

JOINT MEETING/PUBLIC HEARING
PLANNING/ZONING BOARD AND BOARD OF COUNTY COMMISSIONERS

November 04, 2010, 6:00 P.M.

Hardee County Board of County Commissioners Board Room
412 W. Orange Street, Courthouse Annex, Room 102, Wauchula, FL

MINUTES

PLANNING AND ZONING BOARD

Ralph Arce, present
Don Chancey, excused
Roger Conley, present
Gordon Norris, Vice Chairman, present
Oscar Ortiz, present
Charles Parker, present
Monica Reas, present
Mike S. Thompson, Chairman, present
Vida Tomlinson, present

STAFF

Lex Albritton, County Manager, present
Kevin Denny, P/D Director, present
BJ Haney, Planner II, present
Sandy Meeks, BoCC Office Mgr., present
West Palmer, Mining Coordinator, present
Debra Butler, Mining Specialist, present
Ken Evers, County Attorney, 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
Terry Atchley, Chairman, District Three, present
Bobby Ray Smith, District Four, present
Dale Johnson, District Five, present

The Herald-Advocate, Joan Seaman, present

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

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

Boards were advised that the Public Notice for the Joint Public Hearing to receive Mosaic Fertilizer 2008-2009 and 2009-2010 Annual Reports for the South Fort Meade Mine, Hardee County; Fort Green Southern Reserves; Fort Green/Payne Creek Extension; South Rockland and North Pasture Mines was advertised on October 21, 2010 in *The Herald Advocate* with Affidavit of Publication on file.

Boards and County Staff were provided with a copy of Annual Reports and a copy of Hardee County Mining Staff Summary Memorandum dated 10/26/10, a copy of proposed Resolution 2011-07 for the 2008-2009 and 2009-2010 Annual Reports of the Fort Green Southern Reserves, Fort Green/Payne Creek Extension, South Rockland and North Pastures Mines, and a copy of Resolution 2011-08 for the 2008-2009 and 2009-2010 Annual Reports of the South Fort Meade Mine, Hardee County prior to the Joint Public Hearing.

Mining Coordinator Palmer stated the purpose of the Joint Public Hearing and presented Staff's Summary/Report (copy attached to original Minutes) Palmer noted that the Joint Public Meeting information packets for the Boards included two staff summaries, an inspection report, two draft resolutions, a press release, and a certificate of insurance.

Palmer pointed out relative to the Fort Green Southern Reserves, Fort Green/Payne Creek Extension, South Rockland and North Pasture mines:

- there was no mining in 2008-2009;
- during the 2009-2010 reporting period, 0.6 acre was mined in the Fort Green Southern Reserves area as a result of the mining operations taking place in the adjacent Altman tract in Manatee County;
- approximately 370 acres are proposed to be mined in the Fort Green Southern Reserves during the 2011-2012 reporting period; and,
- on June 05, 2008, the Board of County Commissioners approved a 734-acre-reclamation plan described as follows:
 - County Road 62 frontage in Area 1 is complete;
 - Re: Approved reclamation in Area 1 (HC 10, 12 and 13), the reclamation in this area was to be completed by December, 2010; the reclamation will be done on time in accordance with the Hardee County Unified Land Development Code (ULDC);

- Re: Approved reclamation in Area 2 (WFHC1), and approved reclamation in Area 3 (HC14 and 15), the reclamation in these areas was to be completed by December 2008 in accordance with the Hardee County ULDC;
- Re: Approved reclamation in Area 4 (HC 16), the reclamation within this area was completed on time in June, 2009 in accordance with the Hardee County ULDC.

Palmer reported that reclamation within the entire area included in the June 5, 2008 remedial reclamation plan has been completed, inspected by Hardee County Mining Department staff and a copy of the inspection report is attached to the Boards' meeting packet. Palmer noted that the reclamation is sand tailings and overburden . . . no clay.

Palmer's reports and Staff Summary/Report are entered into the record and he stated that staff recommends approval of the 2008-2009 and 2009-2010 Annual Reports

Palmer stated that there has been no mining in the South Fort Meade Mine Hardee County (SFM-HC).

