



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #LNK-12-004

### **TITLE: Urging the United States to Protect Areas of Cultural, Archeological and Historical Significance to the Miccosukee Tribe of Indians of Florida in Its Efforts to Restore the Everglades**

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#### NCAI HEADQUARTERS

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**WHEREAS**, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; 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 Tribe of Indians of Florida has 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 Tribe of Indians of Florida 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 Tribe of Indians of Florida; 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 the territory of the Miccosukee Tribe of Indians of Florida, over the objections of the Miccosukee Tribe of Indians 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 lands of the Miccosukee Tribe of Indians of Florida and destroy areas of significant cultural, historical, and archeological value to the Miccosukee Tribe of Indians of Florida; 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 lands of the Miccosukee Tribe of Indians of Florida and Everglades National Park are located is not treated for high levels of contamination by nitrogen, phosphorus, pesticides, and herbicides; and

**WHEREAS**, water entering lands of the Miccosukee Tribe of Indians of Florida 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 lands of the Miccosukee Tribe of Indians of Florida, does not meet the U.S. Environmental Protection Agency (EPA)-approved water quality standards of the Miccosukee Tribe of Indians of Florida or the State of Florida; 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 lands of the Miccosukee Tribe of Indians of Florida and utilizes those lands as a *de facto* storm water treatment area, *i.e.*, repository for contaminated water; and

**WHEREAS**, the Army Corps of Engineers manages the water levels on lands of the Miccosukee Tribe of Indians of Florida and other parts of the Everglades and has not properly managed these water levels, resulting in flooding of Miccosukee Tribe of Indians of Florida traditional areas and harm to the wildlife and vegetation on lands of the Miccosukee Tribe of Indians of Florida to which the Miccosukee Tribe of Indians of Florida are connected.

**NOW THEREFORE BE IT RESOLVED**, that the NCAI 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 Indians of Florida on Everglades restoration legislation, initiatives, plans, and projects; and

**BE IT FURTHER RESOLVED**, the NCAI 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 Tribe of Indians of Florida and lands of the Miccosukee Tribe of Indians of Florida; and

**BE IT FURTHER RESOLVED**, the NCAI 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 NCAI 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 NCAI 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 lands of the Miccosukee Tribe of Indians of Florida so that it meets the standards protective of the Everglades ecosystem; and

**BE IT FURTHER RESOLVED**, NCAI calls upon the Army Corps of Engineers to better manage the water levels over which it has jurisdiction - to protect the Miccosukee Tribe of Indians of Florida's traditional ways of life, their culturally sensitive and archeological resources, and the wildlife and vegetation; and

**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

**CERTIFICATION**

The foregoing resolution was adopted by the General Assembly at the 2012 Mid-Year Session of the National Congress of American Indians, held at The Cornhusker Hotel from June 17-20, 2012 in Lincoln, Nebraska, with a quorum present.

  
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President

**ATTEST:**

  
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Recording Secretary