



City of North Port

RESOLUTION NO. 2023-R-24

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, SUPPORTING DESOTO COUNTY'S DENIAL OF MOSAIC'S REZONING REQUEST AND REQUEST FOR JOINDER AND RE-EVALUATION OF MINING PERMIT REQUIREMENTS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING DIRECTION TO CITY CLERK; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the air and water resources of the counties of Southwest Florida are interdependent and indivisible, and activities that negatively impact these resources could create a common and substantial burden upon all the counties within the region in addition to the public health, welfare, and safety of the citizens of the City of North Port; and

WHEREAS, the Peace River Manasota Regional Water Supply Authority ("PRMRWSA") provides drinking water to over 900,000 people across Charlotte, DeSoto, Manatee, and Sarasota Counties, and maintains its intake downstream of those phosphate mining and processing activities that discharge into the waters of the Peace River basin; and

WHEREAS, phosphate design criteria and acceptable limits of constituents in water discharged by phosphate mining operations are established in state statutes and permitted by Florida Department of Environmental Protection ("FDEP"), while water withdrawal limits are set by the Southwest Florida Water Management District ("SWFWMD") through their Water Use Permit process; and

WHEREAS, Mosaic, the nation's largest producer of fertilizer, has acquired a portion of the necessary permits from FDEP and SWFWMD to conduct phosphate mining activities on over 16,000 acres in the Horse Creek basin of DeSoto County; and

WHEREAS, in 2018 DeSoto County denied a request by Mosaic to rezone and conduct phosphate mining activities in DeSoto County, but following an appeal and arbitration Mosaic reportedly intends to re-apply in 2025; and

WHEREAS, phosphate mining has been destructive to the immediate environment and has historically resulted in environmental damage to surface waters through the release of phosphate waste and other noxious pollutants; and

WHEREAS, the possible release of radioactive elements that have toxic effects even in minute amounts into the air and water of Southwest Florida through phosphate mining may have serious public health consequences now and for generations to come; and

WHEREAS, much of the currently available information regarding phosphate mining has been prepared by phosphate corporations or consultants dependent upon the phosphate industry; and

WHEREAS, current regulations concerning operations at phosphate mines and processing facilities cannot prevent the potential for unpermitted releases from these facilities, as evidenced by:

- A 2016 pollution event wherein a sinkhole opened underneath a phosphogypsum stack, draining approximately 215 million gallons of acid process water into the Florida aquifer;
- A 2022 event wherein a liner tear and void was found underneath a phosphogypsum stack, that without further action could have resulted in the development of a sinkhole and discharge of process water;
- The 2022 historic rain event associated with Hurricane Ian, that resulted in multiple breaches of the stormwater management system at a phosphate mine near Fort Meade; and

WHEREAS, the water quality of Charlotte Harbor and Charlotte County's water supply at the Peace River facility are potentially at risk due to a possible pollution release from any new mining facility allowed in DeSoto County; and

WHEREAS, on January 24, 2023, the Board of County Commissioners of Charlotte County, Florida adopted a resolution supporting DeSoto County's denial of Mosaic's rezoning request and request for joinder and re-evaluation of mining permit requirements; and

WHEREAS, the City Commission for the City of North Port, Florida desires to join Charlotte County in support of DeSoto County's denial of the Mosaic rezoning request and request for joinder and re-evaluation of mining permit requirements; and

WHEREAS, the City Commission has determined that it is in the best interest of the City of North Port, its residents, and all members of the Peace River Manasota Regional Water Supply Authority that DeSoto County maintains its current position relative to Mosaic's rezoning request.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1 – INCORPORATION OF RECITALS

1.01 The above recitals are true and correct and are incorporated in this resolution by reference.

SECTION 2 – RESOLUTION

2.01 The City Commission requests that the other members and customers of the PRMRWSA join them in supporting DeSoto County Board of County Commissioners' current position.

2.02 The City Commission requests that regulatory agencies and rule-makers, such as Florida Department of Environmental Protection and the Southwest Florida Water Management District, provide an overview of mining regulations and requirements to the Charlotte County Board of County Commissioners at a publicly noticed meeting, describing how the current regulations assure adequate protection to receiving waters and the surrounding environment.

2.03 The City Commission requests all applicable rule-makers and regulatory parties review and re-evaluate all phosphate mining permit requirements to ensure testing for all appropriate parameters and adequate safeguards are in place to protect our waters, our most precious resource.

SECTION 3 – DIRECTION TO CITY CLERK

3.01 The City Clerk is directed to send an executed copy of this Resolution to the Peace River Manasota Regional Water Authority.

SECTION 4 – CONFLICTS

4.01 In the event of any conflict between the provisions of this resolution and any other resolution, in whole or in part, the provisions of this resolution will prevail to the extent of the conflict.

SECTION 5 – SEVERABILITY

5.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this resolution is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the resolution.

SECTION 6 – EFFECTIVE DATE

6.01 This resolution takes effect immediately.

ADOPTED by the City Commission of the City of North Port, Florida, in public session on _____, 2023.

CITY OF NORTH PORT, FLORIDA

BARBARA LANGDON
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON, B.C.S.
CITY ATTORNEY