



United South and Eastern Tribes, Inc.

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USET Resolution No. 2012:044

URGING THE UNITED STATES TO PROTECT AREAS OF CULTURAL, ARCHEOLOGICAL AND HISTORICAL SIGNIFICANCE TO THE MICCOSUKEE PEOPLE IN ITS EFFORTS TO RESTORE THE EVERGLADES

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-six (26) 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 comprises delegates from the member Tribes' leadership; and
- WHEREAS,** USET is committed to assisting its member Tribes in their efforts to protect their traditional ways of life and areas of cultural, archeological, and historical significance to them; and
- WHEREAS,** the United States (U.S.) Government has legal and moral responsibilities to traditional cultural territories in a way that shows respect for these places that hold cultural, historical, and spiritual importance to Indian Tribes and their quality of life; and
- WHEREAS,** the Miccosukee people have called the Everglades home for hundreds of years and restoration of their homelands, the Everglades, is a top priority of the Miccosukee Tribe of Indians of Florida; and
- WHEREAS,** it is paramount that the Everglades be restored so that it is healthy and that restoration measures are executed in a manner that protects Tribal culturally sensitive and archeological resources and allows the Miccosukee people to continue practicing their traditional ways; and
- WHEREAS,** the approach of the U.S. in its efforts to restore the Everglades has been disjointed, resulting in decisions that harm the Miccosukee people; and
- WHEREAS,** the U.S., acting through the U.S. Army Corps of Engineers and the National Park Service (NPS), is building a 1-mile environmental skyway bridge on the Tamiami Trail, which goes through Miccosukee territory, over the objections of the Miccosukee Tribe of Florida; and
- WHEREAS,** the NPS portion of the Fiscal Year 2009 Omnibus Appropriations Act directed the U.S. Army Corps of Engineers to construct this 1-mile of bridging and this bridging is currently being constructed at a cost of at least \$81 million from NPS and U.S. Army Corps of Engineers funding; and
- WHEREAS,** the NPS seeks to construct an additional 5.5 miles of environmental skyway bridging and elevate a remainder of 10.7 miles of the Tamiami Trail at an estimated cost of \$310 million in an attempt to increase water flow into Everglades National Park; and
- WHEREAS,** the NPS portion of the FY 2012 Omnibus Appropriations Act authorized this additional 5.5 miles of environmental skyway bridging but did not provide the funding for it; and
- WHEREAS,** skyway bridging of the Tamiami Trail will negatively impact Miccosukee lands and destroy areas of significant cultural, historical, and archeological value to the Miccosukee people; and

- WHEREAS,** skyway bridging of the Tamiami Trail will not achieve its intended environmental purpose of conveying large volumes of water into Everglades National Park because of upstream flow constraints and water quality issues that have not been properly addressed; and
- WHEREAS,** there are already water delivery structures in place that would allow water to flow into Everglades National Park, including flood gates and culverts under the Tamiami Trail that would allow water to flow into the Park if properly maintained and used as intended; and
- WHEREAS,** Everglades restoration will never be accomplished if the water flowing from the north, where agricultural and urban areas are located, to the south where Miccosukee lands and Everglades National Park are located is not treated for high levels of contamination by nitrogen, phosphorus, pesticides, and herbicides; and
- WHEREAS,** water entering Miccosukee lands have phosphorus levels up to 10 times greater than that found to be protective of the Everglades ecosystem; and
- WHEREAS,** the water quality in many areas of the Everglades, including Miccosukee lands, does not meet the U.S. Environmental Protection Agency (EPA)-approved Miccosukee water quality standards or the State of Florida's standards; and
- WHEREAS,** the EPA, NPS, and the Army Corps of Engineers recognize that water from the northern reaches of the Everglades must be treated for nutrient pollution prior to being redirected into the Everglades; and
- WHEREAS,** the Army Corps of Engineers discharges large volumes of this contaminated water directly onto Miccosukee lands and utilizes Miccosukee lands as a *de facto* stormwater treatment area, *i.e.*, repository for contaminated water; and
- WHEREAS,** the Army Corps of Engineers manages the water levels on Miccosukee lands and other parts of the Everglades and has not properly managed these water levels, resulting in flooding of Miccosukee traditional areas and harm to the wildlife and vegetation on Miccosukee lands to which the Miccosukee people are connected; therefore, be it
- RESOLVED** the USET Board of Directors calls upon the agencies of the Federal Government involved in Everglades restoration and the United States Congress to engage in government-to-government consultation with the Miccosukee Tribe of Florida on Everglades restoration legislation, initiatives, plans, and projects; and, be it further
- RESOLVED** the USET Board of Directors expresses its strong opposition to the bridging of the Tamiami Trail by the United States, acting through the National Park Service and the Army Corps of Engineers, due to its harmful impacts on the Miccosukee people and Miccosukee lands; and, be it further
- RESOLVED** the USET Board of Directors calls upon the United States, including the National Park Service and the Army Corps of Engineers, to cease its bridging of the Tamiami Trail; and, be it further
- RESOLVED** the USET Board of Directors calls upon the United States Congress to ensure that there are no appropriations for bridging of the Tamiami Trail and that there is no further legislation enacted to facilitate bridging of the Tamiami Trail; and, be it further

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RESOLVED the USET Board of Directors calls upon the United States, including the Environmental Protection Agency, the National Park Service, and the Army Corps of Engineers, to treat the polluted water in the Everglades, especially the water flowing onto Miccosukee lands so that it meets the standards protective of the Everglades ecosystem; and, be it further

RESOLVED the USET Board of Directors calls upon the Army Corps of Engineers to better manage the water levels over which it has jurisdiction - to protect the Miccosukee people's traditional ways of life, their culturally sensitive and archeological resources, and the wildlife and vegetation.

CERTIFICATION

This resolution was duly passed at the USET Semi-Annual Meeting, at which a quorum was present, in Marksville, LA, on Thursday, May 24, 2012.



Brian Patterson, President
United South and Eastern Tribes, Inc.



Brenda Lintinger, Secretary
United South and Eastern Tribes, Inc.

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