

## **TECHNICAL ADVISORY COMMITTEE**

**November 19, 2021**

**Special Meeting**

**9:00AM**

**AGENDA**

Join Zoom Meeting

<https://us02web.zoom.us/j/85480088138?pwd=YjBjRlNKWFFFY2RmWnBkL0tNZ0hOdz09>

Meeting ID: 854 8008 8138  
Passcode: 266438

Dial in: +1 669 900 6833

IMPORTANT NOTICE: Due to the ongoing COVID-19 Crisis, and as authorized by Assembly Bill 361, Committee Members will participate in this meeting offsite via Zoom meeting. Members of the public who wish to provide comment or observe the meeting may join the Zoom meeting.

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### **1. INTRODUCTIONS**

### **2. STATE OF EMERGENCY TELECONFERENCE FINDINGS**

Action Item: The Technical Advisory Committee will consider the circumstances of the State of Emergency and determine whether to make the following findings:

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

### **3. PUBLIC COMMENT PERIOD**

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

### **4. MEETING MINUTES**

September 29, 2021 and October 26, 2021

### **5. MSGSA ROLE IN COUNTY WELL PERMITTING**

### **6. COMMITTEE RECOMMENDATIONS TO GSA BOARD**

### **7. NEXT MEETING**

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).

**8. ADJOURNMENT**



**MERCED SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY MEETING OF THE  
TECHNICAL ADVISORY COMMITTEE**

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**MINUTES FOR MEETING OF SEPTEMBER 29, 2021**

The special meeting of the Technical Advisory Committee for the Merced Subbasin Groundwater Sustainability Agency (GSA) was called to order at 10:00 a.m., on SEPTEMBER 29, 2021 via Zoom Meeting due to the ongoing COVID-19 crisis and as authorized by the Governor's Executive Order N-29-20.

**I. INTRODUCTIONS**

All attendees did roundtable introductions.

Committee Members Present:

Julia Berry  
Brad Samuelson  
Blake Nervino  
Lou Myers  
Bob Kelley  
Daniel Machado  
Randal Edwards

Consultants Present:

Greg Young, Tully and Young  
Chris Heppner, EKI

Staff Present:

Lacey McBride, Water Resources Manager  
Desiree Dobbs, Recording Secretary

**II. PUBLIC COMMENT PERIOD**

None

**III. MEETING MINUTES**

Meeting minutes for July 29, 2021 approved as drafted

**IV. DROUGHT UPDATE**

Follow up conversation about domestic wells, drought and impact to domestic wells presented by Lacey McBride. As requested by the TAC, a map has been created to display impact areas. Mrs. McBride presented information about MSGSA Domestic well replacement permits issued, 28 have been issued within Merced Subbasin and 5 within MSGSA. Additionally, Mrs. McBride informed the TAC that 8 Merced Subbasin and one MSGSA tanked water services have been provided by Self Help Enterprises. Mrs. McBride provided contact information for TAC members to refer residents to Self-Help Enterprises for emergency water.

**V. GSP IMPLEMENTATION**

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GSP Implementation approach presentation by Greg Young of Tully and Young. Mr. Young provided an overview of the demand reduction objective and implementation approaches discussed by the Demand Reduction Ad Hoc Committee. The recommended approach is to have two phases Phase I starting 2021 through the end of the water year 2025. Phase II recommended actions to start in 2026.

Brad Samuelson commented that he supports the Two-Phase Approach and commented that this approach allows early consumptive use savings while working towards an allocation program.

Bob Kelley commented that having a Two-Phase Approach is good and that the sooner an allocation approach can be put into place the better.

Julia Berry commented that the Two-Phase approach is a good plan.

Lou Myers commented that he does have concerns with land repurposing and water imports, he is concerned with details but understands that the GSA needs to start somewhere.

Blake Nervino agreed with Lou Myers and commented that he is concerned about both locating import water and supporting a system rewarding those who choose not to farm while penalizing those that do.

Mr. Myers commented that he feels the GSA is going into land repurposing blind and suggested a survey to see what land owners are willing to do and commented that having a better sense of the program would make understanding land repurposing cost easier, he commented that he believes the bulk of the Prop. 218 cost will be land repurposing.

Chris Heppner with EKI presented on the demand management action for land repurposing. He commented that there is a lot of uncertainty in land repurposing and presented the guiding principles which the board may choose to consider.

