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LAND DEAL SURVIVES SENATE OPPOSITION
04/30/09
Sun Sentinel

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The state Senate narrowly defeated a bid Wednesday that would have derailed the U.S. Sugar buyout, preserving Gov. Charlie Crist's top priority but exposing deep reservations over even the scaled-down $533 million deal.

Sen. Mike Bennett, R-Bradenton, offered an amendment on the Senate floor that would have restricted the South Florida Water Management District's ability to borrow money to finance the deal, which now involves 72,500 acres on the southern rim of Lake Okeechobee.

"I think this is the worst deal I've ever seen," Bennett said.

Bennett's amendment failed, 16-21, after former Senate President Ken Pruitt, R-Port St. Lucie, came to the rescue of Crist's land buy.

"We're letting something that's only going to happen once in our lifetimes slip through our fingers," Pruitt told senators.

 Earlier this month, the economy forced Crist to scale back what had begun as a $1.74 billion plan to buy all of U.S. Sugar's assets.

Now it's a more targeted land buy, to be bankrolled by taxpayers in the 16-county water management district. The state has a 10-year option to buy the remaining 107,000 acres.

Sen. Paula Dockery, R-Lakeland, a fierce critic of the plan, said, "This entire U.S. Sugar deal should have been vetted in the Legislature. It's avoiding a referendum of the homeowners in these 16 counties who make up that water district."

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**Employees' suit vs. U.S. Sugar suffers setback**

04/29/2009
Palm Beach Post - Online
Salisbury, Susan
WEST PALM BEACH — Score a $150 million win for U.S. Sugar Corp.

Employee shareholders who filed a class action lawsuit against the Clewiston sugar firm, its board, executives and controlling shareholders suffered a major setback Tuesday, when U.S. District Judge Donald Middlebrooks dismissed all but one count in the suit.

"We are studying the opinion ourselves now and will decide over the next couple of days what course of action we are going to take," said Ken Vianale, a Boca Raton-based attorney who is among those representing the approximately 3,800 current and former employees.

Pointing out that the judge dismissed 12 of 13 counts, U.S. Sugar spokeswoman Judy Sanchez said, "We believe that the ruling speaks for itself."

At the heart of the suit is whether the board and key executives maneuvered to keep the company from being sold to The Lawrence Group. The Nashville-based company's offer was about $100 a share higher than what the company was paying its own employees for shares.

The lawsuit alleged that former CEO Robert Dolson struck a deal to sell the company for $575 million in August 2005. It would have been the first opportunity in decades for the company's shareholders to sell their shares to a third party, but they allege they were not notified about the offer.

Instead, the suit alleges, U.S. Sugar Chairman William S. White and CEO Robert Buker seized control of the deal. After ousting Dolson, the board rejected The Lawrence Group's offer in March 2006 and January 2007, all without ever telling the employees about the possible sales.

But in a 46-page ruling signed Monday, Middlebrooks said that employee shareholders and former employee shareholders who are members of the Employee Stock Ownership Plan are not direct shareholders. Thus, the board did not have to present any offers to buy the company to the ESOP members. He also said the employees did not exhaust their administrative remedies, such as going to the ESOP committee, before filing the federal lawsuit.

Michael Keeling, president of The ESOP Association, a Washington-based trade group, said Tuesday that he agreed with Middlebrooks' ruling.

"This is a private company," Keeling said. "The law is clear that there is no pass-through asking the employees, 'Do you want to sell your stock, we have had an offer to buy the company,' unless the company wants to. This is not an individual shareholder issue."

The one claim that Middlebrooks did not dismiss is that of Mary Rafter, a former secretary and administrative assistant, who is a direct minority shareholder in U.S. Sugar. However, Rafter has not sold any shares and so has not been injured, he said.
Gov. Crist continues his attempts to stack the South Florida Water Management District board, which will vote next month on his proposal to buy a heaping dose of U.S. Sugar.

When the board voted 4-3 in December to pay $1.34 billion for 180,000 acres, the seat representing the Glades had been empty for nearly six months. The vacancy occurred the day Gov. Crist announced the original purchase. The Glades' representative, Malcolm 'Bubba' Wade, resigned because he is a U.S. Sugar vice president.

