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October 11, 2022
Tracy, California

Pursuant to adjournment, September 14, 2022, 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, Mark Cardoza and Kyle Robertson

OTHERS PRESENT: General Manager David Weisenberger and Secretary Margaret Howe

ABSENT: None

ITEM 1 - MINUTES & TREASURER'S REPORT

Director Annette Elissagaray made a motion to approve the minutes of the September 14, 2022, Board Meeting as amended. Director Glenn Robertson seconded the motion, and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Mark Cardoza, James M. Thoming and Kyle Robertson; Noes: None; Abstain: None; Absent: None

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

ITEM 2 - MISCELLANEOUS CORRESPONDENCE

Secretary Howe reported she had received no miscellaneous correspondence.

ITEM 3 - MANAGER'S REPORT & DISCUSSION ITEMS.

October 11, 2022
Vernalis flow +/- 335 cfs Wheeling 0 cfs
Water Delivery Commenced February 8, 2022

COVID 19 – There have been several new cases of COVID among BCID employees and their families since last board meeting.

DMC Pumpback Project – Awaiting final invoice for expenses on the design, planning, and inspection of equipment. No pumps and motors were purchased.

Maintenance - Terrestrial weed control through spraying and disking is ongoing. Aquatic weed control has ceased until needed. We are preparing to apply pre-emergent herbicide to right of ways in late October, early November.

Pump L4A – The 480 volt transformer at PP #2 is not big enough to operate the VFD motor on unit #4-40 and the new motor on L4-A. We disconnected the #4-40 and connected the new L4A motor to that Motor Control Center. We have purchased a new transformer to serve the outside pump. It sits downstream of the existing 2400 volt motor control center (MCC), between the MCC and the new L4A pump. This allows us to continue to use the old MCC for the outside pump, L4A. The existing VFD motor, Unit #4-40, will be re-connected to the existing transformer. Are to have Bockmon and Woody Electric connect the transformer to the L4A motor control center and to the pump motor. Then the inside VFD pump can be re-connected to its motor control center (mcc) and resume auto operations. The goal is to have this work completed before the end of October.

FRIANT SJRRP Restoration Flows and Wheeling – We are currently wheeling no water. They anticipate the possibility of having water in our reach of the river in August available for wheeling. No new news. The USBR has filed a petition on September 2, 2022, with the SWRCB for transferring this Friant water through BCID and PID facilities.

Nonnative Predator Research Project, FISHBIO – 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. Fish trapping as ceased for 2022. FISHBIO hosted an annual meeting on August 24, 2022, with the sponsors of the study, BCID, West Stanislaus ID, and Patterson ID. Trapping and electrofishing results were shared for the study period of 2017 through 2022. FISHBIO staff provided information about how this information is being received by others in fish recovery efforts in California. Interest in predation and the interaction between non-native species and predation of native species is increasing. The meeting was well attended by district managers and board members. It was consensus among the group that day that the

61 general findings of this study needs to be shared with a much broader audience such as
62 at an Association of California Water Association (ACWA) conference to inform
63 members that there is a huge stressor on endangered species that isn't getting the
64 requisite attention it deserves.

65 **PROP 1 Grant Habitat study** – CBEC continues to develop and perfect
66 alternatives for a habitat project adjacent to the BCID fish screen facility on the San
67 Joaquin River.

68 **Lift Canal Final Grading Project** - Arnaudo Construction Inc. conducted work
69 on final grading the new lining section of the Lift Canal in front of PP #4 in Spring 2022.
70 Yet to be completed are drainage culverts.

71 **Peterman Lateral Pump Station Pipe Crossing Project** – The construction of
72 the pipe crossing at Peterman Lateral Pump Station to serve the Yamasaki annexed
73 property is completed. Water deliveries to the Yamasaki property on Koster Road
74 commenced on Monday morning, July 18, 2022. The project is not fully complete has
75 automation and electrical work still needs to be completed in order to operate the pump
76 station in auto. We are currently operating the pump station in “Hand” mode.

