

MEETING OF THE BOARD OF DIRECTORS
PLUM CREEK CONSERVATION DISTRICT
LOCKHART, TEXAS 78644
April 18th, 2023

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 Rotherth (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, and Alan Burklund. The minutes were transcribed by Nora Lopez-Castillo.

1:00 PM President Holt requested public comments. Public comments were made during discussion of specific agenda items.

1:00 PM President Holt requested motions or comments regarding the minutes of the regularly scheduled meeting held on March 21st, 2023. Mrs. Lucy Knight made a motion that the minutes of the regularly scheduled meeting held on March 21st, 2023, be accepted as mailed out. Mr. Peter Reinecke provided the second and the motion was approved unanimously.

1:01 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.

1:01 PM President Holt requested discussion of agenda item V regarding the PCCD Quarterly Investment Report. Mrs. Knight stated that the interest rates were increasing slightly and that PCCD had two Certificates of Deposits (CDs) with renewal dates in May 2023. She stated these CDs should renew with higher interest rates. Mrs. Knight stated the quarterly report had been received, reviewed, and signed.

1:03 PM President Holt requested discussion of agenda item VI regarding contracting with Performance Plus for the inspection and exercising of PCCD's principal spillway risers. Mr. Meyer stated that because three of PCCD's 28 dams are being rehabilitated, only 25 dams need inspection. Mr. Meyer reached out to Performance Plus, the contractor who performed this service before, and was informed that the cost would be \$250 per dam site for a total of \$6250.00. Mr. Meyer mentioned that during these inspections, the contractor will notify PCCD if any additional repairs are needed. Mrs. Lucy Knight made a motion that PCCD employ Performance Plus to inspect the dams and the risers. Mr. Peter Reinecke provided the second and the motion was approved unanimously.

1:05 PM President Holt requested discussion of agenda item VII regarding a request from Harmony Desalting concerning a desalination project. Mr. Meyer introduced Mr. Quantum Wei of Harmony Desalting to the Board. Mr. Meyer stated that in 2013, PCCD granted a test well permit to drill into the Saline Edwards/Brackish (Trinity Formation) with Walton. As part of this test well, Walton was investigating some of their desalination technology. Mr. Meyer also

stated that in 2018, PCCD revised their management rules, which added researching and incentivizing alternative groundwater resources. Mr. Meyer stated that Dr. Wei performed research in desalination and had applied to the Department of Energy for grant funding to be able to conduct further research. Dr. Wei gave a detailed discussion on the scope of his research plan, which is “economical re-use of produced water with membrane processes.” Dr. Wei was seeking the Board’s approval to host a pilot host site and 20% cost sharing. After an extensive discussion, it was decided that Mr. Meyer and Dr. Wei should continue to discuss the details of this plan and present this information to the Board before a decision was made regarding this project.

1:37 PM President Holt requested discussion of agenda item VIII regarding an amendment to the Plum Creek Watershed Partnership Interlocal Agreement (ILA). Mr. Meyer stated that in December of 2022, he had received an email from GBRA regarding revising the ILA. The primary reasons for the revision were to remove language referencing a proposed pilot project and to make the “ground rules” a separate document for the steering committee to utilize. These revisions were made. Mrs. Knight made a motion that the amended agreement be signed by Mr. Holt. Mr. Tom Own provided the second and the motion was approved unanimously.

1:44 PM President Holt requested discussion of agenda item IX regarding an easement restatement for two 5-acre tracts (Calvillo Subd.) for Site 14. Mr. Meyer stated no action on this agenda item could be taken as PCCD had not received documentation from Mr. John Doyal indicating he could act on behalf of the current property owners.

1:46 PM President Holt requested discussion of agenda item X regarding a request from Claudia Rocha, with the City of Kyle concerning Site 2. Mr. Meyer introduced Ms. Rocha, Special Events Manager. Ms. Rocha stated that before the City of Kyle knew the rehabilitation project would be delayed, they approved and accepted an invitation to host the “The Wall That Heals,” a replica of the Vietnam Memorial. Ms. Rocha informed the Board that as part of this host agreement, the City of Kyle agreed there would be no activity performed in and around the area where the wall was to be placed. The City of Kyle requested that no construction work be done starting at 2:00 PM on May 3rd, 2023, until May 7th, 2023, at 2:00 PM. Ms. Rocha stated that the wall would be open to the public 24/7 during this time. While sympathetic to the city’s request, Mr. Meyer and the Board expressed the issues associated with such a request including PCCD’s contractual and financial obligations to the rehabilitation project contractor and the Texas State Soil and Water Conservation Board. The Board requested that Mr. Meyer send a letter to the contractor asking for their cooperation in voluntarily not working and/or scheduling activities that were less visible/noisy during this time.

