

October 13, 2021

Tracy, California

Pursuant to adjournment, September 15, 2021, the Board of Directors of the Banta-Carbona Irrigation District met at 9:00 a.m. at 3514 W. Lehman Road, Tracy California on the above-named date.

PRESENT: Directors: James M Thoming, Glenn Robertson, Annette Elissagaray, and Mark Cardoza

OTHERS PRESENT: General Manager David Weisenberger, Secretary Margaret Howe and District Counsel Jeanne Zolezzi

CONFERENCE LINE: None

ABSENT: Director Keith Robertson

**ITEM 1- BOARD TO CONSIDER THE CIRCUMSTANCES OF THE STATE OF EMERGENCY AND DETERMINE THAT (I) THE STATE OF EMERGENCY CONTINUES TO DIRECTLY IMPACT THE ABILITY OF THE MEMBERS TO MEET SAFELY IN PERSON AND/OR (II) STATE OR LOCAL OFFICIALS CONTINUE TO IMPOSE OR RECOMMEND MEASURES TO PROMOTE SOCIAL DISTANCING. ACTION AS NECESSARY.**

Director Glenn Robertson made a motion that the state of emergency continues to directly impact the ability of the members to meet safely in person and authorize teleconferencing as needed. Director Annette Elissagaray seconded the motion and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Mark Cardoza, and James M. Thoming; Noes: None; Abstain: None; Absent: Director Keith Robertson

**ITEM 2 - MINUTES & TREASURER'S REPORT**

Director Glenn Robertson made a motion to approve the minutes of the September 15, 2021, Board Meeting as presented. Director Annette Elissagaray seconded the motion and it carried by the following vote: Ayes: Mark Cardoza, Glenn Robertson, James M. Thoming and Annette Elissagaray; Noes: None; Abstain: None; Absent: Keith Robertson

Secretary Howe presented the Treasurer's report and after review by the Board it was filed as presented.

**ITEM 3 - MISCELLANEOUS CORRESPONDENCE**

Secretary Howe reported ACWA/JPIA would be offering online seminar training on Sexual Harassment for Management on 10/26/2021. Secretary Howe will be participating in the training and inquired if any of the Directors would like to participate also. All Directors and Management staff are required to take this training every two years.

**ITEM 4 - MANAGER'S REPORT & DISCUSSION ITEMS.**

**MANAGER'S REPORT**

**OCTOBER 13, 2021**

**VERNALIS FLOW +/- 460 CFS**

**WHEELING 0 CFS**

**Notice of Curtailments from SWRCB of Ca. –** The State Water Resources Control Board of California (SWRCB) wrote curtailment letters dated August 20, 2021, to over 17,000 water right holders, pre and post 1914. BCID letters were for its pre-1914 right, and its two licenses. BCID received them on August 25, 2021 and did cease diversions that same afternoon. Per the SWRCB Water Unavailability Analysis BCID, as an in-Delta diverter was able to resume diversions on September 1, 2021. The latest update from the SWRCB website dated September 27, 2021, in their water unavailability spreadsheet shows no curtailment for BCID through December 2021.

**COVID 19 –** No new cases of COVID among BCID employees.

**Maintenance** - Currently on-going emphasis is on applying aquatic herbicides for pondweed and algae. The treatment of canals for aquatic weeds has required a higher of volume of product as canal flows have been generally higher than last year. Also, the main lift canal has required two treatments already this year. There are no employees currently on Family Leave. We currently have three employees of off ditch-tending duties and working on maintenance items. We are currently painting the exterior of Pumping Plant #1; trimming trees on our right of ways preparing for the application of pre-emergent herbicide on right of ways (ROW); preparing portable pumps, generators, and portable welders for maintenance season; and preparing vehicles for maintenance activities and winter.

**Pumping Plant 3 Replacement Project** – Design work is nearly complete for the wet well structure for a new Pumping Plant 3. Geotechnical work has been completed by Wallace Kuhl, which included four shallow groundwater monitoring wells. The wells indicate that the shallow groundwater level is about two feet above the water surface area in the lift canal in front of the existing pumping plant #3. A topo survey was completed by KSN Engineering out of Stockton to confirm lift canal elevations, box culvert elevations at the freeway, and water surface elevations. Reference elevations were placed at various points along the lift canal from Kasson Road to Pumping Plant #3.

**Pumping Plant #5 Cavitation Investigation** – Susan Fox and Wayne Dahl of DCI and Dave have been researching a new pumping lineup for Pumping Plant #5 that will provide us a range of pumping from 10 cfs to 90 plus cfs. It appears that one of the existing pumps will need to be replaced with a smaller capacity pump capable of pumping 10-27 cfs. One of the existing pumps would require anew impeller that could pump 27 to 44 cfs, and the last existing pump would remain with a capacity of 36 to 50 cfs.

**FRIANT SJRRP Restoration Flows and Wheeling** – We are currently wheeling no water.

**Reclamation CVP 9(e) contract to a 9(d) contract.** We have received our signed WIIN Act Contract. The contract is being challenged in court, see agenda item under closed session.

