

Subject: U.S. Sugar News for Dec. 21 - 22**SFWMD**

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Get moving on fixing Glades plan

12/22/2008

St. Petersburg Times

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South Florida water managers have roughly a year to change the flawed deal to buy U.S. Sugar's land for Everglades restoration, and they need to get to work. The terms agreed to last week skew too far to the sugar company's benefit. The price is too high. The state would subsidize the company's farming operations. There is no plan for making the project work. The list goes on and on.

Members of the 4-3 majority on the South Florida Water Management District board that approved the deal hailed it as a historic opportunity to replumb the South Florida ecosystem. But the contract, originally hatched in secret by Gov. Charlie Crist to much initial praise, is a big gamble. While the 181,000 acres would provide a critical link in reconnecting the Okeechobee basin to the Everglades, the land itself would be for the water restoration projects. It makes little sense to move ahead if the district cannot afford to use the land for its purpose. Fortunately, the agency can opt out of the deal before closing in September if the numbers don't work. Among the issues to resolve before then:

- What are the long-term costs and the district's ability to repay? The \$1.34-billion purchase price does not include the costs of financing or the capital projects for preservation, which could go well beyond \$4-billion. In this down economy, with property values not expected to recover for years, how would the district finance the purchase and the capital projects for restoration and also meet the other water needs in its 16-county area?
- What happens to the land if restoration stalls? The contract calls for leasing the land back to U.S. Sugar for at least seven years at about one-fourth the market rate. Should restoration falter for lack of money, how long is the district prepared to be in the position of having bought the land only to lease it back on the cheap for agriculture, a practice the deal is supposed to end?
- What role will the water board take in the run-up to the closing in September? The plan calls for taxpayers in the district to cover the costs for the purchase. Yet state officials have been the lead negotiators and cheerleaders. That is an obvious conflict. The board needs to exert authority. It cannot allow state officials to determine whether the costs are prohibitive.

The board inserted tougher language in the contract Tuesday, enabling it to withdraw from the deal if the revenue picture sours. The wording is meant to ensure the board can reverse course if the deal threatens to interfere with its regular obligations to protect and preserve the water supply in South Florida. That is an escape clause the board should use to bring U.S. Sugar back to the table. This would be a long-term relationship, and both sides need to start it on good terms and in good faith.

Economy in crisis Life on the edge

12/21/2008

Orlando Sentinel

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CLEWISTON - On the southwest shores of Lake Okeechobee, the "Sweetest Town in America" faces a bitter and stubborn reality.

Unemployment stands at 11.9 percent, nearly twice the national average and second only to Fort Pierce in Florida. The town's struggling economy, dominated by U.S. Sugar Corp., is producing virtually no new jobs, leaving residents and businesses wondering how they'll pay their bills and build their futures.

The scenario frustrates even the normally sunny folks at the Clewiston Chamber of Commerce.

"We have people come in every day just begging for work," said Mercedes Vary, the chamber president, who runs a plumbing business with her husband. "It's sad, because we've got to turn them away. Everything's at a standstill."

The state employment picture isn't much better. New figures put Florida's jobless rate at 7.3 percent, the highest level in 15 years. It mirrors the unemployment rate in Metro Orlando, where more than 82,000 people are out of work.

The raw numbers are smaller but no less painful three hours south in Clewiston, home of U.S. Sugar for almost 80 years.

Since 2000, Clewiston's jobless rate has run, on average, about 75 percent higher than in the rest of Florida. The building boom that created so much wealth elsewhere was a muffled thud in Harlem, the historically black neighborhood on the mill's west side. The red-hot job market that pushed state unemployment below 4 percent never drove Clewiston's below 7 percent.

In part, that's because the town's economic fate is dictated by U.S. Sugar, the nation's largest cane producer and the place where generations of residents have worked. Eight years ago, the company employed about 3,000 people, but it has slashed that number to 1,700 through mechanization -- a move prompted, in part, by greater competition from foreign producers.

"Doing nothing is not an option for U.S. Sugar," a company vice president said when announcing a series of earlier layoffs. "Doing nothing puts everyone at risk."

Tuesday, the state approved a billion-dollar buyout of U.S. Sugar, a plan that officials say will allow restoration of the Everglades.

The deal, if it survives, would close the mill in about seven years, but its impact is already being felt.

Businesses are reluctant

Businesses that might have come to Clewiston -- a mattress

company and a truck-body manufacturer were considering it -- have been reluctant to commit with the town's biggest economic engine sputtering. Small companies here have stopped hiring.

"If you're Walmart or Walgreens, you're looking at projections of what's going to happen," said Jim Wall, director of business development for the Southwest Florida Workforce Development Board. "They react to those losses."

The town has had a complicated relationship with Big Sugar. The company has given jobs and benefits to countless residents and poured money into parks, libraries and athletic fields. But it controlled virtually all property around Clewiston, surrounding the town in a sea of cane fields that made new development difficult.

"There just wasn't any property to develop," said Vary, who grew up outside town. "We're pretty much landlocked here."

Vary is eating lunch at the Clewiston golf club, which, like most everything else, sits in the shadow of the refinery's towering smokestacks. She says plant layoffs, uncertainty over the closure and the tanking state economy have battered a community badly in need of a break.

Seasonal field workers have always struggled, but this downturn has hit all sectors. Jobs are so scarce that some foreign laborers have left, betting they'll do better in their home countries.

Many locals looking for work can't leave. They're trapped by Clewiston's frozen housing market, unable to move until they sell their houses.

"They're literally stuck here," said Butch Wilson, director of the town's small history museum. "It's like a slow strangulation."

The Rev. Gary McNealy feels the pinch from the pulpit of the Greater Friendship Missionary Baptist Church. Last week, with the mill belching smoke in the distance, he huddled with three church members finalizing plans for a Christmas toy drive in the neighborhood.

