LAKE COUNTY, FL
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MINING CONDITIONAL USE PERMIT
STAFF REPORT
OFFICE OF PLANNING & ZONING

Tab Number:	1
Public Hearings:	Planning & Zoning Board (PZB): March 1, 2023
	Board of County Commissioners (BCC): March 7, 2023
Case No. and Project Name:	MCUP-22-02-4 Lisbon Sand-Dura Stress Mining Conditional Use Permit (MCUP) Amendment
Applicant:	Blue Waters Industries, LLC (E. L. Baker II)
Owners:	Huffstetler Enterprises, Inc., Ann Huffstetler Rou, as Trustee of the Ann Huffstetler Rou Family Trust dated May 26, 2020, as amended, Standard Sand & Silica Company, XS Properties
Requested Action:	Amend Mining Conditional Use Permit (MCUP-20-03-5) Ordinance #2020-72 to expand the sand mining and sand processing plant use from 103.6 +/- acres to 392.8 +/- acres.
Case Manager:	Bernice Gonzalez, MDUR, CMP, AICP
PZB Recommendation:	

Subject Property Information

Size:	289.15 +/- acres.
Location:	East of Emeralda Ave, on the north side of CR 44, in the Emeralda Marsh area.
Alternate Key No.:	1702623, 1702640, 1702534, 1727481, 1702542, 1657059, 1386969, 1386772, and 2863510.
Future Land Use:	Rural (Attachment "A")
Current Zoning District:	Agriculture (Attachment "B")
Flood Zones:	"A" and "X"
Joint Planning Area / ISBA:	N/A
Overlay Districts:	Emeralda Marsh Rural Protection Area.

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A) and Ranchette District (RA)	Residential and Agriculture	Large agriculture lots with single-family dwelling units, agriculture uses and cemetery
South	Rural and Industrial	Agriculture (A) and Heavy Industrial (HM)	Undeveloped and concrete superstructure manufacturing operation	Dura-Stress Acquisitions III LLC.
East	Rural, Rural transition, and Conservation	Agriculture (A)	Single-Family and Vacant Residential	Lake and Goose Prairie Peat MCUP to southeast

Direction	Future Land Use	Zoning	Existing Use	Comments
West	Rural Transition	Agriculture (A), Mixed Residential (R-7), Rural Residential (R-1), Community Facility District (CFD)	Single Family Residential	Large agricultural residential lots and some undeveloped acreage

- Summary of Analysis -

The Mining Conditional Use Permit (MCUP) application seeks approval to expand the sand mining and sand processing plant use to include an additional 289.15 +/- acres for a total of 392.8 +/- acres. The subject parcels are zoned Agriculture; designated with a Rural Future Land Use Category (FLUC); and are located within the Emeralda Marsh Rural Protection Area. Generally, the subject parcels are located north of County Road (CR) 44, east of Emeralda Avenue, north and south of Goose Prairie Road, in the Leesburg area of unincorporated Lake County. The proposed amendment to the existing mining conditional use permit would bring nine (9) parcels into the MCUP to expand the mining activity. The Conceptual Plan (Attachment "C") shows the current MCUP-20-03-5 area and the proposed boundary expansion.

The application also requests that the hours of operation be adjusted to 24 hours a day, 7 days a week for sand mining activity and to from 4am to 6pm for commercial haul traffic, in lieu of from sunrise through sunset, 365-days per year; except on the following federal holidays: New Year's Day, Birthday of Martin Luther King, Jr., President's Day, Memorial Day, Independence Day/4th of July, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, and Christmas Day.

According to the applicant, the sand will be transported from the north side to Goose Prairie to the sand plant as follows: *"[S]and from the portions of the Project located north of Goose Prairie Road will be pumped beneath the road via an underground piped culvert to the southern portion of the Project. Applicable permits from the State and County will be obtained to support this process."* In addition, the applicant indicated that, *"Water from the upper Floridan aquifer is utilized to transport and process the sand product, and ultimately returned to the excavation after the targeted commercial sands have been removed."*

The application also states that, *"the additional mining area will not increase the production capacity or traffic volumes at the existing sand plant operation. The expansion will extend sand mining reserves and mine life, with anticipated production volumes maintained as currently approved. The existing approved mine entrance/exit that accesses a signaled intersection onto State Road (SR) 44 will be used to support the operation for its duration."* The Applicant has corrected the reference here from State Road (SR) 44 to the correct reference of County Road (CR) 44 in their resubmittal. In addition, per the applicant, *"Mining will progress through the existing project area and onto the MCUP Expansion parcels at an estimated rate of 5-8 acres per year, with the collective approved and Expansion areas creating an estimated 30-year mine life. Variability in this timeline will be affected by the depth and quality of the recoverable resource across the properties, and market conditions from year to year."* (Attachment "D" - Narrative Statement).

As the proposed expansion area lies within the Rural FLUC, Comprehensive Plan Policy I-1.2.2, Table FLUE 2, dictates that 35% of the property must be set aside as open space. This amount of open space is specified as a condition in the proposed MCUP ordinance, which will mandate this be demonstrated in the required Operating Permit (Plan).

Approximately 35 acres of Zone "A" floodplains will be disturbed in association with the operation, either within the mining limits or the developed plant area. An environmental report (ER) was not provided with the application. A recent environmental report consistent with LDR Section 6.06.03(B)(17) will be required at the time of Mining Operational Permit application. A Tree Removal Application was also not submitted with the application. A Tree Removal Application, including a tree inventory, for the expansion area will be required at the time of Mining Operational Permit application. The application is consistent with the Comprehensive Plan and the LDR, as the proposed location is not deemed to be an environmentally sensitive area pursuant to Comprehensive Plan Policy III-3.5.2, which prohibits mining within specific environmentally sensitive areas; the subject properties are not located within any of the environmentally sensitive areas addressed by this Policy. The proposed MCUP ordinance amendment contains conditions to ensure adherence to these LDR provisions to include the proposed expansion

area.

A letter of opposition has been received, and is included as Attachment "E".

Standards for Review (LDR Section 14.05.03)

Please refer to the narrative provided by applicant in response to Mining Conditional Use Permit Requirements pursuant to LDR Section 6.06.03(B) as it pertains to Conditional Uses. (Attachment "D" – Narrative Statement)

A. Consistency with the Comprehensive Plan and Local Code (Land Development Regulations).

The proposed sand mine expansion is consistent with Comprehensive Plan Policy I-7.5.10, "Natural Resource Extraction," which requires a Conditional Use Permit for mining. The proposed sand mine expansion is consistent with Comprehensive Plan Policy I-1.4.4, "Rural Future Land Use Category (FLUC)", which allows mining and resource extraction via the Conditional Use Permit process.

The proposed use is indicated in LDR Table 3.01.03, which specifies the allowance of Mining and Quarrying in the Agriculture zoning district with a Conditional Use Permit. The request for the proposed sand mine expansion is consistent with LDR Section 3.01.02.B.8, which defines Mining as the extraction of natural resources, together with structures, machinery, equipment, and facilities incidental to the development thereof, including, but not limited to extracting, processing, storing, selling and distribution of sand, clay, gravel, etc. and peat and muck recovery and processing.

Mining, excavation, and their related activities have been found to "contribute substantially to the economic stability of Lake County" as stated in LDR Section 6.06.01.A.6. The application is also consistent with LDR Section 6.06.02.C.1.a, Mining Operation Standards, which requires a two-hundred (200) foot setback from churches, schools, parks, hospitals, residentially zoned property, and property used for public purposes and one-hundred (100) foot setback from all other property lines.

The proposed ordinance contains conditions in accordance with LDR Section 6.06.03.C.6.b, Mining Conditional Use Permits Term, which indicates should mining activities not commence within three (3) years from the date that the Board grants Mining Conditional Use Permit approval, the Mining Conditional Use Permit shall expire unless extended. Extension of approval of the Mining Conditional Use Permit shall be requested in writing by the applicant prior to the expiration of the Mining Conditional Use Permit approval and may be extended for a period of up to three (3) years upon approval by the Board.

B. Effect on Adjacent Properties

1. The proposed conditional use will not have an undue adverse effect upon nearby property.

This is an expansion to a previously permitted sand mine. The proposed MCUP ordinance will implement conditions consistent with other previously approved MCUP ordinances to ensure that the proposed mining operations will likely not cause additional undue adverse impacts upon nearby properties.

2. The proposed conditional use is compatible with the existing or planned character of the neighborhood in which it would be located.

The proposed ordinance contains conditions to minimize potential impacts and potential incompatibility between adjacent uses by requiring a perimeter landscape buffer of one-hundred (100) feet, consistent with LDR Section 6.06.02.C.1.a.

3. All reasonable steps have been taken to minimize any adverse effect of the proposed conditional use on the immediate vicinity through design, landscaping, and screening.

This is an expansion of a previously approved sand mine. While adverse noise and visual impacts to adjacent neighbors are not anticipated, a noise assessment will be required at the time of site plan submittal to confirm potential

noise levels. Additionally, a one-hundred (100) foot perimeter landscape buffer consistent with LDR Section 6.06.02.C.1.a shall be required to screen the adjoining properties and roadway, to minimize potential impacts and potential incompatibility.

4. The proposed conditional use will be constructed, arranged, and operated so as not to interfere with the development of neighboring property, in accordance with applicable district regulations.

It is not anticipated that the request will interfere with the neighboring properties as this is an expansion to an existing sand mine with Conditional Use approval.

C. Adequacy of Public Facilities.

The proposed conditional use will be served by adequate public facilities including but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities. Levels of service established by the Comprehensive Plan Shall be considered.

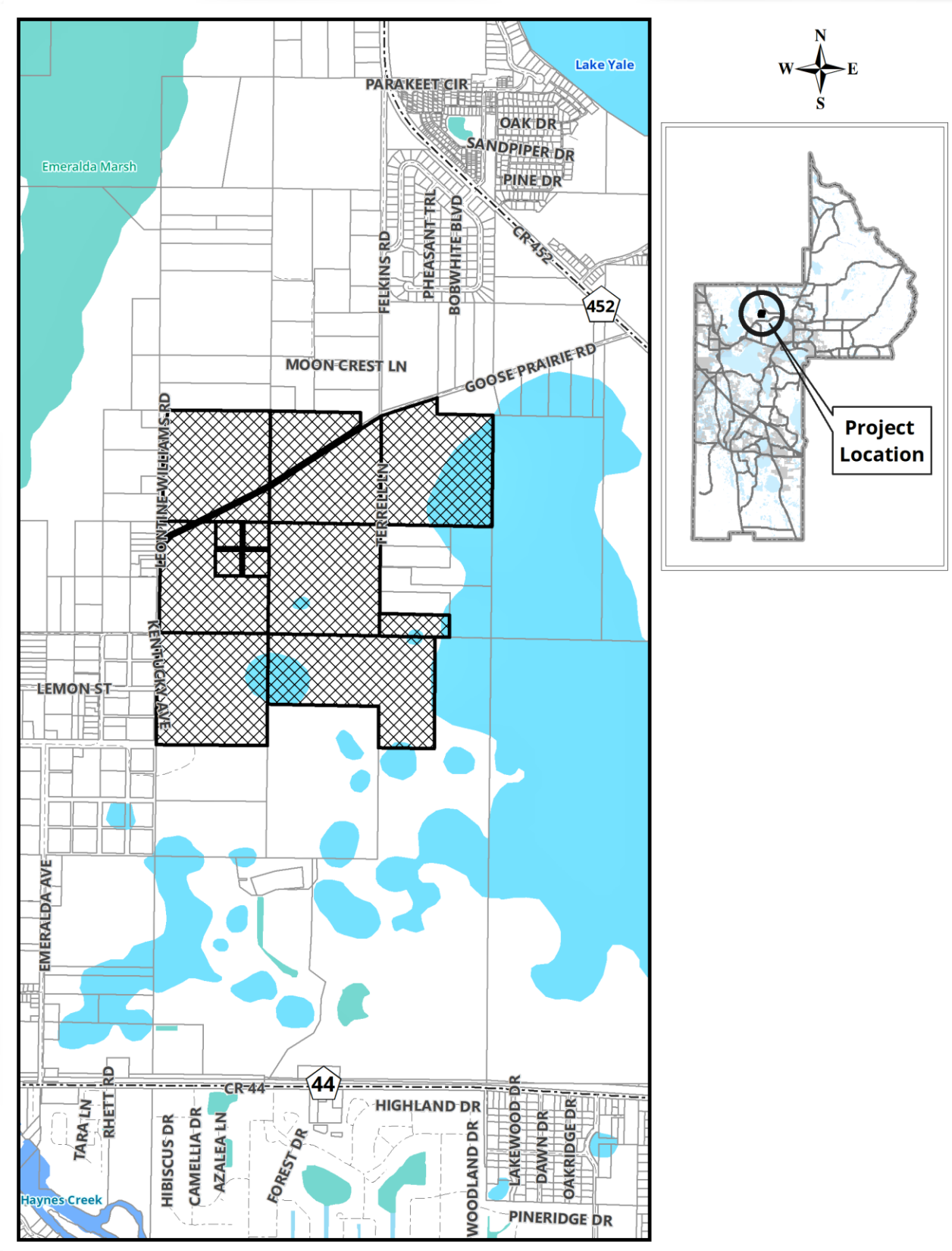
The proposed sand mining use is not anticipated to adversely impact the levels of service for police, roads, sewage, water, drainage, solid waste, parks, and recreation as this is an expansion to an already permitted sand mining use.

D. Adequacy of Fire Protection.

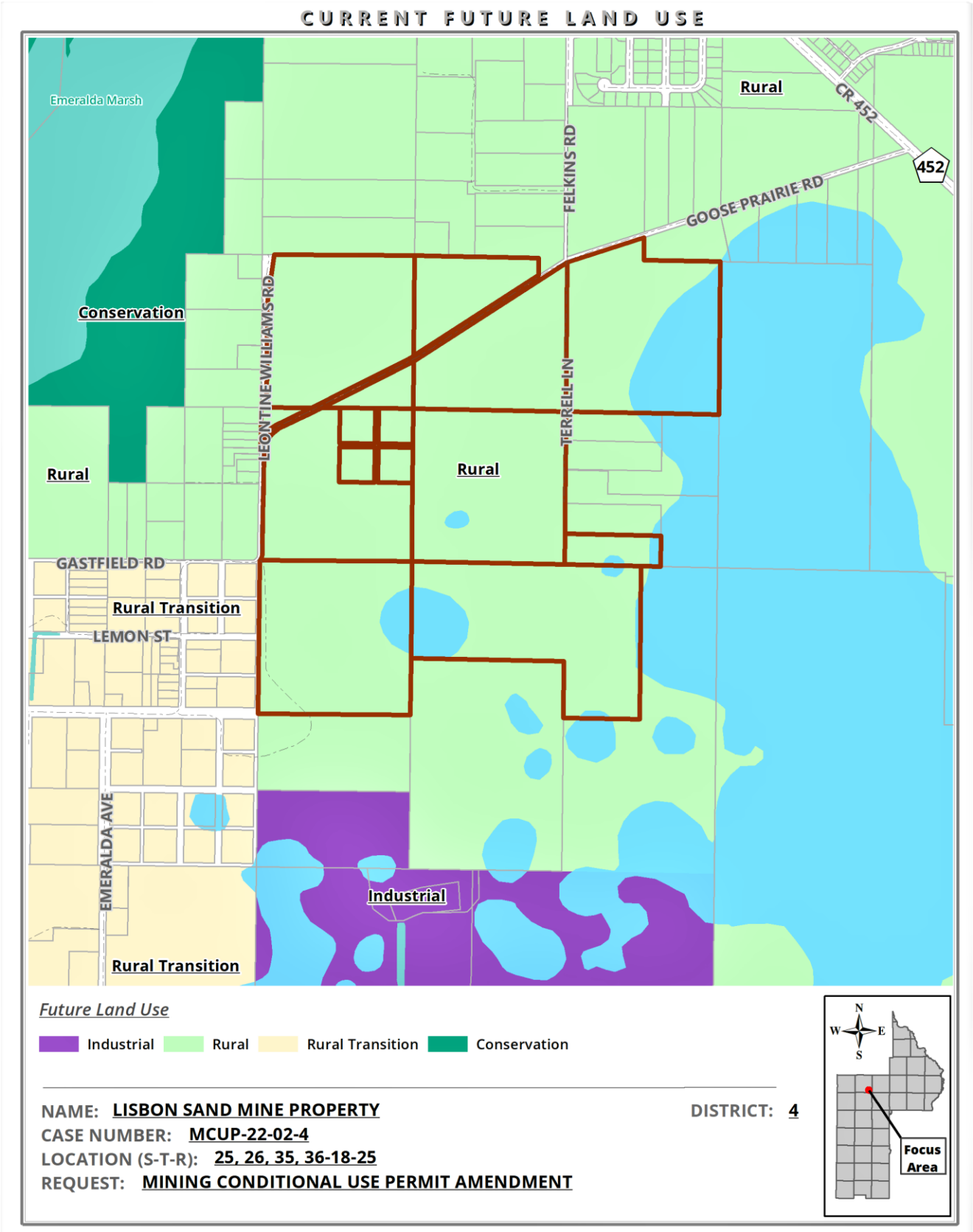
The applicant shall obtain from the Lake County Office of Fire Rescue written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

Lake County Fire Station 72 is located approximately one (1) mile west of the subject property at 11325 CR 44, Leesburg. This fire station is fully staffed with appropriate fire protection apparatus for any fire emergency.

