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R. B. SHORE

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ORDINANCE NO. 08-20

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

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

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

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

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

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

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

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

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

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TALLAHASSEE, FLORIDA

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

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

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

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

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

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

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

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

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

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

herein or otherwise modified or amended.

SECTION 2: FINDINGS OF FACT.

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

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

- B. On July 13, 2007, Mosaic submitted an Notice of Proposed Change (NOPC) for an Amendment to a the Development of Regional Impact (DRI), known as the Four Corners Mine Southeast Tract* to Manatee County, TBRPC, and DCA, to include the following elements:
 - 1. Change the Developer's name to Mosaic Fertilizer, LLC;
 - 2. Add ±103 acres of land in Sections 22 & 23 in Township 34S, Range 22E for an access corridor bringing the total Mine area to 2,611 acres.
 - 3. Establish that ore may be transported to and processed at the Wingate Creek beneficiation plant or the future Ona plant as options;
 - 4. Revise the waste disposal plan to include fill material (overburden, clay and sand tailings) from the Wingate Creek plant;
 - 5. Update the mine and reclamation plan to take into account the above changes;
 - 6. Approve the Wingate Corridor crossing of Duette Road, and
 - 7. Extend all internal deadlines, including the termination of the Development Order, in conformance with Section 380.6(19)(c) of the Florida Statutes.

- C. The following information, commitments, and impact mitigating provisions submitted by Mosaic are herby incorporated in this Development Order by reference:
 - 1. NOPC submitted on July 13, 2007.
 - 2. Supplemental information submitted on November 13, 2007.

- D. In construing and enforcing the provisions of the documents incorporated in this Development Order, the following shall apply:
 - 1. The Development Order shall control over any incorporated document in conflict or inconsistent with its terms.

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

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

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

SECTION 3. CONCLUSIONS OF LAW.

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

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

SECTION 4: DEVELOPMENT COMPONENTS.

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

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

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

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

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

SECTION 5: DEFINITIONS.

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

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

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

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

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

SECTION 6: DEVELOPMENT CONDITIONS.

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

Southeast Tract* Conditions:

Groundwater

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

Surface Water

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

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

- B.(3) Should monitoring results indicate that applicable water quality standards are not being met due to mining activities, the violation shall be immediately reported to Manatee County (as required under the Operating Permit for the Four Corners Mine Southeast Tract* and any other agency with jurisdiction and appropriate corrective measures shall be immediately implemented.

- B.(4)
 - a. Copies of amendments to NPDES permits associated with the Four Corners Mine Southeast Tract* (including specific conditions) shall be submitted to Manatee County.

 - b. Stormwater runoff from lands cleared for mining and active mining areas shall be routed through ditches into the mine water recirculation system and discharged only through permitted NPDES outfalls.

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

- B.(5) Erosion control measures such as siltation screens and hay bales shall be used to prevent surface water quality degradation.

- B.(6) Within 12 months of Manatee County obtaining necessary permits, the Developer* shall construct two (2) off-site wetland restoration projects, as follows:
 - a. Ditch blocking of remnant agricultural ditches in the headwaters of the East Fork of the Manatee River, north of SR 62 and east of SR 37, in Sections 13, 14, 23, and 24, Township 33 South, Range 22 East. The scope of work for this project shall be developed jointly by the Manatee County Ecosystems Administrator, EMD, and the Developer*. The scope of work shall include but not be limited to construction of earthen ditch blocks, the provision of appropriate overflow or drawdown weir structures, regrading of existing ditches upstream of the control structures to create additional littoral shelf and wetland storage capacity from uplands, and revegetation upon completion.

 - b. Ditch blocking of remnant agricultural ditches downstream of a wetland feature known as Clearwater Lake, in Section 25, Township 34 South, Range 21 East. The scope of work for this project shall be developed jointly by the

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

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

Wetlands

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

Floodplains

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

Vegetation and Wildlife

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

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

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

Drainage

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

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

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

Water Supply

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

Transportation

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

Mining Operations

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

- I.(3) All earthen embankments (dams) shall be designed, constructed, inspected, and maintained in accordance with the standards of Chapter 62-672, FAC - Minimum Requirements for Earthen Dams, Phosphate Mining, and Processing Operations, as indicated in the ADA* for the Southeast Tract*, as well as all other applicable local, state, and federal requirements.
- I.(4) The Developer* shall abide by all Florida Department of Environmental Protection (FDEP) reclamation regulations regarding site cleanup and shall dismantle and remove any building structures existing at the cessation of the mining operation that cannot be put to an allowable use under a proposed post reclamation zoning district classification of the property.
- I.(5) The Developer* shall reclaim all mined or disturbed land to FDEP or Manatee County standards, whichever is more stringent. Reclamation and revegetation shall proceed immediately after mining activities cease in each parcel and in no case shall exceed the schedule for reclamation outlined in Table 35-5 of the ADA* (attached as Exhibit I). The Developer* shall be responsible for maintenance of all reclaimed areas until such time that those areas are approved as reclaimed by Manatee County in accordance with the procedures established in the Mining Ordinance*.
- I.(6) The Developer shall utilize Best Management Practices* (including revegetation, reforestation, erosion control, etc.) for all mined or disturbed lands to accelerate and ensure the successful establishment of the natural vegetative associations that the reclamation areas are designed to support. Wherever possible, leach zone material shall be covered by graded spoil to lessen the potential of increased radiation levels on reclaimed lands.
- I.(7) Reclamation shall be considered complete when areas intended to develop native forested and 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 Southeast Tract* in accordance with Chapter 62C-16, Florida Administrative Code and the Mining Ordinance*.
- I.(8) During the mining and reclamation period, the Developer* shall allow no development or land use activity (such as grazing, farming, tree harvesting) within any newly established 25-Year Floodplains* that would in any way inhibit the growth and development of native vegetation associations appropriate for floodplains.
- I.(9) Minimum mine cut setbacks and setbacks for the perimeter recharge ditch shall be maintained as follows:

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

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

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

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

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

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

Wingate Corridor Conditions:

Surface Water

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

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

Wetlands

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

Vegetation and Wildlife

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

Drainage

- M.(1) Drainage basins in the Wingate Corridor Parcel* shall be restored to their approximate pre-mining size and location as described in the NOPC*.

