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Hearing on mine finally over

By Denes Husty III
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Originally posted on October 10, 2007

A hearing that could help decide the future of environmentally sensitive land east of Interstate 75 in Lee County has finally ended.

Tuesday's end of the hearing involved a proposed earth mine east of the interstate and north of Corkscrew Road in Estero.

The very length of the hearing — 13 days over three months — is indicative of the importance of the project, those involved in the case said.

"I appreciate the fact that this project has received such a comprehensive review, far more than I expected," said attorney Beverly Grady, representing the developer, Estero Group Ltd.

The hearing lasted so long because 450 area residents oppose the project due to environmental, traffic and property value concerns. They spent \$22,000 on attorneys and experts.

"It's not about it being in my backyard. It's about the future of this vast area," said resident and Baptist preacher Bill Lytell.

Chief Hearing Examiner Diana Parker should carefully consider concerns raised by residents, said their attorney, Tom Hart.

Estero Group called on its own experts to testify that impacts would be no greater than those caused by residential developments or golf courses and less than those caused by farming operations.

The project itself is simple: mining fill dirt, without blasting, to a depth of 20 feet, on 318 acres roughly 10 miles east of I-75. There would be 414 daily round trips by dump trucks to the mine.

The future ramifications, however, could be significant.

The property is in the middle of the 83,000-acre area east of the interstate that supplies drinking water to Lee County and where endangered species like the Florida panther roam.

County commissioners voted last month for a one-year moratorium on mining and other projects there to give the county time to study the effects of development within the area.

Estero Group's project was excluded because the hearing was under way.

Parker in the next few months should issue her recommendation to commissioners on whether the project should be approved.

Her findings should be issued before the county report — which could take up to a year to prepare — is finished.

What impact her findings might have on the report are unknown, county planner Chip Block said.

The outcome of the case, however, may have a direct bearing on the future of the area, said attorney Michael Ciccarone, who represents Schwab Materials, which has a rock mining petition on hold by the moratorium.

If the county turns down a fill dirt mine, rock mines, like Schwab's, might not stand a chance, he said.

Then the overall mining issue may have to be settled by the courts or the state Legislature, Ciccarone said.

One thing regarding the Estero Group case seems certain, Hart said.

No matter which side prevails with the county commission, the case will probably end up in court.

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