



**AGENDA
DRAINAGE DISTRICT
BOARD OF DIRECTORS
April 8, 2014
8:30 A.M.**

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Drainage District #1 Board of Directors will be held at the Edinburg Council Chambers, 415 W. University Drive, Edinburg, Hidalgo County, Texas. Discussion and possible action relating to the following business will be transacted:

1. **Roll Call**
2. **Open Forum**
3. **Approval of Consent Agenda**
4. **AI-43915** Requesting approval to utilize the District's option to extend Agreement No. HCDD1-13-013-04-16 "Gasoline, On/Off Highway Diesel Fuel" for an additional 60 days to prevent any disruption in service during the bidding process.
5. **AI-43938** 2013 BOND SERIES
 - A. Approval of Supplemental Agreement No. 1 to Work Authorization No.12. 2013 Bond Referendum for TEDSI Infrastructure Group as it relates to Legal Rights Services required to facilitate The Lower Rio Grande Valley Regional Water Management Program.
 - B. Approval of Supplemental Agreement No.1 to Work Authorization No. 11, 2013 Bond Referendum for TEDSI Infrastructure Group as it relates to Environmental Services required to facilitate the Delta Watershed Project.
6. **Closed Session:**

Board of Directors may go into Closed Session pursuant to Chapter 551, Texas Government Code, Sections 551.071 & 551.072 to discuss the following:

 - A. **Real Estate Acquisition**
 - B. **Pending and/or Potential Litigation**
 - C. **AI-43932** Claim of Dannenbaum Engineering
7. **Open Session:**
 - A. **Real Estate Acquisition**
 - B. **Pending and/or Potential Litigation**

C. **AI-43933** Claim of Dannenbaum Engineering

8. **Closed Session:**
Board of Directors may reconvene into Closed Session for the discussion regarding the agenda items listed
9. **Open Session:**
Board of Directors may reconvene into Open Session for the discussion regarding the agenda items listed
10. **Adjourn**

AI-43915

4.

DRAINAGE DISTRICT

Meeting Date: 04/08/2014

Submitted By: Jaime Salazar, DRAINAGE
DISTRICT

Department: DRAINAGE DISTRICT

Information

CAPTION

Requesting approval to utilize the District's option to extend Agreement No. HCDD1-13-013-04-16 "Gasoline, On/Off Highway Diesel Fuel" for an additional 60 days to prevent any disruption in service during the bidding process.

BACKGROUND

Attachments

Fuel 60 Day Ext Letter

Form Review

Inbox	Reviewed By	Date
Budget & Management	Debbie Tamez	04/03/2014 01:03 PM
Final Approval	Monica Badillo	04/04/2014 03:53 PM
Form Started By: Jaime Salazar		Started On: 04/03/2014 07:31 AM
	Final Approval Date: 04/04/2014	

HIDALGO COUNTY DRAINAGE DISTRICT NUMBER ONE

902 NORTH DOOLITTLE

EDINBURG, TEXAS 78542

(956) 292-7080

FAX (956) 292-7089



GODFREY GARZA, JR.
MANAGER

April 1, 2014

Gold Star Petroleum, Inc.
Attn: J.J. Rodriguez, President
P.O. Box 363
Pharr, TX. 78577

Re: Extension – Agreement No.: HCDD1-13-013-04-16 “Gasoline On / Off Highway Diesel Fuel”

Dear Mr. Rodriguez,


Please be advised that Hidalgo County Drainage District No.1 will be requesting approval by the Hidalgo County Drainage District No.1 Board of Directors at the regular meeting on, **Tuesday, April 8, 2014** to exercise the sixty (60) day extension option (**as stated in the current contract**). Commencement date (if approved) will become effective as of **May 14, 2014**; under the same rate, terms and conditions.

Please acknowledge receipt of notice of intent to extend Agreement of same by signing below and returning to the Hidalgo County Drainage District No.1 by no later than, Friday, April 4, 2014; via email to jaime.salazar@hcdd1.org or by fax (956) 292-7089. Please mail original copy to 902 N. Doolittle, Edinburg, TX 78542.

Comments (If any):

By:  President Date: 4/1/2014
Name / Title

Should you have any questions or require additional information, please do not hesitate to contact me at (956) 292-7080.

Sincerely,

Jaime J. Salazar, Buyer
Hidalgo County Drainage District No.1

AI-43938

5.

DRAINAGE DISTRICT

Meeting Date: 04/08/2014

Submitted By: Sylvia Sanchez, DRAINAGE DISTRICT

Department: DRAINAGE DISTRICT

Information

CAPTION

2013 BOND SERIES

A. Approval of Supplemental Agreement No. 1 to Work Authorization No.12. 2013 Bond Referendum for TEDSI Infrastructure Group as it relates to Legal Rights Services required to facilitate The Lower Rio Grande Valley Regional Water Management Program.

B. Approval of Supplemental Agreement No.1 to Work Authorization No. 11, 2013 Bond Referendum for TEDSI Infrastructure Group as it relates to Environmental Services required to facilitate the Delta Watershed Project.

BACKGROUND

Attachments

11

12

Form Review

Inbox	Reviewed By	Date
Budget & Management	Debbie Tamez	04/04/2014 09:33 AM
Final Approval	Monica Badillo	04/04/2014 03:53 PM
Form Started By: Sylvia Sanchez		Started On: 04/04/2014 08:43 AM
	Final Approval Date: 04/04/2014	

EXHIBIT "F"

SUPPLEMENTAL AGREEMENT NO. 1
TO WORK AUTHORIZATION NO. 11

THIS SUPPLEMENTAL AGREEMENT No. 1 is made pursuant to the terms and conditions of Work Authorization No. 11 made by and between Hidalgo County Drainage District No. 1, hereinafter called the "Owner", and TEDSI Infrastructure Group, Inc. hereinafter call the "Engineer".

WITNESSETH

WHEREAS, the Owner and the Engineer executed Work Authorization No. 11 on the 24th day of September, 2013 concerning the Environmental Services required to facilitate the Delta Watershed Project identified in the 2012 HCDD # 1 Bond Referendum.

WHEREAS, it has become necessary to amend Work Authorization No. 11 to delete Exhibit "D" in its entirety and replace with a new Revised Exhibit "D" dated 4/01/14 and to delete existing Exhibit "B" in its entirety and replace with revised Exhibit "B"

A. AGREEMENT

NOW THEREFORE, premises considered, the Owner and the Engineer agree that said Work Authorization No. 11 is amended as follows:

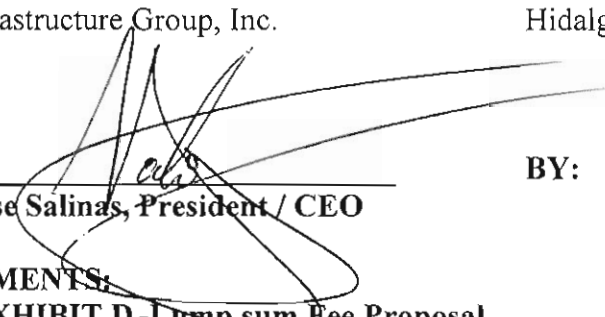
- I. To delete existing Exhibit "D" in its entirety and replace with a revised Exhibit "D" dated 4/01/14. All fees and costs remain the same.
 - II. To delete existing Exhibit "B" in its entirety and replace with revised Exhibit "B"
-

All other provisions are unchanged and remain in full force and effect.

