

MEETING OF THE BOARD OF DIRECTORS  
PLUM CREEK CONSERVATION DISTRICT  
LOCKHART, TEXAS 78644  
October 17th, 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. The following Board members were present: Peter Reinecke (Vice President), Lucy Knight (Secretary/Treasurer), Fred Rothert (Director) and Tom Owen (Director). PCCD Attorney Bob Wilson, PCCD Geologist Feathergail Wilson (via ZOOM), and PCCD staff members Daniel Meyer, Nora Lopez-Castillo, Alan Burklund, and Tyler Farco were present. 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 Tax Rate Hearing and Meeting held on September 14th, 2023. Mrs. Knight made a motion that the minutes of the Tax Rate Hearing and Meeting held on September 14<sup>th</sup>, 2023, be accepted as mailed out. Mr. Rothert provided the second and the motion was approved unanimously.

1:01 PM President Holt requested motions or comments regarding the minutes of the regularly scheduled meeting held on September 19th, 2023. Mrs. Knight made a motion that the minutes of the regularly scheduled meeting held on September 19<sup>th</sup>, 2023, be accepted as mailed out. Mr. Owen 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 VI regarding discussion and possible action on resolution and other matters pertaining to Sites 11 and 12. Mr. Meyer stated that at the September 2023 board meeting, the Board of Directors approved the easement modification resolution and the agreement, which secured PCCD's campsite and access points. Mr. Meyer informed the Board that after that meeting, he reviewed the metes and bounds description and worked with D.R. Horton to make final corrections. Mr. Meyer stated that he was now satisfied with the metes and bounds description, the designated campsite, and access points. Mr. Bob Wilson stated he added a clause to the resolution, which recited that the dams at Sites 11 and 12 fall under the authority of both federal and state governments. The reason for adding this clause was to state that although the metes and bounds description may have changed, the purposes of the entire original easements remained. Mr. Bob Wilson stated he had previously discussed this clause with Mr. Leonard Dugal, attorney for D.R. Horton, and that Mr. Dugal stated when lots were sold, this clause could be pointed out and would let people know that there may be a time in the future when the federal and/or state government may require changes to the dam sites and PCCD, as the primary local sponsor, may need more land from within the original easement. Mrs. Knight made a motion to

approve the resolution/attached agreement and authorized Mr. Holt to sign. Mr. Rothert provided the second and the motion was approved unanimously.

1:11 PM President Holt requested discussion of agenda item VII regarding Site 28 Rehabilitation Project. Mr. Meyer informed the Board that several items needed to be addressed before the rehabilitation project could be sent out for bids: (1) the request from the landowners for compensation, (2) consider Mr. Bob Wilson's legal recommendations concerning the land rights and easements, (3) completion of survey, (4) possible land appraisal, (5) submission of NRCS -ADS-78/Assurances Relating to Real Property Acquisition, and (6) submission of U.S. Army Corps of Engineers (USACE) 404 Permit. Mr. Meyer informed the Board that a pre-application meeting via Zoom was held with the USACE about the 404 Permit requirements, who regulates discharge into waters of the United States, endangered species, and Texas Historical Commission regulations. Mr. Meyer informed the Board that he had submitted the requested information to USACE for review and USACE stated they would determine whether a formal Nationwide Permit application would be needed or if the information submitted would suffice. Mr. Meyer presented a table outlining the permanent and temporary easement requirements for Site 28. Mr. Meyer informed the Board that approximately 11.28 permanent acres would be needed to complete the project and approximately 29.4 acres would be used for temporary purposes. Mr. Bob Wilson addressed the landowners' request for compensation. Mr. Wilson stated it was his opinion that with the possible exception for dirt removal, the other items listed in the request would fall under PCCD's current easement rights; therefore, the landowners were not entitled to compensation. After some discussion, Mr. Bob Wilson stated he would draft a response letter to landowners, which would state that PCCD's easement is the dominant estate, and the landowners could not make use of the land that interfered with PCCD's easement rights. Mr. Bob Wilson stated that he and Mr. Meyer would meet with the landowners to discuss the letter. The Board agreed with this plan.

