

MEETING OF THE BOARD OF DIRECTORS
PLUM CREEK CONSERVATION DISTRICT
LOCKHART, TEXAS 78644
July 16th, 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). Hiroshi Yabe, Site 31 Landowner, was present. Jean Ann Maynard, PCCD Contract Consultant, attended the meeting 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 June 18th, 2024. Mrs. Knight made a motion that the minutes of the regularly scheduled meeting held on June 18th, 2024, be accepted as mailed out. Mr. 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 proposed access easements for Site 10. Mr. Meyer stated that he was looking for guidance from the Board on how to proceed with the two proposed access easements for Site 10 because there were issues with the survey. Mr. Meyer stated that he had asked M&E Engineering, who had designed the dam, to accurately plot the proposed access easement surveys. Mr. Meyer stated that M&E had informed him that they were not able to match Sunfield's survey to theirs. Mr. Meyer stated that one explanation for this could be that two different state plane coordinate systems had been used when performing the surveys. Mr. Bob Wilson asked whether it was possible that the easement document that would be recorded include a survey that specified which coordinate system had been used. Mr. Bob Wilson also asked if there was a way to use monuments to describe the surveyed areas with a metes and bounds survey to describe the actual location. Mr. Meyer stated he would ask about these options and continue to work to resolve this issue.

1:22 President Holt requested discussion of agenda item VI regarding a contract between PCCD and Collier Consulting to assist GMA 10 in running models and developing Desired Future Conditions (DFCs). Mr. Meyer informed the Board that all the GMA 10 members had signed the interlocal agreement, which designated Collier Consulting as the consultant for GMA 10 and Plum Creek Conservation District as the contract manager on behalf of all the GMA 10 members. Mr. Meyer briefly discussed the roles of Collier and PCCD

under the contract and stated the contract was ready to be considered by the Board. Mr. Bob Wilson stated he had no concerns with the Board signing the contract on behalf of the GMA 10 members. Mrs. Knight made a motion that PCCD sign the contract. Mr. Owen provided the second and the motion was approved unanimously.

1:27 PM President Holt requested discussion of agenda item VII regarding a resolution to authorize PCCD's Executive Manager to amend the contract with Collier Consulting, Inc. Mr. Meyer informed the Board that they could either act or table this agenda item for action later. Mrs. Knight made a motion to table this agenda item until the need for amending the contract occurred.

1:28 PM President Holt requested discussion of agenda item VIII regarding the review and assessment of PCCD's Drought Management Plan. Mr. Daniel Meyer stated that PCCD was required to perform this review on an annual basis. Mr. Meyer turned this agenda item over to Tyler Farco. Tyler informed the Board that there had not been much change from last year's numbers and that the average annual water level was 381.95 feet AMSL; thus, no drought stage was in effect. Tyler stated that the average decrease from last year was 0.6 feet. Tyler informed the Board that a decrease of about 10 feet would need to occur before PCCD's Stage I drought would go into effect, which would be associated with imposing a 5% water restriction.

1:37 PM President Holt requested discussion of agenda item IX regarding PCCD's Quarterly Investment Report. Mrs. Knight stated that the report had been received, reviewed, and signed.

1:38 PM President Holt requested discussion of agenda item X regarding an engagement letter from Montemayor, Britton and Bender (MBB) for auditing services. Mr. Meyer stated, if approved, this would be the third single-audit to be performed by MBB. Mr. Meyer pointed out that the cost for the audit would be \$14,750.00 compared to last year's cost of \$13,750.00, which would be a 7.27% increase. Mrs. Knight made a motion that PCCD enter into the agreement for auditing services. Mr. Rothert provided the second and the motion was approved unanimously.

1:39 PM President Holt requested discussion of agenda item XI regarding amending two cooperative agreements for Site 28 rehabilitation, LPLUM28-RHB-FED-003-20-AMENDMENT 3 to add federal funding and LPLUM28-RHB-ADD-ST2-037-24-AMENDMENT 1 to add State funding. Mr. Meyer reminded the Board that since the bid received for the project was higher than the available funds, PCCD had requested more funding from the state and federal government. Mr. Meyer stated that Mr. Steve Bednarz (TSSWCB) and Mark Northcutt (NRCS) had informed him that the additional funds were available, but still needed to be approved at the 07/18/2024 TSSWCB board meeting. Mr. Meyer stated that if the Board decided to authorize Mr. Holt to sign the amendments on 07/16/2024, Mr. Bednarz stated that TSSWCB would hold the agreements and once they had been approved at the 07/18/2024 TSSWCB Board meeting, the agreements could be executed. Mr. Meyer stated that he had added the next agenda item in case the Board was not comfortable authorizing Mr. Holt to sign the amendments before the official approval of the funds. Jean Ann Maynard stated if the amendments were approved for signature at this meeting, it would help to expedite awarding the contract. Mr. Owen made a motion that PCCD approve and sign both the state and federal contract amendments. Mrs. Knight provided the second and the motion was approved unanimously.

1:45 PM President Holt requested discussion of agenda item XII regarding authorizing President Holt to sign the two amended cooperative agreements when additional federal and state funds were received related to the Site 28 Rehabilitation Project. This agenda item did not require action.

1:45 PM President Holt requested discussion of agenda item XIII regarding amending two cooperative agreements (PLUM21-RHB-ESF-508-20-AMEND 3 and LPLUM28-RHB-ESF-509-20-AMEND 3) for State and Federal funding for the Site 21 and 28 Rehabilitation Projects. Mr. Meyer stated that the amendments would move up the expiration date for both agreements from December 31, 2024, to July 31, 2024, but that any funding not used for legal/land rights and administrative expenses could be used to pay for construction expenses. Mrs. Knight made a motion that PCCD approve and authorize Mr. Holt to sign both the agreement amendments, one for Site 21 and one for Site 28. Mr. Rothert provided the second and the motion was approved unanimously.

