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Ask more questions before buying U.S. Sugar land

08/11/2009
Miami Herald, The
SAM POOLE

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Your Aug. 7 editorial Life or death? states, "Time's running short for the Everglades and Florida Bay." Amen.

One cannot overstate the decline of the Everglades, Florida Bay and Lake Okeechobee. Congress' failure to fund the 50-percent federal share of the Comprehensive Everglades Restoration Project (CERP) approved in 2000 put restoration efforts eight years behind schedule. The only successful restoration effort to date is phosphorus removal from the Everglades Agricultural Area (EAA) flows into the Everglades.

No one questions the urgent need to get restoration under way. The question is whether the unilateral decision to purchase U.S. Sugar lands advances restoration. We are all tempted by once-in-a-lifetime opportunities. Responsible people ask: "Do I need what is offered? What must I give up? Should I check with my partners?"

Is this land needed? Florida Crystals asked the leading Everglades restoration design firm to prepare a proposal for a cost-shared amendment to CERP to meet updated flow targets for the Everglades, Florida Bay and the Caloosahatchee and St Lucie Estuaries. The Burns & McDonnell plan greatly improves the performance of CERP, at an additional cost of \$2-\$3 billion. The plan converts about 62,000 acres of sugar cane land to store and treat polluted Lake Okeechobee water and send the clean water south to restore the Everglades and Florida Bay. Only a small part of the US Sugar lands are in the Burns & McDonnell plan. Nearly half of the initial 73,000-acre purchase has no use in Everglades restoration.

Rational thinking requires that we first ask, What land is needed for restoration? rather than purchasing 180,000 acres that are not a part of any plan and then asking, Can we use this land for restoration? When one spends dearly to buy land in advance of planning, the plan will inevitably be shaped by the purchase, rather than what is best for environmental restoration.

Nowhere is this principle more evident than the plans for the U.S. Sugar transaction presented to the south florida water Management District Governing Board last October. Science-based restoration plans to save Lake Okeechobee, several years in preparation, called for storing and treating stormwater runoff from developments between Orlando and Lake Okeechobee before the water entered the lake. The plans presented in October eliminated most storage north of the lake and sent this stormwater from Orlando through the lake to be stored in the EAA.

“What is the cost/What must I give up?” CERP is now estimated to cost \$12 billion. Even with 50-percent federal funding, South Florida taxpayers face a large tax bill. Constructing newly proposed reservoirs on the U.S. Sugar land will cost \$14 billion to \$17 billion. Add in \$200-\$400 million per year to maintain and operate the reservoirs, plus land cost, all funded 100 percent by South Florida taxpayers, and the financial resources of the District are more than exhausted.

Florida Crystals' concern, as a long-term partner in Everglades restoration, is that construction of critically needed projects will be deferred or eliminated in order to buy land for unaffordable projects that are not part of any restoration plan agreed to by the restoration partnership.

“Should I check with my partners?” Unilateral decisions on major issues strain partnerships. Restoration will be a 40-year team effort of public, tribal, landowner and nongovernment interests. Trust among these partners that decisions are rational, science-based and transparent is fundamental to success. The U.S. Sugar transaction is a trust buster.

We have lost more than a year of restoration debating the U.S. Sugar transaction. Restoration would be better served by deferring the purchase, ending the media campaigns and convening a public discussion among all restoration partners focused on getting restoration back on track and what role a U.S. Sugar transaction might play in that effort.

Sam Poole is a shareholder with the Florida business law firm of Berger Singerman, which represents Florida Crystals Corp. He was executive director of the South Florida Water Management District from 1994-99 and is a past chair of the South Florida Ecosystem Restoration Task Force Working Group.

Eric Buermann: Now is the time to make U.S. Sugar purchase a reality

08/10/2009

Scripps Treasure Coast Newspapers

Eric Buermann

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There is no mistaking the groundswell of support for the South Florida Water Management District's purchase of land from U.S. Sugar Corp. for Everglades restoration. Leaders in national, state and local governments have publicly endorsed the acquisition, calling it, in the words of the secretary of the U.S. Department of the Interior, “an historic turning point for the largest watershed restoration project in the world.”

Environmental groups, the watchdogs of restoration progress, have proclaimed this an important step forward, a “priceless, breathtaking opportunity.” And newspapers from Miami to Pensacola, as well as others across the nation, agree with our view: that this is “fresh hope” — in the opinion of The New York Times — for protecting and restoring America's Everglades.