77 **ITEM 4 - DIRECTOR AND STAFF ITEMS**

78 Director Mark Cardoza reported that John Pereira had asked him about water availability
79 this winter.

80 General Manager Weisenberger reported that the District received a request from
81 Kier+Wright to change an open District canal to a pipeline through a project on Chrisman
82 Rd they are working on.

83 General Manager Weisenberger reported that he anticipates ending the water season on
84 November 18th for at least until December 4 for maintenance. Depending on the weather
85 water maybe available after December.

86 **ITEM 5 – REVIEW MEYERS FAMILY FARMS AGREEMENT FOR POSSIBLE 87 EARLY EXTENSION. ACTION AS NECESSARY**

88 The District received a request from the Meyers Family Farms regarding starting
89 negotiations for the early renewal of their water transfer agreement. The current
90 agreement will terminate on February 28, 2025. After some discussion, the Board
91 determined they would be willing to start negotiations.

92 **ITEM 6 - REVIEW CURRENT WATER SUPPLIES AVAILABLE TO THE 93 DISTRICT, REVIEW SCHEDULING OF AVAILABLE WATER 94 SUPPLIES AND POTENTIAL RATIONING. ACTION AS NECESSARY**

95 General Manager Weisenberger reported the District has finished pumping water
96 Meyers Family Farms for the 2022/2023 water year. He plans on starting to pump water
97 into storage for the District in January 2023. The District currently has approximately
98 17,400 acre feet of water in storage.

100 **ITEM 7 - UPDATE ON SAN JOAQUIN RIVER FISH POPULATION STUDY. 101 ACTION AS NECESSARY.**

102 **A. CONSIDER PARTICIPATION IN PRODUCING AN INFORMATION VIDEO 103 ON NON-NATIVE FISH SPECIES POPULATIONS AND THEIR IMPACT 104 ON NATIVE FISH. ACTION AS NECESSARY.**

105 General Manager Weisenberger presented a proposal from J Comm, Inc to produce
106 a video project highlighting the role of predation in the declining fish populations in the
107 Delta. The video would combine scientific information, visuals and animation to tell the
108 story and would be approximately 12 to 15 minutes long. It is anticipated it could be
109 shown at an ACWA conference and used on the participating agencies websites. The
110 cost of the video would not exceed \$50,000. After some discussion, Director Mark
111 Cardoza made a motion to approve participation in the project subject to at least two
112 other agencies participating on an equal basis. Glenn Robertson seconded the motion
113 and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn
114 Robertson, Mark Cardoza, James M. Thoming and Kyle Robertson; Noes: None;
115 Abstain: None; Absent: None

116 General Manager Weisenberger reported the annual budget for Non-native Predator
117 Research Project being conducted by FishBio for 2023 will be \$510,000. In the past the
118 cost of the project has been shared by Banta-Carbona Irrigation District, West Stanislaus
119 Irrigation District and Patterson Irrigation District. After some discussion, Director Mark
120 Cardoza made a motion to approve participation in the project subject to at least two
121 other agencies participating on an equal basis. Glenn Robertson seconded the motion

122 and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn
123 Robertson, Mark Cardoza, James M. Thoming and Kyle Robertson; Noes: None;
124 Abstain: None; Absent: None

125 ITEM 8 - REPORT ON PROGRESS OF PROP 1 GRANT CONTRACT
126 DEVELOPMENT TO STUDY, DESIGN, AND PERMIT A HABITAT
127 RESTORATION PROJECT TO INCLUDE BIOTECHNICAL BANK
128 STABILIZATION FOR LONG TERM SUSTAINABILITY OF THE
129 HABITAT RESTORATION AND PROTECTION OF DISTRICT'S
130 DIVERSION POINT. ACTION AS NECESSARY.

131 CBEC continues to work on alternatives for a habitat restoration project adjacent to the
132 BCID fish screen facility on the San Joaquin River.

