TRANSCRIPT OF THE MEETING OF THE COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, January 5, 2012

LET IT BE REMEMBERED, that the Collier County Planning Commission, in and for the County of Collier, having conducted business herein, met on this date at 9:00 a.m., in REGULAR SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

CHAIRMAN: Mark P. Strain
William Vonier
Brad Schiffer
Paul Midney
Diane Ebert
Barry Klein
Phillip Brougham

ABSENT: Melissa Ahern
Karen Homiak

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager
Bill Lorenz, Environmental Services Director
Heidi Ashton-Cicko, County Attorney's Office
Tom Eastman, School Board Representative

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the January 5th meeting, 2012, of the Collier County Planning Commission.

If you'll all please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Okay. Normally I would say, "Would the secretary please do the roll call," but she's not here. So then I would say, "Would the vice chair please do the roll call," but she's not here. So I guess that leaves it up to me.

So, Bill?

COMMISSIONER VONIER: Present.

CHAIRMAN STRAIN: Okay. Brad?

COMMISSIONER SCHIFFER: Were you going to say something?

COMMISSIONER VONIER: Yeah. You don't want the contacts we've made?

CHAIRMAN STRAIN: No. Just for attendance for the record.

COMMISSIONER SCHIFFER: I'm here, Mark.

CHAIRMAN STRAIN: Paul?

COMMISSIONER MIDNEY: Here.

CHAIRMAN STRAIN: Melissa's absent. She had some matters she had to attend to, and I think Karen told us last time that she had something planned with the family for this season so -- okay. Diane?

COMMISSIONER EBERT: Present.

CHAIRMAN STRAIN: Barry?

COMMISSIONER KLEIN: Present.

CHAIRMAN STRAIN: Phil?

COMMISSIONER BROUGHAM: Present.

CHAIRMAN STRAIN: And I'm here. So we still have a quorum.

COMMISSIONER EBERT: Tom.

CHAIRMAN STRAIN: Oh, yes. Tom Eastman. I forget about Tom. Hi, Tom.

MR. EASTMAN: Good morning.

CHAIRMAN STRAIN: Addenda to the agenda, I think that we're good as -- anything, changes, Ray, from staff's perspective?

MR. BELLOWS: Nothing from staff.

CHAIRMAN STRAIN: Okay. Planning Commission absences. Does anybody know if they're not going to make it to our next meeting? And, Ray, I believe that's the 19th; it's our regular meeting.

MR. BELLOWS: That's correct.

CHAIRMAN STRAIN: Okay. Just so the board members know, on the 26th and 27th we have scheduled the EAR-based amendment. Are they still on, Ray?

MR. BELLOWS: Yes, they are.

CHAIRMAN STRAIN: Are we going to -- when's the literature for those going to be distributed?

MR. BELLOWS: I'll check with Mike Bosi, but it should be pretty soon.

CHAIRMAN STRAIN: Yeah. The earlier the better. Instead of just a week, we like to have extra time with those. They're rather lengthy.

Okay. So we have a quorum for our meeting. Everybody going to be here on the 19th? Okay.

Approval of the minutes for December 1, 2011; they were electronically distributed to everyone. Are there any changes or recommendations?

(No response.)

CHAIRMAN STRAIN: Hearing none, is there a motion to approve?

COMMISSIONER EBERT: I make a motion to approve.

CHAIRMAN STRAIN: Made by --

COMMISSIONER VONIER: Second.

CHAIRMAN STRAIN: -- Diane, seconded by Bill.

All those in favor, signify by saying aye.

COMMISSIONER VONIER: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER MIDNEY: Aye.

CHAIRMAN STRAIN: Aye.
COMMISSIONER EBERT: Aye.
COMMISSIONER KLEIN: Aye.
COMMISSIONER BROUGHAM: Aye.
CHAIRMAN STRAIN: Anybody opposed?
(No response.)
CHAIRMAN STRAIN: Motion carries 7-0.
BCC report and recaps, Ray?
MR. BELLOWS: There was no BCC meeting since our last Planning Commission meeting.
CHAIRMAN STRAIN: Thank you.
By the way, in trying to understand what's going to happen on the 19th, I got an email about that agenda. And Mike Bosi were -- and Nick were considering adding a discussion with the RLSA/EAR. Do you know what the board's conclusions were on the RLSA as far as its going forward?
MR. BELLOWS: I'm sorry. I don't have that information for you.
CHAIRMAN STRAIN: Okay. I'll check with Nick some other time. Thank you.
Chairman's report. I'm going to combine that with a discussion when we get to Lost Grove.
Consent-agenda items. We'll move right into consent. The only item we have on consent is from our last meeting. It's PUDZ-PL2011-2115, Community School CFPUD. It's on 13275 Livingston Road.
Does anybody have any corrections or changes or notations for -- as a result of the consent-agenda item for Community School, the paperwork that we received?
(No response.)
CHAIRMAN STRAIN: Okay. Is there a motion to approve?
COMMISSIONER KLEIN: I'll make a motion.
CHAIRMAN STRAIN: Barry made a motion.
Brad, you'll second?
COMMISSIONER SCHIFFER: I'll second it.
CHAIRMAN STRAIN: Okay. Brad will second.
Discussion?
(No response.)
CHAIRMAN STRAIN: All in favor, signify by saying aye.
COMMISSIONER VONIER: Aye.
COMMISSIONER SCHIFFER: Aye.
COMMISSIONER MIDNEY: Aye.
CHAIRMAN STRAIN: Aye.
COMMISSIONER EBERT: Aye.
COMMISSIONER KLEIN: Aye.
COMMISSIONER BROUGHAM: Aye.
CHAIRMAN STRAIN: Anybody opposed?
(No response.)
CHAIRMAN STRAIN: Motion carries 7-0.
***That takes us into our first advertised public hearing. This is a continued public hearing on the Lost Grove Mine. It started on November 3rd, we had the next meeting on November 17th, and at that time it was continued to today.
At the time the applicant noted that they had additional testimony and expert they wanted to bring in on an audio and on a visual relation to the project.
I got a call yesterday from the applicant's attorney indicating that the report they had been waiting for is not available.
I requested that they consider continuing this at the request of the Planning Commission until that report was available, but that today we'd like to get through as much as we could on that issue that is not related to audio or visual. Audio and visual comments would basically be involving anything, barriers and setbacks and things like that.
It's important that this commission hear all the evidence that is available. We do know that this evidence is going to be provided. We could hear it today, we could vote on it today without that evidence, but I'm very concerned that if we were to do so and it goes to the Board of County Commissioners, that this new evidence is then introduced

at that level, it could invalidate some -- or it could be perceived to invalidate some of the comments this board makes, depending on what they are, in our recommendations.

So rather than have that occur, I think it would be highly advantageous for us to do as much as we can on the Lost Grove today, and that includes listening to any additional testimony by people who have not spoken on it before, and then go into a final hearing on it when these audio and visual reports are available.

And I'll ask the applicant -- and this -- by the way, Ray, I'd like this to be a request at the Planning Commission to continue it so that it's being continued so we can have a better total package to review before it goes to the board.

So with that in mind, I'd like to ask the applicant when they think they need -- how much time they would like to have and any other comments they have on this specific issue first before we get into the heart of the discussion.

MR. SCHROTENBOER: Good morning. Thank you, Chairman. Is it working? Can you hear me?

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Yes.

MR. SCHROTENBOER: Okay, thank you.

For the record, Don Schrotenboer, president of Alico Land Development. Again, thank you.

Thank you, first, for your patience during this. I think we're all experiencing that we're in a little unchartered territory, and we certainly respect (sic) that your willingness to listen to all of the testimony necessary to make the most prudent decision that you possibly can as a planning commission on this application.

Sometimes the best-laid plans don't work, and I take personal responsibility for that in that we had fully anticipated that we would have our audio and visual presentation available for you today to finish up our testimony.

Unfortunately, because of a couple things, one being the holidays that we certainly didn't account for as well as we should have, but also very difficult in that noise measurements have not been measured very frequently in the mining industry. So we're kind of starting and creating something here that there's not a lot of evidence out there in the public eye. So we ask for your patience on that.

We've sat down, we have spoken to our consultants, and we've looked at our schedules. And based on the time that we need to get the report together and because of some schedule conflicts with a couple of the key consultants and myself, we would ask that we continue, after today's most-productive day, hopefully, until March 1st.

CHAIRMAN STRAIN: Okay. Ray, now they're going to have to readvertise regardless. The advertisement has to be done again because it's outside the time frame; isn't that correct?

MR. BELLOWS: The county has adopted a new policy that -- and I think the County Attorney's Office can elaborate. But if it continued to a time-certain from an advertised hearing, there is no readvertising. But I will defer to the attorney's office on that.

MS. ASHTON-CICKO: Technical problems.

Good morning. Yes, we have concluded that if there is an advertised public hearing that's continued to a time-certain, that the public is sufficiently noticed. There would be some limitations with that, but I think this would be within the time frame that would be acceptable if it's acceptable to the applicant.

CHAIRMAN STRAIN: Okay. How sure are you on the March date?

MR. SCHROTENBOER: To the best of our ability, I guess. We really just looked at this yesterday afternoon. We're confident, Mark, that we can be fully prepared and come back to you and ready to wrap this up on March 1st.

CHAIRMAN STRAIN: Would the documentation be able to be provided to staff at an early enough time so they would have time to review it and get it to us preferably earlier than they have on the regular package? Because if it's new evidence, and on top of the six inches or five inches of data we currently have, it would be nice to read it in a comprehensive format.

Is there any way we can get it a couple weeks earlier?

MR. SCHROTENBOER: Yeah, thank you for bringing that up. Actually, we did take that into our consideration in our time frame in allowing a week before the next hearing which -- to get the information to the staff. So, yes, to answer your question.

CHAIRMAN STRAIN: A week before the next hearing?

MR. SCHROTENBOER: Well, the next -- before the March 1st hearing. If we were to move this to March 1st, a week before that so that you, the staff, would have it prior to that.

CHAIRMAN STRAIN: Okay. I was -- that's not -- that's what I was worried about.

MR. SCHROTENBOER: Okay. Please clarify then.

CHAIRMAN STRAIN: We get the information a week before, which means staff has to get it -- I don't know how -- Kay, would you mind commenting how far in advance you need additional information of this type that you'd have to review?

Little difference in height there.

MS. DESELEM: Good morning. For the record, Kay Deselem.

We would prefer to get it at least two weeks ahead so that we have time to at least glance at it, depending on how deep into the issues it goes and how much time we would need. We don't know, without seeing what it is, we're going to look at. Plus we need time to get it to you.

CHAIRMAN STRAIN: Okay. I -- and what I was asking, this project and the -- this will be the fourth meeting that we would have continued to, or third continuation from the first original. So that's a total of four meetings.

The accumulation of data on this project is huge. And as time goes on, even from November till now, I found that in order to really understand this -- where we're at for today's hearing, I had to go back and rereview the four or five inches of material. It's even going to be more by the time March gets here and the time frame is longer.

Is there a way that the Planning Commission could get this new information a couple weeks in advance on this one subject instead of a typical week in advance so we have more time to bring it back into the -- all this data that we have already on the project?

MS. DESELEM: We can get it to you, like, two weeks ahead. Normally we send stuff out, I think, like, the week before a meeting.

CHAIRMAN STRAIN: The Friday before.

MS. DESELEM: But if we have it in a timely enough fashion, we can bump it up as if it were being sent out for the meeting before that.

CHAIRMAN STRAIN: Okay. And that's kind of where I wanted to make sure we didn't get trapped into a short time frame and didn't have adequate time with the documentation.

So, Don, I guess it really is backing up a little bit further. Could you get information to staff three weeks prior to the March 1st meeting?

MR. SCHROTENBOER: I think we would find that a challenge and so, therefore, I think we should then try to target March 15th to give us the most certainty in giving it to you in ample time.

CHAIRMAN STRAIN: Okay. And I think the Planning Commission would be much more benefited by that. We need to have adequate time to review all this, and I think that would work a lot better, so --

MR. SCHROTENBOER: We're here to accommodate.

CHAIRMAN STRAIN: Okay. We're looking for a March 15th continuance of this after today's hearing on the premise that staff will get the information three weeks prior to the March 15th date, and the Planning Commission will get it two weeks prior, and that should work. Does that sound good for the Planning Commission?

COMMISSIONER EBERT: We need at least that amount of time.

CHAIRMAN STRAIN: Okay. And what we'll do, Don, is after we go through today's information, we'll vote at the end for the continuance, and we'll look for the March 15th date --

MR. SCHROTENBOER: Good.

CHAIRMAN STRAIN: -- at that point.

MR. SCHROTENBOER: Good. We're looking forward to making today as productive as possible. We do have some rebuttal testimony from the last hearing we had. We have some testimony on transportation, some on market demand for aggregate and rock, as well as blasting and hydrology. So those speakers will follow me, and then we can, hopefully, get into the rest of your public hearing that you wish to entertain, and then get into the conditions following that.

Before that I just want to, again, thank you again for your patience but also want to thank -- I believe all of you that are up there, maybe Brad, with the exception -- for your time in taking the site visits with us out there, and hopefully you found those enlightening in the sense of looking at the sheer magnitude of the size of the property versus seeing it on an overhead 8-and-a-half by 11, and also that what really became evident is the lack of residential that's out there, unlike what was depicted to you in previous presentations.

And so, hopefully, you found those beneficial, and I thank you in taking the time to do that.

CHAIRMAN STRAIN: Okay, thank you.

MR. SCHROTENBOER: With that, I think we'll call up our first --

CHAIRMAN STRAIN: No. I want a couple other procedural things to go through.

MR. SCHROTENBOER: Very good, Mark. Thank you.

CHAIRMAN STRAIN: Thank you, Don.

Bruce, do you have a moment at the speaker (sic)?

MR. ANDERSON: Yes, sir.

CHAIRMAN STRAIN: This is a continuation of our last public hearing, but there are people here who weren't at the last meeting. They weren't able to make it because of the continuance, but they are here today. Some have asked to speak. And I think prior to your rebuttal it might be beneficial for you to hear what these last comments will be so that you can incorporate any rebuttal remarks into that.

Your concluding remarks we will hold off until whatever date in March, which looks like the 15th. After that final meeting, we'll ask you at that time for your concluding remarks.

Now, I notice that Judge Starnes is here, and he had asked prior to your -- he wanted to be the last speaker in a presentation he has, but I asked him to -- that he -- that would be before your conclusion. So I would think then that prior -- in the March 15th date, if he's available, that would be a better date, if he would like to postpone till then; otherwise, it's his option, he can speak after the least speaker today.

Judge, if you wanted to comment on that. You need to just come to the podium.

MR. STARNES: I gave my testimony at the last hearing, and my request was, at the conclusion of all the presentations and evidence that I would like to make a legal argument, since I am an attorney representing myself, and so that would come at the end.

CHAIRMAN STRAIN: I just wanted to make sure it was okay with you, because I know you're -- scheduling-wise, March 15th is just another date you'd have to schedule in. So if you're okay with that date, we'd probably wait till your testimony --

MR. STARNES: I'd have to check my calendar. I will make myself available.

I would like to say from the side of the people that I stand with, it's very frustrating for someone with all the resources that the applicant has and all the time they've had to prepare, all the experts they've hired, to come in to the third hearing and learn at the hearing, well, we're not going to be able to complete things today, and we have new evidence to present.

We're ordinary, working people that have our own schedules, and we're being abused, and that's all I'll say.

CHAIRMAN STRAIN: Okay, thank you. And I -- just so you -- I disagree with your position on being abused. I don't like continuances any more than you do, but I think it's necessary to get all the information we can, and I think the cleanest record we can have and the most complete, prior to going to the Board of County Commissioners, is more beneficial to the people in this audience than anybody.

MR. STARNES: You are not abusing us, and I didn't intend to indicate that, and I understand your position. I've been in similar positions before where you have to -- against your grain or wishes, to allow more time. But this is a proceeding in which they should have known long ago that this is issue -- an issue and they should have been prepared for it, and now many of these working people here are, yet again, going to have to set aside their work and come back.

CHAIRMAN STRAIN: Thank you for your comments, sir.

Okay. With that in mind, we will open the floor first to public speakers, then we'll go back to continue --

COMMISSIONER BROUGHAM: Do we have to swear in and do ex parte?

CHAIRMAN STRAIN: Yeah, I've got to go through all that in just a moment. But I wanted to -- the procedure will be, we'll open the floor to public speakers. And I'm asking for those people who have not spoken at a prior meeting on this topic, we'll open the floor for you.

And I think -- by the way, is Judy Hutchinson (sic) here? Because she had requested to speak today, but if she's not here, it won't work out.

Okay. With that in mind, all those wishing to give testimony on behalf of this item, please rise to be sworn in by the court reporter.

(The speakers were duly sworn and indicated in the affirmative.)

CHAIRMAN STRAIN: Disclosures on the part of the Planning Commission. We'll start with Bill on the end.

COMMISSIONER VONIER: I did visit the mine. I met with Nicole Johnson from the Conservancy. And since I was absent for the first two meetings, having not been appointed at that time, I wanted to assure everyone that the staff -- I met with -- staff also has provided me with all the information that was previously given to the panel.

I've had a chance to study that and talk to staff about questions I had.

In addition, I availed myself of the archives and have watched, in their entirety, both of the November meetings. And staff also provided me with hard copies of all the visuals that were used at those two meetings so I could follow those. So I've caught up.

CHAIRMAN STRAIN: Good job, Bill. Thank you.

Okay. Brad?

COMMISSIONER SCHIFFER: No ex parte for me.

CHAIRMAN STRAIN: Paul?

COMMISSIONER MIDNEY: I've had the tour from Alico Corporation and also spoke when Nicole from the Conservancy and the director of the CREW.

CHAIRMAN STRAIN: Okay. And my -- also had a tour of the Alico property, also had a tour of the neighborhood with a couple of neighbors, John Van, and met with Neil. And I think Nicole and I have probably talked on the project as well.

Diane?

COMMISSIONER EBERT: I also, yesterday, visited Alico, the mine, I have spoke with Nicole Johnson, and that -- that's it.

CHAIRMAN STRAIN: Barry?

COMMISSIONER KLEIN: On November 15th I went with Nicole Johnson of the Conservancy and Jeremy for a few hours to look at the situation. And, also, on December 6th I had the pleasure of being with Don Schrotenboer and -- sorry if I get the name bad -- Robert Menzies, one of the attorneys for the petitioner.

CHAIRMAN STRAIN: Okay. Phil?

COMMISSIONER BROUGHAM: I also took the tour of the current orange grove, proposed to be earth mine, with the applicant and with Mr. Anderson.

CHAIRMAN STRAIN: Okay. Thank you.

With that in mind, I think we'll finish up with the public speakers first, then we'll go into the rebuttal presentation, and then more questions or stipulations or corrections, questions from the Planning Commission.

So, Ray, we'll start with the registered public speakers. And, again, I have to stress that these -- this is a continuation of an already ongoing public meeting. If you've spoke before, we ask that you not speak now. We bring -- this is new -- people who have not been able to make the last couple of meetings.

Ray, you want to read those?

MR. BELLOWS: Yeah. The first speaker, Philip Douglas, to be followed by David Urich.

CHAIRMAN STRAIN: If you'd just come up and use one of the speakers, identify yourself, and we ask that you try to limit your discussion to five minutes.

MR. DOUGLAS: Good morning, members of the Planning Commission. Before I give my remarks, I'll tell you who I represent. My name is Phil Douglas, and I live in the Brooks in Lee County, and I'm a member of the Brooks Concerned Citizens, and I represent all the people in the Brooks who live adjacent to the DRGR and upon whom we are dependent for 80 percent of our water. We have a very legitimate concern about a Collier County mine that is going to impact Lee County.

So I'd like to read some prepared remarks, and I appreciate very much your time. I was unable to attend the last hearing.

Mr. Chairman and members of the Collier County Planning Commission, today I would like to urge you as a body to oppose and recommend the denial of the conditional-use permit requested by the Alico Corporation for the proposed Lost Grove Mine which, if approved, will be located in North Collier County adjacent to Lee County via Corkscrew Road, the Lee County DRGR, and CREW.

Furthermore, I urge you to recommend to the Collier County Board of Commissioners the denial of this requested use for a limerock mine.

Additionally, I urge that you as a governmental body make your sentiments known both publicly and in writing to the Collier County Board of Commissioners. As a Lee County resident, I continue to be concerned about this mine because it has been shown that this mine will cause irreparable harm to those of us who live in Lee County, especially close to the areas of the DRGR, which are the source of 80 percent of our water supply.

In beginning my remarks, I can say that the Collier County Government clearly has the ability and should deny this conditional-use permit based upon one of the key elements of the Collier County Comprehensive Plan, Section 5.4, which says, and I quote, "New developments shall be compatible and complementary to the surrounding

land uses." That includes Lee County. This mine clearly does not meet this requirement. I should say "proposed mine."

A major part of my remarks focus on the negative and groundwater impacts of the Lost Grove Mine, not only upon surrounding local residents, but also, and more importantly, upon the adjacent DRGR lands and CREW. I don't think I have to identify CREW. You know exactly what I'm talking about.

First, the dewatering associated with this 1,383-acre mine proposed to be 145 feet deep will negatively and permanent impact the aquifers both in the DRGR and the surrounding residential areas. Some residents with private wells drawing water from as shallow as 25 feet deep will be forced to drill new wells at their own cost.

Additionally, this mine will have long-term impacts on the wells in the DRGR, upon which we are dependent for drinking water.

I believe I can say that the applicant has completely ignored and not in any way addressed any of the impacts of the mine-to-groundwater resources both in CREW and the DRGR, which are immediately adjacent to the proposed mine. Such callous disregard of the public interest should be duly noted.

The mine's impact upon the CREW wetlands could adversely affect the quality of nature experiences for those who visit and enjoy this important environmental entity. The negative impacts to the wetlands will adversely affect not only CREW, but also the entire DRGR and Lee County.

The DRGR is very important to those of us who live in South Lee County as a buffer to prevent flooding. Any impact on the DRGR could ultimately result in flooding for those of us living adjacent to this important area.

Over 400 private residences are located in close proximity to this proposed mine. The Conservancy has provided you with a map showing the locations of these private homes. Not only are private wells at risk, but these residents face potential additional cost if their wells run dry because of the dewatering effect to the adjacent Lost Grove Mine.

Mining activity itself is ecologically disruptive and results in a permanent and irrevocable alteration of the natural landscape. These alterations create permanent adverse effects to hydrology, surface-water flow, the natural systems functions of both wetlands and aquatic resources of regional importance to the Corkscrew Marsh, the Imperial River, the Estero Bay Aquatic Reserve.

The subject property for the proposed mine drains directly into Corkscrew Marsh. The existing rural and suburban residential landowner, most of whom live in adjacent Lee County, will be subject to adverse quality-of-life impacts. This proposed mine directly adjoins established residential communities, the predominant land use along Corkscrew Road corridor for the past 50 years; 50 years has been agricultural and low-density residential. This area has historically not been an industrial mining corridor.

Some of the adverse impacts include truck traffic, blasting, noise, dust, lights, potential groundwater contamination, habitat loss, decreased property values, very important point here, and changes in community character that can be expected when industrial uses encroach upon established rural communities.

In conclusion, I believe that as duly appointed Planning Commission members you have an obligation not only to protect the quality of life but also to take appropriate steps as necessary to prevent those events which have a negative impact upon the future of your neighbors in Lee County.

I hope that we can count upon you to represent our interest and the best interest of Collier and Lee County communities in this matter. I certainly thank you so much for the opportunity to speak this morning.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, Ray?

MR. BELLOWS: David Urich.

CHAIRMAN STRAIN: You'll need an extra copy for the young lady there.

MR. URICH: I was planning to do that.

CHAIRMAN STRAIN: Okay, thank you.

By the way, Kay -- you don't have to get up. I just wanted to mention to you, we had received additional emails about the mines that I forwarded to you. Prior to the March meeting, would you mind incorporating all the new information, the additional information that's given to us.

MR. URICH: I have one copy --

CHAIRMAN STRAIN: Yeah, they'll get it from -- they'll get it from records, sir. Thank you.

MR. URICH: For the record, I'm Dave Urich. And if I look a little bit familiar to some of you, I was director of Youth Haven from 1984 to 1991 and was also a charter member of the board that created the Spouse Abuse Shelter of Collier County and managed to write a $50,000 grant for the now defunct Volunteer Center to create the RSVP

program. So -- and active also in Rotary in those days here in the county. So some of you know me from that background.

I'm here to speak on behalf of the Responsible Growth Management Coalition, which is a not-for-profit that was created in 2008. I'm a charter member of that, and one of the remaining four life members.

I feel like this issue is one that is extremely important. There's an old spiritual "We're in the same boat, Brother," and what happens in Lee County, what happens in Collier County are intertwined, and particularly when we get into this kind of an area.

I'm not going to read this line by line. They say even the New York Times is written at the eighth-grade level, and I'm sure my writing is perfectly clear to you.

I do have a personal copy of the Dover, Kohl report. If anybody would like to have that, I've put my name on it and phone number, and I'd be happy to let anybody have that. That's the study of the DRGR.

CHAIRMAN STRAIN: Well, the problem is, if one of us have it, it becomes public record and we probably need to keep it, so --

MR. URICH: I don't have to have it back. It's -- I don't have a spiral-bound copy. I tried to get one from the county yesterday and wasn't successful. I'm sure they have copies that are available.

CHAIRMAN STRAIN: And that's the Lee County Dover, Kohl.

MR. URICH: Yes.

CHAIRMAN STRAIN: Thank you, sir.

MR. URICH: Would -- if anyone would like that.

CHAIRMAN STRAIN: I would assume if we were interested, we would be able to find it online.

MR. URICH: I believe it is.

CHAIRMAN STRAIN: Collier County's is online as well. Thank you.

MR. URICH: Right. It is with the approval, of course, of the board of RGMC -- for shorthand I will call it RGMC instead of the Responsible Growth Management Coalition -- that I speak.

The real problem we have is the location of this, which is in a very delicate area, as -- you wouldn't be having these many hearings if you didn't feel like there was some concern for this area.

The CREW tract is extremely important. The entire -- the founder of RGMC was a gentleman named Dr. Gene Boyd, who has passed on some five years ago. But he had the foresight to bring to everyone's attention the DRGR. And we, as an organization, were one of the groups that saw to it that this was designated back in the days when a lot of people didn't pay much attention to these issues.

Again, I am -- I apologize for not having been here at the prior meeting. I had a conflicting doctor's appointment, and at my age I have to do some doctoring.

And I do not want to try to repeat what I'm sure many people have said. But one of the things that I think is important is -- and I, by the way, attached a guest opinion that's, like, three years old that was in the News-Press, and the point that I was making in this guest opinion is permissive is not permitted. The word "permissive," we -- when we were creating the DRGR, there was existing rock mine (sic) taking place, and it was decided not to eliminate that but to allow it to be grandfathered in.

And this was then studied through the Dover, Kohl, and the decision was that the focus of the mining should continue where it was, which is on Alico Road, and not be expanded into this Corkscrew area.

I think that there's an opinion of some people that just because that was allowed, that it is then a permitted thing. You-all would not be having a hearing on this if it were a permitted thing. It's an issue that has to be raised. You can't just go in, pull a permit, and start a rock mine.

So I think that we have now many issues that we need to look at, the impact of dewatering. I know there are some -- I read in the paper, not being at the hearing, that there were comments that said there would be no impact on the water table and what have you, or words to that effect and, obviously, I disagree with those.

But I think one of the biggest issues I'd just hit in passing, is there documentation of need for additional limerock materials? And in our opinion, in Lee County we are having -- the existing Alico mines are producing enough to carry us to 2030. I understand there's a great deal of already permitted mining of one kind or another here in Collier County.

