

**San Joaquin  
Local Agency Formation Commission**

509 West Weber Avenue      Stockton, CA 95203  
209-468-3198      FAX 209-468-3199

**JUSTIFICATION OF PROPOSAL**

Please complete the following information to process an application under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: (Indicate N/A if Not Applicable)

.....

**SHORT TITLE OF THE PROPOSAL:**      BBID-TWSID Consolidation

**TYPE OF PROPOSAL**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> City Incorporation       | <input type="checkbox"/> Sphere of Influence Amendment                              | <input type="checkbox"/> District Formation   |
| <input checked="" type="checkbox"/> Consolidation | <input type="checkbox"/> Sphere of Influence Update                                 | <input type="checkbox"/> Annexation           |
| <input type="checkbox"/> Detachment               | <input type="checkbox"/> Addition of Services                                       | <input type="checkbox"/> District Dissolution |
|   | <input type="checkbox"/> Reorganization (involving an Annexation and Detachment(s)) |   |

**AGENCY CHANGES RESULTING FROM THIS PROPOSAL**

Agency or Agencies gaining territory:      Byron Bethany Irrigation District

Agency or Agencies losing territory:      The West Side Irrigation District

**NOTIFICATION**

Please indicate the names, addresses and telephone numbers of all Applicants, Applicant's Agents, and all affected Agencies who are to receive the hearing notice and the Executive Officer's Report:

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
Board of Directors Byron Bethany Irrigation District	7995 Bruns Road Byron CA 94514	209-835-0375
Board of Directors The West Side Irrigation District	1320 Tracy Boulevard Tracy CA 95376	209-835-0503
City Manager's Office City of Tracy	333 Civic Center Plaza Tracy CA 95376	209-831-6115
General Manager's Office Mountain House Community Services District	230 S Sterling Drive Mountain House CA 95391	209-831-56210
Rick Gilmore, General Manager Byron Bethany Irrigation District	7995 Bruns Road Byron CA 94514	209-608-1428
Bruce Baracco, Project Consultant Baracco and Associates	44 Eureka Street Sutter Creek CA 95685	209-304-0028

(Attach a separate sheet if necessary.)

**PROJECT INFORMATION**

Please provide project-related information for the following questions:

- 1. Do the proposed boundaries create an island of non-agency territory? N/A  Yes  No
- 2. Do the proposed boundaries split lines of assessment or ownership? N/A  Yes  No
- 3. Does the proposal involve public rights-of-way or easements? N/A  Yes  No
- 4. Does the proposal involve public land or land assessed by the State?  Yes  No
- 5. Does any part of the proposal involve land under a Williamson Act Contract or Farmland Security Zone?  Yes  No
- 6. Does any part of the proposal involve land with a Wildlife/Habitat Easement or Agricultural Land Conservation Easement? N/A  Yes  No

7. List the affected Assessor Parcel Numbers, Owners of record and Parcel Sizes:

<u>APN</u>	<u>Owner</u>	<u>Acreage</u>
N/A		
Byron Bethany Irrigation District has 9,157 parcels of record.		
The West Side Irrigation District has 908 parcels of record.		

- 8. Physical Location of Proposal:  
Within portions of Alameda, Contra Costa and San Joaquin Counties (refer to Proposal Map).
- 9. Has an application been filed for an underlying project (such as Development Plan, Conditional Use Permit, or Tentative Subdivision Map)?  Yes  No  
If Yes, please attach a Project Site Plan or Tentative Subdivision Map.  
If No, please provide an estimate of when development will occur: N/A.
- 10. List those public services or facilities which will be provided to the affected territory as a result of the proposed action:  
Agricultural irrigation water  
Water for Municipal and Industrial purposes  
Storm drainage services
- 11. Indicate which of these services or facilities will require main line extensions or facility up-grades in order to serve the affected territory:  
None; all existing main lines are in place, and all existing facilities are adequate.
- 12. Provide any other justification that will assist the Commission in reviewing the merits of this request.  
Refer to Attachment 1: Justification Narrative; and  
Attachment 2: Plan for Services.

(Attach a separate sheet if necessary)

**INDEMNIFICATION AGREEMENT**

As part of this application, applicant and real property in interest, if different, agreed to defend, indemnify, hold harmless, and release the San Joaquin Local Agency Formation Commission, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of the above, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent passive or active negligence on the part of the San Joaquin Local Agency Formation Commission, its agents, officers, attorneys, or employees.

Executed at Byron, California, on February 28, 2020.

APPLICANT

REAL PARTY IN INTEREST  
(If different from Applicant)

Signature: 

Signature: \_\_\_\_\_

Title: General Manager, BBID and TWSID

Title: \_\_\_\_\_

**SUBMITTALS**

In order for this application to be processed, the following information needs to be provided:

1. Two copies of this Justification of Proposal, completed and signed with original signatures;
2. Five prints of a full-scale proposal map showing the affected territory and its relationship to the affected jurisdiction (Refer to Guide for Preparation);
3. Five copies of an 8.5" x 11" or 11" x 17" reduction of the proposal map;
4. Three copies of a metes and bounds description of the affected territory;
5. One certified copy of the City Council and/or Special District Board Resolution of Application, or a petition making application to LAFCo (as appropriate);
6. Written permission from each affected property owner (or signature form);
7. One copy of the project environmental document (One Compact Disc if more than 25 pages);
8. One copy of the project Notice of Determination;
9. Three 8.5" x 11" copies of the Vicinity Map (if not included on the proposal map);
10. One copy of the plan for providing services along with a schematic diagram of water, sewer and storm drainage systems (refer to Government Code Section 56653);
11. One copy of the Pre-Zoning map or description (as required by Section 56375);
12. One copy of the Statement of Open Space (Ag) Land Conversion (refer to Section 56377);
13. One Copy of the Statement of Timely Availability of Water Supplies (refer to Section 56668(k));
14. One copy of the Statement of Fair Share Housing Needs (if residential land uses are included in the proposal) (refer to Section 56668(l));
15. One copy of the project design (site plan, development plan, or subdivision map);
16. One copy of the Residential Entitlement matrix form (if residential land uses are included in the proposal); and
17. Filing and processing fees in accordance with the LAFCo Fee Schedule and the State Board of Equalization Fee Schedule.

Additional information may be required during staff review of the proposal.

**CERTIFICATION**

The undersigned hereby certifies that all LAFCo filing requirements will be met and that the statements made in this application are complete and accurate to the best of my knowledge.



Date: February 28, 2020

(Signature)

Print or Type Name: Rick Gilmore

Daytime Telephone: 209-608-1428

CONCURRENT RESOLUTION NO. 1

CONCURRENT RESOLUTION OF APPLICATION BY  
BYRON-BETHANY IRRIGATION DISTRICT AND THE WEST SIDE IRRIGATION DISTRICT

A CONCURRENT RESOLUTION OF THE BOARDS OF DIRECTORS OF BYRON-BETHANY IRRIGATION DISTRICT AND THE WEST SIDE IRRIGATION DISTRICT CONSTITUTING THE DISTRICTS' RESOLUTION OF APPLICATION TO THE SAN JOAQUIN COUNTY LOCAL AGENCY FORMATION COMMISSION TO INITIATE PROCEEDINGS FOR THE CONSOLIDATION OF BYRON-BETHANY IRRIGATION DISTRICT AND WEST SIDE IRRIGATION DISTRICT

WHEREAS, the Boards of Directors of Byron-Bethany Irrigation District (BBID) and The West Side Irrigation District (WSID) (collectively referred to herein as "Districts") desire to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (LAFCO Law), Part 3 of Division 3 (commencing with Section 56000) of Title 5 of the Government Code with the San Joaquin County Local Agency Formation Commission (SJ LAFCO) for the consolidation of the Districts (Consolidation) as specified herein; and

WHEREAS, the Districts wish to accomplish the Consolidation by uniting the territory of WSID with the territory of BBID and creating BBID as the single successor district; and

WHEREAS, the Districts have agreed to initiate the Consolidation with SJ LAFCO by adoption of this Concurrent Resolution; and

WHEREAS, pursuant to Government Code section 56853, in the case of a concurrent consolidation, SJ LAFCO shall approve, or conditionally approve, the proposed consolidation; and

WHEREAS, notice of intent to adopt this Concurrent Resolution of Application has not been given to SJ LAFCO, or to any interested agency or subject agency; and

WHEREAS, the proposal is consistent with the Spheres of Influence for BBID and WSID; and

WHEREAS, the territory included in the consolidated district is inhabited, as defined in the LAFCO Law; and

WHEREAS, the boundaries of the territory included in the consolidated district will be the combined territories of BBID and WSID, as described in Exhibit "A," attached hereto and incorporated herein by reference; and

WHEREAS, the Districts desire that the proposed consolidation be subject to the terms and conditions set forth in Exhibit "B," attached hereto and incorporated herein by reference; and

WHEREAS, the reason for the Consolidation is to enhance the services provided to the territories of both BBID and WSID; and

WHEREAS, the Districts hereby consent to the proposed consolidation without an election by voters within the Districts.

NOW, THEREFORE, BE IT RESOLVED by the Boards of Directors of BBID and WSID that:

1. The SJ LAFCO is requested to undertake proceedings for the proposed consolidation pursuant to Part 3 of Division 3 of the LAFCO Law and according to the terms and conditions stated above.
2. The President of the Board or General Manager for each District is authorized and directed to execute this Concurrent Resolution and any other documents as SJ LAFCO may reasonably request to accomplish the consolidation initiated by this Concurrent Resolution.
3. The President of the Board or General Manager for each District is hereby authorized and directed to perform any and all acts required to effectuate the consolidation initiated by this Concurrent Resolution, including but not limited to preparation and coordination of the application to SJ LAFCO, the justification of proposal, and the plan for services.
4. BBID, as the future successor district, will take the lead in preparing the application to SJ LAFCO and any documentation required or requested by SJ LAFCO to accomplish the consolidation initiated by this Concurrent Resolution. BBID will involve and coordinate with WSID in the preparation of the application and any other documentation required or requested by SJ LAFCO.
5. This Concurrent Resolution is effective from the date last shown below.

