

SEMINOLE TRIBE OF FLORIDA

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October 6, 2008

Eric Buermann, Esq.
Chair, South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

Re: Seminole Tribe of Florida's Initial Comments on the US Sugar Acquisition

Dear Chairman Buermann:

As you are aware, the Seminole Tribe has long been an active partner in Everglades restoration efforts in South Florida. I am writing you to express the Seminole Tribe of Florida's preliminary issues and concerns with the proposed purchase of the assets of US Sugar by the South Florida Water Management District. The Tribe believes that the purchase of US Sugar holds the potential for more complete restoration effort. The tribe sees additional opportunities for the Tribe and District to partner in furtherance of restoration goals.

The Tribe believes that a healthy Everglades system is vital to the future of the Tribe from cultural, environmental, and economic perspectives. Therefore, since 1995, the Tribe has participated in virtually all the state and federal planning processes involving Everglades restoration, and has contributed to the formulation of many of the policies, procedures and projects that now comprise Everglades restoration. Nevertheless, there are issues and potential impacts to both the Tribe's specific rights and the overall Everglades restoration efforts that must be addressed before consummating this purchase.

Impact on Overall Everglades Restoration Efforts.

The Tribe is disappointed at the lack of tangible, on the ground progress towards Everglades Restoration. In the Tribe's view, the purchase of US sugar will further delay implementation of actual, on the ground restoration efforts while state and federal agencies decide how to incorporate these lands into federal and state restoration efforts. Further, the District has yet to come forth with any concrete plan for these lands. To date, the Tribe has seen nothing that would suggest that the necessary federal, state and tribal coordination to integrate these lands into CERP is going to take place in a timely manner. The Tribe does not support further delay in achieving overall Everglades restoration goals.

Impact on SFWMD's Ability to Fulfill Other restoration Commitments.

Subsequent to announcing the potential purchase, it appears that the District has paused or backed away from a number of restoration commitments that were already underway. The projects that would potentially most impact the Tribe are EAA Reservoir, the C-43 Reservoir and the C-44 Reservoir. While newspaper accounts suggest numerous reasons for the delays, it seems to the Tribe that the primary reason is the obvious strain the US Sugar purchase will put on the District's financial capacity. The Tribe

"BUT I HAVE PROMISES TO KEEP & MILES TO GO BEFORE I SLEEP"

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is very concerned that the District will be unable to finance meaningful Everglades restoration construction for years to come.

Impact on SFWMD's Ability to Fulfill Other Commitments to the Tribe.

In 1987, the Tribe, the State, and SFWMD entered into the "Water Rights Compact among the Seminole Tribe of Florida, the State of Florida, and the South Florida Water Management District." This Compact has been enacted and made law by Congress and Florida's Legislature. It governs the relationship between the District and the Tribe with respect to activities both on and affecting the Tribe's Reservation and Trust Lands. In order to implement the Compact, the Tribe and District have entered into a number of supplemental agreements, which provide for quantifying and guaranteeing delivery of the Tribe's surface water rights. Pursuant to these agreements, the District has committed to a number of actions which have not yet been realized. The Tribe is concerned that the financial drain on the District resulting from the US Sugar purchase will further delay these projects as well as others that are important to protect the Tribe's homelands.

The Tribe is even more concerned however that the resource impacts that will potentially result from integrating the US Sugar lands into overall restoration efforts will diminish the Tribe's entitlements and further degrade the economic and environmental viability of its Reservations, in the derogation of the Compact. Given the history of implementing the STA's in the EAA, the Tribe fully expects the water required to sustain the restored US Sugar lands will increase the demand on Lake Okeechobee, not reduce it. Through a series of studies and agreements the District and Tribe have quantified The Tribal entitlements. The Tribe believes the District has committed to protecting the Tribe's entitlements from the adverse impacts of the District's water management, restoration, and permitting decisions. These commitments have resulted in physical improvements on the Reservation to mitigate the effects of the District's decisions. In the past The Tribe has long held the position that it would do its part towards Everglades restoration, recognizing that could require some sacrifice. However, the Tribe has been equally adamant that it would not allow its interests to be disproportionately impacted to rectify an environmental problem that was not of its making.

Further, the Tribe's need for water to protect its on- reservation environments was not fully addressed in the original entitlement studies. A significant goal of the Tribe's Critical Project is to restore more natural flows into the headwaters of the Big Cypress National Preserve. Thus the need for additional water to support its on-reservation environments has become increasingly apparent. The Tribe expects that the District shares its concern for these important environmental resources.

Impact on Agreements between the Tribe and US Sugar.

Pursuant to the Compact and through permits issued by the District to US Sugar, the Tribe has entered into a number of agreements concerning US Sugar lands near to or abutting the Big Cypress Seminole Indian Reservation. Pursuant to the Compact, these agreements have been approved by the District. The Tribe expects that the District and any subsequent owner to fully comply with these agreements until such time as new or modified agreements are negotiated with the Tribe.

New Opportunities for Partnering with the Tribe.

The Tribe and the District have a solid track record of looking past threats and finding opportunities. The Tribe fully expects that to be the case with US Sugar purchase as well. Depending upon the District's need for all the US Sugar lands, one such opportunity could be US Sugar's Southern Division Ranch, located south of the Deerfence Canal, immediately west of L-3, east of the McDaniel's Ranch and



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abutting the northern boundary of the Big Cypress Seminole Indian Reservation. The Tribe is willing to explore exchange of these developed lands for lands owned by the Tribe which are environmentally sound, and have significant panther habitat.

In conclusion, the Seminole Tribe of Florida remains committed to working with the relevant state and federal agencies to advance Everglades restoration objectives in South Florida. As noted above, the Tribe feels strongly that the potential impacts from US Sugar purchase must be thoroughly studied and evaluated before it can endorse this effort without qualification. We look forward to meeting with your staff in the near future to discuss the Tribe's concerns.

Sincerely,

**Mitchell Cypress, Chairman
Seminole Tribe of Florida**

Cc: Jim Shore, General Counsel, Seminole Tribe of Florida
Amy Johns, Chief Executive Administrative Officer
Steve Walker, Lewis, Longman and Walker
Craig Tepper, Director, Environmental Resource Management Department
Garrett Wallace, South Florida Water Management District Liaison