



UNITED SOUTH AND EASTERN TRIBES, INC.

Resolution No. USET 97:56

ENDORISING AND SUPPORTING THE MICCOSUKEE SETTLEMENT ACT OF 1997

WHEREAS, the United South and Eastern Tribes Incorporated (USET) is an intertribal 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 tribes leadership; and

WHEREAS, there is, pending before the United States District Court for the Southern District of Florida, a lawsuit by the Miccosukee Tribe which involves the taking of certain tribal lands connection with the construction of highway Interstate 75 by the Florida Department of Transportation; and

WHEREAS, the Florida Department of Transportation, with the concurrence of the Board of Trustees of the Internal Improvements Trust Fund of the State of Florida, and the Miccosukee Tribe have executed an agreement for the purpose of resolving the dispute and settling the lawsuit, which agreement requires consent of the Congress of the United States in connection with contemplated land transfers; and

WHEREAS, the Settlement Agreement is in the interests of the Miccosukee Tribe in that the Tribe will receive certain monetary payments, new reservation lands to be held in trust by the United States, and other benefits; and

WHEREAS, the "Miccosukee Settlement Act of 1997" (H.R. 1476) has been prepared to implement the Settlement Agreement and to provide authority and assurance that land received in consideration of the loss of Miccosukee lands will be received by the United States in trust for the use and benefit of the Miccosukee Tribe of Indians of Florida as Miccosukee Indian Reservation lands; therefore, be it

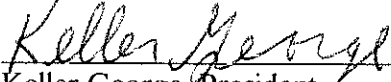
RESOLVED, that the United South and Eastern Tribes, Inc. supports and endorses the Settlement Agreement between the Florida Department of Transportation and the Miccosukee Tribe; and be it further

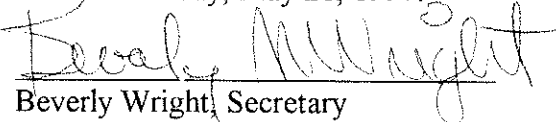
RESOLVED, that the United South and Eastern Tribes, Inc. urges the Secretary of the Interior, as trustee for the Miccosukee Tribe pursuant to the Indian Trust Doctrine, to aid and assist in the fulfillment of the Settlement Agreement at all times and in all reasonable manner, and cooperate with and assist the Miccosukee Tribe for this purpose; and be it further

RESOLVED, that the United South and Eastern Tribes, Inc. urges the Congress of the United States to pass the "Miccosukee Settlement Act of 1997" (H.R. 1476) to implement the Settlement Agreement and to provide authority and assurance that land received in consideration of the loss of Miccosukee lands will be received by the United States in trust for the use and benefit of the Miccosukee Tribe of Indians of Florida as Miccosukee Indian Reservation lands.

CERTIFICATION

This resolution was duly approved at the USET Semi-Annual Board of Directors meeting, at which a quorum was present, in Marksville, Louisiana on Wednesday, May 21, 1997.


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


Beverly Wright, Secretary
United South and Eastern Tribes, Inc.

"Because there is strength in Unity"



Miccosukee Tribe of Indians of Florida

Business Council Members
Billy Cypress, Chairman

Jasper Nelson, Ass't. Chairman
Max Billie, Treasurer

Andrew Bert Sr., Secretary
Jerry Cypress, Lawmaker

Resolution 1: *H.R. 1476 - Miccosukee Settlement Act of 1997*

On August 28, 1996, Miccosukee Tribe of Indians of Florida's Chairman Billy Cypress and Florida Department of Transportation ("FDOT"), Secretary Ben G. Watts executed a Settlement Agreement to resolve a federal lawsuit between the Tribe and FDOT arising from the construction of Interstate-75 across the Tribe's reservation lands. In its lawsuit, the Tribe alleged that FDOT unlawfully: trespassed upon, and excavated from, Tribal lands; removed and converted fill material therefrom; impeded tribal access to parts of the reservation; installed a microwave tower on tribal lands; and occupied tribal lands in violation of federal law.

Under the terms and provisions of the Settlement Agreement, the Tribe has agreed to voluntarily dismiss the lawsuit against FDOT and have agreed to support the Secretary of Interior's granting of right-of-ways and easements for the Interstate-75 facility. In exchange, FDOT has agreed to the following: payment of monetary damages; conveyance of several parcels of lands to be held in trust for the benefit of the Tribe; restoration of access to tribal lands; removal and relocation of the microwave tower; as well as, other benefits to the Tribe.

The purpose of the Settlement Act is to ratify the granting of the right-of-way and easement upon tribal lands and ensure that the lands conveyed by FDOT are held in trust for the benefit of the Tribe and ensure that the Department of Interior fulfills its commitments as a signatory of the Settlement Act.

Resolution 2: *H.R. 190 - Miccosukee Indian Rights Amendment*

H.R. 190 addresses current issues between the Miccosukee Tribe and the Everglades National Park. The language of H.R. 190 reflects the intent of Congress under the **1934 Everglades Park Enabling Act and the Indian Trust Doctrine** to secure domicile for the Tribe.

This bill is to amend the Act entitled "An Act to provide for the establishment of the Everglades National Park in the State of Florida and for other purpose," approved May 30, 1934, to clarify certain rights of the Miccosukee Tribe of Indians of Florida.

Thus, **H.R. 190** reflects what the Tribe's rights probably are, at present, but which are not properly recognized by the Everglades National Park. The bill enables the Miccosukee to govern themselves, and to continue to remain in their homes without the specter of possible removal by the U.S. Park Service.