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[essential to health of Everglades, estuaries](#), 04/12/2010 TCPalm.com

Eric Buermann

Florida Tribe Wins Ruling To Resume Everglades Construction

04/09/2010

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Engineering News-Record (ERN) - Online

Stating Florida must comply with the original 1992 consent decree to address Everglades pollution, U.S. District Judge Federico A. Moreno granted on March 31 the Miccosukee tribes motion to compel completion of a key reservoir. Since 2008, the work has stopped on the \$700-million project in Palm Beach County; instead, state funds have been plowed into buying private sugar-growing land near Lake Okeechobee for a new restoration plan. Parties now are weighing the potential impact. Landowner U.S. Sugar Corp. says the ruling does not preclude the states continuing land purchase to meet the consent decrees terms. Tribal officials and those of the South Florida Water Management District, which manages the states Everglades restoration, declined to comment.

Thom Rumberger, chairman of the Everglades Trust, a nonprofit overseeing the restoration, also disagrees with the judges ruling. The reservoir is unnecessary and expensive, he says. It is our opinion and that of the scientists & that its more advantageous to have the property. David Guest, attorney for environmental group EarthJustice, argues whether the ruling is lethal to the land purchase, but there are a lot of things to go down between here and there. Construction on the 16,700-acre reservoir and flood control project which began in 2006, had been managed by a joint venture of Barnard Construction Co. Inc., Bozeman, Mont., and Parsons Water & Infrastructure, Pasadena, Calif.

Last year, Florida Gov. Charles Crist (R) announced a scaled-back land purchase plan. And in March, the water management district announced it would extend until Sept. 30 a deadline for in the public finance process, due to a legal challenge. A hearing in that case before the Florida Supreme Court is set for later this month.

Florida House passes tax breaks other incentives

04/10/2010

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Financial News - Online

News - Financial News

Consumers would get a brief back-to-school sales tax "holiday" as part of a nearly \$90 million package of Florida House-passed tax breaks and economic incentives.

The bills passed Tuesday also would benefit aircraft owners and yacht buyers as well as the film and entertainment industry. It now goes to the Senate, which has a similar package that sponsors say will spur the economy and help create jobs.

For the past two years the Legislature had discontinued the popular practice of exempting clothing and school supply purchases from sales tax just before students returned from summer vacation due to revenue shortfalls.

The tax holidays usually lasted a week to 10 days. This year's bill, which passed unanimously, would provide an exemption for just three days -- Aug. 13-15 -- for books, clothing, shoes, wallets and bags costing less than \$50 and for school supplies costing less than \$10. [Read the full article]

No matter what your reason for leaving your tax return until the last minute, there's no need for fear. Letting the annual ritual intimidate you could result in mistakes that delay your refund or even cost you money.

Instead, seek out some free help and with a bit of patience you can file your return with confidence.

If you haven't filed, you're not alone. Through the end of March, the number of returns submitted to the Internal Revenue Service was down 2.4 percent from the same time last year. Continuing a multi-year trend, individuals have

filed 7 percent more returns electronically, while professionally prepared returns are down 2 percent.

The economy plays a part in pushing down the number of taxpayers seeking professional help. But another reason more are opting to do it themselves is that tax-preparation software takes the most daunting aspects of filing taxes out of the equation. [Read the full article]

A half-billion-dollar deal aimed at buying farmland in the Everglades to help the ailing ecosystem should be rejected because it serves no public purpose and will only delay restoration further, an attorney argued Wednesday before Florida's Supreme Court.

"Land purchases alone accomplish nothing," Dexter Lehtinen, a lawyer representing the Miccosukee Indians living in the Everglades, argued before the justices in Tallahassee.

Republican Gov. Charlie Crist wants the state to pay \$536 million to U.S. Sugar Corp. for 73,000 acres of the company's holdings in the Everglades. Crist has called it a "once in a lifetime" opportunity to buy back key land long used in agricultural production.

The Miccosukee and U.S. Sugar's main rival, Florida Crystals, however, say the deal is a waste of taxpayer money. [Read the full article]

A judge ordered Atlantic City on Wednesday to start preparing for a public referendum on whether the state should grant a \$300 million tax break to the stalled Revel casino project.

Superior Court Judge Carol Higbee ordered Atlantic City to begin counting signatures on petitions submitted by opponents of the proposed tax break.

"There can be no action more arbitrary and capricious than failing to perform clear and statutorily-established ministerial duties," the judge wrote in her decision.

Bob McDevitt, president of the Unite-HERE casino workers union, has been one of the most vocal critics of the proposed tax break. The union fears Revel's opening might push at least two weaker casinos out business, costing thousands of jobs.

"It is unconscionable that Atlantic City politicians have thrown up every available roadblock to try to stop the people of this city from voting or even understanding this deal," he said. [Read the full article]

Land purchase will protect Everglades, area s water supply

04/09/2010

Florida Keys Keynoter

Eric Buermann

GUEST OPINION

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Posted - Friday, April 09, 2010 10:00 AM EDT

On Wednesday, March 31, the Florida Supreme Court heard oral arguments as it reviews a lower court s approval of the financing for the South Florida Water Management District s purchase of U.S. Sugar Corporation lands for Everglades restoration.