This makes the legal challenge by a small minority of interests who oppose the land acquisition a frustrating step along the path to progress. To be clear, their challenge does not oppose environmental improvements. It does not question the need for more water storage and treatment. Instead, the challengers are using the procedural step of court validation of the district's bonds for financing the acquisition as an attempt to simply block the deal.

Let me remind the naysayers where this land purchase will take us. Owning vast acreage south of Lake Okeechobee presents an unprecedented opportunity for water storage and treatment — the very backbone of restoration success. More reservoirs will mean fewer freshwater discharges from Lake Okeechobee into the St. Lucie and Caloosahatchee rivers and their fragile estuaries. More treatment marshes will improve delivery of cleaner water to the water conservation areas and Everglades National Park. And the once-common practice of “backpumping” water into Lake Okeechobee will become a thing of the past.

These environmental benefits are important to South Florida's future, and we stand on the brink of acquiring the land to achieve them. At no other time in recent history — including when the Comprehensive Everglades Restoration Plan was developed in the 1990s — has acreage of this magnitude been made available to the public to serve our collective needs. Indeed, if such acreage had been available when CERP was being designed, the framework of projects for Everglades restoration would have turned out very differently.

In negotiating this exceptional purchase, the district has prudently modified the contract terms to reflect changing fiscal realities. We have identified key parcels for the initial acquisition. And we have moved steadily forward with a public planning process to put the best project ideas on the table. When a once-in-a-lifetime opportunity like this

arises, it takes vision and resolve to move forward despite attempts by a vocal minority to throw down roadblocks. I can assure you that we see the vision. And we are resolved to build a healthier environment for South Florida. Now is the time to make this happen.

Buermann is chairman of the South Florida Water Management District Governing Board.

Gaston Cantens: U.S. Sugar deal would divert resources from projects that will save the Everglades

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08/10/2009

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Gaston Cantens

Florida Crystals supports true Everglades restoration. As the first Everglades Agricultural Area farmer to sign off on the historic Everglades Settlement Agreement nearly 15 years ago, we have wholeheartedly supported restoration; we recognize it is crucial to the long-term survival of South Florida's sustainable agriculture. With other EAA farmers, we have contributed hundreds of millions of dollars and given tens of thousands of acres of fertile farmland for restoration.

As an advocate for the construction of Everglades projects, we were compelled to challenge the South Florida Water Management District's bond validation to finance its purchase of U.S. Sugar's lands. 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 roadblock to the construction of projects that would have meaningful restoration results. In fact, a massive project was under way and canceled because of this deal.

While often spoken of in platitudes about "historic opportunity" and presented as some vague, grander "vision" for restoration, the unfortunate reality of this deal is it will divert all available funding — dollars that would have gone to planned, ready-to-go projects — to purposeless land acquisition. District witnesses confirmed this in court by admitting that after incurring the purchase debt, they will have no financial ability to do anything with the land.

District officials tout their "vision" of water supply and quality resulting from this purchase, but the district's executive director admitted in court none of these benefits will flow naturally from the purchase. All require construction, operation and maintenance of massive public projects the district has no ability to undertake.

Buzzwords like "historic opportunity" and "reduced price" are used to divert attention from the fact the projects upon which the benefits are premised would, according to the district's chief engineer, cost between \$14 billion to \$17 billion to build and \$387 million to \$452 million annually to operate. The district has no plan to approach paying for this. In a time of economic strife, the public will needlessly have \$550 million to \$650 million more in debt (after issuance costs), and U.S. Sugar will continue to farm the land it "sold". This land buy will merely cancel projects that could provide meaningful restoration.

Florida Crystals has exhaustively participated in the district's public planning process and publicly proposed alternatives requiring far less land at a fraction of the total cost and providing better benefits to the Everglades and Lake Okeechobee, which is dying from severe nutrient overloads from northern basins.

We hope, regardless of the outcome of the court proceedings, the district will go back to craft a realistic and fiscally prudent plan that can actually be implemented and provide real benefits like the Comprehensive Everglades Restoration Plan from which we have deviated as a result of this latest "silver bullet."

Cantens, a former state representative is a vice president of Florida Crystals Corp.



