

From: **Oldham, Mike** <mike_oldham@fws.gov>
Date: Tue, Dec 13, 2016 at 4:08 PM
Subject: Service provided conditions toward proposal planning
To: Orrin Feril <oferil@gmd5.org>

Orrin,

Based on a conversation David Barfield and I had about the proposal, I mentioned it might be helpful if we put what the Service is thinking as to conditions that are generally acceptable. All of these have been mentioned in meetings or discussions of the past, so shouldn't be a surprise. Please feel free to call or let me know if you want to discuss either before, or after the board meeting on Thursday.

Thanks,

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Conditions on potentially acceptable solutions

1. **Quantity** - The impaired amount is already determined by the impairment report, so the combined remedy actions should be able to deliver a capacity of 5,000 AF.
2. **Quality** - As discussed in previous meetings, water should be equal or better quality than what is being received currently. Refuge has provided quality range already.
3. **Deadline or Timeline Based** - Water delivery remedies should be based on a reasonable schedule of time, and not take years to begin implementation. The Service would recognize that some remedy actions may be ready to implement immediately, while implementation of other actions may take longer due to logistics and other constraints. Timelines for implementation should be identified in the plan.
4. **Enforceable Actions** - Any planning or proposal put in place must be enforceable, and not voluntary or incentive driven.
5. **Minimal Legal Obstacles** - Use options and solutions with the least amount of legal and statutory obstacles. Building pipelines and infrastructure on the refuge is big legal obstacle.
6. **Augmentation** - As the Service has mentioned on many occasions, the use of augmentation could be part of the remedy, but not the entire remedy. The Service prefers to maximize the use of other remedy actions prior to augmentation.
7. **Augmentation Location** - Any proposal that includes augmentation as part of the remedy would be more acceptable if planned from west of the refuge. Pipes and infrastructure don't have to be placed across the refuge avoiding legal obstacles.