

DRAFT

Lake County Mining Committee
APWR Position regarding sand mining in the GSACSC
February 14, 2012 Discussion by APWR Board of Directors

Review of SOLC/APWR position based on letters to the BCC: June 5, 2000—April 29, 2002 .

- SOLC—June 5, 2000, Fl. Rock Industries, Lake Sand Plant, Mining Site Plan Amendment, MSP #00/6/1-2
- APWR—March 19, 2002, Florida Rock expansion, Lake Sand Plant, Green Swamp --54.6 acres to MSP#00/6/1-2
- APWR—April 29, 2002, Rinker Materials Corporation, MSP #02/4/1-2, to add 699+ acres to the existing mine.

Position and Reasons:

SOLC: Opposed to mining in the Green Swamp Area of Critical State Concern (GSACSC). (ask for county to readdress its policy and should amend certain policies.

Reasons:

- 1.--Hydrologic and environmental significance of the GS—contains the highest groundwater levels in Peninsular Florida that protects and replenishes the Floridan aquifer. Confining unit is weak—between surface water and groundwater—strong interconnection—practically one and the same. Issue—Water loss through evaporation from created lakes compared to evapotranspiration from wetlands. SOLC believes that if no mine then no created lake to lose water by evaporation. Water would be better protected if it remained in the ground. (Old comp plan—Protection Policy of water quality/quantity Objective 1-17, 1-18, 1-19—check on new comp)
2. --(FICUS:1000 FOF) GS strong ecosystem protection—“the importance of its size and the interdependence of its natural biological systems to the underlying Green Swamp geology and related potentiometric high.
3. Uncertainty of the cumulative effect of sand mining in the G S.
The EAR analysis for Objective 7-13 : Conserve Mineral Resources States under “Objective Achieved” “While the ‘up front’ requirements, technical review and permitting process are relatively stringent, long term and cumulative effects of extraction activities have not been studied/documentated to any degree in the county” (APWR- Such a study should be done to better evaluate the status of mining in the GS. Has this been done????)

**Inconsistency with Comp Plan (Old) –need to check if certain policies are
In new Comp Plan.**

Policy 7.13.1 Prohibition of Mining in Specified Areas and 7.13.2 Mining in Environmentally Sensitive Areas (Green Swamp environmentally sensitive since the State has designated it as an ACSC.) The key concept—mining prohibited unless the mined lands can be restored. Restoration means “restore the resource to its condition prior to mining according to type, nature, function and extent at the same location. A sand mine can not be restored to its previous condition. The land becomes a lake. It has been estimated that 100 acres of “lakes” are added a year. Florida Rock will have added 290.1 acres of created lakes by the end of the mine life. Does the economic value of the mining justify the cumulative ecological risk to the hydrology and biological communities of the GS?

Environmental Requirements

Instead of proving “no adverse impact”—there should be proof that an action is “beneficial” to the situation. These mines are in the Big/Little Creek Basins which directly feed Lake Louisa/Clermont Chain which are OFW’s (and beyond the boundaries of the mine. The Henderson Wetlands Act 403.918 (2),F.S. states in general that the applicant must “provide reasonable assurance that the project is not contrary to the public interest>” Within an OFW “the applicant must provide reasonable assurance that the project will be clearly in the public interest.”

According to the report Hydrologic Effects of Sand Mining in Lake County funded as part of a penalty by Jahna, 32 sand mines in Fl. Seven in Lake Co. 7 in Polk, These 14 mines clustered together in the GS 474 area . Water flows in part to the North and Little and Big Creek basins and the Clermont Chain. (Check out the Exec. Summary in the Jahna Report)

APWR requests an objective study of cumulative effects of sand mining on Lake County water resources.

March 19, 2002. This is a copy of the June 5, 2000 letter from Save Our Lakes Committee, Inc., a dissolved corporation effective 12/26/2001.

