



Challenges & Opportunities The Seminole Tribe of Florida's Water Rights Experience

By: Stephen A. Walker



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The Seminole Tribe of Florida: A History of Success



- The Seminole Tribe of Florida is federally recognized by Section 16 of the Indian Reorganization 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 including
 - Seminole Coconut Creek Casino
 - Hard Rock Hotel Chains



The
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Tribe of Florida



A Brief History of The Seminole Tribe



- The Seminole Tribe of Florida
 - Descendants of the Creek people - historic nations referred to as Creek or Cherokee people
 - 1800's ordered to move to Oklahoma
 - "Trail of Tears"
 - 3 Seminole wars fought resisting removal
 - Never surrendered
 - By 1860 most Seminoles relocated, but many remained in the Everglades

Reservations: A New Frontier for the Seminole People



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

The Origins of the Modern Day Seminole Tribe



James E. Billie
Chairman
Seminole Tribe of Florida



Manuel M. Tiger
Big Cypress Representative



Andrew J. Bowers, Jr.
Brighton Representative



Tony Sanchez, Jr.
President
STOF, Inc.



Marcellus W. Osceola, Jr
Hollywood Representative

- 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

Issues Leading to the Seminole Tribe's Water Settlement

- State permitting system
- Tribal land claims
- Flowage easement
- Management of state water resources and water on lands adjacent to tribal land
- State & Local intrusion into Tribal natural resources
- Unrecognized Winter Doctrines Rights
- Legal & permitting disputes



The Compact Signing



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Compact Principles

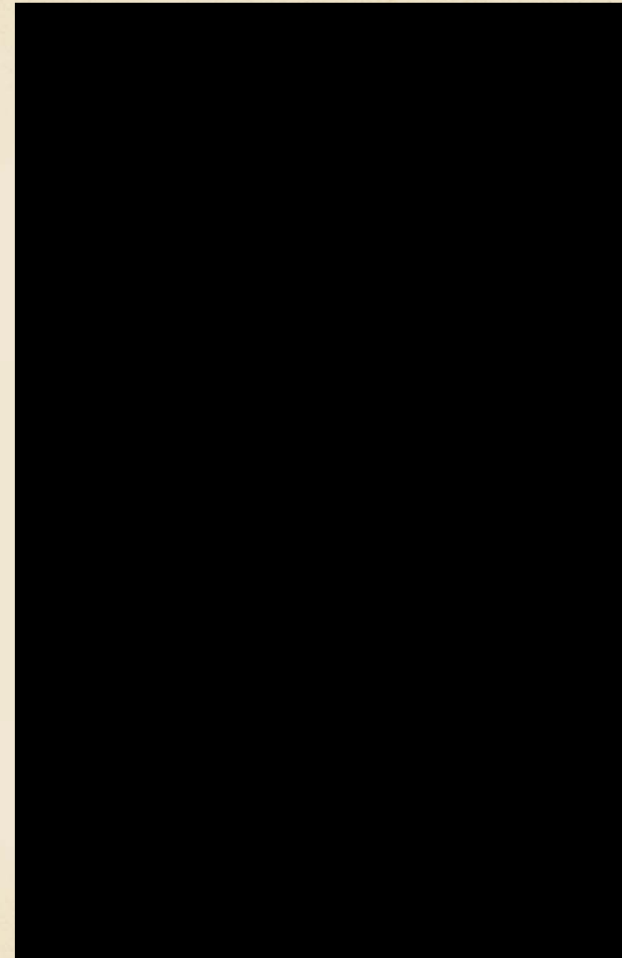


- The Water Rights Compact was drafted in harmony with the essential statutory provisions pertaining to both water law and environmental law principles of the State system
- The 1987 Water Rights Compact was ratified by Congress and the Florida Legislature and given the force and effect of both federal and state law.

Compact Goals Achieved



- **Tribal Goals Achieved:**
 - Preserved / acknowledged Seminole Tribe sovereignty
 - Secured recognition of federal water rights
 - Orderly development of reservation lands
 - Obtained protection from adverse impacts by neighbors
- **SFWMD / State Goals Achieved:**
 - Formalized the process for SFWMD input on tribal management of water in a process that gives due respect to Tribal sovereignty
 - Mechanism obtained to have input in the management of Tribal lands in a manner consistent with Florida water and environmental laws.



