

PALM BEACH COUNTY WORKSHOP SERIES: STRATEGIES TO ADDRESS MINING IN THE EVERGLADES AGRICULTURAL AREA

Meeting Summary Workshop 1: January 5, 2011 Palm Beach County Vista Center

Introduction and Summary

On January 5, 2011, the Florida Conflict Resolution Consortium (FCRC) Consensus Center on behalf of Palm Beach County conducted the first of a series of up to four consensus-building workshops to address mining in the Everglades Agricultural Area (EAA). This report, which summarizes the workshop, is organized as follows:

- Workshop participants, structure, and objectives
- Background on mining in the EAA
- Participants' comments about mining in the EAA
- Next steps

Introduction: Barbara Alterman, Executive Director of the Palm Beach County Planning, Zoning, and Building Department, opened the workshop with a welcome and description of the workshop purpose – to identify areas of consensus regarding mining activities that relate to land use in the EAA. After recognizing Palm Beach County District 6 Commissioner Jess Santamaria, Alterman noted that Palm Beach County contracted with the FCRC Consensus Center to provide facilitation and staffing assistance for the workshop series and assist with presenting workshop recommendations and findings to the Palm Beach County Board of County Commissioners (BCC) and the Land Development Regulation Advisory Board (LDRAB) and at public hearings for Urban Land Development Code (ULDC) amendments that may occur as a result of the workshop. Alterman closed her comments with an introduction of Rafael Montalvo, Associate Director of the FCRC) Consensus Center and the lead facilitator for the workshops. In addition to Montalvo, other FCRC workshop team members included Jim Murley, Assistant Dean for External Affairs, College of Design and Social Inquiry, Florida Atlantic University, and Jean Scott, Strategies for Livable Communities/SLC, LLC.

Plan of Action - Summary: The second workshop is scheduled for Tuesday, February 8, 2011. Future workshops will be held in March and, if needed, April. County staff and the FCRC will be presenting an update on the status of the EAA Mining Workshops to the BCC at a workshop tentatively scheduled for March 22, 2011. If the County proceeds with amendments to the ULDC, workshop recommendations and findings may be presented to the LDRAB on May 25, 2011, and the BCC on June 27, July 28, and August 25, 2011.

Workshop Participants, Structure, and Objectives

Rafael Montalvo began the discussion with an overview of the workshop participants, objectives, and structure.

Workshop Participants

The following highlights workshop attendees, the guidelines for workshop discussions, and the roles of the FCRC Consensus Center and Palm Beach County staff.

Attendees

The 40-plus workshop participants (listed in Appendix A) had diverse backgrounds and experience and brought a variety of views to the discussion. They included representatives from mining and trucking companies, environmental organizations, affected property owners, developers, planning and engineering consultants, universities, and attorneys. Multiple local, regional, and state agencies tasked with reviewing land use and permitting applications for mining in the EAA were also represented, including the South Florida Water Management District, the Palm Beach County Economic Council, the Florida Department of Environmental Protection, the Florida Department of Transportation, and Palm Beach County. Participants were given the opportunity to introduce themselves and the organizations they represented.

The Guidelines for Workshop Discussions

Participants were asked to adhere to a set of discussion guidelines (listed in Appendix B) that would apply to the January 5 and future workshops. In summary, the guidelines ask that the workshop participants say everything concisely, express and acknowledge differing views, ask questions and verify assumptions, seek shared understandings, and be willing to explore solutions that address as many interests as possible. Other guidelines include having balanced participation, sharing in keeping to the agenda, and making sure the workshop recordings are accurate.

The Roles of the FCRC Consensus Center and Palm Beach County Staff

The FCRC Consensus Center was established by the Florida legislature to provide an independent public resource to help public and private interests prevent and resolve disputes, build consensus on public policy issues, and support collaborative actions. Housed in several universities around the state, the Center's role is to provide neutral professional facilitation. The Center and its facilitators have no stake in the outcome.

The role of the facilitator is to:

- Help structure and guide discussions
- Help ensure that all perspectives have an opportunity to be heard
- Maintain an accurate record of group products
- Prepare a workshop report that is accurate and balanced

For the mining workshop series, the role of Palm Beach County staff is to provide background information and serve as a resource (for example, answering questions and providing clarification).

Workshop Objectives

Reflecting the workshop series focus on mining-related land use regulations and decisions in the EAA, the workshop was organized to achieve four objectives:

Review current land use regulations that apply to mining in the EAA

- Review recent history of discussions regarding mining in the EAA
- Identify considerations the County should take into account when making decisions regarding mining in the EAA

Identify preliminary strategies the County might use to address the identified considerations (to be refined further at later workshops in the series)

Workshop Structure

Workshop Context

The January 5 workshop was the first of a series of up to four workshops to address mining in the EAA. The series is divided into two parts:

- In the first two workshops participants will identify, but not be asked to reach agreement on, the issues that should be kept in mind when making land use-related decisions about mining in the EAA and what strategies Palm Beach County might use when making those decisions.
- Discussion at the latter workshops will be more specific as participants work through potential solutions to issues and opportunities identified at the first two workshops.

The first and second workshops are structured to provide the building blocks for subsequent ones. The workshops ask that participants be open to exploring alternative ideas and approaches.

Definition of Consensus Decisions

Consensus for the workshops will be defined as an outcome that participants can support or at least accept – i.e., this approach may or may not be my first choice, but I can support or live with it because it is better than what was there before, and the solution was arrived at in a fair and open process. To identify areas of common agreement and those where there are differences, workshop participants will use the following consensus or acceptability scale. The scale can be used to test the degree of acceptability and identify promising ideas.

- 4 Support. This is what I would do.
- 3 I can support or accept this, even though it might not be my first preference.

