

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	IMC-Agrico Ecosystem Management Team Permitting Agreement	TYPE AGENDA ITEM	Consent <i>Resume</i>
DATE REQUESTED	December 8, 1998	DATE SUBMITTED/REVISED	November 25, 1998
BRIEFINGS?/WHO?	None	CONSEQUENCES IF DEFERRED	None
DEPARTMENT/DIVISION	Planning/Community Planning	AUTHORIZED BY TITLE	Carol B. Clarke, AICP Director <i>CBC</i>
CONTACT PERSON TELEPHONE/EXTENSION	Robert H. Pederson ext. 6833	PRESENTER/TITLE TELEPHONE/EXTENSION	Robert H. Pederson, Community Planning Administrator, ext. 6833

ADMINISTRATIVE APPROVAL



ACTION DESIRED

INDICATE WHETHER ¹REPORT or ²DISCUSSION, ³FORM OF MOTION, or ⁴OTHER ACTION REQUIRED:

Authorization for the Chairman to execute the non-binding IMC-Agrico Ecosystem Management/Team Permitting Agreement.

ENABLING/REGULATING AUTHORITY

Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy.)

Florida Statutes 403.075 & 403.0752

BACKGROUND/DISCUSSION

Continued on page 2

APPROVED IN OPEN SESSION

HAS COUNTY ATTORNEY REVIEW BEEN REQUESTED? Indicate "NO" or "YES" @ right.
If "NO," proceed to 1A/1B below. If "YES," proceed to 2A/2B below

DEC 08 1998 ^{NO}

1) IF "NO" TO ABOVE.

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

A) PLEASE EXPLAIN BELOW: (see also following section 1B re: contract, agreement, lease, etc.)

The County Attorney's Office has previously reviewed the agreement and has participated in the Team Permitting meetings

B) IF A CONTRACT, AGREEMENT, LEASE OR OTHER DOCUMENT WAS PREVIOUSLY APPROVED, STATE YEAR OF LAST USE @ RIGHT: N/A


2) IF "YES" TO FIRST QUESTION IN THIS SECTION.

A) HAS ENTIRE MATTER, OR ONLY A PORTION, BEEN REVIEWED? IF ONLY A PORTION, WHICH PORTION?

N/A

B) HAVE ALL COMMENTS/SUGGESTIONS RAISED BY COUNTY ATTORNEY BEEN ADDRESSED/INCORPORATED; IF NOT, PLEASE EXPLAIN. A COPY OF FINAL COUNTY ATTORNEY MEMO RE THIS MATTER MUST BE ATTACHED. (If comments were verbal, so indicate.)

N/A

ATTACHMENTS: (List in order as attached) Non-binding Agreement	INSTRUCTIONS TO BOARD RECORDS: Please return executed original to Susan Waters (ext. 6855) for transmittal to DEP 
COST None	SOURCE (ACCT# & NAME) None
COMMENTS None	AMT./FREQ. OF RECURRING COSTS (ATTACH FISCAL IMPACT STATEMENT) None

BACKGROUND/DISCUSSION

Continued from page 1

- Manatee County has been participating in Team Permitting meetings for the proposed Pine Level Mine since October of 1997.
- The Planning, Environmental Management and Transportation Departments have been involved, in addition to the Mining Coordinator and the County Attorney's Office.
- The "non-binding" agreement describes the intent of Ecosystem Management, the agencies involved, and designates lead agencies for areas of technical expertise. A schedule of the Team Permitting process is also included.

Handwritten signature

Manatee County, Florida

By _____
Title _____

STATE OF FLORIDA

COUNTY OF _____

SWORN TO and subscribed before me this _____ day of _____, 1998, by _____, who is personally known to me/has produced _____ for identification.

Notary Public
State of Florida

10/16/98

Manatee County, Florida

By _____
Title _____

STATE OF FLORIDA

COUNTY OF _____

SWORN TO and subscribed before me this _____ day of _____, 1998, by _____, who is personally known to me/has produced _____ for identification.

