

**Fisheating Creek Wildlife Management Area
Management Plan Amendment
March 2023
Glades County, Florida**



Introduction: Fisheating Creek, the only free-flowing tributary to Lake Okeechobee, flows from its headwaters in Highlands County through vast prairies and flatwoods as it courses through rural Glades County on its way to Lake Okeechobee. Providing important habitat and wildlife corridor links to Big Cypress Swamp, Okaloacoochee Slough, Babcock-Webb Wildlife Management Area, Babcock Ranch Preserve, Lake Okeechobee, and the Lake Wales Ridge, Fisheating Creek is critical to the long-term welfare of Florida panthers (*Puma concolor coryi*), Florida black bears (*Ursus americanus floridanus*), swallow-tailed kites (*Elanoides forficatus*), crested caracara (*Polyborus plancus audubonii*), and a number of other locally important wildlife species native to the area.

Conservation of Fisheating Creek's floodplain and upland communities provides critical watershed and water quality protection for the Creek. The area's wetlands also filter and aid in the protection of water flowing into Lake Okeechobee. Functioning as the second largest tributary of Lake Okeechobee, the Creek remains a vital waterway of the Lake.

Rich in both its natural and historic heritage, Fisheating Creek was a mecca for Native Americans for thousands of years. The Creek's abundant fish and wildlife sustained Native Americans who lived in villages and camps along the creek for centuries. One of the most notable historical sites is Fort Center, an important pre-Columbian archaeological site that is extensively interpreted on the area.

Framed by bald cypress swamps and hardwood hammocks, Fisheating Creek stretches 40 miles as it travels along its path through the Fisheating Creek Wildlife Management Area (FCWMA). Today's visitors to the FCWMA are drawn by the diversity of its natural and cultural resources and unique opportunities for enjoying the wilderness. Exploring the iconic natural beauty while paddling on the Creek or exploring its associated swamps and uplands provides the visitor a rare opportunity to experience nature and see wildlife in an extraordinary ancient Florida ecosystem.

Managed by the Florida Fish and Wildlife Conservation Commission (FWC), the FCWMA is an 18,406-acre conservation area with a variety of natural resources and a rich history. The FCWMA has long been valued for its scenic quality as well as its unique fish and wildlife-based public outdoor recreational opportunities.

Location: The FCWMA lies along the course of Fisheating Creek from the northern boundary of Glades County, where the Creek enters from Highlands County, to and including Cowbone Marsh where the Creek spreads out before encountering the Hoover Dike and rim canal surrounding Lake Okeechobee. The FCWMA is in multiple sections in Township 40S,

Ranges 29E-32E and Township 41S, Ranges 29E-32E. Fort Myers is located 46 miles west, Cape Coral is 56 miles west, Palmdale is one mile north of the designated campground, and Lakeport is approximately one mile northeast.

Acquisition History: On February 19, 1998, Circuit Judge Charles Carlton ruled that Fisheating Creek is sovereign land, held in trust for the people of Florida, with title vested in the Board of Trustees. This decision helped to terminate a long-standing dispute between the Board of Trustees and Lykes Bros., Inc., over ownership of Fisheating Creek. Judge Carlton's order awarded immediate possession of the Creek to the Board of Trustees, notwithstanding the fact that the ordinary high-water line establishing the boundary between sovereign waters and private uplands had not been established. Lykes Bros., Inc. appealed.

