

FILED FOR RECORD
R. B. SHORE

2009 MAR -9 PM 2:17

ORDINANCE NO. 08-32

FILED
2009 MAR -2 AM 11:35
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

CLERK OF THE CIRCUIT COURT
**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. FOR
THE FOUR CORNERS MINE* ALTMAN TRACT ADDITION DRI;
PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS AND
OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN
EFFECTIVE DATE.**

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

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

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

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

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

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

WHEREAS, subsequently, IMC-AGRICO and Manatee County jointly proposed to purchase land and transfer permits and development rights, so that Manatee County acquired approximately 316 acres in the Lake Manatee Watershed from IMC-Agrico, and IMC-Agrico acquired approximately 310 acres outside the Lake Manatee Watershed in

CORRECTIVE DOCUMENT

exchange from Manatee County. The objective of the Land Exchange* was to allow the County to acquire this portion of the Lake Manatee Watershed and move the mining which was currently permitted in that area to another area outside the Lake Manatee watershed, all as part of the County's program to acquire the land in the Lake Manatee Watershed; and

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

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

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

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

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

WHEREAS, on January 19, 2001, IMC Phosphates Company filed an Application for Development Approval (ADA*) for a Substantial Deviation to their approved Four Corners Phosphate Mine DRI for the Phase II Northeast Tract Addition to the Four Corners Mine DRI, which included a parcel known as the Altman Tract—Parcel 4*, and submitted additional information in support of the application on September 10, 2001, March 28, 2002, July 16, 2002, October 8, 2002, and October 22, 2002; and

WHEREAS, on November 12, 2002, IMC Phosphates Company requested and Manatee County agreed to continue the review and public hearing for Altman Tract—Parcel 4* portion of the Phase II Northeast Tract Application for individual consideration at a future public hearing; and

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

Ordinance 08-32 – Mosaic Fertilizer, LLC/Four Corners Mine Northeast Tract – Parcel 4 (Altman Tract)

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

WHEREAS, on November 2, 2004, the Board of County Commissioners approved Ordinance 04-39*, the Manatee County Phosphate Mining Code, amending and restating Ordinance 81-22*; and

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

WHEREAS, on February 20, 2007 Mosaic Fertilizer, LLC submitted a Substantial Deviation to: 1) amend the NE Tract Mining and Post Reclamation Plan; 2) reduce the size of the F-9 Clay Settling Area; 3) update the transportation analysis for the Four Corners Mine* to reflect transportation changes as addressed in Hillsborough County DRI #263; and 4) add a 299 acre parcel (known as the Lambe Addition) to the Northeast Tract of the Four Corners Mine*, which application is still under review (pending Ordinance 08-16); and

WHEREAS, review of the Altman Tract – Parcel 4* ADA* was continued as additional information was submitted or presented on February 24, 2005, May 26, 2005, September 23, 2005, and November 7, 2005; and

WHEREAS, on February 24, 2006, May 16, 2006, August 23, 2006, December 13, 2006, January 4, 2007, April 5, 2007, August 2, 2007, October 4, 2007, November 13, 2007, December 4, 2007, December 13, 2007, January 11, 2008, February 5, 2008, March 10, 2008, April 14, 2008, May 12, 2008, May 29, 2008, June 18, 2008, June 27, 2008, and September 16, 2008, Mosaic submitted additional information to Manatee County to support the Altman Tract–Parcel 4* ADA*; and

WHEREAS, on February 24, 2005 and May 26, 2005, copies of the Altman Tract – Parcel 4* additional information was provided to Tampa Bay Regional Planning Council (TBRPC), Florida Department of Community Affairs, Southwest Florida Water Management District (SWFWMD), FDEP; 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 Altman Tract – Parcel 4* ADA* and were, therefore, afforded the opportunity to comment on the proposed change; and

WHEREAS, the County and Mosaic Fertilizer, LLC have agreed for administrative purposes that the Altman Tract – Parcel 4* ADA* acreage shall be governed by its own Development Order; and

CORRECTIVE DOCUMENT

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

WHEREAS, the Planning Commission has reviewed the Altman Tract – Parcel 4* ADA*; and has filed a recommendation on that application with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the statutory authority to consider and approve the Substantial Deviation to an approved Development of Regional Impact; and

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

WHEREAS, the Board of County Commissioners has received and considered the comments of the Manatee County Planning Commission, TBRPC, and DCA; and

WHEREAS, on February 5, 2008, April 14, 2008, June 3, 2008, June 5, 2008, July 31, 2008, and September 16, 2008, the Board of County Commissioners of Manatee County held duly noticed public hearings on the Altman Tract—Parcel 4* - Application for Development Approval* and Rezone application and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County agencies, the applicant, and the review and report of the Manatee County Planning Department; and following the September 16, 2008 public hearing, the Board of County Commissioners denied the Application for Development Approval* and Rezone application; and

WHEREAS, on September 29, 2008, Mosaic filed a claim pursuant to the Bert J. Harris, Jr. Private Property Rights Protection Act (Sec. 70.001, Florida Statutes) alleging the County's action inordinately burdened Mosaic's property; and

WHEREAS, on October 14, 2008, Mosaic filed a Certiorari Appeal challenging the denial of the rezone request; and

WHEREAS, on October 29, 2008, Mosaic appealed the denial of the DRI Development Order to the Florida Land and Water Adjudicatory Board; and

WHEREAS, on December 16, 2008, the Board authorized the County Attorney to submit a written settlement offer to Mosaic to settle all of the above noted claims against the County; and

CORRECTIVE DOCUMENT

Ordinance 08-32 – Mosaic Fertilizer, LLC/Four Corners Mine Northeast Tract – Parcel 4 (Altman Tract)

WHEREAS, Pursuant to the Settlement Agreement, the County scheduled public hearings to consider adoption of the DRI Development Order and Zoning Ordinance on January 15, 2009 and the Master Mine Plan and Operating Permit on February 5, 2009; and

WHEREAS, on January 15, 2009, the Board of County Commissioners of Manatee County again held duly noticed public hearings on the Altman Tract—Parcel 4* - Application for Development Approval* and Rezone application and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County agencies, the applicant, and the review and report of the Manatee County Planning Department; and

WHEREAS, 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. NEW DEVELOPMENT ORDER RENDERED AND NO AMENDMENT OF PRIOR DEVELOPMENT ORDERS

This Ordinance establishes a new Development Order for the Four Corners Mine* Altman Tract—Parcel 4* Addition.

The Development Order for the Four Corners Mine* Altman Tract—Parcel 4* Addition Substantial Deviation, subject to the conditions contained in this order, adequately addresses the impact of the proposed changes.

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, 96-43, 02-58, and 05-42. Ordinance 05-42 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 05-42.

SECTION 2: FINDINGS OF FACT.

The Board of County Commissioners, after considering the testimony, evidence, Application for Development Approval (ADA*), 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.

CORRECTIVE DOCUMENT

- B. On January 19, 2001, Mosaic Fertilizer, LLC submitted an Application for Development Approval (ADA*) for the Phase II Northeast Tract Addition to the Four Corners Mine* Development of Regional Impact (DRI), which included a parcel known as the Altman Tract—Parcel 4*. Supplemental information was submitted on September 10, 2001, March 28, 2002, July 16, 2002, October 8, 2002, and October 22, 2002.
- C. On November 12, 2002, IMC Phosphates Company requested and Manatee County agreed to continue the review and public hearing for Altman Tract—Parcel 4* portion of the Phase II Northeast Tract Application for individual consideration at a future public hearing.
- D. On November 21, 2002, the Board of County Commissioners approved Ordinance 02-58 to include the Phase II Northeast Tract Addition to the Four Corners Mine* DRI.
- E. Additional information for consideration of the Altman Tract—Parcel 4* was submitted on February 24, 2005, May 26, 2005, September 23, 2005, and November 7, 2005 and included the following elements:
 - 1. Add Altman Tract—Parcel 4* – 2,048 acres of land to the Four Corners Mine*;
 - 2. Amend the terms of the Development Order to allow mining of phosphate on and reclamation of the 2,048 acre tract (Altman Tract – Parcel 4*) to be added to the mine and provide that the Developer* will:
 - a. Grant a Conservation Easement over habitats on the Altman Tract—Parcel 4* area, which includes the Central Marsh* System and the stream to be restored connecting to the Central Marsh* north of State Road 37.
 - b. Preserve two bay swamps and a large habitat area intermixed with uplands, streams, and small isolated wetlands through the Altman Tract connecting to county-owned land south of Altman Tract—Parcel 4*.
 - c. Commit to special measures to reclaim the soils and control nuisance and exotic species on Altman Tract—Parcel 4*, including cogon grass. The control measures begin with site monitoring during construction and will continue until the lands are revegetated and released by Manatee County.
- F. The following information, commitments, and impact mitigating provisions submitted by Mosaic Fertilizer, LLC are hereby incorporated in this Development Order by reference:

CORRECTIVE DOCUMENT

1. Application for Development (ADA*) submitted on January 19, 2001.
 2. Supplemental information submitted on September 10, 2001, March 28, 2002, July 16, 2002, October 8, 2002 and October 22, 2002.
 3. Supplemental information submitted on February 24, 2005, May 26, 2005, September 23, 2005, November 7, 2005, February 24, 2006, May 16, 2006, August 23, 2006, December 13, 2006, January 4, 2007, April 5, 2007, August 2, 2007, October 4, 2007, November 13, 2007, December 4, 2007, December 13, 2007, January 11, 2008, February 5, 2008, March 10, 2008, April 14, 2008, May 12, 2008, May 29, 2008, June 18, 2008, June 27, 2008, September 16, 2008, and a settlement offer from Manatee County accepted by Mosaic Fertilizer, LLC and dated December 19, 2008.
- G. In construing and enforcing the provisions of the documents incorporated in this Development Order by 2.F., above, the following shall apply:
1. The Development Order shall control over any incorporated document in conflict or inconsistent with its terms.
 2. The most recent response of 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.
- H. The real property, which is the subject of this application is entitled the Four Corners Mine* Altman Tract—Parcel 4*, consists of approximately 2,048 acres within unincorporated Manatee County and is described in Section 7 of this Development Order.
- I. The owner of the Four Corners Mine* is Mosaic Fertilizer, LLC. The owner of the Altman Tract—Parcel 4* is Mosaic Fertilizer, LLC.
- J. The authorized agent for Mosaic Fertilizer, LLC is Thomas E. Myers, III, P.O. Box 2000, Mulberry Florida 33860.
- K. A comprehensive review of the impacts generated by the addition of the Altman Tract—Parcel 4* to the DRI has been conducted by the departments of Manatee County and TBRPC.
- L. The Developer* for purposes of this application is Mosaic Fertilizer, LLC.

CORRECTIVE DOCUMENT

- M. The Project is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- N. On October 14, 2002, the TBRPC held a duly noticed public meeting on the ADA*, received all pertinent testimony and evidence, and pursuant to Section 380.06(12), Florida Statutes, issued a report recommending approval.
- O. On November 29 and December 13, 2007, the Manatee County Planning Commission held duly noticed public hearings on the ADA* for the Four Corners Mine* Altman Tract—Parcel 4*, received all pertinent testimony and evidence, including the TBRPC report and recommendations, and recommended denial of the Altman Tract—Parcel 4* ADA*.
- P. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the Four Corners Mine* Altman Tract—Parcel 4* to the DRI and the Application for Official Zoning Atlas Amendment as it relates to the real Property described in Section 7 of this Ordinance.
- Q. The proposed expansion of the Four Corners Mine* DRI is an increase of over five percent (5%) of the existing phosphate mine acreage and constitutes a Substantial Deviation pursuant to Section 380.06(19)(b)(5), Florida Statutes.
- R. On February 5, 2008, April 14, 2008, June 3, 2008, June 5, 2008, July 31, 2008, and September 16, 2008, the Board of County Commissioners of Manatee County held duly noticed public hearings on the Altman Tract—Parcel 4* - Application for Development Approval* and Rezone application and solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County agencies, the applicant, and the review and report of the Manatee County Planning Department; and following the September 16, 2008 public hearing, the Board of County Commissioners denied the Application for Development Approval* and Rezone application.

On September 29, 2008, Mosaic filed a claim pursuant to the Bert J. Harris, Jr. Private Property Rights Protection Act (Sec. 70.001, Florida Statutes) alleging the County's action inordinately burdened Mosaic's property. On October 14, 2008, Mosaic filed a Certiorari Appeal challenging the denial of the rezone request. On October 29, 2008, Mosaic appealed the denial of the DRI Development Order to the Florida Land and Water Adjudicatory Board.

On December 16, 2008, the Board authorized the County Attorney to submit a written settlement offer to Mosaic to settle all of the above noted claims against the

County. Pursuant to the Settlement Agreement, the County scheduled public hearings to consider adoption of the DRI Development Order and Zoning Ordinance on January 15, 2009 and the Master Mine Plan and Operating Permit on February 5, 2009.

On January 15, 2009, the Board of County Commissioners of Manatee County again held duly noticed public hearings on the Altman Tract—Parcel 4* - Application for Development Approval* and Rezone application and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County agencies, the applicant, and the review and report of the Manatee County Planning Department.

- S. The proposed changes to the DRI with respect to the Altman Tract—Parcel 4* are found to be consistent with the report and recommendations of the TBRPC and with the requirements of the 2020 Manatee County Comprehensive Plan, the Manatee County Land Development Code, and the Mining Ordinance*, provided the Development* proceeds in accordance with the Development Conditions specified in Section 6.
- T. Specifically with regard to Comprehensive Plan Policy 3.3.1.1, the Developer* has demonstrated that:
1. The property has a unique history in that it was acquired through a land exchange with the County in order to protect from mining lands within the Manatee River Watershed, and was the subject of extensive litigation, and ultimately a settlement, regarding the environmental permitting of the property by the Florida Department of Environmental Protection;
 2. As part of the settlement of the above described litigation, the Developer* has avoided the most valuable ecological system, the Central Marsh* headwater marsh system of Horse Creek, and has proposed to mine only those wetlands where wetland restoration is demonstrably achievable. In doing so, the Developer* has avoided 6 million tons of recoverable phosphate ore, 40% of the total recoverable reserves on-site in the Initial Mining Area*;
 3. This Development Order and any subsequent Master Mining Plan* and Operating Permit will impose extraordinary standards of assurance that the impacted wetlands will be reclaimed in accordance with the requirements of Manatee County Ordinance No. 04-39, including conditions for reclamation, and surety requirements.

CORRECTIVE DOCUMENT

4. A substantial portion of the recoverable phosphate ore on-site is beneath or near the impacted wetlands, such that extraction of such ore without some wetlands impact is not possible with current mining technologies; and
5. Phosphate mining activities, unlike other types of development subject to the requirements of Comprehensive Plan Policy 3.3.1.1, are statutorily categorized as a temporary use to extract a mineral of important public concern, such that compliance with Comprehensive Plan Policy 3.3.1.1 must be determined on a case-by-case basis, in light of the unique circumstances of the subject property, the quality and functionality of impacted wetlands, and the assurance provided by the developer that such wetlands can and will be reclaimed in accordance with Manatee County Ordinance No. 04-39.

While each of these facts, by itself, is insufficient to support a finding of compliance with Comprehensive Plan Policy 3.3.1.1, the totality of these circumstances, together with the record of evidence submitted during the public hearing, supports the conclusion that the development satisfies the requirements of Comprehensive Plan Policy 3.3.1.1.

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 Altman Tract—Parcel 4* is consistent with the local land development regulations, the State Comprehensive Plan, the Comprehensive Regional Policy Plan, and the 2020 Manatee County Comprehensive Plan (Ordinance 89-01, as amended).
- B. 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.
- C. 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 Altman Tract—Parcel 4* Addition are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.

CORRECTIVE DOCUMENT

- D. This Ordinance serves as a stand alone DRI Development Order for the Altman Tract—Parcel 4* addition to the Four Corners Mine*. Nothing herein shall be deemed to affect the validity of Ordinance 05-42 or any other valid development order authorizing mining, waste disposal, or beneficiation activities at Four Corners Mine*. It is recognized that Developer* will utilize existing approved waste disposal areas, beneficiation facilities, or other equipment or facilities at the Four Corners Mine* for development of Altman Tract—Parcel 4* as contemplated by this Ordinance. Ordinance No 05-42 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 05-42.

SECTION 4: DEVELOPMENT COMPONENTS

The Application for Development Approval (ADA*) entitled Four Corners Mine* Altman Tract—Parcel 4*, is hereby approved subject to the following conditions:

- A. The Altman Tract—Parcel 4* is approved for mining and reclamation as shown in the ADA*, as conditioned and limited herein, as follows:

Four Corners Mine* Parcels	SITE TOTALS – IN ACRES ¹		
	TOTAL AREA	MINED / DISTURBED Includes access / utility corridors	NOT MINED / DISTURBED
Altman Tract– Parcel 4*	2,048	1,519	529
	WETLAND TOTALS – IN ACRES		
Altman Tract– Parcel 4* Pre-Mining	732	397	335
Altman Tract– Parcel 4* Post-Reclamation	828	493	335

- B. Mined land will be reclaimed in accordance with the Master Mining Plan* , the terms of this Development Order, and the Reclamation Schedule and Reclamation Plan Conceptual Schedule attached to the Master Mining Plan*. 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

¹ All acreages used herein are rounded up or down to the nearest acre and wetland enhancements are included in the post reclamation acreage.

CORRECTIVE DOCUMENT

have a way to repopulate. Relocation and restocking efforts as appropriate and approved by the various agencies will be conducted and will speed up the colonization of the reclaimed habitats. All wetland losses within the Altman Tract—Parcel 4* shall require mitigation in accordance with the specific mitigation / reclamation plan described in the ADA*, the terms of this Development Order, and the Master Mining Plan*.

- C. Use of reclaimed land to provide rights-of-way for a public road deemed necessary by the County or FDOT shall not be considered a violation of the Reclamation Plan*.
- D. It is recognized that the Developer* will utilize existing beneficiation facilities, waste disposal areas, and other equipment or facilities authorized pursuant to the Four Corners Mine* Development Order for development of the Altman Tract—Parcel 4* 1,519 acres to be mined / disturbed, as contemplated by this Development Order 08-32.

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. “Altman Approvals*” shall mean the DRI Development Order (Ordinance 08-32), the Zoning Ordinance (Ord. 07-13), the Master Mining Plan (R-09-010) and the Operating Permit (R-09-011).
- B. “Altman Tract – Parcel 4*” shall mean the +/-2,048 acre portion added to the Four Corners Mine in Manatee County located in Sections 11, 12, 13, 14 & 24, Township 33S, Range 22E, which is legally described in Section 7 of this Ordinance.
- C. “Appendix E*” shall mean the Manatee County Phosphate Mining Reclamation Manual, Appendix E of Ordinance No. 04-39, the Manatee County Phosphate Mining Code.
- D. “Application for Development Approval*” and “ADA”, shall mean the Mosaic Fertilizer, LLC Development of Regional Impact (DRI) Application for Development Approval (ADA*) received January 19, 2001; the three sufficiency responses and additional information received on September 10, 2001, March 28, 2002, July 16, 2002, October 8, 2002, October 22, 2002, February 24, 2005, May 26, 2005, September 23, 2005, November 7, 2005, February 24, 2006, May 16, 2006, August 23, 2006, December 13, 2006, January 4 , 2007, April 5, 2007, August 2, 2007, October 4, 2007, November 13, 2007, December 4, 2007, December 13, 2007,

January 11, 2008, February 5, 2008, March 10, 2008, April 14, 2008, May 12, 2008, May 29, 2008, June 18, 2008, June 27, 2008, and September 16, 2008, and all information submitted by the Developer* in response to the sufficiency reviews of state, regional, and local agencies with respect to the Altman Tract—Parcel 4*, including all information submitted to the Florida Department of Environmental Protection (FDEP) in support of the Developer's* application for Environmental Resource Permit (ERP*).

- E. "Best Management Practices*" or "BMP*" 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.
- F. "Central Marsh*" shall mean the Horse Creek headwater marsh wetlands on the Altman Tract—Parcel 4* as generally depicted on Exhibit DO-A.
- G. "Conservation Areas*" shall mean those areas designated on Exhibit DO-B as Proposed Conservation Easement Area A and Proposed Conservation Easement Area B.
- H. "Developer*" shall mean Mosaic Fertilizer, LLC (herein referred to as Mosaic) (formerly IMC Phosphates, IMC-Agrico Corporation, or IMC Fertilizer, Inc.), their assigns, agents, and successors in interest as to the Four Corners Mine*.
- I. "Development*" shall mean the proposed mining and reclamation of the Altman Tract—Parcel 4* as described in the Altman Tract—Parcel 4* ADA*.
- J. "Development Approval*" shall mean any approval for this development granted through this DRI Development Order.
- K. "In Active Mining*" as used in Development Condition C(4) herein shall mean mining activities through sand tailings backfill, contouring and vegetative inoculum application and/or initial reclamation plantings.
- L. "ERP*" shall mean the FDEP ERP No. 0155875-009 / 010 as issued on June 13, 2006, as applicable to the Altman Tract—Parcel 4*.
- M. "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 05-42, and excludes those portions of the mine in Hillsborough and Polk Counties.

CORRECTIVE DOCUMENT

- N. **“Land Exchange*”** shall mean the removal of the portions of the mine located in Section 21, and those portions of Sections 15 & 16 lying south east of State Road 37, and the addition of the land in Section 1 lying south east of State Road 37, all in Township 33 South, Range 22 East
- O. **“Land Exchange Area*”** shall mean that land involved in the Land Exchange* lying in Section 1, south of State Road 37.
- P. **“Master Mining Plan*”** shall mean a description of proposed mining activities over the life of the Altman Tract—Parcel 4* mine, including the Reclamation Schedule contained therein, as set forth in a Resolution to be approved by the Board of County Commissioners, so as to allow overall review of applicant’s mining activities.
- Q. **“Ordinance 04-39*”** shall mean Mining Code 04-39 – Manatee County Phosphate Mining Code, as amended, including all appendices thereto.
- R. **“Ordinance 81-22*”** or **“Mining Ordinance*”** shall mean Manatee County Ordinance 81-22, including all appendices thereto.
- S. **“Preservation Areas*”** shall mean the primary zone around any eagle’s nest, as determined by the U.S. Fish and Wildlife Service; the area designated on Exhibit DO-B as Conservation Area A; and all 25-year Floodplain* areas.
- T. **“Reclamation Plan*”** shall mean the consolidated Master Mining and Reclamation Plan to be approved by the Board of County Commissioners.
- U. **“25-Year Floodplain*”** shall mean the area so labeled on Map C-3A in the ADA* and updated in Exhibit DO-C. The exact location of the 25-Year Floodplain shall be determined by a process of calculation of the elevation of the highest water level following a 25-year storm event, and determination of the location of that water level in the field by elevation survey, using standard field practices, and standard hydrological analysis based upon pre-mining disturbance conditions. The 25-year Floodplain is distinguished from the “100-Year Flood Prone Areas or “100-Year Flood Zone as shown on FEMA maps.”
- V. **“WUP*”** shall mean the SWFMWD WUP No. 2011400, issued on July 30, 2002, as applicable to the Altman Tract—Parcel 4.*

CORRECTIVE DOCUMENT

SECTION 6: DEVELOPMENT CONDITIONS

Groundwater

- A.(1) Comprehensive groundwater and surface water quality, level, and flow monitoring shall be performed for the life of the mine (through reclamation until release), in accordance with the Environmental Monitoring Commitment in Exhibit DO-D and as specified in the Master Mining Plan* and the Operating Permit. At a minimum, the Environmental Monitoring Commitment 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 Altman Tract—Parcel 4*. Location of existing wells shall be delineated on a map provided in the Master Mining Plan*.
- A.(3) In order to maintain groundwater levels and base flows to the Preservation Area* and to establish appropriate hydroperiods for the restored wetlands, the Developer* shall, as specified in the Master Mining Plan* and Operating Permit, align mine cuts to facilitate flow where practicable, cut down the overburden rows, or provide a sufficient layer of sand tailings overtopping the overburden rows, as determined by the use of MIKE-SHE or other mutually agreed upon integrated surface and groundwater model. Details regarding the mining techniques to be utilized and demonstration of compliance therewith will be specified in the Master Mining Plan* and Operating Permit.
- A.(4) A BMP* (perimeter) recharge ditch and berm system shall be constructed as more particularly described in the Hydrologic Conditions and Water Quality Commitments in Exhibit DO-D and in the Master Mining Plan*.

Surface Water

- B.(1) A Surface Water Monitoring Program at the Four Corners Mine* Altman Tract—Parcel 4* Addition shall be performed as required by the Manatee County Master Mining Plan* and Operating Permit issued for the Altman Tract—Parcel 4* and the Mining Ordinance*. 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

CORRECTIVE DOCUMENT

required in the Operating Permit shall contain sufficient surficial water quality monitoring stations to characterize runoff from the Altman Tract—Parcel 4*.

- B.(2) Best Management Practices* for reducing surface water quality impacts shall be implemented.
- 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 and any other agency with jurisdiction and appropriate corrective measures shall be immediately implemented.
- B.(4) Discharges to surface waters shall occur as follows:
 - (a) Stormwater runoff from lands cleared for mining and active mining areas shall be routed through ditches into the mine water recirculation (ditch and berm) system and discharged only through permitted NPDES outfalls.
 - (b) All discharges and discharge rates from the NPDES outfalls shall be in accordance with Chapters 62-302, 62-620, and 62-671, Florida Administrative Code (F.A.C.) and conditions of the specific NPDES permit.
- B.(5) Erosion control measures such as siltation screens / hay bales shall be used to prevent surface water quality degradation. Best Management Practices* shall be employed throughout preparation, mining and reclamation to minimize surface and groundwater quality impacts.

Wetlands

- C.(1) The Developer* shall provide a thirty-foot (30') wide buffer zone around all wetlands in the Central Marsh* Preservation Area* as shown on Exhibit DO-A to provide a transition into the preserved wetland areas and to protect the natural systems from development impact. No mining disturbance and no part of the BMP* (perimeter) ditch and berm system may be located in this transition area.
- C.(2) The Developer* shall restore the wetlands disturbed by mining operations in accordance with Ordinance No. 04-39*, Appendix E* or the ERP*, whichever is more stringent. To mitigate for wetland disturbances within the Parcel #4* mining area, the Developer* will complete the SR 37 Stream Restoration Mitigation as required by Condition D.2. below and the restore wetland mitigation areas in accordance with Appendix E* or the ERP*, whichever is more stringent, all totaling approximately 493 acres, as depicted on Exhibit DO-E and as more particularly described in the Master Mining Plan*. In accordance with Appendix E*, the

Developer* shall utilize the following methods for all wetland restoration / mitigation:

- (a) Prior to mining, suitable wetland topsoil or sod (muck) shall be removed from the site for use in wetland restoration where feasible. Muck and topsoil donor sites will be inspected by an ecologist prior to clearing to ensure that high levels of nuisance or exotic species are not present prior to being used in restoration. Donor muck and topsoil piles will be inspected for nuisance and exotic species by mine personnel, and equipment will be cleaned prior to being brought onsite to avoid accidental transport of nuisance and exotic species to a wetland restoration site.
- (b) Hydrologic modeling will be conducted with MIKE-SHE or other mutually acceptable integrated surface and groundwater model utilizing monitoring data (i.e. piezometers gauges and historical rainfall data, etc.). Preliminary designs will be determined in the Master Mining Plan,* and the modeling will be used to finalize wetland designs, establish required final contouring, depth of tailings and topsoil placement, and establish the appropriate hydroperiods for the reclaimed wetland types, considering variations in topography, soils and slopes. The appropriate wetland hydroperiods will be determined as specified in the Master Mining Plan*, taking into account the normal seasonal water level fluctuations and periods of inundation or saturation that are typical for the wetland type being reclaimed and taking into account the baseline monitoring data collected pursuant to the Master Mining Plan*, as follows:

Type	Expected Hydroperiod Range (months)	Inundation Range (inches)
641 Freshwater Marsh	7 to 12 months	6 to 30 inches
643 Wet Prairie	2 to 8 months	0 to 6 inches
646 Shrub Marsh	7 to 12 months	6 to 24 inches

- (c) Nuisance / Exotic Species: Nuisance or exotic species control will be in accordance with Appendix E*, Ordinance 04-39.

CORRECTIVE DOCUMENT

- C.(3) All permit conditions identified in the ERP* shall be complied with. Should there be an amendment to those conditions to make those conditions less stringent for purposes of DEP permitting, the June 13, 2006, ERP* conditions shall remain part of the stipulations for this approval.
- C.(4) At no time shall more than 25% of the wetlands on the Altman Tract—Parcel 4* be In Active Mining* at any one time. If the total wetlands In Active Mining* exceeds the 25% threshold no new wetland disturbance with the Parcel 4* shall be authorized until 25% threshold is regained. Sand tailings backfill and final contouring shall be expedited whenever needed to meet this condition.

Conservation Easement Area

- D.(1) The Developer* shall dedicate a total of +/-552 acres in perpetuity for permanent protection, which shall be placed under conservation easement to the FDEP, with Manatee County as a named beneficiary thereof. A conservation easement management plan will be developed with FDEP for this area and copied to Manatee County. The Conservation Easement Area* will be offered in two phases. The Conservation Area A Easement lands shall consist of all Preservation Areas*, on the site (+/-520 acres, including +/-186 acres of uplands and +/-334 acres of wetlands), except for the Conservation Area B Easement areas (e.g. the dragline / utility crossings and access corridors, etc.), and within which no disturbance or mining will occur. Approximately 32 acres of crossing / access corridors (acres disturbed but not mined) are Conservation Area B Easement lands and shall be placed into the conservation easement at the conclusion of use, restoration and reclamation release. Exhibit DO-B depicts the Conservation Area A and Conservation Area B Easement locations over which the conservation easement shall be placed, which collectively constitute the Conservation Easement Area*. Within the Conservation Easement Area, the headwater marsh (also known as the Central Marsh*) of Horse Creek is not proposed to be mined, additional uplands and wetlands north and south of the Central Marsh* will not be mined, the ditched natural stream that flows from SR 37 to the Central Marsh* will not be mined, and a stream restoration of that SR 37 flow-way will be undertaken.
- D.(2) SR 37 Stream Restoration Mitigation Project: The goal of the restoration of the ditched natural stream at SR 37 that flows into the Central Marsh* is to restore the historical sinuosity lost when the system was ditched by filling in the ditch and restoring flow to relict meanders. The historic channel will be restored. The restoration will be accomplished by clearing the historic meanders of vegetation and muck that has filled in over the years due to a lack of flow. The banks will be stabilized by planting with indigenous wetland vegetation. Flow will be restored to the historic channel and the ditch will be filled in. Installation of ditch blocks, water

sampling and pumping of water back into the mine recirculation systems will be used in order to protect water quality during the construction of the Development*. The proposed stream restoration activity will not be prohibited or restricted in any way under the terms of the proposed conservation easement, but will be required under this Ordinance.

- D.(3) Inspection and monitoring of the Conservation Easement Area* shall be conducted as specified in the Master Mining Plan* and in the Environmental Monitoring Commitment in Exhibit DO-D.
- D.(4) Manatee County shall be a named beneficiary of the conservation easement, with, at a minimum, the following rights:
 - (a) the right, but not the duty, to enforce the terms of the easement;
 - (b) the right, but not the duty, to enter onto the Altman Tract—Parcel 4* for purposes of conducting management activities set forth in the conservation easement management plan; and
 - (c) the right to consent, along with the FDEP, if any request is made for a release of any portion of the Conservation Easement Area* from the conservation easement.

Additional Assurances of Successful Wetland Restoration.

- E.(1) Reclamation and Surety Bonds. Developer* shall comply with all general surety and wetland reclamation bonding requirements of Ordinance No. 04-39* for the areas to be mined and disturbed on the Altman Tract—Parcel 4*.
- E(2) Additional Financial Assurances. In addition to the Parcel 4* Reclamation Bonding required by Ordinance 04-39*, Developer* shall submit an additional \$2 million in reclamation bonding, releasable upon a determination that the herbaceous wetland mitigation in Parcel 4* have met the success criteria requirements in the Manatee County Reclamation Manual, Appendix E*.
- E(3) Texaco Tract Wetland Contract. Upon the granting of the Altman Approvals* and the expiration of any appellate rights or challenges associated therewith, and provided no appeal or challenge has been filed and remains pending, Mosaic shall enter into a contract with the County that will effectively restrict any mining, land clearing or site preparation on approximately 597 acres of land located in two parcels within the larger tract of land known as the Texaco Tract. These two parcels are graphically depicted in Composite Exhibit G attached hereto. These two parcels

CORRECTIVE DOCUMENT

contain approximately 403 acres of high quality wetlands. The contract shall provide that Mosaic may not mine any acreage within these two parcels until the County determines that Mosaic has satisfactorily reclaimed herbaceous wetlands on the Altman Tract in accordance with the objective criteria and standards found in the County's Ordinance 04-39. The County shall not unreasonably withhold approval of such a determination. The contractual limitations of no mining can be satisfied by Mosaic in any increment of 100 acres or more. For example, if Mosaic satisfactorily reclaims a 115 acre herbaceous wetland area on the Altman Tract, the County must release the 115 acre area within the Texaco Tract. In addition, the contractual limitations of no mining shall preclude only actual mining and not preliminary activities relating to these two parcels such as obtaining all applicable permitting approvals.

Floodplains

- F.(1) No mining will occur in the Central Marsh* headwaters or floodplain of Horse Creek.

Vegetation and Wildlife

- G.(1) In the event that any listed species listed in Rule 68A-27.003 - 68A-27.005 FAC, or state or federally listed species or colonies of species are observed nesting or breeding at the Altman Tract—Parcel 4* in an area to be disturbed by mining operations beyond the species already identified and for which appropriate Wildlife and Habitat Management Plans have not been obtained, the Developer* shall immediately notify the Florida Fish and Wildlife Conservation Commission (FFWCC) and implement the recommended measures for species protection.
- G.(2) The Developer* shall implement the Wildlife and Habitat Management Plans as detailed in the ADA* and Sufficiency Responses for the Altman Tract – Parcel 4*, which have 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.
- G.(3) The preserved uplands, wetlands, and floodplains comprising the Preservation Areas* described above will provide refuge for fauna displaced by mining operations, and will also provide a source for faunal recolonization. The Developer* shall place the Conservation Areas* and Preservation Areas* described in Development Condition D of this Ordinance under a conservation easement with a long-term management plan, and the integration of the Conservation Areas* and

CORRECTIVE DOCUMENT

Preservation Areas* on Altman Tract—Parcel 4* into the state's Integrated Habitat Network and with the County's Duette Park to the south will provide a corridor of natural habitat that will facilitate wildlife movement.

Drainage

- H.(1) The drainage basins in the Altman Tract—Parcel 4* shall be restored to their approximate pre-mining size and location as described in the ADA* and depict on Map I-1A. 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.
- H.(2) The re-created wetlands shall be designed to promote normal seasonal fluctuations of water levels within the wetlands and encourage seasonal saturation and inundation appropriate to the wetland type, as identified in Development Condition C.(2)(b) of this Ordinance.
- H.(3) 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

- I.(1) There shall be no net increase in the groundwater demand or groundwater withdrawals in excess of the currently permitted volume for the Four Corners Mine* required for mining and reclamation of the Altman Tract—Parcel 4*.

Transportation

- J.(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.
- J.(2) Establishment of two crossing points on State Road 37 for purposes of access, movement of mining machinery, or mineral transport pipelines shall be permitted, as shown in the ADA*.

Mining Operations

- K.(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 Altman Tract— Parcel 4*.
- K.(2) The Developer* shall abide by all FDEP reclamation regulations regarding site cleanup and shall remove any structures or equipment 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.
- K.(3) The Developer* shall reclaim all mined or disturbed uplands to FDEP and Manatee County Ordinance 81-22* standards; and wetlands shall be reclaimed in accordance with Appendix E* or the ERP*, whichever is more stringent. Reclamation and revegetation shall proceed immediately after mining operations cease in each mining area and shall comply generally with the schedule for reclamation outlined in the ADA*. 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* or Ordinance 04-39*, as applicable.
- K.(4) 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 windrowed dirt to lessen the potential of increased radiation levels on reclaimed lands.
- K.(5) Minimum mine cut setbacks and setbacks for the perimeter recharge ditch shall be maintained as follows:
- (a) 1,000 feet of a habitable structure existing at the time of initial application for Master Mining Plan* approval, unless waived by affected habitable structure owner; not applicable to this parcel;
 - (b) A minimum of 45 feet from an existing public right-of-way, in which the BMP* ditch and berm system can be constructed; and
 - (c) 500 feet of the Developer's* property line, where setback waivers have not

CORRECTIVE DOCUMENT

been obtained. A setback waiver has been granted along the Developer* / Manatee County property line;

Nothing in this requirement shall prevent the reduction of setbacks pursuant to the Mining Ordinance*. All such setbacks shall be shown in the Operating Permit and shall be specifically approved by the Board of County Commissioners.

Within the above described setback areas along State Road 37, the Developer* shall construct an earthen berm 4'-8' in height above the roadway elevation, prior to commencement of mining activities.

- K.(6) Mining operations, including alignment of mine cuts, cutting down of overburden rows, construction of a ditch and berm system, and placement of sand tailings, shall be conducted in accordance with the terms of this Development Order, Exhibit DO-D, and the Master Mining Plan*.
- K.(7) Sand Tailings: In order to provide reasonable assurance that sufficient sand tailings are available to timely reclaim the wetlands and other surface waters authorized for mining within the Altman Tract—Parcel 4*, the Developer* shall provide an updated sand tailings balance in the DRI annual report, which shall document the materials allocated for reclamation of the Altman Tract—Parcel 4*.

Radiation Standards

- L.(1) Radiation standards shall be maintained as follows:
 - (a) For the Altman Tract—Parcel 4*, the radiation standards shall be maintained in accordance with Ordinance 04-39*.
 - (b) Any building shall be designed and constructed and all reclamation shall be done to provide protection against gamma radiation and radon gas accumulation and emanation in accordance with the most stringent applicable state and federal requirements.
 - (c) This section shall be subject to any restrictions set forth in Section 553.98, Florida Statutes.

Air Quality

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

CORRECTIVE DOCUMENT

Additional Public Contributions

For the promotion and benefit of the health, safety, and welfare of the citizens of Manatee County, the Developer has agreed to the following additional conditions:

N.(1) **Duette Fire Station:** The Developer* has committed to constructing a fire station for the Duette Fire District on a 70-acre Developer*-owned parcel near the intersection of State Road 62 and Bunker Hill Road (Bunker Hill property). Upon the granting of the Altman Approvals* and the expiration of any appellate rights or challenges associated therewith, and provided no appeal or challenge has been filed and remains pending, the Developer* shall initiate work to prepare the necessary construction drawings, and apply for release of the Bunker Hill property from any remaining reclamation requirements and apply for the other necessary approvals and permits to construct the Fire Station. The Developer* shall coordinate Fire Station design work with the Duette Fire District. Contingent upon and following receipt of such releases, approvals and permits, the Developer* shall promptly construct a Fire / Emergency Management Services Station for the Duette Fire District on the Bunker Hill property (Fire Station), in accordance with the attached general schematic – subject to final design changes (Exhibit DO-F) – and modeled after the Myakka City Fire Station, to include the following:

- (a) Approximately 7,000 square feet, metal construction
- (b) Office space
- (c) Kitchen / training room
- (d) Three-person bunk room
- (e) Parking area / paved driveway with direct emergency vehicle access to State Road 62 and additional access to Bunker Hill
- (f) Office equipment, fire fighting equipment and furniture is excluded

Upon completion of construction and issuance of a Certificate of Occupancy, the Fire Station shall be dedicated to the Duette Fire District.

N.(2) **Bunker Hill Community Park:** The Developer* has committed to constructing a community park on the Bunker Hill property. Upon the granting of the Altman Approvals* and the expiration of any appellate rights or challenges associated therewith, and provided no appeal or challenge has been filed and remains pending, the Developer* shall initiate work to prepare the necessary construction drawings, and apply for release of the Bunker Hill property from any remaining reclamation requirements and apply for the other necessary approvals and permits to construct the Park. The Developer* shall coordinate the design of the park with the Manatee County Parks and Recreation Department. Contingent upon and following receipt of

CORRECTIVE DOCUMENT

such releases, approvals, and permits, the Developer* shall promptly construct park improvements for the Bunker Hill Community Park on the Bunker Hill property (the Park), in accordance with the attached general schematic – subject to final design changes (Exhibit DO-F) – to include the following:

- (a) Baseball field
- (b) Soccer / open play field
- (c) +/- 19 Acre Lake
- (d) Boat Ramp and Dock
- (e) Restroom Facilities
- (f) Picnic areas
- (h) Parking area / paved driveway with access to Bunker Hill and additional parking and access to New Bunker Hill Road
- (i) A complete irrigation system for landscaping and sports fields
- (j) Funding not to exceed \$87,000 / year (plus \$58,000 for start up cost the first year) to provide for operation and maintenance of the park for the first three (3) years following construction, to give the County an opportunity to develop a funding source.

