

**ADRI MARC S.A., Trustee**  
LA CABANA LIVING LAND TRUST  
8901 SW 157 Ave 16-167  
Miami, FL 33196

7/15/2025

**Gregory Vazquez, PWS**  
Section Leader, Environmental Resource Bureau  
South Florida Water Management District  
3301 Gun Club Road  
West Palm Beach, FL 33406

**Re: Enforcement Case No. 23523 – Folio No. 3058150000795  
Jurisdictional Challenge, Denial of Access, Notice of Federal and State Preemption, and Public  
Records Request**

Dear Mr. Vazquez:

This correspondence responds to your Investigative Notice dated July 9, 2025.

As Successor Trustee of the Cabana Living Land Trust, I hereby **formally challenge the South Florida Water Management District's (SFWMD) jurisdiction** over the above-referenced property and reject any assertion of regulatory authority in this matter.

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### **Federal Preemption – Public Law 101-229**

The property in question lies within the 8.5 Square Mile Area (Las Palmas Community), which is expressly protected under **Public Law 101-229 (Everglades National Park Protection and Expansion Act of 1989)**. Congress enacted P.L. 101-229 to prevent state and regional authorities from using Everglades restoration projects to diminish private property rights or impose burdensome regulatory actions on landowners.

Any attempt by SFWMD to enforce Environmental Resource Permit (ERP) requirements or mandate restoration actions on this property would directly contravene these federal protections and may subject the District to legal and congressional scrutiny for exceeding its authority.

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### **State Preemption – §163.3162 F.S., §823.14 F.S., and HB 909 (2022)**

In addition, the property is engaged in **bona fide agricultural operations** and is shielded from local and regional regulation under:

- **§163.3162, Florida Statutes (Agricultural Lands and Practices Act)**
- **§823.14, F.S. (Florida Right to Farm Act)**
- **House Bill 909 (2022 amendments)**

No evidence has been provided to demonstrate that SFWMD possesses lawful jurisdiction under **§373.441, F.S.** or any valid delegation agreement with the Florida Department of Environmental Protection (FDEP).

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## **Denial of Site Access**

In light of the above, **access to the property is denied at this time**. No entry will be permitted unless and until SFWMD provides:

1. Written proof of lawful jurisdiction, including copies of any delegation agreements under §373.441, F.S. and Rule 62-344, F.A.C.
2. Confirmation that any inspection activities will strictly adhere to Rule 62-340, F.A.C. (Delineation of Landward Extent of Wetlands).
3. Acknowledgment that site access does not constitute a waiver of the Trustee's rights or consent to jurisdiction.

Any unauthorized attempt to enter the property will be regarded as **trespass and a violation of both state and federal law**.

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## **Public Records Request**

Pursuant to **Chapter 119, Florida Statutes**, I request the following records:

1. All delegation agreements between FDEP and SFWMD under §373.441, F.S., authorizing ERP jurisdiction over agricultural lands.
2. All communications (emails, letters, memoranda, meeting notes) between SFWMD, Miami-Dade County DERM, FDEP, or any federal agencies regarding Enforcement Case No. 23523 or the subject property.
3. Copies of any inspection reports, maps, photographs, GIS data, or field notes relating to Folio No. 3058150000795.
4. All internal legal memoranda, policies, or procedural documents relied upon by SFWMD to assert ERP jurisdiction over bona fide agricultural operations.
5. A current organizational chart showing authority to issue Investigative Notices and conduct enforcement actions.

Please provide these records in electronic format and transmit them to 8901 SW 157 Ave 16-167 Miami, FL 33196. eMail: VReyes33196@gmail.com. If estimated costs exceed \$50, provide an itemized estimate prior to fulfillment.

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## **Deadline for Response**

You are hereby requested to provide the requested jurisdictional documentation and public records **within seven (7) calendar days** of receipt of this letter. Failure to respond in a timely manner will be taken as confirmation that SFWMD lacks lawful authority in this matter.

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## **Notice of Escalation**

Please be advised that if SFWMD persists in asserting jurisdiction without first providing clear legal authority as requested herein, I reserve the right to escalate this matter to:

- The Florida Department of Environmental Protection (FDEP)
- The Governor's Office of Agriculture and Environmental Affairs
- The United States Congress for potential violations of **P.L. 101-229**

This letter is submitted **without prejudice and under protest**. It shall not be construed as a waiver of any legal rights, remedies, or jurisdictional objections under state or federal law. All rights are expressly reserved.

