

PLANNING AND ZONING BOARD
CONTINUED JOINT PUBLIC HEARING with the BOARD OF COUNTY COMMISSIONERS
APRIL 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

**South Fort Meade Partnership LP and Mosaic Fertilizer LLC
South Fort Meade Mine—Hardee County
Development of Regional Impact (DRI)/Major Special Exception**

Planning and Zoning Board

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

Staff

Planning/Development Director
Nicholas Staszko, present
BJ Haney, Planner II, present
West Palmer, Phosphate Mining Coordinator, present
Brian Pohl, Mining Permitting Specialist, present

News Media—Joan Seaman
The Herald-Advocate

Board of County Commissioners

Minor L. Bryant, Vice Chair, present	District I
Clifton "Nick" Timmerman, present	District II
Gordon R. Norris, present	District III
Bobby Ray Smith, present	District IV
Dale Johnson, Chair, present	District V

Staff

County Manager Lexton H. Albritton, Jr., present
County Attorney Ken Evers, present
Sandy Meeks, Office Manager, present
Clerk B. Hugh Bradley, absent
Deputy Clerk Laura Barker, present

The Joint Public Hearing was reconvened at 6:00 P.M.

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

NOTE: the Public Notice for the 04/17/08 Joint Public Hearing was published in *The Herald-Advocate* on February 14 and 21, 2007 with Affidavit of Publication on file. (NOTE: A Public Notice for the Joint Public Hearing noticing an application for Major Special Exception together with legal descriptions for the 10,885MOL acres was advertised in *The Herald-Advocate* on March 27 and April 03, 2008 with Affidavit of Publication on file. That same Public Notice stated that in addition to the Major Special Exception, the Boards would hear a Development Order on an application for Development Approval for a Development of Regional Impact (DRI) and a Master Mining and Reclamation Plan and Unit Plan approval). MOTION and VOTE by both Boards to CONTINUE the Joint Public Hearing to Monday, April 28, 2008.

Attorney Roger Sims presented the closing of the Mosaic Fertilizer LLC presentation providing a brief description of the 04/17/08 testimonies of DeNeve, Smith, Uebelhoer, Garlanger, Stowe, Martin and Pekas.

P/Z Board Member Parker inquired and Sims pointed out there is a provision in the Development Order that addresses a property owner's allegation that because of mining activities the water well or cattle pond went dry.

County's Staff Attorney Scott Shirley introduced County's Staff presentation.

Hardee County Planning/Development Director Nicholas Staszko, 110 South 9th Avenue, Wauchula, FL 33873 introduced West Palmer, Mining Coordinator and Brian Pohl, Mining Permit Specialist, noting Legal Counsel is Scott Shirley; Consultants Lampl Herbert, Chastain-Skillman (Engineering), Montalbano Consulting (Wildlife Ecology), Morrell and Associates (Archaeology/Historical), and EcoNorthwest.

Staszko highlighted County's review process stating that pre-application process was conducted in 2003-2004, application submittal in 2006, three rounds of multi-agency regional and local review over 15 months with requests for additional information during 2006—2007.

Staszko noted that County staff and consultants focused on protection of nearby residents: dam safety; wildlife protection; protection of environmentally-sensitive areas; water quality and quantity; monitoring; transportation; public access; economic impact and post mining redevelopment potentials.

Staszko advised that the approval steps include the Development Order, Major Special Exception, Master Mining and Reclamation Plan and Initial Mining Unit Plan.

Palmer, (110 South 9th Avenue, Wauchula, FL 33873) highlighted the preparation of the Development Order (DO) stating that historical review of mining-related DOs issued by Hardee County to identify county-wide conditions; developed conditions specific to Mosaic SFM-HC proposal; provided draft conditions to Regional Planning Council staff; conducted meetings with RPC, consultants and Mosaic to review and refine conditions; Hardee County's recommended conditions were added to RPC regional conditions; County staff and Mosaic merged the RPC and Hardee County conditions into a recommended DO for consideration by the County Commission.

