April 9, 2025
Tracy, California

Pursuant to adjournment of March 12, 2025 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 (President), Glenn Robertson (Vice-President), Annette Elissagaray, Mark Cardoza and Kyle Robertson.

ABSENT: None

OTHERS PRESENT: General Manager David Weisenberger, Secretary-Treasurer/Assessor-Collector Danisha McDonald, Assistant Manager Kelly Wright-La Force, District legal counsel Jeanne Zolezzi.

ITEM 1 - OPPORTUNITY FOR PUBLIC COMMENT

No public was present.

ITEM 2 - CONSIDER FOR APPROVAL MARCH 12, 2025 MINUTES.

Director Kyle Robertson made a motion to approve the minutes of the March 12, 2025 regular board meeting. Director Mark Cardoza seconded the motion, and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Mark Cardoza, Kyle Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: None.

ITEM 3 - MISCELLANEOUS CORRESPONDENCE

Treasurer McDonald presented information about the Delta Charter School FFA. After some board discussion on the value of encouraging young people to become involved in agriculture, Director Mark Cardoza made a motion to donate $500. Director Annette Elissagaray seconded the motion, and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Kyle Robertson, Mark Cardoza, and James M. Thoming; Noes: None; Abstain: None; Absent: None.

ITEM 4 - TREASURER'S REPORT

The Treasurer's report was presented by Danisha McDonald and after review, filed for audit.

ITEM 5 - AUTHORIZE TRANSFER AMOUNT FROM LIQUIDITY ACCOUNT TO CHECKING ACCOUNT

Director Glenn Robertson made a motion to transfer $1,221,132.82 from the Liquidity Bank Account to the District checking account at Oak Valley Community Bank. Director Annette Elissagaray seconded the motion, and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Mark Cardoza, Kyle Robertson, and James M. Thoming; Noes: None; Abstain: None; Absent: None

ITEM 6 - UPDATE ON TRANSFER OF FUNDS TO INVESTMENT ACCOUNTS WITH CETERA INVESTMENT SERVICES LLC

The Board of Directors reviewed the cash on hand and discussed the options of re-investing for the current cash needs. No action was taken.

ITEM 7 - DIRECTOR AND STAFF ITEMS

Secretary-Treasurer McDonald invited the Board of Directors to join staff and retirees on May 2, 2025, for a celebratory lunch in honor of Jaime Zamora's retirement.

ITEM 8 - CONSIDER PARTICIPATION IN SAN JOAQUIN VALLEY BLUEPRINT PROGRAM. ACTION AS NECESSARY.

Manager Weisenberger reported that this item was inadvertently added to the agenda and no action or report was available.

ITEM 9 - CONSIDER AUTHORIZING EXECUTION OF HEALTHY RIVERS AND LANDSCAPES PROGRAM IMPLEMENTATION FUNDING ACTIVITY AGREEMENT PER SAN

LUIS DELTA MENDOTA WATER AUTHORITY RECOMMENDATION. ACTION AS NECESSARY.

A memo from San Luis Delta Mendota Water Authority was presented to the Board of Directors recommending water contractors to execute the Healthy Rivers and Landscape Program activity agreement. The activity agreement authorizes monthly charges of $10/AF payable to SLDMWA for CVP water delivered to the participating contractors and any administrative costs to be invoiced semiannually. The $10/AF fee is to fund water purchase programs and science components.

Director Kyle Robertson made a motion to approve the execution of the Healthy Rivers and Landscape Program activity agreement with San Luis Delta Mendota Water Authority. Director Mark Cardoza seconded the motion, and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Mark Cardoza, Kyle Robertson and James M. Thoming; Noes: Glenn Robertson; Abstain: None; Absent: None.

ITEM 10 - REVIEW CURRENT WATER SUPPLIES AVAILABLE TO THE DISTRICT, REVIEW SCHEDULING OF AVAILABLE WATER SUPPLIES AND POTENTIAL TRANSFERS.

Manager Weisenberger presented the water delivery report and reviewed the quantities of supplemental water currently available to the district. The BCID currently has a balance of 1674 AF in the San Luis Reservoir (SLR) drought pool after the monthly 1% loss.

