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Florida Supreme Court to hear 'public purpose' of sugar land buy

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04/07/2010

Palm Beach Post

On the eve of a state Supreme Court hearing, and with brown water streaming into the St. Lucie River estuary, environmentalists made their case Tuesday for the "public purpose" of the proposed U.S. Sugar Corp. land purchase.

"The Supreme Court is going to consider whether there is a 'public purpose' in this land acquisition," said Kirk Fordham, CEO of the Everglades Foundation, "and we believe there very much is."

Speaking in a telephone press conference with Fordham and other proponents of the land deal, Karl Wickstrom of Stuart, head of the Rivers Coalition Legal Defense Fund, added, "The public good (of the purchase) is 10 times greater than the cost."

The Florida Supreme Court will hear oral arguments Wednesday in an appeal challenging the South Florida Water Management District's plan to borrow the \$536 million to pay for the 72,800 acres of U.S. Sugar land, with South Florida property taxpayers paying off the long-term debt.

The land would be used to build reservoirs and treatment areas to restore the flow of water from Lake Okeechobee to the Everglades. The benefit to the Treasure Coast: During times of high lake levels, polluted water would flow south rather than be dumped into the St. Lucie River estuary and the Indian River Lagoon.

A series of three 13-day pulse releases of 950 cubic feet of water per second through the St. Lucie Canal and into the St. Lucie River estuary began March 27.

Palm Beach County District Judge Donald Hafel ruled the water district has authority to issue \$650 million in bonds to finance the land purchase. Florida Crystals, U.S. Sugar's chief competitor, and the Miccosukee Indian Tribe, which has a reservation in the Everglades, appealed the ruling, claiming the land deal was a boondoggle to benefit U.S. Sugar that doesn't meet state laws requiring the bonds must have a direct public benefit.

The purchase would add \$45 million of annual debt to the water district. Gov. Charlie Crist and the water district board have pledged not to increase property tax rates to pay for the purchase.

"We can afford it, no problem," Wickstrom said. "It fits into the (water) district's budget."

The environmentalists turned the economic issue around, with Fordham saying the Indian River Lagoon and St. Lucie River estuary contribute \$2.96 billion a year to the Treasure Coast economy.

"But that depends on a clean and healthy ecosystem," Fordham added, "and acquiring (U.S. Sugar) land is the only way to get water from Lake Okeechobee moving south instead of east (into the St. Lucie River)."

Nathaniel Reed of Jupiter Island, vice-chairman of the Everglades Foundation and a former U.S. Interior Department assistant secretary, said making "the water flow south, the way God made it" by reconnecting Lake Okeechobee and the Everglades a "dream of 35 years" and "one of the most important decisions of my lifetime."

Decision backs Miccosukee Tribe in battle over Everglades

04/07/2010

Indianz.com

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A federal judge sided with the Miccosukee Tribe and ordered the state of Florida to resume construction of a reservoir in the Everglades.

The state spent \$280 million on the reservoir but halted work in order to negotiate a land swap with U.S. Sugar Corp. Judge Federico Moreno said the project must continue in order to protect the tribe from further damage to its homelands.

'Although the partial sugar land acquisition may be in the best interests of the Everglades in the very distant future, the Tribe's environmental suffering is immediate,' Moreno wrote in the decision, The Miami Herald reported.

'The time is now to go forward with the work that needs to be done on this project, which all parties agreed to be important,' he added, The South Florida Sun Sentinel reported.

The state supported the reservoir as a way to clean up the Everglades, which suffers from pollution from the sugar industry.

Get the Story:

Ruling puts U.S. Sugar-Everglades land buy in peril (The Miami Herald 4/1)

Judge calls for finishing reservoir shelved by Gov. Crist's Everglades land deal (The South Florida Sun Sentinel 3/31)

Court Ruling May Imperil Florida Deal (The New York Times 4/1)

OP-ED: Glades purchase is an opportunity, not a bailout

04/07/2010

Tallahassee Democrat

Robert H. Buker Jr.

