

ORDINANCE 13-01
WINGATE CREEK MINE DRI

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING AN AMENDED AND RESTATED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR THE WINGATE CREEK MINE DEVELOPMENT OF REGIONAL IMPACT (ALSO KNOWN AS DRI # 4 AND TBRPC DRI #42/95); PROVIDING FOR AMENDMENT EXTENDING THE LIFE OF MINING (A.K.A. BUILDOUT AND TERMINATION DATES) FOR THIS DRI BY 9 YEARS TO JULY 31, 2023; EXTENDING THE LIFE OF RECLAMATION FOR THIS DRI BY 9 YEARS TO DECEMBER 31, 2027; EXTENDING THE EXPIRATION DATE OF THE AUTHORIZED TRUCK HAULING ROUTES BY 9 YEARS TO JULY 31, 2023; AMENDING THE D.O. TO ALLOW WINGATE EXTENSION AND FT GREEN REMNANTS TO BE PROCESSED AT THE WINGATE CREEK PLANT; AMENDING THE D.O. TO ALLOW THE EXCHANGE OF MATERIALS BETWEEN WINGATE EXTENSION, WINGATE CREEK MINE AND SOUTHEAST TRACT DRI; AMENDING THE D.O. TO ADJUST THE MINING AREAS WITHIN WINGATE CREEK MINE AND TO ALLOW THE MINING OF THE WINGATE / WINGATE EAST (AKA: WINGATE EXTENSION AND FKA: TEXACO TRACT) COMMON PROPERTY LINE PRIOR SETBACK AREA, THE WINGATE CLAY SETTLING AREA AND REMNANT UNMINED AREAS; AMENDING THE D.O. TO ADD NEW WALES AS A DESTINATION ALONG THE PREVIOUSLY APPROVED HAUL ROUTE AND RESTATEMENT OF PRIOR DEVELOPMENT ORDERS; PROVIDING FINDINGS OF FACT; PROVIDING CONCLUSIONS OF LAW; PROVIDING FOR DEVELOPMENT COMPONENTS; PROVIDING DEFINITIONS; PROVIDING DEVELOPMENT CONDITIONS; PROVIDING LEGAL DESCRIPTIONS; PROVIDING A DEADLINE FOR COMMENCEMENT OF DEVELOPMENT; PROVIDING RESTRICTIONS ON DOWN-ZONING; PROVIDING A BINDING ORDER ON THE DEVELOPER; PROVIDING FOR RENDITION; PROVIDING FOR COMPLIANCE WITH CODES AND ORDINANCES; PROVIDING FOR NOTICE OF RECORDING; PROVIDING FOR SEVERABILITY; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR EFFECTIVE DATE; AND PROVIDING FOR RECONCILIATION INTO ONE DOCUMENT.

WHEREAS, Mosaic Fertilizer, LLC, FKA Cargill Fertilizer LLC., as successors in interest to Nu-Gulf Industries, Inc., Beker Phosphate Corporation, and Beker Industries Corporation possesses an Amended Development of Regional Impact Development Order from Manatee County, R-88-236; and

WHEREAS, Resolution R-88-236 also amended the Master Mine Plan and Operating Permit for the Wingate Creek Mine; and

2013
MAY 10 10 15 AM
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
FILED

WHEREAS, The BOCC on July 17, 1990, R-90-60, approved an amendment to the Development Order deleting property from the mine; and

WHEREAS, on August 14, 1990, Manatee County approved Resolution R-90-147 adopting an amendment to the Amended Development Order approved by R-88-236 to allow the transport of phosphate rock by truck via an approved haul route; and

WHEREAS, on November 5, 1991, Manatee County approved Resolution R-91-250 repealing R-91-26 and adopting an amendment to the Development Order for the Wingate Creek Mine DRI and amending the Master Mine Plan and Operating Permit for this mine; and

WHEREAS, on July 25, 1996, Manatee County approved Resolution R-96-188 deleting property from the legal description of the Development Order for the Wingate Creek Mine DRI as a result of the Manatee County Archery and Gun Club settlement with Manatee County; and

WHEREAS, on December 16, 1997, Manatee County approved Resolution R-97-241 extending the expiration date for the Wingate Creek Mine Development Order to July 31, 2004, extending the life of the authorized haul routes to July 31, 2004, and the completion of mining reclamation to December 31, 2008; and

WHEREAS, on December 16, 1997, Manatee County approved Resolution R-97-242, amending the Master Mine Plan and Operating Permit to conform to the amended Development Order; and

WHEREAS, on November 24, 1998, Manatee County approved Resolution R-98-182 approving the use of an additional haul route between the mine and Mulberry, Florida using Duette Road; and

WHEREAS, on July 27, 1999, Manatee County approved Resolution R-99-89 approving temporary use of the Duette Road haul route until July 31, 1999 and before certain improvements to the State Road system were complete; and

WHEREAS, The Wingate Creek Mine shut down operations in December of 1999 until 2004; and

WHEREAS, ownership of the Wingate Creek Mine subsequently passed to Cargill Fertilizer, LLC on March 22, 2004; and

WHEREAS, on August 24, 2004, Manatee County approved Ordinance 04-21 which combined prior development orders (except to the extent that a condition of or exhibit to a prior development order was specifically and expressly preserved therein), extended the life of mining (buildout and termination dates), reclamation, and truck hauling routes by 7 years, amended the DO to change the destination for a previously approved haul route, delete 80.75 acres along the east side of Logue Road from the DRI, and change the name of the owner to Cargill Fertilizer, LLC.

WHEREAS, on September 14, 2004, Manatee County approved Ordinance 04-58 (a corrective document to Ordinance 04-21); and

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

WHEREAS, on May 1, 2008, Manatee County approved Ordinance 08-21 to: 1) recognize Mosaic Fertilizer, LLC as the new owner; 2) extend the buildout, trucking schedule, Development Order expiration dates, and reclamation dates, in accordance with the then recent revisions to Subsection 380.06(19)(c) Florida Statutes; 3) update the DRI and MMP Post Reclamation Plan to conform with FDEP Conceptual Plan Modification NGI-WC-CPD approval, as required by DO Condition #8; 4) increase the mine disturbance limit by 19 acres in Sections 21 & 28, along the common property line with the Wingate East (AKA: Wingate Extension and FKA: Texaco Tract) (Mosaic ownership), allowing mining related activities in the prior setback areas; 5) reduce the remaining acreage to be mined by 99 acres (to 1,253 acres); 6) allow the exchange of Wingate sand tailings and overburden with SE Tract; 7) beneficiate and process SE Tract phosphate ore at the Wingate Plant; 8) modify the waste disposal plan to eliminate the sand clay mix reclamation method and allow use of conventional clay settling at the SE Tract for clay storage; 9) approve Four Corners Mine as a trucking destination from Wingate; and 10) approve the Wingate Utility Corridor linkage between the SE Tract and the Wingate Creek mine; and

WHEREAS, on February 8, 2011, Mosaic Fertilizer, LLC filed a Substantial Deviation to their approved DRI with the Manatee County Board of County Commissioners and provided Supplemental Information on July 11, 2011 and December 8, 2011 to: 1) extend the buildout, trucking schedule, Development Order termination dates, and reclamation dates; 2) Amend the mining area within the Wingate Creek Mine to authorize mining of 557 acres not previously approved for mining (i.e. the initial Wingate Clay Settling Area, prior 200 ft setback along the Wingate / Wingate East (AKA: Wingate Extension and FKA: Texaco Tract) common property line, and other remnant areas); 3) update the DRI and MMP Post Reclamation Plan as required by these amendments; 4) allow the exchange of Wingate sand tailings and overburden with Wingate Extension and SE Tract; 5) beneficiate and process Wingate Extension, Ft Green Remnants and SE Tract phosphate ore at the Wingate Plant; 6) modify the waste disposal plan to allow the mining of Wingate's clay settling area by the utilization of the clay storage (FM-1 & 2) at the SE Tract; and 7) update New Wales as an approved trucking destination in the development order; and

WHEREAS, the Tampa Bay Regional Council, Central Florida Regional Planning Council, and Florida Department of Economic Opportunity were provided copies of the ADA (Application for Development Approval) submitted by Mosaic Fertilizer, LLC and were, therefore, afforded the opportunity to comment on the proposed change; and

WHEREAS, the proposed changes are a Substantial Deviation pursuant to Sections 380.06(19)(c) and 380.06(19)(e)3. Florida Statutes; and

WHEREAS, the Department of Economic Opportunity and Florida Department of Transportation have no objection to the proposed change; and

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

WHEREAS, on 2/19/2013 the Board of County Commissioners held a duly noticed public hearing on the amendment to the Wingate Creek Mine DRI and has solicited, received, and considered reports, comments, and recommendations from interested citizens, County staff, government agencies, and the applicant; and

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

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

WHEREAS, Mosaic Fertilizer, LLC, other units of Government, local agencies, and interested citizens were afforded the opportunity to participate in the proceedings before the Board relating to the application and were provided the opportunity to present witnesses, evidence and argument on all issues, conduct cross examination, and submit rebuttal evidence.

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

SECTION 1: AMENDMENT AND RESTATEMENT OF PRIOR DEVELOPMENT ORDERS WINGATE CREEK MINE, DRI NO. 4.

SECTION 1. FINDINGS OF FACT:

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

- A. All recitals preceding this section are adopted as findings of fact.
- B. Mosaic Fertilizer, LLC, FKA Cargill Fertilizer LLC, as successor in interest to Nu-Gulf Industries, Inc., Beker Phosphate Corporation, and Beker Industries Corporation possesses an Amended Development of Regional Impact Development Order Ordinance 08-21, for a project known as Wingate Creek Mine Development of Regional Impact (DRI).
- C. The real property which is the subject of this Application is legally described as set forth in Section 5 of this Ordinance.
- D. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for an

amendment to and restatement of an approved Development of Regional Impact, known as the Wingate Creek Mine DRI, as it relates to the real property described in Section 5 of this Ordinance, pursuant to Section 380.06, Florida Statutes (FS).

- E. The Board of County Commissioners held a public hearing on 2/19/2013, regarding the proposed amendment to an approved Development of Regional Impact described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, the Manatee County Land Development Code, and has further considered the information received at public hearing.
- F. The proposed amendments to and restatement of Development of Regional Impact regarding the property described in Section 5 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, as amended, the 2020 Manatee County Comprehensive Plan.
- G. The proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- H. The authorized agent for the Wingate Creek Mine DRI is Diana Jagiella, – Director Mine Regulatory Affair, Mosaic Fertilizer, LLC. 13830 Circa Crossing Drive, Lithia, Florida 33547.
- I. The owner of the property is Mosaic Fertilizer, LLC.
- J. A comprehensive review of the impact generated by the development has been conducted by the departments of Manatee County, the Tampa Bay Regional Planning Council (TBRPC), and the Department of Economic Opportunity (DEO).
- K. The Substantial Deviation filed by Mosaic Fertilizer, LLC on February 8, 2011, and the Sufficiency Responses submitted on July 11, 2011 and December 8, 2011 has been reviewed by TBRPC and they determined in their Final Report dated April 9, 2012 that with inclusion of the recommended conditions, the applicant has provided sufficient information to address and mitigate all regional impacts and concerns anticipated as a result of these changes.

SECTION 2: CONCLUSIONS OF LAW:

Based upon the previous findings of fact and the following conditions of development approval, the Board of County Commissioners reaches the following conclusions of law:

- 1. The proposed development of the Wingate Creek Mine is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the Tampa Bay Regional Planning Council's Strategic Regional Policy Plan, and the Manatee County Comprehensive Plan.

2. The proposed development of the Wingate Creek Mine is consistent with the comments of the Tampa Bay Regional Planning Council as approved on April 9, 2012, as conditioned herein.
3. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, Mosaic Fertilizer, LLC is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.
4. The review by the County, the TBRPC, the DEO, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, F.S., within the terms and conditions of this Ordinance and the Application. To the extent that the Application is inconsistent with the terms and conditions of this Ordinance, the terms and conditions of this Ordinance shall prevail.

SECTION 3. EFFECT OF ORDINANCE; RECONCILE INTO ONE DOCUMENT

This ordinance constitutes the amended and restated Development Order for development of the property known as Wingate Creek Mine by Mosaic Fertilizer, LLC. All prior development orders for the Wingate Creek Mine are superseded by this Ordinance, except to the extent that a condition of or exhibit to a prior development order is specifically and expressly preserved hereby. In the text of this Ordinance, this Ordinance may sometimes be referred to as the "Development Order" or "Order", and Mosaic Fertilizer, LLC may be referred to as "Mosaic" or the "Developer". This Development Order represents a codification of the existing approval for the project integrating those changes proposed in this Substantial Deviation Application and approved by the Board of County Commissioners into a single Development Order and is for administrative convenience and is not intended to provide a new point of entry for current conditions and requirements of this project that are not related to application.

SECTION 4. DEVELOPMENT COMPONENTS AND CONDITIONS.

A. EXISTING REQUIREMENTS

The development of Mosaic's Wingate Creek Mine shall be in conformity with the provisions of the ADA dated October 11, 1974 (which was attached as Exhibit C to Resolution R-88-236); the Application for Amendment filed in 1983 (which was attached as Exhibit D to Resolution R-88-236); and the amended Master Mining Plan which was required under R-88-236, except as all of the above may be expressly modified by the terms and conditions of this Amended Development Order or by subsequent ordinances or resolutions of the County.

B. TRANSPORTATION MATTERS

1. Mosaic is authorized to transport up to 2.0 million dry tons per year of phosphate rock by truck from its Wingate Creek Mine to customers via the haul routes and subject to the tonnage limitations listed below:

HAUL ROUTE:

- A. Up to 2.0 million tons per year from the Wingate Creek Mine road which joins into Duette Road, north to State Road 62, west to State Road 37, north to Polk County Road CR 640, then west to the Mosaic New Wales or Bartow phosphate plants.
- B. Up to 2.0 million tons per year from the Wingate Creek Mine road which joins into Duette Road, north to State Road 62, west to State Road 37, north to State Road 60, then east to the Mosaic Bartow phosphate plant.
- C. Up to 2.0 million tons per year from the Wingate Creek Mine access road which connects to Duette Road, north to State Road 62, west to State Road 37, north to the Mosaic's Four Corners Mine.

Trucks will return along the same described haul routes until July 31, 2023.

2. The trucking operation approved herein shall be conducted in accordance with Exhibit E, which is attached hereto and by reference incorporated herein.
3. Weigh scales shall be maintained at Mosaic Wingate Creek Mine beneficiation facility to insure compliance with the load limits set forth above. Mosaic shall, upon reasonable notice, make available for inspection by the Director of the Manatee County Natural Resources Department (the "Director") the weight scale records. Such records shall be retained for a period of five years.
4. Mosaic shall require that its hauler prevent debris from leaving trucks, full or empty, during their travel on the haul route.
5. Mosaic shall provide sufficient funds to the Manatee County Sheriff's Department in order to monitor the activities of Mosaic's trucks in Manatee County to determine their compliance with the terms and conditions of the Amended Development Order and to enforce highway regulations. These funds shall be in addition to those for safety monitors to be provided by Mosaic's carrier as outlined in Exhibit E. Mosaic shall notify the Sheriff's Department of the trucking operation schedule and of any changes to the schedule lasting more than twenty-four hours. The County shall provide

Mosaic an invoice for the portion of the Sheriff's Department time spent monthly on SR 62 during those times that the trucks are operating on that portion of the Haul Route. The invoice shall be accompanied by sufficient documentation to verify times and locations. The amount to be reimbursed shall be the total of those hours spent on SR 62 multiplied by an hourly rate to be set by the Manatee County Sheriff, which amount shall cover the costs of the deputy's salary, vehicle capital and operating costs, equipment capital and operating costs, and overhead expenses. The smallest billable time unit shall be a quarter of an hour.

6. Mosaic shall be responsible for its phosphate rock carrier providing the County with a quarterly report certified by the person in charge of the trucking operation. This report will list all accidents in which trucks carrying rock for Mosaic were involved, the date and time of the accident, the cause of the accident, the name of the driver involved, the estimated amount of property damage, the number of persons involved, whether hospitalization was required and any other pertinent data. All reports submitted to or prepared by the Florida highway patrol shall be provided to the Manatee County Natural Resources Department along with the quarterly report.
7. Mosaic shall be responsible for its carrier's implementation of an inspection program to insure that all vehicles and appurtenant equipment used on the Haul Route are operated in a safe and sound manner. At a minimum, the vehicles and equipment components tabulated in Exhibit E shall be inspected at weekly intervals. Any defects in the vehicles and equipment and dates they were discovered shall be noted on the inspection form and so shall the date on which each defect was corrected. The vehicles shall receive a periodic preventive maintenance check at ten thousand mile intervals. The Director, or his designee, shall be authorized to inspect the records of the vehicle inspection program maintained by Mosaic or its carrier upon reasonable notice.
8. Mosaic shall assure that any trucks hauling for Mosaic along the Haul Route shall be identified by a Mosaic sign which is located on the trailer tailgate. This sign will be kept clean and legible.
9. In the event of a spill along the Haul Route, Mosaic's carrier shall immediately contact the Florida Department of Transportation and the Director of the Manatee County Public Safety Department. Mosaic shall be responsible for ensuring that its carrier restores, at its own expense, the spill site to the condition at which it existed prior to the spill.
10. Mosaic shall comply with any additional transportation conditions and restrictions which the County may require in any further amendment to or in connection with the Amended Master Mine Plan or Operating Permit.