Manager Weisenberger reported the BCID's 2024-25 CVP allocation is 40% (8,000 AF).

ITEM 11 - UPDATE ON PROGRESS OF "SGMA PHASE 2 CONJUNCTIVE USE PROJECT" CONSTRUCTION, EASEMENT ACQUISITION, AND PROJECT MANAGEMENT

Manager Weisenberger reported that six landowners have agreed to grant easements, have executed easement agreements, and five of those easements have been recorded at the San Joaquin County Recorder's office in Stockton, CA.

Assistant Manager Kelly Wright-La Force reported on construction progress of the Phase 2 Conjunctive Use Project. The wet well excavation is complete, and the concrete floor, walls, pump deck, and upstream canal tie ins have been poured by Arnaudo Construction. Pipe fittings have been received and are being stored at Substation #2 on Durham Ferry Road.

The project is for the expansion of district water distribution facilities to provide surplus surface water to approximately 1600 acres of agricultural lands east of Koster Road and north of Durham Ferry Road that have historically relied upon groundwater only. This project also helps keep the Tracy Sub-basin sustainable.

ITEM 12 - UPDATE ON UPGRADE OF SUBSTATION #1 TO 60KV/12KV TRANSFORMERS AND DISTRIBUTION UPGRADE TO PUMPING PLANTS #1 AND #2 TO 12.47KV. ACTION AS NECESSARY

Manager Weisenberger reported that WAVE engineers is currently designing an upgrade to Substation #1 to convert it to 60kV/12kV distribution voltage.

ITEM 13 - CLOSED SESSION:

1) CONFERENCE WITH LEGAL COUNSEL on EXISTING LITIGATION PURSUANT to Subdivision (a) of Section 54956.9 of the Government Code
    A. Center for Biological Diversity et al. v. United States Bureau of Reclamation, et al., Case No. 1:20-cv-00706;DAD-EPG, Eastern District of California
    B. State Water Resources Control Board 2021 and 2022 Curtailment Cases, Sacramento Superior Court JCCP 5229
2) CONFERENCE WITH REAL PROPERTY NEGOTIATIONS (§ 54956.8)
    A. Property: Up to 10,000 acre feet of San Joaquin River Water under the District's Pre-1914 Water rights

        Agency Negotiators: James Thoming, David Weisenberger and Jeanne Zolezzi
        Negotiating Party: Westside Agriculture LLC
        Under Negotiation: Price, Quantity and Terms of Payment

ITEM 14 - REVIEW DIRECTOR APPOINTMENTS TO VARIOUS BOARDS. ACTION AS NECESSARY.

Director Kyle Robertson made a motion to make the following appointments:

ACWA/JPIA; Director, Glenn Robertson and Alternate Director; David Weisenberger

Director Annette Elissagaray 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

ITEM 15 - MANAGER'S REPORT & DISCUSSION ITEMS.

Manager Weisenberger reported there are two new employees currently in training.

Assistant Manager Kelly Wright-La Force and Alejandro Ruiz Lopez recently returned from a SCADA course hosted by Cal-Poly in San Luis Obispo. They have been troubleshooting SCADA issues with Assistant Manager Mike McDonald and the maintenance crew.

Maintenance staff are starting to treat aquatic weeds, Algae and Elodea, along 3 West and 5 West canals.

There may be a need for the District to consider purchasing a new tractor for the purpose of disking. Assistant Manager Kelly Wright-La Force will present options to the Board at a future date. The board directed staff to investigate CARB incentives that can help cover the cost of a new tractor.

Dust-off road services are to be scheduled for after Memorial Day weekend in hopes of avoiding the issues associated with mixing rain and the product.

Automation Control Solutions from Stockton, CA continues to help by replacing bad boards in our PP#5 Unit 4 and 6 VFD's which seem to have on average a 7-8 year life period.

Manager Weisenberger reported Banta-Carbona has available funds with PWRPA: $45,217.78 in our P3 account, and $114,108.72 in our Cap & Trade account. He plans to ask for distribution of the funds totaling $159,326.50.

