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Judge threatens Environmental Protection Agency with contempt in Florida Everglades case

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04/15/2010

Amherst Daily News - Online

Published on April 14th, 2010 Published on April 14th, 2010

Topics : U.S. Environmental Protection Agency , Florida Department of , DEP , Everglades , Florida , WEST PALM BEACH

WEST PALM BEACH, Fla. - A federal judge threatened the U.S. Environmental Protection Agency with contempt of court in a ruling Wednesday that accuses the agency of ignoring Clean Water Act requirements in Florida's Everglades.

U.S. District Judge Alan S. Gold ruled in 2008 that the EPA had turned a "blind eye" to Florida's Everglades cleanup efforts, while the state continued to violate its own commitment to restore the vast ecosystem. He ordered the EPA to review water pollution standards and timelines set for cleanup.

Gold wrote Wednesday that the EPA and Florida have ignored his previous order.

"I express in the strongest possible terms my frustration and disappointment," Gold wrote.

The Miccosukee Indians, who live in the Everglades, and Friends of the Everglades sued the EPA over phosphorous pollution in 2004. They claimed the agency was allowing Florida to delay Everglades restoration while failing to meet pollution requirements in the Clean Water Act.

The phosphorous pollution comes largely from fertilizer runoff from farms and development. The nutrient has long suffocated life in the ecosystem, driving out native species and poisoning the water.

The state and federal governments have been entrenched in a decades-long effort to fix the problem, but have been stymied by funding shortfalls, political bickering and lawsuits.

Gold ordered EPA's administrator to appear at an Oct. 7 hearing to report on compliance with his latest ruling.

A telephone message left for the EPA was not immediately returned Wednesday. The Florida Department of Environmental Protection said in a statement it was disappointed.

"The Florida Department of Environmental Protection (DEP) maintains that its permitting actions have been consistent with the Clean Water Act, Florida law and the court's earlier order," according to the statement, which also said the agency would appeal the ruling.

Gold also questioned how the state's plan to spend \$536 million for 73,000 acres of U.S. Sugar Corp. farmland in the Everglades would help with restoration efforts. The deal has already faced numerous obstacles and has been lambasted by critics as a waste of taxpayer money that will only further delay Everglades restoration.

The state Supreme Court is set to rule soon on whether Florida can move forward with the deal.

"No scientific analysis has been conducted to determine if such a purchase, and related postponement of construction projects to finance it, would either further or hinder achievement of the now mandatory phosphorous criteria," Gold wrote.

Letters: Florida Crystals should mind its own business

04/17/2010

Palm Beach Post

ROBERT COKER

Letters: Florida Crystals should mind its own business

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Thursday's op-ed by Florida Crystals Vice President Gaston Cantens was absurd, another litany of lies concerning U.S. Sugar.

He criticized our company's refinery in Clewiston. Well, our refinery has broken production records for the past three years. It is operating at 140 percent of its designed capacity. That improvement is a direct result of the success of the new raw sugar mill design and the high-quality sugar it produces. Our refinery has become so efficient that we imported Mexican sugar as an opportunity to increase sugar sales, and we made money doing so. According to Mr. Cantens, Florida Crystals cannot import Mexican sugar and refine it profitably, but our state-of-the-art factory can and did for two straight years, and we already have purchased Mexican sugar again this year.

Industry experts come from around the world to benchmark our refinery. I doubt that many of them make a side trip to see Florida Crystals' much older operations just 15 miles away. Perhaps Florida Crystals would be better served investing the money it's wasting fighting the sale of U.S. Sugar land for Everglades restoration in upgrading its 40-year-old refinery to better compete with us.

ROBERT COKER

Clewiston

Editor's note: Robert Coker is senior vice president, public affairs, for U.S. Sugar Corp.

Swartz: Dirty water, dead oysters, St. Lucie River in trouble

04/17/2010

Palm Beach Post - Online

Sally Swartz

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The roar of water pouring out three half-open gates into the St. Lucie River is loud enough to hear from the parking lot near the locks on this gray day. Foam clings to orange buoys at the edge of the spillway, closed to visitors for maintenance.

The St. Lucie Locks southwest of Stuart are the last stop for Lake Okeechobee's polluted water as it travels from the lake to be dumped into the river. The U.S. Army Corps of Engineers, after a wet winter, wants to lower the lake to relieve pressure on the weak dike that surrounds it. Palm Beach County commissioners voted last week to push Congress to speed allocation of \$1 billion needed to fix the 143-mile dike before the 2025 deadline. The Corps and the South Florida Water Management District also expect a wetter-than-usual hurricane season .