IN WITNESS WHEREOF, the Engineer and the Owner have caused this Supplemental Agreement No. 1 to Work Authorization No. 11 for Professional Services to be executed as of the ___ day of April, 2014.

ENGINEER:
TEDSI Infrastructure Group, Inc.

OWNER:
Hidalgo County Drainage District No. 1

BY: 
Jesse Salinas, President / CEO

BY: _____
Ramon Garcia, Chairman

ATTACHMENTS:
Revised EXHIBIT D - Lump sum Fee Proposal
Revised EXHIBIT B
Attest as to form:
Atlas, Hall & Rodriguez, L.L.P.

By: Stephen L. Crain

WORK AUTHORIZATION #11
EXHIBIT "D" (REVISED 04/01/14)
DELTA AREA WATERSHED
ESTIMATED COST PROPOSAL
LABOR COSTS

TASK DESCRIPTION	Principal Engineer (QA/QC)	Project Manager (VIII)	Sr. Engineer (V)	Project Engineer (III)	Project Engineer (II)	Project Engineer (I)	Engr. In Training (E.I.T)	Sr. Engr. Designer	Engr. Designer	CADD Operator	Sr. GIS Designer	GIS Designer	GIS System Manager	IT System Manager	Project Admin.	Assistant Admin.	EST. HOURS	EST. COST
Contract Rate	\$266.62	\$232.61	\$187.37	\$159.15	\$144.56	\$127.75	\$122.87	\$117.57	\$109.24	\$104.61	\$135.00	\$90.00	\$175.00	\$180.00	\$178.37	\$73.13		
II. PRELIMINARY PROJECT PLANNING AND DEVELOPMENT																		
(1) Engineering Services Support for Environment Documents & Meetings		116			240		400				80	120	60	40	64	40	1160	\$164,428.76
(2) Environmental Sub Consultant HNTB (See Attached Fee)																		\$918,748.00
SUB TOTAL II- ENVIRONMETAL WORK	0	116	0	0	240	0	400	0	0	0	80	120	60	40	64	40	1160	\$1,083,176.76
TOTAL ENVIRONMENTAL WORK	0	116	0	0	240	0	400	0	0	0	80	120	60	40	64	40	1160	\$1,083,176.76

Revised
EXHIBIT "B"
Services to be Provided by the Engineer

Work Authorization No. 11

INDEX

CLASSIFICATION OF SERVICES (*Basic* or *Special*)
EXPANDED DESCRIPTION OF SERVICES:

II. PRELIMINARY PROJECT PLANNING & DEVELOPMENT
(1) Environmental Document Preparation & Public Involvement

CLASSIFICATION OF SERVICES. In accordance with Article 2.2 of this Agreement, the services to be provided by the **Engineer** shall be classified as either *Basic Services* or *Special Services*. The expanded descriptions of the services identified later in this exhibit and to be provided by the **Engineer** are classified as follows:

Engineering:

II. PRELIMINARY PROJECT PLANNING & DEVELOPMENT
(1) Environmental Document Preparation & Public Involvement

Special

EXPANDED DESCRIPTIONS OF SERVICES. The expanded descriptions of the services to be provided by the Engineer are described on the following pages.

II. PRELIMINARY PROJECT PLANNING & DEVELOPMENT

In general, this will include all *engineering* activities required for the **Advance Project Development**. Primarily, this will involve the research and coordination for the social, economic and environmental impacts, public involvement and preliminary field/reconn/surveying / aerial photography of the **Project**. A summary of the *engineering* activities to be provided by the **Engineer** are listed below. The actual contractual services will be identified in each work authorization as outlined in Article 7.

The general Engineering Consultant shall provide Engineering Support Services to the Environmental Subconsultant to assist in preparing engineering maps, engineering reports, and assisting with various engineering matters with TCEQ, USACE, and EPA as required.

(1) Environmental Impact Statement & Document Preparation and Public Involvement

- (a) The **Engineer** shall prepare an environmental document in accordance with the National Environmental Policy Act (NEPA) and the applicable Code(s) of Federal Regulations. The **Engineer** will prepare an environmental document in anticipation of a *Finding of No Significant Impact (FONSI)*, as identified by the NEPA process. This document will include, at a minimum, the following:

PROJECT UNDERSTANDING AND GOALS

The **Engineer** under this work authorization will provide environmental services to the Hidalgo County Drainage District #1 (**Owner**) associated with the development and advancement of the National Environmental Policy Act (NEPA) process for the proposed Delta Area Watershed Project (Project) in Hidalgo County, Texas. The proposed Project would serve to limit countywide flooding, protect fragile ecosystems and act as an economic development tool. Additionally, the Project would serve as an additional supply of water that otherwise disappears into the Laguna Madre. Federal funding is anticipated for the project, with the U.S. Army Corps of Engineers (USACE) serving as the anticipated lead federal agency, and the Texas Water Development Board (TWDB) serving as the funding liaison between the **Owner** and USACE.

Professional services related to the Project are expected to be performed in three phases as follows:

- Phase 1 – Draft Environmental Impact Statement (DEIS). Tasks include the development of the purpose and need, constraints mapping, alternatives analysis, agency coordination, public meetings, preparation of the DEIS, conceptual mitigation planning and public hearing.
- Phase 2 – Final Environmental Impact Statement (FEIS). Tasks would include detailed field investigations, continued agency coordination, refinement of the conceptual mitigation plan, and preparation of the Record of Decision (ROD).
- Phase 3 – Permitting. Tasks would include obtaining permits from resource agencies and preparing the detailed mitigation plan.

This Work Authorization will cover Phase 1 only. Phase 2 would begin following the public hearing and Phase 3 would begin following the ROD.

II. *Preliminary* (continued)

SCOPE OUTLINE:

TASK 1 – PROJECT MANAGEMENT

- (a) – Project Administration
- (b) – Progress Reports and Invoices
- (c) – Record Keeping and File Management
- (d) – Quality Assurance/Quality Control

TASK 2 – DEVELOPMENT OF ALTERNATIVES

- (a) – Project Initiation Letter
- (b) – Notice of Intent
- (c) – Resource and Regulatory Agency Coordination
- (d) – Purpose and Need Statement
- (e) – Environmental Constraints Mapping
- (f) – Alternatives Development and Analysis
- (g) – Administrative Record
- (h) – NEPA Technical Workgroup Support

TASK 3 – ENVIRONMENTAL IMPACT STATEMENT

- (a) – Land Use
- (b) – Prime and Unique Farmlands
- (c) – Socioeconomics and Environmental Justice
- (d) – Historic Resources
- (e) – Archeological Resources
- (f) – Water Quality
- (g) – Waters of the U.S., including Wetlands
- (h) – Hydrology and Floodplains
- (i) – Vegetation
- (j) – Wildlife and Fisheries
- (k) – Threatened, Endangered or other Protected Species
- (l) – Hazardous, Toxic and Radioactive Waste
- (m) – Other Environmental Resources
- (n) – Indirect and Cumulative Impacts
- (o) – Conceptual Mitigation
- (p) – Draft Environmental Impact Statement Preparation
- (q) – Circulation/Distribution of Approved DEIS

TASK 4 – PUBLIC INVOLVEMENT

- (a) – Mailing List
- (b) – Project Newsletters
- (c) – Stakeholder Outreach Support
- (d) – Public Meetings
- (e) – Public Hearing

Hidalgo County Drainage District No. 1 / TEDSI Infrastructure Group
"Delta Watershed Project"
Work Authorization No. 11 ENV

EXHIBIT "B"

II. *Preliminary* (continued)

SCOPE DETAILS:

The following Scope of Work describes the task details that are included in the Services to be provided by the **Engineer** on the Project.

