

Summary of Deficiencies in the Application Process and Application by The Chemours Company FC, LLC for a for Special Permit for Mining.

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1. Paul Still has used the proposed mine site for hiking and photography and plans to continue to use the Suwannee River Management Property for these purposes. He has also studied and plans to continue studying wetlands on the property adjoining the proposed mine site that would be impacted by the proposed mining.

The Chemours application documents

2. On August 16, 2019, a letter was submitted on Chemours letterhead signed by Connie Henderson, Environmental Manager, that stated in part “Enclosed please find ten (10) copies of our application for Special Permit for Mining.” The enclosed document was in a ring binder and is titled “The Chemours Company FC, LLC Trail Ridge South Mine Bradford County Special Exception Request”. This document will be referred to as the Ring Binder Document.

3. On September 17th, 2019, Chemours submitted an Application for Special Use Permit signed 9/16/2019 by Nicole Newell, Plant Manager. Along with the form was a letter on Chemours letterhead Re: Authorization, Chemours application for Mining Permit and Attachment 1 providing the Location of Parcel and Size of Parcel information required on the Application for Special Use Permit.

4. The permitting requirements for mining are found in ARTICLE FOURTEEN. PERMITTING AND CONCURRENCY MANAGEMENT SECTION 14. 6 SPECIAL PERMITS FOR MINING of the Bradford County Land Development Regulations. Section 14.6 requires in part that “Requests for such special permits shall be submitted in writing to the Land Development Regulation Administrator together with the payment of such reasonable fees as the Board of County Commissioners may determine through action in setting fees as set out in Article 1 of these land development regulations.”

5. The deficiencies associated with the written application documents are presented below.

6. The August 16, 2019, letter RE: Application for Special Permit for Mining, Article XIV contains no information that demonstrates Connie Henderson, Environmental Manager, has been authorized by The Chemours Company FC, LLC to submit such an application. There is no documentation to establish that the Suwannee River Water Management District the property

owner has authorized Connie Henderson to submit the Application for Special Permit for Mining.

7. It is clear no valid application for a Special Permit for Mining was submitted on August 16, 2019. Any documents submitted on August 16, 2019, should have been submitted with a valid application for a Special Permit for Mining.

Application for Special Use Permit signed 9/16/19

8. The form title “Application for Special Use Permit” is misleading because the Chemours application is for a Special Permit for Mining.

9. The Type of Permit entered by Chemours on the form was “Mining Heavy Mineral Sands”. Mining Heavy Mineral Sands is not a type of permit issued by Bradford County.

10. The Name of the Property Owner: entered on the form by Chemours was “The Chemours Company FC, LLC as lessee for Suwannee River Water Management District”. No lease agreement between Chemours and the Suwannee River Water Management District was provided.

10. The form requires that “If an Agent represent’s (sic) the Owner, then a Notarized letter from the Owner MUST BE A TT ACHED (sic).

11. The letter RE: Authorization, Chemours application for Mining Permit included with the Application for Special Use Permit was not signed or dated by a Notary Public. The agent designation would not meet the requirement established by Bradford County.

12. No designation of an agent was signed by the Property Owner Suwannee River Water Management District.

13. The letter RE: Authorization, Chemours application for Mining Permit also names Daniel LeJeune of Kleinfelder as an agent but his name does not appear on the Application for Special Use Permit.

14. The Application for Special Use Permit form reads “I, the undersigned, hereby swear and affirm that I own the above described propertyor (sic) have been duly appointed by the propertyowner(sic) to make this application.”

15. There is no documentation that establishes that Nicole Newell has been authorized by The Chemours Company FC, LLC to submit the application to Bradford County for a Special Permit for Mining or act as the agent for the property owner Suwannee River Water Management District.

16. All the above deficiencies would seem to leave the Bradford County Commission only one option which is to deny the Chemours application for Special Permit for Mining.

17. The Ring Binder Document is titled “The Chemours Company FC, LLC Trail Ridge South Mine Bradford County Special Exception Request”.

18. The definition of Special Exception as defined in the Bradford Land Development Regulations define is copied below.

Special Exception. Special exception means a use that would not be appropriate generally or without restriction throughout a zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or the general welfare. Such uses may be permissible in a zoning district as a special exception if specific provision for such a special exception is made in these land development regulations. (For the procedure in securing special exceptions, see Articles 12 and 13.)

