



MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

#95

Certified Mail # 7000 0520 0015 6095 8358

May 28, 2008

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
4000 Gateway Centre Boulevard, Suite 100
Pinellas Park, Florida 33782

Re: Development Order for Wingate Creek Mine DRI #4 and Four Corners Mine Southeast Tract Addition DRI

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 08-21, the DRI Development Order for Wingate Creek Mine and Ordinance 08-20 Four Corners Mine Southeast Tract Addition DRI, as adopted in open session by the Manatee County Board of County Commissioners on May 1, 2008, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)749-3070, extension 6833.

Sincerely,

Robert H. Pederson, AICP
Community Planning Administrator

RHP/br
Enclosure



FILED FOR RECORD
R. B. SHORE

ORDINANCE NO. 08-21
WINGATE CREEK MINE DRI

2008 MAY 19 AM 7:58

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING AN AMENDED AND RESTATED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR THE WINGATE CREEK MINE DEVELOPMENT OF REGIONAL IMPACT (ALSO KNOWN AS DRI # 4 AND TBRPC DRI #42/95); PROVIDING FOR AMENDMENT EXTENDING THE LIFE OF MINING (A.K.A. BUILDOUT AND TERMINATION DATES) FOR THIS DRI BY 3 YEARS TO JULY 31, 2014; EXTENDING THE LIFE OF RECLAMATION FOR THIS DRI BY 3 YEARS TO DECEMBER 31, 2018; EXTENDING THE EXPIRATION DATE OF THE AUTHORIZED TRUCK HAULING ROUTES BY 3 YEARS TO JULY 31, 2014; AMENDING THE D.O. TO ADD FOUR CORNERS AS A DESTINATION ALONG THE PREVIOUSLY APPROVED HAUL ROUTE TO THE MOSAIC BARTOW PLANT, AMENDING THE D.O. TO CHANGE THE NAME OF THE MINE OWNER TO MOSAIC FERTILIZER, LLC; AMENDING THE D.O. TO ALLOW THE LINKAGE OF THE WINGATE CREEK MINE TO THE SOUTHEAST TRACT DRI, ADJUST THE LIMITS OF DISTURBANCE IN SECTIONS 21 AND 28 ALONG THE COMMON PROPERTY LINE OF WINGATE AND THE TEXACO TRACT TO ALLOW MINING RELATED ACTIVITIES IN THIS PRIOR SETBACK AREA, AND RESTATEMENT OF PRIOR DEVELOPMENT ORDERS; PROVIDING FINDINGS OF FACT; PROVIDING CONCLUSIONS OF LAW; PROVIDING FOR DEVELOPMENT COMPONENTS; PROVIDING DEFINITIONS; PROVIDING DEVELOPMENT CONDITIONS; PROVIDING LEGAL DESCRIPTIONS; PROVIDING A DEADLINE FOR COMMENCEMENT OF DEVELOPMENT; PROVIDING RESTRICTIONS ON DOWN-ZONING; PROVIDING A BINDING ORDER ON THE DEVELOPER; PROVIDING FOR RENDITION; PROVIDING FOR COMPLIANCE WITH CODES AND ORDINANCES; PROVIDING FOR NOTICE OF RECORDING; PROVIDING FOR SEVERABILITY; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR EFFECTIVE DATE; AND PROVIDING FOR RECONCILIATION INTO ONE DOCUMENT.

WHEREAS, Mosaic Fertilizer, LLC, FKA Cargill Fertilizer LLC., as successors in interest to Nu-Gulf Industries, Inc., Beker Phosphate Corporation, and Beker Industries Corporation possesses an Amended Development of Regional Impact Development Order from Manatee County, R-88-236; and

WHEREAS, Resolution R-88-236 also amended the Master Mine Plan and Operating Permit for the Wingate Creek Mine; and

WHEREAS, The BOCC on July 17, 1990, R-90-60, approved an amendment to the Development Order deleting property from the mine; and

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CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

WHEREAS, on August 14, 1990, Manatee County approved Resolution R-90-147 adopting an amendment to the Amended Development Order approved by R-88-236 to allow the transport of phosphate rock by truck via an approved haul route; and

WHEREAS, on November 5, 1991, Manatee County approved Resolution R-91-250 repealing R-91-26 and adopting an amendment to the Development Order for the Wingate Creek Mine DRI and amending the Master Mine Plan and Operating Permit for this mine; and

WHEREAS, on July 25, 1996, Manatee County approved Resolution R-96-188 deleting property from the legal description of the Development Order for the Wingate Creek Mine DRI as a result of the Manatee County Archery and Gun Club settlement with Manatee County; and

WHEREAS, on December 16, 1997, Manatee County approved Resolution R-97-241 extending the expiration date for the Wingate Creek Mine Development Order to July 31, 2004, extending the life of the authorized haul routes to July 31, 2004, and the completion of mining reclamation to December 31, 2008; and

WHEREAS, on December 16, 1997, Manatee County approved Resolution R-97-242, amending the Master Mine Plan and Operating Permit to conform to the amended Development Order; and

WHEREAS, on November 24, 1998, Manatee County approved Resolution R-98-182 approving the use of an additional haul route between the mine and Mulberry, Florida using Duette Road; and

WHEREAS, on July 27, 1999, Manatee County approved Resolution R-99-89 approving temporary use of the Duette Road haul route until July 31, 1999 and before certain improvements to the State Road system were complete; and

WHEREAS, The Wingate Creek Mine shut down operations in December of 1999 and has remained closed since that time; and

WHEREAS, ownership of the Wingate Creek Mine subsequently passed to Cargill Fertilizer, LLC on March 22, 2004; and

WHEREAS, on August 24, 2004, Manatee County approved Ordinance 04-21 which combined prior development orders (except to the extent that a condition of or exhibit to a prior development order was specifically and expressly preserved therein), extended the life of mining (buildout and termination dates), reclamation, and truck hauling routes by 7 years, amended the DO to change the destination for a previously approved haul route, delete 80.75 acres along the east side of Logue Road from the DRI, and change the name of the owner to Cargill Fertilizer, LLC.

WHEREAS, on September 14, 2004, Manatee County approved Ordinance 04-58 (a corrective document to Ordinance 04-21); and

WHEREAS, Cargill Fertilizer, LLC merged with IMC Phosphate to form Mosaic Fertilizer LLC on Oct 24, 2004; and

WHEREAS, on July 17, 2007 (dated July 12, 2007), Mosaic Fertilizer, LLC filed a NOPC to their approved DRI with the Manatee County Board of County Commissioners and provided Supplemental Information on December 27, 2007 (dated December 21, 2007) to: 1) recognize Mosaic Fertilizer, LLC as the new owner; 2) extend the buildout, trucking schedule, Development Order expiration dates, and reclamation dates, in accordance with recent revisions to Subsection 380.06(19)(c) Florida Statutes; 3) update the DRI and MMP Post Reclamation Plan to conform with FDEP Conceptual Plan Modification NGI-WC-CPD approval, as required by DO Condition #8; 4) increase the mine disturbance limit by 19 acres in Sections 21 & 28, along the common property line with the Texaco Tract (Mosaic ownership), allowing mining related activities in the prior setback areas; 5) reduce the remaining acreage to be mined by 99 acres (to 1,253 acres); 6) allow the exchange of Wingate sand tailings and overburden with SE Tract; 7) beneficiate and process SE Tract phosphate ore at the Wingate Plant; 8) modify the waste disposal plan to eliminate the sand clay mix reclamation method and allow use of conventional clay settling at the SE Tract for clay storage; 9) approve Four Corners Mine as a trucking destination from Wingate, and 10) approve the Wingate Utility Corridor linkage between the SE Tract and the Wingate Creek mine; and

WHEREAS, the Tampa Bay Regional Council, Central Florida Regional Planning Council, and Florida Department of Community Affairs were provided copies of the Notice of a Proposed Change by MosaicFertilizer, LLC and were, therefore, afforded the opportunity to comment on the proposed change; and

WHEREAS, the proposed changes are presumed to be a Substantial Deviation pursuant to Sections 380.06(19)(c) and 380.06(19)(e)3. Florida Statutes; and

WHEREAS, the Department of Community Affairs and Florida Department of Transportation have no objection to the proposed change; and

WHEREAS, the Planning Commission reviewed the Application for Amendment (NOPC) and has filed a recommendation on the NOPC with the Board of County Commissioners; and

WHEREAS, on May 1, 2008 the Board of County Commissioners held a duly noticed public hearing on the amendment to the Wingate Creek Mine DRI and has solicited, received, and considered reports, comments, and recommendations from interested citizens, County staff, government agencies, and the applicant; and

WHEREAS, the described Project lies within the unincorporated area of Manatee County; and

WHEREAS, the Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes; and

WHEREAS, Mosaic Fertilizer, LLC, other units of Government, local agencies, and interested citizens were afforded the opportunity to participate in the proceedings before the Board relating to the application and were provided the opportunity to present witnesses, evidence and argument on all issues, conduct cross examination, and submit rebuttal evidence.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1: AMENDMENT AND RESTATEMENT OF PRIOR DEVELOPMENT ORDERS WINGATE CREEK MINE, DRI NO. 4.

SECTION 1. FINDINGS OF FACT:

The Board of County Commissioners after considering the testimony, evidence documentation, the recommendation and findings of the Planning Commission, and all other matters presented to the Board at the public hearing, hereby makes the following findings of fact:

- A. All recitals preceding this section are adopted as findings of fact.
- B. Mosaic Fertilizer, LLC, FKA Cargill Fertilizer LLC, as successor in interest to Nu-Gulf Industries, Inc., Beker Phosphate Corporation, and Beker Industries Corporation possesses an Amended Development of Regional Impact Development Order Ordinance 04-58, for a project known as Wingate Creek Mine Development of Regional Impact (DRI).
- C. The real property which is the subject of this Application is legally described as set forth in Section 5 of this Ordinance.
- D. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for an amendment to and restatement of an approved Development of Regional Impact, known as the Wingate Creek Mine DRI, as it relates to the real property described in Section 5 of this Ordinance, pursuant to Section 380.06, Florida Statutes (FS).
- E. The Board of County Commissioners held a public hearing on May 1, 2008, regarding the proposed amendment to an approved Development of Regional Impact described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, the Manatee County Land Development Code, and has further considered the information received at public hearing.
- F. The proposed amendment to and restatement of Development of Regional Impact regarding the property described in Section 5 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, as amended, the 2020 Manatee County Comprehensive Plan.
- G. The proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- H. The authorized agent for the Wingate Creek Mine DRI is Thomas E. Meyers, III, Assistant Vice President - Mining, Mosaic Fertilizer, LLC. PO Box 2000, Mulberry, FL 33860.
- I. The owner of the property is Mosaic Fertilizer, LLC.

- J. A comprehensive review of the impact generated by the development has been conducted by the departments of Manatee County, the Tampa Bay Regional Planning Council (TBRPC), and the Department of Community Affairs (DCA).
- K. The proposed changes filed by Mosaic Fertilizer, LLC on July 17, 2007, as approved, are presumed to be a Substantial Deviation to the Wingate Creek Mine DRI. However, upon consideration of the Development Order conditions to address the identified issues, TBRPC has determined in its NOPC report approved February 11, 2008, that the applicant has provided sufficient information to rebut the presumption of a Substantial Deviation and that no unmitigated regional impacts would be anticipated as a result of this modification.
- L. The components of this NOPC are:
 - 1. Change the name of Cargill Fertilizer, LLC. to Mosaic Fertilizer, LLC;
 - 2. Update Wingate's Post Reclamation Plan to agree with the FDEP Conceptual Plan CPD and stream enhancement approvals;
 - 3. Adjust the limits of disturbance in Sections 21 & 28, along the common property line of the Texaco Tract (Mosaic ownership), allowing mining related activities in this prior setback area, as allowed under Manatee County's Phosphate Mining Ordinance 04-39;
 - 4. Allow exchange of Wingate sand tailings and overburden with SE Tract;
 - 5. Beneficiate and process SE Tract phosphate ore at the Wingate Plant;
 - 6. Modify the waste disposal plan to eliminate the sand clay mix reclamation method and allow use of conventional clay settling (FM-1 & 2) at the SE Tract for clay storage;
 - 7. Approve Four Corners Mine as a trucking destination from Wingate with no increase in trucking proposed from Wingate;
 - 8. Approve the Wingate Utility Corridor linkage with the SE Tract; and
 - 9. Extend all internal deadlines, including the termination of the Development Order, in conformance with Section 380.6(19)(c) Florida Statutes.

SECTION 2. CONCLUSIONS OF LAW:

Based upon the previous findings of fact and the following conditions of development approval, the Board of County Commissioners reaches the following conclusions of law:

- 1. The proposed development of the Wingate Creek Mine is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the Tampa Bay Regional Planning Council's Strategic Regional Policy Plan, and the Manatee County Comprehensive Plan.
- 2. The proposed development of the Wingate Creek Mine is consistent with the comments of the Tampa Bay Regional Planning Council as approved on February 11, 2008, as conditioned herein.
- 3. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, Mosaic Fertilizer, LLC is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.

4. The review by the County, the TBRPC, the DCA, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, F.S., within the terms and conditions of this Ordinance and the Application. To the extent that the Application is inconsistent with the terms and conditions of this Ordinance, the terms and conditions of this Ordinance shall prevail.

SECTION 3. EFFECT OF ORDINANCE; RECONCILE INTO ONE DOCUMENT

This ordinance constitutes the amended and restated Development Order for development of the property known as Wingate Creek Mine by Mosaic Fertilizer, LLC. All prior development orders for the Wingate Creek Mine are superceded by this Ordinance, except to the extent that a condition of or exhibit to a prior development order is specifically and expressly preserved hereby. In the text of this Ordinance, this Ordinance may sometimes be referred to as the "Development Order" or "Order", and Mosaic Fertilizer, LLC may be referred to as "Mosaic" or the "Developer". This Development Order represents a codification of the existing approval for the project integrating those changes proposed in this Substantial Deviation Determination and approved by the Board of County Commissioners into a single Development Order and is for administrative convenience and is not intended to provide a new point of entry for current conditions and requirements of this project that are not related to this Notice of Proposed Change.

SECTION 4. DEVELOPMENT COMPONENTS AND CONDITIONS.

A. EXISTING REQUIREMENTS

The development of Mosaic's Wingate Creek Mine shall be in conformity with the provisions of the ADA dated October 11, 1974 (which was attached as Exhibit C to Resolution R-88-236); the Application for Amendment filed in 1983 (which was attached as Exhibit D to Resolution R-88-236); and the amended Master Mining Plan which was required under R-88-236, except as all of the above may be expressly modified by the terms and conditions of this Amended Development Order or by subsequent ordinances or resolutions of the County.

B. TRANSPORTATION MATTERS

1. Mosaic is authorized to transport up to 2.0 million dry tons per year of phosphate rock by truck from its Wingate Creek Mine to customers via the haul routes and subject to the tonnage limitations listed below:

HAUL ROUTE:

- A. Up to 2.0 million tons per year from the Wingate Creek Mine road which joins into Duette Road, north to State Road 62, west to State Road 37, north to Polk County Road CR 640, then east to the Mosaic Green Bay phosphate plant.
- B. Up to 2.0 million tons per year from the Wingate Creek Mine road which joins into Duette Road, north to State Road 62, west to State Road 37, north to State Road 60, then east to the Mosaic Bartow phosphate plant.

C. Up to 2.0 million tons per year from the Wingate Creek Mine access road which connects to Duette Road, north to State Road 62, west to State Road 37, north to the Mosaic's Four Corners Mine.

Trucks will return along the same described haul routes until July 31, 2014.

2. The trucking operation approved herein shall be conducted in accordance with Exhibit E, which is attached hereto and by reference incorporated herein.
3. Weigh scales shall be maintained at Mosaic Wingate Creek Mine beneficiation facility to insure compliance with the load limits set forth above. Mosaic shall, upon reasonable notice, make available for inspection by the Director of the Manatee County Environmental Management Department (the "Director") the weight scale records. Such records shall be retained for a period of five years.
4. Mosaic shall require that its hauler prevent debris from leaving trucks, full or empty, during their travel on the haul route.
5. Mosaic shall provide sufficient funds to the Manatee County Sheriff's Department in order to monitor the activities of Mosaic's trucks in Manatee County to determine their compliance with the terms and conditions of the Amended Development Order and to enforce highway regulations. These funds shall be in addition to those for safety monitors to be provided by Mosaic's carrier as outlined in Exhibit E. Mosaic's shall notify the Sheriff's Department of the trucking operation schedule and of any changes to the schedule lasting more than twenty-four hours. The County shall provide Mosaic an invoice for the portion of the Sheriff's Department time spent monthly on SR 64 during those times that the trucks are operating on that portion of the Haul Route. The invoice shall be accompanied by sufficient documentation to verify times and locations. The amount to be reimbursed shall be the total of those hours spent on SR 64 multiplied by an hourly rate to be set by the Manatee County Sheriff, which amount shall cover the costs of the deputy's salary, vehicle capital and operating costs, equipment capital and operating costs, and overhead expenses. The smallest billable time unit shall be a quarter of an hour.
6. Mosaic shall be responsible for its phosphate rock carrier providing the County with a quarterly report certified by the person in charge of the trucking operation. This report will list all accidents in which trucks carrying rock for Mosaic were involved, the date and time of the accident, the cause of the accident, the name of the driver involved, the estimated amount of property damage, the number of persons involved, whether hospitalization was required and any other pertinent data. All reports submitted to or prepared by the Florida highway patrol shall be provided to the Manatee County Environmental Management Department along with the quarterly report.

7. Mosaic shall be responsible for its carrier's implementation of an inspection program to insure that all vehicles and appurtenant equipment used on the Haul Route are operated in a safe and sound manner. At a minimum, the vehicles and equipment components tabulated in Exhibit E shall be inspected at weekly intervals. Any defects in the vehicles and equipment and dates they were discovered shall be noted on the inspection form and so shall the date on which each defect was corrected. The vehicles shall receive a periodic preventive maintenance check at ten thousand mile intervals. The Director, or his designee, shall be authorized to inspect the records of the vehicle inspection program maintained by Mosaic or its carrier upon reasonable notice.
8. Mosaic shall assure that any trucks hauling for Mosaic along the Haul Route shall be identified by a Mosaic sign which is located on the trailer tailgate. This sign will be kept clean and legible.
9. In the event of a spill along the Haul Route, Mosaic's carrier shall immediately contact the Florida Department of Transportation and the Director of the Manatee County Department of Public Safety. Mosaic shall be responsible for ensuring that its carrier restores, at its own expense, the spill site to the condition at which it existed prior to the spill.
10. Mosaic shall comply with any additional transportation conditions and restrictions which the County may require in any further amendment to or in connection with the Amended Master Mine Plan or Operating Permit.
11. Mosaic shall complete the following permanent improvements to the transportation system before any trucking from the Wingate Creek Mine recommences: (Note: All road and sign improvements to start trucking have been completed)

At the 90 degree turn of Duette Road (mile 5):

- a. Mosaic Fertilizer, LLC shall provide designs for and construct geometric improvements to this curve as approved by the Manatee County Transportation Department. At a minimum, the radius of the curve shall be no less than 1,250';
- b. Mosaic shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Mosaic to construct these improvements. Alternatively, Mosaic may elect to purchase the land directly from the owner(s) and construct the required improvements; and
- c. Mosaic Fertilizer, LLC shall install new temporary and permanent signs as specified by the Manatee County Transportation Department.

12. For the northern 3.7 miles of Duette Road, Nu-Gulf reconstructed this portion of the roadway pursuant to previous Development Order requirements. Mosaic shall not have any further obligation with regard to this segment so long as it is in better condition after completion of mining activity. Nu-Gulf previously documented the existing conditions of the roadway in a manner acceptable to the Manatee County Transportation Department. Upon completion of mining activity, Mosaic shall rebuild the Duette Road roadway to existing conditions. For the portion of the southern 6.3 miles that is part of the permanent haul route (i.e., north of the location where the mine access road intersects Duette Rd), this is effectively a new roadway surface.
13. Mosaic shall have a structural Engineer examine the bridge at the East Fork of the Manatee River every 6 months. A copy of the engineer's findings shall be submitted to the Manatee County Public Work's and Planning Departments for review. Should the report identify that the bridge is not structurally sound to handle the phosphate truck traffic, then Mosaic shall cease use of that haul route until such time as the bridge deficiencies are corrected.
14. Mosaic shall be responsible for expense of extraordinary maintenance of the Duette Road roadway through the life of the haul route (i.e., July 31, 2014). Extraordinary maintenance is defined as the actual costs incurred by Manatee County for maintenance of Duette Road that are over and above the average annual per-mile cost of maintenance of similar roadways in Manatee County. Mosaic shall ensure reimbursement for the required maintenance through a bond or other financial guarantees acceptable to Manatee County, when furnished with verified cost estimates.
15. Trucking will not occur during school bus hours. Trucks will not leave the mine or the Bartow or Green Bay Phosphate Plants or travel on Duette Road, S.R. 37, or S.R. 62 during the time that school buses are either picking up or delivering students. The bus schedules are available from the supervisor of school bus operations. The schedules will be reviewed by Manatee County and Mosaic personnel and the appropriate trucking schedule settled upon and published. The schedule will be distributed to the Mosaic operations personnel, scale operator, and Material Hauler's terminal manager.

Before the start of a new school year or summer-school, Mosaic will request written notice from the Supervisor of School Bus Operations and adjust the trucking schedule accordingly, with approval by Manatee County.

On scheduled school closure days and weekends the trucks will run twenty-four hours per day with the following exception:

Any truck sighting a school bus during non-school bus hours will report the occurrence to their dispatcher and the Director of the Manatee County Environmental Management Department, so the incident can be investigated and schedules amended if necessary.

16. Mosaic shall not use more than one (1) material transportation firm, including subcontractors, at any time. Mosaic shall provide written notice to Manatee County of which material transportation firms and subcontractors will be utilized. This notice shall be provided at least 30 days prior to changing material transporters or using a subcontractor unless a strike or act of God requires less notice to be given.
Should Manatee County object to the selection of a particular firm or subcontractor, it shall provide written notice to Mosaic at least 7 days prior to the proposed change, unless because of strike or act of God, Mosaic has given less notice than thirty days, in which case the County will give notice to as soon as is reasonably possible. If such notice is issued by Manatee County to Mosaic, Mosaic shall not change to the new material transporter or subcontractor until the nature of the objection is reviewed by the Board of County Commissioners at a regularly scheduled meeting, at least 7 days prior to the proposed change.

Manatee County shall not issue a notice of objection without cause.

17. Mosaic shall provide sufficient funds to the Manatee County Sheriff's Department in order to monitor the activities of Mosaic trucks in Manatee County, to determine compliance with the conditions of the amended Development Order and to enforce highway safety regulations.

Mosaic shall erect and maintain signs along Duette Road informing northbound and southbound motorists that trucks are entering the highway. The size, placement, and wording of these signs shall be approved by the Manatee County Transportation Department and the signs shall be erected before trucking operations commence. **(Signs have been installed).**

C. MINING AND RECLAMATION MATTERS

Manatee County Code of Laws

Except as otherwise provided below, Mosaic shall operate the Wingate Creek Mine in full compliance and accordance with Chapter 2-20 of the Manatee County Code of Laws, as amended from time to time; the "Manatee County Phosphate Mining Code – Ordinance 04-39." Pursuant to the Manatee County Phosphate Mining Code, Mosaic has a vested right to conduct its mining and reclamation activities at the Wingate Creek Mine in accordance with the standards established previously by Manatee County in Ordinance 81-22.

1. The County shall have the right to perform on-site inspections of the Wingate Creek Mine, from time to time, upon reasonable notice to Mosaic and during normal business hours, so long as the Wingate Creek Mine is being used for phosphate mining purposes.

2. Mosaic shall adhere to a 200' setback requirement along the exterior boundary of the Wingate Creek Mine and shall not, subsequent to the effective date hereof, conduct any mining operations (including stockpiling) within such setback area; provided, however, that the 200' setback requirements shall be reduced to 50' setback requirements at all points along the exterior boundary of the Wingate Creek Mine located in Sections 20, 21, and 28 Township 22 East, Range 34 South ("the 50' Setback Area").
3. Mosaic shall reclaim the mined property located within the Wingate Creek Mine consistent with the Conceptual Reclamation Plan CPD or future Conceptual Reclamation Plan amendments for the Wingate Creek Mine to fulfill the terms and conditions as contained in this Amended Development Order.

General Mining and Reclamation Matters

1. The present sand/clay mixture method of reclamation shall not be construed as a clay settling area.
2. All numbers associated with clay volumes, tonnages, capacities, and other volumes associated with sand/clay mixture reclamation (as indicated in the Detailed Reclamation Plan which is part of the Operating Permit) shall be superseded by the DEP-BMR Revised Conceptual Plan, except as may be provided herein.
3. The Phase II portions of WC-2(C) and WC-3(A) FDEP Reclamation Programs as shown in the July 17, 2007 Wingate ADA and located in Section 31, Township 34 South, Range 22 East and Section 6, Township 35 South, Range 22 East, will be reclaimed and ready for initiation of contouring and revegetation in accordance with the Wingate Master Mine Plan, as a reclamation goal by June 30, 2009.
4. The lake constructed as part of reclamation in Section 28, Township 34 South, Range 22 East, shall be contoured in accordance with the requirements of the approved Master Mine Plan and the FDEP-BMR Conceptual Reclamation Plan for the Wingate Creek Mine.
5. Best Possible technology will be used to provide the maximum protection possible for the public health, safety, and welfare, and which minimizes to the greatest degree possible any adverse impacts of mining on the watershed of the Lake Manatee reservoir. Any flow of surface water from the plant area and sand tailings pile in Sections 20(S1/2) & 30(NE1/4) of Twp. 34 S Range 22E, will be intercepted by ditch and berm systems and redirected away from the Lake Manatee Watershed. Waters will be released only through approved NPDES outfalls.
6. Vegetative cover established on the inner and outer clay settling area walls shall be maintained on all exposed surfaces so as to permit visual inspection of the soil surfaces.

7. 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 in accordance with the "Dredge Disassembly and Removal Plan" which was attached as Exhibit F to Resolution 88-236. The release of the general warranty surety and reclamation bond in accordance with the provisions of County Mining Code shall be conditioned upon the approval of removal of the dredges by the Director of the Environmental Management Department, who shall approve same, upon satisfactory compliance with the provisions of the "Dredge Disassembly and Removal Plan". The total amount of the general warranty surety and reclamation bond shall not be reduced to an amount less than the costs of the dredge removal as determined by a Florida registered professional engineer engaged by Mosaic and satisfactory to the County.
8. Mosaic shall, within thirty (30) days of the effective date of the adoption of an Operating Permit that implements this Development Order, apply to the Florida Department of Environmental Protection - Bureau of Mine Reclamation to amend the FDEP-BMR Conceptual Reclamation Plan so that it conforms to the approved Master Mine Plan, Operating Permit, and this Development Order.
9. There shall be no chemical processing of any phosphate product extracted from this mine within Manatee County
10. Mosaic shall maintain a 300 ft. setback for mining along the northern boundary of the Winding Creek Subdivision in Sections 28 & 29, Township 34 South, Range 22 East, Manatee County, Florida. Within sixty (60) days of approval by Manatee County and FDEP Bureau of Mine Reclamation ("BMR"), Mosaic will construct a berm approximately 10 feet in height to the east of wetlands adjacent to the clay settling area and an approximate 100 ft. wide landscaped buffer in the northernmost 100 feet of the setback area. The design will be formulated by Mosaic and approved by Manatee County, FDEP, and BMR and will be incorporated into the Master Mine Plan. Design shall include 3 to 5 gallon wax myrtles planted on 10 ft. centers to provide a visual screen along the top of the berm. The berm side slopes and landscape buffer shall be planted in three rows spaced 20 feet apart on 30 ft. centers with slash pines, live oaks, or other suitable canopy trees. Tree rows shall be planted in staggered pattern and will be a minimum of 3 inch caliper and a minimum of eight feet in height. **(Completed: berm has been constructed and planted).**
11. Mosaic shall install on its property two additional monitoring wells (for a total of three in this area) within 100 ft. of the northernmost property line of the Winding Creek Subdivision property line. Mosaic shall install and monitor the wells per the requirements of the shallow ground water monitoring program included in the Master Mine Plan update. **(Monitoring wells installed and monitoring data is reported in Wingate's Annual Report).**

12. Mosaic shall obtain baseline water quality sampling for Winding Creek residential drinking water wells in Lots 26, 27, 28, 29, 30, 34, 35, 36, 37, 64, 65, 66, and 67. The sampling will be conducted within 60 days of Operating Permit approval for residents with wells in Lots 26, 27, 29, and 34. Mosaic will conduct baseline sampling for the remaining listed lots within 60 days of notice by the Winding Creek Home Owners Association of installation of a new potable well in Lots 28, 30, 35, 36, 64, 65, 66, and 67. Subsequent sampling will be conducted by Mosaic if notified by Winding Creek residents in lots noted above, due to a suspected water quality issue. If such an issue is identified Mosaic will conduct an investigation of the complaint and file a report with the Manatee County EMD and subject property owner. (Baseline monitoring completed and results submitted to County and Homeowners.)
13. Pre and post-mining hydrology will meet Manatee County and Bureau of Mine Reclamation standards.
14. Mosaic has a \$10,000,000 environmental liability policy that will be increased to \$25,000,000 upon the County's approval of the Wingate Mine Operating Permit. The policy is actionable by Manatee County on behalf of any affected party for the coverage and occurrences provided for in the policy.
15. Mosaic shall inform the Winding Creek Homeowners Association of all future revisions of the DRI Development Order, Master Mine Plan, and Operating Permit for the Wingate Creek Mine. Mosaic will keep the Winding Creek Homeowners Association informed of any proposed revisions to county mining codes or other pertinent ordinance of which it is aware that may be developed in the future.
16. Radionuclides are monitored at the Wingate Creek NPDES Outfalls 001 & 002. Water reporting to the outfalls is connected to all facets of the mining operation water recirculation system. Water quality data available to Mosaic since 1994 has indicated that there have not been any exceedences of water quality standards for radionuclides.
17. Stockpiling of overburden or sand tailings within 1500 feet (north) of the Winding Creek Subdivision in Sections 28 & 29, Township 34 South, Range 22 East shall be limited to a maximum height of 25 feet.
18. Hours for operations of the mine are typically 24 hours per day, 7 days per week. Mosaic agrees to abate noise from dredging operations by not using horns for communications on the dredge from 7 PM to 9 AM. Alternatives to horn use for communication will be explored. Operational lighting will be mitigated by the installation of the visual buffer in the setback area described in Stipulation 4.C(10), above. If there are complaints or concerns on noise or light issues, Wingate Creek Mine operations personnel can be contacted at 941-322-6801, to promptly investigate and reach a fair resolution in consultation with Manatee County Environmental Management Department.

19. The Wingate Creek Master Mine plan and Conceptual Reclamation plan provides descriptions of the environmental and reclamation programs in place to address environmental issues. The plans include descriptions of the environmental monitoring programs, reclamation programs, and mining details. All other environmental monitoring and protection is mandated through Manatee County Phosphate Mining Ordinance, DEP NPDES program and DEP Bureau of Mine Reclamation regulatory programs.
20. If any drinking water well at Winding Creek Subdivision is found to be contaminated by exceedences of drinking water standards and which is based upon a finding that Mosaic is responsible for this contamination, Mosaic shall within 24 hours provide in its sole discretion, an alternative drinking water source until the contamination is remediated by Mosaic.
21. The applicant shall consult with the Charlotte Harbor National Estuary Program (CHNEP), and shall use its best efforts to assure that its mining activities are consistent with the policies of the CHNEP to the extent that they do not significantly impede Mosaic's ability to continue mining operations that have been previously approved. In the event CHNEP notifies the applicant that its mining activities are not, in any respect, consistent with the policies of the CHNEP, the applicant will promptly notify the County.

WINGATE CREEK MINE SECTIONS 21 & 28 TWP 34S, RG 22 EAST SETBACK REDUCTION AREA CONDITIONS . The following conditions shall apply only to the 150 foot area to be disturbed adjacent to the Texaco tract.

1. The 150 foot setback reduction area to be disturbed is in Sections 21 & 28, TWP 34S, RG 22E and must conform to the requirements of Phosphate Mining Code - Ordinance 04-39 and the Reclamation Manual for the habitats impacted.
2. Surface Water: Best Management Practices for reducing surface water quality impacts shall be implemented.
3. Stormwater runoff from land areas cleared for mining activities shall be routed through ditches into the mine water recirculation system and discharged only through permitted NPDES outfalls.
4. Erosion control measures such as siltation screens and hay bales shall be used to prevent surface water quality degradation during corridor construction and reclamation.
5. The re-created wetland shall be designed to promote seasonal fluctuations of water levels within the freshwater marsh and encourage seasonal inundation of the marsh property. Final grade of the side slopes of the marsh periphery shall meet the Phosphate Mining Code Ordinance 04-39 requirements of the Department of Environmental Protection, whichever is more stringent.

6. In the event that any listed species listed in Rule 68A-27.003 - 68A-27.005 FAC, are observed nesting or breeding in the setback reduction area to be disturbed by mining operations, the developer shall immediately notify the Florida Fish and Wildlife Conservation Commission (FFWCC) and implement the recommended measures for species protection.
7. The drainage basins in the setback reduction area shall be restored to their approximate pre-mining size and location, as described in the July 2007 ADA/NOPC.
8. Mitigation for wetland losses shall be as shown on Master Mine Plan Amendment and according to the UMAM calculations therein.
9. All mitigation and native habitats shall be monitored in accordance with the Manatee County Reclamation Manual requirements. Additional plantings may be required to achieve natural cover rate. All monitoring results shall be included in the Wingate annual Operating Permit progress report.
10. Existing wetlands which are permitted to be disturbed shall be used as donor material, if the donor wetlands are viable and nuisance free.

D. ENVIRONMENTAL AND WATER SUPPLY MATTERS

1. Mosaic shall comply with the terms and conditions of the Environmental Monitoring Program for the Wingate Creek Mine which was required by Resolutions R-04-203 and R-04-204 and delineated in the Master Mine Plan Update, revised September 8, 2004.
2. Mosaic's current Southwest Florida Water Management District (SWFWMD) Water Use Permit amounts and the resultant drawdown levels are hereby recognized as an existing use condition in any consumptive use permit it may attempt to receive for adjacent properties. The County will not contest the pumpage of either well adjacent to the Mosaic /Manatee County property line at maximum capacity and the resultant drawdowns for a period of up to 30 days for reasons of maintenance repair of the production wells and pumps. Mosaic shall allow connection of a transmission line to the Mosaic production well system for the purpose of providing emergency water supply to the County water system during the duration of a severe water shortage that might be declared by SWFWMD. Mosaic shall provide an easement for the construction and maintenance of such pipeline. The construction of this pipeline will be the sole responsibility of the County, which will bear the cost of the construction. Relocation cost of the pipeline at any future date will be borne by the party requiring the relocation. Mosaic shall cooperate with Manatee County in an application to SWFWMD for water use permits to reflect conjunctive use of the Mosaic well system for both industrial and municipal supply up to the present maximum daily permit levels. The quantity transferred to the County system shall not affect the operation of the beneficiation facility. The County shall reimburse Mosaic's for the pro-rata share of the operational, maintenance, and other mutually agreed upon costs associated with the transfer of water to the County system.

E. DELETION OF PROPERTY

1. The prior Development Order reflects the deletion of an 80.75 acre parcel along the east side of Logue Road, known as Tract WC-4(A), from this DRI, to recognize that this parcel was mined, reclaimed, released from reclamation, and sold to another party by Mosaic's predecessors in title to the Wingate Creek Mine. Accordingly, the legal description in Section 5 of this Development Order reflects the removal of Tract WC-4(A) from the Wingate Creek Mine and the DRI.

F. GENERAL TERMS AND CONDITIONS

1. Mosaic shall provide property management to insure proper safeguards against environmental problems that could occur when the mine is shut down. The following items, at a minimum, shall be included in that management:
 - a. Management of water throughout the mine to insure that any discharges to waters of the state meet water quality and quantity standards of Mosaic's state and federal discharge permits.
 - b. Operations and maintenance of any clay settling area impoundment to insure that water levels within the structure, the condition of the impoundment walls, and any other features of the impoundment comply with the requirements of Chapter 62-672, Florida Administrative Code.
 - c. Continuation of monitoring activities as required by state and federal permits and the Environmental Monitoring Program (Exhibit F to Resolution 88-236) for the Wingate Creek Mine.
 - d. Any other operational or maintenance measure which are reasonably necessary to protect the public health, safety, and welfare.

SECTION 5. LEGAL DESCRIPTION

Development of Wingate Creek Mine shall be restricted to the 3,094.48 acres currently owned by Mosaic Fertilizer LLC., and described by the legal description included as Exhibit "A", attached to and made a part of this Development Order.

SECTION 6. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT

Physical development of the project has commenced. If any five year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on evidence presented at that hearing, rescind or suspend or take other appropriate action on any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* (such as the unavailability of permits because of inadequate public facilities, or for any other similar reason). For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare land for mining.

SECTION 7. RESTRICTIONS ON DOWN-ZONING

Prior to December 31, 2018 the County shall not down-zone or reduce the intensity or unit density permitted by this Development Order, unless the County demonstrates that:

- A. Substantial changes in the conditions underlying the approval of the Development Order have occurred; or
- B. The Order was based upon substantially inaccurate information provided by the Developer*; or
- C. The change is clearly established by the County to be essential to the public health, safety, or welfare.

Any down-zoning or reduction in density or intensity shall be effected only through the usual and customary procedures required by statute or ordinance for change in local land development regulations.

For the purposes of this Development Order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this Development Order, and nothing in this Ordinance shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer* by this Development Order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density of the Development, but is included herein to comply with Section 380.06(15)(c)3, Florida Statutes.

SECTION 8. ORDER BINDING UPON DEVELOPER*

This Order shall be binding upon the Developer*, its successors, assigns, or successors in interest.

SECTION 9. COMPLIANCE WITH CODES AND ORDINANCES

All development undertaken pursuant to this Development Order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically and expressly authorized herein.

SECTION 10. RENDITION

The Planning Department is hereby directed to send certified copies of this Development Order within thirty (30) days of the Board of County Commissioners approval effective date of this Development Order to the Developer*, the DCA, and the TBRPC.

SECTION 11. NOTICE OF RECORDING

The Developer* shall record a notice of adoption of this Development Order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department with a copy of the recorded notice.

SECTION 12. NO CODIFICATION

This ordinance shall not be codified in the Manatee County Code of Laws.

SECTION 13. SEVERABILITY

It is the intent of this Development Order to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Development Order is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such provision or portion shall be deemed null and void, but all remaining provisions and portions of this Development Order shall remain in full force and effect.

SECTION 14. EFFECTIVE DATE

This Ordinance shall become effective upon filing of a certified copy with the Department of State; provided, however, that the filing of a notice of Appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this Development Order, until the resolution of that appeal. However, this is not intended to suspend development previously authorized pursuant to Resolution R-88-236, as amended, during the pendency of any appeal.

ADOPTED AND APPROVED with a quorum present and voting the 1st day of May, 2008.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: 
Chairman



ATTEST: R. B. SHORE
Clerk of the Circuit Court

By: 
Deputy Clerk

**MANATEE COUNTY
ORDINANCE 08-21
EXHIBIT E**

Trucking Operation Requirements for the Wingate Creek Mine

1. CARGO

The cargo being hauled is phosphate rock and has no specific toxicity problems which would cause special transportation problems.

2. TRUCK LIMITS

The trucks have two specific capacity limits determined by the number of axles on the tractor/trailer combination. Trucks having two trailer axles and two tractor axles shall be allowed to carry a maximum weight of 73,280 pounds, while trucks having three axles on both tractor and trailer have a maximum capacity of 80,000 pounds. No special D.O.T. emblems are required. Each truck will be identified as a Mosaic truck by the use of a Mosaic sign on the tailgate which will be visible from a normal safe following distance.

3. LOADING-TARE WEIGHT

The loading will take place at the Wingate Mine. Trucks will proceed to the scale upon arrival at the mine. Before entering the scales each truck will come to a complete stop. The truck will proceed onto the scale and stop when correctly positioned. The scale operator will light weigh the truck and inform the driver which material is to be loaded (pebble, concentrate, or combination of both). This weight will appear as the tare weight on the bill of lading. The weight is normally 22,000 - 25,000 pounds. Any variation of the tare should be reported to the plant shift supervisor.

4. LOADING-CARGO

Trucks will then proceed to the loading area. The loader operators should load a truck evenly both front to back and side to side. This will minimize the possibility of a load shift during transit. While at the piles the truck drivers will get out of their trucks and sample each bucket of material that is placed in their truck. The sample is placed in a bucket and then covered. This is important to get an accurate moisture sample. Moisture will be controlled at 8-13% to minimize dusting and excess leakage. The sample analysis will be reported on the daily production report. The month-to-date analysis can also be found on the report. The daily production report can be found in the general manager's files and is saved four years.

5. LOADING - INSPECTION

While outside the truck each driver is responsible to make an inspection tour of his vehicle. During this tour the vehicle will be observed for tire condition, tailgate position, leakage, tail lights, tractor lights, brakes. If the driver or loader operator finds a problem with the truck it will be removed from the line until it can be repaired.

6. LOADING - TOPPING & WEIGH-OUT

Once loaded the truck will proceed to the scale for topping and weigh-out. The driver will again bring the truck to a full stop before proceeding onto the scale. This will minimize scale damage and insure weight accuracy. As the truck is weighed, the scale operator will determine if it is overweight or underweight from the aforementioned gross vehicle weights. If the truck is overweight it will be backed off the scale and dumped. The under weight trucks will be topped to the correct weight with the truck topping hopper. After topping, the truck driver will cover his load with a tarp. At no time will trucks be allowed to leave the scale untarped. This is a violation of the Florida Motor Vehicle code and will not be tolerated! The driver will proceed to the scale house where he signs to accept the load on the "load dispatch sheet" and the driver's copy of the bill of lading will be completed.

7. SCALE - OPERATION & RECORDS

The scale operator is responsible for the accuracy of the scale operation and the time intervals of all trucks dispatched. When the truck returns to the scale and the weight does not need adjustment, the operator will print this weight on the bill of lading along with the time and date. Otherwise, after the load has been adjusted, the adjusted weight will be printed on the bill of lading as the gross weight. The truck dispatch sheet will be filled in at this time. The tractor/trailer numbers; weight before topping and weight after topping; and drivers signature will be put on dispatch sheet. The final loaded weight along with the time and date will be printed on the bill of lading. The tractor/trailer numbers and driver's signature will also be placed on the bill of lading. If the time has been at least four minutes since the departure of the previous truck, the driver will be allowed to leave. If the time is less than four minutes, he will be required to remain until the correct time interval is obtained. At this time the bill of lading will be stamped again on the bottom. This will be the official departure time.

The bill-of-lading driver copies are given to the driver and include the following:

Yellow copy - Mosaic Bartow or Mosaic Green Bay plant records

Pink copy - Material hauler records

The while copies of the bill of lading are kept at the scale and compiled with the truck dispatch sheets. The day's shipping will be sent to the accounting department for compilation. A shipping day starts at 07:00 AM and ends at 06:59 AM. After the data is input to the computer and the computer shipping report and bill of lading white copies are stored at Mosaic. Mosaic Accounting will compare truck counts leaving the Wingate Creek Mine vs. trucks received at the Mosaic Bartow and Green Bay plants on a daily basis. The white copies will then be kept in storage for a minimum of five years. The truck dispatch sheets will be sent to the plant superintendent for like storage.

The truck scale will be calibrated a minimum of once every three months or whenever a discrepancy may occur between other scales that are check weighing trucks. The contractor will be Central Florida Scales or an equivalent contractor. The calibration report will be given to the Plant Superintendent who will store them for a

period of two years. The trucks will be check-weighed on a periodic basis at the Mosaic Bartow and Green Bay plant scales. The Wingate scale will be inspected and certified annually by the Florida D.O.T. The comparisons between the scales will be made the Mosaic Bartow and Green Bay plant superintendents and sent to the mine for analysis. These will be kept in the files at the mine office. A sample bill of lading can be found in the Appendix along with a mine dispatch sheet.

8. TRUCK ROUTE

The drivers will proceed on the designated route as detailed in Manatee County Ordinance 04-58. There will be no deviation from the aforementioned. The return trip shall cover the exact route. A route map is shown on the following page.

9. TRUCK INTERVALS

The interval between trucks traveling both loaded and unloaded will be four minutes. The intervals will be monitored at the mine by the scale operator using the bill of lading and the truck dispatch sheets while the return trip will be monitored by the dispatcher from the appropriate terminal, depending on the route.

If the trucks are not at least four minutes apart, the dispatcher will detain them until the required spacing is obtained. Traffic conditions or mechanical problems can reduce speeds so that truck bunching occurs. At no time shall the spacing between trucks be less than six hundred yards. The rear truck shall be responsible to reduce speed and widen the gap until it is sufficient. The trucks are equipped with company radios and communication is possible between the trucks and the dispatcher.

10. SAFETY MONITORS

The Material Hauler will maintain a safety monitoring staff who will travel the route continuously. During this trip the conditions of the trucks, road, weather, traffic and any defects or problems encountered will be recorded on the observation report form. The safety engineer will file these reports with his supervisor at the Material Haulers terminal. Reports will be filed by individual truck number. A sample report can be found in the Appendix. This report will be reviewed by the terminal manager and then forwarded to the Material Haulers main office for review by the safety Manager and then storage.

11. TRUCKING SCHEDULES

Trucking will not occur during school bus hours. Trucks will not leave the mine or the Mosaic Bartow or Green River phosphate plants or travel on Duette Road, S.R. 37, or S.R. 62 during the time that school buses are either picking up or delivering students. The bus schedules are available from the supervisor of school bus operations. The schedules will be reviewed by Manatee County and Mosaic personnel and the appropriate trucking schedule settled upon and published. The schedule will be distributed to the Mosaic operations personnel, scale operator, and Material Hauler's terminal manager.

Before the start of a new school year or summer-school, Mosaic will request written notice from the Supervisor of School Bus Operations and adjust the trucking schedule accordingly, with approval by Manatee County.

On scheduled school closure days and weekends the trucks will run twenty-four hours per day with the following exception:

Any truck sighting a school bus during non-school bus hours will report the occurrence to their dispatcher and the Manatee County Mining Coordinator, so the incident can be investigated and schedules amended if necessary.

12. TRUCK DRIVERS

One of the most critical parts of a safe trucking operation is the driver. The driver must be alert at all times, knowledgeable of his equipment and well trained. The Material Hauler's attitude towards obtaining, training, and maintaining a qualified staff is paramount with the management.

13. DRIVER APPLICANTS

An applicant for a driver's position must fulfill the following requirements.

- (1) Be able to fill out application for employment;
- (2) Posses a valid Florida commercial driver=s license;
- (3) Pass a D.O.T physical examination;
- (4) Pass a material hauler road test;
- (5) Attend a material hauler orientation school and complete required examination; and
- (6) Complete all employment procedures as required by the Material Hauler and all regulatory agencies.

Enclosed in the appendices is a sample of a complete employment package. This package includes the following:

- (1) Application
- (2) Checklist
- (3) Insurance Enrollment Form
- (4) W-4 Form
- (5) Physical Examination Form

- (6) Request for Information - Former Employer
- (7) Record of Road Test
- (8) Certification of Road Test
- (9) Driver License Information Date
- (10) Reference Check

14. DRIVER TRAINEES

After the above information is completed the applicant will become a trainee. He will enter a training program by completing a trainee/trainer agreement. This agreement defines the trainee's responsibility, trainer's responsibility, and monetary rewards. The trainee will then perform normal duties under the observation of the trainer for a three-day training period. Each day the trainer will complete a "Trial Trip Report". This report summarizes the trainee's basic driving abilities. After the training period is over a final report and pay request is completed. The trainer will receive a basic wage while training applicant and after a successful ninety day probationary period he will receive an incentive pay for each trained driver. Copies of these forms and agreement can be found in the appendices.

15. TRAINED DRIVERS

Once the applicant has become a trained driver he is continuously monitored by the safety engineer and dispatchers. He is required to complete a trip inspection. The following is that inspection.

1. Inspect tractor/trailer license plates.
2. Insure all fluid levels are adequate.
3. Tire pressures meet minimum requirements.
4. Insure all safety equipment is in place.
5. Insure GV weights are not exceeded.

If the driver discovers a problem with the truck before or during his shift, he will return to the terminal and fill out the driver's vehicle inspection report. The vehicle will not be returned to service until the repairs are completed and the mechanic and driver check it out.

