additions
-  County Lines
-  Streams
-  Roads
-  Section Lines
-  Adjacent IMC Mine Area
-  Approved DRI Area
-  No Mining Disturbance
-  Mined Area by Year
-  Access / Utility Corridors
-  Mined Area
-  Eagle Nest Primary Zone



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Note: The mining by year is based on an average of 150 ac. per dragline per year. This is given as an example only - no assurance actual mining will follow the sequence or timing shown. Area, location and sequence are subject to change due to economics, geology, permit requirements, etc.





IMC

MAP H - 1B
MINE PLAN AND
ACCESS CORRIDORS
(CONCEPTUAL SEQUENCING)
3rd Additional Information

Four Corners Mine
 Additions - Phase II
 Substantial Deviation DRI

Scale: 1"=4,000ft.

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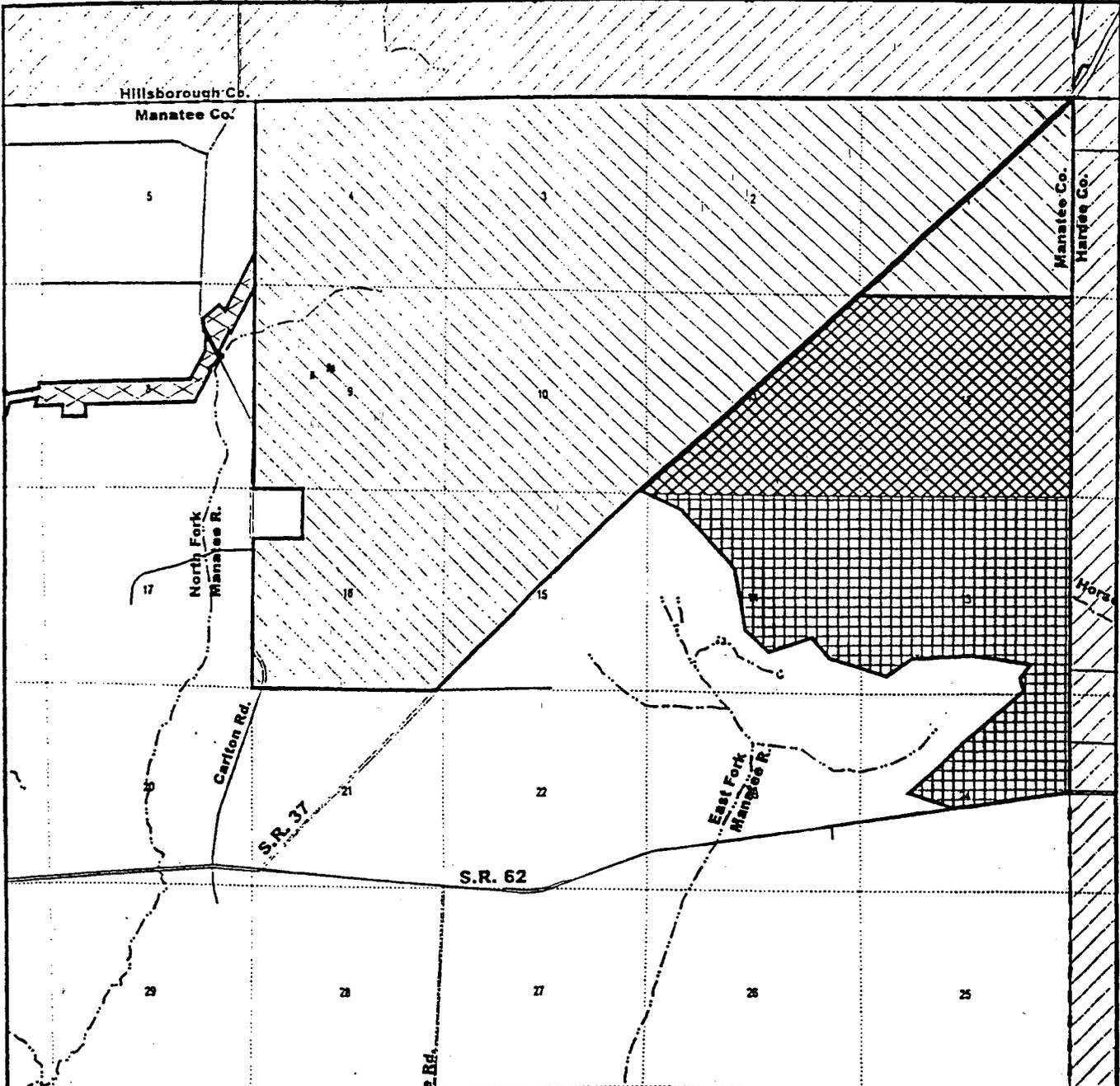
Source: IMC

LEGEND

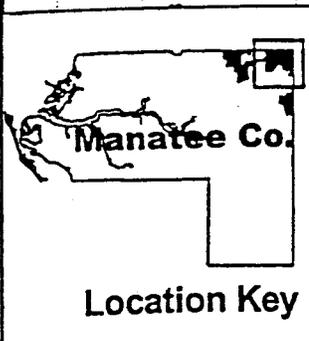
- Phase II Additions
- County Lines
- Streams
- Roads
- Section Lines
- Gas Line
- Adjacent IMC Mine Area
- Approved DRI Area
- No Mining Disturbance
- Mined Area by Year
- Access / Utility Corridors
- Mined Area
- N.E. Economic Revision Area
- Out Parcel

Ordinance 02-49 - IMC Phosphates Company/Four Corners Mine

Exhibit B is reserved



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IMC

MAP A-2A
LAND OWNERSHIP

3rd Additional Information

Four Corners Mine
Additions - Phase II
Substantial Deviation DRI

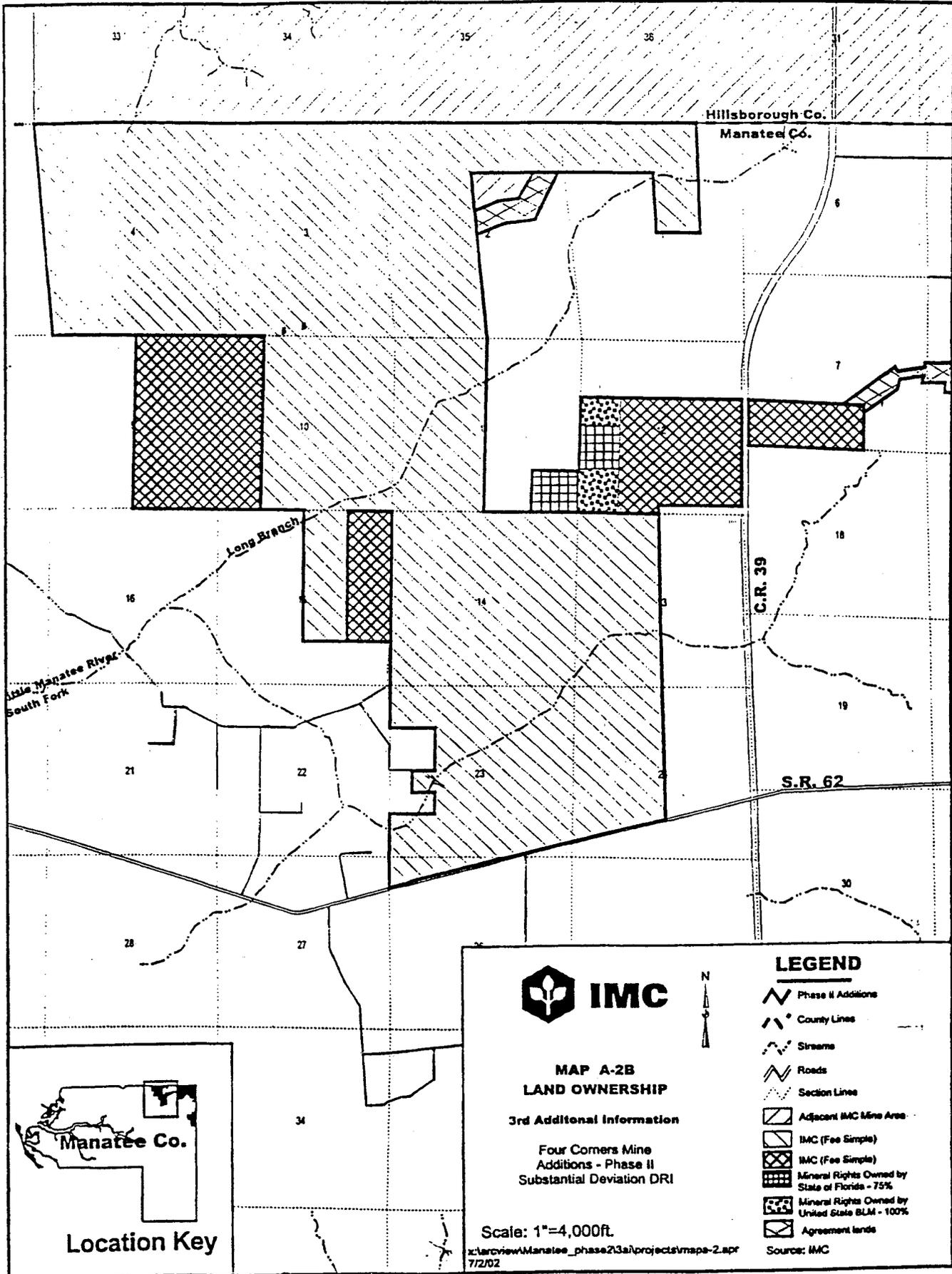
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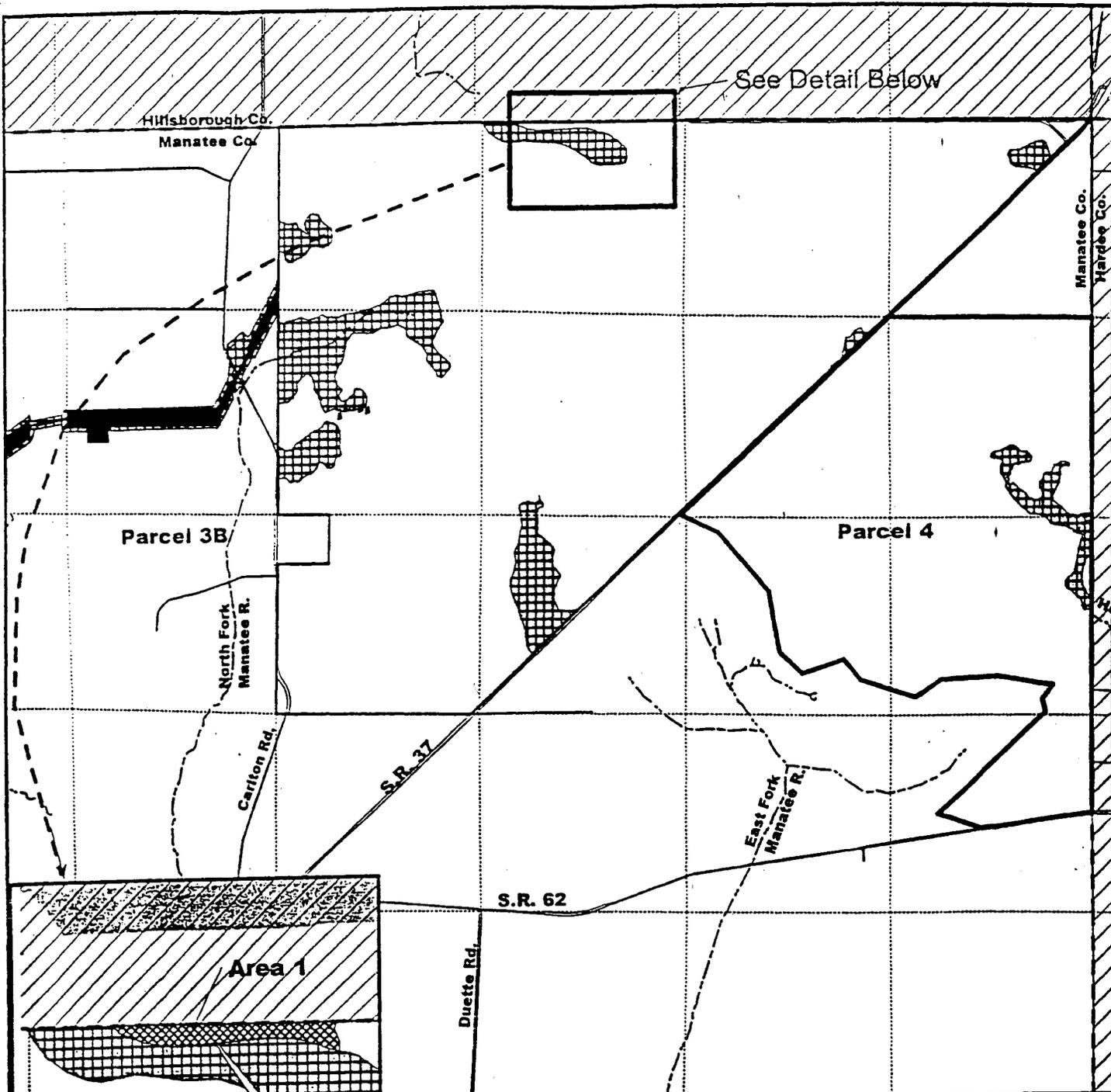
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7/2/02

LEGEND

-  Phase II Additions
-  County Lines
-  Streams
-  Roads
-  Section Lines
-  Adjacent IMC Mine Area
-  IMC (Fee Simple)
-  IMC (Fee Simple)
-  Deep Mineral Rights Owned by Michael Graham Mullin
-  Agreement lands

Source: Manatee Co.





See Detail Below

Hillsborough Co.
Manatee Co.

Manatee Co.
Hardee Co.

Parcel 3B

Parcel 4

North Fork
Manatee R.

Carlton Rd.

S.R. 37

East Fork
Manatee R.

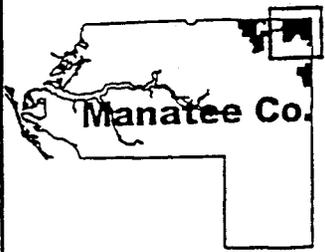
S.R. 62

Duette Rd.