19. The proposed mine requires a Special Permit for Mining that is addressed in Section 14.6 of the Bradford Land Development Regulations. The Ring Binder Document title addresses the wrong section of the Bradford Land Development Regulation. The Ring Binder Document hand number page 1 is a document on Sodl and Ingram letter head dated August 15, 2019, RE: Application for Special Permit for Mining, Article XIV, Chemours. For this testimony the Ring Binder Document will be evaluated as if it were an Application for Special Permit for Mining.

20. Section 14.6 also requires:

The County shall limit mining operations to those areas shown on Illustration A-X of the Future Land Use Map Series of the County's Comprehensive Plan entitled Mining Areas. All such mining activities shall be conducted in accordance with the following criteria:

1. The filing of a mining master plan with the Board of County Commissioners, which shall:
 - a. Describe the boundaries of the areas of proposed mining;
 - b. Describe the location of existing or proposed processing facilities, highways and railroads;
 - c. Provide a topographic map of the area and its relationship to watersheds, drainage ways, floodways, streams, rivers and lakes;
 - d. Describe the mining process to be conducted; and
 - e. Describe the reclamation process to be conducted after mining, including the delineation of areas to be restored.

21. The Ring Binder Document makes no reference to the elements required in the mining master plan in Section 14.6 of the Bradford Land Development Regulations. It is not clear if Chemours is submitting the Ring Binder Document as the required mining master plan, but the

language of the Bradford Land Development Regulations clearly ties the Special Permit for Mining and the mining master plan.

22. Some of the information in the ring binder is similar to the information that is required in item a of the mining master plan.

23. The required items b through e of the mining master plan are not adequately addressed in the Ring Binder Document.

24. Item “b. Describe the location of existing or proposed processing facilities, highways and railroads;” Information is not provided about the location of the dry mill or who operates the dry mill. Highways are not identified. Railroads are not identified. Key elements of the new processing facilities and industrial wastewater treatment facilities are not addressed. The location of the NPDES discharge point is not defined.

25. Item “c. Provide a topographic map of the area and its relationship to watersheds, drainage ways, floodways, streams, rivers and lakes;” A topographic map of the area is not provided that would show important relationships between the proposed mine site and the drainage basins impacted and the flow of surface water in the multiple drainage basins to Lake Rowell, Santa Fe Swamp or the Santa Fe River. Without a location for the NPDES discharge point it cannot be known if water from the Upper Santa Fe Basin will be discharged into the Etonia Basin of the St Johns River.

26. Item “d. Describe the mining process to be conducted;” It is indicated in the next to last paragraph of hand numbered page 10 that 12 inches of topsoil will be removed and used to form the perimeter or containment berms. This process will likely make it almost impossible to restore the mined wetlands because of the mixing of wetland soils with other soil types on the site. Information in the same paragraph indicates “All stormwater will be captured in the excavation pit.” The problem is there is no excavation pit present during the initial operations and at least at the beginning of the mining process the pit will have to be dewatered. This dewatering can have negative impacts on wetlands that are not mined but are near the mined area. Figure 6 hand numbered page 56 of the Ring Binder Document shows how extensive this impact could be on the unmined wetlands. The next to last paragraph on hand numbered page 12 references a FDEP Industrial Wastewater permit allowing discharges at a designated location. The mining master plan should not be approved by Bradford County before that permit is issued and it knows where the discharged water will flow. Under Surface Water Features on hand

numbered page 13 it is stated that water flows to the west to the Santa Fe Swamp. It is clear in Figure 2 that the flow is to the north and flow is likely to be into Lake Rowell via either Privatt Creek or Alligator Creek. Under Groundwater on hand numbered page 13 it is stated that the Surficial Aquifer System is non-potable but no data to support that claim is provided. The presence of the Surficial Aquifer indicates there is an aquiclude. No provisions have been made to restore these lower permeability soils during reclamation. This can make wetland restoration difficult. Of equal importance is the loss of the Surficial Aquifer System that maintains wetlands that are not mined but are near mined areas. The Ring Binder Document does not provide the required details needed to evaluate a mining master plan.

