

2003 FEB 14 PM 3:46 ORDINANCE NO. 02-58

2003 FEB 10 PM 3:03  
DEPARTMENT OF  
TALLAHASSEE  
FLORIDA

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  $\pm 2,508$  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 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)I, 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  $\pm 60$  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

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**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

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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  $\pm$  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 ( $\pm$  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

Comers 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

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 <sup>1</sup>	4,269 <sup>3</sup>	350
N.E. TRACT	5,078 <sup>2</sup>	4,751 <sup>4</sup>	327
ALTMAN TRACT	319 <sup>1</sup>	319 <sup>1</sup>	0 <sup>1</sup>
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)
<b>TOTAL →</b>	<b>11,157<sup>5</sup></b>	<b>10,450<sup>5</sup></b>	<b>707<sup>5</sup></b>

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

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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.**

1.(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.**

1.(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.

1.(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.**

1.(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.

1.(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

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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.(I) 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 (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  $\pm 29$  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 31<sup>st</sup> 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.
- 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.

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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.

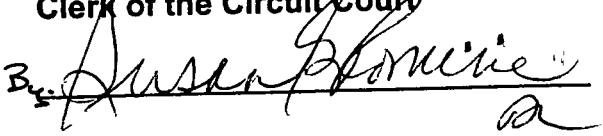
THIS IS A CORRECTIVE DOCUMENT

ADOPTED AND APPROVED with a quorum present and voting the 21<sup>st</sup> day of November, 2002,  
and amended on the 4<sup>th</sup> day of February, 2003.

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

  
\_\_\_\_\_  
Chairman

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

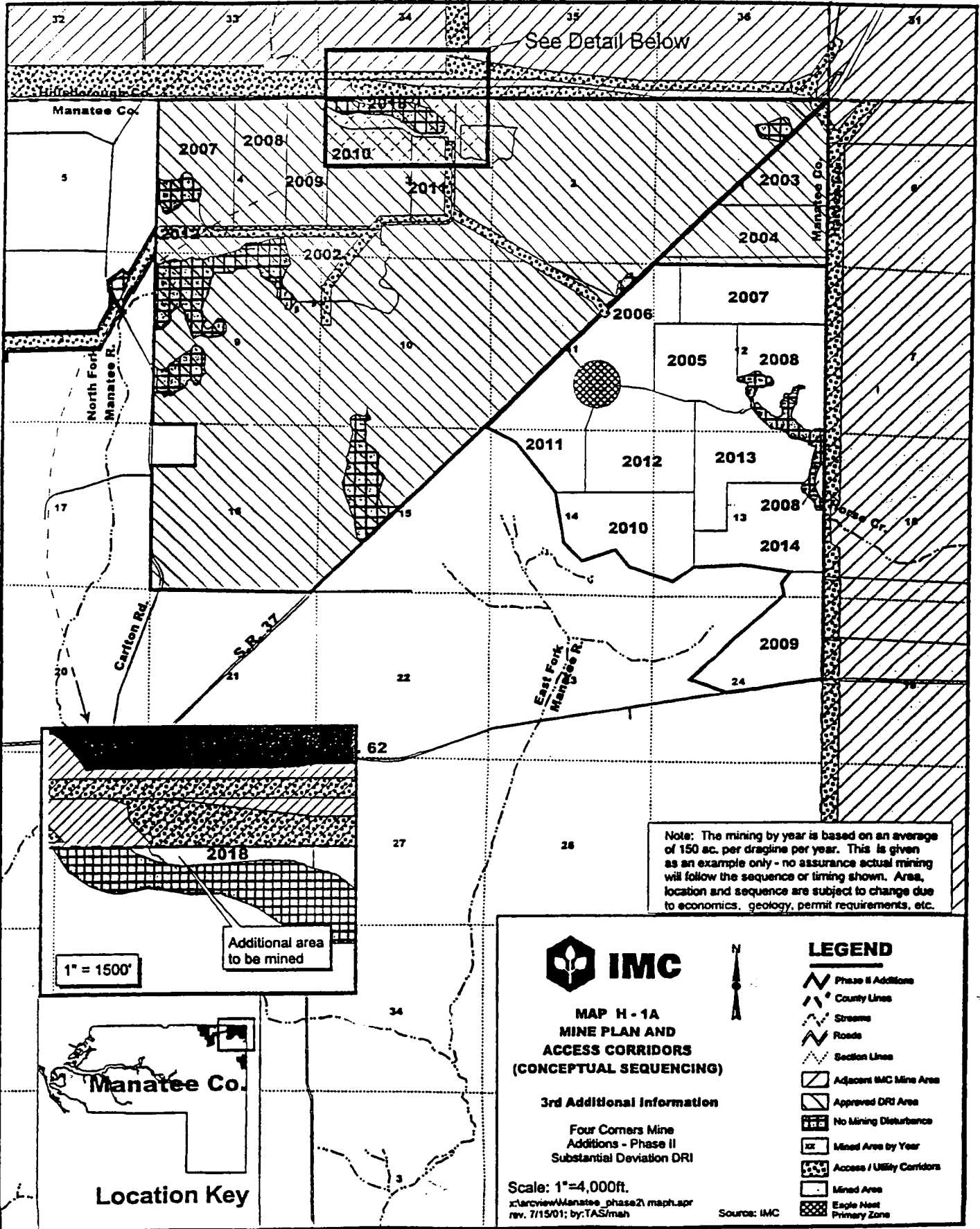
By:   
\_\_\_\_\_



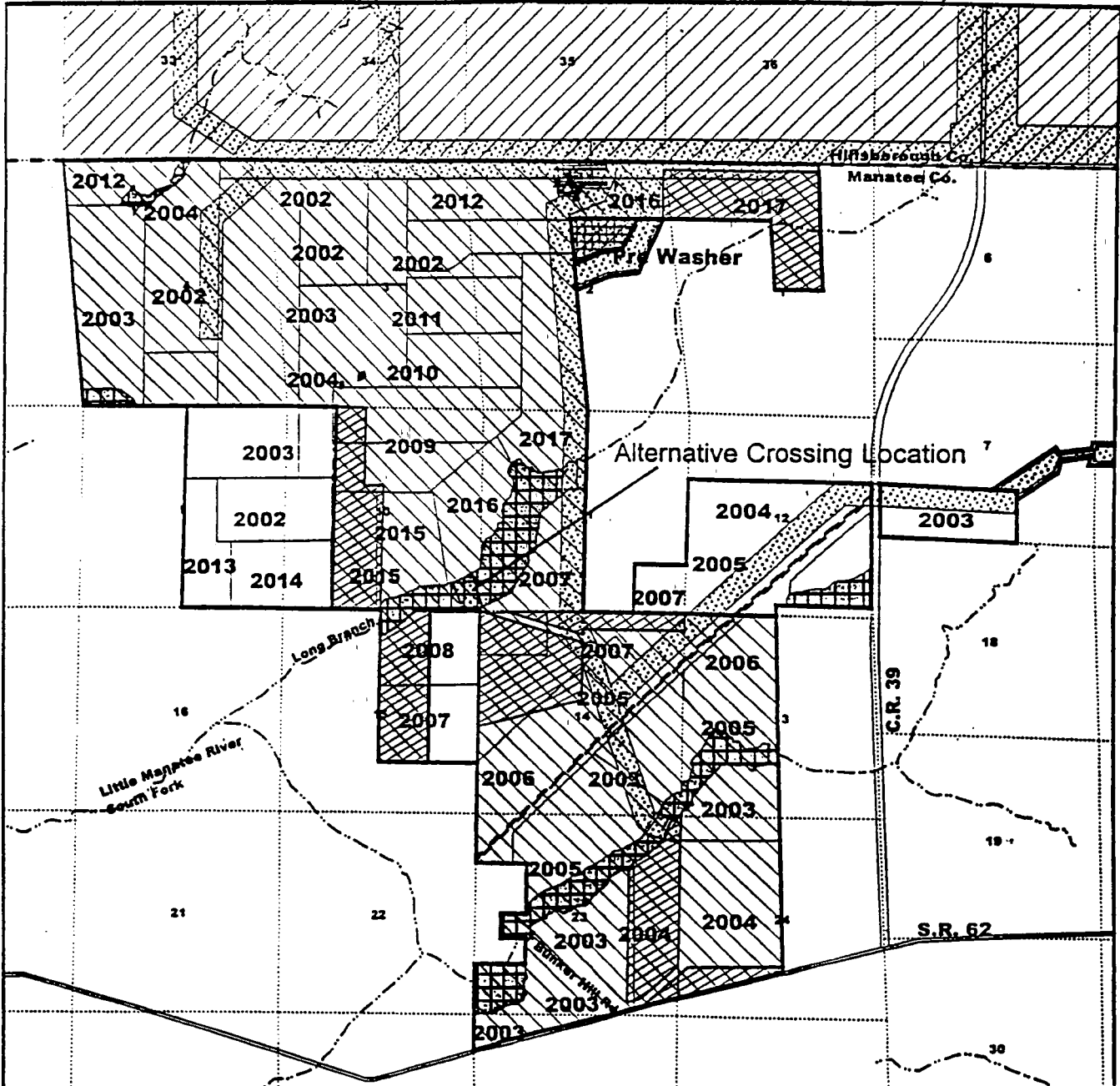
## Ordinance 02-58 List of Exhibits

- 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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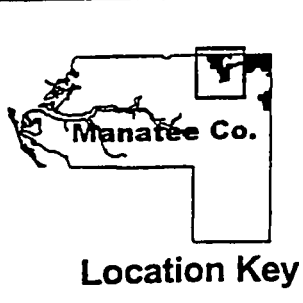



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Note: The mining by year is based on an average of 150 ac. per dragline per year. This is given as an example only - no assurance actual mining will follow the sequence or timing shown. Area, location and sequence are subject to change due to economics, 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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 7/15/02

Source: IMC

**LEGEND**

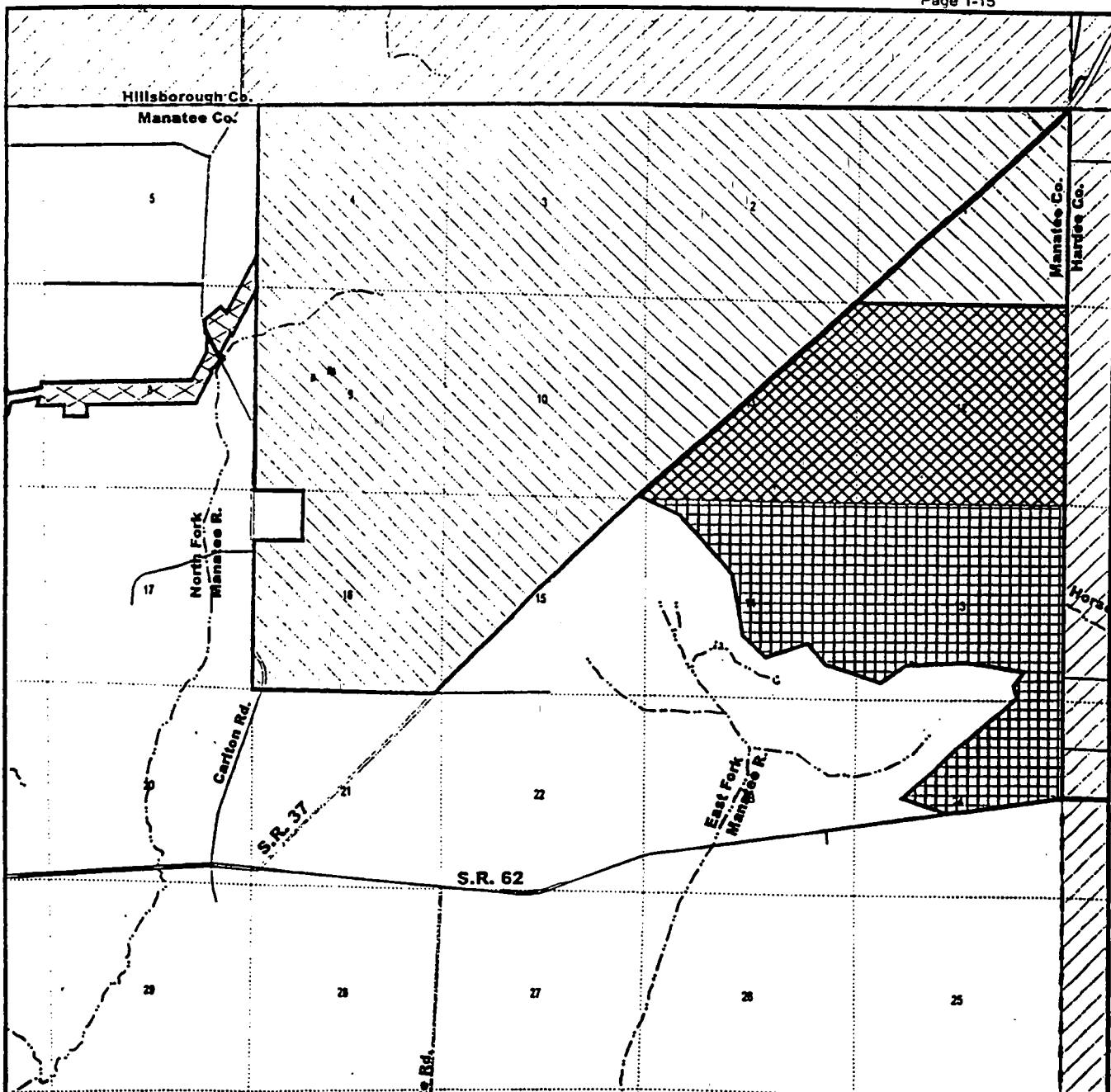
-  Phase II Additions
-  County Lines
-  Streams
-  Roads
-  Section Lines
-  Gas Line
-  Adjacent IMC Mine Area
-  Approved DRI Area
-  No Mining Disturbance
-  Mined Area by Year
-  Access / Utility Corridors
-  Mined Area
-  N.E. Economic Revision Area
-  Out Parcel

**Ordinance 02-49 - IMC Phosphates Company/Four Corners Mine**

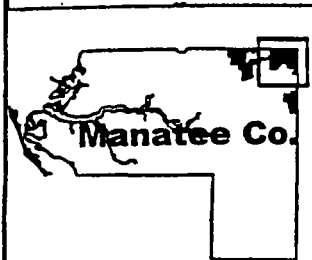
*Exhibit B is reserved*

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1  
2  
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Location Key



**MAP A-2A  
LAND OWNERSHIP**

3rd Additional Information

Four Corners Mine  
Additions - Phase II  
Substantial Deviation DRJ

Scale: 1"=4,000ft.

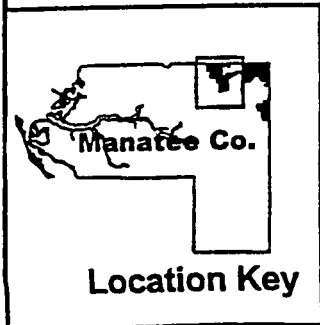
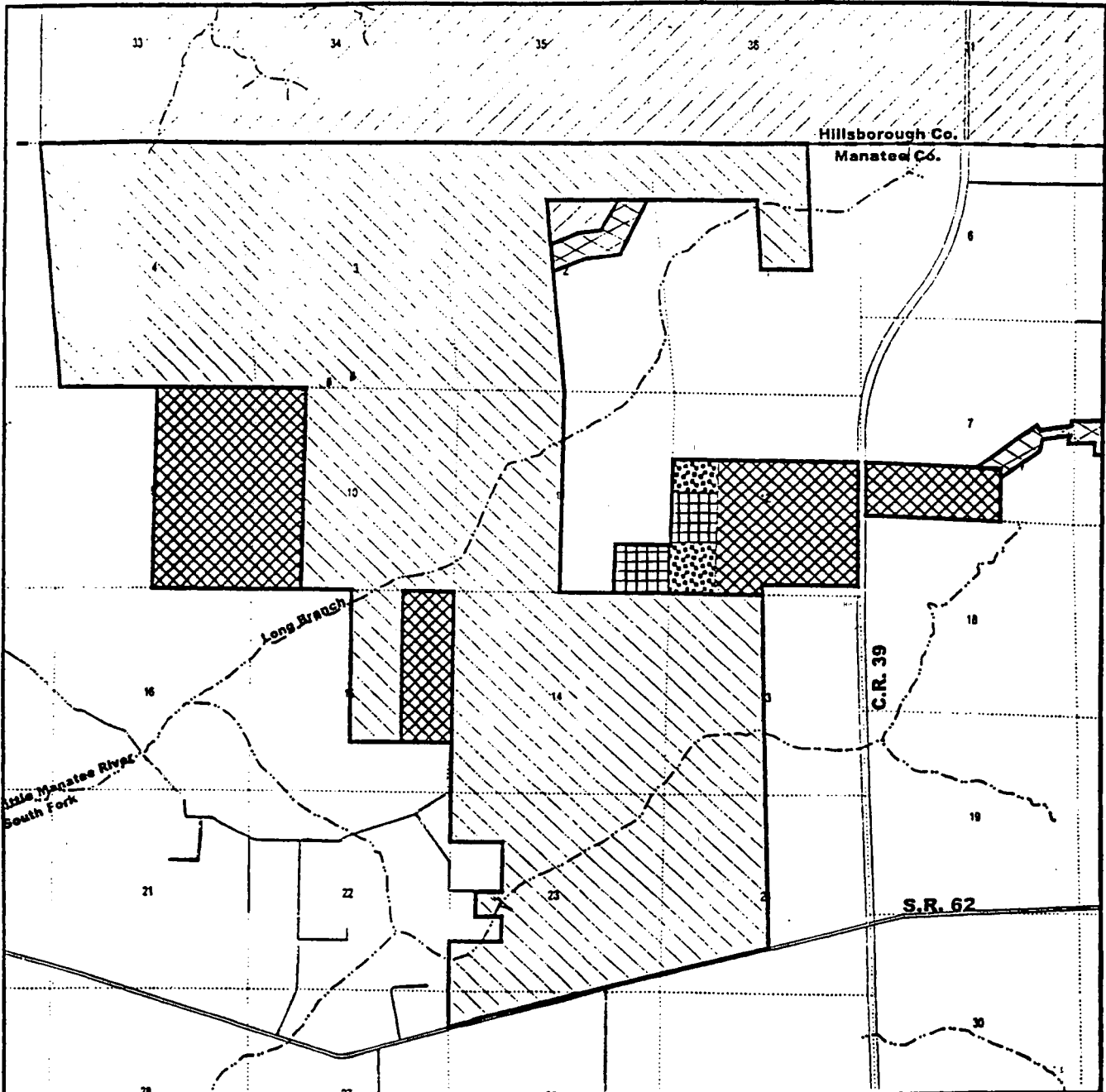
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7/2/02




**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.





**IMC**

**MAP A-2B  
LAND OWNERSHIP**












3rd Additional Information

Four Corners Mine  
Additions - Phase II  
Substantial Deviation DRI

Scale: 1"=4,000ft.

