

RESOLUTION AND ORDER NO. 09-25-132

OF THE EDWARDS AQUIFER AUTHORITY BOARD OF DIRECTORS
APPROVING A CONTRACT BETWEEN THE EAA AND BIO-WEST, INC. TO
CONDUCT THE COMAL SPRINGS DRYOPID BEETLE MONITORING
STUDY, IN AN AMOUNT NOT TO EXCEED \$107,897, FOR THE PERIOD
OCTOBER 1, 2025, THROUGH DECEMBER 31, 2027, AND AUTHORIZING
THE GENERAL MANAGER TO EXECUTE THE CONTRACT

WHEREAS, the Edwards Aquifer Authority (“EAA”) was created by the Edwards Aquifer Authority Act of May 30, 1993, 73rd Leg., R.S., ch. 626, 1993 Tex. Gen. Laws 2350, as amended (“Act”); and

WHEREAS, under Section 1.02 of the Act, the EAA is a conservation and reclamation district created by virtue of Article XVI, Section 59 of the Texas Constitution, and is a governmental agency and body politic and corporate vested with the full authority to exercise the powers and to perform the functions specified in the Act; and

WHEREAS, under Section 1.08(a) of the Act, the EAA has all the powers, rights, and privileges necessary to manage, conserve, preserve, and protect the Edwards Aquifer (“Aquifer”) and prevent the waste of water in the Aquifer; and

WHEREAS, under Sections 1.01, 1.11, 1.14 and 1.26A of the Act, the EAA is authorized to implement programs designed to protect threatened and endangered species associated with the Aquifer; and

WHEREAS, under Section 1.27 of the Act, the EAA may conduct research; and

WHEREAS, under Section 1.11(d)(2) of the Act, the EAA may enter into contracts; and

WHEREAS, under Section 49.057(a), Texas Water Code, the EAA may contract with all persons, firms, partnerships, corporations, or other entities, public or private, deemed necessary by the EAA Board of Directors (“Board”) for the conduct of the affairs of the EAA; and

WHEREAS, under Section 49.211(a), Texas Water Code, the EAA has the functions, powers, authority, rights, and duties that will permit it to accomplish the purposes for which it was created or the purposes authorized by the Constitution, the Texas Water Code, or any other law; and

WHEREAS, under Section 49.213(b), Texas Water Code, the EAA may enter into contracts with any person or any public or private entity in the performance of any purpose or function permitted by the EAA; and

WHEREAS, under Section 49.213(c)(7), Texas Water Code, the EAA may enter into contracts with persons or any public or private entities on the terms and conditions the Board may consider desirable, fair, and advantageous for, among other things, the exercise of any rights, powers, and duties granted to the EAA; and

WHEREAS, under Section 1.11(d)(9) of the Act, the EAA is authorized to hold an incidental take permit under the Federal Endangered Species Act of 1973 (“ESA”), 16 U.S.C. §§ 1531-1544; and

WHEREAS, Paragraph E of Incidental Take Permit No. TE63663A-1 (“ITP”) issued by the United States Fish and Wildlife Service to the EAA, the City of New Braunfels, the City of San Marcos, the City of San Antonio, acting by and through its San Antonio Water System, and Texas State University (“Permittees”), requires the Permittees to comply with the terms and conditions contained in the Edwards Aquifer Habitat Conservation Plan (“EAHCP”); and

WHEREAS, the EAHCP requires, among other things, the Permittees to implement various Conservation Measures intended to minimize or mitigate the impact of the use of groundwater withdrawn from the Aquifer on threatened and endangered species associated with the Aquifer and contribute to the recovery of such species; and

WHEREAS, a part of the EAHCP is that certain Funding and Management Agreement (“FMA”), effective January 1, 2012, that provides the terms of the rights and duties of the Permittees for managing and funding the implementation of the EAHCP, and the terms of the Adaptive Management Process; and

WHEREAS, Section 6.3 of the EAHCP requires the EAA to conduct applied research on the Covered Species to determine impacts that may result from Covered Activities; and

WHEREAS, Contract No. 25-019-TES is with BIO-WEST, Inc., for an amount not to exceed \$107,897, to conduct an applied research monitoring study of the Comal Springs dryopid beetle population within Landa Lake and its associated spring run complexes, for the period October 1, 2025, through December 31, 2027 (“Contract”); and

WHEREAS, Article 10.02(b) of the EAA’s Bylaws requires that contracts whose value exceeds \$100,000 be approved by a written resolution; and

WHEREAS, the EAA’s Research and Technology Committee, on August 26, 2025, voted to recommend the Board adopt a resolution and order approving the Contract with BIO-WEST, Inc., the value of which would exceed \$100,000; and

WHEREAS, the Contract was reviewed by the EAA’s legal counsel prior to Board approval; and

WHEREAS, a regular meeting of the Board was held on September 9, 2025, at 1:00 p.m., notice of public meeting having been duly and properly posted in accordance with Chapter 551, Texas Government Code; and

WHEREAS, an agenda item was duly listed in the notice of public meeting that is the subject of this Resolution and Order; and

WHEREAS, a majority of the Directors of the Board were present and constituted a quorum; and

WHEREAS, a vote of the majority of the quorum of the Board present passed on, voted in favor of, and adopted the following Resolution and Order.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF DIRECTORS OF THE EDWARDS AQUIFER AUTHORITY THAT:

- Section 1. The recitals set out above are found to be true and correct, and they are hereby adopted by the Board of Directors and are made a part of this Resolution and Order for all purposes.
- Section 2. The Board of Directors hereby approves Contract No. 25-019-TES with BIO-WEST, Inc., in an amount not to exceed \$107,897, to conduct the Comal Springs Dryopid Beetle Monitoring Study for the period October 1, 2025, through December 31, 2027.
- Section 3. The General Manager is authorized to execute and deliver the Contract attached hereto and release payment required by the Contract.
- Section 4. This Resolution and Order shall become effective from and after its adoption.

PASSED AND APPROVED BY THE BOARD OF DIRECTORS OF THE EDWARDS AQUIFER AUTHORITY THIS 9th DAY OF SEPTEMBER 2025.

Enrique P. Valdivia
Chairman, Board of Directors

ATTEST:

Rachel A. Sanborn
Secretary, Board of Directors

APPROVED AS TO FORM:



Deborah Trejo
General Counsel