

SPECIAL MEETING AGENDA

May 13, 2021

2:00 PM

2222 M Street, Board Room

Merced, CA

Join Zoom Meeting

<https://us02web.zoom.us/j/83295800378?pwd=Qnpyb2pnVWkwWFpQV0ZQdjR3QTl3QT09>

Meeting ID: 832 9580 0378

Dial in: +1 669 900 6833

Passcode: 291775

IMPORTANT NOTICE: Due to the ongoing COVID-19 Crisis, and as authorized by the Governor's Executive Order N-29-20, this meeting will be broadcast via conference call in addition to the meeting's physical location. Members of the public who wish to provide comment or observe the meeting may join in person or on the conference call.

Lloyd Pareira, County of Merced

Chair

Nic Marchini, Western White Area Representative

Vice Chair

Michael Gallo, Eastern White Area Representative

Kole Upton, Le Grand-Athlone Water District

Gino Pedretti, Sandy Mush Mutual Water Company

Eric Swenson, Merquin County Water District

1. CALL TO ORDER/ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT PERIOD

Public opportunity to speak on any matter of public interest within the Board's jurisdiction including items on the Board's agenda. Testimony limited to three minutes per person.

4. APPROVAL OF MINUTES

Action to approve the meeting minutes from the Governing Board meeting on April 8, 2021.

5. COUNTY OF MERCED GROUNDWATER ORDINANCE

Receive report on proposed updates to the County of Merced Groundwater Mining and Export Ordinance.

6. COORDINATION COMMITTEE UPDATE

7. STAFF REPORT

8. BOARD REPORTS

9. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION (Subdivision (b) of Government Code Section 54956.9) 2 potential cases

10. NEXT REGULAR MEETING

11. ADJOURNMENT

Alternate formats of this agenda will be made available upon request by qualified individuals with disabilities. Appropriate interpretive services for this meeting will be provided if feasible upon advance request by qualified individuals with disabilities. Please contact the Secretary at (209) 385-7654 for assistance and allow sufficient time to process and respond to your request. Copies of agendas and minutes will be available at the Merced County Community and Economic Development Department and at www.countyofmerced.com/MercedSubbasinGSA.

**MERCED SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY JOINT POWERS
AUTHORITY (JPA)
GOVERNING BOARD**

MINUTES FOR MEETING OF April 8, 2021

The agenda, original minutes, and all supporting documentation (for reference purposes only) of the Merced Subbasin Groundwater Sustainability Agency Governing Board meeting of April 8, 2021 are available online at www.countyofmerced.com/MercedSubbasinGSA.

I. CALL MEETING TO ORDER

The special public meeting of the Merced Subbasin Groundwater Sustainability Agency Joint Powers Authority Governing Board was called to order at 2:01 p.m., on April 8, 2021, in person and via conference call due to the ongoing COVID-10 crisis and as authorized by the Governor's Executive Order N-29-20.

II. ROLL CALL OF BOARD MEMBERS

Board Members Present:

Brad Robson	Alternate, (Le Grand-Athlone Water District)
Eric Swenson	(Merquin County Water District)
Gino Pedretti	(Sandy Mush Mutual Water Company)
Supervisor Lloyd Pareira	Chairman (Merced County)
Rick Drayer	Alternate, (Eastern White Area Representative)
Nic Marchini	Vice Chair (Western White Area Representative)

Board Members absent:

Michael Gallo	(Eastern White Area Representative)
Kole Upton	(Le Grand-Athlone Water District)

Staff Present:

Mark Hendrickson	Secretary
Lacey McBride	Water Resources Coordinator
Kristin McHaney	Recording Secretary
Desiree Dobbs	Recording Secretary

III. PUBLIC COMMENT PERIOD

Public comment open/closed 2:04 p.m.

IV. APPROVAL OF MINUTES

Action to approve the meeting minutes from the Governing Board meeting on February 24, 2021.

Public comment period open/close.
No public comment.

Board discussion regarding suggested revisions to Page 3, Paragraph 1.

MOTION: M/S MARCHINI – PEDRETTI, AND CARRIED BY A VOTE OF 6 – 0, THE BOARD APPROVES THE MINUTES FROM THE FEBRAURY 24, 2021 MEETING WITH RECOMMEDED CHANGES FROM “MERQUIN WATER DISTRICT” TO “MERQUIN COUNTY WATER DISTRICT”.

