

**MINUTES
LAKE COUNTY MINING COMMITTEE
March 8, 2012**

The Lake County Mining Committee met on Thursday, March 8, 2012 in the Commission Chambers on the second floor of the County Administration Building.

Members Present:

Nancy H. Fullerton
Kraig McLane
J. Michael O'Berry
Tracy Mouncey
Douglas Dufresne

Members Absent:

Steve Adams
Commissioner Welton G. Cadwell

Staff Present:

Brian T. Sheahan, AICP, Planning Manager, Planning and Community Design Division
Scott Catusus, AICP, Planning Manager, Planning and Community Design Division
Jennifer Cotch, Environmental Specialist, Planning and Community Design Division
Erin Hartigan, Assistant County Attorney
Shannon Treen, Senior Secretary, Board Support

Chairman Tracy Mouncey called the meeting to order at 9:39 a.m. and led the Pledge of Allegiance.

MINUTES

MOTION by Kraig McLane, SECONDED by J. Michael O'Berry to APPROVE the February 22, 2012 Lake County Mining Committee minutes, as submitted.

FOR: McLane, O'Berry, Fullerton, Mouncey, Dufresne

ABSENT: Adams, Cadwell

AGAINST: None

NOT PRESENT: None

MOTION CARRIED: 5-0

Brian T. Sheahan, Planning Manager, introduced Howard J. Hayes, Program Administrator for the Bureau of Mining and Minerals Regulation, Florida Department of Environmental Protection, and Jennifer Cotch, Environmental Specialist. He then stated that he was unable to get a representative from the U.S. Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission to attend the meeting, but he noted that Ms. Cotch is a former

J. Michael O'Berry, Committee member, clarified that there is a good agreement between the water management districts and the BMMR, but sometimes there is overlap and duplication of efforts of other agencies. He added that those agencies are competing for jurisdiction and they fail to recognize the regulation that is going on elsewhere for that particular industry.

Nancy Fullerton, Committee member, asked if there are any special rules or regulations for the Green Swamp Area of Critical State Concern. Mr. Hayes mentioned that the Green Swamp does have special protection but it does not extend to the ERP program and that they use the same rules for that area.

Ms. Fullerton suggested that they further investigate whether additional protections can be made in the Green Swamp Area. Mr. Hayes explained that the BMMR did not have the regulatory authority to adopt rules, but once the water management districts adopt additional rules, then the BMMR can as well.

Mr. O'Berry elaborated that it would take legislative action to create additional protections. He added that the local government determines whether or not a project is even viable according to the comprehensive plan and zoning requirements and the permitting is based on certain factors that have already been put in place by the legislature and is implemented by the agency having the authority to make administrative rules.

Mr. Sheahan commented that the local government relies heavily on the agency permits because compliance with the basin requirements for stormwater retention and the reclamation requirements are addressed in those approvals. He stated that in general, the major impacts from mines are addressed at the state or regional level with the water management district and then the local government addresses any community impacts. He also noted that within the list of recommendations to the Board, the Committee could ask the Board to have a legislative position for the water management districts or the State DEP to modify their rules or even request that the water management district perform a specific kind of study.

Rebecca Jetton, Administrator of the Areas of Critical State Concern Program, Department of Economic Opportunity, explained that once the local government issues their permit, the department then has 45 days to determine whether there are any issues with the comprehensive plan, the Land Development Regulations or any Florida Administrative Code provisions that apply to the Green Swamp. She noted that it is very difficult to uphold an appeal of permits issued by other agencies without having experts better than the ones who issued the permits. She added that since the Green Swamp covers a number of counties, the DEP and the St. Johns River and the Southwest Florida Water Management Districts monitor the levels of water in the aquifer. She also expressed concerns about the amount of water evaporating from the man-made lakes across Florida because that is modifying the rain cycle. She then asked if they could coordinate having someone from the Southwest Florida Water Management District (SWFWMD) come to a future meeting to discuss the water level in the aquifer.

Mr. Sheahan noted that with Kraig McLane's assistance, they could ask a SWFWMD representative to attend.

Mr. O'Berry advised the Committee to be sensitive to the jurisdictional authority that the other agencies have because they would not want to recommend something that would be duplicative of another agency's jurisdiction.

the activity, but the mine sites in the Green Swamp are either old orange groves or pasture land. He noted that the real goal is to return the land to a natural type of community, but the Committee needs to look at this issue very carefully to determine what is consistent with the nature of the Green Swamp and what form site rehabilitation should take as a local policy or permitting requirement.

Ms. Fullerton expressed her concern of the impacts that sand mining has on the water quantity.

Mr. O'Berry pointed out that water quality and quantity is currently addressed through the permitting process by both the BMMR and the water management district. He also noted that the mines are typically required to conduct ongoing comprehensive monitoring of the hydrologic impacts.

Ms. Mouncey commented that it may be helpful to have a review of water quantity that has been restored to the Green Swamp. Kraig McLane, Committee member, stated that he will discuss the concern with staff and bring back information or possibly have a presentation at the next meeting.

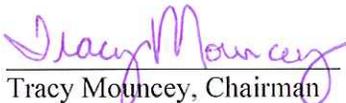
Ms. Fullerton stated that it is very important to seek public comment as they work on the major objectives. Mr. Sheahan explained that it is important to the County to ensure that this process is as inclusive as possible, so any interested member of the public will be added to the email distribution list to receive the same materials as the Committee members.

Ms. Fullerton asked about the transfer of density credits. Mr. Sheahan related that the legislature adopted the Bert J. Harris, Jr., Private Property Rights Protection Act that states that the local government cannot take away all use of the land, so the density transfer provides the property owner a reasonable use of their property through credits. He added that the density is calculated on the upland net acreage and that the credit is one dwelling per 10 acres or one dwelling per 20 acres in the Green Swamp.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:16 a.m.

Respectfully submitted,


Tracy Mouncey, Chairman

