

**WHEREAS**, the Board of County Commissioners of Manatee County, on January 26 and 30, 2017 and February 15, 2017, held duly-noticed public hearings on the Wingate East Mine\* and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County agencies and the applicant; and

**WHEREAS**, the Manatee County Board of County Commissioners has received and considered the review and report of the Manatee County Planning Commission; and

**WHEREAS**, the Board of County Commissioners of Manatee County finds that the application for a Master Mining Plan meets the standards for Master Mining Plan contained in Ordinance 04-39\* and is consistent with the Manatee County Comprehensive Plan (Ordinance 89-01, as amended).

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Manatee County, Florida, that the Board approves the Master Mining Plan for the Wingate East Mine, subject to the conditions, limitations and restrictions set forth as follows:

**SECTION A. APPROVAL OF WINGATE EAST MINE\* MASTER MINING PLAN.**

This Resolution (R-17-017) establishes a Master Mining Plan Approval for the Wingate East Mine\* to be processed through the Wingate Creek Mine\* beneficiation plant with waste clays deposited in WE-1, as well as FM-1 and FM-2 on Southeast Tract\*.

Prior to or coincident with an application for an Operating Permit for the Wingate East Mine\*, the Developer\* shall submit applications for amendments to the Wingate Creek Mine\* and the Southeast Tract\* Master Mining Plans and Operating Permits. Such applications shall include those changes necessary to implement the Master Mining Plan and Operating Permit for the Wingate East Mine\* including, but not limited to, haul routes and transportation issues, waste clay storage and clay settling areas management, transporting and processing of matrix and sand tailings, and life of mines. The processing of these applications will not be stayed by the provisions of Section C.51 herein.

**SECTION B. FINDINGS.**

The Board of County Commissioners, after considering the testimony, evidence, documentation, Application for Master Mining Plan, and all other matters presented to the Board at the public hearings hereby makes the following findings of fact:

1. All **“WHEREAS”** clauses in this Resolution are adopted as findings of fact.
2. The real property which is the subject of this application is the Wingate East Mine\* consisting of ±4,341 acres, legally as described in Exhibit A and shown on Figure A, both of which are attached to and made part of this Resolution.
3. The owner and Developer\* of the Wingate Creek Mine\* and the Wingate East Mine\* and the Southeast Tract\* is Mosaic Fertilizer, LLC.

4. The authorized agent for the Developer\* is Michael DeNeve, 13830 Circa Crossing Drive, Lithia, Florida 33547.
5. For purposes of this application, the Developer\* is Mosaic Fertilizer, LLC.
6. On August 18, 2016, the Planning Commission held public hearings regarding the Application for the Master Mining Plan for the Wingate East Mine\*, in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended), and the Manatee County Comprehensive Plan (Ordinance 89-01, as amended), Manatee County Phosphate Mining Code (Ordinance 04-39\*), and has further considered the testimony, comments and information received at the public hearings.
7. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the Application for the Master Mining Plan as it relates to the real Property described in Exhibit A of this Resolution.
8. On January 26 and 30, 2017 and February 15, 2017, the Board of County Commissioners held public hearing regarding the Application for the Master Mining Plan for the Wingate East Mine\*, in accordance with the requirements of the Manatee County Comprehensive Plan (Ordinance 89-01, as amended), and Manatee County Chapter 2-20 Phosphate Mining Code Ordinance 04-39\*, and has further considered the testimony, comments and information received at the public hearings.
9. The Master Mining Plan for the Wingate East Mine\* is found to be consistent with the requirements of the 2020 Manatee County Comprehensive Plan, and the Manatee County Chapter 2-20 Phosphate Mining Code (Ordinance 04-39\*), provided the Development proceeds in accordance with the Conditions specified in this Resolution and all subsequent operating permits.
10. Specifically with regard to Comprehensive Plan Policy 3.3.1.1, the Developer\* has demonstrated that:
  - a. This Master Mining Plan and any subsequent Operating Permit will impose standards of assurance that the impacted wetlands will be reclaimed in accordance with the requirements of Manatee County Ordinance 04-39\*, including conditions for reclamation, bonding and surety requirements.
  - b. The Environmental Resource Permit No. 0095520-025 evaluated wetland impacts utilizing the Uniform Mitigation Assessment Method (UMAM) to determine the requirements for wetland mitigation in accordance with Comprehensive Plan Policy 3.3.1.3.
  - c. Phosphate mining activities, unlike other types of development subject to the requirements of Comprehensive Plan Policy 3.3.1.1, are statutorily categorized as a temporary use to extract a mineral of important public concern, such that compliance with Comprehensive Plan Policy 3.3.1.1 must be determined on a case-by-case basis, in light of the unique circumstances of the subject property, the quality and functionality of impacted wetlands, and the assurance provided by the Developer\* that such wetlands can and will be reclaimed in accordance with

