

MEETING OF THE BOARD OF DIRECTORS
PLUM CREEK CONSERVATION DISTRICT
LOCKHART, TEXAS 78644
May 21st, 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). Sean Melvin with Plum Creek Watershed Partnership, Shannon Vogel and Walter Stephens, Site 21 landowners, and Graham Moore with Alliance Regional Water Authority were present. 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 April 16th, 2024. Mrs. Knight made a motion that the minutes of the regularly scheduled meeting held on April 16th, 2024, be accepted as mailed out. Mr. Rotherth provided the second and the motion was approved unanimously.

1:00 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 quotes received for the mowing of Sites 1, 5, 6, 7, 10, 11, 12, 28, and 34. Mr. Meyer stated that one quote was received. Mr. Meyer informed the Board that the quote was for two mowings and that the first mowing would be done before July 31st, 2024, and the second mowing would be done between September 15th, 2024, and the end of November. Mr. Meyer stated that the mowing would be done on approximately 123 acres. President Holt then announced the bid amount from TerraSol, LLC. at seventeen thousand nine hundred thirty three dollars and forty cents (\$17,933.40). Mrs. Knight made a motion to accept the bid from TerraSol. Mr. Reinecke provided the second and the motion was approved unanimously.

1:06 PM President Holt requested discussion of agenda item VI regarding quote from Performance Plus to inspect PCCD dams. Mr. Meyer stated he had reached out to Gene Peters with Performance Plus to request a quote for inspecting all PCCD's dams including exercising the slide gates. Mr. Meyer stated he received a quote, via text, from Mr. Peters in the amount of \$7000.00, which would be \$250.00 per site. Mrs. Knight made a motion to approve the bid from Performance Plus. Mr. Owen provided the second and the motion was approved unanimously.

1:08 PM President Holt requested discussion of agenda item VII regarding the Site 28 rehabilitation cooperative agreement, LPLUM28-RHB-ADD-ST2-037-24, to add State funding. Mr. Meyer informed the Board that Jean Ann Maynard had reviewed the Site 28 cooperative agreements for adequate construction funding and compared it to the Engineer's Estimate for the project and discovered that there were not enough state funds to match the Engineer's Estimate. Mr. Meyer stated that PCCD requested additional state funds from Texas State Soil & Water Conservation Board (TSSWCB). TSSWCB informed PCCD that they had secured the additional funds for the project, which would be allocated appropriately once the cooperative agreement was approved and signed by PCCD and TSSWCB. Mr. Owen made a motion that the cooperative agreement for the additional state funds be approved. Mrs. Knight provided the second and the motion was approved unanimously. Mr. Holt signed the agreement.

1:12 PM President Holt requested discussion of agenda item VIII regarding a quote to conduct a pump test for the Wilcox monitoring well. Mr. Meyer stated that Feathergail Wilson recommended that a pump test be performed. Feathergail Wilson discussed with the Board various reasons for the pump test including to begin gathering data on the aquifer characteristics and water levels. Mr. Meyer informed the Board that an initial quote had been received but was too expensive, but then received a second quote from Hazelett Drilling in the amount of \$6750.00. Mrs. Knight made a motion to approve the estimate from Hazelett. Mr. Reinecke provided the second and the motion was approved unanimously.

1:16 PM President Holt requested discussion of agenda item IX regarding a presentation by Plum Creek Watershed Partnership (PCWP) Coordinator, Sean Melvin. Mr. Meyer introduced Sean Melvin to the Board of Directors. Mr. Melvin presented slides showing the 52-mile route of Plum Creek. Mr. Melvin stated that the PCWP had many concerns regarding the surface water, mainly bacteria, but also nitrates, ammonia and phosphorus. Mr. Melvin informed the Board that every two years the PCWP releases an update to its Protection Plan, which would review the milestones and measures of success to implement the Plan, analyze water quality trends. Mr. Melvin also discussed how the population growth along Interstate-35 was impacting Plum Creek. Mr. Melvin also showed slides on various educational events and community workshops.