Upon completion of construction, the Developer* shall dedicate the Park to Manatee County.

N.(3) Environmental Education Center. Upon the granting of the Altman Approvals* and the expiration of any appellate rights or challenges associated therewith, and provided no appeal or challenge has been filed and remains pending, Mosaic will cooperate with the County to: 1) provide or contribute to improvements to the educational building and/or infrastructure once architectural review and recommendations have been conducted; and 2) provide educational materials. Mosaic shall contribute up to \$75,000.00 toward these initiatives as mutually agreed upon by Mosaic and the County. Mosaic will also make volunteers periodically available on a pre-arranged basis to assist in the educational programs.

General Conditions

O.(1) Best Management Practices* shall be required for the operation, maintenance, and reclamation of the Altman Tract—Parcel 4*. Best Management Practices*, including those identified in the ADA,* shall be employed during site preparation and construction to prevent soil erosion. Best Management Practices* shall be used to accelerate the natural development of those areas that are intended to support native forested and unforested wetland vegetation associations. Utility and pipeline crossings of the tributaries shall, at a minimum, meet the following:

CORRECTIVE DOCUMENT

- (a) Pipelines shall be placed above the 25-Year Floodplain* elevation and isolated from tributaries by berms.
 - (b) Pipelines shall be jacketed and spill containment areas outside the floodplain shall be provided.
 - (c) Pipelines shall be routinely inspected by operating personnel and the system shall be shut down if a spill occurs until the source of the spill is corrected.
 - (d) All utility crossings shall be elevated above the 25-Year Floodplain* level and shall consist of piers without any approach embankment. Verification that the proposed piers can sustain high water flow conditions shall be certified by a professional engineer, under seal, prior to any construction.
- O.(2) Hazardous and acutely hazardous material shall be as defined and listed in 40 CFR 261 and as adopted within Chapter 62-730, F.A.C., and Section 403.7, Florida Statutes.
- O.(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 Chapter 62-302, F.A.C.); 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, and the TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, no later than July 31st of each year until such time as terms and conditions of this Development Order are satisfied as determined by Manatee County. Six copies of this report shall be submitted to the Director of Manatee County Planning Department, or the Director's designee, who shall review the report for compliance with the terms and conditions of the Order and may submit an appropriate report to the County Commissioners should the Director decide that further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver, or change of conditions as to any terms or conditions of this Order. The Planning Director or his / her designee shall notify the Developer* in writing upon acceptance or denial of the report. For administrative convenience, on approval from the Planning Director, the Developer* may combine the Altman Tract—Parcel 4* annual report with the annual

report(s) required for the Four Corners Mine*. The Altman Tract—Parcel 4* annual report shall, at a minimum, contain the following:

- (a) Any changes in the plan of development, or in the representations contained in the ADA*, or in the phasing for the reporting year and for the next year.
- (b) A summary comparison of development activity proposed and actually conducted for the year;
- (c) Undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or developer in the Altman Tract—Parcel 4* site;
- (d) Identification and intended use of lands purchased, leased, or optioned by the Developer* adjacent to the Altman Tract—Parcel 4* site since the Development Order was issued;
- (e) An assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the ADA* and which have been identified by the local government, the Regional Planning Council, or the Department of Community Affairs as being significant.
- (f) Any known incremental DRI applications for development approvals or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year for the Altman Tract—Parcel 4*;
- (g) An indication of a change, if any, in local government jurisdiction for any portion of the development since this Development Order was issued;
- (h) A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
- (i) A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), F.S.;
- (j) A copy of any recorded notice of the adoption of a Development Order or the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), F.S.;

CORRECTIVE DOCUMENT

- (k) Monitoring results pursuant to the Master Mining Plan* and the Operating Permit;
 - (l) Any notice of violation for noncompliance for the Altman Tract—Parcel 4* property; and
 - (m) Sand balance table referenced in K.(7).
- O.(4) Mining under this Development Order shall terminate on December 31, 2024. This Development Order shall not expire until December 31, 2024 or until all reclamation has been completed and released by Manatee County, whichever occurs first.
- O.(5) This Ordinance shall constitute a Development Order issued in accordance with Chapter 380, Florida Statutes.
- O.(6) Any historical or archaeological resources discovered during mine operation within the Altman Tract—Parcel 4* shall be immediately reported to the DHR and the ultimate disposition of such resources shall be determined in cooperation with the DHR, TBRPC, and Manatee County. The agreed upon treatment of the resources shall be completed before activities which would disturb the resources are allowed to continue.
- O.(7) Those areas within the Altman Tract—Parcel 4* approved for mining and reclamation may continue to be used for agricultural / grazing activities. The commercial harvest of timber in those areas approved for mining is permitted, pending notice to the County along with best management practices to be utilized.
- O.(8) In the event that any material generated by mining or reclamation operations on Altman Tract—Parcel 4*, other than phosphate rock, is to be marketed for sale and use off the Four Corners Mine* site, Developer* shall obtain written approval from Manatee County Staff prior to selling any such materials.

SECTION 7. LEGAL DESCRIPTION:

The following legal description of the development site covers only the "Altman Tract—Parcel 4*" 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.

CORRECTIVE DOCUMENT

Altman Tract—Parcel 4*:

Section 11: All that part lying south and east (or southeasterly) of State Road 37.

Section 12: All that part lying south and east (or southeasterly) of State Road 37.

Section 13: All, LESS the following described parcel: Begin at the Southwest corner of Section 13, thence proceed N 00°08'22" W, along the west line of the Section, 703.32 feet to the Watershed Boundary Line between the Horse Creek and East Fork Manatee River Basins; thence S 70°39'27" E, along the Watershed Boundary Line, 656.33 feet; thence N 54°20'37" E, 808.35 feet; thence N 87°01' 51" E, 1471.24 feet; thence S 80°42'49" E, 1522.00 feet; thence S 35°44'47" W, 453.75 feet; thence S 12° 20' 01" E, 368.48 feet; thence S 47°27'45" W, 120.57 feet to the south line of the Section; thence N 89°39'59" W, along the south line of the Section, 1329.46 feet to the southeast corner of the SW 1/4 of the Section; thence N 89°41'26" W, along the south line of the Section, 2641.09 feet to the POINT OF BEGINNING.

Section 14: All LESS the following described parcel: Begin at the southeast corner of Section 14, thence proceed N 88°49'39" W, along the south line of the Section, 2612.74 feet to the southwest corner of the SE 1/4 of the Section; thence N 88°49'12" W, along the south line of the Section, 2612.69 feet to the southwest corner of the section; thence N 00°09'14" E, along the west line of the Section, 5259.60 feet to the northwest corner thereof; said point also being on the Watershed Boundary Line between the Horse Creek and East Fork Manatee River basins; thence S 62°44'01" E, along the Watershed Boundary Line 911.05 feet; thence S 39°26'30" E, 2045.00 feet; thence S 09°12'34" E, 1639.06 feet; thence S 44°35' 27" E, 830.69 feet; thence N 70°36'14" E, 1118.03 feet; thence S 37°25'01" E, 701.66 feet; thence S 70°39'27" E, 819.34 feet to the east line of the Section; thence S 00°08'22" E, along the east line of the Section, 703.32 feet to the POINT OF BEGINNING.

Section 24: That part lying north of State Road 62 (also known as the Parrish - Wauchula Road) LESS the following described parcel: Begin at the Northwest corner of Section 24, thence proceed S 89°41'26" E, along the north line of the Section, 2641.09 feet to the northeast corner of the NW 1/4 of the Section; thence S 89°39'59" E, along the north line of the Section, 1329.46 feet to the Watershed Boundary Line between the Horse Creek and East Fork Manatee River Basins; thence S 47°27'45" W along the Watershed Boundary Line, 937.28 feet; thence S 47°27'45" W, 1057.84 feet; thence S 44°00'59" W, 862.70 feet; thence S 47°00'11" W, 985.07 feet; thence S 69°40'57" E, 1180.90 feet to the north right-of-way line of State Road 62; thence S 80°20'42" W, along the north right-of-way of State Road 62, 54.02 feet; thence S 81°43'26" W, 199.90 feet; thence S 83°26'32" W, 100.04 feet; thence S 84°35'11" W, 100.12 feet; thence S 82°35'00" W, 200.02 feet; thence S 82°35'00" W, 200.02 feet; thence S 81°43'26" W, 499.61 feet; thence S

CORRECTIVE DOCUMENT

81°22'48" W, 500.01 feet; thence S 81°49'02" W, 499.49 feet to the west line of the Section; thence N 00°44'51" E, along the west line of the Section, 763.16 feet to the southwest corner of the NW 1/4 of the Section; thence N 00°41'53" E, along the west line of the Section, 2638.46 feet to the POINT OF BEGINNING.

SECTION 8. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT.

Physical development of the project shall commence within three years of Mosaic Fertilizer, LLC receiving all required permits to mine the Altman Tract—Parcel 4*. If physical development of the project has not commenced within three years, or if any five year period shall expire without significant additional physical development activity on the site, the BOCC may conduct a public hearing in accordance with the Land Development Code after appropriate notice to the Developer* and may, at its option, based on testimony presented at that hearing, rescind, or suspend or take other appropriate action on any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer*.

In the event of an appeal of or challenge to any portion of the Altman Approvals* which has the effect of staying the effective date of any or all of the Altman Approvals*, the time period for conducting any activity authorized or required by the Altman Approvals* shall be tolled until such time as the appeal or challenge has been finally decided by a tribunal of competent jurisdiction and all appellate remedies associated therewith have been exhausted. No action shall be required to amend the Altman Approvals* or any attachment or exhibit thereto to effectuate this tolling provision.

SECTION 9. DEVELOPER* COMMITMENTS

The ADA* received January 19, 2001 and sufficiency responses received September 10, 2001, March 28, 2002, July 16, 2002, October 8, 2002, October 22, 2002, February 24, 2005, May 26, 2005, September 23, 2005, November 7, 2005, February 24, 2006, May 16, 2006, August 23, 2006, December 13, 2006, January 4, 2007, April 5, 2007, August 2, 2007, October 4, 2007, November 13, 2007, December 4, 2007, December 13, 2007, January 11, 2008, February 5, 2008, March 10, 2008, April 14, 2008, May 12, 2008, May 29, 2008, June 18, 2008, June 27, 2008, and September 16, 2008, and all information submitted by the Developer* in response to the sufficiency reviews of state, regional, and local agencies with respect to the Altman Tract—Parcel 4*, including all information submitted to the Florida Department of Environmental Protection (FDEP) in support of the Developer's* application for Environmental Resource Permit (ERP) 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 Altman Tract – Parcel 4* are attached as Exhibit DO-D.

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* and the County and upon the Developer'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.

CORRECTIVE DOCUMENT

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 15th day of January, 2009 and as amended this 24th day of February 2009.

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

BY: *Dr. Gwendolyn Y. Brown*
Dr. Gwendolyn Y. Brown, Chairman

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

BY: *Ausara D. Romine*



CORRECTIVE DOCUMENT

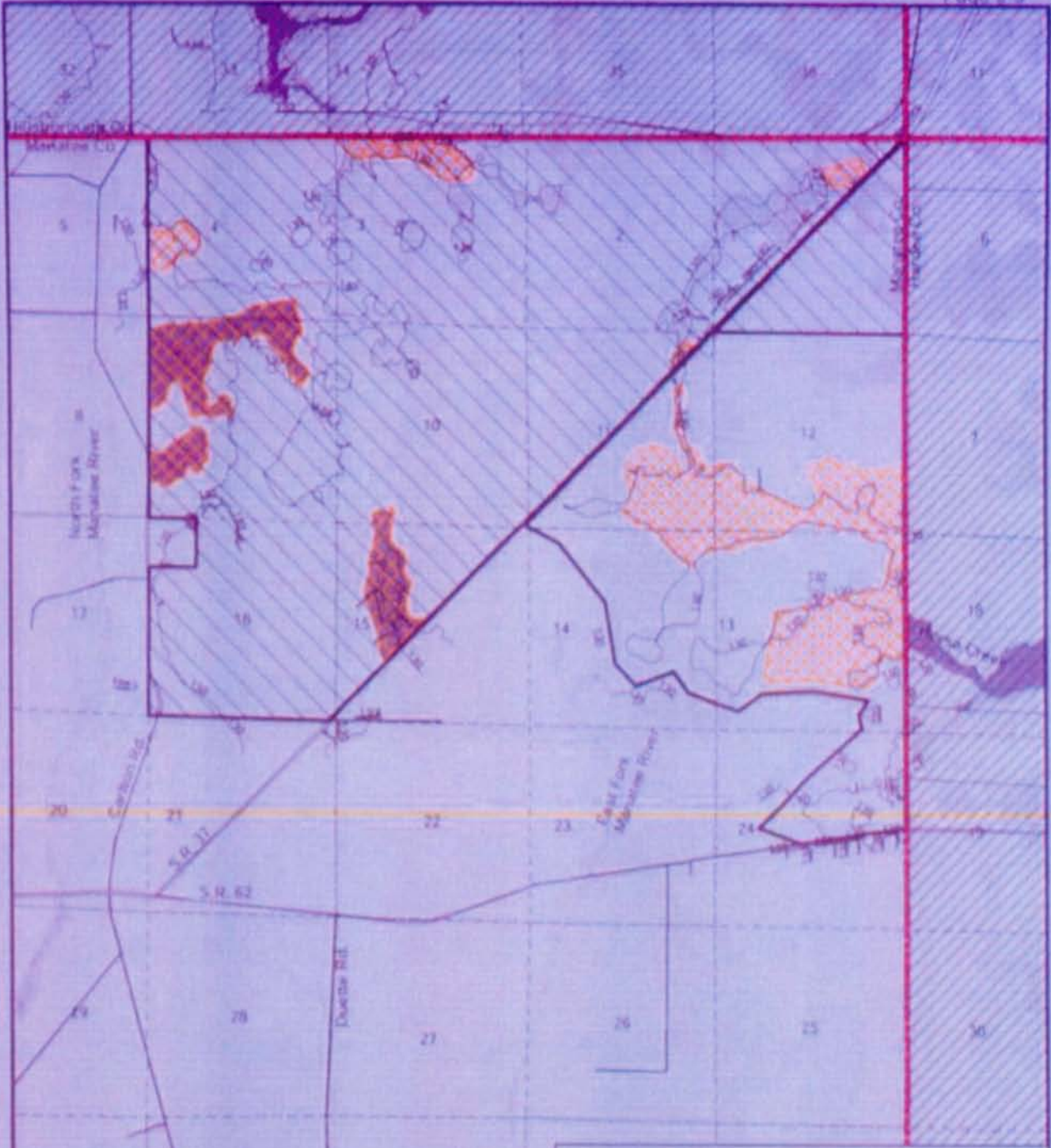
Ordinance 08-32 List of Exhibits

- Exhibit DO-A: Central Marsh Wetland Buffer**
- Exhibit DO-B: Conservation Easement Areas**
- Exhibit DO-C: Floodplains Figure**
- Exhibit DO-D: Developer* Commitments**
- Exhibit DO-E: Wetland Restoration: Post-Reclamation Plan**
- Exhibit DO-F: Schematics for Duette Fire Station and Bunker Hill Park
(Also Developer* Commitment Exhibit 5)**

Composite Exhibit G – Texaco Wetland Contract & Exhibits

- Contract: Contract to Secure Wetland Reclamation Obligation**
- Exhibit A: Description for Temporary Conservation Easement**
- Exhibit B: Altman Tract- Parcel #4 Permitted Property Legal Description**
- Exhibit C: Reclamation Success Criteria**

CORRECTIVE DOCUMENT



CORRECTIVE DOCUMENT



Mosaic

EXHIBIT DO-C
FLOODPLAINS

Four Corners Mine Additions - Phase II Substantial Deviation (SD)

Scale 1"=4,000 ft.

Use: pub. Date: 12/21/08
Path: \\051-2019\maps_20081200_Ex-C_Phd_Flood.mxd

Legend

- Streams
- County Lines
- Roads
- Section Lines
- 10' Contours
- Phase II Additions
- Approved (SD) Area
- Adjacent Mosaic Mine Areas
- Undisturbed Areas
- Mosaic Mapped 25 Year Floodplains
- FEMA Flood Zones

Source: Mosaic / FEMA

**DO Exhibit D
Developer* Commitments**

The following commitments have been made by, or on behalf of, the applicant in the Application for Development Approval (ADA*), the Sufficiency Responses, and additional information submitted by the Developer*, as follows: Application for Development (ADA*) submitted on January 19, 2001. Supplemental information submitted on September 10, 2001, March 28, 2002, July 16, 2002, October 8, 2002 and October 22, 2002. Supplemental information submitted on February 24, 2005, May 26, 2005, September 23, 2005, November 7, 2005, February 24, 2006, May 16, 2006, August 23, 2006, December 13, 2006, January 4, 2007, April 5, 2007, August 2, 2007, October 4, 2007, November 13, 2007, December 4, 2007, December 13, 2007, January 11, 2008, February 5, 2008, March 10, 2008, April 14, 2008, May 12, 2008, May 29, 2008, June 18, 2008, June 27, 2008, September 16, 2008 and December 23, 2008. This list has been modified from the list in the TBRPC report to reflect additional developer commitments.

The definitions contained in Section 3 of the Development Order, Ordinance No. 08-32, are incorporated by reference. An asterisk (*) indicates a term defined in Section 3 of that Ordinance.

PROJECT DESCRIPTION

No beneficiation plant construction is required as part of the proposed Development*. No clay settling areas will be constructed as part of the proposed Development*.

Four Corners Mine*	SITE TOTALS - IN ACRES ¹		
	TOTAL AREA	MINED / DISTURBED <small>Includes access / utility corridors</small>	NOT MINED / DISTURBED
Parcels			
Altman Tract- Parcel 4*	2,048	1,519	529

¹ All acreages used herein are rounded up or down to the nearest acre.

CORRECTIVE DOCUMENT

WETLAND TOTALS - IN ACRES			
	SITE TOTAL	MINED / DISTURBED	NOT MINED / DISTURBED
Altman Tract- Parcel 4* Pre-Mining	732	397	335
Altman Tract- Parcel 4* Post Reclamation	828	493	335

SOILS / SAND TAILINGS

1. All soils in wetland areas will be restored in accordance with Appendix E* of Ordinance 04-39.
2. In order to provide reasonable assurance that sufficient sand tailings are available to timely reclaim the wetlands and other surface waters authorized for mining within the Altman Tract--Parcel 4*, the Developer* shall provide an updated sand tailings balance in the annual report, which shall document the materials allocated for reclamation of the Altman Tract--Parcel 4*.
3. The Developer* shall, as specified in the Master Mining Plan* and Operating Permit, align mine cuts to facilitate flow where practicable, cut down the overburden rows, or provide a sufficient layer of sand tailings (minimum 5') overtopping the overburden rows to maintain the base flow to the preserved and restored wetland systems, as determined by the use of MIKE-SHE or other mutually acceptable integrated surface and groundwater model.
4. 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 windrowed dirt to lessen the potential of increased radiation levels on reclaimed lands.

FLOODPLAINS

1. No mining will occur in the Central Marsh* headwaters or floodplain of Horse Creek.

CORRECTIVE DOCUMENT

WASTEWATER MANAGEMENT

1. The project will not change the daily volume of domestic or industrial wastewater generated by the Four Corners Mine*.
2. There will be no domestic wastewater produced on the project site.

HURRICANE PREPAREDNESS

1. The Hurricane Preparedness Plan will be updated to include the Altman Tract—Parcel 4*.

HYDROLOGIC CONDITIONS

1. Water levels and flows in wetlands and other surface waters adjacent and downstream from site preparation, mining operations, and reclamation activities shall be protected and monitored as set forth below and as specified in the Master Mining Plan* and the Operation Permit.
2. Comprehensive groundwater and surface water quality, level, and flow monitoring shall be performed for the life of the mine (through reclamation until release), in accordance with the Environmental Monitoring Commitment below and as specified in the Master Mining Plan* and the Operating Permit (see Environmental Monitoring Commitment below). A summary of the results of the monitoring shall be included as part of the DRI annual report.
3. The Developer* shall properly plug and abandon all on-site wells, in accordance with Southwest Florida Water Management District (SWFWMD) and Manatee County Environmental Management Department standards and rules, prior to mining each area of the Altman Tract—Parcel 4*.
4. Baseline groundwater and surface water data has been collected as established by the DRI pre-application meetings with the County, TBPRC and SWFWMD. This monitoring will continue in accordance with the Environmental Monitoring Commitment below and as specified in the Master Mining Plan* and the Operating Permit (see Environmental Monitoring Commitment below).
5. In order to maintain groundwater levels and base flows to the preserved and/or unmined wetlands and to establish appropriate hydroperiods for the restored wetlands, the Developer* shall, as specified in the Master Mining Plan* and Operating Permit, align mine cuts to facilitate flow where practicable, cut down the overburden rows, or provide a sufficient layer of sand tailings overtopping the overburden rows, as determined by the use of MIKE-SHE or other mutually agreed upon integrated surface and

groundwater model. Details regarding the mining techniques to be utilized and demonstration of compliance therewith will be specified in the Master Mining Plan* and Operating Permit.

6. Prior to any clearing or mining operations adjacent to preserved and/or unmined wetlands and other surface waters, to prevent offsite discharges from mining and reclamation areas, a BMP* (perimeter) recharge ditch and berm shall be constructed around the mining area as required by the Master Mining Plan*. Along these ditch / berm areas, monitoring wells and staff gauges shall be installed and water levels monitored as required by the Master Mining Plan*.
7. During mining operations, the recharge ditches adjacent to preserved and/or unmined wetlands shall be charged with water to maintain base flows and minimize stress to the vegetation in these areas. Water levels in the recharge ditches shall be maintained at levels sufficient to support the normal seasonal water level fluctuations in the wetlands as determined from the baseline monitoring. Water levels in the recharge ditches shall be monitored daily and results made available to the County during inspections upon request. Results may include water level elevations or verification that adequate water levels are present in each ditch. Adjacent wetland condition shall be verified by both monthly visual inspections by Developer's* staff and in conjunction with the mine inspections with County staff. If these wetlands show signs of stress, the Developer* shall notify the FDEP and County in writing. Upon approval, the Developer* shall take remedial actions, which may include altering mining operations and reclamation procedures, modifying the recharge ditch, providing additional sources of water, installing recharge wells, and / or conducting additional monitoring, as necessary.
8. Appropriate water levels, considering normal seasonal fluctuations and other climatic conditions that may affect the natural system, shall be maintained in adjacent unmined wetlands throughout site preparation, during mining operations, and reclamation to ensure that adjacent preserved and/or unmined wetlands are not adversely impacted by mining operations. Developer* shall follow Water Use Permit No. 2011400 issued by the Southwest Florida Water Management District (SWFWMD) for protection of all unmined wetlands. All reports required by SWFWMD shall be copied to the Bureau of Mine Reclamation. Developer* shall copy the FDEP and the County on any correspondence with SWFWMD regarding monitoring of unmined wetlands within this project area.
9. Surface water flow will be monitored in the restored SR 37 stream and Central Marsh* during mining operations and reclamation using continuous gauges at monitoring points specified in the Master Mining Plan* through the mining operations and reclamation until release. Low flows at gauges shall be within the historical seasonal ranges for these

CORRECTIVE DOCUMENT

sites as identified by the baseline monitoring specified in the Master Mining Plan*. If this is not the case, the Developer* shall take the remedial measures specified in the Master Mining Plan*, including, as appropriate, increasing water levels in the recharge ditch (or pressure in recharge wells if used).

DRAGLINE / UTILITY CROSSING

1. Construction, removal, and revegetation of the dragline / utility crossing shall be completed as outlined in Sheets 1 and 2 of 2 of SR 37 Flow Way Dragline / Utility Corridor (as provided in the May 26, 2005, ADA*). 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.
2. Revegetation / restoration of the wetland portion dragline / utility crossing shall be accomplished in accordance with Appendix E*, as applicable.

WATER QUALITY / STORMWATER

1. To prevent offsite discharges including stormwater discharges, from mining and reclamation areas and protect water quality in the preserved and/or unmined waters and wetlands, areas to be disturbed shall be severed from adjacent undisturbed wetlands and surface waters. This severance includes construction of a BMP recharge ditch and berm prior to any clearing or mining operations adjacent to such wetlands and waters. Along these areas monitoring wells and staff gauges shall be installed and water levels monitored as required by the Master Mining Plan*. See Hydrologic Conditions Commitment, above.
2. The recharge ditch and berm will be inspected during each shift. Staff gauges and piezometers will be installed to ensure adequate water is present in the ditch to maintain the ground water levels, as specified in the Master Mining Plan*.
3. Clearing of lands to be mined will not occur until the perimeter (ditch and berm) system is in place and functional, in accordance with the mining schedule contained in the Master Mining Plan*.

4. **Surface water and ground water quality monitoring shall be performed before, and during mining and reclamation (through release) in accordance with the Environmental Monitoring Commitment below and as specified in the Master Mining Plan* and the Operating Permit (see Environmental Monitoring Commitment below). A summary of the results of the monitoring shall be included as part of the DRI annual report.**
5. **Best Management Practices* (BMPs*) for reducing surface water quality impacts shall be implemented.**
6. **Should monitoring results indicate that applicable water quality standards are not being met due to mining activities, the violation shall be immediately reported to the County and any other agency with jurisdiction and appropriate corrective measures shall be immediately implemented.**
7. **Discharges to surface waters shall occur as follows:**
 - a. **Stormwater runoff from lands cleared for mining and active mining areas shall be routed through ditches into the mine water recirculation (ditch and berm) system and discharged only through permitted NPDES outfalls.**
 - b. **All discharges and discharge rates from the NPDES outfalls shall be in accordance with Chapters 62-302, 62-620, and 62-671, Florida Administrative Code (F.A.C.) and conditions of the specific NPDES permit.**
8. **Erosion control measures such as siltation screens / hay bales shall be used to prevent surface water quality degradation. BMPs* shall be employed throughout preparation, mining and reclamation to minimize surface and groundwater quality impacts.**
9. **No disturbance shall occur within the Eagle Management Area (Exhibit DC-1) as established by the U.S. Fish and Wildlife Service and / or Florida Wildlife and Conservation Commission. The Preservation Area* / Conservation Easement Area* boundary in this area shall be coincident with this Eagle Management Area.**
10. **Ditch, berm, and retention systems shall be designed and constructed prior to initiation of mining operations to manage or prevent discharge from a 25-year, 24-hour storm event. The SWFWMD Basis of Review should be used to determine the design storm characteristics. Operation, maintenance and inspection of the berm, ditch and retention system shall be in accordance with the Developer's* "Stormwater Ditch, Berm and**

Retention System Design Policy" and the Department's "BMP's for Non-clay, Phosphate Mining and Reclamation Berms and Impoundments."

11. **The protective ditch and berm (see Water Quality Commitment paragraph 1, above) shall remain in place until mining operations and reclamation have been completed, monitoring indicates that no violations of State Water Quality Standards are expected to occur, and the FDEP has determined that the restored wetlands are adequately stabilized and sufficiently acclimated to ambient hydrological conditions. At that time, the berm and ditch shall be restored to grade and revegetated according to Master Mining Plan* criteria. Such criteria shall include removal of any overburden material cast back against the ditch during mining operations.**

12. **Surface and Groundwater Quality Monitoring: Initial Baseline surface and groundwater quality monitoring has been implemented, and ongoing monitoring shall continue through the end of mine life (until release of reclamation) as specified in the Environmental Monitoring Commitment, below, and Master Mining Plan* and shall include monitoring of the following parameters as the locations, frequency, and duration specified in the Master Mining Plan*. Data shall be submitted to the County with the Annual Operating Report. The following surface and groundwater quality parameters shall be monitored as specified in the Master Mining Plan*:**
 - a. **Surface water parameters: Temperature, pH, DO, Sulfate, TSS, TDS, Conductivity, NVSS, Turbidity, Color, Fluoride, Radium 226, TP, Ortho-P, TKN, Ammonia, Nitrate / Nitrite, and Chlorophyll, Alkalinity, BOD, COD, Chloride, Silica, Calcium, Iron, Magnesium, Potassium, and Sodium.**

 - b. **Ground water parameters: pH, Temperature, Conductivity, Alkalinity, Fluoride, TDS, Magnesium, Potassium, TP, Radium 226, Color, Manganese, Turbidity, Chloride, Sulfate, Calcium, Sodium, Iron, Nitrate / Nitrite, TOC, TKN, Copper, Silica, and Zinc.**

CORRECTIVE DOCUMENT

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 Developer* will take to mitigate potentially significant impacts to the listed vegetative and wildlife species identified during the seasonal surveys.**

2. **No disturbance will occur to the Central Marsh* headwaters of Horse Creek or within the 25-year floodplain or streambed of Horse Creek, to the extent occurring on the property.**

3. A total of approximately 529 acres (including 335 acres of wetlands out of 732 wetland acres on site) of FDEP jurisdictional wetlands and native upland habitat will be left unmined. The majority of the forested wetlands on the property will not be mined, with the exception of 17 acres, which will be reclaimed and restored. In addition, the flowway from SR 37 shall be restored and enhanced (but shall not be mined), and upland native habitat buffers will be left unmined at strategic locations adjacent to Preservation Area* wetland areas to facilitate wildlife movement.
4. Reclaimed wetlands will be created to have hydroperiods more typical of natural undisturbed wetland systems, by use of MIKE-SHE or other mutually agreed upon integrated groundwater and surface water hydrologic model that has been adjusted to reflect baseline and site – specific conditions by use of monitoring data and other site-specific data.
5. All impacted wetlands will be replaced in accordance with the post-reclamation land use maps and tables included in the ADA* and as specified in the Master Mining Plan*. Upland habitat / buffers will be constructed around all undisturbed and created wetlands, as indicated on the post-reclamation maps included in the ADA* and shown on Exhibit DC-3.
6. Recharge ditches will maintain water levels in the preserved and/or unmined wetlands on surface waters as set forth in the Hydrologic Conditions Commitment, above. The recharge ditch and berm system 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 as specified in the Master Mining Plan*. See Hydrologic Conditions Commitment, above.
7. The Developer* shall provide a thirty foot (30') wide buffer zone around all wetlands in the Central Marsh* Preservation Area* as shown on Exhibit DC-2 to provide an upland transition into the preserved wetland areas and to protect the natural systems from development impact. No mining disturbance and no part of the BMP (perimeter) ditch and berm system may be located in this transition area.
8. The Developer* shall restore the wetlands disturbed by mining operations in accordance with Ordinance No. 04-39*, Appendix E* (which is the Manatee County Phosphate Mining Reclamation Manual), or the ERP*, whichever is more stringent.
9. Consistent with Appendix E*, the Developer* shall utilize the following methods for all wetland restoration / mitigation:
 - a. Prior to mining, suitable wetland topsoil or sod (muck) shall be

CORRECTIVE DOCUMENT

removed from the site for use in wetland restoration where feasible. Muck and topsoil donor sites will be inspected by an ecologist prior to clearing to ensure that high levels of nuisance or exotic species are not present prior to being used in restoration. Donor muck and topsoil piles will be inspected for nuisance and exotic species by mine personnel, and equipment will be cleaned prior to being brought onsite to avoid accidental transport of nuisance and exotic species to a wetland restoration site.

- b. Hydrologic modeling will be conducted with MIKE-SHE or other mutually acceptable integrated surface and groundwater model utilizing monitoring data (i.e. piezometers gauges and historical rainfall data, etc.). The modeling will be used to finalize wetland designs, establish required final contouring, depth of tailings and topsoil placement, and establish the appropriate hydroperiods for the reclaimed wetland types, considering variations in topography, soils and slopes. The appropriate wetland hydroperiods will be determined as specified in the Master Mining Plan*, taking into account the normal seasonal water level fluctuations and periods of inundation or saturation that are typical for the wetland type being reclaimed and taking into account the baseline monitoring data collected pursuant to the Master Mining Plan*.
- c. The typical hydroperiod for the wetland types being reclaimed on the Altman Tract—Parcel 4* are as follows:

Type	Expected Hydroperiod Range (months)	Inundation Range (inches)
641 Freshwater Marsh	7 to 12 months	6 to 30 inches
643 Wet Prairie	2 to 8 months	0 to 6 inches
646 Shrub Marsh	7 to 12 months	6 to 24 inches

- d. Wetlands shall be restored, at a minimum, to the types (by FLUCFCS) and acreages of the wetlands occurring on the Altman Tract—Parcel 4* pre-disturbance, including mixed wetland hardwoods, mixed forested wetlands, hydric hammock, freshwater marsh, wet prairie and shrub marsh, as more particularly described in the Master Mining Plan*, all in accordance with Appendix E* criteria

10. **Nuisance / Exotic Species:** Wetland nuisance or exotic species control will be in accordance with Appendix E*, Ordinance 04-39.
11. **Wetland Inspection and Monitoring:** Comprehensive inspection and monitoring of restored wetlands and the conservation easement areas will be conducted until release, as specified by the Master Mining Plan* and Operating Permit and in accordance with the Environmental Monitoring Commitment, below, consistent with Appendix E*, as follows:
 - a. **Reclamation Inspection Points by the County:** Inspections will be planned at certain reclamation milestones, as required by Appendix E* to ensure compliance with the basic elements of the wetland reclamation. To accommodate scheduling, a notice will be given to County staff 15 days in advance to setup an inspection date and time. If no response is received from the County within the 15 day notification period reclamation will proceed to the next phase. The required / planned inspection points are:
 - i. When overburden is pushed down & sand tailings are deposited at the reclamation site.
 - ii. After the overburden and topsoil has been applied.
 - iii. At the completion of final grading.
 - iv. When final planting is completed.

In addition, "As-built surveys", or a statement from the project reclamation engineer that the site was constructed per the approved reclamation plan will be submitted at the completion of final grading including topsoiling (third inspection point). The as-built survey or statement will include grading, soil stratification details, soil source, water control structures, if any, and soil cap tolerance (generally expected to be ± 6 inches). Also the landward extent of the mitigation areas will be clearly marked with stakes or poles so that the mitigation site will be visible for review.

- b. **Maintenance:** All wetlands proposed for mitigation will be maintained on a regular basis as determined by the type and scope of maintenance required and as specified in the Master Mining Plan*. Data collected during routine maintenance monitoring events will be reviewed and any necessary maintenance will be scheduled and conducted as needed. Manual or chemical treatment shall be implemented if cogon grass (*Imperata cylindrica*) coverage exceeds ten (10) percent on reclaimed sites or 5 percent within 300 feet of any reclaimed wetland.
- c. **Monitoring:** The vegetation at the wetland mitigation sites will be

monitored in accordance with Appendix E*, and as outlined below and contained in the Master Mining Plan*. In addition, the hydrology of representative wetland types will also be monitored / analyzed using piezometers, staff gauges as required by the Master Mining Plan*. Monitoring and maintenance will continue until success criteria have been met and the wetlands have been released, as specified in the Master Mining Plan*.

Monitoring reports will be submitted semi-annually, with one quantitative and one qualitative report per year, until success criteria are achieved or the site is released by the County. Monitoring reports will be submitted to County staff within 90 days following each monitoring event. Monitoring reports will contain, at a minimum, the following information:

- i. Permanently marked photo stations and transect locations
- ii. Transect / quadrat information in table form
- iii. Organic soil depth (or lack thereof) at wetland quadrat
- iv. Soil stabilization measures used
- v. Percent survival of planted trees and shrubs (first annual report only)
- vi. Aerial coverage of sampled species and number of trees and / or shrubs per acre
- vii. Percent coverage of nuisance species
- viii. Indicator status (OBL, FAWC, FAC, FACU, UPL) in all quadrats and tree or shrub belt transects
- ix. List other species observed within the community but not sampled, indicating relative abundance (abundant, common, rare)
- x. The number, species, size, planting locations / zones, and planting dates (beginning and ending) of plants replanted if necessary to meet required coverage and survival requirements
- xi. Qualitative (visual) water quality observations
- xii. Provide water level reading at each monitoring location
- xiii. Record wildlife observations / usage during monitoring events
- xiv. Overall ecological evaluation
- xv. Problems encountered and corrective actions implemented or needed (ex: nuisance vegetation removal, measures taken during flood / drought conditions, etc.)

12. **Wetland Mitigation Success Criteria & Requirements:** Success criteria for release of all restored / mitigation wetland areas on the Altman Tract— Parcel 4* shall include the following, consistent with Appendix E*:

CORRECTIVE DOCUMENT

- a. Plant communities must have the aerial coverage / projected coverage, quantities, and diversity of trees, shrubs and ground cover consistent with the Reclamation Manual's - Table 4.
 - b. The wetland areas shall meet the landward extent and areas waterward of the proposed limits for rehabilitated / restored wetlands should meet criteria as described in Chapter 62-340, F.A.C. inclusive of vegetation and hydric soil characteristics.
 - c. The Developer* shall document at least one or more occurrences of flowering of 10 percent or more of the species from each stratum, exclusive of nuisance species, with viable seed set for each of the wetland communities. Seedlings, saplings, or other 'young' vegetation will be considered proof of flowering and / or viable seed.
13. Wildlife Wetland Mitigation Success Criteria: All restored wetlands shall achieve the following wildlife success criteria for each wetland habitat / mitigation units:
- a. Appendix E's* (Reclamation Manual) -Table 5 provides a list of native vertebrate species known or suspected to occur in Manatee County on existing or future phosphate-mined lands. These vertebrates form the pool from which representative species can be sampled to evaluate the success of the rehabilitation area. Table 5 includes both the permanent native resident fauna and migratory birds, which depend heavily on the Florida landscape for their survival and are an important component of the consumer food chain. Success criteria will only use those vertebrate species appropriate for the plant communities contained within the site.
 - b. Fishes: Perennial streams and connected wetland mitigation areas (forested and freshwater marshes), a minimum of four forage species (prey base primarily plants and invertebrates), and one top carnivore species (eats other fish).
 - c. Amphibians: For connected wetlands combined (forested and freshwater wetlands), a minimum of three anurian species and one salamander species
 - d. Birds: For wetland plant communities combined, a total of 20 total species represented by at least two waterfowl species (*Anseriformes* or *Podicipediformes*), three shorebird species (*Charadriiformes*), four wading birds species (*Ciconiiformes*), one member of cranes and their allies (*Guiformes*), two bird of prey

CORRECTIVE DOCUMENT

species (*Falconiformes* or *Strigiformes*) and four song bird species (*Passeriformes*) from at least two families.

- e. **Reptiles:** For wetland plant communities, a minimum of two turtle species (represented by at least one herbivore and one carnivore) and two snake species with a minimum reptilian diversity of at least five species.
 - f. **Mammals:** For wetland plant communities combined, a minimum of five total species represented by at least one small mammal species (*Rodentia*), one rabbit species (*Lagomorpha*), and two carnivore species (*Carnivora*).
14. The water quality in the reclaimed and preserved wetlands shall meet Class III standards (Chapter 62-302, F.A.C.)
15. **SR 37 Stream Restoration Mitigation Project:** The goal of the restoration of the ditched natural stream at SR 37 that flows into the Central Marsh* is to restore the historical sinuosity lost when the system was ditched by filling in the ditch and restoring flow to relict meanders. The historic channel will be restored. The restoration will be accomplished by clearing the historic meanders of vegetation and muck that has filled in over the years due to a lack of flow. The banks will be stabilized by planting with indigenous wetland vegetation. Flow will be restored to the historic channel and the ditch will be filled in. Installation of ditch blocks, water sampling and pumping of water back into the mine recirculation systems will be used in order to protect water quality during the construction of the Development*. The proposed stream restoration activity will not be prohibited or restricted in any way under the terms of the proposed conservation easement, but will be required under Ordinance No. 08-32.
- a. **Construction:** the stream restoration projects shall be constructed in accordance with the approved plan including in the ADA* and in accordance with the detail in the Master Mining Plan*. All appropriate BMPs* shall be followed and the Developer* shall complete the enhancement work within one (1) year of initiation of mining operations in the Altman Tract—Parcel 4*.
 - b. **Monitoring:** quantitative vegetation monitoring of the stream restoration project shall occur in years 1, 2, and 3 and every other year thereafter until release; continuous flow monitoring during construction and afterwards until release. A quantitative fish monitoring event shall be performed prior to release.
 - c. **Success criteria:** Stream banks shall be stable, with no active erosion or caving. Cover by nuisance vegetation species shall be

CORRECTIVE DOCUMENT

limited to <5 % of the total area and no exotic species shall be present. Species shall be reproducing naturally, either by normal vegetative spread or through seedling establishment, growth, and survival. Species richness and dominance shall be within the range of values documented on banks and in channels of similar intermittent streams in Central Florida. Trees shall be planted on the filled ditch such that they maintain a density of 200 trees / acre. Wetland trees shall also be planted along the banks of the restored stream to improve bank stabilization. The restored stream shall support fishes similar to the reference site identified in the ADA* and the Master Mining Plan*; 80 % of the species present at the reference site shall also be present within the SR 37 stream.

