

RECEIVED  
DEC 22 2005  
VHB, INC.

**ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY**  
**WETLAND IMPACT APPROVAL AND MITIGATION AGREEMENT**

This agreement is made and entered into by the Executive Director of the Environmental Protection Commission of Hillsborough County (EPC) pursuant to Chapter 84-446, Laws of Florida, as amended, and the EPC Wetland Rule Chapter 1-11, and **Mosaic Fertilizer (FKA: Cargill Fertilizer)** owner of the following described property (location of mitigation area(s) and/or Conservation Easement; include description, address, folio, section, township, range): **(See Attachment A)**

And in consideration of the Executive Director's authorization to develop or impact the wetland(s) located on (location of area(s) to be developed or impacted; include description, address, folio, section, township, range):  
**Archie Creek**

as described in **ERP/UAL Application for Cargill Fertilizer Gypstack Expansion CDA Application Volume 1-5 (July-Dec 1999)**, Applicant agrees to the following conditions: (project name)

- (a) to perform or construct the wetland mitigation on property identified first above according to the specifications of the approved plan (Plan), identified as **Archie Creek Relocation CDA Application Volumes 1-5 (July-Dec 1999)** (plan name including the date received by the EPC) and kept on file with the EPC;
- (b) to perform the monitoring as required and any corrections or modifications to the mitigation in order to achieve the success specifications agreed upon in the Plan;
- (c) to notify in writing the Director of the Wetlands Management Division of the exact start and completion dates for approved disturbances and for the construction of mitigation areas;
- (d) to give actual notice of this Mitigation Agreement and any Conservation Easement to any purchaser of the mitigation area and/or area of the Conservation Easement;
- (e) to specifically retain the right to complete the terms of this Mitigation Agreement in the event of sale of the mitigation area, or to otherwise provide for the satisfactory completion of the terms of the Plan pursuant to this Mitigation Agreement, unless the agreement is assigned to and assumed by another party and specifically agreed to by written agreement acceptable to the Executive Director;

- (f) to provide public notice of the EPC's interest in the mitigation area at Applicant's own expense, by (i) executing and recording a **Declaration of Restriction (See Specific Condition 24 EPCHC Director's Authorization for Wetland Impacts (Oct 9, 2000))** over any mitigation area(s) totaling 0.5 acres or greater to the EPC, and (ii) recording this Mitigation Agreement, and by (iii) appropriate notation on the plat, or plan (please indicate which methods of public notice will be used by crossing out those not applicable) and; **application for comprehensive plan future land use map amendment to reclassify to natural preservation (NP).**
- (g) pursuant to Section 1-11.07, Rules of the EPC, owner agrees to provide prior to commencing the proposed impact of this project, an Irrevocable Standby Letter of Credit or equivalent financial security for the implementation term of the Plan, in the amount of **\$500,000,000.00**, to ensure compliance with this agreement and the Plan.
- (h) In addition, this Agreement hereby expressly incorporates, and the Applicant agrees to the conditions set forth in, the EPC's letter dated **10/9/00**, conceptually approving the proposed impacts.

In recognition that the proposed impact to the wetland is necessary for the reasonable use of the Applicant's property, and in consideration of the agreement to complete the mitigation according to the specifications of the Plan and as agreed above, the Executive Director has determined that the proposed Plan would provide adequate protection of the environmental benefits, pursuant to Section 1-11.07, Rules of the EPC, and hereby gives authorization to the Applicant to impact the wetland as proposed, conditioned upon the specifications of that proposal and this agreement.

It is agreed that **THIS AUTHORIZATION WILL EXPIRE ON** \_\_\_\_\_; however, if any impact to the wetland identified above has occurred prior to that time pursuant to this authorization, the Plan shall be implemented in its entirety. Failure to comply with the terms of this agreement or to implement the Plan according to its specifications shall be a violation of Chapter 84-446, Laws of Florida and is enforceable accordingly, as well as by action on the contract. This Agreement shall take effect upon the date of execution by the Executive Director and shall constitute final agency action by the EPC. The terms and conditions set forth in this Agreement / Order may be enforced in a court of competent jurisdiction as a final order of the agency.

The Applicant shall allow all authorized representatives of the EPC access on the property at reasonable times for purposes of determining compliance with this Agreement and the rules of the EPC.