Without the project, he said, some children would get nothing because parents are out of work. He also talks about expanding the food ministry because demand has increased.

'People are resilient'

"These people are resilient; they've seen hard times," said McNealy, who came to Clewiston 13 years ago. "But these are some of the worst conditions we've seen."

Victor Williams agrees, but he counts himself lucky. Williams is 45 and has worked at U.S. Sugar for more than 20 years. He lives so close to the mill, you could almost hit a golf ball into the parking lot from his yard.

Wednesday, Williams and his cousin Lamar Houston were busy wrestling a new wheel onto the trailer of a pickup. The trailer supported a cage holding four wild pigs Williams caught while hunting on U.S. Sugar property.

After some fattening up, he said, the pigs are headed for the barbecue.

"Around here," said Houston, "we do what we can to make ends meet."

Williams has seen friends laid off, and he knows, in this economy, no job is safe. But he's grateful he has worked this long, and is confident, if need be, he could find something else.

Still, he wants something more for his three kids -- one who's just finishing college, one who's still in high school and one who works at a local gas station. Something he's not sure Clewiston can provide.

"If they listen to me, they'll leave -- get out and try something different," he said, over the grunting of the pigs. "Because I don't think there's going to be too much left here."

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A TIME LINE OF THE RESTORATION EFFORT

12/21/2008

Sarasota Herald-Tribune

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1988

Settlement reached between federal government and Florida on water quality in Everglades National Park and Loxahatchee National Wildlife Refuge. Gov. Lawton Chiles commits Florida to cleanup.

1991

Florida Legislature passes Marjory Stoneman Douglas Everglades Protection Act to restore Everglades.

1992

Settlement agreement approved requiring Florida to construct 32,000 acres of stormwater treatment areas and reduce phosphorus pollution in Everglades National Park.

1994

Florida Legislature passes Everglades Forever Act, requiring state to reduce phosphorus pollution and construct filter marshes.

1996

Farmers in the Everglades Agricultural Area implement pollution prevention practices required under Everglades Forever Act.

1997

Phosphorus amounts leaving agricultural area reduced by 51 percent. South Florida Water Management District completes first of six filtering wetlands, or stormwater treatment areas.

2000

Florida Legislature passes Everglades Restoration Investment Act to fund the state's 50-50 share with federal government for the Comprehensive Everglades Restoration Program. Lawmakers also approve Lake Okeechobee Protection Act. President Clinton commits federal government to estimated \$8.2 billion Everglades restoration program.

2002

President George W. Bush and Gov. Jeb Bush sign agreement to reserve water for environmental restoration under state law as condition for receiving federal money to pay for half of the Everglades restoration project, now estimated at \$10.5 billion.

2003

Florida House amends Everglades Forever Act changing phosphorous pollution standards. Legislature appropriates record \$225 million for Comprehensive Everglades Restoration Plan. Florida begins restoring more natural flow of water to more than 50,000 acres of Everglades, in Picayune Strand in Southwest Florida.

2004

Florida begins moving water through the world's largest constructed wetland, at 17,000 acres. Water managers complete first phase of Kissimmee River Restoration project to restore more natural flow to 43 miles of river.

2006

Total of 41,000 acres of stormwater treatment areas completed. Florida receives federal approval to begin construction of massive reservoir in Everglades Agricultural Area.

2007

Florida Legislature passes bill to expand Lake Okeechobee Protection Act to include protection and restoration of the Lake Okeechobee watershed and the Caloosahatchee and St. Lucie rivers and estuaries. Congress authorizes continued federal funding for Everglades restoration.

JUNE 2008

Gov. Charlie Crist announces \$1.7 billion plan to buy U.S. Sugar and reconnect Lake Okeechobee to Everglades using cane land.

NOVEMBER 2008

Crist announces revised \$1.34 billion deal for U.S. Sugar.

DECEMBER 2008

Criticism mounts of U.S. Sugar buyout plan. Tennessee farming firm announces rival bid for U.S. Sugar. South Florida Water Management District votes on Crist plan.

Crist lobbied hard for U.S. Sugar deal

12/21/2008

United Press International (UPI)

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Florida Gov. Charlie Crist lobbied feverishly to gain approval of his \$1.34 billion plan to buy U.S. Sugar's farm lands, he and observers say.

The Miami Herald reported Sunday that in the days before the South Florida Water Management District voted on his proposal the Republican governor led an all-out lobbying effort to save the deal he had announced six months earlier.

The newspaper said not only did Crist lobby the district governing board, he enlisted outgoing Sen. President Ken Pruitt. Lt. Gov. Jeff Kottkamp also visited the district.

The deal was approved Tuesday by a 4-3 vote. The governor acknowledged "spending an awful lot of time on the phone" to secure the votes needed to approve the deal, aimed at restoration of the Everglades.

Critics say the governor shoved the deal through by twisting the arms of board members.

"It was obvious to me that people were being pressured, not everybody but certain individuals," said Michael Collins, the only remaining board member appointed by former Gov. Jeb Bush. "I never saw the Bush administration tell anybody on the board to do anything but what they thought was right."

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CRIST INVOKES GOD TO TOUT EVERGLADES DEAL, BUT PLAN MAY PROVE UNAFFORDABLE

12/21/2008

Sun Sentinel

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Returning from his honeymoon, Gov. Charlie Crist called a news conference to wax poetic about the endangered, \$1.34 billion Everglades restoration plan to buy 180,000 acres owned by U.S. Sugar, a deal the South Florida Water Management District conditionally approved Tuesday.

"There's no doubt in my mind, God is looking down on us, and he is happy," Crist said. "It's not cheap, but neither is this Earth. And neither are the Everglades. Nor should they be."

