



Tampa Bay Regional Planning Council

# ARS

## Annual Report Summary

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### DRI #42/#95 - WINGATE CREEK MINE MANATEE COUNTY RY 2003-04

On January 28, 1975, Manatee County granted a Development Order to Beker Phosphate Corporation for the mining of 6,065 acres of the project's 10,971 acres located in east central Manatee County. This particular Development Order had been modified two times.

Resulting from a settlement agreement between the County, Roger Broderick, Roy Carlin (Trustee) and Nu-Gulf Industries (NGI), the new owner of the project, Manatee County approved Resolution No. R-88-236 as a substantial deviation (S/D) to DRI #42, on October 18, 1988.

The S/D Development Order has been amended a total of six times, the latest occurring on July 27, 1999 (Resolution No. 99-89). The amendments have cumulatively: modified the haul routes and destinations of cargo; extended the effective period for phosphate mining operations and the period for the use of haul route (to July 31, 2004); identified that mining reclamation must be completed by December 31, 2008; and modified the trigger point for completion of road improvements to a date certain (July 31, 1999). The Development Order expires on July 31, 2004. The anniversary date for the Annual Report is March 31<sup>st</sup>.

On March 25, 2004, the applicant submitted a Notice of Proposed Change application requesting the following modifications of the Development Order, which remain under review:

- extend the effective period for phosphate mining operations (to July 31, 2011), the Development Order expiration date (to July 31, 2011) and the date in which mining reclamation must be completed (to December 31, 2015), each by a period of seven additional years; and
- recognize the name of the new project owner: Cargill Fertilizer, LLC, Attention: Mr. Thomas E. Myers III, Fort Meade Mine, 3900 Peoples Road, Ft. Meade, FL 33841.

### **PROJECT STATUS**

***Development this Reporting Year:*** due to poor economic conditions, the mine has been temporarily shutdown since December 27, 1999. No lands have been mined or disturbed since this time. A total of 33 acres of mined lands were reclaimed (contoured) within program areas NGI-WC-2(C) and NGI-WC-3(A). Two acres of previously disturbed lands were reclaimed/contoured. During 2003, the project completed proceedings pursuant to Chapter 7 of the Bankruptcy Code. Cargill Fertilizer, Inc. has announced the signing of a Notice of Intent to purchase the mine.

***Cumulative Development:*** as previously identified, a total of 686 acres have been mined. An additional 1,402 acres have been disturbed. A total of 310 of the mined acres have been

contoured, of which 242 acres have been revegetated. Of the mined and disturbed areas, 626 acres have been contoured, of which 498 were revegetated.

***Projected Development:*** the developer has indicated that mining operations are expected to resume in the second half of 2004 “assuming that the acquisition and appropriate permit transfers, approvals and needed maintenance is completed.” The mining is expected to occur in Section 28, Township 34 South, Range 22 East.

### **SUMMARY OF DEVELOPMENT ORDER CONDITIONS**

1. The previous developer (Wingate Land Corporation), which had acquired 4,500-acres located immediately adjacent to the eastern boundary of the project in May of 1998, had acknowledged their familiarity with the DRI process and the potential future requirement to submit a Notice of Proposed Change if this parcel were to be incorporated into the development plan for the project. It is unclear if Cargill Fertilizer obtained this additional site.
2. The annual report indicated that NGI has ceased air quality monitoring. The Development Order condition requiring the monitoring allows it to be altered if Manatee County concurs. The developer previously provided documentation for the temporary postponement of air quality monitoring granted by the Manatee County Public Health Unit, in a letter dated January 31, 1990, which stated “until further notice or the continuance of mining operations” at the discretion of Manatee County. A more recent correspondence received from the County, dated July 25, 1995, confirmed the continued cessation of air quality monitoring until “such time that they added new operations that could create air pollution problems.”
3. In accordance with Condition 4.A.(1), the developer can truck a maximum of 2 million tons of product per year via designated haul routes.
4. The developer has completed all transportation improvements prior to July 31, 1999, as required by Condition 4.A.(16) (*Resolution No. 98-99*).
5. The bridge across the Eastern Fork of the Manatee River, associated with the designated haul route to Mulberry, shall be inspected biannually by a Structural Engineer to determine if deficiencies exist. If deficiencies are detected, haul operations across the bridge shall be immediately discontinued until deficiencies have been corrected. [Condition 4.A.(21)]

The project appears to be in compliance with all other conditions at this time.

### **DEVELOPER OF RECORD**

Nu-Gulf Industries, Inc., 38651 S.R. 64 East, Myakka City, FL 34251 is the firm responsible for adhering to the conditions of the Development Order.

## **DEVELOPMENT ORDER COMPLIANCE**

The project appears to be proceeding in a manner consistent with the Development Order. Manatee County is responsible for ensuring compliance with the terms and conditions of the Development Order.