And are we going to let for-profit needs and desires destroy an area that is so environmentally sensitive? And I'm hoping that you will not.

Thank you very much.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, Ray.

MR. BELLOWS: David Cooper.

DR. COOPER: Thank you for the opportunity to speak. I'm a retired medical doctor, a neurosurgeon.

Before giving you my prepared comments, having listened to what has transpired the past few minutes, I sincerely want you to be very, very cautious about accepting so-called scientific information.

We are experiencing in Florida and the world the biggest restoration project ever undertaken by mankind, the so-called CERP, the Comprehensive Everglades Restoration Project. That was based on drainage of the Everglades, scientific information, scientific of the time.

We don't know what the effects of all these mines and another mine will ultimately have on the quality of life in the whole area.

In New York and Pennsylvania they recently started doing what is called fracking. Fracking is injecting something into the earth to liberate gas and oil for extraction purposes.

We have recently read in the press the belief that this fracking is responsible for earth tremors recorded by seismographs, the instruments used to detect earthquakes. This was not anticipated by the scientists who presented this information.

The gentleman from Alico spoke this morning about more scientific information. I ask you to be very, very careful about accepting these experts at face value.

I guide children and adults at the CREW Land & Water Trust on Corkscrew Road. I've done this for a number of years now. I try to give them an understanding, as I know you people already have, of the importance of the watershed there. They come away recognizing the need to preserve the watershed intact and free of additional pollutants, as it is the most important source of water to our people for drinking, cooking, washing, irrigation, and so on.

We need to maintain the biodiversity of the properties. This is a fancy term, "biodiversity." What does it mean? It means that the more natural elements -- animals, plants, trees, scrubs -- that we eliminate, we eliminate our chances for rectifying the human condition. A good example, palmettos, which are all over the place, have berries which were, only in recent times, discovered to have a potential benefit on the prostate of men. So there are the potential for many more discoveries of helpful medicines from plants which are growing in this property. It needs protection.

I'm against the development of any more mines on or near Corkscrew Road, and especially near CREW. And I'll tell you why. Have you ever driven behind one of those rock-laden dump trucks on Corkscrew Road? They zip up and down to and from the mines. I have. I've had my windshield cracked twice by rocks which come off those trucks. I know they have covers; they're supposed to protect, but those covers are limited. They don't protect from rocks that are lying on the edges of the trucks away from the covers. I almost lost control of my car on one of those experiences. I also witnessed --

CHAIRMAN STRAIN: You need to pull that mike closer, sir. I don't want to lose anything you're saying. Thank you.

DR. COOPER: Thank you.

I also witnessed a near collision with a school bus loaded with children with one of those same dump trucks. It's a scenario right out of the book of disaster planning committees of which I serve.

Have you had the misfortune of driving through a cloud of dust and debris at the gate of one of the mines and having your visibility impaired? I have.

Have you considered noises made by ground-shaking tremors of the blastings that go on at these mines? And what about the negative effects that these blasts have on wildlife at and about CREW? These animals already live in a very confined and limited space, which will be further impacted by mining.

What about the quality of the life of the people who live in this neighborhood? Another negative.

I just want to even possibly repeat some things you may have heard before. They are worth repeating.

I personally have had a number of cracked floor tiles where I live, and they are a consequence of blasting nearby for home construction. Think about the people living in the Corkscrew region and what the potential damage is from these tremors in the earth consequent to blasting operations at mines.

Is it fair to subject these residents to that kind of tumult, damage, and disruption of their lives? And this is a terrible thing to say, but it's been said at hearings like this many, many times. Would you want it in your neighborhood? I don't think so. You have to take that into consideration, too. This is what these people may have to live with if you advise favorably.

The dust which these processes create have adverse health effect on people with breathing problems; emphysema, chronic obstructive pulmonary disease, asthma, heart disease. The debris and the dust carries for long distances. It drifts.

Some of Collier County's poorest people live downwind from this area. I call this an atmospheric calamity which would be -- most likely to have adverse health effects on the people who are least able to pay for the healthcare that they may be required.

This, in turn, makes them more dependent upon Collier County to help them pay for the healthcare or provide the healthcare for these people --

CHAIRMAN STRAIN: Sir, I've got to ask --

DR. COOPER: -- and, thus, they become an increasingly bigger drain on the resources of Collier County.

CHAIRMAN STRAIN: I need to have you start wrapping it up. It's been about twice as long as you were supposed to take. So if you don't mind getting to your end game here. Thank you.

DR. COOPER: In summary, to cut short what I had wished to say, I ask you, again, to be very cautious, to think about the future in spite of the so-called scientific information you're going to hear or you have already heard.

I'm sort of a scientist myself, and I think of the negative effects of some of the things that I have done, and I think you need to think about the same potential negative effects down the road.

Thank you.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, Ray?

MR. BELLOWS: Deborah Gomes.

MS. GOMES: Good morning.

CHAIRMAN STRAIN: You'll need to pull that mike a little closer to you.

MS. GOMES: Okay. Good morning. My name's Deborah Gomes. I live at 3333 Whidden Loop Road, which is across from the mining that is going to occur if you allow it. And I'm here to tell you -- this is my first time to be able to be here -- that I'm not happy about it. I moved there 11 years ago to be in that area because it was rural, because I'm from Kentucky and was kind of raised in a rural area, and thought it was going to stay that way.

Now you want to bring more trucks. We already have enough. And you want to disrupt our rural living.

As of February last year, I looked out my back sliding glass doors, and there was a buck and a doe in my backyard. Where will they go?

I can walk to the CREW. I wonder what you're going to say to the children you bring out there -- which are many buses on field trips -- and on one side they look at a beautiful, wonderful place, and across the street they're going to see industry?

I'm just -- I'm not happy about it. My husband had to work. He couldn't come, but he feels the same way. We -- I don't have any scientific fact for you. My husband was -- has been here all his life. His family's been here since the 1700s. He's seen a lot of this area change.

And we just -- as I said, as a resident out there, we don't want it to change. We want it to stay the same.

And I wish you would consider this. I go back to what the man said, I wonder how you'd feel if it was in your backyard. I have a pond on mine. It never goes dry even in the driest of times; it never does. So I have been fortunate enough to see about every kind of wildlife there is. I'm wondering if you start blasting, what will happen to that pond and where will they go?

So I hope you consider this, and thank you very much for your time.

CHAIRMAN STRAIN: Thank you, ma'am.

Next speaker, Ray?

MR. BELLOWS: The next speaker is Carl Veaux.

MR. VEAUX: Veaux.

MR. BELLOWS: Veaux.

MR. VEAUX: Good morning. My name is Carl Veaux. I had the pleasure of scraping ice off my windows this morning. It's something else.

I'm with the Sierra Club, and we are against the mine. I think most of the things that I wanted to say have been covered, but I -- it behooves you to think of the children who have made the panther the state animal and what you want for the panther.

You know, after the mine is finished, usually they have the lakes and they put houses around there, and that's not going to help the panthers after the mine. And I think if -- you must look at the quality of life in that area. You

know, the panther is, again, under duress because of the fact that the animals are inbreeding again and we might have to bring some more panthers in. I just read that in the News-Press two days ago, and so this is one thing that you should look at, that this is panther country, that the Corkscrew Sanctuary hosts over 11,000 hikers, and they'll have to endure the mine and the noise it makes, and it will just chase the animals out of there.

So it's up to you. If you want the quality of life in this area, don't support the mine. If you -- ecotourism is a 1.1-billion-dollar industry, and it will only get bigger as thousands and millions of people come here to live. And you have to look at that aspect of it, what it will look like in 2050 or even 2500. And I hope you look at these things.

I think we are, as speakers, at a severe disadvantage. We'd like to speak after Alico so we can refute some of the things they're going to tell you, but we can't. We have to speak now, and you should think of this as well.

Thank you for your time, and have a great New Year.

CHAIRMAN STRAIN: Sir, just one correction for the record. You are speaking after Alico, so -- Alico has already done their presentation, as has both Lee County and Collier County staff. So you're -- the public speakers are after everyone has already spoken.

MR. VEAUX: Somebody told me that they didn't speak.

CHAIRMAN STRAIN: No. They have gone through a very thorough presentation the first day they were here, and it took most of that day, if not all of it, so --

MR. VEAUX: Oh, okay.

CHAIRMAN STRAIN: Thank you.

MR. VEAUX: When they return.

CHAIRMAN STRAIN: Well, that's the rebuttal to the comments that you're making and others, which they have an absolute right to do.

MR. VEAUX: Okay, thank you.

CHAIRMAN STRAIN: Thank you, sir.

MR. VEAUX: I was told wrong. Somebody told me that. But thank you for your time. And it's a difficult decision, but if you want to remember the children, think of what will happen with the mine.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, Ray?

MR. BELLOWS: The last speaker is Marcia Cravens.

MS. CRAVENS: Good morning and Happy New Year.

I do want to comment that I feel that I'm at a disadvantage in this process where the public speakers are speaking before additional material is presented by Alico. And it's not just rebuttal material that they are going to be presenting. They're actually going to be presenting new additional information that was not presented previously, particularly about the hydrological impacts, and that's extremely important to us in our community.

So I would ask that if this is what the process is, that I be able to preserve and others be able to preserve an ability to rebut their rebuttal, because we are speaking about materials and information that were previously presented. They are going to add information that we will not then be able to speak and address, and that just does not seem like that is the proper way to allow maximum participation by the public on this important issue to us.

CHAIRMAN STRAIN: Well, I think we'll -- I'll disagree with you, Marcia, but you may continue if you'd like.

MS. CRAVENS: Okay. I think that it's important to understand that this item, which is being termed a conditional-use item, really does not fall under what should be expected to be a conditional use. Mining actually has no relationship to agricultural uses. A conditional use, from any logical perspective, would be something that has a related use to what the actual permitted development of that land is.

That land currently is agricultural land. It's rural. It's also in the stewardship area. It's immediately adjacent to an important CREW NRPA area, which is supposed to be highly protected. We know that it's also an aquifer recharge area for Collier County, and it's unfortunate that Collier County does not have anything within its growth management elements to protect our aquifer recharge areas. That's -- that should not be an excuse to allow this to proceed as a conditional use, because if this was a petition that was initiated to allow development of a mine in this area, it would have a much higher threshold. It would have to have a number of needs analyses that were done. And several of those things which are required statutorily will be for land-use analysis.

It would require public-facility analysis, that there would be enough public facilities available to serve any proposed development in the first five years, and facilities need to be planned to be in place for long-term impacts over the planning time frame. That includes transportation, water, sewer, water supply, et cetera.

Suitability analysis, an analysis to ensure that this development is -- that the area surrounding it, that this area is suitable for the development that's proposed. This is a rural area. It typically includes an analysis of whether environmental resources are present and how this development would impact them.

A needs analysis, an analysis to demonstrate that there's actually a need for this development. None of that has been done. Actually, the reverse is true. It has been shown to this board here, to this committee, that there is no need for additional mining in this area.

And then one of the more important things that I would like to highlight is urban-sprawl analysis. We all know this is a precursor to additional development for residential areas besides the impacts that this mine will have on this area. We know that that's a precursor to additional development. And there has been no analysis of that done for this petition and for this proposed use.

I would ask that the thresholds and the requirements for analysis that would apply to this use if it were being petitioned as an -- originally as a development to allow mining in this area, that those needs analysis should be the same as what are applied to this supposed conditional use.

This is not smart growth management. It's actually the reverse of that. Something needs to be done for this process, and something needs to be addressed that mining is being considered as a conditional use for this parcel. It's not -- it's not serving the public to do it this way.

Thank you.

CHAIRMAN STRAIN: Thank you.

Ray, is there any other speakers?

MR. BELLOWS: Yes. We have one other speaker, Jack Mexler (sic).

MR. MEEKER: Good morning, Mr. Chairman and Commissioners. I'm Jack Meeker from Estero. I live in the Brooks at the juncture of Coconut Road and Three Oaks Parkway, which is about a mile up from the corner of Three Oaks, at Corkscrew Road, rather.

This mining application is really incompatible with this section of Lee County. This is a rural residential area, and mining is a heavy industrial operation.

And I understand that these draglines are going to be going 24/7. You're going to have dump trucks from early morning to early evening on Corkscrew Road. That is not compatible with this neighborhood.

And I would ask you to listen to the testimony that was given by Lee County and its blasting expert, Dr. Rix. I think that testimony was right on target about the effects of blasting, the particle velocity, and the proximity of homes to this project.

I ask you to call on your better natures and be a good neighbor to these folks in Lee County and deny this application.

Thank you.

CHAIRMAN STRAIN: Sir, just one comment. You're -- I think you said you believe this is a 24/7 operation. It's not.

MR. MEEKER: The draglines will be there operating, as I understood it.

CHAIRMAN STRAIN: No, sir. That's not the proposal that's here today.

MR. MEEKER: All right. Thank you.

CHAIRMAN STRAIN: Thank you.

Any other speakers, Ray?

MR. BELLOWS: None have registered with me.

CHAIRMAN STRAIN: Okay. Does -- anybody in the audience who has not spoke at the previous two meetings or at today's meeting wish to speak?

(No response.)

CHAIRMAN STRAIN: Okay. With that, we will move into the presentation for rebuttal by the applicant.

MR. TALONE: Good morning. My name is Ron Talone. I'm the traffic consultant for the applicant. And since it's been a while since I made my presentation, just for review, I'm a member of the American Institute of Certified Planners, and I've been involved in transportation planning in Southwest Florida for 27 years. For three years I worked as Lee County principal planner for transportation, two years with the Florida DOT as a local government liaison, and for the past 22 years I've been with David Plummer & Associates, and I'm currently vice president for transportation.

I'll be utilizing the visualizer this morning.

I would like to respond to a number of the comments made and questions raised by Lee County and some of

the speakers from the public. First, I wanted to respond to Lee County's references on several occasions to Corkscrew Road being a residential road.

I'm showing you the Lee Plan, Future Functional Classification Map, Map 3B, in the Lee County Comprehensive Plan, which clearly shows Corkscrew Road as an arterial road.

CHAIRMAN STRAIN: Could you point that out to us, Mr. Talone, where that road lies in this map.

MR. TALONE: Yes. Right here. Corkscrew Road is shown as an arterial.

CHAIRMAN STRAIN: Use that remote mike.

MR. TALONE: And an arterial. And befitting an arterial, the posted speed limit on Corkscrew Road is 55 miles per hour.

The next exhibit is the joint Lee County/Collier County MPO map showing proposed region -- the proposed regional roadway or transportation network, and on this map the joint MPOs identify Corkscrew Road as an existing regional facility.

CHAIRMAN STRAIN: Again, could you point that out as to where Corkscrew Road falls on this map. I mean, I know where it is towards the center, but I'd like to have you point to it.

MR. TALONE: Right here.

CHAIRMAN STRAIN: Thank you.

MR. TALONE: Okay. Next I wanted to address -- Mr. Noble and Mr. Price of the Lee County staff referred numerous times to the section of State Road 82 from Gunnery Road to Alabama Road in Lee County as, quote, "failing," unquote. I disagree with this description of this section of 82 as failing.

And for review, I wanted to share with you a Florida DOT map showing the different levels of service. This is from the Florida DOT Level of Service Handbook.

Level of Service A is generally considered to be unimpeded free-flow travel, and at the other end of the scale, LOS F is congested, overcapacity traffic flow.

Ray, you can leave that -- just leave that up for a few minutes.

Both the 2010 Highway Capacity Manual and the FDOT Quality and Level of Service Handbook recognize that the capacity of a road is the maximum service FIAM at Level of Service E. So, therefore, a road is not considered overcapacity until it falls into the LOS F range, and that's at the far right end of the scale.

The Lee County 2011 concurrency report indicates that the section of 82 that Lee County described as being failing is actually at LOS D. Now, while LOS D exceeds the state stringent LOS C standard, it is not overcapacity.

As a matter of fact, the Lee County concurrency report does not identify any road segments on 82 as being overcapacity at LOS F, and they show no 82 segments as approaching capacity, an LOS E.

Now, moving to the 2011 Collier County AUIR, the current AUIR shows all sections of 82 in Collier County at Level of Service B. This is better than the state standard of LOS C. And the AUIR shows that the remaining capacity on 82 is 267 peak-hour trips.

Next I wanted to address -- there seems to be some misunderstanding about the $92 million figure that I had given previously in my previous presentation regarding improvements to State Road 82, so I thought I'd review those. This information's been presented before, but I'd like to put a few of those exhibits back up.

First, the way I developed this 92-million figure is I went onto the FDOT website and found their work program, the five-year work program, and I looked at the past five years and the next five years. So it's recently improved or improvements that are scheduled in the next five years.

And the first figure is $58.9 million is currently being spent to widen 82 from -- to six lanes from Ortiz Boulevard to Lee Boulevard. That's shown as orange on this exhibit.

And in addition, the state has spent or will -- in this case it has spent 11.4 million on resurfacing 82 in both Lee and Collier Counties. So the majority of the State Road 82 corridor has recently been resurfaced.

Next exhibit. Next, the state has scheduled and is continuing to schedule intersection improvements valued at about $3.1 million to upgrade intersections, provide turn lanes onto and off of State Road 82.

And, finally, I mentioned in my previous presentation that the state has programmed 18.4 million to design -- do preliminary design for the widening of 82 to six lanes.

And my comment at the time was that, in my opinion, the state would not be investing 18.4 million in preliminary design for the widening if they didn't expect further funds to become available for State Road 82.

And in conclusion, regarding 82 improvements, as I mentioned, the majority of 82 has been resurfaced recently. And I'd like to quote from the Lee County presentation that Mr. Noble described 82 as much wider, it has paved shoulders, straight shot for the most part, much better facility. And Mr. Price described State Road 82 by

saying, there's plenty of wide lines, there's wide shoulders. It's really built to handle this kind of truck traffic.

Now, I spent a few minutes talking about 82. Now I'd like to bring your attention to some ongoing improvements on Corkscrew Road in Lee County.

Next exhibit, please.

Lee County is completing $3.6 million worth of improvements on Corkscrew Road. That's shown here in red. And what they are doing, and it's nearing completion, is they're widening two-lane Corkscrew Road to two lanes divided and improving the shoulders, and this is being done as a safety improvement.

In addition, the county -- I've talked to the project manager. The county is intending to use regular resurfacing funds to resurface and add shoulders to the portions of Corkscrew Road shown in yellow. So these improvements will upgrade Corkscrew Road and improve safety on Corkscrew Road adjacent to the three residential communities or, I'm sorry, adjacent to the residential community west of Alico Road.

So Lee County is addressing some of the concerns that are being expressed.

Finally, the last thing I wanted to mention is, there was some question raised about the daily variation in truck traffic, and we've put together a graph that shows ten days. You know, we -- to come up with our statistics, we picked ten days of random truck use -- and from a comparable mine, and what this shows is an average of about 700 truck trips, round trips a day; 700 trucks coming in and leaving.

That's the average represented by the red line, and so this graph gives you an idea of the daily variation. It varies from a low of 628 to a high of 761.

And that concludes my presentation.

CHAIRMAN STRAIN: Are there any questions of Mr. Talone? I have one. Your map of improvements for Corkscrew Road, you show them in Lee County. But this mine borders Corkscrew Road in Collier County, and especially that 10-mile-an-hour turn that approaches the mine from the south.

How -- what kind of improvements are planned for that, if any, that you know of?

MR. TALONE: I'm not aware that there's anything currently programmed. I know one of the conditions that's been discussed for this project is that we would contribute a dollar per truckload that would be provided to Collier County to be used as the county sees fit for road maintenance improvements.

CHAIRMAN STRAIN: Okay. All that road is a pretty straight road and a lot of -- let's say they have mild turns everywhere else. That one turn at the edge of the mine is pretty severe, and it drops the speed limit down, I believe, to 10 miles an hour from what I could remember on my visit to the site, so --

MR. TALONE: Yes, sir.

CHAIRMAN STRAIN: And I think you're going to have a certain amount of truck traffic that you've allocated to Corkscrew Road. Okay. I'll ask county staff that question in a minute or two.

Thank you.

MR. TALONE: You're welcome.

CHAIRMAN STRAIN: Anybody else have any questions on this issue?

(No response.)

CHAIRMAN STRAIN: Thank you, sir.

MR. TALONE: You're welcome.

MR. STRAW: Good morning. For the record, my name is Jeffrey Straw. I'm vice president and area manager of GeoSonics. We are vibration acoustic consultants. I'm a seismologist dealing with the effects of blasting. And based on some of the questions that have been raised as -- you know, in the past and answered, I put together some slides and general information to, hopefully, answer some questions about blasting and to talk about some of the subjects that have been brought up.

My background is 34 years worth of vibration acoustic measurements, blasting, acoustics from blasting, effects on structures. I have testified before this panel before, the commission. I'm also one of the consultants that participated in the state-statute preparation. I also have a current user-of-explosives license in the State of Florida.

One of the things is -- that we've talked about in the past and just as reiteration that for what are commercial mining operations, blasting is regulated by the state fire marshal's office. Chapter 552.30, and that's what's reprised here, is the statute that governs how mining -- how blasting for commercial mining is handled. It is separate from development work or utility work, and this would apply to this Lost Grove Mine.

The state fire marshal does have that sole and exclusive control. They do issue standards, permits. They have a whole permit process that should this mine be approved that they would have to go to the state fire marshal for the actual permit. It's called a construction materials mining activity permit.

We have looked at this operation from the start and the mining plan that's been proposed for it, and the blasting operations, as we see them and as they've been tentatively designed, will meet or exceed all of the criteria of the state, and that would mean that for vibration and air blasts, they would have to meet their standards and would certainly be less.

There are also multiple agencies that regulate mining operations, especially in the area of explosives, and those are, obviously, the state fire marshal, not only for just the mining, but they also regulate the explosives firms through manufacturers, distributors, or blasters-and-users licenses. State of Florida, the DEP, has a review. They have a process for their permits, that there is water-quality issues that are addressed and testing that is done and provided to the state. U.S. Army Corps of Engineers may or may not be involved.

At the federal level there's the Department of Justice, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and also the state and federal DOT for transportation with materials and use are some of those agencies.

In discussing blasting, it's important, I think, to understand how it would be done. Blasting is necessary. The rock strata is hard enough that it cannot be excavated. It's by just a commercial backhoe. The aggregate is too deep. It is too hard to pull that out.

So we've talked about, in previous hearings, that dragline equipment will be necessary. So blasting is typically set up with a pattern as a series of holes in rows. We consider that there's what we call burden and spacing, and this just shows a 13-by-13 general pattern. We've talked about different patterns for this operation. Those will be developed by the blasting contractor, the mining company, based on on-site drilling.

We've talked about how that procedure is to go through. There are borings. But as each blast hole is drilled, a log is kept, the information is determined as to where the rock strata is to make sure that they are blasting only the rock. Also, this keeps it out and above the confining layer, as we've talked about previously.

We talk about having a key cut, and the key cut would be -- for this operation would be the initial blasting that's done. We would be doing that at a farther distance from the property line. I know there was some question last time that was raised about blasting as close to the residents and then slowly moving away, and that could be done after the initial key cut is started. The initial key cut gives us the ability to load and -- load the initial blast, measure those, verify all the projections that are made and as -- then as they move closer, evaluate seismograph results, and adjust the blasting pattern as necessary.

There are a number of things that can be adjusted, and one of them is the -- how the blasts are delayed. Each of these individual holes has a specific loading configuration, whether it's a single hole loaded all the way up with a gap at the top, what we call collar or decking at the top that is unloaded material either used -- the existing water or crushed rock to hold that material, the explosives material in place as it detonates.

Each of those holes detonates separately. They are thousandths of a second apart so that it's not something that the individual person can distinguish unless they're watching the actual blast, but for us as seismologists and vibration evaluation it helps actually break up and reduce the vibration. It also provides breakage of the rock more effectively.

There are some delay programs that we use to actually select those in-hole blast delays to help change the vibration frequency which affect off-property structures.

As the blasts occur and as this -- the initial key cut expands, then the lake actually assists to provide a buffer for vibration as that broken material can then move into the -- into the lake area to a certain extent, and that energy is transmitted into moving the rock as opposed to shaking or vibrating, you know, the adjacent areas. And as I said, the blasting pattern, you know, is designed for operations.

And I know the question comes up is how close are we and that this is never done before. There's nothing ever this close. And this is a mining operation. The picture's a mining operation that is one of the top ten stone-producing mining operations in the United States. The economy right now has it down, but at its heyday, it's somewhere in between 10 and 12 million tons per year blasting every day.

It's not a new thing. It's something that we deal with every day. The mining plan for the Lost Grove Mine is work -- would work with state standards to make sure that damage is not produced to adjacent structures.

We would also have to monitor, most likely, at multiple locations. There's not just one instrument. There is a requirement for at least one, but there may be additional instruments that are required by the state depending upon where the blast is and where the closest homes are. But every blast is there.

I think the other key thing to understand is that vibration perception is allowed in the state. The -- there is not a zero vibration level. There are vibration standards because they realize they are off property and would produce levels, which is why the state has specific standards for them.

One of the things that have been questioned, people feel vibration. It -- people do feel it, and we are very good receptors of vibration. We may hear, we may feel the vibration. The problem is that we don't -- aren't able to quantify it. That's why the instruments are there. It doesn't produce what we call significant movement or actual displacement.

There's movement in three dimensions. There's -- as the particle of ground shakes, it moves in three direction; left, right, you know, on a line towards the blast, at right angles to that, and also vertically. All of that's measured simultaneously by the instrumentation, and that's assessed by someone like us, and it's reviewed by the state fire marshal.

The actual movement from rest is less than the thickness of about a single sheet of paper. That's the actual displacement. And so it's not moving much more than the thickness of that. It is something we perceive.

And there's normal environmental stresses that we have in our house. Today's wonderfully cold day, the house is shrinking. If we would go out and look at the cracks and defects in homes today, they'd probably be pretty well closed. If we went out on a nice summer day when we have 90-plus temperatures, you'll find that those cracks open. And we see that on a pretty routine basis. We monitor that in certain -- in locations where we have what we call crack monitors, and we watch that cycling.

It's one of the things that the United States Bureau of Mines did in their testing, some throughout the United States, some here in Florida, and determined that the threshold levels they produce are less than the environmental stresses that are produced in our structures just from weather.

Thunder and lightning is another, you know, similar type of impact that we feel. We know that it rattles walls, ceiling, floors. It's very similar to the air blast.

And one of the things that we've looked at because it's of concern to you folks, to the neighbors, and certainly to the Lost Grove Mine, is that, you know, the off-property effects and making sure that they are in compliance with the state law.

We do blast-vibration projections. And I know that Dr. Rix was here representing Lee County, showed one graph. And I'll differ with his graph quite a bit in terms of our projections, our information, because his graph took data we had used in the past. It took a utility project, and it took a very small project as well as a few blasts from a quarry, dumped the information, and he made projections on it.

Our projections are taken from mining in Collier County, some mining in Lee County, and information that we have, and it puts it into a chart that you see represented here.

One of these would be developed for the site as blasting continues at the site to allow for projections, but one of the things that we looked at in our information was data were from here in Collier County and from mining operations, so we differ.

The geology in this project -- and I think everybody has talked about always the worst-case scenario in this, that they're going to be at 100 feet or 120, whatever the mining depth will be, and that's the entire depth. That's not the case.

At the north end of the project for the initial cuts of this project, the depth to the confining layer will reduce the depth of the excavation, and I believe that's somewhere in the area up to about 70 feet. Then as you move further south, that depth increases, and we'll modify some of the blasting.

