RECORDED 6-4-87
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MINUTE BOOK NO. 316

RESOLUTION R-87-123

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

WHEREAS, on January 28, 1975, the Board of County Commissioners of Manatee County (Board), acting in accordance with Section 380.06, Florida Statutes, issued a Resolution titled DRI DEVELOPMENT ORDER which was a Development of Regional Impact (DRI) Development Order (it shall be referred to as the Development Order) to Baker Phosphate Corporation (Baker) for development of a 10,971 acre phosphate mine in Eastern Manatee County known as Wingate Creek Mine, and on the same day adopted a Resolution titled RESOLUTION GRANTING SPECIAL EXCEPTION AND APPROVING MASTER PLAN granting a special exception and approving a master mine plan for said mine; and

WHEREAS, on February 28, 1978, the Board adopted a Resolution titled RESOLUTION GRANTING BAKER PHOSPHATE CORPORATION AN OPERATING PERMIT granting an Operating Permit for the Wingate Creek Mine and thereby approved a Detailed Reclamation Plan for the mine pursuant to Section VI, Paragraph 16 of the then effective Manatee County Zoning Ordinance dated May 11, 1964 and subsequent revisions thereto; and

WHEREAS, the conditions in the Development Order for approval of the mine included, among other things, that phosphate rock produced at the mine would be shipped to a Florida west coast port by rail, that Baker would construct a dam on the East Fork of the Manatee River and a dam on the Myakka River prior to commencement of mining operations for the purpose of providing positive protection against failure of the clay settling area dam, and that Baker would develop a monitoring program addressing various environmental concerns; and

WHEREAS, on April 12, 1977, the Board adopted a Resolution titled RESOLUTION MODIFYING A PORTION OF A DRI DEVELOPMENT ORDER AND A RESOLUTION GRANTING SPECIAL EXCEPTION AND APPROVING MASTER PLAN finding that the two dams were not needed to provide positive protection against failure of the clay settling area dam; and

amended the Development Order by eliminating the requirement that the two dams be constructed prior to the beginning of mining operations; and

WHEREAS, in September 1981, the State Attorney of the Twelfth Judicial Circuit and the Board filed a complaint in the Circuit Court for the Twelfth Judicial Circuit for Preliminary and/or Permanent Injunctive Relief to stop Beker from trucking in violation of the Development Order (Case No. CA-81-1663); and

WHEREAS, in September 1981, Beker filed a countersuit against the Board in the Circuit Court for the Twelfth Judicial Circuit (originally Case No. 81-1860, which was then later consolidated Case No. 81-1663 and dismissed December 20, 1985) seeking to prevent the Board from conducting an evidentiary hearing for the purpose of making a substantial deviation determination; and

WHEREAS, on February 26, 1982, the Board and Beker entered into a Settlement Agreement permitting Beker to ship phosphate rock by truck for a limited time under specified restrictions while Beker completed the construction of a railroad; and

WHEREAS, Beker further agreed under the February 26, 1982 Settlement Agreement to establish an environmental monitoring program subject to approval of the Director of the Manatee County Division of Mining Regulation (Director) and the Manatee County Public Health Unit, to preserve environmentally sensitive portions of the mine, and to contribute the sum of $2,800,000 to the Board for the construction of wellfields, pipelines and related equipment; and

WHEREAS, on December 16, 1982, the Board adopted a Resolution titled RESOLUTION FINDING A SUBSTANTIAL DEVIATION finding that the transport of phosphate rock by Beker via truck rather than by rail was a substantial deviation from the Development Order; and

WHEREAS, in June of 1983, Beker filed an application with the Tampa Bay Regional Planning Council (TBRPC) to amend the Development Order to permit trucking of phosphate rock for the life of the mine, and then filed responses to the sufficiency review in August and October of 1983, and

WHEREAS, on November 14, 1983, the Tampa Bay Regional Planning Council (TBRPC) recommended denial of Beker's application to amend its Development Order until specified mitigating actions had been committed to; and

WHEREAS, on December 13, 1983, the Board adopted Resolution No. R-83-155 denying Beker's request to amend the Development Order to allow trucking; and

WHEREAS, on December 27, 1983, the Board filed another lawsuit in the Circuit Court for the Twelfth Judicial Circuit (originally Case No. 83-2681, later consolidated as Case No. 81-1663) seeking to enjoin Beker's trucking operation as a violation of Section 380.11, Florida Statutes, and the Development Order; and

WHEREAS, Beker timely appealed the Board's denial of its application to amend the Development Order to the Florida Land and Water Adjudicatory Commission (FLWAC) pursuant to Section 380.07, Florida Statutes, (DOAH Case No. 83-4002); and contemporaneously brought an action in the Circuit Court for the Twelfth Judicial Circuit to enjoin the Board from taking any action to prohibit shipment of phosphate by truck (Consolidated Case No. 81-1663); and

WHEREAS, the Florida Department of Community Affairs (DCA) and the TBRPC are parties to various portions of the litigation between the Board and Beker; and

WHEREAS, by orders of the Circuit Court of the Twelfth Judicial Circuit dated June 1, 1984 and August 19, 1985, Beker has been allowed to continue trucking up to two million tons of phosphate rock under certain restrictions until resolution of its appeal to the FLWAC; and

WHEREAS, on August 27, 1985, the hearing officer in DOAH Case No. 83-4002 filed a Recommended Order with the FLWAC recommending approval of Beker's amendment application subject to specified restrictions and conditions; and

WHEREAS, on October 21, 1985, Beker and its parent company, Beker Industries Corporation, filed for protection from their creditors under Chapter 11 of the Federal Bankruptcy Code in the

United States Bankruptcy court, Southern District of New York (Case No. 85B-11709 & 11710(HCB); and

WHEREAS, on July 3, 1986, the Board filed with the United States Bankruptcy Court a "Motion to Determine Status of Manatee County's Clerk Account No. 208001 - Transportation Fund Reimbursement to the State of Florida - SR 64, which seeks an order transferring $200,000 presently held in trust by the Clerk of Manatee County to the Florida Department of Transportation for use as road funds; and

WHEREAS, in August of 1986, the Board agreed in concept to an overall settlement of the aforementioned disputes with Beker on the basis of a land sale of Beker's property in the Lake Manatee watershed to Manatee County in return for the Board's approval of Beker's trucking phosphate under certain conditions until January 28, 1998; and

WHEREAS, in the November 1986 general election in Manatee County, voters approved a referendum authorizing the sale of up to $12,000,000 in general obligation bonds to purchase land owned by Beker in the Lake Manatee watershed; and

WHEREAS, on February 5, 1987, the Board adopted Resolution R-87-26 authorizing the Board Chairman or Vice-Chairman to execute an Agreement for Sale and Purchase of approximately 4,000 acres of Beker Property in the Lake Manatee watershed contingent upon approval of the agreement by the United States Bankruptcy Court; and on June 4, 1987, the Board adopted Resolution No. R-87-158 approving certain modifications to the contract authorized by Resolution R-87-126; and

WHEREAS, a material part of the consideration of the aforesaid Agreement for Sale and Purchase of Real Estate is that all court actions, claims, and demands between Beker, Beker Industries Corporation, and Beker Maritime Corporation as plaintiff, petitioner, respondent, or otherwise and the Board, the Manatee County Tax Collector, the TBRPC, DCA and/or the FLWAC as plaintiff, petitioner, respondent, or otherwise, would be settled in accordance with the Agreement for Sale and Purchase of Real Estate and the terms of this Resolution and dismissed with prejudice; and

WHEREAS, the public notice requirements of Chapter 380, Florida Statutes, as amended, have been satisfied; and

WHEREAS, the Board has held a duly noticed public hearing commencing on May 12, 1987 and continued on May 26, 1987, and June 4, 1987, on the subject Amended Development Order and has heard and considered testimony and documents received thereon; and

WHEREAS, all interested parties and members of the public have been afforded the opportunity to participate in the public hearing on May 12, 1987, May 26, 1987, and June 4, 1987 on the subject Amended Development Order before the Board; and

WHEREAS, DCA and TBRPC have been duly notified of the public hearing on May 12, 1987 and continued on May 26, 1987 and June 4, 1987; and

WHEREAS, the Board has reviewed the above referenced documents, as well as all related testimony and evidence submitted by each party and members of the public.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; THAT, pursuant to the request of Baker to amend the Development Order for the Baker Wingate Creek Mine, the amendment is 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 A, attached hereto and by reference made a part hereof.

B. That Beker submitted to TBRPC and the Board in October of 1974, an application for Development Approval for the Wingate Creek Mine and submitted sufficiency reviews for the aforementioned document (these documents will be collectively referred to as the ADA and are attached hereto as Exhibit B 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 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).

D. That the Board has received and considered the report and recommendation of the TBRPC dated November 14, 1983.

E. That the Board adopted a resolution titled RESOLUTION MODIFYING A PORTION OF A DRI DEVELOPMENT ORDER AND A RESOLUTION GRANTING SPECIAL EXCEPTION AND APPROVING MASTER PLAN dated April 12, 1977 which is attached as Exhibit D and by reference is made a part hereof to the extent it is not inconsistent with the terms and conditions of this Amended Development Order.

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 development order is consistent with the Manatee Plan, the Manatee County Land Development Code, and with the Mining and Reclamation Ordinance No. 81-22; that this 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 for the area.

B. The provisions of this Development Order shall not be construed as a waiver or exception of any rule, regulation or ordinance of Manatee 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.

D. These proceedings have been duly conducted pursuant to applicable law and regulations and based upon the record in this proceeding, Baker is authorized to conduct development as described herein, subject to the conditions, restrictions and agreements set forth herein.

E. The impacts of the Wingate Creek Mine are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes (1986), within the terms and conditions of this Amended Development Order.

III. CONDITIONS AND AGREEMENTS

The development of Baker's Wingate Creek Mine shall be in conformity with the provisions of the ADA dated October 11, 1974 (Exhibit B); the Application for Amendment of the Development Order and Sufficiency Responses filed in 1983 (Exhibit C); 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.

