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Back bonds for sugar deal

03/16/2009
Palm Beach Post

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If the opponents of the South Florida Water Management District's \$1.34 billion purchase of U.S. Sugar's land get their way, the three-day trial that begins today in Palm Beach County will be the debate that taxpayers never got.

In challenging the district's right to borrow up to \$2.2 billion, to pay for the land, opponents will portray the deal as a U.S. Sugar bailout that will not save the Everglades. If they succeed, Circuit Judge Donald Hafele could stop the deal by declaring that the district can't issue "certificate of participation" bonds, which don't require a public vote.

The district, supported by Audubon of Florida, contends that it has every right to borrow the money even if the ultimate use of the land is not spelled out in fine detail. The district argument goes this way: Water storage and treatment benefit the public; the district has declared that it will use U.S. Sugar's land for water storage and treatment; therefore, buying the land will benefit the public.

But the district also must contend with time. Either side probably will appeal if it loses. Appeals to the Florida Supreme Court must be decided before the court's summer recess. If not, the district won't be able to borrow the money and close by the Sept. 25 deadline.

Lined up to stop the district are rival sugar grower Florida Crystals, the Miccosukee Tribe and Concerned Citizens of the Glades, based in U.S. Sugar's hometown of Clewiston. They argue that the cost will stop Everglades restoration efforts already under way, the price is too high and the lease that would let U.S. Sugar continue farming for seven years is too favorable. Even if the district can afford the land, Florida Crystals argues, it can't afford the estimated \$3 billion to restore it.

"The district will no doubt claim that eventually, some day, once money becomes available from some unspecified source, the land will be used to great public benefit," Florida Crystals' attorney Joe Klock wrote. "But, all they can offer now is mere speculation, artful maps and hopeful language with no inkling as to what or how anything will actually get built."

The water district counters that most of those arguments are irrelevant. "Unquestionably, there might be disagreement," district attorneys Randall Hanna and Christine Lamia wrote, "even passionate and well-founded disagreement, over the technical, environmental, scientific, economic or other aspects of the proposed program - as there was among the members of the governing board itself." But that doesn't matter, they argue. To issue valid bonds, the district must show only that the buyout meets a public purpose.

And that's the key point. This newspaper believes that the district is paying too much, and that the lease is too generous. The Glades will need economic help from the state. But controlling these 180,000 acres hugging Lake Okeechobee would give the district a chance to preserve what remains of the Everglades and stabilize South Florida's future water supply. There is no doubt that this buyout has a public purpose.

Definition of property tax increase could affect schools, U.S. Sugar deal

03/16/2009

Palm Beach Post - Online

MICHAEL C. BENDER

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TALLAHASSEE Lawmakers may well twist themselves into a knot this year trying to decide the definition of a property tax increase.

Is it simply whether a tax bill goes up from one year to the next? Or could it be a tax increase even if Florida lawmakers spend the same amount of property taxes on schools next year as they spent this year?

The outcome of that debate could determine how lawmakers plug a \$1 billion hole in the state's K-12 education budget. It also could affect whether the South Water Management District can afford to buy U.S. Sugar land, and the size of city and county tax bills.

On average, property tax bills would remain about the same if state lawmakers collect the \$9 billion in property taxes they did this year for schools. But to do that, they'd have to increase the property tax rate by 12 percent or more to make up for a precipitous drop in home values during the past year. 'That's the decision we're going to face, and that's the internal debate,' said Sen. Mike Haridopolos, R-Indian River, who helped write the constitutional amendment on property taxes that voters approved in 2008.

Gov. Charlie Crist is asking lawmakers to keep the property tax rate the same for schools this year, saying federal stimulus money could fill in the holes. The stimulus money isn't a sure thing because of recent cuts to the education budget.

But Crist also insisted that it's a tax increase only if a homeowner actually pays more from one year to the next. 'Regardless of the rate, the bottom line is the bottom line,' Crist said. 'That's my feeling on it, and that's how I think taxpayers look at it.' Meanwhile, one of Crist's property tax proposals would eliminate this dilemma for primary homeowners.

Crist is asking lawmakers to place a constitutional amendment on the statewide ballot next year to eliminate the so-called 'recapture' effect from Save Our Homes.