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

Transportation

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

Mining Operations

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

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

General Conditions

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

P.(1) Best Management Practices* shall be required for the operation, maintenance, and reclamation of the Southeast Tract* and Wingate Corridor Parcel*. Best Management Practices* shall be used to accelerate the natural development of those areas that are intended to support native forested and unforested wetland vegetation associations. Utility and pipeline crossings of the tributaries shall, at a minimum, meet the following:

- a) Pipelines shall be placed above the 25-Year Floodplain* elevation and isolated from tributaries by berms.
- b) Pipelines shall be jacketed and spill containment areas outside the floodplain shall be provided.
- c) Pipelines shall be routinely inspected by operating personnel and the system shall be shut down if a spill occurs until the source of the spill is corrected.
- d) All utility crossings shall be elevated above the 25-Year Floodplain* level as shown in the ADA*.

P.(2) All of the Developer's* commitments, which are set forth in Exhibit G for the Southeast Tract* and Wingate Corridor Parcel* shall be honored, except as they may be superseded by specific terms of this Ordinance.

P.(3) The DRI annual report shall comply with the Florida Department of Community Affairs (DCA) report format and informational requirements, and shall include summaries of NPDES monitoring results and surface water and groundwater quality monitoring results (including notification of violations of water quality standards per Chapters 62-302 and 62-520, FAC); mining progress; impacts on surface water and groundwater flows; compliance with listed species management plans; success or problems with listed species management plans; reclamation progress and compliance with approved mining and reclamation schedules. The Developer* shall submit annual DRI reports in accordance with Section 380.06(18), F. S., to Manatee County, the TBRPC, State Land Planning Agency, and other agencies as may be appropriate, no later than July 31st of each year until such time as terms and conditions of this Development Order are satisfied as determined by Manatee

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

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

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

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

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

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

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

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

Air Quality

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

SECTION 7. LEGAL DESCRIPTION.

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

Southeast Tract*:

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

IN TOWNSHIP 34 SOUTH, RANGE 22 EAST, MANATEE COUNTY, FLORIDA:

Section 1: All.

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

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

Section 12: All.

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

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

Containing 2,508 acres, more or less.

Wingate Corridor Parcel*:

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

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

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

Containing 2,611 acres, more or less.

SECTION 8. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT.

Physical development of the Project* has commenced.

SECTION 9. DEVELOPER* COMMITMENTS.

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

SECTION 10. RESTRICTIONS ON DOWN-ZONING

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

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

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

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

SECTION 11. BINDING ORDER UPON DEVELOPER*

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

SECTION 12. EFFECTIVE DATE

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

SECTION 13. RENDITION

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

SECTION 14. COMPLIANCE AND MONITORING

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

SECTION 15. NOTICE OF RECORDING

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

SECTION 16. SEVERABILITY

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

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

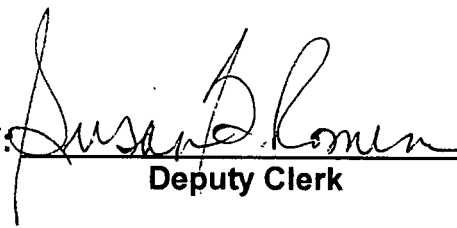
**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

BY: 

Chairman

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



BY: 
Deputy Clerk

Ordinance 08-20 List of Exhibits

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



Southeast Tract
Wingate Corridor
DRI NOPC Application

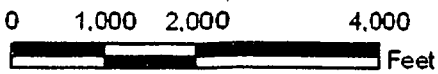
Manatee Co.



Location Key

Map H-1
Mine Plan and
Access Corridors

By TAS, 10-18-07 rev 2/20/08 djr
Path: G:\projects\2008\2006_0185\
MJ_NOPC_Map H-1 Mine Pl.MXD



Legend	
Mine Plan - Mining Blocks	
Year Ending	
	Disturbed - Not Mined
	2004
	2005
	2006
	2008
	2009
	2010
	2011
	2012
	2013
	Access Corridor
	Wingate Corridor
	Southeast Tract Boundary
	Section Lines
	County Lines

