

MEETING OF THE BOARD OF DIRECTORS  
PLUM CREEK CONSERVATION DISTRICT,  
LOCKHART, TEXAS 78644  
July 19th, 2016

Notices of this regular meeting were posted in the Hays and Caldwell 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 Vice President, James O Lipscomb.

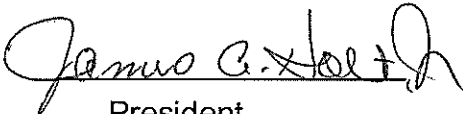
- 1:00 PM The meeting was called to order by President of the Board, James Holt, with the following Board members present: James Lipscomb (Vice President), Lucy Knight (Treasury/Secretary), Ben Twidwell (Director), Peter Reinecke (Director), and Fred Rotherth (Director). Also present were Bob Wilson (Attorney), Eddie McCarthy III (Attorney), Feathergail Wilson (PCCD Geologist), and PCCD staff Johnie Halliburton, Karen Bassett, and Dan Meyer. Minutes were transcribed by Karen Bassett.
- 1:00PM President Holt requested motions or comments regarding the minutes of the preliminary hearing/meeting held on June 21st, 2016. Mr. Lipscomb made a motion that the minutes of the preliminary hearing/meeting held on June 21st, 2016 be accepted as mailed out. Mr. Rotherth provided the second and the motion was approved unanimously.
- 1:01PM President Holt requested any unfinished business that required the Board of Directors' attention. Mr. Halliburton explained that there was no unfinished business.
- 1:01PM President Holt requested discussion of item IV of the agenda. Mr. Daniel Meyer then updated the Board on the Hays Caldwell Public Utility Agency (HCPUA) application and explained that it was administratively complete.
- 1:03PM President Holt requested discussion of item V on the agenda. Mr. Daniel Meyer discussed the Groundwater Management Area 10 and 13 Desired Future Conditions' (DFCs') hearing minutes. Mrs. Knight made a motion to approve the minutes for the May 17<sup>th</sup>, 2016, and June 21<sup>st</sup>, 2016, GMA 10 and 13 DFCs' hearing minutes. Mr. Rotherth provided the second and the motion was approved unanimously.
- 1:05PM President Holt requested discussion of item VIII on the agenda. Mr. Daniel Meyer reported to the Board that the DFCs for 2015 were compliant.
- 1:25PM President Holt requested the Plum Creek Conservation District's quarterly investment report. Mrs. Knight reviewed and signed the PCCD investment report.
- 1:25PM President Holt requested discussion of item VI on the agenda. Mr. Halliburton discussed the Emergency Watershed Program funding for floodwater damage in the last 12 months. Mr. Steve Bednarz with the Texas State Soil and Water Conservation Board, Mrs. Lori Ziehr, and Mr. Ronnie Skala with the Natural Resources Conservation Service then discussed and answered questions regarding the EWP funding for floodwater damage in the last 12 months. Mr. Lipscomb made a motion to apply for the EWP funding for floodwater damage in the last 12 months. Mrs. Knight provided the second and the motion passed unanimously.
- 1:42PM President Holt requested discussion of item VII on the agenda. Mr. Halliburton and Mr. Bob Wilson discussed the final supplemental watershed plans for the upper plum creek sites 10, 12, 21, and lower plum creek site 28. Mr. Ronnie Skala with NRCS then discussed and answered questions. Mrs.

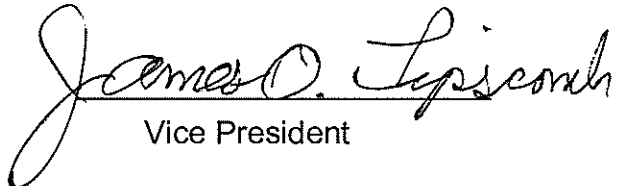
Knight made a motion to sign the supplemental watershed plans for the upper plum creek sites 10, 12, 21, and lower plum creek site 28. Mr. Lipscomb provided the second and the motion was approved unanimously.

