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Associated Press (AP)

Skoloff, Brian

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Bay News 9 - Online

BRIAN SKOLOFF

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Bradenton Herald - Online

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"The defendants are hereby placed on notice that failure to comply with the terms of this order will not be tolerated," Gold wrote.

Gold also ordered EPA's administrator to appear in his courtroom for an Oct. 7 hearing to report on compliance with his latest ruling.

"The federal court is not accepting the excuses and delays anymore," said Dexter Lehtinen, a lawyer representing the Miccosukee Indians, who live in the Everglades. "It is recognizing the ongoing harm, and that's what the state and federal governments have not been willing to do."

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The Miccosukee and Friends of the Everglades sued the EPA in 2004. They claimed the agency violated the Clean Water Act by allowing Florida to change its water pollution requirements for the Everglades and delay its pollution compliance deadlines.

In his 2008 ruling, Gold noted that the Florida Legislature "violated its fundamental commitment and promise to protect the Everglades."

The case centered on a 2003 amendment to the state's 1994 Everglades Forever Act.

Florida was originally supposed to meet lower phosphorous levels in the Everglades by 2002. The 1994 act pushed that deadline to 2006.

The amendment changed the timeline again, making it more ambiguous by setting a date of 2016 at the earliest.

Gold wrote Wednesday that the changes were "so complex as to be incomprehensible to lay persons."

"None of the government agencies involved directly told the public the hard truth: We have not solved the problem, we don't know for sure when the problem will be solved, and we do not know if the Everglades will survive," Gold noted.

Gold said in 2008 the EPA failed to abide by federal law when it did nothing to stop Florida from amending its statute that put off its timeline for cleaning up the Everglades.

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Judge blames feds, state environmental officials for delaying Everglades cleanup

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Bradenton Herald - Online

ANDY REID

"Glacial slowness" in imposing water pollution cleanup standards leaves Everglades restoration "rudderless," according to a judge's blistering ruling Wednesday that faults federal and state environmental officials for delays.

U.S. District Judge Alan Gold blamed the U.S. Environmental Protection Agency and the Florida Department of Environmental Protection for failing to heed his 2008 ruling that directed the agencies to enforce water cleanup standards that were supposed to begin in 2006.

Instead, federal and state officials have opted for a 10-year extension to enforce tougher standards to cleanup phosphorus levels in water that flows to the Everglades.

On Wednesday, Gold ordered the EPA and DEP to "immediately carry out" his previous mandates, or face fines and sanctions for violating the federal Clean Water Act.

Gold also called out the South Florida Water Management District, which leads Everglades restoration. Gold said the district "has chosen to ignore" the court's call to enforce the water quality standard.

"The hard reality is that ongoing destruction due to pollution within the Everglades Protection Area continues to this day at an alarming rate," Gold said in his ruling.

In addition, Gold criticized Gov. Charlie Crist's proposed \$536 million Everglades restoration land deal with U.S. Sugar Corp., saying other restoration efforts "may be effected, if not indefinitely postponed" by the proposed 73,000-acre purchase.

Crist wants to buy the land to reshape restoration by using U.S. Sugar's land to build reservoirs and treatment areas to store, clean and redirect water to the Everglades.

Gold became the second federal judge in recent weeks to raise concerns about the repercussions of the U.S. Sugar land deal on already overdue Everglades restoration efforts.

U.S. District Judge Federico Moreno on March 31 ordered construction to resume on an Everglades restoration reservoir that had been shelved as the district tried to finalize the still-pending land deal with U.S. Sugar. The unfinished reservoir in western Palm Beach County already cost taxpayers almost \$280 million.

The Miccosukee Indians, which contend that Everglades restoration is off course, filed the legal challenges that led to both judges' rulings.

The tribe has also teamed with U.S. Sugar competitor Florida Crystals to wage a legal fight to try to stop the U.S. Sugar land deal. They argue the land deal threatens to take money away from other restoration efforts, such as the reservoir, and would lead to more restoration delays.

"You are supposed to be cleaning up the water," Miccosukee attorney Dexter Lehtinen said. "They are abandoning the already existing plans ... It's a deliberate ignoring of the requirements."