Area 1

Additional area
to be mined

1" = 1500'



Manatee Co.
Location Key



MAP A-3A
LOCATION OF CHANGES
TO DISTURBANCE STATUS

3rd Additional Information

Four Corners Mine
Additions - Phase II
Substantial Deviation DRI

Scale: 1"=4,000ft. Source: IMC

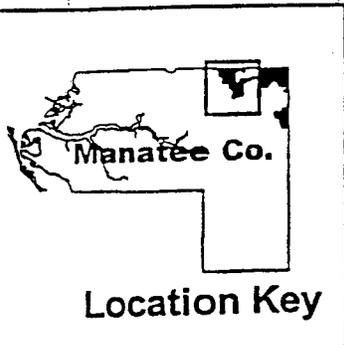
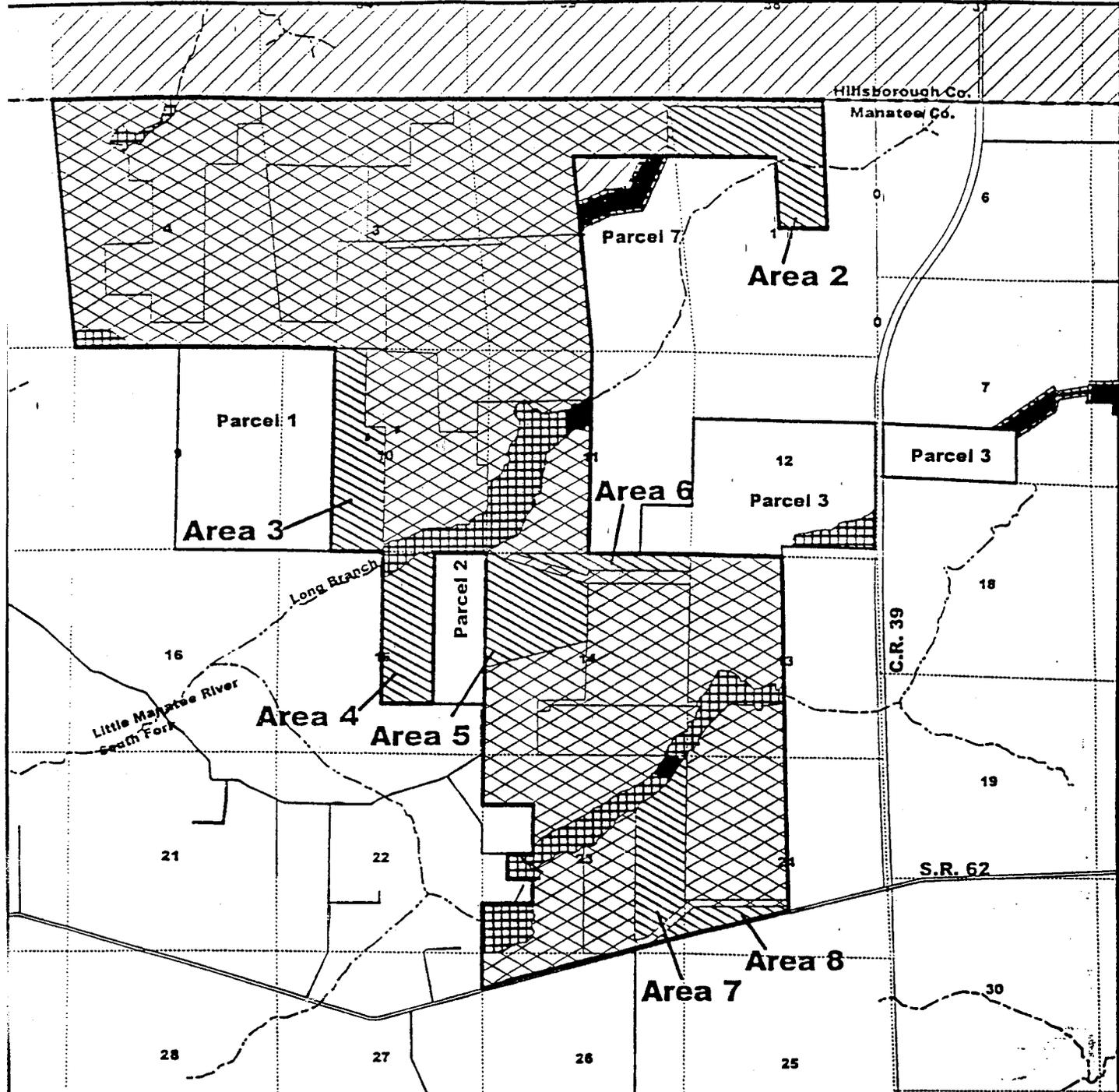
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3/15/02; by: TAS rev 6/25/02

LEGEND

- Phase II Additions
- Existing Approved DRI Area
- County Lines
- Streams
- Roads
- Section Lines

- Adjacent IMC Mine Areas
- No Mining Disturbance
- N.E. Economic Revision Areas
Now Proposed for Mining
- Currently Approved
Mining Areas (DRI #52 & 198)
- Approved to be disturbed
- Proposed to be mined
- Proposed Mine Access Corridor
- To be disturbed
- Addition Parcel to be Mined

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MAP A-3B
LOCATION OF CHANGES
TO DISTURBANCE STATUS

3rd Additional Information

Four Corners Mine
 Additions - Phase II
 Substantial Deviation DRI

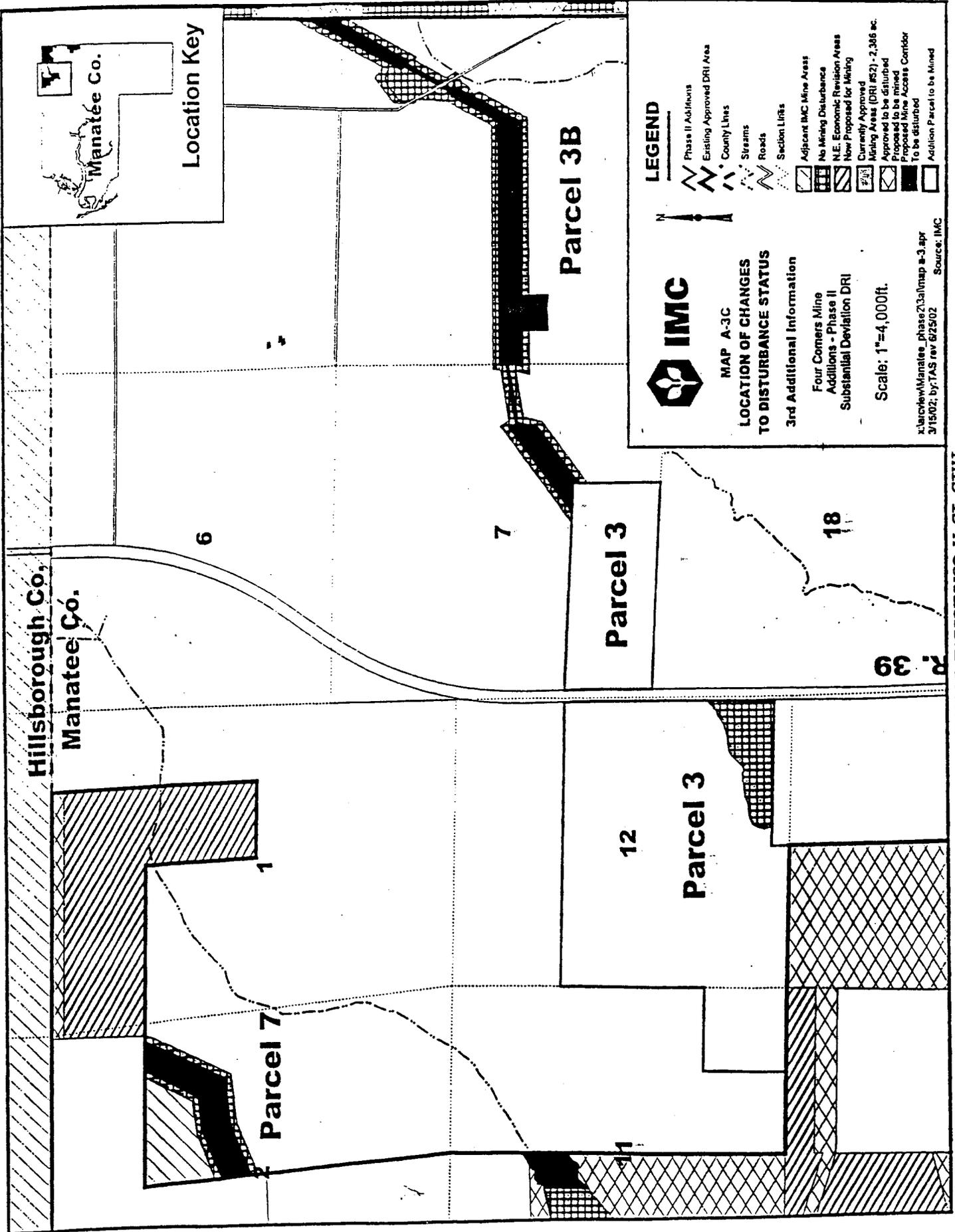
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 3/15/02; by:TAS rev 6/25/02

Source: IMC

LEGEND

-  Phase II Additions
-  Existing Approved DRI Area
-  County Lines
-  Streams
-  Roads
-  Section Lines
-  Adjacent IMC Mine Areas
-  No Mining Disturbance
-  N.E. Economic Revision Areas
Now Proposed for Mining
-  Currently Approved
Mining Areas (DRI #52) - 2,386 ac.
-  Approved to be disturbed
-  Proposed to be mined
-  Proposed Mine Access Corridor
-  To be disturbed
-  Addition Parcel to be Mined



Hillsborough Co.
Manatee Co.

Location Key

Parcel 3B

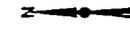
Parcel 3

Parcel 3

Parcel 7

LEGEND

- Phase II Additions
- Existing Approved DRI Area
- County Lines
- Streams
- Roads
- Section Lines
- Adjacent IMC Mine Areas
- No Mining Disturbance
- N.E. Economic Revision Areas
- Now Proposed for Mining
- Currently Approved Mining Area (DRI #52) - 2,306 ac.
- Approved to be disturbed
- Proposed Mine Access Corridor To be disturbed
- Addition Parcel to be Mined



MAP A-3C

**LOCATION OF CHANGES
TO DISTURBANCE STATUS**

3rd Additional Information

Four Corners Mine
Additions - Phase II
Substantial Deviation DRI

Scale: 1"=4,000ft.

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3/15/02; by:TAS rev 6/25/02 Source: IMC

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EXHIBIT K

TABLE 35-1 (revised)
 Mined and Disturbed Areas

(Note: acres may not add due to rounding) 10-1-02 rev.

Site	Sites Total			Setback Area****	
	Total Area	To Be Mined or Disturbed*	Not Disturbed***	To Be Mined / Disturbed	Not Disturbed
Parcel 1	492	492	-	116	-
Parcel 2	124	123	1	29	-
Parcel 3	525	496	29	262	27
Parcel 4	2,048	1,988	60	70	-
Parcel 3B (Moody - Badcock Corridor)	127	73	54	-	-
Parcel 7 (Lipman & Lipman Corridor)	44	-	44	-	-
Total Phase II Parcels	3,359	3,171	188	478	27
Economic Revision Area - N.E.	763	763	-	260	-
Grace Approved Mining Area - N.E.	4,315	3,988	327	217	38
Corridor Tracts	170	73	98	-	-
Total N.E. Tract	6,218	5,861	357	885	64
Total Altman Tract	2,367	2,307	60	70	-
Total Jameson Tract	4,619	4,269	350	-	-
Total Mine Area**	13,374	12,510	864	955	64
Total Amendment Area	4,122	3,934	188	738	27

* Disturbed by mining activity, but not mined (i.e., road, berms, plant area, etc.).

** Parcels 1, 2, 3, 3B, 4, 7, N.E. and Jameson Tracts.

*** See definition on Page 35-2, response to Sub question A 3.

**** Area included in Site Total

EXHIBIT E

Table 13-1 - Revised
 Wetland Impact Summary
 FDEP Jurisdictional Areas
 Addition Parcels 1, 2, 3, 3B, 4, 7 and N.E. Tract
 (AREA IN ACRES)

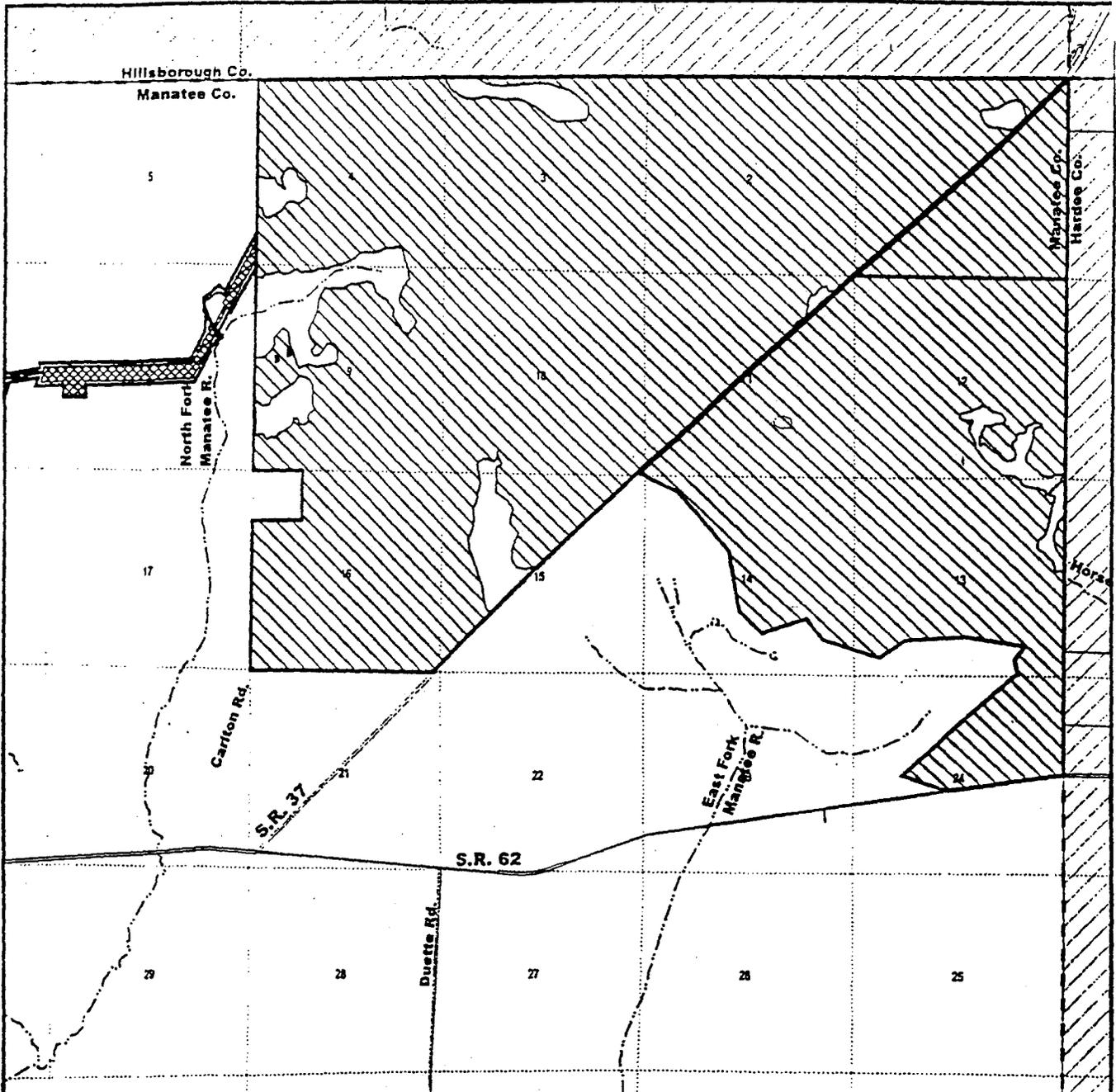
LAND USE	FDEP JD AREA PRE DEVELOPMENT	FDEP JD AREA UNDISTURBED	FDEP JD AREA DISTURBED	PROPOSED TOTAL MITIGATION	RATIO ** POST:PRE	TOTAL POST RECLAMATION
Marsh Systems ***	739.7	39.4	700.3	1489.8	2.1 : 1	1529.0
Parcels 1,2,3,4,3B, 7 & ER	698.9	34.9	662.0	1323.9	2.9 : 1	
N.E. Tract	42.8	4.5	38.3	165.7	4.3 : 1	
Forested Systems****	572.2	282.7	289.5	599.1	2.1 : 1	681.8
Parcels 1,2,3,4,3B, 7 & ER	79.7	37.8	42.1	188.2	4.8 : 1	
N.E. Tract	492.5	245.1	247.4	430.8	1.7 : 1	
Total Wetlands	1312	322	990	2089	2.1 : 1	3241
Open Water (500 land use)	12.5	0.1	12.5	829.8	N/A	829.8

* = FDEP Jurisdiction (J.D.) areas contain areas with upland vegetation cover.

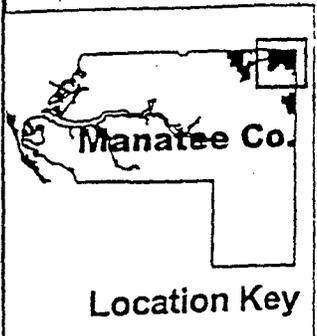
** = Ratio is Mitigation Wetlands / Total FDEP J.D. area impacted.

