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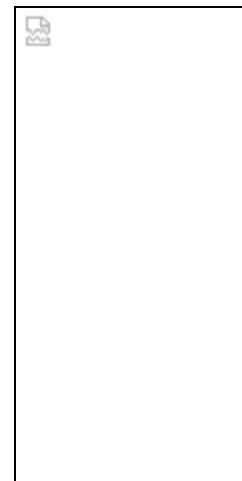
EDITORIAL: U.S. Sugar deal: Good to go

Palm Beach Post Editorial

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Parties challenging the purchase of U.S. Sugar land had to prove that buying swaths of farmland in the historic path of the Everglades has no public purpose. They failed.

In closing arguments last week before Palm Beach County Circuit Judge Donald Hafele, the challengers argued that the South Florida Water Management District has no plan for the land and no money for the projects that would go on the land. Therefore, the only possible use for the land is the continued cultivation of sugar and citrus, which doesn't amount to the public purpose necessary to issue bonds to buy the land.



U.S. Sugar deal



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Yes, it's complicated. But here's how the case breaks down:

The water district wants permission from Judge Hafele to issue \$650 million in certificates of participation (COP) bonds, which don't require voter consent, to buy 73,000 acres from U.S. Sugar. West Palm Beach-based Florida Crystals, the other large Everglades sugar grower, wants to sidetrack a deal that it believes is too generous to its competitor. The Miccosukee Tribe claims that the lack of a defined Everglades restoration plan created by using the U.S. Sugar land would harm the tribe's ancestral home.

But water district attorneys Christine Lamia and Fred Springer, aided by Audubon of Florida attorney Thom Rumberger, rebutted those arguments. They noted that the U.S. Sugar land is extraordinarily well-suited for Everglades restoration. The Miccosukees are working off the earlier restoration plan, which was written in the 1990s with no conception that the cane fields ever could be publicly owned. Barring incompetence or negligence bordering on the criminal, Everglades restoration will be enhanced, not harmed, if the plan is amended to include the U.S. Sugar land.

The district admits that it hasn't gone through the years of planning to say exactly what it would do with the land, what the work would cost and where the money would come from. The tribe's attorney, Dexter Lehtinen, and Florida Crystals' attorney, Joseph Klock, argued that the district will spend so much money buying the land that there won't be money to do anything with it, much less continue

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existing restoration efforts. So U.S. Sugar would have to keep farming it, and there would be no public benefit.


In fact, district officials know that they will use the land to store and cleanse water on its way to the Everglades. It will take time to work out the details. The district never will have enough money to do everything, but it would be correct to expect the federal government, the district's 50-50 restoration partner, to contribute.

The Palm Beach County state attorney, a party to the lawsuit and representing all the state attorneys in the water district's 16-county area, announced Thursday that the district had met its public purpose test.

Judge Hafele is being asked to apply the law to an argument that is more political than legal. The challengers are determined to block the best hope for Everglades restoration, no matter the public cost. Their politics don't belong in the courtroom.

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