Officials from DEP issued a statement Wednesday saying they were "extremely disappointed" in the judge's ruling and

that an appeal was expected. More than \$1.8 billion has already been invested in water quality improvements, according to DEP.

"DEP and the U.S. Environmental Protection Agency have worked in close coordination in establishing water quality standards and issuing permits that are not only in compliance with the Clean Water Act but also are protective of the Everglades," the DEP said in its written statement.

Judge threatens EPA with contempt in Everglades case

04/14/2010

Citrus & Vegetable Magazine

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At the center of the controversy is phosphorus pollution largely from agriculture and development.

The judge also questioned how the state's controversial purchase of the U.S. Sugar Corp. property would help water quality.

To read the complete article, visit the Miami Herald.

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Creston Valley Advance

Environment

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Free Press, The
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Gaea Times Blog

Brian Skoloff

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Gainesville Sun - Online, The

BRIAN SKOLOFF

AP metro

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04/14/2010

KWTV-TV - Online

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04/14/2010

Los Angeles Times - Online

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Marco Island Eagle - Online

Marco Eagle

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04/15/2010

Metro Halifax - Online

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Miami Herald - Online, The

Posted on Wednesday, 04.14.10

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Naples Daily News - Online

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News Press - Online

Associated Press April 14, 2010

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Ocala.com

BRIAN SKOLOFF

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Options News Network

AP - BRIAN SKOLOFF

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COLUMN: No devil in details of citrus grove buyout

04/15/2010

Palm Beach Post

Engelhardt, Joel

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In 2008, two of the world's largest citrus growers made written offers to buy U.S. Sugar's citrus groves. They made the offers to the South Florida Water Management District because the district would own the groves, all in Hendry County, as part of its then-\$1.75 billion buyout of U.S. Sugar.

The citrus groves, say critics of a deal now reduced to \$536 million, are ill-matched losers dumped on the district by U.S. Sugar as the price of parting with its more valuable sugar cane land. In one court briefing, Florida Crystals, an opponent of the deal, refers to the 32,500 acres of citrus groves as "so useless that it is let rent-free."

It's not a hard argument to buy. Who would want to own citrus groves in a place, where, if hurricanes, frosts and overseas competition don't wipe you out, citrus diseases like greening and canker will?

Yet the district's recently opened files of once-confidential documents reveal that Pepsico, owner of Tropicana, and Brazilian operator Cutrale Citrus, which bought Minute Maid's Florida processing plants in 1996, expressed interest in buying the citrus groves, processing facilities and equipment. In its nonbinding October 2008 letter, Cutrale offered to pay between \$8,000 and \$12,000 an acre for any citrus land the district did not want for Everglades restoration projects. The district is paying \$5,700 per acre.

Pepsico, which made its offer in tandem with Texas-based King Ranch, focused its written offer on the 17,700-acre Southern Gardens Citrus Groves. "Our preliminary valuation," the companies wrote in September 2008, "is in the range of \$170 million to \$220 million." The district is paying \$180 million for three groves, including Southern Gardens, on 32,500 acres. U.S. Sugar is retaining the equipment and processing facilities.

Despite what detractors maintain about the state of Florida citrus, the letters indicate a market for citrus land. Again, despite detractors who say that the district has no need for the land, the district contends that the need is so great that it's not planning to sell most of the land. Just one grove, Devil's Garden — the smallest, at 5,400 acres, and the one least harmed by disease — is the only one that doesn't fit into existing restoration plans. For instance, Southern Gardens is next to a stormwater treatment marsh that the district is planning to enlarge.

The supposed sweetheart lease that allows U.S. Sugar to continue farming the land at no cost won't last, district officials maintain. The lease benefits the district, they say, by ensuring that the land continues to be properly managed, at no cost to the public. Within a year of buying the land, the district can evict U.S. Sugar and hold an auction to lease the land to the highest bidder. That way, the district can cut a land-lease deal outside the confines of the larger and more difficult U.S. Sugar price negotiations. The letters, along with verbal offers district officials say they continue to receive, indicate that the market for Florida citrus endures.