TASK 1 – PROJECT MANAGEMENT

(a) – Project Administration

The **Engineer** will manage activities associated with the Project. The **Engineer** shall secure resources necessary to produce the Project deliverables and meet the Project schedule. The **Engineer** will be responsible throughout the Project for project management and communications, including billing, with the **Owner's** project manager.

(b) – Progress Reports and Invoices

The **Engineer** will prepare monthly progress reports for work completed during the period and prepare invoices in accordance with specified **Owner** criteria.

Deliverable:

- Up to 18 progress reports and invoices

(c) – Record Keeping and File Management

The **Engineer** will maintain project records and files in accordance with **Owner** document retention policies and manage data and transfer files for required elements of the Project.

Deliverable:

- List of project records and files

(d) – Quality Assurance/Quality Control

The **Engineer** will conduct a comprehensive quality assurance/quality control review at appropriate milestone points during the Project, to appraise technical performance, provide direction for Project activities and review correspondence, technical reports and environmental documents for quality assurance.

Deliverable:

- Quality Management Plan

II. *Preliminary* (continued)

TASK 2 – DEVELOPMENT OF ALTERNATIVES

The **Engineer** shall assist with preliminary planning towards the development of project alternatives within the Project study area. Based on a prior study, the study area has been determined to be approximately 26,000 acres, which comprises the watershed and aquifer recharge zone boundary in which the Project would be situated. The following tasks shall be conducted:

(a) – Project Initiation Letter

The **Engineer** will prepare a letter describing the general scope and location of the proposed Project. The letter shall identify any federal approvals anticipated to be required for the proposed project. The letter shall be addressed to the USACE.

Deliverable:

- Project initiation letter

(b) – Notice of Intent

A Notice of Intent (NOI) will be prepared by the **Engineer** in accordance with 40 CFR 1508.22. The NOI will include a brief summary of the proposed project, summary of the scoping process (including public involvement), list of persons to contact for information and identification of the expected significant impacts to the environment. The NOI will be provided in two (2) formats – one (1) formatted for publication in the Federal Register and one (1) formatted for publication in the Texas Register. The Federal Register version will be provided in English only. The Texas Register version will be provided in English and Spanish.

The Draft NOI (English and Spanish) will also be submitted to the **Owner** for review. The **Owner** will then submit to TWDB for review. TWDB will be responsible for submitting the NOI (Federal Register version) to USACE for review.

USACE will be responsible for publication of the NOI in the Federal Register. TWDB will be responsible for publication of the NOI in the Texas Register. The **Engineer** will be responsible for publication of the NOI (Federal Register version) in English and Spanish in local newspapers.

(c) – Resource and Regulatory Agency Coordination

The **Engineer** will develop a list of potential cooperating agencies that may have an interest in the Project. The **Engineer** will prepare letters to potential cooperating agencies inviting them to participate in the scoping meeting and project environmental review process. All Federal, State, tribal, regional and local government agencies that may have an interest in the Project shall be invited to serve as cooperating agencies. Those Federal agencies with jurisdiction by law or special expertise with respect to project-related environmental impacts shall be invited to participate as cooperating agencies.

The **Engineer** will conduct up to five (5) individual meetings with resource agencies to discuss Project issues and possible mitigation strategies. The **Engineer** will prepare a summary of each meeting.

The **Engineer** shall track the responses received from the cooperating agencies. An agency coordination summary report will be developed and will include responses to the comments from the cooperating agencies.

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EXHIBIT "B"

II. *Preliminary* (continued)

A total of three (3) revisions to address review comments are included for scoping/budgeting purposes (**Owner** – one (1) revision, TWDB – one (1) revision, USACE – one (1) revision).

Deliverables:

- List of cooperating agencies
- Letter of invitation to cooperating agencies
- Draft agency coordination summary report
- Final agency coordination summary report

(d) – Purpose and Need Statement

The **Engineer** will develop a preliminary purpose and need statement, with supporting documentation, for the proposed Project to be reviewed by the **Owner**, TWDB, USACE and the cooperating agencies [via the NEPA Technical Workgroup (TWG)].

The draft purpose and need statement will be presented to the public for review and comment during Public Scoping Meeting No. 1. The draft purpose and need statement will be modified/refined a total of four (4) times based upon comments received from the NEPA TWG and the public (1 revision), the **Owner** (1 revision), TWDB (1 revision) and USACE (1 revision).

Deliverable:

- Purpose and Need statement and supporting documentation

(e) – Environmental Constraints Mapping

The **Engineer** will develop a preliminary constraints map to identify potential environmental and infrastructure constraints within the Project study area. Information sources to be referenced in the constraints map will include, but will not be limited to, Federal Emergency Management Agency (FEMA) floodplain maps, National Wetland Inventory (NWI) maps, hazardous materials database information, Texas Historical Commission (THC) historic sites, aerial photographs, U.S. Geological Survey (USGS) 7.5-minute quadrangle maps, utilities, public facilities, city maps, county maps and other readily available sources of information, including input from agency coordination letters, technical workgroups and public meetings. The constraints map will include existing and if available, proposed land use information. The **Engineer** shall respond to three (3) sets of review comments (one (1) each from the **Owner**, TWDB and USACE). The **Engineer** will submit one (1) hard copy of the constraints map for each review.

Deliverable:

- Environmental Constraints map (4 hard copies)

(f) – Alternatives Development and Analysis

The **Engineer** will assist with the development of preliminary site alternatives resulting from public involvement and preliminary engineering studies. The **Engineer** will develop methodologies and environmental screening criteria to assist the **Owner** in the identification of viable preliminary alternatives suitable for further evaluation. For scoping/budgeting purposes, up to four (4) reasonable alternatives (three (3) site alternatives and the No-build alternative) will be evaluated in the DEIS. Should it be necessary to

Hidalgo County Drainage District No. 1 / TEDSI Infrastructure Group
"Delta Watershed Project"
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EXHIBIT "B"

II. *Preliminary* (continued)

evaluate additional alternatives, the associated effort will be authorized through a supplemental work authorization.

