



## Legislation Details (With Text)

|                      |             |                      |                    |              |     |
|----------------------|-------------|----------------------|--------------------|--------------|-----|
| <b>File #:</b>       | AI 13-1406  | <b>Version:</b>      | 2                  | <b>Name:</b> | HCP |
| <b>Type:</b>         | Action Item | <b>Status:</b>       | Passed             |              |     |
| <b>File created:</b> | 10/4/2016   | <b>In control:</b>   | Board of Directors |              |     |
| <b>On agenda:</b>    | 10/25/2016  | <b>Final action:</b> | 11/8/2016          |              |     |

**Title:** Consider recommendation from the Research & Technology Committee to approve a contract with the U.S. Fish and Wildlife Service, to provide and operate off-site refugia for the eleven (11) covered species identified in the EAHCP, in an amount not to exceed \$18,876,267.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 16-822-HCP - USFWS Implementation of the Refugia Program - For Packet, 2. 149-15-HCP MATRIX Long Term Refugia Operations Composite (Board Copy), 3. Exhibit D - Task Budget, 4. RO - Refugia

| Date       | Ver. | Action By                       | Action   | Result |
|------------|------|---------------------------------|----------|--------|
| 11/8/2016  | 2    | Board of Directors              | approved | Pass   |
| 10/25/2016 | 1    | Research & Technology Committee |          |        |

**Consider recommendation from the Research & Technology Committee to approve a contract with the U.S. Fish and Wildlife Service, to provide and operate off-site refugia for the eleven (11) covered species identified in the EAHCP, in an amount not to exceed \$18,876,267.**

### RECOMMENDED MOTION:

Move the board adopt Resolution and Order No. 11-16-863 of the Edwards Aquifer Authority Board of Directors approving a contract between the EAA and U.S. Fish and Wildlife Service, Region 2, Fish and Aquatic Conservation Office to provide and operate off-site refugia required under sections 5.1.1 and 6.4 of the Edwards Aquifer Habitat Conservation Plan, in an amount not to exceed \$18,876,267, for the period of January 1, 2017 through March 31, 2028; and to authorize the General Manager to execute the contract.

### SUMMARY:

The purpose of this agenda item is for the board to consider a Research & Technology Committee recommendation to approve a contract between the EAA and U.S. Fish and Wildlife Service (USFWS), to provide and operate off-site refugia for the eleven (11) covered species identified in the EAHCP.

Section 6.4 of the EAHCP specifically requires the EAA to provide for off-site refugia, if necessary. Further, Section K of EAA's Individual Take Permit requires that the EAA provide for refugia to house and protect the covered species in the event that a drought or other disaster may threaten the species' continued existence without intervention.

This project is intended to provide for the collection, husbandry, captive propagation, and reintroduction of covered species individuals collected from their native habitat when it is determined by the EAA and the USFWS that significant covered species kills in the wild are imminent or on-going.

To solicit the required services, EAA staff issued a Request for Proposals (RFP), following the standard EAA procurement procedures. On September 21, EAA staff sent RFP packets to 226 potential vendors. Of those vendors, eleven (11) were M/WBEs.

On October 29, 2015, the Edwards Aquifer Authority received three (3) proposals from: 1) Zara Environmental, Inc. (with New Braunfels Utilities and Texas State University); 2) SWCA, Inc. (with San Antonio Zoo and Sea World San Antonio); and 3) U.S. Fish and Wildlife Service-San Marcos Aquatic Research Center (with BIO-WEST, Inc.).

After staff review of the proposals submitted, EAA staff conducted interviews of the candidates on November 12, 2015. Following the review of the original proposals and interviews, staff requested revised proposals from SWCA, Inc., and the U.S. Fish and Wildlife Service to address certain costs identified during the proposal evaluation process. On June 23, 2016, staff selected the U.S. Fish and Wildlife Service to provide refugia operations and initiated contract negotiations.

The evaluation matrix staff used to make this recommendation is attached.

In accordance with Article 10.02(b) of the EAA's Bylaws, contracts whose value exceeds \$100,000 are required to be approved by a written resolution. The resolution and order, as well as the contract which have both been reviewed by legal counsel, are also attached.

At the October 25 meeting, the Research & Technology Committee voted to recommend the board adopt a resolution and order of the Edwards Aquifer Authority Board of Directors approving a contract between the EAA and U.S. Fish and Wildlife Service, Region 2, Fish and Aquatic Conservation Office to provide and operate off-site refugia required under sections 5.1.1 and 6.4 of the Edwards Aquifer Habitat Conservation Plan, in an amount not to exceed \$18,876,267, for the period of January 1, 2017 through March 31, 2028; and to authorize the General Manager to execute the contract.

#### M/WBE PARTICIPATION:

The U.S. Fish and Wildlife Service is a federal government agency and is not an M/WBE.

#### STRATEGIC PLAN REFERENCE:

This item is related to the 2016-20 Strategic Plan Goal A. Sustain Federally-protected Aquifer Dependent Species.

Off-site refugia are required of the EAA to maintain compliance with the Incidental Take Permit issued by USFWS on March 18, 2013. Specifically, this item is related to the obligations of Section 6.4 of the Edwards Aquifer Habitat Conservation Plan.

FISCAL IMPACT:

This is a 13-year contract with varying annual budget requirements. The Contractor is required to submit an annual work plan and associated budget at the beginning of each year. For each year of the contract, the EAHCP budget will include sufficient funding to meet the obligations associated with the refugia.

The total cost of this contract is not to exceed \$18,876,267 over the term of the contract. When combined with the estimated \$1,000,000 spent on the implementation of the salvage refugia operations in 2015 and 2016, under separate contract with SWCA, Inc. and the San Antonio Zoo, this amount is significantly less than the \$25,682,534 originally projected in the EAHCP (Table 7.1).

Exhibit D from the contract attached to this agenda item separately depicts in greater detail the annual cost breakdown by year of the contract.

The proposed 2017 EAHCP budget included funding in the amount of \$1,674,597. Following approval of this contract, staff will present an amended 2017 Funding Application to the EAHCP Implementing Committee for approval. Staff anticipates returning to the EAA board in early 2017 for consideration of an amended 2017 Funding Application and EAHCP budget amendment to appropriate the requisite \$6,078,176 for 2017.