But we have looked at that all the way across and have looked at the blasting to 70 feet, a single deck, meaning that you load the entire hole in one of those patterns with explosives, would produce about 0.6 inch per second at the worst case, at the absolute closest point of the property line to the adjacent structure. That's -- the limit that is used by the county is 0.75. It would range -- it does range all the way up to two inches per second. But our -- based on the construction, based on some of the preliminary information, we'd be looking at a limit of 0.75 by the state.

If you start to reduce that as you go -- as you go south with increased explosives weight, you do what we call decking, and you can see changes between single decks from 0.7, which we would recommend that be modified immediately prior to blasting, would drop down to 0.6. And as you -- and those, again, are at that western property line.

As you start this project, you are much less -- in terms of ground vibration, much less effect, and we have the ability to evaluate that. These are also calculated assuming that there has been no blasting in any of that area, and every one of these blasts is what we would consider as part of a key cut, so there's automatically a reduction as ground is broken adjacent to the previous shot and excavated.

And irrespective to all of these projections, whether it's myself or Dr. Rix that made those, the seismograph

measurements on site determine what can be done, and those are measured each and every time. They're available to the state fire marshal at any time, and they're kept on site. They're reviewed by third parties such as us, and that information is there in terms of what has happened. So there's an immediate ability to evaluate.

One of the other things -- and I know people hear the blasting. It's separate from the ground vibration -- is what we call air blasts or atmospheric overpressure. We've done a separate type of evaluation for that. The levels are similar to a thunderstorm. Again, they're regulated by the state. The state uses a limit of 133 decibels. What we've projected here at the closest points are 123. That's about the -- consistent with a thunderstorm a quarter to a half mile away, so that these are relatively limited. This is just a graphic example of what we're looking at.

If we start to compare various levels, you see a thunderstorm at a half mile, 125 decibels that we've measured. USBM limits 133. You see when a thunderstorm's a thousand feet away, you're looking at 138. The seismographs typically go to 140 decibels, but you can see how much it takes to actually damage glass, which the items that we would deal with at 160 decibels for air overpressure.

There's a lot of -- there's been a lot of question about off-property effects. Blasting is pretty limited in terms of its time. There's one of the conditions a little further down that we have provided the number of blasts that would be done per month.

So you're looking at blasting itself in terms of perception. It's less than a typical thunderstorm that goes through, because you're blasting once, maybe twice per week. There is only one blast. This does not start at eight o'clock or nine o'clock in the morning and continue all day. This -- the pattern is drilled. The explosives company would come in, load it, detonate it, and leave, and there is no material left on site.

There are a couple of projects. I know that people have asked about -- and it was addressed this morning and in the past about effects on animals. We have done projects adjacent to Miami Metro Zoo. The quarry is now a land-development area down next to there, but they blasted there through the entire development of Miami's Metro Zoo facility, and probably up to about 10 or 15 years ago with blasting going on three to four times a week. It was one that we did monitor.

Quite -- without any effect that we ever knew, and there was quite a bit of conversation back and forth with Metro Zoo, because they moved in next to -- right across the street from the quarry.

We've blasted in Broward County; we were blasting a canal. It's a little different than what we're doing here, but it is still blasting effects on animals. We were behind a thoroughbred racing stable. The blasts were going off daily because of the limited distance, about 75 feet off the back of the stable. They were blasting six to eight times per day. We were there every day watching. No effects on the horses. There were no restrictions provided by the stable, with the exception we couldn't blast when they were doing surgery. So we, you know, worked around them. We've not seen that.

There's been permitted mining operations and evaluation done by others for the mining operations in Palm Beach County. They are east of U.S. 27, but they back up against the Loxahatchee National Wildlife Preserve. We've looked at the noise from blasting, the noise from the operations was looked at, and it was felt that those operations should go forward. The county commission did pass those.

And I will indicate, too, that there are a number of mining operations that are -- actually have sections that are considered wildlife preserves throughout the country. We are very familiar with them. I know that CEMEX over on the West Coast has just recently gone a five-star wetland program in part of their operation at their FEC quarry. That's one of the other 12-million-ton-per-year operations that they have.

The Florida Rock operation that was existing in Brooksville, it has now closed the cement plant. As I understand, it still operates. The quarry has been mined out, but there were panther on the property on a regular basis with ongoing blasting, ongoing mining, without effect.

And I think some of the things -- to wrap up some of the things that we have talked about, meaning the Lost Grove Mine mining plan has talked about in the past -- and just a review as a summary, there are preblast inspections that are -- will be offered to residents adjacent. It's a documentation of existing cracks, defects within 1,500 foot of the property line.

All of that information will be provided to the property owners and the operator prior to the start of blasting. For those residents that will allow us in, they'll have a notification process that will go on.

Blasting's limited Monday through Friday. That is a state requirement as well as, certainly, proffered here. There are no holidays, per the state. And further restriction on the part of Lost Grove Mine to do no blasting other than between 9 a.m. and 4 p.m. during those days.

The blast design is limited to 1,680 holes per month, and those would be broken up into blasts, eight per

month. There may be months where they don't even get close to the 1,680. There are other times where they will equal that, and that's certainly, as we've talked about in the past, is a production-oriented issue.

As I indicated before, monitoring of vibration and air overpressure is a state requirement. There is a seismograph required for all blasts at the closest location, additional locations as necessary, and then there's third-party monitoring mandated by the state as well as state oversight.

And the fire marshals do review what goes on. If there is any complaint issue at all, the first thing they do is come visit the complainant and then go to the quarry and get all of their current data. In many cases when they get a complaint, their first call is to the operator to say, I need your seismograph data before they even visit with the property owner. So those things are things that are taken care of -- taken very seriously by the state.

There's also been a provision here for the complaint and claim investigation, and there will be a damage contact provided from the mining company to those residents within 1,500 feet of the property line. There'll be a claim-review group established with neighbors and the mine owner as -- for the evaluation of any claim that's provided, and there will be a damage investigation with a Florida registered engineer, somebody that's picked by that committee so that it's a party that's acceptable to both groups and evaluated as having independence, third party, and ability to do that.

There's also been provided a separate $150,000 perpetual bond. This is in addition to the bonds that are required to be posted to the state. There's one required by the mine operator, and there is one required by the blasting company. Both of those two bonds are mandated to be in place and they are continual replenishments. So that if there's any use from the state awarding judgments in damage, they have to be brought back current to that level before anything goes on, and that is per -- you know, per occurrence as that goes on.

And with that, if there are any questions, I'll certainly try and answer them.

CHAIRMAN STRAIN: Okay. We're at a point where the court reporter will need a break.

And, Kay, prior to the beginning of the meeting, I asked you to copy some documents. Were they able to be copied?

MS. DESELEM: Yes, sir. I do have copies for all the Planning Commission members.

CHAIRMAN STRAIN: And for the record --

MS. DESELEM: Yes.

CHAIRMAN STRAIN: -- would you distribute those --

MS. DESELEM: And I can give you those now, if you'd like.

CHAIRMAN STRAIN: -- as we go on break, and that will make sure everybody can have those as we go into our discussion later this morning.

And we'll resume in 15 min- -- well, actually, 10:45 we'll resume, and we'll -- at that time we'll go to questions for Mr. Straw.

Thank you.

(A brief recess was had.)

CHAIRMAN STRAIN: Okay. If everybody'd please take their seats, we'd like to resume the meeting.

Well, we don't have a quorum yet for the Planning Commission. So as soon as five of us get seated, we will resume the meeting.

COMMISSIONER KLEIN: Do you want any water?

CHAIRMAN STRAIN: No, sir.

COMMISSIONER MIDNEY: I'm looking for a cup, but that's okay.

CHAIRMAN STRAIN: Here.

COMMISSIONER MIDNEY: Oh, there you go. Thanks.

CHAIRMAN STRAIN: Okay. No, Ray, we're not going to do that until we finish with Mr. Straw.

Okay. We left off, Mr. Straw, with your presen- -- your rebuttal remarks, and then this commission is going to have questions. The first one that had a question, one of them was, I think, Brad, but we'll go ahead with Paul at this point.

Go ahead, Paul.

COMMISSIONER MIDNEY: Okay.

Yeah. Mr. Straw, you had said that the blasting next to the zoo, the dog racing stable, and the wildlife refuge were, quote, "without effect." How did you measure that it was without effect or, in other words, no effect?

MR. STRAW: It's a thoroughbred racing. One, the Miami Metro Zoo project -- the mining operation was always in touch with the zoo. There was no feedback from them that they had any effects with animals.

We were on site for the thoroughbred racing stable with the stable owner, and there were no concerns raised by him after the first couple of blasts, the first few blasts. It was a blast where they were going, you know, every day multiple times per day. It's a little different than what would happen here.

And, you know, I was talking with some folks, and the horses, as they get -- you know, after they practice on the practice track, they're brought back and they're put on one of those walkers, and after the initial few blasts, they were on the walker without being disturbed by the blasting that went on. That was our determination in those cases.

COMMISSIONER MIDNEY: And the wildlife refuge?

MR. STRAW: The wildlife refuge was -- has only been permitted. That has not started. But the review by others has indicated that their normal natural effects that are more of an issue -- in other words, you know, the thunderstorm is much more intense for birds and wildlife on site than the blasting is due to the duration and the intensity.

COMMISSIONER MIDNEY: Yeah. I was just questioning that you could say "without effect" without actually measuring the effects on the animals and, you know, just because people don't complain, they knew that it was inevitable that it was going to happen. I just wanted to challenge that.

MR. STRAW: Well, I don't know that it's inevitable, but there is something that is -- the project was going on. There was input from those people at the time. The -- especially with the racing stable with the owners there every day, had there been anything that was brought up, the project would have halted to address those issues, and that did not occur. Because that was a project that I was on site, so --

CHAIRMAN STRAIN: Okay. Anybody else have any questions of Mr. Straw?

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Diane.

COMMISSIONER EBERT: Good morning.

MR. STRAW: Good morning.

COMMISSIONER EBERT: You mentioned that within 1,500 feet of the property line is where you go for damage?

MR. STRAW: No, that --

COMMISSIONER EBERT: There is a home that is -- it goes out as far as 1,500 feet, is that --

MR. STRAW: No. That's not quite the interpretation. What I said is that inspections would be completed on structures 1,500 feet from the property line. There is no requirement under the state statute for any type of preblast inspection prior to start.

The Lost Grove Mine plan calls for an inspection -- notification to residents within 1,500 feet of the property line of their ability to obtain an inspection, and the inspection is an examination of walls --

COMMISSIONER EBERT: I do know.

MR. STRAW: -- and the floor, the whole deal. That goes out to 1,500 foot.

For those same residents, as an addition, there's a contact at the mine that they would be provided with. Now, any complaint, any claim that is received, irrespective of distance, has a procedure under the state fire marshal stat- -- under 552.30 -- 552 -- I think it's -- 36, is the Claims Recovery Act, if I'm not mistaken, of the title. I don't have it in front of me. I apologize. It is the Claims Recovery Act that anybody that has a complaint can call the state fire marshal's office. There is a separate procedure for anyone that has a claim and feels they want to recover it. But for the folks in that 1,500 foot, those represent the closest area they would provide an inspection for.

COMMISSIONER EBERT: Okay. So within 1,500 feet, you would provide an inspection of the homes.

MR. STRAW: Correct.

COMMISSIONER EBERT: After that there is no inspection beforehand?

MR. STRAW: Correct.

COMMISSIONER EBERT: Okay. Does Collier County have any say in this blasting? I heard you say that it is the state fire marshal that has complete control over this?

MR. STRAW: They have -- the way the regulation is written, they have sole control. That's a -- sorry -- a county attorney answer or Mr. Anderson might have some thoughts on that. But I -- I know what the statute says. And the permit is issued by the state, vibration standards, air-blast standards, the location of -- or the seismograph, how they're -- where they're set up, you know, and how they're monitored is detailed within the state statute.

COMMISSIONER EBERT: Okay. And you mentioned at the north end of the property, in other words, Lake 1, that you would probably only go 70 feet?

MR. STRAW: Well, the -- Mr. Rosa is somebody that can give you the cross-section a little better. But the

way the slope of the -- if you will, the confining layer is, is that it's shallower in the north end. And looking at the first few cuts, perhaps the first thousand feet -- and that's approximately -- will be done at shallower depths. It does not get to reach full depth until you get further south of the -- in the operation.

And so the initial blasting's going to be done with reduced explosives, weights, reduced depth. It allows, one, the mining operator to review the blasting operations by starting in the key cut first a little bit further to the east, and then, you know, as was talked about at one of the other meetings, moving to the west and then, as I recall, turning south along the property line.

But it will allow that initial testing and initial blasting to occur with very reduced levels at the close -- at that -- in that key cut area.

COMMISSIONER EBERT: Okay. So you -- so as you -- as you head south, like Lake 2, Lake 3, you have -- do you have any idea at the depth you will go? And is it true that the deeper you go, the vibration and noise is less, because it's below water and everything?

MR. STRAW: No, because the -- the whole area you're going to be drilling and blasting, loading explosives into water in the holes so that it is present there.

The -- what happens is that the opening of the lakes actually provides, to a certain extent, what we call relief, meaning that there is broken rock, open lake, which allows the vibration to be directed in a fashion in towards that lake and move the actual material --

COMMISSIONER EBERT: Absorbed.

MR. STRAW: -- into that. It does absorb it to a certain extent. There still will be perceptible vibration, you know, and it's countered with the amount of explosives in the hole. The amount of explosives that are detonated is what drives the ground vibration. That's what goes into the planning process looking at the graphs that I had up there earlier showing the projections based on the amount of explosives, the distance, and then there are programs we use. One is called Vibra-Map that we actually use where we select the in-hole blasting delays to help sequence the blast, help reduce vibration.

So I can't say that it gets deeper. It gets less in terms of vibration. It's the function of the explosives, weight, and distance.

COMMISSIONER EBERT: Okay. That's all the questions for now. Thank you.

MR. STRAW: Okay.

CHAIRMAN STRAIN: Phil?

COMMISSIONER BROUGHAM: Several.

Just from clarification, and maybe this was brought out in previous testimony when you folks were here. There's a confining layer that varies from one area of the property to another area of the property. And you've stated before you're going to protect against going into that confining area.

As you're starting your operation, how do you ensure, if you will, that you do not drill down into that confining area when you're putting your blast holes in? I mean, do you --

MR. STRAW: It's a two-phase process. One, there was -- all of the soil borings that were done on the property in the beginning have been mapped and indicate where the confining layer is relatively. If you recall the drawing that I had up there with all the individual blast holes --

COMMISSIONER BROUGHAM: Right.

MR. STRAW: -- as they drill, they will drill through the rock, and the drilling operator will be noting depth. And as the -- it requires a certain amount of what we call down pressure to actually make the drill go through the rock. It has a rotary bit, but as it's going down, it's drilling that hole, and that changes when they get to the confining layer. And so they stop at that point.

Now, the confining layer, you know, as we brought out in one of the other things, is on the order of some 40 foot thick. So even if the drill comes into that the first few inches, then as they back out, they put what -- there's a tube in there that that, you know, layer is not disturbed.

The blasting is essentially going to break outwards and up. Explosives are going to, you know, kind of come up the hole as much as they can and intersect with the adjacent hole that's next to them. There's not a lot of downward pressure in those. They are more reactive to come back up the borehole that they -- you know, they're sitting in. It's kind of like water. It runs to the lowest elevation and the easiest place to go.

COMMISSIONER BROUGHAM: Yeah. That was the heart of my question. I wanted to know how you knew, how the operator knew when he was reaching or had reached that confining layer. Okay.

MR. STRAW: There's a change in the drill pressure. There's a pressure gauge on that.

COMMISSIONER BROUGHAM: So it's experience.

MR. STRAW: It's experience, but they're also looking at a gauge. You can listen to the drill, too. Even someone that has never been out there before, once you've been out there 10 or 15 minutes and watch them go through a hole, you'll have an idea as to the changes as it goes down. You can see that and hear it.

COMMISSIONER BROUGHAM: Following along that line, since the confining layer varies, it gets deeper somewhat, to break up the material between a confining layer and the surface, is that done in one borehole or one drilling operation in an area, or do you -- you take it down successively?

MR. STRAW: No. You can't take it down successively.

COMMISSIONER BROUGHAM: So it is -- you go down to it and explode it, and then excavate it.

MR. STRAW: And then it comes back, and the dragline operator then digs, and he's got a depth indication on the dragline as well as, I think Mr. Rosa indicated, the cable. They watch the mark on the cable to know what the depth is.

And so they're -- they're very cognizant of that, because, again, as Mr. Rosa had testified, we don't want -- they don't want any of that confining-layer material in the aggregate. It's absolutely worthless, and not good for, you know, their testing of the samples. So they avoid that at all costs.

COMMISSIONER BROUGHAM: Okay. You mentioned or stated a lot of information regarding state regulations and the amount of blasting material, et cetera, et cetera, and having seismographs around the property and having those records available.

Are there on-site state inspectors there at all times or -- I guess the heart of my question is, if something should be -- if an error is made by anyone, too much explosive material, too close, the interval is not correct, and you violate the standards --

MR. STRAW: The vibration records are reviewed. There's not an --

COMMISSIONER BROUGHAM: Let me ask my question.

MR. STRAW: Okay, I'm sorry.

COMMISSIONER BROUGHAM: If a mistake is made, how quickly is that --

COMMISSIONER EBERT: Rectified?

COMMISSIONER BROUGHAM: -- determined, number one, and by who, and then what happens as a result? In other words, if you have a bad mistake, the explosive is too large or whatever, do you -- does someone suspend operation? What's the process if there has been an error and standards were exceeded?

MR. STRAW: The seismographs are monitoring on site. They're in --

COMMISSIONER BROUGHAM: By -- excuse me. By company personnel?

MR. STRAW: Somebody like -- a firm like us, an independent third-party seismograph.

This is just a sample picture of a seismograph that's out there. This one happens to be one we have at a different -- it's just at an operation. But the seismograph is there. The antenna on top of this one happens to be satellite based. So what happens with the instruments is when they're triggered, they record the data. Now, anything that triggers them above their normal threshold or air blast automatically gets recorded. And the way the machines -- the way our machines work is they're downloaded immediately. Within five minutes that information's coming into us.

COMMISSIONER BROUGHAM: Who is us?

MR. STRAW: Meaning GeoSonics. I'm speaking of GeoSonics's monitoring the operation.

COMMISSIONER BROUGHAM: Okay.

MR. STRAW: Procedures for other of our competitors are similar. They know when the blast is going to occur. The blaster is either calling or the mining operation is calling. They get the wave form out of that instrument and an analysis immediately, where are you in relationship to the standard.

If they are over, we report that to them as soon as we have the record processed, so they would have it within 30 minutes to an hour, typically, after the blast of somebody calling in and saying, hey, we have the blast, we download it, we send the data to them. They have it for evaluation. If we see it's over, it's there.

At that point, then, the mining operator takes immediate change -- you know, they have to make an immediate change to their operation. If there's a complaint involved, the fire marshal gets involved, and the fire marshal then immediately, you know, has a process that they go through.

COMMISSIONER BROUGHAM: If the state standard has been violated and that's recorded on a seismograph and that is then reported back to the mine operator and there is no complaint, what is done by the mine operator? I'm trying to get an idea of the feedback loop here between errors that are bound to happen and corrective

measures.

MR. STRAW: Typically they forward that to the state fire marshal and contact them ahead of time, because they won't know that there's -- whether that's a complaint or not. Complaints go direct to the fire marshal. They are under the obligation that if a complaint comes to the mine operator or for some reason they know GeoSonics is monitoring and they call us, we're under the obligation to get that information to the mine operator. The mine operator's required to send that to the state fire marshal.

But those records go to the state fire marshal either upon request, or most operators, if they have something at or close to the limit, they send that to them anyway, because they start the process immediately on revision of the blasting program at that point.

Just --

COMMISSIONER BROUGHAM: That's really what I'm interested in. I mean, I understand information flows and it's reported and it's recorded and there may or may not be complaints. I'm more interested in the proposed actions or the proposed -- or procedures that are in place within Alico or the mine operator to take their own corrective actions. If there's mistakes made, what will the mine operator do at that point?

MR. STRAW: Because of the potential issues that could arise, one, the fire marshal could fine them for being over, they could take their permit -- there's a number of options. I can't speak for the fire marshal, but they have their own options. Because of that, mine operators don't let the vibration get close to the limits.

So, one, most if not all of -- I know all of our clients are very proactive, because if we see them getting to a -- 50 percent of what a limit is, we're either on the phone or sending some information with the record that says, you've reached 50 percent. We produce a summary report every month for every one of our clients as they request it that says, look, here's where you are in terms of percentages, either for vibration, either for air blast.

And so that that -- they are preemptive in that, because they don't want to have anything happen to their permit. I mean, if the permit would be revoked on one of these lakes, then they would have to go back and start the process all over.

They can't mine, really, you know, without the explosives-use permit from state, so they're very protective of all of that.

COMMISSIONER BROUGHAM: Are there or are there not documented procedures either with Alico or with a proposed mine operator as to the actions they will take if state standards have been exceeded on any blasting operation?

MR. STRAW: I don't know that there are written procedures at this point in time.

COMMISSIONER BROUGHAM: Okay. Thank you.

With respect to animals, wildlife -- you mentioned thoroughbred race horses and so forth and so on, thoroughbred racing track you have the owners and operators and trainers of those animals, that are observing the animals. It's quite another thing when you have deer in the woods or bear or panther or birds or whatever that don't have somebody watching them as to whether they're affected or not.

So I understand what you said about the racetrack, but deep in the woods if things are spooked, there's nobody there to know that. That's a comment.

MR. STRAW: And you're right. And, unfortunately, there's not a lot of research, but what we -- the information that we have shows that there -- at least in my experience and the areas where we have researched it, the studies that have been done -- I don't know that they've been done on larger wildlife. There's a lot that has been done on endangered species, birds, things like that, where there's been concern for impulsive type of noise similar, at least, to the blasting end of it, and what we're dealing with in some of the other environmental effects, specifically thunderstorms, things like that, that those occurrences are more frequent and longer in duration than what the blasting is. And the blast itself typically is -- may be a second in -- of initiation, you know, from the start to finish.

So it's much less. And that's why -- that's, with those qualifications, what I've made my comments about the effects on wildlife from our research.

COMMISSIONER BROUGHAM: Okay, final question. Another subsidiary of the Alico companies, I'll put it that way, is Alico-Agri, and I know they're not involved specifically in this petition, but it's another subsidiary of Alico, and they have a mine in operation in -- north of Alico Road in Lee County operated by CEMEX, I believe. Yes.

MR. STRAW: It's the Fort Myers quarry.

COMMISSIONER BROUGHAM: Okay. And I don't know how long that's been in operation, but have there been any significant number or any number of complaints regarding that operation to your knowledge?

MR. STRAW: Not that I'm aware of. I came to Florida in 1980, and somewhere in the early '80s we started monitoring for that when it was Florida Rock. It was later sold and now is part of the -- sold to Rinker, and Rinker has been bought by CEMEX, and CEMEX operates it.

We have -- I'm trying to think whether we have -- I think we have three seismographs right now. We have one at the water treatment plant, Green Meadows Water Treatment Plant, one at their AHR tanks, and one at a residence to the south. And I don't know of a complaint that we've had in the last five to ten years.

COMMISSIONER BROUGHAM: Okay. That's all, Mark. Thank you.

CHAIRMAN STRAIN: Okay. Bill?

COMMISSIONER VONIER: Following on Phil's comments, when you blast at 145 feet as opposed to blasting at 50 or 60 or 80 feet, what changes? Your pattern, the amount of explosives you use, both, or --

MR. STRAW: Both may change. The -- obviously, the depth will change the amount of explosives in the hole. Explosives typically are -- when there's -- when the hole is drilled, there's a cardboard tube that's inserted anywhere between 4-and-a-half, typically, to 7 inches in diameter. That tube and the depth control the amount of explosives.

There is a section at the top anywhere here in -- for Collier and Lee County, typically anywhere between 18 and 20 foot of that top tube is left unloaded, and then the rest is loaded with commercial explosives. And that then is delayed.

Because of the varying size of the tubes, you expand what we call the burden and the spacing. That pattern that I showed earlier, a diagram may come in or expand outward depending upon the amount of explosives in the hole.

As you get deeper, the explosives may increase if you filled just the whole tube up. But at that point what happens is the explosives contractor looks, as they would get to the closer areas, and do what we call decking, which is separating the explosives -- the column into two separate explosives-loading areas separated by an inert material in the middle. So that could be two, three, you could do four decks depending on that, and that reduces the amount of explosives detonated.

But, you know, the depth changes the amount of material in the hole but may change it drastically depending on distance from properties.

COMMISSIONER VONIER: As a frame of reference, the mines in Lee County, are they of similar depth to what we're proposing here?

MR. STRAW: I think they're similar. I don't know about the Youngquist or the one, the Vulcan Mine, and I don't, off the top of my head, recall what CEMEX is doing up in the north end. I know they've got one of the bigger draglines, so they are in the range of 70, 80 -- 80 feet. Youngquist has one of the bigger draglines, and typically you need those when the depth is starting to get past 70 feet of excavation.

COMMISSIONER VONIER: Also as a frame of reference, do we know how close the residential areas are to the mines in Lee County vis-a-vis what they would be for the Lost Grove?

MR. STRAW: I'm trying to think off the top of my head. There has been blasting within, I want to say, 500 to 1,000 feet for the CEMEX Alico Mine, especially when it was on the south -- there's a section that's on the south side that has been completed. The section on the north side, I'm not quite sure how close the closest residence is there. We are monitoring at that location; I just don't know the distance from the current blasting.

The Youngquist quarry, I think, has residents on the north and south side, and those are somewhere in the area of 500 to 700 feet from the -- from the operation, if I'm not mistaken. So there are places that are, you know, relatively close, yes.

COMMISSIONER VONIER: All right. Thank you.

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: Yeah. You discussed you're going to start on the northwest corner of Lake 1 and you'll do your primary -- is that right?

MR. STRAW: I think what the discussion was -- I know the last time we were here there was talk about that, but I think Mr. Rosa indicated that it would be more back towards the east in Lake 1 with the idea of moving to there, as opposed to starting at -- as I indicated, starting at the closest spot, which would be the northwest corner to residence, starting some distance back and then working to there. And then as -- I think the discussion last time we were here was to turn south and go along the property line.

COMMISSIONER SCHIFFER: Okay. So when you do turn south, do you come down and do a path and then go back up and come down? Or how is that done? Is it --

MR. STRAW: Mr. Rosa is shaking his head yes, so -- you know, in the typical -- I guess we'll get Mr. Rosa up here.

COMMISSIONER SCHIFFER: Okay.

MR. ROSA: The question was, Brad?

COMMISSIONER SCHIFFER: The question is -- and I guess you'll start -- when you -- where will you start, over by -- there's a vegetation area, preserve area. Is that the boundary you'd start or --

MR. ROSA: It would be along the power lines.

CHAIRMAN STRAIN: For the record, could you just state your name and all that.

MR. ROSA: Dennis Rosa, consultant for the owner.

We would start at the -- near the -- right in that area there, where the processing area meets the power lines on the north side.

COMMISSIONER SCHIFFER: Okay. Point to that again.

CHAIRMAN STRAIN: That's not the area where the power lines are. They're along the red line to the north.

COMMISSIONER SCHIFFER: Yeah, that's it.

COMMISSIONER BROUGHAM: Go up.

COMMISSIONER SCHIFFER: Okay. And then you'll go along those power lines, and then what would be the width of that that exists?

MR. ROSA: In that area the width would be about 80 feet.

COMMISSIONER SCHIFFER: Okay. And then you'd come up, you go around the preserve, the green area on that.

MR. ROSA: Right.

COMMISSIONER SCHIFFER: And then you'll come down the western boundary.