133 ITEM 9 - UPDATE ON THE GROUNDWATER SUSTAINABILITY PLAN (GSP)
134 FOR THE TRACY SUBBASIN. ACTION AS NECESSARY

135 A. REVIEW GSA/GSP FLYER FOR INCLUSION WITH ASSESSMENT BILLS
136 IN NOVEMBER. ACTION AS NECESSARY

137 General Manager Weisenberger would like to include an informational flyer on the
138 District's GSA/GSP with the assessment bills that are mailed in November. He
139 presented a sample of what the flyer might look like for review by the Board. After
140 reviewing the sample, the Board authorized staff to include a flyer with the assessment
141 bills.

142 ITEM 10 – REVIEW SOLAR PROJECT PROPOSAL FROM WHITE PINE
143 RENEWABLES. ACTION AS NECESSARY

144 General Manager Weisenberger presented a proposal from White Pine Renewables for
145 a solar project to be placed on the District's Kasson Rd. property. After reviewing the
146 proposal, the Board determined that the District might be better served by a battery
147 storage project. They authorized staff to research the cost of a battery storage project.
148

149 ITEM 11 - CLOSED SESSION:

150 1) CONFERENCE WITH LEGAL COUNSEL on EXISTING LITIGATION
151 PURSUANT to Subdivision (a) of Section 54956.9 of the Government Code

152 A. Banta-Carbona Irrigation District v. California State Water
153 Resources Control Board, et al, Case No. 34-2021-80003718 in
154 Sacramento County Superior Court, Department 17

155 C. Center for Biological Diversity et al. v. United States Bureau of
156 Reclamation, et al., Case No. 1:20-cv-00706;DAD-EPG, Eastern
157 District of California

158 2) CONFERENCE WITH LEGAL COUNSEL – REAL PROPERTY NEGOTIATIONS

159 Property: Negotiate purchase of water from Oakdale Irrigation District WY
160 2023.

161 Agency Negotiator: David Weisenberger and Jeanne Zolezzi

162 Negotiating Party: Oakdale Irrigation District

163 Under Negotiation: Water

164 3) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

165 Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (1
166 potential cases)

167 The Board returned to open session with no announcement.

168 ITEM 12 - UPDATE ON PIPELINE CONSTRUCTION OF 3 EAST LATERAL
169 (YAMASAKI FARMS) TO SERVE IN-DISTRICT PARCELS #255-120-10
170 AND 255-270-16. ACTION AS NECESSARY

171 Staff reported the pipeline has been delivering water to inside the District ground since
172 July 18th. The automation and electrical work still needs to be completed.

173 ITEM 13 - UPDATE ON FILLING FUTURE OPEN POSITION OF
174 SECRETARY/TREASURER. ACTION AS NECESSARY.

175 Secretary Howe reported she had contacted Denham Resources a recruiting firm
176 located in Fresno to help find candidates to fill the position of Secretary/Treasurer. She
177 presented the Board with an agreement to review. After reviewing the agreement,
178 Director Mark Cardoza made a motion to engage Denham Resources on an "Exclusive"

179 level and authorize Board President James Thoming to sign the agreement. Director
180 Glenn Robertson seconded the motion and it carried by the following vote: Ayes:
181 Directors: Annette Elissagaray, Glenn Robertson, Mark Cardoza, James M. Thoming
182 and Kyle Robertson; Noes: None; Abstain: None; Absent: None

183 ITEM 14 - APPROVAL OF WARRANTS

184 Director Annette Elissagaray made a motion to approve October 2022 warrants in the
185 amount of \$520,368.84 be approved for payment. Director Kyle Robertson seconded the
186 motion, and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn
187 Robertson, Mark Cardoza, James M. Thoming and Kyle Robertson; Noes: None;
188 Abstain: None; Absent:

189 The meeting was then adjourned to Wednesday, November 16, 2022, at 9:00 a.m.

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Respectfully,

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Margaret G. Howe
Secretary – Treasurer

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