Leasing that land buys the district time to design projects to expand stormwater treatment systems to help polluted estuaries on Florida's west coast. The projects, said district Deputy Executive Director Ken Ammon, are needed whether the district buys U.S. Sugar's land or not. If Devil's Garden alone among the three groves proves to be unneeded, it could be sold to the highest bidder. "If we were buying this land strictly for orange production," Mr. Ammon said, "its not something we would pursue. But we have specific projects."

To summarize, the district needs the citrus land. What it doesn't need, it can lease immediately or perhaps sell. Cutrale's letter indicates that the district is not overpaying but actually is paying fair value. Opponents of the U.S. Sugar deal continue to call the citrus lands useless. It's an easy criticism to make, and an even easier one to accept, as long as you don't let the facts get in the way.

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

Judge warns EPA of contempt in Everglades case

04/14/2010

Palm Beach Post - Online

BRIAN SKOLOFF

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"I express in the strongest possible terms my frustration and disappointment," U.S. District Judge Alan S. Gold wrote in his ruling.

Gold ruled in 2008 that the EPA had turned a "blind eye" to Florida's Everglades cleanup efforts, while the state continued to violate its own commitment to restore the vast ecosystem.

He ordered the EPA to review water pollution standards and timelines set by the state.

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"The defendants are hereby placed on notice that failure to comply with the terms of this order will not be tolerated," Gold wrote.

Gold also ordered EPA's administrator to appear in his courtroom for an Oct. 7 hearing to report on compliance with his latest ruling.

"The federal court is not accepting the excuses and delays anymore," said Dexter Lehtinen, a lawyer representing the Miccosukee Indians, who live in the Everglades. "It is recognizing the ongoing harm, and that's what the state and federal governments have not been willing to do."

A telephone message left for the EPA was not immediately returned Wednesday. The Florida Department of Environmental Protection said in a statement it was disappointed.

"The Florida Department of Environmental Protection (DEP) maintains that its permitting actions have been consistent with the Clean Water Act, Florida law and the court's earlier order," according to the statement, which also said the agency would appeal the ruling.

The Miccosukee and Friends of the Everglades sued the EPA in 2004. They claimed the agency violated the Clean Water Act by allowing Florida to change its water pollution requirements for the Everglades and delay its pollution compliance deadlines.

In his 2008 ruling, Gold noted that the Florida Legislature "violated its fundamental commitment and promise to protect the Everglades."

The case centered on a 2003 amendment to the state's 1994 Everglades Forever Act.

Florida was originally supposed to meet lower phosphorous levels in the Everglades by 2002. The 1994 act pushed that deadline to 2006.

The amendment changed the timeline again, making it more ambiguous by setting a date of 2016 at the earliest.

Gold wrote Wednesday that the changes were "so complex as to be incomprehensible to lay persons."

"None of the government agencies involved directly told the public the hard truth: We have not solved the problem, we don't know for sure when the problem will be solved, and we do not know if the Everglades will survive," Gold noted.

Gold said in 2008 the EPA failed to abide by federal law when it did nothing to stop Florida from amending its statute that put off its timeline for cleaning up the Everglades.

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Gold also questioned how the state's plan to spend \$536 million for 73,000 acres of U.S. Sugar Corp. farmland in the Everglades would help with restoration efforts. The deal has already faced numerous obstacles and has been lambasted by critics as a waste of taxpayer money that will only further delay Everglades restoration. The state Supreme Court is set to rule soon on whether Florida can move forward with the deal.

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Commentary: Crist helping company, not Everglades, with sugar deal

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Palm Beach Post - Online

Gaston Cantens

The Post occasionally publishes articles in print from national news services that contractually cannot be reproduced on our Web site. Access our regular syndicated columnists through the following links:

Joel Engelhardt's column and U.S. Sugar CEO Robert Buker's op-ed article attempt to distort reality, both subscribing to "don't let facts get in the way of a good story."

Mr. Buker claims that U.S. Sugar's deal with the governor is for Everglades preservation, not the enrichment of a struggling company, while Mr. Engelhardt attempts to characterize our dealings with the South Florida Water Management District and U.S. Sugar as opportunistic.

