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**Sugar's sweet deal sours Glades' prospects**

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12/26/2009  
Orlando Sentinel  
Thomas, Mike

The world's largest empty swimming pool, a massive 26-square-mile reservoir two years in the making, sits high and dry in the middle of the Everglades, abandoned after taxpayers invested \$280 million building it.

The original intent was to store water that would be used to nourish the nation's most endangered swamp. But last September, the South Florida Water Management District paid the contractor \$12 million just to walk away from the job.

The district blames environmental groups for filing a lawsuit against the project, which is complete rubbish. They supported the reservoir and wanted to see it finished. Their litigation was aimed at ensuring the water in it would go to the Everglades and not farmers. This is clearly documented in court records, correspondence and even a news release put out by the Natural Resources Defense Council when the lawsuit was filed.

So why blame the environmentalists?

A more realistic explanation is that the district ran out of money. And the reason for that is Gov. Charlie Crist's intervention in the ongoing Everglades-restoration project.

In June 2008, Crist announced a blockbuster deal to buy out U.S. Sugar Corp. and use its 187,000 acres of farmland to store and cleanse water in the massive swamp. But it morphed into a sweetheart deal for U.S. Sugar.

And now it's very much a tossup whether Crist's plans will save the Everglades or doom them.

This isn't easy for me to write because, as a big Glades guy, I was one of those who showered Charlie with confetti 18 months ago.

For decades, the politically powerful sugar growers have held on to their land with a death grip. And that pretty much thwarted plans to save the dying ecosystem because their farms sat in the heart of the Glades, on top of thick muck soil that is black gold to the farmers.

The farms covered about 500,000 acres south of Lake Okeechobee. This blocked the natural southern flow of water from the lake into the remaining Glades. It also displaced billions of gallons of water that once covered this land, making the whole region more prone to floods, droughts and pollution.

Competing interests, political complexities, prohibitive costs and myriad government agencies thwarted restoration efforts for decades. But finally, in 2002, the state and federal government agreed on a plan designed around the sugar farms.

Naturally, it got bogged down. The feds didn't come up with their share of the loot. To finally get something going, then-Gov. Jeb Bush jump-started the plan in 2005 with an infusion of state money. This got construction of the massive reservoir under way. It would have been bigger than Lake Apopka.

Even so, it would not have been enough. The problem of inadequate water storage remained because the sugar land was off limits.

Crist's deal to buy out U.S. Sugar was to be the missing link. It meant an overhaul of the 2002 plan, but that was an acceptable trade-off given that, at long last, a permanent solution to the Everglades was in sight.

Lost in the celebration was the reality that we couldn't afford the \$1.7 billion price tag. So Crist shrank the deal, and we still couldn't afford it. So he shrank it again, this time to \$536 million for 73,000 acres.

Every time the deal got smaller, it got sweeter for U.S. Sugar. The reason was obvious. Crist had so much political capital invested, he had to salvage something. That gave the farm the upper hand in negotiations. U.S. Sugar also had two of the biggest Republican lobbyists in Tallahassee on its payroll, Brian Ballard and J.M. "Mac" Stipanovich. Ballard has been one of Crist's key fundraisers.

The farm demanded that the water district buy its three citrus groves totaling 32,000 acres. The district agreed even though the groves are far-flung, and it may well end up selling one of them as surplus.

Why was U.S. Sugar so eager to dump the groves? A deadly citrus-tree disease known as "greening" is devastating the industry. Some experts have predicted it could wipe out citrus in Florida. Growers have spent millions of dollars battling it by spraying and bulldozing trees.

One of the hardest-hit groves, covering almost 18,000 acres, is owned by Southern Gardens Citrus, a subsidiary of U.S. Sugar. In January, The Palm Beach Post quoted Southern Gardens' plant scientist, Mike Irely, as saying, "We can't continue to do what we are doing. The price of fruit and juice is down. Production costs are up 40 to 50 percent."

The price of groves also has fallen considerably.

Now U.S. Sugar gets to unload its citrus land and then keep farming the groves without paying a lease. Most of its profitable sugar-growing land is left out of the deal. And it can lease back the sugar land it does sell to the state for up to 20 years. That may well happen because the district doesn't have the billions of dollars required to build marshes and reservoirs on it.

