

Draft - MINUTES
LAKE COUNTY MINING COMMITTEE
May 17, 2012

The Lake County Mining Committee met on Thursday, May 17, 2012 in the Commission Chambers on the second floor of the County Administration Building.

Members Present:

Tracy Mouncey, Chairman
Nancy H. Fullerton
Kraig McLane
J. Michael O'Berry
Douglas Dufresne, P.G.
Steve Adams
Commissioner Welton G. Cadwell, Liaison

Staff Present:

Mr. Sheahan B. Sheahan, AICP, Planning Manager, Planning and Community Design Division
Scott Catusus, Environmental Specialist
Erin Hartigan, Assistant County Attorney
Steve K. Greene, AICP, Chief Planner, Planning & Community Design Division

Outside Agency Staff:

Rebecca Jetton, Administrator of the Areas of Critical State Concern Program,
Department of Economic Opportunity

Chairman Tracy Mouncey called the meeting to order at 9:38 a.m. and led the Pledge of Allegiance.

MINUTES

MOTION by Nancy Fullerton, **SECONDED** by Steve Adams to **APPROVE** the April 19, 2012 Lake County Mining Committee minutes, as submitted.

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

AGAINST: None

NOT PRESENT: None

MOTION CARRIED: 6-0

OPENING REMARKS

Ms. Mouncey gave overview of the committee working session to determine changes to mining provisions in LDR & Comprehensive Plan specifically, Green Swamp. Mr. Sheahan gave an overview of Comprehensive Plan policies dealing with mining and referred the committee to a working document handout of all mining policies in the Land Development Regulations and Comprehensive Plan.

OBJECTIVES AND ISSUES REVIEW

Ms. Fullerton, opened discussion with three (3) main topics: 1) Clarification that the name of the “Green Swamp Mining Committee” rather than the “Lake Mining Committee” to discern geographical policy limitations. Mr. Cadwell and Mr. Sheahan clarified the purpose of the name change. 2) Discussion on committee tasks to clarify purpose of the Green Swamp Mining Committee as the BCC never intended to prohibit mining in Green Swamp as mining is valuable benefit to Lake County, but to assess existing mining policies, regulations & environmental protections to identify whether additional protections are needed for existing & new mining activities. Mr. Cadwell clarified that the BCC sought to assess whether there was any County benefit to mine new areas of the Green Swamp as mining is a beneficial industry to Lake County & whether new regulations would be needed to allow mining in new areas of Green Swamp. 3) Discussion on measuring success of mining provisions to evaluate existing policies to ascertain usefulness in ensuring economic & environmental benefit.

Ms. Mouncey explained her interpretation of BCC intent for the committee.

Mr. Sheahan stated the intent of the existing policies and regulations is to ensure mining activities are allowed in Lake County but have sufficient protections in place. The BCC’s direction to the mining committee was to:

- Identify concerns.
- Evaluate whether existing protections are sufficient, and
- Identify new policies or regulations necessary to protect the Green Swamp.

Mr. Cadwell confirmed the BCC intent.

Mr. O’Berry discusses perspective of applying GAP analysis of existing regulations, to identify categories of additional protections as deemed necessary based on existing external agency rules, in addition to current Lake County protection standards. This method would be useful to identify protection areas “gaps” of the myriad of protection policies implemented by the various agencies.

Mr. Sheahan stated that Mr. O’Berry’s description of the GAP analysis is what had begun.

Ms. Jetton asked whether SJRWMD & SWFWMD has evaluated mining flows of groundwater & impacts caused by mining on groundwater resources?

Ms. Jetton asked whether the Lake County’s comp plan identifies wildlife corridor studies for use in developing areas within the Green Swamp needing additional environmental protections? She believes that LC has removed the policy provision from the CP. Mr. Sheahan pointed out Comprehensive Plan Policies I-7.5.8 & I-7.5.9, III-I-3.2.17 (wildlife consideration w/in development projects) as applicable to Ms. Jetton’s concerns.

Comprehensive Plan discussion-

Mr. O’Berry – questioned how Comprehensive Plan Policies I.3.3.20, I-4.4.10, I-4.3.1 can be effectively achieved the policy objectives. Commissioner Cadwell and Mr. Sheahan weigh-in to clarify that these policies are carry-over from the 1991 Plan to force the County’s participation of environmental protection although aquifer oversight is deemed to the WMD or DEP. Mr. Sheahan gave an example of programs or permitting practices that reflect the application of these policies.

