

Minutes from the January 21st, 2014 PCCD regular scheduled meeting
to be presented on February 18th, 2014 for Board approval and
subject to corrections, additions, deletions and approval.

January 21st, 2014

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 O. Lipscomb (Vice President), Peter Reinecke (Secretary/Treasurer), Ben Twidwell (Director), Lucy Knight (Director), and Fred Rothert (Director). Also present were Bob Wilson (Attorney) Feathergail Wilson (PCCD Geologist) and PCCD staff Johnie Halliburton, Karen Bassett, and Dan Meyer. Minutes were taken and transcribed by Karen Bassett.

1:01PM President Holt requested motions or comments regarding the minutes of the regular meeting held on December 17th, 2013. Mr. Lipscomb made a motion that the minutes of the regular meeting held on December 17th, 2013, be accepted as mailed out with one correction stating that Mr. Korey Schuelke was not in attendance at the aforementioned meeting. Mr. Twidwell provided the second and the motion was approved unanimously.

1:03PM President Holt requested any unfinished business that required the Board of Directors' attention. Mr. Halliburton explained to the Board that there was no unfinished business.

1:03PM President Holt requested discussion of item IV on the agenda. Mr. Halliburton informed the Board that Mr. Adam Moore, Mr. Ed McCarthy, and Mr. Charlie Fowler with Walton Texas had brought more information as requested by the Board on possibly amending the permit at PCCD's site 2. Mr. Adam Moore explained to the Board that what he would like to do was go over the language of the permit that they have on the current track of land. Mr. Moore explained to the Board that what they were trying to do is take the existing permit from 1965 and define what that language was. Mr. Moore believed that there was confusion of what easement PCCD had on this permit. Mr. Moore felt that it was not a blanket easement but an actual defined conveyance area for water flowing out of site 2 across the Walton property. Mr. Moore then showed the Board a map of the Walton property and pointed out the current permit that was created in 1965. Mr. Moore explained that what they were trying to do was to create a true easement for PCCD with meets and bounds. Mr. Moore explained to the Board that they had taken the original easement and revised it. Mr. Moore informed the Board that if everyone was in agreement with the revised easement he would go back to his legal team for review. Mr. Ed McCarthy explained to the Board that Walton Texas wanted to make sure that the District had all the rights today that they had in 1965 and that with the revised easement PCCD would be assured it would have all the flowage area that PCCD had in 1965. Mr. Ed McCarthy also stated that, with the revised easement, they had cleaned up the language of the 1965 document where it referred to a permit as opposed to a true easement. Mr. Ed McCarthy explained to the Board that one of the things Walton Texas was proposing with the amended ratification was to actually confirm that PCCD would have an "easement" and not a "permit." Mr. McCarthy also explained the letter from the Natural Resources Conservation Service that referred to the calculated rate of discharge over the emergency spillway in such an event. He stated that after Walton contemplated and used those calculations they basically came up with a number that was more or less the equivalent of the 100 year flood plain. Mr. McCarthy explained that with the pro-

posed amended ratification, Walton Texas had made sure the easement would be on the outside border of the 100 year flood plain and that nothing would change in any of the rights that PCCD had first acquired at the time of the original document. President Holt informed Mr. Adam Moore, Mr. Ed McCarthy, and Mr. Charlie Fowler that the Board would hold off on any further questions or comments until after the Board went into executive session. Mr. Adam Moore updated the Board on the test well and explained that if any of the Board members would like to visit the site, to coordinate with Mr. Halliburton and himself. Mr. Twidwell, Mr. Reinecke, and Mr. Rotherth agreed to visit the site the following day.

1:22PM President Holt requested discussion of item V on the agenda. Mr. Halliburton explained to the Board that the landowner at site 37, who had asked to be on the agenda to discuss some easement concerns, was not in attendance.

1:22PM President Holt requested a report from the PCCD's Geologist, Mr. William Feathergail Wilson. Mr. Feathergail Wilson explained that he, Mr. Bob Wilson, Mr. Johnie Halliburton, and Mr. Dan Meyer had a meeting earlier that day with Mr. Mike Snider who is a geologist for the Green Group that has plans for a landfill at site 21. Mr. Feathergail Wilson explained that Mr. Mike Snider gave him a report and that after he was able to review it, he would get back to the Board. Mr. Bob Wilson also discussed the meeting that took place with Mr. Snider and explained to the Board that Mr. Snider had said they were going to dig and complete the salt water retention ponds first and then hope they would have water in them that they could use to keep the site moist. Mr. Bob Wilson also explained that Mr. Snider had asked if they could get water out of the Plum Creek's site 21. Mr. Bob Wilson informed the Board that he had told Mr. Snider that he could if he got a permit from the Texas Commission on Environmental Quality (TCEQ). Mr. Feathergail Wilson also discussed some fault zone maps with the Board concerning the proposed landfill location.