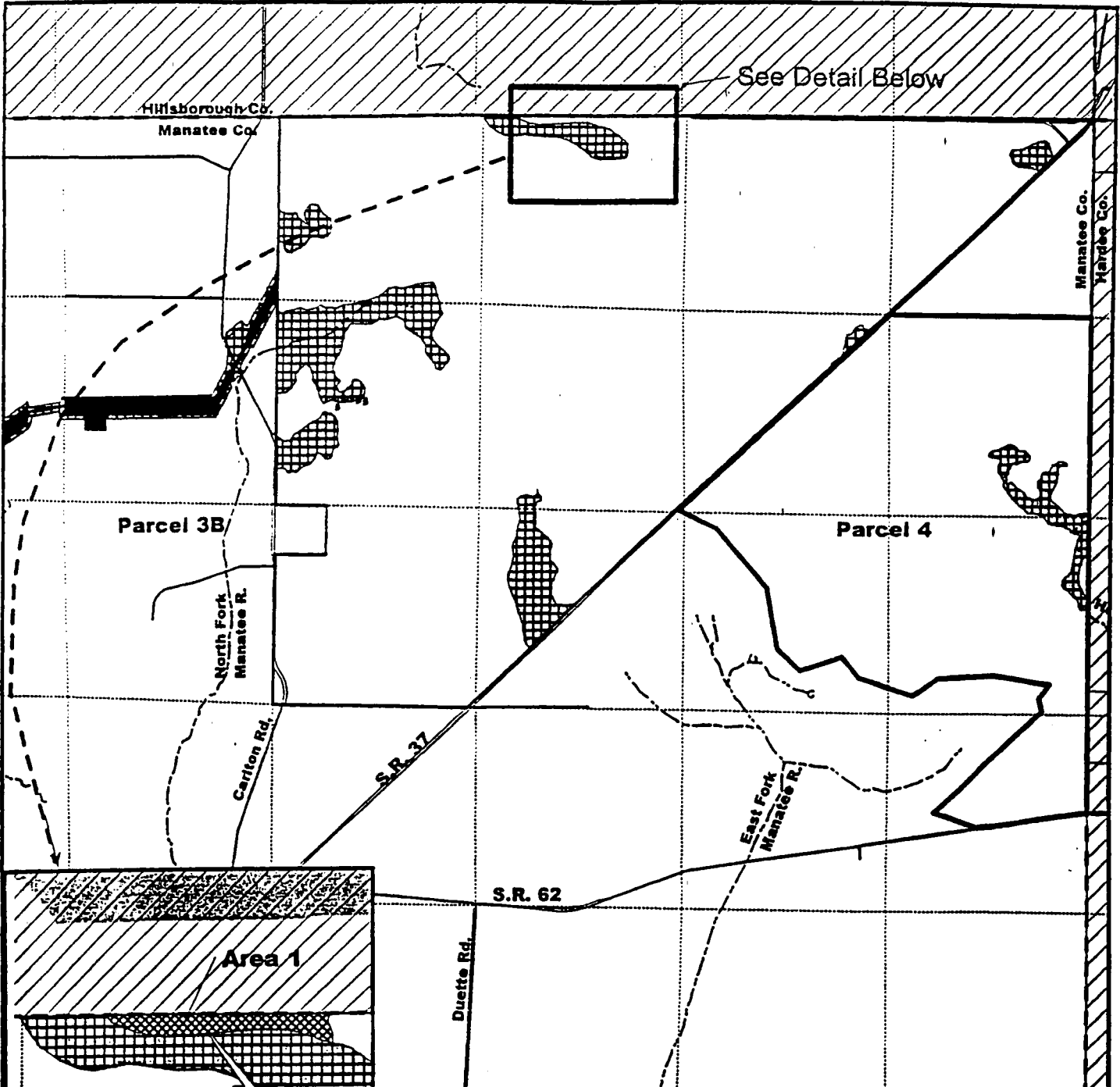
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7/2/02

**LEGEND**

-  Phase II Additions
-  County Lines
-  Streams
-  Roads
-  Section Lines
-  Adjacent IMC Mine Area
-  IMC (Fee Simple)
-  IMC (Fee Simple)
-  Mineral Rights Owned by State of Florida - 75%
-  Mineral Rights Owned by United State BLM - 100%
-  Agreement lands

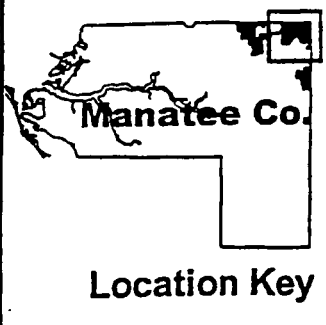
Source: IMC





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1" = 1500'



**MAP A-3A**  
**LOCATION OF CHANGES**  
**TO DISTURBANCE STATUS**

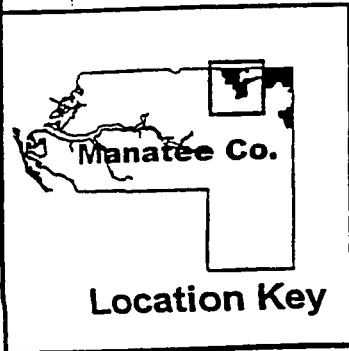
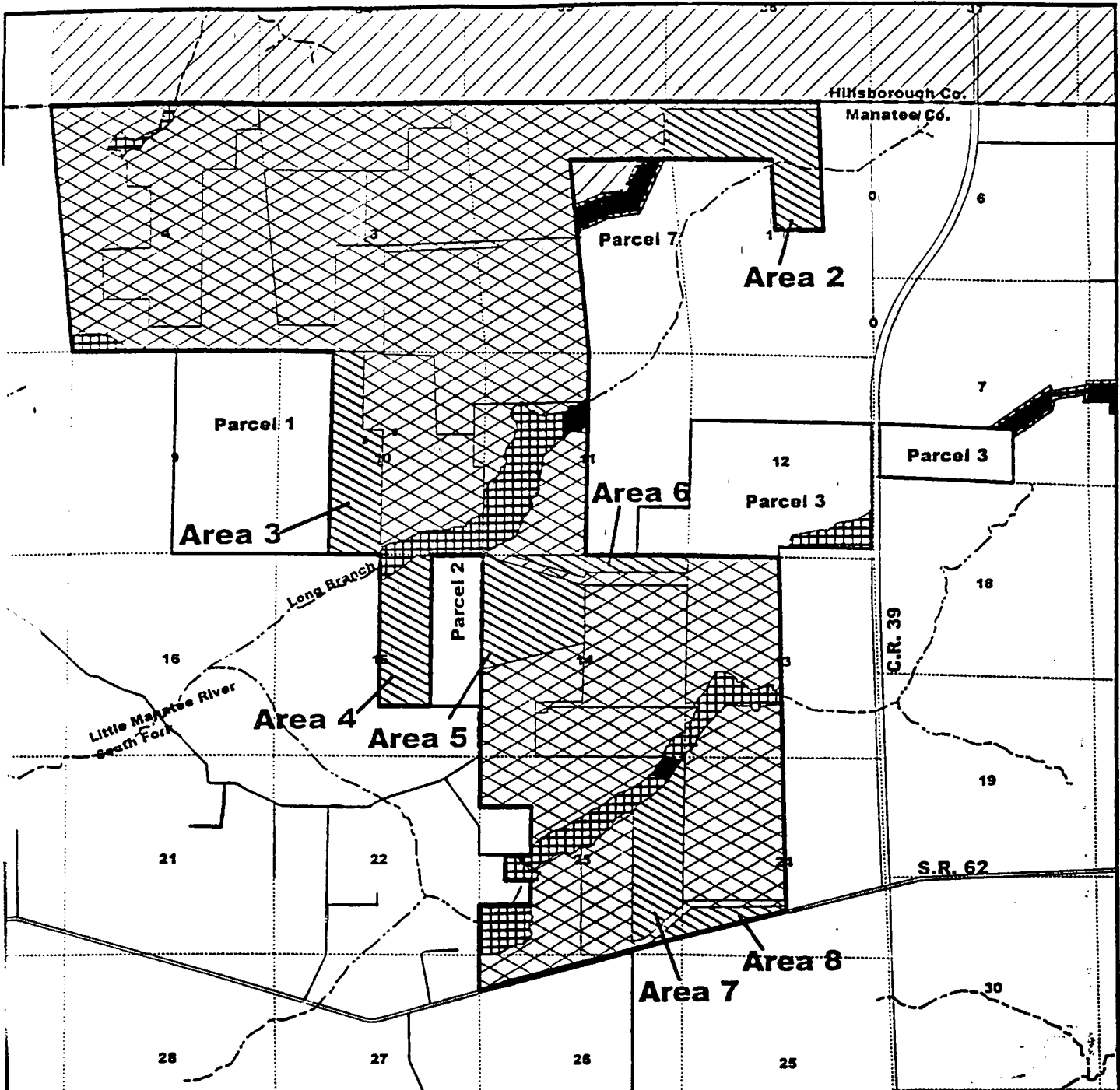
**3rd Additional Information**  
 Four Corners Mine  
 Additions - Phase II  
 Substantial Deviation DRI


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 & 106)
- Approved to be disturbed
- Proposed to be mined
- Proposed Mine Access Corridor To be disturbed
- Addition Parcel to be Mined







**IMC**

**MAP A-3B**  
**LOCATION OF CHANGES**  
**TO DISTURBANCE STATUS**
















**3rd Additional Information**

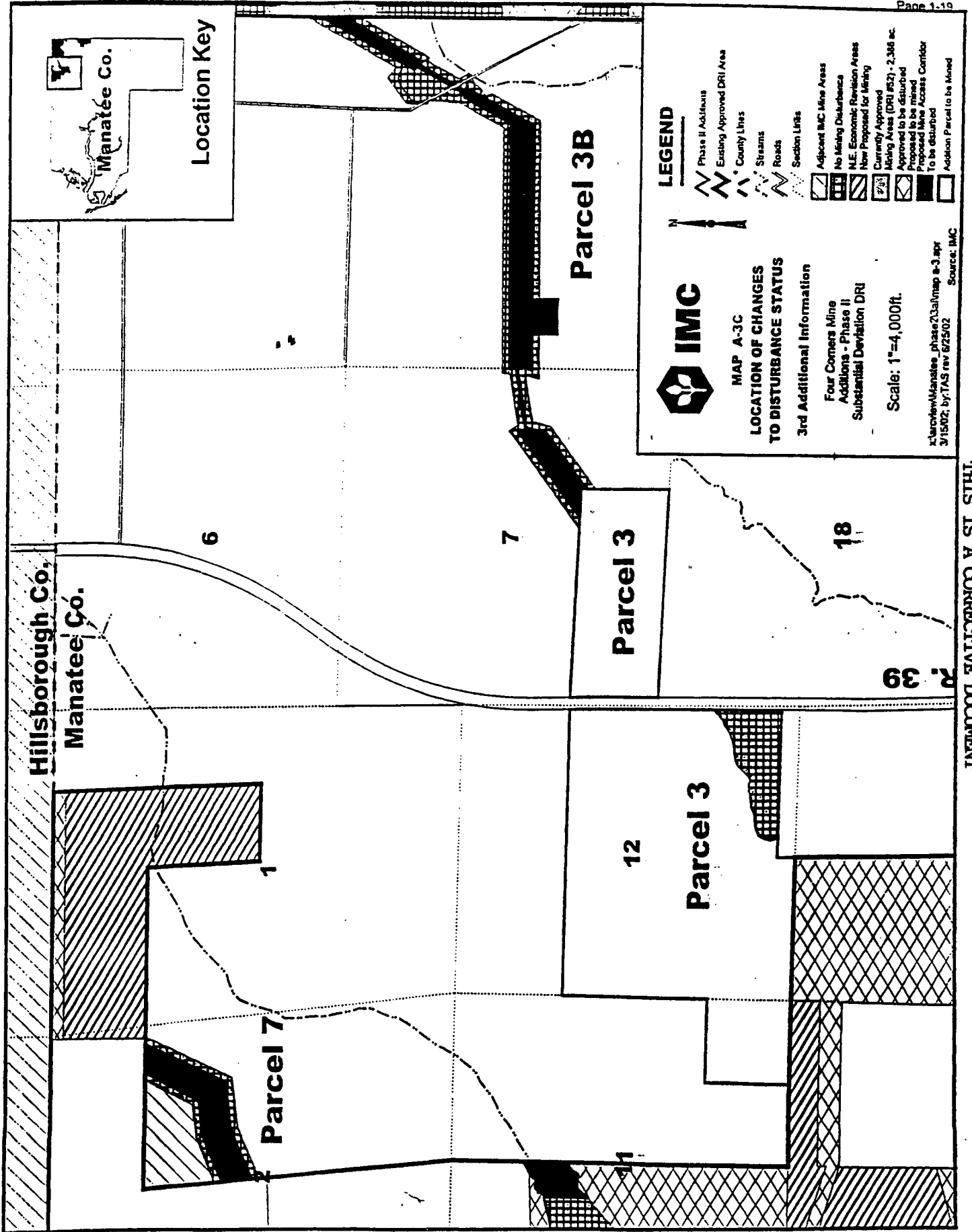
Four Corners Mine  
 Additions - Phase II  
 Substantial Deviation DRI

Scale: 1"=4,000ft.

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 3/15/02; by: TAS rev 6/25/02 Source: IMC

**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



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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)	427	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
Comdoor 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

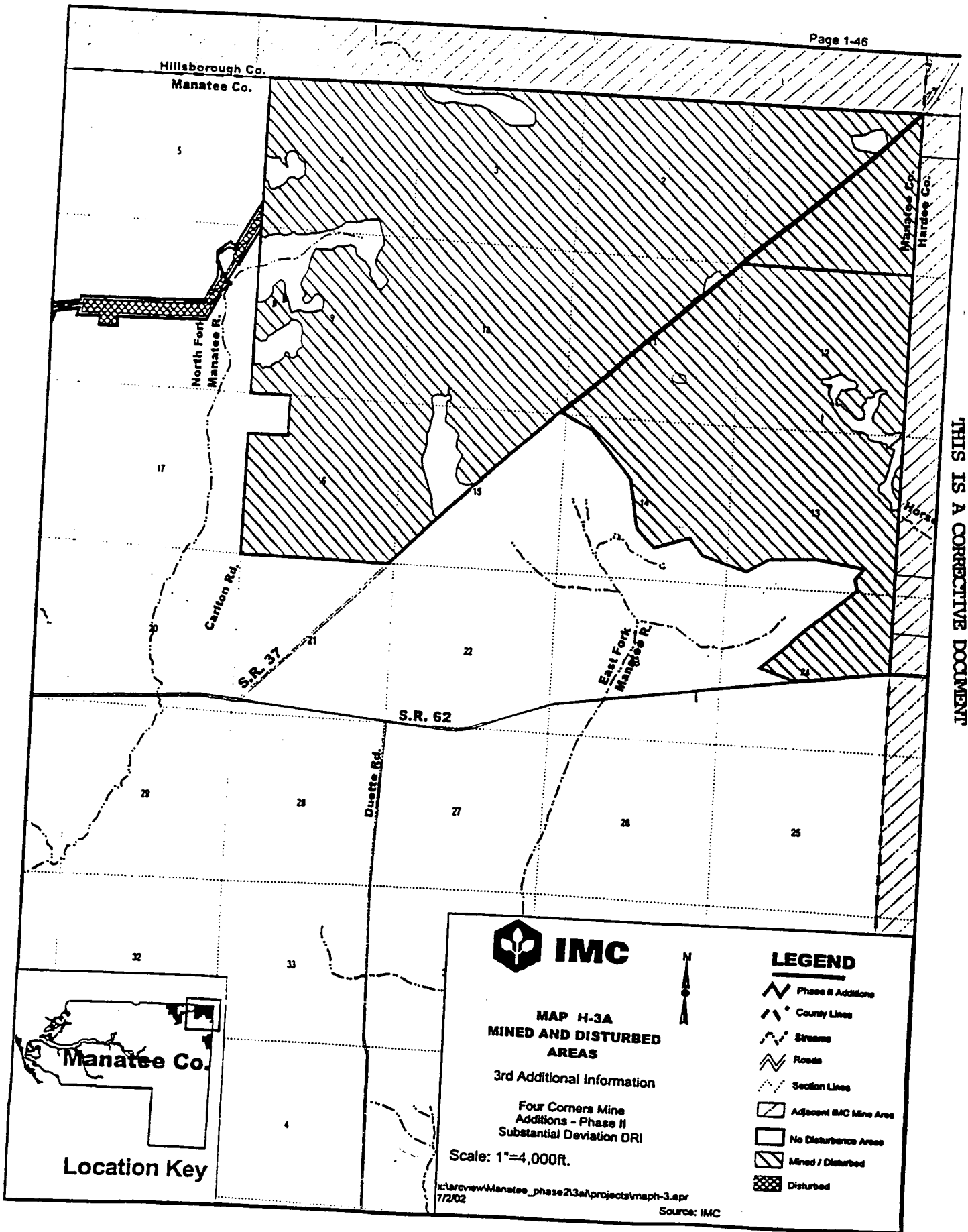
\* Disturbed by mining activity, but not mined (i.e., road, berms, plant area, etc.).  
 \*\* Parcels 1, 2, 3, 3B, 4, 7, N.E. and Jameson Tracts.  
 \*\*\* See definition on Page 35-2, response to Sub question A 3.  
 \*\*\*\* Area included in Site Total

# EXHIBIT E

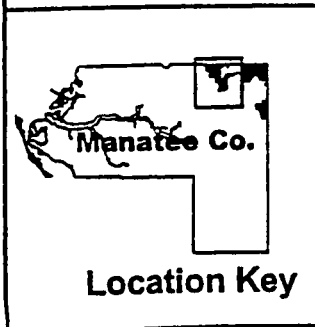
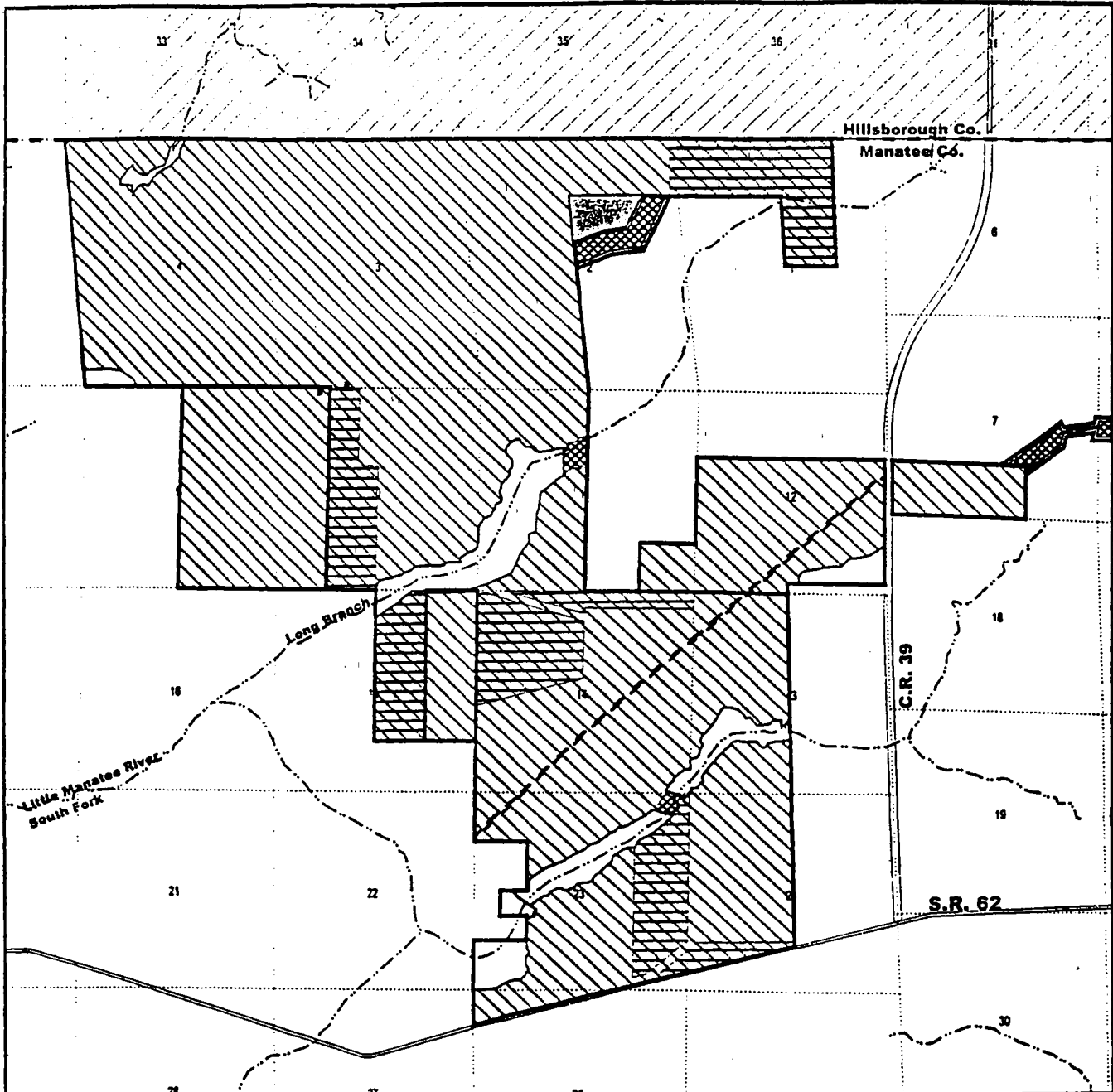
Table 13-1 - Revised  
 Wetland Impact Summary  
 FDEP Jurisdictional Areas  
 Addition Parcels 1, 2, 3, 3B, 4, 7 and N.E. Tract  
 (AREA IN ACRES)


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 N.E. Tract	696.9	34.9	662.0	1323.9	2.9 : 1	
	42.8	4.6	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 N.E. Tract	79.7	37.8	42.1	168.2	4.9 : 1	
	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	629.8	N/A	629.9

\* = 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 & 640 land uses  
 \*\*\*\* = FDEP JD AREA includes 400, 610, 620, & 630 land uses  
 9/27/2002 rev.



