

SFWMD

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Lawmaker Fights U.S. Sugar Deal

02/18/2009
Tampa Tribune
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Feb. 18--TALLAHASSEE -- A Tampa Bay area lawmaker has filed legislation that could stall or even stop Florida from sealing its historic deal with U.S. Sugar to purchase the Everglades for restoration.

Gov. Charlie Crist heavily promoted the \$1.35 billion purchase of 180,000 acres in the Everglades, which would open the way to massive ecological restoration of the area.

The deal-in-progress often is described in shorthand as a state purchase. In reality, the South Florida Water Management District is buying the land, using property tax dollars from residents under the district's jurisdiction.

State Sen. Mike Bennett, R-Bradenton, said he wants to let affected taxpayers decide whether the district can spend their tax dollars on the Everglades purchase. An outspoken critic of the deal's terms, he said the proposal convinced him that all such deals by water management districts ought to go to local referendum, which is what his bill would require.

"Nobody on the water management district is elected," he said. "They're appointed, but they're not elected. I feel that if they have the ability to raise taxes, that's taxation without representation. I thought we kind of got rid of that premise a couple hundred years ago."

Water management districts follow hydrologic boundaries, not county or voting precinct lines, said Carol Ann Wehle, executive director of the South Florida Water Management District, which spreads across 16 counties. "There's no way to have an election."

Eric Draper, deputy director of the Florida Audubon Society, said Bennett's proposal is unfeasible and a "deal killer."

If lawmakers seriously want to thwart the land purchase, Draper said, they ought to ban it outright. "This is just a dishonest way to kill the deal -- to pretend that you're giving it to the voters, when in fact the voters, under this bill, will never see this proposal. Sen. Bennett should just have the courage to stand up and say, 'I'm going to try to get the votes to kill it.'"

Bennett is chairman of the Senate Committee on Community Affairs, which heard Wehle's presentation Tuesday on the land deal's terms and benefits. Afterward, he said he believed a referendum would be possible but conceded it would slow things down. That's something Bennett wants anyway, arguing the deal is too expensive and contains too many unknowns.

"We want sustainable Florida, and we want sustainable communities," said Bennett, who owns property in Clewiston, a town in the Everglades region that expects heavy property value and job losses from U.S. Sugar's departure. "But 'sustainable communities' also means you've also got to be able to afford what you're doing -- and that's a tough issue."

Reporter Catherine Dolinski can be reached at (850) 222-8382.

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Public funding issues revisited in state's buyout of U.S. Sugar

02/16/2009

South Florida Business Journal
Brinkmann, Paul

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The states buyout of U.S. Sugar Corp.s cane fields in Clewiston is the latest big-ticket government project to be examined in courts under a public purpose challenge.

Like auto dealer Norman Bramans lawsuit against funding for a new Florida Marlins stadium, Florida Crystals is challenging the South Florida Water Management Districts use of property tax revenue to pay back bonds for the \$1.34 billion land buyout.

The land deal faces a possible new challenge: a bill in the Florida Senate that would require voter approval of any certificates of appreciation (bonds) issued by water districts. Braman and others filing recent legal challenges to large government spending projects have sought such referenda without much success.

The battle over the 180,000-acre purchase has big guns on both sides.

One on side: Gov. Charlie Crist, U.S. Sugar, the water district and a host of environmental groups that have sued repeatedly over restoration goals. On the other: sugar competitor Florida Crystals, the Miccosukee Tribe of Indians and various anti-tax watchdogs. State legislators may be divided, but state Sen. Michael Bennett, R-Bradenton, recently filed the bill to require a referendum.

The water districts governing board approved the land purchase in December with a 4-3 vote. The stated purpose is to reconnect Lake Okeechobee and the southern Everglades with a system of reservoirs and storm water treatment areas.

Florida Crystals opposition comes as a formal objection in the bond validation process, which is being handled by Palm Beach County Circuit Judge Donald Hafele.

Joseph Klock Jr., the attorney representing Florida Crystals, has taken aim at the ambiguity in the purchase: Its not clear when restoration would actually start.

The only immediate use for that land for the next 20 to 30 years is to be agriculturally farmed. That is not a public purpose, Klock said in a phone interview.

