

MEETING OF THE BOARD OF DIRECTORS
PLUM CREEK CONSERVATION DISTRICT
LOCKHART, TEXAS 78644
August 15th, 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 Rothert (Director) and Tom Owen (Director). Leonard Dougal, Attorney for D.R. Horton, Jacy Warwick with D.R. Horton, Richard Rychlik with BGE, Inc., were present. Leonard (Rusty) Simmons, Site 34 developer, was present. Also present were PCCD Attorney Bob Wilson, PCCD Geologist Feathergail Wilson (via ZOOM), and PCCD staff members Daniel Meyer, Nora Lopez-Castillo, Alan Burklund, and Tyler Farco. Nora Lopez-Castillo transcribed the minutes.

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

1:00 PM President Holt requested motions or comments regarding the minutes of the regularly scheduled meeting held on July 18th, 2023. Mrs. Knight made a motion that the minutes of the regularly scheduled meeting held on July 18th, 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.

1:02 PM President Holt requested discussion of agenda item V regarding approving Plum Creek Conservation District's Record Management Plan and Retention Schedule. Daniel Meyer stated the required public hearing was held on August 4th, 2023, and no verbal or written comments were received. Mr. Owen made a motion to approve the amended policy and retention schedule. Mrs. Knight provided the second and the motion was approved unanimously.

1:04 PM President Holt requested discussion of agenda item VI regarding approving the amended Groundwater Management Plan. Mr. Meyer informed the Board that each District was required to amend its groundwater management plan within 2 years of adopting the Desired Future Conditions, which PCCD had adopted in 2021. The required public hearing was also held on August 4th, 2023, with no verbal or written comments received. Mr. Meyer stated that the only amendment made was replacing the outdated GMA-10 Modeled Available Groundwater (MAG) with the most recent model. Mrs. Knight made a motion to approve the resolution to amend PCCD's Groundwater Management Plan. Mr. Rothert provided the second and the motion was approved unanimously.

1:06 PM President Holt requested discussion of agenda item VII regarding 4 cooperative agreements (PLUM10-RHB-ESF-507-20-AMEND 2; PLUM10-RHB-ESF-521-21-AMEND 2; PLUM10-RHB-FED-001-20-AMEND 4; and PLUM10-RHB-ST2-019-21-AMEND 2) to extend the Site 10 Rehabilitation Project. Mr. Meyer stated the current agreements would expire on September 30th, 2023. Mr.

Meyer informed the Board that the construction deadline for the Site 10 construction project was estimated to be mid-September 2023. Mr. Meyer felt it was necessary to extend the cooperative agreements for 2 months to November 30th, 2023, which would allow for unexpected delays. Mrs. Knight made a motion to approve the cooperative agreements that would extend the expiration date for Site 10. Mr. Owen provided the second and the motion was approved unanimously.

1:08 PM

President Holt requested discussion of agenda item VIII regarding a request for a Recordable Release of Termination of Site 10 Temporary Construction Working Space and Access Easement. Mr. Meyer stated he had received an email from Sunfield that stated the site was clear, clean, and acceptable and they were requesting a recordable release of the temporary campsite and access location, which expired on July 31st, 2023. Mr. Meyer informed the Board that the rehabilitation project was not finished, so access was still needed. Mr. Meyer stated he had emailed Sunfield to request a revision to the temporary access and was awaiting a response. Mr. Meyer stated he would keep the Board informed.

1:13 PM

President Holt requested discussion of agenda item IX regarding a request from D.R. Horton as it relates to Sites 11 and 12. Mr. Meyer stated that D.R. Horton was requesting metes and bounds descriptions of the easements for Sites 11 and 12. Mr. Meyer stated that after much discussion between PCCD and R.J. Rychlik regarding the metes and bounds description for Site 11, it seemed acceptable. Mr. Meyer informed the Board he was waiting for National Resources Conservation Service's (NRCS) evaluation/recommendations of the cut and fill project as it relates to PCCD's easement. Mr. Meyer stated that another concern regarding Site 12 pertained to the incorporation of PCCD's campsite and lack of original entrance. Mr. Meyer stated that R.J. Rychlik had contacted the Texas Department of Transportation (TxDOT) regarding an entrance and received an email response that PCCD could have an emergency entrance, which Mr. Meyer felt would be inadequate for PCCD's access needs. Mr. Meyer stated that PCCD had applied for an entrance permit with TxDOT and received a response that D.R. Horton had applied for 3 entrances, which may pose a problem if TxDOT limits the number of entrances. Mr. Meyer supplied the Board with a written list of Site 12 issues that had been resolved, but also included several pending items. Mr. Meyer introduced Leonard Dougal to the Board. Mr. Dougal presented each Board member with a draft of the revised easement, which included a metes and bounds survey, an additional 40 acres (roughly 10% of the area) that would be granted to PCCD, and, at the request of the PCCD attorney, the inclusion of language that areas may be subject to flooding. Mr. Dougal stated they would be willing to work with PCCD regarding the access issues, as long as the access was defined. Mr. Holt stated a response from NRCS was needed and all issues on Mr. Meyer's list would need to be addressed before the Board. Mrs. Knight made a motion that PCCD staff continue to work with D.R. Horton to resolve the pending issues. Mr. Rothert provided the second and the motion was approved unanimously.

