

Water Rights Compact Update

Opening Remarks: *Jim Shore*

Presentation: *Steve Walker
and Craig Tepper*

Governing Board Workshop
February 9, 2012

The
Seminole
Tribe of Florida



SOUTH FLORIDA
WATER MANAGEMENT DISTRICT



Presentation Overview

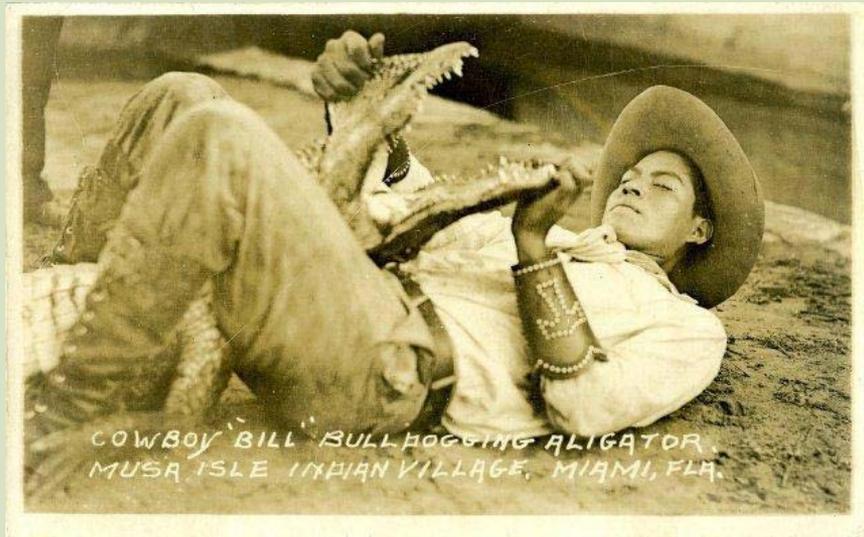
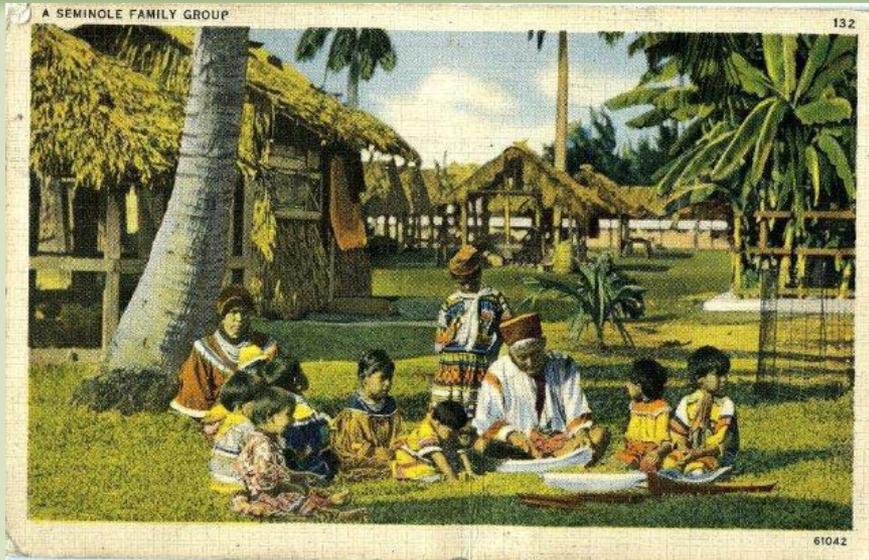
- Seminole Tribe of Florida
 - Past to Present
 - Historic disagreements between Tribe, Florida, and District before Compact
 - Land claims and management of water resources and the environment of various Seminole reservations
- The Compact
 - History and implementation
 - Process and forum within which to find creative solutions
- The Future
 - Preview of issues and potential for Compact-based partnerships

The Seminole Tribe: Past to Present

The Seminole Tribe of Florida is federally recognized by Section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. § 476)