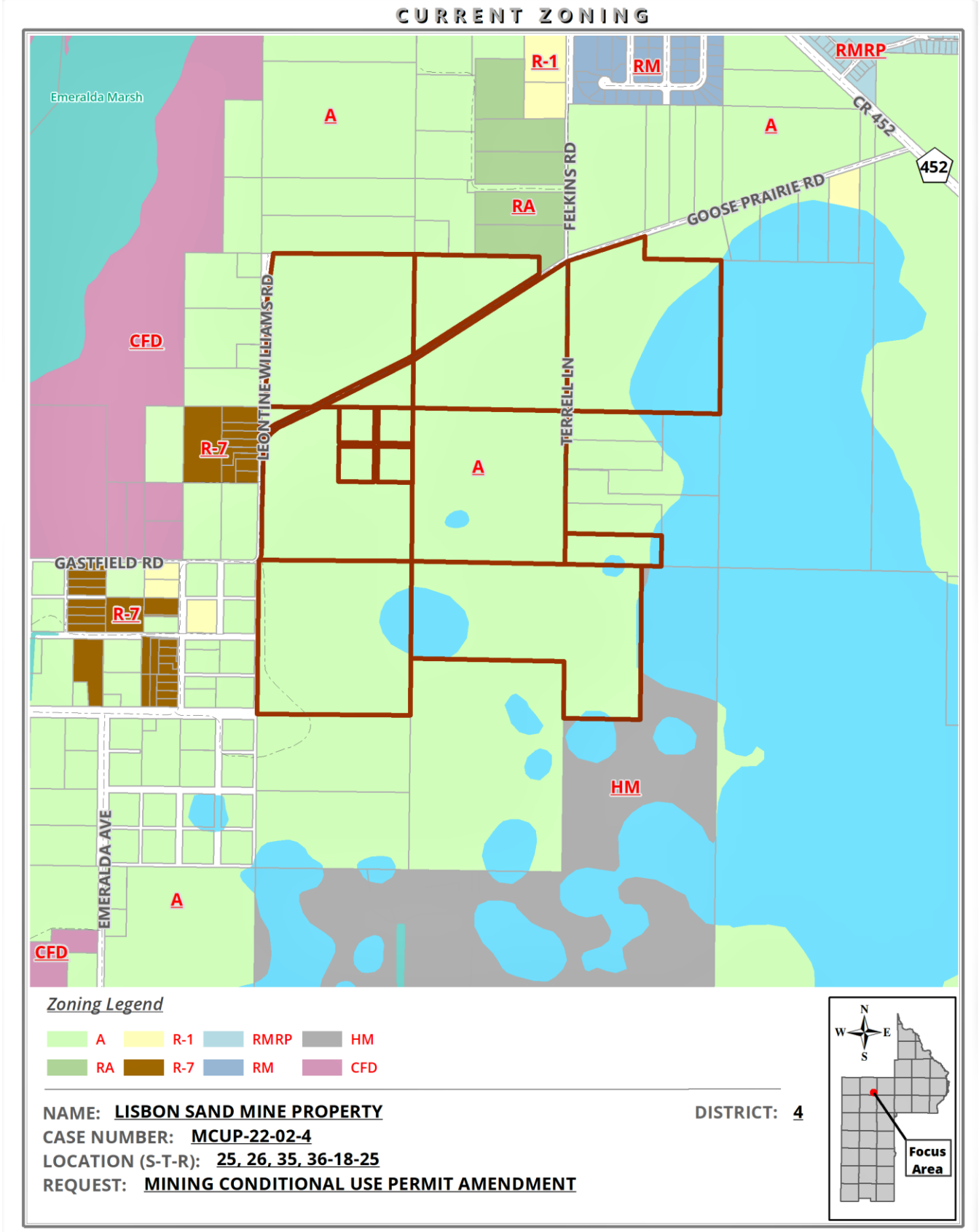
Subject Property



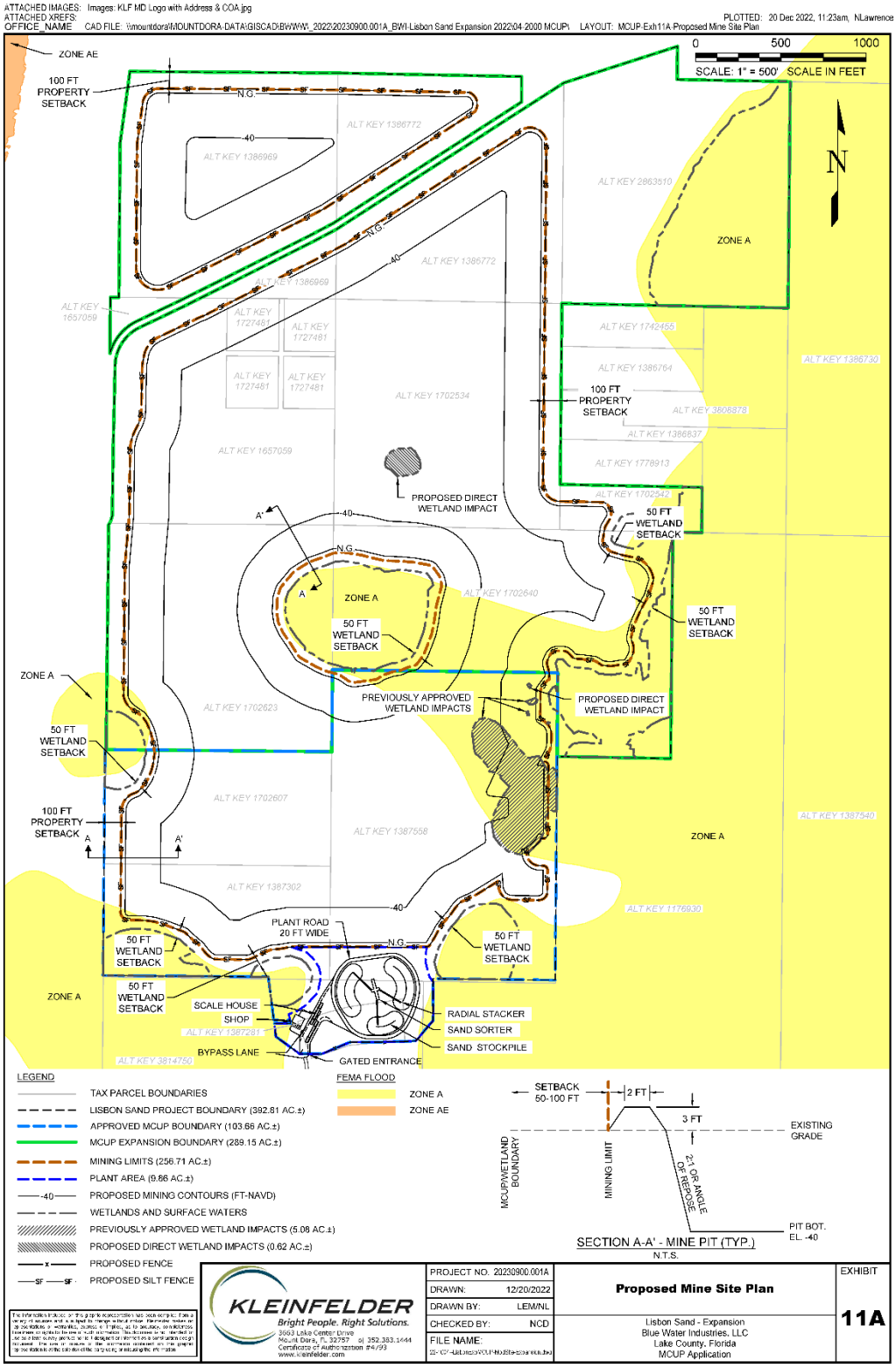
Attachment "A" – Future Land Use Map


CURRENT FUTURE LAND USE
Emeralda Marsh
Rural
CR 452
452
FELKINS RD
GOOSE PRAIRIE RD
Conservation
LEONTINE WILLIAMS RD
TERRELL LN
Rural
Rural
GASTFIELD RD
Rural Transition
LEMON ST
EMERALDA AVE
Industrial
Rural Transition
Future Land Use
Industrial
Rural
Rural Transition
Conservation
N
W
E
S
Focus Area
NAME: LISBON SAND MINE PROPERTY
DISTRICT: 4
CASE NUMBER: MCUP-22-02-4
LOCATION (S-T-R): 25, 26, 35, 36-18-25
REQUEST: MINING CONDITIONAL USE PERMIT AMENDMENT

Attachment "B" – Zoning Map



Attachment "C" – Conceptual Plan



Attachment "D" – Narrative Statement (Page 1 of 42)

MINING CONDITIONAL USE PERMIT (MCUP-20-03-5)
AMENDMENT APPLICATION
LISBON SAND
LAKE COUNTY, FL

1 MINING CONDITIONAL USE PERMIT REQUIREMENTS (LDR SECTION 6.06.03(B))

The following information is intended to support an amendment of the existing Mining Conditional Use Permit (MCUP) associated with the Lisbon Sand mine operation, in Lake County, Florida. The existing mine (Approved MCUP Boundary) is located north of County Road 44, in Sections 25, 26, 35 and 36, Township 18 South, Range 25 East, of Lake County, Florida (**Exhibits 1 and 2**). Commercial sand mining was approved for the Lisbon Sand Mine under an MCUP (MCUP-20-03-5) in November 2020, and the Operating Plan was subsequently approved in April 2022.

The amendment to MCUP-20-03-5 proposes to:

- Extend the boundary of the MCUP by 289.15 acres (MCUP Expansion Boundary, also referred to as MCUP Expansion) onto properties to the adjacent north of the existing approved operation; and,
- Extend the operational mine life, increasing the total mining acreage by 189.67 acres.

The Lisbon Sand facility will operate in conformance with the existing approved MCUP as it relates to traffic, production rates and material processing, adjacent property setbacks and buffering, and overall operations. The subject amendment expands the Conditional Use Boundary from 103.6 acres to 392.8 acres and provides for additional resources to extend mine life from just over 73 acres of currently permitted recoverable resources to an amended total of approximately 256 acres, with no changes to the previously approved operations.

Parcels subject to the MCUP expansion include Alternate Key 1702623, 1702640, 1702534, 1727481, 1702542, 1657059, 1386969, 1386772, and 2683510 (Exhibit 3).

It is noted that the Florida Legislature has deemed the construction aggregate materials mining industry is of critical importance to the state and that mining of these materials is in the public interest (Section 337.0261(2), Florida Statutes). The project provides this critical state resource. The Lisbon Sand operation contributes to a predictable supply of aggregate needed to meet the construction demands for roads, schools, homes, and commercial construction throughout the County. As such, expansion of the existing

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operation provides for a reliable and longer-term source of these critical construction materials, which is integral to the local economy.

Pursuant to Section 6.06.03(B) of Lake County's Land Development Regulations (LDRs), the following is provided to support the MCUP amendment application:

1. **The name, address, and telephone number of the owner of the land on which mining activities are to be conducted. Evidence of ownership shall be provided as well as the written consent of all landowners. Copies of said consent shall be attached to the application.**

   The property owner information and Alternate Key numbers associated with MCUP Expansion Boundary is as follows:

Property Owners	Owner Information	Alternate Key Numbers
XS Properties, LLC	357 W. Alfred Street Tavares, Florida	1702623, 1702640, 1702534, 1727481, & 1702542
Standard Sand & Silica Company	PO Box 1059 Davenport, Florida 33836-1059	1657059
Ann Huffstetler Rou	2000 Country Club Drive Eustis, Florida 32726-5802	1386969
Ann H Rou Trustee & Huffstetler Enterprises, Inc.		1386772
Huffstetler Enterprises, Inc.		2863510

   A map depicting the Approved MCUP Boundary and MCUP Expansion Boundary, and the associated Alternate Key numbers for the MCUP Expansion Boundary and parcels within a 500' radius has been provided as **Exhibit 3**. Copies of the associated property cards, which include the legal descriptions for each parcel, as well as the Sunbiz entity details for the corporations who are owners of any of the subject parcels are included in **Appendix A**. The owner's affidavits have been included as a part of this application and have been signed by the individual property owners and/or authorized officer of each of the parcel ownership entities.

2. **The name, address and telephone number of the mine operator and the applicant if the applicant is not the landowner, or person that will physically alter the land.**

   The mine operator and applicant information are as follows:

   Mine operator and Applicant: Blue Water Industries, LLC
   Attn: Edward L Baker II, Chief Executive Officer

Attachment "D" – Narrative Statement (Page 3 of 42)

200 West Forsyth Street, Suite 1550
Jacksonville, Florida 32202
(904) 512-7706

Applicant's Agent: Kleinfelder Southeast, Inc.
Chryl DeCrenza
3663 Lake Center Drive
Mount Dora, FL 32757
(352) 554-8079

3. **The date that mining activities will commence and the projected date of completion.**

   Construction of the existing permitted Lisbon Sand plant facility, and associated mining operations, have commenced within the Approved MCUP Boundary. Mining will progress through the existing project area and onto the MCUP Expansion parcels at an estimated rate of 5-8 acres per year, with the collective approved and Expansion areas creating an estimated 30-year mine life. Variability in this timeline will be affected by the depth and quality of the recoverable resource across the properties, and market conditions from year to year.

4. **The legal description and street address, if any, of the specific parcel (s) on which mining activities are to be conducted.**

   The abbreviated legal descriptions from the Lake County property record cards are provided with the property list in **Appendix A**. The MCUP Expansion will utilize the same address as the existing Lisbon Sand Plant facility as the physical and permitted ingress/egress for the project.

5. **Ownership of all property contiguous to and within five hundred (500) feet of the property on which mining activities are to be conducted, which information shall be based upon the real property tax roll. Notice shall be posted on the public access roads and county road(s) closest to the site.**

   Please refer to **Exhibit 3** for a depiction and list of contiguous property ownership within 500 feet of the MCUP Expansion Boundary.

6. **Dimensions and location of all existing and proposed buildings, signs, driveways, off-street parking areas, loading and unloading areas and exterior walls and fences. Specifications for the paving of streets, parking areas and walks, provision for parallel service roads and exterior walls and fences.**

Attachment "D" – Narrative Statement (Page 4 of 42)

Properties associated with the MCUP Expansion consist entirely of open, undeveloped agricultural lands. There are no existing or proposed buildings, signs, driveways, off-street parking areas, loading and unloading areas, or exterior walls on the properties associated with the MCUP Expansion Boundary. Road access for ongoing operations and emergency vehicles will continue to utilize the permitted entrance to the existing mine operation to the south accessing County Road 44, which is shown in **Exhibit 2**. No new driveways or commercial access points are proposed or necessary to support the MCUP expansion.

7. **Plans or reports describing the method of handling any traffic condition created by the proposed use.**

Modification of the existing approved MCUP to accommodate the additional mining area will not increase the production capacity or traffic volumes at the existing sand plant operation. The expansion will extend sand mining reserves and mine life, with anticipated production volumes maintained as currently approved. The existing approved mine entrance/exit that accesses a signaled intersection onto County Road (CR) 44 will be used to support the operation for its duration.

All mine employees and haul traffic are routed through the existing signaled driveway at County Road 44, located south and west of the Dura-Stress operation, to the mine plant site where the haul trucks will be loaded for off-site transport via the same route (**Exhibit 12**). Approximately 30% of the commercial grade sand produced at the mine is used by Dura-Stress in their operation, thereby reducing the number of trucks leaving the mine site as well as the number of external trucks routing to Dura-Stress.

Additional discussion regarding traffic is included in Section 4.2 of this application.

8. **Plans or reports showing the proposed treatment and disposal of sewage and waste; treatment of glare; and handling of hazardous gases, liquids and other materials.**

The subject amendment makes no changes to the existing operation regarding these items. No hazardous wastes or glare are generated by the Lisbon Sand mining operation, and no changes to fueling or sewage and waste disposal are proposed in association with the MCUP Expansion.

9. **Copies of approved permits or permit applications submitted to or required to be submitted to all state, federal, regional and local permitting agencies.**

Attachment "D" – Narrative Statement (Page 5 of 42)

A list of the anticipated permits required to authorize and entitle the commercial sand mining operation is provided below:

Permit or Approval	Issuing Agency	Status
Mining Conditional Use Permit	Lake County	MCUP 20-03-05; amendment in progress
Operating Permit		To be updated following MCUP amendment approval
Environmental Resource Permit (ERP)	Florida Department of Environmental Protection (FDEP)	Permit modification application in progress
Formal Wetland Determination		Application in progress for additive parcels

No additional permits are anticipated in association with the mining expansion. Upon completion of the listed permits and entitlements, the Operating Permit will be updated for approval by County staff, which will include copies the relevant external permits and authorizations listed above.

10. **Wetlands alteration and mitigation plans to include the location and type of wetlands to be altered, location and type of wetland mitigation areas, mitigation ratios and methods to be utilized for mitigation.**

Wetland Summary and Assessment

The mine plan was designed to avoid and minimize wetland impacts to the maximum extent practicable. Every effort was made to maximize the recoverable commercial product while preserving the values of the natural features onsite.

Wetland boundaries within the MCUP Expansion were delineated in the field by Kleinfelder biologists pursuant to State and federal wetland criteria set forth in Chapter 62-340, of the Florida Administrative Code (F.A.C.), the ACOE Wetland Delineation Manual (1987), and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual for the Atlantic and Gulf Coastal Plain Region (Version 2.0). An application for a formal wetland determination will submitted to the FDEP in association with the ERP modification to verify the wetland lines.

The MCUP Expansion has a total of 38.32 acres of wetlands, mostly consisting of combination of smaller isolated marsh wetlands and portions of freshwater marshes associated with an offsite wetland system (**Exhibits 8, 11A and 13**). Upland buffers (50 feet minimum) will be established in association with each of the undisturbed wetlands to prevent secondary impacts (**Exhibit 11A**).

Attachment "D" – Narrative Statement (Page 6 of 42)

Onsite wetlands are physically separated from the nearest Water of the United States (WOTUS) which is Lake Eustis, a Traditional Navigable Waterway (TNW) to the southeast, by a state highway and historic railroad bed now being used as a power line easement. There is no surface water connection between the wetlands on the MCUP Expansion and Lake Eustis. Based on the lack of a surface water connection and the absence of adverse effects that the MCUP Expansion would have on WOTUS, Kleinfelder has determined there is no significant nexus between the MCUP Expansion and WOTUS, and thus, wetlands on the MCUP Expansion are non-jurisdictional to the ACOE and would only be considered jurisdictional to the State. Results of formal wetland determination will be provided to the County once received from the FDEP.

Mining is conducted by hydraulic dredge and does not involve dewatering, such that no hydrologic drawdown is anticipated during the mining operation. In an effort to demonstrate no adverse impacts to the existing groundwater and surface water elevations across the mining operation, the applicant has initiated a hydrologic monitoring program for the existing operation that has been expanded to include the wetlands and surface water features on the MCUP Expansion parcels. The monitoring program consists of a series of piezometers (monitoring wells) and staff gauges in the onsite wetland systems to measure surface and groundwater levels in comparison to ambient conditions and rainfall and in relation to the progression of the mine operation (**Exhibit 13A**). These stations will be monitored, along with rainfall, on a monthly basis during the life of the mine, through reclamation.

Wetland Impacts and Compensatory Mitigation

While the majority of the wetlands on the MCUP Expansion Boundary are being avoided by the expanded mining limits, a total of 0.62 acres of new unavoidable impacts are planned to two isolated wetlands; one located in the central portion of the MCUP Expansion Boundary, and the second occurring in the former setback areas of the existing project limits (Wetlands 10 and 13, **Exhibits 11A and 13)**.