The Seminole Tribe Water Management System



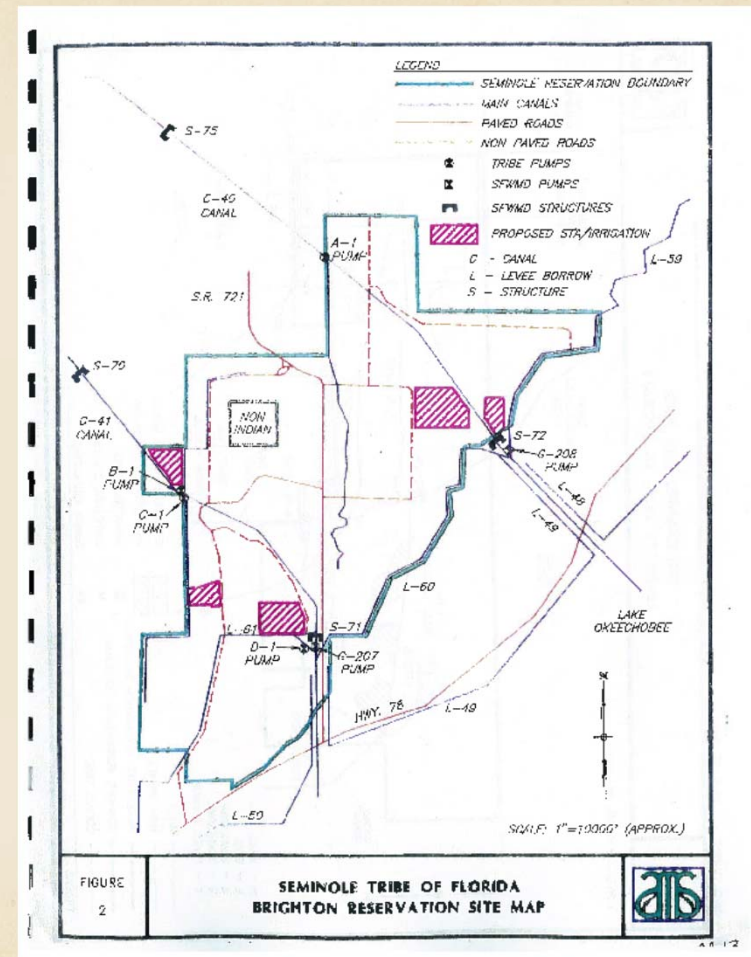
Got Water? How to Expand Your Opportunities

- How do you use your water right entitlement to obtain the infrastructure to channel water to your land?
- How do you turn your paper water right into quantified water?
- What if someone else is using your water?



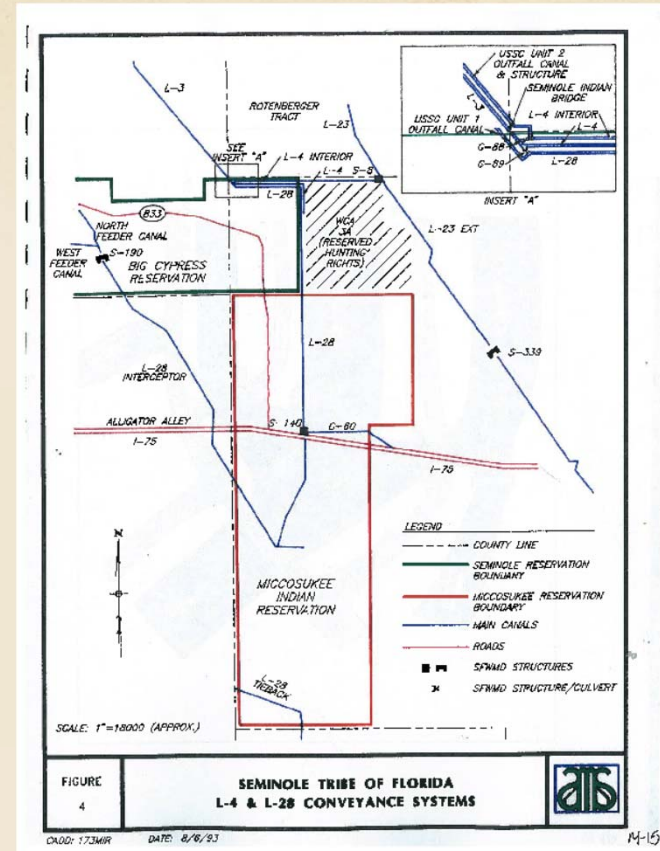
Too Much Water at the Wrong Times Too Little Water at the Right Times

