

MEETING OF THE BOARD OF DIRECTORS
PLUM CREEK CONSERVATION DISTRICT
LOCKHART, TEXAS 78644
December 19th, 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 Rotherth (Director) and Tom Owen (Director). PCCD Attorney Bob Wilson, PCCD Geologist Feathergail Wilson and Jean Ann Maynard, PCCD Contract Consultant attended via ZOOM). 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 regularly scheduled meeting held on November 21st, 2023. Mrs. Knight made a motion that the minutes of the regularly scheduled meeting held on November 21st, 2023, be accepted as mailed out. Mr. Reinecke provided the second and the motion was approved unanimously.

1:01 PM President Holt requested motions or comments regarding the minutes of the Deposits and Fee Schedule Hearing and Meeting held on November 27th, 2023. Mrs. Knight made a motion that the minutes of the Deposits and Fee Schedule Hearing and Meeting held on November 27th^h, 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 the contract between Doucet and PCCD for the Site 28 Surveying Project. Mr. Meyer stated that the surveying contract included three primary items: (1) surveying adjacent properties between the Stephens property and the neighboring property to ensure that the land needed for new works of improvement did not need to be extended into other properties, (2) surveying the complete works of improvement area, and (3) surveying upstream to an elevation of 477.5 feet AMSL. Mr. Meyer stated he had received an email from Doucet stating they were okay with the contract and were working on obtaining the appropriate signatures. Mr. Bob Wilson stated that the land rights letter would need to state that the survey had not been completed, but if further land rights were needed, PCCD could negotiate to obtain or condemn any additional areas needed to complete the rehabilitation project. Mr. Owen made a motion to approve the survey contract. Mrs. Knight provided the second and the motion was approved unanimously. Mr. Holt signed the contract.

1:06 PM President Holt requested discussion of agenda item VII regarding amending PCCD's Deposits and Fee Schedule. Mr. Meyer informed the Board that the required public hearing was held. Mr. Meyer reminded the Board that the amended schedule would include: (1) a fee for submission of an easement use application, (2) fees for legal or engineering reviews, (3) a penalty fee for work commenced prior to approval of an application, and (4) an increase in the out-of-district transportation fee to 20 cents per 1000 thousand gallons in accordance with House Bill 3059. Mr. Meyer informed the Board that House Bill 3059 specified that any export fees collected by the District could only be used for addressing impacts to groundwater development, such as monitoring, mitigation, and/or developing alternative groundwater resources. Mr. Meyer stated if the Board approved the amended schedule, PCCD would need to create a line item in its budget to keep track of these fees and associated expenditures. Mr. Bob Wilson informed the Board that PCCD could negotiate transportation fees, if needed, but the fee could not be higher than what was approved on the amended schedule. Mrs. Knight made a motion to approve the resolution and attached amended PCCD Deposit and Fee Schedule. Mr. Rothert provided the second and the motion was approved unanimously.

1:17 PM President Holt requested discussion of agenda item VIII regarding four amendments to extend the cooperative agreements for the Site 21 Rehabilitation Project (PLUM21-RHB-ESF-530-21-AMEND 2, PLUM21-ADD-ST2-026-22-AMEND 2, PLUM21-RHB-ESF-508-20-AMEND 2 and PLUM21-RHB-FED-002-20-AMEND 4). Mr. Meyer stated that the funds for the rehabilitation project were set to expire on 12/31/2023; however, the project would not be completed by that date. Mr. Meyer stated that none of the agreements included additional funding. Mr. Meyer stated that three of the agreements would extend the date to 12/31/2024 and the fourth extended the date to 07/31/2024, when funds would expire. Mrs. Knight made a motion that the District enter into the four agreements, which would extend three agreements to 12/31/2024 and one to 07/31/2024. Mr. Owen provided the second and the motion was approved unanimously.

1:21 PM President Holt requested discussion of agenda item IX regarding the Site 2 Rehabilitation Project matters. Mr. Meyer informed the Board that after the November 2023 meeting, he was contacted by Brad Bechtol of MAC, Inc. Mr. Bechtol requested that Mr. Meyer inquire whether the Board would be interested in discussing the following two items: (1) options in which the District would release the default damages against MAC and MAC, in turn, would not file a claim against the District for MAC's purported damages and (2) re-discussing planting both the spring and winter seed at the same time. Mr. Meyer stated he told Mr. Bechtol that he would inform the Board of these requests. Mr. Meyer also stated he had informed Mr. Bechtol that he would need to speak with Jean Ann Maynard, PCCD Contract Consultant, to ensure that any decisions made would abide by the terms of the contract. Mr. Meyer also informed Mr. Bechtol that because Texas State Soil and Water Conservation Board (TSSWCB) would be responsible for paying part of the default damages, they would also need to be involved. During the Board meeting, Jean Ann Maynard explained the claims process to the Board Members. The Board decided not to act on these requests, citing an agreement had already been reached at the November 23rd Board Meeting. In addition, the Board decided not to release the retainage that had been previously approved.

