

**MEETING OF THE BOARD OF DIRECTORS  
PLUM CREEK CONSERVATION DISTRICT  
LOCKHART, TEXAS 78644  
October 18th, 2022**

Notices of this regular meeting were posted in the Caldwell and Hays County Courthouses at least 72 hours prior to the meeting. Receipts of the notices are on file in the office of Plum Creek Conservation District.

Checks were reviewed and signed just prior to the call to order by Treasurer/Secretary, Mrs. Lucy Knight.

1:00 PM The meeting/hearing was called to order by President of the Board, James Holt, with the following Board members present: Peter Reinecke (Vice President), Lucy Knight (Secretary/Treasurer), Fred Rothert (Director) and Tom Owen (Director). Also present were PCCD Attorney Bob Wilson, PCCD Geologist Feathergail Wilson, and PCCD staff members Daniel Meyer, Nora Lopez-Castillo, Alan Burklund, and Robert Barron. Mr. John Doyal was in attendance. The minutes were transcribed by Nora Lopez-Castillo.

1:00 PM President Holt requested public comments. There were no public comments.

1:01 PM President Holt requested motions or comments regarding the minutes of the Tax Rate Hearings held on September 15<sup>th</sup>, 2022. Mrs. Lucy Knight made a motion that the minutes of the Tax Rate Hearings held on September 15<sup>th</sup>, 2022, be accepted as mailed out. Mr. Tom Owen provided the second and the motion was approved unanimously.

1:02 PM President Holt requested motions or comments regarding the minutes of the regularly scheduled meeting held on September 20<sup>th</sup>, 2022. Mrs. Lucy Knight made a motion that the minutes of the regularly scheduled meeting held on September 20<sup>th</sup>, 2022, be accepted as mailed out. Mr. Fred Rothert provided the second and the motion was approved unanimously.

1:02 PM President Holt asked if there was any unfinished business that required the Board of Directors' attention. Mr. Meyer stated that there was no unfinished business.

1:03 PM President Holt requested discussion of agenda item VI regarding the Caldwell-Travis Soil & Water Conservation District's yearly contribution request in the amount of \$6000.00. President Holt asked Mr. Meyer if this was the same amount PCCD had contributed last year. Mr. Meyer stated it was. Mrs. Lucy Knight made a motion to approve the contribution request. Mr. Fred Rothert provided the second and the motion was approved unanimously.

1:04 PM President Holt requested discussion of agenda item VII regarding possibly approving the GMA-13 Interlocal Agreement. Mr. Meyer reminded the Board that this agenda item had been on the September 2022 meeting agenda. At the September 2022 meeting, the Board requested that Mr. Bob Wilson discuss his concerns regarding the agreement with some of the attorneys that had worked on drafting this agreement. Mr. Wilson did this and also spoke to Kelly Cochran, the Coordinator for GMA-13 about possible changes. Mr. Meyer stated that Mr. Bob Wilson informed him that the best route for PCCD to take would be to address these changes via a PCCD Resolution that would be attached to the executed Interlocal Agreement. Mr. Wilson drafted this Resolution, which included that GMA-13 provide an annual budget of anticipated expenditures, any studies performed by experts shall state that they are being performed for all GMA-13 members, any funds paid to experts are to be used

solely for the studies under the Agreement's terms, not for uses for any particular District, annual report to parties of all expenditures and balances in any funds maintained by the Funds Manager, and amendments during the term of the Agreement may be considered if the parties signing the Agreement conclude that any amendments are necessary and shall be effective once approved and signed by all current parties to be effective. Mr. Bob Wilson answered several questions from the Board regarding Desired Future Conditions, limits on the costs of the studies that may be performed, and PCCD's ability to withdraw from the Agreement in the future. Mrs. Lucy Knight made a motion to approve the Resolution, which included signing the GMA-13 Interlocal Agreement. Mr. Fred Rothert provided the second and the motion was approved unanimously.