MR. ROSA: Correct.

COMMISSIONER SCHIFFER: And in that 80-foot path, correct?

MR. ROSA: That's correct.

COMMISSIONER SCHIFFER: And then you go back up, much like mowing a lawn, and then back and --

MR. ROSA: Correct. That would be --

COMMISSIONER SCHIFFER: Okay. And will you be working on more than one lake at a time, or --

MR. ROSA: No. We would probably -- we would propose to work on Lake 1 until it is completed.

COMMISSIONER SCHIFFER: Okay. All right. Thank you.

CHAIRMAN STRAIN: Anybody else?

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Diane.

COMMISSIONER EBERT: I do have one quick question.

I notice one of these homes is, like, 105 feet. What do you do when you cannot blast that close, when they're going to start a lake?

MR. ROSA: You don't -- you don't dig there. If we can't blast, we can't dig the rock. So if we -- in the process of determining what the vibration levels are along that north property line, we will have -- we will monitor that at different distances. And as we approach a certain distance, we will know whether we can blast or not blast without doing damage.

COMMISSIONER EBERT: Okay. And what is the closest that you can blast? I mean, how many feet where you can do a blast?

MR. ROSA: Well -- yeah, it depends. Three hundred feet is our setback, so it would be 300 feet plus the distance to the structure.

COMMISSIONER BROUGHAM: To the house, right.

MR. ROSA: So it could be 450 feet, let's say. That would be the absolute closest we would be able to blast.

COMMISSIONER EBERT: Okay, thank you.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. I'd like to go back to Mr. Straw, if we could. On the slide presentation you had, could you go back to the one that was titled "compatibility."

The mine that you're portraying there, which mine -- where is that mine? What is it?

MR. STRAW: That's White Rock Quarries. That's Section 7, if I'm not mistaken, in Miami-Dade County.

CHAIRMAN STRAIN: The owner of the mine is?

MR. STRAW: White Rock Quarries.

CHAIRMAN STRAIN: That's the name of the owner, too.

MR. STRAW: That's the name of the operator, yes, sir.

CHAIRMAN STRAIN: Looks like the mine to the south in the blue is dug.

MR. STRAW: Right.

CHAIRMAN STRAIN: The homes to the north, obviously, are installed. What is the timing between the dig to the north and the installation of homes to the north across the road; do you know?

MR. STRAW: They were done with -- the majority of them, they were done concurrently. There were some on the south side of the lake. I don't have a way to show it. But the area on the south side of the lake, there are some homes there. I don't know whether you can see it, but the area in here.

CHAIRMAN STRAIN: Yeah, I know where you mean.

MR. STRAW: The area in there, some of those were being built at the time it was being blasted, but there were homes in that area. If you also notice -- and this is a little older photograph. If you look at the road to the right just above where it says Goggle, there's a white dirt road that's the dirt road to Section 6, which is currently being mined. They are currently -- the homes to the north where the lake's kind of a gray -- a dirty gray color, that lake's now complete, and you see a few homes down there in -- down in kind of the south, which would be the lower left corner of that lake. That area is all built with homes now. That's constructed all the way across. And we monitor there every day. They are anywhere between 1,400 in -- and coming closer every day with that operation.

CHAIRMAN STRAIN: Okay. Could you go to the slide that's after this, a couple after it's -- for -- that discusses the decking. There you go.

MR. STRAW: Okay.

CHAIRMAN STRAIN: What inch per second are you suggesting for this operation that's being proposed at the Lost Grove?

MR. STRAW: Well, the state -- the state limit varies. The state limit runs from 0.5 inch per second for -- which we would be using for low frequencies, which would be 1 to about 12.5 hertz, would be 0.5.

For drywall construction, which is what we have in most of our homes, because they're newer construction, the limit is 0.75 in that range from 4 to roughly 15 hertz. The way the state statute runs is that that is in frequency. The frequency of the vibration that is measured on the ground. From 15 hertz up to 40 hertz, that increases until you reach at 40 cycles per second, 40 hertz, a 2-inch-per-second state limit on any vibration. So it will depend upon the ground-vibration frequencies.

CHAIRMAN STRAIN: Okay. Let me rephrase my question. What is the maximum vibration on an inch per second that you expect out of this mine?

MR. STRAW: On inch per -- well, one inch per second is the vibration measurement. You could use that at 20 hertz. You'd have to have 20 hertz of ground-vibration frequency in order to use one inch per second. If the frequency's less, then you back yourself down.

This is -- I don't have a copy of it. It's a -- this is a -- if you will, a stair-step kind of curve that the -- it's from the Bureau of Mines. It's been adopted by the State of Florida in Chapter 552.30, and it -- what it indicates is that lower frequency ground motion has a greater tendency to cause response of a structure.

As that gets higher, you get up away from the national -- natural frequency. There's less potential for damage. So you can create higher velocities at higher frequencies without having the potential for damage.

And so, you know, the -- I know Dr. Rix talked about 0.75 for a lot of the typical vibration frequencies that we get in South Florida; 0.75 is the typical limit. As it goes higher, then, obviously, there is a higher velocity level allowed based on the frequency. They're interrelated. You can't -- you don't separate the two for the most part.

CHAIRMAN STRAIN: What's the driver of frequency? What produces the frequency, the charge of the load or --

MR. STRAW: The frequency is the geology, the geology that we have here. I mean, it does vary with distance, and as that -- as the vibration wave dies down, the frequency changes. Now, with the caveat that, as I indicated, we have delay-selection programs. How you delay the individual blast holes can change the frequency.

We're doing one for a quarry down in South Florida where we've sped the blast up quite a bit and increased the frequencies. It's changed how they blast in terms of that, and it makes the response then -- the higher frequencies, the house responds less.

CHAIRMAN STRAIN: Okay. So out of the material that you'll be digging through at this proposed Lost Grove, does that create -- is that better for frequencies, travel -- does that increase frequencies or decrease frequencies depending on whatever composition it is? It's more in -- it's like limerock, isn't it?

MR. STRAW: It's limerock, and it's got -- interspersed with layers of sand and other materials and, of course, with the water.

Typically what we find is, closer in we find the higher frequencies. So when you're at the closer points, you're going to be generating -- you may generate a little higher velocity, but you're also generating correspondingly higher frequencies, typically 20 hertz or so.

When you get farther and farther away, people that are 2- and 3,000 feet away, may be getting something that's, you know, 5 to 15 hertz, and there the corresponding level for measurements out there -- the particle velocity is reduced by the distance.

CHAIRMAN STRAIN: Okay. So where they have a lower frequency, they can expect more felt vibration versus higher frequency?

MR. STRAW: There's the potential for the structure to vibrate in response to it, but the corresponding particle-velocity level is reduced. This is kind of -- I guess I'll use the adage. This is very similar to dropping a rock in a pond.

In close, when you drop a rock in the pond, right at the source there's a higher intensity of the wave. That would -- could be -- would relate generally to particle velocity in the example, but the ripples are very close together, meaning that the frequency, their repetitiveness, is much higher, they're much closer together.

As that ripple moves out, those corresponding peaks and those waves begin to move farther apart between successive waves. That's the frequency going down.

The lower frequencies -- and that's what the Bureau of Mines addressed in their evaluations when they established these limits is that higher frequency is less -- causes less response to a structure than does low frequency. And the study that was done, you know, on similar Florida houses -- it was done in Broward County in the Weston area -- evaluated those standards that they have on Florida structures, and they respond very well. The Bureau said that their limits were valid for here, you know, with our Florida construction as well as the other areas they tested in the initial research.

CHAIRMAN STRAIN: In the Jones mine, the recommendation and a stipulation from this board as well as the Board of County Commissioners, I believe, was 0.20 for the vibrations per second generated by your work on that mine, and you supported that in the sense -- that during your discussions with us during that meeting.

How do you -- how do you justify two-and-a-half times that vibration record being used for the Lost Grove Mine?

MR. STRAW: Well, it's -- one, it's a monthly average that they look at, but the Jones mine was 2,000 feet to the closest structure. There was no ind- -- or implication of them ever reaching anywhere near or needing to have the higher frequencies. They were going to be dealing with low-frequency vibration the entire time, because their distance from their closest to their -- from their blasting to their closest structures is on the order of 2,000 feet. They have that separation.

The other issue is they're not going anywhere near the depth. I mean, our recommendation at the start of that was they're restricted by the United States Bureau of Mines' state levels as well as, you know, most mining operations in the state. They have a construction materials mining activity permit.

CHAIRMAN STRAIN: Well, I mean, your recommendation, you actually -- during the discussion on that particular mine, you spoke about some of the things you're speaking about here today, but you were assuring us that you would never have any -- there would be no damage below 0.5, and you were striving to meet that number, and you volunteered the 0.20. That's why I was wondering, if it worked for that mine -- and I understand now your explanation as to why it wouldn't work necessarily for Lost Grove, but on the other hand, you're saying it's because of the distance that you had as a setback for your blasting.

So if you had a longer setback distance on Lost Grove, would that reduce the vibrating on a per second -- per measurement for an inch-per-second basis?

MR. STRAW: The likelihood is yes.

CHAIRMAN STRAIN: Okay. How many holes are you going to shoot at one time?

MR. STRAW: It will depend on ground vibration levels, you know, that are out there. The restriction proposed here is the 1,680 no more than eight times per month. And so when you're farther away, they may be able to shoot more holes. I mean, they could shoot -- as an example, they could shoot 50 to 100, and they may not have to

shoot again for three weeks depending on -- again, it's market driven, so it's depending upon the operation.

CHAIRMAN STRAIN: How many times per week do you see as a maximum number of blasting times?

MR. STRAW: The anticipation would be two, one to two times per week.

CHAIRMAN STRAIN: How much for the blast-initiation seconds?

MR. STRAW: That's going to depend on the delay selection at this point in time, the number of holes. Anywhere -- typically a blast is initiated less than a second, typically, but we have some things where we're using in-hole delays that are longer for the -- as an example, for the one I used for the CEMEX quarry down in South Dade where we're modifying the pattern there, we're using 88 milliseconds, 88 one-thousandths of a second between holes, and they're shooting anywhere between 50 and 100 holes.

By the time that shot goes off, that duration is a little over a -- maybe a little over a second when you start calculating them all out.

CHAIRMAN STRAIN: What's your maximum blast initiation seconds per month then?

MR. STRAW: I haven't calculated that.

CHAIRMAN STRAIN: How many pounds per maximum per blast?

MR. STRAW: It's going to vary with the depth. Look -- and the decking. I've looked at --

CHAIRMAN STRAIN: Well, say --

MR. STRAW: I've looked at worst-case scenario for the -- to about 100 foot using about 800 pounds at the -- at that, but I've also worked backwards down to as low as 209 pounds when you deck one of the holes.

Again, that's going to be -- that's a field calculation that's made with the -- with the on-site vibration measurements.

CHAIRMAN STRAIN: The pounds per delay is the prime or driver for ground vibration.

MR. STRAW: Correct.

CHAIRMAN STRAIN: How does -- how are you managing the pounds per delay on this site? What criteria are you going to be using for that?

MR. STRAW: Well, it will be calculated by the actual blasting contractor. I mean, we're looking at the standard -- standard profiles that are typically used, which means that you have a hole of a certain depth. I've calculated this based on four-and-a-half inch -- a four-and-a-half inch blasting tube loading with a density of about 8.25 pounds per foot.

The density of the explosives can be changed for a specific parameter, but it still takes about a half a pound -- roughly, half a pound per cubic foot of rock -- of explosives-to-rock to break that rock. It's what we call powder factor. They're normally using about 0.5 as their powder factor.

In the key cut, that may come up a little bit for the initial fracturing, so that would be either pulling in the -- they can pull in the pattern, the explosives may be a little more dense in terms of how it's mixed for all of that and calculated so that that pounds per delay may vary. But I've looked at it from 800 down to 209 pounds for decking as well as just a single hole.

CHAIRMAN STRAIN: And if you used more holes and your pattern was increased, you'd have to -- you'd be using less pounds per hole, right?

MR. STRAW: No. You'd use the same pounds per hole. The pounds per hole remains the same. It's --

CHAIRMAN STRAIN: Regardless of the number of holes?

MR. STRAW: Correct. It's -- unless the depth changes. But you're going to be -- you're not going over that 80 feet that Dennis talked about, you know, that 80-foot cut. You're not going to see a depth change, you know, from say, 50 to 75 feet. That's not going to occur. It will occur much less than that. And in that 80 feet, there may be two rows of blasting in there, or -- you know, in that section as they work.

So the pounds per delay will be the same in each hole, and then it's how it's delayed individually. Each hole goes off individually.

CHAIRMAN STRAIN: You know, a lot of the numbers that you're using today are -- differ greatly from the numbers you're using on Jones mine.

MR. STRAW: Jones is a whole different deal. Jones is a land development.

CHAIRMAN STRAIN: That's my next question.

MR. STRAW: Sorry.

CHAIRMAN STRAIN: Can you explain the differences between the materials that you're using between the two mines and why your techniques are having to change? I'm a little concerned that we relied on your testimony, in particular, at the Jones mine to institute certain levels of thresholds that have turned out to be probably working

because we're having minimal complaints, if any, from the neighborhood. So I'm trying to understand how that compares to the Lost Grove Mine's proposal.

MR. STRAW: The Jones mine, I think the maximum depth is somewhere on the order of about 40 feet. It's a land development -- it's more of a land development to me than it is a commercial mining operation, although it is selling aggregate out the front gate, and because of that it does turn into what the state calls construction materials mining activity in terms of that.

The blasting is only 30- to 40-foot in depth, as I recall. They've not blasted very much. I mean, if they've blasted a dozen times in 2010 that's probably a pretty high guess, for the last few years. In looking at their data, they're not doing a lot of work right now.

They do have a pretty far setback as well, which allows them to -- they'll be dealing with lower frequencies and allows them to accept a lower particle-velocity level. At this point, with this operation -- this operation is a full mining operation that is there to generate the aggregate as a mining operation for -- you know, what the end result is, I don't know. But with the size of the lakes there, it's a whole different deal.

Also, the depth will require heavier explosives be used. I think in the Jones case, they were able to say we could use a hundred pounds as a maximum.

CHAIRMAN STRAIN: That's right.

MR. STRAW: That's what they were -- they were willing to accept. Here that won't accomplish the depth. You can't put a hundred pounds in a hole here and have it successfully work. You'd actually end up, in my opinion, creating more vibration because you're not actually fragmenting or moving the rock. You're shaking the rock. You may break some around the hole, but the problem is, if you don't effectively break the rock and effectively move it with the amount of material necessary, then that -- there's much more waste energy, and that waste energy is what goes off property.

CHAIRMAN STRAIN: Okay. Thank you.

MR. STRAW: Okay.

CHAIRMAN STRAIN: Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Okay. Appreciate it, sir. Thank you.

Before we move on to the next rebuttal point from the applicant, I had a citizen ask me to -- if she could speak, and I had told her previously she could, that it would be -- you know, we start at nine o'clock, and for certain reasons Judy was delayed. She came a little late. I've asked her to limit her discussion to three minutes, and we would accept that, and the -- this out-of-sequence staging, even though we have finished public testimony.

Ray, is there anybody else that has requested or any other similar circumstances?

MR. BELLOWS: There was a Robert Liznesch who also requested, and he indicated he couldn't wait much longer. And given the first response, he thought he could come back in the -- when this meeting returns back in March.

CHAIRMAN STRAIN: Okay. Well, the meeting in March, the only testimony that will be allowed by the public will be relative to the new experts who will be speaking on that day. Can't go back and re -- go over this -- regurgitate this whole thing again. In fact, public speakers are supposed to be finished prior to rebuttal.

The applicant is actually opening the door with the new testimony and, therefore, we will entertain public speakers based on the new testimony only. So if the gentleman comes back, any -- I mean, if he calls you, that's what the issue's going to be about.

Now, as far as the applicant goes, do you have any problems with allowing Ms. Huchinson (sic) to speak? We're going to limit her discussion to three minutes.

MR. ANDERSON: No objection.

CHAIRMAN STRAIN: Okay. Judy, please watch your time.

MS. HUSHON: Okay. I'm Judy Hushon. I'm the chair of the Environmental Advisory Council, but I was not sitting the day that this was heard by the EAC. And they did not understand that they could deny it if it -- even if it met the legal requirements, but we're -- they were not comfortable with the environmental effects. So I just thought I -- we've had discussions after that.

MR. ANDERSON: I do object to that.

CHAIRMAN STRAIN: Okay. Your objection's noted by Mr. Anderson. Your --

MS. HUSHON: Okay.

CHAIRMAN STRAIN: Your third-party conversations --

MS. HUSHON: What they did was to pass it and to put a whole series of stipulations, which you have and I'm not going to go over.

I have concern for the active panther, for the adjacency to CREW, for the Corkscrew Rookery. This is going to create a lake so deep that it will be dead, ecologically dead except right around the edges of the littoral zones. So we can't say that we're creating something that's environmentally positive. It isn't. Our wood storks are not going to be particularly happy there.

Related to panther, the increase in predawn trips on Route 82 -- that is actively crossed by panthers now -- could have a devastating effect. We may want to consider what we would do to protect from (sic) panthers on State Road 82. The problem is that's in Lee County, so we may not be able to do anything.

The water drawdown in CREW could be disastrous during the construction of this. And we are expecting dry for the next couple of years. That's at least been the predictions that we've been seeing. This, on top of that, could have very bad effects on CREW. I just would throw that out.

Loss of groundwater recharge -- and I've put a map on. You can see that this is an active groundwater recharge area. This is an old map. It's 1995. It is the latest one the county has, and the county's redoing it now, but it's still a groundwater recharge area. So we are taking away groundwater recharge.

This fits along with the fact that this area just to the north in Lee County is called their DRGR, which is groundwater recharge area, and so we are -- it is designated as that sort of an area.

I have a real concern that most of the impacts from this -- the property is in Collier yet almost all the impacts are in Lee County. The dollar a load that we'd get for here isn't going to go to Lee County to offset their problems with State Road 82 being torn up, et cetera.

The project is going to have traffic. It's going to have noise. And it is opposed to the DRGR guidance from Lee County. And Lee County Commissioners, I believe, voted that they were opposed to this. So I think we, as a county, cannot -- have to be very careful about doing things unilaterally at the planning level that will have adverse effects on our adjoining counties for maintaining good relations.

That's all I wanted to say. Thank you.

CHAIRMAN STRAIN: Thank you, Judy. Appreciate it.

Bruce, for the record, do you want to state your objection on the microphone and specifically what you're objecting to?

MR. ANDERSON: I object to her characterization of a hearing she did not participate in and any side conversations that she may have had that led her to a conclusion that they didn't know what they were doing.

CHAIRMAN STRAIN: Understand. Thank you.

MR. ANDERSON: Thank you.

CHAIRMAN STRAIN: Okay. The next -- is there another -- any more rebuttal witnesses from your side?

MR. SCHROTENBOER: Yep.

CHAIRMAN STRAIN: Okay.

MR. MANAHAN: Good morning. For the record, my name is Scott Manahan. I'm with Schlumberger Water Services. I'm a water-resources engineer. I've worked in this area on water-resource studies and wellfield design and development projects for over 20 years.

Our firm did a hydrogeologic investigation of the Lost Grove Mine site, and that investigation included drilling some test borings, doing aquifer testing, constructing monitor wells, and also doing groundwater modeling.

Lee County staff had some -- raised some concerns and issues in the previous hearing, and I'm here to address some of those concerns.

There were three primary issues that Lee County staff brought up, and I'll address each one individually.

The first issue they indicated that the land surface across the mine site slopes and that groundwater generally follows the topography. With regard to that, we do agree that groundwater does flow downhill and that there's also going to be some flattening of the water-table gradient due to excavation of the mine pits; however, it should be noted that the agricultural operations that currently occur on the site have been affecting the groundwater flow directions and levels for some time, probably for over 20 years at the site, and they're the primary driver that influences water levels on and around the project site.

There was groundwater modeling that was conducted as part of our investigation, and the results of that modeling generally show that groundwater levels are anticipated to rise across the area as a result of the mining, the change in land use from irrigation of citrus to mining operations. And the primary driver there is reduction in irrigation pumpage.

Currently, the agricultural operation has a maximum month allocation of about 500 million gallons per month that they're allowed to pump. So as some of that agricultural land is taken out of production and converted to mining uses, there will be a reduction in irrigation water use, and that's the primary influence on the water -- water-level impacts at the site.

The modeling that was conducted was the approach, and the results obtained were reviewed by the Florida Department of Environmental Protection. Their staff includes numerous professional geologists and professional engineers. They reviewed the modeling and accepted it.

And, in summary, their comment was that the net result would be an improvement in water quality and water quantity as a result of the change in land use at the site.

Again, Lee County staff had brought up the flattening effect of the water-table gradient, and that does occur to a certain extent, because the water surface tends to follow the land surface. And once you create a lake that -- you know, the lake is essentially flat. So that is a situation that occurs.

But the site has been developed for agriculture, so it's essentially flat now, so there's very little further flattening that can occur. So that effect is not great. Also, the plan for the mine, instead of one just large lake covering the whole property, it's been broken down into three separate lakes, and the general alignment of those lakes is parallel to the hydraulic gradient. So that also reduces the flattening effect of the water table, and the use of the three smaller lakes further reduces that -- that impact just by breaking it down into smaller chunks instead of having one large lake at the site.

The CREW lands that are of concern are located on the down-gradient side of the property, so these flattening effects or water-level impacts would actually tend to result in higher groundwater levels under the CREW lands, which might help improve the hydroperiod. So just by the nature of the hydraulic gradient out there and the relative position of the site to the CREW lands, it should actually improve water levels there on the CREW land properties.

Another -- the other primary impact that Lee County staff brought up was that the applicant did not provide a method for establishing baseline conditions. They indicated that there were no background water-level data and that, ideally, there would be a few years of data collected prior to initiation of the mining operations.

Well, the -- I think the staff hadn't thoroughly reviewed the FDEP permit because we, in fact, do have ongoing groundwater monitoring at the site, and I've got a figure here that I can put up.

This figure just shows ongoing monitoring at the site. We've got eight -- eight water-table aquifer wells and three very shallow what we call wetland piezometer wells. These wells are equipped with electronic data loggers, and what they do is they continuously monitor the water levels out there.

So we initially started some -- our work at the site in 2008, and these wells have been continuously monitored for -- since sometime during 2009, so for approximately two-and-a-half years. So we actually do have quite a lot of background water-level data, and I think the county concern was that you wanted to have an adequate period of time to include rather wet years and more average years. And I think this past year was rather wet, and the year before was kind of average, so we do have a good background data collection at the site.

Also, during our initial investigation at the site, we did collect water-quality samples out of 15 wells that were constructed on the site. And on those 15 wells, we just did rather basic water-quality parameters, such as chloride and conductivity, but then we also did more detailed water-quality sampling in five wells at the site, and that included parameters such as TDS, sulfate, nitrate, and other parameters that are of interest particularly to the DEP. They typically request some water-quality data as part of the permitting process.

And, also, it should be noted that the DEP will require monitoring as part of the ERP. I've got another figure here. This just shows the monitoring the DEP will require once the mine is in operation. It includes several of the existing monitor wells but also includes a couple others that they had requested during the permitting process.

Monitoring of rainfall, water levels, and water quality will be required as part of the monitoring report, and every year an annual report is prepared that summarizes all the data collected, and that data is reviewed and, you know, it's determined if there are any impacts based on the monitoring conducted at the site.

Also, as part of the permit for blasting, the DEP requires pre- and post-blast water-quality sampling to make sure that the blasting doesn't impact water quality in the mine lakes. And this is pretty much a standard condition included with all the recently-issued monitoring -- or mining permits. And we've done that out at the Jones mine. For example, it's -- water samples are taken immediately before, and then up to 24 hours after the blast, and the results are compared.

The other primary issue that Lee County staff brought up was that wells might go dry due to the mining operations. I think county staff provided some figure that, again, showed that flattening effect of the water-table

gradient and just the concern that some wells would go dry.

Again, we do stipulate that there is some flattening that occurs but, again, the primary driver is the reduction in irrigation pumpage, and that actually results in a raising of the water levels.

And so those modeling results confirm that, and it's contrary to Lee County's position that wells will go dry. In fact, if anything, the water levels might come up slightly in the wells.

And when I refer to water levels, that's the water-table aquifer. Most of the wells in this area actually tap the sandstone aquifer, which is the next aquifer down, and water levels in that aquifer would not be significantly impacted at all due to the mining operation.

The buildup in water levels that occurs is primarily -- you know, is on the down-gradient side. Again, that's where these, you know, natural wetland systems are. So, if anything, that may help increase the hydroperiod to those wetland areas.

Also, it should be noted that these water-level impacts are fairly localized. You know, they don't extend a great distance. So what -- with the setbacks and other buffers that are being proposed, the actual impacts to another party are likely to be very small one way or the other. It's probably not going to change a whole lot.

There's also been some concern that dewatering at the mine operation may impact either wetlands or other people's wells. I think there's -- there may be some misconceptions about the dewatering operations. The mine itself is not going to be dewatered to the depth of excavation. The only dewatering that occurs is when they remove what they call the overburden, which is the sand and shell or other material that lies over the rock.

And just to facilitate the operation, they will dewater during excavation of that. But that dewatering typically only occurs to a depth of 10 to 20 feet or whatever thickness of overburden there is. And, also, it's generally done in cells. So, in other words, if this lake covers a hundred acres, they're not going to dewater that whole hundred acres at one time. What they'll do is they'll have a 5- to 10-acre cell, they'll dewater that, get the overburden off, and then they'll go to the normal rock-mining operations after that.

So the dewatering is not conducted over huge areas at one time, and not for a long period of time at any one particular location.

Let's see. Also the dewatering operations are -- have to be permitted through the South Florida Water Management district, so there will be a separate permit required for that, and there are certain conditions and monitoring that will be stipulated by those permits also.

Again, with regard to the concern expressed by Lee County that the mines might make the wells go dry, we think it's unfounded. I've got a figure here. This figure actually shows the Lee County public supply wells basically right within mine lakes, and so they're -- within 500 feet you can see the kind of circular areas around the wells. Those are due to the public water-supply rules regarding setbacks to mines from public-supply wells.

But as you can see, the wells are in close proximity to existing and previously excavated mines. And, in fact, the Lee County Integrated Water Resources Master Plan, which was recently completed and accepted by Lee County, states that the mining lakes may be beneficial to the wellfields by providing rapid recharge. So -- and that's something that we also agree with is the -- basically you've got increased storage in the mining lakes, where, previously, when the aquifer material was there, you had rock, you had sand, and you had water within the rock and sand.

And there's a hydrologic parameter we call specific yield. And that, essentially, represents the porosity of that rock and sand, and that's -- roughly 20 percent is a number commonly used.

So out of all that material, only 20 percent of it is water. And when you excavate the lake, of course, it's 100 percent water. So basically those wells there are more rapidly recharged, because there's much more water around them, and that helps limit drawdown impacts away from the wells.

And I think that's basically it.

CHAIRMAN STRAIN: Okay. Before we ask any questions, I'd like to understand from Bruce -- Bruce, before you walk away --

MR. ANDERSON: Yes, sir.

CHAIRMAN STRAIN: -- how much further testimony are you going to have for rebuttal? I'm just trying to time things for this afternoon.

MR. ANDERSON: One other witness.

CHAIRMAN STRAIN: Okay. Then you'll be done with your rebuttal?

MR. ANDERSON: Yes.

CHAIRMAN STRAIN: Okay. And then we'll probably go in- -- we've got -- we're going to have questions, and then after that we have to go into our -- some of our discussions on various conditions.

Okay. Well, I think -- Brad, you got a question now, or do you want to wait till after lunch?