Detailed analysis will be limited to the reasonable alternatives and the No-build alternative. Alternatives that were considered and eliminated from further study will be summarized and included in the environmental documentation, as appropriate.

(g) – Administrative Record

The **Engineer** shall establish, track, organize and manage the Project's administrative record, which is the written record supporting the agency's decisions. The documents and materials shall be organized in chronological order by date. An index will also be prepared to identify documents and materials (i.e., "memorandum dated June 5, 2007 from Mary Smith to Environmental Protection Agency (EPA) administrator Jones regarding June 6, 2007 meeting agenda."). The administrative record shall be maintained electronically and hard copy by the **Engineer** throughout the Project development process.

(h) – NEPA Technical Workgroup Support

The **Engineer** will provide support services required to facilitate the meaningful involvement of the NEPA TWG in the Project.

The **Engineer** will prepare a list of proposed participants for the NEPA TWG, for approval by the **Owner**. The final approved list of proposed appointees will be utilized by the **Engineer** to prepare letters for the **Owner** to solicit appointments to the NEPA TWG.

The **Engineer** will provide meeting planning and logistics support for the NEPA TWG meeting, including coordination of venue arrangements, preparation of meeting support materials, preparation of a meeting notice for the **Owner** to send out, preparation of meeting support materials and preparation of meeting minutes for distribution to committee members (English only).

TASK 3 – ENVIRONMENTAL IMPACT STATEMENT

The **Engineer** shall prepare an EIS in accordance with NEPA and the applicable Code(s) of Federal Regulations. This work authorization shall consist of tasks associated with development of the DEIS only. Tasks required for the FEIS, which would be prepared following the Public Hearing, will be conducted under a separate work authorization (Phase 2).

(a) – Land Use

The **Engineer** shall identify, by use of land use plans, interviews with local planning officials, and windshield surveys, current land uses and any anticipated land changes resulting from the reasonable alternatives. The **Engineer** shall review subdivision plats in addition to any surveys and land use plans.

(b) – Prime and Unique Farmlands

The **Engineer** shall identify farmland impacts in accordance with the Farmland Protection Policy Act (7 USC 4201 et. seq.).

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Work Authorization No. 11 ENV

EXHIBIT "B"

II. *Preliminary* (continued)

The **Engineer** shall utilize Hidalgo County soil maps to identify impacts to potential prime and unique farmland. The **Engineer** shall complete the U.S. Department of Agriculture's Natural Resource Conservation Service (NRCS) Form AD-1006 "Farmland Conversion Impact Rating" for submittal to the NRCS.

If additional coordination with the NRCS is required, such coordination shall be subject to a supplemental work authorization.

Deliverable:

- Completed NRCS Form AD-1006

(c) – Socioeconomics and Environmental Justice

The **Engineer** shall identify and evaluate the social and economic impacts of the project in the vicinity of the reasonable alternatives. Additionally, the **Engineer** shall perform an environmental justice analysis to fulfill the requirements of Executive Order 12898 (on environmental justice).

The **Engineer** shall utilize the United States Census Bureau's Census 2010 and/or Texas State Data Center census data, windshield surveys, map and aerial photographs to determine the potential for social impacts and to identify the racial, ethnic and income level of affected individuals and communities, in order to determine any disproportionate impacts on any minority or low-income individuals or communities.

The **Engineer** shall identify all potential displacements for each reasonable alternative.

The **Engineer** shall assess impacts to economic development resulting from the reasonable alternatives.

(d) – Historic Resources

The **Engineer** shall perform historic resource studies for the reasonable alternatives. Identification, evaluation and documentation tasks shall be completed in accordance with the provisions of the Secretary of the Interior's Standards for identification, evaluation and documentation (48 FR Parts 44716-42). Historic studies shall be performed and documented at sufficient levels to satisfy Texas State Historic Preservation Officer (SHPO) requirements for determining the presence of historically significant properties within the area of potential effects (APE), in accordance with 36 CFR 60 and 13 TAC 26.

Performance of historic studies shall include the following tasks.

1. The **Engineer** will work with agencies and stakeholders to conduct historic constraints studies to identify previously recorded locations of historic properties from SHPO and Hidalgo County Historical Commission databases. The **Engineer** shall conduct a records search including a review of the THC's Historic Sites Atlas to identify and map the locations of previously recorded properties, including National Register of Historic Places (NRHP) properties, Recorded Texas Historic Landmarks (RTHL), Official Texas Historic Markers (OTHM), local historic markers, State Antiquities Landmarks (SAL), and historic cemeteries. The **Engineer** will plot the locations of previously designated historic resources on appropriate maps.
2. The **Engineer** will prepare a research design to establish the APE and limits of the survey area, and submit to and get approved by SHPO. The research design will include a project description,

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"Delta Watershed Project"
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EXHIBIT "B"

II. Preliminary (continued)

proposed APE, historical background and project area characteristics, objectives, preliminary records review, methodology, expected applicable historic contexts, research sources and proposed schedule. As part of the research design the **Engineer** shall conduct a literature review to establish appropriate historical and cultural contexts for the project area, determine information requirements and direct the survey effort.

3. The **Engineer** shall conduct a reconnaissance survey based on the methodology outlined in the approved research design. This task includes pre-field archival examinations of maps and possibly aerial photographs for the presence of historic properties and/or historic-age resources (50 years old or older). Each historic resource (defined in accordance with 36 CFR 60 as a building, structure, object, district or site at least fifty (50) years old at the time of letting) within any parcel wholly or partially contained within the APE shall be documented. The historic resource reconnaissance survey will be conducted for the reasonable alternatives, including identification, evaluation and documentation tasks in accordance with the provisions of the Secretary of the Interior's Standards for the Identification, Evaluation and Documentation (48 FR Parts 44716-42). The **Engineer** shall conduct research visits to Hidalgo County repositories to review other available archival sources and historic maps as a component of the reconnaissance survey.
4. The **Engineer** shall prepare a draft Historic Resource Reconnaissance Survey Report and respond to three (3) sets of review comments (one (1) each from the **Owner**, TWDB and USACE). The **Engineer** will submit one (1) hard copy of the draft Historic Resource Reconnaissance Survey Report to the SHPO for coordination.

Note: If intensive surveys are required they will be conducted under a supplemental agreement.

Deliverable:

- Historic Resource Reconnaissance Survey Report (4 copies)

(e) – Archeological Resources

The **Engineer** shall perform an archeological background study in accordance with the following specifications.

1. The **Engineer** shall review site files at the Texas Archeological Research Laboratory (TARL) and the THC to determine whether previously recorded archeological sites are present in the area to be documented for the EIS. If sites are present, the **Engineer** shall consult relevant site forms and archeological reports to determine the characteristics of the sites. The **Engineer** will make copies of the relevant site forms for inclusion in the Project technical file. The **Engineer** shall produce a clearly reproducible map, based on USGS 7.5' topographic maps, indicating areas where recorded archeological sites are present. Any maps which indicate archeological site locations will be clearly labeled "Not for Public Disclosure."
 - i. The **Engineer** shall review NRCS soil maps, Bureau of Economic Geology (BEG) geological maps, planning documents and USGS topographic maps to determine the general landscape characteristics of the study area with respect to the identification of areas where preservation of archeological sites is unlikely as a result of inappropriate geomorphic conditions for preservation of intact archeological sites. The **Engineer** shall produce a clearly reproducible map, based on

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EXHIBIT "B"

II. *Preliminary* (continued)

USGS 7.5' topographic maps, indicating the areas where preservation of intact archeological deposits is unlikely.

