



UNITED SOUTH AND EASTERN TRIBES, INC.
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UNITED SOUTH AND EASTERN TRIBES, INC.

Resolution No. USET 96:49

**MICCOSUKEE TRIBAL HOUSING ON THE TAMAMI TRAIL RESERVATION IN
EVERGLADES NATIONAL PARK**

WHEREAS, the United South and Eastern Tribes, Incorporated (USET) is an inter-tribal organization comprised of twenty-three (23) federally recognized tribes; and

WHEREAS, the actions taken by the USET Board of Directors officially represent the intentions of each member Tribe, as the Board of Directors is comprised of delegates from the member Tribe's leadership; and

WHEREAS, the Miccosukee Tribe of Indians of Florida (Miccosukee Tribe) has its traditional homelands in the Everglades region of Florida; and

WHEREAS, the traditional homelands of the Miccosukee Tribe include those lands situated within Everglades National Park (Park), which Park is administered by the National Park Service (Park Service); and

WHEREAS, the Miccosukee Tribe has its administrative, governmental, and housing facilities at the Tamiami Trail Reservation which is situated within the boundaries of the Park; and

WHEREAS, the USET Board of Directors, in USET Resolution No. 11/94-17FL, supported the Miccosukee Tribe in their quest to remove themselves from the subjugation of the Park and the Park Service; and

WHEREAS, Congress, through the enactment of the Everglades National Park Enabling Act of 1934 recognized, preserved, and guaranteed the rights of the Miccosukee Tribe to live within the boundaries of the Park; and

WHEREAS, the Miccosukee Tribe is growing and is in need of additional housing and facilities for its Tribal members; and

WHEREAS, the Miccosukee Tribe presented its proposed plan to the Park Service to build 65 additional houses on the western portion (Loop Road) of the Tamiami Trail Reservation; and

"Because there is strength in Unity"

(USET 96:49)

- WHEREAS,** for several years, the Park Service delayed and interfered with the Miccosukee Tribe's housing plan, and violated the Miccosukee Tribe's sovereignty rights, thus necessitating the filing of a federal lawsuit by the Miccosukee Tribe to compel the Park Service to perform their duties and Trust responsibility; and
- WHEREAS,** subsequent to the filing of the lawsuit, the U.S. Environmental Protection Agency (EPA) issued a Section 401 Water Quality Certification concluding that the Miccosukee Tribe's housing plan would have no significant adverse impacts on water quality; and
- WHEREAS,** the U.S. Department of the Army, Corps of Engineers (Corps), Jacksonville District, subsequently evaluated and conducted an environmental assessment of the housing plan, found that the Miccosukee Tribe's proposal to build 65 houses on Loop Road would have no significant adverse impact on the environmental, and issued a Section 404 Permit to the Miccosukee Tribe for said housing; and
- WHEREAS,** the issuance of the EPA's Section 401 Water Quality Certification, the Corps' Finding of No Significant Impact (FONSI) to the environment, and the Corps issuance of a Section 404 Permit to the Miccosukee Tribe thereby resolved, in favor of the Tribe, any environmental concerns associated with the Tribe's housing plan; and
- WHEREAS,** the federal district court issued an order finding that the Park Service's conduct constituted unnecessary delay and possibly bad faith, and further ordered the Park Service to evaluate the Miccosukee Tribe's housing request in a diligent manner; and
- WHEREAS,** notwithstanding the Park Service's own finding that the Miccosukee Tribe's housing plan would not have a significant adverse impact on the environment, the Park Service has nevertheless made a decision rejecting the Miccosukee Tribe's housing plan and approving a combination of other alternatives concocted by the Park Service which are unacceptable to the Miccosukee Tribe; and
- WHEREAS,** the Park Service's decision to allow 65 houses behind the current housing on Old Tamiami Trail and only 30 houses on Loop Road, while the Miccosukee Tribe's plan called for 65 houses on Loop Road and a Comprehensive Plan to be developed which would include additional housing behind the current housing on Tamiami Trail; and

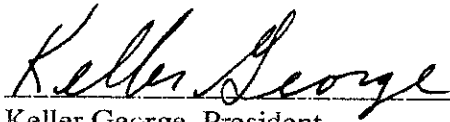
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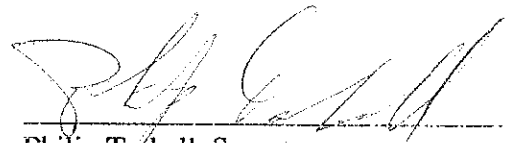
WHEREAS, the decision by the Park Service is arbitrary and capricious, is contrary to the wishes and desires of the Miccosukee Tribe, constitutes a violation of Tribal Sovereignty and an abandonment of its Trust responsibility, and is in contravention of Congress' intent to protect and preserve the Miccosukee Tribe's rights to live in their traditional homelands within the boundaries of Everglades National Park.

NOW, THEREFORE, BE IT RESOLVED that the USET Board of Directors does hereby support the Miccosukee Tribe of Indians of Florida in their lawsuit against the National Park Service and requests and demands that the Department of Interior recognize the Miccosukee Tribe's sovereign rights and settle the lawsuit by allowing the Miccosukee Tribe to build their homes where the Miccosukee Tribe determines they should be built.

CERTIFICATION

This resolution was duly passed at the USET Semi-Annual Board of Directors meeting at which a quorum was present, in Bangor, ME on Friday, June 21, 1996.


Keller George, President
United South and Eastern Tribes, Inc.


Philip Tarbell, Secretary
United South and Eastern Tribes, Inc.