A trained driver must also be able to:

- A. Maintain efficient and safe operation of the assigned vehicle.
- B. Follow assigned routes and road maps.

- C. Operate the radio in accordance to F.C.C. and Material Hauler regulations.
- D. Maintain and keep daily logs in accordance of D.O.T. regulations.
- E. Physically and mentally load and unload freight as required.
- F. Read and comprehend computerized payroll print-outs and manifests.

In the appendices is a Driver=s Vehicle Inspection Report and Driver's Daily Log.

16. DRIVER CHECK RIDES

Lastly in addition to the observation reports completed by the safety engineer, a check ride report was initiated to maintain driver awareness. A check ride can be made by the safety engineer at any time with any driver of his choosing. An evaluation form is completed by the safety engineer after the check ride. A copy of this report form is also in the appendices. This report is reviewed by the Material Hauler's manager and forwarded to the head office.

17. DRIVER PERFORMANCE

Driver performance will be reported to Mosaic on a monthly basis. The report will detail any violations that have occurred during the prior month and the disciplinary actions as a result of those violations. The Material Hauler's Manager will send the written report to the General Manager of Mosaic I. Additionally the report should contain a status report concerning equipment status, full time driver availability, part-time driver availability, and any additional information that impacts the trucking operation.

18. TRUCK MONITORING

The trucks are equipped with a Eaton-Vorad or equivalent device that analyzes truck and driver performance. Each device records driver performance regarding following distances and truck speed over time. Periodically the information is removed from each device in the fleet and put into a computer. The computer will analyze the data and formulate a report indicating driving/operating problems.

These reports are kept in the Material Hauler's principal Florida office.

19. DRIVER DISCIPLINE

Following is the accepted procedure that is observed in case of accidents.

- a. The driver reports immediately, of accident involvement and it any bodily injury at scene.
- b. Driver remains at scene of accident until investigation is completed by law enforcement personnel, company insurance adjuster, or company personnel.
- c. The driver completes an accident report when arriving at the terminal.

Disciplinary action would be the following:

- a. Minor accidents or incidents - driver would be allowed to return to work pending any further review by company personnel.
- b. More severe accidents will result in temporary suspension pending investigation of driver record and involvement.
- c. Accidents involving drivers charged with reckless driving or driving under the influence will be immediately terminated from the company.

Incidents involving company drivers, other than accidents, will be reviewed by the appropriate company personnel and disciplinary action recommendations from those persons administered as necessary.

20. NOTICE OF CHANGE IN MATERIAL HAULER

Mosaic I shall not use more than one (1) material transportation firm at any time. Mosaic shall provide written notice to Manatee County of which material transportation firm and subcontractors will be utilized. This notice shall be provided at least 30 days prior to changing material transporters or using a subcontractor unless strike or act of God requires less notice to be given.

Should Manatee County object to the selection of a particular firm or subcontractor, they shall provide written notice to Mosaic's at least 7 days prior to the proposed change. If such notice is issued by Manatee County to Mosaic, Mosaic shall not change to the new material transporter or subcontractor until the nature of the objection is reviewed by the Board of County Commissioners at a regularly scheduled meeting, at least 7 days prior to the proposed change.

Manatee County shall not issue a notice of objection without cause.

Wingate Creek Mine - Legal Description

LEGAL DESCRIPTION SUMMARY

PARCEL B	1,221.87 ACRES
PARCEL C	1,984.36 ACRES
PARCEL D	5.00 ACRES
Total	3,211.23 ACRES
LESS 101 ACRES (CONVEYED 2/14/95 TO BB/MANATEE)	101.00 ACRES
LESS 80.75 ACRES (CONVEYED 12/31/03 TO MANVILLE)	80.75 ACRES
TOTAL OWNERSHIP 1/1/2004	3,029.48 ACRES

PARCEL B

BEGINNING AT THE N.E. CORNER OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE S 03°05'41" W. A DISTANCE OF 5596.62 FEET TO THE S.E. CORNER OF SAID SECTION 31; THENCE S 85°55'55" E. ALONG THE NORTH LINE OF SECTION 6 TOWNSHIP 35 SOUTH, RANGE 22 EAST, A DISTANCE OF 181.26 FEET TO THE N.E. CORNER OF SAID SECTION 6; THENCE S 00°10'08" W. A DISTANCE OF 4313.15 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF S.R. 64; THENCE S 89°46'04" W. ALONG THE SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 5135.87 FEET TO THE EASTERLY RIGHT OF WAY LINE OF S.R. 39; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING SIX COURSES; N 00°22'15" E., A DISTANCE OF 547.42 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 5829.59 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1199.10 FEET THROUGH A CENTRAL ANGLE OF 11 ° 47' 07" TO THE P.T. OF SAID CURVE; THENCE N 11°24'52" W. A DISTANCE OF 299.77 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5629.59 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1157.96 FEET THROUGH A CENTRAL ANGLE OF 11°47'07" TO THE P.T. OF SAID CURVE; THENCE N 00°22'15" E. A DISTANCE OF 1542.85 FEET; THENCE N 00°39'05" E. A DISTANCE OF 5306.50 FEET TO THE NORTH LINE OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE S 88°59'12" E, ALONG SAID NORTH LINE A DISTANCE OF 5482.62 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST AND SECTION 6, TOWNSHIP 35

SOUTH, RANGE 22 EAST AND SECTION 1, TOWNSHIP 35 SOUTH. RANGE 21 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD.

CONTAINING 1221.87 ACRES, MORE OR LESS.

PARCEL C

BEGINNING AT THE S.E. CORNER OF SECTION 28, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE N 89°11'57" W. A DISTANCE OF 5281.33 FEET TO THE S.W. CORNER OF SAID SECTION 28; THENCE N 88°43'52" W., A DISTANCE OF 5424.50 FEET TO THE SW CORNER OF SECTION 29, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE N 01°01'47" W. ALONG THE WEST LINE OF SAID SECTION 29, A DISTANCE OF 2633.20 FEET TO THE EAST 1/4 CORNER OF SECTION 30, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE N 88°48'07" W., ALONG THE SOUTH LINE OF THE N.E. 1/4 OF SAID SECTION 30 A DISTANCE OF 2388.95 FEET; THENCE N 01°00'59" E. A DISTANCE OF 1408.27 FEET; THENCE N 58°32'10" E. A DISTANCE OF 2231.23 FEET; THENCE N 08°14'52" W. A DISTANCE OF 226.69 FEET; THENCE N 41°44'44" E. A DISTANCE OF 3357.00 FEET; THENCE EAST A DISTANCE OF 1200.00 FEET; THENCE SOUTH A DISTANCE OF 517.52 FEET; THENCE EAST A DISTANCE OF 7808.85 FEET TO THE EAST LINE OF SECTION 21, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE S 00°17'16" W. A DISTANCE OF 2414.64 FEET TO THE S.E. CORNER OF SAID SECTION 21; THENCE S 00°08'00" E. A DISTANCE OF 5246.25 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTIONS 19, 20, 21, 28, 29 AND 30, TOWNSHIP 34 SOUTH, RANGE 22 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS RIGHTS OF WAY AND RESTRICTIONS OF RECORD

CONTAINING 1984.36 ACRES MORE OR LESS.

LESS DESCRIPTION: NUGULF 101 ACRE PARCEL (REVISED)

FROM THE N.E. CORNER OF SECTION 1, TOWNSHIP 35 S, RANGE 11 E, RUN N. 87°08'37" W. ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 102.88 FEET TO THE EAST RIGHT OF WAY LINE OF S.R. 39; THENCE S 00°22'15" W. ALONG SAID EAST LINE A DISTANCE OF 1050.00 FEET TO THE

POINT OF BEGINNING; THENCE CONTINUING SOUTHERLY ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING FIVE COURSES; THENCE S. 00°22'15" W. A DISTANCE OF 492.85 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 5629.58 FEET; THENCE SOUTHERLY ON THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 1157.96 FEET THROUGH A CENTRAL ANGLE OF 11°47'07" TO THE P.T.; THENCE S 11°24'52" E. A DISTANCE OF 299.77 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5829.58 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT A DISTANCE OF 1199.10 FEET THROUGH A CENTRAL ANGLE OF 11°47'07" TO THE P.T.; THENCE S 00°22'15" W. A DISTANCE OF 547.42 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF S.R. 64; THENCE N 89°46'04" E ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1836.35 FEET; THENCE N 00°22'15" E. A DISTANCE OF 1754.87 FEET; THENCE N 89°37'45" W. A DISTANCE OF 959.03 FEET; THENCE N 34°58'09" W. A DISTANCE OF 1348.48 FEET; THENCE N 00°22'15" E. A DISTANCE OF 800.00 FEET; THENCE N 89°37'45" W. A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 1, TOWNSHIP 35S., RANGE 21E. AND SECTION 6 TOWNSHIP 35S., RANGE 22 E., MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHT OF WAY AND RESTRICTIONS OF RECORD.

CONTAINING 101 ACRES, MORE OR LESS.

LESS: DESCRIPTION: MANVILLE 81-ACRE PARCEL, PURCHASED DECEMBER 31, 2003

COMMENCING AT THE NORTHWEST CORNER OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST, THENCE RUN S 88° 59'12" E. A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; ALSO BEING A POINT ON THE EASTERLY RIGHT OF WAY LINE OF STATE ROAD 39 (LOGUE ROAD); THENCE S 88° 59'12" E. ALONG THE NORTHERLY LINE OF SAID SECTION 31, 1300.00 FEET; THENCE S 01° 00'48" W. A DISTANCE OF 700.00 FEET; THENCE S. 88°59'12" E. A DISTANCE OF 330.00 FEET; THENCE S. 01°00'48" W. A DISTANCE OF 700.00 FEET; THENCE N. 88°59'12" W. A DISTANCE OF 330.00 FEET; THENCE S 01°00'48" W. A DISTANCE OF 700.00 FEET; THENCE N 88°59'12" W. A DISTANCE OF 650.00 FEET; THENCE S 01°00'48" W. A DISTANCE OF 900.00 FEET; THENCE N 88°59'12" W. A DISTANCE OF 631.06 FEET; THENCE N 00°39'06" E. ALONG SAID EASTERLY RIGHT OF WAY LINE OF STATE ROAD 39 (LOGUE ROAD), A DISTANCE OF 3000.06 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST.
CONTAINING 80.75 ACRES, MORE OR LESS

Parcel D:

That portion of the South half (S1/2) of Section 30, Township 34 South, Range 22 East, Manatee County, Florida described as follows:

Begin at the Southeast corner of Section 30, Township 34, Range 22 East, Manatee County, Florida for a point of beginning; proceed Northerly along the East section line of Section 30 a distance of 753.92 feet, thence South 34 degrees 43' 52" West a distance of 904.78 feet, thence Easterly along the South section line of Section 30 a distance of 520.00 feet to the Point of Beginning.



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 27th day of May, 2008.
R.B. SHORE
Clerk of Circuit Court
By: Diane E. Volmer D.C.



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 27th day of May, 2008.
R.B. SHORE
Clerk of Circuit Court
By: Diane E. Volmer D.C.



#95

MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

December 20, 2007

Carol Masio McGuire
Holland and Knight
1401 Manatee Avenue West, Suite 1200
Bradenton, FL 34205-6702

Re: Wingate Creek Mine DRI # 4 – Extension of phase, buildout, and expiration dates

Dear Ms. McGuire:

During the 2007 legislative session, Section 380.6(19)(c) Florida Statutes was amended to extend all, buildout, and expiration dates for DRI's that were under "active construction" as of July 1, 2007. Manatee County has determined that the Wingate Creek Mine DRI was under active construction on July 1st.

On October 9, 2007 the Board of County Commissioners adopted Resolution No. R-07-180 to recognize the automatic three-year extensions granted pursuant to the Section 380.06(19)(c) F.S. Accordingly, the following phase, buildout, and expiration dates for DRIs are extended for three years from their stated expiration dates:

- A. Development order buildout dates for individual phases which, as of July 1, 2007, had not expired;
- B. Site plans for such individual phases which, as of July 1, 2007, had not expired; and
- C. Expiration dates, including without limitation expiration dates for certificates of level of service (CLOS) for such individual phases.

Any phase, buildout, or expiration date (including without limitation any CLOS expiration date) for any individual phase of a DRI which has, as of July 1, 2007, expired, shall not be revived and extended, notwithstanding that other phases of such DRI may be subject to a phase, buildout, or expiration date that did not expire as of such date.

The Board also authorized the Planning Department to review all current DRI Development Orders and give notice of the extended dates for the DRI. Copies of this letter and the Resolution No. R-07-180 will be placed in all DRI files to document the extensions and all future NOPC or Substantial Deviation requests will recognize the extensions. The extended dates for the Wingate Creek Mine DRI are set forth below:

Manatee County Ordinance 04-58 is now amended to read as follows:

B. TRANSPORTATION MATTERS

1. Cargill is authorized to transport up to 2.0 million dry tons per year of phosphate rock by truck from its Wingate Creek Mine to customers via the haul routes and subject to the tonnage limitations listed below:

HAUL ROUTE:

- A. Up to 2.0 million tons per year from the Wingate Creek Mine road which joins into Duette Road, north to State Road 62, west to State Road 37, north to Polk County Road CR 640, then east to the Cargill Green Bay phosphate plant.
- B. Up to 2.0 million tons per year from the Wingate Creek Mine road which joins into Duette Road, north to State Road 62, west to State Road 37, north to State Road 60, then east to the Cargill Bartow phosphate plant.

Trucks will return along the same described haul routes until July 31, ~~2014~~ 2014.

14. Cargill shall be responsible for expense of extraordinary maintenance of the Duette Road roadway through the life of the haul route (i.e., July 31, ~~2014~~ 2014). Extraordinary maintenance is defined as the actual costs incurred by Manatee County for maintenance of Duette Road that are over and above the average annual per-mile cost of maintenance of similar roadways in Manatee County. Cargill shall ensure reimbursement for the required maintenance through a bond or other financial guarantees acceptable to Manatee County, when furnished with verified cost estimates.

SECTION 5. DEVELOPMENT ORDER EXPIRATION DATE AND COMPLETION DATES

This Amended Development Order shall remain in effect from this date in accordance with the following time periods:

- The life of mining (A.K.A. buildout and termination dates) for this DRI is July 31, ~~2014~~ 2014;
- The life of reclamation for this DRI is December 31, ~~2015~~ 2018;
- The expiration date of the authorized truck hauling routes is July 31, ~~2014~~ 2014.

Please contact me should you have any questions regarding the above information.

Sincerely,



Robert H. Pederson, AICP
Community Planning Administrator

RESOLUTION NO. R-07-180

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AUTHORIZING THE EXTENSION OF PHASE, BUILDOUT AND EXPIRATION DATES FOR PROJECTS THAT ARE DEVELOPMENTS OF REGIONAL IMPACT, PURSUANT TO SECTION 380.06(19)(c), FLORIDA STATUTES; AUTHORIZING AND DIRECTING THE PLANNING DIRECTOR TO CARRY OUT NECESSARY ACTIONS; PROVIDING FOR THE EFFECT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Manatee County, Florida, pursuant to Part II, Chapter 163, Florida Statutes, and Chapter 380, Florida Statutes, has issued development orders for developments of regional impact ("DRIs") for land development within the unincorporated areas of the County, with such stated expiration dates as are authorized and required pursuant to applicable law; and

WHEREAS, during the 2007 legislative session, the Florida Legislature amended Section 380.06(19)(c), Florida Statutes, to provide that *"In recognition of the 2007 real estate market conditions, all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection"*; and

WHEREAS, in order to comply with the amendments to Section 380.06(19)(c), Florida Statutes, the Board wishes to adopt this Resolution to authorize and direct the Planning Director to memorialize such statutory extensions as provided herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. EXTENSION OF PHASE, BUILDOUT AND EXPIRATION DATES FOR DRIS. The Board hereby recognizes the automatic three-year extension granted pursuant to Section 380.06(19)(c), Florida Statutes, for phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007. In order to comply with the letter and intent of such provision, the following phase, buildout, and expiration dates for such DRIs shall be deemed extended by a period of three years from their stated expiration dates:

- A. Development order buildout dates for individual phases which, as of July 1, 2007, had not expired;
- B. Site plans for such individual phases which, as of July 1, 2007, had not expired;
and

R-07-180

- C. Expiration dates, including without limitation expiration dates for certificates of level of service (CLOS) for such individual phases.

Any phase, buildout, or expiration date (including without limitation any CLOS expiration date) for any individual phase of a DRI which has, as of July 1, 2007, expired, shall not be revived and extended, notwithstanding that other phases of such DRI may be subject to a phase, buildout, or expiration date that did not expire as of such date.

SECTION 2. EXTENSION OF IMPROVEMENT COMPLETION DEADLINES.

Deadlines for completion of individual improvements, or any other deadlines not specifically addressed in Section 1 above, shall be evaluated on a case-by-case basis to determine whether such deadlines should be extended in order to comply with Section 380.06(19)(c), Florida Statutes. An applicant bears the responsibility of identifying any such deadlines that it believes should be extended, and obtaining a written determination from the Planning Department, before any such deadlines should be treated as extended by the applicant.

SECTION 3. DIRECTION TO PLANNING DIRECTOR. The Board hereby authorizes and directs the Planning Director, and such other necessary County officers and staff, subject to and in accordance with the terms and conditions of this Resolution and Section 380.06(19)(c), Florida Statutes, to review existing DRI development orders and related approvals and to provide written notice to applicants of the extensions recognized in to Section 1. The Planning Director is also authorized to consider and act upon requests of DRI applicants for extensions of other deadlines pursuant to Section 2.

SECTION 4. INCORPORATION INTO BOARD APPROVALS. For any DRI affected by this Resolution, the Planning Director shall include in any future ordinance, development order or other approval submitted to the board, language and expiration dates to assure that the Board action provides for the recognition of the extensions provided pursuant to Section 380.06(19)(c), Florida Statutes, as implemented pursuant to this Resolution.

SECTION 5. EFFECT OF RESOLUTION. This Resolution adopted solely for the purpose of implementing the statutory extensions made pursuant to Section 380.06(19)(c), Florida Statutes. Accordingly, this Resolution (a) shall be construed in a manner consistent with the intent of such statutory provision, and (b) shall not be construed to confer extensions or other development rights beyond those authorized and required pursuant to such statutory provision.

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

R-07-180

ADOPTED THIS 9TH DAY OF OCTOBER, 2007.

MANATEE COUNTY, FLORIDA

By: Board of County Commissioners

By: *Greg Stein*
Chairman of the Board of County
Commissioners

ATTEST:

R.B. SHORE, Clerk of the Circuit Court

By: *Susan Romo*
Deputy Clerk



MANATEE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT	Resolution No. R-07-180. Statutory extension of DRI phasing, buildout, and expiration dates	TYPE AGENDA ITEM	Consent
DATE REQUESTED	October 9, 2007	DATE SUBMITTED/REVISED	October 1, 2007
BRIEFINGS? Who?	None Required	CONSEQUENCES IF DEFERRED	Delay in notification to applicants and interested parties
DEPARTMENT/DIVISION	Planning/Community Planning	AUTHORIZED BY TITLE	Carol B. Clarke, AICP, Planning Director <i>CBC</i>
CONTACT PERSON TELEPHONE/EXTENSION	Robert H. Pederson, Community Planning Administrator. Ext. 6833	PRESENTER/TITLE TELEPHONE/EXTENSION	Robert H. Pederson, Community Planning Administrator. Ext. 6833
ADMINISTRATIVE APPROVAL			

ACTION DESIRED
INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

Adoption of Manatee County Resolution R-07-180 authorizing the Planning Director to review DRI Development Orders and related approvals and to provide written notice to applicants of the extensions authorized by Section 380.06(19)(c), Florida Statutes

ENABLING/REGULATING AUTHORITY
Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy

- Chapter 380.06 Florida Statutes

BACKGROUND/DISCUSSION

- During the 2007 legislative session, Section 380.06(19)(c) was amended to extend all phase, buildout, and expiration dates for DRIs that are under "active construction" on July 1, 2007.
- The amendment was in recognition of the real estate market conditions in Florida.
- The attached Resolution recognizes the automatic 3 years extensions and authorizes the Planning Director to review all current DRI Development Orders and notify the applicants of the extensions and the new phase, buildout, and expiration dates for their DRI.
- Copies of this Resolution will be placed in all DRI files to documents the extensions and all future NOPC or Substantial Deviation requests will recognize the extensions.

COUNTY ATTORNEY REVIEW

Check appropriate box	APPROVED IN OPEN SESSION
<input type="checkbox"/>	REVIEWED Written Comments: OCT 09 2007

	<input type="checkbox"/> Attached <input type="checkbox"/> Available from Attorney (Attorney's initials: _____)
<input type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input checked="" type="checkbox"/>	OTHER The County Attorney's Office prepared the draft Resolution and has reviewed this agenda memorandum

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS:	
<ul style="list-style-type: none"> Resolution No. R- 07-180 		<ul style="list-style-type: none"> Please forward a copy of the adopted Resolution to: County Attorney's Office – Bill Clague Planning Department – Bobbi Roy 	
COST:	N/A	SOURCE (ACCT # & NAME):	N/A
COMMENTS:	N/A	AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	N/A



MANATEE COUNTY
GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

#95

September 29, 2004

Certified Mail # 7000 0600 0024 5577 1934

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Re: Development Order for Wingate Creek Mine

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 04-58 the Development Order for the Wingate Creek Mine, as adopted in open session by the Manatee County Board of County Commissioners on August 24, 2004, and as amended on September 14, 2004, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)749-3070, extension 6833.

Sincerely,

Robert H. Pederson, AICP
Community Planning Administrator

RHP/ks
Enclosure

FILED FOR RECORD
R. S. SHORE

SEP 24 PM 12:30

ORDINANCE 04-58
WINGATE CREEK MINE DRI

CLERK OF DISTRICT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND USE; AMENDING AND RESTATING THE DEVELOPMENT ORDER PURSUANT TO CHAPTER 380.06, FLORIDA STATUTES, FOR THE WINGATE CREEK MINE DEVELOPMENT OF REGIONAL IMPACT, DRI #4 (ALSO KNOWN AS TBRPC DRI #42/95); PROVIDING FINDINGS OF FACT; PROVIDING CONCLUSION OF LAW; PROVIDING FOR THE EFFECT OF THIS ORDINANCE AND RECONCILING OF PRIOR APPROVALS; EXTENDING THE LIFE OF MINING (A.K.A. BUILDOUT AND TERMINATION DATES) FOR THIS DRI BY 7 YEARS TO JULY 31, 2011 FOR A CUMULATIVE EXTENSION OF 13.5 YEARS; EXTENDING THE LIFE OF RECLAMATION FOR THIS DRI BY 7 YEARS TO DECEMBER 31, 2015 FOR A CUMULATIVE EXTENSION OF 16 YEARS; EXTENDING THE EXPIRATION DATE OF THE AUTHORIZED TRUCK HAULING ROUTES BY 7 YEARS TO JULY 31, 2011 FOR A CUMULATIVE EXTENSION OF 13.5 YEARS; AMENDING THE D.O. TO DELETE A PREVIOUSLY APPROVED HAUL ROUTE WEST ON SR 64 TO THE PINEY POINT PLANT; THE D.O. TO DELETE A PREVIOUSLY APPROVED HAUL ROUTE EAST ON SR 64 TO HARDEE COUNTY; AMENDING THE D.O. TO CHANGE THE DESTINATION FOR A PREVIOUSLY APPROVED HAUL ROUTE TO THE NORTH IN POLK COUNTY BY DELETING THE MULBERRY PLANT ON SR 60, ADDING THE CARGILL BARTOW PLANT ON SR 60, AND ADDING THE CARGILL GREEN BAY PLANT ON CR 640; DELETING 80.75 ACRES ALONG THE EAST SIDE OF LOGUE ROAD [KNOWN AS TRACT WC-4(A)] FROM THIS DRI AND AMENDING THE LEGAL DESCRIPTION TO REFLECT THIS CHANGE IN ACREAGE; AMENDING THE D.O. TO CHANGE THE NAME OF THE MINE OWNER TO CARGILL FERTILIZER, LLC; AMENDING THE D.O. TO UPDATE DEFINITIONS, TERMINOLOGY, DEPARTMENTAL AND AGENCY REFERENCES, ESTABLISHING NEW OR MODIFIED CONDITIONS OF APPROVAL, AND OTHER MINOR CHANGES TO ENSURE THE DEVELOPMENT ORDER WILL BE INTERNALLY CONSISTENT WITH ALL CHANGES PROPOSED BY THE APPLICANT; AMENDING EXHIBIT E TO REFLECT THE ABOVE CHANGES AND TO REVISE THE TRUCKING SCHEDULE; AMENDING MAP H TO REFLECT THE ABOVE CHANGES; ESTABLISHING GENERAL TERMS AND CONDITIONS; INCORPORATING A NEW LEGAL DESCRIPTION; ESTABLISHING DEADLINES FOR COMMENCEMENT OF DEVELOPMENT; ESTABLISHING RESTRICTIONS ON DOWN ZONING; PROVIDING THAT THIS ORDINANCE SHALL BE BINDING UPON THE DEVELOPER*; PROVIDING FOR COMPLIANCE WITH CODES AND ORDINANCES; PROVIDING FOR RENDITION; PROVIDING FOR NOTICE OF RECORDING; PROVIDING FOR NO CODIFICATION OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

THIS IS A CORRECTIVE DOCUMENT

FILED

SEP 21 PM 1:10
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

WHEREAS, Cargill Fertilizer LLC., as successors in interest to Nu-Gulf Industries, Inc., Beker Phosphate Corporation, and Beker Industries Corporation possesses an Amended Development of Regional Impact Development Order from Manatee County. R-88-236; and

WHEREAS, Resolution R-88-236 also amended the Master Mine Plan and Operating Permit for the Wingate Creek Mine; and

WHEREAS, The BOCC on July 17, 1990, R-90-60, approved an amendment to the Development Order deleting property from the mine; and

WHEREAS, on August 14, 1990, Manatee County approved Resolution R-90-147 adopting an amendment to the Amended Development Order approved by R-88-236 to allow the transport of phosphate rock by truck via an approved haul route; and

WHEREAS, on November 5, 1991, Manatee County approved Resolution R-91-250 repealing R-91-26 and adopting an amendment to the Development Order for the Wingate Creek Mine DRI and amending the Master Mine Plan and Operating Permit for this mine; and

WHEREAS, on July 25, 1996, Manatee County approved Resolution R-96-188 deleting property from the legal description of the Development Order for the Wingate Creek Mine DRI as a result of the Manatee County Archery and Gun Club settlement with Manatee County; and

WHEREAS, on December 16, 1997, Manatee County approved Resolution R-97-241 extending the expiration date for the Wingate Creek Mine Development Order to July 31, 2004, extending the life of the authorized haul routes to July 31, 2004, and the completion of mining reclamation to December 31, 2008; and

WHEREAS, on December 16, 1997, Manatee County approved Resolution R-97-242, amending the Master Mine Plan and Operating Permit to conform to the amended Development Order; and

WHEREAS, on November 24, 1998, Manatee County approved Resolution R-98-182 approving the use of an additional haul route between the mine and Mulberry, Florida using Duette Road; and

WHEREAS, on July 27, 1999, Manatee County approved Resolution R-99-89 approving temporary use of the Duette Road haul route until July 31, 1999 and before certain improvements to the State Road system were complete; and

WHEREAS, The Wingate Creek Mine shut down operations in December of 1999 and has remained closed since that time; and

WHEREAS, ownership of the Wingate Creek Mine subsequently passed to Cargill Fertilizer, LLC on March 22, 2004; and

WHEREAS, on May 5, 2004, Cargill Fertilizer, LLC filed a NOPC to their approved DRI with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, the Tampa Bay Regional Council, the Central Florida Regional Planning Council, and Florida Department of Community Affairs were provided copies of the Notice of a Proposed Change by Cargill Fertilizer, LLC and were therefore afforded the opportunity to comment on the proposed change; and

WHEREAS, the proposed changes are presumed to be a Substantial Deviation pursuant to Sections 380.06(19)(c) and 380.06(19)(e)3. Florida Statutes; and

WHEREAS, the Department of Community Affairs and Florida Department of Transportation have no objection to the proposed change; and

WHEREAS, the Planning Commission has reviewed the Application for Amendment (NOPC) and has filed a recommendation on the NOPC with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners of Manatee County has on August 24, 2004, held a duly noticed public hearing on the amendment to the Wingate Creek Mine DRI, and has solicited, received, and considered reports, comments, and recommendations from interested citizens, County staff, government agencies, and the applicant; and

WHEREAS, the described Project lies within the unincorporated area of Manatee County; and

WHEREAS, the Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. FINDINGS OF FACT:

The Board of County Commissioners after considering the testimony, evidence documentation, the recommendation and findings of the Planning Commission, and all other matters presented to the Board at the public hearing, hereby makes the following findings of fact:

- A. All recitals preceding this section are adopted as findings of fact.
- B. Cargill Fertilizer LLC. as successor in interest to Nu-Gulf Industries, Inc., Beker Phosphate Corporation, and Beker Industries Corporation possesses an Amended Development of Regional Impact Development Order from Manatee County (R-88-236), previously submitted to Manatee County, Florida, an Application for Development Approval (ADA) and Sufficiency Responses which were marked as Composite Exhibit and incorporated by reference into R-88-236, Notices of Proposed Change for Resolutions R-90-60, R-90-147, R-91-250, R-96-188, R-97-241, R-98-182, and R-99-89, and has also submitted the requested amendment identified as Ordinance 04-58. Hereinafter, the word Application shall mean the ADA, the Sufficiency Responses filed, the Notices of Proposed Change for Resolutions R-90-60, R-90-147, R-91-250, R-96-188, R-97-241, R-98-182, and R-99-89 and the requested change Ordinance 04-58 and other exhibits duly submitted and recorded for a project to be known as Wingate Creek Mine Development of Regional Impact (DRI).
- C. The real property which is the subject of this Application is legally described as set forth in Section 5 of this Ordinance.
- D. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for an amendment to and restatement of an approved Development of Regional Impact, known as the Wingate Creek Mine DRI, as it relates to the real property described in Section 5 of this Ordinance, pursuant to Section 380.06, Florida Statutes (FS).
- E. The Board of County Commissioners held a Public Hearing on August 24, 2004 regarding the proposed amendment to an approved Development of Regional Impact described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, the Manatee County Land Development Code and has further considered the information received at Public Hearing.

THIS IS A CORRECTIVE DOCUMENT

- F. The proposed amendment to and restatement of Development of Regional Impact regarding the property described in Section 5 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01 as amended, the 2020 Manatee County Comprehensive Plan.
- G. The proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- H. The authorized agent for the Wingate Creek Mine DRI is Carol Masio McGuire, Holland & Knight LLP, Suite 1200, 1401 Manatee Avenue West, Bradenton, Florida 34205-6702.
- I. The owner of the property is Cargill Fertilizer LLC.
- J. A comprehensive review of the impact generated by the development has been conducted by the departments of Manatee County, the Tampa Bay Regional Planning Council (TBRPC), and the Department of Community Affairs (DCA).
- K. The proposed changes filed by Cargill Fertilizer, LLC on May 5, 2004, as approved, are presumed to be a Substantial Deviation to the Wingate Creek Mine DRI. However, upon consideration of the Development Order conditions to address the identified issues, TBRPC has determined in its NOPC report approved June 14, 2004, that the applicant has provided sufficient information to rebut the presumption of a Substantial Deviation and that no unmitigated regional impacts would be anticipated as a result of this modification.

SECTION 2. CONCLUSIONS OF LAW:

A. Based upon the previous findings of fact and the following conditions of development approval, the Board of County Commissioners of Manatee County reaches the following conclusions of law:

1. The proposed development of the Wingate Creek Mine is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the Tampa Bay Regional Planning Council's Strategic Regional Policy Plan, and the Manatee County Comprehensive Plan.
2. The proposed development of the Wingate Creek Mine is consistent with the comments of the Tampa Bay Regional Planning Council as approved on June 14, 2004 and those of the Department of Community Affairs dated June 9, 2004, as conditioned herein.

3. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, Cargill Fertilizer, LLC is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.
4. The review by the County, the TBRPC, the DCA, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, F.S., within the terms and conditions of this Ordinance and the Application. To the extent that the Application is inconsistent with the terms and conditions of this Ordinance, the terms and conditions of this Ordinance shall prevail.

SECTION 3. EFFECT OF ORDINANCE; RECONCILE INTO ONE DOCUMENT

This ordinance constitutes the amended and restated Development Order for the development of the property known as Wingate Creek Mine by Cargill Fertilizer, LLC. All prior development orders for the Wingate Creek Mine are superceded by this Ordinance, except to the extent that a condition of or exhibit to a prior development order is specifically and expressly preserved hereby. In the text of this Ordinance, this Ordinance may sometimes be referred to as the "Development Order" or "Order", and Cargill Fertilizer, LLC may be referred to as "Cargill" or the "Developer". This Development Order represents a codification of the existing approval for the project integrating those changes proposed in this Substantial Deviation Determination and approved by the Board of County Commissioners into a single Development Order and is for administrative convenience and is not intended to provide a new point of entry for current conditions and requirements of this project that are not related to this Notice of Proposed Change.

SECTION 4. DEVELOPMENT COMPONENTS AND CONDITIONS.

A. EXISTING REQUIREMENTS

The development of Cargill's Wingate Creek Mine shall be in conformity with the provisions of the ADA dated October 11, 1974 (which was attached as Exhibit C to Resolution R-88-236); the Application for Amendment filed in 1983 (which was attached as Exhibit D to Resolution R-88-236); and the amended Master Mining Plan which was required under R-88-236, except as all of the above may be expressly modified by the terms and conditions of this Amended Development Order or by subsequent ordinances or resolutions of the County.

B. TRANSPORTATION MATTERS

1. Cargill is authorized to transport up to 2.0 million dry tons per year of phosphate rock by truck from its Wingate Creek Mine to customers via the haul routes and subject to the tonnage limitations listed below:

HAUL ROUTE:

- A. Up to 2.0 million tons per year from the Wingate Creek Mine road which joins into Duette Road, north to State Road 62, west to State Road 37, north to Polk County Road CR 640, then east to the Cargill Green Bay phosphate plant.
- B. Up to 2.0 million tons per year from the Wingate Creek Mine road which joins into Duette Road, north to State Road 62, west to State Road 37, north to State Road 60, then east to the Cargill Bartow phosphate plant.

Trucks will return along the same described haul routes until July 31, 2011.

2. The trucking operation approved herein shall be conducted in accordance with Exhibit E, which is attached hereto and by reference incorporated herein.
3. Weigh scales shall be maintained at Cargill's Wingate Creek Mine beneficiation facility to insure compliance with the load limits set forth above. Cargill shall, upon reasonable notice, make available for inspection by the Director of the Manatee County Environmental Management Department (the "Director") the weight scale records. Such records shall be retained for a period of five years.
4. Cargill shall require that its hauler prevent debris from leaving trucks, full or empty, during their travel on the haul route.
5. Cargill shall provide sufficient funds to the Manatee County Sheriff's Department in order to monitor the activities of Cargill's trucks in Manatee County to determine their compliance with the terms and conditions of the Amended Development Order and to enforce highway regulations. These funds shall be in addition to those for safety monitors to be provided by Cargill's carrier as outlined in Exhibit E. Cargill shall notify the Sheriff's Department of the trucking operation schedule and of any changes to the schedule lasting more than twenty-four hours. The County shall provide

Cargill an invoice for the portion of the Sheriff's Department time spent monthly on SR 64 during those times that the trucks are operating on that portion of the Haul Route. The invoice shall be accompanied by sufficient documentation to verify times and locations. The amount to be reimbursed shall be the total of those hours spent on SR 64 multiplied by an hourly rate to be set by the Manatee County Sheriff, which amount shall cover the costs of the deputy's salary, vehicle capital and operating costs, equipment capital and operating costs, and overhead expenses. The smallest billable time unit shall be a quarter of an hour.

6. Cargill shall be responsible for its phosphate rock carrier providing the County with a quarterly report certified by the person in charge of the trucking operation. This report will list all accidents in which trucks carrying rock for Cargill were involved, the date and time of the accident, the cause of the accident, the name of the driver involved, the estimated amount of property damage, the number of persons involved, whether hospitalization was required and any other pertinent data. All reports submitted to or prepared by the Florida highway patrol shall be provided to the Manatee County Environmental Management Department along with the quarterly report.
7. Cargill shall be responsible for its carrier's implementation of an inspection program to insure that all vehicles and appurtenant equipment used on the Haul Route are operated in a safe and sound manner. At a minimum, the vehicles and equipment components tabulated in Exhibit E shall be inspected at weekly intervals. Any defects in the vehicles and equipment and dates they were discovered shall be noted on the inspection form and so shall the date on which each defect was corrected. The vehicles shall receive a periodic preventive maintenance check at ten thousand mile intervals. The Director, or his designee, shall be authorized to inspect the records of the vehicle inspection program maintained by Cargill or its carrier upon reasonable notice.
8. Cargill shall assure that any trucks hauling for Cargill along the Haul Route shall be identified by a Cargill sign which is located on the trailer tailgate. This sign will be kept clean and legible.
9. In the event of a spill along the Haul Route, Cargill's carrier shall immediately contact the Florida Department of Transportation and the Director of the Manatee County Department of Public Safety. Cargill shall be responsible for ensuring that its carrier restores, at its own expense, the spill site to the condition at which it existed prior to the spill.

10. Cargill shall comply with any additional transportation conditions and restrictions which the County may require in any further amendment to or in connection with the Amended Master Mine Plan or Operating Permit.
11. Cargill shall complete the following permanent improvements to the transportation system before any trucking from the Wingate Creek Mine recommences:

At the 90 degree turn of Duette Road (mile 5):

- a. Cargill Fertilizer, LLC shall provide designs for and construct geometric improvements to this curve as approved by the Manatee County Transportation Department. At a minimum, the radius of the curve shall be no less than 1.250';
 - b. Cargill shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Cargill to construct these improvements. Alternatively, Cargill may elect to purchase the land directly from the owner(s) and construct the required improvements; and
 - c. Cargill Fertilizer, LLC shall install new temporary and permanent signs as specified by the Manatee County Transportation Department.
12. For the northern 3.7 miles of Duette Road, Nu-Gulf reconstructed this portion of the roadway pursuant to previous Development Order requirements. Cargill shall not have any further obligation with regard to this segment so long as it is in better condition after completion of mining activity. Nu-Gulf previously documented the existing conditions of the roadway in a manner acceptable to the Manatee County Transportation Department. Upon completion of mining activity, Cargill shall rebuild the Duette Road roadway to existing conditions. For the portion of the southern 6.3 miles that is part of the permanent haul route (i.e., north of the location where the mine access road intersects Duette Rd), this is effectively a new roadway surface.
 13. Cargill shall have a structural Engineer examine the bridge at the East Fork of the Manatee River every 6 months. A copy of the engineer's findings shall be submitted to the Manatee County Transportation and Planning Departments for review. Should the report identify that the bridge is not structurally sound to handle the phosphate truck traffic, then Cargill shall cease use of that haul route until such time as the bridge deficiencies are corrected.

14. Cargill shall be responsible for expense of extraordinary maintenance of the Duette Road roadway through the life of the haul route (i.e., July 31, 2011). Extraordinary maintenance is defined as the actual costs incurred by Manatee County for maintenance of Duette Road that are over and above the average annual per-mile cost of maintenance of similar roadways in Manatee County. Cargill shall ensure reimbursement for the required maintenance through a bond or other financial guarantees acceptable to Manatee County, when furnished with verified cost estimates.

15. Trucking will not occur during school bus hours. Trucks will not leave the mine or the Bartow or Green Bay Phosphate Plants or travel on Duette Road, S.R. 37, or S.R. 62 during the time that school buses are either picking up or delivering students. The bus schedules are available from the supervisor of school bus operations. The schedules will be reviewed by Manatee County and Cargill personnel and the appropriate trucking schedule settled upon and published. The schedule will be distributed to the Cargill operations personnel, scale operator, and Material Hauler's terminal manager.

Before the start of a new school year or summer-school, Cargill will request written notice from the Supervisor of School Bus Operations and adjust the trucking schedule accordingly, with approval by Manatee County.

On scheduled school closure days and weekends the trucks will run twenty-four hours per day with the following exception:

Any truck sighting a school bus during non-school bus hours will report the occurrence to their dispatcher and the Director of the Manatee County Environmental Management Department, so the incident can be investigated and schedules amended if necessary.

16. Cargill shall not use more than one (1) material transportation firm, including subcontractors, at any time. Cargill shall provide written notice to Manatee County of which material transportation firms and subcontractors will be utilized. This notice shall be provided at least 30 days prior to changing material transporters or using a subcontractor unless a strike or act of God requires less notice to be given.

Should Manatee County object to the selection of a particular firm or subcontractor, it shall provide written notice to Cargill at least 7 days prior to the proposed change, unless because of strike or act of God, Cargill has given less notice than thirty days, in which case the County will give notice

to as soon as is reasonably possible. If such notice is issued by Manatee County to Cargill, Cargill shall not change to the new material transporter or subcontractor until the nature of the objection is reviewed by the Board of County Commissioners at a regularly scheduled meeting, at least 7 days prior to the proposed change.

Manatee County shall not issue a notice of objection without cause.

17. Cargill shall provide sufficient funds to the Manatee County Sheriff's Department in order to monitor the activities of Cargill's trucks in Manatee County, to determine compliance with the conditions of the amended Development Order and to enforce highway safety regulations.
18. Cargill shall erect and maintain signs along Duette Road informing northbound and southbound motorists that truck are entering the highway. The size, placement, and wording of these signs shall be approved by the Manatee County Transportation Department and the signs shall be erected before trucking operations commence.

C. MINING AND RECLAMATION MATTERS

Manatee County Code of Laws

Except as otherwise provided in subparagraphs 1 through 3, below, Cargill shall operate the Wingate Creek Mine in full compliance and accordance with Chapter 2-20 of the Manatee County Code of Laws, as amended from time to time (the "County Mining Code") (except to the extent Cargill has, pursuant to applicable law and the County Mining Code, a vested right to operate in accordance with the current County Mining Code in effect as of the date of this Development Order, in which case Cargill shall operate in full compliance and accordance with such current County Mining Code) and any Master Mine Plan and Operating Permits, and any and all applicable state and federal laws and regulations, in effect at the time of such operation:

1. The County shall have the right to perform on-site inspections of the Wingate Creek Mine, from time to time, upon reasonable notice to Cargill and during normal business hours, so long as the Wingate Creek Mine is being used for phosphate mining purposes.
2. Cargill shall adhere to a 200' setback requirement along the exterior boundary of the Wingate Creek Mine and shall not, subsequent to the effective date hereof, conduct any mining operations (including stockpiling) within such setback area; provided, however, that the 200' setback

requirements shall be reduced to 50' setback requirements at all points along the exterior boundary of the Wingate Creek Mine located in Sections 20 and 21, Township 22 East, Range 34 South ("the 50' Setback Area"). Notwithstanding the foregoing, Cargill shall observe a 200' setback in respect to any stockpile area located within the 50' Setback Area.

3. Cargill shall reclaim the mined property located within the Wingate Creek Mine consistent with the Conceptual Reclamation Plan for the Wingate Creek Mine (as approved by the Florida Department of Environmental Protection, Bureau of Mine Reclamation) on June 29, 1994 (the DEP-BMR Revised Conceptual Plan) and the terms and conditions as contained in this Amended Development Order.

General Mining and Reclamation Matters

1. The present sand/clay mixture method of reclamation shall not be construed as a clay settling area.
2. All numbers associated with clay volumes, tonnages, capacities, and other volumes associated with sand/clay mixture reclamation (as indicated in the Detailed Reclamation Plan which is part of the Operating Permit) shall be superseded by the DEP-BMR Revised Conceptual Plan, except as may be provided herein.
3. The waste disposal/mine cut areas 1, 2, and 3 identified in the DEP-BMR Revised Conceptual Plan and located in Section 31, Township 34 South, Range 22 East and Section 6, Township 35 South, Range 22 East, will be reclaimed and ready for initiation of contouring and revegetation within two (2) years of the effective date of this Amended Development Order.
4. The lake constructed as part of reclamation in Section 28, Township 34 South, Range 22 East, shall be contoured in accordance with the requirements of the approved Master Mine Plan and the FDEP-BMR Conceptual Reclamation Plan for the Wingate Creek Mine.
5. Best Possible technology will be used to provide the maximum protection possible for the public health, safety, and welfare, and which minimizes to the greatest degree possible any adverse impacts of mining on the watershed of the Lake Manatee reservoir. Any flow of surface water from the plant area and sand tailings pile in Sections 20(S1/2) & 30(NE1/4) of Twp. 34 S Range 22E, will be intercepted by ditch and berm systems and

redirected away from the Lake Manatee Watershed. Waters will be released only through approved NPDES outfalls.

6. Vegetative cover established on the inner and outer clay settling area walls shall be maintained on all exposed surfaces so as to permit visual inspection of the soil surfaces.
7. 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 in accordance with the "Dredge Disassembly and Removal Plan" which was attached as Exhibit F to Resolution 88-236. The release of the general warranty surety and reclamation bond in accordance with the provisions of County Mining Code shall be conditioned upon the approval of removal of the dredges by the Director of the Environmental Management Department, who shall approve same, upon satisfactory compliance with the provisions of the "Dredge Disassembly and Removal Plan". The total amount of the general warranty surety and reclamation bond shall not be reduced to an amount less than the costs of the dredge removal as determined by a Florida registered professional engineer engaged by Cargill and satisfactory to the County.
8. Cargill shall, within thirty (30) days of the effective date of the adoption of an Operating Permit that implements this Development Order, apply to the Florida Department of Environmental Protection - Bureau of Mine Reclamation to amend the FDEP-BMR Conceptual Reclamation Plan so that it conforms to the approved Master Mine Plan, Operating Permit, and this Development Order.
9. There shall be no chemical processing of any phosphate product extracted from this mine within Manatee County
10. Cargill shall maintain a 300 ft. setback for mining along the northern boundary of the Winding Creek Subdivision in Sections 28 & 29, Township 34 South, Range 22 East, Manatee County, Florida. Within sixty (60) days of approval by Manatee County and FDEP Bureau of Mine Reclamation ("BMR"), Cargill will construct a berm approximately 10 feet in height to the east of wetlands adjacent to the clay settling area and an approximate 100 ft. wide landscaped buffer in the northernmost 100 feet of the setback area. The design will be formulated by Cargill and approved by Manatee County, FDEP, and BMR and will be incorporated into the Master Mine Plan. Design shall include 3 to 5 gallon wax myrtles planted on 10 ft. centers to provide a visual screen along the top of the berm. The berm side slopes and

landscape buffer shall be planted in three rows spaced 20 feet apart on 30 ft. centers with slash pines, live oaks, or other suitable canopy trees. Tree rows shall be planted in staggered pattern and will be a minimum of 3 inch caliper and a minimum of eight feet in height.

11. Cargill shall install on its property two additional monitoring wells (for a total of three in this area) within 100 ft. of the northernmost property line of the Winding Creek Subdivision property line. Cargill shall install and monitor the wells per the requirements of the shallow ground water monitoring program included in the Master Mine Plan update.
12. Cargill shall obtain baseline water quality sampling for Winding Creek residential drinking water wells in Lots 26, 27, 28, 29, 30, 34, 35, 36, 37, 64, 65, 66, and 67. The sampling will be conducted within 60 days of Operating Permit approval for residents with wells in Lots 26, 27, 29, and 34. Cargill will conduct baseline sampling for the remaining listed lots within 60 days of notice by the Winding Creek Home Owners Association of installation of a new potable well in Lots 28, 30, 35, 36, 64, 65, 66, and 67. Subsequent sampling will be conducted by Cargill if notified by Winding Creek residents in lots noted above, due to a suspected water quality issue. If such an issue is identified Cargill will conduct an investigation of the complaint and file a report with the Manatee County EMD and subject property owner.
13. Cargill will work with DEP and Manatee County to relocate Outfall 001 to the polishing pond southeast of plant site as described in the Master Mine Plan update.
14. Pre and post-mining hydrology will meet Manatee County and Bureau of Mine Reclamation standards.
15. Cargill has a \$10,000,000 environmental liability policy that is actionable by Manatee County on behalf of any affected party for the coverage and occurrences provided for in the policy.
16. Cargill shall inform the Winding Creek Homeowners Association of all future revisions of the DRI Development Order, Master Mine Plan, and Operating Permit for the Wingate Creek Mine. Cargill will keep the Winding Creek Homeowners Association informed of any proposed revisions to county mining codes or other pertinent ordinance of which it is aware that may be developed in the future.