PASSED AND ADOPTED by the Board of Directors of the Byron-Bethany Irrigation District at a regular Board Meeting held on the 26th day of July 2016 by the following vote:

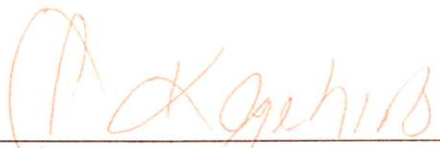
**BYRON-BETHANY IRRIGATION DISTRICT:**

AYES: Brown, Enos, Kagehiro, M. Maggiore, T. Maggiore, Tuso

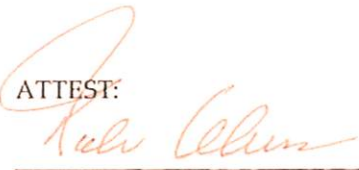
NOES:

ABSENT: Musco

ABSTAIN:

  
\_\_\_\_\_  
Russell Kagehiro, President

ATTEST:

  
\_\_\_\_\_  
Rick Gilmore, Secretary



**WEST SIDE IRRIGATION DISTRICT:**

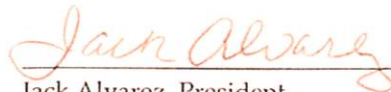
PASSED AND ADOPTED by the Board of Directors of the West Side Irrigation District at a regular Board Meeting held on the 13th day of July 2016 by the following vote:

AYES: Alvarez, Pereira, Pombo

NOES: Serpa

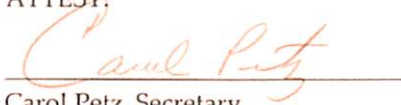
ABSENT: Mattos

ABSTAIN:



Jack Alvarez, President

ATTEST:



Carol Petz, Secretary

**EXHIBIT A**





## EXHIBIT B

### TERMS AND CONDITIONS FOR THE CONSOLIDATION OF BYRON-BETHANY IRRIGATION DISTRICT AND THE WEST SIDE IRRIGATION DISTRICT

The following terms and conditions shall be imposed as a condition of the consolidation of Byron-Bethany Irrigation District (BBID) and The West Side Irrigation District (WSID):

1. The consolidated district shall operate as a multi-county district operating under Division 11 of the California Water Code.
2. The boundaries of WSID shall be divided into two Divisions and added to BBID's existing seven Divisions. The consolidated district shall have a total of nine Divisions.
3. The boundaries of WSID shall be identified as "West Side Service Area" within BBID.
4. The Board of Directors of the consolidated district shall consist of nine members. Each Director shall be elected by the Division they represent. The current WSID Board of Directors shall appoint the initial Directors for the two divisions within the West Side Service Area.
5. All existing employees of the WSID shall be retained by BBID except for the General Manager.
6. All existing employee and Director benefits of the WSID shall be retained by WSID employees and Directors as specified in Resolution 2016-02, attached hereto as Attachment 1 and incorporated herein by reference.
7. Agricultural water rates within all service areas of BBID other than the "Central Valley Project Service Area" (which is the former district boundary of the Plain View Water District) shall be equal, subject only to reasonable adjustment based on the actual cost of pumping water.
8. BBID shall aggressively pursue the authority to provide pre-1914 water to the West Side Service Area.

9. The West Side Service Area shall have equal access and priority to all water legally available to it served by and through BBID, water transfers, Warren Act water, groundwater well water, and other methods.

10. All existing written agreements of WSID shall be assumed by BBID ("Assumed Agreements"). Assumed Agreements shall also include the applicable drainage agreements for the Cordes Ranch development and the Tracy Gateway development. While these agreements have expired, it is anticipated that each will be renewed.

11. WSID's Central Valley Project Water Service Contract ("Assigned CVP Water") shall be assigned to BBID subject to the approval of the United States Bureau of Reclamation.

12. The West Side Service Area shall have a priority to any and all Assigned CVP Water as follows:

- a. First priority to Assigned CVP Water shall be to Landowners within the West Side Service Area.
- b. Second priority to Assigned CVP Water shall be transferred to third parties, with income generated allocated to the Restricted Reserve Funds.
- c. Third priority to Assigned CVP Water shall be to landowners within BBID outside of the West Side Service Area.

13. The West Side Service Area shall have a priority to water under License 1381 as follows ("License Water"):

- a. First priority to License Water shall be to Landowners within the West Side Service Area.
- b. If the Place of Use for License Water is expanded at any time in the future, second priority to License Water shall be transfer to third parties, with income generated allocated to the Restricted Reserve Funds.
- c. Third priority to License Water shall be to landowners within BBID outside of the West Side Service Area.

14. Funds available to WSID as of the date of consolidation ("Restricted Reserve Funds") shall be set aside in restricted funds established for the benefit of the West Side Service Area as follows:

- a. West Side Service Area Capital Replacement Fund (\$1,000,000)

- b. West Side Service Area Employee and Director Benefits Fund (\$1,500,000)
- c. West Side Service Area Groundwater Well Development Fund (\$1,000,000)

15. West Side Service Area Restricted Reserve Funds shall be supplemented from the proceeds from the sale of any West Side Service Area property rights, payments under Assumed Agreements, and from the sale of any of West Side Service Area Assigned CVP Water or License Water or any other sources of income attributable to the West Side Service Area.

16. Subject to the restrictions outlined above, all assets of WSID shall be transferred to BBID upon the filing of the Certificate of Completion by the San Joaquin County Local Agency Formation Commission.

17. WSID warrants it has no ongoing liabilities that will impact BBID with the exception of long-term debt associated with construction of the Delta-Mendota Canal and the capital costs of the Lodi Energy Center, which are paid through monthly utility bills.

18. BBID warrants that it has no ongoing liability that will impact the West Side Service Area.

BEFORE THE BOARD OF DIRECTORS OF  
THE WEST SIDE IRRIGATION DISTRICT

RESOLUTION NO. 2016-02

Resolution Identifying Employee and Director Benefits for Both Existing and Retired  
Employees and Existing and Retired Directors

WHEREAS, over the years, the Board of Directors (Board) has adopted and amended health insurance and other related employment benefits for employees and Directors to keep a qualified work force and to keep in conformance with changes in the law.

WHEREAS, over the years, the Board has adopted and amended resolutions related to health insurance for retired employees and Directors to keep in conformance with changes in the law.

WHEREAS, the Board has been considering the potential of consolidating with the Byron-Bethany Irrigation District (BBID) and the Board wants to ensure that the existing benefits for employees, retired employees, existing Directors and retired Directors are identified and continue to be provided with any future consolidation with BBID.

WHEREAS, benefits that accrue to retired employees will apply to existing employees that subsequently retire following consolidation. Benefits that accrue to retired Directors shall apply to any Director's position that is eliminated as a result of the consolidation and said Director shall be classified as a retired Director. Any existing Director that serves on the BBID Board as a result of the consolidation and subsequently retires or is not re-elected or re-appointed shall be considered retired at the end of the Director's then term.

BE IT RESOLVED by the Board of Directors of The West Side Irrigation District as follows:

**SECTION A - EXISTING EMPLOYEE BENEFITS**

1. Full time employees are entitled to medical, dental and life insurance benefits. The District pays 100% of the cost of medical, dental and life insurance benefits for the employee and their dependents. Currently there are 5 employees receiving full medical, dental, and life insurance on themselves and dependents under their choice of plans.

2. Annually on January 1 of each year, all employees receive 6 days (48 hours) of sick leave.

3. Full time employees receive paid vacation accruing annually on the first day of the month in the employee's anniversary month: 2-15 years get 2 weeks per

year; 16-20 years get 3 weeks per year; after 20 years get 4 weeks per year. Vacation time is not carried over year to year.

4. Full time employees are paid for time missed due to jury duty.

5. Full time employees receive up to 3 days leave of absence with pay for bereavement due to the death of an immediate family member.

6. Employees are paid for the following holidays, New Year's Day, President's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day and the day after, two weeks at Christmas.

7. Full time employees are eligible for the District's defined benefit plan through VALIC. The District will match employee contributions up to 5%. Employee can contribute more, but the District will only match up to 5%.

8. Employees who were hired prior to February 9, 2011 will receive lifetime health benefits with the following provisions:

(a) Employees employed prior to June 10, 2009:

(1) Must have been employed on or after December 1, 1991.

(2) Employee must have been employed by the District continuously for at least 14 years.

(3) Employee must be covered by the District's approved health insurance plan at the time of retirement.

(4) Employee must have reached the age of 55 prior to retirement.

(b) Employees hired between June 10, 2009 & February 8, 2011:

(1) Employee must have been employed by the District continuously for at least 25 years.

(2) Employee must be covered by the District's approved health insurance plan at the time of retirement.

(3) Employee must have reached age 60 prior to retirement.

(4) Only the spouse of the qualified employee who was the spouse of the employee at the time that the employee retires is eligible for health insurance benefits upon the requirement of the qualified employee. Should the qualified employee re-marry after retirement any subsequent spouse shall not be entitled to health insurance benefits.



(c) Employees hired on or after February 9, 2011 are not entitled to lifetime health benefits as the policy was terminated.

## SECTION B - RETIRED EMPLOYEES HEALTHCARE INSURANCE BENEFITS

1. Retired Employees who were hired prior to February 9, 2011 will receive lifetime health benefits with the following provisions:

(a) Retired Employees employed prior to June 10, 2009:

(1) Must have been employed on or after December 1, 1991.

(2) Employee must have been employed by the District continuously for at least 14 years.

(3) Employee must be covered by the District's approved health insurance plan at the time of retirement.

(4) Employee must have reached the age of 55 prior to retirement.