- Quantification resulted in the installation of pumps from Lake Okeechobee
 - Water north of the Lake used for State purposes
 - Water from the Lake used to provide a specific tangible amount of water for the Tribe

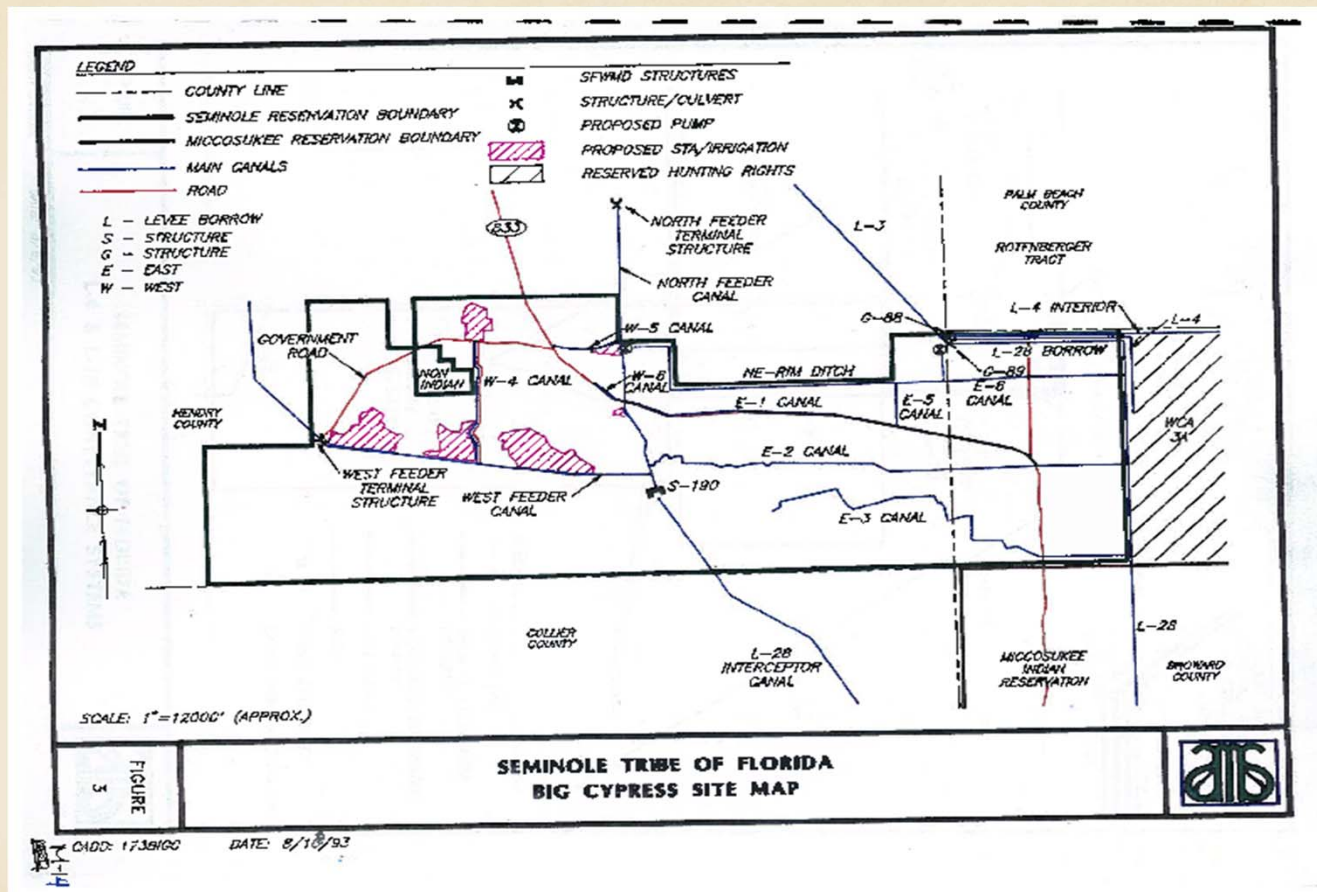


Everglades Restoration: Maximizing Mutual Goals

- Tribe allowed the State to divert water from the NW Feeder Canal in exchange for the installation of a pump
- Exchange uncertain amount of water for a certain fixed amount