17. Radionuclides are monitored at the Wingate Creek NPDES Outfalls 001 & 002. Water reporting to the outfalls is connected to all facets of the mining operation water recirculation system. Water quality data available to Cargill since 1994 has indicated that there have not been any exceedences of water quality standards for radionuclides.
18. Stockpiling in the mining area designated as the 2005 mining area in Master Mine Plan Update shall be limited to a maximum height of 25 ft.
19. Hours for operations of the mine are typically 24 hours per day, 7 days per week. Cargill agrees to abate noise from dredging operations by not using horns for communications on the dredge from 7 PM to 9 AM. Alternatives to horn use for communication will be explored. Operational lighting will be mitigated by the installation of the visual buffer in the setback area described in Stipulation 4.C(10), above. If there are complaints or concerns on noise or light issues, Wingate Creek Mine operations personnel can be contacted at 941-322-6801, to promptly investigate and reach a fair resolution in consultation with Manatee County Environmental Management Department.
20. The Wingate Creek Master Mine plan and Conceptual Reclamation plan provides descriptions of the environmental and reclamation programs in place to address environmental issues. The plans include descriptions of the environmental monitoring programs, reclamation programs, and mining details. All other environmental monitoring and protection is mandated through Manatee County Mining Ordinance, DEP NPDES program and DEP Bureau of Mine Reclamation regulatory programs.
21. If any drinking water well at Winding Creek Subdivision is found to be contaminated by exceedences of drinking water standards and which is based upon a finding that Cargill is responsible for this contamination, Cargill shall within 24 hours provide in its sole discretion, an alternative drinking water source until the contamination is remediated by Cargill.
22. The applicant shall consult with the Charlotte Harbor National Estuary Program (CHNEP), and shall use its best efforts to assure that its mining activities are consistent with the policies of the CHNEP to the extent that they do not significantly impede Cargill's ability to continue mining operations that have been previously approved. In the event CHNEP notifies the applicant that its mining activities are not, in any respect, consistent with the policies of the CHNEP, the applicant will promptly notify the County.

D. ENVIRONMENTAL AND WATER SUPPLY MATTERS

1. Cargill shall comply with the terms and conditions of the Environmental Monitoring Program for the Wingate Creek Mine which was attached as Exhibit G to Resolution 88-236.
2. Cargill's current Southwest Florida Water Management District (SWFWMD) Water Use Permit amounts and the resultant drawdown levels are hereby recognized as an existing use condition in any consumptive use permit it may attempt to receive for adjacent properties. The County will not contest the pumpage of either well adjacent to the Cargill/Manatee County property line at maximum capacity and the resultant drawdowns for a period of up to 30 days for reasons of maintenance repair of the production wells and pumps. Cargill shall allow connection of a transmission line to the Cargill production well system for the purpose of providing emergency water supply to the County water system during the duration of a severe water shortage that might be declared by SWFWMD. Cargill shall provide an easement for the construction and maintenance of such pipeline. The construction of this pipeline will be the sole responsibility of the County, which will bear the cost of the construction. Relocation cost of the pipeline at any future date will be borne by the party requiring the relocation. Cargill shall cooperate with Manatee County in an application to SWFWMD for water use permits to reflect conjunctive use of the Cargill well system for both industrial and municipal supply up to the present maximum daily permit levels. The quantity transferred to the County system shall not affect the operation of the beneficiation facility. The County shall reimburse Cargill for the pro-rata share of the operational, maintenance, and other mutually agreed upon costs associated with the transfer of water to the County system.

E. DELETION OF PROPERTY

1. This Development Order reflects the deletion of an 80.75 acre parcel along the east side of Logue Road, known as Tract WC-4(A), from this DRI, to recognize that this parcel was mined, reclaimed, released from reclamation, and sold to another party by Cargill's predecessors in title to the Wingate Creek Mine. Accordingly, the legal description in Section 5 of this Development Order reflects the removal of Tract WC-4(A) from the Wingate Creek Mine and the DRI.

F. GENERAL TERMS AND CONDITIONS

1. Cargill shall provide property management to insure proper safeguards against environmental problems that could occur when the mine is shut down. The following items, at a minimum, shall be included in that management:
 - a. Management of water throughout the mine to insure that any discharges to waters of the state meet water quality and quantity standards of Cargill's state and federal discharge permits.
 - b. Operations and maintenance of any clay settling area impoundment to insure that water levels within the structure, the condition of the impoundment walls, and any other features of the impoundment comply with the requirements of Chapter 62-672, Florida Administrative Code.
 - c. Continuation of monitoring activities as required by state and federal permits and the Environmental Monitoring Program (Exhibit F to Resolution 88-236) for the Wingate Creek Mine.
 - d. Any other operational or maintenance measure which are reasonably necessary to protect the public health, safety, and welfare.

SECTION 5. LEGAL DESCRIPTION

Development of Wingate Creek Mine shall be restricted to the 3,024.48 acres currently owned by Cargill Fertilizer LLC., and described by the legal description included as Exhibit "A", attached to and made a part of this Development Order.

SECTION 6. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT

Physical development of the project has commenced. If any five year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on evidence presented at that hearing, rescind or suspend or take other appropriate action on any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* (such as the unavailability of permits because of inadequate public facilities, or for any other similar reason). For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare land for mining.

SECTION 7. RESTRICTIONS ON DOWN-ZONING

Prior to December 31, 2014 the County shall not down-zone or reduce the intensity or unit density permitted by this Development Order, unless the County demonstrates that:

- A. Substantial changes in the conditions underlying the approval of the Development Order have occurred; or
- B. The Order was based upon substantially inaccurate information provided by the Developer*; or
- C. The change is clearly established by the County to be essential to the public health, safety, or welfare.

Any down-zoning or reduction in density or intensity shall be effected only through the usual and customary procedures required by statute or ordinance for change in local land development regulations.

For the purposes of this Development Order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this Development Order, and nothing in this Ordinance shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer* by this Development Order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density of the Development, but is included herein to comply with Section 380.06(15)(c)3, Florida Statutes.

SECTION 8. ORDER BINDING UPON DEVELOPER*

This Order shall be binding upon the Developer*, its successors, assigns, or successors in interest.

SECTION 9. COMPLIANCE WITH CODES AND ORDINANCES

All development undertaken pursuant to this Development Order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically and expressly authorized herein.

SECTION 10. RENDITION

The Planning Department is hereby directed to send certified copies of this Development Order within thirty (30) days of the Board of County Commissioners approval effective date of this Development Order to the Developer*, the DCA, and the TBRPC.

SECTION 11. NOTICE OF RECORDING

The Developer* shall record a notice of adoption of this Development Order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department with a copy of the recorded notice.

SECTION 12. NO CODIFICATION

This ordinance shall not be codified in the Manatee County Code of Laws.

SECTION 13. SEVERABILITY

It is the intent of this Development Order to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Development Order is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such provision or portion shall be deemed null and void, but all remaining provisions and portions of this Development Order shall remain in full force and effect.

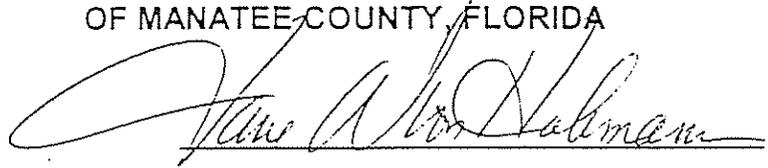
SECTION 14. EFFECTIVE DATE

This Ordinance shall become effective upon filing of a certified copy with the Department of State; provided, however, that the filing of a notice of Appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this Development Order, until the resolution of that appeal. However, this is not intended to suspend development previously authorized pursuant to Resolution R-88-236, as amended, during the pendency of any appeal.

Ordinance 04-58 - Wingate Creek Mine DRI

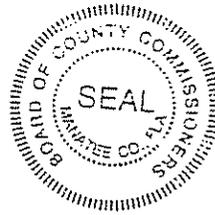
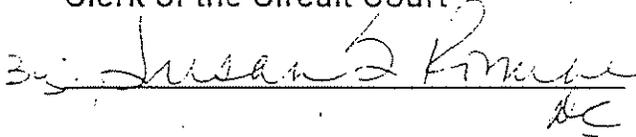
ADOPTED AND APPROVED with a quorum present and voting the 24th day of August, 2004, and as amended on the 14th day of September, 2004.

BOARD OF COUNTY
COMMISSIONERS
OF MANATEE COUNTY, FLORIDA



Chairman

ATTEST: R. B. SHORE
Clerk of the Circuit Court



THIS IS A CORRECTIVE DOCUMENT

MANATEE COUNTY
ORDINANCE 04-58
EXHIBIT E

Trucking Operation Requirements for the Wingate Creek Mine

1. CARGO

The cargo being hauled is phosphate rock and has no specific toxicity problems which would cause special transportation problems.

2. TRUCK LIMITS

The trucks have two specific capacity limits determined by the number of axles on the tractor/trailer combination. Trucks having two trailer axles and two tractor axles shall be allowed to carry a maximum weight of 73,280 pounds, while trucks having three axles on both tractor and trailer have a maximum capacity of 80,000 pounds. No special D.O.T. emblems are required. Each truck will be identified as a Cargill truck by the use of a Cargill sign on the tailgate which will be visible from a normal safe following distance.

3. LOADING-TARE WEIGHT

The loading will take place at the Wingate Mine. Trucks will proceed to the scale upon arrival at the mine. Before entering the scales each truck will come to a complete stop. The truck will proceed onto the scale and stop when correctly positioned. The scale operator will light weigh the truck and inform the driver which material is to be loaded (pebble, concentrate, or combination of both). This weight will appear as the "tare" weight on the bill of lading. The weight is normally 22,000 - 25,000 pounds. Any variation of the tare should be reported to the plant shift supervisor.

4. LOADING-CARGO

Trucks will then proceed to the loading area. The loader operators should load a truck evenly both front to back and side to side. This will minimize the possibility of a load shift during transit. While at the piles the truck drivers will get out of their trucks and sample each bucket of material that is placed in their truck. The sample is placed in a bucket and then covered. This is important to get an accurate moisture sample. Moisture will be controlled at 8-13% to minimize dusting and excess leakage. The sample analysis will be reported on the daily production report. The

month-to-date analysis can also be found on the report. The daily production report can be found in the general manager's files and is saved four years.

5. LOADING - INSPECTION

While outside the truck each driver is responsible to make an inspection tour of his vehicle. During this tour the vehicle will be observed for tire condition, tailgate position, leakage, tail lights, tractor lights, brakes. If the driver or loader operator finds a problem with the truck it will be removed from the line until it can be repaired.

6. LOADING - TOPPING & WEIGH-OUT

Once loaded the truck will proceed to the scale for topping and weigh-out. The driver will again bring the truck to a full stop before proceeding onto the scale. This will minimize scale damage and insure weight accuracy. As the truck is weighed, the scale operator will determine if it is overweight or underweight from the aforementioned gross vehicle weights. If the truck is overweight it will be backed off the scale and dumped. The under weight trucks will be topped to the correct weight with the truck topping hopper. After topping, the truck driver will cover his load with a tarp. At no time will trucks be allowed to leave the scale untarped. This is a violation of the Florida Motor Vehicle code and will not be tolerated! The driver will proceed to the scale house where he signs to accept the load on the "load dispatch sheet" and the driver's copy of the bill of lading will be completed.

7. SCALE - OPERATION & RECORDS

The scale operator is responsible for the accuracy of the scale operation and the time intervals of all trucks dispatched. When the truck returns to the scale and the weight does not need adjustment, the operator will print this weight on the bill of lading along with the time and date. Otherwise, after the load has been adjusted, the adjusted weight will be printed on the bill of lading as the gross weight. The truck dispatch sheet will be filled in at this time. The tractor/trailer numbers; weight before topping and weight after topping; and drivers signature will be put on dispatch sheet. The final loaded weight along with the time and date will be printed on the bill of lading. The tractor/trailer numbers and driver's signature will also be placed on the bill of lading. If the time has been at least four minutes since the departure of the previous truck, the driver will be allowed to leave. If the time is less than four minutes, he will be required to remain until the correct time interval is obtained. At this time the bill of lading will be stamped again on the bottom. This will be the official departure time.

The bill-of-lading driver copies are given to the driver and include the following:

Yellow copy - Cargill Bartow or Cargill Green Bay plant records
Pink copy - Material hauler records

The white copies of the bill of lading are kept at the scale and compiled with the truck dispatch sheets. The day's shipping will be sent to the accounting department for compilation. A shipping day starts at 07:00 AM and ends at 06:59 AM. After the data is input to the computer and the computer shipping report and bill of lading white copies are stored at Cargill. Cargill Accounting will compare truck counts leaving the Wingate Creek Mine vs. trucks received at the Cargill Bartow and Green Bay plants on a daily basis. The white copies will then be kept in storage for a minimum of five years. The truck dispatch sheets will be sent to the plant superintendent for like storage.

The truck scale will be calibrated a minimum of once every three months or whenever a discrepancy may occur between other scales that are check weighing trucks. The contractor will be Central Florida Scales or an equivalent contractor. The calibration report will be given to the Plant Superintendent who will store them for a period of two years. The trucks will be check-weighed on a periodic basis at the Cargill Bartow and Green Bay plant scales. The scales will be inspected and certified annually by the Florida D.O.T. The comparisons between the scales will be made the Cargill Bartow and Green Bay plant superintendents and sent to the mine for analysis. These will be kept in the files at the mine office. A sample bill of lading can be found in the Appendix along with a mine dispatch sheet.

8. TRUCK ROUTE

The drivers will proceed on the designated route as detailed in Manatee County Ordinance 04-58. There will be no deviation from the aforementioned. The return trip shall cover the exact route. A route map is shown on the following page.

9. TRUCK INTERVALS

The interval between trucks traveling both loaded and unloaded will be four minutes. The intervals will be monitored at the mine by the scale operator using the bill of lading and the truck dispatch sheets while the return trip will be monitored by the dispatcher from the appropriate terminal, depending on the route.

If the trucks are not at least four minutes apart, the dispatcher will detain them until the required spacing is obtained. Traffic conditions or mechanical problems can reduce speeds so that truck bunching occurs. At no time shall the spacing between trucks be less than six hundred yards. The rear truck shall be responsible to reduce

speed and widen the gap until it is sufficient. The trucks are equipped with company radios and communication is possible between the trucks and the dispatcher.

10. SAFETY MONITORS

The Material Hauler will maintain a safety monitoring staff who will travel the route continuously. During this trip the conditions of the trucks, road, weather, traffic and any defects or problems encountered will be recorded on the observation report form. The safety engineer will file these reports with his supervisor at the Material Haulers terminal. Reports will be filed by individual truck number. A sample report can be found in the Appendix. This report will be reviewed by the terminal manager and then forwarded to the Material Haulers main office for review by the safety Manager and then storage.

11. TRUCKING SCHEDULES

Trucking will not occur during school bus hours. Trucks will not leave the mine or the Cargill Bartow or Green River phosphate plants or travel on Duette Road, S.R. 37, or S.R. 62 during the time that school buses are either picking up or delivering students. The bus schedules are available from the supervisor of school bus operations. The schedules will be reviewed by Manatee County and Cargill personnel and the appropriate trucking schedule settled upon and published. The schedule will be distributed to the Cargill operations personnel, scale operator, and Material Hauler's terminal manager.

Before the start of a new school year or summer-school, Cargill will request written notice from the Supervisor of School Bus Operations and adjust the trucking schedule accordingly, with approval by Manatee County.

On scheduled school closure days and weekends the trucks will run twenty-four hours per day with the following exception:

Any truck sighting a school bus during non-school bus hours will report the occurrence to their dispatcher and the Manatee County Mining Coordinator, so the incident can be investigated and schedules amended if necessary.

12. TRUCK DRIVERS

One of the most critical parts of a safe trucking operation is the driver. The driver must be alert at all times, knowledgeable of his equipment and well trained. The Material Hauler's attitude towards obtaining, training, and maintaining a qualified staff is paramount with the management.

13. DRIVER APPLICANTS

An applicant for a driver's position must fulfill the following requirements.

- (1) Be able to fill out application for employment;
- (2) Posses a valid Florida commercial driver's license;
- (3) Pass a D.O.T physical examination;
- (4) Pass a material hauler road test;
- (5) Attend a material hauler orientation school and complete required examination; and
6. Complete all employment procedures as required by the Material Hauler and all regulatory agencies.

Enclosed in the appendices is a sample of a complete employment package. This package includes the following:

- (1) Application
- (2) Checklist
- (3) Insurance Enroilment Form
- (4) W-4 Form
- (5) Physical Examination Form
- (6) Request for Information - Former Employer
- (7) Record of Road Test
- (8) Certification of Road Test
- (9) Driver License Information Date
- (10) Reference Check

14. DRIVER TRAINEES

After the above information is completed the applicant will become a trainee. He will enter a training program by completing a trainee/trainer agreement. This agreement defines the trainee's responsibility, trainer's responsibility, and monetary rewards. The trainee will then perform normal duties under the observation of the trainer for a three-day training period. Each day the trainer will complete a "Trial Trip Report". This report summarizes the trainee's basic driving abilities. After the training period is over a final report and pay request is completed. The trainer will receive a basic wage while training applicant and after a successful ninety day probationary period he will receive an incentive pay for each trained driver. Copies of these forms and agreement can be found in the appendices.

15. TRAINED DRIVERS

Once the applicant has become a trained driver he is continuously monitored by the safety engineer and dispatchers. He is required to complete a trip inspection. The following is that inspection.

1. Inspect tractor/trailer license plates.
2. Insure all fluid levels are adequate.
3. Tire pressures meet minimum requirements.
4. Insure all safety equipment is in place.
5. Insure GV weights are not exceeded.

If the driver discovers a problem with the truck before or during his shift, he will return to the terminal and fill out the driver's vehicle inspection report. The vehicle will not be returned to service until the repairs are completed and the mechanic and driver check it out.

A trained driver must also be able to:

- A. Maintain efficient and safe operation of the assigned vehicle.
- B. Follow assigned routes and road maps.
- C. Operate the radio in accordance to F.C.C. and Material Hauler regulations.

- D. Maintain and keep daily logs in accordance of D.O.T. regulations.
- E. Physically and mentally load and unioad freight as required.
- F. Read and comprehend computerized payroll print-outs and manifests.

In the appendices is a Driver's Vehicle Inspection Report and Driver's Dail Log.

16. DRIVER CHECK RIDES

Lastly in addition to the observation reports completed by the safety engineer, a check ride report was initiated to maintain driver awareness. A check ride can be made by the safety engineer, at any time with any driver of his choosing. An evaluation form is completed by the safety engineer after the check ride. A copy of this report form is also in the appendices. This report is reviewed by the Material Hauler's manager and forwarded to the head office.

17. DRIVER PERFORMANCE

Driver performance will be reported to Cargill on a monthly basis. The report will detail any violations that have occurred during the prior month and the disciplinary actions as a result of those violations. The Material Hauler's Manager will send the written report to the General Manager of Cargill. Additionally the report should contain a status report concerning equipment status, full time driver availability, part-time driver availability, and any additional information that impacts the trucking operation.

18. TRUCK MONITORING

The trucks are equipped with a Eaton-Vorad or equivalent device that analyzes truck and driver performance. Each device records driver performance regarding following distances and truck speed over time. Periodically the information is removed from each device in the fleet and put into a computer. The computer will analyze the data and formulate a report indicating driving/operating problems.

These reports are kept in the Material Hauler's principal Florida office.

19. DRIVER DISCIPLINE

Following is the accepted procedure that is observed in case of accidents.

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- a. The driver reports immediately, of accident involvement and it any bodily injury at scene.
- b. Driver remains at scene of accident until investigation is completed by law enforcement personnel, company insurance adjuster. or company personnel.
- c. The driver completes an accident report when arriving at the terminal.

Disciplinary action would be the following:

- a. Minor accidents or incidents - driver would be allowed to return to work pending any further review by company personnel.
- b. More severe accidents will result in temporary suspension pending investigation of driver record and involvement.
- c. Accidents involving drivers charged with reckless driving or driving under the influence will be immediately terminated from the company.

Incidents involving company drivers, other than accidents, will be reviewed by the appropriate company personnel and disciplinary action recommendations from those persons administered as necessary.

20. NOTICE OF CHANGE IN MATERIAL HAULER

Cargill shall not use more than one (1) material transportation firm at any time. Cargill shall provide written notice to Manatee County of which material transportation firm and subcontractors will be utilized. This notice shall be provided at least 30 days prior to changing material transporters or using a subcontractor unless strike or act of God requires less notice to be given.

Should Manatee County object to the selection of a particular firm or subcontractor, they shall provide written notice to Cargill at least 7 days prior to the proposed change. If such notice is issued by Manatee County to Cargill, Cargill shall not change to the new material transporter or subcontractor until the nature of the objection is reviewed by the Board of County Commissioners at a regularly scheduled meeting, at least 7 days prior to the proposed change.

Manatee County shall not issue a notice of objection without cause.

THIS IS A CORRECTIVE DOCUMENT



STATE OF FLORIDA, COUNTY OF MANATEE
 This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
 Witness my hand and official seal this 24th day of September, 2004
 R.B. SHORE
 Clerk of Circuit Court
 By: Diane E. Vollmer, S.C.



STATE OF FLORIDA, COUNTY OF MANATEE
 This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
 Witness my hand and official seal this 15th day of September, 2004
 R.B. SHORE
 Clerk of Circuit Court
 By: John Andrew Branch, D.C.



11-279
MANATEE COUNTY
GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

August 3, 1999

CERTIFIED MAIL
P 368 649 925

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Re: Development Order for Nu-Gulf Industries, Inc. for the Wingate
Creek Mine DRI #4

Dear Mr. Meyer:

Enclosed is a certified copy of Resolution No. R-99-89, the amended
Development Order for the Wingate Creek Mine DRI, as adopted in open
session by the Manatee County Board of County Commissioners on July 27,
1999, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941) 749-3070, extension
6833.

Sincerely,

Robert H. Pederson
Community Planning Administrator

RHP/jy
Enclosure

RESOLUTION NO. 99-89

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA, ADOPTING AN AMENDED
DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA
STATUTES, ON AN APPLICATION FOR AMENDMENT BY A NOTICE OF
PROPOSED CHANGE FILED BY NU-GULF INDUSTRIES, INC. FOR THE
WINGATE CREEK MINE DEVELOPMENT OF REGIONAL IMPACT;
PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, Nu-Gulf Industries, Inc., as successors in interest to Beker Phosphate Corporation and Beker Industries, Corporation (together referred to as "Beker"), possesses an Amended Development of Regional Impact Development Order from Manatee County, R-88-236; and

WHEREAS, Resolution R-88-236 also amended the Master Mine Plan and Operating Permit for the Wingate Creek Mine; and

WHEREAS, The BOCC on July 17, 1990, R-90-60, approved an amendment to the Development Order deleting property from the mine; and

WHEREAS, on August 14, 1990, Manatee County approved Resolution R-90-147 adopting an amendment to the Amended Development Order approved by R-88-236 to allow the transport of phosphate rock by truck via an approved haul route; and

WHEREAS, on November 5, 1991, Manatee County approved Resolution R-91-250 repealing R-91-26 and adopting an amendment to the Development Order for the Wingate Creek Mine DRI and amending the Master Mine Plan and Operating Permit for this mine; and

WHEREAS, on July 25, 1996, Manatee County approved Resolution R-96-188 deleting property from the legal description of the Development Order for the Wingate Creek Mine DRI as a result of the Manatee County Archery and Gun Club settlement with Manatee County; and

WHEREAS, on December 16, 1997, Manatee County approved Resolution R-97-241 extending the expiration date for the Wingate Creek Mine Development Order to July 31, 2004, extending the life of the authorized haul routes to July 31, 2004, and the completion of mining reclamation to December 31, 2008; and

WHEREAS, on December 16, 1997, Manatee County approved Resolution R-97-242, amending the Master Mine Plan and Operating Permit to conform to the amended Development Order; and

WHEREAS, on November 24, 1998, Manatee County approved Resolution R-98-182 approving the use of an additional haul route between the mine and Mulberry, Florida using Duette Road; and

WHEREAS, on March 4, 1999, the Florida Department of Community Affairs, Nu-Gulf Industries, and Manatee County entered into an agreement pursuant to Section 380.032(3), Florida Statutes, for temporary use of the Duette Road haul route until July 31, 1999 and before certain improvements to the State Road system were complete; and

WHEREAS, this agreement required Nu-Gulf to file a NOPC for the changes authorized under the terms of the Sec. 380.032(3) F.S. agreement; and

WHEREAS, on March 22, 1999, Nu-Gulf Industries filed a NOPC to their approved DRI with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, the Tampa Bay Regional Council, the Central Florida Regional Planning Council, and Florida Department of Community Affairs were provided copies of the Notice of a Proposed Change by Nu-Gulf Industries and were therefore afforded the opportunity to comment on the proposed change; and

WHEREAS, the proposed change is presumed to be a substantial deviation pursuant to Section 380.06(19)(e)3, F.S.; and

WHEREAS, the Department of Community Affairs and Florida Department of Transportation have no objection to the proposed change; and

WHEREAS, the Planning Commission has reviewed the Application for Amendment (NOPC) and has filed a recommendation on the NOPC with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners of Manatee County has on July 27, 1999 held a duly noticed public hearing on the amendment to the Wingate Creek Mine DRI, and has solicited, received, and considered reports, comments, and recommendations from interested citizens, County staff, government agencies, and the applicant.

WHEREAS, the described Project lies within the unincorporated area of Manatee County; and

WHEREAS, the Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA THAT THE BOARD FINDS THAT THE PROPOSED CHANGES TO THE DEVELOPMENT ORDER FOR WINGATE CREEK MINE ARE NOT A SUBSTANTIAL DEVIATION AND THE CONDITIONS CONTAINED IN THIS ORDER ADEQUATELY ADDRESS THE IMPACT OF THE PROPOSED CHANGES.

SECTION 1. FINDINGS OF FACTS:

The Board of County Commissioners, after considering the testimony, evidence, application for development approval, Notice Of Proposed Change, the recommendation and findings of the Planning Commission, and all other matters presented at the public hearings, hereby makes the following findings of fact:

- A. All "WHEREAS" clauses preceding Section 1 of this Resolution are adopted as findings of fact.
- B. The Planning Commission held a Public Hearing on July 8, 1999 on the Notice Of Proposed Change Filed by Nu-Gulf, Industries for the Wingate Creek Mine DRI.
- C. The Board of County Commissioners held a public hearing on July 27, 1999 regarding the Notice Of Proposed Change in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended) and the 2020 Manatee County Comprehensive Plan (Ordinance 89-01, as amended) and has further considered the testimony, comments, and information received at the public hearing.
- D. The real property which is subject of the Notice of Proposed Change is legally described in Section 11 of this Resolution.
- E. The development is not in area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.

- F. The Authorized Agents for Nu-Gulf Industries are Hugh E. McGuire, Esquire & Carol Masio, Esq., McGuire, Pratt, Masio, Farrance & Rice, P.A., Attorneys at Law, Suite 600, 1001 3rd Avenue West, Bradenton, Fl. 34206.

SECTION 2: CONCLUSIONS OF LAW

Based upon the previous Findings of Fact and the following Conditions of Development Approval, the BOCC concluded that:

- A. The Development is consistent with local land development regulations, the State Comprehensive Plan, the Comprehensive Regional Policy Plan, the 2020 Manatee County Comprehensive Plan (Ordinance 89-01, as amended), and previous local government approvals.
- B. The DCA and FDOT have no objection to the proposed change.
- C. These proceedings have been duly conducted pursuant to applicable laws and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.
- D. The review by the County, TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order. To the extent that the ADA is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

SECTION 3. AMENDMENT OF PRIOR DEVELOPMENT ORDERS FOR DRI #4 (TBRPC DRI #42, #95).

The previous Amended Development Order for Wingate Creek Mine in Manatee County, which was adopted on October 18, 1988 (R-88-236) and subsequently amended by Resolutions 90-60, 90-147, 91-250, 96-188, 97-241, and 98-182 is hereby amended by this Resolution, as follows:

SECTION 4: DEVELOPMENT CONDITIONS:

III. Conditions and Agreements

The development of Nu-Gulf's Wingate Creek Mine shall be in conformity with the provisions of the ADA dated October 11, 1974 (Exhibit C); the Application for Amendment filed in 1983 (Exhibit D) and; the Notice of Proposed Change dated March 22, 1999, except as all of the above may be modified by the terms and conditions of this Amended Development Order.

A. Transportation Matters

- (1) Nu-Gulf is authorized to transport up to 2.0 million dry tons per year of phosphate rock by truck from its Wingate Creek Mine to customers via the haul routes and subject to the tonnage limitations listed below:

HAUL ROUTE:

- (a) Up to 2.0 million tons per year from the Wingate Creek Mine, west via State Road 64 to I-75, to I-275, to US 41 north to Port Manatee, or to the phosphate plant at Piney Point.

- (b) Up to 650,000 tons per year from the Wingate Creek Mine east via State Road 64 to Hardee County Road 633, south to Farmland Industries, Inc. Hickory Creek Mine.
- (c) Up to 2.0 million tons per year from the Wingate Creek Mine, east via State Road 64 to Duette Road, north to State Road 62, west to State Road 37, north to State Road 60, then east to the Mulberry Corporation phosphate plant.
- (d) Up to 2.0 million tons per year from the Wingate Creek Mine road which joins into Duette Road, north to State Road 62, west to State Road 37, north to State Road 60, then east to the Mulberry Corporation phosphate plant. Once the construction of this road is complete, Haul route (c), above shall not be used except in an emergency situation.

Trucks would return along the same described haul routes, except for routes (c) or (d), above, where the return route shall be from the Mulberry Corporation Phosphate Plant, turn right upon exiting and proceed easterly on SR 60 to Bonnie Mine Road, then turn right and proceed southerly on Bonnie Mine Road to CR 640. At the intersection of Bonnie Mine Road and CR 640, turn right again and proceed westerly to SR 37. At the intersection of CR 640 and SR 37, turn left and proceed south on SR 37 (these routes to be hereinafter referred to as the Haul Route) until July 31, 2004.

- (13) Nu-Gulf shall resume its payments into an irrevocable trust the sum of \$135,416.66 in five equal monthly payments of \$27,083.33. Payments shall begin immediately upon commencement of trucking operations. **(Completed)**
- (14) Nu-Gulf shall require that its hauler prevent debris from leaving trucks, full or empty, during their travel on the haul route.
- (15) Nu-Gulf shall utilize only one of the approved eastbound haul routes at any time. Nu-Gulf shall provide advance written notice of a change in a eastbound haul route to the Manatee County Planning Director and Mining Coordinator. This notice shall be provided 30 calendar days prior to changing routes.
- (16) Nu-Gulf shall construct the following permanent improvements to the transportation system before July 31, 1999:
 - (a) At the mine entrance @ SR 64:
 - 1. Installation of street lighting as approved by the Manatee County Transportation Department;
 - 2. A westbound right-turn lane on SR 64 per Standard Index # 301; and
 - 3. Enlarge the inbound radius to 50'.**(Completed)**
 - (b) At the SR 64 and Duette Road Intersection:
 - 1. An eastbound left-turn lane on SR 64 per Standard Index # 301;
 - 2. A southbound right-turn lane on Duette Road per Standard Index # 301;
 - 3. Enlarge the inbound radius on Duette Road to 50';
 - 4. Installation of street lighting as approved by the Manatee County Transportation Department; and
 - 5. Nu-Gulf shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way

necessary for Nu-Gulf to construct these improvements. Alternatively, Nu-Gulf may elect to purchase the land directly from the owner(s) and construct the required improvements.

(Completed)

(c) At the Duette Road and SR 62 intersection:

1. A northbound left-turn lane on Duette Road per Standard Index # 301 **(Completed)**;
2. An eastbound right-turn lane on SR 62 per Standard Index # 301 **(Completed except for friction course of asphalt and striping. FDOT has agreed to complete this work in exchange for Nu-Gulf providing additional pavement width)**;
3. Enlarge the inbound radii on the southwest and southeast corners of Duette Road to 50' **(Completed)**.

(d) At the SR 62 and SR 37 intersection:

1. Realign the intersection to 90 degrees to the centerline of SR 62 and make it a standard "T" intersection with stop bar and stop sign on SR 37 for southbound traffic;
2. A westbound right-turn lane on SR 62 per Standard Index # 301;
3. A southbound right-turn lane on SR 37 per Standard Index # 301;
4. A northbound acceleration lane on SR 37 per Standard Index # 301;
5. Mark the existing southbound lane on SR 37 as a southbound to eastbound left-turn lane per Standard Index # 301;
6. A eastbound left-turn lane on SR 62 per Standard Index # 301; and
7. **No Right-of-way acquisition was required (All improvements completed in accordance with FDOT permits and approved plans.)**

(e) SR 60 @ the Mulberry Corporation plant entrance (in Polk County):

1. An eastbound right-turn lane on SR 60 per Standard Index # 301; **(Completed)**

(17) Nu-Gulf may commence use of the new Haul route to Mulberry before certain required permanent improvements to the transportation system are constructed, provided that:

- 1) Nu-Gulf provides a bond or other financial surety acceptable to Manatee County for the costs of completion of all improvements listed in this condition;**(Completed)**
- 2) Nu-Gulf completes the required improvements within 90 days of the effective date of this Resolution or the acquisition of right-of-way, whichever occurs later for each specific improvement, except for improvements identified in Section 4.(A)(17)(c), below, which shall be completed prior to September 30, 1999; and
- 3) Nu-Gulf completes all improvements identified in Section 4.(A)(16) above, prior to July 31, 1999. The required final improvements that shall be constructed after commencing use of the new haul route are:

(a) At the Curve in Duette Road (mile 1.9):

1. Dedicate the land necessary for road-right-of-way to accommodate a realignment of the existing curve from a centerline radius of $\pm 520'$ to 1,250'.

If the mine access road across the "Texaco" tract is not completed and operational by September 30, 1999, then Nu-Gulf shall design and construct geometric improvements to this curve in accordance with designs approved by the Manatee County Transportation Department. At a minimum, the new curve will have a centerline radius not less than 1,250';

2. If two or more accidents involving Nu-Gulf's trucks on the haul route occur at this curve during the time the mine access road across the Texaco tract is under construction, and Nu-Gulf's trucks are determined to be the cause of the accident, then Nu-Gulf shall design and construct geometric improvements to this curve in accordance with designs approved by the Manatee County Transportation Department or cease use of the haul route until the mine access road across the "Texaco" tract is completed. At a minimum, the new curve will have a centerline radius not less than 1,250'.
3. Install new signs as specified by the Manatee County Transportation Department. **(Completed)**
4. Widen the existing road for the length of the 520' radius section to 30' in width with two (2) 14' wide travel lanes, provided that this improvement will not be required if the mine access road across the Texaco tract is constructed prior to commencement of hauling on Duette Road; **(Completed)**
5. Construct rumble strips to the north and south of the curve in accordance with specifications approved by the Manatee County Transportation Department; **(Completed)** and
6. Additional warning signs as required by the Manatee County Transportation Department. **(Completed)**

(b) At the Duette Road Bridge (Myakka headwaters - mile 0.8):

1. Guardrail improvements as specified by the Manatee County Transportation Department. **(Completed)**

(c) At the Duette Road and new mine access road intersection (at the "Texaco" tract - mile 2.85) Nu-Gulf shall undertake the following improvements:

1. Intersection construction, drainage, surfacing, and sign requirements as determined by the Manatee County Transportation Department. **(Under construction)**

(d) At the 90 degree turn of Duette Road (mile 5):

1. Provide designs for and construct geometric improvements to this curve as approved by the Manatee County Transportation Department. At a minimum, the radius of the curve shall be no less than 1,250';
2. Nu-Gulf shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Nu-Gulf to construct these improvements. Alternatively, Nu-Gulf may elect to purchase the land directly from the owner(s) and construct the required improvements; and
3. Install new temporary and permanent signs as specified by the Manatee County Transportation Department.

(e) At the bridge over the East Fork of the Manatee River (mile 6.5):

1. Widen the bridge deck surface to 24'; **(Completed)**

2. Clearing of vegetation to improve the line of sight, as specified by the Manatee County Transportation Department; and **(Completed)**
3. Guardrail Improvements as specified by the Manatee County Transportation Department; **(Completed)**

(f) The northern section of Duette Road (3.7 miles):

1. Design and widen the roadway surface to 22' and provide a shoulder in accordance with designs approved by the Manatee County Transportation Department; and
2. Provide any stormwater facilities that are required for the widened roadway; and
3. Nu-Gulf shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Nu-Gulf to construct these improvements. Alternatively, Nu-Gulf may elect to purchase the land directly from the owner(s) and construct the required improvements.

(Completed)

- (18) Upon completion of the mine access road, Nu-Gulf shall not use that portion of the new haul route between SR 64 and the Texaco tract except in case of emergency.
- (19) For the northern 3.7 miles Nu-Gulf reconstructed this portion of Duette Road. Nu-Gulf shall not have any further obligation with regard to this segment so long as it is in better condition after completion of mining activity. Nu-Gulf shall document the existing conditions of the roadway in a manner acceptable to the Manatee County Transportation Department **Completed**. Upon completion of mining activity, Nu-Gulf shall rebuild the Duette Road roadway to existing conditions. For the portion of the southern 6.3 miles that is part of the permanent haul route (i.e., north of the location where the mine access road intersects Duette Rd) , this is effectively a new roadway surface. For the portion of the southern 6.3 miles that is not part of the permanent haul route, (i.e., south of the location where the mine access road intersects Duette Road), Nu-Gulf shall be responsible for repairing any damage caused during the time(s) this portion of the haul route is used, including during emergency use.
- (20) Nu-Gulf shall provide and install raised pavement markers (RPM's) for the entire length of Duette Road as determined by the Manatee County Transportation Department. **(Completed)**
- (21) Nu-Gulf shall have a structural Engineer examine the bridge at the East Fork of the Manatee River every 6 months. A copy of the engineer's findings shall be submitted to the Manatee County Transportation and Planning Departments for review. Should the report identify that the bridge is not structurally sound to handle the phosphate truck traffic, then Nu-Gulf shall cease use of that haul route until such time as the bridge deficiencies are corrected. **(1st Required Inspection Completed)**
- (22) Nu-Gulf shall agree to assume responsibility for expense of extraordinary maintenance of the Duette Road roadway through the life of the haul route (i.e., July 31, 2004). Extraordinary maintenance is defined as the actual costs incurred by Manatee County for maintenance of Duette Road that are over and above the average annual per-mile cost of maintenance of similar roadways in Manatee County. Nu-Gulf shall ensure reimbursement for the required maintenance through a bond or other financial guarantees acceptable to Manatee County, when furnished with verified cost estimates.
- (23) Trucking will not occur during school bus hours. Trucks will not leave the mine or the Mulberry Chemical Plant or travel on S.R. 64, Duette Road, or S.R. 62 during the time that school buses are either picking up or delivering students. The bus schedules are available from the

supervisor of school bus operations. The schedules will be reviewed by Manatee County and Nu-Gulf personnel and the appropriate trucking schedule settled upon and published. The schedule will be distributed to the Nu-Gulf operations personnel, scale operator, and Material Hauler's terminal manager. The 1998/99 schedule for school buses on the haul route is attached. For the 1998/99 school year the hours during which trucking shall not occur are:

Morning/AM - 5:15 a.m to 9:15 a.m.
Afternoon/PM 1:45 p.m. to 5:15 p.m.

Before the start of a new school year or summer-school, Nu-Gulf will request notice from the Supervisor of School Bus Operations and adjust the trucking schedule accordingly, with approval by Manatee County.

On scheduled school closure days and weekends the trucks will run twenty-four hours per day with the following exception:

No trucking will occur on S.R. 64 between I-75 and Lorraine Road during peak traffic hours, excluding holidays and weekends. These hours have been established to be 7:00 - 8:00 a.m. and 4:45 - 5:45 p.m.

Any truck sighting a school bus during non-school bus hours will report the occurrence to their dispatcher and the Manatee County Mining Coordinator, so the incident can be investigated and schedules amended if necessary.

- (24) Nu-Gulf shall not use more than one (1) material transportation firm, including subcontractors, for eastbound trips and one (1) material transportation firm, including subcontractors, for westbound trips at any time. Nu-Gulf shall provide written notice to Manatee County of which material transportation firms and subcontractors will be utilized. This notice shall be provided at least 30 days prior to changing material transporters or using a subcontractor unless a strike or act of God requires less notice to be given.

Should Manatee County object to the selection of a particular firm or subcontractor, they shall provide written notice to Nu-Gulf at least 7 days prior to the proposed change, unless because of strike or act of God, Nu-Gulf has given less notice than thirty days. If such notice is issued by Manatee County to Nu-Gulf, Nu-Gulf shall not change to the new material transporter or subcontractor until the nature of the objection is reviewed by the Board of County Commissioners at a regularly scheduled meeting, at least 7 days prior to the proposed change.

Manatee County shall not issue a notice of objection without cause.

- (25) Nu-Gulf shall only use one of the eastbound haul routes at any one time.
- (26) Nu-Gulf shall provide sufficient funds to the Manatee County Sheriff's Department in order to monitor the activities of Nu-Gulf's trucks in Manatee County, to determine compliance with the conditions of the amended Development Order and to enforce highway safety regulations.

SECTION 5. CONTROLLING DOCUMENT

The terms and conditions of this Amended Development Order shall control to the extent that they are inconsistent with the previous approvals, to the extent that the previous approvals have not been modified they remain in full force and effect.

SECTION 6. EFFECTIVE DATES

This Resolution shall take effect upon being signed by the Chairman of the Board of County Commissioners and rendered as provided in Section 7, Rendition, of this order provided, however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order, until the resolution of said appeal.

SECTION 7. RENDITION

The Planning Department is hereby directed to send certified copies of the Development Order within thirty (30) days of the BOCC approval to Nu-Gulf Industries, Inc, DCA, and TBRPC.

SECTION 8. COMPLIANCE AND MONITORING

The Manatee County Planning Director or the Director's designee shall be responsible for monitoring and ensuring compliance with the amended Development Order.

SECTION 9. NOTICE OF RECORDING

Nu-Gulf Industries shall record a notice of adoption of the Development Order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department a copy of the recorded notice.

SECTION 10. SEVERABILITY

It is the intent of this Development Order to comply with the requirements of all applicable laws and constitutional requirements. If any provision of the Resolution or the application thereof to any person or circumstance is for any reason held or declared to be unconstitutional, inoperative, or void by a court of competent jurisdiction, such holding of invalidity shall not affect the remaining portions or applications of this Resolution, and to this end the provisions of this Resolution are declared severable.

SECTION 11. LEGAL DESCRIPTION

Development of Wingate Creek Mine shall be restricted to 3,015.23 acres owned by Nu-Gulf Industries, Inc and described by the legal description included as Exhibit A and made a part of this Development Order.

PASSED AND DULY ADOPTED with a quorum present by the Board of County Commissioners of Manatee County, Florida this 27th day of July, 1999.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

BY: Stan Stephen
Chairman

ATTEST: **R. B. SHORE**
Clerk of the Circuit Court

R. B. Shore

EXHIBITS C and D

ARE NOT ATTACHED BUT ARE ON FILE AT THE CLERK'S OFFICE
AS ATTACHMENTS TO:

- C. DRI Development Order recorded in Page 122, Minute Book 25 on 1/28/75.
- D. Application for Amendment filed in 6/83 (DOAH 83-4002) as approved by R-88-236.

EXHIBITS A and E ARE ATTACHED

EXHIBIT A

LEGAL DESCRIPTION FOR R-99-89 - NU-GULF DRI#4

LEGAL DESCRIPTION SUMMARY

PARCEL B	1,221.87
PARCEL C	1,984.36 ACRES
	<hr/>
	3,206.23 ACRES

LESS

101 ACRES (CONVEYED 2/14/95 TO BB/MANATEE)	101.00 ACRES
	<hr/>
	3,105.23 ACRES

TOTAL NU-GULF LANDS 3,105.23 ACRES

PARCEL B

BEGINNING AT THE N.E. CORNER OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE S 03° 05' 41" W, A DISTANCE OF 5596.62 FEET TO THE S.E. CORNER OF SAID SECTION 31; THENCE S 85° 55' 55" E, ALONG THE NORTH LINE OF SECTION 6, TOWNSHIP 35 SOUTH, RANGE 22 EAST, A DISTANCE OF 181.26 FEET TO THE N.E. CORNER OF SAID SECTION 6; THENCE S 00° 10' 08" W, A DISTANCE OF 4313.15 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF S.R. 64; THENCE S 89° 46' 04" W, ALONG THE SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 5135.87 FEET TO THE EASTERLY RIGHT OF WAY LINE OF S.R. 39; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING SIX COURSES; N 00° 22' 15" E, A DISTANCE OF 547.42 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 5829.59 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1199.10 FEET THROUGH A CENTRAL ANGLE OF 11° 47' 07" TO THE P.T. OF SAID CURVE; THENCE N 11° 24' 52" W, A DISTANCE OF 299.77 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5629.59 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1157.96 FEET THROUGH A CENTRAL ANGLE OF 11° 47' 07" TO THE P.T. OF SAID CURVE; THENCE N 00° 22' 15" E, A DISTANCE OF 1542.85 FEET; THENCE N 00° 39' 05" E, A DISTANCE OF 5306.50 FEET TO THE NORTH LINE OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE S 88° 59' 12" E, ALONG SAID NORTH LINE, A DISTANCE OF 5482.62 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST AND SECTION 6, TOWNSHIP 35 SOUTH, RANGE 22 EAST AND SECTION 1, TOWNSHIP 35 SOUTH, RANGE 21 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS , RIGHTS OF WAY AND RESTRICTIONS OF RECORD.

CONTAINING 1221.87 ACRES, MORE OR LESS.

PARCEL C

BEGINNING AT THE S.E. CORNER OF SECTION 28, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE N 89° 11' 57" W, A DISTANCE OF 5281.33 FEET TO THE S.W. CORNER OF SAID SECTION 28; THENCE N 88° 43' 52" W, A DISTANCE OF 5424.50 FEET TO THE S.W. CORNER OF SECTION 29, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE N 01° 01' 47" W, ALONG THE WEST LINE OF SAID SECTION 29, A DISTANCE OF 2633.20 FEET TO THE EAST 1/4 CORNER OF SECTION 30, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE N 88° 48' 07" W, ALONG THE SOUTH LINE OF THE N.E. 1/4 OF SAID SECTION 30, A DISTANCE OF 2388.95 FEET; THENCE N 01° 00' 59" E, A DISTANCE OF 1408.27 FEET; THENCE N 58° 32' 10" E, A DISTANCE OF 2231.23 FEET; THENCE N 08° 14' 52" W, A DISTANCE OF 226.69 FEET; THENCE N 41° 44' 44" E, A DISTANCE OF 3357.00 FEET; THENCE EAST, A DISTANCE OF 1200.00 FEET; THENCE SOUTH, A DISTANCE OF 517.52 FEET; THENCE EAST, A DISTANCE OF 7808.85 FEET TO THE EAST LINE OF SECTION 21, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE S 00° 17' 16" W, A DISTANCE OF 2414.64 FEET TO THE S.E. CORNER OF SAID SECTION 21; THENCE S 00° 08' 00" E, A DISTANCE OF 5246.25 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 19, 20, 21, 28, 29 AND 30, TOWNSHIP 34 SOUTH, RANGE 22 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS RIGHTS OF WAY AND RESTRICTIONS OF RECORD. CONTAINING 1984.36 ACRES, MORE OR LESS.

LESS:

DESCRIPTION: NUGULF 101 ACRE PARCEL (REVISED)

FROM THE N.E. CORNER OF SECTION 1, TOWNSHIP 35 S, RANGE 21 E, RUN N 87° 08' 37" W ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 102.88 FEET TO THE EAST RIGHT OF WAY LINE OF S.R. 39; THENCE S 00° 22' 15" W ALONG SAID EAST LINE, A DISTANCE OF 1050.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTHERLY ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING FIVE COURSES: THENCE S 00° 22' 15" W, A DISTANCE OF 492.85 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 5629.58 FEET; THENCE SOUTHERLY ON THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 1157.96 FEET THROUGH A CENTRAL ANGLE OF 11° 47' 07" TO THE P.T.; THENCE S 11° 24' 52" E, A DISTANCE OF 299.77 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5829.58 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 1199.10 FEET THROUGH A CENTRAL ANGLE OF 11° 47' 07" TO THE P.T.; THENCE S 00° 22' 15" W, A DISTANCE OF 547.42 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF S.R. 64; THENCE N 89° 46' 04" E ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1836.35 FEET; THENCE N 00° 22' 15" E, A DISTANCE OF 1754.87 FEET; THENCE N 89° 37' 45" W, A DISTANCE OF 959.03 FEET; THENCE N 34° 58' 09" W, A DISTANCE OF 1348.48 FEET; THENCE N 00° 22' 15" E, A DISTANCE OF 800.00 FEET; THENCE N 89° 37' 45" W, A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 1, TOWNSHIP 35 S, RANGE 21 E AND SECTION 6, TOWNSHIP 35 S, RANGE 22 E, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHT OF WAY AND RESTRICTIONS OF RECORD.