(b) Retired Employees hired between June 10, 2009 & February 8, 2011:

(1) Employee must have been employed by the District continuously for at least 25 years.

(2) Employee must be covered by the District's approved health insurance plan at the time of retirement.

(3) Employee must have reached age 60 prior to retirement.

(4) Only the spouse of the qualified employee who was the spouse of the employee at the time that the employee retires is eligible for health insurance benefits upon the requirement of the qualified employee. Should the qualified employee re-marry after retirement any subsequent spouse shall not be entitled to health insurance benefits.

(c) Retired Employees hired on or after February 9, 2011 are not entitled to lifetime health benefits as the policy was terminated.

2. Health insurance shall be provided for either the life of the Retired Employee or the life of the Retired Employee's spouse, whichever is longer, subject to the requirements set forth in this Section, and subject to the following:

(a) If a Retired Employee, or his/her spouse, reaches age 65 and becomes eligible for Medicare or Medical or otherwise becomes eligible for governmentally provided or mandated health insurance benefits, the District may replace its then

existing approved health insurance coverage with supplemental health insurance of a type and amount to be determined by the District.

(b) If a Retired Employee, or his/her spouse, reaches age 65 and becomes eligible for Medicare, said Retired Employee, or his/her spouse, is required to obtain at his/her own expense, Medicare Parts A & B to continue to be eligible for District-provided health insurance.

3. The District's health insurance program is purchased through the Association of California Water Agencies and operates pursuant to the rules of that Association. If those rules are changed so as to alter or deny approval of the District's health insurance program for Directors and/or their spouses, then the District's program may be changed to conform to the new rules, or terminated, if required.

#### SECTION C - EXISTING DIRECTORS HEALTHCARE INSURANCE BENEFITS

1. Directors having served 10 years of consecutive service prior to February 1, 2015 shall qualify for healthcare insurance benefits. The District will pay 100% of the medical plan of the Director's choice for both the Director and their dependents.

2. Directors having served 10 years of consecutive service on or after February 1, 2015 share qualify for healthcare insurance benefits. The District will pay 100% of the least cost medical insurance plan, per available medical plans, for the Director and 50% of the least cost medical insurance plan, per available medical plans for the employee's dependents. The Director and their dependents shall have the option to buy-up to a higher benefit plan at their expense.

#### SECTION D - QUALIFICATIONS FOR DIRECTORS LIFETIME HEALTH INSURANCE BENEFITS

1. For a Director and his/her spouse to qualify for the health insurance benefits, the Director must meet the following conditions:

(a) The Director must have been duly elected and serving as a Director for the District on or after December 1, 1991.

(b) The Director must have served at least four (4) consecutive four (4) year terms as a director of the District.

(c) The Director must be covered by the District's approved health insurance plan at the time of his/her retirement.

(d) The Director must have reached age 55 prior to retirement.

(e) No lifetime health insurance benefits will be provided to a Director or his/her spouse if the Director is first elected to a term of office that begins on or after January 1, 1995.

2. Health insurance shall be provided for either the life of the Director or the life of the Director's spouse, whichever is longer, subject to the requirements set forth in this Sections, and subject to the following:

(a) If a Director, or his/her spouse, reaches age 65 and becomes eligible for Medicare or Medical or otherwise becomes eligible for governmentally provided or mandated health insurance benefits, the District may replace its then existing approved health insurance coverage with supplemental health insurance of a type and amount to be determined by the District.

(b) If a Director, or his/her spouse, reaches age 65 and becomes eligible for Medicare, said Director, or his/her spouse, is required to obtain at his/her own expense, Medicare Parts A & B to continue to be eligible for District-provided health insurance.

3. The District's health insurance program is purchased through the Association of California Water Agencies and operates pursuant to the rules of that Association. If those rules are changed so as to alter or deny approval of the District's health insurance program for Directors and/or their spouses, then the District's program may be changed to conform to the new rules, or terminated, if required.

## JUSTIFICATION NARRATIVE

### Consolidation of Byron Bethany Irrigation District and The West Side Irrigation District

February 28, 2020

#### Introduction

In July 2016, the respective Boards of Directors of Byron Bethany Irrigation District (BBID) and The West Side Irrigation District (TWSID) determined that it was in both district's best interests to consider consolidating BBID and TWSID into one irrigation district. The genesis for this activity came about in 2014, at a time when TWSID did not have a District Manager, and TWSID Board had expressed concern for the long-term viability of the District. TWSID Board reached out to the BBID Board for assistance. The result was the BBID Board assigning its General Manager, Rick Gilmore, to serve as interim General Manager for TWSID. This arrangement continued until early July of 2016, when substantive discussions resulted in a proposal to move forward on consolidation. Each Board of Directors adopted concurrent resolutions to initiate the consolidation process. In December 2016, TWSID and BBID entered into a Management Agreement such that BBID would provide management services to TWSID including General Manager duties, operations, and maintenance support. TWSID maintained its own legal counsel and District Secretary.

#### Summary

The Boards of Directors of Byron Bethany Irrigation District and The West Side Irrigation District approved a concurrent resolution for the consolidation of the two districts. (Refer to Exhibit A – Concurrent Resolution No. 1) TWSID adopted this resolution on July 13, 2016. BBID adopted this resolution on July 26, 2016. The Districts propose to accomplish the consolidation by combining the territory of TWSID with the territory of BBID, and creating BBID as a single successor district. TWSID would no longer be a separate entity. The reason for the consolidation is to enhance the services provided to the territories of both BBID and TWSID as described in the analysis of the District's Sphere of Influence (SOI) approved by LAFCo on June 13, 2019. The relationship between BBID and TWSID is shown in Figure 3-1 on page 1-4.

After consolidation of BBID and TWSID occurs, BBID will gain two Divisions (8 and 9) that represent current TWSID territory. The consolidated BBID/TWSID will then be governed by a 9-member Board of Directors, elected by division to staggered 4-year terms by registered voters in each division. Division Directors must own land within the division they hope to represent. The current 7-member BBID Board of Directors is shown by Division in Figure 3-6 on page 1-5. Divisions 1 and 2 are located in Contra Costa County. Division 3 is shared with Alameda and Contra Costa Counties, while Divisions 4 through 7 are located in San Joaquin County, with the Mountain House Community being Division 4. Divisions 8 and 9 will be comprised of TWSID territory located in San Joaquin County. The configuration for these two divisions will be determined by the Board of Directors.

## The Consolidation Process

As part of the consolidation process, the respective Boards of Directors are petitioning San Joaquin LAFCo to initiate consolidation proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 200 (CKH Act), including Section 56375 *et seq.*, Section 56853, and Section 57500 *et seq.* Under this scenario, the two districts will be consolidated under one action by the Local Agency Formation Commission. BBID will then become the successor district. The primary purpose of the consolidation would be to enhance the services provided to the landowners within each district. Details relating to the services to be provided are contained in the Plan for Services as Attachment 2. A map showing the Consolidated District is shown on Figure 3-5 on page 1-6.

In addition, the Concurrent Resolution specifies the parameters (called Terms and Conditions) under which the Consolidated District would operate. These are detailed in Exhibit B – Terms and Conditions for the Consolidation of Byron-Bethany Irrigation District and The West Side Irrigation District. Major parameters include: the principal act under which the multiple-County Consolidated District would operate; the designation of two service areas within the Consolidated District; the establishment of nine divisions within the Consolidated District; the makeup of the Board of Directors for the Consolidated District; status of TWSID employees; establishment of equal agricultural water rates; equal access and priority to all water legally available to the current West Side Irrigation District; existing TWSID agreements shall be assumed by the Consolidated District; TWSID restricted reserve funds available upon consolidation shall be set aside for the benefit of the West Side Service Area; and the transfer of all assets of TWSID to BBID.

## Operational Aspects of the Consolidation

Following completion of the consolidation, the Consolidated District will be composed of two service areas: the Byron Bethany Service Area and the West Side Service Area. The consolidated Board of Directors would then consist of the existing seven Board Members (Divisions 1-7) within the Byron Bethany Service Area, and two additional Board Members (Divisions 8-9) from the West Side Service Area. The Consolidated District would then operate with a 9-member Board of Directors. At the present time, term limits are not at play in either district. Following to 2020 Federal Census, the Consolidated District will likely re-calibrate the divisions, perhaps reducing the number to seven divisions. The current voter roll indicates that there are a total of 10,122 registered voters within the Byron Bethany Service Area (25 in Alameda County, 721 in Contra Costa County, and 9,376 in San Joaquin County). There are also a total of 8,847 landowners within the Byron Bethany Service Area. The West Side Service Area currently has 340 registered voters and 304 landowners (all within San Joaquin County).

The Consolidated District will employ 22 full time equivalent (FTE) personnel. Eighteen for the Byron Bethany Service Area – 16 Operations & Maintenance Laborers and two Administration Support persons; and four for the West Side Service Area – three Operations & Maintenance Laborers and one Administration Support person. The one General Manager will continue to oversee both Service Areas, and will be assisted by one Assistant General Manager, and one Director of Administration. The Consolidated District will contract for legal counsel services, engineering services, and audit services.



## Justification for Consolidation

TWSID's current financial trends indicate that expenses sometimes exceed revenues; and over the long-term this trend is not sustainable. District revenue is derived from two major sources: property tax; and water sales. While property tax revenue has increased around 2% per year, water sales have fallen by 43% between 2012 and 2016; from \$1,099,734 in 2012 to \$621,907 in 2016. This trend is expected to continue. Operating expenses have exceeded operational revenue in five of six years between 2011 and 2016. Only with the addition of non-operating revenue such as property tax, stand-by fees, and interest, has the District been able to operate in the black for three out of six years between 2011 and 2016.