There also is no telling when it would have the money to buy the remaining U.S. Sugar property. The district is funded by property taxes, which have taken a major dive in South Florida.

"Sitting here today, no, we don't have a funding source, but we are beginning to work on getting a funding source," said water district Chairman Eric Buermann, a Crist appointee. "We will need help from the state and federal government."

Both of which also are flat broke.

As flawed as the 2002 plan was, at least it was a plan, and it had moved off dead center. That can't be underestimated when you're talking about the Everglades. The land purchase already is tangled up in the courts, challenged by another sugar grower, Florida Crystals, because it gives U.S. Sugar such a competitive advantage over the other farms.

Says district board member Mike Collins, "The whole thing is just bizarre."

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## Everglades once again will make headlines

12/26/2009

News-Press

Lollar, Kevin

1:10 A.M. — During last year's look-ahead series, The News-Press said Everglades restoration would be a big story in 2009, and it was with the South Florida Water Management District's plans to buy 73,000 acres of U.S. Sugar land.

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Everglades restoration will be news in 2010, too.

On Jan. 7, the Picayune Strand restoration project will get under way in Collier County.

The project's goal is to restore the natural hydrology to 55,000 acres drained in the early 1960s as part of the failed Golden Gate Estates housing development.

2009-Year in review

In February, contractors, including Wright Construction Group of Fort Myers, will begin work on the C-111 canal project in Miami-Dade County.

Before the C-111 was built, fresh water from Taylor Slough flowed into central Florida Bay to keep the estuary's salinity in balance.

The canal, though, drained large amounts of water from the slough and sent it in to the eastern end of the bay, so the salinity rose in the estuary. As a result, bird, fish and invertebrate populations declined.

The project will restore natural flows into Florida Bay.

Other 2010 environmental news:

- Fort Myers Beach will undergo a beach nourishment project.

Sand will be placed on the beach from Bowditch Point to Lynn Hall Park.

The original plan was to nourish the beach from Bowditch Point to Sterling Avenue, but more than 100 owners of beach properties refused to sign easements that would allow the county put sand on their property.

Work is expected to begin this summer.

- The Environmental Protection Agency will set limits on nutrients entering Florida's waterways.

In 2008, the Sierra Club, the Conservancy of Southwest Florida, Florida Wildlife Federation and other groups sued the EPA to set numeric standards for nutrient runoff.

According to the settlement in the case, the EPA must propose its new nutrient limits by Jan. 14; the rule must be finalized by October.

Excess nutrients have caused large algal blooms in the Caloosahatchee River, its estuary and the Gulf of Mexico off Lee County, so reducing nutrients will help reduce algal blooms.

- Florida's Department of Environmental Protection is looking to prohibit single-use plastic and paper bags.

In October, the DEP released a draft report recommending the Legislature prohibit retail establishments from providing paper and plastic bags to customers.

The report was withdrawn, but the DEP is considering rules for retail bags and will present a final report to the

Legislature by Feb. 1.

- On a more speculative note, Colorado State University's Bill Gray and his tropical weather forecasters have predicted an above-average hurricane season.

According to Gray, 11 to 16 named storms will form during the 2010 season (the average is 9.6), six to eight hurricanes (the average is 5.9) and three to five intense hurricanes (the average is 2.3).

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## More garbage pollutes the Everglades

12/25/2009

Orlando Sentinel

Schaffner, Victor

There are plenty of reasons to doubt whether Gov. Crist's \$536 million deal to purchase U.S. Sugar land will help complete a restoration of the Everglades. But there's no reason for an opponent of Mr. Crist's effort to distort it with a devious poll it released on Monday.

Associated Industries of Florida said a recent AIF-Zogby International survey shows 86 percent of likely Florida voters oppose the governor's land purchase. But here's how they got that number. They asked, "Do you support or oppose the state government spending \$536 million of taxpayers' money to buy 73,000 acres of farmland from U.S. Sugar Corp. in the Everglades and then leasing it back to the same company?"

They didn't mention that it's being purchased to help water managers restore the River of Grass, that the lease-back is expected to be temporary and that only taxpayers in 16 counties will pay the bill.

