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Long-term cost is focus of challenge to land deal for Everglades restoration

03/17/2009

Sun Sentinel - West Palm Beach Bureau

Reid, Andy

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Reconnecting Lake Okeechobee water flows to the Everglades could cost as much as \$5 billion for construction — in addition to \$1.34 billion to buy the land, a top water management official testified Monday.

A court challenge continues today to Gov. Charlie Crist's plan to buy 180,000 acres from U.S. Sugar Corp. and get water flowing again across farmland that used to be part of the Everglades.

The South Florida Water Management District needs the court's approval to borrow the money for the \$1.34 billion land deal, the largest public land buy in state history.

Opponents, led by U.S. Sugar competitor Florida Crystals, have gone to court to try to cut off the financing, questioning whether the district will be able to afford to use the land after buying it.

Construction of the system of reservoirs and water treatment areas needed to store, clean and deliver water to the Everglades could take 20 years and cost up to \$5 billion, Tommy Strowd, an assistant deputy executive director for the district, testified Monday.

"It was a very conceptual guesstimate," Strowd said of the projected costs.

Joe Klock, attorney for Florida Crystals, told Palm Beach County Circuit Judge Donald Hafele that the district should not be able to proceed with the land deal when it has yet to determine how much it will cost to use the land and how to pay for it.

"There is no consideration for the cost," Klock said. "They have nothing. They never determined the economic feasibility."

The judge said he has narrow legal grounds to consider, including: Does the district have the legal authority to borrow the money? Is the purpose of the financing plan legal? Does the financing plan comply with the requirements of the law?

Hafele said "attempts to inject politics" would not sway his opinion. The district would have to deal with the potential "fallout from mismanagement," but those concerns do not necessarily require the courts to stop the deal, Hafele said.

Opponents question the price and terms of the deal that would allow U.S. Sugar to lease its land back at cut-rate prices until the state is ready to use it for restoration.

Glades communities say that sacrificing farmland for restoration threatens agricultural jobs. The Miccosukee Tribe contends that the deal threatens to take money away from other stalled Everglades restoration projects.

The district's chief scientist, Garth Redfield, testified Monday that the chance to buy so much land in a key location offered a "quantum step forward" for Everglades restoration.

Property taxes paid in the 16-county district from Orlando to the Keys would be relied on to pay off a debt for the land deal expected to grow to \$3 billion with interest.

The court hearings are scheduled through Wednesday. Because of

the struggling economy, the district is projecting it could end up with \$97 million less in tax revenue and state funding. Next month, district board members are to discuss whether they can move forward with the deal.

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State defends its plan to buy U.S. Sugar land

03/17/2009

Sarasota Herald-Tribune - Online

Kate Spinner

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The battle over Gov. Charlie Crist's Everglades restoration legacy landed in court Monday, as the state defended its plan to purchase 180,000 acres of U.S. Sugar land from challenges by Florida Crystals, a Clewiston citizens group and the Miccosukee tribe.

In a three-day hearing, the opponents are attacking the state's method for funding the \$1.34 billion purchase, which relies on financing from taxpayers in the 16-county South Florida Water Management District.

The district plans to finance the purchase with up to \$2.2 billion in long-term loans. But those loans, called certificates of participation, need to be approved by a circuit judge.

If the judge denies approval, the deal will collapse, an outcome the opponents arguing in court this week desire.

Some Florida lawmakers also oppose the deal, and may undermine it with cuts to the district's funding. Sen. Mike Bennett, R-Bradenton, and Rep. Trudi Williams, R-Fort Myers, have introduced legislation that would unravel the deal by requiring the approval of district taxpayers.

Florida Crystals and the other opponents contend the purchase is not in the public interest because it overburdens taxpayers, does not include specific restoration plans and delays previously approved Everglades improvement projects.

'We don't see that there's a public purpose,' said Gaston Cantens, a spokesman and vice president for Florida Crystals. 'Just land ownership in and of itself is not sufficient.'

Crist, the water district and a contingent of powerful environmental groups want to use the U.S. Sugar land, which forms a loose belt south of Lake Okeechobee to clean the lake's polluted water and send it to the parched Everglades.

