

RESOLUTION NO. _____

HARDEE COUNTY, FLORIDA

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HARDEE COUNTY, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL (ADA) FOR A DEVELOPMENT OF REGIONAL IMPACT (DRI), AND APPROVING: (1) A MASTER MINING AND RECLAMATION PLAN APPLICATION, (2) A MAJOR SPECIAL EXCEPTION USE PERMIT APPLICATION, AND (3) A UNIT PLAN APPLICATION FILED BY MOSAIC FERTILIZER, L.L.C. FOR THE SOUTH FORT MEADE- HARDEE COUNTY MINE; PROVIDING DEVELOPMENT RIGHTS, CONDITIONS, AND OBLIGATIONS; PROVIDING FOR SERVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Mosaic Fertilizer, L.L.C. ("Mosaic"), a Delaware limited liability corporation, authorized to do business in the State of Florida, proposes mining activities in Hardee County, Florida, known as the South Fort Meade Mine-Hardee County, a legal description of which is contained in Section 4 of this Resolution; and

WHEREAS, the South Fort Meade Mine- Hardee County is owned by Mosaic and the South Ft. Meade Partnership; and

WHEREAS, Mosaic has the authority to request permits to mine the South Fort Meade Mine- Hardee County; and

WHEREAS, Mosaic's proposed mining activities constitute a Development of Regional Impact ("DRI") as that term is defined in Chapter 380, Florida Statutes; and

WHEREAS, Mosaic's proposed mining activities are regulated by the Hardee County Comprehensive Plan and, among other things, fall within the scope of Policy L 1.10, which provides for a mine overlay district on the Future Land Use Map ("FLUM"); and

WHEREAS, Mosaic's proposed mining activities fall within the scope of the County Mining Code as set forth in Article II of the Hardee County Land Development Code ("LDC"), which restricts phosphate mining activities to areas zoned A-1 agricultural district with an M-1 mining district overlay; and

WHEREAS, the LDC requires approval of a Master Mining and Reclamation Plan, a Major Special Exception Use Permit, evidence of financial responsibility, and a Unit Plan for the initial unit of mining; and

WHEREAS, the scope of the proposed mining activity also required that Mosaic also file an Application for Development Approval as a DRI and that the application be processed and reviewed according to the procedures established in Section 380.06, Florida Statutes;

WHEREAS, Mosaic filed with the Board of County Commissioners of Hardee County, Florida, (the "Board"), a political subdivision of the State of Florida, the following:

1. An Application for Development Approval for a DRI pursuant to the provisions of Section 380.06, Florida Statutes, dated May 5, 2006, followed by 3 additional information submittals dated November 29, 2006, May 18, 2007, and September 13, 2007, (hereinafter collectively referred to as the "ADA;") and
2. An application for a Permit for Mineral Extraction, consisting of a Master Mining and Reclamation Plan (as included with the Master Mine Plan for the SFM – HC in the ADA), dated September 21, 2007; and
3. An Application for a Major Special Exception Use Permit dated May 2006, and updated in December 2006; and
4. Evidence of Financial Responsibility, submitted with the 2007 Annual Report for initial SFM-HC activities and required each year thereafter in conjunction with the annual review, under Sections 3.14.02.05 B 03 and 3.14.02.05 C 03 of the Hardee County Mining Ordinance.
5. An Application for Unit Plan approval dated October 2, 2007; and

WHEREAS, the Mosaic Application for Development Approval of a Development of Regional Impact, together with all sufficiency responses, has been reviewed by the Central Florida Regional Planning Council ("CFRPC"), Hardee County Staff, and other regulatory

agencies, and the CFRPC has found the application to be sufficient, and has adopted a final regional issues report and recommendations after holding an open public hearing; and

WHEREAS, the Master Mine Plan and Reclamation Plan, was reviewed and recommended for approval by Hardee County staff as specifically conditioned herein; and

WHEREAS, the Application for Special Exception, together with the initial Unit Plan Application and evidence of financial responsibility for initial activities, was reviewed and recommended for approval by Hardee County Staff as specifically conditioned herein; and

WHEREAS, the Board has received and considered the report and recommendations of the CFRPC and conducted an independent review of the Application for Development Approval, the Master Mine and Reclamation Plan, the Application for Major Special Exception Use, evidence of financial responsibility, Application for Unit Plan Approval, and all other documents submitted to the Board; and

WHEREAS, public hearings have been conducted before the Board and the Hardee County Planning and Zoning Board (“P & Z Board”) after notice and publication in the manner prescribed by Section 380.06, Florida Statutes, and local code, and all interested parties and persons were afforded the opportunity to participate in the hearing, and

WHEREAS, the Board has reviewed and carefully considered all documents submitted and all testimony given by the parties and members of the general public;

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

1. This Resolution constitutes a DRI Development Order in accordance with the requirements for such an order provided in Section 380.06(15), Florida Statutes, and Rule 9J-2.025, Florida Administrative Code (“F.A.C.”), approving with conditions the Mosaic South Fort

Meade Mine- Hardee County Development of Regional Impact, the Master Mining and Reclamation Plan, the Application for Major Special Exception Use, and the evidence of financial responsibility.

2. The definitions of relevant terms used in this Development Order are controlled by Section 3.14.02.03 of the Hardee County Mining Ordinance and Chapter 380, Florida Statutes. To the extent that a term is subject to conflicting definitions or interpretations, the Hardee County Mining Ordinance shall control the meaning of the term.

3. This Development Order shall be deemed rendered as of the date of its transmittal to appropriate parties, pursuant to Chapter 380, Florida Statutes.

SECTION 1: FINDINGS OF FACT

4. All preceding parts of this Resolution are hereby incorporated herein by reference as if set forth verbatim.

5. All notices, hearing, review and other procedures required by the Hardee County Land Development Code and Section 380.06, Florida Statutes, have been followed in conjunction with the approval of this Development of Regional Impact.

6. The name of the development is the “South Fort Meade Mine-Hardee County.”

7. The name of the project owner is Mosaic Fertilizer, L.L.C. (“Mosaic”).

8. The Developer for purposes of this application is Mosaic.

9. The authorized agent for Mosaic is Thomas E. Myers, III, Assistant Vice President, Mining, P.O. Box 2000, Mulberry, Florida 33860.

10. The Engineer of Record for Mosaic is Theodore A. Smith, P.E.

11. The following acronyms are used throughout this document and include:

- a. “FDEP” is the Florida Department of Environmental Protection;

- b. “CFRPC” is the Central Florida Regional Planning Council;
- c. “USACE” is the United States Army Corps of Engineers;
- d. “DRI” is a Development of Regional Impact;
- e. “SFM-HC” is the South Fort Meade Mine in Hardee County;
- f. “ADA” is an Application for Development Approval, along with all additional information submittals;
- g. “DO” is the Development Order;
- h. “LDC” is the Hardee County Land Development Code;
- i. “ERP” is an Environmental Resources Permit;
- j. “FFWCC” is the Florida Fish and Wildlife Conservation Commission;
- k. “EMP” is the Environmental Monitoring Plan;
- l. “HCMO” is the Hardee County Mining Ordinance.

12. On October 2, 2003, a pre-application meeting was held for the proposed DRI, at which time the CFRPC approved the elimination of standard ADA questions 20 through 25, 27 through 29, and 31 through 38, and approved the methodologies for gathering the information needed to complete the ADA.

13. Mosaic subsequently filed with the Board of County Commissioners of Hardee County, Florida, (the “Board”), a political subdivision of the State of Florida, the following:

- a. An Application for Development Approval for a DRI pursuant to the provisions of Section 380.06, Florida Statutes, dated May 5, 2006, followed by 3 additional information submittals dated November 29, 2006, May 18, 2007 and September 13, 2007 (hereinafter collectively referred to as the “ADA;”) and
- b. An application for a Permit for Mineral Extraction, consisting of a Master Mining and Reclamation Plan (as included with the Master Mine Plan for the SFM – HC in the ADA), dated September 21, 2007; and

- c. An Application for a Major Special Exception Use Permit dated May 2006, and updated in December 2006; and
- d. Evidence of financial responsibility, submitted with the 2007 Annual Report for initial SFM-HC activities and required each year thereafter in conjunction with the annual review, under sections 3.14.02.05 B 03 and 3.14.02.05 C 03 of the Hardee County Mining Ordinance.
- e. An Application for Unit Plan approval dated October 2, 2007.

