

MEETING OF THE BOARD OF DIRECTORS
PLUM CREEK CONSERVATION DISTRICT
LOCKHART, TEXAS 78644
February 20th, 2024

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 (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 regularly scheduled meeting held on January 16th, 2024. Mrs. Lucy Knight made a motion that the minutes of the regularly scheduled meeting held on January 16th, 2024, 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 an update on the desalination research project. Mr. Meyer informed the Board that many aspects still need to be completed. Mr. Meyer stated that Harmony Desalting needed to work out its agreement with the Bureau of Reclamation. Mr. Meyer stated that permission still needed to be obtained from the landowner to use their land as the host site. Mr. Meyer stated that he and Bob Wilson held a Zoom meeting with Eric Vaughn (representative for the landowner) to discuss access to the project. Mr. Meyer stated the landowner expressed concerns about who, when, where, and what time the site would be accessed. Mr. Meyer presented the Board Members with a draft preliminary access schedule for PCCD Directors, PCCD geologist, staff, and other interested government officials. Bob Wilson stated that before he would be able to draft a property access agreement, several issues needed to be researched, such as access, total land/area needed, a request by the landowner to have a piping system and tank installed to use the produced water, mineral mining, the term of the project, and several issues concerning events after the project had been completed.

1:24 President Holt requested discussion of agenda item VI regarding the Site 28 rehabilitation project. Mr. Meyer stated Bob Wilson recommended this agenda be discussed during the Executive Session

1:28 PM

President Holt requested discussion of agenda item VII regarding proposed access easements for Site 10. Mr. Meyer stated that PCCD currently has two permanent access easements. Mr. Meyer stated one was a westside access, off Satterwhite Road, and the other was a northeast side access. Mr. Meyer informed the Board that PCCD had received an easement use application from Kimley-Horn for a proposed development that would be located on the west end of the dam. Mr. Meyer stated that the proposed development would encroach the District's easement in two areas, with one eliminating the District's permanent easement access off Satterwhite Road and the other encroachment was for a sidewalk. Mr. Meyer stated that if the District approved this easement use application, the District would not be able to access the west side of the dam. Mr. Meyer stated Sunfield proposed a shift of the Satterwhite access to the east and a shift of the northeast access. Mr. Meyer stated that Sunfield had verbally agreed to expand PCCD's easement area to include a future campsite area. Mr. Meyer stated that the proposed sidewalk encroachment should be reviewed by National Resources Conservation Service (NRCS). The Board agreed.

1:52 PM

President Holt requested discussion of agenda item VIII regarding a request for Recordable Release of Termination of Site 10 Temporary Construction Working Space and Access Easement. Mr. Bob Horton stated that he could not present a draft of the Recordable Release until he could ensure that PCCD had adequate access to operate and maintain the dam, which would depend on NRCS' review of the sidewalk encroachment and the Board's decision regarding Sunfield's easement application. The Board stated that before a Recordable Release was signed, PCCD must have adequate access and a campsite.

1:52 PM

President Holt requested discussion of agenda item IX regarding approving an "indemnification" agreement with Alliance Regional Water Authority (ARWA). Mr. Meyer informed the Board that PCCD had not received any documentation from ARWA.

1:52 PM

President Holt requested discussion of agenda item X regarding the DRAFT GMA 10 Interlocal Agreement. Mr. Meyer stated that the latest draft of the GMA 10 Interlocal Agreement had been sent to all the GMA 10 members. Mr. Meyer stated that after reviewing the latest version, the GMA-10 members wanted to add a clause that would cap the contract administration costs to \$6000 and, if more funds were needed, an amendment to the contract would need to be approved by all GMA-10 members. Mr. Meyer stated that in addition to the \$6000.00 cap, Bob Wilson also added a clause that stated "a failure to allow PCCD to recovery its costs as Contract Administrator in excess of \$6000 shall, at the sole election of PCCD, allow PCCD to terminate its work as Contractor Administrator..." Mrs. Lucy Knight made a motion that PCCD agree to the recent changes made in the GMA-10 Interlocal Agreement. Mr. Peter Reinecke provided the second and the motion was approved unanimously.

