Memorandum

MIAMI-DADE COUNTY

Date: December 4, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

Supplement to
Agenda Item No. 8(A)1c

From: George M. Burgess
County Manager

Subject: Rock Mining Supplemental Information

The following supplemental information is provided in response to questions raised at the November 15, 2007 Airport and Tourism Committee meeting.

Impact of Judge Hoeveler's Ruling and the Supplemental Environmental Impact Statement
Federal Judge Hoeveler ruled on March 22, 2006 that the United States Army Corps of Engineers had issued permits improperly under the guidelines of the Corps' original Environmental Impact Statement (EIS) in the Lake Belt mining area of Miami-Dade County. Judge Hoeveler's ruling affected ten operating permits that had been issued in 2002. He further directed the Corps to conduct a Supplemental Environmental Impact Statement (SEIS) of the Lake Belt area.

On July 13, 2007, Judge Hoeveler set aside the permits of three companies whose operations were closest to the Miami-Dade County municipal well field. The Corps and all ten permittees affected by the rulings_appealed Judge Hoeveler's July 13 ruling to the 11th Circuit Court of Appeals_in Atlanta. On November 28, 2007, the Circuit Court will travel to Miami-Dade to hear oral arguments on the appeals.

Previously, the Opa-locka West site was not considered in the original EIS and was not part of Judge Hoeveler's March 2006 ruling. However, the Corps cannot approve any new mines in the Lake Belt until the SEIS is completed since they have no valid operating guidelines. The Opa-locka mine site lies in the northernmost region of the Lake Belt and is therefore subject to the Corps authority. Accordingly, it is necessary for the Corps to include the Opa-locka West site in the SEIS so that a future mining permit can be considered.

The Corps issued a draft SEIS on August 17, 2007, conducted a public hearing and provided opportunities for public comment through October 22, 2007. The Corps is currently writing the Final SEIS, based on comments considered, which will be published sometime in February 2008. This SEIS will list seven alternatives:1) no mining at all in the Lake Belt; 2) mining only in the permits addressed in the March 2006 ruling; and Alternatives #3 through #7: various combinations of expanded mining to include Opa-locka West in every Alternative but with combinations of mitigation (i.e., no mining) areas elsewhere.

After the Corps publishes its Final SEIS, there will be a 30-day public comment period, after which the Corps will announce in a "Record of Decision" which alternative it has selected as the preferred new mining permit guidelines for the Lake Belt.

Assurance that Discount Pricing for Aggregate Benefits the County
With respect to the request that a process be developed that assures that the County gets the benefit of lower limestone rock costs, the Agreement requires that the cash price for the limestone be established twice a year by FDOT and then approved by the County. It also provides that a 14.9% discount from such cash price will be given to FDOT, MDX, and the County and their contractors. Given the availability of this discount to the County, all County bids for projects that require limestone rock will

require bidders to (i) identify the source for limestone to be used on the project and the cost to be paid for by the bidder, or (ii) accept a reduction in payments under the contracts to reflect the 14.9% discount given to the successful bidders if they elect to purchase the limestone rock from the Opa-locka West extraction company, or (iii) accept any combination of (i) and (ii) or other contract mechanisms to assure that the County receives the benefit of the discount for the limestone rock.

Assistant County Manager