2. The **Engineer** shall identify Native American tribes to be consulted in accordance with 36 CFR 800.
3. The **Engineer** shall perform early coordination with the SHPO. Early coordination shall consist of a request for information concerning the Project. The **Engineer's** request for information shall not initiate formal consultation with the SHPO under section 106 of the National Historic Preservation Act (16 USC §470) or the Antiquities Code of Texas (Title 9, Chapter 191, Texas Natural Resource Code).

Note: Reconnaissance surveys, intensive surveys, or data recovery, if necessary, would be conducted under a supplemental work authorization, if needed.

Deliverable:

- Coordination letters with SHPO

(f) – Water Quality

For each reasonable alternative being considered in the DEIS, the **Engineer** shall determine water quality impacts and whether the proposed project requires a Texas Pollutant Discharge Elimination System (TPDES) permit (40 CFR 122.26).

Note: This task does not include detailed water quality studies or sampling.

(g) – Waters of the U.S., including Wetlands

The **Engineer** shall conduct a preliminary field survey to identify potential wetlands and other waters of the U.S. that would be impacted by the reasonable alternatives. The **Engineer** shall utilize USGS maps, NWI maps, aerial photography, soils surveys, and limited field reconnaissance to document the vegetation, hydrologic features and soils for each potential wetland to assist in the jurisdictional determination of the wetland.

For each reasonable alternative being considered in the DEIS, the **Engineer** shall determine whether the proposed project requires a Section 404 or Section 9/10 permit and shall perform coordination with the USACE. Any required permitting with USACE or the U.S. Coast Guard would be conducted under Phase 3 (separate work authorization) of the project.

(h) – Hydrology and Floodplains

The **Engineer** shall determine whether the Project has the potential to affect floodplains or the hydrology of the watershed. The **Engineer** shall identify the presence and nature (e.g., zone A, zone AE, zone AE with floodway) of any FEMA mapped floodplains, indicate the existence of any significant development associated with the mapped area and the jurisdiction responsible for the floodplain, and assess potential floodplain impacts associated with each of the reasonable alternatives. Studies for floodplain impacts shall fulfill the requirements of Executive Order 11988 and 23 CFR 650, subpart A.

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EXHIBIT "B"

II. *Preliminary* (continued)

(i) – **Vegetation**

The **Engineer** shall evaluate the potential Project impacts of each reasonable alternative on vegetation resources.

The **Engineer** shall provide a general description of the vegetation type as categorized by Texas Parks and Wildlife's (TPWD) "The Vegetation Types of Texas".

The **Engineer** will utilize maps, aerial photographs, and field surveys to provide a detailed description of the vegetation in the vicinity of the reasonable alternatives. The **Engineer** shall identify any unusual vegetation features (e.g., unmaintained vegetation, fencerow vegetation, riparian vegetation) or special habitat features (e.g., resacas, cliffs and bluffs, lomas, native prairies, ponds, seeps or springs, snags, water bodies, and dense thorn brush habitats).

(j) – **Wildlife and Fisheries**

The **Engineer** shall describe the aquatic, wetland, riparian, and upland habitats within the area of the reasonable alternatives, including a general description of vegetation type as described in TPWD's "The Vegetation Types of Texas", a detailed description of unique, special, or unusual vegetation types in the area, and short and long-term impacts to fish and wildlife associated with construction, operation and maintenance of each of the reasonable alternatives.

(k) – **Threatened, Endangered or Other Protected Species**

For the purposes of this contract, protected species shall include:

1. All species listed by the United States Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) as threatened or endangered or proposed for listing as threatened or endangered, or protected (50 CFR 17.11-12) at the time of execution of this work authorization.
2. All species that are candidates for review for listing by USFWS/NMFS as threatened or endangered at the time of execution of this work authorization.
3. Species listed as threatened or endangered species by TPWD at the time of execution of this work authorization.
4. Species protected by the Migratory Bird Treaty Act (50 CFR 10.13).
5. Species protected by the Bald and Golden Eagle Protection Act.

The **Engineer** shall examine existing data to determine the likelihood that protected species, their habitat or designated critical habitat (per 50 CFR 17.94-95) could be impacted by the Project. Existing data shall include the records of the TPWD Natural Diversity Database.

The **Engineer** shall perform an analysis of habitat in the vicinity of the reasonable alternatives. If the **Engineer** encounters protected species or habitat for protected species, the **Engineer** shall notify the **Owner** immediately.

If critical habitat (50 CFR 17.94-95) has been designated for a federally protected species, the **Engineer** shall determine whether critical habitat is present in the vicinity of the reasonable alternatives and whether the Project will affect that critical habitat.

Hidalgo County Drainage District No. 1 / TEDSI Infrastructure Group
"Delta Watershed Project"
Work Authorization No. 11 ENV

EXHIBIT "B"

II. *Preliminary* (continued)

Section 7 consultation with the USFWS/NMFS and a Biological Assessment for threatened and endangered species will be conducted under a supplemental work authorization, if necessary, once additional information on threatened and endangered species in the study area is obtained.

(l) – Hazardous, Toxic and Radioactive Waste

The **Engineer** shall perform an initial site assessment to determine the potential for encountering hazardous, toxic and radioactive materials in the study area, including possible environmental liability, increased handling requirements and costs, and construction worker safety.

The initial site assessment shall be in general accordance with the American Society for Testing and Materials (ASTM) environmental site assessment standard practices (ASTM E 1527 and ASTM E 1528) or equivalent [i.e., satisfies "due diligence" and "appropriate inquiry" requirements under the Comprehensive Environmental Response and Compensation Liability Act (42 USC 9601(35)(B))].

The **Engineer** shall determine the appropriate project-specific level of inquiry for the hazardous, toxic and radioactive materials assessment. Preliminary project design, including excavation requirements, anticipated property acquisition and the demolition or modification of structures, shall be considered in determining the appropriate project-specific level of inquiry. The following components of the initial site assessment shall be reviewed, assessed and/or documented to an appropriate project-specific level:

1. Existing and previous land use information from readily available resources (topographic maps, available aerial photos, and other information identified by the **Engineer**).
2. Initial site/corridor field surveys.
3. Regulatory agency database search and/or review of regulatory agency files.
4. Additional land use information from less readily available resources such as fire insurance maps, deed records, city directories, property tax files and other sources as appropriate for the project.

(m) – Other Environmental Resources

In addition to those tasks previously identified, the **Engineer** shall describe the affected environment and address impacts of the proposed Project on other resources to satisfy state and federal requirements for the DEIS. Resources that will be addressed include soils, geology, transportation network, sensitive noise receptors, sensitive air receptors, visual/aesthetics, climate and recreation.