14. The ADA and associated applications for local approvals as referenced above shall be collectively referred to as the SFM-HC DRI.

15. A comprehensive review of the impact generated by the SFM-HC DRI has been conducted by Hardee County and the CFRPC, with the assistance of other commenting agencies and interested parties.

16. The Project is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

17. The South Fort Meade Mine - Hardee County will affect approximately 10,856 acres of land located in northeast Hardee County. Mining activities will disturb approximately 7,756 acres during the life of the mine; the project build-out date (completion of the mining) is December 1, 2026. Approximately, 3,100 acres will not be disturbed.

18. The mining activities proposed by Mosaic will occur on about 72% of the South Fort Meade Mine- Hardee County. The remainder of the land will be avoided either because of ecological attributes present (e.g. high quality wetland avoided to fulfill the requirements of Chapter 62-343, F.A.C.) or because of logistical constraints.

19. The proposed limits of mining disturbance are shown on Maps H-1, Map H-2 and Table 35-1 to Mosaic's September 2007 edition of the Master Mining and Reclamation Plan . In the event Mosaic is able to reduce or remove logistical constraints, certain areas now classified

as “undisturbed” may be addressed in applications to permit mining, including a Notice of Proposed Change to this DRI and revising the Master Mining and Reclamation Plan.

20. Once the necessary approvals to mine and reclaim the South Fort Meade Mine-Hardee County are received, mining and reclamation activities will continue until they are completed. The “major elements” of mining and reclamation activities consist of the following sequence of development steps:

- a. Conducting the wildlife pre-clearing surveys;
- b. Constructing the perimeter “ditch and berm” systems, if the mining block lies adjacent to property boundaries or wetlands to remain undisturbed;
- c. Installing the necessary pipelines, pumps, and mine infrastructure;
- d. Clearing the land;
- e. Excavating the ore matrix;
- f. Backfilling the mined land with residual sand or clay in the mined areas;
- g. Grading and contouring the mined land to achieve the post-reclamation contours; and
- h. Re-vegetating the land to achieve the post-reclamation vegetative conditions.

21. The mine infrastructure needed to facilitate the proposed mining of the SFM-HC consists of: (1) the system of mine access corridors, including two crossings of Little Charlie Creek, one crossing each of Lake Dale and Parker Branches, and one crossing of an unnamed tributary in Section 2 adjacent to County Road (CR) 664; (2) three clay settling areas; and (3) surface water discharge outfall structures adjacent to Little Charlie Creek, Parker Branch, and an unnamed tributary to Little Charlie Creek in the northeast ¼ of Section 24, and one crossing of

an unnamed tributary in Section 2 adjacent to County Road (CR) 664 as shown on Map H-2. Each of these infrastructure elements is described below.

22. The mine access corridors have been designed to transfer mined ore to the beneficiation plant located in Polk County and return sand and clay residuals for use as backfill, as well as to manage process water and captured storm water runoff in active mining and reclamation areas. The layout of the corridor system supports a progression of mining and reclamation, including the use of sand tailings, clay, and the re-distribution of overburden. The number of stream crossings and the locations where streams will be crossed by the corridors have been selected to minimize disturbance of natural floodplain features.

23. Mosaic agrees to coordinate the location of stream crossing number 4 with the Florida Department of Transportation or Florida Turnpike Authority, as appropriate, to facilitate location of the Heartland Coast to Coast Parkway. Mosaic shall provide notice that Hardee County is a party to all negotiations of the

24. Three new clay settling areas will be required in order to mine the SFM-HC; their proposed size will cover approximately 1,500 acres or 14 percent of the total 10,856 acres within the SFM-HC. In order to further reduce the possibility of downstream flooding in the event of a clay settling area dam failure, Mosaic has proposed a system of diversionary berms and ditches to divert potential floodwaters away from off-site surface waters and into open mine cuts. Mosaic also proposes to prepare an updated emergency dam breach contingency plan to include an early warning system and evacuation plan for residents in areas at risk from flooding.

25. No increase in authorized well water withdrawals is proposed, nor are new production water wells proposed in Hardee County. Employment levels and the associated traffic

demands on local roads as well as other infrastructure will remain essentially the same on an annual basis.

26. In its completed form, the SFM-HC development will consist of reclaimed land areas suitable for agricultural uses with substantial portions of the site suitable for development into industrial, commercial, and residential uses. Reclaimed clay settling areas will be suitable for only limited agricultural uses. The only portions of the post-reclamation landscape on the SFM-HC which will not be suitable for these post-reclamation uses will be the floodplains of the Peace River, Little Charlie Creek, Lake Dale Branch, Parker Branch, several un-named tributaries, and wetland mitigation areas.

27. Mosaic proposes to create a conservation easement within the South Fort Meade Mine- Hardee County that will cover approximately 2,100 acres. Conservation easements on certain lands which are to be preserved in an unmined natural state are consistent with provision of future public access.

28. Land uses at the site primarily consist of the following broadly defined groups: (1) native ecosystems and wildlife communities and (2) improved pasture, semi-improved pasture, and cropland. Primary usage of the site has historically been hunting leasing, cattle ranching, and row cropping.

29. An archeological and historical survey of the property was performed and 39 sites were discovered. None of these sites have been determined to be significant.

30. No beneficiation plant will be constructed in Hardee County because the South Fort Meade Mine will continue to process ore in Polk County.

31. Mosaic estimates that 50,846,000 tons of phosphate is to be extracted from the South Fort Meade Mine. This is a 3,911,231 tons per year average.

32. Mosaic shall monitor groundwater, surface water and air quality within the boundaries of the South Fort Meade and shall submit a monitoring report with each Annual Report to Hardee County as required by Section 3.14.02.06 B of the Hardee County Mining Ordinance.

33. Mosaic has developed protocols for the design, construction, inspection, and maintenance of retaining dikes, including both clay settling dams and perimeter retaining berms. These standards and procedures are consistent with the minimum requirements established by Chapter 62-672, F.A.C. Mosaic will provide to Hardee County and FDEP detailed construction plans for retaining dams, dikes and berms that fully comply with Chapter 62-672, F.A.C., and LDC Section 3.14.02.05.D when the permit application to construct the first proposed dam is submitted.

34. Waivers and/or variances which were requested regarding applicability of noise standards will be reviewed and considered on an annual unit review basis with unit site specific detail. Setback areas will be established based on adjacent land uses as they exist at the time of initial MMRP approval and will be vested until April 16, 2020, unless as to any given area, mining activities have already been initiated by that date. Requests for vacating and/or relocating public roadways will be filed and considered by the Board separately from the DRI process. Detailed ownership information will be submitted and reviewed to determine whether the County is entitled to compensation for mineral interests as part of a request to vacate a public roadway.

35. Mosaic has presented financial responsibility projections for the life of the proposed mine. Based upon the 282 acres of projected mined land in year 2008, a financial responsibility amount of \$1,409,750 would be required. By year 2011, the first year during

which Mosaic projects to construct a clay settling area, Mosaic will be required to establish financial responsibility of in the amount of \$27,964,281. Mosaic has presented financial responsibility for the first year of operations in the form of a financial statement.

36. Based on the millage rate of 16.2293 for 2007, the estimated net gain in ad valorem tax would be \$32,814 per year over a 21 year span. The net gain over 21 years is estimated to be \$689,093 based on the current millage compared to the 2005 millage rate of 17.6373.

37. Mosaic has estimated that the proposed South Fort Meade Mine- Hardee County would generate approximately \$4,637,033 in tangible tax revenues over the total life of the mine.

38. Mosaic has estimated that the total of the severance tax on phosphate rock over a ten year span 2009-2019 will be \$19,420,682, an average per year of \$1,618,390, based on a rate of \$1.71 per ton.

