



Background Information on Mining

January 24, 2008

Planning & Zoning Commission



January 7: BCC adopts 6 month moratorium on accepting or processing mining applications

January 15: BCC approves staff's recommendation for PZC-managed, public workshop process for reviewing mining regulations.



Process Summary:

- Background information and updates
- Mobile workshop for BCC/PZC
- Series of public workshops by topic (staff reports for back-up, experts invited)
- Formulate draft regulation changes for BCC to consider and provide direction
- Formal adoption process

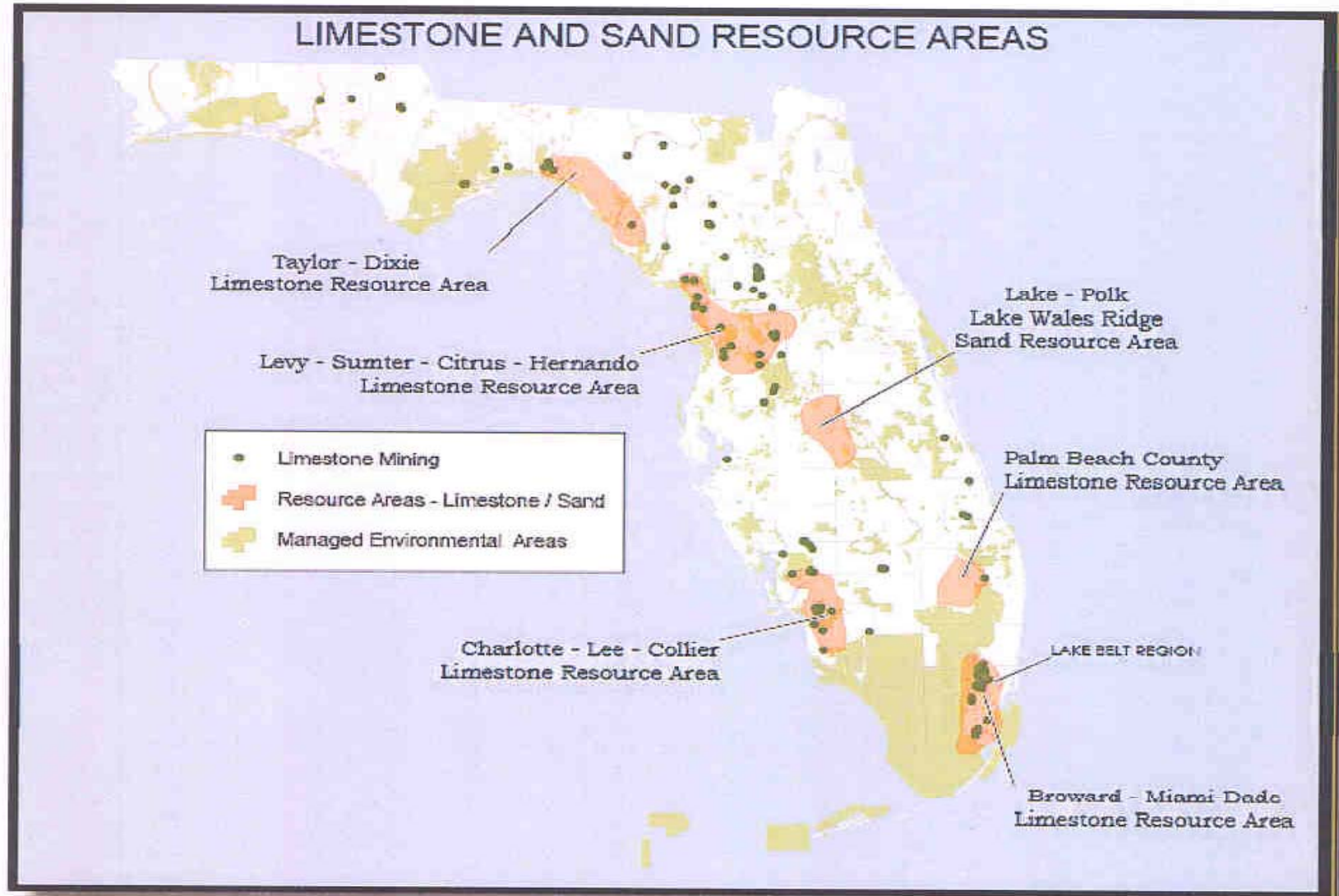
More detail later



IRC Mining History

- Regulations adopted in 1970s
- Atlantic coastal ridge mined first
- Mines move off the ridge
- Currently allowed in agricultural districts
- 934 and 971.22 regulations

Florida Map/Resource Areas from Lampl Herbert





Comparison of Local Government Regulations

- 3 resource documents on 26 counties including IRC (Source: Lee County staff)
- Common elements: mitigating nuisances, haul route regulations, special setbacks and buffers, reclamation and security required





- Various Approaches:
 - special land use designation, special zoning district (known resource areas)
 - Overlay areas “protected”
 - Conditional use, special permit

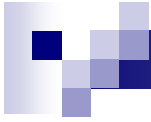


Lake Belt Case

- 3 resource documents: 2 articles, highlights/excerpts from 2007 decision
- Miami/Dade on edge of Everglades
- Strategic Area: high quality, high quantity, accessible, rail connections/efficient hauling, #1 production area in the state
- Wetland impacts, area planning with stakeholders starting 1990's

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- Sierra Club sued ACOE and Mining Companies (defendant-intervenors)
 - Challenged validity of environmental impact analysis and permits for mining activity
 - Issue of groundwater impacts emerge

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- 2006 and 2007 decisions: ACOE erred
 - Immediate shut down in limited area near public wellfields
 - Set aside of permits for other Lake Belt areas stayed only until Supplemental Environmental Impact Statement is completed
 - Continuation of Lake Belt mining in jeopardy



- Impacts: aggregate price increases, possible shortages
- FDOT and state react
 - aggregates study
 - aggregates task force
 - limit moratoriums to 12 months, FDOT input required



State Activities

- 7 resource documents (study, statutes, Task Force-related)
- Strategic Aggregates Resource Task Force (SARTF)
- Task Force meetings, updates, report due February 1, 2008



Possible recommendations

- map aggregate resources
- designate resource areas as strategic
- require local comprehensive plans to address/protect aggregate resources
- local pre-emption
 - broad or narrow
 - apply to strategic resource areas
 - apply to environmental issues



- Possible recommendations (cont'd)
 - create special DEP permits for mining
 - increase DEP/local government coordination
 - state help to improve haul roads



End Result: formulate regulations

- what are the problems?
- what are the solutions?
- what are the opportunities?
- what regulation changes are needed?



Discussion