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Most criticism aimed at the state's acquisition of U.S. Sugar lands for restoration is fueled by our largest business competitor, Florida Crystals, and a few politicians highly motivated by its campaign contributions. They have characterized this acquisition as a bailout of a struggling company. That is a lie.

U.S. Sugar never solicited this proposal. We were not for sale. Then Gov. Charlie Crist approached us with the proposal to acquire all of U.S. Sugar and its 180,000 acres of strategically located land for Everglades restoration.

The only reason we entertained the proposal was that it came from the governor and our owners believed the transaction would play a major part in resolving the huge problems of the Everglades, Lake Okeechobee, and the Caloosahatchee and St. Lucie rivers, a fitting legacy for our land.

While it was true that our sugar business had at that time accumulated significant debt due to several hurricanes and the monumental, multiyear construction of our state-of-the-art sugar factory, that is not the whole story.

Our company has been in business since 1931, and we have always weathered the storms. So, we made hard decisions, prioritized spending and cut costs. In its third year of operations, our new sugar factory is running smoothly, and our refinery has had record production. Today, we have the best sugar market in 30 years, and we have sold our sugar well into the future at high prices.

Today, U.S. Sugar is well capitalized, and we have retired more than \$200 million of debt. Our owners, shareholders and bankers are very pleased and proud of what we have accomplished:

We never violated any of our banking and loan covenants.

Due to our new sugar factory, railroad and cost-reductions, we are by far the lowest-cost producer of refined cane sugar in the United States.

We expect strong sugar demand, sales and pricing for at least 2010 and 2011.

We are the lowest-cost producer of Florida not-from-concentrate orange juice.

We developed and own the only disease-resistant citrus trees in the United States.

Florida Crystals is spending tens of millions of dollars in court, in the Legislature and in the media opposing this transaction in an attempt to get some of U.S. Sugar's superior assets for its business. Its actions are certainly in keeping with its history of trying to force a better deal for itself. Just as it did when it sued the state for its purchase of Talisman Sugar in the southern Everglades agricultural area for restoration a decade ago, Florida Crystals is angling for its own "sweet deal" in this case.

When Gov. Crist first announced this historic acquisition, Florida Crystals spokesman Gaston Cantens was quoted in the Miami Herald, stating the company "view(s) this as an opportunity to resolve some of these lingering environmental issues and create some long-term stability in this area."

In fact, Florida Crystals secretly sent its own proposal to the South Florida Water Management District — "to acquire a portion of the U.S. Sugar assets" and "join in pursuit of the state's goals." It demanded its offer be kept confidential, and when its greedy terms were refused, it filed lawsuits opposing this acquisition.

Examples of greed and hypocrisy from our critics:

While calling the contract "too sweet" for U.S. Sugar, Florida Crystals was attempting to force an even "sweeter" deal for itself.

At the same governing board meeting that Cantens publicly complained about U.S. Sugar's \$150-per-acre lease rate, Florida Crystal's leases with the SFWMD were approved at \$59 per acre.

Cantens uses the EAA-A1 reservoir on Talisman land to claim U.S. Sugar's deal delays other restoration projects when his own company sued the SFWMD to stop construction of that reservoir. It forced a settlement, got an \$8 million payout and still farms more than 20,000 acres of state-owned Talisman to this day.

Florida Crystals' secret proposal to the SFWMD offered to relinquish its Talisman leases only in exchange for U.S. Sugar land that is 50 percent more productive than its own.

Florida Crystals ran commercials claiming restoration dollars are better spent north of Lake Okeechobee at the same time it presented an alternative plan that has the SFWMD buying some of its land south of the lake rather than U.S.

Sugar's.

At the SFWMD's request, due to the economic downturn, we have twice re-negotiated this contract so that it was affordable to the state while still providing a fair return to our shareholders. A broad public review and extensive court process approved its public purpose, all over Florida Crystal's objections. We are confident the Florida Supreme Court will uphold the bond validation and that the governing board will complete its budget process, making this a high priority without raising taxes.

The bottom line: Florida has a very rare opportunity to re-acquire a large swath of the historic Everglades from a willing seller at a fair, appraised price that will advance Gov. Crist's bold Everglades restoration plan. Florida's political leaders and its citizens should not be fooled by a slick public relations campaign from self-serving Palm Beach billionaires with a long history of throwing people out of the lifeboat, not just to get a seat, but so that they can get a better seat.