39. On December 20, 2007, the CFRPC notified Hardee County that the ADA for the SFM-HC DRI was sufficient and directed the County to set the local public hearing dates, pursuant to Subsection 380.06(11)(d), Florida Statutes.

40. On February 13, 2008, the CFRPC held a duly noticed public meeting on the ADA/DRI, received all pertinent testimony and evidence, and pursuant to Section 380.06(12), Florida Statutes, issued a regional issues report recommending approval of the proposed mine. The formal Regional Issues Report was issued to the County on March 12, 2008.

41. On (April 17, 2008), the Hardee County Planning and Zoning Board and the Board of County Commissioners held a joint duly noticed public hearing on the SFM-HC ADA/DRI, the proposed Master Mining and Reclamation Plan, the application for a Major Special Exception Use Permit, and the Unit Plan Application for the initial mining unit, in

accordance with the requirements of the Hardee County Comprehensive Plan and LDC, received testimony and evidence, including the CFRPC regional issues report and recommendations, and determined to approve the SFM-HC DRI as specifically conditioned herein.

42. The proposed SFM-HC DRI is found to be consistent with the requirements of Section 380.06, Florida Statutes, the State Comprehensive Plan, the CFRPC Strategic Regional Policy Plan, the Hardee County Comprehensive Plan, the Hardee County LDC, and the CFRPC Regional Report and Recommendations, as reflected in the ADA and associated applications, as amended, and the specific development conditions set for the herein. There is no adopted State land development plan applicable to the area.

SECTION 2: CONCLUSIONS OF LAW

Based upon the previous findings of fact and the following conditions of the Development Order approval, the Board of County Commissioners of Hardee County concludes as follows:

43. The development of the SFM-HC ADA/DRI, as specifically conditioned herein, is consistent with the Hardee County Comprehensive Plan, the Hardee County Unified Land Development Code, including the mining standards set forth therein, the State Comprehensive Plan and the Strategic Regional Policy Plan.

44. This Development Order approving the SFM-HC ADA/DRI is consistent with the regional report and recommendations of the CFRPC issued on March 12, 2008, as conditioned herein.

45. The notice and hearing requirements of Chapter 380, Florida Statutes and applicable local laws have been met and these proceedings have been duly conducted pursuant to applicable laws and regulations, and based upon the record in these proceedings, Mosaic is

entitled to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.

46. The review by the County, CRRPC, other participating agencies, and interested citizens reveals that impacts of the development activity described in the ADA for the SFM-HC DRI are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order.

SECTION 3: CONDITIONS

Section 3.1: General Conditions

47. The Application for Development Approval for SFM - HC is hereby approved, and all maps tables and text as appear in the DRI/ADA, Master Mining and Reclamation Plan, Application for Major Use Special Exception and initial Unit Plan, as updated in response to requests for additional information, are made part of this approval, subject to the following conditions. To the extent that the SFM-HC ADA is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.

48. Mosaic shall designate an "Engineer of Record" for the project who shall serve as the lead point of contact and shall be responsible for and supervise the preparation and submittal of all inspection and monitoring reports and other engineering documents submitted to Hardee County.

49. All commitments made in the Application for Development Approval, the Master Mining and Reclamation Plan, and all other subsequent submittals of information shall be binding upon Mosaic.

50. Mosaic shall obtain all the necessary construction and operation permits and approvals and shall fully comply with all the provisions of applicable laws, ordinances, rules,

regulations, or requirements of any federal, state, regional, or county governmental authority in connection with the proposed mining activities at the SFM-HC DRI. Mosaic shall ensure intergovernmental coordination by providing a copy of all correspondence with other regulatory agencies to Hardee County and CFRPC regarding the SFMM-HC.

51. The Hardee County Manager, or his designee, or other person who may from time to time be designated by the Board of County Commissioners, shall be the local official responsible for assuring compliance with this Development Order. Hardee County and Mosaic shall follow the monitoring procedures contained in the LDC, as more specifically stated, modified or supplemented herein, along with any other monitoring procedures required by State and Federal law.

52. The County shall have the right of entry for the purposes of ascertaining compliance with mining, reclamation and all other conditions of this Development Order. The County will, when possible, give reasonable notice to Mosaic of its intent to inspect the project site. Mosaic shall accompany the County representatives in order to facilitate access and avoid any unnecessary risks due to site conditions. The County shall be notified and invited to any field inspections of FDEP or other regulatory agencies.

53. Prior to Mosaic seeking any variance from a federal, state, or other governmental entity permit, Mosaic shall first provide written notice to Hardee County in advance of the variance request.

54. Agricultural activities on the site may continue until the area is prepared for mining and may be resumed, as appropriate, subsequent to release of reclamation by Hardee County and the FDEP.

55. In support of the Florida Department of Transportation (“Department”) or the Florida Turnpike Authority (“Authority”) initiative for an east-west, coast-to-coast transportation corridor through Hardee county, Mosaic shall cooperate with Hardee County and the Department or Authority by locating corridor options crossing SFM-HC to optimize the corridor alignment in terms of construction cost, highway design parameters, drainage, and impacts to natural systems. Hardee County’s preferred corridor alignment is the middle alignment option, consistent with crossing number 4, identified in Figure SR2-11, Hardee County Development Potential, referenced herein and incorporated into the Master Mining and Reclamation Plan and Figure 13-8, Master Mining and Reclamation Plan, September 2007 Edition. Mosaic’s cooperation shall include revising yet-to-be implemented reclamation and mitigation plans in the approved Master Mining and Reclamation Plan to facilitate highway design and construction, provided such plans revisions are acceptable to DEP, USACE, and Hardee County. Mosaic shall consult with the Department and/or the Authority by January 15th (or other appropriate date) of each year and provide Hardee County with copies of the Department’s/Authority’s response, if any. All changes to reclamation and mitigation plans are subject to DEP and USACE as well as County approval.

56. Hardee County may own mineral rights beneath certain public county roadways. Prior to engaging in mining activities under public county roadways, Mosaic must file and have approved a Petition to Vacate Public Roadway and provide a legal description of the roadway and a description of any ownership interest held by Hardee County. Where an ownership interest has been identified, compensation to the County for mineral interests will be required as part of the roadway vacation process. In the alternative to vacating such roadways, Hardee County may execute a lease with Mosaic granting an exclusive right of mining under such roadway, which

lease will also provide for the replacement or relocation of such roadway in a manner acceptable to the Board.

57. Physical development of the Project shall commence within three years of Mosaic receiving all required permits to mine the SFM-HC DRI. If physical development of the project has not commenced within three years, or if any five year period shall expire without significant additional physical development activity on the site, the Board may conduct a public hearing in accordance with the Land Development Code after appropriate notice to Mosaic and may, at its option, based on testimony 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 Mosaic.

58. This Development Order shall expire on December 31, 2026.

Section 3.2: Wildlife

59. Surveys for listed wildlife species shall be conducted prior to clearing and other site preparation activities (hereinafter referred to as the “pre-clearing surveys”). Surveys shall follow the approved wildlife work plan (South Fort Meade Mine Hardee County Extension – Development of Regional Impact Approved Wildlife Methodologies, December 2003) used during the pre-application surveys, or as prescribed in the Site Habitat Management Plan contained in the response to ADA Question 12 E., or as required by FWC/FWS permits, as appropriate.

60. The applicant shall coordinate with FWC and FWS as appropriate on the management, relocation, and/or monitoring of any listed wildlife species identified by the pre-clearing surveys.

61. The applicant shall obtain all necessary permits from the Florida Fish and Wildlife Conservation Commission (FWC) and the U. S. Fish and Wildlife Service (FWS) prior to the relocation of any listed wildlife species.

62. If nesting wading bird species or nests are identified during the pre-clearing surveys, no disturbances shall occur to the habitat as well as a buffer surrounding it (width to be specified by FWC) until such time as nesting is completed and juveniles have left the area.