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A. TRANSPORTATION MATTERS

(1) In lieu of Beker's constructing a railroad, 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) Beker shall not transport by truck along the Haul Route or return to the mine during the hours Manatee County school buses are normally scheduled to transport students to and from public schools. See Exhibit E, page 5.

(3) Trucks shall not be dispatched from either the mine or Port Manatee at less than four-minute intervals. Beker shall maintain records containing dispatch times for all trucks and shall, upon reasonable notice, make them available for inspection by the Director. Such records shall be retained for a period of five years. Drivers shall exercise their best efforts to maintain at least four-minute intervals along the Haul Route, but in no event shall operate closer than sighting distance of one another. See Exhibit E, page 4.

(4) Beker shall maintain shipping moisture levels of its phosphate rock between 8 and 13%. Should moisture levels fall below this range, the load shall be wetted prior to shipment. If moisture levels rise above this range, shipping shall be halted until appropriate levels are obtained. Moisture levels shall be determined in accordance with Section IX.2.A. of the Association of Florida Phosphate Chemists. See Exhibit E, page 2.

(5) Gross maximum load limits of trucks on the Haul 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. See Exhibit E, page 1.

(6) Weigh scales shall be maintained at Beker's Wingate Creek Mine beneficiation facility to insure compliance with the load limits set forth in paragraph 5 above. Beker shall, upon reasonable notice, make available for inspection by the Director the weigh scale records. Such records shall be retained for a period of five years. See Exhibit E, page 4.

(7) 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. See Exhibit E, page 4.

(8) 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 safety monitors to be provided by Beker's carrier as outlined Exhibit E, page 5. 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. Manatee 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 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.

(9) Beker shall be responsible for its phosphate rock carrier providing Manatee 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.

(10) Baker shall, through its carrier, establish a driver training program which all drivers must successfully complete before they are allowed to operate a truck on the Haul Route.

(11) Baker 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's 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 Baker or its carrier upon reasonable notice.

(12) Baker shall assure that any trucks hauling for Baker along the Haul Route shall be identified by a Baker sign which is located on the trailer tailgate. This sign will be kept clean and legible.

(13) Baker, 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).

(14) In the event of a spill along the Haul Route, Baker's carrier shall immediately contact the Florida Department of Transportation. Baker shall be responsible for ensuring that its

carrier restores, at its expense, the spill site to the condition at which it existed prior to the spill.

(15) Baker shall be permitted to ship by-product rock as part of the two million dry tons per year authorized in Paragraph (1) of these conditions. The trucking of by-product shall comply with all requirements in this Amended Development Order, including Exhibit E, for the transport of phosphate rock, except that transport of such by-product rock shall not be confined to the Haul Route.

(16) 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 Baker or its successors to truck phosphate rock on the Haul Route, expect as provided herein, shall be subject to additional review by county, regional and state agencies as the need may arise.

(17) Baker shall comply with any additional conditions and restrictions which the Board may require in connection with the Amended Master Mining Plan approval and/or Operating Permit required under this Amended Development Order.

B. MINING AND RECLAMATION MATTERS

(18) All provisions of Manatee County Mining and Reclamation Ordinance No. 81-22 as adopted October 22, 1981, shall henceforth apply to Baker.

(19) Baker shall apply to the Board for approval of a new Master Mining Plan and a new Operating Permit for the Wingate Creek Mine. The applications shall reflect the transfer of 4,140 acres to Manatee County, and adjust the mining and reclamation plans as needed to accommodate that change. The applications must conform to the procedures in Sections II.A, II.B, III.A, and III.B of Ordinance 81-22 and shall be processed as original applications for all current and proposed mining activities as defined in Ordinance 81-22.

(20) Recommencement of phosphate rock production activities at the Wingate Creek Mine shall be contingent upon the Board's

approval of Beker's applications for its Master Mining Plan and Operating Permit.

(21) If and when the new Master Mining Plan is approved by the Board, Beker shall apply to the Florida Department of Natural Resources to amend the Conceptual Reclamation Plan for the Wingate Creek Mine to conform to the approved Master Mining Plan.

(22) The Board agrees to support Beker's current applications for permits from local, regional, state and federal agencies which may be necessary to implement the approved Master Mining Plan to the extent those applications are not inconsistent with the new Master Mining Plan and Operating Permit required herein. Those applications are as follows:

(a) Application to Florida Department of Natural Resources for Program BEK-MC-26

(b) Application to Florida Department of Environmental Regulation for a second NPDES Outfall

(c) Application to United States Environmental Protection Agency for second NPDES Outfall

C. WATER SUPPLY MATTERS

(23) 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 Manatee 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 Manatee 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 Manatee County system shall not affect the operation of the beneficiation facility. Manatee County agrees to 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 Manatee County system.

D. GENERAL TERMS AND CONDITIONS

(24) 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.

(25) Beker shall provide property management to insure proper safeguards against environmental problems that could occur when the mine is shutdown. 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 the 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 for the Wingate Creek Mine.

(d) Any other operational or maintenance measure which might be necessary to protect the public health, safety, and welfare.

(26) The terms and conditions of this Amended Development Order to the extent that they are inconsistent with any of the terms and conditions of Manatee County resolutions called 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 shall control.

(27) The 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 A.

(28) The definition found in Chapter 380, Florida Statutes (1986), shall apply to this Amended Development Order.

(29) This Amended Development Order shall govern the development and operation of the Wingate Creek Mine.

(30) Further review pursuant to Chapter 380, Florida Statutes (1986), shall be required if a substantial deviation as defined in Subsection 380.06(19), Florida Statutes (1986), occurs.

(31) This Amended Development Order shall become effective no later than the date of the final dismissals with prejudice of the court cases listed in Exhibit F attached hereto and incorporated herein are entered, and no sooner than a date established by the Judge of the United States Bankruptcy Court of the Southern District of New York.

(32) Copies of this amended Development Order shall be transmitted immediately by certified mail to DCA, TBRPC, and Beker upon execution.

(33) Beker has designated McGuire and Perry 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 Board in order to be effective.

(34) Baker 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.

Adopted, in regular session, this 4th day of June, 1987, by the Manatee County Board of County Commissioners.

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

Attest: R. B. SHORE

Clerk of the Circuit Court

Edward W. Chance
Chairman

Executed on the _____ day of _____, 1987.

SELLER:

BEKER PHOSPHATE CORPORATION

ATTEST:

By: _____

Title: _____

By: _____

(Corporate Seal)

Executed by BEKER on the _____ day of _____, 1987.

STATE OF)

COUNTY)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared _____

_____

to me known to be the person described in and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same.

WITNESS my hand and official seal in the County and State, last aforesaid this day of , A.D., 1987.

_____
NOTARY PUBLIC
State of Florida

My Commission Expires:

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The Bradenton Herald

102 MANATEE AVE. WEST P.O. BOX 921
BRADENTON, FLORIDA 33506
TELEPHONE (813) 748-0411

PUBLISHED DAILY
BRADENTON, MANATEE COUNTY, FLORIDA

STATE OF FLORIDA
COUNTY OF MANATEE:

Before the undersigned authority personally appeared Sandy Riley, who on oath says that she is the Legal Advertising Clerk and the official representative of the Publisher of The Bradenton Herald a daily newspaper published at Bradenton in Manatee County Florida, with the express, limited authority to execute this affidavit for the purpose of establishing proof of publication of the public or legal notice and advertisement in the form attached hereto that the attached copy of advertisement, being a legal advertisement in the matter of

Resolution: R- 87-126

was published in said newspaper in the issues of

4/20,27,'87

Affiant further says that the said The Bradenton Herald is a newspaper published at Bradenton in said Manatee County, Florida and that the said newspaper has heretofore been continuously published in said Bradenton, Manatee County, Florida, each day and has been entered as second class mail matter at the post office in Bradenton in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement, and the affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sandy Riley

Sworn to and subscribed before me this
29th day of April
A.D. 19 87

Louise Tucker

(SEAL) Notary Public

Notary Public, State of Florida at Large
My Commission Expires May 13, 1987

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LIST OF EXHIBITS

Exhibit "A":	Property Description
Exhibit "B":	Application for Development Approval and Responses to Sufficiency Review
Exhibit "C":	Application for Revisions to the Development Order and Responses to the Sufficiency Review
Exhibit "D":	Resolution Modifying a Portion of a DRI Development Order and a Resolution Granting Special Exception and Approving Master Plan
Exhibit "E":	BPC Trucking Operation
Exhibit "F":	List of Cases to be Dismissed with Prejudice
Exhibit "G":	Manatee County Mining and Reclamation Ordinance No. 81-22

EXHIBIT A

PROPERTY DESCRIPTION

EXHIBIT A

The real property which makes up the Beker Wingate Creek Mine is as follows:

Township 34S Range 21E - Manatee County
Sections 12, 13, 24, 25, and the SE¼ of the NE¼ of Section 26 and all of Sections 36 except right-of-way for State Road 39.

Township 34S Range 22E - Manatee County
Sections 19, 20, 21, 28, 29, 31 and the North ½ of Section 30.

Township 35S Range 22E - Manatee County
In Section 6, that part of the N 3/4 lying North of State Road 64 and that part of the S½ of the SW¼ and of the SW¼ of the SE¼ lying South of State Road 64; all of Section 7 less the E½ of the NE¼; the SW¼ of the SW¼ west of the Myakka Road in Section 17; and all of Section 18 less the SW¼ of NE¼.

Township 35S Range 21E - Manatee County
The E½ of Section 12 ; all of Section 13 and all of Section 1 less right-of-ways for State Road 39 and 64 and the portion of the SW¼ lying South of State Road 64.

Except the property to be transferred to Manatee County with the adoption of this resolution and described as follows:

Township 34S Range 22E - Manatee County The portion known as Parcel A in the Agreement for Sale and Purchase of Real Estate Beker Phosphate Corporation, as seller, and Manatee County, as buyer; and described on page two of this Exhibit.

