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### Report filed on Everglades restoration reservoir

09/01/2010

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WEAR-TV

FORT LAUDERDALE, Fla. (AP) -- A report to a federal judge recommends the South Florida Water Management District should not have to finish an Everglades restoration reservoir shelved by its land deal with U.S. Sugar Corp.

If U.S. District Judge Federico Moreno accepts that recommendation, filed on Monday, it would remove a key legal hurdle to the district's proposed \$197 million deal to buy 26,800 acres from U.S. Sugar.

Moreno has determined the district's 2008 decision to stop construction on the reservoir threatened to derail Everglades restoration in pursuit of a land deal with the sugar giant pushed by Gov. Charlie Crist.

The judge appointed a special master to coordinate how to proceed with getting the reservoir and Everglades restoration back on track.

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### Report may aid Everglades land buy

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Miami Herald, The

Morgan, Curtis

Forcing water managers to build a massive abandoned reservoir would cost taxpayers hundreds of millions of dollars but still not do enough to clean up the Everglades, according to an advisor to a federal judge.

If U.S. District Judge Federico Moreno accepts the advisor's recommendation, and he has in the past, it would keep alive what remains of Gov. Charlie Crist's controversial sugar land buy.

The South Florida Water Management District acknowledges it can't afford both projects -- completing a \$700 million, 16,700-acre reservoir in western Palm Beach County and buying 26,000 acres for \$197 million from the U.S. Sugar Corp. to convert it to reservoirs and pollution cleaning marshes.

Moreno, who oversees the landmark 1992 settlement that forced the state to cut pollution runoff destroying the native landscape, ordered the state in March to revive the reservoir, saying he was tired of waiting for the promising but downsized and repeatedly delayed U.S. Sugar land buy. He assigned John Barkett, a special master he appointed to analyze the complex Everglades litigation, to hash out new construction deadlines and cleanup plans.

Instead, Barkett issued an 80-page report that shared Moreno's frustration with the glacial pace, changing plans and endless litigation but also argued that reviving an old project won't solve more pressing cleanup demands from the U.S. Environmental Protection Agency and a second federal judge in Miami, Alan Gold.

Gold, in a separate ruling, has demanded that federal environmental regulators enforce tougher phosphorous pollution standards in the Glades. Barkett found that reservoir, which was primarily intended to store water under an older cleanup plan he said was based on "incomplete" and "inaccurate" assumptions, wouldn't meet Gold's higher cleanup bar. "The public interest is served by doing the best we can to ensure that precious Everglades restoration dollars are spent as wisely as we can," Barkett wrote.

The Miccosukee Tribe and Florida Crystals, U.S. Sugar's chief rival, had urged Moreno to order the reservoir built. Fierce critics of the land buy, they had contended the deal would enrich a major Crist campaign donor, leave the district with no money for other projects and delay restoration by decades.

Last month, the district's governing board approved its third downsizing of what had started out in 2006 as a blockbuster \$1.75 billion bid to buy out U.S. Sugar and its sprawling 180,000-acre empire. Closing is scheduled next month.

Barkett wrote that it was unlikely the reservoir would be built for six to 10 years because of lawsuits. And citing the refusal of rival growers to consider land swaps, noted: "Some might argue that such an attitude from a farm interest is not consistent with genuine interest in Everglades restoration."

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## **Report to Federal Judge Recommends Against Finishing Everglades Reservoir**

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09/01/2010

Sun Sentinel - Deerfield Beach Bureau

Reid, Andy

The South Florida Water Management District should not have to finish an Everglades restoration reservoir shelved by a land deal with U.S. Sugar Corp., according to a report to a federal judge filed Monday.

If U.S. District Judge Federico Moreno accepts that recommendation it would remove a key legal hurdle to the district's proposed \$197 million deal to buy 26,800 acres from U.S. Sugar. The land would be used to help restore water flows to the Everglades.

Moreno in March determined that the district's 2008 decision to stop construction on the massive, 62-billion-gallon reservoir in western Palm Beach County threatened to derail Everglades restoration in pursuit of the U.S. Sugar land deal pushed by Gov. Charlie Crist.

The judge appointed a special master to coordinate how to proceed with getting the reservoir and Everglades restoration back on track.

But Special Master John Barkett now has recommended that the district be relieved of its obligation to build the Everglades Agricultural Area Reservoir, which has already cost taxpayers nearly \$280 million.

Barkett echoes the district's argument that the opportunity to buy U.S. Sugar land offers better restoration opportunities for the Everglades than finishing the 16,700-acre reservoir west of U.S. 27.

"The availability of the U.S. Sugar land is another changed circumstance that cannot be ignored in seeking to achieve Everglades restoration," Barkett wrote in his recommendation to the judge.

Instead of proceeding with the costly reservoir, the district has called for turning it into a stormwater treatment area that could help filter pollutants out of water headed to the Everglades.