11. Mosaic shall complete the following permanent improvements to the transportation system before any trucking from the Wingate Creek Mine recommences: **(Note: All road and sign improvements to start trucking have been completed)**

At the 90 degree turn of Duette Road (mile 5):

- a. Mosaic Fertilizer, LLC shall provide designs for and construct geometric improvements to this curve as approved by the Manatee County Transportation Department. At a minimum, the radius of the curve shall be no less than 1,250';
 - b. Mosaic shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Mosaic to construct these improvements. Alternatively, Mosaic may elect to purchase the land directly from the owner(s) and construct the required improvements; and
 - c. Mosaic Fertilizer, LLC shall install new temporary and permanent signs as specified by the Manatee County Public Works Department. **(Completed)**.
12. For the northern 3.7 miles of Duette Road, Nu-Gulf reconstructed this portion of the roadway pursuant to previous Development Order requirements. Mosaic shall not have any further obligation with regard to this segment so long as it is in better condition after completion of mining activity. Nu-Gulf previously documented the existing conditions of the roadway in a manner acceptable to the Manatee County Transportation Department. Upon completion of mining activity, Mosaic shall rebuild the Duette Road roadway to existing conditions. For the portion of the southern 6.3 miles that is part of the permanent haul route (i.e., north of the location where the mine access road intersects Duette Rd), this is effectively a new roadway surface.
 13. Mosaic shall have a structural Engineer examine the bridge at the East Fork of the Manatee River every 6 months. A copy of the engineer's findings shall be submitted to the Manatee County Public Works and Natural Resources Departments for review. Should the report identify that the bridge is not structurally sound to handle the phosphate truck traffic, then Mosaic shall cease use of that haul route until such time as the bridge deficiencies are corrected.
 14. Mosaic shall be responsible for expense of extraordinary maintenance of the Duette Road roadway through the life of the haul route (i.e., July 31, 2023). Extraordinary maintenance is defined as the actual costs incurred by Manatee County for maintenance of Duette Road that are over and above the average annual per-mile cost of maintenance of similar roadways in Manatee County. Mosaic shall ensure reimbursement for the

required maintenance through a bond or other financial guarantees acceptable to Manatee County, when furnished with verified cost estimates.

15. Trucking will not occur during school bus hours. Trucks will not leave the mine or the Bartow or New Wales Phosphate Plants or travel on Duette Road, S.R. 37, or S.R. 62 during the time that school buses are either picking up or delivering students. The bus schedules are available from the supervisor of school bus operations. The schedules will be reviewed by Manatee County and Mosaic personnel and the appropriate trucking schedule settled upon and published. The schedule will be distributed to the Mosaic operations personnel, scale operator, and Material Hauler's terminal manager.

Before the start of a new school year or summer-school, Mosaic will request written notice from the Supervisor of School Bus Operations and adjust the trucking schedule accordingly, with approval by Manatee County.

On scheduled school closure days and weekends the trucks will run twenty-four hours per day with the following exception:

Any truck sighting a school bus during non-school bus hours will report the occurrence to their dispatcher and the Director of the Manatee County Natural Resources Department, so the incident can be investigated and schedules amended if necessary.

16. Mosaic shall not use more than one (1) material transportation firm, including subcontractors, at any time. Mosaic shall provide written notice to Manatee County of which material transportation firms and subcontractors will be utilized. This notice shall be provided at least 30 days prior to changing material transporters or using a subcontractor unless a strike or act of God requires less notice to be given.

Should Manatee County object to the selection of a particular firm or subcontractor, it shall provide written notice to Mosaic at least 7 days prior to the proposed change, unless because of strike or act of God, Mosaic has given less notice than thirty days, in which case the County will give notice to as soon as is reasonably possible. If such notice is issued by Manatee County to Mosaic, Mosaic shall not change to the new material transporter or subcontractor until the nature of the objection is reviewed by the Board of County Commissioners at a regularly scheduled meeting, at least 7 days prior to the proposed change.

Manatee County shall not issue a notice of objection without cause.

17. Mosaic shall provide sufficient funds to the Manatee County Sheriff's Department in order to monitor the activities of Mosaic trucks in Manatee County, to determine compliance with the conditions of the amended Development Order and to enforce highway safety regulations.

18.

Mosaic shall erect and maintain signs along Duette Road informing northbound and southbound motorists that trucks are entering the highway. The size, placement, and wording of these signs shall be approved by the Manatee County Transportation Department and the signs shall be erected before trucking operations commence. **(Signs have been installed).**

C. MINING AND RECLAMATION MATTERS

Manatee County Code of Laws

Except as otherwise provided below, Mosaic shall operate the Wingate Creek Mine in full compliance and accordance with Chapter 2-20 of the Manatee County Code of Laws, as amended from time to time; the "Manatee County Phosphate Mining Code – Ordinance 04-39." Pursuant to the Manatee County Phosphate Mining Code, Mosaic has a vested right to conduct certain mining and reclamation activities at the Wingate Creek Mine in accordance with the standards established previously by Manatee County in Ordinance 81-22.

1. The County shall have the right to perform on-site inspections of the Wingate Creek Mine, from time to time, upon reasonable notice to Mosaic and during normal business hours, so long as the Wingate Creek Mine is being used for phosphate mining purposes.
2. Mosaic shall adhere to a 200' setback requirement along the exterior boundary of the Wingate Creek Mine and shall not, subsequent to the effective date hereof, conduct any mining operations (including stockpiling) within such setback area; provided, however, that the 200' setback requirements shall be reduced to 50' setback requirements at all points along the exterior boundary of the Wingate Creek Mine located in Sections 20 & 21, Township 22 East, Range 34 South ("the 50' Setback Area").
3. Mosaic shall reclaim the mined property located within the Wingate Creek Mine consistent with the Conceptual Reclamation Plan CPD or future Conceptual Reclamation Plan amendments for the Wingate Creek Mine to fulfill the terms and conditions as contained in this Amended Development Order.

General Mining and Reclamation Matters

1. The sand/clay mixture method of reclamation shall not be construed as a clay settling area.
2. All numbers associated with clay volumes, tonnages, capacities, and other volumes associated with sand/clay mixture reclamation and clay settling area (as indicated in prior approvals) shall be superseded by this Substantial Deviation and master mining plan amendment.
3. The Phase II portions of WC-2(C) and WC-3(A) FDEP Reclamation Programs as shown in the July 17, 2007 Wingate ADA and located in Section 31, Township 34 South, Range 22 East and Section 6, Township 35 South, Range 22 East, will be reclaimed and ready for initiation of contouring and revegetation in accordance with the Wingate Master Mining Plan, as a reclamation goal by June 30, 2009. **(Note: Reclamation completed in WC-2(C) and WC-3(A) areas in accordance with Ordinance 81-22.)**
4. The lake constructed as part of reclamation in Section 29, Township 34 South, Range 22 East, shall be contoured in accordance with the requirements of the approved Master Mining Plan and the FDEP-BMR Conceptual Reclamation Plan for the Wingate Creek Mine.
5. Best Possible technology will be used to provide the maximum protection possible for the public health, safety, and welfare, and which minimizes to the greatest degree possible any adverse impacts of mining on the watershed of the Lake Manatee reservoir. Any flow of surface water from the plant area and sand tailings pile in Sections 20(S1/2) & 30(NE1/4) of Twp. 34 S Range 22E, will be intercepted by ditch and berm systems and redirected away from the Lake Manatee Watershed. Waters will be released only through approved NPDES outfalls.
6. Vegetative cover established on the inner and outer clay settling area walls shall be maintained on all exposed surfaces so as to permit visual inspection of the soil surfaces until such time as the clay settling area is removed from the Wingate Creek Mine project boundary.
7. The two floating dredges used in the mining and reclamation process shall be dismantled and removed from the Wingate Creek Mine at the completion of mining and reclamation activities in accordance with the "Dredge Disassembly and Removal Plan" which is attached as Exhibit F to Resolution 88-236. The release of the general warranty surety and reclamation bond in accordance with the provisions of County Phosphate Mining Code shall be conditioned upon the approval of removal of the dredges by the Director of the Natural Resources Department (NRD), who shall approve same, upon satisfactory compliance with the provisions of

the "Dredge Disassembly and Removal Plan". The total amount of the general warranty surety and reclamation bond shall not be reduced to an amount less than the costs of the dredge removal as determined by a Florida registered professional engineer engaged by Mosaic and satisfactory to the County.

8. Mosaic shall, within sixty (60) days of the effective date of the adoption of an Operating Permit that implements this Development Order, apply to the Florida Department of Environmental Protection - Bureau of Mine Reclamation to amend the FDEP-BMR Conceptual Reclamation Plan, if any changes are made by Manatee County to the post reclamation that are not included in the Conceptual Reclamation Plan Modification submitted concurrently with Master Mining Plan, and this Development Order.
9. There shall be no chemical processing of any phosphate product extracted from this mine within Manatee County.
10. Mosaic shall maintain a 300 ft. setback for mining along the northern boundary of the Winding Creek Subdivision in Sections 28 & 29, Township 34 South, Range 22 East, Manatee County, Florida. Within sixty (60) days of approval by Manatee County and FDEP Bureau of Mine Reclamation ("BMR"), Mosaic will construct a berm approximately 10 feet in height to the east of wetlands adjacent to the clay settling area and an approximate 100 ft. wide landscaped buffer in the northernmost 100 feet of the setback area. The south dam of the Wingate clay settling area will be reconfigured to the specifications of this condition along the Winding Creek Subdivision after the dam is abandon for mining. The design will be formulated by Mosaic and approved by Manatee County, FDEP, and BMR and will be incorporated into the Master Mining Plan. Design shall include 3 to 5 gallon wax myrtles planted on 10 ft. centers to provide a visual screen along the top of the berm. The berm side slopes and landscape buffer shall be planted in three rows spaced 20 feet apart on 30 ft. centers with slash pines, live oaks, or other suitable canopy trees. Tree rows shall be planted in staggered pattern and will be a minimum of 3 inch caliper and a minimum of eight feet in height..
11. Mosaic shall install on its property two additional monitoring wells (for a total of three in this area) within 100 ft. of the northernmost property line of the Winding Creek Subdivision property line. Mosaic shall install and monitor the wells per the requirements of the shallow ground water monitoring program included in the Master Mining Plan update. **(Monitoring wells installed and monitoring data is reported in Wingate's Annual Report.)**
12. Mosaic shall obtain baseline water quality sampling for Winding Creek residential drinking water wells in Lots 26, 27, 28, 29, 30, 34, 35, 36, 37,

64, 65, 66, and 67. The sampling will be conducted within 60 days of Operating Permit approval for residents with wells in Lots 26, 27, 29, and 34. Mosaic will conduct baseline sampling for the remaining listed lots within 60 days of notice by the Winding Creek Home Owners Association of installation of a new potable well in Lots 28, 30, 35, 36, 64, 65, 66, and 67. Subsequent sampling will be conducted by Mosaic if notified by Winding Creek residents in lots noted above, due to a suspected water quality issue. If such an issue is identified Mosaic will conduct an investigation of the complaint and file a report with the Manatee County NRD and subject property owner. **(Baseline monitoring completed and results submitted to County and Homeowners.)** See Exhibit H – Winding Creek Subdivision (baseline water quality sampling for Winding Creek residential drinking water wells) attached.

13. Pre and post-mining hydrology will meet Manatee County and Bureau of Mine Reclamation standards.
14. Mosaic has a \$25,000,000 environmental liability policy. The policy is actionable by Manatee County on behalf of any affected party for the coverage and occurrences provided for in the policy.
15. Mosaic shall inform the Winding Creek Homeowners Association of all future revisions of the DRI Development Order, Master Mining Plan, and Operating Permit for the Wingate Creek Mine. Mosaic will keep the Winding Creek Homeowners Association informed of any proposed revisions to county mining codes or other pertinent ordinance of which it is aware that may be developed in the future.
16. A Surface Water Monitoring Program at the Wingate Creek Mine shall be performed as required by the Manatee County Master Mining Plan and Operating Permit issued for the mine. 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.
 - a. Stormwater runoff from lands cleared for mining and active mining areas shall be routed through ditches into the mine water recirculation system and discharged only through permitted NPDES points.
 - b. All discharges from the NPDES points shall be in accordance with Mosaic's NPDES Permit # FL0032522, as amended.
 - c. Copies of any amendments to NPDES permits associated with the Wingate Creek Mine (including specific conditions) shall be submitted to Manatee County

17. Stockpiling of overburden or sand tailings within 1500 feet (north) of the Winding Creek Subdivision in Sections 28 & 29, Township 34 South, Range 22 East shall be limited to a maximum height of 25 feet.
18. Hours for operations of the mine are typically 24 hours per day, 7 days per week. Mosaic agrees not to use horns for communications on the dredges. Where possible, LED lighting will be installed. Operational lighting will be mitigated by the installation of the visual buffer in the setback area described in Stipulation 4.C(10), above. If there are complaints or concerns on noise or light issues, Wingate Creek Mine operations personnel can be contacted at 941-322-6801, to promptly investigate and reach a fair resolution in consultation with Manatee County Natural Resources Department.
19. The Wingate Creek Master Mining Plan and Conceptual Reclamation plan provides descriptions of the environmental and reclamation programs in place to address environmental issues. The plans include descriptions of the environmental monitoring programs, reclamation programs, and mining details. All other environmental monitoring and protection is mandated through Manatee County Phosphate Mining Code, SWFWMD WUP program, DEP NPDES program and DEP Bureau of Mine Reclamation regulatory programs.
20. If any drinking water well at Winding Creek Subdivision is found to be contaminated by exceedences of drinking water standards and which is based upon a finding that Mosaic is responsible for this contamination, Mosaic shall within 24 hours provide in its sole discretion, an alternative drinking water source until the contamination is remediated by Mosaic.
21. The applicant shall consult with the Charlotte Harbor National Estuary Program (CHNEP), and shall use its best efforts to assure that its mining activities are consistent with the policies of the CHNEP to the extent that they do not significantly impede Mosaic's ability to continue mining operations that have been previously approved. In the event CHNEP notifies the applicant that its mining activities are not, in any respect, consistent with the policies of the CHNEP, the applicant will promptly notify the County.
22. The Developer* shall provide an annual update the existing capacity of clay settling areas FM-1, FM-2 and F-9 in dry clay tons and the waste clay production schedule for the next fiscal year. In no event shall clay production exceed the permitted storage capacity in Manatee County, including capacity for 8.1 MM tons of clay currently stored in Hardee County. Mining and processing shall not proceed until additional storage is identified and permitted within Manatee County. The waste clay capacity shall be expressly approved by the Director in writing.

WINGATE CREEK MINE SECTIONS 21 & 28 TWP 34S, RG 22 EAST SETBACK REDUCTION AREA CONDITIONS. The following conditions shall apply only to the 150 foot area to be mined or disturbed adjacent to the Wingate East/Wingate Extension (fkaTexaco tract).

The foot setback reduction area to be disturbed is in Sections 21 & 28, TWP 34S, RG 22E and must conform to the requirements of Phosphate Mining Code - Ordinance 04-39 and the Reclamation Manual for the habitats impacted.

WINGATE CREEK MINE 2011 AMENDMENT CONDITIONS

The following conditions shall apply only to the areas described below:

1. Preparations for mining, mining and reclamation activities on the additional lands approved for mining under this Substantial Deviation (Ordinance 13-01) shall proceed as described below and depicted in Exhibit B. To mine and disturb 557 acres as "Stockpile Areas", "initial clay settling area", 15.4 acres of "non disturbed lands" and the 150 foot setback reduction area described in the proceeding section.
2. All of developer commitments set forth in the Substantial Deviation ADA and subsequent Sufficiency Responses, and summarized in Exhibit G herein, shall be honored, except as they may be superseded by specific terms of this or subsequent Development Orders.
3. The 2011 amendment areas must conform to the requirements of Phosphate Mining Code - Ordinance 04-39 and Appendix E, Reclamation Manual for the habitats impacted, except where waivers are given in the Master Mining Plan.
4. Setback requirements are as follows:
 - The 150 foot setback reduction area is eliminated as part of this amended Development Order. Developer may conduct mining and reclamation activities up to the Wingate East/Wingate Extension property line, in accordance with Ordinance 04-39.
5. If any historical or archeological sites are discovered during mining operations, land disturbing activities shall cease until trained cultural resource experts can examine the area and determine, in consultation with DHR, whether the site is significant and, to the extent appropriate, assess the measures which will be taken to avoid, minimize, or mitigate any adverse impacts prior to continuation of mining activities.
6. Mosaic has or will obtain Habitat Management Plans for protected wildlife species in accordance with the requirements of FWC and US FWS prior to initiating work on the 2011 Amendment areas.

- a. Planning for the clearing of the 2011 amendment areas shall consider listed species. Methods recommended by the Florida Fish and Wildlife Conservation Commission shall be employed for "herding" mobile species out of the area and into suitable adjacent habitat. Permits for relocating gopher tortoises and burrow commensals shall be obtained and implemented prior to impacts.
 - b. Results of pre-clearing surveys and actions taken will be reported in the Annual Report. Relocation and restocking efforts of listed wildlife species will occur as appropriate and as approved by various agencies.
 - c. In the event that any additional state- or federally-listed species or colonies of species are discovered using the project site for breeding during the pre-clearing wildlife surveys or the pre-mining inspection, the developer shall immediately notify the Florida Fish and Wildlife Conservation Commission and implement the recommended measures for species protection.
7. Mined lands 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.
- a. Existing natural habitat which is permitted to be altered or eliminated shall be used as donor material for revegetation or mitigation where practicable.
 - b. Reclamation plans for the additional area to be mined should align with habitats on the adjacent Duette Preserve.
 - c. As committed, reclamation shall result in a more diverse vegetative cover than exists currently in terms of wildlife habitat and wetland and upland systems.
8. Wingate Creek along with functionally-integrated wetlands (FLUCFCS Codes 617 and 630) and associated 30-foot wetland buffers (FLUCFCS Codes 434 and 310) shall be preserved at the completion of reclamation. Preservation of these habitats address wildlife corridors and connectivity between Duette Preserve and downstream preserved habitats as outlined in the goals, objectives, and policies of the Comprehensive Plan. Preservation shall be established by conservation easement or title transfer.
9. Areas of recreated regionally-significant habitat (Freshwater Marsh and Upland Hardwood Forest) shall be protected in perpetuity through the establishment of a conservation easement.
10. There shall be no net increase in the groundwater demand or groundwater withdrawals in excess of the currently permitted volume for Wingate Creek Mine required for mining and reclamation.
11. There shall be no net loss of 100-year floodplain storage capacity.

