

LEHTINEN RIEDI BROOKS MONCARZ  
ATTORNEYS AT LAW  
A PROFESSIONAL ASSOCIATION

10/21/08

Please respond only to #6, 7, 9, 10  
1 1 1 1

July 23, 2008

Ms. Donna Kramer  
Public Records Custodian  
South Florida Water Management District  
3301 Gun Club Road  
West Palm Beach, Florida 33406

P. Freije  
V. Cronin  
T. Dexter  
C. Hernandez

RECEIVED  
JUL 28 2008  
PUBLIC RECORDS OFC.

**Re: Public Records Act Request**

Via regular mail and e-mail

Dear Ms. Kramer,

On behalf of the Miccosukee Tribe of Indians of Florida ("Tribe"), we hereby request, pursuant to Chapter 119 of the Florida Statutes, that the South Florida Water Management District ("SFWMD") make available for inspection and copying, the below identified public records. The term public records includes, but is not limited to, all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, including without limitation e-mails and records of oral communications.

The Tribe seeks all public records in the possession of the SFWMD, which may be found in the files of the Legal Department, the Office of the Executive Director, the Governing Board offices, the Media Relations Department, the Government Affairs Department, ACCELER 8 offices, or any other department. Individuals who may have documents in response to this request include Executive Director Carol Wehle; Governing Board members Eric Buermann, Shannon Estenoz, Michael Collins, Charles Daury, Paul Huck, Melissa Meeker, Jerry Montgomery, Patrick Rooney, and Malcolm Wade; and SFWMD staff Ken Ammon, Tommy Strowd, Chip Merriam, Ernie Barnett and any other employees or representatives with records. This request seeks records and correspondence between and among any of these individuals regarding the matters below, and includes records between the SFWMD, or representatives of the SFWMD, with the Governor of the State of Florida or his staff, the Secretary of the Department of Environmental Protection ("DEP"), and any other groups or parties regarding the matters below. The request encompasses records from the period of time beginning on or about January 2008 and continues through today. The public records sought include the following:

- 1) All records concerning the Statement of Principles attached hereto and signed by Vice-Chair Shannon Estenoz on behalf of the SFWMD Governing Board on June 24, 2008. See Attachment "A." This request seeks all information and communications related to this

Statement of Principles, including minutes of meetings at which the Statement of Principles or the proposed land buy was discussed and documents that show the manner in which Ms. Estenoz was chosen to represent the SFWMD Governing Board on this issue.

- 2) All records, including Board packets, that discuss the Statement of Principles and/or proposed land purchase from U.S. Sugar in connection with the April 8, 2008 Governing Board meeting that was held in Okeechobee;
- 3) All records concerning the Governing Board's ratification of the Statement of Principles at the Special June 30, 2008 Special Governing Board Meeting, including Governing Board packets, communications, and records that discuss the reason and/or need for such ratification;
- 4) All records in which the Governor of Florida, instructs SFWMD Executive Director, Carol Wehle, to investigate and/or enter into negotiations on the proposed land purchase, including any records between Ms. Wehle and DEP Secretary Michael Sole and any other organization or individual;
- 5) All records that show plans, and time tables, for using the proposed land, including those that show the projects that will be constructed to use the land for restoration and the cost of such projects;
- 6) All records that show the nature and extent of the reallocation of District revenue from ACCELER8, CERP, or other restoration projects that could be delayed and/or cancelled by the proposed land purchase announced in the Statement of Principles;
- 7) All records that show why Draft Agenda Item # 8 concerning resolution 2008-643 concerning the ACCELER8 EAA A-1 Reservoir Project was removed from the final agenda and not discussed at the May 30, 2008 Special Meeting of the Governing Board, including a copy of the resolution, any correspondence about the resolution and a copy of Tommy Strowd's presentation that was to be made that day;
- 8) All records that show the sources of the revenue that would be used to purchase the land described in the Statement of Principles, including the nature of the Certificates of Participation ("COPs") presently held by the SFWMD that will potentially be used to purchase the land, and any future COPs that will be sought for such purpose;
- 9) All records concerning stopping the construction of the EAA Reservoir, Phase 1 ACCLER8 Project, including the reason(s) such construction was halted, when it will resume, and how the construction deadline has been affected by the delay;
- 10) Any documents that discuss the future of the ACCELER8 program, including any that discuss discontinuing the use of the name;

- 11) Any documents that discuss how the proposed land purchase will impact the SFWMD's involvement in the Comprehensive Everglades Restoration Plan ("CERP");
- 12) Documents generated by the SFWMD media department and/or "news room" concerning the Statement of Principles and proposed land deal, including e-mail correspondence with any of the above individuals, or any other party, about the content or nature of the press materials, and communications between the SFWMD media relations department, and the Governor's press office and/or DEP.

We request that you provide us with information with regard to anticipated costs as soon as possible and prior to production or reproduction. We ask that the documents we have requested be provided to us in an electronic format (or the web address be provided) to help facilitate the release of this public information, as envisioned under the Public Records Act. We also ask that any information requested that is in summary form be provided in such summary form if it so exists. If documents responsive to this request are voluminous, it is our intention to review the documents and select those that we would like to have copied. Please call us at (305) 279-1166 if you have any questions about this request. Thank you in advance for your prompt cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Felipe Moncarz", with a long, sweeping flourish extending to the right.

