

2:30 P.M. TIME CERTAIN

Agenda Item #: 5A-8

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: 12-4-07 [] Consent [X] Regular
[] Ordinance [] Public Hearing

Department: Administration, Environmental Resources Management,
Planning, Zoning, and Building

Submitted By: Administration

Submitted For: Administration, Environmental Resources Management
Planning, Zoning and Building

I. EXECUTIVE BRIEF

Motion and Title: Staff requests Board direction: as to the handling of additional stakeholder suggestions on what should be done to evaluate the impacts of mining within the EAA.

Summary:

On September 11, 2007, the Board of County Commissioners (BCC) accepted the study entitled "Permitting Process Regarding Mining Impacts within the EAA" and approved having staff implement the improvements listed in the Conclusions section of the study. Implementation of those improvements would provide for improved regulation and intergovernmental coordination during the review process dealing with mining in the EAA. After the September 11, 2007 presentation of the results, there was concern expressed by some stakeholders that the permitting process was inadequate to address some of the issues dealing with the impacts within the EAA as a result of mining activities. Based on those comments, the BCC directed staff to seek additional input. Input from the stakeholders contained some suggestions that may be able to be accomplished through the current permitting review process. Other suggestions are beyond the scope of the current permitting review process and would require substantial study effort. Those additional comments that were received are presented today. Countywide/District 6 (MJ)

Background and Policy Issues : Continued on Page 3

Attachments: Concern Matrix

Recommended by: Ken Todd 10/19/07
Water Resources Manager Date

Approved By: M. J. W. 10/22/07
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact: N/A

Fiscal Years 20____ 20____ 20____ 20____ 20____

- Capital Expenditures
- Operating Costs
- External Revenues
- Program Income (County)
- In-Kind Match (County)

NET FISCAL IMPACT

No. ADDITIONAL FTE POSITIONS (Cumulative)

Is Item Included In Current Budget? Yes _____ No _____
Budget Account No.: Fund _____ Department _____ Unit _____
Object _____ Reporting Category _____


B. Recommended Sources of Funds/Summary of Fiscal Impact: N/A


C. Departmental Fiscal Review:

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

Fiscal impact is indeterminable at this time. Water quality monitoring fees may increase due to more mining.


OFMB 10-24-07 V0
10-24-07 10/23


Contract Dev. and Control 10/26/07

B. Legal Sufficiency:


Assistant County Attorney

C. Other Department Review:

Department Director

REVISED 9/03
ADM FORM 01
(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

Background and Policy Issues:

At the July 19, 2006 Comprehensive Plan (Plan) Amendment Transmittal Hearing, the BCC transmitted to the state proposed mining amendments to the Plan that included a 2-year period of limited mining within the EAA until completion of a study addressing the impacts of mining within the EAA. At the hearing the BCC directed staff to initiate the study that would take no more than two years to complete.

On November 13, 2006, after State agency review with no comments, the BCC adopted the mining amendments and directed staff to explore options to conduct the study, including reducing the timeframe from two years to one or less. Staff was further directed to bring back to the Board a proposal with a reduced timeframe and costs to conduct the study. In the meantime, the mining amendments adopted by the BCC were challenged by the mining industry. Therefore, the mining amendments have not taken effect. Nevertheless, staff continued working on the mining study.

On February 6, 2007, staff brought to the BCC a Study Proposal for a phased approach of studying the potential impacts associated with large scale mining within the EAA. Staff recommended a Scope of Work for the study that included evaluating whether or not the existing permitting process addresses concerns raised at previous public meetings concerning the impacts of large scale mining within the EAA. These mainly technical issues are listed below:

Issues Raised

1. What are the environmental impacts associated with mining?
2. What are the economic impacts associated with limiting mining?
3. What are the impacts of blasting associated with mining?
4. What are the groundwater contamination /water quality issues associated with mining?
5. Should there be long term monitoring of mines for water quality purposes?
6. What areas of the EAA may be beneficial for existing CERP projects or other future restoration projects? Evaluate interference between mining and these projects.
7. How should the mining areas be reclaimed?
8. Should there be additional criteria used for future mining operations?

