

11:00 am

Agenda Item #:

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: June 15, 2010 Consent Regular
 Workshop Public Hearing

Department: Planning, Zoning and Building

Submitted By: Administration

Submitted For: PZB and Administration

I. EXECUTIVE BRIEF

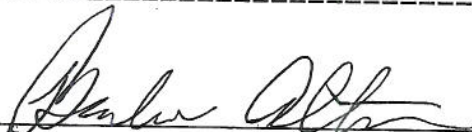
Motion and Title: Mining in the Everglades Agricultural Area (EAA)

Summary: This workshop was requested by the Board of County Commissioners as a result of significant board discussion regarding the status of mining in the EAA, the amount of acreage already approved and the purposes for which mining is permitted. The purpose is to provide the background on mining in the EAA, and the processes and procedures for permitting of new or expanded mines.

Background and Policy Issues: Commercial mining is allowed in the EAA subject to zoning approval as a conditional use. Up until 2006, there were three mining operations approved. Since 2006, seven new or expanded mines have been approved for a total of 20,000 acres. Each approval is limited so as not to exceed the DRI thresholds to a maximum rate of disturbance of 100 acres per year. There are no limitations on the length of time the excavation activity may continue, i.e. Lake Harbor Quarry until 2083. Beginning in 2007 there have been numerous studies, workshops and task forces which have looked at the subject and recommendations have been made with some recommendations implemented. It has been suggested that a moratorium be adopted so that new or different regulations can be adopted governing mining in the area. RB: District 6

Attachments: Staff summary and background information
EAA Mining projects chart and map
Mining Permit Study – delivered under separate cover
FDOT Strategic Aggregates Study – delivered under separate cover
Strategic Aggregate Review Task Force-Final Report - delivered under separate cover

Recommended by:


Executive Director

6-10-10
Date

Approved By:


Deputy County Administrator

6/14/10
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>20_10</u>	<u>20_11</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
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:

This is a Workshop item. No Fiscal impact.

C. Departmental Fiscal Review: *Pat Higgins*

III. REVIEW COMMENTS

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

[Signature] 6/11/10
 OFMB *AKJ 6/10/2010* *6/10/10*
[Signature] 6/11/10
 Contract Dev. and Control

B. Legal Sufficiency:

[Signature]
 Assistant County Attorney

C. Other Department Review:

 Department Director

Mining in the Everglades Agricultural Area (EAA) – Background Information

The EAA has been regulated throughout the diverse zoning codes since 1957, and in the 1970, 1980 and 1989 Comprehensive Plans as an area dedicated to agricultural activities. Other non-agricultural uses were also permitted. They include uses satisfying regional and state needs, parks and recreation, institutional uses and rock mining. Rock mining was originally permitted to support road production. Other types of non-commercial excavation supporting agricultural and water management projects were also allowed.

Both the Plan and the ULDC carried through the allowance for specific non-agricultural activities if certain conditions were met. The adopted language in the 1989 Plan allowed mining for public roadway projects and to support agricultural activities. In 2001 a third option was added that allows mining for projects associated with ecosystem restoration, regional water supply or flood protection. The Plan also requires addressing environmental impacts on surface and groundwater.

In 2005 a judge order halted production on several rock mines in the Miami-Dade region. This prompted a series of mining applications in the EAA, justified based on one or more of the three criteria.

In response to questions and concerns about mining in the EAA staff took a proactive approach to looking at the issues and speaking to interested parties. In September 2006, staff met with representatives of the USGS to discuss the possibility of them doing a study

In October 2006, Staff held a workshop with EAA stakeholders to discuss the issues and concerns of relating to mining in the EAA

In January 2007, USGS indicated they could do a study of the impacts of mining in the EAA for about \$250K, but the County would need to provide numerous soil borings and do the monitoring associated with the study. It was estimated that the cost of the appropriate number of soil borings and monitoring required to provide meaningful information would run approximately \$5 Million.

In 2006 & 2007, several zoning applications for new mining operations were submitted. In order to answer the questions regarding environmental impacts, the BCC approved a recommendation to perform a study to provide information concerning the impacts of large-scale mining in the EAA. This study was to review the impacts, issues and the existing permitting process, identify any additional data needs, and identify any needs for better permitting requirements or coordination. The County Water Resource

manager was tasked with performing a study that addressed the permitting requirements of mining in the EAA and to complete the study within six months.