- 2 Minor reservations. I may be able to support or accept this, but I would like clarification or refinement of the idea first.
- 1 Major reservations. Not acceptable without significant changes.

The workshop reports and any recommendations to the BCC will strive to clearly and accurately describe areas that represent points where consensus was reached and where it was not. The workshop series could conclude with consensus on how to move forward, consensus on some but not all actions, or a description of the principal perspectives offered by participants.

Workshop 1 Agenda

As described in more detail in Appendix C, the workshop was divided into the following four segments. The outcomes of each segment are detailed later in this workshop summary.

Topic presentations. To enable participants to work from a common base of information, Palm Beach County staff provided a brief history of current discussions regarding mining in the EAA and a review of how the County makes decisions in that regard. The presentations were followed by an opportunity for clarification questions from participants.

Considerations for decision-making. Workshop participants worked in small groups and then collectively to develop a list of additional considerations that should be part of the mining permit decision-making process.

Potential strategies or approaches to address the considerations. Workshop participants worked in small groups and then collectively to develop a list of potential strategies to address the considerations identified earlier.

Next steps. The closing part of the agenda focused on the next meeting date (February 8) and focus.

Workshop Participant Comments

- After a review of the above, a workshop participant noted that he, like a number of large EAA landowners and mining industry businesses, could not support any changes to the County's Comprehensive Plan.
- Another participant asked if Palm Beach County staff had researched the EAA mining issues that were identified in the 1980s planning process.

Background on Mining in the EAA

Palm Beach County staff provided a two-part presentation on mining in the EAA:

- A brief history (how we got here) of current discussions regarding mining in the EAA

- How the County currently makes decisions regarding mining in the EAA, including recently implemented and suggested additional revisions

Summarized below, the presentations highlighted the more detailed descriptions contained in *Palm Beach County Summary White Paper, Type III Excavation (Mining) In the Everglades Agricultural Area* (see Appendix D).

A Brief History

Isaac Hoyos, a member of the Palm Beach County Planning Division, highlighted the history of mining in the EAA. The EAA, he noted, is a part of the Palm Beach County’s Glades region, an important component of the Everglades ecosystem.

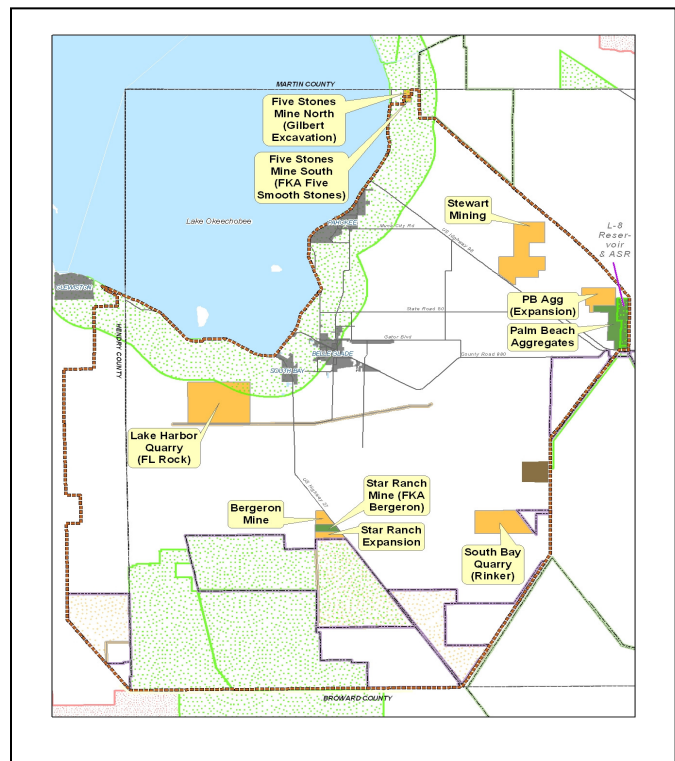
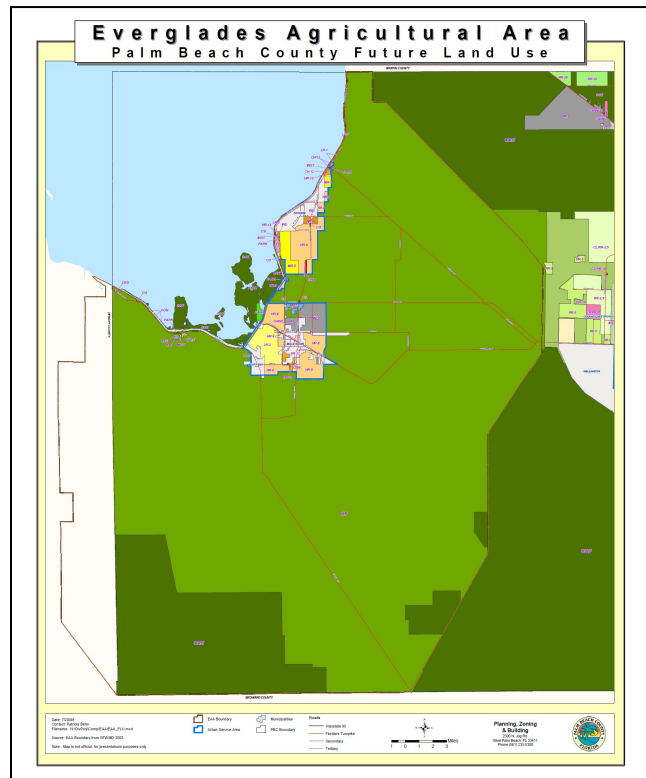
Land Use

Outside the three cities and nearby residential settlements in the region, the majority of the EAA has an Agricultural Production (AP) future land use area – a designation that reflects the vast areas in agricultural production. The AP designation (shown in the upper image on the right) allows for a number of non-agricultural uses that include commercial rock mining.

