



ARS

Annual Report Summary

4000 Gateway Centre Boulevard, Suite 100, Pinellas Park, FL 33782
Phone (727) 570-5151 / FAX (727) 570-5118
www.tbrpc.org

DRI #95 - WINGATE CREEK MINE MANATEE COUNTY RY 2011-12

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 acres approved for disturbance but no mining and 452 acres are to remain undisturbed.

On April 9, 2012, the Tampa Bay Regional Planning Council adopted the DRI #273 - *Wingate Creek Mine Substantial Deviation Final Report* (WCMSDFR), for transmittal to Manatee County for consideration of Substantial Deviation Development Order adoption. The modification requested consist of:

- process phosphate ore from the adjacent mining area, the subsequently withdrawn "Wingate Extension DRI" site, at the existing Wingate Creek Plant;
- allow the exchange of sand tailings and overburden with the withdrawn Wingate Extension DRI (#272) and the existing SE Tract DRI (#235) sites;

- modify the waste disposal plan to allow mining of Wingate Creek Mine’s initial clay settling area and allow the use of conventional clay settling. The current clay settling composite materials will be transported to the SE Tract DRI mine sites;
- amend/extend the life of the Wingate Creek Mine for mining and trucking until July 2023 with reclamation continuing until December 2027 (nine year extension);
- authorize the mining of 652 acres of land previously approved for disturbance only (no mining) within the Wingate Creek Mine (see *Map 3*/Page 8 of WCMSDFR);
- approve the mining of 15 acres of land previously designated as preservation;
- establish Post-Reclamation Habitat consistent with *Map 4* (Page 9 of WCMSDFR); and
- revise mining and reclamation plans to allow activities described above to be accomplished.

Acknowledging that the mine site is not expanding as a result of this application, the following table constitutes a representation of changes proposed in terms of acres to be mined, acres to be disturbed and acres to remain undisturbed:

SITE	PROJECT TOTAL ³				SETBACK AREA ²	
	TOTAL AREA	TO BE MINED	TO BE DISTURBED ¹	NOT DISTURBED	TO BE MINED OR DISTURBED	NOT DISTURBED
Existing Mine Approvals	3,028	1,252	1,324	452	69	53
Proposed Modification	±0	+667	-652	-15	+8	-8
Revised Mine Plan	3,028	1,919	672	437	77	45

1. Disturbed areas are not mined (i.e. road, plant area, etc.); noting that habitat enhancements are not considered disturbance in this Table.
2. Setback Area includes prior setbacks which are no longer applicable due to current ownership (Wingate Extension) and are calculated based on prior approvals; where setback areas are detailed only around the active mining areas/property lines in Sections 20, 21, 28 and 29. These acres are a subset of the overall project acres.
3. All portrayed acreages are based on historical mapping/GIS based and are rounded to the nearest acre.

PROJECT STATUS

Development this Reporting Year: approximately 50 acres were mined and 35 acres have been graded/contoured. Approximately 1.072 million pounds of wetrock was shipped during 2011-12.

Cumulative Development: a total of 979 acres have been mined, 1,598 acres have been disturbed but not mined, 962 acres have been graded/contoured, 927 acres grassed and mulched and 98 acres have received tree plantings. FDEP has released 272 acres.

Projected Development: the Developer anticipates mining an estimated 59.2 acres during 2012-13.

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 designated haul route to Mulberry includes a Duette Road bridge spanning the eastern fork of the Manatee River (i.e. Bridge #134030). In accordance with Condition 4.B.(13), this bridge is to be inspected biannually by a Structural Engineer for structural integrity. If deficiencies are detected, haul operations across the bridge shall immediately cease until corrected. Included on a CD with the RY 2011-12 Annual Report was a correspondence dated October 13, 2011 and certified by Mr. René Portieles II and apparently prepared by Mr. Arnaldo Artiles) transmitting a September 27, 2011 “Field Evaluation Report” for the bridge with corresponding pictures (Exhibit E). The Report acknowledged Mosaic’s understanding that “*Manatee County is responsible for normal wear and tear items on the bridge. Any deficiencies caused by heavy loading on the structure shall be the responsibility of Mosaic Company*” and concluded that “*the bridge is structurally sound and unless specifically addressed in the ‘General Maintenance Repairs’ and ‘Repairs due to excessive Loading sections,’ no additional maintenance work is needed at this time.*”
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.