12. There shall be no increase in the rate of wastewater generation above the currently permitted volume for the overall mine site. In addition and as committed, no septic tanks shall be constructed within the mining expansion area.
13. Mosaic shall obtain baseline water quality sampling for Winding Creek residential drinking water wells in Lots 68-80 and 89-93. The sampling will be conducted within 60 days of Operating Permit approval for residents with wells in Lots 72, 73, 75, and 91. Mosaic will conduct baseline sampling for the remaining listed lots within 60 days of notice by the Winding Creek Home Owners Association of installation of a new potable well on Lots 68, 69, 70, 71, 74, 76, 77, 78, 79, 80, 89, 92 and 93. Subsequent sampling will be conducted and reported by Mosaic in accordance to General Mining and Reclamation Matters Condition No. 12, above. (See Exhibit H attached)
14. In order to provide reasonable assurance that sufficient sand tailings are available to timely reclaim the areas authorized for mining within the Amendment area, the Developer* shall provide an updated sand tailings balance in the Annual Progress Report, which shall document the materials allocated for reclamation.
15. Wingate Creek Mine is permitted to be mined via dredge. Any change in mining method, not specified above, will constitute a substantial deviation.
16. Radiation standards shall be maintained in accordance with Ordinance 04-39.
17. Best Management Practices shall be employed during site preparation, mining, and reclamation to minimize air quality impacts, prevent soil erosion and prevent adverse effects on surface and groundwater quality:
 - Construction of stormwater interceptor ditch and retention berm system,
 - Pre-mining clearing of land,
 - Installation of conventional silt fences,
 - Adjusting dredge pool elevations to maintain appropriate groundwater and surface water elevations, and
 - Use of water trucks for dust abatement.
18. The Annual Progress Report shall include summaries of NPDES monitoring results, 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, 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, and other agencies,

as may be appropriate, no later than March 31st of each year until such time as terms and conditions of this Development Order are satisfied as determined by Manatee County.

D. ENVIRONMENTAL AND WATER SUPPLY MATTERS

1. Mosaic shall comply with the terms and conditions of the Environmental Monitoring Program for the Wingate Creek Mine which was required by Resolutions R-04-203 and R-04-204 and amended and provided as Exhibit Cherein.
2. Mosaic's current Southwest Florida Water Management District (SWFWMD) Water Use Permit amounts and the resultant drawdown levels are hereby recognized as an existing use condition in any consumptive use permit it may attempt to receive for adjacent properties. The County will not contest the pumpage of either well adjacent to the Mosaic /Manatee County property line at maximum capacity and the resultant drawdowns for a period of up to 30 days for reasons of maintenance repair of the production wells and pumps. Mosaic I shall allow connection of a transmission line to the Mosaic production well system for the purpose of providing emergency water supply to the County water system during the duration of a severe water shortage that might be declared by SWFWMD. Mosaic shall provide an easement for the construction and maintenance of such pipeline. The construction of this pipeline will be the sole responsibility of the County, which will bear the cost of the construction. Relocation cost of the pipeline at any future date will be borne by the party requiring the relocation. Mosaic shall cooperate with Manatee County in an application to SWFWMD for water use permits to reflect conjunctive use of the Mosaic well system for both industrial and municipal supply up to the present maximum daily permit levels. The quantity transferred to the County system shall not affect the operation of the beneficiation facility. The County shall reimburse Mosaic's for the pro-rata share of the operational, maintenance, and other mutually agreed upon costs associated with the transfer of water to the County system.

E. DELETION OF PROPERTY

1. Ordinance 04-21 reflects the deletion of an 80.75 acre parcel along the east side of Logue Road, known as Tract WC-4(A), from this DRI, to recognize that this parcel was mined, reclaimed, released from reclamation, and sold to another party by Mosaic's predecessors in title to the Wingate Creek Mine. Accordingly, the legal description in Section 5 of this Development Order reflects the removal of Tract WC-4(A) from the Wingate Creek Mine and the DRI.

F. GENERAL TERMS AND CONDITIONS

Mosaic shall provide property management to insure proper safeguards against environmental problems that could occur when the mine is shut down. The following items, at a minimum, shall be included in that management:

- a. Management of water throughout the mine to insure that any discharges to waters of the state meet water quality and quantity standards of Mosaic's state and federal discharge permits.
- b. Operations and maintenance of any clay settling area impoundment to insure that water levels within the structure, the condition of the impoundment walls, and any other features of the impoundment comply with the requirements of Chapter 62-672, Florida Administrative Code.
- c. Continuation of monitoring activities as required by state and federal permits and the Environmental Monitoring Program (Exhibit C .) for the Wingate Creek Mine.
- d. Any other operational or maintenance measure which are reasonably necessary to protect the public health, safety, and welfare.

SECTION 5. LEGAL DESCRIPTION

Development of Wingate Creek Mine shall be restricted to the 3,028.00.1 acres currently owned by Mosaic Fertilizer LLC., and described by the legal description included as Exhibit "A", attached to and made a part of this Development Order.

SECTION 6. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT

Physical development of the project has commenced. If any five year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on evidence 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* (such as the unavailability of permits because of inadequate public facilities, or for any other similar reason). For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare land for mining.

SECTION 7. RESTRICTIONS ON DOWN-ZONING

Prior to December 31, 2027 the County shall not down-zone or reduce the intensity or unit density permitted by this Development Order, unless the County demonstrates that:

- A. Substantial changes in the conditions underlying the approval of the Development 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 to the public health, safety, or welfare.

Any down-zoning or reduction in density or 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 Development 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 Development Order, and nothing in this Ordinance shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer* by this Development 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 Section 380.06(15)(c)3, Florida Statutes.

SECTION 8. ORDER BINDING UPON DEVELOPER*

This Order shall be binding upon the Developer*, its successors, assigns, or successors in interest.

SECTION 9. COMPLIANCE WITH CODES AND ORDINANCES

All development undertaken pursuant to this Development Order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically and expressly authorized herein.

SECTION 10. RENDITION

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

SECTION 11. NOTICE OF RECORDING

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

SECTION 12. NO CODIFICATION

This ordinance shall not be codified in the Manatee County Code of Laws.

SECTION 13. SEVERABILITY

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

SECTION 14. 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 that appeal. However, this is not intended to suspend development previously authorized pursuant to Resolution R-88-236, as amended, during the pendency of any appeal.

ADOPTED AND APPROVED with a quorum present and voting the **19th** day of **February, 2013**.

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

By: *Larry Bustle*
Chairman

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

By: *R. B. Shore*
Deputy Clerk



List of Exhibits

Exhibit A – Legal Description

Exhibit B – Mining & Reclamation List of Attachments – (Map H3, H4, H5, H7 and Tables 1, 2, and 3)

Exhibit C – Environmental Monitoring Program Requirements

Exhibit D – Transportation Map – Approved Trucking Routes

Exhibit E – Trucking Operations Requirements for Wingate Creek Mine

Exhibit F – Dredge Disassembly and Removal Plan

Exhibit G – Developer Commitments

Exhibit H – Winding Creek Subdivision – Baseline Water Quality Sampling for Winding Creek Residential Drinking Water Wells

Wingate Creek Mine – Legal Description

Revised 11/2010

Legal Description Summary

Parcel B	1,221.93 Acres
Parcel C	1,983.43 Acres
Parcel D	4.50 Acres
Total	3,209.86 Acres
LESS 101.00 Acres (Conveyed 2/14/95 to BB/Manatee)	101.00 Acres
LESS 80.74 Acres (Conveyed 12/31/2003 to Manfull)	80.74 Acres
Total Ownership 1/1/2004	3028.12 Acres

Parcel B

A portion of Section 31, Township 34 South, Range 22 East, Section 1, Township 35 South, Range 21 East, and Section 6, Township 35 South, Range 22 East, Manatee County, Florida, described as follows:

Begin at the Northeast corner of said Section 31; thence S03°06'04"W along the East line of Section 31 a distance of 5,597.16 feet to the Southeast corner of Section 31; thence S86°01'22"E a distance of 181.26 feet to the Northeast corner of said Section 6; thence S00°10'03"W along the East line of said Section 6 a distance of 4,313.41 feet to the North Right of Way of State Road 64; thence S 89°46'10" W along said North Right of Way a distance of 5,135.92 feet to a point on the easterly right of way line of State Road 39; thence northerly along said easterly right of way line the following eight courses; thence N00°22'04"E a distance of 547.65 feet to the PC of a curve to the left having a radius of 5829.58 feet; thence northerly along the arc of said curve, a distance of 1,199.10 feet through a central angle of 11°47'07" to the PT of said curve; thence N11°25'03"W a distance of 299.77 feet to the PC of a curve to the right having a radius of 5,629.58 feet; thence northerly along the arc of said curve, a distance of 1,157.96 feet through a central angle of 11°47'07" to the PT of said curve; thence N00°22'04"E 492.85 feet; thence N00°23'36"E a distance of 1,048.04 feet to a point on the South line of Section 31; thence N00°39'14"E a distance of 2,308.73 feet; thence N00°38'55"E 3,000.21 feet to the North line of Section 31; thence S88°58'59"E a distance of 5,483.21 feet to the Point of Beginning.

Subject to Pertinent easements, right of way and restrictions of record.
Containing 1,221.93 Acres, more or less.



Parcel C

A portion of Sections 19, 20, 21, 28, 29 and 30, Township 34 South, Range 22 East, Manatee County described as follows:

Begin at the Southeast corner of said Section 28; thence N89°11'57"W along the South line of Section 28 a distance of 5,281.63 feet to the Southeast corner of said Section 29; thence N88°43'36"W along the South line of Section 29 a distance of 2,712.00 feet to the Southwest corner of the Southeast quarter of Section 29; thence continue along said South line N88°44'14"W a distance of 2,712.91 feet to the Southwest corner of section 29; thence N00°27'08"W along said East line a distance of 2,641.36 feet; thence N89°00'35"W a distance of 2,415.37 feet; thence N01°01'08"E a distance of 1,408.21 feet; thence N58°31'59"E a distance of 2,231.20 feet; thence N08°20'48"W a distance of 225.59 feet; thence N41°44'37"E a distance of 3,358.19 feet; N89°59'58"E a distance of 1,199.98 feet; thence S 00°00'31"W a distance of 517.58 feet; thence N89°59'45"E a distance of 7,809.05 feet to the East line of said Section 21; thence S00°17'13"W a distance of 2,415.01 feet to the Northeast corner of Section 28; thence S00°07'59"E along the East line of said Section 28 a distance of 2,622.74 feet to the Southeast corner of the Northeast quarter of Section 28; thence S 00°08'20" E along the East line of Section 28 a distance of 2,623.72 feet to the Point of Beginning.

Containing 1,983.43 Acres, more or less.

Parcel D

A portion of Section 30, Township 34 South, Range 22 East, Manatee County, Florida, described as follows:

Begin at the Southeast corner of said Section 30; thence N88°58'59"W along the South line Section 30 a distance of 520.05 feet; thence N34°36'53"E a distance of 904.88 feet to the East line of Section 30; thence S00°27'08"E along said East line a distance of 753.96 feet to the Point of Beginning.

Containing 4.50 Acres, more or less.



LESS Description: Nugulf 101 Acre parcel (revised)

From the northeast corner of Section 1, Township 35 South, Range 11 East, run N88°17'40"W Along the north line of said section 1, a distance of 102.34 feet to the east right of way line of State Road 39; thence S00°23'36"W. Along said east line a distance of 1,047.92 feet to the Point of Beginning; thence continuing southerly along said east right of way line the following five courses; thence S00°22'04"W a distance of 492.85 feet to the PC of a curve to the left having a radius of 5,629.58 feet; thence southerly on the arc of said curve to the left, a distance of 1,157.96 feet through a central angle of 11°47'07" to the PT; thence S11°25'03"E a distance of 299.77 feet to the PC of a curve to the right having a radius of 5829.58 feet; thence southerly along the arc of said curve to the right a distance of 1,199.10 feet through a central angle of 11°47'07" to the PT; thence S00°22'04"W a distance of 547.42 feet to the northerly right of way line of State Road 64; thence N89°45'53"E on said north right of way line, a distance of 1,836.35 feet; thence N00°22'21"E. A distance of 1,755.02 feet; thence N89°37'33"W a distance of 959.14 feet; thence N 34°58'21"W a distance of 1,348.55 feet; thence N00°22'05"E a distance of 800.00 feet; thence N 89°37'24"W a distance of 400.17 feet to the Point of Beginning.

Lying and being in Section 1, Township 35 South., Range 21 East and Section 6 Township 35 South, Range 22 East, Manatee County, Florida.

Subject to pertinent easements, right of way and restrictions of record.

Containing 101 acres, more or less.

LESS Description: Manfull 81-Acre parcel, purchased December 31, 2003

Commencing at the Northwest corner of Section 31, Township 34 South, Range 22 East, thence S88°58'59"E a distance of 100.25 feet to the Point of Beginning; also being a point on the easterly right of way line of State Road 39 (Logue Road); thence S88°58'59"E along the northerly line of said section 31, 1,300.00 feet; thence S01°01'03"W a distance of 700.01 feet; thence S88°59'25"E a distance of 329.91 feet; thence S01°59'70"W a distance of 700.03 feet; thence N88°59'02"W a distance of 330.09 feet; thence S01°00'34"W a distance of 700.00 feet; thence N88°58'59"W a distance of 650.00 feet; thence S01°00'38"W a distance of 900.31 feet; thence N88°58'06"W a distance of 630.82 feet; thence N00°38'55"E along said easterly right of way line of State Road 39 (Logue Road), a distance of 3,000.21 feet to the Point of Beginning.

Lying and being in Section 31, Township 34 South, Range 22 East.

Containing 80.74 acres, more or less.