1:45 PM

President Holt requested discussion of agenda item X regarding the Site 28 Rehabilitation Project. Mr. Meyer stated the land rights letter and survey are being worked on. Mr. Meyer stated that a U.S. Army Corps of Engineers' (USACE) 404 Permit would be required. Mr. Meyer informed the Board that for all previous PCCD projects, either NRCS or their contracted engineers had completed the 404 Permit. Mr. Bob Wilson stated permitting was part of PCCD's obligations as the primary local sponsor. Regarding the land rights, Mr. Bob Wilson stated he continued to research whether PCCD

had any obligation to compensate the landowner for the items that were requested, and, if so, what was the correct value. Mr. Meyer stated that 11 permanent acres would be needed to perform the rehabilitation project and 29 temporary acres would be needed during the rehabilitation project. The Board requested that Mr. Bob Wilson continue to perform research on what items were reasonable to consider. Mr. Bob Wilson stated that he would compile a list of items for the Board to review.

2:01 PM President Holt requested discussion of agenda item XI regarding matters pertaining to the Lake Longhorn Ranch development at Site 34. Mr. Meyer stated that PCCD and the developer had been discussing restrictions for lots that cut across the dam's auxiliary spillway, septic systems, and a designated PCCD campsite to perform maintenance of the dam. Mr. Meyer stated he had just received a letter from NRCS regarding Site 34, which stated the spillway floor and inside dike should remain clear of obstruction and that the owners should be made aware of the limitations on the use within PCCD's easement when they purchase the property. Regarding the septic systems, NRCS recommended that the developer provide a geotechnical boring where the septic system would be to show that this would not cause issues of erosion outside the spillway. After a discussion regarding the campsite location, Mr. Simmons proposed a new location for the campsite to a "drier" area and away from the public pier. The Board and Mr. Meyer agreed with this new location. Mr. Simmons stated he would make the necessary revisions to reflect this change.

2:25 PM President Holt requested discussion of agenda item XII regarding quotes received to drill and install a Wilcox Monitoring well. Mr. Meyer stated he had no updates regarding this agenda item.

2:27 PM President Holt requested discussion of agenda item XIII regarding the review and assessment of PCCD's Drought Management Plan. Mr. Meyer stated that the purpose of the plan was to meet the demand for water, but to also conserve groundwater resources. Mr. Meyer made a presentation to the Board that compared the water levels to the DFCs, reviewed the projected demand for water, and then established corresponding stages, triggers, and restrictions. Mr. Meyer stated the restrictions would only be required of permit holders. Mr. Meyer asked if the board wanted this information to be included in the drought plan, or if the information should be tabled for further discussion. The Board requested that this information be added to the PCCD Drought Management Plan.

2:36 PM President Holt requested discussion of agenda item XIV regarding matters to prepare for the Site 14 Rehabilitation Project. Mr. Meyer reminded the Board that Site 14 had been slated to be rehabilitated with state funds; however, due to lack of sufficient construction funding, the project had been delayed for the last 2 years. Mr. Meyer stated funding had been allocated for the design portion of the project and was being done by AECOM. Mr. Meyer stated that AECOM notified him that beginning 09/13/2023, the tri-colored bat is expected to be on the endangered species list, which will require additional prep work before construction can begin.

2:45 PM President Holt requested discussion of agenda item XV regarding an easement restatement for two 5-acre tracts (Calvillo Subd.) for Site 14. Mr. Meyer informed the Board that the corrected letter from Mr. Doyal had been received. Mr. Bob Wilson stated he was working on revising the draft resolution to include only lot two and its landowner.

2:46 PM President Holt requested discussion of agenda item XVI regarding approving the 2023-2024 Budget. Mr. Meyer stated that once the tax rates had been received, a meeting was held with Jim Jansen regarding the budget. Mr. Meyer pointed out that the tax rates in the proposed budget were a bit lower than the voter-approval rate and the evaluation of property had increased from 9.8 billion dollars to 11.6 billion dollars. Mrs. Knight made a motion to approve PCCD's flood control 2023-2024 budget. Mr. Rothert provided the second and the motion was approved unanimously. Mrs. Knight made a motion to approve PCCD's underground water 2023-2024 budget. Mr. Owen provided the second and the motion was approved unanimously.

