

## **Lake Belt Mitigation Committee**

### **Meeting Summary**

South Florida Water Management District  
West Palm Beach, FL

July 12, 2002

The following members were in attendance: Terrie Bates (SFWMD), Bob Barron (USACOE), Jean Evoy (Miami-Dade DERM), Veronica Fasselt (EPA), Janet Llewellyn (DEP), Jeff Rosenfeld (MacVicar, Federico & Lamb - representing the industry).

The following individuals were also in attendance: John Adornato (National Park Conservation Association), Anita Bain (SFWMD), Scott Benyon (Rinker Materials), Bill Dobson (Miami-Dade Water and Sewer), Steve Freilich (SFWMD), Howard Hayes (DEP-Mine Reclamation), Jim Jackson (SFWMD), Blair Littlejohn (SFWMD), Marjorie Moore (SFWMD), Tom McCracken (SFWMD), Alan Whitehouse (DEP-Mine Reclamation), Frank Bernardino (SFWMD).

At the request of Janet Llewellyn, Terrie Bates chaired the meeting and called the teleconference meeting to order at 9:05 a.m.

Minutes from the May 10, 2002 meeting were unanimously approved.

### **OPENING COMMENTS**

- Added item to Agenda: Expending some funds for some outside assistance to help with the administration of the procedure to manage the committee – committee operations.

### **MITIGATION ON PUBLICLY OWNED LANDS**

Non-rock Mining –

- As of March 18, 2002 on map, 2,253 acres in Pennsuco left to be acquired, once lessing out industry ownership and other acquisitions pending in City National .
- Current commitment permitted as mitigation to Pennsuco is 2,670 acres (acquired 1,673) – have 1,000 acres where funds accepted in house that is roughly needed for mitigation – doesn't include anything pending in-house.
- 1,455 acres may be tied up inside of Federal Grant

- District is evaluating the continued future use of non-rock mining mitigation due to statutory requirements of full cost accounting, anticipated land values, and ability to close.
- Blair stated that TNC contacted 70 owners – vast majority unwilling to say what they will take. Of 20 different owners spoken to, roughly about 250 acres can be purchased for approximately \$5,000/acre. Another 45 or so that say will take between \$10,000 and \$20,000/acre.
- No further information on City National trial.
- \$2 million put into trust account with the court for non-rock mining mitigation – ROMA (City National) account.
- Applicant paying \$6,142 paid per acre – covers three costs: acquisition, management and perpetual endowment trust account
- General discussion of future liability for “mitigation acres” if the money is not available for acquisition due to land values.
- Potential questions on rock miners’ cost status compared to fees/escalation of costs.
- Suggestion made that the ROMA be used for the ROMA costs and not be retroactively increased.

## **PRIMARY ISSUES**

- ROMA issue of permits of money already taken – have to come up with so many acres to cover the obligation for money already taken – acre debt sitting there that hasn’t been acquired yet, potentially solved by moving money around between operation and acquisition accounts.
- Do we continue offering ROMA and take on additional obligation for acres at current price?
- Where do we put the miners’ monies – is the miners monies spent on private land? Do we do some sort of reservation that it will be just for miners or non-miners, or is it how fast can the monies be spent to get the land acquired?
- What do we charge the miners or non-miners for restoration on currently government owned land.
- Acquiring land at higher cost for previously permitted mitigation requirements.
- What to do about potential future mitigation. Proposal: Is Pennsuco closed to non-rock miners and/or rock miners.
- Use of maintenance funds on federal lands acquired (with grant dollars).
- Potential for “rebuying” publicly owned lands and transferred federal dollars to other land buying efforts (not Grant dollars)?
- Rock miners’ monies currently in the fund is for previously permitted projects to be able to pre-buy lands for future use.
- Costs for acquisition of rock-mining industry owned lands in Pennsuco – could these areas be acquired with rock mining monies for mining. Suggested doing the calculation on the existing (paid) rock mining funds to

determine how much area (acres) they have already funded and list them as a land acquisition requirement (obligation).

- Use of mitigation monies for maintenance on federal grant lands.

10:10 a.m. Terrie had to leave to attend a teleconference. Janet Llewellyn took over as chair. Terrie and District staff will work on issues related to accounting and split between mining and non-rock mining on already purchased lands.

### **STATEMENT OF ASSIGNMENT**

- What are we analyzing? Committee is prepared to authorize spending on rock mining. Vote? Future acquisitions allocate 50% / 50% to rock mining/non-rock mining funding sources.
- A document was created reflecting the acres and dollars, translated to acres. For the remaining backlog, Janet will create a draft to frame the obligation motion. Jeff R. indicated Corp permits require separate accounting for functional lift.
- How are functional assessments being done? Monitoring plan – future agenda? Coordinate with Marjorie and Anita.
- Blair asked, “Is the committee is willing to move forward with acquisition of lands at \$5000/acre or to set aside for settlement of City National?”

### **ALTERNATIVE LOCATIONS FOR MITIGATION**

- Cell 16, Cell 23 – approximately 400 acres total, \$5-6,000/acre (within mining lands)
- Janet made a motion to authorize and approve the South Florida Water Management District to move forward to use Committee funds to acquire non-industry owned, privately owned lands within the Pennsuco Wetlands, excluding City National, up to \$6,000/acre. ½ to non-rock / ½ rock to the extent that there are existing funds. Jean seconded the motion. The motion was unanimously approved.
- Tom McCracken indicated funding administration is being moved to a different District department. They will be contracting with a consultant and will use non-rock mining funds for this purpose since it already includes administrative fees.
- Janet stated that mining leases to rock miners for state lands must be bid out per state law. Scott Benyon stated that the State should require “land swaps” from all bidders. Current permits are only 10-year permits as opposed to 50-year permits as previously anticipated.
- Scott Benyon identified areas for potential restoration that may not require acquisition.
- Steve Freilich, District Treasurer, stated that monies can be bonded – costs and fees vary depending on dollar amount and pledge of repayment. Could

borrow approximately \$13-16 million. He will submit additional information to the Committee.

### **Next Meeting**

The next meeting of the Committee will be October 2 in Miami in conjunction with the Water Management Conference.

### **Adjourn**

The meeting adjourned at 11:40 a.m.