- The Seminole Tribe is recognized by the State of Florida pursuant to Chapter 285, Florida Statutes
- Significant non reservation holdings include
 - Seminole Coconut Creek Casino
 - Hard Rock Hotel Chains
- Significant reservation holdings

Reservations: A New Frontier for The Seminole People



- The Seminoles resisted life on the reservations based on their land ownership beliefs
- By 1935 some Seminoles requested land be set aside for reservations
- This divided the Seminole people into those who ultimately took the offer of reservation lands and those who later became the Miccosukee Tribe of Indians of Florida

The Seminole Tribe: Past to Present



The Seminole Tribe: Past to Present



Creating a Modern System of Governance



Phillip Billy and Little Billy, (Seminole Indians)

No. 749. National Art Views Co. N. Y. City.

The Origins of the Modern Day Seminole Tribe



James E. Billie
Chairman
Seminole Tribe of Florida



Andrew J. Bowers, Jr.
Brighton Representative



Manuel M. Tiger
Big Cypress Representative



Marcellus W. Osceola, Jr.
Hollywood Representative



Tony Sanchez, Jr.
President
STOF, Inc.

- In 1953, the United States Congress passed legislation terminating federal tribal programs
- The Seminole Tribe successfully argued against termination but immediately moved forward with:
 - Tribal Constitution
 - Obtained self-governance through a tribal council
 - Created the Seminole Tribe of Florida, Inc. to oversee the tribal businesses

The Compact History and Implementation

1980s – Disagreement

- Extent and nature of Seminole water rights and relationship to neighboring water users
- Land claims

Three jurisdictions involved:

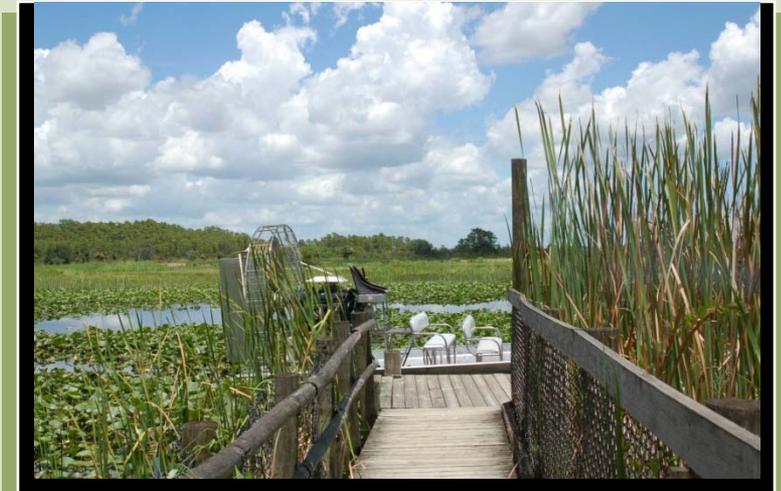
- Tribe regulates water and environmental regulation on the Seminole reservations;
- State jurisdiction over state waters and environmental matters;
- Federal jurisdiction over waters of the United States and a variety of environmental matters.