June 5, 2000

Lake County Department of Growth Management
Sharon Farrell, Senior Director
P.O. Box 7800
Tavares, FL 32778

ATTN: Mary Williams, Division of Planning & Development Services.
RE: Save Our Lakes Committee, Inc., letter of concern/opposition regarding
MSP # 00/6/1-2, Florida Rock Industries, Inc. Mining Site Plan Amendment.

Dear Ms. Farrell:

Save Our Lakes Committee, Inc. (SOLC) is opposed to the Florida Rock expansion of its Lake Sand Plant primarily because we are opposed to mining in the Green Swamp Area of Critical State Concern. We believe that the County should readdress its policy of mining in the Green Swamp and should amend Policy 1-1.15,(9)(e); (10) (d); (11) (d) that exclude sand mining from the prohibited land use.

Reasons to change policy of mining in the Green Swamp.

1. Hydrologic and environmental significance of the Green Swamp

---The Swamp (870 sq. miles) contains the highest groundwater levels in Peninsular Florida (the Potentiometric High) that both protects and replenishes the Floridan Aquifer. Over much of the swamp, the confining unit between surface waters and groundwater is relatively weak resulting in a strong interconnection of surface and groundwater. They are practically one and the same. Protection of one is protection of the other.

Groundwater protection in the Swamp revolves around limitation of water consumption/water use to maintain "the swamp" and protection of the existing, good water quality that acts to recharge the Floridan Aquifer. (FICUS: 1000 FOF). Water loss through evaporation from created lakes compared to evapotranspiration from wetlands is at issue here. SOLC believes that if there was no mine, then there would be no created lake to lose water by evaporation. If the water remained in the ground, it would be better protected.

Lake County's Comprehensive Plan sets forth Protection Policy of water quality and quantity in Objectives 1-17, 1-18, 1-19.

---The Green Swamp should also be given strong ecosystem protection because of "the importance of its size and the interdependence of its natural biological systems to the underlying Green Swamp geology and related potentiometric high." (FICUS: 1000 FOF).

Lake County's Comprehensive Plan provides policy for such protection in Objectives 7.6, 7.7, 7.8, 7.9.

2. Uncertainty of the cumulative effect of sand mining in the Green Swamp.

--The Conservation Committee for the EAR had recommended that mining in the Green Swamp be prohibited. This point was not discussed to my recollection at the P & Z EAR Transmittal Hearing, January 5, 2000 nor by the County Commission.

The EAR analysis for Objective 7-13: Conserve Mineral Resources states under "Objective Achieved?" "...While the 'up front' requirements, technical reviews and permitting process are relatively stringent, long term and cumulative effects of extraction activities have not been studied/documentated to any degree in the county." **Such a study should be done to better evaluate the status of mining in the Green Swamp**

3. Inconsistency with the Comprehensive Plan.

--Policy 7-13.1 Prohibition of Mining in Specified Areas, and 7-13.2 Mining in Environmentally Sensitive Areas. (I "assume" the County recognizes The Green Swamp as "environmentally sensitive" since the State has designated it as an "Area of Critical State Concern")

The key concept in the policies is that mining will be prohibited in these areas unless the mined lands can be restored. Restoration means "restore the resource to its condition prior to mining according to type, nature, function and extent at the same location." (7.13.2)

A sand mine can not be restored to its previous condition. The land becomes a lake! In the Green Swamp ecosystem, open lake systems are not common. It has been estimated that 100 acres of "lakes" are added a year. Florida Rock will have added 290.1 acres of created lakes by the end of the mine life. This type of restoration is inconsistent with the language of the policy.

Does the economic value of the mining justify the cumulative ecological risk to the hydrology and biological communities of the Green Swamp? What is the comparative value of existing uplands and wetlands to sand and post-mining lakes?

Specific Concerns Regarding Florida Rock Lake Sand Mine Expansion.

Hydrology:

1. The report stated the confining layer was 55' thick. Is this throughout the mined area? Were confining layer measurements also taken in the wetlands or at the border of the wetlands? If so, what was the thickness? Note: In the Environmental Requirements of the Ordinance, Point "e" the language "where feasible". (Policy 7-13.8) An EAR amendment removed this language and replaced it with the word "require". The BCC should put that as a condition of the Ordinance.