mining setbacks, however, no mining disturbance and no part of the BMP\* (perimeter) ditch and berm system may be located in these areas if vegetated with native plant species, except where post-reclamation wetlands are designed to be contiguous with existing wetlands or where post-reclamation stream connections occur. In locations where exotic vegetation is prevalent, the BMP\* protection berm may be located in the Buffer Zone\*.

- c. During Operating Permit application(s), the applicant shall provide detailed BMP\* plans, including Buffer Zones\* and areas of wetland and stream connections.

19. Hours of Operations: Hours for operations of the mine are typically 24 hours per day, 7 days per week. Mosaic agrees to abate noise from dredging operations by not using horns for communications on the dredge from 7 PM to 9 AM. Alternatives to horn use for communication will be explored. If there are complaints or concerns on noise or light issues, Wingate East Mine operations personnel can be contacted at 941-322-6801, to promptly investigate and reach a fair resolution in consultation with Manatee County.

20. Setbacks: Minimum mine cut setbacks and setbacks for the perimeter recharge ditch shall be maintained as follows:

- a. 1,000 feet of a habitable structure existing at the time of initial application for Master Mining and Reclamation Plan\* approval, unless waived by affected habitable structure owner;
- b. 500 feet of Developer\* (Mosaic Fertilizer, LLC) property line, where setback waivers have not been obtained.
- c. A setback waiver has been granted along the Developer\* / Manatee County property line adjacent to Duette Park. This is in addition to the previous setback waiver granted to the existing utility corridor and drainage ditches as part of the Wingate Corridor Parcel\* in Resolution R-08-009. Slurry pipes shall be located interior of the isolator/deflector berm when located adjacent to Duette Park. Details are depicted on Map A-3 and Figure 5-A;
- d. A setback waiver has been granted for the following mining activities within 1,000 feet of offsite wetland(s) in Duette Park: reduction from 1,000 feet to 100 feet in order to perform mining activities and for the placement of slurry pipelines and pumps. No mining extraction of overburden or phosphate ore to occur within 1,000 feet of wetland(s).
- e. A setback waiver has been granted to the Developer\* to 140 feet along the public right-of-way (Duette Road) as described in the Mine-Cut Highwall Slope and Crest Stability Analyses Duette Road Setback Waiver Request (see Exhibit F). Backfilling of lands on one side of the roadway, to the prescribed roadway setback distance of 200 feet, shall be completed before mining and dewatering may occur on the other side. Within the remaining setback area (140 feet along Duette Road), where the Developer\* owns property on both sides of the roadway, the Developer\* may construct an earthen berm, 6'-8' in height above the roadway elevation. Where the Developer\* does not own property on both sides of the roadway, the earthen berm shall be constructed between 80 feet to 50 feet of the right-of-way. f. Nothing in this requirement shall prevent the reduction of setbacks pursuant to Ordinance 04-39\*. All such setbacks shall be shown in the Operating Permit and shall be specifically approved by the Board of County Commissioners.
- f. Nothing in this requirement shall prevent the reduction of setbacks pursuant to Ordinance 04-39\*. All such setbacks shall be shown in the Operating Permit and shall be specifically approved by the Board of County Commissioners.

