

DEXTER W. LEHTINEN

March 3, 2010

The Honorable Glenn J. Waldman
Waldman, Trigoboff, Marx & Calnan
2200 North Commerce Parkway
Weston Pointe II, Suite 202
Weston, FL 33326-3258

Re: US Sugar Buyout and Leaseback Threatens Public Health and Safety

Dear: Mr. Waldman,

The sweetheart sugar deal has transformed from a corrupt bargain, using public funds to pay special interests for political gain while abandoning Everglades restoration, into a serious threat to public health and safety.

The deferred maintenance of the South Florida Water Management District, from canal cleaning to pump maintenance, threatens facility failure in critical weather conditions, including "no name" storms (not just tropical storms or hurricanes). As the recent determination by a federal Judge that poor maintenance of flood control features was the cause of loss of life and property in New Orleans in connection with rains from Hurricane Katrina reminds us, human life is at risk when agencies deviate from their core flood control maintenance functions. The deferral of critical maintenance to pursue this political boondoggle is an irresponsible act on the part of public officials who have a duty to protect public health and safety.

I urge you to abandon this charade, which serves only the political interest of a failing political leader. The Governor's attempt to placate special interest at the expense of the public can no longer be masked with rhetoric, given the finding of the state Judge that most of the proposal served no public purpose (which the District chose not to appeal), the abandonment of the essential EAA Storage Reservoir (with the consequent waste of hundreds of millions of dollars), and the highly negative impact on District financial support for repair and maintenance of flood control features for which the District is responsible (a core function of the District).

Sincerely,



Dexter Lehtinen

*How Not to Save the Everglades:
Irrational Planning, Sweetheart Deals, and the
Political Uses of Restoration*

Dexter Lehtinen, December 2, 2009

The “sugar buyout” is bad planning, bad financial practice, and bad restoration, for many reasons:

No Restoration Plan/Deviation from CERP

Mere acquisition of land is inadequate and even counter-productive. There is no plan for utilization of the land in any rational way (e.g., no studies of the size or magnitude or location of needed stormwater treatment areas or storage reservoirs), and no demonstration that 73,000 acres is needed at the locations being purchased. CERP has been abandoned and CERP goals surreptitiously changed to justify the unnecessary buyout, to the detriment of the WCAs (e.g., add 245,000 acft/yr delivery to federal Park changed to more than 1 million, drowning state WCAs). Furthermore, there is no money to buy the additional 107,000 acres to complete the 180,000 acre total proposal.

No Money for Restoration

The cost of land acquisition alone (\$650 million for 73,000 acres) would be less than 10 % of final costs after engineering and construction of facilities. There is no plan for raising \$8 billion or more additional money (note that approximately 16,000 acre EAA Storage Reservoir cost \$750 million, so 180,000 acres of construction would cost over \$8 billion). The debt service bonds for purchase alone will constrain future funding of other projects, and there is no way to raise another \$8 billion.

Abandoning Existing and Future Restoration Efforts

Present restoration projects are being stopped to divert funds to this future proposal. For example, the EAA Storage Reservoir, a critical CERP Project necessary to maximize existing STA efficiency, and for which SFWMD Acceler8 bonds were issued and more than \$250 million already spent, has been abandoned in mid-construction and work on the Project Implementation Report (PIR) halted. Caloosahatchee and St. Lucie estuaries projects also abandoned. The unspecified “River of Grass” proposal is at least fifteen years away from any restoration effect on the ground. Even ten years is a death warrant for the Everglades.

Abusive Financing, Ignoring Referendum, and Sweetheart Deal

The funds raised through COPs will not accomplish any restoration activities on the land, so the projections of STAs and reservoirs are illicit as COPs. The future financial condition of the SFWMD will be wrecked. Too much is paid for the land and too little charged for the leases to sugar. Due to leases, bonds will not be tax-exempt and rates charged will be excessive. Ad valorem taxes are in effect being pledged in violation of the Florida Constitution without a referendum (see Art. VII, sec. 12, and County of Volusia v. State, 417 So.2d 968 (Fla. 1982)).