

LAKE BELT MITIGATION COMMITTEE

Meeting Summary

South Florida Water Management District

3301 Gun Club Road, (B-2 Kissimmee River Conference Room 3E)

West Palm Beach, Florida

This meeting will be conducted as a teleconference

Meet-me number 850-921-5470 (suncom 291-5470)

January 30, 2003 9:00 a.m.

1. Call to Order

- a) Meeting began at 9:30 AM.

2. Opening Comments / Attendees

a) Committee Members

- a. Janet Llewellyn, DEP, Committee Chair
- b. Bob Howard, Alternate, SFWMD, Committee Vice Chair
- c. Jean Evoy, Alternate, Dade County DERM
- d. Veronica Fasselt, Alternate, EPA (Teleconference)
- e. Stephen Lau, FF&WCC, (absent)
- f. Jeff Rosenfeld, Alternate, MF&L (Non-voting)

b) Other meeting attendees

- a. Tom Olliff, SFWMD
- b. John Studt, Alternate, COE
- c. Connie Ramsey, COE
- d. Marjorie Moore, SFWMD
- e. Jorge Jaramillo, SFWMD
- f. Anita Bain, SFWMD
- g. Jim Jackson, SFWMD
- h. Pete Schneider, SFWMD
- i. Charles Scott, SFWMD
- j. Lee Chitty, SFWMD Contractor
- k. Madline Fortin, Public Member

- c) Teleconference attendees
 - a. Jim Ferro, Dade County DERM
 - b. Mike Spinelli, Dade County DERM
 - c. Howard Hayes, DEP-Mine Reclamation
 - d. Clint Oakley, Miami Dade Water and Sewer Department
 - e. John Adornato, National Parks Conservation Assn.
- 3. Approval of Minutes from October 2, 2002 meeting
 - a) Corrections included:
 - 1) Spelling of COE name in minutes. (Connie Wolf / Ramsey)
 - b) No further corrections: Motion to approve, Jean Evoy, unanimously approved.
- 4. Status of Land Acquisition and Mitigation in Pennsuco (Tom Olliff)
 - a) Tom Olliff discussed land acquisitions going before the SFWMD Board that would be purchased with Developer's funds. It is necessary for the SFWMD to make a budget amendment to reflect purchases from the Lake Belt Mitigation Trust Fund. Upon completion of the budget amendment, the necessary administrative adjustments will be made to charge the proper accounting fund for the land acquisitions.
 - b) Tom Olliff briefly discussed the status of the City National lawsuit and indicted there is a significant difference between the District estimates of the cost per acre and the seller's estimated selling price. He expects this matter would eventually go to trial.
 - c) Staff's latest estimates were that there are 2,195 privately owned and 2,347 miner-owned acres left in the Pennsuco.
- 5. Status of Trust Fund and Mitigation Credits in Pennsuco (Bob Howard for Terri Bates)
 - a) Bob Howard and Anita Bain provided a brief status of the Lake Belt Mitigation Trust Fund. They referred the committee to the appendices of the proposed Annual Report for an accounting of the trust fund at December 31, 2002.
- 6. Alternatives / Locations for Mitigation Credits (Marjorie Moore, Anita Bain)
 - a) Anita Bain and Marjorie Moore presented an in-depth discussion and presentation into the use of treatments and long-term maintenance as an alternative to land acquisitions for

the use of mitigation funds. Due to the similarity in cost for acquisition and restoration/maintenance, it was proposed that restoration/maintenance activities would receive half of the Pennsuco lift. Anita made reference to the worksheet attached to these minutes. A revised worksheet, prepared after the meeting, is also attached to these minutes.

