



Jim Boesch
Mayor
District Five

May 6, 2019

William Ribble
Vice Mayor
District One

Mr. Ray Eubanks
Bureau of Comprehensive Planning
Department of Economic Opportunity
107 E. Madison – MSC 160
Tallahassee, FL 32399

Howard Levitan
District Two

Jon McLain
District Three

Katy Errington
District Four

Re: DEO Case No. Lee County19-03ESR
Lee County Comprehensive Plan Amendment CPA 2018-10014, Limerock Mining

Nick Batos
District Six

Dear Mr. Eubanks:

Jim Wilson
District Seven

I am writing to convey the profound objection by the Village of Estero Council to the County's proposed Comprehensive Plan Amendment CPA 2018-10014 Limerock Mining, which was transmitted to the DEO, and which was received by the DEO on April 19, 2019. The Village objects to this amendment which would roll back the most critical protections in the Lee Plan pertaining to limerock mining within the Density Reduction/ Groundwater Resource (DR/GR) area of Southeast Lee County.

Steve Sarkozy
Village Manager

Burt Saunders
Village Attorney

The proposed amendments would eliminate "Map 14," which defines the acceptable area for limerock mining in the DR/GR. The Lee Plan currently limits rezonings for new and expanded limerock mines to the areas indicated on Map 14; helps to insure that limerock resources in or near existing disturbed areas will be more fully utilized; and precludes the spread of mining impacts into less-disturbed environments until such time as there is a clear necessity to do so and Map 14 is amended accordingly. The proposed amendments would roll back these protections and eliminate the technical basis for Map 14, as well as the regularly updated analysis of demand for limerock in southwest Florida and the limerock supply that has already been authorized. The Lee Plan DR/GR protections were successfully defended by Lee County in a comprehensive plan compliance challenge, DEO-12-029. Lee County now seeks to amend a successful and critical regulatory program that protects the water and other environmental resources of the area and protects the Village and other nearby communities from other adverse impacts of limerock mining.

There are numerous issues that Lee County has downplayed or ignored in promulgating these plan amendments. The entire DR/GR area, and far beyond, would be affected by the abandonment of Map 14 and related amendments regarding limerock mining. Here is a brief summary of critical issues:

1. Limerock mining is a high-disturbance activity whose effects on the surrounding area can never be completely mitigated. Mining permanently disrupts surface water flows into historic depressions, sloughs, and creeks. The natural cleansing of surface water that occurs during slow overland flows is reduced when surface water is channeled into engineered ditches and mine pits.
2. DR/GR land forms the headwaters of much of the Corkscrew Swamp and the Estero Bay watersheds. Surface water and groundwater from the DR/GR ultimately flows into the Flint Pen Strand, Estero River, Halfway Creek, Spring Creek, and the Imperial River, and then into the estuaries including Estero Bay which is the State of Florida's first aquatic preserve. Reduced water quality in the DR/GR has cascading impacts on estuaries in Lee and Collier Counties.
3. Large-scale mining permanently lowers groundwater levels within the mined land and on nearby properties. A lowered water table harms or destroys wetlands and negatively affects most agriculture.
4. Unlike the reversible nature of agricultural drainage, mine pits will lower groundwater levels indefinitely. This effect increases as the size of mine pits increase, especially where the land surface slopes even slightly.
5. Although DR/GR land appears flat, some of the sharpest drops in elevation in Lee County occur in the east-central portion where elevations drop off quickly into the Corkscrew Swamp. These elevation drops make land particularly susceptible to the effects of man-made drainage from agriculture (which is reversible) and from mining pits (which is irreversible).
6. Altered surface water and groundwater flows negatively affect many natural features including the Flint Pen Strand, which flows southward from Corkscrew Road, and a continuous band of preserved lands to the northwest of the Flint Pen Strand. Funding for these acquisitions came from Lee County and the South Florida Water Management District and from mitigation purchases for the airport expansion and for Florida Gulf Coast University. Two commercial mitigation banks have also been established. The elimination of Map 14 would directly counteract Lee County's ambitious long-term restoration strategy for the entire DR/GR.
7. The DR/GR supports a wide variety of native flora and fauna. The most diverse areas are in the least disturbed and most naturally continuous areas. Panthers in particular require large hunting areas to survive; Map 14 protects much of the primary panther zone in the DR/GR from large-scale mining.
8. Nearby large-scale mining is inimical to every kind of human habitation. Although residential development is limited in this area, several rural communities have been in