CONTAINING 101.000 ACRES, MORE OR LESS.

**MANATEE COUNTY
RESOLUTION R- 99-89
EXHIBIT E**

1. CARGO

The cargo being hauled is phosphate rock and has no specific toxicity problems which would cause special transportation problems.

2. TRUCK LIMITS

The trucks have two specific capacity limits determined by the number of axles on the tractor/trailer combination. Trucks having two trailer axles and two tractor axles shall be allowed to carry a maximum weight of 73,280 pounds, while trucks having three axles on both tractor and trailer have a maximum capacity of 80,000 pounds. No special D.O.T. emblems are required. Each truck will be identified as a Nu-Gulf truck by the use of a Nu-Gulf sign on the tailgate which will be visible from a normal safe following distance.

3. LOADING-TARE WEIGHT

The loading will take place at the Wingate Mine. Trucks will proceed to the scale upon arrival at the mine. Before entering the scales each truck will come to a complete stop. The truck will proceed onto the scale and stop when correctly positioned. The scale operator will light weigh the truck and inform the driver which material is to be loaded (pebble, concentrate or combination of both). This weight will appear as the "tare" weight on the bill of lading. The weight is normally 22,000 - 25,000 pounds. Any variation of the tare should be reported to the plant shift supervisor.

4. LOADING-CARGO

Trucks will then proceed to the loading area. The loader operators should load a truck evenly both front to back and side to side. This will minimize the possibility of a load shift during transit. While at the piles the truck drivers will get out of their trucks and sample each bucket of material that is placed in their truck. The sample is placed in a bucket and then covered. This is important to get an accurate moisture sample. Moisture will be controlled at 8-13% to minimize dusting and excess leakage. The sample analysis will be reported on the daily production report. The month-to-date analysis can also be found on the report. The daily production report can be found in the general manager's files and is saved four years.

5. LOADING - INSPECTION

While outside the truck each driver is responsible to make an inspection tour of his vehicle. During this tour the vehicle will be observed for tire condition, tailgate position, leakage, tail lights, tractor lights, brakes. If the driver or loader operator finds a problem with the truck it will be removed from the line until it can be repaired.

6. LOADING - TOPPING & WEIGH-OUT

Once loaded the truck will proceed to the scale for topping and weigh-out. The driver will again bring the truck to a full stop before proceeding onto the scale. This will minimize scale damage and insure weight accuracy. As the truck is weighed, the scale operator will determine if it is overweight or underweight from the aforementioned gross vehicle weights. If the truck is overweight it will be backed off the scale and dumped. The under weight trucks will be topped to the correct weight with the truck topping hopper. After topping, the truck driver will cover his load with a tarp. At no time will trucks be allowed to leave the scale untarped. This is a violation of the Florida Motor Vehicle code and will not be tolerated! The driver will proceed to the scale house where he signs to accept the load on the "load dispatch sheet" and the driver's copy of the bill of lading will be completed.

7. SCALE - OPERATION & RECORDS

The scale operator is responsible for the accuracy of the scale operation and the time intervals of all trucks dispatched. When the truck returns to the scale and the weight does not need adjustment, the operator will print this weight on the bill of lading along with the time and date. Otherwise, after the load has been adjusted, the adjusted weight will be printed on the bill of lading as the gross weight. The truck dispatch sheet will be filled in at this time. The tractor/trailer numbers; weight before topping and weight after topping; and drivers signature will be put on dispatch sheet. The final loaded weight along with the time and date will be printed on the bill of lading. The tractor/trailer numbers and driver's signature will also be placed on the bill of lading. If the time has been at least four minutes since the departure of the previous truck, the driver will be allowed to leave. If the time is less than four minutes, he will be required to remain until the correct time interval is obtained. At this time the bill of lading will be stamped again on the bottom. This will be the official departure time.

The bill-of-lading driver copies are given to the driver and include the following:

- Yellow copy - Port Manatee/Piney Point Phosphate/Mulberry Phosphate records
- Pink copy - Material hauler records

The white copies of the bill of lading are kept at the scale and compiled with the truck dispatch sheets. The day's shipping will be sent to the accounting department for compilation. A shipping day starts at 07:00 AM and ends at 06:59 AM. After the data is input to the computer and the computer shipping report and bill of lading white copies are stored at Nu-Gulf Industries. Nu-Gulf Accounting will compare truck counts leaving the Wingate Creek Mine vs. trucks received at Port Manatee, Piney Point Phosphates, or Mulberry Phosphates on a daily basis. The white copies will then be kept in storage for a minimum of five years. The truck dispatch sheets will be sent to the plant superintendent for like storage.

The truck scale will be calibrated a minimum of once every three months (**1st Required calibration completed**) or whenever a discrepancy may occur between other scales that are check weighing trucks. The contractor will be Central Florida Scales or an equivalent contractor. The calibration report will be given to the Plant Superintendent who will store them for a period of two years. The trucks will be check-weighed on a periodic basis at the Port Manatee, Piney Point Phosphate, or Mulberry Phosphates scale. The scale is inspected and certified annually by the Florida D.O.T. The comparisons between the port and mine scales will be made the Port Secretary or by the Piney Point or Mulberry Superintendent and sent to the mine for analysis. These will be kept in the files at the mine office. A sample bill of lading can be found in the Appendix along with a mine dispatch sheet.

8. TRUCK ROUTE

The drivers will proceed on the designated route as detailed in County Resolution R-98-182. There will be no deviation from the aforementioned. The return trip shall cover the exact route. A route map is shown on the following page.

9. TRUCK INTERVALS

The interval between trucks traveling both loaded and unloaded will be four minutes. The intervals will be monitored at the mine by the scale operator using the bill of lading and the truck dispatch sheets while the return trip will be monitored by the dispatcher from the appropriate terminal, depending on the route.

If the trucks are not at least four minutes apart, the dispatcher will detain them until the required spacing is obtained. Traffic conditions or mechanical problems can reduce speeds so that truck bunching occurs. At no time shall the spacing between trucks be less than six hundred yards. The rear truck shall be responsible to reduce speed and widen the gap until it is sufficient. The trucks are equipped with company radios and communication is possible between the trucks and the dispatcher.

10. SAFETY MONITORS

The Material Hauler will maintain a safety monitoring staff who will travel the route continuously. During this trip the conditions of the trucks, road, weather, traffic and any defects or problems encountered will be recorded on the observation report form. The safety engineer will file these reports with his supervisor at the Material Haulers terminal. Reports will be filed by individual truck number. A sample report can be found in the Appendix. This report will be reviewed by the terminal manager and then forwarded to the Material Haulers main office for review by the safety Manager and then storage.

11. TRUCKING SCHEDULES

Trucking will not occur during school bus hours. Trucks will not leave the mine or the Mulberry Chemical Plant or travel on S.R. 64, Duette Road, or S.R. 62 during the time that school buses are either picking up or delivering students. The bus schedules are available from the supervisor of school bus operations. The schedules will be reviewed by Manatee County and Nu-Gulf personnel and the appropriate trucking schedule settled upon and published. The schedule will be distributed to the Nu-Gulf operations personnel, scale operator, and Material Hauler's terminal manager. The 1998/99 schedule for school buses on the haul route is attached. For the 1998/99 school year the hours during which trucking shall not occur are:

Morning/AM - 5:15 a.m to 9:15 a.m.
Afternoon/PM 1:45 p.m. to 5:15 p.m.

Before the start of a new school year or summer-school, Nu-Gulf will request notice from the Supervisor of School Bus Operations and adjust the trucking schedule accordingly, with approval by Manatee county.

On scheduled school closure days and weekends the trucks will run twenty-four hours per day with the following exception:

No trucking will occur on S.R. 64 between I-75 and Lorraine Road during peak traffic hours, excluding holidays and weekends. These hours have been established to be 7:00 - 8:00 a.m. and 4:45 - 5:45 p.m.

Any truck sighting a school bus during non-school bus hours will report the occurrence to their dispatcher and the Manatee County Mining Coordinator, so the incident can be investigated and schedules amended if necessary.

12. TRUCK DRIVERS

One of the most critical parts of a safe trucking operation is the driver. The driver must be alert at all times, knowledgeable of his equipment and well trained. The Material Hauler's attitude towards obtaining, training, and maintaining a qualified staff is paramount with the management.

13. DRIVER APPLICANTS

An applicant for a driver's position must fulfill the following requirements.

- (1) Be able to fill out application for employment;
- (2) Posses a valid Florida commercial driver's license;
- (3) Pass a D.O.T physical examination;
- (4) Pass a material hauler road test;
- (5) Attend a material hauler orientation school and complete required examination;

Hauler and all regulatory agencies.

Enclosed in the appendices is a sample of a complete employment package. This package includes the following:

- (1) Application
- (2) Checklist
- (3) Insurance Enrollment Form
- (4) W-4 Form
- (5) Physical Examination Form
- (6) Request for Information - Former Employer
- (7) Record of Road Test
- (8) Certification of Road Test
- (9) Driver License Information Date
- 10) Reference Check

14. DRIVER TRAINEES

After the above information is completed the applicant will become a trainee. He will enter a training program by completing a trainee/trainer agreement. This agreement defines the trainee's responsibility, trainer's responsibility, and monetary rewards. The trainee will then perform normal duties under the observation of the trainer for a three-day training period. Each day the trainer will complete a "Trial Trip Report". This report summarizes the trainee's basic driving abilities. After the training period is over a final report and pay request is completed. The trainer will receive a basic wage while training applicant and after a successful ninety day probationary period he will receive an incentive pay for each trained driver. Copies of these forms and agreement can be found in the appendices.

15. TRAINED DRIVERS

Once the applicant has become a trained driver he is continuously monitored by the safety engineer and dispatchers. He is required to complete a trip inspection. The following is that inspection.

1. Inspect tractor/trailer license plates.
2. Insure all fluid levels are adequate.
3. Tire pressures meet minimum requirements.
4. Insure all safety equipment is in place.
5. Insure GV weights are not exceeded.

If the driver discovers a problem with the truck before or during his shift, he will return to the terminal and fill out the driver's vehicle inspection report. The vehicle will not be returned to service until the repairs are completed and the mechanic and driver check it out.

A trained driver must also be able to:

- (2) Follow assigned routes and road maps.
- (3) Operate the radio in accordance to F.C.C. and Material Hauler regulations.
- (4) Maintain and keep daily logs in accordance of D.O.T. regulations.
- (5) Physically and mentally load and unload freight as required.
- (6) Read and comprehend computerized payroll print-outs and manifests.

In the appendices is a Driver's Vehicle Inspection Report and Driver's Dail Log.

16. DRIVER CHECK RIDES

Lastly in addition to the observation reports completed by the safety engineer, a check ride report was initiated to maintain driver awareness. A check ride can be made by the safety engineer at any time with any driver of his choosing. An evaluation form is completed by the safety engineer after the check ride. A copy of this report form is also in the appendices. This report is reviewed by the Material Hauler's manager and forwarded to the head office.

17. DRIVER PERFORMANCE

Driver performance will be reported to Nu-Gulf Industries on a monthly basis. The report will detail any violations that have occurred during the prior month and the disciplinary actions as a result of those violations. The Material Hauler's Manager will send the written report to the General Manager of Nu-Gulf Industries. Additionally the report should contain a status report concerning equipment status, full time driver availability, part-time driver availability, and any additional information that impacts the trucking operation.

18. TRUCK MONITORING

The trucks are equipped with a Eaton- Vorad or equivalent device that analyzes truck and driver performance. Each device records driver performance regarding following distances and truck speed over time. Periodically the information is removed from each device in the fleet and put into a computer. The computer will analyze the data and formulate a report indicating driving/operating problems.

These reports are kept in the Material Hauler's principal Florida office.

19. DRIVER DISCIPLINE

Following is the accepted procedure that is observed in case of accidents.

1. The driver reports immediately, of accident involvement and it any bodily injury at scene.
2. Driver remains at scene of accident until investigation is completed by law enforcement personnel, company insurance adjuster, and /or company personnel.
3. The driver completes an accident report when arriving at the terminal.

Disciplinary action would be the following:

1. Minor accidents and/or incidents - driver would be allowed to return to work pending any further review by company personnel.
2. More severe accidents will result in temporary suspension pending investigation of driver record and involvement.

3. Accidents involving drivers charged with reckless driving, or driving under the influence will be immediately terminated from the company.

Incidents involving company drivers, other than accidents, will be reviewed by the appropriate company personnel and disciplinary action recommendations from those persons administered as necessary.

20. NOTICE OF CHANGE IN MATERIAL HAULER

Nu-Gulf shall not use more than one (1) material transportation firm, including subcontractors, for eastbound trips and one material transportation firm, including subcontractors, for westbound trips at any time. Nu-Gulf shall provide written notice to Manatee County of which material transportation firms and subcontractors will be utilized. This notice shall be provided at least 30 days prior to changing material transporters or using a subcontractor unless strike or act of God requires less notice to be given.

Should Manatee County object to the selection of a particular firm or subcontractor, they shall provide written notice to Nu-Gulf at least 7 days prior to the proposed change. If such notice is issued by Manatee County to Nu-Gulf, Nu-Gulf shall not change to the new material transporter or subcontractor until the nature of the objection is reviewed by the Board of County Commissioners at a regularly scheduled meeting, at least 7 days prior to the proposed change.

Manatee County shall not issue a notice of objection without cause.

21. Nu-Gulf shall only use one of the eastbound haul routes at any one time.

APPENDIX

- I. Bill of Lading
 - Truck Dispatch Sheet
- II. Observation Report
 - Driver Evaluation Form
- III. Application Package
- IV. Driver Training Final Report & Pay Request
 - Trainee/Trainer Checklist
 - Driver Trainer Agreements (2)
- V. Driver's Daily Log
 - Driver's Vehicle Inspection Report
- VI. 1998-99 School schedule
- VII. County Resolution R-99-89

STATE OF FLORIDA, COUNTY OF MANATEE

This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 2nd day of

August 19 99.

R. B. SHORE

Clerk of Circuit Court

By: Jane Cook D.C.



95
MANATEE COUNTY
GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

December 18, 1998

CERTIFIED MAIL
P 368 650 125

Mr. Tim Butts
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Re: Development Order for the Wingate Creek Mine DRI

Dear Mr. Butts:

Enclosed is a certified copy of Resolution R-98-182, with attachments, the development order for the Wingate Creek Mine DRI, as adopted in open session by the Manatee County Board of County Commissioners on November 24, 1998, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941) 749-3070, extension 6833.

Sincerely,

Robert H. Pederson
Community Planning Administrator

RHP/jy
Enclosure

RESOLUTION NO. 98-182

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ADOPTING AN AMENDED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR AMENDMENT BY A NOTICE OF PROPOSED CHANGE FILED BY NU-GULF INDUSTRIES, INC. FOR THE WINGATE CREEK MINE DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Nu-Gulf Industries, Inc., as successors in interest to Beker Phosphate Corporation and Beker Industries Corporation (together referred to as "Beker"), possesses an Amended Development of Regional Impact Development Order from Manatee County, R-88-236; and

WHEREAS, Resolution R-88-236 also amended the Master Mine Plan and Operating Permit for the Wingate Creek Mine; and

WHEREAS, The BOCC on July 17, 1990, R-90-60, approved an amendment to the Development Order deleting property from the mine; and

WHEREAS, on August 14, 1990, Manatee County approved Resolution R-90-147 adopting an amendment to the Amended Development Order approved by R-88-236 to allow the transport of phosphate rock by truck via an approved haul route; and

WHEREAS, on November 5, 1991, Manatee County approved Resolution R-91-250 repealing R-91-26 and adopting an amendment to the Development Order for the Wingate Creek Mine DRI and amending the Master Mine Plan and Operating Permit for this mine; and

WHEREAS, on July 25, 1996, Manatee County approved Resolution R-96-188 deleting property from the legal description of the Development Order for the Wingate Creek Mine DRI as a result of the Manatee County Archery and Gun Club settlement with Manatee County; and

WHEREAS, on December 16, 1997, Manatee County approved Resolution R-97-241 extending the expiration date for the Wingate Creek Mine Development Order to July 31, 2004, extending the life of the authorized haul routes to July 31, 2004, and the completion of mining reclamation to December 31, 2008; and

WHEREAS, on December 16, 1997, Manatee County approved Resolution R-97-242, amending the Master Mine Plan and Operating Permit to conform to the amended Development Order; and

WHEREAS, Nu-Gulf Industries Inc. have not had active mining operations since September, 1992; and

WHEREAS, on June 15, 1998, Nu-Gulf Industries filed a NOPC to their approved DRI with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, the Tampa Bay Regional Council, the Central Florida Regional Planning Council, and Florida Department of Community Affairs were provided copies of the Notice of a Proposed Change by Nu-Gulf Industries and were therefore afforded the opportunity to comment on the proposed change; and

WHEREAS, the Tampa Bay Regional Council has determined that the change proposed in the NOPC is presumed to create a substantial deviation pursuant Subsection 380.06 (19)(e)3, Florida Statutes, however, Nu-Gulf Industries has provided information which successfully rebuts this presumption and it is found that no regional impact will occur from the addition of a third haul route and change in authorized haulers of phosphate rock because all regional impacts to the transportation system will be mitigated by the applicant; and

WHEREAS, the Planning Commission has reviewed the Application for Amendment (NOPC) and has filed a recommendation on said Application with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners of Manatee County has on October 27, November 17, 1998 and November 24, 1998 held a duly noticed public hearing on said amendment to the Wingate Creek Mine DRI, and has solicited, received, and considered reports, comments, and recommendations from interested citizens, County staff, government agencies, and the applicant.

WHEREAS, the described Project lies within the unincorporated area of Manatee County; and

WHEREAS, the Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA THAT THE BOARD FINDS THAT THE PROPOSED CHANGES TO THE DEVELOPMENT ORDER FOR WINGATE CREEK MINE ARE NOT A SUBSTANTIAL DEVIATION AND THE CONDITIONS CONTAINED IN THIS ORDER ADEQUATELY ADDRESS THE IMPACT OF THE PROPOSED CHANGES.

SECTION 1. FINDINGS OF FACTS:

The Board of County Commissioners, after considering the testimony, evidence, application for development approval, Notice Of Proposed Change, the recommendation and findings of the Planning Commission, and all other matters presented at the public hearings, hereby makes the following findings of fact:

- A. All "WHEREAS" clauses preceding Section 1 of this Resolution are adopted as findings of fact.
- B. The Planning Commission held a Public Hearing on October 8, 1998, November 5, 1998 and November 12, 1998 on the Notice Of Proposed Change Filed by Nu-Gulf, Industries for the Wingate Creek Mine DRI.
- C. The Board of County Commissioners held a public hearing on October 27, 1998, November 17, 1998 and November 24, 1998 regarding the Notice Of Proposed Change in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended) and the 2020 Manatee County Comprehensive Plan (Ordinance 89-01, as amended) and has further considered the testimony, comments, and information received at the public hearing.
- D. The real property which is subject of the Notice of Proposed Change is legally described in Section 11 of this Resolution.
- E. The development is not in area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.
- F. The Authorized Agents for Nu-Gulf Industries are Hugh E. McGuire, Esquire & Carol Masio, Esq., McGuire, Pratt, Masio, Farrance & Rice, P.A., Attorneys at Law, Suite 600, 1001 3rd Avenue West, Bradenton, Fl. 34206.

SECTION 2: CONCLUSIONS OF LAW

Based upon the previous Findings of Fact and the following Conditions of Development Approval, the BOCC concluded that:

- A. The Development is consistent with local land development regulations, the State Comprehensive Plan, the Comprehensive Regional Policy Plan, the 2020 Manatee County Comprehensive Plan (Ordinance 89-01, as amended), and previous local government approvals.
- B. The Concerns raised in DCA'S September 25, 1998 and TBRPC'S November 5, 1998 letters have been addressed.
- C. These proceedings have been duly conducted pursuant to applicable laws and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.
- D. The review by the County, TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order. To the extent that the ADA is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

SECTION 3. AMENDMENT OF PRIOR DEVELOPMENT ORDERS FOR DRI #4 (TBRPC DRI #42, #95).

The previous Amended Development Order for Wingate Creek Mine in Manatee County, which was adopted on October 18, 1988 (R-88-236) and subsequently amended by Resolutions 90-60, 90-147, 91-250, 96-188, and 97-241 is hereby amended by this Resolution, as follows:

SECTION 4: DEVELOPMENT CONDITIONS:

III. Conditions and Agreements

The development of Nu-Gulf's Wingate Creek Mine shall be in conformity with the provisions of the ADA dated October 11, 1974 (Exhibit C); the Application for Amendment filed in 1983 (Exhibit D) and; the Notice of Proposed Change dated June 15, 1998 (including additional information dated July 23, 1998, August 3, 1998, August 26, 1998, and September 3, 1998), except as all of the above may be modified by the terms and conditions of this Amended Development Order.

A. Transportation Matters

- (1) Nu-Gulf is authorized to transport up to 2.0 million dry tons per year of phosphate rock by truck from its Wingate Creek Mine to customers via the haul routes and subject to the tonnage limitations listed below:

HAUL ROUTE:

- (a) Up to 2.0 million tons per year from the Wingate Creek Mine, west via State Road 64 to I-75, to I-275, to US 41 north to Port Manatee, or to the phosphate plant at Piney Point.
- (b) Up to 650,000 tons per year from the Wingate Creek Mine east via State Road 64 to Hardee County Road 633, south to Farmland Industries, Inc. Hickory Creek Mine.
- (c) Up to 2.0 million tons per year from the Wingate Creek Mine, east via State Road 64 to Duette Road, north to State Road 62, west to State Road 37, north to State Road 60, then east to the Mulberry Corporation phosphate plant.

- (d) Up to 2.0 million tons per year from the Wingate Creek Mine road which joins into Duette Road, north to State Road 62, west to State Road 37, north to State Road 60, then east to the Mulberry Corporation phosphate plant. Once the construction of this road is complete, Haul route (c), above shall not be used except in an emergency situation.
- (e) Beginning December 15, 1998 and until July 31, 1999 or completion of the improvements identified in paragraph 16, below, whichever occurs first, and during any time that Duette Road is unavailable due to construction required by this Development Order, up to 175 truck trips per day are permitted from the Wingate Creek Mine, west via State Road 64 to Interstate 75, north to Big Bend Road, east to US 301, south to County Road 672, east to State Road 39, north to County Road 640, east to State Road 37, north to State Road 60, then east to the Mulberry Corporation phosphate plant, subject to all other restrictions contained in this Development Order.

Trucks would return along the same described haul routes, except for routes (c) or (d), above, where the return route shall be from the Mulberry Corporation Phosphate Plant, turn right upon exiting and proceed easterly on SR 60 to Bonnie Mine Road, then turn right and proceed southerly on Bonnie Mine Road to CR 640. At the intersection of Bonnie Mine Road and CR 640, turn right again and proceed westerly to SR 37. At the intersection of CR 640 and SR 37, turn left and proceed south on SR 37 (these routes to be hereinafter referred to as the Haul Route) until July 31, 2004.

- (13) Nu-Gulf shall resume its payments into an irrevocable trust the sum of \$135,416.66 in five equal monthly payments of \$27,083.33. Payments shall begin immediately upon commencement of trucking operations.
- (14) Nu-Gulf shall require that its hauler prevent debris from leaving trucks, full or empty, during their travel on the haul route.
- (15) Nu-Gulf shall utilize only one of the approved eastbound haul routes at any time. Nu-Gulf shall provide advance written notice of a change in a eastbound haul route to the Manatee County Planning Director and Mining Coordinator. This notice shall be provided 30 calendar days prior to changing routes. Nu-Gulf shall provide advance written notice of the use of the temporary haul route to the Manatee County Planning Director and Mining Coordinator, as well as to Polk County and Hillsborough County.
- (16) Nu-Gulf shall construct the following permanent improvements to the transportation system before use of the haul route to Mulberry may commence:
 - (a) At the mine entrance @ SR 64:
 - 1. Installation of street lighting as approved by the Manatee County Transportation Department;
 - 2. A westbound right-turn lane on SR 64 per Standard Index # 301; and
 - 3. Enlarge the inbound radius to 50'.
 - (b) At the SR 64 and Duette Road Intersection:
 - 1. An eastbound left-turn lane on SR 64 per Standard Index # 301;
 - 2. A southbound right-turn lane on Duette Road per Standard Index # 301;
 - 3. Enlarge the inbound radius on Duette Road to 50'.

4. Installation of street lighting as approved by the Manatee County Transportation Department; and
5. Nu-Gulf shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Nu-Gulf to construct these improvements. Alternatively, Nu-Gulf may elect to purchase the land directly from the owner(s) and construct the required improvements.

(c) At the Duette Road and SR 62 intersection:

1. A northbound left-turn lane on Duette Road per Standard Index # 301;
2. An eastbound right-turn lane on SR 62 per Standard Index # 301;
3. Enlarge the inbound radii on the southwest and southeast corners of Duette Road to 50'; and
4. Nu-Gulf shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Nu-Gulf to construct these improvements. Alternatively, Nu-Gulf may elect to purchase the land directly from the owner(s) and construct the required improvements.

(d) At the SR 62 and SR 37 intersection:

1. Realign the intersection to 90 degrees to the centerline of SR 62 and make it a standard "T" intersection with stop bar and stop sign on SR 37 for southbound traffic;
2. A westbound right-turn lane on SR 62 per Standard Index # 301;
3. A southbound right-turn lane on SR 37 per Standard Index # 301;
4. A northbound acceleration lane on SR 37 per Standard Index # 301;
5. Mark the existing southbound lane on SR 37 as a southbound to eastbound left-turn lane per Standard Index # 301;
6. A eastbound left-turn lane on SR 62 per Standard Index # 301; and
7. Nu-Gulf shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Nu-Gulf to construct these improvements. Alternatively, Nu-Gulf may elect to purchase the land directly from the owner(s) and construct the required improvements.

(e) SR 60 @ the Mulberry Corporation plant entrance (in Polk County):

1. An eastbound right-turn lane on SR 60 per Standard Index # 301;

(17) Nu-Gulf may commence use of the new Haul route to Mulberry before certain required permanent improvements to the transportation system are constructed, provided that:

- 1) Nu-Gulf provides a bond or other financial surety acceptable to Manatee County for the costs of completion of all improvements listed in this condition;
- 2) Nu-Gulf completes the required improvements within 90 days of the effective date of this Resolution or the acquisition of right-of-way, whichever occurs later for each specific improvement; and
- 3) Nu-Gulf completes all improvements identified in Section 4.(A)(16) above, prior to commencing use of the haul route. The required final improvements that shall be constructed after commencing use of the new haul route are:

(a) At the Curve in Duette Road (mile 1.9):

1. Dedicate the land necessary for road-right-of-way to accommodate a realignment of the existing curve from a centerline radius of $\pm 520'$ to 1,250';
2. If the mine access road across the "Texaco" tract is not completed and operational by July 31, 1999, then Nu-Gulf shall design and construct geometric improvements to this curve in accordance with designs approved by the Manatee County Transportation Department. At a minimum, the new curve will have a centerline radius not less than 1,250';
3. If two or more accidents involving Nu-Gulf's trucks on the haul route occur at this curve during the time the mine access road across the Texaco tract is under construction, and Nu-Gulf's trucks are determined to be the cause of the accident, then Nu-Gulf shall design and construct geometric improvements to this curve in accordance with designs approved by the Manatee County Transportation Department or cease use of the haul route until the mine access road across the "Texaco" tract is completed. At a minimum, the new curve will have a centerline radius not less than 1,250'.
4. Install new signs as specified by the Manatee County Transportation Department.
5. Widen the existing road for the length of the 520' radius section to 30' in width with two (2) 14' wide travel lanes, provided that this improvement will not be required if the mine access road across the Texaco tract is constructed prior to commencement of hauling on Duette Road;
6. Construct rumble strips to the north and south of the curve in accordance with specifications approved by the Manatee County Transportation Department; and
7. Additional warning signs as required by the Manatee County Transportation Department.

(b) At the Duette Road Bridge (Myakka headwaters - mile 0.8):

1. Guardrail improvements as specified by the Manatee County Transportation Department.

(c) At the Duette Road and new mine access road intersection (at the "Texaco" tract - mile 2.85) Nu-Gulf shall undertake the following improvements:

1. Intersection construction, drainage, surfacing, and sign requirements as determined by the Manatee County Transportation Department.

(d) At the 90 degree turn of Duette Road (mile 5):

1. Provide designs for and construct geometric improvements to this curve as approved by the Manatee County Transportation Department. At a minimum, the radius of the curve shall be no less than 1,250';
2. Nu-Gulf shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Nu-Gulf to construct these improvements. Alternatively, Nu-Gulf may elect to purchase the land directly from the owner(s) and construct the required improvements; and
3. Install new temporary and permanent signs as specified by the Manatee County Transportation Department.

(e) At the bridge over the East Fork of the Manatee River (mile 6.5):

1. Widen the bridge deck surface to 24';
2. Nu-Gulf shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Nu-Gulf to construct these improvements or to construct any temporary bypass road (as determined by the Manatee County Transportation Department) that may be necessary during construction work on the bridge. Nu-Gulf shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Nu-Gulf to construct these improvements. Alternatively, Nu-Gulf may elect to purchase the land directly from the owner(s) and construct the required improvements;
3. Clearing of vegetation to improve the line of sight, as specified by the Manatee County Transportation Department; and
4. Guardrail Improvements as specified by the Manatee County Transportation Department;

(f) The northern section of Duette Road (3.7 miles):

1. Design and widen the roadway surface to 22' and provide a shoulder in accordance with designs approved by the Manatee County Transportation Department; and
2. Provide any stormwater facilities that are required for the widened roadway; and
3. Nu-Gulf shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Nu-Gulf to construct these improvements. Alternatively, Nu-Gulf may elect to purchase the land directly from the owner(s) and construct the required improvements.

- (18) Upon completion of the mine access road, Nu-Gulf shall not use that portion of the new haul route between SR 64 and the Texaco tract except in case of emergency.
- (19) For the northern 3.7 miles Nu-Gulf will be reconstructing this portion of Duette Road prior to material transportation, Nu-Gulf shall not have any further obligation with regard to this segment so long as it is in better condition after completion of mining activity. Nu-Gulf shall document the existing conditions of the roadway in a manner acceptable to the Manatee County Transportation Department. Upon completion of mining activity, Nu-Gulf shall rebuild the Duette Road roadway to existing conditions. For the portion of the southern 6.3 miles that is part of the permanent haul route (i.e., north of the location where the mine access road intersects Duette Rd) , this is effectively a new roadway surface. For the portion of the southern 6.3 miles that is not part of the permanent haul route, (i.e., south of the location where the mine access road intersects Duette Road), Nu-Gulf shall be responsible for repairing any damage caused during the time(s) this portion of the haul route is used, including during emergency use.
- (20) Nu-Gulf shall provide and install raised pavement markers (RPM's) for the entire length of Duette Road as determined by the Manatee County Transportation Department.
- (21) Nu-Gulf shall have a structural Engineer examine the bridge at the East Fork of the Manatee River every 6 months. A copy of the engineer's findings shall be submitted to the Manatee County Transportation and Planning Departments for review. Should the report identify that the

bridge is not structurally sound to handle the phosphate truck traffic, then Nu-Gulf shall cease use of that haul route until such time as the bridge deficiencies are corrected.

- (22) Nu-Gulf shall agree to assume responsibility for expense of extraordinary maintenance of the Duette Road roadway through the life of the haul route (i.e., July 31, 2004). Extraordinary maintenance is defined as the actual costs incurred by Manatee County for maintenance of Duette Road that are over and above the average annual per-mile cost of maintenance of similar roadways in Manatee County. Nu-Gulf shall ensure reimbursement for the required maintenance through a bond or other financial guarantees acceptable to Manatee County, when furnished with verified cost estimates.

- (23) Trucking will not occur during school bus hours. Trucks will not leave the mine or the Mulberry Chemical Plant or travel on S.R. 64, Duette Road, or S.R. 62 during the time that school buses are either picking up or delivering students. The bus schedules are available from the supervisor of school bus operations. The schedules will be reviewed by Manatee County and Nu-Gulf personnel and the appropriate trucking schedule settled upon and published. The schedule will be distributed to the Nu-Gulf operations personnel, scale operator, and Material Hauler's terminal manager. The 1998/99 schedule for school buses on the haul route is attached. For the 1998/99 school year the hours during which trucking shall not occur are:

Morning/AM - 5:15 a.m to 9:15 a.m.

Afternoon/PM 1:45 p.m. to 5:15 p.m.

Before the start of a new school year or summer-school, Nu-Gulf will request notice from the Supervisor of School Bus Operations and adjust the trucking schedule accordingly, with approval by Manatee County.

On scheduled school closure days and weekends the trucks will run twenty-four hours per day with the following exception:

No trucking will occur on S.R. 64 between I-75 and Lorraine Road during peak traffic hours, excluding holidays and weekends. These hours have been established to be 7:00 - 8:00 a.m. and 4:45 - 5:45 p.m.

Any truck sighting a school bus during non-school bus hours will report the occurrence to their dispatcher and the Manatee County Mining Coordinator, so the incident can be investigated and schedules amended if necessary.

- (24) Nu-Gulf shall not use more than one (1) material transportation firm for eastbound trips and one (1) material transportation firm for westbound trips at any time. Nu-Gulf shall provide written notice to Manatee County of which material transportation firms will be utilized. This notice shall be provided at least 30 days prior to changing material transporters unless a strike or act of God requires less notice to be given.

Should Manatee County object to the selection of a particular firm, they shall provide written notice to Nu-Gulf at least 7 days prior to the proposed change, unless because of strike or act of God, Nu-Gulf has given less notice than thirty days. If such notice is issued by Manatee County to Nu-Gulf, Nu-Gulf shall not change to the new material transporter until the nature of the objection is reviewed by the Board of County Commissioners at a regularly scheduled meeting, at least 7 days prior to the proposed change.

Manatee County shall not issue a notice of objection without cause.

- (25) Nu-Gulf shall only use one of the eastbound haul routes at any one time.

- (26) Nu-Gulf shall provide sufficient funds to the Manatee County Sheriff's Department in order to monitor the activities of Nu-Gulf's trucks in Manatee County, to determine compliance with the conditions of the amended Development Order and to enforce highway safety regulations.

SECTION 5. CONTROLLING DOCUMENT

The terms and conditions of this Amended Development Order shall control to the extent that they are inconsistent with the previous approvals, to the extent that the previous approvals have not been modified they remain in full force and effect.

SECTION 6. EFFECTIVE DATES

This Resolution shall take effect upon being signed by the Chairman of the Board of County Commissioners and rendered as provided in Section 7, Rendition, of this order provided, however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order, until the resolution of said appeal.

SECTION 7. RENDITION

The Planning Department is hereby directed to send certified copies of the Development Order within thirty (30) days of the BOCC approval to Nu-Gulf Industries, Inc, DCA, and TBRPC.

SECTION 8. COMPLIANCE AND MONITORING

The Manatee County Planning Director or the Director's designee shall be responsible for monitoring and ensuring compliance with the amended Development Order.

SECTION 9. NOTICE OF RECORDING

Nu-Gulf Industries shall record a notice of adoption of the Development Order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department a copy of the recorded notice.

SECTION 10. SEVERABILITY

It is the intent of this Development Order to comply with the requirements of all applicable laws and constitutional requirements. If any provision of the Resolution or the application thereof to any person or circumstance is for any reason held or declared to be unconstitutional, inoperative, or void by a court of competent jurisdiction, such holding of invalidity shall not affect the remaining portions or applications of this Resolution, and to this end the provisions of this Resolution are declared severable.

SECTION 11. LEGAL DESCRIPTION

Development of Wingate Creek Mine shall be restricted to 3,015.23 acres owned by Nu-Gulf Industries, Inc and described by the legal description included as Exhibit A and made a part of this Development Order.

PASSED AND DULY ADOPTED with a quorum present by the Board of County Commissioners of Manatee County, Florida this 24th day of November, 1998.

ATTEST:  **R. B. SHORE**
 Clerk of the Circuit Court
R. B. Shore

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: *Karin M. Blane*
 STATE OF FLORIDA COUNTY OF MANATEE
 Chairman
 This is to certify that the foregoing is a true and correct copy of the documents on file in my office. Witness my hand and official seal this 17th day of December 19 98.
 R. B. SHORE
 Clerk of Circuit Court
 BY: *Tom Ross* D.C.

EXHIBITS C and D

ARE NOT ATTACHED BUT ARE ON FILE AT THE CLERK'S OFFICE
AS ATTACHMENTS TO:

- C. DRI Development Order recorded in Page 122, Minute Book 25 on 1/28/75.
- D. Application for Amendment filed in 6/83 (DOAH 83-4002) as approved by R-88-236.

EXHIBITS A and E ARE ATTACHED

EXHIBIT A

LEGAL DESCRIPTION FOR R-98-182 - NU-GULF DRI#4

LEGAL DESCRIPTION SUMMARY

PARCEL B	1,221.87
PARCEL C	1,984.36 ACRES
	<hr/>
	3,206.23 ACRES

LESS

101 ACRES (CONVEYED 2/14/95 TO BB/MANATEE)	101.00 ACRES
	<hr/>
	3,105.23 ACRES

TOTAL NU-GULF LANDS 3,105.23 ACRES

PARCEL B

BEGINNING AT THE N.E. CORNER OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE S 03° 05' 41" W, A DISTANCE OF 5596.62 FEET TO THE S.E. CORNER OF SAID SECTION 31; THENCE S 85° 55' 55" E, ALONG THE NORTH LINE OF SECTION 6, TOWNSHIP 35 SOUTH, RANGE 22 EAST, A DISTANCE OF 181.26 FEET TO THE N.E. CORNER OF SAID SECTION 6; THENCE S 00° 10' 08" W, A DISTANCE OF 4313.15 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF S.R. 64; THENCE S 89° 46' 04" W, ALONG THE SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 5135.87 FEET TO THE EASTERLY RIGHT OF WAY LINE OF S.R. 39; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING SIX COURSES: N 00° 22' 15" E, A DISTANCE OF 547.42 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 5829.59 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1199.10 FEET THROUGH A CENTRAL ANGLE OF 11° 47' 07" TO THE P.T. OF SAID CURVE; THENCE N 11° 24' 52" W, A DISTANCE OF 299.77 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5629.59 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1157.96 FEET THROUGH A CENTRAL ANGLE OF 11° 47' 07" TO THE P.T. OF SAID CURVE; THENCE N 00° 22' 15" E, A DISTANCE OF 1542.85 FEET; THENCE N 00° 39' 05" E, A DISTANCE OF 5306.50 FEET TO THE NORTH LINE OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE S 88° 59' 12" E, ALONG SAID NORTH LINE, A DISTANCE OF 5482.62 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST AND SECTION 6, TOWNSHIP 35 SOUTH, RANGE 22 EAST AND SECTION 1, TOWNSHIP 35 SOUTH, RANGE 21 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD.

CONTAINING 1221.87 ACRES, MORE OR LESS.

PARCEL C

BEGINNING AT THE S.E. CORNER OF SECTION 28, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE N 89° 11' 57" W, A DISTANCE OF 5281.33 FEET TO THE S.W. CORNER OF SAID SECTION 28; THENCE N 88° 43' 52" W, A DISTANCE OF 5424.50 FEET TO THE S.W. CORNER OF SECTION 29, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE N 01° 01' 47" W, ALONG THE WEST LINE OF SAID SECTION 29, A DISTANCE OF 2633.20 FEET TO THE EAST 1/4 CORNER OF SECTION 30, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE N 88° 48' 07" W, ALONG THE SOUTH LINE OF THE N.E. 1/4 OF SAID SECTION 30, A DISTANCE OF 2388.95 FEET; THENCE N 01° 00' 59" E, A DISTANCE OF 1408.27 FEET; THENCE N 58° 32' 10" E, A DISTANCE OF 2231.23 FEET; THENCE N 08° 14' 52" W, A DISTANCE OF 226.69 FEET; THENCE N 41° 44' 44" E, A DISTANCE OF 3357.00 FEET; THENCE EAST, A DISTANCE OF 1200.00 FEET; THENCE SOUTH, A DISTANCE OF 517.52 FEET; THENCE EAST, A DISTANCE OF 7808.85 FEET TO THE EAST LINE OF SECTION 21, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE S 00° 17' 16" W, A DISTANCE OF 2414.64 FEET TO THE S.E. CORNER OF SAID SECTION 21; THENCE S 00° 08' 00" E, A DISTANCE OF 5246.25 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 19, 20, 21, 28, 29 AND 30, TOWNSHIP 34 SOUTH, RANGE 22 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS RIGHTS OF WAY AND RESTRICTIONS OF RECORD. CONTAINING 1984.36 ACRES, MORE OR LESS.

LESS:

DESCRIPTION: NUGULF 101 ACRE PARCEL (REVISED)

FROM THE N.E. CORNER OF SECTION 1, TOWNSHIP 35 S, RANGE 21 E, RUN N 87° 08' 37" W ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 102.88 FEET TO THE EAST RIGHT OF WAY LINE OF S.R. 39; THENCE S 00° 22' 15" W ALONG SAID EAST LINE, A DISTANCE OF 1050.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTHERLY ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING FIVE COURSES: THENCE S 00° 22' 15" W, A DISTANCE OF 492.85 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 5629.58 FEET; THENCE SOUTHERLY ON THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 1157.96 FEET THROUGH A CENTRAL ANGLE OF 11° 47' 07" TO THE P.T.; THENCE S 11° 24' 52" E, A DISTANCE OF 299.77 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5829.58 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 1199.10 FEET THROUGH A CENTRAL ANGLE OF 11° 47' 07" TO THE P.T.; THENCE S 00° 22' 15" W, A DISTANCE OF 547.42 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF S.R. 64; THENCE N 89° 46' 04" E ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1836.35 FEET; THENCE N 00° 22' 15" E, A DISTANCE OF 1754.87 FEET; THENCE N 89° 37' 45" W, A DISTANCE OF 959.03 FEET; THENCE N 34° 58' 09" W, A DISTANCE OF 1348.48 FEET; THENCE N 00° 22' 15" E, A DISTANCE OF 800.00 FEET; THENCE N 89° 37' 45" W, A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 1, TOWNSHIP 35 S, RANGE 21 E AND SECTION 6, TOWNSHIP 35 S, RANGE 22 E, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHT OF WAY AND RESTRICTIONS OF RECORD.

CONTAINING 101.000 ACRES, MORE OR LESS.

MANATEE COUNTY
RESOLUTION R-98-182
EXHIBIT E

1. CARGO

The cargo being hauled is phosphate rock and has no specific toxicity problems which would cause special transportation problems.

2. TRUCK LIMITS

The trucks have two specific capacity limits determined by the number of axles on the tractor/trailer combination. Trucks having two trailer axles and two tractor axles shall be allowed to carry a maximum weight of 73,280 pounds, while trucks having three axles on both tractor and trailer have a maximum capacity of 80,000 pounds. No special D.O.T. emblems are required. Each truck will be identified as a Nu-Gulf truck by the use of a Nu-Gulf sign on the tailgate which will be visible from a normal safe following distance.

3. LOADING-TARE WEIGHT

The loading will take place at the Wingate Mine. Trucks will proceed to the scale upon arrival at the mine. Before entering the scales each truck will come to a complete stop. The truck will proceed onto the scale and stop when correctly positioned. The scale operator will light weigh the truck and inform the driver which material is to be loaded (pebble, concentrate or combination of both). This weight will appear as the "tare" weight on the bill of lading. The weight is normally 22,000 - 25,000 pounds. Any variation of the tare should be reported to the plant shift supervisor.

4. LOADING-CARGO

Trucks will then proceed to the loading area. The loader operators should load a truck evenly both front to back and side to side. This will minimize the possibility of a load shift during transit. While at the piles the truck drivers will get out of their trucks and sample each bucket of material that is placed in their truck. The sample is placed in a bucket and then covered. This is important to get an accurate moisture sample. Moisture will be controlled at 8-13% to minimize dusting and excess leakage. The sample analysis will be reported on the daily production report. The month-to-date analysis can also be found on the report. The daily production report can be found in the general manager's files and is saved four years.

5. LOADING - INSPECTION

While outside the truck each driver is responsible to make an inspection tour of his vehicle. During this tour the vehicle will be observed for tire condition, tailgate position, leakage, tail lights, tractor lights, brakes. If the driver or loader operator finds a problem with the truck it will be removed from the line until it can be repaired.

6. LOADING - TOPPING & WEIGH-OUT

Once loaded the truck will proceed to the scale for topping and weigh-out. The driver will again bring the truck to a full stop before proceeding onto the scale. This will minimize scale damage and insure weight accuracy. As the truck is weighed, the scale operator will determine if it is overweight or underweight from the aforementioned gross vehicle weights. If the truck is overweight it will be backed off the scale and dumped. The under weight trucks will be topped to the correct weight with the truck

topping hopper. After topping, the truck driver will cover his load with a tarp. At no time will trucks be allowed to leave the scale untarped. This is a violation of the Florida Motor Vehicle code and will not be tolerated! The driver will proceed to the scale house where he signs to accept the load on the "load dispatch sheet" and the driver's copy of the bill of lading will be completed.

7. SCALE - OPERATION & RECORDS

The scale operator is responsible for the accuracy of the scale operation and the time intervals of all trucks dispatched. When the truck returns to the scale and the weight does not need adjustment, the operator will print this weight on the bill of lading along with the time and date. Otherwise, after the load has been adjusted, the adjusted weight will be printed on the bill of lading as the gross weight. The truck dispatch sheet will be filled in at this time. The tractor/trailer numbers; weight before topping and weight after topping; and drivers signature will be put on dispatch sheet. The final loaded weight along with the time and date will be printed on the bill of lading. The tractor/trailer numbers and driver's signature will also be placed on the bill of lading. If the time has been at least four minutes since the departure of the previous truck, the driver will be allowed to leave. If the time is less than four minutes, he will be required to remain until the correct time interval is obtained. At this time the bill of lading will be stamped again on the bottom. This will be the official departure time.

The bill-of-lading driver copies are given to the driver and include the following:

Yellow copy - Port Manatee/Piney Point Phosphate/Mulberry Phosphate records
Pink copy - Material hauler records

The white copies of the bill of lading are kept at the scale and compiled with the truck dispatch sheets. The day's shipping will be sent to the accounting department for compilation. A shipping day starts at 07:00 AM and ends at 06:59 AM. After the data is input to the computer and the computer shipping report and bill of lading white copies are stored at Nu-Gulf Industries. Nu-Gulf Accounting will compare truck counts leaving the Wingate Creek Mine vs. trucks received at Port Manatee, Piney Point Phosphates, or Mulberry Phosphates on a daily basis. The white copies will then be kept in storage for a minimum of five years. The truck dispatch sheets will be sent to the plant superintendent for like storage.

The truck scale will be calibrated a minimum of once every three months or whenever a discrepancy may occur between other scales that are check weighing trucks. The contractor will be Central Florida Scales or an equivalent contractor. The calibration report will be given to the Plant Superintendent who will store them for a period of two years. The trucks will be check-weighed on a periodic basis at the Port Manatee, Piney Point Phosphate, or Mulberry Phosphates scale. The scale is inspected and certified annually by the Florida D.O.T. The comparisons between the port and mine scales will be made the Port Secretary or by the Piney Point or Mulberry Superintendent and sent to the mine for analysis. These will be kept in the files at the mine office. A sample bill of lading can be found in the Appendix along with a mine dispatch sheet.

8. TRUCK ROUTE

The drivers will proceed on the designated route as detailed in County Resolution R-98-182. There will be no deviation from the aforementioned. The return trip shall cover the exact route. A route map is shown on the following page.

9. TRUCK INTERVALS

The interval between trucks traveling both loaded and unloaded will be four minutes. The intervals will be monitored at the mine by the scale operator using the bill of lading and the truck dispatch sheets

while the return trip will be monitored by the dispatcher from the appropriate terminal, depending on the route.

If the trucks are not at least four minutes apart, the dispatcher will detain them until the required spacing is obtained. Traffic conditions or mechanical problems can reduce speeds so that truck bunching occurs. At no time shall the spacing between trucks be less than six hundred yards. The rear truck shall be responsible to reduce speed and widen the gap until it is sufficient. The trucks are equipped with company radios and communication is possible between the trucks and the dispatcher.