AIF then seemed bent on using the gamed results to threaten water management officials who approved the deal. AIF said a subsequent question found that people overwhelmingly think the state's water managers should be elected, rather than appointed, as happens now.

Mr. Crist's plan to restore the Everglades ultimately may not work. Environmentalists agree the purchased acres aren't enough to restore a critical water flow from Lake Okeechobee to Florida Bay. And it's not a lock that water managers later will be able to afford the purchase of thousands more acres and the construction of the infrastructure needed for a more credible restoration effort.

AIF's effort to taint the effort with its garbage poll only serves to soil its own standing, however. The restoration – and the majority of Floridians who actually support it — are bigger than AIF is.

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## Cruising for confrontation

12/24/2009

Palm Beach Post

Engelhardt, Joel

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Who failed Scripps 101? Port of Palm Beach commissioners, that's who. It was inexcusable, especially since they were warned.

Last Thursday, Commissioners Ed Oppel, Jean Enright, George Mastics, Wayne Richards and Blair Ciklin selected a site in the sugar cane fields south of Lake Okeechobee for a proposed inland port, a \$300 million rail hub and distribution center. The site is near the U.S. Sugar land Gov. Crist wants to buy for water storage as part of Everglades restoration.

The owner of the commission's preferred inland port site, the Fanjul family's Florida Crystals, argues that the site next to its Okeelanta mill already is industrial and never will be part of Everglades restoration. To accept that argument, however, is to believe that the mill will be there forever.

Port commissioners liked the site because of its location in the county where they are elected and its promise of jobs for a long-ignored constituency — low-income Glades residents. The jobs, however, become just another unfulfilled promise if litigation slows and eventually stops construction.

And litigation is certain, the port commissioners were warned by a veritable Who's Who of South Florida environmentalists. Audubon of Florida, Sierra Club, Clean Water Action, 1000 Friends of Florida and Everglades Foundation representatives squeezed into the tiny meeting room. One by one, they rose to tell commissioners that if they want to avoid being sued or dragged into decades-old Everglades cleanup litigation, they should avoid that site.

The message didn't get through. Three commissioners — Ms. Enright, Mr. Oppel and Mr. Mastics — assigned the Florida Crystals' site four points out of five on environmental impact. Quoting Sierra Club founder John Muir, as one speaker did, was about as useful as telling Palm Beach County commissioners that maybe, just maybe, they should wait until the lawsuits were done before starting construction of Scripps at Mecca Farms.

Palm Beach County invested nearly \$120 million at Mecca before an environmental lawsuit stopped the work. Former Commissioners Mary McCarty and Warren Newell, now in prison, belittled environmentalists, who warned correctly that the federal courts would not be so blind.

Port commissioners didn't ask their lawyer to assess the risk. They didn't discuss the business plans that they demanded in October. They disputed, despite a letter clearly stating the contrary, their failure to line up commitments from South Florida's two dominant ports, without which the inland port cannot succeed. They didn't address the lack of support from the state, which controls rail access. They let the speakers speak, and then ignored them.

As Mr. Oppel, the port commission chairman, said after the vote, "If we worried about the threat of a lawsuit, nothing would ever get done." Nothing, however, will get done on this site for years — if ever.

Commissioners could have warned Glades residents, who cheered the decision. They could have told them that by picking this site the jobs they so desperately need to combat 40 percent unemployment may never materialize. Already, the state is challenging Florida Crystals' right to build a first phase on 318 acres. A trial is scheduled for May. Then there will be appeals. And the Army Corps of Engineers permit. That's what tripped up Scripps at Mecca, by the way.

But what, really, have the port commissioners got to lose, except time? They won't pay to litigate this. Florida Crystals will, and Crystals already has lined up the same law firm that lost the Scripps case. Guess who they'll be up against? Richard Grosso of the Everglades Law Center, who beat them in the Scripps case.

The promise of jobs. The packed meeting room. The heady applause. Piffle. The port's decision to dismiss the lessons of Scripps is a lesson in audacity.

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## 2009 In Review Palm Beach County Corruption Reforms And Budget Cuts

12/24/2009

Town-Crier Newspapers, The

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officials hope that 2009 marks the end of the "Corruption County" era and the beginning of a new era of good government.