63. Any Bald Eagle and Crested Caracara nesting areas either known to occur within the site or identified in the pre-clearing surveys shall be protected throughout mining activities. A program shall be implemented to monitor any nests identified throughout their respective nesting seasons, in accordance with FWC and FWS protocols. No disturbances shall occur within a buffer surrounding the nests (as specified by FWC or FWS) until FWC and FWS have released the site for impact.

64. The pre-clearing surveys shall follow survey methodologies recommended by FWC for gopher tortoise. The survey shall be conducted over 100% of any potentially suitable habitat area and locate all active and inactive burrows. The applicant shall obtain necessary FWC permits and authorizations to relocate all gopher tortoise and commensal species that may be live-trapped to appropriate habitats. The applicant shall be required to use the new measures for survey as proposed in the Gopher Tortoise Management Plan, currently being finalized by the FWC.

Section 3.3: Vegetation (Upland and Wetland)

65. Prior to disturbing or clearing any area where Giant orchid (*Pteroglossaspis ecristrata*) plants were observed on the SFM-HC Tract during ADA preparation as shown on Map G-3, Mosaic shall relocate these plants to native or reclaimed land, or contact the Florida

Native Plant Society or other similar organization and notify them of the opportunity to collect and relocate as much of the population as practical prior to clearing. Mosaic shall execute all necessary documents to allow members of such organizations to remove them from the SFM-HC Tract.

66. All wetland areas offsite or in undisturbed/preserved areas adjacent to active mining and reclamation operations will be protected from degradation. Methods to be employed shall include installation of silt fences landward of wetland boundaries, proper construction and stabilization of perimeter berms and recharge ditch systems, and regular monitoring and maintenance to ensure no breaches occur, consistent with ERP conditions.

67. All re-created wetlands shall be subject to all the rules, regulations, and policies of local, state, regional, and federal agencies governing wetland areas when such areas are released as specified by Hardee County, FDEP, and USACE, respectively.

68. Except as necessary to accommodate connection with reclaimed mitigation wetlands, a minimum of a 50-foot upland buffer shall be provided around all preserved wetlands or other preservation areas with the exception of the proposed Wildlife Preservation Area (shown as the preservation area on Exhibit "c" hereto) where a larger buffer is required. Except for perimeter ditches and berms, no land alteration activities including mining activities shall be permitted in the buffer areas.

Section 3.4: Groundwater

69. Mosaic shall properly plug and abandon all on-site wells, in accordance with SWFWMD standards and rules, prior to the commencement of mining within each area of the mine.

70. Mosaic shall design and conduct its mining activities and operations in a manner which reduces or eliminates the dewatering effects on the water table aquifer in preserved onsite wetlands and offsite wetlands, farm ponds, lakes and other surface waters. Techniques to reduce offsite effects include, but are not limited to, overburden cast back, perimeter recharge ditches and injection wells.

Section 3.5: Floodplains

71. There shall be no net loss of 100-year floodplain storage capacity. Each Mining Unit application will provide calculations by a professional engineer of the 100-year floodplain storage capacity within the Mining Unit boundary in terms of acre-feet (ac-ft) as well as the ac-ft of available storage capacity in the mined areas and in the water recirculation system.

Section 3.6: Wastewater

72. The only allowed surface water discharge outfall structures are adjacent to Little Charlie Creek, Parker Branch, and an unnamed tributary to the Peace River in Section 2, (MAP – H-6) unless otherwise required to be relocated by FDEP.

73. The existing South Fort Meade HC extension shall continue the re-use of treated domestic wastewater from the city of Fort Meade as long as it is available.

Section 3.7: Stormwater

74. 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 outfalls.

Section 3.8: Air Quality

75. Mosaic shall install a noise and dust barrier berm along the boundary of SFMM-HC adjacent to private residential properties located in Section 3, Township 33 south, Range 25

east, or other areas as determined by the Mining Unit review, prior to initiating mining activities or operations adjacent to the specified property. In order to maximize the effectiveness, the berm will be a minimum of 10 feet in height and be located on Mosaic property as close the property boundary as is feasible. The berm is not subject to the standards contained in Section 3.14.02.06 A of the Hardee County Mining Ordinance. The design shall include 3- to 5-gallon wax myrtles (or other similar dense growing plants) planted on 10-foot centers to provide a visual screen and wind break along the top of the berm. The berm will be grassed, then the outside side slopes shall be planted in two rows spaced 20 feet apart on 30-foot centers with slash pines, live oaks, or other suitable canopy trees. Tree rows shall be planted in a staggered pattern and will use a minimum of 3-gallon trees. The berm shall be removed at the end of reclamation revegetation establishment on the adjacent mined property so that site specific post-reclamation drainage patterns are not disrupted.

76. The design of the ditch and berm system that will be constructed adjacent to any setback area subject to the provisions of LDC Section 3.14.02.06 A. 01. b. shall be included in the annual unit review to insure that appropriate allowances are made to control noise and dust on the protected property.

Section 3.9: Cultural Resources

77. See Section 3.12 Monitoring and Reporting, Condition _____.

Section 3.10: Mining Operations

78. All necessary precautions shall be taken and methods employed in the construction and subsequent utilization of the stream crossings to protect surrounding plant communities, water quality, and stream channel integrity from degradation, and to maintain stream flow, consistent with ERP conditions.

79. Erosion control measures such as silt screens, hay bales or other appropriate measures shall be used to prevent surface water quality degradation.

80. Best Management Practices, including those identified in the ADA, shall be employed during site preparation, mining and reclamation.

81. The infrastructure corridor floodplain crossings needed to facilitate the proposed mining of the SFM-HC shall be limited to: two crossings of Little Charlie Creek, one crossing each of Lake Dale and Parker Branches, one crossing of an unnamed tributary to Little Charlie Creek in the northeast ¼ of Section 24, and one crossing of an unnamed tributary in Section 2 adjacent to County Road (CR) 664 as shown on Map H-2.

82. Best Management Practices shall be required for the operation, maintenance, and reclamation of the SFM-HC DRI. Utility and pipeline crossings of the Peace River tributaries as shown on Map H-2 are approved, provided such crossings shall, at a minimum, meet the following:

- a. Pipelines shall be placed above the 25-Year Floodplain elevation and isolated from tributaries by berms.
- b. Pipelines shall be jacketed and spill containment areas outside the floodplain shall be provided.
- 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 as shown in the ADA.

83. Mining utility easements shall be jacked and bored under county roads rather than open cut unless otherwise specified by the county.

84. All non-public roads, streets, bridges, and other access ways located upon the site shall be constructed and maintained by Mosaic without any cost or obligation to Hardee County.

85. Best Management Practices, including those identified in the ADA, shall be employed during site preparation, mining and reclamation to minimize air quality impacts.

86. Mosaic shall submit detailed construction plans to Hardee County Road and Bridge Department for approval of any Hardee County roadway relocation and/or crossing, or any utility crossing over or under Hardee County roadways. Construction plans shall be submitted to Hardee County at least sixty days prior to planned construction activity, or as a part of the detailed mining unit plan for each consecutive mining area. Hardee County review procedures of roadway relocation/crossing activities shall be as specified in the ULDC. Written approval from Hardee County shall be obtained by Mosaic prior to the construction/relocation/closing, or utility crossings of any Hardee County roadway or public purpose easement.

87. Mosaic will provide CFRPC, Hardee County, and FDEP the detailed design for each clay settling area on the SFM-HC Tract for Board approval at least four months prior to the scheduled start of construction, according to Unified Land Development Code Section 3.14.02.05 D and Chapter 62-672 FAC. The application for approval to construct each settling area will include an emergency response plan similar in content to Appendices 35-2 and 35-3 in the September 2007 edition of the Master Mining and Reclamation Plan, a spill diversion and containment plan as described in Exhibit SR3-1, and a description of the measures Mosaic will employ to ensure the diversion and containment areas will have sufficient capacity to contain

potential releases as well as the 100-year storm event rainfall. Each annual report shall address any needed changes to the Emergency Response Plan and the sufficiency of each active diversion and containment area. The spill containment areas are not subject to condition _____ below.