Unsaid amid the lofty rhetoric: the buyout is far from a done deal.

It barely survived Tuesday's vote with a 4-3 majority on the water management board amid growing sentiment that the state simply cannot afford the price tag in a tightening economy.

- Josh Hafenbrack, Palm Beach Politics, Dec. 18

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Everglades plan meets resistance in Tallahassee

12/21/2008

Sarasota Herald-Tribune - Online

Kate Spinner

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Powerful Florida lawmakers are lining up against Gov. Charlie Crist's historic plan to restore big parts of the Everglades, creating the possibility that the \$1.34 billion land deal could fall apart.

The South Florida Water Management District voted 4-3 last week to buy 181,000 acres of land south of Lake Okeechobee from agricultural giant U.S. Sugar, seemingly sealing a deal to restore the remaining Everglades, a unique freshwater wetland ecosystem known as the River of Grass.

But several powerful lawmakers are threatening to withhold money from the water district if it goes through with the plan. The Legislature does not have the authority to veto the purchase, but lawmakers can squeeze the agency by refusing to provide state funding for its projects. 'We're going to say, 'How do you expect us to fund x, y, z, when you put all your eggs in that basket?'" said State Rep. Trudi Williams, R-Fort Myers, who chairs the house Agriculture & Natural Resources Policy Committee.

Her stance, echoed by several other lawmakers, sets up a potential power struggle with Crist, who aggressively pushed his plan with the district and went on the public offense after the favorable vote. 'I can envision no better gift to the Everglades, to the people of Florida, or to our country -- than to place in public ownership this missing link that represents the key to true restoration,' he wrote in an opinion column distributed to the media Friday.

When Crist proposed the land buy last summer, it was widely praised as the key to accomplishing the Everglades restoration

that has been envisioned for more than 20 years.

The water district has property taxing authority over 16 counties, including Monroe and Miami-Dade, where the remaining Everglades are disappearing as a result of an engineering system built decades ago to convert South Florida's sawgrass marshes into fertile cropland.

Crist's plan aims to restore the system by eventually converting 80,000 to 130,000 acres of mainly sugar cane farmland into reservoirs and treatment marshes to reconnect the Everglades with Lake Okeechobee.

Williams and dozens of other state legislators, mostly from South and Central Florida, had urged the district to delay voting on the land deal until lawmakers could hold public hearings and offer opinions.

A deadline imposed by U.S. Sugar forced the water district to act by Dec. 16 or risk losing the deal.

The agency should have called the sugar company's bluff, said state Sen. Mike Bennett, R-Bradenton. Instead, the vote to buy the land 'truly did jeopardize their relationship with the Legislature,' said Bennett, a senior senator who has taken controversial stands in the past on growth management and manatee protection.

The water district usually receives about \$200 million a year from the state for Everglades restoration projects, including land acquisition. Although property taxes levied in the district usually make up 55 to 60 percent of its revenue, state tax money is also part of the equation. If state funding falls short, so could the district's leverage to borrow the money needed to buy U.S. Sugar.

Eric Buermann, chairman of the district's governing board, said he is 'a little pessimistic' about receiving state funds this year anyway, because of the anticipated shortfall in state tax revenue.

Optimistically, however, he said he is fairly confident that the district will be able to afford the sugar buy without the state's financial help. But if the district cannot buy U.S. Sugar and meet its obligation to provide flood control and water supply, a last-minute amendment to the contract allows the board to back out of the deal. 'We can't bankrupt the agency in the short term,' said Buermann, who, like seven of the current eight members on the board, was appointed by Crist.

The governing board has six months to make that call, when the state funding picture and district tax receipts become more clear. 'The Legislature needs to understand the magnitude of this opportunity to acquire this land that is in this location, in this bulk,' Buermann, a Miami attorney said. 'It's easy for people to just focus on the cost, the cost, the cost and I view it not as much a cost but an investment.' The investment, he said, is in the Everglades as well as the state's water supply and the health of coastal estuaries, including Charlotte Harbor on the southwest coast.

Buermann said no one tried to cut the Legislature out of the deal. Deadlines dictated the timing when the Legislature was not in session. 'They can certainly Monday-morning quarterback our

decisions, but they're the ones that set up a water management district; they are the ones that set up a governing board,' Buermann said. 'If they're going to come in and start micromanaging, why have a governing board? They may as well come in and run the water management district themselves.' The cash-strapped state Legislature is just one of many obstacles Crist's plan faces.

Florida Crystals, a U.S. Sugar business rival, has sued the district, claiming the purchase offers no public benefit. Additionally, Friends of the Everglades and the Miccosukee Tribe of Indians are threatening a suit to force the district to build Everglades restoration projects stalled by the sugar deal.

Another threat is the Lawrence Group, a Tennessee agricultural company that has been pursuing the takeover of U.S. Sugar since 2005. 'Despite the board of governor's narrow vote, we are still in the game and not deterred in our efforts to acquire the company,' said Lawrence Group spokesman Todd Templin.

Its latest offer was to buy the company and its assets for roughly \$1.14 billion. That figure assumes that shares in U.S. Sugar total about 1.8 million and that the company holds about \$600 million in debt, Templin said.

Buermann said the Lawrence Group's bid is a concern. Shareholders in the company may prefer the Lawrence Group's promise of \$300 per share up front over the \$365 promised by the state in seven years. 'The myth that's out there is that this is some kind of bailout and it's a no-brainer for U.S. Sugar, and the Lawrence Group is talking platitudes,' Buermann said. 'I view it as a real potential threat, so to speak, to our transaction.' U.S. Sugar contends that the Lawrence Group has not made a formal offer for the company.