V. WATER YEAR 2020 ANNUAL REPORT

Chris Hewes of Woodard and Curran presented the Water Year 2020 Annual Report. Mr. Hewes provided that the GSP requires annual reports to be submitted by April 1st for basin conditions and plan implementation progress. The second annual report was submitted by April 1, 2021 and covered water year 2020, October 2019- September 2020. Mr. Hewes presented the update on sustainable management criteria determined in the GSP. In the groundwater levels update no wells exceeded the minimum threshold, nine have exceeded measurable objective.

In the update on groundwater quality, no wells have exceeded the minimum threshold, two wells have exceeded the measurable objective of 500mg/liter of total dissolved solids. In the land subsidence update, no sites exceeded minimum threshold, all four sites have exceeded measurable objective.

Comment period open.

Board Member Robson commented, inquiring about the flat period between 2015 and 2019.

Chris Hewes commented that the years are identified wet according to the San Joaquin River water year index, which is published by DWR (Department of Water Resources).

Vice Chair Marchini commented regarding the map which indicates change in storage and asked if there is an overlay with a map containing the actual groundwater elevations.

Mr. Hewes responded to clarify that the map is not an absolute map, the Annual Report does have maps in addition to these maps but they have not been included in this presentation, he commented that the best way to compare information is by a side-by-side comparison of details.

No public comment.

Public comment period closed.

No action taken.

VI. Sustainability Zones

Greg Young of Tully and Young presented the Sustainability Zones. The Technical and Advisory Committees were tasked with providing feedback on the proposed Sustainability Zones and suggesting changes. The Zones are intended to help

**MERCED SUBBASIN GROUNDWATER
SUSTAINABILITY AGENCY
GOVERNING BOARD JPA
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contemplate actions, they are not recommended to be adopted as official boundary conditions. The main changes that occur on this map from the prior version are seen in Zones 1, 2 and 3. Zones 4, 5 and 6 have remained unchanged.

Comment period open:

Board Member Drayer commented that he likes the way the range land is separated, he commented that the southeast areas make sense in the new map.

Board Member Pedretti commented that he would like to know why Zone 4 follows Sandy Mush Road, when subsidence goes further north than the representing boundary and would like to know how the boundary was selected.

Mr. Young responded that the areas are an approximation, and that we can have a sustainability related function of Zone 4 that carries into Zones 5 and 3.

Mike Day of Provost and Pritchard commented that they factored in the water rights application that Merced Irrigational District (MID) and other agencies have submitted to the Water Board.

Chairman Pareira inquired if other GSAs have created Sustainability Zones.

Mr. Young responded that other GSAs have implemented or are contemplating geographic considerations as they relate to different parts of their GSAs, this GSA has vast differentials.

Public comment by Mr. Brad Samuelson, this is a good start, regarding the comment about Zone 4 and the water rights application.

Public comment by Mr. George Park of Lone Tree Mutual Water Company that he agrees the zones discussed are a good start, as long they are not rigid and not final.

Comment period closed.

MOTION: M/S MARCHINI – DRAYER, AND CARRIED BY A VOTE OF 6 – 0, THE BOARD APPROVES TO ACCEPT THE SUSTAINABILITY ZONES AS PRESENTED, WITH PROVISIONS FOR FUTURE ADJUSTMENT.

VII. TECHNICAL SUPPORT

Merced County Water Resources Coordinator, Lacey McBride, presented a recommendation for a Technical Support Services Request for Qualifications (RFQ). As the Board continues to move through demand reduction and management actions it will be critical to have the necessary technical foundation to support decisions. There are financial and time limitations to the sole source and RFQ processes that the GSA uses, which are not efficient for the smaller studies/technical support that will be needed. This item requests the Boards consideration to

move forward with a competitive request for qualification process to solicit a technical consultant to provide necessary support to the GSA, on an as needed basis.

Public comment period open

No public comment, comment period closes.

Chairman Pereira commented to clarify the request for qualifications is to have a technical consultant available for technical support, not to exceed one hundred thousand dollars (\$100,000).

Ms. McBride responded that the direction for consideration today is to put together RFQ, releasing and gathering responses from responding firms, the cap is discussed to inform board that there is a limit. Board will approve the final contract amount and firm at a later meeting.