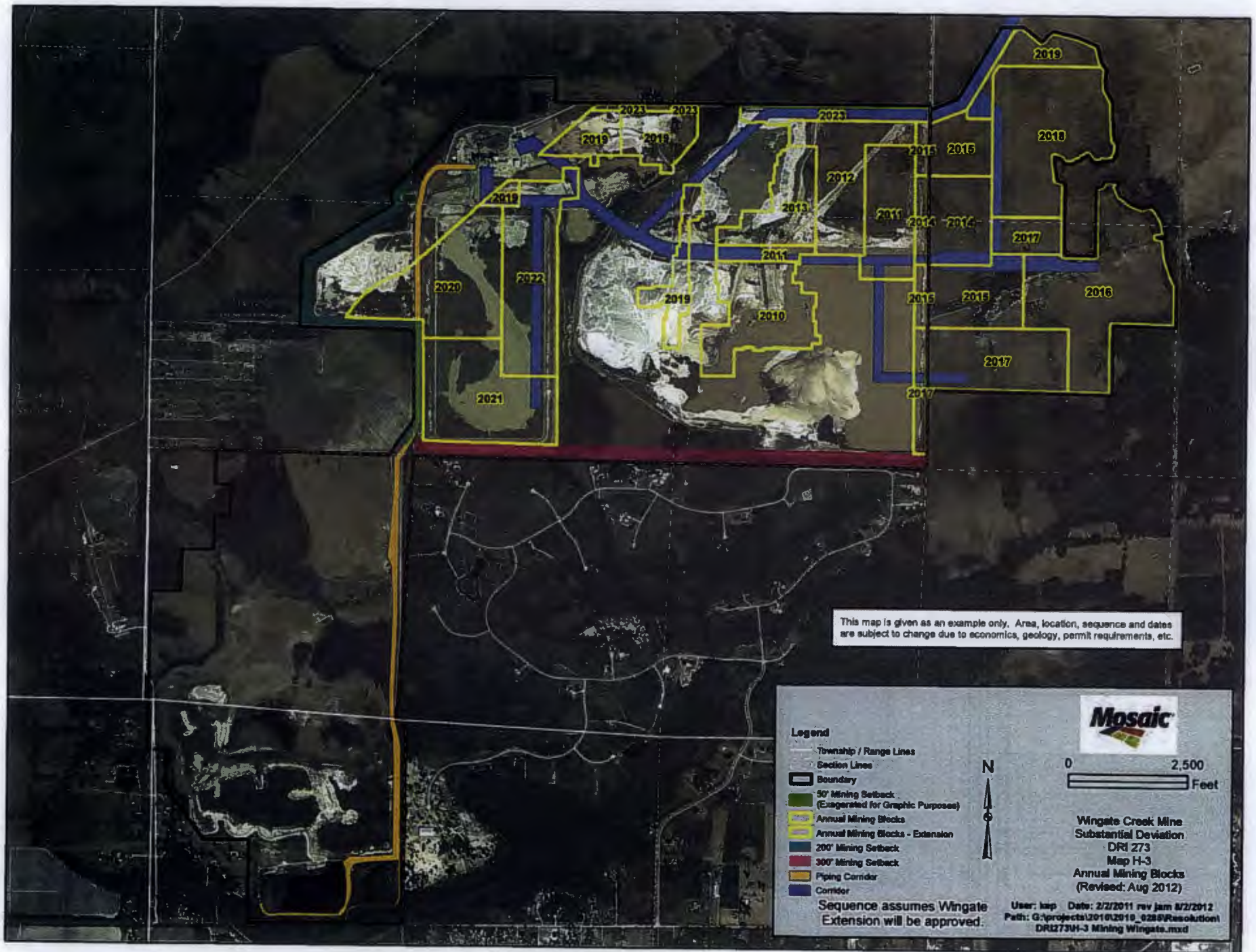
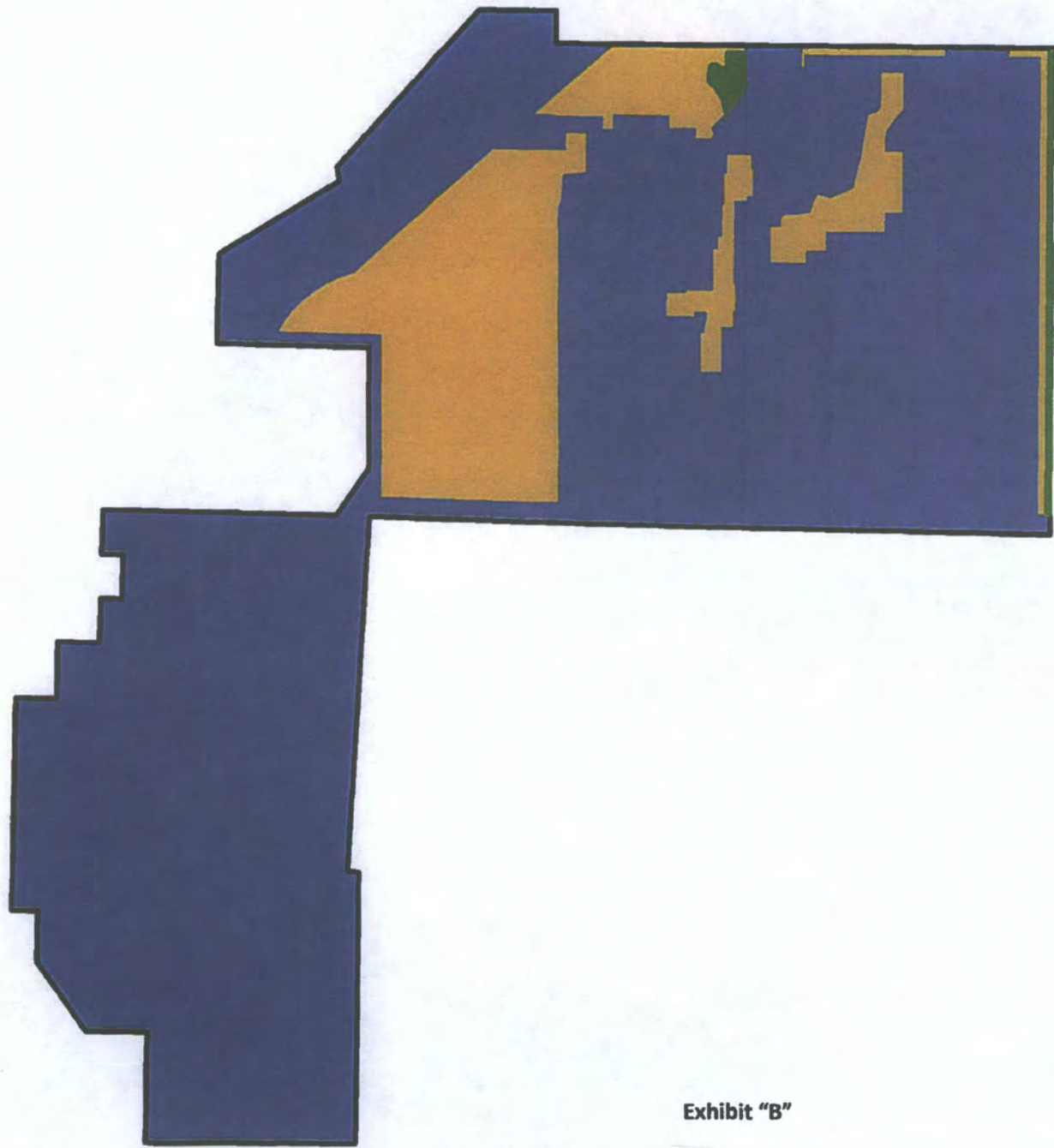


Exhibit "B"



0 2,500
Feet



Wingate Creek Mine
Substantial Deviation
DRI 273

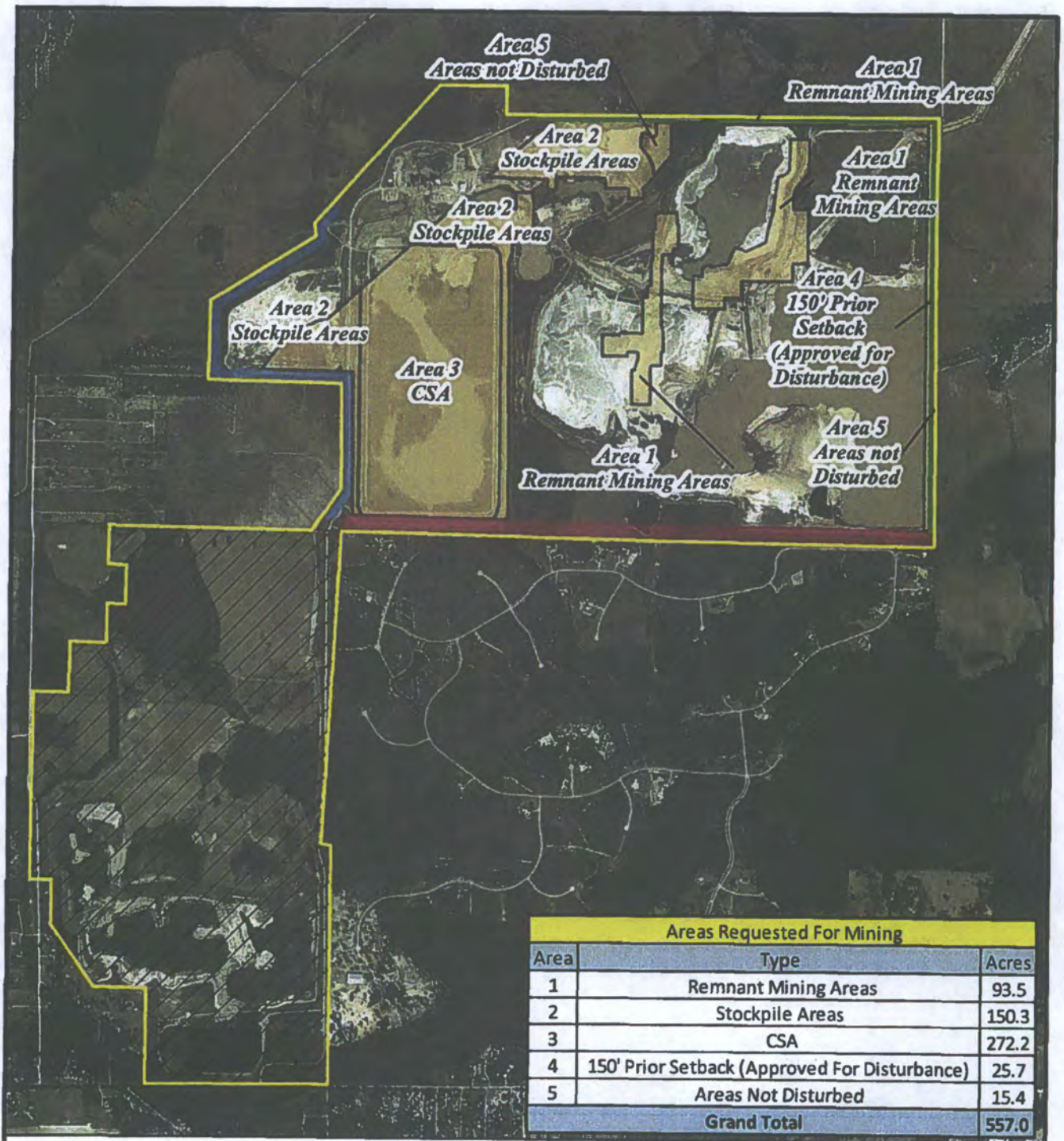
Map H-4
Proposed Changes to
DRI Land Uses

Legend

-  Non Disturbed Areas
-  Requested for Mining/
Disturbance - 15 Ac.
-  Boundaries
-  No Change Areas - 2,471 Ac.
-  Areas Approved for
Disturbance - Requested for
Mining - 542 Ac.

Exhibit "B"

User: jam Date: 9/13/2012
Path:



Areas Requested For Mining		
Area	Type	Acres
1	Remnant Mining Areas	93.5
2	Stockpile Areas	150.3
3	CSA	272.2
4	150' Prior Setback (Approved For Disturbance)	25.7
5	Areas Not Disturbed	15.4
Grand Total		557.0

Legend

- Project Boundary
- Reclamation Complete
- 50' Mining Setback (Exaggerated for Graphic Purposes)
- 200' Mining Setback
- 300' Mining Setback
- Areas Requested For Mining

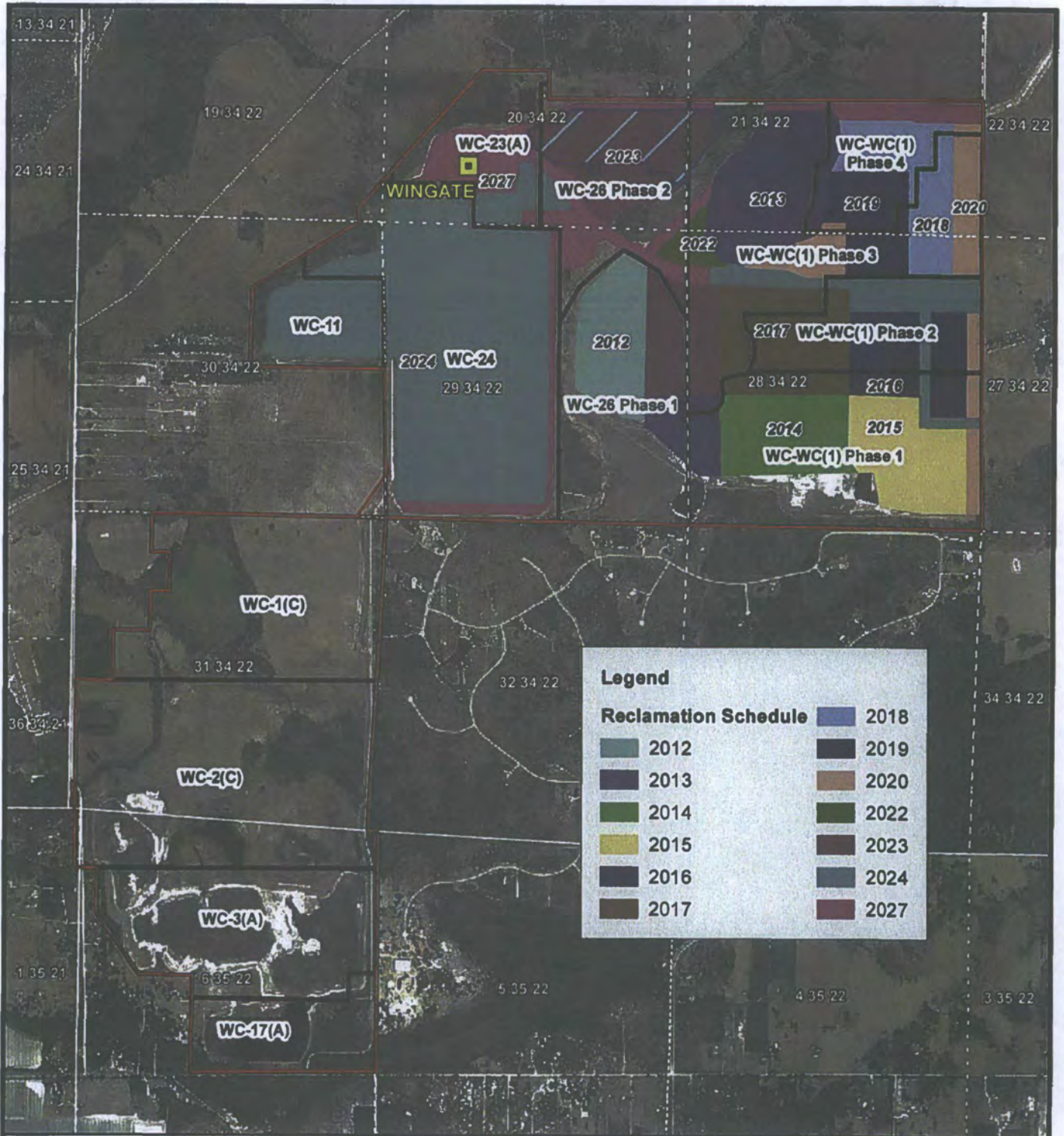


Wingate Creek Mine
Substantial Deviation
DRI 273

Map H-5
Proposed Additional
Mining Areas
(Revised: Aug 2012)

User: kep Date: 8/1/2012 rev ymz 8/2/2012
Path: G:\projects\2010\2010_0285\Resolution
DRI 273H-5 Mine Disturb.mxd

Exhibit "B"



Legend

Reclamation Schedule

2012	2018
2013	2019
2014	2020
2015	2022
2016	2023
2017	2024
	2027

Legend

	Plant Sites
	Stockpile Area
	Boundary
	Township / Range Lines
	Section Lines
	Reclamation Units



Wingate Creek Mine
Substantial Deviation
DRI 273

Map H-7
Reclamation Schedule

User: kap Date: 2/1/2011
Path: G:\projects\2010\2010_0285\
Resolution\H-7 Rseq.mxd

Exhibit "B"

Exhibit B

Table 1
Wingate Creek Mine
Estimated Annual Production Schedule

Years	Acres Mined/Yr	Total Product Tons (000)	Average Production Per Year X 1000 (Tons & Cu Yds)			
			Tailings	Clay	Overburden	Matrix
Actual to date	980					
2012-2023	130	1,500	5,500	1,000	5,800	5,600
Max/Year	175	2,200	10,200	1,400	11,300	9,950
Sub-total	1,252					
Grand Total	1,809					

Table 2
Wingate Creek Mine
Estimated Production Amendment Lands Only

	Mined Acres	Total Product Tons (000)	Tailings Tons (000)	Clay Tons (000)	Overburden Yds (000)	Matrix Yds (000)
Total	557	6,300	20,200	5,200*	36,900	25,400

* an additional 2,400,000 tons will be moved from Initial Clay Settling Area

Table 3
Wingate Creek Mine – Plant Mining (Acres) Summary

Year	Wingate Creek Mine	Wingate Amendment	Wingate Extension	SE Tract	Ft. Green Reserves
2012	81	4	-	52	82
2013	18	38	-	26	78
2014	4	8	58	-	-
2015	5	10	102	-	-
2016	-	-	168	-	-
2017	5	12	113	-	-
2018	-	-	145	-	-
2019	-	104	36	-	-
2020	-	120	-	-	-
2021	-	120	-	-	-
2022	14	110	-	-	-
2023	161	14	-	-	-
Tract Totals		557	622	78	160

TABLE 5

Conceptual Yearly Reclamation Schedule* (acres)							
Years	Annual Mined	Cumulative Mining	Total Disturbance	Total Dist / Mined	Annual Reclamation	Cumulative Reclamation	Net Disturbed Unreclaimed
Prior to	980	980	1,598	2,578	927	927	1,651
2012	85	1,065	1,513	2,578	69	996	1,582
2013	58	1,122	1,458	2,580	143	1,140	1,440
2014	12	1,134	1,449	2,582	76	1,215	1,367
2015	15	1,149	1,433	2,582	81	1,296	1,287
2016	0	1,149	1,436	2,585	71	1,366	1,219
2017	17	1,166	1,419	2,585	103	1,469	1,116
2018	0	1,166	1,426	2,592	80	1,549	1,043
2019	104	1,270	1,322	2,592	56	1,605	987
2020	120	1,390	1,202	2,592	78	1,683	909
2021	120	1,510	1,082	2,592	0	1,683	909
2022	124	1,634	958	2,592	15	1,698	894
2023	175	1,809	783	2,592	165	1,863	729
2024	0	1,809	783	2,592	511	2,374	218
2025	0	1,809	783	2,592	0	2,374	218
2026	0	1,809	783	2,592	0	2,374	218
2027	0	1,809	783	2,592	218	2,592	0
Total:		1,809		2,592		2,592	0

* estimate timing based on Wingate's Mine Plan as depicted on Map H-3

EXHIBIT C
ENVIRONMENTAL MONITORING PROGRAM

(Revised 11/30/2012)

An environmental monitoring program to be developed by the applicant in accordance with section 2-20-33(c), which shall include baseline data for at least one year preceding application for master mining plan approval. The applicant shall develop the monitoring program in conjunction with the Natural Resources Department;

The original Master Mine Plan and Development of Regional Impact documents included the baseline data in order to develop the Environmental Monitoring Program for the Wingate Creek Mine. Several changes have occurred to the Environmental Monitoring Program since its original approval by Manatee County. They are reflected in the contents of the attached updated Environmental Monitoring Program and are identified below.