Township 34S Range 21E - Manatee County The portion known as Parcel B in the Agreement for Sale and Purchase of Real Estate Beker Phosphate Corporation, as seller, and Manatee County, as buyer; and described on page three of this Exhibit.

Commence at a concrete monument, marking the S.E. Corner of Section 21, Township 34 South, Range 22 East; thence N 00° 09' 35" E, along the East line of said Section, 3117.58 ft. to a concrete monument, for a P.O.B.; thence N 89° 18' 39" E, along a line 8736.32 ft. to a concrete monument, thence S 41° 37' 20", along a line 646.75 ft.;

thence N 87° 38' 43" E, along a line 702.84 ft.; thence S 78° 55' 42" E, along a line 1366.43 ft.; thence S 89° 18' 39" E, along a line 7120.60 ft.; thence N 00° 09' 35" E, along a line 697.58 ft.; to the P.O.B., being and lying in Sections 20 and 21, Township 34 South, Range 22 East, Manatee County, Florida

Containing 138 acres M.O.L.

DESCRIPTION: (PARCEL "A")

COMMENCE AT A CONCRETE MONUMENT, MARKING THE S.E. CORNER OF SECTION 21, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE N 00°09'35" E, ALONG THE EAST LINE OF SAID SECTION 21, 3117.58 FT. TO A CONCRETE MONUMENT, FOR A P.O.B.; THENCE CONTINUE N 00°09'35" E, ALONG SAID EAST SECTION LINE, 2128.65 FT. TO A CONCRETE MONUMENT, MARKING THE N.E. CORNER THEREOF; THENCE N 88°26'58" W, ALONG THE NORTH LINE OF SAID SECTION 21, 5273.97 FT. TO A CONCRETE MONUMENT, MARKING THE N.W. CORNER THEREOF, ALSO BEING THE N.E. CORNER OF SECTION 20, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE N 88°34'11" W, ALONG THE NORTH LINE OF SAID SECTION 20, 2969.09 FT. TO A CONCRETE MONUMENT, MARKING THE N.E. CORNER OF A FLORIDA POWER & LIGHT COMPANY SUB-STATION SITE; THENCE S 00°15'30" E, ALONG THE EASTERLY LINE OF SAID SUB-STATION SITE, 200.00 FT., TO A CONCRETE MONUMENT; THENCE N 89°44'30" E, ALONG SAID EASTERLY LINE, 50.00 FT., TO A CONCRETE MONUMENT; THENCE S 00°15'30" E, ALONG SAID EASTERLY LINE, 500.00 FT. TO A CONCRETE MONUMENT, MARKING THE S.E. CORNER THEREOF; THENCE S 89°44'30" W, ALONG THE SOUTH LINE OF SAID SUB-STATION SITE, 400.00 FT. TO A CONCRETE MONUMENT, MARKING THE S.W. CORNER THEREOF; THENCE N 00°15'30" W, ALONG THE WESTERLY LINE OF SAID SUB-STATION SITE, 500.00 FT. TO A CONCRETE MONUMENT; THENCE N 89°44'30" E, ALONG SAID WESTERLY LINE, 50.00 FT. TO A CONCRETE MONUMENT; THENCE N 00°15'30" W, ALONG SAID WESTERLY LINE, 200.84 FT. TO A CONCRETE MONUMENT, MARKING THE N.W. CORNER THEREOF, SAID POINT ALSO BEING ON THE NORTH LINE OF SAID SECTION 20; THENCE N 88°34'11" W, ALONG THE NORTH LINE OF SAID SECTION 20, 2157.89 FT. TO A CONCRETE MONUMENT, MARKING THE N.W. CORNER THEREOF, ALSO BEING THE N.E. CORNER OF SECTION 19, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE N 88°57'47" W, ALONG THE NORTH LINE OF SAID SECTION 19, 5385.05 FT. TO A CONCRETE MONUMENT, MARKING THE INTERSECTION WITH THE EAST R/W OF STATE ROAD NO. 39 (SECTION NO. (1317-103)13170-2502); THENCE S 00°31'27" W, ALONG THE EAST R/W OF SAID STATE ROAD NO. 39, 5315.18 FT. TO A CONCRETE MONUMENT, MARKING THE INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 19, ALSO BEING THE NORTH LINE OF SECTION 30, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE CONTINUE S 00°31'27" W, ALONG SAID EAST R/W, 2648.91 FT. TO A CONCRETE MONUMENT, MARKING THE INTERSECTION WITH THE SOUTH LINE OF THE NORTH 1/2 OF SAID SECTION 30; THENCE S 88°55'20" E, ALONG THE SOUTH LINE OF SAID SOUTH 1/2, 3017.21 FT. TO A CONCRETE MONUMENT; THENCE N 00°53'41" E, 1400.08 FT. TO A CONCRETE MONUMENT; THENCE N 50°25'10" E, 2231.35 FT. TO A CONCRETE MONUMENT; THENCE N 08°22'41" W, 226.70 FT. TO A CONCRETE MONUMENT; THENCE N 41°37'20" E, 3773.16 FT. TO A CONCRETE MONUMENT; THENCE S 89°18'39" E, 8736.32 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 19, 20, 21 & 30, TOWNSHIP 34 SOUTH, RANGE 22 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 1451.17 ACRES.

DESCRIPTION: (PARCEL "B")

COMMENCE AT A 1" SQ. STEEL BAR, MARKING THE S.E. CORNER OF SECTION 26, TOWNSHIP 34 SOUTH, RANGE 21 EAST; THENCE N 01°06'42" W, ALONG THE EAST LINE OF SAID SECTION 26, 500.36 FT. TO A CONCRETE MONUMENT, FOR A P.O.B.; THENCE CONTINUE N 01°06'42" W, ALONG SAID EAST SECTION LINE, 2101.95 FT. TO A R.R. SPIKE IN A P.V.C. PIPE FILLED WITH CONCRETE, MARKING THE S.E. CORNER OF THE N.E. 1/4 OF SAID SECTION 26; THENCE N 89°18'49" W, ALONG THE SOUTH LINE OF SAID N.E. 1/4, 1393.21 FT. TO A CONCRETE MONUMENT, MARKING THE S.W. CORNER OF THE S.E. 1/4 OF SAID N.E. 1/4; THENCE N 01°35'01" W, ALONG THE WEST LINE OF SAID S.E. 1/4 OF THE N.E. 1/4, 1312.41 FT. TO A CONCRETE MONUMENT, MARKING THE N.W. CORNER THEREOF; THENCE S 88°52'14" E, ALONG THE NORTH LINE OF SAID S.E. 1/4 OF THE N.E. 1/4, 1404.41 FT. TO A CONCRETE MONUMENT, MARKING THE N.E. CORNER THEREOF; THENCE N 01°06'42" W, ALONG THE EAST LINE OF SAID SECTION 26, 1301.16 FT. TO A 1" SQ. STEEL BAR, MARKING THE N.E. CORNER THEREOF, ALSO BEING THE S.W. CORNER OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 21 EAST; THENCE N 00°13'15" E, ALONG THE WEST LINE OF SAID SECTION 24, 5326.56 FT. TO A CONCRETE MONUMENT, MARKING THE N.W. CORNER THEREOF, ALSO BEING THE S.W. CORNER OF SECTION 13, TOWNSHIP 34 SOUTH, RANGE 21 EAST; THENCE N 00°17'39" E, ALONG THE WEST LINE OF SAID SECTION 13, 5302.59 FT. TO A CONCRETE MONUMENT, MARKING THE N.W. CORNER THEREOF, ALSO BEING THE S.W. CORNER OF SECTION 12, TOWNSHIP 34 SOUTH, RANGE 21 EAST; THENCE N 00°09'31" E, ALONG THE WEST LINE OF SAID SECTION 12, 5295.56 FT. TO A CONCRETE MONUMENT, MARKING THE N.W. CORNER THEREOF; THENCE N 89°23'06" E, ALONG THE NORTH LINE OF SAID SECTION 12, 5603.80 FT. TO A CONCRETE MONUMENT, MARKING THE INTERSECTION WITH THE WEST R/W OF STATE ROAD NO. 39 (SECTION NO. (1317-103) 13170-2502); THENCE S 00°56'45" W, ALONG THE WEST R/W OF SAID STATE ROAD NO. 39, 5392.51 FT. TO A CONCRETE MONUMENT, MARKING THE INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 12, ALSO BEING THE NORTH LINE OF SAID SECTION 13; THENCE CONTINUE S 00°56'45" W, ALONG SAID WEST R/W, 2997.10 FT. TO A CONCRETE MONUMENT; THENCE S 00°31'27" W, ALONG SAID WEST R/W, 2303.75 FT. TO A CONCRETE MONUMENT, MARKING THE INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 13, ALSO BEING THE NORTH LINE OF SAID SECTION 24; THENCE CONTINUE S 00°31'27" W, ALONG SAID WEST R/W, 5299.57 FT. TO A CONCRETE MONUMENT, MARKING THE INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 24, ALSO BEING THE NORTH LINE OF SECTION 25, TOWNSHIP 34 SOUTH, RANGE 21 EAST; THENCE CONTINUE S 00°31'27" W, ALONG SAID WEST R/W, 2406.07 FT. TO A CONCRETE MONUMENT; THENCE S 57°51'28" W, 4363.65 FT. TO A CONCRETE MONUMENT; THENCE N 88°55'39" W, PARALLEL TO THE SOUTH LINE OF SAID SECTION 25, AND 500.0 FT. NORTHERLY THEREFROM, 1650.00 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 12, 13, 24, 25 & 26, TOWNSHIP 34 SOUTH, RANGE 21 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 2548.83 ACRES.

