



Meeting Date: May 30, 2024 **Agenda Type:** Consent Items for Action

From: Adam Willard, P.E. **Reviewed by:** Michael Short, P.E.
Chief Engineer of Water Director of Water Services and
Systems Compliance

Submitted by: Michael Short, P.E. **Approved by:** Ryan Kelso
Director of Water Services Chief Executive Officer
and Compliance

RECOMMENDED ACTION: Authorize CEO or His Designee to Negotiate and Execute an Interlocal Agreement with the Edwards Aquifer Authority for Operation of a Water Level Observation Well at Comal Plant No. 3 Adjacent to Comal Springs, New Braunfels, Texas

BACKGROUND

On November 15, 2008, New Braunfels Utilities (“NBU”) entered into an interlocal agreement (“ILA”) with the Edwards Aquifer Authority for the operation of a water level observation well at Comal Plant No. 3 (DX-68-23-304) (the “Well”). The ILA established the terms for EAA’s use of the Well for observation, monitoring, and sampling activities. Those activities listed within the ILA were to end no later than November 15, 2018, with the intent to terminate the ILA on that same date. However, continuous monitoring of the Well has occurred subsequent to the termination date.

The Well is adjacent to Fredericksburg Street, northwest of the former Comal Power Plant in New Braunfels, Texas. The Lower Colorado River Authority (“LCRA”) owns the Well, and NBU controls it and its site through a lease agreement with LCRA.

Both EAA and NBU share a deep understanding of the significance of spring flows at the Comal Springs for the survival of several endangered species of plants and animals. We also acknowledge the critical role of continuous monitoring of the Comal Springs as part of the Edwards Aquifer Habitat Conservation Plan, and as part of NBU’s aquifer storage and recovery (“ASR”) project at the Well location.

Staff has determined that it is in NBU’s best interest to continue to cooperate with the EAA in data collection activities regarding the Edwards Aquifer and Comal Springs. In collaboration with EAA, Staff has prepared a proposed interlocal agreement with the Edwards Aquifer Authority and New Braunfels Utilities for the formal continuation of the operation of a water level observation Well at Comal Plant No. 3 adjacent to Comal Springs, New Braunfels, Texas (“Proposed ILA”). The Proposed ILA is generally consistent with the previous ILA. All cost associated with EAA’s observation, monitoring and sampling

costs of the Well are to EAA's cost (i.e., not NBU costs). Staff recommends approval of the Proposed ILA.

This item is being presented to the Board because it creates an agreement between NBU and EAA.

FINANCIAL IMPACT

There are no immediate significant financial impacts other than those required in dedicating Staff resources to prepare and review the ILA.

LINK TO STRATEGIC PLAN

Customers and Community

Stewardship

EXHIBITS

1. New ILA