

**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: October 3, 2006
6. Agenda:		7. Requirement/Purpose: (specify)
<input type="checkbox"/> Consent	<input type="checkbox"/> Statute	8. Request Initiated: Commissioner _____ Department <u>County Attorney</u> Division _____ By: <u>David M. Owen</u> <i>David M. Owen</i> County Attorney
<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> Ordinance	
<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code	
<input type="checkbox"/> Public	<input checked="" type="checkbox"/> Other	
<input type="checkbox"/> Walk-On	_____	

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>	RK9/19	<i>AK/10</i>	RK ¹⁰ 9/19	<i>AK/10</i>	9-20-06 <i>[Signature]</i>

11. Commission Action:

Approved
 Deferred
 Denied
 Other

RECEIVED BY
COUNTY ADMIN: *[Signature]*
9/19/06 1:45 - m.p.

COUNTY ADMIN
FORWARDED TO:
9/20/06 P.R. 4:45

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