Note: This task includes preparation of sections of the DEIS to address these resources and does not include separate technical reports.

(n) – Indirect and Cumulative Impacts

The **Engineer** shall identify indirect and cumulative impacts (ICI) to fulfill the requirements of Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR §§1500-1508). The **Engineer** shall conduct a qualitative ICI analysis on (1) those resources which are directly or indirectly impacted by the proposed project and (2) those resources that are currently in poor and/or declining health.

Hidalgo County Drainage District No. 1 / TEDSI Infrastructure Group
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EXHIBIT "B"

II. *Preliminary* (continued)

(o) – **Conceptual Mitigation Plan**

The **Engineer** shall prepare a draft conceptual mitigation plan. The **Engineer** will coordinate with agencies and stakeholders to identify and formulate a large-scale, ecosystem-level approach to mitigation. The large scale, ecosystem-level approach will attempt to identify opportunities to appropriately mitigate for all resources in concert over an area large enough to be of ecological significance, yet remain manageable enough to be feasible and cost effective. The conceptual mitigation plan will identify and address all environmental mitigation needs required by the proposed project. The conceptual mitigation plan will include:

1. An inventory of impacted resources.
2. A quantified estimate of the aerial extent or nature of each of the potential impacts.
3. A summary of the permitting or regulatory requirements governing the resource.
4. Methodology or measures proposed to mitigate for adverse impacts.
5. Funding and maintenance plan for the mitigation measures.
6. A schedule for the implementation, maintenance, and monitoring of the mitigation efforts.

(p) – **DEIS Preparation**

The **Engineer** shall prepare the DEIS (anticipated to be approximately 500 pages, including 40 exhibits) and respond to four (4) sets of sequential review comments (one (1) from the **Owner**, one (1) from TWDB, and two (2) from USACE). The **Engineer** will submit two (2) hard copies and one (1) CD/DVD of the DEIS and comment/response log for each review. Upon approval of the DEIS, five (5) final copies and one (1) CD/DVD of the DEIS will be provided.

(q) – **Circulation/Distribution of Approved DEIS**

Upon each approval of the DEIS, it will be circulated to the cooperating agencies, Hidalgo County, municipalities and public libraries in the study area.

Note: It is anticipated that the Notice of Availability will be published by the USACE. Should this task be required of the **Engineer**, it would be performed under a supplemental work authorization.

Deliverables:

- Fifteen (15) hard copies and five (5) CD/DVDs of the DEIS
- Twenty (20) hard copies and eighty (80) CDs for DEIS circulation

TASK 4 – PUBLIC INVOLVEMENT

The **Engineer** shall conduct and coordinate all public involvement in accordance with NEPA and the applicable Code(s) of Federal Regulations. The **Engineer** shall coordinate with resource agencies, government entities, and private landowners throughout the development of the Project. This will include the following activities:

Hidalgo County Drainage District No. 1 / TEDSI Infrastructure Group
"Delta Watershed Project"
Work Authorization No. 11 ENV

EXHIBIT "B"

II. Preliminary (continued)

(a) – Mailing List

The **Engineer** shall compile, maintain and update a mailing list of people, agencies and organizations interested in the proposed Project. The **Owner** shall provide the **Engineer** with relevant data available to the **Owner**. The mailing list shall be updated prior to each series of public meetings and the public hearing.

Deliverables

- Updated mailing lists (PDF via email) prior to each public meeting/hearing

(b) – Project Newsletters

The **Engineer** shall write, develop, publish and mail up to 3 full-color, bilingual project newsletters (2, 11 x 17 pages maximum, double-sided, bi-fold), with the approval of the **Owner**, to individuals on the project mailing list. The newsletter shall incorporate factual project-related articles, text and graphics as instructed and approved by the **Owner**. The project newsletters shall be used to provide project information updates and announce upcoming meetings and events. A maximum of 1,500 of each project newsletter shall be printed and distributed to project stakeholders, elected officials, and other recipients as directed by the **Owner**.

Deliverables

- Three (3) bilingual newsletters (1,500 copies of each)

(c) – Stakeholder Outreach Support

The proposed Project requires the execution of a strategically designed and proactive outreach effort that shall engage many stakeholders while providing a consistent message to a diverse population. The **Engineer** shall assist the **Owner** with stakeholder outreach, which is designed to:

- Develop informed consent about the Project, the **Owner's** role in the Project, and the project development process with key communities
- Measure the current public understanding and knowledge of the Project
- Discover, document, and integrate (if possible) community comments
- Provide opportunities for interactive and frequent participation throughout the project development process
- Support and reinforce the NEPA process
- Provide an opportunity for close interaction between Project team, the **Owner**, and communities
- Provide an opportunity to gather more detailed information for indirect and cumulative impacts analysis for the EIS

The **Engineer** shall assist with outreach strategy; attend meetings, as requested; provide talking points and meeting materials, as requested; and assist with meeting summary preparation and documentation. For purposes of scoping, the **Engineer** shall prepare for and attend 5 meetings or presentations; the **Engineer** shall provide 1 person for each meeting.

Deliverables

- Meeting summary (PDF via email)

Hidalgo County Drainage District No. 1 / TEDSI Infrastructure Group
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EXHIBIT "B"

II. *Preliminary* (continued)

(d) – Public Meetings

The **Engineer** shall plan, develop, and manage three series of public meetings to be held in two locations (6 public meetings total). Each public meeting shall be held in open house format for approximately 4 hours. Each meeting shall be coordinated and held in accordance with the following:

1. The **Engineer** shall secure the location, date, and time for the public meeting, this will include securing any necessary audio and video equipment or rentals. In the interest of community outreach and cost, the **Engineer** should ideally pursue non-commercial, community sites when possible. The **Engineer** shall reserve and secure a Spanish interpreter and a court reporter.
2. The **Engineer** shall prepare and coordinate publication of legal notices for the public meeting. The legal notices shall be published in 2 local newspapers in English and Spanish. The **Engineer** shall be responsible for payment of newspaper ad publications (2 publications per meeting for a total of 12 publications).
3. A meeting invitation letter to Elected Officials shall also be prepared and mailed by the **Engineer** (approximately 30 letters). The **Engineer** shall be responsible for all postage for these notices.
4. The **Engineer** shall prepare and print up to 1,500 bilingual postcards (4 in. x 6 in.) for distribution to the contacts on the mailing list. The **Engineer** shall be responsible for all postage for the postcards.
5. The **Engineer** shall prepare agendas, name tags, sign-in sheets, comment cards, and handouts. Up to 15 different designs (bilingual) and up to 15 exhibit boards shall be prepared by the **Engineer**. All materials shall be prepared in both English and Spanish.
6. The **Engineer** shall arrange and attend up to two (2) pre-meetings with the Owner to review all exhibits and other materials to be used at the meeting. Up to two (2) project team members may be required to attend each pre-meeting.
7. The **Engineer** shall provide up to five (5) personnel to staff the meeting, including people to perform registration, make presentations, and answer questions.
8. The **Engineer** shall compile comments received into a comment and response matrix for inclusion in the Public Meeting Summary Report. The **Engineer** shall prepare responses to each comment received for review by the **Owner**. It is estimated that approximately 100 comments shall be addressed.
9. The **Engineer** shall develop and submit to the **Owner** a Public Meeting Summary Report that documents the activities of the meeting conducted. This report shall contain the outreach, notifications, and contacts conducted prior to the meeting; the meeting details such as presentations, attendance, and pertinent details regarding the meeting; and a comment and response section that documents comments received before, during and after the meeting, and a response to each. This Public Meeting Summary Report shall be sufficiently detailed to provide a full record of questions asked, issues and concerns raised, and responses given prior to, during and after the meeting.

