

MEETING OF THE BOARD OF DIRECTORS
PLUM CREEK CONSERVATION DISTRICT
LOCKHART, TEXAS 78644
December 17th, 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 Rothert (Director), Tom Owen (Director), and Lee Rust (Director). PCCD Attorney Bob Wilson attended the meeting in person. PCCD Attorney, Edmond McCarthy and PCCD Geologist Feathergail Wilson 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 19th, 2024. Mrs. Knight made a motion that the minutes of the regularly scheduled meeting held on November 19th, 2024, be accepted as mailed out. Mr. Rothert provided the second and the motion was approved unanimously.

1:01 PM President Holt requested discussion of agenda item IV regarding amending two cooperative agreements for the Site 12 Rehabilitation to add federal and state funding. Mr. Bob Wilson suggested that Mr. Holt take agenda items IV and V together since he had to talk about both agenda items. Mr. Bob Wilson stated that he had drafted a land rights letter, but after he spoke with Mr. Meyer it appeared that a part of the final project design, that had been done by the National Resources Conservation Service (NRCS), was now outside the PCCD easement area, specifically the work area that would be needed during the construction project. Mr. Wilson stated that he would have to state in his land rights letter that PCCD did not have all the easement areas needed. Mr. Bob Wilson stated the letter would also state that PCCD could negotiate to acquire the necessary easement area or could file a condemnation suit. Mr. Bob Wilson explained the condemnation process. Mr. Holt asked how much extra land was needed. Mr. Meyer gave the Board a recap on the various events that had taken place regarding the planning stages of Site 12 to include: (1) the pre-designs by NRCS indicated that PCCD would need an additional 5 acres, so PCCD negotiated with Ky-Tex and an acquisition and ratified agreement was done in 2019; (2) Ky-Tex then sold the property to D.R. Horton and once NRCS was alerted of the D.R. Horton's subdivision plans, NRCS stated that the original design would need to be revised as the designs would no longer pass the probable maximum flood event and the roller-compacted concrete (RCC) had to be extended and would encompass more downstream areas; (3) PCCD then began negotiations with D.R. Horton for an amended easement, which included changing the location of PCCD's campsite area several times at the request of D.R. Horton; the easement was again amended in December 2023 with Continental Homes (D.R. Horton); (4) NRCS did a

final revision of the design plans in 2024 and, upon review, Mr. Meyer noticed portions of the work limits area were outside of the easement area. Mr. Meyer stated that PCCD needed about half an acre. Mr. Holt stated that work still needed to be done before a decision could be made regarding these agenda items. The Board agreed that Mr. Meyer should inform NRCS and TSSWCB that PCCD needed to obtain the necessary land rights and would begin negotiations with the landowner.

1:01 PM President Holt requested discussion of agenda item V regarding authorizing President Holt to sign the Federal and State agreements for Site 12 Rehabilitation in time for the agreements to be fully executed at the January 16th, 2025, Texas State Soil and Water Conservation Board meeting. Mr. Holt stated that work still needed to be done before a decision could be made regarding these agenda items. The Board agreed that Mr. Meyer should inform NRCS and TSSWCB that PCCD needed to obtain the necessary land rights and would begin negotiations with the landowner.

1:38 PM President Holt requested discussion of agenda item VI regarding consideration of amending the Site 10 Amended Easement (2022). Mr. Bob Wilson requested that agenda items VI and VII also to be discussed together. Mr. Bob Wilson reminded the Board that these easements were signed by Sunfield and PCCD during the Site 10 Rehabilitation project. Mr. Bob Wilson informed the Board that one of these agreements stated that upon completion of the project, PCCD would release the temporary worksite and easement areas. Mr. Bob Wilson stated that he had written a draft of the release document that included provisions that stated nothing in the release and restatement could prevent PCCD from having continued dam access under the terms of the original easement to fulfill its obligations as primary local sponsor as required by the agreements that PCCD had with NRCS and the State of Texas. Mr. Bob Wilson stated that he was still working on a final draft to send to Sunfield's lawyers for their review. Mr. Bob Wilson stated that no action was required at this time and that the final document would be presented at a future meeting.

1:38 PM President Holt requested discussion of agenda item VII regarding consideration of releasing the *Temporary Construction, Working Space, and Access Easement* for Site 10. Mr. Bob Wilson stated that no action was required at this time and that the final document would be presented at a future meeting.