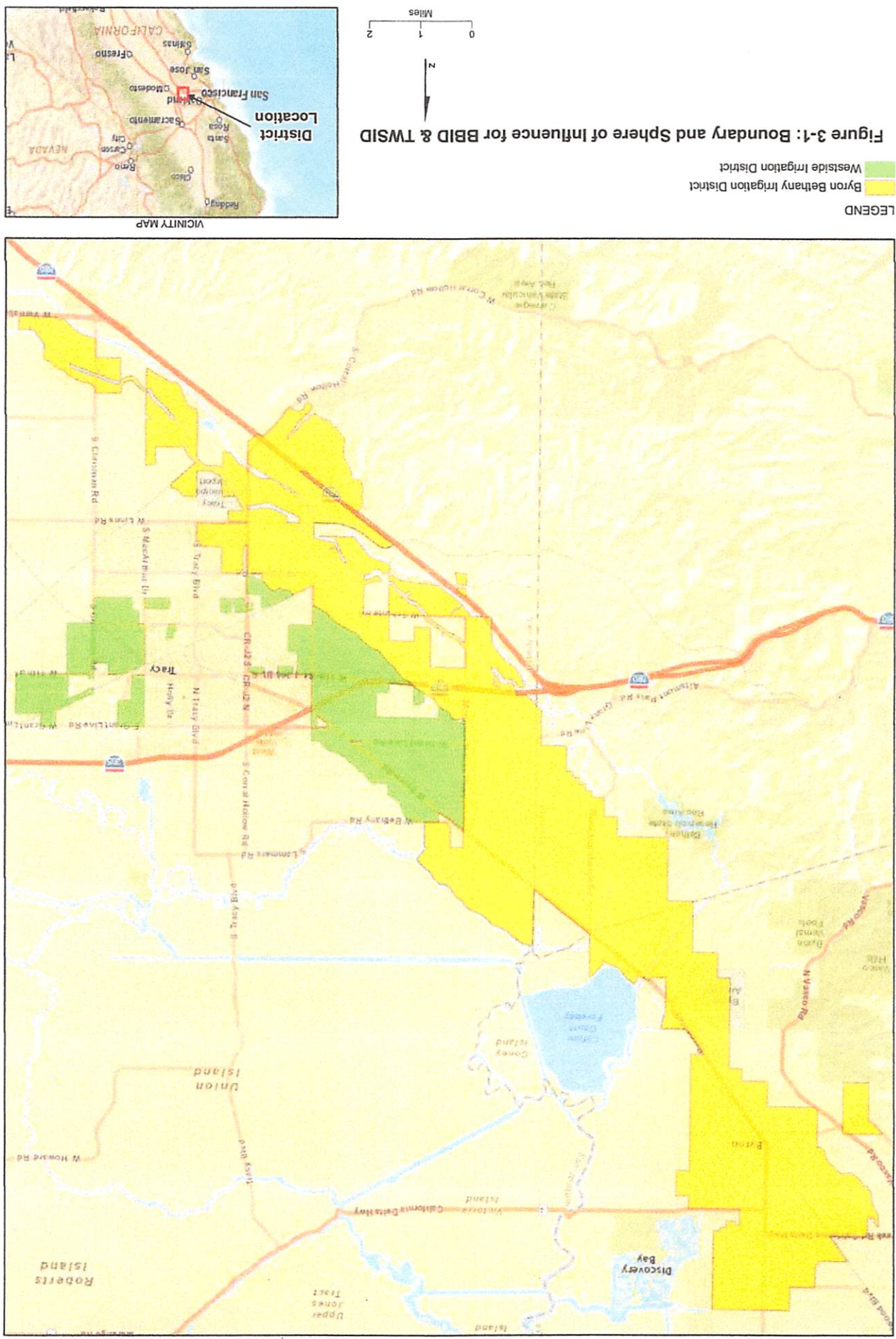
There are two important aspects of consolidation which will be beneficial to TWSID: retiree medical insurance payments; and capital improvement funding.

**Retiree Medical Insurance Payments –** For several years in the past, TWSID had an employee benefit program covering retiree medical insurance which was not sustainable. Since then, the District changed its policy; however TWSID is still responsible for these benefits for a few of the retired and current Directors, and a few past employees. TWSID has set aside \$1.5 million in reserve funds to pay for this expense. At this time, it is not clear whether the reserve fund will be sufficient to fully cover this obligation. As part of the consolidation program, the Consolidated District would then be responsible for any unfunded liability. BBID is proposing to prepare an actuarial study to determine the extent of the retiree medical benefit obligation. If this study determines that there are unfunded liabilities, a plan will be prepared to address the deficit. This may include such actions as modifying water rates, selling surplus TWSID property, or increasing the Water Service Stand-by Fee.

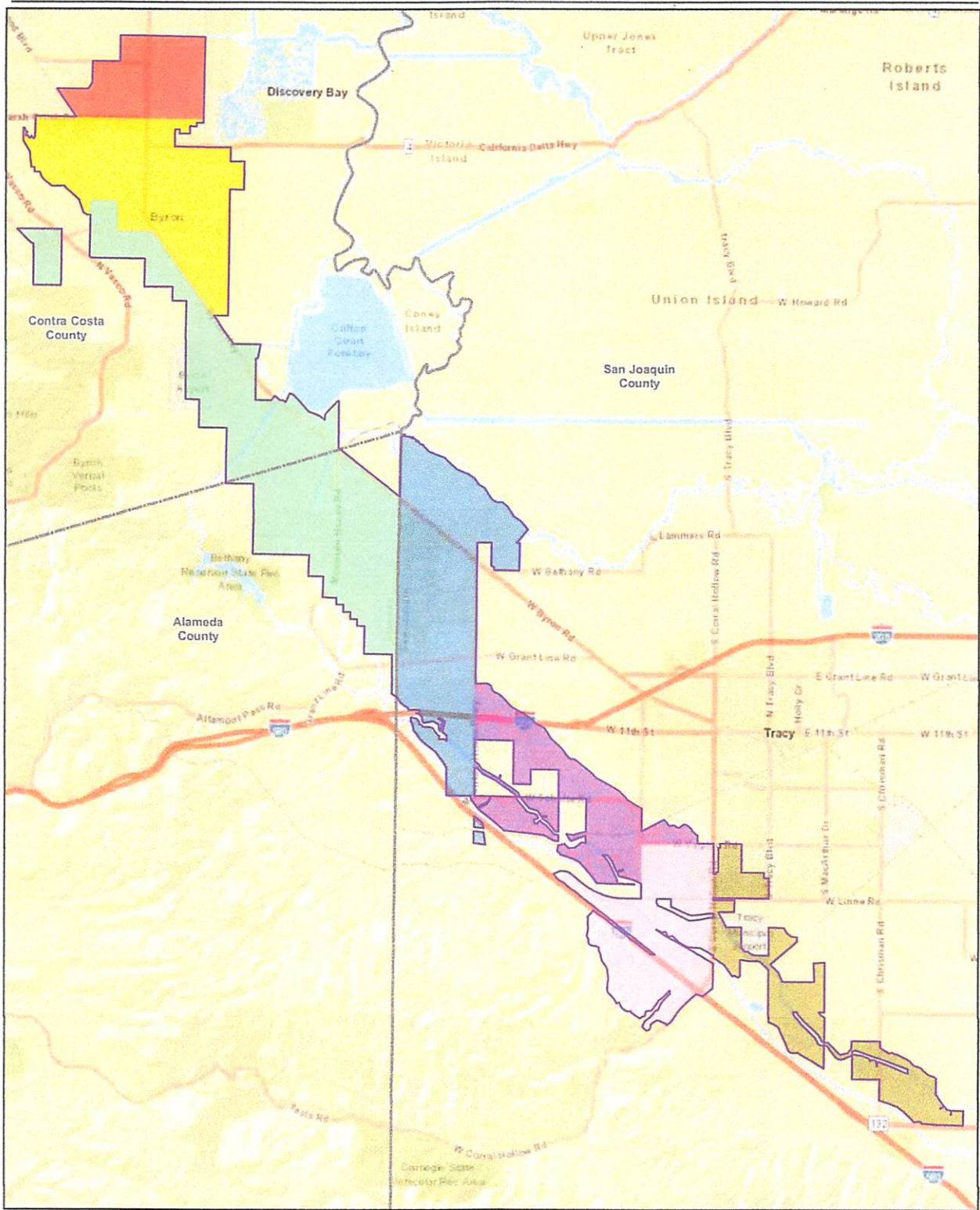
**Capital Improvement Funding –** At the present time TWSID does not have a Capital Improvement Plan (CIP), although the District maintains a reserve fund for capital replacement projects (\$1.0 million). However, it is not certain that these funds will be adequate to pay for needed capital improvement projects within the West Side Service Area. BBID is proposing to prepare a CIP for the West Side Service Area which is consistent with BBID's overall CIP. This new plan will consider all capital improvement projects within the two Service Areas, any associated costs, and a plan to pay for these improvements. After consolidation, the West Side Service Area may be eligible for grant funding from the Federal Bureau of Reclamation Smart Water Program, and from the State Integrated Water Management Plan.

Both BBID and TWSID share an aspiration to seek the most efficient provision of service for their water ratepayers. Consolidating BBID and TWSID will help the District to obtain benefits of unified water resources planning and management which will result in more efficient delivery of public services to customers. Based on the joint Management Agreement between BBID and TWSID, a more efficient Service Plan can be developed. This Plan for Services provides a framework for developing such efficiencies. Approval of the consolidation will allow the Consolidated District to more effectively engage with regional partners and to continue making improvements in the area of water supply reliability and water use efficiency. A Consolidated District will also improve upon economies of scale, increase purchasing power, reduce ratepayer costs, allow for personnel and equipment sharing, and coordinating a regular maintenance schedule.