Everglades Restoration: How Shared Goals can result in Infrastructure

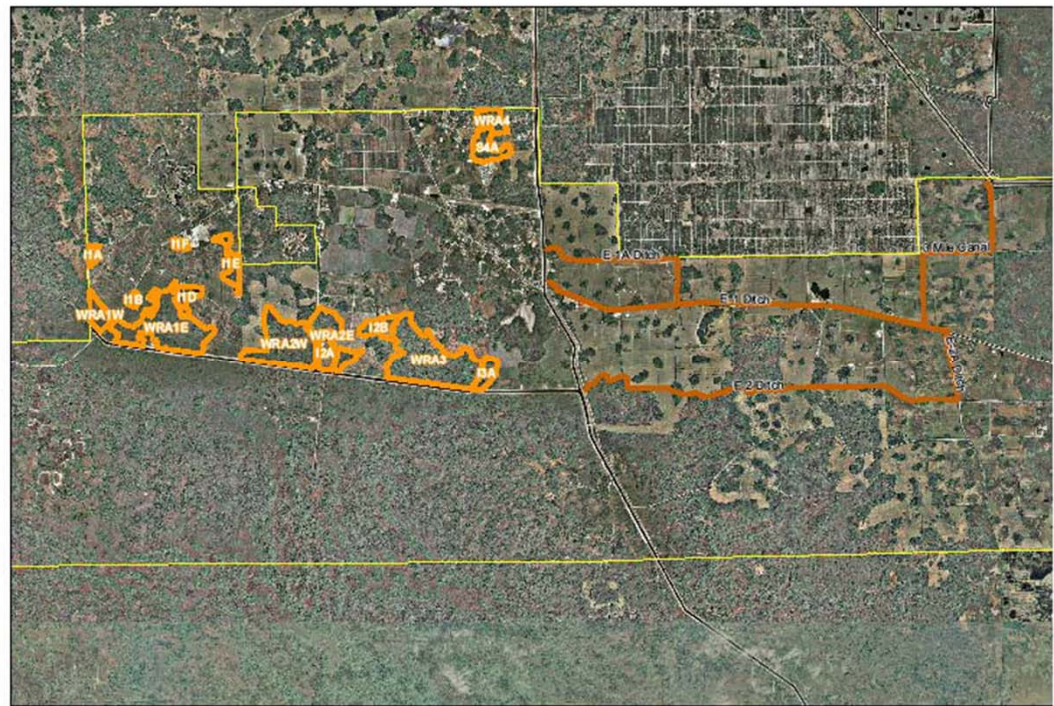


Everglades Restoration: How Shared Goals can result in Infrastructure



The Critical Project: Obtaining the Infrastructure to Maximize Water

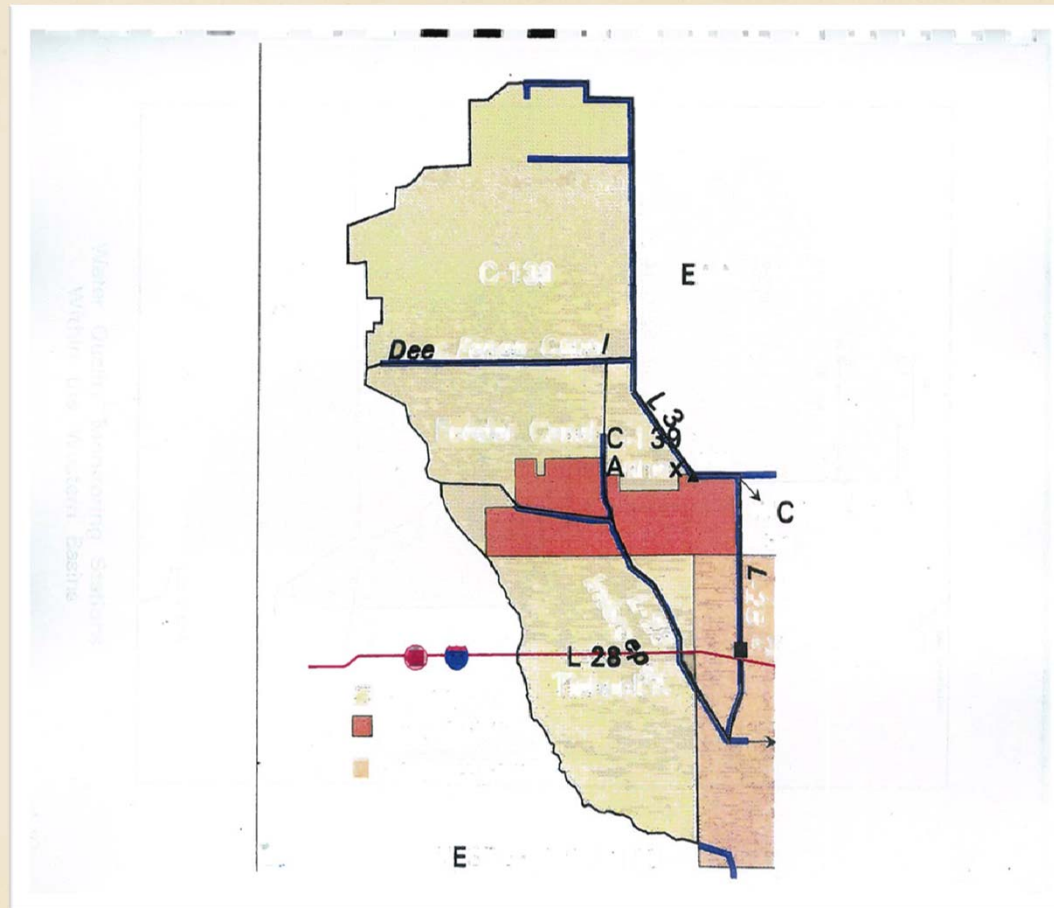
- Seminole Tribe agreed to allow a restoration project on Tribal Lands
 - Received 50% cost share for infrastructure
 - Land used for infrastructure used as part of Tribe's 50% contribution