2. If the Groundwater Monitoring Plan shows the groundwater level is dropping, what will Florida Rock do? Will there be a comparison of surface water levels in the wetlands and the dredge lakes? What would a warning/risk situation be to indicate danger to the wetlands?
3. The lack of rainfall, the drop in the water table, the low lake levels in the Clermont Chain are a definite worry. The creation of lakes and increased opportunity for water loss from evaporation in the mining process can't be beneficial to the Green Swamp related water problems.
4. Referring to the Environmental Requirements in the Ordinance, point "d": How will the applicant prove that the "ground water withdrawals shall not adversely impact, due to lowering of potentiometric levels, the Florida aquifer (and the surficial aquifer) beyond the boundaries of the mine".

We believe that instead of proving "no adverse impact" on the environment, or public interest, there should be proof that an action is "beneficial" to the situation.

This area of the mine is in the Big/Little Creek Basin which directly feeds Lake Louisa/ Clermont Chain which are Outstanding Florida Waters (and beyond the boundaries of the mine"). The Henderson Wetlands Act 403.918 (2), F.S. states in general that the applicant must "provide reasonable assurance that the project is not contrary to the public interest." Within an OFW "the applicant must provide reasonable assurance that the project will be clearly in the public interest."

5. We request the applicant explain the following statement from the Hydrology Report: "The regional wetland system that surrounds the site will strongly affect the pond levels when mining is concluded." Also, how will the pond levels affect the wetlands?
6. The Site Plan report states that there will be no alteration of wetlands. The expansion property is separated from the existing mine by an extensive wetland bordering Green Swamp Road at an "S" turn. How can alteration be avoided in the mining process?

Restoration Plan

1. It is our understanding that Florida Rock is the owner of the property.
2. SOLC urges the Board of County Commissioners, if they approve this request for expansion, to ensure the following in the reclamation plan.

--an environmentally sound and detailed plan for dealing with the tailings.

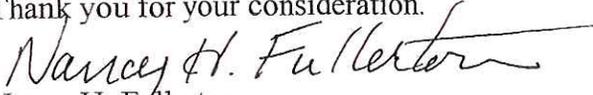
--**Florida Rock's dedication of a conservation easement for this expansion and for the rest of the mine property totally 1,894 acres.** Who can predict future plans for the area? Being an Area of Critical State Concern is not protection enough in these days of changing state law and the possibility of dedesignation of the Swamp as an Area of Critical State Concern.

Save Our Lakes Committee requests the Planning and Zoning Commissioners and the Board of County Commissioners deny this expansion of Lake Sand Mine which would continue mining in the Lake County area of the Green Swamp for nineteen years.

We urge you to change the Comprehensive Plan and Land Development Regulations to prohibit future sand mining in the Green Swamp. In the meantime experts argue the science that reflects business vs. environment issues; state agencies acquire and manage Green Swamp lands (150,000 acres) that speak to the need of long-term protection; few people live near these mines so there is little concern about neighborhood quality of life; the plants and wildlife, the water and wetlands can not speak about compatibility with the existing character of the area-- their message will be sent by way of demise or survival in the years to come.

One thing, however, is obvious under the existing situation. Multiply Florida Rock by how many mines are operating in the Swamp and we see the Green Swamp Ecosystem being hauled away one load at a time, 200 loads a day, 5 days a week for 26 or whatever years.

Thank you for your consideration.


Nancy H. Fullerton
Save Our Lakes Committee, Inc.

ALLIANCE to PROTECT WATER RESOURCES, INC.