\* \* \* \*



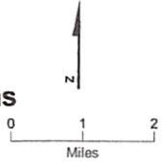




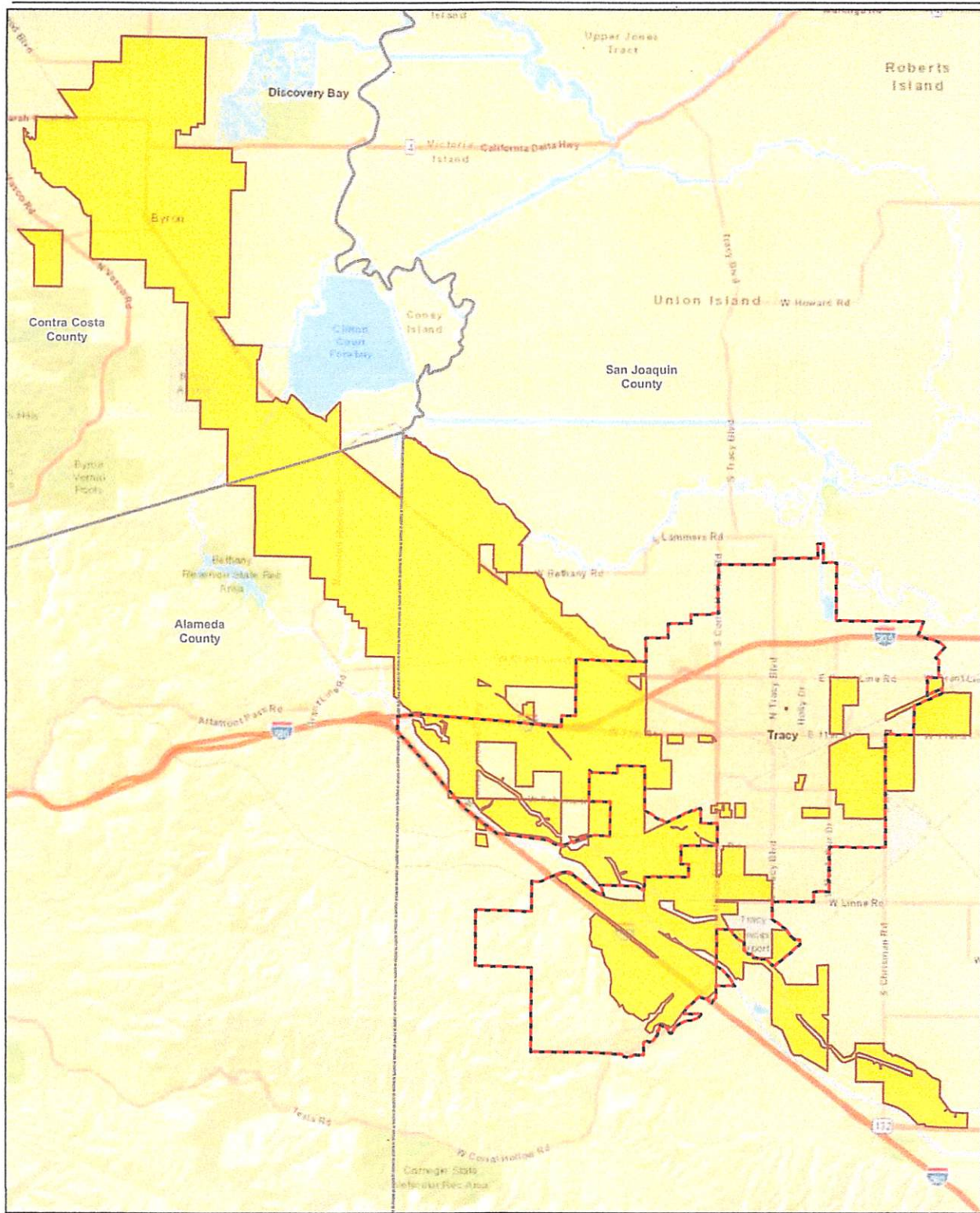
**LEGEND**

- Division 1
- Division 2
- Division 3
- Division 4
- Division 5
- Division 6
- Division 7

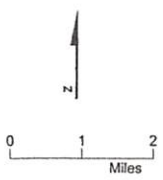
**Figure 3-6: Proposed Consolidated Divisions**







- LEGEND**
- Proposed Consolidated District Boundary (BBID/WSID)
  - Tracy, City of. Sphere of Influence



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 Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri

**Figure 3-5: Proposed Consolidated District**

## **PLAN FOR SERVICES**

### **Consolidation of Byron Bethany Irrigation District and The West Side Irrigation District**

**February 28, 2020**

#### **Introduction**

Pursuant to Section 56653 of the Government Code, San Joaquin LAFCo requires that any application for a consolidation include a plan for providing municipal services. In accordance with Section 56653 of the Government Code, this document includes the following information:

1. An enumeration and description of the services to be extended to the affected territory.
2. The level and range of those services.
3. An indication of when those services can feasibly be extended to the affected territory.
4. An indication of any improvements or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.
5. Information with respect to how those services will be financed.

#### **Background**

Byron Bethany Irrigation District (BBID) and The West Side Irrigation District (TWSID) are proposing to consolidate into a single irrigation district. The consolidated district will continue to provide services to the combined 'territory' including:

- Irrigation water for commercial agricultural operations;
- Wholesale untreated municipal water to the Mountain House Community Services District (MHCSD);
- Service to twelve other Municipal and Industrial (M&I) customers in the Tracy area.; and
- Storm drainage services to a portion of the City of Tracy.

For details, data and references, refer to the *Final Municipal Service Review and Sphere of Influence Update for Byron Bethany Irrigation District and The West Side Irrigation District*, prepared for San Joaquin LAFCo, June 13, 2019.



## **Existing Services**

The Byron Bethany Service Area will continue to provide irrigation water to approximately 29,500 acres, including farm properties within the three County service areas (portions of San Joaquin, Alameda, and Contra Costa Counties). In addition, raw water is wholesaled to the Mountain House Community Services District to serve treated water to 15,000 people, plus other Municipal and Industrial users in the Tracy area.

The West Side Service Area of the consolidated district will continue to provide irrigation water to approximately 4,200 acres of crops. In addition, the West Side Service Area provides storm water drainage services consisting of conveyance (existing irrigation canals) and discharge to portions of the City of Tracy, the Tracy Defense Depot, and County Service Area No. 50.

At the present time, the consolidated district will provide approximately 39,300 acre-feet of irrigation water to 33,000 acres each year. Details regarding existing services for each Service Area are provided below. The consolidated district boundary is shown in Figure 3-5 on page 2-7.

### **Byron Bethany Service Area**

Byron Bethany Irrigation District (BBID) is responsible for providing reliable and affordable raw water services to their agricultural and municipal customers. The Byron Bethany Service Area comprises approximately 29,477 acres consisting of farmland (including perennial orchards of almonds, apples, cherries, and walnuts), perennial vines for grapes, and annual crops such as tomatoes, corn, cotton, strawberries, oats, sudan, bell peppers, beans and alfalfa. Of the five service divisions within the Service Area, four are served by pre-1914 appropriate water rights, and one division is served by Federal water (Central Valley Project). In addition to these primary water sources, BBID has been able to purchase raw water from neighboring districts (such as the Contra Costa Water District) during times of drought or water shortages.

### **Current Water Demand**

On average, the Byron Bethany Service Area utilizes 26,000 acre-feet annually (AFA) from its pre-1914 appropriate rights, and 3,600 AFA from the Central Valley Project (CVP). In addition, occasional use of groundwater from private property owners and purchases from Contra Costa Water District (CCWD) can add to the total quantity.

Currently BBID does not use recycled water, although the District is open to the concept if a feasible solution arises in the future.

The demand for agricultural water peaks during mid to late summer as crops mature and crop water use increases. Farmers may also use water in winter for frost protection. The Byron Bethany Service Area currently serves 110 agriculture surface irrigation customers with 315 metered turnouts. An individual farm might have several metered turnouts. The Byron Bethany Service Area also has 12 Municipal and Industrial (M&I) customers, including the Mountain House Community Services District (MHCS D), the City of Tracy, Mariposa Energy LLC, Patterson Pass Business Park, Baselite Concrete, GWF Energy, Musco Family Olive, Kings & Lyon, Safeway Distribution Center, and Costco Distribution Center. MHCS D has been receiving an average of 2,400 AFA to serve current development.

### Water Service Facilities

BBID derives its pre-1914 water supply from Italian Slough, with flow diverted from the Harvey O. Banks Pumping Plant (State Water Project) approach channel located upstream from the pumping plant. Water for agricultural purposes is conveyed via water pumps to a series of canals, pipelines and gates to farmland within the Service Area. As shown on Figure 5-1 on page 2-8, the Byron Bethany Service Area delivers irrigation water and municipal water (MHCS D) through a series of canals, pipes, and pump stations. The BBID portion of the consolidated district also has an intertie with Contra Costa Water District to provide water on an emergency basis during water shortages.

BBID's CVP water is supplied by the Delta-Mendota Canal. This water is distributed to the CVP service division through several intakes along the Delta-Mendota Canal. This water is distributed via 9.2 miles of enclosed pipe with meters used to measure flow. Raw water provided to the MHCS D is obtained from the State Water Project and conveyed utilizing a pump station and 30-inch diameter pipeline to the Mountain House Water Treatment Plant. (Refer to Figure 5-1 on page 2-8 for locations.) BBID is working to improve its water storage facilities by supporting the Los Vaqueros Reservoir expansion project in Contra Costa County. BBID can also utilize Federal facilities for water storage including the Delta-Mendota Canal, the O'Neil Forebay, and San Luis Reservoir.

### Capital Improvements

BBID adopted a Capital Improvement Plan (CIP) as part of its Agricultural Water Management Plan. A number of projects, including canal linings, pipeline replacement, and conversion of canals to pipelines are included on the CIP projects list. Several have been completed, while others are in the design process or are future planned projects.

## **West Side Service Area**

The West Side Irrigation District (TWSID) is responsible for providing reliable and affordable raw water services to their agricultural customers located east and west of the City of Tracy. The West Side Service Area comprises approximately 6,590 acres of which 4,200 acres are currently in production. Crops grown include alfalfa, beans, corn, oats, and sudan, along with irrigated pasture. In addition, TWSID provides storm water drainage services to the City of Tracy under a mutual agreement.