In order to end continued litigation and put an end to expensive and time-consuming efforts to establish the ordinary high water line, the parties to the lawsuit entered into a Settlement Agreement on May 25, 1999, calling for the State of Florida to purchase a corridor along the Creek consisting of Lyke Bros., Inc., lands lying above the "25% exceedance line," a line well above a reasonable approximation of the ordinary high water line. The Settlement Agreement also called for Lykes Bros., Inc. to provide a quitclaim deed to company lands lying below the exceedance line. Thereby the Board of Trustees acquired clear title to 18,272 acres along the Creek corridor, known in the Settlement Agreement as the "Expanded Corridor." It is this portion of the Fisheating Creek Florida Forever project that has been leased to the FWC to be operated as the FCWMA initially under the Conservation and Recreation Lands (CARL) program which was later succeeded by the Florida Forever program. A Settlement Agreement Advisory Board (SAAB) was appointed by the agreement to advise the managing agency regarding the provisions of the Settlement Agreement. The SAAB is a 13-member board, the composition of which is dictated by the Settlement Agreement.

Since then, there have been three amendments to the lease adding acreage to the FCWMA: approximately 108 acres in February 2013, 134 acres in November 2015, and 0.16 acres in July 2018. As a result of these additions, the total area of the FCWMA is now approximately 18,406 acres.

The lands purchased to date have been purchased under the auspices of the CARL and Florida Forever programs using funds appropriated under authority granted by the Florida Forever programs (Chapter 259.105, Florida Statute).

Management Authority: The FWC is the designated lead managing agency for the FCWMA under the authority granted by Lease Number 4257 from the Board of Trustees agent, the Division of State Lands. Further management authority derives from Article IV, Section 9 of the Florida Constitution as well as the guidance and directives of Chapters 253, 259, 327, 370, 373, 375, 378, 379, 403, 487, 597, and 870 of Florida Statute. These constitutional provisions and laws provide the FWC the authority to protect, conserve, and manage the State's fish and wildlife resources.

Land Cover and Vegetation: The FWC uses a comprehensive resource management approach to managing FWC-managed areas. Restoring the form and function of Florida's natural communities is the foundation of this management philosophy. Consistent, long-term monitoring of managed natural communities will quantify changes in habitat conditions, provide information on the cumulative effects of management activities, and measure progress towards meeting management objectives for desired habitat conditions. Measured changes in vegetation condition are intended to be used to inform future land management actions.

Twenty natural and altered land cover communities have been identified by the Florida Natural Areas Inventory (FNAI) to date. Native and invasive plant species lists have been compiled for these land cover categories. Five imperiled plant species are known to exist on the FCWMA. The Cardinal airplant (*Tillandsia fasciculata*), Cutthroatgrass (*Panicum abscissum*), Edison's St. Johns-wort (*Hypericum edisonianum*), and Giant airplant (*Tillandsia utriculata*) are listed as State Endangered species, while the Northern needleleaf (*Tillandsia balbisiana*) is listed as State Threatened.

Fish and Wildlife Resources: As described above, the FCWMA has a variety of natural communities and habitat types that support a wide array of imperiled, rare, and more common wildlife species. The FCWMA's floodplain swamp, mesic hammock, floodplain marsh, and other natural communities provide critical habitat for resident and migratory wildlife. Fifteen imperiled wildlife species are found on the FCWMA. The Florida grasshopper sparrow (*Ammodramus savannarum floridanus*), Florida panther, and Everglade snail kite (*Rostrhamus sociabilis plumbeus*) are listed as Federally Endangered. The American crocodile (*Crocodylus acutus*), Audubon's crested caracara, eastern indigo snake (*Drymarchon couperi*), Florida scrub-jay (*Aphelocoma coerulescens*), and wood stork (*Mycteria americana*) are listed as Federally Threatened. The burrowing owl (*Athene cunicularia*), Florida sandhill crane (*Grus canadensis pratensis*), gopher tortoise (*Gopherus polyphemus*), little blue heron (*Egretta caerulea*), Southeastern American kestrel (*Falco sparverius Paulus*), and tricolored heron (*Egretta tricolor*) are listed as State Threatened.

Management Plan: The update to the FCWMA Management Plan is being developed, and, if approved, will be in effect from 2024-2034. However, the FWC is submitting this management plan amendment to outline and request facility changes and improvements that the FWC wishes to perform on the area before that time. Below are details for the improvements proposed on the area.