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**MAP H-3B**  
**MINED AND DISTURBED**  
**AREAS**

3rd Additional Information  
 Four Corners Mine  
 Additions - Phase II  
 Substantial Deviation DRI

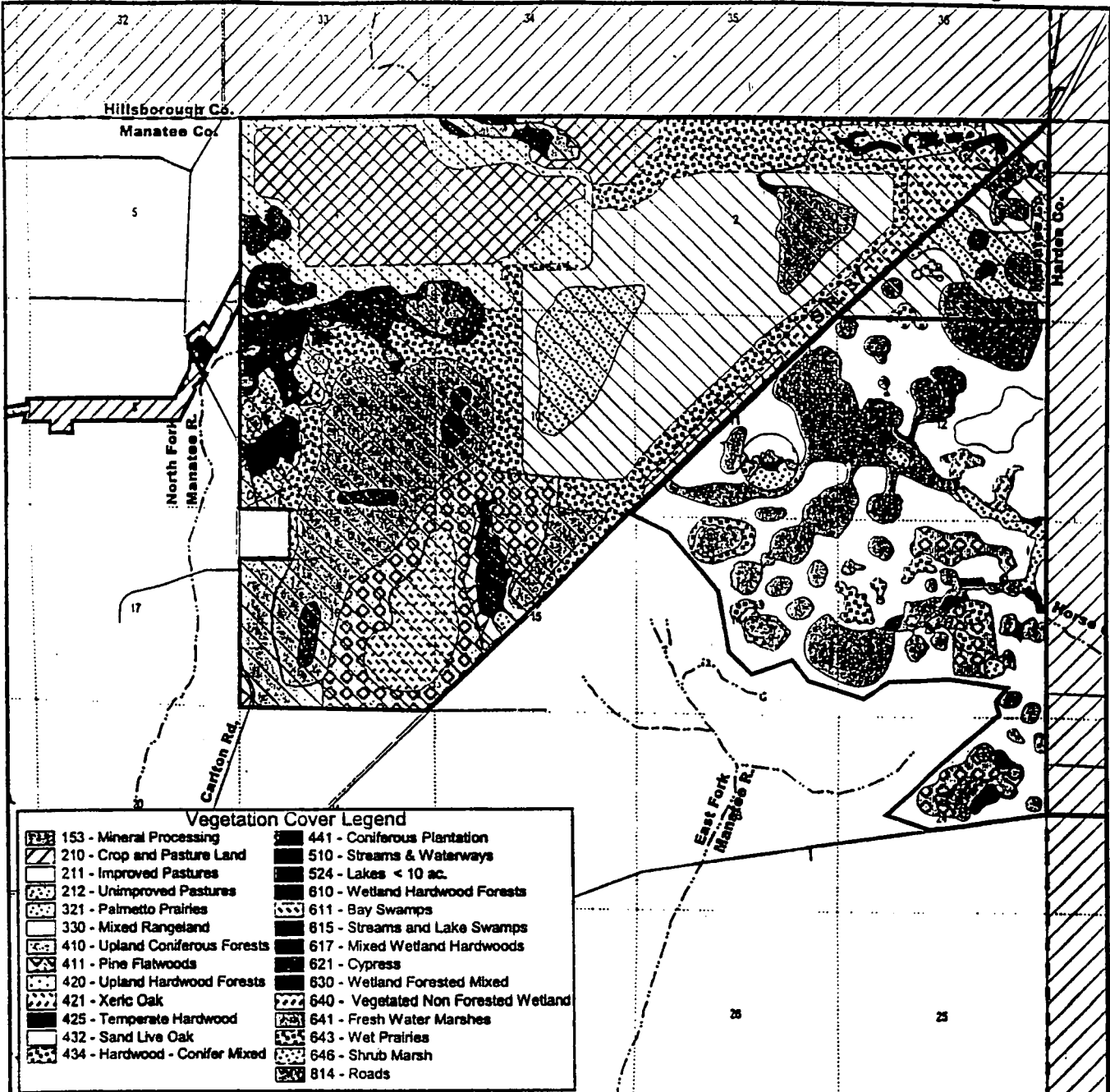
Scale: 1"=4,000ft.

Source: IMC

**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

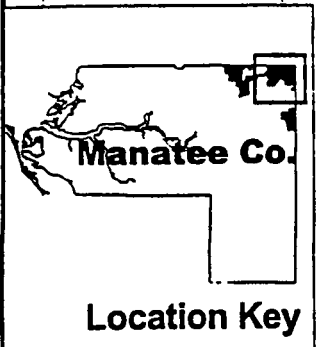
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**Vegetation Cover Legend**

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





**IMC**

**MAP I-2A**

**POST RECLAMATION**


**VEGETATION COVER**

3rd Additional Information

Four Corners Mine

Additions - Phase II

Substantial Deviation DRI

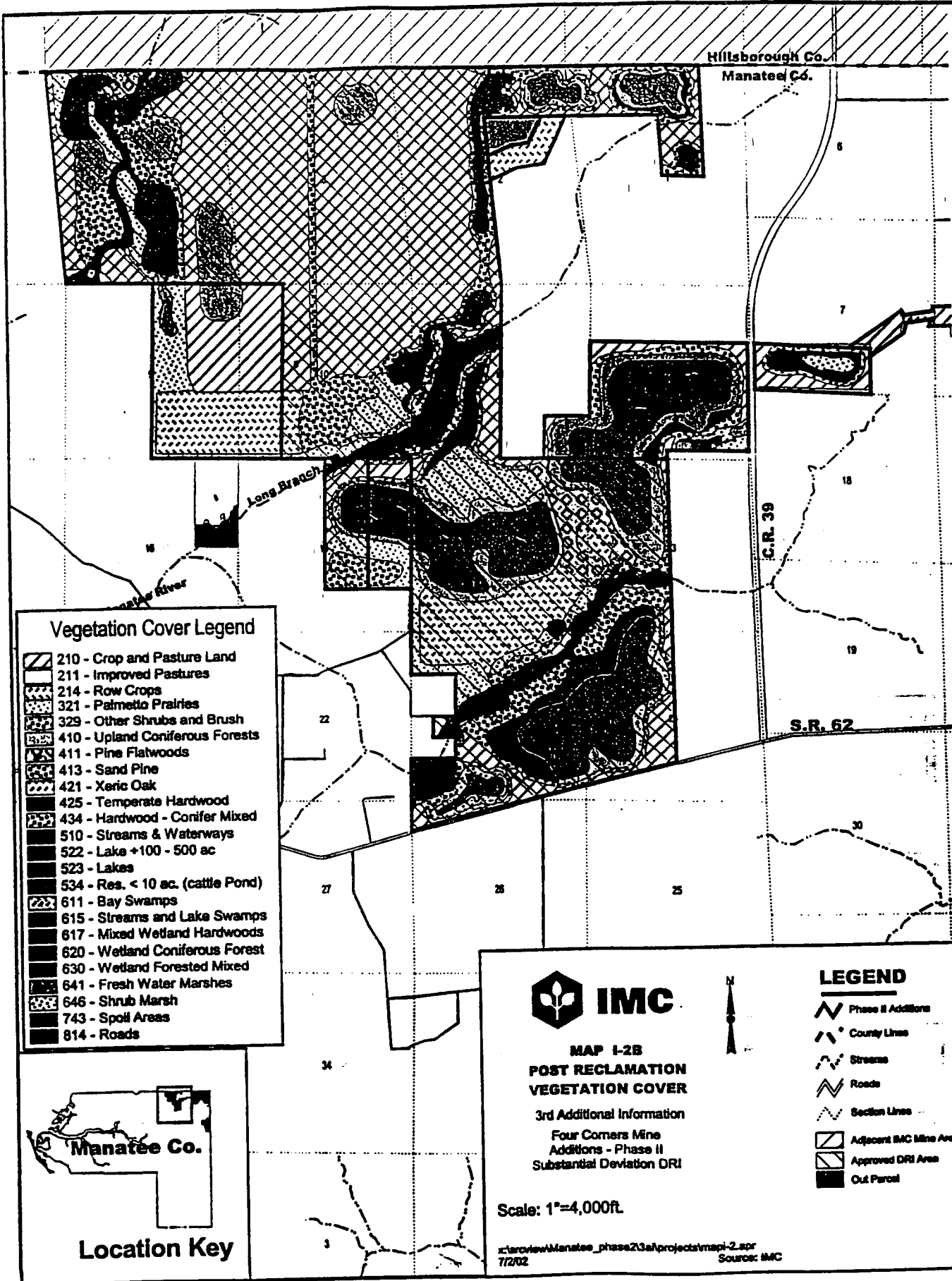


**LEGEND**

- Phase II Additions
- County Lines
- Streams
- Roads
- Section Lines
- Adjacent IMC Mine Area
- Approved DRI Area

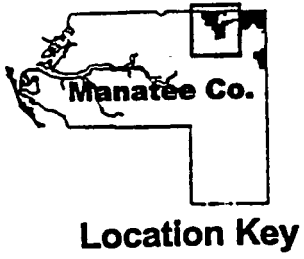
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7/11/02 Source: IMC



**Vegetation Cover Legend**

	210 - Crop and Pasture Land
	211 - Improved Pastures
	214 - Row Crops
	321 - Palmetto Prairies
	329 - Other Shrubs and Brush
	410 - Upland Coniferous Forests
	411 - Pine Flatwoods
	413 - Sand Pine
	421 - Xeric Oak
	425 - Temperate Hardwood
	434 - Hardwood - Conifer Mixed
	510 - Streams & Waterways
	522 - Lake +100 - 500 ac
	523 - Lakes
	534 - Res. < 10 ac. (cattle Pond)
	611 - Bay Swamps
	615 - Streams and Lake Swamps
	617 - Mixed Wetland Hardwoods
	620 - Wetland Coniferous Forest
	630 - Wetland Forested Mixed
	641 - Fresh Water Marshes
	646 - Shrub Marsh
	743 - Spoil Areas
	814 - Roads





**IMC**

**MAP I-2B**  
**POST RECLAMATION**  
**VEGETATION COVER**

3rd Additional Information  
 Four Corners Mine  
 Additions - Phase II  
 Substantial Deviation DRI

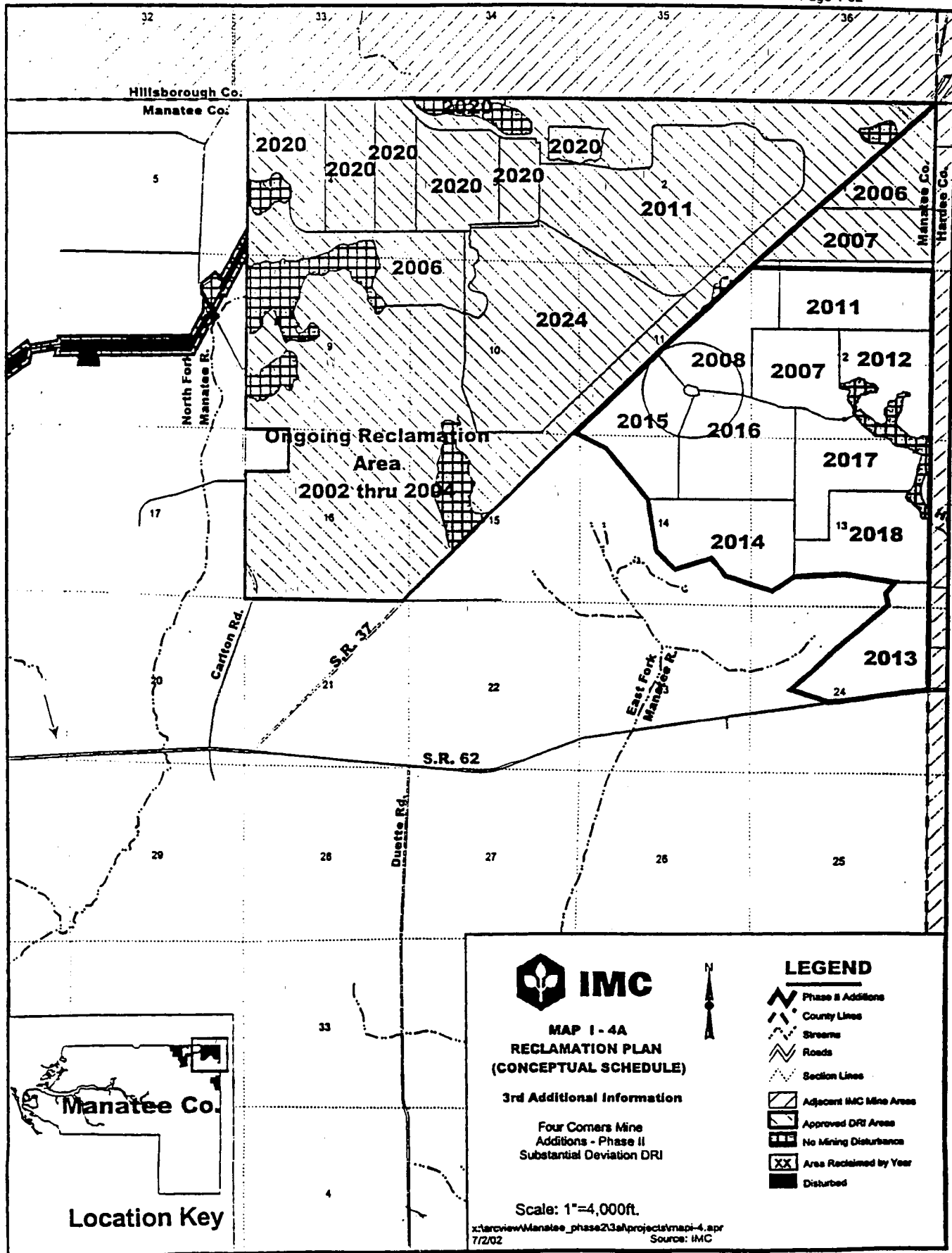
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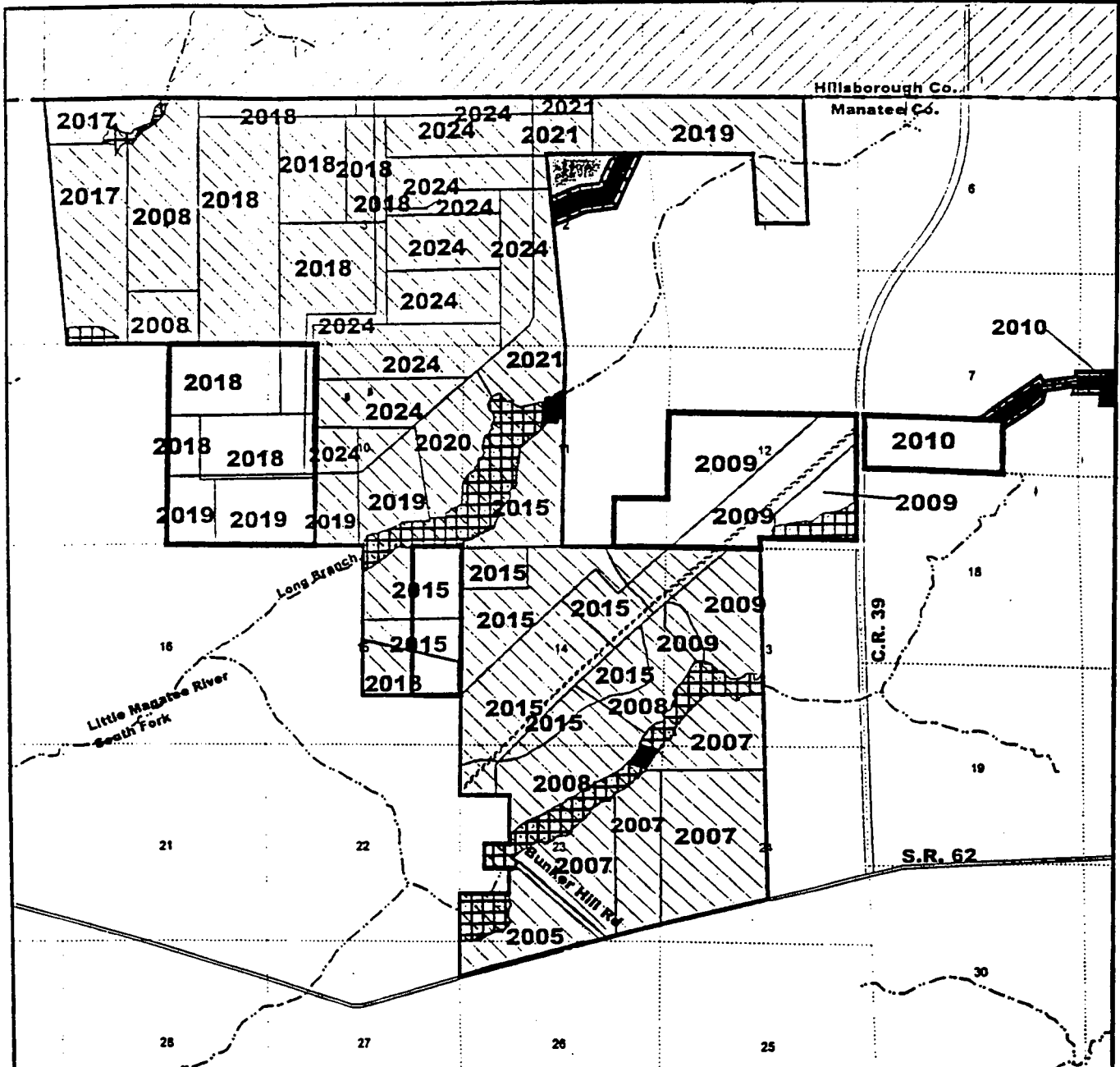
**LEGEND**

- Phase II Additions
- County Lines
- Streams
- Roads
- Section Lines
- Adjacent IMC Mine Area
- Approved DRI Area
- Out Parcel





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Hillsborough Co.  
Manatee Co.

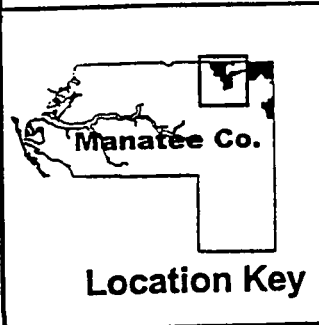
Little Manatee River  
South Fork

Long Branch

Blunket Mill Rd.