*** = FDEP JD AREA includes 200, 300 & 640 land uses

**** = FDEP JD AREA includes 400, 610, 620, & 630 land uses



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**MAP H-3A
MINED AND DISTURBED
AREAS**

3rd Additional Information

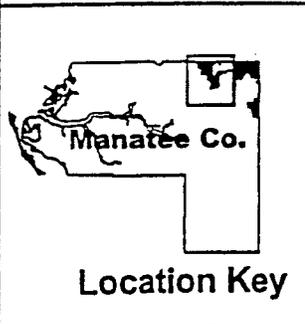
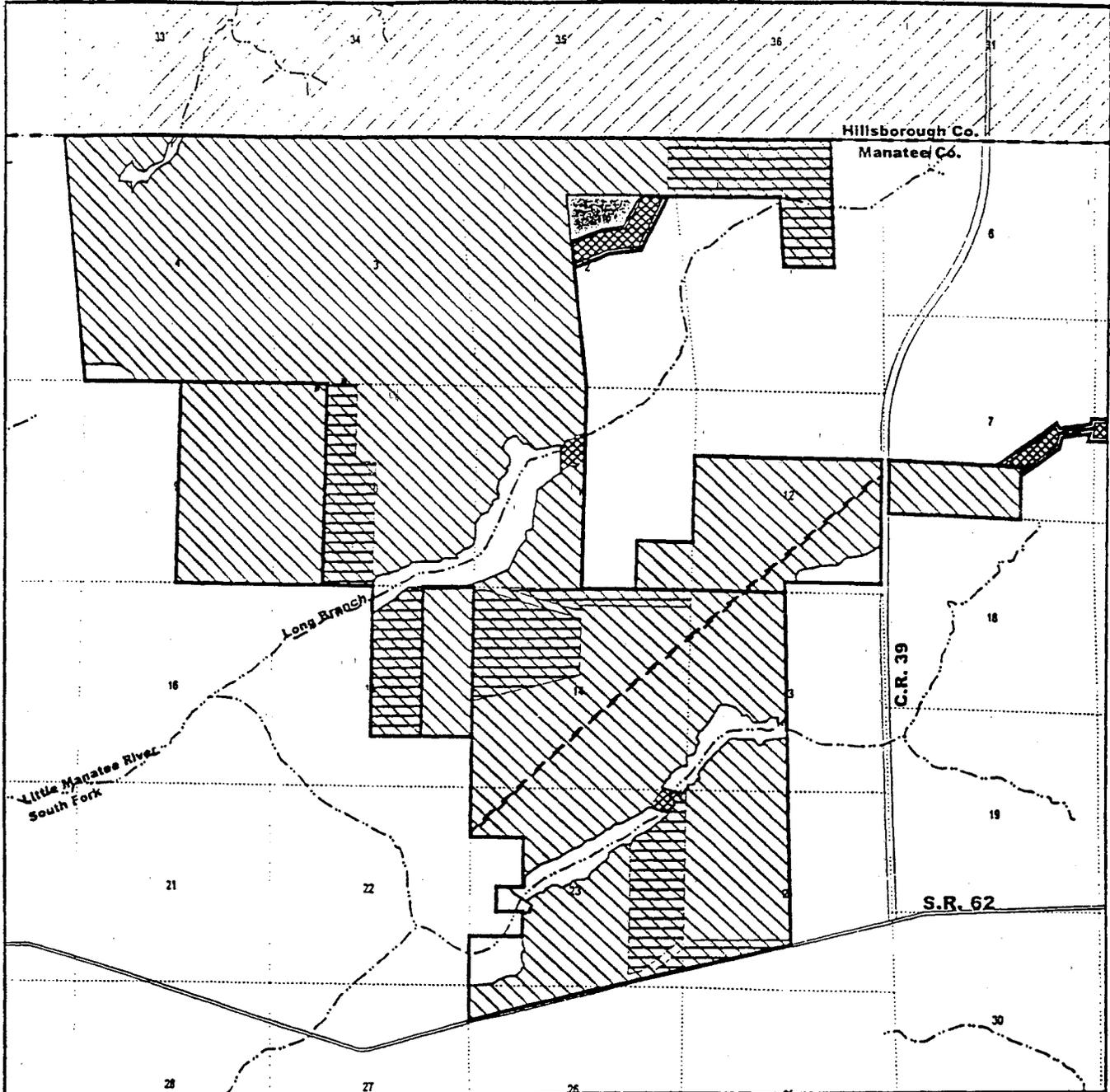
Four Corners Mine
Additions - Phase II
Substantial Deviation DRI

Scale: 1"=4,000ft.

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7/2/02 Source: IMC

LEGEND

- Phase II Additions
- County Lines
- Streams
- Roads
- Section Lines
- Adjacent IMC Mine Area
- No Disturbance Areas
- Mined / Disturbed
- Disturbed





IMC

MAP H-3B
MINED AND DISTURBED
AREAS

3rd Additional Information

Four Corners Mine
 Additions - Phase II
 Substantial Deviation DRI

Scale: 1"=4,000ft.

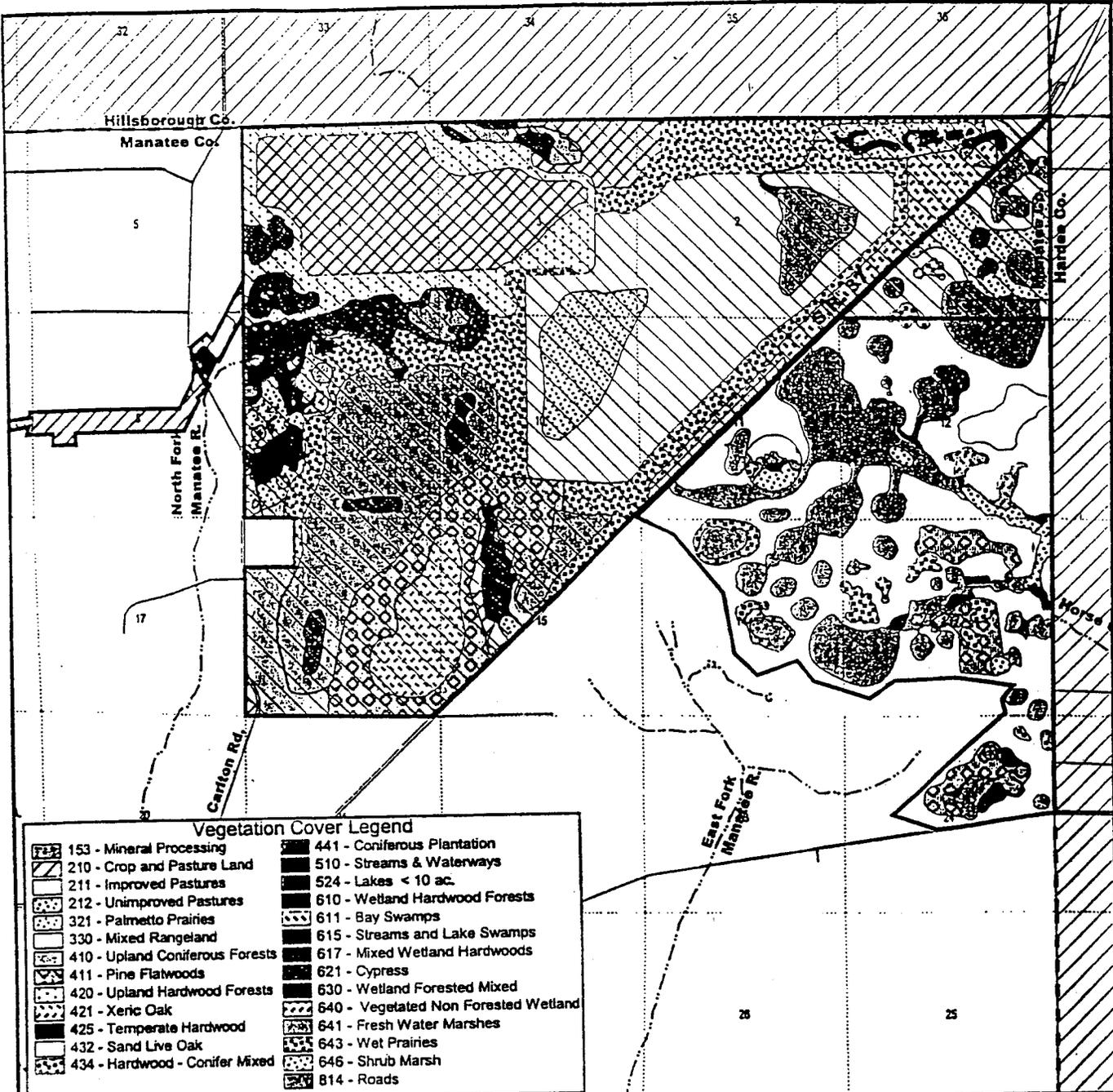
Source: IMC

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7/2/02



LEGEND

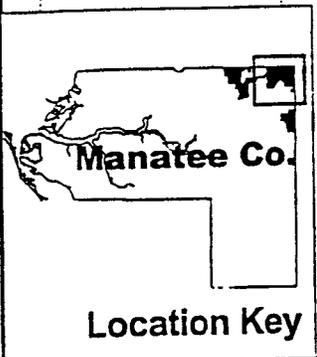
-  Phase II Additions
-  County Lines
-  Streams
-  Roads
-  Section Lines
-  Gas Line
-  Adjacent IMC Mine Area
-  No Disturbance Areas
-  Mined
-  Disturbed
-  N.E. Economic Revision Areas
-  Out Parcel



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Vegetation Cover Legend

153 - Mineral Processing	441 - Coniferous Plantation
210 - Crop and Pasture Land	510 - Streams & Waterways
211 - Improved Pastures	524 - Lakes < 10 ac.
212 - Unimproved Pastures	610 - Wetland Hardwood Forests
321 - Palmetto Prairies	611 - Bay Swamps
330 - Mixed Rangeland	615 - Streams and Lake Swamps
410 - Upland Coniferous Forests	617 - Mixed Wetland Hardwoods
411 - Pine Flatwoods	621 - Cypress
420 - Upland Hardwood Forests	630 - Wetland Forested Mixed
421 - Xeric Oak	640 - Vegetated Non Forested Wetland
425 - Temperate Hardwood	641 - Fresh Water Marshes
432 - Sand Live Oak	643 - Wet Prairies
434 - Hardwood - Conifer Mixed	646 - Shrub Marsh
	814 - Roads





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MAP I-2A
POST RECLAMATION
VEGETATION COVER
 3rd Additional Information
 Four Corners Mine
 Additions - Phase II
 Substantial Deviation DRI

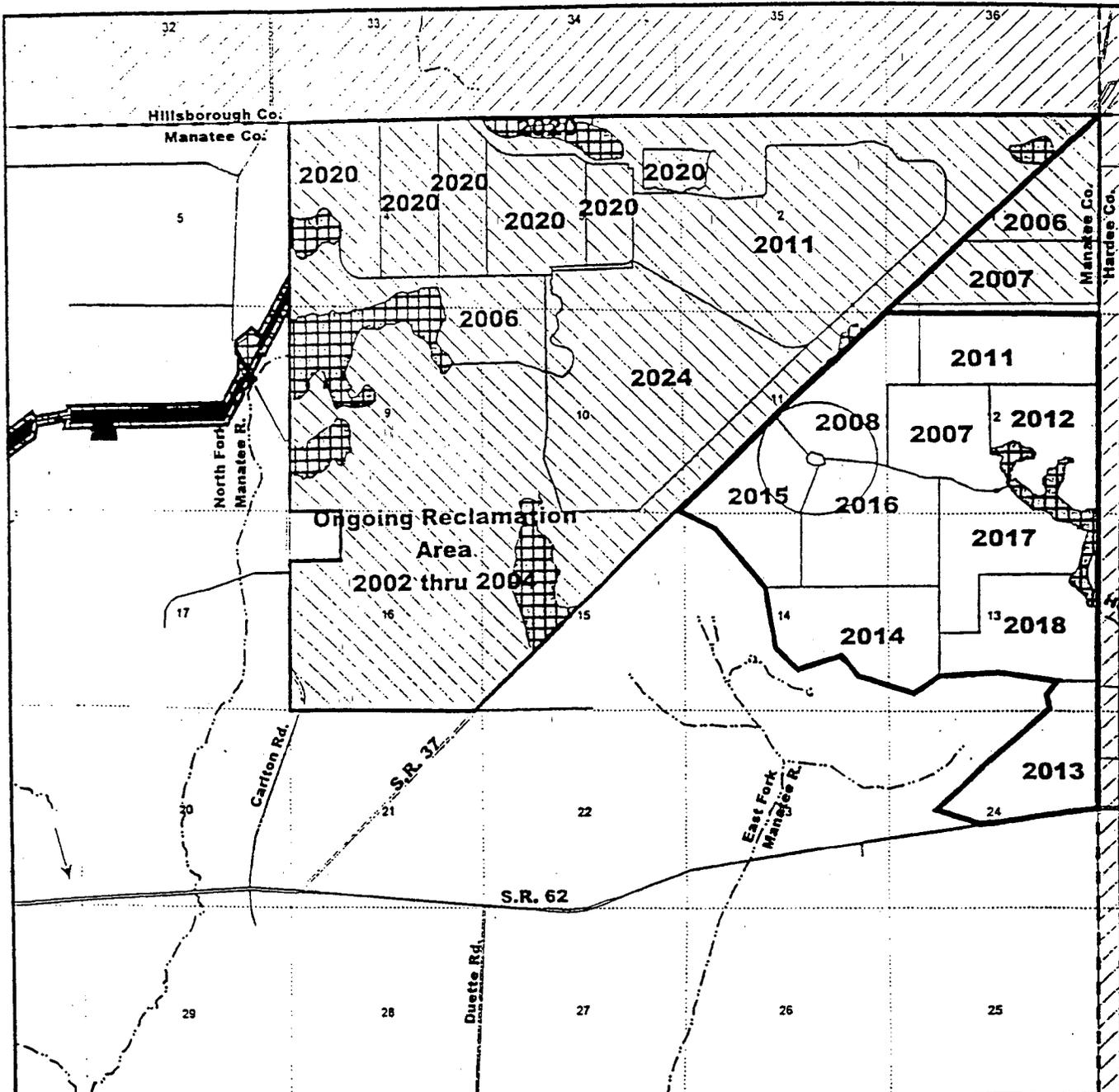
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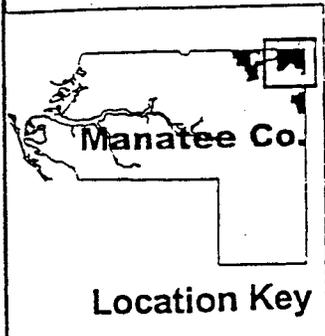
Source: IMC

LEGEND

-  Phase II Additions
-  County Lines
-  Streams
-  Roads
-  Section Lines
-  Adjacent IMC Mine Area
-  Approved DRI Area



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MAP I - 4A
RECLAMATION PLAN
(CONCEPTUAL SCHEDULE)