P.O. Box 120596, Clermont, FL 34712

March 19, 2002

Lake County Board of County Commissioners
Commissioner Robert Pool, Chairman
Commissioners Welton Cadwell, Catherine Hanson, Jennifer Hill, Debbie Stivender
P.O. Box 7800
Tavares, FL 32778-7800

ATTN: Sharon Farrell, Senior Director, Lake County Department of Growth Management
Mary Williams, Public Hearing Coordinator, Planning and Development Services
RE: Objection to MSP #02/3/1-2, Florida Rock Industries--Lake Sand Plant, Green Swamp

Dear Commissioners:

Alliance to Protect Water Resources, Inc. (APWR) is opposed to the Florida Rock request to add an additional 54.6 acres to its current Mining Site Plan (MSP #00/6/1-2) which would exceed the maximum 60% limit of site alteration of existing upland soils set forth in Lake County Land Development Regulations, Section 8.00.05(c). We oppose the granting of a variance to 8.00.05(c).

APWR is opposed, in general, to sand mining in the Green Swamp Area of Critical State Concern and believes that the County should readdress its policy of mining in the Green Swamp and should amend Policy 1-1.15.(9)(e); (10)(d); (11) (d) that exclude sand mining from the prohibited land use. APWR agrees with the position taken by the dissolved corporation Save Our Lakes Committee, Inc.(SOLC) stated in its letter of opposition (June 5, 2000) to MSP #00/6/1-2 which was approved by the Board of County Commissioners on July 19, 2000. A copy of the SOLC letter is attached for reference.

APWR concerns/comments regarding continued expansion of sand mining in the Green Swamp:

1. Cumulative Effects. The major concern is about the cumulative effect of mining. It is my understanding that Rinker plans to greatly expand its operation in the same Rt. 474 area down to the Polk Co. line. The report on Sand Mining in Lake Co. produced as part of a Jahna Sand Mine penalty states in its Executive summary that:

- sandmining may subtly reduce adjacent surficial aquifer system water levels,
- setbacks offer little hydrologic protection for wetlands,
- conversion of uplands to lakes can potentially reduce availability of water for recharge because of increased evaporation.

In the Green Swamp ecosystem, open lake systems are not common. It has been estimated that 100 acres of "lakes" are added a year which could affect the overall hydrology of the Swamp. The problem is no one knows for sure about long term cumulative impacts because little if any research has been done.

2. Groundwater. There could be adverse impacts from changes in the flow of groundwater during the mining process. Where is the water moving to before, during and after the mining? Green Swamp water moves north and contributes to Lake County ground and surface waters. The County should require definite information that proves that during the mining Lake County waters are not being harmed or lessened. The question is totally relevant since the Clermont Chain and other isolated lakes are drying up. Actually, the applicant should be required to provide reasonable assurance that mining will clearly be in the public interest since the absence of bad does not necessarily mean the presence of good. The integrity of the northward flow of Green Swamp waters has been a major issue for the County in its conflict with Polk County over Lake Lowery waters.

3. reclamation and mitigation. Sand mining is more than a "temporary disturbance of the additional upland excavation areas" stated in the staff analysis. If this variance is granted, we request the Board require Florida Rock to increase the 54.6 acres of wetlands being set aside for conservation purposes as compensation for exceeding the 60% limit. A 2:1 ratio would not be an unrealistic number for such an exception. It is my understanding that the reclamation ratio of 1:1 for the actual mining site of upland land uses will decrease the acreage of open water after mining which would be a responsible action.

Is there a good reason this reclamation and mitigation language is not included in the mining ordinance? I would think it best to have the plan specifically stated.

APWR appreciates Board consideration of our objections to sand mining in the Green Swamp. We believe an objective study of cumulative effects of sand mining would be in the public interest and request the Board to arrange such a study. Our experience with Florida Rock has shown that the company has strong awareness of environmental issues. Its Nature Trail at the Lake Sand Mine is an example of public responsibility. However, we still request the Board to deny this amendment to the existing MSP.

Sincerely,



Nancy H. Fullerton

President, Alliance to Protect Water Resources

cc: The Department of Community Affairs

inc: letter from Save Our Lakes Committee, Inc., June 5, 2000

Higher Standards
NAT
more than a temporary disturbance
March 26, 2002, BCC, Florida Rock, MSP #0273/1-2

Comments, NHFullerton

Name, representing self as property owner in the Green Swamp and President, Alliance to Protect Water Resources, Inc.