2:02 PM President Holt requested discussion of agenda item XI regarding a request from Site 17 easement landowners. Mr. Meyer introduced Nick Cole and Anne Cole Pierce to the Board. The landowners have concerns because the basin has silted in. Mr. Cole stated that cracks were found in the structure and the drain was not operational. Mr. Cole stated another concern was the dense vegetation that grows and ultimately blocks the plug during a rain event. Mr. Cole stated that due to the development occurring upstream, the additional waterflow and the speed at which the water will be going into this area will drastically increase. Mr. Cole was also concerned that there was a possibility of a sewer plant discharging its effluent into Cowpen Creek. Mr.

Cole requested that when the dam is scheduled to be rehabilitated, he wanted 50 feet of excavation to create a defined edge. The landowners also requested that the area be desilted, and the dam be fixed to function as a high-hazard dam. Mr. Meyer stated the dams were designed to sediment in. Mr. Meyer stated that if silting occurred past the dam's designated sediment elevation, then the dam might not be able to function properly. Mr. Meyer stated that the dam is on the list to be rehabilitated, but the District has not been notified by National Resources Conservation Service (NRCS) when this is scheduled to occur. Mr. Bob Wilson stated that PCCD cannot prevent the Texas Commission on Environmental Quality (TCEQ) from issuing a discharge permit into a natural stream. Mr. Bob Wilson suggested that the landowners attend the TCEQ hearing for the discharge permit and present their concerns to TCEQ. Regarding desilting, Mr. Bob Wilson stated that PCCD has completed surveys of the sedimentation in the dam lakes and each survey concluded that the sedimentation is less than the original predicted rates of sedimentation. Mr. Meyer stated he had sent an email asking NRCS about performing a sedimentation survey along with questions about desilting, dredging, and excavating. Mr. Meyer stated he had not received a response. The Board asked Mr. Meyer to follow up with NRCS and to inquire on a possible date for a rehabilitation project.

2:43 PM

President Holt requested discussion of agenda item XII regarding a Property Access Use Agreement for the drilling of a Wilcox monitoring well. Mr. Meyer stated that Mr. Tom Owen suggested a revised location, which was across from a power pole and includes an access road that would be accessible year-round. Per the Board's request, Mr. Meyer researched estimated costs for drilling a 600-foot monitoring well, which varied from \$40 to \$110 a foot. Mr. Meyer stated additional costs would be needed for fencing, well monitoring equipment, and power costs. Mr. Peter Reinecke made a motion that PCCD allocate up to \$100,000 for a Wilcox monitoring well, fencing, well monitoring equipment, and power costs and enter into the agreement with Mr. Owen. Mrs. Knight provided the second and the motion was approved unanimously. Mr. Tom Owen abstained from voting.

2:52 PM

President Holt requested discussion of agenda item XIII regarding quotes received for the construction of a driveway entrance at Site 14. Mr. Meyer stated that PCCD shifted the entrance at Site 14 due to a change in ownership of the land.. Mr. Meyer stated that FM 2001 is a TxDot road, so an entrance permit was required, which PCCD had submitted. TxDot provided the required specifications and approval for the entrance. These specifications were sent to various contractors for bids. Mr. Meyer stated two bids were received. President Holt then announced the bid amounts with Graham Enterprises at eleven thousand dollars and zero cents (\$11,000.00), but if water and compaction were desired, there would be an additional charge of two thousand dollars and zero cents (\$2,000.00) for a potential total of thirteen thousand dollars and zero cents (\$13,000.00). Mr. Holt then announced the bid from Sexton, Inc. at seven thousand six hundred and eighty-six dollars and zero cents (\$7,686.00). Mr. Owen made a motion to select the lowest bidder, Sexton, for the Site 14 driveway project. Mr. Peter Reinecke provided the second and the motion was approved unanimously.

