

# **EDITORIAL: Victory for the Everglades**

Palm Beach Post Editorial

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Both sides declared victory after Wednesday's ruling that the South Florida Water Management District can issue bonds to buy a large portion of U.S. Sugar's land.

One side is wrong. It's not the water district

Palm Beach County Circuit Judge Donald Hafele's decision is a clear legal victory for the district. The judge found that the district has a public purpose in buying 73,000 acres from U.S. Sugar - the step the district is prepared to take immediately - but that the district did not prove a public purpose to buy the rest of the land, which amounts to 107,000 acres.

The Miccosukee Tribe and rival sugar grower Florida Crystals argued that the district is buying the land with no plan or money to do anything with it. Therefore, U.S. Sugar will keep farming the land, and the effect will be to slow ongoing efforts to restore the Everglades. The tribe claimed that it has saved taxpayers \$1.5 billion because the judge limited the district to issuing \$650 million in bonds, not the requested \$2.2 billion.

The district needs the \$650 million by March 10 - or sooner if all legal challenges are over - to close the deal. The district has 10 years to find a way to pay for the remaining 107,000 acres. In a teleconference after the ruling, Executive Director Carol Wehle said the district may rely on land swaps, not borrowed money, to reduce the cost of the rest of the land. Fourteen months ago, the district had planned to buy the entire company. Then the deal was just for all the land. The final compromise was the split purchase, necessitated because of declining tax revenues from the recession.

The last remaining hurdle is the Miccosukee Tribe's promised appeal, which goes directly to the Florida Supreme Court. Judge Hafele, relying on Supreme Court precedent, undermined the tribe's case. "First, defendants' arguments notwithstanding, the court finds that the district does have plans for the use of the 73,000 initially acquired acres," Judge Hafele wrote. "The law is clear that specific, detailed plans are not required in order to find that a valid public purpose exists."

After listing the potential projects, including reducing the amount of polluted Lake Okeechobee water discharged to the St. Lucie River, Ms. Wehle and district board Chairman Eric Buermann proclaimed victory. "When is the last time," Ms. Wehle asked, "any acquisition could deliver that much water resource protection to the citizens of Florida?" And as Ms. Wehle noted, the validation of the public purpose may mean that the district eventually can reach the \$2.2 billion total.

The purchase, championed by Gov. Crist, carries a high price tag, but the price does not outweigh the benefits. The ruling puts the district well on its way to proving to taxpayers that the land purchase is worthwhile.