Wetland impacts associated with the above have been assessed using the State of Florida Uniform Mitigation Assessment Method (UMAM), pursuant to Chapter 62-345 F.A.C., to determine functional values and compensatory mitigation obligations (see Table 1 below). Based on the proposed impacts to Wetland 13, it is estimated that a total of 0.43 UMAM units will be required for compensatory mitigation to ensure there is no net loss of wetland function. Given Wetland 10 is isolated, is located wholly within the project boundary, is less than 0.5 acres in areal extent, and does not provide critical habitat to protected species, no compensatory mitigation is required for

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this impact (Part III, Section 10.2.2.1, Applicants Handbook). However, a total of 0.50 mitigation credits are being purchased to offset these unavoidable impacts, which exceeds the collective functional values for these two wetland areas.

Table 1 - UMAM Impact Summary

Wetland Impact ID's	FLUCFCS Codes (Land Use)	Direct vs Secondary Impacts	Location and Landscape Support		Water Environment		Community Structure		Delta	Acres	Functional Loss (functional units)
			w/o pres or current	with	w/o pres or current	with	w/o pres or current	with			
Wetland 10 (Approved MCUP Boundary)	640	Direct	6	0	2	0	2	0	0.333	0.01	0.003*
Wetland 13 (MCUP Expansion Boundary)	641	Direct	7	0	7	0	7	0	0.7000	0.61	0.427
Total										**0.62**	**0.43***

11. **Uplands alteration and mitigation plans to include the location and type of uplands to be altered, location and type of upland mitigation areas, mitigation ratios and methods to be utilized for mitigation.**

    The uplands present on the MCUP Expansion consist mainly of improved pastures and pine plantation/production lands. The pasture areas are used to actively run cattle, and the native vegetation is limited, given these lands are managed to encourage a dominance of pasture grasses. There are no S2 native communities within the expansion parcels as defined by Chapter 6.01.00 of the Land Development Regulations, such that no upland preservation or set asides are required. Reclamation of the post mining lands include the stabilization and revegetation of upland areas to pastures, and grading, stabilization and establishment of wetland vegetation around the post mining water body in accordance with County and State reclamation requirements and standards. Mitigation for the de minimis wetland impacts are described above, and overall site reclamation plans and post mining land uses are illustrated on Exhibits 14 and 15.

12. **A map or series of maps prepared at a scale of 1 inch = 200 feet or 1 inch = 400 feet which depicts the following information such maps shall be at a scale that is consistent with the scale of the aerial photographs required in item d, below):**

    a. **Date, north arrow and scale.**

Attachment "D" – Narrative Statement (Page 8 of 42)

All maps (**Exhibits 1-15**) included with this application contain a date, north arrow, and scale, and are sized for legibility and ease of review.

b. Size, shape and geographic location of the proposed mining operation and location of nearest major highways.

The size, shape, geographic location, and proximity of the expanded mining boundary are illustrated on **Exhibits 1 and 2**.

c. Existing topography of the proposed mining site and its relationship to the existing watershed; contour lines shall be drawn at five-foot intervals of actual ground contours.

The existing USGS topography and Light Detection and Ranging (LiDAR) contours have been provided as **Exhibits 4** and **5**, respectively. The USGS map depicts five (5) foot contours, and the LiDAR map depicts one (1) foot contours.

d. Aerial photograph(s) of the proposed mining site and surrounding property at a scale of 1 inch = 200 feet or 1 inch = 400 feet (photos of flight most recently available through the county engineer's office, DOT, SCE, or other agency will be accepted). Aerial photographs shall be at same scale as all other maps submitted with the application.

A recent Aerial Photograph from 3/14/2020 for the MCUP Expansion and surrounding areas is provided as **Exhibit 2**. Scaling for the other exhibits varies as needed according to the data being provided.

e. Existing on-site natural and man-made features, and on property within three hundred (300) feet of the proposed mine if said information is available for the off-site property, including but not limited to:

(1) Watercourses.

No watercourses are located on or within 300 feet of the MCUP Expansion boundary.

(2) Soils.

Please refer to **Exhibit 6** for mapped NRCS soils. Mapped soils are generally consistent with identified land use conditions, wherein apparently well drained sandy soils are the most prevalent across the Expansion Boundary.

(3) Wetlands.

Please refer to **Exhibit 8**, which illustrates the location, areal extent and wetland land cover types.

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(4) Designated vegetative and wildlife species.

Please refer to **Exhibit 8** and **Appendices C**. Additional information can be found in Section 3.3 of this application for information regarding vegetative and wildlife species presence, potential for occurrence, and the necessity of further evaluations and or permitting.

(5) Roads.

A few local roads bisect or run adjacent to MCUP boundaries: these include Goose Prairie Road, a paved two-lane roadway, and Terrell Lane, Leontine Williams Road, and portions of Kentucky Avenue, each of which are unimproved single lane roadways and or private drives (**Exhibits 1 and 2**).

(6) Railroads.

No railroads are located on or within 300 feet of the MCUP Expansion.

(7) Utility lines (above and below ground on site only and aboveground off site).

No known utilities occur within the MCUP Expansion.

(8) Right-of-way lines and easement lines (on site only).

Pursuant to Lake County Public Works GIS mapping, there are no rights-of-way or easement lines on the MCUP Expansion Boundary. See also attached survey and title information as it relates to former easements on specified parcels.

(9) Existing buildings and structures.

There are no existing buildings or structures on the MCUP Expansion.

(10) Wells.

Pursuant to a review of the FDEP Map Direct Website and St. Johns River Water Management District data, no public or private water supply wells are located on the MCUP Expansion Boundary. There are several wells located within 300 feet of the Boundary, specifically associated with private domestic wells at existing residences (**Exhibit 4**). As part of the hydrogeological analysis prepared to support the Expansion, five new site-specific monitoring wells were constructed within and/or adjacent to the proposed mining limits of the MCUP Expansion Boundary. Additionally, there are four (4) groundwater monitoring wells on the Approved MCUP Boundary. The approximate location of the five (5)

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monitoring wells on the MCUP Expansion Boundary and the four (4) monitoring wells located on the Approved MCUP Boundary are provided in **Exhibit 13A**.

(11) Chemical and fuel storage tanks (surface and subsurface on site and surface only off site).

There are no known existing chemical and fuel storage tanks on or within 300 feet of the MCUP Expansion parcels.

(12) Hazardous materials storage (on site only).

There is no existing hazardous material storage onsite, and none is proposed.

(13) Dikes, canals, pumps and other water-handling devices and systems.

There are no dikes, canals, pumps and other water-handling devices and systems on or within 300 feet of the MCUP Expansion Boundary.

(14) Flood-prone areas and flood elevations (based on 100-year frequency flood conditions).

Please refer to **Exhibit 7** for FEMA floodplains mapped on and within 300 feet of the MCUP Expansion Boundary. Additional information can be found in Section 3.3 of this application. Any mining occurring within mapped flood prone areas will be expanding available flood capacity; no loss of flood storage is occurring as part of the expanded project.

f. Proposed features include but are not limited to: Permanent and semi-permanent facilities and structures (such as washers, scales, offices, lakes, wells, dikes, canals, ponds, pumps, waste storage areas and other water-handling and stormwater management devices and systems (include conceptual design demonstrating stormwater management systems capability to meet county stormwater regulations); mining pit(s); permanent internal access roads; ingress/egress roads; railroads; utility lines; right-of-way and easement lines; septic tanks and drain fields; chemical and fuel storage tanks; hazardous materials storage; wetland mitigation areas; setbacks from right-of-way; easement and property lines; fences, walls or vegetative buffers (identify materials); air emission sources; sewage treatment facilities; potable water facilities and other similar features.

Most of these features are not applicable, as the MCUP Expansion involves the entitlement of additional properties to support the continuation of sand material recovery at the existing Lisbon Sand operation. No changes to the currently permitted operation as it relates to traffic, material processing, and production volumes are necessary or being

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requested in the subject amendment. Activities to occur on the MCUP expansion will be associated with the preparation of the approved areas for mining, the sub surface hydraulic dredge extraction-sand recovery, and ultimate reclamation of the additive mining areas. Access roads, processing facilities, and other features such as septic disposal and potable water facilities are already in place to support the existing operation and will stay in place for the duration of the operation. All applicable setbacks have been incorporated into the extended site design and are identified on the mine plan (**Exhibit 11A**).

g. **A map depicting the proposed major access routes in Lake County, including impacted intersections closest to the mining operations and the proposed daily volume of vehicles hauling the excavated material during the first year of operation.**

No changes are being proposed to haul truck trips or access as permitted for the existing Lisbon Sand operation. There will be no changes related to the production capacity of the mine; thus, traffic patterns related to the mine will be consistent with the currently approved operation, and the local roads in the vicinity of the Expansion will not be affected or adversely impacted.

The previously approved Traffic Haul Route Map is provided herein as **Exhibit 12**. Additionally, a traffic study conducted by Traffic Planning and Design, Inc. that addressed traffic was previously provided in association with the Approved MCUP Boundary. Daily mine traffic is not expected exceed the currently permitted average of 50 trips for commercial sand trucks leaving the site authorized by MCUP No. 20-03-5; as such, it was determined that there was no need to re-evaluate the previously approved traffic plan for the project.

13. **Estimates or computations of the total acreage within the proposed mine, acreage required for waste storage, acreage of actual mining pits, acreage in existing and/or anticipated waterbodies.**

Lisbon Sand Project Boundary	Approved MCUP Boundary Acreage	MCUP Expansion Boundary Acreage	Total Acreage
Overall Acreage	103.66	289.15	**392.81**
Mining Acreage	73.08	183.63	**256.71**
Total Wetlands	14.77	20.89	35.66
Direct Wetland Impacts	4.8	0.61	5.41
Indirect Wetland Impacts	0.29	0	0.29
Waste Storage Areas	0	0	0
Existing Waterbodies	0	0	0
Reclaimed Waterbodies	54.99	131.10	186.09
Reclaimed Wetlands	0	0	0

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The MCUP Expansion totals 289.15 acres, with a total of 256.71 additional acres to be mined, which includes the additive parcels, as well as mining area gained by elimination of the adjacent property setbacks that had been in place for the northern boundaries. Post mining conditions and projected land uses are illustrated on **Exhibits 14** and **15**.

14. **A schedule showing the proposed sequence of mining activities is required that shall be reviewed and may be revised on a yearly basis.**

    Mining is currently occurring on the Approved MCUP Boundary in association with the Lisbon Sand operation. Upon approval of the MCUP Expansion amendment, mining will eventually progress northward into the Expansion parcels and will continue to recover and process construction grade sand materials in accordance with their approved operations and permit conditions. Mining progression is estimated to average 5-8 acres per year, based on material quality, depth of the resource across the properties, and market conditions. Annual reports submitted to the County will provide updates of areas mined, areas to be mined and reclaimed over the prior and coming twelve-month periods through the duration of the project.

15. **A cross-sectional drawing referring to the NGVD showing the proposed depth of the excavation area and the slope of the site and depth of the water, if any, in the mining area at the time of completion of the mining activity.**

    Mining will occur to an estimated depth of -40 feet National Geodetic Vertical Datum (NGVD). Please Refer to **Exhibit 11A** for the maximum depth and sloping associated with the excavation and **Exhibit 14** for the post-mining reclamation slopes and estimated post mining water depths.

16. **A hydrogeologic report on surface and groundwater conditions and the hydrogeologic impact of the proposed activity. The report shall be prepared by a person licensed by the State of Florida as a professional geologist. The report shall include at a minimum but not be limited to:**

    a. **Identification of the type of ore and overburden on site and the proposed maximum depth of mining.**

    b. **Groundwater contours, including direction of flow for the surficial and Floridan Aquifers determined from site specific data. Contours for the Floridan Aquifer may be determined by literary research in the case of clay and peat mines.**

    c. **Site-specific geologic information presented on at least one (1) geologic cross-sectional drawing referenced to NGVD. This cross section shall show the subsurface from the existing land surface to the top of the Floridan aquifer and shall identify the major lithologic and hydrologic groups and the bottom elevation (s) of the proposed mine.**

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d. Information on both the surficial aquifer and confining units necessary to identify the hydrological environment of the site. This information shall, unless specifically exempted by the county, include porosity, specific yield, hydraulic conductivity and other hydrologic characteristics derived from field tests (i.e., slug test, permeability testing or other county-approved aquifer tests).

e. Background surficial aquifer water quality measurements of pH, specific conductance, temperature, chlorides and total dissolved and suspended solids. Peat and muck mines shall be required to provide surface water quality measurements of pH, specific conductance, temperature, chlorides, TDS, TSS, BOD, COD, nutrients, organic compounds and heavy metals.

f. Proposed water withdrawal volumes, water discharge volumes and water budget for the proposed mining operation.

g. Hydrologic and hydrogeologic impacts of mining activities, water withdrawal and water discharge on surrounding properties and resources. The impacts addressed shall, unless specifically exempted by the county, include but not be limited to the following: Groundwater levels, recharge to and discharge from aquifers, lake levels, flood storage, stormwater surface water flow patterns, base flow of streams, erosion, sediment load, stream velocity and evapotranspiration.

h. Sufficient borings shall be made to provide data necessary to meet the above requirements. Borings shall be sufficiently deep to determine depth to the first Florida aquifer confining unit. Consideration shall be given to placing one (1) upgradient boring to the top of the weathered limestone of the Floridan aquifer as needed to ascertain the lithology of the site. Borings shall be conducted according to either ASTM Standard D-1586 (Standard Penetration Test), augured or continuously cored. Boring lots in the report shall as a minimum include the following:

   (1) The reference point for all depth measurements both to existing land surface and to mean sea level.

   (2) The identification and description of the material of which each stratum is composed.

   (3) The depth and height of any cavities, intervals of falling rod and lost circulation of drilling fluids.

   (4) Depth at which the water in the surficial aquifer was encountered.

i. In the case of peat mines, unless specific adverse conditions are identified, the following shall generally be considered sufficient to supply site specific data required to comply with

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subsections c., d. and h. above. A muck probe survey with probes done on one hundred (100) foot centers to determine the depth of the peat deposit shall be performed. Probing shall be performed to the bottom of the deposit. In addition, one (1) boring to a depth of twenty (20) feet below the proposed mine depth to characterize the hydrogeologic setting of the site shall be required. The location of this boring shall be adjacent to the area to be mined and selected in consultation with county staff. (Under h., boring logs, requirements (1) through (4) would still apply). This data will be incorporated into the required report (s). Where the data indicate a possible and/or potential connection to the Floridan, aquifer, additional probes and/or borings shall be performed.

j. Other information which may be beneficial to the review of the hydrogeological condition of the site and vicinity, including but not limited to any other geologic, hydrogeologic and geotechnical reports prepared on the mining site.

The information requested in Item #16 is found in the Hydrogeology Summary provided as **Appendix B**, which was prepared by a professional geologist licensed by the State of Florida.

17. **An environmental report that identifies the location and extent of designated species as identified in chapter 39, Sections 39-27.003, 39-27.004 and 39-27.005, Florida Administrative Code, and Chapter 581, Florida Statutes, Sections 581.185 (5) (a) and (b). The environmental report shall address at a minimum the impact of the proposed activity on such species and the methods to be utilized to mitigate adverse impacts.**

Please refer to Section 3 (Environmental Analysis).

18. **Conceptual plans which shall include provisions for the stabilization of soils disturbed during construction to prevent soil losses by water or wind. When the mine operation is in public view, conceptual plans shall include provisions for landscaping and buffering.**

Stormwater Best Management Practices (BMPs) will be followed for the continuation of mining within the Expansion areas. During construction activities, BMPs will be utilized to prevent offsite erosion, sedimentation and water quality degradation. This includes the use of silt fence around all disturbed land surface areas, along with perimeter berms to contain stormwater within disturbed areas. Any spoil accumulated during construction will be used in association with site preparation to create and slope berms and in association with reclamation to re-grade and seed mitigation areas. Setbacks, berms, seeding, and vegetative plantings will be deployed where necessary to buffer the operation from public view (**Exhibit 11A**).

19. **A workable, environmentally sound reclamation plan which demonstrates the requirements of this chapter, fully described by illustration and documentation, including plan view with cross sections.**

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The reclamation plan shall show all areas to be reclaimed by depicting and describing the manmade and natural features will exist when the reclamation plan is completed and shall depict at least two (2) typical cross sections generally oriented at a ninety-degree angle to each other and a plan view with contours showing areas to be filled, backfilled, reconstructed and reshaped. The reclamation plan shall identify size, type, location and planting schedule for all vegetation to be planted or seeded in accordance with the reclamation plan. Water elevation shall be shown when a lake creation is proposed.

Please refer to Section 6 (Reclamation Plan) and **Exhibit 14**.

20. **Site-specific information requirements may be modified, or Additional information may be requested by the County. Additional Aquifer testing and/or water-quality testing, including sampling of wells in the Floridan Aquifer, may be required in areas of known Groundwater contamination or in prime Recharge. The Applicant Shall bear all costs associated with testing.**

    Based on the site specific hydrogeologic analysis conducted for the MCUP Expansion (**Appendix B**), there is no documented or identified groundwater contamination or prime recharge areas associated with the property. Further, no other surface or groundwater testing beyond that required herein has been deemed necessary. The mining expansion will not contaminate surface or groundwater as no chemicals are introduced into ground or surface water in association with the sand excavation and material processing operations. There are no changes anticipated to the ambient surficial groundwater in association with the expansion of the mine operation.

21. **In the event that the Department of Environmental Protection shall issue a determination of confidentiality pursuant to F.S. Ch. 378, § 378.406, the County Shall honor said determination.**

    County LDR language - Comment noted.

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2 CURRENT MINING OPERATION AND PROJECT DESCRIPTION

2.1 INTRODUCTION

The existing Lisbon Sand Mine is operated by Blue Water Industries, LLC. and produces commercial grade silica sands for the construction industry. The existing mine (Approved MCUP Boundary) is located north of County Road 44 and east of Emeralda Avenue in Sections 35 and 36, Township 18 South, Range 25 East, of Lake County, Florida **(Exhibits 1 and 2).** The sand mine is located within a highly industrialized area and adjacent to the existing Dura-Stress precast concrete operation, providing an important local source of construction materials to the region. The mine opened in 2022 following issuance of MCUP No. 20-03-5, and the acquisition of all other requisite local, State and federal entitlements and permits. The subject MCUP Expansion application involves the addition of 289.15 acres of new property (MCUP Expansion Boundary also referred to as MCUP Expansion) adjoining to the currently permitted mining area, with a modification of the MSP to results in a total of 392.8 acres within the amended MCUP boundary, and a new cumulative total of 256.71 acres of mining.