It has been more than 10 months, and Gov. Crist still hasn't made the appointment. It's not as if he's been idle. Why, just this week, Gov. Crist reappointed Deanna Murphy to the Alligator Point Water Resource Board in Franklin County. He's about to name his second appointee to the Palm Beach County Commission. Those appointments couldn't wait. The Glades, fearing devastation from the U.S. Sugar deal, obviously could and still can.

That is, as long as Gov. Crist wants to be entirely sure that his buyout would pass. As it was, two of his appointees voted against the deal in December. Gov. Crist no doubt feared that a Glades-area representative would reject the deal, resulting in a 4-4 deadlock that would have killed the purchase.

Now, the governor may have a way out of this dilemma. Board member Paul Huck, a lawyer who recused himself from the U.S. Sugar vote because of a professional conflict, resigned more than a month ago. Neither the water management district nor the governor's office announced his departure. Mr. Huck, a former Crist aide, cited the U.S. Sugar acquisition for his decision, saying that the issue is so big that he wanted to be replaced by someone who can participate in the vote.

More likely, Gov. Crist wanted someone in that seat whom he could trust to vote for the deal. The governing board is scheduled to consider on May 14 the governor's scaled-down buyout of 72,500 acres for $533 million. With a fifth vote in favor, assuming no switches, it wouldn't matter who represents the Glades.

On Tuesday, the district welcomed $250 million in stimulus money, including $96 million for Everglades work. Everglades projects are moving. A full board, including a Glades-area representative, is critical. Without one, the deal comes off as more about Charlie Crist than the Everglades.
Crist's U.S. Sugar buyout withstands a Senate assault
04/29/2009
Orlando Sentinel - Online
Josh Hafenbrack and Tonya Alanez

TALLAHASSEE -- The state Senate narrowly defeated a bid to derail the U.S. Sugar buyout, preserving Gov. Charlie Crist's top priority but exposing deep reservations over even the scaled-down $533 million deal.

Sen. Mike Bennett, R-Bradenton, offered an amendment on the Senate floor that would have restricted the South Florida Water Management District ability to borrow money to finance the deal, which now involves 72,500 on the southern rim of Lake Okeechobee.

"I think this is the worst deal I've ever seen," said Bennett.

Bennett's amendment failed, 16-21, after former Senate President Ken Pruitt, R-Port St. Lucie, came to the rescue of Crist's land buy.

"We're letting something that's only going to happen once in our lifetimes slip through our fingers," Pruitt told senators.

Earlier this month, the economy forced Crist to scale back his ambitious Everglades plan for the second time. It began as a $1.74 billion to buy all of U.S. Sugar's land, its sugar mill, rail lanes and other assets to clear the way for restoration.

Now it's a more targeted land buy, to be bankrolled by taxpayers in the 16-county water management district. The state has a 10-year option to buy the remaining 107,000 acres.

Sen. Paula Dockery, R-Lakeland, a fierce critic of the plan, said, "This entire U.S. Sugar deal should have been vetted in the Legislature. It's avoiding a referendum of the homeowners in these 16 counties who make up that water district. They're the only ones on the hook for paying for this."

Blog: Sugar deal debate not so sweet in the Senate
04/29/2009
St. Petersburg Times
Shannon Colavecchio
Consideration of an environmental protection bill on the Senate floor quickly turned into a tense debate on Gov. Charlie Crist's proposed land-buy of U.S. Sugar property to restore water flow through the Everglades.

Sen. Paula Dockery, a critic of the proposal, tried but failed to tack an amendment on to SB2104 that would have required legislative approval of large bonds such as what will be required to make the Everglades deal happen.

"It would protect the ad valorem taxpayers of the 16 counties in the water management district from having a tax put on them without them knowing," said Dockery, R-Lakeland.

Sen. Mike Bennett supported her, and made a dig about the CSX SunRail deal while doing so: "That Sugar deal is probably one of the worst deals I've ever seen, followed by a railroad. If you're going to raise people's taxes to that level, someone who is elected should have a say. I like the idea of saving the Everglades, but when you raise taxes beyond 15 percent of their whole ad valorem tax rate, that's a big deal."

Sen. Ken Pruitt, like the majority of the Senate, wasn't having it: "This (amendment) is about killing one of the most important initiatives we will see historically in our lifetime. The taxpayers are being protected, and I can assure you based on the polls out there that the people want this to happen."

