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Injunction denied for Everglades/US Sugar deal

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A federal judge has denied the request by the Miccosukee Indians to stop the state from purchasing agricultural land in the Everglades.

Judge Federico Moreno ruled Monday that the tribe's emergency motion, filed earlier this month in Miami federal court, was not actually emergency since the land deal would not close until Oct. 11.

The South Florida Water Management District has agreed to purchase 26,791 acres for about \$197.4 million from U.S. Sugar. The state says the land will be used to help restore the Everglades, but the tribe has argued that the deal would stall other key restoration projects.

The initial deal announced in 2008 was to pay \$1.75 billion to buy all of U.S. Sugar's 180,000 acres, but it has been scaled back, in part, because of the economy.

BLOG: Battle Over Everglades Deal: It's No 'Emergency' But it's Still an Issue

08/24/2010
Sunshine State News
Ward, Kenric

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While proponents of the Everglades-U.S. Sugar deal hailed a federal judge's favorable ruling this week, opponents of the purchase say, "Not so fast."

U.S. District Judge Federico Moreno on Monday rejected the Miccosukee Tribe's request for an injunction. The decision was applauded by Kirk Fordham, CEO of the Everglades Foundation.

"With the pending acquisition of U.S. Sugar Corp. land for Everglades restoration now imminent, the Everglades Foundation commends the decision of Judge Moreno to see that this initial purchase moves forward. Continued delay is the greatest enemy of Everglades restoration. The sooner steps are taken to improve water quality, the better," Fordham said in a statement.

But Marianne Moran of Tea Party in Action had a different take.

"We're pleased that the court ruling in no way endorsed the bailout. Also we're pleased that the judge recognized that this insider deal by Governor (Charlie) Crist's biggest campaign donors is far from being closed," said Moran, who has led protests at South Florida Water Management District headquarters in West Palm Beach.

In his ruling on the Miccosukees' emergency motion, Moreno said no actual emergency exists since the 28,000-acre, \$197 million deal would not close until Oct. 11.

"The Tea Party in Action continues to join with our coalition partners across Florida who agree that this corporate bailout is bad for taxpayers. The water district chairman acknowledged that this bailout will mean higher property taxes," Moran said.

In response, SFWMD spokeswoman Kayla Bergeron noted that the district's governing board "has already agreed not to raise the millage rate."

Federal judge rejects Miccosukees' request to stop Everglades land deal with U.S. Sugar

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08/24/2010

Sun Sentinel

Reid, Andy

A federal judge Monday refused to stop the downsized, \$197 million version of Gov. Charlie Crist's Everglades restoration land deal with U.S. Sugar Corp.

The Miccosukee Tribe earlier this month requested an emergency injunction to stop the South Florida Water Management District from approving a contract with U.S. Sugar for 26,800 acres that could be used to help restore water flows to the Everglades.

Environmental groups and district officials contend that the deal offers a chance to buy strategically located farmland that was long off limits to Everglades restoration.

But the Miccosukee argue that the district would be using money needed to restart an Everglades restoration reservoir project put on hold by the U.S. Sugar deal.

U.S. District Judge Federico Moreno in March ordered the district to revive plans for the unfinished reservoir in western Palm Beach County, which already cost taxpayers about \$280 million.

Yet in his ruling released Monday, Moreno said the tribe's request did not qualify for an emergency injunction, saying the district could still pay for both projects.

"Enjoining a vote on the expenditure of funds may be beyond the court's power," Moreno wrote.

The Florida Supreme Court still is expected to weigh in on the U.S. Sugar deal.

The water management district approved the latest version of the land deal on Aug. 12 and, barring the courts stepping in, plans to close on the transaction Oct. 11.

The judge's ruling leaves one less "cloud hanging over the project," district Board Chairman Eric Buermann said.

"It really needs to be done," Buermann said.

This is the latest scaled-down version of Crist's two-year-old bid to buy U.S. Sugar land for construction of reservoirs and treatment areas intended to replenish the Everglades and provide backup for South Florida drinking water supplies.