"Given limited resources, the district has seized a rare opportunity to acquire lands in a cost-effective way, enabling us in the coming years to implement proven water treatment projects," the district said in a statement praising Barkett's recommendation.

The district on Oct. 11 plans to close on the latest scaled-down version of a land deal with U.S. Sugar. For two years Crist has pushed to buy U.S. Sugar land that could be used to build reservoirs and treatment areas intended to replenish the Everglades and provide backup for South Florida drinking water supplies.

Barkett points out in his recommendation that Moreno in March called for restarting reservoir construction "in absence of an agreement" to change Everglades restoration guidelines. Barkett contends that the district and federal and state officials are working on a new agreement.

Barkett called for holding a series of hearings starting Oct. 25 to try to resolve the differences between backers of the U.S. Sugar deal and the Miccosukee Tribe, which wants the reservoir built.

The tribe and U.S. Sugar competitor Florida Crystals have been waging a legal battle against the land deal, arguing it costs taxpayers too much, unfairly enriches U.S. Sugar and takes money away from other needed Everglades projects, such as the reservoir.

A decision from the Florida Supreme Court on a challenge from the tribe and Florida Crystals is pending. Also, a case before another federal judge, challenging Florida's handling of water pollution issues in the Everglades, could affect the U.S. Sugar land deal.

Environmental groups largely have supported the U.S. Sugar deal as a historic chance to buy strategically located farmland that was long off limits to Everglades restoration.

Everglades Foundation CEO Kirk Fordham called the opposition to the U.S. Sugar deal "misguided attempts to derail Everglades restoration."

Reservoir construction was put on hold just before Crist and district officials in June 2008 announced a blockbuster plan to buy land from U.S. Sugar for Everglades restoration.

The district paid the contractors about \$13 million from June to December 2008 to stand by while the agency negotiated the U.S. Sugar deal. It cost another \$12 million to terminate the contract.

Barkett's report to Moreno questions whether the stalled reservoir can deliver the benefits to the Everglades once envisioned.

While South Florida does need to store more of the stormwater that now gets drained away to guard against flooding, pollutants must be removed from that water before it can be used to replenish the Everglades.

Supporters of the U.S. Sugar deal argue that buying the land provides better opportunities to store and treat that water.

"From an Everglades restoration perspective, having a willing seller of this much land in the Everglades Agricultural Area presents opportunities that did not exist ... and cannot be ignored," Barkett wrote in his recommendation to the judge.

The governor in June 2008 first proposed a \$1.75 billion deal to buy all of U.S. Sugar's more than 180,000 acres and facilities in a blockbuster deal to acquire huge swaths of farmland for Everglades restoration.

The struggling economy and declining property tax revenues at the South Florida Water Management District, which leads Everglades restoration, resulted in the deal getting downsized three times to cut costs.

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## Special Master's Recommendation Buys Supporters of Everglades Land Buy

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09/01/2010

Palm Beach Post

Ana Valdes

The South Florida Water Management District may be allowed to abandon a \$700 million reservoir project in the southern Everglades Agricultural Area, after a court-appointed Special Master on Tuesday said the Everglades would benefit more from the district's purchase of 27,000 acres from U.S. Sugar than from completing the reservoir.

Special Master John Barkett's recommendation now goes to a federal judge for consideration.

District officials praised the recommendation as a more financially sound way to restore the Everglades. It will also remove a major obstacle in the district's ability to purchase land from U.S. Sugar for \$197 million, they said.

"Given limited resources, the district has seized a rare opportunity to acquire lands in a cost-effective way, enabling us in the coming years to implement proven water treatment projects," said spokesperson Kayla Bergeron. "We will continue to work with our state, federal, tribal and private partners to fulfill our shared restoration and water quality improvement goals for the Everglades."

But some, including the Miccosukee Tribe, have criticized the U.S. Sugar deal, saying the reservoir in the cane fields south of Lake Okeechobee is a surer and faster bet for restoring water flow in the Everglades than the land purchase. The tribe argued that the district would not have money to finish the reservoir if it spent millions buying land from U. S. Sugar, and tried to get a judge to order an emergency injunction in August.

Chief U.S. District Judge Federico Moreno ruled that there was no emergency need to stop the purchase then, because it is not scheduled to close until October. An attorney representing the Miccosukees did not return phone calls for this story.

Barkett's recommendation comes six months after Moreno's order that the district resume construction of the city-sized reservoir. In March, Moreno ordered a special master help the district coordinate completion of the reservoir and the purchase of the land from U.S. Sugar.

Kirk Fordham, chief executive officer of the Everglades Foundation and a supporter of the U.S. Sugar deal, said the special master had recommended "sound, science-driven steps that will improve water quality and put restoration efforts back on track."

Christine Stapleton contributed to this story.