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"Delta Watershed Project"
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EXHIBIT "B"

II. *Preliminary* (continued)

Deliverables

- Legal Notice and Elected Official letter
- Public meeting materials (agendas, name tags, sign-in sheets, comment cards, and handouts, 15 design boards, and 15 exhibit boards)
- Bilingual postcards (1,500 total)
- Public Meeting Summary Report (4 hard copies and 1 CD)

(e) – Public Hearing

The **Engineer** shall make all arrangements for one (1) public hearing. The public hearing shall be coordinated and held in accordance with the following:

1. The **Engineer** shall secure the location, date and time (includes securing any necessary equipment rental, etc.). In the interest of the community outreach and cost, the **Engineer** should ideally pursue non-commercial, community sites when possible. The **Engineer** shall reserve (finance) a Spanish interpreter, audio/video equipment (projector, screen, plasma (if needed for simulation), microphones, etc.) podium, etc. (if needed). The **Engineer** shall reserve a court reporter.
2. The **Engineer** shall prepare and coordinate publication of legal notices for the public hearing. The legal notices shall be published in 2 local newspapers in English and Spanish. The **Engineer** shall be responsible for payment of newspaper ad publications (a total of 2 publications).
3. A meeting invitation letter to Elected Officials shall also be prepared and mailed by the **Engineer** (approximately 30 letters). The **Engineer** shall be responsible for all postage for these notices.
4. The **Engineer** shall prepare and print up to 1,500 bilingual postcards (4 in. x 6 in.) for distribution to the contacts on the mailing list. The **Engineer** shall be responsible for all postage for the postcards.
5. The **Engineer** shall prepare agendas, name tags, sign-in sheets, comment cards, handouts, and a PowerPoint presentation with accompanying speech. Up to 15 different designs (bilingual) and up to 15 exhibit boards shall be prepared by the Engineer. All materials shall be prepared in both English and Spanish.
6. The **Engineer** shall arrange and attend up to two (2) pre-meetings with the Owner to review all exhibits and other materials to be used at the public hearing. Up to two (2) project team members may be required to attend each pre-meeting.
7. The **Engineer** shall provide up to five (5) personnel to staff the hearing, including people to perform registration, make presentations, and answer questions.
8. The **Engineer** shall compile comments received into a comment and response matrix for inclusion in the Public Hearing Summary Report. The **Engineer** shall prepare responses to each comment received for review by the **Owner**. It is estimated that approximately 200 comments shall be addressed.
9. The **Engineer** shall develop and submit to the **Owner** a Public Hearing Summary Report that documents the activities of the hearing conducted. This report shall contain the outreach, notifications, and contacts conducted prior to the hearing; the meeting details such as presentations, attendance, and pertinent details

Hidalgo County Drainage District No. 1 / TEDSI Infrastructure Group
"Delta Watershed Project"
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EXHIBIT "B"

II. *Preliminary* (continued)

regarding the hearing; and a comment and response section that documents comments received before, during and after the meeting, and a response to each. This Public Hearing Summary Report shall be sufficiently detailed to provide a full record of questions asked, issues and concerns raised, and responses given prior to, during and after the hearing.

Deliverables

- Legal Notice and Elected Official letter
- Public hearing materials (agendas, name tags, sign-in sheets, comment cards, and handouts, PowerPoint presentation with accompanying speech, 15 design boards, and 15 exhibit boards)
- Bilingual postcards (1,500 total)
- Public Hearing Summary Report(4 hard copies and 1 CD)
- Acknowledgement letters

ADDITIONAL SERVICES

The following services are not included in the scope of services for this Work Authorization and will be considered Additional Services:

- Record of Non-applicability for Clean Air Act Conformity
- Biological Assessment/Biological Evaluation
- Section 7 consultation
- Marine Mammal Protection Act coordination
- Water Quality studies or sampling
- USACE Section 10/404 Individual Permit or Nationwide Permit Preconstruction Notification
- U.S. Coast Guard Section 9 Permit
- Phase I or II Environmental Site Assessment or Phase III Remediation
- Archeological reconnaissance surveys, intensive surveys, or data recovery
- Historic resources intensive surveys

Hidalgo County Drainage District No. 1 / TEDSI Infrastructure Group
"Delta Watershed Project"
Work Authorization No. 11 ENV

EXHIBIT "B"

EXHIBIT "F"

SUPPLEMENTAL AGREEMENT NO. 1
TO WORK AUTHORIZATION NO. 12

THIS SUPPLEMENTAL AGREEMENT No. 1 is made pursuant to the terms and conditions of Work Authorization No. 12 made by and between Hidalgo County Drainage District No. 1, hereinafter called the "Owner", and TEDSI Infrastructure Group, Inc. hereinafter call the "Engineer".

WITNESSETH

WHEREAS, the Owner and the Engineer executed Work Authorization No. 12 on the 15th day of October, 2013 concerning the Legal Rights Services required to facilitate the Lower Rio Grande Valley Regional Water Management Program identified in the 2012 HCDD # 1 Bond Referendum.

WHEREAS, it has become necessary to amend Work Authorization No. 12 to delete Exhibit "D" in its entirety and replace with a new Revised Exhibit "D" dated 4/01/14 and to delete existing Exhibit "B" in its entirety and replace with revised Exhibit "B"

A. AGREEMENT

NOW THEREFORE, premises considered, the Owner and the Engineer agree that said Work Authorization No. 12 is amended as follows:

- I. To delete existing Exhibit "D" in its entirety and replace with a revised Exhibit "D" dated 4/01/14. All fees and costs remain the same.
- II. To delete existing Exhibit "B" in its entirety and replace with revised Exhibit "B"

All other provisions are unchanged and remain in full force and effect.

IN WITNESS WHEREOF, the Engineer and the Owner have caused this Supplemental Agreement No. 1 to Work Authorization No. 12 for Professional Services to be executed as of the ___ day of April, 2014.

ENGINEER:

TEDSI Infrastructure Group, Inc.

OWNER:

Hidalgo County Drainage District No. 1

BY: _____

Jesse Salinas, President / CEO

BY: _____

Ramon Garcia, Chairman

ATTACHMENTS:

Revised EXHIBIT D -Not to Exceed Fee Proposal

Revised EXHIBIT B

Attest as to form:

Atlas, Hall & Rodriguez, L.L.P.