Mr. Samuelson commented that if the land owners are informed, they may understand the demand to repurpose land, he suggested that struggling farmers may opt to reduce farming area and idle some for benefit and suggested polling land owners to understand what the land owners will demand in exchange for idling and offering ground water recharge or credits for fallowing.

Mr. Heppner commented that switching from high water to low water crops could reduce consumptive water use with potential to generate higher value and suggested not limiting land owner methods to reduce consumption.

Mr. Nervino inquired if the program will be open to all or if there will be preference to specific areas of the GSA.

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Mr. Heppner commented that at this point that hasn't been discussed but there are locations in the GSA which may benefit more from less intensive pumping and suggested not excluding areas, immediately.

Mr. Nervino commented that he is concerned that there are people that may choose to receive pay for not working and that some areas without concern may pay for the program, yet the funds may subsidize farms that are causing the issue.

Mr. Myers agrees with Mr. Nervino's concerns and suggests charging per irrigated acre, as to create more equitable fees which may work for the Prop. 218 fee structure.

Mrs. McBride commented that the per acre fee is being recommended by staff to acquire immediate resources for data to do an extraction-based fee later.

Mr. Myers suggested making a per acre fee a temporary solution while the GSA creates a more equitable fee scale.

Mr. Young suggested using a flat rate fee to generate money and later adopting a volumetric fee to augment or, to switch to a volumetric fee only, and commented that the challenge is tying benefits to fees.

Mr. Nervino inquired how the fees will be assessed across areas not in water districts or in residential areas.

Mr. Young commented that any areas with irrigated agriculture would be paying fees, the domestic pumpers would be excluded.

Mr. Young commented that a Prop. 218-fee structure would be used to acquire services needed to provide water budget and allocation approaches ahead.

Mr. Nervino inquired if the 218 per acre fee can hold a sunset date.

Mrs. McBride commented that counsel would need to be consulted but commented that the risk would be having a failed Phase II fee after sunset, this would leave the GSA with no solution.

Mr. Samuelson agrees with having a sunset for the per acre fee that is based on use and location.

Mr. Nervino commented that he agrees on locational fee based on consumptive use.

Ms. Berry commented that the fees may have to benefit everyone across the board and that the locational per use fee may not fulfill Prop. 218 demands and inquired if the money would be intended for a land repurposing program.

Mr. Young commented that counsel will need to be consulted for clarification and that the Phase I fees are intended to fund a repurposing program, water budgets and allocation approach.

Ms. Berry suggested that through a Prop. 218 process there is a surface water credit for those who are taking surface water to reduce ground water consumption.

Mrs. McBride clarified TAC recommendation for the board to explore basing the fee on consumption and location, by zone or groundwater condition etc. Additionally, the TAC has encouraged the Board to pursue land owner surveys to determine potential participation and cost of land repurposing.

Mr. Young commented that he understands the TAC recognizes and supports the Two-Phase Approach and to explore a Proposition 218 fee which explores alternatives to per acre fees, if the per acre fee is found to be the only method, the TAC suggests that the board considers a sunset date to the per acre fee, once more equitable fees can be assessed.

TAC members concur with recommendations to the board.

**VI. MSGSA ROLE IN COUNTY WELL PERMITTING**

Item to be discussed at a special TAC meeting in October 2021.

**VII. COMMITTEE RECOMMENDATIONS TO GSA BOARD**

Mr. Kelley to report TAC recommendations to the board at the October Meeting.

**VIII. NEXT MEETING**

Next meeting will be determined at a later time.

**IX. ADJOURNMENT**

Meeting was adjourned at 12:01p.m.

**MERCED SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY MEETING OF THE  
TECHNICAL ADVISORY COMMITTEE**

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**MINUTES FOR MEETING OF OCTOBER 26, 2021**

The special meeting of the Technical Advisory Committee for the Merced Subbasin Groundwater Sustainability Agency (GSA) was called to order at 10:00 a.m., on October 26, 2021 via Zoom Meeting due to the COVID-19 crisis and as authorized by Assembly Bill 361.

**I. INTRODUCTIONS**

All attendees did roundtable introductions.