The BCC approved staff's recommendation to perform a study that would evaluate whether or not the existing permitting process addresses the concerns raised about the impacts of large scale mining within the EAA. On September 11, 2007, the Board of County Commissioners (BCC) accepted the study entitled "Permitting Process Regarding Mining Impacts within the EAA" and approved having staff implement the improvements listed in the Conclusions section of the study. Implementation of those improvements would provide for improved regulation and improved intergovernmental coordination during the review process dealing with mining in the EAA. After the September 11, 2007 presentation to the BCC of the results of the above mentioned study, there was concern expressed by some of the stakeholders that the permitting process was inadequate to address some of the issues dealing with the impacts within the EAA as a result of mining activities. Based on those comments, the BCC directed staff to contact additional stakeholders to provide input to the study.

Staff contacted all the stakeholders that had expressed an interest in this process for the purpose of obtaining definitive comments as to what they want out of the permitting process over and above what is listed in the report. Staff attempted to assemble what they believed to be like comments together in a matrix that is attached. The matrix separates the suggestions into permitting and non-permitting categories for discussion purposes.

EAA Mining Permitting Related Comments

	Stakeholder Concern	Commenting Organization	Impact
1	More Water Quality Impact Analysis	1. REFUGE 2. SIERA CLUB 3. 1000 FRIENDS 4. AUDUBON	Can be reviewed by Agencies
2	Quantify Cumulative Impacts (Seepage & Water Quality)	1. REFUGE 2. AUDUBON	Can be reviewed by Agencies
3	Better Reclamation Standards	1. 1000 FRIENDS 2. AUDUBON	Can be reviewed by Agencies Note: Recommended in Study & Will Require Statute Amendment for State Permit
4	More Stringent Permitting Criteria	1. SIERA CLUB 2. 1000 FRIENDS 3. AUDUBON	Can be reviewed by Agencies
5	Better Coordination Among Reviewing Agencies	1. 1000 FRIENDS 2. AUDUBON	Can be reviewed by Agencies Note: Recommended in Study
6	More Traffic Impact Analysis	1. 1000 FRIENDS 2. AUDUBON	Can be reviewed by Agencies Note: Recommended in Study
7	Determine Impacts on Migratory/Wading Birds	1. REFUGE	Can be reviewed by Agencies
8	Impacts to Wildlife Due to Noise, Lights & Particulates	1. REFUGE	Can be reviewed by Agencies
9	Impacts on Groundwater & Wildlife From Blasting	1. SIERA CLUB 2. 1000 FRIENDS 3. AUDUBON	Can be reviewed by Agencies
10	More Extensive Bonding Requirements	1. 1000 FRIENDS 2. AUDUBON	This Can Be Reviewed By Staff Note: Will Require Statute Amendment for State Permit.

EAA Mining Comments Requiring In-Depth Study

	Stakeholder Comment	Commenting Organization	Impact
1	More extensive Geology & Hydrology Studies	1. REFUGE	Minimum 3 Years & \$5 Million for a more detailed Hydro-Geology Study of EAA to determine extent of rock formations and potential water resource effects of specific mining location.
2	Determine Where Rock Mining is Best Suited	1. MARSHALL FOUNDATION 2. 1000 FRIENDS	From environmental perspective, there may not be current criteria to answer the question. "Best Suited" from environmental perspective may be different from the mining industry economics perspective.
3	More Study of Restoration Activities, i.e. Flowways, STA's, Reservoirs as related to Everglades System	1. REFUGE 2. MARSHALL FOUNDATION 3. SIERRA CLUB	This would have to be accomplished by SFWMD/COE to determine what additional regional facilities would be needed. It is likely that years would be needed for such determinations.
4	EAA Comprehensive Plan	1. MARSHALL FOUNDATION 2. 1000 FRIENDS	The EAA is included in the County's Comprehensive Plan. This comment suggests a new plan is necessary. Years would be required to accomplish this.