**Judge dismisses U.S. Sugar lawsuit**

04/28/2009
Clewiston News

CLEWISTON – April 28, 2009 – U.S. Sugar Corporation announced today that a federal judge has dismissed all of the plaintiffs' claims in 12 of the 13 counts in a lawsuit against the company, its executives and board of directors and dismissed all of the claims of 5 of the 6 plaintiffs in the sole remaining count.

"This ruling is a significant victory for U.S. Sugar," said Judy Sanchez, director of corporate communications.

Among other key rulings, the Court dismissed without prejudice claims challenging the valuation of US Sugar Stock held by its Employee Stock Ownership Plan.

The Court ruled that participants have to bring their claims to the Company's ESOP Plan Committee for a decision in the first instance.

The Court ruled that participants could not file a lawsuit until they exhaust their administrative remedies.

"The Plan is designed to ensure that participants receive fair market value for any minority shares they sell back to the Company on retirement," said Sanchez.
“If claims are filed with the Plan Committee challenging the valuation, the Committee and its advisors will then undertake a process to decide the claims in accordance with the terms of the Plan.”

**Bridge divides Glades allies**
04/26/2009
Sarasota Herald-Tribune - Online
Kate Spinner

**EVERGLADES -** It is either Florida's $212 million 'bridge to nowhere' or a key step toward restoring the Everglades. The federal government wants to build a mile-long bridge on the Tamiami Trail in South Florida, lifting the roadway to allow more water flow beneath it. Engineers say it would help alleviate flooding north of the Trail and restore water to parched Everglades National Park to the south.

But the bridge would produce only a fraction of the benefits offered by a much simpler, cheaper idea proposed nearly 20 years ago. Any environmental benefits would be nominal and hinge on a host of other unfinished projects.

Still, environmentalists, frustrated by long delays in the Everglades restoration, are desperate to see something done, while critics, including some Republican leaders, call the bridge a symbol of waste in President Barack Obama's economic stimulus program.

Even the native Miccosukee Indians call the bridge a waste of money, and say they would rather spend money on work that might actually save the Everglades.

The bridge debate epitomizes the foundering, multibillion-dollar, decades-long struggle to save the Everglades, considered one of the world's natural treasures.

The restoration effort has been plagued by shifting or ill-conceived engineering ideas, competing priorities, politics and inadequate financing.

The latest twist came this spring, as Gov. Charlie Crist's grand plan to provide the 'missing link' in Everglades restoration shrank from a $1.7 billion, 187,000-acre land buy to $533 million and 72,500 acres as a result of the recession.

The bridge plan has split historic allies in the Everglades restoration struggle, the Miccosukee tribe and environmentalists. The tribe obtained a court-ordered halt to the project last year from a federal judge, who called it 'an environmental bridge to nowhere.' 'We think the bridge will be built and just stand there as a monument to stupidity,' said Joette Lorian, the Miccosukee tribe's spokeswoman and a longtime Everglades advocate.
In a report to Congress, a national scientific panel called efforts to restore natural water flows in the Everglades 'one of the most discouraging stories in Everglades restoration.' The National Academy of Sciences concluded that the bridge should be built 'as a first step that should create a sense of urgency' toward further Everglades restoration work.

Shifting water

The bridge is an adaptation of 20-year-old Modified Waters Delivery plan -- Mod Waters, for short -- intended to restore the north-to-south flow of water through the Everglades and push more water beneath Tamiami Trail.

The Trail stretches from Tampa to Miami, and where it crosses Florida's southern tip, the raised road is one of many blocks to the Everglades' historic sheet flow.

North of the Trail, levees, canals and pumps control water over a 1,360-square-mile expanse of sawgrass and tiny islands.

Engineers juggling the priorities of flood control, water supply and wildlife in Everglades National Park manage the distribution of water.

The original idea was to redesign the levees to shuttle more water under the road, using the 54 culverts already under the Trail. The job was expected to take five years and cost $81 million.

Transportation engineers killed it, saying the increased flow would collapse the road.

Environmentalists then urged the government to turn the targeted 11-mile stretch into a skyway bridge, envisioning the Everglades returning to a connected system of sloughs, sawgrass and islands.

But that idea clashed with the reality of how much the Everglades has changed, and why.

Plus, it would have cost $1.7 billion -- and even more to prevent flooding near Miami.