- As detailed in Section 14 the air monitoring program is no longer required and has been deleted from the Environmental Monitoring Program.
- A new section has been added to provide for the submission of all environmental monitoring data to Manatee County.
- Mosaic and Manatee County have agreed upon a groundwater monitoring program and it is included in the Environmental Monitoring Program.
- The allowance for the modification of the Environmental Monitoring Program has been changed to reflect the specific requirements of the Manatee County Code of Laws regarding this item.
- The water quality monitoring program will continue as approved in 2004 and will continue to include sampling parameters and frequencies based on results from historic monitoring and accepted monitoring plans from other mining concerns within Manatee County. The ground water monitoring program was modified in 2004 to include two additional shallow, ground water monitor wells (wells SGWMW – 4, & SGWMW –5) in the setback area adjacent to the south property boundary in Section 28, Township 34 South, Range 22 East as agreed to for Winding Creek development concerns. Additionally, three (3) intermediate monitoring wells were also added in 2004 to the program in Sections 20, 21 and 28, Township 34 South, Range 22 East. The groundwater monitoring plan has been revised with the Amended Master Mining Plan R-13-001 to included two additional shallow, ground water monitor wells (wells SGWMW-7 and SGWMW-8) in the setback area adjacent to the property boundary in Section 29 and 30, Township 34, Range 22 East. Within 180 days of the approval of the Operating Permit, the wells will be installed. These wells will have the same monitoring and reporting requirements as existing surficial groundwater wells.
- Piezometer monitoring was required in the early stages of mine life for a minimum period of 1 year. This monitoring has been completed and Manatee County in October 2003 agreed this monitoring was completed. Therefore the piezometer monitoring portion of the environmental monitoring program is no longer required.

- In 2009/2010 Annual Report review, Manatee County requested that additional surface water quality sampling points be added in reclamation areas that are effectively complete. Two reclamation sampling points were selected and approved by the County (i.e. referred to as Points A & B) in Section 31, Twp 34S, RG 22E. The surface water quality sampling procedures and parameters have been incorporated into Wingate Creek's Environmental Monitoring Program and are located in Section 4. Two additional surface water quality sampling points (Points C & D) were added to the Wingate Creek Reclamation Area as part of this Amended Master Mining Plan R-13-001. A new section (Section 4.0) was added to address the sampling of Points A – D.

1.0 SHALLOW GROUNDWATER

1.1 General

The Shallow Groundwater Monitoring Program (SGWMP) for the Wingate Creek Mine is intended to 1) establish initial conditions over a one (1) year period (this monitoring phase has been completed) and 2) monitor and evaluate groundwater quality and static water levels under operational conditions (ongoing). Monitoring wells 1, 2 & 3 described in the SGWMP were installed after the 1997 Master Mine Plan update. The initial sampling has been conducted for all required wells and operational sampling for the all the wells will continue through land reclamation of the Master Mine Plan area.

1.2 Initial Monitoring

1.2.1 Sampling Locations

The designated shallow groundwater monitoring well locations, SGWMW 1, 2, 3, 4, 5, 6, 7 & 8 for the shallow groundwater quality monitoring program are shown on the drawing included in this section. Although these sites are anticipated to remain through the life of mine, if mining or mining related activities require the relocation of these sites, the new sites must be approved six (6) months before the old sites are impacted so as to give time for a minimum of six (6) months background sampling of the new sites. The relocation wells, if required shall be approved by the Natural Resources Department. Each sampling location shall consist of a small diameter well, the bottom of which shall be above the phosphate matrix but completed within the surficial aquifer. Specific well designs must be approved by the Natural Resources Department, and the wells permitted with the appropriate federal, state or local government.

1.2.2 Initial Sample Parameters

In addition to static water level measurements, shallow groundwater quality initial monitoring (this monitoring phase completed) shall include the following thirty-two (32) parameters:

- | | | |
|-----------------|---------------|------------|
| 1. pH | 14. Magnesium | 27. Silver |
| 2. Conductivity | 15. Sodium | 28. Color |

- | | | |
|--------------------------------|---------------|------------------|
| 3. Nitrogen-Total | 16. Potassium | 29. Grease & oil |
| 4. Nitrogen-Ammonia | 17. Chloride | 30. Surfactants |
| 5. Nitrogen-Nitrate (NO3) | 18. Fluoride | 31. Radium 226 |
| 6. Nitrogen-Nitrite (NO2) | 19. Arsenic | 32. Radium 228 |
| 7. Sulfates as SO | 20. Barium | |
| 8. Sulfite as H2SO4 | 21. Cadmium | |
| 9. Phosphorus-Total as P | 22. Chromium | |
| 10. Total organic Carbon (TOC) | 23. Iron | |
| 11. Gross Alpha | 24. Lead | |
| 12. Total Alkalinity as CaCO3 | 25. Mercury | |
| 13. Calcium | 26. Selenium | |

1.2.3 Frequency/Duration

Initial sampling phase has been completed and was performed for a period of one year for SGWMW 1, 2, & 3 in 1998 and 1999. Initial sampling was performed for Wells SGWMW 4, 5, & 6 in 2004 to 2005 for a period of one year after installation. Shallow groundwater monitoring wells SGWMW 4, 5, & 6 were monitored monthly for parameters 1 through 11 for the first year and then quarterly thereafter. Parameters 12 through 30 were monitored on a quarterly basis for the first year. In addition, parameters 12 through 27 shall be analyzed for any sample that has conductivity in excess of 1275 umhos/cm. Parameters 31 and 32 will be analyzed for any sample where Gross Alpha exceeds 15 pCi/l. If parameter 29 exceeds 5 mg/liter, TRPH, EPA 602 and EPA 610 will be analyzed. Groundwater levels will be recorded when the wells are monitored.

SGWMW 7 & 8 will be installed in 2013. Initial sampling phase will be for a period of one year after installation. Sampling shall occur as described above.

1.2.4 Methods

All groundwater sampling methodology will follow the current DEP Standard Operating Procedures (SOPs) for groundwater sampling (i.e. FS2200 - Groundwater Sampling) per the DEP Quality Assurance Rule, 62-160, F.A.C. Further, all associated field activities, sample preparation and handling, and laboratory activities required by this program will follow the applicable Department of Environmental Protection SOPs as specified in the DEP Quality Assurance Rule, 62-160, F.A.C.

1.2.5 Quality Control Provisions

Upon reasonable notice, split samples will be obtained to allow for Manatee County to perform an independent analysis. All sampling procedures, field activities, and laboratory activities required by this program will follow the Department of Environmental Protection Standard Operating Procedures as specified in the DEP Quality Assurance Rule, 62-160, F.A.C..

1.2.6 Schedule of Reporting

Results of shallow groundwater monitoring will be provided to Manatee County in the annual report at the prescribed monitoring program frequency.

1.3 Operational Monitoring

1.3.1 Sampling Locations: Operational sampling sites shall be the same as designated under baseline monitoring (1.1.1 above) and shown on the attached groundwater sampling location map included with this section.

1.3.2 Parameters: In addition to static water level measurements, shallow ground-water quality operational monitoring shall include the following eighteen (18) parameters:

- | | |
|-----------------------------------|--------------------|
| 1. pH | 10. Calcium |
| 2. Conductivity | 11. Magnesium |
| 3. Nitrogen – Total | 12. Sodium |
| 4. Nitrogen-Ammonia | 13. Potassium |
| 5. Nitrogen-Nitrate/Nitrite (NOX) | 14. Chloride |
| 6. Sulfates | 15. Fluoride |
| 7. Phosphorus- Total P | 16. Iron |
| 8. Total Organic Carbon | 17. Gross Alpha |
| 9. Total Alkalinity | 18. Oil and Grease |

Radium 226 & 228 will be analyzed for any sample in which Gross Alpha exceeds 15 pCi/l. If parameter 18 exceeds 5 mg/liter, TRPH, EPA 602 and EPA 610 will be analyzed.

1.3.3 Frequency/Duration

Shallow groundwater operational monitoring shall be conducted semi-annually in January and July for the parameters listed in 1.3.2.

1.3.4 Methods

Same as 1.2.4 above.

1.3.5 Quality Assurance/Control

Same as 1.2.5 above.

1.3.6 Schedule of Reporting

A report of semi-annual analyses shall be compiled and submitted to Manatee County annually in a mutually acceptable electronic format. The reports shall include semi-annual results. A comparison to applicable state-approved water quality standards, baseline conditions and previous operational phase data shall be provided. Mosaic shall also immediately notify Manatee County (both verbally and in writing) of any significant deviations from determined historical ranges upon receipt of analyses.

2.0 INTERMEDIATE AQUIFER MONITOR WELLS

2.1 Sampling Locations: The 3 designated intermediate aquifer groundwater monitoring well locations, IMW 1, 2, & 3, for the groundwater quality monitoring program are shown on the drawing included in this section. Although these sites are anticipated to remain through the life of mine, if mining or mining related activities require the relocation of these sites, the new sites must be approved six (6) months before the old sites are impacted so as to give time for a minimum of six (6) months background sampling of the new sites. The new sites shall be approved by the Natural Resources Department. Each sampling location shall consist of a small diameter well, the bottom of which shall be in the intermediate aquifer as determined by a third party hydrologist, hydrogeologist or engineer. Specific well designs must be approved by the Natural Resources Department, and the wells permitted with the appropriate federal, state or local government. Initial groundwater sampling at the wells will begin within 60 days of operating permit approval.

2.2 Parameters: In addition to static water level measurements, intermediate ground-water quality monitoring shall include the following eighteen (18) parameters:

- | | |
|-----------------------------------|--------------------|
| 1. pH | 10. Calcium |
| 2. Conductivity | 11. Magnesium |
| 3. Nitrogen – Total | 12. Sodium |
| 4. Nitrogen-Ammonia | 13. Potassium |
| 5. Nitrogen-Nitrate/Nitrite (NOX) | 14. Chloride |
| 6. Sulfates | 15. Fluoride |
| 7. Phosphorus- Total P | 16. Iron |
| 8. Total Organic Carbon | 17. Gross Alpha |
| 9. Total Alkalinity | 18. Oil and Grease |

Radium 226 & 228 will be analyzed for any sample in which Gross Alpha exceeds 15 pCi/l. If parameter 18 exceeds 5 mg/liter, TRPH, EPA 602 and EPA 610 will be analyzed.

Frequency/Duration

Intermediate groundwater operational monitoring shall be conducted semi-annually in January and July for the parameters listed in 2.2.

2.3 Methods
Same as 1.2.4 above.

2.4 Quality Assurance/Control
Same as 1.2.5 above.

2.5 Schedule of Reporting

A report of semi-annual analyses shall be compiled and submitted to Manatee County annually in a mutually acceptable electronic format. The reports shall include semi-annual results. A comparison to applicable state-approved water quality standards, baseline conditions and previous operational phase data shall be provided. Mosaic shall also immediately notify Manatee County (both verbally and in writing) of any significant deviations from determined historical ranges upon receipt of analyses.

3.0 STREAM MONITORING

3.1 General

This section of the monitoring program was developed in consultation with the Manatee County Natural Resources Department to insure water quality of the stream systems located on the site. This section was modified to reflect historic sampling results from this program and to provide consistency with accepted programs required for other mining concerns in the county.

3.2 Station Locations

There are two stream water quality monitoring stations downstream of Wingate's approved NPDES outfalls. One station is located at the Myakka River and SR 64 and the other station is located just downstream of the confluence of Wingate Creek and the Myakka River as illustrated on the attached Stream Monitoring station Location Map. The upstream sampling point is at the State Road 64 crossing on the Myakka River is labeled as MR-1 and the monitoring station downstream of the confluence of Wingate Creek and the Myakka River is labeled MR-2. The FDEP NPDES permitting program will require sampling upstream and downstream of Wingate Creek Mine outfalls 001 and 002, during periods of discharge. Mosaic will provide the NPDES monthly discharge monitoring reports, which will include the upstream and downstream monitoring data, to the Manatee County Natural Resources Department on a monthly basis.

3.3 Parameters

- | | |
|---------------------|-------------------------------------|
| 1. pH | 15. Solids – Total Suspended Solids |
| 2. Temperature | 16. Sulfates – SO ₄ |
| 3. Turbidity | 17. Gross Alpha |
| 4. Fluoride | 18. Color |
| 5. Dissolved Oxygen | 19. Chlorophyll a |
| 6. Conductivity | 20. Chloride |

- | | |
|--------------------------------------|--------------------|
| 7. Phosphorus – Total P | 21. Silica |
| 8. Ortho Phosphate | 22. Sodium |
| 9. Nitrogen - Ammonia | 23. Calcium |
| 10. Nitrogen - Kjeldahl | 24. Potassium |
| 11. Nitrogen - Nitrate/Nitrite (NOX) | 25. Magnesium |
| 12. Nitrogen - Total | 26. Iron |
| 13. Fixed Solids | 27. Alkalinity |
| 14. Solids - TDS | 28. Oils & Greases |

Radium 226 & 228 will be analyzed for any sample in which Gross Alpha exceeds 15 pCi/l. If parameter 28 exceeds 5 mg/liter, TRPH, EPA 602 and EPA 610 will be analyzed.

3.4. Methods

Grab samples will be obtained for analysis. Surface water sample collection shall be in accordance with current DEP SOPs for surface water sampling (i.e. FS2100 – Surface Water Sampling) per the DEP Quality Assurance Rule, 62-160, F.A.C.. Further, all associated field activities, sample preparation and handling, and laboratory activities required by this program will follow the applicable Department of Environmental Protection SOPs as specified in the DEP Quality Assurance Rule, 62-160, F.A.C.

3.5 Quality Control Provisions

The sampling locations are outside the property limits of the Wingate Creek mine; therefore, Manatee County may inspect the sites without prior notice to Wingate Creek Mine operations. Upon reasonable notice, split samples will be obtained to allow for the County to perform an independent analysis.

3.6 Frequency/Duration

Samples will be collected on a monthly basis at the Myakka River sampling points for the first year of active mine operation following approval of this plan update. Sampling frequency will be reduced to quarterly after the first year of active mining, contingent on the approval of the Manatee County Natural Resources Department.

3.7 Schedule of Reporting

Results of stream monitoring will be provided to Manatee County on a yearly basis, unless otherwise requested.

4.0 WINGATE STREAM AND RECLAMATION SURFACE WATER QUALITY MONITORING

4.1 General

Two reclamation surface water quality sampling points (Points A & B) and two Wingate Stream surface water quality sampling points (Points C & D) have been added to the monitoring program. The reclamation surface

water quality sampling points have been added in reclamation areas that are effectively complete. These two surface water quality sampling points were reviewed and approved by the County and referred to as Points A & B located in Section 31, Twp 34S, RG 22E.

4.2 Station Locations

The reclamation sampling Points A & B are located in Section 31, Twp 34S, RG 22E. Sampling Point A is located at the flow way of a large preserved / herbaceous marsh. Sampling point B is located in the same flow way, but further downstream. See Map XX for the sampling locations.

The Wingate Stream surface water quality sampling points (Points C & D) are located in Sections 21 & 29, Twp 34S, RG 22E. Sampling Point C is located just south of Duette Preserve where the flow is channelized by the Wingate Entrance Road culverts. Sampling point D is located downstream in Section 29 within the Wingate Creek channel just before the stream exits the mine.

4.3 Parameters

Reclamation surface water quality parameters including the additional parameters requested by the County on 10/25/2010, consist of the following:

- | | |
|-------------------------|--------------------------------------|
| 1. pH | 10. Ortho Phosphate |
| 2. Turbidity | 11. Nitrogen - Ammonia |
| 3. Iron | 12. Nitrogen - Kjeldahl |
| 4. Fluoride | 13. Nitrogen - Nitrate/Nitrite (NOX) |
| 5. Conductivity | 14. Nitrogen - Total |
| 6. Alkalinity | 15. Flow (cfs), |
| 7. Oils & Greases | 16. Temperature, |
| 8. Gross Alpha | 17. Dissolved oxygen, and |
| 9. Phosphorus - Total P | 18. Chlorophyll A |

Radium 226 & 228 will be analyzed for any sample in which Gross Alpha exceeds 15 pCi/l. If parameter No. 8 exceeds 5 mg/liter, TRPH, EPA 602 and EPA 610 will be analyzed.

4.4 Methods

Grab samples will be obtained for analysis. Surface water sample collection shall be in accordance with current DEP SOPs for surface water sampling (i.e. FS2100 - Surface Water Sampling) per the DEP Quality Assurance Rule, 62-160, F.A.C. Further, all associated field activities, sample preparation and handling, and laboratory activities required by this program will follow the applicable Department of Environmental Protection SOPs as specified in the DEP Quality Assurance Rule, 62-160, F.A.C.

4.5 Quality Control Provisions

The sampling locations are within the property limits of the Wingate Creek mine; therefore, upon reasonable notice, split samples can be obtained to allow for the County to perform an independent analysis.

4.6 Frequency/Duration

Samples will be collected four times per year (two wet season & two dry season). Noting a reasonable effort will be made to collect samples four times per year, but this may not be possible every year, as water must be flowing / measurable to provide valid data. Typically it is expected that rainfall will need to be greater than 1 inch to have flow at these locations (Points A to D), so the Wingate Creek Plant rain gauge will be used to make this monitoring effort as efficient as possible. Monitoring at Points A & B sampling locations will begin in November 2010 and will be collected for three years, unless it's determined earlier that no further sampling is required. Wingate Stream Monitoring Points C & D sampling will begin in January 2012 and continue until all reclamation activities are completed, unless it's determined earlier that no further sampling is required.

4.7 Schedule of Reporting

Results of stream monitoring will be provided to Manatee County on a yearly basis in the annual report, unless otherwise requested.

5.0 RADIATION IN SOILS

The Florida Department of Health now administrates radiation monitoring. They are responsible for pre-mining and post-reclamation monitoring, sampling, analysis and reporting. Mosaic will supply Manatee County with the results of their efforts when release of reclaimed areas is requested pursuant to Phosphate Mining Code Chapter 2-20 and Wingate Creek MMP conditions of approval.