Notary Public
State of Florida



Office of
**MANATEE COUNTY
ATTORNEY**

° Board Certified City, County & Local Government Law
† Board Certified Civil Trial

Teddy N. Williams, Jr., County Attorney
Mark P. Barnebey, Chief Assistant County Attorney *
Paul G. Bangel, Senior Assistant County Attorney *
William C. Henry, Senior Assistant County Attorney for Risk Management
Patricia McVoy, Senior Assistant County Attorney *
James A. Minix, Senior Assistant County Attorney †
Mitchell O. Palmer, Senior Assistant County Attorney
Jeffrey N. Steinsnyder, Senior Assistant County Attorney *

December 1, 1998

M E M O R A N D U M

TO: Carol B. Clarke, AICP, Director, Planning Department

THRU: Teddy N. Williams, Jr., County Attorney *TNW 12/1/98*

FROM: Jeffrey N. Steinsnyder, Senior Assistant County Attorney *JNS 12-1-98*

RE: **TEAM PERMITTING AGREEMENT FOR IMC-AGRICO COMPANY'S
PINE LEVEL MINING FACILITY
CAO FILE: 1073-004-A**

Attached to this memorandum is a final version of the Team Permitting Agreement to be entered by effected governmental agencies which are reviewing the IMC-Agrico Pine Level and Ona phosphate mines. In coordination with your staff, I have reviewed a number of drafts of this Agreement and find it to be in appropriate form for execution by the Board.

The Agreement can be summarized in the following fashion. The agencies which are participating in this project agree to commit the time and resources necessary to resolve the technical issues as expeditiously as possible. The Agreement does not entitle IMC-Agrico to a final DRI Development Order nor does it waive the final public hearing proceedings necessary for DRI approval before the local government. In essence, the Agreement is designed to attempt to streamline many duplicitive questions of multiple agencies and permitting processes which IMC-Agrico must comply with in order to seek approval of this phosphate mine. The process is estimated to take until September of 2000 to complete.

Attached is a replace signature page for use by the Board of County Commissioners.

Please have your staff schedule this for a Board meeting so that the Board may consider and act upon authorizing the Chairman to sign this agreement.

If you have any questions or comments, please feel free to contact me.

JNS/all
attachments

cc: Ernie Padgett, County Administrator
Karen M. Collins-Fleming, Director, Environmental Management Department

Office of County Attorney
1112 Manatee Avenue West, Suite 969, P.O. Box 1000, Bradenton, FL 34206



Department of Environmental Protection

2027

Lawton Chiles
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Virginia B. Wetherell
Secretary

MEMORANDUM

PLANNING

OCT 09 1998

DEPARTMENT

TO: All Signatories -- IMC-Agrico Company Ecosystem Management/ Team Permitting Agreement

FROM: Stacey D. Cowley *SDC*
Senior Assistant General Counsel

DATE: October 7, 1998

RE: Final Version for Execution

Enclosed is a "clean" and final copy of the IMC-Agrico Company Ecosystem Management/Team Permitting Agreement for review and execution by each of the parties. We have incorporated changes requested by the U.S. Army Corps of Engineers and we have clarified the responsibilities of the Department and SWFWMD (see page 4) and the coordination of technical review on certain issues (paragraph 3, page 11). Otherwise, the Agreement is consistent with the version distributed at the team meeting last June.

By this cover, a copy of the final agreement is being sent to each principal contact and alternative contact person for each signatory entity, so please coordinate execution of the final agreement within IMC-Agrico, and each agency or governmental entity. Once executed, please forward the original execution pages to me in Tallahassee for compilation of a complete, executed agreement.

Your cooperation throughout this process has been greatly appreciated

Enclosure



Lawton Chiles
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Received By
Manatee County At
Office
Date 10/9/98
Time 2:30 am
 Rec'd By Mail
 Rec'd By Hand-Delivery
 Rec'd By Fax

Virginia B. Wetherell
Secretary

MEMORANDUM

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Enclosure

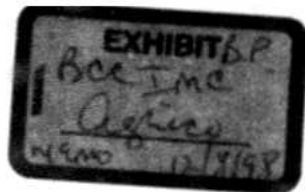
*Extra Copy of
Replaced Case*

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

By: _____
Chairman

ATTEST: R. B. SHORE

By: _____
Clerk of the Circuit Court



**MANATEE COUNTY GOVERNMENT
PLANNING DEPARTMENT**


DATE: September 16, 1998

TO: Board of County Commissioners

THRU: Ernie Padgett, County Administrator

FROM: Carol B. Clarke, AICP, Director
Planning Department

SUBJECT: Information Update - Phosphate Mining

9/18

 RECEIVED
 SEP 17 1998
 COUNTY ADMINISTRATOR
 MANATEE COUNTY

As you may know, County staff have participated in a number of meetings over the past few months regarding expansion of the phosphate industry in Manatee County. Since these meetings are leading to several DRI applications, we wanted to give the Board an overview of what is the works.

