

MEMORANDUM

To: Robert Brown, Environmental Protections Division
Manager

From: Bobbi Roy, Senior Planning & Zoning Technician/Planning
Coordinator

Date: **May 23, 2018**

Subject: Agenda Update for the May 24, 2018 Board of County
Commissioners Special Land Use Meeting



THIS MEMO AND THE CHANGES INDICATED BELOW ARE REFLECTED IN THE ELECTRONIC AGENDA (E-AGENDA)

Public Comment letters attached for all of the items on the agenda.

Building and Development Services
Public Hearings
1112 Manatee Avenue West
Phone number: (941) 748-4501 ext. 6878

Bobbi Roy

From: Sarah Schenk
Sent: Tuesday, May 22, 2018 4:13 PM
To: Bobbi Roy
Subject: FW: Mosaic Manatee - ManaSoto-88

For the public hearing record.

From: Robin DiSabatino
Sent: Tuesday, May 22, 2018 3:14 PM
To: Sarah Schenk <sarah.schenk@mymanatee.org>; William Clague <william.clague@mymanatee.org>
Subject: Fwd: Mosaic Manatee - ManaSoto-88

Cordially Sent from my cell

Robin Sue DiSabatino
Manatee County Commissioner
District 4
941-685-5368

Begin forwarded message:

From: Barbara Angelucci <B4mgh@live.com>
Date: May 22, 2018 at 3:01:06 PM EDT
To: Priscilla Whisenant Trace <priscilla.whisenanttrace@mymanatee.org>, "Robin DiSabatino" <robin.disabatino@mymanatee.org>, "charles.smith@mymanatee.org" <charles.smith@mymanatee.org>, "steve.jonsson@mymanatee.org" <steve.jonsson@mymanatee.org>, Vanessa Baugh <vanessa.baugh@mymanatee.org>, Carol Whitmore <carol.whitmore@mymanatee.org>, Betsy Benac <betsy.benac@mymanatee.org>
Subject: Mosaic Manatee - ManaSoto-88

Mr. Glen Compton submitted comments to the Planning Commission Public Hearing on the Wingate Creek Mine Master Mining Plan Amendment R-18-012, April 23, 2018. He has asked me to forward those comments to the Board as he is out of state. I trust you will read them before Thursday's meeting. Thank you.

Barbara A. Angelucci

Subject: Re: Mosaic Manatee

FYI

Comments for Mondays planning commission public hearing.

Via electronic mail to:

Planning.agenda@mymanatee.org rob.brown@mymanatee.org

William E. Conerly, P.E. - Chairman
Manatee County Planning Commission
1112 Manatee Ave. West Bradenton FL 34205

Re: Wingate Creek Mine Master Mining Plan Amendment R-18-012, April 23, 2018
Planning Commission Meeting Agenda Item #3

Dear Planning Commissioners:

These comments are submitted on behalf of ManaSota-88, Inc. ("ManaSota-88"), a public interest conservation and environmental protection organization, which is a Florida not-for-profit corporation and a citizen of the State of Florida. The corporate purposes of ManaSota-88 include the protection and preservation of water quality and wildlife habitat in Manatee and Sarasota Counties.

ACTION REQUESTED

ManaSota-88 recommends denial of Resolution No. R-18-012, Master Mining Plan Amendment for the Wingate Creek Mine for the following reasons:

1. NO PUBLIC BENEFIT

The Applicant (Mosaic Fertilizer, LLC.) proposes to extend the termination date of the mining life and trucking schedule by 14 years to 2037 and extend the life of reclamation to 2042, yet the Applicant will not be subject to any new conditions on their operations.

The Conceptual Reclamation Plan allows the Applicant to meet standards and requirements of outdated reclamation technologies, namely the reclamation of the 2011 Amendment Areas subject to Ordinance 04- 39 and Ordinance 81-22.

There is no public benefit for allowing the Applicant to use reclamation standards that date back as far as 1981.

In exchange for granting an extension of the mining life and trucking schedule, the Applicant should give up their vested rights and not be permitted to utilize outdated reclamation standards for environmental resource protection. At a minimum, the Applicant should be required to use Best Possible Technology for reclamation as defined in Ordinance 04-39.

This amendment allows Mosaic Fertilizer, LLC. to utilize the minimal requirements for reclamation and transportation. Additionally, there are no transportation improvements proposed as part of the requested Master Mining Plan amendment.

2. INCREASED COSTS TO TAXPAYERS

A longer reclamation time frame increases the risk that taxpayers will fund reclamation costs if reclamation fails or the Applicant goes bankrupt. The failure of reclamation puts the public at risk for the cost of proper restoration and maintenance of these lands.

3. TEMPORAL LOSS OF HABITAT IS EXTENDED

The time lag between the loss of environmental resource functions caused by phosphate mining impacts and the replacement of environmental resource functions is extended. The Applicant is requesting an extension in time for habitat loss, degradation and fragmentation. The loss of plant and animal habitat leads to local species extinctions and a loss of diversity.

No environmental or public benefit is gained by extension of the termination date of the mining life or extension of the life of reclamation.