Save Our Homes prevents homestead assessments from climbing more than 3 percent per year. Such an increase happens even if the home's total value shrinks, a rare circumstance known as the 'recapture' effect. State Sen. Dan Gelber, D-Miami Beach, said raising the tax rate was a tax increase. 'The question is if it's increasing the tax burden on a homeowner and the answer is yes,' Gelber said. But for years, state lawmakers and local officials took credit for a tax cut by reducing the tax rate, despite skyrocketing property values that let governments collect more

property taxes with a lower rate.

Now, a 33 percent drop in median home values in 2008 has slammed the brakes on the state's chugging economy and exposed the relationship between a property tax rate and the 'bottom line' on the tax bill. State lawmakers attempted to eliminate significant property tax increases in 2007 with a law that requires extraordinary votes from city and county commissioners to exceed the so-called 'rollback rate' for property taxes.

The rollback rate is the tax rate that would collect the same amount of property taxes as the previous year, adjusted for growth.

But while it was designed to prevent property tax hikes in a real estate boom, some believe it also lets elected officials raise the rate when property values drop.

In Palm Beach County, commissioners are contemplating an 8 percent increase in the tax rate to make up for falling revenues.

The South Florida Water Management is also deliberating this question for its property tax budget, which would be used to finance a deal to purchase 180,000 acres for Everglades restoration. Crist has promised not to increase property taxes to pay for the plan.

The most notable effect for the legislature from the slumping real estate market has been declining sales tax collections.

Without the purchases that come along with buying a new home, the sales tax - the main income source for the state's general revenue fund - is expected to decline in 2009-10 for the third consecutive year, or about 18 percent less than the \$19.4 billion the state collected in 2006-07.

Declining property values also have diminished the state's property tax base by 12 percent in less than a year.

That means if lawmakers set the same property tax rate as they have the past two years, they'll have \$1 billion less to spend on schools.

Rep. Anitere Flores, a Miami Republican in charge of the House K-12 Appropriations Committee, called the drop 'incredible.' But she said House budget writers were preparing a plan that did not increase the property tax rate. 'We're going to do everything we can not to increase taxes,' Flores said. 'But at the same time, we're also hearing from parents and teachers around the state who say we're at the point where we have to look for new revenue sources.' We'd like your thoughts on this story. I appreciate your willingness to share them. At PalmBeachPost.com, we want to avoid comments that are obscene, hateful, racist or otherwise inappropriate. If you post offensive comments, we will delete them as soon as we can. If you see such comments, please . John Bartosek, Editor, The Palm Beach Post. | *HTML not allowed in comments. Your e-mail address is required.

FLORIDA LEGISLATURE Florida lawmakers feed on special-interest money

03/15/2009

Miami Herald

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In the latest election cycle, dozens of Florida legislators raked in \$6 million in special-interest campaign money and spent a good deal of it on themselves for meals, rental cars, plane trips and hotels.

Some lawmakers are feeding at the trough of contributors, enjoying expensive dinners at upscale restaurants with donors' money at a time when one in 10 Floridians are on food stamps. Others are churning cash from one political committee to another, using it to finance direct contributions and attack ads for other candidates, thereby strengthening their own clout in a virtually untraceable shell game.

All of this is legal. Florida law bans legislators from accepting more than \$500 from each donor who contributes to their individual campaign accounts.

But there is no limit on the amount of cash that lawmakers can collect from all manner of special interests in separate fundraising committees that the lawmakers create to advance broadly defined public purposes, such as getting one another reelected.

"If I do it over coffee, I have to pay for my own coffee, but I can accept a \$10,000 check," said Sen. Dave Aronberg, a Democrat from Greenacres who has used political committees to recruit candidates and steer money to several Democratic legislative campaigns.

Florida law says money raised for the committee can be spent only in support of its often nebulous mission. Lawmakers defend the growing practice of using the contributions for personal expenses, citing their own modest means and the demands of being visible in the fourth-largest state.

"We are traveling the state, and we're going to eat and sleep over in different places," said Sen. Mike Haridopolos, R-Melbourne, a possible future Senate president. "We're not charging the state. This is not taxpayer money."

The enormous amounts of money have also spawned a cottage industry for advertising, media and political consulting firms, many of which create their own political committees to send money back to the accounts of the legislators who hire them.