Essentially, the industry is moving to the south. Many of the mines in Hillsborough and Polk County are reaching the end of their reserves so the phosphate companies are planning for new mines to replace them. Two existing mines (4 Corners & Wingate Creek) will be expanding into new areas.

In order to bring everyone up to date about the industry, we have discussed the idea of a site visit to existing mines, beneficiation plants, reclamation areas, and future mine locations. These site visits would be open to the public and would also include the Planning Commission. Both IMC-Agrico and Nu-Gulf would like to participate and have offered their assistance in arranging the tours. For discussion purposes, December or January have been identified as possible dates. Should the Board want to accept this invitation, staff will be happy to coordinate the scheduling.

An outline of future mining activity is provided below:

Nu-Gulf Industries - Wingate Creek Mine (DRI#4)

In December of last year, the Board approved a 6.5 year extension of mining to July 31, 2004. Nu-Gulf is currently repairing the beneficiation plant and anticipates reopening within 30 days.

On June 12, Nu-Gulf filed a Notice of Proposed Change (NOPC) to add a third haul route for phosphate rock from the mine to Mulberry. The applicant also proposes to

use any qualified material transporter instead of Commercial Carrier only. This NOPC is scheduled for public hearings on October 8th (Planning Commission) and October 27th (BOCC).

On May 8th, the mine's parent company purchased about 4,500 acres immediately to the east of the current mine. This property is known as the Texaco tract and extends to east of Duette Road. We assume that the company will seek DRI approval to mine this land in the future.

IMC-Agrico - Four Corners Mine (DRI# 5)

Last year we held pre-application meetings with IMC about expanding the Four Corners Mine to the south. The company will seek DRI approval to add 6 separate tracts of land (just over 6,000 acres) to the mine. Three of the parcels are adjacent to the NE Manatee tract (north of SR 62 and west of SR 39), which has DRI approval for mining. The fourth site (the Altman tract) is located between SR 37 and SR 62 and lies between approved mining areas in Manatee (the Jameson tract) and Hardee Counties (Fort Green Mine). The remaining two sites are known as the southeast Duette tract. They contain about 2,800 acres and are located east of Duette Road (at Walker Road) and extend east to the Hardee County line. The Texaco tract is adjacent to the south and the Fort Green Southern Reserves (a Hardee County DRI) is to the east. Part of the land (about 450 acres) lies within the Lake Manatee watershed.

Recently IMC proposed to divide these properties into two separate applications. The first application will address the southeast Duette tract and will be filed in September. The application for the remaining tracts will be filed early next year.

IMC-Agrico - Pine Level and Ona Mines Team Permitting

The largest future expansion of mining will be the Pine Level and Ona mines. The Ona mine is located in Hardee County (adjacent to Manatee) and contains about 23,000 acres. The 24,000 acre Pine Level mine is in Desoto and Manatee Counties, with about 6,000 acres in Manatee. IMC, all regulatory agencies, and local governments are participating in a Team Permitting process for these mines. This process began in October of last year.

Team Permitting is a new way in which to approach the multiple layers of permits that are required for very large and complex projects such as a phosphate mine. Team Permitting was authorized by the Legislature in 1997 and is based on ecosystem management and a concept of Net Ecosystem Benefit (NEB). The NEB concept is that a holistic team approach to environmental review and permitting will have a net and

identifiable benefit to ecosystems, when compared to the traditional method of each agency issuing individual permits. For example, the impacts of both mines can be evaluated together instead of separately if traditional permits were applied for.

Other examples of NEB and the Team Permitting approach include greenway connections and integrated habitat corridors. IMC is also willing to consider other property in their ownership to be included when determining NEB. Under the standard permit approach, our review and conditions of approval would be limited to the individual mine site(s) alone.

Perhaps the most important benefit has the early public involvement. Interested organizations and individuals were invited to participate and a Public Workgroup was formed. This group has been involved in developing the consolidated permit application and defining the methodologies of how resources are studied and impacts evaluated. Such early and formal involvement is not be the case with a traditional DRI application.

County staff continues to participate in this process. At this point, the application format and study methodologies have established. IMC is in the process of doing the baseline studies and developing their application and mining plans. The schedule anticipates that applications will be filed in April of 1999, with hearings next fall. The company hopes to have permits in hand by January, 2000. The mine development phase would then commence and mining is expected to last for 20 to 30 years.

We will keep you informed as this process continues. Please contact Robert Pederson of staff if you have any questions or we can be of further assistance.