



## UNITED SOUTH AND EASTERN TRIBES, INC.

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USET Resolution No. 2004:007

### STATE OF FLORIDA CONDEMNATION LAWSUIT AGAINST THE MICCOSUKEE TRIBE OF INDIANS OF FLORIDA


- WHEREAS,** United South and Eastern Tribes, Incorporated (USET) is an intertribal organization comprised of twenty-four (24) 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,** the Miccosukee Tribe of Indians of Florida has fee land as part of its tribal land base located in eastern Collier County, Florida, totaling 800 plus acres for the purposes of providing Tribal Members a place to harvest cypress and palm fronds for traditional chickee building and other plants for medicinal purposes as well as a potential place for hunting for subsistence; and
- WHEREAS,** the Miccosukee Tribe had an archaeological consultant conduct a cultural resources survey on this property whereby the consultant found a cultural resources site that is potentially eligible for listing in the National Registry of Historic Places, but requires further survey work; and
- WHEREAS,** this land lies in an area that is slated for hydrologic restoration by the State of Florida as part of the Comprehensive Everglades Restoration Plan called the Southern Golden Estates Hydrologic Restoration Plan ("Restoration Plan") whose goal is to restore a failed housing development to a more natural state by removing roads, filling in canals, and pumping water into the area with the main objective to provide fresh water sheet flow into the 10,000 islands area of the Everglades and Southwest Florida; and
- WHEREAS,** the State of Florida attempted to enter into a flowage easement agreement with the Miccosukee Tribe which would allow the State to unconditionally flood the land with no guarantees of water quality or quantity; and
- WHEREAS,** the land is not located within the actual construction footprint of the Restoration Plan, has a cultural resources site located on it which would better be protected under Tribal jurisdiction, is already in a natural state, thus requiring no restoration, and is not necessary to reach the overall goal of providing fresh water sheet flow as stated above; and
- WHEREAS,** the State of Florida entered into negotiations with the Miccosukee Tribe whereby the Tribe informed the State that the land was important to the Tribe, the State did not actually need the land to achieve the restoration goals, and the State should protect Tribal lands from potential flooding; and
- WHEREAS,** the State of Florida entered a condemnation lawsuit against the Miccosukee Tribe, which in effect, means the State is condemning the land so the State can acquire it; therefore, be it
- RESOLVED** that the USET Board of Directors supports the Miccosukee Tribe of Indians of Florida in protecting its Tribal Lands from potential flooding; and, be it further
- RESOLVED** that the USET Board of Directors calls for the State of Florida to reconsider its position and to enter into further negotiations with the Miccosukee Tribe.

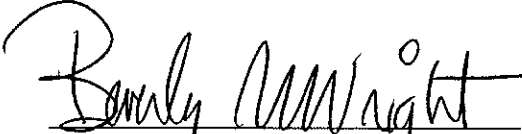
*"Because there is strength in Unity"*

USET Resolution 2004:007

**CERTIFICATION**

This resolution was duly passed at the USET Annual Meeting & EXPO, at which a quorum was present, in Mashantucket, CT, on Thursday, October 23, 2003.

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

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

STATE OF FLORIDA

**Office of the Governor**

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*cc  
Mccomb*



JEB BUSH  
GOVERNOR


November 21, 2003

James T. Martin  
Executive Director  
United South and Eastern  
Tribes, Inc.  
711 Stewarts Ferry Pike  
Suite 100  
Nashville, Tennessee 37214

Dear Mr. Martin:

I am writing in response to your November 3, 2003 letter to Governor Jeb Bush. Thank you for forwarding Resolution No. 2004:007 approved by USET to the Governor and sharing your views. I will make sure to forward this information to Governor Bush.

Very truly yours,

  
Robert H. Fernandez  
Deputy General Counsel

RHF/ser

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