EXHIBIT B

APPLICATION FOR DEVELOPMENT APPROVAL

AND RESPONSES TO SUFFICIENCY REVIEW

ENVIRONMENTAL IMPACT

STATEMENTS

DEVELOPMENT OF REGIONAL IMPACT

APPLICATION FOR DEVELOPMENT APPROVAL

UNDER SECTION 380.06 (6) FLORIDA STATUTES

Submitted by:
[illegible] Phosphate Corporation
Suite 34 - P. O. Box 2016
[illegible] First National Bank of Bradenton
Bradenton, Florida 33505

BEKER PHOSPHATE CORP.
SUITE 58 - P. O. BOX 9034
SOUTHEAST NATIONAL BANK OF BRADENTON
BRADENTON, FLORIDA 33505
TELEPHONE 813-746-0171

TO: Manatee County Planning Commission
Tampa Bay Regional Planning Council
Division of State Planning

Gentlemen:

Pursuant to Section 380.06 (6) of the Florida State Statutes we are hereby filing our Regional Impact Study and application for development approval. The State of Florida's development of Regional Impact Statement and Manatee County's Environmental Impact Statements have been combined in this one report for a complete and thorough treatment of the Subject.

A multi-disciplinary approach has been used in preparing the information presented. Experts in many different fields have been employed in this pursuit.

The importance of hydrology studies to Manatee County has prompted Beker to pursue this data at this time. Much of this information is included in both volume and detail and at the expense of considerable time and money. Tests will be continued with the additional data supplied to all interested parties. These tests are being coordinated with the help of all the pertinent regulatory agencies. Beker will complete a surface water study and a pumping test prior to obtaining a zoning special exception rehearing in Manatee County.

If there are any questions on which you might wish further detail, please feel free to contact us. Beker Phosphate Corporation's Florida representatives and Beker's consultants will be available in the same spirit of cooperation that has been evidenced since September of 1973.

BEKER PHOSPHATE CORP.
SUITE 58 - P O BOX 9034
SOUTHEAST NATIONAL BANK OF BRADENTON
BRADENTON FLORIDA 33505
TELEPHONE 813-746 0171

Note:

This combined Regional Impact Statement and Manatee County Environmental Impact Statement is a revision of Beker Phosphate Corporation's April 9, 1974, study and application.

This recently revised statement addresses earlier comments made by the Tampa Bay Regional Planning Council and by the Manatee County Commissioners.

Additionally, surface-water studies are included in the statement. Beker has also progressed in preliminary engineering to the point of preparation of the permit applications that are necessary for the obtaining of a mining operating permit. These permit applications are available for examination, but can not be acted upon until proper zoning is granted, per the advice of County officials.

TABLE OF CONTENTS

APPENDIX

TABLE OF CONTENTS - (cont.)

ADDENDUM

BIBLIOGRAPHY

Agencies, Corporation and Consultants contacted in compiling study

CONSULTANTS

1. Richard Fountain & Associates - Winter Haven, Florida

   Water management, hydrology, watersheds.

2. Erickson & Associates - Tampa, Florida

   Mining and dredging studies.

3. Ardaman & Associates - Orlando, Florida

   Dikes and soil physics.

4. Dr. L. Bromwell - Lakeland, Florida

   Waste clay studies.

5. Levi Smith, Jr., MAI - Lakeland, Florida

   Economic impact on land values.

6. Mining & Agricultural Service, Inc. - Bartow, Florida

   Geological data.

7. Delta Drilling Co. - Lakeland, Florida

   Field drilling.

8. Dorr-Oliver Engineering, Ltd. - Stamford, Conn.

   Engineering and hydrology studies.

9. Phillip E. LaMoreaux & Associates - Tuscaloosa, Alabama
   Consultant on hydrological matters.

10. Ericon Ltd. - Bartow, Florida and Toronto, Ontario.
    Reclamation consultants.

11. Thornton Laboratories, Inc. - Tampa, Florida
    Chemical analysis.

12. Florida Phosphate Council - Lakeland, Florida
    Industry data.

13. Baseline, Inc. - Pensacola, Florida
    Environmental information.

14. Conservation Consultants, Inc. - Palmetto, Florida
    Environmental information.

15. Pedone Engineering Corporation - Lakeland, Florida
    Engineering studies.

16. Kucera & Associates, Inc. - Lakeland, Florida
    Aerial photography.

17. John Houston - Corpus Christi, Texas
    Dredge consultant.

18. Dr. Eugene Pfleider - University of Minnesota
    Mining consultant.

19. H. R. Quina - Mulberry, Florida
    Mining consultant.

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STATE AGENCIES

1. Florida State Employment Service - Lakeland and Bradenton, Florida.

   Labor Market data.

2. Florida Fresh Water Fish and Game Commission - Lakeland, Florida

   Wildlife - Fish - Endangered species.

3. Florida Department of Transportation - Bartow, Florida.

   Traffic counts and flow.

4. Florida Department of Natural Resources - Tallahassee, Florida.

   Geological data.

5. State Planning Office - Tallahassee, Florida

   D.R.I.

6. Tampa Bay Regional Planning Council - St. Petersburg, Florida

   D.R.I.

7. Florida Division of Forestry - Lakeland, Florida

   Fire control - Tree species.

8. Southwest Florida Water Management District - Brooksville, Florida.

   Water use matters.

9. Manasota Basin Board

   Water use matters.

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10. Bureau of Historic Sites and Properties Division of Archives, History and Records Management - Tallahassee, Florida
Historical or archeological sites.

COUNTY AGENCIES

1. Manatee County Planning Department - Bradenton, Florida
Planning - Zoning matters.

2. Manatee County Health Department - Bradenton, Florida
Waste Disposal Matters.

3. Manatee County Utilities Department - Bradenton, Florida
Water and sewer systems.

4. Manatee County Highway and Engineering Department - Bradenton, Florida
Maps, photos, highways, etc.

5. Manatee County Historical Society - Bradenton, Florida
Historical data.

6. Manatee County Port Authority - Bradenton, Florida
Port arrangements, shipping.

U.S. GOVERNMENTAL AGENCIES

1. U. S. Bureau of Mines - Tallahassee, Florida; Washington, D. C.
Mining statistics.

2. U. S. Geological Survey - Tallahassee, Florida ; Washington D.C.
Geological & hydrological information.

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3. U. S. Soil Conservation Service - Palmetto and Gainesville, Florida

   Water and soils data - maps.

4. Environmental Protective Agency - Abstracted publications.

CORPORATIONS

1. Florida Power & Light - Bradenton, Sarasota, Miami, Florida

   Power.

2. Tampa Electric Company - Tampa, Florida

   Power

3. Seaboard Coast Line Railroad - Tampa, Mulberry, Florida

   Rail service.

4. Whitney Tank Lines - Tampa, Florida

   Truck service.

5. Bucyrus - Erie Corporation - Milwaukee, Wisconsin

   Dragline equipment.

6. General Telephone Company - Bradenton, Florida

   Telephone Service.

7. Harrison, Johnston, Harllee & Forgen - Bradenton, Florida

   Legal Matters.

8. PPG Industries, Inc. - Pittsburg, Pennsylvania

   Owners, prior studies.

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9. Beker Industries Corporation - Greenwich, Connecticut; Tampa, Florida.

   Market studies, impact studies.

10. Dixie Dredge Corporation - St. Louis, Missouri; Miami, Florida

    Dredges.

11. Elicott Manufacturing Corporation - Baltimore, Maryland

    Dredges.

BIBLIOGRAPHY OF LITERATURE

1. Research on Mined Land Reclamation 1973

   National Coal Association

2. Soil Survey - Manatee County, Florida

   U. S. Department of Agricultural - 1958

3. Soil Survey Supplement - Manatee County

   U. S. Department of Agriculture - 1972

4. Trees of Florida

   Florida Forest Service

5. Soils - U. S. D. A. Yearbook

   U. S. Government Printing Office

6. U. S. Mineral Resources

   U. S. Department of the Interior

7. Manual of Native Grasses - Florida

   Soil Conservation Service Bulletin

8. Florida Phosphate Council Various Papers and Bulletins

9. National Plant Food Institute

   Various Papers and Publications

10. Manatee County Zoning and Mining Ordinances

11. U. S. Government Bulletin

    Various papers concerning pollution control, waste disposal, public health, etc.

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12. Water Resources in the Tampa Bay Region - Briley, Wild & Associates, Inc. for the Tampa Bay Regional Planning Council.

13. The Florida Water Resources Act of 1972, as amended.

BUREAU OF LAND PLANNING
725 South Bronough Street
Tallahassee, Florida 32304
Form No. DSP-BLP-1-1-73

REGIONAL IMPACT

Application for
Development Approval
Section 380.06(6), F.S.

1. Project I.D. ______
2. Project Code No. ______
3. Planning Region ______
4. Date of Receipt ______

STATEMENT OF INTENT

5. The undersigned owner or authorized representative of Owner and Applicant* hereby proposed to undertake a Development of Regional Impact as defined in Section 380.06 Florida Statutes, and in support thereof does herewith submit the following information which is correct to the best of his knowledge.

October 11, 1974
Date

[signature] - Vice Pres.
Signature of Owner or Authorized Representative

PERMIT INFORMATION

6. Attached hereto and made a part thereof is an application for a development permit to Manatee County
Name of City or County

Special Exception:
Mining Permit

____ a. Application for Building Permit
____ b. Application for Zoning Change
____ c. Application for Variance
__x__ d. Application for Other (specify)

APPLICANT INFORMATION

7. Applicant (Name, address, phone) Beker Phosphate Corp. - Fla. Office - Suite 58, Southeast National Bank, P.O. Box 9034, Bradenton, Fl 33506 (813) 746-0171

Main Office
(203) 661-5700
124 W. Putnam Ave.
Greenwich, Conn. 06830

8. Authorized Agent (Name, address, phone)
John P. Harllee, III
Suite 46 Southeast National Bank
Bradenton, Fl 33505 (813) 747-5876

9. Location of Project (Attach metes & bounds description, if necessary).
Section ______
Township ______
Range ______

10. If area is platted, fill in, otherwise omit:
County Manatee
Official Record Book No. 352, 683, 216, 309
Page No. 40, 49, 53, 57, 61, 65, 66, 71, 75, 80, 55, 96, [illegible]

DEVELOPMENT INFORMATION

11. List all local governments having jurisdiction over the proposed development and land development regulations which they have adopted.