The Compact – A National Success

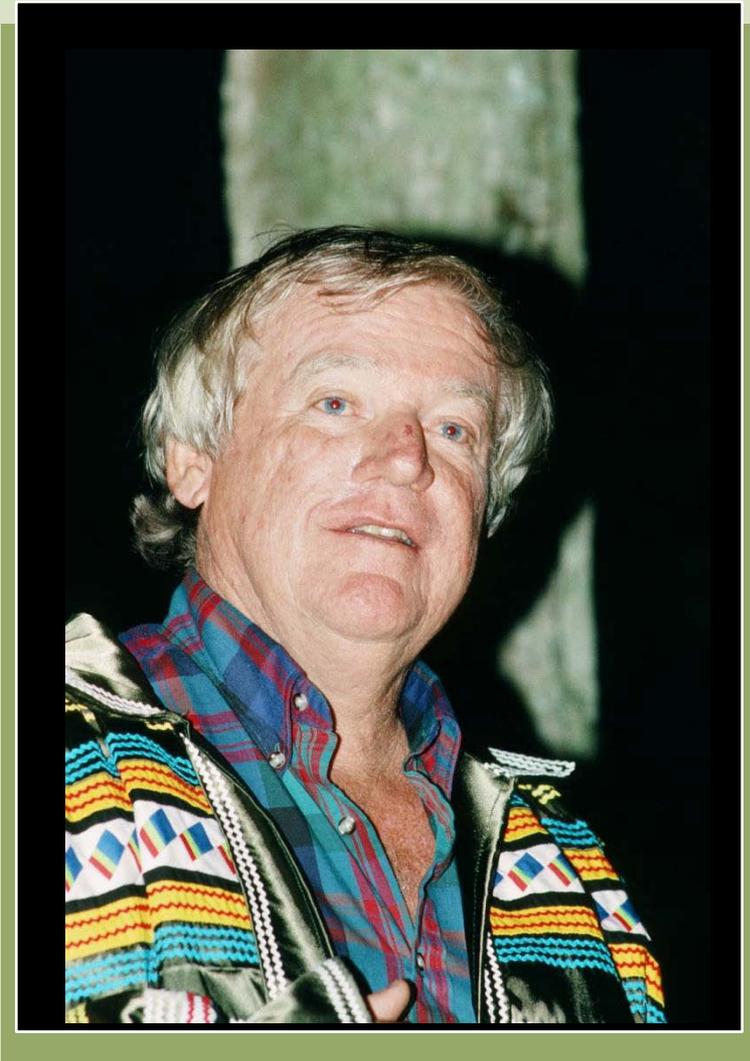
565 Federally Recognized Indian Tribes:

- The Compact is one of only 28 tribal water rights settlements approved by Congress
- 2nd oldest tribal water rights settlement in the United States
- Only tribal water rights settlement in existence east of the Mississippi
- The majority of the water rights settlements are with western/mid-western tribes in Montana, Colorado, Arizona, Nevada, New Mexico, Idaho, California and Utah



The Compact History & Implementation

- 1987: Water Rights Compact defined the rights and obligations of the Tribe pertaining to water and the environment
- Compact approved concurrent with settlement Tribe's pending land claims

