

**Regular Called Meeting of the Board of
Directors**

Edmond S Komandosky, President
Scott Ging, Vice President
Monica P Masters, Secretary/Treasurer
Allen R David, Director
Laine Holman, Director

LOWER BRUSHY CREEK WCID

Notice is hereby given for a regular called meeting of the Board of Directors of the Lower Brushy Creek WCID to be held on **Monday January 15, 2024 at 7:30 am** at the Greater Taylor Chamber of Commerce, 1519 North Main Street, Taylor, Texas 76574 for the purpose of considering the following agenda items. The Board of Directors will meet, consider, deliberate and may take action on all agenda items.

AGENDA

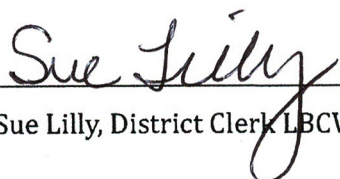
1. Welcome, Call to Order, and determination of a Quorum;
2. Citizens Communications - *an opportunity for the public to address the Board on agenda items or concerns not on the agenda (limited to 3 minutes each)*
3. Consider approval of Minutes for the *Regular Called Meeting Minutes of November 20, 2023*
4. Consider approval of the following Financial Reports:
Account Register for November 2023 and December 2023
Quarterly report - 1st qtr
Investment report - 1st qtr
5. Consideration and approval of "Order of General Election 2024"
6. Consideration and discussion of draft of "Manual for Encroachments"
7. Consideration and approval for General Manager to submit a letter of endorsement for the Foreign Trade Zone of Texas

8. Consideration and approval for the General Manager to execute Task Order #10 for Principal Spillway Conduit Repairs with Freese & Nichols, Inc to design principal spillway outlet and plunge pool repairs to Sites 3, 10, and 30 for a not-to-exceed amount of \$86,000.
9. Consideration and approval for the General Manager to (1) Execute an agreement with Bott and Douthitt, PLLC as the Bookkeeping Services Contractor for LBCWCID, effective February 1, 2024, (2) Retain the services of Paula Marak and (3) Perform other duties to assist in transition.
10. Agency Reports
11. Consideration and Discussion of the General Manager's Report and update
12. Executive Session as authorized by Section 551.072 (Deliberations regarding Real Property) of Chapter 551, Title 5 of the Texas Local Government Code: easements and land values associated with LBC Site 18 Upgrade Project;
13. Reconvene to open session to take action, if any, on matters discussed in the Executive Session;
14. Director's comments
15. Adjournment.

"The Lower Brushy Creek Water Control & Improvement District Board of Directors reserves the right to adjourn into executive session at any time during the meeting to discuss any of the matters listed above, as authorized by Texas Local Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations regarding Real Property), 551.073 (Deliberations regarding Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations regarding Security Devices), and 551.087 (Deliberations regarding Economic Development Negotiations)."

CERTIFICATION

I certify that a copy of the January 15, 2024 agenda of items to be considered by the Board of Directors of the Lower Brushy Creek WCID was posted on January 8, 2024.



Sue Lilly, District Clerk LBCWCID

Minutes of the November 20, 2023
Meeting of the Board of Directors of the Lower Brushy Creek WCID

President Ed Komandosky called the Regular Meeting of the Board of Directors of the Lower Brushy Creek WCID to order at 7:30am on Monday November 20, 2023 and announced that a Quorum was present. Board members present included Secretary/Treasurer Monica Masters, Director Allen David and Director Laine Holman. Others present included General Manager Jim Clarno, Communications Consultant Richard Stone, District Clerk Sue Lilly, Board Attorney Mark Schroeder, Representative from the Foreign Trade Zone of Texas Ben Ramirez, and representative from Texas State and Soil Water Commission Tony Resendez.

Ben Ramirez, representative from the Foreign Trade Zone of Texas, addressed the Board regarding a request of endorsement. Jim Clarno will write an endorsement, as per Ben Ramirez's request and the Board will concur.

Vice President, Scott Ging, joined the meeting at 8:03am

General Manager, Jim Clarno, presented for consideration and approval the October 16, 2023 Regular Called Meeting Minutes. A motion was made by Director Allen David to approve the meeting minutes as presented. The motion was seconded by Director Laine Holman and approved by a vote of 5-0.

Clarno presented for consideration and approval of the Checking Account Register for October 2023. A motion was made by Secretary/Treasurer Monica Masters to approve the financial report as presented. The motion was seconded by Vice President Scott Ging and approved by a vote of 5-0.

Clarno presented for consideration and approval of the following forms: An Information Form and an Update to the Notice of Purchaser Form, as required by the Texas Commission on Environmental Quality Commission. A motion was made by Director Laine to approve the Information Form and Notice of Purchaser Form as presented. The motion was seconded by Vice President Ging and approved by a vote of 5-0.

Clarno presented for consideration and approval of an update to the Board of Directors Election Guidelines as required by the Texas Secretary of State. A motion was made by Secretary/Treasurer Masters to approve the Board of Directors Election Guidelines as presented. The motion was seconded by Director David and approved by a vote of 5-0.

Clarno presented for consideration and approval of an update to the Financial Policy as required by the Texas Government and Water Codes on Environmental Quality. A motion was made by Director David to approve the Board of Financial Policy as presented. The motion was seconded by Vice President Ging and approved by a vote of 5-0.

Clarno presented for consideration and approval for the General Manager to execute Task Order #10 for Principal Spillway Conduit Repairs with Freese & Nichols, Inc to design principal spillway outlet and plunge pool repairs to Sites 3, 10, and 30 for a not-to-exceed amount of \$86,000. The action has been tabled until the next Board of Directors Regular Called Meeting.

Secretary/Treasurer Monica Masters departed the Board Meeting at 8:30am.

Tony Resendez, representative from Texas State and Soil Water Commission, presented an update on the TSSWC activities and plans. No action was taken.

Clarno presented the General Manager's Report and update. There were no actions taken.

President Komandosky opened an Executive Session at 8:50am, as authorized by Section 551.072 (Deliberations regarding Real Property) and Section 551.074 (Deliberations regarding Personal Matters) of Chapter 551, Title 5 of the Texas Local Government Code: easements and land values associated with the LBC Site 18 Upgrade Project and vacant Director Position. No action was taken. The Executive Session was closed at 9:03am.

President Komandoksy announced a reconvening to open session at 9:04am. No action was taken.

There were no other director's comments.

There being no further business, the meeting was adjourned without objection at 9:05am.

Respectfully submitted:

Monica P Masters/ Secretary

Lower Brushy Creek WCID Account Register for the period ending November 2023

Balance as of 11/01/23						
	TexPool Acct (General Fund)					\$385,278.61
	TexPool Acct (Rainy Day Fund)					\$211,696.98
	City National Bank					\$13,966.38
					Total Funds Available	\$610,941.97
Income						
	11/02/23		Transfer TexPool to Checking			\$30,000.00
	11/29/23		Transfer TexPool to Checking			\$25,000.00
	various		TexPool (General Fund)		Tax Revenue- November	\$48,217.02
	11/30/23		TexPool (General Fund)		Interest Posted	\$1,664.63
	11/30/23		TexPool (Rainy Day Fund)		Interest Posted	\$934.79
					Total Income	\$105,816.44
Expenses						
	11/01/23	2112	Sue Lilly		District Clerk Services	\$160.00
	11/01/23	2127	Williamson County Tax Assessor		Annual Payment	\$7,913.20
	11/02/23		TexPool Transfer to Checking			\$30,000.00
	11/06/23	2129	Heritage Office Suites		Monthly Office Rental	\$1,028.00
	11/06/23	2130	Clark L Jackson		Accounting Services	\$400.00
	11/06/23		Office Depot (Office Supplies)		Debit Card Purchase	\$103.79
	11/09/23	2124	Freese & Nichols		Task Order #7 (Refencing & Amend. #1)	\$1,978.98
	11/09/23	2133	RTS Connect		Communications Consulting	\$1,200.00
	11/10/23	2131	Clamo Consulting, LLC		General Manager's Fee and Mileage	\$6,500.00
	11/14/23		Office Depot (Office Supplies)		Debit Card Purchase	\$28.48
	11/17/23	2132	Ancira Strategic Partners LLP		Communications Consulting	\$1,000.00
	11/17/23	2134	TerraSol, LLC		Site 18	\$520.00
	11/29/23		TexPool Transfer to Checking			\$25,000.00
					Total Expenses	\$75,832.45
Balance as of 11/30/23						
	TexPool Acct (General Fund)					\$380,160.26
	TexPool Acct (Rainy Day Fund)					\$212,631.77
	City National Bank Acct					\$48,133.93
					Total Funds Available	\$640,925.96
Prepared 12/04/2023						