**Sustainable Groundwater Management Act (SGMA)** –The next major milestone due is a Groundwater Sustainability Plan (GSP) for our GSA as well as for the Tracy Sub-basin which is due by January 31, 2022. The draft GSP has been out for public comment which closed on September 9, 2021. The public comments are being addressed and the GSP will be ready for adoption by all the GSAs in the Sub-basin. Adoption needs to be completed by the middle of December 2021 in order to submit it to the California Department of Water Resources by January 31, 2022. There are regularly scheduled staff meetings on the third Thursday of the month by teleconference at 1 pm. At the November BCID Board meeting a public hearing will be held for comments from the public regarding the BCID GSA adopting the GSP. After the hearing the BCID GSA can adopt the GSP. In addition, the current Memorandum of Agreement (MOA) between all of the Tracy Sub-basin GSA's will be presented with amendments for sharing the cost of implementing the GSP in future years. Approving the amendments to the MOA will be an action item at the November 2021board meeting.

**San Joaquin County Community Development Application # PA 1600049 (AP)** – The application was approved by the Planning Commission with “conditions of approval”. Our comments were included in the approval packet, but we do not have any regulatory authority granted in the conditions of approval. The county stated at this stage of the development process that design is not required, and design will be submitted during the building permit process at a later date.

**Nonnative Predator Research Project, FISHBIO** – FISHBIO will be attending the regular board meeting of BCID in November to recap activities to date on the project and will be proposing suggested future activities and a cost estimate for extending the Nonnative Predator Research Project. Predator populations are not known, and predation is not a significant input into ESA listed fish species life models. Populations are needed to be known in order to improve model accuracies. Otherwise, no change in recovery will occur based on the existing models.

**100 YEAR ANNIVERSARY VIDEO** – J COMM Inc., out of Rocklin, California, has completed shooting video around the district of farming activities and shots of district facilities. They shot video of the electrofishing project out on the river as well as several harvesting activities. They conducted some farmer interviews on video on September 7 out in the field. They also shot some district staff and director interview video as well. Currently they are writing the script for the video. After the script is approved, they will then edit the video footage that was shot. They anticipate a draft or possibly final video completed by the BCID November board meeting.

**Lift Canal Final Grading Project** - Arnaudo Construction Inc. will begin final grading the new lining section of the Lift Canal in front of PP #4 on or around November 1, 2021.

**Peterman Lateral Pump Station Pipe Crossing Project** – The construction of the pipe crossing at Peterman Lateral Pump Station to serve the Yamasaki annexed property will begin around November 1, 2021, by Arnaudo Construction Inc. Estimated cost to cross is about \$150,000.

Respectfully submitted by:  
David Weisenberger  
General Manager

#### ITEM 5 - DIRECTOR AND STAFF ITEMS

General Manager Weisenberger anticipates ending the 2021 irrigation season by November 12, 2021. If dry weather continues, the district will run water for about 2 weeks in December.

#### ITEM 6 – REVIEW CURRENT WATER SUPPLIES AVAILABLE TO THE DISTRICT, REVIEW SCHEDULING OF AVAILABLE WATER SUPPLIES AND POTENTIAL RATIONING. ACTION AS NECESSARY

The District has pumped all of its available Warren Act Contract (WAC) water for 2021. The District has been using its WAC as supplemental water because it may be possible to transfer the Districts remaining CVP water later in the year.

#### ITEM 7 – REVIEW JOB DESCRIPTIONS FOR THE FOLLOWING POSITIONS:

- A) SECRETARY – TREASURER DUE TO RETIREMENT
  - B) FMLA LEAVE OFFICE ASSISTANT
  - C) ASSISTANT MANAGER/WATERMASTER
- ACTION AS NECESSARY.

The Directors reviewed the draft descriptions for the above positions but took no action.

#### ITEM 8 – UPDATE ON THE PREPARATION OF THE TRACY SUB-BASIN GROUNDWATER SUSTAINABILITY PLAN (GSP). ACTION AS NECESSARY

A Groundwater Sustainability Plan for the Districts GSA and the Tracy-Sub-basin is due by January 31, 2022. The draft GSP has been out for public comment. The public comment period ended on September 9, 2021. The comments are being addressed and the GSP will be available for adoption by all of the GSA in the Sub-basin. Adoption of the GSP needs to be completed by the middle of December 2021. BCID will hold a public hearing for comments at their November board meeting and then BCID can adopt the GSP. Also, the current Memorandum of Agreement between all of the Tracy Sub-basin GSA's with amendments for cost sharing in the future will be available for review and approval at BCID's November board meeting.

#### ITEM 9 – REPORT ON PROGRESS OF PROP 1 GRANT CONTRACT DEVELOPMENT TO STUDY, DESIGN, AND PERMIT A HABITAT RESTORATION PROJECT TO INCLUDE BIOTECHNICAL BANK STABILIZATION FOR LONG TERM SUSTAINABILITY OF THE HABITAT RESTORATION AND PROTECTION OF DISTRICT'S DIVERSION POINT. ACTION AS NECESSARY.