ITEM 16 - REPORT ON SAN JOAQUIN RIVER FISH POPULATION STUDY AND OUTREACH EFFORTS.

Manager Weisenberger presented the email invite for the ACWA Region 4 event to be held on April 16, 2025, beginning at 8 AM. The tour will begin and end at Chez Shari rooms at the Manteca Golf Course in Manteca, CA.

He provided the monthly FishBio report for March 2025.

ITEM 17 - UPDATE ON THE GROUNDWATER SUSTAINABILITY PLAN (GSP) FOR THE TRACY SUBBASIN AND RELATED ACTIVITIES.

The BCID staff continue to record monthly water levels from monitoring wells MW-203 and MW-204 located within the district boundaries. The readings will be reported to a state portal that has not been set up by the state yet.

The Tracy Sub-basin GSP partners continue to meet monthly to review the draft annual report and to review the Groundwater Sustainability Plan (GSP) actions and monitoring activities.

Mandatory Annual GSP report has been submitted to DWR for review. Budget is the current topic of discussion for the upcoming year.

ITEM 18 - REPORT ON PROGRESS OF PROP 1 GRANT CONTRACT 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.

A. CONSIDER AND ADOPT PROPOSED NEGATIVE DECLARATION FOR THE FLOODPLAIN RESTORATION PROJECT AND APPROVE THE BCID FLOODPLAIN RESTORATION PROJECT.

Staff presented the Initial Study and Proposed Notice of Determination for the Floodplain Restoration Project dated April 9, 2025. After the board reviewed the documents Director Glenn Robertson moved that the Negative Declaration be adopted, the project authorized for construction, and resolution no. 2025-04-01 passed. Director Mark Cardoza seconded the motion, and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Kyle Robertson, Mark Cardoza, and James M. Thorning; Noes: None; Abstain: None; Absent: None.

RESOLUTION NO. 2025-04-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF

THE BANTA-CARBONA IRRIGATION DISTRICT FINDING THAT THE BCID FLOODPLAIN RESTORATION PROJECT IS WITHIN THE SCOPE OF THE STATE WATER RESOURCES CONTROL BOARD RESTORATION PROJECTS STATEWIDE ORDER PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT, ADOPTING THE RELATED ENVIRONMENTAL ASSESSMENT/INITIAL STUDY PREPARED FOR THE PROJECT, AND APPROVING THE BANTA-CARBONA IRRIGATION DISTRICT FLOODPLAIN RESTORATION PROJECT

WHEREAS, Banta-Carbona Irrigation District (the "**District**") proposes to construct an engineered floodplain design that entails realignment of the District intake channel on the San Joaquin River and construction of a habitat partition to reduce fish entrainment in the intake and prevent sediment build up and the need for periodic dredging. The Project will lower the floodplain upstream of the intake to restore floodplain habitat that will benefit Chinook salmon (both spring and fall-run) and Central Valley Steelhead and support juvenile salmonid rearing needs (the "**Project**");

WHEREAS, the State Water Resources Control Board (the "**State Board**") developed the Statewide Restoration General Order ("**SRGO**") to improve the efficiency of regulatory reviews for projects throughout the state that would restore aquatic or riparian resource functions or services. The District and the State Board have each concurred that the Project represents an environmentally-beneficial restoration project that would protect species and the environment in a manner that "would result in a net increase in aquatic or riparian resource area functions and/or services," and therefore meets the requirements of the SRGO.

WHEREAS, to comply with the California Environmental Quality Act ("**CEQA**") (Pub. Resources Code, § 21000 et seq.), the District as the CEQA Lead Agency for the Project initiated preparation of an Environmental Assessment/Initial Study by FISHBIO, Inc. (January 2024) ("**Project Specific Analysis**"), attached as Attachment "A", to evaluate whether the Project is within the scope of the Statewide Restoration General Order Programmatic Environmental Impact Report ("**SRGO PEIR**"), including whether the Project would result in new or substantially more severe significant impacts compared to the SRGO PEIR.