Last year, the lower court properly and thoughtfully ruled that the District met its legal requirements for issuing its financing, but special interests, mainly U.S. Sugar s longtime rival in the competitive sugar industry, appealed to the Florida Supreme Court.

Citizens following the U.S. Sugar acquisition have witnessed these special interests and their lobbyists in Tallahassee attempting to turn what is usually a routine legal review into a stage for distorting the facts surrounding the acquisition s purpose and terms.

Fostering doubt

They have tried to foster doubt about the public benefit from the lands and even personally disparaged those who

champion the acquisition as part of Everglades restoration. It is ironic that the same thirst for profits that contributed to pollution of the Everglades is now obstructing restoration of the Everglades. Fortunately, none of these detractors, nor their well-publicized spin, will distract the courts from their methodical legal review and, hopefully, will not fool the public who for the large part support the purchase.

Simply put, the District will eventually have to buy more land for true restoration of the Everglades and its watersheds, whether it is from U.S. Sugar or another seller. The District is under increasing pressure from courts and federal regulators to add more storage and treatment areas beyond those originally contemplated in the state-federal Everglades restoration program.

Regrettably, the Herbert Hoover Dike surrounding Lake Okeechobee is in a weakened condition, preventing adequate water storage in the lake itself due to flood concerns. When a hurricane, tropical storm or even seasonal rain impacts South Florida, water must be released from the lake, mainly down its two estuaries to the ocean. There is no place to store it. These releases can cause tremendous damage to the environment, economies and quality of life along our coasts, and beyond.

Before the Everglades were drained to now only 40 percent of their original size, water overflowed the lake's southern rim, and the Everglades provided that storage. Indeed, if such land as U.S. Sugar's had been available when the current environmental restoration program was designed some 10 years ago, it would have been a showcase feature in lieu of certain existing components for providing storage and treatment.

The 73,000-acre acquisition under review is but the first phase of the 180,000-acre U.S. Sugar purchase to address these problems for South Florida. Water storage of this magnitude will significantly reduce freshwater releases into coastal estuaries and vastly improve water flow into the Everglades. Let's not forget that not only the environment but our water supply is at stake: South Florida, lacking mountains whose snowcaps melt into reservoirs, depends on rainwater flowing through the Everglades to recharge our underground aquifers.

How do we plan to use most of the initial 73,000 acres?

25,000 acres directly south of Lake Okeechobee for water storage and treatment

20,000 acres for water treatment wetlands to improve water quality in an area south of the lake where farm runoff pollution has been historically high

10,000 acres to expand existing water treatment areas feeding the Loxahatchee National Wildlife Refuge

10,000 acres near Lake Hicpochee to store and treat water, improving water quality flowing into the Caloosahatchee Estuary

3,500 acres to store and treat water, significantly reducing the harmful effects of back-pumping polluted agricultural runoff into Lake Okeechobee

To achieve these goals, a collaborative, public planning process is under way to identify specific projects for the acquisition lands, and there is no shortage of options. Stakeholders and citizens have been working with District engineers and scientists to evaluate all viable restoration proposals that an unprecedented 73,000 acres have to offer.

It goes without saying that the first step is to buy them.

Eric Buermann is the chairman of the South Florida Water Management District Governing Board.

Court hears arguments in \$536 million Everglades land restoration deal

04/09/2010

Miami Herald - Online, The

ANDY REID

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Environment

Posted on Thursday, 04.08.10

EVERGLADES RESTORATION

The state Supreme Court heard arguments over the governor's proposed Everglades restoration land deal, which the South Florida Water Management District would fund with borrowed money.

High court to weigh in on Everglades restoration

Ruling puts U.S. Sugar-Everglades land buy in peril

Sun Sentinel

After nearly two years of political fights and legal battles over Gov. Charlie Crist's Everglades-restoration land deal, the Florida Supreme Court now will decide whether the public benefit is worth the cost to South Florida taxpayers.

Supporters and opponents of Crist's \$536 million bid to buy 73,000 acres from U.S. Sugar Corp. argued their sides Wednesday morning before the Florida Supreme Court.

Opponents, led by the Miccosukee Tribe and U.S. Sugar rival Florida Crystals, maintain that \$536 million costs taxpayers too much and takes money away from already-overdue Everglades-restoration projects.

Miccosukee Attorney Dexter Lehtinen hammered the South Florida Water Management District for having no specific plan for, or ability to pay for, the construction of reservoirs and treatment areas proposed for the U.S. Sugar land.

``The tribe doesn't believe in, `I'm from the government, trust me,' " Lehtinen told the Supreme Court justices. Later he said, ``Land purchases alone accomplish nothing."

Proponents of the deal contend it offers a historic opportunity to acquire strategically located farmland long unavailable to Everglades restoration. They say plans are in the works to use the property to build a series of reservoirs and treatment areas to restore water flows from Lake Okeechobee to the Everglades.

