

**REGULAR MEETING AGENDA**

**January 13, 2022**

**2:00 PM**

**2222 M Street, Board Room**

**Merced, CA**

Join Zoom Meeting

<https://us02web.zoom.us/j/88111643368?pwd=UWdRUGVRZm5wMldFNDdNbHVCS2Rkdz09>

Meeting ID: 881 1164 3368

Dial in: +1 669 900 6833

Passcode: 433195

IMPORTANT NOTICE: Due to the ongoing COVID-19 Crisis, and as authorized by Assembly Bill 361, 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.

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Lloyd Pareira, Jr., 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

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**1. CALL TO ORDER/ROLL CALL**

**2. PLEDGE OF ALLEGIANCE**

**3. STATE OF EMERGENCY TELECONFERENCE FINDINGS**

Action Item: The Merced Subbasin GSA Governing Board will consider the circumstances of the State of Emergency and determine whether to make the following findings that any of the circumstances exist per AB 361:

1. The State of Emergency continues to directly impact the ability of the members to meet safely in person and/or
2. State or Local Officials continue to impose or recommend measures to promote social distancing.

**4. 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.

**5. APPROVAL OF MINUTES**

Action to approve the meeting minutes from the Governing Board meeting on December 10, 2021.

**6. LAND REPURPOSING PROGRAM ROADMAP**

Presentation of the land repurposing roadmap by EKI representative and possible action to direct staff and consultants to move forward with developing a land repurposing program.

**7. PROPOSITION 218 DEVELOPMENT PLANNING**

Action to create an ad hoc committee to develop the recommended elements of a 2022 Proposition 218 proceeding.

**8. CONTINUATION OF WORKSHOPS REGARDING GSP IMPLEMENTATION PHASE 1 AND PHASE 2 ACTIONS**

Discussion and possible guidance to staff regarding additional regional public workshops within the jurisdiction of the Merced Subbasin GSA focusing on elements of the Two Phased GSP Implementation Approach and allocation topics.

**9. STAFF REPORT**

**10. BOARD REPORTS**

**11. NEXT REGULAR MEETING**

**12. 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](http://www.countyofmerced.com/MercedSubbasinGSA).

**GOVERNING BOARD**  

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**MINUTES FOR MEETING OF DECEMBER 10, 2021**

The agenda, original minutes, and all supporting documentation (for reference purposes only) of the Merced Subbasin Groundwater Sustainability Agency Governing Board meeting of December 10, 2021 are available online at [www.countyofmerced.com/MercedSubbasinGSA](http://www.countyofmerced.com/MercedSubbasinGSA).

**I. CALL MEETING TO ORDER**

The regular public meeting of the Merced Subbasin Groundwater Sustainability Agency Joint Powers Authority Governing Board was called to order at 10:12 a.m., on December 10, 2021, in person and via conference call due to the ongoing COVID-19 crisis and as authorized by Assembly Bill 361.

**II. ROLL CALL OF BOARD MEMBERS**

**Board Members Present:**

Supervisor Lloyd Pareira	Chair (Merced County)
Nic Marchini	Vice Chair (Western White Area Representative)
Michael Gallo	(Eastern White Area Representative)
Gino Pedretti	(Sandy Mush Mutual Water Company)
Eric Swenson	(Merquin County Water District)
Kole Upton	(Le Grand-Athlone Water District)

**Board Members absent:**

NONE

**Staff Present:**

Mark Hendrickson	Secretary
Lacey McBride	Water Resources Manager
Ana Muñiz-Laguna	Recording Secretary

**III. PUBLIC COMMENT PERIOD**

Public Comment period Open/Close

**IV. APPROVAL OF MINUTES**

Action to approve the meeting minutes from the Governing Board meeting on November 12, 2021 and the Board Workshop on November 18, 2021.

