

105TH CONGRESS
1ST SESSION

H. R. 3055

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 HOUSE OF REPRESENTATIVES

NOVEMBER 13, 1997

Mr. HASTINGS of Florida introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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

1 Act entitled “An Act to provide for the establish-
2 ment of the Everglades National Park in the State
3 of Florida and for other purposes”, approved May
4 30, 1934 (16 U.S.C. 410 et seq.).

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

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

14 (4) TAMIAMI INDIAN RESERVATION; RESERVA-
15 TION.—The term “Tamiami Indian Reservation” or
16 “Reservation” means the reservation of the Tribe
17 that is comprised of the lands described in section
18 2(e).

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

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

24 (b) AUTHORITY.—The Miccosukee Tribe, in occupy-
25 ing, residing in, and governing the Tamiami Indian Res-

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

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

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

25 (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 TAMiami 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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