A location map illustrating the MCUP Expansion Boundary (289.15 acres) and its relation to the Approved MCUP Boundary has been provided as **Exhibit 1.** An aerial map depicting the overall Lisbon Sand Project Boundary with March 2020 photography has been provided as **Exhibit 2**.

2.2 MINE PLAN

Mining Operation

A total of 256.71 acres (73.08 acres on the Approved MCUP and 183.63 acres on the MCUP Expansion) is to be mined, which includes the additive parcels, as well as the 'gain' of adjacent property setbacks that had been established with the Approved MCUP (**Exhibit 11A**). With the existing Lisbon Sand operation having formally commenced during calendar year 2022, the current expansion will be extending the mine life, with no other changes to the previously permitted operation.

The sand mining operation is comprised of the excavation of sand by an electric powered hydraulic floating dredge. At the outset of the wet sand operation, vegetation is cleared, and overburden is pushed into a berm for storage until it is utilized for reclamation. The topsoil berms are used around the perimeter of the disturbed areas as part of the stormwater BMPs to contain and control stormwater runoff. The actual

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dredge operations occur below land surface, at the ambient water level. The dredge transports a sand slurry via transient pipelines to the processing plant, where it is be separated from the slurry and sorted according to size and stockpiled for sale. Water from the upper Floridan aquifer is utilized to transport and process the sand product, and ultimately returned to the excavation after the targeted commercial sands have been removed.

Employees and commercial sand trucks enter and leave the mine property through the signaled entrance/exit located at the intersection of County Road 44 and Forest Drive. The signaled entrance serves both the sand mine operation and the existing Dura-Stress facilities; and an internal, gated private driveway provides for employee and commercial traffic to and from the mining operation, further segregating mine traffic from Dura-Stress employees and their commercial traffic.

No hazardous wastes are generated by the existing sand mine operation. A septic tank is located onsite to handle sewage needs. The commercial sand haul trucks are independently owned and operated, and thus are maintained and re-fueled off-site. Haul truck traffic generally runs from 4 AM to 6 PM, Monday through Saturday. Fuel and chemical storage are present within the existing permitted plant area to support equipment for the operation as per currently approved site plans (**Exhibit 11C)**. No changes to these plans are proposed as part of the subject MCUP Expansion. Mining operations follow the standards established in Section 6.06.02 C, Lake County LDR and utilize Best Management Practices (BMPs) during mining and reclamation activities to provide safeguards to public health, safety and welfare and protect undisturbed natural resources (Section 6.06.02, LDR).

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3 ENVIRONMENTAL ANALYSIS

A series of environmental assessments were conducted from May through August of 2022 to evaluate the targeted MCUP expansion properties. Publicly available data, in concert with field reviews, were used to characterize the existing conditions and to assess for sensitive environmental conditions to be addressed as part of the site planning and permitting efforts. Physical features evaluated included USGS mapped and existing topographic conditions, NRCS soil mapping and descriptions, FEMA flood prone mapping, observed land uses and ecological communities, and the potential for the occurrence of listed species. Please note the environmental assessment is limited to the extent of the mining expansion as an environmental assessment has already been submitted to the County in association with the Currently Permitted Mine Property in association with the existing MCUP 20-03-05.

All mapping associated with this section (**Exhibits 4-8**) includes the MCUP Expansion Boundary and surrounding 300 feet. The Approved MCUP Boundary is included on all exhibits for reference. The findings of the environmental assessment associated with the MCUP Expansion Boundary are provided as follows:

3.1 TOPOGRAPHY

Pursuant to the USGS 7.5-minute quadrangle five-foot topographic maps for Emeralda Island, Florida (**Exhibit 4**), the MCUP Expansion properties are moderately sloping with elevations ranging from 65 to 115 feet National Geodetic Vertical Datum of 1929 (NGVD29). Site specific topographic data has been provided as one-foot LiDAR contours in **Exhibit 5**, which maps elevations ranging from 62 to 117 feet North American Vertical Datum of 1988 (NAVD88). Both USGS and LiDAR mapping depict elevational high points a high spot located with central portion of the northern boundary, which slopes moderately downward to the south and east, with elevations generally getting steeper towards the isolated wetlands located within the mining expansion. Wetlands are illustrated on the USGS with the lower contours of 65 and 70 feet NGVD29, with the upland areas depicted primarily as undeveloped. In general, the USGS and LiDAR mapping appears to be consistent with observed conditions on the mining expansion.

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3.2 SOILS

According to the most current U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Soil Survey of Lake County, Florida (2020), the following ten (10) soil types and one (1) land cover type (44 - Swamp) are mapped in association with the MCUP Expansion Boundary (**Exhibit 6**):

- Candler sand, 0 to 5% slopes (8)
- Candler sand, 5 to 12% slopes (9)
- Cassia sand (12)
- Immokalee sand (20)**
- Ocoee mucky peat (31)*
- Oklawaha muck (32)*
- Placid and Myakka sands, depressional (40)*
- Pomello sand, 0 to 5 percent slopes (41)
- Pompano Sand (42), and
- Tavares sand, 0 to 5% slopes (45)

* Pursuant to the Hydric Soils of Florida Handbook, Fourth Edition (2007), Florida Association of Environmental Soil Scientists (FAESS), these soils are considered hydric.
** Pursuant to the Hydric Soils of Florida Handbook, Fourth Edition (2007), FAESS, these soils have the potential to be hydric when certain inclusions are present.

The NRCS soil types mapped on the MCUP expansion range from moderately sloping, excessively drained sandy upland soils to level, very poorly drained organic wetland soils. Three (3) of these mapped soil types, Ocoee mucky peat (31), Placid and Myakka sands, depressional (40), and Swamp (44), are classified by the FAESS as hydric soils indicative of wetland conditions. Generally, those areas mapped as hydric soils are consistent with wetland land cover types observed in the field. Two (2) other soil types, Immokalee sand (20) and Myakka-Myakka, wet sands, 0 to 2% slopes (28), are designated by the FAESS as having the potential to be hydric when certain inclusions are present. Based on field observations, areas mapped with these soil types are generally associated with the upland areas.

3.3 FLOOD PRONE AREAS

FEMA Flood Insurance Rate Maps (FIRMs) contain the following flood zones (**Exhibit 7**):

- Zone X, which designates minimal flood hazard areas above the 500-year floodplain. This zone is mapped in association with the majority of the upland areas of the MCUP Expansion, including the pastureland, coniferous plantations, and upland hardwood and coniferous mixed forests; and

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- Zone A, which designates flood hazard areas within the 100-year flood zone which have a 1% annual chance of flooding. Base Flood Elevations (BFE) have not been determined for areas mapped as Zone A. This flood zone is mapped in association the onsite wetlands and the associated wetland peripheries, as well as uplands in the southeastern portions of the MCUP Expansion Boundary.

While most of the mining expansion occurs outside of mapped flood prone areas, there are portions of the future mining areas that will occur within mapped FEMA Zone A (100-year) floodplains. Mining will increase net flood storage capacity onsite, such that no compensating storage is required in association with the expansion of the mining areas.

From a stormwater and flood management perspective, all areas within the mine limits and plant area will drain to the mine pit. Rainfall over the mine pit will drain directly to the pit as a result of the perimeter containment berm. Runoff from the plant area will be conveyed to the pit via berms, swales, and culverts. Assuming 100% of rainfall for the 100-year, 24-hour storm event (11.4 inches) over the total mine and plant area (266.57 acres), total runoff volume produced during mining is approximately 253 ac-ft. Storage during mining will be provided by the mine pit. A 3-foot-high perimeter berm will surround the mine pit that matches existing grade at the mining limit. The minimum existing elevation along the mining limit is approximately 67 ft-NAVD; the corresponding minimum top of berm elevation would be 70 ft-NAVD. Seasonal high-water level (SHWL) was established as 63 ft-NAVD in the Environmental Resource Permit (ERP) for the existing Lisbon Sand Mine. SHWL establishes the starting elevation for storage calculations. The available storage in the mine pit (volume between SHWL and minimum top of berm elevation) is approximately 1700 ac-ft. This is in excess of the calculated runoff volume.

Approximately 35 acres of Zone A floodplains will be disturbed in association with the operation, either within the mining limits or the developed plant area. Based on estimates of floodplain elevations using existing topography and floodplain limits (Zone A floodplains do not have base flood elevations established), total disturbed floodplain area is approximately 65 ac-ft. The storage volume created by the mine pit (approximately 1,700 ac-ft) will more than compensate for the alteration of localized floodplain storage areas. The runoff volume contributing to the offsite areas of the impacted floodplains will also be lower, as runoff will be contained completely within the mine pit with no discharge. As such, there is no loss of flood storage capacity in association with the expansion of the operation, and no compensating flood storage is necessary or required.

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3.4 VEGETATIVE COMMUNITES

The existing land use and cover types have been classified and mapped utilizing the Florida Land Use, Cover, and Forms Classification System (FLUCFCS, Florida Department of Transportation, State Topographic Bureau, Thematic Mapping Section, 1999) as shown in **Exhibit 8**. The MCUP Expansion properties consist primarily of pasturelands, pine plantation and forested uplands. Wetlands are limited to several isolated systems across the property, along with the northwestern fringes of the Goose Prairie marsh system. The adjacent lands are generally characterized by mining and heavy industrial to the south, low density residential to the west and northeast, and rural agricultural and residential lands to the north.

The following land use and cover types were identified on the MCUP Expansion Boundary:

211 Improved Pastures
310 Herbaceous (Dry Prairie)
320 Shrub and Brushland
410 Upland Coniferous Forests
432 Sand Live Oak
434 Hardwood – Coniferous Mixed
441 Coniferous Plantations
611 Bay Swamps
625 Hydric Pine Flatwoods
641 Freshwater Marshes
643 Wet Prairies

A detailed description of each land use and cover type identified is provided below.

211 – Improved Pastures (100.60 acres, 34.79%)

The most prominent land use consisted of improved pasture. Ground cover was dominated by typical pasture grasses including bahia grass (*Paspalum notatum*), Bermuda grass (*Cynodon dactylon*) and rose natalgrass (*Melinis repens*). In addition, the pastures were characterized by combination of native and disturbance associated ground cover species, which include dogfennel (*Eupatorium capillifolium*), rosary pea (*Abrus precatorius*), tropical Mexican clover (*Richardia brasiliensis*), prickly pear (*Opuntia humifusa*), netted pawpaw (*Asimina reticulata*), and pinewoods milkweed (*Asclepias humistrata*). Scattered cabbage palm (*Sabal palmetto*), laurel oak (*Quercus laurifolia*), and hercules-club (*Zanthoxylum clava-herculis*) trees were also observed within these pasture areas in varying densities.

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320– Shrub and Brushland (15.04 acres, 5.20%)

Areas of shrub and brushland were identified along the central portion of southern boundary and within the southeastern corner. The perimeters larger section of palmetto prairie with the central portion of the southern boundary was characterized by a dense, fire-suppressed, overcanopy consisting of myrtle oak (*Quercus myrtifolia*), tarflower (*Bejaria racemosa*), rusty staggerbush (*Lyonia ferruginea*), and laurel oak (*Quercus laurifolia*). The overstory of the interior section of this area was characterized by mostly open mixture of scattered slash pine (*Pinus elliottii*), sweetbay (*Magnolia virginiana*), dahoon holly (*Ilex cassine*), sparkleberry (*Vaccinium arboreum*), red bay (*Persea borbonia*), and loblolly bay (*Gordonia lasianthus*). The understory of this area consisted of dense saw palmetto (*Serenoa repens*), fetterbush (*Lyonia lucida*), shiny blueberry (*Vaccinium myrsinites*), gallberry (*Ilex glabra*), coastalplain palafox (*Palafoxia integrifolia*), standingcypress (*Ipomopsis rubra*), Florida greeneyes (*Berlandiera subacaulis*), and silver croton (*Croton argyranthemus*). Small, open sandy spaces were observed throughout and were generally partially covered by reindeer moss (*Cladonia spp.*).

410 – Upland Coniferous Forests (3.80 acres, 1.31%)

Areas of upland coniferous forests were identified along the southcentral and southeastern corner. Overstory vegetation consisted primarily of slash pine with scattered myrtle oak, dahoon holly, red bay, and loblolly bay. Understory vegetation consisted of a mixture of dense sparkleberry, fetterbush, coastal doghobble (*Leucothoe axillaris*), broomsedge bluestem (*Andropogon virginicus*), Carolina redroot (*Lachnanthes caroliana*), and Small's bogbutton (*Lachnocaulon minus*).

432 - Sand Live Oak (1.13 acres, 0.39%)

A portion of a sand live oak hammock was identified in the southwestern corner, along the periphery of a freshwater marsh. Overstory vegetation consisted of dense, stands of sand live oak (*Quercus geminata*) mixed with live oak (*Quercus virginiana*) and laurel oak. The understory vegetation consisted primarily of saw palmetto with lesser numbers of Michaux's hawthorn, winged sumac (*Rhus copallinum*), summer grape (*Vitis aestivalis*), and muscadine (*Vitis rotundifolia*).

434 - Hardwood – Coniferous Mixed (55.31 acres, 19.13%)

Areas of mixed hardwood and coniferous forests were identified around freshwater marshes within the southcentral and within the northeastern corner and along the eastern boundary. The overstory within this area ranged from a dense canopy of laurel oak, live oak, sand live oak and myrtle oak to areas of more open turkey oak (*Quercus laevis*), and with patches of planted longleaf pine (*Pinus palustris*) interspersed throughout. The understory within this area ranged from dense leaf litter and oak seedlings underneath the dense oak overstory, with scattered sabal palm, to an open understory with pine leaf litter, open sandy

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spaces, and a mixture of scattered Michaux's hawthorn, prickly pear, dog fennel, Virginia creeper (*Parthenocissus quinquefolia*), greenbriar (*Smilax spp.*), narrowleaf silkgrass (*Pityopsis oligantha*), wiregrass, (*Aristida stricta*), gopher apple (*Geobalanus oblongifolius*), American beautyberry (*Callicarpa americana*), and hercules-club (*Zanthoxylum clava-herculis*).

441 – Coniferous Plantations (73.85 acres, 25.54%)

Coniferous plantation was observed to be a dominant land use. The overstory of this cover type characterized by planted longleaf pine. Sections of dense laurel oak were observed scattered throughout the plantation. The understory was primarily open with a shallow layer of pine needles and open sandy patches. Scattered species such as rose natalgrass, netted pawpaw, summer grape, hercules-club, dogfennel, standingcypress, and Adam's needle (*Yucca filamentosa*) were observed.

625 – Hydric Pine Flatwoods (2.75 acres, 0.95%)

An area of hydric pine flatwoods was identified within the southeastern corner. The overstory of this area was characterized by a mixture of species including slash pine, sweetbay, dahoon holly, sparkleberry, red bay, and loblolly bay. The understory of this area was dominated by dense fetterbush and gallberry with scattered clumps of saw palmetto, coastal doghobble, Small's bogbutton, Carolina redroot, and broomsedge bluestem.

641 – Freshwater Marshes (12.83 acres, 4.44%)

Several freshwater marshes were identified. One (1) marsh was observed within the southwestern corner of the MCUP Expansion. The previously noted marsh and one (1) additional marsh within the southeastern corner are extensions of off-site wetlands to the east and south, respectively. The marshes were generally characterized by a shrub stratum of wax myrtle (*Morella cerifera*) and buttonbush (*Cephalanthus occidentalis*) within the wetland interior and a shrub/forested perimeter of dahoon holly, wax myrtle, buttonbush, highbush blueberry (*Vaccinium corymbosum*), and laurel oak. Ground cover consisted primarily of a mixture of sawgrass (*Cladium jamaicense*), sand cordgrass (*Spartina bakeri*), peelbark St. John's-wort (*Hypericum fasciculatum*), pickerelweed (*Pontedaria cordata*), maidencane (*Panicum hemitomum*), bushy bluestem (*Andropogon glomeratus*), Virgina chainfern (*Woodwardia virginica*), and spadderdock (*Nuphar luteum*), Caronlina redroot, viviparous spikerush (*Eleocharis vivipara*), duck potato (*Sagittaria latifolia*), manyflower marshpennwort (*Hydrocotyle umbellata*), pale meadowbeauty (*Rhexia mariana*), southern cutgrass (*Leersia hexandra*), cattail (*Typha spp.*), and Cuban bulrush (*Cyperus blepharoleptos*).

Varying species compositions were observed throughout the marshes. However, the marsh located within the southwestern corner differed the most from other marshes onsite as the interior shrub layer was primarily dominated by young sweetbay and dahoon holly.

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643 – Wet Prairies (19.39 acres, 6.71%)

A wet prairie was identified along eastern boundary. This area is an extension of an off-site wetland, Goose Prairie, which is located to the east of the MCUP Expansion. Representative species included pale meadowbeauty, blackberry (*Rubus* spp.), sand cordgrass, wild taro (*Colocasia esculenta*), bushy bluestem, Virginia chainfern, sawgrass, pickerelweed, Carolina redroot, and buttonbush.

According to Chapter 6.03.00 of the Land Development Regulations or the Comprehensive plan, no protected S2 or S3 communities listed below, or sink holes, occur onsite; and thus, no preservation or mitigation is required for these designated sensitive habitats.

Lake County Land Development Regulations
Protected Natural Upland Community Types

Natural Upland Community	FLUCFCS Designation
Palmetto Prairie	321
Pine Flatwoods	411
Longleaf Pine/Xeric Oak	412
Sand Pine Scrub	413
Pine, Oak and Hickory	423
Temperate Hardwoods	425
Xeric Hammock	427

The uplands present on the mining expansion consist mainly of improved pastures and planted pine. These areas are used to actively run cattle and the native vegetation has been cleared and replaced with pasture grasses.

3.5 LISTED SPECIES

The MCUP Expansion is located in a transitional environment between a highly industrialized area, pine plantations and pasture lands, residential development, and isolated to larger expanses of wetlands. In an effort to assess the potential for impacts to protected wildlife species associated with the Expansion Boundary, Kleinfelder reviewed multiple databases to determine the occurrence and potential for occurrence of floral or faunal species listed or otherwise protected by the Florida Department of Agriculture and Consumer Services (FDACS), Florida Fish and Wildlife Conservation Commission (FWC), and U.S. Fish and Wildlife Service (USFWS) based on known habitat preference and geographical distribution including the following:

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- FNAI biodiversity matrix,
- USFWS Information for Planning and Consulting (IPaC) report,
- USFWS Wood Stork Nesting Colonies Map,
- FWC Waterbird Colony Locator,
- FWC Eagle Nest Locator,
- Audubon of Florida Eagle Watch Map, and
- Florida black bear range mapping databases.