By: Stephen L. Crain

Revised
EXHIBIT "B"
Services to be Provided by the Engineer

Work Authorization No. 12

INDEX

CLASSIFICATION OF SERVICES (*Basic or Special*)

EXPANDED DESCRIPTION OF SERVICES:

I. PRELIMINARY PROJECT PLANNING & DEVELOPMENT

(1) **Water Rights Attorney**

CLASSIFICATION OF SERVICES. In accordance with Article 2.2 of this Agreement, the services to be provided by the **Engineer** shall be classified as either *Basic Services* or *Special Services*. The expanded descriptions of the services identified later in this exhibit and to be provided by the **Engineer** are classified as follows:

Management:

I. Preliminary Engineering

(1) Water Rights Attorney

Special

EXPANDED DESCRIPTIONS OF SERVICES. The expanded descriptions of the services to be provided by the Engineer are described on the following pages.

Hidalgo County Drainage District No. 1 / TEDSI Infrastructure Group
"Regional Watershed Project"
Work Authorization No. 12

EXHIBIT "B"

I. PRELIMINARY PROJECT PLANNING & DEVELOPMENT

In general, this will include all *engineering* activities required for the **Advance Project Development**. Primarily, this will involve the research and coordination for the social, economic and environmental impacts, public involvement and preliminary field/reconn/surveying / aerial photography of the **Project**. A summary of the *engineering* activities to be provided by the **Engineer** are listed below. The actual contractual services will be identified in each work authorization as outlined in Article 7.

The general Engineering Consultant shall provide Engineering Support Services to the Legal Subconsultant to assist in preparing engineering maps, water accessibility model, engineering reports and assisting with various engineering matters with TCEQ, TWDB and Region M as required.

(1) Water Rights Attorney

The Engineer shall provide and retain the services of an attorney registered with the State Bar of Texas with professional experience in Texas Law of Water Rights. The attorney retained will provide consultation on applicable State Law regarding water rights and other services as required by Hidalgo County Drainage District No. 1.

The Engineer's legal attorney's shall provide legal analysis and recommendations to the Engineer and HCDD #1 regarding legality of implementing proposed engineering solutions for the Project and regarding any legal impediments to achieving the goals of the Project. Those analyses could include, but are not limited to the following:

- Provide assistance to Engineer in acquiring adjudication exemption to recapture raw water consisting of surface water, irrigation runoff and rainwater associated with the project;
- Provide clarification to Engineer of existing laws to enable HCDD#1 to distribute and sell raw water recaptured to Irrigation Districts & Municipalities;
- Evaluating the current State Water Plan Region M & providing assistance in getting the project added to the current Region M Water Plan;
- Provide assistance to Engineer with clarifications on any roadblocks for permits from TCEQ (if required)
- Provide assistance to Engineer and HCDD#1 on future legal action & legislation required to facilitate approval of the project;
- Assessing the various legal implications of acquiring land for drainage and flood control purposes and for water storage, including above-ground reservoirs and below-ground aquifer storage and recover facilities, treatment, and delivery purposes;
- Evaluating the District's authority to implement any or all of the proposed engineering solutions, and using and selling water and evaluate options.
- Evaluating plans developed for collateral use of facilities that may have economic development implications for the District or surrounding landowners (e.g. extent to which District can make such usage incidental to creation of the main elements of the project, authority to take property to accomplish such purposes, etc);
- Advising the District on legal questions related to funding facilities for economic development purposes (e.g. private activity use arising from water sales or other use of facilities);

Hidalgo County Drainage District No. 1 / TEDSI Infrastructure Group
"Regional Watershed Project"
Work Authorization No. 12

EXHIBIT "B"

- Evaluating the State Water Plan and, if necessary, assisting client in efforts to amend the plan to include water right and sale of water as a strategy.
- Assisting client in obtain state water, including assisting in application developments and TCEQ coordination, and providing legal representation in any contested case regarding the water rights applications.
- Evaluating environmental permitting requirements for the project, and assisting in application development and agency coordination, and providing legal representation any public hearing or case regarding the application.

Hidalgo County Drainage District No. 1 / TEDSI Infrastructure Group
"Regional Watershed Project"
Work Authorization No. 12

EXHIBIT "B"

WORK AUTHORIZATION #12
EXHIBIT D (REVISED 04/01/14)
DELTA AREA WATERSHED
ESTIMATED COST PROPOSAL
LABOR COSTS

TASK DESCRIPTION	Principal Engineer (QA/QC)	Project Manager (VII)	Sr. Engineer (V)	Project Engineer (III)	Project Engineer (II)	Project Engineer (I)	Engr. In Training (E.I.T)	Sr. Engr. Designer	BHDA Sr. Partner	BHDA & BBS Partner	BHDA & BBS Associate	BHDA & BBS Paralegal	GIS System Manager	IT System Manager	Project Admin.	Assistant Admin.	EST. HOURS	EST. COST
		M. Lopher					S. Deleon		D. Mendez	Eddie Lucio Emily Rogers								
Contract Rate	\$266.62	\$232.61	\$187.37	\$159.15	\$144.56	\$127.75	\$122.87	\$117.57	\$350.00	\$300.00	\$250.00	\$100.00	\$175.00	\$180.00	\$178.37	\$73.13		
II. PRELIMINARY PROJECT PLANNING AND DEVELOPMENT																		
(5) Legal Services Support		71					24						20		18	40	173	\$29,063.14
(6) Legal- Water Law / Region M Sub Consultant (see attached Fee) BBS,PC										180	144							\$90,000.00
(7) Legal Agency Sub Consultants (see attached Fee) BHDA, LLP									44	166		2						\$65,400.00
SUB TOTAL II - ATTORNEY WORK	0	71	0	0	0	0	24	0	44	346	144	2	20	0	18	40	173	\$184,463.14
Additional services Expenses																		\$22,000.00
TOTAL II- ATTORNEY WORK	0	71	0	0	0	0	24	0	44	346	144	2	20	0	18	40	173	\$206,463.14

AI-43932

6. C.

DRAINAGE DISTRICT

Meeting Date: 04/08/2014

Submitted By: Monica Badillo, EXECUTIVE
OFFICE

Department: EXECUTIVE OFFICE

Information

CAPTION

Claim of Dannenbaum Engineering

BACKGROUND

Form Review

Inbox	Reviewed By	Date
Budget & Management	Debbie Tamez	04/04/2014 07:52 AM
Final Approval	Monica Badillo	04/04/2014 03:53 PM
Form Started By: Monica Badillo		Started On: 04/03/2014 03:54 PM
	Final Approval Date: 04/04/2014	

AI-43933

7. C.

DRAINAGE DISTRICT

Meeting Date: 04/08/2014

Submitted By: Monica Badillo, EXECUTIVE
OFFICE

Department: EXECUTIVE OFFICE

Information

CAPTION

Claim of Dannenbaum Engineering

BACKGROUND

Form Review

Inbox	Reviewed By	Date
Budget & Management	Debbie Tamez	04/04/2014 08:10 AM
Final Approval	Monica Badillo	04/04/2014 03:53 PM
Form Started By: Monica Badillo		Started On: 04/03/2014 03:55 PM
	Final Approval Date: 04/04/2014	