How that goal will be accomplished and where the state will build the needed reservoirs and treatment marshes are undecided.

While the state makes those decisions, it plans to lease back the land to U.S. Sugar at a below-market price for seven years, a condition Florida Crystals opposes.

Judge Donald Hafele, of the 15th Circuit Court in West Palm Beach, is handling the case.

The district's governor-appointed board approved the U.S. Sugar purchase in December, amid applause by the governor's office and groups such as the Everglades Foundation and Audubon of Florida.

In court documents, the district's attorneys argue that buying land alone is in the public interest if it is for a public project. 'It is well established that courts may validate bonds without parties submitting detailed or final project plans,' attorneys said in written arguments.

In an e-mail, water district spokesman Gabriel Margasak said, 'The strategic location of these thousands of acres of land provides water managers with the flexibility to store and clean water on a scale never before contemplated to protect Florida's coastal estuaries and better revive, restore and preserve America's Everglades.'

Supporters of Crist's plan say Florida Crystals is using the courts to gain negotiating leverage when it vies for some of U.S. Sugar's land.

The state will need to swap U.S. Sugar land with Florida Crystals to link Lake Okeechobee and the Everglades.

Cantens denied an ulterior motive.

'If we prevail on the hearing then there is no deal. There's nothing to leverage,' Cantens said.

Judge hears arguments in Everglades land deal

03/16/2009
Miami Herald

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Judge hears arguments in Everglades land deal
The Associated Press

WEST PALM BEACH, Fla. -- A hearing in a West Palm Beach courtroom could determine whether the state can purchase about 180,000 acres of land in the Everglades.

The South Florida Water Management District wants a judge to approve the issuance of bonds for the \$1.34 billion purchase from U.S. Sugar Corp. The district wants to use some of the land as part of Florida's efforts to restore the Everglades.

But the deal is being challenged by opponents, including U.S. Sugar's rival, Florida Crystals, who say it's just too sweet. They claim the deal would give an unfair advantage to U.S. Sugar, among other things.

If the judge doesn't approve it by July 10, the entire deal could fall through.

The hearing began in February. It was delayed until Monday and is expected to last three days.

Court hearing opens on water managers' \$2.2 billion bond proposal for U.S. Sugar deal

03/16/2009

Palm Beach Post - Online

PAUL QUINLAN

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WEST PALM BEACH Gov. Charlie Crist's high-stakes bid to save the Everglades went back on trial today, with challengers attacking the \$1.34 billion land transaction with U.S. Sugar Corp. as a sweetheart deal for a struggling but well-connected agri-giant.

A three-day hearing began in Palm Beach County Circuit Court this morning to decide whether the South Florida Water Management District should be allowed to issue the \$2.2 billion in bonds necessary to finance the deal.

Environmentalists have long considered the 180,000 acres of farmland Crist proposed buying as essential to any meaningful restoration of the dying ecosystem.

But challengers, including river sugar grower Florida Crystals Corp., the Miccosukee Indian tribe and a group of Glades-area community leaders, argue that the land deal is an irresponsible use of taxpayer dollars that will serve only to give a competitive edge to the debt-laden sugar company.

At issue is whether it's appropriate for the state to spend so much to buy the land before government scientists have devised a detailed blueprint for restoration. For at least seven years and perhaps longer, U.S. Sugar would be allowed to lease the

property back at below-market rates and continue farming.

'In order to ultimately construct the facilities, you have to have acquired the land,' testified Tommy Strowd, the district's assistant deputy executive director for Everglades restoration.

Challengers questioned whether that was good enough.

'There is nothing in the proposed purchase that is going to turn one shovel full of dirt,' said attorney Joe Klock, who is representing Crystals.

Time is of the essence: The deal has until September to close under the current contract. Meanwhile, the bond challenge is expected to wind up before the Florida Supreme Court, according to district officials.

Judge hears arguments in Everglades land deal

03/16/2009

Associated Press (AP) - Tallahassee Bureau

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