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Months of Hearings End with No Ruling on Water Managers' \$2.2 Billion Borrowing Plan for U.S. Sugar D

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08/07/2009

Palm Beach Post

Quinlan, Paul

Lawyers expect a judge to pare down the state's request to issue \$2.2 billion in bonds to finance Gov. Charlie Crist's land deal with U.S. Sugar Corp.

The question: By how much?

Palm Beach Circuit Judge Donald Hafele is expected to rule in the next two weeks after months of hearings closed today over whether the South Florida Water Management District can borrow the money to pay for the land and related projects to aid the Everglades.

The district is the state-created agency responsible for financing Crist's \$536 million, 73,000-acre deal with U.S. Sugar.

As the economy tumbled, Crist downsized the land deal from the original version he announced last summer, which would have been a \$1.75 billion buyout of U.S. Sugar. Now the deal calls for the district to buy less than half the company's farmland, with an option to buy the remaining 107,000 acres later.

But the state never trimmed the size of the bond issue it has asked the court to approve.

Today, the judge questioned whether it would be "less than prudent" to approve more than \$650 million of borrowing. That's the minimum necessary to pay for the land, the option, the first year's debt payment and associated fees, according to district lawyers.

The judge could also choose to validate only \$1.1 billion in bonds, the maximum allowed under a new state law passed this year in response to the proposed U.S. Sugar deal. The law limits water management districts' borrowing to a portion of their property tax income.

The district intends to repay any bonds using property taxes collected in its 16 South and Central Florida counties.

"I think he very well may limit it," Thom Rumberger, general counsel for the Everglades Foundation, said afterward.

District board Chairman Eric Buermann agreed. "I personally think he will validate," said Buermann. "I don't know about \$2.2 billion."

Regardless of the outcome, the case is expected to be appealed to the state Supreme Court.

Crist and his environmental allies want to use the land to restore the flow of water from Lake Okeechobee to the parched Everglades. But attorneys for U.S. Sugar's chief competitor, Florida Crystals, and the Miccosukee Indian tribe, whose members live in the Everglades, argued that the plans were too vague and driven too much by politics to justify the taxpayer expense.

"If the Everglades is to survive, this deal needs to be killed, because this deal doesn't have anything to do with Everglades restoration," said Miccosukee attorney Dexter Lehtinen.

Crist Defends Everglades Plan

08/07/2009

Jacksonville Observer

Austin Cassidy

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Gov. Charlie Crist on Thursday defended a \$536 million plan with U.S. Sugar Corp. to purchase 73,000 acres in the Everglades as critics wrapped up arguments in their effort to overturn the deal.

As the governor touted the program, competitor Florida Crystals and the Miccosukee Indian Tribe were scheduled to offer closing statements in a West Palm Beach court room in their attempt to scuttle the plan that calls for the South Florida Water Management District to purchase the land with an option for an additional 107,000 acres.

Florida Crystals says the proposal, reduced in scope from its original footprint in response to a tightened state budget, is still too expensive and will not have the intended effect. The case is being heard in circuit court.

Speaking to reporters in Tallahassee, Crist said he hoped the court would uphold the proposed purchase, a much smaller endeavor than the \$1.3 billion proposal first aired more than a year ago.

"It's important that we do whatever we can to preserve the Everglades, that's why we pushed so hard in this administration to do so," Crist said. "I'm very grateful for the progress that has been made... and I'm optimistic about the court case."

The plan calls for using the U.S. Sugar purchase to help connect Lake Okeechobee to the Everglades. The tract is part of a multi-billion project to build reservoirs and treatment areas to restore water flow to the River of Grass.

To pay for it, the water management district agreed to sell bonds and repay the debt through taxes levied on property owners in the 16-county district.

The original plan called for spending \$1.34 billion to purchase 180,000 acres. In December, the water management board on a 4-3 vote approved the purchase of the parcel, a 300-square mile region.

The original plan drew criticism from a number of fronts, including local officials in Clewiston and Sen. Mike Bennett, R-Bradenton, who tried unsuccessfully to block the water management board's ability to purchase land without local voter approval.

In response to such criticism and the state's tight budget, the project was retooled and reduced to include what state environmental officials said were the most critical acres needed to connect water sources with lands farther south.