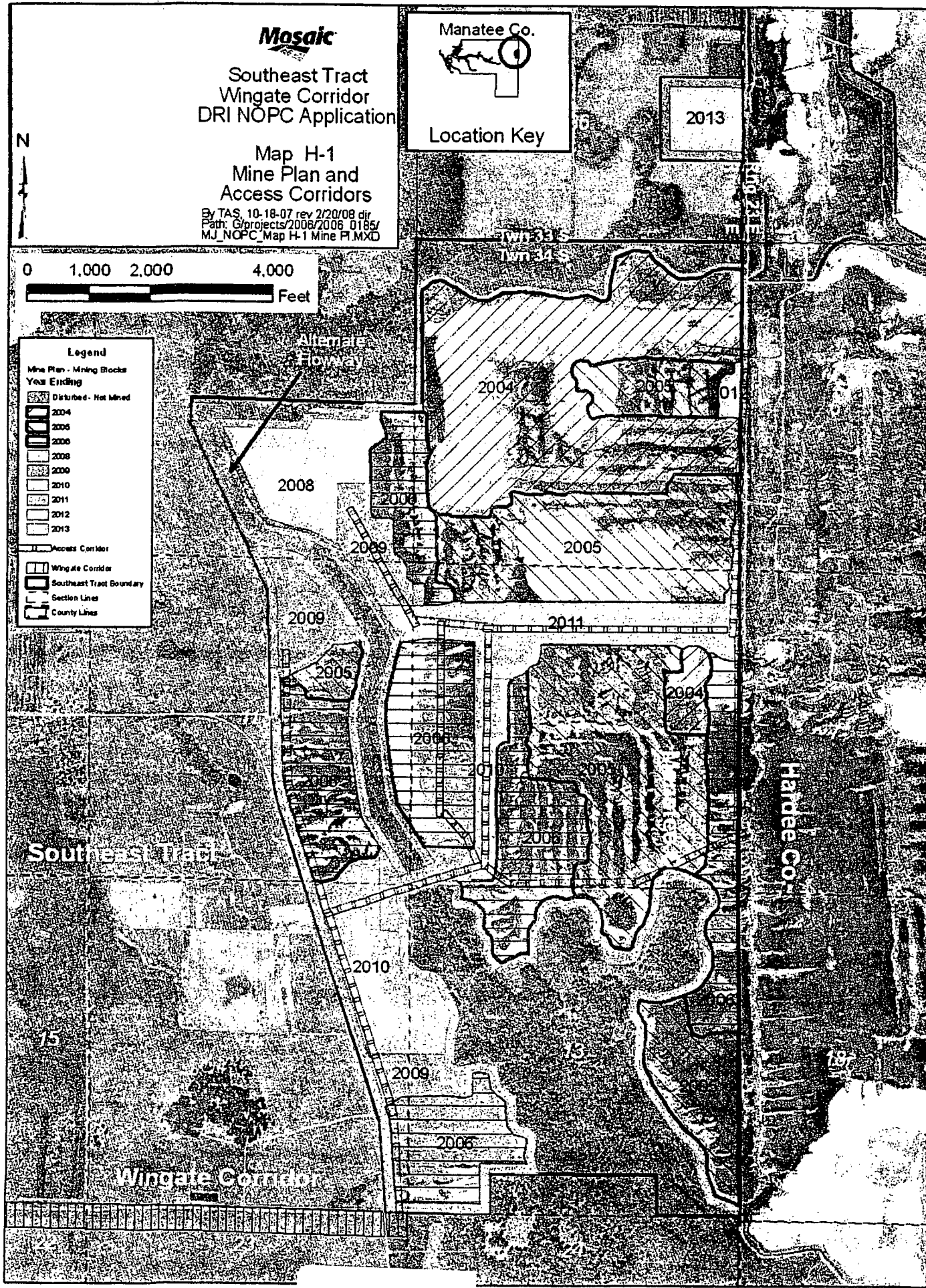


EXHIBIT A-2

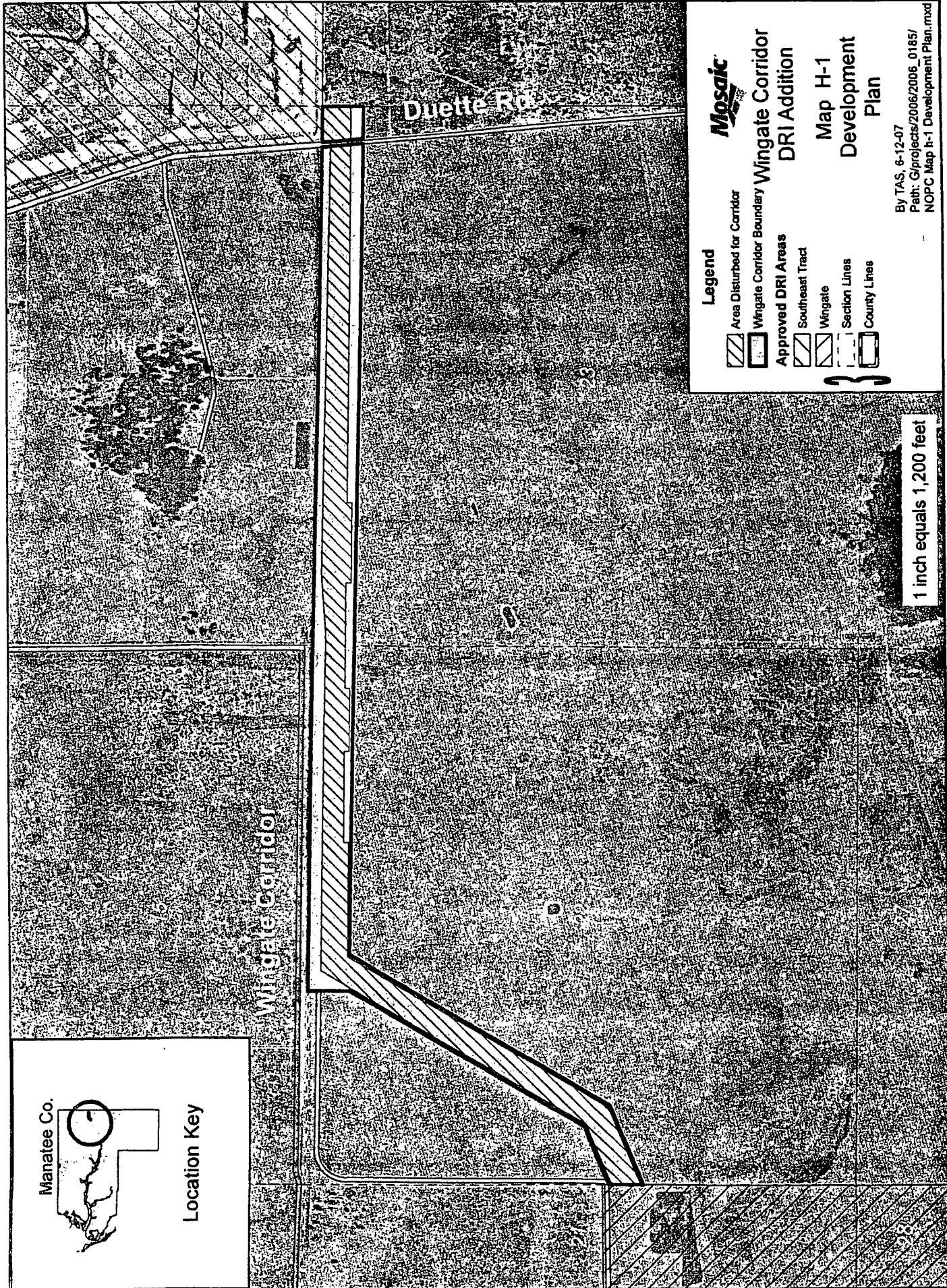


Exhibit A-2

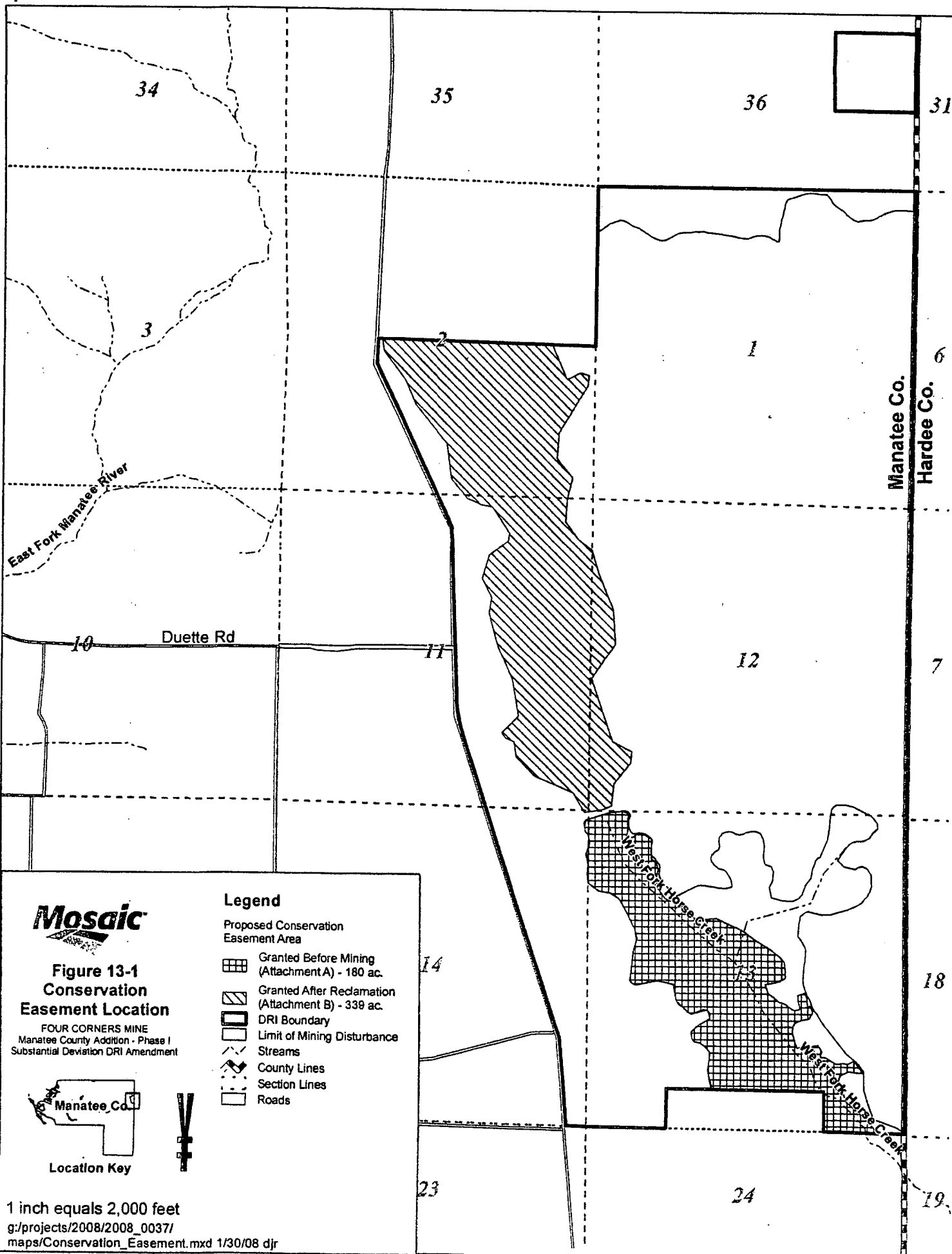


Exhibit B-1

Legend - Vegetation Cover - FLUCFCS 1999

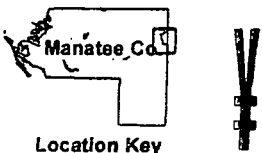
- 211 - Improved Pastures
- 213 - Woodland Pastures
- 310 - Rangeland - Herbaceous
- 320 - Shrub and Brushland
- 321 - Palmetto Prairies
- 329 - Other Shrubs and Brush
- 330 - Mixed Rangeland
- 410 - Upland Coniferous Forest
- 411 - Pine Flatwoods
