

A Legacy of Success:



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The Seminole Tribe of Florida is federally recognized by Section 16 of the Indian Reorganization of 1934 (25 U.S.C. § 476). To effectively govern themselves the Seminole Tribe created the: (1) Tribal Constitution; (2) Tribal Council; and (3) Seminole Tribe of Florida, Inc. These governance documents and bodies laid the ground work for the Seminole Tribe to become some of the most successful tribal business owners in the world. However, these governance documents and business structures only laid the foundation. It is the manner in which the Seminole Tribe utilized its sovereignty that has resulted in its success.

The Seminole Tribe recognized that to achieve its goals it needed to create meaningful relationships with its neighbors. After decades of disappointment and controversy the Seminole Tribe entered into a water settlement agreement with state and federal governments in 1987. The Seminole Tribe has managed to use their water rights to create additional opportunities for the Tribe. One mechanism for expanding tribal opportunities is to understand how the state water system can benefit tribal lands. To do this you must create meaningful relationships with state and local governments and your neighbors. You must also stay vigilant and active to understand how changes in the state system can impact your water rights.

The Seminole Tribe has successfully expanded its water rights entitlement by working with: (1) the state water system; (2) their neighbors; and (3) others that could assist with creating the infrastructure necessary to maximize the Seminole Tribe's water entitlement. The 1987 Water Rights Compact defined the rights and obligations of the Seminole Tribe pertaining to water and the environment. However, while the water settlement gave the Seminole Tribe the right to water the Seminole Tribe still had to create a system that actually provided water to their land. To do this the Tribe seized every opportunity to parlay their water rights into actual water.

For example, the Seminole Tribe has entered into 14 landowner agreements from 1987 through 1999. A landowner agreement is a device authorized under the Water Rights Compact that allows the Seminole Tribe to enter into an agreement with another landowner impacted by

certain Tribal operations. One notable landowner agreement between the United States Sugar Corporation (“U.S. Sugar”) and the Seminole Tribe resulted in both the Tribe and U.S. Sugar agreeing to strategically locate water wells a certain distance from their common land boundaries. Another such land owner agreement between the Seminole Tribe, the South Florida Water Management District and several private landowners resulted in the establishment of water quality/quantity standards for water control structures located upstream from tribal lands. Before this landowner agreement these structures were operated in a manner that would divert water from tribal lands or flood tribal lands.

Another opportunity to solidify the Tribe’s access to water arose when the state and federal government decided to engage in Everglades restoration. These restoration activities required infrastructure to clean and manage water before it could flow into the Everglades system. The Seminole Tribe agreed to construct the necessary infrastructure on tribal land. This allowed the Tribe to receive a 50% cost share with the federal government to construct a complex water conveyance and basin management infrastructure that would convey water for the Tribe and the Everglades throughout the Big Cypress Reservation.

By identifying and understanding the desires of others the Tribe was able to obtain greater access to water for tribal lands and receive financial assistance to create a water management system to convey this water. In these negotiations the Tribe also created a mechanism where the state was now required to consider how changes to the Regional Water Supply would impact the Tribe’s water rights. These are just a few of the opportunities the Seminole Tribe has used to obtain greater access to water.

We invite you to join us at the Western States Water Council and Native American Rights Fund’s *Symposium on the Settlement of Indian Reserved Water Rights Claims* on August 23, 2011 to learn how the Seminole Tribe used its water settlement agreement to create tangible water rights, promote everglades restoration and obtain partial funding for upgrading a water resource system on its reservation.

Mr. Walker will present “Challenges & Opportunities: The Seminole Tribe of Florida Experience” at the luncheon on Tuesday, August 23rd. For more information, visit www.llw-law.com.