88. All earthen embankments (dams) shall be designed, constructed, inspected, and maintained in accordance with the standards of Chapter 62-672, FAC - Minimum Requirements for Earthen Dams, Phosphate Mining, and Processing Operations, as indicated in the SFM-HC ADA, as well as all other applicable local, state, and federal requirements.

89. Mosaic shall be responsible for maintaining the water recirculation system and the drainage system, including channels, swales, culverts, erosion protection facilities, and discharge facilities during mining and reclamation. Any transfer of this responsibility from Mosaic to subsequent owners, or assigns, shall require the approval of the appropriate permitting agency.

90. All mining operations, structures, dams, ditches, berms, dikes, stockpiles, ponds and settling areas shall comply with the setbacks established in Section 3.14.02A.01, .02, .03 and .04, provided, however, that setback areas will be established based on adjacent land uses as they exist at the time of initial MMRP approval and will be vested until April 16, 2020, unless as to any given area, mining activities have already been initiated by that date.

Section 3.11: Reclamation

91. Preservation areas (as shown on Map H-2 of the Master Mining and Reclamation Plan, September 2007 edition) shall be retained to promote the protection of the regional wildlife and plant species and will act as colonization sources for the reclaimed habitats. Reclaimed uplands shall be designed to have a connection to undisturbed areas so that they will

have a way to repopulate. Relocation and restocking efforts as appropriate and approved by the various agencies shall be conducted in a manner that will maximize the rate of colonization of the reclaimed habitats. All wetland losses within the SFM-HC shall require mitigation in accordance with the specific mitigation plan described in the ADA and in accordance to the Florida Department of Environmental Protection (FDEP) Environmental Resources Permit (ERP).

92. As any wetland area to be mined is cleared, where practicable topsoil shall be removed as part of the land clearing operations and either transferred directly to wetlands undergoing reclamation or stockpiled and covered with overburden for later use. Wetlands containing significant amounts of nuisance, exotic plant species shall be exempt from this requirement, consistent with ERP conditions.

93. The drainage basins in the SFM-HC DRI shall be restored to the approximate pre-mining sizes, hydrologic functions, and locations as described in the ADA. Any proposed changes to the post-reclamation drainage patterns shown on Map I-2 of the ADA shall be addressed in an application to revise the Master Mining and Reclamation Plan. Mosaic's applications for reclamation approval shall include a demonstration that the drainage basins shown in the then-approved Master Mining and Reclamation Plan were established by the reclamation work completed. Mosaic may use a copy of the FDEP CRP release to demonstrate completion for the County.

94. As part of its applications for approval of reclamation in accordance with the provisions of the Land Development Code, Mosaic shall submit evidence that reclaimed areas located adjacent to Parker Branch, Little Charlie Creek, Lake Dale Branch, and unnamed tributaries to the Peace River provide base flow to these preserved streams. Evidence may

consist of water table measurements in reclaimed areas, aquifer performance tests, geotechnical evaluation of reclaimed soil cores, soils mapping using NRCS protocols, or quantitative modeling.

95. As part of its applications for approval of reclamation in accordance with Section 3.14.02.06 of the Land Development Code, Mosaic shall provide evidence of the suitability of the reclaimed Neilhurst and Arents soils shown on ADA Map E-2 for development upon completion of reclamation. Evidence may include scientific literature references; the results of site-specific geotechnical investigations; and/or the mapping of the reclaimed soils using NRCS mapping protocols. The evidence must establish that the reclaimed soils meet the CFRPC Urban Suitability criteria for ratings 1, 2, or 3. Reclaimed clay settling areas must be suitable for pasture or other agricultural uses only. Areas that are disturbed, but not mined, undisturbed, or preserved are not subject to these requirements.

96. Mined land shall be reclaimed in accordance with the reclamation schedule as appears in the MMRP as further clarified or modified by the terms and conditions of this Development Order and the Hardee County LDC. For clay settling areas, reclamation commences after the surface area is ditched and drained and the dams are “abandoned” according to Ch. 62-672, which takes approximately four years after the end of its use.

97. Except as specifically as provided sub-section 3.14.02.06.C, 06 and 07, where all reclamation activities must be completed within two years, areas specifically designated by the reclamation plan to receive sand tailing deposition shall be backfilled within three years of mineral extraction. All subsequent grading and contouring, soil treatment, soil enrichment, and initial re-vegetation must be completed within two years thereafter. In the event mining activities and operations temporarily cease due to economic conditions, labor relations, supplier

disruptions, etc. Mosaic shall report to Hardee County the impact of such conditions on the mine-wide rate of reclamation as well as the reclamation units where mining disturbance has occurred and reclamation is not complete. In the event mining cessation exceeds two years, Mosaic shall submit to Hardee County and FDEP for approval alternative plans for reclaiming then disturbed areas.

98. Mosaic shall abide by all FDEP reclamation regulations regarding site cleanup and shall dismantle and remove any building structures existing at the cessation of the mining operation that cannot be put to an allowable use under a proposed post reclamation zoning district classification for the property.

99. All mitigation areas and littoral shelves shall be graded and planted in accordance with FDEP and Hardee County requirements. Additional planting may be required in mitigation areas to achieve the desired plant cover rate. Inspection reports for mitigation areas and monitoring results shall be included in the annual report to Hardee County and in the DRI semiannual report.

100. Transportation of ore excavated from the SFM-HC DRI to the South Fort Meade Mine beneficiation facilities is approved. Transportation of sand and clay from the beneficiation facilities to the SFM-HC DRI, and use of such sand and clay to backfill mined areas within the SFM-HC DRI is similarly approved. Transportation of ore, sand, and clay is approved on the basis that all transportation of these products shall occur within the boundaries of the SFMM-HC DRI.

Section 3.12: Monitoring and Reporting

101. Mosaic shall perform monitoring and reporting as required in the ULDC to determine whether the surface water management system and/or other mining activities or

operations are adversely affecting the natural hydroperiod, water flow, natural fluctuations, natural vegetation and wildlife populations of the site's wetlands and flood prone areas.

102. The surface and ground water monitoring program presented in the Master Mining and Reclamation Plan (MMRP) shall be continued in order to supplement the monitoring conducted for FDEP and SWFWMD described above and to provide a background for evaluation of the impacts of mining, waste disposal and reclamation. Monitoring locations shown on Map H-6 and listed in Tables H.01-A, H.02-B, H.02-C, H.02.D, and H.03.A, which address rainfall, air quality, surface water flow and quality, and groundwater levels and quality, are approved and found to be consistent with the monitoring standards established by sub-section 3.14.02.06 B. of the Hardee County Mining Ordinance for the initial mining unit area. The monitoring data will be reported to Hardee County and the CFRPC on a quarterly basis and summarized in the Annual Operating Report. The monitoring data is to be submitted in hard copy as well as electronically. The electronic data is to be in portable document format (PDF) as well as the original format that it was created or received from laboratories by Mosaic, such as Word[®], Excel[®], GIS shape file, the format to be acceptable by Hardee County and CFRPC.

103. Air quality monitoring at fixed and mobile stations shall be continued as described in the approved MMRP and reports shall be submitted to Hardee County and CFRPC on a quarterly basis, and corrective actions will be undertaken where required if ambient air quality standards for contaminants are exceeded. Mosaic shall propose to Hardee County and CFRPC and undertake appropriate mitigation steps to correct the exceedances of air quality standards as soon as practicable.

104. The monitoring results of the ditch and berm system by piezometers, water levels, etc. as required by the Southwest Florida Water Management District are to be reported to

Hardee County and the CFRPC on a quarterly basis and summarized in the Annual Operating Report. The electronic data is to be in portable document format (PDF) as well as the original format that it was created, such as Word[®], Excel[®], GIS shape file, the format to be acceptable by Hardee County and CFRPC.

105. The monitoring results of water discharged from permitted outfalls as required by the Florida Department of Environmental Protection are to be reported to Hardee County and CFRPC on a quarterly basis and summarized in the Annual Operating Report. The data is to be provided in the same format as sent to FDEP.