- 421 - Xeric Oak
- 425 - Temperate Hardwoods
- 427 -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

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

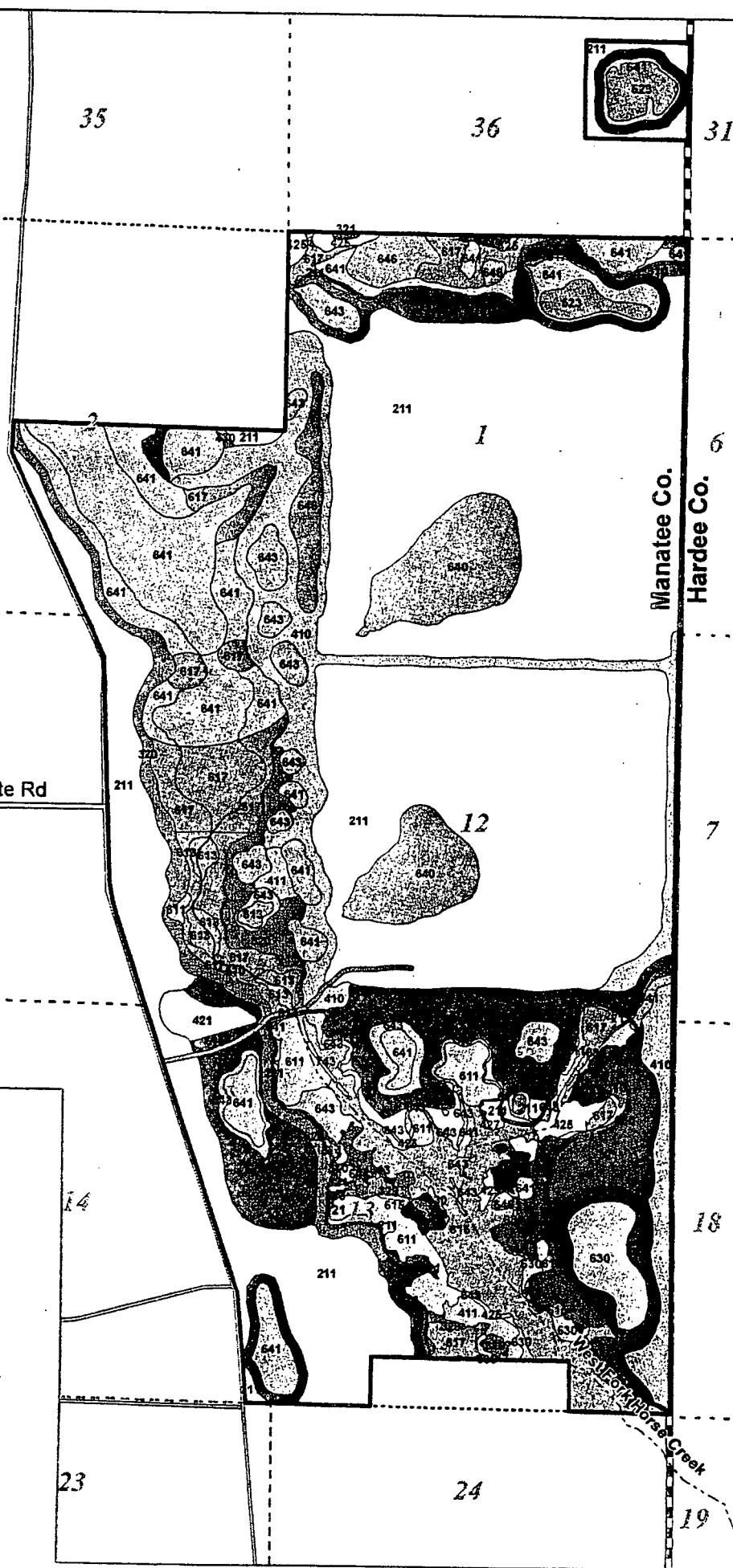


**Figure 13-1
Conservation Easement Location**

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



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



Legend - Vegetation Cover - FLUCFCS 1999

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

35

36

31

Manatee Co.
Hardee Co.