LOWER BRUSHY CREEK WCID Quarterly Financial Statement First Quarter of FY 23

Description	1st Quarter	Total to Date	FY 24 Budget (Approved)	% of budget
<u>INCOME</u>				
Tax Income	\$457,609.62	\$457,609.62	\$825,000.00	55.47%
TSSWCB Grants				
Maintenance Grants	\$0.00	\$0.00	\$76,000.00	0.00%
Repair Grants	\$0.00	\$0.00	\$0.00	0.00%
Rehabilitation Grants	\$0.00	\$0.00	\$0.00	0.00%
Total TSSWCB Grant Income	\$0.00	\$0.00	\$76,000.00	0.00%
Other Income				
Transfer from General Fund Su	\$0.00	\$0.00	\$225,000.00	0.00%
Permits, fees and interest	\$8,220.39	\$8,220.39	\$30,000.00	27.40%
Total Other Income	\$8,220.39	\$8,220.39	\$255,000.00	3.22%
TOTAL INCOME	\$465,830.01	\$465,830.01	\$1,156,000.00	40.30%
<u>EXPENSES</u>				
Administrative Expenses				
General Manager	\$26,000.00	\$26,000.00	\$72,000.00	36.11%
District Clerk	\$340.00	\$340.00	\$15,000.00	2.27%
Directors Fees	\$1,800.00	\$1,800.00	\$7,500.00	24.00%
Professional Services - Account	\$1,200.00	\$1,200.00	\$5,400.00	22.22%
Professional Services - Auditin	\$0.00	\$0.00	\$10,500.00	0.00%
Professional Services - Commu	\$6,600.00	\$6,600.00	\$27,000.00	24.44%
Professional Services- Other C	\$819.23	\$819.23	\$4,000.00	20.48%
Professional Services - Legal	\$2,540.00	\$2,540.00	\$20,000.00	12.70%
Advertising/Legal Notices	\$399.80	\$399.80	\$10,000.00	4.00%
Bonds/Insurance	\$2,366.70	\$2,366.70	\$2,000.00	118.34%
Dues/Subscriptions/Prof Deve	\$200.00	\$200.00	\$2,000.00	10.00%
Meals/Entertainment	\$184.54	\$184.54	\$2,000.00	0.00%
Office - rental/deposit	\$3,135.40	\$3,135.40	\$14,000.00	22.40%
Office - furniture/equipment	\$0.00	\$0.00	\$500.00	0.00%
Office - Supplies	\$132.27	\$132.27	\$1,500.00	8.82%

LOWER BRUSHY CREEK WCID Quarterly Financial Statement First Quarter of FY 23

Postage/Delivery Charges	\$0.00	\$0.00	\$500.00	0.00%
Travel/Mileage	\$184.71	\$184.71	\$6,500.00	2.84%
Website	\$0.00	\$0.00	\$1,200.00	0.00%
Williamson Central Appraisal District	\$973.75	\$973.75	\$4,500.00	21.64%
Williamson County - Election Commission	\$0.00	\$0.00	\$25,000.00	0.00%
Williamson County - Tax Collector	\$7,913.20	\$7,913.20	\$6,000.00	131.89%
Misc. (5% contingency)	\$0.00	\$0.00	\$11,900.00	0.00%
Total Administrative Expense	\$54,789.60	\$54,789.60	\$249,000.00	22.00%
Engineering Services				
Professional Services - Engineering/Surveying				
General	\$7,172.88	\$7,172.88	\$124,000.00	5.78%
Inspection of all dams	\$0.00	\$0.00	\$30,000.00	0.00%
Breach maps for Emergency Action Plans	\$0.00	\$0.00	\$0.00	#DIV/0!
Emergency Action Plans	\$0.00	\$0.00	\$4,000.00	0.00%
Other	\$0.00	\$0.00	\$60,000.00	0.00%
Total Engineering/Surveying	\$7,172.88	\$7,172.88	\$218,000.00	3.29%
Professional Services - USGS				
Gauge Installation	\$0.00	\$0.00	\$41,250.00	0.00%
Gauge Maintenance	\$74,375.00	\$74,375.00	\$0.00	#DIV/0!
Total USGS	\$74,375.00	\$74,375.00	\$41,250.00	180.30%
Total Engineering Services	\$81,547.88	\$81,547.88	\$259,250.00	31.46%
Project Expenses				
Dam Maintenance	\$35,352.40	\$35,352.40	\$240,000.00	14.73%
Dam Repairs	\$0.00	\$0.00	\$225,000.00	0.00%
Dam Rehabilitation/Upgrade	\$55,522.50	\$55,522.50	\$125,000.00	0.00%
Other Projects	\$0.00	\$0.00	\$50,000.00	0.00%
Total Project Expenses	\$90,874.90	\$90,874.90	\$640,000.00	14.20%
TOTAL EXPENSES	\$227,212.38	\$227,212.38	\$1,148,250.00	19.79%
Revised 01/05/24				



LOWER BRUSHY CREEK WCID

PO Box 267, Georgetown, Texas 78627
612 Quail Valley Drive, Georgetown, Texas 78626
LowerBrushyCreekWCID@gmail.com

Board of Directors

Edmond Komandosky
President

Scott Ging
Vice President

Monica P. Masters
Secretary/Treasurer

Mike Schneider
Director

Allen R. David
Director

TO: President and Member of the Board of Directors
FROM: Jim Clarno, General Manager/Investment Officer
DATE: January 05, 2023
SUBJECT: Investment Report
First Quarter of FY 24

Following please find the First Quarter Investment Report for FY 24 as required by the *Public Fund Investment Act* (Chapter 2459 of the Texas Government Code, as amended by Chapter 2256) and the *Investment Policy* adopted by the Board of Directors of the Lower Brushy Creek WCID on June 10, 2019:

	Fund	General	Rainy Day
General Manager	Starting Book/Market Value	\$466,496.78	\$210,737.85
	Total Deposits	\$457,609.62	\$0.00
	Total Withdrawn	\$237,000.00	\$0.00
	Interest Earned	\$5,356.81	\$2863.58
	Ending Book/Market Value	\$692,463.21	\$213,601.43
	Trade Date	n/a	n/a
Board Attorney	Maturity Date	n/a	n/a

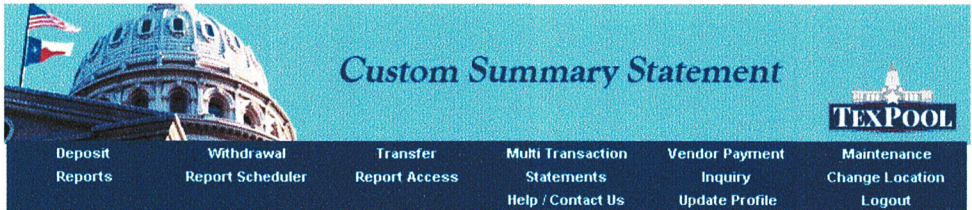
James R. Clarno, P.E.
108 Trinity Lane
Georgetown, TX 78633
Cell: 512.517.7596
Email: jclarno.pe@att.net

Ted W. Hejl
Hejl & Schroeder, PC
P.O. Box 192
311 Talbot Street
Taylor, Texas 76574
Office: 512.365.6348
FAX: 512.365.2226

If you have any questions, please contact me.