Manatee County - Para. 16, Section VI of Zoning Ordinance

12. List agencies from which approval and/or a permit must be obtained prior to initiation of project. Make attachment for additional entities if necessary.

Manatee County Board of County Commissioners

13. Have you requested a binding letter of interpretation from the Division of State Planning pursuant to Section 380.06(4) F.S.?
____ Yes
__X__ No

If yes, attach a copy of "Request for Binding Letter of Interpretation" to Division of State Planning and copy of Division's response.

14. Type of Development Mining-Phosphate Rock

15. General Description of Development (Including Size)

10,971 acres as per item 9. Approximately 6065 acres will be mined. Mining rate, approximately 300 acres per year. Prod. rate 3,000,000 tons per year

PUBLIC HEARING

(FOR OFFICE USE ONLY)

16. Date of Public Hearing(s) Place ______ Date ______

17. Date of Notice of Public Hearing(s) ______ Pursuant to Section 380.06(7)F.S.

*The applicant is Beker Phosphate Corporation, and its authorized representative is Lewis G. Bartow, Suite 58 Southeast National Bank of Bradenton, Bradenton, Florida 33505, Tel: (813) 746-0171. Mr. Bartow is also authorized to represent the owners in connection with the submission of this application.

The owners of the subject premises are Beker Phosphate Corporation, Suite 58, Southeast National Bank of Bradenton, P.O. Box 9034, Bradenton, Florida 33506, J. Z. Stanley and Lela M. Stanley, his wife of 310 46th Street West, Bradenton, Florida and H. E. Stanley and Mary M. Stanley, his wife of 1316 Florida Avenue, Tampa, Florida.

Beker Phosphate Corporation has an option to purchase the Stanley premises from the owners. Said option was entered into in October of 1974.

Location of Project

Township 34S Range 21E - Manatee County

Sections 12, 13, 24, 25, and the SE 1/4 of the NE 1/4 of Section 26 and all of Sections 36 except right of way for State Road 39.

Township 34S Range 22E - Manatee County

Sections 19, 20, 21, 28, 29, 31 and the North 1/2 of Section 30.

Township 35S Range 22E - Manatee County

In Section 6, that part of the N 3/4 lying North of State Road 64 and that part of the S 1/2 of SW 1/4 and of the SW 1/4 of SE 1/4 lying South of State Road 64; all of Sec. 7 less the E 1/2 of the NE 1/4; in Sec. 17 all of the SW 1/4 west of Myakka Rd; and in Sec.18 all, less the NE of NW and SW of NE.

Township 35S Range 21E - Manatee County

The E 1/2 of Section 12 and all of Section 1 less and except strip conveyed to the State for highway, also less that part of the SW 1/4 lying South of State Road 64, also, all of Sec. 13.

Location of Project

Township 34S Range 21E - Manatee County

Sections 12, 13, 24, 25, and the SE 1/4 of the NE 1/4 of Section 26 and all of Sections 36 except right of way for State Road 39.

Township 34S Range 22E - Manatee County

Sections 19, 20, 21, 28, 29, 31 and the North 1/2 of Section 30.

Township 35S Range 22E - Manatee County

In Section 6, that part of the N 3/4 lying North of State Road 64 and that part of the S 1/2 of SW 1/4 and of the SW 1/4 of SE 1/4 lying South of State Road 64; and the N 1/2 of the NW 1/4, and the NW 1/4 of the NE 1/4 of Section 7.

Township 35S Range 21E - Manatee County

The E 1/2 of Section 12 and all of Section 1 less and except strip conveyed to the State for highway, also less that part of the SW 1/4 lying South of State Road 64.

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DEVELOPMENT OF REGIONAL

IMPACT

SUPPLEMENTAL REPORT

The special concern of the region for three major elements, dike failure, water supply protection, and reclamation has prompted this addition to the impact study.

The primary problem that would be caused by a dike failure at Beker Phosphate's mine would be the contamination of the Lake Manatee Reservoir. Such a failure could disrupt the water supply and water availability to well over 100,000 people. This cannot happen and will not happen.

How does Beker Phosphate propose to offer positive dike protection, where others have apparently failed in past years?

Positive protection in the form of secondary dams will be built near Beker Phosphate's property line. If a problem should occur either on Beker property or further north, turbid or contaminated waters could be impounded at that point by the closing of gates within the dams. The dams will be built with the design integrity of an earthen fresh water dam, such as is used in man-made reservoir construction. Two such dams are planned. (See attached sketch). The basin behind the dam will have more than enough capacity to handle the contained volume of the active above ground waste disposal areas located on Beker property. This means that contaminants could be contained on Beker property, allowed to settle

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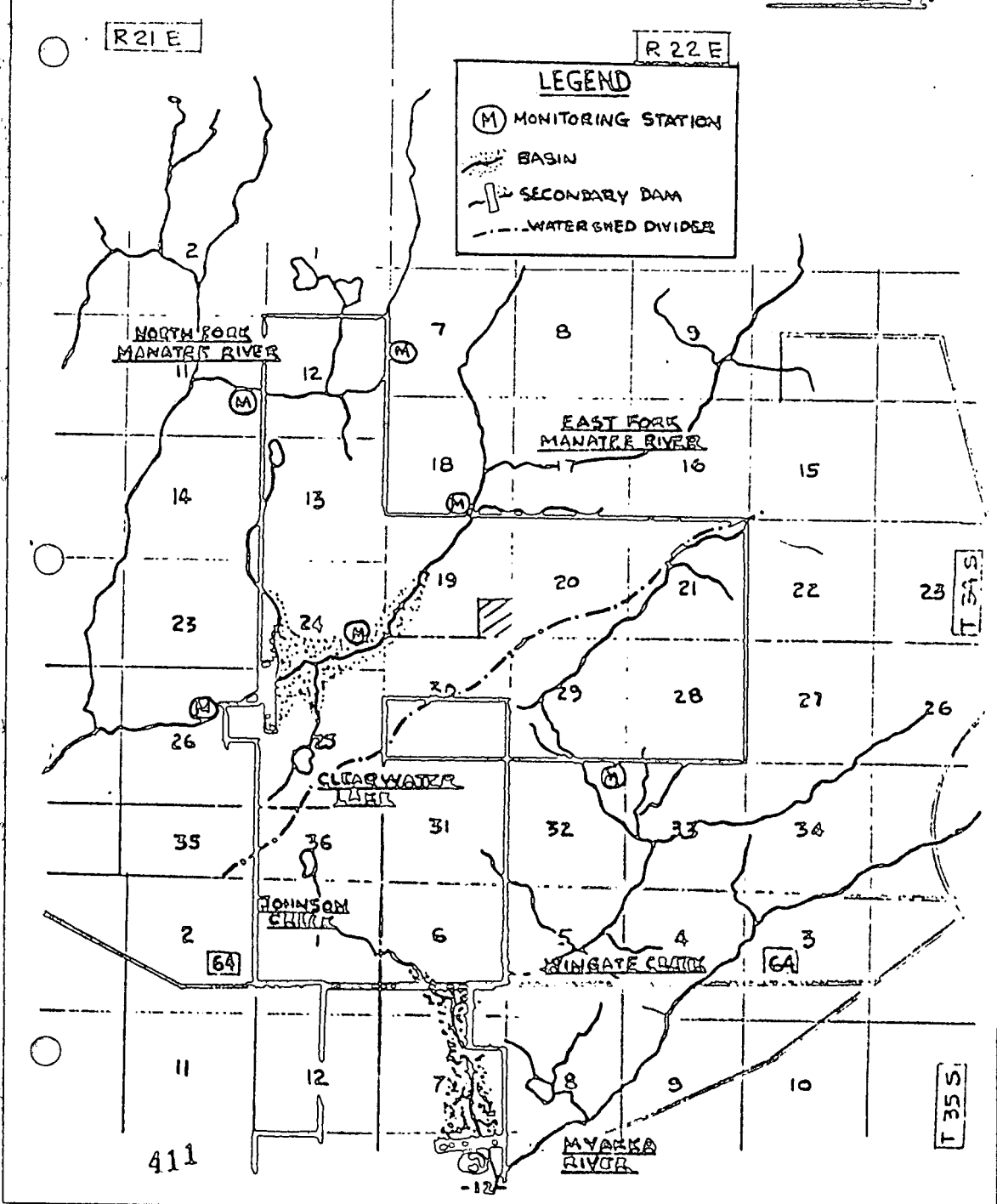
R 21 E
R 22 E
LEGEND
M MONITORING STATION
BASIN
SECONDARY DAM
WATERSHED DIVIDER
NORTH FORK MANATEE RIVER
EAST FORK MANATEE RIVER
CLEARWATER LAKE
JOHNSON CREEK
KINGSFORD CREEK
MYAKKA RIVER
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and then put back in proper areas. Clear water would be decanted off and natural flows of water would be disrupted briefly, if at all.

It is anticipated that this dam will never be used for the aforestated purpose during the period of Beker mining activities. The normal operation of the dam will be with gates fully opened to allow normal full stream flow.

The dam will provide a secondary benefit to the water district and to the taxpayer as it can be employed in the future as a head wall for a new fresh water reservoir, supplementing Lake Manatee's capacity. The natural basin in the area and the mined out pits could provide holding capacity for over 8,000,000 gallons of water. Discussions with various officials in the county have indicated that this new reservoir area will be a welcome and potentially valuable addition for the future development of the county and its water system.

Does this mean that Beker Phosphate anticipates a dike failure problem? Why doesn't Beker Phosphate design properly and thereby prevent potential Failures?