Within minutes of the governing board's decision to buy U.S. Sugar, company executives issued a statement applauding the board and calling the backout clause a 'non-material modification.' Critics of the district's decision pointed to U.S. Sugar's swift acceptance of the amendment as evidence the deal was too generous. 'I don't understand what their hurry was,' said Bennett, who chairs the Senate's Community Affairs Committee. He said he is a big proponent of saving the Everglades, but preferred a three-party deal with U.S. Sugar, Florida Crystals and the Lawrence Group.

Bennett said state funding for the district is not off the table, but depends on details of the the sugar deal, which will be presented to legislators in January.

Similarly, Williams, who once chaired the district's board, said, 'The state's not going to do anything until we fully vet the process.' Other concerned legislators include state Sen. J.D. Alexander, R-Lake Wales, who heads the Ways and Means Committee responsible for trimming spending. State Rep. Juan Zapata, R-Miami, as chairman of the Miami-Dade legislative delegation of 25 lawmakers, had also asked the district to delay its vote and questioned the spending.

But Crist shows no signs of backing down. When the deal appeared in jeopardy Dec. 13, he called during his honeymoon. On Thursday he held a celebratory press conference in

Tallahassee.

Crist has also appealed to President-elect Barack Obama to fund two separate Everglades projects under Obama's promised economic stimulus package.

The two projects would build reservoirs and treatment marshes along the Caloosahatchee and St. Lucie rivers, which are artificially connected to Lake Okeechobee's heavily polluted waters.

The reservoirs and marshes are engineered and ready to build, but the U.S. Sugar deal has put them on hold.

Under the Comprehensive Everglades Restoration Plan passed by the federal government in 2000, the state and the federal government are supposed to split the plan's \$11 billion price 50-50. So far, the federal government has spent \$428 million, while the state has spent \$2.4 billion. 'Mr. Obama talks about how he wants to fund projects for infrastructure. These are ready to go,' Buermann said. 'They're ready and these are projects that need to get done.'

Fix was in for U.S. Sugar deal

12/21/2008

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Few politicians do the aw-shucks look as convincingly as Gov. Crist. Last week, though, showed the calculating side of the governor who's looking beyond Tallahassee.

Driving west across Florida along State Road 80, you leave the suburbs at 20-Mile Bend just past Lion Country Safari. For the next 70 miles or so, until you're well past the small town of LaBelle, there might be 50,000 people and even fewer voters. When it comes to statewide politics, they don't matter. They are no one's key voting bloc. The governor intends to sacrifice those people, if it comes to that, in the name of Everglades restoration. They are the small farmers and the business people whose customers are farmers or others in agriculture. Some in Florida would call it a fair trade, or better. They would say - I've heard them say it - that farming has damaged the Everglades for more than a century, and now it's time to rebalance things in favor of nature.

You saw that divide last Tuesday, when the South Florida Water Management District board debated and finally approved the purchase of U.S. Sugar's 180,000 acres and the eventual end of the company whose 1,700 jobs have sustained its hometown of Clewiston since the 1930s. Representatives of environmental groups spoke in the abstract about a wonderful idea for the state, which it is. The people from Clewiston, along that stretch of State Road 80, spoke in real terms about a threat to their way of life, which it is.

Tuesday should have been a wonderful moment. The board should have approved a deal that made the public pay a fair price for the land. The water district should have presented a plan finally to preserve what remains of the original Everglades. The governor's office should have explained how he will help the people who live along State Road 80 move to a new economy.

Instead, the water district board approved - subject to a few conditions - a \$1.34 billion deal that made the public overpay for the land. A plan for how the district will use the land may be two years away. And the governor's office is treating the desperate people along State Road 80 like children - to be seen, but not heard. 'We've been patted on the head for so long,' Clewiston Mayor Mali Chamness said Thursday, 'that we all say we're bald. We don't have any hair anymore.' Mayor Chamness now realizes, like the many others from Clewiston who pleaded with the board to delay or change the deal with U.S. Sugar, that they don't matter. Gov. Crist wanted this deal badly, in part because it could save what's left of the Everglades and in part because he could claim to have made environmental history by trying to save what's left of the Everglades. That looks good if you run for president.

How stacked was the deck against the people along State Road 80?

The water district is buying U.S. Sugar's land. But the lead negotiator wasn't someone from the water district. It was Michael Sole, whom Gov. Crist named to be secretary of the Department of Environmental Protection. Representing U.S. Sugar in the contract talks was Gunster Yoakley & Stewart; the law firm's chairman is Gov. Crist's former chief of staff. Gov. Crist appointed six of the seven water district board members deciding on the sale. Gov. Crist lobbied them into Tuesday.

The deal passed only 4-3. One board member had recused himself. Gov. Crist had not filled the seat that represents the people along State Road 80. Melissa Meeker sounded as though she was going to vote no up until she voted yes. Jerry Montgomery cast the deciding vote, then said it was time to get a better deal. As for Gov. Crist, 'God bless the four,' he said. 'And Godspeed to the three ... I look forward to their enlightenment.' If the deal leads to Everglades restoration, it will be a great thing for Florida. But such a massive change in state policy should account for the people who get hurt. Gov. Crist did not account for the people along State Road 80. Like most of those who live on either coast, he sees them through the windshield.

Randy Schultz is the editor of the editorial page of The Palm Beach Post. His e-mail address is schultz@pbpost.com

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*HTML not allowed in comments. Your e-mail address is required.

ENVIRONMENT Gov. Crist led all-out push to save Big Sugar deal

12/21/2008

Miami Herald

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The support of his handpicked appointees was in doubt. The deal he conceived to save the Everglades was at risk of crumbling, and with it, a cornerstone of his "green governor" image.