- d. Release- Project release shall be requested to the County staff when the criteria set forth above are met.
 - e. Water flow to the headwater marsh of Horse Creek shall be protected as outlined in the Hydrologic Conditions Commitment, above.
16. Central Marsh* Enhancement: Within 2 years of permit issuance, the Developer* shall enhance the Central Marsh* by fire management.
17. Conservation Areas*. The Developer* shall dedicate a total of +/- 552 acres in perpetuity, which shall be placed under conservation easement to the FDEP, with Manatee County as a named beneficiary thereof. A conservation easement management plan will be developed with FDEP for this area and copied to Manatee County. The Conservation Easement Area* will be offered in two phases. All Preservation Areas* preserved from mining operations on the Altman Tract—Parcel 4* (+/-520 acres, including +/-186 acres of uplands and 335 acres of wetlands), except for the Conservation B designated areas, e.g., the dragline crossing adjacent to State Road (SR) 37 and an access corridor along the property boundary south of the headwater marsh (approximately 32 acres), these lands will be part of the Category A Conservation Easement and shall constitute Preservation Areas* where no wetland disturbance will occur. The +/- 32 acres of crossing / access corridors (acres disturbed but not mined) depicted on Exhibit DC-4 are Category B Conservation Easement lands and shall be placed into the conservation easement at the conclusion of the use, restoration and reclamation release. See Exhibit DC-4. The headwater marsh (also known as the Central Marsh*) of Horse Creek is not proposed to be mined, additional uplands and wetlands north and south of the Central Marsh* will not be mined, the ditched natural stream that flows from SR 37 to the Central Marsh* will not be mined, and a stream restoration of that SR 37 flow-way will be undertaken. Both the Preservation Areas* and Conservation Areas* on the Altman Tract—

CORRECTIVE DOCUMENT

Parcel 4* will be placed under the conservation easement for perpetual protection.

- 18. Inspection and monitoring of the Conservation Easement Area* shall be conducted as specified in the Master Mining Plan* and the Environmental Monitoring Commitment, below.**
- 19. Manatee County shall be a named beneficiary of the conservation easement, with, at a minimum, the following rights:**
 - a. the right, but not the duty, to enforce the terms of the easement;**
 - b. the right, but not the duty, to enter onto the Altman Tract—Parcel 4* for purposes of conducting management activities set forth in the conservation easement management plan; and**
 - c. the right to consent, along with the FDEP, if any request is made for a release of any portion of the Conservation Easement Area* from the conservation easement.**
- 20. In the event that any listed species listed in Rule 68A-27.003 - 68A-27.005 FAC, or state or federally listed species or colonies of species are observed nesting or breeding at the Altman Tract—Parcel 4* in an area to be disturbed by mining operations beyond the species already identified and for which appropriate Wildlife and Habitat Management Plans have not been obtained, the Developer* shall immediately notify the Florida Fish and Wildlife Conservation Commission (FFWCC) and implement the recommended measures for species protection.**
- 21. The Developer* shall implement the Wildlife and Habitat Management Plans as detailed in the ADA* and Sufficiency Responses for the Altman Tract—Parcel 4*, which have 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.**
- 22. The preserved uplands, wetlands, and floodplains comprising the Preservation Areas* described above will provide refuge for fauna displaced by mining operations, and will also provide a source for faunal recolonization. The Developer* shall place the Conservation Areas* and Preservation Areas* described in Development Condition 6.D of Ordinance 08-32 under a conservation easement with a long-term management plan, and the integration of the Conservation Areas* and Preservation Areas* on Altman Tract—Parcel 4* into the state's Integrated**

CORRECTIVE DOCUMENT

Habitat Network and with the County's Duelle Park to the south will provide a corridor of natural habitat that will facilitate wildlife movement.

23. At no time shall more than 25% of the wetlands on the Altman Tract—Parcel 4* be In Active Mining* at any one time. If the total wetlands In Active Mining* exceeds the 25% threshold, no new wetland disturbance within the Altman Tract—Parcel 4* shall be authorized until the 25% threshold is regained. To accomplish this goal, sand tailings backfill and final contouring shall be expedited to meet this condition.

ADDITIONAL WETLAND SUCCESS ASSURANCES

1. **Reclamation and Surety Bonds.** Developer* shall comply with all general surety and wetland reclamation bonding requirements of Ordinance No. 04-39* for the areas to be mined and disturbed on the Altman Tract—Parcel 4*.
2. **Additional Financial Assurances.** In addition to the Altman Tract—Parcel 4* reclamation bonding required by Ordinance 04-39*, Developer* shall submit an additional \$2 million in reclamation bonding, releasable upon a determination that the herbaceous wetland mitigation in Altman Tract—Parcel 4* has met the requirements in the Manatee County Reclamation Manual, Appendix E*.
3. **Texaco Tract Wetland Contract.** Upon the granting of the Altman Approvals* and the expiration of any appellate rights or challenges associated therewith, and provided no appeal or challenge has been filed and remains pending, Mosaic shall enter into a contract with the County that will effectively restrict any mining, land clearing or site preparation on approximately 597 acres of land located in two parcels within the larger tract of land known as the Texaco Tract. These two parcels are graphically depicted in Composite Exhibit G in Ordinance 08-32 Exhibits. These two parcels contain approximately 403 acres of high quality wetlands. The contract shall provide that Mosaic may not mine any acreage within these two parcels until the County determines that Mosaic has satisfactorily reclaimed herbaceous wetlands on the Altman Tract in accordance with the objective criteria and standards found in the County's Ordinance 04-39. The County shall not unreasonably withhold approval of such a determination. The contractual limitations of no mining can be satisfied by Mosaic in any increment of 100 acres or more. For example, if Mosaic satisfactorily reclaims a 115 acre herbaceous wetland area on the Altman Tract, the County must release the 115 acre area within the Texaco Tract. In addition, the contractual limitations of no mining shall preclude only actual mining and not preliminary activities relating to these two parcels such as obtaining all applicable permitting approvals.

CORRECTIVE DOCUMENT

DRAINAGE

1. The drainage basins in the Altman Tract—Parcel 4* 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.
2. The re-created wetlands shall be designed to promote normal seasonal fluctuations of water levels within the wetlands and encourage seasonal saturation and inundation appropriate to the wetland type, as identified in Development Condition C(2)(b) of Ordinance 08-32.
3. 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

1. There shall be no net increase in the groundwater demand or groundwater withdrawals in excess of the currently permitted volume for the Four Corners Mine* required for mining and reclamation of the Altman Tract—Parcel 4*.
2. The applicant will not drill any new water supply production wells in association with the Altman Tract—Parcel 4* site.

TRANSPORTATION

1. The Altman Tract will be mined using existing equipment of the Four Corners Mine*.
2. 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.
3. Establishment of two crossing points on State Road 37 for purposes of access, movement of mining machinery, or mineral transport pipelines shall be permitted, as shown in the ADA*.

MINING OPERATIONS

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 Ordinance 08-32 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 Altman Tract—Parcel 4*.
2. The Developer* shall abide by all FDEP reclamation regulations regarding site cleanup and shall remove any structures or equipment 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.
3. The Developer* shall reclaim all mined or disturbed uplands to FDEP and Manatee County Ordinance 81-22 standards and wetlands shall be reclaimed in accordance with Appendix E* or the ERP*, whichever is more stringent. Reclamation and revegetation shall proceed immediately after mining operations cease in each mining area and shall comply generally with the schedule for reclamation outlined in the ADA*. 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* or Ordinance 04-39*, as applicable.
4. 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 windrowed dirt to lessen the potential of increased radiation levels on reclaimed lands.
5. Minimum mine cut setbacks and setbacks for the perimeter recharge ditch shall be maintained as follows:
 - a. 1,000 feet of a habitable structure existing at the time of initial application for Master Mining Plan* approval, unless waived by affected habitable structure owner; not applicable to this parcel;
 - b. A minimum of 45 feet from an existing public right-of-way, in which the BMP* ditch and berm system can be constructed; and
 - c. 500 feet of the Developer's* property line, where setback waivers have not been obtained. A setback waiver has been granted along

the Developer* / Manatee County property line;

Nothing in this requirement shall prevent the reduction of setbacks pursuant to the Mining Ordinance*. All such setbacks shall be shown in the Operating Permit and shall be specifically approved by the Board of County Commissioners.

Within the above described setback areas along State Road 37, the Developer* shall construct an earthen berm 4'-8' in height above the roadway elevation, prior to commencement of mining activities.

- 6. Mining operations, including alignment of mine cuts, cutting down of overburden rows, construction of a ditch and berm system, and placement of sand tailings, shall be conducted in accordance with the terms of Ordinance 08-32 and the Master Mining Plan*.**
- 7. Sand Tailings: In order to provide reasonable assurance that sufficient sand tailings are available to timely reclaim the wetlands and other surface waters authorized for mining within the Altman Tract—Parcel 4*, the Developer* shall provide an updated sand tailings balance in the DRI annual report, which shall document the materials allocated for reclamation of the Altman Tract—Parcel 4*.**
- 8. Mining and Reclamation Schedule. It is expressly recognized that the mining blocks, rates and schedules provided in Ordinance No. 08-32 and the Master Mining Plan* are estimates based upon the maximum rate anticipated. Accordingly, mining blocks and rates may vary depending upon market conditions. However, reclamation and revegetation shall proceed immediately after mining operations cease in each parcel and in no case shall exceed the schedules for reclamation outlined in Table 35-4 of the ADA*. Actual mining acreages will be documented in the annual reports submitted to the County. See updated Maps and Tables in the December 23, 2008 ADA*. Refer to this ADA* submittal for more information on pre and post land use and reclamation and mine scheduling.**

RADIATION STANDARDS

- 1. Radiation standards shall be maintained as follows:**
 - a. For the Altman Tract—Parcel 4*, the radiation standards shall be maintained in accordance with Ordinance 04-39*.**
 - b. Any building shall be designed and constructed and all reclamation shall be done to provide protection against gamma radiation and radon gas accumulation and emanation in accordance with the**

CORRECTIVE DOCUMENT

most stringent applicable state and federal requirements.

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

AIR QUALITY

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

ADDITIONAL PUBLIC CONTRIBUTIONS

1. For the promotion and benefit of the health, safety and welfare of the citizens of Manatee County, the Developer* has agreed to the following additional conditions:
 - a. **Duette Fire Station:** The Developer* has committed to constructing a fire station for the Duette Fire District on a 70-acre Developer*-owned parcel near the intersection of State Road 62 and Bunker Hill Road ("Bunker Hill property"). Upon the granting of the Altman Approvals* and the expiration of any appellate rights or challenges associated therewith, and provided no appeal or challenge has been filed and remains pending, the Developer* shall initiate work to prepare the necessary construction drawings, and apply for release of the Bunker Hill property from any remaining reclamation requirements and apply for the other necessary approvals and permits to construct the Fire Station. The Developer* shall coordinate Fire Station design work with the Duette Fire District. Contingent upon and following receipt of such releases, approvals and permits, the Developer* shall promptly construct a Fire / Emergency Management Services Station for the Duette Fire District on the Bunker Hill property ("Fire Station"), in accordance with the attached general schematic – subject to final design changes (Exhibit DC-5) – and modeled after the Myakka City Fire Station, to include the following:
 - i. Approximately 7,000 square feet, metal construction
 - ii. Office space
 - iii. Kitchen / training room
 - iv. Three-person bunk room
 - v. Parking area / paved driveway with direct emergency vehicle access to State Road 62 and additional access to Bunker Hill
 - vi. Office equipment, fire fighting equipment and furniture is excluded

CORRECTIVE DOCUMENT

Upon completion of construction and issuance of a Certificate of Occupancy, the Fire Station shall be dedicated to the Duette Fire District.

- b. Bunker Hill Community Park:** The Developer* has committed to constructing a community park on the Bunker Hill property. Upon the granting of the Altman Approvals* and the expiration of any appellate rights or challenges associated therewith, and provided no appeal or challenge has been filed and remains pending, the Developer* shall initiate work to prepare the necessary construction drawings, and apply for release of the Bunker Hill property from any remaining reclamation requirements and apply for the other necessary approvals and permits to construct the Park. The Developer* shall coordinate the design of the Park with the Manatee County Parks and Recreation Department. Contingent upon and following receipt of such releases, approvals, and permits, the Developer* shall promptly construct park improvements for the Bunker Hill Community Park on the Bunker Hill property ("the Park"), in accordance with the attached general schematic – subject to final design changes - (Exhibit DC-5), to include the following:

- i. Baseball field
- ii. Soccer / open play field
- iii. +/- 19 Acre Lake
- iv. Boat Ramp and Dock
- v. Restroom Facilities
- vi. Picnic areas
- vii. Parking area / paved driveway with access to Bunker Hill and additional parking and access to New Bunker Hill Road
- viii. A complete irrigation system for landscaping and sports fields
- ix. Funding not to exceed \$87,000 / year (plus \$58,000 for start up cost the first year) to provide for operation and maintenance of the park for the first three (3) years following construction, to give the County an opportunity to develop a funding source.

Upon completion of construction, the Developer* shall dedicate the Park to Manatee County.

- c. Environmental Education Center:** Upon the granting of the Altman Approvals* and the expiration of any appellate rights or challenges associated therewith, and provided no appeal or challenge has been filed and remains pending, Mosaic will cooperate with the County to: 1) provide or contribute to

improvements to the educational building and/or infrastructure once architectural review and recommendations have been conducted; and 2) provide educational materials. Mosaic shall contribute up to \$75,000.00 toward these initiatives as mutually agreed upon by Mosaic and the County. Mosaic will also make volunteers periodically available on a pre-arranged basis to assist in the educational programs.

ENVIRONMENTAL MONITORING PROGRAM

1. The environmental monitoring program for the Four Corners Mine* – Altman Tract—Parcel 4* is intended to establish baseline conditions to continuously evaluate compliance of the mining operations with applicable standards and limitations over the life of the mine and to assure successful reclamation and restoration of the wetlands and surface waters.
2. This monitoring program shall fully comply with, and shall incorporate to the extent not inconsistent, the monitoring requirements of the Master Mining Plan* (Resolution R-08-051), Ordinance 08-32, FDEP ERP No. 0155875-009 / 010, and the SWFWMD WUP No. 2011400, as well as other provisions of applicable laws, ordinances, rules, regulations, or requirements of Developer's* federal, state, regional, or county governmental authority in connection with the proposed mining activities at the Altman Tract—Parcel 4*. In the event of any inconsistency, the more stringent condition or provision shall control.
3. At a minimum, the environmental monitoring program shall consist of monitoring of the following elements, shall continue through the life of mining until the release of reclamation, and shall include sufficient monitoring to support the use of MIKE-SHE or other mutually acceptable integrated surface water and groundwater hydrologic model:
 - a. surface water quality
 - b. surface water quantity / flow
 - c. groundwater quality
 - d. groundwater quantity / levels
 - e. mitigation wetlands
 - f. rainfall
 - g. radiation in soils
 - h. conservation areas
4. Specific requirements relative to each above-identified component of the environmental monitoring program shall be contained in the Master Mining Plan*. The Master Mining Plan* shall specify the intervals, frequency, duration, locations, and parameters for the monitoring, as mutually agreed upon by the Developer* and the County.

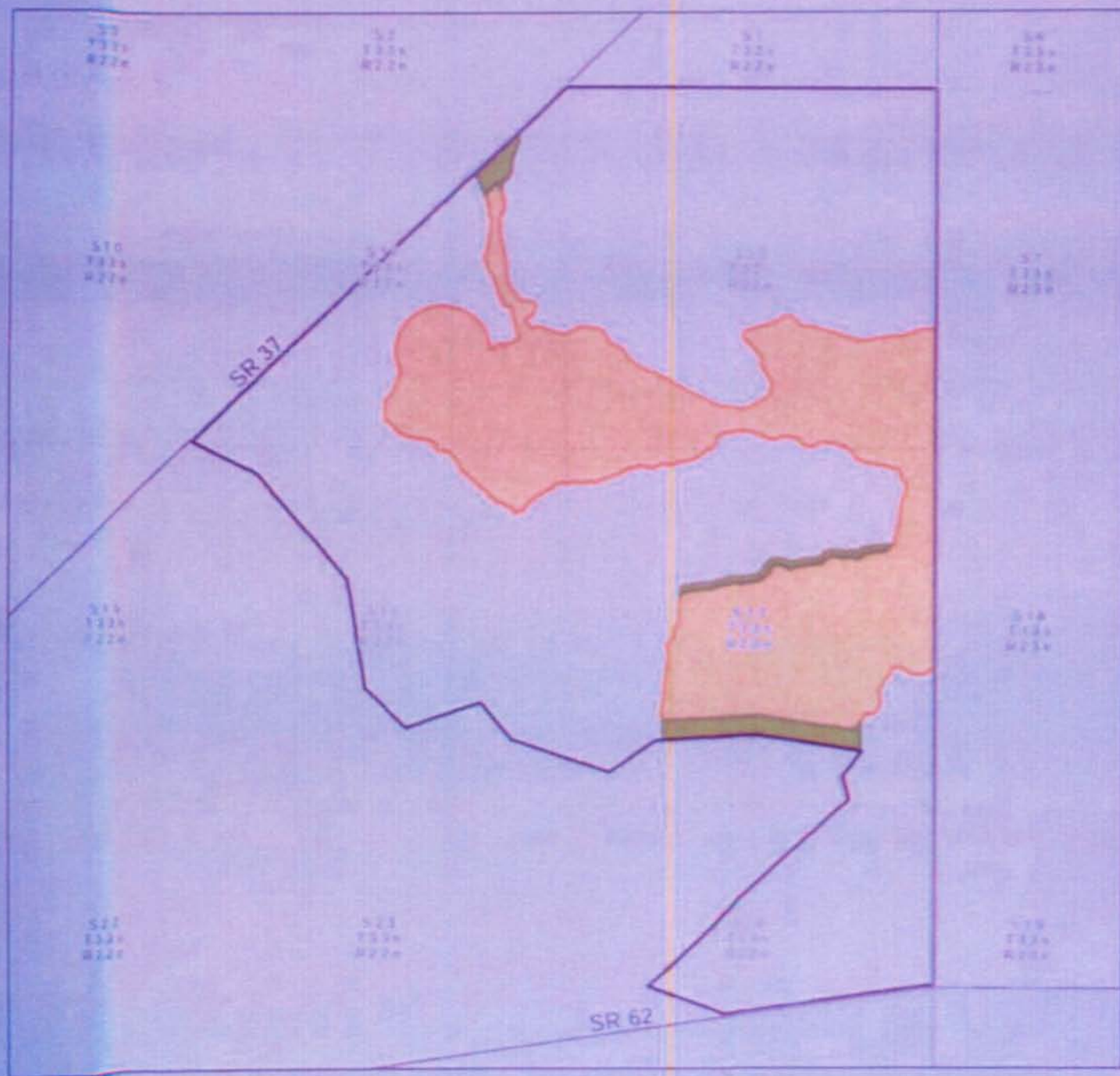
CORRECTIVE DOCUMENT

-
5. **Initial Baseline monitoring has been conducted and ongoing monitoring will continue as set forth in the Master Mining Plan* to establish pre-disturbance conditions.**

LIST OF EXHIBITS

- | | |
|---------------------|--|
| Exhibit DC-1 | Eagle Management Area |
| Exhibit DC-2 | Preservation Buffers & Mining Area |
| Exhibit DC-3 | Wetland Restoration: Post-Reclamation Plan |
| Exhibit DC-4 | Proposed Conservation Easement |
| Exhibit DC-5 | General Schematics for Duette Fire / EMS Station and
Bunker Hill Park |

CORRECTIVE DOCUMENT



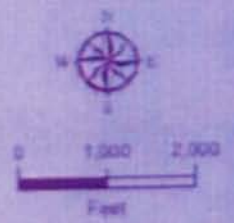
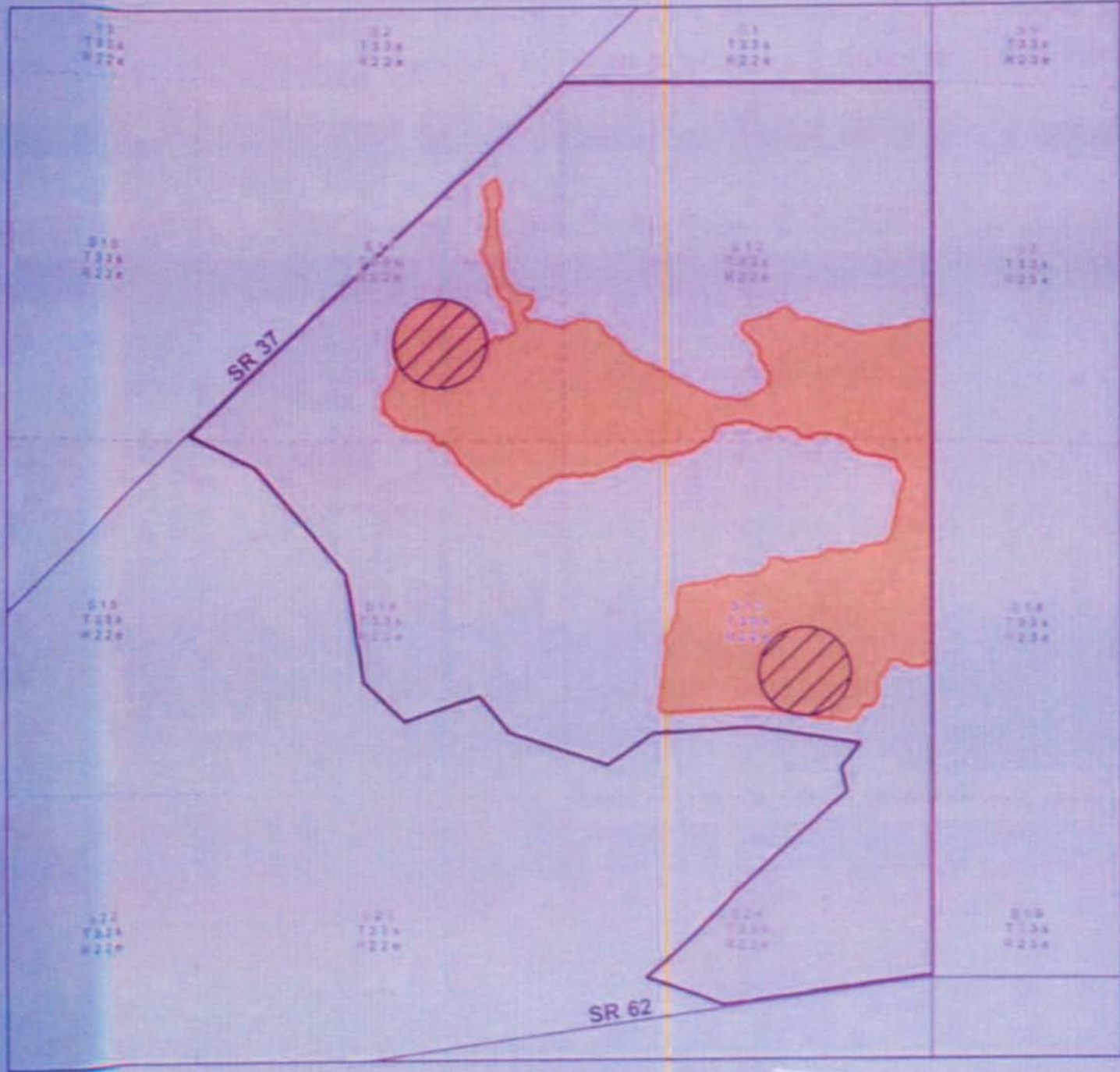
- Legend**
- Township / Range Lines
 - Section Lines
 - Conservation Easement Area A: 519.5 ac
 - Conservation Easement Area B: 32.7 ac
 - Alluvial Boundary



Exhibit DO-B
Proposed
Conservation
Easement

Map No. 046 078008
Plan Copyright © 2008 Mosaic Land & Air Services

CORRECTIVE DOCUMENT



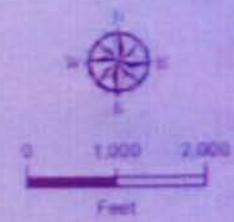
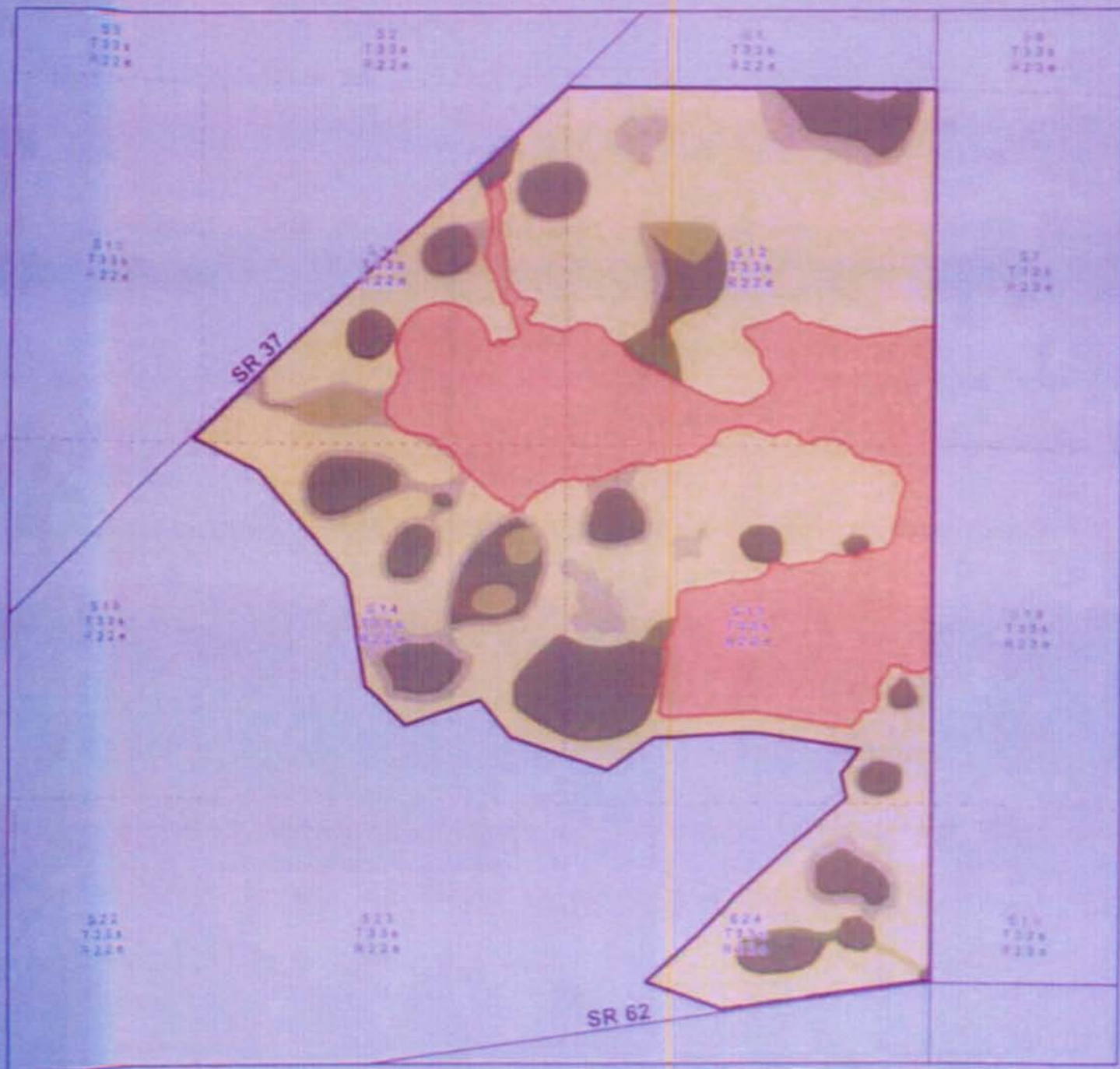
- Legend**
- Township / Range Lines
 - Section Lines
 - Eagle Management Area
 - Preservation Area
 - Amsah Boundary



**Exhibit DC-1
Eagle
Management Area**

DATE: 04/15/2008
FILE: G:\Projects\2007\2007_04\Map\DC-1_Eagle_Management

CORRECTIVE DOCUMENT



Legend

- Township / Range Lines
- Section Lines
- ▭ Wetland Boundary
- ▭ Preservation Area
- Reclaimed Land Use**
- ▭ Non-wetland
- ▭ 617 - Mixed Wetland Hardwoods
- ▭ 630 - Mixed Forested / Mixed Hardwood and Slash Pine Forest
- ▭ 633 - Hydric Hammock
- ▭ 641 - Freshwater Marshes
- ▭ 642 - Wet Prairies
- ▭ 647 - Shrub Marsh



**Exhibit DC-3
Wetland
Restoration
Post Reclamation**

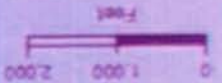
Scale: 1" = 1000' Date: 12/20/2004
 File: C:\projects\2004\2004_12\Wetland\DC-3_1000.dwg

CORRECTIVE DOCUMENT

Exhibit DC-2
Preservation Buffers
& Mining Area



- Legend**
- Section Lines
 - Township / Range Lines
 - Aerial Boundary
 - 30' Wetland Buffer
 - Enhancement for
 - Pool Restoration
 - 30' Wetland Buffer Around
 - Preserved Central Marsh
 - Wetlands
 - Preserved Central Marsh Wetlands
 - Preservation Area
 - Mining Area

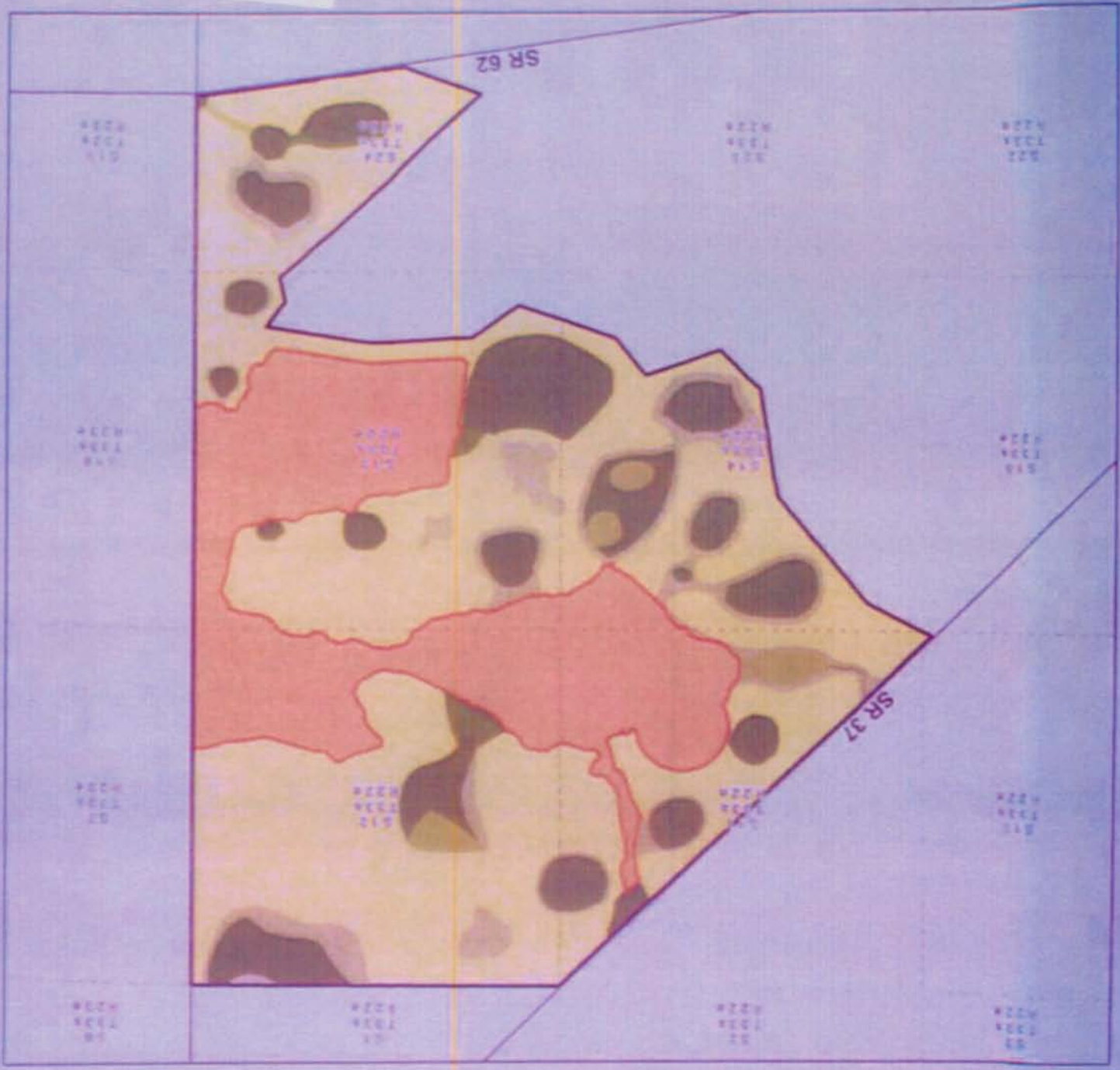
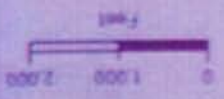


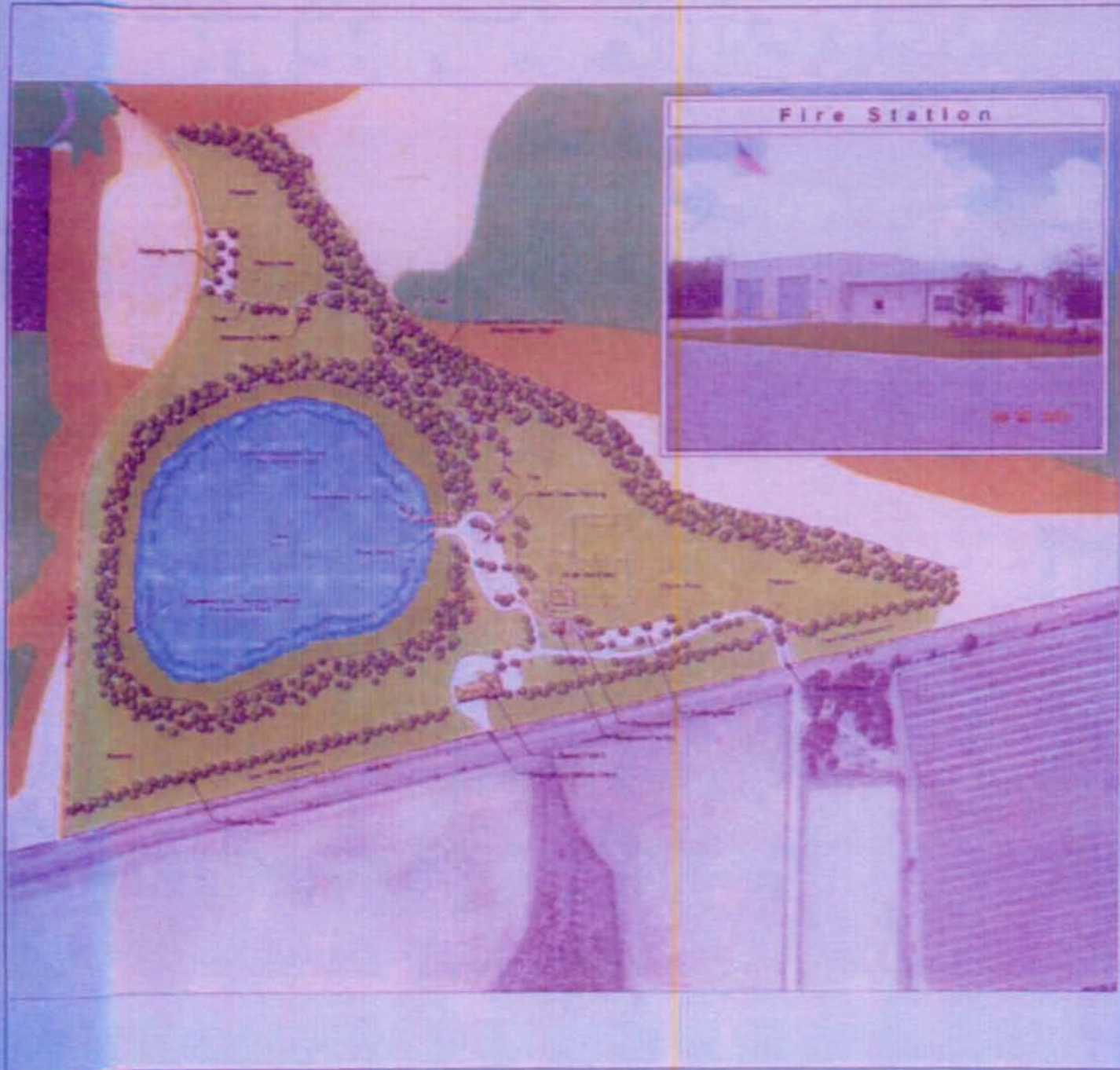
DATE: 08/20/2008
PROJECT: MARIETTA WETLAND RESTORATION

Exhibit DC-3 Wetland Restoration Post Reclamation



- Legend**
- Township / Range Lines
 - Section Lines
 - Acreal Boundary
 - Preservation Area
 - Reclaimed Land Use
 - Non-wetland
 - 617 - Mixed Wetland Hardwoods
 - 600 - Mixed Forested / Shrub Hardwood and Shrub Pine Forest
 - 633 - Hydric Hardwoods
 - 641 - Freshwater Shrublands
 - 642 - Vast Prairies
 - 647 - Open Marsh





Not to Scale

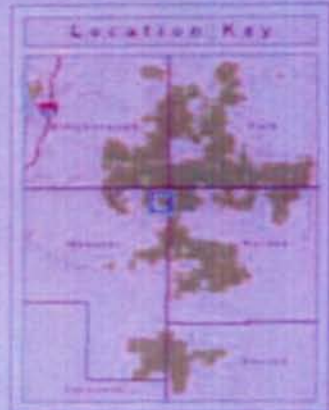
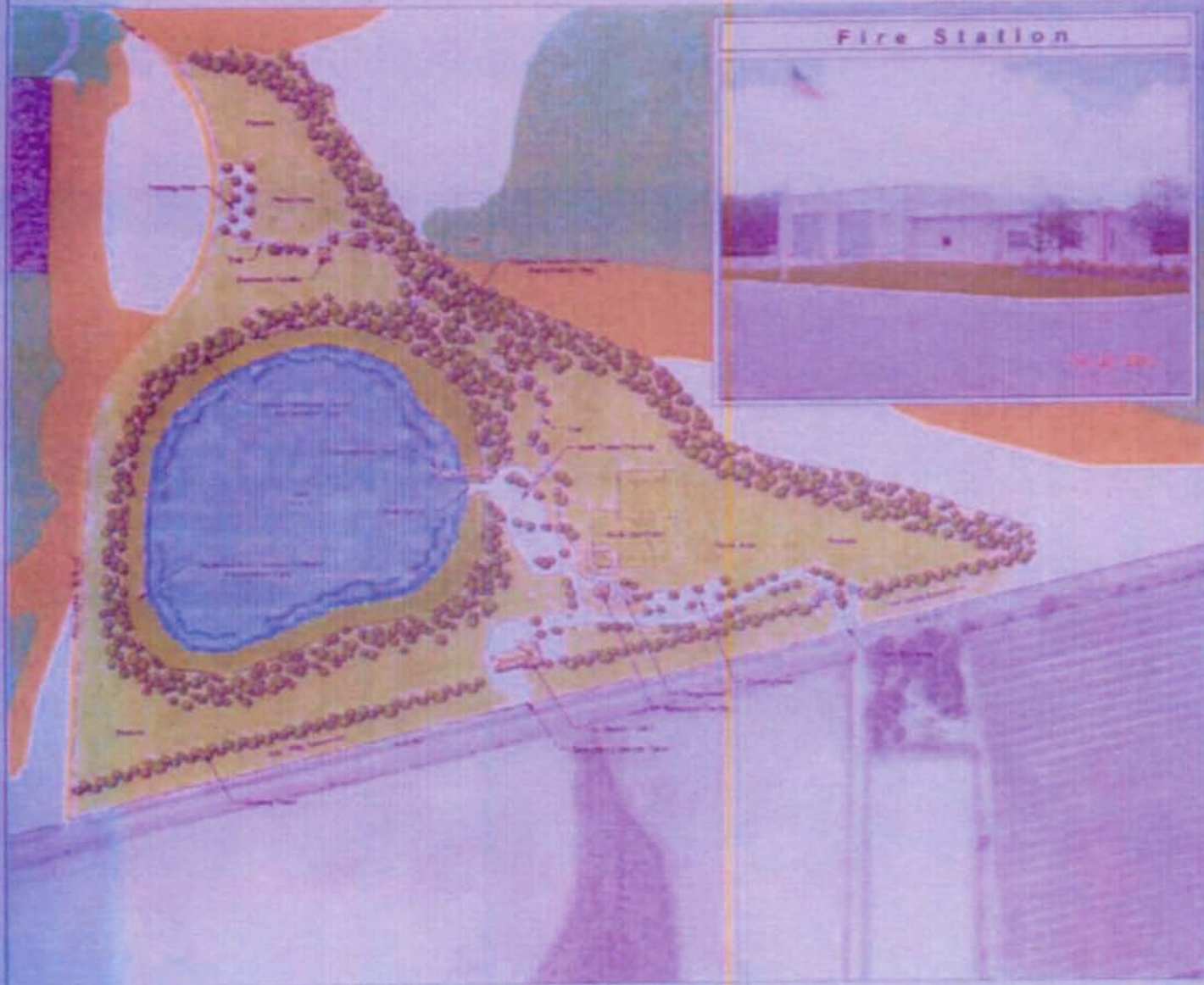


Exhibit DC-5
General Schematic
Fire / EMS Station
& Bunker Hill
Community Park

1999 08 08 12000000
1999 08 08 12000000 00000000 00000000 00000000 00000000

CORRECTIVE DOCUMENT



Not to Scale

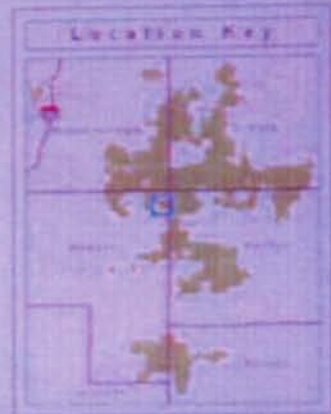


Exhibit DO-F
 General Schematic
 Fire / EMS Station
 & Bunker Hill
 Community Park

10/11/11 11:00 AM
 10/11/11 11:00 AM

CORRECTIVE DOCUMENT



**COMPOSITE EXHIBIT G
TEXACO TRACT WETLAND
ATTACHMENTS**

- **Contract to Secure Wetland Reclamation Obligation**
- **Exhibit A - Description of Encumbered Property**
- **Exhibit B - Altman Tract- Parcel #4 Permitted Property Legal Description**
- **Exhibit C - Reclamation Success Criteria**

CORRECTIVE DOCUMENT

(DRAFT 1/7/2009)

COMPOSITE EXHIBIT G

CONTRACT TO SECURE WETLAND RECLAMATION OBLIGATION

THIS CONTRACT TO SECURE WETLAND RECLAMATION OBLIGATION is entered this ____ day of _____ 2009, by the Mosaic Fertilizer LLC, having an address at 5000 Old Hwy 37 South, Mulberry, FL 33860 (Mosaic) with MANATEE COUNTY, a political subdivision of the state of Florida whose address is 1112 Manatee Avenue West, Suite 969, Bradenton, FL 34206 (County). As used herein, the term Mosaic shall include any and all heirs, successors or assigns of Mosaic, and all subsequent owners of the Encumbered Property (as hereinafter defined) and the term County shall include any successor or assignee of the County.