In June 2008, Gov. Charlie Crist announced a \$1.75 billion deal to buy all of U.S. Sugar's assets, with the stated goal of establishing a connection between Lake Okeechobee and the Everglades. Florida Crystals did not oppose this deal. We felt it could provide solutions while ensuring sustainable agriculture's vibrant future.

Florida Crystals shares the same management team as its parent company, Fanjul Corp., which produces 4.5 million tons of refined sugar annually. Over the past 50 years, Florida Crystals' growth has resulted from many successful negotiations with some of the world's leading business groups. Unfortunately, we soon realized that the governor's deal would not be based on sound business practices and negotiation. It was driven by political science and personal ambition.

At the district's request, we made an offer for part of U.S. Sugar's assets not needed for restoration. Since Florida Crystals owns most of the land required for a flowway, our offer included land swaps for acreage to connect Lake Okeechobee to the Everglades. Contrary to Mr. Engelhardt, our offer was not for all of U.S. Sugar's assets. We had no interest in 32,600 acres of citrus land or the juice plant. Also excluded was land the district needed for a flowway. Our offer was based on the best information available without the benefit of due diligence that would accompany any business transaction.

The insight we did have was that U.S. Sugar's new mill was not operating as designed. Being unable to produce sufficient raw sugar on its own, U.S. Sugar imported Mexican sugar — a costly situation for an inland refinery and certainly indicative of the mill's problems. Given our success, and the fact that Florida Crystals is the state's largest sugar producer, U.S. Sugar's claim, that it could not allow us due diligence prior to the offer because doing so would divulge trade secrets, is humorous.

Beyond offering the land, we participated in the district's planning process and proposed a flowway that achieved key environmental goals at a fraction of other proposals' costs. Neither the state nor the district even responded to our offers.

Soon, however, the picture came into focus: This was a charade. The governor's discussions were limited to U.S. Sugar's demands. District Chairman Eric Buermann recently acknowledged that U.S. Sugar had the negotiation advantage and "required" that the deal include the citrus groves of limited value to the Everglades. Gov. Crist's June

2008 news conference announcing the flowway connection — knowing that Florida Crystals owned most of the land needed for it — was designed to garner national attention for his vice-presidential ambitions.

We challenged this waste of money better spent constructing meaningful Everglades projects. In mid-2009, the deal got worse: a \$536 million sale/lease back plan. U.S. Sugar continues farming the land for decades, vital preservation projects are halted, property owners face higher tax bills and no flowway is possible.

Fortunately, we have a judiciary independent of politics. Two weeks ago, U.S. District Judge Federico Moreno ordered the district to resume construction of the A-1 reservoir abandoned for this deal. Judge Moreno stated: "Although the partial sugar land acquisition may be in the best interest of the Everglades in the very distant future... environmental suffering is immediate."

Florida Crystals and U.S. Sugar were longtime partners in education efforts about pollution sources north of Lake Okeechobee. As U.S. Sugar Senior Vice President Robert Coker once wrote in the Orlando Sentinel: "Common sense says you store and treat all that water where it originates; then it will not pollute Lake Okeechobee, the coastal estuaries or the Everglades." What caused U.S. Sugar to change its tune? You decide.

Gaston Cantens is a vice president of Florida Crystals Corp.

Judge threatens Environmental Protection Agency with contempt in Florida Everglades case

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04/15/2010

Prince Albert Daily Herald

Published on April 14th, 2010 Published on April 14th, 2010

Topics : U.S. Environmental Protection Agency , Florida Department of , DEP , Everglades , Florida , WEST PALM BEACH

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Seattle Times - Online

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Federal judge threatens to fine agencies for pace of Everglades cleanup

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St. Petersburg Times - Online

Sun Sentinel

WEST PALM BEACH — "Glacial slowness" in imposing water pollution cleanup standards leaves Everglades restoration "rudderless," according to a judge's blistering ruling Wednesday that faults federal and state environmental officials for delays.

U.S. District Judge Alan Gold blamed the U.S. Environmental Protection Agency and the Florida Department of Environmental Protection for failing to heed his 2008 ruling that directed the agencies to enforce water cleanup standards that were supposed to begin in 2006.