Mr. O'Berry identified a potential conflict between site alteration criteria (Plan III-2.2.15) and open space set-aside acreage. Mr. Sheahan stated the intention of the policy and its implementation. He explained that the percentage of land set aside for open space is the land area could not be mined.

Ms. Fullerton questioned whether there is one central location in Comp Plan for mining policies in Green Swamp? Mr. Sheahan stated that the policies applicable to mining are County-wide and the uses are specific to the future land use categories within the Green Swamp.

The Committee reached consensus that no clarification on the Comprehensive Plan Objective for Green Swamp is necessary.

LDR discussion Section 6.06-

Ms. Fullerton questioned definition of restore & reclaim. Mr. Sheahan identifies it as a recommendation for clarification.

Mr. O'Berry, Paragraph J – Proposed that LDR revisions change “restored” to read “reclaimed” that mining in environmentally sensitive areas cannot be truly “restored”. There was open discussion among committee on the application of restoration, mitigation, & reclamation. Committee concurs to recommend changing wording to read “reclaimed”.

Mr. O' Berry – stated a need to include Green Swamp mining limitation & prohibition provisions in LDR Section 6.06.

Ms. Mouncey – restated the assessment & examination strategy of Comp Plan mining goals and policies for committee.

Mr. O'Berry, Paragraph J – recommended including the phrase “reasonable assurance”. Mr. Sheahan suggested not including ambiguous or unclear terms that cause potential misinterpretation by future staff and boards on future permit requests whenever possible.

Ms. Jetton raised a question of whether SJRWMD has established minimum groundwater flows for Green Swamp area. Mr. McLane responded that the SJRWMD will have minimum groundwater flows established by Spring 2013 for the Lake Harris Chain.

Ms. Jetton questioned whether Lake County deleted wildlife corridor maps & policy for the provision of wildlife management plans for certain size development within Green Swamp wildlife corridor areas. Mr. Sheahan identified the Comprehensive Plan policies that specify wildlife protections applicable throughout Lake County. Mr. Cadwell also added that of the County's is evaluating adopting a Habitat Conservation Plan that could address Ms. Jetton's questions.

Mr. O'Berry discussed Policies I-3.3.20 Mining & Borrow Pits within Wekiva River Protection Area, Green Swamp Policies I.4.1.4 (sub 4) & I-3.3.2, Objectives I-4.2 and Policy I-4.3.2 (protection of water resources). Open discussion occurred about how to interject County participation into regional water supply discussions by regional agencies. Mr. O'Berry asked whether a conflict exists between site development criteria percentages (60-40-10) of Green Swamp open space of a project site in relation to Green Swamp disturbance criteria, in mining ordinance Comp Plan or Green Swamp LDR. Mr. Sheahan state staff will review Chapter VI Green Swamp LDR.

Ms. Fullerton asked if there as a matrix of the various mining policy provisions related to mining the Green Swamp to facilitate a better assessment of the existing protection policies. Mr. Sheahan stated that the Mining Policies and Regulations were provided to the Committee but if any member desired information in different format it could be provided.

Ms. Mouncey acknowledged that the committee has no other issues with the Comp Plan other than clarification points.

Ms. Mouncey opened the committee discussion onto the LDR review.

Ms. Fullerton questioned the terms “restore” and “reclaim” for consistency. Ms. Mouncey states that the terms have been identified as one of the committee’s recommendations.

Mr. O’Berry questioned whether there was a percentage conflict in LDR 6.01.01 regarding prohibition of mining in environmentally sensitive areas. He also indicated that the application of the term reclaim or restore as it pertains to mitigation needs to be clarified and consistent. Open discussion ensued about whether mitigation or reclamation will satisfy continued use within environmentally sensitive areas. Mr. Sheahan noted that this issue needs clarification for Green Swamp and suggested that a recommendation of the committee be to provide a revised ordinance clarifies the use within the Green Swamp. Committee agrees to change term restore to reclaim and add mitigation as an option within the defined term.

Mr. O’Berry raised an issue of mining within protected aquifer recharge areas, except prime recharge areas that are identified with reasonable assurance that the activity will not alter quality recharge. Mr. Sheahan discouraged using subjective terms within policy language and will bring back more definitive language.

