

TESTIMONY OF TALBERT H. CYPRESS
CHAIRMAN OF THE MICCOSUKEE TRIBE OF INDIANS OF FLORIDA
BEFORE THE U.S. SENATE COMMITTEE ON INDIAN AFFAIRS

S. 2783: Miccosukee Reserved Area Amendments Act

July 10, 2024

Good morning, Chair Schatz, Vice Chair Murkowski, and members of the Committee, thank you for the opportunity to appear before you today. I am Talbert H. Cypress, Chairman of the Miccosukee Tribe of Indians of Florida, a federally-recognized tribe located in the Greater Everglades in South Florida. The views expressed herein are those of the Miccosukee Tribe, a sovereign tribe recognized pursuant to the Indian Reorganization Act of 1934. I appreciate the opportunity to discuss S. 2783, the Miccosukee Reserved Area Amendments Act, which would expand the current boundaries of the Miccosukee Reserved Area (or “MRA”) to include the Osceola Camp. Thank you also to Senators Rubio and Scott for sponsoring this legislation. If enacted, S. 2783 would make amendments to the Miccosukee Reserved Area Act of 1998, legislation that set aside inhabited Tribal lands within Everglades National Park for the benefit of the Miccosukee Tribe of Indians of Florida and our constituents. We strongly support S. 2783, which would ensure appropriate governance for the Osceola Camp and authorize funding to elevate structures in the camp to protect it from artificial engineered floodwaters from a Congressionally authorized project, the Central Everglades Planning Project.

EXPANSION

The current boundaries of the Miccosukee Reserved Area were delineated by the Miccosukee Reserved Area Act of 1998, Public Law 105–313. This Act brought under Tribal jurisdiction a stretch of land on the northern edge of Everglades National Park which has been inhabited by the Tribe for generations since the original villages and designated state reservation of 99,000 acres within Everglades National Park were evicted as a result of the creation of the Park and subsequent wilderness-style management. Following the Tribe’s 1962 federal recognition, the villages which were established within this strip of land within the borders of the Park were managed as a Special Use Permit of the national park from 1964 until 1998.

In 1998, Congress passed the Miccosukee Reserved Area Act, predicated on the finding that “[t]he interests of both the Miccosukee Tribe and the United States would be enhanced by a further delineation of the rights and obligations of each with respect to the Special Use Permit Area and to the Park as a whole.” Public Law 105–313, § 2. An important goal of this 1998 legislation was to “replace the special use permit with a legal framework under which the Tribe can live permanently and govern the Tribe’s own affairs in a modern community within the Park.” *Id.* at § 3. The Act further provided that “the Tribe shall govern its own affairs and otherwise make laws and apply those laws in the MRA as though the MRA were a Federal Indian reservation.” *Id.* at § 5(a)(3).

This same Act provided for the protection of Everglades National Park alongside the rights of the Tribe within the Miccosukee Reserved Area. Section 6 of the Act provides, among other environmentally protective measures, that the Tribe shall be responsible for “compliance with all applicable laws” and “shall prevent and abate degradation of the quality of surface or groundwater that is released into other parts of

the Park,” and “shall not impede public access to those areas of the Park outside the boundaries of the MRA,” and that no gaming shall be permitted to be conducted on the MRA.

The Miccosukee Reserved Area Act of 1998 has, by all accounts, been a resounding success for the Tribe and for Everglades National Park. Our residential community has been protected and our effective self-government therein has been facilitated. The National Park, its waters, and its visitor access have been well protected and Tribal impacts kept within the borders of the Miccosukee Reserved Area. However, there remains one Special Use Permit within Everglades National Park which still facilitates the occupancy of an outlying village that is approximately six (6) miles down US-41 (the Tamiami Trail) from the Miccosukee Reserved Area.

This is my father’s village, called the Osceola Camp, after descendants of the war leader Osceola who was executed after being captured under a flag of truce by General Thomas Jessup in 1837 during the Second Seminole War. My ancestors have lived in the Osceola Camp for generations, but within its borders our existence continues to be subject to Special Use Permit renewal by Everglades National Park. The proposed Miccosukee Reserved Area Amendments Act introduced here, S. 2783, would finally complete the protection of the Tribal communities remaining within Everglades National Park. The area proposed to be included into the MRA consists of the tree island on which the Osceola Camp is located and a fire break extending out from the island which will protect the Tribal community and facilitate continued Everglades National Park prescribed burns.

The incorporation of these thirty (30) acres into the MRA will create a much more consistent legal framework for Tribal residents and law enforcement personnel living and working along the northern border of Everglades National Park. Once the Osceola Camp becomes a part of the MRA, residents can be included demographically as residents of Tribal lands and can more effectively avail themselves of Tribal emergency and infrastructure services funded by the Tribal government.

ELEVATION

While we strongly support S. 2783’s expansion of the Miccosukee Reserved Area, the second component of this bill is equally, if not more, important. Our homelands have been significantly impacted and altered by drainage authorized by Congress in 1948 as the Central and Southern Florida Project. Our northern homelands have been flooded and polluted, while our southern homelands have been dehydrated. The Comprehensive Everglades Restoration Plan authorized by Congress in 2000 includes the Central Everglades Planning Project, itself authorized in 2016. This project, when completed, will restore the natural flow to a three mile stretch of the Everglades, where a portion of the Levee 29 will be removed north of a bridge which has been built to span the stretch.

However, the Osceola Camp is right in the flow way of the water which will be released when the levee is degraded. The authorization of appropriation included within this bill, of \$14,000,000 (fourteen million dollars), will provide funding for the work already begun by the National Park Service and Florida Department of Transportation to elevate the camp and its traditional structures above the new floodplain height, in tandem with the Tamiami Trail Next Steps Project which is elevating the roadway to protect it from the rising water levels. As the village is on the border of the US-41 (Tamiami Trail) roadway, this approach is efficient and harmonized with the existing authorized projects. However, without this funding and the engineering support that comes with it, the Tribe will again bear the brunt of the environmental impacts from the manipulation of the ecosystem that we live within, and the village will be under substantial and untenable risk of frequent flooding.

This is one of the only remaining Tribal tree islands inhabited by a substantial residential community. My parents and grandparents' generation lived on many more tree islands throughout the Greater Everglades. When the Army Corps of Engineers began the dredging and channelization of the Everglades in the 1940s, our elders remember federal officials promising that, should floodwaters over top our traditional tree islands, they would be elevated at the federal government's expense. They were not. To date, we have lost more than 60% of the land mass of the tree islands within the Miccosukee Water Conservation Area 3-A. Our people mourn this loss, and we call on Congress to not repeat this history as further manipulations of the ecosystem move forward. The projects are positive ones which repair the harms of past drainage, dredging, and channelization, but the Tribe must ensure that this time, our residential communities are protected from floods.

CONCLUSION

In conclusion, S. 2738 would elevate the village at Osceola Camp, and transition the Osceola Camp from the Special Use Permit model to inclusion within the Miccosukee Reserved Area. We strongly support S. 2738 because this legislation will enable the United States to fulfill its trust obligation to the Miccosukee Tribe of Indians of Florida by simultaneously protecting this Tribal village from flood impacts and ensuring its perpetual Indigenous self-governance.

I truly appreciate the opportunity to address this Committee and thank you for the support you have shown to tribes and our sovereignty. I look forward to any questions you may have.

Shonabisha (Thank you).