In the final days before a crucial vote by the South Florida Water Management District on his \$1.34 billion proposal to buy U.S. Sugar's vast farm lands, Gov. Charlie Crist led an all-out lobbying effort to avoid looming defeat.

Though honeymooning, Crist wrote and phoned district governing board members. He enlisted Ken Pruitt, outgoing state Senate president, to make calls.

Other aides, bolstered by environmentalists, hit the phones. The lieutenant governor, Jeff Kottkamp, visited the district to button-hole one board member in the lobby.

Mike Sole, the state's top environmental enforcer, played a pivotal late-hour role, turning from chief negotiator with U.S. Sugar to chief salesman to a deeply divided water board.

The governor acknowledged pushing hard and "spending an awful lot of time on the phone" to secure approval Tuesday -- by a single vote, 4-3 -- for a deal that seemed a lock when he unveiled it. That was six months ago, just before the state's plunge into a deepening financial crisis that could still undermine the agreement.

"Nothing in life worthwhile is easy," Crist said during a briefing in Tallahassee. "This is worthwhile and it was not easy. And there's still more to do, of course."

Supporters laud the Crist effort, calling it nothing more than strong advocacy. Rankled critics, convinced the deal would have died otherwise, see it as unseemly arm-twisting.

"It was obvious to me that people were being pressured, not everybody but certain individuals," said Michael Collins, a vocal foe of the deal and the only remaining board member appointed by former Gov. Jeb Bush. "I never saw the Bush administration tell anybody on the board to do anything but what they thought was right."

NARROW APPROVAL

Environmentalists scoff, pointing to narrow approval of the sugar deal, and the uncertainty of the outcome, as evidence of the board's independence. Often-unanimous votes under Bush, they argue, show he appointed lock-step water managers and closely controlled the agency.

One thing is clear: The high-stakes decision was a wrenching one

for some governing board members, even leaving one, Melissa Meeker, in tears shortly after casting her yes vote Tuesday evening in a quavering voice.

"This was the most difficult decision of my professional career," said Meeker, an environmental consultant from Martin County.

She said she was "very disappointed" the state hadn't done more to ease job fears in sugar-dependent Clewiston, but didn't want to risk losing a unique opportunity for the state to acquire the massive acreage needed to store and clean up water that fouls the Everglades and coastal estuaries.

A few days later, she was still hearing about her vote -- not in a good way, counting a dozen messages from critics who charged that 'I sealed the lids of their childrens' coffins. I don't take well to those kinds of comments," she said.

She acknowledged feeling intense pressure -- not from the messages left by the governor, his aides and others on both sides -- but from the responsibility Crist placed in her.

"The pressure was not the phone calls, but just the fact that we know that is so important," she said. "He trusted us to make these decisions."

Five board members reached for comment said the governor's office never issued threats, veiled or otherwise, or made promises to curry votes.

And two of Crist's appointees rejected the deal anyway. Dauray, after a lobby chat with Kottkamp he characterized as "just saying hello," savaged the deal as a "bad contract at a bad time."

Patrick Rooney Jr., president of the Palm Beach Kennel Club, got a voice message from the governor and discussed the issues with one of his aides -- but never felt "strong-armed or anything like that. Obviously, you are aware that the guy that appointed you would like you to vote a particular way. I don't need a call on that."

Rooney voted to reject the deal anyway, calling it "close" but with too many cost-and-risk questions he believes should be renegotiated.

Eric Eikenberg, Crist's chief of staff, said the administration put on a full-court political press to preserve a deal the governor views as part of his environmental legacy. But he sharply dismissed rumors, raised by some critics, that board members had been threatened with political retaliation.

"That's not the way we do business," he said. "Anyone who believes in true restoration, whether you're a resident or advocate, understands this is a once in a lifetime opportunity."

TYPICAL LOBBYING

Kirk Fordham, executive director of The Everglades Foundation, whose influential board counseled Crist and aides on the deal, said the nature of the high-level lobbying was typical for a proposal with so much money and land at stake.

"It's no different than when a president tries to get something

through Congress, or when a governor tries to get something through the Legislature," he said.

Still, the public display of authority from Tallahassee was anything but typical for the water district board.

The district's executive staff typically negotiates land buys, but for this one, the lead negotiator was Sole, the secretary of the Florida Department of Environmental Protection.

As the board began its final debate, Sole helped make the case for the deal and took a seat in a front row normally reserved for the district's executive staff.

‘ DOING HIS JOB’

Sole said he was simply doing his job, defending a deal that was the target of intense lobbying from all sides. "This is the best deal I think we can make, or otherwise it wouldn't be presented," he said.

Eric Buermman, a Miami attorney who chairs the board, agreed everything about the deal -- the state's largest and most expensive conservation land buy -- was unusual because of its complexity and size. "It's really unlike all the other deals we do," he said.

But after listening to board members run down their concerns for two days, foes remain flummoxed that it passed.

"I've never seen anything like it," said Kevin McCarthy, a Hendry County commissioner who had urged delaying the vote.

"The governor makes a deal, he negotiates a deal and he instructs his appointees about how to vote when they question it. It's amazing."

"It was disturbing and unusual," said Barbara Miedema, vice president of the Sugar Cane Growers Cooperative of Florida, which represents 47 smaller growers in Palm Beach County.

Critics say the governor's political maneuvering to get the deal done began immediately after he announced it in June, after months of secret negotiations with company lobbyists and executives. Malcolm "Bubba" Wade, a U.S. Sugar vice president who Bush appointed to the district board, resigned after the deal was announced and Crist has yet to fill that slot, representing rural towns that are the center of resistance to the agreement.

"If we would have had our own rep, it would have been a 4-4 vote," said McCarthy.