Instead, federal and state officials have opted for a 10-year extension to enforce tougher standards to clean up phosphorus levels in water that flows to the Everglades.

On Wednesday, Gold ordered the EPA and DEP to "immediately carry out" his previous mandates, or face fines and sanctions for violating the federal Clean Water Act.

Gold also called out the South Florida Water Management District, which leads Everglades restoration. Gold said the district "has chosen to ignore" the court's call to enforce the water-quality standard.

"The hard reality is that ongoing destruction due to pollution within the Everglades Protection Area continues to this day at an alarming rate," Gold said in his ruling.

In addition, Gold criticized Gov. Charlie Crist's proposed \$536 million Everglades restoration land deal with U.S. Sugar Corp., saying other restoration efforts "may be affected, if not indefinitely postponed" by the proposed 73,000-acre purchase.

Crist wants to buy the land to reshape restoration by using U.S. Sugar's land to build reservoirs and treatment areas to store, clean and redirect water to the Everglades.

DEP officials issued a statement Wednesday saying that they were "extremely disappointed" in the judge's ruling and that an appeal was expected. More than \$1.8 billion has already been invested in water-quality improvements, according to DEP.

The entire wetlands once covered more than 6,250 square miles, but has shrunk by half, replaced with homes and farms and a 2,000-mile grid of drainage canals.

The Everglades has since lost 90 percent of its wading birds, and 68 threatened or endangered species face extreme peril.

Gold on Wednesday ordered state and federal officials to set an "enforceable" timetable to start imposing the water pollution standards. He called for a hearing in October to get an update on their progress.

"Arguing that 'something is better than nothing' ignores the undeniable scientific fact that we are falling further behind, and that time is running out," Gold said.

Information from the Associated Press was used in this report.

State objections, environmental concerns could move 'Inland Port' closer to Lake Okeechobee

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04/13/2010

Sun Sentinel - Deerfield Beach Bureau

Reid, Andy

State objections, environmental concerns could move 'Inland Port' closer to Lake Okeechobee

Prospects dimmed Tuesday for keeping a proposed "inland port" on western sugar cane land — but that doesn't mean Palm Beach County will lose the thousands of jobs expected to follow.

The state's top growth-management regulator, Department of Community Affairs Secretary Tom Pelham, on Tuesday refused to back down from his objections to building the industrial distribution center on 318 acres west of U.S. 27 owned by sugar giant Florida Crystals.

That has Florida Crystals considering a relocation of the project farther north to try to avoid environmental opposition over new industry on agricultural areas eyed for Everglades restoration.

An alternative site getting praise from state regulators is about four miles to the north, on 850 acres of Florida Crystals' land wedged among Belle Glade, South Bay and Lake Okeechobee.

If Florida Crystals can't reach an agreement with state regulators, the fight over the inland port is to go before an administrative law judge on May 17.

"We are basically discussing other sites that Florida Crystals has put forward," DCA spokesman James Miller said Tuesday. "The settlement discussions are ongoing."

But if Florida Crystals moves the project to avoid a legal fight with state regulators, that could compromise its deal with Port of Palm Beach.

The land-locked Port of Palm Beach is looking inland to create an industrial distribution center that would use truck routes and rail lines to become a connection hub for cargo going to and from coastal ports.

The goal is to tap into an increase in cargo shipments to Florida expected after improvements to the Panama Canal are completed in 2014.

Florida Crystals finished first among four competing sites vying for the inland port, and is in the process of negotiating its final agreement with the Port of Palm Beach — in addition to seeking state approval for development plans.

In December, an industrial site near Port St. Lucie was the No. 2 site, and it would be next in line if the Port of Palm Beach fails to reach a deal with Florida Crystals.

That doesn't preclude the Port of Palm Beach from considering an alternative site from Florida Crystals, Port Director Manny Almira said.

It will be up to the port's board of directors to decide whether to consider altering its deal with Florida Crystals or switch to the St. Lucie County alternative, Almira said. The port's board meets April 21.

Environmental groups are fighting the current proposed location beside Florida Crystals' Okeelanta sugar mill and power plant. They argue that spreading industrial development there would get in the way of state efforts to use agricultural land to restore water flows to the Everglades.