Time's running short for Everglades and Florida Bay

08/07/2009

Miami Herald

Editorials

Posted on Friday, 08.07.09

OUR OPINION: Key decisions on Glades cleanup will affect Florida Bay, too

Florida Bay is one of the most tranquil places in the Sunshine State. And in a state that boasts multiple sparkling bays dotted with idyllic islands, great pine forests where eagles nest, vast swamps teeming with life and tobacco-tinted rivers with lazy currents and gentle banks, that's saying something.

Fed by water from the Everglades, the Bay is a magical mix of salt and fresh water in an estuary that nurtures shrimp, lobster, bonefish and other marine species in its platinum-colored shallows. But the fate of Florida Bay is inextricably tied to that of the Everglades, and until recently, neither of their futures looked very hopeful despite years of promises to fix the great River of Grass and its southern neighbor.

Today, the Bay is choked by algae blooms, polluted by runoff from urban sprawl and agriculture and clogged by dying sea grass that once filtered the water and sheltered marine life. Its ecosystem is collapsing. When the Bay goes so does a big chunk of the state's lucrative commercial and recreational fisheries, along with a slice of the tourism industry.

Federal funding blocked

Two decisions this month by the South Florida Water Management District's governing board can begin to stem the

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Bay's collapse. The board should approve an agreement between the district and the U.S. Army Corps of Engineers on how they will calculate costs and share responsibilities for projects to replumb the Everglades to bring more clean water into the national park and Florida Bay. Approval will clear a huge obstacle that has blocked federal funding for the massive replumbing project for eight years.

In 2000, Congress passed the Comprehensive Everglades Restoration Plan, an ambitious 20-year project to restore the Everglades' sheet flow while safeguarding South Florida's drinking-water supply. CERP is jointly funded by Florida and the federal government. But a mixture of bureaucratic infighting, a plethora of lawsuits by various groups and political shenanigans by the Florida Legislature that angered Congress has held up federal funding.

Meanwhile, the state invested millions of dollars in building water storage reservoirs and buying land for the replumbing project. The logjam finally broke this year when the Obama administration included \$279 million for Glades restoration in the federal stimulus bill. But then a dispute erupted between the feds and the district over how to calculate shared costs. The agreement the district's board of governors will take up Aug. 13 resolves that dispute. Once the board approves it, the first federal stimulus money -- \$41 million to reclaim 55,000 acres in the Picayune Strand in Southwest Florida -- will be freed up.

Awaiting court ruling

The second decision involving the district's board is a vote to spend \$536 million to buy 283,000 acres from U.S. Sugar Corp. for the restoration. But first, a judge is expected to rule Friday on a lawsuit brought by the Miccosukee Tribe and others challenging the financing of the land deal. The tribe has concerns that this land purchase might cost taxpayers too much and not leave enough money to pay for other restoration projects.

The tribe's concerns are well taken, as are other issues such as the impact on communities dependent on the sugar industry. But they are overridden by this one-time opportunity to take nearly 300,000 acres out of sugar production. Those acres would become water storage areas that would cut the problematic fresh-water discharges from Lake Okeechobee into the St. Lucie and Caloosahatchee rivers, reduce back-pumping of dirty water into Lake Okeechobee and prevent tons of phosphorus from entering the Glades. Gov. Charlie Crist, who engineered the deal, has added economic incentives and other aid for workers losing jobs once the land is out of commission, which wouldn't happen for several years.

If the judge rules against the district, the board should seek other funding for the land purchase. Time is running short for the Everglades and Florida Bay. Years of unkept promises are strangling these ecosystems. It's time for action, or else the marvelous tranquility of the Bay's placid waters will take on an ominous interpretation. It will be the stillness of death.

Judge to decide next step in Everglades land deal

08/07/2009

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McClatchy Company Washington DC Bureau

Curtis Morgan

Water managers once hoped their plan to borrow as much as \$2.2 billion for Gov. Charlie Crist's land deal with U.S. Sugar would breeze through judicial approval, setting aside just three hours for the hearing seven months ago.

On Thursday, the arguments finally ended in what turned out to be a months-long legal battle mounted by the Miccosukee Tribe and U.S. Sugar rival Florida Crystals Corp. Their challenge leaves the South Florida Water Management District plan to bankroll the \$536 million land-buy with bonds — and perhaps the fate of the controversial Everglades restoration deal — in the hands of Palm Beach County Circuit Judge Donald Hafele.