C.R. 39

S.R. 62



**MAP I - 4B  
RECLAMATION PLAN  
(CONCEPTUAL SCHEDULE)**

**3rd Additional Information**  
Four Corners Mine  
Additions - Phase II  
Substantial Deviation DRI

Scale: 1"=4,000ft.  
x:\arcview\Manatee\_phase2\3a\projects\map1-4.spr  
7/2/02



**LEGEND**

- Phase II Additions
- County Lines
- Streams
- Roads
- Section Lines
- Adjacent BMC Mine Areas
- Approved DRI Areas
- No Mining Disturbance
- Area Reclaimed by Year
- Out Parcel
- Disturbed

Source: IMC



**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.

THIS IS A CORRECTIVE DOCUMENT

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
<b>100 URBAN</b>					
110 Residential					
111 Fixed Single Family					
<b>SUB TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>200 AGRICULTURE</b>					
210 Cropland and Pasture				199.5	199.5
211 Improved Pastures	351.4		351.4	0.2	0.2
212 Unimproved Pasture					
<b>SUB TOTAL</b>	<b>351.4</b>	<b>0.0</b>	<b>351.4</b>	<b>199.7</b>	<b>199.7</b>
<b>300 RANGELAND</b>					
310 Herbaceous					
320 Shrub and brushland					
321 Palmetto Prairie				80.6	80.6
329 Other Shrub and Brushland					
330 Mixed Rangeland					
<b>SUB TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>80.6</b>	<b>80.6</b>
<b>400 UPLAND FOREST</b>					
410 Upland Coniferous Forest					
411 Pine Flatwoods					
412 Long Leaf Pine - Xenc Oak	22.5		22.5		0.0
413 Sand Pine	66.6		66.6		0.0
420 Upland Hardwood Forest					
421 Xenc 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
<b>SUB TOTAL</b>	<b>130.8</b>	<b>0.0</b>	<b>130.8</b>	<b>167.9</b>	<b>167.9</b>
<b>500 WATER</b>					
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
<b>SUB TOTAL</b>	<b>2.4</b>	<b>0.0</b>	<b>2.4</b>	<b>0.0</b>	<b>0.0</b>
<b>600 WETLANDS</b>					
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					
<b>SUB TOTAL</b>	<b>3.9</b>	<b>0.0</b>	<b>3.9</b>	<b>0.0</b>	<b>0.0</b>
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
<b>SUB TOTAL</b>	<b>3.2</b>	<b>0.0</b>	<b>3.2</b>	<b>43.5</b>	<b>43.5</b>
<b>TOTAL WETLANDS (500s &amp; 600s)</b>	<b>9.5</b>	<b>0.0</b>	<b>9.5</b>	<b>43.5</b>	<b>43.5</b>
<b>700 BARREN LAND</b>					
743 Soil Areas (cattle ponds)					
<b>SUB TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>800 TRANSPORTATION AND UTILITIES</b>					
814 Roads					
<b>SUB TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>TOTAL FOR SITE</b>	<b>491.6</b>	<b>0.0</b>	<b>491.6</b>	<b>491.6</b>	<b>491.6</b>

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
<b>100 URBAN</b>					
110 Residential					
111 Fixed Single Family					
<b>SUB TOTAL</b>	0.0	0.0	0.0	0.0	0.0
<b>200 AGRICULTURE</b>					
210 Cropland and Pasture					
211 Improved Pastures	67.5	1.3	66.2	13.7	13.7
212 Unimproved Pasture					1.3
<b>SUB TOTAL</b>	67.5	1.3	66.2	13.7	15.0
<b>300 RANGELAND</b>					
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					
<b>SUB TOTAL</b>	28.1	0.0	28.1	26.5	26.5
<b>400 UPLAND FOREST</b>					
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		0.0
434 Hardwood Conifer Mixed				7.3	7.3
<b>SUB TOTAL</b>	13.9	0.0	13.9	24.1	24.1
<b>500 WATER</b>					
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		
<b>SUB TOTAL</b>	0.1	0.0	0.1	47.0	47.0
<b>600 WETLANDS</b>					
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					
<b>SUB TOTAL</b>	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
<b>SUB TOTAL</b>	2.4	0.0	2.4	11.8	11.8
<b>TOTAL WETLANDS (500s &amp; 600s)</b>	13.1	0.0	13.1	58.8	58.8
<b>700 BARREN LAND</b>					
743 Spoil Areas (cattle ponds)					
<b>SUB TOTAL</b>	0.0	0.0	0.0	0.0	0.0
<b>800 TRANSPORTATION AND UTILITIES</b>					
814 Roads	1.8		1.8		0.0
<b>SUB TOTAL</b>	1.8	0.0	1.8	0.0	0.0
<b>TOTAL FOR SITE</b>	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
<b>100 URBAN</b>					
111 Fixed Single Family					
<b>SUB TOTAL</b>	0.0	0.0	0.0	0.0	0.0
<b>200 AGRICULTURE</b>				88.5	88.5
210 Cropland and Pasture			417.2		
211 Improved Pastures	417.2				
212 Unimproved Pasture					
<b>SUB TOTAL</b>	417.2	0.0	417.2	88.5	88.5
<b>300 RANGELAND</b>					
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					
<b>SUB TOTAL</b>	12.9	7.8	5.2	0.0	7.8
<b>400 UPLAND FOREST</b>					
410 Upland Coniferous Forest					
411 Pine Flatwoods					
412 Long Leaf Pine - Xeric Oak			5.9		
413 Sand Pine	5.9				
420 Upland Hardwood Forest					
421 Xeric Oak					
425 Temperate Hardwoods	2.9		2.9		
427 Live Oak					
430 Upland Hardwood Forest Continued					
432 Sand Live Oak	24.4		24.4		73.7
434 Hardwood Conifer Mixed				73.7	
<b>SUB TOTAL</b>	33.3	0.0	33.3	73.7	73.7
<b>500 WATER</b>					
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		
<b>SUB TOTAL</b>	2.3	0.0	2.3	178.6	178.6
<b>600 WETLANDS</b>					
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					
<b>SUB TOTAL</b>	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
<b>SUB TOTAL</b>	51.4	13.9	37.5	105.3	119.2
<b>TOTAL WETLANDS (500s &amp; 600s)</b>	<b>61.0</b>	<b>21.3</b>	<b>39.8</b>	<b>333.4</b>	<b>354.7</b>
<b>700 BARREN LAND</b>					
743 Spot Areas (cattle ponds)	0.2		0.2		0.0
<b>SUB TOTAL</b>	0.2	0.0	0.2	0.0	0.0
<b>800 TRANSPORTATION AND UTILITIES</b>					
814 Roads					
<b>SUB TOTAL</b>	0.0	0.0	0.0	0.0	0.0
<b>TOTAL FOR SITE</b>	<b>524.6</b>	<b>29.0</b>	<b>495.6</b>	<b>495.6</b>	<b>524.6</b>

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
<b>100 URBAN</b>					
110 Residential					
111 Fixed Single Family					
<b>SUB TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>200 AGRICULTURE</b>					
210 Cropland and Pasture					
211 Improved Pastures	61.7		61.7		
212 Unimproved Pasture				0.0	0.0
<b>SUB TOTAL</b>	<b>61.7</b>	<b>0.0</b>	<b>61.7</b>	<b>0.0</b>	<b>0.0</b>
<b>300 RANGELAND</b>					
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
<b>SUB TOTAL</b>	<b>1148.4</b>	<b>1.1</b>	<b>1147.3</b>	<b>1047.0</b>	<b>1048.1</b>
<b>400 UPLAND FOREST</b>					
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
<b>SUB TOTAL</b>	<b>139.9</b>	<b>0.1</b>	<b>139.8</b>	<b>158.4</b>	<b>158.5</b>
<b>500 WATER</b>					
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		
<b>SUB TOTAL</b>	<b>4.4</b>	<b>0.0</b>	<b>4.4</b>	<b>0.0</b>	<b>0.0</b>
<b>600 WETLANDS</b>					
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
<b>SUB TOTAL</b>	<b>57.4</b>	<b>30.0</b>	<b>27.4</b>	<b>48.7</b>	<b>78.7</b>
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
<b>SUB TOTAL</b>	<b>636.2</b>	<b>28.4</b>	<b>607.8</b>	<b>734.4</b>	<b>762.7</b>
<b>TOTAL WETLANDS (500s &amp; 600s)</b>	<b>698.0</b>	<b>58.4</b>	<b>639.6</b>	<b>783.1</b>	<b>841.5</b>
<b>700 BARREN LAND</b>					
743 Spoil Areas (cattle ponds)					
<b>SUB TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>800 TRANSPORTATION AND UTILITIES</b>					
814 Roads					
<b>SUB TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>TOTAL FOR SITE</b>	<b>2048.0</b>	<b>59.6</b>	<b>1988.5</b>	<b>1988.5</b>	<b>2048.1</b>

THIS IS A CORRECTIVE DOCUMENT

TABLE 12-1 - Economic Revision Areas (Revised)  
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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
<b>100 URBAN</b>					
110 Residential					
111 Fixed Single Family					
<b>SUB TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>200 AGRICULTURE</b>					
210 Cropland and Pasture				166.0	166.0
211 Improved Pastures	445.2		445.2		0.0
212 Unimproved Pasture					
<b>SUB TOTAL</b>	<b>445.2</b>	<b>0.0</b>	<b>445.2</b>	<b>166.0</b>	<b>166.0</b>
<b>300 RANGELAND</b>					
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					
<b>SUB TOTAL</b>	<b>103.8</b>	<b>0.0</b>	<b>103.8</b>	<b>27.4</b>	<b>27.4</b>
<b>400 UPLAND FOREST</b>					
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		
<b>SUB TOTAL</b>	<b>177.6</b>	<b>0.0</b>	<b>177.6</b>	<b>172.9</b>	<b>172.9</b>
<b>500 WATER</b>					
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
<b>SUB TOTAL</b>	<b>3.1</b>	<b>0.0</b>	<b>3.1</b>	<b>202.0</b>	<b>202.0</b>
<b>600 WETLANDS</b>					
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
<b>SUB TOTAL</b>	<b>7.2</b>	<b>0.0</b>	<b>7.2</b>	<b>50.2</b>	<b>50.2</b>
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
<b>SUB TOTAL</b>	<b>25.0</b>	<b>0.0</b>	<b>25.0</b>	<b>144.4</b>	<b>144.4</b>
<b>TOTAL WETLANDS (500s &amp; 600s)</b>	<b>35.2</b>	<b>0.0</b>	<b>35.2</b>	<b>396.6</b>	<b>396.6</b>
<b>700 BARREN LAND</b>					
743 Spoil Areas (cattle ponds)					
<b>SUB TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>800 TRANSPORTATION AND UTILITIES</b>					
814 Roads	1.1		1.1		
<b>SUB TOTAL</b>	<b>1.1</b>	<b>0.0</b>	<b>1.1</b>	<b>0.0</b>	<b>0.0</b>
<b>TOTAL FOR SITE</b>	<b>762.8</b>	<b>0.0</b>	<b>762.8</b>	<b>762.9</b>	<b>762.9</b>



TABLE 12-1 - Parcels 1, 2, 3, 3B, 4, 7 & ER (Revised)  
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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
<b>100 URBAN</b>					
110 Residential / 0 Unclassified	-	-	-	-	0.0
111 Fixed Single Family	-	-	-	-	0.0
<b>SUB TOTAL</b>	-	-	-	-	-
<b>200 AGRICULTURE</b>					
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
<b>SUB TOTAL</b>	<b>1,480.6</b>	<b>45.3</b>	<b>1,435.3</b>	<b>561.5</b>	<b>606.7</b>
<b>300 RANGELAND</b>					
310 Herbaceous	135.6	-	135.6	-	0.0
320 Shrub and brushland	11.6	4.9	6.7	6.7	11.6
321 Palmeto Praine	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
<b>SUB TOTAL</b>	<b>1,304.8</b>	<b>13.8</b>	<b>1,291.0</b>	<b>1,188.1</b>	<b>1,201.8</b>
<b>400 UPLAND FOREST</b>					
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 - Xenc 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 Xenc 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
<b>SUB TOTAL</b>	<b>499.7</b>	<b>3.8</b>	<b>495.9</b>	<b>597.5</b>	<b>601.3</b>
<b>500 WATER</b>					
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
<b>SUB TOTAL</b>	<b>12.4</b>	<b>0.1</b>	<b>12.4</b>	<b>427.8</b>	<b>427.8</b>
<b>600 WETLANDS</b>					
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
<b>SUB TOTAL</b>	<b>95.1</b>	<b>45.0</b>	<b>50.1</b>	<b>149.7</b>	<b>194.6</b>
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
<b>SUB TOTAL</b>	<b>726.3</b>	<b>48.8</b>	<b>677.5</b>	<b>1,040.8</b>	<b>1,089.6</b>
<b>TOTAL WETLANDS (500s &amp; 600s)</b>	<b>833.8</b>	<b>93.8</b>	<b>739.9</b>	<b>1,618.2</b>	<b>1,712.1</b>
<b>700 BARREN LAND</b>					
743 Spoil Areas (cattle ponds)	0.2	-	0.2	-	0.0
<b>SUB TOTAL</b>	<b>0.2</b>	<b>-</b>	<b>0.2</b>	<b>-</b>	<b>-</b>
<b>800 TRANSPORTATION AND UTILITIES</b>					
814 Roads	2.9	-	2.9	-	0.0
<b>SUB TOTAL</b>	<b>2.9</b>	<b>-</b>	<b>2.9</b>	<b>-</b>	<b>-</b>
<b>TOTAL FOR SITE</b>	<b>4,121.9</b>	<b>156.6</b>	<b>3,965.2</b>	<b>3,965.3</b>	<b>4,121.9</b>

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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-85 CATEGORY	PRE DEVELOPMENT	UNDISTURBED AREA	AREA TO BE DISTURBED	PROPOSED RECLAMATION	TOTAL POST RECLAMATION
<b>100 URBAN</b>					
111 Fixed Single Family	0.0				
<b>SUB TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>200 AGRICULTURE</b>					
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					
<b>SUB TOTAL</b>	<b>137.6</b>	<b>44.0</b>	<b>93.7</b>	<b>93.7</b>	<b>137.6</b>
<b>300 RANGELAND</b>					
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					
<b>SUB TOTAL</b>	<b>11.6</b>	<b>4.9</b>	<b>6.7</b>	<b>6.7</b>	<b>11.6</b>
<b>400 UPLAND FOREST</b>					
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					
<b>SUB TOTAL</b>	<b>4.2</b>	<b>3.7</b>	<b>0.5</b>	<b>0.5</b>	<b>4.2</b>
<b>500 WATER</b>					
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				
<b>SUB TOTAL</b>	<b>0.2</b>	<b>0.1</b>	<b>0.1</b>	<b>0.1</b>	<b>0.2</b>
<b>600 WETLANDS</b>					
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					
<b>SUB TOTAL</b>	<b>8.8</b>	<b>7.6</b>	<b>1.2</b>	<b>1.2</b>	<b>8.8</b>
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					
646 Shrub Swamps	0.0				0.0
<b>SUB TOTAL</b>	<b>8.1</b>	<b>6.6</b>	<b>1.5</b>	<b>1.5</b>	<b>8.1</b>
<b>TOTAL WETLANDS (500s &amp; 600s)</b>	<b>17.0</b>	<b>14.2</b>	<b>2.8</b>	<b>2.8</b>	<b>17.0</b>
<b>700 BARREN LAND</b>					
743 Spoil Areas (cattle ponds)	0.0				0.0
<b>SUB TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>800 TRANSPORTATION AND UTILITIES</b>					
814 Roads					
<b>SUB TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>TOTAL FOR SITE</b>	<b>170.4</b>	<b>66.7</b>	<b>103.7</b>	<b>103.7</b>	<b>170.4</b>

# 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 N.E. Tract	696.9	34.9	662.0	1323.9	2.0 : 1	
	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 N.E. Tract	79.7	37.8	42.1	168.2	4.0 : 1	
	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	NA	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 & 640 land uses  
 \*\*\*\* = FDEP JD AREA includes 400, 610, 620, & 630 land uses  
 9/27/2002 rev.

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## 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

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).

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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 to not 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 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).

## 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).

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 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, 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 portable 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

## 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 I. 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 200G  
Mulberry, FL 33560-1100

MAY 01 2002

hereinafter called lessee, is effective (date) for a period of 20 years.

adium, 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.

Potassium, 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.

Sec. 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.

Sec. 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 in the exercise of the rights and privileges granted, subject to the conditions herein provided.

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.)

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## ART II. TERMS AND CONDITIONS

1. (a) RENTAL RATE - Lessee shall pay lessor per acre annually and in advance for each acre or fraction thereof during the continuance of the lease at the rate stated below:

*Granite* -

\$0.50 cents for the first lease year and each succeeding lease year;

*Gravel* -

\$1 for the first lease year and \$1 for each succeeding lease year;

*Limestone* -

\$0.25 cents for the first lease year, 50 cents for the second and third lease years, and \$1 for each and every lease year thereafter;

*Potassium, Sodium* -

\$0.25 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

*Iron, 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 15th 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 casualties 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 may allow in writing the payment of a \$3.00 per acre or fraction thereof minimum royalty in lieu of production for a 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 lease bond in the amount of \$ 5,000.00, or in lieu 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 such 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 workings, 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

ated are more restrictive than the provisions in this graph, then the State laws apply.

ee will comply with all provisions of Executive Order 11246 of September 24, 1965, as amended, and the rules, ations, and relevant orders of the Secretary of Labor. her lessee nor lessee's subcontractors shall maintain egrated facilities.

8. (a) TRANSFERS - This lease may be transferred hole or in part to any person, association or corpora- qualified to hold such lease interest.

RELINQUISHMENT - The lessee may relinquish in ing at any time all rights under this lease or any portion of as provided in the regulations. Upon lessor's nance of the relinquishment, lessee shall be relieved ll future obligations under the lease or the relinquished on thereof, whichever is applicable.

9. DELIVERY OF PREMISES, REMOVAL OF MA- NERY, EQUIPMENT, ETC. - At such time as all or ions of this lease are returned to lessor, lessee shall ver up to lessor the land leased, underground timbering, such other supports and structures necessary for the ervation of the mine workings on the leased premises eposits and place all wells in condition for suspension abandonment. Within 180 days thereof, lessee shall ove from the premises all other structures, machinery, pment, tools, and materials that it elects to or as ured by the authorized officer. Any such structures, inery, equipment, tools, and materials remaining on the ed lands beyond 180 days, or approved extension thereof, l become the property of the lessor, but lessee shall er remove any or all such property or shall continue e liable for the cost of removal and disposal in the unt actually incurred by the lessor. If the surface is ed by third parties, lessor shall waive the requirement removal, provided the third parties do not object to such

14. SPECIAL STIPULATIONS -

waiver. Lessee shall, prior to the termination of bond liability or at any other time when required and in accord- ance 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 regula- tions, 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 activ- ities, mining operations and reclamation.

THIS IS A CORRECTIVE DOCUMENT

The Royalty Rate for this lease is set at 5%

Situated are  
paragraph 1  
Lessee will  
Yo. 1124  
regulate  
the  
sec

THE UNITED STATES OF AMERICA

IMC Phosphates Company

By

Company or Lessee Name

*Robert Harris*  
(Signature of Lessee)

*Mattie Leonard*  
(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) provides 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:

ROUTINE USES: (1) Evaluation of the effects of the operations on the environment. (2) Statistical reports to Congress. (3)(4) (5) Information from the record and/or the record may be passed or transferred to appropriate Federal, State or local agencies in allocating mineral revenue, for investigations of energy 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  
a. 4 of 5

Phosphate Lease FLES 50987

Stipulations

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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

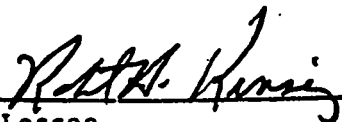
Florida Museum of Natural History

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



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 6<sup>th</sup> day of FEBRUARY, 20 03

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 2<sup>nd</sup> day of February, 20 03

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



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Office of International Relations  
Division of Elections  
Division of Corporations  
Division of Cultural Affairs  
Division of Historical Resources  
Division of Library and Information Services  
Division of Licensing  
Division of Administrative Services



FLORIDA DEPARTMENT OF STATE  
**Ken Detzner**  
Secretary of State  
DIVISION OF ELECTIONS

MEMBER OF THE FLORIDA CABINET  
State Board of Education  
Trustees of the Internal Improvement Trust Fund  
Administration Commission  
Florida Land and Water Adjudicatory Commission  
Siting Board  
Division of Bond Finance  
Department of Revenue  
Department of Law Enforcement  
Department of Highway Safety and Motor Vehicles  
Department of Veterans' Affairs

February 12, 2003

Honorable R. B. Shore  
Clerk of the Circuit Court and Comptroller  
Manatee County  
Post Office Box 1000  
Bradenton, Florida 34206

Attention: Diane E. Vollmer

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated February 6, 2003 and certified copy of Manatee County Ordinance No. 02-58, which was filed in this office on February 10, 2003.

As requested, the original date stamped copy is being returned for your records.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mp

Enclosure

FILED FOR RECORD  
R. B. SHORE  
2003 FEB 14 PM 3:46  
CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

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**ORDINANCE NO. 02-58**

**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 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

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**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

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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



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 <sup>1</sup>	4,269 <sup>3</sup>	350
N.E. TRACT	5,078 <sup>2</sup>	4,751 <sup>4</sup>	327
ALTMAN TRACT	319 <sup>1</sup>	319 <sup>1</sup>	0 <sup>1</sup>
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)
<b>TOTAL →</b>	<b>11,157<sup>5</sup></b>	<b>10,450<sup>5</sup></b>	<b>707</b>

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.
- I. 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

THIS IS A CORRECTIVE DOCUMENT

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) 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 (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.**

1.(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.**

1.(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.

1.(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.**

1.(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.

1.(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 unforest 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 31<sup>st</sup> 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.
- 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

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 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.