- b. Spill containment areas shall be established outside the 25-Year floodplain\*.
  - c. Pipelines shall be routinely inspected by operating personnel and the system shall be shut down if a spill occurs until the source of the spill is corrected.
  - d. All utility crossings shall be elevated above the 25-Year Floodplain\* level.
  - e. Slurry pipes shall be isolated from the Lake Manatee Watershed by an isolator/deflector berm. Secondary containment measures shall include flange guards at pipe joints and inspections twice per shift as additional protection from an unlikely unintended discharge event.
47. Developer's Commitments: All of the Developer's Commitments, which are set forth in Exhibit G of Ordinance 08-20 for the Wingate Corridor Parcel\* shall be honored, except as they may be superseded by specific terms of this Master Mining Plan.
48. Overriding Public Benefit Project: For the promotion and benefit of the health, safety, and welfare of the citizens of Manatee County, the Developer shall provide additional habitats for preservation and enhancement. These projects shall offset any temporary loss of habitat and stream functions during mining and reclamation. Manatee County will be granted a conservation easement over both projects with enforcement rights.
- a. Myakka River Headwaters Restoration Project: Details of the offsite Myakka River headwaters preservation and enhancement project are contained in Exhibit H. This project shall be initiated within 6 months of obtaining appropriate permits from all permitting agencies. The project will preserve 193 acres of wetlands and uplands adjacent to the Wingate East Mine. Restoration and enhancement activities include: recreation of 692 linear feet of Myakka River stream channel to dissipate excessive fluvial forces and improve in-stream habitat structure, creation of bottomland swamp and wet prairies, and restoring pine flatwoods.
  - b. Additional Offsite Project: Pursuant to the Designated Fund Agreement proffered by the Developer\* at public hearing, the Developer\* has independently committed to donate \$2.5 million dollars to the Manatee Community Foundation which in turn will allow the Conservation Foundation of the Gulf Coast to acquire a parcel for preservation or enable the latter to enhance an existing project in the upper Myakka River watershed in Manatee County with similar environmental benefits as the Myakka River Headwaters Restoration Project. The funding provided for in the agreement with the Manatee Community Foundation shall occur as provided in Section C.51. The Manatee Community Foundation will provide County staff with sixty (60) days' notice prior to proceeding with a parcel purchase or enhancement to ensure compliance with the commitment.
49. Definitions: Except as specifically defined herein, terms used in this Resolution shall govern and be defined in a manner consistent with the Manatee County Phosphate Mining & Reclamation Code Chapter 2-20.
- a. "Appendix E\*" shall mean the Manatee County Chapter 2-20 Phosphate Mining Code – Ordinance 04-39 Appendix E - Reclamation Manual.
  - b. "Application for Master Mining Plan" shall mean the Mosaic Fertilizer, LLC Development of Wingate East Master Mining Plan Application, dated December 23, 2014, resubmittals of May 22, 2015 and September 16, 2015, and all following