Sincerely,

James R. Clarno, P.E.
General Manager/Investment Officer



Custom Summary Statement

TEXPOOL

- Deposit Reports
- Withdrawal Report Scheduler
- Transfer Report Access
- Multi Transaction Statements Help / Contact Us
- Vendor Payment Inquiry Update Profile
- Maintenance Change Location Logout

TexPool Participant Services
 1001 Texas Ave, Ste 1150
 Houston, TX 77002

LOWER BRUSHY CREEK WCID
 ATTN JAMES R CLARNO
 PO BOX 467
 GEORGETOWN TX 78627-0467

Statement Period 10/01/2023 - 12/31/2023
Customer Services 1-866-TEX-POOL
Location 000079681

GENERAL FUND - 07968100001

10/01/2023-10/31/2023

Pool Name	Beginning Balance	Total Deposit	Total Withdrawal	Total Interest	Current Balance	Average balance
TexPool	\$466,496.78	\$6,965.12	-\$90,000.00	\$1,816.71	\$385,278.61	\$397,652.91
Total Dollar Value	\$466,496.78	\$6,965.12	-\$90,000.00	\$1,816.71	\$385,278.61	

11/01/2023-11/30/2023

Pool Name	Beginning Balance	Total Deposit	Total Withdrawal	Total Interest	Current Balance	Average balance
TexPool	\$385,278.61	\$48,217.02	-\$55,000.00	\$1,664.63	\$380,160.26	\$375,194.26
Total Dollar Value	\$385,278.61	\$48,217.02	-\$55,000.00	\$1,664.63	\$380,160.26	

12/01/2023-12/31/2023

Pool Name	Beginning Balance	Total Deposit	Total Withdrawal	Total Interest	Current Balance	Average balance
TexPool	\$380,160.26	\$402,427.48	-\$92,000.00	\$1,875.47	\$692,463.21	\$408,377.81
Total Dollar Value	\$380,160.26	\$402,427.48	-\$92,000.00	\$1,875.47	\$692,463.21	

Account Totals

Pool Name	Beginning Balance	Total Deposit	Total Withdrawal	Total Interest	Current Balance
TexPool	\$466,496.78	\$457,609.62	-\$237,000.00	\$5,356.81	\$692,463.21
Total Dollar Value	\$466,496.78	\$457,609.62	-\$237,000.00	\$5,356.81	\$692,463.21

RAINY DAY FUND - 07968100002

10/01/2023-10/31/2023

Pool Name	Beginning Balance	Total Deposit	Total Withdrawal	Total Interest	Current Balance	Average balance
TexPool	\$210,737.85	\$0.00	\$0.00	\$959.13	\$211,696.98	\$210,768.79
Total Dollar Value	\$210,737.85	\$0.00	\$0.00	\$959.13	\$211,696.98	

11/01/2023-11/30/2023

Pool Name	Beginning Balance	Total Deposit	Total Withdrawal	Total Interest	Current Balance	Average balance
TexPool	\$211,696.98	\$0.00	\$0.00	\$934.79	\$212,631.77	\$211,728.14
Total Dollar Value	\$211,696.98	\$0.00	\$0.00	\$934.79	\$212,631.77	

12/01/2023-12/31/2023

Pool Name	Beginning Balance	Total Deposit	Total Withdrawal	Total Interest	Current Balance	Average balance
TexPool	\$212,631.77	\$0.00	\$0.00	\$969.66	\$213,601.43	\$212,725.61
Total Dollar Value	\$212,631.77	\$0.00	\$0.00	\$969.66	\$213,601.43	

Account Totals

Pool Name	Beginning Balance	Total Deposit	Total Withdrawal	Total Interest	Current Balance
TexPool	\$210,737.85	\$0.00	\$0.00	\$2,863.58	\$213,601.43
Total Dollar Value	\$210,737.85	\$0.00	\$0.00	\$2,863.58	\$213,601.43

Grand Totals

Pool Name	Beginning Balance	Total Deposit	Total Withdrawal	Total Interest	Current Balance
TexPool	\$677,234.63	\$457,609.62	-\$237,000.00	\$8,220.39	\$906,064.64
Total Dollar Value	\$677,234.63	\$457,609.62	-\$237,000.00	\$8,220.39	\$906,064.64

ORDER OF GENERAL ELECTION FOR OTHER POLITICAL SUBDIVISIONS
ORDEN DE ELECCIÓN GENERAL PARA OTRAS SUBDIVISIONES POLÍTICAS

An election is hereby ordered to be held on 05 / 04 / 2024 for the purpose of voting on:
(*Por la presente se ordena celebrar una elección el ____/____/____ con el propósito de votar sobre.*)

List Offices/Propositions/Measures on the ballot (*Enúmere los puestos/proposiciones/medidas oficiales en la boleta*)

Director of Lower Brushy Creek WCID

Director of Lower Brushy Creek WCID

Early voting by personal appearance will be conducted each weekday at:
(*La votación adelantada en persona se llevará a cabo de lunes a viernes en:*)

The Main Early Voting Location (*sitio principal de votación adelantada*)

Location (*sitio*) Hours (*horas*)

Branch Early Voting Locations (*sucursal sitios de votación adelantada*)

Location (*sitio*) Hours (*horas*)

Early voting by personal appearance will be conducted each weekend at:
(*La votación adelantada en persona se llevará a cabo en el fin de semana en:*)

The Main Early Voting Location (*sitio principal de votación adelantada*)

Location (*sitio*) Hours (*horas*)

Branch Early Voting Locations (*sucursal sitios de votación adelantada*)

Location (*sitio*) Hours (*horas*)

Applications for ballot by mail shall be mailed to:
(Las solicitudes para boletas que se votarán adelantada por correo deberán enviarse a:)

Name of Early Voting Clerk
(Nombre del Secretario/a de la Votación Adelantada)

Address (Dirección)

City (Ciudad) Zip Code (Código Postal)

Telephone Number (Número de teléfono)

Email Address (Dirección de Correo Electrónico)

Early Voting Clerk's Website (Sitio web del Secretario/a de Votación Adelantada)

Applications for Ballots by Mail (ABBMs) must be received no later than the close of business on:
(Las solicitudes para boletas que se votarán adelantada por correo deberán recibirse no más tardar de las horas de negocio el:)

____/____/____.
(date)(fecha)

Federal Post Card Applications (FPCAs) must be received no later than the close of business on:
(La Tarjeta Federal Postal de Solicitud deberán recibirse no más tardar de las horas de negocio el:)

____/____/____.
(date)(fecha)

Issued this 17 day of January, 20 2024.

(Emitida este día _____ de _____, 20 ____.)

Signature of Presiding Officer (Firma del Dirigente que Preside)

Signature of Board Member (Firma del Director)

Signature of Board Member (Firma del Director)

Signature of Board Member (Firma del Director)

Signature of Board Member (Firma del Director)

Signature of Board Member (Firma del Director)

Instruction Note: A copy of this election order must be delivered to the County Clerk/Elections Administrator and Voter Registrar not later than 60 days before election day.

Nota de Instrucción: Se deberá entregar una copia de esta orden de elección al/a la Secretario(a) del Condado/Administrador(a) de Elecciones y el/la Registrador(a) de Votantes a más tardar 60 días antes del día de elección.



**MANUAL FOR ENCROACHMENTS
WITHIN
DISTRICT EASEMENTS**

**LOWER BRUSHY CREEK
WCID**

JANUARY 2024

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Section 1 Introduction

The US Department of Agriculture - Natural Resources Conservation Service (NRCS), formerly the Soil Conservation Service (SCS), oversaw the design and construction of twenty-three dams and is considered the “Engineer-of-Record” for the structures. The Lower Brushy Creek Water Control and Improvement District (District) is the local sponsor of these dams.

These dams were constructed on private lands through easements held by the District. Most easements were prepared in the 1950’s through 1970’s, although some easements have been modified, partially released, or more clearly defined by metes and bounds and filed under separate instruments or on plats. All easements are filed with the Williamson County Clerk’s office.

As easement holder and local sponsor of the structures, the District is responsible for the operation, maintenance, inspection, and modernization of these structures. These activities are funded by ad valorem taxes collected within the District and grants or other funds that may be available.

The District will use the following Manual to regulate encroachments within the District Easements to preserve the functionality of the structures and maintain the flood storage as designed to protect residents upstream and downstream of the dams.