10. SAFETY MONITORS

The Material Hauler will maintain a safety monitoring staff who will travel the route continuously. During this trip the conditions of the trucks, road, weather, traffic and any defects or problems encountered will be recorded on the observation report form. The safety engineer will file these reports with his supervisor at the Material Haulers terminal. Reports will be filed by individual truck number. A sample report can be found in the Appendix. This report will be reviewed by the terminal manager and then forwarded to the Material Haulers main office for review by the safety Manager and then storage.

11. TRUCKING SCHEDULES

Trucking will not occur during school bus hours. Trucks will not leave the mine or the Mulberry Chemical Plant or travel on S.R. 64, Duette Road, or S.R. 62 during the time that school buses are either picking up or delivering students. The bus schedules are available from the supervisor of school bus operations. The schedules will be reviewed by Manatee County and Nu-Gulf personnel and the appropriate trucking schedule settled upon and published. The schedule will be distributed to the Nu-Gulf operations personnel, scale operator, and Material Hauler's terminal manager. The 1998/99 schedule for school buses on the haul route is attached. For the 1998/99 school year the hours during which trucking shall not occur are:

Morning/AM - 5:15 a.m to 9:15 a.m.

Afternoon/PM 1:45 p.m. to 5:15 p.m.

Before the start of a new school year or summer-school, Nu-Gulf will request notice from the Supervisor of School Bus Operations and adjust the trucking schedule accordingly, with approval by Manatee county.

On scheduled school closure days and weekends the trucks will run twenty-four hours per day with the following exception:

No trucking will occur on S.R. 64 between I-75 and Lorraine Road during peak traffic hours, excluding holidays and weekends. These hours have been established to be 7:00 - 8:00 a.m. and 4:45 - 5:45 p.m.

Any truck sighting a school bus during non-school bus hours will report the occurrence to their dispatcher and the Manatee County Mining Coordinator, so the incident can be investigated and schedules amended if necessary.

12. TRUCK DRIVERS

One of the most critical parts of a safe trucking operation is the driver. The driver must be alert at all times, knowledgeable of his equipment and well trained. The Material Hauler's attitude towards obtaining, training, and maintaining a qualified staff is paramount with the management.

13. DRIVER APPLICANTS

An applicant for a driver's position must fulfill the following requirements.

- (1) Be able to fill out application for employment;
- (2) Posses a valid Florida commercial driver's license;
- (3) Pass a D.O.T physical examination;
- (4) Pass a material hauler road test;
- (5) Attend a material hauler orientation school and complete required examination;
- (7) And complete all employment procedures as required by the Material Hauler and all regulatory agencies.

Enclosed in the appendices is a sample of a complete employment package. This package includes the following:

- (1) Application
- (2) Checklist
- (3) Insurance Enrollment Form
- (4) W-4 Form
- (5) Physical Examination Form
- (6) Request for Information - Former Employer
- (7) Record of Road Test
- (8) Certification of Road Test
- (9) Driver License Information Date
- 10) Reference Check

14. DRIVER TRAINEES

After the above information is completed the applicant will become a trainee. He will enter a training program by completing a trainee/trainer agreement. This agreement defines the trainee's responsibility, trainer's responsibility, and monetary rewards. The trainee will then perform normal duties under the observation of the trainer for a three-day training period. Each day the trainer will complete a "Trial Trip Report". This report summarizes the trainee's basic driving abilities. After the training period is over a final report and pay request is completed. The trainer will receive a basic wage while training applicant and after a successful ninety day probationary period he will receive an incentive pay for each trained driver. Copies of these forms and agreement can be found in the appendices.

15. TRAINED DRIVERS

Once the applicant has become a trained driver he is continuously monitored by the safety engineer and dispatchers. He is required to complete a trip inspection. The following is that inspection.

1. Inspect tractor/trailer license plates.

2. Insure all fluid levels are adequate.
3. Tire pressures meet minimum requirements.
4. Insure all safety equipment is in place.
5. Insure GV weights are not exceeded.

If the driver discovers a problem with the truck before or during his shift, he will return to the terminal and fill out the driver's vehicle inspection report. The vehicle will not be returned to service until the repairs are completed and the mechanic and driver check it out.

A trained driver must also be able to:

- (1) Maintain efficient and safe operation of the assigned vehicle.
- (2) Follow assigned routes and road maps.
- (3) Operate the radio in accordance to F.C.C. and Material Hauler regulations.
- (4) Maintain and keep daily logs in accordance of D.O.T. regulations.
- (5) Physically and mentally load and unload freight as required.
- (6) Read and comprehend computerized payroll print-outs and manifests.

In the appendices is a Driver's Vehicle Inspection Report and Driver's Dail Log.

16. DRIVER CHECK RIDES

Lastly in addition to the observation reports completed by the safety engineer, a check ride report was initiated to maintain driver awareness. A check ride can be made by the safety engineer at any time with any driver of his choosing. An evaluation form is completed by the safety engineer after the check ride. A copy of this report form is also in the appendices. This report is reviewed by the Material Hauler's manager and forwarded to the head office.

17. DRIVER PERFORMANCE

Driver performance will be reported to Nu-Gulf Industries on a monthly basis. The report will detail any violations that have occurred during the prior month and the disciplinary actions as a result of those violations. The Material Hauler's Manager will send the written report to the General Manager of Nu-Gulf Industries. Additionally the report should contain a status report concerning equipment status, full time driver availability, part-time driver availability, and any additional information that impacts the trucking operation.

18. TRUCK MONITORING

The trucks are equipped with a Eaton- Vorad or equivalent device that analyzes truck and driver performance. Each device records driver performance regarding following distances and truck speed over time. Periodically the information is removed from each device in the fleet and put into a computer. The computer will analyze the data and formulate a report indicating driving/operating problems.

These reports are kept in the Material Hauler's principal Florida office.

19. DRIVER DISCIPLINE

Following is the accepted procedure that is observed in case of accidents.

1. The driver reports immediately, of accident involvement and if any bodily injury at scene.
2. Driver remains at scene of accident until investigation is completed by law enforcement personnel, company insurance adjuster, and /or company personnel.
3. The driver completes an accident report when arriving at the terminal.

Disciplinary action would be the following:

1. Minor accidents and/or incidents - driver would be allowed to return to work pending any further review by company personnel.
2. More severe accidents will result in temporary suspension pending investigation of driver record and involvement.
3. Accidents involving drivers charged with reckless driving, or driving under the influence will be immediately terminated from the company.

Incidents involving company drivers, other than accidents, will be reviewed by the appropriate company personnel and disciplinary action recommendations from those persons administered as necessary.

20. NOTICE OF CHANGE IN MATERIAL HAULER

Nu-Gulf shall not use more than one (1) material transportation firm for eastbound trips and one material transportation firm for westbound trips at any time. Nu-Gulf shall provide written notice to Manatee County of which material transportation firms will be utilized. This notice shall be provided at least 30 days prior to changing material transporters unless strike or act of God requires less notice to be given.

Should Manatee County object to the selection of a particular firm, they shall provide written notice to Nu-Gulf at least 7 days prior to the proposed change. If such notice is issued by Manatee County to Nu-Gulf, Nu-Gulf shall not change to the new material transported until the nature of the objection is reviewed by the Board of County Commissioners at a regularly scheduled meeting, at least 7 days prior to the proposed change.

Manatee County shall not issue a notice of objection without cause.

21. Nu-Gulf shall only use one of the eastbound haul routes at any one time.

APPENDIX

- I. Bill of Lading
 - Truck Dispatch Sheet
- II. Observation Report
 - Driver Evaluation Form
- III. Application Package
- IV. Driver Training Final Report & Pay Request
 - Trainee/Trainer Checklist
 - Driver Trainer Agreements (2)
- V. Driver's Daily Log
 - Driver's Vehicle Inspection Report
- VI. 1998-99 School schedule
- VII. County Resolution R-98-182

STATE OF FLORIDA, COUNTY OF MANATEE

This is to certify that the foregoing is a true and correct copy of the documents on file in my office. Witness my hand and official seal this 17th day of

December 19 98;

R. B. SHORE

Clerk of Circuit Court

By: Jane Cook D.C.



1997 97 -95 RT TB

MANATEE COUNTY GOVERNMENT

PLANNING, PERMITTING AND INSPECTIONS DEPARTMENT
PLAN IMPLEMENTATION DIVISION

December 31, 1997

CERTIFIED MAIL
P 368 650 181

Ms. Julia Greene
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Fl 33702

Re: Development Order for Nu-Gulf Industries, Inc.
DRI

Dear Ms. Greene:

Enclosed is a certified copy of Ordinance 97-241, with all attachments, the development order for Nu-Gulf Industries, Inc., as adopted in open session by the Manatee County Board of County Commissioners on December 16, 1997, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941) 749-3070, extension 6833.

Sincerely,

Robert H. Pederson
Community Planning Administrator

RHP/smw
Enclosure

RESOLUTION NO. 97-241

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ADOPTING AN AMENDED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR AMENDMENT BY A NOTICE OF PROPOSED CHANGE FILED BY NU-GULF INDUSTRIES, INC. FOR THE WINGATE CREEK MINE DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Nu-Gulf Industries, Inc., as successors in interest to Beker Phosphate Corporation and Beker Industries, Corporation (together referred to as "Beker"), possesses an Amended Development of Regional Impact Development Order from Manatee County, R-88-236; and

WHEREAS, Resolution R-88-236 also amended the Master Mine Plan and Operating Permit for the Wingate Creek Mine; and

WHEREAS, The BOCC on July 17, 1990, R-90-60, approved an amendment to the Development Order deleting property from the mine; and

WHEREAS, on August 14, 1990, Manatee County approved Resolution R-90-147 adopting an amendment to the Amended Development Order approved by R-88-236 to allow the transport of phosphate rock by truck via an approved haul route; and

WHEREAS, on November 5, 1991, Manatee County approved Resolution R-91-250 repealing R-91-26 and adopting an amendment to the Development Order for the Wingate Creek Mine DRI and amending the Master Mine Plan and Operating Permit for this mine; and

WHEREAS, on July 25, 1996, Manatee County approved Resolution R-96-188 deleting property from the legal description of the Development Order for the Wingate Creek Mine DRI as a result of the Manatee County Archery and Gun Club settlement with Manatee County; and

WHEREAS, authorization for Nu-Gulf, Industries, Inc. to haul phosphate rock from the site expires on January 28, 1998; and

WHEREAS, the Amended Development Order for the Wingate Creek Mine has an expiration date of January 28, 1998; and

WHEREAS, Nu-Gulf Industries Inc. have not had active mining operations since September, 1992; and

WHEREAS, on July 25, 1997, Nu-Gulf Industries filed a NOPC to their approved DRI with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, the Tampa Bay Regional Council and Florida Department of Community Affairs were provided copies of the Notice of a Proposed Change by Nu-Gulf Industries and were therefore afforded the opportunity to comment on the proposed change; and

WHEREAS, the Tampa Bay Regional Council has determined that the change proposed in the NOPC is presumed to create a substantial deviation pursuant Subsection 380.06 (19)(e)3, Florida Statutes, however, Nu-Gulf Industries has provided information which successfully rebuts this presumption and it is found that no regional impact will occur from this extension due to previous transportation mitigation performed by the applicant and the cessation of mining operation in 1992; and

WHEREAS, the Planning Commission has reviewed the Application for Amendment (NOPC) and has filed a recommendation on said Application with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners of Manatee County has on December 16, 1997 held a duly noticed public hearing on said amendment to the Wingate Creek Mine DRI, and has solicited, received, and considered reports, comments, and recommendations from interested citizens, County staff, government agencies, and the applicant.

WHEREAS, the described Project lies within the unincorporated area of Manatee County; and

WHEREAS, the Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA THAT THE BOARD FINDS THAT THE PROPOSED CHANGES TO THE DEVELOPMENT ORDER FOR WINGATE CREEK MINE ARE NOT A SUBSTANTIAL

DEVIATION AND THE CONDITIONS CONTAINED IN THIS ORDER ADEQUATELY ADDRESS THE IMPACT OF THE PROPOSED CHANGES.

SECTION 1. FINDINGS OF FACTS:

The Board of County Commissioners, after considering the testimony, evidence, application for development approval, Notice Of Proposed Change, the recommendation and findings of the Planning Commission, and all other matters presented at the public hearings, hereby makes the following findings of fact

- A. All "WHEREAS" clauses preceding Section 1 of this Resolution are adopted as findings of fact.
- B. The Planning Commission held a Public Hearing on December 11, 1997 on the Notice Of Proposed Change Filed by Nu-Gulf, Industries for the Wingate Creek DRI.
- C. The Board of County Commissioners held a public hearing on December 16, 1997 regarding the Notice Of Proposed Change in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended) and the Manatee County Comprehensive Plan (Ordinance 89-01, as amended) and has further considered the testimony, comments, and information received at the public hearing.
- D. The real property which is subject of the Notice of Proposed Change is legally described in Section 12 of this Resolution.
- E. The development is not in area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.
- F. The Authorized Agent for NU-Gulf Industries is Hugh E. McGuire, Esquire & Carol Masio, Esq. McGuire, Pratt, Masio & Farrance, P.A., Attorneys at Law, Suite 600, 1001 3rd Avenue West, Bradenton, Fl. 34206

SECTION 2: CONCLUSIONS OF LAW

Based upon the previous Findings of Fact and the following Conditions of Development Approval, the BOCC concluded that:

- A. The Development will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
- B. The Development is consistent with local land development regulations, the State Comprehensive Plan, the Comprehensive Regional Policy Plan, the Manatee County Comprehensive Plan (Ordinance 89-01, as amended), and Previous local government approvals.
- C. The Concerns raised in DCA'S September 5, 1997 and TBRC'S September 3, 1997 letters have been addressed.
- D. These proceedings have been duly conducted pursuant to applicable laws and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject tot he conditions, restrictions, and limitations set forth below.
- E. The review by the County, TBRC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statues, within the terms and conditions of this Development Order. To the extent that the ADA is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

SECTION 3. AMENDMENT OF PRIOR DEVELOPMENT ORDERS FOR DRI #4 (TBRPC DRI #42, #95).

The previous Amended Development Order for Wingate Creek Mine in Manatee County, which was adopted on October 18, 1988 (R-88-236) and subsequently amended by Resolutions 90-60, 90-147, 91-250, and 96-188 is hereby amended by this Resolution, as follows:

All references to Beker Industries, Beker Phosphates, or Beker shall be construed as references to Nu-Gulf Industries, Inc. and their successors in title and interest.

SECTION 4: DEVELOPMENT CONDITIONS:

III. Conditions and Agreements

The development of Nu-Gulf's Wingate Creek Mine shall be in conformity with the provisions of the ADA dated October 11, 1974 (Exhibit C); the Application for Amendment filed in 1983 (Exhibit D); the

Notice of Proposed Change dated July 25, 1997; and the amended Master Mining Plan and Operating Permit as approved by Resolution 97-242, except as all of the above may be modified by the terms and conditions of this Amended Development Order.

A. Transportation Matters

- (1) Nu-Gulf is authorized to transport up to 2.0 million dry tons per year of phosphate rock by truck from its Wingate Creek Mine to customers via the haul route listed below, however, no more than 650,000 tons per year of the 2.0 million dry tons per year shall be transported to the Hickory Creek Mine;

HAUL ROUTE: From Wingate Creek Mine, west via State Road 64 to I-75, to I-275, to US 41 north to Port Manatee, or to the phosphate plant at Piney Point, or east via State Road 64 to Hardee County Road 633, south to Farmland Industries, Inc. Hickory Creek Mine, and return along the same route (this route to be hereinafter referred to as the Haul Route) until July 31, 2004.

- (13) NU-GULF shall resume its payments into an irrevocable trust the sum of \$135,416.66 in five equal monthly payments of \$27,083.33. Payments shall begin immediately upon commencement of trucking operations.
- (14) Nu-Gulf shall require that its hauler prevent debris from leaving trucks, full or empty, during their travel on the haul route.

B. Mining and Reclamation Matters

- (1) Ordinance 81-22. Except as otherwise provided in subparagraph (a)-(e) below, Nu-Gulf shall operate the Wingate Creek Mine in full compliance with Ordinance 81-22:
- (a) The County shall have the right to perform on-site inspections of the Wingate Creek mine, from time to time, upon reasonable notice to Nu-Gulf and during normal business hours, so long as the Wingate Creek Mine is being used for phosphate mining purposes.
- (b) Nu-Gulf shall be required to provide environmental impairment insurance as required by Ordinance 81-22.
- (c) Nu-Gulf shall adhere to the 200' setback requirements of Ordinance 81-22 at all points along the exterior boundary of the Wingate Creek Mine and shall not subsequent to the effective date hereof, conduct any mining operations (including stockpiling) within such setback area; provided, however, that the 200' setback requirements shall be reduced to 50' setback requirements at all points along the exterior boundary of the Wingate Creek Mine located in Sections 20 and 21, Township 22 East, Range 34 South ("the 50' Setback Area"). Notwithstanding the foregoing, Beker shall observe a 200' setback in respect to any stockpile area located within the 50' Setback Area.
- (d) Nu-Gulf shall reclaim the mined property located within the Wingate Creek Mine consistent with the Revised Conceptual Reclamation Plan "C" for the Wingate Creek Mine (as approved by the Department of Environmental Protection for the State of Florida on June 16, 1995) (the DNR Revised Conceptual Plan) and the terms and conditions as contained in this Amended Development Order.
- (e) Nu-Gulf shall comply with any of the financial responsibility and bonding requirements set forth in Ordinance 81-22, except that in lieu of submitting financial statements, Nu-Gulf shall submit a certification for a certified public accountant that the net worth and mining reclamation reserve is sufficient to respond to liability in the amount determined by Subsection 2-20-33(p)(1) of the Manatee County Code of Laws.

D. Deletion of Property Subject to Amended Development Order

1. This Amended Development Order, the Master Mine Plan and Operating Permit for the Wingate Creek Mine are hereby amended to delete parcels C and E as described on the attached Exhibit H, which is incorporated herein by reference, subject to the mineral rights to Parcel E being conveyed to the County in compliance with the requirements of the Manatee County Settlement Agreement.
2. Further, this Amended Development Order, the Master Mine Plan and the Operating Permit shall be automatically amended from time to time to provide for the deletion of certain additional property, without the necessity of complying with the provisions of Subsection 380.06(19), Florida Statutes, upon the following conditions:

- (a) The Florida Department of Environmental Protection must certify in writing to the County that the owner of the property proposed for deletion has fully satisfied all applicable reclamation plans and conditions and the property has been released from the reclamation plan.
- (b) The Director has certified in writing that the owner of the property proposed for deletion has fully satisfied all applicable reclamation plans and conditions and the property has been released from the reclamation plan.
- (c) The County shall be provided with a legal description of the property so proposed for deletion and a written request for deletion, which written request shall include a deed conveying any and all mineral rights and interests in the property to the County, specifically excluding, however, any and all surface rights of entry, together with funds sufficient to defray all documentary stamp tax and recording fees required for such transfer.
- (d) The County shall formally act on all requests for deletion at regularly scheduled meeting of the Board of County Commissioners and, if all conditions set forth in (a) - (c) above have been satisfied, shall approve said requests and shall direct the Clerk of the Court for Manatee County to send copies of its action by certified mail to the requesting party, DCA, and the TBRC and further file a copy of the action with this Amended Development Order.
- (e) The property so deleted shall be reported in the annual report submitted by Nu-Gulf pursuant to Subsection 380.06(18), Florida Statutes.

SECTION 5. DEVELOPMENT ORDER EXPIRATION DATE AND COMPLETION DATES

This Amended Development Order shall remain in effect from this date in accordance with the following time periods:

- 1. Mining completion and hauling phosphate rock by truck via the haul route shall be completed by July 31, 2004.
- 2. Authorization for phosphate mining under this amended Development Order shall expire on July 31, 2004, however, mining reclamation shall be completed by December 31, 2008.

SECTION 6. CONTROLLING DOCUMENT

The terms and conditions of this Amended Development Order shall control to the extent that they are inconsistent with the previous approvals, to the extent that the previous approvals have not been modified they remain in full force and effect.

SECTION 7. EFFECTIVE DATES

This Resolution shall take effect upon being signed by the Chairman of the Board of County Commissioners and rendered as provided in Section 5, Rendition, of this order provided, however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order, until the resolution of said appeal.

SECTION 8. RENDITION

The Planning Department is hereby directed to send certified copies of the Development Order within thirty (30) days of the BOCC approval to Nu-Gulf Industries, Inc, DCA, and TBRC.

SECTION 9. COMPLIANCE AND MONITORING

The Manatee County Planning Director or the Director's designee shall be responsible for monitoring and ensuring compliance with the amended Development Order. References in previous Development Orders to the Director of the Manatee County Division of Mining Regulation shall be construed as the Director of the Department of Environmental Management or the Director's authorized designee.

SECTION 10. NOTICE OF RECORDING

Nu-Gulf Industries shall record a notice of adoption of the Development Order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department a copy of the recorded notice.

SECTION 11. SEVERABILITY

It is the intent of this Development Order to comply with the requirements of all applicable laws and constitutional requirements. If any provision of the Resolution or the application thereof to any person or circumstance is for any reason held or declared to be unconstitutional, inoperative, or void by a court

of competent jurisdiction, such holding of invalidity shall not affect the remaining portions or applications of this Resolution, and to this end the provisions of this Resolution are declared severable.

SECTION 12. LEGAL DESCRIPTION

Development of Wingate Creek Mine shall be restricted to 3,015.23 acres owned by Nu-Gulf Industries, Inc and described by the legal description included as Attachment A and made a part of this Development Order.

PASSED AND DULY ADOPTED with a quorum present by the Board of County Commissioners of Manatee County, Florida this 16th day of December, 1997.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: *Patricia M. Glass*
Chairman

ATTEST: R. B. SHORE
Clerk of the Circuit Court

Susan P. Romine
R.

EXHIBITS C, D, AND H

ARE NOT ATTACHED BUT ARE ON FILE AT THE CLERK'S OFFICE
AS ATTACHMENTS TO:

- C. DRI Development Order recorded in Page 122, Minute Book 25 on 1/28/75.
- D. Application for Amendment filed in 6/83 (DOAH 83-4002) as approved by R-88-236.
- H. Deletion of parcels C and E as approved by R-88-236.

STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true
copy of ORDINANCE NO. 97-241 adopted by the
Board of County Commissioners of said County on
the 16th day of December, 1997, this 23rd day
of December, 1997 in Bradenton, Florida.

R. B. Shore
Clerk of Circuit Court
By Janene L. Kozney, P.C.

PARCEL B

BEGINNING AT THE N.E. CORNER OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE S 03° 05' 41" W, A DISTANCE OF 5596.62 FEET TO THE S.E. CORNER OF SAID SECTION 31; THENCE S 85° 55' 55" E, ALONG THE NORTH LINE OF SECTION 6, TOWNSHIP 35 SOUTH, RANGE 22 EAST, A DISTANCE OF 181.26 FEET TO THE N.E. CORNER OF SAID SECTION 6; THENCE S 00° 10' 08" W, A DISTANCE OF 4313.15 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF S.R. 64; THENCE S 89° 46' 04" W, ALONG THE SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 5135.87 FEET TO THE EASTERLY RIGHT OF WAY LINE OF S.R. 39; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING SIX COURSES: N 00° 22' 15" E, A DISTANCE OF 547.42 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 5829.59 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1199.10 FEET THROUGH A CENTRAL ANGLE OF 11° 47' 07" TO THE P.T. OF SAID CURVE; THENCE N 11° 24' 52" W, A DISTANCE OF 299.77 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5629.59 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1157.96 FEET THROUGH A CENTRAL ANGLE OF 11° 47' 07" TO THE P.T. OF SAID CURVE; THENCE N 00° 22' 15" E, A DISTANCE OF 1542.85 FEET; THENCE N 00° 39' 05" E, A DISTANCE OF 5306.50 FEET TO THE NORTH LINE OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE S 88° 59' 12" E, ALONG SAID NORTH LINE, A DISTANCE OF 5482.62 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST AND SECTION 6, TOWNSHIP 35 SOUTH, RANGE 22 EAST AND SECTION 1, TOWNSHIP 35 SOUTH, RANGE 21 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD.

CONTAINING 1221.87 ACRES, MORE OR LESS.

ATTACHMENT "A"
Page 1 of 3 Pages

PARCEL C

BEGINNING AT THE S.E. CORNER OF SECTION 28, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE N 89° 11' 57" W, A DISTANCE OF 5281.33 FEET TO THE S.W. CORNER OF SAID SECTION 28; THENCE N 88° 43' 52" W, A DISTANCE OF 5424.50 FEET TO THE S.W. CORNER OF SECTION 29, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE N 01° 01' 47" W, ALONG THE WEST LINE OF SAID SECTION 29, A DISTANCE OF 2633.20 FEET TO THE EAST 1/4 CORNER OF SECTION 30, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE N 88° 48' 07" W, ALONG THE SOUTH LINE OF THE N.E. 1/4 OF SAID SECTION 30, A DISTANCE OF 2388.95 FEET; THENCE N 01° 00' 59" E, A DISTANCE OF 1408.27 FEET; THENCE N 58° 32' 10" E, A DISTANCE OF 2231.23 FEET; THENCE N 08° 14' 52" W, A DISTANCE OF 226.69 FEET; THENCE N 41° 44' 44" E, A DISTANCE OF 3357.00 FEET; THENCE EAST, A DISTANCE OF 1200.00 FEET; THENCE SOUTH, A DISTANCE OF 517.52 FEET; THENCE EAST, A DISTANCE OF 7808.85 FEET TO THE EAST LINE OF SECTION 21, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE S 00° 17' 16" W, A DISTANCE OF 2414.64 FEET TO THE S.E. CORNER OF SAID SECTION 21; THENCE S 00° 08' 00" E, A DISTANCE OF 5246.25 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 19, 20, 21, 28, 29 AND 30, TOWNSHIP 34 SOUTH, RANGE 22 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS RIGHTS OF WAY AND RESTRICTIONS OF RECORD.

CONTAINING 1984.36 ACRES, MORE OR LESS.

**ATTACHMENT "A"
Page 2 of 3 Pages**

LESS THE FOLLOWING DESCRIBED PROPERTY:

DESCRIPTION: NUGULF 101 ACRE PARCEL (REVISED)

FROM THE N.E. CORNER OF SECTION 1, TOWNSHIP 35 S, RANGE 21 E, RUN N 87°08'37" W ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 102.88 FEET TO THE EAST RIGHT OF WAY LINE OF S.R. 39; THENCE S 00°22'15" W ALONG SAID EAST LINE, A DISTANCE OF 1050.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTHERLY ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING FIVE COURSES: THENCE S 00°22'15" W, A DISTANCE OF 492.85 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 5629.58 FEET; THENCE SOUTHERLY ON THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 1157.96 FEET THROUGH A CENTRAL ANGLE OF 11°47'07" TO THE P.T.; THENCE S 11°24'52" E, A DISTANCE OF 299.77 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5829.58 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 1199.10 FEET THROUGH A CENTRAL ANGLE OF 11°47'07" TO THE P.T.; THENCE S 00°22'15" W, A DISTANCE OF 547.42 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF S.R. 64; THENCE N 89°46'04" E ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1836.35 FEET; THENCE N 00°22'15" E, A DISTANCE OF 1754.87 FEET; THENCE N 89°37'45" W, A DISTANCE OF 959.03 FEET; THENCE N 34°58'09" W, A DISTANCE OF 1348.48 FEET; THENCE N 00°22'15" E, A DISTANCE OF 800.00 FEET; THENCE N 89°37'45" W, A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 1, TOWNSHIP 35 S, RANGE 21 E AND SECTION 6, TOWNSHIP 35 S, RANGE 22 E, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHT OF WAY AND RESTRICTIONS OF RECORD.

CONTAINING 101.000 ACRES, MORE OR LESS.

ATTACHMENT "A"
Page 3 of 3 Pages

ENGINEERS

PLANNERS

SURVEYORS

LANDSCAPE ARCHITECTS

200 BOYD BLVD. BRADENTON, FL 34205 (813) 748-8080 FAX (813) 748-3312 SURVEY FAX (813) 748-3747
5000 BOYD BLVD. THE SOUTH SHORES 4 21002 TAMPA, FL 33611 (813) 748-3312

Manatee County
CLERK OF THE CIRCUIT COURT

R. B. "Chips" Shore

P.O. Box 1000 • Manatee County Courthouse • Bradenton, Florida 34206 • (941) 749-1800 • FAX (941) 741-4082

July 29, 1996

**Ms. Suzanne Cooper
Tampa Bay Regional Planning Council (TBRPC)
9455 Koger Boulevard
St. Petersburg, Florida 33702**

Dear Ms. Cooper:

Enclosed for your records is a certified copy of Resolution R-96-188, regarding the Wingate Creek Mine, approved by the Board of County Commissioners, Manatee County, Florida, in open session on July 25, 1996.

Sincerely,



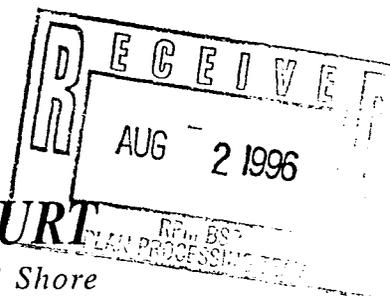
R. B. Shore

**RBS/rl1
Enclosure
cc: Board Records**



Manatee County
CLERK OF THE CIRCUIT COURT

R. B. "Chips" Shore



P.O. Box 1000 • Manatee County Courthouse • Bradenton, Florida 34206 • (941) 749-1800 • FAX (941) 741-4082

July 29, 1996

Darrin Taylor
Florida Department of Community Affairs
Bureau of Local Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Dear Mr. Taylor:

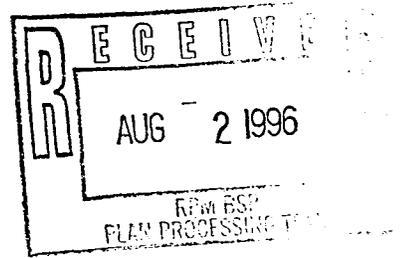
Enclosed for your records is a certified copy of Resolution R-96-188, regarding the Wingate Creek Mine, approved by the Board of County Commissioners, Manatee County, Florida, in open session on July 25, 1996.

Sincerely,

A handwritten signature in black ink, appearing to be "RBS", written over a horizontal line.

R. B. Shore

RBS/rll
Enclosure
cc: Board Records



R-96-188

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY ADOPTING AN AMENDMENT TO THE LEGAL DESCRIPTION OF THE DEVELOPMENT ORDER FOR THE WINGATE CREEK MINE, DEVELOPMENT OF REGIONAL IMPACT.

WHEREAS, the Wingate Creek Mine possesses an Amended Development of Regional Impact Development Order from Manatee County, R-88-236; and

WHEREAS, certain property within the Wingate Creek Mine described in R-88-236 has been sold to BB/Manatee Associates, a successor of Roger B. Broderick; and

WHEREAS, the Development Order specifies, in Section D, that the deletion of property can occur upon meeting certain conditions; and

WHEREAS, Manatee County has received a letter from the Florida Department of Environmental Protection certifying that the owner of the property proposed for deletion has fully satisfied all applicable reclamation plans and conditions and the property has been released from the Reclamation Plan; and

WHEREAS, the Director of Public Works for Manatee County has certified that the owner of the property proposed for deletion has fully satisfied all applicable reclamation plans and conditions, and the property has been released from the Reclamation Plan; and

WHEREAS, the County has received a legal description, attached hereto as Exhibits "A", "B", "C", "D" and "E", of the property proposed for deletion and has received a written request from the owner's attorney; and

WHEREAS, Manatee County has received a Mineral Right and Royalty Transfer from Nu-Gulf Industries, recorded in the Official Records of Manatee County at O. R. Book 1453, Page 5858.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS THAT:

1. The conditions specified in R-88-236 have been fulfilled for the deletion of the property described on Exhibits "A", "B", "C", "D" and "E".
2. The Board hereby deletes the property described in Exhibits "A", "B", "C", "D" and "E" from the Amended Development Order for Wingate Creek Mine Development of Regional Impact, the Master Mine Plan and the Operating Permit for Wingate Creek Mine and directs that it be reflected in the next annual report submitted pursuant to Subsection 380.06(18), Florida Statutes.
3. The deletion of property shall be effective as of February 21, 1995, the date of recording of the transfer of property to BB/Manatee Associates.
4. The Clerk of the Board of County Commissioners is directed to send certified copies of this Resolution to Roger B. Broderick, Hugh McGuire, Registered Agent for Nu-Gulf Industries, Tampa Bay Regional Planning Council and the Florida Department of Community Affairs, within fifteen (15) days of its adoption.

ADOPTED with a quorum present and voting this the 25th day of July, 1996.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: _____

Stan Stephen

Chairman

ATTEST: R. B. SHORE
Clerk of the Circuit Court

Toller,
Najjar &
Shroyer, Inc.

BB MANATEE

DESCRIPTION: NUGULF

BEGINNING AT THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 35 SOUTH, RANGE 21 EAST; THENCE RUN N 89°13'30" W ALONG SOUTH LINE OF SECTION 36, TOWNSHIP 34 SOUTH, RANGE 21 EAST, A DISTANCE OF 82.18 FEET TO THE EASTERLY MAINTAINED RIGHT OF WAY LINE OF BEAR BAY ROAD; THENCE NORTHERLY ALONG SAID EASTERLY MAINTAINED RIGHT OF WAY LINE THE FOLLOWING TWO COURSES: THENCE N 10°24'21" W, A DISTANCE OF 383.41 FEET; THENCE N 01°12'21" W, A DISTANCE OF 337.20 FEET; THENCE N 90°00'00" E, A DISTANCE OF 1833.71 FEET; THENCE S 00°39'05" W, A DISTANCE OF 3220.09 FEET; THENCE S 89°20'55" E, A DISTANCE OF 1500.00 FEET; THENCE S 00°39'05" W, A DISTANCE OF 600.00 FEET; THENCE S 85°04'56" E, A DISTANCE OF 1953.87 FEET; THENCE S 00°22'15" W, A DISTANCE OF 1534.18 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF S.R. 64; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO COURSES; THENCE S 89°46'04" W, A DISTANCE OF 1241.48 FEET; THENCE S 89°50'03" W, A DISTANCE OF 3885.94 FEET TO THE WEST LINE OF AFOREMENTIONED SECTION 1; THENCE N 00°41'54" E ALONG SAID WEST LINE, A DISTANCE OF 4839.84 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 1, TOWNSHIP 35 SOUTH, RANGE 21 EAST, AND SECTION 36, TOWNSHIP 34 SOUTH, RANGE 21 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.

CONTAINING 367.54 ACRES, MORE OR LESS.

ENGINEERS PLANNERS SURVEYORS LANDSCAPE ARCHITECTS

P.O. BOX 9448 BRADENTON, FL 34206 (813) 748-8080 FAX (813) 748-3316 SURVEY FAX (813) 748-3747

Zoller,

Najjar &

Shroyer, Inc.

BB/NUGULF

TYPED 7/2/93

DESCRIPTION: NUGULF 101 ACRE PARCEL (REVISED)

FROM THE N.E. CORNER OF SECTION 1, TOWNSHIP 35 S, RANGE 21 E, RUN N 87°08'37" W ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 102.88 FEET TO THE EAST RIGHT OF WAY LINE OF S.R. 39; THENCE S 00°22'15" W ALONG SAID EAST LINE, A DISTANCE OF 1050.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTHERLY ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING FIVE COURSES: THENCE S 00°22'15" W, A DISTANCE OF 492.85 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 5629.58 FEET; THENCE SOUTHERLY ON THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 1157.96 FEET THROUGH A CENTRAL ANGLE OF 11°47'07" TO THE P.T.; THENCE S 11°24'52" E, A DISTANCE OF 299.77 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5829.58 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 1199.10 FEET THROUGH A CENTRAL ANGLE OF 11°47'07" TO THE P.T.; THENCE S 00°22'15" W, A DISTANCE OF 547.42 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF S.R. 64; THENCE N 89°46'04" E ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1836.35 FEET; THENCE N 00°22'15" E, A DISTANCE OF 1754.87 FEET; THENCE N 89°37'45" W, A DISTANCE OF 959.03 FEET; THENCE N 34°58'09" W, A DISTANCE OF 1348.48 FEET; THENCE N 00°22'15" E, A DISTANCE OF 800.00 FEET; THENCE N 89°37'45" W, A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 1, TOWNSHIP 35 S, RANGE 21 E AND SECTION 6, TOWNSHIP 35 S, RANGE 22 E, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHT OF WAY AND RESTRICTIONS OF RECORD.

CONTAINING 101.000 ACRES, MORE OR LESS.

ENGINEERS	PLANNERS	SURVEYORS	LANDSCAPE ARCHITECTS
P.O. BOX 9448	BRADENTON, FL 34206	(813) 748-8080	FAX (813) 748-3316
			SURVEY FAX (813) 748-3747

*Zoller,
Najjar &
Shroyer, Inc.*

BB/MANATEE

DESCRIPTION: SHERIFF'S PARCEL

FROM THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 34 SOUTH, RANGE 21 EAST RUN S 89°13'30" E ALONG THE SOUTH LINE OF SAID SECTION 36, A DISTANCE OF 72.54 FEET TO EASTERLY MAINTAINED RIGHT OF WAY LINE OF BEAR BAY ROAD; THENCE N 10°24'21" W ALONG SAID EASTERLY MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 383.41 FEET; THENCE N 01°12'21" W ALONG SAID EASTERLY MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 337.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTHERLY ALONG SAID EASTERLY MAINTAINED RIGHT OF WAY LINE THE FOLLOWING THREE COURSES: THENCE N 01°12'21" W, A DISTANCE OF 2323.33 FEET; THENCE N 88°33'52" E, A DISTANCE OF 23.90 FEET; THENCE N 00°47'17" W, A DISTANCE OF 500.44 FEET; THENCE S 88°48'26" E, A DISTANCE OF 1623.71 FEET; THENCE N 57°59'45" E, A DISTANCE OF 150.00 FEET; THENCE S 32°00'15" E, A DISTANCE OF 700.00 FEET; THENCE S 57°59'45" W, A DISTANCE OF 650.00 FEET; THENCE S 51°59'21" W, A DISTANCE OF 1127.64 FEET; THENCE S 00°00'00" E, A DISTANCE OF 1237.00 FEET; THENCE S 90°00'00" W, A DISTANCE OF 650.00 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 25 AND SECTION 36, TOWNSHIP 34 SOUTH, RANGE 21 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD.

CONTAINING 75.41 ACRES, MORE OR LESS.

ENGINEERS	PLANNERS	SURVEYORS	LANDSCAPE ARCHITECTS
P.O. BOX 9448	BRADENTON, FL 34206	(813) 748-8080	FAX (813) 748-3316
			SURVEY FAX (813) 748-3747

Zoller,

Najjar &

Shroyer, Inc.

DESCRIPTION: GUN CLUB PARCEL "A"

FROM THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 34 SOUTH, RANGE 21 EAST, RUN S 89°13'30" E ALONG THE SOUTH LINE OF SAID SECTION 36, A DISTANCE OF 72.54 FEET TO THE EASTERLY MAINTAINED RIGHT OF WAY LINE OF BEAR BAY ROAD; THENCE N 10°24'21" W ALONG EASTERLY MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 383.41 FEET; THENCE N 01°12'21" W ALONG SAID EASTERLY MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 337.20 FEET; THENCE N 90°00'00" E, A DISTANCE OF 650.00 FEET TO THE POINT OF BEGINNING; THENCE N 00°00'00" W, A DISTANCE OF 1237.00 FEET; THENCE N 51°59'21" E, A DISTANCE OF 1127.64 FEET; THENCE N 57°59'45" E, A DISTANCE OF 650.00 FEET; THENCE N 32°00'15" W, A DISTANCE OF 700.00 FEET; THENCE N 57°59'45" E, A DISTANCE OF 4213.64 FEET TO THE WESTERLY RIGHT OF WAY LINE OF S.R. 39; THENCE S 00°38'45" W ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 604.21 FEET; THENCE S 00°39'05" W ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 3757.53 FEET; THENCE N 89°20'55" W, A DISTANCE OF 3400.00 FEET; THENCE S 00°19'05" W, A DISTANCE OF 779.91 FEET; THENCE S 90°00'00" W, A DISTANCE OF 1183.71 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 25 AND 36, TOWNSHIP 34 SOUTH, RANGE 21 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD.

CONTAINING 301.24 ACRES, MORE OR LESS.

BK 1433 Pg 2802 5 of 6

DESCRIPTION:

FROM THE NORTHEAST CORNER OF SECTION 36, TOWNSHIP 34 SOUTH, RANGE 21 EAST, THENCE RUN N 88° 47' 56" W, ALONG THE NORTH LINE OF SAID SECTION 36, A DISTANCE OF 100.23 FEET TO THE WEST RIGHT OF WAY LINE OF S.R. 39 (LOGUE ROAD), ALSO BEING THE POINT OF BEGINNING; THENCE S 00° 39' 05" W, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 177.55 FEET; THENCE N 89° 20' 55" W, A DISTANCE OF 2966.92 FEET; THENCE N 00° 39' 05" E, A DISTANCE OF 1166.30 FEET; THENCE N 57° 59' 45" E, A DISTANCE OF 3523.98 FEET TO THE INTERSECTION WITH THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF S.R. 39; THENCE S 00° 38' 45" W, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 604.21 FEET; THENCE S 00° 39' 05" W, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 2285.99 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 25 AND 36, TOWNSHIP 34 SOUTH, RANGE 21 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY, OR RESTRICTIONS OF RECORD.

CONTAINING 144.19 ACRES, MORE OR LESS.

EXHIBIT "A"

to Agreement for Reservation of Overburden
and Temporary Easements

BK 1453 PG 5863 FILED AND RECORDED 02/21/95 4:30PM 6 of 6
K.B. SHORE CLERK OF CIRCUIT COURT MANATEE COUNTY FL

RECEIVED

95 AUG -2 PM 12:10

COMMUNITY AFFAIRS
PURCHASING

Fold at line over top of envelope to fit
right of the return address

CERTIFIED

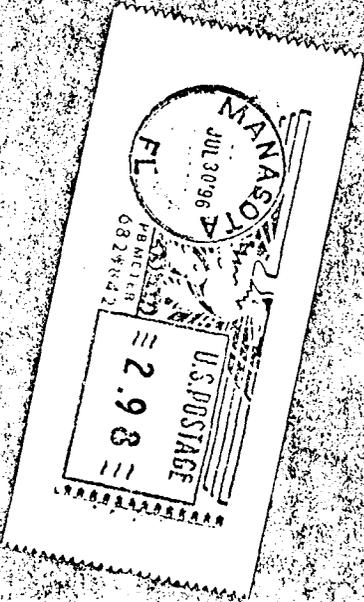
Z 1A4 A23 43A

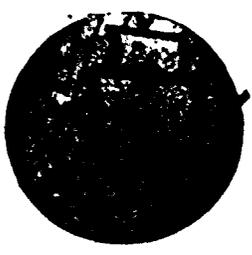
MAIL

**R. B. "CHIPS" SHORE
CLERK OF CIRCUIT COURT
P.O. BOX 1000
BRADENTON, FLORIDA 34206**

TO

Darrin Taylor
Florida Dept. of Community Affairs
Bureau of Local Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100





RECEIVED

NOV 22 1991

Tampa Bay Regional
Planning Council

MANATEE COUNTY
GOVERNMENT

PLANNING & ZONING DEPARTMENT

CERTIFIED MAIL P-260 314 223

November 20, 1991

Ms. Julia Greene
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

Dear Ms. Greene:

Please find enclosed a certified copy of Resolution No. R-91-250 repealing R-91-26 and adopting an amendment to the Development Order for the Wingate Creek Mine Development of Regional Impact and amending the Master Mine Plan and Operating Permit for the Wingate Creek Mine which was approved by the Manatee County Board of County Commissioners in open session on November 5, 1991.

This copy is hereby rendered pursuant to Rule 9J-2.025, Florida Administrative Code.

If you have any questions, I can be reached at (813) 748-4501, extension 3070.

Sincerely,

Betsy Benac
Community Planning Administrator,
Planning, Permitting & Inspections Department

BB/jy

Enclosure

RESOLUTION R-91-250

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY REPEALING R-91-26 AND ADOPTING AN AMENDMENT TO THE DEVELOPMENT ORDER FOR THE WINGATE CREEK MINE DEVELOPMENT OF REGIONAL IMPACT AND AMENDING THE MASTER MINE PLAN AND OPERATING PERMIT FOR THE WINGATE CREEK MINE.

WHEREAS, on January 28, 1975, the Board of County Commissioners of Manatee County (Board) issued a Development of Regional Impact (DRI) Development Order (the Development Order) to Beker Phosphate Corporation and Beker Industries Corporation (together referred to as "Beker") for development of a 10,971 acre phosphate mine, known as the Wingate Creek Mine, and on the same day adopted a separate resolution granting a special exception and approving the Master Mine Plan, which DRI and Master Mine Plan were modified on April 12, 1977;

WHEREAS, on February 28, 1978, the Board granted Beker an operating permit for the Wingate Creek Mine, which permit has been modified;

WHEREAS, on October 18, 1988, the Board adopted resolution 88-236 amending the Development Order for the Wingate Creek Mine Development of Regional Impact and amending the Master Mine Plan and Operating Permit for the Wingate Creek Mine;

WHEREAS, on August 14, 1990 the Board of County Commissioners granted Resolution No. R-90-147 amending the Development Order for Wingate Creek Mine Development of Regional Impact and amending the Master Mine Plan and operating permit for the Wingate Creek Mine;

WHEREAS, on March 5, 1991 the Board of County Commissioners adopted R-91-26 amending the approved haul route;

WHEREAS, Tampa Bay Regional Planning Council filed an administrative appeal of said Resolution;

WHEREAS, all parties have entered into a settlement agreement which requests the repeal of R-91-26 and the adoption of this amended order;

WHEREAS, said Board of County Commissioners has considered all of the foregoing and has been advised and informed in the premises;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; THAT, the Board finds that the proposed change to the haul route is a substantial deviation and that the conditions contained in this order adequately address the impact of the proposed change Condition III.A.(1) and Paragraphs 8 and 9 of Exhibit E of the BPC Trucking Operation is hereby amended as follows:

1. Condition III.A.(1):

Beker is authorized to transport up to 2.0 million dry tons per year of phosphate rock by truck from its Wingate Creek Mine to customers via the haul route listed below, however, no more than 650,000 tons per year of the 2.0 million dry tons per year shall be transported to the Hickory Creek Mine:

HAUL ROUTE: From Wingate Creek Mine, west via State Road 64 to I-75, to I-275, to U.S. 41 north to Port Manatee, or to the phosphate plant at Piney Point, or east via State Road 64 to Hardee County Road 663, south to Farmland Industries, Inc. Hickory Creek Mine, and return along the same route (this route hereinafter referred to as the Haul Route) until January 28, 1998.

2. Paragraph 8 of Exhibit E of the BPC Trucking Operation:

(8) TRUCK ROUTE: The drivers will proceed on the designated route. The route shall be as follows:

HAUL ROUTE: From Wingate Creek Mine west via State Road 64 to I-75, to I-275, to U.S. 41 north to Port Manatee, or to the phosphate plant at Piney Point, or east via State Road 64 to Hardee County Road 663, south to Farmland Industries, Inc. Hickory Creek Mine, and return along the same route.

There will be no deviation from the aforementioned. The return trip shall cover the exact route. A route map is shown on the following map.

3. Paragraph 9 of Exhibit E of the BPC Trucking Operation:

9. TRUCK INTERVALS

The interval between trucks traveling both loaded and unloaded will be four minutes. The intervals will be monitored at the mine by the scale operator using the bill of lading and the truck dispatch sheets while the return trip from the port, the Royster site and the Hickory Creek Mine will be monitored by the Commercial Carrier dispatcher. The dispatcher is located at the Commercial Carrier terminal on U.S. 41 one mile south of the port entrance road. If trucks are not at least four minutes apart the dispatcher will radio them and have them enter the yard until the required spacing is obtained. Traffic conditions or mechanical problems can reduce speeds so that truck bunching occurs. At no time shall the spacing between trucks be less than six hundred yards. The rear truck shall be responsible to reduce speed and widen the gap until it is sufficient. The trucks are equipped with company radios and communication is possible between the trucks and the dispatcher.