6.0 GENERAL REPORTING REQUIREMENTS

6.1 Recipients of Monitoring Reports

Results of all elements of the environmental monitoring program should be reported at the intervals indicated in each section to the following County offices:

- Two copies to the Manatee County, Natural Resources Department
- Mosaic will provide all information as required by Manatee County ordinances and statues. Mosaic will investigate the feasibility of providing stream monitoring data directly to Florida Storet.

6.2 Report Contents

Monitoring reports should present the following information where applicable, in a clear concise format.

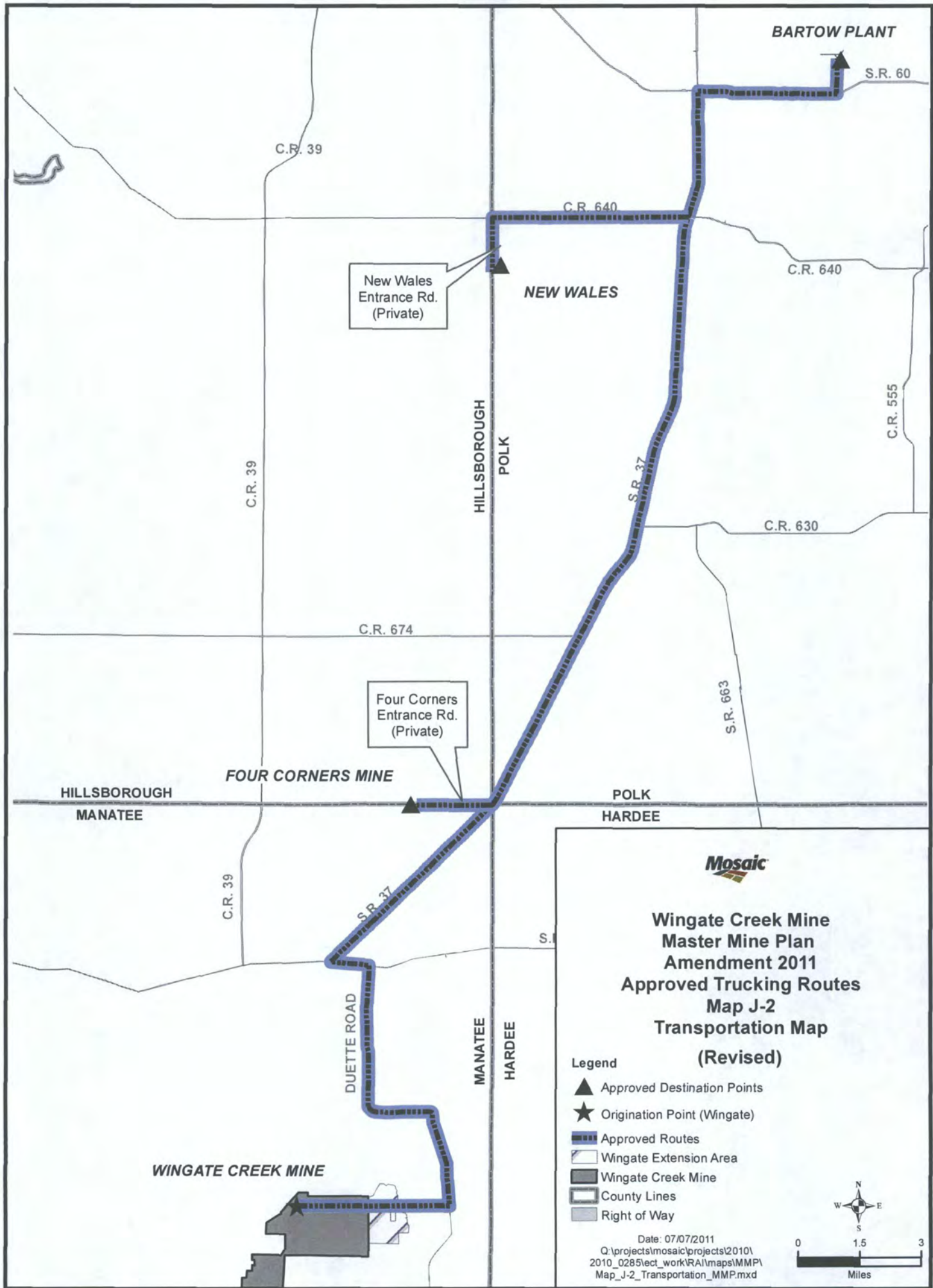
- type of station
- station identification number
- name and affiliation of sample collector
- date and time of sample collection or measurement
- results of laboratory analysis or field measurement with units of measure indicated
- comments on any unusual conditions or circumstances in connection with the sample collection or analysis and notation of any deviations from the approved monitoring program procedures. Reports shall also note any variances from applicable standards. Any results, which fall outside of the control limits established by the laboratory performing the analysis, should also be reported.

7.0 MODIFICATION OF MONITORING PROGRAM

The Environmental Monitoring Program may be amended in accordance with the Manatee County Code of Laws, section 2-20-33(c) (4). The purpose of such modification is to add or delete sampling to reflect new developments in mining and sampling technology which may improve both sampling and environmental quality. This will allow for unnecessary stations and/or parameters to be eliminated, while additional ones may be added if they are proven to be required.

8.0 OTHER MONITORING PROGRAMS

All environmental monitoring information required by agencies other than Manatee County will be submitted to the County. This monitoring information shall be submitted in conjunction with its transmittal to the specific regulatory agency.



BARTOW PLANT

S.R. 60

C.R. 39

C.R. 640

C.R. 640

New Wales Entrance Rd. (Private)

NEW WALES

C.R. 555

HILLSBOROUGH
POLK

S.R. 37

C.R. 630

C.R. 39

C.R. 674

Four Corners Entrance Rd. (Private)

FOUR CORNERS MINE

POLK

S.R. 663

HILLSBOROUGH
MANATEE

POLK
HARDEE

C.R. 39

S.R. 37

S.R.

DUETTE ROAD

MANATEE
HARDEE

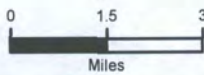
WINGATE CREEK MINE



Wingate Creek Mine
 Master Mine Plan
 Amendment 2011
 Approved Trucking Routes
 Map J-2
 Transportation Map
 (Revised)

Legend

- ▲ Approved Destination Points
- ★ Origination Point (Wingate)
- ▬ Approved Routes
- ▭ Wingate Extension Area
- ▭ Wingate Creek Mine
- ▭ County Lines
- ▭ Right of Way



Date: 07/07/2011
 Q:\projects\mosaic\projects\2010\2010_0285\ect_work\RAI\maps\MMP\Map_J-2_Transportation_MMP.mxd

**MANATEE COUNTY
ORDINANCE 13-01**

EXHIBIT E

Trucking Operation Requirements for the Wingate Creek Mine

1. CARGO

The cargo being hauled is phosphate rock and has no specific toxicity problems which would cause special transportation problems.

2. TRUCK LIMITS

The trucks have two specific capacity limits determined by the number of axles on the tractor/trailer combination. Trucks having two trailer axles and two tractor axles shall be allowed to carry a maximum weight of 73,280 pounds, while trucks having three axles on both tractor and trailer have a maximum capacity of 80,000 pounds. No special D.O.T. emblems are required. Each truck will be identified as a Mosaic truck by the use of a Mosaic sign on the tailgate which will be visible from a normal safe following distance.

3. LOADING-TARE WEIGHT

The loading will take place at the Wingate Mine. Trucks will proceed to the scale upon arrival at the mine. Before entering the scales each truck will come to a complete stop. The truck will proceed onto the scale and stop when correctly positioned. The scale operator will light weigh the truck and inform the driver which material is to be loaded (pebble, concentrate, or combination of both). This weight will appear as the the weight on the bill of lading. The weight is normally 22,000 - 25,000 pounds. Any variation of the tare should be reported to the plant shift supervisor.

4. LOADING-CARGO

Trucks will then proceed to the loading area. The loader operators should load a truck evenly both front to back and side to side. This will minimize the possibility of a load shift during transit. While at the piles the truck drivers will get out of their trucks and sample each bucket of material that is placed in their truck. The sample is placed in a bucket and then covered. This is important to get a accurate moisture sample. Moisture will be controlled at 8-13% to minimize dusting and excess leakage. The sample analysis will be reported on the daily production report. The month-to-date analysis can also be found on the report.

The daily production report can be found in the general manager's files and is saved four years.

5. LOADING - INSPECTION

While outside the truck each driver is responsible to make an inspection tour of his vehicle. During this tour the vehicle will be observed for tire condition, tailgate position, leakage, tail lights, tractor lights, brakes. If the driver or loader operator finds a problem with the truck it will be removed from the line until it can be repaired.

6. LOADING - TOPPING & WEIGH-OUT

Once loaded the truck will proceed to the scale for topping and weigh-out. The driver will again bring the truck to a full stop before proceeding onto the scale. This will minimize scale damage and insure weight accuracy. As the truck is weighed, the scale operator will determine if it is overweight or underweight from the aforementioned gross vehicle weights. If the truck is overweight it will be backed off the scale and dumped. The under weight trucks will be topped to the correct weight with the truck topping hopper. After topping, the truck driver will cover his load with a tarp. At no time will trucks be allowed to leave the scale untarped. This is a violation of the Florida Motor Vehicle code and will not be tolerated! The driver will proceed to the scale house where he signs to accept the load on the "load dispatch sheet" and the driver's copy of the bill of lading will be completed.

7. SCALE - OPERATION & RECORDS

The scale operator is responsible for the accuracy of the scale operation and the time intervals of all trucks dispatched. When the truck returns to the scale and the weight does not need adjustment, the operator will print this weight on the bill of lading along with the time and date. Otherwise, after the load has been adjusted, the adjusted weight will be printed on the bill of lading as the gross weight. The truck dispatch sheet will be filled in at this time. The tractor/trailer numbers; weight before topping and weight after topping; and drivers signature will be put on dispatch sheet. The final loaded weight along with the time and date will be printed on the bill of lading. The tractor/trailer numbers and driver's signature will also be placed on the bill of lading. If the time has been at least four minutes since the departure of the previous truck, the driver will be allowed to leave. If the time is less than four minutes, he will be required to remain until the correct time interval is obtained. At this time the bill of lading will be stamped again on the bottom. This will be the official departure time.

The bill-of-lading driver copies are given to the driver and include the following:
Yellow copy - Mosaic Bartow or Mosaic New Wales plant records
Pink copy - Material hauler records

The white copies of the bill of lading are kept at the scale and compiled with the truck dispatch sheets. The day's shipping will be sent to the accounting department for compilation. A shipping day starts at 07:00 AM and ends at 06:59 AM. After the data is input to the computer and the computer shipping report and bill of lading white copies are stored at Mosaic. Mosaic Accounting will compare truck counts leaving the Wingate Creek Mine vs. trucks received at the Mosaic Bartow and New Wales plants on a daily basis. The white copies will then be kept in storage for a minimum of five years. The truck dispatch sheets will be sent to the plant superintendent for like storage.

The truck scale will be calibrated a minimum of once every three months or whenever a discrepancy may occur between other scales that are check weighing trucks. The contractor will be Central Florida Scales or an equivalent contractor. The calibration report will be given to the Plant Superintendent who will store them for a period of two years. The trucks will be check-weighed on a periodic basis at the Mosaic Bartow and New Wales plant scales. The Wingate scale will be inspected and certified annually by the Florida D.O.T. The comparisons between the scales will be made the Mosaic Bartow and New Wales plant superintendents and sent to the mine for analysis. These will be kept in the files at the mine office. A sample bill of lading can be found in the Appendix along with a mine dispatch sheet.

8. TRUCK ROUTE

The drivers will proceed on the designated route as detailed in Manatee County Ordinance 13-01. There will be no deviation from the aforementioned. The return trip shall cover the exact route. A route map is shown on Exhibit D attached.

9. TRUCK INTERVALS

The interval between trucks traveling both loaded and unloaded will be four minutes. The intervals will be monitored at the mine by the scale operator using the bill of lading and the truck dispatch sheets while the return trip will be monitored by the dispatcher from the appropriate terminal, depending on the route.

If the trucks are not at least four minutes apart, the dispatcher will detain them until the required spacing is obtained. Traffic conditions or mechanical problems can reduce speeds so that truck bunching occurs. At no time shall the spacing between trucks be less than six hundred yards. The rear truck shall be responsible to reduce speed and widen the gap until it is sufficient. The trucks are equipped with company radios and communication is possible between the trucks and the dispatcher.

10. SAFETY MONITORS

The Material Hauler will maintain a safety monitoring staff who will travel the route continuously. During this trip the conditions of the trucks, road, weather, traffic and any defects or problems encountered will be recorded on the observation report form. The safety engineer will file these reports with his supervisor at the Material Haulers terminal. Reports will be filed by individual truck number. A sample report can be found in the Appendix. This report will be reviewed by the terminal manager and then forwarded to the Material Haulers main office for review by the safety Manager and then storage.

11. TRUCKING SCHEDULES

Trucking will not occur during school bus hours. Trucks will not leave the mine or the Mosaic Bartow or Green River phosphate plants or travel on Duette Road, S.R. 37, or S.R. 62 during the time that school buses are either picking up or delivering students. The bus schedules are available from the supervisor of school bus operations. The schedules will be reviewed by Manatee County and Mosaic personnel and the appropriate trucking schedule settled upon and published. The schedule will be distributed to the Mosaic operations personnel, scale operator, and Material Hauler's terminal manager.

Before the start of a new school year or summer-school, Mosaic will request written notice from the Supervisor of School Bus Operations and adjust the trucking schedule accordingly, with approval by Manatee County.

On scheduled school closure days and weekends the trucks will run twenty-four hours per day with the following exception:

Any truck sighting a school bus during non-school bus hours will report the occurrence to their dispatcher and the Manatee County Mining Coordinator, so the incident can be investigated and schedules amended if necessary.

12. TRUCK DRIVERS

One of the most critical parts of a safe trucking operation is the driver. The driver must be alert at all times, knowledgeable of his equipment and well trained. The

Material Hauler's attitude towards obtaining, training, and maintaining a qualified staff is paramount with the management.

13. DRIVER APPLICANTS

An applicant for a driver's position must fulfill the following requirements.

- (1) Be able to fill out application for employment;
 - (2) Posses a valid Florida commercial driver=s license;
 - (3) Pass a D.O.T physical examination;
 - (4) Pass a material hauler road test;
 - (5) Attend a material hauler orientation school and complete required examination; and
- Complete all employment procedures as required by the Material Hauler and all regulatory agencies.

Enclosed in the appendices is a sample of a complete employment package. This package includes the following:

- (1) Application
- (2) Checklist
- (3) Insurance Enrollment Form
- (4) W-4 Form

- (5) Physical Examination Form
- (6) Request for Information - Former Employer
- (7) Record of Road Test
- (8) Certification of Road Test
- (9) Driver License Information Date
- (10) Reference Check

14. DRIVER TRAINEES

After the above information is completed the applicant will become a trainee. He will enter a training program by completing a trainee/trainer agreement. This agreement defines the trainee's responsibility, trainer's responsibility, and monetary rewards. The trainee will then perform normal duties under the observation of the trainer for a three-day training period. Each day the trainer will complete a "Trial Trip Report". This report summarizes the trainee's basic driving abilities. After the training period is over a final report and pay request is completed. The trainer will receive a basic wage while training applicant and after a successful ninety day probationary period he will receive an incentive pay for each trained driver. Copies of these forms and agreement can be found in the appendices.

15. TRAINED DRIVERS

Once the applicant has become a trained driver he is continuously monitored by the safety engineer and dispatchers. He is required to complete a trip inspection. The following is that inspection.

Inspect tractor/trailer license plates.

Insure all fluid levels are adequate.

Tire pressures meet minimum requirements.

Insure all safety equipment is in place.

Insure GV weights are not exceeded.

If the driver discovers a problem with the truck before or during his shift, he will return to the terminal and fill out the driver's vehicle inspection report. The vehicle will not be returned to service until the repairs are completed and the mechanic and driver check it out.

A trained driver must also be able to:

- A. Maintain efficient and safe operation of the assigned vehicle.
- B. Follow assigned routes and road maps.
- C. Operate the radio in accordance to F.C.C. and Material Hauler
- D. Maintain and keep daily logs in accordance of D.O.T. regulations.
- E. Physically and mentally load and unload freight as required.
- F. Read and comprehend computerized payroll print-outs and manifests.

In the appendices is a Driver's Vehicle Inspection Report and Driver's Daily Log.

16. DRIVER CHECK RIDES

Lastly in addition to the observation reports completed by the safety engineer, a check ride report was initiated to maintain driver awareness. A check ride can be made by the safety engineer at any time with any driver of his choosing. An evaluation form is completed by the safety engineer after the check ride. A copy of this report form is also in the appendices. This report is reviewed by the Material Hauler's manager and forwarded to the head office.

17. DRIVER PERFORMANCE

Driver performance will be reported to Mosaic on a monthly basis. The report will detail any violations that have occurred during the prior month and the disciplinary actions as a result of those violations. The Material Hauler's Manager will send the written report to the General Manager of Mosaic I. Additionally the report should contain a status report concerning equipment status, full time driver availability, part-time driver availability, and any additional information that impacts the trucking operation.

18. TRUCK MONITORING

The trucks are equipped with a Eaton-Vorad or equivalent device that analyzes truck and driver performance. Each device records driver performance regarding following distances and truck speed over time. Periodically the information is removed from each device in the fleet and put into a computer. The computer will analyze the data and formulate a report indicating driving/operating problems.