Mining activities, which must meet environmental criteria, are allowed for public roadways, agriculture, and projects associated with restoration. Depicted in the middle image to the right, the EAA also contains multiple conservation and Everglades restoration areas.

Rock Mining

For the two decades prior to 2006, only three mines were approved in the Glades region, two of which are currently operational. In 2006, when the application for a large-scale mine was approved, the pace of mine permit requests



increased. Since that time, 20,471 acres with 16,280 acres of excavated area were approved for mining.

Combined with earlier approved acres, there are now 25,153 acres with 19,765 acres of excavation approved by the County for mining in the EAA. Of those acres, 1,692 acres are currently being mined, leaving an inventory (when approved by other agencies) of 18,073 acres approved in the EAA for excavation. (The lower image to the right lists mines presently approved in the EAA.) Of importance to mining in the EAA was a 2007 Florida Department of Transportation (FDOT) Strategic Aggregates Study that identified Palm Beach County as a prime area in the state with the potential for rock mining.

Recent Actions

Responding to concerns about its limited discretion in the mining approval process, the BCC has discussed and taken the following actions to improve the mining review process. They include the following.

- In August 2010, the BCC approved a one-year moratorium on mining in the EAA. As the basis for the 2011 workshop series now underway, the BCC also directed County staff to seek a university-affiliated facilitator to assist staff and stakeholders who have an interest in mining in unincorporated Palm Beach County. Other 2010 actions include a workshop for the BCC to discuss a variety of options that included continuing the current process, approving amendments to the Comprehensive Plan and ULDC that addressed concerns about permitting mining, limiting mining in certain areas of the EAA, and establishing a moratorium to allow time to examine the idea of such amendments. That workshop was followed in June by a stakeholder workshop where those options were discussed.
- In 2008, the County participated in a state of Florida Strategic Aggregates Review Task Force, which was charged with identifying areas of improvement in policy and public investment related to the supply of aggregate materials, and convened a Regional Mining Summit to bring stakeholders together to provide direction on the mining permit review and approval process. The Summit result was the establishment of additional pre-application submittal requirements to improve coordination with state permitting agencies.
- In 2007 the County approved a study of the permitting process regarding mining impacts within the EAA. That study led to recommended adjustments to the local mine permitting process, including requiring the early involvement of state agencies like the Florida Department of Environmental Protection (FDEP) and the South Florida Water Management District (SFWMD).

Name	Zoning Status	Acres Approved	Acres Mined	Duration
Bergeron	Approved	553	0	2016
Star Ranch	Operating	473	392	2018
Star Ranch Exp.	Approved	581	0	2025
Five Stones N.	Approved	161	0	2030
Five Stones S.	Approved	121	0	2018
Lake Harbor	Approved	7629	0	2083
P B Aggregates	Operating	4047	1300	2043
PB Agg. Expansion	Approved	2393	0	2028
South Bay Quarry	Approved	3774	0	2049
Stewart Mining	Approved	5420	0	2055
TOTAL		25153	1692	

Palm Beach County Decision-Making Regarding Mining in the EAA

An overview of Palm Beach County's decision-making process regarding mining in the EAA was presented by Robert Kraus (Environmental Resource Management Department) and Carrie Rechenmacher (Zoning Division).

Mining as a Conditional Use

The County's ULDC only permits mining (Type III Excavation) if approved by the BCC as a Class A Conditional or Requested Use. Conditional Use approval requires that the BCC consider nine standards (listed in Appendix B) that, in summary, require an applicant for a mining operation to demonstrate that all local development standards, including local environmental requirements, will be addressed. Those standards are design to ensure that proposed mining will not present an adverse impact to the public interest.

Interagency Coordination

Prior to a certification for a public hearing, steps in the process to help ensure interagency coordination include:

- Completion of a pre-application checklist (see Appendix B) and a pre-application meeting with the Florida Department of Environmental Protection (FDEP). FDEP's review, which is done in consultation with the SFWMD, includes addressing impacts on ground water and to the Comprehensive Everglades Restoration Plan (CERP).
- Issuance of a Preliminary Assessment Letter (PAL) from the FDEP's Bureau of Mining and Minerals Regulation. To be certified, the letter must indicate that the request will not have a significant adverse impact on water quality or the overall health of available water resources.
- Forwarding of the PAL to the water control or water management district for additional comments. Those comments are included in the staff report prior to a BCC public hearing.
- A Development Review Officer (DRO) certificate requiring the initial sign-off off from County agencies, such as Health, Environmental Resource Management, Land Development, Fire, Traffic, and Planning, and the County Attorney.

Standard application requirements such as a site plan that indicates phasing and separation and setbacks must also be met. Final approvals require a final "as built" reclamation plan, bonds, and an annual report to monitor the intent of the BCC's conditions. Total chlorides cannot exceed 250 parts per million (ppm).

Workshop Participant Comments

Described in more detail in Appendix C, participant comments during the discussion of the

presentations emphasized the following themes – the need to:

- Identify and use earlier scientific studies when making decisions about mining permits and reviewing monitoring reports. Universities could be a source of information. Studies from the 1990s were particularly cited.
- Consider cumulative impacts when issuing mining permits. That should include impacts on the aquifer and water quality.
- Provide information that spells out what each level of government (local, state, and federal) reviews for and at what point in the current review process. That information should identify the expertise areas of each level (a lot of the science expertise, for example, is at the state and federal levels). Ensure that the public interest is being considered (for example, when monitoring changes in conditions).
- Address the requirement that rock mining companies must provide information about the ultimate use of the aggregate. Mining companies do not have information on where the rock goes after it is sold.
- Clarify how liability is handled (for example, who is liable if someone is injured in a mine or mining activities contaminate water resources).
- Learn from the mistakes of other areas with mining (Miami-Dade County, for example).
- Provide information on County policies that limit the sale or marketing of products outside the county. The request related to concerns about shipping out the county's geology for the benefit of others.