Management Activities: The FWC is proposing the construction of a new 1,800 square foot modular home. The proposed structure will provide much-needed housing for area staff. It will be located within the footprint of an existing circular gravel driveway, and will include a carport, a 28.8 foot by ten-foot covered patio, a new sewage line, new water lines, new electrical, and an eight-foot-tall PVC privacy fence around the perimeter of the driveway.

The location of this improvement is provided in Figure 1, and the footprint is provided in Figure 2. This improvement will have no impact on wildlife, habitat, or continued management of the FCWMA. Further, the FWC has received approval for this project from the FNAI, Florida Department of State's Division of Historical Resources (DHR), and the South Florida Water Management District (Attachments 1-3). The FWC will have an individual who has completed Archaeological Resource Management training on site during any ground disturbing activities and will continue to cooperate with the DHR regarding any potential ground disturbing activities.

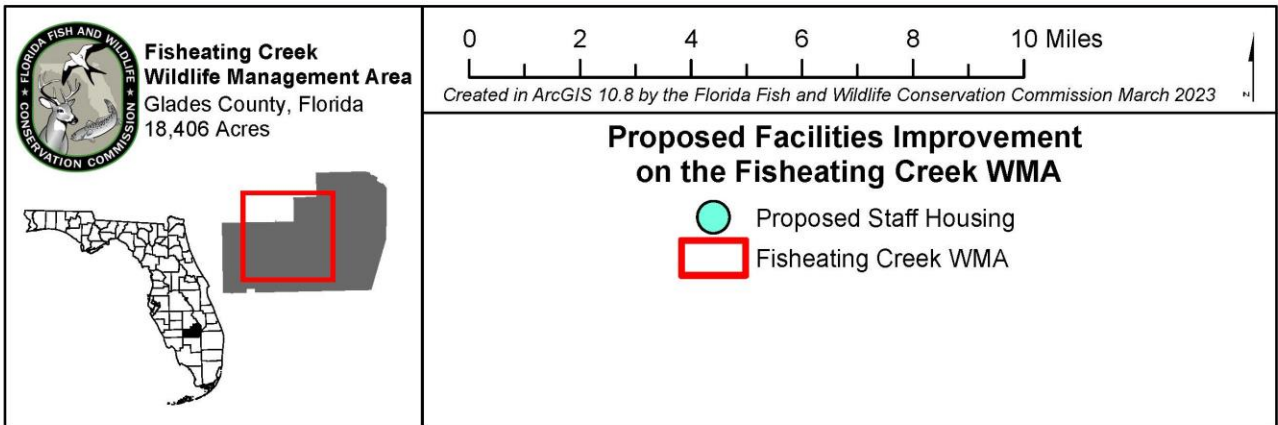
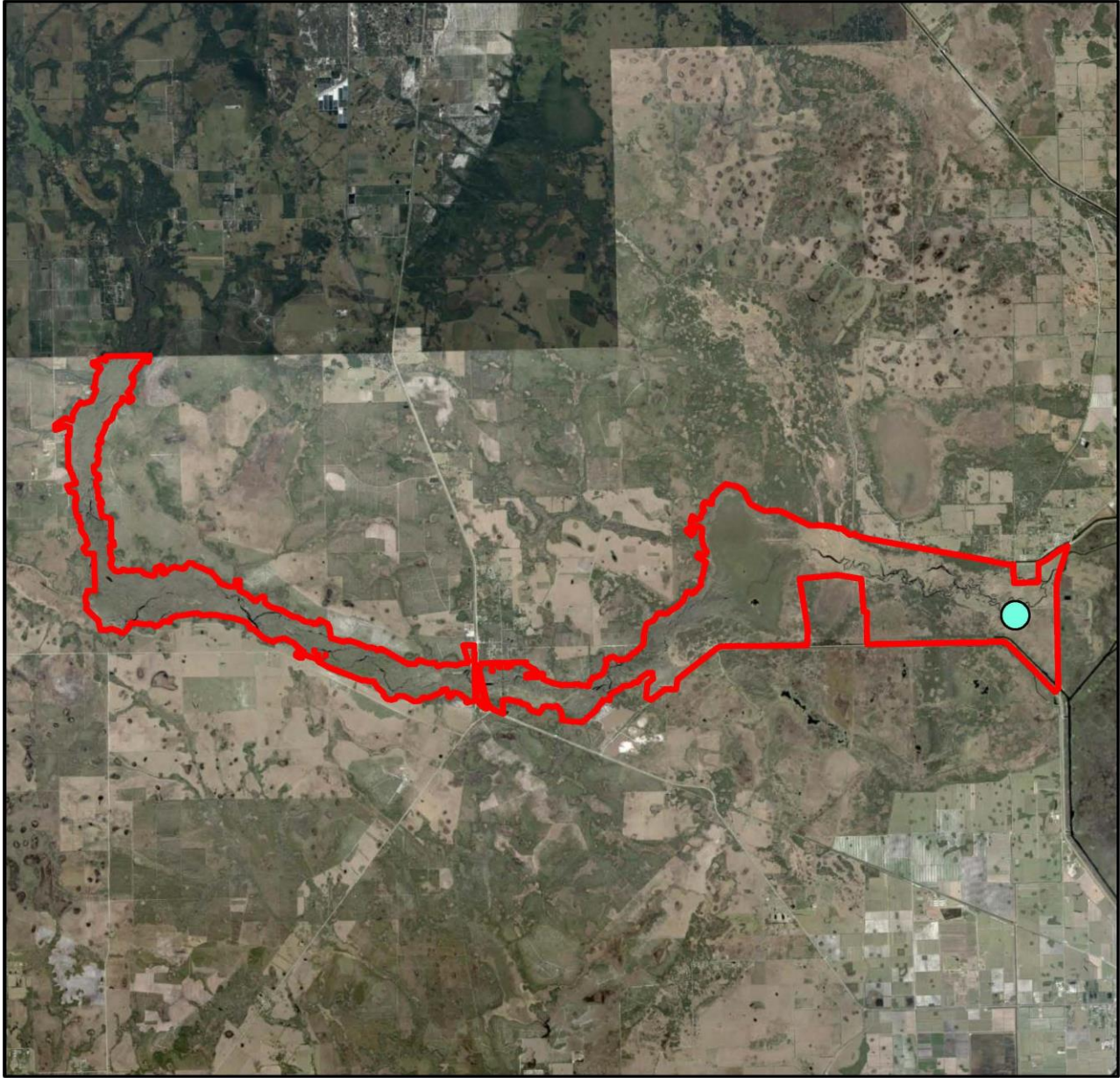


