



MEMORANDUM FOR RECORD

DATE: July 7th, 2023

FROM: Patrick Boyd, Safety Officer / Safety Program Manager

SUBJECT: High Springs Lime Rock Mines Risk Assessment (Preliminary)

SUMMARY

In May 2023, the Alachua County Risk Management Division was asked, along with several other departments, to assist in the evaluation of an atypical land acquisition project located in High Springs, Florida. The goal of this project was to determine strategies, identify potential risks, and begin analysis of the following property:

Parcel ID: 02935-000-000
Property ID: 11878
Property Address: 22204 NW 198th Terrace, High Springs, FL
Acreage: 356
Owner/Address: LIMEROCK MINES LLC & HS LIMEROCK LLC & SP LIME ROCK LLC
4705 NW 30th ST
Gainesville, FL 32605

The listed parcel is presently (and historically) used as a lime rock mine with active mining operations currently on-going. These operations have been continuous for over 60 years and have created an industrial environment (with associated conditions) over large portions of the property. These conditions, as observed, exist alongside mine-pit lakes and forested areas that could be considered some of the most scenic in the State of Florida.

Interest in the property is two-fold: **1)** Due to long-term mining operations, mining pits (now seen as man-made lakes) have been dug to a depth which many believe has intersected the Floridan aquifer. As a potential area of contamination of the aquifer, both now and in the future, acquisition would fall in line with the County's overarching goal to protect the environment, and **2)** Because

of the scenic nature of much of the land, the property is being considered for use as a recreational park.

On June 5th, 2023, a site-visit to the area was organized by the Alachua County Environmental Protection Department (EPD) to allow members from the **County Attorney's Office, Parks and Open Space**, and **Risk Management** to tour the property and meet the current owner. This report details the results of that visit and gives a preliminary analysis of issues related to the acquisition from a risk management perspective.

I. Property Status

According to initial research, the parcel located in High Springs is currently owned by a privately held LLC with contractual agreements for mining held by a third party. As detailed in the attached Environmental Resource Permit (ERP) #0174081-001 (dated: April 5, 2001) the project summary includes data on mining operations which **began in 1958**. In accordance with Florida Statutes, mining operations which occurred before October 1, 1989 are exempt from State reclamation requirements. In this case, there are approximately 181 acres of the property that are exempt from these guidelines.

Despite the low frequency of excavations, by definition, the property under consideration is an active mine. State of Florida Administrative Code (Chapter 62C-36 *Limestone Reclamation Requirements*) clearly outlines what constitutes a "new mine", an "existing mine", and what mine owners/operators must do upon the cessation of mining activity:

62C-36.003, *Notices, Plans, and Information Required* (para 2, section 4)

(4) Cessation of Operations. *An operator shall notify the secretary within at least 30 days after the temporary or permanent cessation of mining at a mine. Notice shall not be required when the temporary cessation period is less than six months.*

As of the June 5th site-visit, the owner/operator has not submitted any notice of permanent cessation of operations to the State of Florida, Department of Environmental Protection (DEP) and continues to show evidence of regular mining activity. This is an important consideration due to State of Florida requirements for reclamation once mining is complete. Any consideration of the property for protection, recreational, or other purposes must include a detailed review of the owners current (and future) obligations regarding reclamation.

II. Site-Visit / Preliminary Risk Assessment

As part of the risk assessment analysis conducted during (and after) the site-visit, data gathered was separated into three (3) categories:

- **Observed Hazards**: are issues that were directly observed by the evaluation team while on-site. They include any risk or safety-related hazard that could be easily identified visually or for which there was some form of physical evidence.
- **Potential (Unobserved) Hazards**: are issues that while not visually identified, could be inferred from other indicators, historical precedents, similar environments, or information received from a 3rd party.
- **Legal Considerations**: are issues from a legal perspective that represent a risk for general liability, damages for injury, and/or statutory requirements that could result in substantial loss to the County.