Check that received APWR letter of March 19 and copy of a Save Our Lakes Committee letter of June 5, 2000

APWR opposes the requested variance that would go against the Comp Plan and LDR's by increasing the 60% limit allowed in mining acreage by 54 plus acres.

CUMULATIVE EFFECTS:

We have grave concerns, in general, about the cumulative effects of sand mining in the Green Swamp and request the County to readdress its policy of allowing sand mining in the Swamp. We ask you to

recollect that the Conservation Committee for the EAR recommended that mining in the Swamp be prohibited. Also the EAR analysis for Objective 7-13: Conserve Mineral Resources states under "Objective Achieved" "while the 'up front' requirements, technical reviews and permitting process are relatively stringent, long term and cumulative effects of extraction activities have not been studied/documentated to any degree in the county." We believe such a study should be done to better evaluate the status of mining upon our water resources in the Green Swamp and effect on waters to the North.

According to the report Hydrologic Effects of Sand Mining in Lake County funded as part of a penalty by Jahna sandmines there are 32 sand mines in Florida. 7 of these are in Lake, 7 in Polk and these 14 mines are clustered together in the Green Swamp in the Rt 474 area and in the watershed that flows in part into the Big and Little Creek Basin that provide the waters for the Clermont Chain of Lakes and contribute to the ground and surface waters of Lake County. These waters have been of vital concern to the County in its conflict with Polk County over the Lake Lowery diversion issue. The County needs to go beyond the applicants hydrology reports and address the cumulative effects issue independently. The County should require reasonable assurance that mining will clearly be in the public interest as required in F. S. 403.918 (2) (Henderson Wetlands Act). since these waters provide the water for Outstanding Florida Waters.

Also the Jahna report states that sandmining in swamp type mines may subtly reduce adjacent surficial aquifer system water levels, although they claim it to be of "little environmental significance". Again we are concerned with the cumulative effect.

and such subtle changes in water levels are more difficult to detect + quantify.

(If applicant mentions Jahna Report, can refer to the statement, page 54 although talking about ridge mining, "...the predicted water level reductions are probably of not regulatory or environmental significance. The surficial Aquifer system is generally not an important water source in Lake County." QUESTION IS IMPORTANT TO WHOM? THIS STATEMENT HURTS THE CREDABILITY, GOOD SENSE OF THE REPORT.)

INCONSISTENCY WITH THE COMPREHENSIVE PLAN.

Granting this variance would entail the same inconsistencies addressed in the The Save Our Lakes Committee letter regarding the extension granted in July 2000 in MSP #00/6/1-2. I wish to refer again today to Policies 7-13. 1 and 7-13.2 Prohibition of Mining in Specified Areas and Mining in Environmentally Sensitive Areas. The main point in these is mining is prohibited unless the mined lands can be restored.. Restoration means "restore the resource to its condition prior to mining according to type, nature, function and extent at the same location." (7-13.2)

A sand mine can not be restored to its previous condition.

Uplands become a lake with an entirely different ecology and consequences. (The Jahna report states--"sand mining converts upland mining areas into lakes, which increases the ET rate, and generally decreases the amount of water on the site that is available for recharging aquifers." (The first statement in this section was "excavation of mine pits contains and stores runoff that would have drained from the site before mining, increasing the amount of water on the site that is available for recharging aquifers." Question: this change in hydrology lessens the direct runoff flow into the wetlands, the surficial aquifer. Does it lesson the water that is to flow North?)

Also, I request the Board to have staff provide more information about the "Findings"

A. Consistency with Local Code and Comp. Plan. Staff states, "the proposed mining site plan with the recommended conditions, is not in compliance with all requirements...."

What are these specific inconsistencies? I do not understand how staff could recommend for approval under these conditions.

Reclamation and mitigation.

(I think Egor is to address this. If not, use what is stated in APWR letter. Why not included in Ordinance language?)