Figure 1. Proposed Facility Improvement on the FCWMA



 **Fisheating Creek
Wildlife Management Area**
Glades County, Florida
18,406 Acres



0 0.01 0.02 0.03 0.04 0.05 Miles

Created in ArcGIS 10.8 by the Florida Fish and Wildlife Conservation Commission March 2023

**Proposed Facilities Improvement
on the Fisheating Creek WMA**


 Proposed Staff Housing Footprint

Figure 2. Proposed Staff Housing Footprint on the FCWMA

Attachment 1. South Florida Water Management District Approval for Staff Housing



South Florida Water Management District
Individual Environmental Resource Permit No. 22-107271-P
Date Issued: July 1, 2022

Permittee: Florida Fish and Wildlife Conservation Commission
1875 Orange Ave East
Tallahassee, FL 32311

Project: Fisheating Creek WMA Modular House Addition

Application No. 220519-34483

Location: Glades County, See Exhibit 1

Your application for an Individual Environmental Resource Permit is approved. This action is taken based on Chapter 373, Part IV, of Florida Statutes (F.S.) and the rules in Chapter 62-330, Florida Administrative Code (F.A.C.). Unless otherwise stated, this permit constitutes certification of compliance with state water quality standards under section 401 of the Clean Water Act, 33 U.S.C. 1341, and a finding of consistency with the Florida Coastal Management Program. Please read this entire agency action thoroughly and understand its contents.