``This land acquisition provides the best and last chance for significant Everglades restoration," attorney Thom Rumberger, representing Audubon of Florida, told the justices. ``It's an essential part of Everglades restoration."

The Supreme Court must decide whether to uphold the ruling of Palm Beach County Circuit Judge Donald Hafele, who in August found that the deal provides a public purpose that justifies allowing the South Florida Water Management District to borrow the money.

As proposed, the district would be able to borrow up to \$650 million to buy the 73,000 acres and cover other costs, with South Florida property taxpayers paying off the long-term debt.

Wednesday, Supreme Court justices peppered both sides with questions.

The justices questioned the deal's proponents about plans to use tax money to buy the land and then potentially sell or trade some of it to cobble together other restoration land deals.

``Where does that stop?" Justice Fred Lewis asked.

Chief Justice Peggy Quince called it a potential ``payoff" to provide 3,000 acres of U.S. Sugar land to Glades communities that had objected to the deal because of the expected loss of agricultural jobs.

Justice Ricky Polston questioned the cost and enforceability of a provision in the U.S. Sugar contract that gives the water management district a three-year option to lock in the \$7,400-per-acre price to buy another 107,000 acres from U.S. Sugar.

That provision is estimated to have added \$50 million to the cost of the 73,000-acre deal.

Justices also questioned the opponents' contention that land deal serves no public purpose.

``In general, the project is the Everglades restoration," Quince said. ``I think that was laid out. Why isn't that a public purpose?"

Doesn't buying `` a large section" of South Florida farmland `` serve the purpose of the Everglades?" asked Justice Barbara Pariente. `` You got to have the land first before you can do something with it."

The Water Management District has asked the Supreme Court for an expedited ruling, but when that ruling comes is up to the justices.

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Florida's jewels

04/12/2010

News Press - Online

Florida's jewels

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The Florida Supreme Court is hearing arguments regarding the proposed land acquisition involving the U.S. Sugar Corporation. Oral arguments were held April 7 and after evaluation of both sides, pro and con, the court will issue its findings.

This landmark decision will have a direct impact on the quality of water for all citizens of Southwest Florida and a direct impact on the quality of our environment for a lifetime.

This proposal will benefit the River of Grass, the Everglades, the Ten Thousand Islands and the Florida Bay, plus the beaches of Fort Myers Beach and our local estuaries.

Hopefully, this will become a milestone achievement for all who live in Southwest Florida, and for all who come after us. Clean water and clean environment are the two most important issues facing Southwest Florida's future.

CHESLEY PERRY
Fort Myers

Lake releases show need for land buy: Editorial

04/12/2010

News Press - Online

Lake releases show need for land buy: Editorial

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The Army Corps of Engineers has opened up the Lake Okeechobee faucet, which sends a shiver up the spines of those who remember the devastating releases of polluted lake water a few years ago.

But while the effects of the current releases are being watched carefully, they should not be anything like as damaging as the much large surges after the hurricanes of 2004 and 2005. But they remind us that our Caloosahatchee River and its valuable coastal estuary are still used as a storm sewer for excess lake water, heavy with agricultural nutrients that have caused devastating algae blooms downriver and upset the salinity the estuary needs to function as a marine life factory.

Water has to be released from the lake if levels rise high enough to threaten the dike that protects lakeside communities, where storm flooding in the 1920s killed thousands.

The lake level is up because of recent rains and has to be lowered to make room for storage of water from the summer wet season and - we hope - make huge releases unnecessary.

But the danger will be with us until the state acquires the land south of the lake needed to recreate a southern flowway. That will allow lake overflow to go where nature intended it to go, into the Everglades to restore that system.

That's why we should take every opportunity to urge completion of the purchase of U.S. Sugar company land that would be part of the southern flowway project.

The current surge in the Caloosahatchee, 1.42 billion gallons a day, should be reminder enough.

COLUMN: Sugar deal's sour politics; biggest critic has self-interest at heart

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04/08/2010

Palm Beach Post

Engelhardt, Joel

In 2008, before Florida Crystals began to criticize the U.S. Sugar land deal, the company offered to be part of it.

The Fanjul-family owned, West Palm Beach-based company would have been happy to buy just about everything its rival owned: land, railroad, mill, refineries, warehouses — everything the water district didn't want for Everglades restoration. Florida Crystals even put its price in writing: \$250 million to \$350 million. The South Florida Water Management District had agreed to pay five times as much — \$1.75 billion — for those assets.

Some would argue that the disparity is proof that government pays too much for land. Others might conclude that Florida Crystals' bid was about as realistic as suggesting to a young Bill Gates that he sell that new operating system he called MS-DOS for \$50,000.

When Florida Crystals made its offer, just four months after Gov. Crist announced the deal, swapping unwanted U.S. Sugar land for ideally located Florida Crystals land could have made all sides happy. U.S. Sugar would exit the sugar business at a more than fair price. Florida Crystals would get the best muck land for growing sugar and take over its biggest rival. Water managers would control the missing piece of the Everglades puzzle: enough land to store so much water during wet times that some could flow to the Everglades during dry times.

