

Programs for Consideration to Communicate to USFWS

Refugia Program §5.1.1: The Permittees request a confirmation related to the scope of the obligations under Paragraph 11K of the ITP, and Section 5.1.1 of the HCP. The EAA will fulfill the obligations of the EAHCP and ITP by (1) paying the Service \$1,678,597.00 annually beginning on January 1, 2014 and (2) providing timely results of all monitoring and assessment activities required by Paragraph 6.4 of the HCP. Consistent with the express language of the HCP and ITP and with the Service's Contingency Plan, this clarification recognizes the Service's responsibility and obligation to provide the necessary protection contemplated for refugia in exchange for this financial commitment. As long as this financial commitment is met, the Permittees will effectively meet their obligations from Section 5.1.1 of the EAHCP.

Stage V Emergency Water Supply §5.1.4.1: Section 5.1.4.1 of the EAHCP describes Stage V Critical Period Management as anticipating that all outdoor use of groundwater withdrawn from the aquifer will be prohibited except in emergency situations. Under Stage V Critical Period Management, the EAA requires a 44% pumping reduction from all Edwards Aquifer permit holders but does not regulate how they use their remaining allotted permitted water.

Applied Research Facility Experimental Channel at the USFWS National Fish Hatchery and Technology Center §6.3.4: Section 6.3.4 of the EAHCP discusses the use of an experimental channel at the USFWS Fish Hatchery for conducting all EAHCP related applied research. Upon consultation with the EAHCP Science Committee, it was determined that restricting applied research to experimental channels at the San Marcos Aquatic Research Center does not allow for the most robust and successful research program possible. The Science Committee determined that the research in the EAHCP would require the use of troughs, labs, raceways, ponds, channels, and mesocosms. This determination was based on the needed ability to contain the species, the size and biological nature of the species, the ability to manipulate water quality, conduct numerous replications in various conditions, and the physical space required to implement the research. The current language of the EAHCP does not consider the use of research mediums other than experimental channels. Additionally, the cost of constructing an experimental channel at the San Marcos Aquatic Resource Center stresses available funds while not providing the best resources available for EAHCP related research. Therefore, Applied Research activities as described in the EAHCP Section 6.3.4.2 will be conducted at either the Freeman Aquatic Building at Texas State University or an alternative facility appropriate for research.

High-Efficiency Plumbing Fixtures & Toilet Distribution Program § 5.1.3.2.2: The EAHCP states that "the old toilet is collected to verify that the new toilet is installed." However, collection and disposal of the old toilets is laborious and does not truly ensure the new toilet has been installed. Therefore to ensure conservation, municipalities will be placing 50% of the conserved water into the groundwater trust when toilets are distributed. Additionally, exempt well users are not associated with any Edwards Aquifer permit that may be reduced or water conserved being placed in the groundwater trust. Therefore, to ensure conservation for exempt wells, an Installation Certificate will be required to be completed once the toilet has been installed and water savings realized.

Commercial/Industrial Retrofit Rebate §5.1.3.2.3: The EAHCP states that the Regional Water Conservation Program will be modeled on this SAWS program. Upon further examination of the Regional Water Conservation Program, the SAWS model was not designed to adhere to the EAA permitting system. As the EAA permitting system will be used to ensure conservation by reducing municipal groundwater permits and placing the conserved water in the groundwater trust, the Regional Water Conservation Program will be designed to adhere and function within the EAA permitting system.

Water Reclamation for Efficient Water Use §5.1.3.2.4: The EAHCP states that the subsidy provided would be \$300 or \$400 per ac-ft saved over ten years. Upon further examination of the Regional Water Conservation Program and the overall available funding for the program, a case by case consideration is needed based on the specific project and amount of water conserved to best administer the program and reach the target goal of water conserved. Therefore, the amount of subsidy provided for conservation project will be negotiated on a case by case basis.

Management of Recreation in Key Areas §5.4.2: The EAHCP states that Texas State University will establish permanent access points on the east and west banks of the San Marcos River between Spring Lake Dam and the Aquarena Drive bridge, and other areas as determined during the AMP." It has been determined that candidate sites on the east bank would be destructive to Texas Wild-rice and therefore, all will be located on the west bank.

*Section 5.6.5 of the Funding and Management Agreement:*¹ The FMA as previously approved did not allow for the funding of employees of any of the ITP Permittees; with the amendment to 5.6.5, employees of Texas State University will be able to work on HCP related projects as long as they meet pre-determined conditions outlined in the Amendment.

¹ This item is contingent upon the approval of the Amendment to 5.6.5 of the Funding and Management Agreement by the SAWS Board of Directors on August 13, 2013.