1:37 PM President Holt requested discussion of agenda item X regarding an agreement between Site 28 landowners & PCCD regarding the Site 28 Rehabilitation Project. Mr. Meyer turned this agenda item over to Bob Wilson. Mr. Bob Wilson stated an agreement had been reached with the landowners and that if this agreement was approved by the Board, it would authorize payment to the landowners. Mr. Bob Wilson stated the PCCD had decided to consider entering into an agreement with the landowners as an accommodation to avoid litigation and declaratory judgment regarding the use of soil. Mr. Bob Wilson stated that if the Board approved the agreement and once all parties had signed the agreement, he would be able to finish writing the land rights letter so that PCCD could send it to NRCS. Mr. Bob Wilson informed the Board that a provision had been added to the agreement that if additional soils were needed due to erosion, repairs, etc., PCCD would still be able to use soil from the easement area for these purposes as long as the area was restored to the appropriate engineering standards. Mr. Bob Wilson also informed the Board that PCCD was still waiting for the final survey and that the land rights letter would need to be altered if the survey showed that some of

the rehabilitation work was not within the current easement. Mr. Owen made the motion that the Board authorize Mr. Holt to sign the final compromise and settlement agreement related to the planned rehabilitation of the dam and works of improvement at Site 28. Mrs. Knight provided the second and the motion was approved unanimously.

1:44 PM

President Holt requested discussion of agenda item XI regarding proposed access easements for Site 10. Mr. Meyer informed the Board that the necessary documentation for this agenda item was not ready for the Board's consideration and would be presented to the Board at a future meeting.

1:45 PM

President Holt requested discussion of agenda item XII regarding approving an "indemnification" agreement with Alliance Regional Water Authority. Mr. Meyer asked that Mr. Bob Wilson address this agenda item with the Board. Mr. Bob Wilson stated that the document being presented to the Board now provided PCCD total indemnification for any damage caused to ARWA's water line. Mr. Graham Moore confirmed that this was a correct statement. Mrs. Knight made the motion that the Board authorize Mr. Holt to sign and execute a clean and complete copy of the indemnification agreement. Mr. Rothert provided the second and the motion was approved unanimously.

1:52 PM

President Holt requested discussion of agenda item XIII regarding approving the GMA 10 Interlocal Agreement (ILA). Mr. Meyer reminded the Board that this item had been on the agenda previously. Mr. Meyer briefly discussed the purpose and of the GMA-10 ILA and reminded the Board that the ILA included the following provisions: (1) PCCD would be reimbursed for its role as the Contract Administrator, (2) if a GMA member did not sign the agreement, no work would be performed for that member; (3) a cap of \$6000.00 was placed on reimbursement to PCCD unless the agreement was amended approved by the participating members, and (4) if the cost to PCCD exceeded \$6000.00 and an amendment for additional reimbursement was not approved, then PCCD could resign as Contract Administrator. Mr. Meyer informed the Board that several members had already signed the ILA. Mrs. Knight made a motion that PCCD enter into the interlocal agreement regarding joint funding of an explanatory report for groundwater management area 10. Mr. Owen provided the second and the motion was approved unanimously.

2:04 PM

President Holt requested discussion of agenda item XIV regarding a contract between PCCD and Collier Consulting to assist GMA 10 in running models and developing Desired Future Conditions (DFCs). Mr. Meyer stated that this contract outlined PCCD's responsibilities as the Contract Administrator and included the documents that detailed the scope of work that Collier would complete. Mr. Bob Wilson recommended that the Board approve this contract after all the GMA 10 members had signed the ILA. Mrs. Knight made a motion that PCCD sign the contract between PCCD and Collier Consulting after all the GMA-10 members sign the ILA. Mr. Owen provided the second and the motion was approved unanimously.

2:06 PM

President Holt requested discussion of agenda item XV regarding a Resolution to authorize PCCD's Executive Manager to amend the contract with Collier Consulting. Mr. Meyer stated that the total contract amount for the contract was \$120,000, but if additional funds were needed, this Resolution would authorize PCCD's Executive Manager to amend the consulting contract up to a specified amount. Mr. Bob Wilson stated that this Resolution should be deferred and would be considered if the consulting contract needed to be amended.