MOTION: M/S SWENSON – PEDRETTI, AND CARRIED BY A VOTE OF 6 – 0, THE BOARD APPROVES THE RECOMMENDATION TO CREATE AN RFQ SOLICITATION FOR TECHNICAL SUPPORT WORK NOT TO EXCEED TOTAL CONTRACT AMOUNT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000).

VIII. STUDY RELATING TO GROUNDWATER ELEVATION TRENDS AND LAND USE

Mr. Young presented a proposed study relating to groundwater elevation trends and land use to understand where the biggest hot spots for overdraft are occurring and help to concentrate near term efforts in those areas. The Board is being asked to consider approval to issue a sole source contract with a cap of twenty-five thousand (\$25,000), to gather data, plot information and do comparisons with the evapotranspiration (ET) info that has been collected already. This will help identify changing or stable groundwater and ET. This effort will create maps to understand conditions by zone and inform the Board and ad hoc committee.

Public comment period open.

Mr. Park commented, there was a study that was done in relation to groundwater policy by Woodard and Curran, can the data that has been developed help with the GSA, as a launching point, instead of replicating data.

Ms. McBride responded that the information from previous studies will be shared with the incoming consultant.

Mr. Young commented that the GSA would communicate to bidding agencies that there is information that needs to be pulled together.

Board Member Drayer commented, inquiring if all of the data is publically available, and if there will be an issue obtaining the data, he commented that we do not want to duplicate data if not necessary

Mr. Young responded that we will have access to publicly available information, data brought forward may not be posted on the DWR website or in the GSP management system yet but may be made available to us from individual growers and agencies. Mr. Young commented that the goal is to get someone that can gather information and to bring it forward in a useful way, not to make this a technical investigation.

Public comment period closed.

MOTION: M/S SWENSON – DRAYER, AND CARRIED BY A VOTE OF 5 – 0, WITH MR. ROBSON ABSTAINING, THE BOARD APPROVES THE RECOMMENDATION SOLE SOURCE A \$25,000 CONTRACT FOR AN ANALYSIS OF GROUNDWATER ELEVATION AND LAND USE.

IX. DEMAND REDUCTION AD HOC COMMITTEE

Ms. McBride, presented information about the demand reduction ad hoc committee. This conversation is a follow up on a request from the February board meeting, to establish an ad hoc committee of board members to work on allocation and demand reduction activities. This committee may be up to three members and will have both a specific purpose and limited time. The committee is anticipated to consider allocation and extraction fees and time lines, among other topics. The Coordination Committee has worked on a time line document which may be a good starting point for discussions in this committee, this document will be provided to these committee members.

Open for discussion from board members.

Vice Chair Marchini commented that he would like to be on this committee. Board Member Pedretti commented that being part of Zone 4, he would like to be on the committee. Chairman Pareira commented that he would also like to be on this committee.

Public comment period open/close.

MOTION: M/S MARCHINI – PEDRETTI, AND CARRIED BY A VOTE OF 6 – 0, NOMINATES CHAIRMAN PAREIRA, VICE CHAIRMAN MARCHINI AND MR. PEDRETTI TO SERVE ON THE AD HOC COMMITTEE.

X. TECHNICAL ADVISORY COMMITTEE

Ms. McBride presented agenda item number 10. Staff is recommending restructure of the two Technical and Advisory Committees into a single Technical Advisory Committee (TAC). The TAC is proposed to meet bimonthly with occasional special meetings in off months, when necessary. Proposed membership includes all original members who wish to continue as well as any additional members, identified by agencies of the GSA who wish to participate. There are two alternate board members on the committee. One issue that has been encountered by the Technical and

Advisory Committees, is interest by board members and alternates in attending these meetings. Legal counsel has been sought to determine practices to act in compliance with the Brown Act. Suggestions provided are to record the meetings and make them available for the board and alternates to review. Jeanine Zolezzi, Legal Counsel, commented that the under the Brown Act both board members and alternates are considered as board members for the purpose of determining whether there is a quorum at a committee meeting. Ms. Zolezzi strongly discourages attendance or participation in committee meetings by board members or additional alternates in order not to violate the Brown Act. Ms. Zolezzi commented that the purpose of the committee is to provide outside consultation and recommendation; the best way to handle this is to have the TAC make recommendations and have the board members debate the recommendations and provide input at the board meetings.

Chairman Pereira inquired on the recommendation, asking if an alternate attends a TAC meeting and serves as a board member for the next board meeting, which discusses and votes on the item discussed by the TAC, will the board member need to recuse from vote. Ms. Zolezzi commented that there is no violation there, it was appropriate at the time the alternate was serving and participating with the TAC.

Board Member Swenson inquired if there is an issue with recording the TAC for the board members to hear which comments have been made in the TAC. Ms. Zolezzi responded there is no issue.

Public comment period open/close.

**MOTION: M/S MARCHINI – PEDRETTI, AND CARRIED BY A VOTE OF 6 – 0,
APPROVE THE RECOMMENDATION TO RESTRUCTURE TWO ADVISORY
COMMITTEES INTO ONE AND THAT SITTING MEMBERS ARE
RECOMMENDED TO NOT ATTEND THE MEETINGS.**

XI. INTERBASIN COORDINATION UPDATE

The Interbasin coordination update was provided by Ms. McBride, she informed the Board of the first regional interbasin meeting, which was held in March. The first meeting was general and primarily introductory discussing generally agreed upon terms and topics were identified for future meetings. It is anticipated that future meetings will include more substantial topics. The next meeting is being scheduled and the agenda will include presentations by each basin for historic and current subsidence, subsidence impacts and how it is reflected in the GSP.

Board Member Swenson commented he thinks everyone at the first meeting was trying to get a sense of what everyone else is doing and wanted to share. Moving forward there will be a couple of key areas for the Merced Subbasin, he commented that he is happy that Vice Chair Marchini is looking to join him at the meetings.

Public comment open/close.

XII. STAFF REPORT

Ms. McBride presented three items for staff report, the first item presented an update on the Merced Subbasin Proposition 68 Sustainable Groundwater Management Grant application that was submitted in January. The application has been recommended by DWR to receive full grant funding for the Southern Merced Subbasin Groundwater Recharge Program, the draft award announcement was released in February 2021. Merced Subbasin sent a letter on behalf of the all three GSAs to the DWR, encouraging DWR to maintain the award for these projects, the final award announcement will be in late April or May 2021.

Second update presented by Ms. McBride is the monthly meeting schedule, which was discussed at the February board meeting. The board has chosen to meet monthly in between the regularly scheduled quarterly meetings. The schedule has been sent to board members and the schedule will be made available to the public.

Final topic presented by Ms. McBride, the Coordination Committee is now meeting quarterly the next is scheduled for Monday April 26, 2021.

XII. BOARD REPORTS

Board Member Robson inquired if are we still allowing new land use conversion to permanent planting, if so why.

Board Member Swenson commented that he understands the current rule is that if you have an existing well that is dry or no longer producing, a well of the same size can be drilled as a replacement on the property but if you have property in an area that has not had a production well in the past, this considered new land use and requires the owner to go through Water PAR which may lead to a negative declaration, EIR, or environmental review to assess the effect of converting land

Secretary Mark Hendrickson commented as clarification, there have been individuals that have gone through Water PAR but have not been selected to go through further environmental review.

Board Member Pedretti commented that he would like to see studies on groundwater elevation in Sustainability Zones and would like to see studies on how the water flows between zones, to understand how all of the zones interact with one another.

XIV. NEXT REGULAR MEETING

Next meeting will be held on Thursday May 13, 2021.

XV. ADJOURNMENT

There being no further business, the meeting adjourned at 3:34 p.m.

BOARD ACTION ITEM

TO: MEMBERS OF MERCED SUBBASIN GSA GOVERNING BOARD
FROM: MARK HENDRICKSON, SECRETARY
DATE: MAY 13, 2021

SUBJECT: COUNTY OF MERCED GROUNDWATER ORDINANCE UPDATE

SUMMARY:

The Merced County Groundwater Mining and Export Ordinance has been in place since 2015. This ordinance was intended to be a bridge during the development of Groundwater Sustainability Plans and the implementation of the Sustainable Groundwater Management Act.

Now that Groundwater Sustainability Plans are adopted by Groundwater Sustainability Agencies (GSA) and being implemented, the County of Merced is proposing changes to the Groundwater Ordinance which will impact GSAs throughout the County. This item is a report from County staff on those proposed changes.

REQUEST/RECOMMENDATION/ACTION NEEDED:

Receive a report on the proposed updates to the Merced County Groundwater Mining and Export Ordinance, no action required.