Critics also objected to a break called by Shannon Estenoz, a Plantation environmentalist who is the board's vice chairwoman, just after she put the controversial deal up for what appeared to be a losing vote.

CLUELESS

The break wasn't to cut any back-room deals, Estenoz stressed. She said she was simply clueless about how her colleagues might vote, and needed a moment to gather herself.

Five minutes later, the board returned, and Estenoz added an "out" clause that gives the district room to back out if declining tax revenues make the deal too expensive -- a move that won the decisive four votes.

"I panicked," Estenoz said.

"At that moment, I thought I had killed the sugar deal."

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COMMENTARY No sweet deal for education

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Miami Herald

MITCHEL, CLAIRE

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What does the subject of sugar, bitter or sweet, have to do with a column about the Third Third? Nothing but \$1.34 billion. This is a protest from one grandmother to the many parents and grandparents in Florida whose progeny will be doomed to an inferior education. If the state succeeds in efforts to buy back land and water rights from U.S. Sugar Corp., we will be so in debt we will be vying for the poorest education system in the country.

We've been scraping bottom, as Southern states traditionally do, for many years now, but this untimely purchase, which has been in the works in the back rooms, finally came to the public view. And it has a bitter taste. Covering the deal and putting it in the shade, is that U.S. Sugar is one of the biggest polluters of Lake Okeechobee.

LOSING RESPECT

Gov. Charlie Crist, who came into office astride a white horse, is fast losing the respect he garnered. His support for this biased deal in favor of the company that used and abused the land for these many years will end up as sweet as sugar for the investors, not for the public.

The South Florida Water Management District approved the controversial deal to buy the land 4-3 Tuesday. Critics contend that the state is paying too much and has no plans or money to refurbish the land it would acquire.

Elected officials represent us and owe us a bright light focused on the issue.

We who live and vote in Florida need to be able to examine both sides of the issue more thoroughly -- the environmental conditions that make it worth paying this cost and the point of view of those opposed to the deal, who feel there are other more pressing issues for us at this time.

It is true that we elect our officials to represent us in studying these plans. But at some point, we must be permitted to voice our

opinion on those issues that affect us intrinsically.

It's much easier to come to a decision when only the seven people of the SFWMD committee deliberate. The public needs to care and show an interest.

GETTING INVOLVED

We of the Third Third have the time, the leisure and the experience to sense what is tolerable for ourselves and our fellow citizens if we exercise our rights and follow our concerns.

When people don't get involved, consider the damage. Look at how deeply we got into the war of Iraq, how far we are from adequate healthcare and the problems in our schools, the need to educate our children so that they won't feel they have to settle arguments with gunfire.

If we sit back and do nothing, the country will truly go to hell in a hand basket.

Write to Claire Mitchel in care of The Miami Herald at 2010 NW 150th Ave., Pembroke Pines, FL 33028.

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Governor Crist Celebrates Everglades Land Acquisition Vote

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Foster Folly News

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Praises South Florida Water Management Boards support for land-only deal that will allow state to restore River of Grass.

TALLAHASSEE Governor Charlie Crist on Thursday joined the chairman of the South Florida Water Management District, state environmental and economic officials, and leading environmentalists to celebrate the SFWMD Governing Boards approval this week in favor of an historic land acquisition for Everglades restoration. The \$1.34 billion land-only agreement with the United States Sugar Corporation represents one of the largest environmental land acquisitions in the nations history. The 180,000 acres in Everglades National Park are the missing link that the South Florida Water Management District needs to protect Floridas coastal estuaries and better revive, restore and preserve one of Americas greatest natural treasures the Everglades.

This land acquisition is the most important, most historic step taken toward true Everglades restoration. It creates unprecedented possibilities for the River of Grass and for our environment, said Governor Crist. I am grateful to the members of the South Florida Water Management District Governing Board for their support, which came after thoughtful and deliberate consideration. This land purchase reflects the courage and tenacity of so many people who, like the late Marjory Stoneman

Douglas, have worked to protect this unique environmental treasure.

Officials with the South Florida Water Management District on Tuesday voted in favor of the land purchase deal, in which the state will buy 180,000 acres from U.S. Sugar for \$1.34 billion. U. S. Sugar will remain on the land for a period of time, subject to a final lease agreement. Governor Crist first announced plans to pursue the land purchase in June at the 2008 Serve to Preserve Florida Summit on Global Climate in Miami.

The vast real estate roughly the size of New York City -- will be used to reestablish a part of the historic connection between Lake Okeechobee and the fabled River of Grass through a managed system of storage and treatment. The land also will be used to safeguard the St. Lucie and Caloosahatchee rivers and estuaries.

Acquiring the enormous expanse of land offers water managers the opportunity and flexibility to store and clean water on a scale never before contemplated. Water managers expect that dedicating significantly more land in the Everglades Agricultural Area to restoration will build upon and enhance the 30-year state-federal Comprehensive Everglades Restoration Plan and the State of Floridas Northern Everglades program to restore and protect Lake Okeechobee, the St. Lucie and Caloosahatchee rivers and their respective estuaries. Governor Crist and his administration also are committed to working with the Glades, Hendry and Western Palm Beach Counties, including the City of Clewiston, to pursue economic development opportunities for the area.

'This historic acquisition also represents a catalyst for the diversification of the local economy,' said Dr. Dale Brill, executive director of the Office of Tourism, Trade and Economic Development. 'Our team will work tirelessly with the local communities, Enterprise Florida and the sister agencies within the Rural Economic Development Initiative (REDI) structure to ensure we seize this opportunity to facilitate greater prosperity for the entire region.'

Benefits from the land acquisition include:

Huge increases in the availability of water storage, significantly reducing the potential for harmful discharges from Lake Okeechobee to Floridas coastal rivers and estuaries when lake levels are high.