1:28 PM President Holt requested discussion of agenda item VIII regarding the Site 10 temporary worksite relocation agreement. Mr. Meyer informed the Board that this agreement had expired, and the final payment was now due to the contractor. Mr. Meyer stated he contacted Sunfield regarding the final payment and was informed they were working on processing the payment. Mr. Meyer stated that PCCD could no longer access the site using the previous temporary worksite access. Mr. Meyer stated that PCCD still had two approved and recorded permanent access points; however, one included rugged terrain that would need to have fill and culverts added to be functional. Mr. Meyer stated he had suggested a different access location to Mr. Scot Whitwer/Sunfield. Mr. Whitwer verbally agreed to a new location for the 50-foot-wide access along Satterwhite Road. In addition, Mr. Whitwer suggested that the other easement be shifted to an existing gravel road north of the GBRA Wastewater Treatment Plant. Mr. Meyer stated Mr. Whitwer would submit a proposal to the Board to approve these easement changes.

1:24 PM President Holt requested discussion of agenda item IX regarding the PCCD Quarterly Investment Report. Mrs. Knight stated that the report had been received, reviewed, and signed.

1:35 PM President Holt requested discussion of agenda item X regarding the GMA-10 Interlocal Agreement. Mr. Meyer stated that this item was not ready for discussion.

1:35 PM President Holt requested discussion of agenda item XI regarding amending PCCD's Deposit and Fee Schedule. Mr. Meyer presented the amended Deposit and Fee Schedule, which revised the fee for out-of-district transportation, the fee for submitting an easement use application, the fee for engineering review of easement modifications, the fee for legal review of easement modifications, and added a fee for any construction, excavation, or fill performed prior to formal approval by PCCD's Board of Directors. The Board agreed to the revisions and requested that PCCD staff hold the required public hearing on the proposed changes to the Deposit and Fee Schedule.

1:36 PM President Holt requested discussion of agenda item XII regarding the easement restatement of one 5-acre tract (Calvillo Subd.) for Site 14. Mr. Meyer presented the board with the final version of the Resolution on Restatement of Site 14 Easement. Mr. Bob Wilson stated that this resolution contained clauses that Site 14 is under the authority of both federal and state governments and that the easement area is restated by a metes and bounds description, but the original easement remains in place. Mrs. Knight made a motion to authorize Mr. Holt to sign the resolution. Mr. Owen provided the second and the motion was approved unanimously.

1:43 PM President Holt requested discussion of agenda item XIII regarding Caldwell-Travis Soil & Water Conservation District's (CTSWCD) yearly request. Mr. Meyer stated that CTSWCD had requested \$6000.00 this year, the same amount as last year. Mr. Owen made a motion to approve the \$6000.00 request from CTSWCD. Mr. Rothert provided the second and the motion was approved unanimously.

1:44 PM President Holt requested discussion of agenda item XIV regarding request from Hays County Soil & Water Conservation District (HCSWCD). Mr. Meyer stated this had not been a yearly request and that HCSWCD had informed him that they were requesting \$3000.00 because they were struggling to receive funding from Hays County this year. Mrs. Knight made a motion to approve the \$3000.00 grant request from HCSWCD. Mr. Rothert provided the second and the motion was approved unanimously.

1:45 PM President Holt requested a report from the PCCD Geologist, Mr. Feathergail Wilson. Mr. Feathergail Wilson presented a slideshow on several topics. Mr. Feathergail Wilson informed the Board that the District had recently purchased a sonic water well meter from Eno Scientific, which would enable the District to perform water availability tests on existing domestic water wells. Mr. Feathergail Wilson stated that the meter would be used to measure drawdowns at certain intervals. This data could be used to determine which areas have water available. Mr. Feathergail Wilson stated that this type of information would be beneficial to both the District and the county.

2:06 PM President Holt requested a report from the NRCS' District Conservationist, Mr. Jeremy Hasty. Mr. Hasty was not in attendance.

