



United South and Eastern Tribes, Inc.

Nashville, TN Office:

711 Stewarts Ferry Pike, Suite 100
Nashville, TN 37214
Phone: (615) 872-7900
Fax: (615) 872-7417

Washington, DC Office:

400 North Capitol Street, Suite 585
Washington, D.C., 20001
Phone: (202) 624-3550
Fax: (202) 393-5218

USET Resolution No. 2013:032

URGING THAT THE UNITED STATES 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; and
- WHEREAS,** the United States (U.S.) Government has a legal and moral responsibility to preserve 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 a paramount endeavor that the Everglades be restored and measures are executed in a manner that protects historical and culturally sensitive resources allowing 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 National Park Service (NPS) portion of the Fiscal Year (FY) 2009 Omnibus Appropriations Act authorized and directed the U.S. Army Corps of Engineers to construct a 1-mile bridge at an expense of \$81 million on the Tamiami Trail, which goes through Miccosukee territory, against the objections of the Miccosukee Tribe; and
- WHEREAS,** the NPS seeks to construct an additional 5.5 miles of environmental skyway bridging and elevate the remainder of the 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,** the NPS has requested \$30 million in the FY 2014 Budget to begin construction of a new 2.6 mile bridge on the Tamiami Trail that will cost approximately \$110 million; 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,** culverts are effectively used throughout the Everglades to convey water and are found throughout Everglades National Park; and
- WHEREAS,** scientific studies have shown that properly maintained culverts and the addition of swales will effectively convey water to the Everglades National Park at a fraction of the cost of bridging; 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 extremely high levels of contamination by nitrogen, phosphorus, pesticides, and herbicides; and
- WHEREAS,** water entering Miccosukee lands, especially through the L-28 canal system, has 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 standards; and
- WHEREAS,** the EPA, the Department of Interior, the 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 addressed these water levels, resulting in flooding of culturally sensitive areas and harm to wildlife and vegetation to which the Miccosukee people are connected; and
- WHEREAS,** in December 2010, the United States recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution; therefore, be it
- RESOLVED** the USET Board of Directors calls upon the agencies of the federal government involved in Everglades restoration and the U.S. Congress to engage in government-to-government consultation with the Miccosukee Tribe on Everglades restoration legislation, initiatives, plans, and projects; and, be it further

“Because there is strength in Unity”

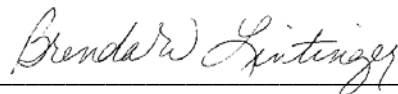
- RESOLVED** the USET Board of Directors expresses its strong opposition to the bridging of the Tamiami Trail by the United States, acting through the National Park Service and the Army Corps of Engineers, due to its harmful impacts on the Miccosukee people and Miccosukee lands; and, be it further
- 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
- RESOLVED** the USET Board of Directors calls upon the United States, including the National Park Service and the Army Corps of Engineers, to clear and maintain the culverts under the Tamiami Trail and to add swales where necessary to effectively convey water to Everglades National Park; and, be it further
- RESOLVED** the USET Board of Directors calls upon the United States, including the Environmental Protection Agency, the Department of Interior, 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 United States, including the Department of Interior, the Environmental Protection Agency, and the Army Corps of Engineers, to engage in government-to-government consultation with the Miccosukee Tribe regarding the L-28 canal system in the Western Everglades that considers all options to address the water quality and that results in a solution that is consistent with the Miccosukee Tribe's policies and ways of life; 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 Niagara Falls, NY, on Friday, May 17, 2013.



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



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

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