

## Legislation Text

---

File #: 19-052, Version: 1

---

Presenter/Contact

*Mark Enders, Watershed Program Manager  
(830) 221-4639 - menders@nbtexas.org*

**SUBJECT:**

Approval of contracts associated with the Edwards Aquifer Habitat Conservation Plan program. Authorize the City Manager to execute contracts for Old Channel Aquatic Vegetation Restoration, Comal River/ Landa Lake Aquatic Vegetation Restoration, Dissolved Oxygen Management, Gill Parasite Control and Riparian Restoration with BIO-WEST, Inc; Non-Native Animal Species Control with Atlas Environmental; Riparian Restoration with EBR Enterprises; and Riparian Restoration with Environmental Survey Consulting.

**BACKGROUND / RATIONALE:**

The City of New Braunfels continues to be engaged as a partner in the Edwards Aquifer Habitat Conservation Plan (EAHCP) program that was developed and is being implemented to protect federally-listed endangered aquatic species that live in the Comal and San Marcos spring and river systems. The EAHCP program partners include the City of New Braunfels, City of San Marcos, Texas State University, San Antonio Water System and Edwards Aquifer Authority (EAA).

The EAHCP is the basis of an Endangered Species Act permit issued to the EAHCP partners by the U.S. Fish and Wildlife Service. The permit was issued for a 15-year term (2013-2027) and protects the City from any negative impacts caused to endangered species that may occur due to the City's facilitation of water recreation activities in the Comal River, water withdrawals from the Comal River as well as other activities. The EAHCP includes both springflow and habitat protection measures that are implemented by the EAHCP partners. The EAHCP springflow protection measures benefit the City in that they ensure adequate springflow from the Comal springs during periods of extreme drought.

The City is responsible for implementing various EAHCP habitat protection measures within the Comal River system utilizing funds available through the EAHCP program. Habitat restoration projects and efforts to be implemented in 2019 have been identified in the City of New Braunfels' 2019 EAHCP Workplan. The workplan and associated 2019 EAHCP Funding Application have been approved by the EAHCP Implementing Committee, the governing authority for the EAHCP. The City's 2019 EAHCP Workplan and Funding Application include a total of \$665,000 for the implementation of habitat restoration and protection measures within the Comal River system. EAHCP program efforts, including local habitat restoration and protection measures, are expected to continue annually through 2027.

The City issued Request for Proposal (RFP) 19-007 "Environmental Project Support Services" on November 27, 2018 to solicit qualified contractors to perform EAHCP program work activities in 2019 and in subsequent years. The RFP included eight individual EAHCP projects for which four

responses were received. City staff evaluated and selected contractors best qualified to perform the scope of work for each individual project.

The following table provides information regarding individual EAHCP project costs and selected contractors for proposed Year Seven (2019) EAHCP work activities.

<b>Project</b>	<b>Description</b>	<b>Contractor</b>	<b>Year Seven (2019) Approved Budget</b>
Old Channel Aquatic Vegetation Restoration	Restore habitat for Fountain Darters by removing non-native aquatic vegetation and planting native aquatic vegetation.	BIO-WEST	<b>\$50,000</b>
Comal River/ Landa Lake Aquatic Vegetation Restoration	Restore habitat by removing non-native aquatic vegetation and planting native aquatic vegetation within Landa Lake.	BIO-WEST	<b>\$100,000</b>
Dissolved Oxygen Management	Implement monitoring and management measures, as-needed, to provide adequate dissolved oxygen levels in Landa Lake.	BIO-WEST	<b>\$15,000</b>
Non-Native Animal Species Control	Continue removal of non-native animal species from the Comal River system.	Atlas Environmental	<b>\$55,000</b>
Gill Parasite Control	Continue monitoring of gill parasites the Comal River on an as-needed basis.	BIO-WEST	<b>\$10,000</b>
Riparian Restoration-Riffle Beetle Habitat	Conduct riparian restoration along Spring Run 3	BIO-WEST	<b>\$25,000</b>
Riparian Restoration- (Part 1)	Conduct riparian restoration along the Old Channel of Comal River and Landa Lake.	EBR Enterprises	<b>\$75,000</b>
Riparian Restoration- (Part 2)	Conduct riparian restoration in Landa Park.	Environmental Survey Consulting	<b>\$25,000</b>

Low Impact Development (LID)/ Water Quality Protection Program	Contractor to construct water quality control measure at N. Houston Ave	Myers Concrete Construction (contract previously approved)	<b>\$89,892</b>
	Engineering services and construction contractor for additional stormwater treatment projects.	TBD	<b>\$160,108</b>
<b>Total</b>			<b>\$605,000</b>

The City is also responsible for coordination and accomplishment of other EAHCP program items identified in the City's 2019 EAHCP workplan. Staff implements the activities as described in the following table.

<b>Project</b>	<b>Description</b>	<b>Contractor</b>	<b>Year Seven (2019) Approved Budget</b>
Household Hazardous Waste Program	Reduction of improper disposal of hazardous wastes by holding drop off events.	CoNB - Solid Waste (Clean Harbors)	<b>\$30,000</b>
Litter Control and Floating Vegetation Control	Dislodge floating vegetation mats in Landa Lake and litter clean-up along banks of Old Channel.	Pristine Texas Rivers (work included in overall River Services contract)	<b>\$30,000</b>
<b>Total</b>			<b>\$60,000</b>

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

--	--	--	--

**FISCAL IMPACT:**

Contracts are being funded through the EAHCP program. Currently the City pays the initial expense and is reimbursed by the Edwards Aquifer Authority (EAA) within 30 days. An Interlocal Agreement between the EAA and the City is currently in place and includes the EAA's commitment to pay all contractual costs associated with these projects as well as describing the reimbursement process. Monthly, the City submits a request for reimbursement to the EAA including invoices from contractors as well as a report on the work completed, compliance with the work schedule, percent complete of the project and identification of any project issues. The EAA reimburses the City within 30 days of receipt of the request.

The funding application to support CoNB's Year Seven (2019) EAHCP workplan was approved by the EAHCP Implementing Committee on December 20, 2018 in the amount of \$665,000. Project costs are covered by the EAHCP program as administered by the EAA at no net cost to the City.

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends approval of contracts associated with the Edwards Aquifer Habitat Conservation Plan program and authorization for the City Manager to execute contracts for Old Channel Aquatic Vegetation Restoration, Comal River/ Landa Lake Aquatic Vegetation Restoration, Dissolved Oxygen Management, Gill Parasite Control and Riparian Restoration with BIO-WEST, Inc; Non-Native Animal Species Control with Atlas Environmental; Riparian Restoration with EBR Enterprises; and Riparian Restoration with Environmental Survey Consulting.