After three years of county scandals resulting in three commissioners serving jail sentences and a scathing grand jury report, the Commission in December adopted ordinances aimed to erase the stain of corruption. The commissioners created an Office of the Inspector General, a Commission on Ethics and a Code of Ethics.

The inspector general ordinance follows the format of the same office in Miami-Dade County and will be paid for with a charge to the governments that contract for the office's oversight. But even as the commission was adopting the ordinances, some residents and County Commissioner Jess Santamaria chastised county officials for not making the inspector general more autonomous. The county plans to ask voters in a 2010 referendum to make the inspector general and other ethics reforms part of the county charter, which would give the position permanence and more independence. The inspector general is to be selected by a committee made up of the five-member Commission on Ethics, plus the state attorney and public defender or their designees. In addition to appointing or removing the inspector general, the Commission on Ethics will be responsible for handing down penalties for violations of the local ethics code. TRASH TALKIN' After more than a decade of debate over a new landfill site, the county commission rejected existing land offers in October, instead pinning hopes on a future land trade with the South Florida Water Management District.

County commissioners want some of the 73,000 acres of land that the water management district is negotiating to buy from U.S. Sugar for Everglades restoration in return for 1,600 acres the Solid Waste Authority owns near the Loxahatchee National Wildlife Refuge. That land was to be the site of the new landfill before it was rejected on environmental grounds. Commissioners delayed choosing a new landfill site for 12 months.

Despite so many years of planning, the commissioners agreed that the sites they were considering were being offered at prices as much as 3.5 times their value. Besides, solid waste staff has said that the slowdown in growth and economic hardships have caused a falloff in trash as well, meaning the existing landfill won't reach capacity quite as soon. Additionally, the SWA's planned waste-to-energy plant could dramatically reduce waste heading to the landfill.

#### TIGHTENING THE BELT

In September, county commissioners approved a reduced operating budget of \$1.109 billion, down \$19 million from the 2008 budget of \$1.128 billion.

To cut expenses, the county required 10-percent cuts to nearly all departments, eliminating more than 600 staff positions. But the budget still included \$27 million more than the previous year for the Sheriff's Office. raised the tax rate to 4.33 mills from last year's 3.781 to generate more tax dollars even though property values have dropped.

And the pain has only just begun, county officials said, projecting the 2011 budget to be \$100 million smaller. Between 2001 and 2007, the county's personnel grew from 3,800 in 2002 to 4,400 in 2007. To meet next year's budget, the county already is planning to slash about 600 more positions, reducing the county's workforce back to the 3,800 it had in 2002.

#### POWER TO THE PEOPLE

In August, Florida Power & Light activated the first of three planned generating units at its new West County Energy Center, and was scheduled to activate a second before the end of the year. The third is expected to power up in 2011. Each unit at the plant, located off Southern Blvd. near 20-Mile Bend, will supply 1,250 megawatts, enough energy to supply about 250,000 homes and businesses, using natural gas, one of the cleanest burning of the fossil fuels, according to FPL representatives.

The plant was located near existing power transmission lines needed to relay the electricity it generates. The generators use water from the Floridan aquifer for cooling and steam production, but FPL plans to use reclaimed water - partially treated wastewater - for those purposes by early 2011. Once a pipeline to deliver the reclaimed water is extended from the plant near Florida's Turnpike, the plant will use about 27 million gallons of reclaimed water. While 80 percent of the water will be evaporated, 20 percent will be injected into deep wells.

Environmental groups, including the Audubon Society of the Everglades, have opposed the plant because it's located near the Arthur R. Marshall Loxahatchee National Wildlife Refuge and because they're concerned about its emissions.

#### FOLKE PETERSON SHUTS DOWN

In July, the Folke Peterson Wildlife Center closed because it ran out of money. Before closing its doors, the five-year-

old non-profit organization had to release or move more than 350 injured and displaced native Florida wildlife. About 50 animals that could not be released because of the seriousness of their injuries were sent to other wildlife centers, nature centers, zoos or museums. The center took in 5,500 to 6,000 injured animals annually, according to nature center representatives. The nearest alternative wildlife rehabilitation centers are the Busch Wildlife Sanctuary in Jupiter and the Wildlife Care Center in Fort Lauderdale.