The results of the FNAI Biodiversity Index search are provided in the table below. These wildlife species are either 'documented', 'likely' or have the 'potential' to occur within the MCUP Expansion Boundary due to suitable habitat for the species, or because the MCUP Expansion Boundary falls within the predicted range of the species. Inclusion on the FNAI list does not confirm presence; however, this list is used to target likely species to evaluate during the field surveys (only species with federal/state statuses are listed in this table – the complete results of the FNAI Biodiversity Index search can be found in **Appendix C**).

Group	Species	Status
Birds	Eastern black rail *(Laterallus jamaicensis ssp.)*	FE
	Everglade snail kite (*Rostrhamus sociabilis plumbeus*)	FT
	Florida scrub-jay (*Aphelocoma coerulescens*)	FT
	Wood stork (*Mycteria americana*)	FT
	Florida sandhill crane (*Antigone canadensis pratensis*)	ST
Mammals	Florida black bear (*Ursus americanus floridanus*)	SSC
Reptiles	Eastern indigo snake (*Drymarchon couperi*)	FT
	Gopher tortoise (*Gopherus polyphemus*)	ST
	Short-tailed Snake (*Lampropeltis extenuata*)	ST
Flora	Britton's beargrass (*Nolina brittoniana*)	LE
	Florida bonamia (*Bonamia grandiflora*)	LT
	Giant orchid (*Pteroglossaspis ecristata*)	ST
	Lewton's polygala (*Polygala lewtonii*)	FE
	Celestial lily (*Nemastylis floridana*)	SE
	Pigeon wings (*Clitoria fragrans*)	FT
	Florida willow (*Salix floridana*)	FE
	Scrub buckwheat (*Erigonum longifolium var. gnaphalifolium*)	FE
	Pinkroot (*Spigelia loganioides*)	FE
	Ocala vetch (*Vicia ocalensis*)	FE
	Incised groove-bur (*Agrimonia incisa*)	ST
	Variable-leaved Indian-plantain (*Arnoglossum diversifolium*)	ST
	Many-flowered grass-pink (*Calopogon multiflorus*)	ST

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Group	Species	Status
	Chapman's sedge (*Carex chapmanii*)	ST
	Sand butterfly pea (*Centrosema arenicola*)	SE
	Star anise (*Illicium parviflorum*)	SE
	Nodding pinweed (*Lechea crenua*)	ST
	Florida spiny-pod (*Matelea floridana*)	SE
	Pygmy pipes (*Monotropsis renoldsiae*)	SE
	Clasping Warea (*Warea amplexifolia*)	SE
	Carter's Warea (Warea *Carteri*)	SE

Additionally, a review of the USFWS IPaC report (**Appendix C**) was conducted to identify which species may have the potential to utilize the MCUP Expansion. A series of species-specific surveys were conducted over key months that coincide with wildlife nesting, mating, and migration periods to identify evidence of occurrence and potential for occurrence.

3.5.1 FLORA

Pursuant to a query of FNAI's Biodiversity Matrix (**Appendix C**), several state and federally threatened and/or endangered plant species considered state and/or globally very rare to critically imperiled have the potential to occur within Matrix Units 38168 and 38169 which are the one-square mile assessment areas in which the MCUP Expansion is located. These species include scrub pigeon-wing (*Clitoria fragrans*), Florida Bonamia (*Bonamia grandiflora*), clasping warea (*Warea amplexifolia*), and Lewton's polygala (*Polygala lewtonii*). These ground cover species are found in upland scrub and/or sandhill habitats. No disturbance to sandhill or scrub habitats is being proposed in association with the MCUP Expansion. The uplands on the MCUP Expansion proposed for disturbance consist of various land cover types which have been previously cleared of native ground cover vegetation and generally managed for pasture grasses to support livestock. None of the previously listed species were observed or are anticipated to occur on the MCUP Expansion Boundary.

3.5.2 FAUNA

One (1) listed species of fauna, the gopher tortoise (*Gopherus polyphemus*), was identified on the MCUP Expansion Boundary. Based on property location and characteristics, several additional listed or otherwise protected species were determined to have the potential to occur on or adjacent to the associated properties.

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This section discusses potential impacts to both those listed species identified and those that have the potential to utilize the MCUP Expansion, beginning with the protected species which were identified onsite:

Gopher Tortoise

The gopher tortoise is listed as "Threatened" by the FWC and permits are required to impact areas containing tortoises or their burrows. Suitable habitat includes dry upland land uses and cover types, such as sandhills, scrub, xeric oak hammock, dry pine flatwoods, unimproved pastures, and abandoned groves. Gopher tortoise burrows were observed throughout portions of the MCUP Expansion Boundary.

According to FWC Gopher Tortoise Permitting Guidelines (Guidelines), a mandatory 25-foot buffer is required between gopher tortoise burrows and developmental impacts. If impacts within 25 feet of burrows are unavoidable, permitting and relocation are required prior to the occurrence of development-related clearing or construction activities within suitable gopher tortoise habitat. Permits from the FWC must be obtained to relocate tortoises occupying the area. Gopher tortoise surveys will be conducted in advance of mining and an FWC relocation permit will be obtained to relocate any tortoises associated with potentially occupied burrows. The tortoises will be relocated to a protected off-site recipient site.

Additional protected species known to occupy gopher tortoise burrows not otherwise specifically mentioned and assessed in this listed species section have a low to moderate potential to utilize the property. These are known as commensal species and include the gopher frog (*Lithobates capito*), Florida pine snake (*Pituophis melanoleucus*), and the Florida mouse (*Podomys floridanus*). Permitting and relocation of these protected species is generally addressed concurrently in association with the gopher tortoise permitting. Pursuant to the FWC Guidelines, limited on-site relocation of listed commensal species occupying gopher tortoise burrows, including the Florida mouse, gopher frog, and Florida pine snake is authorized in association with the FWC gopher tortoise relocation permits If any of these species are identified they will be relocated onsite in the remaining suitable habitat available.

Sand Skink

The sand skink (*Neoseps reynoldsi*) is listed as a "Threatened" species by the FWC and the USFWS. Sand skinks generally inhabit high and dry sandy sites capable of supporting xeric scrub communities but are also known to occupy areas of former scrub converted to other land uses such as citrus groves, old fields, and pastureland. They require loose sand (for burrowing), preferably with patches of sparse to no groundcover or canopy. Because this species lives in the soil, its presence is most often determined through observation of sinusoidal trails left behind in open sandy areas as individuals move just under the ground surface, instead of direct observations of them.

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Species distribution is defined by three (3) factors: proximity to a geologic ridge, elevation, and soil types. The USFWS consultation area includes portions of Highlands, Lake, Marion, Orange, Osceola, Polk, and Putnam Counties associated with the Lake Wales, Winter Haven, and Mt. Dora Ridges where populations of sand skinks are known to occur. The MCUP Expansion is located within a portion of Lake County that is within the USFWS consultation area for this species.

A review of NRCS soils data indicated four (4) suitable mapped soil types on the MCUP Expansion, Candler sand, 0 to 5 percent slopes (8), Candler sand, 5 to 12 percent slopes (9), Pomello sand, 0 to 5 percent slopes (41), and Tavares sand, 0 to 5 percent slopes (45).

Based on review of historic aerial photographs, most of the site has been comprised of pasture dating back to 1994. Due to the historic utilization of these properties for agriculture it was determined that there was a low probability for skinks to utilize certain portions of the property; however, some portions of the property appeared to meet the suitable habitat criteria and could potentially support the occurrence of the sand skink. A request for technical assistance to determine if a survey for this species is required will be submitted to the USFWS prior to the initiation of mining related activities on the MCUP Expansion.

Wood Stork

No wood storks (*Antigone canadensis pratensis*) were observed onsite or on properties adjacent to the MCUP Expansion.

Pursuant to a query of the FNAI's Biodiversity Matrix, the wood stork (*Mycteria americana*) is a likely element within matrix units 38168 and 38169, which are the one-square mile assessment areas within which MCUP Expansion properties occur. The wood stork is listed as "Threatened" by both the FWC and USFWS. Wood storks typically nest in rookeries found in stands of medium to tall trees, particularly cypress, which occur along the inundated edges of, or which form islands in large water bodies. Nesting varies geographically in Florida but can start as soon as October and as late as June.

Foraging occurs in shallow marshes or artificial impoundments with fluctuating pools of open water that concentrate prey items. Prey is comprised primarily of fish from 1-6 inches long the presence of which requires areas which are inundated for at least a year and which seldom dry up entirely. The bulk of wood stork foraging occurs within an area designated by the USFWS as the core foraging area (CFA).

The CFA is measured as a radial distance from the rookery. Pursuant to USFWS guidelines, the size of the CFA varies regionally across Florida. The CFA for rookeries in central Florida has a radius of 15 miles. A review of the USFWS Wood Stork Nesting Colonies database revealed that the MCUP Expansion is not

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located within the CFA of any active wood stork colony (**Appendix D**). As no wood storks or nesting was observed onsite, there are no anticipated developmental restraints associated with this species.

Florida Sandhill Crane

No sandhill cranes (*Antigone canadensis pratensis*) or their nests have been observed onsite or adjacent lands during the ongoing site evaluations.

Pursuant to a query of the FNAI's Biodiversity Matrix, the sandhill crane is a potential element within matrix units 38168 and 38169, in which the MCUP Expansion is located. The Florida sandhill crane is listed as "Threatened" by the FWC. The Florida sandhill crane forages primarily for seeds, crop plants, and insects in croplands, pastures, residential areas, and roadsides where foraging items are found and regular agricultural, mowing, discing and/or maintenance activities enhance access to these items. Foraging habitat such as pastures, residential areas and roadsides are present on the target and surrounding properties.

Active nests of the sandhill crane are federally protected under the Migratory Bird Treaty Act (MBTA) and protected by the State of Florida under protections of Chapter 68A-27 of the Florida Administrative Code (F.A.C.) Rules Relating to Endangered or Threatened Species.

Nesting by sandhill cranes occurs during late winter and early spring on mats of vegetation in shallow, freshwater marshes dominated by pickerelweed (*Pontederia cordata*) and maidencane which are surrounded by shallow water and adjacent to areas with suitable foraging habitat. The MCUP Expansion contains and is adjacent to suitable foraging habitat for this species. While no individuals or nests have been documented onsite, based on the vegetation and hydroperiods observed within the onsite wetlands onsite, nesting of this species could occur during any given year. If an active sandhill crane nest is found within the project area during the life of the mine operation, regulatory guidelines will be applied, such as avoidance of the nest while it is considered active.

Based on the location and characteristics of the MCUP Expansion, it has been determined that several additional listed or otherwise protected species have the potential to occur. The results of additional research and evaluation pertaining to these species is provided as follows:

Eastern Indigo Snake

No eastern indigo snakes (*Drymarchon corais couperi*) were observed within the MCUP Expansion.

The eastern indigo snake is listed as a "Threatened" species by the FWC and USFWS. It ranges over large areas often in the hundreds of acres over which it utilizes a mosaic of upland and wetland habitats, from

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scrub and sandhill to wet prairies and mangrove swamps. It will use most of the available habitats within its home range, but prefers open, undeveloped areas. The burrows of gopher tortoises are often used for denning as thermal refugia from winter cold and desiccating sandhill environments. Several gopher tortoise burrows were observed in the upland land uses and cover types on the MCUP Expansion Boundary, particularly in the pasture areas.

The FNAI Biodiversity Matrix search results listed the eastern indigo snake as a potential element within the one square mile matrix units within which the MCUP Expansion Boundary is located. The likelihood of occurrence within the proposed mining area is considered moderate based on the extensive mosaic of upland and wetland habitats in close proximity, the rural and undeveloped nature of many of the surrounding lands to the north, east, and west, and the presence of gopher tortoise burrows for denning within the uplands on the MCUP Expansion Boundary

Gopher tortoise burrows have been identified within the MCUP Expansion and will be excavated and tortoises relocated prior to any work in the area of the burrows. If an eastern indigo snake is encountered, it will be allowed to leave the area. No eastern indigo snakes have been observed on the property during any of the preceding or subsequent site visits by Kleinfelder biologists. Standard protection measures for the eastern indigo snake be implemented on the MCUP Expansion. A summary of those measures which will be used and the associated educational pamphlets that will be distributed and signage that will be posted have been provided as **Appendix C**.

Other Wading Birds

No nesting by other wading birds that may be regulated or protected was observed during the various site evaluations.

However, wading birds other than the wood stork and Florida sandhill crane have the potential of occurring on or nearby the property boundaries. This includes the little blue heron (*Egretta caerulea*) and tricolored heron (*Egretta tricolor),* which are listed as "Threatened" by the FWC, and non-listed species such as the anhinga (*Anhinga anhinga*), double-crested cormorant (*Phalacrocorax auritus*), white ibis (*Eudocimus albus*), glossy ibis (*Plegadis falcinellus*), limpkin (*Aramus guarauna*), snowy egret (*Egretta thula*), great blue heron (*Ardea herodias*), and great egret (*Ardea alba*).

Protections and permitting related to these other wading birds are typically associated with the presence of nesting rookeries which do not specifically need to be composed of listed species. Generally, these species typically prefer to nest during late winter and early spring in wetland trees or shrubs forming islands or found along secluded shorelines which are associated with large expanses of open water. While large

expanses of water are not present on the MCUP Expansion, smaller shrubby/forested island-like clumps surrounded by standing water and forested shorelines were observed within onsite wetland systems at the time of the assessments, and thus, the probability of colonial nesting by wading birds is considered to be low to moderate. Additionally, larger shrubby/forested wetland islands and forested shorelines are present to the east in association with Goose Prairie; however, this peat prairie system experiences wide fluctuations in hydrology and likely would not have a consistent enough hydroperiod to support a nesting colony.

Furthermore, previous aerial helicopter wading bird surveys of the adjoining Goose Prairie site, to the east of the target properties conducted by Kleinfelder in 2012, did not identify any nesting colonies in the vicinity. Pursuant to a search of the FWC Water Bird Colony Locator database, no wading bird nesting colonies are known to be located onsite or on properties/areas adjacent to the MCUP Expansion. The closest documented colony in the FWC Water Bird Colony Locator database, Atlas ID #612022, was located approximately 1.0 miles to the south in wetlands associated with Haines Creek (**Appendix C**); however, pursuant to the Waterbird Colony Locator, this colony has been inactive since the 1990's. Several other colonies have previously been documented 3.5 miles and further to the west in association with Lake Griffin; however, any colonies on Lake Griffin would not be anticipated to be adversely affected by this Expansion (**Appendix C**).

Because no nesting colonies have been observed or previously documented on or adjacent to the MCUP Expansion, and there is a low probability of nesting based on the existing habitat communities present, no adverse effects to wading bird nesting colonies is anticipated.

Bald Eagle

No bald eagles (*Haliaeetus leucocephalus*) or nests were observed on the MCUP Expansion during the assessment.

The bald eagle was de-listed by the USFWS and FWC in 2007 but is still protected by the Migratory Bird and Bald and Golden Eagle Protection Acts, and USFWS/FWC guidelines which regulate development within 330- and 660-foot zones surrounding bald eagle nests. Bald eagles typically nest in tall pine trees proximate to large water bodies. Some pines trees were observed along the northern and eastern boundaries of the MCUP Expansion Boundary; however, no bald eagles or nests were observed in these areas or elsewhere on the MCUP Expansion during the assessment.

A search of the current FWC Eagle Nest Locator and Audubon Florida Eagle Watch database was conducted to determine if any nests have previously been recorded onsite or on adjacent properties (**Appendix C**).

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According to FWC records, no documented bald eagle nests are known to be located on or within 660 feet of the MCUP Expansion Boundary. The closest documented bald eagle nest, LA137, is located approximately 1.20 miles north of the MCUP Expansion Boundary and was last documented as active in 2014. Two (2) additional bald eagle nests have previously been recorded by the FWC within a two-mile radius of the MCUP Expansion as follows: LA010, located approximately 1.67 miles southeast and last documented as active in 2014 and LA169, located approximately 1.96 miles to the southeast and last documented as active in 2011.

As no bald eagle nests were observed or have been documented on or within 660 feet of the MCUP Expansion Boundary, no impacts are anticipated for this species.

Florida Scrub Jay

No Florida scrub-jays (*Aphelocoma coerulescens*) (scrub-jay) were observed on the MCUP Expansion during any field assessment.

Pursuant to a query of the FNAI's Biodiversity Matrix, the scrub-jay is a potential element to occur within Matrix Units 38168 and 38169, in which the MCUP Expansion is located. The scrub-jay is listed as "Threatened" by both the FWC and the USFWS and permits are required to impact areas where they are found. Ideal habitat consists of xeric oak scrub with low-growing oaks and a ground layer with 10 to 50 percent un-vegetated, sandy openings; however, scrub-jays have increasingly been identified in sub-optimal habitats, such as overgrown scrub, pastureland, and citrus groves.

Pursuant to prior consultation with the USFWS, initiated on March 23, 2020, a Florida scrub-jay survey was not deemed required for the Approved MCUP Boundary. Because no scrub-jays were observed or have been documented on or adjacent to the MCUP Expansion Boundary, no impacts are anticipated for this species. If a scrub-jay individual is identified at a future time within the MCUP Expansion Boundary, regulatory protections could apply. In that event, a species-specific survey and consultation with the USFWS would be conducted to determine presence/absence and address any onsite implications.

Florida Burrowing Owl

No Florida burrowing owls (*Athene cunicularia floridana*) or burrows were observed during the field assessment, or any.

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Pursuant to a query of the FNAI's Biodiversity Matrix, the Florida burrowing owl is a potential element within matrix units 38168 and 38169, in which the MCUP Expansion Boundary is located. The Florida burrowing owl is listed as "Threatened" by the FWC. Burrowing owls are predominantly nonmigratory and inhabit ground burrows they typically dig themselves. They generally inhabit high, sandy ground with sparse, low ground cover which includes natural habitats such as dry prairies and sandhill, and also ruderal areas such as pastures, airports, ball fields, parks, school grounds, university campuses, road right-of-way, and vacant residential areas. They are active during both the day and at night, with higher diurnal activity during the breeding season and higher nocturnal activity during the non-breeding season. The typical breeding season is February 15 to July 10.