### Current Water Demand

On average, the West Side Service Area utilizes 12,000 acre-feet annually (AFA) from its two sources of water: a post-1914 water license from the State of California; and a water service contract with the Federal Bureau of Reclamation for 2,500 acre-feet annually.

Currently TWSID does not use recycled water, but is working with the City of Tracy to utilize tertiary treated wastewater to be discharged into a TWSID canal and potentially available for agricultural use.

Demand for water in the West Side Service Area is based on current crop configurations, as many farmers rotate their crops from year to year based on market demands, soil health, and water availability. District farmers utilize three methods to irrigate their crops: furrows on 1,100 acres, borders on 1,670 acres, and sprinklers on 1,447 acres.

### Water Service Facilities

Water is measured at the pump station at the Old River intake, and distributed to customers from there through a series of canals, pipes, and pump stations.

### Capital Improvements

At the present time TWSID does not have a Capital Improvement Plan (CIP), although the District maintains a reserve fund for capital replacement projects (\$1.0 million).

## **Future Water Demand**

In the future, demand for water services from the Consolidated District will be from two sources: agricultural water demand; and municipal water demand. Agricultural water will be utilized in both the Byron Bethany Service Area and the West Side Service Area. Municipal water will be utilized in the Mountain House Community (MHCSD), The Tracy Hills Project (City of Tracy), and the industrial area around the Patterson Pass Business Park. Both BBID and TWSID feel that they have sufficient water resources to meet the demands of their agricultural and municipal water customers through at least the year 2040.

### **Byron Bethany Service Area**

Demand for agricultural irrigation water in the Byron Bethany Service Area is expected to remain static in future years, with additional acreage water use offset by increased water use efficiency through drip irrigation. Water demand for municipal purposes will increase due to additional development in Mountain House and Tracy Hills.

Agricultural water demand for 2020 is projected to be 24,900 acre-feet (AF).  
This demand will remain constant at 24,900 AF in 2025, 2030, 2035 and 2040.

Municipal water demand for Mountain House is projected to be 5,120 AF in 2020; then increasing to 6,394 AF in 2025, 7,666 AF in 2030, 8,939 in 2035, and 10,172 AF in 2040, which is considered to be full build-out.

Municipal water demand for Tracy Hills is projected to be 5,000 AF in 2020, 10,400 AF in 2025, 13,100 AF in 2030, 15,430 AF in 2035, and 16,230 AF in 2040.

### **West Side Service Area**

TWSID has taken steps to conserve water, which, in concert with fallowed land and/or dry-cropped farming, has actually reduced the demand for agricultural irrigation water. Following consolidation, the West Side Service Area expects water demand to increase as irrigation increases. The West Side Service Area will also provide municipal water to the City of Tracy for the Tracy Hills project.

Agricultural water demand is projected to be 12,000 AF in 2020, 14,000 AF in 2025 and 2030, 14,500 AF in 2035, and 15,000 AF in 2040.

Municipal water for Tracy Hills will be constant at 4,000 AF per year, beginning in 2020.

## **Financing**

Presented below are summaries of the adopted budgets for each District for the 2019 Budget Year:

### **Byron Bethany Irrigation District**

<u>Revenues</u>	
Property Tax Revenue	\$3,650,000
Water Sales	1,373,000
Miscellaneous Revenue	972,455
Transfer from Unencumbered Reserves	<u>1,201,402</u>
Total	\$7,196,857

<u>Expenditures</u>	
Salaries and Benefits	\$1,897,276
Services and Supplies	3,094,881
Capital Outlay	<u>2,204,700</u>
Total	\$7,196,857

BBID maintains a number of investment accounts, including the California Local Agency Investment Fund (LAIF), JP Morgan Chase, Discover Bank, and Morgan Stanley. As of September 2019, these accounts contained \$15,729,372.

BBID also maintains a number of Reserve Accounts, as of September 2019, as follows:

Insurance/SIR Reserve	\$105,000
SLDMWA – DHCCP Payment Reserve	1,000,000
Rolling Stock Replacement Reserve	100,000
Construction Equipment Replacement Reserve	100,000
Groundwater Management Program	200,000
OME & GA Reserve	3,406,250
Mountain House Infrastructure Replacement	2,000,000
CVP Service Area Capital Improvement	50,000
PERS Contribution Contingency	500,000
Capital Improvement Plan – Ten Year CIP Plan	1,476,086
Legal Reserve	1,000,000
2017 Sales Debt Payment Reserve	1,600,000
2018 Revenue Bonds Debt Payment Reserve	<u>1,000,000</u>
Total	\$12,537,336

### **The West Side Irrigation District**

<u>Revenues</u>	
Water Sales	\$871,600
Property Tax Revenue	68,500
Miscellaneous Revenue	251,207
Transfer from Reserves	<u>203,063</u>
Total	\$1,394,370

<u>Expenditures</u>	
Salaries and Benefits	\$206,500
Services and Supplies	\$1,078,000
Capital Improvements	<u>109,870</u>
Total	\$1,394,370

TWSID does not have any investment accounts.

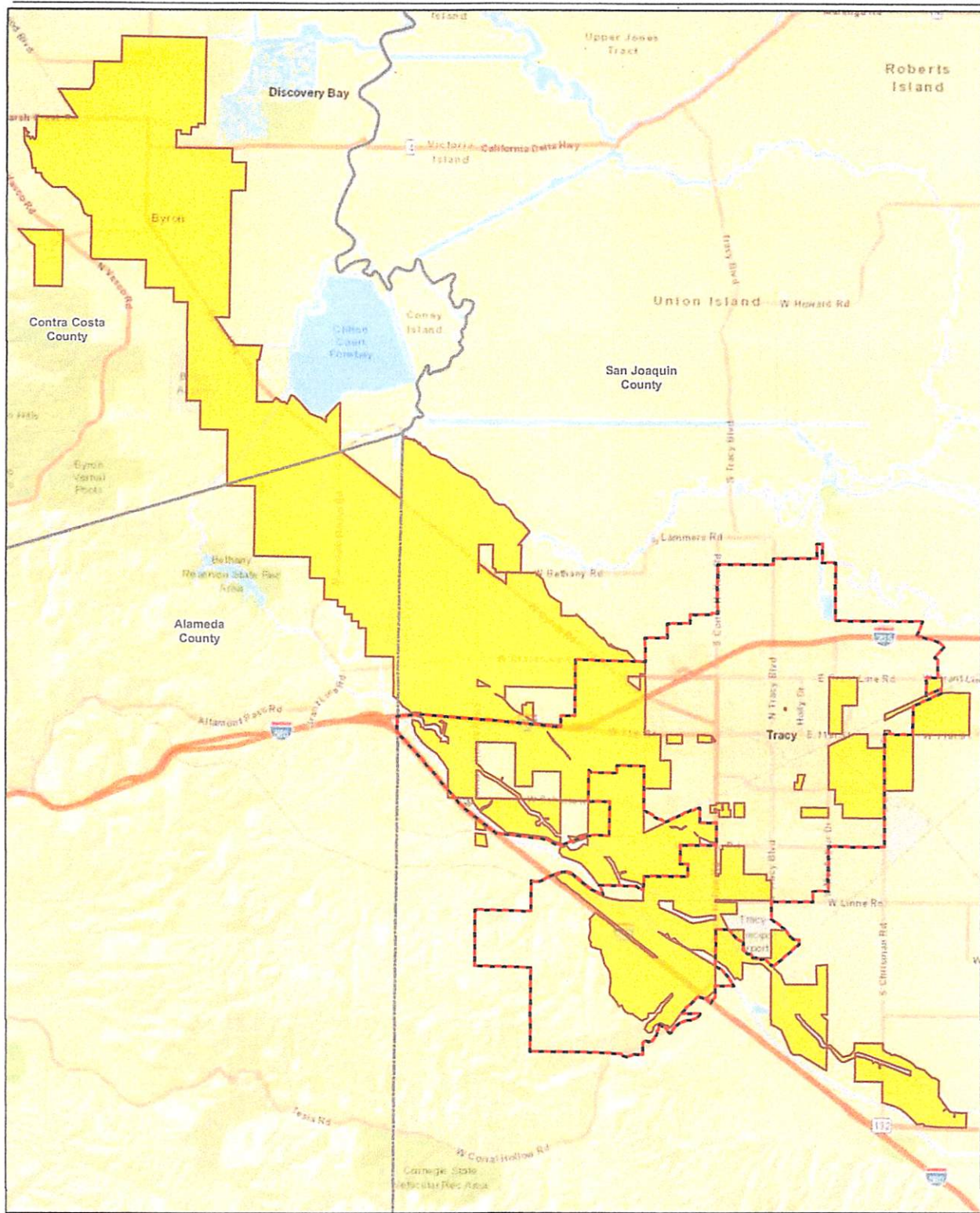
TWSID maintains three Reserve Accounts, as of February 2020, as follows:

Capital Replacement Fund	\$1,000,000
Employee and Director Benefits Fund	1,500,000
Groundwater Well Development Fund	<u>1,000,000</u>
Total	\$3,500,000

**Liabilities**

Neither District has incurred any new liabilities since 2016. For a discussion of TWSID's post-retirement medical insurance liability, please refer to Attachment 1.