**MOTION: M/S GALLO – PEDRETTI, AND CARRIED BY A VOTE OF 6 – 0, THE BOARD APPROVES THE MINUTES FROM THE NOVEMBER 12, 2021 MEETING AND BOARD WORKSHOP ON NOVEMBER 18, 2021.**

V. **2022 GOVERNING BOARD MEETING CALENDAR**

**Action to set the 2022 Governing Board meeting calendar dates as the second Thursday of each month at 2PM, unless modified.**

Location of meetings to continue each month at the Merced County Administration Building Board Room, Third Floor, at 2222 M Street, Merced, CA 95340 and virtually.

Proposed meeting dates in 2022:

January 13  
February 10  
March 10  
April 14  
May 12  
June 9  
July 14  
August 11  
September 8  
October 13  
November 10  
December 8

Additional special meetings will be called as needed.

Board-member Swenson advised that he will not be available on the March 10<sup>th</sup> meeting but will verify if alternate is available.

Public Comment Period Open/Close

**MOTION: M/S MARCHINI – UPTON, AND CARRIED BY A VOTE OF 6 – 0, THE BOARD APPROVES ACTION TO SET THE 2022 GOVERNING BOARD MEETING CALENDAR DATES AS THE SECOND THURSDAY OF EACH MONTH AT 2PM, UNLESS MODIFIED.**

VI. **WOODARD AND CURRAN CONTRACT AMENDMENT #5**

**Action to approve a contract amendment with Woodard and Curran for the development of the 2021 Annual Report and preparation of the Sustainable Groundwater Management Grant application for a total cost of \$95,342, to be shared among the GSAs.**

Introduction and summary of the basin-wide Woodard and Curran Amendment #5 for preparation of the annual report and the Sustainable Groundwater Management grant application preparation presented by Mrs. McBride.

Board-member Marchini asked if Merced Irrigation District (MID) will be the lead agency and Ms. McBride replied that they would since they hold the master

agreement with the Department of Water Resources (DWR) and administer the contract with Woodard and Curran.

Public Comment Period Open/Close

**MOTION: M/S SWENSON – GALLO, AND CARRIED BY A VOTE OF 6 – 0, THE BOARD MOVES TO APPROVE A CONTRACT AMENDMENT WITH WOODARD AND CURRAN FOR THE DEVELOPMENT OF THE 2021 ANNUAL REPORT AND PREPARATION OF THE SUSTAINABLE GROUNDWATER MANAGEMENT GRANT APPLICATION FOR A TOTAL COST OF \$95,342.**

**VII. SUSTAINABLE GROUNDWATER MANAGEMENT GRANT PROPOSAL DEVELOPMENT**

**Discussion and possible action on the Proposal Solicitation Package and identifying projects in the Merced basin and from the Merced Subbasin GSAs.**

Introduction and summary of the Sustainable Groundwater Management Grant proposal presented by Mrs. McBride. Ms. McBride reported on projects that have been identified by local water agencies for future prioritization by the GSAs. She also informed that the GSA Board has the opportunity to decide who would score and prioritize projects, via Coordination Committee members and/or appoint alternative members as long as there are no conflicts of interest.

Board-member Gallo recused himself from the Coordination Committee meetings that will discuss approval and/or scoring of projects due to a conflict of interest.

Ms. Zolezzi, legal counsel, clarified that if a Board-member has a project on their property, it would be prudent to not have that person participate in scoring.

Chairman Pereira appointed Board-member Upton to take Board-member Gallo's place on the Coordination Committee for this purpose.

Public Comment Period Open/Close

**VIII. DWR EVALUATION OF MERCED SUBBASIN 2020 GROUNDWATER SUSTAINABILITY PLAN**

**Information item regarding the November 18, 2021 letter from the California Department of Water Resources regarding the initial staff evaluation of the Merced Subbasin 2020 Groundwater Sustainability Plan.**

Mrs. McBride reported on the DWR Staff Evaluation of Merced GSP and Board discussed.

