



ARS

Annual Report Summary

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DRI #95 - WINGATE CREEK MINE MANATEE COUNTY RY 2009-10

On January 28, 1975, Manatee County granted an initial 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 has been modified two times.

Resulting from a settlement agreement between the County, Roger Broderick, Roy Carlin (Trustee) and Nu-Gulf Industries (NGI), 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 eight times, most recently on May 1, 2008 (Ordinance No. 08-21). The amendments have cumulatively: modified the haul routes and destinations of cargo; cumulatively extended the effective period for phosphate mining operations (to July 31, 2014), the Development Order expiration date (to July 31, 2014) and the date by which mining reclamation must be completed (to December 31, 2018); deleted an 80.75-acre parcel; formally recognized the name of the new project owner - Mosaic Fertilizer, LLC; updated Master Mining Plan/Post Reclamation Plan to agree with FDEP Conceptual Plan Modification NGI-WC-CPD approval; authorized a 19-acre increase in the mine's disturbance limits (Sections 21 & 28); reduced the remaining acreage to be mined by 99 acres (to 1,253); authorized exchange of Wingate sand tailings and overburden with Southeast Tract (DRI #235); allow beneficiation/processing of SE Tract phosphate ore at the Wingate Plant; modified the waste disposal plan to eliminate the sand clay mix reclamation method and allow the use of conventional clay settling (FM-1 & 2) at the SE Tract for clay storage; approved Four Corners (DRI #251) as a trucking destination from Wingate; and approved the Wingate Corridor/linkage of the SE Tract (DRI #235) and the Wingate Creek Mine.

Over time, the mine site has been reduced to 3,029 acres overall of which 1,253 acres have been approved for mining, 1,324 approved for disturbance but no mining and 452 acres which is to remain undisturbed.

On December 21, 2009, the Tampa Bay Regional Planning Council hosted a Wingate Creek Mine Substantial Deviation Preapplication Conference to initiate DRI review of significant changes to the project which remains under review and/or consideration. The requested modifications, at least initially, included:

- beneficiating/processing Texaco Tract (DRI #272, yet to be approved) phosphate ore at the Wingate Plant;
- allowing the exchange of sand tailings and overburden with Texaco Tract (DRI #272) and SE Tract (DRI #235);

- modifying the waste disposal plan to allow mining of Wingate Mine's initial clay settling area and allow the use of conventional clay settling. The current clay settling composite materials will be transported to Texaco Tract and SE Tract DRI mine sites;
- amending/extending the mine life of the Wingate Creek Mine for mining and trucking until December 2046 with reclamation continuing until July 2051 (32½ year extension);
- approving the mining of 708.9 acres of land approved for disturbance within the Wingate Creek Mine which are not currently approved for mining (see *Map 2*/Page 7 of this Report);
- approving the mining of 8.4 acres adjacent to the Texaco Mine previously designated as a buffer strip along the project's eastern boundary (see *Map 2*/Page 7 of this Report); and
- revising mining and reclamation plans to allow activities described above to be accomplished.

PROJECT STATUS

Development this Reporting Year: approximately 37.5 acres were mined, 37.4 acres were disturbed, 24.7 acres were grassed and mulched and 1.1 acres received the planting of trees. Approximately 1.1 million pounds of wetrock was shipped during 2009-10.

Cumulative Development: a total of 880 acres have been mined, 1,699 acres have been disturbed but not mined, 778 acres have been graded/contoured, 839 acres grassed and mulched and 74 acres have received tree plantings. FDEP has released 272 acres.

Projected Development: the developer anticipates mining 50.6 acres and producing 1.155 million tons of wetrock during RY 2010-11.

SUMMARY OF DEVELOPMENT ORDER CONDITIONS

1. In accordance with Condition 4.B.(1), the developer can truck a maximum of 2 million tons of product per year via designated haul routes.
2. The developer has previously indicated completion of the required "90 degree turn of Duette Road" in accordance with Condition 4.B.(11).
3. Condition 4.B.(12) requires the developer to rebuild the 6.3 mile segment of Duette Road used as part of the permanent haul route upon completion of mining activities.
4. 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. In accordance with Condition 4.B.(13), if deficiencies are detected, haul operations across the bridge shall be immediately discontinued until deficiencies have been corrected. A copy of Mr. Murray McDonough's (Senior Structural Engineer/URS Corporation) December 16, 2008 correspondence was provided indicating that such evaluation was conducted on December 12, 2008 by URS staff. Mr. Murray concluded that "*the bridge structure continues to perform in a satisfactory manner...*" and "*shows no evidence of structural deficiencies or deterioration that would be a consequence of the passage of over-weight vehicles.*"
5. The two floating dredges used in the mining and reclamation process shall be dismantled and removed from the Wingate Creek Mine at the completion of mining and reclamation activities. [Condition 4.C.(7)]

DEVELOPER OF RECORD

Mosaic Fertilizer LLC, Fishhawk Office, 13830 Circa Crossing Drive, Lithia, FL 33547 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.