When activity is contemplated which will impact a District Easement, the District shall be contacted to review the plans and their impact on the easement. All activities within District Easements are prohibited without an executed agreement with the District, reviewed on a case-by-case basis and approval is at District discretion. The District’s approval of any request for modification of an easement will be contingent on the concurrence of the Texas Office of NRCS and/or Texas Commission on Environmental Quality (TCEQ) (as applicable).

All the District’s structures are regulated by the TCEQ. Texas Administrative Code (TAC) Title 30, Part 1, Chapter 299: DAMS AND RESERVOIRS contains regulations pertaining to structures that satisfy specific size or hazard criteria. District structures’ hazard classification is designated by the TCEQ. The LBCWCID has 7 High-Hazard dams, 7 Significant-Hazard dams, and 9 Low-Hazard dams.

Section 2 District Authority to Regulate Encroachments

The District is a political subdivision of the State of Texas organized under the provisions of Section 59 of Article XVI of the Texas Constitution. It operates pursuant to Chapters 49 and 51 of the Texas Water Code with regulatory oversight from the Texas Commission on Environmental Quality, specifically Title 30, Part 1, Chapter 299 of the Texas Administrative Code.

Most of the District's dams were constructed in conjunction with the United States Department of Agriculture in the late 1950's through the 1970's. The easements granted to the District specifically state that the District shall have the right, privilege and authority to utilize the property for the installation, operation, maintenance and inspection of the dams. Additionally, each easement includes language that states that the District has all rights that may be necessary, useful or convenient for the full enjoyment of the easement conveyed. The District has consistently and vigorously protected these easement rights.

The District's review and permitting authority is solely focused on ensuring that the District easement rights are fully protected or are otherwise remediated for the benefit of the District. Consequently, the District's review of any development near or within the easement boundaries is limited to the protection of the easement.

Section 3 Glossary of Terms and Dam Zones

The following definitions will be used throughout this District Activity Manual.

(1) Activity

Any manmade change to improved or unimproved real estate, including but not limited to, adding buildings or other structures, utilities, dredging, tilling, grading, paving, excavation, or drilling operations. Temporary activities including the storage of spoils is also regulated.

(2) Blanket Easement

The original easements acquired with the initial dam construction which is defined by the parent tract on which the dam was built or as otherwise defined. Areas within the Blanket Easement are defined below.

(a) Access Easement Area

Unless amended, the Access Easement Area covers the entire Blanket Easement to preserve any and all access required to inspect, operate, repair, modernize, and maintain all elements of the Dam.

(b) Inundation Easement Area

A portion of the Blanket Easement defined by an elevation contour that is two (2) feet above the Auxiliary Spillway elevation unless specifically designated in the Blanket Easement. *(Note: This is not the 1% AEP floodplain, which is determined by the Federal Emergency Management Agency (FEMA)).*

(c) Structure Easement Area

A portion of the Blanket Easement encompassing the Dam, Auxiliary Spillway (to the outlet channel), and outlet works. The limits of the Structure Easement Area are defined by a fifty (50) foot offset from the toe of the Dam embankment, twenty-five (25) foot offset from the outermost edge of the spillway embankments (top or toe of slope, whichever is furthest) and a fifteen (15) foot offset from all sides of the Principal Spillway and outlet works.

(3) Dam

An embankment, together with its Auxiliary Spillway, Principal Spillway structure, outlet works and related appurtenances that can impound water for the purpose of storage or control of water.

(4) District Easement

A site-specific easement generally having field notes and sketch description and specific language defining the rights granted to the District.

(5) Flood Pool

Volume above the Normal Pool Elevation up to the Inundation Easement Elevation.

- (6) **Habitable Structure**
A structure intended to be used as a temporary or permanent facility for living, sleeping, eating or cooking.
- (7) **Inundation Easement Elevation**
As defined by the District Easement or two (2) feet above Auxiliary Spillway.
- (8) **Maximum Flood Storage Zone**
Volume above the Inundation Easement Elevation to the current effective Top of the Dam Elevation.
- (9) **Normal Pool Elevation**
Principal Spillway elevation or low flow port elevation, whichever is lower.
- (10) **Owner**
The individual or company that has owner's rights to the property the Dam or District Easements are located on.
- (11) **Sediment Pool**
Volume below Normal Pool Elevation.
- (12) **Spillway**
A structure over or through which flow is discharged from a reservoir. If the rate of flow is controlled by mechanical means, such as gates, it is considered a controlled spillway. If the geometry of the spillway is the only control, it is considered an uncontrolled spillway.
- (a) **Auxiliary Spillway**
A secondary spillway that is designed to be operated infrequently, possibly in anticipation of some degree of structural damage or erosion to the Principal Spillway that would occur during operation.
- (b) **Principal Spillway**
The primary spillway over or through which most impounded water releases past a dam. Some dams may have two principal spillways.
- (13) **Top of Dam Elevation**
Elevation at the top of the earthen embankment.

Figures 1 and 2 below graphically illustrate some of the vertical and horizontal zones of a dam as defined by the terms.