Board-member Pedretti suggested that the GSA help MID with efforts regarding unimpaired flows on the Merced River and bring this to the Board as an item in a future

meeting.

Public Comment Period Open/Close.

**INFORMATIONAL ITEM- NO ACTION TAKEN.**

**IX. STAFF REPORT**

Mrs. McBride notified that the Coordination Committee will be conducting a special virtual meeting on December 22, at 1:00 pm.

**X. BOARD REPORTS**

Board-member Gallo asked if GSA Board members could attend meetings virtually when they are out of town.

Ms. McBride responded that as long as the Board continues to make findings under AB361 in regards to COVID-19 emergency, members are able join virtually.

Board-member Swenson commented that she learned about the Board of Supervisors recommending transfer of initial well permitting approval to the GSA in February of 2022. Mr. Mark Hendrickson informed that this item has not been approved yet but will be before the Merced County Board of Supervisors for consideration in upcoming months.

**XI. NEXT REGULAR MEETING**

Next meeting will be held on Thursday January 13, 2022 at 2 p.m.in the Merced County Board Chambers at 2222 M Street, Merced CA 95340.

**XII. ADJOURNMENT**

There being no further business, the meeting adjourned at 10:56 a.m

## **BOARD ACTION ITEM**

**TO: MEMBERS OF MERCED SUBBASIN GSA GOVERNING BOARD**  
**FROM: MARK HENDRICKSON, SECRETARY**  
**DATE: JANUARY 13, 2022**

**SUBJECT: STATE OF EMERGENCY TELECONFERENCE FINDINGS**

**SUMMARY:**

In March 2020 Governor Newsom issued an Executive Order N-29-20 proclaiming a State of Emergency in California as a result of the threat of COVID-19. Under this executive order, local legislative bodies were authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or electronically to all members of the public seeking to address the local legislative body. Requirements of the Brown Act to meet physically in person and certain requirements for teleconferencing were waived.

In September 2021, the California legislature passed AB 361. Under this legislation a local agency is authorized to use teleconferencing without complying with teleconferencing requirements under the Brown Act, when a local agency holds a meeting during a declared state of emergency. Under this legislation, every 30 days, the legislative body is required to consider the circumstances of the state of emergency and make findings that a state of emergency continues to directly impact the ability of the members to meet safely in person and/or state or local officials continue to impose or recommend measures to promote social distancing. This provision is in effect until January 1, 2024.

The Board is required to make these findings every 30 days. The last findings made in November covered both the November and December Board meetings.

**REQUEST/RECOMMENDATION/ACTION NEEDED:**

Action to consider the circumstances of the State of Emergency and make the finding that the State of Emergency continues to directly impact the ability of the members to meet safely in person.

## **BOARD ACTION ITEM**

**TO: MEMBERS OF MERCED SUBBASIN GSA GOVERNING BOARD**  
**FROM: MARK HENDRICKSON, SECRETARY**  
**DATE: JANUARY 13, 2022**

**SUBJECT: LAND REPURPOSING PROGRAM ROADMAP**

### **SUMMARY:**

In November 2021 the Governing Board adopted the Two Phased GSP Implementation Approach resolution outlining the intention to reduce groundwater consumption during Phase 1 by focusing primarily on land repurposing/fallowing and importing surface water into the GSA. Staff has been working closely with technical consultants EKI to identify a timeline and roadmap of key decisions for the development of a land repurposing program.

This item presents to the Board the draft land repurposing roadmap for the next six months. The roadmap identifies categories of Governance/Legal/Policy, Logistics/Administration, Technical and Funding, showing when key decisions are anticipated to be made by this Board. This roadmap will help the Board anticipate upcoming decisions for the land repurposing program and will keep the land repurposing program development on track and on time in order to achieve the goals of the Two Phased GSP Implementation resolution. This is a working document and will be refined as the development of the land repurposing program advances.