That spells trouble for Martin County's St. Lucie River. The influx of dirty fresh water has lowered the salt level in the estuary, an aquatic nursery for hundreds of fish species. Too much freshwater kills them.

This year, 20 acres of new oyster beds in the St. Lucie, installed with a \$4 million National Oceanic and Atmospheric Administration grant, also will die in the onslaught of fresh water. That doesn't mean the project, paid for with stimulus money, is a total waste.

Even if discharges kill adult oysters and wash away all the oyster larvae, the fossilized oyster shells placed on reefs in the river will attract new larvae when the dumping stops, Martin water quality chief Gary Roderick said.

Still, it's a setback. And, Florida Oceanographic Society Director and Everglades Coalition Co-Chairman Mark Perry argues, small discharges that devastate the estuary don't remove much water from the lake or prevent future massive dumps if tropical storms or hurricanes add several feet of water in a few days.

The releases won't reduce lake levels by more than a few inches, they dump water to tide that farmers might need later, and they hurt juvenile fish. "It's killing the estuary," Mr. Perry said, "and they don't have to do it."

It's the old problem Martin residents have raged against for years . When the lake gets too high, the overflow dumps west to the Caloosahatchee River and east to the St. Lucie. Water seldom is released south, even when canals there are low enough to easily handle it, as they are now.

Mr. Perry wants the releases from the lake to stop immediately and instead asks the agencies to send water south to the Everglades, "where nature intended it to go."

Sending water south is exactly what Gov. Crist's proposed state buyout of U.S. Sugar Corp. property south of the lake intends to accomplish. But that outcome, if it happens at all, is years away .

The St. Lucie already is brown and opaque. If the dumping continues, nutrients in the freshwater will fuel algae blooms that make fish sick or kill them. Prolonged dumping coats the river in neon green slime and makes it unsafe for swimming, fishing and boating.

Tourists leave, businesses that cater to fishermen and boaters suffer, and residents cringe when fish with sores swim past their docks. New state and federal bureaucrats dust off old excuses. River-lovers dig out their "Save the River" T-shirts.

Residents know the drill. They hate it.

Sally Swartz is a former member of The Post Editorial Board. Her e-mail address is sdswartz42@comcast.net.

Letters: Florida Crystals should mind its own business

04/17/2010

Palm Beach Post - Online

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We welcome original letters about issues of interest and material that has appeared in The Post. Letters are subject to editing and must include the writer's name, address and daytime phone number. [Click here to send your letter](#)

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By Letters To The Editor For Saturday, April 17

Thursday's op-ed by Florida Crystals Vice President Gaston Cantens was absurd, another litany of lies concerning U.S. Sugar.

He criticized our company's refinery in Clewiston. Well, our refinery has broken production records for the past three years. It is operating at 140 percent of its designed capacity. That improvement is a direct result of the success of the new raw sugar mill design and the high-quality sugar it produces. Our refinery has become so efficient that we imported Mexican sugar as an opportunity to increase sugar sales, and we made money doing so. According to Mr. Cantens, Florida Crystals cannot import Mexican sugar and refine it profitably, but our state-of-the-art factory can and did for two straight years, and we already have purchased Mexican sugar again this year.

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ROBERT COKER

Clewiston

Editor's note: Robert Coker is senior vice president, public affairs, for U.S. Sugar Corp.

Participating in Census benefits all, eventually

I was sympathetic to the sentiments expressed in the article "Census encourages wary Muslims to complete surveys." The 2010 Census marks the first time our population has been appropriately accommodated, as census materials span 12 different languages.

I am part of one of the nation's most diverse ethnic groups, which, according to 2000 Census data, was the fastest-growing minority group in Florida and what the census defines as Asian-Americans and Native Hawaiian and Other Pacific Islanders. To accommodate this growth, the government has shaped materials to meet our needs.

Participating in the census not only will assist with the fair distribution of federal dollars but is ultimately a way to educate the Census Bureau so that the categories and languages you believe are missing on the forms will be included in the 2020 Census and beyond.

QUAN CAO

Boca Raton

Editor's note: Quan Cao is a professor at Florida Atlantic University and is the first Vietnamese-American scholar in the U.S. trained in both linguistics and cross-cultural counseling.

U.S. aid not just a Brinks truck for Israel

A recent letter to the editor needs challenging.

