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Miccosukee Indians willing to discuss land claims suit

News-Press Bureau

NAPLES — The state attorney general says the Miccosukee Indians have indicated they are willing to settle their giant South Florida land claims suit out-of-court but an attorney for the tribe says the Miccosukees are merely "willing to sit down and talk."

Attorney General Jim Smith, in a letter sent this week to Gov. Bob Graham, said, "I intend to attempt to negotiate a settlement of the Miccosukee and Seminole suits on terms favorable to the state in the near future, since both tribes have previously expressed a willingness to resolve their claims by negotiation."

The Miccosukees last month filed a suit in federal district court in Miami against the State of Florida and three state agencies, in part asserting historical claims to all public land south and west of Lake Okeechobee. This includes the eastern shore of Charlotte Harbor and the Peace River in part of Charlotte County.

They are also asking for cash damages for highway and water management easements they say were granted illegally through existing reservation land.

A spokesman for the tribe has placed a value of \$25 million on the

land crossed by the South Florida Water Management District flowage easement.

Kenneth Lipman, a Miami attorney in the firm that helps represent the tribe, said Friday there have been no negotiations yet between the tribe and the state.

He said Smith's claim that the tribe had "expressed a willingness" to settle the case must be based on an agreement to allow the state a 30-day extension of the deadline for answering the tribe's petition.

Lipman said when the agreement was reached, it was understood that the state would use the additional time "to lay the groundwork for a possible settlement."

Specifically, that means state appraisals of the land through which both the Seminoles and Miccosukees say the state agencies granted illegal easements.

Assistant Attorney General Jody Schuman said Friday the Miccosukee suit continues to present no threat to private land titles in the huge area, including almost all of Southwest Florida, where the tribe says they have historical claims based on Nineteenth Century presidential declarations designed to settle the bitter Seminole Wars.

Private lands in the five million

acre claims area are not included in the suit.

The Miccosukees say the lawsuit grew out of the failure of negotiations with the state for permanent rights for the tribe in a 200,000 acre tract across from their leased headquarters along the Tamiami Trail in western Dade County.

Lipman said Friday he is not prepared to say whether the tribe would settle their claims in return for the land rights in the Everglades tract or whether they now will insist on a money settlement as well.