1:41PM President Holt requested a report from the NRCS' District Conservationist, Mr. Isidro Morales. Mr. Morales was not in attendance at this meeting.

1:41PM President Holt requested a report from the PCCD's Assistant Manager, Mr. Daniel Meyer. Mr. Meyer gave the Board an update on the progress of the proposed mitigation plan. Mr. Meyer explained to the Board that there would be a meeting at the PCCD office on February 4th, 2014 to discuss the mitigation plan with permit holders and registered well owners. Mr. Meyer explained that all permit holders, registered well owners, and production permit holders had been invited and that the meeting would basically be a discussion for questions, concerns, or feedback. Mr. Meyer explained to the Board that after the February 4th, 2014 meeting, a hearing would be scheduled and then the proposed mitigation plan would be brought back to the Board for their consideration. Mr. Meyer also explained to the Board that he had attended a Barton Springs Board meeting on January 9th, 2014. Mr. Meyer explained to the Board that, in early January 2014, letters were sent out to permit holders requesting their 2013 water usage and that PCCD had already received a number of responses. Mr. Dan Meyer let the Board know that on February 3rd, 2014 he would be attending a GMA 10 meeting and that the GMA 13 meeting had been pushed back to March 2014.

1:46PM President Holt requested a report from the PCCD's Executive Manager, Mr. Johnie Halliburton. Mr. Halliburton updated the Board on the possible financial assistance that PCCD had applied for with the Federal Emergency Management Agency (FEMA). Mr. Halliburton explained to the Board that he had attended a briefing at the Hays County Government Building in San Marcos with FEMA and that they had explained the process that would be needed in the application. Mr. Halliburton explained that PCCD had submitted a request for public assistance with FEMA and that he was waiting to hear back from them. Mr. Halliburton told the Board that PCCD had been looking at the Emergency Watershed Protection Plan (EWP) with NRCS to apply for assistance, but that after visiting with Mr. Bob Wilson and Mr. James Holt, a deci-

sion was made not to apply with the Emergency Watershed Protection Plan for assistance. Mr. Halliburton explained that he had an issue at site 6 concerning two landowners and that he had been contacted by a game warden and an attorney with the Texas Parks and Wildlife Department concerning questions to the ownership of water in our structures. Mr. Halliburton explained that Mr. Bob Wilson had contacted the game warden and the Texas Parks and Wildlife Department's attorney concerning their questions but had not heard any further response. Mr. Halliburton also discussed with the Board a request by Mr. Kelly Royal in performing an internship with PCCD. With a brief discussion, the Board instructed Mr. Halliburton to contact the Texas State University for direction in the process of internship with Mr. Kelly Royal.

- 1:52PM President Holt requested a report from the PCCD's Attorney, Mr. Bob Wilson. Mr. Bob Wilson discussed with the Board the phone call he had with a game warden regarding water issues at site 6. Mr. Bob Wilson explained that the landowner had complained that the opposite lake side landowner was on the water that had backed up on his property. Mr. Bob Wilson felt that the rules needed to be clarified so that people would be aware that just because people can be on the water doesn't mean that they have a right to be on the land underneath the water. The Board discussed the issues with Mr. Bob Wilson.
- 2:00PM President Holt requested the Plum Creek Conservation District's quarterly investment report. Mr. Lipscomb then gave the Board of Directors an update of the investment accounts that the Plum Creek Conservation District currently holds and their recent activity.
- 2:10PM After a five minute break, President Holt called the meeting into executive session for yearly reviews and for subjects allowable.
- 2:50PM President Holt called the meeting back to order after the executive session.
- 2:50PM Ms. Knight made a motion that the PCCD employees receive a 2.5% cost of living raise. Ms. Knight stated that Mr. Halliburton would receive \$1,625.00, Mr. Meyer would receive \$1,250.00, and Ms. Bassett would receive \$900.00. Mr. Twidwell provided the second and the motion was approved unanimously.
- 2:51PM Mr. Twidwell made a motion that the Board would agree to a restatement of the 1965 grant using the meets and bounds suggested by Walton Texas and provided that three requests were met. One being that PCCD would preserve whatever was in the 1965 grant, secondly, that it would become an easement rather than a permit, and third, that a surveyor's statement would be included with the meets and bounds description including all of the Walton property in the original 1965 grant along Plum Creek that is included in the current FEMA 100 year flood plain elevation. Mr. Lipscomb provided the second. Motion was approved unanimously.
- 2:52PM No public comment
- 2:52PM Mr. Twidwell made a motion to adjourn. Mr. Lipscomb provided the second and the motion to adjourn passed unanimously.