2:06 PM President Holt requested a report from the PCCD Executive Manager, Mr. Daniel Meyer. Mr. Meyer stated that the GMA-10 Interlocal Agreement still needed to be approved by all its members and then the technical consulting contract would need to be approved and signed. Mr. Meyer stated that PCCD staff were working on the five-year reviews of the Luling permitted wells. Mr. Meyer gave a status update on Site 2. Mr. Meyer stated that the contractor did not finish seeding and irrigation because the City of Kyle imposed watering restrictions due to the drought. Mr. Meyer stated that PCCD granted the contractor an excusable delay and PCCD recommended that the contractor finish the seeding and irrigation in the spring. Mr. Meyer informed

the Board that the contractor was considering using an alternative rye and Bermuda seed mix. Mr. Meyer stated that this would be done at the contractor's risk, but PCCD would evaluate the grass growth in the spring to see if it had met the contract specifications. Mr. Meyer stated that if the contractor chose not to perform the seeding until the spring, the Texas Commission on Environmental Quality (TCEQ) would require some sort of groundcover to prevent erosion. Mr. Meyer gave a status update on Site 10 and stated the final inspection was done on September 27<sup>th</sup>, 2023, and a list of items that still needed to be done was created. The projected completion date for Site 10 was October 28<sup>th</sup>, 2023. Mr. Meyer gave a status update on Site 21 and stated that roller-compacted concrete (RCC) cores had been done and the structural engineer consultant would review them and then submit a repair plan. Mr. Meyer gave a status update on Site 6 and stated that graffiti was found on the dam. Mr. Meyer stated PCCD staff contacted the sheriff's department about this and then PCCD staff painted over the area. Mr. Meyer stated that he had received an email from the Texas Parks and Wildlife Department (TPWD) because a landowner had contacted them stating he wanted to remove some of the algae, duckweeds, and lily pads at Site 6. Mr. Meyer stated TPWD referred the landowner to PCCD, but TPWD stated they wanted to know what PCCD's response to the landowner would be. Mr. Meyer reminded the Board that treated wastewater from Buda flowed through this area daily, so a nutrient load existed that PCCD could not control. Mr. Meyer stated he requested legal advice from Mr. Bob Wilson regarding PCCD's responsibilities regarding water quality and removal of aquatic vegetation as well as what authority PCCD had in regulating the removal of aquatic vegetation by landowners. Mr. Meyer then asked Mr. Bob Wilson to comment on these issues. Mr. Wilson stated that most air and water quality and sediment control requirements fall under state law. Mr. Wilson stated the landowner could contact TPWD again and propose a treatment plan, which would adhere to TPWD's Aquatic Vegetation Management policies. Mr. Meyer stated he would respond to TPWD and inform them that PCCD did not have any objection to the landowner performing removal of aquatic vegetation as long as the landowner followed TPWD's policies. Mr. Meyer gave an update on Site 34. Mr. Meyer stated that Rusty Simmons had attended a previous board meeting and agreed to move the campsite location and stated he would include restriction clauses. At that meeting, Mr. Simmons stated he would send PCCD documents that indicated these changes. Mr. Meyer informed the Board that he had not received any documents, so he had sent a follow-up email asking for an update, but he had not received a response from Mr. Simmons. Mr. Meyer stated he would continue his attempts to contact Mr. Simmons and would keep the Board informed.

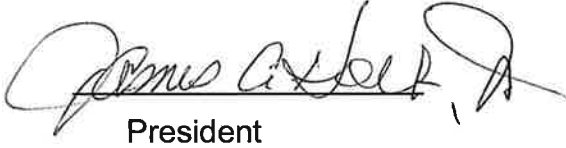
2:27 PM

President Holt requested a report from PCCD's Attorney, Bob Wilson. Mr. Bob Wilson presented the Board with a copy of a Fayetteville newspaper notice published by Aqua Water Supply on October 6<sup>th</sup>, 2023, which was a Notice of Requirement to Comply with the Subdivision Service Extension Policy of Aqua Water Supply. Mr. Bob Wilson pointed out one of the rules would require anyone who planned on subdividing land in Aqua's service area would be responsible for paying fees and/or costs to make the necessary improvements to Aqua Water Supply's system before Aqua could extend their water supply.

2:35 PM

President Holt requested public comments. There were no public comments.

2:35 PM Mrs. Knight made a motion to adjourn. Mr. Reinecke provided the second and the motion to adjourn passed unanimously.



James A. Bell

President



P. Reinecke

Vice-President