## INLAND PORT MANEUVERS

Over objections from Glades-area officials, the Commission approved an amendment to the master plan for the Port of Palm Beach that could allow a coveted inland transportation center to be built somewhere outside the county. Glades officials see the proposed inland port as the answer to the area's high unemployment.

The amendment was the port's effort to incorporate language to promote development of the inland port. A staff report called the change minor, but representatives from the Glades took umbrage.

A Port of Palm Beach official said the language had to be included to qualify for federal funding. The port had applied for federal dollars to build a railway, which will run through several counties. He added that the port does not have control over many aspects of the transportation network. By year's end, a site in the Glades owned by Florida Crystals emerged as the top contender for the inland port, but the project is likely still several years away. more . . . 25.DEC.09 2009 In Review: Corruption Reforms And Budget Cuts search archives Keywords: Issue date: Type either Keywords, Date or both. Date examples: 5/30/02, New This Week 2009 In Review: Corruption Reforms And Budget Cuts Art Society Nancy Fontana Greenfield This Week's ) You are visitor: 10,756,188 Copyright © 2009 . All rights reserved.

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## SCCF Conservation Notes A year of policy progress to celebrate

12/23/2009

CaptivaSanibel.com

Submitted by RAE ANN WESSEL, SCCF Natural Resource Policy Director

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2009 may go down in history for the number of water quality policy initiatives active in a single year. As the year comes to a close, it's time to take inventory to celebrate the successes and prepare for the continued efforts to effect positive and meaningful change for our natural resources.

We appreciate the support and involvement of our members, supporters and partners in our advocacy efforts that have yielded positive results and progress that would not be realized without our collective, vocal representation of west coast and south Florida interests throughout the state.

To help celebrate the progress you have been a part of, here is a brief update of a number of the highlights we are proud to have made a difference in.

### Designated Uses

Our latest success! Since 2006, SCCF has been fighting Florida's water quality agency, the Department of Environmental Protection (FDEP) on a proposed change to the designated use criteria.

This Clean Water Act standard requires all state waters be designated at their highest attainable use such as drinking water, shellfish harvesting or recreation and that associated fishable/swimmable standards be protected.

DEP proposed to create additional lower water quality classifications that would be fishable but unswimmable and unfishable/unswimmable. Just last week, the agency announced it is dropping the proposed changes in favor of tweaking the current system to achieve the functionality it sought.

This change, the position we advocated for, is a great victory (and relief) in protecting water quality. In the last of the public meetings to be held the first week of January, we will press for reinstating a provision that could actually increase protection of the state's most pristine and unique waters such as coral reefs, springs and aquatic preserves. See our Web site for the latest revisions and our letters of opposition. Consider attending the public meeting in Tampa on Jan. 7 and/or write a letter to DEP.

Caloosahatchee Basin Reservation

Our longest running effort rewarded! In response to growth and growing water demands in our Caloosahatchee watershed, we have been pressing the South Florida Water Management District since 2001 to allocate a water supply for the river and estuary. This will put the natural resource on an even playing field with permitted water users such as utilities and agriculture.

We are pleased to report that the effort is paying off as the Governing Board at their December meeting committed to begin the process for setting aside a demand for the natural system called a reservation of water. Now our efforts will focus on keeping the process on track to get the reservation established.

#### C-43 Reservoir CERP Project

On the radar! The C43 West Basin Reservoir has been identified as a critical storage solution to address both excess and minimum water flows for the Caloosahatchee. Ten years in the planning, it is now set to be a top priority for the federal Water Resources Development Act (WRDA) 2010 authorization that is required to qualify for federal construction funding. In 2010, we will need your help in pressing Congress to pass and fund WRDA.

#### Lake Okeechobee Regulation Schedule

Caloosahatchee needs getting attention! SCCF has been working as part of a technical advisory group to update the Lake Okeechobee Regulation Schedule (LORS 2008) decision matrix, used by the Corps of Engineers and SFWMD to make decisions about when and how much water is released from the lake. This is critically important to the Caloosahatchee because existing protocols have not provided the flexibility to limit high water releases or assure minimum water flows.