Afterward, Eric Buermann, a Miami attorney who chairs the district's governing board, sounded confident that Hafele would approve a financing plan crucial to closing the purchase, though he admitted there was uncertainty about the full amount, largely because of a debt cap the Florida Legislature passed this year.

Read the full story at miamiherald.com.

Termina batalla legal sobre compra a U.S. Sugar

08/07/2009

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El Nuevo Herald

MORGAN, CURTIS

Los administradores de los recursos acuiferos esperaban que su plan para pedir prestados hasta \$2,200 millones para la gestión de adquisición de tierras entre el gobernador Charlie Crist y U.S. Sugar, sería fácil de aprobar en las cortes. Por eso, hace siete meses sólo reservaron tres horas para la audiencia judicial.

El jueves, las discusiones finalmente terminaron en lo que resultó ser una batalla legal de meses, montada por la tribu Miccosukee y la azucarera rival Florida Crystals Corp. El problema deja el plan del South Florida Water Management District para financiar con bonos la compra de tierras por \$536 millones, y quizá el destino de la controvertida restauración de los Everglades, en manos del juez Donald Hafele, de la corte de circuito del Condado Palm Beach.

Al final de la audiencia, Eric Buermann, abogado que preside la junta directiva del distrito, parecía confiado en que Hafele aprobaría un plan financiero crucial para el cierre de la compra, aunque admitió que existe incertidumbre en cuanto a la cantidad, en gran medida debido a un tope de deudas que la legislatura estatal aprobó este año.

Buermann también restó importancia a los ataques de Dexter Lehtinen, abogado de la tribu, y de Joe Clock, representante de Crystals, quienes sostenían que la junta directiva del distrito había sido engañada por un empleado bajo presión de Tallahassee, con respecto a los enormes costos de construir depósitos y ciénagas de tratamiento de materias tóxicas que se planeaban para esas tierras.

Algunos documentos presentados en corte calcularon los posibles costos de restauración hasta en \$17,000 millones, una cifra que los administradores de los recursos acuiferos descartan y denominan "distorsionada", porque gran parte de la planificación actual es mayormente conceptual.

Buermann catalogó gran parte de las críticas como "tonterías sin sentido" que tienen pocas bases legales. "Es sofocarse y hacer ruido tratando de distraer al juez de la labor que tiene que hacer", dijo.

Aún así, los dos abogados usaron las audiencias de validación de los bonos, generalmente procesos relativamente sencillos, para atacar el plan de compra de tierras.

La cantidad de la emisión de bonos refleja el costo de la gestión original, que incluía más de 180,000 acres de U.S. Sugar, su central, ferrocarril y otras propiedades.

Eso se ha reducido a \$536 millones por 73,000 acres de campos de azúcar y sembrados de cítricos, que incluye una cuota de \$50 millones por una opción de 10 años para comprar las tierras restantes. Pero el distrito todavía persigue la cantidad total de \$2,200 millones como un tope para los bonos.

Klock y Lehtinen sostenían que el trato fue promovido por el gobernador con el fin de mejorar su imagen ecologista por motivos políticos, y que desviaría fondos de proyectos existentes, echaría atrás esfuerzos de restauración más amplios y aumentaría en miles de millones las deudas de una agencia que ya tiene muchos problemas con la caída de ingresos.

"Si los Everglades van a subsistir, esa gestión hay que eliminarla, porque no tiene nada que ver con la restauración de los Everglades", dijo Lehtinen. Hubo un momento en que Lehtinen mencionó la palabra "corrupto" al describir el plan, a lo cual el juez rápidamente reaccionó diciendo que no existía evidencia para esa acusación. Lehtinen aclaró eso diciendo que el proceso de aprobación era "genéricamente corrupto".

Los administradores del distrito y algunos ecologistas descartaron muchas de las acusaciones, catalogándolas de "desinformación" o de "distorsión".

El juez Hafele dijo que emitiría su dictamen "con toda celeridad", posiblemente en cuestión de dos semanas.