3rd Additional Information

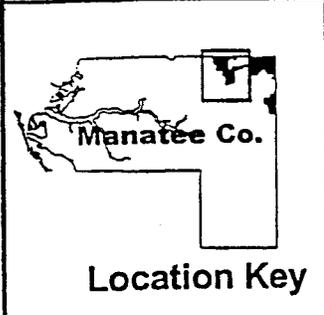
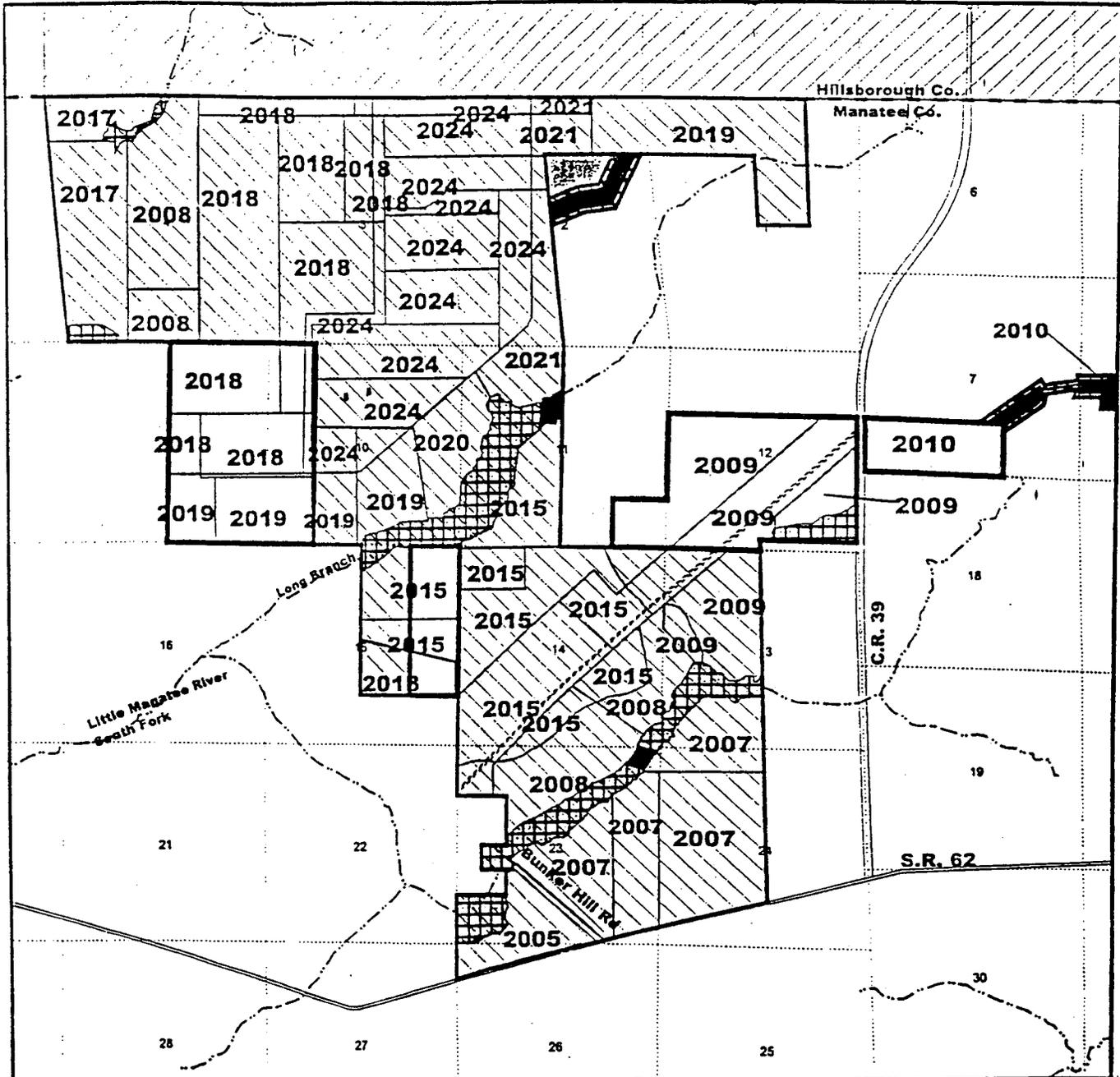
Four Corners Mine
 Additions - Phase II
 Substantial Deviation DRI

Scale: 1"=4,000ft.

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 7/2/02 Source: IMC

LEGEND

-  Phase II Additions
-  County Lines
-  Streams
-  Roads
-  Section Lines
-  Adjacent IMC Mine Areas
-  Approved DRI Areas
-  No Mining Disturbance
-  Area Reclaimed by Year
-  Disturbed



IMC

**MAP I - 4B
RECLAMATION PLAN
(CONCEPTUAL SCHEDULE)**

3rd Additional Information

Four Corners Mine
Additions - Phase II
Substantial Deviation DRI

Scale: 1"=4,000ft.

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7/2/02

Source: IMC

LEGEND

- Phase II Additions
- County Lines
- Streams
- Roads
- Section Lines
- Adjacent IMC Mine Areas
- Approved DRI Areas
- No Mining Disturbance
- Area Reclaimed by Year
- Out Parcel
- Disturbed



3. an annual reclamation schedule which includes reclaimed acreage;

The annual average reclamation rate is based on the Phase II area mined and disturbed (3,086 acres) divided by the reclamation period (20 years - years 2003 through 2023) = 154 acres per year. The actual schedule is based upon the end of mining use for each area, and the type of reclamation land form to be used. This information is provided on Table 35-4. In this

table, reclamation is considered complete at the completion of revegetation with one year growing time. An example of the application of this schedule is found in Table 11-2, based on the example mine plan shown on Maps H-1A and B. A similar analysis for the total mine area shows that the average rate of reclamation is about 500 acres per year.

**TABLE 35-4
 Reclamation Schedule**

Reclamation Type	Reclamation Activity	*Time - Years
Graded Overburden	0. End of Mine use 1. Contour - Earthwork 2. Re - vegetation 3. Growth Period Total Time	— 18 months 6 months 1 year 3 years.
Tailings Fill	0. End of Tailing fill (Mine use) 1. Contour - Earthwork 2. Re-vegetation 3. Growth Period Total Time	— 18 months 6 months 1 year 3 years.
Clay Settling Area	0. Ditch and drain surface 1. Settling area abandonment (End of Mine use) 2. Contour - Earthwork 3. Plant grasses 4. Growth Period Total Time	4 years — 18 months 6 months 1 year 3 years

* Note: Times are based on completion of all mining activities within a program or logical reclamation unit area that allows for reclamation of a sub-basin system rather than partial system.

4. the proposed uses for the reclaimed land;

The proposed land use for the reclaimed Phase II parcels will be primarily agricultural (as is its current

land use), supplemented with wetlands and wildlife habitat.

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TABLE 12-1 - Parcel 1 (Revised)
 Page 1 of 7

EXISTING AND PROPOSED LAND USE AND COVER TYPES
 (AREA IN ACRES)

3/25/2002

FLUCCS-85 CATEGORY	PRE DEVELOPMENT	UNDISTURBED AREA	AREA TO BE DISTURBED	PROPOSED RECLAMATION	TOTAL POST RECLAMATION
100 URBAN					
110 Residential					
111 Fixed Single Family					
SUB TOTAL	0.0	0.0	0.0	0.0	0.0
200 AGRICULTURE					
210 Cropland and Pasture				199.5	199.5
211 Improved Pastures	351.4		351.4	0.2	0.2
212 Unimproved Pasture					
SUB TOTAL	351.4	0.0	351.4	199.7	199.7
300 RANGELAND					
310 Herbaceous					
320 Shrub and brushland					
321 Palmetto Prairie				80.6	80.6
329 Other Shrub and Brushland					
330 Mixed Rangeland					
SUB TOTAL	0.0	0.0	0.0	80.6	80.6
400 UPLAND FOREST					
410 Upland Coniferous Forest					
411 Pine Flatwoods					
412 Long Leaf Pine - Xeric Oak	22.5		22.5		0.0
413 Sand Pine	66.6		66.6		0.0
420 Upland Hardwood Forest					
421 Xeric Oak				167.9	167.9
425 Temperate Hardwoods					
427 Live Oak					
430 Upland Hardwood Forest Continued					
432 Sand Live Oak	41.7		41.7		0.0
434 Hardwood Conifer Mixed	0.0				0.0
SUB TOTAL	130.8	0.0	130.8	167.9	167.9
500 WATER					
510 Streams and Ditches	0.0		0.0		0.0
512 Man Made Ditches and Canals					
522 Lake (> 100 ac. but < 500 ac.)					
523 Lake (> 10 ac. but < 100 ac.)					
530 Reservoirs					
534 Reservoirs < 10 Acres	2.4		2.4		0.0
SUB TOTAL	2.4	0.0	2.4	0.0	0.0
600 WETLANDS					
610 Wetland Hardwood Forests					
611 Bay Swamps	2.3		2.3		0.0
615 Stream and Lake Swamps	0.0				0.0
617 Mixed Wetland Hardwoods	1.6		1.6		0.0
620 Wetland Coniferous Forest					
630 Mixed Wetland Forest					
SUB TOTAL	3.9	0.0	3.9	0.0	0.0
640 Vegetated Non-Forested Wetlands					
641 Freshwater Marshes	3.2		3.2	43.5	43.5
643 Wet Prairies					
646 Shrub Swamps	0.0				0.0
SUB TOTAL	3.2	0.0	3.2	43.5	43.5
TOTAL WETLANDS (500s & 600s)	9.5	0.0	9.5	43.5	43.5
700 BARREN LAND					
743 Spoil Areas (cattle ponds)					
SUB TOTAL	0.0	0.0	0.0	0.0	0.0
800 TRANSPORTATION AND UTILITIES					
814 Roads					
SUB TOTAL	0.0	0.0	0.0	0.0	0.0
TOTAL FOR SITE	491.6	0.0	491.6	491.6	491.6

TABLE 12-1 - Parcel 2 (Revised)
Page 2 of 7

EXISTING AND PROPOSED LAND USE AND COVER TYPES
(AREA IN ACRES)

3/25/2002

FLUCCS-85 CATEGORY	PRE DEVELOPMENT	UNDISTURBED AREA	AREA TO BE DISTURBED	PROPOSED RECLAMATION	TOTAL POST RECLAMATION
100 URBAN					
110 Residential					
111 Fixed Single Family					
SUB TOTAL	0.0	0.0	0.0	0.0	0.0
200 AGRICULTURE					
210 Cropland and Pasture				13.7	13.7
211 Improved Pastures	67.5	1.3	66.2		1.3
212 Unimproved Pasture					
SUB TOTAL	67.5	1.3	66.2	13.7	15.0
300 RANGELAND					
310 Herbaceous					
320 Shrub and brushland					
321 Palmetto Prairie	28.1		28.1	26.5	26.5
329 Other Shrub and Brushland					
330 Mixed Rangeland					
SUB TOTAL	28.1	0.0	28.1	26.5	26.5
400 UPLAND FOREST					
410 Upland Coniferous Forest					
411 Pine Flatwoods					
412 Long Leaf Pine - Xeric Oak					
413 Sand Pine	0.9		0.9	16.8	16.8
420 Upland Hardwood Forest					
421 Xeric Oak					
425 Temperate Hardwoods					
427 Live Oak					
430 Upland Hardwood Forest Continued	0.0				
432 Sand Live Oak	13.0		13.0	7.3	0.0
434 Hardwood Conifer Mixed					7.3
SUB TOTAL	13.9	0.0	13.9	24.1	24.1
500 WATER					
510 Streams and Ditches	0.0		0.0		0.0
512 Man Made Ditches and Canals					
522 Lake (> 100 ac. but < 500 ac.)				47.0	47.0
523 Lake (> 10 ac. but < 100 ac.)					
530 Reservoirs					
534 Reservoirs < 10 Acres	0.1		0.1		
SUB TOTAL	0.1	0.0	0.1	47.0	47.0
600 WETLANDS					
610 Wetland Hardwood Forests					
611 Bay Swamps					
615 Stream and Lake Swamps					
617 Mixed Wetland Hardwoods	8.8	0.0	8.8		0.0
620 Wetland Coniferous Forest	1.7		1.7		0.0
630 Mixed Wetland Forest					
SUB TOTAL	10.5	0.0	10.5	0.0	0.0
640 Vegetated Non-Forested Wetlands					
641 Freshwater Marshes	0.7		0.7	10.8	10.8
643 Wet Prairies					
646 Shrub Swamps	1.7		1.7	0.9	0.9
SUB TOTAL	2.4	0.0	2.4	11.8	11.8
TOTAL WETLANDS (500s & 600s)	13.1	0.0	13.1	58.8	58.8
700 BARREN LAND					
743 Sool Areas (cattle ponds)					
SUB TOTAL	0.0	0.0	0.0	0.0	0.0
800 TRANSPORTATION AND UTILITIES					
814 Roads	1.8		1.8		0.0
SUB TOTAL	1.8	0.0	1.8	0.0	0.0
TOTAL FOR SITE	124.4	1.3	123.1	123.1	124.4

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TABLE 12-1 - Parcel 3 (Revised)
Page 3 of 7

EXISTING AND PROPOSED LAND USE AND COVER TYPES
(AREA IN ACRES)

3/25/2002

FLUCCS-85 CATEGORY	PRE DEVELOPMENT	UNDISTURBED AREA	AREA TO BE DISTURBED	PROPOSED RECLAMATION	TOTAL POST RECLAMATION
100 URBAN					
111 Fixed Single Family					
SUB TOTAL	0.0	0.0	0.0	0.0	0.0
200 AGRICULTURE					
210 Cropland and Pasture				88.5	88.5
211 Improved Pastures	417.2		417.2		
212 Unimproved Pasture					
SUB TOTAL	417.2	0.0	417.2	88.5	88.5
300 RANGELAND					
310 Herbaceous					
320 Shrub and brushland					
321 Palmetto Prairie	12.9	7.8	5.2		7.8
329 Other Shrub and Brushland					
330 Mixed Rangeland					
SUB TOTAL	12.9	7.8	5.2	0.0	7.8
400 UPLAND FOREST					
410 Upland Coniferous Forest					
411 Pine Flatwoods					
412 Long Leaf Pine - Xeric Oak					
413 Sand Pine	5.9		5.9		
420 Upland Hardwood Forest					
421 Xeric Oak	2.9		2.9		
425 Temperate Hardwoods					
427 Live Oak					
430 Upland Hardwood Forest Continued					
432 Sand Live Oak	24.4		24.4		
434 Hardwood Conifer Mixed				73.7	73.7
SUB TOTAL	33.3	0.0	33.3	73.7	73.7
500 WATER					
510 Streams and Ditches	1.7		1.7		
512 Man Made Ditches and Canals					
522 Lake (> 100 ac. but < 500 ac.)				178.6	178.6
523 Lake (> 10 ac. but < 100 ac.)					
530 Reservoirs					
534 Reservoirs < 10 Acres	0.6		0.6		
SUB TOTAL	2.3	0.0	2.3	178.6	178.6
600 WETLANDS					
610 Wetland Hardwood Forests					
611 Bay Swamps					
615 Stream and Lake Swamps					
617 Mixed Wetland Hardwoods	7.4	7.4		49.6	56.9
620 Wetland Coniferous Forest					
630 Mixed Wetland Forest					
SUB TOTAL	7.4	7.4	0.0	49.6	56.9
640 Vegetated Non-Forested Wetlands					
641 Freshwater Marshes	10.7	7.0	3.7	91.2	98.3
643 Wet Prairies					
646 Shrub Swamps	40.7	6.9	33.9	14.1	20.9
SUB TOTAL	51.4	13.9	37.5	105.3	119.2
TOTAL WETLANDS (500s & 600s)	61.0	21.3	39.8	333.4	354.7
700 BARREN LAND					
743 Spoil Areas (cattle ponds)	0.2		0.2		0.0
SUB TOTAL	0.2	0.0	0.2	0.0	0.0
800 TRANSPORTATION AND UTILITIES					
814 Roads					
SUB TOTAL	0.0	0.0	0.0	0.0	0.0
TOTAL FOR SITE	524.6	29.0	495.6	495.6	524.8

TABLE 12-1 - Parcel 4 (Revised)
 Page 4 of 7
 (Altman Tract)
 EXISTING AND PROPOSED LAND USE AND COVER TYPES
 (AREA IN ACRES)