Instead, the Army Corps of Engineers suggested a two-mile bridge at the eastern border of Big Cypress, and a one-mile bridge at the eastern border of Everglades National Park.

When Congress balked at the $452 million cost, the Corps of Engineers settled on the one-mile bridge in 2008.

The scaled-down bridge will meet less than half the original goal for restoring water to Everglades National Park, and also presents flooding problems. Those problems must be resolved with new levees.

Otherwise, water rushing beneath the bridge will need to be pumped back north of the Trail to prevent the flooding of communities.

Additionally, new floodgates must be built before engineers can alter the water flow. The Corps of Engineers maintains that all the work will be finished when the bridge is done. 'We're in the home stretch,' said Kim Taplin, the agency's West Palm Beach deputy
But the corps still needs money to complete the bridge, a four-year project. With about $60 million from the stimulus bill, it needs another $95 million between now and 2013.

Congress added wording in the funding bill seeking to circumvent the judge's order against the bridge. The issue is still tied up in court.

Changing a culture

The Everglades today is not the same River of Grass that extended from Lake Okeechobee to Florida Bay in 1830, the year U.S. troops tried to send the Miccosukee Indians west, spurring a war that killed all but 50 of the tribe.

A wide belt of sugar farms and citrus groves north of the Everglades pinch the historic flow from the lake and levees segment the northern Everglades.

The Miccosukees hold land rights just north of the Trail, where, each year, constant high water swallows about seven islands with special significance to the tribe.

On Pig Jaw Island, floodwaters have rotted the floors of the chickee huts where Miccosukee children once learned about their heritage. The gumbo limbo trees died years ago, slowly replaced by wetland plants that bloom among the willows. 'When you flood these islands, you affect the entire culture of an endangered people,' said Gene Duncan, water resources director for the tribe.

The high water also eliminates bird rookeries and dry refuge for deer, rodents, snakes and alligators. In the marsh, deep water drowns the eggs of apple snails, the only food source for the snail kite, an endangered bird nearing extinction.

The flooding peaks in the rainy season, when floodgates close to protect the Cape Sable seaside sparrow, an endangered bird that breeds in the park.

Some of the earliest champions for Everglades restoration now work for the Miccosukees, complaining that big environmental groups just want to claim accomplishment for something, regardless of whether it works.


Duncan conducted some of the first tests in the 1980s to prove the Everglades could not handle the pollution pouring off sugar fields and farms.

Dexter Lehthinen, the U.S. attorney who sued Florida for allowing Everglades pollution in 1988, is now the Miccosukees' lead attorney.

Terry Rice, the Miccosukees' engineer, led the Army Corps' Jacksonville district in the 1990s and received awards for environmental stewardship, including from the Everglades Coalition.
He is now fighting his traditional environmental allies over the bridge, arguing that the government should clear the culverts under the Trail, and the vegetation-choked silt deposits south of them, to improve flow at a fraction of the cost. 'We're saying with meager efforts we can do a lot of good,' Rice said. The National Academy of Sciences concluded that cost, not environmental concerns, drove decision-making for the current bridge plan.

But environmentalists are anxious for action. 'Our feeling is you have to get out there and act if we're going to save the Everglades,' said Julie Hill, of Audubon of Florida.

The Miccosukee tribe seed each shift of time and money toward less-effective projects as a postponement of the ultimate solution for the Everglades.

Never mind restoration, said Duncan, the tribe's water expert. When it comes to the Everglades, 'we haven't stopped the bleeding.'

Program At SCCF Reviews U.S. Sugar And Everglades Restoration
04/24/2009
Island Sun

Have you ever wondered what it would be like if you could design Caloosahatchee and Everglades restoration? Sanibel-Captiva Conservation Foundation (SCCF) Natural Resource Policy Director Rae Ann Wessel and a group of other long-time advocates and interested parties got just such a chance through a River of Grass restoration planning process sponsored by the South Florida Water Management District (SFWMD).

The May 4 First Mondays: Policy at SCCF will review Redesigning Everglades Restoration, incorporating the unprecedented opportunity provided by the proposed U.S. Sugar land purchase. On March 31 nine teams formed to design and present their preferred plans for restoration. The plans were reviewed at a SFWMD workshop in Fort Myers April 16 and 17. The district will cost out each plan for presentation at the next Water Resources Advisory Commission workshop in West Palm Beach on May 6. The district hopes to consolidate the various plans before presenting them to the SFWMD Governing Board this summer, prior to the closing on the U.S. Sugar purchase in September.

