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Sakata Seed Corporation ending legal challenges to Lee County's limerock mining approval

Fort Myers, FL, July 8, 2020 – Less than two weeks after an Administrative Law Judge with the State of Florida Division of Administrative Hearings ruled against Sakata Seed Corporation and Sakata America Holdings, Inc.'s challenges to Lee County's 2019 limerock mining Amendments, reality is setting in. Petitioners have begun dismissing their challenges to Lee County's approval of Troyer Brother's Inc.'s Lee Plan Amendments and part of its lawsuit challenging the Board's approval of the Troyer Brother's Zoning approvals.

"It's over," Lee County Commission Chairman Brian Hamman said. "With this action in which Sakata dropped its petition, they are ending their legal challenges on the Lee Plan Amendments and part of the zoning issue. This is vindication for our staff and for the commissioners who have had their reputations and their names drug through the mud."

On June 16, 2020, the State of Florida Division of Administrative Hearings ruled in favor of the County. The Honorable Administrative Law Judge, Francine M. Ffolkes, found that the County's 2019 Mining Lee Plan Amendments (CPA2018-10014) were supported by appropriate data and analysis and consistent with State law.

On June 26, 2020, Sakata Seed Corporation, the multi-national corporation headquartered in Japan, and its subsidiary Sakata America Holdings, Inc., dismissed their Second Petition filed with DOAH that was filed challenging Lee County's approval of a limerock mining Lee Plan Amendment. Sakata Seed argued in its second case that the new mine was not needed based on the opinion of Sakata's paid consultant, Greg Stuart, who is the same consultant that the Administrative Law Judge found unpersuasive in ruling against Sakata Seed in its first case. In a similar fashion, Sakata dismissed part of its third lawsuit filed against Lee County and Troyer Brother's Inc. in Circuit Court challenging the County's approval of the Troyer Brother's limerock mining rezoning application.

Sakata's recent dismissals came after the Administrative Law Judge found that neither of the Petitioners' consultants, Stuart or Bill Spikowski, could cite to any provision in State Law to support their arguments and that they were unpersuasive and failed to demonstrate that the 2019 Mining Comp Plan Amendments created any actual internal inconsistencies with any provision of the Lee Plan.

A final order from the Florida Department of Economic Opportunity (DEO) confirming the 2019 Plan Amendments adopted by the County are in compliance with State Law is expected within the next few months. Final resolution of any remaining legal challenges is expected by the end of the year.

For more information, visit <https://www.leegov.com/mining>.