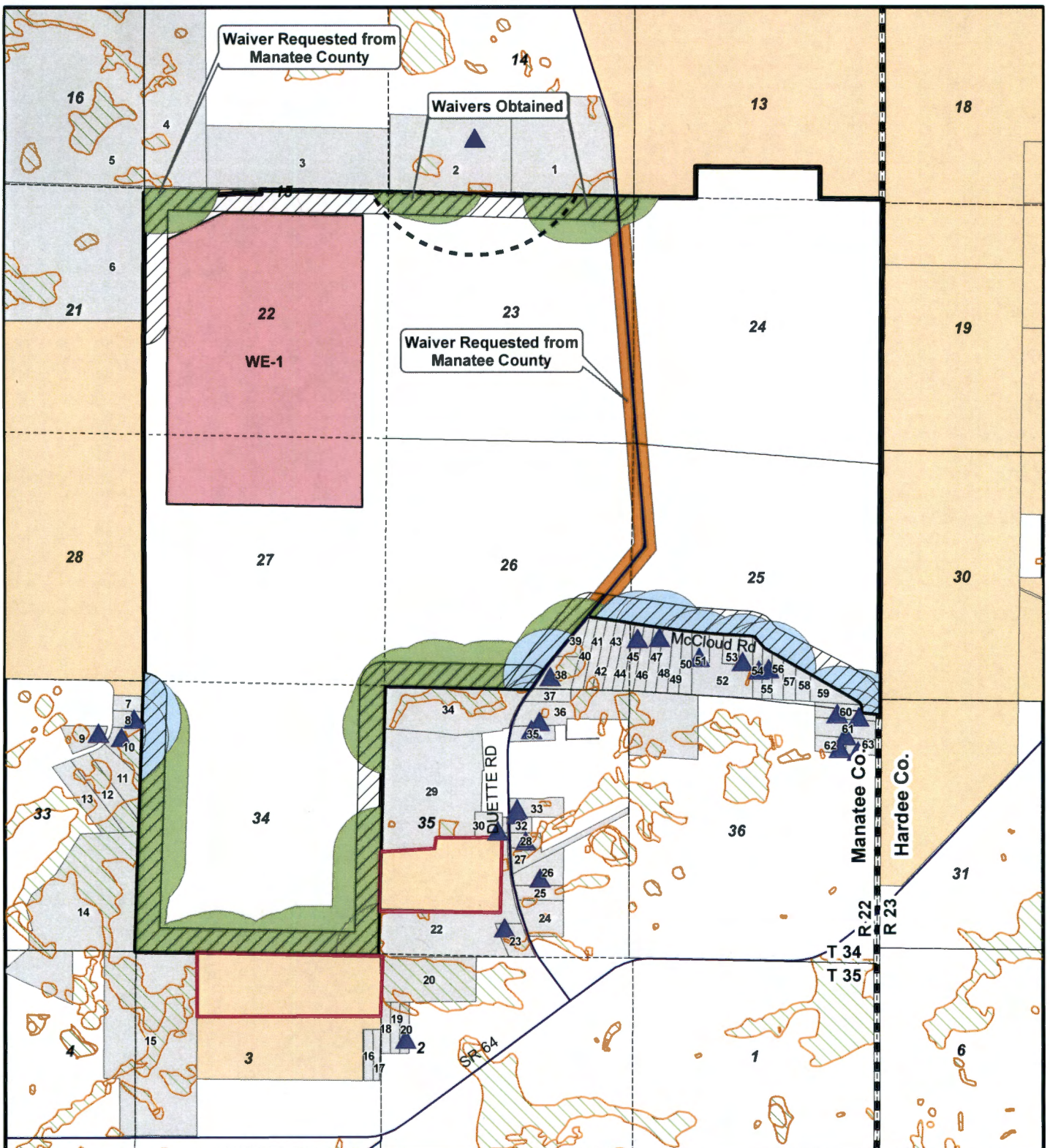
**Table 3-4-A Clay Settling Area Summary**

Characteristics	Clay Settling Areas		
	FM-1*	FM-2*	WE-1**
Total Footprint (Acres)	384	463	588
% Within the Wingate East Mine Boundary	0%	0%	32%
Effective Area (Acres)	275	378	431
Dam Height (Feet)	40	40	50
Approximate Dam Elevation (feet, NGVD)	164	164	162
Effective Depth (Feet)	64.6	71.5	126.7
Approximate Natural Ground Elevation (Ft.)	NA	124	112
Approximate Final Height Above Grade (Ft.)	29.7	28.1	25.0
Effective Volume (Acre-Feet)	17,760	27,036	54,644

Clay Disposal by Mine Area:	Wingate East Ponds	Manson Jenkins Ponds	Total
Dry Clay Tons (million)	8.6	17.0	25.5
% of total (clay)	34%	67%	100%
CSA Footprint % of Total Wingate East Mine Boundary	4%	NA	NA