- b) **ACTION 1** – Jeff Rosenfeld will check with the mining companies to see if they are interested in having their land holdings available for treatments prior to purchase, thus earning a partial mitigation lift.
- c) Janet Llewellyn followed up on two action items from the previous meeting.
 - i) Janet indicated that it is not possible to acquire state lands purchased in 1925 & 1933 through payments from the mitigation trust fund.
 - ii) Janet also indicated she was investigating treatment of easements used by FPL, railroads and the SFWMD.
- d) Jean Evoy stated that reimbursement was not possible for County lands within the Pennsuco.
- e) John Studt stated that reimbursement would not be possible for the Corps property from the Florida Rock condemnation case.
- f) Marjorie Moore indicated that SFWMD is currently treating State and County lands within Pennsuco with funding originating from the developer's mitigation fund. There was a discussion of how to allocate past and future restoration costs for publicly owned land and whether there was a way for the district to separate the costs between the developer's and miner's funds.
- g) Anita Bain explained that the Developer's mitigation obligation would soon be satisfied, leaving all future mitigation expenditures for miner's mitigation funding.
- h) **ACTION 2** – Connie Ramsey, COE representative, will chair a sub-committee to investigate alternative mitigation locations. The long-range goal of the Lake Belt Mitigation Plan never intended that all mitigation offsets would be satisfied within Pennsuco. The members of the committee are: Jean Evoy, Veronica Fasselt, Marjorie Moore, Jeff Rosenfeld, and Tom Olliff would seek a committee representatives from Land Acquisition and the Miami-Dade Service Center.

7. Status on Leases of State Owned Lands (Janet Llewellyn)

- a) Janet Llewellyn discussed how the State had been approached by representatives of Florida Rock to swap their non-mineable lands within Pennsuco and within the wellfield protection zone for mineable lands outside Pennsuco. It was discussed that this was different than the original idea of selling the miner-owned Pennsuco lands to SFWMD and leasing mineable non-Pennsuco land from the State. Janet stated that she was open to different approaches, but that a land swap would have to meet three conditions. These conditions are:
 - a. There must be value for value in the land swap which may be difficult to achieve as during the Lake Belt Plan process, the parties could not agree how to prepare appraisals for the land swaps.
 - b. After the swap, the Lake Belt Mitigation Trust Fund would buy the Pennsuco lands from the Trustees so that the lands would be used to help satisfy the miner's mitigation obligation. The lands in the wellfield protection zone should be purchased from the Trustees by Miami-Dade County.
 - c. At the end of the mining, the exchanged lands would revert back to public ownership, either State or County.

8. USACOE Permit (Update John Studt)

- a) John Studt stated that there had been little activity with regard to the Federal lawsuit filed by the Sierra Club, National Resources Defense Council and National Parks Conservation Association. He indicated that the Corps was preparing the Administrative Record. The next step in typical federal lawsuits was usually submittal of summary judgment briefs, followed by the actual trial. He further indicated, as with many Federal lawsuits, it could be years before the lawsuit is brought to trial.

9. Next Steps: Committee Action Plan for 2003 (Jean Evoy and Tom Olliff)

- a) It was generally agreed that the two immediate actions of the committee include: 1) the sub-committee researching mitigation alternatives will report back to the committee at the next meeting, and 2) Tom Olliff will continue to pursue the purchase of available lands within Pennsuco.

10. Review of Draft 2002 Annual Report (Lee Chitty)

- a) A draft of the 2002 Annual Report was made available to all committee members. Each section of the report was reviewed, discussed and edited as agreed by the committee. Lee Chitty will make the agreed revisions and present to Tom Olliff for review.
- b) Upon review by Tom Olliff, the report will be sent to Janet Llewellyn for final review and approval before submission to the SFWMD Board at the March 2003 Board meeting.
- c) Bob Howard made a motion that the draft report be accepted, pending the revisions being inserted, reviewed by Tom Olliff and final approval by Janet Llewellyn. Motion passed unanimously.

11. Next Meeting

- a) Next meeting scheduled for Friday, June 6, 2003 at WPB Headquarters of the SFWMD.

12. Public Members:

- a) John Adornato expressed concern about the dollar swaps between the developers and miners funding. He indicated he would like to discuss the issue in more depth with committee members at a later time. Mr. Adornato was to set up a meeting with Anita Bain to further discuss his concerns.

13. Adjourn

14. Action Follow Up:

- a) **ACTION 1** – Jeff Rosenfeld will check with the mining companies to see if they are interested in having their land holdings available for treatments prior to purchase, thus earning a partial mitigation lift.
- b) **ACTION 2** – Connie Ramsey, COE representative, will chair a sub-committee to investigate alternative mitigation locations. Committee members are: Jean Evoy, Veronica Fasselt, Marjorie Moore, and Jeff Rosenfeld. In addition, Tom Olliff will recruit SFWMD committee representatives from the Land Acquisition Department and Miami-Dade Service Center.