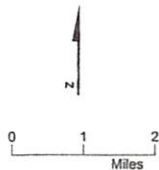
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**LEGEND**

Proposed Consolidated District Boundary (BBID/WSID)

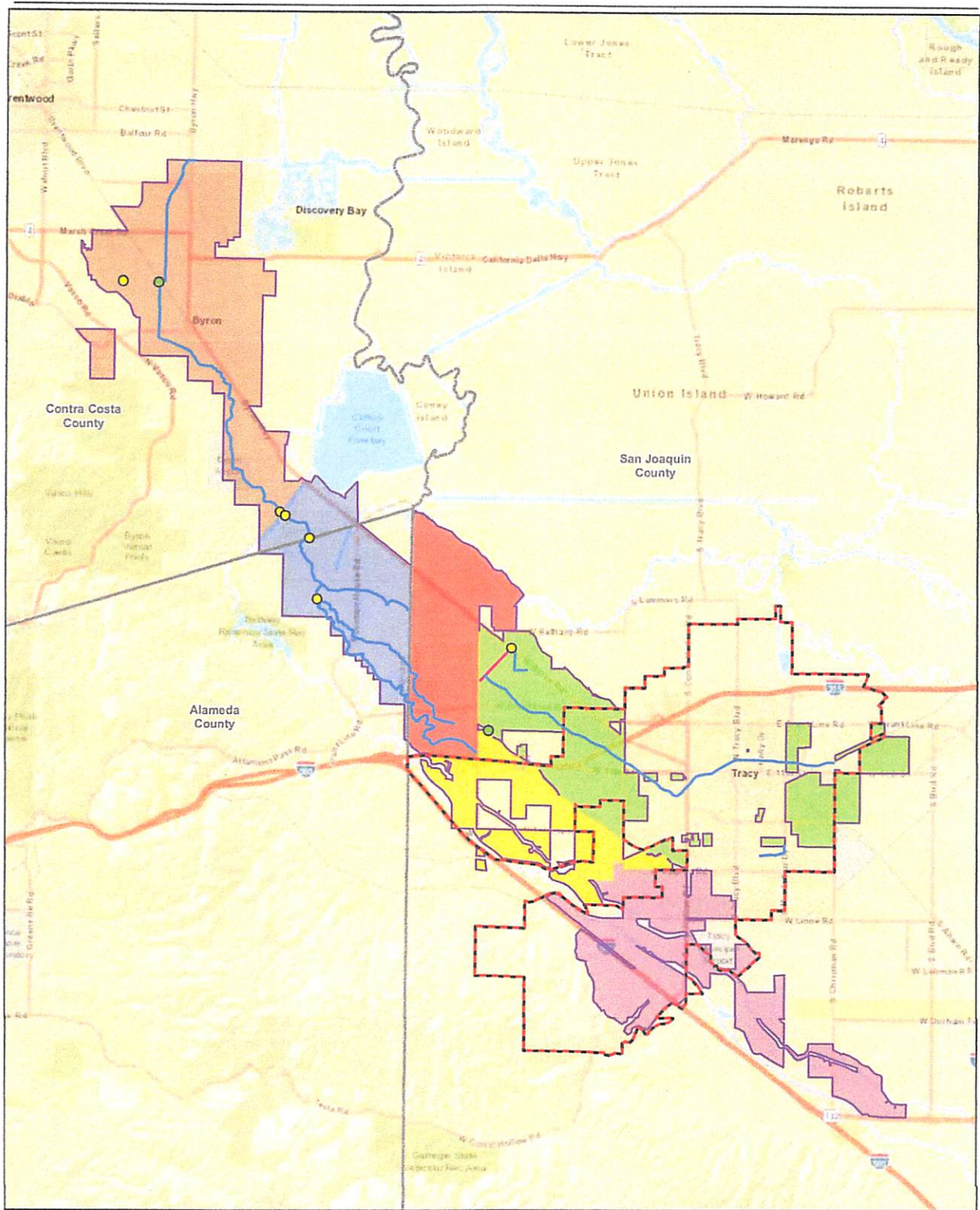
Tracy, City of. Sphere of Influence



Service Layer Credits: Sources: Esri, DeLorme, NAVTEQ, USGS, NRCAN, METI, IPC, TomTom  
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P,

**Figure 3-5: Proposed Consolidated District**

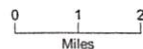




**LEGEND**

- Consolidated Boundary
  - Intertie
  - Pump Station
  - Canal
  - Pipe Line
  - Bethany Ag Service Area
  - Byron Ag Service Area
  - CVP Service Area
  - Raw Water Service Area 1
  - Raw Water Service Area 2
  - West Side Service Area
- Spheres of Influence**
- Tracy

**Figure 5-1: BBID/TWSID Consolidated Service Areas & Infrastructure**



Service Layer Credits: Sources: Esri, DeLorme, NAVTEQ, USGS, NRCAN, METI, IPC, TomTom



# **Final Mitigated Negative Declaration**

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## **for the Byron Bethany Irrigation District -- The West Side Irrigation District Sphere of Influence Update**

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### **Lead Agency:**

**Byron Bethany Irrigation District**

### **Responsible Agencies:**

**The West Side Irrigation District  
and  
San Joaquin Local Agency Formation Commission**

### **Prepared By:**

**Baracco and Associates**

**State Clearinghouse No. 2019059012**

**Final Document**

**June 4, 2019**

## Chapter 9 – Comments Received and Lead Agency Response to Comments

The Proposed Initial Study and Mitigated Negative Declaration was circulated for public review for a 30-day period from May 3 through June 3, 2019. The following agencies, organizations and individuals received copies of the draft document:

State Clearinghouse (15)

Byron Bethany Irrigation District Board of Directors (7)

The West Side Irrigation District Board of Directors (5)

San Joaquin Local Agency Formation Commission

Alameda Local Agency Formation Commission

Contra Costa Local Agency Formation Commission

San Joaquin County Administrative Office

Alameda County Community Development Agency

Contra Costa County Department of Conservation & Development

City of Tracy

Mountain House Community Services District

California Water Boards

Central Valley Regional Water Quality Control Board

San Luis & Delta-Mendota Water Authority

Power-Water Resources Pooling Authority

United States Bureau of Reclamation

Mid-Pacific Region, South Central California Area Office

Tracy Field Office

Those written comments received on the draft document are presented in this chapter. Each comment is numbered in consecutive order. Following each comment letter are the Lead Agency's responses to the comments with corresponding numbers.

Comments were received from the following:

<u>Agency, Organization or Individual</u>	<u>Date of Comment</u>
State Clearinghouse, Governor's Office of Planning & Research	June 4, 2019
Contra Costa Local Agency Formation Commission	May 10, 2019
California Water Boards Central Valley Regional Water Quality Control Board	May 22, 2019



**Response To:**

**LETTER FROM STATE CLEARINGHOUSE, GOVERNOR'S OFFICE OF PLANNING AND RESEARCH**

1. **No response required.**



Lou Ann Teixeira  
 Executive Officer

**MEMBERS**

Candace Andersen  
 County Member

Donald A. Blubaugh  
 Public Member

Tom Butt  
 City Member

Igor Skaredoff  
 Special District Member

Federal Glover  
 County Member

Michael R. McGill  
 Special District Member

Rob Schroder  
 City Member

**ALTERNATE MEMBERS**

Diane Burgis  
 County Member

Stanley Caldwell  
 Special District Member

Charles R. Lewis, IV  
 Public Member

Sean Wright  
 City Member

May 10, 2019

Rick Gilmore, District Manager  
 Byron Bethany Irrigation District  
 7995 Bruns Road  
 Byron, CA 94514-1625

**SUBJECT: Notice of Preparation - Proposed Mitigated Negative Declaration - Byron Bethany Irrigation District – The West Side Irrigation District Sphere of Influence Update**

Dear Rick:

Thank you for sending the Contra Costa Local Agency Formation Commission (CCLAFCO) the Notice of Preparation of the Proposed Mitigated Negative Declaration (MND)- Byron Bethany Irrigation District (BBID) – The West Side Irrigation District (TWSID) Sphere of Influence (SOI) Update. As noted in the project description, BBID serves portions of Alameda, Contra Costa and San Joaquin counties.

We understand that the underlying project is consolidation of BBID and TWSID, and that TWSIR is solely within San Joaquin County. The MND also discusses several options for modifying BBID’s SOI, including areas within Contra Costa County.

In response, we offer the following general and specific comments and questions.

**General Comments/Questions**

1. We understand that the MND was prepared to support the five options for updating the SOIs of BBID and TWSID, which include SOI expansions and reductions. As a Responsible Agency pursuant to the CEQA, a LAFCO, likely San Joaquin as principal LAFCO, may need to rely on the District’s environmental document in consideration of any future SOI changes.

1

LAFCO is required to consider a variety of factors when amending a SOI as described in Government Code sections 56425-56434. Including an assessment of these factors in the District’s environmental document will facilitate LAFCO’s review and the LAFCO process. Deficiencies in the environmental document as required by LAFCO may result in the need for additional CEQA compliance work. In order for LAFCO to rely on the District’s environmental document for a future SOI change, the document should specifically 1)

reference the LAFCO action(s) in the Project Description (i.e., SOI amendment), 2) list LAFCO as Other Public Agencies Whose Approval is Required, and 3) most importantly, the LAFCO action(s) and relevant factors should be adequately evaluated in the environmental document. (2)

2. Please provide CCLAFCO with a copy of the complete environmental checklist. (3)

Specific Comments/Questions

1. The MND includes several SOI options, one of which is to reduce the District's SOI by 480+ acres in accordance with CCLAFCO's 2016 approval of detachment of this same area from the Town of Discovery Bay Community Services District (TDBCSD). CCLAFCO supports removal of this area from TDBCSD's SOI. (4)

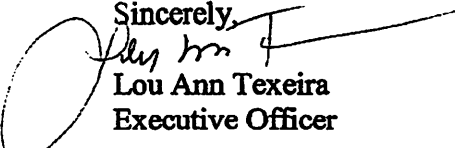
2. The MND includes an option to expand BBID's SOI in several areas, two of which are in Contra Costa County (Byron/Byron Airport areas). As noted in the MND, the owner of Area 1 (92.8+ acres) has initiated an annexation application. We assume that this application is being processed through San Joaquin LAFCO. Can you provide an update as to the status of the SOI and annexation applications? (5)

3. As noted in the MND, Study Areas No. 1 and No. 2 in Contra Costa County are currently under Williamson Act contracts.

Should CCLAFCO be asked to process the SOI amendments for Study Areas No. 1 and No. 2, please be aware that in 2016 CCLAFCO adopted an Agricultural and Open Space Preservation Policy. The purpose of the policy is 1) to provide guidance to the applicant on how to assess the impacts on prime agricultural, agricultural and open space lands of applications submitted to LAFCO, and enable the applicant to explain how the applicant intends to mitigate those impacts; 2) to provide a framework for LAFCO to evaluate and process in a consistent manner, applications before LAFCO that involve or impact prime agricultural, agricultural and/or open space lands; and 3) to explain to the public how LAFCO will evaluate and assess applications that affect prime agricultural, agricultural and/or open space lands. CCLAFCO's policy applies to SOI amendments as well as annexations. (6)

Future SOI and boundary change applications involving agricultural lands may require mitigation under CCLAFCO's policy. (7)

Thank you for the opportunity to provide comments. Please contact CCLAFCO if you have any questions regarding our comments.