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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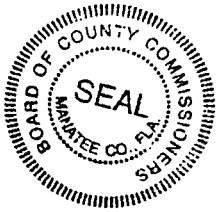
ADOPTED AND APPROVED with a quorum present and voting the 21<sup>st</sup> day of November, 2002,  
and amended on the 4<sup>th</sup> day of February, 2003.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

  
\_\_\_\_\_  
Chairman

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

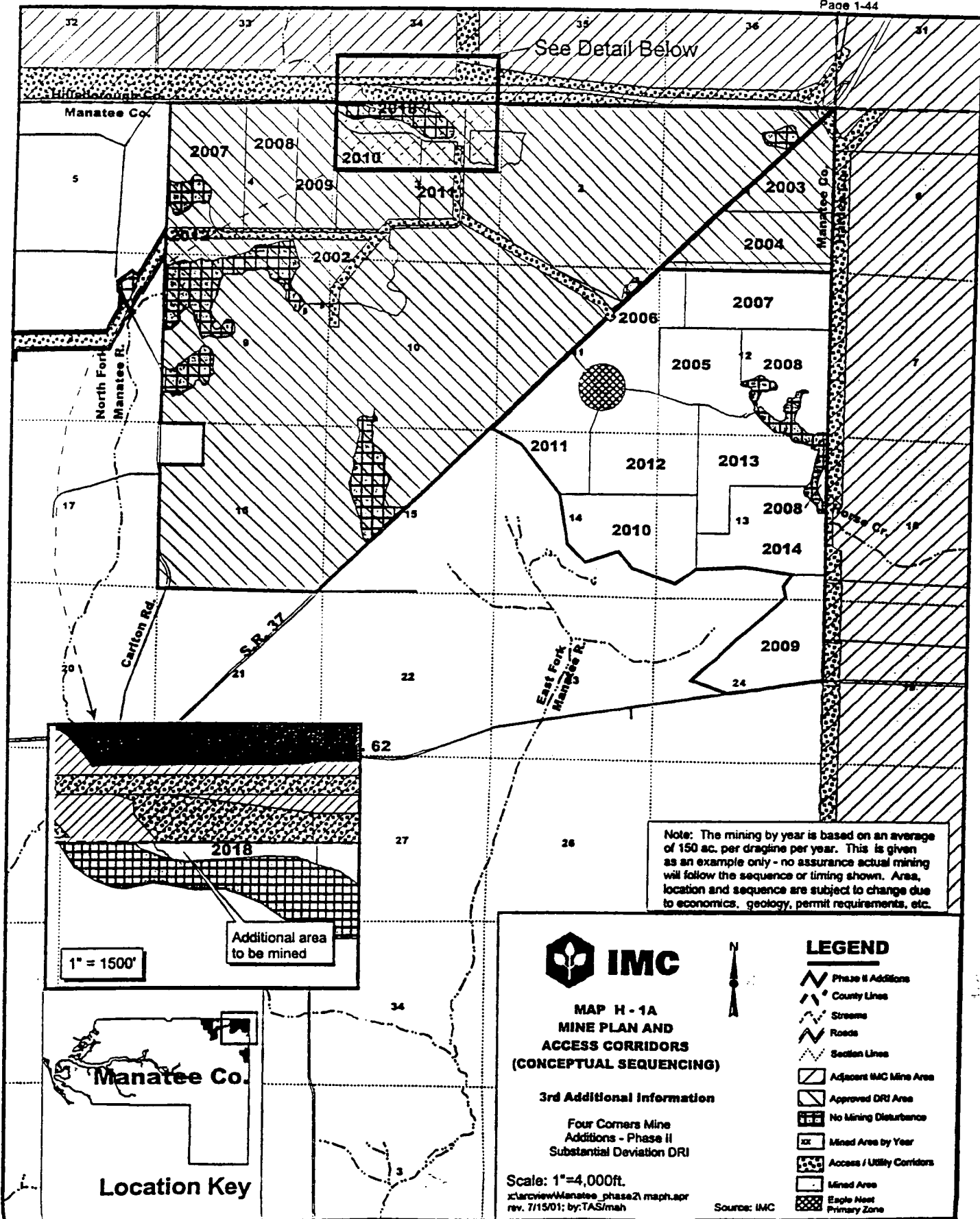
*R. B. Shore*  
\_\_\_\_\_  
*a*



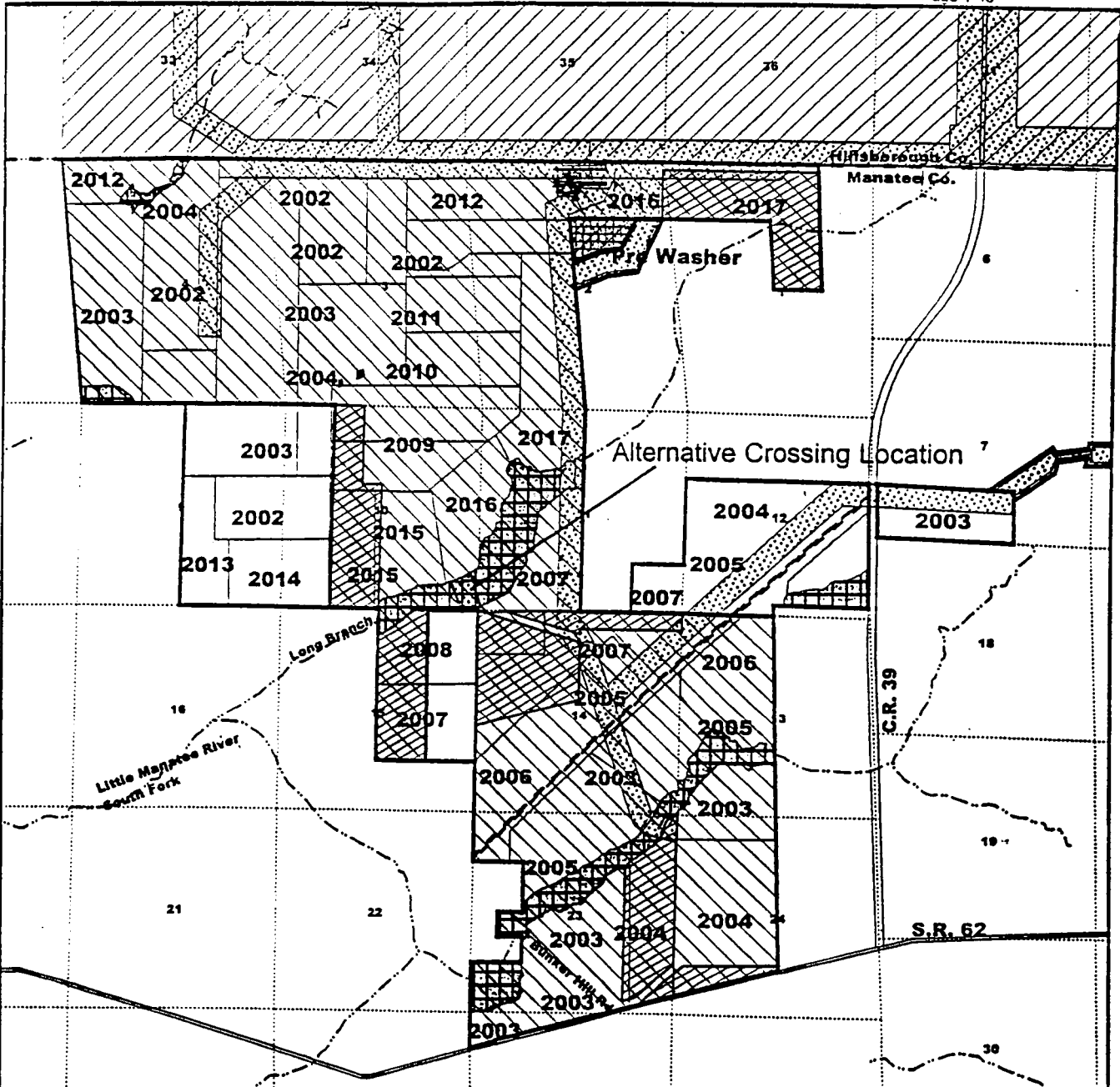
## Ordinance 02-58 List of Exhibits

- 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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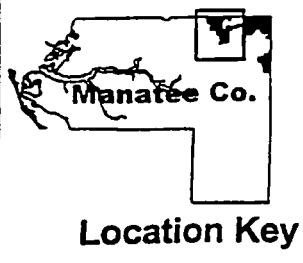



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Note: The mining by year is based on an average of 150 ac. per dragline per year. This is given as an example only - no assurance actual mining will follow the sequence or timing shown. Area, location and sequence are subject to change due to economics, 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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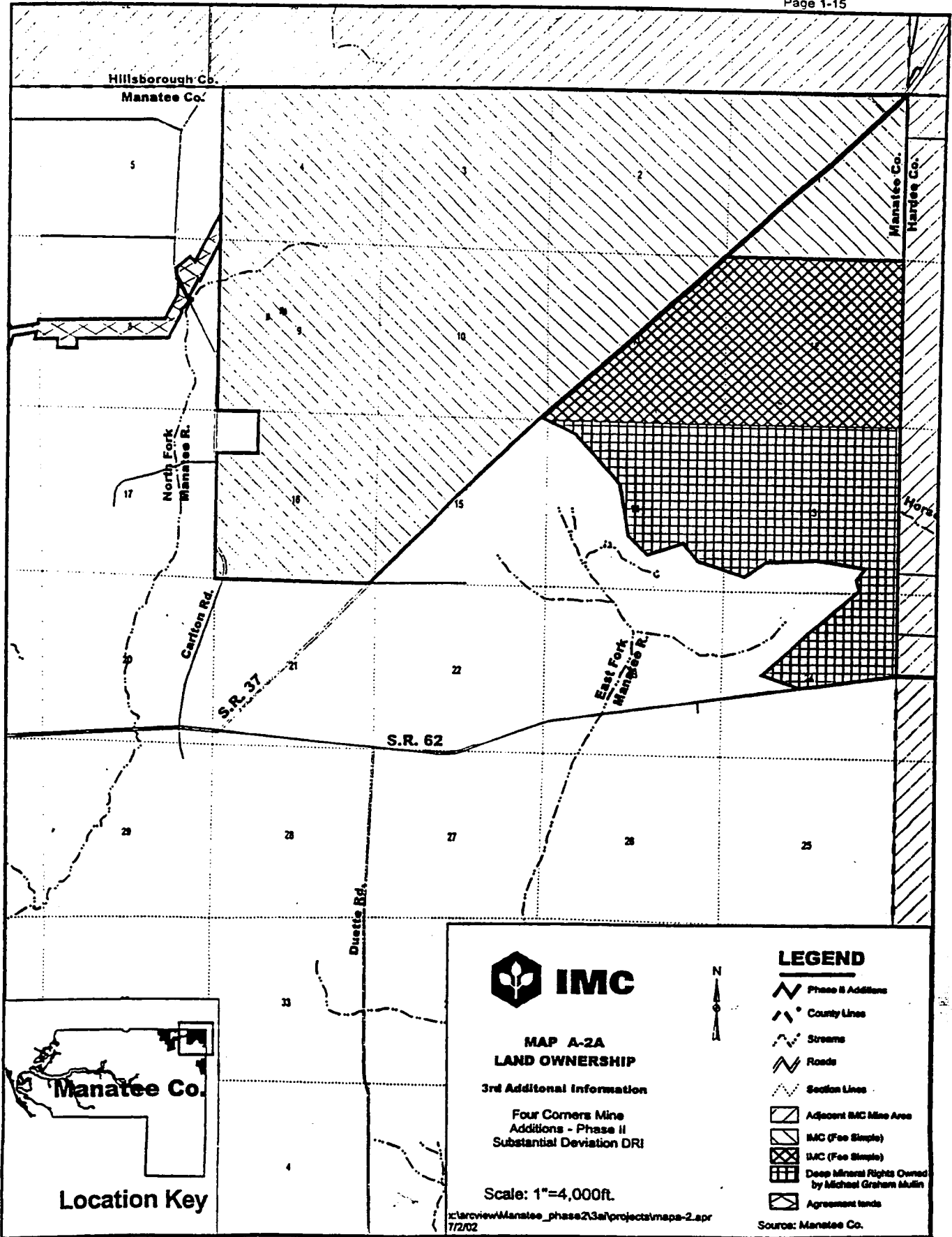
Source: IMC

**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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**MAP A-2A  
LAND OWNERSHIP**

3rd Additional Information

Four Corners Mine  
Additions - Phase II  
Substantial Deviation DRI

Scale: 1"=4,000ft.

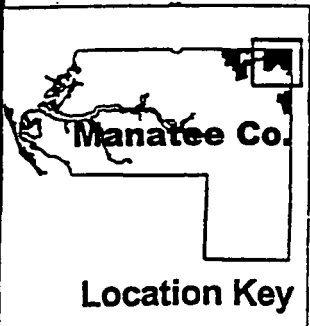
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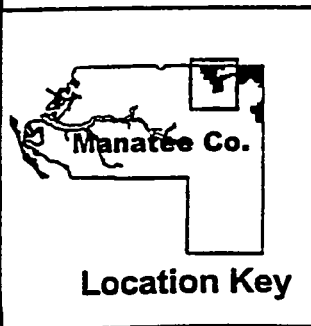
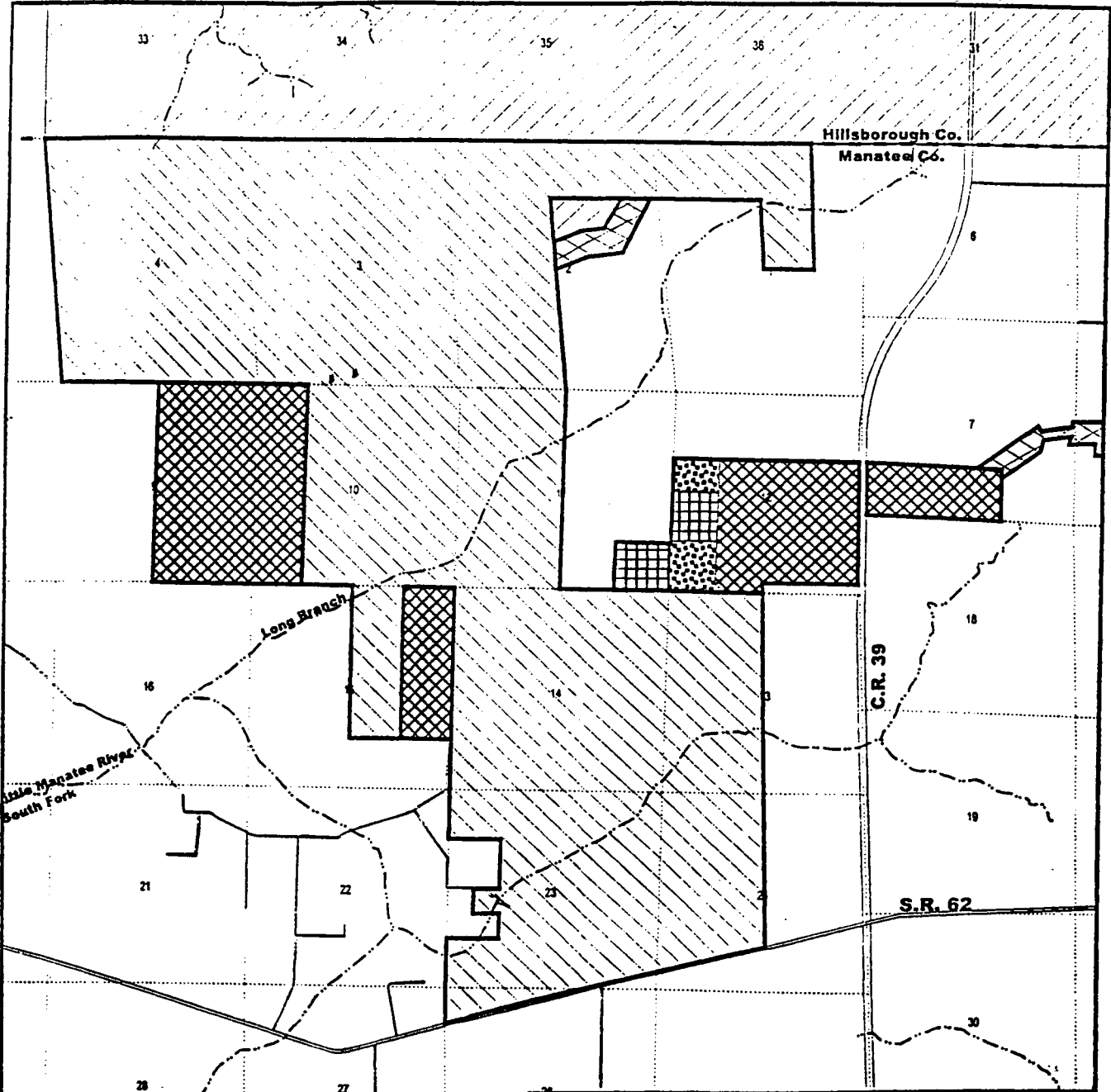
**LEGEND**


- 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.









**IMC**












**MAP A-2B**  
**LAND OWNERSHIP**  
 3rd Additional Information

Four Corners Mine  
 Additions - Phase II  
 Substantial Deviation DRI

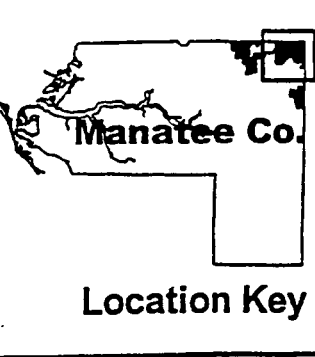
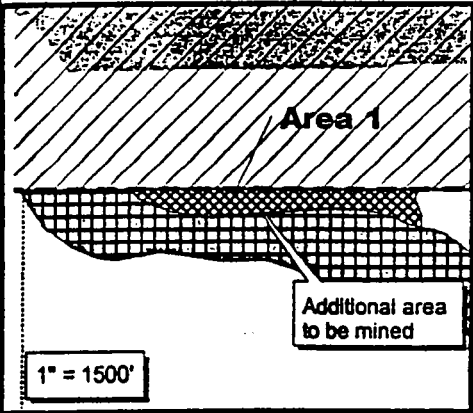
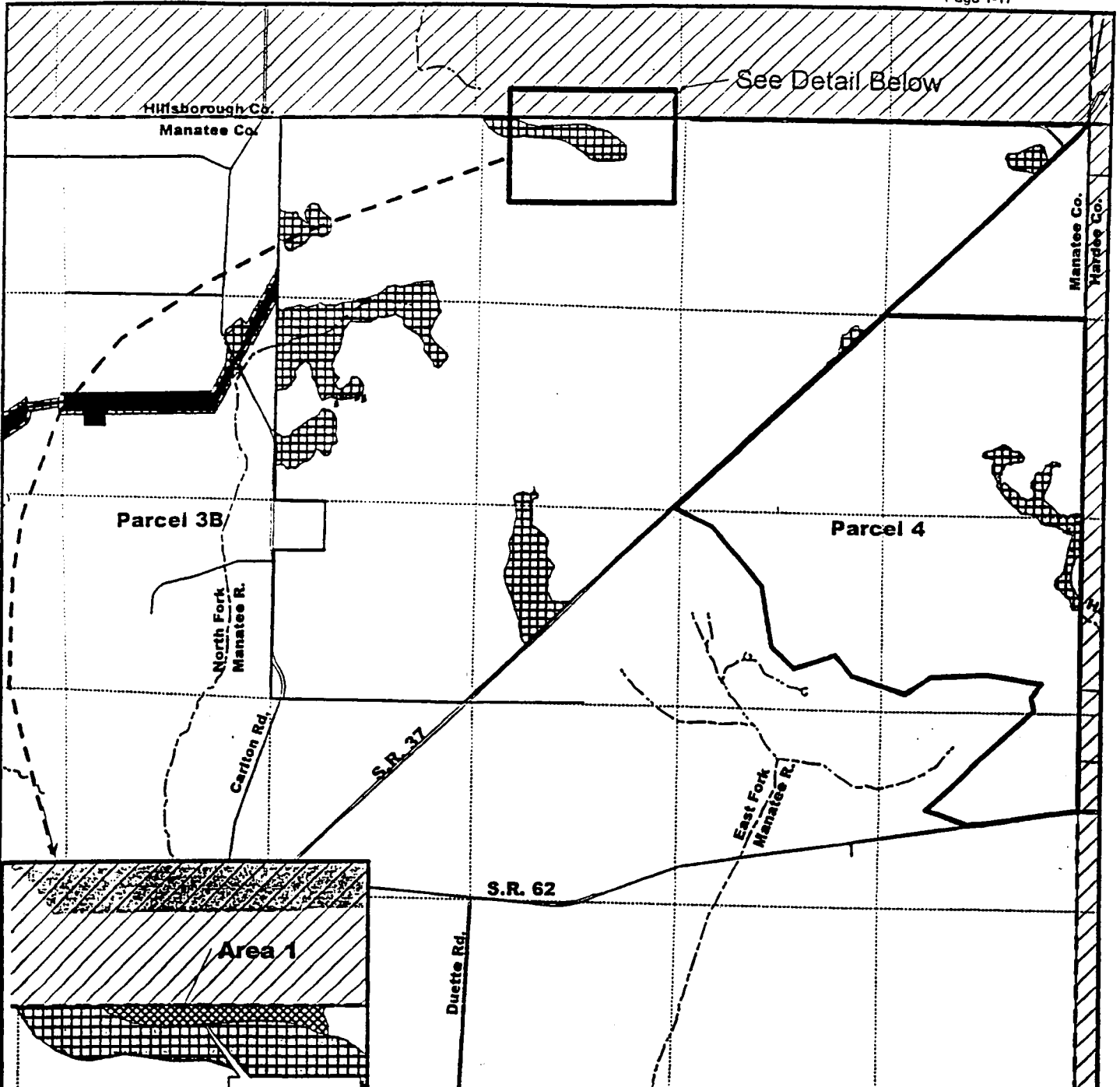
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7/2/02