Our active participation and advocacy for Caloosahatchee issues has raised the visibility of the Caloosahatchee dilemma and gained support of Governing Board members to support adequate and protective flows for the Caloosahatchee. The committee recommendations will go to the Governing Board in the next few months.

#### Numeric Nutrient Criteria

Feds to set Florida water quality standards! The Federal EPA has committed to establish maximum allowable pollutant levels - numeric limits - for phosphorus and nitrogen that would apply to all Florida lakes and rivers by Jan. 14, 2010. Estuary and coastal water limits will be set by January 2011.

DEP has been working on this for 10 years. SCCF will continue to remain closely involved to be sure standards are informed by science.

#### Caloosahatchee Estuary BMAP

Improving water quality! Since the Caloosahatchee estuary is impaired it has a numeric nutrient criteria which was established under the TMDL (Total Maximum Daily Load) process that SCCF worked on for the past two years.

Now in Phase II we begin to make changes to actually improve water quality through a process called a Basin Management Action Plan or BMAP. This plan addresses the sources of pollution identified in the TMDL.

Initiatives include promoting the implementation of fertilizer limits, septic, package plant and waste water treatment plant ordinances and stormwater standards in municipalities throughout the watershed. The work continues to move us closer to better land management practices that will improve water quality and habitat.

#### Statewide Stormwater Rule

Coming in 2010! Stormwater is the single major source of pollution in Florida's waters. This coming year, the state will be issuing new regulations to increase treatment of water before it runs off into the water. Public meetings will provide a chance for public input, so stay tuned.

#### Everglades Restoration

Projects breaking ground! Three critical projects that will move restoration forward are breaking ground and we have been thrilled to be a part of the celebration that so many have worked so long to achieve.

Bridging Tamiami Trail, Reclaiming Picayune Strand wetlands and restoring flows diverted by the C-111 rocket canal. This month the Tamiami Trail bridge project broke ground with a one-mile bridge over Shark River Slough. This removes a dam that prevented water flow south, which will help provide relief for the Caloosahatchee estuary.



January 7 is the groundbreaking for restoration of Picayune Strand to restore wetlands, sheetflow treatment and waterflows into the 10,000 Islands estuary, enhancing habitat as well as freshwater and coastal water quality.

In late January, the C-111 rocket canal project will begin its decompartmentalization effort to undo the devastating effect the canal has had on Florida Bay. For more information on these projects and regular updates, visit our Web site and attend SCCF's monthly Policy Matters programs.

#### U.S. Sugar land acquisition moving forward

As the historic purchase of 73,000 acres of U.S. Sugar land makes its way through the Florida Supreme Court, SCCF is working with other environmental groups providing input to the SFWMD on planning the footprint and best methods for moving water south out of the lake. The creation of an additional outlet from the lake is fundamental to reducing damaging excess flows out the Caloosahatchee, which currently receives the greatest volume of unwanted water from this broken water management system.

The second phase of the planning process, which kicked off last week, is expected to extend through July 2011. SCCF is committed to making sure the interests of communities west of the lake, from Moore Haven to Sanibel and Captiva are represented with a strong voice.

#### 2009 Florida Legislative Session

This year's legislative session was brutal, characterized by little money available, but a few wins were achieved and lines held on other issues.

Our priorities were:

Support and funding of State Trust Funds to support Florida Forever and the U.S. Sugar Corporation land purchase;

Support for Healthy Beaches Bill to protect beaches and water quality from sewage discharges;

Support for a strong statewide fertilizer ordinance. The bill that was passed is centered around an ineffective model ordinance that requires local governments to justify enacting stricter local standards. For example, Sanibel's current ordinance would not qualify under this legislation. SCCF is working to strengthen the model ordinance..

Support for Florida's Growth Management Act requiring growth to pay its own way.

Support for mangrove and Florida Springs protection

Opposed a last-minute nearshore oil drilling initiative

Our policy department is pleased to report that our efforts are raising awareness of the issues, reaching new audiences and more individuals are engaging in natural resource policy efforts. In the many meetings we attend, we often now hear others discussing and promoting the needs of the west coast. That is significant to promoting our issues!

We invite you to join us and become partners with SCCF in shaping the future of natural resource conservation for our region. We look forward to continued success in 2010. Thank you for your active participation, interest and support.

