

MEETING OF THE BOARD OF DIRECTORS
PLUM CREEK CONSERVATION DISTRICT,
LOCKHART, TEXAS 78644
February 21st, 2017

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 (Treasurer/Secretary), Peter Reinecke (Director), and Fred Rothert (Director). Also present were PCCD attorneys Eddie McCarthy III and Bob Wilson and PCCD staff members Johnie Halliburton, Daniel Meyer, and Karen Bassett. Minutes were transcribed by Karen Bassett. Mrs. Noelle Rose Nevius, certified shorthand reporter in and for the state of Texas, transcribed the HCPUA preliminary hearing with these proceedings attached to the PCCD minutes.

1:00PM President Holt requested motions or comments regarding the minutes of the regular meeting held on January 17th, 2017. Mr. Lipscomb made a motion that the minutes of the regular meeting held on January 17th, 2017 be accepted as mailed out. Mrs. Knight provided the second and the motion was approved with one Director abstaining.

1:00PM President Holt requested any unfinished business that required the Board of Directors' attention. Mr. Halliburton explained that there was no unfinished business.

1:01PM Mr. Eddie McCarthy III then discussed a request from Ms. Sullivent for a rehearing, or, alternatively, for written findings and conclusion related to the Hays Caldwell Public Utility Agency (HCPUA) permit applications. Mr. Eddie McCarthy explained that Ms. Sullivent had planned on being at the meeting but that she had a family emergency and that written comments were handed out to the Board for their review. Ms. Trish Carls who represented the HCPUA explained that HCPUA had filed a reply to the request for a rehearing. Ms. Carls then discussed the reply with the Board and explained that HCPUA felt that, with the PCCD Groundwater Management and Protection Rules, this request for a rehearing, or alternatively, for written findings and conclusion was not something that should be considered at this time and that there were no participants that had a justiciable interest or party status according to the PCCD Groundwater Management and Protection Rules. Mr. Bob Wilson and Mr. Eddie McCarthy III then discussed with the Board.

. The Board recessed the regular meeting to go into the public hearing.

. Hearing on amended application by HCPUA for production and transport permits.

. President Holt called the permit hearing to order.

. A presentation of evidence was then presented by Ms. Trish Carls. Ms. Trish Carls then called Mr. Graham Moore and Mr. James Bene with HCPUA for questioning. President Holt then swore in both Mr. Graham Moore and Mr. James Bene. Ms. Trish Carls then in detail questioned both Mr. Graham Moore and Mr. James Bene. President Holt then swore in Mr. Daniel Meyer. Mr. Meyer then offered up for exhibit a slide show presentation regarding the HCPUA applications in light of the PCCD Groundwater Management and Protection Rules. President Holt then swore in Mr. Feathergail Wilson

PCCD's Geologist. Mr. Feathergail Wilson explained that he had submitted a 53 report concerning a pump test that he had done with a partial group of draw down numbers for each well. Ms. Carls then had some follow up questions for Mr. Graham Moore and Mr. James Bene. Mr. Bob Wilson and Mr. Eddie McCarthy III then discussed with the Board. Mr. Lipscomb made a motion that in regards to all the testimony that had been received and heard, and according to the PCCD Groundwater Management and Protection Rules, that PCCD accept the HCPUA permit applications as presented. Mrs. Knight provided the second and the motion was approved unanimously.

. Hearing adjourned.

2:34PM Reconvene public meeting

2:35PM President Holt requested discussion of item VII on the agenda. Mr. Walter Stephens, a landowner at site 28 in McMahan, discussed a response from Mr. Todd Merek an engineer from the Natural Resources Conservation Service (NRCS,) regarding the use of site 28 as a detention pond for future construction as he had requested from the PCCD Board at the January 17th, 2017 Board meeting. Mrs. Knight made a motion that Johnnie Halliburton draft a letter stating that it was ok for Mr. Walter Stephens to use site 28 as a detention pond for future construction as long as the underlining landowner consent to that use by PCCD of its easements. Mr. Reinecke provided the second and the motion passed unanimously.