It was the negotiations, however, that became waterlogged. What followed were court fights, political grandstanding, competing development schemes and a campaign to portray the most cost-effective approach to saving the Everglades as a scandalous waste of taxpayer money.

On Oct. 16, 2008, as part of secret negotiations, Florida Crystals put its proposal in writing. It remained confidential, its existence denied, until this year. Here's how Florida Crystals spokesman Gaston Cantens characterized those talks: "We were getting the run-around." Here's how U.S. Sugar spokeswoman Judy Sanchez saw them: "They tried to buy the Hope diamond at cubic zirconia prices."

Florida Crystals maintains that it never got a response to its low-ball bid. Instead, the state tweaked its deal with U.S. Sugar, cutting the price to \$1.3 billion and leaving U.S. Sugar in position to continue farming.

In December 2008, with the water district set to approve the amended deal, a Florida Crystals contingent met with Gov. Crist to say that the company would oppose the deal. The governor grabbed his cellphone, said Mr. Cantens, a former state legislator who was in the meeting, and said: "Where have you been for six months? Why didn't you call me?"

Mr. Cantens said the governor's response shocked him because he had watched in October as his company's written offer had been handed to the governor.

The low bid carried no water. U.S. Sugar now says Florida Crystals used the negotiations to demand secret information about its operations. "We wouldn't turn over trade secrets for feelers," Ms. Sanchez said. "They convinced themselves that U.S. Sugar was on the verge of disaster, and they could get a hold of our assets for pennies on the dollar. We were not interested in fire-sale negotiations."

The negotiating failure leaves water managers with only about half the land they need for water storage. The rest belongs to Florida Crystals. The district's sole bargaining chip is control of fertile U.S. Sugar land that Florida Crystals covets.

With stakes so high, it's not surprising that Florida Crystals has established itself as the deal's biggest critic. The deal can't move forward until the Florida Supreme Court rules on a case it heard Wednesday. If Crystals can stall until Gov.

Crist is out of office in November, the deal may collapse.

Florida Crystals would like its low-ball offer to be the only offer. To eliminate that option, however, the district must consummate the deal.

Joel Engelhardt is an editorial writer for The Palm Beach Post. His e-mail address is joel_engelhardt@pbpost.com

Commentary: Why we need U.S. Sugar's land

04/10/2010

Palm Beach Post

Eric Buermann

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On Wednesday, the Florida Supreme Court heard oral arguments as it reviews a lower court's approval of the financing for the South Florida Water Management District's purchase of U.S. Sugar Corp. lands for Everglades restoration.

Last year, the lower court properly and thoughtfully ruled that the district met its legal requirements for issuing its financing, but special interests, mainly U.S. Sugar's longtime rival in the competitive sugar industry, appealed to the state Supreme Court.

Citizens following the U.S. Sugar acquisition have witnessed these special interests and their lobbyists in Tallahassee attempting to turn what is usually a routine legal review into a stage for distorting the facts surrounding the acquisition's purpose and terms. They have tried to foster doubt about the public benefit from the lands, and even personally disparaged those who champion the acquisition as part of Everglades restoration.

The same thirst for profits that contributed to pollution of the Everglades is now obstructing restoration of the Everglades. Fortunately, none of these detractors, nor their well-publicized spin, will distract the courts from their methodical review and, hopefully, will not fool the public, which mostly supports the purchase.

Simply put, the district will eventually have to buy more land for true restoration of the Everglades and its watersheds, whether it is from U.S. Sugar or another seller. The district is under increasing pressure from courts and federal regulators to add more storage and treatment areas beyond those originally contemplated in the state/federal Everglades restoration program.

Regrettably, the Herbert Hoover Dike surrounding Lake Okeechobee is in a weakened condition, preventing adequate water storage in the lake itself due to flood concerns. When a hurricane, tropical storm or even seasonal rain affects South Florida, water must be released from the lake, mainly down the two estuaries to the ocean. There is no place to store it. These releases can cause tremendous damage to the environment, economies and quality of life along our coasts and beyond.

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The 73,000-acre acquisition under review is but the first phase of the 180,000-acre U.S. Sugar purchase to address these problems for South Florida. Water storage of this magnitude will significantly reduce freshwater releases into coastal estuaries and vastly improve water flow into the Everglades. Let's not forget that not only the environment but our water supply is at stake: South Florida, lacking mountains whose snowcaps melt into reservoirs, depends on rainwater flowing through the Everglades to recharge our underground aquifers.

How do we plan to use most of the initial 73,000 acres?

Twenty-five thousand acres directly south of Lake Okeechobee for water storage and treatment.

Twenty thousand acres for water treatment wetlands, to improve water quality in an area south of the lake where farm runoff pollution has been historically high.