The proposed alternative site between Belle Glade and South Bay could avoid the environmental concerns and put the development closer to roads, rail lines and other urban services, according to 1,000 Friends of Florida — one of the groups fighting Florida Crystals' current proposal.

"It's much better," Joanne Davis, of 1,000 Friends of Florida, said about the alternative site favored by the DCA. "It would definitely be closer to communities that need the work.

Andy Reid can be reached at abreid@SunSentinel.com or 561-228-5504.

Environmental hurdles could cost Palm Beach County a job-producing 'inland port'

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Sun Sentinel - Deerfield Beach Bureau

Reid, Andy

Palm Beach County officials are trying to hold onto a job-producing "inland port," despite state concerns about new industrial development threatening Everglades restoration.

The Port of Palm Beach and sugar giant Florida Crystals are negotiating a deal to use western farmland to build an inland industrial distribution center, a connection hub for cargo coming to and from coastal ports.

If environmental concerns scuttle the proposed Palm Beach County site, the Port of Palm Beach could give business leaders in St. Lucie County the next crack at landing the industrial center and the thousands of new jobs expected to follow.

The land-locked Port of Palm Beach sees the deal with Florida Crystals as a chance to tap into a boost in cargo shipments expected after improvements to the Panama Canal in 2014.

Struggling cities beside Lake Okeechobee consider the inland port a job-creation savior for communities suffering with 40 percent unemployment. They want their hometown port to stick with a local site.

But environmental groups are fighting the proposed location beside Florida Crystals' Okeelanta sugar mill and power plant, west of U.S. 27 in western Palm Beach County.

They argue that industrial development on agricultural land that was once part of the Everglades threatens efforts to restore water flows to Florida's famed River of Grass.

The Florida Department of Community Affairs, which regulates growth, also has raised concerns about putting the inland port at Okeelanta. In addition to the environmental concerns, the DCA questioned the potential strain on roads and other infrastructure, as well as whether alternative locations were adequately considered.

In December, an industrial site near Port St. Lucie came in second in the running for the inland port site. It would be next in line if Florida Crystals' deal with the Port of Palm Beach fails.

The port and Florida Crystals have nearly completed an initial round of negotiations and so far the talks are "right on track," port board Chairman Edward Oppel told county leaders Monday.

St. Lucie may get second chance at jobs-producing 'inland port'

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04/14/2010

Sun Sentinel - Deerfield Beach Bureau

Reid, Andy

BY ANDY REID Sun Sentinel

Posted April 13, 2010 at 5:38 p.m.

ST. LUCIE COUNTY — Business leaders in St. Lucie County may get another crack at landing a job-producing “inland port” if environmental concerns scuttle the Palm Beach County site chosen for the distribution center.

That could mean thousands of new jobs for the Treasure Coast.

The Port of Palm Beach Board plans to meet April 21 to discuss the status of negotiations with Florida Crystals on a deal that would use western farmland to build an inland industrial distribution center, a connection hub for cargo coming to and from coastal ports.

The Treasure Coast Intermodal Campus, in western St. Lucie County, finished second at a December meeting and would be next in line if a deal cannot be reached with Florida Crystals.

The Port of Palm Beach is working to have a deal in place to take advantage of improvements to the Panama Canal in 2014.

“We are ready to negotiate a public-private partnership with the Port of Palm Beach,” Treasure Coast Intermodal Campus spokesman Preston Perrone said. “We believe we have the best project.”

The Treasure Coast Intermodal Campus would be on 7,000 acres of land that fronts Glades Cutoff Road and the rail line in western St. Lucie County. Despite finishing second in the initial bid, the group has continued to work with Port St. Lucie to become annexed into the city.

“We feel really good about our project,” Perrone said. “We’re serious. We’re ready to move forward.”

The project could bring 20,000 jobs by 2025, create millions of dollars in tax revenue and is seen as an economic victory for the area surrounding the winning location.

Struggling cities beside Lake Okeechobee consider the inland port a job-creation savior for communities suffering with 40 percent unemployment. They want their hometown port to stick with a local site.

