



Miccosukee Tribe of Indians of Florida

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January 25th, 2024

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**SUBJECT: Statement of Indigenous Traditional Ecological Knowledge Regarding Historic
Miccosukee Water Conservation Area 3-A Conditions**

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. In our last statement of Indigenous Traditional Ecological Knowledge (sent March 24th, 2023) prepared in collaboration with our Everglades Advisory Committee, we highlighted the impacts of seasonal closures of the S-12 A & B flow gates, specifically as it relates to the negative impacts of water depth, the negative impacts of impeded water flow, the specific impacts of engineered floods on tree islands and wading birds, and the need for holistic – rather than single-species – ecosystem management in the Everglades. This statement follows our prior statement, building on further interviews with our Everglades Advisory Committee, and focuses on historic water depths and

the species which are now absent from the conservation area as the result of contemporary management practices.¹

Changing Water Levels

In the last decades, a world has begun to pass away. For thousands of years, since sea level rise slowed after the last Ice Age ended and the Everglades emerged as a distinct ecosystem, the Everglades has been host to the Indigenous peoples of Florida and our unique plant and animal relatives. Only relatively recently, after the completion of the Central and Southern Florida Project, the raising of the Tamiami Trail, and the implementation of seasonal closures of the flow-gates north of the Cape Sable Seaside Sparrow subpopulation A, has engineered flooding has forced the species and people who once called the tree islands home to leave the tree islands of the water conservation area for higher ground.

My mother and her family, including my uncle and Everglades Advisory Committee member Michael Frank, grew up on the tree islands within the borders of the Miccosukee Water Conservation Area 3-A and the Miccosukee Alligator Alley Federal Reservation.² As water conditions worsened in response to poor management decisions in the 1950s and early 1960s, my family was forced to relocate from our family's prior island home to one of the highest tree islands in the water conservation area called "High Ground."³ When a family friend showed my ancestor Jesse Willie the island, he described it as an island that never went under water even in the highest floods.⁴ Today, it is inundated by engineered flood waters. By the early 1960s, my family had moved on to another island attempting to escape unpredictable ecosystem conditions, and eventually onto a tree island that was bisected by the newly built Levee 29 (L-29), which was elevated further with excess fill from the levee.⁵

¹ This letter, unless otherwise specified, is based on the internal research report compiled by the Miccosukee Legal Department, following extended oral interviews with the Everglades Advisory Committee. The Everglades Advisory Committee is appointed by the Chairman and their counsel constitutes the consensus opinions of many different clans, age groups, and affiliations. The Everglades Advisory Committee is composed of Betty Osceola (Panther Clan), Michael Frank (Otter Clan), Wayne Billie (Bird Clan), and Rev. Houston Cypress (Otter Clan). The underlying research report which is referenced here (citable as Everglades Advisory Committee, Research Report on Water Levels and Species Presence (Nov. 20, 2023, based on interviews conducted from Oct. 27, 2023 through Nov. 20, 2023)) has been attested to as accurate by the members of the Everglades Advisory Committee. The interviews upon which the report has been based were conducted in English and Eehlaponke, although Eehlaponke statements are represented here in English at the request of the knowledge keepers interviewed, who see the distribution of Eehlaponke language as a culturally sensitive concern in the context of historic appropriation. 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.). The knowledge keepers cited here have shared this information for the purposes of its integration into Everglades Restoration planning and the biological opinions, operational plans, and engineering which support it. Should there be any questions about the use of this information, please reach out to my office for clarification.

² Everglades Advisory Committee, Research Report on Water Levels and Species Presence, 1 (Nov. 20, 2023, based on interviews conducted from Oct. 27, 2023 through Nov. 20, 2023) (cited in brief as "EAC Report (Nov. 2023)") (specifically referencing the words of Mr. Michael Frank, my uncle).

³ EAC Report, at 1.

⁴ EAC Report, at 1.

⁵ EAC Report, at 1.

Today, the water conservation area is full of water year-round, flooding out almost every inch of solid ground which has not been elevated with lime rock fill. Across the water conservation area, we have already lost more than 70% of tree island area as a consequence of rising water conditions.⁶ High water levels continue to drown the roots of the hammock species, eventually leading to their death. Loss of these trees exacerbates tree island degradation because there are no roots to retain the soil of the island, perpetuating elevation loss and the shrinking of the tree islands.

