

JOINT MEETING/PUBLIC HEARING  
PLANNING/ZONING BOARD AND BOARD OF COUNTY COMMISSIONERS  
FEBRUARY 28, 2008, 6:00 P.M.  
Hardee County Board of County Commissioners Board Room  
412 W. Orange Street, Courthouse Annex, Room 102, Wauchula, FL 33873

**MINUTES**

**PLANNING AND ZONING BOARD**

James Barncord, excused  
Don Chancey, present  
Roger Conley, Chairman, present  
Oscar Ortiz, absent  
Charles Parker, present  
Carl Saunders, present  
Mike S. Thompson, excused  
Vida Tomlinson, present  
Max Ullrich, Vice Chairman, absent

**STAFF**

Planning/Development Director  
Nicholas Staszko, present  
BJ Haney Planner II, present  
County Attorney Ken Evers, present  
County Manager Lex Albritton, present  
Mining Coordinator West Palmer, present  
Mining Permitting Specialist Brian Pohl, present  
BCC Office Manager Sandy Meeks, present  
Deputy Clerk of Court Laura Barker, present

**BOARD OF COUNTY COMMISSIONERS**

Minor L. Bryant, Vice Chairman	District One, present	
Clifton "Nick" Timmerman	District Two, present	
Gordon R. Norris	District Three, present	
Bobby Ray Smith	District Four, present	
Dale Johnson, Chairman	District Five, present	News Media present

BCC Chairman Johnson called the Board of County Commissioners to order. A quorum was present.

P/Z Chairman Conley called the Planning/Zoning Board to order. A quorum was present.

Board was advised that the Public Notice for the Public Hearing to receive the 2006-2007 Annual Review for North Hardee Area Mine Extension (Fort Meade Mine) for Mosaic Fertilizer LLC, and to receive the 2007 Annual Report for Fort Green Southern Reserves, Fort Green/Payne Creek Extension, South Rockland, North Pasture for Mosaic Fertilizer LLC was advertised on February 14, 2008 in *The Herald Advocate*. Affidavit of Publication is on file.

Mining Coordinator Palmer presented Staff's Report (copy attached) citing Staff's correspondence with Mosaic's Staff pertaining to certain areas of concern, to-wit:

- timing of reclamation within seven separate reclamation parcels within the Fort Green Southern Reserves Mine, to which Mosaic replied and reclaimed two of the parcels identified as HC-8 with a small lake and HC-10 with a 60MOL-acre marsh. Mosaic clarified the status of the three remaining reclamation areas being HC-14, FG-SP(17A) and FG-SP(18A);
- Mosaic's 2007 annual unit review for North Hardee Area Mine Extension, Fort Green Southern Reserves, Fort Green/Payne Creek, North Pasture and South Rockland Mines; to which Mosaic responded to the majority of the issues and requested the County approve a reclamation time extension that will allow the areas to remain in their present state until the Ona Mine review is completed.

Mining Staff advised the areas in question were identified as IMC-FG-HC(15), IMC-FG-WFHC(4), IMC-FG-WFHC(3), IMC-FG-WFHC(2) and HC-(16) being mined respectively from 1999-2004.

Mining Staff presented its recommendation for approval of the Annual Report with conditions provided by Hardee County Mining Ordinance 2.06.05(C)(05), and for Mosaic to begin reclamation in this area upon approval of the Annual Unit Review and completed within 12 months of Annual Unit approval, with these area being reclaimed as illustrated in the IMC-Agrico Fort Green Southern Reserves Hardee County DRI and Master Mine and Reclamation Plan Substantial Deviation Amended 1997, Map 35G-4 Post Reclamation Vegetation.

Mining Staff brought to the Board's attention the Hardee County and IMC Phosphates Company Financial Assurance for Reclamation Agreement dated 11/06/03 will expire 07/01/08. Further Staff pointed out that Mosaic's 2007 Annual Report Page 3 item numbered 7 stated "Balance unreclaimed available for reclamation is 734.1 acres." Staff noted that Section 7 of the Agreement entitled "Default and Right to Cure" states that "failure to reclaim 200 acres of lands identified as mined and not yet reclaimed in the most current annual report within the time standards set forth in Section 2.06.06(C) (08) of the Hardee County Mining Ordinance No. 1999-02."