Considerations for County Decision-Making About Mining in the EAA

Workshop participants focused their discussion on developing an inclusive, non-prioritized list of considerations that should be taken into account by the County when making land use-related decisions about mining in the EAA. The considerations were intended to (1) build on the earlier presentations about the land use planning policies and processes that apply to rock mining in the EAA, and (2) provide the foundation for future discussions, including learning how those considerations are currently being addressed.

To launch the discussion, workshop participants spent about 10 minutes in small groups. They were asked to discuss and add to the following initial list of considerations, from the County's current process:

- Consistency with the Plan
- Consistency with the Code
- Compatibility with surrounding uses
- Design minimizes adverse impact
- Design minimizes environmental impact
- Development patterns

- Consistency with neighborhood plans
- Adequate public facilities (concurrency)
- Changed conditions and circumstances

Each group reported back its three to five most important additional considerations. On the next page is a combined (from all the groups) list. The list combines and groups the comments under common headings. Following that is a list of participant comments that related to information needed and the mining permit review process.

Additional Considerations

Workshop participants offered the following observations about the considerations to use in the mining review and decision-making process. They include:

- Cumulative, long-term impact, including on CERP, water quality, the aquifer, and soil productivity (if there is a loss over the long term).
- Demonstrated need for the mine (i.e., the need for additional mines, given the extent of the mines already approved).
- The type and relative pay of jobs lost and created.
- Whether mining fits into long-term land use planning.
- Potential impacts of mining location on how water flows through the Everglades. (A problem is that information is not available on how the water will need to flow to achieve CERP goals, which means mining locations could be approved that will later impede the flow.)
- Compatibility with restoration, preservation of the EAA, and maintaining agriculture
- Liability (for example, if a mine destroys a wellfield or if someone is injured on a mining site). The concern is that the taxpayer does not have to pay, for example, to clean up contaminated water.
- If rock processing, which can have water use and air quality impacts, is allowed in addition to mining.
- Proximity to residences and those using potable wells that rely on the aquifer for drinking water.
- Impacts on private property rights (Bert Harris Act considerations).

Information Needs

The following was listed as important information that workshop participants need to know more about:

- The sufficiency of the considerations used in decision-making, including how the current process determines compatibility of mining with Everglades restoration.
- The locations where mining should not occur.

- The impacts of the existing mines (e.g., their cumulative impact on water resources and if those impacts are taken into consideration when reviewing a mining permit application). That information should clarify what is known and not known about existing mines.
- The extent to which the best available data and science can be relied on, and how scientific and technical uncertainty are dealt with, given the greater unknowns of the impact of underground activities (versus above ground). The concern is discovering unanticipated negative impacts when it is too late.
- The nature of the market for rock mined in the EAA (where and what the markets are).
- Other (tougher) codes in the state. Lake County's code was cited as an example.
- Related to the review process (also discussed below,) clarification of what issues are addressed at each level of government and what expertise exists at each level (related to earlier comments about the review process).
- How the monitoring process works now, including if long-term impacts on water quality and the aquifer are tracked. That should include a description of who prepares and reviews the reports, how the information is used, and how self-monitoring is handled.
- Several studies, including the 2007 report on the mining permitting process within the EAA by Ken Todd, the analysis conducted for the County's 1989 Comprehensive Plan; *The Geology of the Everglades and Adjacent Areas*, prepared by Dr. Edward Petuth and Charles Roberts in 2007; and Dr. Melodie Naja's (a Water Quality Scientist with the Everglades Foundation) presentation on water quality and hydrological impacts on rock mining in the EAA to the BCC Zoning Hearing held on October 22, 2009.

Review Process

- Decision-makers, staff, and the public need to consider what the science says about mining in the EAA.
- Mining companies should be required to do due diligence in the application process.
- Reviews should be conducted by those with the most expertise. For example, the SFWMD should handle reviews related to CERP. The SFWMD breathes CERP, a participant noted. On the other hand, the FDEP specializes in geology. Assigning reviews to the agency with the greatest level of expertise will also help avoid duplication. The BCC should learn about what each agency looks for in its review.
- Regulations should be fair, appropriate, and make good sense, and conflicts of interest should be transparent. Setting up the technical requirements for approval (of a mining permit) can help reduce the politicization of the process; although, a participant observed, in the end approval is a political process.

Strategies to Address the Considerations

Workshop participants again divided into small working groups to develop a list of strategies that could be used to address the considerations identified earlier. Each group reported back its three to

five most important strategies. Their comments are grouped under two topics: strategies and information needs related to developing strategies.

Strategies

- Use the PAL process to address other issues (relates to an information need, below).
- Compare permitting processes and identify gaps.
- Establish better up-front siting and suitability criteria, and avoid duplication by zoning the right locations for mining in the first place. Also differentiate between siting and permitting decisions.
- Use scientific data that enable reviewers, decision-makers, and the public to understand long-term impacts as well as the shorter term ones.
- Defer mining decisions in some areas until CERP restoration efforts are complete. That means a dynamic process, not a permanent status (e.g., not a permanent “no”).
- Increase the scrutiny of off-site discharge.
- Put in place adequate design standards.
- Require some type of assurance bond.
- Create an advisory board composed of mining experts to evaluate permit applications and the criteria used in the review process.