2:02 PM

President Holt requested a report from the PCCD Geologist, Mr. Feathergail Wilson. Mr. Feathergail Wilson presented a slideshow and discussed the newly drilled Wilcox Aquifer monitoring well that included the location of the well, information about the driller of the well (Hydro Resources), the geophysical log with the location of five screens, and the importance of using a Tremie tube.

2:23 PM President Holt requested a report from the NRCS' District Conservationist, Mr. Jeremy Hasty. Mr. Hasty was not in attendance.

2:23 PM President Holt requested a report from the PCCD Executive Manager, Mr. Daniel Meyer. Mr. Meyer informed the Board that last year PCCD had applied for an Operations and Maintenance (O&M) grant from the Texas State Soil and Water Conservation Board (TSSWCB) for a Site 27 revegetation project. Mr. Meyer stated PCCD had been awarded the grant and a Request for Quote had been created and was ready to be sent out for solicitations. Mr. Meyer stated that there were four landowners on Site 27 that owned some type of livestock. Mr. Meyer stated that the livestock would need to be removed from the revegetated area for up to two years. Mr. Meyer stated that three of the landowners had other areas to move their livestock to, but one owner has only 11 acres. Mr. Meyer informed the Board that PCCD staff had recently performed an inspection of Site 27 and the landowners had been confrontational with the staff. Mr. Meyer stated that he had written letters to the landowner to explain that due to overgrazing, a revegetation project needed to be done, and the livestock would need to be removed. Mr. Meyer stated he would keep the Board informed regarding this matter. Mr. Meyer gave an update regarding the Site 12 Rehabilitation Project and stated that PCCD had been working on the required 404 Permit. Mr. Meyer stated that one of the issues was that the new designs would raise the existing port from 605 to 606, which would result in more water being retained. Mr. Meyer informed the Board that the USACE was concerned that the increase in retained water could cover wetlands and if the area were more than a certain number of acres, the project would be evaluated under more stringent rules. Mr. Meyer stated this evaluation could take a year to complete. Mr. Meyer reminded the Board that PCCD would be responsible for the cost of hiring engineers to perform any necessary studies as part of this evaluation. Mr. Meyer stated he would keep the Board informed regarding this matter.

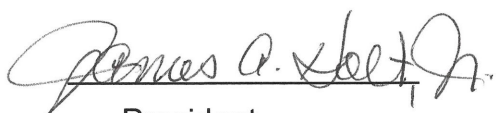
2:34 PM President Holt requested a report from PCCD's Attorney, Bob Wilson. Mr. Wilson informed the Board he had been working on a letter to the Texas Water Development Board (TWDB) regarding the desalination project. Mr. Bob Wilson informed the Board that there was a proposed Texas Commission on Environmental Quality (TCEQ) discharge permit in Hays County and the treated wastewater would flow into Site 10. Mr. Bob Wilson stated that the permit was for an increase in daily average flow from 123,750 gallons to 600,000 gallons. Mr. Bob Wilson stated he had drafted a letter regarding Senate Bill 2440 (which required that a groundwater availability study be submitted when filing a subdivision plat). Mr. Bob Wilson stated that this letter offered PCCD's services regarding its groundwater knowledge, which might help Caldwell County personnel with the review of these reports. The Board requested that the letters be sent to the appropriate personnel.

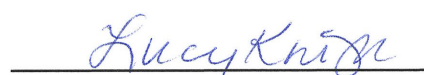
2:54 PM President Holt moved the meeting into Executive Session to discuss the Site 28 Rehabilitation Project.

3:17 PM President Holt called the meeting back into Regular Session.

3:17 PM President Holt requested public comments. There were no public comments.

3:17 PM Mr. Reinecke made a motion to adjourn. Mrs. Knight provided the second and the motion to adjourn passed unanimously.


President


Vice-President
Sec / Treasurer