UNITED STATES
COURT OF FEDERAL CLAIMS

ROBERT BRACE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Docket No.: 98-897L
	)	
UNITED STATES,	)	
	)	
Defendant,	)	

Pages: 600 through 897

Place: Washington, D.C.

Date: January 13, 2005

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Once I'm done I'm first going to give Ms. Florentine and then Mr. Marzulla an opportunity to follow up.

I just want to get a little better sense here as to -- let's start with the restoration plan.

THE WITNESS: Okay.

THE COURT: All right, so the intent there was to restore it back to the way it was in 1984; is that correct?

THE WITNESS: Correct.

THE COURT: All right. But it doesn't actually say that anywhere, does it, in the plan itself?

I mean, you can go back and take a look. I was looking in particular there is a part of the plan, and I think this is the part that you were participating in the drafting of, that talks about the intent of the plan.

THE WITNESS: Right.

THE COURT: But it doesn't actually say 1984 there, does it?

THE WITNESS: That's correct, and I guess where the 1984 number came from is when the agency decided to look at what activities of the actual enforcement action, they used that as their benefits,

so that's what I was basing it on, that 1984 date from.

THE COURT: All right. Now, you have made some references to topography and some other things which at least from the standpoint of your projection led you to believe that the modifications that were done by the plan would not have a greater hydrological impact than what was intended.

Did I understand your testimony correct in that regard?

THE WITNESS: That's correct.

THE COURT: Have you actually gone back at any point to see whether or not the plan had a greater hydrological -- had you, or to your knowledge, had anyone associated with your agency gone back to see whether or not the plan is adequate for the impact it was intended?

THE WITNESS: No, they have not.

THE COURT: All right. So it could in fact be the case --

THE WITNESS: It could. I have never heard of that. It had not been brought to my attention that it in fact may have.

THE COURT: Okay. Mr. Marzulla asked you some questions about what would happen if, for