Ten thousand acres to expand existing water treatment areas feeding the Loxahatchee National Wildlife Refuge

Ten thousand acres near Lake Hicpochee to store and treat water, improving water quality flowing into the Caloosahatchee Estuary

Thirty-five hundred acres to store and treat water, significantly reducing the harmful effects of back-pumping polluted agricultural runoff into Lake Okeechobee

To achieve these goals, a collaborative, public planning process is under way to identify projects for the acquisition lands, and there is no shortage of options. Stakeholders and citizens have been working with district engineers and scientists to evaluate all viable restoration proposals that an unprecedented 73,000 acres have to offer. It goes without saying that the first step is to buy them.

Eric Buermann is chairman of the South Florida Water Management District Governing Board.

Not an Everglades setback: Judge leaves room for U.S. Sugar deal to proceed

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04/08/2010

Palm Beach Post - Online

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By The Palm Beach Post

U.S. District Judge Federico Moreno seemingly dealt a significant setback to Gov. Crist's plan to buy U.S. Sugar land for Everglades restoration. But the judge's March 31 ruling calling on the South Florida Water Management District to make good on its promise to build a reservoir in southwestern Palm Beach County isn't damaging. It's constructive.

Within his 20-page ruling, Judge Moreno issues instructions on how the district can fix the problem his order raises. Yes, the district promised a reservoir. Yes, the district suspended construction, pending the \$536 million U.S. Sugar deal that's before the Florida Supreme Court. But if the district would file a 60(b)(5) motion, the judge writes, this reservoir issue could be cleared up.

Under the Federal Rules of Civil Procedure, Judge Moreno writes, such a motion would allow the district to seek relief if " 'a significant change either in factual conditions or in law' renders continued enforcement 'detrimental to the public interest.' " If the U.S. Sugar deal goes through, the \$700 million A-1 reservoir would be in the way, making the reservoir "detrimental to the public interest." The judge all but begs the district to file a motion that would allow him to do what he has been doing as the second judicial overseer of Everglades cleanup in a case that dates to 1988: watch out for the Everglades.

The district argues convincingly that it stopped construction, after spending \$280 million, in time to convert what would have been a reservoir with high walls into a marsh without walls. The U.S. Sugar deal enables the district to build a reservoir farther north, next to Lake Okeechobee. From there, dirty water would flow south to the A-1 site for cleansing before entering the Everglades.

Judge Moreno's order calls for reservoir construction to start again. Fortunately, there's a lawsuit, which environmental groups filed in 2007, arguing that the reservoir may not help the Everglades at all. Before construction starts, that lawsuit, dismissed in light of the U.S. Sugar deal, is likely to be reinstated.

Judge Moreno also ruled that water entering the Loxahatchee National Wildlife Refuge in Palm Beach County in November 2008 and June 2009 exceeded allowable pollution levels, thus violating a 2006 consent decree. Again, he suggests a solution: a hearing before a special master.

Judge Moreno worries that Miccosukee tribal lands within the Everglades "will ultimately be sacrificed to nutrient pollution" because of delays. But the judge is realistic about the "benefits" to be gained from building a reservoir in the wrong place and the potential benefits of holding out for the U.S. Sugar land. He's not threatening the deal. He's playing his role as the person who keeps all the competing parties on track to restore the Everglades.

Top Florida Court mulling Everglades Debt Deal

04/09/2010

Planet Ark - Online

Michael Peltier

Date: 09-Apr-10

Country: US

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Florida's top court has taken on a high-stakes environmental dispute over a proposed \$536 million deal between the state and U.S. Sugar Corp to purchase 73,000 acres of farmland for Everglades restoration.

Lawyers on Wednesday asked the Florida Supreme Court to determine if the South Florida Water Management District was justified in approving the sale of bonds to buy the land when it signed off on the historic deal in 2009.

In oral arguments, attorneys for the Miccosukee Tribe living near the Everglades and U.S. Sugar competitors say the parcel, reduced from an original footprint of more than 180,000 acres, is a sweetheart deal that will allow U.S. Sugar to farm much of the tract for years to come.

Water management officials and environmentalists discount that argument, calling the purchase critical to efforts to substantially improve water quality in the Everglades as part of a sweeping effort to revive the "River of Grass" ecosystem.

"We believe this land acquisition provides the best and last chance for significant Everglades restoration," said Thom Rumberger, an attorney representing Florida Audubon. "The purchase of the land itself has merit."

Gov. Charlie Crist, a Republican, announced plans in 2008 to purchase from U.S. Sugar 180,000 acres south of Lake Okeechobee for more than \$1.3 billion in what would have been the largest land purchase in state history.

The severe U.S. recession that stung Florida especially hard and other economic headwinds, however, forced negotiators to downsize to 73,000 acres. Last year, the water management district voted to levy \$536 million in bonds to pay for it.

The Miccosukees challenged the new deal, saying the parcel no longer satisfies a requirement that it serve a public purpose. If the deal does not meet that standard, the water management district cannot float bonds to pay for it.

The court's review is limited to the propriety of the bond sale, but other issues, including a recent federal court ruling ordering water managers to continue work on a reservoir project stalled by the U.S. Sugar deal, provide a larger backdrop.