1:14 PM

President Holt requested discussion of agenda item VIII regarding the Operations and Maintenance (O&M) Agreement and Land Rights requirements for the rehabilitation of Site 28. Mr. Meyer reminded the Board that this agenda item had also been on the September 2022 meeting agenda. At the September 2022 meeting, the Board recommended that Mr. Bob Wilson draft a letter to National Resources Conservation Service (NRCS) outlining PCCD's concerns about general easements, land rights, and the metes and bounds requirement. Mr. Bob Wilson drafted a letter but addressed it to Mr. Daniel Meyer so that Mr. Meyer could advise the Board on his thoughts regarding the O&M Agreement and Land Rights requirements as set out by NRCS. Mr. Bob Wilson explained that the concerns addressed in the letter included the two other districts being named in the Agreement, but not being named in the easement, concerns regarding the purpose of easements and the unintended consequences of general easements versus the limitations of a metes and bounds easement, the cost of a survey for the metes and bounds description, concerns regarding flood events, need for site relocations, and authority to prevent the building of structures that could affect PCCD's ability to perform O&M of the dam, and possible conflicts between state and federal requirements regarding flood events. The Board requested that Mr. Meyer send a letter to NRCS.

1:27 PM

President Holt requested discussion of agenda item IX regarding a request from Mr. John Doyal to release the flood easement on 10.01 acres (Calvillo Subdivision) for Site 14. Daniel Meyer explained that Mr. Doyal was representing the landowners in this request. Mr. Meyer presented the Board with maps of the two five-acre tracts as well as several lines on the maps representing different elevations. One line represented PCCD's "general" easement elevation of 538 feet Above Mean Sea Level (AMSL), which is two feet above the auxiliary spillway crest. The second line represented the *effective top of the dam* at 542.3 ft. AMSL and the third line represented the actual top of the dam at 543.9 AMSL. Mr. Meyer pointed out that a small portion of one of the five-acre tracts was within our "general" easement elevation. Mr. Meyer stated that Mr. Doyal had given him a copy of the plat subdivision, which Mr. Meyer overlaid onto PCCD's map. There were slight discrepancies in the elevations. Mr. Meyer recommended that before the Board makes a decision to release the entire property, a survey to check the elevations for accuracy should be conducted. Mr. John Doyal then addressed the Board. Mr. Doyal indicated he was requesting a portion of each of the two lots above the 543 ft. AMSL be released. Mr. Doyal stated that a FEMA map showed that the area was not in the flood plain and, if his request was approved, that ingress/ egress access would be granted to PCCD. President Holt asked for Mr. Bob Wilson's opinion who stated that PCCD has released portions of easements in the past with a notice to the landowner indicating that the dam is there and

even though the easement has been released, water might still flow onto the property. Mr. Wilson stated the owners would need to sign a release that they would not sue PCCD if this should happen. Mr. Daniel Meyer informed the Board that Site 14 is slated for a state rehabilitation project and is currently in the design phase. President Holt stated that before a final decision could be made it would be advisable to wait until NRCS has completed their design. Mrs. Lucy Knight also pointed out that the maps show the owners have sufficient room to build on the property without PCCD releasing their easement. Mr. Bob Wilson stated, if directed by the Board, he would be able to draft a document that would allow for this release. Mr. Tom Owen made a motion for Mr. Bob Wilson to write a draft of the release including those areas above 547 feet AMSL elevation (three feet above the dam) as well as the stipulation regarding releasing PCCD of any liability. President Holt brought up his concerns regarding a release between easements in relation to the surrounding properties. Mrs. Lucy Knight provided the second; Mr. Reinecke opposed the motion; the motion was approved.

1:50 PM President Holt requested discussion of agenda item X regarding PCCD's Quarterly Investment Report. Mrs. Knight stated that the report had been received, reviewed, and signed.

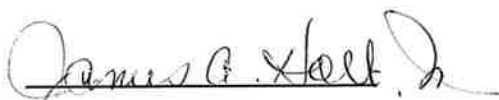
1:51 PM President Holt requested a report from the PCCD Geologist, Mr. Feathergail Wilson. Mr. Feathergail Wilson presented a slideshow on fundamental geology in Caldwell County including how previous volcanoes created rock and clay in this area. Mr. Feathergail Wilson discussed Saltworks, a company that provides desalination services, performs lithium extraction and refining to convert low-grade lithium sources to battery grade products. Mr. Feathergail Wilson also presented a slide showing the locations of numerous salt-water disposal (SWD) wells being considered as mineral resources and fresh irrigation and municipal sources in the Delaware and Permian Basin area. Mr. Feathergail Wilson also provided an update on the Alliance Regional Water Authority monitoring wells and stated that negotiations continue and are going well. Mr. Daniel Meyer stated that ARWA had forwarded the quotes received from four drilling companies.