Information Needs Related to Developing Strategies

A number of comments related to needing more information about how the review system for mining permits works. From that information, more informed decisions can be made about what is missing or might need fixing, including if the County should have a more active role in the review process. The information presented should be broken into small bites to make it easy to understand and should include a description of:

- How each issue, such as water quality, raised during the January 5 workshop is currently being addressed.
- What other agencies do in the permitting process, particularly the PAL process that is voluntary on the part of the participating agencies. That should include a description of what FDEP and the SFWMD look for in their respective reviews and the performance criteria that are being used and, therefore, expected of the mining companies in order to avoid adverse impacts. Information is also needed about the U.S. Army Corps of Engineers’ role in the review process and what happens if an outside agency that the County relies on as part of the mine permitting process is dismantled.

One suggestion was to create an advisory committee to examine and report on how the existing system works.

Next Steps

Workshop participants concluded with the agreement that the next meeting should be educational. The workshop could include members of the BCC, or the information presented might be made available to the BCC in other ways. The topics should relate to the information needs identified during the January 5 discussion. Specific topics are:

- What each agency tasked with reviewing land use and permitting applications for mining in the EAA covers during the mine permitting process, in relation to the issues raised during the January 5 workshop
- The findings from Ken Todd's 2007 report on the mining permitting process, the 2008 Strategic Rock Mining Task Force (ask someone from FDOT to speak)

Prior to the February 8 meeting:

- The studies mentioned during the day's discussion will be posted on the County's website. Workshop participants should check the following website page for available information: <www.pbcgov.com/pzb/Zoning/newsrelease/Type_III_Excavation_Update.pdf>. That review of the available information will facilitate a future discussion about information gaps and what the County might do, if anything, to address those gaps.
- Workshop participants should help identify who else (in addition to those present) should be invited to this workshop series.

**APPENDIX A: LIST OF JANUARY 5, 2011 WORKSHOP ATTENDEES
(listed on the next three pages)**

Mining Workshop January 5, 2011

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Mining Workshop January 5, 2011

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Mining Workshop January 5, 2011

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APPENDIX B: GUIDELINES FOR MINING IN THE EAA WORKSHOPS

Workshop participants were asked to adhere to the following discussion guidelines. The guidelines will apply to all workshops on mining in the EAA.

- Say everything that needs to be said – concisely
- Balance participation
- Express and acknowledge differing views
- Ask questions and verify assumptions
- Seek shared understanding
- Be willing to explore solutions that address as many interests as possible
- Make sure recording is accurate
- Share in keeping to the agenda

APPENDIX C: JANUARY 5, 2011 WORKSHOP AGENDA

PALM BEACH COUNTY WORKSHOP SERIES STRATEGIES TO ADDRESS MINING IN THE EAA

JANUARY 5, 2011, WORKSHOP 1 AGENDA

Objectives

- Review current land use regulations that apply to mining in the EAA
- Review recent history of discussions regarding mining in the EAA
- Identify considerations the County should take into account in making decisions regarding mining in the EAA
- Preliminarily identify strategies the county might use to address the identified considerations, for further development in later workshops in the series

9:00 Welcome and introductions
Agenda and guidelines review

9:15 Presentation – How did we get here? A brief history of current discussions regarding mining in the EAA
Questions for clarification

Presentation – How does the County currently make decisions regarding mining in the EAA? What revisions have been implemented recently? What additional revisions have been suggested so far?
Questions for clarification

10:15 What additional considerations should the County take into account when making land use decisions about mining in the EAA?

Small group discussions

Participants will be asked to form discussion groups and develop a preliminary list of considerations for discussion by the full group

10:30 Break

10:50 What additional considerations should the County take into account when making land use decisions about mining in the EAA? (continued)

Full Group discussion

Facilitators will ask each table to offer one of the considerations they identified, and record answers on screen. Process will be repeated as many times as needed to hear all substantively different answers.

Questions and discussion for clarification

11:30 What strategies or approaches might the County use to address the considerations you have identified?
Identification and listing

12:00 Lunch

1:00 What strategies or approaches might the County use to address the considerations you have identified? – (continued)

Discussion for clarification

Consensus-testing as appropriate

2:15 Next steps

2:30 Adjourn

WORKSHEET 1

Please take the next 10 minutes discuss this question with those seated around you.

What additional considerations should the County take into account when making land use decisions about mining in the EAA?

The following list of considerations from the presentation is offered as a starting point.

- Consistency with the Plan
- Consistency with the Code
- Compatibility with Surrounding Uses
- Design Minimizes Adverse Impact
- Design Minimizes Environmental Impact
- Development Patterns
- Consistency with Neighborhood Plans
- Adequate Public Facilities (Concurrency)
- Changed Conditions and Circumstances

Use the space provided to note what you think should be the 3-5 most important considerations. These notes are for your use in the full-group discussion – they will not be collected.

Notes:

WORKSHEET 2

Please take the next 10 minutes to discuss this question with those seated around you.

What strategies or approaches might the County use to address the considerations you have identified?

Use the space provided to note what you think would be the 3-5 most promising and appropriate strategies. These notes are for your use in the full-group discussion – they will not be collected.

Notes:

APPENDIX D: PALM BEACH COUNTY SUMMARY WHITE PAPER

Type III Excavation (Mining) In the Everglades Agricultural Area

Introduction:

The purpose of this White Paper is to provide a general summary of: recent events related to objections to approvals for Mining in the Palm Beach County Everglades Agricultural Area (EAA), Planning and Zoning requirements for Mining approvals, and the current plan of action to address direction from the Board of County Commissioners to attempt to reach consensus between various stakeholders.

