



# Miccosukee Tribe of Indians of Florida

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March 28<sup>th</sup>, 2023

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**SUBJECT: Statement of Indigenous Traditional Ecological Knowledge Regarding S-12 A and S-12 B Structure Operations**

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The Miccosukee Tribe of Indians of Florida is a federally-recognized sovereign Native American Tribe, based in the Central and Western Everglades. The Everglades, and the Miccosukee people that live within it, have suffered from water mismanagement. Artificial features have created radically variable water levels, impounded water flow, worsened water quality, and destroyed wildlife and their habitats, all the while severing the Miccosukee people's ability to exercise our federally guaranteed hunting, fishing, use, and occupancy rights in Tribal, State, and Federal lands throughout the Greater Everglades.<sup>1</sup> The detention of water along the Tamiami Trail by the seasonal closure of the S-12 A and S-12 B gates as a consequence of single-species protections required by the USFWS for the Cape Sable Seaside Sparrow Subpopulation A particularly exemplifies a disconnection of water managers from the holistic management of the Everglades. Rather than approaching operations holistically, water managers are managing for a single sink subpopulation, to the detriment of the interconnected ecosystem and its ecology. The Tribe continues to advocate for a reevaluation of this single-species management practice, as it has since the 1980s, and calls for an end to the seasonal closure of the S-12 A and S-12 B gates and a focus on supporting the reproductively viable eastern subpopulations of the sparrow.

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<sup>1</sup> Everglades Advisory Committee (Betty Osceola, Michael Frank, Wayne Billie, and Rev. Houston Cypress), Indigenous Knowledge Report and Affidavit of the Everglades Advisory Committee, On Everglades Water Mismanagement (Dec. 22, 2022) (This Report and Affidavit was compiled based on interviews conducted in English and Eehlaponke with the Everglades Advisory Committee, a group of Tribal members from different clans whose statements represent the consensus view of the Tribal membership on environmental matters, and it is signed and its accuracy attested to by the Everglades Advisory Committee. The Everglades Advisory Committee is compensated for their time and expertise, but not for their opinions. The original Report contains sensitive cultural information, and so only the relevant excerpts are cited here.)

When the Tamiami Trail was constructed in the 1920s, the project destroyed the natural flow of the Everglades, effectively placing an almost 300 mile-long levee across the river of grass, choking the widest river in the world.<sup>2</sup> Elders recall the Trail covered in roadkill and buzzards for the first half century as the fish and animal nations were sliced in two and multiple Miccosukee villages were depopulated and their denizens forced north of the trail so that Everglades National Park could be set aside without Native peoples to spoil it.<sup>3</sup> What followed was another century of conflict between the Miccosukee and Seminole peoples, and the settler-colonists of the United States, and the Everglades itself suffered the greatest casualties.

In the days before manipulation, the wet season was generally wet, and the dry season was generally dry. Water levels varied south of Okeechobee, but water levels generally hovered at about 2-3 feet above ground in the slough in the wet season, and only the deepest sloughs had water in the dry season.<sup>4</sup> Vegetation and periphyton communities created a solid foundation for life atop the caprock through a seasonal cycle of growth and decay.<sup>5</sup> During the dry season, Miccosukee people could sometimes traverse from one tree island to another by foot over land which is now inundated.<sup>6</sup> During the wet season, people could still see down into clear water and see the fish and crayfish swimming around below their canoes.<sup>7</sup> In those days, the Everglades was known in the language of the Miccosukee people as *Kahayatle*, or the Brightly Lit Place, for its clear and glittering waters.<sup>8</sup>

### **Negative Impacts of Water Depth**

At the close of the Seminole Wars, the Miccosukee escaped capture by sheltering on the tree islands which were unreachable through the wet season except by poled canoe.<sup>9</sup> Those tree islands had become like nurseries for a nation reborn.<sup>10</sup> The Miccosukee peoples raised corn and pumpkin and foraged for Indian Potato, Native papaya, Okeechobee gourds, and other foods and goods on the islands.<sup>11</sup> Different families and clans lived and worked on different islands, all tied together by the Everglades.<sup>12</sup> Over one hundred such tree islands are still maintained by the Tribe, but many are now underwater for large parts of the year.<sup>13</sup>

Back then, there were great numbers of wading birds in the Everglades.<sup>14</sup> They did not leave when the first Tamiami Trail was first built.<sup>15</sup> In the wet season, the waters would still rush over the low-lying Tamiami Trail to hydrate the Southern Everglades.<sup>16</sup> But beginning in the 1930s and ending in the 1960s, a great number of new water features were finished, including the

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<sup>2</sup> *Id.* at 2.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at 3.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 4-5.

<sup>12</sup> *Id.* at 5.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* at 4.