Beker Phosphate does not anticipate any dike failures. A properly designed, constructed and maintained phosphate dike has yet to fail. The design of all impounding areas and dikes will be carefully engineered to meet or exceed all existing county, regional, state, and federal specifications. In addition, test drill data will be extensively employed to check the sub-soil conditions and the strength of subterranean structures, to preclude sink hole failure possibilities. A consultant specializing

in dike and dam design and maintenance will be employed to bring to bear the best expertise available. Dike design, construction, and operating procedures will be established to exceed conditions found under the worst recorded area storm conditions.

The inspection and control procedures to be employed during the active period of dike life have been detailed elsewhere in this study; but briefly, daily, weekly and monthly inspection schedules will be maintained. Monitoring instruments (piezometers) will be installed and read on a regular basis. A preventative maintenance program including vegetation, mowing and erosion control will be carried out on a continuing basis.

What else does Beker Phosphate propose doing to protect Lake Manatee?

Beker Phosphate , with the help of experts now actively working on the problem, plans to pursue a program designed to reduce and possibly eliminate the use of above ground waste clay impounding areas. The percentage of clay in this deposit vs. that found in the Polk - Hillsborough area (12-14% vs. 25-35%) would lead to the conclusion that such a goal is attainable. Talks have been held with Dr. L. G. Bromwell who is responsible for running the joint U. S. Bureau of Mines, Phosphate Industry program,"The Florida Phosphatic Clays Research Project". Dr. Bromwell has agreed to do consulting work for Beker and he is quite optimistic about the possibility of waste impounding dike elimination or reduction.

Will the water flow to Lake Manatee be hindered or halted by the operation of a mine within the water shed area?

Hydrology studies conducted for PPG Industries by Raphael G. Kazmann, Consulting Engineer, in association with John A. McEntire, III Geologist, concluded that "the effect of any dewatering program will not significantly affect ground water levels in areas more than half a mile away from the area being drained." Also, "the water bearing formations are only slightly inter-dependent. Drainage of one aquifer will not usually result in drainage of the other aquifers." Further, "the output of these aquifers to any single cut will be volumetrically rather small, probably not in excess of 200 gallons a minute per 1,000 feet of cut."

Additionally, Dr. Richard Fountain, consulting geologist and hydrologist has researched stream flows within similar watershed areas where phosphate mining is, or has, taken place. These records indicate that mining does not hinder or halt area water flows either during or after operations. The mined out areas do not act as barriers, but as water storage areas which allow freer transgression of water than did the prior existing soil areas.

Dr. Fountain in conjunction with J. E. DeBoreaux & Associates performed a regression analysis study using Manatee County area data which added further background to the conclusion that Anker's mining will not adversely influence stream flows.

Can the citizens of Manatee ever [illegible] land as a result of phosphate mining?

Yes, the mine site will have one of the best, if not the finest, reclamation programs [illegible] will be monitored and will be subject to [illegible] regulations. The land, in some areas

of Polk County have been slow and hard to heal precipitating justifiable citizen indignation. The Beker mine and reclamation program will be a grass-roots operation with the goal of making the reclaimed land productive, attractive, and enjoyable by people and all other living creatures. The reclamation program is discussed in greater detail elsewhere in this study. In short, the land will in general be improved for agricultural use, in that the unproductive upper sandy soil areas will be rejuvenated with the more consolidated and often more fertile sub-soils. The fine fresh water lakes and somewhat rolling topography of the land created during the reclamation program will provide prime recreational areas. The mining lakes created in Polk County and Hillsborough County provide some of the best bass fishing in Florida. They also provide areas that, according to local Polk County Audubon groups, have attracted greater numbers and more varities of bird life.

Will there be a chemical plant included in this project?

Beker Industries Corporation's fertilizer manufacturing plants are presently in operation in four states. There will not be a chemical plant constructed as part of this project in Florida. Accordingly, chemical discharges and air emissions are not a factor in this development.

A. IMPACT ON THE ENVIRONMENT AND NATURAL RESOURCES OF THE REGION

19. Discuss in detail the impact of the proposed development on the following categories prior, during and after construction of the project.

A. Air quality - List emission by types and sources (i.e., particulates, dust, etc.):

Prior to construction of the project the air quality could be categorized as essentially free of any unusual particulate matter etc., other than that to be found in any open range country. During construction it could be anticipated that there will be gasoline and diesel oil engines in operation that will contribute or add some products of combustion to the air. However, such contributions will be generally undetectable at the property limits. There will be little dust generated by construction due to the sandy, fairly dust free nature of the soils on the property. Emissions to the air after construction and during operation will be limited to the operation of a 100 HP, 150 psi oil fired boiler of package design containing combustion controls and stack design capable of conforming with air quality standards prevailing for the area. There will be no chemical plant activity and we do not plan to dry the phosphate rock at the site. The only other operating emissions will be from motor vehicles, trucks, and gasoline or diesel engine equipment used in conjunction with the mining operation. Beker is initiating ambient air monitoring in 1974.

b. Water quality:[1]

(1) Effect upon water resource:

(a) Recharge areas:

Recharge of the Floridan aquifer may occur naturally in the subject area on a small scale. The water in the Floridan aquifer is under a positive head with the expected potentiometric surface 40 - 60 feet below ground surface. Overlying the strata between ground surface and the Floridan aquifer is a layer of hard pan which naturally prohibits the downward percolation of groundwater in large volumes. Directly underlying the unconsolidated sands and clays which comprise the phosphate matrix and overlying the Floridan aquifer in this area is the Hawthorn formation. The Hawthorn formation contains thick bed of relatively impermeable clay which restrict the downward movement of ground water into the Floridan aquifer. In addition, the head on the Floridan aquifer is expected to be greater than that on the water in the Hawthorn formation which will, in effect, cause an upward movement of water rather than the downward movement necessary for recharge of the aquifer system to occur naturally. No effect to this system will occur during the construction phase of the project and when mining is commenced recharge should be enhanced.

(b) Water retention areas:

Water retention areas will be developed in the course of mining and, if elevated above the ground, will cause artificial recharge of the surficial sands and aquifer system when the head differential

[1] Prepared by Richard Fountain & Associates.

is great enough. Monitoring of ground water in Polk County adjacent to elevated phosphate waste retention areas and other surface water impoundments has proven that no detrimental contaminants enter the groundwater system via recharge from these areas.

(c) Withdrawals from grounwater and resultant:

Groundwater withdrawals for the proposed operation will be in the order of magnitude of eight million gallons per day, but this rate of withdrawal will not have any pronounced effect on the existing potentiometric surface in this general area. As a result it could be concluded that salt water encroachment will not be a problem here. Approximately 90% of the groundwater withdrawn by pumping will enter into and return for reuse through a clear water recirculation system.

(d) Withdrawals from surface water:

Surface water retention areas will be designed so that rainfall normally lost to surface runoff and evapotranspiration will be utilized instead of additional groundwater withdrawal from the Floridan aquifer. In any instance where existing surface water is utilized in the operation it would be returned to the surface water system at some point with any excess waters discharged from the property. The water quality at this point would meet all state, federal and local criteria for the discharge of surface waters and after being subjected to a series of clarifying basins would be free of turbidity and any detri-

mental chemical or bacterial agents. The quality of surface water after withdrawal, use and clarification would be monitored at the point of discharge into the regional natural surface drainage.

(2) Discharges into surface water:

(a) Detergents and solvents:

. . Only a very minor amount of detergents and solvents will be utilized in the course of this operation and these materials will be absorbed by the soils in their area of use rather than being discharged into the natural surface drainage. Detergents and solvents will primarily be used in maintenance functions in cleansing equipment prior to mechanical repairs.

(b) Fuel and Oil:

. . Fuel and oil are necessary in the operation of vehicles and heavy equipment in the proposed mining operation and lubricants of many types will be used throughout the entire operation. The soils in the area will absorb spillage of these materials as has been demonstrated previously in a near surface groundwater monitoring program carried out under the supervision of the Southwest Florida Management District in the Polk - Hillsborough County area in an existing phosphate mining and beneficiation operation. In this instance, near surface groundwater has been monitored for bacteria and chemicals including analyses for oils, greases, etc. for a period of over 2 years with no detrimental effects to groundwater noted. Fuels and petroleum derivatives are also used in the beneficiation of phosphate ore. The water used as a carrier for this material is discharged

from the plant into a series of settling basins and subsequently returned to the plant for reuse. The percolation of the discharged water through the impounding structures of the settling basins is of a relatively low volume and a monitoring program similar to that noted above has indicated no detrimental effect on the groundwater adjacent to these areas nor to the surface water in the area.

(c) Sedimentation and siltation:

. . Sedimentation and siltation is caused by any mining operation and in the case of phosphate mining and processing the generation of fine sediments results as a part of the plant process. Settling basins are utilized to retain finely divided clay, sand and phosphate within the confines of the operation and after clarification the water is reused in the operation. No sedimentation or siltation will occur which will inhibit or degrade the natural surface water discharging from the property. This can be assured by the construction of control structures at the major points of discharge from the proposed operation to the natural surface drainage of the region. Erosion will be minimal due to the surface topography of the subject property and will be controlled by the proper alignment of mining cuts.

(d) Surface runoff:

. . Surface runoff will be minimized by the proposed mining operation by virtue of the creation of mining pools, settling basins, water retention areas, etc. Uncontrolled surface runoff will almost be nil due to the topography and the nature of the proposed operation. The quality of the surface runoff will

be monitored at the discharge points from the property along with the controlled discharge of surface water.

(e) Thermal discharges:

. . Thermal discharges will be absent in the proposed operation and therefore there will not be any thermal effect on discharges into surface waters.

(f) Sewage effluent:

. . Sewage effluent will be handled on site by either septic tanks or by above ground treatment in compliance with all existing local, state and federal standard and regulations.