A Herald/Times review of fundraising and spending patterns of about 40 lawmaker-connected political committees shows that legislators have spent substantial amounts on consultants, advertising, staff, travel and meals not directly tied to the committees' stated missions. No law prohibits the practice, and legislators themselves write the campaign finance laws.

NOBLE NAMES

The committees operate under noble-sounding names, such as Senate President Jeff Atwater's Preserve the American Dream, Sen. Mike Fasano's Floridians for Principled Government and Sen. Dan Gelber's A Better Way for Florida.

The one controlled by Haridopolos, the Committee for Florida's Fiscal Future, which is connected with Rep. Carlos Lopez-Cantera, R-Miami, spent the most on food in the past two years -- \$12,495. The biggest dinner tab, for \$530, was at Ruth's Chris Steak House in Coral Gables.

Their committee also used donations to buy flowers and gasoline and to pay cellphone bills, and Haridopolos reimbursed himself for thousands of dollars in expenses.

"I'm going out there currying my leadership votes and gaining support around the state," said Haridopolos, who noted that most donor-paid meals are in the \$25 range. "We're not wining and dining too many people."

Most of the 40 committees are controlled by Republicans, who make up a solid majority in the Legislature. But the No. 4 committee in fundraising since 2007 is controlled by Democratic Sen. Dave Aronberg of Greenacres.

"I try to help recruit candidates under the Democratic Party brand, to run as centrist candidates in competitive districts," Aronberg said.

He used the money to hire a consultant to help him recruit candidates and travel to rural areas of the state where "the party's brand was suffering."

Aronberg has filed legislation this year that would ban these slush funds, known as Committees of Continuous Existence. One major problem: He can't find a House sponsor.

"We need a different set of rules because I think there is too much money in this process," he said. "But you have to change them for everyone. I'm playing by the rules, because if you don't, you could be destroyed in this process. Unilateral disarmament does not work."

Aronberg is an attorney-general hopeful. Republican Attorney General Bill McCollum has his own committee, the Building Integrity and Lasting Leadership fund, or BILL.

After news reports on secret slush funds a few years ago prompted former Gov. Jeb Bush to say the practice "stinks," lawmakers required all donations to be promptly disclosed on committee websites. But the fundraising continues unabated.

This year, the fundraising frenzy continued until the last hours before the legislative session began March 3. Rep. Adam Hasner, R-Delray Beach, collected \$48,700 that day alone, some of it at a fundraiser at the Governor's Club at which a Herald/Times reporter was denied entry.

Hasner is the only legislator who controls three separate committees, called Florida on the Move I, II and III. Hasner's single biggest check recorded March 2 was \$10,000 from the

American Council of Life Insurers. Four months ago, he cruised to reelection as the first state House candidate to raise more than \$1 million.

"I have a lot of supporters," Hasner said. "Just because they contribute to me doesn't mean I adopt their platform. They are adopting mine."

The Hospital Corporation of America, a major hospital chain seeking to change the way more than \$1 billion in hospital money is awarded each year, donated the most money to the committees: \$269,500 in the past two years. HCA also donated an additional \$865,000 to other committees and to individual lawmaker campaigns in the same two-year period.

U.S. Sugar Corp. of Clewiston, which has hired 41 lobbyists in seeking to sell much of its land to the state, is next with \$226,260. It donated an additional \$365,000 to lawmakers and other political groups this election cycle.

AT&T, which is seeking favorable phone legislation this year, was the No. 3 contributor with \$151,500.

Many of the committees' mission statements cite a goal of helping to elect like-minded candidates. But over the past two years, they collectively spent a total of \$210,500 in \$500 contributions directly to candidates. More than \$1 million, or five times as much money, went in payments to consultants.

In many cases, it is impossible to track who really donated the money to a committee or a legislator. Atwater's committee paid \$196,000 to Public Concepts, the political consulting firm of Randy Nielsen. Nielsen's firm has its own political action committee, Free Speech PAC, which last year received a \$200,000 check from a political committee controlled by Republican Sens. Alex Diaz de la Portilla, J.D. Alexander, Mike Bennett, Mike Haridopolos, Carey Baker and Ken Pruitt. Then Free Speech PAC gave \$90,000 to the Florida Medical Association's political action committee.