3/25/2002

FLUCCS-85 CATEGORY	PRE DEVELOPMENT	UNDISTURBED AREA	AREA TO BE DISTURBED	PROPOSED RECLAMATION	TOTAL POST RECLAMATION
100 URBAN					
110 Residential					
111 Fixed Single Family					
SUB TOTAL	0.0	0.0	0.0	0.0	0.0
200 AGRICULTURE					
210 Cropland and Pasture					
211 Improved Pastures	61.7		61.7		
212 Unimproved Pasture				0.0	0.0
SUB TOTAL	61.7	0.0	61.7	0.0	0.0
300 RANGELAND					
310 Herbaceous	135.6		135.6		
320 Shrub and brushland					
321 Palmetto Prairie	90.1	0.1	89.9		0.1
329 Other Shrub and Brushland	241.0		241.0		0.0
330 Mixed Rangeland	681.7	1.0	680.8	1047.0	1047.9
SUB TOTAL	1148.4	1.1	1147.3	1047.0	1048.1
400 UPLAND FOREST					
410 Upland Coniferous Forest					
411 Pine Flatwoods	58.0	0.1	57.9	110.7	110.8
412 Long Leaf Pine - Xeric Oak					
413 Sand Pine					
420 Upland Hardwood Forest					
421 Xeric Oak					
425 Temperate Hardwoods					
427 Live Oak	8.2		8.2		
430 Upland Hardwood Forest Continued					
432 Sand Live Oak	40.6		40.6	46.7	46.7
434 Hardwood Conifer Mixed	33.1	0.0	33.1	1.0	1.0
SUB TOTAL	139.9	0.1	139.8	158.4	158.5
500 WATER					
510 Streams and Ditches	4.0		4.0		
512 Man Made Ditches and Canals					
522 Lake (> 100 ac. but < 500 ac.)					
523 Lake (> 10 ac. but < 100 ac.)					
530 Reservoirs					
534 Reservoirs < 10 Acres	0.4		0.4		
SUB TOTAL	4.4	0.0	4.4	0.0	0.0
600 WETLANDS					
610 Wetland Hardwood Forests					
611 Bay Swamps	22.2	21.7	0.4		21.7
615 Stream and Lake Swamps					
617 Mixed Wetland Hardwoods	11.6		11.6	21.6	21.6
620 Wetland Coniferous Forest	0.5		0.5		
630 Mixed Wetland Forest	23.1	8.3	14.8	27.1	35.5
SUB TOTAL	57.4	30.0	27.4	48.7	78.7
640 Vegetated Non-Forested Wetlands					
641 Freshwater Marshes	305.2		305.2	641.7	641.7
643 Wet Prairies	58.4		58.4	81.7	81.7
646 Shrub Swamps	272.7	28.4	244.3	11.0	39.4
SUB TOTAL	636.2	28.4	607.8	734.4	762.7
TOTAL WETLANDS (500s & 600s)	698.0	58.4	639.6	783.1	841.5
700 BARREN LAND					
743 Spoil Areas (cattle ponds)					
SUB TOTAL	0.0	0.0	0.0	0.0	0.0
800 TRANSPORTATION AND UTILITIES					
814 Roads					
SUB TOTAL	0.0	0.0	0.0	0.0	0.0
TOTAL FOR SITE	2048.0	59.6	1988.5	1988.5	2048.1

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TABLE 12-1 - Economic Revision Areas (Revised)
Page 5 of 7

EXISTING AND PROPOSED LAND USE AND COVER TYPES
(AREA IN ACRES)

3/25/2002

FLUCCS-35 CATEGORY	PRE DEVELOPMENT	UNDISTURBED AREA	AREA TO BE DISTURBED	PROPOSED RECLAMATION	TOTAL POST RECLAMATION
100 URBAN					
110 Residential					
111 Fixed Single Family					
SUB TOTAL	0.0	0.0	0.0	0.0	0.0
200 AGRICULTURE					
210 Cropland and Pasture				166.0	166.0
211 Improved Pastures	445.2		445.2		0.0
212 Unimproved Pasture					
SUB TOTAL	445.2	0.0	445.2	166.0	166.0
300 RANGELAND					
310 Herbaceous					
320 Shrub and brushland					
321 Palmetto Prairie	103.8		103.8	27.4	27.4
329 Other Shrub and Brushland					
330 Mixed Rangeland					
SUB TOTAL	103.8	0.0	103.8	27.4	27.4
400 UPLAND FOREST					
410 Upland Coniferous Forest				2.7	2.7
411 Pine Flatwoods				4.3	4.3
412 Long Leaf Pine - Xeric Oak	0.0				0.0
413 Sand Pine	136.4		136.4	30.5	30.5
420 Upland Hardwood Forest					
421 Xeric Oak				25.7	25.7
425 Temperate Hardwoods					
427 Live Oak					
430 Upland Hardwood Forest Continued					
432 Sand Live Oak	34.5		34.5		0.0
434 Hardwood Conifer Mixed	0.0			109.6	109.6
441 Coniferous Plantations	6.7		6.7		
SUB TOTAL	177.6	0.0	177.6	172.9	172.9
500 WATER					
510 Streams and Ditches	2.4		2.4		0.0
512 Man Made Ditches and Canals					
522 Lake (> 100 ac. but < 500 ac.)				163.3	163.3
523 Lake (> 10 ac. but < 100 ac.)				38.8	38.8
530 Reservoirs					
534 Reservoirs < 10 Acres	0.7		0.7		0.0
SUB TOTAL	3.1	0.0	3.1	202.0	202.0
600 WETLANDS					
610 Wetland Hardwood Forests					
611 Bay Swamps	0.0				0.0
615 Stream and Lake Swamps	0.1		0.1		0.0
617 Mixed Wetland Hardwoods	7.1		7.1	35.8	35.8
620 Wetland Coniferous Forest					0.0
630 Mixed Wetland Forest				14.4	14.4
SUB TOTAL	7.2	0.0	7.2	50.2	50.2
640 Vegetated Non-Forested Wetlands					
641 Freshwater Marshes	12.1		12.1	80.5	80.5
643 Wet Prairies					
646 Shrub Swamps	13.0		13.0	63.9	63.9
SUB TOTAL	25.0	0.0	25.0	144.4	144.4
TOTAL WETLANDS (500s & 600s)	35.2	0.0	35.2	396.6	396.6
700 BARREN LAND					
743 Spoil Areas (cattle ponds)					
SUB TOTAL	0.0	0.0	0.0	0.0	0.0
800 TRANSPORTATION AND UTILITIES					
814 Roads	1.1		1.1		
SUB TOTAL	1.1	0.0	1.1	0.0	0.0
TOTAL FOR SITE	762.8	0.0	762.8	762.9	762.9

TABLE 12-1 - Parcels 1, 2, 3, 3B, 4, 7 & ER (Revised)
 Page 6 of 7

EXISTING AND PROPOSED LAND USE AND COVER TYPES
 (AREA IN ACRES)

3/25/2002

FLUCCS-85 CATEGORY	PRE DEVELOPMENT	UNDISTURBED AREA	AREA TO BE DISTURBED	PROPOSED RECLAMATION	TOTAL POST RECLAMATION
100 URBAN					
110 Residential / 0 Unclassified	-	-	-	-	0.0
111 Fixed Single Family	-	-	-	-	0.0
SUB TOTAL	-	-	-	-	-
200 AGRICULTURE					
210 Cropland and Pasture	137.6	44.0	93.7	561.3	605.2
211 Improved Pastures	1,343.0	1.3	1,341.7	0.2	1.5
212 Unimproved Pasture	-	-	-	0.0	0.0
SUB TOTAL	1,480.6	45.3	1,435.3	561.5	606.7
300 RANGELAND					
310 Herbaceous	135.6	-	135.6	-	0.0
320 Shrub and brushland	11.6	4.9	6.7	6.7	11.6
321 Palmetto Prairie	234.9	7.9	227.0	134.4	142.3
329 Other Shrub and Brushland	241.0	-	241.0	-	0.0
330 Mixed Rangeland	681.7	1.0	680.8	1,047.0	1047.9
SUB TOTAL	1,304.8	13.8	1,291.0	1,188.1	1,201.8
400 UPLAND FOREST					
410 Upland Coniferous Forest	-	-	-	2.7	2.7
411 Pine Flatwoods	58.0	0.1	57.9	115.0	115.1
412 Long Leaf Pine - Xeric Oak	22.5	-	22.5	-	0.0
413 Sand Pine	209.8	-	209.8	47.4	47.4
420 Upland Hardwood Forest	4.2	3.7	0.5	0.5	4.2
421 Xeric Oak	-	-	-	193.6	193.6
425 Temperate Hardwoods	2.9	-	2.9	-	0.0
427 Live Oak	8.2	-	8.2	-	0.0
430 Upland Hardwood Forest Continued	-	-	-	-	0.0
432 Sand Live Oak	154.2	-	154.2	46.7	46.7
434 Hardwood Conifer Mixed	33.1	0.0	33.1	191.6	191.6
441 Coniferous Plantations	6.7	-	6.7	-	0.0
SUB TOTAL	499.7	3.8	495.9	597.5	601.3
500 WATER					
510 Streams and Ditches	8.2	0.0	8.2	0.1	0.1
512 Man Made Ditches and Canals	-	-	-	-	0.0
522 Lake (> 100 ac. but < 500 ac.)	0.1	0.0	0.1	388.9	388.9
523 Lake (> 10 ac. but < 100 ac.)	-	-	-	38.8	38.8
530 Reservoirs	-	-	-	-	0.0
534 Reservoirs < 10 Acres	4.1	-	4.1	-	0.0
SUB TOTAL	12.4	0.1	12.4	427.8	427.8
600 WETLANDS					
610 Wetland Hardwood Forests	-	-	-	-	0.0
611 Bay Swamps	24.5	21.7	2.7	-	21.7
615 Stream and Lake Swamps	7.9	6.6	1.3	1.2	7.8
617 Mixed Wetland Hardwoods	36.8	7.7	29.1	106.9	114.6
620 Wetland Coniferous Forest	2.8	0.6	2.2	-	0.6
630 Mixed Wetland Forest	23.1	8.3	14.8	41.6	49.9
SUB TOTAL	95.1	45.0	50.1	149.7	194.6
640 Vegetated Non-Forested Wetlands	8.1	6.6	1.5	1.5	8.1
641 Freshwater Marshes	331.7	7.0	324.7	867.8	874.8
643 Wet Prairies	58.4	-	58.4	81.7	81.7
646 Shrub Swamps	328.1	35.2	292.9	89.8	125.1
SUB TOTAL	726.3	48.8	677.5	1,040.8	1,089.6
TOTAL WETLANDS (500s & 600s)	833.8	93.8	739.9	1,618.2	1,712.1
700 BARREN LAND					
743 Spoil Areas (cattle ponds)	0.2	-	0.2	-	0.0
SUB TOTAL	0.2	-	0.2	-	-
800 TRANSPORTATION AND UTILITIES					
814 Roads	2.9	-	2.9	-	0.0
SUB TOTAL	2.9	-	2.9	-	-
TOTAL FOR SITE	4,121.9	156.6	3,965.2	3,965.3	4,121.9

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TABLE 12-1 - Parcel 3B & 7
 Page 7 of 7

EXISTING AND PROPOSED LAND USE AND COVER TYPES
 (AREA IN ACRES)

7/1/2002

FLUCCS-55 CATEGORY	PRE DEVELOPMENT	UNDISTURBED AREA	AREA TO BE DISTURBED	PROPOSED RECLAMATION	TOTAL POST RECLAMATION
100 URBAN					
111 Fixed Single Family	0.0				
SUB TOTAL	0.0	0.0	0.0	0.0	0.0
200 AGRICULTURE					
210 Cropland and Pasture	137.6	44.0	93.7	93.7	137.6
211 Improved Pastures	0.0			0.0	0.0
212 Unimproved Pasture					
SUB TOTAL	137.6	44.0	93.7	93.7	137.6
300 RANGELAND					
310 Herbaceous					
320 Shrub and brushland	11.6	4.9	6.7	6.7	11.6
321 Palmetto Prairie	0.0				0.0
329 Other Shrub and Brushland					
330 Mixed Rangeland					
SUB TOTAL	11.6	4.9	6.7	6.7	11.6
400 UPLAND FOREST					
410 Upland Coniferous Forest	0.0				0.0
411 Pine Flatwoods					
412 Long Leaf Pine - Xeric Oak					
413 Sand Pine	0.0				
420 Upland Hardwood Forest	4.2	3.7	0.5	0.5	4.2
421 Xeric Oak					
425 Temperate Hardwoods	0.0				
427 Live Oak					
430 Upland Hardwood Forest Continued	0.0				0.0
432 Sand Live Oak	0.0				0.0
434 Hardwood Conifer Mixed					0.0
SUB TOTAL	4.2	3.7	0.5	0.5	4.2
500 WATER					
510 Streams and Ditches	0.1	0.0	0.1	0.1	0.1
512 Man Made Ditches and Canals					
522 Lake (> 100 ac. but < 500 ac.)	0.1	0.0	0.1	0.1	0.1
523 Lake (> 10 ac. but < 100 ac.)					
530 Reservoirs	0.0				0.0
534 Reservoirs < 10 Acres	0.0				
SUB TOTAL	0.2	0.1	0.1	0.1	0.2
600 WETLANDS					
610 Wetland Hardwood Forests					
611 Bay Swamps					
615 Stream and Lake Swamps	7.8	6.6	1.2	1.2	7.8
617 Mixed Wetland Hardwoods	0.3	0.3			0.3
620 Wetland Coniferous Forest	0.6	0.6			0.6
630 Mixed Wetland Forest					
SUB TOTAL	8.8	7.6	1.2	1.2	8.8
640 Vegetated Non-Forested Wetlands	8.1	6.6	1.5	1.5	8.1
641 Freshwater Marshes	0.0				0.0
643 Wet Prairies					0.0
646 Shrub Swamps	0.0				0.0
SUB TOTAL	8.1	6.6	1.5	1.5	8.1
TOTAL WETLANDS (500s & 600s)	17.0	14.2	2.8	2.8	17.0
700 BARREN LAND					
743 Spoil Areas (cattle ponds)	0.0				0.0
SUB TOTAL	0.0	0.0	0.0	0.0	0.0
800 TRANSPORTATION AND UTILITIES					
814 Roads					
SUB TOTAL	0.0	0.0	0.0	0.0	0.0
TOTAL FOR SITE	170.4	66.7	103.7	103.7	170.4

EXHIBIT K

TABLE 35-1 (revised)
 Mined and Disturbed Areas

(Note: acres may not add due to rounding) 10-1-02 rev.

Site	Sites Total			Setback Area****	
	Total Area	To Be Mined or Disturbed*	Not Disturbed***	To Be Mined / Disturbed	Not Disturbed
Parcel 1	492	492	-	116	-
Parcel 2	124	123	1	29	-
Parcel 3	525	496	29	262	27
Parcel 4	2,048	1,988	60	70	-
Parcel 3B (Moody - Badcock Corridor)	127	73	54		
Parcel 7 (Lipman & Lipman Corridor)	44	-	44		
Total Phase II Parcels	3,359	3,171	188	478	27
Economic Revision Area - N.E.	763	763	-	260	-
Grace Approved Mining Area - N.E.	4,315	3,988	327	217	38
Corridor Tracts	170	73	98	-	-
Total N.E. Tract	6,218	5,861	357	885	64
Total Altman Tract	2,367	2,307	60	70	
Total Jameson Tract	4,619	4,269	350		
Total Mine Area**	13,374	12,510	864	955	64
Total Amendment Area	4,122	3,934	188	738	27

* Disturbed by mining activity, but not mined (i.e., road, berms, plant area, etc.).

** Parcels 1, 2, 3, 3B, 4, 7, N.E. and Jameson Tracts.

*** See definition on Page 35-2, response to Sub question A 3.

**** Area included in Site Total

EXHIBIT E

Table 13-1 - Revised
 Wetland Impact Summary
 FDEP Jurisdictional Areas
 Addition Parcels 1, 2, 3, 3B, 4, 7 and N.E. Tract
 (AREA IN ACRES)

LAND USE	FDEP JD AREA PRE DEVELOPMENT	FDEP JD AREA UNDISTURBED	FDEP JD AREA DISTURBED	PROPOSED TOTAL MITIGATION	RATIO ** POST:PRE	TOTAL POST RECLAMATION
Marsh Systems ***	739.7	39.4	700.3	1489.6	2.1 : 1	1529.0
Parcels 1,2,3,4,3B, 7 & ER	698.9	34.9	662.0	1323.9	2.0 : 1	
N.E. Tract	42.8	4.5	38.3	165.7	4.3 : 1	
Forested Systems****	572.2	282.7	289.5	599.1	2.1 : 1	881.8
Parcels 1,2,3,4,3B, 7 & ER	79.7	37.8	42.1	168.2	4.9 : 1	
N.E. Tract	492.5	245.1	247.4	430.8	1.7 : 1	
Total Wetlands	1312	322	990	2089	2.1 : 1	3241
Open Water (500 land use)	12.5	0.1	12.5	829.8	N/A	829.9

* = FDEP Jurisdiction (J.D.) areas contain areas with upland vegetation cover.

