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Via Electronic Mail and First Class U.S. Mail

Mr. Drew Bartlett
Deputy Secretary Ecosystems Restoration
Florida Department of Environmental Protection
3900 Commonwealth Boulevard M.S. 49
Tallahassee, Florida 32399
Drew.Bartlett@dep.state.fl.us

**Re: Miccosukee Tribe of Indians of Florida, et al. v. United States of
America, U.S. District Court – Southern District of Florida
Case No. 04-21448-civ-GOLD**

Dear Drew:

I write on behalf of Friends of the Everglades (“Friends”). It has come to Friends’ attention that the South Florida Water Management District (the “District”) is considering substantive alterations to its April 27, 2012 Restoration Strategies Regional Water Quality Plan (“Restoration Strategies”), filed with the Court at DE 654-6. Specifically, Friends is advised that the District is considering converting some or all of A-1 from a 60,000 ac-ft flow equalization basin (FEB) to a deep water reservoir in order to serve other water supply uses including agriculture.

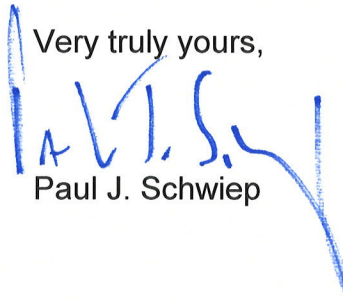
Apart from Friends’ concerns regarding the effectiveness of such a plan to ever achieve the WQBEL, please be advised that Friends would consider any proposed alteration or modification to Restoration Strategies as a change that would be in contravention to Florida Department of Environmental Protection’s (the “State”) representations to the Court and Plaintiffs in this case that the State was irreversibly committed to implementing the Restoration Strategies as filed.

Specifically, on June 5, 2012, the State, through Herschel Vineyard, Jr., corresponded with the EPA Regional Administrator, Region IV, advising that the Restoration Strategy plan represented “a significant historic milestone toward restoring America’s Everglades.” (DE 649-1.) The State advised that the Restoration Strategies plan provided for the construction of a “comprehensive set of projects [that] will ensure the district fully achieves the stringent water quality requirements for the [Everglades].” (*Id.*) The State’s plan was filed with the Court on June 7, 2012 and included utilization of A-1 as a FEB. (DE 649.)

Further, on July 9, 2012, the State represented to the Court in the State's July 9, 2012 Statement in Response to Order Requiring Submissions, that the Restoration Strategies plan provided for the State to "construct and 110,000 acre-feet of new water storage—in the form of flow equalization basins ('FEBs')." (DE 656, at 3.) This included FEBs in A-1 and L-8. The State represented that its "commitment to its rigorous and enforceable technical plan comports with this Court's directives, satisfies the requirements of the CWA and will resolve this case." (*Id.* at 7.)

Given these representations and commitments, be advised that any alteration or modification in Restoration Strategies would be in direct contravention of representations made by the State to the federal court in this case. We would be open to discussing this matter with you but wanted to be sure our position on this issue was of record.

Very truly yours,



Paul J. Schwiep

PJS:yvb

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