WHEREAS, according to CEQA Guidelines section 15168, when evaluating later activities after a PEIR has been certified, the later activity must be examined in the light of the PEIR to determine whether an additional environmental document must be prepared." According to subdivision (c)(2) of that section, "[i]f the agency finds that pursuant to [CEQA Guidelines] Section 15162, no subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the PEIR, and no new environmental document would be required."

WHEREAS, the Project Specific Analysis prepared for the Project concludes that the Project is within the scope of the projects covered by the SRGO PEIR and that no subsequent or supplemental EIR is required pursuant to Guidelines section 15162. The Project Specific Analysis also functions as an addendum to the SRGO PEIR pursuant to CEQA Guidelines section 15164 by providing project-specific analysis and documenting why none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

WHEREAS, based on the SRGO PEIR and the Project Specific Analysis, the District has determined the Project is within the scope of the SRGO PEIR and that the Project would not result in any new or substantially more severe significant impacts compared to the SRGO PEIR. As stated in the Project Specific Analysis, the Project will follow established protocols described in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan and additional avoidance and mitigation suggestions as included in the Project Specific Analysis.

WHEREAS, the Board has reviewed and considered the Project, the Project Specific Analysis, the SRGO PEIR, and other documents and information from District staff. Based on this information and the whole record before the District, the Board finds and determines the Project is a later activity "within the scope" of the SRGO PEIR pursuant to CEQA Guidelines section 15168, and none of the conditions listed in CEQA Guidelines section 15162 that would necessitate preparation of a subsequent or supplemental EIR have occurred.

NOW, THEREFORE, THE BOARD OF DIRECTORS HEREBY RESOLVES:

1. The Board of Directors adopts the Project Specific Analysis as an addendum to the SRGO PEIR pursuant to CEQA Guidelines section 15164.

2. The Board approves the Project as described in the Project Specific Analysis and authorizes the General Manager or designee to take all necessary and appropriate steps to implement the Project, including obtaining all other regulatory approvals necessary to implement the Project.

3. The Board authorizes and directs the General Manager, or designee, to prepare, sign, and file a CEQA Notice of Determination with the State Clearinghouse, the San Joaquin County Clerk, and with the clerks of any other appropriate counties, within five days from the date of the adoption of this resolution, and to pay the applicable fees.

4. Documents concerning the Project are on file and available for public review at the District office at 3514 W Lehman Road, Tracy, California 95304. The District Secretary at this address is the custodian of the documents that constitute the record of proceedings upon which this decision is based.

PASSED, APPROVED, AND ADOPTED by the Board of Directors of the Banta-Carbona Irrigation District at the regular board meeting of said Board on the 9th day of April, 2025, by the following vote:

AYES: Directors: Glenn Robertson, Annette Elissagaray, Mark Cardoza, Kyle Robertson, and James M. Thoming;
NOES: None
ABSTAIN: None
ABSENT: None

BANTA-CARBONA IRRIGATION DISTRICT

James M. Thoming, President

ATTEST:

Danisha McDonald, Secretary

ITEM 19 – UPDATE ON WHITEPINE RENEWABLES, INC. SOLAR PROJECT ON DISTRICT HOMESTEAD RANCH PROPERTY ON KASSON ROAD.

Whitepine Renewables is preparing a notice to the California Independent System Operator (CAISO) that BCID and Whitepine will be constructing a Non-export solar facility. The plan is to be recognized as a non-export project and begin construction in the fall of 2025 to be operational by the fall of 2026. Meanwhile the project would be put into a cluster study in the hopes of being approved as an Export project in 2028.

The application package is near completion for submission to CAISO and takes approximately 6 weeks to process.

ITEM 20 - REVIEW DISTRICT POLICIES, PROCEDURES, EMPLOYEE HANDBOOK, JOB DESCRIPTIONS AND ORGANIZATIONAL CHART.

Assistant Manager Kelly Wright-La Force presented an updated organizational chart to the board.

ITEM 21 - APPROVAL OF WARRANTS

Director Kyle Robertson moved that the April 2025 warrants in the amount of $1,097,307.87 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, Kyle Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: None.

Signed,

Danisha McDonald
Secretary