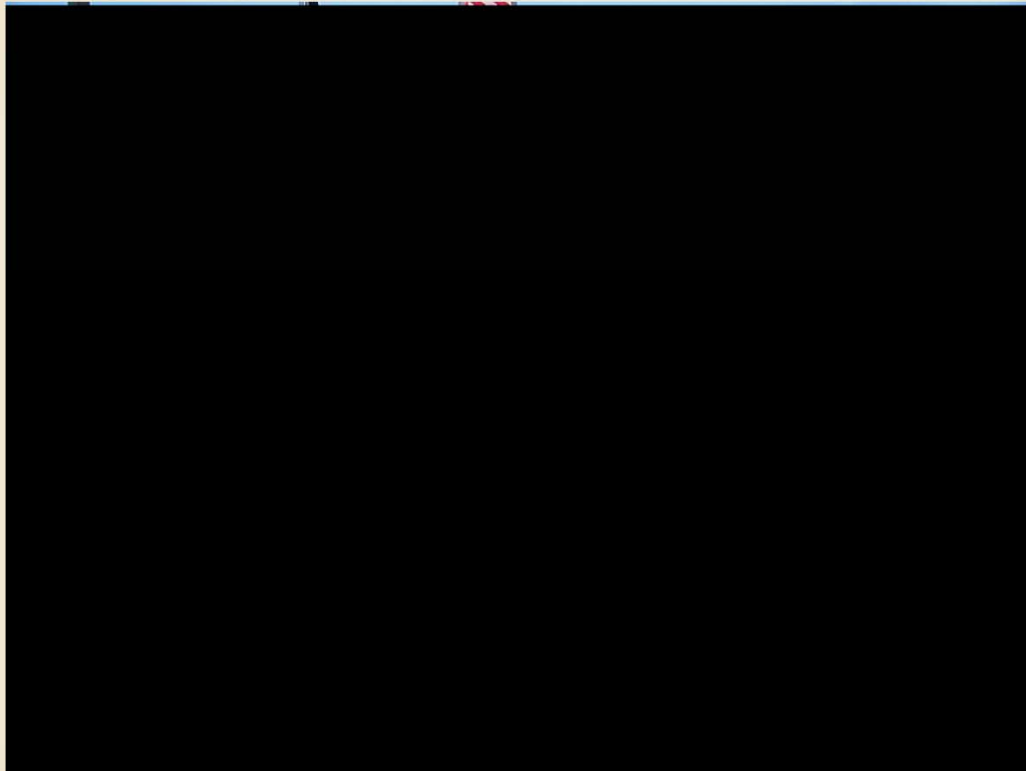
Attachment 2A



The Critical Project: Obtaining the Infrastructure to Maximize Water



Lake Port Utilities



- Established a Utility service that provides utilities to non-tribal persons
- Money from utility services is used to upgrade tribal infrastructure