Palmer pointed out that on June 14, 2010 the final permit needed for the SFM-HC was issued by the Army Corps of Engineers. Disturbance at the SFM-HC site began on June 21, 2010 consisting of clearing and site preparation in the 'Phase I' area. In late June, the permit was challenged by the Sierra Club. In response, a U.S. District Court Judge issued a temporary restraining order halting any activity affecting federal wetlands on the site until July 28, 2010. A hearing was held on July 22, 2010 wherein the judge did not render a decision on the sierra Club's motion for a preliminary injunction. Instead, the restraining order was later extended by the judge until July 30, 2010. The U.S. District Court Judge granted a preliminary injunction on July 30, 2010. The District Court's Order prevents mining in federal wetlands in the Hardee County extension until additional evaluation has been completed by the Army Corps of Engineers, or the case has been decided on the merits. On August 2, 2010, Mosaic filed a Notice of Appeal with the 11th Circuit Court of Appeals in Atlanta, GA. Mosaic intends to aggressively defend the ACOE permit in the appropriate courts as circumstances require."

Palmer advised that mediation between the parties took place on September 29, 2010 and the County's mining department has received information regarding the mediation per the press release.

Palmer's report and Staff Summary/Report are entered into the record and he stated that staff recommends approval of the 2008-2009 and 2009-2010 Annual Reports for SFM-HC.

Mike DeNeve, Permitting Superintendent, Mosaic Fertilizer LLC highlighted the mine locations affected by these annual reports.

DeNeve noted:

Annual Monitoring Fee (\$1.20/mine acre)	\$45,418.80
Annual Review Fee (\$7/acre)	\$47,957.00 for a total of \$93,375.80 paid to Hardee County.

DeNeve showed a slide presentation summarizing acreages mined or disturbed and noted that 97% of the area available for reclamation has been completed, the presentation showed acres undisturbed and areas available for reclamation.

Larry Gedling, Accounting Manager showed slides highlighting:

- safe harbor statement;
- financial responsibility for mines addressed;
- responsibility calculation;
- evidence of insurance for clay settling areas;
- independent auditor's report dated 09/23/10;
- schedule of accrued land reclamation;
- annual financial results;

- key strategic successes including
 - Investment with Miski Mayor joint venture;
 - PhosChem multi-year agreement with India;
 - Fostered divesture;
 - Quarterly financial results;
 - Industry Outlook 2010-2011;
 - phosphate demand at record levels;
 - Global food challenge;
 - Mosaic's award for 100-Best Corp. Citizens.

Board inquired and Gedling advised that the company's liabilities include one billion dollars worth of debt now, however, the company has paid down almost one-half of that debt. Boards were advised that the details are included in the meeting packet materials.

Boards viewed a slide presentation that showed the South Rockland site including reclamation through 06/30/10, post reclamation use, mining data from 1994-1997, reclamation activities and LRUs. The slide presentation included the North Pasture site, the Fort Green/Payne Creek Extension site and Fort Green Southern Reserves site depicting mining and reclamation through 06/30/10, land uses and diverse habitats, mining footprint, LRUs, and reclamation activities.

Beth Neic, Permitting Engineer, South Fort Meade-Hardee County Extension gave a brief overview of SFM-HC as of 05/31/10 discussing the mine location, mining and reclamation through 05/31/10, preserved acres and areas not to be disturbed. Neic advised that Phase 1 includes 200 acres whose mining started mid June, 2010 and whose mining plans are restricted to the Phase 1 area due to legal challenges. Neic identified some post reclamation land use.

Parker, Keen, Assistant Vice President of Land Management, Mosaic Fertilizer LLC, 414 W. Main St., Wauchula, FL addressed the Boards and stated that we have worked with the staff to provide discussions for economic development in the County. Mosaic is willing next to provide an initial payment toward the \$5 million agreement with \$1,500,000 to help economic development initiatives; when the final permits are in place we will make our \$5 million dollar commitment.

County Attorney Evers pointed out that for the record this is only partial payment of the agreement and order.

BCC Chairman called for public input, none offered.

MOTION by P/Z Board Member Norris, second by P/Z Board Member Reas to recommend to the Board of County Commissioners approval of Mosaic Fertilizer LLC's Annual Report for the years 2008-2009, and for the years 2009-2010. Motion carried unanimously

MOTION by Commissioner Timmerman, second by Commissioner Smith to accept the P/Z Board's recommendation, and to approve the Annual Reports for Mosaic Fertilizer LLC for the years 2008-2009, and Annual Report for the years 2009-2010, and to authorize BCC Chairman to sign **Resolution No. 2011-07** for the Annual Reports for Fort Green Southern Reserves, Fort Green/Payne Creek Extension, South Rockland Mine, and North Pasture Mines for the years 2008-2009 and 2009-2010, and to authorize BCC Chairman to sign **Resolution 2011-08** for the Annual Reports for the South Fort Meade Mine-Hardee County for the years 2008-2009 and 2009-2010. Motion carried unanimously.

Chairman Atchley adjourned the BCC and P/Z Joint Public Hearing at 7:06 P.M.

Respectfully submitted,