106. Mosaic shall report any excursions from applicable state water quality standards within 24 hours of identification either verbally or electronically, except for the existing, or baseline, conditions documented in Section 14.B of the ADA that do not meet applicable standards. Mosaic shall report such findings in writing with 14 business days, which report shall address whether any such excursions were caused by mining activities or operations. Any violations determined to be caused by mining operations or activities shall be addressed in accordance with the provisions of Section 3.14.02.12 of the Hardee County Mining Ordinance.

107. Should a sink hole develop on the site Mosaic shall notify Hardee County and CFRPC within 24 hours of discovery and develop a plan to respond to the situation within 60 days, if the situation warrants remediation.

108. Mosaic shall promptly investigate complaints made by adjacent property owners related to water table drawdowns or adverse effects to any adjacent off-site well(s) caused by mining activities. Once a complaint has been made, Mosaic shall be responsible for reporting the complaint and the action to be taken to solve the problem, to SWFWMD and the Hardee County Mining Department.

109. Any historical or archaeological resources discovered during mining operations within the South Ft. Meade - Hardee Co. Mine shall be immediately reported to the Florida Department of State, Division of Historical Resources and the ultimate disposition of such resources shall be determined in cooperation with the Florida Department of State, Division of Historical Resources. Mosaic's employees shall be made aware of ways to recognize historical or archeological resources through information posted at mine facilities. The Florida Department of State, Division of Historical Resources shall evaluate the significance of such findings and assess the measures which will be taken to avoid, minimize, or mitigate any adverse impacts prior to continuation of mining activities in the area of discovery. The agreed upon treatment of the resources shall be completed before activities which would disturb the resources are allowed to continue. The CFRPC and Hardee County will be notified of the proposed treatment of the resources.

110. Mosaic shall conduct annual inspections of the surface water management system on the project site to ensure that the system is maintained in keeping with its design, and is capable of accomplishing the level of surface water storage/treatment for which it was intended. The report shall be signed and sealed by a professional engineer.

111. Mosaic shall submit to the Hardee County Board of County Commissioners, the Central Florida Regional Planning Council, and the State Land Planning Agency a DRI Annual Report pursuant to Sections 380.06(15)(c)(4) and 380.06(18), Florida Statutes, on August 15th of each year for the term of this Development Order. The report shall be in a form provided by the Central Florida Regional Planning Council and shall also meet all the requirements of Rule 9J2.025(7), Florida Administrative Code. Submission of the Annual Report pursuant to Chapter 380, Florida Statutes, shall not relieve Mosaic of its obligation to submit an Annual Mining Unit

Review pursuant to the Hardee County Mining Ordinance. This Annual Mining Unit Review and Annual Operating Report, as appropriate shall be submitted on August 15th of each calendar year, reporting on the operation for the previous fiscal year (June 1 – May 31).

- a. The report shall be submitted on an annual basis to Hardee County DCA, and CFRPC.
- b. Hardee County and the CFRPC agree that one report can be presented by Mosaic, which includes the requirements of both agencies.
- c. Mosaic agrees to report on an annual basis in the Annual Report a discussion of the measures Mosaic or other researchers have employed to develop economically feasible technology that promotes faster, and more complete consolidation and reclamation of waste clays so as to facilitate reclamation of clay settling area. (SRPP Policy 1.12.2);
- d. The reporting process is to be tied to the mining ordinance and to include the annual reporting of the DRI information to Hardee County and CFRPC.
- e. Include electronic copies in PDF and original i.e. GIS (compatible with county and CFRPC's GIS). Excel[®], Word[®], etc. The GIS files are to include the following types of data if any of this has changed and to the extent that Mosaic has the data for this site:
 - i. Mine land ownership boundaries;
 - ii. Extent of mining and disturbed – cumulative on site
 - iii. Pre mining land use;

- iv. Post reclamation land use;
 - v. Pre-mining topography (2 foot contours);
 - vi. Post reclamation topography (2 foot contours);
 - vii. Preserved Areas (included in Mine Disturbance Boundary);
 - viii. Waste Clay Disposal areas;
 - ix. Monitoring station locations;
- f. Any changes in the plan of development, or in the representations contained in the ADA for the SFM-HC DRI, or in the phasing for the reporting year and for the next year;
- g. A summary comparison of development activity proposed and actually conducted for the year;
- h. A listing of undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or Mosaic in the SFM –HC DRI;
- i. Identification and intended use of lands purchased, leased, or optioned by Mosaic adjacent to the SFM-HC DRI since the Development Order was issued;
- j. An assessment of Mosaic's and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the SFM-HC ADA and which have been identified by Hardee County, CFRPC, or DCA as being significant;

- k. Any known incremental DRI applications for development approvals or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year for the SFM-HC;
- l. An indication of a change, if any, in local government jurisdiction for any portion of the development since this Development Order was issued;
- m. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
- n. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes;
- o. A copy of any recorded notice of the adoption of a Development Order or the subsequent modification of an adopted Development Order that was recorded by Mosaic pursuant to Subsection 380.06(15) (d), Florida Statutes; and,
- p. A report containing monitoring results that notes any changes from pre-mining conditions that is signed and sealed by a professional engineer.

112. Mosaic shall submit to Hardee County an Annual Operating Report concerning the Master Mining and Reclamation Plan and the Major Special Exception Approval on August 15th of each year for the term of this Development Order. The Annual Operating Report shall comply with the reporting requirements in the LDC, and with any special requirements set forth herein, and may be combined with the DRI Annual Report.

113. The Annual Operating Report shall review the adequacy of the water monitoring program and the appropriateness of adding monitoring locations, parameters, and methods as well as deleting locations, parameters, and methods no longer necessary to evaluate impacts of mining, waste disposal and reclamation. The BOCC may amend the Monitoring plan as part of the Annual Review process for just cause. Such changes to the approved monitoring program shall neither require submittal of a DRI Notice of Proposed Change nor constitute a substantial deviation.

114. Notwithstanding the date of expiration of this Development Order, every five years there shall be an independent comprehensive audit of Mosaic's compliance with the conditions of this DO, Special Exception Approval, Master Mining Plan, as may have been amended, the ULDC mining standards and State and Federal permits, which audit shall occur according to the following procedure:

- a. Not later than six months prior to the fifth anniversary of issuance of the DO, or thereafter within six (6) months of the 5th anniversary of completion of the last audit conducted pursuant to this section, a consultant who has experience in phosphate mining, reclamation, and regulatory review shall be selected to conduct the independent audit. Unless the County and Mosaic agree on a consultant in advance, the consultant shall be selected as follows: the County shall submit the names of three consultants to Mosaic and Mosaic shall select the consultant it prefers. If Mosaic finds all three proposed consultants unacceptable, the County shall submit three additional names until an acceptable auditor is selected. Mosaic's consent shall not be unreasonably withheld. The consultant's fees shall be paid by Mosaic.

- b. County staff and Mosaic shall assist with the audit as necessary and shall cooperate to provide, or give the consultant access to, the following:
- i. This DO and Master Mining Plan issued by Hardee County, including any amendments or updates;
 - ii. The current Conceptual Reclamation Plan which has been approved by the FDEP, or any successor agency;
 - iii. All FDEP program area approvals;
 - iv. The current permit issued by the USACE;
 - v. All annual reports filed with Hardee County, FDEP and the USACE filed within the last five years;
 - vi. Any updates to the information in the applications for special exception approval and/or Master Mining Plan made necessary by changes in operations or technology;
 - vii. All correspondence between Mosaic and any regulatory agency regarding mining operations and the compliance of mining operations with any regulatory requirement; and
 - viii. Any and all other written and graphic material the consultant deems necessary to fully investigate regulatory compliance of mining operations.
- c. The consultant shall present a final written audit report to the Board not later than one hundred twenty (120) days after engagement of the consultant, unless the deadline is extended by the Board. The report shall include detailed findings and conclusions as to Mosaic's status of compliance with the conditions of this DO, applicable County codes and the requirements of other regional state and federal

regulatory agencies. The report shall also make recommendations as to compliance measures to be taken by the County in any instance where a current item of non-compliance is found. Mosaic shall be given the opportunity to address and respond to any findings and recommendations in the consultant's report. The consultant's audit report shall be reviewed by the Board at a public hearing. Any actions taken by the County as a consequence of the audit report shall be as provided for in the ULDC.

