

105TH CONGRESS
1ST SESSION

S. 1419

To deem the activities of the Miccosukee Tribe on the Tamiami Indian Reservation to be consistent with the purposes of the Everglades National Park, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 1997

Mr. MACK introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To deem the activities of the Miccosukee Tribe on the Tamiami Indian Reservation to be consistent with the purposes of the Everglades National Park, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DEFINITIONS.**

4 In this Act:

5 (1) EVERGLADES NATIONAL PARK; PARK.—The
6 term “Everglades National Park” or “Park” means
7 the Everglades National Park established under the
8 Act entitled “An Act to provide for the establish-

1 ment of the Everglades National Park in the State
2 of Florida and for other purposes”, approved May
3 30, 1934 (16 U.S.C. 410 et seq.).

4 (2) MICCOSUKEE TRIBE; TRIBE.—The term
5 “Miccosukee Tribe” or “Tribe” means the
6 Miccosukee Tribe of Indians of Florida, which is rec-
7 ognized by the United States and organized under
8 section 16 of the Act of June 18, 1934 (commonly
9 referred to as the “Indian Reorganization Act”) (48
10 Stat. 987, chapter 576; 25 U.S.C. 476).

11 (3) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior.

13 (4) TAMIAMI INDIAN RESERVATION; RESERVA-
14 TION.—The term “Tamiami Indian Reservation” or
15 “Reservation” means the reservation of the Tribe
16 that is comprised of the lands described in section
17 2(e).

18 **SEC. 2. CONSISTENCY WITH PURPOSES OF PARK.**

19 (a) IN GENERAL.—The Miccosukee Tribe is granted
20 the right to occupy, reside in, and govern in perpetuity
21 the Tamiami Indian Reservation as a Federal Indian res-
22 ervation.

23 (b) AUTHORITY.—The Miccosukee Tribe, in occupy-
24 ing, residing in, and governing the Tamiami Indian Res-
25 ervation, shall have the same authority that the Tribe

1 would otherwise have if the land of the Reservation were
2 held in trust by the Secretary for the use and benefit of
3 the Tribe, without the issuance of special restrictions by
4 the Secretary. The provisions of the special use permit
5 that was issued through the Director of the National Park
6 Service and that took effect on January 1, 1973, shall be
7 inapplicable and void.

8 (c) CONSISTENCY.—Notwithstanding any other pro-
9 vision of law, subject to the requirements of this section,
10 the permanent occupation, residence, and governance of
11 the Tamiami Indian Reservation by the Miccosukee Tribe
12 shall be deemed to be consistent with the purposes of the
13 Everglades National Park under the Act entitled “An Act
14 to provide for the establishment of the Everglades Na-
15 tional Park in the State of Florida and for other pur-
16 poses”, approved May 30, 1934 (16 U.S.C. 410 et seq).

17 (d) DREDGE AND FILL PERMIT.—The Chief Engi-
18 neer of the Army Corps of Engineers shall only approve
19 an application for a permit for dredging or filling made
20 by the Tribe under section 404 of the Federal Water Pol-
21 lution Control Act (33 U.S.C. 1344) if the Chief Engineer
22 determines that the activities of the Tribe will not impair,
23 with respect to the Everglades of Florida—

24 (1) water quality standards; or

1 (2) patterns of water flow, including the
2 hydroperiod, that are necessary to achieve the res-
3 toration and protection of the natural Everglades
4 ecosystem.

5 (e) DESCRIPTION OF THE TAMAMI INDIAN RES-
6 ERVATION.—For purposes of this section, the lands of the
7 Tamiami Indian Reservation comprise the area beginning
8 at the western boundary of the Everglades National Park
9 at the west line of section 20, township 54 south, range
10 35 east; thence east following the northern boundary of
11 the park in township 54 south, range 35, and 36 east to
12 a point in section 19, township 54 south, range 36 east,
13 500 feet west of the existing road known as Seven Mile
14 Road; thence 1,000 feet south 500 feet from Seven Mile
15 Road; thence west paralleling the park boundary to the
16 west line of section 20, township 54 south, range 35 east;
17 thence north 1,000 feet to the point of beginning.

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