CONSIDER APPROVING STAFF TO SEEK AND APPLY FOR COMPANION GRANTS TO FUND FURTHER STUDY AND CONSTRUCTION OF FISH HABITAT, RIVERBANK PROTECTION,

**AND REDUCTION OF SEDIMENT TRANSPORT INTO THE FRONT OF THE BCID FISH SCREEN FACILITY. ACTION AS NECESSARY**

General Manager Weisenberger reported there may be other companion grant funds available to fund the District's possible habitat and restoration project on the San Joaquin River. He inquired if the Board would be interested in more grant funding and should staff spend time researching possible additional grant funding. After some discussion the Board directed staff to seek and apply for companion grants.

**ITEM 10 – REPORT ON SAN JOAQUIN RIVER FISH POPULATION STUDY. ACTION AS NECESSARY.**

FISHBIO will be attending the November board meeting to recap activities to date on the project and proposing suggested future activities and a cost estimate for extending the project.

**ITEM 11 - UPDATE ON STATE WATER RESOURCES CONTROL BOARD (SWRB) PROCEEDINGS REGARDING CURTAILMENT DIRECTIVES, EMERGENCY REGULATIONS, WATER UNAVAILABILITY METHODOLOGY AND POTENTIAL IMPACTS TO PRE-1914 WATER RIGHTS HOLDERS ON THE SAN JOAQUIN RIVER. ACTION AS NECESSARY**

The SWRB will be holding a workshop on October 21, 2021, explaining their methodology for determining water availability and potential impacts to Pre-1914 water rights holder on the San Joaquin River. The current curtailment has been lifted until December 2021.

**ITEM 12 - CLOSED SESSION:**

- 1) CONFERENCE WITH LEGAL COUNSEL on EXISTING LITIGATION PURSUANT to Subdivision (a) of Section 54956.9 of the Government Code
  - A. Banta-Carbona Irrigation District v. California State Water Resources Control Board, et al, Case No. 2015-1-CV-285182 in Santa Clara County Superior Court, Dept 1. This case originated in San Joaquin County as Case No. 39-2015- 00326421-CU-WM-STK
  - B. Natural Resources Defense Council v. Sally Jewell, U.S., Department of the Interior Case No. 1:05-cv-01207 LJO-GSA
- 2) CONFERENCE WITH REAL PROPERTY NEGOTIATIONS
  - A. Property: Consider financing distribution facilities and long-term water service to ground inside and outside of District boundaries.  
  
Agency negotiator: David Weisenberger and District Counsel Jeanne Zolezzi  
  
Negotiating parties: Various landowners in T.3.S R.6.E, SECTIONS 9, 10, 14, 15, AND 16
- 3) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
  
Significant exposure to litigation pursuant to subdivision(b) of Section 54956.9 (1 potential case)

The Board returned to open session with no announcement.

**ITEM 13– UPDATE ON PIPELINE CONSTRUCTION FOR YAMASAKI FARMS AND TO PROVIDE FINANCIAL ASSISTANCE FOR PIPELINE AND PUMP STATION TO SERVE IN-DISTRICT PARCELS #255-120-10 AND 255-270-16 AS WELL AS OTHER PARCELS OUTSIDE OF THE DISTRICT'S BOUNDARIES. ACTION AS NECESSARY**

Myron Yamasaki of Yamasaki Farms was present to discuss the project. In order to provide sufficient water to Mr. Yamasaki's property he needs a 24" pipeline from the District's Peterman Lateral to his property. If the District wants to provide service to additional ground that is outside the District boundaries, it will need a 36' pipeline. The Board requested staff determine the cost of putting in a 36' pipeline from Peterman Lateral to the Yamasaki property. Mr. Yamasaki is to get a cost of the 24' pipeline that he needs and then he can determine how much financing he might need from the District.

**ITEM 14 – APPOINT A DESIGNATED AND ALTERNATE DESIGNATED VOTER DELEGATE FOR ACWA GENERAL SESSION MEMBERSHIP MEETINGS. ACTION AS NECESSARY**

Secretary Howe reported the District has received a request from ACWA for a designated voter and alternate voter for the ACWA elections. Director Mark Cardoza made a motion to appoint the President of the Board as the District's designated voting delegate and the Secretary of the Board as the alternate voting delegate. Director Annette Elissagaray seconded the motion and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Mark Cardoza, and James M. Thoming; Noes: None; Abstain: None; Absent: Director Keith Robertson

**ITEM 15- PETE VINK PRESENT TO DISCUSS PROPERTY EXCHANGE AGREEMENT. ACTION AS NECESSARY**

Pete and Jane Vink were present to discuss their property exchange agreement. The Board discussed the agreement and on the advice of District Counsel agreed to sign the document after counsel has reviewed it.

**ITEM 16 – APPROVAL OF WARRANTS**

Director Mark Cardoza moved that the October 2021 warrants in the amount of \$564,757.48 be approved for payment. Director Annette Elissagaray seconded the motion and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Mark Cardoza, and James M. Thoming; Noes: None; Abstain: None; Absent: Director Keith Robertson

The meeting was then adjourned to Wednesday, November 17, 2021, at 9:00 a.m.

Respectfully,

Margaret G. Howe