Background and Summary:

General History: The Glades Region in Palm Beach County is an important component of the Everglades Ecosystem, including the Everglades Agricultural Area (EAA), which is within the Glades Tier as identified by the County's Comprehensive Plan (Plan). The EAA boundaries include the three cities around Lake Okeechobee and nearby residential settlements, and the vast land area traditionally dedicated to agricultural production. Other uses include: several state, regional and local facilities including penitentiaries, government offices, and the Belle Glade regional hospital and regional water supply facilities; commercial rock mining and other types of excavations; agricultural processing plants; industrial parks; tourism driven recreational amenities; and two small airports, among others.

From the land use planning perspective, with the exception of the cities and the urban service area around them, the majority of the EAA has the same future land use designation and Zoning district, known as "Agricultural Production" (AP). This has been in place since the adoption of the 1957 Zoning Code through today's Comprehensive Plan and Unified Land Development Code (ULDC). In addition to agriculture, the AP designation and accompanying regulations allows for several non-agricultural uses that are permitted through the Zoning process, including commercial rock mining.

During the last two decades prior to 2006, there were only three commercial rock mines approved in the EAA, with only two of them in operation as of to-date. Agricultural excavations and excavations related to implementation of regional water management projects continue to be permitted in the region as well. In more recent years, multiple applications and mining approvals in the EAA have been processed by the County. During this period, several mining operations in the Miami-Dade area have been affected by ongoing litigation. Also, a recent mining study prepared by the Florida Department of Transportation shows the EAA as one of the prime areas in the State of Florida with potential for rock mining. As a result, during the last few years more than 20,000 acres have been approved for mining through Conditional Use approvals, which gives limited discretion to the Board of County Commissioners (BCC) when considering these applications (see Exhibit I).

Current Status: Since the approval of the Stewart Mine in 2006, the BCC has discussed and taken action on alternatives to better address mining in the County. These include participating in the Strategic Aggregates Review Task Force (SARTF) that provided State-wide recommendations to the legislature, and conducting a regional Mining Summit which resulted in various local recommendations including the completion of a Permitting Review Study. Recommendations to adjust the local permitting process have since been implemented.

A BCC workshop was conducted in early 2010, where staff presented several options, including: continuation of the current process; amendments to the Plan; amendments to the ULDC to address additional concerns; limiting mines in certain areas of the EAA; and, establishing a moratorium on commercial rock mining. The Board directed staff to bring back an Ordinance to establish a moratorium with the purpose of allowing time for either Plan or ULDC amendments. On June 22, 2010, PZ&B and County Administration conducted a meeting with EAA stakeholders where these options were discussed.

On July 21, 2010, planning staff presented proposed amendments to the Plan to modify the Future Land Use Element to provide the BCC with more discretion when reviewing requests for commercial rock mining by requiring the creation of a Mining specific Zoning district and other related criteria or standards. The Board indicated that amendments to the Plan were not warranted and directed staff to present additional background and information at the scheduled Adoption Hearing for the Moratorium.

On August 26, 2010, staff presented the Moratorium for adoption along with a summary of various regulatory issues associated with mining approvals, including both State and local permitting and environmental requirements. The BCC adopted Ord. 2010-023, establishing a one year moratorium on mining in the EAA, and directed staff to seek a University affiliated facilitator to assist County staff and stakeholders who have an interest in mining in unincorporated PBC.

Current ULDC Approval Process for Type III Excavation:

In accordance with the Plan, the ULDC currently allows for Type III Excavation (Mining) in the Urban Suburban (U/S) Tier (which includes the Urban Service Area [USA] of the Glades Tier) in limited Commercial or Industrial Zoning districts; the Exurban and Rural Tiers within the Agricultural Residential (AR) Zoning District; and in the Glades Tier within the Agriculture Production (AP) Zoning District. In all instances, Mining is only permitted if approved by the BCC as a Class A Conditional or Requested Use. Conditional Use approval requires that the BCC consider the following nine standards:

1. Consistency with the Plan;
2. Consistency with the Code;
3. Compatibility with Surrounding Uses;
4. Design Minimizes Adverse Impact;
5. Design Minimizes Environmental Impact;
6. Development Patterns;
7. Consistency with Neighborhood Plans;
8. Adequate Public Facilities (Concurrency); and,
9. Changed Conditions and Circumstances.

This essentially requires that the applicant demonstrate that a proposed mining operation would be able to address all local development standards, including local environmental requirements. As previously noted above, pursuant to the Mining Summit additional pre-application submittal requirements were established to improve coordination with State permitting agencies. This includes a pre-application check list to establish the information to be used as the basis for a pre-application meeting with the Department of Environmental Protection (DEP), and a subsequent requirement to obtain a Preliminary Assessment Letter (PAL) from the DEP, Bureau of Mines and Minerals. Concurrent with submittal of a Zoning application, duplicate copies must also be forwarded to applicable water control or water management districts.

Any application which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. However, typically where a use is permitted through Conditional Use Approval, most applicants can attain compliance with the requisite standards through voluntary or imposed Conditions of Approval that mitigate any potential inconsistencies or issues or revocation of approvals if required permits from State agencies are not obtained.

As noted by County Planning staff in their July 21, 2010 presentation to the BCC, the current Conditional Use approval process for mining limits opportunities to develop a strategy to allow for the orderly management of the future of this important region. Although the County recognizes the importance of the EAA for rock mining, the County also has the obligation of balancing the needs for aggregate with other state priorities like the preservation of agriculture and the restoration of the Everglades, which have been recognized as local priorities by the BCC and stakeholders in the region, and have been incorporated into the Plan.

Summary of Stakeholder/County Suggested Revisions to Mining in EAA:

Over the past four years, several dozen stakeholders have indicated their desire to participate in any discussions or decision making that might result in changes to how the BCC approves new or regulates existing mining approvals. While participants have represented a diverse range of interests, most can be categorized under the general classifications of the following:

- Environmental Organizations
- Mine, Farm or Other Affected Property Owners
- Representatives/Planners/Attorneys
- Neighborhood Representatives
- Glades Area Representatives
- Various Federal, State and local government agencies representing permitting, Everglades restoration efforts, Glades area economic development interests, among others.