27. Item “e. Describe the reclamation process to be conducted after mining, including the delineation of areas to be restored.” DEP will require a conceptual plan to address the reclamation of the mined area. Bradford County should use the plan as accepted by DEP to meet the requirement of “e” and should not approve any Application for a Special Permit for Mining that does not have an approved DEP reclamation plan. This would match the Bradford Comprehensive Plan language that states, “OBJECTIVE V.3 The County shall continue to 1. Require special mining permits and that such permits be coordinated with the Florida Department of Environmental Protection;”

Mining of Wetlands

28. The Bradford County Comprehensive plan states on pages I 25 and I 26

e. Mining shall be prohibited which will result in an adverse effect on environmentally sensitive lands, such as surfacewater and groundwater resources, wetlands, floodplains, endangered, threatened or species of special concern wildlife habitats, as designated by the Florida Fish and Wildlife Conservation Commission within the publication entitled Critical Wildlife Conservation Areas, and rare or unique vegetative communities which cannot be restored based upon competent and substantial scientific evidence presented to the County at the time the Master Mining Plan is reviewed by the Board of County Commissioners. Environmentally Sensitive Lands, such as wetlands, floodplains, endangered, threatened or species of special concern wildlife habitats, as designated by the Florida Fish and Wildlife Conservation Commission within the publication entitled Critical Wildlife Conservation Areas, and rare or unique vegetative communities, which can be restored, shall be restored to the same type, nature and function ecosystem.

f. Mining operations shall provide a minimum of a 200-foot buffer from adjacent properties.

For the purposes of this Comprehensive Plan "restoration" when used in conjunction with mining operations shall mean the recontouring and re-vegetation of lands, which will return the type, nature, and function of the ecosystem to the condition in existence immediately prior to mining operations. The County shall recognize technological

limitations and economic considerations concerning the methods and practices to be used to restore environmentally sensitive lands, such as wetlands, floodplains, endangered, threatened or species of special concern wildlife habitats, as designated by the Florida Fish and Wildlife Conservation Commission within the publication entitled Critical Wildlife Conservation Areas, and rare or unique vegetative communities. However, such considerations shall not result in environmentally sensitive lands, such as wetlands, floodplains, endangered, threatened or species of special concern, wildlife habitats, as designated by the Florida Fish and Wildlife Conservation Commission within the publication entitled Critical Wildlife Conservation Areas, and rare or unique vegetative communities, not being restored to the same type, nature and function ecosystem. For example, restoration shall be considered accomplished when immature trees are used, mature trees are not required to be replanted in areas where mature trees were removed to allow for mining.

29. The Bradford Land Development Regulations state on page 290

- e. Mining shall be prohibited which will result in an adverse effect on environmentally sensitive lands, such as wetlands, floodplains, endangered, threatened, or species of special concern wildlife habitats, as designated by the Florida Game and Fresh Water Fish Commission within the publication entitled Critical Wildlife Conservation Areas, and rare or unique vegetative communities, which cannot be restored, based upon competent and substantial scientific evidence presented to the County at the time the master mining plan is reviewed by the Board of County Commissioners. Environmentally sensitive lands, such as wetlands, endangered, threatened, or species of special concern wildlife habitats, as designated by the Florida Game and Fresh Water Fish Commission within the publication entitled Critical Wildlife Conservation Areas, and rare or unique vegetative communities, which can be restored shall be restored to the same type, nature and function ecosystem.

For the purposes of these Land Development Regulations "restoration" when used in conjunction with mining operations shall mean the re-contouring and revegetation of lands, which will return the type, nature, and function of the ecosystem to the condition in existence immediately prior to mining operations.

The County shall recognize technological limitations and economic considerations concerning the methods and practices to be used to restore environmentally sensitive lands, such as wetlands, floodplains, endangered, threatened, or species of special concern wildlife habitats, as designated by the Florida Game and Fresh Water Fish Commission within the publication entitled Critical Wildlife Conservation Areas, and rare or unique vegetative communities.