The water district says the purchase represents the best hope for wide-scale Everglades restoration. Ecologists and engineers have estimated the water system in South Florida requires a lot more storage up to 1.3 million acre-feet (water standing a foot deep over 1.3 million acres).

Allegations over lease buyback, funds

But, the sale contract is somewhat open-ended. It allows U.S. Sugar to lease back the land for at least \$50 a year, and to have

first option on leasing it after that. Florida Crystals has also alleged the cheap leaseback represents market interference, and that the water district doesn't have the funds to complete build the reservoirs and water treatment areas.

Currently, we don't have the ability to provide it, said Ken Ammon, the water districts deputy executive director for Everglades restoration.

In the Marlins stadium case, Miami-Dade Circuit Judge Jeri Beth Cohen ruled against Bramans allegations after a trial in July. Cohen found the stadium does represent a paramount public purpose as currently defined by law, and that a referendum was not required. But, her ruling was a narrow thing she waited weeks to rule because the Florida Supreme Court was weighing the same questions in a battle over road funding in Strand vs. Escambia County.

Frank Schnidman, an attorney who worked for Braman, said he and others see a growing problem with government spending on big-ticket items without voter approval.

It is beyond arrogant to say you don't need to get the voter permission to spend billions of dollars, he said. How can you be so arrogant as to say buying this land is so important that it overrides the right of people to vote on how their tax dollars are spent?

The first hearing in the bond validation case was held Feb. 6; it was continued to March 16.

Invested in Sugar's unemployment

02/18/2009

Palm Beach Post - Online

Michael C. Bender

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Despite his opposition to Gov. Charlie Crist's deal to buy U.S. Sugar, Sen. Mike Bennett, R-Bradenton, could benefit if the deal goes through and causes the estimated 10,000 job losses.

I own the unemployment office so I'm probably going to be in good shape, Bennett joked during the Senate Community Affairs Committee meeting today.

Bennett said after the meeting that he has owned the building that houses the unemployment office for 15 years.

But the meeting wasn't all laughs. It was one of two meetings at the Capitol today where the South Florida Management District gave its overview of the land buy. (By our count, the district has now given this same presentation to four legislative committees over five days.)

The tone of the meetings today wasn't much different than what we reported earlier this month after the Senate Environmental Preservation and Conservation Committee grilled

water managers.

But because theres no shrinking news hole here at the Palm Beach Post politics blog. And since we spent the better part of the day in the committee hearings, here are some of the highlights from today, other than Bennetts shrewd land investments :

The taxpayers are not purchasing the property, theyre paying. Its a world of difference. They (the district) want to purchase it. Taxpayers got to pay for it. I thought we threw King George out of here for that. Maybe not.

Bennett

We truly appreciate the very difficult financial times the state is having and we would never, ever come here and ask you for money for this acquisition.

SFWMD Director Carole Wehle

Protecting land and protecting water at this moment in a time of crisis is not the priority of the people of Florida. People are losing where they sleep, the sanctity of their bedrooms of their children I am sitting here shocked.

Sen. Rudy Garcia, R-Miami

Explain to me some of the recommendations or suggestions for Clewiston, from an economic development standpoint, if this deal goes through.

Sen. Andy Gardiner, R-Orlando.

Senator, Ill be very honest with you. Theres been a lot of talk but theres not been anything definite given to us.

Clewiston Mayor Mali Chamness

Even without this deal, U.S. Sugar may be closing its doors within a few years Lets assume for this question that the deal doesnt occur. What happens to Clewiston and Hendry counties if U.S. Sugar does end up closing its doors and this deal doesnt happen?

Rep. Rick Kriseman, D-St. Petersburg.

I dont have the answer to that. We would continue to look to the state of Florida to help us with economic development.

Chamness

Youre going to spend \$1.34 billion on everglades restoration but our communities are going to disappear. And theyre going to disappear slowly and painfully if this deal goes through without a real plan and a funded plan, not \$8.5 million in economic gardening thats been proposed so far. Thats not going to get it.

Hendry County Commissioner Kevin McCarthy.

In our rich 86-year history - our bank started in 1922 - weve survived the Great Depression, numerous recessions and were poised today, I think, to survive what some have called this great recession that were in right now. Though Im not certain we can survive the economic fallout of this deal.