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Palm Beach County judges says he'll rule on Everglades restoration land deal in 2 weeks

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08/07/2009

Washington Examiner - Online

WEST PALM BEACH, FLA. — A Palm Beach County judge says he'll make a ruling in about two weeks on whether Florida's planned \$536 million deal to buy land from U.S. Sugar Corp. for Everglades restoration can move forward.

District Judge Donald Hafele announced his decision Thursday after listening to two and a half hours of closing arguments.

South Florida water managers plan to buy 73,000 acres of farmland from the company to construct reservoirs and water treatment marshes. The deal also leaves open the option for the state to purchase more land from the nation's largest cane sugar producer.

But U.S. Sugar's main rival, Florida Crystals, and the Miccosukee Indians claim it is an irresponsible use of taxpayer dollars and could further delay Everglades restoration efforts.

Everglades Restoration

08/07/2009

WCTV-TV - Online

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Florida Bay's Ecology on the Brink of Collapse

08/07/2009

WILX-TV - Online

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ISLAMORADA, Fla. Boat captain Tad Burke looks out over Florida Bay and sees an ecosystem that's dying as politicians, land owners and environmentalists bicker.

He's been plying these waters for nearly 25 years, and has seen the declines in shrimp and lobster that use the bay as a nursery, and less of the coveted species like bonefish that draw recreational sportsmen from around the world.

'Bonefish used to be very prevalent, and now we don't see a tenth of the amount that we used to find in the bay, and even around the Keys because the habitat no longer supports the population,' says Burke, head of the Florida Keys Fishing Guides Association.

Experts fear a collapse of the entire ecosystem, threatening not only some of the nation's most popular tourism destinations Everglades National Park and the Florida Keys but a commercial and recreational fishery worth millions of dollars.

Florida Bay is a sprawling estuary at the state's southern tip, covering nearly three times the area of New York City.

The headwaters of the Everglades starting some 300 miles north near Orlando used to end up here after flowing south in a shallow sheet like a broad, slow-moving river, filtering through miles of muck, marsh and sawgrass.

Historically, the bay thrived on that perfect mix of freshwater from the Everglades and saltwater from the adjacent Gulf of Mexico. It was a virtual Garden of Eden, home to a bounty of wading birds, fish, sea grasses and sponges.

But to the north of the bay, man's unforgiving push to develop South Florida has left the land dissected with roads, dikes and miles of flood control canals to make way for homes and farms, choking off the freshwater flow and slowly killing the bay.

The ill effects extend even across the narrow spit of land that makes up the Florida Keys to the shallow coral reefs in the Atlantic Ocean. Many popular commercial fish like grouper and snapper begin their lives in the bay before migrating into the ocean to the reefs.

'If Florida Bay heads south and there's a lot less fish in there, well, when that's done, it's all over down here,' Burke says. 'When that goes, your reefs are going to go, too, and it'll just be a chain reaction.'

'You could argue that the bay has already collapsed,' he adds.

Algae blooms block life-giving sunlight from penetrating the water's surface. Sea grasses that filter the water and provide habitat for the food chain are dying. And some migratory birds aren't returning.

'The health of Florida Bay is very much tied to the state of the Everglades, and the Everglades isn't improving either,' says Tom Van Lent, senior scientist with the not-for-profit Everglades Foundation. 'Their fates are one and the same.'

For decades, the state has struggled to find a way to restore natural flow through the Everglades and curb the pollution caused by runoff from sugar farms, cow pastures and urban sprawl. It is the largest such wetlands restoration effort ever.

'Having that water coming down from the Everglades is key,' says Rob Clift of the National Parks Conservation Association. 'It has to be restored.'

Attempts to fix the Everglades by constructing water treatment marshes and reservoirs, among other things, have been dogged by politics, funding shortfalls, and contentious, litigation-filled disagreements over the best solutions. And while land has been purchased and some projects completed, key restoration components are undone.

'It's really aggravating,' Burke says. 'We've seen very little, if any, really ground breaking projects that would help change the flow into Florida Bay.'

A litany of lawsuits filed by parties favoring one solution over another are partly to blame, says Carol Wehle, executive director of the South Florida Water Management District, the state agency overseeing Everglades restoration.

Name an environmental group, and the agency has been sued by them.

While pro-environment groups say their lawsuits are not designed to stop restoration but to improve projects litigation inevitably creates delays. And some plaintiffs, like Florida Crystals, a major sugar producer which farms in the Everglades, is trying to protect its business.