**LEGEND**

-  Phase II Additions
-  County Lines
-  Streams
-  Roads
-  Section Lines
-  Adjacent IMC Mine Area
-  IMC (Fee Simple)
-  IMC (Fee Simple)
-  Mineral Rights Owned by State of Florida - 75%
-  Mineral Rights Owned by United State BLM - 100%
-  Agreement lands

Source: IMC





**IMC**
















**MAP A-3A**  
**LOCATION OF CHANGES**  
**TO DISTURBANCE STATUS**

**3rd Additional Information**

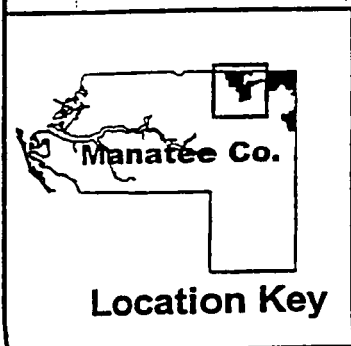
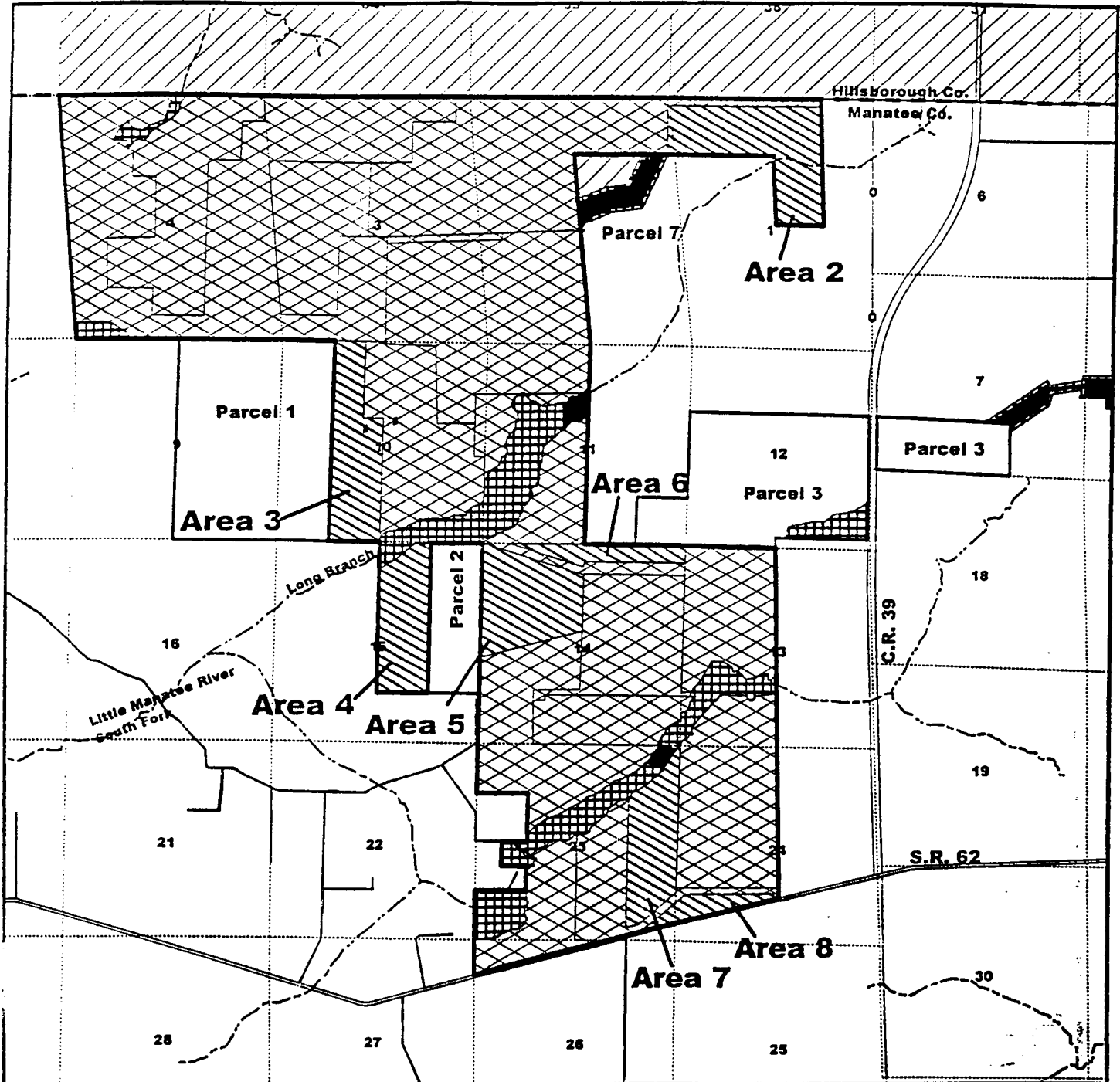
Four Corners Mine  
 Additions - Phase II  
 Substantial Deviation DRI


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 #32 & 196)
-  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**

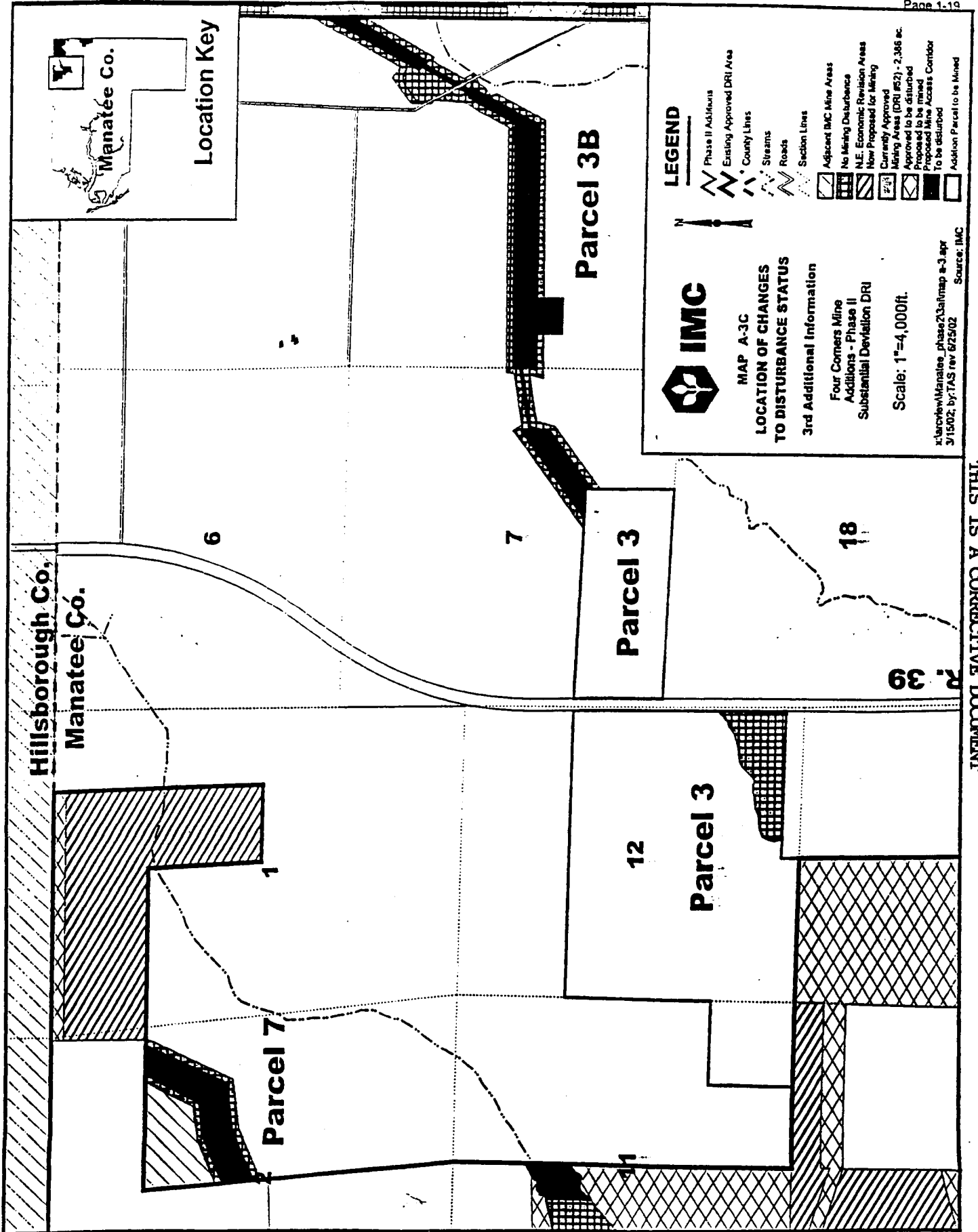
Four Corners Mine  
 Additions - Phase II  
 Substantial Deviation DRI

Scale: 1"=4,000ft.

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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



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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	Total Area	Sites Total		Setback 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		
<b>Total Phase II Parcels</b>	<b>3,359</b>	<b>3,171</b>	<b>188</b>	<b>478</b>	<b>27</b>
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		
<b>Total Mine Area**</b>	<b>13,374</b>	<b>12,510</b>	<b>864</b>	<b>955</b>	<b>64</b>
<b>Total Amendment Area</b>	<b>4,122</b>	<b>3,934</b>	<b>188</b>	<b>738</b>	<b>27</b>

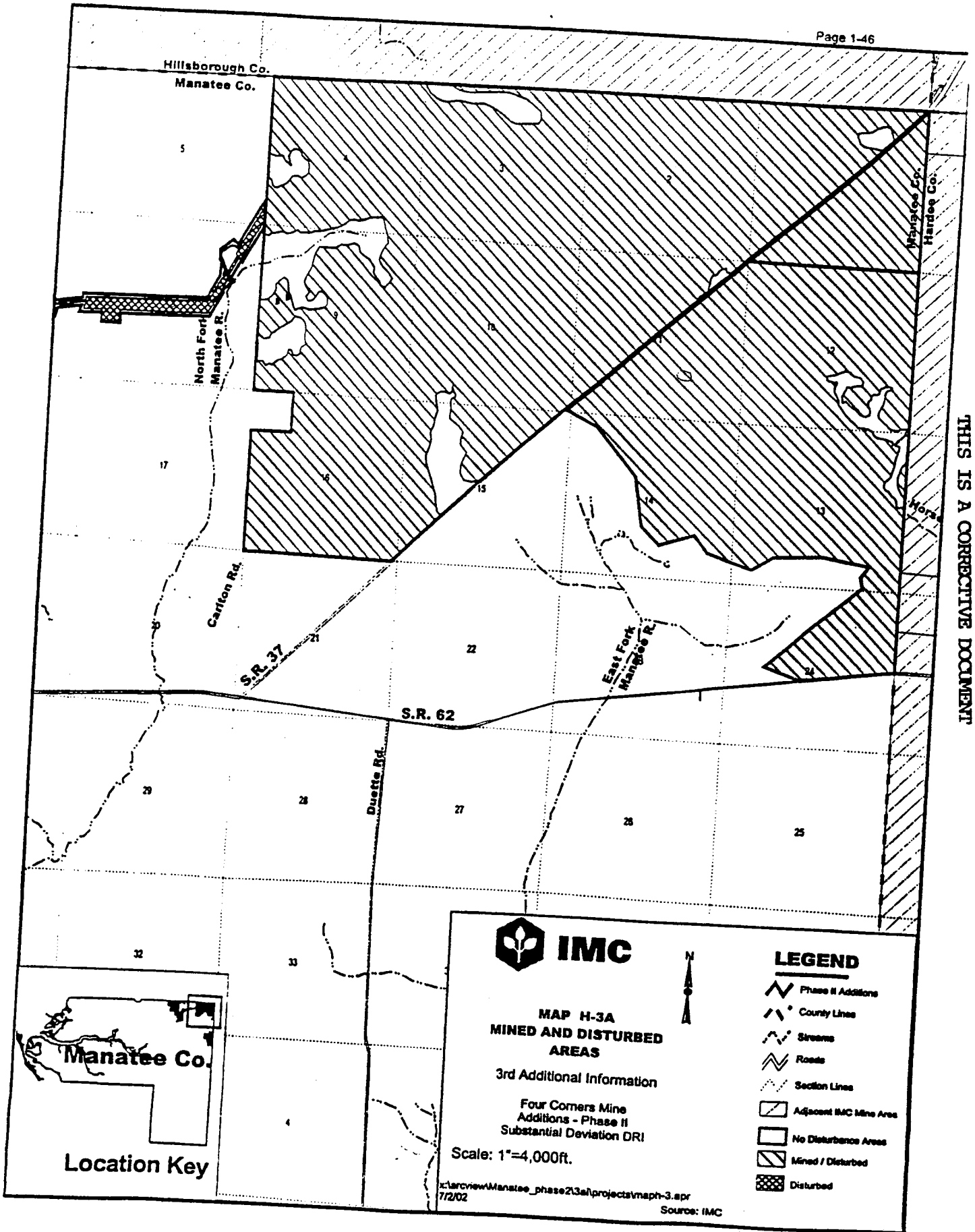
\* Disturbed by mining activity, but not mined (i.e., road, berms, plant area, etc.).  
 \*\* Parcels 1, 2, 3, 3B, 4, 7, N.E. and Jameson Tracts.  
 \*\*\* See definition on Page 35-2, response to Sub question A 3.  
 \*\*\*\* Area included in Site Total

# 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)**

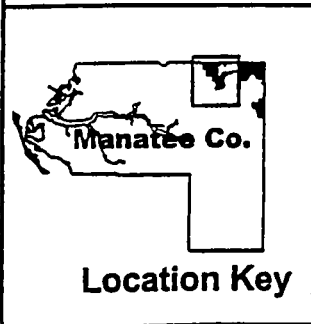
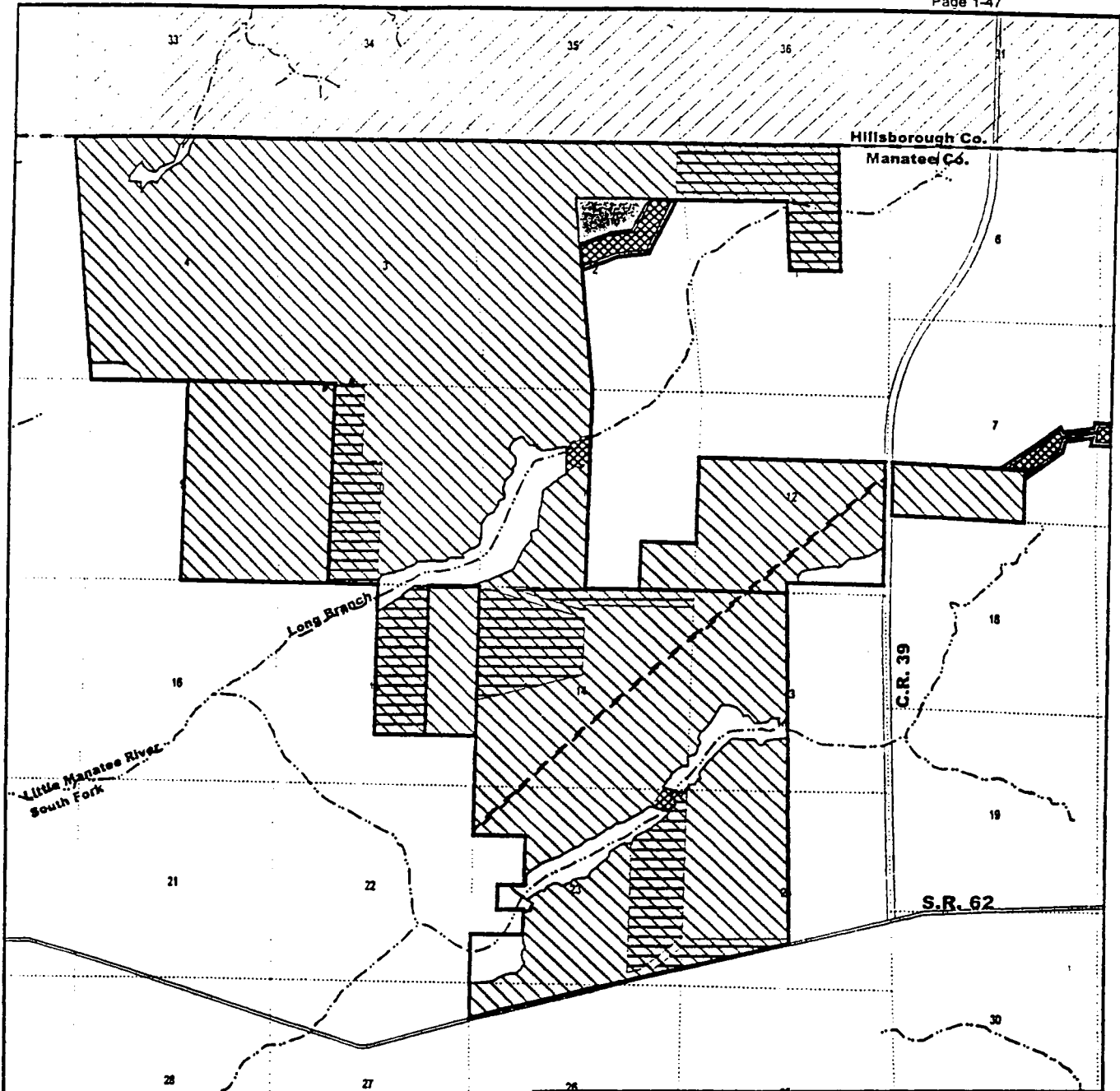
LAND USE	FDEP JD AREA PRE DEVELOPMENT	FDEP JD AREA UNDISTURBED	FDEP JD AREA DISTURBED	PROPOSED TOTAL MITIGATION	RATIO ** POST:PRE	TOTAL POST RECLAMATION
Marsh Systems ***	739.7	39.4	700.3	1499.6	2.1 : 1	1528.0
Parcels 1,2,3,4,3B, 7 & ER N.E. Tract	696.9	34.9	662.0	1323.9	2.9 : 1	
	42.8	4.6	38.3	165.7	4.3 : 1	
Forested Systems****	572.2	282.7	289.5	599.1	2.1 : 1	651.5
Parcels 1,2,3,4,3B, 7 & ER N.E. Tract	79.7	37.6	42.1	168.2	4.9 : 1	
	492.5	245.1	247.4	430.8	1.7 : 1	
<b>Total Wetlands</b>	<b>1312</b>	<b>322</b>	<b>990</b>	<b>2089</b>	<b>2.1 : 1</b>	<b>3241</b>
Open Water ( 500 land use)	12.5	0.1	12.5	629.6	N/A	629.9


\* = 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 & 640 land uses  
 \*\*\*\* = FDEP JD AREA includes 400, 610, 620, & 630 land uses  
 9/27/2002 rev.



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# Exhibit F





**IMC**

**MAP H-3B**

**MINED AND DISTURBED**

**AREAS**


3rd Additional Information

Four Corners Mine  
Additions - Phase II  
Substantial Deviation DRI













Scale: 1"=4,000ft.