In March 2007, FDOT completed a study of the availability of acceptable aggregate around the state for road building purposes. This study concluded that there were only six areas within the state that contained significant quantities of acceptable road building aggregate. One of the six areas identified was the EAA.

In addition, the State Legislature passed a bill addressing rock mining within the State of Florida. This law required the formation of a 15 member Statewide Mining Task Force to develop recommendations for mining within the state. The law limited mining moratoria by a local government to one year and required all local governments to take into account information provided by the FDOT about the sources of aggregate when evaluating mining operations during the local review and approval process.

o Palm Beach County 2007 Mining Study

On September 11, 2007, the Water Resources Manager presented findings of the study on the permitting requirements of mining to the BCC. The conclusion of the study was that the current permitting process was generally sufficient to adequately address the issues raised concerning mining within the EAA. The Mining study did identify areas where process improvement would provide a better coordinated review process. The major areas of improvement were: improved coordination among the various regulatory agencies, more comprehensive standards for reclamation efforts, working with the state agencies to evaluate the need for a more detailed analysis of seepage impacts, work with state agencies to develop wetlands mitigation areas that are a part of a regional reclamation effort which could eliminate the piece meal construction of wetlands in the EAA, clarify which agencies are responsible for addressing impacts to roads, railroads, and utilities, and address the need for better landscape requirements in the EAA as a result of mining.

o Mining Workshop

On December 4, 2007, a workshop was held for additional stakeholder suggestions on what should be done to evaluate the impact on mining within the EAA. The BCC suggested convening a summit to include local, state and federal regulatory agencies to discuss and review the impact of excavation in the County. The following month at a January 15, 2008 BCC meeting, the BCC directed staff to pursue an agreement with the Department of Environmental Protection (DEP) to provide a preliminary review before the BCC zoning hearings.

o March 19, 2008, Mining Summit

On March 19, 2008, the County held a Mining Summit at the Clayton Hutcheson Agricultural Center. The purpose of the Summit was to bring stakeholders together to determine an appropriate process for reviewing applications for mining at the local level in the EAA. Discussions focused on gaining insight from a broader perspective and potential cumulative impact of blasting and rock mining in the EAA, and the way that the blasting rock could potentially affect the Everglades restoration, drinking water, or other aspects of the environment.

Topics of discussion included the Comprehensive Everglades Restoration Plan (CERP), potential revised permitting procedures for mining in the EAA, and, financial aspects of future data collection such as the geological mapping of the EAA. Individuals from the mining community, the environmental community, and select governmental entities provided presentations and finally, public input was taken.