Wehle calls them all 'obstructionists,' including the Miccosukee Tribe of Indians who have her agency back in court Aug. 6 for closing arguments in yet another lawsuit.

'There are a handful of people that choose not to participate in this process and instead use litigation, and who is losing? The environment is losing,' Wehle says.

The Miccosukee, who call the Everglades their ancestral home, have sued the water district repeatedly. In the current case, the tribe and Florida Crystals are trying to block the state's planned \$536 million purchase of land in the Everglades from another sugar giant, U.S. Sugar Corp.

The water district says the deal is a historic opportunity to take sugar out of production and provide land to build much-needed reservoirs and treatment areas to clean and store water.

Tribe spokeswoman Joette Lorion says the deal could end up costing taxpayers billions of dollars, leaving little money to pay for restoration projects, and will create more delays as officials figure out exactly what to do with the new land. Florida Crystals also argues the purchase would give its main competitor an unfair business advantage.

'Meeting upon meeting, and the Everglades continues to die,' Lorion says.

Back on Florida Bay, Burke just wants something done before it's too late. To the casual visitor, the area is stunning even today. But Burke knows better.

'In a lot of ways,' he says, 'it's still pristine and beautiful down here, but it's also on its last dying breath.'

Closing arguments end in lawsuit against Everglades land deal

08/07/2009

Sun Sentinel

Reid, Andy

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WEST PALM BEACH - Opponents to a half-billion-dollar Everglades land buy Thursday called for a judge to kill the deal they say sprang from political pressure applied by Gov. Charlie Crist and survived "misrepresentations" by South Florida water managers.

Months of on-again, off-again hearings ended Thursday with challengers getting one more chance to try to sway Palm Beach County Circuit Court Judge Donald Hafele to torpedo financing to buy farmland that would be used for Everglades restoration.

Hafele is expected to issue his ruling later this month, with expectations that it will be appealed by one side or the other to the Florida Supreme Court.

Environmental groups hail Crist's proposed deal to buy 73,000 acres from U.S. Sugar as a historic opportunity to acquire land needed to restore water flow in the Everglades.

The district wants to borrow as much as \$2.2 billion, with an initial \$536 million going toward the 73,000-acre purchase. South Florida taxpayers will be asked to pay off the debt.

Opponents, including the Miccosukee Tribe and U.S. Sugar competitor Florida Crystals, question the deal's cost and contend it takes money away from other delayed Everglades restoration projects.

Miccosukee attorney and Everglades advocate Dexter Lehtinen said that the high-priced deal was just another example of "schemers and dreamers" making Everglades restoration promises they won't keep.

"If the Everglades is to survive, this deal needs to be killed," Lehtinen told the judge Thursday.

Lehtinen said staff members at the South Florida Water Management District -- the agency that leads Everglades restoration -- made "misrepresentations" about the agency's ability to buy the land and still afford the multibillion-dollar costs to build reservoirs and treatment areas envisioned to get clean water to the Everglades.

Florida Crystals attorney Joe Klock said the judge should not allow the district's un-elected board to use a unique method of bond financing to borrow the money needed to make the deal.

The district's board of directors is appointed by the governor, which according to Klock means the agency has "only one constituent. He's in Tallahassee."

After the hearing, district Board Chairman Eric Buermann defended the way his agency handled the proposed land deal, which was twice scaled down because of the struggling economy.

Buermann said the deal was subject to months of public scrutiny and that opponents' implications during the hearings that there were any misrepresentations were "disappointing," Buermann said.

"It's huffing and puffing and trying to distract the judge," Buermann said.

The deal would allow U.S. Sugar to lease back much of that 73,000 acres for as long as 20 years until the district is ready to use the land. The deal also includes an option to buy 107,000 additional acres for future restoration efforts.

The judge could opt to approve the deal, but set a lower borrowing limit. Hafele acknowledged concerns about the cost of the deal, particularly after the Florida Legislature this spring set new limits on the district's borrowing power.

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

Judge expected to rule later this month

08/07/2009

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Orlando Sentinel - Online

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Judge to decide next step for U.S. Sugar land deal

08/06/2009

Miami Herald

Morgan, Curtis

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Water managers once hoped their plan to borrow as much as \$2.2 billion for Gov. Charlie Crist's land deal with U.S. Sugar would breeze through judicial approval, setting aside just three hours for the hearing seven months ago.