2:03 PM President Holt requested a report from the PCCD Geologist, Mr. Feathergail Wilson. Mr. Feathergail Wilson's presented a slideshow on PCCD's recently completed monitoring well, located within the Carrizo barrier island complex, specifically in the beach and dunes area. Mr. Feathergail Wilson showed a slide that indicated the new water level for the monitoring well was 110.2, about 18 feet into the Reklaw formation. Mr. Feathergail Wilson showed slides of the barrier island complex along with locations of many other wells in the area. Mr. Feathergail Wilson showed a slide on the Wilcox monitoring well that demonstrated a 17-foot drop in the water level over the last 60 days. Mr. Feathergail also presented a slide on the placement of the screens in the new monitoring well and explained the importance of the location of the screens, specifically to provide an accurate representation of water flow and drawdown.

2:22 PM President Holt requested a report from the NRCS' District Conservationist, Mr. Jeremy Hasty. Mr. Hasty was not in attendance.

2:22 PM President Holt requested a report from the PCCD Executive Manager, Mr. Daniel Meyer. Mr. Meyer gave an update on Site 31 and reminded the Board that at a prior meeting, they had considered three options for adequate access to the site: (1) revegetation, (2) application of road base, and (3) a concrete ramp. Mr. Meyer reported that he had gone to Site 31 to tell the landowner, Hiroshi Yabe, that the Board had directed him to research installing a concrete ramp for access. Mr. Meyer stated that the landowner did not agree with this option and wanted to discuss this with the Board. Mr. Meyer introduced the landowner to the Board. The landowner discussed extensively with the Board a handout that he presented to the Board members, which included the reasons he did not want the concrete ramp as well as a diagram of his personal plans to fix part of the access area. The landowner stated that he objected to the use of concrete but proposed fixing the area himself. Mr. Meyer stated that under the easement terms, PCCD had access rights and his concern was that if an event occurred that required large trucks and equipment to get to the site quickly, the current access was not adequate and needed to be revised. Mrs. Knight stated that because PCCD was looking at inadequate site access as a potentially large problem; PCCD had to be prepared for that and asked that PCCD staff consult with a contractor regarding what the best solution would be. The Board stated that if the contractor recommended concrete, then the District would move forward with the concrete ramp. Mr. Reinecke made a motion that PCCD hire an expert to present a range of options with associated costs and the Board would decide based on

these recommendations. Mrs. Knight provided the second and the motion was approved unanimously. Mr. Holt asked that Mr. Bob Wilson speak about the easement. Mr. Bob Wilson stated that the easement terms allowed PCCD reasonable access to the structure, given that PCCD must be prepared to preserve as well as fix the high hazard dam during a potential catastrophic event. Mr. Meyer informed the Board that he had received a call from a landowner close to Site 7, Georgina Chaires. Mr. Meyer stated that Ms. Chaires' voiced her concern that the ground area around the water line placed by Alliance Regional Water Authority (ARWA) had not been returned to its original condition, which could redirect or block the water flow and cause erosion problems. Mr. Meyer stated that he would continue to work with ARWA and NRCS. Mr. Meyer gave an update on Site 2 and informed the Board that the final vegetation contract modification had to be reviewed by the design engineer, Lance Finnefrock, who stated that he was concerned that the water trucks could damage the subgrade while watering and he was concerned about the uniformity of irrigation. Mr. Meyer stated that clauses were added to the contract modification indicating if these methods did not work, then the plan would need to be redone to make sure that the site was revegetated properly. Mr. Meyer gave an update on Site 21 and informed the Board that the vegetation had not met the 50% coverage criteria. Mr. Meyer stated that the Site 21 contractor no longer had access to water because they had reached the limit of their TCEQ temporary water permit. Mr. Meyer stated that Bob Wilson and Ed McCarthy had both worked with TCEQ to obtain another temporary water use permit. Mr. Meyer reported that Mr. McCarthy had been able to obtain two 10-acre feet temporary water permits, one for Site 21 and one for Site 2. Mr. Owen asked if the Site 2 final revegetation had begun. Mr. Meyer stated that the contract modification had been sent to MAC today and PCCD was awaiting a response.

3:20 PM

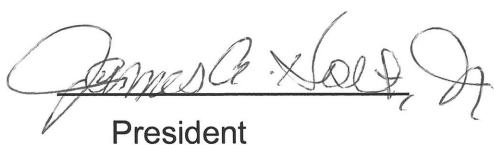
President Holt requested a report from PCCD's Attorney, Bob Wilson. Mr. Bob Wilson stated that he and Ed McCarthy have been discussing creating a comprehensive list dealing with dam structures such as easements, navigability of streams, and the differing laws/rules about building dams across navigable streams versus across non-navigable streams, how navigability was defined in the Texas Property Code, and who has the right as a riparian owner to pump water out of a PCCD reservoir. Mr. Bob Wilson also clarified that the recently obtained temporary water use permits were under PCCD's name, not the contractor's name. Mr. Bob Wilson stated that he and Ed McCarthy would continue to assess the District's needs for obtaining temporary water use permits for future construction projects.

3:35 PM

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

3:35 PM

Reinecke made a motion to adjourn. Mrs. Knight provided the second and the motion to adjourn passed unanimously.



President



Vice-President