

MEETING OF THE BOARD OF DIRECTORS
PLUM CREEK CONSERVATION DISTRICT
LOCKHART, TEXAS 78644
March 18th, 2025

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 A. Holt, Jr. The following Board members were present: Peter Reinecke (Vice President), Lucy Knight (Secretary/Treasurer), Fred Rotherth (Director), Tom Owen (Director), and Lee Rust (Director). PCCD Attorneys Bob Wilson, Edmond McCarthy (via Zoom) and PCCD Geologist Feathergail Wilson (via Zoom). Zoom links were sent to representatives from D.R. Horton including Leonard Dougal, attorney for D.R. Horton. 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 called the meeting to order.

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 February 18th, 2025. Mrs. Knight made a motion that the minutes of the regularly scheduled meeting held on February 18th, 2025, 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.

1:02 PM President Holt requested discussion of agenda item V regarding an update on the Site 34 fence project. Mr. Meyer stated that after the Board approved the project at last month's meeting, he felt it would benefit the District to increase the perimeter of the fence by 500 linear feet, from 1250 linear to 1750 linear feet. Mr. Meyer stated that the contract had been modified to include the extra fence and clearing and grubbing. Mr. Meyer stated the additional costs for these changes was \$3700 for the fence and \$2150 for additional clearing and grubbing.

1:06 PM President Holt requested discussion of agenda item VI regarding quotes received for the 2025 Fertilization/Weed Spray Project. Mr. Meyer informed the Board that PCCD performs Fertilization/Weed Spray projects annually, in April and May. Mr. Meyer stated that this year's project would include 553 acres. Mr. Holt then announced the bid amounts from Ehrig at fifty-three thousand nine hundred seventeen dollars and fifty cents (\$53,917.50) and from Lindemann at forty-eight thousand nine hundred forty dollars and fifty cents (\$48,940.50). Mr. Owen made a motion to award the project to Lindemann for \$48,940.50. Mrs. Knight provided the second and the motion was approved unanimously.

1:09 PM

President Holt requested discussion of agenda item VII regarding the 5-year review of the Pratka Groundwater Production Permit. Mr. Meyer turned this agenda item over to Tyler Farco to present. Each Board member was given a copy of the Permit Review Checklist, a map of the well location, and a map of wells that had been drilled in the vicinity of the permitted well. Tyler informed the Board that the owner's well reports had been submitted on time and that the water was being used for what it was allocated for. Tyler informed the Board that there had been no violations, the permitted amount had not been exceeded, and no hearing was needed. Tyler stated that the Pratkas' well was compliant with Rule No. 20 and the Desired Future Conditions (DFC). Tyler informed the Board that since 2017 four wells had been drilled within a one-mile area of the Pratka well and were within PCCD's District but were not permitted or registered with the District. Tyler stated that PCCD had not received any mitigation requests regarding this well.

1:12 PM

President Holt requested discussion of agenda item VIII regarding the 5-year review of the Rodriguez Groundwater Production Permit. Mr. Meyer turned this agenda item over to Tyler Farco to present to the Board. Each Board member was given a copy of the Permit Review Checklist, a map of the well location, and a map of wells that had been drilled in the vicinity of the permitted well. Tyler informed the Board that the owner's well reports had been submitted on time and that the water was being used for what it was allocated for, which was agricultural purposes. Tyler informed the Board that there had been no violations, the permitted amount had not been exceeded, and no hearing was needed. Tyler stated that the Rodriguez's well was compliant with Rule No. 20 and the Desired Future Conditions (DFC). Tyler informed the Board that since 2017 ten wells had been drilled within a one-mile area of the Rodriguez well and were within PCCD's District but were not permitted or registered with the District. Tyler stated that PCCD had not received any mitigation requests regarding this well

1:14 PM

President Holt requested discussion of agenda item IX regarding on Site 12 matters. Mr. Meyer stated he would turn this agenda item over to Mr. Bob Wilson. Mr. Bob Wilson stated a proposed PCCD access agreement had been sent to Leonard Dougal, the attorney for the Site 12 owners. Mr. Bob Wilson informed the Board that Mr. Dougal responded, via letter, that they were willing to give PCCD temporary access, but not the other items that had been requested in the agreement. Mr. Bob Wilson then asked whether the funds were still available for the Site 12 project. Mr. Meyer stated that the funds had been approved by the Texas State Soil and Water Conservation Board (TSSWCB) and were available, but a land rights letter was still needed. Mr. Bob Wilson stated that if he wrote a land rights letter, it would state that currently PCCD did not have all the land rights necessary under the design, but that the land could be acquired via condemnation. Mr. Bob Wilson stated that prior to moving forward with the condemnation process, PCCD would need to obtain a survey and an appraisal, which would then be sent to the property owners. Mr. Bob Wilson stated it was clear that the owners were not willing to work with PCCD on the proposed agreement, which would allow PCCD to continue to have access and to have a little bit broader area. Mr. Bob Wilson stated that the property owners wanted an offer from PCCD for this, even on a temporary basis. Mr. Bob Wilson stated that if the Board wanted to contemplate condemnation action, then the next two agenda items would need to be addressed. Mr. Holt asked how many acres would be needed. Mr. Meyer informed the Board that the minimal area needed would be 0.306 acre. Mr. Meyer also stated that since the funds for the Site 28 Rehabilitation Project had been frozen, he had asked the National Resources