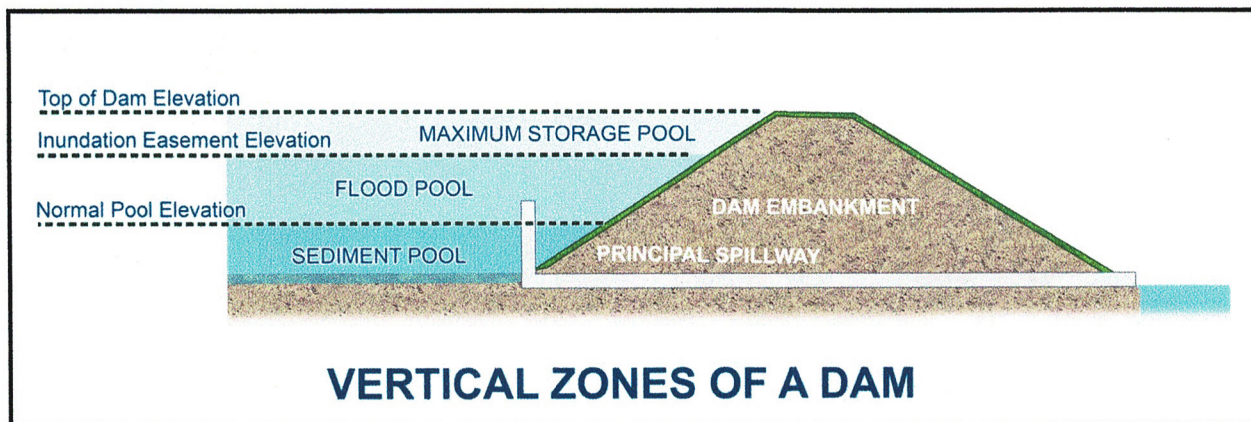


Figure 1

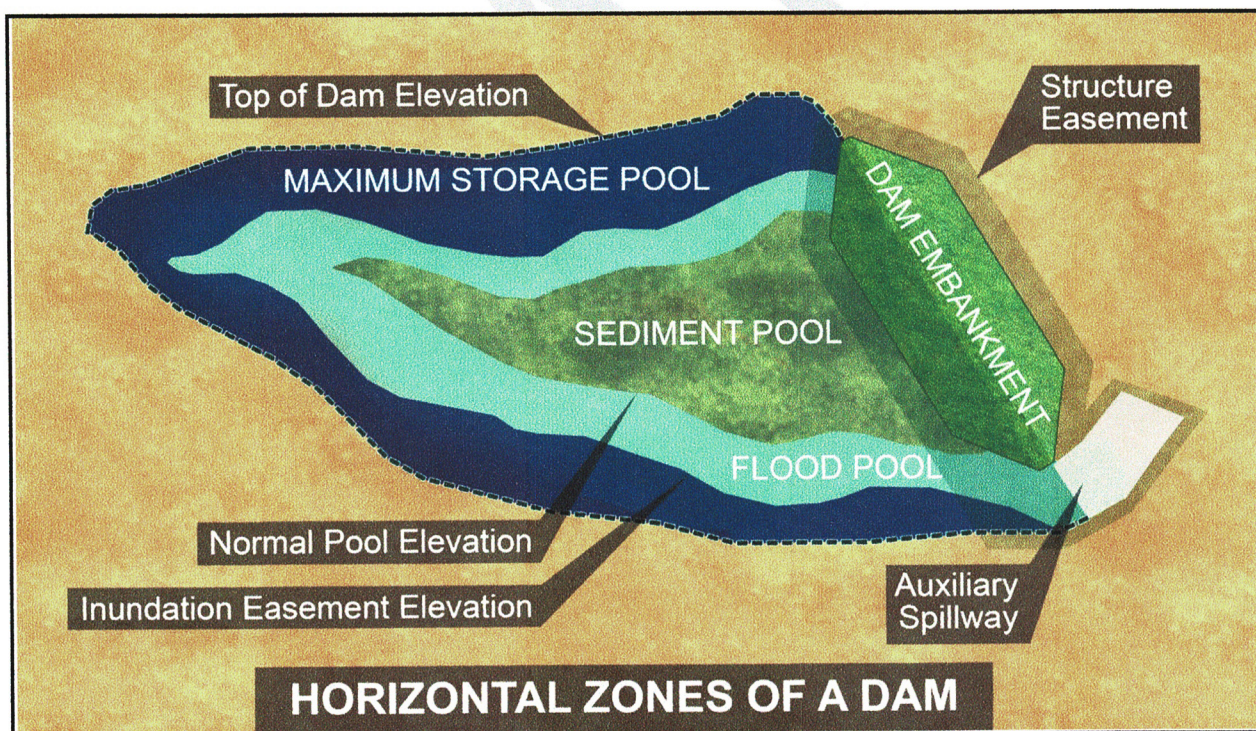


Figure 2

Section 4 Construction Activity Near Dams

Texas Administrative Code (TAC) 299.16(d), as amended, identifies activities near dams that may warrant evaluation by a professional engineer, registered in the State of Texas, at the request of the dam owner or the executive director of the Texas Commission on Environmental Quality (TCEQ). The District reserves the right to request such an evaluation for all work that falls within the criteria listed below.

TAC 299.16(d):

When a person proposes one of the following activities near the owner's dam, the owner or the executive director may request that the person have a professional engineer perform an evaluation to determine if the integrity of the dam would be compromised. If the person has a report prepared by a professional engineer, the person shall submit the evaluation report to the executive director and the owner for review and approval before any work is performed for a proposal to:

- (1) dredge the reservoir within 200 feet of the dam;*
- (2) install a utility line or pipeline in the dam or in the spillways that requires significant excavation in the dam or spillways;*
- (3) construct a road across the dam or spillways or within 200 feet of the dam;*
- (4) drill oil or gas wells, perform horizontal drilling or fracturing, or perform oil or gas exploration within 500 feet of the dam and spillways; or*
- (5) blast within 1/2 mile of the dam.*

Section 5 Master Development Agreements

A Master Development Agreement is required when phased development construction requires compensatory cut and floodwater cut from one phase to be applied toward other phases of a larger development. Discussion with the District on the applicability of a Master Development Agreement should take place as soon as practicable, usually in conjunction with other jurisdictional review processes.

Pre-Agreement Meeting: A meeting with District representative(s) is recommended to discuss the special needs and accommodations desired for the Development outside of the standard Encroachment Permit process. Contact the District at info@lowerbrushycreekwcid.org.

Submittal: Each submittal will require completion of the Encroachment Permit Application Form and Submittal Checklist and all necessary documentation. Fees will not be required (or accepted) until after completeness check. Any submittals after 1 PM CST will be considered received for the next business day.

Completeness Check: The District representative(s) will check the Encroachment Permit for completeness and notify the applicant of outstanding submittal items within ten (10) calendar days. The applicant has ten (10) calendar days to provide the outstanding items and fee or the permit will be voided.

Review and Approval: The review of the Encroachment Permit submittal will not begin until Encroachment Permit fees are received and the submittal is complete. The District will review the Encroachment Permit submittal and provide comments within fourteen (14) calendar days. Upon resolution of all comments, the applicant will be notified of approval.

The Encroachment Permit application will expire six (6) months after initial submittal date OR after three (3) rounds of comments, whichever comes first.

Section 6 Encroachment Permit Procedure

The Encroachment Permit submittal and review should take place as soon as practicable, usually in conjunction with other jurisdictional review processes.

Pre-Submittal Meeting: A meeting with District representative(s) is recommended prior to submission of the Encroachment Permit to identify specific information and coordination needed prior to submittal. Contact the District at info@lowerbrushycreekwcid.org.

Submittal: Each submittal will require completion of the Encroachment Permit Application Form and Submittal Checklist and all necessary documentation. Fees will not be required (or accepted) until after completeness check. Any submittals after 1 PM CST will be considered received for the next business day.

Completeness Check: The District representative(s) will check the Encroachment Permit for completeness and notify the applicant of outstanding submittal items within ten (10) calendar days. The applicant has ten (10) calendar days to provide the outstanding items and fee or the permit will be voided.

Review and Approval: The review of the Encroachment Permit submittal will not begin until Encroachment Permit fees are received and the submittal is complete. The District will review the Encroachment Permit submittal and provide comments within fourteen (14) calendar days. Upon resolution of all comments, the applicant will be notified of approval.

The Encroachment Permit application will expire six (6) months after initial submittal date OR after three (3) rounds of comments, whichever comes first.

Construction: When the Encroachment Permit is granted, the applicant will do the following:

- (a) Schedule a Pre-Construction Meeting with the District no more than one (1) month prior to initiating any construction work within District Inundation Easement;
- (b) Notify the District at least 72 hours prior to initiating any construction work, including installation of erosion and sedimentation controls, within the District Easements;
- (c) After notification of construction, a written monthly verification, in the format provided, should be provided to the District by the **first of each month**. If such verification is not provided, the District reserves the right to perform a monthly Construction Site Visit at the expense of the applicant; and
- (d) Provide all-weather access to the structure **at all times** during construction. Access plan shall be approved by the District prior to initiating construction. Access point may not be altered without prior District approval.
- (e) The applicant must initiate construction within twelve (12) months of the effective date of the Encroachment Permit. The applicant may request one twelve (12) month extension prior to the expiration date.

Construction Close-out: To close out a permit, the applicant will be required to do the following:

- (a) Completely restore and re-vegetate the land affected by the construction per TCEQ requirements;
- (b) Schedule a final inspection of the project with the District;
- (c) Provide digital "Record Drawings" of the work performed; and
- (d) Provide a digital "As-Built" survey and revised calculations of all of the cut/fill areas covered by the Encroachment Permit.

Section 7 Easement Release or Modification Procedure

The Easement Release and/or Modification request should occur as soon as practicable, usually in conjunction with other jurisdictional review processes.

Pre-Submittal Meeting: A meeting with District representative(s) is recommended prior to submission of the Easement Release or Modification request to identify specific information and coordination needed prior to submittal.

Submittal: Each submittal will require completion of the Easement Release or Modification Request Form and Submittal Checklist and all necessary documentation. Fees are not required (or accepted) until after completeness check.

Completeness Check: The District representative(s) will review the Easement Release and/or Modification request for completeness and notify the applicant of outstanding submittal items within ten (10) calendar days. The applicant has ten (10) calendar days to provide the outstanding items and fee or the permit will be voided.

Review and Approval: The review of the Easement Release or Modification request submittal will not begin until Easement Release or Modification request fees are received. The District will review the Easement Release or Modification request submittal and provide comments within fourteen (14) calendar days. Upon resolution of all comments, the applicant will be notified of approval.

The Easement Release and/or Modification request will expire six (6) months after initial submittal date OR after three (3) rounds of comments, whichever comes first.

