

**Diversion.** Diversion, or the delivery of surface water to the Everglades Protection Area without entering the treatment works, occurs when water is routed away from STAs when one or more of the following scenarios occurs:

- 1. Diversion to Maintain Flood Control.** To maintain flood control in tributary basins....
- 2. Diversion to Avoid Substantial Damage to the Treatment Facilities.** To avoid substantial damage to the treatment facilities, including infrastructure (e.g. levee and structure integrity) and treatment works (e.g. vegetation integrity) ...
- 3. Diversion to Address Conflicts with the Endangered Species Act (ESA) and Other Federal Species Protection Requirements.**

If a storm event requires the District to operate STAs containing active breeding/nesting locations within the facility which would be impacted by such operation, then Permittee [after DOI Consultation] will proceed with operational decision-making consistent with this tiered approach. The tiered approach for decision making will be as follows:

- a. Direct stormwater runoff to other Cells without verified active breeding/nesting areas for protected...
- b. Direct stormwater runoff to another STA ...
- c. Direct stormwater runoff to other District works (e.g., canals, reservoirs, rock pits) in the event there is insufficient capacity available within the STAs.
- d. After exhausting options a. through c. to the extent practicable, divert water around the STAs to the Everglades Protection Area if no other alternatives exist.

**4. Diversion to Address Conflicts with the Migratory Bird Treaty Act (MBTA).** The permittee shall follow steps consistent with the SFWMD Avian Protection Plan (APP) for EAA Stormwater Treatment Areas (September 2008) to reduce mortality of MBTA protected ground nesters (e.g. black-necked stilt, burrowing owls). As outlined in the 2008 APP, the black-necked stilt and the Florida burrowing owl will be used as indicator species for nesting occurring within individual STA cells. A tiered approach for decision making will be as follows:

- a. If possible, keep all STAs inundated to a minimum depth of 0.5 ft during breeding season to discourage nesting.
- b. If a storm event requires the District to operate STAs containing active nests, Permittee shall [after consultation] proceed with operational decision-making consistent with this tiered approach. The tiered approach for decision making will be as follows:
  - i. Direct stormwater runoff to other Cells within the STA
  - ii. Direct stormwater runoff to another STA
  - iii. Direct stormwater runoff to other District works (e.g., canals, reservoirs, rock pits)
  - iv. After exhausting all options a. through c. to the extent practicable, either operate Cells containing active nests to provide flood control and water quality protection to the region, or divert water around the STAs to the Everglades Protection Area if no other alternatives exist.