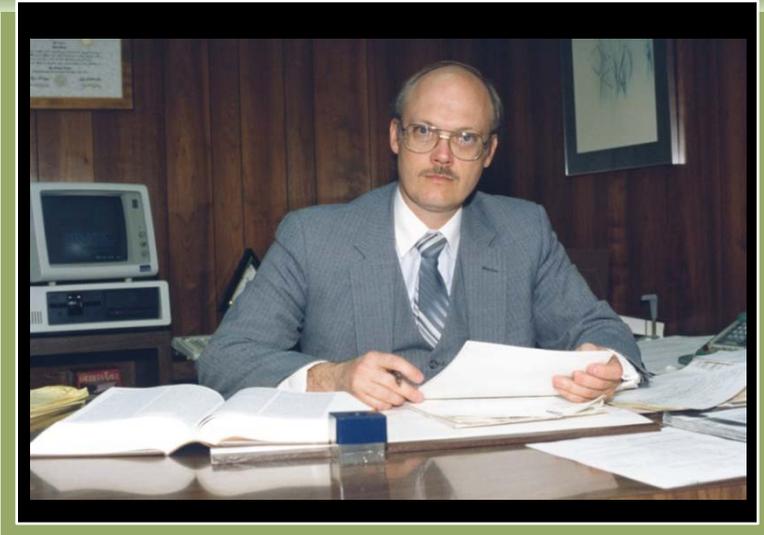


Signing of the Compact September 3, 1987



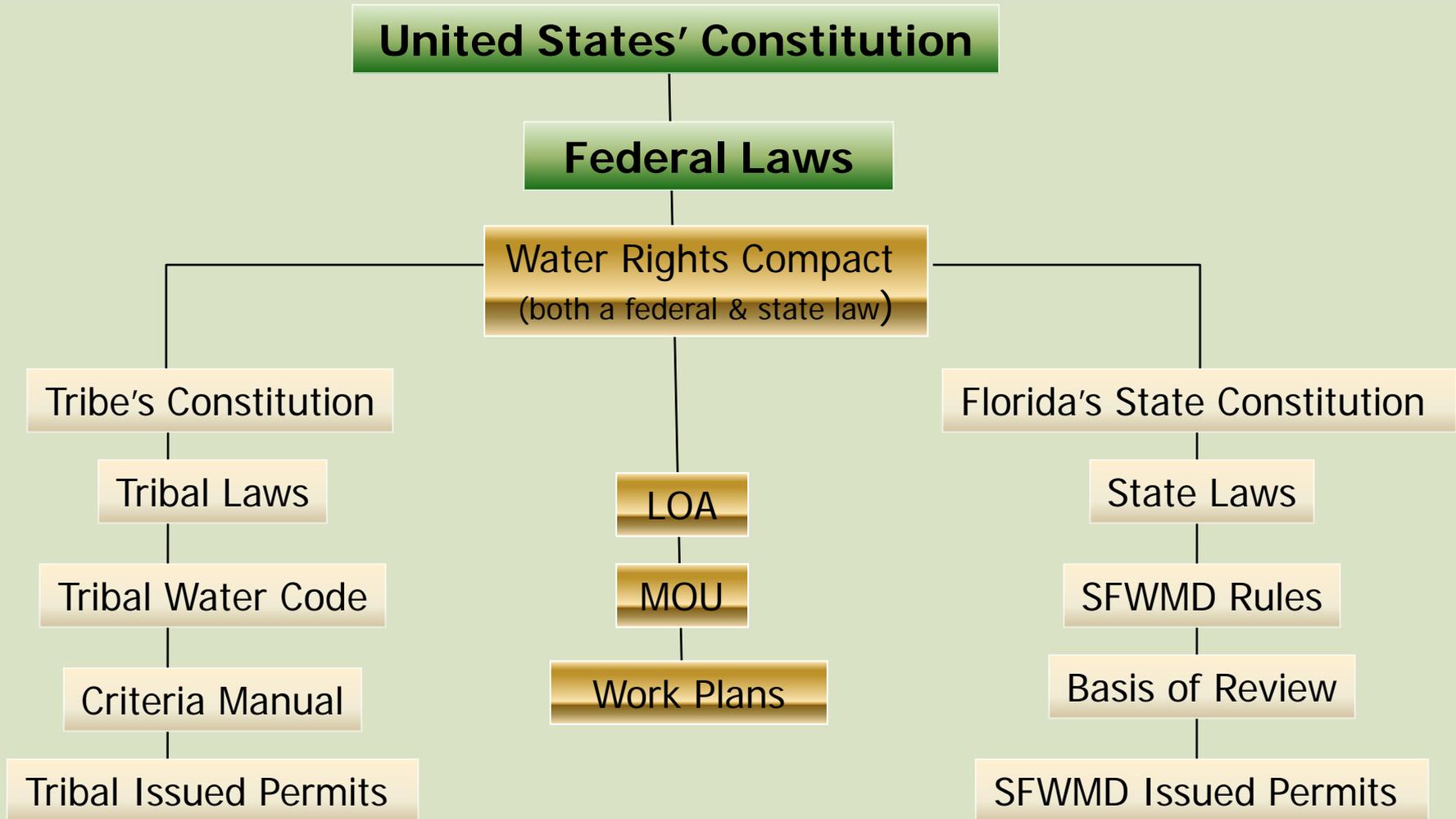
Compact Principles

- Water Rights Compact was drafted to harmonize the Tribe's sovereignty and rights with essential principles of Florida's laws pertaining to water and environmental regulation
- Compact was ratified by Congress and Florida's Legislature
 - Has full force and effect of federal and state law
 - There has been no litigation between the District and the Tribe since the ratification of the Compact