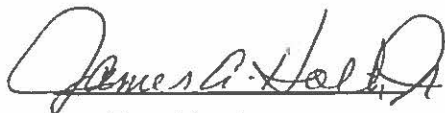
2:45PM President Holt requested discussion of item VIII on the agenda. Johnnie Halliburton discussed a contract to hire R&J Contract Services for the October 2015 Emergency Watershed Protection (EWP) flood repair projects. Mrs. Knight made a motion to hire R&J Contract Services for the October 2015 EWP flood repair projects. Mr. Rothert provided the second and the motion passed unanimously.


2:51PM President Holt requested discussion of item IX on the agenda. Johnnie Halliburton discussed a needed resolution appointing a Contracting Officer and Alternate for all October 2015 EWP projects and contracts and a memorandum stating the same. Mrs. Knight made a motion to sign a resolution appointing Mr. Johnnie Halliburton as the Contracting Officer and Mr. Daniel Meyer as the Alternate for all October 2015 EWP projects and contracts and a memorandum stating the same. Mr. Lipscomb provided the second and the motion passed unanimously.

2:54PM President Holt requested discussion of item X on the agenda. Johnnie Halliburton discussed the authorization of someone to sign the agreement with the Texas State Soil and Water Conservation Board (TSSWCB) once the PCCD application becomes approved for the October 2015 EWP projects. Mrs. Knight made a motion to authorize Mr. James Holt to sign the agreement with the TSSWCB once the PCCD application becomes approved for the October 2015 EWP projects. Mr. Twidwell provided the second and the motion was approved unanimously.

2:55PM President Holt requested discussion of item XI on the agenda. Mr. Halliburton discussed with the Board the consideration of and action to approve continuation with the District's lawyers under a change of the named law firm representing the District to McCarthy & McCarthy, L.L. P. Mrs. Knight made a motion to approve the continuation with the District's lawyers under a change of the named law firm representing the District to McCarthy & McCarthy, L.L.P. Mr. Twidwell provided the second and the motion was approved unanimously.

- 2:56PM President Holt requested a report from the PCCD's Geologist, Mr. William Feathergail Wilson. Mr. William Feathergail Wilson briefly discussed the split between Region K and Region L along I 35 because of a lack of coordinated effort between the two.
- 2:57PM President Holt requested a report from the NRCS' District Conservationist, Mr. Brian Steinberg. Mr. Steinberg was not in attendance.
- 2:58PM President Holt requested a report from the PCCD's Assistant Manager, Mr. Daniel Meyer. Mr. Meyer reported that he had attended a Texas Alliance of Groundwater Districts (TAGD) meeting January 26th, 2017, and a Region L meeting on February 2nd, 2017. Mr. Meyer stated that he had continued working on the Emergency Action Plans (EAPs) and that PCCD had received a water well production permit renewal application from Mr. Hannah.
- 2:59PM President Holt requested a report from the PCCD's Executive Manager, Mr. Johnie Halliburton. Mr. Halliburton reported that NRCS inspections on the structures had been completed. Mr. Halliburton updated the Board on the site 6 rehabilitation project and mentioned that the next site 6 safety meeting would be February 22nd, 2017. Mr. Halliburton, lastly, mentioned that he and Mr. Bob Wilson were working with landowners to get access and agreements to be able to use certain places for worksites, storage places, and etc.
- 3:01PM President Holt requested a report from the PCCD's Attorney, Mr. Bob Wilson. Mr. Bob Wilson briefly mentioned that in regards to the EWP work on sites 2 and 12 that he and Mr. Halliburton were working with landowners to get access and agreements to be able to use certain places for worksites, storage places, etc. Mr. Bob Wilson mentioned that he had started looking at the filed Legislative Bills. Mr. Bob Wilson, lastly, reported that the administrated law judges in the EP 130 case recommended that the permit be issued for the Landfill.
- 3:08PM President Holt requested public comments. Mr. Alfonso Sifuentes stated that he was pleased with the recommendation of the EP 130 landfill being issued by TCEQ.
- 3:16PM Mr. Twidwell made a motion to adjourn. Mr. Rothert provided the second and the motion to adjourn passed unanimously.


President


Vice President