However, such considerations shall not result in environmentally sensitive lands, such as wetlands, floodplains, endangered, threatened, or species of special concern wildlife habitats, as designated by the Florida Game and Fresh Water Fish Commission within the publication entitled Critical Wildlife Conservation Areas, and rare or unique vegetative communities, not being restored to the same type, nature and function ecosystem. For example, restoration shall be considered accomplished when immature trees are used; mature trees are not required to be replanted in areas where mature trees were removed to allow for mining.

For the purposes of these Land Development Regulations "revegetation" when used in conjunction with mining operations in reclaimed areas means a cover of vegetation consistent with land form created and the future land uses. In restored areas, it means a cover of vegetation that is designed to return the restored area to the condition in existence prior to mining operations.

In addition to obtaining this permit, the applicant shall meet any additional requirements of the County, regional agencies, the State of Florida and the United States of America.

30. The Ring Binder Document material fails to produce the required competent and substantial scientific evidence that the wetlands can be restored. Some of the key information needed to assure the wetlands can be restored to the same type, nature and function but not included in the Ring Binder Document are listed below.

A detailed record of the existing flora and fauna

A detailed survey of soil types and subsoil types including the depth of the first aquiclude.

A detailed evaluation of surface flow into, through and out of the wetland to be mined

A method of removing and storing wetland soils and returning them to the mined wetland

A clear delineation of the surface watersheds

Without this information there can be no assurance the mined wetlands can be restored to the pre-mined type, nature and function.

31. A comparison of Figure 5, hand numbered page 55 and Figure 9 hand numbered page 59 indicates Chemours is not planning to restore the mined wetlands in the same location as the occupied before mining as is required to allow mining of wetlands.

32. Chemours has failed to provide a copy of the Formal Wetland Determination by DEP. The wetland boundaries in that determination are required to insure the mined wetlands are restored to their same location and function.

33. As currently drafted the information in the Ring Binder Document does not provide the competent and substantial scientific evidence that the 353 acres of wetlands that Chemours plans to mine can be restored. The competent and substantial scientific evidence required must be presented to the County at the time the Master Mining Plan is reviewed by the Board of County Commissioners at is the hearing tonight. Unless Chemours is willing to modify its application and not mine wetlands the only choice the Bradford County Commission has is to deny the permit.

Issues Associated with the claimed ownership of the mineral rights

34. The September 16, 2019, letter on Chemours letterhead Re: Authorization, Chemours application for Mining Permit signed by Nicole Newell indicates Chemours owns mineral rights for the property in the application. The document at hand numbered pages 42 and 43 of the Ring

Binder Document is a Memorandum of Lease Agreement. That document references a Heavy Minerals Mining Lease that appears to terminate on December 31, 2023. Rayonier appears to own the mineral rights.

35. The actual Heavy Minerals Mining Lease is not included in the documentation submitted by Chemours. No permit should be issued by Bradford County without a review of Heavy Minerals Mining Lease.

36. The ownership of the mineral rights appears to be time limited. Any permit issued by Bradford County should not extend beyond the period for which Chemours can demonstrate a right to mine and remove minerals.

Other Issues

37. No permit should be issued Chemours without verifying there is a lease between Chemours and the Suwannee River Water Management District that allows the proposed mining.

38. The uncertainty of the lease agreements are such that the Chemours Permit Application should be denied.

39. The Notice for this hearing does not meet the legal requirements because it references a telecommunication tower in part of the notice. Bradford County was informed of this error and has chosen to hold the hearing.

40. Section 14.6 requires “The Land Development Regulation Administrator shall erect a sign advertising the permit request on a prominent position on said land.” The sign that was posted was not “on said land” and was not on a “prominent position”.

41. Because of past environmental regulation violation by both Twin Pines and Chemours it is important that the Bradford County be fully aware of the relationship between Twin Pines and Chemours.

42. It appears that DuPont did not obtain a Special Permit for Mining when they began mining in Bradford County. Parts of the mined land in Bradford County have not been reclaimed even though mining appears to have ended 15 years ago. Chemours should be required to obtain a Special Permit for Mining for the area at the big curve in CR 225 south of Lawtey.

43. Given all the deficiencies noted above the Chemours Application for a Special Permit for Mining should be denied.

Paul Still /s/ 10/17/2019
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