Section 8 Dam Reference Table

Structure ID	Normal Pool / Principal Spillway Elevation (ft-msl)	Auxiliary Spillway Elevation (ft-msl)	Inundation Easement Elevation (ft-msl)
Dam 2	511.6	521.7	523.7
Dam 3	490.8	505.6	507.6
Dam 4A	473.4	485.2	487.2
Dam 6	464.2	478.0	480.0
Dam 7	481.5	492.2	494.2
Dam 8	465.6	477.8	479.8
Dam 9	433.8	446.8	448.8
Dam 10	454.6	465.5	467.5
Dam 12	559.7	566.4	568.4
Dam 13	545.3	554.2	556.2
Dam 17	458.4	467.7	469.7
Dam 18*	496.4	510.0	512.0
Dam 20*	480.5	490.8	492.8
Dam 21	452.1	460.2	462.2
Dam 22	450.3	462.3	464.3
Dam 23	443.1	452.8	454.8
Dam 24	482.6	492.8	494.8
Dam 25*	596.8	609.8	611.8
Dam 29	560.2	572.1	574.1
Dam 30	519.0	529.2	531.2
Dam 31	493.6	507.1	509.1
Dam 32	520.8	529.4	531.4
Dam 33	476.2	485.6	487.6

* Indicates that the easement is based on the original AS elevation and was not changed as a result of the rehabilitation.

Appendix A
Easements Encroachment Policy



LOWER BRUSHY CREEK WATER CONTROL AND IMPROVEMENT DISTRICT

EASEMENT ENCROACHMENT POLICY

The Lower Brushy Creek Water Control Improvement District (District) is responsible for the operation and maintenance of dams including preserving the functionality, storage capacity, and safety of each dam. This Policy serves to clarify aspects of the various District easements and standardize the consideration of encroachments related to those easements.

A) GENERAL POLICY

- (1) District Easements are defined by documents recorded in the courthouse of Williamson County, Texas and generally described below.
- (2) No activity that could alter, impact, obstruct or otherwise compromise the District's full enjoyment of their easement rights may occur within the District easements without prior approval of the District, as described in (6).
- (3) Any activity in violation of District easements is subject to legal action by the District.
- (4) All activity shall comply with applicable State and Federal dam and dam related regulations including those of Texas Commission on Environmental Quality (TCEQ) Dam Safety Program, National Resources Conservation Service (NRCS), FEMA (Federal Emergency Management Agency) and USACE (United States Army Corps of Engineers).
- (5) This Policy works in conjunction with and is part of the Manual for Encroachments within District Easements.
- (6) For this Policy, "District approval" is through the General Manager and "Board action" requires the District Board of Directors to take action at a Board meeting. Owners/Applicants not satisfied with the General Manager decision may appeal the decision by requesting a hearing by the District Board of Directors.

B) ACCESS EASEMENT POLICY

- (1) Access easements preserves the District's rights and ability to inspect, operate, maintain, repair and modernize all elements related to the dam and associated flood pool.
 - a. Access Easement Area - the original easements preceding dam construction generally grant the District blanket access rights across any and all lands contained within the parent tract (and in some cases adjacent lands owned by the parent tract owner).
 - b. Access Easement – a newer site-specific easement that is typically described



LOWER BRUSHY CREEK WATER CONTROL AND IMPROVEMENT DISTRICT EASEMENT ENCROACHMENT POLICY

by field notes and sketch with specific language defining the easement.

- (2) Any activity within District Easements that will restrict access, in any way, to the District dams, auxiliary spillways, and/or pipe outlet works either temporarily or permanently requires District approval. Both ends of all dams must always be accessible.
- (3) Access Easement (Area) modification and/or release is reviewed on a case-by-case basis and approval is at the District's discretion via an executed agreement by Board action.

C) INUNDATION EASEMENT POLICY

- (1) Inundation easements preserves the District's rights and ability to impound flood water during rain events and slowly release that water. The dam may detain flood water beyond the Inundation Easement (Area) limits in extreme rain events.
 - a. Inundation Easement Area - the original easements preceding dam construction generally grant the District the authority to impound water (temporarily or permanent), collect sediment, etc. The easements typically defer to the original construction documents where the Inundation Easement Area is defined as the elevation contour that is two (2) feet above the auxiliary spillway elevation.
 - b. Inundation Easement – a newer site-specific easement generally has a field notes and sketch description and specific language confirming the elevation restriction of the inundation easement.
- (2) Any encroachment or fill within the Inundation Easement (Area) including (aerial and sub-terranean utilities) requires District approval before the activity.
- (3) Construction of habitable structures within Inundation Easement is prohibited.
- (4) Inundation Easement Impacts – The District requires that fill and/or encroachments of any kind be offset to preserve the flood storage capacity and anchored to protect functionality of the dams.
 - a. Compensatory Cut – required excavation of at least 25% greater volume than that of any fill and/or encroachment placed in the Inundation Easement.
 - b. Floodwater Cut – required excavation of at least 25% greater volume than that of the added runoff volume for the 1% AEP (Annual Exceedance Probability) storm. (Floodwater Cut is in addition to any Compensatory Cut.)
 - c. The Compensatory Cut and Floodwater Cut excavations must be made within the Flood Pool.



LOWER BRUSHY CREEK WATER CONTROL AND IMPROVEMENT DISTRICT EASEMENT ENCROACHMENT POLICY

- d. Cut and fill volume calculations shall consider water quality and/or detention ponds in the Inundation Easement full to the top of pond embankment.
 - e. Improvements within the Inundation Easement shall anchor or otherwise contain facilities, materials, trash, etc. to minimize potential clogging of the principal spillway and contamination of the flood water.
- (5) The Normal Pool (non-flood water level) is controlled by the District. Owner(s) desiring an adjustment to the Normal Pool level must obtain written approval from all other Owners who own land within the Normal Pool and submit written concurrence showing unanimous agreement before the District will consider the request.
- (6) All surface water in Texas is controlled by the State. The use of water is under the jurisdiction of TCEQ. Water impounded by District dams is not available for use unless TCEQ has permitted that use.

D) STRUCTURE EASEMENT POLICY

- (1) Structure easements preserve the District's rights and ability to operate, maintain, repair and modernize all elements of the dam including the embankment, spillways, and outlet works.
 - a. Structure Easement Area - original easements created before dam construction typically defer to the original construction documents to describe the portion of the blanket easement that encompasses the dam, spillways, and outlet works. The limits of the Structure Easement Area are defined as offsets of:
 - i. fifty (50) feet from the toe of the dam embankments,
 - ii. twenty-five (25) feet from the outermost edge of the spillway embankments (top or toe of slope, whichever is furthest), and
 - iii. fifteen (15) feet from all sides of the primary spillway and outlet works.
 - b. Structure Easement – site-specific easement (or fee-title tract) defined by field notes and sketch description (or platted lot) and specific language defining the limits of the structure easement.
- (2) Activity within the Structure Easement are prohibited without an executed agreement with the District. Requests for activity and/or encroachments within the Structure Easement will be reviewed on a case-by-case basis and approval is at the District's discretion by Board action.



**LOWER BRUSHY CREEK
WATER CONTROL AND IMPROVEMENT DISTRICT
EASEMENT ENCROACHMENT POLICY**

- (3) No dam shall be modified in any form for any reason without prior Board action and concurrence from TCEQ and Texas Natural Resources Conservation Service (NRCS), as applicable.
- (4) No new utilities or trenching operations of any kind will be allowed within Structure Easements.

E) FEES

The District fees are intended to pay for expenses incurred by the District for the review and management of the activity impacting District Easements.

- (1) Easement Encroachment Permit **Encroachment Permit Fee = \$3,000**
Each submittal requires the payment of Encroachment Permit fees. Applications failing to resolve the District's comments within three (3) rounds or (six) 6 months may require an additional fee payment.
- (2) Partial release of Blanket Easements **Easement Modification Fee = \$1,000**
Each submittal will require the payment of Easement Modification fees. Applications failing to resolve the District's comments within three (3) rounds or (six) 6 months may require an additional fee payment.
- (3) Blanket Access Easement Amendment and/or Release **Access Conversion Fee = \$0**
The District prefers to replace all blanket access easements with site specific access easements that are defined by metes and bounds and include the District's current easement language.

To encourage this activity, no review fee is required for access easement modification requests when the landowner pays the costs associated with the appropriate title policy and the necessary surveying to define the easements.
- (4) Structure Easement Area Conversion to Fee Title **Fee Title Conversion Fee = \$0**
The District prefers to convert all structure easement areas defined in the original blanket easements with site specific fee title ownership conveyed to the District via metes and bounds or platted lot.



