

To: Representatives of the Technical Oversight Committee
Nicholas Aumen, Everglades National Park
Mike Walden, A.R.M. Loxahatchee National Wildlife Refuge
Paul Dubowy, Jacksonville District, Army Corps of Engineers
Frank Nearhoof, Florida Department of Environmental Protection
Garth Redfield, South Florida Water Management District

From: John Benjamin, Acting Superintendent, Everglades National Park *J.B. by P6m-U*
Mark Musaus, Manager, A.R.M. Loxahatchee National Wildlife Refuge *m.m. by P6m-U*
Col. Robert Carpenter, District Engineer, Jacksonville District, Army Corps of Engineers *R.C. by P6m-U*
David Struhs, Secretary, Florida Department of Environmental Protection *DS*
Henry Dean, Executive Director, South Florida Water Management District *HD*

Date: December 17, 2003

Re: Response to July 24, 2003 Note from TOC Representatives

On October 15, 2003 the Principals to the Consent Decree met to discuss the Technical Oversight Committee's (TOC) July 24, 2003 consensus recommendations concerning exceedances of the interim phosphorus levels for A.R.M. Loxahatchee National Wildlife Refuge. We agree generally with your technical approach to constructively move forward to further reduce phosphorus loads to the Refuge and to gather the necessary information for a better understanding of what might cause an exceedance and what remedy might be appropriate.

Although there may be some differences of opinion among the TOC members as to whether the exceedances were, or were not, caused by error or extraordinary natural phenomena, further debate would be time-consuming and costly. We agree with you that it is important to prevent further excursions. As a result, we believe it is not warranted to require further deliberation within the TOC on the issue of prior exceedances as your technically-based approach resolves the matter by appropriately focusing on gathering additional information and on solutions to achieve the requirements of the Settlement Agreement.

To assist in determining how to move forward on your recommendations, we request that the TOC meet to prioritize the TOC's July 24, 2003 action items to include a cost estimate, a proposed allocation of responsibilities, and additional details more fully describing each action item, for the Principals' review. In addition, we suggest that you consider how the action items set forth in your July 24 recommendation interplay with the implementation of the projects identified in the South Florida Water Management District's Long-Term Plan for Achieving Water Quality Goals.

We understand that you have tentatively scheduled a meeting for this topic for January 8, 2004. We hope that you will discuss this matter at that time and look forward to receiving consensus recommendations from the TOC.