** = Ratio is Mitigation Wetlands / Total FDEP J.D. area impacted.

*** = FDEP JD AREA includes 200, 300 & 840 land uses

**** = FDEP JD AREA includes 400, 610, 620, & 630 land uses

EXHIBIT L

DEVELOPER COMMITMENTS FOUR CORNERS MINE PHASE II NORTHEAST TRACT ADDITION

The following commitments have been made by, or on behalf of, the applicant in the Application for Development Approval (ADA), the first Sufficiency Response (SR1), the second Sufficiency Response (SR2), or the third Sufficiency Response (SR3). In instances where the applicant may have proposed recommended Development Order condition language, the language may have been included in this list of commitments. These commitments must be taken in the context of the section or question being responded to in the ADA and Sufficiency Responses.

This list of Developer Commitments includes all those identified in the ADA and sufficiency responses for Parcels 1, 2, 3, and 4 of the Phase II Northeast Tract Addition*. All references to Parcel 4 are not applicable as Developer Commitments for this Ordinance.

GENERAL

1. The following currently-approved Manatee County Master Mining Plan or DRI elements of the Four Corners Mine are not proposed to be changed: (ADA/Page 10-4)
 - the currently approved mine water use (SWFWMD WUP);
 - the method of mining used (e.g., impacts on air, noise, radiation, energy use, etc.);
 - materials disposal method;
 - the source of police, fire, and emergency medical services;
 - beneficiation plant capacities (e.g., impacts on methods of product shipment); and
 - reclamation plan for Jameson tract.
2. As shown on the maps and tables, the post-reclamation vegetative cover will include a significant increase in the acreage of upland and wetland natural systems. Agricultural lands (e.g., pasture and crop land) will decrease by approximately 874 acres, or 59 percent (ADA/Page 10-9, as revised by SR3/Table 12-1).
3. Following the temporary use of the land for phosphate mining, the [designated] land use will revert to agricultural after the reclamation phase of the project is completed. (ADA/Page 10-10).
4. IMC requests approval of mitigation ratios of 2.07 acres of created forested wetlands and 2.13 acres of created herbaceous wetlands for each acre of existing wetlands of the same type to be disturbed. (ADA/Page 10-20 as revised by SR3/Table 13-1).
5. The Four Corners Mine Additions Phase II project will not subject the public to radiological or other adverse impacts. (ADA/Page 10-37).
6. IMC employs the staged-settling waste disposal procedure to minimize the acres required

for clay settling areas. This procedure involves alternating filling and drying a clay settling area over several years to more efficiently store the clay. This process will be used on the Altman and N.E. Tracts. (ADA/Page 10-37).

7. Following mining and reclamation of the site, the surface water drainage patterns and storm water runoff intensity and duration will be returned to essentially pre-mining conditions. In addition, potential future use of surface water resources may be made available through the reclamation lakes proposed to be constructed on the N.E. Tract. (ADA/Page 10-40).
8. All pipelines will be double-cased with proper spill protection systems included. (SR1/Page A1-45).

ECONOMY

The proposed project will not require expenditures for the development of new public facilities or the expansion of current facilities (ADA/Page 10-30).

VEGETATION AND WILDLIFE

1. A principle objective of the reclamation plan will be the development of a large integrated natural system on Parcel 4 that will extend the Horse Creek corridor upstream from IMC's other similar efforts along Horse Creek downstream in Hardee County. This area will be reclaimed as a mixture of forested wetlands and herbaceous and shrub marshes, surrounded by upland forests, palmetto prairies, and xeric communities (ADA/Page 10-9).
2. Table 12-1 illustrates that a significant acreage of natural systems will be revegetated on each of the parcels and that the acreage of land vegetated by improved pasture grass species will decrease significantly. No irrigation systems are required or planned (ADA/Page 10-18 & SR3/Page 1-10).
3. The plant communities that will remain undisturbed throughout the mining and reclamation periods are shown using an outlined symbol on the F-series vegetation maps and the H-series mine plan maps. These areas follow the concept contained in current approvals, in that the main stream channels will be undisturbed where they are forested systems (ADA/Page 12-12).
4. In the event any listed species are observed breeding or nesting, in an area to be cleared, IMC will contact FFWCC and implement the recommended measures for species protection (ADA/Page 12-21).
5. IMC will report in the DRI annual report all implementation activity associated with the approved Plan or listed species permits (ADA/Page 12-22).
6. Listed species observed in plant communities that are proposed to be left undisturbed will not be relocated. In these communities, IMC will protect listed species by maintaining the viability of the vegetative community and precluding public access (ADA/Page 12-22).

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7. The prime protection for birds will be to protect their nesting areas and to restrict clearing activities to the non-nesting season for selected species (ADA/Page 12-22).
8. IMC will reclaim the Altman Tract to a mosaic of upland and wetland natural systems that will provide over 2,000 acres of wildlife habitat in addition to the natural systems that have been or are currently being reclaimed on the adjacent mined land in Hardee County (ADA/Page 12-23).
9. A pre-clearing survey of the deeper water areas (Horse Creek and Little Manatee drainages) will be conducted prior to mining (ADA/Page 12-24).
10. Pre-clearing vehicular and pedestrian transects will be conducted in all upland habitats (ADA/Page 12-24).
11. Prior to clearing, appropriate habitats for the nesting of designated species will be surveyed (ADA/Pages 12-25 - 12-29).
12. Native species will be utilized in reclaiming natural systems and mitigation areas (SR1/AI-30).
13. Prescribed fire plans will be developed for each management unit and a natural fire regime of approximately two to three years in the flatwoods and approximately ten years in the xeric oak community will be established (SR1/AI-38).
14. A total of 700 acres of scrub jay habitat on IMC property is proposed for perpetual conservation easements with management [in Manatee and Hillsborough Counties] (SR1/Page AI-38).
15. IMC is committing to maintaining exotic and nuisance species in the proposed mitigation wetlands to less than 10 percent relative cover in the ground cover and less than 10 percent of the total trees in the canopy (SR1/Page AI-44).
16. IMC maintains vegetated preserves consistent with the Integrated Habitat Network that provide wildlife corridors for these [listed] species to safely move to adjacent habitats (SR1/Page AI-83).
17. Proposed side slopes for reclaimed marshes will approximate the slopes found on existing [surveyed] marshes... and will generally range from 40:1 to 500:1 (SR1/Page AI-91).
18. Recreated habitats will be located adjacent to preserved plant communities of the same type to encourage natural revegetation and wildlife recruitment (SR1/Page AI-158).
19. Upon completion of reclamation, IMC has offered - and USFWS has accepted - the placement of perpetuity conservation easements over the best xeric oak scrub and certain pine flatwoods (up to 700 acres) within the project. IMC will be responsible for the management of the conservation easement areas during the mining operations through

reclamation release, then the Florida Department of Environmental Protection assumes reclamation responsibility for perpetuity management (SR2/Page 2-30).

To implement the HMP, IMC will complete and adhere to the terms and conditions listed below (#20 - #28):

20. IMC, within one year of issuance of USFWS biological opinion, will grant in favor of FDEP a perpetual conservation easement with management requirements over 200 acres of the Manatee Wellfield site as identified in Map 14 of the HMP, respectively, in general accordance with the easement language in Exhibit A. Following the completion of mining and reclamation, the Service in coordination with FDEP will identify an additional 365 acres of FFWCC Type I or occupied scrub-jay habitat for dedication of a perpetual conservation easement in favor of FDEP (SR2/Page 2-41).
21. IMC shall manage through a combination of mechanical treatments and prescribed fires the potentially suitable occupied Florida scrub-jay habitats on unmined portions of the Mine Site and the entire Manatee Wellfield Mitigation Site during the life of the mine in accordance with the HMP (SR2/Page 2-41).
22. IMC shall be responsible for managing the reclaimed and native HMP habitats, including the West Tract Preserve and the Manatee Wellfield site, through the FDEP release of reclaimed HMP habitats, at which time FDEP will assume management responsibilities of the Florida scrub-jay habitat areas identified in [Item 24] above (SR2/Page 2-41).
23.
 - A. No clearing of vegetation will take place within occupied territories on the project site place during the florida scrub-jay nesting season (typically March 1 through June 30), removing the potential to destroy active nests and kill or injure nestlings (SR2/Page 2-41).
 - B. Mechanical and fire management can take place in the occupied territories during the scrub-jay nesting season; however, the management area should be carefully inspected to locate any active nests and protect the nests from any kind of management that may occur to prevent "take" of scrub-jays (SR2/Page 2-41).
24. IMC will try to band all Florida scrub-jays on their Four Corners Mine and the Manatee Wellfield properties using unique color combinations to track the status of individuals. IMC should consider radio telemetry on at least a subset of the translocated jays (SR2/Page 2-41).
25. IMC shall monitor on an annual basis reclaimed scrub sites occupied by scrub-jays, all unmined occupied baseline survey sites on the Four Corners/Lonesome Mine and the Manatee Wellfield, as identified in the HMP, with sufficient intensity to document a) the response of the scrub-jay habitat management units to all reclamation, restoration and management activities, and b) the distribution and status of the resident Florida scrub-jay population on each of these management units. Monitoring of these areas shall continue on an annual basis until such time as a minimum population of 14 pairs of scrub-jays are documented to be present on IMC lands for three consecutive years, at which time monitoring can be reduced to every other year for the remaining life of the 30-year

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permit, so long as 14 pairs are present. If 28 families or more are documented within the project area during the last ten year period, monitoring can be reduced to once every 5 years, so long as presence/absence surveys show 20-families or more present. Monitoring reports shall be submitted within 120 days of completing the field work (described below) in each calendar year to the USFWS and Manatee County (SR2/Pages 2-41 - 2-42).

A. Scrub-jay Habitat Management Units

- i. A description of all work completed on upland management units since the previous report, or since the permit was issued (initial monitoring report). Indicate on maps or figures those management units where work has been completed (SR2/Page 2-42).
- ii. A description of all work proposed on upland habitat units in the next year. Indicate on map or figures those management units where work is proposed (SR2/Page 2-42).
- iii. For each management unit, IMC shall establish a representative sample of permanent photo stations. The photographs taken at these stations will include date taken, station number and contain a 3.0 meter stake as a reference point. Baseline photographs will be taken prior to all major management activities (SR2/Page 2-42).

B. Florida scrub-jay Populations

- i. IMC shall conduct in March of each year a survey of all management units of adequate intensity to determine the status of each Florida scrub jay family, including the number of non-breeding helpers with each pair and the approximate size and configuration of each territory (SR2/Page 2-42).
- ii. IMC shall prepare and include in the monitoring report a table summarizing the known history of each scrub-jay family through time, including any movements or changes in family composition (see Conservation Recommendations), and corresponding maps identifying the locations of each territory (SR2/Page 2-42).

26. IMC shall maintain a minimum of 10 pairs of Florida scrub jays on the IMC property during the first 10 years of mining and a minimum of 14 pairs during the following 20 years (minimum population standard). If IMC can document through banding and/or radio telemetry studies that scrub-jays dispersing from IMC property have successfully established a territory or paired with a jay on a territory off-site and contributed to the M4 metapopulation, these jays will count towards the minimum population standard. If, as a result of mining activities, the IMC Florida scrub-jay population drops below the minimum population standard in any year, then IMC in coordination with the USFWS will develop an appropriate action plan to remedy the population standard shortfall by the following nesting season. If the minimum population standard is not achieved within two nesting seasons following the reported shortfall, then IMC shall immediately cease mining of

occupied Florida scrub-jay habitat and reinitiate section 7 consultation (SR2/Page 2-42).

27. Translocation of scrub jays is recommended in order to minimize take resulting from the mining of occupied habitat and to establish scrub jays on the Manatee Wellfield and at suitable reclaimed sites on IMC property. Translocation should follow the protocol established by Mumme and Below (1995, 1999), as outlined in the HMP. As detailed in the biological opinion, the Service recognizes that both the "do nothing" and the "maximum on-site preservation/restoration" alternatives pose substantially greater risks to the long-term viability of the M4 metapopulation than the combination "reclamation/Manatee Wellfield" alternative proposed in the HMP. However, this preferred alternative will require time to establish a source population through natural recruitment, immigration and potentially experimental translocations from the mine site or elsewhere (SR2/Page 2-42).
28. IMC will work cooperatively with Manatee County and the Southwest Florida Water Management District (SWFWMD) regarding management of their scrub habitat to the north and south, respectively, of the Manatee Wellfield site (SR2/Page 2-42).
29. No natural slopes equal to or exceeding 26.5 degrees are proposed to be altered during the project development process, nor will any be created. (SR2/Page 4-8).
30. [The applicant's suggested a Development Order Condition:] IMC will follow the USFWS/FFWCC Bald Eagle Management Plan (Site MN-08) for any and all bald eagle nests on site. If the eagles move the existing nest, the Management Plan will be updated accordingly to the USFWS/FFWCC rules. If the site is officially abandoned by USFWS/FFWCC, then IMC may mine the site. The nest status will be reported in the Annual Report (SR3/Pages 2-5 - 2-6).
31. IMC will attempt re-establish the wild coco specimens found by direct transplanting of the plants to similar reclaimed or preserved areas (SR3/Page 2-8).

WETLANDS

1. Table 13-1 illustrates that IMC will avoid disturbing half of the forested wetlands subject to FDEP jurisdiction within Area 4 (ADA/Page 10-19).
2. Riverine resources are depicted on or adjacent to the Northeast Tract (e.g. the Little Manatee River). This significant wetland riverine system will remain undisturbed as shown on Map H-1B, with the exception of the approved access corridor crossing (ADA/Page 10-31).
3. As shown on Map F-2A, the headwater channel of Horse Creek along with two adjacent, relatively large bay swamps, will be avoided (ADA/Page 13-5).
4. Areas proposed to be avoided are shown on Maps F-2A, F-2B, H-3A and H-3B. A total of 322 acres of FDEP jurisdictional wetland area will be left unmined (ADA/Page 13-6 as revised by SR3/Table 13-1).

5. A combination of techniques will be used to protect unmined wetlands during mining and reclamation activities, including buffers, vegetated perimeter berms, and recharge ditches adjacent to all undisturbed wetlands (ADA/Page 13-6).
6. The types of wetlands proposed to be disturbed will be mitigated in kind and consist of wetlands that the U.S. Army Corps of Engineers and FDEP and other Florida agencies readily acknowledge are reclaimable following phosphate mining (ADA/Page 13-8).
7. Mitigation for parcels 1, 2, and 3 will be integrated into the regional post reclamation landscape of the N.E. Tract (ADA/Page 13-8).
8. If muck is not available, herbaceous wetlands will be planted with a diverse array of native plant species at a density of up to 4,800 plants per acre (i.e. 3-foot centers). Forested systems will be planted with trees at a density of up to approximately 600 trees per acre (i.e. 8-foot centers). Species proposed for planting will be selected on the existing or historic character of the lands being mined (ADA/Page 13-8).
9. The reclamation plan will eliminate ditching in the post reclamation landscape both within Phase II parcels and in the surrounding areas (ADA/Page 13-8).
10. Following mining, the land adjacent to all wetlands, whether avoided or created, will be reclaimed to natural systems that will act as buffers between the wetlands and crop and pasture lands (ADA/Page 13-9).
11. Limits of disturbance lines, as shown on Maps F-2A and B, will be established in the field and staked by land surveyors. Trained biologists will review the staked line as a quality assurance check (ADA/Page 13-10).
12. A source of clear water will be used for recharge water for the ditches. Input into the recharge ditches will be adjusted to maintain appropriate ground water and surface water elevations (ADA/Page 13-10).
13. Any erosion that might occur from extreme rainfall events will be repaired and replanted until a self-sustaining vegetative cover is established (ADA/Page 13-11).
14. Viable topsoil or "muck" from premining wetlands, where available, will be stockpiled prior to mining and spread over reclaimed wetlands to provide a favorable growing medium and a source of plant propagules (ADA/Page 13-11).
15. A minimum of 70 percent vegetation cover on the reclaimed non-forested wetlands will achieve success. Exotic and nuisance species will be controlled so as to not exceed a 10 percent relative cover (ADA/Page 13-12).
16. A minimum of 70 percent of each staturum will consist of plants listed as "Typical", "Associated", or "Additional" species for bay swamps, deep swamps, and deep water swamps in *A Guide to Selected Florida Wetland Plants and Communities* (USACOE, 1988) for the bay swamp, hardwood swamp, and mixed hardwood forest swamp types, respectively. Exotic and nuisance species will be controlled so as not to exceed 10

percent relative cover in the ground cover and 10 percent of the total number of trees in the canopy (ADA/Page 13-12).