**LOWER BRUSHY CREEK
WATER CONTROL AND IMPROVEMENT DISTRICT
EASEMENT ENCROACHMENT POLICY**

To encourage this activity, no review fee is required for conversion and the District will cover the costs associated with the necessary surveying to define the tract and the appropriate title policy.

F) EFFECTIVE DATE

This policy will become effective upon adoption by the Board of Directors. All new permit applications submitted after the effective date shall be subject to the new policy. Any permits submitted before the effective date may request to move forward to the new policy.

G) POLICY MODIFICATION

Modification to this policy must be approved by the District Board of Directors.

ADOPTED ON THIS THE **XX** DAY OF _____ **202X.**

Board President

Date

Attest to signature:

District Clerk

Date

Reviewed to form:

District Counsel

Date

Appendix B
Encroachment Permit

DRAFT



Encroachment Permit District Inundation Easement

Application Form

1. **Project Name:** _____

Project Acreage: _____ District Dam #: _____

Jurisdiction: _____ Previous Permit #: _____

2. **Owner (Name/Title):** _____

Company: _____

Address: _____

Telephone: _____ Email: _____

3. **Applicant/Engineer (Name/Title):** _____

Company: _____

Address: _____

Telephone: _____ Email: _____

4. **Description of proposed activity to occur within the Inundation Easement:**

5. **Compensatory Cut:**

**Proposed
Total Fill (cy)**

**Compensatory total
cut required (cy)**

**Proposed
Total cut (cy)**

a. Sediment Pool _____

b. Flood Pool _____

6. **Floodwater Cut (24-hr 1%AEP):** **Total added (cy)** **Total cut required (cy)**

a. Flood Pool _____

7. Additional Conditions Specific to this Permit are Applicable (See Page XX)

Owner's Acknowledgement

- The District does not receive or review submittals made to any other jurisdictions and additional permits may be necessary from other entities.
- Any revisions that change the civil site plans based on other entity review or for any other reason must be resubmitted to the District for acceptance.
- I acknowledge that all fees required are my responsibility.
- I hereby authorize the applicant indicated above to represent me in matters pertaining to this permit.

Signature of Owner

Date

Signature of Applicant

Date

District Use Only:

Permit #: _____ Date Fee Received: _____ Cash/Check No.: _____



Encroachment Permit District Inundation Easement

Submittal Checklist

The following are required to be included with the Encroachment Permit Application within District Inundation Easements for a submittal to be considered complete. All submittal items shall be electronic and shall contain one file for each item listed under "Submittal Requirements".

Submittal Requirements:

- Encroachment Permit Application Form and Submittal Checklist
- Complete Construction Plans for entire subject tract
- CAD Files of existing and proposed grading (3D files)
- Plat(s) of the property (existing and/or proposed)
- Digital Copy of Hydrologic Model
- LBCWCID Site Plan**
 - Single sheet (if possible) at legible scale showing all proposed improvements
 - All District Easements or Blanket Easements located on property are shown and identified
 - All proposed impervious cover is clearly indicated
- Drainage Area Map**
 - Existing and proposed drainage areas encompassing entire subject tract
 - Delineated drainage basins with contours
 - Existing and proposed impervious cover
 - Existing and proposed runoff coefficients
 - Existing and proposed time of concentration path delineations
- Inundation Easement Map**
 - Limits of Inundation Easement (Area)
 - Limits of proposed fill with dimensions
 - Limits of proposed compensatory cut and floodwater cut volume with dimensions
 - Cross sections of all cut and fill locations
 - Table summarizing total fill, compensatory cut, and floodwater cut volume calculations (in cubic yards)
- Proposed Construction Schedule**
 - Date proposed activity within District Inundation Easement (Area) will begin
 - Date proposed activity within District Inundation Easement (Area) will end
 - Expected date of completion for entire project
- Drainage Report**
 - Report is signed and sealed by a Professional Engineer
 - Summary of project including a description of any project phasing
 - Summary of method of analysis and modeling software and origin
 - Hydrologic support including but not limited to: rainfall data; Curve Number calculations including soils map and land use map; impervious cover; and time of concentrations paths and calculations
 - Summary table of existing and proposed volume of runoff for the 24-hr 1% AEP
 - Project phasing table (Phase Number, fill volume, impervious cover area, runoff volume, compensatory cut volume required and provided, floodwater cut volume required and provided)

Appendix C
Easement Release or Modification Request



Easement Release or Modification Request

Application Form and Submittal Checklist

1. **Project/Property Name/Location:** _____

Project/Property Acreage: _____ District Dam #: _____

Jurisdiction: _____ Encroachment Permit # (If Applicable): _____

2. **Owner (Name/Title):** _____

Company: _____

Address: _____

Telephone: _____ Email: _____

3. **Applicant/Engineer/Surveyor (Name/Title):** _____

Company: _____

Address: _____

Telephone: _____ Email: _____

Signature of Owner **Date**

Signature of Applicant **Date**

The following are required to be included with the Easement Release or Modification Request Application for a submittal to be considered complete. All submittal items shall be electronic and submitted to info@lowerbrushycreekwcid.org.

Submittal Requirements:

- Easement Release or Modification Request Application Form and Submittal Checklist
- Plat(s) of the property (existing and/or proposed)
- CAD files (for proposed easement and parcel/lot to check closure)
- Field notes and sketch of easement

Appendix D
Construction Progress Report

DRAFT



Encroachment Permit No. _____

Project Name, District Dam No. ____

Construction Progress Report for xx/1/202x – xx/3x/202x

Owner (Name/Title): _____

Applicant/Engineer (Name/Title): _____

Construction Start Date: _____

Anticipated Construction Completion Date: _____

Summary of Work Completed This Period within the Easement Area:

-
-
-
-

Summary of Work Anticipated Next Period within the Easement Area:

-
-
-
-

Status of Erosion & Sedimentation Controls and Re-vegetation:

Work Progress in Relation to Schedule - Project progress is:

- On Schedule
- Ahead of Schedule
- Behind Schedule
- Or is _____ % Complete

Signature

Date



LOWER BRUSHY CREEK WCID

P.O. Box 467, Georgetown, Texas 78627
601 Quail Valley Drive, Georgetown, Texas 78626
LowerBrushyCreekWCID@gmail.com

Board of Directors

Edmond Komandosky
President

Scott Ging
Vice President

Monica Masters
Secretary/Treasurer

Allen David
Director

Laine Holman
Director

General Manager

James R. Clarno, P.E.
108 Trinity Lane
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Cell: 512.517.7596
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Board Attorney

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Hejl and Schroeder, PC
P.O. Box 192
311 Talbot Street
Taylor, Texas 76574
Office: 512.365.6348
FAX: 512.365.2226

LowerBrushyCreekWCID.org

December 4, 2023

Elizabeth Whiteman
Executive Secretary
Foreign-Trade Zones Board
U.S. Department of Commerce
1401 Constitution Ave., NW., Room 21013
Washington, DC 20230

**Subject: Application for TSF Subzone Designation for Samsung
Austin Semiconductor LLC's Site in Taylor, Texas**

Dear Ms. Whiteman,

I am writing to acknowledge the Foreign Trade Zone of Central Texas, Inc.'s sponsorship of Samsung Austin Semiconductor's application to designate a new site in Taylor, Texas, under its existing 183B subzone.

The Foreign Trade Zone of Central Texas, Inc., grantee of Foreign Trade Zone No. 183, intends to apply for Foreign Trade Zone designation at Samsung Austin Semiconductor's Taylor facility. This facility is under the taxing jurisdiction of the Lower Brushy Creek Water Control & Improvement District ("WCID"). Imported inventory and inventory held for export at the facility will be exempt from ad valorem tax.

There is no objection to the grantee's effort to obtain Foreign Trade Zone designation at the facility located on FM 973 in Taylor, Texas, close to Highway 79 and County Road 404. If further information is required, you may contact me at 512-517-7596 or jclarno.pe@att.net.