The MCUP Expansion Boundary contains a various upland cover uses including improved pastureland, hardwood forests and pine plantations. There are scattered visible sandy areas within the pasture area which may provide suitable habitat for the species. If an active burrowing owl burrow were to be found regulatory guidelines would apply. Burrowing owls are federally protected under the MBTA and protected by the State of Florida under protections of Chapter 68A-27 of the F.A.C. Rules Relating to Endangered or Threatened Species.

Florida Black Bear

No Florida black bears (*Ursus americanus floridanus*) (black bear) or associated dens were observed on the MCUP Expansion Boundary during the field assessment.

A search of the FNAI Biodiversity Matrix indicated the Florida black bear is a likely element within matrix units 38168 and 38169, in which the MCUP Expansion is located. The black bear was de-listed by the FWC in August 2012, but is still protected by the Florida Black Bear Conservation Rule, 68A-4.009, F.A.C.

Pursuant to FWC mapping of black bear subpopulations found in the updated 2019 Florida Black Bear Management Plan, the MCUP Expansion is located within the "frequent" range of the Ocala/St. Johns subpopulation. The "frequent" range designates areas estimated to contain 95% of all bear occurrences. These areas are the core of bear subpopulations where bears spend a considerable amount of their time and there is a consistent presence of females with cubs.

The black bear is known to utilize a variety of habitats including pine flatwoods, swamps and forested scrub and relies on contiguous forested expanses for cover and travel corridors. Bears main forage in Florida includes acorns, saw palmetto, and cabbage palm. Denning typically occurs in the ground surrounded by dense protective vegetation such as saw palmetto. Most of the Expansion consists of a combination of upland forests, pastureland and coniferous plantation and a few freshwater marshes.

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While the property falls within areas designated as "frequent" from an occurrence standpoint, the land uses onsite provide little in terms of habitat functional value. Additionally, the MCUP Expansion Boundary is located adjacent to forested/shrubby expanses contiguous with Goose Prairie and surrounding lakes (Lake Eustis, Lake Yale, and Lake Griffin) and waterways (Haines Creek), which could be used by black bears for travel corridors, foraging, and/or denning. Because of the absence of significant cover and foraging/denning habitats on the MCUP Expansion Boundary and the availability of these habitats on surrounding lands, the proposed Expansion is not anticipated to adversely affect this species.

Based on known geographical distribution and habitat preferences, no other species listed or otherwise protected by the FWC or USFWS are anticipated to occur onsite or nearby which would likely be adversely affected by this Expansion.

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4 COMPREHENSIVE PLAN CONSISTENCY REVIEW

Pursuant to S. 6.06.00. Mining., Chapter VI. Resource Protection Standards, Appendix A, Local Laws, Code of Ordinances, Lake County, the following sections provide information regarding the mine operation, site planning, and compatibility with the Lake County Comprehensive Plan and surrounding land uses, as well as specific sections of the Lake County Land Development Regulations as required by the above referenced section.

4.1 COMPREHENSIVE PLAN

Future Land Use Designations

Pursuant to the 2030 Future Land Use Map (FLUM), the MCUP Expansion Boundary has a future land use (FLU) designation of Rural (**Exhibit 9**). Pursuant to Policies I-1.3.8, I-1.4.4 and I-1.4.5 of the Comprehensive Plan, these FLU designations allow mining and resource extraction as a Conditional Use with the receipt of a Mining Conditional Use Plan (MCUP) and Mining Site Plan (MSP).

Emeralda Marsh Rural Protection Area (RPA)

Emeralda Marsh RPA is comprised of a portion of Lake County located south of the Marion County line between Lake Griffin and Lake Yale, west of Umatilla, east of Lady Lake and Fruitland 19 Park, and north of County Road 44. The intent of this RPA is to preserve rural density, character, and lifestyles, and to protect the ecological integrity of public and private lands associated with Emeralda Marsh, Sawgrass Island Preserve, Lake Griffin, Lake Yale, and the Ocklawaha River. A portion of the MCUP Expansion is located within the Emeralda Marsh RPA (portions of Alternate Key No. 1657059, 1386969 and 1386772 – north of Goose Prairie Road) (**Exhibit 9**). Pursuant to Policy I-5.3.2 of the Lake County Comprehensive Plan, FLUs within this RPA are limited to Rural and Public Benefit FLU designations. The MCUP Expansion Boundary has an underlying FLU designation of Rural, and mining is permittable as a conditional use. The expanded mining areas occurring within the mapped boundaries of the RPA consist exclusively of open pastureland – no native or natural habitats or wetland systems occur within this boundary.

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Land Development Regulations

Zoning Districts

Pursuant to the Land Development Regulations (LDRs), the zoning district on the MCUP Expansion Boundary is Agriculture (A) (**Exhibit 10**). This zoning district allows mining as a conditional use with the receipt of a MCUP/MSP.

Adjacent Land Use

The MCUP Expansion is located in a transitional agricultural environment between a highly industrialized area (existing Lisbon Sand Mine and Dura-Stress), pine plantations, residential development, and isolated to larger expanses of wetlands. Zoning districts adjacent to the MCUP Expansion are Agriculture (A), Mixed Residential (R-7), Ranchette (RA), and Heavy Industrial (HM) (**Exhibit 10**), while adjacent FLUM designations include Rural and Rural Transitional (**Exhibit 9**). These adjacent zoning districts and FLUM designations have been deemed compatible with mining as a conditional use with the proper setbacks and operational conditions in place.

Setbacks and Buffers

Pursuant to Section 6.06.02(C)(1)(a), a mining setback of 200 feet is required between churches, schools, parks, hospitals, residentially zoned property and property used for public purposes, and 100 feet is required from all other property lines. The MCUP Expansion is primarily adjacent to areas zoned as agriculture (**Exhibit 10**). As such, setbacks of at least 100 feet will be established between the mining operation and the agriculture zoned adjacent properties. A 200-foot setback will be established between the Expansion MCUP, and the residentially zoned properties located to the west. There will be no setback between the currently permitted mine (Lisbon Sand) to the south and the MCUP Expansion. Setbacks will be field located and permanently marked during the mining operations to ensure mining does not encroach into these areas.

A perimeter containment berm will be constructed around the proposed mining area which in conjunction with the undisturbed buffer within the 100-foot setback area will provide noise and sight attenuation/buffering. Existing forested uplands and wetlands within this setback will provide a natural buffer to adjacent land uses. Additionally, no mining or mining related disturbance will occur within the 50-foot upland buffer associated with the undisturbed wetlands.

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Tree Protections

All wetland trees of any size which are native to Florida are designated by 9.02.01.A of the LDRs as protected trees. Pursuant to the LDRs a tree survey is required prior to development to identify and locate all protected trees. Tree replacement amounting to fifty percent of the total number of caliper inches measured at diameter at breast height (DBH) is typically required for all protected trees removed in association with development. Outside of the wetland areas, trees across the MCUP Expansion area are associated with timber and pine straw production, which are subject to predetermined rotations that will continue for these properties prior to the sand recovery is initiated.

Point Source Discharges

Pursuant to 6.06.02.B.1.a. of the LDRs, point-source discharges of water or liquid waste into waters of the county or state are prohibited. The mining operation will include the utilization of a wet dredge and does not require dewatering. A closed-loop water recirculation system is proposed; thus, no point source discharges will occur in association with the MCUP Expansion.

During mining, stormwater will be managed using perimeter berms, swales, and control structures. Perimeter berms will be constructed around the active mining lake, the sand tailings area, and processing plant area. Rainfall within the mining limits will drain directly to the mine lake. Stormwater runoff will be retained within the MCUP Expansion with no off-site discharges associated for the 100-year storm event. Refer to **Exhibit 11A** for the Conceptual Stormwater Management Plan.

4.2 TRAFFIC ANALYSIS

No changes to the currently approved hours of operation or the number of trucks are anticipated in association with this MCUP amendment application. The hours of operation for sales for the mine will be from sunup to sundown, Monday through Friday and occasionally on weekends. All commercial sand trucks and employee vehicles entering and exiting the Property will utilize the stoplight at the entrance/exit to the existing driveway adjacent to Dura-Stress' operation on CR-44 (**Exhibit 2**). Commercial sand trucks entering the mine will stage at a gated entrance that will segregate the mining operation from the adjacent Dura-Stress operations. Once off the Dura-Stress property, the commercial

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sand trucks will take CR-44 to the west to US-441 and possibly on to US-27, or CR-44 eastward to US Highway 19. Return trips to the mine will use the same roads (**Exhibit 12**).

A total of ten employees work at the mine site each workday, generating approximately 10 roundtrips per day. Commercial sand truck related traffic will be distributed evenly throughout each workday. In total, the average number of trips per day which generated by the mine is approximately 50.

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5 HYDROGEOLOGIC SUMMARY

5.1 HYDROGEOLOGIC REPORT

Section 6.06.03(B) (16) of the LDR requires that a State of Florida licensed Professional Geologist prepare a hydrogeologic report addressing the existing surface and groundwater conditions within the site area and an evaluation of the impact of the proposed activity on the Expansion MCUP Boundary and surrounding area. A Hydrogeology Summary report has been attached as **Appendix B**.

This report addresses all items provided in items noted in Sections (B) (16) (a) through (j). Key findings of our analyses and evaluations include the following:

- Water entrained in the surficial aquifer system (SAS), which will be released to the excavation as sands, are removed and form an open-water body, will be used to dredge and process the sand and recycled and recirculated after settling of sand and clay fines and water clarification. No additional sources of water, including the Floridan aquifer system (FAS), will be required as part of the excavation.
- Recharge to the Floridan Aquifer System (FAS) will not be reduced.
- The confining unit that separates the surficial and FAS will not be affected by the mining operation.

The mining operation will utilize a wet dredge for sand excavation which recirculates water from the mine lake in a closed loop and does not involve dewatering or discharges; thus, no impacts related to off-site lake levels, flood storage, stormwater and surface water flow patterns, base flow streams, and erosion and sediment loads are anticipated. Pursuant to the Hydrogeology Summary (**Appendix B**), it is not anticipated that additional hydrogeological studies will be required by Lake County Water Resources Department in association with the subject application.

5.2 HYDROLOGIC MONITORING

There is no active hydrologic drawdown as part of the sand excavation process however, in an effort to demonstrate no adverse impacts to the groundwater and surface water elevations the applicant has

Attachment "D" – Narrative Statement (Page 40 of 42)

initiated a hydrologic monitoring program. The monitoring program consists of a series of piezometers (monitoring wells) and staff gauges in the onsite wetland systems to measure surface and groundwater levels in comparison to ambient conditions and rainfall and in relation to the progression of the mine operation (**Exhibit 13A**). These stations will be monitored along with rainfall monthly during the life of the mine through reclamation. All collected hydrologic data will be provided to Lake County on an annual basis. Submittals will include graphical and tabular hydrologic summaries.

Attachment "D" – Narrative Statement (Page 41 of 42)

6 RECLAMATION PLAN

6.1 RECLAMATION PROCEDURES

The standards and procedures proposed within this reclamation plan meet the requirements of the LDRs, 1993, Chapter 6, Standards for Mining. The reclamation plan will also adhere to requirements set forth in Chapter 62C-39 F.A.C., 40C-4 F.A.C., and all other conditions and regulations which may be imposed by the Florida Department of Environmental Protection.

6.2 RECLAMATION PLAN

A plan view and cross-section of the reclamation plan has been provided as **Exhibit 14**. Reclamation will commence within 90 days of the completion of mining and will be completed within two years after mining is completed. Slopes of the final mine lake will be reclaimed to minimize the possibility of slides and will not exceed the natural angle of repose. Littoral zones will be sloped at 6:1 to six feet below the estimated Seasonal Low Water Elevation (SLWE). The final contouring will be completed within one (1) year of the cessation of mining.

The overall Lisbon Sand Project Boundary, at completion, will retain 7.11 acres of existing industrial land cover, 65.1 acres of wetlands, 134.51 acres of uplands, and a 186.09 post mining water body that will be reclaimed as permanent lake feature (**Exhibit 15**). Vegetation establishment of the littoral and transitional zones will consist of a combination of natural recruitment and pod plantings over approximately 10% of these areas. Transitional plantings will be seeded with upland grasses and supplemented with pods of slash pine and wax myrtle. Littoral zone plantings will consist of pods of desirable native ground cover species known to occur in Lake County and will be based on species availability at the time of re-vegetation. Plantings will be initiated within 30 days of the completion of re-grading and completed within 120 days. Pursuant to the LDRs (Section 6.06 LDR) in the event that mining activities cease for a period of three years, reclamation of disturbed areas will be completed within five (5) years of the cessation of mining.

Attachment "D" – Narrative Statement (Page 42 of 42)

6.3 MONITORING AND MAINTENANCE

Annual monitoring and maintenance of all re-vegetated reclamation areas will be conducted in order to ensure that the appropriate reclamation standards are achieved. Monitoring of the planted areas will take place for a minimum of two (2) years following planting to ensure successful re-vegetation. Annual monitoring reports will be submitted to the county which will include a determination of the vegetative cover. Photographs taken during each monitoring event to provide a visual record of the vegetative conditions will be included in the reports. Maintenance of reclamation areas will be conducted periodically and will include localized herbicide application and hand removal of all unapproved non-native plant species, and stabilization of slopes as needed.

Herbaceous wetlands must reach 50% cover at the end of one growing season and 70% cover at the end of two growing seasons following initial reclamation. In the event the required herbaceous coverage and forested density have not been reached at the end of the required timeframes, supplemental plantings will be conducted as needed. Additionally, the coverage of non-native species within the reclamation areas will not exceed 10% following a period of two years following the initiation of reclamation. Maintenance will be conducted as needed to ensure this reclamation standard is met. Current seed sources onsite for non-native species are low which should help limit colonization and coverage of non-natives within the post-mining reclamation areas.

Attachment "E" – Letter of Opposition (Page 1 of 2)

Johnson, Emily

From: Barron, Janie
Sent: Wednesday, February 22, 2023 11:09 AM
To: Johnson, Emily
Subject: FW: MCUP-22-02-4 Lisbon Sand Mine (AR #5082)

Opposition correspondence below.

JANIE BARRÓN
Chief Planner
ECONOMIC GROWTH DEPARTMENT
Office of Planning and Zoning

A P.O. Box 7800, Suite 510
P 352-343-9641 | F 352-343-9767
E jbarron@lakecountyfl.gov | W www.lakecountyfl.gov

From: lisbonlonghair <lisbonlonghair@juno.com>
Sent: Tuesday, February 21, 2023 2:04 PM
To: Barron, Janie <janie.barron@lakecountyfl.gov>
Cc: Howell, Bobby <bobby.howell@lakecountyfl.gov>; Gonzalez, Bernice <bernice.gonzalez@lakecountyfl.gov>
Subject: RE: MCUP-22-02-4 Lisbon Sand Mine (AR #5082)

Good Morning, 2-21-2023 My name is Darlene Andrews and I have lived on Leontine Williams rd. since June of 1976. At that time it was still a rural rt. and at that time my family and Ms. Leontine Williams were the only 2 people who lived on this sand/clay road. The sweet lady who my children grew to love this kind person when they were small and the lady that the road was named for. I have seen many changes over these past 47 years. Some bad and some good. The freezes that came and devastated the beautiful orange grove across the road and the farms that existed around Emeralda Island rd. and the corn farm west of Leontine Williams rd. When St. Johns acquired the area for Emeralda Marsh it has turned into the most beautiful area for our Florida Wildlife, Bird watching and everything exquisitely beautiful for the all people who enjoy nature at the most beautiful place to view the sunset. The Emeralda Marsh was Designated a National Natural Landmark in 1974 There are numerous protected and ENDANGERED species in the Lisbon/Emeralda Island area that include the Florida Panther, Bald Eagles, Indigo and Coachwhip snakes, Scrub Jays, that have nests in the trees and in the Pines and other trees in the south side cow pasture, on the East side of Leontine Williams rd. and all that property is zoned RPS because it borders Emeralda Marsh, Gopher Turtles that have an abundance of burrows in the 2 cow pastures that that border both sides of Goose Prairie rd. RPA zoning is all of Leontine Williams rd. The list of all these species is endless that inhabit our area, including endangered and protected amphibians, skinks and lizards, water turtles, etc. The wildlife and ecological devastation this sand mine/ processing plant will cause on the area will be detrimental to not only the wildlife, the land, the water table, the wells we drink from, the air quality trying to breath

Attachment "E" – Letter of Opposition (Page 2 of 2)

with a nose full of sand dust, dirty dusty houses and our cars covered in the sand residue from the mine, the noise and constant dump trucks and the smell of diesel from these trucks, the vibrations to all existing structures in the area, especially all the mobile homes that are so extremely the beautiful homes on Mooncrest and the farm and the Mobile Park at Quail Ridge and all of us on Leontine Williams and Goose Prairie and Terral and Felkins rd. close to the digging and the noise pollution and all the people that have made their homes here for rural country life away from what Blue Waters LLC. wants to turn our community into. We have had new families move here with young children to have them enjoy their childhood growing (as mine did) in a safe, clean environment away from what this mining will do to everything in our surrounding area of Lisbon, Emeralda Marsh, Emeralda Island, Wedgewood, Lake Yale Estates Mobile Park, Quail Ridge, the Farms and Groves on 452 when the our Florida winds blow all the sand residue from mining in their directions. Please do not approve this permit, It really hurt us and our health having to live in an unacceptable place for a mine to exist on RPA and agriculture zoned property and endangered and protected wildlife area. Thank You for your time reading this. Due to my disability I cannot attend the meetings, due severe back and gastrointestinal issues, copd, chronic pain. You are welcome to contact me, 352-787-6453 Darlene Andrews 37221 Leontine Williams rd. Leesburg, Fl 34788

ORDINANCE #2023-_____

MCUP-22-02-4 Amendment

Lisbon – DuraStress Sand Mine

AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 10, 2020, the Board of County Commissioners approved Ordinance #2020-72, which established a Mining Conditional Use Permit on 104.15+/- acres at the request of Blue Water Industries, LLC on behalf of Dura-Stress, Inc., Dura-Stress Holdings, and LLC, Dura-Stress Acquisitions. The properties were located in the Rural Future Land Use Category and the Industrial Future Land Use Category; and

WHEREAS, Blue Waters Industries, LLC (E. L. Baker II) (the "Applicant") on behalf of XS Properties, LLC, Standard Sand & Silica Company, Ann Huffstetler Rou, Ann H Rou Trustee & Huffstetler Enterprises, Inc., Huffstetler Enterprises, Inc. (the "Owners") submitted a Mining Conditional Use Permit (MCUP) application to expand the existing sand mining and sand processing operations on Agriculture zoned property; and

WHEREAS, the application requests to add an additional 289.15 +/- acres to the existing sand mining operation for a total acreage of approximately 392.8 +/- acres incorporating Alternate Key #'s 1702607, 1387558, 1387302, 1387281, 3814750, 1176930, 1702623, 1702640, 1702534, 1727481, 1702542, 1657059, 1386969, 1386772, and 2863510 located in the Emeralda Marsh Rural Protection Area of Sections 25/26/35/36, Township 18 South, Range 25 East, and more particularly described below:

LEGAL DESCRIPTION – Exhibit "A"

WHEREAS, the additional properties are located within the Rural Future Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, the Lake County Planning and Zoning Board reviewed petition MCUP-20-03-5 on the 1st day of March 2023, after giving Notice of Hearing on petition for a change in the use of land, including a notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida, on the 7th day of March 2023; and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning and Zoning Board, and any comments, favorable or unfavorable, from the Public and surrounding property owners at a duly advertised Public Hearing, and

WHEREAS, the Lake County Board of County Commissioners deems it necessary and desirable, in order to protect the public health, safety, and general welfare of the citizens of Lake County and in accordance with the purpose and intent of the Land Development Regulations (LDR), to require compliance with the special conditions set forth in this Conditional Use Permit.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, that:

Section 1. Conditional Use Permit Granted. Permission is hereby granted for a sand mining and sand processing operation to take place as a Conditional Use on real property described in Exhibit "A" of this Ordinance. To the extent that there are conflicts between the Conceptual Plan and this Ordinance, this Ordinance will take precedence. Upon the Effective Date of this Ordinance, Ordinance #2020-72 shall be superseded and replaced.