7. Hardwood and mixed forest swamps will be designed with irregular bottoms due to the presence of hummocks or earthen platforms and have 10:1 or flatter side slopes and seasonal high water depths ranging from 0.5 to 1.0 foot (ADA/Page 13-12).
8. Mitigation is proposed at a ratio of 2.1:1 for forested wetland systems (see Revised Table 13-1 at the beginning of Question 13) (SR1/Page AI-54 as revised by SR3/Table 13-1).
9. The locations of the proposed disturbances are shown on Maps F-2A and B. Table 13-1 illustrates that IMC is proposing to create 1,489.6 acres of herbaceous wetlands and 595.4 acres of forested wetlands as compensatory mitigation. In addition, IMC is proposing to create 829.7 acres of open water habitat. Maps I-2A and B illustrate the location of the wetlands proposed to be created (SR1/Page AI-59 as revised by SR3/Table 13-1).
20. IMC routinely employs best management practices to prevent excessive erosion and subsequent deposition of fine particles such as silt and clay in wetlands. Erosion control barriers such as hay bales and/or silt fences are placed at critical points in the landscape during and after construction (SR1/Page AI-89).
21. The large headwater marsh wetland in the Horse Creek drainage system in the Altman Tract will be mined between years 9-12 only after the creation and connection of a replacement headwater system is approved by FDEP (SR1/Page AI-92).
22. Monitoring and maintenance of mitigation wetlands will continue after planting until the wetlands meet success/release criteria as set forth by FDEP and USACOE, usually at least three years for herbaceous and five years for forested (SR1/Page AI-158).
23. IMC proposes to provide a wetland buffer through the construction of a protective berm. This berm will be grassed, so that the runoff from the berm will have the same water quality that currently exists coming from the adjacent agricultural land. IMC identified an acceptable Development Order Condition, similar to that imposed on the South East Tract Development Order (SR2/Page 2-50).
24. Preserved non-riparian wetlands in the watershed that do not receive runoff from the area occupied by the clay areas will be hydrated by the proposed recharge system. Riparian wetlands that currently receive groundwater inflow from the area occupied by the clay areas will continue to receive the same quantity of groundwater outflow from the area currently occupied by the clay area because IMC will install recharge systems along the preserved wetlands down gradient from the clay areas to maintain the groundwater outflow at pre-mining levels (SR3/Page 4-8).

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WATER QUALITY AND HYDROGEOLOGY

1. The surficial aquifer will be restored to its pre-mining conditions during the reclamation process. The surficial aquifer on adjoining lands not controlled by IMC and sensitive

wetlands on and off the IMC property will be protected by a series of artificially filled recharge ditches/wells site specifically designed and positioned to prevent dewatering of areas that will not be mined (ADA/Page 10-40).

2. Mining excavations will not remove the confining beds which separate the water-bearing part of the intermediate aquifer system in the Arcadia Formation from the surficial aquifer system and, therefore, will not impact either the water-bearing part of the intermediate aquifer system nor the underlying Floridan aquifer system (ADA/Page 14-4).
3. Perimeter recharge ditch and berm will be inspected daily. Staff gauges will be installed to ensure adequate water is present in the ditch to maintain the ground water levels. Piezometers will be read weekly and the information will be reviewed by IMC's environmental staff to be sure that the recharge ditches are maintaining the water table at proper levels (ADA/Page, 14-13).
4. Where practical, cleared lands will be drained into the active mining pits instead of the perimeter system so the turbid runoff becomes part of the mine process water system (ADA/Page 14-13).
5. Only after the perimeter berm area has been revegetated will the silt curtain be removed (ADA/Page 14-13).
6. During the time period that lapses from the first disturbance through the substantive completion of reclamation, all storm water runoff generated within disturbed areas will be captured and routed to the mine water recirculation system, treated to meet technology and water quality-based effluent limitations, and released only through outfalls permitted by a federal NPDES permit (ADA/Page 14-14).
7. The Four Corners mine will continue to use the lowest quality water that is available. The priority for the water sources are: collected rainfall, pit drainage, deep wells (SR1/AI-27).
8. Any neighboring wells in the Phase II area that are located within 1,800 feet of the proposed mining will be inventoried and testing of the well (flow and water quality) will be conducted prior to mining and reclamation (with the owner's consent) (SR1/Page AI-50).
9. As part of this [water table maintenance] program, IMC will monitor the water level at the IMC property line prior to mining, during mining and following reclamation (SR1/Page AI-106).
10. To minimize groundwater withdrawals, IMC endeavors to maintain about 5,000 acre-feet of surge storage capacity in the recirculation systems (SR1/Page AI-112).
11. IMC has designed this corridor segment [Parcels 3B & 7] to include protective measures to protect the water supply function of the Lake Manatee Reservoir, both in terms of water quality and water quantity, by placing the double-encased pipes below grade or within BMP isolation berms (SR2/Page 4-6).

SOILS

1. Maps I-2A and B illustrate that all of the lands proposed to be reclaimed as natural systems will be reclaimed by backfilling with sand and then grading an overburden cap. In the event there is found to be hard or compacted soils at the surface at the end of the reclamation earthmoving, the area will be plowed at the time of upland tree planting (ADA/Page 15-2).
2. IMC has specifically committed to segregating, stockpiling, and beneficially using existing hydric and xeric topsoils when reclaiming wetlands and xeric uplands, where practicable (ADA/Page 15-2).
3. All of the sand and clay backfill will originate from IMC property and all overburden spoil generated by mining the Four Corners Mine Additions Phase II parcels will be beneficially used onsite as part of the reclamation process (ADA/Page 15-2).

FLOODPLAINS

1. To eliminate non-conformity with Manatee County Policy 2.3.3.1., IMC will design the South Fork Little Manatee River crossing to preclude an increase in offsite flood levels (ADA/Page 10-14).
2. To reduce non-conformance with Manatee County Policy 2.3.3.2., IMC will capture storm water runoff from the South Fork Little Manatee River drainage basin and route it to clay settling areas to reduce flooding potential (ADA/Page 10-14).
3. No mining is proposed to occur in areas where natural floodplain features exist (ADA/Page 10-35).
4. The 100-year floodplain storage volume will equal or exceed the existing storage volume during all phases of development and use of the proposed corridors (SR2/Page 4-8).

WATER SUPPLY

1. No additional ground water withdrawals will be required to mine and reclaim the Altman and N.E. Tracts, including the N.E. Tract Additions, beyond those currently permitted by SWFWMD (ADA/Page 10-31).
2. No water will be withdrawn from surface water bodies that support navigation, recreation, or fish and wildlife (ADA/Page 10-36).
3. In order to protect surface water resources in the vicinity of the Four Corners Mine Additions site (e.g., South Fork of the Little Manatee River, and its Long Branch tributary, and Horse Creek), IMC will use a series of perimeter ditches to capture storm water runoff and route these flows through settling ponds for treatment prior to reuse or discharge (ADA/Page 10-40).

5/

4. As depicted on the Map D-2 legend, only wells and piezometers within the surfic aquifer located along property boundaries of the areas not proposed to be distu, continue to be used. All other wells will be abandoned and plugged in accordance w. SWFWMD and Manatee County regulations (ADA/Page 17-1).
5. Due to the continued regional water supply concerns, IMC has designed several lakes for portions of the location of the former designated reservoir site. Should the County desire to have a reservoir, then these lakes could be either modified to form a reservoir or simply used as is for water supply purposes (SR1/Page AI-42).

WASTEWATER MANAGEMENT

1. Employees working in active mining or reclamation areas that are remote from the beneficiation plant will continue to be provided portable facilities provided by contract vendors who transport the wastewater offsite for treatment. During the years that mining or reclamation activities occur on lands addressed by this Phase II ADA, the aggregate mine wide volume [of potable facilities] will not change (ADA/Page 18-1).
2. The new Pre-Washer facility is proposed to be served by a septic tank and drain field system that will be designed for the site and projected usage (ADA/Page 18-1).
3. The mine's domestic waste water treatment plant effluent is discharged into the mine recirculation water systems; thus, IMC is reusing 100 percent of the treated domestic effluent (SR1/AI-27).

STORMWATER MANAGEMENT

1. The rate of storm water discharge will not exceed the existing 25-year frequency, 24-hour duration storm event during the mining and reclamation phases (ADA/Page 10-24).
2. Maps I-1A and B and I-2A and B illustrate that IMC plans to reclaim the mined land into a mosaic of upland and wetland natural systems by backfilling the mined voids with sand and clay or, in the case of portions of parcels 1, 2, and 3, reshaping the available onsite overburden to form portions of two large lakes surrounded by upland and wetland natural systems. The existing drainage patterns will be re-established by grading the maintained (and backfilled) land to the elevations shown on Maps I-1A and B to form drainage divides which approximate existing conditions (ADA/Page 19-2).
3. Typical cross sections of the two lakes proposed to be built on parcels 2 and 3 will consist of littoral zones that cover at least 25 percent of the highwater surface area and submerged vegetation zones less than six feet deep that cover at least 20 percent of the low water surface area. No portions of the cross sections of these lakes will have slopes steeper than 1 foot vertical to 4 feet horizontal (ADA/Page 19-2).
4. IMC will maintain the storm water management system from commencement of construction, through use of the corridors, until the reclamation phase of the project is complete, at which time the storm water management system, including passive control structures, will have been constructed and revegetated to self-sustaining conditions

THIS IS A CORRECTIVE DOCUMENT

TRANSPORTATION

1. Mined materials will be transported by pipeline to an existing beneficiation plant. The intensity of roadway and rail use will not be increased by the proposed mining of the Altman and N.E. Tracts, including the N.E. Tract Additions (ADA/Page 10-38).
2. The applicant will be responsible for the cost of design and construction of an access point driveway on CR 39 where Parcel 3 crosses CR 39 and two additional access driveways along SR 37 to serve Parcel 4 (ADA/Page 21-4).
3. The routes of buyers of excess materials will be restricted to designated truck routes. (SR1/AI-34).
4. The total truck traffic will not exceed the currently-approved rate of 750 trucks per day (SR1/AI-34).
5. IMC agrees to [transportation] conditions that would regulate shipment on County-maintained roads to: provide that trucks are weighed to ensure that they are within the weight limits of the roads; notify the County of any spills on County maintained right-of-way; not exceed 200 loads per day (400 trips); use the existing Mine entrance on SR37; and note that the sale of sand is not the same as shipping a known quantity of product between two known points as was done at Nu-Gulf (SR2/Page 2-23).

AIR QUALITY

IMC will employ the identified techniques to minimize the generation of fugitive dust during mining and reclamation of the Four Corners Mine Addition site (ADA/Page 22-1).

HURRICANE PREPAREDNESS

The Four Corners Mine Hurricane Procedures Manual will be expanded to include the Phase II lands following issuance of the Development Order. The update of this Manual is included in the Four Corners Mine DRI annual report submittal to Manatee County and TBRPC and other agencies (ADA/Page 23-1).

HISTORICAL AND ARCHAEOLOGICAL SITES

Should IMC discover additional potential archaeological sites when conducting mining operations on the Four Corners Mine Altman or N.E. Tract Additions, the land disturbing activities will cease until trained cultural resource experts can examine the area and determine, in consultation with DHR, whether the potential site is significant (ADA/Page 10-27).

MINING OPERATIONS

1. IMC will construct a vegetated berm system around the perimeter of all areas to be

mined or disturbed before conducting mining operations on the Four Corners ? Additions Phase II parcels or the Economic Revision Areas within the N.E. Tract. . berm and ditch system will be maintained until the postreclamation vegetation has stabilized so that regrading and revegetating of the berm and ditch system is the final reclamation step in any given area (ADA/Page 10-13).

2. The vegetated berm and ditch system will be designed and constructed to contain the runoff produced by a 25-year storm event. Once operational, these perimeter systems will be inspected daily and deficiencies, if any, will be noted on the inspection sheet. Established followup procedures will be implemented to ensure that any needed maintenance or repairs are promptly completed (ADA/Page 10-13).
3. Best management practices will be implemented during mining activities to minimize erosion, fugitive dust, and other air emissions (ADA/Page 10-17).
4. Throughout the proposed mining activities and the reclamation which will follow, privately held land will be restricted to public access to ensure public safety (ADA/Page 10-32).
5. The actual mining sequence will be determined on a year by year basis, and will be part of the information contained in the annual reports (ADA/Page 35-10).
6. The spoil will generally be placed in the mined out portions of the pit, and later used for land reclamation (ADA/Page 35-10).
7. At the time of [clay settling] construction areas, refined size specifications, proposed dike construction materials and Emergency Response Plan update will all be provided (ADA/Pages 35-10 - 35-11).
8. Approximately 293 acres of the Phase II parcels will be re-vegetated for use as crop and pastureland [FLUCFCS 210] (ADA/Page 35-16, as revised by SR3 and subsequent Parcel 7 changes).
9. Approximately 1,407 acres are proposed to be reclaimed as a mixture of various herbaceous, mixed, and shrub and brush covered rangeland vegetation communities [FLUCFCS 300] (ADA/Page 35-16 as revised by SR3/Table 12-1/Page 1-10).
10. Soil types and site-specific hydrology will be considered when selecting species to be planted, as native rangeland includes xeric, mesic, and hydric communities (ADA/Page 35-16).
11. IMC will reclaim 100 acres of mined land to be suitable for palmetto prairie development by creating a landform similar to the pine flatwood community but with slightly more variation in the surface topography [FLUCFCS 321] (ADA/Page 35-17).
12. Longleaf and South Florida slash pines will be planted at a density of 200 trees per acre. Nuisance species invasion will be controlled through the use of selective herbicides (ADA/Page 35-17).

13. The normal fire frequency for pine flatwoods is every one to three years. In reclamation projects, fire will be excluded for several years to allow establishment of the pines and to build a seed source unless it is deemed appropriate as a management tool (ADA/Page 35-17).
14. Approximately 191.6 acres will be revegetated as upland forest communities, exclusive of the lands to be reclaimed as pine flatwoods and xeric communities [FLUCFCS 400] (ADA/Page 35-17 as revised by SR3/Table 12-1/Page 1-10).
15. Approximately 46.7 acres of xeric forests will be reclaimed in the Horse Creek watershed to provide habitat for listed species and form analog "scrub islands" to those which existed historically [FLUCFCS 413, 421, and 432] (ADA/Page 35-17 as revised by SR3/Table 12-1/Page 1-8).
16. Approximately 427.7 acres will be reclaimed as lakes and 1,618.2 acres as wetlands [FLUCFCS 500 and 600]. (ADA/Page 35-17 as revised by SR3/Table 12-1/Page 1-10).
17. The proposed F-9 settling area will be reclaimed to an elevation of 120 to 124 feet NGVD as compared to an existing elevation of 94 to 110 feet NGVD (ADA/Page 35-18).
18. Reclamation has the highest priority and no material will be sold unless all available reclamation areas have been backfilled in accordance with the approved plan (SR1/AI-34).
19. If the developer elects the conveyor system for the transport of product, the conveyors will be covered (or tube conveyors). All crossings of roads or water courses will have the same secondary spill protection design features as current pipelines (SR1/AI-34).
20. In areas where total mine depth will range from 60-80 feet, IMC proposes to use recharge wells in addition to recharge ditches and cast overburden on the mine cut face adjacent to wetlands (SR2/Page 2-8).
21. As part of the final work on IMC's Four Corners Regional dredge and fill permit, IMC is granting to the Trustees of the Florida Internal Improvement Fund a Conservation Easement on the 25-year Floodplain area of Long Branch and the South Fork of the Little Manatee River on the North East Tract. IMC is also providing a conservation easement over a portion of the IMC wellfield in Manatee County to protect scrub jays and scrub jay habitat. Further, a commitment to place a conservation easement on an additional 365 acres of scrub jay habitat has been made for the end of the mine life [the exact location of this easement will be determined by USFWS following completion of mining] (SR2/Page 2-22).
22. The requested permitted use of Parcels 3B & 7 will be for access corridors. IMC does not propose to mine these properties (SR2/Page 4-1).
23. All equivalent tons of tailings sand from mining the Four Corners reserves are committed to be used at Four Corners and not sold (SR3/Page 2-5).