What started as a \$1.75 billion plan to buy all of U.S. Sugar's more than 180,000 acres has been scaled back three times due to the drop in property tax revenues amid the struggling economy.

It now calls for buying two pieces totaling 26,800 acres — 17,900 acres of citrus land in Hendry County, beside a stormwater treatment area, and 8,900 acres of sugar cane land in Palm Beach County, east of Lake Okeechobee.

The deal also comes with a 10-year option for the district to purchase U.S. Sugar's remaining 153,200 acres, though declining tax revenues have limited the agency's ability to pay for such a large land acquisition.

The Miccosukee Tribe and U.S. Sugar competitor Florida Crystals are waging a legal fight against the latest version of the land deal, arguing that it still costs South Florida taxpayers too much, takes money away from other needed Everglades projects and unfairly enriches U.S. Sugar.

Miccosukee attorney Sonia O'Donnell could not be reached for comment Monday, despite attempts by phone.

Everglades Foundation CEO Kirk Fordham praised Moreno's ruling, saying, "continued delay is the greatest enemy of Everglades restoration. The sooner steps are taken to improve water quality, the better."

In the ongoing case before Moreno, the district and supporters of the land deal are hoping to convince the judge that the U.S. Sugar land offers better Everglades restoration options than finishing the reservoir. They contend that the unfinished reservoir could be converted to a stormwater treatment area or a smaller reservoir that would fit into restoration plans being reshaped by the U.S. Sugar deal.

A report to the judge about how to get the reservoir back on track is due by the end of the month.

While Moreno on Monday determined that the Miccosukees' request for an injunction to stop the land deal wasn't warranted, he also sent a message to the water management district about his earlier ruling calling to resume work on the reservoir.

"In the future and should the need arise," Moreno wrote, "the court will exercise its contempt power to enforce its order, but that time has not yet arrived."

Judge denies Miccosukee effort to block Everglades land deal

08/24/2010

Palm Beach Post

Stapleton, Christine

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A federal judge has denied a Miccosukee move to stop the South Florida Water Management District from buying 27,000 acres to help restore the Everglades.

The tribe asked for an emergency injunction Aug. 10, arguing that if the district's governing board approved the \$197 million purchase from U.S. Sugar on Aug. 12 -- which it subsequently did -- the district would not have enough money to resume construction of a massive reservoir the judge had ordered the district to complete.

But in a two-page ruling Monday, Federal Judge Federico Moreno said there was no emergency need to stop the purchase, because the land deal is not scheduled to close until Oct. 11.

The district has twice downsized the deal, because of the difficulty in raising money for it. When first announced in June 2008, the deal called for a \$1.7 billion purchase of 197,000 acres. The current deal gives the district the option to buy 180,000 acres over 10 years, but with an initial purchase of just a fraction of that size.

The judge expressed reservations about concluding that the district did not have enough money to finish the reservoir, as the district may find the funding.

The order did not block the tribe from filing another motion to stop the sale later on, but granting an injunction now "does not seem appropriate," the judge said, because a special master assigned to review and hear testimony about the case has not yet filed his report.

Moreno cautioned the tribe, though, saying he has concerns about his authority to stop the district from spending money.

The tribe contends the \$800 million, city-sized reservoir, in the cane fields south of Lake Okeechobee, is a surer bet for restoring Everglades water flow than the proposed purchase of land from U.S. Sugar.

The attorney for the tribe, Sonia O'Donnell, did not return a phone call on Monday afternoon. District spokesperson Kayla Bergeron said the district was pleased with the ruling.

Kirk Fordham, CEO of the Everglades Foundation also praised the judge's ruling. "Continued delay is the greatest enemy of Everglades restoration," Fordham said in a press release. "The sooner steps are taken to improve water quality, the better."

Injunction denied for Everglades/US Sugar deal

08/23/2010

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Associated Press (AP)

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