These reports are kept in the Material Hauler's principal Florida office.

19. DRIVER DISCIPLINE

Following is the accepted procedure that is observed in case of accidents.

- a. The driver reports immediately, of accident involvement and if any bodily injury at scene.
- b. Driver remains at scene of accident until investigation is completed by law enforcement personnel, company insurance adjuster, or company personnel.
- c. The driver completes an accident report when arriving at the terminal.

Disciplinary action would be the following:

Minor accidents or incidents - driver would be allowed to return to work pending any further review by company personnel.

More severe accidents will result in temporary suspension pending investigation of driver record and involvement.

Accidents involving drivers charged with reckless driving or driving under the influence will be immediately terminated from the company.

Incidents involving company drivers, other than accidents, will be reviewed by the appropriate company personnel and disciplinary action recommendations from those persons administered as necessary.

20. NOTICE OF CHANGE IN MATERIAL HAULER

Mosaic I shall not use more than one (1) material transportation firm at any time. Mosaic shall provide written notice to Manatee County of which material transportation firm and subcontractors will be utilized. This notice shall be provided at least 30 days prior to changing material transporters or using a subcontractor unless strike or act of God requires less notice to be given.

Should Manatee County object to the selection of a particular firm or subcontractor, they shall provide written notice to Mosaic's at least 7 days prior to the proposed change. If such notice is issued by Manatee County to Mosaic, Mosaic shall not change to the new material transporter or subcontractor until the nature of the objection is reviewed by the Board of County Commissioners at a regularly scheduled meeting, at least 7 days prior to the proposed change.

Manatee County shall not issue a notice of objection without cause.

EXHIBIT F

DREDGE DISASSEMBLY AND REMOVAL PLAN

Dredges will be an integral part of the reclamation of the Wingate Creek Mine. At such time as mining and reclamation is completed, the dredges identified in the Master Mine Plan will be removed. A procedural plan for that removal is as follows.

This procedure is not intended to be a detailed and technological method as to the removal, but rather a general description of the process. The specific process will be undertaken in an environmentally sound fashion utilizing generally acceptable engineering practices and standards.

At the end of mining, there will be a two year period in which the dredges may be marketed in a place in the dredge pond. Notwithstanding the success of the marketing effort, at the end of the two year period, the dredges shall be moved from the dredge pond. The dredges shall then be drydocked in a shallow pond alongside the dredge pond. The drydocking procedure shall be as follows:

1. The dredges shall be moved into shallow, machine-dug ponds; and
2. The ponds shall be isolated from the dredge pond by a berm or by other means; and
3. The shallow pond shall then be dewatered by conveying the water back into the dredge pond; and
4. The dredges will be dismantled on dry land.

The dredges may then be marketed as is but will then be isolated from the dredge pond on dry land. The shallow pond from which the dredges are dismantled shall then be reclaimed to conform to the Florida Department of Natural Resources reclamation requirements for contouring and revegetation.

Within three years after the expiration of the designated dredge marketing period, the dredges shall be removed from the property.

EXHIBIT G

DEVELOPER COMMITMENTS DRI #273 - WINGATE CREEK MINE SUBSTANTIAL DEVIATION MANATEE COUNTY

The following commitments have been made by, or on behalf of, the applicant in the Application for Development Approval (ADA), the first Sufficiency Response (SR1) and/or the second Sufficiency Response (SR2). In instances where the applicant may have posed recommended Development Order condition language, that language may be reflected in this listing of commitments. These commitments typically serve as responses to specific questions posed by the reviewer(s) of this application.

GENERAL

1. *There will be appropriate setbacks applied at the boundaries of the mine. (ADA/Page 10-20)*
2. *The proposed continued operation of the Wingate Creek beneficiation plant would cause the existing water use and discharge, employment, trip generation, solid waste generation, public revenue generation, air emissions, and energy consumption to continue; however, the annual rates would not change appreciably. (SR1/Page 2-11)*
3. *Mosaic will endorse the utilization of the Department of Agriculture's recommendations for cattle grazing on the post reclamation habitat. If necessary, fences or other methods will be utilized to ensure cattle do not degrade the reclaimed habitat. (SR2/Page 1-1)*

VEGETATION AND WILDLIFE

1. *Prior to disturbing the non-disturbed lands proposed to be mined, biologists will conduct "pre-clearing surveys" designed to identify the wildlife species present, if any, that will need to be managed... Should the surveys identify the presence of wildlife species protected by the rules of the FFWCC or the USFWS, Mosaic will protect the species in accordance with USFWS and FFWCC regulations. Wildlife management measures will be species-specific and could include relocation of individuals, or the avoidance of certain areas. (ADA/Page 10-8)*
2. *As with other Mosaic mining properties, the [containment] berm will be maintained until the post reclamation vegetation has stabilized. At that time, the berm will be regraded and revegetated as the final reclamation step. (ADA/Page 10-18)*

3. *Mosaic proactively works with FDEP, FFWCC, and other agencies to provide assistance in the development of the IHN wildlife corridors... To the extent that the Wingate Creek Mine can serve as a connection to wildlife corridors, Mosaic will participate in these programs. (ADA/Page 10-26)*
4. *... Mosaic will reclaim the additional lands not only to meet the requirements of Manatee County and Chapter 62-16, F.A.C., but also to result in a more diverse post-reclamation vegetative cover than exists currently in terms of wildlife habitat and wetland and upland systems. (ADA/Page 10-26)*
5. *The areas proposed to be re-classified to authorize mining are comprised of lands disturbed by mining operations, grassed areas, and less than 2.5 acres of native habitat. Nevertheless, Mosaic will conduct wildlife surveys prior to disturbing these areas. Listed species will be protected and managed as specified by the FFWCC and USFWS. (ADA/Page 10-49)*
6. *The gopher tortoises will be managed and relocated as specified by a FFWCC relocation permit. The indigo snakes will be protected as specified by the USFWS. (ADA/Page 12-3)*
7. *Mosaic has or will obtain Habitat Management Plans for protected wildlife species in accordance with the requirements of FFWCC and USFWS prior to initiating work on the Wingate Creek Mine site. (ADA/Page 12-4)*
8. *... Results of the surveys and actions taken will be reported to regulatory agencies during project status annual reports. (ADA/Page 12-4)*
9. *In general, species will be protected by:*
 - Relocation to reclaimed suitable habitat or other protected areas elsewhere on Mosaic property;*
 - Planned or natural reintroduction into reclaimed areas, depending upon specific species requirements;*
 - Allowing species to migrate to adjacent habitat on their own;**and/or*
 - Avoiding areas where certain species are located (e.g., eagle or caracara nests).*

The relocation of protected animal species found in areas scheduled for disturbance will be accomplished in several ways: direct capture and relocation of species with limited mobility (gopher tortoises, etc.); or use of FFWCC best management practices to conduct pre-clearing surveys, and then clearing activities designed to "herd" or gather more mobile species into an adjoining refuge area or unmined lands. (ADA/Pages 12-4 -12-5)

10. *The prime protection for birds will be to protect nesting areas. This can be done in three ways: Habitat Avoidance; Seasonal Avoidance; and Distance Avoidance. Any protected species occurring in habitats not proposed to be disturbed will not be relocated. Mosaic will protect these species through habitat avoidance, habitat management, and restriction of public access. (ADA/Page 12-5)*
11. *Through the reclamation of the site after mining, the opportunity is presented to improve and expand the site's habitat value. A primary reclamation emphasis will be to improve wildlife corridors, and to provide buffering of wetland habitats with upland forests. (ADA/Page 12-5)*
12. *Protection of state- or federally-listed species that may use the site for breeding or nesting will be accomplished by the pre-clearing surveys. The pre-clearing surveys, depending upon the season when land clearing is proposed, will include inventorying breeding or nesting sites if land clearing could occur before the nests have fledged. (SR1/Page 1-6)*
13. *Pre-clearing surveys will be completed up to three months prior to clearing to allow for identification of, management efforts of, or permitting to relocate observed species if needed. After clearing, the areas will be routinely observed by Mosaic staff to determine if species return to the area or recruit into the areas prior to mining. (SR1/Page 1-6)*
14. *Currently, Mosaic is managing gopher tortoises and commensals under FFWCC Permit No. WR07393, which expires on August 24, 2012. Mosaic intends to renew or acquire a separate approval from FFWCC going forward to manage tortoises and commensals present on the Wingate Creek Mine. (SR1/Page 2-12)*
15. *Mosaic's wellfield conservation property located two miles west of the Wingate Creek Mine will be the recipient site for [Developer Clarification: many of the] species if relocation is needed. (SR1/Page 2-29)*

WETLANDS

1. *Mosaic will reclaim the mined lands to uplands appropriate for agricultural use, to wetland natural systems, and to uplands using native vegetation indigenous to Manatee County and as required by the Florida Department of Environmental Protection Environmental Resource Permit and applicable Manatee County requirements. (ADA/Page 10-21)*
2. *Mining of the additional areas within the Wingate Creek Mine will not increase the acreage of wetlands approved to be disturbed by the currently-approved FDEP Wetland Resource Permit. The area proposed to be re-classified from "undisturbed" to "mined" contains no wetlands or other surface water subject to FDEP jurisdiction. (ADA/Page 10-23)*

3. *Only a small incremental wetland impact will result from mining the additional areas under the MMP, as the FDEP has approved all impacts. Therefore, the existing FDEP mitigation requirements imposed by the Wetland Resource Permit will not change. (ADA/Pages 10-23 - 10-24)*
4. *The proposed mining of the additional areas on the Wingate Creek Mine will not require modification of existing or issuance of new federal or state dredge and fill permits (e.g. modification of the existing Wetland Resource Permit or issuance of a new Environmental Resource Permit). (ADA/Page 10-24)*
5. *The proposed mining of additional areas will not create incremental wetland impacts beyond those already authorized by the Wetland Resource Permit. (ADA/Page 10-42)*
6. *Mosaic is not proposing any specific enhancement activities. All compensatory mitigation requirements will be accomplished through wetland creation... (ADA/Page 13-2)*
7. *Mosaic will utilize a series of proven techniques to protect wetland areas (including offsite wetlands) adjacent to active mining and reclamation operations. Limits of disturbance lines will be established in the field and staked by land surveyors. Trained biologists will review the staked line as a quality assurance check. Conventional silt fences will be installed along the project perimeter. Subsequently, the perimeter berms will be constructed and vegetated with a quick germinating cover of winter rye or brown top millet and bahia grass. Thereafter, clearing will proceed and construction of the recharge-ditch system will occur. The perimeter berms will serve as physical barriers between mining and reclamation activities and the off-site wetlands. They will also be designed to contain storm water runoff and preclude siltation of the adjacent property. The dredge pool elevations will be adjusted to maintain appropriate groundwater and surface water elevations. (ADA/Page 13-2)*
8. *Wetland Resource Permit No. 0095520... documents [what] mitigation has been or will be provided for all wetland impacts. (SR1/Page 2-13)*

WATER QUALITY AND HYDROGEOLOGY

1. *Mosaic has or will install perimeter berm systems along the boundaries of the Wingate Creek Mine in order to prevent discharges of process and storm water from active mining and reclamation areas. (ADA/Page 10-8)*
2. *There are no changes proposed at the Wingate Creek Mine that would result in a lowering of groundwater levels or cause the interchange of water between any two confined aquifers. (ADA/Page 10-22)*

3. *There will be no disturbance of a perennial stream or lake or floodway as a result of the mining of the additional areas at the Wingate Creek Mine. (ADA/Page 10-29)*
4. *In order to protect surface water resources in the vicinity of the Wingate Creek Mine site, Mosaic will operate a series of perimeter ditches to capture storm water runoff and route these flows through clay settling areas for treatment prior to reuse or discharge. No streams or associated floodplains are proposed to be mined or disturbed. All discharges are subject to FDEP water quality based effluent limitations... Following mining and reclamation of the site, the surface water draining patterns and storm water runoff intensity will be returned to essentially pre-mining conditions. (ADA/Page 10-49)*
5. *Mosaic will employ a series of proven structural BMPs [Best management Practices] to prevent adverse effects on surface and groundwater quality. These practices will be implemented at the Wingate Creek Mine...: (ADA/Pages 14-6 - 14-8)*
 - *Construction of Storm Water Interceptor Ditch and Retention Berm System*
 - *Pre-Mining Clearing of Land*
 - *Mining and Reclamation*
 - *Surface Water Ditch Outfalls*
 - *Mining Related Regulatory Program Requirements*

SOILS

1. *All post-reclamation slopes will be flatter than 26.5 degrees. (ADA/Page 10-18)*
2. *Land cleared in advance of mining or graded to the design post-reclamation elevations exposes the surface soils to the potential of wind erosion in the same way as cleared row-crop fields yet to be planted. In order to minimize this potential, land clearing in advance of mining will be restricted to the areas to be mined in the immediate future, especially during the fall, winter, and spring months when seasonal weather fronts can generate high winds. In addition, the wind erosion potential will be reduced by the presence of grassed berms to be located around the perimeter of active mining and reclamation areas. Land graded to the design post-reclamation elevations will either be covered with topsoil from an unmined donor area or planted as soon as grading is complete. (ADA/Page 15-2).*

FLOODPLAINS

1. *No [new] mining activities are proposed to be conducted in the undeveloped floodplain. (ADA/Page 10-39)*

WATER SUPPLY

1. *Mosaic is not requesting to increase groundwater withdrawals above the levels currently approved under the SWFWMD Water Use Permit. (ADA/Page 10-22)*
2. *No irrigation systems will be installed or required. (ADA/Page 10-23)*
3. *No water will be withdrawn from the area streams, nor any surface water bodies that support navigation, recreation, or fish and wildlife. (ADA/Page 10-41)*
4. *Mosaic is not proposing to change the water use plans at the Wingate Creek beneficiation plant, in terms of daily withdrawal, consumptive use, source of supply, recycling rate, type of use, quality and method of treatment, and point and amount of discharge. Mosaic is proposing to continue to operate the Wingate Creek beneficiation plant at the approximate same rates as have been achieved historically. (ADA/Page 35-3)*

WASTEWATER MANAGEMENT

1. *The (former) statement that "no septic tanks are proposed to be constructed during mining or reclamation of the site" [ADA/Page 18-1] ... applies to only the additional lands currently proposed for mining. (SR1/Page 1-8)*

STORMWATER MANAGEMENT

1. *No mining will occur in the Manatee River Protection Overlay District. (ADA/Page 10-17)*
2. *There will be no storm water releases to the watershed and no new NPDES [National Pollutant Discharge Elimination System] discharge points are needed. (ADA/Page 10-29)*
3. *As discussed in Appendix 19-A [of the ADA], the post-reclamation flood flow rates will decrease when compared to the existing condition, which will result in beneficial decreases in offsite, downstream flooding. As a result of the decreased peak flood flows, the total volume of stormwater runoff will be spread over a longer duration. The offsite receiving waterbodies will remain Wingate and Johnson Creeks. (ADA/Page 19-3)*

4. *In the post-reclamation condition, all water on and leaving the Wingate Creek Mine must meet Florida water quality standards before the reclamation liability can be released under Rule 62C-16.0051(7), F.A.C. Once this performance standard has been met, the perimeter berms and stormwater collection ditches will be reclaimed. (ADA/Page 19-3)*
5. *After reclamation, Mosaic will be responsible to operate and maintain drainage systems on the site [Developer Clarification: through release by FDEP]. (ADA/Page 19-3)*

TRANSPORTATION

1. *The phosphate rock product to be shipped by truck will utilize the "approved routes to destinations and at rates currently approved by the DRI Development Order (#95)." (ADA/Page 10-4)*
2. *The proposed mining of the additional areas will not cause any change in the currently approved transportation methods, facilities or quantities; with the exception of extending their duration. (ADA/Page 35-9)*
3. *Truck transportation limitations [e.g. trips per day, timing limitations...] are proposed to remain as currently approved in the Development Order... The number of daily truck trips is limited to 360 outbound shipments on days when school buses are not operating and lesser amounts on days when school buses are operating to reflect no shipments during busing hours. On any given day, all shipments may be to a single destination and the Development Order does not impose an apportionment between the three locations. (SR1/Page 1-11)*

AIR QUALITY

1. *Emissions attributable to the Wingate Creek Mine will be limited to minor amounts of fugitive dust generated by earthmoving equipment. (ADA/Page 10-48)*
2. *Mosaic will employ techniques to minimize the generation of fugitive dust during the mining and reclamation of the Wingate Creek Mine. These measures include (ADA/Page 22-1):*
 - *Clearing of land will be limited to prepare for mining during a four to 12 month period;*
 - *Use of hydraulic slurry transportation of phosphate matrix, sand and clay;*
 - *Reclamation of mined lands and revegetation in accordance with the timetables prescribed by Chapter 62C-16, F.A.C.; and*
 - *Use of quick germinating temporary cover crops of winter rye or brown top millet on reclaimed lands.*

EMERGENCY PREPAREDNESS

1. *The mining of additional areas will not generate any hazardous wastes and will not involve significant quantities of hazardous substances. (ADA/Page 10-26)*
2. *The potential for the release of radioactive materials into groundwater, surface water, or the air will not change due to the proposed mining of the additional areas. Releases into groundwaters and surface waters will continue to be regulated by the FDEP Industrial Wastewater Permit... (ADA/Page 35-4)*

