**Brad Jackson**

08/11/2003 10:58 AM

SITE: Florida Phosphate
BREAK: 13.7
OTHER: V.1

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cc:

Subject: Another Phosphate Related Editoral

**COMMENTS - Editorial - Southwest Florida is in danger of being damaged like Central Florida unless the state learns its lessons about the dangers of phosphate mining.**

11 August 2003 – St. Petersburg Times

**Phosphate lessons**
**Southwest Florida is in danger of being damaged like Central Florida unless the state learns its lessons about the dangers of phosphate mining.**
A Times Editorial

Florida is spending $140-million to spray contaminated phosphate wastewater into the Gulf of Mexico, but to hear Administrative Judge J. Lawrence Johnston tell it, the state hasn't learned much. The Department of Environmental Protection, which got stuck dealing with a mountain of highly acidic water when Mulberry Corp. went bankrupt two years ago, is still waving a green flag to miners.

What is most notable about Johnston's Aug. 1 ruling is not just that he disagreed with DEP's decision to grant a permit to IMC Phosphates for a new 2,300-acre mine in Manatee County. In his 120-page opinion, Johnston all but ridiculed the agency's diligence.

"IMC and DEP take the position that Horse Creek itself does not include the Central Marsh or anything upgradient of the Central Marsh," he wrote, noting the impact mining has on rivers and wetlands. "But the greater weight of the evidence is to the contrary." Of assertions that DEP needed more research on the impacts, he wrote: "DEP called no witnesses to give opinion testimony during the hearing in this case on this or any other issue in the case."

This is more than a little disconcerting. Phosphate mining has left a blistering trail across Central Florida, and is now headed southward. Nearly 100,000 acres in southwest Florida are being targeted for new mines, all within the basin of the Peace River, and the judge's ruling dealt with only one company and one proposed mine.

The reason the judge was asked to rule was that Charlotte County officials saw no other option but to fight DEP, since the state has shown itself to be so accommodating to the company. Charlotte's attorney, Ed de la Parte, even discovered during depositions that one of the DEP staffers who worked on IMC's permit application was a former longtime IMC employee.

"This permit denial is a notice to IMC and the mining industry that business as usual isn't going to work in Florida today," de la Parte said.

DEP Secretary David Struhs has not announced whether he will follow the administrative judge's advice, but he would be hard-pressed to do otherwise. If he were to reject the findings, then he would be rejecting science and saying that phosphate companies need not answer to the counties they seek to mine.

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Next month, Charlotte will be back before an administrative judge, asking this time to reject a permit for IMC to mine 23,000 acres in Hardee County, asking to at least require meaningful reclamation and realistic financial protection for the state. The stakes are being raised, and the gamble is enormous for Florida. There is nothing pretty about the work of phosphate, nothing clean or light about this industry. As Johnston describes in his ruling: "Phosphate mining in this area is accomplished through utter destruction of the local natural environment from ground surface down to a depth of approximately 50 feet."

That's the future for much of southwest Florida, unless the state can begin to learn from its poisonous lessons of the past.