Entry into this Agreement does not relieve the Applicant of the need to comply with any applicable federal, state, and local laws, regulations, and ordinances. The entry of this Agreement does not abrogate the rights of aggrieved persons who are not parties to this Agreement. It is recommended that the Applicant publish at its own expense the following notice of this agency action in a newspaper of daily circulation in Hillsborough County, Florida so as to provide constructive notice to potentially aggrieved parties:

**ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY**  
**NOTICE OF MITIGATION AGREEMENT**

The Environmental Protection Commission of Hillsborough County gives notice of agency action of entering into a Mitigation Agreement with **Mosaic Fertilizer** pursuant to Chapter 84-446, Laws of Florida, as amended. The Mitigation Agreement addresses approval for wetland impacts located at [describe location of the development or property] **Archie Creek**. The Mitigation Agreement is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Environmental Protection Commission, 3629 Queen Palm Dr., Tampa, Florida 33619. Pursuant to Section 9, Chapter 84-

446, Laws of Florida, and Rule 1-2.30, Rules of the EPC, any person whose interests protected by Chapter 84-446, Laws of Florida, are adversely affected by this action or are otherwise aggrieved by this action, has the right to appeal this agreement in accordance with Part III of Rule 1-2, Rules of the EPC. Written notice of appeal must be received by the Chairperson of the EPC, at 601 East Kennedy Blvd., Tampa, Florida 33602, within 20 days of the date of this publication.

No modifications of the terms of this Agreement shall be effective until reduced to writing and executed by both the Applicant and the EPC. The parties to the Agreement have read the foregoing, understand its terms and agree to be bound thereto. The provisions of this Agreement shall apply to and be binding upon the parties, successors, and assigns. The Applicant waives its right to a hearing, judicial review, or appeal of the terms of this Agreement / Order, except to the extent of proving compliance with this Agreement / Order.

8/10/05  
DATE  
Jeffrey M. Stewart  
Print: Jeffrey M. Stewart/Environmental Superintendent  
Applicant /Agent Signature & Title  
(If by agent, Power of Attorney required)

**8813 US Hwy 41 S, Riverview, FL 33569**  
Mailing Address

STATE OF Florida  
COUNTY OF Hillsborough

Before me this 10<sup>th</sup> day of August, 2005, appeared  
Jeffrey M. Stewart who is personally known to me or who produced  
as identification and who acknowledged to me under oath to be the  
person who signed the foregoing Agreement.

NOTARY PUBLIC:  
Signature Christine E. Haney  
Print **CHRISTINE E. HANEY**  
My Commission Expires: 5/24/2007



DATED \_\_\_\_\_  
**RICHARD D. GARRITY, Ph.D., Executive Director**  
Environmental Protection Commission  
of Hillsborough County  
3629 Queen Palm Dr.  
Tampa, Florida 33619

## **NOTICE OF RIGHTS**

Pursuant to Section 9, Chapter 84-446, Laws of Florida, and Rule 1-2.30, Rules of the EPC, any person whose interests protected by Chapter 84-446, Laws of Florida, are adversely affected by this action or are otherwise aggrieved by this action, has the right to appeal this agreement. **Written notice of appeal must be received by the Chairperson of the EPC, at 601 East Kennedy Blvd., Tampa, Florida 33602, within 20 days of receipt of this agreement** and must state specifically what part of the action or decision is appealed and must specifically set forth the reasons for your objection. A copy of the notice of appeal must also be sent to the EPC's Legal Department, Environmental Protection Commission of Hillsborough County, 3629 Queen Palm Dr., Tampa, Florida 33619.

**FAILURE TO FILE A TIMELY APPEAL SHALL CONSTITUTE A WAIVER OF ALL OBJECTIONS AND SHALL RESULT IN THIS DOCUMENT BECOMING A FINAL AGENCY ORDER ENFORCEABLE IN A COURT OF LAW.**

This Order is final unless the party timely files a petition for a formal hearing or informal proceeding, pursuant to Chapter 1-2, Part III, Rules of the EPC. This Order will constitute a full and final adjudication of the matters set forth in this Agreement. Copies of EPC rules referenced in this Agreement may be examined at any EPC office, be found on the internet site for the agency at <http://www.epchc.org/> or may be obtained by written request to the EPC Legal Department at 3629 Queen Palm Dr., Tampa, Florida 33619.

Prepared by: T. Andrew Zodrow, Esq.