4. INCONSISTANT COMPREHENSIVE PLAN OBJECTIVES & POLICIES

Resolution R-18-012 is inconsistent with the following Objectives and Policies of the Manatee County Comprehensive Plan and Phosphate Mining Code 04- 39 :

Policy 2.1.2.7 Review all proposed development for compatibility and appropriate timing. This analysis shall include: types of land uses, transition between land uses, density and intensity of land uses, natural features, approved development in the area, availability of adequate roadways, adequate centralized water and sewer facilities, other necessary infrastructure and services.

ManaSota-88 Comment: A Cumulative Impacts Assessment for the extension of the life of the Wingate Creek strip mine has not been done as required by 04-39 - Manatee County Phosphate Mining Code.

Amendment R-18-012 does not address compatibility and appropriate timing regarding the transition between land uses with respect to the loss of agricultural land productivity and the temporal loss of habitat.

Objective: 3.3.2 Wildlife and Upland Habitat Protection: Protect and preserve native wildlife, endangered, threatened and species of special concern, and native upland habitat through appropriate acquisition, restoration, and development controls to provide: areas for passive recreation and enhanced quality of life; large pervious areas for improved water quality and groundwater recharge; species biodiversity; and natural area greenways.

ManaSota-88 Comment: Phosphate Mining Ordinance 04-39 states:

All proposed mining activities shall occur in a manner and sequence that results in the minimum adverse impacts necessary to carry out such mining activities, in light of both direct anticipated impacts of such mining activities, and the cumulative impacts of such mining activities together with the impacts

of other mining activities addressed under a Cumulative impacts assessment conducted pursuant to Appendix D of Ordinance No. 04-39.

Extending the life of the Wingate Creek mine does not minimize adverse impacts, extension increases negative impacts on native habitat recovery and protections for wetlands and wildlife due to temporal loss of habitat.

Again, the Applicant has not conducted the Cumulative Impact Assessment requirement of Ordinance No. 04-39 for extension of the life of reclamation to 2042.

Policy 3.3.1.3—When development related impacts are unavoidable require that all development-related impacts to wetlands be mitigated.

ManaSota-88 Comment: No changes to the mitigation plan are proposed with the requested Master Mining Plan amendment.

Mosaic Fertilizer, LLC's proposal remains inconsistent with Comprehensive Plan Policy 3.3.1.1, which prohibits removal, alteration, or encroachment within wetlands and requires the Applicant to demonstrate avoidance of wetlands before causing an impact.

There is the outstanding and unresolved controversy of whether the Applicant will provide reasonable assurances that they can perform the reclamation activities they say they can, which is the central issue of dispute of extending the life of reclamation to 2042.

Policy 2.3.2.1—Require that all development or land use activities utilize soil stabilization procedures and construction best management practices to minimize soil erosion and transport during the project development phase.

ManaSota-88 Comment : Phosphate Mining Ordinance No. 04-39 requires the Developer to utilize Best Management Practices for all mined or disturbed lands in order to accelerate and ensure the successful establishment of the natural vegetative associations that the reclamation areas are designed to support.

The Master Mining Plan amendment directly contradicts the Phosphate Mining Ordinance as the proposed amendment does not accelerate, but rather delays, successful establishment of natural vegetation over the lifetime of the mine.

Objective 3.4.2—Mineral Resource Extraction: Promote efficient, environmentally sound, utilization and extraction of mineral resources to conserve natural resources and to ensure that the natural environment is protected from adverse impacts.

ManaSota-88 Comment: Extending the termination date of the mining life and trucking schedule by 14 years to 2037 and extending the life of reclamation to 2042 is neither efficient nor environmentally sound.

ManaSota-88, Inc.
P.O. Box 1728
Nokomis, Florida 34274
(941) 966-6256
<http://www.manasota88.org>

Bobbi Roy

From: Carol Whitmore
Sent: Monday, May 21, 2018 6:20 PM
To: Bobbi Roy; William Clague; Robert Brown; Charlie Hunsicker
Subject: Fwd: Mosaic

FYI
Carol

Sent from my iPhone/ excuse spelling errors as I dictate most of my emails and at times am driving.

Begin forwarded message:

From: Glen Gibellina <glenfedede@yahoo.com>
Date: May 21, 2018 at 5:56:10 PM EDT
To: BOCC Priscilla Whisenant Trace <priscilla.trace@mymanatee.org>, Robin DiSabatino <robin.disabatino@mymanatee.org>, Charlie Smith <charles.smith@mymanatee.org>, Carol Whitmore <carol.whitmore@mymanatee.org>, Betsy Benac <betsy.benac@mymanatee.org>, "BOCC Stephen R. Jonosson" <steve.jonosson@mymanatee.org>, Vanessa Baugh <vanessa.baugh@mymanatee.org>
Subject: Mosaic
Reply-To: Glen Gibellina <glenfedede@yahoo.com>

FYI....
See you Thursday

Mosaic to dilute polluted waste so it can be dumped into creeks

<http://www.tampabay.com/news/environment/water/phosphate-giant-mosaic-pumps-from-floridas-aquifer-to-dilute-its-pollution/2132394>

The Wingate East parcel contains 893 acres of NWI wetlands and 758 acres of SWFWMD wetlands. SWFWMD wetlands comprise 20.8% of the site.
<http://cdm16021.contentdm.oclc.org/utils/getfile/collection/p16021coll7/id/6182>

***Glen Gibellina....Community Activist
The activist is not the man who says the river is dirty,
The activist is the man who cleans up the river.
Ross Perot***

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SAY "NO"
MOSAIC