2:25 PM President Holt requested a report from the NRCS' District Conservationist, Mr. Jeremy Hasty. Mr. Hasty was not in attendance.

2:25 PM President Holt requested a report from the PCCD Executive Manager, Mr. Daniel Meyer. Mr. Meyer reported that PCCD has been receiving an increased number of requests from landowners for obtaining water levels. Mr. Meyer gave an update on the Site 2 state upgrade project, specifically the V-notch work. Mr. Meyer stated that Jean Ann Maynard, PCCD Contracting Consultant, noticed that some of the material that the contractor had been placing in this area was not from the designated source (which had been designated as the borrow area). Mr. Meyer issued a suspend work order so that the material that had been placed could be tested to ensure it met the required specifications. The contractor did not agree with this decision. PCCD had several meetings with the engineers and came up with a compromise in the form of a modification. This modification was sent to the contractor, who rejected the modification, refused to sign the modification, and verbally stated that they would file a claim against the District. Mr. Meyer then consulted Mr. Bob Wilson. PCCD again held meetings with the engineers, which resulted in a second modification being created that would allow the contractor to use material from the undesignated area if it was tested and met the specifications. The contractor refused to sign this modification. Mr. Meyer issued

a Change Order, which gives the Contracting Officer the authority to make the change automatically without the contractor's consent. The contractor acknowledged receipt of this order. Mr. Meyer gave an update on Site 10, providing slides with photos of the riser, cofferdam excavation, and lime-mixing material work. Mr. Meyer gave an update on Site 21 specifically that the contractor was having issues ordering pipe for the principal spillway and showed slides of V-cut completion and the area where the riser, pipe, and outlet channel would be installed. Mr. Meyer gave an update on Site 17, stating that NRCS had performed an inspection in 2020 and due to wave bite erosion, NRCS recommended that PCCD repair the dam by placing riprap below the dam. Mr. Meyer asked the Board if they wanted PCCD to submit an Emergency Watershed Protection (EWP) request to NRCS for this repair project. The Board requested that Mr. Meyer submit the request. Mr. Meyer informed the board that PCCD's new staff member, Robert Barron, has been working on HEC-RAS modeling, which is the program that does the breach analyses for PCCD's dams. Mr. Meyer explained that every Emergency Action Plan must have inundation maps that are based off a breach analysis. Texas Commission on Environmental Quality (TCEQ) previously reviewed PCCD's breach analyses and determined that they were not up to TCEQ standards and recommended changes. Mr. Meyer then gave an update on Site 12. Mr. Meyer reminded the Board that D. R. Horton had previously approached to the Board about their development, which included a request to approve a force main through PCCD's easement. PCCD had sent this request to NRCS for review. NRCS had recommended in the review procedures to install this force main and encapsulate this pipe. The Board had approved a motion that this request be approved as long as the appropriate state regulations were followed. Because the force main pipe was within 200 feet of the dam, Mr. Meyer had sent this information to TCEQ for review. TCEQ had reviewed the request and replied with a letter, which stated that the evaluation was acceptable. Mr. Meyer reminded the Board that PCCD would be holding a hearing for the Proposed Mitigation Plan Rules and Proposed Easement Use Rules on November 1<sup>st</sup>, 2022, at 1:00 PM. Mr. Meyer informed the Board that Nora Lopez-Castillo has been working on PCCD's Record Retention Policy and Retention Schedule and the plan is to present the Board with recommendations in the coming months.

- 2:45 PM President Holt requested a report from PCCD's Attorney, Bob Wilson. Mr. Bob Wilson informed the Board that he was contacted by a woman, Maureen Regan, who had filled out an Aqua Water Supply Corporation (AWSC) application for standard service to supply water to her house. AWSC told her the cost would be over \$800,000. Mr. Bob Wilson wanted to pass this information along to demonstrate the difficulty of providing water to certain areas and the impact it may have on real estate in the PCCD area.
- 2:58 PM No Executive Session held.
- 2:58 PM President Holt requested public comments. There were no public comments.
- 2:58 PM Mrs. Lucy Knight made a motion to adjourn. Mr. Fred Rothert provided the second and the motion to adjourn passed unanimously.

  
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 President

  
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 Vice-President