115. Prior to initiation of mining Mosaic shall have provided an audited financial statement, which shall have been accepted by the Board as sufficient under the terms of the Hardee County Mining Ordinance or, in lieu of an audited financial statement, Mosaic may submit a surety bond payable to the Board of County Commissioners or Corporate Guarantees from Mosaic. Where a surety bond or guarantees have been posted in lieu of an audited financial statement of Mosaic, the surety bond or guarantees shall be withdrawn or released upon acceptance of an audited financial statement by the Board of County Commissioners. The demonstration of financial responsibility for each year shall continue to be provided during the annual review process in conformity with the Hardee County Mining Ordinance.

116. Mosaic shall submit an itemized list of all tangible property within Hardee County to Hardee County staff by April 1st of each year. Tangible property shall be considered operational for the year, if the tangible property was in service for a period of three months of the year.

Section 3.13: Conservation Easement

117. In the event the Trustees of the Internal Improvement Fund, or the FDEP, refuse to accept the Conservation Easement presented in Appendix B herein, Mosaic will work with CFRPC and Hardee County to develop an alternate means for realizing the conservation and recreation opportunities presented by the Easement (SRPP Policy 1.5.2).

118. The applicant is encouraged to develop a comprehensive conservation strategy supported by a resource management plan for all of the areas that will be reclaimed to natural habitat adjacent to the protected Conservation Easement corridors and to offer the entity responsible for maintaining the Conservation Easement or other appropriate entity the opportunity to purchase through fee-simple or less-than-fee simple means all adjacent areas reclaimed to native habitat.

Section 3.14: Substantial Deviations

119. Failure to comply with any condition in this Development Order or representations made in the Application for Development Approval, may be determined to be a substantial deviation and initiate the Development of Regional Impact review process.

120. Any proposed disturbance in areas shown as “preserved” on Map H-2 shall require a Substantial Deviation determination (SRPP Policy 1.6.1.c).

121. Any proposed decrease of greater than 10 percent in the percentage of wildlife habitat and forestry after reclamation within the total project area from those shown on Table 12-1 shall require a Substantial Deviation determination (SRPP Policy 1.11.5).

122. Any proposed increase of more than 5 percent in the clay storage areas (acres) metrics shown on Table 35-2 shall require a Substantial Deviation determination (SRPP Policy 1.13.1 and 1.13.2).

123. Post-reclamation Maps C-2, F-2, and I-2 may be revised as appropriate by Mosaic throughout the term of the Development Order provided such changes are consistent with CFRPC SRPP Policies 1.12.3 (compatible with surrounding land uses), 1.12.4 (compatible with natural topography), and 1.16.3 (incorporate landscape reclamation practices). Any changes to the above mentioned post reclamation maps will require county approval consistent with the DO and require mining unit approval and master MMRP approval. An updated MMRP is required for any changes.

124. The following changes shall not be considered substantial deviations for purposes of this development order:

- a. Any change addressed in section 380.06(19)(e), Florida Statutes;
- b. Any change resulting in a decrease in regional impacts;
- c. Revisions to the mining sequence and corresponding reclamation sequence; and,
- d. Changes to monitoring locations, frequency or methods.

125. Elimination of the proposed land and lakes reclamation and/or alteration to reduce the size of any proposed lake(s) from the SFM-HC Master Mining and Reclamation Plan and/or Major Special Exception Use approval shall require a substantial deviation determination.

SECTION 4: LEGAL DESCRIPTION.

126. The following legal description of the development site covers the “South Ft. Meade - Hardee Co.*” Mine within Hardee County,

In Township 33 South, Range 25 East, Hardee County, Florida;

Section 1; All, LESS Right of Way for CR 664 and LESS Right of Way for County Line Road.

Section 2; All, LESS Right of Way for County Line Road and LESS the N1/4 of the NW1/4 of the NE1/4.

Section 3: The N 2335' of the W1/4

AND the N 2005' of the W1/4 of the E1/2 of the NW1/4, LESS the NW1/4 of the NW1/4 of the NE1/4 of the NW1/4 and LESS Right of Way for County Line Road

AND the W1/4 of the N3/4 of Section, LESS the N 2335' thereof

AND the W1/4 of the E1/2 of the NW1/4, LESS the N 2005' thereof

AND the W1/4 of the NE1/4 of the SW1/4

AND the SE1/4 of the SW1/4 of the NE1/4 of the SW1/4

AND the SW1/4 of the SE1/4 of the NE1/4 of the SW1/4

AND the S1/2 of the SW1/4

AND the SE1/4 lying East of Peace River, LESS Begin at NE corner of the NE1/4 of the NE1/4 of the SE1/4; thence South 241.37'; thence West 185'; thence North 241.37'; thence East 185' to POB and LESS Commence at the NE corner of the NE1/4 of the NE1/4 of the SE1/4; thence West 380' for POB; thence South 241.37'; thence West 95'; thence South 183.63'; thence West 95'; thence North 183.63'; thence West 90'; thence North 241.37'; thence East 280' to POB

AND the E1/2 of the of the NE1/4 of the NE1/4, LESS a 1 acre square in the NW corner thereof and LESS a 1 acre square in the SW corner thereof

Way AND the W 90' of the E 185' of the N 241.37' of the NE1/4 of the NE1/4 of the SE1/4, LESS road Right of Way

AND the E 95' of the N 241.37' of the NE1/4 of the SE1/4, LESS road Right of Way.

Section 4: The E1/4 of Section, LESS Right of Way for County Line RoadSection 9: The NE1/4 of the NE1/4

AND that part of the S1/2 of the NW1/4 of the NE1/4 lying North of Lake Branch Road.

River Section 10: The N1/2, LESS that part of the NW1/4 lying South of Lake Branch Road and West of Peace

AND the SE1/4.

Section 11: All, LESS the N 330' of the E 660' of the NW1/4 of the SW1/4 and LESS that part of the NW-1/4 of SW ¼ described as: Commence at the SE corner of the NE1/4 of the SE1/4; thence North 380' to POB; thence S82°W 415'; thence North 150'; thence N82°E 415'; thence South 150' to POB.

Section 12: All, LESS county road Right of Way.

Section 13: All, LESS the N1/2 of the NE1/4 and LESS the N 881.76' of the SE1/4 of the SE1/4 and LESS Commence at the SE corner of the NE1/4; thence North 190.5' to the POB; thence West 246'; thence North 168.5'; thence West 173'; thence North 161'; thence East 419'; thence South 329.5' to POB and LESS county road Right of Way.

Section 14: All, LESS county road Right of Way

Section 15: That part of the NE1/4 lying N and E of the middle channel of Peace River AND the E1/2 of the SE1/4 lying E of the middle channel of Peace River.

Section 22: The E1/4 of the NE1/4

AND the E1/2 of the NE1/4 of the SE1/4

AND the SE1/4 of the SE1/4.

Section 23: All, LESS the N 175' of the E 143' and LESS Begin at the SE corner of the NE1/4 of the NW1/4; thence West 600'; thence North 210'; thence East 270'; thence North 120'; thence East 330'; thence South 330' to the POB and LESS the S1/2 of the NE1/4 of the NE1/4 and LESS the E 450' of the SE1/4 of the NE1/4 and LESS county road Right of Way.

Section 24: All of Section, including Lots 1, 2, and 3 of Lake Dale Estates, LESS the SW1/4 of the SW1/4 of the NW1/4 and LESS the W1/2 of the NW1/4 of the SW1/4 and LESS Commence at the NE corner of the SE1/4 of the NE1/4; thence West 25'; thence South 549.93' for POB; thence West 227.66'; thence South 460.86'; thence East to the W Right of Way of State Road 664B; thence North to POB and LESS Commence at the SW corner of the SE1/4 of the SW1/4; thence N89°09'34"E 50' to POB; thence N00°14'38"W 417.42'; thence N89°09'34"E 208.71'; thence S00°14'38"E 417.42'; thence S89°09'34"W 208.71' to POB and LESS county road Right of Way.