In March, Chief U.S. District Judge Frederico Moreno ordered the state to restart an \$800 million reservoir project in the Everglades Agricultural Area mothballed to free up funds for the U.S. Sugar deal. By his order, Moreno upheld a 2006 special master's ruling recommending the construction in response to a lawsuit by the Miccosukee Tribe.

The Florida justices made no ruling Wednesday and may issue a decision at any time.

Everglades restoration plan could be in jeopardy

04/09/2010

Public Works - Online

The Associated Press

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Gov. Charlie Crist's grand plan to revive the dying Florida Everglades by buying back the land is in jeopardy after a federal judge Wednesday ordered the state to resume construction on a multimillion-dollar restoration project.

Work on the 25-square-mile reservoir _ the largest of its kind in the world _ was halted in 2008 after water managers said a lawsuit from environmentalists could hinder their ability to complete the project.

The decision to stop work came just a month before Crist announced a plan to spend \$1.75 billion to buy all of U.S. Sugar Corp.'s 180,000 acres and assets in the Everglades.

Crist's plan has since been scaled down, because of the economy, to \$536 million for 73,000 acres from U.S. Sugar, the nation's largest cane sugar producer.

U.S. District Judge Federico Moreno's ruling on Wednesday could now end it all.

Moreno granted a motion from the Miccosukee Indians, who live in the Everglades, to force the South Florida Water Management District to resume construction of the massive reservoir with an estimated cost of up to \$800 million.

The district oversees the state's Everglades restoration efforts and has said previously it likely couldn't afford both the U.S. Sugar deal and the reservoir.

"The court is now uncertain as to what role the downsized land purchase will play in Everglades restoration," Moreno wrote in his ruling. "Meanwhile, the projects devised years ago ... are waiting in standstill."

The judge agreed with the Miccosukee that halting the reservoir project "despite the best efforts of Governor Crist" would further pollute the tribe's land.

Crist's office said it was reviewing the ruling to determine the next step. The district also said it was reviewing the ruling.

"This puts Everglades restoration back on track," said tribe attorney Dexter Lehtinen. "If they're going to do the land deal, it's got to now be in addition to the restoration projects they promised, so they've got a huge problem."

U.S. Sugar spokeswoman Judy Sanchez said the ruling does not preclude the state from purchasing lands that would allow for more effectively designed restoration projects.

The sugar land deal also faces legal challenges. The state Supreme Court is set to hear the case next week.

If the deal falls through, it could serve up another blow to Crist's campaign for U.S. Senate. He is locked in a close contest for the GOP nomination, and the U.S. Sugar purchase was set to be a cornerstone of his legacy.

The Everglades have been dying for decades from the intrusion of farms and development, dissected by dikes, dams and canals, effectively draining much of the swamp and polluting it with fertilizers and urban runoff. The state and federal governments' efforts to restore the wetlands have been stymied for years by funding shortfalls, legal challenges and political bickering.

Florida Tribe Wins Ruling To Resume Everglades Construction

04/09/2010

Southeast Construction

Deb Wood

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Stating Florida must comply with the original 1992 consent decree to address Everglades pollution, U.S. District Judge Federico A. Moreno granted on March 31 the Miccosukee tribe's motion to compel completion of a key reservoir. Since 2008, the work has stopped on the \$700-million project in Palm Beach County; instead, state funds have been plowed into buying private sugar-growing land near Lake Okeechobee for a new restoration plan.

Parties now are weighing the potential impact. Landowner U.S. Sugar Corp. says the ruling "does not preclude" the state's continuing land purchase to meet the consent decree's terms. Tribal officials and those of the South Florida Water Management District, which manages the state's Everglades restoration, declined to comment.

Thom Rumberger, chairman of the Everglades Trust, a nonprofit overseeing the restoration, also disagrees with the judge's ruling. "The reservoir is unnecessary and expensive," he says. "It is our opinion and that of the scientists ... that it's more advantageous to have the property." David Guest, attorney for environmental group EarthJustice, argues whether the ruling "is lethal to the land purchase, but there are a lot of things to go down between here and there."

Construction on the 16,700-acre reservoir and flood control project which began in 2006, had been managed by a joint venture of Barnard Construction Co. Inc., Bozeman, Mont., and Parsons Water & Infrastructure, Pasadena, Calif.

Last year, Florida Gov. Charles Crist (R) announced a scaled-back land purchase plan. And in March, the water management district announced it would extend until Sept. 30 a deadline for in the public finance process, due to a legal challenge. A hearing in that case before the Florida Supreme Court is set for later this month.

Jeb Bush wields clout without accountability

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Tim Nickens

By , editor of editorials

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If Jeb Bush wants to be governor again, the job will be open soon.

If he wants to be a U.S. senator, he should run against Gov. Charlie Crist in the Republican primary instead of sniping at him in the national media.

Of course, Bush won't enter either race.

Why should he?

Bush is advancing his conservative agenda in the Legislature and influencing the Senate race without coming out of the shadows. He has tremendous clout and no accountability. He makes tons of money, travels the world and answers to no one.