Our elders do not remember this ecosystem. Unanimously, our elders remember crossing what is known today as Water Conservation Area 3-A on ox-drawn carts during the dry season of some years, and in canoes along those same paths during the wet season.⁷ There were many such paths, but one path was regularly trodden in the years after the old Tamiami Trail was begun but before the Central and Southern Florida Project was finished.⁸ For cultural reasons, and for our own safety, our people avoided traveling on the Tamiami Trail itself.⁹ The path that was traveled by our people, by ox cart or canoe, was about 2 or 3 miles north of the Tamiami Trail.¹⁰ It ran from the east, to Jesse Willie's camp, to Cypress Point, and out west into the Big Cypress.¹¹ Some years during the dry season, the water was below the surface, and an ox cart could be pulled on dry ground or across the damp periphyton mats in the deepest sloughs.¹² Other times, my mother's family would take a canoe along the same path.¹³ Today, this path runs through the southwest of the water conservation area and lies under several feet of water year round.¹⁴

It is the natural variability of water levels that defined our homeland. There is not a regulation schedule which can approximate the natural fluctuations inherent to the system. It was not constant floodwaters that made our ridge and slough ecosystem an excellent defense from the U.S. military in the Seminole Wars, or sucking mud, but rather, it was the unpredictability of the system that safeguarded our people. Should there be any doubt about the veracity of our Indigenous Traditional Ecological Knowledge, our memories are echoed by non-Native records going back through the Seminole Wars.

Non-Native Records

In December 1841, 150 U.S. soldiers headed southwest from Prophet's Landing, which lay a short distance east of the Big Cypress.¹⁵ They "returned five days later after wading waist

⁶ Patterson, K., & Finck, R. (1999). Tree islands of the WCA3 aerial photointerpretation and trend analysis project summary report. *St Petersburg, FL: South Florida Water Management District. Report to the South Florida Water Management District by Geonex Corporation*; Sklar, F. H., & van der Valk, A. (2002). Tree islands of the Everglades: an overview. *Tree islands of the Everglades*, 1-18.

⁷ EAC Report, at 4.

⁸ EAC Report, at 4.

⁹ EAC Report, at 4.

¹⁰ EAC Report, at 4.

¹¹ EAC Report, at 4.

¹² EAC Report, at 4.

¹³ EAC Report, at 4 (specifically referencing the account of Mr. Michael Frank, my uncle).

¹⁴ EAC Report, at 4.

¹⁵ George E. Buker, *Swamp Sailors in the Second Seminole War*, 124 (1975, republished 2017).

deep in mud nearly all that time.”¹⁶ Also in December 1841, “[i]n the cypress swamp near the headwaters of the Locha Hatchie, the water was so low that it was almost impossible to traverse the terrain.”¹⁷ In January of 1842, soldiers “tried to enter the glades by three different rivers on the west coast, but low water prevented canoe travel within the swamp.”¹⁸ In February of 1842, soldiers left Fort Dallas and “traveled along the edge of the glades to the southwest, searching among the islands to seaward as well as inland; however, low water kept the force from making very deep penetrations into the Everglades.”¹⁹ When going through the Everglades destroying Miccosukee and Seminole villages in May of 1842, “[b]oth Marchand and Rogers reported that the water was so low that they had to track their boats and canoes through the mud, roots, and stumps of the drying swamps over ways constructed from their boat seats.”²⁰

Things were not very different a half century later, after the Everglades had stymied the attempts of the U.S. military to exterminate our people. When the South Florida Railroad’s Ingraham Expedition passed through our lands in March and April of 1892, secretary Wallace R. Moses recorded contemporaneously that “[s]oundings made during the day showed from 3 to 5 feet of mud all underlaid with hard rock... Saw grass to the southward almost continuous, as far as the eye could reach... Water averaged for the day 1.2 feet, except on saw grasses where it averaged .2 of a foot only.”²¹ Throughout the survey, as recorded by James E. Ingraham, boats were repeatedly abandoned due to low water levels.²² Their Miccosukee guide, Billie Fewell, would go on to name his son Ingraham Billie in honor of the railroad baron. Ingraham Billie became a notable medicine man for the Miccosukee people in the beginning of the next century.