Section 25; the NE1/4 of the NE1/4
 AND The N1/2 of the NW1/4
 AND the E1/2 of the SW1/4 of the NW1/4
 AND the W1/2 of the SE1/4 of the NW1/4
 AND the SE1/4, LESS county road Right of Way.

Section 26; The E1/2 of the NW1/4 of the NW1/4, LESS the N 283' thereof
 AND the N1/2 of the SW1/4 of the NW1/4
 AND the W1/2 of the NW1/4 of the NW1/4 lying N of Heard Bridge Road
 AND Commence at the NE corner of the NW1/4; thence West 1025' to POB; thence continue West 300';
 thence South 655.44'; thence East 600'; thence North 255.44'; thence West 300'; thence North to POB
 AND the SW1/4 of the NE1/4 of the NW1/4 lying N of Little Charlie Creek, LESS the E 75' thereof
 AND that part of the NW1/4 of the SE1/4 of the NW1/4 lying N of Little Charlie Creek
 AND the S1/2 of Section, LESS Commence at the SE corner of the section; thence S89°51'17"W 663.83' for
 POB; thence S89°51'17' W 1909.59'; thence N00°28'08"W 100'; thence N89°51'17"E 1909.77'; thence S00°28'08"E
 100' to POB
 AND the S1/2 of the NE1/4
 AND the NE1/4 OF NE1/4
 AND the E 887.27 FT OF NW1/4 OF NE1/4
 AND the S1/4 OF NW1/4
 AND the NE1/4 of the SE1/4 of the NW1/4
 AND that part of the NE1/4 of the NW1/4 lying S of creek
 AND that part of the NW1/4 of the SE1/4 of the NW1/4 lying S of creek
 AND the W 385' of the N 283' of the E1/2 of the NW1/4 of the NW1/4, LESS the N 33' thereof for road Right
 of Way and LESS county road Right of Way.

Section 27; The NE1/4 of the NE1/4, LESS road Right of Way
 AND the S1/2 of the SE1/4 of the NE1/4
 AND the E1/2 of the SE1/4
 AND the NE1/4 of the SE1/4 of the NE1/4, LESS a 1 acre square in the NW corner thereof and LESS county
 road Right of Way.

Section 34; The NE1/4 of the NE1/4, LESS the S 200' thereof.

Section 35; The NW1/4 of the NW1/4
 AND the S3/4 of the E1/4 of the NE1/4
 AND the W1/8 of the NE1/4
 AND the SE1/4 of the SW1/4 of the SW1/4 of the NE1/4
 AND the SE1/4 of the NW1/4
 AND the NE1/4 of the NE1/4 of the SW1/4
 AND the W1/2 of the SE1/4
 AND the NE1/4 of the SE1/4, LESS the SE1/4 of the NE1/4 of the SE1/4
 AND the W1/4 of the SE1/4 of the SE1/4
 AND the NE1/4 of the NW1/4, LESS Commence at the NE corner of Section; thence S89°51'17"W 2323.42'
 for POB; thence S00°28'08"E 2317.86'; thence S89°51'17"W 250'; thence N00°28'08"W 2317.86'; thence
 N89°51'17"E 250' to POB LESS county road Right of Way.

Section 36; The N1/4 of the NE1/4 of the SW1/4
 AND the NW1/4, LESS Commence at the NW corner of the Section; thence South 467.38' to POB; thence
 East 440.84'; thence South 838'; thence West 181.92'; thence North 22'; thence West 26'; thence South 22'; thence
 West 232.92' to the W line of Section; thence North 838' to the POB and LESS the N 417.38' of the NE1/4 of the
 NW1/4 and LESS the S 167' of the SW1/4 of the NW1/4 and LESS the S 324.19' of the N 741.57' of the E 671.82' of
 the NE1/4 of the NW1/4 and LESS county road Right of Way.

In Township 33 South, Range 26 East, Hardee County, Florida:

Section 5; All LESS county road Right of Way.

Section 6; All, LESS county road Right of Way.

Section 7; All, LESS county road Right of Way.

Section 8; The NE1/4 ,AND the W1/2
AND the W1/2 of the SE1/4
AND the NE1/4 of the SE1/4 LESS a 5 acre parcel in the SE corner thereof and LESS county road Right of
Way.

Section 18; The NW1/4
AND the N3/4 of the N1/2 of the SW1/4 LESS Commence at the NW corner of the SW1/4 of the NW1/4;
thence East to the E Right of Way of SR 664 for a POB; thence South 208.75'; thence East 521.85'; thence North
208.71'; thence West 521.85' to POB and LESS Commence at the NW corner of the SW1/4; thence East to the E
Right of Way of SR 664 for a POB; thence North 100'; thence East 521.85'; thence South 430'; thence West 311.85';
thence South 420'; thence West 210'; thence North 750' to the POB and LESS county road Right of Way.

Section 19; The S3/4 of the W1/2, LESS county road Right of Way.

Section 30; The NW1/4 of the NW1/4, LESS Begin at the SW corner of the NW1/4 of the NW1/4; thence
East 510'; thence North 200'; thence West 220'; thence South 83'; thence West 290'; thence South 117' to the POB
AND the SW1/4 of the NW1/4
AND the NW1/4 of the SW1/4
AND the SW1/4 of the SW1/4, LESS the S 210' of the W 210' thereof
AND the S 660' of the W 330' of the NE1/4 of the NW1/4
AND the E1/2 of the NE1/4 of the NW1/4
AND the W 175' of the NW1/4 of the NE1/4, LESS the E 172' of the W 175' of the S 900' thereof and LESS
county road Right of Way.

The entire site contains approximately 10,855 acres, more or less.

SECTION 5: EFFECTIVE DATE.

126. This Resolution shall become effective upon approval vote by the Hardee County Board of County Commissioners, provided, however, that the filing of a notice of Appeal pursuant to Section 380.06, Florida Statutes, shall suspend development authorization granted by this Development Order, until the resolution of said appeal. The project build-out date (completion of the reclamation) is December 31, 2026, and the Development Order shall expire on December 31, 2026. Prior to December 31, 2026, the County may not down-zone or reduce the intensity or unit density permitted or intensity reduction, unless the County can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred or the development order was based on substantially inaccurate information provided by the developer or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

SECTION 6: RENDITION.

127. The Mining Department is hereby directed to send certified copies of this Development Order within thirty (30) days of the Board approval to Mosaic, the DCA, and the CFRPC.

SECTION 7: NOTICE OF RECORDING.

128. Mosaic shall record a notice of adoption of this Development Order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Mining Coordinator a copy of the recorded notice with the first annual report.

SECTION 8: COMPACTS BETWEEN MOSAIC AND OTHER COUNTIES.

129. Nothing herein shall be affected by any Agreement or Compact regarding phosphate mining which may have been, or in the future will be, entered into between Mosaic, or any affiliated entity, parent or subsidiary company, and any private or public entity, unless the Board of County Commissioners of Hardee County determines that such Agreement or Compact should apply, after first making applicable amendments to the Comprehensive Plan, Land Development Code and SFM-HC DRI by following all required procedures pertaining to such amendments.

SECTION 9: SEVERABILITY.

130. It is the intent of this Development Order to comply with the requirements of all applicable laws and constitutional requirements. If any provision of the Ordinance or the application thereof to any person or circumstance is for any reason held or declared to be unconstitutional, inoperative, or void by a court of competent jurisdiction, such holding of invalidity shall not affect the remaining portions or applications of this Ordinance, and to this end the provisions of this Ordinance are declared severable.

DULY PASSED AND ADOPTED IN REGULAR SESSION OF THE BOARD OF
COUNTY COMMISSIONERS OF HARDEE COUNTY, FLORIDA, THIS _____ DAY OF
_____, 200__.

BOARD OF COUNTY COMMISSIONERS
OF HARDEE COUNTY, FLORIDA

CHAIRMAN

ATTEST:

CLERK

DRAFT