1:42 PM President Holt requested discussion of agenda item VIII regarding legislation to clarify and authorize PL 83-566 flood control structures operated by the District as formally recognized as being exempt, including use of impounded water for maintenance, repair, and replacement of structures and related works of improvement. Mr. Meyer turned this agenda item over to Ed McCarthy. Mr. McCarthy stated that all PCCD's structures were designed to be less than 200-acre feet of actual long-term storage, under the general criteria for what was typically called domestic and livestock exemption. Mr. McCarthy stated that for the last 70+ years the State of Texas had treated PCCD's structure this way, but there had been no formal recognition of the exemption of the structures. Mr. McCarthy stated that he had spoken with TSSWCB about the PCCD structures as well as others throughout the State of Texas and the idea of getting the structures formally recognized and to further have it recognized that Districts have the right to divert water from the structures, as needed, for the limited purposes of rehabilitation and maintenance without having to apply for a permit. Mr. McCarthy stated that this would save time and money for the Districts and the contractors. Mr. McCarthy stated that he

had drafted such a bill to be considered during the upcoming legislative session. The Board agreed to this idea and Mr. McCarthy stated that he would move forward.

1:50 PM President Holt requested discussion of agenda item IX regarding amending the PCCD Retention Schedule. Each of the Board members were given a table of the recommended amendments. Mr. Meyer informed the Board that when PCCD had submitted the previously adopted amended schedule to the Texas State Library and Archives Commission (TSLAC) for their review, TSLAC had recommended retention changes. Mr. Meyer informed the Board that to make these changes, a public rules hearing would be required. Mrs. Knight made a motion that PCCD staff schedule and hold the public hearing to make the recommended changes to the retention schedule. Mr. Owen provided the second and the motion was approved unanimously.

1:52 PM President Holt requested a report from the PCCD Geologist, Mr. Feathergail Wilson. Mr. Feathergail Wilson presented slides on the hydrogeologic differences between the Edwards and Hosston aquifers, specifically containing fresh water and saline water in certain areas. Mr. Feathergail Wilson stated that desalination could be used to address the increase in water demand. Mr. Feathergail Wilson also discussed and showed slides on the possible locations for PCCD's next Wilcox aquifer monitoring well. Mr. Feathergail Wilson also stated that unfortunately parts of Texas remain under drought conditions.

2:16 PM President Holt requested a report from the NRCS' District Conservationist, Mr. Jeremy Hasty. Mr. Hasty was not in attendance.

2:16 PM President Holt requested a report from the PCCD Executive Manager, Mr. Daniel Meyer. Mr. Meyer gave each Board member a handout that listed PCCD's 2025 Goals and Objectives, which included (1) applying for temporary water use permits for irrigation purposes of revegetation projects to promote a better success rate; (2) establishing designated worksite and buffer areas prior to any development; (3) modifying PCCD's mitigation plan according to latest legislation; and (4) establishing another Wilcox monitoring well, possibly considering placement in right-of-way areas. The Board asked that Mr. Meyer continue to research the placement of the monitoring well in a right-of-way as well as finding an interested landowner. Mr. Meyer gave an update on Site 2. Mr. Meyer presented the Board with a letter that was received from the contractor's lawyer regarding the default. Mr. Meyer asked the Board for approval to ask Bob Wilson for his legal advice regarding the contract. The Board stated that Bob Wilson could work with Mr. Meyer to resolve this matter. Mr. Meyer gave an update on Site 28 Rehabilitation Project which included a financial update handout. Mr. Meyer showed slides of the 14 feet by 18 feet high aqua dam. Mr. Meyer explained that the aqua dam would be used to dam up the water in order to install the cofferdam and then the cofferdam water would be used to rehabilitate the dam.

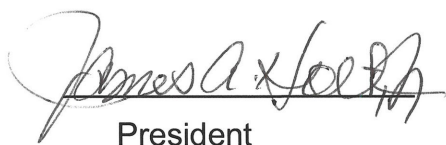
2:40 PM President Holt requested a report from PCCD's Attorney, Bob Wilson. Mr. Bob Wilson informed the Board that he had read in a newspaper that there was a new application for a discharge permit that would eventually go into one of PCCD's reservoirs that goes into Plum Creek. Mr. Bob Wilson stated he had received notice of a report by the Groundwater Protection Committee which found 250 new cases of groundwater contamination in public water supply wells. Mr. Bob Wilson stated that water from the public water supply

wells was tested and treated to avoid contamination before being distributed. Mr. Bob Wilson informed the Board that the report also stated that private landowners who had wells needed to constantly test their water supply to make sure that it was safe to drink and that the landowners could go to a local groundwater district and get assistance in performing the testing.

2:51 PM President Holt requested discussion of agenda item XIV regarding reimbursements to staff for expenses incurred in 2024. Mrs. Lucy stated that in the past reimbursements were about \$300.00 but given inflation she suggested the staff be reimbursed \$400.00 each. Mrs. Lucy Knight then made a motion to reimburse the staff for expenses incurred throughout 2024 in the amount of \$400.00 Mr. Rothert provided the second and the motion passed unanimously.

2:52 PM President Holt requested public comments. There were no public comments.

2:52 PM Mrs. Knight made a motion to adjourn. Mr. Reinecke provided the second and the motion to adjourn passed unanimously.



James A. Holt

President



P. Reinecke

Vice-President