Sincerely,

ADRI MARC S.A., Trustee  
LA CABANÁ LIVING LAND TRUST  
VReyes33196@gmail.com



# SOUTH FLORIDA WATER MANAGEMENT DISTRICT

July 09, 2025

Adri Marc S.A., Successor Trustee  
The Cabana Living Land Trust  
8901 SW 157 Ave., 16 167  
Miami, FL 33196  
**CERTIFIED MAIL NO. 7020 0640 0000 5303 3760**

**Subject: The Cabana Living Land Trust Property  
Investigative Notice  
Enforcement Case No. 23523  
Folio No. 3058150000795  
Miami-Dade County**

Dear Mr. Marc:

As discussed with South Florida Water Management District (District) staff and Victor Reyes on May 20, 2025, the District has recently become aware of activities on the referenced property which require, or may require, an Environmental Resource Permit (ERP), in accordance with Sections 373.413, 373.416 and 373.430(1)(b), Florida Statutes (FS). These statutes require that a permit be obtained from the District prior to constructing or operating stormwater management systems, ditches, culverts, structures, filling, excavation, or other construction that connects to, draws water into, or is placed in or across waters in the State, under the definition of "works" in Section 373.403, FS. The activities that have not or may not have been properly permitted on the referenced property include the following:

1. Unauthorized filling of wetlands.

To resolve this matter and avoid potential enforcement action, a response to this letter is required within seven (7) days of receipt. In the response, please grant District staff access to the property to determine if wetlands have been filled.

If it is determined that these activities require a permit, the filing of an ERP application or restoration of such activities to pre-construction conditions will be required. If an ERP application is determined to be necessary, all information required to complete the application will need to be provided in order to issue the permit in a timely manner.

Alternatively, if the information provided in response to this letter and collected during the referenced site inspection indicates that a violation has not occurred, the District will provide correspondence indicating that no additional action is necessary.

Failure to timely respond to this letter may result in the District taking enforcement action to mandate compliance, imposition of penalties, and recovery of staff investigative time and attorney's fees under Section 373.129 of the Florida Statutes.

If you have any questions or require additional assistance, please contact Gabriela Munoz at 561-682-2329 or via email at [gamunoz@sfwmd.gov](mailto:gamunoz@sfwmd.gov).

Sincerely,



Gregory Vazquez, PWS  
Section Leader, Environmental Resource Bureau

eEnclosures: Location Map ([23523\\_LocMap\\_20250613.pdf](#))  
Inspection Report ([23523\\_InspectionRpt\\_20250618.pdf](#))

c: Victor Reyes (E-Mail)

**Disclaimer: This document is for informational purposes only and does not constitute legal advice.**

*This document is filed in the eEnforcement system under Enforcement Case Number 23523*

### **Hierarchy of Public Law 101-229 and Government Agency Limitations**

#### **Public Law 101-229 – Federal Supremacy**

The Everglades National Park Protection and Expansion Act of 1989 (Public Law 101-229) is a federal law passed by the United States Congress. It expanded Everglades National Park and explicitly safeguarded private property rights within designated areas, including the 8.5 Square Mile Area. Under the Supremacy Clause of the United States Constitution (Article VI), federal law overrides any conflicting state or local regulations.

#### **United States Army Corps of Engineers – Federal Oversight**

The United States Army Corps of Engineers is the primary federal agency responsible for enforcing the Clean Water Act regarding wetlands and "waters of the United States." Any regulatory enforcement on agricultural lands must first demonstrate federal jurisdiction under this act.

#### **State and Local Agencies – No Independent Authority**

State and local agencies such as the South Florida Water Management District and the Miami-Dade County Division of Environmental Resources Management do not have independent authority to regulate bona fide agricultural operations unless expressly delegated by Congress or a federal agency.

Florida law reinforces this limitation:

The Right to Farm Act (Section 823.14, Florida Statutes) protects agricultural operations from unnecessary state or local restrictions.

The Agricultural Lands and Practices Act (Section 163.3162, Florida Statutes) preempts local governments from regulating standard farming activities.

Rule 62-344 of the Florida Administrative Code confirms that the state has not delegated Environmental Resource Permitting authority to county governments.

#### **Agricultural Exemptions – Recognized at Federal and State Levels**

Normal agricultural practices, including cultivation, filling, grading, and drainage for farming, are exempt from federal permitting under 33 Code of Federal Regulations Section 323.4(a)(1) and from state Environmental Resource Permitting under Rule 62-330.050(6), Florida Administrative Code.

#### **Bottom Line**

The Everglades National Park Protection and Expansion Act of 1989 (Public Law 101-229) protects farmers in the 8.5 Square Mile Area from regulatory overreach. Unless the United States Army Corps of Engineers establishes clear jurisdiction and proves a violation of federal law, state and county agencies have no lawful authority to interfere in standard agricultural operations.

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