



APPROVED BOARD OF DIRECTORS MEETING MINUTES

March 10, 2021

The Board of Directors for the Merced Irrigation-Urban Groundwater Sustainability Agency (MIUGSA) met virtually on the above date pursuant to notice at 9:00 A.M., consistent with temporary authorization to deviate from Brown Act meeting guidelines issued through Executive Order by California Governor Gavin Newsom.

CALL TO ORDER AND WELCOME

At 9:00 A.M., Chair Hicham Eltal welcomed those present and called the meeting to order. MIUGSA Board Coordinator, Jennifer McMaster made an announcement regarding changes that have been made to the Board meeting procedures in order to make good faith efforts to comply with the Governor’s Executive Orders and allow the public the opportunity to observe, participate and comment in the Board’s meeting.

Ms. McMaster stated that she had not received any emails from members of the public requesting a link to the video portion of the meeting, nor had she received any public comment on any agenda item. Ms. McMaster also summarized the procedure members of the public should follow in order to submitting comments both before, and during the meeting.

ROLL CALL

Roll call showed the following MIUGSA Representatives present:

Name	Organization
Hicham Eltal (Chair)	Merced Irrigation District
Ken Elwin (Vice Chair)	City of Merced
Justin Vinson	City of Atwater
Jose Antonio Ramirez	City of Livingston
Cynthia Benavidez	Le Grand Community Services District (LGCSO)
Daniel Chavez	Planada Community Services District (PCSD)
Carlos Valencia	Winton Water and Sanitary District (WWCSO)
Phillip McMurray	General Counsel
Jennifer McMaster	Board Coordinator

CORRECTIONS OR ADDITIONS TO THE AGENDA

Chair Eltal noted that Action/Discussion item number 4 on the agenda would be discussed as part of Action item number 3.

PUBLIC COMMENT

None.

CONSENT CALENDAR

1. Meeting Minutes: February 10, 2021

On motion by Director Ramirez, seconded by Director Vinson; the Board unanimously accepted the Consent Calendar, as presented. A roll call vote was taken and the votes were as follows:

Ayes:	Eltal, Elwin, Vinson, Benavidez, Chavez, Valencia, Ramirez
Noes:	None
Abstain:	None
Absent:	None

REPORTS

Chair Eltal discussed and provided an update regarding an IRWM study recently conducted relating to domestic wells within disadvantaged communities. Chair Eltal noted that the Merced Integrated Regional Water Management Authority has continued to work with disadvantaged communities, as well as the consulting firm conducting the study and anticipates a final report to be shared with the Merced Basin sometime in April/May 2021. Chair Eltal also noted that the final report will be important to MIUGSA, especially as it relates to undesirable results discussed within the Groundwater Sustainability Plan (GSP).

Chair Eltal discussed a proposed application for grant funding from the California Department of Water Resources (DWR) for the purpose of implementing projects within disadvantaged communities. He indicated that the Merced Basin has been recommended for an award of \$5 million in grant funding. Chair Eltal discussed projects included in the application for funding and noted the proposed projects are generally located within the El Nido area and the Le Grand-Athlone Water District. Chair Eltal discussed the public commenting period, and noted that if the basin is awarded the grant, funding would likely be received sometime in May 2021.

Chair Eltal discussed and provided an overview of inter-basin coordination efforts between the Merced Subbasin GSAs, the Chowchilla, Delta Mendota, and Madera Subbasins, and Turlock Subbasin. He noted that discussions between the Merced, Chowchilla, Delta Mendota, and Madera Subbasins have generally been related to subsidence and inter-basin flows, while discussions between the Merced Subbasin and Turlock Subbasin have generally focused on inter-basin flows and depletion of interconnected surface water.

Chair Eltal discussed topics from a previous meeting between the Merced, Chowchilla, Delta Mendota, and Madera Subbasins. He discussed, in particular coordination efforts towards reducing subsidence and addressing inter-basin flows. He noted that the next meeting is anticipated to include discussions related to historical subsidence rates, impacts, and how subsidence is reflected in the respective GSPs. He noted that facilitation services are being offered by DWR through a third-party consultant.

Chair Eltal indicated that representatives from all three Merced Subbasin GSAs attended the past meeting. However, he asked for feedback from the Board regarding attendance at future inter-basin coordination meetings with the Chowchilla, Delta Mendota, and Madera Subbasins Subbasins.

Based on feedback from the Board, Chair Eltal will continue to attend the meetings with the Chowchilla, Delta Mendota, and Madera Subbasins.

Chair Eltal discussed and provided an update regarding inter-basin coordination efforts with the Turlock Subbasin. He discussed a significant amount of water leaving the Merced basin through inter-basin flows, and stream losses. He noted that the Merced Subbasin GSAs may want to get involved in discussions with the Turlock Subbasin GSAs to include efforts to address those potential water losses.

General Counsel, Phillip McMurray discussed and provided an update regarding recently proposed legislation, Assembly Bill 252 (AB 252). Mr. McMurray noted that AB 252 was generally discussed at a previous MIUGSA Board meeting and that no further action has occurred since the previous update. However, he did remind the Board that it is still early on in the process and that the legislation is set to be reviewed by the Assembly on April 8, 2021.