Duette Rd

1

6

12

7

18

14

23

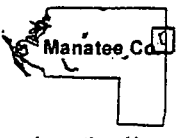
24

19



**Figure 13-1
Conservation
Easement Location**

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



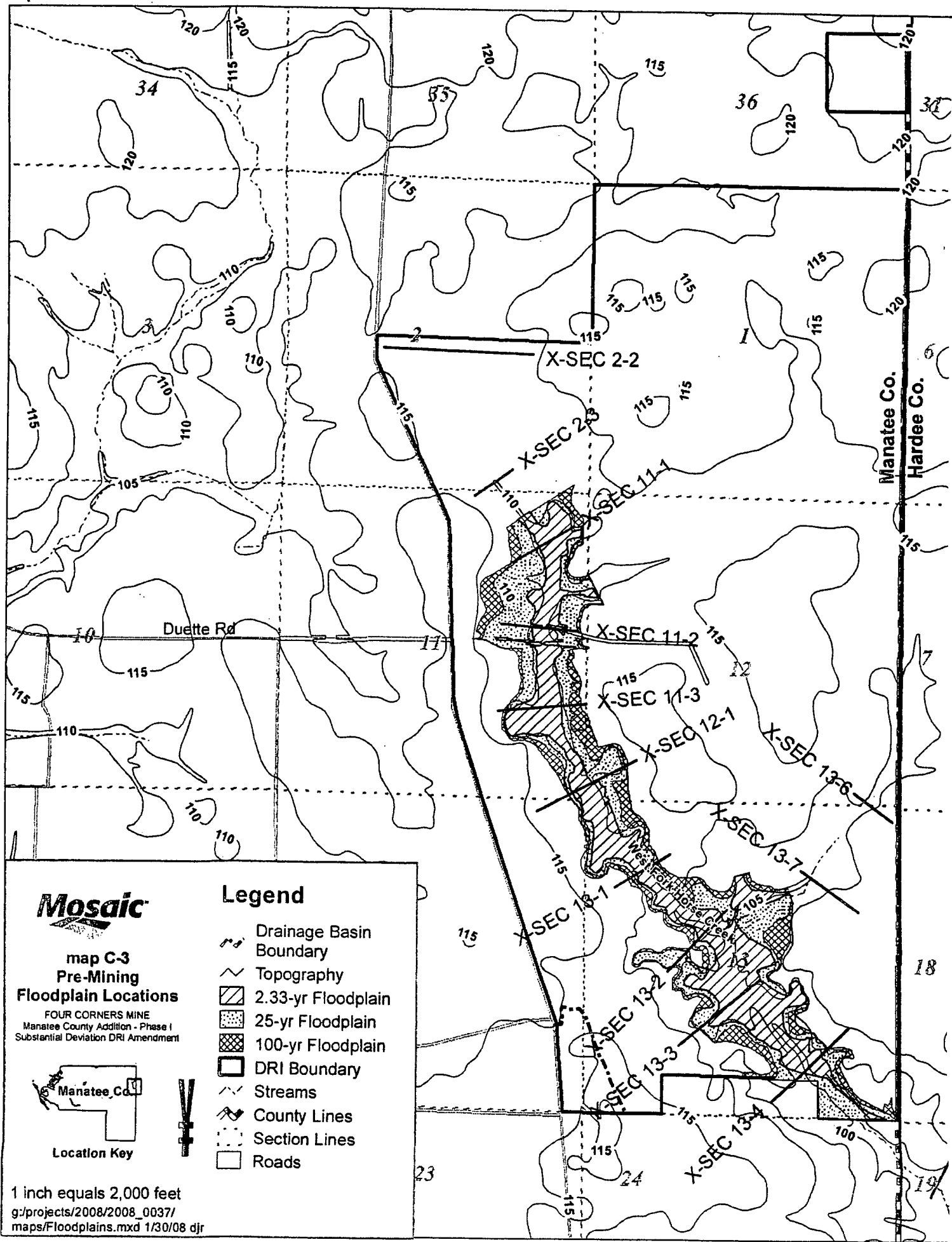
Location Key

Legend

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

1 inch equals 2,000 feet

g:/projects/2008/2008_0037/
maps/PRLU_Cons_Ease.mxd 1/30/08 djr



Mosaic

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

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



Location Key

Legend

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

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

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

(AREA IN ACRES)

FLUCCS CATEGORY	FDEP JD AREA PRE DEVELOPMENT	FDEP JD AREA UNDISTURBED	FDEP JD AREA DISTURBED	PROPOSED TOTAL RECLAMATION	** RATIO POST:PRE	TOTAL POST RECLAMATION
200 AGRICULTURE						
210 Cropland and Pasture						
211 Improved Pastures	12.5	0.9	11.6			1
213 Woodland Pasture	3.9	0.0	3.9			0
SUB TOTAL	16.4	0.9	15.5			1
300 RANGELAND						
310 Herbaceous	2.1	1.8	0.4			2
320 Shrub and brushland	0.0					
321 Palmetto Prairie	0.4	0.4	0.0			0
329 Other Shrub and Brushland	5.1	5.1				
330 Mixed Rangeland	0.0		0.0			
SUB TOTAL	7.6	7.3	0.4			7
400 UPLAND FOREST						
410 Upland Coniferous Forest						
411 Pine Flatwoods	0.0	0.0	0.0			
420 Upland Hardwood Forest	0.0					
421 Xeric Oak						
425 Temperate Hardwoods	11.8	11.8	0.0			12
427 Live Oak	0.0		0.0			
430 Upland Hardwood Forest Continued	0.0					
434 Hardwood Conifer Mixed	1.1	1.1	0.0			1
438 Mixed Hardwood	0.0		0.0			
SUB TOTAL	12.9	12.9	0.0			13
500 WATER						
510 Streams and Ditches						
512 Man Made Ditches and Canals	24.0	0.1	23.9	1		1
523 Lake (+10ac.)				23		23
530 Wetlands Forested Mixed						0
534 Reservoirs < 10 Acres	2.0	0.3	1.7			0
SUB TOTAL- OPEN WATER	26.0	0.4	25.6	24		24
600 WETLANDS						
610 Wetland Hardwood Forests						
611 Bay Swamps	45.7	44.5	1.2	1		46
613 Gum Swamps	14.8		14.6	15		15
615 Stream and Lake Swamps	90.2	85.3	4.9			85
617 Mixed Wetland Hardwoods	57.2	31.3	25.9	87		119
620 Wetland Coniferous Forest	0.0					0
630 Mixed Wetland Forest	21.4	11.6	9.8	26		36
SUB TOTAL - FORESTED	229.1	172.8	56.3	129	2.29	302
640 Vegetated Non-Forested Wetlands				100		100
641 Freshwater Marshes	208.2	24.6	183.4	229		254
643 Wet Prairies	75.0	23.7	51.3	55		78
646 Shrub Swamps	29.2	17.9	11.3	19		37
SUB TOTAL - MARSH	312.3	66.4	246.0	403		469
Sub Total - Marsh (200, 300 & 640's)			261.8	403	1.54	
TOTAL FDEP J.D. WETLANDS (200, 300, 400, 500s & 600s) *	604.5	260.8	343.7	555.7	1.62	816.5
TOTAL FOR SITE	604	261	344	556	1.62	817