(3) Discharges into groundwater:

(a) Liquid waste:

. . Liquid discharges into the groundwater system will be by percolation both laterally and vertically with water used as a transportation medium throughout the operation. None of the discharge into the groundwater system will be detrimental to the quality of groundwater in the region. As has been noted previously the quality of groundwater and associated discharges into the groundwater system in a phosphate mining and beneficiation operation have been monitored by the Southwest Florida Water Management District and found to be of acceptable quality and in many instances of a higher quality than that found in the underlying aquifer system. The more desirable quality simply is a lower dissolved solid mineral content resulting from the reduced contact of near surface groundwater with mineral which are readily soluble as opposed to highly solubility of the lime-

stones which comprise the Floridan aquifer.

(b) Solid waste:

. . The only solid waste entering contact with the groundwater system will be the discarded mineral from the beneficiation operation which were originally taken from the near surface groundwater zone. These minerals, sand (quartz), clay and phosphate, have at this point, been subjected to chemical flotation treatment. The chemical treatment is quite dilute and as noted above, monitoring of groundwater in association with the discharge of similar wastes in Polk and Hillsborough Counties shows no undesirable changes taking place in the groundwater system.

(4) Creation of water bodies:

(a) Wastewater lagoons:

. . Wastewater lagoons, ditches, ponds, etc. will be created during the construction and at the time that the mine is in operation. Phosphate mining and processing utilizes a technology in which water plays a major role as a transporting medium from the mine through beneficiation to the finished product. In order that sound water management practices, allowing a maximum reuse of water in the system, be followed, it is necessary to create various surface water features such as ponds, lagoons, ditches, etc. This surface water system is used for the collection, clarification and storage of rainfall, natural surface runoff, plant waste water, natural groundwater seepage and its return and recycling. One phase of the processing operation usually requires the use of deepwell water and without the system

for clarification and reuse a high volume of water would be discharged from the operation increasing the demand for deepwell withdrawal. At certain stages of the water cycle, ditches associated with the system will carry water that is turbid and which contains flotation agents. The suspended particles are settled out of the system and retained within the confines of the complex and the flotation agents are lost to evaporation and absorption into the soils with no detrimental effects to groundwater.

(b) Borrow pits:

. . Borrow pits as such are not an integral part of phosphate mining, but when draglines are used for mining, large areas of open pits will be created in the mining process. Rainfall and groundwater seepage will accumulate in these areas and in some instances become stored water for use in the operation. As mining progresses some pits will be backfilled in the process of land reclamation. In other instances, these pits will be developed as lakes associated with the reclaimed land. Any turbidity caused during mining will be contained within the pit itself or if pumping of accumulated groundwater seepage and rainfall is necessitated the pumped water will be held in a settling basin until clarified and then used in the processing cycle. Other than turbidity no detrimental or undesirable agents would enter the water accumulated in the pits created by dragline mining.

Dredge mining will create pools or lakes rather than dry pits.

(c) Impoundments:

. . Impoundments may be necessitated above natural ground in order to contain stored water for the processing operation or to contain plant waste material. In the case of impoundments built to contain stored water for the processing operation downward percolation of some of the stored water will occur. This water will be of good quality as previously noted and will cause no detrimental effects on either surface water or groundwater in the area. Above ground impoundments of plant wastes contain clay, silt, finely divided sand and phosphate. These materials are transported from the plant to the impoundments by water and then by natural sedimentation processes are segregated from the water which, by passing through a series of such impoundments or settling basins, is clarified and returned to the plant to be reused. The clay wastes form a relatively impermeable barrier on the bottom and sides of the impounding structures resulting in a low percolation rate of any seepage water that might occur. Monitoring of the water quality adjacent to similar structures in the Polk - Hillsborough County area has demonstrated that the filtration inherent in the materials used in the construction of the impoundment serves to clarify any seepage water and to absorb any chemical agents which were utilized in processing. The only existing hazard to the contamination of surface water and groundwater in this instance is from failure of the impounding structure and the subsequent release of highly turbid materials into the surface drainage system. Sound engineering design, strict construction procedures, and positive protection structures such as are planned for this

project will prohibit this type of contamination to surface water.

(c) Other effects:

(1) Noise:

Noise on the property at this time is confined to the occasional truck, tractor or jeep that might operate on the ranch land. During construction there should be no unusual noises other than those encountered with the use of steel erection equipment and with the use of earth moving machinery needed for the building of initial mining areas. Such activity will almost certainly not be measurable at the property boundaries. All applicable noise control standards for equipment and personnel protection will be reviewed. It is the intent of Baker Industries to comply with these standards. There is ample data available from the respective equipment manufacturers to assure good mine design. The mining itself is, of course, an outside activity with electrically operated dredges and pumping systems. The washer is essentially an open design with little or no sound confining building walls. The recovery (flotation) plant is in a building, but offers no problem in noise control. The plant has not as yet been finally designed, so it is not possible to further detail the methods used, other than to say that existing methodology will be used with all the improvements that would be incorporated in the newest and most modern plant design. Again, operating sounds are not expected to be discernable at the property boundaries.

(2) Radiation:

Radiation has no influence on this project from an environmental or hazard type of connotation. However, it sould be noted that Florida phosphate deposits are also considered to be a potential source of uranium. The uranium content, while low in terms of percentage, can be extracted during the processing of phosphate rock to wet process phosphoric acid. Beker, as previously stated, does not plan a chemical plant operation in Manatee County and hence this is not a factor in this impact study. The environmental protection agency reconnaisance study, Radiochemical Pollution from Phosphate Rock Mining and Milling states that, "Mining of the phosphate rock in Florida does not result in significant discharge of radium to the water environment - - ." Hence, limits have been placed on phosphate chemical plant operations only and radiation monitoring is not deemed necessary with mining.

Accordingly, while uranium extraction is not a subject for discussion in this report, the availability and potential usefulness of this by-product from the phosphate rock can not be overlooked when the ultimate value of the deposit is assessed relative to its overall impact. It has been reported that the Florida phosphate deposits represent one of the largest, if not the biggest, reserves of extractable uranium in the United States. The only other mentionable connection that the development might have with radiation would be in the area of instrumentation. Certain types of mass flow meters utilize radioactive materials in the measuring process. Additionally, detectors are

sometimes used to monitor prospecting operations, particularly where the ore body contains a detectable amount of uranium, such as is the case here. Some consideration has also been given to the use of detectors in the refinement of the mining process. While this type of utilization of detectors (for locating the ore body boundaries) has not been practiced for this purpose it does offer an interesting approach to increasing mineral recovery.

(3) Other considerations:

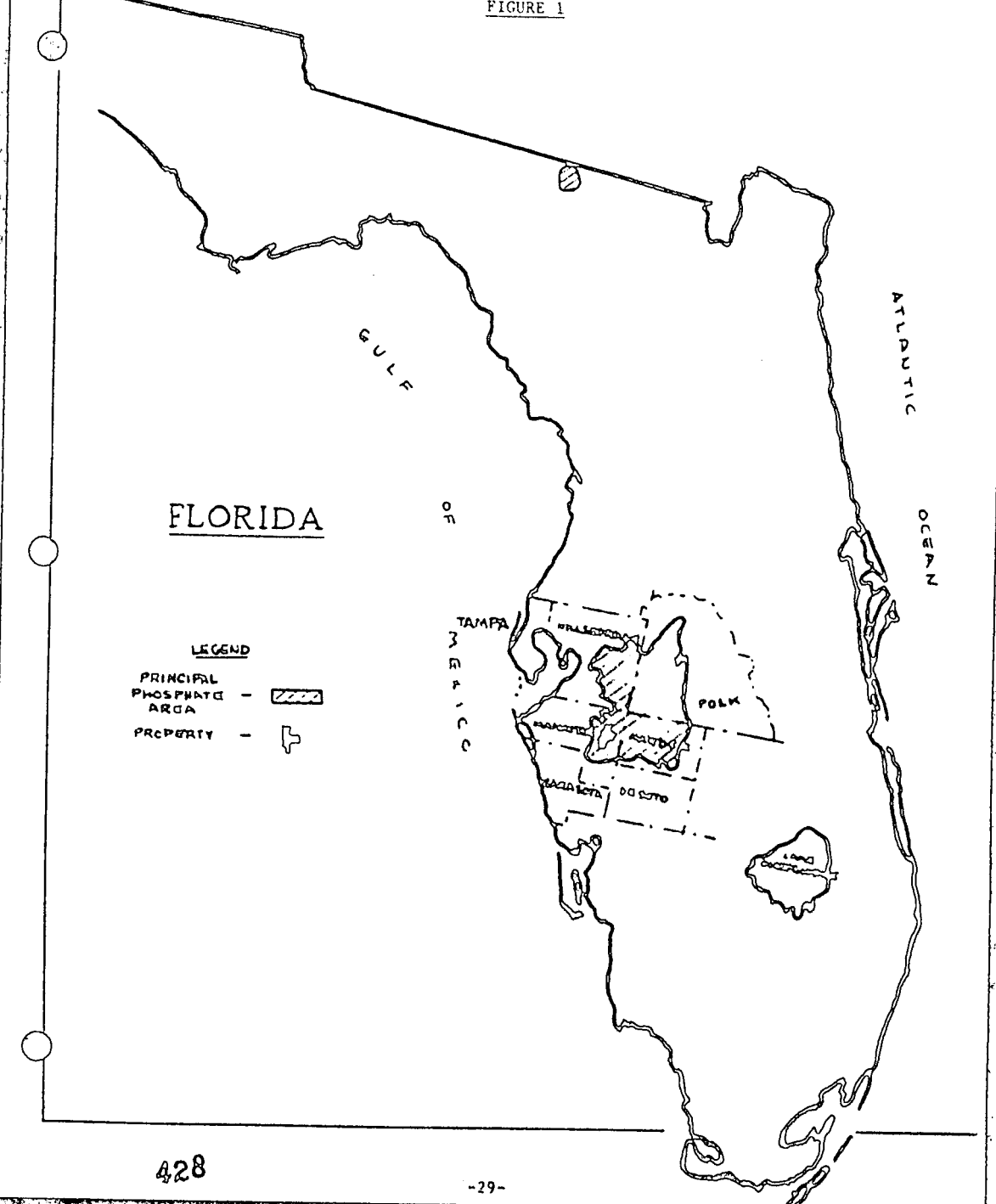
No other effects on the physical environment are known.

