



November 3, 2007

Lee County Board of County Commissioners  
Commissioner Bob Janes, Chair  
Commissioner Brian Bigelow  
Commissioner Ray Judah  
Commissioner Tammy Hall  
Commissioner Frank Mann

Re: Mosaic Settlement Offer

Honorable Commissioners:

This letter is submitted on behalf of the Sanibel Captiva Conservation Foundation to provide comments on the proposed Mosaic Settlement offer. We urge you to decline this settlement which offers no real considerations for the public health, safety and welfare of our communities, and above all decreases water supply.

This industry initiated settlement is prompted by their desire to reach a global settlement to authorize their current and future mine proposals without public comment or challenge. The language in this settlement agreement is not protective of public resources and its impact on Lee County will be significant and serious. Phosphate mining has a significant impact on water resources; both public drinking water supply and critical freshwater flows to the Charlotte Harbor estuary.

The settlement proposal would preclude the County from challenging or litigating mining applications or operations for the next 30 years. In exchange Mosaic has offered to build the water authority a 6 billion gallon reservoir. However, the proposed mining that would be conducted under this settlement represents a loss of over 200 billion gallons of fresh water per year.

The public need for drinking water has become much more serious over the past few years and is going to continue to be a serious concern as growth continues. Similarly the health of the estuary is dependent on freshwater flows for its health and function. Mining displaces tremendous amounts of freshwater that historically flowed to the estuary. Forty percent of the land area of a mine becomes clay settling areas (CSA). The clay makes these areas impermeable displacing surficial and groundwater aquifer storage, recharge and base flows. An existing 120,000 acre mine created 48,000 acres of CSA which has displaced 62 billion gallons of surficial aquifer storage and 124 billion gallons of groundwater storage. On top of that the mine lakes create concentrated evaporation basins resulting in the loss of an additional 60 billion gallons of water each year.

Together, the loss of water is 246 billion gallons of water for water supply and base flows. Is a 6 billion gallon/ year artificial, constructed reservoir a fair trade for 246 billion gallons of water/year?

The loss of freshwater flows is already evident in Charlotte Harbor where high salinity extends further upstream than it has historically. Scientific studies have determined that the center of abundance for Charlotte Harbor is located at Shell Creek and the US 41 bridge. Salinity balance is critical at this location for the life cycle of numerous estuarine dependant species. However, CSAs prevent flow from getting to the river resulting in higher salinities. These higher salinity areas expand the area where conditions are suitable for red tide. In 1996, 149 manatees died inside the Harbor from red tide, the result of low flows of freshwater and longer segments of the river with high salinities suitable for red tide.

Charlotte Harbor is a major ecological habitat that supports one of the most important fish nursery areas on the Gulf Coast. Sixty four percent of the harbor is located within Lee County. It serves as a major recreational resource, natural nursery area for sport and commercial species and economic center for low impact, high value ecotourism.

Beyond these issues of water are the conditions of the settlement offer. First and foremost giving away your ability to comment on or challenge any mine project for the next 30 years. This is questionable on two levels. First, it amounts to giving away your authority to assure protection of the public health safety and welfare for the public that elected you. Second, it may be unconstitutional to bind future commissions. Additionally, apparent “concessions” in the settlement offer are not concessions at all but actually reduce protections and commit to conditions that are currently being required by State permits, such as not mining within the 100-year floodplain of rivers. The language of this settlement will actually reduce protections for water quality over current standards by adjusting the language to characterize actions based on “significant” impacts which are not defined. In the event of conflicts the only recourse the County has is litigation, however this agreement will eliminate that option. Are you really willing to risk the County’s future for a bad deal?

Valid disputes should be resolved, not ignored, avoided or put off onto future generations. This agreement amounts to a full employment pact for an international conglomerate at the expense of the public and public resources, with no recourse. Protection of natural resources and public interests should not be subject to a corporate profit. A good corporate citizen can make their profit without decimating public resources. If they cannot then protection of the public resources must come first. We urge you to not sell out our natural resources and our future. We ask that you serve the interests of the citizens and make protection of our natural resources a first priority. Decline the Mosaic settlement offer.

Sincerely,

A handwritten signature in black ink, appearing to read "Rae Ann Wessel". The signature is fluid and cursive, with a large loop at the beginning.

Rae Ann Wessel, Natural Resource Policy Director  
Sanibel Captiva Conservation Foundation