1700 acres in MSP of 2000 before,

Questions/comments:

*1. How many mines have exceeded the 60% allowed acreage to mine?

2. Probably discussion of whether Swamp is a ? recharge area, differences in how "interconnected" the surface and Groundwater. applicant states "potentiometric metric surface ranges seasonally from... 110 to 115 feet (NGVD?) (Read from FICUS: 1000FOF report page 2 of 8)

(Water Authority study, Lake Lowery, Devo Seereeram--I'm not sure the Lake Lowery conclusions fit this ???) Lake Lowery is an area of high recharge. Only a small difference between the lake level and the Floridan aquifer. 5 ft.

~~The debate of "experts". Accept from FICUS, 1000 Friends of Florida on recharge, page 2 of 8.~~

* "The Green Swamp serves important functions of recharge and pressurization of the Floridan Aquifer because it:

--is the highest elevation of Floridan Aquifer limestone in Peninsula Florida (like a water tank-- uses gravity to ensure pressure)

--the area has a lot of water storage capacity and

--represents approximately 870 square miles of surface area to provide Floridan aquifer recharge and pressurization. (recharge varies from very high to low. On average can be considered an area of Moderate recharge. (the water budget input to the potentiometric high is almost exclusively derived via rainfall recharge within the area?????)

we recognize the diligent monitoring program of FL Rock of groundwater impacts on groundwater and vegetative monitoring on wetland impacts - No mining related impacts

The significance of the Green Swamp is recognized by its designation as an area of critical state concern... However more protection is needed to preserve the water necessary to maintain the "swamp" especially in these times of drought and increased residential development in South Lake County. Until the cumulative effect of all these factors are determined, please deny any requests to increase mining in the Green Swamp.

ACCEPTED "FACTS" FROM JAHNA????

1. Water users--1. agric. 2. public supply, 3. sand mines. In 1997, 9 sand mines, used 10% of Lake County consumption. Only 14 % consumed. Is that 14% of 10%????

*Ritky mining not a mineral -
Monitored for 10 years - cumulative effects negative
Rinker exceeded 60%*

No - much Bils - "natural mineral substrate = sand"

not a new thing

ALLIANCE to PROTECT WATER RESOURCES, INC.

P.O. Box 120596, Clermont, FL 34712

April 29, 2002

Lake County Board of County Commissioners
Commissioner Robert Pool, Chairman
Commissioners Welton Cadwell, Catherine Hanson, Jennifer Hill, Debbie Stivender
P.O. Box 7800
Tavares, FL 32778-7800

ATTN: Sharon Farrell, Senior Director, Lake County Department of Growth Management
Mary Williams, Public Hearing Coordinator, Planning and Development Services
RE: Objection to MSP #02/4/1-2

Dear Commissioners:

Alliance to Protect Water Resources, Inc. (APWR) is opposed to the Rinker Materials Corporation MSP #02/4/1-2 which amends the existing Ordinance #2000-6 to add 699+ acres to the existing mine. Our opposition is based on the following reasons:

Cumulative effects.

APWR has grave concerns, in general, about the cumulative effects of sand mining in the Green Swamp Area of Critical State Concern and requests the County readdress its policy of allowing sand mining in the GSACSC by amending Policy 1-1.15,(9)(e); (10)(d); (11)(d) that exclude sand mines from the prohibited land use.

The Conservation Committee for the EAR recommended that mining in the Swamp be prohibited. Also the EAR analysis for Objective 7-13: Conserve Mineral Resources states under "Objective Achieved" that "while the 'up front' requirements, technical reviews and permitting process are relatively stringent, long term and cumulative effects of extraction activities have not been studied/documentated to any degree in the county." We believe such a study should be done to better evaluate the impacts of mining upon our water resources in the Green Swamp and the effect on the waters to the North.