Sincerely,  
  
Lou Ann Teixeira  
Executive Officer

c: LAFCO Planner

Response To:

## CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

**1. LAFCo As A Responsible Agency**

Byron Bethany Irrigation District (BBID), as Lead Agency for this environmental document has been advised by James Glaser, Executive Officer of San Joaquin LAFCo, that San Joaquin LAFCo will be a responsible agency and will utilize this Mitigated Negative Declaration in consideration of future SOI changes.

**2. LAFCo Actions, LAFCo as an Other Public Agency, and LAFCo Factors**

LAFCo actions under this proposed project are detailed in pages 3 through 5 of the Proposed Mitigated Negative Declaration. Project alternatives with respect to SOI options are evaluated on page 4 of the Proposed Mitigated Negative Declaration.

San Joaquin LAFCo as a Public Agency Whose Approval is Required is indicated on page 5 of the Proposed Mitigated Negative Declaration.

Pursuant to Section 54625(e) of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, LAFCo must consider five factors in considering a Sphere of Influence Amendment or Update. These factors (determinations) are evaluated in the Public Review Draft Municipal Service Review and Sphere of Influence Update dated March 22, 2019, and incorporated herein by reference, Please refer to pages 8-6 through 8-13 of the MSR/SOI.

**3. Contra Costa LAFCo has been provided with the complete environmental document.**

**4. No response required.**

**5. Status of Study Area No. 1 Annexation**

Because San Joaquin LAFCo policies preclude the annexation of territory to a special district until a current Municipal Service Review and current Sphere of Influence have been adopted by the Commission, this potential annexation has been on 'hold.' It is expected that a formal application for annexation will be filed upon completion of the BBID-TWSID Consolidation.

**6. Any proposed annexation of territory to BBID involving property in Contra Costa County will need to evaluate the annexation proposal in light of the Contra Costa LAFCo Agricultural and Open Space Policy.**

At this juncture, it is anticipated that there will not be any conflicts with this policy, as the properties are in agricultural production with no changes in land use anticipated.

**7. Mitigation under the Agricultural and Open space Policy**  
So noted.

RECEIVED

MAY 28 2019

Byron-Bethany  
Irrigation District



GAVIN NEWSOM  
GOVERNOR

JARED BLUMENFELD  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION



Central Valley Regional Water Quality Control Board

22 May 2019

Rick Gilmore  
Byron Bethany Irrigation District  
7995 Bruns Road  
Byron, CA 94514

**CERTIFIED MAIL**  
7014 2120 0001 3977 9890

**COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, THE WEST SIDE IRRIGATION DISTRICT SPHERE OF INFLUENCE UPDATE PROJECT, SCH#2019059012, SAN JOAQUIN, ALAMEDA, AND CONTRA COSTA COUNTIES**

Pursuant to the State Clearinghouse's 3 May 2019 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the West Side Irrigation District Sphere of Influence Update Project, located in San Joaquin, Alameda, and Contra Costa Counties.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

**I. Regulatory Setting**

**Basin Plan**

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER



Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/)

#### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/sacsjr\\_201805.pdf](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the

**General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).**

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

**Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/)

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

**Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

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<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml)

**Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

For more information on the Water Quality Certification, visit the Central Valley Water Board website at:  
[https://www.waterboards.ca.gov/centralvalley/water\\_issues/water\\_quality\\_certification/](https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/)

**Waste Discharge Requirements – Discharges to Waters of the State**

If USACE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:  
[https://www.waterboards.ca.gov/centralvalley/water\\_issues/waste\\_to\\_surface\\_water/](https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/)

### **Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2013-0145\\_res.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf)

### **Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program.

There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at:  
[https://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/regulatory\\_information/for\\_growers/coalition\\_groups/](https://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/regulatory_information/for_growers/coalition_groups/) or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

- 2. Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 11-100 acres are currently \$1,277 + \$8.53/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

#### **Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order.

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:  
[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2016-0076-01.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf)

#### **NPDES Permit**

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:  
<https://www.waterboards.ca.gov/centralvalley/help/permit/>

**The West Side Irrigation District  
Sphere of Influence Update Project  
San Joaquin, Alameda, and Contra Costa Counties**

- 7 -

22 May 2019

If you have questions regarding these comments, please contact me at (916) 464-4812 or [Jordan.Hensley@waterboards.ca.gov](mailto:Jordan.Hensley@waterboards.ca.gov).



**Jordan Hensley  
Environmental Scientist**

**cc: State Clearinghouse unit, Governor's Office of Planning and Research,  
Sacramento**

Response To:

**CENTRAL VALLEY WATER QUALITY CONTROL BOARD**

**8. Regulatory Compliance for commercially Irrigated Agriculture**

In order to obtain regulatory compliance under the Irrigated Lands Regulatory Program, any annexation of land to the District for commercially irrigated agriculture would need to meet one of two options.

These options are hereby added to the Mitigated Negative Declaration as mitigation measures.

**Notice of Exemption**

**Appendix E**

To: Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

From: (Public Agency): Byron Bethany Irrigation District  
7995 Bruns Road  
Byron CA 94514

County Clerk  
County of: San Joaquin  
44 N San Joaquin Street Suite 260  
Stockton CA 95202

(Address)

Project Title: Byron Bethany Irrigation District-The West Side Irrigation District Consolidation

Project Applicant: Byron Bethany Irrigation District

Project Location - Specific:

Portions of Alameda, Contra Costa, and San Joaquin Counties

Project Location - City: Tracy Project Location - County: Same as above

Description of Nature, Purpose and Beneficiaries of Project:

To consolidate two irrigation districts into one irrigation district. Byron Bethany Irrigation District will be the successor district, and The West Side Irrigation District will cease to exist.

Name of Public Agency Approving Project: San Joaquin Local Agency Formation Commission

Name of Person or Agency Carrying Out Project: Byron Bethany Irrigation District

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: Section 15320. Class 20. Changes in Organization
- Statutory Exemptions. State code number: \_\_\_\_\_


Reasons why project is exempt:

Two districts with identical powers are allowed to consolidate where the changes do not change the geographical area in which previously existing powers are exercised.

Lead Agency  
Contact Person: Rick Gilmore Area Code/Telephone/Extension: 209-835-0375

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature:  Date: February 28, 2020 Title: General Manager

Signed by Lead Agency  Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: N.A.

Filed Doc #: 39-02282020-072  
02/28/2020 11:43:04 AM  
Steve J. Bestolarides  
San Joaquin County Clerk





State of California - Department of Fish and Wildlife  
**2020 ENVIRONMENTAL FILING FEE CASH RECEIPT**  
 DFW 753.5a (REV. 12/01/19) Previously DFG 753.5a

RECEIPT NUMBER:  
39-02282020-072

STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY BYRON BETHANY IRRIGATION DISTRICT	LEAD AGENCY EMAIL	DATE 02/28/2020
--	-------------------	--------------------

COUNTY/STATE AGENCY OF FILING SAN JOAQUIN	DOCUMENT NUMBER 39-02282020-072
--	------------------------------------

PROJECT TITLE  
BYRON BETHANY IRRIGATION DISTRICT-THE WEST SIDE IRRIGATION DISTRICT CONSOLIDATION

PROJECT APPLICANT NAME BYRON BETHANY IRRIGATION DISTRICT	PROJECT APPLICANT EMAIL	PHONE NUMBER (209) 835-0375
---	-------------------------	--------------------------------

PROJECT APPLICANT ADDRESS 7995 BRUNS ROAD	CITY BYRON	STATE CA	ZIP CODE 94514
--	---------------	-------------	-------------------

PROJECT APPLICANT (Check appropriate box)

Local Public Agency     School District     Other Special District     State Agency     Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,343.25	\$ _____
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,406.75	\$ _____
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,136.50	\$ _____

Exempt from fee

Notice of Exemption (attach)

CDFW No Effect Determination (attach)


Fee previously paid (attach previously issued cash receipt copy)

<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$ _____
<input checked="" type="checkbox"/> County documentary handling fee		\$ _____ \$50.00
<input type="checkbox"/> Other		\$ _____

PAYMENT METHOD:

Cash     Credit     Check     Other

TOTAL RECEIVED    \$ \_\_\_\_\_ \$50.00

SIGNATURE X 	AGENCY OF FILING PRINTED NAME AND TITLE Rosa Arceo ,Deputy
--	---



San Joaquin County Recorders  
Steve J. Bestolarides  
44 N. San Joaquin Street, Room 260  
Stockton, Ca 95202  
Receipt: 1194830

Product Name	Extended
FISH CLERK CLERK FISH AND GAME FILINGS	\$50.00
# Pages	1
Document #	39-02282020-072
Clerk Filing Fee	\$50.00
<b>Total</b>	<b>\$50.00</b>
Tender (Check)	\$50.00
Check # 42291	
Paid By BYRON BETHANY IRRIGATION DISTRICT	

Thank You!

2/28/20 11:43 AM rosaa