Why? Nielsen doesn't recall. But he noted that because of Florida's "convoluted" election laws, committees controlled by legislators can't buy ads for candidates and therefore must shift money around to other entities to accomplish their goals.

"It's a balkanized mess," he said. "I'm an advocate for simplification of the whole system." He suggests that the fundraising caps be removed for legislators, the political committees be allowed to operate unfettered, and every dime they collect be reported within 48 hours to the state Division of Elections.

This month, the Alliance for a Strong Economy fund connected to the six senators paid \$10,000 to a lobbying firm tied to Ralph Arza, a former GOP House leader whose rapid downfall followed an expletive-laden phone rant against a colleague in 2006.

None of the senators would take responsibility for the committee's expenditures. They say they just raised money for it, but did not know who spent the money.

Some lobbyists complain that demand for big money donations is increasing, even during a recession when fundraising isn't

permitted. As a result, it's becoming harder for their generosity to gain a legislator's attention. They also say that donations to committees are spent for so many different purposes that it's impossible to link a donation to a candidate or cause.

"It's like giving to the parties," said lobbyist Travis Moore. "Is it being spent on messaging, or travel?"

\$10,000 CHECKS

Fort Lauderdale Rep. Elyn Bogdanoff's fund, fortified by \$10,000 checks from insurers and lobbyists, has paid campaign consultant Todd Richardson \$110,000. Bogdanoff chairs the House Finance and Tax Council, which is reviewing whether to eliminate some of the hundreds of business-friendly sales-tax exemptions.

Donors to her committee, called Creating Possibilities, include hospitals, insurance agents, land surveyors, race tracks, real-estate agents and restaurants. Bogdanoff has spent \$140,564 in the past two years, of which \$12,500, less than 10 cents of every dollar, went directly to candidates.

Bogdanoff blames the 2006 gift ban for the rise in lawmaker-controlled slush funds. As a leading lawmaker on tax policy, she said, she is invited to speak to groups around the state, but the gift ban ended the practice of the sponsoring organization underwriting lawmakers' travel costs.

"You can't do that anymore unless you're independently wealthy," she said.

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Special interests funnel \$6 million to Florida lawmakers

03/15/2009

St. Petersburg Times - Online

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By Steve Bousquet, Breanne Gilpatrick, Alex Leary, Marc Caputo, Amy Hollyfield, David DeCamp and Mary Ellen Klas, Times/Herald Tallahassee Bureau

TALLAHASSEE In the latest election cycle, dozens of Florida legislators raked in \$6 million in special-interest campaign money and spent a good deal of it on themselves for meals, rental cars, plane trips and hotels.

Some lawmakers are feeding at the trough of contributors, enjoying expensive dinners at upscale restaurants with donors' money at a time when one of every 10 Floridians is on food stamps. Others are churning cash from one political committee to another, using it to finance direct contributions and attack ads for other candidates, thereby strengthening their own clout in a virtually untraceable shell game.

All of this is legal. Florida law bans legislators from accepting so

much as a cup of coffee from a lobbyist, and individual campaign contributions are limited to \$500.

But there is no limit on the amount of cash lawmakers can collect from all manner of special interests in separate fundraising committees the lawmakers create to advance broadly defined public purposes, such as getting one another re-elected.

'If I do it over coffee, I have to pay for my own coffee, but I can accept a \$10,000 check,' said Sen. Dave Aronberg, a Democrat from Greenacres who has used political committees to recruit candidates and steer money to several Democratic legislative campaigns.

Florida law says money raised for the committee can be spent only in support of its often-nebulous mission, but there is no oversight of the expenditures. Lawmakers defend the growing practice of using the contributions for personal expenses, citing their own modest means and the demands of being visible in the fourth-largest state.

'We are traveling the state, and we're going to eat and sleep over in different places,' said Sen. Mike Haridopolos, R-Melbourne, a possible future Senate president. 'We're not charging the state. This is not taxpayer money.'

He also pointed out that lawmakers quickly post their individual contribution and expense records on their own Web sites.

The enormous amounts of money have also spawned a cottage industry for advertising, media and political consulting firms, many of whom create their own political committees to send money back to the accounts of the legislators who hire them.

A Times/Herald review of fundraising and spending patterns over the last two years of 40 lawmaker-connected political committees shows legislators have spent substantial amounts on consultants, advertising, staff, travel and meals not directly tied to the committees' stated missions. No law prohibits the practice, and legislators themselves write the campaign finance laws.