The following summarizes several of the more vocal recommendations that have been suggested to date for mining in the EAA. Note that in some instances advocates for changes to the current approval process indicate that some recommendations may be applied concurrently:

1. Prohibit new mining approvals;
2. Detailed Cumulative Impact Study;
3. Require a detailed study of the EAA to ascertain the location of potential mining areas;
4. Require coordination with the South Florida Water Management District (SFWMD) to prohibit any mining that may conflict with Everglades restoration efforts;
5. Coordinate with the State to identify statewide needs for excavated materials needed for road construction or other permitted uses;
6. Amend the Plan to establish a Mining future land use (FLU) designation and related Policies;
7. Amend the ULDC to establish a Mining Zoning district; and,
8. The process is adequate, do not change.

As discussed at the August 26, 2010 Public Hearing, staff summarized that additional detailed studies over what has currently been undertaken would be unlikely due to insufficient availability of public funding or limitations of geological or hydrologic studies where access to private property may not be attainable. Additionally, it was noted that there was a need for increased dialogue from the SFWMD to better identify lands that may be targeted for future Everglades restoration efforts.

With regard to recommendations to amend the approval process through the Plan – representatives of existing mining interests or landowners were opposed to changes to the Plan, suggesting to the BCC that this would reduce the County’s authority to render final decisions of approval due to State oversight in the Planning process. Similar objections were made to efforts to establish additional ULDC standards or a Mining specific Zoning district. Several environmental groups were in favor of Plan changes and related Zoning modifications.

Plan of Action:

On November 30, 2010, the BCC approved contracts with Rafael Montalvo and Jean Scott, with assistance from Jim Murley, to provide facilitation and staffing assistance through a series of up to four consensus building public workshops and subsequent participation in presenting recommendations and findings to the BCC at a workshop, to the Land Development Regulation Advisory Board (LDRAB), and at BCC public hearings for ULDC amendments, where applicable.

DATE	MEETING/HEARING
January 2011	Consensus Building Workshop #1
February 2011	Consensus Building Workshop #2
February/March 2011	BCC Workshop: Review Recommendations / Findings of Consensus Building Workshops
March 2011	Consensus Building Workshop #3
April 2011	Consensus Building Workshop #4 (Optional)
May 25, 2011	Land Development Regulation Advisory Board (LDRAB)
June 22, 2011	BCC Zoning Hearing: Request for Permission to Advertise
July 27, 2011	BCC Zoning Hearing: 1 st Reading
August 24, 2011	BCC Zoning Hearing: 2nd Reading - Adoption
September 2011	Effective Date of ULDC Amendments Mining Moratorium Expires