Mr. McMurray discussed and provided a brief overview of Assembly Bill 350 (AB 350). He noted that AB 350, introduced January 28, 2021 by Assembly Member Villapudua, includes language that, if approved, would potentially authorize funding to improve on farm management practices for the purpose of reducing greenhouse gases. Mr. McMurray indicated that it is early on in the legislative process, and that so far no funding sources have been identified.

Mr. McMurray indicated that he will continue to monitor both pieces of legislation and provide updates as needed.

Chair Eltal provided a general overview of meetings held by DWR and the SWRCB regarding groundwater sustainability planning. He noted that the Joint DWR and SWRCB SGMA webinar on groundwater sustainability planning held on February 18, 2021 is just one of many meetings that have been held by DWR in regard to sustainability planning. He reminded the Board that DWR is tasked with review of GSPs for each of the basins throughout California, and the SWRCB is tasked with enforcement.

Matthew Beaman, Merced Irrigation District, Water Resources Regulatory Engineer provided additional details from the presentation provided at the Joint DWR-SWRCB SGMA webinar. He discussed, in particular the GSP assessment process and the steps that may be required following the initial review. He also noted that DWR announced at the meeting that it is currently reviewing GSPs submitted for critically overdrafted basins, and that assessments for simpler GSPs are anticipated to be released earlier in the year. He noted that DWR has indicated that the first assessments released will be in subbasins with one GSP and no neighboring basins. The Merced Subbasin GSP is not anticipated to be included in the first set of assessments.

Mr. Beaman discussed the timeline for GSP review by DWR, potential outcomes, and steps that may be taken to correct a GSP that is deemed to be incomplete or inadequate. He indicated that DWR expressed that state intervention is intended to be a temporary measure to aid in establishing and directing local management of groundwater and will only occur if local management efforts fail.

Mr. Beaman discussed state funding assistance for planning and implementation, resource and guidance materials, facilitation support, access to information, datasets, and models, and aerial

electromagnetic surveys for recharge areas made available by DWR. He also discussed water right permitting and grant funding options available through the SWRCB.

Chair Eltal noted that it is important to be aware of what is happening at the state level. He indicated that if the GSP is deemed incomplete, the basin will still need to continue implementation and provide proposed changes to the GSP for DWR approval. He noted significant funding may be necessary to remedy deficiencies, if the GSP is rendered incomplete or inadequate. He also noted that if probation occurs this will be more of a challenge.

Chair Eltal discussed the importance of moving forward with policies. He noted the state has indicated that if a basin has issues with compliance, but it is found that a certain area is causing an issue, the state may not have to put the entire basin on probation. He noted that this is more of a reason for MIUGSA to hasten implementation of all aspects of the GSP.

The Board asked and staff responded to questions related to the status of the GSP for the Merced Basin and timing of the initial review by DWR.

ACTIONS/DISCUSSION

Chair Eltal presented and discussed Resolution No. 2021-01, recognizing the week of March 7, 2021 through March 13, 2021 as Groundwater Awareness Week. Mr. Eltal discussed the role of groundwater and noted its importance around the world. He discussed groundwater in the Central Valley. He noted that the aquifer in the Central Valley is very unique and likely the most amazing in the world.

The Board discussed a potential press release and adding the resolution to each member agencies website in an effort to spread awareness of the importance of groundwater to the public.

Upon further discussion, Director Elwin made a motion to approve Resolution No. 2021-01 as presented, seconded by Director Benavidez; the Board unanimously approved the motion. A roll call vote was taken and the votes were as follows:

Ayes:	Eltal, Elwin, Vinson, Ramirez, Benavidez, Chavez, Valencia
Noes:	None
Abstain:	None
Absent:	None

Mr. Beaman discussed and provided a presentation regarding an agreement with Quad Knoff, Inc. (QK, Inc.) for services generally related to monitoring in the Merced Groundwater Subbasin. Mr. Beaman discussed the GSAs' responsibility for monitoring and submitting groundwater levels across the GSP monitoring network. He discussed groundwater quality and subsidence typically monitored by other agencies/entities. He also discussed a number of monitoring wells that have been installed under the 2017 Sustainable Groundwater Planning Grant for inclusion in the Merced Subbasin GSP monitoring network. He noted that it is a large effort to collect and compile the data for reporting purposes.

Mr. Beaman discussed the Coordination Committee's November 2020 recommendation to solicit qualified candidates that could provide services generally related to monitoring groundwater levels, quality, and subsidence; assisting with filling data gaps; and, refining existing monitoring programs. He noted, based on that recommendation, a Request for Qualifications (RFQ) was published by the GSAs on January 15, 2021.

Mr. Beaman discussed responses to the RFQ for professional services and the Coordination Committee's recommendation on February 22, 2021 to select QK, Inc. for monitoring and other support services in the Merced Subbasin. He also noted that the Committee further recommended

MIUGSA enter into and administer an agreement with QK, Inc., and provide QK with an initial budget of \$10,000 to conduct spring monitoring, with costs to be split between the GSAs.