WITNESSETH

WHEREAS, Mosaic is the sole owner in fee simple of certain lands situated in Manatee County, Florida, more specifically described in Composite Exhibit A attached hereto and incorporated herein ("the Encumbered Property");

WHEREAS, Mosaic has submitted applications to the County for a DRI Development Order No. 08-32 (collectively "the Permit") that will authorize Mosaic to conduct mining activities on a separate site known as the Altman Tract—Parcel 4 that affect wetlands in or of the State of Florida;

WHEREAS, in order to secure Mosaic's reclamation obligation as a function of Ordinance No. 08-32 and as a condition of obtaining the Permit, Mosaic will temporarily exclude from development wetlands over areas which are described, mapped and shown in the attached Composite Exhibit A ("Encumbered Property"), until such time as Mosaic demonstrates the success of wetland reclamation of shrub and herbaceous wetland components in and on certain lands situated in Manatee County, Florida, at the Altman Tract, more specifically described in Exhibit B attached hereto (the "Permitted Property");

WHEREAS, Mosaic imposes this limitation as a condition to obtain the Permit issued by the County, in satisfaction of additional reasonable assurance and overriding public benefit under the Manatee County Comprehensive Plan Avoidance and Minimization Policy 3.3.1.1 to secure Mosaic's obligation to complete the proposed wetland reclamation on the Permitted Property in a manner that will be successful to offset or prevent the temporal adverse impacts to water quality and natural resources, such as fish, wildlife, and wetland or other surface water functions, that may occur until the Permitted Property is successfully reclaimed;

NOW THEREFORE, in consideration of the above and the mutual covenants, terms, conditions and restrictions contained herein, together with other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, Mosaic hereby certifies ownership by Mosaic of the Encumbered Property on behalf of itself and its successors, heirs and assigns and agrees not to excavate phosphate ore from the Encumbered

CORRECTIVE DOCUMENT

Property and agrees to record this limitation in the Official Records of Manatee County, Florida and make it binding upon the Mosaic, and shall remain in full force and effect unless and until the County releases the Encumbered Property in accordance with Section 4 hereof and the Permit. The scope, nature and character of this mining limitation shall be as follows:

1. Purpose. The purpose of this mining limitation is to maintain the wetlands on the Encumbered Property in a natural condition, except as otherwise expressly permitted in this Contract, unless and until the Mosaic provides documentation of successful reclamation of the Permitted Property.

2. Prohibited Activities. The following acts and activities are expressly **prohibited** within the boundaries of the Encumbered Property without the prior consent of the County except as expressly allowed by the provisions of Section 3 of this Contract:

- a. Construction or placing of buildings, roads, signs, billboards or other advertising structures on or other structures on or above the ground;
- b. Construction or placing of utilities on, below or above the ground without appropriate local, state, and federal permits or other authorization;
- c. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;
- d. Removal, mowing, or trimming of trees, shrubs, or other vegetation;
- e. Application of herbicides, pesticides, or fertilizers;
- f. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;
- g. Surface use except for purposes that permit the land or water area to remain in its natural condition;
- h. Any activity detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation;
- i. Acts or uses detrimental to such retention and maintenance of land or water areas;

3. Authorized activities. Notwithstanding the foregoing, the following activities on the Encumbered Property are allowed as long as they do not unreasonably interfere or conflict with the purpose of this Contract:

CORRECTIVE DOCUMENT

a. Outdoor recreational uses including, but not limited to, bird watching, hunting pursuant to properly issued hunting permits, fishing, and camping, any of which may be conducted on a commercial/for profit basis;

b. Drainage improvements for the purpose of enhancing or restoring the ecological function of the wetlands or other wetland ecological enhancements or improvements;

c. Removal of trees, shrubs, or other vegetation for the purpose of enhancing or restoring wetlands or removing planted pines or exotic or nuisance species listed in the 2005 Florida Exotic Pest Plant Council's "List of Invasive Species," categories I and II for North Florida, and

d. Maintenance of existing trails, fire breaks, roads and ditches where needed to implement activities listed above.

e. The right to use the 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 that allow native grasses and other native forage species to regenerate such that grazing capacity of the land is naturally renewed.

4. Conditions for Release of Mining Limitation. Upon satisfaction of the conditions for release set forth in Exhibit C, the County shall release this mining limitation by recording a written release in the Official Records of Manatee County, Florida. Such release may be recorded in increments, as more particularly set forth in Exhibit C.

5. Reserved Rights. Mosaic reserves all rights as owner of the Encumbered Property, including the right to engage in uses of the Encumbered Property that are not prohibited herein and which are not inconsistent with the terms and conditions of this Contract or any County rule, criteria, or Agreement. Mosaic may also process the completed development application for mining, but may not engage in land clearing, site preparation, or mining until the Encumbered Property are released.

6. Public Access. No public right of access or use to any portion of the Encumbered Property is conveyed by this Contract.

7. Responsibilities of Parties and Indemnification. Mosaic, its successors or assigns, shall take responsibility for any costs or liabilities related to the operation, upkeep or maintenance of the Encumbered Property. In addition, the County, its successors or assigns, shall have no responsibility for any costs or liabilities related to the operation, upkeep or maintenance of the Encumbered Property. Neither Mosaic, its successors or assigns, nor any person or entity claiming by or through Mosaic its successors or assigns,

CORRECTIVE DOCUMENT

shall hold the County liable for any damage or injury to person or personal property which may occur on the Encumbered Property. Furthermore, the Mosaic, its successors or assigns shall indemnify and hold harmless the County for all liability, any injury or damage to the person or property of third parties which may occur on the Encumbered Property.

8. Taxes. Mosaic, its successors or assigns, shall pay before delinquency any and all taxes, assessments, fees, and charges of whatever description levied on or assessed by competent authority on the Encumbered Property, and shall furnish the County with satisfactory evidence of payment upon request.

9. Assignment of Rights. County, its successors or assigns will not assign its rights and obligations under this Contract except to another organization qualified to hold such interests under the Agreement.

10. Recording in Land Records. Upon issuance of the Permit, Mosaic shall promptly record this Contract and any amendments hereto in a timely fashion in the Official Records of Manatee County, Florida. Mosaic shall pay all recording costs and taxes necessary to record this Contract.

11. Successors. The covenants, terms, conditions and restrictions of this Contract shall be binding upon, and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors and assigns and shall continue as a servitude running in perpetuity with the Encumbered Property unless or until said encumbrance is released according to the terms of paragraph 4 herein

12. Notices. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest.

13. Severability. If any provision of this Contract or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this Contract shall not be affected thereby, as long as the purpose of the Contract is preserved.

14. Alteration or Revocation. Except as provided above, this Contract may be amended, altered, released or revoked only by Agreement modification as necessary and written agreement between the parties hereto or their heirs, assigns or successors-in-interest, which shall be filed in the public records in Manatee County.

15. Controlling Law. The interpretation and performance of this Contract shall be governed by the laws of the State of Florida.

16. Limitation. This provision shall not be construed to entitle the County to bring any action against Mosaic for any injury to or change in the property resulting from natural causes beyond Mosaic's control including, without limitation, fire, flood, storm and earth movement, or from any necessary action taken by Mosaic under emergency conditions to

CORRECTIVE DOCUMENT

prevent, abate or mitigate significant injury to the property or to persons resulting from such causes.

The covenants, terms, conditions, restrictions and purpose imposed with this Contract shall be binding upon Mosaic, and shall continue as a servitude running with the Encumbered Property until released as provided in Section 4 herein.

Mosaic hereby covenants with said County that Mosaic is lawfully seized of said Encumbered Property in fee simple; that the Encumbered Property is free and clear of all encumbrances that are inconsistent with the terms and conditions of this Contract and all mortgages have been joined or subordinated; that Mosaic has good right and lawful authority to convey this Contract.

SIGNED, SEALED and Delivered in the presence of:

MOSAIC FERTILIZER LLC,
a Delaware Limited Liability Company,

By: James Voyles,
General Counsel

ATTEST: _____
Secretary

Print Name

WITNESSES:

OR

Witness Signature

Witness Signature

Print Name

Print Name

STATE OF FLORIDA
COUNTY OF _____

I HEREBY CERTIFY that on this ____ day of _____, 2009, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments and administer oaths, personally appeared James Voyles, as General Counsel of Mosaic Fertilizer LLC, a Delaware Limited Liability Company, who is [] personally known to me or has [] produced _____ as identification, and he acknowledged that he executed the same for the purposes set forth therein.

Name: _____
NOTARY PUBLIC, STATE OF FLORIDA
My Commission Expires:

CORRECTIVE DOCUMENT

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

BY: _____
Chairman

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

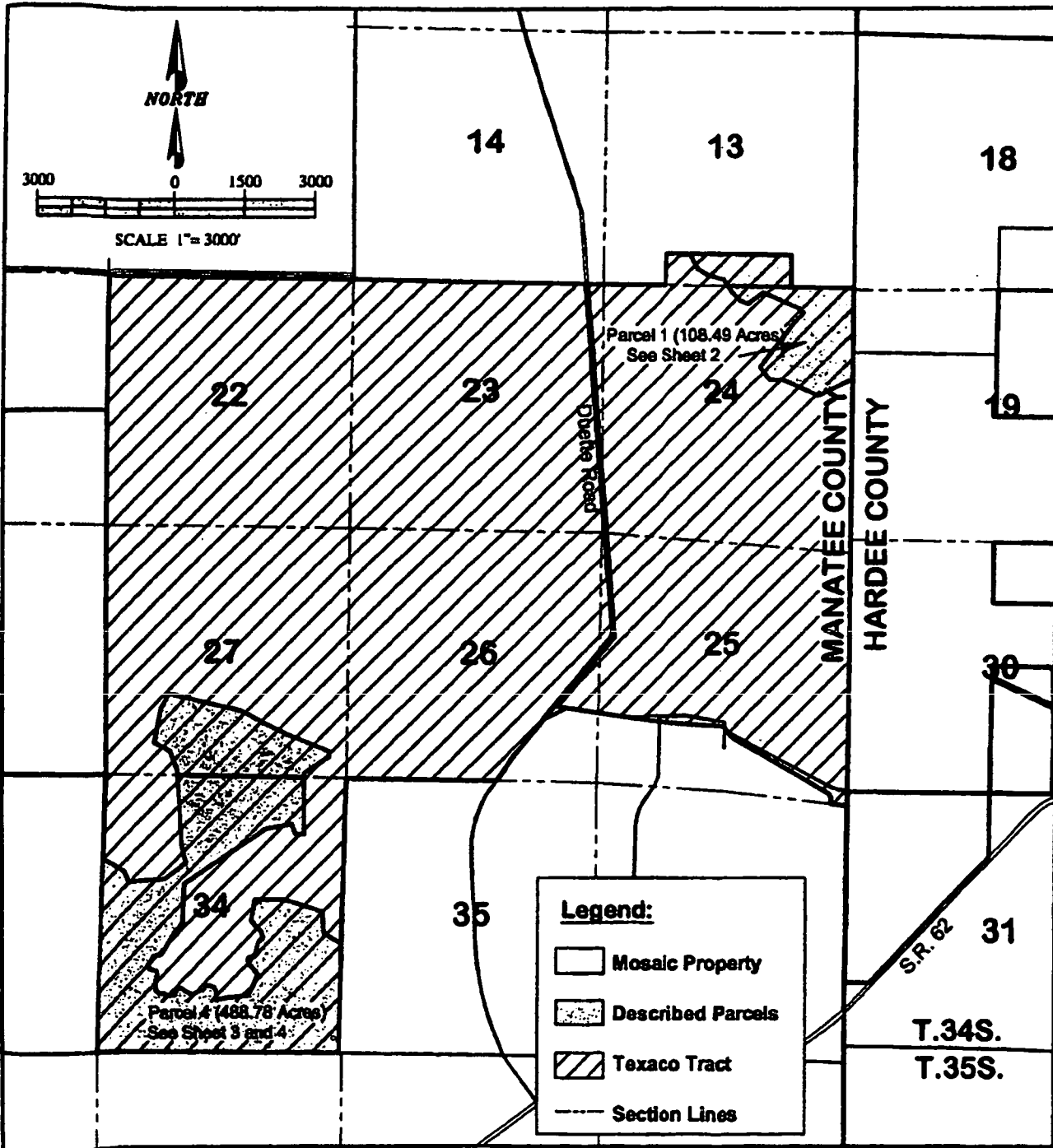
CORRECTIVE DOCUMENT



**COMPOSITE EXHIBIT G
TEXACO TRACT WETLAND
ATTACHMENT**

**Exhibit A - Description of
Encumbered Property**

CORRECTIVE DOCUMENT



**Description of
Encumbered Property
Sections 13,24,27 & 34
Township 34 South,
Range 22 East
Wingate Mine - Texaco Tract
Sheet 1 of 4**

SURVEYOR'S NOTES:

- This sketch does not represent a survey, no corners were set.
- All section information shown on this sketch is based on a boundary survey of Wingate Mine, prepared by Pickett & Associates Inc., identified as Project No. 13101, Drawing No. LD2550, dated: 5/4/2004.
- The limits of the wetlands within the Conservation Easement were determined in the field by Environmental Consultants Technology (ECT) and measured using a handheld Global Positioning System (GPS) unit reported to have a positional error not to exceed 1 meter when compared to a true position. The limits of the Conservation Easement as described and shown on this sketch are created to include the limits of wetlands as located by ECT with an additional buffer to the landward extent.

EXHIBIT A



SURVEY AND MAPPING DEPARTMENT

By: ESP Date: 1/7/2009 Scale: 1" = 3000'
 Pat: SPRINGS/007/2007_0030/own/rev/est_dwg_slsr/dwg

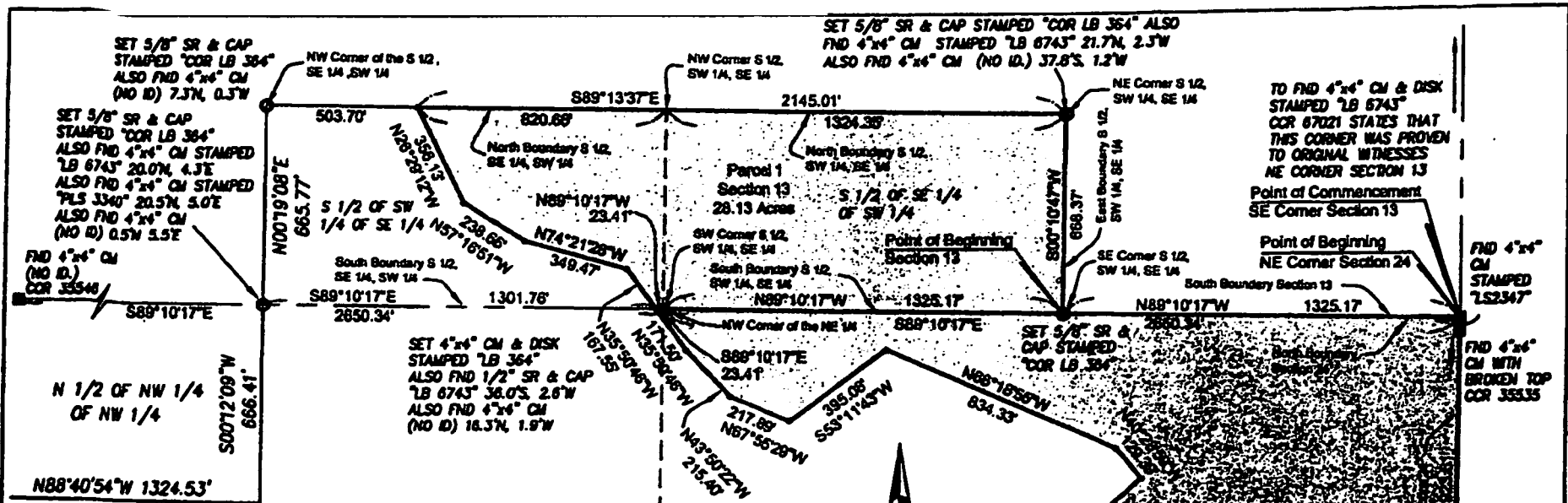
PROFESSIONAL LAND SURVEYOR

Not Valid Without The Signature And The Original Raised Seal Of A Florida Licensed Surveyor or Mapper.

Date: _____

Ronnie T. Hall
 Fla. Cert. No. 3373
 P.O. Box 2000
 Mulberry, Fla. 33860-1100

Not valid unless embossed with raised surveyor's seal.



Description of Encumbered Property Sections 13 & 24 Township 34 South, Range 22 East Wingate Mine - Texaco Tract
 Sheet 2 of 4

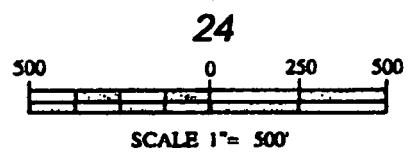


SURVEY AND MAPPING DEPARTMENT
 By: SPJ Date: 1/17/2009 Scale: 1"=500'
 Path: g:\proj\2007\2007_0030\hobby\surveyed_desc_plat\chd.dwg

PROFESSIONAL LAND SURVEYOR
 Not Valid Without The Signature And The Original Raised Seal Of A Florida Licensed Surveyor or Mapper.

Date: _____
 Ronnie T. Hall
 Fla. Cert. No. 3373
 P.O. Box 2000
 Mulberry, Fla. 33880-1100

Not valid unless embossed with raised surveyor's seal.



SURVEYOR'S NOTES:

- This sketch does not represent a survey, no corners were set.
- All section information shown on this sketch is based on a boundary survey of Wingate Mine, prepared by Pickett & Associates Inc., identified as Project No. 13101, Drawing No. LD2550, dated: 5/4/2004.
- The limits of the wetlands within the Conservation Easement were determined in the field by Environmental Consultants Technology (ECT) and measured using a handheld Global Positioning System (GPS) unit reported to have a positional error not to exceed 1 meter when compared to a true position. The limits of the Conservation Easement as described and shown on this sketch are created to include the limits of wetlands as located by ECT with an additional buffer to the landward extent.

**Description of
Encumbered Property
Section 27 Township 34 South,
Range 22 East
Wingate Mine - Texaco Tract
Sheet 3 of 4**

SURVEYOR'S NOTES:

- This sketch does not represent a survey, no corners were set.
- All section information shown on this sketch is based on a boundary survey of Wingate Mine, prepared by Pickett & Associates Inc., identified as Project No. 13101, Drawing No. LD2550, dated 5/4/2004.
- The limits of the wetlands within the Conservation Easement were determined in the field by Environmental Consultants Technology (ECT) and measured using a handheld Global Positioning System (GPS) unit reported to have a positional error not to exceed 1 meter when compared to a true position. The limits of the Conservation Easement as described and shown on this sketch are created to include the limits of wetlands as located by ECT with an additional buffer to the landward extent.

EXHIBIT A



SURVEY AND MAPPING DEPARTMENT

By: RPD Date: 1/17/2008 Scale: 1"=800'
 Path: g:\projects\2007\2007_0030\textaco\triv\textaco.dwg

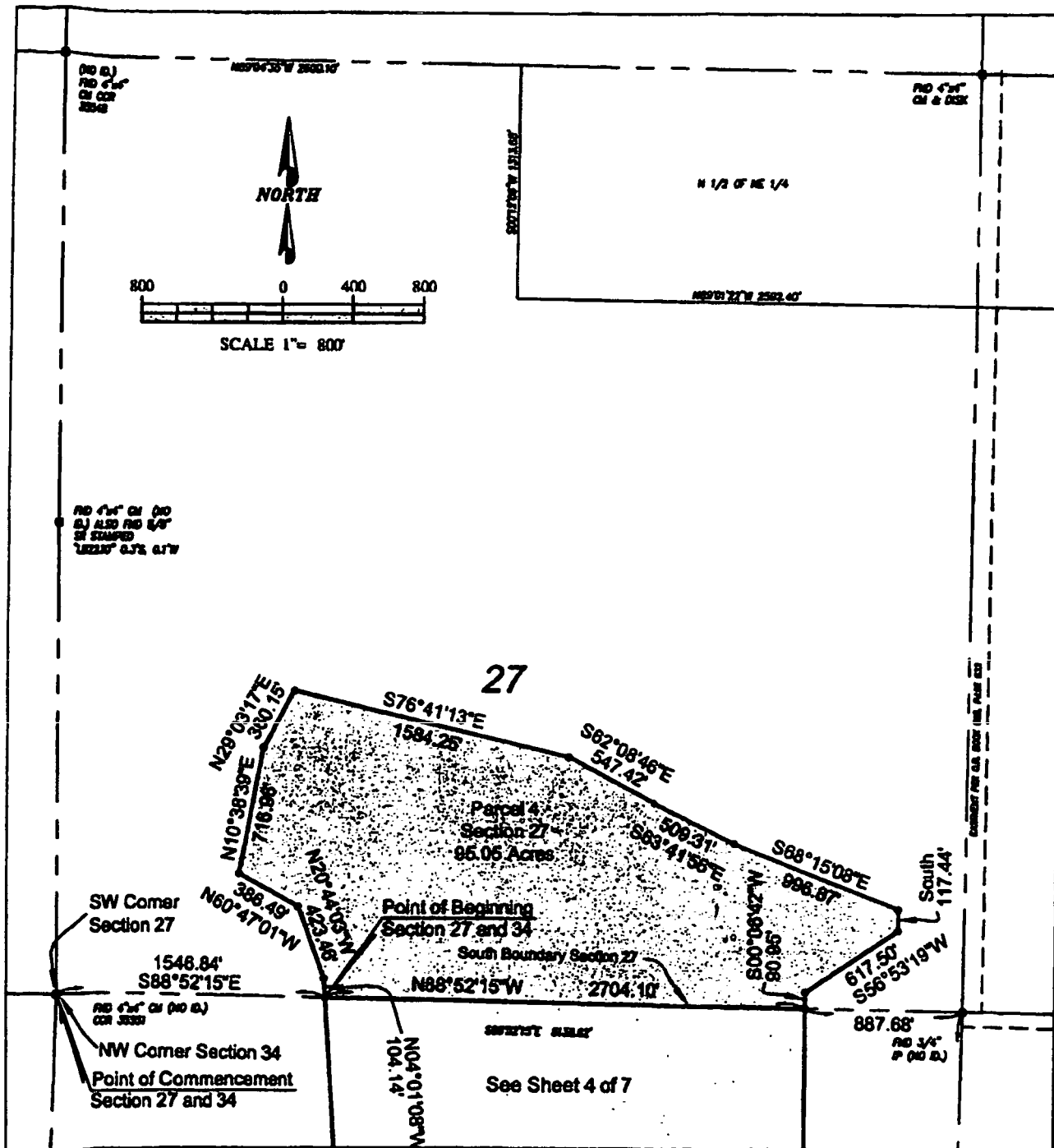
PROFESSIONAL LAND SURVEYOR

Not Valid Without The Signature And The Original
 Raised Seal Of A Florida Licensed Surveyor or Mapper.

Date: _____

Ronnie T. Hall
 Fla. Cert. No. 3373
 P.O. Box 2000
 Mulberry, Fla. 33880-1100

Not valid unless embossed with raised surveyor's seal.



**Description of
Encumbered Property
Section 34 Township 34 South,
Range 22 East
Wingate Mine - Texaco Tract**
Sheet 4 of 4

SURVEYOR'S NOTES:

- This sketch does not represent a survey, no corners were set.
- All section information shown on this sketch is based on a boundary survey of Wingate Mine, prepared by Pickett & Associates Inc., identified as Project No. 13101, Drawing No. LD2550, dated 5/4/2004.
- The limits of the wetlands within the Conservation Easement were determined in the field by Environmental Consultants Technology (ECT) and measured using a handheld Global Positioning System (GPS) unit reported to have a positional error not to exceed 1 meter when compared to a true position. The limits of the Conservation Easement as described and shown on this sketch are created to include the limits of wetlands as located by ECT with an additional buffer to the landward extent.

EXHIBIT A



SURVEY AND MAPPING DEPARTMENT

By: RPD, Date: 1/7/2008, Scale: 1"=800'
Path: g:\projects\2007\2007_0030\mwsurvey\ass_survey.dwg

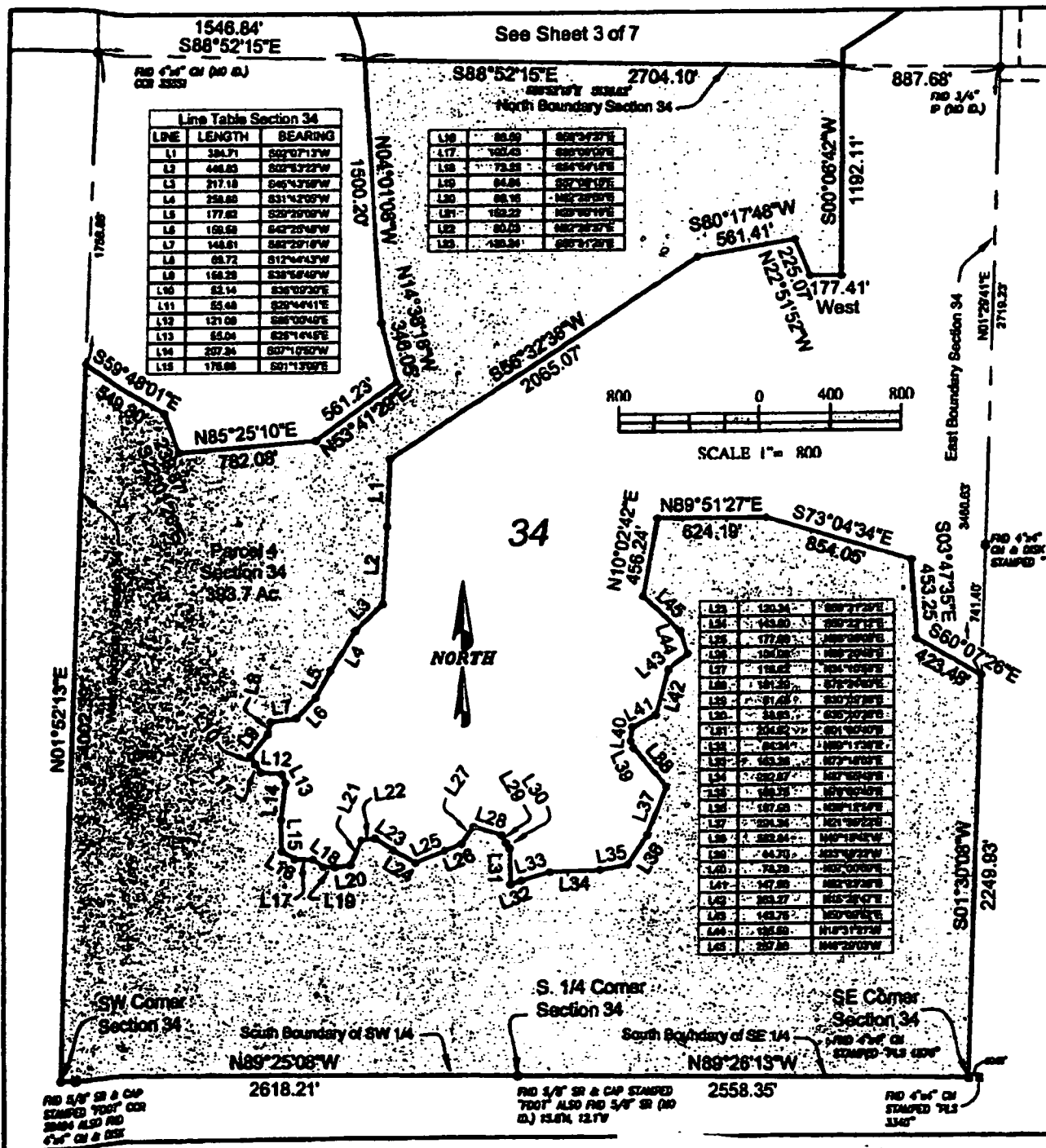
PROFESSIONAL LAND SURVEYOR

Not Valid Without The Signature And The Original
Raised Seal Of A Florida Licensed Surveyor or Mapper.

Date: _____

Ronnie T. Hall
Fla. Cert. No. 3373
P.O. Box 2000
Mulberry, Fla. 33860-1100

Not valid unless embossed with raised surveyor's seal.





**COMPOSITE EXHIBIT G
TEXACO TRACT WETLAND
ATTACHMENT**

**Exhibit B - Altman Tract
Parcel #4 - Permitted Property
Legal Description**

EXHIBIT B

Altman Tract - Parcel 4 (Permitted Property):

In Township 33 South, Range 22 East, Manatee Co.

Section 11: All that part lying south and east (or southeasterly) of State Road 37.

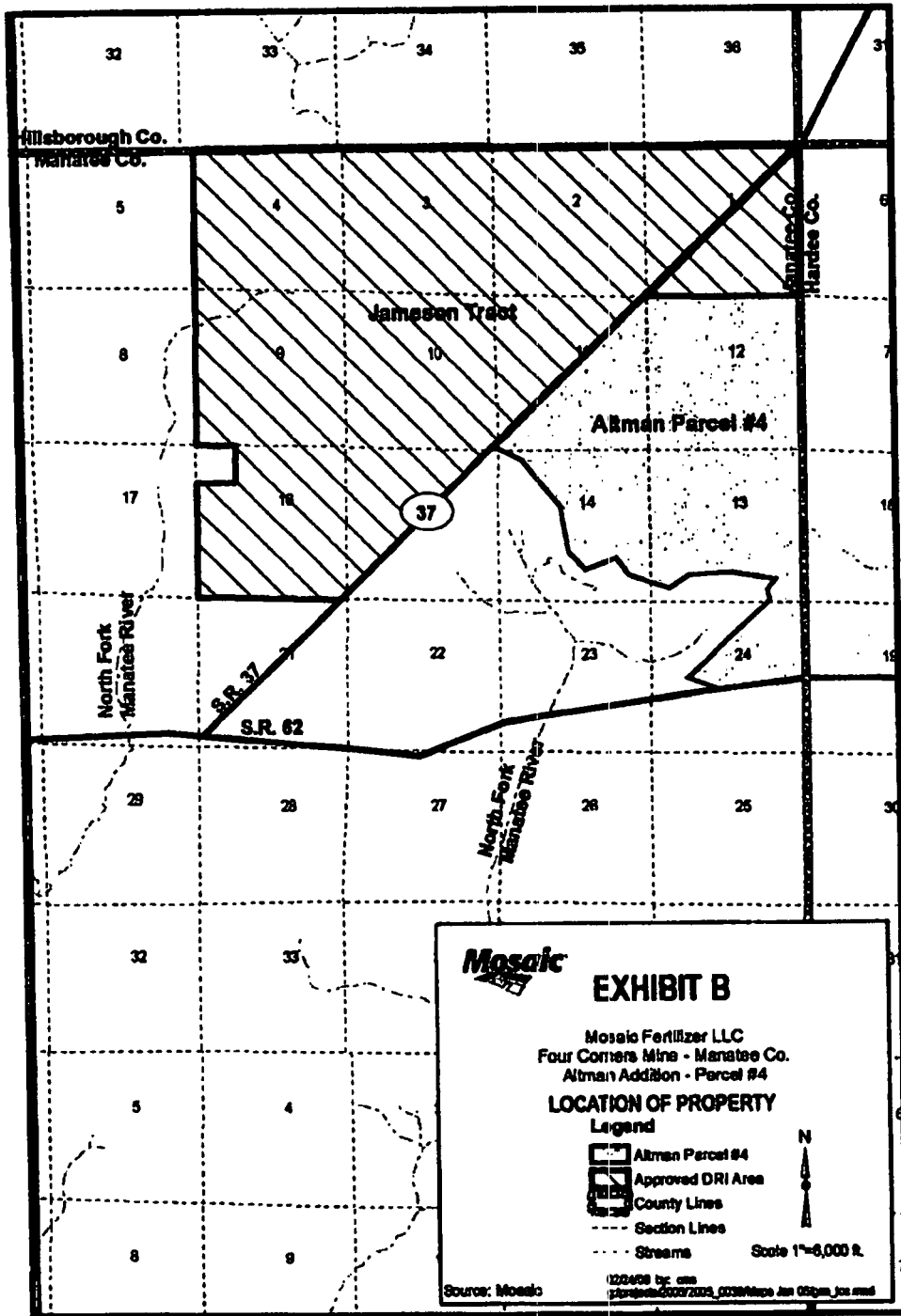
Section 12: All that part lying south and east (or southeasterly) of State Road 37.

Section 13: All, LESS the following described parcel: Begin at the Southwest corner of Section 13, thence proceed N 00°08'22" W, along the west line of the Section, 703.32 feet to the Watershed Boundary Line between the Horse Creek and East Fork Manatee River Basins; thence S 70°39'27" E, along the Watershed Boundary Line, 656.33 feet; thence N 54°20'37" E, 808.35 feet; thence N 87°01' 51" E, 1471.24 feet; thence S 80°42'49" E, 1522.00 feet; thence S 35°44'47" W, 453.75 feet; thence S 12° 20' 01" E, 368.48 feet; thence S 47°27'45" W, 120.57 feet to the south line of the Section; thence N 89°39'59" W, along the south line of the Section, 1329.46 feet to the southeast corner of the SW 1/4 of the Section; thence N 89°41'26" W, along the south line of the Section, 2641.09 feet to the POINT OF BEGINNING.

Section 14: All LESS the following described parcel: Begin at the southeast corner of Section 14, thence proceed N 88°49'39" W, along the south line of the Section, 2612.74 feet to the southwest corner of the SE 1/4 of the Section; thence N 88°49'12" W, along the south line of the Section, 2612.69 feet to the southwest corner of the section; thence N 00°09'14" E, along the west line of the Section, 5259.60 feet to the northwest corner thereof; said point also being on the Watershed Boundary Line between the Horse Creek and East Fork Manatee River basins; thence S 62°44'01" E, along the Watershed Boundary Line 911.05 feet; thence S 39°26'30" E, 2045.00 feet; thence S 09°12'34" E, 1639.06 feet; thence S 44°35' 27" E, 830.69 feet; thence N 70°36'14" E, 1118.03 feet; thence S 37°25'01" E, 701.66 feet; thence S 70°39'27" E, 819.34 feet to the east line of the Section; thence S 00°08'22" E, along the east line of the Section, 703.32 feet to the POINT OF BEGINNING.

Section 24: That part lying north of State Road 62 (also known as the Parrish - Wauchula Road) LESS the following described parcel: Begin at the Northwest corner of Section 24, thence proceed S 89°41'26" E, along the north line of the Section, 2641.09 feet to the northeast corner of the NW 1/4 of the Section; thence S 89°39'59" E, along the north line of the Section, 1329.46 feet to the Watershed Boundary Line between the Horse Creek and East Fork Manatee River Basins; thence S 47°27'45" W along the Watershed Boundary Line, 937.28 feet; thence S 47°27'45" W, 1057.84 feet; thence S 44°00'59" W, 862.70 feet; thence S 47°00'11" W, 985.07 feet; thence S 69°40'57" E, 1180.90 feet to the north right-of-way line of State Road 62; thence S 80°20'42" W, along the north right-of-way of State Road 62, 54.02 feet; thence S 81°43'26" W, 199.90 feet; thence S 83°26'32" W, 100.04 feet; thence S 84°35'11" W, 100.12 feet; thence S 82°35'00" W, 200.02 feet; thence S 82°35'00" W, 200.02 feet; thence S 81°43'26" W, 499.61 feet; thence S 81°22'48" W, 500.01 feet; thence S 81°49'02" W, 499.49 feet to the west line of the Section; thence N 00°44'51" E, along the west line of the Section, 763.16 feet to the southwest corner of the NW 1/4 of the Section; thence N 00°41'53" E, along the west line of the Section, 2638.46 feet to the POINT OF BEGINNING.

The total Altman Parcel #4 amounting to 2,048 acres, more or less, not including the Altman Section 1 area.



CORRECTIVE DOCUMENT

Mosaic

EXHIBIT B

Mosaic Fertilizer LLC
 Four Corners Mine - Manatee Co.
 Altman Addition - Parcel #4

LOCATION OF PROPERTY

Legend

- Altman Parcel #4
- Approved DRI Area
- County Lines
- Section Lines
- Streams

Scale 1"=6,000 ft.

Source: Mosaic

102408 bc_om
 p102408_0002202_003Shape_Alt 02/26/10



**COMPOSITE EXHIBIT G
TEXACO TRACT WETLAND
ATTACHMENT**

**Exhibit C - Reclamation
Success Criteria**

CORRECTIVE DOCUMENT

EXHIBIT C: RECLAMATION SUCCESS CRITERIA

The Altman wetlands shall be considered to be successfully reclaimed when the wetland reclamation criteria set forth below have been satisfied pursuant to a letter issued by Manatee County. The determination of wetland reclamation success may be issued in increments of approximately 100 acres upon written request from Mosaic, and the "Encumbered Property", as more particularly described in Exhibits A1 through A4 of Composite Exhibit A attached to the "Contract to Secure Wetland Reclamation Obligation.", shall be released from the recorded contractual mining limitation in increments, as outlined below. Upon written concurrence that reclamation success has been achieved, Manatee County shall release the contractual mining limitation on the Encumbered Property.

Reclamation Success Criteria: For wetland rehabilitated areas (WRA) to be considered successful and released from further monitoring or reclamation obligations, the following criteria will be met:

1. Plant communities must have the areal coverage/projected areal coverage, quantities, and diversity of shrubs, and ground cover consistent with Table 4 of Ordinance No. 04-39, Manatee County Reclamation Manual.
2. The landward extent and areas waterward of the proposed limits for rehabilitated/restored wetlands should meet criteria as described in Chapter 62-340, F.A.C. inclusive of vegetation and hydric soil characteristics.
3. At least one or more occurrences of flowering of 10 percent or more of the species from the shrub and herbaceous stratum, exclusive of nuisance species, with viable seed set (may require standard germination test) for each of the natural plant communities. 'Young' vegetation will be considered proof of flowering and/or viable seed.