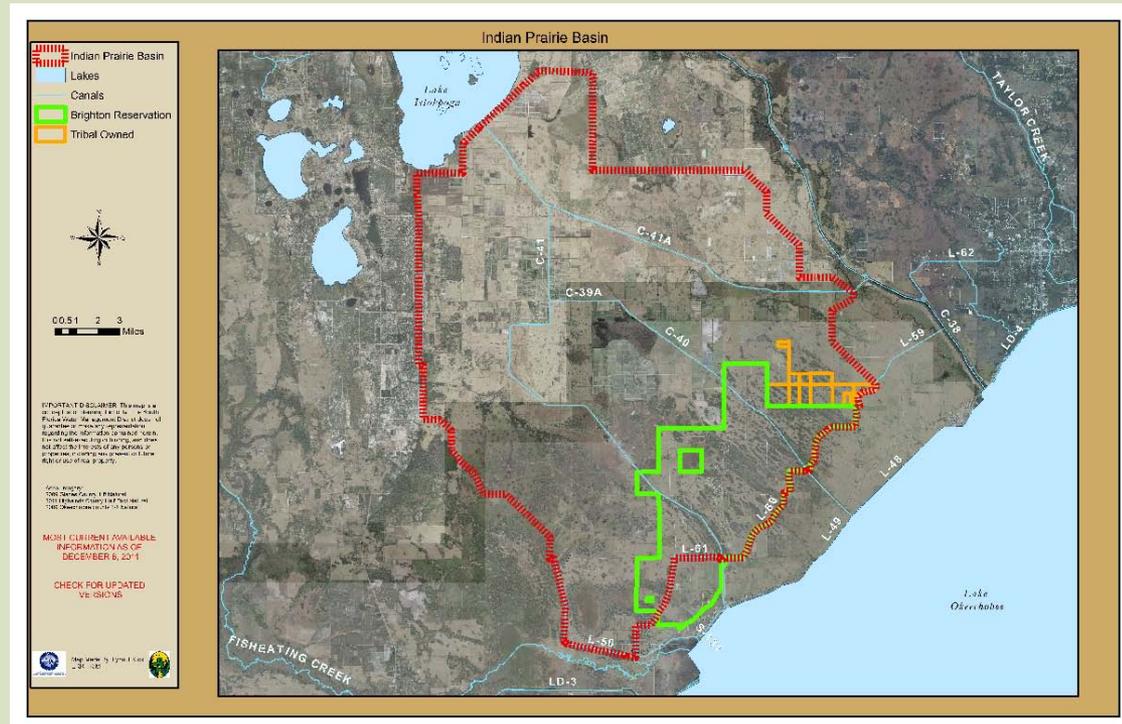
Stephen Walker, 1987

The Compact Harmonized the State & Tribal Systems



Compact Implementation

- Preserved Tribal sovereignty
- Provided the Tribe with specific water rights
- Protected Tribe's potential development opportunity
- District assured Tribe management of water would be consistent with State system
- Not result in significant adverse environmental impacts
- Continued provision of water to existing permitted users