\* Located on the Manson Jenkins (Fort Green) Mine

\*\* Portions of proposed WE pond are within Wingate Extension Mine boundary



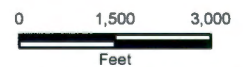
**Legend**

- County Lines
- Section Lines
- Roads
- Wingate East Boundary
- Off Site Mitigation Project Parcels
- WE-1 Clay Settling Area
- Habitable Structures within 1000'
- SWFWMD Offsite Wetlands
- Adjacent Parcels
- Mosaic Property
- 200' ROW Setback
- 500' Adjacent Property Setback
- 1000' Habitable Structure Setback
- 1000' Wetland Setback
- 2500' Habitable Structure Setback for CSA

Setback	Proposed Activity
500' from Adjacent Property to Duette	BMP / Corridor Area - 100' from boundary - including: ditches, berms, roads, pumps, deflection berms, pipelines
1000' from Wetland	Same BMP / Corridor Activities proposed in the 500' Setback
200' from Duette Right-of-Way	BMP / Corridor Area adjacent to ROW; Overburden Stripping (i.e. mine cut) 140' from ROW



**Wingate East**  
**Manatee County**  
**Master Mine Plan**  
**Map A-3**  
**Setbacks**



16

15

14

13

18

\*No New Overburden Stripping or Matrix Extraction is proposed within Setback Areas adjacent to Duette Preserve.

21

19

28

30

33

31

4

3

2

1

6

SR 64

DUETTE RD

Manatee Co.

Hardee Co.

R 22

R 23

T 34

T 35

Legend

- Corridors
- BMP Area
- Permitted Mining Areas (Wingate Extension)
- Wingate East Boundary
- Section Lines
- Avoided Area
- County Lines
- Roads

Mining Sequence: Mine Year

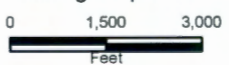
2014	2018	2022	2026	2030
2015	2019	2023	2027	2031
2016	2020	2024	2028	2032
2017	2021	2025	2029	2033
				2034

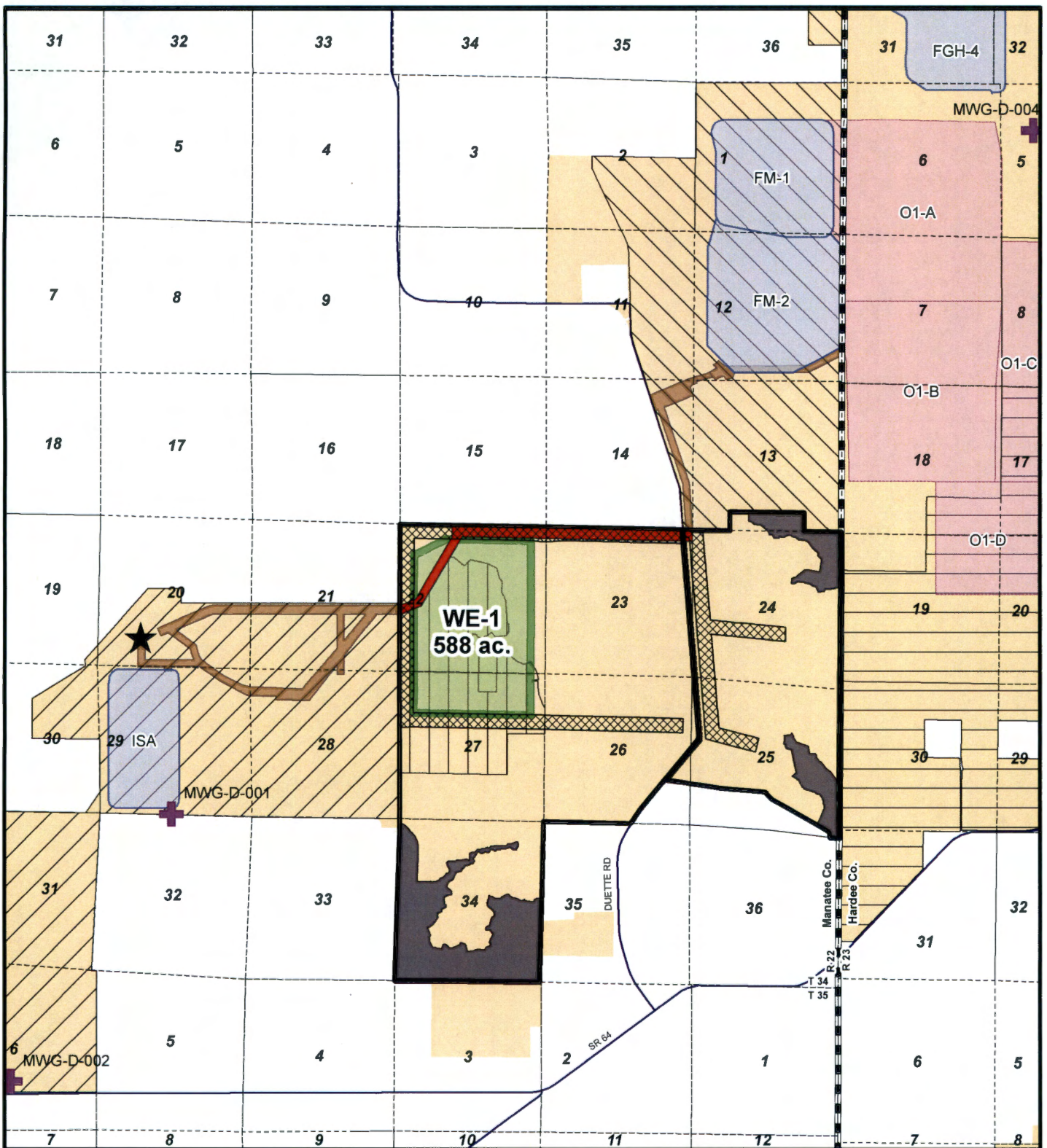
*This map is given as an example only. The area, location, sequence, and dates are subject to change due to economics, geology, permit requirements, etc...*