4. Table 5 of Ordinance No. 04-39, Manatee County Reclamation Manual provides a list of native vertebrate species known or suspected to occur in Manatee County on existing or future phosphate-mined lands. These vertebrates form the pool from which representative species can be sampled to evaluate the success of the rehabilitation area. Table 5 includes both the permanent native resident fauna and migratory birds, which depend heavily on the Florida landscape for their survival and are an important component of the consumer food chain. Each WRA will be evaluated separately unless connected by a wildlife corridor (exclusive of avifauna corridors). Success criteria will only use those vertebrate species appropriate for the plant communities contained within each of the WRA.

Wildlife Success Criteria for each WRA

- Fishes:** For connected wetlands combined (forested and freshwater marshes), a minimum of four forage species (prey base primarily plants and invertebrates), and one top carnivore species (eats other fish).
- Amphibians:** For connected wetlands combined (forested and freshwater wetlands), a minimum of three anurian species and one salamander species.
- Birds:** For wetland plant communities combined, a total of 20 total species represented by at least two waterfowl species (*Anseriformes* or *Podicipediformes*), three shorebird species (*Charadriiformes*), four wading birds species (*Ciconiformes*), one member of cranes and their allies (*Gruidae*), two bird of prey species (*Falconiformes* or *Strigiformes*) and four song bird species (*Passeriformes*) from at least two families.
- Reptiles:** For wetland plant communities, a minimum of two turtle species (represented by at least one herbivore and one carnivore) and two snake species with a minimum reptilian diversity of at least five species.

Mammals: For wetland plant communities combined, a minimum of five total species represented by at least one small mammal species (*Rodentia*), one rabbit species (*Lagomorpha*), and two carnivore species (*Carnivora*).

WRAs not meeting success criteria for a targeted plant community, due to lower than expected vegetative cover or diversity, may be credited towards a similar system with less stringent coverage requirements upon presentation by the applicant and acceptance by Manatee County. However, it may not eliminate the need for additional rehabilitation in order to compensate for the loss of the original system.

Release in 100-Acre Increments: Upon demonstration of successful reclamation of approximately 100 wetland acres of the Permitted Property, Mosaic shall be entitled to request that Manatee County record a release of the contractual mining limitation on a portion of the Encumbered Property in increments such that at no time will the number of restricted wetland acres be less than 1.25 times the number of wetland acres remaining to be reclaimed and released at the Altman tract, until such time as the entire Encumbered Property is released from the contractual mining limitation. The recording shall constitute a release and nullification of the contractual mining limitation as to the acreages released.

CORRECTIVE DOCUMENT



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

Witness my hand and official seal this 26th day of

February, 2009.

R.B. SHORE
Clerk of Circuit Court

By: Diare E. Volmer D.C.



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

Witness my hand and official seal this 20th day of

January, 2009.

R.B. SHORE
Clerk of Circuit Court

By: Diare E. Volmer D.C.



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

FILED FOR RECORD
R. B. SHORE

2009 MAR -9 PM 2:16

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

March 3, 2009

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

Attention: Ms. Vicki Jarratt, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated February 26, 2009 and certified copies of Manatee County Ordinance Nos. 08-32, 08-50 and 08-69, which were filed in this office on March 2, 2009.

As requested, one date stamped copy 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>

COMMUNITY DEVELOPMENT
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA
850.245.6700 • FAX: 850.488.4894

LEGISLATIVE LIBRARY SERVICE
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282

FILED FOR RECORD
R. B. SHORE

ORDINANCE NO. 08-32

2009 FEB -2 AM 9:48

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. FOR THE FOUR CORNERS MINE* ALTMAN TRACT ADDITION DRI; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

CLERK OF DISTRICT COURT
MANATEE COUNTY
FLORIDA
2009 JAN 23 PM 1:15
STATE OF FLORIDA
FILED

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

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

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

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

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

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

WHEREAS, subsequently, IMC-AGRICO and Manatee County jointly proposed to purchase land and transfer permits and development rights, so that Manatee County acquired approximately 316 acres in the Lake Manatee Watershed from IMC-Agrico, and IMC-Agrico acquired approximately 310 acres outside the Lake Manatee Watershed in

exchange from Manatee County. The objective of the Land Exchange* was to allow the County to acquire this portion of the Lake Manatee Watershed and move the mining which was currently permitted in that area to another area outside the Lake Manatee watershed, all as part of the County's program to acquire the land in the Lake Manatee Watershed; and

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

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

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

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

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

WHEREAS, on January 19, 2001, IMC Phosphates Company filed an Application for Development Approval (ADA*) for a Substantial Deviation to their approved Four Corners Phosphate Mine DRI for the Phase II Northeast Tract Addition to the Four Corners Mine DRI, which included a parcel known as the Altman Tract—Parcel 4*, and submitted additional information in support of the application on September 10, 2001, March 28, 2002, July 16, 2002, October 8, 2002, and October 22, 2002; and

WHEREAS, on November 12, 2002, IMC Phosphates Company requested and Manatee County agreed to continue the review and public hearing for Altman Tract—Parcel 4* portion of the Phase II Northeast Tract Application for individual consideration at a future public hearing; and

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

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

WHEREAS, on November 2, 2004, the Board of County Commissioners approved Ordinance 04-39*, the Manatee County Phosphate Mining Code, amending and restating Ordinance 81-22*; and

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

WHEREAS, on February 20, 2007 Mosaic Fertilizer, LLC submitted a Substantial Deviation to: 1) amend the NE Tract Mining and Post Reclamation Plan; 2) reduce the size of the F-9 Clay Settling Area; 3) update the transportation analysis for the Four Corners Mine* to reflect transportation changes as addressed in Hillsborough County DRI #263; and 4) add a 299 acre parcel (known as the Lambe Addition) to the Northeast Tract of the Four Corners Mine*, which application is still under review (pending Ordinance 08-16); and

WHEREAS, review of the Altman Tract – Parcel 4* ADA* was continued as additional information was submitted or presented on February 24, 2005, May 26, 2005, September 23, 2005, and November 7, 2005; and

WHEREAS, on February 24, 2006, May 16, 2006, August 23, 2006, December 13, 2006, January 4, 2007, April 5, 2007, August 2, 2007, October 4, 2007, November 13, 2007, December 4, 2007, December 13, 2007, January 11, 2008, February 5, 2008, March 10, 2008, April 14, 2008, May 12, 2008, May 29, 2008, June 18, 2008, June 27, 2008, and September 16, 2008, Mosaic submitted additional information to Manatee County to support the Altman Tract–Parcel 4* ADA*; and

WHEREAS, on February 24, 2005 and May 26, 2005, copies of the Altman Tract – Parcel 4* additional information was provided to Tampa Bay Regional Planning Council (TBRPC), Florida Department of Community Affairs, Southwest Florida Water Management District (SWFWMD), FDEP; 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 Altman Tract – Parcel 4* ADA* and were, therefore, afforded the opportunity to comment on the proposed change; and

WHEREAS, the County and Mosaic Fertilizer, LLC have agreed for administrative purposes that the Altman Tract – Parcel 4* ADA* acreage shall be governed by its own Development Order; and

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

WHEREAS, the Planning Commission has reviewed the Altman Tract – Parcel 4* ADA*; and has filed a recommendation on that application with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the statutory authority to consider and approve the Substantial Deviation to an approved Development of Regional Impact; and

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

WHEREAS, the Board of County Commissioners has received and considered the comments of the Manatee County Planning Commission, TBRPC, and DCA; and

WHEREAS, on February 5, 2008, April 14, 2008, June 3, 2008, June 5, 2008, July 31, 2008, and September 16, 2008, the Board of County Commissioners of Manatee County held duly noticed public hearings on the Altman Tract—Parcel 4* - Application for Development Approval* and Rezone application and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County agencies, the applicant, and the review and report of the Manatee County Planning Department; and following the September 16, 2008 public hearing, the Board of County Commissioners denied the Application for Development Approval* and Rezone application; and

WHEREAS, on September 29, 2008, Mosaic filed a claim pursuant to the Bert J. Harris, Jr. Private Property Rights Protection Act (Sec. 70.001, Florida Statutes) alleging the County's action inordinately burdened Mosaic's property; and

WHEREAS, on October 14, 2008, Mosaic filed a Certiorari Appeal challenging the denial of the rezone request; and

WHEREAS, on October 29, 2008, Mosaic appealed the denial of the DRI Development Order to the Florida Land and Water Adjudicatory Board; and

WHEREAS, on December 16, 2008, the Board authorized the County Attorney to submit a written settlement offer to Mosaic to settle all of the above noted claims against the County; and

WHEREAS, Pursuant to the Settlement Agreement, the County scheduled public hearings to consider adoption of the DRI Development Order and Zoning Ordinance on January 15, 2009 and the Master Mine Plan and Operating Permit on February 5, 2009; and

WHEREAS, on January 15, 2009, the Board of County Commissioners of Manatee County again held duly noticed public hearings on the Altman Tract—Parcel 4* - Application for Development Approval* and Rezone application and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County agencies, the applicant, and the review and report of the Manatee County Planning Department; and

WHEREAS, 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. NEW DEVELOPMENT ORDER RENDERED AND NO AMENDMENT OF PRIOR DEVELOPMENT ORDERS

This Ordinance establishes a new Development Order for the Four Corners Mine* Altman Tract—Parcel 4* Addition.

The Development Order for the Four Corners Mine* Altman Tract—Parcel 4* Addition Substantial Deviation, subject to the conditions contained in this order, adequately addresses the impact of the proposed changes.

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, 96-43, 02-58, and 05-42. Ordinance 05-42 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 05-42.

SECTION 2: FINDINGS OF FACT.

The Board of County Commissioners, after considering the testimony, evidence, Application for Development Approval (ADA*), 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 January 19, 2001, Mosaic Fertilizer, LLC submitted an Application for Development Approval (ADA*) for the Phase II Northeast Tract Addition to the Four Corners Mine* Development of Regional Impact (DRI), which included a parcel known as the Altman Tract—Parcel 4*. Supplemental information was submitted on September 10, 2001, March 28, 2002, July 16, 2002, October 8, 2002, and October 22, 2002.
- C. On November 12, 2002, IMC Phosphates Company requested and Manatee County agreed to continue the review and public hearing for Altman Tract—Parcel 4* portion of the Phase II Northeast Tract Application for individual consideration at a future public hearing.
- D. On November 21, 2002, the Board of County Commissioners approved Ordinance 02-58 to include the Phase II Northeast Tract Addition to the Four Corners Mine* DRI.
- E. Additional information for consideration of the Altman Tract—Parcel 4* was submitted on February 24, 2005, May 26, 2005, September 23, 2005, and November 7, 2005 and included the following elements:
 - 1. Add Altman Tract—Parcel 4* – 2,048 acres of land to the Four Corners Mine*;
 - 2. Amend the terms of the Development Order to allow mining of phosphate on and reclamation of the 2,048 acre tract (Altman Tract – Parcel 4*) to be added to the mine and provide that the Developer* will:
 - a. Grant a Conservation Easement over habitats on the Altman Tract—Parcel 4* area, which includes the Central Marsh* System and the stream to be restored connecting to the Central Marsh* north of State Road 37.
 - b. Preserve two bay swamps and a large habitat area intermixed with uplands, streams, and small isolated wetlands through the Altman Tract connecting to county-owned land south of Altman Tract—Parcel 4*.
 - c. Commit to special measures to reclaim the soils and control nuisance and exotic species on Altman Tract—Parcel 4*, including cogon grass. The control measures begin with site monitoring during construction and will continue until the lands are revegetated and released by Manatee County.
- F. The following information, commitments, and impact mitigating provisions submitted by Mosaic Fertilizer, LLC are hereby incorporated in this Development Order by reference:

1. Application for Development (ADA*) submitted on January 19, 2001.
 2. Supplemental information submitted on September 10, 2001, March 28, 2002, July 16, 2002, October 8, 2002 and October 22, 2002.
 3. Supplemental information submitted on February 24, 2005, May 26, 2005, September 23, 2005, November 7, 2005, February 24, 2006, May 16, 2006, August 23, 2006, December 13, 2006, January 4, 2007, April 5, 2007, August 2, 2007, October 4, 2007, November 13, 2007, December 4, 2007, December 13, 2007, January 11, 2008, February 5, 2008, March 10, 2008, April 14, 2008, May 12, 2008, May 29, 2008, June 18, 2008, June 27, 2008, September 16, 2008, and a settlement offer from Manatee County accepted by Mosaic Fertilizer, LLC and dated December 19, 2008.
- G. In construing and enforcing the provisions of the documents incorporated in this Development Order by 2.F., above, the following shall apply:
1. The Development Order shall control over any incorporated document in conflict or inconsistent with its terms.
 2. The most recent response of 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.
- H. The real property, which is the subject of this application is entitled the Four Corners Mine* Altman Tract—Parcel 4*, consists of approximately 2,048 acres within unincorporated Manatee County and is described in Section 7 of this Development Order.
- I. The owner of the Four Corners Mine* is Mosaic Fertilizer, LLC. The owner of the Altman Tract—Parcel 4* is Mosaic Fertilizer, LLC.
- J. The authorized agent for Mosaic Fertilizer, LLC is Thomas E. Myers, III, P.O. Box 2000, Mulberry Florida 33860.
- K. A comprehensive review of the impacts generated by the addition of the Altman Tract—Parcel 4* to the DRI has been conducted by the departments of Manatee County and TBRPC.
- L. The Developer* for purposes of this application is Mosaic Fertilizer, LLC.

- M. The Project is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- N. On October 14, 2002, the TBRPC held a duly noticed public meeting on the ADA*, received all pertinent testimony and evidence, and pursuant to Section 380.06(12), Florida Statutes, issued a report recommending approval.
- O. On November 29 and December 13, 2007, the Manatee County Planning Commission held duly noticed public hearings on the ADA* for the Four Corners Mine* Altman Tract—Parcel 4*, received all pertinent testimony and evidence, including the TBRPC report and recommendations, and recommended denial of the Altman Tract—Parcel 4* ADA*.
- P. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the Four Corners Mine* Altman Tract—Parcel 4* to the DRI and the Application for Official Zoning Atlas Amendment as it relates to the real Property described in Section 7 of this Ordinance.
- Q. The proposed expansion of the Four Corners Mine* DRI is an increase of over five percent (5%) of the existing phosphate mine acreage and constitutes a Substantial Deviation pursuant to Section 380.06(19)(b)(5), Florida Statutes.
- R. On February 5, 2008, April 14, 2008, June 3, 2008, June 5, 2008, July 31, 2008, and September 16, 2008, the Board of County Commissioners of Manatee County held duly noticed public hearings on the Altman Tract—Parcel 4* - Application for Development Approval* and Rezone application and solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County agencies, the applicant, and the review and report of the Manatee County Planning Department; and following the September 16, 2008 public hearing, the Board of County Commissioners denied the Application for Development Approval* and Rezone application.

On September 29, 2008, Mosaic filed a claim pursuant to the Bert J. Harris, Jr. Private Property Rights Protection Act (Sec. 70.001, Florida Statutes) alleging the County's action inordinately burdened Mosaic's property. On October 14, 2008, Mosaic filed a Certiorari Appeal challenging the denial of the rezone request. On October 29, 2008, Mosaic appealed the denial of the DRI Development Order to the Florida Land and Water Adjudicatory Board.

On December 16, 2008, the Board authorized the County Attorney to submit a written settlement offer to Mosaic to settle all of the above noted claims against the

County. Pursuant to the Settlement Agreement, the County scheduled public hearings to consider adoption of the DRI Development Order and Zoning Ordinance on January 15, 2009 and the Master Mine Plan and Operating Permit on February 5, 2009.

On January 15, 2009, the Board of County Commissioners of Manatee County again held duly noticed public hearings on the Altman Tract—Parcel 4* - Application for Development Approval* and Rezone application and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County agencies, the applicant, and the review and report of the Manatee County Planning Department.

- S. The proposed changes to the DRI with respect to the Altman Tract—Parcel 4* are found to be consistent with the report and recommendations of the TBRPC and with the requirements of the 2020 Manatee County Comprehensive Plan, the Manatee County Land Development Code, and the Mining Ordinance*, provided the Development* proceeds in accordance with the Development Conditions specified in Section 6.
- T. Specifically with regard to Comprehensive Plan Policy 3.3.1.1, the Developer* has demonstrated that:
 - 1. The property has a unique history in that it was acquired through a land exchange with the County in order to protect from mining lands within the Manatee River Watershed, and was the subject of extensive litigation, and ultimately a settlement, regarding the environmental permitting of the property by the Florida Department of Environmental Protection;
 - 2. As part of the settlement of the above described litigation, the Developer* has avoided the most valuable ecological system, the Central Marsh* headwater marsh system of Horse Creek, and has proposed to mine only those wetlands where wetland restoration is demonstrably achievable. In doing so, the Developer* has avoided 6 million tons of recoverable phosphate ore, 40% of the total recoverable reserves on-site in the Initial Mining Area*;
 - 3. This Development Order and any subsequent Master Mining Plan* and Operating Permit will impose extraordinary standards of assurance that the impacted wetlands will be reclaimed in accordance with the requirements of Manatee County Ordinance No. 04-39, including conditions for reclamation, and surety requirements.

4. A substantial portion of the recoverable phosphate ore on-site is beneath or near the impacted wetlands, such that extraction of such ore without some wetlands impact is not possible with current mining technologies; and
5. Phosphate mining activities, unlike other types of development subject to the requirements of Comprehensive Plan Policy 3.3.1.1, are statutorily categorized as a temporary use to extract a mineral of important public concern, such that compliance with Comprehensive Plan Policy 3.3.1.1 must be determined on a case-by-case basis, in light of the unique circumstances of the subject property, the quality and functionality of impacted wetlands, and the assurance provided by the developer that such wetlands can and will be reclaimed in accordance with Manatee County Ordinance No. 04-39.

While each of these facts, by itself, is insufficient to support a finding of compliance with Comprehensive Plan Policy 3.3.1.1, the totality of these circumstances, together with the record of evidence submitted during the public hearing, supports the conclusion that the development satisfies the requirements of Comprehensive Plan Policy 3.3.1.1.

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 Altman Tract—Parcel 4* is consistent with the local land development regulations, the State Comprehensive Plan, the Comprehensive Regional Policy Plan, and the 2020 Manatee County Comprehensive Plan (Ordinance 89-01, as amended).
- B. 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.
- C. 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 Altman Tract—Parcel 4* Addition are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.

- D. This Ordinance serves as a stand alone DRI Development Order for the Altman Tract—Parcel 4* addition to the Four Corners Mine*. Nothing herein shall be deemed to affect the validity of Ordinance 05-42 or any other valid development order authorizing mining, waste disposal, or beneficiation activities at Four Corners Mine*. It is recognized that Developer* will utilize existing approved waste disposal areas, beneficiation facilities, or other equipment or facilities at the Four Corners Mine* for development of Altman Tract—Parcel 4* as contemplated by this Ordinance. Ordinance No 05-42 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 05-42.

SECTION 4: DEVELOPMENT COMPONENTS

The Application for Development Approval (ADA*) entitled Four Corners Mine* Altman Tract—Parcel 4*, is hereby approved subject to the following conditions:

- A. The Altman Tract—Parcel 4* is approved for mining and reclamation as shown in the ADA*, as conditioned and limited herein, as follows:

Four Corners Mine*	SITE TOTALS – IN ACRES¹		
Parcels	TOTAL AREA	MINED / DISTURBED Includes access / utility corridors	NOT MINED / DISTURBED
Altman Tract– Parcel 4*	2,048	1,519	529
	WETLAND TOTALS – IN ACRES		
Altman Tract– Parcel 4* Pre-Mining	732	397	335
Altman Tract– Parcel 4* Post-Reclamation	828	493	335

- B. Mined land will be reclaimed in accordance with the Master Mining Plan* , the terms of this Development Order, and the Reclamation Schedule and Reclamation Plan Conceptual Schedule attached to the Master Mining Plan*. 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

¹ All acreages used herein are rounded up or down to the nearest acre and wetland enhancements are included in the post reclamation acreage.

have a way to repopulate. Relocation and restocking efforts as appropriate and approved by the various agencies will be conducted and will speed up the colonization of the reclaimed habitats. All wetland losses within the Altman Tract–Parcel 4* shall require mitigation in accordance with the specific mitigation / reclamation plan described in the ADA*, the terms of this Development Order, and the Master Mining Plan*.

- C. Use of reclaimed land to provide rights-of-way for a public road deemed necessary by the County or FDOT shall not be considered a violation of the Reclamation Plan*.
- D. It is recognized that the Developer* will utilize existing beneficiation facilities, waste disposal areas, and other equipment or facilities authorized pursuant to the Four Corners Mine* Development Order for development of the Altman Tract—Parcel 4* 1,519 acres to be mined / disturbed, as contemplated by this Development Order 08-32.

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. “Altman Approvals*” shall mean the DRI Development Order (Ordinance 08-32), the Zoning Ordinance (Ord. 07-13), the Master Mining Plan (R-09-010) and the Operating Permit (R-09-011).
- B. “Altman Tract – Parcel 4*” shall mean the +/-2,048 acre portion added to the Four Corners Mine in Manatee County located in Sections 11, 12, 13, 14 & 24, Township 33S, Range 22E, which is legally described in Section 7 of this Ordinance.
- C. “Appendix E*” shall mean the Manatee County Phosphate Mining Reclamation Manual, Appendix E of Ordinance No. 04-39, the Manatee County Phosphate Mining Code.
- D. “Application for Development Approval*” and “ADA”, shall mean the Mosaic Fertilizer, LLC Development of Regional Impact (DRI) Application for Development Approval (ADA*) received January 19, 2001; the three sufficiency responses and additional information received on September 10, 2001, March 28, 2002, July 16, 2002, October 8, 2002, October 22, 2002, February 24, 2005, May 26, 2005, September 23, 2005, November 7, 2005, February 24, 2006, May 16, 2006, August 23, 2006, December 13, 2006, January 4, 2007, April 5, 2007, August 2, 2007, October 4, 2007, November 13, 2007, December 4, 2007, December 13, 2007,

January 11, 2008, February 5, 2008, March 10, 2008, April 14, 2008, May 12, 2008, May 29, 2008, June 18, 2008, June 27, 2008, and September 16, 2008, and all information submitted by the Developer* in response to the sufficiency reviews of state, regional, and local agencies with respect to the Altman Tract—Parcel 4*, including all information submitted to the Florida Department of Environmental Protection (FDEP) in support of the Developer's* application for Environmental Resource Permit (ERP*).

- E. "Best Management Practices*" or "BMP*" 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.
- F. "Central Marsh*" shall mean the Horse Creek headwater marsh wetlands on the Altman Tract—Parcel 4* as generally depicted on Exhibit DO-A.
- G. "Conservation Areas*" shall mean those areas designated on Exhibit DO-B as Proposed Conservation Easement Area A and Proposed Conservation Easement Area B.
- H. "Developer*" shall mean Mosaic Fertilizer, LLC (herein referred to as Mosaic) (formerly IMC Phosphates, IMC-Agrico Corporation, or IMC Fertilizer, Inc.), their assigns, agents, and successors in interest as to the Four Corners Mine*.
- I. "Development*" shall mean the proposed mining and reclamation of the Altman Tract—Parcel 4* as described in the Altman Tract—Parcel 4* ADA*.
- J. "Development Approval*" shall mean any approval for this development granted through this DRI Development Order.
- K. "In Active Mining*" as used in Development Condition C(4) herein shall mean mining activities through sand tailings backfill, contouring and vegetative inoculum application and/or initial reclamation plantings.
- L. "ERP*" shall mean the FDEP ERP No. 0155875-009 / 010 as issued on June 13, 2006, as applicable to the Altman Tract—Parcel 4*.
- M. "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 05-42, and excludes those portions of the mine in Hillsborough and Polk Counties.

- N. “Land Exchange*” shall mean the removal of the portions of the mine located in Section 21, and those portions of Sections 15 & 16 lying south east of State Road 37, and the addition of the land in Section 1 lying south east of State Road 37, all in Township 33 South, Range 22 East
- O. “Land Exchange Area*” shall mean that land involved in the Land Exchange* lying in Section 1, south of State Road 37.
- P. “Master Mining Plan*” shall mean a description of proposed mining activities over the life of the Altman Tract—Parcel 4* mine, including the Reclamation Schedule contained therein, as set forth in a Resolution to be approved by the Board of County Commissioners, so as to allow overall review of applicant’s mining activities.
- Q. “Ordinance 04-39*” shall mean Mining Code 04-39 – Manatee County Phosphate Mining Code, as amended, including all appendices thereto.
- R. “Ordinance 81-22*” or “Mining Ordinance*” shall mean Manatee County Ordinance 81-22, including all appendices thereto.
- S. “Preservation Areas*” shall mean the primary zone around any eagle’s nest, as determined by the U.S. Fish and Wildlife Service; the area designated on Exhibit DO-B as Conservation Area A; and all 25-year Floodplain* areas.
- T. “Reclamation Plan*” shall mean the consolidated Master Mining and Reclamation Plan to be approved by the Board of County Commissioners.
- U. “25-Year Floodplain*” shall mean the area so labeled on Map C-3A in the ADA* and updated in Exhibit DO-C. The exact location of the 25-Year Floodplain shall be determined by a process of calculation of the elevation of the highest water level following a 25-year storm event, and determination of the location of that water level in the field by elevation survey, using standard field practices, and standard hydrological analysis based upon pre-mining disturbance conditions. The 25-year Floodplain is distinguished from the “100-Year Flood Prone Areas or “100-Year Flood Zone as shown on FEMA maps.”
- V. “WUP*” shall mean the SWFMWD WUP No. 2011400, issued on July 30, 2002, as applicable to the Altman Tract—Parcel 4.*

SECTION 6: DEVELOPMENT CONDITIONS

Groundwater

- A.(1) Comprehensive groundwater and surface water quality, level, and flow monitoring shall be performed for the life of the mine (through reclamation until release), in accordance with the Environmental Monitoring Commitment in Exhibit DO-D and as specified in the Master Mining Plan* and the Operating Permit. At a minimum, the Environmental Monitoring Commitment 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 Altman Tract—Parcel 4*. Location of existing wells shall be delineated on a map provided in the Master Mining Plan*.
- A.(3) In order to maintain groundwater levels and base flows to the Preservation Area* and to establish appropriate hydroperiods for the restored wetlands, the Developer* shall, as specified in the Master Mining Plan* and Operating Permit, align mine cuts to facilitate flow where practicable, cut down the overburden rows, or provide a sufficient layer of sand tailings overtopping the overburden rows, as determined by the use of MIKE-SHE or other mutually agreed upon integrated surface and groundwater model. Details regarding the mining techniques to be utilized and demonstration of compliance therewith will be specified in the Master Mining Plan* and Operating Permit.
- A.(4) A BMP* (perimeter) recharge ditch and berm system shall be constructed as more particularly described in the Hydrologic Conditions and Water Quality Commitments in Exhibit DO-D and in the Master Mining Plan*.

Surface Water

- B.(1) A Surface Water Monitoring Program at the Four Corners Mine* Altman Tract—Parcel 4* Addition shall be performed as required by the Manatee County Master Mining Plan* and Operating Permit issued for the Altman Tract—Parcel 4* and the Mining Ordinance*. 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 Altman Tract—Parcel 4*.

- B.(2) Best Management Practices* for reducing surface water quality impacts shall be implemented.
- 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 and any other agency with jurisdiction and appropriate corrective measures shall be immediately implemented.
- B.(4) Discharges to surface waters shall occur as follows:
 - (a) Stormwater runoff from lands cleared for mining and active mining areas shall be routed through ditches into the mine water recirculation (ditch and berm) system and discharged only through permitted NPDES outfalls.
 - (b) All discharges and discharge rates from the NPDES outfalls shall be in accordance with Chapters 62-302, 62-620, and 62-671, Florida Administrative Code (F.A.C.) and conditions of the specific NPDES permit.
- B.(5) Erosion control measures such as siltation screens / hay bales shall be used to prevent surface water quality degradation. Best Management Practices* shall be employed throughout preparation, mining and reclamation to minimize surface and groundwater quality impacts.

Wetlands

- C.(1) The Developer* shall provide a thirty-foot (30') wide buffer zone around all wetlands in the Central Marsh* Preservation Area* as shown on Exhibit DO-A to provide a transition into the preserved wetland areas and to protect the natural systems from development impact. No mining disturbance and no part of the BMP* (perimeter) ditch and berm system may be located in this transition area.
- C.(2) The Developer* shall restore the wetlands disturbed by mining operations in accordance with Ordinance No. 04-39*, Appendix E* or the ERP*, whichever is more stringent. To mitigate for wetland disturbances within the Parcel #4* mining area, the Developer* will complete the SR 37 Stream Restoration Mitigation as required by Condition D.2. below and the restore wetland mitigation areas in accordance with Appendix E* or the ERP*, whichever is more stringent, all totaling approximately 493 acres, as depicted on Exhibit DO-E and as more particularly described in the Master Mining Plan*. In accordance with Appendix E*, the

Developer* shall utilize the following methods for all wetland restoration / mitigation:

- (a) Prior to mining, suitable wetland topsoil or sod (muck) shall be removed from the site for use in wetland restoration where feasible. Muck and topsoil donor sites will be inspected by an ecologist prior to clearing to ensure that high levels of nuisance or exotic species are not present prior to being used in restoration. Donor muck and topsoil piles will be inspected for nuisance and exotic species by mine personnel, and equipment will be cleaned prior to being brought onsite to avoid accidental transport of nuisance and exotic species to a wetland restoration site.
- (b) Hydrologic modeling will be conducted with MIKE-SHE or other mutually acceptable integrated surface and groundwater model utilizing monitoring data (i.e. piezometers gauges and historical rainfall data, etc.). Preliminary designs will be determined in the Master Mining Plan,* and the modeling will be used to finalize wetland designs, establish required final contouring, depth of tailings and topsoil placement, and establish the appropriate hydroperiods for the reclaimed wetland types, considering variations in topography, soils and slopes. The appropriate wetland hydroperiods will be determined as specified in the Master Mining Plan*, taking into account the normal seasonal water level fluctuations and periods of inundation or saturation that are typical for the wetland type being reclaimed and taking into account the baseline monitoring data collected pursuant to the Master Mining Plan*, as follows:

Type	Expected Hydroperiod Range (months)	Inundation Range (inches)
641 Freshwater Marsh	7 to 12 months	6 to 30 inches
643 Wet Prairie	2 to 8 months	0 to 6 inches
646 Shrub Marsh	7 to 12 months	6 to 24 inches

- (c) Nuisance / Exotic Species: Nuisance or exotic species control will be in accordance with Appendix E*, Ordinance 04-39.

- C.(3) All permit conditions identified in the ERP* shall be complied with. Should there be an amendment to those conditions to make those conditions less stringent for purposes of DEP permitting, the June 13, 2006, ERP* conditions shall remain part of the stipulations for this approval.
- C.(4) At no time shall more than 25% of the wetlands on the Altman Tract—Parcel 4* be In Active Mining* at any one time. If the total wetlands In Active Mining* exceeds the 25% threshold no new wetland disturbance with the Parcel 4* shall be authorized until 25% threshold is regained. Sand tailings backfill and final contouring shall be expedited whenever needed to meet this condition.

Conservation Easement Area

- D.(1) The Developer* shall dedicate a total of +/-552 acres in perpetuity for permanent protection, which shall be placed under conservation easement to the FDEP, with Manatee County as a named beneficiary thereof. A conservation easement management plan will be developed with FDEP for this area and copied to Manatee County. The Conservation Easement Area* will be offered in two phases. The Conservation Area A Easement lands shall consist of all Preservation Areas*, on the site (+/-520 acres, including +/-186 acres of uplands and +/-334 acres of wetlands), except for the Conservation Area B Easement areas (e.g. the dragline / utility crossings and access corridors, etc.), and within which no disturbance or mining will occur. Approximately 32 acres of crossing / access corridors (acres disturbed but not mined) are Conservation Area B Easement lands and shall be placed into the conservation easement at the conclusion of use, restoration and reclamation release. Exhibit DO-B depicts the Conservation Area A and Conservation Area B Easement locations over which the conservation easement shall be placed, which collectively constitute the Conservation Easement Area*. Within the Conservation Easement Area, the headwater marsh (also known as the Central Marsh*) of Horse Creek is not proposed to be mined, additional uplands and wetlands north and south of the Central Marsh* will not be mined, the ditched natural stream that flows from SR 37 to the Central Marsh* will not be mined, and a stream restoration of that SR 37 flow-way will be undertaken.
- D.(2) SR 37 Stream Restoration Mitigation Project: The goal of the restoration of the ditched natural stream at SR 37 that flows into the Central Marsh* is to restore the historical sinuosity lost when the system was ditched by filling in the ditch and restoring flow to relict meanders. The historic channel will be restored. The restoration will be accomplished by clearing the historic meanders of vegetation and muck that has filled in over the years due to a lack of flow. The banks will be stabilized by planting with indigenous wetland vegetation. Flow will be restored to the historic channel and the ditch will be filled in. Installation of ditch blocks, water

sampling and pumping of water back into the mine recirculation systems will be used in order to protect water quality during the construction of the Development*. The proposed stream restoration activity will not be prohibited or restricted in any way under the terms of the proposed conservation easement, but will be required under this Ordinance.

- D.(3) Inspection and monitoring of the Conservation Easement Area* shall be conducted as specified in the Master Mining Plan* and in the Environmental Monitoring Commitment in Exhibit DO-D.
- D.(4) Manatee County shall be a named beneficiary of the conservation easement, with, at a minimum, the following rights:
- (a) the right, but not the duty, to enforce the terms of the easement;
 - (b) the right, but not the duty, to enter onto the Altman Tract—Parcel 4* for purposes of conducting management activities set forth in the conservation easement management plan; and
 - (c) the right to consent, along with the FDEP, if any request is made for a release of any portion of the Conservation Easement Area* from the conservation easement.

Additional Assurances of Successful Wetland Restoration.

- E.(1) Reclamation and Surety Bonds. Developer* shall comply with all general surety and wetland reclamation bonding requirements of Ordinance No. 04-39* for the areas to be mined and disturbed on the Altman Tract—Parcel 4*.
- E.(2) Additional Financial Assurances. In addition to the Parcel 4* Reclamation Bonding required by Ordinance 04-39*, Developer* shall submit an additional \$2 million in reclamation bonding, releasable upon a determination that the herbaceous wetland mitigation in Parcel 4* have met the success criteria requirements in the Manatee County Reclamation Manual, Appendix E*.
- E.(3) Texaco Tract Wetland Contract. Upon the granting of the Altman Approvals* and the expiration of any appellate rights or challenges associated therewith, and provided no appeal or challenge has been filed and remains pending, Mosaic shall enter into a contract with the County that will effectively restrict any mining, land clearing or site preparation on approximately 597 acres of land located in two parcels within the larger tract of land known as the Texaco Tract. These two parcels are graphically depicted in Composite Exhibit G attached hereto. These two parcels

contain approximately 403 acres of high quality wetlands. The contract shall provide that Mosaic may not mine any acreage within these two parcels until the County determines that Mosaic has satisfactorily reclaimed herbaceous wetlands on the Altman Tract in accordance with the objective criteria and standards found in the County's Ordinance 04-39. The County shall not unreasonably withhold approval of such a determination. The contractual limitations of no mining can be satisfied by Mosaic in any increment of 100 acres or more. For example, if Mosaic satisfactorily reclaims a 115 acre herbaceous wetland area on the Altman Tract, the County must release the 115 acre area within the Texaco Tract. In addition, the contractual limitations of no mining shall preclude only actual mining and not preliminary activities relating to these two parcels such as obtaining all applicable permitting approvals.

Floodplains

F.(1) No mining will occur in the Central Marsh* headwaters or floodplain of Horse Creek.

Vegetation and Wildlife

- G.(1) In the event that any listed species listed in Rule 68A-27.003 - 68A-27.005 FAC, or state or federally listed species or colonies of species are observed nesting or breeding at the Altman Tract—Parcel 4* in an area to be disturbed by mining operations beyond the species already identified and for which appropriate Wildlife and Habitat Management Plans have not been obtained, the Developer* shall immediately notify the Florida Fish and Wildlife Conservation Commission (FFWCC) and implement the recommended measures for species protection.
- G.(2) The Developer* shall implement the Wildlife and Habitat Management Plans as detailed in the ADA* and Sufficiency Responses for the Altman Tract – Parcel 4*, which have 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.
- G.(3) The preserved uplands, wetlands, and floodplains comprising the Preservation Areas* described above will provide refuge for fauna displaced by mining operations, and will also provide a source for faunal recolonization. The Developer* shall place the Conservation Areas* and Preservation Areas* described in Development Condition D of this Ordinance under a conservation easement with a long-term management plan, and the integration of the Conservation Areas* and

Preservation Areas* on Altman Tract—Parcel 4* into the state’s Integrated Habitat Network and with the County’s Duette Park to the south will provide a corridor of natural habitat that will facilitate wildlife movement.

Drainage

- H.(1) The drainage basins in the Altman Tract—Parcel 4* shall be restored to their approximate pre-mining size and location as described in the ADA* and depict on Map I-1A. 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.
- H.(2) The re-created wetlands shall be designed to promote normal seasonal fluctuations of water levels within the wetlands and encourage seasonal saturation and inundation appropriate to the wetland type, as identified in Development Condition C.(2)(b) of this Ordinance.
- H.(3) 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

- I.(1) There shall be no net increase in the groundwater demand or groundwater withdrawals in excess of the currently permitted volume for the Four Corners Mine* required for mining and reclamation of the Altman Tract—Parcel 4*.

Transportation

- J.(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.
- J.(2) Establishment of two crossing points on State Road 37 for purposes of access, movement of mining machinery, or mineral transport pipelines shall be permitted, as shown in the ADA*.

Mining Operations

- K.(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 Altman Tract— Parcel 4*.
- K.(2) The Developer* shall abide by all FDEP reclamation regulations regarding site cleanup and shall remove any structures or equipment 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.
- K.(3) The Developer* shall reclaim all mined or disturbed uplands to FDEP and Manatee County Ordinance 81-22* standards; and wetlands shall be reclaimed in accordance with Appendix E* or the ERP*, whichever is more stringent. Reclamation and revegetation shall proceed immediately after mining operations cease in each mining area and shall comply generally with the schedule for reclamation outlined in the ADA*. 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* or Ordinance 04-39*, as applicable.
- K.(4) 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 windrowed dirt to lessen the potential of increased radiation levels on reclaimed lands.
- K.(5) Minimum mine cut setbacks and setbacks for the perimeter recharge ditch shall be maintained as follows:
- (a) 1,000 feet of a habitable structure existing at the time of initial application for Master Mining Plan* approval, unless waived by affected habitable structure owner; not applicable to this parcel;
 - (b) A minimum of 45 feet from an existing public right-of-way, in which the BMP* ditch and berm system can be constructed; and
 - (c) 500 feet of the Developer's* property line, where setback waivers have not

been obtained. A setback waiver has been granted along the Developer* / Manatee County property line;

Nothing in this requirement shall prevent the reduction of setbacks pursuant to the Mining Ordinance*. All such setbacks shall be shown in the Operating Permit and shall be specifically approved by the Board of County Commissioners.

Within the above described setback areas along State Road 37, the Developer* shall construct an earthen berm 4'-8' in height above the roadway elevation, prior to commencement of mining activities.

- K.(6) Mining operations, including alignment of mine cuts, cutting down of overburden rows, construction of a ditch and berm system, and placement of sand tailings, shall be conducted in accordance with the terms of this Development Order, Exhibit DO-D, and the Master Mining Plan*.
- K.(7) Sand Tailings: In order to provide reasonable assurance that sufficient sand tailings are available to timely reclaim the wetlands and other surface waters authorized for mining within the Altman Tract—Parcel 4*, the Developer* shall provide an updated sand tailings balance in the DRI annual report, which shall document the materials allocated for reclamation of the Altman Tract—Parcel 4*.

Radiation Standards

- L.(1) Radiation standards shall be maintained as follows:
 - (a) For the Altman Tract—Parcel 4*, the radiation standards shall be maintained in accordance with Ordinance 04-39*.
 - (b) Any building shall be designed and constructed and all reclamation shall be done to provide protection against gamma radiation and radon gas accumulation and emanation in accordance with the most stringent applicable state and federal requirements.
 - (c) This section shall be subject to any restrictions set forth in Section 553.98, Florida Statutes.