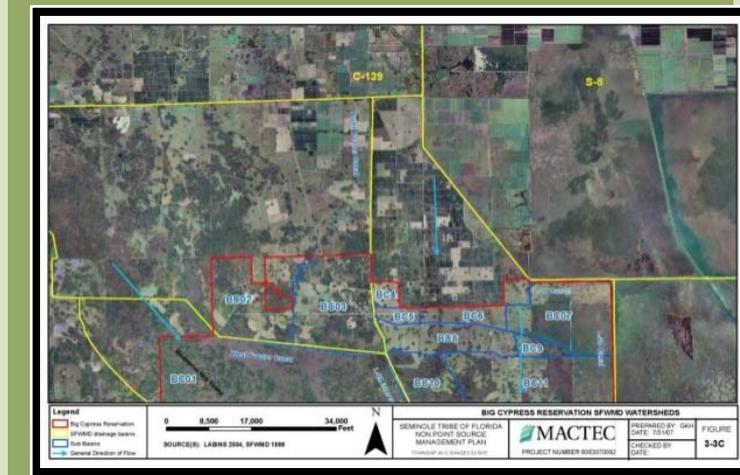
Milestones of Success

- History of compromises on both sides has avoided the Dispute Resolution mechanisms in the Compact for over 24 years – never been used
- 25 Work Plans and numerous amendments
- Resolution of enforcement actions
- Wetland Criteria Manual
- Development Right of Way Agreement

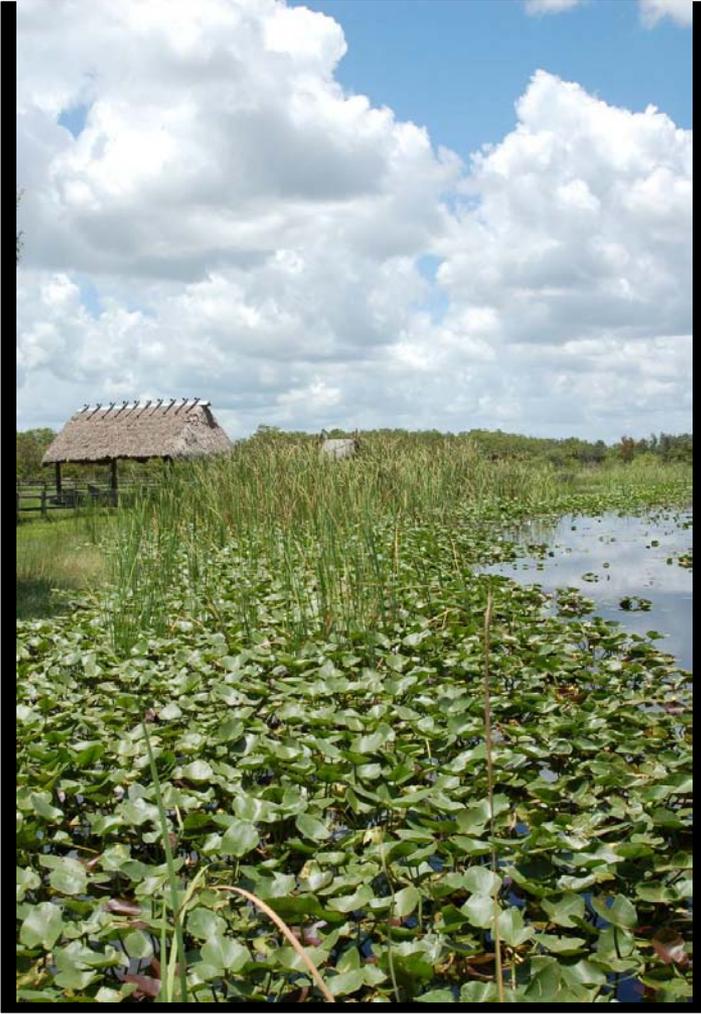


Milestones of Success

- District access (STA construction)
- Water quality standards – development and neighboring landowners' discharges
- SFWMD projects on Tribal land
- Water supply: plans, shortage, BCR entitlement quantified and operational plan to deliver
- Recent Lake Okeechobee regulation schedule



Partnerships: Issues on the Horizon



- Preservation of State and Tribal Historical Resources
- Everglades Restoration
- Brighton Reservation Entitlement
- Restoring Water Conservation Area 3A
- Continued Growth and Increase in Water Demand
- Development of Numeric Water Quality Standards
- Reduction of Exotic Nuisance Trees
- Protection of Endangered Species

Thank You

We wish to acknowledge the contributions and courtesy of the Seminole Tribe of Florida Ah-Tah-Thi-Ki Museum for the historical background information and photographs contained in this presentation

Questions?



**The
Seminole
Tribe of Florida**

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