* = FDEP jurisdiction (J.D.) areas contain areas with upland vegetation cover.
 ** = Ratio is Reclamation Wetlands / Total FDEP J.D. area impacted.

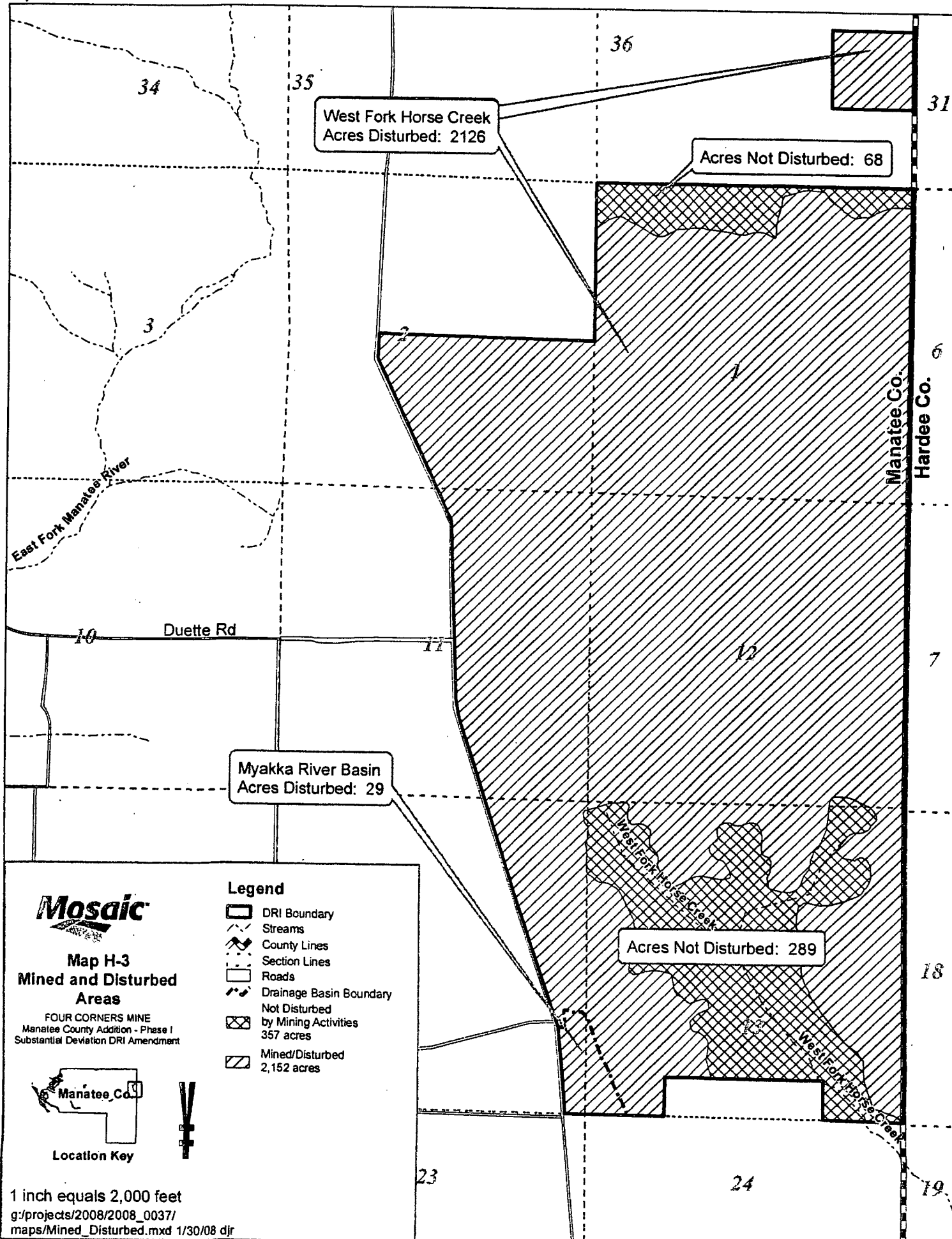


Exhibit G Developer Commitments

Southeast Tract:

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

PROJECT DESCRIPTION

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

VEGETATION, WILDLIFE AND WETLANDS

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

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

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

WATER QUALITY AND STORMWATER MANAGEMENT

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

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

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

SOILS

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

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

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

FLOODPLAINS

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

WATER SUPPLY

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

WASTEWATER MANAGEMENT

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

TRANSPORTATION

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

AIR QUALITY

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

HURRICANE PREPAREDNESS

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

MINING OPERATIONS

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

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

Wingate Corridor Parcel*:

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

Legend - Vegetation Cover - FLUCFCS 1999

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

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



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

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

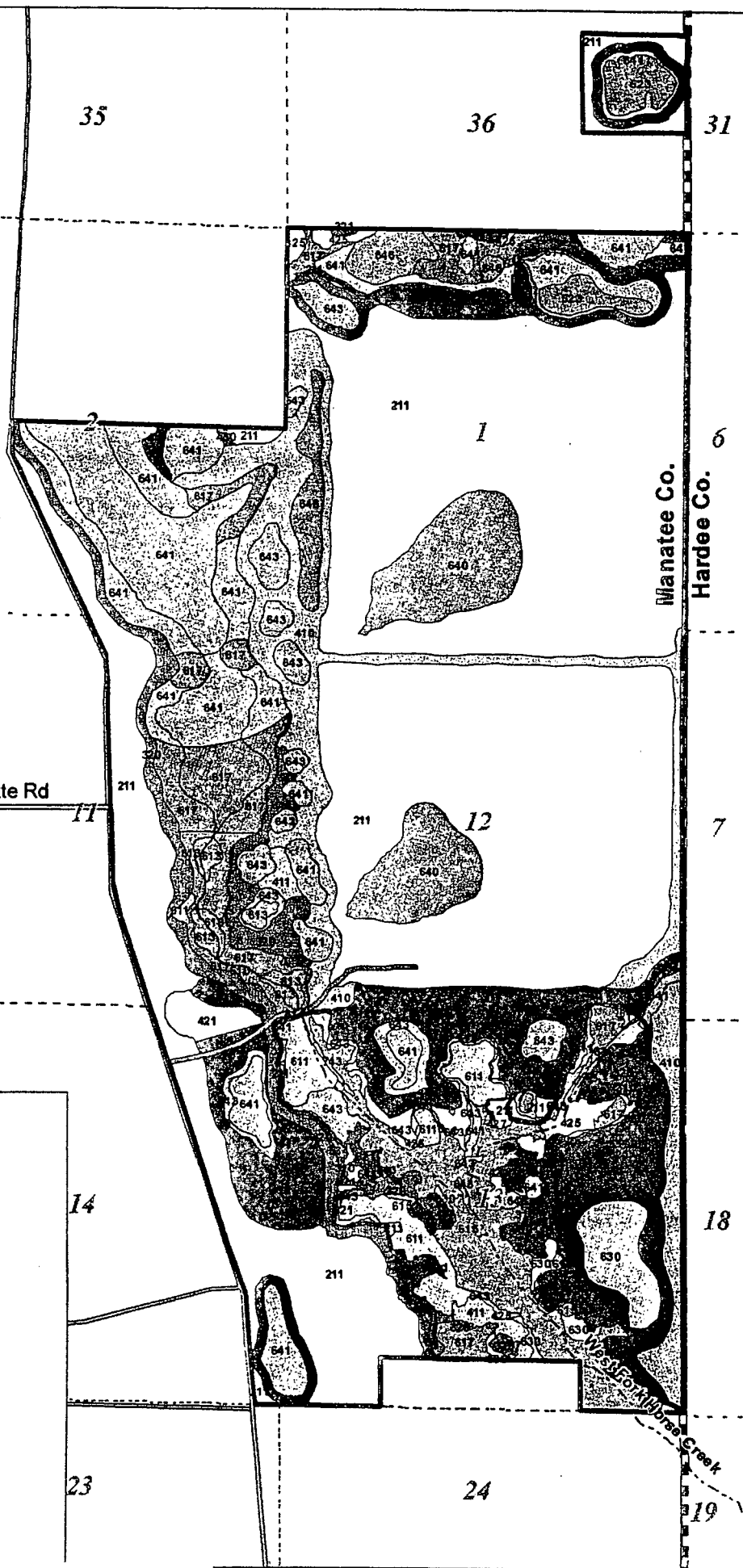


Location Key

1 inch equals 2,000 feet

g:/projects/2008/2008_0037/

maps/Post_Reclamation_Land_Use.mxd 1/30/08 djr

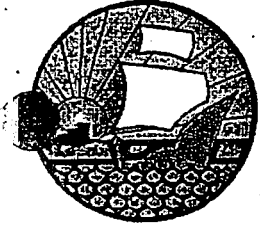


Manatee Co.
Hardee Co.

TABLE 35-5
Reclamation Schedule

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

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



MANATEE COUNTY GOVERNMENT

"To Serve With Excellence"

ENVIRONMENTAL MANAGEMENT DEPARTMENT



February 8, 2005

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

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

Dear Mr. Myers:

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

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

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

Sincerely,

Karen Collins-Fleming, Director

np/

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

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

PERPETUAL CONSERVATION EASEMENT

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

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

WITNESSETH:

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

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

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

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

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

Approved for Closing
By: [Signature]
DEP Attorney

Date: 1-31-01

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

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

I. GENERAL PROVISIONS

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

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

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

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

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

1666 PG 462 2 of 18

BK 1666 PG 463 3 of 18

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

Perpetual Conversation Easement

Page 4 of 9

Revised 12.01.00

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

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

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

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

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

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

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

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

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

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

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

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

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

II. RIGHTS RESERVED TO THE GRANTOR

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

1. **Livestock Grazing.** The Grantor shall have the right to use of the Protected Property for the breeding, raising, pasturing and grazing of livestock provided that these activities are consistent with sustainable native range management practices (for example, practices described in “Determining Grazing Capacity for Native Range, Fact Sheet FRC-31” by George W. Tanner 1983, RFAS-CES). “Sustainable native range practices” are defined as those which allow native grasses and other native forage species to regenerate such that grazing capacity of the land is naturally renewed. Alternatively, participation in the Florida Forest Stewardship Program administered by the Florida Department of Agricultural and Consumer Services Division of Forestry on or after the date of this Agreement, or a similar program approved by FDEP that considers sustainable grazing shall also satisfy the required standards for such activities. The Grantor has the right to excavate livestock ponds and establish and construct fences, livestock pens, and any and all other related structures and activities necessary for the livestock operation, subject to obtaining all consents and permits required therefore. Excavation of livestock ponds shall be restricted to upland areas and shall not be connected to waters of the state. Control burning as part of range management, using best management practices, is allowable.
2. **Sale of Protected Property.** Grantor, its successors and assigns, shall have the right to sell or otherwise convey the Protected Property.
3. **Sustainable Harvesting.** Sustainable opportunistic harvesting shall be defined as the collection of naturally produced and renewable foods, plants, pharmaceuticals, or other materials such as fruits, seeds, flowers, herbs and wetland plant species, and shall be allowed in a manner that allows for the resource to regenerate naturally without significantly reducing the potential for future harvest. This shall not apply to exotic or non-native plants and species.
4. **Listed Plant and Wildlife Species Relocation.** Grantor shall have the right to relocate listed plant and wildlife species from offsite locations to appropriate areas within the Protected Property in accordance with all applicable federal, state, and local laws, rules and regulations.