Mr. McLane, pointed the committee to Paragraph J and raised the issue that no maps have been created of prime recharge areas and recommends language consistent with “most effective”, “prime”, “protected” recharge areas. Steve Adams stipulates the need for WMD mapping to enable the identification of consistent language based on an adopted standard derived from WMD data & mapping. Mr. Sheahan identifies recharge definition within the Comprehensive Plan. Mr. McLane recommends existing mapping that references High, Low, Medium recharge areas.

Ms. Fullerton questioned the use of the phrase “effective” recharge. Mr. Sheahan specifies the definition in the Comprehensive Plan and is only applicable to the Wekiva. Protected aquifer recharge term is used exclusively within the Wekiva. Mr. Dufresne stated that identifying where the data should come from and the restrictions that could be derived in applying the data. Mr. Sheahan explained that if any expert analysis were required that County would use a contract expert to address such matters.

Mr. O’Berry identified Paragraph J and recommended changing the word “extractor” to “mining operator”. Correct the typo: “User” rather than “Use”. Subparagraph 4 – contains no standard for what “impervious layer” means. Questions whether a definition should be created. Scott Catusus expanded on the geological application of the phrase. Ms. Mouncey suggests the possibility of staff to research and recommend a standard term similar to the environmental resource permit (ERP) language.

Mr. O'Berry raised surface water issue in Subparagraph d(1) and recommends adding the language regarding property being "owner of control". Also to change departmental names to read "state agencies" rather than "DER".

Ms. Fullerton raised questions about potential water wars and Mr. Sheahan discussed that there is a difference in Florida with water rights versus water rights in western states, as water is owned by the state.

Mr. Adams raised an issue regarding the identification of recharge areas outside Green Swamp and emphasizes the use of consistent map.

Mr. O'Berry indicated the need to apply the water management district reference to existing High, Low, Medium recharge area maps. Ms. Mouncey advocates use of common maps and language consistent with the WMD. Mr. Adams suggests the creation of a land use/environmentally sensitive area matrix that identifies applicable mining policies of those areas. Mr. Sheahan stated that this could be attempted in the rewrite of the LDRs but the emphasis of this committee is focus on mining within the Green Swamp.

Mr. O'Berry, discussed LDR Section 8.00.005 (Green Swamp) where site alteration criteria for the Green Swamp is located. Subparagraph C. Staff will provide the committee with the Green Swamp LDR (Chapter VIII) suggest revisions of this LDR for consistency with recommended changes.

Ms. Mouncey specifies next meeting goal for staff to conduct necessary research & present rough draft of recommended changes to Comprehensive Plan & LDR in order to receive committee input & open discussion.

Mr. O'Berry mentions June meeting conflict.

Ms. Fullerton – discussed effective implementation of regulations by the County and possible contribution of resources by industry to local governing body to assist in monitoring of mining uses within the County. Ms. Mouncey mentions third party assistance for monitoring. Mr. Sheahan discussed the current expertise available for this effort.

Ms. Mouncey opened discussion about July and August meetings. The committee reached consensus that meeting dates would be changed from 6/20/12 to 6/28/12 and from 7/19/12 to 8/2/12.

Ms. Fullerton questioned whether a study has been done to evaluate the cumulative impact of sand mining in the Green Swamp by which to use in identifying additional protections.

Open discussion ensued.

Ms. Mouncey discussed that the lack of input for specific additional protections implies that the current standards in place by the Federal, State agencies, and local permitting regulations are adequate. Ms. Fullerton discussed the lack of studies that emphasize the amount of cumulative water impacts caused by mining. Mr. Adams added that cumulative consumptive water impacts of mining in the Green Swamp have been done through groundwater monitoring via consumptive use permits (CUP) by the water management district. This is evidenced by the issuance or non-issuance of CUP permits through the water management districts. Mr. O'Berry added that the issuance or non-issuance of CUP permits is relative on any anticipated adverse impacts onto adjacent properties.

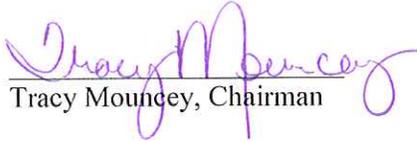
Mr. Sheahan stated that preservation of the natural resources was accomplished through the application of comprehensive plan policies and land development regulations through open space requirements for uplands, setbacks and conservation for wetlands.

Ms. Mouncey opened up meeting to public comment and no one wished to speak. Ms. Mouncey requested a motion to adjourn, motion made by unidentified committee member and seconded by Mr. O'Berry

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:03 p.m.

Respectfully submitted,


Tracy Mouncey, Chairman