The Board asked and staff responded to a number of questions. After further discussion, Director Ramirez made a motion to approve execution of a professional services agreement with QK, Inc. as presented, seconded by Director Elwin; the Board unanimously approved the motion. A roll call vote was taken and the votes were as follows:

Ayes:	Eltal, Elwin, Vinson, Ramirez, Benavidez, Chavez, Valencia
Noes:	None
Abstain:	None
Absent:	None

Mr. Beaman presented and provided an overview of recommendations for development of a stakeholder advisory committee to guide implementation of the GSP. Mr. Beaman discussed the Coordination Committee's recommendation at its December 2020 meeting to re-establish a stakeholder advisory committee. He discussed the application process initiated January 14, 2021 to solicit membership. He noted that approximately 30 applications were received from interested parties.

Mr. Beaman noted that applications to the Stakeholder Advisory Committee were reviewed by representatives from all three GSAs within the basin. He noted that the review was focused on ensuring balanced representation of interests in the basin. Mr. Beaman discussed a proposed Stakeholder Advisory Committee membership list presented to the Coordination Committee at its meeting on February 22, 2021. Mr. Beaman noted that the Coordination Committee recommended that the Merced Subbasin GSAs approve the proposed Stakeholder Advisory Committee membership list as presented.

The Board engaged in lengthy discussion. They discussed, in particular, membership terms and the development of an interested parties list. Following discussion, the Board recommended members to serve an initial 2 year term, which may be extended. The Board also recommended the development of an interested parties list.

After further discussion, Director Elwin made a motion to approve the Stakeholder Advisory Committee membership list for GSP Implementation, as presented, seconded by Director Vinson; the Board unanimously approved the motion. A roll call vote was taken and the votes were as follows:

Ayes:	Eltal, Elwin, Vinson, Ramirez, Benavidez, Chavez, Valencia
Noes:	None
Abstain:	None
Absent:	None

Chair Eltal requested the Board review and consider authorizing execution of a professional services agreement with Olsson, Inc. Mr. Eltal provided a brief overview of the proposed agreement and discussed the potential benefits of hiring a consultant to represent MIUGSA and assist in the development of principle guidelines to implement the GSP within MIUGSA. Chair Eltal, then introduced Mr. Brian Dunnigan of Olsson, Inc.

Mr. Dunnigan provided a presentation and background information regarding himself, his colleague Mr. Schneider, and Olsson, Inc. He discussed his and Mr. Schneider's years of experience, including in litigation. He discussed work performed by Olsson, Inc. in regard to

groundwater management since 1978 and surface water since the 1990's. He discussed relevant projects and noted their work and involvement with Rosedale-Rio Bravo Water Storage District.

Mr. Dunnigan discussed the scope of services to be provided to MIUGSA under the proposed agreement. He noted that Olsson will evaluate water supply in the area and summarize in ways for useful discussions, allocations, water trading options, etc. in order to inform decisions. He discussed public engagement and noted that Olsson will prepare a Public Involvement Plan that outlines the roles and responsibilities for MIUGSA, Olsson, and the stakeholder advisory Committee. He discussed the preparation of a report to include recommendations for the GSA. He discussed total costs/budget necessary broken down by task, and noted an overall cost of \$160K. Mr. Dunnigan invited any questions or feedback from the Board.

Chair Eltal noted that most impact will be on agriculture areas and that work will need to be done on policies due to the impact to on agricultural groundwater users. He discussed a potential grace period for municipalities who have proactively reduced groundwater pumping since January 2015. Chair Eltal noted the experience that Olsson has presented, then recommended approval of the proposed agreement.

The Board asked and staff responded to questions related to the costs associated with the scope of work and the tasks to be completed under the proposed agreement.

After further discussion by the Board, Director Chavez made a motion to authorize execution of a professional services agreement with Olsson, Inc. as presented, seconded by Director Elwin; the Board unanimously approved the motion. A roll call vote was taken and the votes were as follows:

Ayes:	Eltal, Elwin, Vinson, Ramirez, Benavidez, Chavez, Valencia
Noes:	None
Abstain:	None
Absent:	None

Mr. Beaman discussed and provided an update regarding the Merced Subbasin's Groundwater Sustainability Plan 2020 Annual Report. He noted that a draft report is currently under review and remains on schedule for submission by the April 1, 2021 deadline.

Mr. Beaman discussed preliminary summary of the draft report. He noted that the draft report reflects a 2020 water year loss of storage of approximately 150,000 acre-feet. He noted that, in regard to subsidence, the report reflects that the basin is above the measurable objectives, but below the minimum threshold at all sites. He discussed groundwater quality, elevation, and storage reflected in the draft report. Mr. Beaman indicated that the annual report is scheduled to be finalized and submitted to DWR prior to the April 1, 2021 deadline.

CLOSED SESSION

None.

ADJOURN

On motion by Director Ramirez, seconded by Director Vinson; the Board voted unanimously to adjourn the meeting at approximately 10:50 A.M.