Carey Stroud, First Bank of Clewiston

Help us out here. We cant fend for ourselves Were just a little of common people.

Chris Shupe, president Olde Cypress Community Bank.

We may never have this opportunity again. The naysayers are saying its too dangerous. I say to you, Have courage. Have courage and foresight, because I doubt this option is going to be available again.

Nat Reed, U.S. Interior Department assistant secretary, 1971-1977.

The roseate spoonbill is no longer nesting in the southern part of the everglades. That tells us something about whats going on there.

Weve got to come up with a way to get this water from Lake Okeechobee, clean it up, move it south in a way that guarantees and secures the drinking water supply for the coastal communities in Southeast Florida as well as allows us to restore that southern end of the system.

Eric Draper, Audubon Florida, deputy director.

Michael Peltier: High noon for U.S. Sugar deal Tuesday

02/15/2009

Naples Daily News

MICHAEL PELTIER

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TALLAHASSEE If this were Hollywood, the meeting scheduled for Tuesday between a key Senate committee and the South Florida Water Management District would have been held at high noon.

Instead, district officials are scheduled to update state lawmakers starting at 9 a.m. about their proposed purchase of 180,000 acres from U.S. Sugar Corp in a \$1.34 billion deal the governor, environmentalists and many lawmakers say is the lynchpin of the states multi-billion efforts to restore water flow to a portion of the River of Grass. This land acquisition is the most important step in the history of true Everglades restoration, Gov. Charlie Crist said in December to emphasize the point.

A laudable goal, but the devil is in the details. The biggest if is how that kind of money would be raised and who has to sign off on a deal some say is too good to pass up but others view as a bailout for one of the states most politically connected companies.

South Florida water managers in December approved by a split vote a plan to purchase the tract by taxing property owners within the district, an authority clearly within their legal bounds, at least for now.

Critics however, say that kind of taxing authority is overly permissive, especially because water management directors are appointed to their posts and do not serve at the pleasure of the people they tax.

A problem for water managers Tuesday is that a major critic happens to be the chairman of the committee that oversees a lot of what they do.

That also happens to be the panel to which theyll be making their pitch.

Sen. Mike Bennett, R-Bradenton, has made no bones of the fact that he came out on the wrong end of the districts 4-3 vote in December and hes not very pleased about. Hes already vowed not to approve the appointments of any director who voted for the deal.

Last week he upped the ante by sponsoring a bill that would require all water management districts to receive voter approval whenever they levy bonds for land purchases. A similar measure is expected to be introduced in the House. What remains to be seen is whether such a drastic proposal is mere bluster or a sincere attempt to reign in the district.

South Florida water officials will get some sense of that Tuesday as they brief not only Bennetts committee but other Senate panels that have a stake in the U.S Sugar deal, which calls for the district to purchase the property then lease it back at below market rates to the company for seven years. U.S. Sugars competitors, understandably, dont think much of the deal.

At least one, Florida Crystals, has filed a lawsuit to stop it.

Meanwhile, U.S. Sugar says it has other offers and the clock in running out.

E-mail Michael Peltier at mpeltier1234@comcast.net

Florida Buyout of Sugar Property Is Controversial ... and Expensive

02/14/2009

Heartland Institute

Penny Rodriguez Published In: Environment & Climate Ne

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The Heartland Institute's national monthly outreach publication for common-sense environmentalism.

The South Florida Water Management District has narrowly approved a controversial \$1.34 billion buyout of lands in the Everglades owned by the U.S. Sugar Corporation.

It will be the most expensive conservation land purchase in state history, aimed at restoring natural water flow to the Everglades.

Crist Sees Historic Opportunity

Florida Gov. Charlie Crist (R) brokered the deal with U.S. Sugar nearly a year ago and has staunchly supported the project in the face of economic woes and growing opposition from state lawmakers and rival growers. The water management districts board members, all but one of whom were appointed by Crist, approved the deal by a vote of 4 to 3, with one abstention.