Working through the elements and discussion of the land repurposing program is anticipated to take place in a smaller committee, utilizing the established Demand Reduction Ad Hoc Committee, unless otherwise directed by the Board. Key decisions with recommendations from the Ad Hoc Committee will be brought before the Governing Board.

### **REQUEST/RECOMMENDATION/ACTION NEEDED:**

Presentation of the land repurposing roadmap by EKI representative and possible action to direct staff and consultants to move forward with developing a land repurposing program.

# Land Repurposing Program (LRP) Development Road Map (2022)

	January	February	March	April	May	June
<b>MSGSA FOCUS:</b>	<i>Process &amp; Goals</i>	<i>Eligibility &amp; Funding</i>	<i>Funding, Monitoring</i>	<i>Administration</i>	<i>Contracts</i>	<i>Implementation</i>
<b>Committee Meeting Discussion Items</b>	<ul style="list-style-type: none"> <li>Survey results</li> <li>Terminology</li> <li>Eligibility</li> <li>Funding options</li> <li>Hot spots; areas to target</li> </ul>	<ul style="list-style-type: none"> <li>Sustainability zones</li> <li>Incentive options</li> <li>LRP monitoring and enforcement</li> </ul>	<ul style="list-style-type: none"> <li>LRP costs</li> <li>LRP administration</li> </ul>	<ul style="list-style-type: none"> <li>LRP contract terms</li> <li>GW conditions update</li> </ul>	<ul style="list-style-type: none"> <li>Prop 218 package</li> </ul>	<ul style="list-style-type: none"> <li>LRP implementation</li> </ul>
<b>MSGSA Board Meeting Discussion Items</b>	<ul style="list-style-type: none"> <li>LRP development process &amp; timeline</li> <li>LRP goals &amp; priorities</li> <li>Stakeholder outreach strategy</li> </ul>	<ul style="list-style-type: none"> <li>Survey results</li> <li>LRP eligibility</li> <li>LRP funding options (outside and internal sources)</li> </ul>	<ul style="list-style-type: none"> <li>LRP funding options (cont.)</li> <li>LRP costs</li> <li>LRP monitoring &amp; enforcement</li> </ul>	<ul style="list-style-type: none"> <li>LRP costs and incentives</li> <li>LRP administration</li> </ul>	<ul style="list-style-type: none"> <li>LRP contract terms (DRAFT)</li> </ul>	<ul style="list-style-type: none"> <li>LRP implementation</li> </ul>
<b>MSGSA Board Actions &amp; Decision Items</b>	<ul style="list-style-type: none"> <li>Provide direction on LRP goals &amp; priorities, outreach strategy, and LRP Road Map</li> </ul>	<ul style="list-style-type: none"> <li>Provide direction on eligibility and funding options</li> <li>Approve stakeholder outreach plan</li> </ul>	<ul style="list-style-type: none"> <li>Provide direction on monitoring &amp; enforcement</li> <li>Action regarding pursuit of outside funding</li> </ul>	<ul style="list-style-type: none"> <li>Provide direction on administration and incentives plan</li> </ul>	<ul style="list-style-type: none"> <li>Provide direction on DRAFT LRP contract terms</li> </ul>	<ul style="list-style-type: none"> <li>Approve LRP contract terms</li> <li>Provide direction on implementation plan</li> </ul>
<b>Stakeholder Outreach Activities</b>	<ul style="list-style-type: none"> <li>Post LRP Road Map and LRP Goals &amp; Priorities to GSA website</li> </ul>	<ul style="list-style-type: none"> <li>Post LRP survey results summary to GSA website</li> </ul>	<ul style="list-style-type: none"> <li>Post update on LRP eligibility to GSA website</li> <li>Workshop on LRP development</li> </ul>	<ul style="list-style-type: none"> <li>Post update on LRP costs &amp; funding to GSA website</li> </ul>	<ul style="list-style-type: none"> <li>Post update on LRP incentives plan to GSA website</li> </ul>	<ul style="list-style-type: none"> <li>LRP landowner recruitment workshop</li> </ul>