Less than two years ago, Bush declined Times' staff writer Sydney P. Freedberg's request for an interview by claiming he was "trying hard to stay out of the public eye to let my successor do his thing."

Now he's more like Voldemort in the Harry Potter books. You can feel his presence in the room, his surrogates are doing the dirty work and he still finds ways to leave his own mark. And there's no Harry Potter around to match his intellect or political skills.

In Tallahassee, the Republican-led Legislature has rammed through a sweeping education bill that abolishes tenure for new public school teachers and ties teacher raises to high-stakes testing. It has Bush written all over it, yet he never appeared in the Capitol. His close ally, Sen. John Thrasher of St. Augustine, sponsored the legislation. The executive director at Bush's Foundation for Florida's Future, Patricia Levesque, testified before committees and knows the bill better than most lawmakers. The foundation aired an ad promoting the legislation, and Bush urged his supporters to embrace it as teachers fought back.

"I talked to Jeb this morning," Thrasher told reporters the morning after the Senate passed the bill. "He was very pleased with what we did. Very pleased."

I'll bet.

When Sen. Dan Gelber, D-Miami Beach, joked that this is Bush's best legislative session, he wasn't far off. State lawmakers also voted to expand one of the private tuition vouchers created during the Bush administration — even though it will cost the state millions and is on shaky legal ground. They asked voters to loosen the class size amendment that Bush hates. And they are exploring a dramatic expansion of a managed care Medicaid project started by Bush — even though the experiment has achieved questionable results.

Bush has more influence over the Legislature as the former two-term governor than the guy actually living in the Governor's Mansion.

But you have to feel for Crist. He is running against both Marco Rubio and Bush's shadow in the Republican primary for Senate. Even the Fox television debate between Rubio and Crist became two against one when Fox aired a video clip of Bush criticizing Crist's support of the federal stimulus package.

"I consider it unforgivable in the sense we're now in a battle for our country's future," Bush said.

How would Bush have dealt with the economic crisis in Florida without the federal stimulus money?

How would Bush explain laying off thousands of teachers or denying medical care to Floridians on Medicaid if there were no federal money?

Shouldn't Bush take some responsibility for the state's situation since he cut billions in taxes that could have helped Florida better weather the recession? Shouldn't he take some responsibility for the overdevelopment that contributed to the housing crash?

Bush cannot be bothered with such questions any more. Instead, he's free to take potshots like he did in a New York Times story on Crist's initiative to buy property from U.S. Sugar Corp. for restoration of the Everglades.

"To replace projects that were under way for a possibility of a project decades from now is not a good trade," Bush said. "On a net basis, this appears to me there has been a replacement of science-based environmental policy for photo-op environmental policy."

Many environmentalists still support Crist's proposal and note that some of the restoration projects Bush embraced are based on untested methods. But Bush only plays offense these days and doesn't have to play any defense.

The fact is, Bush has never liked Crist. He treated him shabbily during the 1998 campaign, when Bush was gliding to the Governor's Mansion and Crist was waging a quixotic U.S. Senate campaign against incumbent Democrat Bob Graham. After Crist received more than 2.4 million votes even in defeat, Bush did not give him a high-profile state agency to run. He made him an obscure deputy in an out-of-the-way office. Crist then was elected education commissioner, attorney general and governor by charting his own course — not by riding any Bush coattails.

The governor is not the policy wonk his predecessor is. But Crist's political instincts and general decency have served him well. You won't hear Crist complain about how Bush left behind messes in property insurance, the Department of Corrections and the Department of Children and Families. Sometimes, the governor is too polite.

Rubio's record of public service is awfully thin, and his lavish spending of political contributions hardly shouts conservatism and fiscal responsibility. But Bush considers Rubio a more fitting heir than Crist and his proxy in the Senate race. The winner of the Republican primary will probably face Democrat Kendrick Meek — who pushed through the class size amendment Bush opposed and once staged a sit-in on affirmative action in Bush's office.

It must be nice to get your way and settle old scores without having to defend your own record.

U.S. Sugar deal an opportunity, not a bailout

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Robert H. Buker Jr.

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U.S. Sugar was not for sale when Gov. Crist approached us about buying out all our assets. We considered his proposal, because he was the governor and our owners believed we could play a major part in resolving the huge problems of the Everglades, Lake Okeechobee, and the Caloosahatchee and St. Lucie rivers, a fitting legacy for our land.

Our business competitors have attempted to characterize this acquisition as a bailout of a struggling company. That is a lie.

While our business had accumulated significant debt due to hurricanes and the multi-year construction of our state-of-the-art sugar factory, we have weathered storms like this since 1931. We prioritized spending and cut costs. Now our sugar factory is running smoothly, our refinery had record production, and we have the best sugar market in 30 years.

Today, U.S. Sugar is well-capitalized and has retired over \$200 million of debt. Our new sugar factory, railroad and cost reductions make us by far the lowest-cost U.S. producer of refined cane sugar. We expect strong sugar demand, sales and pricing to continue, and we're the lowest-cost producer of Florida NFC orange juice. We also have the only disease-resistant citrus trees in the United States.