Section 2. Terms. The County Manager or designee shall amend the Lake County Zoning Map to reflect a Mining Conditional Use Permit in the Agriculture (A) Zoning District in accordance with LDR Section 6.06.00 with conditions as outlined within this Ordinance.

A. Land Use. In addition to those uses listed as permitted land uses within the Agriculture (A) Zoning District, the uses of the site will be allowed as specified below and generally consistent with Exhibit "B", the Conceptual Plan.

1. Sand Mining Operations shall be permitted on 256.71 +/-acres of the 392.8 +/- acres as described in Exhibit A and shown on Exhibit B.

2. Accessory uses directly associated with the above uses may be approved by the County Manager or designee. Any other use of the site will require approval of an amendment to this Ordinance by the Board of County Commissioners.

Section 3. Specific Conditions.

A. Operating Plan Requirement: The sand mine shall require approval by County staff of an Operating Plan that will include the following prior to commencement of mining operations:

1. Operating Plan, to include a site layout of the mining operation of structures, stormwater management, access, parking area, and open space area.

2. Tree Removal Permit and Reclamation Plan.

3. Noise Study

4. Traffic Study and Management Plan

5. Haul Plan

B. General Standards:

1. **Permits and Approvals.** All appropriate Water Management District and Florida Department of Environmental Protection (FDEP) permits shall be obtained prior to commencement of sand mining activities on the site and shall be kept current.

2. **Agency Approvals.** All mining activities shall be conducted in accordance with all applicable federal, state, regional and local laws, ordinances, rules, and regulations, as amended.

3. **Consistency with Operating Plan.** All mining and other activities shall be consistent with the Lake County Code, LDR, the Lake County Comprehensive Plan (Comp Plan) and the approved Operating Plan.

4. **Best Management Practices.** All mining and operational activities shall employ best management practices.

5. **Phasing.** The mining activities shall be conducted in a single phase.

6. **Pile Height.** Temporary spoil piles or storage of materials shall be limited to 40 feet in height within 200 feet of the property line. No spoil or other excavated materials shall be placed within the setbacks.

7. **Hours of Operation.** Normal hours of operation for hauling shall be from sunrise to sunset, except on the following federal holidays: New Year's Day, Birthday of Martin Luther King, Jr., President's Day, Memorial Day, Independence Day/4th of July, Labor

Day, Columbus Day, Veteran's Day, Thanksgiving Day, and Christmas Day consistent with the dates specified in Section 3, Paragraph K.1.C below.

8. **Dura Stress Site Plan(s).** A development application(s) to amend the previously approved Dura Stress site plan(s) shall be approved prior to commencement of any sand mining activity within expansion area. The amended site plan shall include the establishment of an access easement through the Dura Stress operation area.

9. **Air Quality**.

   a. The mining activity shall be conducted to prevent, reduce, and control the generation and off-site migration of fugitive dusts and particles. All areas in which such dusts or particles may be generated shall be kept wet or controlled in another manner to reduce the potential for their Off-Site migration.

   b. The Permittee shall cease all operations which do not meet the requirements of the Air Quality section of the LDR, as amended, and the Operating Plan, upon notification by Lake County.

C. Setbacks:

1. A minimum 100-foot setback shall be established along all property lines.

2. Setbacks shall be permanently marked in a manner acceptable to the County prior to the initiation of any phase of excavation and shall remain in place until sand mining activities are completed.

3. All setbacks shall be permanently marked in a manner that they will be clearly visible to equipment operators. Such markers shall be shown on the Operating Plan and shall be spaced at no more than 100 feet in areas being excavated.

4. A 50-foot setback to all wetland areas will be established pursuant to the Comprehensive Plan and LDR, as amended. A conservation easement of the wetland areas will be required should the Permittee become the property owner.

D. Vegetation, Landscaping, Buffering, Berm, and Screening. The required operating plan shall specify the manner of revegetation, landscaping, buffering, berm installation and screening to demonstrate impact mitigation to adjacent properties in accordance with the LDR, as amended.

E. Open Space. A minimum of 35% open space shall be provided and shown prior to or in conjunction with approval of the Operating Plan.

F. Reclamation Standards:

1. Reclamation Plan - A Reclamation Plan, conforming to the mining reclamation requirements of the LDR shall be filed with the Operating Plan. The reclamation plan shall fully describe the proposed site reclamation by both illustration and documentation, and including but not limited to:

   a. A revegetation plan view with cross sections, final slopes/contours, vegetative plantings, stormwater retention areas, etc. shall be submitted.

   b. All areas to be reclaimed by depicting and describing what man-made and natural features will exist when the reclamation plan is completed.

c. A contour map and two (2) typical cross sections, generally oriented north to south and east to west, showing areas to be filled, backfilled, reconstructed, and reshaped.

d. Identification of the size, type, location, and planting schedule for all vegetation to be planted or seeded in accordance with the reclamation plan.

2. Timing. Reclamation shall commence within 90 days after commencement of mining activities. Reclamation of the area associated with the mining activity shall be completed no later than two (2) years after termination of mining activity. Should the sand mining operations cease for a period of three (3) years, reclamation shall commence and be completed within a five-year period from the date of cessation of operation.

3. Topography. Sloping and grading shall be conducted to minimize soil erosion and surface water runoff and to make the land surface suitable for revegetation. The final reclamation elevation of the site shall be as proposed by the Conceptual Plans to be incorporated into the Operating Plan.

4. Sand mining activities shall not adversely impact the water levels or water quality of surface waters, the Floridan Aquifer, the surficial aquifer, or the wetlands beyond the boundaries of the mine.

5. Any trees, shrubs or grasses growing on this site that are listed as prohibited species in the LDR, as amended, or are listed by other agencies as invasive non-native species, shall be destroyed prior to completion of reclamation.

6. Reclamation shall be completed pursuant to the approved Operating Plan.

G. Protection of Water Resources:

1. The minimum distance between the bottom of the excavated and mined area and the top of the Floridan Aquifer Confining Unit, if present, shall be sufficient to protect the Florida Aquifer system and shall be subject to approval by the County. The final elevation shall be at even grade as specified in the approved reclamation plan.

2. The sand mine operation shall be completely self-contained and shall retain any waste materials or water generated by the sand mining process on site. The operation shall not utilize any surface water from lakes or ponds that are not entirely contained on the property, except as specifically approved in the Operating Plan.

3. Discharges of water or liquid wastes into waters of the County or State are prohibited unless the County and jurisdictional agency has granted a variance or other approval to specifically allow the discharge. This shall not prevent discharges into water systems that are self-contained on the mine property as approved in the Operating Plan.

H. Protection of Karst Features and Other Environmental Considerations:

1. A hydrology study shall be submitted with the Operating Plan that identifies any karst features within the property.

2. Karst features shall be avoided and protected from sand mining or any development activity, and any future development of the property shall comply with the requirements of the Comp Plan and LDR, as amended.

3. Karst features shall be maintained in their natural function, integrity, and structure.

4. Impervious development shall be set back from the boundary of karst features a minimum of 100 feet. The setback shall consist of a buffer that retains all-natural vegetation within the setback area.

5. A current Environmental Assessment (EA) prepared within six (6) month of the required Operating Plan submittal, to demonstrate the presence of endangered, threatened or species of special concern of both flora and fauna. The EA must address species protection and/or mitigation demonstrated by providing the appropriate jurisdictional agency permit prior to commencement of sand mining operations or development activity.

I. Archeological Artifacts. If any archeological artifacts are encountered during the sand mine operation, the sand mining activities shall cease; and notification will be made to the County Manager, or designee, Florida Department of State, and Division of Historical Resources.

J. Transportation Improvements and Access Management.

1. Access to the mining site shall only be permitted through the Dura-Stress site at the signalized intersection of CR 44.

2. All access management shall be in accordance with the Comp Plan and LDR, as amended.

K. Haul Operation

1. Permit. During the Hauling Period, the County authorizes the Permittee to utilize the Affected Roads for the delivery or removal of the material to or from the Project Site as identified in Exhibit B, attached to this Permit. Any hauling of material to or from the Project by the Permittee and its agents will be done in accordance with the terms and conditions of this Permit, and the parties agrees as follows:

A. During the Hauling Period, the Permittee and its agents may haul material to or from the Project by utilizing the Affected Roads as anticipated and shown on the Haul Route, attached as Exhibit C and incorporated herein. The authorization provided in this Permit only applies to the hauling by Permittee and its agents on the Affected Roads.

B. Vehicles used by the Permittee and the Permittee's agents shall not exceed standard weight limits established by the State of Florida for its appropriate vehicle classification. Any bridges that are on the haul route must be evaluated by the Permittee to determine whether the haul vehicles will be operated within the allowable bridge weight rating. If haul vehicles will exceed the allowable bridge loading, the Permittee must provide a structural engineering analysis with regard to the number of expected haul trips to determine if the bridge will be damaged and is safe for the truck operation. The analysis will comply with State of Florida, Department of Transportation (FDOT) requirements for such analysis, as applicable.

C. The Permittee and it agents shall only deliver to the Project, move and/or load and remove material from the Project on the Affected Roads between sun-up and sun-down; provided, however, that the hours of operation shall be between sun-up and sun-down, on the following dates:

1) December 1 through February 15;

2) 4 weeks after Daylight Savings Time begins (mid-March); and

3) 6 weeks before Daylight Savings Time ends (early November).

The Permittee and its agents shall not exceed 50 Trips per Day on the County Road system in a single 24-hour day. A roundtrip is defined to mean one (1) truck entering and leaving the Project. Hauling on the Affected Roads by the Permittee and its agents is limited to sun-up to sun-down, 365-day mining operation except on federal holidays: New Year's Day, Birthday of Martin Luther King, Jr., President's Day, Memorial Day, Independence Day/4th of July, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, and Christmas Day. Trucks are not permitted to park, stop, or impede traffic on any of the Affected Roads while waiting for the Project site to open, or while waiting to deliver or be loaded during the permitted hours.

D. Any changes to the Haul Route, a copy of which is attached to the Permit as Exhibit C, shall require an amendment to the subject Operating Permit prior to such changes being allowed. If requested by the Director of Lake County Public Works, the Permittee will install and maintain additional signage and devices, at Permittee's expense, at the requested locations. The County retains full authority to regulate all road signage on roadways, including but not limited to, adding or removing signage as it deems necessary.

E. The Permittee agrees to implement and maintain soil tracking devices and wash down from the point of access of the Project at a location designated by the COUNTY, prior to entering onto County Road.

F. The Permittee shall be solely responsible for obtaining any other local, state and federal approvals, including any permits or approvals required by the FDOT.

2. Roadway Projects. Require a $4,000 annual fee for maintenance for the county to sweep, cut shoulders, and re-sod as needed to the County Road system. A one-time cost of $10,000 toward converting the magnetic loop detection at the existing Dura-Stress and CR 44 signalized intersection to a camera detection system. Annual fee and camera detection will require an agreement during the operating permit/site plan evaluation.

3. Indemnification. The Permittee, its successors and assigns, shall, to the fullest extent permitted by law, defend, indemnify, and hold harmless the County, its officials, agents, and employees from and against any and all claims, suits, judgments, demands, liabilities, damages, cost and expenses (including attorney's fees) for personal injury, bodily injury, property damage, or other liability of any kind or nature whatsoever arising directly out of, or caused in whole or in part by any act or omission relating to the hauling or this Permit by the Permittee, its agents or employees, or any contractor employed by the Permittee, or anyone directly or indirectly employed by them, or anyone for whose acts any of them may be liable, excepting only those acts or omissions arising out of the sole negligence of the County.

4. Additional Records. The Permittee agrees to provide the County, at the County's written request, records held by the Permittee related to hauling on the Affected Roads, including records indicating number of truckloads and cubic yards hauled or to be hauled.

5. Additional Restrictions. Nothing within this Permit authorizes, grants, or otherwise allows the Permittee, its successors and assigns to stockpile additional fill, sand, soil, or rock on the Project Site or any other property owned by the Permittee. The Permittee acknowledges that approval of this Permit does not act as an approval by the County for Permittee, its successor, assigns, and agents, to conduct exaction or mining on the Project Site.

6. Enforcement; Remedies. Except as otherwise provided herein, the parties shall have all equitable and legal remedies available under Florida law to enforce the terms and conditions of this Permit, and the terms of this Permit shall be specifically enforceable in court.

7. Exhibit List. The following attachments are attached hereto and by this reference made a part of this Permit:

Exhibit B Project Site

Exhibit C Proposed Haul Route

L. Stormwater and Floodplain Management.

1. The stormwater management system shall be designed in accordance with applicable FDEP, St. Johns River Water Management District (SJRWMD) requirements, the Comp Plan, and LDR, as amended.

2. The developer shall be responsible for any flood studies required for developing the site and comply with Federal Emergency Management Agency (FEMA), Comp Plan, and LDR, as amended. Any development within the floodplain as identified on the FEMA maps will require compensating storage.

M. Financial Responsibility:

1. Before final approval of the Operating Plan and Reclamation Plan, the Permittee/Owner must file a compliance and reclamation guarantee with the County to ensure that the site is operated and reclaimed in conformance with the Lake County Code and the approved Operating and Reclamation Plans. Acceptable forms of the guarantee include cash, certificates of deposit, irrevocable letters of credit, or surety bonds. In all cases, the form of the guarantee shall be subject to approval by the County Attorney.

2. The total cost of reclamation shall be estimated by the Permittee and reviewed by the County. The estimated amount shall be established by calculations and judgments based on acceptable industry standards and procedures. The final amount of the surety accepted by the Board of County Commissioners shall be one-hundred ten percent (110%) of the estimated reclamation cost, based upon the phase that is being permitted.

3. The reclamation guarantee shall not be released by the County until the final reclamation on all area subject to this approval has been approved.

4. If reclamation under the approved Reclamation Plan has not been successful after the end of two (2) years, at the option of the County, a new Reclamation Plan shall be required of and carried out by the Permittee/Owner, or the reclamation guarantee shall be forfeited, and the site reclaimed by the County using the guarantee to fund it. Additionally, if the site has been abandoned by the Permittee, the reclamation guarantee

may be declared forfeited by the Board and the site reclaimed by the County using the guarantee to fund it. The site shall be considered abandoned if no sand mining activity has taken place for a period of six (6) months, or if reclamation has not been instituted as required under this ordinance.

N. Inspections: County staff, upon notification to the Permittee, shall have access to the project site to inspect and observe permitted activities in order to determine compliance with the terms of this ordinance. This use shall be inspected by the Code Enforcement Division annually to ensure compliance with the conditions of this Conditional Use Permit and the approved Operating Plan. An annual inspection fee will be assessed. If an emergency inspection is necessary during non-operating hours, a fee shall also be assessed.

O. Annual Progress Report: An Annual Progress Report shall be submitted by February 1st of each year consistent with the Mining provisions specified in the LDR, as amended. Failure to file the required annual progress report shall be grounds for suspension of the Operating Plan. An extension of time for filing may be granted by the County upon request and for good cause shown.

Section 4. Additional conditions of this permit shall include the following:

A. In the event of any breach in any of the terms or conditions of this permit or any default or failure of the Permittee or his successor to: Fulfill development in substantial accordance with the conceptual plan as submitted to the Planning & Zoning Board and the Board of County Commissioners; comply with the codes of the governmental agencies having lawful and appropriate jurisdiction thereon; or comply with any of the terms of the Mining Conditional Use Permit; or this Mining Conditional Use Permit is found to become a nuisance or safety hazard, the permit may be revoked after due Public Hearing before the Planning & Zoning Board and the Board of County Commissioners, or may be rescinded upon annexation to a municipal jurisdiction.

B. This Permit shall inure to the benefit of and shall constitute a covenant running with the land; and the purpose, terms, and conditions contained herein shall be binding upon the Permittee or any successor and his interest hereto.

C. The Lake County Code Enforcement Special Master shall have authority to enforce the terms and conditions set forth in this ordinance and to recommend that the ordinance be revoked.

D. If the sand mining activities commence within three (3) years of the date that the Board grants the Mining Conditional Use Permit approval, the Permit shall remain valid and in force as long as the operator shall abide by this ordinance, the Operating Plan, and the LDR as amended. Should sand mining activities not commence within the specified period, the Mining Conditional Use Permit shall expire, and the Permittee shall submit a request for extension, prior to the expiration of the Permit, for review and approval by the Board of County Commissioners.

Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity of the remaining portions of this Ordinance.

Section 6. Filing with the Department of State. The clerk is hereby directed to send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes.

Section 7. Effective Date. This Ordinance will become effective as provided by law.

ENACTED this _____ day of _____, 2023.