On Thursday, the arguments finally ended in what turned out to be a months-long legal battle mounted by the Miccosukee Tribe and U.S. Sugar rival Florida Crystals Corp. Their challenge leaves the South Florida Water Management District plan to bankroll the \$536 million land-buy with bonds -- and perhaps the fate of the controversial Everglades restoration deal -- in the hands of Palm Beach County Circuit Judge Donald Hafele.

Afterward, Eric Buermann, a Miami attorney who chairs the district's governing board, sounded confident that Hafele would approve a financing plan crucial to closing the purchase -- though he admitted there was uncertainty about the full amount, largely because of a debt cap the Florida Legislature passed this year.

Buermann also dismissed blistering attacks from tribe attorney Dexter Lehtinen and Crystals counsel Joe Klock, who both contended that the board had been misled by an executive staff -- under pressure from Tallahassee -- about the staggering costs of building reservoirs and pollution-treatment marshes envisioned for the land.

District documents introduced in court put some of the restoration schemes as high as \$17 billion, a figure water managers dismissed as distorted because much of the ongoing planning is only conceptual.

`SILLY NONSENSE'

Buermann dismissed much of the criticism as "`silly nonsense" from opponents standing on thin legal ground. "`It's huffing and puffing to try to distract the judge from the job he has to do," he said.

Still, the two attorneys used the bond-validation hearings, usually cut-and-dry proceedings, to launch a broad attack on board oversight and a deal that the governor downsized three times as the state's economy and tax revenues plunged.

The bond issued amount reflects the cost of the original deal, which was for all of U.S. Sugar's 180,000-plus acres, its mill, railroad and other assests.

That has since been downsized to \$536 million for 73,000 acres of sugar fields and citrus groves, which includes a \$50 million fee for a 10-year option to purchase the remaining land.

The district, however, is still pursuing the full \$2.2 billion as a ceiling for the bonds.

`SHOULD BE KILLED'

Klock and Lehtinen argued the deal was driven by a governor looking to enhance his green image for political reasons, and that it would siphon funds from existing projects, push broader restoration efforts back decades and pile billions

more in debt onto the plate of an agency already grappling with declining revenues.

“If the Everglades is to survive, this deal should be killed because it has nothing to do with Everglades restoration,” Lehtinen said.

At one point, Lehtinen dropped in the word “corrupt” in describing the deal, drawing a quick response from the judge that no evidence supported that charge. Lehtinen clarified the comment, calling the approval process “generically corrupted.”

Klock singled out Ken Ammon, a district deputy in charge of Everglades restoration, mocking his efforts to justify how some of the far-flung parcels would be used to help the Everglades -- even as the terms and scope of the deal repeatedly shifted.

“He can make the argument that maybe even something two or three miles off shore can be valuable to Everglades restoration,” Klock said.

Water managers and environmentalists dismissed many of the charges as disinformation or distortion.

Though the board didn't publicly delve much, if at all, into project costs, Buermann said he and other members were privately briefed on projections that ran into the billions -- though he not heard any estimates as high as \$17 billion.

‘THE BENEFITS’

The deal, he told reporters after, was worth it and would help resolve water supply and quality problems affecting not just the Everglades but Lake Okeechobee, rivers and city well fields. “Nobody has asked about the benefits. What about the benefits?”

Chris Lamia and Fred Springer, two Tallahassee attorneys the district hired for the bond hearing, repeatedly told the judge that legal precedent dictated he should defer to the judgment of the district's board and rule on narrow legal questions: Was the district authorized to issue bond-like instruments called certificates of participation; would the project be for a public purpose; did the board do anything patently erroneous?

“I think you're trying to be maneuvered into a position that is improper,” Springer told the judge. Their argument was bolstered by Maureen Hackett, an assistant Palm Beach County state attorney, who said the bond issue had been signed off on by the state attorneys representing all 16 counties where the district collects property taxes.

‘REAL CONCERN’

She said the bond met all legal hurdles but there was “real concern” about whether the full \$2.2 billion would violate the new debt cap ordered by the Legislature.

Hafele said he would issue a ruling “with all dispatch,” possibly within two weeks.