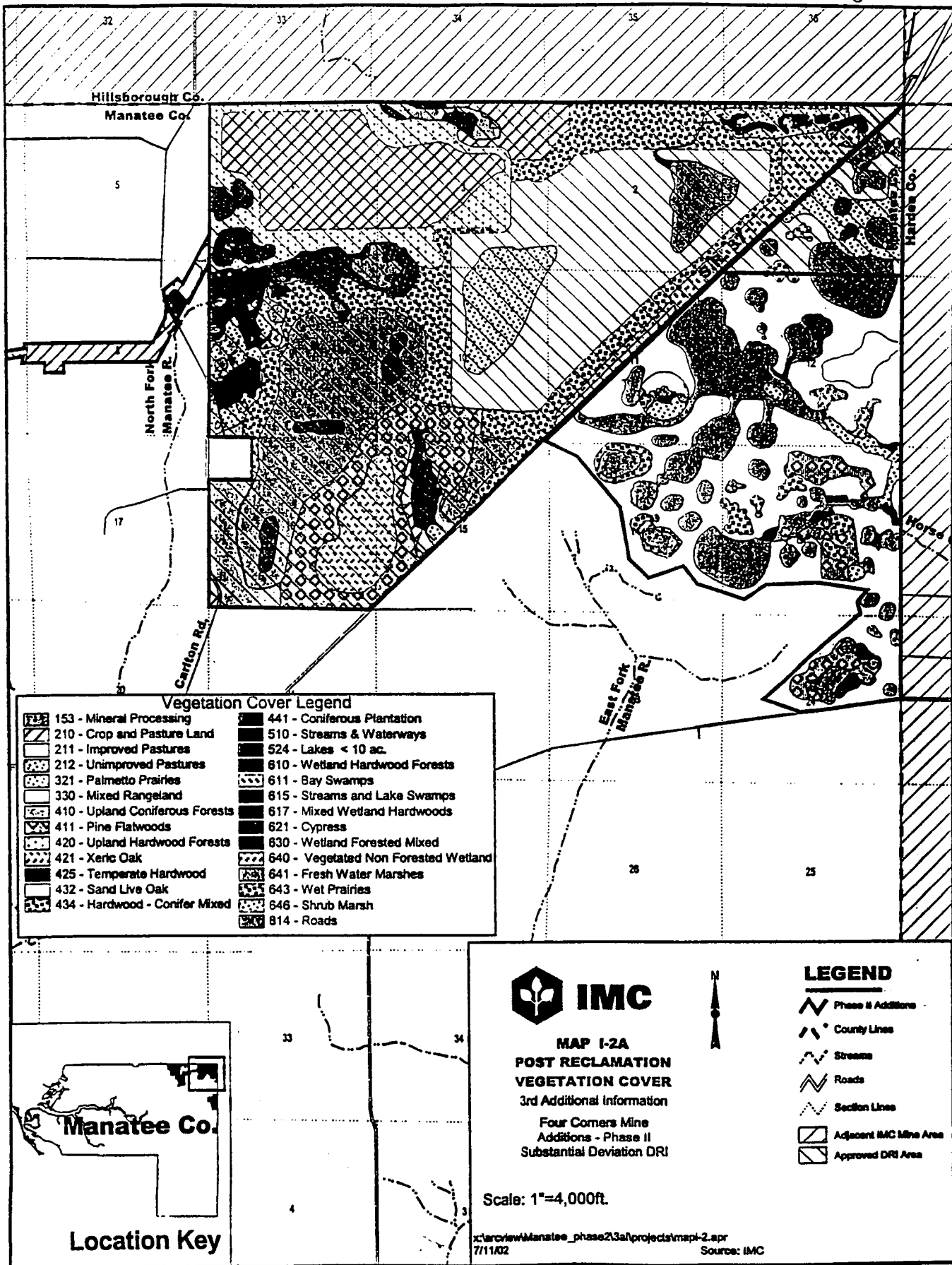
Source: IMC

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7/2/02



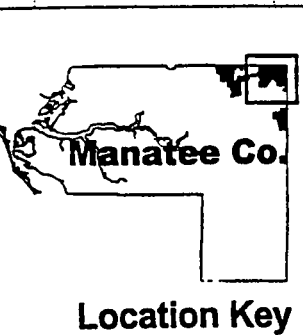
**LEGEND**

-  Phase II Additions
-  County Lines
-  Streams
-  Roads
-  Section Lines
-  Gas Line
-  Adjacent IMC Mine Area
-  No Disturbance Area
-  Mined
-  Disturbed
-  N.E. Economic Revision Area
-  Out Parcel



**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



**IMC**

**MAP I-2A**  
**POST RECLAMATION**  
**VEGETATION COVER**  
 3rd Additional Information  
 Four Corners Mine  
 Additions - Phase II  
 Substantial Deviation DRJ

Scale: 1"=4,000ft.

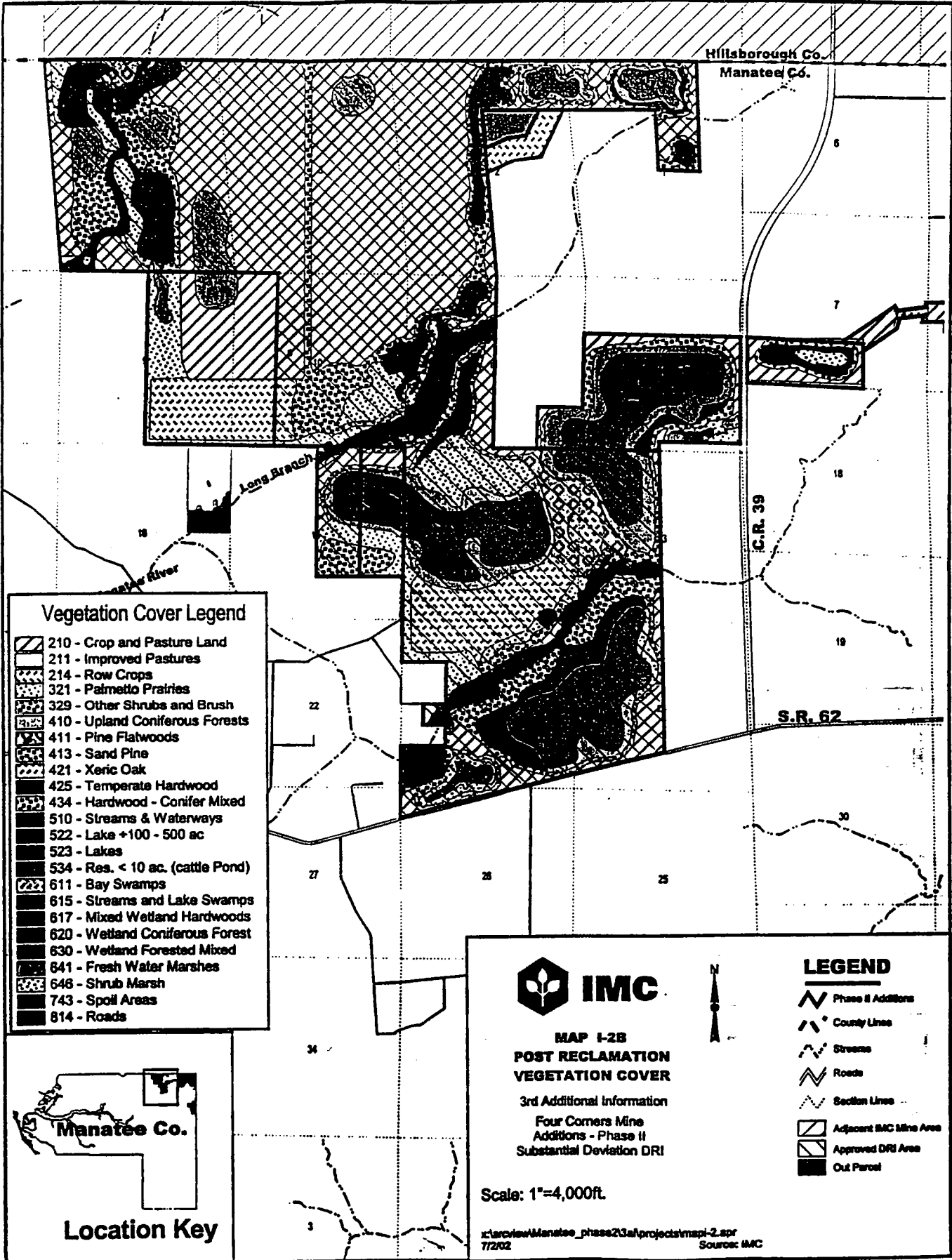
**LEGEND**

- Phase II Additions
- County Lines
- Streams
- Roads
- Section Lines
- Adjacent IMC Mine Area
- Approved DRJ Area

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 Source: IMC

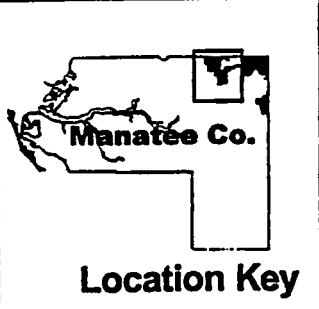
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**Vegetation Cover Legend**

	210 - Crop and Pasture Land
	211 - Improved Pastures
	214 - Row Crops
	321 - Palmetto Prairies
	329 - Other Shrubs and Brush
	410 - Upland Coniferous Forests
	411 - Pine Flatwoods
	413 - Sand Pine
	421 - Xeric Oak
	425 - Temperate Hardwood
	434 - Hardwood - Conifer Mixed
	510 - Streams & Waterways
	522 - Lake +100 - 500 ac
	523 - Lakes
	534 - Res. < 10 ac. (cattle Pond)
	611 - Bay Swamps
	615 - Streams and Lake Swamps
	617 - Mixed Wetland Hardwoods
	620 - Wetland Coniferous Forest
	630 - Wetland Forested Mixed
	641 - Fresh Water Marshes
	648 - Shrub Marsh
	743 - Spoil Areas
	814 - Roads






**IMC**

MAP I-2B  
POST RECLAMATION  
VEGETATION COVER

3rd Additional Information  
Four Corners Mine  
Additions - Phase II  
Substantial Deviation DRI

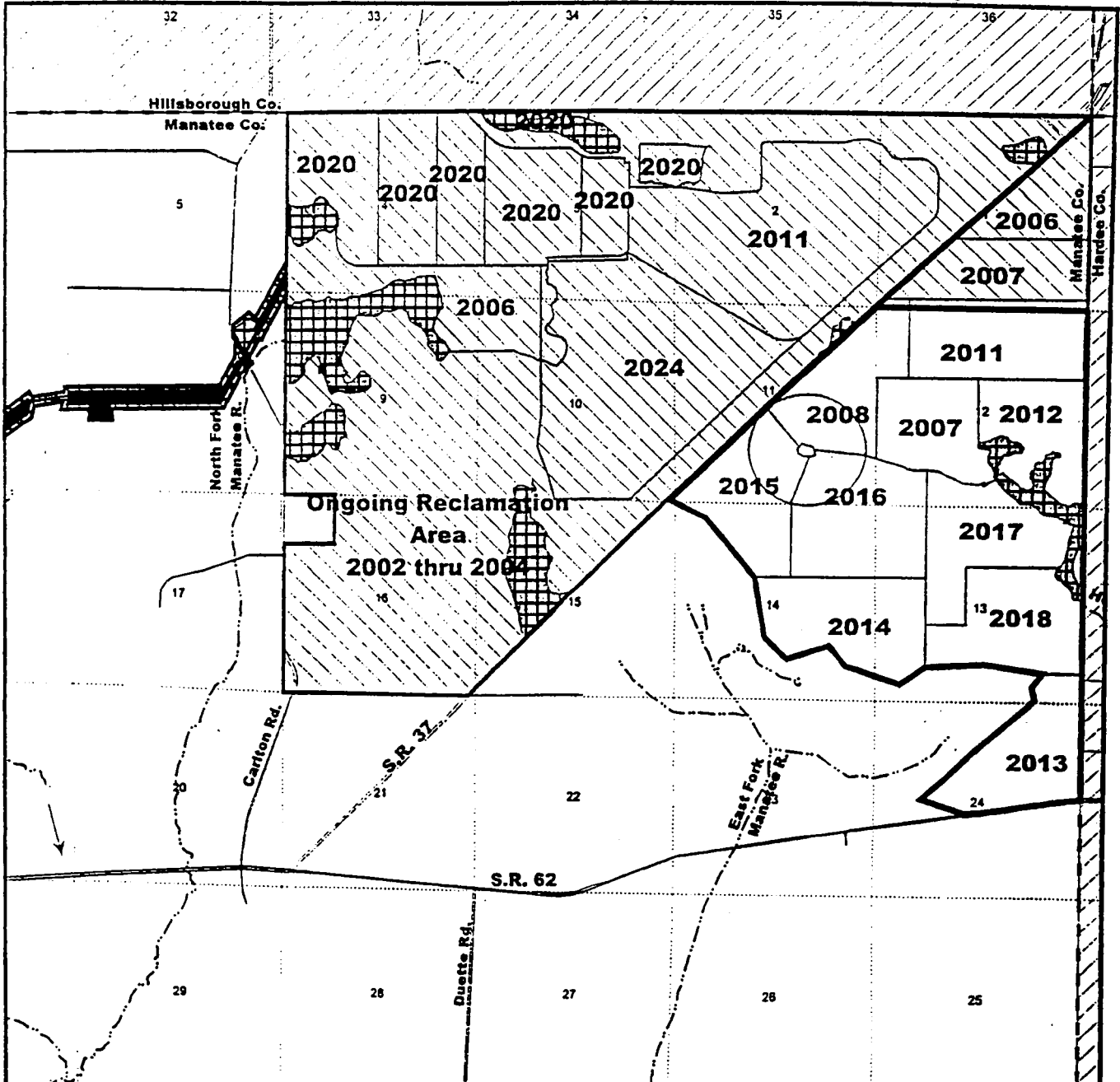
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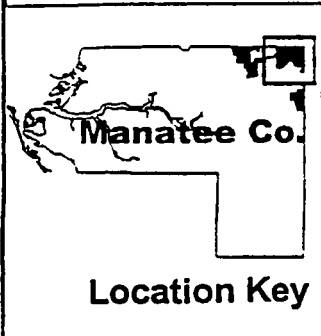


**LEGEND**

- Phase II Additions
- County Lines
- Streams
- Roads
- Section Lines
- Adjacent IMC Mine Area
- Approved DRI Area
- Out Parcel



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**IMC**

**MAP I - 4A**  
**RECLAMATION PLAN**  
**(CONCEPTUAL SCHEDULE)**

3rd Additional Information

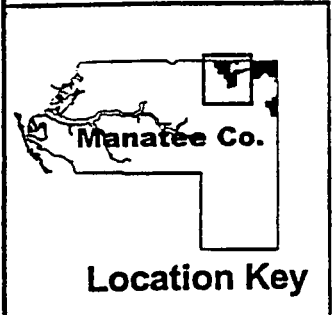
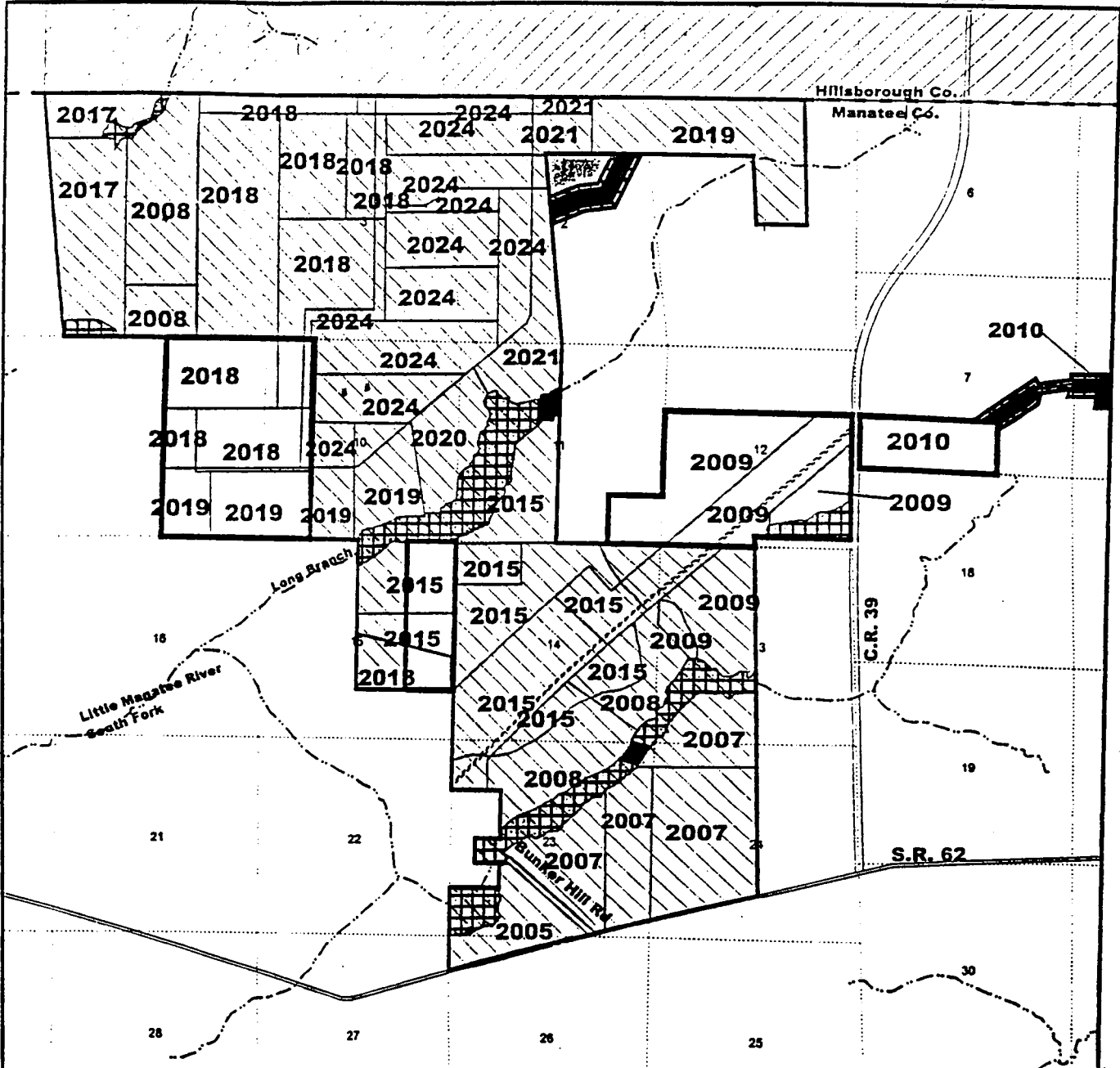
Four Corners Mine  
 Additions - Phase II  
 Substantial Deviation DRI


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 Line
-  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
<b>100 URBAN</b>					
110 Residential					
111 Fixed Single Family					
<b>SUB TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>200 AGRICULTURE</b>					
210 Cropland and Pasture				199.5	199.5
211 Improved Pastures	351.4		351.4	0.2	0.2
212 Unimproved Pasture					
<b>SUB TOTAL</b>	<b>351.4</b>	<b>0.0</b>	<b>351.4</b>	<b>199.7</b>	<b>199.7</b>
<b>300 RANGELAND</b>					
310 Herbaceous					
320 Shrub and brushland					
321 Palmetto Prairie				80.6	80.6
329 Other Shrub and Brushland					
330 Mixed Rangeland					
<b>SUB TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>80.6</b>	<b>80.6</b>
<b>400 UPLAND FOREST</b>					
410 Upland Coniferous Forest					
411 Pine Flatwoods					
412 Long Leaf Pine - Xenc Oak	22.5		22.5		0.0
413 Sand Pine	66.6		66.6		0.0
420 Upland Hardwood Forest					
421 Xenc 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
<b>SUB TOTAL</b>	<b>130.8</b>	<b>0.0</b>	<b>130.8</b>	<b>167.9</b>	<b>167.9</b>
<b>500 WATER</b>					
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
<b>SUB TOTAL</b>	<b>2.4</b>	<b>0.0</b>	<b>2.4</b>	<b>0.0</b>	<b>0.0</b>
<b>600 WETLANDS</b>					
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					
<b>SUB TOTAL</b>	<b>3.9</b>	<b>0.0</b>	<b>3.9</b>	<b>0.0</b>	<b>0.0</b>
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
<b>SUB TOTAL</b>	<b>3.2</b>	<b>0.0</b>	<b>3.2</b>	<b>43.5</b>	<b>43.5</b>
<b>TOTAL WETLANDS (500s &amp; 600s)</b>	<b>9.5</b>	<b>0.0</b>	<b>9.5</b>	<b>43.5</b>	<b>43.5</b>
<b>700 BARREN LAND</b>					
743 Spoil Areas (cattle ponds)					
<b>SUB TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>800 TRANSPORTATION AND UTILITIES</b>					
814 Roads					
<b>SUB TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>TOTAL FOR SITE</b>	<b>491.6</b>	<b>0.0</b>	<b>491.6</b>	<b>491.6</b>	<b>491.6</b>