## **BOARD ACTION ITEM**

**TO: MEMBERS OF MERCED SUBBASIN GSA GOVERNING BOARD**  
**FROM: MARK HENDRICKSON, SECRETARY**  
**DATE: JANUARY 13, 2022**

**SUBJECT: PROPOSITION 218 DEVELOPMENT PLANNING**

### **SUMMARY:**

The Two Phased GSP Implementation Approach Resolution included the design and adoption, by summer 2022, of an additional Phase 1 Proposition 218 fee to fund mechanisms for implementation of the Water Year 2025 objective. The Water Year 2025 Objective is to reduce the consumption of groundwater by 15,000 acre feet annually, by focusing primarily on land repurposing/fallowing and importing surface water into the GSA.

The Phase 1 funding mechanism is anticipated to require following Proposition 218 regulations and the Board may consider any of the following items to be funded through the Phase 1 funding mechanism:

1. A land repurposing program to achieve up to the objective of 15,000 acre feet annually of reduced groundwater consumption.
2. Development of year-to-year parcel based water budgets
3. Domestic well assistance study or activities
4. Activities to fill data gaps identified in the Merced GSP Data Gaps Plan
5. Water rights application costs to beneficiaries
6. Merced Subbasin GSA staff augmentation and consulting support services

In order for the GSA to start collecting funding for Phase 1 by January 2023, a funding mechanism following Proposition 218 requirements must be adopted by the GSA by July 2022 and submitted to the county for placement on the property tax bills by mid-August 2022.

Staff is recommending the GSA identify a small committee, which may include no more than three Board Members, to consider the different elements of the Propositions 218 proceeding and make recommendations to the Board. Elements of the Proposition 218 proceeding that the committee will discuss and make recommendations on may include: the rate structure, which properties are included in the fee, and items to be funded by the fee, among others.

### **REQUEST/RECOMMENDATION/ACTION NEEDED:**

Action to create an ad hoc committee to develop the recommended elements of a 2022 Proposition 218 proceeding.

## **BOARD ACTION ITEM**

**TO: MEMBERS OF MERCED SUBBASIN GSA GOVERNING BOARD**  
**FROM: MARK HENDRICKSON, SECRETARY**  
**DATE: JANUARY 13, 2022**

**SUBJECT: CONTINUATION OF WORKSHOPS REGARDING GSP  
IMPLEMENTATION PHASE 1 AND PHASE 2 ACTIONS**

### **SUMMARY:**

As described in the resolution adopted by the Governing Board on the Two Phased GSP Implementation Approach, the GSA started public outreach by holding a workshop in fall 2021 to discuss and receive input on the GSP implementation elements of a land repurposing program, parcel level water budgets using evapotranspiration data, and long-term demand reduction. While the November 2021 workshop included valuable discussion and input from the public that attended both in person and virtually, staff is recommending regional in person workshops to conduct additional outreach to a greater number of stakeholders and growers in the GSA.

The purpose of holding regional workshops is to coordinate with member agencies to increase the participation in these workshops. Regional workshops will allow different areas of the GSA to discuss groundwater conditions, concerns, and feedback specific to their region. While regional workshops will allow for more in depth discussion of region specific issues, staff is recommending Board Members from other regions attend and participate in the discussions outside of the region they represent to broadly understand concerns across the GSA.

Staff is proposing three to four additional regional workshops during the first quarter of 2022. These workshops would follow similar agendas to the November workshop, focusing on discussion of implementation activities of land repurposing and allocation. Each of the regional workshops would be held in person and would have the same agenda, with the intention to group the timing of the workshops within a two-week period sometime early in 2022.

### **REQUEST/RECOMMENDATION/ACTION NEEDED:**

Discussion and possible direction to staff regarding additional regional public workshops within the jurisdiction of the Merced Subbasin GSA focusing on elements of the Two Phased GSP Implementation Approach and allocation topics.