According to the report Hydrologic Effects of Sand Mining in Lake County funded as part of a penalty by Jahna sandmines, 32 sand mines operate in Florida. Seven of these are in Lake Co., 7 in Polk. These fourteen mines are clustered together in the Green Swamp in the Rt 474 watershed area. This water flows in part to the north into the Big and Little Creek Basin and the Clermont Chain of Lakes. The County should go beyond the applicant hydrology reports and address the cumulative effects independently to show whether Lake County waters and wetlands are being harmed or lessened from these fourteen mines. The question is totally relevant since the Clermont Chain and other isolated lakes are drying up from drought and extreme development pressures. Actually, the County should require reasonable assurance that mining will clearly be in the public interest as required in F.S. 403.918(2) (Henderson Wetlands Act) since this area provides water to Outstanding Florida Waters.

The Jahna report also states in its Executive Summary that:

- a. sandmining in swamp type mines may subtly reduce adjacent surficial aquifer system water levels and such subtle changes in water levels are more difficult to detect and quantify. (APWR comment: Even slight changes in wetland systems can have a detrimental effect on the functioning of plant and wildlife habitat.)
- b. setbacks offer little hydrologic protection for wetlands.
- c. conversion of uplands to lakes can reduce availability of water for recharge because of increased evaporation. (APWR comment: In the Green Swamp ecosystem, open lake systems are not common. It has been estimated that 100 acres of "lakes" are added each year which could affect the overall hydrology of the Swamp.)

Inconsistency With the Comprehensive Plan.

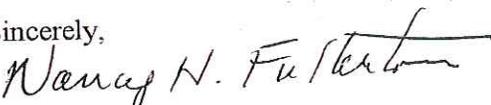
This amendment would be in violation of policies 7-13.1 and 7-13.2, "Prohibition of Mining in Specified Areas and Mining in Environmentally Sensitive Areas because the policies state that mining is prohibited unless the mined lands can be restored. Restoration means "restore the resource to its condition prior to mining according to type, nature, function and extent at the same location." (7-13.2). A sand mine can not be restored to its previous condition. Uplands become a lake with an entirely different ecology.

In addition to the above reasons for opposition, we also have the following questions and comments for the Board to consider when making its decision:

1. Applicant's hydrogeologic report. Staff originally denied this amendment because information regarding the aquifers and confining units had not been provided. Applicant has now done so, but we request the BCC to ask staff for a fairly detailed analysis of the applicant's information regarding the borings, the length of the site, the confining units that have now led to a recommendation of approval.
2. Mitigation for impacts to wetlands. Why is there no reference to mitigation for wetland impacts in the ordinance language nor in staff analysis? This should be addressed. The ratio should be more than 1:1 and mitigation should be on site.
3. 60% limit of site alteration. Has Rinker exceeded the maximum 60% limit of site alteration of existing upland soils set forth in the LDRs, Section 8.00.05(c)? If so, what have been the consequences?
4. Policy 7-13.8. In seeking a "horizontal impervious layer" (II. e. in proposed Ordinance 2002-), the words "where feasible" should be omitted. An EAR amendment eliminated this language and should be honored by the Board.
5. Conservation easements. We strongly urge the BCC to find out if a conservation easement as described in Land Development Regulations 6.01.04 Wetland, (A) Conservation Easement, 2, Multi-phased Developments should be applied to the disturbed wetlands or other wetlands on the site if the amendment is approved. The LDR says that "When any wetland alteration is approved by the County pursuant to Section 6.01.03 (A) for a phase of a Development, all remaining wetlands within the boundaries of the phase Shall be restricted for future wetland activities by a Conservation Easement...."

APWR appreciates Board consideration of our objections and concerns to sand mining in the Green Swamp. As stated before, we believe an objective study of cumulative effects of sand mining on Lake County water resources and related ecology would be in the public interest and requests the Board to arrange such a study. Although Rinker has shown responsibility toward the environment in establishing a Wildlife Habitat Project, we request that the Board deny this amendment to the existing MSP. If it is approved, however, please require conditions that address the above questions and comments.