Return to: Environmental Protection Commission

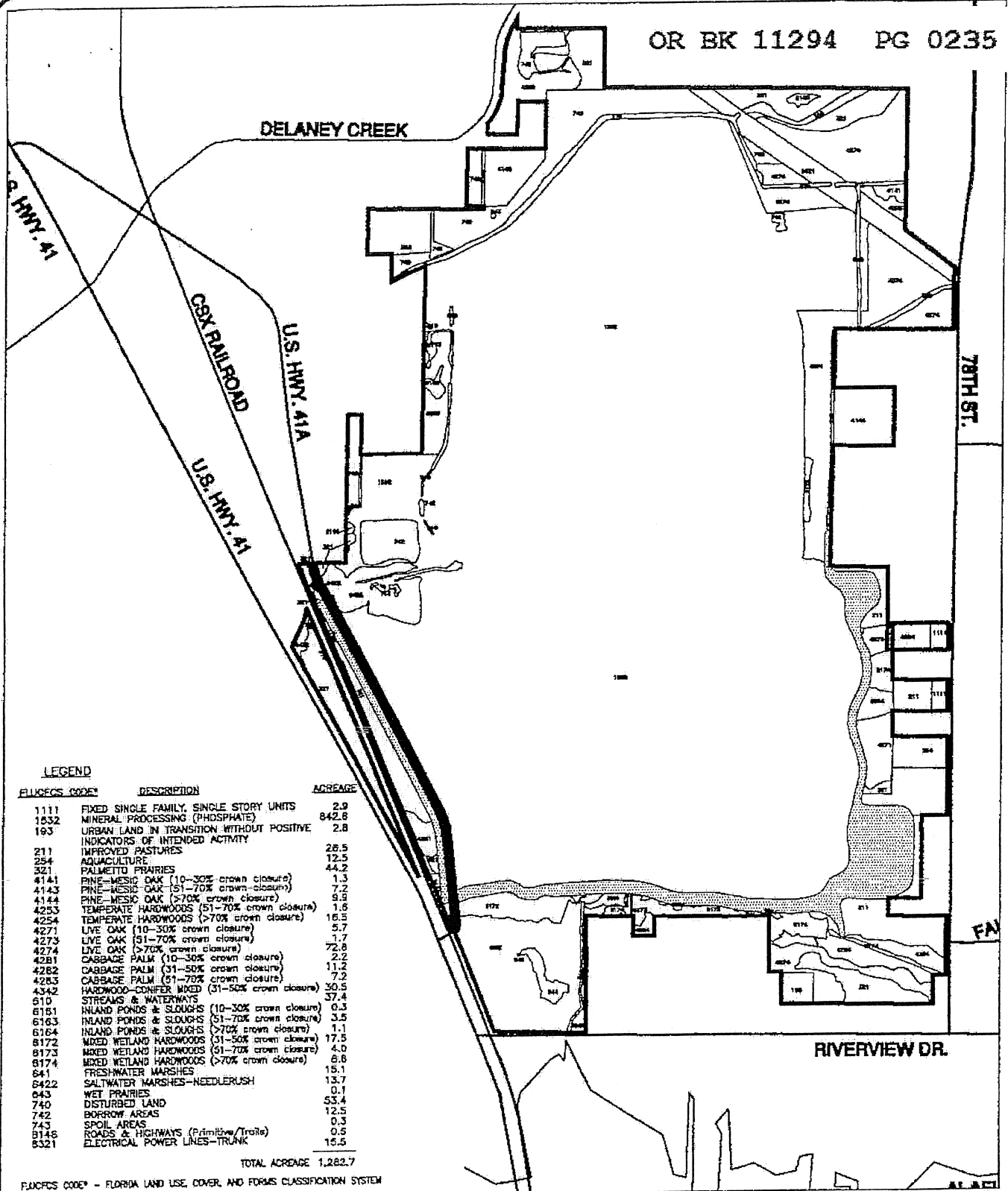
3629 Queen Palm Dr.