24. Since freshwater corrosion of the pipes may cause a problem, IMC proposes to smooth steel 1/4-inch walled pipe that will be galvanized and/or with an epoxy to resist corrosion or similar system to insure the pipe life exceed the required use (SR3/Page 3-6).
25. A road will be constructed to provide access to the corridor[s] for inspection and maintenance purposes (SR3/Page 4-1).

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Serial Number

PHOSPHATE FRINGE ACREAGE LEASE

FLES 50987

ART 1. LEASE RIGHTS GRANTED.

This Lease Lease Renewal entered into by and between the UNITED STATES OF AMERICA, through the Bureau of Land Management, hereinafter called lessor, and (Name and Address)

IMC Phosphates Company

PO Box 2000

Mulberry, FL 33860-1100

hereinafter called lessee, is effective (date)

MAY 01 2002

for a period of 20 years.

for Limestone, Sulphur, Hardrock -

with preferential right in the lessee to renew for successive periods of _____ years under such terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the expiration of any period.

for Uranium, Phosphate, Gilsonite -

and for so long thereafter as lessee complies with the terms and conditions of this lease which are subject to readjustment at the end of each 20 year period, unless otherwise provided by law.

b. 1. This lease is issued pursuant and subject to the terms and provisions of the:

Mineral Leasing Act of 1920, as amended, and supplemented, 41 Stat. 437, 30 U.S.C. 181-287, hereinafter referred to as the Act;

Mineral Leasing Act for Acquired Lands, Act of August 7, 1947, 61 Stat. 913, 30 U.S.C. 351-359;

Reorganization Plan No. 3 of 1946, 60 Stat. 1099 and 43 U.S.C. 1201;

(Other)

to the regulations and general mining orders of the Secretary of the Interior in force on the date this lease issued.

c. 2. Lessor, in consideration of any bonuses, rents, and royalties to be paid, and the conditions and covenants to be observed as herein set forth, hereby grants and leases to lessee the exclusive right and privilege to explore for, drill for, mine, extract, remove, beneficiate, concentrate, or otherwise process and dispose of the Phosphate deposits hereinafter referred to as "leased deposits," in, upon, or under the following described lands:

Florida, Manatee County

T. 33S., R. 21E.

sec. 12 W2NW less the North 1,751 feet thereof, SWSW

containing 60.700 acres, more or less, together with the right to construct such works, buildings, plants, structures, equipment and appliances and the right to use such on-lease rights-of-way which may be necessary and convenient for the exercise of the rights and privileges granted, subject to the conditions herein provided.

for Phosphate -

In accordance with Section 11 of the Act (30 U.S.C. 213), lessee may use deposits of silica, limestone, or other rock in the processing or refining of the phosphates, phosphate rock, and associated or related minerals mined from the leased lands or other lands upon payments of royalty as set forth on the attachment to this lease. (Phosphate leases only.)

II. TERMS AND CONDITIONS

1. (a) **RENTAL RATE** - Lessee shall pay lessor annually and in advance for each acre or fraction of during the continuance of the lease at the rate stated below:

ur. Gilsomite -
\$0 cents for the first lease year and each succeeding lease year;

rock -
\$1 for the first lease year and \$1 for each succeeding lease year;

ignite -
\$15 cents for the first lease year, 50 cents for the second and third lease years, and \$1 for each and every lease year thereafter;

assium, Sodium -
\$25 cents for the first calendar year or fraction thereof, 50 cents for the second, third, fourth, and fifth calendar years respectively, and \$1 for the sixth and each succeeding calendar year; or

um, Sulphur, Asphalt, and Hardrock Renewal Leases -
\$5 for each lease year;

RENTAL CREDITS - The rental for any year will be credited against the first royalties as they accrue under the lease during the year for which rental was paid.

2. (a) **PRODUCTION ROYALTIES** - Lessee shall pay lessor a production royalty in accordance with the attached schedule. Such production royalty is due the first day of the month next following the month in which the minerals are sold or removed from the leased lands.

MINIMUM ANNUAL PRODUCTION AND MINIMUM ROYALTY - (1) Lessee shall produce on an annual basis a minimum amount of Phosphate, except when production is interrupted by strikes, the elements, or causes not attributable to the lessee. Lessor may permit suspension of operations under the lease when marketing conditions are such that the lease cannot be operated except at a loss. (2) At the request of the lessee, made prior to initiation of the lease year, the authorized officer shall allow in writing the payment of a \$3.00 per acre or portion thereof minimum royalty in lieu of production for that particular lease year. Minimum royalty payments shall be credited to production royalties for that year.

3. **REDUCTION AND SUSPENSION** - In accordance with Section 39 of the Mineral Leasing Act, 30 U.S.C. 209, lessor reserves the authority to waive, suspend or reduce rental or minimum royalty, or to reduce royalty, and reserves the authority to assent to or order the suspension of this lease.

4. **BONDS** - Lessee shall maintain in the proper office a surety bond in the amount of \$ 5,000.00, or the equivalent thereof, an acceptable statewide or nationwide bond. The authorized officer may require an increase in this amount when additional coverage is determined appropriate.

5. **DOCUMENTS, EVIDENCE AND INSPECTION** - At the times and in such form as lessor may prescribe, lessee

shall furnish detailed statements showing the quality of all products removed and sold from proceeds therefrom, and the amount used for purposes or unavoidably lost.

Lessee shall keep open at all reasonable times for inspection of any duly authorized officer the leased premises and all surface and underground structures, work, machinery, ore stockpiles, equipment, books, accounts, maps, and records relative to operations, surveys, or investigations on or under the leased lands.

Lessee shall either submit or provide lessor access to and copying of documents reasonably necessary to verify lessee compliance with terms and conditions of the lease.

While this lease remains in effect, information obtained under this section shall be closed to inspection by the public in accordance with the Freedom of Information Act (5 U.S.C. 552).

Sec. 6. DAMAGES TO PROPERTY AND CONDUCT OF OPERATIONS - Lessee shall exercise reasonable diligence, skill, and care in the operation of the property, and carry on all operations in accordance with approved methods and practices as provided in the operating regulations, having due regard for the prevention of injury to life, health or property, and of waste or damage to any water or mineral deposits.

Lessee shall not conduct exploration or operations, other than casual use, prior to receipt of necessary permits or approval of plans of operations by lessor.

Lessee shall carry on all operations in accordance with approved methods and practices as provided in the operating regulations, and the approved mining plans in a manner that minimizes adverse impacts to the land, air, and water, to cultural, biological, visual, minerals, and other resources, and to other land uses or users. Lessee shall take measures deemed necessary by lessor to accomplish the intent of this lease term. Such measures may include, but are not limited to, modification to proposed siting or design of facilities, timing of operations, and specification of interim and final reclamation procedures.

Lessor reserves to itself the right to lease, sell, or otherwise dispose of the surface or other mineral deposits in the lands and the right to continue existing uses and to authorize future uses upon or in the leased lands, including issuing leases for mineral deposits not covered hereunder or the approval of easements or rights-of-way. Lessor shall condition such uses to prevent unnecessary or unreasonable interference with rights of lessee as may be consistent with concepts of multiple use and multiple mineral development.

Sec. 7. PROTECTION OF DIVERSE INTERESTS, AND EQUAL OPPORTUNITY - Lessee shall: pay when due all taxes legally assessed and levied under the laws of the State or the United States; accord all employees complete freedom of purchase; pay all wages at least twice each month in lawful money of the United States; maintain a safe working environment in accordance with standard industry practices; restrict the workday to not more than 8 hours in any one day for underground workers, except in emergencies; and take measures necessary to protect the health and safety of the public. No person under the age of 16 years shall be employed in any mine below the surface. To the extent that laws of the State in which the lands are

d are more restrictive than the provision in this paragraph, then the State laws apply.

will comply with all provisions of Executive Order 12466 of September 24, 1965, as amended, and the rules, regulations, and relevant orders of the Secretary of Labor. The lessee nor lessee's subcontractors shall maintain adequate facilities.

(a) TRANSFERS - This lease may be transferred in whole or in part to any person, association or corporation qualified to hold such lease interest.

RELINQUISHMENT - The lessee may relinquish in whole or in part at any time all rights under this lease or any portion thereof as provided in the regulations. Upon lessor's approval of the relinquishment, lessee shall be relieved of future obligations under the lease or the relinquished portion thereof, whichever is applicable.

3. DELIVERY OF PREMISES, REMOVAL OF MACHINERY, EQUIPMENT, ETC. - At such time as all or part of this lease are returned to lessor, lessee shall deliver up to lessor the land leased, underground timbering, and other supports and structures necessary for the continuation of the mine workings on the leased premises in good condition and place all wells in condition for suspension and abandonment. Within 180 days thereof, lessee shall remove from the premises all other structures, machinery, equipment, tools, and materials that it elects to or as directed by the authorized officer. Any such structures, machinery, equipment, tools, and materials remaining on the leased lands beyond 180 days, or approved extension thereof, shall become the property of the lessor, but lessee shall be liable for the cost of removal and disposal in the event actually incurred by the lessor. If the surface is damaged by third parties, lessor shall waive the requirement of removal, provided the third parties do not object to such

4. SPECIAL STIPULATIONS -

waiver. Lessee shall, prior to the termination of bond liability or at any other time when required and in accordance with all applicable laws and regulations, reclaim all lands the surface of which has been disturbed, dispose of all debris or solid waste, repair the offsite and onsite damage caused by lessee's activity or activities on the leased lands, and reclaim access roads or trails.

Sec. 10. PROCEEDINGS IN CASE OF DEFAULT - If lessee fails to comply with applicable laws, now existing regulations, or the terms, conditions and stipulations of this lease, and the noncompliance continues for 30 days after written notice thereof, this lease shall be subject to cancellation by the lessor only by judicial proceedings. This provision shall not be construed to prevent the exercise by lessor of any other legal and equitable remedy, including waiver of the default. Any such remedy or waiver shall not prevent later cancellation for the same default occurring at any other time.

Sec. 11. HEIRS AND SUCCESSORS-IN-INTEREST - Each obligation of this lease shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, or assigns of the respective parties hereto.

Sec. 12. INDEMNIFICATION - Lessee shall indemnify and hold harmless the United States from any and all claims arising out of the lessee's activities and operations under this lease.

Sec. 13. SPECIAL STATUTES - This lease is subject to the Federal Water Pollution Control Act (33 U.S.C. 1151-1175), the Clean Air Act (42 U.S.C. 1857 et. seq.), and to all other applicable laws pertaining to exploration activities, mining operations and reclamation.

THIS IS A CORRECTIVE DOCUMENT

The Royalty Rate for this lease is set at 5%

Situated are
Paragraph, 1
Lessee with
No. 1124
Regulation
The
The

SEC

THE UNITED STATES OF AMERICA

IMC Phosphates Company

By

any or Lessee Name

Robert R. Riving
(Signature of Lessee)

Mattie Lewin
(Signing Officer)

Director of Operations Support

Deputy State Director, Div. of Res. Plang. Use&

(Title)

(Title)

March 8, 2002

April 24, 2002

(Date)

(Date)

18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

NOTICE

Privacy Act of 1974 and the regulations in 43 CFR 2.48(d) requires that you be furnished the following information in connection with information required under the terms of this lease.

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of this information is mandatory only if the lessee elects to mine, extract, remove and/or dispose of the leased deposits.

AUTHORITY: 30 U.S.C. 181 et seq.; 43 CFR 3500.

PRINCIPAL PURPOSE: The information will be used to verify compliance with the lease terms and in calculating royalty payments.

The Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires us to inform you that:

PERMITTED USES: (1) Evaluation of the effects of the operations on the environment. (2) Statistical reports to Congress. (3)(4) Information from the record and/or the record may be used or transferred to appropriate Federal, State or local agencies in allocating mineral revenue, for investigations of regulatory programs; and when relevant to civil, criminal or regulatory investigations or prosecutions, as well as routine regulatory responsibility.

This information is being collected for use in calculating royalty payments and in verification of compliance with lease terms. Response to this request is mandatory only if the lessee elects to mine, extract, remove and/or dispose of the leased deposits.

Exhibit M
11-25

Phosphate Lease FLES 50987

Stipulations

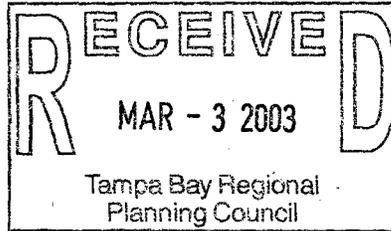
1. **Cultural Resources:** The operator shall avoid known cultural/historic sites during all construction and will be held responsible for informing all persons working at the drill site that they are subject to prosecution for knowingly disturbing historic or archaeological sites and for collecting artifacts (Archaeological Resources Protection Act of 1979, as amended [16 United States Code 470] [43CFR7.4]). If historic or archaeological materials are uncovered during construction, the operator shall immediately stop work that might further disturb such materials and contact the BLM and the State Historic Preservation Officer (SHPO) (36CFR 800). Within five working days, the BLM in consultation with the SHPO, shall inform the operator as to options available and how/if operation in the area of the historic or archaeological material may proceed. In addition, if a previously unknown site is discovered, consultation with the Advisory Council on Historic Preservation and Native American groups will also be conducted before operations may proceed.
2. **Native American Religious Concerns and Consultation:** If currently unknown sites of religious activities and currently unknown Native American burials are discovered during any ground disturbing activity or any part of this action, these activities will cease so that consultation with appropriate Native American groups will take place. The Authorizing Officer will tell the operator within five (5) working days when or if work may proceed.
3. **Paleontology Procedure on Federal Phosphate Leases:** Every effort shall be made to preserve any significant fossil remains encountered while mining. Specifically, any mass of bone material either articulated or disarticulated encountered while digging will be preserved. When encountered, digging in the immediate area shall cease and contact shall be made with the Florida Geological Survey and the Florida Museum of Natural History.
Contact Persons:
Florida Geological Survey - (850)488- 9380
nights and weekends (850)422-1310
Tom Scott or Harley Means
Florida Museum of Natural History
Richard Hulbert (352)392-1721, Roger Portell (352)392-0065
4. **Federally Listed Species:** The lessee will comply with all Reasonable and Prudent Measures to minimize the take of Florida scrub jay and indigo snake, as well as the Terms and Conditions outlined in the August 6, 2001 opinion issued by the USFWS, and any future modifications.
5. **Water Quality, Surface/Ground:** Subject tracts will be reclaimed as part of a 400 acre lake with associated freshwater marshes and sand pines.
6. **Plans:** Before conducting any operations under the lease, operator shall submit to the Bureau of Land Management an exploration or mining plan which shall show in detail the proposed exploration, prospecting, testing, development, or mining operations to be conducted. Exploration and mining plans shall be consistent with and responsive to the requirements of the lease for the protection of the non-mineral resources and for the reclamation of the surface lands. Lessee shall be subject to all requirements found at 43 CFR, Subpart 3591 General Obligations of Lessees, Licensees, and Permittees and Subpart 3592 Plans and Maps.



Lessee

Exhibit M

THIS IS A CORRECTIVE DOCUMENT



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 26th day of February 2003

R.E. SHORE
Clerk of Circuit Court
By: Marianne Kopatz D.C.



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 6th day of FEBRUARY 2003

R.B. SHORE
Clerk of Circuit Court
By: Nancy Harris D.C.



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 2nd day of February 2003

R.B. SHORE
Clerk of Circuit Court
By: [Signature] D.C.

2/18/03 copy municipal code
International Audit
Kim Sparks, Planning
2/6/03 2 certified copies Sec. of State
TR



MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

certified mail # 7000 0600 0024 5577 2429

December 12, 2002

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Re: Development Order for IMC Phosphates Company/Four Corners Mine Northeast Tract

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 02-58, the Development Order for IMC Phosphates Company/Four Corners Mine Northeast Tract, as adopted in open session by the Manatee County Board of County Commissioners on November 21, 2002, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)749-3070, extension 6833.

Sincerely,

Robert H. Pederson, AICP
Community Planning Administrator

RHP/ks
Enclosure