This permit is subject to:

- Not receiving a filed request for a Chapter 120, F.S., administrative hearing.
- The attached General Conditions for Environmental Resource Permits.
- The attached Special Conditions.
- All referenced Exhibits.

All documents are available online through the District's ePermitting site at www.sfwmd.gov/ePermitting.

If you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the "Notice of Rights", we will assume that you concur with the District's action.

The District does not publish notices of action. If you wish to limit the time within which a person may request an administrative hearing regarding this action, you are encouraged to publish, at your own expense, a notice of agency action in the legal advertisement section of a newspaper of general circulation in the county or counties where the activity will occur. Legal requirements and instructions for publishing a notice of agency action, as well as a noticing format that can be used, are available upon request. If you publish a notice of agency action, please send a copy of the affidavit of publication provided by the newspaper to the District's West Palm Beach office for retention in this file.

If you have any questions regarding your permit or need any other information, please call us at 1-800-432-2045 or email epermits@sfwmd.gov.

A handwritten signature in blue ink, appearing to read "Gary R. Priest".

Gary R. Priest, P.E.
Engineering Section Administrator, Environmental Resource Bureau

Attachment 2. Florida Natural Areas Inventory Approval for Staff Housing

Weaver, Catalina

From: Geoffrey Parks <gparks@fnai.fsu.edu>
Sent: Friday, January 20, 2023 1:31 PM
To: Weaver, Catalina
Cc: Dick, Marc
Subject: re: FEC-New Modular House 7221.041 Approval request

[EXTERNAL SENDER] Use Caution opening links or attachments

Catalina--

We have completed our review of the materials provided relating to the modular house construction and driveway improvements at Fisheating Creek. There are no records in FNAI's rare species database at the project site and no sensitive resources we are aware of that would be impacted by the proposed improvements.

Although relatively small areas of sod are called for in this project, you may wish to consider adding specifications to prohibit installation of any non-biodegradable sod netting, due to potential wildlife entanglement risks posed by these products.

We appreciate the opportunity to review the project.

Sincerely,
Geoff Parks

Geoffrey Parks *Research Scientist*
Florida Natural Areas Inventory
1018 Thomasville Rd. 200-C
Tallahassee, FL 32303
352-262-1916

[**FNAI – Science for Conservation**](#)

[Florida Resources and Environmental Analysis Center](#) at [Florida State University](#)

Attachment 3. Division of Historical Resources Approval for Staff Housing



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

Public Access Services Office
Florida Fish and Wildlife Conservation Commission
1875 East Orange Avenue
Tallahassee, FL 32301

February 9, 2023

Re: DHR Project File No.: 2022-3785
Project: Fisheating Creek - New Modular House

To Whom It May Concern:

Our office reviewed the referenced projects in accordance with Chapter 267, Florida Statutes, and implementing state regulations, for possible effects on historic properties listed, or eligible for listing, in the National Register of Historic Places, or otherwise of historical, architectural or archaeological value.

Based on the information provided, it is the opinion of this agency that ground-disturbing activities for the above project should be monitored by someone who has completed our Archaeological Resource Management (ARM) training program. Once the project is complete, the monitor should submit the appropriate monitoring forms to this agency. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872, *Florida Statutes*.

If you have any questions, please contact Jennifer Tobias, Historic Sites Specialist, by email at Jennifer.Tobias@dos.myflorida.com.

Sincerely,

Handwritten signature of Kelly L. Chase in blue ink, with "For" written below it.

Alissa S. Lotane
Director, Division of Historical Resources and State Historic Preservation Officer

Division of Historical Resources
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