Judge to rule on Everglades land deal in 2 weeks

08/06/2009

Associated Press (AP) - Tallahassee Bureau

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WEST PALM BEACH, Fla._A Palm Beach County judge says he'll make a ruling in about two weeks on whether Florida's planned \$536 million deal to buy land from U.S. Sugar Corp. for Everglades restoration can move forward.

District Judge Donald Hafele announced his decision Thursday after listening to two and a half hours of closing arguments.

South Florida water managers plan to buy 73,000 acres of farmland from the company to construct reservoirs and water treatment marshes. The deal also leaves open the option for the state to purchase more land from the nation's largest cane sugar producer.

But U.S. Sugar's main rival, Florida Crystals, and the Miccosukee Indians claim it is an irresponsible use of taxpayer dollars and could further delay Everglades restoration efforts.

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Life in Florida bay nearing death

08/06/2009

Brunswick News

BRIAN SKOLOFF

ISLAMORADA, Fla. -- Boat captain Tad Burke looks out over Florida Bay and sees an ecosystem that's dying as politicians, land owners and environmentalists bicker.

He's been plying these waters for nearly 25 years, and has seen the declines in shrimp and lobster that use the bay as a nursery, and less of the coveted species like bonefish that draw recreational sportsmen from around the world.

'Bonefish used to be very prevalent, and now we don't see a tenth of the amount that we used to find in the bay, and even around the Keys because the habitat no longer supports the population,' says Burke, head of the Florida Keys Fishing Guides Association.

Experts fear a collapse of the entire ecosystem, threatening not only some of the nation's most popular tourism destinations -- Everglades National Park and the Florida Keys -- but a commercial and recreational fishery worth millions of dollars.

Florida Bay is a sprawling estuary at the state's southern tip, covering nearly three times the area of New York City.

The headwaters of the Everglades -- starting some 300 miles north near Orlando -- used to end up here after flowing south in a shallow sheet like a broad, slow-moving river, filtering through miles of muck, marsh and sawgrass.

Historically, the bay thrived on that perfect mix of freshwater from the Everglades and saltwater from the adjacent Gulf of Mexico. It was a virtual Garden of Eden, home to a bounty of wading birds, fish, sea grasses and sponges.

But to the north of the bay, man's unforgiving push to develop South Florida has left the land dissected with roads, dikes and miles of flood control canals to make way for homes and farms, choking off the freshwater flow and slowly killing the bay.

The ill effects extend even across the narrow spit of land that makes up the Florida Keys to the shallow coral reefs in the Atlantic Ocean. Many popular commercial fish like grouper and snapper begin their lives in the bay before migrating into the ocean to the reefs.

'If Florida Bay heads south and there's a lot less fish in there, well, when that's done, it's all over down here,' Burke says. 'When that goes, your reefs are going to go, too, and it'll just be a chain reaction.'

'You could argue that the bay has already collapsed,' he adds.

Algae blooms block life-giving sunlight from penetrating the water's surface. Sea grasses that filter the water and provide habitat for the food chain are dying. And some migratory birds aren't returning.

'The health of Florida Bay is very much tied to the state of the Everglades, and the Everglades isn't improving either,'

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says Tom Van Lent, senior scientist with the not-for-profit Everglades Foundation. 'Their fates are one and the same.'

For decades, the state has struggled to find a way to restore natural flow through the Everglades and curb the pollution caused by runoff from sugar farms, cow pastures and urban sprawl. It is the largest such wetlands restoration effort ever.

'Having that water coming down from the Everglades is key,' says Rob Clift of the National Parks Conservation Association. 'It has to be restored.'

Attempts to fix the Everglades by constructing water treatment marshes and reservoirs, among other things, have been dogged by politics, funding shortfalls, and contentious, litigation-filled disagreements over the best solutions. And while land has been purchased and some projects completed, key restoration components are undone.

'It's really aggravating,' Burke says. 'We've seen very little, if any, really ground breaking projects that would help change the flow into Florida Bay.'

A litany of lawsuits filed by parties favoring one solution over another are partly to blame, says Carol Wehle, executive director of the South Florida Water Management District, the state agency overseeing Everglades restoration.

Name an environmental group, and the agency has been sued by them.