<sup>16</sup> *Id.*

dike around Okeechobee and the raising of Tamiami Trail.<sup>17</sup> The elders remember this as the final nail in the coffin for the great flocks of wading and migratory birds in the Everglades.<sup>18</sup> The next few years, the flocks turned from clouds of wings to isolated patches of birds.<sup>19</sup>

It was water depth that changed conditions so dramatically for wading birds.<sup>20</sup> In the old days, water flowed shallow and clear through much of the watershed, perfect conditions for the feathered hunters to catch crayfish and fish scuttling and swimming past or congregating in pools during the dry season.<sup>21</sup> As the Everglades was narrowed and drained, more water was channeled through ever-narrower spaces or diverted out of the system.<sup>22</sup> Deep water became detained in certain areas, and wet season depths following the 1960s have pushed north of 10 feet during extreme flooding, while dry season depths leave the peat layer completely dried out in places and susceptible to wildfires and oxidation.<sup>23</sup>

This unnatural management of water depth destroyed our tree islands, the places which gave us refuge when fleeing from the U.S. military, as the trees drowned during the high water and islands burnt during overly dry periods. The roots of the trees that had intertwined in a lattice to hold the islands' soil together rotted away.<sup>24</sup> Radically variable water levels have left some islands frequently dried out and susceptible to fire during the dry season, while leaving other islands submerged and losing soil in the wet season.<sup>25</sup> As water depths for miles north of the Tamiami Trail increased due to the obstruction of flow by the Tamiami Trail and closure of the S-12 A and B gates, large carnivorous fish and other amphibious predators reigned supreme in deep water and denied wading birds their prey.<sup>26</sup> When inundated islands do dry out, the earth is drowned and devoid of life and the rich topsoil washed away.<sup>27</sup> As a consequence, opportunistic wetland species have mostly supplanted upland vegetation even on the highest tree islands in the Central Everglades.<sup>28</sup>

When the waters first rose in the mid-1900s, deer and other terrestrial mammals floated past, bloated and drowned.<sup>29</sup> The tree islands were not only refuges for the Miccosukee but also for our four-legged relatives.<sup>30</sup> In the wet season, the remaining mammals get trapped on ever-shrinking islands ruled by predators, if they make it to dry land at all.<sup>31</sup>

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<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

### **Negative Impacts of Impeded Water Flow**

The disruption of the natural sheetflow across the landscape has had many impacts on the Tribe and our non-human relatives.<sup>32</sup> Where water is detained by an artificial feature, like the Tamiami Trail, water pools upstream of the feature until it is several feet deeper than normal, while the downstream side of the feature dries out.<sup>33</sup> Closing the S-12 A and S-12 B gates and sealing the culverts along Shark Valley Tram Road has caused substantial destruction.<sup>34</sup>

The sloughs below the S-12 A and B gates that were navigable by canoe are gone, filled in with grasses and sedges due to anthropogenic drying.<sup>35</sup> Many villages south of Tamiami Trail where Miccosukee lived are no longer accessible as tree islands have dried out and then burnt to the ground.<sup>36</sup> In times gone by, our people witnessed vast wading birds flocks that blotted out the sun when they flew, the sound of their wings reverberating through the air. These immense flocks of birds foraged in the sloughs and roosted on the tree islands in this area. But now, the historic wading bird colonies that flocked here in such magnitudes are gone, except when hurricanes and high-water force water managers to open these gates and allow the water to flow where the Creator intended.<sup>37</sup> Allowing the water to once again flow naturally correlated with the highest wading bird super colonies in 80 years as seen in 2018 and 2020/21 when the gates were opened and water flowed as it should.<sup>38</sup>

### **Conclusion**

Rather than prioritizing narrow objectives, like preserving a single species' subpopulation at the cost of ecological imbalance, the Everglades should be cared for as a whole.<sup>39</sup> Where the S-12 A and S-12 B gates are opened and closed seasonally at the Tamiami Trail to abnormally dry out this area to the south, a viable subpopulation of the Cape Sable Seaside Sparrow no longer exists.<sup>40</sup> Repeated water detention to the North drowns tree islands in high water levels while year-round desiccation to the South prevents the natural cycle of wet and dry that creates the biological matter which feeds the periphyton, aiding the growth of prey species for wading birds and apple snails for snail kites.<sup>41</sup> The sparrows have moved on, but antiquated management objectives continue to keep the area devoid of the natural cycles which foster life.<sup>42</sup> Between the S-12 A and B gates and sand bagged culverts, an overly narrow objective has separated consideration of the designated range of subpopulation A from the Everglades as a whole, to the detriment of the human, non-human, and plant communities in the region.<sup>43</sup>

Above all, it is most important that all of us caring for the Everglades understand that we are part of the land and waters around us, as inextricably linked to the ecosystem as we are to our

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<sup>32</sup> *Id.* at 6.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.* at 9.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.* at 9-10.

<sup>42</sup> *Id.* at 10.

<sup>43</sup> *Id.*

mothers and fathers.<sup>44</sup> We cannot impose our will upon the waters.<sup>45</sup> They should be allowed to flow naturally, to dry out in the dry season, to flow in the wet season, and to spread across the face of the peninsula.<sup>46</sup>

Sincerely,



Talbert Cypress  
Chairman  
Miccosukee Tribe of Indians of Florida

CC: Shannon Estenoz, Assistant Secretary for Fish and Wildlife and Parks, U.S. Department of Interior,  
Colonel James L. Booth, Jacksonville District Commander, U.S. Army Corps of Engineers,  
Larry Williams, State Supervisor, U.S. Fish and Wildlife Service,  
Bonnie Irving, Everglades Program Supervisor, U.S. Fish and Wildlife Service,  
Lt. Colonel Todd Polk, Deputy Commander for South Florida, U.S. Army Corps of Engineers,  
Drew Bartlett, Executive Director, South Florida Water Management District,  
Cynthia Thomas, Tribal Liason, U.S. Army Corps of Engineers,  
Armando Ramirez, Tribal Liason, South Florida Water Management District,  
Pedro Ramos, Superintendent, Everglades National Park, U.S. National Park Service,

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<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*