2:10 PM President Holt requested a report from the PCCD Geologist, Mr. Feathergail Wilson. Mr. Feathergail Wilson's presented a slideshow on topics including small and large desalination units including pricing, the rapid growth of global desalination use, and the various uses for the minerals and salt that could be produced by varying desalination processes. Mr. Feathergail Wilson also discussed a map that showed the fastest growing areas in the United States, specifically the IH-35 corridor in Texas, and how desalination could assist with the increasing water demand in this area.

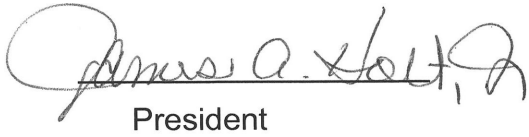
2:29 PM President Holt requested a report from the NRCS' District Conservationist, Mr. Jeremy Hasty. Mr. Hasty was not in attendance.


2:29 PM President Holt requested a report from the PCCD Executive Manager, Mr. Daniel Meyer. Mr. Meyer stated that GBRA had contacted him regarding a proposal to change the watershed coordinator position from contract employment to the coordinator becoming an employee of Guadalupe-Blanco River Authority (GBRA). Mr. Meyer stated this would require a new interlocal agreement and he would keep the Board informed. Mr. Meyer gave an update on Site 2 and stated that the contractor wanted to meet with PCCD at the dam site to go over the revegetation plan and consider options. Mr. Meyer informed the Board that he told the contractor that PCCD's preference was to follow the contract specifications regarding revegetation. Mr. Meyer stated that unfortunately the City of Kyle was still under water restrictions. Mr. Meyer stated he sent a letter to the contractor and suggested that they submit a permit application to the Texas Commission on Environmental Quality (TCEQ) to use the reservoir water. Mr. Meyer stated that the contractor stated they could not revegetate because there was no water so Mr. Meyer stated they could submit two plans to complete the revegetation, one with water and one without water, but has not received either plan from the contractor. Mr. Meyer gave an update on Site 21 and stated that sprigging was done and when PCCD staff was performing an inspection of the area, they noticed little shoots were coming up. PCCD asked the contractor what this was, the contractor stated that they had broadcast Bermuda seeds in case the sprigs did not grow. Mr. Meyer stated that once the grass from the seeds grew it was not Bermuda and it has not been determined what type of grass it is. Mr. Meyer stated that NRCS informed the contractor that they would not be paid for the vegetation from the seeds since this was not part of the contract specification. Mr. Meyer asked for direction from the Board on whether they wanted the contractor to redo the sprigging or to keep the funds left in the contract for PCCD under a separate contract. The Board stated they want the contractor to redo the sprigging. Mr. Meyer gave an update on Site 12 and stated that after PCCD notified NRCS that the ports had been blocked, NRCS redid the maps to reflect the change in elevation of the ports and the wetland areas. The U.S. Army Corps of Engineers (USACE) reviewed these maps and stated PCCD could proceed with submission of an application for a Nationwide Permit 43 which was still under review. Mr. Meyer gave an update on Site 5 and stated that the City of Kyle had purchased the northeast side of the dam. Mr. Meyer gave an update on Site 4, which was currently owned by Walton who was interested in selling the property to D.R. Horton. Mr. Meyer stated that the revegetation project on Site 27 had been completed.

2:59 PM President Holt requested a report from PCCD's Attorney, Bob Wilson. Mr. Wilson asked Mr. Meyer if he had sent a letter to Quantum Wei about the desalination project. Mr. Meyer stated that he had not sent the letter, but he had informed Dr. Wei about the Board's decision not to move forward with the project. Mr. Bob Wilson stated that he had no additional comments.

3:02 PM President Holt requested public comments. There were no public comments.

3:02 PM Mrs. Knight made a motion to adjourn. Mr. Rothert provided the second and the motion to adjourn passed unanimously.


President


Vice-President