STIPULATIONS

1. Prior to commencing use of the eastbound route on State Road 64, the signage and signalization requirement of Resolution No. R-88-236, Condition III.A.(8) shall be installed and operational.
2. Upon the passage of this Development Order and prior to commencing use of the eastbound route, Nu-Gulf shall enter into a Joint Participation Agreement with FDOT which shall provide at a minimum that Beker shall pay into an irrevocable trust the sum of \$650,000.00 in twenty-four equal monthly payments of \$27,083.33. Said payments shall begin immediately upon signing of the Joint Participation Agreement. The Joint Participation Agreement shall require FDOT to utilize Nu-Gulf's contribution of \$650,000.00 plus interest to widen and resurface State Road 64 from one tenth (0.1) mile east of Beker Road to the Hardee County line. Said construction to be in accordance with Florida Department of Transportation Standard Specifications for Road and Bridge Construction (1991) and Roadway and Traffic Design Standards (1991). The remaining terms of the Joint Participation Agreement shall be to the satisfaction of FDOT, NU-GULF and TBRPC.
3. Upon the complete execution of the Joint Participation Agreement, Nu-Gulf shall provide a copy of the Joint Participation Agreement to Manatee County and TBRPC and provided the terms outlined above are contained in the Joint Participation Agreement, Nu-Gulf may begin using the eastbound route.

- 4. All other provisions of Amended Development Order Resolution Nos. R-88-236 and R-90-147 shall remain in full force and effect. In the event there is an inconsistency between the terms of this Resolution and the Resolution referred to above, the terms of this Resolution shall control.

UPON the effective date of this resolution, Resolution R-91-26 is hereby rescinded.

ADOPTED AND APPROVED with a quorum present and voting this 5th day of November, 1991.

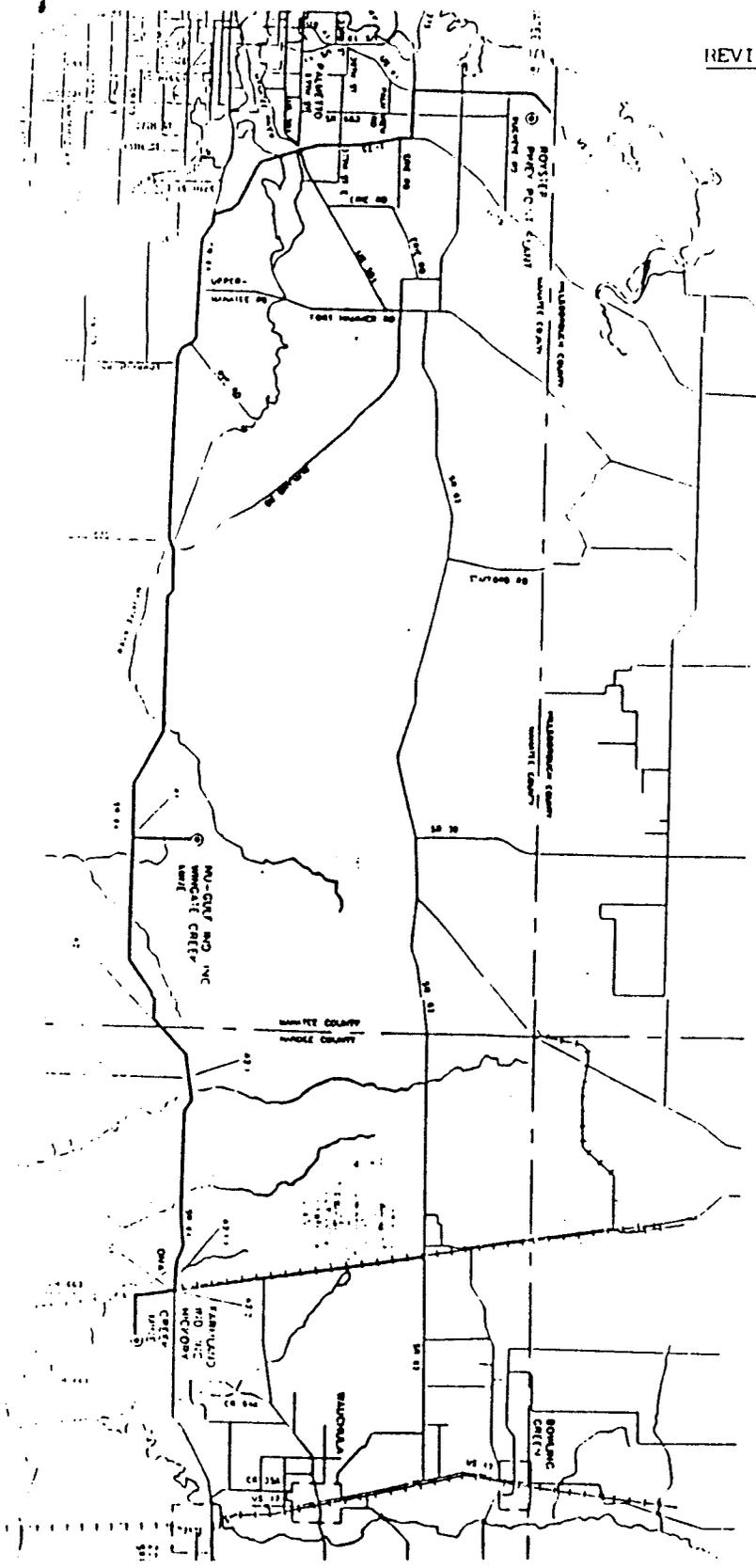
BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: *Patricia M. Glass*
Chairman

ATTEST: R. B. SHORE
Clerk of the Circuit Court

RB Shore

REVISED HAUL RATE
MAP





MANATEE COUNTY GOVERNMENT

PLANNING & ZONING DEPARTMENT

SENT VIA: FEDERAL EXPRESS

April 4, 1991

Ms. Julia Greene
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Re: Corrective Document/Resolution R-91-26/Wingate Creek Mine

Dear Ms. Greene:

Please find enclosed a certified copy of the following corrected resolution which was approved by the Manatee County Board of County Commissioners in open session:

Resolution No. R-91-26 for the Wingage Creek Mine DRI

Please replace the previously approved resolution with this one. The words "...finds the proposed change to not be a substantial deviation pursuant to Section 380.06(19), Florida Statutes, to the DRI Development Order and..." were added to the NOW, THEREFORE, BE IT RESOLVED paragraph for clarification purposes. If you have any questions, I can be reached at (813) 748-4501, extension 3070.

Sincerely,

Betsy Benac
Community Planning Administrator

BB/im

Enclosure

1112 Manatee Avenue West, Suite 804 - P.O. Box 1006, Bradenton, FL 34206

Tel. (813) 748-4501

FAX- (813) 747-7651



MANATEE COUNTY GOVERNMENT

PLANNING & ZONING DEPARTMENT

CERTIFIED MAIL P 423 345 512

March 12, 1991

Ms. Julia Greene
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

Dear Ms. Greene:

Please find enclosed a certified copy of the following resolution which was approved by the Manatee County Board of County Commissioners in open session on March 5, 1991:

Resolution No. R-91-26 for the Wingate Creek Mine DRI

This copy is hereby rendered pursuant to Rule 9J-2.025, Florida Administrative Code.

If you have any questions, I can be reached at (813) 748-4501, extension 3070.

Sincerely,

Betsy Benac
Community Planning Administrator

BB/jy

Enclosure

mailed 3/13/91
received 3/15/91

1112 Manatee Avenue West, Suite 804 - P.O. Box 1000, Bradenton, FL 34206

Tel. (813) 748-4501

FAX- (813) 747-7651

RESOLUTION R-91-26

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY ADOPTING AN AMENDMENT TO R-90-147 AND R-88-236, AN AMENDED DEVELOPMENT ORDER FOR THE WINGATE CREEK MINE DEVELOPMENT OF REGIONAL IMPACT AND AMENDING THE MASTER MINE PLAN AND OPERATING PERMIT FOR THE WINGATE CREEK MINE.

WHEREAS, on January 28, 1975, the Board of County Commissioners of Manatee County (Board) issued a Development of Regional Impact (DRI) Development Order (the Development Order) to Beker Phosphate Corporation and Beker Industries Corporation (together referred to as "Beker") for development of a 10,971 acre phosphate mine, known as the Wingate Creek Mine, and on the same day adopted a separate resolution granting a special exception and approving the Master Mine Plan, which DRI and Master Mine Plan were modified on April 12, 1977;

WHEREAS, on February 28, 1978, the Board granted Beker an operating permit for the Wingate Creek Mine, which permit has been modified;

WHEREAS, on October 18, 1988, the Board adopted resolution 88-236 amending the Development Order for the Wingate Creek Mine Development of Regional Impact and amending the Master Mine Plan and Operating Permit for the Wingate Creek Mine;

WHEREAS, on August 14, 1990 the Board of County Commissioners granted Resolution No. R-90-147 amending the Development Order for Wingate Creek Mine Development of Regional Impact and amending the Master Mine Plan and operating permit for the Wingate Creek Mine;

WHEREAS, the applicant has requested that the amended development order be amended to allow a change in the Haul Route;

WHEREAS, said Board of County Commissioners has considered all of the foregoing and has been advised and informed in the premises;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; THAT, the Board hereby finds the proposed change ~~to~~ not be a substantial deviation pursuant to Section 380.06 (19), Florida Statutes, to the DRI Development Order and amends Condition III.A.(1) and Paragraphs 8 and 9 of Exhibit E of the BPC Trucking Operation as follows:

1. Condition III.A.(1):

Beker is authorized to transport up to 2.0 million dry tons per year of phosphate rock by truck from its Wingate Creek Mine to customers via the haul route listed below, however, no more than 650,000 tons per year of the 2.0 million dry tons per year shall be transported to the Hickory Creek Mine:

HAUL ROUTE: From Wingate Creek Mine, west via State Road 64 to I-75, to I-275, to U.S. 41 north to Port Manatee, or to the phosphate plant to Piney Point, or east via State Road 64 to Hardee County Road 663, south to Farmland Industries, Inc. Hickory Creek Mine, and return along the same route (this route hereinafter referred to as the Haul Route) until January 28, 1998.

2. Paragraph 8, of Exhibit E of the BPC Trucking Operation:

(8) TRUCK ROUTE: The drivers will proceed on the designated route. The route shall be as follows:

HAUL ROUTE: From Wingate Creek Mine west via State Road 64 to I-75, to I-275, to U.S. 41 north to Port Manatee, or to the phosphate plant at Piney Point, or east via State Road 64 to Hardee County Road 663, south to Farmland Industries, Inc. Hickory Creek Mine, and return along the same route.

There will be no deviation from the aforementioned. The return trip shall cover the exact route. A route map is shown on the following map.

3. Paragraph 9 of Exhibit E of the BPC Trucking Operation:

9. TRUCK INTERVALS

The interval between trucks traveling both loaded and unloaded will be four minutes. The intervals will be monitored at the mine by the scale operator using the bill of lading and the truck dispatch sheets while the return trip from the port, the Royster site and the Hickory Creek Mine will be monitored by the Commercial Carrier dispatcher. The dispatcher is located at the Commercial Carrier terminal on U.S. 41 one mile south of the port entrance road. If trucks are not at least four minutes apart the dispatcher will radio them and have them enter the yard until the required spacing is obtained. Traffic conditions or mechanical problems can reduce speeds so that truck bunching occurs. At no time shall the spacing between trucks be less than six hundred yards. The rear truck shall be responsible to reduce speed and widen the gap until it is sufficient. The trucks are equipped with company radios and communication is possible between the trucks and the dispatcher.

THIS IS A CORRECTIVE DOCUMENT

STIPULATIONS

1. Prior to commencing the eastbound turn on State Route 64, the signage and signalization requirement of Resolution No. R-88-236, Condition III.A.(8) shall be installed and operational.
2. All other provisions of Amended Development Order Resolution Nos. R-88-236 and R-90-147 shall remain in full force and effect. In the event there is an inconsistency between the terms of this resolution and the resolution referred to above, the terms of this resolution shall control.

ADOPTED AND APPROVED with a quorum present and voting this 5th day of March, 1991.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

BY: *Kevin M. Glass*
Chairman

ATTEST: R. B. SHORE
Clerk of the Circuit Court

Ken D. Umare
Deputy Clerk

STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office. Witness my hand and official seal this 4th day of

April 19 *91*

R. B. SHORE
Clerk of Circuit Court

By: *Paulyn Lloyd* D.C.

RESOLUTION R-91-26

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY ADOPTING AN AMENDMENT TO R-90-147 AND R-88-236, AN AMENDED DEVELOPMENT ORDER FOR THE WINGATE CREEK MINE DEVELOPMENT OF REGIONAL IMPACT AND AMENDING THE MASTER MINE PLAN AND OPERATING PERMIT FOR THE WINGATE CREEK MINE.

WHEREAS, on January 28, 1975, the Board of County Commissioners of Manatee County (Board) issued a Development of Regional Impact (DRI) Development Order (the Development Order) to Beker Phosphate Corporation and Beker Industries Corporation (together referred to as "Beker") for development of a 10,971 acre phosphate mine, known as the Wingate Creek Mine, and on the same day adopted a separate resolution granting a special exception and approving the Master Mine Plan, which DRI and Master Mine Plan were modified on April 12, 1977;

WHEREAS, on February 28, 1978, the Board granted Beker an operating permit for the Wingate Creek Mine, which permit has been modified;

WHEREAS, on October 18, 1988, the Board adopted resolution 88-236 amending the Development Order for the Wingate Creek Mine Development of Regional Impact and amending the Master Mine Plan and Operating Permit for the Wingate Creek Mine;

WHEREAS, on August 14, 1990 the Board of County Commissioners granted Resolution No. R-90-147 amending the Development Order for Wingate Creek Mine Development of Regional Impact and amending the Master Mine Plan and operating permit for the Wingate Creek Mine;

WHEREAS, the applicant has requested that the amended development order be amended to allow a change in the Haul Route;

WHEREAS, said Board of County Commissioners has considered all of the foregoing and has been advised and informed in the premises;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; THAT, the Board hereby amends Condition III.A.(1) and Paragraphs 8 and 9 of Exhibit E of the BPC Trucking Operation as follows:

1. Condition III.A.(1):

Beker is authorized to transport up to 2.0 million dry tons per year of phosphate rock by truck from its Wingate Creek Mine to customers via the haul route listed below, however, no more than 650,000 tons per year of the 2.0 million dry tons per year shall be transported to the Hickory Creek Mine:

HAUL ROUTE: From Wingate Creek Mine, west via State Road 64 to I-75, to I-275, to U.S. 41 north to Port Manatee, or to the phosphate plant to Piney Point, or east via State Road 64 to Hardee County Road 663, south to Farmland Industries, Inc. Hickory Creek Mine, and return along the same route (this route hereinafter referred to as the Haul Route) until January 28, 1998.

2. Paragraph 8, of Exhibit E of the BPC Trucking Operation:

(8) TRUCK ROUTE: The drivers will proceed on the designated route. The route shall be as follows:

HAUL ROUTE: From Wingate Creek Mine west via State Road 64 to I-75, to I-275, to U.S. 41 north to Port Manatee, or to the phosphate plant at Piney Point, or east via State Road 64 to Hardee County Road 663, south to Farmland Industries, Inc. Hickory Creek Mine, and return along the same route.

There will be no deviation from the aforementioned. The return trip shall cover the exact route. A route map is shown on the following map.

3. Paragraph 9 of Exhibit E of the BPC Trucking Operation:

9. TRUCK INTERVALS

The interval between trucks traveling both loaded and unloaded will be four minutes. The intervals will be monitored at the mine by the scale operator using the bill of lading and the truck dispatch sheets while the return trip from the port, the Royster site and the Hickory Creek Mine will be monitored by the Commercial Carrier dispatcher. The dispatcher is located at the Commercial Carrier terminal on U.S. 41 one mile south of the port entrance road. If trucks are not at least four minutes apart the dispatcher will radio them and have them enter the yard until the required spacing is obtained. Traffic conditions or mechanical problems can reduce speeds so that truck bunching occurs. At no time shall the spacing between trucks be less than six hundred yards. The rear truck shall be responsible to reduce speed and widen the gap until it is sufficient. The trucks are equipped with company radios and communication is possible between the trucks and the dispatcher.

STIPULATIONS

1. Prior to commencing the eastbound turn on State Route 64, the signage and signalization requirement of Resolution No. R-88-236, Condition III.A.(8) shall be installed and operational.
2. All other provisions of Amended Development Order Resolution Nos. R-88-236 and R-90-147 shall remain in full force and effect. In the event there is an inconsistency between the terms of this resolution and the resolution referred to above, the terms of this resolution shall control.

ADOPTED AND APPROVED with a quorum present and voting this 5th day of March, 1991.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: *Richard A. Blum*
Chairman

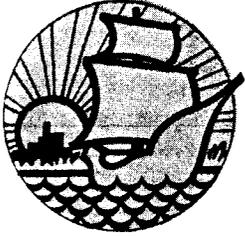
ATTEST: R. B. SHORE
Clerk of the Circuit Court

R. B. Shore

STATE OF FLORIDA, COUNTY OF MANATEE
I hereby certify that the foregoing is a true copy of RESOLUTION NO. R-91-26 adopted by the Board of County Commissioners of said County on the 5th day of March, 1991, this 11th day of March, 1991, in Bradenton, Florida.

R. B. Shore
Clerk of Circuit Court
By: *R. B. Shore* D.C.

SBV
SC



MANATEE COUNTY GOVERNMENT

PLANNING & ZONING DEPARTMENT

CERTIFIED MAIL P 260 308 666

November 26, 1990

Ms. Julia Greene
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Re: Corrective Document/Resolution R-90-147/Wingate Creek Mine

Dear Ms. Greene:

Please find enclosed a certified copy of the following corrected resolution which was approved by the Manatee County Board of County Commissioners in open session:

Resolution No. R-90-147 for the Wingate Creek Mine DRI

Please replace the previously approved resolution with this one. The words "(U.S. 41 and Piney Point Road)" were added at the end of stipulation #1 for clarification purposes. If you have any questions, I can be reached at (813) 748-4501, extension 3070.

Sincerely,

A handwritten signature in cursive script that reads "Betsy Benac".

Betsy Benac
Community Planning Administrator

BB/im

Enclosure

RESOLUTION R-90-147

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY ADOPTING AN AMENDMENT TO R-88-236 AN AMENDED DEVELOPMENT ORDER FOR THE WINGATE CREEK MINE DEVELOPMENT OF REGIONAL IMPACT AND AMENDING THE MASTER MINE PLAN AND OPERATING PERMIT FOR THE WINGATE CREEK MINE

WHEREAS, on January 28, 1975, the Board of County Commissioners of Manatee County (Board) issued a Development of Regional Impact (DRI) Development Order (the Development Order) to Beker Phosphate Corporation and Beker Industries Corporation (together referred to as "Beker") for development of a 10,971 acre phosphate mine, known as the Wingate Creek Mine, and on the same day adopted a separate resolution granting a special exception and approving the Master Mine Plan, which DRI and Master Mine Plan were modified on April 12, 1977;

WHEREAS, on February 28, 1978, the Board granted Beker an operating permit for the Wingate Creek Mine, which permit has been modified;

WHEREAS, on October 18, 1988, the Board adopted resolution 88-236 amending the Development Order for the Wingate Creek Mine Development of Regional Impact and amending the Master Mine Plan and Operating Permit for the Wingate Creek Mine;

WHEREAS, the applicant has requested that the amended development order be amended to allow a change in the Haul Route;

WHEREAS, said Board of County Commissioners has considered all of the foregoing and has been advised and informed in the premises;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; THAT, the Board hereby amends Conditions III.A.(1), III.A.(3), and Paragraph 8 of Exhibit E of the BPC Trucking Operation as follows:

1. Condition III.A.(1):

Beker is authorized to transport up to 2.0 million dry tons per year of phosphate rock by truck from its Wingate Creek Mine to customers via the haul route listed below:

Haul Route: From Wingate Creek Mine, West via State Route 64 to I-75, to I-275, to U.S. 41 North to Port Manatee, or to the phosphate plant at Piney Point, and return along the same route (this route to be hereinafter referred to as the Haul Route) until January 28, 1998.

The trucking operations approved herein shall be conducted in accordance with Exhibit E, "BPC Trucking Operation", which is attached hereto and by reference incorporated herein.

2. Paragraph 8, of Exhibit E of the BPC Trucking Operation:

(8) TRUCK ROUTE: The drivers will proceed on the designated route. The route shall be as follows:

Haul Route: From Wingate Creek Mine West via State Road 64 to I-75, to I-275, to U.S. 41 North to Port Manatee, or to the phosphate plant at Piney Point, and return along the same route.

There will be no deviation from the aforementioned. The return trip shall cover the exact route. A route map is shown on the following map.

3. Condition III.A.(3):

The applicant shall check-weigh trucks going to Royster Phosphate, Inc. at the scales at the Royster Site and continue to check-weigh trucks going to Port Manatee at the Port Manatee scales. The applicant shall maintain the weight records for a period of five years. Said records shall be available for inspection by the Director of Public Works upon reasonable notice to the applicant. Scales shall be provided and be operational on the Royster site within sixty (60) days of commencement of the right turn into the Royster site. An employee of Manatee County may at the County's discretion verify check-weighs at the Royster Site at the time a weigh-in occurs.

Stipulation #1:

A traffic light shall be provided by the applicant at such time as the Florida Department of Transportation and Manatee County Public Works determine that it meets the warrant requirements of the Florida Department of Transportation (US 41 and Piney Point Road).

All other provisions of the Amended Development Order R-88-236 shall remain in full force and effect. In the event there is an inconsistency between the terms of this Resolution and the Resolution referred to above, the terms of this Resolution shall control.

Previously ADOPTED with a quorum present and voting the 14th day of August, 1990.

Correction to document APPROVED with a quorum present and voting this 16th day of November, 1990.

Board of County Commissioners of Manatee County, Florida

BY: Patricia M. Bless
Chairman

ATTEST:

R. B. Shore
Clerk of the Circuit Court

STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true copy of RESOLUTION NO. R-90-147 adopted by the Board of County Commissioners of said County on the 6th day of November, 1990, this 26th day of November, 1990, in Bradenton, Florida.

R. B. Shore
Clerk of Circuit Court
By: Robin Liberty, D.C.

THIS IS A CORRECTIVE DOCUMENT



MANATEE COUNTY GOVERNMENT

PLANNING & ZONING DEPARTMENT

CERTIFIED MAIL P-549 483 926

August 29, 1990

Ms. Julia Greene
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

Dear Mr. Pelham:

Please find enclosed the certified copies of the following resolutions which were approved by the Manatee County Board of County Commissioners in open session:

- ✓ Resolution No. R-90-147 for the Beker Phosphate DRI
- Resolution No. R-90-98 for the Sarasota-Bradenton Airport DRI
- Resolution No. R-90-54 for the Arvida Corporate Park DRI
- Resolution No. R-90-39 for the Cooper Creek Center DRI

These copies are hereby rendered pursuant to Rule 9J-2.025, Florida Administrative Code.

If you have any questions, I can be reached at (813) 748-4501, extension 3070.

Sincerely,

Betsy Benac
Community Planning Administrator

BB/jy

Enclosures (4)

RESOLUTION R-90-147**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY ADOPTING AN AMENDMENT TO R-88-236 AN AMENDED DEVELOPMENT ORDER FOR THE WINGATE CREEK MINE DEVELOPMENT OF REGIONAL IMPACT AND AMENDING THE MASTER MINE PLAN AND OPERATING PERMIT FOR THE WINGATE CREEK MINE**

WHEREAS, on January 28, 1975, the Board of County Commissioners of Manatee County (Board) issued a Development of Regional Impact (DRI) Development Order (the Development Order) to Beker Phosphate Corporation and Beker Industries Corporation (together referred to as "Beker") for development of a 10,971 acre phosphate mine, known as the Wingate Creek Mine, and on the same day adopted a separate resolution granting a special exception and approving the Master Mine Plan, which DRI and Master Mine Plan were modified on April 12, 1977;

WHEREAS, on February 28, 1978, the Board granted Beker an operating permit for the Wingate Creek Mine, which permit has been modified;

WHEREAS, on October 18, 1988, the Board adopted resolution 88-236 amending the Development Order for the Wingate Creek Mine Development of Regional Impact and amending the Master Mine Plan and Operating Permit for the Wingate Creek Mine;

WHEREAS, the applicant has requested that the amended development order be amended to allow a change in the Haul Route;

WHEREAS, said Board of County Commissioners has considered all of the foregoing and has been advised and informed in the premises;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; THAT, the Board hereby amends Conditions III.A.(1), III.A.(3), and Paragraph 8 of Exhibit E of the BPC Trucking Operation as follows:

1. Condition III.A.(1):

Beker is authorized to transport up to 2.0 million dry tons per year of phosphate rock by truck from its Wingate Creek Mine to customers via the haul route listed below:

Haul Route: From Wingate Creek Mine, West via State Route 64 to I-75, to I-275, to U.S. 41 North to Port Manatee, or to the phosphate plant at Piney Point, and return along the same route (this route to be hereinafter referred to as the Haul Route) until January 28, 1998.

The trucking operations approved herein shall be conducted in accordance with Exhibit E, "BPC Trucking Operation", which is attached hereto and by reference incorporated herein.

2. Paragraph 8, of Exhibit E of the BPC Trucking Operation:

(8) TRUCK ROUTE: The drivers will proceed on the designated route. The route shall be as follows:

Haul Route: From Wingate Creek Mine West via State Road 64 to I-75, to I-275, to U.S. 41 North to Port Manatee, or to the phosphate plant at Piney Point, and return along the same route.

There will be no deviation from the aforementioned. The return trip shall cover the exact route. A route map is shown on the following map.

3. Condition III.A.(3):

The applicant shall check-weigh trucks going to Royster Phosphate, Inc. at the scales at the Royster Site and continue to check-weigh trucks going to Port Manatee at the Port Manatee scales. The applicant shall maintain the weight records for a period of five years. Said records shall be available for inspection by the Director of Public Works upon reasonable notice to the applicant. Scales shall be provided and be operational on the Royster site within sixty (60) days of commencement of the right turn into the Royster site. An employee of Manatee County may at the County's discretion verify check-weighs at the Royster Site at the time a weigh-in occurs.

Stipulation #1:

A traffic light shall be provided by the applicant at such time as the Florida Department of Transportation and Manatee County Public Works determine that it meets the warrant requirements of the Florida Department of Transportation.

All other provisions of the Amended Development Order R-88-236 shall remain in full force and effect. In the event there is an inconsistency between the terms of this Resolution and the Resolution referred to above, the terms of this Resolution shall control.

ADOPTED with a quorum present and voting this 14 th day of August, 1990.

Board of County Commissioners of Manatee County, Florida

BY: Patricia G. Shaw
Chairman

ATTEST:

[Signature]
R. E. Shore
Clerk of the Circuit Court

STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true copy of RESOLUTION NO. R-90-147 adopted by the Board of County Commissioners of said County on the 14 day of August, 1990 this 27 day of August, 1990, in Bradenton, Florida.
R. B. Shore
Clerk of Circuit Court
By: [Signature] D.C.

RESOLUTION R-88-236

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY ADOPTING AN AMENDED DEVELOPMENT ORDER FOR THE WINGATE CREEK MINE DEVELOPMENT OF REGIONAL IMPACT AND AMENDING THE MASTER MINE PLAN AND OPERATING PERMIT FOR THE WINGATE CREEK MINE

WHEREAS, on January 28, 1975, the Board of County Commissioners of Manatee County (Board) issued a Development of Regional Impact (DRI) Development Order (the Development Order) to Beker Phosphate Corporation and Beker Industries Corporation (together referred to as "Beker") for development of a 10,971 acre phosphate mine, known as the Wingate Creek Mine, and on the same day adopted a separate resolution granting a special exception and approving the Master Mine Plan, which DRI and Master Mine Plan were modified on April 12, 1977;

WHEREAS, on February 28, 1978, the Board granted Beker an operating permit for the Wingate Creek Mine, which permit has been modified;

WHEREAS, since 1981, there have been various lawsuits, administrative proceedings and other actions regarding the development and operation of the Wingate Creek Mine, which proceedings are listed on the attached Exhibit A;

WHEREAS, Beker has filed a Petition for Relief under Chapter 11 of Title 11 of the United States Code in the United States Bankruptcy Court for the Southern District of New York;

WHEREAS, a Second Amended Joint Consolidated Plan of Reorganization (the Plan) has been filed in the bankruptcy proceedings and in accordance therewith the Board has agreed to settle all claims, disputes and actions pending between the Board and Beker as set forth in the Stipulation Conditionally Reducing and Settling Claims of Manatee County, Florida (Manatee County Settlement Agreement) annexed to the Plan;

WHEREAS, the material part of the consideration of the aforesaid Manatee County Settlement Agreement is that all proceedings, claims and demands between Beker and the Board shall be settled in accordance with the terms of the Manatee County Settlement Agreement and Plan, and all pending actions shall be discussed with prejudice; and

WHEREAS, the agreements, modifications and amendments to the Development Order, Master Mine Plan, Operating Permit and other obligations of Beker relating to the Wingate Creek Mine, as set forth herein, are material considerations for the Plan and the Manatee County Settlement Agreement; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; THAT, pursuant to the request of Beker to amend the Development Order for the Wingate Creek Mine and to amend the Master Mine Plan and to amend the Operating Permit for the mine, the amendments are hereby approved subject to the following conditions, restrictions and agreements:

I. FINDINGS OF FACT

- A. That the real property which constitutes the Beker Wingate Creek Mine is described in Exhibit B, attached hereto and by reference made a part hereof.
- B. That Beker submitted to Tampa Bay Regional Planning Council (TBRPC) and the Board, in October of 1974, an application for Development Approval for the Wingate Creek Mine and submitted responses to the sufficiency reviews for the aforementioned document (these documents will be collectively referred to as the ADA and are attached hereto as Exhibit C and by reference are made a part hereof, to the extent they are not inconsistent with the terms and conditions of this Amended Development Order).
- C. That Beker submitted to TBRPC and the Board in June 1983, an Application for Amendment to the Development Order and submitted responses to the sufficiency reviews in August and October of 1983 (these documents shall be collectively referred to as Application for Amendment and are attached hereto as Exhibit D and by reference are made a part hereof, to the extent they are not inconsistent with the terms and conditions of this Amended Development Order).
- D. That the Board has received and considered the report and recommendation of the TBRPC dated November 14, 1983.

- E. At a regular meeting, the Board has heard and considered testimony and documents received relating to the Amended Development Order, the Master Mine Plan and Operating Permit.
- F. That the proposed changes in the development, operation and reclamation of the Wingate Creek Mine will result in substantially reduced environmental impact to the Lake Manatee watershed.
- G. That the proposed changes in the development, operation and reclamation of the Wingate Creek Mine do not constitute a substantial deviation from the Development Order or from the terms and conditions of the Master Mine Plan and Operating Permit.

II. CONCLUSIONS OF LAW

- A. Based upon the above Findings of Fact and subject to the provisions of Paragraph B below, it is the opinion of the Board that the development, as amended by this Amended Development Order, is consistent with the Manatee Plan, the Manatee County Land Development Code, and with Mining and Reclamation Ordinance No. 81-22 (Ordinance 81-22); that this Amended Development Order is consistent with the recommendations of the TBRPC as modified by the Recommended Order of the hearing officer in DOAH Case No. 83-4002; and that the development will not unreasonably interfere with

the achievement of objectives of the adopted State Land Development Plan applicable to the area.

- B. The provisions of this Amended Development Order shall not be construed as a waiver or exception of any rule, regulation or ordinance of Manatee County (the County) or its departments, agencies or commissions, except as may be specifically provided herein.
- C. This Amended Development Order constitutes final approval of the DRI amendment for the Wingate Creek Mine and final approval of the amendments to the Master Mine Plan and Operating Permit.
- D. These proceedings have been duly conducted pursuant to applicable law and regulations and, based upon the record in this proceeding, Beker is authorized to conduct development as described herein, subject to the conditions, restrictions and agreements set forth herein.
- E. The impacts of the Wingate Mine are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Amended Development Order.
- F. The impacts of the proposed changes in the development and operation and reclamation plans for the Wingate Creek Mine are not a substantial deviation from the Development Order, the Master Mine Plan or the Operating Permit.

III. CONDITIONS AND AGREEMENTS

The development of Beker's Wingate Creek Mine shall be in conformity with the provisions of the ADA dated October 11, 1974 (Exhibit C); the Application for Amendment filed in 1983 (Exhibit D); and the amended Master Mining Plan and Operating Permit which are required under this Amended Development Order, except as all of the above may be modified by the terms and conditions of this Amended Development Order.

A. TRANSPORTATION MATTERS

(1) Beker is authorized to transport up to 2.0 million dry tons per year of phosphate rock by truck from its Wingate Creek Mine to Port Manatee via SR 64 to I-75, to I-275, to US 41, and return along the same route (this route to be hereinafter referred to as the Haul Route) until January 28, 1998. The trucking operation approved herein shall be conducted in accordance with Exhibit E, "BPC Trucking Operation", which is attached hereto and by reference incorporated herein.

(2) Weigh scales shall be maintained at Beker's Wingate Creek Mine beneficiation facility to insure compliance with the load limits set forth in Exhibit E above. Beker shall, upon reasonable notice, make available for inspection by the Director of the Manatee County Division of Mining Regulation (the Director) the weight scale records. Such records shall be retained for a period of five years.

(3) Beker shall continue to check-weigh trucks at the Port Manatee scales. Beker shall maintain the weight records for a period of five years. Said records shall be available for inspection by the Director upon reasonable notice to Beker.

(4) Beker shall provide sufficient funds to the Manatee County Sheriff's Department in order to monitor the activities of Beker's trucks on SR 64 to determine their compliance with the terms and conditions of this Amended Development Order and to enforce highway safety regulations. These funds shall be in addition to those for safety monitors to be provided by Beker's carrier as outlined in Exhibit E. Beker shall notify the Sheriff's Department of the trucking operation schedule and of any changes to the schedule lasting more than twenty-four hours. The County shall provide Beker an invoice for the portion of the Sheriff's Department time spent monthly on SR 64 during those times that the trucks are operating on that portion of the Haul Route. The invoice shall be accompanied by sufficient documentation to verify times and locations. The amount to be reimbursed shall be the total of those hours spent on SR 64 multiplied by an hourly rate to be set by the Manatee County Sheriff, which amount shall cover the costs of the deputy's salary, vehicle capital and operating costs, equipment capital and operating costs, and overhead expenses. The smallest billable time unit shall be a quarter of an hour.

(5) Beker shall be responsible for its phosphate rock carrier providing the County with a quarterly report certified by the person in charge of the trucking operation. This report will list all accidents in which trucks carrying rock for Beker were involved, the date and time of the accident, the cause of the accident, the name of the driver involved, the estimated amount of property damage, the number of persons involved, whether hospitalization was required and any other pertinent data. All reports submitted to or prepared by the Florida Highway Patrol shall be provided to the Manatee County Division of Mining Regulation along with the quarterly report.

(6) Beker shall be responsible for its carrier's implementation of an inspection program to insure that all vehicles and appurtenant equipment used on the Haul Route are operated in a safe and sound manner. At a minimum, the vehicles and equipment components tabulated in Exhibit E, "Driver Vehicle Inspection Report", shall be inspected at weekly intervals. Any defects in the vehicles and equipment and dates they were discovered shall be noted on the inspection form and so shall the date on which each defect was corrected. The vehicles shall receive a periodic preventive maintenance check at ten thousand mile intervals. The Director, or his designee, shall be authorized to inspect the records of the vehicle inspection program maintained by Beker or its carrier upon reasonable notice.

(7) Beker shall assure that any trucks hauling for Beker along the Haul Route shall be identified by a Beker sign which is located on the trailer tailgate. This sign will be kept clean and legible.

(8) Beker, at its own expense, shall install and maintain flashing beacon lights on each side of SR 64 at the mine entrance road. Said lights shall be accompanied by signs warning of trucks entering the highway. The lights and signs shall be designed to the standards provided in the Manual of Uniform Minimum Standards for Design, Construction, and Maintenance of Streets and Highways (1986 Edition).

(9) In the event of a spill along the Haul Route, Beker's carrier shall immediately contact the Florida Department of Transportation and the Director, Manatee County Department of Public Safety. Beker shall be responsible for ensuring that its carrier restores, at its own expense, the spill site to the condition at which it existed prior to the spill.

(10) Beker shall be permitted to ship by-product rock as part of the two million dry tons per year as authorized herein. The trucking of by-product shall comply with all requirements in this Amended Development Order, including Exhibit E, for the transport of phosphate rock; provided, however, that transport of such by-product rock shall not be confined to the Haul Route but the route for its transport must be approved in advance in writing by the Director who shall not unreasonably withhold such

approval. The Director shall approve or deny such request within three (3) business days after receipt thereof.

(11) The restrictions on trucking operations provided herein are intended to apply only to trucking of phosphate rock and by-product rock from the Wingate Creek Mine. Any future proposals by Beker or its successors to truck phosphate rock on the Haul Route, except as provided herein, shall be subject to additional review by county, regional and state agencies as the need may arise.

(12) Beker shall comply with any additional transportation conditions and restrictions which the County may require in connection with ^{any further amendment to} the Amended Master Mine Plan and/or Operating Permit.

Added
from
recorded
copy

B. MINING AND RECLAMATION MATTERS

(1) Ordinance 81-22. Except as otherwise provided in subparagraph (a)-(e) below, Beker shall operate the Wingate Creek Mine in full compliance with Ordinance 81-22:

(a) The County shall have the right to perform on-site inspections of the Wingate Creek Mine, from time to time, upon reasonable notice to Beker and during normal business hours, so long as the Wingate Creek Mine is being used for phosphate mining purposes.

(b) Beker shall not be required to provide any environmental impairment insurance.

(c) Beker shall adhere to the 200' setback requirements of Ordinance 81-22 at all points along the exterior boundary of the Wingate Creek Mine and shall not subsequent to the effective date hereof, conduct any mining operations (including stockpiling) within such setback area; provided, however, that the 200' setback requirements shall be reduced to 50' setback requirements at all points along the exterior boundary of the Wingate Creek Mine located in Sections 20 and 21, Township 22 East, Range 34 South ("the 50' Setback Area"). Notwithstanding the foregoing, Beker shall observe a 200' setback in respect to any stockpile area located within the 50' Setback Area.

(d) Beker shall reclaim the mined property located within the Wingate Creek Mine consistent with the Revised Conceptual Reclamation Plan for the Wingate Creek Mine (as approved by the Department of Natural Resources for the State of Florida on April 2, 1987) (the DNR Revised Conceptual Plan) and the terms and conditions as contained in this Amended Development Order.

(e) Beker shall not have any obligation to comply with any of the financial responsibility or bonding requirements set forth in Ordinance 81-22, and in lieu thereof, Beker shall deliver to County, no later than the Closing referenced in the Manatee County Settlement Agreement, a general warranty surety and reclamation bond in the amount of Five Million Five Hundred Thousand Dollars (\$5,500,000.00) in favor of the County to be

issued by American Home Casualty Insurance Company or another insurance company licensed to issue similar policies in the State of Florida.

(2) General Mining and Reclamation Matters

(a) Except as provided in subparagraphs (b) - (h) herein, the Master Mine Plan and the Operating Permit are hereby amended to conform to the DNR Revised Conceptual Plan. All aspects of the aforementioned plans and programs which are not affected by the property transfer to the County referenced in the Manatee County Settlement Agreement shall remain as approved except as provided herein.

(b) Construction of the clay settling area in Sections 6 and 31 located in Townships 34 and 35 South, Range 22 East (as provided for in the Detailed Reclamation Plan submitted as part of the Operating Permit Application for the Wingate Creek Mine) shall not be permitted without further review and a modification to this Amended Development Order. The present sand/clay mixture method of reclamation shall not be construed as a clay settling area.

(c) All numbers associated with clay volumes, tonnages, capacities, and other volumes associated with sand/clay mixture reclamation (as indicated in the Detailed Reclamation Plan which is part of the Operating Permit) shall be superseded by the DNR Revised Conceptual Plan, except as may be provided herein.

(d) The waste disposal/mine cut areas 1, 2, and 3 identified in the DNR Revised Conceptual Plan and located in Section 31, Township 34 South, Range 22 East and Section 6, Township 35 South, Range 22 East, will be reclaimed and ready for initiation of contouring and revegetation within two (2) years of the effective date of this Amended Development Order.

(e) The lake constructed as part of reclamation in Sections 21 and 28, Township 34 South, Range 22 East, shall be contoured in accordance with the requirements of Ordinance 81-22.

(f) Beker shall construct an earthen berm between five and ten feet in height adjacent to its mining area to buffer and protect the Lake Manatee watershed property from mining and reclamation activities. Following the conclusion of mining activities, the berm shall be reshaped to conform to the Florida Department of Natural Resources reclamation requirements.

(g) Beker shall establish vegetative cover adequate to inhibit wind and water erosion of the inner and outer clay settling area walls. Such cover shall be maintained on all exposed surfaces so as to permit visual inspection of the soil surfaces.

(h) 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 in accordance with the "Dredge Disassembly and Removal Plan" which is Exhibit F annexed hereto. The release of the

general warranty surety and reclamation bond in accordance with the provisions of Ordinance 81-22 shall be conditioned upon the approval of removal of the dredges by the Director, who shall approve same, upon satisfactory compliance with the provisions of the "Dredge Disassembly and Removal Plan". The total amount of the general warranty surety and reclamation bond shall not be reduced to an amount less than the costs of the dredge removal as determined by a Florida registered professional engineer engaged by Beker and satisfactory to the County.

(3) Beker shall, within thirty (30) days of the effective date of this Amended Development Order, apply to the Florida Department of Natural Resources to amend the DNR Revised Conceptual Plan so that it conforms to the approved amended Master Mine Plan, amended Operating Permit and this Amended Development Order.

C. ENVIRONMENTAL AND WATER SUPPLY MATTERS

(1) Beker shall comply with the terms and conditions of the Environmental Monitoring Program for the Wingate Creek Mine which is attached as Exhibit G and incorporated by reference herein.

(2) The Board agrees to recognize Beker's current Southwest Florida Water Management District (SWFWMD) Consumptive Use Permit amounts and the resultant drawdown levels as an existing use condition in any consumptive use permit it may

attempt to receive for adjacent properties. The Board further agrees that it will not contest the pumpage of either well adjacent to the Beker/Manatee County property line at maximum capacity and the resultant drawdowns for a period of up to thirty days for reasons of maintenance repair of the production wells and pumps. Beker shall allow connection of a transmission line to the Beker production well system for the purpose of providing emergency water supply to the County water system during the duration of a severe water shortage that might be declared by SWFWMD. Beker shall provide an easement for the construction and maintenance of such pipeline. The construction of this pipeline will be the sole responsibility of the County, which will bear the cost of the construction. Relocation cost of the pipeline at any future date will be borne by the party requiring the relocation. Beker shall cooperate with Manatee County in an application to SWFWMD for consumptive use permits to reflect conjunctive use of the Beker well system for both industrial and municipal supply up to the present maximum daily permit levels. The quantity transferred to the County system shall not affect the operation of the beneficiation facility. The County shall reimburse Beker for the pro rata share of the operational, maintenance and other mutually agreed upon costs associated with the transfer of water to the County system.

D. DELETION OF PROPERTY SUBJECT TO AMENDED DEVELOPMENT ORDER

(1) This Amended Development Order, the Master Mine Plan and Operating Permit for the Wingate Creek Mine are hereby amended to delete parcels C and E as described on the attached Exhibit H, which is incorporated herein by reference, subject to the mineral rights to Parcel E being conveyed to the County in compliance with the requirements of the Manatee County Settlement Agreement.

(2) Further, this Amended Development Order, the Master Mine Plan and the Operating Permit shall be automatically amended from time to time to provide for the deletion of certain additional property, without the necessity of complying with the provisions of Subsection 380.06(19), Florida Statutes, upon the following conditions:

(a) The Florida Department of Natural Resources must certify in writing to the County that the owner of the property proposed for deletion has fully satisfied all applicable reclamation plans and conditions and the property has been released from the reclamation plan.

(b) The Director has certified in writing that the owner of the property proposed for deletion has fully satisfied all applicable reclamation plans and conditions and the property has been released from the reclamation plan.

(c) The County shall be provided with a legal description of the property so proposed for deletion and a written request for deletion, which written request shall include (A) a copy of a recorded deed conveying such property to Roger B. Broderick or his assigns, and (B) a deed conveying any and all mineral rights and interests in the property to the County, specifically excluding, however, any and all surface rights of entry, together with funds sufficient to defray all documentary stamp tax and recording fees required for such transfer.

(d) The County shall formally act on all requests for deletion at regularly scheduled public hearings and, if all conditions set forth in (a) - (c) above have been satisfied, shall approve said requests as of the date of recording the deed to Broderick or his assigns conveying the property sought to be deleted and shall direct the Clerk of the Court for Manatee County to send copies of its action by certified mail to the requesting party, Roger B. Broderick, DCA and the TBRPC and further file a copy of the action with this Amended Development Order.

(e) The property so deleted shall be reported in the annual report submitted by Beker pursuant to Subsection 380.06(18), Florida Statutes.

E. GENERAL TERMS AND CONDITIONS

(1) This resolution shall constitute the Amended Development Order of Manatee County in response to an application to amend the Wingate Creek Mine Development of Regional Impact filed by Beker.

(2) This resolution shall also constitute approval of the Amended Master Mine Plan and Amended Operating Permit for the Wingate Creek Mine.

(3) Further, this resolution shall constitute County approval of the DNR Revised Conceptual Plan, as amended herein, as the County's own reclamation plan.

(4) Beker shall provide property management to insure proper safeguards against environmental problems that could occur when the mine is shut down. The following items, at a minimum, shall be included in that management:

(a) Management of water throughout the mine to insure that any discharges to waters of the state meet water quality and quantity standards of Beker's state and federal discharge permits.

(b) Operation and maintenance of any clay settling area impoundment to insure that water levels within the structure, the condition of the impoundment walls, and any other features of the impoundment comply with the requirements of Chapter 17-9, Florida Administrative Code.

(c) Continuation of monitoring activities as required by state and federal permits and the Environmental Monitoring Program (Exhibit F) for the Wingate Creek Mine.

(d) Any other operational or maintenance measure which might be necessary to protect the public health, safety, and welfare.

(5) The terms and conditions of this Amended Development Order shall control to the extent that they are inconsistent with any of the terms and conditions of Manatee County resolutions entitled DRI DEVELOPMENT ORDER dated January 28, 1975; RESOLUTION GRANTING SPECIAL EXCEPTION AND APPROVING MASTER PLAN dated January 28, 1975; RESOLUTION MODIFYING A PORTION OF A DRI DEVELOPMENT ORDER AND A RESOLUTION GRANTING SPECIAL EXCEPTION AND APPROVING MASTER PLAN DATED April 12, 1977; and RESOLUTION GRANTING BEKER PHOSPHATE CORPORATION AN OPERATING PERMIT dated February 28, 1978.

(6) This Amended Development Order shall be binding upon Beker and its heirs, assignees, or successors in interest and inure to the benefit of Beker's assigned successors in interest or transferees of the property described in Exhibit B.

(7) The definitions found in Chapter 380, Florida Statutes, shall apply to this Amended Development Order.

(8) This Amended Development Order shall govern the development, operation and reclamation of the Wingate Creek Mine.

(9) All changes to the terms and conditions of this Amended Development Order shall be subject to the provisions contained in Subsection 380.06(19), Florida Statutes.

(10) This Amended Development Order shall become effective upon consummation of the Closing, transfer of the real property to the County and dismissal of DOAH Case No. 83-4002 by the Florida Land and Water Adjudicatory Commission referenced in the Manatee County Settlement Agreement.

(11) Copies of this Amended Development Order shall be transmitted immediately by certified mail to DCA, TBRPC, and Beker upon execution.

(12) Beker has designated Hugh E. McGuire as its resident agent for the purposes of this Amended Development Order. Any changes to this designation must be made in writing and provided by certified mail to the County in order to be effective.

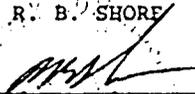
(13) Beker joins in the execution hereof for the purpose of expressing its consent to the terms and provisions hereof, and further, for the purpose of agreeing that any mining operations which it or its successors or assigns conducts within Manatee County, Florida shall be conducted in strict accordance with the terms and conditions hereof.

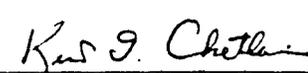
RESOLUTION R-88-236

Adopted, in regular session this 18th day of October, 1988, by the
Manatee County Board of County Commissioners.