Conservation Service (NRCS) whether the Site 12 funds could be frozen. Mr. Meyer stated that Mark Northcut of NRCS responded they would not be frozen since they were not coming from the Infrastructure Investment and Jobs Act funding. Mrs. Knight made a motion that PCCD head toward condemnation and hire a surveyor and an appraiser to perform a fee simple appraisal and ask the appraiser to let us know the difference in the cost of a fee simple appraisal versus an easement appraisal. Mr. Rust provided the second and the motion was approved unanimously.

1:27 PM

President Holt requested discussion of agenda item X regarding RFP submittals for surveying of areas needed for the Site 12 Rehabilitation Project. Mr. Meyer stated he had reached out to two companies, Doucet and Ash & Associates, who had previously done work for the District. Mr. Meyer explained that the survey would include surveying east and west sides of the dam for a total of 4 locations: (1) one that included only the 0.306 minimum area, (2) a 20-foot buffer added to the 0.306 area that would be used by the District in the future as needed, for a total of 0.6 acre, (3) a survey of PCCD's original easement access off Millenium Road to ensure it was correct at 0.119 acre, and (4) then this original easement plus a 20-foot buffer for a total of 0.227 acre. Mr. Meyer stated that the quote from Ash & Associates was \$10,000 (without the sales tax) and from Doucet was \$19,500. Mrs. Knight made a motion to go with Ash & Associates. Mr. Owen provided the second and the motion was approved unanimously.

1:35 PM

President Holt requested discussion of agenda item XI regarding RFP submittal regarding the appraisal of areas needed for the Site 12 Rehabilitation Project. Mr. Meyer informed the Board that he had reached out to a company called Atrium (Lory Johnson). Mr. Meyer stated that Atrium's estimated cost for an easement appraisal was between \$4000 and \$5500. Mr. Meyer also stated he had also reached out to another company that had done appraisals for the District, but that person had retired. Mrs. Knight stated that Atrium's estimate was not unusual for a commercial appraisal. Mrs. Knight requested that Mr. Meyer ask Mrs. Johnson if there would be a cost difference between an easement appraisal versus a simple fee appraisal. Mrs. Knight asked Mr. Meyer to let the Board know of any cost difference. Mrs. Knight made a motion to hire Atrium to do the appraisal. Mr. Rothert provided the second and the motion was approved unanimously. Mr. Bob Wilson stated he wanted to comment on his understanding of the motion, which was that the Board would receive and review the 2 documents (survey and appraisal), but the motion did not authorize proceeding with condemnation at this time.

1:40 PM

President Holt requested discussion of agenda item XII regarding two amended cooperative agreements for the Site 12 Rehabilitation Project. Mr. Meyer stated that one of the agreements was for 65% of the costs to be covered by the Federal Government and the other was to have 35% of the costs covered by the State. Mr. Holt stated it would be best to hold off on signing the agreements until PCCD had more information.

1:43 PM

President Holt requested discussion of agenda item XIII regarding the consideration of amending the Site 10 Amended Easement (2022). Mr. Bob Wilson 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.

1:43 PM

President Holt requested discussion of agenda item XIV regarding request for Recordable Release & Termination of Site 10 Temporary Construction

Working Space and Access Easement. Mr. Bob Wilson 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.

1:44 PM President Holt requested a report from the PCCD Geologist, Mr. Feathergail Wilson. Mr. Daniel Meyer informed Mr. Feathergail Wilson that the projector was not working. Mr. Feathergail Wilson stated that he would hold off on his report until next month when he would present with his slide presentation.

1:56 PM President Holt requested a report from the NRCS's District Conservationist. The NRCS's District Conservationist was not in attendance.