The writer seems to believe that the U.S. Treasury ships all those billions of dollars to Israel in large canvas bags. What he seems unaware of is that all U.S. military aid to Israel requires that country to buy U.S. armaments exclusively with the money. So the Treasury Department sets up a credit balance in a computer someplace against which Israel can draw payments that go to companies like Lockheed, Boeing, Grumman and General Dynamics. The money benefits our companies that employ our workers and pay our taxes. That Israel ends up with a stronger defense force is just another benefit to the U.S.

Remember who danced in the streets after 9/11? It wasn't the Israelis. The writer's comment about "our country is suffering yet Congress continues to give Israel money that we do not have ..." reveals a misunderstanding of how foreign aid really works. He also forgot that Egypt receives the same kind of aid in the same quantity, and Egypt is no

friend of democracy.

DAVID S. MOST, PhD

Tequesta

Fanatics have fought over Jerusalem forever

Does the April 3 letter to the editor ("Jerusalem is, was and always should be Israel's capital") confirm that Jerusalem is the exclusive property of those of Jewish faith?

No amount of ink, film, or discourse can resolve this question of some thousands of years. It is, as always, being fought by religious fanatics of at least three faiths. Consequently, there is minimal observance of law or logic. It is a continuation of the Crusades. Unfortunately, this probably will not be resolved until the area is rendered uninhabitable by nuclear action. Then we will learn how necessary it is that mankind inhabit it.

ORVILLE JOHNSON

Atlantis

What if the Greens and the teas joined forces?

Say, what's this I hear about the Green Party joining the tea party to form the "Green Tea Party" for a healthy choice? That way, Dennis Kucinich could run on the same ticket with Sarah Palin. Two "losers" make a "winner," right?

CHARLES M. GREENE

Letter: Careful deliberations on U.S. Sugar projects

04/19/2010

TCPalm.com

Eric Buermann

Regarding the potential effect the U.S. Sugar projects will have on other projects, it's not a question of the South Florida Water Management District governing board not being honest or not being on top of things.

We will be making a decision on the financial aspects most likely this summer, which is our regular budgeting cycle, but we have several key factors for our decision-making: whether the Florida Supreme Court validates our financing; what our ad valorem tax revenues will be (based on updated tax rolls); what funding will be provided by the Legislature once it adjourns at the end of May.

Just because we are not reactive to the hysteria and spin being fostered by the commercial arch rival and competitor to U.S. Sugar, which opposes the transaction, doesn't mean we are not carefully and prudently addressing these important issues.

West Palm Beach

Buermann is chairman of the South Florida Water Management District Governing Board

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Letter: U.S. Sugar land purchase 'essential' for Everglades restoration

04/18/2010

Treasure Coast News/Press-Tribune

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Letter: U.S. Sugar land purchase 'essential' for Everglades restoration
Guy

Posted April 17, 2010 at 1 a.m.

In reference to "Our View: Sugarcoating won't suffice: What effect will U.S. Sugar deal have on other water restoration projects?" (April 6): If the editor who penned the subject editorial had paid attention to the South Florida Water Management District's Water Resources Advisory Commission's Lake O meeting outputs the past 15 months, he'd know the answers to his questions.

Nine teams of very knowledgeable volunteers and professionals spent those months coming up with plans for use of the U.S. Sugar land purchase. Those plans are available on the district's River of Grass Web site. We are now into 18 months of phase two, more detailed planning. The district has done an outstanding job of involving the stakeholder public in the planning.

And, the Everglades Agricultural Area's A-1 reservoir was doomed to failure from the start, since it was modeled after the completely failed Tampa Bill Young reservoir and the completely failed Ten Mile Creek reservoir in St. Lucie County. Deep water above ground reservoirs of that design simply don't work. They leak with disastrous consequences and deteriorate water quality instead of enhancing it.

If you read Judge Federico Moreno's order carefully, he's suggesting modification of the 1992 consent decree. After 18 years, the decree no longer reflects reality for the Everglades. For example, the judge suggests raising the phosphorous limit for the Everglades from 10 parts per billion to 17 parts per billion.

We do appreciate that the Stuart News champions the U.S. Sugar purchase. It is essential! Without it, we would remain at stalemate in saving the Everglades and the estuaries. A flow way south from Lake Okeechobee to the Everglades is absolutely necessary.

I also commend to everyone to read Nat Reed's excellent op-ed on the same page of the April 6 edition about the pulse releases. He's right!

Ted Guy

Stuart