Tampa, Florida, 33619

Attn: Michael Thompson

**ATTACHMENT A: FOLIO NUMBERS OF THE SUBJECT PROPERTY**

Folio Number	Zoning	Land-Use	S-T-R
48870.0100	AI	LI	2-30-19
48871.0000	AI	LI	2-30-19
48872.0000	AI	LI	2-30-19
48991.0000	PD-I	LI	11-30-19
48992.0000	AI	LI	10-30-19
48992.5000	PD-I	LI	10-30-19
48998.0200	PD-I	LI	10-30-19
49035.0100	PD-I	LI	10-30-19
49037.0000	PD-I	LI	10-30-19
49039.0000	AI	LI	15-30-19
49042.0000	PD-I	LI	11-30-19
49051.0100	AI	LI	11-30-19
49052.0000	AI	LI	11-30-19
49064.0400	AI	LI	14-30-19
49156.0000	AI	LI	14-30-19
49158.0000	AI	LI	14-30-19
49159.0000	AI	LI	14-30-19
49160.0000	AI	LI	14-30-19
49165.0000	AI	LI	14-30-19
49166.0000	AS-I	LI	14-30-19
49169.0000	AI	LI	14-30-19
49178.0100	RSC-6MH	R-6	14-30-19
49180.0000	AI AR	LI R-6	14-30-19
49182.0000	RSC-6MH	R-6	14-30-19
49245.0000	AS-I	R-6	14-30-19
49265.0000	AS-I	R-6	14-30-19
49266.0000	AS-I	LI	14-30-19
49272.0000	AI	LI	14-30-19
49288.0000	AR	LI	15-30-19



ARCHIE CREEK RESTORATION DOR AREA

Figure 1

ARCHIE CREEK RESTORATION  
DOR AREA  
RIVERVIEW PROPERTY

CARGILL FERTILIZER, INC.  
TAMPA, FLORIDA



Pomarco Hargrove Branstetter, Inc.  
Environmental Services Division

5015 U.S. 19 NORTH  
POST OFFICE BOX 35  
PALMETTO, FLORIDA

GIOBANIE CERCEȚ-RICTFORT  
ADMIN CHECK  
MOSAIC FERTILIZER LLC  
8813 HIGHWAY 41 S  
RIVERVIEW FL 33569

Corporate Purchasing Card

9399

Date 08.11.05

68-1/510

Pay to the order of Check of the Circuit Court \$ 44.00

fourty four & 00/100

Dollars



Security  
Features  
Details on  
Back.

Bank of America®



Payable through  
Bank of America, N.A.  
Richmond, VA

For

John B. Ricketts

MP

⑆051000017100050002306830⑈9399

W-80-127

2005-2489E

Richard D. Garrity, Ph.D.  
Executive Director  
(813)627-2600

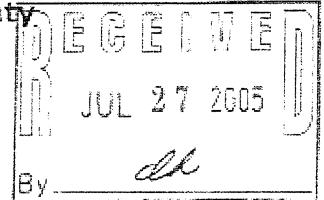


Date Issued: 7/22/2005

S 14 T 30 R 19

Environmental Protection Commission of Hillsborough County

## WARNING NOTICE



**Responsible Party: Mosaic Fertilizer, LLC / Attn: Dean Ahrens**

**Mailing Address:** 8813 US 41 South  
Riverview, FL, 33569

**Phone:** 871-6363

**Location of alleged violation:** Mosaic Phosphogypsum Stack Expansion--Archie Creek per route.

**Day and time of alleged violation:** Ongoing since 2000

### **Alleged violation pursuant to:**

**Chapter 84-446 Laws of Florida (Act):**

- Chapter 1-11, Rules of the Commission (Wetlands)
- Chapter 84-446 (Act), Sec. 17b, Violating Rule/~~Standard/Order~~

**Other:**

The violations here alleged may not include possible concurrent violations of other applicable environmental laws; local, state or federal including those of the Environmental Protection Commission. Facts believed to constitute alleged violation:

Failure to submit the Mitigation Agreement required by the 10/9/00 Executive Director's Authorization.

By copy of this Notice, the responsible party is informed that Commission staff believes that based upon the information available, a violation may have occurred. If substantiated, appropriate administrative or legal action will occur to assure compliance with the Environmental Protection Act of Hillsborough County and the Rules of the Environmental Protection Commission of Hillsborough County. If you believe that the above does not constitute a violation as alleged, you are encouraged to immediately contact the Investigator named below. If the violation is substantiated, cooperative resolution and correction may avoid enforcement action in this matter.

**Note:** Notice of rights, notice of violation and steps to resolve a warning notice enclosed. This case may be transferred for further enforcement action.

Because continuation of violation subsequent to this Notice may be considered to be an intentional violation, it is recommended that you cease the above activity and until this matter is resolved you:

Submit the mitigation agreement and recording fees within 30 days of receipt of this Warning Notice.

**Investigator:**

*Michael D. Thompson*  
Mike Thompson  
(813) 627-2600 ext 1219

**Delivered by:**

Certified Mail #7004 1350 0001 1863 8771

**CC: HCSO**

**FDEP, Jeff Glas**