OBSERVED HAZARDS

Over the course of roughly 4-hours, the evaluation team drove along what appeared to be established vehicle pathways (unpaved) and walked throughout a small portion of the remainder of the property. Of the areas visited, the following items were observed:

- Abandoned structures (buildings) in various states of disrepair
- Seemingly abandoned vehicles: rusted metal, flat tires, broken windows
- Exposed rebar and other metal protruding from the ground
- Exposed heavy cables: portions of draglines, rusted, partially buried
- A multitude of abandoned tires: discarded throughout the property, partially buried
- Broken glass, broken metal, abandoned tools
- Piles of excavated lime rock: left unused in various locations
- Partially constructed and unstable dirt / rock berms
- Open mine-pits (now lakes) with sheer walls: approximately 30 - 50 ft deep
- An unexplored cave area intersecting a more recent mine-pit
- Above-ground hazardous material tanks in obvious disrepair: rusted, open, visibly damaged
- Lack of required slopes (per reclamation requirements) presenting drowning hazard
- Mining activity to property line in several areas: preventing installation of physical berms / barriers

POTENTIAL (UNOBSERVED) HAZARDS

- Petroleum or other chemical contaminants in water-filled mine-pits
- High potential for abandoned vehicles & equipment at the bottom of mine-pits
- Buried hazardous materials, as historically seen in long-term mining operations

- Potential illegal dumping (limited perimeter fencing) from adjacent properties
- Attractive nuisance considerations which could result in serious injury or death

LEGAL CONSIDERATIONS

Legal considerations for the team's site-visit were prepared by **Senior Assistant County Attorney, David Forziano** (email: dforziano@alachuacounty.us, Ph: (352) 374-5218). They constitute only a portion of the concerns that may apply to the County if this acquisition is approved. For additional information, please contact the County Attorney's Office. A brief summary of these issues is listed as follows:

1) Lack of Historical Reclamation Activity: *“There is currently no evidence that reclamation activity (of any type) has occurred on the property, which includes those areas exempt from reclamation and those areas subject to mandatory reclamation. For a typical mine, the land is usually divided into areas called mining units. Active mining operations would occur in one or more mining unit(s) until completed in that unit, at which time mining operations would move to a new unit and reclamation would begin in the unit where mining operations just ceased. Apparently, that did not occur here. As a result, almost all the mine pits have very steep, if not shear, faces that I estimate to vary between 5 to 30 feet above water level and 20 to 50 feet below water level. The lack of any reclamation makes this potential acquisition more challenging from both a due diligence and risk management perspective.”*

2) General Liability for Injury: *“General liability concerns in taking responsibility for the property includes liability imposed for leaving mining pits open after mining operations have ceased. (Sec. 768.10, Fla. Stat.) Damages for injuries resulting from leaving the pits open are doubled. (Sec. 768.11, Fla. Stat.) The property would have to be heavily posted against trespassing and some effort made to check on the property to make sure that trespassing is not occurring on a regular basis. While no duty is owed to a trespasser generally except to warn of traps, a former mine could present a number of traps to be concerned about. The more the property owner becomes aware of trespassing activity and fails to take action to limit it, the more likely some degree of liability could be imposed. The fact that we would be taking over a former mine would put us on notice of the presence of potentially hazardous conditions. Another challenge in restricting access to the property is the ability of individuals intent on trespassing to enter the property from multiple directions. A final consideration from a liability standpoint is what the surrounding area's potential for growth is. New growth and increased density will increase the risk the property will present.”*

