

**Special Meeting
November 29, 2006
7:30 p.m.**

The Board of Directors of the San Benito County Water District convened in special session at 7:30 p.m. at 30 Mansfield Road, Hollister, CA. Board Members present were: President John Tobias, Vice-President Bob Swanson, Directors Ken Perry, Sonny Flores and Frank Bettencourt. Also present were District Manager/Engineer John S. Gregg, Deputy District Engineer Jeff Cattaneo, District Counsel David E. Pipal, Administration and Finance Manager Shelley Giancola, Irrigation Engineer Mica Nitschke, Accountant Natalie Sullivan, Consultant Sara Singleton, Consultant Harry Blohm and Office Specialist II Barbara L. Mauro.

CALLED TO ORDER

The meeting was called to order by President Tobias at 7:30 p.m.

- a. **Pledge of Allegiance to the Flag.** President Tobias led the Pledge of Allegiance to the Flag.

AGENDA ITEMS:

1. **State Water Resources and Control Board Agricultural Waiver for Irrigated Lands Update** Mr. Gregg stated at the last Board Meeting, the Board of Directors had questions regarding the Ag Waiver and Mrs. Nitschke arranged for Mr. Kirk Schmidt of Preservation, Inc. to speak to the Board. Mrs. Nitschke introduced Mr. Schmidt who gave a brief introduction and proceeded with a PowerPoint Presentation regarding this issue.
 - a) **Presentation from Kirk Schmidt, Executive Director of Preservation, Inc.** Mr. Schmidt stated Preservation Inc. began in January 2005 due to the Ag Waiver Requirements. Mr. Schmidt stated the Central Coast Regional Water Quality Control Board covers areas from Northern Ventura to Southern San Mateo County. Mr. Schmidt, farming himself for 25 years, stated the need for certainty for the farmer is important as planning is vital to their success. The Waiver is so the farmer does not have to apply for a discharge permit. The Conditional Waiver contains these components: Enrollment, Continuing Education, Farm Water Quality Plan, Management Practices and Monitoring Program. Mr. Schmidt stated that Preservation Inc. is not the monitoring agency; this is up to the state. The waiver, by law, can only last 5 years. Mr. Schmidt stated that participating with Preservation Inc., is purely voluntary. The difference would be that individuals would have to do their own monitoring, but if you were a member of Preservation Inc, the monitoring is through them. Mr. Schmidt stated the cost savings can be considerable. Preservation Inc. is a non-profit organization and all of its board members are farmers. Mr. Schmidt gave examples of how the fees are charged

through Preservation Inc., based on acreage and whether the property had tail water run-off. In San Benito County, the enrollment rate is 63%, which is lower than the average in our region which is 87%, as reported by Mr. Schmidt. Mr. Schmidt stated the one problem with monitoring, in his opinion, is that they only test where they know the water is bad. Also, groundwater is not being monitored at this point. Regarding education, the 15 hours required does not have to be completed by one person; it can be split up between several people. Mr. Schmidt reported the three year deadline for complying will be the end of 2007. Also, in July 2006, Mr. Schmidt stated they had their 2nd annual review, and the environmental community commended our area on the job that has been done thus far.

Director Bettencourt asked about testing and Mr. Schmidt stated they currently only test at 50 sites. President Tobias asked who has to participate at this time and Mr. Schmidt stated currently it is only irrigated Ag and not range land, however; range land is being considered for future inclusion. There will be a study coming out either the end of 2007 or early in 2008, regarding the E Coli issue, which may bring the issue of range land up again. At this point, Mr. Schmidt reported it is total speculation to say range land will be included and when. Vice President Swanson asked who should be negotiating regarding the range land and Mr. Schmidt stated the Cattlemen's Association would be able to help as education and understanding of each individual farmer/rancher's operation would be important. Vice President Swanson asked if the District offered courses or funding for non-irrigated land regarding the 15 hour short course, and as long as it is stated that is not required at this time, but would only be voluntary, would that be acceptable. Mr. Schmidt stated that is how the Ag Waiver program began for Irrigated Land, as a voluntary action. Vice President Swanson asked for an explanation of the Tiered process. Mr. Schmidt stated those in Tier 1, were qualified by January 2005. Tier 2, you are given three years to complete the program between January 2005 and December 2007 and once you have completed Tier 2, you can go to Tier 1. Vice President Swanson asked about the farm plan and Mr. Schmidt stated the farmer needs to develop a farm plan and implement it. This plan can be reviewed by the Regional Board, but you do not file it; the farmer needs to keep it on file for his records. President Tobias asked if the Regional Board will be doing anything about our county being so low as far as compliance. Mr. Schmidt stated they are comparing the lists with the Ag Commissioners and the lists from Region for compliance.

President Tobias thanked Mr. Schmidt for his presentation and for answering the Board's questions.

ADJOURN:

There being no further business, the meeting was adjourned at 8:12 p.m.

Minutes were approved at the December 20, 2006, Regular Board meeting and signed by the presiding board member.

/s/John Tobias
John Tobias, President

/s/Barbara L. Mauro
Barbara L. Mauro, Board Secretary