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
<b>100 URBAN</b>					
110 Residential					
111 Fixed Single Family					
<b>SUB TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>200 AGRICULTURE</b>					
210 Cropland and Pasture				13.7	13.7
211 Improved Pastures	67.5	1.3	66.2		1.3
212 Unimproved Pasture					
<b>SUB TOTAL</b>	<b>67.5</b>	<b>1.3</b>	<b>66.2</b>	<b>13.7</b>	<b>15.0</b>
<b>300 RANGELAND</b>					
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					
<b>SUB TOTAL</b>	<b>28.1</b>	<b>0.0</b>	<b>28.1</b>	<b>26.5</b>	<b>26.5</b>
<b>400 UPLAND FOREST</b>					
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		0.0
434 Hardwood Conifer Mixed				7.3	7.3
<b>SUB TOTAL</b>	<b>13.9</b>	<b>0.0</b>	<b>13.9</b>	<b>24.1</b>	<b>24.1</b>
<b>500 WATER</b>					
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		
<b>SUB TOTAL</b>	<b>0.1</b>	<b>0.0</b>	<b>0.1</b>	<b>47.0</b>	<b>47.0</b>
<b>600 WETLANDS</b>					
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					
<b>SUB TOTAL</b>	<b>10.5</b>	<b>0.0</b>	<b>10.5</b>	<b>0.0</b>	<b>0.0</b>
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
<b>SUB TOTAL</b>	<b>2.4</b>	<b>0.0</b>	<b>2.4</b>	<b>11.8</b>	<b>11.8</b>
<b>TOTAL WETLANDS (500s &amp; 600s)</b>	<b>13.1</b>	<b>0.0</b>	<b>13.1</b>	<b>58.8</b>	<b>58.8</b>
<b>700 BARREN LAND</b>					
743 Spoil Areas (cattle ponds)					
<b>SUB TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>800 TRANSPORTATION AND UTILITIES</b>					
814 Roads	1.8		1.8		0.0
<b>SUB TOTAL</b>	<b>1.8</b>	<b>0.0</b>	<b>1.8</b>	<b>0.0</b>	<b>0.0</b>
<b>TOTAL FOR SITE</b>	<b>124.4</b>	<b>1.3</b>	<b>123.1</b>	<b>123.1</b>	<b>124.4</b>

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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
<b>100 URBAN</b>					
111 Fixed Single Family					
<b>SUB TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>200 AGRICULTURE</b>					
210 Cropland and Pasture				88.5	88.5
211 Improved Pastures	417.2		417.2		
212 Unimproved Pasture					
<b>SUB TOTAL</b>	<b>417.2</b>	<b>0.0</b>	<b>417.2</b>	<b>88.5</b>	<b>88.5</b>
<b>300 RANGELAND</b>					
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					
<b>SUB TOTAL</b>	<b>12.9</b>	<b>7.8</b>	<b>5.2</b>	<b>0.0</b>	<b>7.8</b>
<b>400 UPLAND FOREST</b>					
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					
425 Temperate Hardwoods	2.9		2.9		
427 Live Oak					
430 Upland Hardwood Forest Continued					
432 Sand Live Oak	24.4		24.4		
434 Hardwood Conifer Mixed				73.7	73.7
<b>SUB TOTAL</b>	<b>33.3</b>	<b>0.0</b>	<b>33.3</b>	<b>73.7</b>	<b>73.7</b>
<b>500 WATER</b>					
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		
<b>SUB TOTAL</b>	<b>2.3</b>	<b>0.0</b>	<b>2.3</b>	<b>178.6</b>	<b>178.6</b>
<b>600 WETLANDS</b>					
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					
<b>SUB TOTAL</b>	<b>7.4</b>	<b>7.4</b>	<b>0.0</b>	<b>49.6</b>	<b>56.9</b>
640 Vegetated Non-Forested Wetlands					
641 Freshwater Marshes	10.7	7.0	3.7	91.2	98.3
643 Wet Prairies					
648 Shrub Swamps	40.7	6.9	33.9	14.1	20.9
<b>SUB TOTAL</b>	<b>51.4</b>	<b>13.9</b>	<b>37.5</b>	<b>105.3</b>	<b>119.2</b>
<b>TOTAL WETLANDS (500s &amp; 600s)</b>	<b>61.0</b>	<b>21.3</b>	<b>39.8</b>	<b>333.4</b>	<b>354.7</b>
<b>700 BARREN LAND</b>					
743 Spoil Areas (cattle ponds)	0.2		0.2		0.0
<b>SUB TOTAL</b>	<b>0.2</b>	<b>0.0</b>	<b>0.2</b>	<b>0.0</b>	<b>0.0</b>
<b>800 TRANSPORTATION AND UTILITIES</b>					
814 Roads					
<b>SUB TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>TOTAL FOR SITE</b>	<b>524.6</b>	<b>29.0</b>	<b>495.6</b>	<b>495.6</b>	<b>524.6</b>

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

FLUGCS-85 CATEGORY	PRE DEVELOPMENT	UNDISTURBED AREA	AREA TO BE DISTURBED	PROPOSED RECLAMATION	TOTAL POST RECLAMATION
<b>100 URBAN</b>					
110 Residential					
111 Fixed Single Family					
<b>SUB TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>200 AGRICULTURE</b>					
210 Cropland and Pasture					
211 Improved Pastures	61.7		61.7		
212 Unimproved Pasture				0.0	0.0
<b>SUB TOTAL</b>	<b>61.7</b>	<b>0.0</b>	<b>61.7</b>	<b>0.0</b>	<b>0.0</b>
<b>300 RANGELAND</b>					
310 Herbaceous	135.8		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
<b>SUB TOTAL</b>	<b>1148.4</b>	<b>1.1</b>	<b>1147.3</b>	<b>1047.0</b>	<b>1048.1</b>
<b>400 UPLAND FOREST</b>					
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
<b>SUB TOTAL</b>	<b>139.9</b>	<b>0.1</b>	<b>139.8</b>	<b>158.4</b>	<b>158.5</b>
<b>500 WATER</b>					
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		
<b>SUB TOTAL</b>	<b>4.4</b>	<b>0.0</b>	<b>4.4</b>	<b>0.0</b>	<b>0.0</b>
<b>600 WETLANDS</b>					
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
<b>SUB TOTAL</b>	<b>57.4</b>	<b>30.0</b>	<b>27.4</b>	<b>48.7</b>	<b>78.7</b>
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
648 Shrub Swamps	272.7	28.4	244.3	11.0	39.4
<b>SUB TOTAL</b>	<b>636.2</b>	<b>28.4</b>	<b>607.8</b>	<b>734.4</b>	<b>762.7</b>
<b>TOTAL WETLANDS (500s &amp; 600s)</b>	<b>698.0</b>	<b>58.4</b>	<b>639.6</b>	<b>783.1</b>	<b>841.5</b>
<b>700 BARREN LAND</b>					
743 Spot Areas (cattle ponds)					
<b>SUB TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>800 TRANSPORTATION AND UTILITIES</b>					
814 Roads					
<b>SUB TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>TOTAL FOR SITE</b>	<b>2048.0</b>	<b>59.6</b>	<b>1988.5</b>	<b>1988.5</b>	<b>2048.1</b>

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TABLE 12-1 - Economic Revision Areas (Revised)

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
<b>100 URBAN</b>					
110 Residential					
111 Fixed Single Family					
<b>SUB TOTAL</b>	0.0	0.0	0.0	0.0	0.0
<b>200 AGRICULTURE</b>					
210 Cropland and Pasture				166.0	166.0
211 Improved Pastures	445.2		445.2		0.0
212 Unimproved Pasture					
<b>SUB TOTAL</b>	445.2	0.0	445.2	166.0	166.0
<b>300 RANGELAND</b>					
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					
<b>SUB TOTAL</b>	103.8	0.0	103.8	27.4	27.4
<b>400 UPLAND FOREST</b>					
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		
<b>SUB TOTAL</b>	177.6	0.0	177.6	172.9	172.9
<b>500 WATER</b>					
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
<b>SUB TOTAL</b>	3.1	0.0	3.1	202.0	202.0
<b>600 WETLANDS</b>					
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
<b>SUB TOTAL</b>	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
<b>SUB TOTAL</b>	25.0	0.0	25.0	144.4	144.4
<b>TOTAL WETLANDS (500s &amp; 600s)</b>	<b>35.2</b>	<b>0.0</b>	<b>35.2</b>	<b>396.6</b>	<b>396.6</b>
<b>700 BARREN LAND</b>					
743 Spoil Areas (cattle ponds)					
<b>SUB TOTAL</b>	0.0	0.0	0.0	0.0	0.0
<b>800 TRANSPORTATION AND UTILITIES</b>					
814 Roads	1.1		1.1		
<b>SUB TOTAL</b>	1.1	0.0	1.1	0.0	0.0
<b>TOTAL FOR SITE</b>	<b>762.8</b>	<b>0.0</b>	<b>762.8</b>	<b>762.9</b>	<b>762.9</b>

TABLE 12-1 - Parcels 1, 2, 3, 3B, 4, 7 & ER (Revised)  
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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
<b>100 URBAN</b>					
110 Residential / 0 Unclassified	-	-	-	-	0.0
111 Fixed Single Family	-	-	-	-	0.0
<b>SUB TOTAL</b>	-	-	-	-	-
<b>200 AGRICULTURE</b>					
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
<b>SUB TOTAL</b>	<b>1,480.6</b>	<b>45.3</b>	<b>1,435.3</b>	<b>561.5</b>	<b>606.7</b>
<b>300 RANGELAND</b>					
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
<b>SUB TOTAL</b>	<b>1,304.8</b>	<b>13.8</b>	<b>1,291.0</b>	<b>1,188.1</b>	<b>1,201.8</b>
<b>400 UPLAND FOREST</b>					
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
<b>SUB TOTAL</b>	<b>499.7</b>	<b>3.8</b>	<b>495.9</b>	<b>597.5</b>	<b>601.3</b>
<b>500 WATER</b>					
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
<b>SUB TOTAL</b>	<b>12.4</b>	<b>0.1</b>	<b>12.4</b>	<b>427.8</b>	<b>427.8</b>
<b>600 WETLANDS</b>					
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
<b>SUB TOTAL</b>	<b>95.1</b>	<b>45.0</b>	<b>50.1</b>	<b>149.7</b>	<b>194.6</b>
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
<b>SUB TOTAL</b>	<b>726.3</b>	<b>48.8</b>	<b>677.5</b>	<b>1,040.8</b>	<b>1,089.6</b>
<b>TOTAL WETLANDS (500s &amp; 600s)</b>	<b>833.8</b>	<b>93.8</b>	<b>739.9</b>	<b>1,618.2</b>	<b>1,712.1</b>
<b>700 BARREN LAND</b>					
743 Spoil Areas (cattle ponds)	0.2	-	0.2	-	0.0
<b>SUB TOTAL</b>	<b>0.2</b>	<b>-</b>	<b>0.2</b>	<b>-</b>	<b>-</b>
<b>800 TRANSPORTATION AND UTILITIES</b>					
814 Roads	2.9	-	2.9	-	0.0
<b>SUB TOTAL</b>	<b>2.9</b>	<b>-</b>	<b>2.9</b>	<b>-</b>	<b>-</b>
<b>TOTAL FOR SITE</b>	<b>4,121.9</b>	<b>156.6</b>	<b>3,965.2</b>	<b>3,965.3</b>	<b>4,121.9</b>

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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-85 CATEGORY	PRE DEVELOPMENT	UNDISTURBED AREA	AREA TO BE DISTURBED	PROPOSED RECLAMATION	TOTAL POST RECLAMATION
<b>100 URBAN</b>					
111 Fixed Single Family	0.0				
<b>SUB TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>200 AGRICULTURE</b>					
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					
<b>SUB TOTAL</b>	<b>137.6</b>	<b>44.0</b>	<b>93.7</b>	<b>93.7</b>	<b>137.6</b>
<b>300 RANGELAND</b>					
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					
<b>SUB TOTAL</b>	<b>11.6</b>	<b>4.9</b>	<b>6.7</b>	<b>6.7</b>	<b>11.6</b>
<b>400 UPLAND FOREST</b>					
410 Upland Coniferous Forest	0.0				0.0
411 Pine Flatwoods					
412 Long Leaf Pine - Xeric Oak					
413 Sand Pine	0.0				0.0
420 Upland Hardwood Forest	4.2	3.7	0.5	0.5	4.2
421 Xeric Oak					
425 Temperate Hardwoods	0.0				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					
<b>SUB TOTAL</b>	<b>4.2</b>	<b>3.7</b>	<b>0.5</b>	<b>0.5</b>	<b>4.2</b>
<b>500 WATER</b>					
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				0.0
<b>SUB TOTAL</b>	<b>0.2</b>	<b>0.1</b>	<b>0.1</b>	<b>0.1</b>	<b>0.2</b>
<b>600 WETLANDS</b>					
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					
<b>SUB TOTAL</b>	<b>8.8</b>	<b>7.6</b>	<b>1.2</b>	<b>1.2</b>	<b>8.8</b>
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					
646 Shrub Swamps	0.0				0.0
<b>SUB TOTAL</b>	<b>8.1</b>	<b>6.6</b>	<b>1.5</b>	<b>1.5</b>	<b>8.1</b>
<b>TOTAL WETLANDS (500s &amp; 600s)</b>	<b>17.0</b>	<b>14.2</b>	<b>2.8</b>	<b>2.8</b>	<b>17.0</b>
<b>700 BARREN LAND</b>					
743 Spoil Areas (cattle ponds)	0.0				0.0
<b>SUB TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>800 TRANSPORTATION AND UTILITIES</b>					
814 Roads					
<b>SUB TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>TOTAL FOR SITE</b>	<b>170.4</b>	<b>66.7</b>	<b>103.7</b>	<b>103.7</b>	<b>170.4</b>

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 N.E. Tract	698.9	34.9	662.0	1323.9	2.0 : 1	
	42.8	4.5	38.3	165.7	4.3 : 1	
Forested Systems****	572.2	282.7	289.5	599.1	2.1 : 1	861.8
Parcels 1,2,3,4,3B, 7 & ER N.E. Tract	79.7	37.8	42.1	168.2	4.0 : 1	
	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 & 640 land uses  
 \*\*\*\* = FDEP JD AREA Includes 400, 610, 620, & 630 land uses  
 9/27/2002 rev.

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## 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).

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).

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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<sup>2</sup>). 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).

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 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).

## **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).

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 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, 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 portable 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

## 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

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mined or disturbed before conducting mining operations on the Four Corners 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. 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).

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- 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

PART I. 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 33560-1100

MAY 01 2002

hereinafter called lessee, is effective (date) , for a period of 20 years.

Sodium, 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.

Potassium, 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.

Sec. 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) ; and
- to the regulations and general mining orders of the Secretary of the Interior in force on the date this lease issued.

Sec. 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 in the exercise of the rights and privileges granted, subject to the conditions herein provided.

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.)

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## PART II. TERMS AND CONDITIONS

Sec. 1. (a) RENTAL RATE - Lessee shall pay lessor rental annually and in advance for each acre or fraction thereof during the continuance of the lease at the rate indicated below:

*Granular Gilsonite* -

\$0.50 cents for the first lease year and each succeeding lease year;

*Hardrock* -

\$1 for the first lease year and \$1 for each succeeding lease year;

*Phosphate* -

25 cents for the first lease year, 50 cents for the second and third lease years, and \$1 for each and every lease year thereafter;

*Potassium, 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

*Sodium, Sulphur, Asphalt, and Hardrock Renewal Leases* -

\$1 for each lease year;

(b) 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.

Sec. 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.

(b) 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 casualties 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 may allow in writing the payment of a \$3.00 per acre or fraction thereof minimum royalty in lieu of production for any particular lease year. Minimum royalty payments shall be credited to production royalties for that year.

Sec. 3. REDUCTION AND SUSPENSION - In accordance with Section 39 of the Mineral Leasing Act, 30 U.S.C. 209, the 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.

Sec. 4. BONDS - Lessee shall maintain in the proper office a lease bond in the amount of \$ 5,000.00, or in lieu thereof, an acceptable statewide or nationwide bond. The authorized officer may require an increase in this amount when additional coverage is determined appropriate.

Sec. 5. DOCUMENTS, EVIDENCE AND INSPECTION - At such 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 of such purposes or unavoidably lost.

Lessee shall keep open at all reasonable inspection of any duly authorized officer of 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

Exhibit M

1975

ated are more restrictive than the provisions in this paragraph, then the State laws apply.

lessee will comply with all provisions of Executive Order 11246 of September 24, 1965, as amended, and the rules, regulations, and relevant orders of the Secretary of Labor. Neither lessee nor lessee's subcontractors shall maintain segregated facilities.

8. (a) TRANSFERS - This lease may be transferred whole or in part to any person, association or corporation qualified to hold such lease interest.

(b) RELINQUISHMENT - The lessee may relinquish in writing at any time all rights under this lease or any portion thereof as provided in the regulations. Upon lessor's acceptance of the relinquishment, lessee shall be relieved of all future obligations under the lease or the relinquished portion thereof, whichever is applicable.

9. DELIVERY OF PREMISES, REMOVAL OF MACHINERY, EQUIPMENT, ETC. - At such time as all or portions of this lease are returned to lessor, lessee shall deliver up to lessor the land leased, underground timbering, and such other supports and structures necessary for the preservation of the mine workings on the leased premises 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 required 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 nevertheless remove any or all such property or shall continue to be liable for the cost of removal and disposal in the amount 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

14. 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. 1124f  
regularly  
Neither  
are  
sec

THE UNITED STATES OF AMERICA

IMC Phosphates Company

By

Company or Lessee Name

*Robert R. Riving*  
(Signature of Lessee)

*Walter Lewand*  
(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) provides that you be furnished the following information in connection with information required under the terms of this lease.

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.

ROUTINE USES: (1) Evaluation of the effects of the operations on the environment. (2) Statistical reports to Congress. (3)(4) (5) Information from the record and/or the record may be released or transferred to appropriate Federal, State or local agencies in allocating mineral revenue, for investigations of energy programs; and when relevant to civil, criminal or regulatory investigations or prosecutions, as well as routine regulatory responsibility.

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.

The Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires us to inform you that:

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.

Exh. bit m  
page 4 of 5

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



2/6/03  
TB

2 certified copies *Seal of State*



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 13 day of Feb

*[Signature]*  
R.B. SHORE  
Clerk of Circuit Court

*[Signature]* J.C.


**MANATEE COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
INTEROFFICE MEMORANDUM**

**RECEIVED  
JAN 27 2003  
BOARD RECORDS**

DATE: January 24, 2003

TO: Susan Romine, Board Records  
Clerk of the Circuit Court

FROM: Robert H. Pederson, Community Planning Administrator  
Planning Department

SUBJECT: Ordinance 02-58 - IMC Phosphates Company/Four Corners Mine 

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Attached is a corrective document for Ordinance 02-58 - IMC Phosphates Company/Four Corners Mine, approved by the Board of County Commissioners on November 21, 2002. Please arrange to have this placed on a future Board of County Commissioners agenda for approval.

Amend Development Condition U.(5.)k. to read as follows:

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);

Amend Development Condition U.(11) to read as follow:

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).

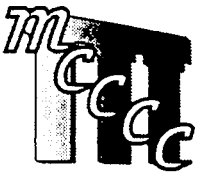
Amend Development Condition U.(12) to read as follows:

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).

Thank you for your assistance.

RHP/ks  
Attachment

cc: Carol B. Clarke, Director  
Case File



**Manatee County**

**Clerk of the Circuit Court and Comptroller**

**R.B. "Chips" Shore**

P. O. Box 25400 • Bradenton, Florida 34206 • (941) 749-1800 • FAX (941) 741-4082 • ~~www.clerkofcourts.com~~

[www.manateeclerk.com](http://www.manateeclerk.com)

February 6, 2003

Liz Cloud, Chief  
Bureau of Administrative Code  
The Collins Building  
107 West Gaines Street, Suite 143  
Tallahassee, Florida 32399-0250

Dear Ms. Cloud:

Enclosed are two certified copies each of Corrective Ordinance 02-58, adopted by the Board of County Commissioners, Manatee County, Florida, in open session on February 4, 2003.

**SUBJECT: 02-58 - IMC PHOSPHATES COMPANY/FOUR CORNERS MINE**

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 DEVELOPMENTAL RIGHTS, CONDITIONS, AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Please stamp both copies with the date filed by the Office of the Secretary of State, retain one copy of each Ordinance for your file and return one copy of each to my office.

Sincerely,

R. B. Shore

By Patricia Wanless Branch

RBS:SGR/tb  
Enclosures (2)  
cc: Board Records