COMMISSIONER SCHIFFER: Of this guy. I mean --

CHAIRMAN STRAIN: Okay. We'll go ahead and ask some questions now. We're going to break at twelve o'clock for lunch. We'll take a one-hour break at twelve.

MR. MANAHAN: Bruce brought up one point that he'd just like me to make, that these wells in question here are within the DRGR area in Lee County. So that's just -- the DRGR actually means Density Reduction Groundwater Resource area, not recharge area.

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: The -- you mentioned that adjoining wells are in the sandstone aquifer. How deep is that? What strata is that at?

MR. MANAHAN: The sandstone aquifer?

COMMISSIONER SCHIFFER: Yes.

MR. MANAHAN: It's deeper. Around the project site, it typically occurs at depths, you know, below which we'll be mining, because there's a confining unit between the -- between the, you know, water-table aquifer and the sandstone.

So wells tapping the sandstone aquifer in that area often are the 120 to 150 feet deep, something along those range -- in that range.

COMMISSIONER SCHIFFER: But we're going down 145, so --

MR. MANAHAN: That's at the very southernmost. The geology is variable there. I've got a figure that will -- kind of illustrates that. So, yeah, the depths to the tops and bottoms of the aquifers vary based on the geology.

And I've got a figure here I'll show. This figures just shows the stratigraphy which basically shows how the different geologic layers are arranged in Lee and Collier County.

Our site is right on the county line there. So you can see the blue -- kind of light-blue area that looks like bricks. That's the actual limestone that is going to be mined, and that's the water-table aquifer. The darker-blue material above it is just the sand or shell overburden, and then that green area beneath is the confining unit.

And the sandstone aquifer occurs below the confining unit, so the darker-blue layer below the green layer.

So it varies, you know, depending upon where you are, but -- and at this site it's actually quite variable from north to south. So -- but generally those sandstone aquifer wells are deeper than the water-table aquifer wells.

COMMISSIONER SCHIFFER: One thing strange on this, though, it shows your confining layer, which you said is green. What is that break in it, you know, about the area we'll be mining?

MR. MANAHAN: The -- to the upper right there?

COMMISSIONER SCHIFFER: No, down below. In other words, you say the brick pattern is the stone you're looking for, you're mining.

MR. MANAHAN: Yeah. This stuff here is what we'll mine.

CHAIRMAN STRAIN: You need to use that portable mike if you're going to talk away from the other mike. Everything has to be on record.

MR. MANAHAN: Okay. Hello?

COMMISSIONER SCHIFFER: And right where you put your pen point, why does it go into blue without going into a confining layer? Just -- come down, go to the right. Right there, that boundary. What is that?

MR. MANAHAN: That's -- I am not sure what that is. That's another layer of sand or some other material. Yeah, it's sand, because in some of these areas, they actually have to drill wells that are screened, and it's sand. It's not hard rock.

So during our investigation, that's why we drilled a number of wells or borings to make sure that it's solid rock. That's the mining material that they're looking for.

Now, this isn't exactly at the project site. I've got another figure showing where this cross-section is. It's really for descriptive purposes. This cross-section's a little north of the project site.

COMMISSIONER SCHIFFER: So the concern that I seem to be developing here that you might be taking material out that doesn't have a confining layer, is that incorrect or --

MR. MANAHAN: No. We'll just be mining the water-table aquifer. Probably -- probably the most representative site would be between 614 and 615. This kind of shows generally the same geology as at the site where we have a thin layer of sand on the top, and then we have a thicker layer of rock, you know, anywhere from, you know, 50 to, let's say, 100 or 150 feet thick, and then below that is the confining unit, and this confining unit separates the water-table aquifer up here from the sandstone aquifer down here.

COMMISSIONER SCHIFFER: Okay. What would happen if you did break into that on the other side, on the Collier County side? What if you did accidently break into that; what would happen? I mean, you're --

MR. MANAHAN: Break through this confining unit?

COMMISSIONER SCHIFFER: No. Go up. Break into that sand. That -- where your brick --

MR. MANAHAN: That dark blue? That's just sand. That's part of the same aquifer. So it's -- there's -- the water levels and everything are the same because they're what we call hydraulically connected.

COMMISSIONER SCHIFFER: I got it. Thanks.

CHAIRMAN STRAIN: Okay. We're going to take a break before we go on with any questions. We'll resume questions of this gentleman when we get back from break. We'll be on break for one hour. Come back at one o'clock.

(A luncheon recess was had.)

CHAIRMAN STRAIN: Okay, everybody. Welcome back from lunch. We'll try to resume the meeting where we had left off. But Mr. Straw is -- oh. We're done with him. We're on to you. Okay.

MR. MANAHAN: Yeah. It's Scott Manahan.

CHAIRMAN STRAIN: Scott, thank you. I think we're just getting into questions.

And, Bill, you'd indicated you had a question, so why don't you proceed.

COMMISSIONER VONIER: Scott, you indicated that you use 500 million gallons of water a month.

MR. MANAHAN: That is the permitted maximum month allocation for the existing agricultural operation that's on the site now.

COMMISSIONER VONIER: Not just the 1,382 acres.

MR. MANAHAN: No, it's the entire -- entire operation.

COMMISSIONER VONIER: Okay.

CHAIRMAN STRAIN: Anybody else?

COMMISSIONER BROUGHAM: Yes.

CHAIRMAN STRAIN: Phil?

COMMISSIONER BROUGHAM: I believe previously there had been testimony that the natural water flow, groundwater flow is from the northwest to the southeast. And that would indicate water flow would be going into the CREW lands; is that correct?

MR. MANAHAN: Yes, that's correct.

COMMISSIONER BROUGHAM: Okay. And then before lunch you stated that this operation should improve the water levels in the CREW land. Can you get a little deeper into that explanation of how that's going to happen?

MR. MANAHAN: Okay. Basically it's mostly because of the flattening of the water-table gradient -- I've got a figure that kind of illustrates it. Yeah, this figure kind of shows the physical phenomenon that occurs. When there's land -- slightly sloping land surface like we have here in Southwest Florida, the water-table elevation generally follows the land-surface elevation.

So you can see before the lake is dug, there's a slight slope to that water table. And then, of course, when you're in a lake, it's totally flat just because the water can flow easily. And so what you end up with is, as it shows in the figure, on the upstream side you get a slight drawdown effect, and on the downstream side you get a slight build-up effect of those water levels.

And just because of the way the land is situated in the relative position of the project site to the wetland -- the wetland's on the downstream side, so that's where you get that -- you know, the slight build-up. And on the other side you would have a slight drawdown effect. And that's just due to the flattening of the hydraulic gradient.

COMMISSIONER BROUGHAM: Excuse me. I'm still trying to understand that, because if I look at the diagram and just -- the way I'm thinking about this, the amount of water, I'll say, displaced on the upstream side versus the increase on the downstream side are relatively the same, by your diagram anyway. And had that lake not been there, that same amount of water would have flowed into -- you know, into the CREW lands in my example.

And I just -- I don't understand how the imposition of a lake in the middle of that flow increases the overall amount of water flowing into the southeast corner of the area.

MR. MANAHAN: Well, just the flattening tends to increase the water levels in the wetland areas. So just the fact that they're higher would indicate that when the rainy season started, those lands would probably hydrate quicker, so -- and -- but I think it's important to point out that the flattening of the water-table gradient is just one effect.

In this case, the major impact is the reduction in irrigation water use. So, you know, whenever you pump a

well or, in this case, several wells, you always have some drawdown. And so, conversely, when you turn them off, you get a rebound effect. And that's the biggest influence on water levels in this case.

So you'll have the flattening of the water-table gradient and all the rebound of water levels due to the reduction in pumpage. So the net result should be a rise in groundwater levels in the CREW areas.

And what -- and that's just a qualitative discussion of it. But we did groundwater models to simulate that, and the model results show, you know, those levels. And there could be as much as a foot of rebound under those wetland areas, so -- at the end of the --

COMMISSIONER BROUGHAM: They're hypothetical results.

MR. MANAHAN: Yes.

COMMISSIONER BROUGHAM: I mean, there's no -- there's not a high degree of certainty to it. I mean, there's --

MR. MANAHAN: Well, they're based on our --

COMMISSIONER BROUGHAM: It's probably going to have --

MR. MANAHAN: -- best knowledge. And we did do aquifer testing on the site. So we collect site-specific data. So we're pretty confident in the models, you know. It's -- they're widely used by the water-management districts, and the FDEP reviewed the model construction and results. So we're pretty confident that they're fairly accurate.

Yeah, you know, it is just a model, so you can't be 100 percent certain that you're going to get, you know, 0.5 feet of water-level rise. But the general theory and trend is all consistent, and we do anticipate that -- primarily just because of the relative locations and the existing hydraulic gradient, we will see some water-level rise in those areas, groundwater-level rise at the end of the dry season.

COMMISSIONER BROUGHAM: Thanks for your explanation. I'm not sure I understand it completely, but --

CHAIRMAN STRAIN: Anybody else have any questions?

Well, let's start with the diagram you have here.

MR. MANAHAN: Okay.

CHAIRMAN STRAIN: That -- to the south side of the lake -- to the left, I should say -- you're going to increase the water table but you're going to decrease it on the north side. The north side doesn't have any homes directly to the north, if I'm not mistaken. The homes are to the west. But the effect of the change in the water table on the north would have a slight depression in the water tables' levels.

So if you have a well, how would that be affected if you were in the north? I don't think anybody is; I'm just curious.

MR. MANAHAN: Well, yes, you would, if you were on the up-gradient side. And if we were only looking at the flattening effect, yes, you would have some drawdown impact. But, again, in this case, the reduction in irrigation pumpage has more of an influence. So we found that at the end of the dry season, even on the up-gradient side you had a slight -- very slight rebound of water levels. But, again, that was primarily due to the reduction in the irrigation pumpage.

Now, if that weren't there, then, yeah, you would have a slight drawdown effect on the upstream side.

CHAIRMAN STRAIN: Okay. When you talk about these drawdowns like you do in here, the influence to the lake, what's the cone of influence around the -- how far out from the lake does it go?

MR. MANAHAN: It's greatest right near the lake, and then it steadily declines. If you're --

CHAIRMAN STRAIN: Near the lake; can you define near?

MR. MANAHAN: Within, you know, a few hundred feet of the lake, and then as -- the further out you get the less the impact is. So once you're, let's say, I don't know, a quarter of a mile or half mile from the lake, then you're only probably looking at a tenth of a foot of drawdown impact, so, you know, maybe an inch of water level.

CHAIRMAN STRAIN: Does the cone of influence have any -- is it impacted by the flow? Meaning this is a north-to-south flow. If you have -- how far to the west of the lake would that -- say, the influence of the lake drawdown occur versus on the north side how -- I mean, the north side's Alico's land. So you draw down their land; I'm not sure that's too concerning for them.

MR. MANAHAN: Right.

CHAIRMAN STRAIN: But on the west side where there are potentially some residential areas, I'm wondering what the -- what they can expect.

MR. MANAHAN: We do have the actual model figures, but I've reviewed them recently, and I would say to

the western boundary, again, it actually showed a slight increase. So the impact is not great. But probably within a quarter of a mile, you're less than a tenth of a foot of impact, I would say.

CHAIRMAN STRAIN: Why would it show an increase when you're showing on this table a north-to-south flow would have a decrease in the north?

MR. MANAHAN: Again, it's mostly due to that irrigation pumpage effects. Because our model takes into account the flattening, it takes into account irrig- -- it takes into account all the components of the water budget, or at least as well as we understand them. And so it includes both the change in pumpage and the flattening effect that we get.

CHAIRMAN STRAIN: So how much of a change in pumpage on a gallonage basis did you calculate?

MR. MANAHAN: The reduction in irrigation pumpage is about 40 percent.

CHAIRMAN STRAIN: Of? Of the 500,000?

MR. MANAHAN: Five hundred million.

CHAIRMAN STRAIN: Five hundred million.

MR. MANAHAN: Yeah.

CHAIRMAN STRAIN: So 40 percent of that, say, around 200 and what, 25,000, or somewhere in there -- 225 million gallons is what they're not going to be using on that consumptive-use permit?

MR. MANAHAN: Right. There'll be a reduction.

CHAIRMAN STRAIN: So are they going to actually be submitting then for a reduction in their consumptive-use permit to reflect the savings of the 225 million gallons?

MR. MANAHAN: Yes. When the mine goes into operation, the mine operation itself will have to apply for a water-use permit for the industrial uses, and that's just wheel washing or putting water on the ground to control dust, you know. There is some water use at the mine, although it's much less than irrigation of a bunch of, you know, citrus trees.

So it's -- so they'll have to apply for a water-use permit for that portion of the project that becomes a mine, and that -- during that process, they'll request a lesser amount than is currently permitted.

CHAIRMAN STRAIN: Okay. But I'm going to be hanging conditions if that's the way this thing ends up going, on things you are saying. So you're saying 40 percent of 500 million gallons on an average month is what you're going to be reflecting in your reduction in your consumptive-use permit?

MR. MANAHAN: Let me confirm the numbers. I'm just going from my --

CHAIRMAN STRAIN: Because if you're making a mistake and they need that for agriculture and then they can't meet that condition if that's one of the things imposed, then that could be a problem.

COMMISSIONER VONIER: Mark?

MR. MANAHAN: Well, right now the maximum month allocation for the entire Alico citrus grove there is 520 million gallons per month.

CHAIRMAN STRAIN: How much per year?

MR. MANAHAN: I've got the number. I don't have it right in front of me. But it's not 12 times that.

CHAIRMAN STRAIN: I know that. That's why I asked, yeah.

MR. MANAHAN: It's -- I think it was about 2,000 million gallons.

CHAIRMAN STRAIN: Two billion.

MR. MANAHAN: Yeah, two billion gallons a year, roughly. So -- and in our report we state that it's about a 40-percent reduction. So I think probably the best way to go about this would be to -- I can, you know, review the numbers and give you the --

CHAIRMAN STRAIN: When you come back in March.

MR. MANAHAN: Yeah, okay.

CHAIRMAN STRAIN: Bill?

COMMISSIONER VONIER: I have a question. Now I'm confused. You said the 520 million gallons a day (sic) is for the entire grove?

MR. MANAHAN: That's correct.

COMMISSIONER VONIER: How many acres is that?

CHAIRMAN STRAIN: It's a month.

MR. MANAHAN: It's about 3,000 acres, I believe.

COMMISSIONER VONIER: Okay. And so we're only talking about 740 acres of lake plus some other ancillary stuff that is -- will not be -- will be taken out of the grove.

MR. MANAHAN: Yeah.

COMMISSIONER VONIER: So we're talking about, we'll say, 800 acres out of how many?

MR. MANAHAN: Roughly 3,000.

COMMISSIONER VONIER: Okay. That's a percentage, and we can use that percentage directly?

MR. MANAHAN: No. There's going to be a lot -- excuse me. There's going to be the mine processing area. And I think the overall mine site was --

COMMISSIONER VONIER: That's what I said. Yeah, I --

MR. MANAHAN: -- 1,300 acres.

COMMISSIONER VONIER: -- understand that.

CHAIRMAN STRAIN: Just under 1,400 acres, which is what you'd be taking out of agricultural production, so that's the amount of acreage that you'd reflect as a credit against the consumptive-use permit.

MR. MANAHAN: Exactly, yeah.

COMMISSIONER VONIER: Okay.

COMMISSIONER EBERT: I have a question.

CHAIRMAN STRAIN: Go ahead, Diane.

MR. MANAHAN: And there will be a perimeter, a bit of the grove -- I think part of the buffer will be maintained right around the perimeter of the mine so that will have to be irrigated, but -- so we will probably have to review those numbers and make sure we're accurate. But the number I recall is roughly a 40-percent reduction in the irrigation water use. But I guess we should refine and make sure those numbers are accurate.

CHAIRMAN STRAIN: Yes, you should.

Diane?

COMMISSIONER EBERT: I have a question. Do you monitor the water coming out? Do you have a reading like we have a water meter on each home? Do you have a meter?

MR. MANAHAN: Yes.

COMMISSIONER EBERT: On the groves?

MR. MANAHAN: Yes.

COMMISSIONER EBERT: So you know exactly what comes out; all your wells and everything they're completely metered?

MR. MANAHAN: Yeah. All the wells have flow meters, and reporting is required by the Water Management District. So those numbers are reported, I think, quarterly to the Water Management District, and they reflect the pumpage that has occurred in the last previous three months.

COMMISSIONER EBERT: Okay. So you can account for everything that you use?

MR. MANAHAN: Yes.

COMMISSIONER EBERT: Okay. Thank you.

MR. MANAHAN: Yes, that's correct. Yeah, because in some years they may not pump as much, you know, in a rainy year. In a dry year they'll probably pump up to their max. But many years they do pump less.

COMMISSIONER EBERT: Okay. Thank you.

CHAIRMAN STRAIN: Don, did you want to throw something in?

MR. SCHROTENBOER: Yes, I would like to, chairman. For the record, Don Schrotenboer.

Just as a reminder -- I know we're talking about this reduction of agricultural use. Whether it's 30 percent, 40 percent, I'm not sure, and Mark's -- or sorry -- Scott's going to confirm those numbers. But it's not a one-time adjustment. This is a 30- to 35-year mine. And the intentions is that the mining, as we've always indicated, would start at the north and move to the south over those 30 to 35 years. So the reduction in irrigation will be over that period of time.

So to -- all I'm suggesting is to set a condition that indicates that there will be reduction of X over -- you know, it has to be over so many years. It's not a one-time reduction the day that this thing is approved.

Okay. Thank you.

CHAIRMAN STRAIN: Appreciate it. Thank you.

Back to this map. You're going to have a loss in the water table in the north and throughout the -- wherever the cone of influence is as this lake is dug and finished, but you're going to have an increase to the south. Most of the residences that are occupied are to the south.

So what can they expect in additional concerns not just with the elevations of their wells, which would probably be a positive, but standing water or ponding water within their properties?

MR. MANAHAN: Well, the actual flow direction is generally from northwest to southeast, basically following the topography. And there's actually very few residences in the southeast. That's where the CREW lands are.

I know just to the south of the lake there were a few residences. So they might expect some -- some increase in groundwater levels, but, again, these increases we're talking about when we do our modeling scenarios are what we call end of dry season, because that's typically when the greatest concern is over the water levels.

So they'll see an increase in dry-season water levels which shouldn't be a problem. But it -- you know, if they're already in a floodplain -- I don't know if they experience any flooding problems now. If anything, yeah, there may be a slight increase in water levels in that southern area.

CHAIRMAN STRAIN: Okay. When you said there were a few residences, that -- actually, I -- since I've driven that neighborhood, there seemed to be quite a few residences. And of all the concentration of residences, that seems to be the most concentration that are adjacent to the mine.

It turns out that the residences that are supposedly on the west don't really exist to the extent that the maps indicated they did, but they do on the south.

MR. MANAHAN: Okay.

CHAIRMAN STRAIN: So I think -- I'm -- that was the point of my question. I wanted to make sure that if there's any increase in water table down there that it's not negatively affecting those people to the south.

Likewise, the perimeter berm and canal that wrap -- typically wrap agricultural fields, just like this one has now, what is the timetable for removing that, or is this expected to be removed by the end of the mine's excavation?

MR. MANAHAN: The berm around the mine?

CHAIRMAN STRAIN: Well, no. You have a pit, or you have a canal. There's a perimeter canal around the whole mine. Is that going to be filled in? Is that going to stay?

MR. MANAHAN: I'd probably refer that one to John, John English.

CHAIRMAN STRAIN: Well, the reason -- that does affect your water flow, and it's -- I mean, it looked like there was probably 8 to 10 feet below grade. I'm not sure how deep it was for sure. But when I saw the site, I noticed around the entire -- just typical, that's like all the farmers have around -- all the farms have in the county. They have perimeter berms and dikes and canals where they collect the water.

But that does have an impact on how water flow's going to be, I would assume.

MR. MANAHAN: Yes, yeah. In fact -- well, yeah. They have pumps and the drainage system. So, for instance, in the summer when it rains a lot, they don't want the orange trees to be flooded, so they'll pump out of those ditches and into the water-retention areas that they call them. Again, this is kind of outside of my area, but --

CHAIRMAN STRAIN: Well, you're a hydrologist. That's the only reason I brought it up to you.

MR. MANAHAN: Well, we mostly stick with the groundwater. But the -- but, yeah, they do pump out of that just to lower the water level in the summer, and that water is directed to the water resource areas or basically these wetland areas, and then ultimately that -- when those overflow, they go out to the CREW -- CREW lands.

So that's all part of the water-management system for the grove, and that will change as we excavate the lakes.

But, ultimately, at the end when they reclaim the mines, all those ditches and pumps systems will go away.

CHAIRMAN STRAIN: Well, that's what I want to confirm. Are the ditches going to go away? Do you know that for a fact?

MR. MANAHAN: Yes. Yeah.

CHAIRMAN STRAIN: Did you take into consideration in your analysis the impact of those ditches after they were gone?

MR. MANAHAN: Yeah, yeah. Our -- basically, our modeling scenarios include the way the system is now and then the way it would be in the future, with the future being the ultimate future at -- when all the lakes are dug and they're done and out of there.

So our scenario is kind of before and after, and then that's how we calculate the impacts. We look at the water levels before and then after, and then we subtract, and that's how we determine if we get a rise or a decline in water levels.

CHAIRMAN STRAIN: As far as dewatering goes, they're not going to dig it in the dry. They're digging it in the wet. They're using a dragline, so they're not going to really substantially dewater except for the top surface when they first go in where the overburden is, is what I believe they said.

MR. MANAHAN: Yeah, that's correct. It's just -- the upper 10 to 20 feet of sediment is sand or shell, and it's

just more efficient to dig that in the dry, so they will dewater that. And, again, they typically dewater in cells, you know, not, like, the whole 200-acre lake or whatever but, like, 10-acre cells, and that's the typical procedure there.

CHAIRMAN STRAIN: When they dewater and they pump into the cells, they do that so that the water can evaporate and percolate down back into the ground system; is that right?

MR. MANAHAN: Yeah. When you get your permit for dewatering, typically the requirement is that you maintain the water on your own property. So in a normal situation, they would be dewatering, let's say, a 10-acre area, and that water they would pump over to another area that's, let's say, maybe the next area to be mined, and just build up a berm and kind of have their own little mini lake there. They call it a retention pond.

And, also, if there are any wetland areas or homes or anything in the proximity, typically the Water Management District will make you construct what's called a recharge trench. So that's just a trench that you also fill with water that's between your dewatering operation and, let's say, a wetland area.

And by pumping water into that trench and maintaining it at typically two feet above land surface, you kind of recharge the aquifer near the wetland or near the area of concern, and that way you limit drawdown in those areas.

CHAIRMAN STRAIN: Do you know the quantity of gallonage that you'd be using as a maximum at any time during the dewatering process?

MR. MANAHAN: Well, there's different levels of the dewatering permits that you get. The individual permit, the general permit. For a mining operation like this, I would estimate the max rate, they would probably be 10 million gallons per day.

CHAIRMAN STRAIN: So that wouldn't exceed -- 10 million? That's 300 million gallons per month.

MR. MANAHAN: Yes.

CHAIRMAN STRAIN: Your current consumptive-use permit is up to 500 million gallons per month?

MR. MANAHAN: Yes.

CHAIRMAN STRAIN: Okay. So at no time will you be exceeding even what you're currently permitted to use for the agricultural process and your dewatering process?

MR. MANAHAN: Yeah, although it's a different type of water use.

CHAIRMAN STRAIN: But it still results in the same recycling of the water. In agricultural they pump the water out onto the crops. The crops then -- and it percolates back into the ground or transpires through the leaves. In the dewatering process, it goes into a holding bed where it percolates back into the ground or evaporates into the atmosphere; is that a fair statement?

MR. MANAHAN: Yeah, although it should be noted there is a big difference. The dewatering is more of a moving water around, where the agricultural use is more of what they call a consumptive use of water.

When you apply that water to the orange tree, it actually uses that water and, you know, it transpires the water out through its leaves. The fruit has water in it.

So that water really is lost when you use it for irrigation of crops, where when you're dewatering, you're essentially just moving a pile of water from here to over here, and then you're going to let it flow back. You know, it's not really so much a consumptive use as just a -- kind of a management of the water.

CHAIRMAN STRAIN: The net result is that basically both systems put the bulk of the water back into the ground?

MR. MANAHAN: Well, the consumptive use actually uses the water. It doesn't go back into the ground so much.

The method they use for the citrus-tree irrigation is called a micro drip, so they have a little hose and a little emitter running to each tree, so it's actually a very efficient method. So that only apply enough water to that tree that it actually uses that water.

So not much of that goes back into the ground, where in the dewatering operation, essentially all of it or most of it goes back into the ground. There may be some evaporation, but most of it is just kind of recycled.

CHAIRMAN STRAIN: The point I was trying to understand is the first gentleman up today made a rather strong statement that the dewatering was going to negatively impact the water table, and I'm trying to understand the science behind that statement, because he was a layperson. He didn't offer any testimony regarding that from a hydrologist's viewpoint.

So I'm just wondering, from your viewpoint, is his statement accurate? Is the watering that's going to be occurring on this site going to have any more negative effect on the water table, if any, compared to the consumptive-use permit uses that are now authorized on the site?

MR. MANAHAN: No. The dewatering should have very -- very little impact, again, because it's limited in

duration and size. Typically it's a 10-acre cell. It might only take a few weeks, for example, to excavate and dewater that cell, so it's a very limited duration at a limited area, and most of that water goes back into the water table. So I would say, no, that's not a correct statement.

It doesn't significantly impact water levels on a long-term basis or even on a short-term basis significantly outside of that immediate area where you're dewatering.

And, again, there's a whole permitting process through the South Florida Water Management District. And the dewatering procedures that you propose and the monitoring that you propose all have to be reviewed and approved by the South Florida Water Management District before you get a permit to dewater.

CHAIRMAN STRAIN: The slide before this one that showed the Green Meadows Wellfield, can you pop that back up. That was quick. I think there are four wells on there, if I -- yeah, there's the four wells. Three of them are around close to what, apparently, appear to be mines. The fact that they mined around three -- those wells doesn't really give us any valuable information. It simply says that somehow they got permission to mine around the wells.

I'd be more interested to know if there was any -- what the change to the wells has been as a result of the mining activities. I mean, since wells and everything else are supposed to be monitored, have we seen any water-quality changes, water-elevation changes, or any kind of aspects to the wells that could be attributed to the mining around them; do you know?

MR. MANAHAN: Actually, we've been doing a study near that central well there between the two main lakes, and to date we haven't noticed any adverse impacts. The study we're doing is primarily to determine if the well is what they call UDI, under the direct influence of surface water. And the concern there is that, you know, maybe you're losing some filtration or something by the fact that these lakes are there instead of aquifer.

But there is a 500-foot setback. And what we've been doing is measuring -- or doing these analyses they call MPA, microscopic particulate analysis studies, where we pump some monitor wells, and we just make sure that there's no algae or cryptosporidium or the surface-water organisms or pathogens reaching the well, and to date we haven't had any bad results.

CHAIRMAN STRAIN: Do you have a baseline before the mines were dug on those wells?

MR. MANAHAN: No. I -- I don't think so. We've --

CHAIRMAN STRAIN: So you --

MR. MANAHAN: -- been doing this study since -- you know, these lakes have been there for some time.

CHAIRMAN STRAIN: Right. So you don't know if the lakes' presence have changed the quality or anything else involving the original wells' installation?

MR. MANAHAN: No, but we do know that the water quality from the wells is good and, you know, it's -- they've been pumping for, I think, 20 years or so.