But environmental groups are fighting the proposed location beside Florida Crystals’ Okeelanta sugar mill and power plant, west of U.S. 27 in western Palm Beach County.

They argue industrial development on agricultural land once part of the Everglades threatens efforts to restore water flows to Florida’s famed River of Grass.

The Florida Department of Community Affairs, which regulates growth, also has raised concerns about putting the inland port at Okeelanta. In addition to the environmental concerns, the DCA questioned the potential strain on roads and other infrastructure, as well as whether alternative locations were adequately considered.

The port and Florida Crystals have nearly completed an initial round of negotiations and so far the talks are “right on track,” port board Chairman Edward Oppel told Palm Beach County leaders Monday.

However, Oppel also acknowledged that should the talks break down, the Port of Palm Beach could “break off and go to that second” option.

Florida Crystals Vice President Danny Martell on Monday said the company and the Port of Palm Beach are “well on our way” to reaching an agreement. The goal, he said, is to work out “an amicable solution” with state regulators and avoid a May hearing before a state administrative law judge.

Judge blames feds, state environmental officials for delaying Everglades water cleanup

04/15/2010

Sun Sentinel - Deerfield Beach Bureau

Reid, Andy

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Judge blames feds, state environmental officials for delaying Everglades water cleanup
By Andy Reid, Sun Sentinel

6:06 p.m. EDT, April 14, 2010

"Glacial slowness" in imposing water pollution cleanup standards leaves Everglades restoration "rudderless," according to a judge's blistering ruling Wednesday that faults federal and state environmental officials for delays.

U.S. District Judge Alan Gold blamed the U.S. Environmental Protection Agency and the Florida Department of Environmental Protection for failing to heed his 2008 ruling that directed the agencies to enforce water cleanup standards that were supposed to begin in 2006.

Instead, federal and state officials have opted for a 10-year extension to enforce tougher standards to cleanup phosphorus levels in water that flows to the Everglades.

On Wednesday, Gold ordered the EPA and DEP to "immediately carry out" his previous mandates, or face fines and sanctions for violating the federal Clean Water Act.

Gold also called out the South Florida Water Management District, which leads Everglades restoration. Gold said the district "has chosen to ignore" the court's call to enforce the water quality standard.

"The hard reality is that ongoing destruction due to pollution within the Everglades Protection Area continues to this day at an alarming rate," Gold said in his ruling.

In addition, Gold criticized Gov. Charlie Crist's proposed \$536 million Everglades restoration land deal with U.S. Sugar Corp., saying other restoration efforts "may be effected, if not indefinitely postponed" by the proposed 73,000-acre purchase.

Crist wants to buy the land to reshape restoration by using U.S. Sugar's land to build reservoirs and treatment areas to store, clean and redirect water to the Everglades.

Gold became the second federal judge in recent weeks to raise concerns about the repercussions of the U.S. Sugar land deal on already overdue Everglades restoration efforts.

U.S. District Judge Federico Moreno on March 31 ordered construction to resume on an Everglades restoration reservoir that had been shelved as the district tried to finalize the still-pending land deal with U.S. Sugar. The unfinished reservoir in western Palm Beach County already cost taxpayers almost \$280 million.

The Miccosukees, which contend that Everglades restoration is off course, filed the legal challenges that led to both judges' rulings.

The tribe has also teamed with U.S. Sugar competitor Florida Crystals to wage a legal fight to try to stop the U.S. Sugar land deal. They argue the land deal threatens to take money away from other restoration efforts, such as the reservoir, and would lead to more restoration delays.

"You are supposed to be cleaning up the water," Miccosukee attorney Dexter Lehtinen said. "They are abandoning the already existing plans ... It's a deliberate ignoring of the requirements."

Officials from DEP issued a statement Wednesday saying they were "extremely disappointed" in the judge's ruling and that an appeal was expected. More than \$1.8 billion has already been invested in water quality improvements, according to DEP.

"DEP and the U.S. Environmental Protection Agency have worked in close coordination in establishing water quality standards and issuing permits that are not only in compliance with the Clean Water Act but also are protective of the Everglades," the DEP said in its written statement.

Phosphorus comes from fertilizer as well as the natural decay of soil on hundreds of thousands of acres of agricultural fields.