Air Quality

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

Additional Public Contributions

For the promotion and benefit of the health, safety, and welfare of the citizens of Manatee County, the Developer has agreed to the following additional conditions:

- N.(1) **Duette Fire Station:** The Developer* has committed to constructing a fire station for the Duette Fire District on a 70-acre Developer*-owned parcel near the intersection of State Road 62 and Bunker Hill Road (Bunker Hill property). Upon the granting of the Altman Approvals* and the expiration of any appellate rights or challenges associated therewith, and provided no appeal or challenge has been filed and remains pending, the Developer* shall initiate work to prepare the necessary construction drawings, and apply for release of the Bunker Hill property from any remaining reclamation requirements and apply for the other necessary approvals and permits to construct the Fire Station. The Developer* shall coordinate Fire Station design work with the Duette Fire District. Contingent upon and following receipt of such releases, approvals and permits, the Developer* shall promptly construct a Fire / Emergency Management Services Station for the Duette Fire District on the Bunker Hill property (Fire Station), in accordance with the attached general schematic – subject to final design changes (Exhibit DO-F) – and modeled after the Myakka City Fire Station, to include the following:
- (a) Approximately 7,000 square feet, metal construction
 - (b) Office space
 - (c) Kitchen / training room
 - (d) Three-person bunk room
 - (e) Parking area / paved driveway with direct emergency vehicle access to State Road 62 and additional access to Bunker Hill
 - (f) Office equipment, fire fighting equipment and furniture is excluded

Upon completion of construction and issuance of a Certificate of Occupancy, the Fire Station shall be dedicated to the Duette Fire District.

- N.(2) **Bunker Hill Community Park:** The Developer* has committed to constructing a community park on the Bunker Hill property. Upon the granting of the Altman Approvals* and the expiration of any appellate rights or challenges associated therewith, and provided no appeal or challenge has been filed and remains pending, the Developer* shall initiate work to prepare the necessary construction drawings, and apply for release of the Bunker Hill property from any remaining reclamation requirements and apply for the other necessary approvals and permits to construct the Park. The Developer* shall coordinate the design of the park with the Manatee County Parks and Recreation Department. Contingent upon and following receipt of

such releases, approvals, and permits, the Developer* shall promptly construct park improvements for the Bunker Hill Community Park on the Bunker Hill property (the Park), in accordance with the attached general schematic – subject to final design changes (Exhibit DO-F) – to include the following:

- (a) Baseball field
- (b) Soccer / open play field
- (c) +/- 19 Acre Lake
- (d) Boat Ramp and Dock
- (e) Restroom Facilities
- (f) Picnic areas
- (h) Parking area / paved driveway with access to Bunker Hill and additional parking and access to New Bunker Hill Road
- (i) A complete irrigation system for landscaping and sports fields
- (j) Funding not to exceed \$87,000 / year (plus \$58,000 for start up cost the first year) to provide for operation and maintenance of the park for the first three (3) years following construction, to give the County an opportunity to develop a funding source.

Upon completion of construction, the Developer* shall dedicate the Park to Manatee County.

N.(3) Environmental Education Center. Upon the granting of the Altman Approvals* and the expiration of any appellate rights or challenges associated therewith, and provided no appeal or challenge has been filed and remains pending, Mosaic will cooperate with the County to: 1) provide or contribute to improvements to the educational building and/or infrastructure once architectural review and recommendations have been conducted; and 2) provide educational materials. Mosaic shall contribute up to \$75,000.00 toward these initiatives as mutually agreed upon by Mosaic and the County. Mosaic will also make volunteers periodically available on a pre-arranged basis to assist in the educational programs.

General Conditions

O.(1) Best Management Practices* shall be required for the operation, maintenance, and reclamation of the Altman Tract—Parcel 4*. Best Management Practices*, including those identified in the ADA,* shall be employed during site preparation and construction to prevent soil erosion. Best Management Practices* shall be used to accelerate the natural development of those areas that are intended to support native forested and unforested wetland vegetation associations. Utility and pipeline crossings of the tributaries shall, at a minimum, meet the following:

- (a) Pipelines shall be placed above the 25-Year Floodplain* elevation and isolated from tributaries by berms.
 - (b) Pipelines shall be jacketed and spill containment areas outside the floodplain shall be provided.
 - (c) Pipelines shall be routinely inspected by operating personnel and the system shall be shut down if a spill occurs until the source of the spill is corrected.
 - (d) All utility crossings shall be elevated above the 25-Year Floodplain* level and shall consist of piers without any approach embankment. Verification that the proposed piers can sustain high water flow conditions shall be certified by a professional engineer, under seal, prior to any construction.
- O.(2) Hazardous and acutely hazardous material shall be as defined and listed in 40 CFR 261 and as adopted within Chapter 62-730, F.A.C., and Section 403.7, Florida Statutes.
- O.(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 Chapter 62-302, F.A.C.); 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, and the TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, no later than July 31st of each year until such time as terms and conditions of this Development Order are satisfied as determined by Manatee County. Six copies of this report shall be submitted to the Director of Manatee County Planning Department, or the Director's designee, who shall review the report for compliance with the terms and conditions of the Order and may submit an appropriate report to the County Commissioners should the Director decide that further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver, or change of conditions as to any terms or conditions of this Order. The Planning Director or his / her designee shall notify the Developer* in writing upon acceptance or denial of the report. For administrative convenience, on approval from the Planning Director, the Developer* may combine the Altman Tract—Parcel 4* annual report with the annual

report(s) required for the Four Corners Mine*. The Altman Tract—Parcel 4* annual report shall, at a minimum, contain the following:

- (a) Any changes in the plan of development, or in the representations contained in the ADA*, or in the phasing for the reporting year and for the next year.
- (b) A summary comparison of development activity proposed and actually conducted for the year;
- (c) Undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or developer in the Altman Tract—Parcel 4* site;
- (d) Identification and intended use of lands purchased, leased, or optioned by the Developer* adjacent to the Altman Tract—Parcel 4* site since the Development Order was issued;
- (e) An assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the ADA* and which have been identified by the local government, the Regional Planning Council, or the Department of Community Affairs as being significant.
- (f) Any known incremental DRI applications for development approvals or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year for the Altman Tract—Parcel 4*;
- (g) An indication of a change, if any, in local government jurisdiction for any portion of the development since this Development Order was issued;
- (h) A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
- (i) A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), F.S.;
- (j) A copy of any recorded notice of the adoption of a Development Order or the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), F.S.;

- (k) Monitoring results pursuant to the Master Mining Plan* and the Operating Permit;
 - (l) Any notice of violation for noncompliance for the Altman Tract—Parcel 4* property; and
 - (m) Sand balance table referenced in K.(7).
- O.(4) Mining under this Development Order shall terminate on December 31, 2024. This Development Order shall not expire until December 31, 2022 or until all reclamation has been completed and released by Manatee County, whichever occurs first.
- O.(5) This Ordinance shall constitute a Development Order issued in accordance with Chapter 380, Florida Statutes.
- O.(6) Any historical or archaeological resources discovered during mine operation within the Altman Tract—Parcel 4* shall be immediately reported to the DHR and the ultimate disposition of such resources shall be determined in cooperation with the DHR, TBRPC, and Manatee County. The agreed upon treatment of the resources shall be completed before activities which would disturb the resources are allowed to continue.
- O.(7) Those areas within the Altman Tract—Parcel 4* approved for mining and reclamation may continue to be used for agricultural / grazing activities. The commercial harvest of timber in those areas approved for mining is permitted, pending notice to the County along with best management practices to be utilized.
- O.(8) In the event that any material generated by mining or reclamation operations on Altman Tract—Parcel 4*, other than phosphate rock, is to be marketed for sale and use off the Four Corners Mine* site, Developer* shall obtain written approval from Manatee County Staff prior to selling any such materials.

SECTION 7. LEGAL DESCRIPTION:

The following legal description of the development site covers only the "Altman Tract—Parcel 4*" 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.

Altman Tract—Parcel 4*:

Section 11: All that part lying south and east (or southeasterly) of State Road 37.

Section 12: All that part lying south and east (or southeasterly) of State Road 37.

Section 13: All, LESS the following described parcel: Begin at the Southwest corner of Section 13, thence proceed N 00°08'22" W, along the west line of the Section, 703.32 feet to the Watershed Boundary Line between the Horse Creek and East Fork Manatee River Basins; thence S 70°39'27" E, along the Watershed Boundary Line, 656.33 feet; thence N 54°20'37" E, 808.35 feet; thence N 87°01' 51" E, 1471.24 feet; thence S 80°42'49" E, 1522.00 feet; thence S 35°44'47" W, 453.75 feet; thence S 12° 20' 01" E, 368.48 feet; thence S 47°27'45" W, 120.57 feet to the south line of the Section; thence N 89°39'59" W, along the south line of the Section, 1329.46 feet to the southeast corner of the SW 1/4 of the Section; thence N 89°41'26" W, along the south line of the Section, 2641.09 feet to the POINT OF BEGINNING.

Section 14: All LESS the following described parcel: Begin at the southeast corner of Section 14, thence proceed N 88°49'39" W, along the south line of the Section, 2612.74 feet to the southwest corner of the SE 1/4 of the Section; thence N 88°49'12" W, along the south line of the Section, 2612.69 feet to the southwest corner of the section; thence N 00°09'14" E, along the west line of the Section, 5259.60 feet to the northwest corner thereof; said point also being on the Watershed Boundary Line between the Horse Creek and East Fork Manatee River basins; thence S 62°44'01" E, along the Watershed Boundary Line 911.05 feet; thence S 39°26'30" E, 2045.00 feet; thence S 09°12'34" E, 1639.06 feet; thence S 44°35' 27" E, 830.69 feet; thence N 70°36'14" E, 1118.03 feet; thence S 37°25'01" E, 701.66 feet; thence S 70°39'27" E, 819.34 feet to the east line of the Section; thence S 00°08'22" E, along the east line of the Section, 703.32 feet to the POINT OF BEGINNING.

Section 24: That part lying north of State Road 62 (also known as the Parrish - Wauchula Road) LESS the following described parcel: Begin at the Northwest corner of Section 24, thence proceed S 89°41'26" E, along the north line of the Section, 2641.09 feet to the northeast corner of the NW 1/4 of the Section; thence S 89°39'59" E, along the north line of the Section, 1329.46 feet to the Watershed Boundary Line between the Horse Creek and East Fork Manatee River Basins; thence S 47°27'45" W along the Watershed Boundary Line, 937.28 feet; thence S 47°27'45" W, 1057.84 feet; thence S 44°00'59" W, 862.70 feet; thence S 47°00'11" W, 985.07 feet; thence S 69°40'57' E, 1180.90 feet to the north right-of-way line of State Road 62; thence S 80°20'42" W, along the north right-of-way of State Road 62, 54.02 feet; thence S 81°43'26" W, 199.90 feet; thence S 83°26'32" W, 100.04 feet; thence S 84°35'11" W, 100.12 feet; thence S 82°35'00" W, 200.02 feet; thence S 82°35'00" W, 200.02 feet; thence S 81°43'26" W, 499.61 feet; thence S

81°22'48" W, 500.01 feet; thence S 81°49'02" W, 499.49 feet to the west line of the Section; thence N 00°44'51" E, along the west line of the Section, 763.16 feet to the southwest corner of the NW 1/4 of the Section; thence N 00°41'53" E, along the west line of the Section, 2638.46 feet to the POINT OF BEGINNING.

SECTION 8. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT.

Physical development of the project shall commence within three years of Mosaic Fertilizer, LLC receiving all required permits to mine the Altman Tract—Parcel 4*. If physical development of the project has not commenced within three years, or if any five year period shall expire without significant additional physical development activity on the site, the BOCC may conduct a public hearing in accordance with the Land Development Code after appropriate notice to the Developer* and may, at its option, based on testimony presented at that hearing, rescind, or suspend or take other appropriate action on any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer*.

In the event of an appeal of or challenge to any portion of the Altman Approvals* which has the effect of staying the effective date of any or all of the Altman Approvals*, the time period for conducting any activity authorized or required by the Altman Approvals* shall be tolled until such time as the appeal or challenge has been finally decided by a tribunal of competent jurisdiction and all appellate remedies associated therewith have been exhausted. No action shall be required to amend the Altman Approvals* or any attachment or exhibit thereto to effectuate this tolling provision.

SECTION 9. DEVELOPER* COMMITMENTS

The ADA* received January 19, 2001 and sufficiency responses received September 10, 2001, March 28, 2002, July 16, 2002, October 8, 2002, October 22, 2002, February 24, 2005, May 26, 2005, September 23, 2005, November 7, 2005, February 24, 2006, May 16, 2006, August 23, 2006, December 13, 2006, January 4, 2007, April 5, 2007, August 2, 2007, October 4, 2007, November 13, 2007, December 4, 2007, December 13, 2007, January 11, 2008, February 5, 2008, March 10, 2008, April 14, 2008, May 12, 2008, May 29, 2008, June 18, 2008, June 27, 2008, and September 16, 2008, and all information submitted by the Developer* in response to the sufficiency reviews of state, regional, and local agencies with respect to the Altman Tract—Parcel 4*, including all information submitted to the Florida Department of Environmental Protection (FDEP) in support of the Developer's* application for Environmental Resource Permit (ERP) 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 Altman Tract – Parcel 4* are attached as Exhibit DO-D.

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* and the County and upon the Developer'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 15th day of January, 2009.

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



BY: *Dr. Gwendolyn Y. Brown*
Dr. Gwendolyn Y. Brown, Chairman

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

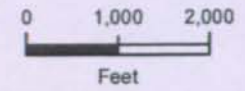
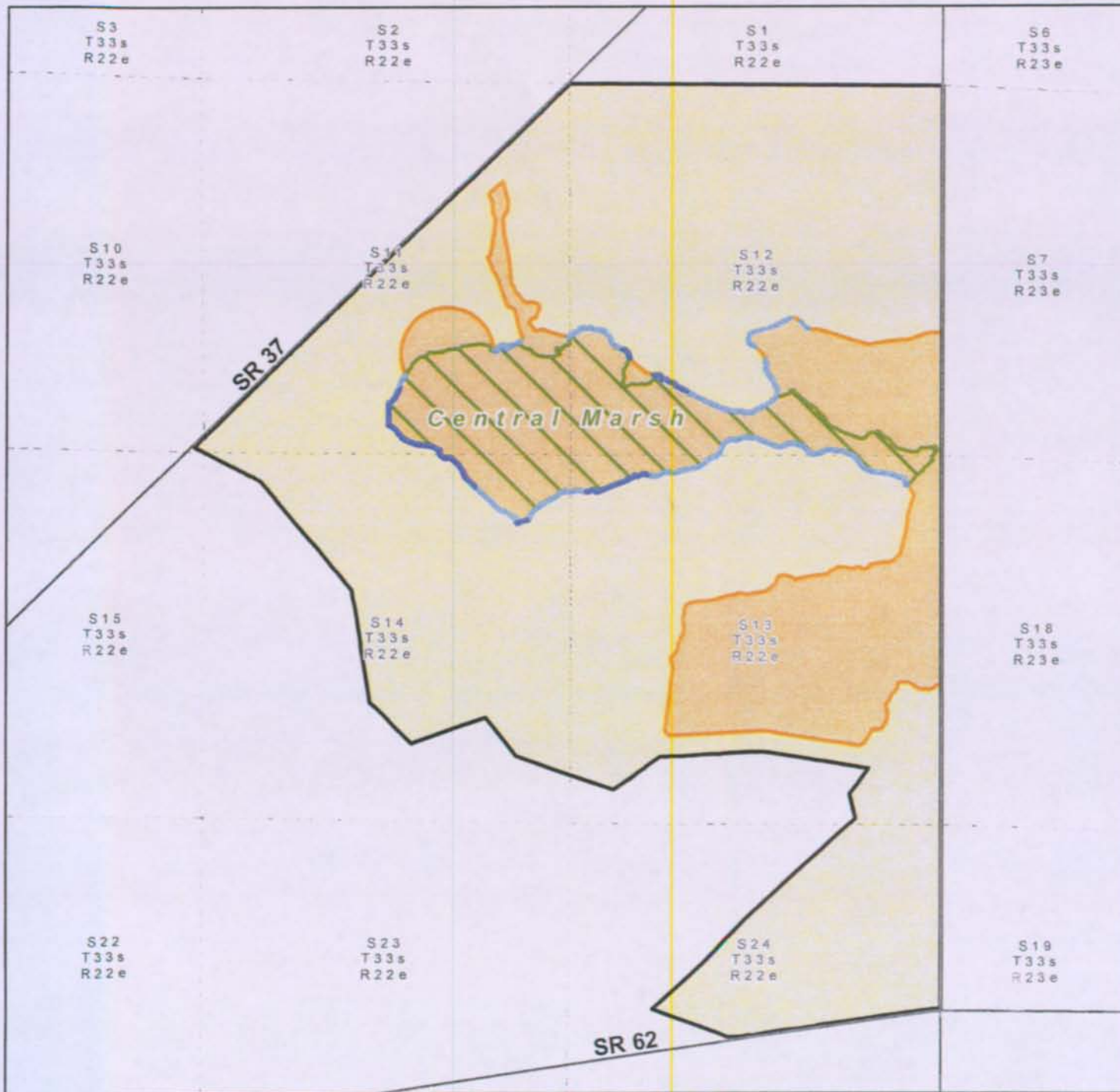
BY: *Jusan B. Lomax*
Deputy Clerk

Ordinance 08-32 List of Exhibits

- Exhibit DO-A** **Central Marsh Wetland Buffer**
- Exhibit DO-B:** **Conservation Easement Areas**
- Exhibit DO-C:** **Floodplains Figure**
- Exhibit DO-D:** **Developer* Commitments**
- Exhibit DO-E:** **Wetland Restoration: Post-Reclamation Plan**
- Exhibit DO-F:** **Schematics for Duette Fire Station and Bunker Hill Park
(Also Developer* Commitment Exhibit 5)**

Composite Exhibit G – Texaco Wetland Contract & Exhibits

- Contract:** **Contract to Secure Wetland Reclamation Obligation**
- Exhibit A:** **Description for Temporary Conservation Easement**
- Exhibit B:** **Altman Tract- Parcel #4 Permitted Property Legal Description**
- Exhibit C:** **Reclamation Success Criteria**

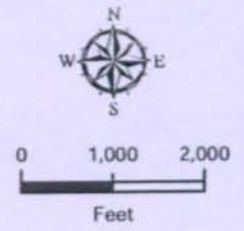


Legend

- Township / Range Lines
- Section Lines
- ▭ Altman Boundary
- ▭ 30' Wetland Buffer Enhancement for Post Reclamation
- ▭ 30' Wetland Buffer Around Preserved Central Marsh Wetlands
- ▭ Preserved Central Marsh Wetlands
- ▭ Preservation Area
- ▭ Mining Area



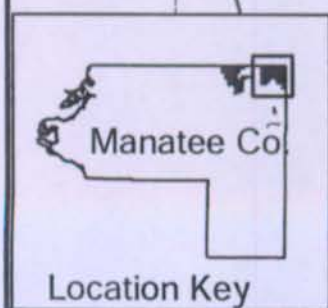
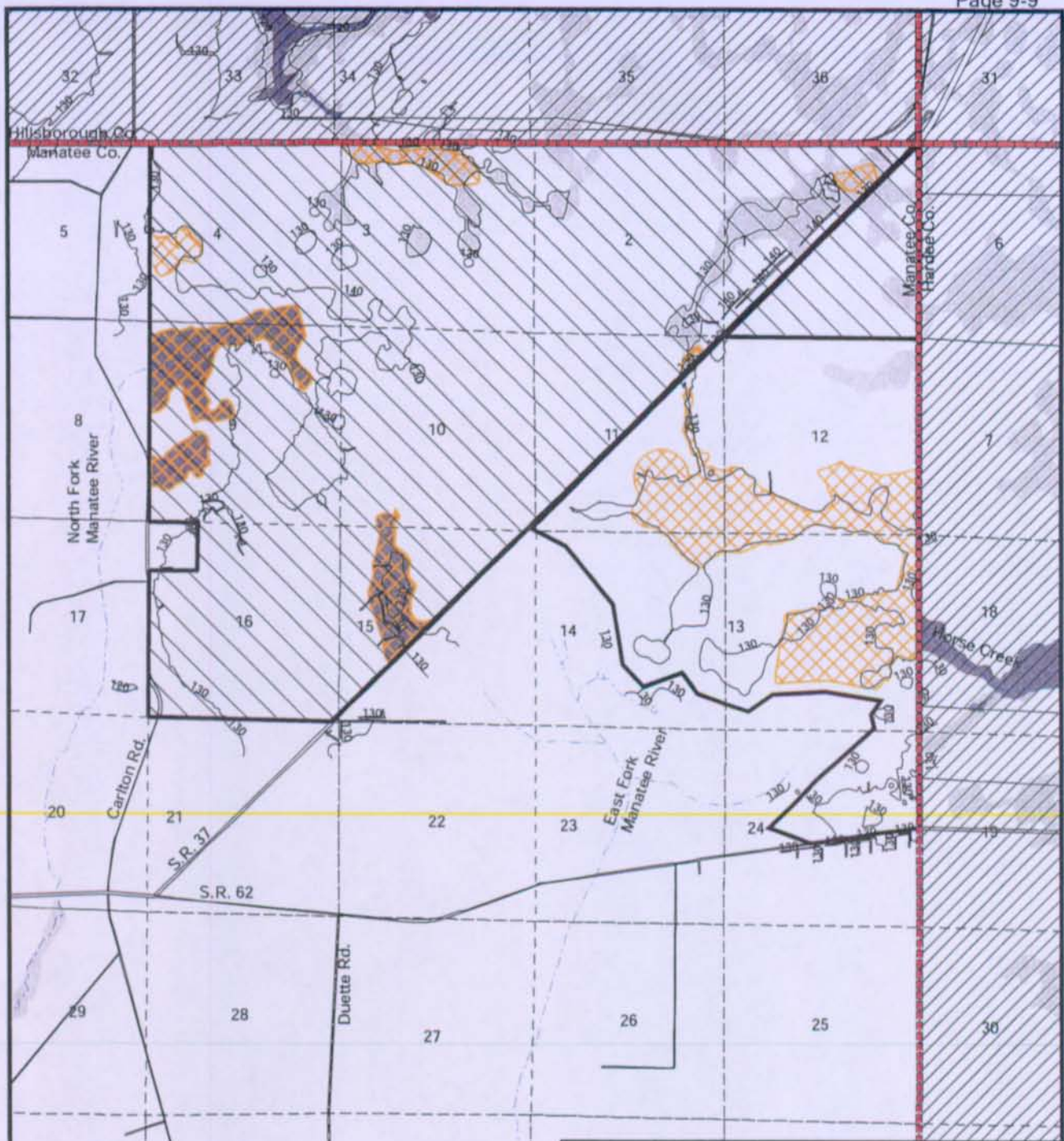
**Exhibit DO-A
Central Marsh
Wetland Buffer**



- Legend**
- Township / Range Lines
 - Section Lines
 - Conservation Easement Area A: 519.5 ac
 - Conservation Easement Area B: 32.7 ac
 - Altman Boundary



Exhibit DO-B
Proposed
Conservation
Easement



Mosaic

EXHIBIT DO-C

FLOODPLAINS

Four Corners Mine
Additions - Phase II
Substantial Deviation DRI

Scale 1"=4,000 ft.

User: jwh Date: 12/22/2008
Path: I:\2005_0039\maps_200812\DO_Ex_C_Pre_Flood.mxd

Legend

- Streams
- County Lines
- Roads
- Section Lines
- 10' Contours
- Phase II Additions
- Approved DRI Area
- Adjacent Mosaic Mine Areas
- Undisturbed Areas
- Mosaic Mapped 25 Year Floodplain
- FEMA Flood Zones

Source: Mosaic / FEMA

**DO Exhibit D
Developer* Commitments**

The following commitments have been made by, or on behalf of, the applicant in the Application for Development Approval (ADA*), the Sufficiency Responses, and additional information submitted by the Developer*, as follows: Application for Development (ADA*) submitted on January 19, 2001. Supplemental information submitted on September 10, 2001, March 28, 2002, July 16, 2002, October 8, 2002 and October 22, 2002. Supplemental information submitted on February 24, 2005, May 26, 2005, September 23, 2005, November 7, 2005, February 24, 2006, May 16, 2006, August 23, 2006, December 13, 2006, January 4, 2007, April 5, 2007, August 2, 2007, October 4, 2007, November 13, 2007, December 4, 2007, December 13, 2007, January 11, 2008, February 5, 2008, March 10, 2008, April 14, 2008, May 12, 2008, May 29, 2008, June 18, 2008, June 27, 2008, September 16, 2008 and December 23, 2008. This list has been modified from the list in the TBRPC report to reflect additional developer commitments.

The definitions contained in Section 3 of the Development Order, Ordinance No. 08-32, are incorporated by reference. An asterisk (*) indicates a term defined in Section 3 of that Ordinance.

PROJECT DESCRIPTION

No beneficiation plant construction is required as part of the proposed Development*. No clay settling areas will be constructed as part of the proposed Development*.

Four Corners Mine*	SITE TOTALS – IN ACRES¹		
	TOTAL AREA	MINED / DISTURBED <small>Includes access / utility corridors</small>	NOT MINED/ DISTURBED
Altman Tract– Parcel 4*	2,048	1,519	529

¹ All acreages used herein are rounded up or down to the nearest acre.

WETLAND TOTALS – IN ACRES			
	SITE TOTAL	MINED / DISTURBED	NOT MINED / DISTURBED
Altman Tract– Parcel 4* Pre-Mining	732	397	335
Altman Tract– Parcel 4* Post Reclamation	828	493	335

SOILS / SAND TAILINGS

1. All soils in wetland areas will be restored in accordance with Appendix E* of Ordinance 04-39.
2. In order to provide reasonable assurance that sufficient sand tailings are available to timely reclaim the wetlands and other surface waters authorized for mining within the Altman Tract—Parcel 4*, the Developer* shall provide an updated sand tailings balance in the annual report, which shall document the materials allocated for reclamation of the Altman Tract—Parcel 4*.
3. The Developer* shall, as specified in the Master Mining Plan* and Operating Permit, align mine cuts to facilitate flow where practicable, cut down the overburden rows, or provide a sufficient layer of sand tailings (minimum 5') overtopping the overburden rows to maintain the base flow to the preserved and restored wetland systems, as determined by the use of MIKE-SHE or other mutually acceptable integrated surface and groundwater model.
4. 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 windrowed dirt to lessen the potential of increased radiation levels on reclaimed lands.

FLOODPLAINS

1. No mining will occur in the Central Marsh* headwaters or floodplain of Horse Creek.

WASTEWATER MANAGEMENT

1. The project will not change the daily volume of domestic or industrial wastewater generated by the Four Corners Mine*.
2. There will be no domestic wastewater produced on the project site.

HURRICANE PREPAREDNESS

1. The Hurricane Preparedness Plan will be updated to include the Altman Tract—Parcel 4*.

HYDROLOGIC CONDITIONS

1. Water levels and flows in wetlands and other surface waters adjacent and downstream from site preparation, mining operations, and reclamation activities shall be protected and monitored as set forth below and as specified in the Master Mining Plan* and the Operation Permit.
2. Comprehensive groundwater and surface water quality, level, and flow monitoring shall be performed for the life of the mine (through reclamation until release), in accordance with the Environmental Monitoring Commitment below and as specified in the Master Mining Plan* and the Operating Permit (see Environmental Monitoring Commitment below). A summary of the results of the monitoring shall be included as part of the DRI annual report.
3. The Developer* shall properly plug and abandon all on-site wells, in accordance with Southwest Florida Water Management District (SWFWMD) and Manatee County Environmental Management Department standards and rules, prior to mining each area of the Altman Tract—Parcel 4*.
4. Baseline groundwater and surface water data has been collected as established by the DRI pre-application meetings with the County, TBPRC and SWFWMD. This monitoring will continue in accordance with the Environmental Monitoring Commitment below and as specified in the Master Mining Plan* and the Operating Permit (see Environmental Monitoring Commitment below).
5. In order to maintain groundwater levels and base flows to the preserved and/or unmined wetlands and to establish appropriate hydroperiods for the restored wetlands, the Developer* shall, as specified in the Master Mining Plan* and Operating Permit, align mine cuts to facilitate flow where practicable, cut down the overburden rows, or provide a sufficient layer of sand tailings overtopping the overburden rows, as determined by the use of MIKE-SHE or other mutually agreed upon integrated surface and

groundwater model. Details regarding the mining techniques to be utilized and demonstration of compliance therewith will be specified in the Master Mining Plan* and Operating Permit.

6. Prior to any clearing or mining operations adjacent to preserved and/or unmined wetlands and other surface waters, to prevent offsite discharges from mining and reclamation areas, a BMP* (perimeter) recharge ditch and berm shall be constructed around the mining area as required by the Master Mining Plan*. Along these ditch / berm areas, monitoring wells and staff gauges shall be installed and water levels monitored as required by the Master Mining Plan*.
7. During mining operations, the recharge ditches adjacent to preserved and/or unmined wetlands shall be charged with water to maintain base flows and minimize stress to the vegetation in these areas. Water levels in the recharge ditches shall be maintained at levels sufficient to support the normal seasonal water level fluctuations in the wetlands as determined from the baseline monitoring. Water levels in the recharge ditches shall be monitored daily and results made available to the County during inspections upon request. Results may include water level elevations or verification that adequate water levels are present in each ditch. Adjacent wetland condition shall be verified by both monthly visual inspections by Developer's* staff and in conjunction with the mine inspections with County staff. If these wetlands show signs of stress, the Developer* shall notify the FDEP and County in writing. Upon approval, the Developer* shall take remedial actions, which may include altering mining operations and reclamation procedures, modifying the recharge ditch, providing additional sources of water, installing recharge wells, and / or conducting additional monitoring, as necessary.
8. Appropriate water levels, considering normal seasonal fluctuations and other climatic conditions that may affect the natural system, shall be maintained in adjacent unmined wetlands throughout site preparation, during mining operations, and reclamation to ensure that adjacent preserved and/or unmined wetlands are not adversely impacted by mining operations. Developer* shall follow Water Use Permit No. 2011400 issued by the Southwest Florida Water Management District (SWFWMD) for protection of all unmined wetlands. All reports required by SWFWMD shall be copied to the Bureau of Mine Reclamation. Developer* shall copy the FDEP and the County on any correspondence with SWFWMD regarding monitoring of unmined wetlands within this project area.
9. Surface water flow will be monitored in the restored SR 37 stream and Central Marsh* during mining operations and reclamation using continuous gauges at monitoring points specified in the Master Mining Plan* through the mining operations and reclamation until release. Low flows at gauges shall be within the historical seasonal ranges for these

sites as identified by the baseline monitoring specified in the Master Mining Plan*. If this is not the case, the Developer* shall take the remedial measures specified in the Master Mining Plan*, including, as appropriate, increasing water levels in the recharge ditch (or pressure in recharge wells if used).

DRAGLINE / UTILITY CROSSING

1. Construction, removal, and revegetation of the dragline / utility crossing shall be completed as outlined in Sheets 1 and 2 of 2 of SR 37 Flow Way Dragline / Utility Corridor (as provided in the May 26, 2005, ADA*). 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.
2. Revegetation / restoration of the wetland portion dragline / utility crossing shall be accomplished in accordance with Appendix E*, as applicable.

WATER QUALITY / STORMWATER

1. To prevent offsite discharges including stormwater discharges, from mining and reclamation areas and protect water quality in the preserved and/or unmined waters and wetlands, areas to be disturbed shall be severed from adjacent undisturbed wetlands and surface waters. This severance includes construction of a BMP recharge ditch and berm prior to any clearing or mining operations adjacent to such wetlands and waters. Along these areas monitoring wells and staff gauges shall be installed and water levels monitored as required by the Master Mining Plan*. See Hydrologic Conditions Commitment, above.
2. The recharge ditch and berm will be inspected during each shift. Staff gauges and piezometers will be installed to ensure adequate water is present in the ditch to maintain the ground water levels, as specified in the Master Mining Plan*.
3. Clearing of lands to be mined will not occur until the perimeter (ditch and berm) system is in place and functional, in accordance with the mining schedule contained in the Master Mining Plan*.

4. Surface water and ground water quality monitoring shall be performed before, and during mining and reclamation (through release) in accordance with the Environmental Monitoring Commitment below and as specified in the Master Mining Plan* and the Operating Permit (see Environmental Monitoring Commitment below). A summary of the results of the monitoring shall be included as part of the DRI annual report.
5. Best Management Practices* (BMPs*) for reducing surface water quality impacts shall be implemented.
6. Should monitoring results indicate that applicable water quality standards are not being met due to mining activities, the violation shall be immediately reported to the County and any other agency with jurisdiction and appropriate corrective measures shall be immediately implemented.
7. Discharges to surface waters shall occur as follows:
 - a. Stormwater runoff from lands cleared for mining and active mining areas shall be routed through ditches into the mine water recirculation (ditch and berm) system and discharged only through permitted NPDES outfalls.
 - b. All discharges and discharge rates from the NPDES outfalls shall be in accordance with Chapters 62-302, 62-620, and 62-671, Florida Administrative Code (F.A.C.) and conditions of the specific NPDES permit.
8. Erosion control measures such as siltation screens / hay bales shall be used to prevent surface water quality degradation. BMPs* shall be employed throughout preparation, mining and reclamation to minimize surface and groundwater quality impacts.
9. No disturbance shall occur within the Eagle Management Area (Exhibit DC-1) as established by the U.S. Fish and Wildlife Service and / or Florida Wildlife and Conservation Commission. The Preservation Area* / Conservation Easement Area* boundary in this area shall be coincident with this Eagle Management Area.
10. Ditch, berm, and retention systems shall be designed and constructed prior to initiation of mining operations to manage or prevent discharge from a 25-year, 24-hour storm event. The SWFWMD Basis of Review should be used to determine the design storm characteristics. Operation, maintenance and inspection of the berm, ditch and retention system shall be in accordance with the Developer's* "Stormwater Ditch, Berm and

Retention System Design Policy” and the Department’s “BMP’s for Non-clay, Phosphate Mining and Reclamation Berms and Impoundments.”

11. The protective ditch and berm (see Water Quality Commitment paragraph 1, above) shall remain in place until mining operations and reclamation have been completed, monitoring indicates that no violations of State Water Quality Standards are expected to occur, and the FDEP has determined that the restored wetlands are adequately stabilized and sufficiently acclimated to ambient hydrological conditions. At that time, the berm and ditch shall be restored to grade and revegetated according to Master Mining Plan* criteria. Such criteria shall include removal of any overburden material cast back against the ditch during mining operations.
12. Surface and Groundwater Quality Monitoring: Initial Baseline surface and groundwater quality monitoring has been implemented, and ongoing monitoring shall continue through the end of mine life (until release of reclamation) as specified in the Environmental Monitoring Commitment, below, and Master Mining Plan* and shall include monitoring of the following parameters as the locations, frequency, and duration specified in the Master Mining Plan*. Data shall be submitted to the County with the Annual Operating Report. The following surface and groundwater quality parameters shall be monitored as specified in the Master Mining Plan*:
 - a. Surface water parameters: Temperature, pH, DO, Sulfate, TSS, TDS, Conductivity, NVSS, Turbidity, Color, Fluoride, Radium 226, TP, Ortho-P, TKN, Ammonia, Nitrate / Nitrite, and Chlorophyll, Alkalinity, BOD, COD, Chloride, Silica, Calcium, Iron, Magnesium, Potassium, and Sodium.
 - b. Ground water parameters: pH, Temperature, Conductivity, Alkalinity, Fluoride, TDS, Magnesium, Potassium, TP, Radium 226, Color, Manganese, Turbidity, Chloride, Sulfate, Calcium, Sodium, Iron, Nitrate / Nitrite, TOC, TKN, Copper, Silica, and Zinc.

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 Developer* will take to mitigate potentially significant impacts to the listed vegetative and wildlife species identified during the seasonal surveys.
2. No disturbance will occur to the Central Marsh* headwaters of Horse Creek or within the 25-year floodplain or streambed of Horse Creek, to the extent occurring on the property.

3. A total of approximately 529 acres (including 335 acres of wetlands out of 732 wetland acres on site) of FDEP jurisdictional wetlands and native upland habitat will be left unmined. The majority of the forested wetlands on the property will not be mined, with the exception of 17 acres, which will be reclaimed and restored. In addition, the flowway from SR 37 shall be restored and enhanced (but shall not be mined), and upland native habitat buffers will be left unmined at strategic locations adjacent to Preservation Area* wetland areas to facilitate wildlife movement.
4. Reclaimed wetlands will be created to have hydroperiods more typical of natural undisturbed wetland systems, by use of MIKE-SHE or other mutually agreed upon integrated groundwater and surface water hydrologic model that has been adjusted to reflect baseline and site – specific conditions by use of monitoring data and other site-specific data.
5. All impacted wetlands will be replaced in accordance with the post-reclamation land use maps and tables included in the ADA* and as specified in the Master Mining Plan*. Upland habitat / buffers will be constructed around all undisturbed and created wetlands, as indicated on the post-reclamation maps included in the ADA* and shown on Exhibit DC-3.
6. Recharge ditches will maintain water levels in the preserved and/or unmined wetlands on surface waters as set forth in the Hydrologic Conditions Commitment, above. The recharge ditch and berm system 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 as specified in the Master Mining Plan*. See Hydrologic Conditions Commitment, above.
7. The Developer* shall provide a thirty foot (30') wide buffer zone around all wetlands in the Central Marsh* Preservation Area* as shown on Exhibit DC-2 to provide an upland transition into the preserved wetland areas and to protect the natural systems from development impact. No mining disturbance and no part of the BMP (perimeter) ditch and berm system may be located in this transition area.
8. The Developer* shall restore the wetlands disturbed by mining operations in accordance with Ordinance No. 04-39*, Appendix E* (which is the Manatee County Phosphate Mining Reclamation Manual), or the ERP*, whichever is more stringent.
9. Consistent with Appendix E*, the Developer* shall utilize the following methods for all wetland restoration / mitigation:
 - a. Prior to mining, suitable wetland topsoil or sod (muck) shall be

removed from the site for use in wetland restoration where feasible. Muck and topsoil donor sites will be inspected by an ecologist prior to clearing to ensure that high levels of nuisance or exotic species are not present prior to being used in restoration. Donor muck and topsoil piles will be inspected for nuisance and exotic species by mine personnel, and equipment will be cleaned prior to being brought onsite to avoid accidental transport of nuisance and exotic species to a wetland restoration site.

- b. Hydrologic modeling will be conducted with MIKE-SHE or other mutually acceptable integrated surface and groundwater model utilizing monitoring data (i.e. piezometers gauges and historical rainfall data, etc.). The modeling will be used to finalize wetland designs, establish required final contouring, depth of tailings and topsoil placement, and establish the appropriate hydroperiods for the reclaimed wetland types, considering variations in topography, soils and slopes. The appropriate wetland hydroperiods will be determined as specified in the Master Mining Plan*, taking into account the normal seasonal water level fluctuations and periods of inundation or saturation that are typical for the wetland type being reclaimed and taking into account the baseline monitoring data collected pursuant to the Master Mining Plan*.
- c. The typical hydroperiod for the wetland types being reclaimed on the Altman Tract—Parcel 4* are as follows:

Type	Expected Hydroperiod Range (months)	Inundation Range (inches)
641 Freshwater Marsh	7 to 12 months	6 to 30 inches
643 Wet Prairie	2 to 8 months	0 to 6 inches
646 Shrub Marsh	7 to 12 months	6 to 24 inches

- d. Wetlands shall be restored, at a minimum, to the types (by FLUCFCS) and acreages of the wetlands occurring on the Altman Tract—Parcel 4* pre-disturbance, including mixed wetland hardwoods, mixed forested wetlands, hydric hammock, freshwater marsh, wet prairie and shrub marsh, as more particularly described in the Master Mining Plan*, all in accordance with Appendix E* criteria

10. Nuisance / Exotic Species: Wetland nuisance or exotic species control will be in accordance with Appendix E*, Ordinance 04-39.
11. Wetland Inspection and Monitoring: Comprehensive inspection and monitoring of restored wetlands and the conservation easement areas will be conducted until release, as specified by the Master Mining Plan* and Operating Permit and in accordance with the Environmental Monitoring Commitment, below, consistent with Appendix E*, as follows:
 - a. Reclamation Inspection Points by the County: Inspections will be planned at certain reclamation milestones, as required by Appendix E* to ensure compliance with the basic elements of the wetland reclamation. To accommodate scheduling, a notice will be given to County staff 15 days in advance to setup an inspection date and time. If no response is received from the County within the 15 day notification period reclamation will proceed to the next phase. The required / planned inspection points are:
 - i. When overburden is pushed down & sand tailings are deposited at the reclamation site.
 - ii. After the overburden and topsoil has been applied.
 - iii. At the completion of final grading.
 - iv. When final planting is completed.