2:54 PM President Holt requested discussion of agenda item XVII regarding proposed tax rates for groundwater and flood control. Mrs. Knight made a motion to propose a tax rate of 0.0145 per \$100 valuation for flood control. Mr. Rothert provided the second and the motion was approved unanimously. Mrs. Knight made a motion to propose a tax rate of 0.0149 per \$100 valuation for groundwater. Mr. Rothert provided the second and the motion was approved unanimously.

2:56 PM President Holt requested discussion of agenda item XVIII regarding the scheduling of public hearings for proposed tax rates for groundwater and flood control. The Board agreed to hold the public hearing for the proposed tax rates for both flood control and groundwater on Thursday, September 14th, 2023, at 1:00 PM.

2:57 PM President Holt requested discussion of agenda item XIX regarding the professional services of McCarthy and McCarthy, LLP, Mr. Feathergail Wilson, and Jansen & Gregorczyk. Mr. Meyer stated that Mr. Feathergail Wilson had verbally expressed his willingness to continue as PCCD's geologist. Mr. Meyer stated that Jansen & Gregorczyk had submitted information which showed their rates would remain the same. Mr. Meyer informed the Board that McCarthy & McCarthy's engagement letter stated that, with the Board's consent, their hourly rates would increase to \$300.00 an hour effective January 1st, 2024. Mrs. Knight made a motion to approve the new McCarthy & McCarthy rate beginning January 1st, 2024. Mr. Owen provided the second and the motion was approved unanimously. Mrs. Knight made a motion to approve Jansen & Gregorczyk's professional services at a rate between \$2,180 to \$2,670. Mr. Rothert provided the second and the motion was approved unanimously. Mr. Owen made a motion to continue Feathergail Wilson's contract. Mrs. Knight provided the second and the motion was approved unanimously.

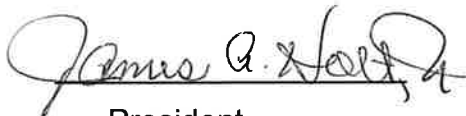
3:02 PM President Holt requested a report from PCCD's Geologist, Mr. Feathergail Wilson. Mr. Feathergail Wilson presented a slideshow on groundwater drawdown tests and calculations. Mr. Feathergail Wilson presented information on equipment that would allow PCCD to perform drawdown tests much more efficiently. Mr. Feathergail Wilson stressed the importance of gathering and analyzing groundwater data from the entire Wilcox aquifer. Mr. Feathergail Wilson presented a chart which displayed that July 2023 was the hottest month on record.

3:12 PM President Holt requested a report from the NRCS' District Conservationist, Mr. Jeremy Hasty. Mr. Hasty was not in attendance.


3:12 PM President Holt requested a report from the PCCD Executive Manager, Mr. Daniel Meyer. Mr. Meyer stated over the last couple of years, PCCD had not received many groundwater applications, but that recently PCCD had been

receiving many questions about transfers and permits. Mr. Meyer gave an update on Site 2. Mr. Meyer informed the Board that the contractor had started hydroseeding and irrigating. The contractor had asked Mr. Meyer to contact the City of Kyle regarding their drought contingency plan. Mr. Meyer stated that while it was the contractor's responsibility to provide the water and comply with all local ordinances, he agreed to contact the City of Kyle. A meeting was held with the City of Kyle, the Site 2 contractor, Texas State Soil and Water Conservation Board (TSSWCB), and PCCD. At that meeting, Mr. Meyer stressed the importance of grass cover for erosion control. The City of Kyle agreed that the contractor could continue to use water as needed for hydroseeding and irrigation for only those areas that encompassed the dam embankments, but the City would re-evaluate the situation in 3 weeks. The City Manager stated that if the City of Kyle entered Stage III after 3 weeks, no more irrigation would be allowed. Mr. Meyer stated a total of 34 acres still needed to be hydroseeded and irrigated. Mr. Meyer gave an update on Site 10. Mr. Meyer stated that the contractor had been working on revegetating and irrigation and that the RCC work had been completed in 25 days. Mr. Meyer gave an update on Site 6. Mr. Meyer stated that PCCD staff performed a site check and were accompanied by a Hays County Sheriff's Deputy. The staff found that the lock had been cut again and the horses were again within the fenced-in easement area. The staff was able to remove the horses from the easement area and placed a larger lock and chain on the gate. Mr. Bob Wilson offered options to the Board regarding the recurring livestock issue at Site 6. Mr. Meyer stated that Performance Plus had completed repairs to 2 of the dams (Site 3 and Site 24) and would be submitting a quote to repair one of the other dams.

- 3:27 PM President Holt requested a report from PCCD's Attorney, Bob Wilson. Mr. Wilson stated that he had been working with Mr. Meyer on questions related to well permits, well transfers, and the possibility of switching from agricultural to municipal pumping.
- 3:33 PM President Holt requested public comments. There were no public comments.
- 3:33 PM Mr. Owen made a motion to adjourn. Mrs. Knight provided the second and the motion to adjourn passed unanimously.



 President



 Vice-President