FILED with the Secretary of State _____, 2023.

EFFECTIVE _____, 2023.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

_____
KIRBY SMITH, CHAIRMAN

ATTEST:

_____
GARY J. COONEY, CLERK OF THE
BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

APPROVED AS TO FORM AND LEGALITY:

_____
MELANIE MARSH, COUNTY ATTORNEY

1

Exhibit A – Property Legal Descriptions

Alternate Key #	Legal Description
1702607	N 1/2 OF SE 1/4 OF NE 1/4 35-18-25 ORB 5389 PG 1549
1387558	SW 1/4 OF NW 1/4, S 480 FT OF NW 1/4 OF NW 1/4 36-18-25 ORB 5389 PG 1552
1387302	S 1/2 OF SE 1/4 OF NE 1/4 ORB 5389 PG 1549
1387281	FROM THE NORTHWEST CORNER OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 36 TOWNSHIP 18 SOUTH RANGE 25 EAST RUN SOUTH 89-17-27 EAST ALONG THE NORTH LINE OF SAID WEST 1/2 OF THE SOUTHWEST 1/4 A DISTANCE OF 544.43 FEET, SOUTH 00-28-30 WEST 320.52 FEET, SOUTH 40-33-03 WEST 58.21 FEET, SOUTH 84-00-52 WEST 27.64 FEET, SOUTH 88-22-55 WEST 179.01 FEET, NORTH 90-00-00 WEST 108.05 FEET FOR THE POINT OF BEGINNING, THENCE CONTINUE NORTH 90-00-00 WEST 71.35 FEET, SOUTH 67-33-14 WEST 181.70 FEET, NORTH 90-00-00 WEST 63.33 FEET, NORTH 20-03-11 WEST 216.57 FEET, NORTH 73-18-59 EAST 193.88 FEET, NORTH 75-32-12 EAST 115.43 FEET, NORTH 82-08-38 EAST 323.73 FEET, SOUTH 02-21-22 EAST 241.17 FEET, SOUTH 85-01-52 WEST 252.16 FEET TO THE POINT OF BEGINNING ORB 5802 PG 2015
3814750	E 1/2 OF SE 1/4 OF SEC 35-18-25 LYING N OF N R/W LINE OF ACL RR R/W, THAT PART OF SW 1/4 OF SEC 36-18-25 LYING N & W OF N R/W LINE OF ACL RR R/W & LYING W OF THE FOLLOWING DESCRIBED LINE: FROM NE COR OF SE 1/4 OF SEC 35-18-25 RUN N 89-53-52 W 414.15 FT, S 0-06-08 E 300.08 FT, S 62-26-16 E 349.16 FT, N 70-42-09 E 234.64 FT, N 84-26-52 E 295.83 FT TO POINT OF CURVATURE OF A CURVE CONCAVE SW'LY, HAVING A RADIUS OF 25 FT, THENCE FROM A CHORD BEARING OF S 53-39-55 E, RUN SE'LY ALONG THE ARC OF SAID CURVE THRU A CENTRAL ANGLE OF 83-46-26, A DIST OF 36.55 FT TO THE POINT OF TANGENCY, THENCE S 11-46-42 E 528.64 FT FOR POB, THENCE RUN N 0-06-08 E 892.12 FT TO N LINE OF SW 1/4 OF SEC 36 & PT A, RETURN TO POB, RUN S 02-43-05 W 434.21 FT, S 52-58-26 E 245.65 FT, S 14-15-26 W 204.83 FT, S 02-34-44 W 256.54 FT, S 25-59-16 W 170.57 FT, S 57-44-14 W 367.26 FT, S 31-36-31 W 384.81 FT TO N R/W LINE OF ACL RR & POINT

	OF TERMINUS--LESS BEGIN AT THE NORTHWEST CORNER OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECIOTN 36 TOWNSHIP 18 SOUTH RANGE 25 EAST, THENCE RUN SOUTH 89-17-27 EAST ALONG THE NORTH LINE OF SAID WEST 1/2 OF THE SOUTHWEST 1/4 A DISTANCE OF 544.43 FEET, SOUTH 00-28-30 WEST 320.52 FEET, SOUTH 40-33-03 WEST 58.21 FEET, SOUTH 84-00-52 WEST 27.64 FEET, SOUTH 88-22-55 WEST 179.01 FEET, NORTH 90-00-00 WEST 108.05 FEET, NORTH 85-01-52 EAST 252.16 FEET, NORTH 02-31-22 WEST 241.17 FEET, SOUTH 82-08-38 WEST 323.73 FEET, SOUTH 75-32-12 WEST 115.43 FEET, SOUTH 73-18-59 WEST 193.88 FEET, SOUTH 20-03-11 EAST 216.57 FEET, NORTH 90-00-00 WEST 65.37 FEET, NORTH 53-58-30 WEST 172.48 FEET, NORTH 07-15-13 WEST 77.40 FEET, NORTH 89-44-09 EAST 95.28 GEET, NORTH 07-15-13 WEST 20.15 FEET, SOUTH 89-44-09 WEST 95.28 FEET, NORTH 07-15-13 WEST 255.78 FEET TO THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 35 TOWNSHIP 18 SOUTH RANGE 25 EAST, THENCE RUN SOUTH 89-30-04 EAST ALONG SAID NORTH LINE 362.70 FEET TO THE POINT OF BEGINNING & LESS FROM THE NORTHWEST CORNER OF THE WEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 36 TOWNSHIP 18 SOUTH RANGE 25 EAST RUN SOUTH 89-17-27 EAST ALONG THE NORTH LINE OF SAID WEST 1/2 OF THE SOUTHWEST 1/4 A DISTANCE OF 544.43 FEET, SOUTH 00-28-30 WEST 320.52 FEET, SOUTH 40-33-03 WEST 58.21 FEET, SOUTH 84-00-52 WEST 27.64 FEET, SOUTH 88-22-55 WEST 179.01 FEET, NORTH 90-00-00 WEST 108.05 FEET FOR THE POINT OF BEGINNING, THENCE CONTINUE NORTH 90-00-00 WEST 71.35 FEET, SOUTH 67-33-14 WEST 181.70 FEET, NORTH 90-00-00 WEST 63.33 FEET, NORTH 20-03-11 WEST 216.57 FEET, NORTH 73-18-59 EAST 193.88 FEET, NORTH 75-32-12 EAST 115.43 FEET, NORTH 82-08-38 EAST 323.73 FEET, SOUTH 02-21-22 EAST 241.17 FEET, SOUTH 85-01-52 WEST 252.16 FEET TO THE POINT OF BEGINNING--ORB 4700 PG 1334 ORB 5802 PG 2092
1176930	E 1/2 OF NE 1/4 OF NW 1/4, SE 1/4 OF NW 1/4, SW 1/4 ALL IN SECTION 36 TOWNSHIP 18 SOUTH RANGE 25 EAST--LESS S 170 FT OF E 500 FT OF W 900 FT & LESS THAT PART OF LAND LYING W OF THE FOLLOWING DESCRIBED LINE: FROM NE COR OF SE 1/4 OF SEC 35-18-25 RUN N 89-53-52 W 414.15 FT, S 0-

	06-08 E 300.08 FT, S 62-26-16 E 349.16 FT, N 70-42-09 E 234.64 FT, N 84-26-52 E 295.83 FT TO THE POINT OF CURVATURE OF A CURVE CONCAVE SW'LY, HAVING A RADIUS OF 25 FT, THENCE FROM A CHORD BEARING OF S 53-39-55 E RUN SE'LY ALONG THE ARC OF SAID CURVE THRU A CENTRAL ANGLE OF 83-46-26 A DIST OF 36.55 FT TO THE POINT OF TANGENCY, THENCE S 11-46-42 E 528.64 FT FOR POB, RUN N 0-06-08 E 892.12 FT TO N LINE OF SW 1/4 OF SEC 36-18-25 & PT A, RETURN TO POB, RUN S 02-43-05 W 434.21 FT, S 52-58-26 E 245.65 FT, S 14-15-23 W 204.83 FT, S 02-34-44 W 256.54 FT, S 25-59-16 W 170.57 FT, S 57-44-14 W 367.26 FT, S 31-36-31 W 384.81 FT TO N R/W LINE OF ACL RR & THE POINT OF TERMINUS & LESS FROM THE NORTHWEST CORNER OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 36 TOWNSHIP 18 SOUTH RANGE 25 EAST RUN SOUTH 89-17-27 EAST ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 A DISTANCE OF 544.43 FEET FOR THE POINT OF BEGINNING, THENCE CONTINUE SOUTH 89-17-27 EAST 59.61 FEET, SOUTH 00-00-00 WEST 247 FEET, SOUTH 40-33-03 WEST 95.78 FEET, NORTH 00-28-30 EAST 320.52 FEET TO THE POINT OF BEGINNING--
1702623	NE 1/4 OF NE 1/4 35-18-25 ORB 4996 PG 672
1702640	W 1/2 OF NE 1/4 OF NW 1/4, N 840 FT OF NW 1/4 OF NW 1/4 36-18-25 ORB 4996 PG 672
1702534	SW 1/4 OF SW 1/4 25-18-25 ORB 4996 PG 672
1727481	LISBON, CASSADY'S ADD LOTS 1, 2, 7, 8 PB 1 PG 54 ORB 4996 PG 672
1702542	S 265.98 FT OF W 833.58 FT OF SE 1/4 OF SW 1/4 25-18-25 ORB 4996 PG 672
1657059	LISBON, CASSADY'S ADD LOTS 3 TO 6 INCL, 9 TO 18 INCL & ALL THE VACATED STREETS PB 1 PG 54 ORB 910 PG 1053
1386969	NE 1/4 OF SE 1/4--LESS LEONTINE WILLIAMS RD & LESS CR 5-6836 26-18-25 ORB 6030 PG 737
1386772	NW 1/4 OF SW 1/4--LESS FROM NE COR OF NW 1/4 OF SW 1/4 RUN W 250 FT, S 149 FT, N 58DEG E TO POB & LESS RD R/W-- ORB 619

	PGS 186 & 188 ORB 750 PG 1126 ORB 4334 PG 2051
2863510	W 1/2 OF SE 1/4 OF NW 1/4 LYING S OF CO RD 5-6836, NE 1/4 OF SW 1/4 ORB 914 PG 390

1

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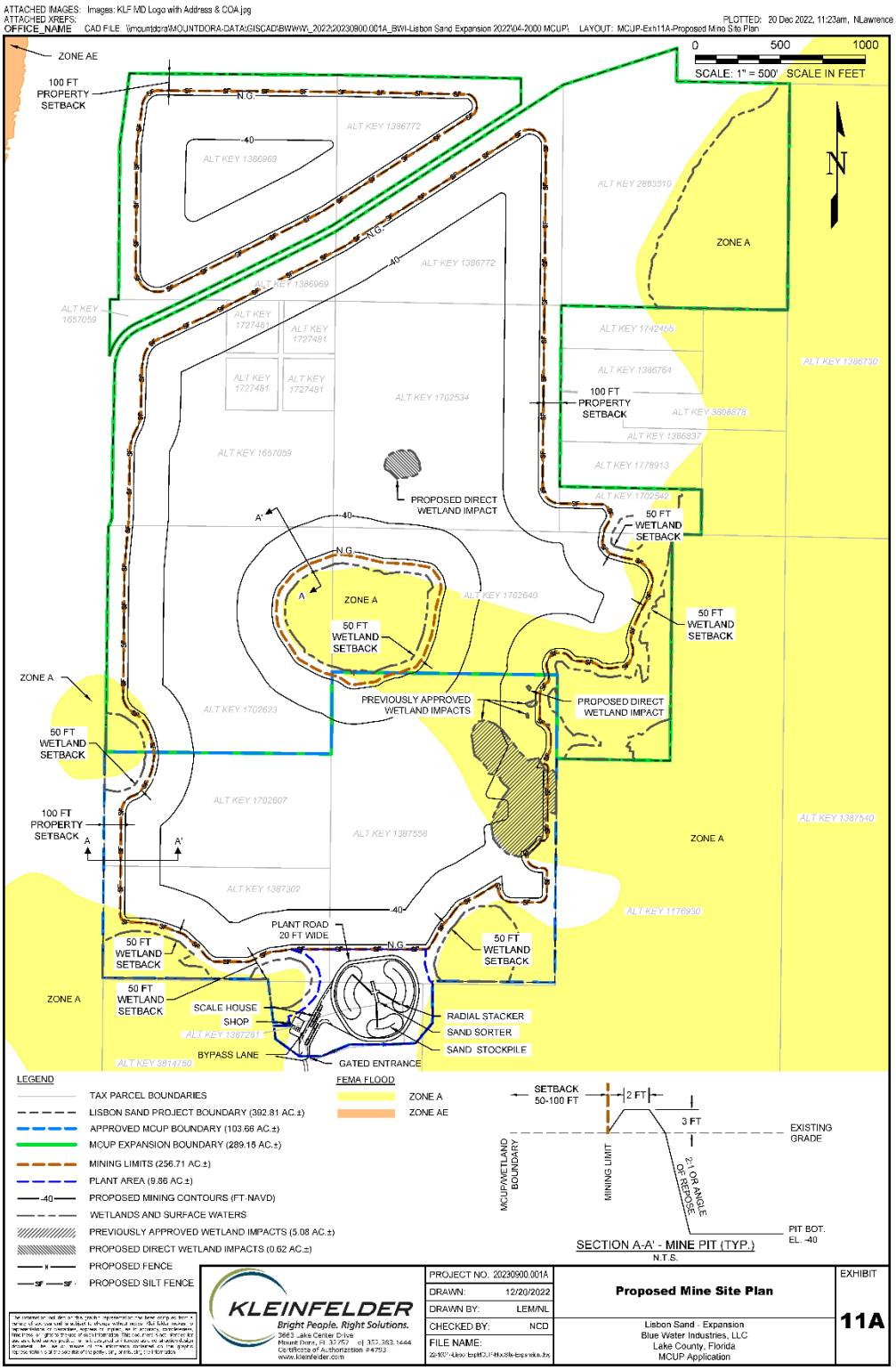
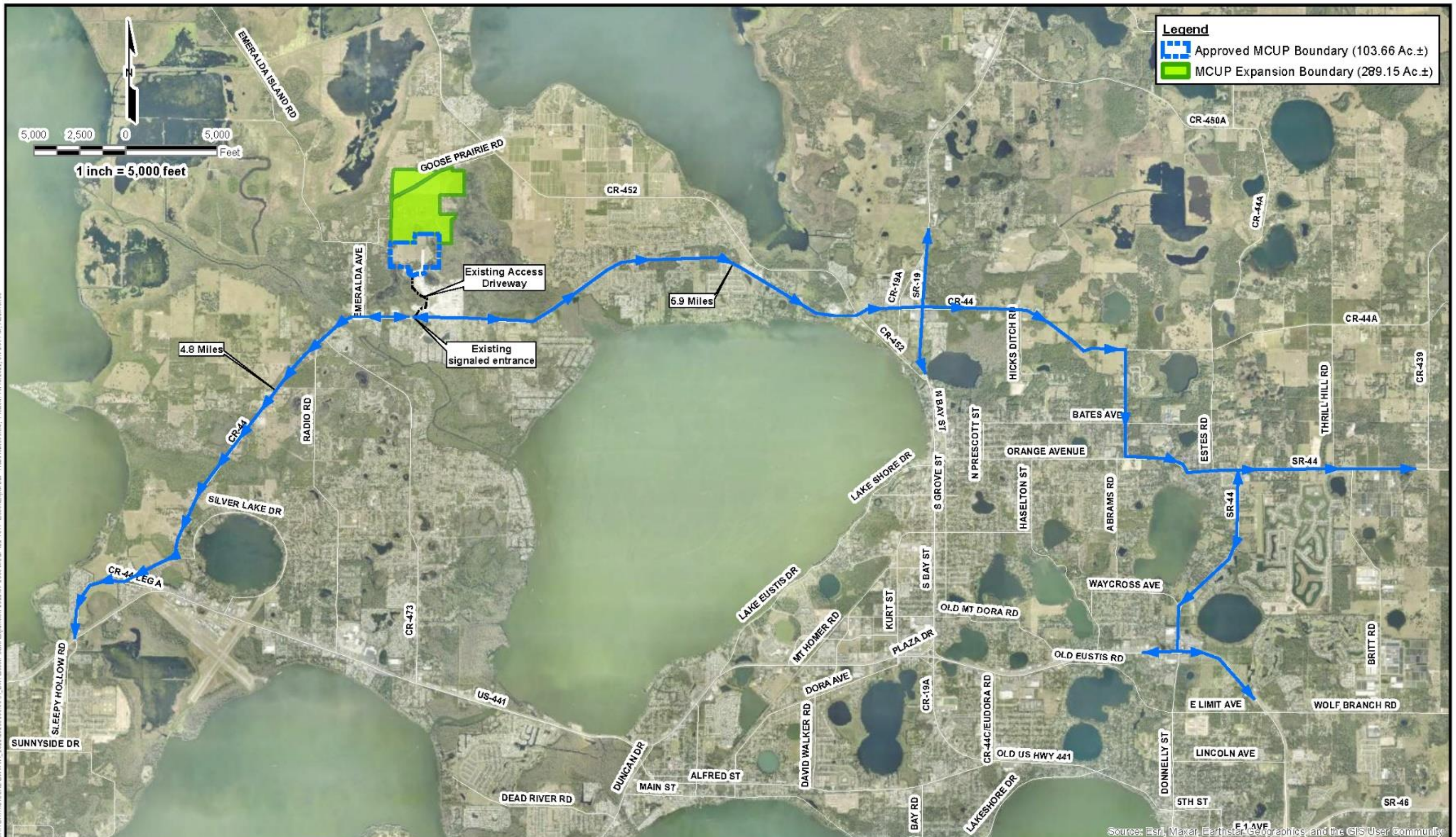
Exhibit B – Concept Plan



1

2

Exhibit - C



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Sections 25, 26, 35 & 36, Township 18 South, Range 25 East

Source: World_Imagery was obtained from ESRI Basemap. Image origin: State of Florida. Date: 3/14/2020.

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PROJECT NO.	20230900.001A
DRAWN:	10/18/2022
DRAWN BY:	NL
CHECKED BY:	CAD
FILE NAME:	22-1017--Lisbon ExpMCUP-HaulRoutes.mxd

Traffic Haul Route Map

Lisbon Sand - Expansion
Blue Water Industries, LLC
Lake County, Florida
MCUP Application

EXHIBIT
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