Palmer identified the specific conditions that address critical issues:

Dam Safety—Conditions 24., 87., 88., and 110.;

Wildlife Protection—Condition 59. and 64.;

Protection of Environmentally-Sensitive Areas—Conditions 65., 68., 81., 91., 92., and 99.;

Water Quality and Quantity—Conditions 69.-71., 78.-82., 93., 94., 102., 104.-106.,
108. and 113.;

Monitoring—Condition 114. in addition to Conditions cited in Water Quality and Quantity;

Transportation—Condition 55.;

Public Access—Condition 117. and 118.;

Archaeological/Historical—Condition 109.

Attorney Kelsky, representing People for Protecting Peace River Inc. inquired if a Southwest Florida Water Management District permit was included in the application; County Staff responded that inasmuch as there were no new water withdrawals planned for the Hardee County mining activities the determination was that a SWFWMD permit was not required.

Kelsky inquired and Palmer responded that Hardee County will rely on the Mosaic monitoring reports for groundwater removal.

Kelsky introduced Dr. Richard Weisskoff, Professor of Economics, University of Miami. (Weisskoff was not sworn). Weisskoff discussed the economic impacts of mining and reported that the Net Economic Impact Analysis (and Strategic Review for Hardee County, Florida Re: Mosaic Fertilizer LLC Proposed South Fort Meade Mine Extension) is deficient.

Kelsky introduced Dr. Sydney Bacchus, Hydroecologist, Athens, GA. (Bacchus was not sworn).

Bacchus discussed the Adverse and Cumulative Environmental Impacts to the Peace River Watershed of Proposed Mosaic SFM-HC mine.

Bacchus noted she was testifying on behalf of the ManaSota 88 and People for Protecting Peace River Inc.

Bacchus pointed out that neither the DO nor the Staff's Report considered the cumulative adverse impacts of similar mining that has occurred for decades in the vicinity of the proposed mine site.

Bacchus discussed “capture” of natural overland water flow; acute toxicity vs. slow/delayed death of vegetation; mechanical groundwater withdrawals; sinkholes and baseline conditions and monitoring; groundwater and surface water investigations; and practical alternatives to mined fertilizer.

Sims inquired and Bacchus advised she did not have expertise in the area of hydrogeology and sinkholes; Sims objected to her testimony in those areas.

Dennis Mader, President, People for Protecting Peace River Inc., 4224 Solomon Rd., Ona, FL 33865 was not sworn.

Mader addressed issues of concern that included that the application is outdated, non-compliant and unprogressive. Mader pointed out that other issues are . . . mining in the wetlands, clay slime impoundments and reclamation liabilities. Mader showed the Peace River Cumulative Impact Study prepared in 2007 by FDEP and SWFWMD identifying how mining affects the watershed.

Kelsky presented a closing summary asking for denial of the application.

Dr. Barbara Carlton, 3587 W. Main St., Wauchula, FL 33873 was not sworn. Carlton stated that she is appalled at the repetitive ecological disasters to our County since the phosphate companies came to Hardee County; we must make our own destiny happen.

Kent Lilly, Esq., (502 W. Main St., Wauchula, FL 33873) was not sworn. Lilly stated that he owns property on the river and this project wraps around his land on three sides; expressed concern for the safety and preservation of the river; with 82 billion gallons of water coming out of the aquifer does not leave much margin for error.

Jim Cooper, Charlotte County, Coral Creek Dr. was not sworn. Cooper expressed concern that there has not been an environmental impact statement for the SFM-HC; do not think you have all the good data for make an informed decision; urged Boards to wait on the environmental study.

Ray Graham, 417 Bell St., Wauchula, FL 33873 was not sworn. Graham stated that he has worked for Mosaic for 23 years and is an eye witness to mining and reclamation; have hoped for industry to come to Hardee County; Hardee must go somewhere besides agriculture; want better for my grandchildren.

John Rehill, was not sworn and spoke against granting the permit.

Dora Wingo, 3075 Steve Rd., Zolfo Springs, FL 33890 was not sworn. Wingo expressed concerns about the effects of acid dust poisoning the trees, vegetation, and cattle in the Mulberry area; mining here would be the same result; suggested requiring shorter reporting periods.

Marian Ryan, 2215 Ave. A, N.W., Winter Haven, FL was not sworn. Ryan urged the County not to make the same mistakes as Polk County; urged denial.

Mary Sheppard, 4220 32 Ct., E., Bradenton, FL 34208 was not sworn. Shepard advised that the County would be wise to look at what Mosaic has offered to Manatee County; are you really getting the best for your County?

