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Mining companies eye Lee County

Lobbyists influence law; local officials fight for control over lands' usage.

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Lobbyists tied to major mining interests could stymie Lee County officials' efforts to control environmentally-sensitive land.

Five lobbyists have ties to Research Conservation Holdings, a group that wants to mine nearly 1,400 acres in southeast Lee over 25 years.

A study of this area, known for storing drinking water and containing the rock needed to build roads, could prevent mining in the future. But three bills in the Legislature, two from Southwest Florida's delegation, would limit local control over mining there or take it away altogether.

Perhaps the most prominent of lobbyists is Brian Ballard, managing partner with Smith & Ballard. He was 27 when he was hired as former Gov. Bob Martinez's chief of staff. He is national finance co-chair man for Republican Arizona Sen. John McCain's presidential run and his 100-plus list of clients includes the New York Yankees, Allstate Insurance Company and the Florida Association of Counties.

"All I know is Brian comes highly recommended," said Richard Friday, chief executive officer of Youngquist Brothers Mines, a partner with Research Conservation Holdings. "He knows a lot of people. That's why you hire someone like that."

Research Conservation Holdings hired Ballard in January, and if the mining bills pass through the Legislature and Gov. Charlie Crist approves them, they would become law on July 1.

Lee County Commissioner Frank Mann is angry.

Mann, the commission's leader on mining, has penned two letters railing against the Legislature. In the first, released Monday, he called the bills an unwarranted intrusion. In the second, released Wednesday, he explains he is offended by the arrogance of the Legislature to consider eliminating the ability of the commission to make decisions affecting Lee County's quality of life.

Mann is fighting because he knows how formidable Ballard is.

"He's a big player up there," Mann said. "He's been the buddy of every governor since (Bob) Martinez. And he's the son-in-law of the former attorney general, Jim Smith. If the mining companies have hired the likes of Brian Ballard, they've got the best and most expensive."

Ballard has two of his co-workers, William Turbeville and Amy Young, working with him on the mining issue.

Their firm has six lobbyists and billed at least \$4 million last year.

Other lobbyists involved include Frank Matthews, who represents the Sugar Cane

Growers Cooperative of Florida as well as Ascot Acquisitions, a development company that's a partner of Research Conservation Holdings; and Michael Cusick, who works for Youngquist.

"It's like David versus Goliath, only we don't have a slingshot," Mann said. "But we're going to fight, no matter how big the foe."

Lobbyist influence

The influence of these lobbyists stretches beyond anything that shows up on campaign contribution lists.

"They rarely use their own name," said Mann, who served eight years in the House and four years in the Senate during the 1970s and 1980s. "They could call x, y and z and say we need to raise \$20,000 for a certain candidate, and they get their wives, their relatives and their friends to contribute."

Ballard, in a brief interview Friday, only spoke about what he was hired for — to find legislative relief for his client. He hopes there is a way to keep county commissioners and legislators involved in the decision-making process over mines, but he argues the state needs rock to build more roads.

The rock "is in limited areas," Ballard said. "It's too bad the Lee commission is playing politics with this."

The rise of the mines is not surprising. In 2006, seven mining groups filed applications with the county to get permission to mine sites off Corkscrew Road.

This area is part of 83,000 acres that for nearly 20 years has been protected because of its water. Then, last September, commissioners voted to place a moratorium on new mining operations in the area so they could complete a study that would tell them if it is possible for mining, and maybe more development, to occur without polluting or draining water resources.

But mining is allowed here in Lee's growth plan, and last month, Sen. Mike Bennett, R-Bradenton, filed Senate Bill 2406, which would give legislators authority to decide on mining applications throughout the state.

"Frank Mann (ought to) really be concerned about the cost of road-building," said Bennett, whose district includes Lee County. "There's very little aggregate (rock) in the state of Florida."

A Florida Department of Transportation map shows six regions known to contain rock, Lee depends on one of them for drinking water. And at one of the six regions, the Lake Belt in southeast Florida, a Miami-Dade County judge ruled to phase out 30 percent of mining there to protect drinking water. That makes Lee's rock supply even more valuable for road building.

Bennett said he filed his bill at request of the House sponsor of a bill that reiterates his. The sponsor is Trudi Williams, R-South Lee County, who filed House Bill 08-13 earlier this month and filed a similar one last year.

Williams said legislators do not have a problem with local control, but argued mining is allowed in this area of southeast Lee.

"If you're stopping people who are permitted to mine then we need to invoke the Bert Harris Act, which says if someone's not letting you do what's allowed on your property, then they have to buy it."

She insisted the \$2,000 she received from Youngquist Brothers and their families — four checks for \$500, each from a different person to follow campaign limits — has no impact on her bill.

"Tim Youngquist and I graduated high school together," said Williams, who has raised \$120,000 overall. "So when it happened I don't even think of it as a mining

issue.”

Youngquist Brothers did not contribute to Bennett, who received \$2,250 from other mining interests throughout the state, none from Lee County, of \$220,000 he raised.

Nor did Youngquist contribute to Sen. Carey Baker, R-Eustis, who has filed Senate Bill 774.

Two amendments were added to SB 774 last week. One would require a two-thirds vote of a local elected board to deny a mine, while only a simple majority would be needed to approve one. The other amendment would force local governments to make a decision on a mining application within three months or the governor and the Cabinet would decide.

Baker got at least \$3,500 from mining interests of \$230,000 he raised overall. He did not return calls to The News-Press after two requests through his aide, Michael Norris.

Another approach

A letter sent last week signed by Bennett and Williams asks the county work with the state instead of taking an adversarial approach.

Lee Commissioner Bob Janes said he believes the county study will find a solution that works for everybody involved. He also said he does not want to ban mining.

“But they’re looking at taking away local control and that’s a travesty,” he said.

Friday, of Youngquist, prefers local control, but he fears it will strip mines of their property rights, even though the company has voluntarily built a berm and added insulation around their machines to cut down on noise, and is willing to work more with neighbors and local officials.

That’s where Ballard comes in.

“He’s going to take our information and go to the right people and try to find a compromise,” Friday said. “That’s why we have a lobbyist.”