While all nine plans incorporated water storage south of Lake Okeechobee, the plans varied considerably: one called for building a reservoir within Lake Okeechobee; another proposed raising lake levels after the Herbert Hoover Dike repair is completed. Eight of the plans incorporated storage north of the lake.

In addition to presenting the Estuary Driven Everglades Restoration plan, Wessel will recap the state legislative session, which will end on May 1. First Mondays presentations are informal and interactive with plenty of time for Q&A. The program will also review current
U.S. Sugar News for April 24 - 30, 2009

First Mondays: Policy at SCCF is held on the first Monday of the month at 10 a.m. in the SCCF Nature Center auditorium, 3333 Sanibel-Captiva Road on Sanibel. Programs are free and open to the public; no reservations are required. If you have any questions, call 472-2329.

U.S. Sugar's Land Deal Saves Jobs and Restores Everglades
04/24/2009
Glades County Democrat
Kirk Fordham

The world's largest ecosystem restora-tion took a decisive step forward when Gov. Charlie Crist announced an amended pro-posa1 to purchase more than 70,000 acres of U.S. Sugar Corp. land for Everglades restora-tion.

The governor's proposal provides land to address the biggest water-quality problems in the Everglades.

Virtually everyone agrees that the Everglades needs to be saved. After all, the spec-tacular River of Grass provides the source of drinking water for millions of Floridians. Tens of thousands of jobs in the fishing, boating, tourism and real-estate industries depend on a clean and healthy Everglades.

Families and children's groups enjoy the dozens of public parks within the Everglades as an escape from our busy urban centers.

Scores of rare and endangered species — from the Florida panther to the Southern bald eagle make their homes in the Ever-glades. Allowing this one- of-a-kind ecosys-tem to disappear would have devastating consequences.

The effort to acquire U.S. Sugar's land for Everglades restoration began with an announcement by the state to purchase 187,000 acres. This was later followed by an agreement to acquire just over 180,000 acres.

The current agreement has been altered to refl ect tighter budgets and leaner eco-nomic times and would allow the state to acquire 72,500 acres. It provides those who work in the sugar-growing communities south of Lake Okeechobee an opportunity to remain in business for the foreseeable fu-ture. This transaction will offer the state new opportunities to clean up polluted run-off from sugar farms and urban areas before it fl ows into the Everglades and stop the back-pumping of contaminated water from cane fields into Lake Okeechobee.

In addition, the contract's 10-year option gives the South Florida Water Management District an opportunity to purchase a remain-ing 107,500 acres — practically all the land needed for restoration. Special interests that have a fi nancial interest in
killing this critical land acquisition argue the purchase will block the completion of other restoration projects. These charges are simply untrue. This land acquisition is the foundation of a visionary plan providing opportunities to sustain our water supply, lessen the impact of Lake Okeechobee's polluted discharges to the Caloosahatchee and St. Lucie rivers and restore Florida Bay.

Finalizing an agreement to acquire land south of Lake Okeechobee to help the ailing Glades is a critical step forward. The existing state-federal Comprehensive Everglades Restoration Plan and the Northern Everglades program to restore and protect Lake Okeechobee, the St. Lucie and Caloosa-hatchee rivers and their estuaries can finally be made to work in a way that benefits the communities that depend on clean water and recovered fisheries.

Should this transaction fail, U.S. Sugar Corp. could auction its land holdings to other willing buyers who are already pushing dangerous plans to build landfills, rock mines and massive commercial developments in the middle of the Everglades.

Imagine how difficult and expensive the state's job of acquiring land for restoration in those circumstances would be and what irreversible abuses to the land could be perpetuated. No one who is truly concerned about a healthy Everglades and the economic benefits it provides to diverse industries such as agriculture, tourism, fishing, and boating would want to see that happen.

This historic land acquisition is an opportunity for us all. It requires vision — something that was woefully lacking before Crist suggested this approach to Everglades restoration.

We applaud Crist and U.S. Sugar for negotiating a creative, flexible and more-affordable solution to improving our water quality, saving the Everglades and preserving the jobs that are dependent on its survival.

Kirk Fordham is CEO of the Everglades Foundation in Palmetto Bay.