place long before mining, and Lee County has recently approved several large new residential developments.

9. Map 14 minimizes the impacts of mining on valuable watersheds, residential areas, and the road system by concentrating mining activity in the traditional Alico mining corridor. The elimination of Map 14 will spread mining into more pristine environments and will greatly increase truck traffic on Corkscrew Road.
10. The limestone whose pores store some of the water that supplies public wellfields is the very material that is physically removed during mining. This removal creates an open window into the shallow aquifer. After mining, contaminants that enter the pit can move very quickly through the open water instead of moving very slowly through the original limestone; natural slow movement allows contaminants to be filtered out, die off, or be slowed sufficiently to minimize their danger to public water supply. A majority of potable water for Lee County Utilities is withdrawn from wells in this area.
11. The elimination of Map 14 works directly against many other stated goals, objectives, and policies in the Lee Plan regarding protection of natural resources and residential communities. This kind of internal inconsistency within a comprehensive plan is not allowed by state law (Sec. 163.3177(2)). The importance of Map 14 has been litigated; the final order upholding the Lee Plan limerock mining provisions concluded:
“The [2010 Lee] Plan Amendments reflect the balance struck by the County between mining and other competing land uses in the DR/GR. Goal 10 and Goal 33 both indicate that the balance is to be achieved by designating sufficient mining lands to meet the regional demand through 2030. Because it is found that this objective is achieved through Map 14 and Table 1(b), the Plan Amendments are consistent with Goal 10.”
(Cemex Construction Materials et. al v. Lee County, DOAH Case No. 10-2988GM, par. 71)
12. The proposed amendments do not provide data or analyses that challenge or even acknowledge the voluminous technical and planning studies and two years of public involvement that were undertaken and considered before Lee County adopted Map 14 and the policies under Goal 33 in 2010. See Sec. 163.3181(1-2) and Sec. 163.3184(3)(b)1.
13. As to limerock mining, these critical provisions of the Lee Plan are the “meaningful and predictable standards for the use and development of land” as required by Sec. 163.3177(1).

Further responses to the Lee County proposed amendment are provided in the attached document “Limerock Mining in Southeast Lee County”, prepared by Village Consultant William Spikowski to counter the “Questions and Answers” produced by Lee

County in response to the public outcry against the proposed amendment. A "Peer Review" report is also attached for additional information.

The Village is directly affected by development in the DR/GR, and without adequate protections in the Lee Plan Village residents are threatened by detrimental traffic and safety impacts, as well as environmental degradation, and multiple other negative impacts. The Village Council and representatives of other cities in Lee County attended the County transmittal hearing where hours of public testimony were provided to the County Commission. Adoption of this comprehensive plan amendment will preclude the opportunity for meaningful public input regarding development in the DR/GR in the future. We urge the DEO and the reviewing agencies, copied with this letter, to critically review the proposed Lee County Comprehensive Plan Amendment and to object to this ill-advised and dangerous rollback of the current Lee Plan's protection of important state and regional resources and facilities.

Respectfully,



Mayor Bill Ribble
Village of Estero

Attachments: Limerock Mining in Southeast Lee County
Peer Review

Cc: Department of Agriculture and Consumer Services
Department of Education
Department of Environmental Protection
Department of State
Florida Fish and Wildlife Conservation Commission
Florida Department of Transportation
Southwest Florida Regional Planning Council
South Florida Water Management District
Lee County Planning