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

Attest: R. B. SHORE


Clerk of the Circuit Court


Chairman

Executed on the 18th day of October, 1988.

BEKER PHOSPHATE CORPORATION

Attest:

By: _____

Title: _____

By: _____

(Corporate seal)

Executed by BEKER on the ____ day of October, 1988.

45

SETTLEMENT AGREEMENT

This is a Settlement Agreement dated February 26, 1982, entered into by and between Manatee County, a political subdivision of the State of Florida, and Beker Phosphate Corporation ("Beker"), a Florida corporation.

I. Environmental Matters.

A. Beker or its designee shall review and summarize, in writing, Beker's environmental monitoring systems and programs pursuant to the general outline set forth at Exhibit A1 hereto to ensure conformance with all currently existing permits and developmental orders and all applicable laws, rules and regulations. In addition to supplying to the appropriate entities all environmental monitoring information required under all of Beker's currently existing permits and developmental orders and all applicable laws, rules and regulations, Beker shall

1. make available to Manatee County a copy of the aforesaid written report,
2. allow authorized representatives of Manatee County to enter and remain upon the premises of the Beker Mine for the purpose of inspection at any reasonable time in accordance with applicable safety guidelines to ensure compliance with the terms and conditions of Subsection A of this Section I. Inspectors shall give Beker reasonable notice of the proposed inspection and shall allow Beker an opportunity to provide appropriate personnel to accompany the inspector while on Beker's premises. Beker shall also allow said County representatives to spot sample at any such sites, and at said representatives' request, submit to the County split samples taken by Beker.
3. furnish the Manatee County Health Department and the Manatee County Phosphate Mining Coordinator with copies of all future data relating to said sites simultaneously with the transmission thereof to the appropriate entity as required under all of Beker's currently existing permits and developmental orders, and all applicable laws, rules and regulations,
4. within 10 days from the date hereof, furnish the Manatee County Health Department and the Manatee County Phosphate Mining Coordinator with copies of materials existing on the date hereof and relating to:

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- a. stream monitoring data compiled subsequent to October 1, 1981,
- b. air quality data compiled subsequent to January 1, 1982,
- c. industrial waste water data required under FDER Proviso No. 4 of Permit IC 412036,
- d. shallow ground water data required under FDER Proviso No. 18 of Permit IC 412036,
- e. Southwest Florida Water Management District Consumptive Use Permit data developed by Beker after January 1, 1982,
- f. data required by STP Permit No. DC41-2513, and
- g. any other data generated pursuant to any Beker permit or approval of a regulatory agency.

B. Within 60 days from the date hereof, Beker shall provide a full-time employee as its environmental coordinator having a background consistent with the description set forth at Exhibit B hereto. After having made a good faith effort to provide such employee during said 60-day period and having found no suitable candidate, Beker may request an extension of such period from the appropriate representative of Manatee County which extension shall not be unreasonably withheld.

C. Within 60 days of the date hereof, Beker shall develop and establish an environmental monitoring program incorporating the elements set forth in Exhibits A1 and A2 hereto and any other element applicable to Beker's Mine by law, rule, regulation or existing permit or order not otherwise listed in Exhibit A2. Beker shall also develop and establish a program for monitoring rainfall within 60 days of the date hereof. Such programs shall be subject to the approval of the Manatee County Phosphate Mining Coordinator and Manatee County Health Department, which approval shall not be unreasonably withheld. In the event such program is not so approved within 60 days of Beker's submission thereof, the reasons therefor shall be submitted to Beker in writing stating the basis therefor in any currently existing permits or developmental order of Beker or any applicable laws, rules or regulations. Quality assurance program(s) of any contractors performing either field or laboratory work for Beker in conjunction with such program shall be made available to the Manatee County Health Department and the Manatee County Phosphate Mining Coordinator upon request.

D. Beker agrees to develop and establish a program for monitoring soil radiation within 60 days of the State establishing the para-

meters of same. In the interim, Manatee County and Beker agree to develop a mutually acceptable radiological monitoring program of surface soils to provide data to measure pertinent parameters as a basis for evaluating future land uses consistent with the health, safety and welfare of the citizens of Manatee County.

II. Transportation Matters.

A. In connection with shipments of phosphate rock by rail from Beker's Wingate Creek Mine and beneficiation facilities to its shipping facility at Port Manatee, Beker shall apprise in writing quarterly the appropriate Manatee County officials of progress with respect to the following:

1. acquisition of requisite railroad right of way,
2. securing of requisite permits and developmental orders necessary for construction of railroad trackage, and
3. construction of railroad trackage to connect with existing trackage at Willow.

B. Beker shall complete construction of the aforesaid railroad trackage no later than 22 months from the date hereof provided, however, that such 22-month period shall be extended to fully account for any period of time during which Beker is unable to proceed with the activities set forth in Subsections 1 through 3 of Subsection A of this Section II, or any other activities necessary for construction of railroad trackage, due to Acts of God. Further extension may be allowed if mutually agreed to by the parties hereto.

C. As of the date hereof, Beker shall ship by truck phosphate rock from Beker's Wingate Creek Mine and beneficiation facilities west on State Road 64 to I-75, north on I-75 to U. S. 301, west on U. S. 301 to U. S. 41 and north on U. S. 41 to its shipping facility at Port Manatee and the return thereof on the same roads, or on a mutually acceptable alternate route, provided that such truck transport is limited as follows:

1. Trucks will not operate during the hours Manatee County public school buses are regularly scheduled to transport students to and from public school.
2. Trucks may be released from Beker's Wingate Creek Mine and beneficiation facilities as well as from Beker's shipping facility at Port Manatee at intervals of no less than 5 minutes apart, but the

annual tonnage of phosphate rock shipped by truck shall not exceed 1.2 million tons for the period beginning December 18, 1981 and ending on February 25, 1983, and 1.5 million tons on an annualized basis for the remaining trucking period provided in this Agreement.

3. A system equivalent to the currently effective Beker trucking security system or a mutually satisfactory alternative thereto shall be established and maintained to insure compliance with requirements relating to spacing, frequency, routing and speed of Beker trucks. Representatives of Manatee County upon reasonable notice, shall be permitted to accompany security patrols for the purpose of observing the such system.
4. Trucks shall be marked so as to be road-identifiable as related to the Beker shipments.
5. The gross maximum load limit of trucks on the designated route shall not exceed the lower of the gross maximum weight or the gross maximum axle weight permitted thereon by the State of Florida or the Federal government, as the case may be.
6. Weigh scales shall be maintained at Beker's Wingate Creek Mine and beneficiation facilities to insure compliance with the load limits set forth in the immediately preceding Subsection. Upon reasonable notice and at reasonable times and frequencies, Beker shall make available to appropriate Manatee County officials copies of records kept in the ordinary course of business relating to the loads weighed on the aforesaid weigh scales. Such records shall be retained by Beker until made available to such officials.

D. Beker shall return the Logue Road Bridge on Manatee County Road 39 to the condition immediately prior to its collapse by expending thereon an amount not to exceed \$10,000.

E. Upon completion of the railroad facility contemplated by Subsection B of this Section II, Beker shall cease using trucks and Beker shall provide funds in an amount sufficient to restore and for the specific purpose of restoring that segment of State Road 64 measured from the permanent access road at Beker's Wingate Creek Mine entrance to the intersection of such State Road with State Road 675, a distance of approximately 8.5 miles, to the condition thereof as of the date hereof, provided, however, that

such funds supplied by Beker shall not exceed \$600,000; provided that Beker shall provide \$100,000 of said \$600,000 within 60 days of the date hereof and an additional \$100,000 of said \$600,000 in twelve (12) equal monthly payments with the first monthly payment due 90 days from the date hereof. Nothing herein shall preclude Beker from making application to use trucks after the rail is in place.

III. Mining and Reclamation Matters.

A. Beker agrees to preserve the Class I areas as presently defined by EPA, reserving only the right to cross if permitted by the applicable regulating agencies, if any. In addition, Beker agrees to preserve up to 500 additional acres, to be designated by the Phosphate Mining Coordinator, until it can be demonstrated that said land can be restored to its ecological and hydrological functions.

B. On the date hereof, Beker has submitted to Manatee County a map delineating areas planned for mining and reclamation for the next twenty (20) years based upon the best available current information but, of necessity, such plans are conceptual in nature and, as such, subject to modification arising from additional prospecting data, technological developments, economic considerations and changes in Federal or State permitting requirements.

IV. Dam Construction and Wellfield Alternative.

A. Beker shall be released from its obligation to construct a dam and related improvements on the East Fork of the Manatee River, and, in lieu thereof, shall contribute the sum of \$2,800,000 to Manatee County for the construction by Manatee County of well-fields, pipelines and related facilities. Such contribution shall be made as follows: 10% (\$280,000) on January 1, 1983; 15% (\$420,000) on January 1, 1984; 25% (\$700,000) on January 1, 1985, January 1, 1986 and January 1, 1987; provided however the balance due will be payable in full upon the commencement of mining by Beker in the Manatee River Watershed.

B. Beker agrees that in the event of an emergency which adversely affects the availability or treatability of water for consumptive use from the Manatee County Water Treatment Plant and such emergency is the result of actions by Beker including any catastrophic failure or abovegrade impoundments, then in that event, Beker at its cost shall provide water at its full permitted capacity from its industrial wells to the Manatee County Water Treatment Plant; provided that pipelines located immediately adjacent to parallel with and east of the Beker Plant access road along the east Beker property line to be constructed by Manatee County are available for such purpose. It is agreed that this access will be provided by Beker to the County at no cost to the County.

C. Beker agrees to meet with appropriate representatives of the Southwest Florida Water Management District to determine how much, if any, water on Beker's Wingate Creek Mine property is available for use by Manatee County. Beker shall use its best efforts to assist Manatee County in its requests for such water without jeopardizing in any way Beker's existing consumptive use permits or the ultimate resale value of said property.

V. General Covenants and Representations.

The parties hereby covenant and agree that this Agreement is made as a compromise between them for the complete settlement of their respective claims, differences or disputes solely with respect to the foregoing matters and that this Agreement is to operate as a settlement only as to the same. It is further understood and agreed that this Agreement shall not constitute or be construed to be an admission by either party hereto as to the correctness of each party's claims, differences or disputes with or against the other party.

It is also agreed that this Agreement shall in no way constitute or be construed as a waiver by Beker of any vested rights or entitlements it may have acquired except as agreed upon herein and nothing in this Agreement shall constitute or be construed as a waiver by Manatee County of any rights, including but not limited to, enforcement of applicable laws, regulations, permits, resolutions or orders, it may have except as agreed upon herein.

The parties expressly agree that this Agreement and any rights granted hereunder, including specifically the right to use trucks, are non-transferable without prior written consent of the Manatee County Board of County Commissioners, and any attempt to convey any rights, interests, or entitlements arising hereunder without such consent shall be void and of no effect.

The parties expressly agree that material violations of any part of this agreement shall cause the immediate cessation of all trucking hereunder and render any right to truck suspended pending correction of such violation.

The parties agree that this Agreement may be offered in evidence in that certain cause presently pending in the Circuit Court of the Twelfth Judicial Circuit of Florida in and for Manatee County and styled State of Florida by and through James A. Gardner, as State Attorney and County of Manatee, a political subdivision of the State of Florida vs. Beker Phosphate Corporation, Case No. CA-81-1663, and if acceptable to the Court, shall be incorporated by reference in any judgment or modification of the preliminary injunction that was

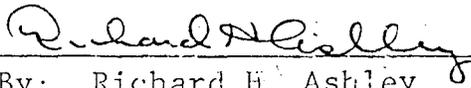
rendered on November 23, 1981, and shall then be enforceable as a part of and in the same manner as any judgment or preliminary injunction. However, notwithstanding such incorporation, this Agreement shall survive any judgment or modification of the said preliminary injunction and be binding upon the parties in the event such judgment or modification shall subsequently become reversed or abated.

If Manatee County finds that the use of trucks by Beker as provided herein is a substantial deviation and subsequent thereto fails to modify Beker's DRI Order consistent with this agreement then both parties agree that this agreement shall be null and void and Manatee County will refund to Beker all payments made pursuant to paragraph IV.A. of this agreement.

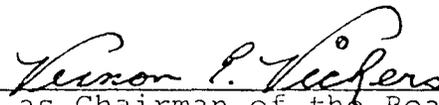
IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed in triplicate, as of the day and year first above written.

ATTEST: R. B. SHORE
Clerk of the Circuit Court

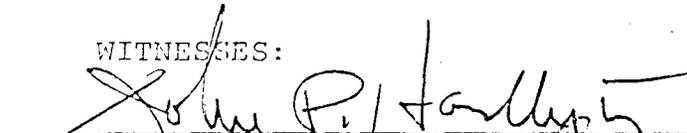
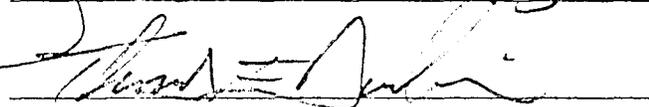
MANATEE COUNTY, FLORIDA



By: Richard H. Ashley
Chief Deputy Clerk

BY: 
as Chairman of the Board of
County Commissioners

WITNESSES:

BEKER PHOSPHATE CORPORATION

BY:  - President

REPORT ON CURRENT STATUS

BEKER ENVIRONMENTAL MONITORING PROGRAMS
WINGATE CREEK MINE
MANATEE COUNTY

General Outline

1.0 INTRODUCTION

- o purpose & objective of report
- o location of site
- o identification of program components

2.0 AIR QUALITY

2.1 GENERAL

- o monitoring program title
- o requiring agency or agencies
- o permit number(s) or approval document(s)

2.2 STATION/SAMPLING LOCATIONS

- o description
- o map

2.3 PARAMETERS

- o list of parameters

2.4 METHODS

- o field
- o laboratory

2.5 FREQUENCY/DURATION

- o implementation schedule

2.6 QUALITY ASSURANCE PROVISIONS

2.7 SCHEDULE OF REPORTING

- o data compilation time-frame (turn-around)
- o receiving agencies

3.0 SHALLOW GROUND WATER (PREZOMETERS)

3.1 GENERAL

- o monitoring program title

- o requiring agency or agencies
- o permit number(s) approval document(s)

3.2 STATION/SAMPLING LOCATIONS

- o description
- o map

3.3 PARAMETERS

- o list of parameters

3.4 METHODS

- o field
- o laboratory

3.5 FREQUENCY/DURATION

- o implementation schedule

3.6 QUALITY ASSURANCE PROVISIONS

3.7 SCHEDULE OF REPORTING

- o data compilation time-frame (turn-around)
- o receiving agencies

4.0 DEEP GROUND WATER (PRODUCTION WELLS)

4.1 GENERAL

- o monitoring program title
- o requiring agency or agencies
- o permit number(s) or approval document(s)

4.2 STATION/SAMPLING LOCATIONS

- o description
- o map

4.3 PARAMETERS

- o list of parameters

4.4 METHODS

- o field
- o laboratory

4.5 FREQUENCY/DURATION

- o implementation schedule

4.6 QUALITY ASSURANCE PROVISIONS

4.7 SCHEDULE OF REPORTING

- o data compilation time-frame (turn-around)
- o receiving agencies

5.0 SALT WATER INTRUSION (DEEP WELL MONITORING)

5.1 GENERAL

- o monitoring program title
- o requiring agency or agencies
- o permit number(s) or approval document(s)

5.2 STATION/SAMPLING LOCATIONS

- o description
- o map

5.3 PARAMETERS

- o list of parameters

5.4 METHODS

- o field
- o laboratory

5.5 FREQUENCY/DURATION

- o implementation schedule

5.6 QUALITY ASSURANCE PROVISIONS

5.7 SCHEDULE OF REPORTING

- o data compilation time-frame (turn-around)
- o receiving agencies

6.0 EFFLUENT MONITORING (NPDES OUTFALL 001)

6.1 GENERAL

- o monitoring program title
- o requiring agency or agencies
- o permit number(s) or approval document(s)

6.2 STATION/SAMPLING LOCATIONS

- o description
- o map

6.3 PARAMETERS

- o list of parameters

6.4 METHODS

- o field
- o laboratory

6.5 FREQUENCY/DURATION

- o implementation schedule

6.6 QUALITY ASSURANCE PROVISIONS

6.7 SCHEDULE OF REPORTING

- o data compilation time-frame (turn-around)
- o receiving agencies

7.0 WASTE WATER

7.1 GENERAL

- o monitoring program title
- o requiring agency or agencies
- o permit number(s) or approval document(s)

7.2 STATION/SAMPLING LOCATIONS

- o description
- o map

7.3 PARAMETERS

- o list of parameters

7.4 METHODS

- o field
- o laboratory

7.5 FREQUENCY/DURATION

- o implementation schedule

7.6 QUALITY ASSURANCE PROVISIONS

7.7 SCHEDULE OF REPORTING

- o data compilation time-frame (turn-around)
- o receiving agencies

8.0 STREAM MONITORING

8.1 GENERAL

- o monitoring program title
- o requiring agency or agencies
- o permit number(s) or approval document(s)

8.2 STATION/SAMPLING LOCATIONS

- o description
- o map

8.3 PARAMETERS

- o list of parameters

8.4 METHODS

- o field
- o laboratory

8.5 FREQUENCY/DURATION

- o implementation schedule

8.6 QUALITY ASSURANCE PROVISIONS

8.7 SCHEDULE OF REPORTING

- o data compilation time-frame (turn-around)
- o receiving agencies

A SUMMARY REPORT ON
ENVIRONMENTAL MONITORING REQUIREMENTS
AT THE
BEKER PHOSPHATE CORPORATION
WINGATE CREEK MINE,
MANATEE COUNTY, FLORIDA

February 24, 1982

Submitted To:

BEKER PHOSPHATE CORPORATION
920 Manatee Avenue West, Suite 51
Bradenton, Florida 33505

Submitted By:

CONSERVATION CONSULTANTS, INC.
726 Eighth Avenue West
Post Office Box 35
Palmetto, Florida 33561

A SUMMARY REPORT ON
ENVIRONMENTAL MONITORING REQUIREMENTS
AT THE BEKER PHOSPHATE CORPORATION
WINGATE CREEK MINE, MANATEE COUNTY, FLORIDA

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A SUMMARY REPORT ON
ENVIRONMENTAL MONITORING REQUIREMENTS
AT THE BEKER PHOSPHATE CORPORATION
WINGATE CREEK MINE, MANATEE COUNTY, FLORIDA

1.0 INTRODUCTION

Conservation Consultants, Inc. (CCI) was requested by Beker Phosphate Corporation to review available agency documents and/or permits describing the various environmental monitoring programs required at their Wingate Creek Mine in eastern Manatee County, Florida.

Based on a review of the materials made available to CCI, the Beker environmental monitoring programs can be divided into seven generic components consisting of monitoring of air quality, shallow ground water, deep ground water, salt water intrusion, discharge effluent, wastewater and stream monitoring. This summary report is intended to generally identify under each generic component of the monitoring program the agency or agencies requiring monitoring, the applicable permit number(s) or document(s) and data reporting procedures.

2.0 AIR QUALITY

Beker is required to conduct an "ambient air monitoring program" to satisfy Condition No. 1 of their DRI Development Order. The Development Order as approved by the Board of County Commissioners of Manatee County, Florida on January 28, 1975 stipulates that the results of this program be made available to the Manatee County

Health Department (MCHD) and the Florida Department of Environmental Regulation (DER).

In addition to the air monitoring requirement of the DRI Development Order, Beker is required by DER to monitor air quality in accordance with the terms and conditions of their permit to construct a 100 HP process boiler and to construct fugitive dust controls, i.e. Construction Permit No. AC41-2165 dated July 30, 1975. Proviso No. 10 of this permit specified details for an "ambient air sampling program" including requiring approval of the sampling site location(s) by MCHD. Permit Provisos No. 5 and No. 6 specified emissions test requirements for the process boiler. Subsequently, FDER modified Permit No. AC41-2165 provisions three times: August 29, 1975; April 1, 1977; and April 26, 1979. On August 29, 1975, Proviso No. 10, ambient sampling, was reduced in scope. On April 1, 1977, Provisos No. 5 and No. 6, boiler emissions test, were expanded in scope as defined by Proviso No. 9 of the permit revision dated April 1, 1977. A final revision of the scope of the boiler emissions test was included as Proviso No. 5 in the permit revision dated April 26, 1979. On July 1, 1980, MCHD approved the location of the ambient air monitor for establishment of a background data base (but not necessarily the operational data base) pursuant to Proviso No. 10 of the original permit. Both DER and MCHD require data collected from this monitoring program to be submitted to them for review.

3.0 SHALLOW GROUND WATER

Monitoring of shallow ground water is required by Manatee County to satisfy the DRI Development Order and by DER to satisfy the Industrial Waste Source Construction Permit. Condition No. 6 of the DRI Development Order requires monitoring of "water levels in the shallow aquifer systems." Data generated from this program must be made available to all Manatee County agencies, Southwest Florida Water Management District (SWFWMD) and DER.

Provisos No. 4 and No. 20 of the construction permit No. IC41-2036 stipulates routine operational monitoring of "Ground water from Seepage/Irrigation Area Test Wells" and Proviso No. 18 requires that Beker submit to DER for approval a detailed proposal of the sampling design prior to implementation. Such a proposal was submitted to DER and subsequently approved by DER on March 30, 1981. On January 22, 1982, Beker notified DER of a "minor design change" in four shallow observation wells surrounding the settling area. Results of this monitoring program are required to be reported to DER pursuant to Proviso No. 4.

4.0 DEEP GROUND WATER

The same conditions and provisos applying to shallow ground water monitoring in the DRI Development Order and the DER Industrial Waste Source Construction Permit No. IC41-2036 require monitoring of the deep ground water. Proviso No. 6 of the Development Order requires Beker to monitor "water levels in the deep aquifer systems." The results are to be made available to Manatee County, SWFWMD and DER.

Provisos No. 4, No. 16 and No. 20 of the Construction Permit require that a monitoring plan be developed, approved by DER and implemented. The plan to monitor deep ground water was approved by DER on March 30, 1981. Beker subsequently notified DER on January 22, 1982 of "a minor design change" in four of the deep observation wells. Results of this program are required to be reported to DER.

In addition, deep ground water monitoring is required as one of the terms and conditions of the SWFWMD Consumptive Use Permit No. 27703740. Condition No. 10 and Attachments A and B of this permit specifies the sampling design as well as a reporting schedule. Results of this program are required to be submitted to SWFWMD.

5.0 SALT WATER INTRUSION

The DRI Development Order and the SWFWMD Consumptive Use Permit No. 2770370 both require a deep well to monitor for possible salt water intrusion. Condition No. 6 of the Development Order specifies that "Beker shall initiate and maintain a monitoring program designed to determine the effect of its mining operations upon salt water intrusion." Condition No. 6 further stipulates that the results of this program be made available to any agency in Manatee County, the appropriate water management agency or the DER.

In accordance with Condition No. 10(d) of Beker's Consumptive Use Permit, Beker is required to construct a well (DMI) for the purpose of monitoring the "freshwater/mineralized water interface."

Conditions No. 10(f) and No. 10(i) specifies the requirements of

monitoring salts in well DMI including Beker's production wells. The plans and location for well DMI must be approved by SWFWMD, and results of this program must be submitted to SWFWMD for periodic reviews.

6.0 DISCHARGE EFFLUENT

Pursuant to various terms and conditions specified in the NPDES permit, in the Industrial Waste Source Construction Permit and generally specified in the DRI Development Order, Beker is required to monitor the quality and quantity of their effluent prior to mixing with the receiving waters of Wingate Creek. The DRI Development Order (Condition No. 6) states that Beker must design, initiate and maintain a monitoring program of their "surface discharges" and make the data available to Manatee County, SWFWMD and DER.

Provisos No. 4, No. 16, and No. 20 of the Industrial Waste Source Permit No. 1C41-2036 mandates monitoring of "Discharge Effluent - Decant from Settling Pond." This permit also stipulates that the results of this monitoring program shall be reported to DER.

Beker's NPDES Permit No. FL0032522 also requires effluent monitoring and defines these requirements in Part I of the permit. Reports of the NPDES monitoring program are required to be submitted to the U.S. Environmental Protection Agency.

7.0 WASTEWATER

Beker must perform industrial wastewater monitoring as mandated by their Industrial Waste Source Construction Permit No. IC41-2036 dated February 28, 1977 (extended May 7, 1979). In addition, they are required to conduct a domestic wastewater monitoring program pursuant to the terms and conditions of their construction permit for the domestic sewage treatment facility at the Wingate Creek Mine (Permit No. DC41-2513 dated May 17, 1976 and subsequently extended).

Condition No. 2 including the referenced "Sampling and Analytical Schedule" and Condition No. 5 of the Sewage Treatment Facility Construction Permit No. DC41-2513 defines the scope of the "domestic wastewater monitoring program" including data reporting specifications. Results of this program are required to be submitted to DER.

Provisos No. 4, No. 6, No. 16, and No. 20 define the scope of the Industrial wastewater monitoring program and reporting system mandated by the DER Industrial Waste Source Construction Permit No. IC41-2036. Results of this program must be reported to DER.

8.0 STREAM MONITORING

The DRI Development Order dated January 28, 1975, Conditions No. 2 and No. 6, require Beker to perform stream monitoring. Condition No. 2(b) specifies that Beker shall "establish a monitoring program in consultation with Manatee County Health Department to insure water quality of the river systems located on the site." Condition No. 6 of the Development Order specifies that Beker shall initiate

and maintain a monitoring program designed to determine the effect of its mining operations upon the surface water systems by creating data on surface discharges. Condition No. 6 further specifies that the data shall be made available to any agency of the County, SWFWMD and DER.

POSITION TITLE: Environmental Coordinator

MINIMUM TRAINING & EXPERIENCE: Graduation from an Accredited four year college or university with a degree in environmental engineering (or equivalent) or in a physical, natural or environmental science and four (4) years of applicable experience in environmental monitoring and/or water quality/water resources evaluations

or

a Master's Degree from an Accredited college or university in environmental engineering (or equivalent) or in a physical, natural or environmental science and two (2) years of applicable experience in environmental monitoring and/or water quality/water resources evaluations

and

a demonstrated ability to administer and/or supervise environmental monitoring programs.

POSITION RESPONSIBILITIES: The implementation, scheduling and effectuation of environmental monitoring programs at the Beker Wingate Creek Mine; duties may include, among others, the collection and/or measurement of air and water samples/data, the compilation, reduction and reporting of monitoring data, the coordination of any contractors involved in environmental monitoring for Beker and liason with local, regional or state agencies requiring the performance of environmental monitoring at the Wingate Creek Mine. Furthermore, the Environmental Coordinator "must thoroughly familiarize himself (herself) with all applicable laws, rules, ordinances, statutes, etc., regulating environmental-related site activities; must thoroughly familiarize himself (herself) with entire Beker tract and Port Manatee site."

Manatee County
CLERK OF THE CIRCUIT COURT

Richard B. "Chips" Shore

file

ROOM 234 - MANATEE COUNTY COURTHOUSE - BRADENTON, FLORIDA 33505 - TELEPHONE (813) 748-4501

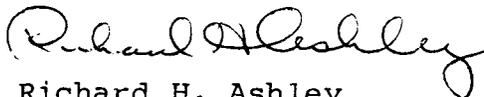
December 14, 1983

William A. Ockunzzi
Executive Director
Tampa Bay Regional Planning Council
9455 Koger Blvd.
St. Petersburg, Florida 33702

Dear Mr. Ockunzzi:

Enclosed for your records is a certified copy of Resolution 83-155 adopting an Order on Requested Modification of Existing Development Order regarding Beker Phosphate Corporation, Request for Modification (DRI #95) of a Development of Regional Impact, Development Order (DRI #42) approved by the Board of County Commissioners, Manatee County, Florida, in open session on December 13, 1983.

Sincerely,



Richard H. Ashley
Chief Deputy Clerk
for R. B. Shore

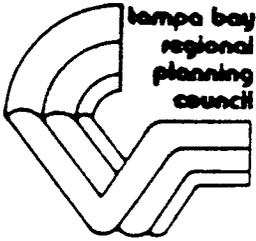
RHA/eml

enclosure

cc: Richard Eckenrod, Phosphate Mining Coordinator
Keith Roberts, County Attorney

CLERK CIRCUIT AND COUNTY COURT - CLERK BOARD OF COUNTY COMMISSIONERS - COUNTY COMPTROLLER, AUDITOR AND RECORDER

Handwritten notes:
#95
D.O.
D.O.



9455 Koger Boulevard
St. Petersburg, FL 33702
(813) 577-5151; Tampa 224-9380

November 14, 1983

The Honorable Edward W. Chance, Chairman
Manatee County Board of County Commissioners
P. O. Box 1000
Bradenton, Florida 33506

Dear Commissioner Chance:

Subject: DRI #95; Baker Wingate Creek Mine Substantial
Deviation, Manatee County

Pursuant to Section 380.06(11)(a), Florida Statutes, on November
14, 1983 the Tampa Bay Regional Planning Council adopted the
enclosed comments and recommendations concerning the above men-
tioned Application for Development Approval.

Please be advised that Section 380.06(14)(a) as amended July 1,
1980 requires that "the appropriate local government shall render
a decision on the application within thirty days after the
hearing, unless an extension is requested by the developer." The
Development Order shall include findings of fact and conclusions
of law consistent with subsections (12), (13) and (14)(c). Copies
of the Development Order are to be sent to the State Department of
Community Affairs, the Developer and this office.

Should you have any questions or desire additional information
please feel free to contact me.

Sincerely,

George C. McGough
Chairman, TBRPC
Mayor, City of Largo

GCM/jls

Enclosures

cc: Lawrence B. Kessler
John Lawson, Esq.
Gary Roberts
Richard Eckenrod
Perry Duryea
Bill Tarr, Esq.
Jerry McCollum
Blaine Oliver

- Officers**
Chairman
Mayor George C. McGough
Vice-Chairman
Councilwoman Saundra Rahr
Secretary/Treasurer
Mr. Joseph McFarland
Executive Director
William A. Ockunzi
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City of Dade City
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City of Dunedin
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Mr. Alexander S. Byrne
Mr. Joe Chigira, Jr.
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Councilman Thomas Vann
City of Tarpon Springs
Commissioner Norman Hill
City of Temple Terrace
Mayor Edward B. Simmor

EXHIBIT "A"

DRI #95

BEKER PHOSPHATE/WINGATE CREEK MINE

SUBSTANTIAL DEVIATION

The following presents the opinions and recommendations of the Tampa Bay Regional Planning Council in accordance with the Florida Environmental Land and Water Management Act (Chapter 380, Florida Statutes). This report is based upon data presented in the Development of Regional Impact application as well as upon information obtained through on-site inspections, outside sources, contacts with local agencies, and comparisons with local and regional plans. In compliance with the legislation, this evaluation addresses the development's efficient use or undue burdening of water, sewer, solid waste disposal, public transportation and other public facilities in the region. Further, this evaluation addresses the favorable or adverse effects on the region's environment and natural resources, economy and people's accessibility to housing.

APPLICATION INFORMATION

APPLICANT: Beker Phosphate Corporation
P. O. Box 9034
Bradenton, Florida 33505

AUTHORIZED AGENT: Roy C. Young
Young, Van Assenderp, Varnadoe
and Benton, P.A.
225 South Adams Street, Suite 200
P. O. Box 1833
Tallahassee, Florida 32302

DATES OF INFORMATION/RECEIPT: Preapplication Conference-March 1, 1983
ADA Submitted-June 22, 1983
Request for Additional Information-
July 22, 1983
Receipt of Additional Information-
August 15, 1983, October 17, 1983,
October 26, 1983

TBRPC REVIEW: November 14, 1983

PUBLIC HEARING DATE: November 30, 1983, 1:30 p.m.

PROJECT LOCATION: Manatee County

TYPE OF DEVELOPMENT: Phosphate Mine, Substantial Deviation,
Transportation

SUMMARY OF IMPACTS

TRUCK ROUTE: S.R. 64, I-75, U.S. 301, U.S. 41

ANNUAL TONNAGE: 1.2 Million Tons

TRUCKS/PER DAY: 274 Daily Round Trips

TRUCK INTERVALS: No less than six minutes apart.
Not during school bussing hours.

WEIGHT OF TRUCKS: 36 Tons

PASSENGER CAR EQUIVALENT (WEIGHT):
Loaded: Equivalent of three passenger cars.
Unloaded: Equivalent of two passenger cars.

EXPIRATION DATE: Life of the mine or year 2005.

PRIMARY TRANSPORTATION NETWORK:

LOCATION	LOS (EXISTING & CONSTRUCTION FUNDED)	LOS AT BUILD-OUT	AT BUILD-OUT, DEVELOPMENT TRAFFIC AS % OF EXISTING LEVEL OF SERVICE CAPACITY AT C**
<u>Road Segment</u>			
S.R. 64			
- Between Mine & C.R. 675	A	A	14.3
- Between C.R. 675 & Lorraine Rd.	A	C	14.3
- Between Lorraine Rd. & I-75	A	E	14.3
I-75:			
- Between S.R. 64 & U.S. 301	A	C	1.4
- Between U.S. 301 & S.R. 683	A	C	1.4
U.S. 301:			
- Between I-75 & S.R. 683	C	N/A	N/A
- Between S.R. 683 & U.S. 41	A	N/A	N/A
U.S. 41:			
- Between U.S. 301 & U.S. 19	A	N/A	N/A
I-275:	N/A	A	1.4
Wingate Creek Mine/ S.R. 64	A*	A*	N/A***

LOCATION	LOS (EXISTING & CONSTRUCTION FUNDED)	LOS AT BUILD-OUT	AT BUILD-OUT, DEVELOPMENT TRAFFIC AS % OF EXISTING LEVEL OF SERVICE CAPACITY AT C**
S.R. 64/I-75 East Ramp	A*	A*	N/A
S.R. 64/I-75 West Ramp	B*	D*/A	N/A
I-275/U.S. 41 South Ramp	A*	A*	N/A
I-275/U.S. 41 North Ramp	A*	A*	N/A
Piney Point Rd./U.S. 41	A*	D*/A	N/A
U.S. 301/I-75	A*	N/A	N/A
U.S. 301/C.R. 683	A	N/A	N/A
U.S. 301/U.S. 41	A	N/A	N/A

- Notes:
- * Unsignalized intersection, capacity and Level of Service varies for each approach.
 - ** Daily Level of Service C (roadway links), and peak hour Level of Service D (intersections). Only those roadways with development traffic greater than five percent are subject to regional conditions.
 - *** N/A - information not available.

EXTERNAL TRIPS AT BUILD-OUT: (PASSENGER CAR EQUIVALENTS):

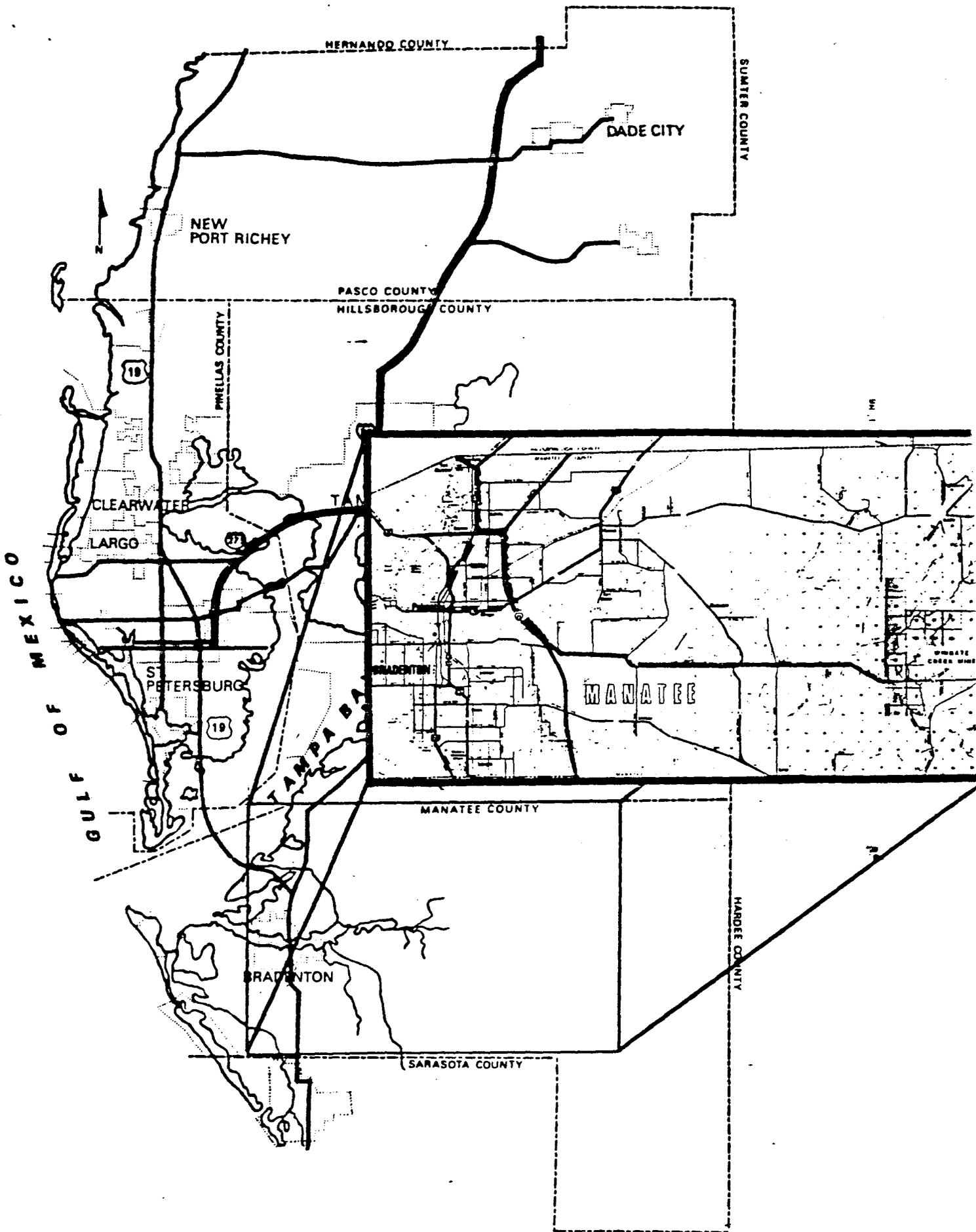
TOTAL

Auto: 1,220 Average Daily Traffic (24 hour)
60 Vehicles Peak Hour

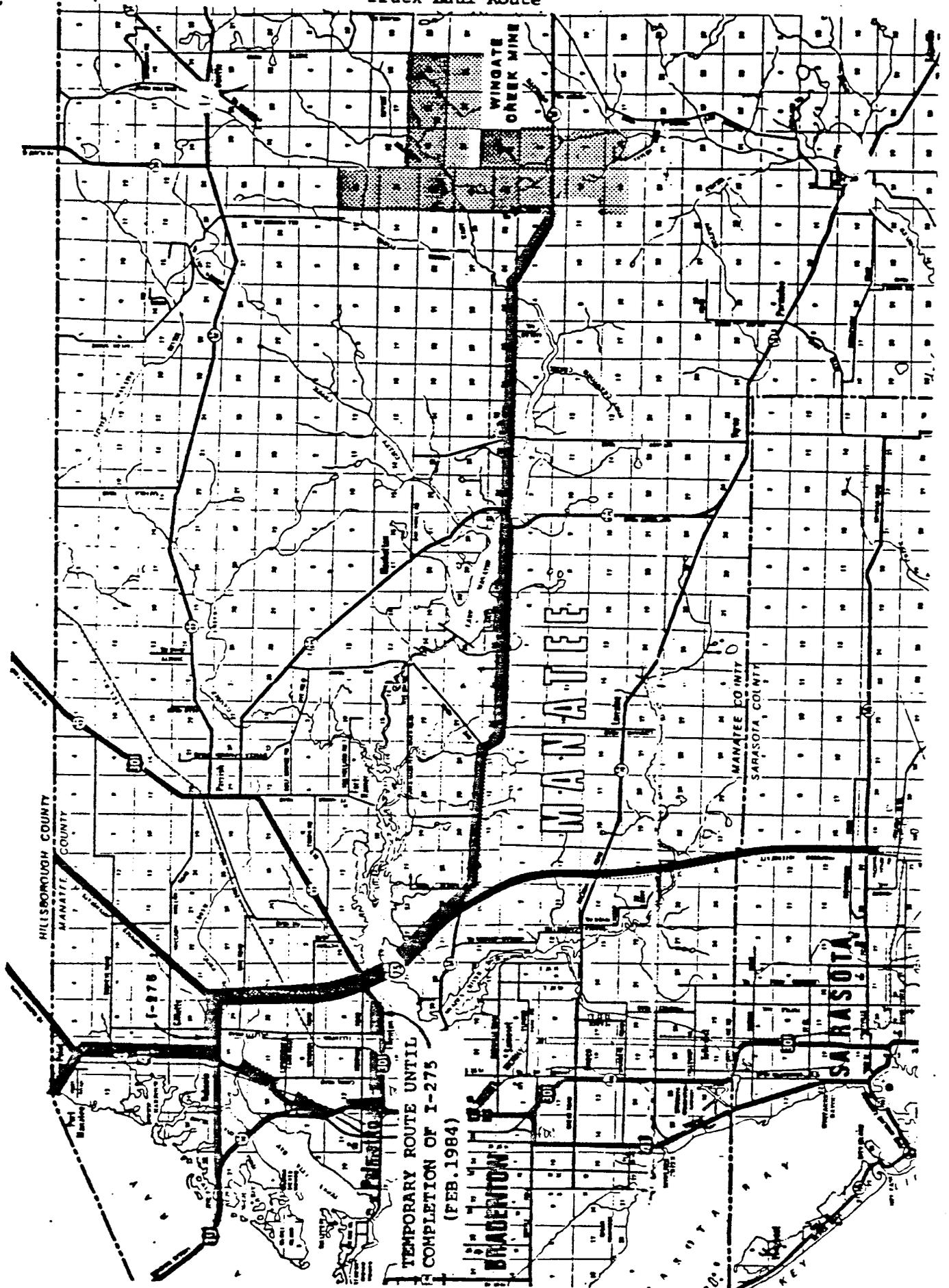
TRANSIT: 0 Peak Hour Trips
0 Daily Trips

BUILD-OUT: 2000

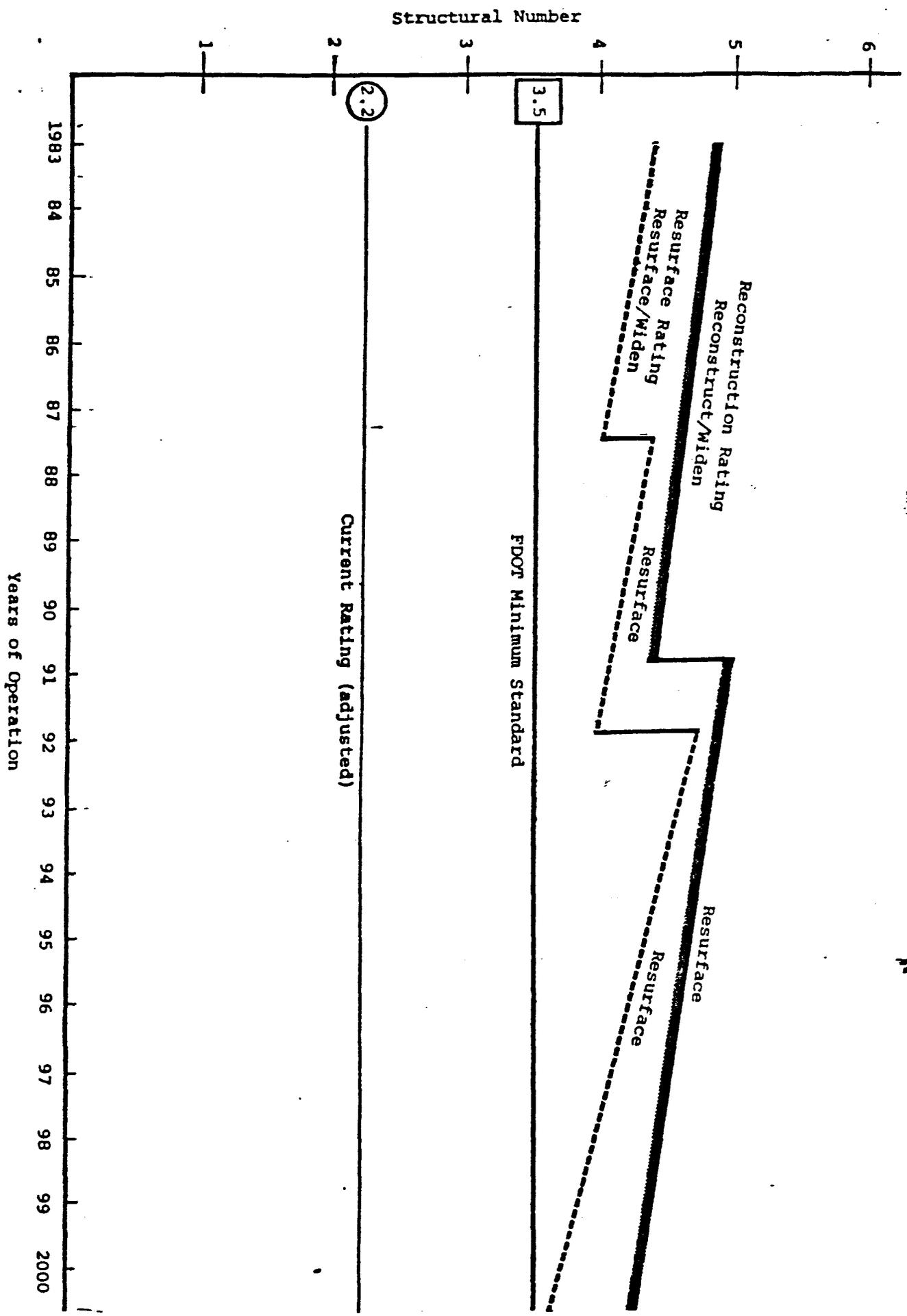
DRI #95 BEKER PHOSPHATE
General Location Map



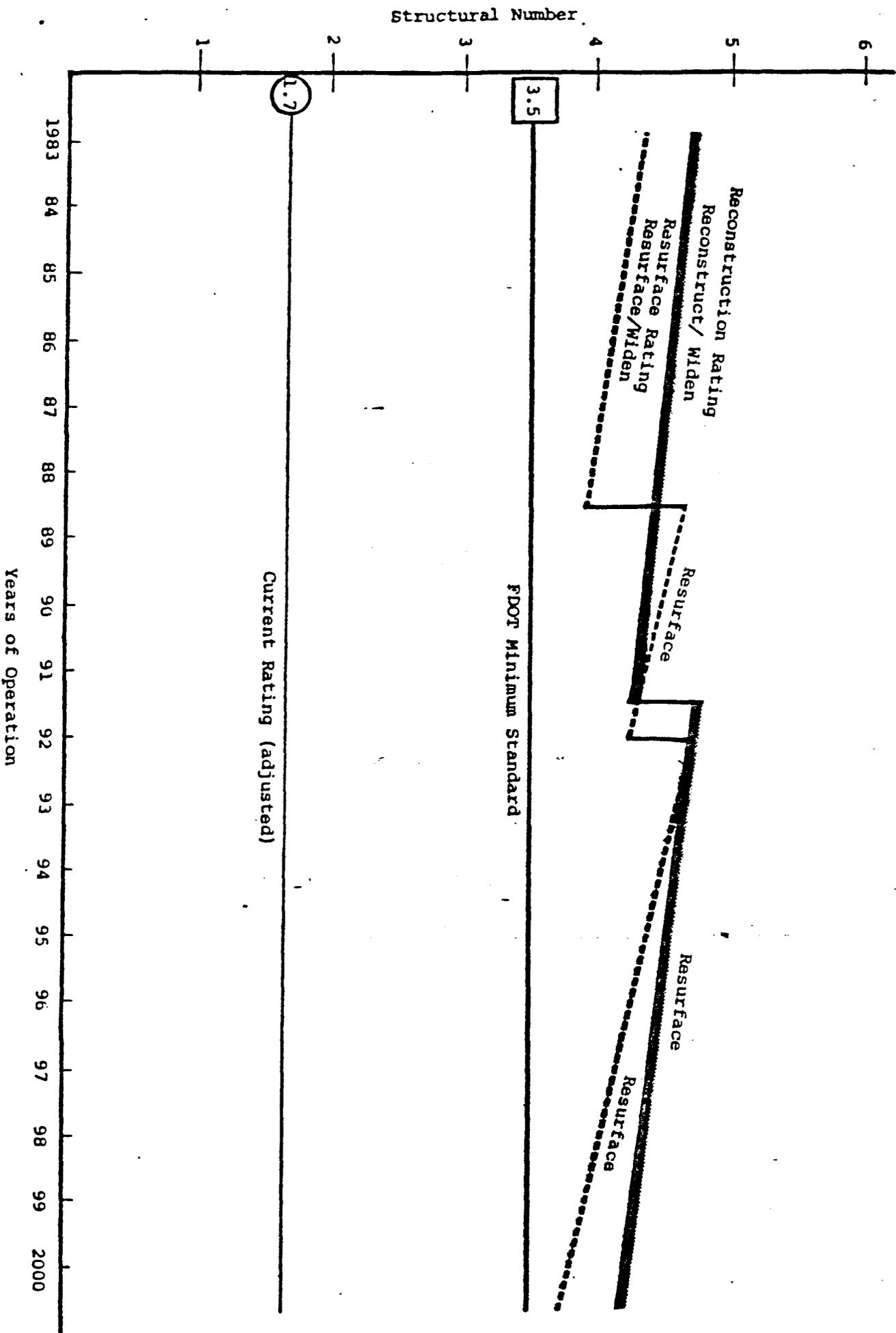
DRI #95 BEKER PHOSPHATE
Truck Haul Route



STRUCTURAL RATING
 SR64: SEGMENT 1 (I75 to CR675)



STRUCTURAL RATING
 SR64: SEGMENT 2 (CR675 to Mine)



PAVEMENT CONDITIONS

<u>Location</u>	<u>Length (Miles)</u>	<u>Structural Number (Existing)</u>	<u>Required Structural Number Year 2000 - Background Only</u>	<u>Required Structural Number Year 2000 - Background Plus Development</u>	<u>At Build Out % Development Impact</u>
SR 64 from 1-75 to SR 675(S)	10.06	2.83	4.2	4.95	15.2
SR 64 from SR 675(S) to SR 675(N)	0.68	2.50	3.65	4.70	22.3
SR 64 from SR 675(N) to Mine	8.02	1.93	3.65	4.70	22.3

BRIDGE CONDITIONS (Rating below 60 is critical)

<u>Bridge Number</u>	<u>Sufficiency Rating (Existing)</u>	<u>Year of Replacement</u>	<u>At Build Out % Development Impact</u>
42	94.1	2000	21
49	61.7	2000	21
48	74.4	2000	21
31	95.3	2000	21
27	95.6	2000	21
30	95.3	2000	21
38	85.0	2000	21
25	94.7	2000	21

SUMMARY NARRATIVE

Beker Phosphate Corporation is seeking DRI approval to ship 1.2 million tons of phosphate rock by truck annually from its Wingate Mine to Port Manatee via a specified route (See map page five of this report) for the life of the mine or the year 2005.