Exhibit I

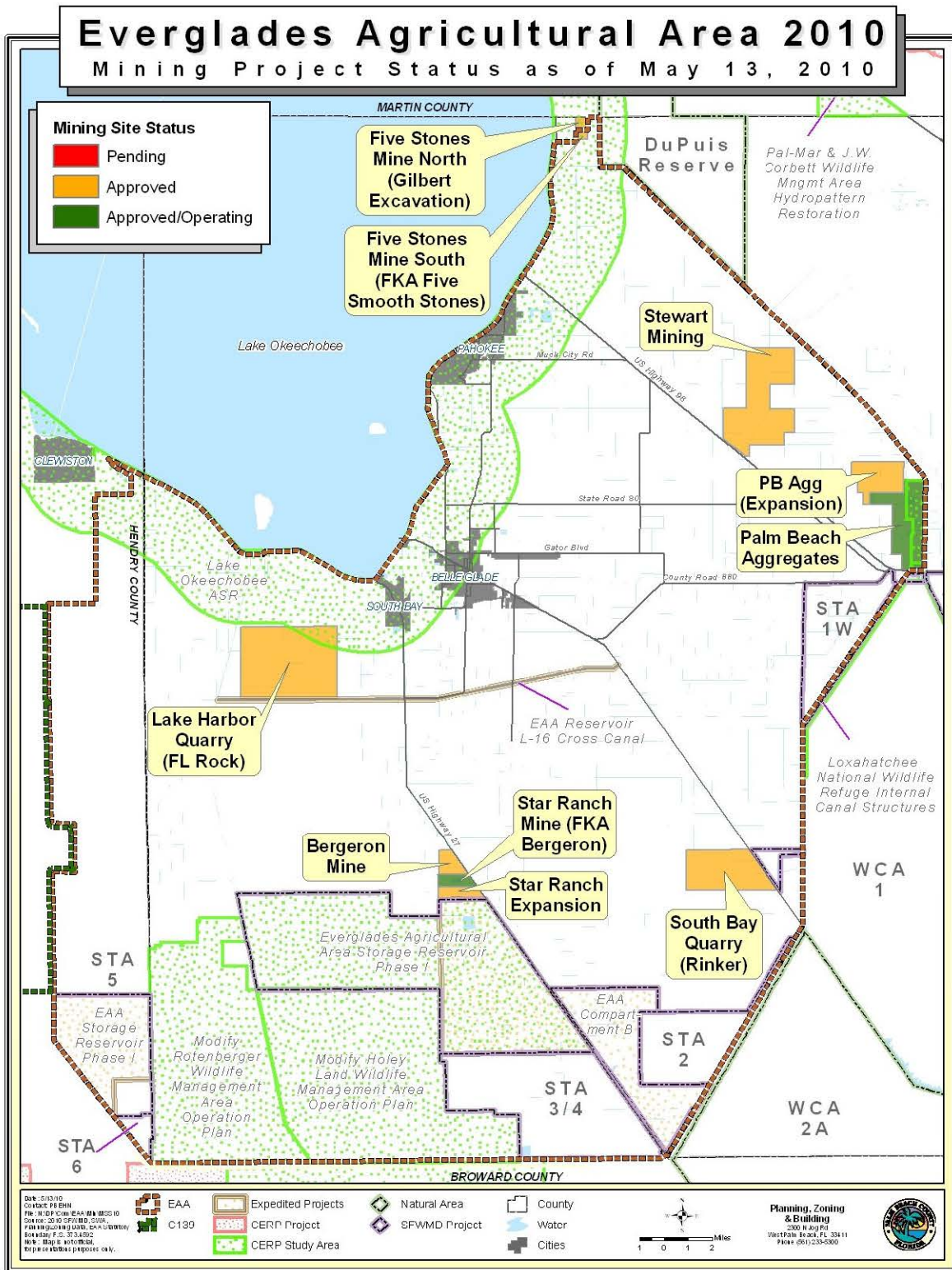


Exhibit I (Continued)

**Everglades Agricultural Area
Mining Projects as of May 13, 2010**

	Status	AKA	Application	Control Number	Resolution ²	Date of Approval	Duration of Mining	Total Acres Mined	Total Acres Approved to Excavate ¹
Bergeron	Approved	N/A	CA-2007-01199	2007-00376	R-2008-930	5/22/2008	5 years until 2016 (78.7 acres/year)	0	472 of 553
Star Ranch	Approved/ Operating	N/A	N/A	1978-00039	R-1978-877	7/18/1978 (SE)	30 years until 2018 (approved 1978) (13 acres/year)	392	342 (reported 201.5 of 473.7)
Star Ranch Expansion	Approved	N/A	DOA 2008-1672	1978-00039	R-2009-1819	10/22/2009	8 years (2018-2025) (100 acres/year)	0	444.9 of 581.9
Five Stones Mine North	Approved	Gilbert Excavation & Boose/Burk	N/A	Tr-A-1974-0154 Tr-B-1975-0167	R-1974-968 R-1975-955	Tr-A-11/26/1974 Tr-A-12/30/1975	20 years	0	57 of 161
Five Stones Mine South	Approved	Five Smooth Stores	DRO2008-1530	2003-00100	R-2004-2424	5/14/2005	7.8 years (10 acres yr)	0	78 of 121
Lake Harbor Quarry	Approved	FL Rock	CA 2007-00205	2007-00054	R-2008-708	4/24/2008 (Zoning)	74 years until 2083 (95 acres yr)	0	7,035 of 7,629
Palm Beach Aggregates	Approved/ Operating	GKK (W. Co. Energy Center, FL), aka Flor-Ag	N/A	1989-00052	R-89-2225	12/12/1989 (SE/Zoning)	33.5 years (80 acres yr)	1,300	3,437 projection 4,047
Palm Beach Aggregates Expansion	Approved	N/A	DOA 2009-4539	1989-00052	R-2010-0684	4/22/2010	17 years (2011-2028)	0	1,640 of 2,393
South Bay Quarry	Approved	Rinker	CA 2006-01930	2006-00554	R-2008-707	4/24/2008 (Zoning)	38 years until 2049 (79.3 acres yr)	0	3,014 of 3,774
Stewart Mining Industries	Approved	N/A	CA 2005-1331	2005-00450	R-2006-931	5/25/2005 (DRO)	40 years until 2055 (90 acres yr)	0	3,595 of 5,420
Total:								1,692	19,765.90 of 25,153.60

¹ Total Number of Acres approved to excavate of the total number of acres approved for the total project. Remaining acres are left for the setback, rights-of-way, etc.

² All Resolutions available in Zoning's Directory (1/2 zoning/Temp docs/Excavation/PFA project activity & issues

APPENDIX C: DETAILED WORKSHOP PARTICIPANT COMMENTS

Comments on the Opening Presentations

- At its August 26 meeting, the BCC also directed County staff to talk to universities about scientific information and studies that would be helpful when making decisions about mining in the EAA. In response, Barbara Akerman commented that this workshop series should define the type of studies that might be needed.
- The background presentations did not give the EAA much attention. Isaac Hoyos responded that his first statements noted that the EAA was a critical component of the Glades region and that the map of the area showed the Everglades Restoration areas.
- Federal agencies, such as the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers, should be consulted as well as the state agencies listed.
- Scientific studies conducted in the late 1980s should be acknowledged and a part of the information that is considered. Currently that information is not being used. An example is a study, *Geology of the Everglades and Adjacent Areas*, by Florida Atlantic University Professor Dr. Edward Petuth.
- The history of mining in the EAA should note that the 2008 Rock Mining Summit concluded that a comprehensive study should be conducted, something that was not done.
- The process should make clear what each level of government reviews for. For example, a lot of the science-based reviews regarding mining impacts are conducted at the state and federal levels. That raises a point for consideration: As the state and federal levels include the science impacts, is there a need to develop that same capacity at the local level.
- Permits should be reviewed for the cumulative impacts. For example, the approval of a 5,000-acre mine should be based on the full impact, not the 100 acres each year to be excavated.
- The impact on aquifers should be considered.
- In monitoring changed conditions, a check is needed that the public interest is being considered.
- Although the Comprehensive Plan requires that the rock be used for specified purposes (public roadway, agriculture, and restoration activities), rock mining companies cannot say how the rock is used once they sell it.
- Information on liability is needed – i.e., who is liable if someone is injured on a mining site or the mining activities result in water contamination.
- Information is needed about shipping prohibitions. There are concerns about the County's geological resources being shipped out for the benefit of others.
- Information on recent problems in Miami-Dade County is needed to learn from those mistakes.