Felipe Moncarz, Esq.

Joette Lorion Rice

Attachment A

**STATEMENT OF PRINCIPLES FOR THE ACQUISITION OF  
UNITED STATES SUGAR CORPORATION PROPERTY FOR THE  
RESTORATION OF THE EVERGLADES**

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1. This Statement of Principles is entered into this 24th day of June 2008 by the South Florida Water Management District ("SFWMD") and the United States Sugar Corporation, a Delaware corporation ("USSC"). This Statement of Principles provides a framework for the acquisition of property for the protection of the coastal estuaries and the restoration of the northern and southern Everglades that include elements as set forth in paragraphs below.
2. USSC and its affiliates own interests in real property in Palm Beach, Hendry, Glades and Gilchrist Counties, including a sugar mill, a sugar refinery, an office building located in Hendry County, a citrus processing plant/tank farm, an internal railroad and an external short-line railroad, together with other fixtures, buildings, structures, and other improvements erected thereon, and permits, licenses, rights, privileges and appurtenances thereto as set forth on the attached map made a part hereof ("Lands"). The Lands consist of approximately 187,000 acres (or approximately 292 square miles) owned in fee simple.
3. USSC and its affiliates also own tangible personal property used in connection with the operation of USSC'S agricultural business, including furniture, equipment, tools, machinery, vehicles and railroad rolling stock, all to be more specifically described in the contemplated Purchase Agreement between SFWMD and USSC ("Personalty"). In no event shall Personalty be deemed to include planted or harvested crops (including sugarcane and citrus fruit), stubble cane and other consumables used or produced in USSC'S business operations.
4. For consideration as set forth in Paragraph 8 to be paid by SFWMD to USSC, USSC will convey or cause to convey to SFWMD and/or third parties designated by SFWMD all of USSC and its affiliates rights, title and interests in and to the Lands and Personalty.
5. Lands owned in fee simple will be conveyed by the appropriate general warranty deeds. To the extent applicable, Lands leased or in which an easement interest is held will be transferred by assignment of lease or easement. Personalty will be conveyed by appropriate bill(s) of sale and applicable warranties or guarantees transferred. The SFWMD or USSC shall have the option of deferring closing on particular parcels pending completion of environmental remediation of pollutants on such parcels.

6. The conveyances will be subject to USSC's retained use and possession of the Lands and Personalty to continue its existing operations for a period of time ending on the sixth (6<sup>th</sup>) anniversary after the closing date, unless extended by the agreement of the two parties. Up to 10,000 agricultural/crop acres of the Lands, as selected by the SFWMD, will be subject to release of USSC's retained use and possessory interest on the fifth (5<sup>th</sup>) anniversary of the closing date. USSC will pay all fees, costs and expenses arising from continued use and possession of the Lands and Personalty, including lease payments, applicable taxes, and applicable assessments. USSC will continue to implement generally applicable BMP requirements on the Lands during this period.

7. Following termination of USSC's retention of use and possession, USSC shall be responsible to deliver at its expense the Lands and Personalty in compliance with all federal, state and local statutes, ordinances, rules and regulations, including the environmental remediation of pollutants.

8. Subject to SFWMD's receipt of its own independent appraisal which must be satisfactory to SFWMD, USSC is willing to sell and SFWMD is willing to buy the Lands and Personalty for \$1,750,000,000.00, together with the retained use and possessory rights of the Lands and Personalty as described in Paragraph 6 hereof (which includes the right of USSC to retain the rents and revenues derived therefrom).

9. USSC and SFWMD will use best efforts to negotiate and execute a Purchase Agreement within seventy-five (75) days of the date hereof and to close by November 30, 2008. The Purchase Agreement may include third party exchanges and purchases of portions of the Lands and Personalty. The Purchase Agreement will also be subject to public and/or private financing of the purchase price and the limitations such financing imposes.

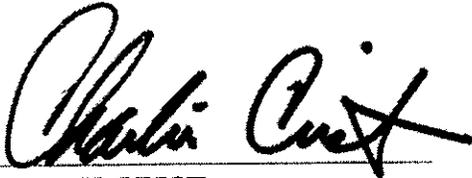
10. USSC and its affiliates will not transfer any right, title or interest in the Lands or otherwise encumber its interests in the Lands prior to the closing, unless such transfer or encumbrance is cured/satisfied prior thereto. USSC and its affiliates may sell Personalty in the ordinary course of conducting its business.

11. This Statement of Principles is non-binding and is subject to the negotiation and execution of the Purchase Agreement in form satisfactory to SFWMD and USSC. Until such Agreement is fully executed, no party has any financial or legal obligation with respect hereto.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the undersigned agree to the foregoing Statement of Principles as of the date first above written.

WITNESS:



CHARLIE CRIST,  
Governor of the State of Florida

[As to USSC and SFWMD]

USSC:

UNITED STATES SUGAR  
CORPORATION, a Delaware corporation

By:  
Name:  
Title:

  
ROBERT BOOKER JR  
PRESIDENT

SFWMD:

SOUTH FLORIDA WATER  
MANAGEMENT DISTRICT,  
a public corporation created under  
Chapter 373, Florida Statutes

By:  
Name:  
Title:

  
SHANNON ESTENCE  
VICE CHAIR