2:58 PM

President Holt requested discussion of agenda item XIV regarding Site 28 Rehabilitation matters. Mr. Meyer stated he was notified by NRCS that fish relocation was not necessary and that they are awaiting the go-ahead from the District. Mr. Meyer informed the Board that he would be submitting a Request for Quote for a surveyor. Mr. Bob Wilson stated he needed further

information on two issues before he could submit the required land rights letter. The first question was whether the extension of the longitudinal length of the dam crossed over a property that did not include a statement in the original easement that works of improvement could be performed there. Mr. Bob Wilson stated Mr. Meyer had informed him that the areas needed would either be included in the original easement or, if needed, the area could be shifted slightly. Mr. Bob Wilson stated he would now be able to write the required land rights letter. The second question pertained to a large oak tree that is currently in the spillway. The landowner has requested that the oak tree remain in this area. Mr. Bob Wilson stated that NRCS and TCEQ both take the position that the oak tree should not be in the spillway, as it would obstruct flow and the tree would cause a deterioration of the structure of the dam. Mr. Bob Wilson stated that PCCD has the legal right to remove the tree. The Board stated that PCCD should inform the landowner that NRCS and TCEQ stated the tree must be removed.

3:09 PM President Holt requested a report from PCCD's Geologist, Mr. Feathergail Wilson. Mr. Feathergail Wilson presented a slideshow on several topics. Mr. Feathergail Wilson showed a slide of the Vaughn and Woodard locations wells with respect to drilling a desalination well in the Edwards aquifer. Mr. Feathergail Wilson also showed slides on areas included in GMA-13, pointing out that the area, particularly east to west, has different water sources and differing geography. Mr. Feathergail Wilson reported that parts of Texas were about 70% behind the normal rainfall for the year.

3:25 PM

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

3:25 PM

President Holt requested a report from PCCD's Executive Manager, Mr. Daniel Meyer. Mr. Meyer stated that he had received an email from Graham Moore with Alliance Regional Water Authority (ARWA). Mr. Moore had informed Mr. Meyer that the Carrizo monitoring well was put out for bid, but only one drilling company responded with a quote of \$267,000. ARWA decided not to accept the bid and are planning to send it out for bids again in a couple of months. Mr. Meyer stated Site 2 should be finishing up with the roller-compacted concrete (RCC) portion of the project today. Mr. Meyer stated that Site 10 had completed the RCC portion of the project and would begin placing 5-1/2 feet of fill on the top of the dam. Mr. Meyer stated that Site 21 had completed the riser. Mr. Meyer stated that the design error in the end-sill width had been resolved via a contract modification. Mr. Meyer gave an update on Site 12 regarding D.R. Horton's request for a partial easement release and metes and bound survey. Mr. Meyer reminded the Board that PCCD's future campsite has been moved several times, but due to zoning restrictions, the developer has again asked that it be moved to another location. Mr. Meyer sent this new location request to NRCS who stated the new location would be acceptable. Mr. Meyer presented a slide that showed an overlay of PCCD's general easement area with the survey submitted by Richard Rychlik with BGE. Mr. Meyer requested that Mr. Rychlik address specific areas to accurately reflect PCCD's easement. Mr. Meyer stated once these changes were made, the information would be sent to NRCS for review and approval. Mr. Meyer stated that the easement does not specify a location for the campsite. Mrs. Knight stated it would be in the District's best interest, as part of the metes and bounds survey, to establish a permanent campsite location to ensure PCCD could conduct any necessary operations and maintenance. Mr. Rychlik stated that he would be willing to ask if a certain area could be designated as the campsite location. Mr. Meyer stated meetings had been held with Site 34 and the developers on a proposed access road.

3:59 PM Mr. Meyer stated that the first phase of the revegetation project was ongoing at Site 38. Mr. Meyer stated that the lock at Site 6 had been cut, the landowner's livestock were again grazing, and PCCD staff had placed another lock. The Board requested that Mr. Meyer begin the process of filling the vacancy left by the resignation of a staff member.

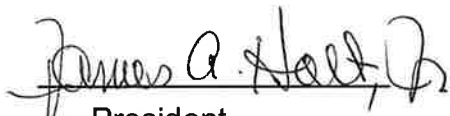
4:00 PM President Holt requested a report from PCCD's Attorney, Bob Wilson. Mr. Wilson stated he did not have any additional comments.

4:12 PM President Holt moved the meeting into Executive Session to discuss personnel matters.


4:13 PM President Holt called the meeting back into regular session. Mrs. Knight made a motion to increase Mr. Alan Burklund's salary to \$75,000 a year and change his title from Staff Member to Project Manager. Mr. Rothert provided the second and the motion to adjourn passed unanimously.

4:13 PM President Holt requested public comments. There were no public comments.

4:14 PM Mr. Reinecke made a motion to adjourn. Mr. Owen provided the second and the motion to adjourn passed unanimously.



 President



 Vice-President