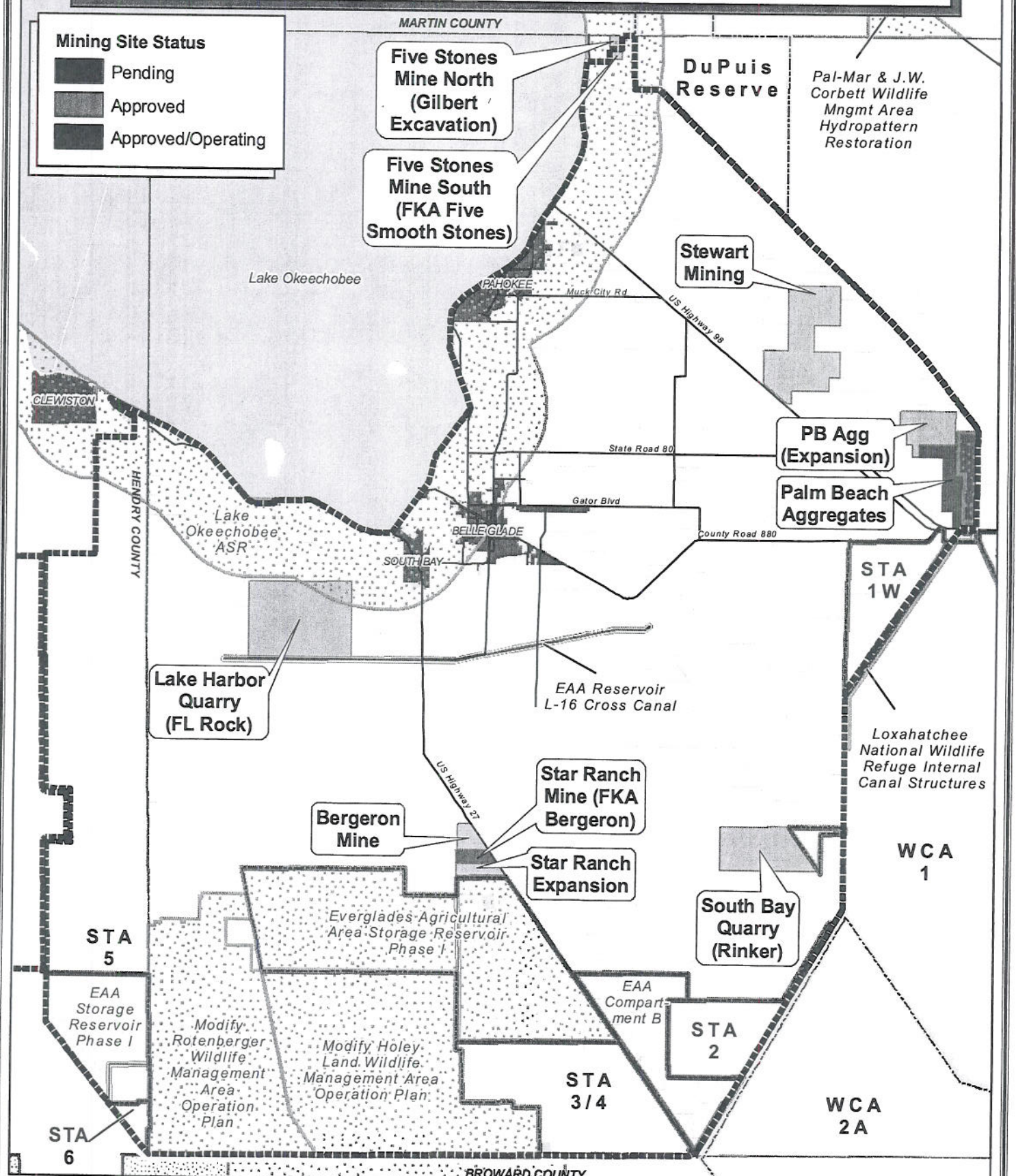
The DEP agreed to coordinate with the County earlier in the approval process for a mining proposal. The South Florida Water Management District (SFWMD) still could not tell the county whether the mines would be taking up land needed for the future reservoirs and water treatments envisioned for the Everglades restoration because those plans have not been finalized. There was also discussion that more federal agencies need to be involved in the long-range Everglades restoration plans so that the County makes the best decisions concerning the long-range impact of mining in the EAA.

o ULDC Amendments

Zoning Ordinance 2008-037 approved in August of 2008 amended the ULDC to require compliance with a DEP Bureau of Mines and Minerals pre-application checklist before certification of any mining operation. The property owner shall provide the specific materials pursuant to the pre-application checklist and obtain a Preliminary Assessment Letter (PAL) before their County Zoning application is deemed complete. The letter must be provided concurrent with submittal of an excavation application for DRO certification for public hearing.

Everglades Agricultural Area 2010

Mining Project Status as of May 13, 2010



Mining Site Status

- Pending
- Approved
- Approved/Operating

Date: 5/13/10 Contact: PBEHN File: N:\DPC\Com\EAA\Min\MS10 Source: 2010 SFWMD, SWA, Planning/Zoning Data, EAA Statutory Boundary F.S. 373.4562 Note: Map is not official for presentations purposes only.	EAA C139	Expedited Projects CERP Project CERP Study Area	Natural Area SFWMD Project	County Water Cities		Planning, Zoning & Building 2500 N Jbg Rd West Palm Beach, FL 33411 Phone (561) 233-5300	
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**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	2007-00346	R-2008-930	5/22/2008	9 years until 2016 (78.7 acres/year)	0	472 of 553
Star Ranch	Approved/ Operating	N/A	N/A	1978-00099	R-1978-877	7/18/1978 (SE)	30 years until 2018 (approved 1978) (13 acres/year)	392	392 (reported 201.5 of 473.7)
Star Ranch Expansion	Approved	N/A	DOA 2008-1672	1978-00099	R-2009-1829	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-1974-0164 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 Stones	DRO2008-1530	2003-00100	R-2004-2424	5/14/2009	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	7,036 of 7,629
Palm Beach Aggregates	Approved/ Operating	GKK (W. Co. Energy Center, FPL), 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	5/25/2006 (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 U/Zoning/Temp docs/Excavation/PBA.project activity & resos