In addition, "As-built surveys", or a statement from the project reclamation engineer that the site was constructed per the approved reclamation plan will be submitted at the completion of final grading including topsoiling (third inspection point). The as-built survey or statement will include grading, soil stratification details, soil source, water control structures, if any, and soil cap tolerance (generally expected to be ± 6 inches). Also the landward extent of the mitigation areas will be clearly marked with stakes or poles so that the mitigation site will be visible for review.

- b. Maintenance: All wetlands proposed for mitigation will be maintained on a regular basis as determined by the type and scope of maintenance required and as specified in the Master Mining Plan*. Data collected during routine maintenance monitoring events will be reviewed and any necessary maintenance will be scheduled and conducted as needed. Manual or chemical treatment shall be implemented if cogon grass (*Imperata cylindrica*) coverage exceeds ten (10) percent on reclaimed sites or 5 percent within 300 feet of any reclaimed wetland.
 - c. Monitoring: The vegetation at the wetland mitigation sites will be

monitored in accordance with Appendix E*, and as outlined below and contained in the Master Mining Plan*. In addition, the hydrology of representative wetland types will also be monitored / analyzed using piezometers, staff gauges as required by the Master Mining Plan*. Monitoring and maintenance will continue until success criteria have been met and the wetlands have been released, as specified in the Master Mining Plan*.

Monitoring reports will be submitted semi-annually, with one quantitative and one qualitative report per year, until success criteria are achieved or the site is released by the County. Monitoring reports will be submitted to County staff within 90 days following each monitoring event. Monitoring reports will contain, at a minimum, the following information:

- i. Permanently marked photo stations and transect locations
- ii. Transect / quadrat information in table form
- iii. Organic soil depth (or lack thereof) at wetland quadrat
- iv. Soil stabilization measures used
- v. Percent survival of planted trees and shrubs (first annual report only)
- vi. Aerial coverage of sampled species and number of trees and / or shrubs per acre
- vii. Percent coverage of nuisance species
- viii. Indicator status (OBL, FAWC, FAC, FACU, UPL) in all quadrats and tree or shrub belt transects
- ix. List other species observed within the community but not sampled, indicating relative abundance (abundant, common, rare)
- x. The number, species, size, planting locations / zones, and planting dates (beginning and ending) of plants replanted if necessary to meet required coverage and survival requirements
- xi. Qualitative (visual) water quality observations
- xii. Provide water level reading at each monitoring location
- xiii. Record wildlife observations / usage during monitoring events
- xiv. Overall ecological evaluation
- xv. Problems encountered and corrective actions implemented or needed (ex: nuisance vegetation removal, measures taken during flood / drought conditions, etc.)

12. Wetland Mitigation Success Criteria & Requirements: Success criteria for release of all restored / mitigation wetland areas on the Altman Tract— Parcel 4* shall include the following, consistent with Appendix E*:

- a. Plant communities must have the aerial coverage / projected coverage, quantities, and diversity of trees, shrubs and ground cover consistent with the Reclamation Manual's - Table 4.
 - b. The wetland areas shall meet the landward extent and areas waterward of the proposed limits for rehabilitated / restored wetlands should meet criteria as described in Chapter 62-340, F.A.C. inclusive of vegetation and hydric soil characteristics.
 - c. The Developer* shall document at least one or more occurrences of flowering of 10 percent or more of the species from each stratum, exclusive of nuisance species, with viable seed set for each of the wetland communities. Seedlings, saplings, or other 'young' vegetation will be considered proof of flowering and / or viable seed.
13. Wildlife Wetland Mitigation Success Criteria: All restored wetlands shall achieve the following wildlife success criteria for each wetland habitat / mitigation units:
- a. Appendix E's* (Reclamation Manual) -Table 5 provides a list of native vertebrate species known or suspected to occur in Manatee County on existing or future phosphate-mined lands. These vertebrates form the pool from which representative species can be sampled to evaluate the success of the rehabilitation area. Table 5 includes both the permanent native resident fauna and migratory birds, which depend heavily on the Florida landscape for their survival and are an important component of the consumer food chain. Success criteria will only use those vertebrate species appropriate for the plant communities contained within the site.
 - b. Fishes: Perennial streams and connected wetland mitigation areas (forested and freshwater marshes), a minimum of four forage species (prey base primarily plants and invertebrates), and one top carnivore species (eats other fish).
 - c. Amphibians: For connected wetlands combined (forested and freshwater wetlands), a minimum of three anurian species and one salamander species
 - d. Birds: For wetland plant communities combined, a total of 20 total species represented by at least two waterfowl species (*Anseriformes* or *Podicipediformes*), three shorebird species (*Charadriiformes*), four wading birds species (*Ciconiiformes*), one member of cranes and their allies (*Guiformes*), two bird of prey

species (*Falconiformes* or *Strigiformes*) and four song bird species (*Passeriformes*) from at least two families.

- e. Reptiles: For wetland plant communities, a minimum of two turtle species (represented by at least one herbivore and one carnivore) and two snake species with a minimum reptilian diversity of at least five species.
 - f. Mammals: For wetland plant communities combined, a minimum of five total species represented by at least one small mammal species (*Rodentia*), one rabbit species (*Lagomorpha*), and two carnivore species (*Camivora*).
14. The water quality in the reclaimed and preserved wetlands shall meet Class III standards (Chapter 62-302, F.A.C.)
15. SR 37 Stream Restoration Mitigation Project: The goal of the restoration of the ditched natural stream at SR 37 that flows into the Central Marsh* is to restore the historical sinuosity lost when the system was ditched by filling in the ditch and restoring flow to relict meanders. The historic channel will be restored. The restoration will be accomplished by clearing the historic meanders of vegetation and muck that has filled in over the years due to a lack of flow. The banks will be stabilized by planting with indigenous wetland vegetation. Flow will be restored to the historic channel and the ditch will be filled in. Installation of ditch blocks, water sampling and pumping of water back into the mine recirculation systems will be used in order to protect water quality during the construction of the Development*. The proposed stream restoration activity will not be prohibited or restricted in any way under the terms of the proposed conservation easement, but will be required under Ordinance No. 08-32.
- a. Construction: the stream restoration projects shall be constructed in accordance with the approved plan including in the ADA* and in accordance with the detail in the Master Mining Plan*. All appropriate BMPs* shall be followed and the Developer* shall complete the enhancement work within one (1) year of initiation of mining operations in the Altman Tract—Parcel 4*.
 - b. Monitoring: quantitative vegetation monitoring of the stream restoration project shall occur in years 1, 2, and 3 and every other year thereafter until release; continuous flow monitoring during construction and afterwards until release. A quantitative fish monitoring event shall be performed prior to release.
 - c. Success criteria: Stream banks shall be stable, with no active erosion or caving. Cover by nuisance vegetation species shall be

limited to <5 % of the total area and no exotic species shall be present. Species shall be reproducing naturally, either by normal vegetative spread or through seedling establishment, growth, and survival. Species richness and dominance shall be within the range of values documented on banks and in channels of similar intermittent streams in Central Florida. Trees shall be planted on the filled ditch such that they maintain a density of 200 trees / acre. Wetland trees shall also be planted along the banks of the restored stream to improve bank stabilization. The restored stream shall support fishes similar to the reference site identified in the ADA* and the Master Mining Plan*; 80 % of the species present at the reference site shall also be present within the SR 37 stream.

- d. Release- Project release shall be requested to the County staff when the criteria set forth above are met.
 - e. Water flow to the headwater marsh of Horse Creek shall be protected as outlined in the Hydrologic Conditions Commitment, above.
16. Central Marsh* Enhancement: Within 2 years of permit issuance, the Developer* shall enhance the Central Marsh* by fire management.
17. Conservation Areas*. The Developer* shall dedicate a total of +/- 552 acres in perpetuity, which shall be placed under conservation easement to the FDEP, with Manatee County as a named beneficiary thereof. A conservation easement management plan will be developed with FDEP for this area and copied to Manatee County. The Conservation Easement Area* will be offered in two phases. All Preservation Areas* preserved from mining operations on the Altman Tract—Parcel 4* (+/-520 acres, including +/-186 acres of uplands and 335 acres of wetlands), except for the Conservation B designated areas, e.g., the dragline crossing adjacent to State Road (SR) 37 and an access corridor along the property boundary south of the headwater marsh (approximately 32 acres), these lands will be part of the Category A Conservation Easement and shall constitute Preservation Areas* where no wetland disturbance will occur. The +/- 32 acres of crossing / access corridors (acres disturbed but not mined) depicted on Exhibit DC-4 are Category B Conservation Easement lands and shall be placed into the conservation easement at the conclusion of the use, restoration and reclamation release. See Exhibit DC-4. The headwater marsh (also known as the Central Marsh*) of Horse Creek is not proposed to be mined, additional uplands and wetlands north and south of the Central Marsh* will not be mined, the ditched natural stream that flows from SR 37 to the Central Marsh* will not be mined, and a stream restoration of that SR 37 flow-way will be undertaken. Both the Preservation Areas* and Conservation Areas* on the Altman Tract—

Parcel 4* will be placed under the conservation easement for perpetual protection.

18. Inspection and monitoring of the Conservation Easement Area* shall be conducted as specified in the Master Mining Plan* and the Environmental Monitoring Commitment, below.
19. Manatee County shall be a named beneficiary of the conservation easement, with, at a minimum, the following rights:
 - a. the right, but not the duty, to enforce the terms of the easement;
 - b. the right, but not the duty, to enter onto the Altman Tract—Parcel 4* for purposes of conducting management activities set forth in the conservation easement management plan; and
 - c. the right to consent, along with the FDEP, if any request is made for a release of any portion of the Conservation Easement Area* from the conservation easement.
20. In the event that any listed species listed in Rule 68A-27.003 - 68A-27.005 FAC, or state or federally listed species or colonies of species are observed nesting or breeding at the Altman Tract—Parcel 4* in an area to be disturbed by mining operations beyond the species already identified and for which appropriate Wildlife and Habitat Management Plans have not been obtained, the Developer* shall immediately notify the Florida Fish and Wildlife Conservation Commission (FFWCC) and implement the recommended measures for species protection.
21. The Developer* shall implement the Wildlife and Habitat Management Plans as detailed in the ADA* and Sufficiency Responses for the Altman Tract—Parcel 4*, which have 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.
22. The preserved uplands, wetlands, and floodplains comprising the Preservation Areas* described above will provide refuge for fauna displaced by mining operations, and will also provide a source for faunal recolonization. The Developer* shall place the Conservation Areas* and Preservation Areas* described in Development Condition 6.D of Ordinance 08-32 under a conservation easement with a long-term management plan, and the integration of the Conservation Areas* and Preservation Areas* on Altman Tract—Parcel 4* into the state's Integrated

Habitat Network and with the County's Duette Park to the south will provide a corridor of natural habitat that will facilitate wildlife movement.

23. At no time shall more than 25% of the wetlands on the Altman Tract—Parcel 4* be In Active Mining* at any one time. If the total wetlands In Active Mining* exceeds the 25% threshold, no new wetland disturbance within the Altman Tract—Parcel 4* shall be authorized until the 25% threshold is regained. To accomplish this goal, sand tailings backfill and final contouring shall be expedited to meet this condition.

ADDITIONAL WETLAND SUCCESS ASSURANCES

1. Reclamation and Surety Bonds. Developer* shall comply with all general surety and wetland reclamation bonding requirements of Ordinance No. 04-39* for the areas to be mined and disturbed on the Altman Tract—Parcel 4*.
2. Additional Financial Assurances. In addition to the Altman Tract—Parcel 4* reclamation bonding required by Ordinance 04-39*, Developer* shall submit an additional \$2 million in reclamation bonding, releasable upon a determination that the herbaceous wetland mitigation in Altman Tract—Parcel 4* has met the requirements in the Manatee County Reclamation Manual, Appendix E*.
3. Texaco Tract Wetland Contract. Upon the granting of the Altman Approvals* and the expiration of any appellate rights or challenges associated therewith, and provided no appeal or challenge has been filed and remains pending, Mosaic shall enter into a contract with the County that will effectively restrict any mining, land clearing or site preparation on approximately 597 acres of land located in two parcels within the larger tract of land known as the Texaco Tract. These two parcels are graphically depicted in Composite Exhibit G in Ordinance 08-32 Exhibits. These two parcels contain approximately 403 acres of high quality wetlands. The contract shall provide that Mosaic may not mine any acreage within these two parcels until the County determines that Mosaic has satisfactorily reclaimed herbaceous wetlands on the Altman Tract in accordance with the objective criteria and standards found in the County's Ordinance 04-39. The County shall not unreasonably withhold approval of such a determination. The contractual limitations of no mining can be satisfied by Mosaic in any increment of 100 acres or more. For example, if Mosaic satisfactorily reclaims a 115 acre herbaceous wetland area on the Altman Tract, the County must release the 115 acre area within the Texaco Tract. In addition, the contractual limitations of no mining shall preclude only actual mining and not preliminary activities relating to these two parcels such as obtaining all applicable permitting approvals.

DRAINAGE

1. The drainage basins in the Altman Tract—Parcel 4* 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.
2. The re-created wetlands shall be designed to promote normal seasonal fluctuations of water levels within the wetlands and encourage seasonal saturation and inundation appropriate to the wetland type, as identified in Development Condition C(2)(b) of Ordinance 08-32.
3. 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

1. There shall be no net increase in the groundwater demand or groundwater withdrawals in excess of the currently permitted volume for the Four Corners Mine* required for mining and reclamation of the Altman Tract—Parcel 4*.
2. The applicant will not drill any new water supply production wells in association with the Altman Tract—Parcel 4* site.

TRANSPORTATION

1. The Altman Tract will be mined using existing equipment of the Four Corners Mine*.
2. 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.
3. Establishment of two crossing points on State Road 37 for purposes of access, movement of mining machinery, or mineral transport pipelines shall be permitted, as shown in the ADA*.

MINING OPERATIONS

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 Ordinance 08-32 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 Altman Tract—Parcel 4*.
2. The Developer* shall abide by all FDEP reclamation regulations regarding site cleanup and shall remove any structures or equipment 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.
3. The Developer* shall reclaim all mined or disturbed uplands to FDEP and Manatee County Ordinance 81-22 standards and wetlands shall be reclaimed in accordance with Appendix E* or the ERP*, whichever is more stringent. Reclamation and revegetation shall proceed immediately after mining operations cease in each mining area and shall comply generally with the schedule for reclamation outlined in the ADA*. 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* or Ordinance 04-39*, as applicable.
4. 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 windrowed dirt to lessen the potential of increased radiation levels on reclaimed lands.
5. Minimum mine cut setbacks and setbacks for the perimeter recharge ditch shall be maintained as follows:
 - a. 1,000 feet of a habitable structure existing at the time of initial application for Master Mining Plan* approval, unless waived by affected habitable structure owner; not applicable to this parcel;
 - b. A minimum of 45 feet from an existing public right-of-way, in which the BMP* ditch and berm system can be constructed; and
 - c. 500 feet of the Developer's* property line, where setback waivers have not been obtained. A setback waiver has been granted along

the Developer* / Manatee County property line;

Nothing in this requirement shall prevent the reduction of setbacks pursuant to the Mining Ordinance*. All such setbacks shall be shown in the Operating Permit and shall be specifically approved by the Board of County Commissioners.

Within the above described setback areas along State Road 37, the Developer* shall construct an earthen berm 4'-8' in height above the roadway elevation, prior to commencement of mining activities.

6. Mining operations, including alignment of mine cuts, cutting down of overburden rows, construction of a ditch and berm system, and placement of sand tailings, shall be conducted in accordance with the terms of Ordinance 08-32 and the Master Mining Plan*.
7. Sand Tailings: In order to provide reasonable assurance that sufficient sand tailings are available to timely reclaim the wetlands and other surface waters authorized for mining within the Altman Tract—Parcel 4*, the Developer* shall provide an updated sand tailings balance in the DRI annual report, which shall document the materials allocated for reclamation of the Altman Tract—Parcel 4*.
8. Mining and Reclamation Schedule. It is expressly recognized that the mining blocks, rates and schedules provided in Ordinance No. 08-32 and the Master Mining Plan* are estimates based upon the maximum rate anticipated. Accordingly, mining blocks and rates may vary depending upon market conditions. However, reclamation and revegetation shall proceed immediately after mining operations cease in each parcel and in no case shall exceed the schedules for reclamation outlined in Table 35-4 of the ADA*. Actual mining acreages will be documented in the annual reports submitted to the County. See updated Maps and Tables in the December 23, 2008 ADA*. Refer to this ADA* submittal for more information on pre and post land use and reclamation and mine scheduling.

RADIATION STANDARDS

1. Radiation standards shall be maintained as follows:
 - a. For the Altman Tract—Parcel 4*, the radiation standards shall be maintained in accordance with Ordinance 04-39*.
 - b. Any building shall be designed and constructed and all reclamation shall be done to provide protection against gamma radiation and radon gas accumulation and emanation in accordance with the

most stringent applicable state and federal requirements.

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

AIR QUALITY

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

ADDITIONAL PUBLIC CONTRIBUTIONS

1. For the promotion and benefit of the health, safety and welfare of the citizens of Manatee County, the Developer* has agreed to the following additional conditions:
 - a. **Duette Fire Station:** The Developer* has committed to constructing a fire station for the Duette Fire District on a 70-acre Developer*-owned parcel near the intersection of State Road 62 and Bunker Hill Road ("Bunker Hill property"). Upon the granting of the Altman Approvals* and the expiration of any appellate rights or challenges associated therewith, and provided no appeal or challenge has been filed and remains pending, the Developer* shall initiate work to prepare the necessary construction drawings, and apply for release of the Bunker Hill property from any remaining reclamation requirements and apply for the other necessary approvals and permits to construct the Fire Station. The Developer* shall coordinate Fire Station design work with the Duette Fire District. Contingent upon and following receipt of such releases, approvals and permits, the Developer* shall promptly construct a Fire / Emergency Management Services Station for the Duette Fire District on the Bunker Hill property ("Fire Station"), in accordance with the attached general schematic – subject to final design changes (Exhibit DC-5) – and modeled after the Myakka City Fire Station, to include the following:
 - i. Approximately 7,000 square feet, metal construction
 - ii. Office space
 - iii. Kitchen / training room
 - iv. Three-person bunk room
 - v. Parking area / paved driveway with direct emergency vehicle access to State Road 62 and additional access to Bunker Hill
 - vi. Office equipment, fire fighting equipment and furniture is excluded

Upon completion of construction and issuance of a Certificate of Occupancy, the Fire Station shall be dedicated to the Duette Fire District.

b. Bunker Hill Community Park: The Developer* has committed to constructing a community park on the Bunker Hill property. Upon the granting of the Altman Approvals* and the expiration of any appellate rights or challenges associated therewith, and provided no appeal or challenge has been filed and remains pending, the Developer* shall initiate work to prepare the necessary construction drawings, and apply for release of the Bunker Hill property from any remaining reclamation requirements and apply for the other necessary approvals and permits to construct the Park. The Developer* shall coordinate the design of the Park with the Manatee County Parks and Recreation Department. Contingent upon and following receipt of such releases, approvals, and permits, the Developer* shall promptly construct park improvements for the Bunker Hill Community Park on the Bunker Hill property ("the Park"), in accordance with the attached general schematic – subject to final design changes - (Exhibit DC-5), to include the following:

- i. Baseball field
- ii. Soccer / open play field
- iii. +/- 19 Acre Lake
- iv. Boat Ramp and Dock
- v. Restroom Facilities
- vi. Picnic areas
- vii. Parking area / paved driveway with access to Bunker Hill and additional parking and access to New Bunker Hill Road
- viii. A complete irrigation system for landscaping and sports fields
- ix. Funding not to exceed \$87,000 / year (plus \$58,000 for start up cost the first year) to provide for operation and maintenance of the park for the first three (3) years following construction, to give the County an opportunity to develop a funding source.

Upon completion of construction, the Developer* shall dedicate the Park to Manatee County.

c. Environmental Education Center: Upon the granting of the Altman Approvals* and the expiration of any appellate rights or challenges associated therewith, and provided no appeal or challenge has been filed and remains pending, Mosaic will cooperate with the County to: 1) provide or contribute to

improvements to the educational building and/or infrastructure once architectural review and recommendations have been conducted; and 2) provide educational materials. Mosaic shall contribute up to \$75,000.00 toward these initiatives as mutually agreed upon by Mosaic and the County. Mosaic will also make volunteers periodically available on a pre-arranged basis to assist in the educational programs.

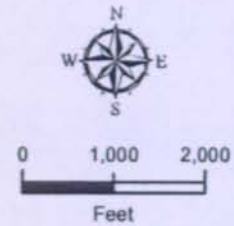
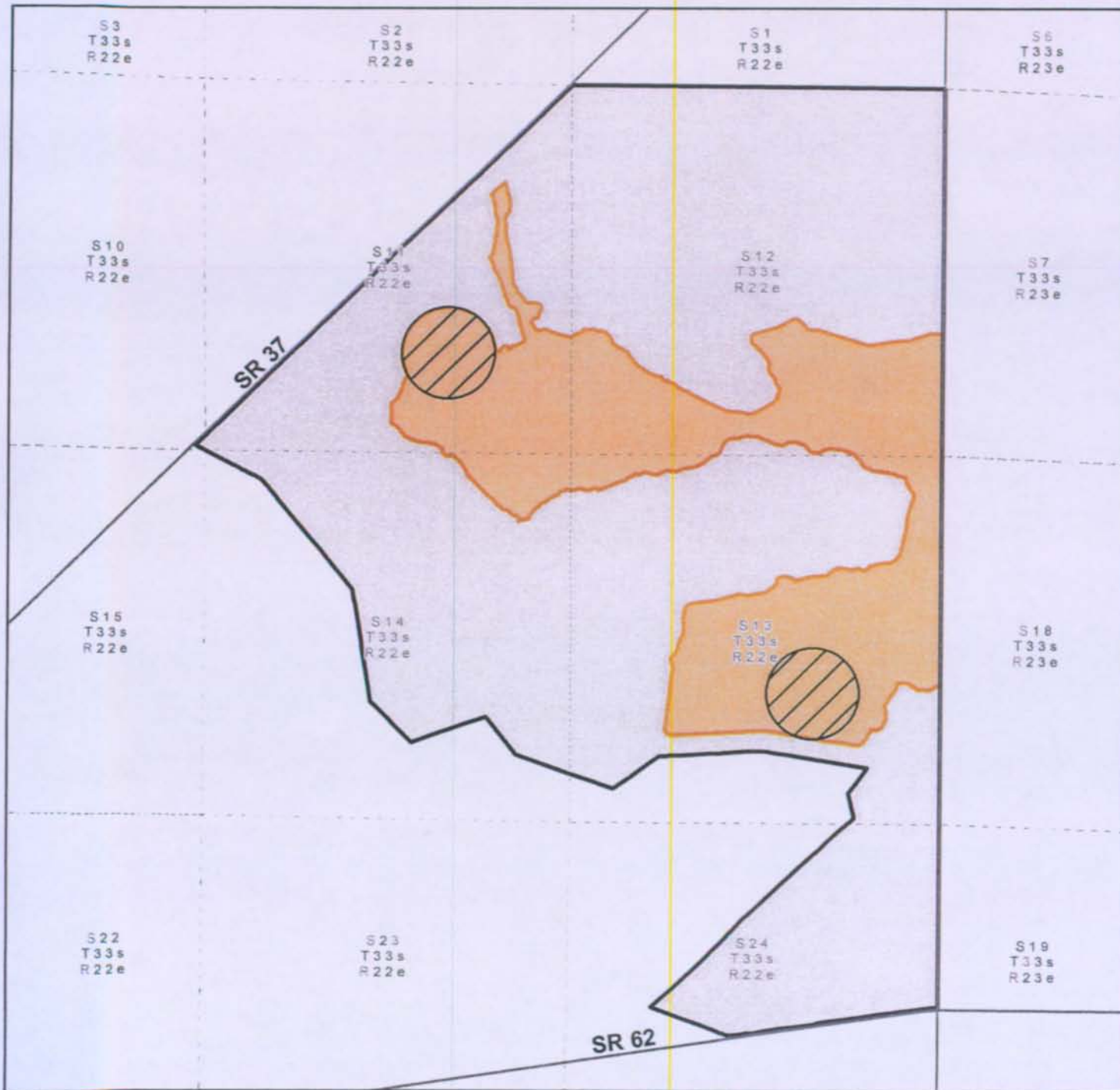
ENVIRONMENTAL MONITORING PROGRAM

1. The environmental monitoring program for the Four Corners Mine* – Altman Tract—Parcel 4* is intended to establish baseline conditions to continuously evaluate compliance of the mining operations with applicable standards and limitations over the life of the mine and to assure successful reclamation and restoration of the wetlands and surface waters.
2. This monitoring program shall fully comply with, and shall incorporate to the extent not inconsistent, the monitoring requirements of the Master Mining Plan* (Resolution R-08-051), Ordinance 08-32, FDEP ERP No. 0155875-009 / 010, and the SWFWMD WUP No. 2011400, as well as other provisions of applicable laws, ordinances, rules, regulations, or requirements of Developer's* federal, state, regional, or county governmental authority in connection with the proposed mining activities at the Altman Tract—Parcel 4*. In the event of any inconsistency, the more stringent condition or provision shall control.
3. At a minimum, the environmental monitoring program shall consist of monitoring of the following elements, shall continue through the life of mining until the release of reclamation, and shall include sufficient monitoring to support the use of MIKE-SHE or other mutually acceptable integrated surface water and groundwater hydrologic model:
 - a. surface water quality
 - b. surface water quantity / flow
 - c. groundwater quality
 - d. groundwater quantity / levels
 - e. mitigation wetlands
 - f. rainfall
 - g. radiation in soils
 - h. conservation areas
4. Specific requirements relative to each above-identified component of the environmental monitoring program shall be contained in the Master Mining Plan*. The Master Mining Plan* shall specify the intervals, frequency, duration, locations, and parameters for the monitoring, as mutually agreed upon by the Developer* and the County.

5. Initial Baseline monitoring has been conducted and ongoing monitoring will continue as set forth in the Master Mining Plan* to establish pre-disturbance conditions.

LIST OF EXHIBITS

Exhibit DC-1	Eagle Management Area
Exhibit DC-2	Preservation Buffers & Mining Area
Exhibit DC-3	Wetland Restoration: Post-Reclamation Plan
Exhibit DC-4	Proposed Conservation Easement
Exhibit DC-5	General Schematics for Duette Fire / EMS Station and Bunker Hill Park

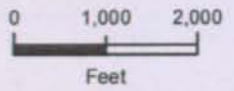
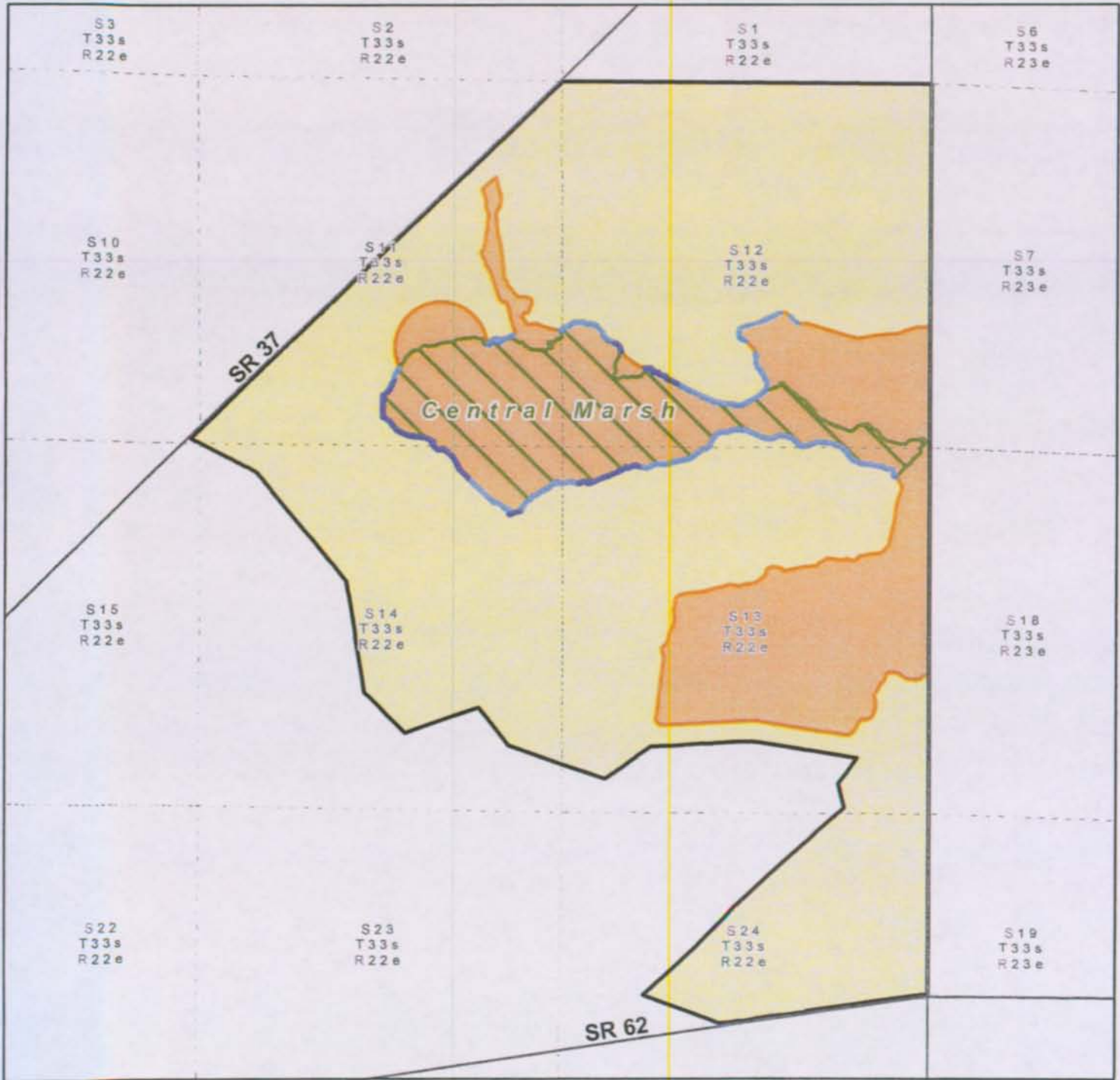


Legend

- Township / Range Lines
- - - Section Lines
- Eagle Management Area
- Preservation Area
- Altman Boundary



**Exhibit DC-1
Eagle
Management Area**



Legend


- Township / Range Lines
- - - Section Lines
- ▭ Altman Boundary
- ▭ 30' Wetland Buffer Enhancement for Post Reclamation
- ▭ 30' Wetland Buffer Around Preserved Central Marsh Wetlands
- ▭ Preserved Central Marsh Wetlands
- ▭ Preservation Area
- ▭ Mining Area





**Exhibit DC-2
Preservation Buffers
& Mining Area**

User: jeh Date: 12/22/2008
Path: G:\projects\2005\2005_0156\map\DC_Ex_2_PB_MX.mxd











 0 1,000 2,000
 Feet

Legend

- Township / Range Lines
- Section Lines
-  Altman Boundary
-  Preservation Area

Reclaimed Land Use

-  Non-wetland
-  617 - Mixed Wetland Hardwoods
-  630 - Mixed Forested / Mixed Hardwood and Slash Pine Forest
-  633 - Hydric Hammock
-  641 - Freshwater Marshes
-  643 - Wet Prairies
-  647 - Shrub Marsh

Mosaic

Exhibit DC-3
Wetland
Restoration
Post Reclamation

User: jeh Date: 12/22/2008
 Path: G:\projects\2005\2005_0156\map\DC_Ex_3_PRLU.mxd



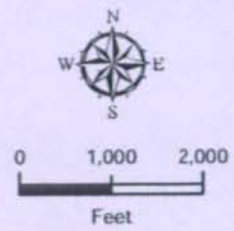
Legend

- Township / Range Lines
- - - Section Lines
- Conservation Easement Area A: 519.5 ac
- Conservation Easement Area B: 32.7 ac
- Altman Boundary

Mosaic

**Exhibit DC-4
Proposed
Conservation
Easement**

User: jeh Date: 12/22/2008
Path: G:\projects\2005\2005_0156\maps\DC_Ex_4_Con_Ease.mxd

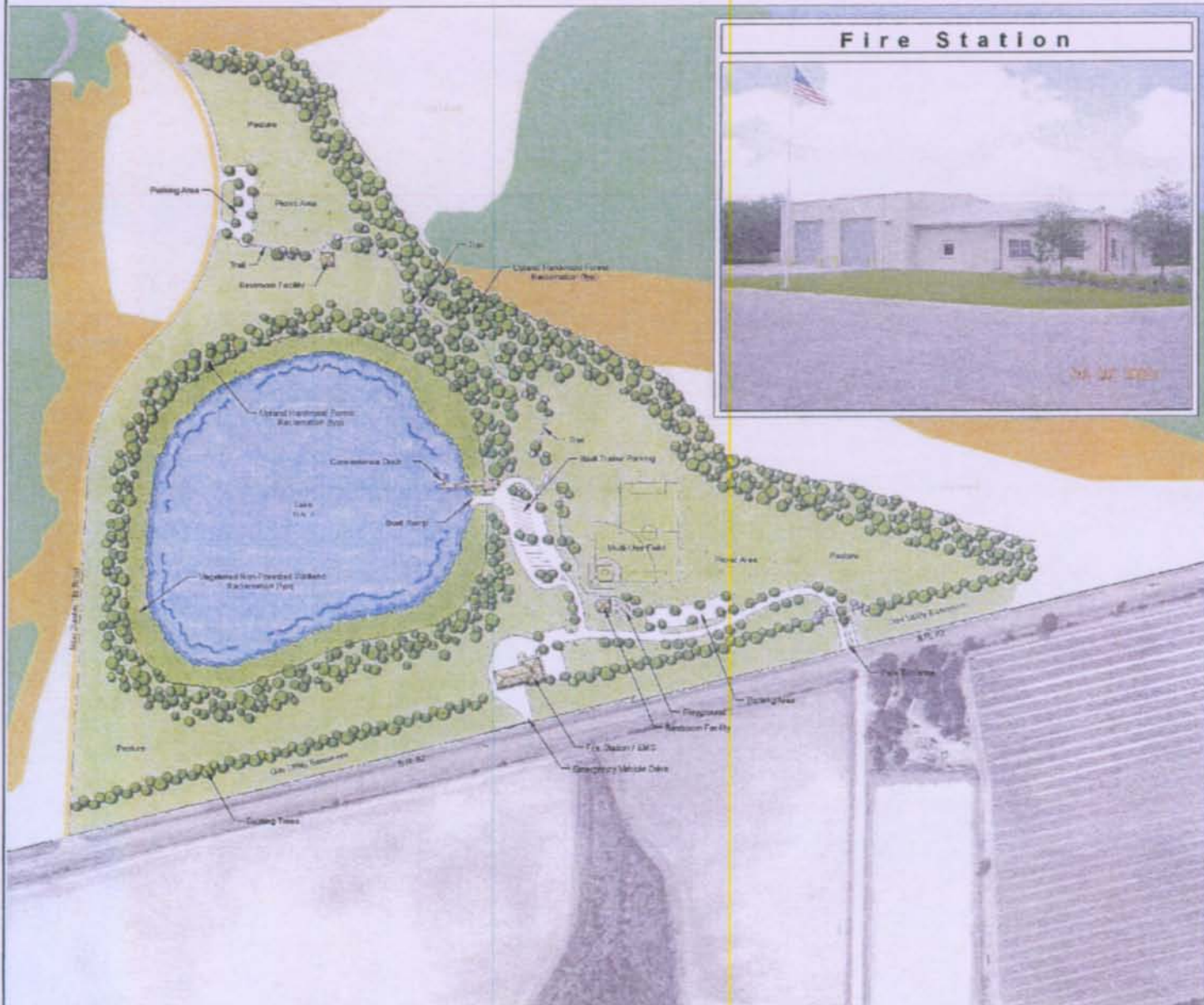


Legend

- Township / Range Lines
- Section Lines
- ▭ Altman Boundary
- ▭ Preservation Area
- Reclaimed Land Use
 - ▭ Non-wetland
 - ▭ 617 - Mixed Wetland Hardwoods
 - ▭ 630 - Mixed Forested / Mixed Hardwood and Slash Pine Forest
 - ▭ 633 - Hydric Hammock
 - ▭ 641 - Freshwater Marshes
 - ▭ 643 - Wet Prairies
 - ▭ 647 - Shrub Marsh



**Exhibit DO-E
Wetland
Restoration
Post Reclamation**



Not to Scale



**Exhibit DO-F
General Schematic
Fire / EMS Station
& Bunker Hill
Community Park**

User: jwh Date: 12/2/2008
Path: G:\projects\2005\2005_0155\maps\DO_Ext_F_Park_EMS.mxd



COMPOSITE EXHIBIT G TEXACO TRACT WETLAND ATTACHMENTS

- **Contract to Secure Wetland Reclamation Obligation**
- **Exhibit A - Description of Encumbered Property**
- **Exhibit B - Altman Tract- Parcel #4 Permitted Property Legal Description**
- **Exhibit C - Reclamation Success Criteria**

(DRAFT 1/7/2009)

COMPOSITE EXHIBIT G

CONTRACT TO SECURE WETLAND RECLAMATION OBLIGATION

THIS CONTRACT TO SECURE WETLAND RECLAMATION OBLIGATION is entered this ____ day of _____ 2009, by the Mosaic Fertilizer LLC, having an address at 5000 Old Hwy 37 South, Mulberry, FL 33860 (Mosaic) with MANATEE COUNTY, a political subdivision of the state of Florida whose address is 1112 Manatee Avenue West, Suite 969, Bradenton, FL 34206 (County). As used herein, the term Mosaic shall include any and all heirs, successors or assigns of Mosaic, and all subsequent owners of the Encumbered Property (as hereinafter defined) and the term County shall include any successor or assignee of the County.

WITNESSETH

WHEREAS, Mosaic is the sole owner in fee simple of certain lands situated in Manatee County, Florida, more specifically described in **Composite Exhibit A** attached hereto and incorporated herein (“the Encumbered Property”);

WHEREAS, Mosaic has submitted applications to the County for a DRI Development Order No. 08-32 (collectively “the Permit”) that will authorize Mosaic to conduct mining activities on a separate site known as the Altman Tract—Parcel 4 that affect wetlands in or of the State of Florida;

WHEREAS, in order to secure Mosaic’s reclamation obligation as a function of Ordinance No. 08-32 and as a condition of obtaining the Permit, Mosaic will temporarily exclude from development wetlands over areas which are described, mapped and shown in the attached **Composite Exhibit A** (“Encumbered Property”), until such time as Mosaic demonstrates the success of wetland reclamation of shrub and herbaceous wetland components in and on certain lands situated in Manatee County, Florida, at the Altman Tract, more specifically described in **Exhibit B** attached hereto (the “Permitted Property”);

WHEREAS, Mosaic imposes this limitation as a condition to obtain the Permit issued by the County, in satisfaction of additional reasonable assurance and overriding public benefit under the Manatee County Comprehensive Plan Avoidance and Minimization Policy 3.3.1.1 to secure Mosaic’s obligation to complete the proposed wetland reclamation on the Permitted Property in a manner that will be successful to offset or prevent the temporal adverse impacts to water quality and natural resources, such as fish, wildlife, and wetland or other surface water functions, that may occur until the Permitted Property is successfully reclaimed;

NOW THEREFORE, in consideration of the above and the mutual covenants, terms, conditions and restrictions contained herein, together with other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, Mosaic hereby certifies ownership by Mosaic of the Encumbered Property on behalf of itself and its successors, heirs and assigns and agrees not to excavate phosphate ore from the Encumbered

Property and agrees to record this limitation in the Official Records of Manatee County, Florida and make it binding upon the Mosaic, and shall remain in full force and effect unless and until the County releases the Encumbered Property in accordance with Section 4 hereof and the Permit. The scope, nature and character of this mining limitation shall be as follows:

1. Purpose. The purpose of this mining limitation is to maintain the wetlands on the Encumbered Property in a natural condition, except as otherwise expressly permitted in this Contract, unless and until the Mosaic provides documentation of successful reclamation of the Permitted Property.