The 10,970-acre Wingate Creek Mine property owned by Beker Phosphate Corporation is located in the northwest corner of Manatee County and contains 6,065 mineable acres. In 1974, DRI approval was issued covering the operation of the Wingate Creek phosphate mine. This DRI was approved to include the transport of three million tons per year of phosphate from the mine to Port Manatee by rail. Beker Phosphate Corporation has been unable to build the rail line and therefore Beker is now transporting 1.2 million tons per year of wet phosphate rock by an estimated 150 trucks per day to Port Manatee pursuant to a judicially mandated agreement between Beker and Manatee County. This agreement further provided for a payment of \$600,000 by Beker to FDOT, \$200,000 of which has been paid.

On December 15, 1982 the Manatee County Board of County Commissioners passed a Resolution declaring that Beker's shipment of phosphate rock by truck, rather than rail, constituted a substantial deviation from the DRI Development Order of January 28, 1975. Pursuant to the provisions of Chapter 380.06, F.S., further regional review of a DRI project is required regarding issues cited in substantial deviation determinations by local government. Major issues of concern associated with this project include impacts to regional roadways, air quality, water quality and public safety.

On March 1, 1983 a Preapplication Conference was held to identify the regional issues concerned with the Beker proposal and to agree upon appropriate modifications to be addressed in the ADA. The ADA was then prepared in accordance with agreements reached at that meeting.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

The shipment of Beker Phosphate via truck to Port Manatee will have considerable impact, both positive and negative on the region. If approved, the Tampa Bay Region would derive the following benefits from its implementation:

- Approval of this trucking proposal will allow continuation of the Beker mining operation which was approved in 1974 and in 1982 employed 140 persons at an annual payroll of \$3.9 million.
- This trucking operation will not generate noise levels which exceed State standards.

The positive benefits to be derived from the proposed trucking must be weighed against any potentially adverse impact which might result from implementation of this proposal. A summary of the impacts, both positive and negative, of this proposal is presented in the attached report beginning on page 16. It should be noted, initially, however, that there are several major concerns relating to public safety associated with this proposed project, as presented in the ADA.

- The information presented for review indicates this proposal, as presented, presents a clear and present danger to the public safety of the citizens of the region.
- S.R. 64 was not constructed to a width or structural integrity to withstand truck traffic of this proposed frequency and weight and is currently classified below FDOT standards for this type of use.
- The applicant has not presented sufficient mitigating measures to insure that S.R. 64 will be upgraded and maintained at a structural integrity to sustain continued use in this manner.
- The applicant has not provided sufficient data to assure reviewers that the carrier currently under contract to Beker has a safe driving record.
- The Florida Phosphate Council strongly supports intrastate regulation of railroad service because rail transport is safer and more economical than truck transport.
- Beker has not provided information to indicate that adequate measures will be utilized to assure a uniform and optimum moisture content of the product in the trucks placed on the regional roadways.
- Beker has not presented sufficient information to indicate that an adequate program of regular and spill oriented-clean-up has been developed to insure minimal environmental and public safety impact.
- Beker has not provided concurrence from FDOT regarding the structural integrity of S.R. 64 and the bridges as well as any maintenance program which may be adequate to support this use.

Finally, because no other phosphate mine is permitted or known to be considering shipment of phosphate rock by truck, no attempt was made to assess cumulative impacts from phosphate transport on the region's roads or bridges. Any subsequent proposals to ship phosphate rock by truck will require an analysis of the cumulative impacts on regional roads and bridges from existing, proposed, and potential shippers of phosphate rock.

RECOMMENDED ORDER

BASED ON THE ABOVE FINDINGS, AND THE ISSUES RAISED IN THE ATTACHED DISCUSSION OF SPECIFIC IMPACTS OF THIS DEVELOPMENT ON THE ECONOMY, ENVIRONMENT, NATURAL RESOURCES, AND PUBLIC FACILITIES OF THE TAMPA BAY REGION, IT IS THE RECOMMENDATION OF THE TAMPA BAY REGIONAL PLANNING COUNCIL THAT APPROVAL OF CONTINUED TRANSPORT OF PHOSPHATE ROCK BY TRUCK, AFTER DECEMBER 26, 1983, AS PROPOSED IN THE ADA AMENDMENT, BE DENIED UNTIL CLEAR AND CONVINCING EVIDENCE, AND AFFIRMATION IS PRESENTED TO MANATEE COUNTY AND TBRPC THAT RESOLVES ISSUES AND QUESTIONS OF CONCERN THAT APPROVAL OF THIS PROJECT WILL NOT JEOPARDIZE THE PUBLIC SAFETY OF THE CITIZENS OF THE TAMPA BAY REGION.

TO OVERCOME THE TBRPC RECOMMENDATION FOR DENIAL, ANY APPROVAL OF THIS PROPOSAL SHALL REQUIRE THAT THE FOLLOWING MEASURES, NECESSARY TO MITIGATE ADVERSE REGIONAL IMPACTS AND ASSURE THE PROVISION OF CLEAR AND CONVINCING EVIDENCE AND AFFIRMATION, BE CONDITIONS OF APPROVAL.

1. Prior to any approval of this trucking proposal an affirmative finding from a Professional Engineer, under seal, representing the Florida Department of Transportation and a qualified representative from the Florida Department of Highway Safety and Motor Vehicles that all roadway and bridge facilities along the haul route are of sufficient structural integrity and design to safely accommodate continued use by the applicant's vehicles and other traffic along the haul route shall be provided to Manatee County and TBRPC.
2. Transportation - The hauling of phosphate rock by Beker will have a significant negative impact on regionally significant roadway facilities. This proposed hauling will have a negative significant impact on S.R. 64 and bridges along the haul route, as well as contribute to a lowering of the Level of Service which governs the flow of traffic. Improvements required to mitigate the negative impact of this proposed hauling operation on the transportation network have been identified in the ADA and this report. -- Two options to mitigate this project's negative impact on S.R. 64, the affected bridge structures, as well as the Level of Service, are included in this report for consideration by Manatee County. These options are outlined as follows:

A. State Road 64

Option 1 - Prior to any approval of this trucking proposal a funding commitment from a responsible entity/entities for the reconstruction of the 18.76 mile segment of S.R. 64 along the proposed haul route to an approved FDOT standard which can safely and structurally withstand continued use by the applicant's vehicles and other traffic as proposed in the ADA for the duration of this hauling operation, shall be required. Any reconstruction shall accommodate and mitigate structural and design deficiencies.

Option 2 - Prior to any approval of this trucking proposal an ongoing or annual funding commitment from a responsible entity/entities for the periodic resurfacing/maintenance of the 18.76 mile segment of S.R. 64 along the haul route to an approved FDOT standard which can safely and structurally withstand continued use by the applicant's vehicles and other traffic as proposed in the ADA for the resurfacing/maintenance period; or, the imposition of appropriate restrictions on vehicle weights by FDOT to provide for continued use of S.R. 64 by the applicant's vehicles and other traffic without significant or undue structural or design deterioration shall be required. Any approval pursuant to this option shall require renewal of any development order approval at the conclusion of each annual operating period or resurfacing/maintenance life cycle period which ever is greater, based on an analysis of impacts, consistent with that in the ADA amendment and the provision, by Beker of its pro rata share of the cost of each resurfacing/maintenance.

B. Bridges

Option 1 - Prior to any approval of this trucking proposal a funding commitment from a responsible entity/entities for the upgrading when needed, of any bridges along the proposed haul route to an

approved FDOT standard which can safely and structurally withstand continued use by the applicant's vehicles and other traffic as proposed in the ADA for the duration of this hauling operation shall be required. Any reconstruction shall accommodate and mitigate structural and design deficiencies.

Option 2 - Prior to any approval of this trucking proposal an ongoing or annual funding commitment from a responsible entity/entities for the periodic structural upgrading/maintenance of the bridges along the haul route to an approved FDOT standard which can safely and structurally withstand continued use by the applicant's vehicles and other traffic as proposed in the ADA for the structural upgrading/maintenance period; or, the imposition of appropriate restrictions on vehicle weights by FDOT to provide for continued use of the bridges by the applicant's vehicles and other traffic without significant or undue structural or design deterioration shall be required. Any approval pursuant to this option shall require renewal of any development order approval at the conclusion of each annual operating period or structural upgrading/maintenance life cycle period whichever is greater, based on an analysis of impacts, consistent with that in the ADA amendment and the provision, by Beker of its pro rata share of the cost of each structural/maintenance upgrading.

C. Level of Service

Option 1 - Any approval of this development shall require a commitment from a responsible entity for improvement of S.R. 64 between I-75 and Lorraine Road to four lanes divided prior to 1992.

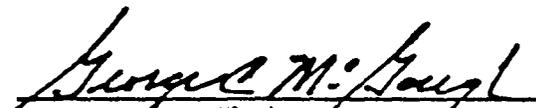
Option 2 - Any approval of this development shall require additional analysis of the applicant's impact on this link or that Beker pay its pro rata share of the improvement of S.R. 64 between I-75 and Lorraine Road to four lanes divided. Beker's share of the Level of Service C, D at peak hour, traffic will be 14.3 percent in the year 1992.

3. Prior to any approval of this trucking proposal a commitment that the applicant provide for an annual monitoring report of the structural integrity and design of that segment of S.R. 64, together with all bridges and culvert structures along the haul route, shall be required. This annual monitoring report shall be submitted to and reviewed by Manatee County, FDOT, and TBRPC and shall indicate any roadway or bridge structural deficiencies that may exist and appropriate measures that shall be taken to mitigate such deficiencies. At minimum, any reported deficiencies shall require a retriggering of condition 2A or 2B as appropriate. The annual monitoring report shall be prepared, under seal, by a qualified Professional Engineer, approved by Manatee County and FDOT, in a manner consistent with the analysis used in the ADA amendment and the procedures and standards of FDOT.
4. Any approval of this trucking proposal shall require that the applicant shall provide Manatee County and TBRPC with sufficient information to indicate that procedures have been implemented to insure that uniform

and optimum moisture content of the product shall be maintained throughout the hauling operation.

5. Any approval of this trucking proposal shall require that the applicant provide Manatee County and TBRPC with sufficient information that an adequate spill and clean-up contingency procedure has been implemented by the firm and its haulers to minimize any adverse environmental or public safety impacts that may occur.
6. Any approval of this trucking proposal shall require that the applicant operate and maintain all trucks at a frequency not less than five minutes apart during operation periods and shall not operate its trucks during Manatee County school bus operating hours along the route.
7. Any approval of this trucking proposal shall require that the legal status of archaeological sites SMA127 and SMA129, which were identified in the original ADA, are in no way affected.
8. Any approval of this trucking proposal shall require that the applicant provide appropriate assurances that Emergency Medical Service (EMS) facilities are available to provide emergency service along the haul route.
9. Any approval of this trucking proposal which requires substantive additional review by TBRPC shall be subject to the incremental review fee adopted October 14, 1982.

ATTEST 
Secretary-Treasurer


Chairman

These Comments and Recommendations were approved by a majority vote of the Tampa Bay Regional Planning Council this 14th day of November, 1983.

IMPACT ON NATURAL RESOURCES

IMPACT ON TRANSPORTATION

The Council shall offer leadership in the development of a balanced transportation system (inclusive of all modes) that can move both people and goods in an effective and efficient manner to meet the present and future transportation needs of the region. Transportation development is viewed as an integral part of the total comprehensive planning process of the region and should be used as a tool for shaping future growth and implementing approved local and regional plans. (Sec. 4.0, F.R.)

Transportation system planning shall give consideration to reducing the dependency upon the private automobile through the provision of an adequate mass transit system. (Sec. 4.102, F.R.)

It shall be the policy of the Council that the costs of new growth be borne primarily by those responsible for that growth. (Sec. 7.303, F.R.)

Highways - It shall be the policy of the Council that the region's highway system be planned, developed and maintained to provide and preserve a stable traffic flow (Level of Service C). (Sec. 4.202, F.R.)*

Shipment of phosphate from the Wingate Creek Mine will have a negative impact on regionally significant highway facilities within the primary impact area. Transportation system improvements required to mitigate the negative impact of this proposed development on transportation facilities have been identified in the ADA and the regional review as noted in this report. Although traffic impacts in this ADA/DRI are of concern, the major impact on the regional roadway system is upon existing pavement and bridges along the haul route. The requested substantial deviation which will permit the transport of mined phosphate ore from the Wingate Creek Mine to Port Manatee will contribute to a more rapid deterioration of the integrity of the S.R. 64 road bed. Diminished structural integrity of a facility eventually deteriorates the Level of Service, or its ability to safely convey greater volumes of traffic.

Further, prior to the year 2000, a segment of S.R. 64 directly east of I-75 will become worse than LOS D and the mine will contribute (14.3 percent of LOS C) to a LOS E condition ($v/c = 1.27$). S.R. 64 facility should be reconstructed from Lorraine Road west to I-75 in a four-lane divided configuration prior to 1992. Further, signalization of the S.R. 64/I-75 interchange should be accomplished by this time. These improvements should be a condition of any approval of this proposal.

*Tampa Bay Regional Planning Council, Future of the Region, as amended May 10, 1982.

Structural improvements to S.R. 64 and link improvements to the same facility east of I-75 shall also be conditions of approval. Additionally, structural improvements will be necessary for bridge number 130049 located on S.R. 64, 5.5 miles east of the intersection with S.R. 675; this structure is currently rated at 61.7 functional obsolescence with 60 being the indicator for rehabilitation and it is merely rated for 15 tons.

The structural integrity of the eight bridge and culvert structures located on S.R. 64 along the haul route shall be monitored as set forth in the conditions of approval section of this report. As the Sufficiency Rating of these structures reaches 60, reconstruction or replacement will be necessary.

Structural Evaluation - Structural Number and 18 Kip Analysis

The structural ability of a roadway to safely convey traffic is technically expressed using a structural number and an 18 Kip analysis reference.

A Structural Number (SN) is an abstract, computed figure which is derived from an equation which uses a soil support value (SSV), terminal serviceability index (TSI), a regional factor (RF) and a total accumulated 18 Kip equivalent single axle loads (18 KESAL). Values for the SSV, TSI, and RF components have been established and defined in the Flexible Pavement Design Manual (Revised 1980) which was prepared by the Florida Department of Transportation (FDOT).

The 18 KESAL is a computation that is used to demonstrate actual weight per axle which is exerted on the pavement and roadbed. The exercise is particularly useful when the traffic mix on any link contains a significant number of heavy trucks (usually greater than 10 percent of the mix). The equation consists of traffic counts (or projections) expressed in average daily traffic (ADT) percent of heavy trucks, a load factor, an average truck factor, and the number of days in the design period.

FDOT uses the 18 Kip analysis to determine the extent of the loss of integrity of the roadway. By policy FDOT designs a facility to eventually deteriorate to a TSI of 3.5; this figure closely correlates to a basic rating of 70. This latter figure is, perhaps, better known by the lay public as an acceptable facility condition. Generally, when the TSI displays a value of 3.5 an overlay is recommended.

The attached letter from FDOT indicates that they reserve the right to impose weight restrictions on S.R. 64 and any other affected state highways. The maps and charts presented on pages 5, 6, 7, 8 and 9 of this report provide additional clarification of the deficiency in the structural ability of S.R. 64 and the bridges along the haul route to safely convey trucks of this weight and proposed frequency.

The following facts are pertinent to this proposal:

1. The portion of S.R. 64 included within the haul route was not designed to convey continuous heavy truck traffic of the weight and frequency proposed by the applicant.

2. The current structural number, as derived from Florida Department of Transportation (FDOT) Straight Line Diagram of Road Inventory forms and computed using criteria and coefficients found in the Flexible Pavement Design Manual (1980), for S.R. 64 (I-75 to C.R. 675) is 2.15 and 1.57 (east of C.R. 675 to the mine entrance).
3. The minimum standard structural number needed to maintain a condition of safe transport is 3.5 under normal conditions. Including the applicant's traffic, the ultimate structural number must be 4.96 or 5.0.
4. Bridge Structure Nr. 130049 has been rated by the FDOT at 61.7 (March 18, 1983), of which a rating less than 60 denotes structural deficiency; it has an operating rating of 28 tons and an inventory rating of 15 tons both of which are greatly exceeded by the weight of the applicant's vehicles. This 175-foot structure spans the north fork of the Manatee River.

Resurfacing Option

Due to the substantial expense of reconstructing the approximately 18.75 mile link of S.R. 64 (Mine Entrance west to I-75) a possible option might be resurfacing and maintenance of this link of the proposed haul route. As discussed previously within this report, S.R. 64 has two different structure numbers (SN). The cause of this variance in structure value is due to the disparity in wearing course thickness which occurs east of its intersection with S.R. 675 (1.25 inches). The remaining portion of S.R. 64 within the haul route has a wearing course of 2.75 inches of asphalt concrete. This information is provided by analysis of Form 352-16 (Straight Line Diagram of Road Inventory).

Determination of the amount of material needed to resurface a portion of existing roadway relate to the soil support value (SSV), 18 KIP equivalent single axle loads (KESAL) and the structure number (SN). Present FDOT policy requires the road to be resurfaced (or, if necessary reconstructed) to all initial pavement serviceability index of 4.5 ($P_i=4.5$) and a terminal serviceability index of 3.5 on all roadways with high or intermediate volumes (18 KESAL is 300,000 or greater).

The following charts are the computations which support the options for a 10-year overlay and an overlay to the year 2000.

YEAR 2000 OVERLAY
 SEGMENT 1 (I-75 TO C.R. 675)

Existing Pavement

AC	2.75	*	(0.44)	1.21
LR	6.0	*	(0.15)	0.90
SG	12.0	*	(0.08)	<u>0.96</u>

Adjustment Factor for Wear $0.7 (3.07) = 2.149 = 2.15$

Existing SN = 2.15

Estimated 18 KESAL = 6,949,000

Design SN = 4.9

Additional SN Required = $(4.9-2.15) = 2.75$

Recommended Overlay = $(2.75-0.2)/0.44 = 5.795 = 5.8$

1" FC-1 (Friction Course)

5.8" Type S (Asphaltic Concrete)

YEAR 2000 OVERLAY
 SEGMENT 2 (C.R. 675 TO MINE)

Existing Pavement

AC	1.25	*	(0.44)	0.55
LR	6.0	*	(0.15)	0.90
SG	12.0	*	(0.08)	<u>0.96</u>
				2.41

Adjustment Factor for Wear $0.7 (2.41) = 1.687 = 1.69$

Existing SN = 1.69

Estimated 18 KESAL = 6,781,000

Design SN = 4.9

Additional SN Required $(4.9-1.69) = 3.21 = 3.2$

Recommended Overlay: $(3.2-0.2)/0.44 =$

1" FC-1 (Friction Course)

6.8" Type S (Asphaltic Concrete)

10 YEAR OVERLAY

OPTION: 10-YEAR RESURFACING - 1984 TO 1994
 S.R. 64: SEGMENT 1 (I-75 TO C.R. 675)

Existing SN (Adjusted) = 2.15

Estimated 18 KESAL = 4,254,000

Design SN = 4.35

Additional SN Required = $(4.35-2.15) = 2.2$

Recommended Overlay = $(2.2-0.2)/0.44 =$

1" FC-1 (Friction Course)

4.5" Type S (Asphaltic Concrete)

S.R. 64: SEGMENT 2 (C.R. 675 TO MINE ENTRANCE)

Existing SN (Adjusted) = 1.69
Estimated 18 KESAL = 3,802,000
Design SN = 4.35
Additional SN Required = (4.35-1.69) = 2.66
Recommended Overlay = (2.66-0.2)/0.44 = 5.591
1" FC-1 (Friction Course)
5.6" Type S (Asphaltic Concrete)

AIR QUALITY

It is the policy of the Council that the appropriate primary and secondary ambient air quality standards be enforced by appropriate agencies to prevent further degradation of existing air quality and to improve the present overall air quality. (Sec. 3.2, F.R.)

The major sources of air pollutants are associated with increased truck emissions and windblown dust generated from the roadways and phosphate ore being transported. Roadway dust may be a particular problem during seasonally dry periods. The applicant states that the average daily emissions from the trucks for the analysis years of 1983, 1984, 1985 and 2000 were estimated using an approved FDER air quality atmospheric dispersions model. It is noted that these estimates indicate a progressive decrease in pollutant emissions. Average daily emissions in pounds per day are estimated will be: particulates-68.5 in 1983 and 63.6 in 2000; non-methane hydrocarbons - 84.2 in 1983 and 61.0 in 2000; nitrogen oxides - 921.3 in 1983 and 250.0 in 2000; sulphur oxides - 106.5 in 1983 and 225 in 2000; and aldehydes and organic acids - 22.8 in 1983 and 21.2 in 2000. The ADA does not address average daily emissions relating to windblown dust generated from the roadway and/or phosphate rock. Rather, visual observations are stated indicating that fugitive emissions from the phosphate rock are appropriately controlled through moisture content control and material contaminant via tarpaulin cover as referenced on page 76 of the ADA. Beker has determined the most desirable moisture content to be between eight and ten percent, since this maintains the minimum loss of rock during shipping. However, no information was presented which indicates that Beker utilizes measures to insure a uniform and optimum moisture content in all of the product that is shipped. It is recommended that these measures and this moisture content be a condition of any project approval.

Noise levels were measured at two sites in the Lake Manatee Recreation Area along S.R. 64 and at the Ellenton Methodist Church on U.S. 301. Maximum values recorded were 89 and 87 dBA (decibels) and both measurements were the result of noise from citrus trucks. Current overall noise levels were found to be below State noise levels. It should be noted that noise levels along U.S. 301 will likely exceed acceptable standards in 1990 and 2000, but with the opening of I-275, Beker trucks will no longer pass through Ellenton.

WATER QUALITY AND DRAINAGE

Land use planning and development decisions should consider the constraints of water systems and supplies.

- (a) Surface waters - waters shall be protected as economic and recreational resources and as existing and potential sources of potable water supply and aquifer recharge.
- (b) Groundwater - Groundwater resources shall be protected as economic and potable water resources. Areas of high volume recharge should be protected from development which would alter their natural function.
- (c) The allocation of water resources should take into consideration the long-term domestic, industrial, agricultural and mining needs in the region.

Water Quality - Land use planning and development decisions should consider the impact on water quality of all development activities. Comprehensive and functional plans should include mechanisms and procedures to abate and mitigate water quality problems.

- The use of natural drainage systems is encouraged. (Sec. 3.1, F.R.)

The ADA states that laboratory analysis of the phosphate rock indicates the material to be insoluble in water and that any nutrients or environmental contaminants which may be contained in the material will be unavailable to a receiving water body. This should not be confused with the waste product from the manufacturing operation.

However, it should be noted that the proposed truck route crosses the Manatee River at several points and that a major rock spill at these points could have a significant impact. For example, openings in bridge structures, (scuppers) allow direct drainage of stormwater runoff into water bodies beneath. Therefore, priority should be given to regularly scheduled clean-up of phosphate rock which presently escapes from the trucks at environmentally sensitive points, as well as timely and complete clean-up of any major spills which may occur. This stipulation should be required in any approval of this trucking operation.

WETLANDS

Preservation - Preservation areas should be protected from any further development except in extreme cases of overriding public interest. The preservation concept includes consideration of ecologically sensitive flora and fauna as well as

fragile topographic features' such as beaches, marshes, and dunes. Preserving the natural integrity of these areas enhances the aesthetics and quality of life for residents and tourists, provides a measure of natural hurricane protection, helps maintain a minimum ecological balance, and promotes maintenance of our invaluable commercial and sport fisheries. (Sec. 2.701, F.R.)

Wetland areas en route include wetlands adjacent to the Manatee River at bridge crossings, roadside ditches and any other wetlands adjacent to the truck route. Physical impacts could include damage to wetlands from trucks and spilling or dumping of phosphate rock on wetlands. Should a spill occur, there would be physical impacts from both the trucks and the large quantities of phosphate rock. A contingency plan for clean-up, including timely removal of rock, and restoration of wetland elevation and vegetation to pre-existing condition should be a condition of any approval granted to this operation.

VEGETATION AND WILDLIFE

Wildlife and natural vegetation are recognized as important natural resources. Preservation areas that exemplify each ecological habitat (from marine to the sand pine scrubs) should be set aside for the purpose of protecting examples of all species of flora and fauna indigenous to the Tampa Bay Region. (Sec. 3.5, F.R.)

Potential impacts on vegetation are the same as for wetlands. These impacts are generally random and difficult to control on roadways which do not have limited access.

Implementation of an effective clean-up program should be required to mitigate any possible negative impact to vegetation and wildlife.

HISTORICAL AND ARCHAEOLOGICAL SITES

Historical and Archaeological Sites - These are areas of historical or archaeological significance and should be protected from any further development except in extreme cases of overriding public interest. (Sec. 2.701(j), F.R.)

The proposed hauling of phosphate by truck should have no impact on significant cultural resources. The ADA contains a letter from the Florida Department of State, Division of Archives, History and Records Management to this effect.

However, two archaeological sites were addressed in the original mining approved DRI in 1974. This project should in no way affect the legal status of those and this fact should be so required should this proposal be approved.

IMPACT ON ECONOMY

The Council shall promote the strengthening and diversification of economic opportunities. It is the policy of the Council to provide leadership in developing a stable and diversified economic base. (Sec. 7.0 and 7.1, F.R.)

This application represents no economic change from that reviewed in the original DRI, except that the trucking operation entails job opportunities for approximately 58 workers at an annual payroll of approximately \$840,000.

ENERGY

It is the policy of the Council to promote the national energy goals of reducing U.S. dependence on foreign oil, extending the useful life of non-renewable energy reserves, and furthering research into ways of generating power. The Council, through its planning, research and development review programs, shall promote and work toward an energy-sufficient and efficient human environment where housing, transportation, government, commerce and industry are all capable of meeting the present and future needs of the Tampa Bay Region. In addition, the Council shall strive to minimize adverse energy impacts on all facets of the region's economic and social environment. (Sec. 3.3, F.R.)

The average daily demand for truck fuel is 2,377 gallons. This demand is based on an average annual production of 1.2 million tons of phosphate hauled to Port Manatee by an average of 150 trucks per day. These trucks average 5.3 miles per gallon for the 84-mile round trip haul.

HEALTH CARE

It is the policy of the Council to encourage communities to plan and develop a coordinated system for the delivery of health services which adequately meets the needs of all the people and which emphasizes preventive techniques. (Sec. 6.2, F.R.)

Most of the trucking area is several miles from a medical hospital; hence, a first aid room, equipped to handle emergencies, is located at the mine. Supervisory employees have been given first aid training so that at least one qualified first aid man is in attendance on each operating shift. The internal telephone and CB radio systems provide the means for alerting these individuals should they be away from the area of need.

An ambulance will be called if necessary for transport to the hospital in Bradenton. Braden River fire station has no ambulance but does have EM technicians for minor medical assistance assigned to it (at SR 64 and Kay

road near I-75). The ambulance that was located at SR 64 and CR 675 is now farther away at Station #5 on Dam Road.

Concurrence from EMS personnel in Manatee County that adequate emergency services are available to meet any potential emergency medical needs associated with this project has not been provided and should be required if this project is approved.



FLORIDA DEPARTMENT OF STATE

George Firestone

Secretary of State

DIVISION OF ARCHIVES,

HISTORY AND RECORDS MANAGEMENT

The Capitol, Tallahassee, Florida 32301

(904) 488-1480

February 28, 1983

In Reply Refer To:

Mr. Frederick P. Gaske
Historic Sites Specialist
(904) 487-2333

Ms. Sheila Benz
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

Re: Your Letter of February 18, 1983
Cultural Resource Assessment Request
DRI No. 95, ADA/DRI Revisions for Beker Phosphate Corporation's
Wingate Creek Mine, Manatee County, Florida

Dear Ms. Benz:

We have reviewed the above referenced revisions for potential impact to archaeological and historic sites or properties. Due to the nature of the revisions, it is the opinion of this office that the proposed hauling of phosphate by truck will have no effect on significant cultural resources. However, this does not affect our review of the original ADA/DRI (see enclosed letter of May 19, 1976) in which we recommended the preservation or salvage excavation of sites 8Ma127 and 8Ma129.

If you have any questions concerning our comments, please do not hesitate to contact us.

Your interest and cooperation in helping to protect Florida's archaeological and historical resources are appreciated.

Sincerely,


George W. Percy, Chief
Bureau of Historic Sites
and Properties

GWP:Geb

Enclosure

FLORIDA - State of the Arts

FLORIDA GAME AND FRESH WATER FISH COMMISSION

C. TOM RAINEY D.V.M.
Chairman, Miami

WILLIAM G. BOSTICK JR.
Vice Chairman, Winter Haven

CECIL C. BAILEY
Jacksonville

W. D. (DON) BAXTER
Marianna

THOMAS L. HIRES SR.
Tampa

ROBERT M. BRANTLY, Executive Director
F. G. BANKS, Assistant Executive Director



FARRIS BRYANT BUILDING
620 South Meridian Street
Tallahassee, Florida 32301

P. O. Box 1840
Vero Beach, Florida 32960
June 21, 1983

Ms. Sheila Benz
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

Dear Ms. Benz:

The Office of Environmental Services of the Florida Game and Fresh Water Fish Commission has reviewed this revised Application for Development Approval (ADA) for Beker Phosphate Corporation's Wingate Creek Mine in Manatee County in terms of potential impacts to fish and wildlife resources.

This revised ADA was required because of a substantial deviation determination on December 15, 1982 filed by the Manatee County Board of County Commissioners. In the original ADA, 3 million tons of phosphate rock were to be annually transported from the mine by rail to shipping facilities at Port Manatee. It is now proposed that 1.2 million tons of phosphate will be shipped annually from the mine to Port Manatee by truck on existing roads.

Based on our initial review, we do not foresee that significant long-term adverse impacts to fish and wildlife species or their habitats would occur as a result of the proposed action.

If we can be of further assistance, please contact us.

Sincerely yours,

A handwritten signature in cursive script that reads "Brian Barnett".

Brian S. Barnett
South Florida Section Leader
Office of Environmental Services

BSB/TG/rs

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT



2379 BROAD STREET, BROOKSVILLE, FLORIDA 33512-9712
PHONE (904) 796-7211 SUNCOM 684-1011

BRUCE A. SAMSON, Chairman, Tampa
Wm. O. STUBBS, JR., Vice Chairman, Dade City
JIM KIMBROUGH, Secretary, Brooksville
RONALD B. LAMBERT, Treasurer, Wauchula
DON CRANE, Assistant Secretary, St. Petersburg
ARCH UPDIKE, JR., Assistant Treasurer, Lake Wales

WALTER H. HARKALA, Plant City
MARY A. KUMPE, Sarasota
MICHAEL ZAGORAC, JR., Belleair

GARY W. KUHL, Executive Director



July 1, 1983

Ms. Sheila Benz
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

SUBJECT: Development of Regional Impact #95; Wingate Creek Mine,
Beker Phosphate, Manatee County

Dear Ms. Benz:

The staff of the Southwest Florida Water Management District (SWFWMD) has reviewed the Application for Development Approval (ADA) for the above referenced Development of Regional Impact. Based on this review, for sufficiency only, no further information is required at this time. Upon completion of a more detailed review, all comments and recommendations will be forwarded for your information.

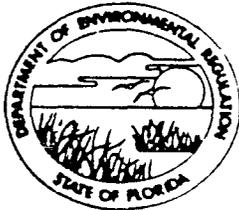
Thank you for this opportunity to be of assistance; and if further information is required or you have any questions, please feel free to contact me.

Sincerely,

PHILLIP W. WALDRON, Planner
Planning & Performance Evaluation

PWW:kag

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION



SOUTHWEST DISTRICT

7601 HIGHWAY 301 NORTH
TAMPA, FLORIDA 33610-9544

BOB GRAHAM
GOVERNOR

VICTORIA J. TSCHINKEL
SECRETARY

WILLIAM K. HENNESSEY
DISTRICT MANAGER

July 7, 1983

Ms. Sheila Benz
Tampa Bay Regional
Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

Dear Ms. Benz:

We have reviewed Beker Phosphate's application for development approval for trucking phosphate from the Wingate Mine to Port Manatee.

This change in their process will not require permits from this Department.

Sincerely,

Gene Sullivan
Environmental Specialist

GS/jdj



State of Florida
DEPARTMENT OF NATURAL RESOURCES

DR. ELTON J. GISSENDANNER
Executive Director
Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard, Tallahassee, Florida 32303

BOB GRAHAM
Governor
GEORGE FIRESTONE
Secretary of State
JIM SMITH
Attorney General
GERALD A. LEWIS
Comptroller
BILL GUNTER
Treasurer
DOYLE CONNER
Commissioner of Agriculture
RALPH D. TURLINGTON
Commissioner of Education

July 11, 1983

Ms. Sheila Benz
DRI Coordinator
Tampa Bay Regional
Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

RE: Beker Phosphate Substantial Deviation--DRI;
Manatee County

Dear Ms. Benz:

The Department of Natural Resources has reviewed the above referenced Substantial Deviation to Beker's DRI and has no objection to its implementation.

Our Bureau of State Lands Management indicates no apparent upland, reserved or submerged interest in the project area.

Sincerely,

Art Wilde
Office of the
Executive Director

AW/mb



STATE OF FLORIDA DEPARTMENT OF COMMERCE

Division of Economic Development
Collins Building, Tallahassee, FL 32301

July 15, 1983

Ms. Sheila Benz
DRI Coordinator
Tampa Bay Regional
Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Dear Ms. Benz:

Thank you for the opportunity to comment on the revisions to the Beker Phosphate Wingate Mine Application for Development Approval.

We have reviewed the Application Revisions report but have no current plans to participate directly in the review process for this project. The Regional Planning Council has correctly identified the primary impacts of the proposed action: environmental, transportation and public safety. The job and income impacts, our chief concerns, are also addressed. (At his option, the applicant may want to supplement the discussion of transportation job and income effects on page 23 with an estimate of the mining job and income losses, if any, which would occur if the current trucking of phosphate ore to the port were curtailed). Beyond this suggestion, the information provided by the applicant is sufficient from our perspective.

We hope this response is helpful.

Sincerely,

Leonard T. Elzie, Chief
Bureau of Economic Analysis

LTE/dhp

Bureau of
Area Development
904/488-9357

Bureau of
Economic Analysis
904/487-2568

Bureau of
Motion Picture & TV
Development
904/487-1100

Director's
Office
904/488-6300

Bureau of
Trade Development
904/488-9050
TWX 810-931-3655

Bureau of
Industry Development
904/488-9360

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT



2379 BROAD STREET, BROOKSVILLE, FLORIDA 33512-9712
PHONE (904) 796-7211 SUNCOM 684-1011



BRUCE A. SAMSON, Chairman, Tampa
Wm. O. STUBBS, JR., Vice Chairman, Dade City
JIM KIMBROUGH, Secretary, Brooksville
RONALD B. LAMBERT, Treasurer, Wauchula
DON CRANE, Assistant Secretary, St. Petersburg
ARCH UPDIKE, JR., Assistant Treasurer, Lake Wales

WALTER H. HARKALA, Plant City
MARY A. KUMPE, Sarasota
MICHAEL ZAGORAC, JR., Belleair

GARY W. KUHL, Executive Director

October 25, 1983

Ms. Sheila Benz
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

SUBJECT: DRI #95; Beker Phosphate Substantial Deviations, Manatee Co.

Dear Ms. Benz:

The staff of the Southwest Florida Water Management District (SWFWMD) has reviewed the Application for Development Approval (ADA) for the above referenced Development of Regional Impact (DRI) substantial deviation. Based on this review the following comments are submitted at this time.

1. The above referenced DRI substantial deviation should require no permits from the SWFWMD as specified in Chapter 40D, Florida Administrative Code.
2. The SWFWMD encourages the applicant to pursue all methods practicable to mitigate and reduce fugitive emissions of phosphate rock in the Lake Manatee Watershed Area.

The staff comments stated above have not been presented to the District Governing Board. This review does not stand in lieu of normal permitting procedures, nor does it represent the position or opinion of the Governing Board.

Thank you for the opportunity to comment; and if I may be of further assistance, please feel free to contact me.

Sincerely,

PHILLIP W. WALDRON, Planner
Planning & Performance Evaluation

PWW:kag

Florida

BOB GRAHAM
GOVERNOR



Department of Transportation

PAUL N. PAPPAS
SECRETARY

Post Office Box 1249
Bartow, Florida 33830-1249
October 27, 1983

Ms. Shelia Benz
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

Subject: DRI #95; Beker Phosphate Substantial Deviations, Manatee County

Dear Ms. Benz:

At your request, the Planning Department of the Florida Department of Transportation, District One, has reviewed the A.D.A. and supplemental sufficiency information for the above D.R.I. with regard to potential impact on the State Transportation System at the systems level of detail.

The applicant has estimated the maximum impact of this proposed project from a capacity standpoint to be a passenger car equivalent of 1,200 ADT. This is based on the assumption that an unloaded truck is equivalent to two (2) passenger cars and a loaded truck is equivalent to three (3) passenger cars. We concur with this and feel that the estimated impact is reasonable. We also concur with the applicant's methodology and assumptions regarding trip distribution background traffic growth. Based on these assumptions, the proposed project's maximum impact on the state system from a capacity standpoint will occur on S.R. 64 in the area east of I-75. In this area, traffic from Beker Phosphate will utilize approximately 10% of the level of service C capacity of this facility. While this level of impact could potentially be significant at the systems level, the relatively low existing and projected background traffic levels are such that level of service C volumes will not be exceeded before the year 2000. Therefore, no significant systems level capacity increasing improvements to the state system would be necessitated as a result of this project in the foreseeable future.

The applicant has also included an 18-KIP analysis of the impact of the project's truck traffic on S.R. 64. This analysis has been reviewed by our Materials and Research Department and it has been determined if the increased volume of phosphate hauled contributes to a more rapid rate of structural deterioration than would normally exist, the Department reserves the right to impose weight restrictions on S.R. 64 and any other state highways affected.

Sincerely,

A handwritten signature in cursive script, appearing to read "C. W. Lasseter".

C. W. Lasseter, P.E.
District Planning Engineer

CWL:GJC: rsm

cc: Mr. J. H. DeWinkler, Mr. C. E. McNeely, Mr. Harry K. Mendenhall,
Mr. D. A. Nathe

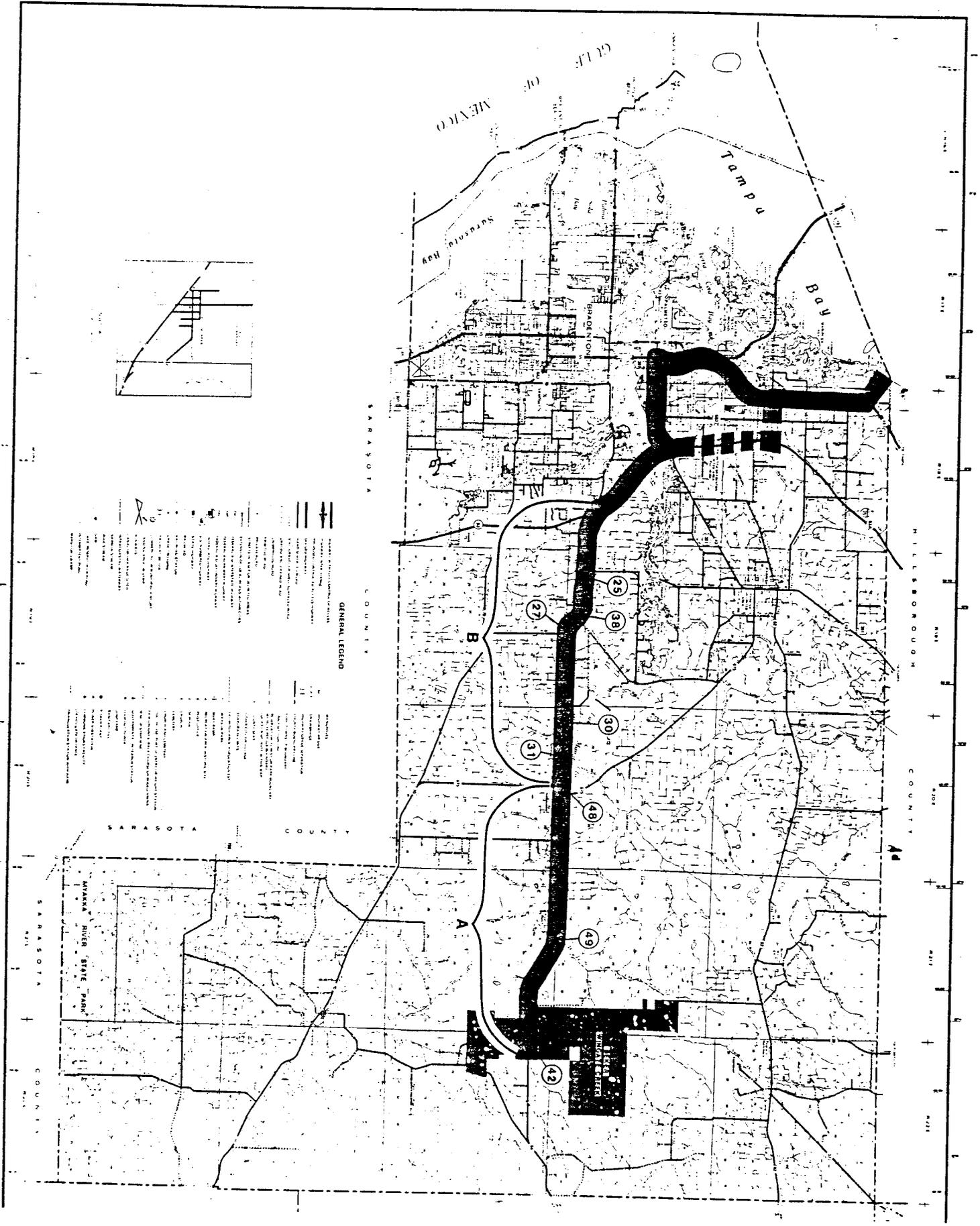


EXHIBIT "B"

EXHIBIT "C"

FINDINGS REGARDING THE HISTORY OF BEKER'S
DRI APPROVALS AND THE MODIFICATION PROCESS

A. Beker filed its application for Development Approval for a Development of Regional Impact (DRI #42) for the Wingate Creek Mine with the Board of County Commissioners of Manatee County on October 11, 1974. The DRI application stated that all Beker product phosphate rock would be transported from the mine to port by railroad.

B. On December 9, 1974, the Tampa Bay Regional Planning Council issued a report finding, among other things, that impacts on the transportation facilities of the region from Beker's proposed DRI, which provided for railroad transport, would be neutral. Manatee County issued Beker's existing development order on January 28, 1975.

C. The existing development order for Beker's mine stated:

7. Any significant deviation from the terms of this development order and the plans described in the ADA application for development approval shall cause a termination of all development activity and retriggering of the DRI process.

D. In a DRI progress report filed with Tampa Bay Regional Planning Council by Beker on March 25, 1980, Beker stated that it had made no modifications to its transportation plans since issuance of the 1975 development order.

E. After issuance of the November 23, 1981, preliminary injunction halting Beker's trucking to the west, Manatee County, with judicial authorization, entered into interim agreements allowing Beker to ship by truck on a limited basis so as to provide Beker sufficient time to complete the railroad. The term of the agreement was 22 months, a compromise based on the time Beker stated it would take to build the railroad -- 18 months -- and the 24 months it requested to build it in.

F. As of February 1982, the date of the court-approved agreement, Beker had had seven (7) years to construct its

railroad but had not yet commenced any construction activities. It has now been nearly eight years. As of this date, Beker has not obtained title to any rights-of-way for construction of the rail; in fact, to date Beker has obtained options for the right-of-way for only one mile of the approximately eighteen miles required.

G. In 1982 the Board of County Commissioners conducted substantial deviation determination hearings, at which Beker submitted evidence and testimony and conducted cross examination, to determine whether Beker's proposed change from rail to truck transportation constituted a "substantial deviation" under Section 380.06(17), Florida Statutes, requiring further review by TBRPC and Manatee County under Chapter 380. The Board adopted a resolution on December 16, 1982, after two days of hearings, finding that Beker's proposed change would create a reasonable likelihood of additional adverse regional impacts and would create regional impacts not previously reviewed by the Tampa Bay Regional Planning Council. The resolution found that Beker's proposed use of trucks instead of rail constituted a substantial deviation from Beker's previously approved DRI.

H. On July 14, 1983, representatives of Beker appeared at a regularly scheduled meeting of the Board of County Commissioners to discuss the status of Beker's construction of its railroad. Beker representatives stated their belief that it was still possible to complete construction of the railroad on time. After consideration of the status of Beker's progress, the Board of County Commissioners adopted a resolution on August 11, 1983, urging Beker to comply with its commitments to complete construction of the railroad and halt trucking operations by December 26, 1983. Subsequent to the July 14, 1983, meeting at which Beker represented that it could still complete the railroad on time, Manatee County received a Securities and Exchange Commission prospectus (dated June 29, 1983, prior to the hearing date) filed by Beker's parent company declaring that the railroad would not be completed by December 31, 1983.

STATE OF FLORIDA
COUNTY OF MANATEE

I, R. B. Shore, Clerk of Circuit Court, in and for the County of Manatee, State of Florida, do hereby certify that the foregoing is a true copy of

RESOLUTION 83-155

RESOLUTION ADOPTING AN ORDER ON REQUESTED MODIFICATION OF EXISTING DEVELOPMENT ORDER

RE: BEKER PHOSPHATE CORPORATION -
REQUEST FOR MODIFICATION (DRI #95) OF A DEVELOPMENT OF
REGIONAL IMPACT, DEVELOPMENT ORDER (DRI #42)

adopted by the Board of County Commissioners, Manatee County, Florida, on the 13th day of December, 1983.

WITNESS My Hand and Official Seal this the 14th day of December, 1983, in Bradenton, Florida.

R. B. SHORE

R. B. Shore, Clerk of Circuit Court
Manatee County, Florida

By: Richard H. Ashley
Richard H. Ashley
Chief Deputy Clerk