- 2:10PM President Holt requested a report from PCCD's Geologist, Mr. William Feathergail Wilson. Mr. Feathergail Wilson gave a slide show presentation on dam geology units and lithology. Mr. Feathergail Wilson discussed the Carrizo stratigraphy cross-sections on TH 1 and TH 2 HCPUA test wells.
- 2:32PM President Holt requested a report from the NRCS' acting District Conservationist, Mr. Robert Martinez. Mr. Martinez was not in attendance.
- 2:32PM President Holt requested a report from the PCCD's Assistant Manager, Mr. Daniel Meyer. Mr. Meyer reported that he had attended the Caldwell Travis Soil and Water Conservation District meeting July 7<sup>th</sup>, 2016 and stated that on July 12<sup>th</sup>, 2016 he attended the City of Buda meeting regarding their waste water permit application. Mr. Meyer informed the Board that on July 7<sup>th</sup>, 2016, PCCD had renewed a permit for Dr. Joe Smith for 200 ac/ft/yr. Mr. Meyer, lastly, discussed a calendar for the upcoming tax rate hearings that PCCD is required to have.
- 2:36PM President Holt requested a report from the PCCD's Executive Manager, Mr. Johnie Halliburton. Mr. Halliburton updated the Board on the site 6 rehabilitation project and stated that everything was moving along good. Mr. Halliburton informed the Board that the second application of fertilizer and herbicide had been applied. Mr. Halliburton mentioned that PCCD was in the process of removing debris in the McMahan area. Mr. Halliburton then discussed that at site 21 there were two large erosion issues in the berm area that were discovered and that PCCD had them repaired.
- 2:40PM President Holt requested a report from the PCCD's Attorney Mr. Bob Wilson. Mr. Bob Wilson briefly mentioned that Mr. Halliburton had pre-filed his testimony on the landfill application. Mr. Bob Wilson mentioned that the pre-hearing conference would be August 10<sup>th</sup>, 2016, and that the hearing would be August 15<sup>th</sup>, 2016 in Austin Texas and that it was scheduled to run for two weeks.
- 2:46PM President Holt requested any public comments. Mrs. Anne Clark a resident of Lockhart, Texas addressed the Board with questions and concerns regarding the application for two water well production permits and a transportation permit from the Hays Caldwell Public Utility Agency. Mrs. Clark stated that her husband, Mr. Bill Clark, had hand delivered five identical letters to PCCD but that the letters were not seen by the Board. Mrs. Clark had mentioned, in regards to the June 21<sup>st</sup>, 2016 preliminary hearing/meeting, that the staff had stated that there were no requests for contested case hearings, no requests for party status, and no formal protests. Mr. Eddie McCarthy, PCCD's Attorney, then responded to the Board in regards to the five hand delivered letters that were mentioned by Mrs. Clark stating that Mrs. Clark was correct in saying that there were five identical letters delivered to the District prior to the June 21<sup>st</sup>, 2016 preliminary hearing/meeting. Mr. McCarthy stated that these letters were addressed to the District and to the Board, that the staff saw the letters and that the staff sent the letters to him and Mr. Bob Wilson as the PCCD counsel. Mr. McCarthy stated that the letters in question merely stated that the individuals were opposed to the permit because of how the City of Buda dealt with their water pollution and septic systems in Buda. Mr. McCarthy stated that PCCD was not dealing with the City of Buda and that PCCD was dealing with the permit application from HCPUA. Mr. McCarthy then stated that Mrs. Clark was also correct in saying that there were no requests for contested case hearings, no requests for party status, and no formal protests at the June 21<sup>st</sup>, 2016 preliminary hearing/meeting. Mr. McCarthy informed

informed the Board that the letters were in the file of the permit application and during the permit hearing proper opposition would be entered into the record of that proceeding as well as the HCPUA's response to the letters that were submitted. Mr. McCarthy stated that the individuals were told in the initial notice that PCCD's rule 31 stated that if they wanted to be party status they needed to be at the preliminary hearing which was June 21<sup>st</sup>, 2016, to explain why they should have party status, and to formally protest. Mr. McCarthy, lastly, stated that none of the individuals, in regards to the five letters, were at the June 21<sup>st</sup>, 2016 preliminary hearing. President Holt thanked the public for their questions and comments. Mr. Bob Wilson informed the Board and the public of ex parte communications and explained that the Board can only talk about the substance of particular things when there is notice to everybody involved in the hearing.

3:02PM Mr. Twidwell made a motion to adjourn. Mr. Lipscomb provided the second and the motion to adjourn passed unanimously.

  
President

  
Vice President