Critical to the boards approval of the plan was the last-minute inclusion of an escape clause allowing the state to back out before the September 25 closing date if state tax revenues plummet or the board fails to secure bond funding for the purchase. Ailing Everglades Supporters view the purchase of the U.S. Sugar lands as the best available way to restore the health of the Everglades. The U.S. Sugar Corp. land acquisition is the most cost-effective, comprehensive option currently available to Florida taxpayers to quickly advance Everglades restoration, provide significant positive returns to the environment, and adequately manage the regions pressing water demands, said Richard Gibbs, senior director of communications for the Everglades Foundation. Both restoration of the Everglades and clean up of Lake Okeechobee provide important goals, Gibbs explained. The lake has been polluted by decades from nutrient-enriched runoff from the Everglades Agricultural Area sugar fields and from north of Lake Okeechobee, leaving a legacy of tens of thousands of tons of polluted sediments in the lake. The Everglades restoration process is already substantially delayed, the ailing Everglades ecosystem would continue to rapidly decline, and Florida taxpayers would pay a heftier price in the long run without the purchase, Gibbs added.

Price Tag Concerns

With the state already struggling to cope with a \$5.8 billion budget deficit, even some staunch Everglades supporters nevertheless expressed concerns about the purchase. When push comes to shove, Im not sure we can afford this deal, Shannon Estenoz, a member of the board of the South Florida Water Management District and a former staffer with the World Wildlife Fund, said after the vote, according to the Miami Herald. Nevertheless, Estenoz voted for the purchase.

The New York Times quoted Michael Collins, the boards most vocal critic of the purchase, as saying the cost would kill other necessary Everglades restoration projects. The story also reported him as arguing most of the purchased land is unnecessary for Everglades restoration. He said the state would achieve better results focusing on feeder streams and rivers north of the Everglades, where most of the pollution comes from.

State Rep. Erik Fresen (R-Miami) released a press statement saying he has grave concerns with the concept of an unelected board spending over \$1 billion of taxpayer funds on land at a time when I'm having to tell social service, health care, and education providers that were making major cuts that will affect our most vulnerable citizens. Legislative opposition to the purchase was bipartisan. I think it is in everybody's best interest to punt, state Rep. Luis Garcia (D-Miami Beach) told the Miami Herald for a December 11 story.

More Opposition We are troubled by the lack of transparency in this secretive deal, which will cost jobs and cause future tax increases, said Bob Sanchez, director of public policy at the Tallahassee-based James Madison Institute. While we support the goal of improving the conditions at Everglades National Park and protecting the aquifer that millions of South Florida residents depend on, we think the actions that are aimed at doing that should be taken in a more transparent way. We have concerns about the substance of this deal, but we have even greater concerns about the process, Sanchez added. The citizens of Florida deserve a better and more transparent process regarding such an important and expensive purchase. The best way to ensure that Florida citizens receive a fair deal is to facilitate an open and accountable process. Penny Rodriguez (rodcoready@juno.com) writes from Parrish, Florida.

Sanibel Conservation Forum rescheduled to March 4

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Fort Myers Florida Weekly

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The annual Conservation Forum at BIG ARTS, originally scheduled for Tuesday, Feb. 17, has been rescheduled to Tuesday, March 4, due to conflicts with Sanibel election programs.

South Florida Water Management District Governing Board Vice-Chair Shannon Estenoz will participate in the annual Conservation Lecture at BIG ARTS sponsored by the Sanibel- Captiva Conservation Foundation, BIG ARTS and the Everglades Foundation. Participants will focus on Everglades restoration and the advantages of the U.S. Sugar Corp. land acquisition to Southwest Florida.

"U.S. Sugar, Local Aquatic Preserves and the Everglades: How Getting the Water Right in the Everglades Agricultural Area Helps Our Estuary," will also feature Thomas Van Lent, senior scientist, Everglades Foundation, a leading authority on water resource issues and Rae Ann Wessel, natural resource policy director, SCCF, who has brought the voice of the west coast and concern for its estuaries to lawmakers. Estenoz was instrumental in the vote to support the U.S. Sugar Corp. land purchase. Everglades Foundation CEO Kirk Fordham will moderate the panel discussion.

VAN LENT

Van Lent will discuss restoration alternatives involving the land purchase, including the science of cleaning and storing water in the EAA (Everglades Agricultural Area) and the positive benefits for Southwest Florida's estuaries resulting from the acquisition of 180,000 acres south of Lake Okeechobee. The presentation will be followed by an interactive public participation panel discussion and question and answer session.