Manatee County Master Mine Plan

Map H-3 Mining Sequence





**Legend**

-  Wingate East MMP Boundary (Proposed)
-  Wingate Creek Mine Permit Boundary (R-13-001)
-  Wingate Extension Boundary (R-12-01)
-  Southeast Tract Parcel Boundary (R-08-009)
-  Wingate Corridor Parcel Boundary (R-08-009)
-  Ona Boundary (Proposed)
-  Other Mosaic Property
-  Section Lines
-  County Lines
-  Roads
-  Wingate Plant (Existing)
-  Existing NPDES Outfalls
-  Existing Corridors
-  Corridors (Proposed)
-  Wingate East Clay Settling Areas (Proposed)
-  Clay Settling Areas (Active)
-  Ona Clay Settling Areas (Proposed)
-  Avoided Area / Native Soils

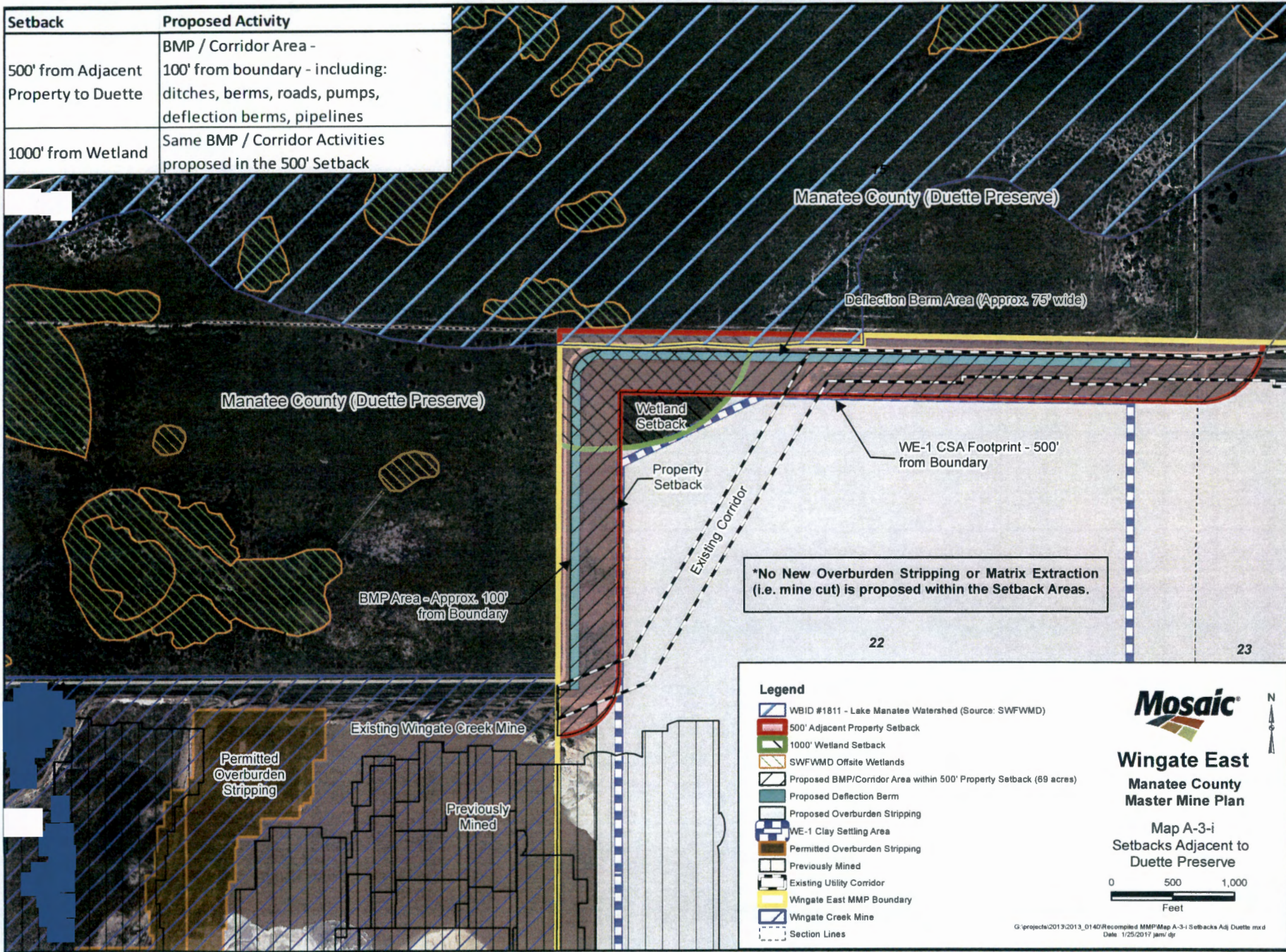
**Mosaic**  
Wingate East

**Manatee County  
Master Mine Plan**  
Map H-6  
Clay Settling Area Locations





Setback	Proposed Activity
500' from Adjacent Property to Duette	BMP / Corridor Area - 100' from boundary - including: ditches, berms, roads, pumps, deflection berms, pipelines
1000' from Wetland	Same BMP / Corridor Activities proposed in the 500' Setback



\*No New Overburden Stripping or Matrix Extraction (i.e. mine cut) is proposed within the Setback Areas.

- Legend**
- WBID #1811 - Lake Manatee Watershed (Source: SWFWMD)
  - 500' Adjacent Property Setback
  - 1000' Wetland Setback
  - SWFWMD Offsite Wetlands
  - Proposed BMP/Corridor Area within 500' Property Setback (69 acres)
  - Proposed Deflection Berm
  - Proposed Overburden Stripping
  - WE-1 Clay Settling Area
  - Permitted Overburden Stripping
  - Previously Mined
  - Existing Utility Corridor
  - Wingate East MMP Boundary
  - Wingate Creek Mine
  - Section Lines

**Mosaic**

**Wingate East  
Manatee County  
Master Mine Plan**

Map A-3-i  
Setbacks Adjacent to  
Duette Preserve

0 500 1,000  
Feet