20. a. What natural resources existing in the area influenced your decision to develop on this location?

In 1887 phosphate rock deposits were discovered in an area about 50 miles long and 40 miles wide approximately 25 miles east of Tampa, Florida (see figure 1). These deposits occur as sedimentary beds of phosphate pebbles, sand, and clay. Because of the phosphate pebbles, varying in size from a grain of sand to over one inch in diameter, the deposits became known as the Florida land-pebble phosphates. Mining began in 1890, and by 1892 the value of annual production exceeded $1 million.

This section of Manatee County lies within that area where the seas swept across Florida during the Miocene Era and formed a matrix or a mixture of phosphate sediments, sand and fine clay. Prospecting on this tract has proven a matrix layer of from 5'-40' in thickness covered by a sandy overburden varying from 15'-40'.

FIGURE 1


FLORIDA
GULF
OF
MEXICO
ATLANTIC
OCEAN
TAMPA
POLK
HILLSBOROUGH
MANATEE
HARDEE
DE SOTO
LEGEND
PRINCIPAL PHOSPHATE AREA
PROPERTY

No mining was previously considered in this area since large phosphate reserves located in Polk and Hillsborough counties were generally considered of better quality and less expensive to mine. In the early 1960's the plant food industry began acquiring future mining rese .es in Eastern Manatee, Hardee and DeSoto counties. This tract was acquired in 1966 and held at considerable expense as a phosphate reserve property. Phosphate rock "developed" reserves in Florida are being used at a rate that will essentially deplete these resources within the next 15 - 20- years. The reserves in Manatee, Hardee, DeSoto, Hillsborough, and north Florida counties represent untapped sources of this essential agricultural and industrial mineral that is one of the three elements vital to plant growth. About 70% of the domestic consumption of phosphate rock is in the manufacture of fertilizers, and will continue to be so, as there is no substitute for phosphorus as a plant food element. Chemical fertilizer including phosphorus is vital to the production of adequate food in the world. (See figure 2.)

b. Discuss the impact of the proposed facility upon the following:

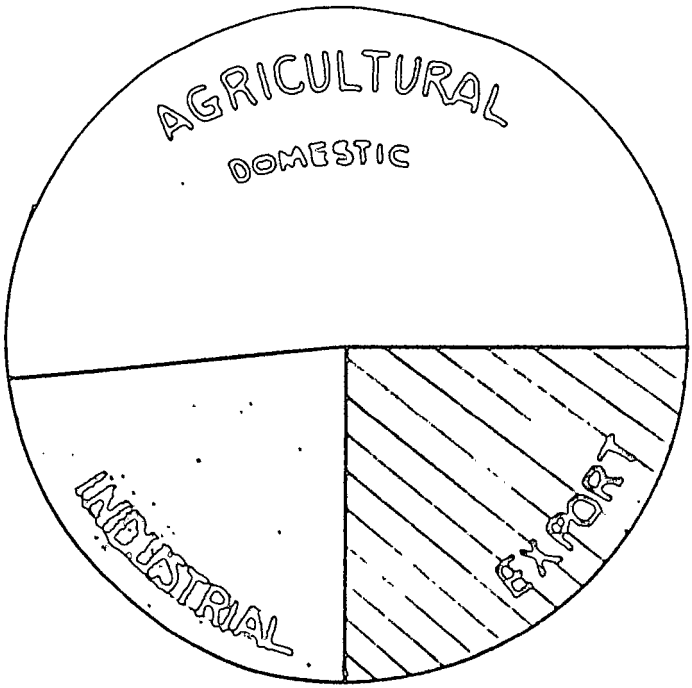
(1) Topography:

You will note from the attached topographic map (See figure 3.) that this property is basically flat with numerous ridges of deep St. Lucie type sands. The area is dotted with shallow intermittent wet-dry grassy ponds. The major differences in gradients are located along the natural drainages and these changes

FIGURE 2

PHOSPHATE ROCK USE PATTERN

There are three principal outlets for phosphate rock produced in the Southeastern United States. The major portion of the production, about 53% is used domestically for Agricultural purposes. Another 22% is used for the manufacture of industrial chemicals. The remaining 25% is exported, almost entirely for overseas agricultural use. It could also be said that about 70% of the domestic rock is used agriculturally.



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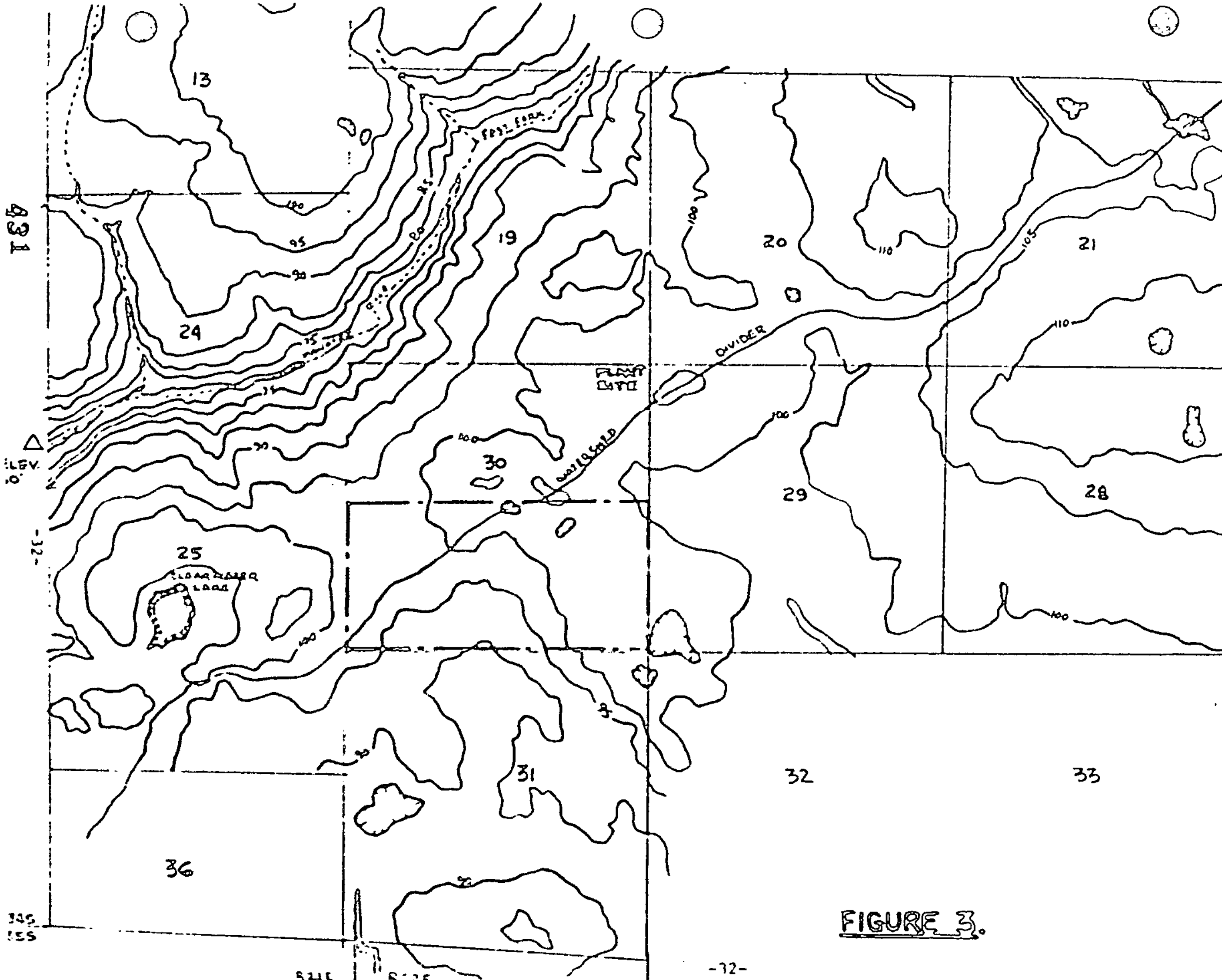
13
19
20
21
24
25
28
29
30
31
32
33
36
DIVIDER
WATERSHED
PLANT SITE
ELEV.
100
95
90
110
105
R21E
R22E

FIGURE 3.

in slope are limited to 2-5%.

Mining will temporarily create a sharp change in the relief due to stacking of overburden. When this overburden is graded and the shoreline of pits sloped the mined areas will assume a gently rolling topography dotted with clearwater lakes that will offer a pleasant contrast in this generally flat region of the county. Slopes will be no steeper that 7 to 1. (See appendix 1 and the Baseline Inc. addendum report for a summary of soil types).

(2) Natural Vegetation:

Most of the commercial stands of pine (slash and longleaf) were removed many years ago. On the deep sand soil types (St. Lucie-Parkwood), some Sand Pine (pinus clausa) remains since these very poor soils will not support improved grasses. This species is not commercially important and grows with runner oak and other scrub oak species. The flatter soils (Leon-Immokalee) that supported slash pine have largely been cleared of native saw-palmetto and wiregrass and planted with improved grasses. Some native range remains and consists of saw-palmetto, wiregrass, carpetgrass, and water-loving grasses along the edges of flat ponds. These areas are managed for grazing. Along the natural drainages there are swamp tree species of sweet bay, myrtle, southern red maple, gum and associated species. Most of these areas have remained undisturbed. (See appendix 2 and the Baseline Inc. addendum report for a complete list of trees and grasses.)

On the unmineable portions of this tract we will leave the planted grasses or native vegetation largely as it presently