Sincerely,

James R Clarno, P.E., General Manager
Lower Brushy Creek WCID

CC: Ben Ramirez, Administrator, Foreign Trade Zone of Central Texas

Lower Brushy Creek WCID
c/o USDA – Natural Resources Conservation Service
505 West University Avenue, Suite C
Georgetown, Texas 78626

DATE: 8/31/2023

Project Name: Task Order #10 – Principal Spillway Conduit Repairs

Description of Services: The purpose of this task is to design and develop construction documents for the repairs of the principal spillway conduit outlets at sites 3, 10, and 30. FNI will perform the following tasks as part of this Task Order:

1. Design: Develop design for repair, to include excavation, reinstallation or replacement of the last pipe segment, new pipe support, filter diaphragm, and backfill. Incorporate plunge pool improvements with rock riprap liner to the design. Perform a site visit during design to discuss with WCID prior to preparing construction documents. No conduit inspection will be performed as part of the project. Filter design will utilize existing geotechnical data.
2. Survey: Perform survey of the existing principal spillway conduit and surrounding topography.
3. Construction Documents:
 - a. Develop draft “90% Review” construction documents (drawings, technical specifications, and front-end documents), as well as an opinion of probable construction cost (OPCC). Submit draft to Lower Brushy Creek WCID for review and comment. Submit draft to TCEQ Dam Safety program for review and comment.
 - b. Address comments and prepare “Issued for Bid” construction documents (drawings, technical specifications, and front-end documents), as well as an OPCC. Submit final to TCEQ Dam Safety program for final review and approval.
4. Bid Phase: Assist with bidding the project on CivCast, notifying potential bidders, answering bidders’ questions, facilitating a pre-bid meeting, issuing addenda if needed, reviewing Contractor’s bid packages, and preparing bid tabulation. The method of procurement will be low bid.
5. Construction Phase:
 - a. Pre-construction meeting: Facilitate a pre-construction meeting prior to commencement of construction.
 - b. Submittal Review: Review Contractor’s submittals for erosion control, care of water, conduit shop drawings, and any RFIs’s.
 - c. Inspection: Perform site visit(s) during and upon completion of the principal spillway conduit repairs to confirm compliance with the construction contract documents. It is assumed up to 9 site visits total.
 - d. Reporting: Provide updates to TCEQ Dam Safety program.
 - e. Record drawings: Revise the construction drawings in accordance with the information furnished by construction contractor(s) reflecting changes in the project made during construction.

Deliverables and Schedule:

1. FNI will provide the draft construction documents within 12 weeks.
2. FNI will submit the Issued for Bid construction documents within 3 weeks of receipt of comments from Lower Brushy Creek WCID.

Compensation shall be: A not to exceed amount of \$86,600 in accordance with the Master Professional Services Agreement and Attachment CO.

All other provisions, terms and conditions of the Professional Services Agreement which are not expressly amended shall remain in full force and effect.

FRESE AND NICHOLS, INC.

LOWER BRUSHY CREEK WCID

BY: 

BY: _____

Victor M. Vasquez, P.E.
Print Name

Print Name

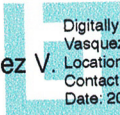
TITLE: Principal

TITLE: _____

DATE: 9-1-2023

DATE: _____

Victor M. Vasquez V.



Digitally signed by Victor M. Vasquez V.
Location: Austin, TX
Contact Info: vrmv@freese.com
Date: 2023.09.01 09:46:01-05'00'

Compensation to FNI for Basic Services in Attachment SC shall be computed on the basis of the following Schedule of Charges.

If FNI sees the Scope of Services changing so that Additional Services are needed, including but not limited to those services described as Additional Services in Attachment SC, FNI will notify OWNER for OWNER's approval before proceeding. Additional Services shall be computed based on the following Schedule of Charges.

<u>Position</u>	<u>Hourly Rate</u>
Professional 1	134
Professional 2	163
Professional 3	185
Professional 4	211
Professional 5	247
Professional 6	285
Construction Manager 1	116
Construction Manager 2	145
Construction Manager 3	156
Construction Manager 4	195
Construction Manager 5	236
Construction Manager 6	271
Construction Representative 1	104
Construction Representative 2	116
Construction Representative 3	145
Construction Representative 4	156
CAD Technician/Designer 1	114
CAD Technician/Designer 2	149
CAD Technician/Designer 3	182
Corporate Project Support 1	110
Corporate Project Support 2	132
Corporate Project Support 3	175
Intern / Coop	68
Senior Advisor	175

Rates for In-House Services and Equipment

<u>Mileage</u>	<u>Bulk Printing and Reproduction</u>		<u>Equipment</u>	
Standard IRS Rates		<u>B&W</u>	<u>Color</u>	Valve Crew Vehicle (hour) \$75
	Small Format (per copy)	\$0.10	\$0.25	Pressure Data Logger (each) \$200
	Large Format (per sq. ft.)			Water Quality Meter (per day) \$100
<u>Technology Charge</u>	Bond	\$0.25	\$0.75	Microscope (each) \$150
\$8.50 per hour	Glossy / Mylar	\$0.75	\$1.25	Pressure Recorder (per day) \$100
	Vinyl / Adhesive	\$1.50	\$2.00	Ultrasonic Thickness Guage (per day) \$275
	Mounting (per sq. ft.)	\$2.00		Coating Inspection Kit (per day) \$275
	Binding (per binding)	\$0.25		Flushing / Cfactor (each) \$500
				Backpack Electrofisher (each) \$1,000
				<u>Survey Grade</u> <u>Standard</u>
				Drone (per day) \$200 \$100
				GPS (per day) \$150 \$50

OTHER DIRECT EXPENSES:

Other direct expenses are reimbursed at actual cost times a multiplier of 1.15. They include outside printing and reproduction expense, communication expense, travel, transportation and subsistence away from the FNI office. For other miscellaneous expenses directly related to the work, including costs of laboratory analysis, test, and other work required to be done by independent persons other than staff members, these services will be billed at a cost times a multiplier of 1.15. For Resident Representative services performed by non-FNI employees and CAD services performed In-house by non-FNI employees where FNI provides workspace and equipment to perform such services, these services will be billed at cost times a multiplier of 2.0. This markup approximates the cost to FNI if an FNI employee was performing the same or similar services.

These ranges and/or rates will be adjusted annually in February. Last updated 2023.

Principal Spillway Repair and Plunge Pool Improvements
Lower Brushy Creek WCID

	QTY	Unit	UNIT PRICE	EXTENDED
Mobilization	1	LS	20%	\$16,500
Care of Water	1	LS	\$20,000	\$20,000
Excavation	100	CY	\$15	\$1,500
Reinforced Concrete Cradle and Collar	8	CY	\$800	\$6,400
Reset existing pipe sections; new rubber gaskets	1	LS	\$5,000	\$5,000
Filter (sand and gravel)	10	CY	\$100	\$1,000
Backfill	100	CY	\$30	\$3,000
Riprap	450	CY	\$145	\$65,250
Contingency			20%	\$23,800
Total				\$142,450

Increased to 20%

Unit prices from Dam 22 bid tab

Based on 850 SY (Site 3)

Site 3: 22" RCP
Site 10: 24" RCP
Site 30: 17" RCP

Length Detached: 24' section longer?
Plunge Pool Size: 850 SY, 350 SY, 270 SY

Notes: atypical size, atypical size

Revised: Used \$180,000 in OLCR for OPCC amount in June 2022

NOT FOR CONSTRUCTION
THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW

Excavation and Backfill

Length 30
Width 15
Depth 5
CY 83

5' bottom, 2:1 sides

Reinforced Concrete Cradle and Collar

Length 30
Width 3.333333
Depth 1
CY 4

Filter (sand and gravel)

Length 30
Width 4
Depth 2
CY 9

CLARK L. JACKSON, P.C.

Certified Public Accountant

Dear Valued Client,

After 51 years of providing tax and accounting services in Taylor and surrounding communities, I have decided to retire due to health reasons. Effective January 31, 2024, my office will close.

Neither I nor my staff will be able to assist you with preparing your 2023 tax returns. Consequently, you will want to make appropriate plans to secure those and/or other accounting services elsewhere.

During my career I've been fortunate to work with and get to know many wonderful people. My staff and I sincerely appreciate your trust and confidence in allowing us to work for you. Thank you for your loyalty and friendship.

Sincerely,


Clark L. Jackson