CHAIRMAN STRAIN: Well, I think you probably know it's acceptable. It doesn't broach any standards. But I'm wondering how much better it may have been or how much worse it may have been depending on their proximity from the base to those wells -- to those open pits being around them.

MR. MANAHAN: Yeah. No, we don't have any information from before the lakes were -- that I know of. I mean, there may have been some earlier studies done. But, no, we don't have any background before that lake was constructed.

CHAIRMAN STRAIN: And who is -- who are you hired by to do that well analysis?

MR. MANAHAN: Another mining company. I don't know if I'm at liberty to really discuss all that. But, anyway, it's another mining --

CHAIRMAN STRAIN: You're not hired by Lee County, is what I'm asking.

MR. MANAHAN: No, no, although they are aware that the study is ongoing.

CHAIRMAN STRAIN: Okay. Has Lee County, do you know, any baseline information on those wells from the time it was -- from the time they were originally constructed up until the date, or thereafter, of -- well, of the pits?

MR. MANAHAN: I would imagine, you know, there's certain -- since they are public-supply wells, there are certain water-quality testing qualities that the FDEP has for public-supply wells. So there probably is some long-term record of the water quality from those wells from when they were initially constructed and, over the years, as they've been operated. I'm not sure exactly how old those wells are, but I imagine 20 years or more.

CHAIRMAN STRAIN: All that information would be public record. Why would not you have -- why wouldn't you have tried to acquire that in order to complete your -- do a more thorough study?

MR. MANAHAN: Well, we were just concerned with what the water quality is now. And it was kind of a voluntary study that the mining operation did, just because they cooperate with Lee County, and that's what they were

asked to do. You know, perhaps Lee County is reviewing that -- whatever information they have.

CHAIRMAN STRAIN: Well, I think they'd be remiss not to know what the baseline was to start from to know if they're even having a problem to begin with. Just to check it now to make sure it's not contaminated or has any negative problems doesn't tell you how much it's gotten closer to a threshold it shouldn't be close to from the very beginning when it started. That information would certainly have been valuable to know in regards to the well concerns that we've heard here today, but --

MR. MANAHAN: Well, there is no problem that we know -- you know, there have been no reported problems. This was more of a preemptive thing to just, you know, look into it.

CHAIRMAN STRAIN: But if you've got something that's progressively getting worse and getting closer and closer to a threshold but you don't know it is because you haven't checked the baseline, I think your study isn't giving your applicant -- or your -- whoever you're working for all the possibilities they need to look at. But that's a whole 'nother issue.

That's all I've got on hydrology.

Does anybody else?

COMMISSIONER SCHIFFER: I do.

CHAIRMAN STRAIN: Go ahead. Bill and then Brad.

COMMISSIONER VONIER: One question. You referred to wells being drawn down or built up a small amount. Are we talking about wells that are deep in the sandstone aquifer or shallower wells?

MR. MANAHAN: Shallow wells. The sandstone aquifer shouldn't -- shouldn't really have any effect due to the mining operation.

COMMISSIONER VONIER: And do we know the character of the wells in these adjacent homes?

MR. MANAHAN: Like, their depths, for instance?

COMMISSIONER VONIER: Yeah.

MR. MANAHAN: What we have is the information from the Lee County and Collier County well records. You know, they're -- they have a well permitting department, so that information on their depths and case depths is submitted when the wells are drilled, so that's the database we have to work with. So, yeah, we do have some information on there.

COMMISSIONER VONIER: Do we have it? Have we -- do we know? I mean, can you tell me what they are? Are they deep or shallow?

MR. MANAHAN: Yeah. I think I have a figure that might show that. Most of the wells actually happen to tap the sandstone aquifer, so they would be below the water table. This figure -- I don't know if you can -- I'm not sure if you can read the numbers, but this figure just shows some of the permitted wells in the area. Most of them are off to the west of the mine site. And some are shallow. You know, there's some that are only, like, 35 feet deep, but many of the others are deeper, like, 125, 160. So they tap both aquifers, the water table and the sandstone.

COMMISSIONER VONIER: But it doesn't look like you have the Collier County figures.

MR. MANAHAN: The only ones that showed up in the database were well to the south there. Those were, like, 110 to 138 feet. And it may be that the Collier County database was not up to date. I don't know about the -- if it was --

COMMISSIONER VONIER: Well, I, for one, would be interested in the Collier County residents.

MR. MANAHAN: Okay. We -- this was the information we could find at the time just by researching the county databases.

COMMISSIONER VONIER: Okay.

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: Yeah. And Bill kind of asked the same question, but just to sum it up, how would a well fail? I mean, the people that are concerned about failure, what would happen that would cause that failure? You would draw the water down to what?

MR. MANAHAN: Well, many of these domestic wells or home wells, for instance, like out in the Golden Gate Estates or these areas, you know, have -- the homes have their own individual wells, and there's two general types of pumps that you can use, either a submersible pump down in the well or a centrifugal pump.

A lot of these homes, particularly, like, in the Golden Gate Estates area, had centrifugal pumps. And if the water level drops below about 20 feet, that inhibits or makes it impossible for a centrifugal pump to work and to draw that water up. Now, a submersible pump, it's less of a problem because you can set that pump down deeper.

So that would be -- if water levels dropped quite a bit, that would be an impact that would impact, you know,

a homeowner.

COMMISSIONER SCHIFFER: Okay. So these, like -- some of these wells are 35, 20; somewhere you've assumed the water level in those today are probably at, what, below grade?

MR. MANAHAN: Probably -- in the summer, maybe one or two feet below the land surface, and in the winter, dry season, probably only five feet below land surface, something like that.

COMMISSIONER SCHIFFER: Okay. So you would have to call approximately a 10-foot-plus problem before they start becoming in jeopardy?

MR. MANAHAN: Yeah, yeah. It would take quite a drop. And, again, the -- our analysis indicates that actually quite the opposite would happen. If anything, we might have a slight rise in water level, so --

COMMISSIONER SCHIFFER: Thank you.

COMMISSIONER VONIER: These shallow wells would be likely not potable water?

MR. MANAHAN: It's possible they're irrigation wells. They could be domestic wells, but it's very likely they're irrigation wells.

CHAIRMAN STRAIN: Well, based on treatment, though, they could be anything. You don't know that they're irrigation. It could be potable or irrigation.

MR. MANAHAN: Well, on this figure, if you noticed I have, like, an orange dot and then, like, a blue or green dot. The orange dots are Southwest Florida Water Management District permitted wells.

CHAIRMAN STRAIN: Right.

MR. MANAHAN: So that's not like a home well. That's, like, a nursery or something, because individual homes don't need a Water Management District permit. So the orange ones would be more likely a nursery or somebody who has to apply for a permit from the Water Management District, where the green ones -- were Lee County permitted domestic or irrigation wells.

So, again, the red ones were probably more like either associated with a farming operation, a nursery, or some other commercial interest, and the darker circles are more likely domestic wells.

CHAIRMAN STRAIN: Okay. Thank you.

Anybody else have any questions? Diane?

COMMISSIONER EBERT: I have one question. I know there's wells on this grove. I don't see any.

MR. MANAHAN: On which road?

COMMISSIONER EBERT: On this grove.

MR. MANAHAN: Oh.

COMMISSIONER EBERT: You have no well sites on here at all.

MR. MANAHAN: Yes, yes. Well, we didn't include our permitted wells. It was just the wells there were some concern that we might impact, I guess.

COMMISSIONER EBERT: You're bringing this back in March, correct?

MR. MANAHAN: I -- yes.

COMMISSIONER EBERT: Could you put the Collier County wells on and the ones that are at this Lost Grove Mine? I mean, because it shows -- I mean, the only ones it really shows, the ones to the west. Shows nothing south or anywhere else, and that's not a true picture.

MR. MANAHAN: Okay, yes. Yeah, we could update that.

COMMISSIONER EBERT: Okay. Thank you.

CHAIRMAN STRAIN: The only ones you can update it with, though, are the ones that you can find on record, right?

MR. MANAHAN: Yes, yes.

CHAIRMAN STRAIN: Because some of the wells may have been there much earlier than when records were kept.

MR. MANAHAN: Yeah. And sometimes they -- for a while they'll stop funding for whatever reason, and there are gaps, occasionally, in the data.

CHAIRMAN STRAIN: Okay. Anybody else have anything else about hydrology?

(No response.)

CHAIRMAN STRAIN: Okay. Thank you, sir.

MR. MANAHAN: No, thank you.

MR. ANDERSON: Mr. Strain, our next witness is a rebuttal witness. He's going to talk about the needs analysis that was brought up by Lee County and also another speaker today. Although he is a new witness, it is not

new evidence. It is to point out the deficiency in evidence that was presented by others. And I'll let him introduce himself.

Thank you.

CHAIRMAN STRAIN: Thank you.

MR. DEPEW: Good afternoon. My name is David Depew. I am president of Morris Depew Associates. I brought a resume, which I'm going to give to the court reporter for the record.

I am a land planner. Just as a little bit of background, I have a variety of degrees from the University of Florida, McMaster University, graduate work at John Hopkins, Kennedy Western. I hold a doctorate in public administration. I've been a member of the American Institute of Certified Planners since 1983. I am the former director of community development for Lee County, and currently I serve as president of Morris Depew Associates.

Just to build on Mr. Manahan's comments here, I want to talk a little bit about Lee County's Density Reduction Groundwater Resources area. And kind of to segue into the conversation that we were just having, I want to show you a bit of an exhibit here. And I've got to turn this the other way, don't I?

CHAIRMAN STRAIN: Whoa, now you're 180. There you go, okay. That's okay. Almost everybody that uses that machine has the same problem.

MR. DEPEW: On this particular exhibit, those are the Lee County potable water-supply wells. The wells that -- wells that Mr. Manahan was talking about previously are located right in this area here. You'll notice there's a number of other mines -- you can hardly see them on this, but they're down in this area here, and this is where the Corkscrew water-supply plant is.

I'm going to provide you with another close-up of a couple of those. And you can see -- Ray, if we can go out just a touch. You can see the wells that we were talking about momentarily. Mr. Manahan was talking about these wells up here.

There's also a series of wells down to the south. This is the Corkscrew potable-water plant, Lee County's plant down here, and you see these are the wells along here, just south of the University Lakes' excavation.

This other smaller one over here, Bella Terra, is to the west and Corkscrew Woods and the old RMC mine, which is now closed, is located here. And Lee County Utilities negotiated a series of well easements along the westerly boundary of that particular mine as well.

So the point really being here that Lee County Utilities has consistently negotiated a series of well locations for potable water-supply wells adjacent to these mine lakes on a regular basis and routinely install those wells at those lake sites.

Many of these wells have been installed. In fact, as far as I recall, all of these wells have been installed after the mine lakes were in place, and the mine lakes themselves are being used, as Mr. Manahan quoted from the utility-supply study that was done by Lee County, as reservoirs for those potable-water wells. They serve as what, in essence, is are quick resupply or recharge facilities for those wells themselves.

If I can move over to the computer; I need to get a PowerPoint presentation here. I think we're going to get -- well, I have it here.

MR. BELLOWS: We have a blank screen.

COMMISSIONER VONIER: We've got it here.

COMMISSIONER BROUGHAM: We have it on ours.

CHAIRMAN STRAIN: I need to have that up somehow, Ray. Do you know -- well, while we're getting that issue resolved, before you start your presentation, can you go back to the first slide you had on that overhead projector. The yellow line represents the DRGR boundary?

MR. DEPEW: It does, and the red is the Lost Grove Mine, and the green dots are the potable water-supply wells.

CHAIRMAN STRAIN: Right. I think what you --

MR. DEPEW: That's not even up now.

COMMISSIONER EBERT: We have it.

CHAIRMAN STRAIN: No, it's not up on there. Well, let me ask my question. Since this was up, hopefully everybody can remember what it -- just picture it in your minds.

MR. DEPEW: Oh, there we go.

CHAIRMAN STRAIN: One of them is. Is the other one behind you up? Oh, there it goes. Good.

MR. DEPEW: They're older. It takes a little while to warm up.

CHAIRMAN STRAIN: I think you said that the mines were first and the wells were second?

MR. DEPEW: On many of these. The three close-ups that I have -- the ones that I'm not completely sure about, because they're older, are the ones to the north that Mr. Manahan was talking about. I'm pretty sure, however, that those two came after the excavations, because those excavation lakes, at least the northerly excavation lake, is a very old lake. It was done back in the late '70s or early '80s. So that lake is, I believe, a very old lake. But certainly the ones down at University Lakes and at Corkscrew Woods, which are the other two to the south areas, are post excavation.

CHAIRMAN STRAIN: Okay. Could you put that back on, Ray, the one we were talking about?

MR. DEPEW: Just when we got it back.

CHAIRMAN STRAIN: I know. But since we started on this question, I'd like to resolve it. Where are the -- the bulk of the mines in Lee County, do they occur in this same area?

MR. DEPEW: Yes, sir. It's tough -- if we can -- can we zoom in on this a little bit?

CHAIRMAN STRAIN: Well, you don't -- just if you know that answer. You don't need to --

MR. DEPEW: I do, and I can show you exactly where they are. They're -- you can see them in this area in here, all of these kind of odd green color, those are the -- those are the lakes.

CHAIRMAN STRAIN: Well, let me understand this then. The property owners came in and got permits to put these mines in in this area. The city or the county saw an opportunity to have wells in the area as well to supply the municipal water, and they came in. And now they came back in with a master plan that established the DRGR, which is supposed to restrict mining or possibly some other uses within the very area where they went to put wells because the mines were there. Is that what happened?

MR. DEPEW: Yes, sir.

CHAIRMAN STRAIN: Well, how -- doesn't make sense. Why would you put your most sensitive area around the area that's already dug and excavate it where you've chosen to put your wells?

MR. DEPEW: That's where the water is.

CHAIRMAN STRAIN: But then if the wells haven't been -- if the wells haven't been monitored and there's no proven negative actions on those wells and they've chosen to put the wells there because that's where the mines were, I don't understand what we're -- what the issue in the DRGR is. And I certainly am not claiming to understand Lee County.

But I'm trying to get that issue understood, because it's foreign to this body. We have not -- we don't have a DRGR down here. I'm just wondering what prompted everybody to put that boundary in the DRGR and then try to defend it as an area where no mines should be when --

MR. DEPEW: You have to understand the history of the DRGR. The initial history of the DRGR was not as a water-resource area. It was as a density-reduction area. At the adoption hearing, they changed it from the density-reduction -- or from the groundwater resource area to Density Reduction Groundwater Resource, but the whole agreement between Lee County and the Florida Department of Community Affairs was about reducing urban densities and creating an urban rural boundary. That's what this was about.

And what they did was they decided to encompass the area where they were taking their potable water from as part of this overall agreement between the department and the county.

CHAIRMAN STRAIN: Wow. Okay. It's just a -- it's interesting. Thank you.

COMMISSIONER SCHIFFER: Mark?

CHAIRMAN STRAIN: Go ahead.

MR. DEPEW: Happy to provide whatever I can in terms of history, but it's a long, varied history. There's lot of ins and outs. And, trust me, it's not something that we could do in even a three- or four-hour presentation, not that you'd want to hear three or four hours of planning presentation right after lunch.

CHAIRMAN STRAIN: Well, the point was, the gentleman earlier today made a pretty strong statement about the DRGR, and I'm trying to understand and weight that accordingly, and that's what -- the information you had before.

But Brad and then Bill.

COMMISSIONER SCHIFFER: The point, too, is that since the ground is circular -- in other words, those wells are either there or they knew they were going to be there when they dug the quarry.

MR. DEPEW: Right.

COMMISSIONER SCHIFFER: Just because of the shape of the round --

MR. DEPEW: Well, I mean, this map also shows you -- let me go back. One of the major features here -- this dark area here is part of this -- a major slough area. In terms of surface and subsurface water, this is one of the

major areas in Lee County that's bringing water from the Lehigh Acres area down through the Corkscrew area and ultimately down into the Imperial Basin.

I mean, if we throw a basin map up there, you can see this is one of the primary areas that brings water through here. And you see you've got these potable-water wells that are intercepting these -- this flow, this northeast to southwest flow up at the top as well as down here in the bottom. I mean, that's where the water is.

CHAIRMAN STRAIN: Okay. Bill?

COMMISSIONER VONIER: Where is Lehigh Acres on this map?

MR. DEPEW: Up in this area in here. That's Lehigh.

COMMISSIONER VONIER: Okay. All right. Thank you.

CHAIRMAN STRAIN: Okay. Well, we can snap back to your slides if they're working now. Thank you.

MR. DEPEW: We'll try. Ah, there we go.

I wanted to talk a little bit about the Dover, Kohl study because it was mentioned both by Lee County and by some of the folks here today -- I think Mr. Urich actually offered you a copy of the study itself. It is available online.

I will tell you, over the years I've been involved in a number of these sessions, and I've undertaken a rather detailed review of the demand analysis that was part of this Dover, Kohl study. It was one of the appendices; Appendix B, by the way.

And I will tell you that my expert analysis has led me to the conclusion that it lacked the proper methodological foundations that one would normally undertake a demand study for. It failed to consider readily available geologic, hydrologic, and surface-water management data that was available from private and public sources, including the United States Geologic Survey, as well as the Florida Geologic Survey. And as a result, it reached unsupportable positions that I believe were based on very questionable assumptions.

Primary data sources for this needs study that was done that is continually cited as an example as to why there is no more need for additional aggregate mines was either a series of zoning approvals and zoning applications that had been done over the course of 20 years and some questionable monitoring reports that had been done, none of which were reviewed properly by geologists and engineers involved in the analysis or a draft geological study that was never sent out for peer review. As a result, I believe that the study itself and the conclusions reached are seriously flawed.

The data quality itself is a problem. A graphic on this shows a little bit how these sorts of problems occur. What happens in this particular graphic -- we have two core samples, the black and white on each side. And each of the different hatch patterns in the core sample represent a different kind of material.

And what we've done -- there's a thousand feet between this representative core sample -- is connect up in the colored lines and bands between what the actual strata would look like in this thousand-foot core sample.

And what you find when you do this is that there are a series of voids that are in these strata, which are these little periods here. You have sand, you have a high-quality rock mixed with low-quality rock mixed with more sand, more rock, more low-quality rock, more sand, depending on where you are in the core sample. And these hatch patterns tell you what these different elements are as you go through the process.

The analysis failed to look at those kinds of contextual and very specific elements that are associated with the geological make-up of any one of these given mine sites. It took into account very broad kinds of trends and conditions rather than the specific elements.

It also didn't take into account the losses that occurred during blasting. For example, blasting itself will reduce the output of the mine by a certain percentage, because the material itself compresses as part of the blast, because the voids are removed as part of the blasting process.

Additionally, during excavation and processing, there is loss of material as fines are brought out in the crushing process and ultimately washed out of the aggregate material.

There was another assumption in the study that was done that 80 percent of the region's supply came from within the region and 20 percent of the supply came from outside the region. There was no basis for this assumption. And we believe that it was off by at least a factor of ten and that something only like about 2 percent comes from outside the region rather than 20 percent comes from outside of the region.

They ignored developments in which rock is actually produced as part of the development and then used within the development. It was a study that only dealt with mining and the production of mines rather than the actual demand of aggregate that occurs as part of a developed -- a developed system.

The average rock thickness was unsupported by specific geologic data. They failed to consider the practical elements that are associated with the market. The various segments of the market -- mining is a -- doesn't just produce

one product. It produces a series of products. It produces FDOT-spec aggregate. It produces non-FDOT-spec aggregate. It produces certain kinds of sands. And there are a variety of different kinds of sands that range from sands that are particularly good for use in septic fields versus sand that's not good for that and is only good for embankment-type fill.

So the timing of the market is also critical. If an operation has a certain amount of sand available, it's stockpiled. But the demand is for rock, and they have no place to put the -- or stockpile the rock; they'll push the sand back into the pit, and ultimately that material is lost. So as a result, those kinds of losses are not calculated into what demand study Lee County did.

And all of this suggests a lack of the fundamental understanding of the operational constraints that were part of the study.

Mr. Noble, in his slides, showed you the acreages now approved by Lee County for mining. The yellow is the additional Florida Rock Mine No. 2, which is coming up before the Lee County Commission in February for a reapproval of its Operating Master Concept Plan, and he suggested that no more mining operations will be required through the year 2030.

However, the study upon which that was based was undertaken prior to the adoption of Lee County's new mining regulations. As a result, it did not consider the new and more restrictive elements that are associated with Lee County's mining regulations, and underestimated, we believe, the kinds of areas that are going to be needed, both gross and net, to result in the proper excavation quantities.

The study itself used short tons, not metric tons, which is the normal USGS standard. There were a series of projection and estimate errors that, from a statistical standpoint, were inexplicable and unrepeatable.

Incremental projections in five-year increments were used rather than continuous projections, as an example. That alone reduced the overall estimate of demand by approximately 10 percent.

As I said, the USGS and the Florida Geologic Survey data was ignored. We believe they failed to estimate the necessary area as a result of the amendment to the Lee County regulations. The study itself used a split for its population projections, basing 75 percent on growth in population based on the University of Florida population projections, but then it inexplicably used 25 percent of its projection to base on building-permit data that was achieved from other sources, sources that were not generally approved as data sources by the Florida Department of Community Affairs and other agencies.

And it was unsupported, I believe, by any serious empirical connection, and the connections between these projections and the population figures that ultimately were brought out as part of the study were not connected by any kind of reliability test.

There was, as I said, an 80/20 split between supply, suggesting that 20 percent of the supply came from outside the county. There was absolutely no foundation for that particular assumption.

They also used bathymetric data that was questionable, in the least, and in some respects may have been simply in error. They ignored planned policies and confused urban and rural uses. A lot of folks have talked today about the fact that mining is an urban use. And, point of fact, it is not an urban use. It is a rural use. It's a use that you don't put into an urban area, as is clear by the conflict of residences and mines. And, in fact, the Florida Administrative Code, up until last year, defined it specifically as a rural use.

They lacked any correlation analysis as part of the study to determine whether or not the conclusions had any level of plausibility, and at a number of points in the study itself they talk about the methodology that they used as "inferred" rather than specifically detailing the methodology that was used for the projection and, ultimately, the needs analysis.

I would suggest to you that that does not reflect any of the currency -- current regulatory requirements, and there was a complete ignoring of any reviews by any other agencies whatsoever.

As a result, the underestimate that was done -- and we did a comparison between using both the U.S. Geologic Survey estimates, which is the green line, and the Florida Geologic Survey estimates as compared to the BEBR per capita figures for Lee County. And just for Lee County alone, the underestimate between the red line, which was the demand analysis undertaken by Lee County's consultant and the analysis that's associated with either USGS or the Florida Geologic surveys is the area between the two curves. In other words, if you use USGS, the underestimate is the area between the green and the red. If you use the Florida per capita attachment to the BEBR, Bureau of Economic and Business Research, it's the area under the purple curve by the time you get out to 2030.

What this means, ultimately, for the region is there's going to be a serious production gap. What was not considered as part of the study was the fact that some of these mines are going to play out. We've gotten estimates

from most of the mines in the area and used those estimates to come up with, basically, production -- a production gap that is going to take place as each of these mines are played out.

What happens by 2028 is there's going to be a single producer left, Florida Rock, that yellow set of areas in the prior slide. That's going to be what's left by 2028. Everyone else is going to be mined out. Those producers are going to be gone. We included Collier County mines as part of this analysis as well.

And another -- another flaw that was not really considered was simply the flaw about production limits. Most of these mines have four-and-a-half to five million tons per year production capacity. And so the normal response is, well, that's fine. We'll just increase the production capacity.

Well, there's no -- there's absolutely no reason to increase production capacity when you can simply increase the price. So, ultimately, we believe that as supply becomes more constrained, the price for the material is going to increase significantly.

One other element that was asked about involves where the mine is located vis-a-vis residential areas. This is another one of the Lee County slides. And you'll see here in yellow the Lost Grove Mine site. In red are the areas that Lee County has characterized as residential areas. I didn't argue or quibble with any of those. I simply wanted to add where some of the other mines are in relation to this and add some of the residential areas that weren't included.

In the light-blue area you see over in here these are played-out mines. There are currently development orders for residences around these two lakes, actually these -- all three of these lakes here. This one up here has also got some initial entitlements on it as well for development.

Florida Gulf Coast University is right under here. This is the Corkscrew Woods project, which has currently got a platted subdivision on it and is now in for a comp plan amendment and a rezoning request to move the residential area up into the north and produce a more preserve area down on the south end.

These are the University Lakes areas over in here. North of University Lakes -- and this is West Lakes. It's a complex that is normally referred to as the Youngquist mines -- we have the Mallard Lane residential area, and then we have the Devore Lane residential area.

These are the Florida Rock mines. This is the CEMEX mine up in here. As recently as 2010 the Florida Rock mine achieved an additional approval over in this area here for excavation. The black outline is the Florida Rock Mine No. 2 that was the yellow on the prior slide that I showed you that is coming up before the Lee County Commission for a reaffirmation of its master concept plan in February.

The white over here is a fill pit mine that has been in and out of operation for a number of years. This is State Road 82. It comes through on an angle. This is Lehigh Acres in the red up in here.

Finally, the Westwind mine is down here. I believe that is not in operation at the moment, but it has permits or entitlements to do mining, I believe, to 50 feet in depth.

This is Corkscrew Road as it comes through here and then curves along, ultimately coming out here to meet State Road 82.

So I wanted to add that, because it's got a -- it's kind of an interesting additional perspective which I felt you didn't get during the initial presentation here about the DRGR, because it shows you where the mines are, where the mining activity is, and what mines are existing or have been entitled in the past, and then what's actually happening for those mines as they have -- as they have closed down.

As I said, the blue ones in the blue outline are the ones that have closed down and are now in the process of reclamation as residential -- residential developments.

Conclusion: I would tell you that the demand study, I believe, fails to use the potential data that was available and was the most proper data to be used. It failed to adequately provide both the quantity and the quality of aggregate material that's going to be necessary over the next two decades based on USGS and Florida Geologic Survey data. It leaves a single producer in control of the resource with no guaranteed ability to meet the local demand by the end of this particular planning horizon and will be guaranteed to produce higher supplies of -- prices for this material as supply is constricted.

I believe that Lee County's presentation to you here was unsupported by proper empirical data. It lacks substantial competent evidence for any kind of finding with regard to needs and -- as it's associated with the DRGR and really provided no relevant prospective upon the current request.

I'll be happy to answer any questions that you have.

CHAIRMAN STRAIN: Okay. Questions of the applicant? Paul?

COMMISSIONER MIDNEY: Kind of a comment more than a question. It's hard to evaluate your claims because we haven't seen the study that you're talking about.

MR. DEPEW: Right.

COMMISSIONER MIDNEY: And no one is really going to be able to rebut you. So that's my comment.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: I've got a couple. You said that one of your -- one of your slides you said that you incorporated the Collier County mines as well, and I think that was the total volume for demand available.

MR. DEPEW: Yes, sir. We took a look at regional mines. And it wasn't just Collier. We looked at Charlotte and Hendry and Glades as well.

CHAIRMAN STRAIN: What number did you use for Collier for volume?

MR. DEPEW: I'd have to go back and look at the data. I don't know right offhand, but it was fairly substantial. It was, I want to say, five to seven million per year.

CHAIRMAN STRAIN: Okay. Because Collier County has over a hundred million unexcavated but approved.

MR. DEPEW: I was just talking about aggregate in that calculation, not sand.

CHAIRMAN STRAIN: Okay. Also you seem to have gone to quite an extensive amount of information to unjustify the demand analysis that others have referred to. What drove you to that as a condition here in Collier County?

MR. DEPEW: Well, I was going to actually give you a little bit of background on some of the litigation. Usually -- usually I'm in court testifying about this stuff. We've been involved in mining cases and court cases, ultimately, against Lee County. And I think that Lee County staff gave you a little bit of that.