Committee Members Present:

Julia Berry  
Brad Samuelson  
Blake Nervino  
Lou Myers  
Bob Kelley  
Daniel Machado  
Randal Edwards

Consultants Present:

Greg Young, Tully and Young

Staff Present:

Lacey McBride, Water Resources Manager  
Desiree Dobbs, Recording Secretary

**II. STATE OF EMERGENCY TELECONFERENCE FINDINGS**

TAC to determine whether to make the findings:

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

**NO QUORUM. NO ACTION TAKEN.**

**III. PUBLIC COMMENT PERIOD**

None

**IV. MEETING MINUTES**

None

**V. MSGSA ROLE IN COUNTY WELL PERMITTING**

Lacey McBride presented a summary of current well permitting and proposed changes to well permitting policy in Merced County. Mrs. McBride commented that

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the County is proposing changes to the ordinance which include shift of responsibility to the GSA, applicants will be expected to go to the GSA to determine if a well is consistent with the GSP, this will require the GSA to create their own policies.

Blake Nervino inquired about current compliance with County ordinance on issues such as reporting.

Mrs. McBride commented that the County has not had the structure in place to receive reports.

Mr. Nervino expressed concern about accepting responsibility of well permitting.

Bob Kelley inquired if the County is wanting to make changes that affect the exemptions listed in the current ordinance.

Mrs. McBride replied that if the well is within the jurisdiction of a GSA with a GSP, exemptions will no longer apply, the GSA will need to determine if the well is consistent with the GSP.

Greg Young presented the well permitting Policy Considerations for new and replacement wells. Mrs. McBride commented that to continue existing County policy does not require the GSA to replicate the County policy but prompts the GSA to consider if there should be exemptions to the “no new well” policy.

Lou Myers commented that he understands the County is concerned about the legality of the existing ordinance and inquired if this is correct and if the GSA will assume liability along with the responsibility being assigned.

Mrs. McBride clarified that the shift is being made not due to the legality of the ordinance, but to eliminate County risk of implementing policy based on GSPs which have been written by the GSAs.

Mr. Kelley requested clarification on the “implementation factors” included in the approach of continuing new wells and suggested deeper discussion on this topic.

Mr. Young clarified that other implementation factors include concerns such as subsidence control or water quality degradation, these may be considered for water quality rather than allocation.

Mr. Kelley commented that there are undesirable results which need to be avoided and commented that this is laid out in the GSP, which the GSA will need to reference when determining if a well permit is in compliance with the GSP.

Mr. Young provided an overview of the approaches available to replacement wells, the approaches recommended for consideration are to continue existing replacement policy or to modify county policy by addressing concerns of pumping

within areas where subsidence equals or exceeds GSP objectives.

Ms. Berry commented that there is interest by Clayton growers, on incentives to replace deep wells with shallow wells and commented that this could be difficult with current policy.

Mr. Young commented that the GSA needs to create incentives that align with potential future restrictions and commented that this has been seen in other areas with methods such as recharge to wells, to limit extraction to above the Corcoran clay and suggested MSGSA consider similar methods.

Ms. Berry commented that Clayton has a temporary rights application which requires diverted water to be placed to beneficial use, which is mostly in the upper aquifer, like-for-like well replacement limits ability to restrict pumping to above/below Corcoran clay.

Mr. Young commented that wells which may be limited by GSA actions, in the future, should be considered and suggested that the TAC consider how to block extraction from above or below if the action is constrained by the GSA.

Mr. Kelley commented that the GSA will need flexibility as conditions change and should consider how to address changes with policy implementation.

Mr. Myers spoke against continuing County policy and suggested advising growers that reduction may be limited to above/below, to make educated decisions on replacement well investments.

Mr. Nervino suggested emphasizing making decisions which consider a pending drought and demand for immediate decision by growers, additionally Mr. Nervino commented that shallow wells seem to be the preference for capacity and water quality in his area.

**VII. COMMITTEE RECOMMENDATIONS TO GSA BOARD**

**NO QUORUM. NO ACTIONS OR RECOMMENDATIONS TO BE PROVIDED TO THE GSA BOARD BY THE TAC FROM THE OCTOBER 26, 2021 TAC MEETING.**

**VIII. NEXT MEETING**

Next meeting scheduled for November 16, 2021

**IX. ADJOURNMENT**

Meeting was adjourned at 11:03 p.m.