3) Potential Cost of Reclamation to Alachua County: *“From a due diligence perspective, it will be a challenge not only to perform our standard due diligence because of the depth of the submerged mine pits, the buried and partially buried debris scattered throughout the site, and the various above-ground storage tanks (some still in use and some that appeared to be abandoned), but also because the County will have to estimate the cost of reclaiming the land in the event the land is not fully reclaimed prior to closing. The State’s reclamation rules require steep/sheer mine faces to be reshaped to create a slope. In some areas of the property, the mining company mined right up to the property line. So, slopes cannot be created in those areas by grading the face of the slope. Instead, those areas would require placing large quantities of material (e.g., rock, soil) back into the mine pit to create the required slope. I do not know the cost of creating the required slopes, but based on my prior experience with earthmoving projects, I expect it to be substantial. As an aside, County staff has indicated that the State of Florida may allow some areas to be fenced off as suitable reclamation. Whether the State would allow fencing in lieu of traditional reclamation remains to be seen, but it is very probably that doing so would limit the County’s ability to use the property without State approval of additional, subsequent risk mitigation measures. In my experience, when the State allows such minimal measures, it requires deed restrictions that limit the owner’s use of the land unless subsequent approval is received from the State”*

III. Recommendations

Recommendations for action regarding the acquisition of the High Springs Lime Rock Mines property are complex and cannot be wholly supported without additional information. As listed in the above subject line of this report, any risk assessment should be considered preliminary and requires careful research in numerous ways to include, but not limited to:

- ✓ Conducting a thorough Environmental Survey (Phase 1, 2, or 3 as necessary)
- ✓ Establishing a process for determining what debris / hazards may remain in or around structures located on the property (land-based)
- ✓ Establishing a process for determining what debris / hazards may exist in a submerged state through the use of LIDAR technology, a dive-study, or other means (water-based)
- ✓ Determining the status of reclamation plans for the portions of the property for which they are required by law

Lastly, keeping in mind that much of what is listed in the section “Potential (Unobserved) Hazards” has yet to be disproved or validated, any recommendation would be heavily influenced by typical and (in this case) additional due diligence to ensure the County does not acquire the property at an unreasonably high long-term cost.

IV. Final Observations / Conclusion

In consulting with legal representation for the evaluation team, the conclusion reached is that in its current state, without additional study or verification, the acquisition of the property located in High Springs would pose an **unacceptable** risk to the County...even if the property were not utilized as a recreational park for the public trust. Despite the fact that there are several examples of similar properties acquired by counties in the State of Florida (and converted into beautiful recreational areas) this **particular** property still retains the footprint of industrial use which would require reclamation prior to consideration as a public land acquisition project. Due to the activity over the last 60+ years, any efforts to reclaim the land will most likely be difficult (and costly).

Consider the following facts:

- 1) Without an approved reclamation plan submitted by the current owner/operator AND accepted by the State of Florida – ***Alachua County could become liable for millions of dollars in costs associated with reclamation*** requirements by the State, even if those requirements were somehow reduced. Any plan to purchase the property should, as a minimum, include a requirement that the current owner/operator **fully** implement and complete all required reclamation procedures and receive a completion/closure notice from the State.
- 2) Appropriate due diligence has **not** been accomplished, nor can it, without significant investment on the part of the County. Whether that diligence involves hiring a specialized consultant to assist in property valuation or assuming costs associated with additional technological discovery (i.e. LIDAR, Environmental Survey, etc.) - given the likelihood of high monetary costs for reclamation, even if the County’s sole purpose is the preservation and protection of the *already intersected aquifer*, then there could be nearly limitless liability for the County in keeping the public from harm. ***Fencing, permanent barriers, and prolific signage may not be sufficient to ward against catastrophic injury or death.***
- 3) Proper remediation and reclamation of the areas subject to state statutes after October 1, 1989 (some 175+ acres) could take years. To purchase the property in the hopes that it could eventually be used as a natural habitat, recreational park, or other public use facility may be problematic. ***Additionally, once the demand for appropriate reclamation from the State is made of the owner/operator - the price for acquisition may be ultimately prohibitive.***

For additional information, questions/comments, please feel free to contact the undersigned.

Respectfully,

// Original Signed //

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Attachments

- Attach1: Map of High Springs / Lime Rock Mines LLC
- Attach2: Copy of Permit – North Florida Lime Rock ERP (2001)
- Attach3: Parcel Map – Lime Rock Mines LLC (Parcel ID: 02935-000-000)

On-Site Photos:















