

## Legislation Text

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**File #:** 21-1213, **Version:** 1

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**PRESENTER:**

Mark Enders, Watershed Program Manager

**SUBJECT:**

Approval of contracts to support the City's 2022 Edwards Aquifer Habitat Conservation Plan work plan and authorization for the City Manager to execute contracts with BIO-WEST, Inc, Atlas Environmental, EBR Enterprises, and Environmental Survey Consulting.

**DEPARTMENT:** Public Works

**COUNCIL DISTRICTS IMPACTED:** All

**BACKGROUND INFORMATION:**

The City of New Braunfels continues to be engaged as a partner in the Edwards Aquifer Habitat Conservation Plan (EAHCP) program that is being implemented to protect federally-listed endangered aquatic species found 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 to endangered species as a result of City's facilitation of water recreation activities in the Comal River system, water withdrawals from the Comal River and 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 also receives significant funding through the program to implement various habitat protection and restoration measures.

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 efforts to be implemented in 2022 have been identified in the City of New Braunfels' 2022 EAHCP Workplan. The workplan and associated 2022 EAHCP Funding Application have been approved by the EAHCP Implementing Committee, the governing authority for the EAHCP. The City's 2022 EAHCP Workplan and Funding Application include a total of \$450,385 for the implementation of habitat restoration and protection measures within the Comal River system. EAHCP program efforts, including local habitat restoration and springflow 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 through 2027. 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 individual projects. Contracts extensions will be issued for the contractors that were selected as part of RFP 19-007 and have demonstrated quality work efforts.

The following table provides information regarding individual EAHCP project costs and selected contractors for proposed Year Ten (2022) EAHCP work activities.

Project	Description	Contractor	Year Ten (2021) Approved Budget
Old Channel Aquatic Vegetation Restoration	Restore habitat for Fountain Darters by removing non-native aquatic vegetation and planting native aquatic vegetation.	BIO-WEST	\$50,000
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	\$100,000
Dissolved Oxygen Management	Implement monitoring and management measures, as-needed, to provide adequate dissolved oxygen levels in Landa Lake.	BIO-WEST	\$15,000
Non-Native Animal Species Control	Continue removal of non-native animal & fish species from the Comal River system.	Atlas Environmental	\$45,000
Parasite Monitoring	Continue monitoring of aquatic parasites within the Comal River system.	BIO-WEST	\$10,000
Riparian Restoration -Riffle Beetle Habitat	Conduct riparian restoration along Spring Runs 1 & 3 in Landa Park	BIO-WEST	\$25,000
Riparian Restoration - (Part 1)	Conduct riparian restoration along the Landa Lake and the Comal River.	EBR Enterprises	\$75,000
Riparian Restoration - (Part 2)	Conduct riparian restoration along Landa Lake and the Comal River.	Environmental Survey Consulting	\$50,000
Low Impact Development (LID)/ Water Quality Protection Program	Engineering support services for plan updates and permitting for stormwater treatment basin at the Landa Park Aquatics Center Parking Lot	Doucet and Assoc.	\$15,000
<b>Total</b>			<b>\$385,000</b>

The City is also responsible for coordination and accomplishment of other EAHCP program items identified in the City's 2022 EAHCP workplan. The activities as described in the following table have been included in

contracts previously approved by City Council.

<b>Project</b>	<b>Description</b>	<b>Contractor</b>	<b>Year Ten (2021) Approved Budget</b>
Household Hazardous Waste Collection Program	Reduction of improper disposal of hazardous wastes by holding drop off events.	CoNB - Solid Waste (Clean Harbors)	<b>\$40,385</b>
Litter Control and Floating Vegetation Control	Dislodge floating vegetation mats in Landa Lake and litter removal along banks of Old Channel.	TBD	<b>\$25,000</b>
<b>Total</b>			<b>\$65,385</b>

**ISSUE:**

Compliance with the City's Incidental Take Permit with the US Fish and Wildlife Service through implementation of habitat restoration activities outlined in the EAHCP and the City's annual workplan.

**FISCAL IMPACT:**

Contracts and project costs are 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 Ten (2022) EAHCP workplan was approved by the EAHCP Implementing Committee on October 14, 2021 in the amount of \$450,385. Project costs are covered by the EAHCP program as administered by the EAA at no net cost to the City.

**RECOMMENDATION:**

Staff recommends approval of contracts to support the City's 2022 Edwards Aquifer Habitat Conservation Plan work plan and authorization for the City Manager to execute contracts with BIO-WEST, Inc, Atlas Environmental, EBR Enterprises, and Environmental Survey Consulting.