Resource Conservation Holdings versus Lee County went to trial in August. We're still awaiting the Circuit Court decision on that. They were one of my clients. And so as part of that I did undertake an analysis of the studies that the county had been (sic) done.

The Troyer mine in Lee County is another one of my clients. That went to hearing in front of the County Commission in November, I guess it was, November 21st, I believe. That court case was filed December 21st as a challenge to the denial by the Lee County Board of County Commissioners.

And, finally, on the comprehensive plan adoption of Map 14 in the Lee County Comprehensive Plan that was based on this demand analysis, that trial was in October, I believe it was, and we're still waiting for the administrative law judge decision on that one, which we would anticipate in the next 30 to 60 days.

So this is something that Alico realized that I'd been involved in and tapped into that and asked me to come talk about.

CHAIRMAN STRAIN: Okay. But since this is Collier County --

MR. DEPEW: Right.

CHAIRMAN STRAIN: -- where this Collier County's -- what policies or codes within our county make you believe we have an issue with the demand as part of the criteria for this conditional use?

MR. DEPEW: None whatsoever. This is solely to address the issue that had been brought up by Lee County speakers as well as a number of other speakers that came up here and to suggest to you that, first off, the demand is not an issue that is relevant to this particular question and, secondly, to tell you that this is not a guaranteed fact as was presented to you that you have enough aggregate for the year 2030. It's simply not -- that's simply not the case.

CHAIRMAN STRAIN: This board has to make its decisions based on Collier County codes.

MR. DEPEW: Correct.

CHAIRMAN STRAIN: And you're bringing an issue up that I thought was not relevant to Collier County's codes. I understand it's an issue. But it's a Lee County issue and, unfortunately, it's not one that is within the criteria for Collier County, at least that I can recall, unless somebody else can provide that. Staff sure didn't. We'll have to look at that in regards to their position.

And I've been trying to keep this board separate from Lee County, because the concern up front was we don't -- this isn't Lee County. This is Collier. We have to approve or disprove things based on our codes and our laws.

And I just wanted to make it clear that this whole issue on demand I don't recall being an issue in our conditional-use process. So while it's relevant, it's nice information to have, I appreciate you supplying it, I'm not sure it really relates to this board's zoning issues.

So with that, Paul?

COMMISSIONER MIDNEY: Something that you said concerns me a little bit, and I guess this is a question to our legal department that when the Troyer mine was recently denied by the Lee County Commission, that there's a

court case now; you're suing Lee County because they decided that the mine was incompatible and you have a right to sue on something like that. What would -- could that happen in this case?

MS. ASHTON-CICKO: Well, I think whether or not this gets approved or not approved, there's a possibility of litigation. So I don't know if that answers your question.

COMMISSIONER MIDNEY: I guess it does. Thank you.

CHAIRMAN STRAIN: I think the rule of thumb is anything can be litigated. I mean, they can litigate all they want. It's just part of the game, I guess, so -- okay.

Anybody else have any questions?

COMMISSIONER SCHIFFER: I have one, Mark, I'll ask.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER SCHIFFER: Isn't it true -- if this demand isn't there, wouldn't this then lessen the activity of this, the mine, thus lessen the impact of this mine on roads and everything else?

MR. DEPEW: Certainly. If the market doesn't require the amount of material, then certainly there's going to be less pulled out, so there's less road traffic, there's less blasting, there's less everything.

COMMISSIONER SCHIFFER: So less market could be a good thing with some of the concerns they've had?

MR. DEPEW: Certainly could be for certain elements, yes, sir.

COMMISSIONER SCHIFFER: Thank you.

CHAIRMAN STRAIN: Anybody else? Diane?

COMMISSIONER EBERT: Mark, I have a question from you. You said how many in Collier County total cubic yards do we have avail -- or are permitted.

CHAIRMAN STRAIN: Well, there was a chart provided to us by the engineering department, and I think it showed there was 137 million yards available, and 37 million have been extracted, leaving 100 million, approximately, on the table. That's the only thing I was trying to find out in the demand analysis --

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: -- as far as when he stated that he used Collier County's numbers in regards to the analysis of the demand.

MR. DEPEW: And remember that chart I showed you was on an annual basis, demand on an annual basis --

CHAIRMAN STRAIN: Right.

MR. DEPEW: -- region wide, and it was for aggregate. So I don't know what the Collier County breakdown between sand and aggregate was, so I just can't tell you it's apples to apples, because I just haven't seen it.

CHAIRMAN STRAIN: No, I understand. I read it that way. I just wanted to make sure you were aware of Collier County's numbers.

Okay. If there are no other questions -- thank you.

MR. DEPEW: Thank you.

CHAIRMAN STRAIN: Appreciate it.

Bruce, does that end your rebuttal?

MR. ANDERSON: Yes, sir, until March 15th, yes, sir.

CHAIRMAN STRAIN: Now, first of all, I'd like to ask staff a couple questions. I have one question of Lee County's hydrologist, and I see he's here, and then we'll get back to you on how we're going to wrap up for the March 15th.

I'd like to try finishing this today by three so we can finish up the last hearing we have today before we all go home. And that should work since you're coming back on the 15th anyway.

Okay. So with that, John Podczerwinsky, John in the back.

COMMISSIONER EBERT: Podczerwinsky.

CHAIRMAN STRAIN: Podczerwinsky, John Pod.

MR. PODCZERWINSKY: Yes, sir.

CHAIRMAN STRAIN: We had a series of presentations this morning by the traffic consultant for the applicant.

MR. PODCZERWINSKY: Yes, sir.

CHAIRMAN STRAIN: A couple of things, questions that I'm interested in. The -- that real difficult turn on Corkscrew Road, the one that goes from -- going west to directly south, it's a 90-degree turn. It drops down to about 10 miles an hour.

MR. PODCZERWINSKY: Yes, sir.

CHAIRMAN STRAIN: Does the county have any plans on improving that turn, and if so, what are they and what kind of improvements are you talking about?

MR. PODCZERWINSKY: At this point I checked, there's nothing in our current five-year Capital Improvement Element. I did check with our road and bridge maintenance department, and their response was -- let me see here. The question that I asked our road and bridge department, I said, "Is there any plan to address the radius of the existing curves on this roadway in the process of performing maintenance in years to come?"

The answer was, "This should be done under construction due to the right-of-way limits. It could be a problem that there's not enough space."

CHAIRMAN STRAIN: Could you slide that picture that's on there up and point to the area in question so everybody knows what we're talking about. Ray or --

MR. PODCZERWINSKY: Yes.

CHAIRMAN STRAIN: It's towards the bottom of the page that you've got there now, and it's right there at the very lower left-hand corner. For those -- I think everybody, except Brad maybe, visited the site. You may have turned that corner. And the concern is real about the amount of truck traffic that would then hit that corner and have to turn and slow down at that speed and speed back up again.

One thing, when trucks loaded with heavy material do turn, they tend to push the asphalt, slowly but surely, in the outside direction, because they'll be going through loaded towards the west. And that means as they make the turn, the weight's going to start trying to move and separate that road system.

I'm concerned about that corner in particular and how it's handled. Have you ever thought of just bulldozing down Judge Starnes' property and running right through the middle of it?

MR. PODCZERWINSKY: No comment. I'm not answering, sir. I will tell you that -- and I'm trying to pull it up on this at the moment -- we have investigated a little bit of the right-of-way that's there. The county line actually runs right down the middle of Corkscrew Road from the survey -- from the right-of-way surveys that we've got.

We also did some research; myself and the applicant looked into this. The right-of-way, what would be in this portion of the road, that east/west portion of the road there, it looks like it ends at the county line before the curve is included. It's hard to tell exactly where the curve is based on the right-of-way survey that we have, the old right-of-way surveys that we have. It doesn't have the aerial image superimposed on that. So it's difficult to determine exactly whose responsibility and ownership that curve is under. It's -- my best guess at it is it's in part under Collier control; it's also in part under Lee County's control.

CHAIRMAN STRAIN: And you don't know of any -- there is nothing planned, though, to improve that at this time?

MR. PODCZERWINSKY: No, not at this time there's not.

CHAIRMAN STRAIN: Okay. How dedicated is your department on seeing that an access in egress and egress (sic) -- ingress and egress to that mine site is added to Corkscrew Road? Because that's only going to encourage truck traffic, if they were to get approved, to be on Corkscrew Road and using that turn.

MR. PODCZERWINSKY: It's -- the best answer that I can give to that is it's not staff's determination. It is the right of the land owner to connect to Corkscrew Road. It's not that we are requiring them to. It is their choice to do so. It is their right to do so.

CHAIRMAN STRAIN: Okay. Well, if that's their choice, then that's something that can be discussed.

Last, John, is we showed a series of slides or we were shown a series of slides with the different levels of service on the road system.

MR. PODCZERWINSKY: Yes, sir.

CHAIRMAN STRAIN: If a road is Level of Service F -- and I know -- I think I know what your answer's going to be, but I'd like to hear you say it -- what does that mean for county transportation department? What do they have to do with that road at the time it becomes F, and how long do they have to do it in?

MR. PODCZERWINSKY: Well, Level of Service F, in terms of capacity, is when -- actually, before it would reach F, we would try and project when it would reach F. And our intention would be to increase the capacity on the roadway at that time when it's necessary.

At the current time, that's our requirement from the state to do so.

CHAIRMAN STRAIN: If it reaches F, what is your -- do you have to do?

MR. PODCZERWINSKY: In the case of Corkscrew Road, most likely we would, I guess, intentionally look at a widening or some kind of increase in service capacity, other issues that might allow additional trips to be placed

on the road.

CHAIRMAN STRAIN: Can you put a moratorium on the road?

MR. PODCZERWINSKY: Myself, no.

CHAIRMAN STRAIN: No, I know you can't. In your experience in Collier County, if a road turned to F -- and I know we have had F roads -- do we -- are we in a position where we can say no to any future development tying into the road, or don't we have a certain time frame according to our AUIR, EAR, or whatever other -- the acronyms you want to use, in which we have to repair that road in order for development to proceed?

MR. PODCZERWINSKY: Per 5.1, we are supposed to decline any -- I'm sorry. I'm probably misquoting this. But Policy 5.1, we're supposed to turn down any applications for zoning that would cause a failure, that would impact a failing roadway.

CHAIRMAN STRAIN: Okay. And how long can we do that for? I mean, that's like -- that's imposing a moratorium. So what is the time -- do you know what length of time we're allowed to say no, and we just hold the road off from being improved forever and then say no forever?

MR. PODCZERWINSKY: Until that roadway is improved. So -- unless it's in the five-year plan. And I don't have an answer on a specific time frame that we can allow.

CHAIRMAN STRAIN: But doesn't an F force it into the five-year plan?

MR. PODCZERWINSKY: Yes, it should.

CHAIRMAN STRAIN: So that means within a certain period of time it has to be cured?

MR. PODCZERWINSKY: Yes.

CHAIRMAN STRAIN: Okay. Do you know of any section of these road systems in Collier County that are at either E or F that are in Collier County's side of it?

MR. PODCZERWINSKY: On Corkscrew Road, no.

CHAIRMAN STRAIN: No, okay.

MR. PODCZERWINSKY: No, it's not an F.

COMMISSIONER EBERT: I have -- I do have a question.

CHAIRMAN STRAIN: Go ahead, Diane.

COMMISSIONER EBERT: Mr. Podczerwinsky?

MR. PODCZERWINSKY: Yes.

COMMISSIONER EBERT: I have been out to the site also. I did not realize that Corkscrew Road on the Collier County side was 55 miles an hour. Did not see any sign. And I know that I was told that it was 10 miles an hour going around this 90-degree -- I did not see a speed sign there.

Can someone from Collier County go out and take a look at these two things? I think -- because I stood at that 90-degree corner, and nobody was doing 10 miles an hour, trucks or cars. They were doing 35 or more.

CHAIRMAN STRAIN: As I approached that --

MR. PODCZERWINSKY: I'll send that over to our road and bridge department and check on signage.

CHAIRMAN STRAIN: Well, I mean, as I approached it, there's a 10-mile-an-hour speed limit sign on the south side, because I saw it as I was coming in. That's how I found where I was going. Someone told me, just past the 10-mile-an-hour curve, and I thought, boy, I hope it's marked. And, sure enough, it was.

COMMISSIONER EBERT: Okay. Because when I came the other way, it wasn't. Okay. You're saying the south --

CHAIRMAN STRAIN: Yeah. You might have stood too close to the corner. Stand a ways back.

Okay. That's all. Anybody else have anything of John?

(No response.)

CHAIRMAN STRAIN: Thank you, John.

MR. PODCZERWINSKY: Thank you, sir.

CHAIRMAN STRAIN: Appreciate it.

COMMISSIONER EBERT: And no laughing, John.

CHAIRMAN STRAIN: Okay. During the break earlier this morning, I had passed out to the Planning Commission a series of pages. There's nine involving the Jones mine with strikethroughs on where the petitioner expects to go for his -- their position on the Lost Grove Mine. Then after that there was an Exhibit A, which was the blasting limitations and restrictions that the petitioner was proposing to impose in response to the concerns on Jones mine that we came up with at that time, as well as concerns that we had up at the time these were created.

I'm sure that other things have come about over today's testimony that will be further discussed. I gave -- I

don't know if the rest of the Planning Commission had remembered these or seen these before, so I want to make sure staff and everybody had them and take a look at them so that on March 15th my intention would be to walk through these as a beginning point of discussion to see where they'll go.

Go ahead, Phil.

COMMISSIONER BROUGHAM: Just for clarification, these are -- these are conditions that should replace, basically?

CHAIRMAN STRAIN: Well, we have a lot of directions to go. If we can find a series of conditions that form a compromise to reach a -- the criteria of our conditional uses and we can articulate those in some manner like this, then we could recommend approval with conditions. We could just recommend denial.

COMMISSIONER BROUGHAM: I'm just looking for the starting point --

CHAIRMAN STRAIN: Well, no. I --

COMMISSIONER BROUGHAM: -- because in prior documents there were conditions that the applicant had agreed to, or not agreed with, in Kay's side-by-side presentation that she put out for the first meeting, I think. So this is where we should operate from on a go-forward basis.

CHAIRMAN STRAIN: For organizational purposes, we need to accomplish a finishing of this on March 15th. This has gone on way too long. It's been necessary to go this long. But I think to get -- what we ought to do is start walking through this document item by item, make sure that we understand where the applicant is so that we can help us decide what we want to do as a recommendation to go forward by the end of the day on the 15th.

These various items are things they have proposed. They've not been debated by this board. You've heard a lot of testimony. You may or may not agree with each one. I certainly have a lot of questions about many of them, and I'm going to bring those up on the 15th.

But I would suggest to this board, if -- we come prepared to start with this and then work into any other documents that you find should evolve more questions or conditions or concerns, and then we move into those.

And, Phil, I think you'll find that many of the questions and the charts formed by staff are incorporated herein, so that may resolve some of the issues.

COMMISSIONER BROUGHAM: Yeah, that's what I was looking for. Rather than try to go back to all the prior material where there were conditions agreed to and not agreed to, and then compare them to these, I would like to see that we could -- I could start here, and if there's something missing that I feel is necessary, then try to add it in.

CHAIRMAN STRAIN: Well, I've already got a list of things that are missing, so -- I've read this.

COMMISSIONER BROUGHAM: Would you share them?

CHAIRMAN STRAIN: No. I mean, I can't do it until the 15th.

COMMISSIONER BROUGHAM: Okay.

CHAIRMAN STRAIN: I've already started a list of things that I heard comments made during the applicant's presentation, comments made by the citizens, by everybody else that's talked to us in Lee County, Collier County. And so by the end of the 15th, I want to be able to walk through all those comments and figure out where the applicant stands on each one, and that will help make -- help this board, hopefully, make a decision.

Brad?

COMMISSIONER SCHIFFER: Who produced these documents?

CHAIRMAN STRAIN: Bruce Anderson produced these documents at my request. I asked him where he stood on the Lost Grove (sic) stuff, and he -- we talked a couple times, and he decided that one of the best ways to handle it was to do a strikethrough, and I think it was a pretty effective way to do it. I attempted to do it by chart form, but this is better. And that's kind of where it's at.

Go ahead, Bill.

COMMISSIONER VONIER: Mr. Chairman, are you going to use your 42 points from the Jones mine?

CHAIRMAN STRAIN: Well, that's what these are. These nine pages are the Jones mine points.

COMMISSIONER VONIER: Okay. Just redone?

COMMISSIONER EBERT: Plus staff.

CHAIRMAN STRAIN: Yeah. They're actually repeated. But the parts that are either not applicable to this new mine or, let's say, not acceptable to the applicant have been crossed out, and then there's been new verbiage added. And so that's how we should look at this. This is a counterproposal to the discussion on the Jones mine.

COMMISSIONER VONIER: Okay.

CHAIRMAN STRAIN: Then after that, they've attached an Exhibit A, which is all about the blasting issues that were part of the 1 through 42 stipulation of the Jones mine.

Now, this doesn't mean that this mine is going to be approved or disapproved. It means we have a lot of pages of discussion to have on the 15th of March.

So with that in mind, the balance of the 15th we're going to start the meeting off with a presentation by the applicant on the audio, then on the visual. We'll have the questions from the Planning Commission, any comments from staff on those new items. I'll ask any citizens in attendance who want to address specifically those two items to come forward and speak. Then we'll end up rounding up any further questions on those items on the Planning Commission.

Then we'll probably -- then the applicant's going to have concluding remarks. Prior to the concluding remarks, Judge Starnes will have a few minutes to make his presentation. We'll go into the concluding remarks by the applicant, then we'll go into discussion and we'll walk through with the applicant these pages to start with, if that works for everybody on this board.

It's the only way I can see of organizing this massive amount of data that we've received over a course of the three meetings so far. Does that work?

COMMISSIONER SCHIFFER: Good.

COMMISSIONER EBERT: And they are going to try and get this other information to us as soon as possible?

CHAIRMAN STRAIN: No. They will get that other -- and you're not using your mike, Diane. They will get that other information to us two weeks prior to our March 15th meeting. They will get it to county staff three weeks prior to the March 15th meeting, so we'll have it on time.

And, Ray, on the 15th, I would suggest you leave the day for this and not schedule anybody else.

MR. BELLOWS: We have one item already on the schedule, and that's the PUD rezone for the Cultural Arts Village in Bayshore. That's the only item scheduled at this time.

CHAIRMAN STRAIN: Okay. I can't remember that one, but -- is it a new PUD or is it a redo?

MR. BELLOWS: It's a new PUD.

CHAIRMAN STRAIN: Well, we'll do our best to get to it. It will have to be second up, because this will be first up on the 15th.

MR. BELLOWS: Yeah.

COMMISSIONER SCHIFFER: Do you need a motion?

CHAIRMAN STRAIN: Yeah.

Bruce, is there anything you want to say before we motion to March 15th? And this will be at the request of the Planning Commission. The applicant was prepared to finish today, but I didn't like the idea of going forward without all the information. So with the applicant's concurrence, we are moving to the 15th.

MR. ANDERSON: I have nothing else to say except thank you very much.

CHAIRMAN STRAIN: You're welcome.

Is there a motion, Brad?

COMMISSIONER SCHIFFER: I move we continue this to March 15th at 9 a.m.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER KLEIN: (Raises hand.)

CHAIRMAN STRAIN: Seconded by Barry.

Discussion?

(No response.)

CHAIRMAN STRAIN: All those in favor, signify by saying aye.

COMMISSIONER VONIER: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER MIDNEY: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: All opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

This meeting will be -- this portion of this meeting on the Lost Grove Mine will be continued to March 15th

at 9 a.m. in this building in this room. Thank you all, and we'll see you then.

Why don't we take a break for 15 minutes, come back at 2:45, and we'll try to go into the next hearing.

(A brief recess was had.)

CHAIRMAN STRAIN: Okay. Welcome back from the break, everyone.

***The next item up and the last item up for today is another advertised public hearing. It's ST-PL2011-677. It's the Gordon River Greenway Park. It's for an ST, special treatment, development permit.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.

(The speakers were duly sworn and indicated in the affirmative.)

CHAIRMAN STRAIN: Okay. Disclosures from the Planning Commission. Anybody?

(No response.)

CHAIRMAN STRAIN: Okay. I don't -- can't think -- I don't think I've had any either, come to think of it. If I have, I've forgotten them so they're in trouble.

COMMISSIONER BROUGHAM: Just one question, Mark. Since I sit on the parks board, do I have to disclose that I've seen this before? Not specific --

CHAIRMAN STRAIN: Yeah, you should. Just say -- just say you've --

COMMISSIONER BROUGHAM: The proposal I have seen before in a previous parks board meeting.

CHAIRMAN STRAIN: Okay.

Sir, are you the man making the presentation? Welcome.

MR. MARSHON: Yes, sir. Good afternoon, Mr. Chairman, Commissioners. Thank you for hearing us this afternoon.

My name is J.P. Marshon. I'm a registered professional engineer with Kimley-Horn & Associates. With me today is Ray Loraine, an environmental scientist from Cardno ENTRIX, working on the project. From Parks and Recreation we have Tony Roberto, and Alex Sulecki from the Conservation Collier is with us today also.

I want to go through -- as was mentioned, this is for the ST overlay permit for the Gordon River Greenway Park. The park itself is proposed to be located south of Goodlette -- or south of Golden Gate Parkway and east of Goodlette-Frank Road.

The graphic that you see north on this graphic is to your left. Golden Gate Parkway is on the left there, Goodlette-Frank Road to the bottom of the slide, and the park area is outlined in yellow. It's approximately 124 acres total.

We have presented this to this commission several months ago as a -- as a rezone packet, so you have seen some of this before.

One point to mention here is the land's -- the ownership, if you will, is divided up. Conservation Collier manages the lands to the southern portion of the project; that's all this here south of the red line. The rest is Parks and Recreation managed properties.

The zoo is located just -- right here is the existing zoo. Conservancy of Southwest Florida is here. Gordon River runs through the site from north to south right through there. This is the Golden Gate Canal, and the airport is right there.

Overall -- this is a piece of an overall bigger project. I think it's important to mention that -- part of an overall trail system and a north/south pathway system. It's proposed as a passive park with a trail system, two park nodes for access, and some additional stormwater treatment of currently untreated roadway runoff from Golden Gate Parkway to help improve the environmental aspects in the area.

It will eventually link up both to the north and south and provide opportunities for even commuter-type bicycle opportunities.

What we're talking about here today is the special treatment overlay. The area inside the red lines in here is the area that is of concern today. This is the area that is inside the ST overlay district.

The overall concept plan -- just to show what's going on here, again, Golden Gate Parkway on this side of your screen and Goodlette-Frank Road to the bottom of the screen, Gordon River running right through here.

We have a parking and access node and restroom and maintenance facilities located at the northern portion of the site right here. There's an access road proposed to get into that parking area.

Then we have boardwalks located throughout all the wetland portions of the site and asphalt trail on the upland portion of the site. They are connected and go from north to south. It will be extended through here onto the airport property.

There's a pedestrian bridge proposed that goes across the Golden Gate Canal right here. Another pedestrian

bridge linking this shared parking and kayak launch area to the rest of the facility would cross the Gordon River right here.

In terms of the ST overlay district, the affected area is shown on the map here. We've highlighted the ST area again, and then just showing the footprint, if you will, of the affected areas within the ST overlay district. Again, it's that northeast parking and recreational area node and then the trails that are located in the ST area along with the bridge located across the Golden Gate Canal.

A little more detail on the parking node up at the northeast end of the site. This is the proposed access drive coming off Golden Gate Parkway. The parking facility is here. It provides parking for 50 spaces. All of the interior parking is grassed parking. Only the handicapped spaces and these spaces right up next to the facilities are -- would be paved.

We have a pavilion -- an open-air pavilion, a restroom, and a maintenance building. It's really for storage of equipment. There's not going to be any permanent people there, but it's for storage of maintenance equipment and the like.

We'll be taking stormwater off of Golden Gate Parkway and treating it in a treatment box and a swale system as well before we discharge it. All the stormwater coming off of this parking area will be treated in a dry-retention area, and it's been designed as if all of this was paved parking. So it's an over -- overly conservative stormwater design.

Based on our calculations, there would be no discharge at all coming off of -- out of that dry retention pond for most of the storm events, well over 90 percent of the storm events in an average year.

In summary, the ST district is -- encompasses 64 acres of the entire 124-acre site. The altered area, in other words, any area within the ST district that would be changed in any way whatsoever, would be 6.9 acres, and that includes temporary impacts, and then the impervious area proposed to be impacted in the ST area that would eventually end up being impervious -- so the parking facilities, the access road, the asphalt trail, the buildings -- total 2.4 acres.

Over 90 percent of the area would be unaltered except for exotic plant and species removal. And the applicant and staff agree that the project achieves the conservation goals of the ST district.

I think I'd like to take a minute and just talk a little bit about the Environmental Advisory Council recommendations. They recommended that this northeast parking node be -- the parking there be eliminated to just a few spaces, the lighting there and on the trails also be eliminated, and that we include a provision for a flyover, a pedestrian flyover across the Golden Gate Parkway.

Our original affected area did not include possible impacts to this area here if a future pedestrian flyway is put in, so we've added that. So the numbers that you see here, the 6.9 and the 4.2 acres, include impacts from a future pedestrian flyover across Golden Gate Parkway.

There is -- that is part of the overall trail network that I had mentioned before, this bigger trail network that this is a piece of. It's just not a part of this project that we're dealing with right now, but we decided that it would be a good idea to go ahead and include that in this ST permit so that it's taken care of for the future.

Regarding the other recommendations from the EAC, the elimination of the parking and the trail and parking lighting, the applicant, parks and rec, wants to keep all that in there to serve the public and to provide the facilities that they feel are needed to be able to use this park.

They propose to keep the park open until ten o'clock, so they want this trail system, the computer (sic) -- commuter trail, in particular, to be available to people after dark, especially this time of year. And so they want to keep the lighting there as well.

Staff's recommendation includes keeping the parking and the lighting. We've gotten no issues from any environmental agencies relative to the lighting. They typically don't have concerns for that sort of thing, and in this case haven't indicated any concerns either.

We would request your approval of the ST overlay district impacts and permit, and we'd be happy to try and answer any questions you might have.

CHAIRMAN STRAIN: Okay. Phil?

COMMISSIONER BROUGHAM: Maybe you can't answer this question, but what was the rationale of the EAC in recommending the elimination of all that parking up there? I mean --

MR. MARSHON: I believe it was primarily from environmental concerns that less impacts would be better and that there was access to the site from -- let me go back to this.

COMMISSIONER BROUGHAM: From the zoo area?

MR. MARSHON: That there was other access to the site. Remember I mentioned the bridge here? There is a large shared parking facility proposed here. It will be used by the zoo primarily but also for the kayak launch that's here. So there is a different access there.

And then the pedestrian flyover, when that's built, would provide access to Freedom Park. So I think their thought was twofold; one, less environmental impacts, possibly providing some funds early out for a pedestrian flyover, and then their feeling was that there was sufficient access. I think that's what --

COMMISSIONER BROUGHAM: One of the principal features of this concept, however, is a trailway that runs from the north down through the area to the south, correct?

MR. MARSHON: That's correct.

COMMISSIONER BROUGHAM: And so if you eliminated the parking for the population at the north end, people would, theoretically, have to come in through -- and utilize the zoo parking and either take a left or a right on the trail system.

MR. MARSHON: That's correct. They would be able to access it through this trail and boardwalk and then get onto the main spine trail here. But Parks and Recreation, in their experience with these kinds of facilities, believes that it's necessary to have this, and we would agree with that, too.

