

R E S O L U T I O N
NUMBER 2023-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA SUPPORTING DESOTO COUNTY'S DENIAL OF MOSAIC'S REZONING REQUEST AND REQUEST FOR JOINDER AND RE-EVALUATION OF MINING PERMIT REQUIREMENTS.

RECITALS

WHEREAS, the conservation and protection of the natural resources and scenic beauty of Charlotte County is vitally important to the health, welfare and safety of its citizens and is further essential in the maintenance of the highly desirable tourist and retirement economic sectors that have arisen due to the County's unique climatic and quality of life advantages; and

WHEREAS, the Charlotte County Board of County Commissioners ("BOCC" or "Board") Fiscal Year 2021-2022 Strategic Plan identified its One Charlotte, One Water management initiative to solidify its environmental stewardship to protect Charlotte Harbor, a designated Outstanding Florida Water, and waters that feed into it; and

WHEREAS, the air and water resources of the various 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 Charlotte County; and

WHEREAS, the Peace River Manasota Regional Water Supply Authority ("PRMRWSA"), which provides drinking water to over 900,000 people across Charlotte, DeSoto, Manatee, and Sarasota Counties, 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 on the aforementioned property but following an appeal and arbitration, Mosaic reportedly intends to re-apply in 2025; and

WHEREAS, phosphate mining has been destructive of 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 which 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 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 in which a sinkhole opened underneath a phosphogypsum stack, draining approximately 215 million gallons of acid process water into the Florida aquifer;
- A liner tear and void found underneath a phosphogypsum stack in 2022, which 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, which resulted in multiple breaches of the stormwater management system at a phosphate mine near Fort Meade; and

WHEREAS, on June 22, 2021 and December 20, 2022, members of the Charlotte County BOCC requested public meetings with members of the phosphate regulatory and mining sectors to discuss the aforementioned concerns, both of which were declined; and

WHEREAS, in 2022 Charlotte County amended the Mineral Resource Extraction (MRE) Future Land Use Map (FLUM) category to prohibit activities related to mining and processing of phosphate ore within county boundaries.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida:

1. In that 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 the new proposed Mosaic mining facility in DeSoto County, and, up to this point in

time, neither Mosaic nor the Florida Department of Environmental Protection have agreed to meet with Charlotte County Board of County Commissioners in a technical workshop to quantify for the County and its citizens the probability of those risks becoming a reality, the Board believes it is in the best interest of the County, 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; and

2. The Charlotte County Board of County Commissioners requests that the other members and customers of the PRMRWSA join us in supporting DeSoto County Board of County Commissioners' current position; and

3. The regulatory agencies and rulemakers such as Florida Department of Environmental Protection and the Southwest Florida Water Management District are hereby requested to 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; and

4. The Charlotte County Board of County Commissioners requests all applicable rulemakers 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; and

5. This Resolution shall take effect immediately upon adoption.

6. The County Administrator is directed to send an executed copy of this Resolution to our partners in the Peace River Manasota Regional Water Authority.

PASSED AND DULY ADOPTED this 24th day of January, 2023.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____
William G. Truex, Chairman

ATTEST:

Roger D. Eaton, Clerk of the Circuit
Court and Ex-officio Clerk of the
Board of County Commissioners

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: 
Janette S. Knowlton, County Attorney
LR22-0791 / CA