While pro-environment groups say their lawsuits are not designed to stop restoration -- but to improve projects -- litigation inevitably creates delays. And some plaintiffs, like Florida Crystals, a major sugar producer which farms in the Everglades, is trying to protect its business.

Wehle calls them all 'obstructionists,' including the Miccosukee Tribe of Indians who have her agency back in court Aug. 6 for closing arguments in yet another lawsuit.

'There are a handful of people that choose not to participate in this process and instead use litigation, and who is losing? The environment is losing,' Wehle says.

The Miccosukee, who call the Everglades their ancestral home, have sued the water district repeatedly. In the current case, the tribe and Florida Crystals are trying to block the state's planned \$536 million purchase of land in the Everglades from another sugar giant, U.S. Sugar Corp.

The water district says the deal is a historic opportunity to take sugar out of production and provide land to build much-needed reservoirs and treatment areas to clean and store water.

Tribe spokeswoman Joette Lorion says the deal could end up costing taxpayers billions of dollars, leaving little money to pay for restoration projects, and will create more delays as officials figure out exactly what to do with the new land. Florida Crystals also argues the purchase would give its main competitor an unfair business advantage.

'Meeting upon meeting, and the Everglades continues to die,' Lorion says.

Back on Florida Bay, Burke just wants something done before it's too late. To the casual visitor, the area is stunning even today. But Burke knows better.

'In a lot of ways,' he says, 'it's still pristine and beautiful down here, but it's also on its last dying breath.'

Florida Crystals Supports True Everglades Restoration

08/06/2009

PR Newswire

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WEST PALM BEACH, Fla., Aug. 6 /PRNewswire/ -- Florida Crystals has supported and continues to support true Everglades restoration. We recognize that restoration of the Everglades is critical for long-term sustainable agriculture in South Florida.

As an advocate for true Everglades restoration, we were compelled to challenge, along with the Miccosukee Tribe of Indians, the proposed bond validation to finance the acquisition of U.S. Sugar lands, because it is a gross misuse of public funds and a departure from the Everglades restoration plan the state and federal governments and all other interested stakeholders, including farmers, have been working toward for more than a decade. The proposed deal is a substantial road block to the implementation of projects that would have a meaningful impact on restoration.

The District's proposed acquisition will essentially divert all available funding to a land purchase without a purpose. District witnesses admitted in Court that, after incurring the purchase debt, the District will have no financial ability to do anything with the land.

Many proponents of this deal have claimed it will benefit water supply, estuary relief and water quality, but the District's Executive Director admitted under cross examination that none of these benefits will result naturally from this land purchase. All would require the planning, construction, operation and maintenance of massive public infrastructure that the District has no ability to undertake and no plan to build or finance. The land purchase, therefore, serves no purpose except to terminate or indefinitely postpone decades of planned projects that could provide meaningful restoration.

Florida Crystals has participated fully and exhaustively in the District's public planning process for Everglades restoration. Florida Crystals has publicly proposed alternatives that would require far less land, have a fraction of the total cost and provide better benefits to both the Everglades and to Lake Okeechobee, which is suffering from severe nutrient enrichment problems from northern basins.

We are hopeful that, regardless of the outcome of the current court proceedings, the District will go back to the drawing board to craft a realistic and fiscally prudent plan that can actually be implemented and provide real benefits.

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SHOWDOWN IN PALM BEACH COUNTY COURTROOM FOR CRIST'S EVERGLADES DEAL

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08/06/2009

Sun Sentinel

Opponents to Gov. Charlie Crist's half-billion-dollar Everglades restoration land buy this afternoon get their last chance to convince a judge to torpedo the deal.

Closing arguments for the months of on-again, off-again hearings are scheduled for 2:30 p.m. before Palm Beach County Circuit Judge Donald Hafele.

Crist proposes spending \$536 million to buy 73,000 acres from U.S. Sugar Corp., with an option to purchase 107,000 acres more. The land would be used to build reservoirs and treatment areas to help restore water flows to the Everglades.

The South Florida Water Management District, which leads Everglades restoration, needs the judge's approval to borrow the money for the deal. South Florida taxpayers would pay off the debt.

Opponents, led by U.S. Sugar's rival sugar producer Florida Crystals, question the cost of the deal and contend it will take money away from other delayed Everglades restoration projects.

However Hafele rules, the case is expected to be appealed to the Florida Supreme Court.

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