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

III. PROHIBITED / RESTRICTED USES

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

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

IV. RIGHTS OF THE GRANTEE

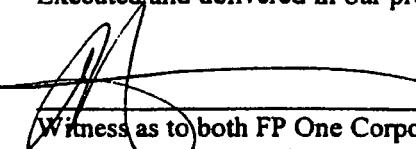
1. **Monitoring for Conservation Easement Compliance.** The Grantor shall not interfere with the DEP in the monitoring and enforcement of the terms and conditions hereof. The DEP and its agents, employees and assigns, at reasonable intervals, at reasonable times, and upon 10 days written notice, may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

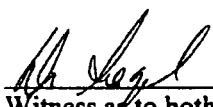
2. **Right to Maintain Protected Property.** In the event the Grantor ceases to maintain the Protected Property in accordance with this Perpetual Conservation Easement or in the event the Grantee elects to perform more extensive maintenance than the Grantor is obligated to perform, the Grantee and/or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

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

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

Executed and delivered in our presence:


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


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

FP ONE CORPORATION, a
Delaware corporation

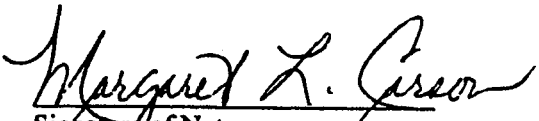
BY: James P. Puyton
its VICE PRESIDENT

FP TWO CORPORATION, a
Delaware corporation

BY: James P. Puyton
its VICE PRESIDENT

STATE OF NEW YORK
COUNTY OF New York

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

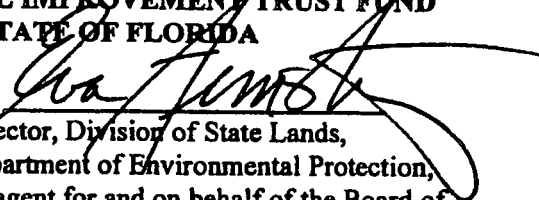


Signature of Notary

MARGARET L. CARSON
Notary Public, State of New York
No. 01CA6047240
Qualified in Queens County
Certificate Filed in New York County
Commission Expires August 28, 2002

Executed and delivered in our presence:

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

By: 


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



WITNESS (Signature)

E.W. WOOD

WITNESS (Printed Name)




WITNESS (Signature)

Terry L. Johnson

WITNESS (Printed Name)

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

APPROVED AS TO
FORM & LEGALITY


DEPARTMENT ATTORNEY
1-31-01

Exhibit A

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

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

DESCRIPTION:

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

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

BSM APPROVED
By LS Date 1-31-01

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

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

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

(End of description Category A)

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

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

DESCRIPTION:

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

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

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

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

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

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

Section 12 Category B Continued

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

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

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

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

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

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EXHIBIT "B"

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

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

DESCRIPTION:

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

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

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

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

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

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

Section 12 Category B Continued

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 R.B. SHORE CLERK OF CIRCUIT COURT MANATEE COUNTY FL.

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

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

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

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

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

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

BK 1666 PG 479 DKT # 1442447 1 of 3

FIRST AMENDMENT TO PERPETUAL CONSERVATION EASEMENT

For and in consideration of \$10.00 and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties enter into this First Amendment to Perpetual Conservation Easement to amend certain provisions of that Perpetual Conservation Easement granted by FP One Corporation and FP Two Corporation to the Board of Trustees of the Internal Improvement Trust Fund dated December 1, 2000, and recorded at Official Record 1066, page 461, of the Public Records of Manatee County, Florida (the "Perpetual Conservation Easement").

Now, therefore, the parties agree:

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

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

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

Witnessed as to both corporations:

[Signature]
Signature of first witness

Debra I SEGAL
Printed name of first witness

[Signature]
Signature of second witness

Pete Mcaulden
Printed name of second witness

FP ONE CORPORATION

James P. Peyton
By James P. Peyton as Vice President

FP TWO CORPORATION

James P. Peyton
By James P. Peyton as Vice President

STATE OF NEW YORK
COUNTY OF NEW YORK

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

Cynthia L. Morra
Notary Public
My Commission Expires: 3/30/01

(Notary Seal)

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

Witnessed:

E. W. Wood
Signature of first witness

E. W. Wood
Printed name of first witness

Terry L. Johnson
Signature of second witness

Terry L. Johnson
Printed name of second witness

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

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

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 7th day of February, 2001, by Eva Armstrong as Director of the Division of State Lands on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. She is personally known to me or has produced as identification.

Sheryl P. Jones
Notary Public
My Commission Expires:

(Notary Seal)



Sheryl P. Jones
MY COMMISSION # CC830855 EXPIRES
May 3, 2003
BONDED THRU TROY FAIR INSURANCE, INC

APPROVED AS TO
FORM & LEGALITY
Sheryl P. Jones
DEPARTMENT ATTORNEY
1-31-01



**Table 13-1b
Wetland UMAM Analysis Summary**

Wetland type	Acres	UMAM Score (weighted by land use)	Ac x score
Wetland Impacts			
(511) Natural streams	0		
(512) Ditched Natural Streams	0.1	0.23	0.03
(513) Ditched Wetlands	0.1	0.29	0.04
(641) Freshwater marshes	0.2	0.30	0.07
(643) Wet prairies	13.6	0.25	3.36
Total UMAM Impact	14.1		3.50

Reclamation Lift	Acres	Reclaimed UMAM Score	Ac x score	Risk Factor *	Adj. UMAM
(511) Natural streams	0.2	0.47	0.09	1.25	0.08
(641) Freshwater marshes	0.3	0.43	0.13	1.25	0.10
(643) Wet prairies	13.7	0.40	5.48	1.25	4.38
Total UMAM Lift	14.2				4.56

* see text for description of risk factor used

11/9/2007

G:\projects\2006\2006_0185\docs\FTG_Wingate ERP Application\Tables\Table 13-1b.xls
13-1 UMAM



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 8th day of May, 2008.

H.B. SHORE
Clerk of Circuit Court

By: Deane E. Williams



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

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R. B. SHORE
2008 MAY 19 AM 7:57
CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA
KURT S. BROWNING
Secretary of State

May 12, 2008

Honorable R. B. "Chips" Shore
Clerk of Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

RECEIVED
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BOARD RECORDS

Attention: Ms. Vicki Jarratt

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated May 8, 2008 and certified copies of Manatee County Ordinance Nos. 08-34, PDC-05-~~30~~(Z) (P), PDW-07-03 (Z) (P), Z-07-20, 08-20, and 08-21, which were filed in this office on May 12, 2008.

As requested, one date stamped copy of each is being returned for your records.

Sincerely,

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

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