1:43 PM President Holt requested discussion of agenda item X regarding GMA 10 Interlocal Agreement (ILA). Mr. Meyer stated that Medina County's lawyer was still reviewing the proposed ILA. Mr. Bob Wilson stated that the Plum Creek Conservation District was part of GMA 10 and there was a proposal to have an ILA between the GMA 10 members to hire Collier Consulting as a technical consultant and designate PCCD as the Contract Manager. Mr. Bob Wilson stated that the costs would be divided by each District according to how much consulting work would be required for their District. Mr. Meyer reminded the Board that under Chapter 36 of the Texas Water Code, PCCD was required to be a GMA member, to develop DFCs, and perform modeling work, and submit an explanatory report to the Texas Water Development Board (TWDB). The Board asked what PCCD's cost would be. Mr. Meyer stated that PCCD would be responsible for approximately \$21,000. During the discussion of this agenda item, the Board requested a clause be added to the ILA, which stated each District would be required to reimburse PCCD for contract administration costs. Mr. Bob Wilson also stated he would ensure that the ILA stipulated if a member did not sign the ILA, none of the work would be done for that district. The Board requested the GMA 10 ILA be on next month's meeting agenda for further consideration.

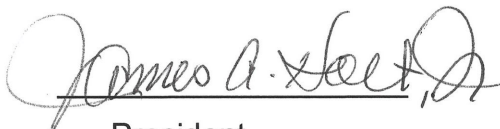
2:09 PM President Holt requested discussion of agenda item XI regarding a contract between PCCD & Collier Consulting to assist GMA 10 in developing DFCs and performing modeling. The Board requested this item be on next month's meeting agenda for further consideration.

2:09 PM President Holt requested discussion of agenda item XII regarding Resolution to authorize PCCD's Executive Manager to amend the contract with Collier Consulting. The Board requested this item be on next month's meeting agenda for further consideration.


2:10 PM President Holt requested a report from the PCCD Geologist, Mr. Feathergail Wilson. Mr. Feathergail Wilson informed the Board that Harmony Desalting had been awarded a partial grant by the Bureau of Reclamation for a desalination project northeast of Lockhart. Mr. Feathergail Wilson spoke in depth about possible drilling issues that might be encountered, the type of well equipment that would be needed for this project, and the proposed location of the well in relation to other wells in that area. Mr. Bob Wilson and the Board asked for clarification on what PCCD's role would be in this project. Mr. Meyer reminded the Board that at the April 2023 Board meeting, Dr. Wei with Harmony Desalting gave a presentation on the desalination project and asked if the Board would be interested in providing a site location and funding assistance, which were requirements of the grant process. After the presentation, the Board told Mr. Wei that once he had more information regarding the grant and project, he could return to the Board for further consideration. Mr. Meyer stated that after that meeting, he informed Dr. Wei that PCCD could not host the site because the District did not own property and any funding would need to be approved by the Board. Mr. Meyer informed the Board that Dr. Wei would be attending the January 2024 Board meeting to formally request funding assistance from PCCD. Mr. Feathergail Wilson's presented a slideshow including a pie chart comparing the amount of saline water available in the Edwards Aquifer versus the amount of fresh water available in the Wilcox-Carrizo. Mr. Feathergail Wilson stated that drought conditions persisted in parts of Central Texas.

2:50 PM President Holt requested a report from the NRCS' District Conservationist, Mr. Jeremy Hasty. Mr. Hasty was not in attendance.

- 2:50 PM President Holt requested a report from the PCCD Executive Manager, Mr. Daniel Meyer. Mr. Meyer stated that the District had been working on the transfer of three groundwater permits due to a change in ownership. Mr. Meyer informed the Board that PCCD staff were still actively searching for a driller to drill the Wilcox monitoring well. Mr. Meyer showed slides of the completed Site 10 rehabilitation project. Mr. Meyer also informed the Board that the final payment to Solid Bridge Construction for the campsite relocation had been made. Mr. Meyer gave an update on Site 21 and stated that the roller-compacted concrete (RCC) repairs were being done, which included removal of loose concrete, power washing, placement of anchor screws with stainless steel reinforcing, and application of shotcrete. Mr. Meyer gave an update on Site 31 and stated access to the dam was difficult. Mr. Meyer stated that there was quite a bit of erosion next to the access gate. Mr. Meyer stated he was considering adding fill and planting seed to provide adequate access for heavy equipment. The Board asked the PCCD staff to research the cost of installing a concrete pad in this area and changing the location/direction of the fence and gate. Mr. Meyer gave an update on the damage to the auxiliary spillway berm and culvert at Site 12 and stated the responsible party had informed him they were waiting for a survey to be completed before they could begin devising a repair plan. Mr. Meyer gave an update on Site 12. Mr. Meyer informed the Board that he had received an email from Mark Northcut from NRCS that stated PCCD needed to notify NRCS as soon as PCCD was ready to begin the construction portion of the rehabilitation project. Mr. Meyer stated a 404 permit and land rights letter were still needed for Site 12. Mr. Meyer gave an update on Site 28 and stated PCCD planned to put a bid packet together in January 2024 and hold the bid opening in February 2024.
- 3:15 PM President Holt requested a report from PCCD's Attorney, Bob Wilson. Mr. Bob Wilson stated he had no further comments.
- 3:15 PM President Holt requested discussion of agenda item XII reimbursements to staff for expenses incurred in 2023. Mrs. Lucy Knight made a motion to reimburse the staff for expenses incurred throughout 2023 in the amount of \$350.00 Mr. Owen provided the second and the motion passed unanimously.
- 3:15 PM President Holt requested public comments. There were no public comments.
- 3:15 PM Mr. Reinecke made a motion to adjourn. Mr. Rothert provided the second and the motion to adjourn passed unanimously.



 President



 Vice-President