Florida Crystals is spending tens of millions of dollars in court, in the Legislature and in the media opposing this transaction to try to get control of U.S. Sugar's superior assets. They have a history of this.

They sued over the state's purchase of Talisman Sugar in 1999 and came away with land swaps and long-term leases. After Gov. Crist announced his bold vision, Florida Crystals secretly sent their own "sweetheart" proposal "to acquire a portion of the U.S. Sugar assets." When refused, they sued.

Since then, their words and actions have been self-serving and hypocritical — criticizing U.S. Sugar's \$150-an-acre lease rate while renewing their own Talisman leases at \$59 an acre, using the EAA-A1 reservoir to claim U.S. Sugar's deal delays other restoration projects when, in fact, Florida Crystals sued the South Florida Water Management District to stop that same reservoir construction and received an \$8 million payout. They're still farming over 20,000 acres of Talisman today.

Due to the economy, we have twice re-negotiated this contract to make it more affordable to the state. Public review and an extensive court process approved its public purpose. We are confident the Florida Supreme Court will uphold bond validation. Then the Governing Board can complete its budget process, making this acquisition a high priority without raising taxes.

Florida has a rare opportunity to re-acquire a large swath of historic Everglades from a willing seller at a fair, independently appraised price. Don't allow that opportunity to slip away because of some self-serving Palm Beach billionaires.

Robert H. Buker Jr. is the president and CEO of U.S. Sugar.

Eric Buermann: U.S. Sugar land essential to health of Everglades, estuaries

04/12/2010

TCPalm.com

Eric Buermann

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On Wednesday, the Florida Supreme Court heard oral arguments as it reviews a lower court's approval of the financing for the South Florida Water Management District's purchase of U.S. Sugar Corp. lands for Everglades restoration. Last year, the lower court properly and thoughtfully ruled that the district met its legal requirements for issuing its financing, but special interests, mainly U.S. Sugar's longtime rival in the competitive sugar industry, appealed to the high court.

People following the U.S. Sugar acquisition have witnessed these special interests — and their lobbyists in Tallahassee — attempting to turn what usually is a routine legal review into a stage for distorting the facts surrounding the acquisition's purpose and terms. They have tried to foster doubt about the public benefit from the lands and even personally disparaged those who champion the acquisition as part of Everglades restoration.

It is ironic that the same thirst for profits that contributed to pollution of the Everglades is now obstructing restoration of the Everglades. Fortunately, none of these detractors, nor their well-publicized spin, will distract the courts from their methodical legal review and, hopefully, will not fool the public, which for the large part supports the purchase.

Simply put, the district eventually will have to buy more land for true restoration of the Everglades and its watersheds, from U.S. Sugar or another seller. The district is under increasing pressure from courts and federal regulators to add more storage and treatment areas beyond those originally contemplated in the state-federal Everglades restoration program.

Regrettably, the Herbert Hoover Dike surrounding Lake Okeechobee is in a weakened condition, preventing adequate water storage in the lake due to flood concerns. When a hurricane, tropical storm or even seasonal rain impacts South Florida, water must be released from the lake, mainly down its two estuaries to the ocean. There is no place to store it. These releases can cause tremendous damage to the environment, economies and quality of life along our coasts, and beyond.

Before the Everglades were drained to now, only 40 percent of their original size, water overflowed the lake's southern rim, and the Everglades provided that storage. Indeed, if such land as U.S. Sugar's had been available when the current environmental restoration program was designed some 10 years ago, it would have been a showcase feature in lieu of certain existing components for providing storage and treatment.

The 73,000-acre acquisition under review is but the first phase of the 180,000-acre U.S. Sugar purchase to address these problems for South Florida. Water storage of this magnitude will significantly reduce freshwater releases into coastal estuaries and vastly improve water flow into the Everglades. Let's not forget that not only the environment but our water supply is at stake: South Florida, lacking mountains whose snowcaps melt into reservoirs, depends on rainwater flowing through the Everglades to recharge our underground aquifers.

How do we plan to use most of the initial 73,000 acres?

25,000 acres directly south of Lake Okeechobee for water storage and treatment.

20,000 acres for water treatment wetlands to improve water quality in an area south of the lake where farm runoff pollution has been historically high.

10,000 acres to expand existing water treatment areas feeding the Loxahatchee National Wildlife Refuge.

10,000 acres near Lake Hicpochee to store and treat water, improving water quality flowing into the Caloosahatchee.

3,500 acres to store and treat water, significantly reducing the harmful effects of back-pumping polluted agricultural runoff into Lake Okeechobee.

To achieve these goals, a collaborative, public planning process is under way to identify specific projects for the acquisition lands, and there is no shortage of options. Stakeholders and citizens have been working with district engineers and scientists to evaluate all viable restoration proposals that an unprecedented 73,000 acres have to offer.

The first step is to buy them.

Buermann is chairman of the South Florida Water Management District Governing Board.