Fla. Supreme Court to hear Everglades case

04/07/2010

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Associated Press (AP) - West Palm Beach Bureau

WEST PALM BEACH, Fla. — The Florida Supreme Court will hear a legal challenge to a state deal aimed at buying 73,000 acres of farmland from U.S. Sugar Corp. for Everglades restoration projects.

The court was set to hear the case Wednesday afternoon that calls for the state to pay \$536 million for the land. The state plans to use it to build reservoirs and water treatment marshes intended to clean water and restore natural flow through the Everglades. The deal also leaves open the option for the state to buy more land from the nation's largest cane sugar producer.

U.S. Sugar's main rival, Florida Crystals, and the Miccosukee Indians, who live in the Everglades, have argued the deal is an irresponsible use of taxpayer dollars and could further delay Everglades restoration.

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04/06/2010

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Stuart News

Treadway, Tyler

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Everglades land deals and Big Sugar battles head to Florida

Supreme Court

04/06/2010

Sun Sentinel - Online

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Land buying in the name of Everglades restoration already amassed more than 233,000 acres ? twice the size of Fort Lauderdale, Miami and Tampa combined.

That cost taxpayers about \$1.6 billion, and the real estate shopping continues.

While construction on several long-promised Everglades restoration projects remains stuck in bureaucracy, Gov. Charlie Crist is pushing a \$536 million deal to pick up 73,000 acres from U.S. Sugar Corp.

On Wednesday, the Florida Supreme Court wades into the legal fight over the cost of Crist's plan to reshape Everglades restoration. The high court will decide whether the South Florida Water Management District can borrow the money to buy the land.

The plan calls for using U.S. Sugar's farmland to build reservoirs and water-treatment areas to help revive Florida's famed River of Grass.

Even if the Supreme Court or growing cost concerns torpedo the U.S. Sugar deal, state officials are considering keeping it alive with a scaled-down, less-expensive version.

That could mean buying 25,000 acres from U.S. Sugar, without having to borrow as much money at taxpayer expense during an economic downturn.

"We are looking at all sorts of ?What ifs?" said Eric Buermann, chairman of the South Florida Water Management District, which leads Everglades restoration and is trying to cobble together the deal with U.S. Sugar.

Buermann said the district remains intent on completing the 73,000-acre deal, but that diminishing tax revenues due to the struggling economy remain a hurdle.

Selling off or trading land in the restoration inventory are among the other options being considered for making the U. S. Sugar deal more affordable.

"Yes, we want it," Buermann said of U.S. Sugar land. "Now the decision is, can we afford it or not?" Critics ? led by U. S. Sugar competitor Florida Crystals and the Miccosukee Tribe ? say the \$536 million deal costs taxpayers too much and takes money away from already overdue Everglades restoration projects.

Those include an unfinished reservoir in western Palm Beach County that already cost the public \$280 million.

Opponents say a watered-down version of the deal would just mean more wasted time and money that could have been used for building restoration projects. Florida Crystals and the Miccosukees on Wednesday will call on Florida's high court to scrap the U.S. Sugar deal.

"They can't afford to buy the land and build projects," Florida Crystals Vice President Gaston Cantens said about the water management district. "They have got to save face somehow. ? They have got to buy something."

But environmental groups ? including Audubon of Florida, the Sierra Club and the Everglades Foundation ? call the U. S. Sugar land deal a historic opportunity to acquire property south of Lake Okeechobee that was long off limits to restoration.

Even though hundreds of thousands of acres already is set aside for restoration, the location of the U.S. Sugar land makes it too good to pass up, supporters say.

They maintain that getting Big Sugar land eventually means less pollutants washing into water supplies and more opportunities to recreate the flows of water south that once naturally hydrated the Everglades.

Helping the Everglades protects South Florida drinking water supplies as well as fishing grounds vital to Florida's economy.

"This land belongs in the people's hands," Everglades Foundation CEO Kirk Fordham said.