The ability to deliver cleaner water to the Everglades during dry times and greater water storage to protect the natural system during wet years.

Preventing tons of phosphorus from entering the Everglades every year.

Significantly reducing the need for back-pumping water into Lake Okeechobee from the Everglades Agricultural Area to augment the water supply needs.

Additional water storage alternatives, relieving some pressures on the Herbert Hoover Dike while the federal government undertakes repairs.

Joining Governor Crist and Dr. Brill Thursday were Mike Sole, Secretary of the Department of Environmental Protection; and Eric Buerman, Chairman of the South Florida Water Management District. Also in attendance were Representative Franklin Sands; Eric Draper, Deputy Director, Audubon Florida; David Guest of EarthJustice; Sue Mullins, Defenders of Wildlife; and Janet Bowman and Andy McLeod of The Nature Conservancy.

Group Fines too easy for polluters

12/21/2008

Florida Times-Union - Online

Steve Patterson

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An alliance wants harsher penalties for those who damage the environment.

After a sharp downturn in the 1990s, more polluters are again facing formal punishment for breaking Florida's environmental laws, a whistleblower group says.

Despite that rise, the group says, the Department of Environmental Protection has become content to collect modest fines without really remedying the damage polluters cause.

'There has been a change in policy of identifying the violations, charging the penalties and moving on to the next case,' said Jerry Phillips, director of the Florida office of Public Employees for Environmental Responsibility, called PEER.

He said a government agency buying land in the Everglades from U.S. Sugar Corp. expects to spend millions of dollars cleaning up pollution left behind there.

But state records show less than \$17,000 in fines was assessed against the sugar company in the past 20 years, Phillips said.

'Where are the penalties? ... Any resident of Florida ought to be appalled,' he said.

DEP officials said counting fines or formal punishments ignores success the state has had in getting businesses and people to obey laws voluntarily.

'Our job is to get people into compliance,' said Mimi Drew, the agency's deputy secretary. 'We have a very good compliance record for the most part. ... Usually at least 80 to 90 percent are in compliance.'

She said many problems are fixed as soon as an inspector talks to a business or sends a warning letter describing the issue.

PEER used state records to track how state regulators enforced environmental rules from 1988 to 2007, tracking offices that regulate everything from chemical plants to dredging projects and clearing aquatic weeds.

The group counted 1,450 cases last year when DEP staff began

formal enforcement measures against polluters, demanding \$12.3 million in penalties.

That was the highest case total on record, and represented the sixth straight yearly increase.

But it had taken until 2005 for regulators to log enforcement totals higher than in 1993.

Totals had been cut nearly in half by 1996, rebounding haltingly after that, the PEER analysis showed.

Phillips said a law passed seven years ago made many violations low-dollar offenses, cementing the idea that polluters weren't going to face serious punishment.

Drew argued the opposite, saying DEP Secretary Michael Sole championed an increase in many fines last year.

She said the agency deliberately tries to get some enforcement cases handled quick and cheaply to keep its lawyers focused on major pollution cases that need full attention.

Fuerte presión de Charlie Crist salva acuerdo con U.S. Sugar

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La crucial decisión implicó duras negociaciones y una difícil votación

C. MORGAN y MARY ELLEN KLAS

The Miami Herald

El presidente ejecutivo de la U.S. Sugar Corp., Robert Bucher (izq.) junto al gobernador Charlie Crist en una conferencia de prensa en el condado Palm Beach.

El apoyo de las personas que él mismo había nombrado estaba en duda. El acuerdo que había concebido para salvar los Everglades estaba a punto de derrumbarse y, junto con éste, un elemento clave de su imagen de 'gobernador verde'.

En los últimos días antes de una votación crucial del Distrito de Acueductos del Sur de la Florida sobre su proposición de \$1,340 millones para comprar los vastos terrenos de U.S. Sugar, el gobernador Charlie Crist encabezó un enérgico esfuerzo de cabildeo para evitar la derrota.

Aunque estaba de luna de miel, Crist escribió y llamó por teléfono a los miembros de la junta de gobernadores del distrito. Reclutó a Ken Pruitt, presidente del Senado, para hacer llamadas. Otros ayudantes, apoyados por los ecologistas, acudieron a los teléfonos. El vicegobernador, Jeff Kottkamp, visitó el distrito para garantizar la solidaridad de un miembro de la junta.

Mike Sole, el principal responsable de aplicar las regulaciones ecológicas del estado, desempeñó un crucial papel de última hora, pasando de principal negociador con U.S. Sugar al principal vendedor en una junta profundamente dividida.

El gobernador reconoció haber presionado duro y "haber pasado una enorme cantidad de tiempo en el teléfono" para garantizar la aprobación del martes --por un solo voto: 4-3-- de un acuerdo que parece firme cuando lo reveló. Eso fue hace seis meses, justo antes de que el estado se hundiera en una crisis financiera que todavía pudiera socavar el acuerdo.

'En la vida, nada que merezca la pena es fácil', dijo Crist durante una reunión en Tallahassee. 'Esto es algo que vale la pena y no ha sido fácil. Y, por supuesto, todavía queda mucho por hacer'.

Sus partidarios elogian el esfuerzo de Crist, calificándolo simplemente de una enérgica defensa. Sus críticos, sin embargo, convencidos de que el acuerdo hubiera muerto de otra forma, lo ven como una presión excesiva e injustificada.

'Para mí era obvio que estaban presionando a la gente, no a todo el mundo sino a ciertos individuos', dijo Michael Collins, un decidido adversario del acuerdo y el único miembro de la junta nombrado por el antiguo gobernador Jeb Bush. 'Nunca vi que el gobierno de Bush le dijera a nadie de la junta que hiciera cualquier otra cosa que lo que pensaban fuera justo'.