HISTORICAL AND ARCHAEOLOGICAL SITES

1. *Should Mosaic discover potential archaeological sites when conducting mining activities, the land disturbing activities will cease until trained cultural resource experts can examine the area and determine, in consultation with DHR, whether the site is significant. Mosaic will work with DHR to ensure that the appropriate action is taken to preserve the value of such resources. (ADA/Page 10-28)*
2. *In the event that human remains are found during mining activities, the provisions of Chapter 872 of the Florida Statutes (872.05) will apply. Chapter 872, F.S. states that, when human remains are encountered, all activity that might disturb the remains shall cease and may not resume until authorized by the District Medical Examiner (if the remains are less than 75 years old) or the State's Archaeologist (if the remains are more than 75 years old). (ADA/Page 10-28)*

MINING OPERATIONS

1. *Upon completion of mining areas, the mined or disturbed lands will be reclaimed into... the landforms, land elevations and land covers specified within the ADA, as may have been otherwise modified by SR1 and/or SR2. Upon completion of reclamation, the land use will revert back to the underlying agricultural zoning and agricultural/rural future land use classification. (ADA/Page 10-2)*
2. *Manatee County will be provided copies of all related (permit) applications when such applications are filed. (ADA/Page 10-7)*
3. *No changes in the [Wingate] corridor or the hydraulic transportation of clay-sized residuals and deposition in the FM-1 and FM-2 CSAs from the currently-approved plans are proposed, other than extend the time these methods will be utilized. (ADA/Page 10-9)*
4. *Advanced clearing will be limited so as to minimize the acreage of barren land susceptible to wind and stormwater erosion. Cleared vegetation will be burned*

or buried in a mined void. (ADA/Page 10-9)

5. *No changes in the overburden removal or matrix extraction procedures and methods are proposed, except that a dragline mining in the Wingate Extension may mine the adjacent, prior 200 ft. setback area along the Wingate Creek Mine/Wingate Extension boundary. (ADA/Page 10-9)*
6. *All of the clay residuals generated by washing and beneficiation of the ore/matrix excavated from the additional areas will be hydraulically transported to the FM-1 and FM-2 clay settling areas on the Southeast Tract. No new clay settling areas will need to be permitted as a result of this development proposal. (ADA/Page 10-9)*
7. *... conversion of land into mining operations is projected during 2013 through 2023 at an approximate average rate of 150 acres per year, which is consistent with the production rates approved by the [current] DRI Development Order. (ADA/Pages 10-11 - 10-12)*
8. *Mosaic employs a waste disposal procedure (i.e. stage-filled settling) to minimize the acres required for CSAs to comply with this Policy [i.e. "Reduce the adverse impacts of waste disposal associated with resource extraction"]. This process involves alternatively filling and consolidating a clay settling area over the course of a number of years to maximize the clay mass that can be stored in a given area. (ADA/Page 10-44)*
9. *Mining of the additional areas will remove the overburden and phosphate matrix that comprise the surficial aquifer. Dewatering, or lowering of the water table, will be prevented by maintaining the dredge pool levels at elevations similar to the adjoining water table. Hydraulic deposition of overburden and residual sand will displace the water in the dredge pool and re-hydrate the surficial aquifer. Following completion of reclamation, water table elevations will approximate pre-mining conditions. (ADA/Page 10-48)*
10. *No changes in the current dam inspection and maintenance program are proposed at this time. However, when clay and water retained in the existing clay settling area have been removed, Mosaic will abandon the dam as specified in Rule 62-672, F.A.C. (ADA/Page 35-4)*
11. *The differences between the currently-approved and proposed reclamation plans "occur [Developer Clarification: primarily] in the northern portion of the mine (i.e. Sections 20, 21, 28, 29, and 30, Township 34 South, Range 22 East)... The principal changes and supporting rationale are as follows (ADA/Pages 35-4 - 35-5):*
 - *The post-reclamation lake resulting from the final years of mining shifts to*

the location of the initial CSA because the approved plan does not remove the clay and mine this area, but rather reclaims the CSA as an above-grade pasture;

- *The additional sand generated from the ore extracted from the additional areas allows a sandhill to be created in Sections 21 and 28, returning this portion of the mine to the approximate original contour and facilitating creation of an upland forest;*
 - *The additional sand also reduces the total area of lakes by approximately 56 acres; and*
 - *The acreage of upland and wetland natural systems reclamation increases.*
12. *No mining activities are proposed to occur within the 300-foot setback along the southern mine boundary. The sight berm will be the southern CSA dam, which extends across all uplands adjacent to the Winding Creek subdivision prior to mining in the ISA [Initial Settling Area] in 2021. (SR1/Page 2-5)*
 13. *Map B illustrates the presence of native upland plant communities along the mine boundary in Sections 19, 20, and 30. These native communities lie to the west and northwest of the isolation berm... and will remain undisturbed. Therefore, native plant communities will abut the Duette Preserve along the mine's northwest boundary. (SR1/Page 2-6)*
 14. *The post-reclamation design is consistent with upland habitats at higher elevations and the lake and wetlands at lower elevations, in order to provide the topography needed to support the land uses depicted. (SR1/Page 2-6)*
 15. *Improved pasture is proposed as the post-reclamation vegetative community in one small area where no mining disturbance has occurred or is proposed. The existing pasture pre-dates development of the subdivision... (SR1/Page 2-7)*
 16. *The Winding Creek subdivision 300-foot setback and sight berm landscaping requirements are proposed to remain unchanged as required by the existing Development Order. The Wingate Creek southern clay settling area (CSA) dam wall along the common property line will be re-contoured and landscaped to meet the sight berm requirements of Ordinance 08-21 Condition 10. In keeping with the Wingate Creek Mine setback requirements specified by Ordinance 08-21 and Master Mine Plan Amendment Resolution (R-08-007) approved May 1, 2008 and prior approvals. [Developer Clarification: Pursuant to Manatee County Phosphate Mining Code, Mosaic has vested rights to conduct its mining and reclamation activities at the Wingate Creek Mine in accordance with the standards previously established by Manatee County in Ordinance No. 08-21]. Mosaic will adhere to the approved setback requirements as stated: (SR1/Page 2-10)*
 - *50-foot setback area for mining along the north property boundaries in*

- Sections 20 and 21, Township 24 south, Range 22 east;*
- *300-foot setback and sight berm for mining for the property boundary in Sections 28 and 29, Township 34 south, Range 22 east along the Winding Creek subdivision; and*
 - *200-foot setback is required by Ordinance No 08-21 along the exterior boundary of the Wingate Creek Mine and shall not subsequent to the effective date hereof, conduct any [new] mining operations (including stockpiling) within such setback area. [Developer clarification: However, the 200-foot setback requirements shall be reduced to 50-foot setback requirements at all points along the eastern boundary of the Wingate Creek Mine located in Section 20, 21 & 28, Township 22 East, Range 34 South ("the 50-foot setback area")].*
17. *The reclamation schedule along the western boundary of the Winding Creek subdivision is not proposed to be changed, nor is the reclamation schedule east of Wingate Creek along the northern boundary of the Winding Creek subdivision. (SR2/Page 2-13)*
18. *While Mosaic has not proposed post-reclamation topography that exactly replicates the pre-mining topography, the proposed post-reclamation elevations are analogous to the pre-mining conditions and are based upon sound reclamation design and hydrology principles. The following discussion is focused upon the northern half of the mine in Sections 20, 21, and 28 through 30 because reclamation is essentially complete elsewhere. Figures RAI-19A and B have been prepared to support the discussion.*

The proposed reclamation plan has been designed from the "bottom up", meaning that the elevations of Wingate Creek and the associated wetland forest riparian corridor from north to south form the base elevation that the contributing subbasins will drain to. As shown on Figure RAI-19A, the elevation at the northern mine boundary is between 104 and 105 feet (NGVD), which is equivalent to the offsite elevations upstream in Duette Preserve. The elevation of the stream drops to approximately 93 feet at the southern mine boundary, which also matches the elevation of the receiving stream channel downstream of the southern mine boundary.

The post-reclamation sub-basins east of Wingate Creek will be created by filling the mine voids with overburden dredged from mining areas and sand (tailings) separated from the ore matrix at the beneficiation plant, with the sand typically deposited after the overburden. Thus, in most areas, the topsoil and sub-soil will be sand, which is the same parent material as is found in native soils. The hydraulic conductivity of this proposed post-reclamation lithology will be higher than the native soils because the clay and silt-sized particles have been separated from the sand.

As shown on figure RAI-19A, the land surface elevations will increase gradually to an elevation above 112 feet along the eastern mine boundary; generally, the slope of the land surface will rise 12 feet in elevation over \pm 7,000 feet of distance, which equates to 0.17 percent.

Immediately adjacent to the stream channel, the proposed post-reclamation vegetative communities would consist of mixed wetland hardwood (FLUCFCS Code 617) and wetland mixed coniferous/hardwood forests (FLUCFCS Code 630); these communities would be planted at elevations mostly below 105 feet NGVD on the northern mine boundary to below 100 feet NGVD on the southern mine boundary. A nearly contiguous band of hardwood/conifer mixed forest (FLUCFCS Code 434) would be planted adjacent to the east of the riparian wetland forest at elevations between 105 and 106 feet NGVD to the north in Section 21 and below the 101-foot NGVD contour in Section 29 to the south. While these communities would be planted with upland species such as laurel oak and pine, they could become jurisdictional wetlands as the natural soil development processes occur because the hydrology will create saturated soils during portions of the year due to the seepage draining from the permeable sands placed to the east for over 1.25 miles.

A continuous swath of rangeland will be planted to the east up-slope of hardwood/conifer mixed forest to broaden the native habitat corridor along Wingate Creek and extending along the northern mine boundary to connect with similar habitat on the adjacent Duette Preserve as well as along the southern mine boundary to connect and integrate proposed pine flatwoods and herbaceous wetland communities. To the north, herbaceous rangeland species corresponding to FLUCFCS Code 310 would be planted. To the south, shrub species corresponding to FLUCFCS Code 320 would be planted.

The rangeland communities would be planted on lands graded to elevations ranging from below 100 feet NGVD to over 110 feet NGVD. All of the rangeland communities would be positioned in the landscape down-slope of pasture and xeric oak forest communities. As such, much of the rangeland would fall within the "mesic" category, with portions of the lowermost elevations periodically becoming saturated/inundated as defined on Page 18 of the Manatee County Phosphate Mining Reclamation Manual. Along the northern mine boundary, the rangeland would transition from mesic to xeric as the land surface elevation increases from west to east.

Above the rangeland communities, pastures are proposed to be established on land elevations ranging from 102 feet NGVD to over 112 feet NGVD, all of which will be uplands. Above 111 feet NGVD, a xeric oak community is proposed to be established. Due to the post-reclamation soil lithology proposed, the soils beneath the xeric oak forest community will be well drained and supportive of a

xeric vegetative community.

Along the southern mine boundary, three freshwater marshes are proposed to be established in Section 28 below the 102-foot NGVD contour. These wetlands will be seepage-driven because the contributing watersheds extend up-slope to above 111 feet NGVD with sand-based lithology similar to that described above. West of Wingate Creek, wetland mixed hardwood/conifer forest (FLUCFCS Code 630) and mixed wetland hardwood forest (FLUCFCS Code 617) communities are proposed to be established to form a riparian corridor that would be extended westward with the establishment of hardwood/conifer mixed forest (FLUCFCS Code 434) communities so as to connect and integrate the proposed post-reclamation lake to be located in Section 29 with the Wingate Creek native habitat corridor. Figure RAI-19A illustrates that the northern portion of the riparian corridor will be positioned down-slope of lands ranging from 104 feet NGVD to above 111 feet NGVD. The resulting slope would be 0.53 percent, which would create a seepage that could cause the northern portions of the hardwood/conifer mixed forest to become jurisdictional wetlands as the soils develop.

The lake proposed to be located in Section 29 west of Wingate Creek is located in the areas to be mined last; therefore, backfill used to slope and create the lake and littoral zone will come from stockpiles. The lake will drain into the historic Wingate Creek channel at the southern mine boundary.

To further illustrate the similarities between the pre-mining and the post-reclamation topography, Figure RAI-19B has been prepared. As shown on this figure, land surface elevations have been illustrated in a digital elevation model format for both the pre-mining and post-reclamation conditions. With the exception of the post-reclamation lake, the remaining land surface elevations are comparable to the pre-mining conditions.

In conclusion, Figures RAI-19A and B, together with the discussion presented above, illustrate and explain how the post-reclamation communities planned will be supported by the post-reclamation topography and lithology. The hydrology and hydraulic evaluation presented in Appendix 19-A supports the discussion by quantifying storm response flow rates and volumes. As noted therein, post-reclamation flow responses would never exceed pre-mining conditions and would always be within eight percent of pre-mining conditions. (SR2/Pages 2-5 - 2-8)

19. Mosaic suggests the following condition of approval regarding the balance of clays stored between Manatee and Hardee Counties be used: (SR2/Page 2-10)

"In order to maintain the clay balance between Manatee and Hardee counties, Mosaic shall comply with one of the following: 1) 8.0 MM tons of future clay storage capacity will be kept available within approved clay settling areas in Manatee County to balance

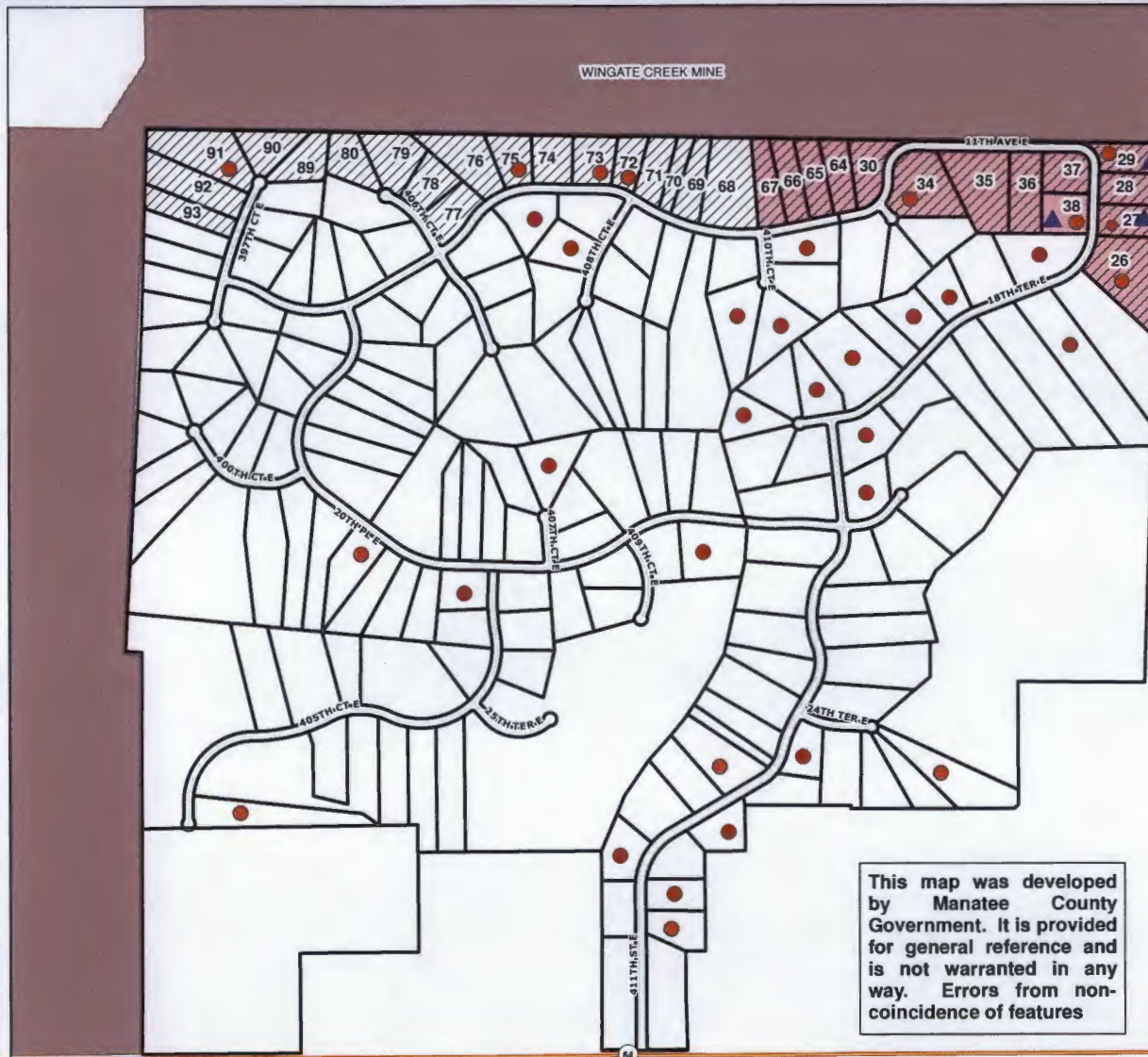
the clays stored in Hardee County from the initial mining block of the SE Tract; or 2) Mosaic will obtain a variance from Hardee County where no equivalent clay exchange is required. A summary of this condition shall be provided in the annual report until the condition is fulfilled."

Winding Creek

Legend

- Winding Creek
- Adjacent Parcels
- Winding_Creek_DO_Cond_4.c.12
- Well inventory and testing complete
- Single-Family Residence

Exhibit "H"



This map was developed by Manatee County Government. It is provided for general reference and is not warranted in any way. Errors from non-coincidence of features



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 28th day of
February, 2013

R.B. SHORE
Clerk of Circuit Court

By: [Signature] D.C.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

March 6, 2013

RECEIVED
MAR 11 2013
BOARD RECORDS

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

Attention: Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated February 28, 2013 and certified copy of Manatee County Ordinance No. 13-01 which was filed in this office on **March 5, 2013**.

As requested, a date stamped copy of the ordinance is being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/elr

Enclosure