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He used the money to hire a consultant to help him recruit candidates and travel to rural areas of the state where 'the party's brand was suffering.'

Aronberg has filed legislation that would ban these slush funds, known as committees of continuing existence. One major problem: He can't find a House sponsor.

'We need a different set of rules because I think there is too much money in this process,' he said. 'But you have to change them for everyone. I'm playing by the rules because, if you don't, you could be destroyed in this process. Unilateral disarmament does not work.'

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Lobbyists with fewer clients complain that demand for big money donations is increasing, even during the session when fundraising isn't permitted. As a result, it's becoming harder for their generosity to gain a legislator's attention. They also say that donations to committees are spent for so many different purposes that it's impossible to link a donation to a candidate or a cause.

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Times/Herald Tallahassee Bureau writers Steve Bousquet, Breanne Gilpatrick, Alex Leary, Marc Caputo, Amy Hollyfield, David DeCamp and Mary Ellen Klas contributed to this report.

Everglades visit reinforces Gov. Charlie Crist's stance for land deal

03/14/2009

Sun Sentinel - West Palm Beach Bureau
Reid, Andy

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Darkening financial clouds over Gov. Charlie Crist's blockbuster Everglades land deal couldn't compete Friday with the vast number of birds the governor said he saw on a visit to the famed River of Grass.

Crist said he took his new wife, Carole, on her first tour of the wetlands and returned committed to buying farmland needed to restore water flows from Lake Okeechobee to what remains of the Everglades.

Crist has proposed a \$1.34 billion deal with U.S. Sugar Corp. But it has been criticized for its cost when state legislators are considering deep budget cuts because of the struggling economy.

Glades communities also oppose the deal, saying that sacrificing 180,000 acres of farmland for restoration will cost too many agricultural jobs.

Crist didn't discuss details of ongoing talks with U.S. Sugar on Friday, but he did say, "I think we are on a good path."

"It's such a treasure and just reinforces how important this project is to me," Crist said of the Everglades and his trip, which was unannounced.

On Thursday afternoon, Crist arrived in Clewiston, U.S. Sugar's home base. The South Florida Water Management District, charged with paying for the U.S. Sugar deal, also happened to be holding its monthly board meetings in Clewiston on Wednesday and Thursday.

Crist flew into town for a "personal trip," said his spokeswoman Erin Isaac. She said the governor had no official meetings planned in Clewiston.

U.S. Sugar and water district officials said they didn't know the governor was in town.

Clewiston Mayor Mali Chamness also said she didn't know Crist was there.

"We have invited him several times," Chamness said.

Crist said that Friday morning he and his wife went on a tour of the Everglades and Big Cypress Swamp with Ron Bergeron, an avid outdoorsman, rock mine operator and Crist appointee to the Florida Fish and Wildlife Conservation Commission.

Crist said that during his stay in the heart of sugar cane country and his swing through the Everglades, he didn't meet with any of the players in the proposed U.S. Sugar deal.

U.S. Sugar Senior Vice President Robert Coker said that although the governor and company representatives didn't meet on Crist's swing through South Florida, they are trying daily to make the deal work.

What Is The Environment Worth?

03/13/2009

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Environment Worth?

by DiSaggau

Rur experts on Everglades restoration spoke during the annual Conservation Forum last week at BIG ARTS.

They are Shannon Estenoz, governing board vice chair of the South Ronda Water Management District; Tom Van Lent, senior scientist with the Everglades Foundation; Rae Ann Wessel, natural resource policy director of the Sanibel-Captiva Conservation Foundation; and Kirk Fordham, CEO of the Everglades Foundation. They explained why the purchase of U.S. Sugar land by the state of Rorida is fundamental to restoration of the Caloosahatchee and Greater Everglades eco-system. What follows is an attempt to summarize an engrossing evening.

Long after we are gone,
the Everglades will be our
legacy, to our children,
to our grandchildren and
to our nation.

- George Barley

The message was clear, the purchase of the land, as proposed by Governor Charlie Crist, provides a fundamental solution for the restoration of a broken system. Prior to the governor's announcement in June 2008, several myths existed as to whether the Everglades could playa role in storing water. To quote one speaker, "Governor

Crist threw a grenade and threw that myth right out of the water."

