

**Lee County Board Of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20061244**

**1. ACTION REQUESTED/PURPOSE:** Approve a Grant Agreement between the Sierra Club (National) and the Board of County Commissioners to challenge the issuance of the Federal Permit (under Section 404 of the Clean Water Act) and the final Environmental Impact Statement ("FEIS") for the 16,000 acre "Ona" Phosphate Mine.

**2. WHAT ACTION ACCOMPLISHES:** Provides Grant funding up to \$150,000.00 to the Sierra Club to pursue legal action(s) concerning the issuance of the Section 404 Permit and FEIS for the "Ona" Mine.

**3. MANAGEMENT RECOMMENDATION:** Consider approval of the Grant Agreement.

**4. Departmental Category:**

**A12A**

**5. Meeting Date:**.....

**OCT 31 2006**

**6. Agenda:**

**7. Requirement/Purpose: (specify)**

**8. Request Initiated:**

<input type="checkbox"/> Consent
<input checked="" type="checkbox"/> Administrative
<input type="checkbox"/> Appeals
<input type="checkbox"/> Public
<input type="checkbox"/> Walk-On

<input type="checkbox"/> Statute
<input type="checkbox"/> Ordinance
<input type="checkbox"/> Admin. Code
<input checked="" type="checkbox"/> Other

<b>Commissioner</b>
<b>Department</b> County Attorney
<b>Division</b>
<b>By:</b> David M. Owen <i>[Signature]</i> County Attorney

**9. Background:** For the past four (4) years, both State and Federal Permits have been sought by two phosphate companies (now: Mosaic) for the construction and operation of the "Ona" Mine in Hardee County. The State Permits have already been challenged and the challenge is on-going. The issuance of the Section 404 Permit and the FEIS is still subject to challenge by governments and interested parties. The Sierra Club has identified certain discrepancies with the Permit and the FEIS and has requested a \$150,000.00 Grant to challenge those discrepancies.

At the Board's regular meeting of September 12, 2006, the Board approved the Sierra Club's request for funding of the "Ona" Mine Federal Permits through a Grant Agreement with the County.

The proposed Grant Agreement is now being submitted for the Board's consideration, and approval if the terms are acceptable to the Board.

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Admin	
				<i>[Signature]</i>	RK 9/19	<i>[Signature]</i>	RK 9/19	<i>[Signature]</i>	9-20-06 <i>[Signature]</i>

**11. Commission Action:**

- Approved
- Deferred 8/10-3-06 *Indefinitely - Jones/Kudal*
- Denied
- Other

RECEIVED BY COUNTY ADMIN: *[Signature]*  
9/19/06 1:45 pm  
COUNTY ADMIN FORWARDED TO:  
9/20/06 P.R. 9:45

CO. ATTY. 9/19/06  
FORWARDED TO CO. ADMIN.  
1:43 pm

**MEMORANDUM  
FROM THE  
OFFICE OF COUNTY ATTORNEY**

**DATE:** September 27, 2006

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**TO:** Elizabeth Walker, Director

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Public Resources

and

Molly Schweers, Administrative Asst.

Public Resources

**FROM:**

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David M. Owen  
County Attorney

**RE: AGENDA ITEM A-12.a, REGULAR MEETING OF OCTOBER 3, 2006**

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Ladies;

Please defer the above item indefinitely until such time as negotiations with the Sierra Club concerning the terms and conditions for the Grant Agreement are completed and satisfactory to both Parties. I will notify you when we are ready to proceed with replacement of the item on the Board's Agenda for its consideration.

Thank you.

DMO/dm

xc: Donald D. Stilwell, County Manager  
Holly Schwartz, Assistant County Manager  
John J. Renner, Chief Assistant County Attorney  
Susan M. Henderson, Assistant County Attorney