Sincerely,



Nancy H. Fullerton
President, Alliance to Protect Water Resources, Inc.

cc: Department of Community Affairs, Mr. Bob Dennis
Bureau of Mine Reclamation, FDEP, Mr. Lou Neuman

ALLIANCE TO PROTECT WATER RESOURCES, INC.

May 28, 2002 Comments, BCC, Rinker Sand Mine MSP #02/4/1-2

NHFullerton

imp. to cl. chair

Chairman Pool, Commissioners

Name, rep. self as a property owner in the Green Swamp and President, Alliance to Protect Water Resources, Inc.

✓ I will trust that you have read our letter of opposition and our comments from P&Z as recorded in the minutes--and therefore are familiar with our reasons for opposing this mine extension. *Sand*

I have a few questions/concerns that I had asked at P & Z but want to make sure they will be addressed by you or staff or the applicant. *refer to staff response to NPWR letter.*

1. First is the question of Inconsistency with the Comprehensive Plan, policies 7-13.1 and 7-13.2 Prohibition of Mining in Specified Areas and Mining in Environmentally Sensitive Areas ("prohibited unless the mined lands can be restored." I asked at P&Z for staff to study these policies and clarify them, revise them whatever--but in our opinion the restoration language would prevent sand mining in the green swamp. Ms Campione indicated at P&Z that she would be seeking more info on this issue. We keep using this policy and if we are in error then I believe an explanation should be given. (Since I have no chance to comment later, let me mention that Mr. Richey at the Florida Rock hearing in response to this question said *I don't know I accepted def.* that sand was not a mineral. Language in the muck bills state that "...material that exists on the surface of natural mineral substrate.....depth of 3 feet or to the natural mineral substrate" and that is sand.) Has there been any discussion of this issue?

2. Conservation Easements. We asked in our letter and I stated at P&Z whether the LDR 6.01.04.Wetland should/could be applied to the activities in this mining extension request. I would really like an answer to this question--I believe it would provide great protection of the land in terms of possible development after the mining. I have stated before that I am fearful for the state's will to protect The Swamp as illustrated by the City of Grovelands annexations into this area of critical state concern and the creation of a new Green Swamp Zoning District with LDR's not nearly as protective as the County's. This is your District Chairman Pool and the County needs to take a very proactive role in protecting the Green Swamp. Is there any information regarding this issue. It really needs to be answered before the ordinance is approved or conditional language placed in it.

* 3. The cumulative effects of sand mining in the green swamp. As supported by the EAR analysis for Objective 7-13 we again ask that the County pursue a study of the long term and cumulative effects of "extraction activities" in the county.

4. Will the mitigation language be included in the ordinance if you approve the extension?

New Q.
* 5. I requested in my letter to have staff provide a fairly detailed analysis of the applicant's information especially regarding the confining unit. Also I would like staff comment regarding the April 17 letter from Larry Madrid about the unusual nature of the Core samples and what this means, if anything, in terms of recharge, discharge to the Aquifer or any other hydrologic conclusions.

Omit
What is the hydrologic effect of connecting "the water flow from the pits to the north to the pits to the south?" (as stated in P&Z minutes) When the normal flow is the reverse south to North. Water must be preserved to maintain the swamp--time of drought and development in South Lake County. What does staff think?

I know it is unrealistic to expect the denial of this request--however, I hope you understand that the environmental community would be negligent if it did not raise these concerns and objections about possible harm to the water resources and wildlife habitat in this fragile area (which is the highest elevation of Floridan aquifer limestone in peninsular Florida.) There is no NIMBY opposition as such in the Green Swamp because the Cypress and the marsh, the fox, the cranes, the osprey and the cyote I saw yesterday *in my back "yard"* can not speak--so I guess that is whom we represent today--as well as the public interest--in asking you to deny this amendment. Thank you and please consider strongly doing an independent study of the cumulative effects of mining. (and if you pass it please require conditions that address our concerns.)

*The hawks
+
eagles*

- Green Swamp
Okahunkac } 3 areas

Baseline 85 - prep. is not in it.

C. - could conserv. easment be counted in density