Chris Costello, National Staff Person, Sierra Club was not sworn. Costello stated the Club is ready, willing and able to back the local Sierra Club members to protect the Peace River; urged denial.

Keith Nadasky was not sworn. Nadasky pointed out that he grew up in Hardee County, left to attend school and returned to get a job with Mosaic; have seen first hand Mosaic's dedication to environmental compliance; please favor the permit.

Andy Furk, 2460 S.W. Mixon St., Arcadia, FL was not sworn. Furk urged denial.

Frank Kirkland, Fussell Rd., Bowling Green, FL urged denial.

Julia Mader, 4224 Solomon Rd., Ona, FL 33865 was not sworn. Mader urged denial.

Keith Davis, Popash Rd., Wauchula, FL was not sworn. Davis pointed out the great need for the supply of local phosphate.

Patti Murray, Chester Rd., Bowling Green offered a slide presentation of mining berms and aerials of clay settling areas in Polk County; and areas unreclaimed; if the mine is permitted the County is going to lose Peace River.

Sue Reske, Charlotte County, Chairperson of Charlotte Chapter of Sierra Club was not sworn. Reske urged denial.

Ruth Bromberg, Charlotte County was not sworn. Bromberg stated she was representing the folks downstream; urged careful consideration.

Kristi Patel, Bartow, FL was not sworn. Patel stated she owns a local business; urged consideration of seeking the true facts.

Mosaic Rebuttal: Dr. John Garlanger and Gary Uebelhoer rebutted some of the comments.

P/Z Board Member Thompson inquired if there was some data to prove how substantial the clay settling areas would be during a hurricane. Mosaic's Ted Smith called up some charts from Mosaic's power point presentation and noted that before a hurricane hits, the mining company pulls down some of the water.

Thompson asked how would those same clay settling areas behave during an El Nino? Mosaic's Mike DeNeve responded that Mosaic's records for two clay settling area in 1997 and 1998 show that the water only raised two feet.

P/Z Board Member Conley inquired and Mosaic's Tom Myers advised there are approximately 6,000 acres yet to mine in Polk County.

Conley inquired and Myers responded that there are documents assuring Hardee County that Polk County has the capacity and will take the Hardee County clay.

Conley asked and Myers responded there will probably not be any new hires at the SFM-HC mine.

Conley noted the information given to him shows there will be 5,000 acres mined before the first 100 acres will be reclaimed; he is of the opinion Mosaic can do more to clarify some questions.

P/Z Board Member Chancey asked to see the Ardaman slide pertaining to the emergency overflow areas.

Dr. Garlanger identified the ABC cross-sections and advised the details are in the application.

Chancey asked for assurance that the ditch and berm will work stating that we are talking about people's lives.

Garlanger said AB elevation is 135 ft. at the berm's crest and Mosaic is committed to not raise the water level to more than 130 ft.; you have assurance that this will stay in the containment area.

MOTION by P/Z Board Member Saunders, second by Chancey to CONTINUE the April 28, 2008 Joint Public Hearing to Thursday, June 05, 2008, 6:00 P.M.

Bill Lambert, Director of Economic Development Council, 401 N. 6th Ave., Wauchula, FL 33873 was not sworn. Lambert pointed out that economics needs to be considered; Hardee County's future will be defined by things that happen slowly; if we do this mine will have some short-term positives.

Parker Keen, Mosaic Land Development, 413 W. Main St., Wauchula, FL 33873 was not sworn. Keen advised that the company is moving outside the mold by being a large land owner; have embraced the concept of long-term sustainability; we are looking way beyond the dragline and recognize the need to consider the connectivity to these lands; we will continue to work with your Planning/Development staff to move forward with how we transition phosphate lands; I would like to commit to this Board to work on economics for Hardee County.

MOTION by Commissioner Bobby Ray Smith, second by Commissioner Timmerman to close the public testimony portion of the public hearing and to CONTINUE the Joint Public Hearing to Thursday, June 05, 2008, 6:00 P.M. Motion carried unanimously.

P/Z Board voted unanimously on its MOTION to CONTINUE cited on Page 4 of these Minutes.

Joint Public Hearing stood RECESSED at 11:45 P.M.

B.J. Haney, Acting Recording Secretary