Stormwater that drains off agricultural land, as well as urban areas, carries phosphorus to the Everglades — fueling the growth of cattails that squeeze out sawgrass and other native habitat vital to the health of the Everglades.

More than 40,000 acres of manmade filter marshes — called stormwater treatment areas — have been built to try to remove phosphorus and other pollutants from water headed to the Everglades. But so far, those stormwater

treatment areas have failed to consistently meet water quality standards that call for limiting phosphorus levels to 10 parts per billion.

Gold on Wednesday ordered state and federal officials to set an "enforceable" timetable to start imposing the water pollution standards. He called for a hearing in October to get an update on their progress.

"Arguing that 'something is better than nothing' ignores the undeniable scientific fact that we are falling further behind, and that time is running out," Gold said.

The state should impose tougher pollution control requirements on sugar cane growers and other agricultural operations to cut phosphorous levels, said Eric Draper, Audubon of Florida's executive director.

While the Miccosukees consider Gold's ruling another rebuke of the U.S. Sugar deal, Draper and deal supporters contend that the judge's water quality concerns reinforce the need to buy more land for water storage and treatment.

"We have the same old problems," Draper said. "We need more land [and] now there's an urgency to getting things done."

Judge threatens Environmental Protection Agency with contempt in Florida Everglades case

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04/14/2010

Washington Examiner - Online

BRIAN SKOLOFF Associated Press

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U.S. District Judge Alan S. Gold ruled in 2008 that the EPA had turned a "blind eye" to Florida's Everglades cleanup efforts, while the state continued to violate its own commitment to restore the vast ecosystem. He ordered the EPA to review water pollution standards and timelines set for cleanup.

Gold wrote Wednesday that the EPA and Florida have ignored his previous order.

"I express in the strongest possible terms my frustration and disappointment," Gold wrote.

The Miccosukee Indians, who live in the Everglades, and Friends of the Everglades sued the EPA over phosphorous pollution in 2004. They claimed the agency was allowing Florida to delay Everglades restoration while failing to meet pollution requirements in the Clean Water Act.

The phosphorous pollution comes largely from fertilizer runoff from farms and development. The nutrient has long suffocated life in the ecosystem, driving out native species and poisoning the water.

The state and federal governments been entrenched in a decades-long effort to fix the problem, but have been stymied by funding shortfalls, political bickering and lawsuits.

Gold ordered EPA's administrator to appear at an Oct. 7 hearing to report on compliance with his latest ruling.

A telephone message left for the EPA was not immediately returned Wednesday. The Florida Department of Environmental Protection said in a statement it was disappointed.

"The Florida Department of Environmental Protection (DEP) maintains that its permitting actions have been consistent with the Clean Water Act, Florida law and the courts earlier order," according to the statement, which also said the agency would appeal the ruling.

Gold also questioned how the state's plan to spend \$536 million for 73,000 acres of U.S. Sugar Corp. farmland in the Everglades would help with restoration efforts. The deal has already faced numerous obstacles and has been lambasted by critics as a waste of taxpayer money that will only further delay Everglades restoration.

The state Supreme Court is set to rule soon on whether Florida can move forward with the deal.

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04/14/2010

WaterWorld

Andy Reid

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Andy Reid can be reached at abreid@SunSentinel.com or 561-228-5504.

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Judge warns EPA of contempt in Everglades case

04/14/2010

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Judge Warns EPA Of Contempt In Everglades Case

04/14/2010

WFTV-TV - Online

BRIAN SKOLOFF

BRIAN SKOLOFF, Associated Press Writer

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04/14/2010

WTXL-TV - Online

BRIAN SKOLOFF

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11-year-old girl found safe on dry spot in alligator-infested Fla. swamp; missing 4 days

And then there were none: After 135 years, last US sardine cannery shutting down in Maine

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04/14/2010

Yahoo! Finance

Judge threatens Environmental Protection Agency with contempt in Florida Everglades case

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Buzz up!

Brian Skoloff, Associated Press Writer, On Wednesday April 14, 2010, 2:24 pm EDT

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Yahoo! Green

BRIAN SKOLOFF

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