



LAKE COUNTY
FLORIDA

**RECOMMENDATIONS FOR
ADDITIONAL PROTECTIONS
FROM SAND MINING
WITHIN THE
GREEN SWAMP
AREA OF CRITICAL STATE CONCERN**

**A Report from the
Green Swamp Mining Committee**

**Department of Growth Management
Department of Conservation & Compliance**

September 2012

Summary

In 2010, the Lake County Board of County Commissioners adopted Policy I-4.4.10, Evaluation of Existing Protections from Mining in the Green Swamp Area of Critical State Concern (ACSC), as part of the 2030 Comprehensive Plan. This policy required the formation of a committee to review the existing policies and regulations in place to protect the Green Swamp ACSC. Implementation of the 2030 Comprehensive Plan was delayed until September 2011 and the Green Swamp Mining Committee was established and began meeting in January 2012. The committee has reviewed current regulatory protections, which limits the impact mining would have on water quality and quantity, flora and fauna, natural resources such as wetlands and surrounding land uses.

The committee received presentations from the Florida Department of Environmental Protection, Bureau of Mining & Minerals Regulation as well as the St. Johns River Water Management District, which conveyed the process and scope of the state regulations generally related to water quality and quantity protections. A presentation was also provided by staff, which discussed the process and scope of the U.S. Fish & Wildlife Service and Florida Fish & Wildlife Conservation Commission related to the protection of listed animal and plant species.

The committee established that, unlike other land uses, sand mining is limited to areas where the material is physically located. Sand mining is a significant industry in Lake County and should be preserved under specific regulations to ensure that its impacts are adequately addressed. Existing policies in the 2030 Comprehensive Plan and Land Development Regulations have been examined in the context of other agency requirements. The Committee developed objectives and recommendations to address policy or regulatory items that could be improved.

GREEN SWAMP MINING COMMITTEE
Recommendations to the Board of County Commissioners
September 2012

OBJECTIVE: ENSURING SAND MINING IS NOT PROHIBITED IN THE GREEN SWAMP

Recommendation:

- Ensure sand mining is allowed in Green Swamp Area of Critical State Concern as currently allowed in the 2030 Comprehensive Plan and as consistent with the Objectives and recommendations below

OBJECTIVE: ENSURING ANY EXISTING OR PROPOSED REGULATIONS ARE CLEAR

Recommendations:

- Revise regulations and policies to replace the term “Restoration” with the term “Reclamation.” This more accurately reflects what occurs when mining is complete and is consistent with the term used by the Florida Department of Environmental Protection (DEP) and the St. Johns River Water Management District (SJRWMD).
- Revise Chapter VIII, Green Swamp Land Development Regulations to remove outdated agency references, such as references to the Department of Natural Resources and ensure consistency with open space, submittal requirements, development area, etc. required by the 2030 Comprehensive Plan.
- Amend the Mining Ordinance (Section 6.06 LDR) for clarity, to include the prohibition of mining within the Green Swamp, with the exception of sand mining.
- Revise Development Review Criteria of the Land Development Regulations to be consistent with the 2030 Comprehensive Plan.
- Revise the policies contained in the 2030 Comprehensive Plan to ensure the terms *Prime Recharge Area*, *Recharge Area* and *Protected Aquifer Recharge Areas* are consistent with the Water Management District’s terms and definitions as they pertain to mining in the Green Swamp.

OBJECTIVE: ELIMINATE OVERLAPPING OR DUPLICATIVE REVIEW

Recommendations:

- Revise Habitat Reclamation Standards to be consistent with 62C-39, F.A.C., protecting wildlife.

OBJECTIVE: ENSURING THE WATER QUALITY AND QUANTITY ARE MAINTAINED OR IMPROVED

Recommendation:

- Maintain existing mining regulations. The Mining Committee has reviewed the FDEP and WMD Rules and has determined that the existing rules used by these agencies are adequate to ensure the protection of water quality, water quantity and Outstanding Florida Waters within the Green Swamp. Lake County should continue to support these standards to protect these resources consistent with the following Statutes and Rules, as may be amended:

Consumptive Use Permitting and State Water Policy (implemented by the Water Management Districts)

- Ch. 373.216, 219, 223, 236, F.S.Ch. 40C-2, FAC
- Ch. 40C-20, FAC
- Ch. 40C-22, FAC
- DEP Rule 62-40 (Pending Revision)

Environmental Resource Permitting:

- Ch. 373, F.S.
 - Ch. 40C-4, FAC
 - Ch. 40C-8
 - Ch. 40C-41
 - Ch. 62-3, 4, 302, 520, 522, 550FAC
 - Draft Ch. 62.330, FAC (On April 14, 2012 Governor Rick Scott signed legislation granting DEP the authority to create one statewide rule for the ERP program.)
- Further, the committee understands that Lake County Mining Operation Permits are issued consistent with these FDEP and WMD Rules.

OBJECTIVE: PREVENTION, AVOIDANCE OR MITIGATION OF MINING IMPACTS TO WILDLIFE AND HABITAT

Recommendation:

- Ensure policies and regulations are consistent with U.S. FWS and FFWCC rules and regulations, i.e. Endangered Species Act, Florida Administrative Code Florida Listed Species.
- Maintain existing open space requirements to protect a portion of the upland area from development.
 - Open Space is the area left undisturbed in its original natural predevelopment state and is not part of reclaimed areas.
 - For example, in the Green Swamp Rural Future Land Use Category, 60% of the upland is preserved as open space and may not be developed when an application is submitted for any type of development, including mining. Current open space requirements for upland area are 60% for GS Rural, 80% for GS Rural Conservation and 90% for GS Core Conservation.

OTHER ITEMS THAT SHOULD BE CONSIDERED

- Investigate the viability of the County acquiring lands within the Green Swamp to set aside for open space for long term public conservation.
- Consider a Transfer of Development Rights (TDR) program to allow the transfer of development rights to areas outside of the Green Swamp and possibly in the GS Ridge Future Land Use Category.
- The County should continue to maintain a consulting contract with an independent hydrogeologist, or to add a hydrogeologist to county staff, to review mining applications. The role of the hydrogeologist is to ensure consistency with the Lake County Comprehensive Plan and Land Development Regulations.