

RESOLUTION R-02-96

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING IMC PHOSPHATE COMPANY'S EXISTING OPERATING PERMIT AND MASTER MINING PLAN FOR THE FOUR CORNERS MINE, NORTHEAST TRACT TO AUTHORIZE RELOCATION OF AN ACCESS CORRIDOR AND MINING OF APPROXIMATELY SIXTY ACRES NOT PREVIOUSLY APPROVED FOR EXCAVATION ALL IN SECTIONS 14 AND 23, TOWNSHIP 33 S, RANGE 21 E, INCLUDING SPECIFIC CONDITIONS, RESTRICTIONS AND LIMITATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Manatee County, Florida (hereinafter "Board") has approved a development order for a Development of Regional Impact, (DRI-52 and S/D DRI #198), a Master Mining and Reclamation Plan and an Operating Permit (R-99-277) for a phosphate mine known as the Four Corners Mine, portions of which are located in Manatee County; and

WHEREAS, IMC Phosphates Company (hereinafter "IMC") currently owns and operates the Four Corners Mine; and

WHEREAS, in January, 2001, IMC submitted an application for a substantial deviation to the Four Corners Mine, which application among other things requests to mine additional areas within the existing mine boundaries which are not currently approved for excavation of phosphate matrix and to relocate an approved access corridor; and

WHEREAS, in order to access areas currently approved for mining and to provide for the orderly and efficient mining of the property in a manner which minimizes environmental impacts, IMC seeks to impact approximately 10.4 acres for the relocated

access corridor and 60 acres for mining prior to final approval of the pending Phase II Substantial Deviation ADA; and

WHEREAS, the realigned access corridor will match the access corridor approved by the Florida Department of Environmental Protection in permit No. 1155875-005; and

WHEREAS, the benefits of the revised access corridor include delay of encroachment into scrub jay habitat located in Section 10 and a conservation of energy due to decreased distances that the draglines and pipelines will need to traverse; and

WHEREAS, the proposed changes have been approved to commence prior to Development of Regional Impact review pursuant to a Preliminary Development Agreement (PDA) between IMC and the Department of Community Affairs dated May 8, 2002; and

WHEREAS, the proposed changes are consistent with the Manatee County Comprehensive Plan, Land Development Code and the Mining and Reclamation Ordinance; and

WHEREAS, notice of public hearing was published on April 9 and April 14, 2002 in a newspaper of local circulation as required by the Manatee County Mining and Reclamation Ordinance; and

WHEREAS, a duly noticed public hearing pursuant to Chapter 2-20, Code of Laws of Manatee County, was held on May 7, 2002 and May 21, 2002, to consider amending the Four Corners Mine Operating Permit and Master Mining Plan and during said public hearing the Board solicited, received and considered reports, comments and recommendations from interested citizens, county staff, consultants and IMC; and

WHEREAS, both the Board and IMC agree that each of the conditions, limitations and restrictions included in this amended Master Mining Plan and Operating Permit are reasonably necessary in order to avoid impacts that might otherwise result from the activities being permitted;

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

That the Board of County Commissioners hereby approves this amendment to IMC's amended master mining plan and operating permit for the Four Corners Mine in Manatee County to allow relocation of an access corridor and mining of two parcels containing approximately 60 acres as shown on Exhibit "1" subject to the conditions, limitations and restrictions set forth herein:

1. Compliance with Other Approvals and Permits.

Section 1. Compliance with Other Approvals and Permits is amended in its entirety to read:

A. Except as approved herein, all mining operations shall be conducted in strict compliance with Four Corners Mine, Development of Regional Impact Development Order (DRI #52 and S/D DRI #198, the approved Master Mining and Reclamation Plan for the Four Corners Mine, the approved Operating Permit (R-99-277) and all applicable approvals and permits issued by any federal or Florida governmental agency or entity with jurisdiction. Violations of any of the terms or conditions of said approvals or permits shall be deemed a violation of this amended Operating Permit. In addition, the mining operations approved in this amendment shall be

conducted in strict compliance with that certain Preliminary Development Agreement (PDA) executed between IMC and the Department of Community Affairs dated May 8, 2002.

B. IMC shall continue in good faith to process the Phase II Substantial Deviation ADA for the Four Corners Mine which was filed in January, 2001.

2. Setbacks Requirements.

Section 18, Setback Requirements is amended to add new paragraphs E & F:

E. All mining activities shall be prohibited in the area referenced as a "No Disturbance Area" on DEP permit number 0155875-005 as shown on Exhibit "1" attached hereto and made a part hereof. This area includes the 25 year flood plain of the South Fork of the Little Manatee River.

F. IMC shall be authorized to place its isolater berm adjacent to the boundary of the DEP "No Disturbance Area". The recharge ditch system shall be set back a minimum of 30 feet from the boundary of the DEP "No Disturbance Area".

3. Reclamation Standards.

Section 9, Reclamation Standards, is amended to add the following language:

The reclamation for the 60 acres shall be completed as shown on Map I-2B submitted as part of the Phase II Substantial Deviation ADA. Said reclamation shall include approximately 31 acres of "oak scrub association" habitat and approximately 29 acres of range land either in Section 23, Township 33S, Range 21E, or at such other location deemed appropriate by Manatee County through the Phase II Substantial

Deviation ADA process. The restored habitat will be similar to the habitat which existed in Section 23 as shown on the original W.R. Grace submittals and such areas shall be reclaimed regardless of the outcome of the Phase II Substantial Deviation ADA.

4. Effective Date.

This amendment to the amended master mining plan and operating permit shall not become effective until a duly authorized officer of IMC has executed the acceptance of this operating permit. Except as modified herein, Resolution R-99-277 remains in full force and effect.

5. Severance.

If any section, sentence, clause, phrase or word of this Resolution is for any reason held or declared to be unconstitutional, inoperative or void by a court of competent jurisdiction, such holding or invalidation shall not affect the remaining portions of this Resolution, and those remaining provisions shall be deemed to be valid as if such invalid parts had not been included herein.

ADOPTED, with a quorum present and voting, this 21st day of May, 2002.

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

BY *Amy Stein*
Amy Stein, Chairman

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

by: *Susana Kraine*



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ADOPTED, with a quorum present and voting, this ____ day of May, 2002.

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

BY: _____
Amy Stein, Chairman

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

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Executed this 28th day of May, 2002 by Robert H. Kinsey, as Manager-Operations Support for IMC Phosphates Company.

IMC PHOSPHATES COMPANY

By: Robert H. Kinsey
Robert H. Kinsey

WITNESSES:

Diane W. Smith
William B. Huey

STATE OF FLORIDA
COUNTY OF POLK

Before me the undersigned authority this day personally appeared Robert H. Kinsey, who having been duly sworn deposes and says: that he is the Manager - Operations Support for IMC Phosphates Company, and he is duly authorized to make this oath for and on behalf of said corporation; that he had read and understands the foregoing and all of the conditions, limitations and restrictions set forth therein; and that IMC Phosphates accepts said Operating Permit and all the conditions, limitations and restrictions set forth therein.

Sworn and subscribed before me this 28th day of May, 2002.

Frances B. Boone
Notary Public