Mining Staff pointed out that Mosaic was requested and has provided a more detailed description with regards to reclamation obligations specific to Hardee County contained in a letter dated 02/22/08 from T.A. Smith, Chief Mine Development Engineer together with an Independent Accountants' Report on Applying Agreed-Upon Procedures dated 02/12/08 prepared by KPMG LLP. (Both documents are attached to these Minutes).

Tom Myers, Assistant Vice President of Mining, Mosaic Fertilizer LLC presented an overview of the Hardee County Mining Reports dated August 15, 2007 for the Fort Green Southern Reserves, Fort Green/Payne Creek Extension, South Rockland and North Pasture mines.

**Mining and Monitoring Fees paid to Hardee County per the annual reports:**

**Fort Green Mine Southern Reserves DRI Area:**

Acres mined and disturbed	10,698.7	
Acres reclaimed	05,424.6	
Acres remaining to be reclaimed	05,274.1	
05,274 x \$5,000/acre		\$26,370.500

**Fort Green/Payne Creek DRI Extension:**

Acres mined and disturbed	05,024.0	
Acres reclaimed	04,129.0	
Acres remaining to be reclaimed	00,895.0	
00895.0 x \$5,000/acre		\$04,474.750
Largest above-grade clay settling area		
19,000 ac ft x \$1,000		\$19,000.000

**North Pasture Area:**

Acres mined and disturbed	02,098.0	
Acres reclaimed	01,457.0	
641 x \$5,000/acre		\$03,206,400

**South Rockland Mine:**

Acres mined	01,287.0	
Acres reclaimed	(01,287.0)	
000x\$5,000/acre		\$-----

Ted Smith, Chief Mine Development Engineer, Mosaic Fertilizer LLC's letter dated 02/22/08 advised the Financial Responsibility for each acre mined or disturbed at \$5,000 per acre by Mine is:

Mine	Acres	\$\$\$\$
<b>Fort Green Mine Southern Reserves DRI Area</b>	5,274	\$26,370,500.00
<b>Fort Green/Payne Creek DRI Extension</b>	0,895	\$04,474,750.00
<b>North Pasture Area</b>	0,641	\$03,206,400.00
<b>South Rockland Mine</b>	0,000	\$-----
<b>Ft. Meade North Hardee Extension</b>	<u>0,016</u>	<u>\$00,080,000.00</u>
<b>Total</b>	<b>6,826</b>	<b>\$34,131,650.00</b>

RECESSED: 7:00 P.M.; RECONVENED: 7:10 P.M.

Gary Augensen, Assistant Controller, Mosaic Fertilizer LLC identified some financial changes since the last report in 2003.

Chairman called for public input.

There was considerable discussion regarding timely reclamation with the Boards expressing concern that when the mining is completed there will be sufficient materials to effect the required reclamation.

MOTION by P/Z Board Member Chancey, second by P/Z Board Member Saunders to recommend to the Board of County Commissioners approval of the Annual Reports together with the financial responsibility data with the condition that within 120 days the County Staff and Mosaic Staff develop a reclamation plan for the Fort Green Mine Southern Reserves 734-acres unreclaimed-area to be presented to the BCC. Motion carried unanimously.

MOTION by Commissioners Bryant to accept the P/Z Board's recommendation, MOTION died for lack of second.

MOTION by Commissioner Timmerman, second by Commissioner Norris to accept the Annual Reports together with the financial responsibility data and to accept the P/Z's recommendation for approval with the condition that within 90 days instead of 120 days County Staff and Mosaic Staff develop a reclamation plan for the Fort Green Mine Southern Reserves 734-acres unreclaimed-area to be presented to the BCC with an appropriate resolution. Motion carried with Commissioner Smith voting no.

MOTION by P/Z Board Member Tomlinson, second by Chancey to adjourn the P/Z Board. Motion carried unanimously.

MOTION by Timmerman, second by Norris to adjourn the BCC. Motion carried unanimously.

Public Hearing was adjourned at 8:25 P.M.

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B.J. Haney, Acting Recording Secretary