COMMISSIONER BROUGHAM: Well, I agree with that, also. I mean, part of the experience would be to start at the north and traverse to the south or vice versa. But to start in the middle, I -- never mind.

MR. MARSHON: And I believe at this point the extension of this to the south is -- in terms of the other stakeholders involved, the airport, the City of Naples and others to the south, that this connection in the southern area is probably more likely to occur sooner than the flyover across the Golden Gate Parkway.

CHAIRMAN STRAIN: Anybody else of the applicant? Bill and then Brad.

COMMISSIONER VONIER: What's the rationale for 10 p.m. closing rather than sunset?

MR. MARSHON: I'd have to ask Tony maybe to answer that one for me.

MR. ROBERTO: Good afternoon. For the record, Tony Roberto, project manager of Parks and Recreation.

This is basically more for public use, and it's more or less not an experiment, but something we know that we're trying to take the pedestrians down the trailway than possibly using automobiles, et cetera.

I think one of our meetings we also had some good feedback from the schools where the kids might be using this trailway from north to south to get back and forth from school. And we figure that, like you said, especially in the wintertime, it gets dark five, six o'clock, we'd want some kind of light just for security-wise and just to accommodate the people that would be using this trailway.

Most of our parks, except for the soccer fields and baseball fields, they do shut down at ten o'clock. And like we said in the past, most of them do shut at sunset, but it's a different type of situation here. This is basically more of a trailway for public to have access from one area to another area. So that's why we're -- right now we'd like to have -- start with a ten o'clock shutdown, let's say, and -- but we're going to be -- make provisions. It depends how the public will react to this scenario. If we don't put the lights and then lights are required, then it will be a big construction cost up front.

We are going to have some future gates in case we do have to close the north and south and the east area -- or the west area, but right now, to go ahead with this, we'd like to just introduce the light and use this till ten o'clock and just see how the public is going to use the facilities or the pathway to go from one area to the other.

COMMISSIONER VONIER: Will there be dedicated security?

MR. ROBERTO: Well, security -- we have park rangers, and there will be patrol in the area. You know, whether during the day or at night, again, it all depends how the public reacts to the pathway.

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: My question, instead of the word "pedestrian bridge" over Golden Gate, you're using the word "flyover." Is that -- everybody know enough what you that means? I mean --

MR. MARSHON: Well, yeah. It's just a pedestrian bridge going across Golden Gate Parkway so you can get across without having to walk across the street.

COMMISSIONER SCHIFFER: And that would be defined -- a flyover, everybody knows that's a bridge then or --

MR. MARSHON: It's a bridge, right.

COMMISSIONER SCHIFFER: Okay. If they could fly, they don't need a bridge.

COMMISSIONER EBERT: Enclosed?

CHAIRMAN STRAIN: Anybody else have any other questions of the applicant?

COMMISSIONER EBERT: Enclosed, so it's caged?

MR. MARSHON: Most likely. There's been no design or anything like that, but --

COMMISSIONER EBERT: I would think caged.

MR. MARSHON: -- something to keep things from getting thrown over into the cars, I would think that would be part of it, yes, ma'am.

COMMISSIONER EBERT: Yes. Thank you.

CHAIRMAN STRAIN: Anybody else have any questions of the applicant?

COMMISSIONER BROUGHAM: Just --

CHAIRMAN STRAIN: Phil?

COMMISSIONER BROUGHAM: To close that loop, this proposal does not include quote-unquote, a potential -- does not include a flyover? That -- you're reserving some land, as I understand it, on that north boundary for the steps to come down and allow people to come in, but --

COMMISSIONER EBERT: Can you show the north boundary?

MR. MARSHON: Right. This ST permit application includes the impacts of such a --

COMMISSIONER BROUGHAM: Right.

MR. MARSHON: -- bridge in this area right here. So this crosshatched area is shown as an affected area.

But the current project, the construction plans, for example, that we're working on now for this park project does not include the -- that bridge.

COMMISSIONER BROUGHAM: That's a discussion at a later date.

MR. MARSHON: Yes, sir.

COMMISSIONER BROUGHAM: Potentially.

MR. MARSHON: Yes, sir.

COMMISSIONER BROUGHAM: Okay, thanks.

CHAIRMAN STRAIN: Anybody else of the applicant at this time?

(No response.)

CHAIRMAN STRAIN: Okay. Is there a staff report?

MS. ARAQUE: For the record, Summer Araque, land development services.

And your staff report has staff recommendations on Page 9 of 10, and we are recommending approval with the conditions noted. Would you like me to read those?

CHAIRMAN STRAIN: Nope. We've got them written. That's good enough.

MS. ARAQUE: Okay. Do you have any questions?

CHAIRMAN STRAIN: I have one.

MS. ARAQUE: Okay.

CHAIRMAN STRAIN: On Page 3 you refer to, up on the top, "Collier County will be providing access to two development areas pursuant to several developer contribution agreements." What are those? I mean, I didn't know any existed. And we didn't -- they weren't included in our packet, so I couldn't -- didn't have the ability to read them.

MS. ARAQUE: Right. If you'll notice in the beginning we talk about how we're going to give you a description of the overall project and then get into discussion of the special treatment overlay. So that's actually discussion of the overall project, and if you'd like, I can have the applicant tell you about that.

CHAIRMAN STRAIN: No. I would like someone to send me the "several developer contributions agreement" that exist. So could you just send them to me by email?

MS. ARAQUE: Yeah. That would have to be from the applicant. But, yeah, they can send that to me, and I can forward it to you.

CHAIRMAN STRAIN: I don't care who sends it to me. It's part of -- it's referenced in our record, so I would like to read it. I'm comfortable enough with the project. I don't need to read it ahead of time, but I would like to know what it's all about. And if there are several of them, that certainly means more than two, so I'd certainly like copies of all of those that you have involving developer contribution agreements for this project.

MS. ARAQUE: Yeah. We can -- is that something that you can get to them?

MR. MARSHON: Yeah. I just want to point out, one of those was for this access drive, but the -- it was with a landowner further to the south, that they were going to build an access drive all the way down to their property. Needless to say, with the environment -- or environmental -- economic conditions being what they were, they never did it. So this construction of enough of that access drive to get to here became part of this project.

So there is still an agreement that this guy -- developer would eventually build this road all the way down to his property, but it's kind of become a moot point now because he's not moving forward with his development, so he's not building the road. So we've included in this project, the county has, this portion of that access road. But that's one of the -- what was spoken of there.

CHAIRMAN STRAIN: Okay. And you're going to send me all of them, right?

MR. MARSHON: And we've got those, right, Tony?

MR. ROBERTO: Yes.

MR. MARSHON: Yes.

CHAIRMAN STRAIN: Well, you've got to have them because you said they exist, so now I want to see them. Now, as far as where this developer's property is, now that you've brought the point up, where is his property?

MR. MARSHON: Sure. It's this triangular piece right here.

CHAIRMAN STRAIN: So without that access he's landlocked?

MR. MARSHON: That's correct.

CHAIRMAN STRAIN: So if he wants to develop his property, which --

MR. MARSHON: Eventually he's going to end up building this all the way down to here.

CHAIRMAN STRAIN: So, now, let's go back to that page you were just on that showed the layout of your park. Now, that asphalt trail -- so now you're telling me that that asphalt trail's going to be up against a road all the way down to that triangular piece.

MR. MARSHON: Similar to what it looks like right here, yes, sir.

CHAIRMAN STRAIN: Well, no. The trail actually starts, I think, where the road -- or is that part of the trail itself?

MR. MARSHON: Yes.

CHAIRMAN STRAIN: That's not much of a trail up against a road, but I --

MR. MARSHON: No, but -- correct. But in order to get from this point down to there, especially until that gets done, it's the only way to get there.

CHAIRMAN STRAIN: I understand. I just --

MR. MARSHON: Yeah. In order to get from this point to here, before this road gets in, we needed a trail there of some sort, and this way they're off the road again, which is part of what we're trying to do also.

CHAIRMAN STRAIN: Okay. Okay, thank you.

Anybody else have any questions of the staff?

(No response.)

CHAIRMAN STRAIN: Are there any public speakers, Ray?

MR. BELLOWS: Yes. We have two speakers, Judith Hushon, to be followed by Marcia Cravens.

MS. HUSHON: Good afternoon, again, Judith Hushon, EAC. I wanted to let you know why we did what we did. Maybe I can actually explain.

CHAIRMAN STRAIN: Are you speaking on behalf of the EAC --

MS. HUSHON: I am.

CHAIRMAN STRAIN: -- and authorized to talk for them then?

MS. HUSHON: I am speaking on behalf of the EAC.

CHAIRMAN STRAIN: Okay.

MS. HUSHON: I think I'm the only one here today who can do that.

CHAIRMAN STRAIN: Okay.

MS. HUSHON: The -- we looked at that footprint for that north pad section and decided we probably didn't need to take that much land away from the ST area. And with 50-plus spaces over at Freedom Park and with 600 spaces down near -- in the middle, that at this point in time we would rather be looking at how we're going to connect those 50 spaces at Freedom Park and start on that side and bring it down rather than adding 50 more spaces up at the top that would have to be maintained. This didn't seem like the smartest thing.

So parking at that little north node we thought, no. We just wanted to allow enough for them to do their maintenance, get to the maintenance shed. A bathroom there might not be a bad thing, a bike rack there may not be a bad thing, because maybe you don't want to take your bike up and over if you've been biking on the trail. So those were -- that was our decisions on that part.

In terms of the dawn to dusk and having to bring in the lighting, we had concerns that the lighting -- there is a bird rookery where the Gordon River jogs a little bit to the left. There is a -- the zoo has animals along the Gordon

River, as does the Conservancy in their Wildlife Rehab Center. Putting lights in an ST area seemed like an unnecessary thing. This is special treatment. This is to be kept more wild.

We also were very concerned if you did put in the lights and if you did open it till ten, this is a very deserted, long walk with many little turns and things in it. I wouldn't want to be out there at night. I have no desire to be out there. Maybe some big guy might not be timid about it, but I am. And I wouldn't want my children out there either. They were talking about children coming from school. I wouldn't allow my children to do that.

So I'm just saying I don't think that's smart. Freedom Park is only dawn to dusk. Why should we be pushing this? If we're pushing this, why not just have some parking -- some lights in the parking area so -- in case somebody gets back a little late they can get to their car; fine, okay. I didn't have -- and for safety reasons that's often a good idea.

But I didn't have -- I don't like the rest of it in terms of the lights. And we voted 5-0 not to have lights, not to have the parking in the north, but to include the flyover and start -- the pad for the flyover and to start thinking about the flyover rather than putting in those 50 parking spaces. Let's make this all connected. Let's not make it easy to not be connected, if you understand what I'm saying.

The goal was connection with Freedom Park. That was the original goal of this was to start up there, come all the way down, and go all the way down. This is the first piece. We did Freedom Park. This is Piece 2. So our next -- we really should be thinking about that flyover as a very soon-coming-up piece.

Our thought was that some of the extra money that we might spend on this development we might be able to put toward the flyover. That was a good thing; that we really didn't need all those lights; the birds and the animals don't need those lights; and being in that park at night wasn't the best thing for the health and safety of our community.

So that was why we voted as we did. I think it was all pretty much up. And I'll be glad to answer any questions.

COMMISSIONER BROUGHAM: Mark?

CHAIRMAN STRAIN: Phil?

COMMISSIONER BROUGHAM: How well utilized is the parking area at Freedom Park?

MS. HUSHON: Not. They tend to have -- at most you might see ten cars, at most. And that would be on a well-populated day. And one or two of those are often county cars, because there's a building there which has -- staffed building, which has staff in it. And I've noticed that there is often a county truck there, and then there'll be -- there are, like, two people in the building, so --

COMMISSIONER BROUGHAM: Unless and until -- this is a statement, I guess, not a question. Unless and until that flyover would ever be built, then how would folks get from Freedom Park parking to access this trail?

MS. HUSHON: You would have to walk across the street.

COMMISSIONER BROUGHAM: At the intersection?

MS. HUSHON: At the intersection. You'd have to go right there to the intersection, you'd have to come across. You'd have to go down and back in where the -- you could either -- go on either way. There are two ways to get in.

COMMISSIONER BROUGHAM: Well, you could go in through the zoo, but that wouldn't access --

MS. HUSHON: But you could get in the upper end walking or on a bicycle.

COMMISSIONER BROUGHAM: No. The issue is from Freedom Park. Okay.

MS. HUSHON: No. Parking, you could park at Freedom Park. And then you can get in on your bicycle --

COMMISSIONER BROUGHAM: I understand.

MS. HUSHON: -- your roller skates --

COMMISSIONER BROUGHAM: I understand that.

MS. HUSHON: -- or whatever.

CHAIRMAN STRAIN: Phil, you might want to limit your discussion.

COMMISSIONER BROUGHAM: Okay.

CHAIRMAN STRAIN: I'm not sure it's going to do any --

MS. HUSHON: We're talking about the ST area.

CHAIRMAN STRAIN: I'm not sure it's going to do any good, so --

COMMISSIONER BROUGHAM: Okay. Never mind.

MS. HUSHON: But this was -- we were trying to have it achieved being a special treatment area --

COMMISSIONER BROUGHAM: One more --

MS. HUSHON: -- not have it become --

COMMISSIONER BROUGHAM: One more question. Who would fund this potential flyover?

MS. HUSHON: The county would end up --

COMMISSIONER BROUGHAM: The county?

MS. HUSHON: -- in parks and rec.

COMMISSIONER BROUGHAM: That would be a county funding instead of Naples funding?

MS. HUSHON: It might be joint. Who knows.

COMMISSIONER BROUGHAM: Okay.

MS. HUSHON: I don't know how the county would like to fund that. But the thing was to start planning for it so that it might work.

COMMISSIONER BROUGHAM: I think it's planned for. Thank you.

MS. HUSHON: Well, it wasn't before.

COMMISSIONER BROUGHAM: It is now.

MS. HUSHON: So --

CHAIRMAN STRAIN: Next speaker, please.

MR. BELLOWS: Marcia Cravens.

MS. CRAVENS: Hi again. And I'm authorized to speak for the Sierra Club's Calusa Group on any kind of conservation issues in Collier County.

And while we applaud having more passive recreation parks, I would just have to comment that ST development is kind of an oxymoron. ST, by definition, discourages development for construction in environmentally sensitive areas. And the minor beginning phase of this project looks like the construction facilities were limited, but it sounds like there are additional planned construction as you go forward with it and -- have to wonder how much of this area then can really be considered to being kept essentially in its natural condition.

I think you have to be very careful with it, because it could set in motion -- there's a potential that this sets in motion an environmentally destructive kind of perception that ST areas can be developed, that you can have development in ST areas, and I hope that we stay away from that.

I would urge that, perhaps -- and I might be nitpicking at this a little bit, but the language of this project maybe not be termed "ST development," but rather that it be more of a kind of a PUD or something for passive recreation park.

I just really kind of bristle when there is anything that potentially causes more facilities and more construction in our environmentally sensitive areas that have been designated as ST.

And I know the EAC strove hard to try and limit the amount of alteration within this area, but, again, what we've been shown is really only kind of a first phase. And I'm concerned as to what any additional phases might involve.

This has the potential for becoming a very popular park, which I wouldn't be opposed to at all. We certainly would like to get more people outdoors and enjoying passive recreation. I just don't like that it's still being termed as ST and being called ST development.

So I just would like to see it maybe tweaked a little bit in the way that it is described, and if it is going to continue to be called an ST area, that you have to be very cautious about additional phases of construction projects there.

Thank you.

CHAIRMAN STRAIN: Okay. Are there any other public speakers, Ray?

MR. BELLOWS: No other speakers.

CHAIRMAN STRAIN: Are there any members of the public who have not spoken who wish to speak?

(No response.)

CHAIRMAN STRAIN: Okay. Is there any rebuttal by the applicant?

MR. MARSHON: Thank you. Yeah, just a couple things. Okay. Relative to the project itself and other phases, there are no other phases being proposed for this project in this area. Like I said, north and south of here the trail will continue, but not in this area. That's why on this ST permit application we added the potential impacts of the future pedestrian bridge so that the ST impacts are done, finished, there's no coming back to do those again.

The other thing I would mention is I think the comment was correct in that this is a minor beginning. The "minor" part is, I believe, is absolutely correct, but it is not -- it's not another phase, so it's more than a minor beginning. It's a minor permanent proposed impacts. When we're talking 90 percent of the area is unaltered, I haven't seen very many developments that have left 90 percent of a site unaltered. So I believe this is a very appropriate and

good use of public lands in the ST area.

I think -- we've talked about the lighting and the parking area. Just an analysis of the parking requirements based on the facilities that are proposed in that northeast node, we come up with a minimum parking requirement of 30 spaces. And based on parks and recreation's experience, they wanted to include that up to 50. Again, all but six of them are grass parking spaces.

So, again, we would request that the Planning Commission approve the ST permit application.

CHAIRMAN STRAIN: Thank you. I have a question, sir.

MR. MARSHON: Yes, sir.

CHAIRMAN STRAIN: Do you have the approximate cost of a flyover over a six-lane arterial road that would have to be provided to clear trucks of the capacity on that road as well as the ramps to go up and down to accommodate all lifestyles of people that may want to use it?

MR. MARSHON: I don't.

CHAIRMAN STRAIN: Well, give me the closest 10 million.

MR. MARSHON: The bridge that we're -- the pedestrian bridge that we're doing across the -- this bridge here, which is -- has a span of approximately 200 feet, it's a little bit over a half a million dollars. My partner Ray pointed out that he's familiar with a bridge across U.S. 41 in Sarasota County that recently got built; the cost was closer to a million dollars.

CHAIRMAN STRAIN: Okay. So it's a very expensive bridge.

MR. MARSHON: Yes, sir. It's not --

CHAIRMAN STRAIN: Okay. And the needs for the county go to many more important things than a bridge over that particular parkway at this time, so I can't see that being budgeted anytime soon. So the reality of those people that park to the north, they'll end up having to walk down to the intersection, cross there and walk back again. That will discourage a lot of people from using this facility, and it's too good of a facility to see it discouraged like that.

MR. MARSHON: It's a fairly long trek. The entrance to Freedom Park is right in this area here. It's about a half mile to the intersection and another one-half --

CHAIRMAN STRAIN: They're going to bring all their kids and walk down to that intersection, cross, then go back up to the park. It's not likely.

Thank you, sir.

The staff. Could I ask one question of Summer? I know the answer, but I'd like the record -- this is in the urban area, right?

MS. ARAQUE: Correct.

CHAIRMAN STRAIN: And the limit to the urban area is way out in 951, quite a few miles from this location, right?

MS. ARAQUE: Correct.

CHAIRMAN STRAIN: Okay.

MS. ARAQUE: If you get into kind of planning questions, I might defer to --

CHAIRMAN STRAIN: No. I just want to make sure --

MS. ARAQUE: We do have the planner here if you --

CHAIRMAN STRAIN: -- that if you have a park of this magnitude in the urban area with the lands around it for the public to experience, and at nighttime, which I find so limiting in this county, because I try to stay in the parks after night, and I'm not allowed to. This one is fabulous. I will use this extensively, and I will use that parking lot, because I don't -- from the direction I come, I don't need to go down and make a left and drive down to the zoo and then back in that way. I'd want to start at the north, go to the south.

So I strongly oppose the EAC's positions on Nos. 1, 2, and 3. I'd have no problem with their No. 4. I think that's practical. But we certainly should have a parking lot there. The amount of time it's going to take to have a flyover is going to be way too lengthy.

And as far as the opening it up at night, I think there's good experience in the -- in the preserve areas at night, and this will be a great location for it. And I can't think of a better one in an urban area.

So that's my thoughts on it, and I congratulate the parks department on an excellent design.

So anybody have any questions, comments?

(No response.)

CHAIRMAN STRAIN: If not, we'll close the public hearing and entertain a motion.

COMMISSIONER SCHIFFER: I'll make a motion.

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: I move we forward the staff resolution, which does include the pad for the flyover, which I still think we should call a bridge, and -- because there is an automotive. A flyover's really a loop and -- a car ramp takes, but, anyway -- it does include the hours, so --

MS. ARAQUE: Yeah. It's referred to as the "pedestrian crossing over Golden Gate Parkway."

COMMISSIONER SCHIFFER: Yeah. The version I have they have flyover, but whatever. But it does -- it is the staff recommendation. It does include the hours and does include the flyover.

CHAIRMAN STRAIN: Okay. Staff recommendations are on Page 9. So you're saying, that No. 1 and No. 2 of the staff recommendations, you're not including the environmental EAC recommendations?

COMMISSIONER SCHIFFER: No. If you look at the resolution, they gave us two as an example. One is -- says "resolution approved by county attorney." The second one says "alternate resolution." It's the alternate resolution.

CHAIRMAN STRAIN: Well, let me find my page of that, Brad.

MS. ARAQUE: There's actually a cover sheet for each of the resolutions. The second one is the alternate, and that includes the additional 0.7 acres for the --

CHAIRMAN STRAIN: Okay. So the alternate -- the alternate resolution is at the last part of our packet, and it includes the northeast development node with its storage -- with its buildings, pavilion, and the parking. It includes the passive park amenities such as recreational, multi-purpose, bicycle trails, boardwalks, and associated structures, and lighting. It includes a fishing platform, the water-quality treatment facility, the utility piping and water/sewer and stormwater, and the pedestrian bridge over the Golden Gate Canal, and provisions for a flyover across the Golden Gate Parkway. That does not limit the hours, so the hours are still as the parks and rec department wants them. Is that --

COMMISSIONER SCHIFFER: Well -- and it also has exhibits referenced on that page, which were included in the --

CHAIRMAN STRAIN: Right. I just want to understand because I -- I just want to make sure you're in agreement with the staff and you're in agreement with the parks and rec on how --

COMMISSIONER SCHIFFER: I am.

CHAIRMAN STRAIN: Is there a --

COMMISSIONER SCHIFFER: Is that the right resolution?

MS. ARAQUE: Yeah, if you -- if you want us to revise that in any way between now and the Board of County Commissioners, we can -- we can do that. If you -- regarding the verbiage of flyover, I think that's what the applicant provided to us, and then I think we revised it in staff report but didn't revise it here.

COMMISSIONER SCHIFFER: I'll buy the Kimley-Horn on the semantics of, you know, planning things, but to me a flyover's always a road that went over and looped.

MS. ARAQUE: Yeah.

COMMISSIONER SCHIFFER: It never made sense here for pedestrians to cross.

MS. ARAQUE: Yeah. So change that to pedestrian crossing --

COMMISSIONER EBERT: Pedestrian bridge.

MS. ARAQUE: -- pedestrian bridge.

CHAIRMAN STRAIN: Pedestrian bridge.

COMMISSIONER EBERT: And that's what it says here.

CHAIRMAN STRAIN: Okay. So it's alternate -- the alternate resolution with those particulars. Is there a second?

COMMISSIONER BROUGHAM: I'll second it.

CHAIRMAN STRAIN: Seconded by Mr. Brougham.

Discussion? Anybody?

(No response.)

CHAIRMAN STRAIN: Okay. I certainly will support it. I think it's a good job. I'm glad to see this finally coming to reality for Collier County citizens. It's a good move.

All those in favor, signify by saying aye.

COMMISSIONER VONIER: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER MIDNEY: Aye.
CHAIRMAN STRAIN: Aye.
COMMISSIONER EBERT: Aye.
COMMISSIONER KLEIN: Aye.
COMMISSIONER BROUGHAM: Aye.
CHAIRMAN STRAIN: Anybody opposed?
(No response.)
CHAIRMAN STRAIN: Motion carries 7-0.
Thank you all.
The balance of our meeting, Ray, one thing that I wanted to kind of point out, on March 15th, if -- your applicant for that particular day, you might advise them that they're second --
MR. BELLOWS: Yeah.
CHAIRMAN STRAIN: -- and it may be worthwhile for them not to appear that day because they could be broken up into a couple meetings.
MR. BELLOWS: Okay.
CHAIRMAN STRAIN: And that might be not as beneficial to them. So I would suggest --
MR. BELLOWS: We'll see if they can reschedule.
CHAIRMAN STRAIN: -- you leave that day clear, if you can.
MR. BELLOWS: Definitely will.
CHAIRMAN STRAIN: Okay. Paul?
COMMISSIONER MIDNEY: Yeah. Also, talking about the 15th, to me a lot of what transpired in the meeting today, which was supposedly rebuttal, was really repeating a lot of the information that I already heard in the other meeting, and if you could sort of maybe direct them to try to stick to new information and not repeat what we've already heard.
CHAIRMAN STRAIN: Well, the problem is during rebuttal, and especially when an applicant's putting testimony on record that they know is probably going to be appealed -- from what I hear it's -- one side or the other's going to appeal that. That means it's going to go to court, and that means the only way you can use the information in court for your defense is to have everything clearly on record.
So I think once someone from the public -- and it's called lay testimony. It's not necessarily expert testimony -- says something, they've got to make sure that they've countered that -- those comments adequately on record in order to use it in the next level up.
And so I think that's what they're trying to do. I don't see that as a bad thing. It takes more of our time. But I think in knowing that as controversial as this one is, we -- it's crossing your T's and dotting your I's, so I certainly thought it was the right thing to do, Paul.
COMMISSIONER MIDNEY: I can appreciate that. I just -- it felt very redundant to me sitting here.
CHAIRMAN STRAIN: Okay. Anybody else?
(No response.)
CHAIRMAN STRAIN: Okay. There's no old business, new business. Public comment?
COMMISSIONER EBERT: One thing.
CHAIRMAN STRAIN: Go ahead.
COMMISSIONER EBERT: Why are they doing this so late in the game?
CHAIRMAN STRAIN: Who's doing what? What are we talking about?
COMMISSIONER EBERT: The Lost Grove Mine. Why is the developer doing this so late? Why did he not have that expert, the stuff to us before? Because don't they have to have it here?
CHAIRMAN STRAIN: Okay. I'm -- what stuff?
COMMISSIONER EBERT: They're bringing all new testimony they said, all new --
CHAIRMAN STRAIN: No. As a result of the testimony in the first two meetings, they felt that they needed to get on record expert testimony to rebut some of the things that were said regarding the noise and the visual aspects of the mine.
They tried to get it done through the holidays to be ready for the 5th. Their expert couldn't get the work done because it involves reports, measurements, sound waves and all this other stuff. But they feel they can comfortably get it done by the March meeting, and that's -- so that's what they're preparing to do.
COMMISSIONER EBERT: February, March. Two months later. Okay.

COMMISSIONER BROUGHAM: It's their nickle.

CHAIRMAN STRAIN: Well, and usually you'll find the opposite. Usually the applicants are in a hurry and we're trying to get more data. In this case --

COMMISSIONER MIDNEY: That's true.

CHAIRMAN STRAIN: -- they're trying to provide more data, and so I'm not sure we need to be in a hurry. I'd rather see as thorough of a job as we possibly can provide.

COMMISSIONER EBERT: That's correct, absolutely.

CHAIRMAN STRAIN: So -- okay. With that, I think we're -- motion to adjourn?

COMMISSIONER SCHIFFER: Want a motion, Mark?

CHAIRMAN STRAIN: Yep.

COMMISSIONER KLEIN: So moved.

COMMISSIONER SCHIFFER: I move to adjourn.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: Second.

CHAIRMAN STRAIN: Seconded by Barry or Diane. We're all in favor. We're out of here.

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There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 3:30 p.m.

COLLIER COUNTY PLANNING COMMISSION

Melissa A. Ho

MARK STRAIN, CHAIRMAN vice chair

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 2/14/2012, as presented ✓ or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF GREGORY COURT REPORTING SERVICE, INC.,
BY TERRI LEWIS, COURT REPORTER AND NOTARY PUBLIC.