

TOC representatives from the Refuge and NPS find that there is considerable evidence that sampling error was not responsible for the high TP values in May/June 2005. Those representatives also find that there is substantial evidence that some of the high values and excursions above the interim level were due to extraordinary natural phenomena, probably related to the effects of the 2004 hurricanes.

TOC representatives from the FDEP and SFWMD find that there is substantial evidence for sampling error as the cause of the high TP values from May and June 2005.

All TOC representatives agree, however, that there is substantial evidence of error or extraordinary natural phenomena. Therefore, the excursions above the interim phosphorus levels in May and June 2005 do not constitute a violation of the Settlement Agreement/Consent Decree.