All of these non-Native men remember the same things as our elders. Nor are our elders’ memories of taking ox carts across the Everglades limited to their generation. Our Everglades Advisory Committee recalls their parents and grandparents also traveling across the ridge and slough system of the Everglades in the same manner that they did while growing up.²³ The idea that the Miccosukee Water Conservation Area 3-A should be managed such that it is always inundated with water is a fundamental misunderstanding of the nature of this system, which needs variability and regular dry downs below the height of the ridges in order to remain as viable habitat for the species which call it home.

Tribal Species of Concern

As our last statement of Indigenous Traditional Ecological Knowledge (dated March 24th, 2023) highlighted, water mismanagement in the conservation area has resulted in the precipitous

¹⁶ Buker, 124.

¹⁷ Buker, 124-125.

¹⁸ Buker, 125.

¹⁹ Buker, 129.

²⁰ Buker, 134.

²¹ RECORD OF EVERGLADES EXPLORING EXPEDITION, WRITTEN AS A JOURNAL OR TRAVEL LOG, DATING FROM MAR. 14, 1892 TO APR. 16, 1892. INCLUDES LIST OF EXPEDITION MEMBERS, DAILY TEMPERATURES, AND DETAILED ACCOUNTS OF THE ENTIRE TRIP; DOCUMENT PROPERTY OF SYDNEY CHASE AND TRANSCRIBED BY SECRETARY WALLACE R. MOSES (INCLUDES 1908 TELEGRAM FROM MOSES TO CHASE), UF Digital Collection, Image 17 of 55, Original pagination: page 16.

²² JAMES INGRAHAM DIARY OF AN EXPLORATION TRIP THROUGH THE EVERGLADES, Image 7 of 64, Original pagination: Page VII (TYPESCRIPT) (1892).

²³ EAC Report, at 4.

decline of wading birds and other species which require relatively low water levels in order to hunt, forage, nest, or mate. We surveyed our Everglades Advisory Committee to better understand the scope of population loss within the water conservation area, having heard from our elders again and again that the tree islands have been denuded and the ecosystem has been functionally sterilized by high water levels. They shared that the following list of plant species they remember from their youth, which were both present in, but have declined precipitously or vanished from, the tree islands, such that the local populations are functionally threatened or endangered within the boundaries of Tribal lands.²⁴ While not an exhaustive list, the following species should be considered to be effective indicators for the health of tree island flora:

Plants of Tribal Concern within Miccosukee Water Conservation Area 3-A

Elderberry	Stopper trees	Satinleaf	Florida swamp privet
Paradise tree	False mastic	Red bay	Swamp bay
Hog plum	Pigeon plum	Royal palm	Endemic papaya
Wild coffee	Live oak	Laurel oak	Gumbo limbo
Florida strangler fig			

In the same vein, our Everglades Advisory Committee was asked about the animals which they no longer see on or around the tree islands in the water conservation area. They provided the following list of species which were present on the tree islands while they were growing up, but which they either no longer see at all, or see very rarely.²⁵

Animals of Tribal Concern within Miccosukee Water Conservation Area 3-A

Raccoon	Marsh rabbit	White tailed deer	Florida panther
Florida bark scorpion	Stink turtle	Bobcat	Marsh rice rat
Everglades mink	Striped skunk	Virginia opossum	Squirrels
Water moccasin	Yellow rat snake	Pygmy rattlesnake	Eastern indigo snake
White ibis	Great egret	Roseate spoonbill	Tricolored heron
Florida snapping turtle	Crawfish	Wood stork	Grebes
Everglades kite			

The decline of these species has resulted in the functional loss of the Miccosukee peoples' ability to live a subsistence life, on the very lands set aside by the Florida Indian Land Claims Settlement Act of 1982 for that very purpose. Just as the list of plants, the health of these species' populations also indicates the lost ability of these animals to utilize tree islands for foraging, hunting, nesting, or mating. Unfortunately, for the most part, these species have been extirpated from the borders of the water conservation area.²⁶ A quiet Everglades, without the noise of birds, without turtles and snakes nesting on the inundated islands, is not peaceful – it is morbid.

²⁴ EAC Report, at 3.

²⁵ EAC Report, at 2.

²⁶ EAC Report, at 2.

We are calling on federal policymakers and technical staff in the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and South Florida Water Management District, to take this Indigenous Traditional Ecological Knowledge into account when planning the species protections and water management operations that impact the Miccosukee Water Conservation Area 3-A. Lower the water levels, open the gates, and restore this ecosystem.

Sincerely,



Talbert Cypress
Chairman
Miccosukee Tribe of Indians of Florida