Ask more questions before buying U.S. Sugar land

BY SAM POOLE
SPoole@bergersingerman.com


One cannot overstate the decline of the Everglades, Florida Bay and Lake Okeechobee. Congress' failure to fund the 50-percent federal share of the Comprehensive Everglades Restoration Project (CERP) approved in 2000 put restoration efforts eight years behind schedule. The only successful restoration effort to date is phosphorus removal from the Everglades Agricultural Area (EAA) flows into the Everglades.

No one questions the urgent need to get restoration under way. The question is whether the unilateral decision to purchase U.S. Sugar lands advances restoration. We are all tempted by once-in-a-lifetime opportunities. Responsible people ask: "Do I need what is offered? What must I give up? Should I check with my partners?"

Is this land needed? Florida Crystals asked the leading Everglades restoration design firm to prepare a proposal for a cost-shared amendment to CERP to meet updated flow targets for the Everglades, Florida Bay and the Caloosahatchee and St Lucie Estuaries. The Burns & McDonnell plan greatly improves the performance of CERP, at an additional cost of $2-$3 billion. The plan converts about 62,000 acres of sugar cane land to store and treat polluted Lake Okeechobee water and send the clean water south to restore the Everglades and Florida Bay. Only a small part of the US Sugar lands are in the Burns & McDonnell plan. Nearly half of the initial 73,000-acre purchase has no use in Everglades restoration.

Rational thinking requires that we first ask, What land is needed for restoration? rather than purchasing 180,000 acres that are not a part of any plan and then asking, Can we use this land for restoration? When one spends dearly to buy land in advance of planning, the plan will inevitably be shaped by the purchase, rather than what is best for environmental restoration.

Nowhere is this principle more evident than the plans for the U.S. Sugar transaction presented to the south florida water Management District Governing Board last October. Science-based restoration plans to save Lake Okeechobee, several years in preparation, called for storing and treating stormwater runoff from developments between Orlando and Lake Okeechobee before the water entered the lake. The plans presented in October eliminated most storage north of the lake and sent this stormwater from Orlando through the lake to be stored in the EAA.

``What is the cost/What must I give up?" CERP is now estimated to cost $12 billion. Even with 50-percent federal funding, South Florida taxpayers face a large tax bill. Constructing newly proposed reservoirs on the U.S. Sugar land will cost $14 billion to $17 billion. Add in $200-$400 million per year to maintain and operate the reservoirs, plus land cost, all funded 100 percent by South Florida taxpayers, and the financial resources of the District are more than exhausted.
Florida Crystals' concern, as a long-term partner in Everglades restoration, is that construction of critically needed projects will be deferred or eliminated in order to buy land for unaffordable projects that are not part of any restoration plan agreed to by the restoration partnership.

``Should I check with my partners?'' Unilateral decisions on major issues strain partnerships. Restoration will be a 40-year team effort of public, tribal, landowner and nongovernment interests. Trust among these partners that decisions are rational, science-based and transparent is fundamental to success. The U.S. Sugar transaction is a trust buster.

We have lost more than a year of restoration debating the U.S. Sugar transaction. Restoration would be better served by deferring the purchase, ending the media campaigns and convening a public discussion among all restoration partners focused on getting restoration back on track and what role a U.S. Sugar transaction might play in that effort.

*Sam Poole is a shareholder with the Florida business law firm of Berger Singerman, which represents Florida Crystals Corp. He was executive director of the South Florida Water Management District from 1994-99 and is a past chair of the South Florida Ecosystem Restoration Task Force Working Group.*