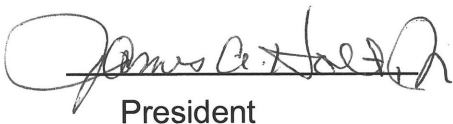
1:56 PM President Holt requested a report from the PCCD Executive Manager, Mr. Daniel Meyer. Mr. Meyer gave an update on Site 2 and stated that the final invoice included a release of claims and a settlement agreement was being reviewed by Jean Ann Maynard, PCCD Contract Consultant, and AECOM. Mr. Meyer stated that once PCCD submitted the invoice to the State for reimbursement and once PCCD paid MAC, this would trigger the release of claims for both MAC and PCCD. Mr. Meyer stated that PCCD had corresponded with the City of Kyle and NRCS regarding a treated wastewater line and a reclaimed line that were at the tail-end of the auxiliary spillway of Site 2. Mr. Meyer stated that the City of Kyle wanted to realign these two lines. Mr. Meyer stated that once NRCS looked at the City's designs and made a recommendation, it would be presented to the Board for their consideration. Mr. Meyer stated he had informed the City of Kyle that PCCD would want an indemnification agreement, but the City of Kyle's attorney stated that there was a statute where the City might have an exemption to indemnification. Mr. Bob Wilson stated he had informed Mr. Meyer that if the City of Kyle did not want to sign an indemnification agreement, the City of Kyle could move their line so that it did not come through PCCD's easement. Mr. Meyer gave an update on Site 4 and stated that PCCD staff had discovered a beaver lodge on the upstream side of the toe of the dam. The staff dismantled the lodge, and a contractor was hired to fill and compact the burrow. Mr. Meyer stated that another burrow was found, which was also filled. Mr. Meyer gave an update on GMA-10, particularly the modeling work that was part of the contract with Collier Consulting. Mr. Meyer informed the Board that \$37,000 in the contract was to be used for modeling work; however, the Texas Water Development Board (TWDB) model needed for Collier to perform the work was not ready. Mr. Meyer stated that Collier Consulting had proposed alternatives for doing Desired Future Conditions. Mr. Meyer stated that he would keep the Board informed, as he might need to come back and amend the contract. Mr. Bob Wilson stated that before amending the contract, all the GMA-10 members would need to agree to any proposed alternatives. Mr. Meyer gave an update on GMA-13 and stated that the TWDB model had been done but was incomplete so the technical consultant for GMA-13 proposed a fix that was submitted to the TWDB. Mr. Meyer stated that TWDB was fine with the proposed fix. Mr. Meyer stated that the fixed model had been reviewed by the GMA-13 members, but two of the seven GMA-13 members were not satisfied with the model so an agreement might not be reached. Mr. Meyer gave an update on Site 28 and stated that the federal funds had been frozen, and it was unclear if, when, and how they might become unfrozen. Mr. Meyer informed the Board that the State of Texas had agreed to pay for the Federal portions that were not being reimbursed for Site 28. Mr. Meyer gave an update on the proposed septic system that Walter Stephens had applied for, which would be in PCCD's Site 28 easement. Mr. Meyer stated he had


received a letter from NRCS, which stated the engineer did not have an issue with the location of the septic, but he recommended an engineer's stamp of the design. Mr. Meyer stated he had forwarded the letter to Kasi Miles, Caldwell County Sanitation Department/Flood Plain Coordinator. Mr. Meyer asked Mr. Ed McCarthy to provide a summary of the legislative bill he had been working on. Mr. McCarthy stated that Senator Zaffirini had filed this bill as Senate Bill 2568. Mr. McCarthy stated the bill was designed to do two things with respect to PCCD's flood impoundment structures: (1) to memorialize in statute that they are exempt structures and do not require permits, but are fully lawful, as constructed with less than 200-acre feet impoundment capacity, etc., (2) to propose that when PCCD was doing rehabilitation or repair work on the structure, PCCD would be entitled to use water from the impoundment on the site where it was located without a permit. Mr. McCarthy stated that he would keep the Board updated.

2:13 PM President Holt requested a report from PCCD's Attorney, Bob Wilson. Mr. Bob Wilson stated Senator Perry had filed Senate Bill 7 that looked at developing and funding additional water supplies in the State of Texas. Mr. Bob Wilson stated the bill would set up another council to oversee the planning and interconnection of water supplies that were being developed to make sure that they were available to people all over the state. Mr. Bob Wilson stated that oil and gas companies were putting so much water into the underground because of oil and gas production in West Texas that they were looking at ways to desalinate the water and produce fresh water that could be used for farming in the West Texas area.

2:16 PM President Holt requested public comments. There were no public comments.

2:16 PM Mr. Owen made a motion to adjourn. Mrs. Knight provided the second and the motion to adjourn passed unanimously.


President


Vice-President