2. Prohibited Activities. The following acts and activities are expressly **prohibited** within the boundaries of the Encumbered Property without the prior consent of the County except as expressly allowed by the provisions of Section 3 of this Contract:

a. Construction or placing of buildings, roads, signs, billboards or other advertising structures on or other structures on or above the ground;

b. Construction or placing of utilities on, below or above the ground without appropriate local, state, and federal permits or other authorization;

c. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;

d. Removal, mowing, or trimming of trees, shrubs, or other vegetation;

e. Application of herbicides, pesticides, or fertilizers;

f. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;

g. Surface use except for purposes that permit the land or water area to remain in its natural condition;

h. Any activity detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation;

i. Acts or uses detrimental to such retention and maintenance of land or water areas;

3. Authorized activities. Notwithstanding the foregoing, the following activities on the Encumbered Property are allowed as long as they do not unreasonably interfere or conflict with the purpose of this Contract:

a. Outdoor recreational uses including, but not limited to, bird watching, hunting pursuant to properly issued hunting permits, fishing, and camping, any of which may be conducted on a commercial/for profit basis;

b. Drainage improvements for the purpose of enhancing or restoring the ecological function of the wetlands or other wetland ecological enhancements or improvements;

c. Removal of trees, shrubs, or other vegetation for the purpose of enhancing or restoring wetlands or removing planted pines or exotic or nuisance species listed in the 2005 Florida Exotic Pest Plant Council's "List of Invasive Species," categories I and II for North Florida, and

d. Maintenance of existing trails, fire breaks, roads and ditches where needed to implement activities listed above.

e. The right to use the 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 that allow native grasses and other native forage species to regenerate such that grazing capacity of the land is naturally renewed.

4. Conditions for Release of Mining Limitation. Upon satisfaction of the conditions for release set forth in Exhibit C, the County shall release this mining limitation by recording a written release in the Official Records of Manatee County, Florida. Such release may be recorded in increments, as more particularly set forth in Exhibit C.

5. Reserved Rights. Mosaic reserves all rights as owner of the Encumbered Property, including the right to engage in uses of the Encumbered Property that are not prohibited herein and which are not inconsistent with the terms and conditions of this Contract or any County rule, criteria, or Agreement. Mosaic may also process the completed development application for mining, but may not engage in land clearing, site preparation, or mining until the Encumbered Property are released.

6. Public Access. No public right of access or use to any portion of the Encumbered Property is conveyed by this Contract.

7. Responsibilities of Parties and Indemnification. Mosaic, its successors or assigns, shall take responsibility for any costs or liabilities related to the operation, upkeep or maintenance of the Encumbered Property. In addition, the County, its successors or assigns, shall have no responsibility for any costs or liabilities related to the operation, upkeep or maintenance of the Encumbered Property. Neither Mosaic, its successors or assigns, nor any person or entity claiming by or through Mosaic its successors or assigns,

shall hold the County liable for any damage or injury to person or personal property which may occur on the Encumbered Property. Furthermore, the Mosaic, its successors or assigns shall indemnify and hold harmless the County for all liability, any injury or damage to the person or property of third parties which may occur on the Encumbered Property.

8. Taxes. Mosaic, its successors or assigns, shall pay before delinquency any and all taxes, assessments, fees, and charges of whatever description levied on or assessed by competent authority on the Encumbered Property, and shall furnish the County with satisfactory evidence of payment upon request.

9. Assignment of Rights. County, its successors or assigns will not assign its rights and obligations under this Contract except to another organization qualified to hold such interests under the Agreement.

10. Recording in Land Records. Upon issuance of the Permit, Mosaic shall promptly record this Contract and any amendments hereto in a timely fashion in the Official Records of Manatee County, Florida. Mosaic shall pay all recording costs and taxes necessary to record this Contract.

11. Successors. The covenants, terms, conditions and restrictions of this Contract shall be binding upon, and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors and assigns and shall continue as a servitude running in perpetuity with the Encumbered Property unless or until said encumbrance is released according to the terms of paragraph 4 herein

12. Notices. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest.

13. Severability. If any provision of this Contract or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this Contract shall not be affected thereby, as long as the purpose of the Contract is preserved.

14. Alteration or Revocation. Except as provided above, this Contract may be amended, altered, released or revoked only by Agreement modification as necessary and written agreement between the parties hereto or their heirs, assigns or successors-in-interest, which shall be filed in the public records in Manatee County.

15. Controlling Law. The interpretation and performance of this Contract shall be governed by the laws of the State of Florida.

16. Limitation. This provision shall not be construed to entitle the County to bring any action against Mosaic for any injury to or change in the property resulting from natural causes beyond Mosaic's control including, without limitation, fire, flood, storm and earth movement, or from any necessary action taken by Mosaic under emergency conditions to

prevent, abate or mitigate significant injury to the property or to persons resulting from such causes.

The covenants, terms, conditions, restrictions and purpose imposed with this Contract shall be binding upon Mosaic, and shall continue as a servitude running with the Encumbered Property until released as provided in Section 4 herein.

Mosaic hereby covenants with said County that Mosaic is lawfully seized of said Encumbered Property in fee simple; that the Encumbered Property is free and clear of all encumbrances that are inconsistent with the terms and conditions of this Contract and all mortgages have been joined or subordinated; that Mosaic has good right and lawful authority to convey this Contract.

SIGNED, SEALED and Delivered in the presence of:

MOSAIC FERTILIZER LLC,
a Delaware Limited Liability Company,

By: James Voyles,
General Counsel

ATTEST: _____
Secretary

Print Name

WITNESSES:

OR

Witness Signature

Witness Signature

Print Name

Print Name

STATE OF FLORIDA

COUNTY OF _____

I HEREBY CERTIFY that on this ____ day of _____, 2009, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments and administer oaths, personally appeared James Voyles, as General Counsel of Mosaic Fertilizer LLC, a Delaware Limited Liability Company, who is [] personally known to me or has [] produced _____ as identification, and he acknowledged that he executed the same for the purposes set forth therein.

Name:
NOTARY PUBLIC, STATE OF FLORIDA
My Commission Expires:

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

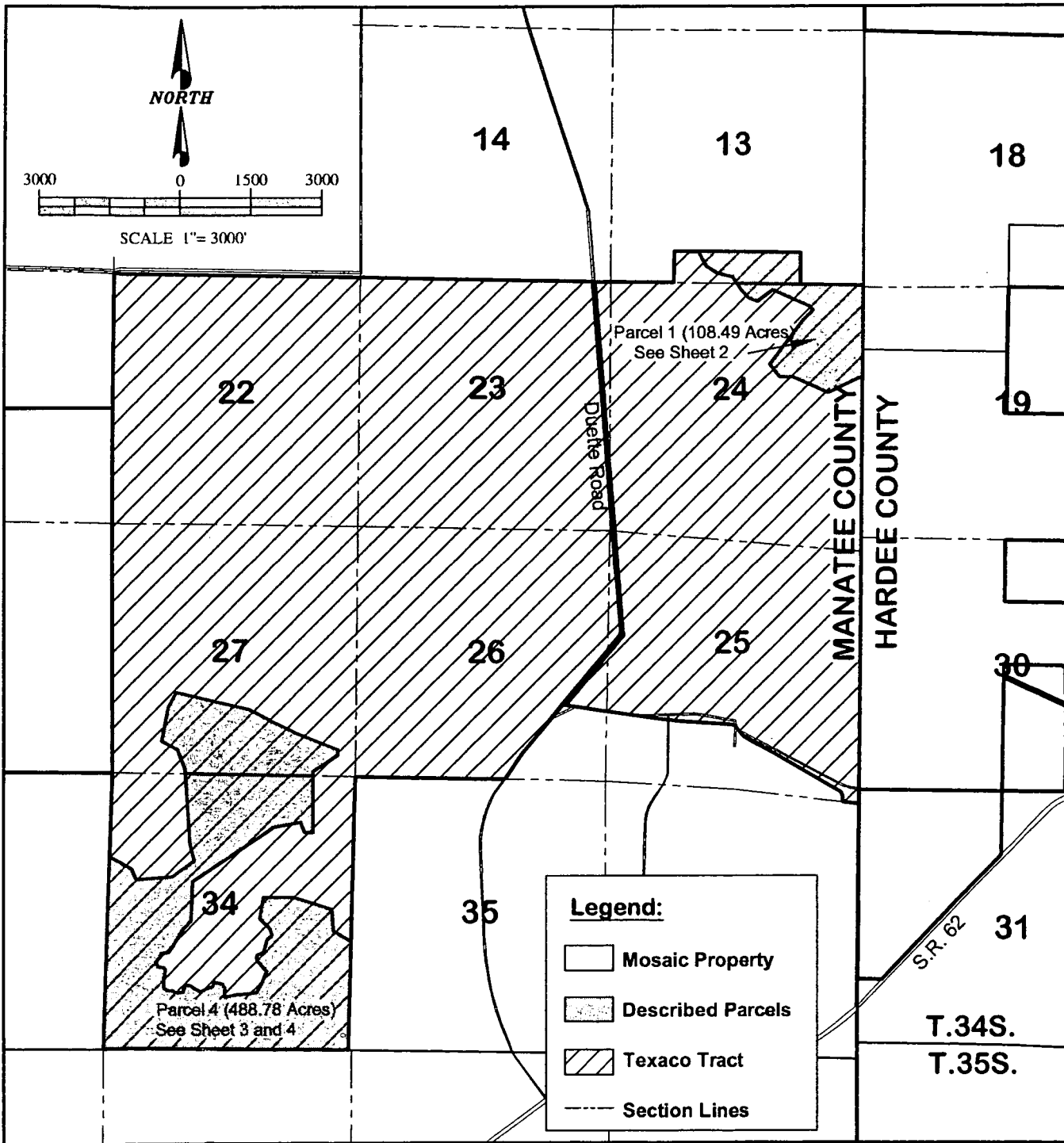
BY: _____
Chairman

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



**COMPOSITE EXHIBIT G
TEXACO TRACT WETLAND
ATTACHMENT**

**Exhibit A - Description of
Encumbered Property**



**Description of
Encumbered Property
Sections 13,24,27 & 34
Township 34 South,
Range 22 East
Wingate Mine - Texaco Tract
Sheet 1 of 4**

SURVEYOR'S NOTES:

- This sketch does not represent a survey, no corners were set.
- All section information shown on this sketch is based on a boundary survey of Wingate Mine, prepared by Pickett & Associates Inc., identified as Project No. 13101, Drawing No. LD2550, dated: 5/4/2004.
- The limits of the wetlands within the Conservation Easement were determined in the field by Environmental Consultants Technology (ECT) and measured using a handheld Global Positioning System (GPS) unit reported to have a positional error not to exceed 1 meter when compared to a true position. The limits of the Conservation Easement as described and shown on this sketch are created to include the limits of wetlands as located by ECT with an additional buffer to the landward extent.

EXHIBIT A



SURVEY AND MAPPING DEPARTMENT

By: RPD Date: 1/7/2009 Scale: 1"= 3000'
Path: g:\projects\2007\2007_0030\dwg\revised_desc_sketch.dwg

PROFESSIONAL LAND SURVEYOR





Not Valid Without The Signature And The Original
Raised Seal Of A Florida Licensed Surveyor or Mapper.

Date: _____

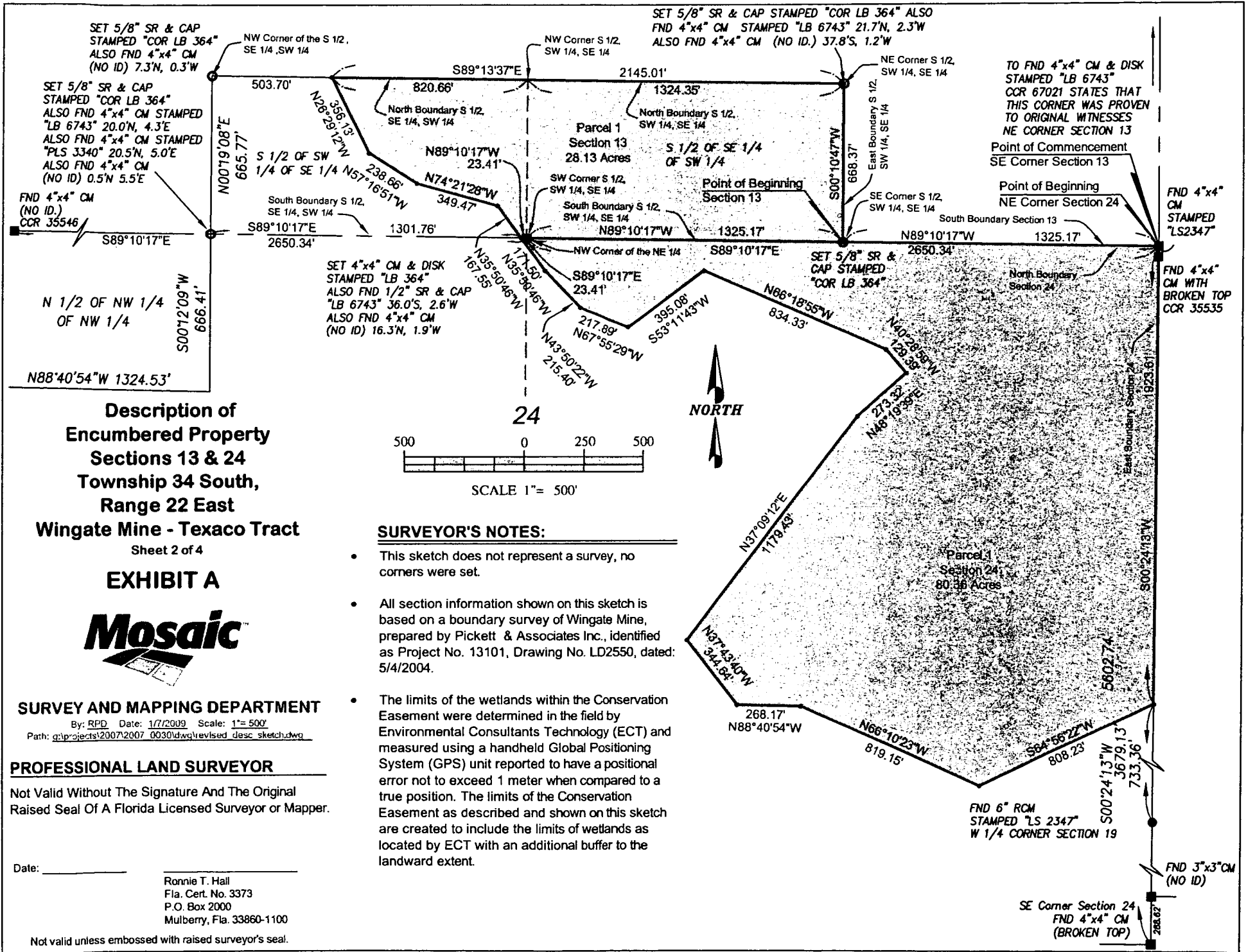
Ronnie T. Hail
Fla. Cert. No. 3373
P.O. Box 2000
Mulberry, Fla. 33860-1100

Not valid unless embossed with raised surveyor's seal.

Legend:

-  Mosaic Property
-  Described Parcels
-  Texaco Tract
-  Section Lines

T.34S.
T.35S.



Description of Encumbered Property Sections 13 & 24 Township 34 South, Range 22 East Wingate Mine - Texaco Tract

Sheet 2 of 4

EXHIBIT A



SURVEY AND MAPPING DEPARTMENT

By: RPD Date: 1/7/2009 Scale: 1"=500'
 Path: g:\projects\2007\2007_0030\dwg\revised_desc_sketch.dwg

PROFESSIONAL LAND SURVEYOR

Not Valid Without The Signature And The Original Raised Seal Of A Florida Licensed Surveyor or Mapper.

Date: _____
 Ronnie T. Hall
 Fla. Cert. No. 3373
 P.O. Box 2000
 Mulberry, Fla. 33860-1100

Not valid unless embossed with raised surveyor's seal.

SURVEYOR'S NOTES:

- This sketch does not represent a survey, no corners were set.
- All section information shown on this sketch is based on a boundary survey of Wingate Mine, prepared by Pickett & Associates Inc., identified as Project No. 13101, Drawing No. LD2550, dated: 5/4/2004.
- The limits of the wetlands within the Conservation Easement were determined in the field by Environmental Consultants Technology (ECT) and measured using a handheld Global Positioning System (GPS) unit reported to have a positional error not to exceed 1 meter when compared to a true position. The limits of the Conservation Easement as described and shown on this sketch are created to include the limits of wetlands as located by ECT with an additional buffer to the landward extent.

**Description of
Encumbered Property
Section 27 Township 34 South,
Range 22 East
Wingate Mine - Texaco Tract
Sheet 3 of 4**

SURVEYOR'S NOTES:

- This sketch does not represent a survey, no corners were set.
- All section information shown on this sketch is based on a boundary survey of Wingate Mine, prepared by Pickett & Associates Inc., identified as Project No. 13101, Drawing No. LD2550, dated: 5/4/2004.
- The limits of the wetlands within the Conservation Easement were determined in the field by Environmental Consultants Technology (ECT) and measured using a handheld Global Positioning System (GPS) unit reported to have a positional error not to exceed 1 meter when compared to a true position. The limits of the Conservation Easement as described and shown on this sketch are created to include the limits of wetlands as located by ECT with an additional buffer to the landward extent.

EXHIBIT A



SURVEY AND MAPPING DEPARTMENT

By: RPD Date: 1/7/2009 Scale: 1"= 800'
Path: g:\projects\2007\2007_0030\dwg\revised_desc_sketch.dwg

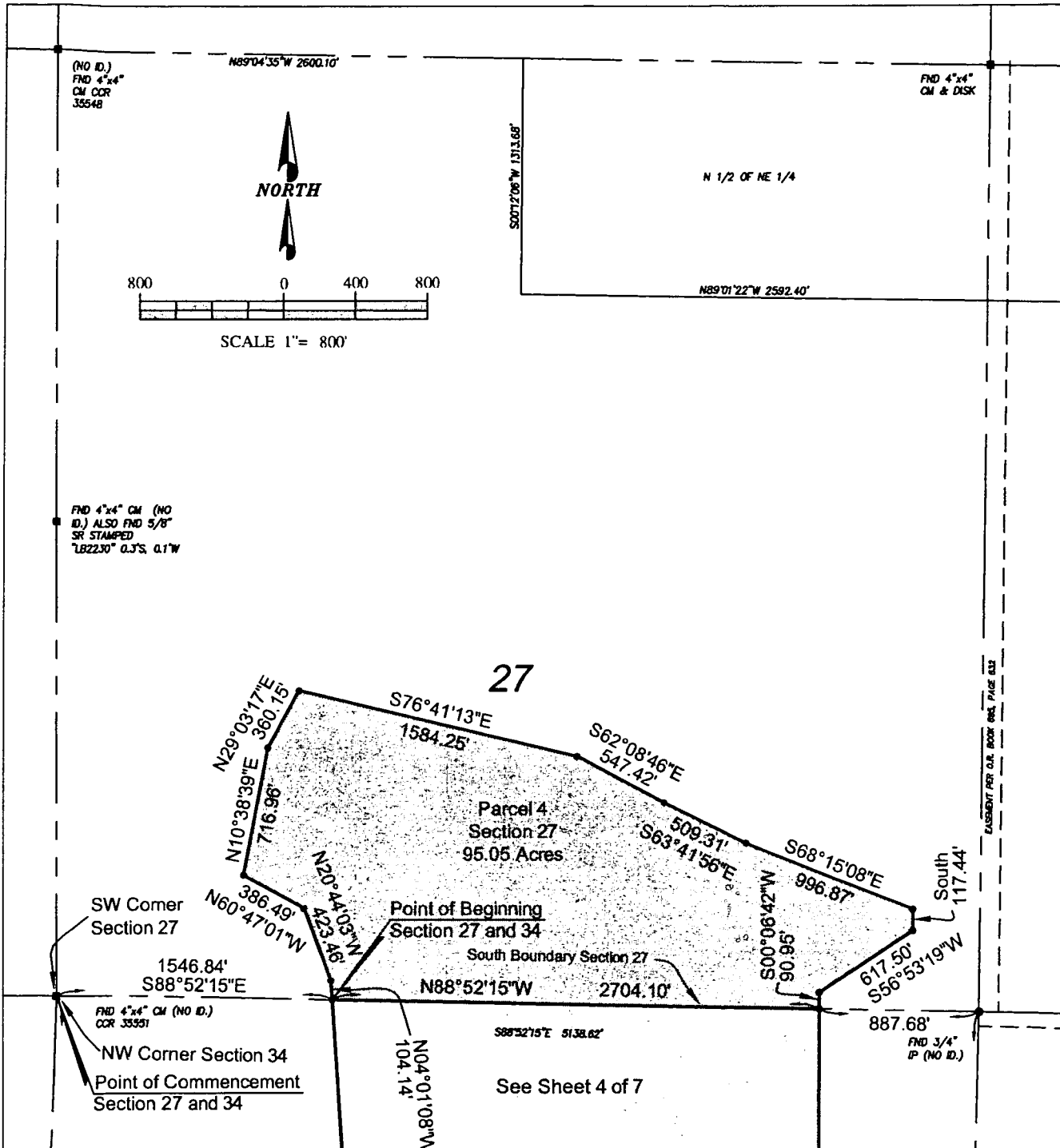
PROFESSIONAL LAND SURVEYOR

Not Valid Without The Signature And The Original
Raised Seal Of A Florida Licensed Surveyor or Mapper.

Date: _____

Ronnie T. Hall
Fla. Cert. No. 3373
P.O. Box 2000
Mulberry, Fla. 33860-1100

Not valid unless embossed with raised surveyor's seal.



**Description of
Encumbered Property
Section 34 Township 34 South,
Range 22 East
Wingate Mine - Texaco Tract**
Sheet 4 of 4

SURVEYOR'S NOTES:

- This sketch does not represent a survey, no corners were set.
- All section information shown on this sketch is based on a boundary survey of Wingate Mine, prepared by Pickett & Associates Inc., identified as Project No. 13101, Drawing No. LD2550, dated: 5/4/2004.
- The limits of the wetlands within the Conservation Easement were determined in the field by Environmental Consultants Technology (ECT) and measured using a handheld Global Positioning System (GPS) unit reported to have a positional error not to exceed 1 meter when compared to a true position. The limits of the Conservation Easement as described and shown on this sketch are created to include the limits of wetlands as located by ECT with an additional buffer to the landward extent.



SURVEY AND MAPPING DEPARTMENT

By: RPD Date: 1/7/2009 Scale: 1"=800'
Path: g:\projects\2007\2007_0030\dwg\revised_desc_sketch.dwg

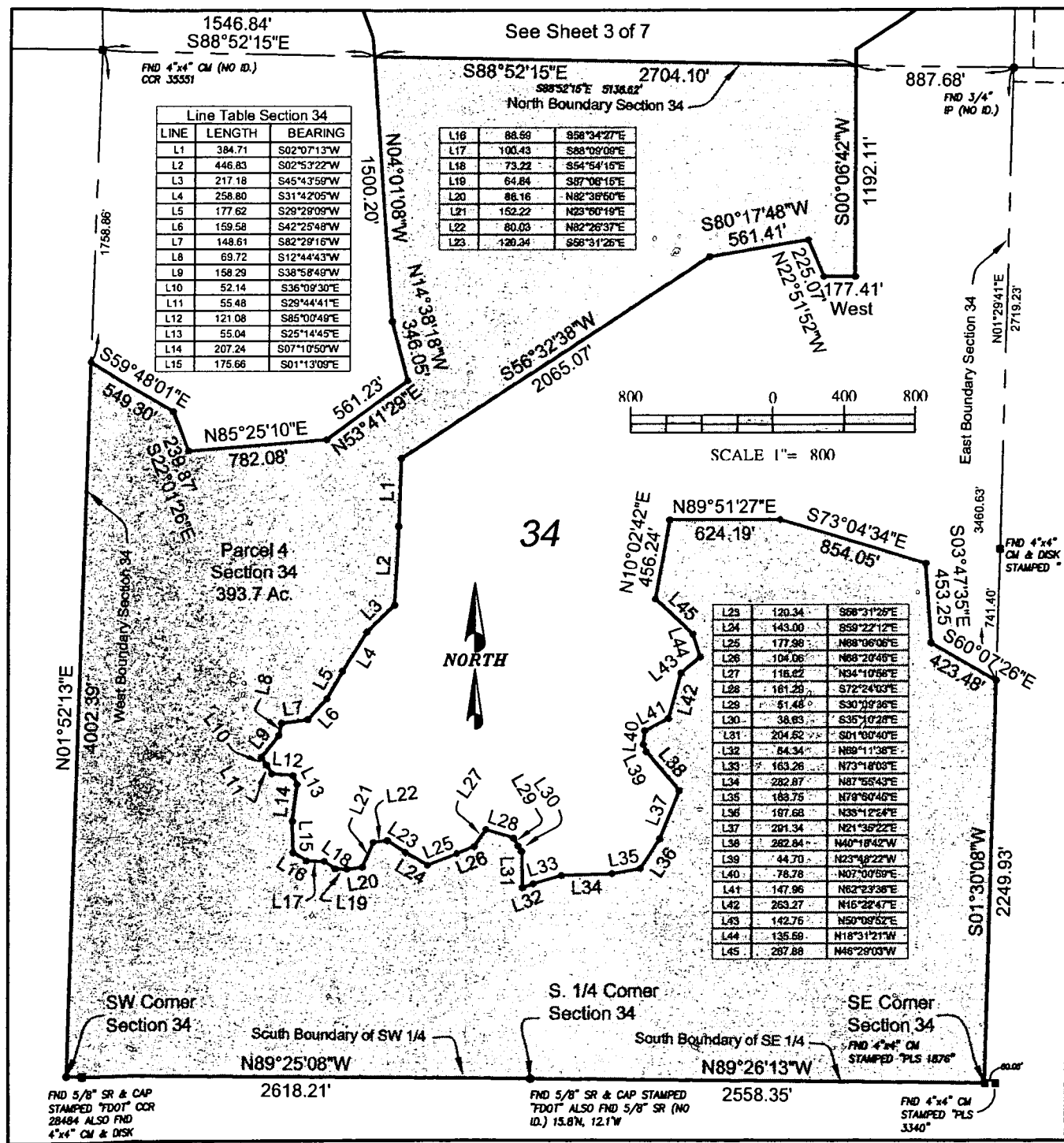
PROFESSIONAL LAND SURVEYOR

Not Valid Without The Signature And The Original Raised Seal Of A Florida Licensed Surveyor or Mapper.

Date: _____

Ronnie T. Hall
Fla. Cert. No. 3373
P.O. Box 2000
Mulberry, Fla. 33860-1100

Not valid unless embossed with raised surveyor's seal.

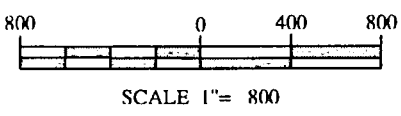


Line Table Section 34

LINE	LENGTH	BEARING
L1	384.71	S02°07'13\"W
L2	446.83	S02°53'22\"W
L3	217.18	S45°43'59\"W
L4	258.80	S31°42'05\"W
L5	177.62	S29°29'09\"W
L6	159.58	S42°25'48\"W
L7	148.61	S82°29'16\"W
L8	69.72	S12°44'43\"W
L9	158.29	S38°58'49\"W
L10	52.14	S36°09'30\"E
L11	55.48	S29°44'41\"E
L12	121.08	S85°00'49\"E
L13	55.04	S25°14'45\"E
L14	207.24	S07°10'50\"W
L15	175.66	S01°13'09\"E

L16	88.59	S58°34'27\"E
L17	100.43	S88°09'08\"E
L18	73.22	S54°54'15\"E
L19	64.84	S87°08'15\"E
L20	86.16	N82°36'50\"E
L21	152.22	N23°50'19\"E
L22	80.03	N82°26'37\"E
L23	129.34	S66°31'26\"E

L24	120.34	S66°31'26\"E
L25	143.00	S59°22'12\"E
L26	177.98	N68°06'06\"E
L27	104.06	N68°20'46\"E
L28	116.22	N34°10'58\"E
L29	161.29	S72°24'53\"E
L30	61.45	S30°19'36\"E
L31	38.93	S35°10'26\"E
L32	204.82	S01°00'40\"E
L33	84.34	N89°11'38\"E
L34	163.26	N73°18'03\"E
L35	282.87	N87°55'43\"E
L36	183.75	N79°00'46\"E
L37	187.68	N35°12'24\"E
L38	281.34	N21°35'22\"E
L39	282.84	N40°18'42\"W
L40	44.70	N23°48'22\"W
L41	78.78	N07°00'59\"E
L42	147.96	N62°23'38\"E
L43	263.27	N16°22'47\"E
L44	142.76	N50°09'52\"E
L45	135.68	N18°31'21\"W
L46	287.88	N46°28'03\"W



FND 5/8\" SR & CAP
STAMPED TDO1\" COR
28484 ALSO FND
4\"x4\" CM & DISK

FND 5/8\" SR & CAP STAMPED
TDO1\" ALSO FND 5/8\" SR (NO
ID.) 13.6N, 12.1\"W

FND 4\"x4\" CM
STAMPED TPLS
3340\"



**COMPOSITE EXHIBIT G
TEXACO TRACT WETLAND
ATTACHMENT**

**Exhibit B - Altman Tract
Parcel #4 - Permitted Property
Legal Description**

EXHIBIT B

Altman Tract - Parcel 4 (Permitted Property):

In Township 33 South, Range 22 East, Manatee Co.

Section 11: All that part lying south and east (or southeasterly) of State Road 37.

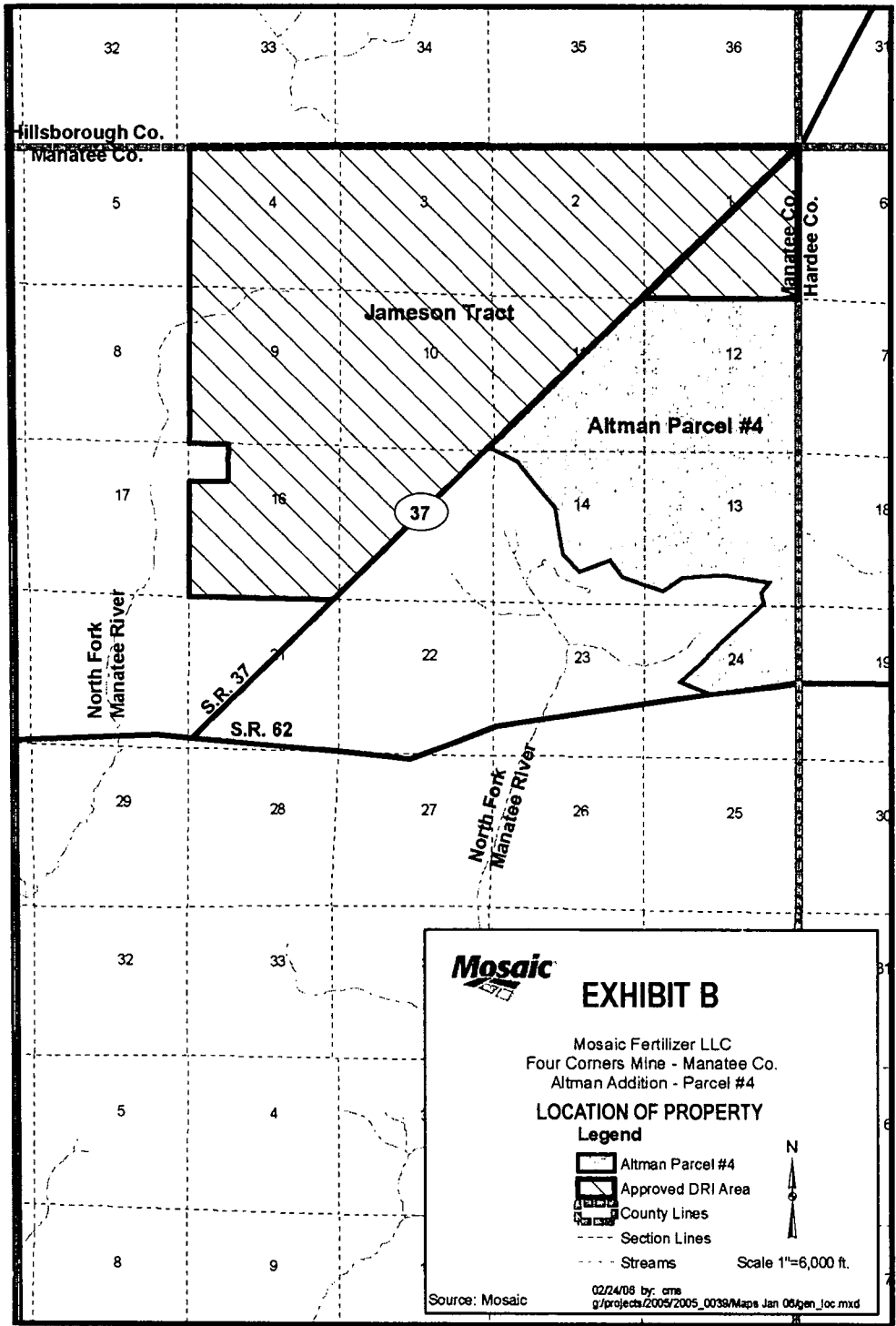
Section 12: All that part lying south and east (or southeasterly) of State Road 37.

Section 13: All, LESS the following described parcel: Begin at the Southwest corner of Section 13, thence proceed N 00°08'22" W, along the west line of the Section, 703.32 feet to the Watershed Boundary Line between the Horse Creek and East Fork Manatee River Basins; thence S 70°39'27" E, along the Watershed Boundary Line, 656.33 feet; thence N 54°20'37" E, 808.35 feet; thence N 87°01' 51" E, 1471.24 feet; thence S 80°42'49" E, 1522.00 feet; thence S 35°44'47" W, 453.75 feet; thence S 12° 20' 01" E, 368.48 feet; thence S 47°27'45" W, 120.57 feet to the south line of the Section; thence N 89°39'59" W, along the south line of the Section, 1329.46 feet to the southeast corner of the SW 1/4 of the Section; thence N 89°41'26" W, along the south line of the Section, 2641.09 feet to the POINT OF BEGINNING.

Section 14: All LESS the following described parcel: Begin at the southeast corner of Section 14, thence proceed N 88°49'39" W, along the south line of the Section, 2612.74 feet to the southwest corner of the SE 1/4 of the Section; thence N 88°49'12" W, along the south line of the Section, 2612.69 feet to the southwest corner of the section; thence N 00°09'14" E, along the west line of the Section, 5259.60 feet to the northwest corner thereof; said point also being on the Watershed Boundary Line between the Horse Creek and East Fork Manatee River basins; thence S 62°44'01" E, along the Watershed Boundary Line 911.05 feet; thence S 39°26'30" E, 2045.00 feet; thence S 09°12'34" E, 1639.06 feet; thence S 44°35' 27" E, 830.69 feet; thence N 70°36'14" E, 1118.03 feet; thence S 37°25'01" E, 701.66 feet; thence S 70°39'27" E, 819.34 feet to the east line of the Section; thence S 00°08'22" E, along the east line of the Section, 703.32 feet to the POINT OF BEGINNING.

Section 24: That part lying north of State Road 62 (also known as the Parrish - Wauchula Road) LESS the following described parcel: Begin at the Northwest corner of Section 24, thence proceed S 89°41'26" E, along the north line of the Section, 2641.09 feet to the northeast corner of the NW 1/4 of the Section; thence S 89°39'59" E, along the north line of the Section, 1329.46 feet to the Watershed Boundary Line between the Horse Creek and East Fork Manatee River Basins; thence S 47°27'45" W along the Watershed Boundary Line, 937.28 feet; thence S 47°27'45" W, 1057.84 feet; thence S 44°00'59" W, 862.70 feet; thence S 47°00'11" W, 985.07 feet; thence S 69°40'57" E, 1180.90 feet to the north right-of-way line of State Road 62; thence S 80°20'42" W, along the north right-of-way of State Road 62, 54.02 feet; thence S 81°43'26" W, 199.90 feet; thence S 83°26'32" W, 100.04 feet; thence S 84°35'11" W, 100.12 feet; thence S 82°35'00" W, 200.02 feet; thence S 82°35'00" W, 200.02 feet; thence S 81°43'26" W, 499.61 feet; thence S 81°22'48" W, 500.01 feet; thence S 81°49'02" W, 499.49 feet to the west line of the Section; thence N 00°44'51" E, along the west line of the Section, 763.16 feet to the southwest corner of the NW 1/4 of the Section; thence N 00°41'53" E, along the west line of the Section, 2638.46 feet to the POINT OF BEGINNING.

The total Altman Parcel #4 amounting to 2,048 acres, more or less, not including the Altman Section 1 area.





**COMPOSITE EXHIBIT G
TEXACO TRACT WETLAND
ATTACHMENT**

**Exhibit C - Reclamation
Success Criteria**

EXHIBIT C: RECLAMATION SUCCESS CRITERIA

The Altman wetlands shall be considered to be successfully reclaimed when the wetland reclamation criteria set forth below have been satisfied pursuant to a letter issued by Manatee County. The determination of wetland reclamation success may be issued in increments of approximately 100 acres upon written request from Mosaic, and the “Encumbered Property”, as more particularly described in Exhibits A1 through A4 of Composite Exhibit A attached to the “Contract to Secure Wetland Reclamation Obligation.”, shall be released from the recorded contractual mining limitation in increments, as outlined below. Upon written concurrence that reclamation success has been achieved, Manatee County shall release the contractual mining limitation on the Encumbered Property.

Reclamation Success Criteria: For wetland rehabilitated areas (WRA) to be considered successful and released from further monitoring or reclamation obligations, the following criteria will be met:

1. Plant communities must have the areal coverage/projected areal coverage, quantities, and diversity of shrubs, and ground cover consistent with Table 4 of Ordinance No. 04-39, Manatee County Reclamation Manual.
2. The landward extent and areas waterward of the proposed limits for rehabilitated/restored wetlands should meet criteria as described in Chapter 62-340, F.A.C. inclusive of vegetation and hydric soil characteristics.
3. At least one or more occurrences of flowering of 10 percent or more of the species from the shrub and herbaceous stratum, exclusive of nuisance species, with viable seed set (may require standard germination test) for each of the natural plant communities. ‘Young’ vegetation will be considered proof of flowering and/or viable seed.

4. Table 5 of Ordinance No. 04-39, Manatee County Reclamation Manual provides a list of native vertebrate species known or suspected to occur in Manatee County on existing or future phosphate-mined lands. These vertebrates form the pool from which representative species can be sampled to evaluate the success of the rehabilitation area. Table 5 includes both the permanent native resident fauna and migratory birds, which depend heavily on the Florida landscape for their survival and are an important component of the consumer food chain. Each WRA will be evaluated separately unless connected by a wildlife corridor (exclusive of avifauna corridors). Success criteria will only use those vertebrate species appropriate for the plant communities contained within each of the WRA.

Wildlife Success Criteria for each WRA

- Fishes: For connected wetlands combined (forested and freshwater marshes), a minimum of four forage species (prey base primarily plants and invertebrates), and one top carnivore species (eats other fish).
- Amphibians: For connected wetlands combined (forested and freshwater wetlands), a minimum of three anurian species and one salamander species.
- Birds: For wetland plant communities combined, a total of 20 total species represented by at least two waterfowl species (*Anseriformes* or *Podicipediformes*), three shorebird species (*Charadriiformes*), four wading birds species (*Ciconiformes*), one member of cranes and their allies (*Guiformes*), two bird of prey species (*Falconiformes* or *Strigiformes*) and four song bird species (*Passeriformes*) from at least two families.
- Reptiles: For wetland plant communities, a minimum of two turtle species (represented by at least one herbivore and one carnivore) and two snake species with a minimum reptilian diversity of at least five species.

Mammals: For wetland plant communities combined, a minimum of five total species represented by at least one small mammal species (*Rodentia*), one rabbit species (*Lagomorpha*), and two carnivore species (*Carnivora*).

WRAs not meeting success criteria for a targeted plant community, due to lower than expected vegetative cover or diversity, may be credited towards a similar system with less stringent coverage requirements upon presentation by the applicant and acceptance by Manatee County. However, it may not eliminate the need for additional rehabilitation in order to compensate for the loss of the original system.

Release in 100-Acre Increments: Upon demonstration of successful reclamation of approximately 100 wetland acres of the Permitted Property, Mosaic shall be entitled to request that Manatee County record a release of the contractual mining limitation on a portion of the Encumbered Property in increments such that at no time will the number of restricted wetland acres be less than 1.25 times the number of wetland acres remaining to be reclaimed and released at the Altman tract, until such time as the entire Encumbered Property is released from the contractual mining limitation. The recording shall constitute a release and nullification of the contractual mining limitation as to the acreages released.



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 20th day of January, 2009
R.B. SHORE
Clerk of Circuit Court
By: Diane E. Valenzuela



FILED FOR RECORD
R. B. SHORE

2009 FEB -2 AM 9:48

FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA
KURT S. BROWNING
Secretary of State

January 26, 2009

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

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 January 20, 2009 and certified copies of Manatee County Ordinance Nos. 08-32 and Z-07-013, which were filed in this office on January 23, 2009.

As requested, one date stamped copy 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>

COMMUNITY DEVELOPMENT
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA
850.245.6700 • FAX: 850.488.4894

LEGISLATIVE LIBRARY SERVICE
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282