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Land Owner Agreements

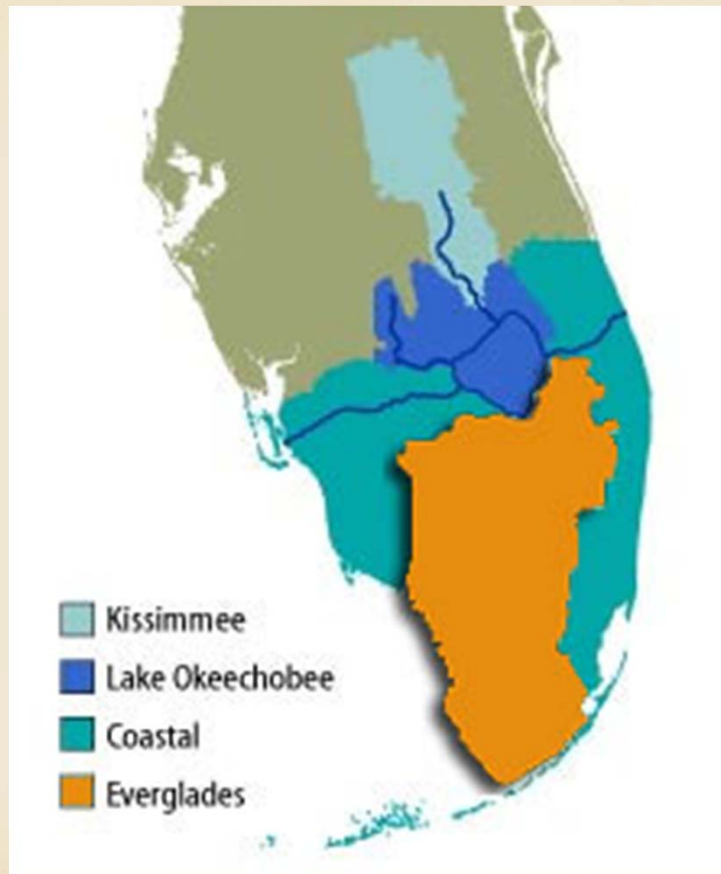


- 14 LOAs
- United States Sugar Corporation
- SFWMD
- Becks
- Other private landowners

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Understanding How the Game is Played – An Essential Step In Perfecting Tribal Water Rights

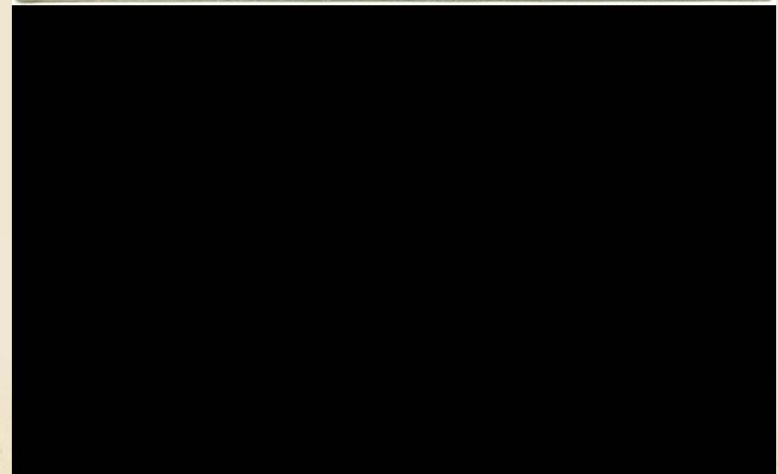


- The Seminole Tribe has used State law to perfect its water rights and has learned the state permitting system inside and out over the past 24 years
- Embrace the ways state laws can maximize your water rights
- Understand what motivates your neighbors and the state

Creating a Win-Win Outlook: Look for Unexpected Partnerships



- As you move forward with managing tribal resources look for opportunities to collaborate in ways that expands your water rights
 - Federal Projects
 - State Restoration projects
 - Neighboring Landowners
 - Local Utilities



Maintaining Your Water Rights



- It is critical that you understand the state water system and how it impacts tribal water rights
- Establish relationships with state and local governments
- Establish relationships with other local interests such as landowners, utilities and others that can impact your water rights
- Show up and explain not only how your rights are impacted by certain actions but also how you can help others expand their interests too
- By becoming a part of the solution you ensure that you will be solicited for more opportunities down the road

Lake Okeechobee Herbert Hoover Dike



- Regulation Schedule
- Scheduled Water Releases
- Lowering the Lake level resulted in less water for supply

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Final Thoughts



- Opportunity is everywhere
 - Don't be Ignored
 - Speak Up
 - Understand your rights & how they can be impacted
 - Understand state and adjacent landowner concerns – if their concerns are not addressed then they will continue to raise them

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