Following the presentation, attendees are invited to a wine and cheese reception on the Gainer Veranda, sponsored by BIG ARTS.

The SCCF, BIG ARTS and the Everglades Foundation invite all interested parties to take advantage of this opportunity to access these decision-makers, ask questions about the Everglades restoration initiative and find out how you can help make this historic opportunity a reality.

The program will be held on Tuesday, March 4, at 7:30 p.m. at BIG ARTS' Schein Hall. Tickets are \$20 per person. BIG ARTS is located at 900 Dunlop Road, Sanibel. Tickets are available at BIG ARTS or by phone at 395-0900; for more information on the program, call SCCF at 472-2329.

Successful Fishing Despite Cold Weather in Sunshine State

02/14/2009

Herald-Palladium

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Yes, there are places much warmer than Southwest Michigan, but last week they didn't include Florida.

My wife Linda and I have been vacationing in the Sunshine State for more than 20 years, and last week we ran into the coldest weather we've ever encountered.

How cold? While we were at Walt Disney World, Mickey Mouse froze his tail off and Goofy lost his ears. One night, temperatures dipped into the low 20s and the high the next day was 48. But because people wanted so badly for it to be warm, we saw tourists wearing nothing but shorts and T-shirts as they waited in the line for Splash Mountain.

All over the state, manatees huddled near the warmwater discharges of power plants to stay warm. And farmers feared the loss of their strawberry crop.

The three-day series of cold fronts made the bass fishing tough. That's why I didn't have particularly high expectations as I fished a small artificial lake in a gated community of \$1 million homes near West Palm Beach last Friday with my brother-in-law Glenn. Glenn is a heating and air conditioning contractor and had gotten permission from one of his customers to park near the man's home and fish.

Like thousands of others in the state, the lake had been dug out of the coral which had been left from a vast sea that once covered Florida. Build just about anything in Florida, from subdivisions to shopping centers, schools and churches, and you're required to dig a pond or lake to absorb water runoff. As a result, the state has more than 20,000 lakes, almost twice as many as Michigan. While you can certainly trailer your own boat or hire a guide, it's simply easier to fish one these of lakes, many of which are in parks, from shore.

Just be prepared to lose some tackle in the coral.

We fished a 50-foot wide channel off the main lake. On my first cast, I hooked a 10-pound catfish which made several long runs on my 6-pound test line before being brought to shore. Then Glenn nailed a largemouth which hit a Bandit crankbait. In fact, on our first five casts, we hooked five fish. One bass threw the crankbait and another, a 6- to 7-pound largemouth, broke Glenn's 8-pound test line when it jumped.

It was the start of one of the best 45 minutes of fishing I've ever had. I landed two more catfish, about 10 and 12 pounds, on Berkley Power Bait tube jigs, and a half dozen bass. We also lost several baits in the coral, and started grabbing anything we could find in my tackle box. Glenn caught bass on a Panther Martin spinner, a trout bait, and an Oslo Spinner, which is made in Niles and is popular with pier fishermen for steelhead. When the smoke had cleared, we had caught and released more than a dozen bass and the three catfish, from an area no more than 20 yards wide.

It's difficult to say why the fish bit so well. It's possible they had eaten little or nothing during the preceding three days of the cold front, and became more active as temperatures climbed back into the high 60s. Or it may simply be that like many of the artificial lakes in Florida, the one we were fishing gets little or no fishing pressure.

Naturally, this week temperatures were in the 80s.

Like Michigan, Florida has its share of problems with pollution and non-native species. The South Florida Water Management District is purchasing 180,000 acres of land from U.S. Sugar Corp. for \$1.34 billion to restore areas of the Everglades polluted by farm fertilizers. Sunshine bass, a hybrid of a male striped bass and female white bass, have been introduced to Lake Apopka in central Florida in an effort to control gizzard shad which took over the lake after it was polluted by municipal and agricultural waste, And Burmese pythons, which can grow to more than 15 feet, are threatening deer and other animals in the Everglades after being released by pet owners.

Even paradise can have problems.

Dennis Cogswell is The Herald-Palladium's outdoors editor.