Los ecologistas no están de acuerdo y señalan el estrecho margen de aprobación del acuerdo, y la incertidumbre del resultado, como prueba de la independencia de la junta.

Votos unánimes bajo Bush, dicen, muestran que nombró administradores de acueductos que lo seguían y que controlaba estrechamente la agencia.

Hay algo que está claro: la crucial decisión fue sumamente difícil para algunos miembros de la junta. Uno de ellos, Melissa Meeker, quedó llorando poco después de haber votado que sí el martes por la noche.

'Esta ha sido la decisión más difícil de mi carrera profesional', dijo Meeker, asesora de ecología del Condado Martin. Reconoció haberse sentido 'muy decepcionada' de que el estado no hubiera hecho más para aliviar los temores sobre los empleos en Clewiston, que depende mucho del azúcar, pero no quería arriesgarse a perder una oportunidad única para adquirir vastos terrenos necesarios para almacenar y limpiar el agua que ensucia los Everglades y los estuarios costeros.

Días más tarde, todavía estaba oyendo hablar de su votación, y no de buena forma, por parte de críticos que la acusaron de 'haber cerrado los ataúdes de sus hijos. Ciertamente no me gustan ese tipo de comentarios'. Dijo haberse sentido muy presionada aunque no por los mensajes del gobernador, o sus ayudantes, sino por la responsabilidad que Crist había puesto sobre ella.

'La presión no estaba en las llamadas por teléfono sino en que sabemos que la importancia que tiene todo esto', afirmó. 'El confiaba en que nosotros tomáramos esas decisiones'.

Cinco miembros de la junta dijeron que la oficina del gobernador nunca hizo ningún tipo de amenaza, velada ni abierta ni tampoco promesas para conseguir votos.

Y dos de los nombrados por Crist rechazaron el acuerdo de todas formas. Dauray, tras una charla de cabildeo con Kottkamp que caracterizó como 'simplemente un saludo', atacó duramente el acuerdo como un 'mal contrato en un mal momento'.

Patrick Rooney Jr, presidente del Palm Beach Kennel Club, recibió un mensaje grabado del gobernador y discutió el problema con uno de sus ayudantes, pero nunca se sintió "excesivamente presionado ni nada por el estilo. Obviamente, uno está consciente de que la persona que lo nombró quisiera que uno votara de cierta forma. No me hace falta que me llamen para saberlo".

Rooney votó para rechazar el acuerdo diciendo que tenía demasiados problemas de costos y riesgos que creía había que renegociar.

Erik Eikenberg, jefe de despacho de Crist, dijo que el gobierno hizo todo lo posible por preservar un acuerdo que el gobernador considera parte de su legado ecológico. Pero descartó ásperamente los rumores, suscitados por algunos críticos, de que los miembros de la junta habían sido amenazados con represalias políticas.

'Nosotros no trabajamos así', afirmó. 'Cualquiera que crea en una verdadera restauración, sea residente o activista, comprende que ésta es una oportunidad única en la vida'.

Kirk Fordham, director ejecutivo de The Everglades Foundation, cuya influyente junta asesoró a Crist y a sus ayudantes sobre el acuerdo, manifestó que la naturaleza del cabildeo de alto nivel era típico de una proposición que implicaba mucho dinero y tierras.

'No es diferente de cuando un presidente trata de hacer pasar algo por el Congreso, o cuando un gobernador trata de conseguir algo a través de la Legislatura', apuntó.

Con todo, el despliegue público de autoridad de Tallahassee no fue precisamente típico para la junta de administradores de acueductos.

Típicamente, el personal ejecutivo del distrito negocia las compras de tierras, pero, en esta ocasión, el principal negociador fue Sole, secretario del Departamento de Protección Ambiental de la Florida. En lo que la junta empezó su debate final, Sole ayudó a defender el acuerdo y ocupó un asiento en la primera fila, generalmente reservado para el personal ejecutivo del distrito.

Sole dijo que simplemente estaba haciendo su trabajo, defendiendo un acuerdo objeto de un intenso cabildeo por todas las partes. 'Este es el mejor acuerdo que creo podemos hacer o, de otra forma, no se hubiera presentado', señaló.

Eric Buermman, abogado de Miami que preside la junta, estuvo completamente de acuerdo con el trato --la mayor y más costosa compra de terrenos de conservación hecha jamás por el estado-- y señaló que era insólito por su complejidad y magnitud. 'Es realmente diferente a otros acuerdos que hemos hecho', dijo. Sin embargo, tras escuchar a los miembros de la junta expresar sus

preocupaciones durante dos días, los enemigos del trato siguen sorprendidos de que haya sido aprobado.

'Nunca he visto nada semejante', dijo Kevin McCarthy, comisionado del Condado Hendry que pidió se demore la votación. 'El gobernador llega a un acuerdo, negocia un acuerdo e indica a los miembros que nombró cómo votar cuando se les pregunte. Es algo increíble'.

'Fue algo perturbador y poco usual', dijo Barbara Miedema, vicepresidente de Sugar Cane Growers Cooperative of Florida, que representa a 47 pequeños agricultores del Condado Palm Beach.

Los críticos dicen que la maniobra política del gobernador para lograr el acuerdo comenzó inmediatamente después que lo anunció en junio, luego de meses de negociaciones secretas con cabilderos y ejecutivos de la compañía. Malcolm ("Bubba") Wade, vicepresidente de U.S. Sugar que Bush nombró a la junta del distrito, renunció después de que el acuerdo se anunció y todavía Crist tiene que llenar ese puesto, que representa a las comunidades rurales que son el centro del acuerdo. 'Si hubiéramos tenido nuestro propio representante, entonces la votación habría terminado 4-4', dijo McCarthy.