Originally designed by the U.S. Army Corps of Engineers as a flood control project, the current water system was built to serve two million people. Today it is serving seven and a half million. No one imagined there would be that many people in this region today.

The \$1.34 billion deal would buy 180,000 acres of farmland located along the southern edge of Lake Okeechobee, which would be converted into reservoirs to store water and artificial marshes to help clean it. While it seems like a lot of money, the question was asked, how can you put a price tag on the environment? Scientific studies show that the most valuable real estate on earth is estuaries and wetland systems. Considering all this, the price really becomes minimal. Water experts believe this is the most cost-effective way to solve the problem.

The flow of abundant clean water through the Everglades is the key to South Florida's economy including tourism, boating, fishing and agricultural industries. Hundreds of thousands of good paying Florida jobs depend on these industries. Florida must act to secure the land now, while it is available from a willing seller. Restoration works and can work quickly.

If the purchase falls apart drought and flooding will continue to degrade the Caloosahatchee River. Today we live with the unintended consequences of the largest man-made plumbing system in the world. The rain-heavy hurricane seasons of 2004 and 2005 stressed the system to emergency conditions. When both the Caloosahatchee and St. Lucie rivers turned the color and consistency of green paint it was clear the system was broken.

In the summer of 2005, a bloom of toxic blue-green algae covered the Caloosahatchee and St. Lucie rivers. In 2005-06, there were periods when red drift algae was piled several feet high on Sanibel beaches. In 2005, there was an extended red tide bloom.'

The purchase of U.S. Sugar land by the state of Florida, offers the first real hope for fundamentally fixing this broken system. The land provides a way to restore water flow south of the lake, the way it moved for centuries. It also provides land for water storage during the annual dry season and during droughts, ensuring an adequate flow south to the water-starved Everglades. .

SCCF and the Everglades Foundation asked everyone in the audience to support Everglades Restoration in Tallahassee by contacting two lawmakers who have introduced a bill "that would make the acquisition of the land virtually impossible. . . Concerned citizens can email Senator Mike Bennett: bennett.mike.web@flsenate.gov or Representative Trudi Williams: trudi.williams@myfloridahouse.gov, to tell them you oppose their efforts to stop Everglades restoration land acquisition. Members of the audience said this was the best presentation they have heard in support of the U.S. Sugar land purchase."

PURRE Joins Watershed Working Group

03/13/2009

River Weekly News, The

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PURRE Joins Watershed Working Group

PURRE (People United to Restore our Rivers and Estuaries) has joined with representatives of Lee County, the South Florida Water Management District, Audubon, the Watershed Council and others to form the Caloosahatchee Watershed Working Group. .

This group, led by Lee County Commissioner Tammy Hall, will serve as a forum where a diverse group of stakeholders will meet regularly to prioritize and build consensus around various projects, programs and initiatives to improve water quality in the Caloosahatchee Watershed. This forum will also discuss and develop legislative priorities.

"We at PURRE applaud this effort and Commissioner Hall's foresight and leadership in putting it together," said PURRE Chairman Michael Valiquette. "This is the best approach to water quality issues in our estuary and is one of the basic philosophies upon which PURRE was founded.

Getting stakeholders together and coming up with common sense solutions, then working together to move those goals through the process is the best way to meet these challenges and help our community.

We look forward to working with everyone."

With the recent adoption of the

Caloosahatchee River Watershed Protection Plan, there is a renewed focus on implementation and funding. This plan, released earlier this year, was a joint effort of the South Florida Water Management District, the Florida Department of Environmental Protection, and the Florida Department of Agriculture and Consumer Services. This will be the first comprehensive plan to address multiple aspects of the water quality issue including storage, runoff flows, pollution sources, best management practices, wetlands restoration, and reducing nitrogen and phosphorus loading in our water.

PURRE is one of 25 organizations, local governments and agencies acknowledged for its contribution to this effort. Valiquette added that there is a lot of activity on the issue of water quality right now, not the least of which is the U.S. Sugar land acquisition and effort to restore a southern flow in the Everglades. In addition, a decision is expected soon on "total maximum daily loads," the maximum amount of pollutants that are allowed to flow into a body of water each day, and other water quality initiatives are emerging as well.

